

Final

World Logistics Center



Response to Comments on the Revised Sections of the Final EIR
and Draft Recirculated Revised Sections of the Final EIR

Moreno Valley, California

State Clearinghouse No. 2012021045



Prepared for:

City of Moreno Valley

April 2020

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- A: VMT Analysis for WLC Compared to Possible Future Thresholds
- B: Cumulative Emissions Database (Update to Recirculated Draft RSFEIR Appendix A.3-1)
- C: Cumulative Energy Calculations (Update to Recirculated Draft RSFEIR Appendix E.6)

Attachments

- A: Ultramar Refinery Mitigated Negative Declaration
- B: Phillips 66 Negative Declaration
- C: San Joaquin Valley Air Pollution Control District CEQA Determinations of Significance for Projects Subject to CARB's GHG Cap-and-Trade Regulation
- D: General Comments
- E: Additional Documentation Attachment to Comment 1-F2
- F: Additional Documentation Attachment to Comment 1-F5
- G: Additional Documentation Attachment to Comment 1-F7
- H: Additional Documentation Attachment to Comment 1-G90
- I: Additional Documentation Attachment to Comment 1-G151
- J: Additional Documentation Attachment to Comment 2-B1
- K: Additional Documentation Attachment to Comment 2-E4
- L: Additional Documentation Attachment to Comment 2-F1
- M: Additional Documentation Attachment to Comment 2-F2
- N: Additional Documentation Attachment to Comment 2-F3
- O: Additional Documentation Attachment to Comment 2-F4
- P: Additional Documentation Attachment to Comment 2-G5
- Q: SCAQMD Letter
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1.0 INTRODUCTION

1.1 PURPOSE OF RESPONSE TO COMMENTS DOCUMENT

The City of Moreno Valley (City), as the Lead Agency under the California Environmental Quality Act (CEQA), has prepared this Response to Comment Document to respond to comments that were received during the public review periods of the Revised Sections of the Final Environmental Impact Report (RSFEIR) and the Draft Recirculated RSFEIR for the proposed World Logistics Center (WLC or Project). Both of these environmental documents are considered drafts EIRs that were circulated for public review and comment. This Response to Comments Document was prepared in accordance with CEQA, as amended (Public Resources Code §21000 *et seq.*) and CEQA Guidelines (Title 14, California Code of Regulations §15000 *et seq.*). As described in Section 15088, of the State *CEQA Guidelines*, the Lead Agency must evaluate comments received during the public review period for a draft EIR. Because both the RSFEIR and the Draft Recirculated RSFEIR were circulated for public comment and comments were received, this Response to Comments Document includes responses to both sets of comments that were received. As part of the Response to Comments Document, an Errata has been prepared in Section 4.2 of this document that identifies the changes, modifications and clarifications that have been made to the draft EIRs (RSFEIR and Draft Recirculated RSFEIR) based on comments that have been received as well as minor grammatical revisions or modifications that have been made but not based on a comment received on either draft EIR to clarify information. The Errata identifies the page numbers of the RSFEIR and Draft Recirculated RSFEIR text as well as the text revisions as deletions (strike-out) and additions (underline).

As shown in Table 1-1, the Revised Final EIR is comprised of this Response to Comments Document, the draft EIRs (RSFEIR and Draft Recirculated RSFEIR), the original Final EIR, and other information contained in the environmental record for use by the City of Moreno Valley City Council and other decision makers in their review of the WLC.

**Table 1-1
Revised Final EIR for WLC**

Part 1	Responses to Comments on the Revised Sections of the Final EIR (RSFEIR) and Draft Recirculated RSFEIR
Part 2	Draft Recirculated RSFEIR (December 2019)
Part 3	RSFEIR (July 2018)
Part 4	Final Programmatic Environmental Impact Report
Volume 1	Responses to Comments (May 2015)
Volume 2	Revised Draft EIR (Track Changes)(May 2015)
Volume 3	Revised Draft EIR (Clean) (May 2015)
Volume 4	Original Draft EIR (February 2013)
Part 5	Environmental Record

1.2 CONTENT AND FORMAT

This Response to Comments Document is organized as follows:

- **Section 1 – Introduction.** Provides the following (1) a discussion of the purpose of preparing the Response to Comments Document, (2) the content and format of the document, and (3) an overview of the public review periods for the RSFEIR circulated for public comment in 2018 and the Draft Recirculated RSFEIR circulated for public comment in 2019-2020.
- **Section 2 – Project Description.** Provides a brief discussion of the proposed Project.
- **Section 3 – List of Commenters.** Provides a list of agencies, organizations and individuals that commented on the Draft EIRs.
- **Section 4 – Response to Comments.** Includes a copy of the letters received. Each of the comment letters are separated into the type of commenter. Comments within each letter are bracketed and assigned a number designation. This section also provides Response to Comments on environmental issues describing the disposition of the issues, explaining the EIR analysis, supporting the EIR conclusions, and/or providing information or corrections, as appropriate. This section is organized into two subsections: first subsection that includes comments and responses received on the RSFEIR and a second subsection that includes comments and responses received on the Draft Recirculated RSFEIR. Responses to each comment letter follow the corresponding letter. Various comment letters from private individuals that were submitted do not raise any environmental issues or address the adequacy of the RSFEIR or the Draft Recirculated RSFEIR, and therefore, a response to all of these comment letters are provided in Attachment A and the comments within these letters are provided with one response.
- **Section 5 – Errata.** Includes a list of all of the revisions to the RSFEIR, except for the revisions that are included in the Draft Recirculated RSFEIR. The Errata also includes a list of all revisions to the Draft Recirculated RSFEIR as well as new information to be included as part of the administrative record. The revisions to the most up-to-date versions of the sections that have been circulated for review in the RSFEIR and Draft Recirculated RSFEIR are identified as deletions (strike-out) and additions (underline) within the Errata. Both draft EIRs (RSFEIR and Draft Recirculated RSFEIR) along with the Errata constitute the Final RSFEIR.

1.3 PUBLIC REVIEW PERIOD FOR RSFEIR AND DRAFT RECIRCULATED RSFEIR

The RSFEIR was prepared to respond to the court ruling dated February 8, 2018, and writ by correcting the five deficiencies identified in the ruling. The five deficiencies identified in the Final EIR prepared in May 2015 included (1) Energy Impacts, (2) Biological Impacts, (3) Noise Impacts, (4) Agricultural Impacts, and (5) Cumulative Impacts. As discussed in the RSFEIR, the Transportation and Traffic section as well as the analyses of air quality and greenhouse gas were also updated. The RSFEIR public review period began July 25, 2018, and extended for 45 days to September 7, 2018.

The Draft Recirculated RSFEIR was prepared because the City of Moreno Valley decided that new information, which was considered significant, required revision and recirculation of portions of the RSFEIR

pursuant to CEQA Guidelines Section 15088.5. The sections of the RSFEIR affected by the new information included (1) Air Quality, including Human Health (2) Greenhouse Gas Emissions, and (3) Energy. The air quality, greenhouse gas and energy analyses set forth in the RSFEIR circulated on July 25, 2018, were based on the California Air Resources Board's EMFAC2014 model. Those analyses have been revised in light of the U.S. Environmental Protection Agency's approval of the use of the EMFAC2017 model on August 15, 2019, and are now set forth in the Draft Recirculated RSFEIR. The Draft Recirculated RSFEIR public review period began December 17, 2019, and extended for 45 days to January 31, 2020.

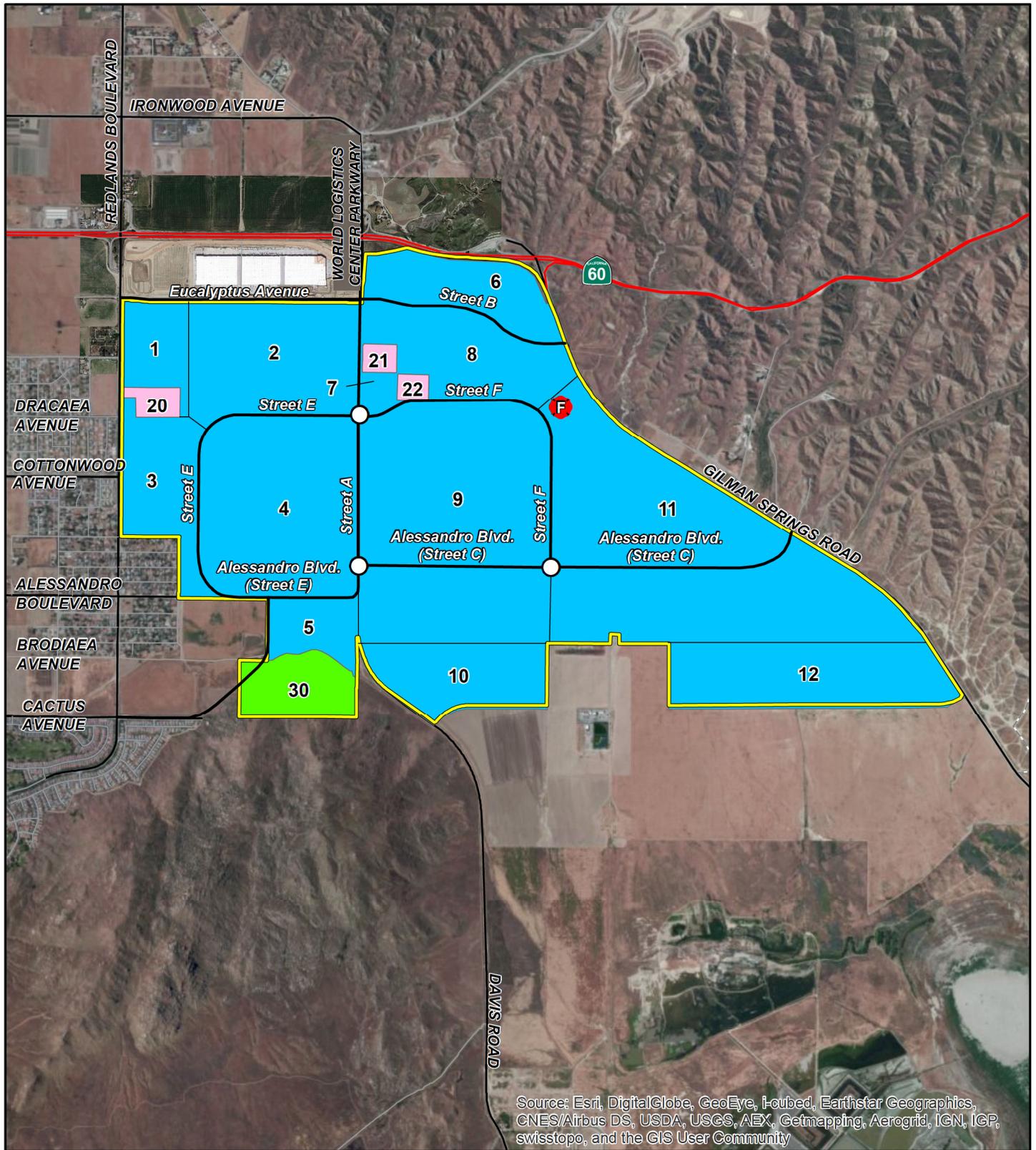
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2.0 SUMMARY OF PROJECT DESCRIPTION

The World Logistics Center (WLC) project is located on 2,610 acres in the Rancho Belago area at the eastern end of Moreno Valley, south of SR-60, east of Redlands Boulevard, west of Gilman Springs Road and north of the San Jacinto Wildlife Area. The site currently has a General Plan designation of Business Park/Light Industrial and zoning designations of WLCSP-LD (World Logistics Center Specific Plan – Logistics Development), WLCSP-LL (World Logistics Center Specific Plan – Light Logistics), and WLCSP-OS (World Logistics Center Specific Plan – Open Space). The Open Space designation is located in Planning Area 30 in the southwest corner of the WLC as shown in **Figure 2-1**. The site is subject to the adopted World Logistics Center Specific Plan (WLC Specific Plan) which authorizes the construction and operation of 40,600,000 square feet of logistics facilities and associated infrastructure. The land use plan in the Specific Plan is shown in Figure 2-1.

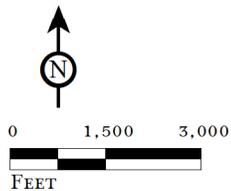
The land use entitlements for the WLC project that are in place include the General Plan and zoning designations, the WLC Specific Plan, and a request for annexation of 85 acres of unincorporated land in Riverside County into the City – having been adopted in November, 2015, through the initiative process. The discretionary approvals that will be considered by the City as part of the approval process consist of a development agreement and Parcel Map 36457.

Development and occupancy of the WLC project is planned over a period of fifteen years, from 2020 through 2035, although, the actual development phasing and square footage buildout will be based on future market conditions. The WLC Project will likely be developed in two large phases, starting in the western portion of the site south of Eucalyptus Avenue. This phasing concept is based on beginning construction where infrastructure presently exists and expanding southerly and easterly. It is anticipated that construction of Phase 1 would be completed by 2024 and occupied by 2025 and would contain approximately 50% of development or approximately 20,300,000 square feet of logistics warehouse uses. Construction of Phase 2 is anticipated to be completed by 2034 and occupied by 2035. The actual amount and timing of development and occupancy will be dependent upon numerous factors, many of which are outside the control of the City or the developer, including interest by building users, private developers and local, regional, and national economic conditions. These and other factors acting together will ultimately determine the location and rate at which development within the project area occurs.



Source: Esri, DigitalGlobe, GeoEye, I-cubed, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

LSA



- Project Boundary
- Light Logistics
- Logistics Development
- Open Space
- F Fire Station Site
- 1 Planning Area Number

Figure 2-1

World Logistics Center Specific Plan Project
Environmental Impact Report

Specific Plan Land Uses

3.0 RESPONSE TO COMMENTS

3.1 LIST OF PERSONS, ORGANIZATIONS AND PUBLIC AGENCIES COMMENTING ON THE RSFEIR AND THE DRAFT RECIRCULATED RSFEIR

During the public review periods for the RSFEIR and Draft Recirculated RSFEIR, persons, organizations, and public agencies provided comments on the environmental evaluations in both of these documents. Each comment letter is separated into the type of commenter and by the document that the comment letter referenced. To be consistent with alphabetical designation that was established for the Final Programmatic EIR in May 2015, **Table 3-1** includes the types of commenters and the alphabetical designations. In addition, numerical designations have been added that precede the alphabetical designation to identify the document that the comment letter referenced. At the beginning of each of these subsections, a listing of each commenter is provided.

**Table 3-1
Designations for Comments Received on the RSFEIR and Draft Recirculated RSFEIR**

RSFEIR	Draft Recirculated RSFEIR	Type of Commenter/Group
1-A	2-A	Federal Agencies/Tribal Groups
1-B	2-B	State Agencies
1-C	2-C	Regional Agencies
1-D	2-D	County Departments/Agencies
1-E	2-E	Local Agencies/City Departments
1-F	2-F	Community/Conservation Groups
1-G	2-G	Private Individuals

Based on the comments letters that were received on the RSFEIR and the Draft Recirculated RSFEIR, the City of Moreno Valley did not receive any comments from Federal Agencies/Tribal Groups (Group A); therefore, Section 3.3 of this Response to Comments Document will not include letters or responses to Group A. The RSFEIR did not receive any comments from County Departments/Agencies (Group D); therefore Section 3.4 of this Response to Comments Document will not include letters or responses to Group D for the RSFEIR.

Each letter received is assigned an alphanumeric designation and each comment within each letter has been bracketed and assigned a numerical designation (1-B1-1, 1-B1-2, etc.) so that each comment could be cross-referenced with an individual response.

3.2 ENVIRONMENTAL ISSUES RAISED BY COMMENTERS

Table 3-2 shows where detailed major comments and issues are addressed (i.e., specific letters and responses within those letters) for both the RSFEIR and Draft Recirculated RSFEIR. This will assist readers in finding responses to their comments, as well as responses to similar comments made by multiple commenters.

Final Response to Comments

**Table 3-2
Detailed Index of Environmental Issues Raised by Commenters**

Major Comments/ Issues	Addressed in Detail in Letters/Comments
General Topics	
Support	1-G1-1 through 1-G4-1; 1-G6-1 through 1-G7-1; 1-G9-1 through 1-G10-1; 1-G12-1 through 1-G18-1; 1-G20-1 through 1-G36-1; 1-G38-1 through 1-G47-1; 1-G49-1; 1-G51-1 through 1-G58-1; 1-G60-1 through 1-G62-1; 1-G64-1; 1-G66-1 through 1-G89-1; 1-G91-1 through 1-G94-1; 1-G96-1 through 1-G177-1; 1-G119-1; 1-G123-1 through 1-G147-1; 1-G149-1, 1-G153-1 through 1-G154-1; 1-G156-1; 1-G159-1; 1-G161-1 through 1-G162-2; 1-G164-1 through 1-G165-1; 1-G167-1 through 1-G168-1; 1-G171-1 through 1-G176-1; 1-G178-1 through 1-G184-1; 1-G186-1 through 1-G197-1; 1-G199-1 through 1-G236-1; 1-G238-1 through 1-G240-1; 1-G243-1 through 1-G256-1; 1-G258-1 through 1-G261-1; 1-G263-1 through 1-G266-1; 1-G268-1 through 1-G281-1; 1-G283-1; 1-G285-1 through 1-G291-1; 1-G293-1 through 1-G296-1; 1-G298-1 through 1-G300-1
Opposition	1-F3-2; 1-F3-6; 1-G59-1; 1-G65-1; 1-G65-5; 1-G118-1; 1-G148-17; 1-G151-1; 1-G151-3; 1-G155-2; 1-G177-8; 1-G185; 1-G262-4; 1-G170-15
Writ of Mandate	1-F3-3; 1-F6-20; 1-G11-1; 1-G50-1; 1-G95-1; 1-G122-1; 1-G151-4; through 1-G151-6; 1-G166-2; 1-G166-5; 1-G170-2; 1-G170-4; 1-G170-14; 2-F4-2
Insufficient Analysis	1-G37-1
Impacts	1-F6-17
Social Justice	1-G5-1; 1-G155-3; 2-F1-80 through 2-F1-85
Cost of Revised FEIR	1-G170-3
New EIR	1-F2-3; 1-G148-8; 1-G166-1; 1-G170-6; 1-G170-10
Recirculation	1-B1-39 through 1-B1-40; 1-B2-2; 1-B3-15; 1-F2-4; 1-F5-3 through 1-F5-5
Development Agreement	1-G166-3; 1-G170-12
Project Under CEQA	1-G151-2
Mitigation Monitoring	1-G148-10
Ballot Initiative	1-B1-38
Other (e.g., introduction and conclusion statements)	1-B1-1; 1-B1-36 through 1-B1-37; 1-B1-47; 1-B2-1; 1-B3-1 through 1-B3-2; 1-B4-1 through 1-B4-2; 1-C1-1 through 1-C1-2; 1-E1-1; 1-F1-1 through 1-F1-2; 1-F1-7; 1-F2-1 through 1-F2-2; 1-F3-1; 1-F5-1 through 1-F5-2; 1-F6-1 through 1-F6-2; 1-F6-8; 1-F6-21 through 1-F6-22; 1-F6-28; 1-F6-37; 1-F7-1 through 1-F7-2; 1-F7-24; 1-G8-1; 1-G19-1; 1-G48-1; 1-G148-1 through 1-G148-2; 1-G148-8; 1-G148-16; 1-G150-1; 1-G151-7; 1-G155-1; 1-G155-2; 1-G155-13; 1-G157-1; 1-G158-1; 1-G160-1; 1-G163-1; 1-G169-1; 1-G170-11; 1-G170-13; 1-G177-1; 1-G177-8; 1-G198-1 through 1-G198-2; 1-G237-1; 1-G241-1; 1-G242-1; 1-G257-1; 1-G262-1; 1-G262-4; 1-G282-1; 1-G284-2; 1-G292-1; 1-G297-1; 2-B1-1; 2-C1-1; 2-D1-1; 2-E1-1; 2-E2-1 through 2-E2-2; 2-E3-1; 2-E3-3; 2-F1-1 through 2-F1-2; 2-F1-87; 2-F2-1; 2-F2-2; 2-F2-48; 2-F2-49; 2-F4-1 through 2-F4-2; 2-F4-7; 2-F5-1; 2-G1-1; 2-G3-1; 2-G5-12; 2-G6-1; 2-G6-3; 2-G6-5; 2-G6-9; 2-G7-3; 2-G7-5; 2-G7-9; 2-G5-1; 2-G8-1; 2-F5-22 through 2-F5-23
Project Description	
Project Phasing	1-F5-6; 1-G267-1; 1-G170-8; 2-F5-2
Construction labor	1-G267-2

**Table 3-2
Detailed Index of Environmental Issues Raised by Commenters**

Major Comments/ Issues	Addressed in Detail in Letters/Comments
Alternatives	1-F7-4
Insufficient	1-F7-3
Mitigation	1-G155-4
Aesthetics	
Light Pollution	2-G6-8; 2-G7-8
Agricultural Resources	
No comments received pertaining to Agricultural Resources.	
Air Quality	
Health Risks	1-B1-27; 1-B1-29 through 1-B1-30; 1-B1-41 through 1-B1-44; 1-F6-10; 1-F6-18; 1-F6-30; 1-G90-1 through 1-G90-2; 1-G118-2; 1-G120-4; 1-G121-4; 1-G148-14; 1-G177-3; 1-G177-6; 2-F1-13 through 2-F1-15; 2-F1-20; 2-F1-23; 2-F1-35 through 2-F1-39; 2-F5-4 through 2-F5-5; 2-F5-7; 2-F5-9
Health Effects	2-F1-4; 2-F1-42 through 2-F1-44; 2-F2-6 through 2-F2-7; 2-F2-11 through 2-F2-12; 2-F2-15 through 2-F2-16; 2-F2-46; 2-G1-2 through 2-G1-3; 2-G2-1; 2-G5-3; 2-G5-6; 2-G5-9; 2-G5-13; 2-G6-2; 2-G6-4; 2-G6-6; 2-G7-1; 2-G7-4; 2-G7-6
Existing Conditions	1-G148-4
Cactus Avenue extension	1-G177-3; 1-G177-4
AQMP	2-F1-8 through 2-F1-9
Indirect Source Rule	2-F1-10 through 2-F1-11
Impacts (General)	1-F6-5; 1-F6-25; 1-G148-5; 1-G148-15
Impacts (Children and Schools)	1-G177-2; 1-G237-2
Impacts (Flora and Fauna)	2-F2-3 through 2-F2-4; 2-F2-8 through 2-F2-10
Construction Emissions	1-F5-9; 2-F1-17
CO2 Hotspots Analysis	1-F5-11
Insufficient Analysis	1-F2-7; 1-F5-8; 1-F6-11; 1-F6-31
2014 v 2017 EMFAC Model	1-F2-8; 1-F5-7
Vehicle Miles Traveled	2-F1-16
Operations	2-F1-17; 2-F1-22
Inclusion of CalEEMod Modeling	1-F5-10
Sensitive Receptors	1-F6-4; 1-F6-24; 2-G1-4

Final Response to Comments

**Table 3-2
Detailed Index of Environmental Issues Raised by Commenters**

Major Comments/ Issues	Addressed in Detail in Letters/Comments
Cumulative Impacts	1-F5-12; 2-F1-75 through 2-F1-77; 2-F2-5
Mitigation	1-B1-31 through 1-B1-35; 1-B1-45 through 1-B1-46; 1-F7-5; 1-G120-1 through 1-G120-3; 1-G120-5 through 1-G120-6; 1-G121-1 through 1-G121-3; 1-G121-5 through 1-G121-6; 1-G155-5; 2-F1-21; 2-F1-24 through 2-F1-34; 2-F1-41; 2-F2-13 through 2-F2-14; 2-F2-20 through 2-F2-44; 2-G5-7 through 2-G5-8; 2-F5-6; 2-F5-8; 2-F5-10; 2-F5-15 through 2-F5-16; 2-F5-18
Regulations	2-F1-5 through 2-F1-7; 2-F1-12; 2-F2-45; 2-F5-3
General	1-B1-5; 1-G148-3; 1-G148-6; 2-F1-3; 2-F1-40
Biological Resources	
Environmental Setting	1-F7-6
San Jacinto Wildlife Area	1-F1-4; 1-F3-5; 1-F6-6; 1-F6-26; 1-F6-19; 1-G170-5; 2-F4-4; 2-G5-10; 2-G7-1
Federally Protected Species	1-F7-7; 2-F4-5; 2-F4-6
Insufficient Analysis	1-F1-3; 1-F3-5
Cumulative Impacts	1-F7-9; 2-F4-7
General	1-F6-7; 1-F6-27
Mitigation	1-G155-5
Cultural Resources	
Potential Discovery of Human Remains	1-G155-7
Juan Bautista de Anza Trail	1-G155-8
Biological Resources Management Plan	1-F1-6
Mitigation	1-F1-5
Geology and Soils	
Seismic Hazards	1-G155-9
Consistency of Analysis	1-F7-10
Greenhouse Gases	
Cap-and-Trade	1-B1-2 through 1-B1-4; 1-B1-6 through 1-B1-7; 1-B1-9 through 1-B1-11; 1-B1-13 through 1-B1-14; 1-B3-5; 1-B3-7 through 1-B3-8; 1-B3-13; 1-F2-6; 1-F6-15; 1-F6-35; 1-F7-11; 2-B1-1; 2-F1-48 through 2-F1-50; 2-F1-56; 2-F3-3 through 2-F3-12; 2-G5-2; 2-G5-4 through 2-G5-5
Operations	1-B1-12; 2-F1-47; 2-F1-51; 2-F1-55
Regulations	1-B1-8; 1-G148-7; 2-F1-45 through 2-F1-46; 2-F5-12

**Table 3-2
Detailed Index of Environmental Issues Raised by Commenters**

Major Comments/ Issues	Addressed in Detail in Letters/Comments
AIR vs Kern County	1-B1-18, 1-B3-8
Insufficient Analysis	1-F2-5
Negative Declaration and SJVAPCD Policy	1-B1-19
Climate Action Plan	2-F1-53
Mitigation	1-B3-12; 2-B1-2; 2-F3-13 through 2-F3-14; 2-F5-13
Solar	2-F1-54; 2-F2-17 through 2-F2-19
Protection for EJ Communities	1-B3-14
Cumulative	2-F1-78
General	1-B1-15 through 1-B1-17; 1-B1-20; 1-B1-28; 1-B3-3 through 1-B3-4; 1-B3-6; 1-B3-9 through 1-B3-11; 1-F6-12 through 1-F6-14; 1-F6-32 through 1-F634; 2-B1-3; 2-F3-2; 2-F3-15; 2-F5-11
Hazards and Hazardous Materials	
Inadequate Analysis	1-F7-12
Fire Hazards	1-F7-13
Cumulative Analysis	1-F7-14
Hydrology and Water Quality	
No comments received pertaining to Hydrology and Hazardous Materials.	
Land Use and Planning	
Dividing an Established Community	1-G155-11
Consistency with Land Use Plans	1-F7-15 through 1-F7-17
Cumulative Impacts	1-F7-18
Zoning	2-G4-1
Mineral Resources	
No comments received pertaining to Mineral Resources.	
Noise	
Mitigation	1-F7-19; 1-G155-12
Traffic Noise	2-G6-7; 2-G7-7
Population and Housing	
Housing/Jobs Balance	1-G155-10

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**Table 3-2
Detailed Index of Environmental Issues Raised by Commenters**

Major Comments/ Issues	Addressed in Detail in Letters/Comments
Public Services	
No comments received pertaining to Public Services.	
Traffic and Circulation	
Widening SR-60	1-G37-2
Existing Conditions SR-60	1-F4-1
Traffic Impacts on Air Quality	1-F4-3; 1-G148-11; 1-G170-7; 1-G177-5; 1-G262-3; 2-E3-2
Traffic Impacts on Biological Resources	1-F4-4; 1-F7-8
Truck Trips PLB to WLC	1-G120-7
Traffic Impacts	1-F4-2; 2-G5-11
Traffic impacts to Avalon and Alicante Avenues	1-F6-9; 1-F6-29; 1-G177-7; 1-G284-1
Potential fines along SR-60	1-G267-3
Number of Truck Trips	1-G148-12 through 1-G148-13; 1-G262-2
Infrastructure costs	1-G170-9
Figures	1-F6-16; 1-F6-36
Mitigation	1-F7-20; 1-G148-9
General	1-G63-1; 1-G65-2 through 1-G65-4; 1-G166-4; 1-G262-5;
Utilities	
Insufficient Analysis	1-F7-21 through 1-F7-22
Impacts to Wastewater Treatment Facilities	1-F7-23
Right-of-Way	2-C1-2
Inspections and Fees	2-D1-3 through 2-D1-5
Permits	2-D1-6
General	2-D1-2
Energy	
Regulations	2-F1-60; 2-F1-72; 2-F1-74
HVAC	1-B2-3

**Table 3-2
Detailed Index of Environmental Issues Raised by Commenters**

Major Comments/ Issues	Addressed in Detail in Letters/Comments
Warehousing Operations	1-B2-4
Recycling	1-B2-5
Net Zero Design	1-B2-6
Energy Efficiency	1-B2-7
Microgrids	1-B2-8
Ground source heat pumps	1-B2-9
Solar PV	1-B2-10; 2-F1-57; 2-F1-59; 2-F1-67 through 2-F1-68; 2-F1-70
Future Solar Development	1-B2-11
SB 100	1-B2-12
Natural Gas	1-B2-13
Transmission Grid	1-B2-14
Energy Storage	1-B2-15; 2-F1-65
Transportation Energy	1-B2-16
Single Use Design	1-B2-17
Barriers to Electric Vehicles	1-B2-18
Parking Commitment	1-B2-19
Commitment to Single Occupant Vehicles	1-B2-20
Commitment to Trucks	1-B2-21
Charging Stations	2-F1-66
Renewable Fuels	1-B2-22
Threshold	2-F1-63
Mitigation	2-F1-58; 2-F1-61; 2-F1-71; 2-F5-14; 2-F5-19 through 2-F5-20
Cumulative	2-F1-79 through 2-F1-80
General	1-B2-23; 2-F1-62; 2-F1-64; 2-F1-69; 2-F1-73; 2-F5-17
Cumulative Analysis	
Cumulative Projects	1-G120-8; 1-G121-7; 2-F5-21
Cumulative Impacts	1-F6-3; 1-F6-23; 2-F2-47

3.3 TOPICAL RESPONSES TO COMMENTS

There are frequently reoccurring comments that were received during the public review periods for the 2018 RSFEIR and the 2019 Draft Recirculated RSFEIR. These comments have been categorized and a response is provided in the following topical responses.

3.3.1 Topical Response A, The Use of Cap-and-Trade

Introduction

Both the World Logistics Center (WLC or Project) Final Environmental Impact Report (FEIR), Volume 3, the 2018 Revised Sections Final Environmental Impact Report (2018 RSFEIR), Appendix A, and the Draft Recirculated Revised Sections of the Final Environmental Impact Report (2019 Draft Recirculated RSFEIR), Appendix A, determined how many tons of greenhouse gas (GHG) emissions would result from the construction and operation of the WLC (FEIR pages 4.7-37 – 4.7-40, 2018 RSFEIR pages 4.7-23 - 4.7-25, and 2019 Draft Recirculated RSFEIR pages 4.7-23 - 4.7-26), recommended feasible mitigation measures to reduce those emissions (FEIR page 4.7-42, 2018 RSFEIR pages 4.7-26 – 4.7-28, and 2019 Draft Recirculated RSFEIR pages 4.7-27 - 4.7-30) and then determined how many tons of GHG emissions would result after the mitigation measures had been imposed (FEIR pages 4.7-47 – 4.7-49, 2018 RSFEIR pages 4.7-33 – 4.7-35, and 2019 Draft Recirculated RSFEIR pages 4.7-34 - 4.7-36). The emissions were divided into two categories: those subject to the Cap-and-Trade Program adopted by the California Air Resources Board (CARB) (including fuel at the producer level, including the GHG emissions that will result when the fuel is combusted by end users, and the electricity at the generator level, referred to as “capped emissions”) and those which were not (referred to as “uncapped emissions”). Then, because capped emissions are already accounted for and mitigated, i.e., reduced, at the producer level under the Cap-and-Trade Program, the FEIR, the 2018 RSFEIR, and the 2019 Draft Recirculated RSFEIR compared the amount of the uncapped GHG emissions, after mitigation, to the threshold of significance for industrial projects adopted by the South Coast Air Quality Management District (SCAQMD)¹ and determined that the uncapped emissions were not significant because they were less than the SCAQMD’s level of significance (FEIR page 4.7-43, 2018 RSFEIR page 4.7-29, and 2019 Draft Recirculated EIR page 4.7-30).

The Project’s GHG approach utilizing the Cap-and-Trade Program does not depart or create a “novel exemption” from CEQA’s general rule that project-level impacts be properly addressed. The 2019 Draft Recirculated RSFEIR and 2018 RSFEIR analyzed GHG emissions and their impacts and identified mitigation, Project Design Features (PDFs) and mitigation measures to reduce impacts to less than significant, and relying on Cap-and-Trade. The consideration of only uncapped GHG emissions to determine the significance of those emissions under CEQA was used by the SCAQMD and the SJVAPCD and was validated in *Association of Irrigated Residents v. Kern County Board of Supervisors*, 17 Cal. App. 5th 708 (2017). Thus, the WLC has committed to a project which would not have a significant GHG impact and therefore would not hinder the State’s achievement of its long-term GHG goals.

¹ South Coast Air Quality Management District, 2008. *Draft Guidance Document – Interim CEQA Greenhouse Gas (GHG) Significance Threshold*, October., page 3-13. Available online: [http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-\(ghg\)-ceqa-significance-thresholds/ghgattachmente.pdf](http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/ghgattachmente.pdf)

The remainder of this response explains the legal and factual basis for considering only the Project's uncapped GHG emissions when determining the significance of those emissions under CEQA.

The California Cap-And-Trade Program

The Cap-and-Trade Program, authorized by the California Global Warming Solutions Act of 2006 (AB 32), is a core strategy that California is using to meet its statewide GHG reduction targets for 2020 and 2030, and ultimately to achieve an 80 percent reduction from 1990 levels by 2050. The Cap-and-Trade Program was promulgated by CARB for the “express regulatory purpose” of reducing GHG emissions associated with certain sectors.² It ensures that the aggregate GHG emissions from all the sectors covered by Cap-and-Trade cannot increase even as the emissions from each regulated entity vary from time to time. Pursuant to its authority under AB 32, CARB designed the Cap-and-Trade Program to reduce GHG emissions from major sources (those responsible for capped emissions, called “covered entities”) by setting a firm cap on statewide GHG emissions and employing market mechanisms to achieve the desired reduction levels.³ Under the Cap-and-Trade Program, an overall limit is established for GHG emissions from major sources of greenhouse gas emissions, such as refineries, power plants, industrial facilities and transportation fuels and declines over time.

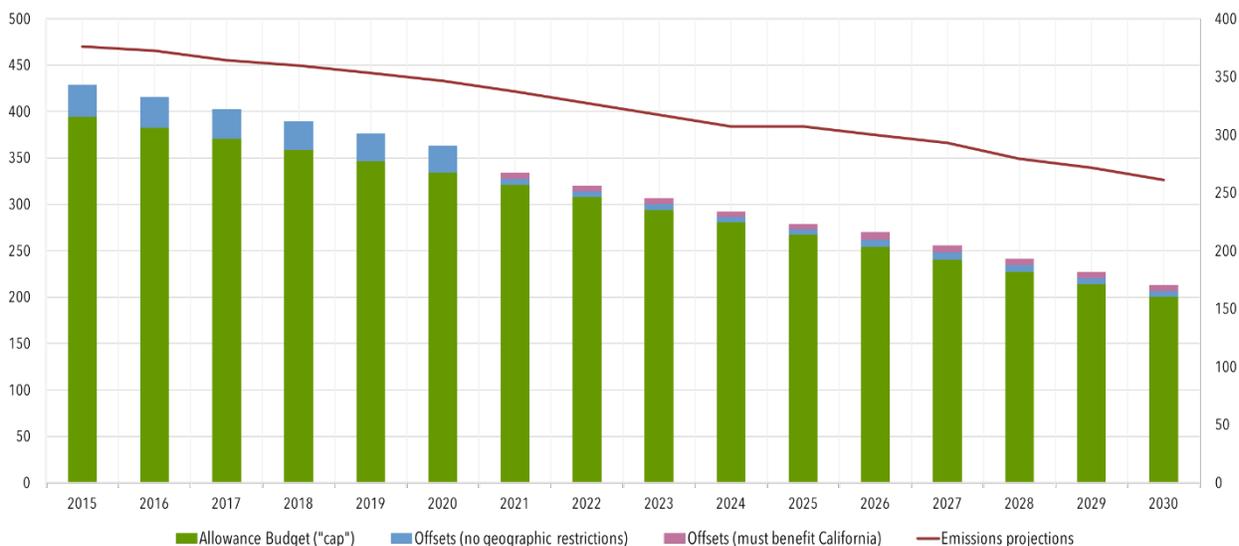
Capped facilities are required to surrender GHG emission “compliance instruments” equal to their GHG emissions at the end of each annual compliance period. These compliance instruments are either “allowances” (which is a limited, tradable authorization to emit up to one metric ton of CO₂e) or “offsets” (which is a tradable compliance instrument that represents a GHG reduction of one metric ton of CO₂e as demonstrated by meeting the regulatory requirements of being a reduction that is “real, additional, quantifiable, permanent, verifiable and enforceable”⁴). Facilities within the Cap-and-Trade program can sell, purchase, or trade allowances and offsets in the Cap-and-Trade marketplace to ensure they have the necessary compliance instruments they will be required to surrender. If a company emits less than its allocation under the cap, then it may keep that allocation or sell it. If it emits more than its allocation, it must purchase the difference from the marketplace. This provides facilities with the flexibility to determine whether to participate in the marketplace, or whether to directly reduce GHG emissions by, e.g., investing in the installation of emissions reduction equipment at their own facilities. As a facility's individual GHG emissions allocation declines annually under the cap, it must likewise annually demonstrate that GHG emissions are declining accordingly, whether through its own reductions to stay within its allocation, or other companies' reductions whose allocations it has purchased, or through offsets from verifiable reductions elsewhere. More specifically, within the Cap-and-Trade Program, power suppliers must surrender compliance instruments for emissions generated in providing electricity; refineries must do the same for the GHG emissions generated by the refining process itself; and fuel suppliers must surrender compliance instruments equivalent to the emissions from the eventual combustion of those fuels. In this way, overall emissions from the industrial sectors included in the program are reduced over time, and one entity's increase in GHG emissions cannot result in a net increase in GHG emissions statewide.

² See, e.g., *AIR v. Kern*, supra, 17 Cal.App.4th at 734-735.

³ State of California. Climate Change, §§95800-96023, *California Code of Regulations, Title 17, Chapter 1, Subchapter 10*. As amended July 2013.

⁴ 17 CCR 95802.

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Source: Center for Climate and Energy Solutions, 2019⁵

California's Greenhouse Gas Emission Cap and Business-as-Usual Projections

The Cap-and-Trade Program applied to electricity generators from the first compliance period, fuel producers and suppliers became subject to the Program on January 1, 2015, the beginning of the second compliance period. The statewide cap for GHG emissions from the capped sectors under the Program declines over time as shown in the figure above.⁶ On July 17, 2017, the California legislature passed Assembly Bill 398, extending the Cap-and-Trade Program through 2030. CARB has repeatedly stated that the Program is the most effective way to achieve the desired GHG reductions.⁷ The Cap-and-Trade Program ensures that GHG emissions from covered entities are being mitigated, reducing GHG emissions from covered entities by more than 16 percent between 2013 and 2020, and by an additional 40 percent by 2030. CARB expects the Cap-and-Trade Program to extend to 2050.⁸

This is accomplished through the Program's overall GHG emission cap declining by three percent annually from 2015 through 2020, with even greater declines from 2021 through 2030. Electric and natural gas utilities have been covered under Cap-and-Trade Program since 2013, encouraging them to shift toward clean sources of energy - the kind that comes from wind, solar, geothermal and other renewable resources. Moreover, SB 100, enacted in 2018, requires eligible renewable energy sources and zero-carbon resources to supply 100% of retail sales of electricity to California end-users and all state agencies by the end of 2045. Under California law, the utilities that import or supply electricity from non-renewable resources must purchase allowances for the GHG emissions that come from burning fuel to make electricity. The Cap-and-Trade Program's requirement for GHGs produced from electricity generation, from non-renewable or imported sources of electricity, means that the mitigation of GHG emissions from the consumption of electricity at the end-user level has already occurred (i.e., reduction of GHGs due to the purchase of

⁵ Center for Climate and Energy Solutions, 2019. California Cap and Trade. 2020 Business-as Usual Emissions Projection 2014 Edition (CARB, 2017). Available online: <https://www.c2es.org/content/california-cap-and-trade/>

⁶ State of California. Climate Change, §§95811-9812, California Code of Regulations, Title 17, Chapter 1, Subchapter 10, Subarticle 3. As amended July, 2013.

⁷ California Air Resources Board, 2017. 2017 Climate Change Scoping Plan, pages ES3, ES16, ES17, 1, 22 and 70-71. Available online: https://www.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf

⁸ 17 California Code of Regulations §§95840(d) and 95841(b).

allowances which will fund projects that reduce carbon pollution). The result is to avoid the need to consider GHG emissions associated with electricity consumption when considering the significance of a project's GHG emissions under CEQA.

Since 2015, fuel suppliers, for fuels such as gasoline, diesel, and natural gas, have been covered under the Cap-and-Trade Program. "Fuel Suppliers" are responsible for the carbon pollution from fuels under the Cap-and-Trade Program. Fuel suppliers in this program must buy pollution permits, also called "allowances," to cover the GHGs produced when the fuel they supply is combusted. Fuel producers and suppliers are required to account for and to mitigate, i.e., reduce, all of their GHG emissions produced when the conventional petroleum-based fuel they supply is combusted. The more fuel suppliers can reduce their GHG emissions, the fewer allowances they will need to purchase. This can be accomplished in various ways, including physical improvements, by supplying low carbon fuels and/or purchasing pollution permits (allowances) to cover the GHGs produced when the conventional petroleum-based fuel, they supply is combusted. Through the purchase of allowances, the Cap-and-Trade Program creates incentives to invest in cleaner fuels, more efficient uses of energy, and investments to benefit disadvantaged communities, recycling, and sustainable transit. The result is to avoid the need to consider GHG emissions associated with the vehicles that serve a project when considering the significance of a project's GHG emissions under CEQA.

Since its inception, the Cap and Trade auction proceeds have resulted in appropriations from the State Legislature in the amount of \$9.3 billion, with the annual appropriations for FY 2018-2019 totaling \$3.2 billion. (Annual Report to the Legislature, California Climate Investments Using Cap-and-Trade Auction Proceeds, p. vi (March 2019) ("CCI Report").) The CCI Report states:

"Projects implemented through 2018 are expected to reduce GHG emissions by nearly 37 million metric tons of carbon dioxide equivalent (MTCO_{2e}) over time – GHG emissions equivalent to 4 billion gallons of diesel fuel use. Projects implemented in 2018 alone are expected to reduce GHG emissions by approximately 17 million MTCO_{2e} over time."

(CCI Report, p. vii.)

Projected Project Contribution from Fuel Cost Under Cap and Trade

WLC's monetary contribution to the Cap-and-Trade Program through the purchase of vehicle fuel was estimated utilizing a methodology by Stillwater Associates based on an analysis of the potential impacts of California's Carbon Cap-and-Trade Program.⁹ For Cap-and-Trade costs, the Stillwater study, "Projecting the Costs of California's Cap & Trade and Low Carbon Fuel Standards Programs," estimated the total direct costs to refiners and assumed that these costs are entirely passed through to consumers. The Stillwater carbon policy team determined that there were two components to their cost estimation:

1. Costs attributed to allowances required to be purchased for the greenhouse gases (GHG) emitted from the combustion of fuel ("Fuels under the Cap" or "Cap at the Rack")

⁹ Stillwater Associates, 2019. Projecting the Costs of California's Cap & trade and Low Carbon Fuel Standards Programs. <https://stillwaterassociates.com/projecting-the-costs-of-californias-cap-trade-and-low-carbon-fuel-standard-programs/>

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- Costs to purchase allowances for GHG emissions in the production of fuels (“Stationary Source Cap and Trade”)

Cap at the Rack is calculated directly from factors published in the Mandatory GHG Reporting Regulation. The study found that, “Cap at the Rack” adds about 13 and 14 cents per gallon (cpg) to the cost of gasoline and diesel, respectively. With respect to the “Stationary Source Cap and Trade”, the study calculated the cost added to the fuels for allowance prices varying from \$50/metric ton (MT) to \$150/MT because these represent the range of values being discussed for a price ceiling in the Cap-and-Trade program going forward. The results found the additional fuel costs ranging from 42 to 139 cents per gallon.

Based on the study conducted by Stillwater to determine the additional costs added to fuel prices under the Cap-and-Trade Program, the average yearly contribution based on fuel prices was calculated for the WLC. As shown in Table 4.17-7 of the 2019 Draft Recirculated RSFEIR, WLC is expected to utilize 275,000,000 gallons of diesel fuel and 1,052,000,000 gallons of gasoline at full buildout (year 2035). These fuel uses were then multiplied by the total costs added to gasoline and diesel from the Cap-and-Trade Program. The average yearly monetary contribution from WLC, based on the Cap-and-Trade allowance, are shown in the table below. As shown in the table, the total monetary contribution from WLC for 1,052,000,000 gallons of gasoline at full buildout operations would range from \$441,840,000 to \$1,325,520,000 per year. The total monetary contribution from WLC for 275,000,000 gallons of diesel at full buildout operations would range from \$126,500,000 to \$382,250,000 per year.

World Logistics Average Yearly Monetary Contribution Based on Fuel Prices

C&T Allowance Price, \$/MT	Total Gasoline Cost Adder, CPG	Gallons of Gasoline per Year	Total Contribution from Gasoline Use (2035)	Total Diesel Cost Adder, CPG	Gallons of Diesel per Year (2035)	Total Contribution from Diesel Use (2035)
\$50	42	1,052,000,000	\$441,840,000	46	275,000,000	\$126,500,000
\$70	59	1,052,000,000	\$620,680,000	65	275,000,000	\$178,750,000
\$90	75	1,052,000,000	\$789,000,000	83	275,000,000	\$228,250,000
\$100	84	1,052,000,000	\$883,680,000	93	275,000,000	\$255,750,000
\$110	92	1,052,000,000	\$967,840,000	102	275,000,000	\$280,500,000
\$130	109	1,052,000,000	\$1,146,680,000	120	275,000,000	\$330,000,000
\$150	126	1,052,000,000	\$1,325,520,000	139	275,000,000	\$382,250,000

CARB’s Explanations of the Application of the Cap-and-Trade Program

CARB’s responses to comments in its October, 2011, Final Statement of Reasons (FSOR) for the Cap-and-Trade Project¹⁰ made it clear that CARB always intended that GHG emissions were to be handled solely at the refinery/generator level and that the costs of accounting for and reducing GHG emissions were

¹⁰ California Air Resources Board, 2011. *California’s Cap-and-Trade Program Final Statement of Reasons*, October. Available online: <https://www.arb.ca.gov/regact/2010/capandtrade10/fsor.pdf>

to be incurred initially at the refinery/generator/supplier level and then were to be passed down to the end consumer as a price signal meant to encourage the consumer to use less fuel and less electricity:

- “The Cap-and-Trade Program addresses both facility emissions that occur from fuel production (beginning in the first compliance period) and accounts for combustion emissions from the fuel that is produced and sold in California (beginning in the second compliance period [January 1, 2015]).” (FSOR at page 178)
- “Placing a price signal on transportation fuels will reduce the consumption of transportation fuel; driving investment in newer, more fuel-efficient vehicles. Any GHG reductions resulting from federal regulations or the Low Carbon Fuel Standard (LCFS) at covered entities would be counted as emission reductions under the Cap-and-Trade Program.” (FSOR at page 178)
- “We agree that Cap-and-Trade is not well-suited to address emissions from millions of distributed point sources such as automobiles. However, our approach is not to apply Cap-and-Trade to the end user (vehicle drivers), but to the fuel suppliers, who will be responsible for fuel that is combusted. By taking this “upstream” approach in the regulation, we avoid the challenges of applying it to millions of “downstream” users.” (FSOR at page 178)
- “We note the importance of transparent price signals for fuel consumers in achieving reductions in this sector.” (FSOR at page 208)
- “The commenter is correct in that agriculture is an uncapped sector and does not have a compliance obligation. Under the regulation, agriculture will be encouraged to be more efficient as the carbon price signal is passed through on transportation fuels, electricity, and natural gas.” (FSOR at page 159)
- “First deliverers of electricity, like DWR, are not eligible for free allocations of emissions allowances because we believe that the cost of allowances can be passed on to consumers of the electricity.” (FSOR at page 542)
- “For the price signal from the Cap-and-Trade Program to be effective, the cost of GHG emissions must be passed through to end users.” (FSOR at page 1431)

In the Initial Statement of Reasons, CARB explains how Cap-and-Trade covers fossil fuel consumption by residential and commercial projects.

- “To cover the emissions from transportation fuel combustion and that of other fuels by residential, commercial, and small industrial sources, staff proposes to regulate fuel suppliers based on the quantities of fuel consumed by their customers. ... Fuel suppliers are responsible for the emissions resulting from the fuel they supply. In this way, a fuel supplier is acting on behalf of its customers who are emitting the GHGs. ... Suppliers of transportation fuels will have a compliance obligation for the combustion emissions from fuel that they sell, distribute, or otherwise transfer for consumption in California. ... [B]ecause transportation fuels and use of natural gas by residential and commercial users

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is a significant portion of California's overall GHG emissions, the emissions from these sources are covered indirectly through the inclusion of fuel distributors = [in the Cap-and-Trade Program].¹¹

Furthermore, CARB's present position on the responsibility of covered entities with respect to the GHG emissions resulting from the combustion of fuels was reiterated in its "Information for Entities That Take Delivery of Fuel for Fuels Phased into the Cap-and-Trade Program Beginning on January 1, 2015"¹²:

"Fuel Suppliers' are responsible for the carbon pollution from fuels under the Cap-and-Trade Program. ... A fuel supplier must account for the carbon pollution under the Cap-and-Trade Program ..."

The Legislature has made CARB the only entity with the authority to deal with vehicular emissions. According to the Health and Safety Code §39002, "Local and regional authorities have the primary responsibility for control of air pollution from all sources other than vehicular sources. The control of vehicular sources, except as otherwise provided in this division, shall be the responsibility of the State Air Resources board."

Additionally, AB 32, which authorized CARB to develop the Cap-and-Trade Program, repeatedly stated that CARB was to adopt rules and regulations that resulted in "cost-effective greenhouse gas emission reductions."¹³ All of this was done in such a manner as to "minimize costs and maximize the benefits to California."¹⁴ CARB's FSOR for adopting the Cap-and-Trade Program repeatedly stated that its choice was the most cost effective. The comment and response on page 177 of the Final Statement of Reasons are a good example:

- **Final Statement of Reasons Comment B-60:** The Cap-and-Trade Program should not be extended to transportation consumer emissions as provisions of other federal and State programs address these. Additionally, fuel providers should not be responsible for these emissions that are directly consumer related. Transportation emissions should be considered only if a formal review determines that this action is necessary and implementation would be more cost-effective than other policy approaches. The proposed regulations include GHG emissions from consumer use of transportation fuel under the emissions cap starting in 2015 (section 95812(d)(1)). This results in a clear overlay to the existing federal Renewable Fuels Standard, the California Low Carbon Fuel Standard (LCFS), and State/federal vehicle GHG performance standards. Transportation GHG emissions are substantially addressed through current federal and State programs (i.e. federal fuel economy programs, federal renewables programs and State LCFS programs). Cap-and-Trade is not well-suited to address emissions from millions of distributed point sources such as automobiles. Inclusion of transportation fuel emissions within the Cap-and-Trade program will add a volatile carbon cost to the price consumers already pay

¹¹ CARB. October 28, 2010. Staff Report: *Initial Statement of Reasons for the Proposed Regulation to Implement the California Cap-and-Trade Program Part 1, Vol. 1*, pp. II-10, II-20, II-21, 11-53: Available online: <https://www.arb.ca.gov/regact/2010/capandtrade10/capisor.pdf> ("ISOR") (incorporated by reference by: CARB. October 2011. California's Cap-And-Trade Program Final Statement of Reasons, p. 2: Available online: <https://www.arb.ca.gov/regact/2010/capandtrade10/fsor.pdf>) ("FSOR") (the ISOR and FSOR are collectively referred to herein as the "Statement of Reasons").

¹² California Air Resources Board, 2015. Facts About Information for Entities That Take Delivery of Fuel for Fuels Phased into the Cap-and-Trade Program Beginning on January 1, 2015. Available online: https://ww3.arb.ca.gov/cc/capandtrade/guidance/faq_fuel_purchasers.pdf

¹³ Health and Safety Code §§38560, 38560.5(c), 38561(a) and (b), and 38562(a)

¹⁴ Health and Safety Code §38562(b)(1)

for GHG control measures such as LCFS and vehicle efficiency standards. In addition, fuels under the cap will increase administrative complexity and the market price of emission allowances for all the other capped sectors. Specifically, a carbon cost of \$20 per ton would add a fuel cost burden in excess of \$3 billion per year to the California economy. In addition to individual consumers, much of this cost will fall on businesses and municipalities which will impact small business owners, truck drivers, city bus and trash services, construction companies, rail services, and others. This carbon cost, along with the cost of compliance for LCFS and federal programs, will be embedded into the costs of all goods and services that rely on transportation. CARB should not extend the Cap-and-Trade program to consumer emissions from use of transportation fuel. Instead, CARB should allow existing federal/State programs to address GHG emissions in this sector. (CONOCO)

- **Final Statement of Reasons Response to Comment B-60:** We believe that Cap-and-Trade's market-based approach is the most cost-effective and practical approach to lowering emissions throughout most of California's economy. There are numerous sectors that are covered by direct regulation and the Cap-and-Trade regulation. For example, the electricity sector is subject to the Renewable Portfolio Standard as well as the Cap-and-Trade regulation. We believe that the Cap-and-Trade-program is complementary to existing renewable and LCFS standards and to other State or federal laws.

CEQA Analysis of Capped GHG Emissions

The SCAQMD has previously recognized that GHG emissions associated with capped sources are mitigated by the Cap-and-Trade Program and should not be counted in determining the significance of a project's GHG emissions because the covered entities have to offset these capped emissions by either reducing their GHG emissions or purchasing allowances for those emissions (Negative Declarations adopted by SCAQMD: Ultramar Inc. Wilmington Refinery Proposed Cogeneration Project, SCH No. 2012041014¹⁵, and Phillips 66 Los Angeles Refinery Carson Plant – Crude Oil Storage Capacity Project, SCH No. 2013091029¹⁶). As demonstrated in these Negative Declarations, GHG emissions from the generation of electricity are accounted for and mitigated by the energy utilities and thus, are appropriately not included in the project's GHG emissions which are compared to the significance threshold.

The San Joaquin Valley Air Pollution Control District's (SJVAPCD) recently adopted a policy entitled "CEQA Determinations of Significance for Projects Subject to CARB's GHG Cap-and-Trade Regulation".¹⁷ This policy applies when the SJVAPCD is the lead agency and when it is a responsible agency. In short, the SJVAPCD "has determined that GHG emissions increases that are covered under CARB's Cap-and-Trade regulation cannot constitute significant increases under CEQA..." The SJVAPCD classifies CARB's Cap-and-Trade Program as an approved GHG emission reduction plan or GHG mitigation program under CEQA Guidelines Section 15064(h)(3). Even though the SJVAPCD isn't the lead or responsible agency on the WLC project, this policy is relevant because it demonstrates how a local air district interpreted the State

¹⁵ South Coast Air Quality Management District, 2014. *Final Negative Declaration for: Ultramar Inc. Wilmington Refinery Cogeneration Project*, October. Available online: http://www.aqmd.gov/docs/default-source/ceqa/documents/permit-projects/2014/ultramar_neg_dec.pdf?sfvrsn=2

¹⁶ South Coast Air Quality Management District, 2014. *Final Negative Declaration for: Phillips 66 Los Angeles Refinery Carson Plant – Crude Oil Storage Capacity Project*, December. Available online: <http://www.aqmd.gov/docs/default-source/ceqa/documents/permit-projects/2014/phillips-66-fnd.pdf?sfvrsn=2>

¹⁷ San Joaquin Valley Air Pollution Control District, 2014. *APR-2025 CEQA Determination of Significance for Projects Subject to ARB's GHG Cap-and-Trade Regulation*. Available online: https://www.valleyair.org/policies_per/Policies/APR-2025.pdf

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Cap-and-Trade Program and its position that capped GHG emissions, those covered under the Program, cannot constitute a significant increase under CEQA.

Pertinent excerpts from the SJVAPCD policy include the following:

- “Consistent with [14] CCR [CEQA Guidelines] §15064(h)(3), the District finds that compliance with CARB’s Cap-and-Trade regulation would avoid or substantially lessen the impact of project-specific GHG emissions on global climate change.”
- “The District therefore concludes that GHG emissions increases subject to CARB’s Cap-and-Trade regulation would have a less than significant individual and cumulative impact on global climate change.”
- “[I]t is reasonable to conclude that implementation of the Cap-and-Trade program will and must fully mitigate project-specific GHG emissions for emissions that are covered by the Cap-and-Trade regulation.”
- “[T]he District finds that, through compliance with the Cap-and-Trade regulation, project-specific GHG emissions that are covered by the regulation will be fully mitigated.”

The policy acknowledges that “combustion of fossil fuels including transportation fuels used in California (on- and off-road including locomotives), not directly covered at large sources, are subject to Cap-and-Trade requirements, with compliance obligations starting in 2015.” As such, the SJVAPCD concluded that GHG emissions associated with VMT cannot constitute significant increases under CEQA. The policy also made it clear that CEQA was never intended to consider the significance of GHG emissions other than at the producer level: “The regulated entity will be the fuel provider that distributes the fuel upstream (not the gas station).”

Thus, as outlined above in the FSOR, CARB has made it clear that the Cap-and-Trade Program’s market-based approach is the most cost-effective and practical approach to lowering emissions. As such, it can be applied to the Project as the analysis appropriately addressed that emission generated under the Cap-and-Trade Program are already regulated and are not subject to consideration at the project level. The analysis in the 2018 RSFEIR and 2019 Draft Recirculated RSFEIR appropriately addresses that emissions generated under the Cap-and-Trade Program are already regulated and are not subject to further consideration at the project level as no impact could occur because no net increase in GHG emissions is allowed under Cap-and-Trade. CARB points out that the projects cited in the 2019 Draft Recirculated RSFEIR and 2018 RSFEIR, and referenced above, that didn’t count project electricity emissions were regulated by the Cap-and-Trade Program, but those project’s being regulated by Cap-and-Trade are irrelevant because all fuel suppliers and electric utilities are covered entities in the program (except for the one percent of facilities that are exempt from the program). Furthermore, the consideration of only uncapped Project GHG emissions to determine the significance of those emissions under CEQA, used by the SCAQMD and the SJVAPCD, was validated in *Association of Irrigated Residents v. Kern County Board of Supervisors*, 17 Cal. App. 5th 708 (2017).

Using only uncapped GHG emissions to determine whether a project’s emissions are significant under CEQA has been upheld in *Association of Irrigated Residents v. Kern County Board of Supervisors*, 17 Cal.App.5th 708 (2017) (*AIR*). The opinion notes that the Cap-and-Trade Program is a statewide plan which

satisfies the requirement of CEQA guidelines §15064.4(b)(3). (17 Cal.App.5th at 741-742.) It concludes by stating that a lead agency may consider the application of the Cap-and-Trade Program, i.e., its uncapped emissions, in determining whether a project's GHG emissions are significant under CEQA. (17 Cal.App.5th at 743.)

CEQA Analysis of The WLC's GHG Emissions

As noted in the Introduction, the FEIR, the 2018 RSFEIR, and the 2019 Draft Recirculated RSFEIR determined the WLC's capped and uncapped GHG emissions. Mitigation measures were then imposed on the WLC which reduced both capped and uncapped GHG emissions. See Table 4.7-7, 2019 Draft Recirculated RSFEIR (page 4.7-33). With these recommended mitigation measures it was determined that the uncapped emissions were less than the SCAQMD's significance threshold. The primary capped GHG emissions were those associated with on-road vehicles, electricity, construction and yard trucks (FEIR page 4.7-36, 2018 RSFEIR page 4.7-22, and the 2019 Draft Recirculated RSFEIR page 4.7-22). The primary uncapped emissions waste decomposition in landfills, land use change, and refrigerant leakage (FEIR page 4.7-36, 2018 RSFEIR page 4.7-22, and the 2019 Draft Recirculated RSFEIR page 4.7-22). Thus, the FEIR, the 2018 RSFEIR, and the 2019 Draft Recirculated RSFEIR accounted for all GHG emissions that will result from the construction and operation of the WLC.

Several comments argued that the *AIR* opinion is limited in its application to projects which are themselves covered entities, like a refinery. Those arguments are wrong because they do not acknowledge that the EIR for the project accounted for capped emissions, those resulting from the construction and operation of improvements to the refinery and those resulting from electricity provided by Pacific Gas and Electric, a covered entity which will itself be required to reduce its own GHG emissions. (17 Cal.App.5th at 735.) The GHG emissions associated with the refinery's electricity consumption were considered as offsets, i.e., reductions, to the total emissions from the construction and operation of the project and were not considered when determining the significance of the project's emissions under CEQA. (17 Cal.App.5th at 736.) Thus, the *AIR* opinion is as applicable to the CEQA analysis of the WLC's GHG emissions as it was to the refinery's, thereby justifying the FEIR's, the 2018 RSFEIR's, and the 2019 Draft Recirculated RSFEIR's determination that the significance of those emissions was to be based on a comparison of the WLC's uncapped emissions to the SCAQMD's threshold of significance.

Some comments argued that the 2019 Draft Recirculated RSFEIR's and the 2018 RSFEIR's determining the significance of the WLC's GHG emissions by considering only uncapped emissions was a "novel exemption" from the analysis of the significance of the emissions, or was an under representation of project emissions, and therefore not authorized under CEQA Guidelines §15064.4. However, the air district decisions applying Cap-and-Trade in the CEQA context referenced earlier were issued in 2014, shortly after Cap-and-Trade was adopted, and the *AIR* decision was issued by the Court of Appeal in 2017, also based on proceedings occurring shortly after the adopting of Cap-and-Trade. Thus, given that Cap-and-Trade has been applied in the CEQA context for years since its adoption, reliance on Cap-and-Trade in the WLC Project is not "novel."

Further, the FEIR, the 2018 RSFEIR, and the 2019 Draft Recirculated RSFEIR determined the WLC's capped and uncapped GHG emissions, (FEIR page 4.7-36, 2018 RSFEIR page 4.7-22, and 2019 Draft Recirculated RSFEIR page 4.7-24) that would result from the construction and operation of the WLC, then

recommended feasible mitigation measures (FEIR page 4.7-42, 2018 RSFEIR pages 4.7-26 – 4.7-28, and 2019 Draft Recirculated RSFEIR pages 4.7-27 - 4.7-30), it was then determined how many tons of GHG emissions would result after the mitigation measures had been imposed (FEIR pages 4.7-47 – 4.7-49, 2018 RSFEIR pages 4.7-33 – 4.7-35, and 2019 Draft Recirculated RSFEIR pages 4.7-34 - 4.7-36). The FEIR, the 2018 RSFEIR, and the 2019 Draft Recirculated RSFEIR compared the amount of the uncapped GHG emissions, after mitigation, to the threshold of significance for industrial projects adopted by the South Coast Air Quality Management District (SCAQMD)¹⁸ and determined that the uncapped emissions were not significant because they were less than the SCAQMD's level of significance (FEIR page 4.7-43, 2018 RSFEIR page 4.7-29, and 2019 Draft Recirculated EIR page 4.7-30). Moreover, the FEIR, the 2018 RSFEIR, and the 2019 Draft Recirculated RSFEIR contain analyses of the WLC's compliance with applicable federal, state and local climate plans (FEIR pages 4.7-51 – 4.7 -59, 2018 RSFEIR pages 4.7-39 – 4.7-45, and 2019 Draft Recirculated RSFEIR pages 4.7-41 – 4.7-47).

Additionally, as upheld in *Cleveland National Forest Foundation v. San Diego Association of Governments* (2017) 3 Cal.5th 497, 504-507 [part I], the City is not required to use the goals outlined in S-3-05 as a CEQA significance threshold. As stated by the court, "SANDAG (San Diego Association of Governments) did not abuse its discretion in declining to adopt the 2050 goal as a measure of significance in light of the fact that the Executive Order does not specify any plan or implementation measures to achieve its goal." Although S-3-05 is not used as a significance threshold, the 2019 Draft Recirculated RSFEIR discusses how future development of the WLC would be consistent with greenhouse gas emission reduction strategies and policies, including the City's Climate Change Strategy (pages 4.7-18 – 4.7-19 of the 2019 Draft Recirculated RSFEIR). The project would implement Mitigation Measures to reduce its contribution to GHG emissions and to ensure it does not conflict with or impede implementation of reduction goals identified in AB 32, SB 32, Governor's Executive Order S-3-05, and other strategies to help reduce GHGs to the level proposed by the Governor. In addition, the project would also be subject to all applicable regulatory requirements, which would also reduce the GHG emissions of the project. Therefore, the project would not conflict with any applicable plan, program, policy, or regulation related to the reduction of GHG emissions.

3.3.2 Topical Response B, Scoping Plan/State's Attainment Goals

Section 4.7 of the 2019 Draft Recirculated Revised Sections of the Final Environmental Impact Report (2019 Draft Recirculated RSFEIR), Greenhouse Gas Emissions, Climate Change, and Sustainability, discusses the Regulatory Setting in Subsection 4.7.2. This section discusses federal, State, regional, and local regulations and standards that pertain to greenhouse gases (GHGs) or climate change; including Cap-and-Trade and the 2008 Scoping Plan and the 2014 and 2017 Scoping Plan Updates (2019 Draft Recirculated RSFEIR pages 4.7-11 – 4.7-14). The 2019 Draft Recirculated RSFEIR does not suggest that compliance with the Cap-and-Trade Program alone will achieve California's climate goals. Nonetheless, as stated in the 2019 Draft Recirculated RSFEIR, Cap-and-Trade is a core strategy that California is using to meet its statewide GHG reduction targets for 2020, 2030, and 2050. As stated in the 2017 Scoping Plan Update, the Cap-and-Trade Program "is fundamental to meeting California's long-range climate targets at low cost." (Scoping Plan Update 2017, Executive Summary, p. ES16.) The California Air Resources Control Board (CARB) has repeatedly stated that the Cap-and-Trade Program is the most effective way to achieve

¹⁸ South Coast Air Quality Management District, 2008. *Draft Guidance Document – Interim CEQA Greenhouse Gas (GHG) Significance Threshold*, October., page 3-13. Available online: [http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-\(ghg\)-ceqa-significance-thresholds/ghgattachmente.pdf](http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/ghgattachmente.pdf)

the desired GHG reductions.¹⁹ “Altogether, the emissions covered by the Cap-and-Trade program total 80 percent of all GHG emissions in California.” (Scoping Plan Update 2017, Executive Summary, p. ES16.) The Cap-and-Trade Program ensures that GHG emissions from covered entities are being mitigated, reducing GHG emissions from covered entities by more than 16 percent between 2013 and 2020, and by an additional 40 percent by 2030. The Executive Summary to the Scoping Plan 2017 Update sums it up: “California’s Cap-and-Trade Program is the most comprehensive, effective, and well-designed carbon market on the planet.” (Scoping Plan Update 2017, Executive Summary, p. ES17.)

Pursuant to the requirements of Assembly Bill (AB) 32²⁰, the 2008 Scoping Plan was prepared by CARB to outline actions to reduce GHGs to 1990 levels by 2020. At that time, even prior to the formal adoption of the Cap-and-Trade Program, the 2008 Scoping Plan recognized the importance of cap-and-trade to achieving the State’s climate goals.

The 2008 Scoping Plan states (p. ES-13):

Similarly, measures like the cap-and-trade program, energy efficiency programs, the California clean car standards, and the renewables portfolio standard will all play central roles in helping California meet its 2020 reduction requirements. Yet, these strategies will also figure prominently in California’s efforts beyond 2020. Some of these measures, like energy efficiency programs and the renewables portfolio standard, have already delivered greenhouse gas emissions reduction benefits that will expand over time. Others, like the cap and-trade program, will put in place a foundation on which to build well into the future. All of these measures, and many others in the plan, will ensure that California meets its 2020 target and is positioned to continue its international role as leader in the fight against global warming to 2050 and beyond.

The Scoping Plan contained the following 18 strategies to reduce the State’s GHG emissions²¹ (2019 Draft Recirculated RSFEIR, page 4.7-12):

1. *California Cap-and-Trade Program Linked to Western Climate Initiative.* Implement a broad-based California Cap-and-Trade program to provide a firm limit on emissions.
2. *California Light-Duty Vehicle Greenhouse Gas Standards.* Implement adopted standards and planned second phase of the program. Align zero-emission vehicle, alternative and renewable fuel and vehicle technology programs with long-term climate change goals.
3. *Energy Efficiency.* Maximize energy efficiency building and appliance standards; pursue additional efficiency including new technologies, policy, and implementation mechanisms. Pursue comparable investment in energy efficiency from all retail providers of electricity in California.

¹⁹ California Air Resources Board, 2017. *2017 Climate Change Scoping Plan*, pages ES3, ES16, ES17, 1, 22 and 70-71. Available online: https://www.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf

²⁰ Assembly Bill 32 is also known as the Global Warming Solutions Act. It was passed in 2006 and aims to reduce GHG emissions to 1990 levels by 2020. AB 32 required CARB to prepare a Scoping Plan that outlines the main State strategies for meeting the 2020 deadline.

²¹ California Air Resources Board, 2008. *Climate Change Scoping Plan: a framework for change.* Pursuant to AB 32 The California Global Warming Solutions Act of 2006, December. Available online: https://ww3.arb.ca.gov/cc/scopingplan/document/adopted_scoping_plan.pdf. Accessed February 10, 2020.

4. *Renewable Portfolio Standard*. Achieve 33 percent renewable energy mix statewide.
5. *Low Carbon Fuel Standard*. Develop and adopt the Low Carbon Fuel Standard.
6. *Regional Transportation-Related Greenhouse Gas Targets*. Develop regional greenhouse gas emissions reduction targets for passenger vehicles (SB 375).
7. *Vehicle Efficiency Measures*. Implement light-duty vehicle efficiency measures.
8. *Goods Movement*. Implement adopted regulations for the use of shore power for ships at berth. Improve efficiency in goods movement activities.
9. *Million Solar Roofs Program*. Install 3,000 MW of solar-electric capacity under California's existing solar programs.
10. *Medium/Heavy-Duty Vehicles*. Adopt medium and heavy-duty vehicle efficiency measures.
11. *Industrial Emissions*. Require assessment of large industrial sources to determine whether individual sources within a facility can cost-effectively reduce GHG emissions and provide other pollution reduction co-benefits. Reduce GHG emissions from fugitive emissions from oil and gas extraction and gas transmission. Adopt and implement regulations to control fugitive methane emissions and reduce flaring at refineries.
12. *High Speed Rail*. Support implementation of a high-speed rail system.
13. *Green Building Strategy*. Expand the use of green building practices to reduce the carbon footprint of California's new and existing inventory of buildings.
14. *High Global Warming Potential Gases*. Adopt measures to reduce high global warming potential gases.
15. *Recycling and Waste*. Reduce methane emissions at landfills. Increase waste diversion, composting, and commercial recycling. Move toward zero-waste.
16. *Sustainable Forests*. Preserve forest sequestration and encourage the use of forest biomass for sustainable energy generation.
17. *Water*. Continue efficiency programs and use cleaner energy sources to move and treat water.
18. *Agriculture*. In the near-term, encourage investment in manure digesters and at the five-year Scoping Plan update determine if the program should be made mandatory by 2020.

In the 2014 Scoping Plan Update, CARB looked at California's success to date in reducing GHG emissions and lays out the framework for continued reductions beyond 2020, on the path to 80 percent below 1990 levels by 2050. The 2014 Scoping Plan Update also recognized that the Cap-and-Trade Program is a vital component in achieving both California's near-and long-term GHG emissions targets. "California's Cap-and-Trade Regulation is purposely designed to leverage the power of the market in pursuit of an environmental goal. It opens the door for major investment in emission-reducing technologies and sends a clear economic signal that these investments will be rewarded. The Cap-and-Trade Regulation establishes a hard and declining cap on approximately 85 percent of total statewide GHG emissions."²² The 2014

²² California Air Resources Board, 2014. First Update to the Climate Change Scoping Plan, page 86. Available online: https://ww3.arb.ca.gov/cc/scopingplan/2013_update/first_update_climate_change_scoping_plan.pdf. Accessed March 3, 2020.

Scoping Plan Update focused on further reducing GHGs in the focus areas of energy, transportation, agriculture, water, waste management, and natural and working lands.²³ The 2014 Update also discusses the State's zero emission vehicle (ZEV) Action Plan to further support the market and accelerate its growth to help with GHG reductions in the transportation sector.

According to the 2017 Scoping Plan Update²⁴, California is on track to exceed its 2020 climate target. The 2017 Scoping Plan discusses the success of the Cap-and-Trade program, and states that “[s]ince the launch of many of the state’s major climate programs, including Cap-and-Trade, economic growth in California has consistently outpaced economic growth in the rest of the country. The state’s average annual growth rate has been double the national average – and ranks second in the country since Cap-and-Trade took effect in 2012. In short, California has succeeded in reducing GHG emissions while also developing a cleaner, resilient economy that uses less energy and generates less pollution.”²⁵ Additionally, it affirms that “[h]igh efficiency rates, coupled with the Cap-and-Trade Program’s firm emission cap, allow economic activity to increase without corresponding increases in GHG emissions. ... Maintaining and extending our successful programs – from the Cap-and-Trade Program and Low Carbon Fuel Standard to zero-emission, renewable energy and energy efficiency programs – will reduce GHGs, increase energy cost savings, offer businesses flexibility to reduce emissions at low cost and provide clear policy and market direction, and certainty, for business planning and investment.”²⁶ Thus, as shown, the Cap-and-Trade Program is hugely successful in reducing GHG emissions while allowing the economy to grow. The Plan underscores the importance of Cap and Trade along with other strategies to achieve the 2020 and 2030 GHG targets. The 2017 Scoping Plan focuses on implementing policies and strategies in the following sectors to reduce GHG emissions.

1. *Industrial Efficiency & Competitiveness.* Maintain and extend the Cap-and-Trade Program and Low Carbon Fuel Standard and zero-emission, renewable energy and energy efficiency programs. Encourage continued research, evaluation, and deployment of innovative strategies and technology to further reduce emissions in the industrial sector through advances in energy efficiency and productivity, increased access to cleaner fuels, and carbon capture, utilization and storage. Evaluate and implement policies and measures to reduce GHG, criteria, and toxic air contaminant emissions from sources, such as refineries. Diversify fuel supplies with low carbon alternatives. Prioritize procurement of goods that have lower carbon footprints. Support and attract industry that produces goods needed to reduce GHGs. Cut energy costs and GHG emissions by quickly transitioning to efficient hydrofluorocarbon alternatives.
2. *Transportation Sustainability.* Transportation system improvements relating to efficient land use, affordable housing, infrastructure for cyclists and pedestrians, public transit, new vehicle technologies, and fuels and freight. Increase use of electric cars, trucks, buses, and equipment;

²³ California Air Resources Board, 2014. First Update to the Climate Change Scoping Plan. Building on the Framework, Pursuant to AB 32 The California Global Warming Solutions Act, May. Available online: https://ww3.arb.ca.gov/cc/scopingplan/2013_update/first_update_climate_change_scoping_plan.pdf. Accessed February, 10 2020.

²⁴ California Air Resources Board, 2017. California’s 2017 Climate Change Scoping Plan, The strategy for achieving California’s 2030 greenhouse gas target, November. Available online: https://ww3.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf. Accessed February 10, 2020.

²⁵ California Air Resources Board, 2017. California’s 2017 Climate Change Scoping Plan. Page ES3. Available online: https://ww3.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf. Accessed March 3, 2020.

²⁶ California Air Resources Board, 2017. California’s 2017 Climate Change Scoping Plan. Page ES7. Available online: https://ww3.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf. Accessed March 3, 2020.

use clean, low carbon fuels where zero-emissions options are not yet available; ensure an efficient and sustainable freight system; and connect communities through increased walking, biking, and transit including a high-speed rail system.

3. *Energy.* Keep moving forward to meet renewable energy targets through wind, solar, hydroelectric, geothermal, and biomass. Integrate renewable power through demand response and drive demand for net zero energy buildings and existing buildings energy efficiency action plan to meet energy efficiency targets. Move towards cleaner heating fuels, building and appliance electrification, minimize fugitive methane leaks throughout the system, and using more renewable gas.
4. *Waste.* Prioritize waste reduction, re-use, and material recovery over landfilling. Develop and implement programs, including edible food waste recovery, to divert organics from landfills and reduce methane emissions. Develop and implement a packaging reduction program.
5. *Agricultural and Rural Economies and Natural and Working Lands.* Work to better quantify the carbon stored in natural and working lands and continue to restore, conserve, and strengthen natural and working lands. Protect, enhance and innovate on natural and working lands to ensure they become a net carbon sink over the long-term by developing and implementing the Natural and Working Lands Implementation Plan. Improve manure management, boost soil health, generate renewable power, electrify operations, utilize biomass, and increase water, fertilizer, and energy use efficiency to reduce super pollutants.
6. *Water.* To meet the water demand, California has to increase water conservation and efficiency, improve coordination and management of various water supplies, get a greater understanding of the water-energy nexus, and develop new technologies in drinking water treatment, groundwater remediation and recharge and potentially brackish and seawater desalination. Support shift toward conservation, efficiency, and renewable energy in the water sector. Increase water savings by certifying innovative technologies for water conservation and develop and implement new conservation targets, update agricultural water management plans, and long-term conservation regulations. Develop a voluntary registry for GHG emissions from energy use associated with water. Continue to increase the use of renewable energy to operate the State Water Project.
7. *Air and Public Health.* The Climate Plan incorporates freight and mobile source strategies which will deliver reductions in criteria and toxic air pollutants to improve air quality.
8. *Carbon Pricing and Investment.* The Cap-and-Trade Program is fundamental to meeting California's long-range climate targets as it has been very successful. The Cap-and-Trade Program includes GHG emissions from transportation, electricity, industrial, agricultural, waste, residential and commercial sources, and caps them while complementing the other measures needed to meet the 2030 GHG target. Emissions covered by the Cap-and-Trade Program total 80 percent of all GHG emissions in California and guarantees GHG emissions reductions through a strict overall emissions limit that decreases each year. Trading provides businesses with the flexibility in their approach to reducing emissions."²⁷

²⁷ California Air Resources Board, 2017. California's 2017 Climate Change Scoping Plan, The strategy for achieving California's 2030 greenhouse gas target, November. Available online: https://ww3.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf. Accessed February 10, 2020.

As shown above in the Scoping Plan and the two Scoping Plan Updates, CARB didn't rely solely on the Cap-and-Trade program to meet the GHG reductions required to comply with AB 32; however, with Cap-and-Trade covering 80% of all GHG emissions in California, it is a cornerstone for the reduction of GHG emissions. The Scoping Plan takes reductions from many different sectors to meet the State's GHG reduction goals. It also looks at all levels of government to help with implementing programs and regulations to limit GHG reductions.

Although Cap-and-Trade is fundamental to achieving the State's climate goals, the 2019 Draft Recirculated RSFEIR does not state that compliance with the Cap-and-Trade Program will achieve California's GHG emission reduction goals singlehandedly nor does it suggest that CARB intended the Cap-and-Trade Program to relieve local governments of any responsibility to consider the significance of, and development of, additional mitigation for, GHG emissions from the transportation and energy sectors directly or indirectly caused by local projects within their control. The 2017 Scoping Plan's section on "Climate Action through Local Planning and Permitting" provides "guidance" to local governments for planning and permitting purposes. However, CARB recognizes the authority of local governments and states in the 2017 Scoping Plan that "the decision to follow this guidance is voluntary and should not be interpreted as a directive or mandate to local governments." Thus, the 2017 Scoping Plan does not compel action on the part of the City, and the City has no legal obligation to comply with these provisions of the 2017 Scoping Plan. Nonetheless, the City has acted to implement the Scoping Plan's guidance with respect to the WLC Project.

The 2017 Scoping Plan's guidance for project-level actions states: "... CARB recommends that projects incorporate design features and GHG reduction measure, to the degree feasible, to minimize GHG emissions." (2017 Scoping Plan, p. 101.) The 2017 Scoping Plan also states that lead agencies should prioritize on-site design features and regional improvements.

The City's approach to GHG reduction followed the Scoping Plan recommendation by requiring Project Design Features and mitigation measures at the project-level, the community and the region. The City therefore required that all buildings incorporate solar power electricity generation totaling in the aggregate to over 12MW at the project site, substantially reduce the need for water consumption ; required that all trucks servicing the Center be 2010 or newer diesel, all construction equipment be Tier 4, all forklifts and pallet equipment be zero emission; required the installation of ZEV charging equipment, and ZE site maintenance equipment; required that all buildings exceed Title 24 by 10% and the construction of LN/CNG/renewable fuel station to service the Center; and the incorporation of traffic circles at all major intersections. The City determined that these measures constitute feasible mitigation for the WLC Project. The City further required that additional measures will be implemented at and around the community and the region by providing SCAQMD with \$26,000,000 to be used for community and regional air quality improvements (through a settlement agreement), which would also result in GHG emission reductions. Considering the long-time horizon of the WLC Project, the City recognized that the SCAQMD with its knowledge and expertise will be in the best position to determine what air quality measures would be most beneficial throughout the construction and operation of the project.

More specifically, the Settlement Agreement between SCAQMD and the City require that the WLC Project pay an Air Quality Improvement Fee to SCAQMD of approximately \$26,000,000. The Air Quality Improvement Fee is to be used by SCAQMD "for any purpose that will improve air quality in the South Coast Air Basin."

Final Response to Comments

The Settlement Agreement states:

"[A]ll parties agree that the payment of the Air Quality Improvement Fee will adequately mitigate heavy-duty truck related air quality impacts that may result from the construction and operation of the World Logistics Center as described in the EIR and that no additional charges will be imposed on the World Logistics Center to mitigate emissions, including NOx, described in the EIR from heavy-duty trucks."

One of the recitals in the Settlement Agreement acknowledges the WLC Project's on-site commitments: "The parties agree that the amount of the Air Quality Improvement Fee ... is in addition to the air quality improvement features already part of the World Logistics Center including the commitment to all 2010 clean diesel trucks, all Tier 4 construction equipment and a CNG/LNG fueling facility." Because it is unknown at this time what improvements will be made by the SCAQMD through the use of the \$26,000,000 that will result from the settlement, it would be speculative to assume that any particular improvement will take place. Accordingly, the analyses contained in the 2019 Draft recirculated RSFEIR do not include any reductions in criteria pollutants or greenhouse gas emissions that might occur as a result of the settlement and the payment of the money. Additionally, the SCAQMD sent a letter to the Project sponsor acknowledging the Settlement Agreement and that payment of funds has not occurred and will not occur until approval and development of Project buildings (see Attachment Q).

Thus, the City and the SCAQMD recognized the importance of on-site Project Design Features, mitigation measures and direct regional investment, consistent with the Scoping Plan's guidance, and required the WLC Project to fund air quality improvements in the South Coast Air Basin, which they determined was sufficient to mitigate adequately the heavy-duty truck related air quality impacts of the WLC Project.

With respect to the WLC Project's analysis of GHG emissions and associated mitigation measures, the WLC determined the GHG emissions resulting from construction and operation of the Project (2019 Draft Recirculated RSFEIR pages 4.7-23 - 4.7-26) and then divided those emissions into two categories; those subject to the Cap-and-Trade Program adopted by CARB (including fuel at the producer level, which includes GHG emissions that will result when the fuel is combusted by the end users, and electricity at the generator level, which includes GHG emissions from electricity use as the end user, referred to as "capped emissions") and those not subject to the Cap-and-Trade Program (referred to as "uncapped emissions") (see Topical Response A for a discussion of Cap-and-Trade and why it applies to the Project). Then because capped emissions are already accounted for and mitigated (i.e., reduced at the producer level under the Cap-and-Trade Program), the 2019 Draft Recirculated RSFEIR compared the amount of uncapped emissions to the interim threshold of significance for industrial projects adopted by the South Coast Air Quality Management District (SCAQMD).²⁸ As discussed above, the Project did not solely rely on the Cap-and-Trade Program to reduce its GHG emissions as uncapped emissions still exceed the significance threshold as shown in Tables 4.7-4 and 4.7-5 (2019 Draft Recirculated RSFEIR pages 4.7- 23 - 4.7-26) and are potentially significant prior to the application of mitigation. As discussed below, the City didn't rely only on Cap-and-Trade to reduce the Projects GHG emissions, it considered all feasible Project Design Features and Mitigation Measures to reduce uncapped GHG emissions. After implementation of

²⁸ South Coast Air Quality Management District, 2008. *Draft Guidance Document – Interim CEQA Greenhouse Gas (GHG) Significance Threshold*, October., page 3-13. Available online: [http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-\(ghg\)-ceqa-significance-thresholds/ghgattachmente.pdf](http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/ghgattachmente.pdf)

Project Design Features and Mitigation Measures, uncapped GHG emissions were less than significant when compared against the SCAQMD's significance threshold (2019 Draft Recirculated RSFEIR page 4.7-30). The reduction in GHG uncapped emissions came from multiple Scoping Plan sectors including, energy, water, waste, and transportation.

The WLC Project incorporates site and building designs (Project Design Features) to improve building energy efficiency and maximize the use of on-site renewable energy to the extent feasible (see Topical Response E for a discussion of MVU's restriction on distributed solar PV connecting to their grid) and emphasize the conservation of water through Green Building Sustainable Development features, which reduces GHG emissions from the energy and water sectors in the Scoping Plan. The WLC 2019 Draft Recirculated RSFEIR includes the following mitigation measures to reduce the GHG emissions impact of the WLC Project:

Mitigation Measure 4.7.6.1A (2019 Draft Recirculated RSFEIR page 4.7-27) implements requirements to reduce solid waste and greenhouse gas emissions from construction and operation; which includes diverting 75 percent of waste, recycle and/or salvage 50 percent of non-hazardous construction and demolition debris, and develop and implement a recycling plan for each building. This mitigation measures reduces GHG's from the waste sector.

Mitigation Measure 4.7.6.1B (2019 Draft Recirculated RSFEIR page 4.7-28) reduces Project energy usage through energy-efficient roofing systems, cool pavements, and energy-efficient appliances.

Mitigation Measure 4.7.6.1C (2019 Draft Recirculated RSFEIR page 4.7-28) requires compliance with the performance approach to the California Energy Efficiency Standards for each new structure.

Mitigation Measure 4.7.6.1D (2019 Draft Recirculated RSFEIR page 4.7-28) will reduce energy related GHG emission through the installation of solar panels on roofs, increase efficiency for buildings by implementing either 10 percent over the 2019 Title 24's energy saving requirements or the Title 24 requirements in place at the time the building permit is approved, and will require the equivalent of "Leadership in Energy and Environmental Design Certified" (LEED) for the buildings constructed at the WLC.

Additionally, air quality mitigation measures (4.3.6.2A construction fuel, 4.3.6.3B long haul trucks, and 4.3.6.4A ride share, bicycle storage and lockers, pedestrian and bike lanes, electric vehicle charging stations, parking) will reduce criteria pollutant and GHG emissions (2019 Draft Recirculated RSFEIR page 4.7-29) from the transportation sector. Utilities mitigation measures (4.16.1.6.1A reduce outdoor water usage, 4.16.1.6.1B reduce interior water usage, and 4.16.1.6.1C use reclaimed water for irrigation) would also reduce GHG emissions through a reduction in energy usage. As shown in Tables 4.7-7 and 4.7-8 (2019 Draft Recirculated RSFEIR pages 4.7-32 – 4.7-36), the above mitigation measures reduced uncapped GHG emissions to below the significance threshold. As demonstrated, the City didn't rely only on Cap-and-Trade to reduce GHG emissions at the project-level, it required project-level project design features and mitigation measures to further reduce uncapped GHG emissions; with reductions coming from many different Scoping Plan sectors.

In addition, the 2019 Draft Recirculated RSFEIR includes a discussion of the Scoping Plan Scenario, for informational purposes only, which assumes successful implementation of the 2017 Scoping Plan Update (Mobile Source Strategy, Pavley regulations, Low Carbon Fuel Standard, and Advanced Clean Car program). The mobile emissions estimates for future years are based on emission factors for higher penetration of electric vehicles than those assumed in Project modeled with EMFAC2017 electric vehicle penetration numbers. The Mobile Source Strategy would be implemented as a key strategy in the 2017 Scoping Plan Update for meeting the state's 2030 GHG target; which is presented in the Energy section as Vehicle Scenario B; Medium EV Penetration. Table 4.7-9 (2019 Draft Recirculated RSFEIR page 4.7-37) shows the difference between the modeled scenario using EMFAC2017 and using the Mobile Source Strategy, as shown on the table, more passenger vehicles and light trucks would be electric in the Mobile Source Strategy. Table 4.7-1 (2019 Draft Recirculated RSFEIR page 4.7-38 – 4.7-40) shows the year by year GHG uncapped Mitigated Emissions using the Mobile Source Strategy. As shown in the table, uncapped emissions are below the significance threshold for every year, just like the proposed Project.

Furthermore, the 2019 Draft Recirculated RSFEIR analyzes whether construction and operation of the WLC would conflict with any applicable plans, policies, or regulations adopted to reduce GHG emissions. As discussed above, the WLC does not solely rely on Cap-and-Trade to mitigate GHG emissions, but includes Project Design Features and Mitigation Measures to reduce uncapped GHG emissions. Table 4.7-11 (2019 Draft Recirculated RSFEIR pages 4.7-41 – 4.7-43) looks at the Project's compliance with Federal and State GHG reduction strategies, including the green building code, energy efficiency, renewable portfolio standard, water use efficiency, waste diversion, Pavley regulations and vehicle fuel standards, light-duty vehicle efficiency measures, and heavy- and medium-duty fuel and engine efficiency measures, mobile source strategy, low carbon fuel standard, sustainable freight action plan, regional transportation-related GHG targets and short-lived climate pollutant strategy. Table 4.7-12 (2019 Draft Recirculated RSFEIR pages 4.7-44) analyses the additional measures in the 2017 Scoping Plan not outlined in Table 4.7-11. As evidenced by the tables, the WLC project does not conflict with the Scoping Plan as the Project is either consistent with or not applicable to the reduction measures outlined in the Scoping Plan. Thus, with implementation of applicable strategies/measures, project design features, and mitigation measures, the WLC complies with and would not conflict with or impede the implementation of GHG reduction goals identified in AB 32 and SB 32.

3.3.3 Topical Response C, Project Approvals, Litigation, and the Effects of Litigation

Project Approvals

In August, 2015, the City Council of the City of Moreno Valley (City) certified a Final Programmatic Environmental Impact Report (FEIR), which analyzed the environmental impacts that would result from the construction and operation of the World Logistics Center (WLC), as having been prepared in compliance with the California Environmental Quality Act (CEQA). The City Council approved a General Plan Amendment ("GPA"), a Zone Change ("Zone Change"), the World Logistics Center Specific Plan ("WLC Specific Plan"), a financing and conveyancing Parcel Map ("Parcel Map 36457"), a Development Agreement ("Development Agreement") and a request that 85 acres in an unincorporated portion of Riverside County be annexed into the City. The approvals entitled the construction and operation of 40,600,000 square feet of logistics facilities on the WLC site. In September, 2015, a number of lawsuits were filed challenging the

City's certification of the FEIR, claiming that the FEIR did not comply with CEQA and seeking to have the approvals granted for the construction and operation of the WLC set aside (the CEQA litigation).

In November, 2015, the City Council, in response to initiative petitions submitted to it readopted the GPA, the Zone Change, the WLC Specific Plan and the Development Agreement. The Parcel Map 36547 was not part of the initiative adoption and so was not affected by the Council's actions. In February, 2016, several lawsuits were filed attacking the use of the initiative process to approve the GPA, the Zone Change, the WLC Specific Plan and the Development Agreement (the initiatives litigation).

The CEQA Litigation

Trial in the CEQA litigation took place in January, 2018. In a court ruling dated February, 8, 2018, (Ruling) the Honorable Sharon J. Waters, Judge of the Riverside County Superior Court, upheld the adequacy of the FEIR except for identified five deficiencies in the FEIR. The key findings from Judge Waters' ruling are quoted below:

Energy Impacts: "The FEIR must provide a comparison of feasible, cost-effective renewable energy technologies in the Energy Impacts analysis".

Biological Impacts: "The FEIR should remove all references to and consideration of the 910 acres of SJWA and MSHCP lands as "buffer zone" or "CDFW Conservation Buffer Area" in the Biological Resources and Habitat Impacts analysis".

Noise Impacts: "The FEIR must provide an analysis of construction noise over ambient levels; provide adequate analysis on construction noise impacts on nearby homes; address the inadequacy of mitigation measures, which fail to include performance standards or ways to reduce construction noise".

Agricultural Impacts: "The FEIR and the resolution certifying the FEIR require clarification as to whether loss of locally important farmland will have a significant direct or cumulative impact on agriculture and, if significant, the FEIR must either explain how proposed mitigation will reduce the impact or why other mitigation is not feasible".

Cumulative Impacts: "The FEIR should include consideration of recently constructed and proposed large warehouse projects in the summary of projections method, and should analyze whether individually significant impacts may be cumulative considerable".

The judgment entered on June 7, 2018, in the CEQA litigation states that a writ of mandate is to be issued ordering the City to comply with the Ruling "and to vacate remaining approvals made in August 2015, as enumerated in the peremptory writ of mandate." The Ruling, after granting the petition as to the five listed deficiencies, concluded "The petition is denied as to all remaining arguments."

On June 12, 2018, a writ of mandate was issued. The writ ordered the City to set aside Resolution No. 2015-56, certifying the FEIR, and Resolution No. 2015-58, approving Parcel Map 36457. The writ concluded by stating "In issuing this writ and its February 8, 2018 Ruling, the Court does not make the required findings, including findings of severability, under Public Resources Code section 21168.9(b) partially limiting this writ to a portion of a determination, finding, or decision or to the specific project activity or activities found to be in noncompliance. For these reasons, the EIR is voided in whole." Although the Development

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Agreement was not set aside by Judge Waters, the applicant is seeking to have it reapproved because it was set aside in unrelated litigation.

The remaining approvals – the GPA, the Zone Change, the WLC Specific Plan, and the Annexation Request which were granted through the initiative process in November, 2015 – were not affected by the judgment or writ in the CEQA litigation and remain in effect. The petitioners have appealed the trial court’s denial of their argument concerning the application of California’s Cap-and-Trade Program to the FEIR’s analysis of the WLC’s greenhouse gas emissions; the City and the developers of the WLC (collectively Highland Fairview) have appealed the trial court’s determination that the FEIR failed to comply with CEQA.

This Revised Sections of the FEIR (2018 RSFEIR) has been prepared to respond to the Ruling and writ in the CEQA litigation by correcting the five deficiencies identified in the Ruling. With respect to cumulative impacts, the Ruling did not indicate the specific environmental topics to be evaluated, and thus, to ensure compliance with the Ruling, the 2018 RSFEIR includes an analysis of potential cumulative impacts for all environmental topics, even those for which the validity of the analysis was never raised in the CEQA litigation, is included in the 2018 RSFEIR to account for the most conservative interpretation of the Ruling. The trial court, after the Final RSFEIR has been certified, will have the discretion to determine whether the expanded cumulative analysis was required to comply with the writ or not. The 2018 RSFEIR also evaluated the current environmental baseline conditions, impacts and any required additional or revised mitigation measures determined by the 2018 RSFEIR to be imposed on the construction and operation of the WLC.

Using this conservative interpretation of the Ruling for cumulative impacts, the 2018 RSFEIR includes a revised analysis of the WLC’s potential transportation impacts to incorporate the cumulative impacts of additional projects, although the validity of the FEIR’s section on Transportation and Traffic (Section 4.15) was upheld by Judge Waters. Although not required by the Ruling, this section has also been revised to reflect the latest trip generation rates found in the Institute of Transportation Engineers’ Trip Generation Manual (10th ed., 2017). The revised traffic analysis also forms the basis for revised analyses of air quality, greenhouse gases and traffic noise, even though the validity of these sections of the FEIR were upheld by the court (Sections 4.3, 4.7 and portions of 4.12).

Because the Ruling determined that substantial portions of the FEIR did comply with CEQA, only the sections of the FEIR described above were made part of the 2018 RSFEIR and circulated for public review and comment. The 2018 RSFEIR also contains additional environmental analyses necessary to respond to the Ruling by adding to the FEIR, e.g., new Section 4.17 (Energy), or by providing additional information on the same topic, e.g., Section 2.1 (Document Format). Elsewhere in the 2018 RSFEIR, individual sections were revised and replaced the corresponding sections in the FEIR (Air Quality, Biological Resources, Greenhouse Gas Emissions/Climate Change). The 2018 RSFEIR also identifies certain specific portions of the FEIR (Project Description) that are no longer applicable to the CEQA analysis, i.e., the GPA, the Zone Change, the WLC Specific Plan and the Annexation Request, which, having been approved in November, 2015, no longer require Council action.

In a ruling dated February 8, 2018, the Riverside County Superior Court upheld the WLC FEIR’s determination that GHG emissions generated from mobile fuels (fuels used by cars and trucks servicing the WLC) and GHG emissions generated from electricity consumed by the project (both considered capped emissions under California’s Cap-and-Trade Program) should be deducted from the project’s total GHG

inventory when determining if the project's GHG emissions were significant under CEQA. The GHG emissions generated by electricity producers and fuel suppliers were subtracted from the project's total GHG emissions because these capped emissions (fuel and electricity) were already accounted for and mitigated by the producers and suppliers of the fuel and electricity before they could be sold and used at the project. The emissions from fuels and electricity were accounted for and mitigated once already by the producers of the fuel and electricity. Thus, there was no need to account for and mitigate the very same GHG emissions yet again when evaluating a project's GHG emissions against the significance threshold under CEQA.

A challenge to the Superior Court's ruling was filed and an appeal of the judgment is currently pending in the Court of Appeal, Fourth Appellate District, Division Two, as *Paulek v. Moreno Valley Community Services District*, Case No. E071184. The appeal seeks judicial review of the FEIR's application of California's Cap-and-Trade Program to the analysis of GHG emissions for the construction and operation of the WLC Project.

Since the result of the appeal has not yet been determined, and in order to provide clarity and certainty to the analysis and mitigation of the project's GHG emissions, a new mitigation measure is included to mitigate the WLC Project's GHG emissions to net zero, Mitigation Measure 4.7.7.1.

Depending on the result of the Court of Appeal ruling, the amount of GHG required to be mitigated would be either "Total Uncapped" GHG emissions from Table 4.7-8 or "Project Emissions" from new Table 4.7-16. With this new Mitigation Measure 4.7.7.1, the WLC Project's GHG emissions will be reduced to net zero either with reliance on the Cap and Trade Program or without reliance on Cap and Trade, contingent on the outcome of the appeal.

A new section, Section 4.7.7 will be added to the end of Section 4.7, Greenhouse Gas Emissions, Climate Change, and Sustainability, in the Final RSFEIR as follows:

4.7.7 MITIGATION MEASURE CONDITIONED ON THE OUTCOME OF THE APPEAL IN PAULEK V. MORENO VALLEY

An appeal of the judgement entered on June 7, 2018, in the CEQA litigation, is currently pending in the Court of Appeal, Fourth Appellate District, Division Two, as *Paulek v. Moreno Valley Community Services District*, Case No. E071184. The appeal seeks judicial review of the FEIR's application of California's Cap-and-Trade Program to the analysis of GHG emissions for the construction and operation of the WLC. Specifically, the FEIR determined that the GHG emissions attributable to fuel suppliers and energy producers under Cap-and-Trade (capped emissions) could be deducted from the total GHG emissions to be evaluated against the significance threshold because capped emissions were already accounted for and mitigated at the producer/supplier level. To address the yet unknown determination of the appeal and to eliminate uncertainty as to how capped GHG emissions should be accounted for in determining the significance of a project's GHG emissions under CEQA, a new mitigation measure, Mitigation Measure 4.7.7.1, shall apply requiring that the WLC Project's GHG emissions be mitigated to net zero where the amount of GHG emissions to be mitigated is either "Total Uncapped" GHG emissions from Table 4.7-8 or "Project Emissions" from new Table 4.7-16, depending on the outcome of the appeal.

If the trial court's judgment is affirmed after the appellate process is completed or if the appeal is dismissed, then the GHG emissions to be mitigated to net zero will be the "Total Uncapped" GHG emissions from Table 4.7-8.

If the trial court's judgment is reversed after the appellate process is completed, then the amount of GHG emissions to be mitigated to net zero will be the "Project Emissions" shown on Table 4.7-16. As shown in Table 4.7-16, Project GHG emissions, both capped and uncapped, with implementation of Project Design Features and mitigation measures would, prior to the application of mitigation, exceed the SCAQMD's significance threshold of 10,000 mt CO₂e per year.

To mitigate the WLC Project's GHG emissions to net zero and to remove uncertainty as to how GHG emissions should be accounted for, the following mitigation, Mitigation Measure 4.7.7.1, shall apply. Mitigation Measure 4.7.7.1 shall read as follows:

4.7.7.1 The developer shall mitigate the WLC Project's GHG emissions to net zero by providing offsets and/or carbon credits, where the amount of GHG emissions to be mitigated is either "Total Uncapped" GHG emissions from Table 4.7-8 or "Project Emissions" from new Table 4.7-16, depending on the outcome of the appeal in *Paulek v. Moreno Valley Community Services District ("Paulek")*. If the trial court's judgment in *Paulek* is affirmed after the appellate process is completed or if the appeal is dismissed, then the GHG emissions to be mitigated to net zero will be the "Total Uncapped" GHG emissions from Table 4.7-8. If the trial court's judgment is reversed after the appellate process is completed, then the amount of GHG emissions to be mitigated to net zero will be the "Project Emissions" shown on Table 4.7-16. Upon the provision of offsets and/or the retirement of carbon credits, no further analysis of capped and uncapped GHG emissions will be required, and no further reduction of those emissions will be required.

The developer shall provide the city with any combination of qualified offsets and/or carbon credits in its sole determination provided that the following conditions are satisfied:

- a) Offsets: A developer shall provide proof of offsets to reduce or sequester GHG emissions (as distinguished from carbon credits) to the City's Planning Official that the offsets are real, permanent, additional, quantifiable, verifiable, and enforceable by an appropriate agency.
- b) Carbon Credits: A developer shall provide proof to the City's Planning Official that the carbon credits represent reductions in GHG emissions that are real, permanent, additional, quantifiable, verifiable, and enforceable by an appropriate agency. Credits registered by a carbon registry approved by the California Air Resources Board, such as, but not limited to, the Climate Action Reserve, American Carbon Registry, Verra (formerly Verified Carbon Standard) or GHG Reduction Exchange (GHG RX), shall be conclusively presumed to meet all of the criteria set forth above.

- c) Timing: The developer shall provide the City with offsets and/or carbon credits equal to the proportionate amount of GHG emissions for the facilities proposed in each plot plan (by square footage as compared to the total square footage of the project) as a condition of the issuance of a certificate of occupancy for such facilities, using either Table 4.7-8 or Table 4.7-16, as appropriate. The City shall retire the carbon credits upon their receipt. The developer shall have the right at any time to provide such offsets and/or carbon credits in advance of the issuance of any certificate of occupancy for any of the facilities in the WLC Project.

With the application of all previous mitigation measures (pages 4.7-27 – 4.7-30) and the new Mitigation Measure 4.7.7.1, the WLC Project’s GHG emissions will be reduced to net zero at buildout, as shown in Table 4.7-8 (Table 4.7-8 will be revised in Final RSFEIR as shown below) and Table 4.7-15. Revised Table 4.7-8 and Table 4.7-16 shows the mitigated GHG emissions, including new Mitigation Measure 4.7.7.1, for each year from 2020 through construction and 30-years operation of all Project facilities. Since total Project GHG emissions will be reduced to net zero, they are below the threshold of significance for every year and are therefore less than significant after mitigation.

Level of Impact After Mitigation. Less than significant.

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Table 4.7-8: Project GHG Emissions (Year by Year with Mitigation)

Source	GHG Mitigated Emissions (mt CO ₂ e/year)														
	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034
Capped Emissions															
Construction	18,770	22,198	23,363	23,511	22,113	16,408	12,424	11,692	12,000	11,452	12,311	10,610	9,993	7,451	7,430
Net Mobile	0	20,982	41,248	60,829	79,602	96,308	102,643	112,971	123,218	132,710	141,787	150,466	158,748	166,632	174,108
Yard trucks	0	813	1,625	2,438	3,250	4,053	4,371	4,689	5,016	5,334	5,652	5,970	6,288	6,606	6,924
Generator	0	32	65	97	130	162	174	187	200	213	225	238	251	263	276
Forklifts	0	29	58	87	117	145	157	168	180	191	203	214	226	237	248
Electricity	0	5,487	10,505	16,725	22,319	32,535	36,088	36,779	36,207	35,461	35,096	34,716	34,056	33,116	31,366
Water	0	119	239	398	557	853	1,148	1,304	1,398	1,492	1,626	1,778	1,929	2,081	2,181
Natural gas	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Solar	0	-179	-357	-595	-834	-1,276	-1,705	-1,931	-2,068	-2,204	-2,398	-2,618	-2,838	-3,059	-3,203
Total Capped	18,770	49,483	76,746	103,490	127,254	149,188	155,300	165,860	176,151	184,649	194,501	201,374	208,653	213,328	219,330
Uncapped Emissions															
Construction Refrigerants and Waste	192	192	192	192	190	85	124	127	124	124	124	124	124	124	101
Waste	0	544	1,087	1,631	2,175	2,712	2,924	3,137	3,356	3,569	3,781	3,994	4,207	4,419	4,632
Refrigerants	0	291	583	874	1,166	1,454	1,568	1,682	1,799	1,913	2,027	2,141	2,255	2,369	2,483
Land use change	0	131	262	392	523	652	704	755	807	858	910	961	1,012	1,063	1,114
Sequestration	0	-13	-25	-38	-50	-63	-68	-72	-77	-82	-87	-92	-97	-102	-107
Total Uncapped	192	1,145	2,098	3,051	4,003	4,840	5,252	5,628	6,009	6,382	6,755	7,128	7,501	7,874	8,223
Credits/Offsets (MM 4.7.7.1)	<u>192</u>	<u>1,145</u>	<u>2,098</u>	<u>3,051</u>	<u>4,003</u>	<u>4,840</u>	<u>5,252</u>	<u>5,628</u>	<u>6,009</u>	<u>6,382</u>	<u>6,755</u>	<u>7,128</u>	<u>7,501</u>	<u>7,874</u>	<u>8,223</u>
Total Project Emissions	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Threshold	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
Significant Impact?	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No

Source	GHG Mitigated Emissions (mt CO ₂ e/year)														
	2035 (Buildout)	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049
Capped Emissions															
Construction	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Net Mobile	178,798	178,798	178,798	178,798	178,798	178,798	178,798	178,798	178,798	178,798	178,798	178,798	178,798	178,798	178,798
Yard trucks	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172
Generator	286	286	267	267	267	267	267	267	267	267	267	267	267	267	267
Forklifts	257	257	257	257	257	257	257	257	257	257	257	257	257	257	257
Electricity	29,432	26,712 <u>29,330</u>	23,744 <u>26,071</u>	20,776 <u>22,812</u>	17,808 <u>19,554</u>	14,840 <u>16,295</u>	11,872 <u>13,036</u>	8,904 <u>9,777</u>	5,936 <u>6,518</u>	2,968 <u>3,259</u>	0	0	0	0	0
Water	2,280	2,308	2,308	2,308	2,308	2,308	2,308	2,308	2,308	2,308	0	0	0	0	0
Natural gas	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Solar	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386
Total Capped	214,839	212,148 214,766	209,164 211,488	206,193 208,229	203,225 204,971	200,257 201,712	197,289 198,453	194,321 195,194	191,353 191,935	188,385 188,676	183,109	183,109	183,109	183,109	183,109
Uncapped Emissions															
Construction Refrigerants and Waste	149	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Waste	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798
Refrigerants	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572
Land use change	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154
Sequestration	-111	-111	-111	-111	-111	-111	-111	-111	-111	-111	-111	-111	-111	-111	-111
Total Uncapped	8,563	8,414	8,414	8,414	8,414	8,414	8,414								
Credits/Offsets (MM 4.7.7.1)	8,563	8,414	8,414	8,414	8,414	8,414	8,414	8,414	8,414	8,414	8,414	8,414	8,414	8,414	8,414
Total Project Emissions	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Threshold	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
Significant Impact?	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No

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Source	GHG Mitigated Emissions (mt CO ₂ e/year)															Total (2020-2064)	
	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064		
Capped Emissions																	
Construction	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	221,727	
Net Mobile	153,767	132,239	107,555	87,478	57,152	45,312	40,356	37,703	35,225	31,920	28,525	25,491	22,779	21,191	19,714	5,090,636	
Yard trucks	6,168	5,304	4,314	3,509	2,293	1,818	1,619	1,512	1,413	1,280	1,144	1,022	914	850	791	204,561	
Generator	230	198	161	131	85	68	60	56	53	48	43	38	34	32	29	7,821	
Forklifts	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6,122	
Electricity	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	563,449 576,539	
Water	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	40,159	
Natural gas	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Solar	-2,912	-2,505	-2,037	-1,657	-1,082	-858	-764	-714	-667	-605	-540	-483	-431	-401	-373	-92,091	
Subtotal, capped	157,252	135,237	109,993	89,461	58,448	46,339	41,270	38,557	36,023	32,644	29,172	26,068	23,295	21,671	20,161	6,042,384 6,055,473	
Uncapped Emissions																	
Construction Refrigerants and Waste	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2,289	
Waste	4,126	3,549	2,886	2,348	1,534	1,216	1,083	1,012	945	857	765	684	611	569	529	136,855	
Refrigerants	2,212	1,902	1,547	1,258	822	652	580	542	507	459	410	367	328	305	284	73,356	
Land use change	993	854	694	565	369	293	261	243	227	206	184	165	147	137	127	32,922	
Sequestration	-95	-82	-67	-54	-35	-28	-25	-23	-22	-20	-18	-16	-14	-13	-12	-3,159	
Subtotal, uncapped	7,236	6,223	5,061	4,116	2,689	2,132	1,899	1,774	1,658	1,502	1,342	1,199	1,072	997	928	242,263	
<u>Credits/Offsets (MM 4.7.7.1)</u>	7,236	6,223	5,061	4,116	2,689	2,132	1,899	1,774	1,658	1,502	1,342	1,199	1,072	997	928	242,263	
Total Project Emissions	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Threshold	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	450,000
Significant Impact?	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No

mt CO₂e = metric tons of carbon dioxide equivalents, which is calculated from the emissions (tons/year) by multiplying by the individual global warming potential (carbon dioxide – 1, methane – 21, nitrous oxide – 310, hydrofluorocarbons – 1500, black carbon 760) and converted to metric tons by multiplying by 0.9072.

- 1 - Electricity and natural gas emissions estimates account for PDFs that improve energy efficiency and eliminate the use of building natural gas; includes electricity use by on-site EV chargers.
- 2 - Estimated construction emissions are included prior to buildout.
- 3 - 2036 is the first full year that the Project would be built out. Years from buildout until 2049 are conservatively estimated to be equivalent to buildout year emissions and exclude construction emissions since construction activity would cease after buildout. Years post-2049 take into account the phasing out of structures as they reach their presumed 30-year lifetime.
- 4 - Electricity emissions decrease to zero in 2045 after RPS has reached 100% renewable electricity

Source: ESA, 2019

Table 4.7-15: GHG Reductions at Buildout (with Mitigation)

Source	GHG Emissions (mt CO₂e) at Buildout		
	Unmitigated	Reductions from Mitigation	With Reductions (Mitigated)
<u>Construction</u>	<u>7,391</u>	<u>0</u>	<u>7,391</u>
<u>Net Mobile</u>	<u>179,355</u>	<u>-557</u>	<u>178,798</u>
<u>Yard trucks</u>	<u>7,172</u>	<u>0</u>	<u>7,172</u>
<u>Generator</u>	<u>267</u>	<u>19</u>	<u>286</u>
<u>Forklifts</u>	<u>257</u>	<u>0</u>	<u>257</u>
<u>Electricity</u>	<u>34,147</u>	<u>-4,715</u>	<u>29,432</u>
<u>Water</u>	<u>2,548</u>	<u>-268</u>	<u>2,280</u>
<u>Natural gas</u>	<u>4,689</u>	<u>-4,689</u>	<u>0</u>
<u>Solar</u>	<u>0</u>	<u>-3,386</u>	<u>-3,386</u>
<u>Construction Refrigerants and Waste</u>	<u>166</u>	<u>-17</u>	<u>149</u>
<u>Waste</u>	<u>19,193</u>	<u>-14,395</u>	<u>4,798</u>
<u>Refrigerants</u>	<u>2,572</u>	<u>0</u>	<u>2,572</u>
<u>Land use change</u>	<u>1,154</u>	<u>0</u>	<u>1,154</u>
<u>Sequestration</u>	<u>-111</u>	<u>0</u>	<u>-111</u>
<u>Project Emissions with previous PDFs and MMs</u>	<u>258,800</u>	<u>-28,008</u>	<u>230,792</u>
<u>Credits/Offsets (MM 4.7.7.1)</u>		<u>-230,792</u>	<u>0</u>
<u>Total Project Emissions</u>	<u>258,800</u>	<u>-258,800</u>	<u>0</u>
<u>Significance Threshold</u>	<u>10,000</u>		<u>10,000</u>
<u>Significant Impact?</u>	<u>Yes</u>	<u>:</u>	<u>No</u>

Notes:

mt CO₂e = metric tons of carbon dioxide equivalents which is calculated from the emissions (tons/year) by multiplying by the individual global warming potential (carbon dioxide – 1, methane – 21, nitrous oxide – 310, hydrofluorocarbons – 1500, black carbon 760) and converted to metric tons by multiplying by 0.9072.

¹ Electricity and natural gas emissions estimates account for PDFs that improve energy efficiency and eliminate the use of building natural gas; includes electricity use by on-site EV chargers. Electricity-based emissions result in an increase due to the inclusion of EV charging stations and electric outlets for electrical property maintenance equipment.

² Construction would no longer occur at buildout; however, according to SCAQMD recommendations, construction emissions are included as amortized over 30 years.

Source: *ESA, 2020*

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Table 4.7-16: Project GHG Emissions (Year by Year with Mitigation)

<u>Source</u>	<u>GHG Mitigated Emissions (mt CO₂e/year)</u>														
	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>	<u>2028</u>	<u>2029</u>	<u>2030</u>	<u>2031</u>	<u>2032</u>	<u>2033</u>	<u>2034</u>
Project Emissions															
Construction	18,770	22,198	23,363	23,511	22,113	16,408	12,424	11,692	12,000	11,452	12,311	10,610	9,993	7,451	7,430
Net Mobile	0	20,982	41,248	60,829	79,602	96,308	102,643	112,971	123,218	132,710	141,787	150,466	158,748	166,632	174,108
Yard trucks	0	813	1,625	2,438	3,250	4,053	4,371	4,689	5,016	5,334	5,652	5,970	6,288	6,606	6,924
Generator	0	32	65	97	130	162	174	187	200	213	225	238	251	263	276
Forklifts	0	29	58	87	117	145	157	168	180	191	203	214	226	237	248
Electricity	0	5,487	10,505	16,725	22,319	32,535	36,088	36,779	36,207	35,461	35,096	34,716	34,056	33,116	31,366
Water	0	119	239	398	557	853	1,148	1,304	1,398	1,492	1,626	1,778	1,929	2,081	2,181
Natural gas	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Solar	0	-179	-357	-595	-834	-1,276	-1,705	-1,931	-2,068	-2,204	-2,398	-2,618	-2,838	-3,059	-3,203
Construction Refrigerants and Waste	192	192	192	192	190	85	124	127	124	124	124	124	124	124	101
Waste	0	544	1,087	1,631	2,175	2,712	2,924	3,137	3,356	3,569	3,781	3,994	4,207	4,419	4,632
Refrigerants	0	291	583	874	1,166	1,454	1,568	1,682	1,799	1,913	2,027	2,141	2,255	2,369	2,483
Land use change	0	131	262	392	523	652	704	755	807	858	910	961	1,012	1,063	1,114
Sequestration	0	-13	-25	-38	-50	-63	-68	-72	-77	-82	-87	-92	-97	-102	-107
Project Emissions (with previous PDFs and MMs)	18,962	50,628	78,844	106,541	131,257	154,028	160,553	171,488	182,160	191,031	201,256	208,501	216,154	221,202	227,553
Credits/Offsets (MM 4.7.7.1)	-18,962	-50,628	-78,844	-106,541	-131,257	-154,028	-160,553	-171,488	-182,160	-191,031	-201,256	-208,501	-216,154	-221,202	-227,553
Total Project Emissions	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Threshold	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
Significant Impact?	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No

Source	GHG Mitigated Emissions (mt CO ₂ e/year)														
	2035 (Buildout)	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049
Project Emissions															
Construction	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Net Mobile	178,798	178,798	178,798	178,798	178,798	178,798	178,798	178,798	178,798	178,798	178,798	178,798	178,798	178,798	178,798
Yard trucks	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172
Generator	286	286	267	267	267	267	267	267	267	267	267	267	267	267	267
Forklifts	257	257	257	257	257	257	257	257	257	257	257	257	257	257	257
Electricity	29,432	29,330	26,071	22,812	19,554	16,295	13,036	9,777	6,518	3,259	0	0	0	0	0
Water	2,280	2,308	2,308	2,308	2,308	2,308	2,308	2,308	2,308	2,308	0	0	0	0	0
Natural gas	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Solar	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386
Construction Refrigerants and Waste	149	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Waste	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798
Refrigerants	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572
Land use change	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154
Sequestration	-111	-111	-111	-111	-111	-111	-111	-111	-111	-111	-111	-111	-111	-111	-111
Project Emissions (with previous PDFs and MMs)	223,402	223,180	219,902	216,643	213,384	210,125	206,866	203,607	200,348	197,090	191,522	191,522	191,522	191,522	191,522
Credits/Offsets (MM 4.7.7.1)	-223,402	-223,180	-219,902	-216,643	-213,384	-210,125	-206,866	-203,607	-200,348	-197,090	-191,522	-191,522	-191,522	-191,522	-191,522
Total Project Emissions	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Threshold	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
Significant Impact?	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No

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Source	GHG Mitigated Emissions (mt CO ₂ e/year)															Total (2020-2064)
	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	
Project Emissions																
Construction	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	221,727
Net Mobile	153,767	132,239	107,555	87,478	57,152	45,312	40,356	37,703	35,225	31,920	28,525	25,491	22,779	21,191	19,714	5,090,636
Yard trucks	6,168	5,304	4,314	3,509	2,293	1,818	1,619	1,512	1,413	1,280	1,144	1,022	914	850	791	204,561
Generator	230	198	161	131	85	68	60	56	53	48	43	38	34	32	29	7,821
Forklifts	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6,122
Electricity	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	576,539
Water	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	40,159
Natural gas	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Solar	-2,912	-2,505	-2,037	-1,657	-1,082	-858	-764	-714	-667	-605	-540	-483	-431	-401	-373	-92,091
Construction Refrigerants and Waste	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2,289
Waste	4,126	3,549	2,886	2,348	1,534	1,216	1,083	1,012	945	857	765	684	611	569	529	136,855
Refrigerants	2,212	1,902	1,547	1,258	822	652	580	542	507	459	410	367	328	305	284	73,356
Land use change	993	854	694	565	369	293	261	243	227	206	184	165	147	137	127	32,922
Sequestration	-95	-82	-67	-54	-35	-28	-25	-23	-22	-20	-18	-16	-14	-13	-12	-3,159
Project Emissions (with previous PDFs and MMs)	164,488	141,460	115,054	93,577	61,137	48,471	43,169	40,331	37,681	34,146	30,514	27,268	24,367	22,669	21,088	6,297,736
Credits/Offsets (MM 4.7.7.1)	-164,488	-141,460	-115,054	-93,577	-61,137	-48,471	-43,169	-40,331	-37,681	-34,146	-30,514	-27,268	-24,367	-22,669	-21,088	-6,297,736
Total Project Emissions	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Threshold	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	450,000
Significant Impact?	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No

mt CO₂e = metric tons of carbon dioxide equivalents, which is calculated from the emissions (tons/year) by multiplying by the individual global warming potential (carbon dioxide – 1, methane – 21, nitrous oxide – 310, hydrofluorocarbons – 1500, black carbon 760) and converted to metric tons by multiplying by 0.9072.

1 - Electricity and natural gas emissions estimates account for PDFs that improve energy efficiency and eliminate the use of building natural gas; includes electricity use by on-site EV chargers.

2 - Estimated construction emissions are included prior to buildout.

3 – 2036 is the first full year that the Project would be built out. Years from buildout until 2049 are conservatively estimated to be equivalent to buildout year emissions and exclude construction emissions since construction activity would cease after buildout. Years post-2049 take into account the phasing out of structures as they reach their presumed 30-year lifetime.

4 – Electricity emissions decrease to zero in 2045 after RPS has reached 100% renewable electricity.

Source: ESA, 2020

Since there are no other issues involved in the appeal by petitioners, the petitioners in the CEQA litigation and those in privity with them are barred from raising issues other than the Final RSFEIR's compliance with the writ and applicable law under the doctrines of res judicata and collateral estoppel. *Ione Valley*, cited above, 33 Cal.App.5th at 170-173, and *Atwell v. City of Rohnert Park*, 27 Cal.App.5th 692, 698-704 (2018).

The Effect of the CEQA Litigation

Case law holds that issues concerning the adequacy of an EIR that were litigated, or could have been litigated, in the first lawsuit may not be re-litigated in a second lawsuit after the deficiencies in an EIR identified in the first lawsuit have been corrected. In *Ione Valley Land, Air, and Water Defense Alliance, LLC v. County of Amador*, 33 Cal.App.5th 165 (2019), the County corrected and then circulated the portion of an EIR dealing with traffic found to have been deficient. The petitioner then sued, claiming that the EIR was deficient in several other respects. The Court of Appeal held that the trial court had correctly denied the second petition.

“[The petitioner] claims that Public Resources Code section 21168.9 allows for partial decertification of an EIR, and, therefore, the trial court's order directing full decertification of the EIR allowed new challenges to parts of the EIR that had already been upheld by the trial court. This argument fails because whether the EIR has been decertified does not alter the fact that the sufficiency of the EIR has been litigated and resolved.” (33 Cal.App.5th at 172)

Thus, the combination of the Ruling and the judgment make it clear that, while the FEIR was to be decertified, only the portions found to be deficient had to be corrected. Consequently, the City's decision to prepare and circulate the 2018 RSFEIR is consistent with the writ and applicable law. Case law also makes it clear that only the corrected portions of the FEIR could be subject to challenge after the Final RSFEIR has been certified as having been prepared in compliance with CEQA. The portions of the FEIR that were not revised are no longer subject to challenge nor available for judicial review. *The Inland Oversight Committee v. City of San Bernardino*, 27 Cal.App.5th 771, 779-780 (2018). Therefore, environmental issues addressed in the FEIR that were raised in the CEQA litigation which were not found to violate CEQA as well as issues addressed concerning the adequacy of the FEIR that could have been raised in the CEQA litigation, but weren't, are longer available for challenge or judicial review.

The Initiatives Litigation

In August, 2016, trial was held in the initiatives litigation. A judgment in favor of the City and Highland Fairview was entered in September. The petitioners appealed the judgment, limiting their challenge to the use of the initiative process to adopt the Development Agreement, i.e., the appeal did not challenge the use of the initiative process to adopt the GPA, the Zone Change, the WLC Specific Plan or the Annexation Request. In August, 2018, the Court of Appeal, Fourth Appellate District, Division One, reversed the trial court judgment, holding that the initiative process could not be used to adopt the Development Agreement, and directed the trial court to issue a writ of mandate ordering the City to vacate its November, 2015, approval of the Development Agreement. That writ was issued on June 12, 2019. The City Council acceded to the writ's order on August 20, 2019, and vacated its November, 2015, approval of the Development Agreement.

The Effect of the Initiatives Litigation

In July, 2018, the 2018 RSFEIR was circulated for public review and comment. It did not refer to the approval of the Development Agreement as one of those that needed to be mentioned in the 2018 RSFEIR because the need for that approval didn't arise until August, 2018. Written responses to the comments on the 2018 RSFEIR have been prepared. The Revised Final EIR is comprised of the Response to Comments Document, the draft EIRs (2018 RSFEIR and 2019 Draft Recirculated RSFEIR), FEIR, including all of the appendices, and other information contained in the environmental record for use by the City of Moreno Valley City Council and other decision makers in their review of the WLC. The City Council will consider the Revised Final EIR and the Mitigation Monitoring and Reporting Program prepared in conjunction with the Revised Final EIR and then will determine whether the Revised Final EIR should be certified as having been prepared in compliance with the writ and CEQA and, if so, whether to approve Parcel Map 36457 and the Development Agreement. If so, the Council will adopt (1) a resolution certifying the Revised Final EIR, which will include appropriate findings and a statement of overriding considerations, (2) a resolution approving Parcel Map 36457 and (3) an ordinance approving the Development Agreement.

For clarity, the GPA, the Zone Change, the WLC Specific Plan, and the Annexation Request are already in effect and require no further approval.

3.3.4 Topical Response D, Indirect Source Rule

The Draft Recirculated Revised Sections of the Final Environmental Impact Report (2019 Draft Recirculated RSFEIR) included a discussion of a Proposed Indirect Source Rule (ISR) for Warehouses being considered by the South Coast Air Quality Management District (SCAQMD) in support of the 2016 AQMP to reduce oxides of nitrogen (NOx) emissions from indirect sources (e.g., mobile sources generated by, or attracted to, facilities) in order to obtain the 80 parts per billion (ppb) and 75 ppb 8-hour ozone standards by the 2023 and 2031 attainment dates. This proposed rule, or set of rules, would reduce emissions associated with emission sources operating in and out of warehouse and distribution centers, consistent with Control Measures MOB 03 from the 2016 AQMP. It is anticipated by the SCAQMD that this proposed rule would be brought before the Board for consideration in the second quarter of 2020 (SCAQMD, 2019a)²⁹, but this is subject to change.

The SCAQMD is looking at a variety of options which could include voluntary reduction strategies, as well as, regulations to limit emissions. The voluntary emission reduction strategies for warehouses and distribution centers that the SCQAMD is considering could include:

1. Development of a SCAQMD administered CEQA air quality mitigation fund, for warehouse projects to opt into, which would be used to reduce project emissions by funding financial incentives for fleet owners to purchase cleaner trucks;
2. Development of updated guidance for warehouse siting and operations;
3. Development of the necessary fueling/charging infrastructure by working with utilities and regulatory agencies; and

²⁹ South Coast Air Quality Management District, 2019a. General Board Meeting November 1, 2019 Agenda No. 1. Attached Minutes of the October 4 2019 Meeting. Available online: <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2019/2019-nov1-001.pdf?sfvrsn=6> Accessed November 6, 2015.

4. Development of “green delivery options” which could involve a small, voluntary, opt-in surcharge for consumers when purchasing goods online with the funds generated used towards reducing truck fleet emissions (SCAQMD, 2018).³⁰

The SCAQMD is also considering a regulatory approach as well, since the recommended voluntary measures would only result in limited emissions reductions. The proposed Warehouse Indirect Source Rule is aimed at reducing trucking emissions and could provide several compliance options that facilities could choose including:

1. Requirements for warehouses to ensure that construction fleets and truck fleets that serve their facility during operations are cleaner than required by CARB regulations (verified through a voluntary fleet certification program);
2. Facility emission caps that would require warehouses to directly control the emissions associated with trucks visiting the facility;
3. Mitigation fees if the facilities emissions exceed cap levels set in the Indirect Source Rule,
4. Crediting options for other activities like installation of charging/fueling infrastructure for cleaner trucks and transportation refrigeration units, conversion of cargo handling equipment to zero emission technologies, etc.;
5. Requiring facilities to utilize zero emission trucks and build the infrastructure to support them; and
6. A points-based system for the warehouse Indirect Source Rule (SCAQMD, 2019a, SCAQMD, 2019b³¹, SJVAPCD, 2017³²).

It is unknown at this time what the proposed SCAQMD ISR will include as far as voluntary and regulatory measures, or when it will finally be brought before the board for consideration and approval. However, it is SCAQMD’s policy to make proposed rule language available to the public at the time notices are issued or such other time as specified in the notice. Additionally, the SCAQMD holds public hearings to allow public input before Governing Board or Hearing Board members vote on new rules or rule amendments. Therefore, any comments on the proposed rule, such as whether voluntary measures should be mandatory or how compliance with mandatory measures will be determined, can be brought up at the public hearing for the proposed rule for consideration by the SCAQMD.

Because it is unknown at this time what measures would be approved, it would be speculative to implement specific proposed strategies as mitigation in the 2019 Draft Recirculated RSFEIR nor do the analyses include any reductions in criteria pollutants or greenhouse gas emissions that might result from the adoption of the rule.

³⁰ South Coast Air Quality Management District, 2018. Board Meeting, March 2, 2018. Agenda No. 32. Available online: <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2018/2018-mar2-032.pdf?sfvrsn=7>. Accessed November 3, 2019.

³¹ South Coast Air Quality Management District General Board Meeting March 1, 2019 Agenda No. 25. Mobile Source Committee Meeting February 15, 2019. Available online: <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2019/2019-mar1-025.pdf?sfvrsn=6>. Accessed November 6, 2019.

³² San Joaquin Valley Air Pollution Control District, 2017. Rule 9510 Indirect Source Review (ISR) (Adopted December 15, 2005, Amended December 21, 2017, but not in effect until March 21, 2018). Available online: <http://www.valleyair.org/rules/currnrules/r9510-a.pdf>. Accessed November 6, 2015.

3.3.5 Topical Response E, Moreno Valley Utilities/Solar

Commenters raise issues with respect to the Moreno Valley Electric Utility (MVU) and Section 4.17, Energy, of the 2019 Draft Recirculated RSFEIR, including whether MVU should waive the requirement to limit the maximum solar generating capacity to 50% of the meter minimum daytime load (Section 4.a, Supplemental Generating Facility Requirements of MVU's Electric Service Rules, Fees and Charges). Commenters also question the validity of MVU's Integrated Resources Plan (IRP), claiming that the IRP fails to account for the demand generated by the WLC Project. Commenters further claim that MVU will not be able to meet the requirements of Renewable Portfolio Standard (RPS), and that additional solar at the WLC Project site is required to meet the RPS.

As stated on page 4.17-30 of the 2018 RSFEIR, MVU's electrical generation is derived from a mix of non-renewable and renewable sources such as coal, natural gas, solar, geothermal, wind, and hydropower. MVU's 2015 Power Integrated Resources Plan identifies adequate resources to support future generation capacity, and a new 112 kV substation is proposed to be constructed within the WLC site. With regard to renewable energy sources, the project would use electricity provided by MVU, which MVU is required to meet the 2050 RPS. MVU's current source of renewable resources include wind, solar, and hydroelectric and account for 17 percent of MVU's overall energy mix for 2016 (the most current year data is available for).³³ The project itself is incorporating renewable energy sources with a minimum of 14.1 MW of rooftop solar at buildout to achieve a net-zero energy use for the estimated office demands. This solar commitment would be within the solar PV limitations set by MVU. In addition to the solar commitment the WLC project would implement energy performance improvement measures to exceed the current minimum Title 24 requirements by at least 10 percent. Although the project would result in moderate increases in annual electrical demand compared to MVU's current supply, for the low and medium EV penetration scenarios, MVU is committed to meeting the project's electricity demand through a future IRP update and planning process.³⁴

The City Council for the City of Moreno Valley established the Moreno Valley Electric Utility (MVU) in 2001, and it started operating in 2004. It is a Publicly Owned Utility (POU) governed by the Public Utilities Code and other state laws, but it is not regulated by the Public Utilities Commission. The MVU Board is responsible for ensuring compliance with all applicable laws and regulations.

The Public Utilities Code sets forth numerous requirements for POUs, including provisions with respect to reliability, renewable energy and the Renewable Portfolio Standards (RPS), energy storage, energy efficiency and the reduction of GHG emissions. Section 9615 of the Public Utilities Code directs POUs as follows:

"Each local publicly owned electric utility, in procuring energy to serve the load of its retail end-use customers, shall first acquire all available energy efficiency and demand reduction resources that are cost effective, reliable, and feasible."

³³ California Energy Commission, Utility Annual Power Content Labels for 2016. Available online: <http://www.energy.ca.gov/pcl/labels/>. Accessed February 2018

³⁴ Since the writing of the 2018 RSFEIR, the MVU has released the 2018 IRP, which includes demand from future logistics projects. Available online: <http://www.moval.org/mvu/pubs/MVU-IRP-Report-072018.pdf>

Section 9620 requires POU to “prudently plan for and procure resources that are adequate to meet its planning reserve margin and peak demand and operating reserves, sufficient to provide reliable electric service to its customers.” POU are also required, at a minimum, to “meet the most recent minimum planning reserve and reliability criteria approved by the Board of Trustees of the Western Systems Coordinating Council or the Western Electricity Coordinating Council.” (Section 9620, Public Utilities Code.) The POU are to consider “appropriate targets, if any, for the utility to procure viable and cost-effective energy storage systems” and to “plan for and procure energy storage systems that are adequate” to meet any targets set. (PUC, Sections 2836(b) and 9620.)

With respect to renewable energy, Section 399.30 of the Public Utilities Code states that POU are required to:

adopt and implement a renewable energy resources procurement plan that requires the utility to procure a minimum quantity of electricity products from eligible renewable energy resources, including renewable energy credits, as a specified percentage of total kilowatt-hours sold to the utility’s retail end-use customers, each compliance period, to achieve the targets of subdivision (c).

Subdivision (c) of Section 399.30 sets forth the following requirements for renewable energy targets, including subsection (2), which states:

The quantities of eligible renewable energy resources to be procured for all other compliance periods reflect reasonable progress in each of the intervening years sufficient to ensure that the procurement of electricity products from eligible renewable energy resources achieves 25 percent of retail sales by December 31, 2016, 33 percent by December 31, 2020, 44 percent by December 31, 2024, 52 percent by December 31, 2027, and 60 percent by December 31, 2030. The Energy Commission shall establish appropriate multiyear compliance periods for all subsequent years that require the local publicly owned electric utility to procure not less than 60 percent of retail sales of electricity products from eligible renewable energy resources.

This renewable energy resources procurement plan is required to be enforceable by the POU, and the Public Utilities Code also provides remedies by the California Energy Commission and the State Air Resources Board. (Section 399.30, subdivisions (e), (n) and (o).)

With respect to energy efficiency, POU are required to implement “an energy efficiency program that recognizes the intent of the Legislature to encourage energy savings and greenhouse gas emission reductions in existing residential and nonresidential buildings, while taking into consideration the effect of the program on rates, reliability, and financial resources.” (Section 9503, PUC.) Since 2013, and every four years thereafter, the POU have been required to “identify all potentially achievable cost-effective electricity efficiency savings and shall establish annual targets for energy efficiency savings and demand reduction for the next 10-year period, consistent with the annual targets established by the Energy Commission” (Section 9505, PUC.) POU are required to report to its customers and the California Energy Commission (CEC) annually regarding its energy efficiency programs and its demand reduction programs. (Public Utilities Code, Section 9505.)

POU with an electrical demand exceeding 700 gigawatt hours are required to prepare an Integrated Resource Plan (IRP) to ensure that the utility meets the GHG reduction targets established by CARB to

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achieve GHG emission reductions of 40 percent from 1990 levels by 2030 and to ensure procurement of at least 50 percent renewable energy resources by 2030. (PUC, Section 9621.) In preparing the IRP the POU “shall consider the role of existing renewable generation, grid operational efficiencies, energy storage, and distributed energy resources, including energy efficiency, in helping to ensure each utility meets energy needs and reliability needs in hours to encompass the hour of peak demand of electricity, excluding demand met by variable renewable generation directly connected to a California balancing authority, as defined in Section 399.12, while reducing the need for new electricity generation resources and new transmission resources in achieving the state’s energy goals at the least cost to ratepayers.” (Section 9621, PUC.)

MVU is in full compliance with these requirements, and although it is not required to prepare an Integrated Resource Plan (IRP) as its electrical demand does not exceed 700 gigawatt hours, MVU prepared an IRP in 2018 to demonstrate its commitment to various State objectives. This IRP is MVU’s “20-year blueprint for ensuring reliable and environmentally-responsible energy at affordable rates.” (IRP, p. 1-1.) The IRP addresses GHG reduction measures in compliance with Section 9621, and also considers renewable energy, energy efficiency, energy storage and resource procurement consistent with other State requirements.

In order for MVU to comply with applicable State laws and regulations and to achieve the objectives of the IRP, it establishes Electric Service Rules, Fees and Charges (most recently adopted on June 4, 2019) for the operation of the MVU. Among the requirements questioned by commenters is the requirement to limit the maximum solar generating capacity to 50% of the meter minimum daytime load (Section 4.a, Supplemental Generating Facility Requirements of MVU’s Electric Service Rules, Fees and Charges). Commenters assert that MVU should waive this requirement for the WLC Project and to authorize the installation of additional solar beyond that currently authorized under Section 4.a.

The MVU operates within a complex and comprehensive set of State laws and requirements, requiring it to balance different objectives, including: 1) supplying reliable electricity; 2) providing environmentally-responsible energy, with the optimal integration of renewable energy; and 3) providing affordable and cost-effective electricity. (IRP, p. 1-1.) “Behind the Meter” solar such as that provided by private projects such as the WLC Project is just one consideration in development of the IRP and needs to be balanced against other IRP objectives. As stated in the IRP, “Roof top solar and other forms of behind-the-meter (BTM) distributed generation are considerably more expensive, both to customers and to MVU, than utility scale renewable energy.” (IRP, p 1-7.)

Solar generation has an impact on grid operations known as the “duck curve effect.” As explained in the IRP, net load decreases significantly during the middle of the day as solar generally peaks and ramps up steeply in the evening as the sun sets. (IRP, p.1-8.) Large amounts of flexible ramping capacity must be available to meet the evening peak. This fundamental change in net load affects the market value and associated prices of energy.

Higher penetration of renewable energy can flood the market with “take-or-pay” energy during certain periods, resulting in historically low or even negative energy market prices, and the need for flexible peaking capacity can significantly increase prices in the early evening. As noted in the IRP’s modeling analysis, one of the future conditions that tends to increase total resource costs is “[h]igh levels of behind-the-meter solar

PV.” Instead, the IRP states that the least-cost solution for 2030 is “to procure utility-scale solar PV and wind within the next 1-3 years to take advantage of federal tax credits.” (IRP, p. 7-4.)

Therefore, the requirement in Section 4.a to limit the maximum solar generating capacity to 50% of meter minimum daytime load is directly responsive to MVU’s analysis of “behind-the-meter” solar as set forth in the IRP. Further, MVU’s Electric Service Rules, Fees and Charges were recently revised and re-adopted in June 2019, following the completion of its IRP in 2018, and thus, its operating requirements – including Section 4.a – have been recently considered by the governing body of MVU, the City Council of Moreno Valley. Further, while commenters suggest a waiver solely for the WLC Project, the MVU needs to operate in a consistent and impartial manner and cannot waive certain requirements for one project, but not for others. A determination of whether Section 4.a is a legitimate requirement must be considered in the context of area-wide regulation as was done by MVU through the IRP and MVU’s other proceedings. Section 4.a is a reasonable requirement for “behind-the-meter” solar given the operating conditions for renewable energy, particularly solar, and energy pricing.

While MVU always has the discretion to modify its requirements, based on the IRP, the current circumstances do not support elimination of Section 4.a or a waiver of Section 4.a for the WLC Project or any other project. Any such amendment to MVU’s requirements would have to be considered in the larger context of providing reliable, affordable and environmentally responsible energy to its customers in compliance with State law. No such amendment is currently proposed by the MVU or the WLC project, nor would it appear to be justified given MVU’s analysis of the issue in its IRP. MVU’s IRP and corresponding requirements for BTM solar capacity appropriately balance competing objectives under State law, and MVU has authority to modify the IRP and/or its requirements over time as circumstances evolve. (2018 RSFEIR, p. 4.17-30.) If MVU does modify its requirements in the future the solar-ready buildings in the WLC Project could accommodate additional solar at that time.

Furthermore, the CEQA process for an individual project such as the WLC Project is not an appropriate forum for rewriting MVU’s Integrated Resource Plan or rewriting MVU’s operational requirements with respect to “behind-the-meter” solar. The CEQA process is not ordinarily an occasion for the reconsideration of fundamental policy (*Citizens of Goleta Valley v. Board of Supervisors*, 52 Cal.3d 553, 573 (1990)). State law provides for a process for POUs, including MVU, to evaluate renewable energy and the Renewable Portfolio Standards, and it is that process which is the appropriate forum for any fundamental policy changes.

Commenters also state that additional solar from the WLC Project is required for MVU to meet its obligations under the Renewable Portfolio Standards (RPS). To clarify, MVU does not receive RPS credit for “behind-the-meter” generation: “BTM generation reduces the retail load upon which MVU’s RPS is based, but MVU does not receive RPS credit for BTM resources.” (IRP, p. 10-3.) In addition, the CEC has oversight of RPS compliance for POUs, who submit RPS claim amounts to the CEC for verification. MVU’s RPS procurement claim amounts for 2014-2016 (most recent) and submitted to the CEC have been verified by the CEC in a Staff Draft Report (February 2019). Thus, solar generation from the WLC Project is not required to meet MVU’s RPS obligations.

Commenters claim that “the WLC *alone* would account for 113 percent of MVU’s projected sales in 2025” and that therefore, the MVU has not accounted for the WLC. (Blum, p. 21) However, the scenario which

corresponds to 113 percent relates is the High EV Penetration which assumes that 20 percent of medium-duty trucks and 30 percent of heavy-duty trucks would be EVs. (2018 RSFEIR, p. 4.17-18, 4.17-29 and Table 4.17-4.) The 2018 RSFEIR explains in detail how the High EV Penetration Scenario is speculative. (2018 RSFEIR, p. 4.17-29 – 4.1-30.) While the 2018 RSFEIR and the IRP evaluate a high demand scenario, MVU planning is based on expected demand, not speculation. Again, the MVU has the discretion to modify its projections when the WLC Project is operational.

3.4 COMMENTS AND RESPONSES TO COMMENTS ON THE RSFEIR

Following includes the comment letters that were received on the RSFEIR. Each comment letter includes an alphanumeric identifier and each comment within each letter includes a numeric identifier within the right margin of the letter. Responses to each comment letter follow the corresponding letter. In response to the RSFEIR, there were various comment letters from private individuals that were submitted and do not raise any environmental issues or address the adequacy of the RSFEIR; therefore, one response to all of these comment letters is provided below under General Comments. Each of the comment letters referenced in the General Comments is provided in Attachment D. Comments relating to air quality, greenhouse gas emissions, and energy are addressed as if the comments were received after the 2019 Draft Recirculated RSFEIR in which these sections were updated to reflect the use of EMFAC2017 and supersede these sections in the 2018 RSFEIR. The references to the 2015 Final EIR are to the compiled Final EIR that was prepared in May 2015. References to the Final EIR or Revised Final EIR are to the compiled Final EIR that consists of this Response to Comments Document, the draft EIRs (2018 RSFEIR and 2019 Draft Recirculated RSFEIR), and the 2015 Final EIR.

3.4.1 (1-A) Letters from Federal Agencies/Tribal Groups

No comment letters were received from Federal Agencies or Tribal groups.

3.4.2 (1-B) Letters from State Agencies

Comment Letters Received from State Agencies include the following:

- 1-B1: California Air Resources Board
- 1-B2: California Department of Justice
- 1-B3: Governor's Office of Planning and Research

From: Albert Armijo
Sent: Friday, September 7, 2018 3:30 PM
To: Julia Descoteaux; Vera Sanchez
Subject: FW: CARB Comments on WLC RFEIR (SCH #2012021045)
Attachments: 2018-09-07 Signed CARB Comments on WLC RFEIR.pdf; Exhibit 1 2013 04 16 CARB Comments on DEIR.pdf; Exhibit 2 _2015 06 08 CARB Comments on FEIR.pdf

Albert Armijo
Interim Planning Manager
Community Development
City of Moreno Valley

p: 951.413.3354 | e: alberta@moval.org w: www.moval.org

14177 Frederick St., Moreno Valley, CA 92553

From: Segall, Craig@ARB [mailto:Craig.Segall@arb.ca.gov]
Sent: Friday, September 7, 2018 12:34 PM
To: Albert Armijo <alberta@moval.org>
Subject: CARB Comments on WLC RFEIR (SCH #2012021045)

September 7, 2018

Dear Mr. Armijo:

Attached, please find comments from the California Air Resources Board on the Revised Final Environmental Impact Report (RFEIR) for the World Logistics Center (SCH # 2012021045). They include two exhibits, also attached, which are incorporated by reference.

1-B1-1

Please confirm receipt of this email. You may reach me at the address and phone number below.

Best,
Craig



Craig Segall
Assistant Chief Counsel
California Air Resources Board
1001 I Street Sacramento, CA 95814
916-323-9609
Craig.Segall@arb.ca.gov



Mary D. Nichols, Chair
Matthew Rodriguez, CalEPA Secretary
Edmund G. Brown Jr., Governor

Albert Armijo, Interim Planning Manager
14177 Frederick Street
Post Office Box 88005
Moreno Valley, California 92552
Phone: (951) 413-3206
Email: alberta@moval.org

Re: World Logistics Center Revised Final Environmental Impact Report
(SCH # 2012021045)

Dear Mr. Armijo:

The California Air Resources Board (CARB) has reviewed the World Logistics Center (WLC or project) Revised Final Environmental Impact Report (RFEIR). CARB appreciates the opportunity to comment on the RFEIR. Unfortunately, despite revisions, the RFEIR mischaracterizes (1) the scope of the Cap-and-Trade Program administered by CARB as they relate to the state's overall greenhouse gas reduction mandates, and (2) how that program may be relevant to a CEQA analysis. Because the RFEIR's GHG analysis relies almost entirely on those mischaracterizations for its GHG analysis and significance determination, it does not meet California Environmental Quality Act (CEQA) requirements.

1-B1-2

The RFEIR's core flaw with regard to greenhouse gases (GHGs) is that it declines fully to analyze or mitigate emissions from fuel and electricity demand that the project will cause - the vast majority of the project's emissions - on the ground that CARB's Cap-and-Trade Program purportedly "covers" the project's emissions for this purpose. In fact, the Program does not, and was never designed to, adequately address emissions from local projects and CEQA does not support a novel exemption for such emissions on this ground. The RFEIR's approach obscures the project's significant potential contribution to greenhouse gas emissions, and does not properly account for the combination of federal, state, and local approaches to address climate change that the crisis demands and the law requires.

1-B1-3

We also note that the project still has not been modified to address serious health concerns from criteria and toxic air pollutants that CARB discussed in prior letters. Although this letter focuses on GHGs, we continue to be very concerned that local communities may face undue pollution from this project, if completed, as a result of inadequate mitigation.

1-B1-4

We urge the City of Moreno Valley (City) to address the criteria and toxics issues we previously raised, and to revise its GHG analysis to accurately account for all GHG emissions that would result from the project, apply those emissions against the applicable significance threshold identified in the RFEIR, adopt feasible mitigation to

1-B1-5

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ensure those emissions would not cause significant impacts, and recirculate the RFEIR, all as required by CEQA.

1-B1-5
cont.

I. CARB's Participation in This Project's Review Process

CEQA requires analysis of a project's GHG emissions. Like all CEQA analyses, these disclosures must inform the public and provide appropriate information on mitigation. Planning for greenhouse gas reductions is critical at the project level, as CARB and other state agencies have repeatedly determined. Although various statewide programs address the climate change crisis as well, the CEQA guidelines, and state guidance documents, are clear that achieving the necessary reductions requires project-level focus.

1-B1-6

The WLC project proponents have taken a different view in prior versions of the RFEIR and in related litigation, *Paulek v. City of Moreno Valley* (Riverside County Superior Court Case No. RIC 1510967) ("*Paulek*"). That case addresses, among other topics, the initial GHG analysis conducted for the WLC, and in the RFEIR. There, WLC advocates contended that, because some of the suppliers of the fuels and electricity consumed by the project are in the Cap-and-Trade Program CARB administers, the project was not required to analyze or mitigate the significant emissions impacts it would cause. Attorneys for the WLC also argued that because CARB did not specifically object to the project's GHG significance methodology, CARB "apparently had no problem with the EIRs not counting capped emissions against the [WLC] in order to determine the significance of greenhouse gas emissions."¹

CARB had, in fact, recommended an array of project-based emissions reductions strategies contrary to these claims. CARB takes this opportunity to reiterate those recommendations (prior letters are attached) and to explain why the Cap-and-Trade Program's operations do not allow a departure from CEQA's general rule that project-level impacts be properly addressed.²

¹ Transcript of January 22, 2018 hearing in *Paulek* case, before Hon. Sharon J. Waters, page 18, Lines 3-7.

² In both of CARB's comment letters, which we again incorporate by reference, CARB indicated that its recommendations were for the purpose of reducing not only criteria and toxics pollutants, but also for GHG emissions. CARB reviewed the Draft Environmental Impact Report (DEIR) and provided comments to the City of Moreno Valley in a letter dated April 16, 2013. CARB's comment letter expressed concern over the increase in health risk in the immediate area and the significant and unavoidable air quality and greenhouse gas (GHG) related impacts caused by the proposed WLC. To address those concerns, CARB recommended actions to support the development, demonstration, and deployment of zero and near-zero emission technology at the WLC. On June 8, 2015, CARB again provided comments on the Final Environmental Impact Report (FEIR), making similar recommendations. In those comments, CARB noted that the FEIR was unresponsive to the comments CARB provided in its April 16, 2013 letter regarding the DEIR. (See CARB April 16, 2013 letter at 2; CARB June 8, 2015 letter at 1, 3, and 8.)

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II. The RFEIR's Claims About CARB's Cap-and-Trade Regulation Are Incorrect

CEQA translates between high-level policy goals, and individual project choices to better inform the public and support decision-making. The GHG section of the RFEIR takes a novel, and factually unsupported, departure from ordinary CEQA practice by essentially excusing analysis and potential mitigation of GHG emissions when they are indirectly "covered" by a state program. Yet, state programs regularly address at least some aspect of essentially all CEQA impact areas – from state water pollution standards to habitat conservation laws to building codes to endangered species mandates, projects are always considered against a backdrop of state rules. In the ordinary course, the presence of state programs is not taken simply to "cover" the relevant project level impact. On the contrary, CEQA requires project proponents to inquire as to how the project affects environmental resources of statewide concern and to focus on project-level analysis and mitigation. The same rule applies with regard to greenhouse gases. As the California Supreme Court has held, "[l]ocal governments thus bear the primary burden of evaluating a land use project's impacts on greenhouse gas emissions."³

1-B1-7

Project proponents may refer to statewide analyses and programs, but, as the Court held, ultimately must provide "substantial evidentiary support" explaining how project-level decisions relate to state-level programs to justify findings of significance based on those programs.⁴ This is particularly important for new projects, as, per the Court, "a greater degree of reduction may be needed from new projects than from the economy as a whole."⁵ And these projects may not simply point to *any* statewide regulations; on the contrary, "[a] significance analysis based on compliance with such statewide regulations ... only goes to impacts within the area governed by the regulations."⁶

In this instance, the Cap-and-Trade Program simply does not cover the project, or require it do anything to mitigate its emissions. As the Court explained, CARB has not "propose[d] statewide regulations of land use planning, but relies instead on local governments." (*Id.* at 230).

CARB has expressed its non-binding views on these matters via the Scoping Plans it is required to prepare under AB 32. The California Supreme Court has recognized the

CARB was not silent. Moreover, an inference from silence would be improper, in any event. CARB sometimes does not comment on individual projects' GHG or other analyses due to resource constraints and other considerations. Nothing should be inferred from silence on a particular matter.

³ *Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal.4th 204, 230).

⁴ *Id.* at 226-230.

⁵ *Id.* at 225.

⁶ *Id.* at 229.

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Scoping Plan as a valuable source of data for local governments.⁷ As each version of CARB's Scoping Plan, including the recent 2017 Scoping Plan Update, explains, on the basis of extensive modeling and analysis, the Cap-and-Trade Program is not intended to address project-level impacts and does not do so. Rather, complementary measures, including land-use planning and project-level analyses, are vital adjuncts to the Cap-and-Trade Program, serve additional purposes to address climate change, and, if neglected, put undue and unanticipated pressure on the Program. The RFEIR's analysis would thus make the problem it purports to analyze even worse; if followed generally, it would result in development patterns and mitigation choices that would lessen the state's ability to address climate change, and would contribute to cumulatively considerable impacts.

Rather than address project-level emissions, the Cap-and-Trade Program covers activities related to electricity generation, natural gas supply, oil and gas extraction, refining, and transportation fuel supply and combustion. The points of regulation are the operators of electricity generating plants, natural gas fuel suppliers, operators of oil and gas extraction facilities, refinery operators, and transportation fuel suppliers at the rack. See Tit. 17, Cal. Code Regs., § 95811. The Program also addresses GHG emissions in aggregate at the state level and is not intended nor designed to mitigate greenhouse gas from, or otherwise inform, local land use decisions. Without adequate analysis and mitigation, local jurisdictions may not appropriately consider the greenhouse gas implications of their decisions, conflicting with a core CEQA principle of promoting informed decisionmaking. Rather, demand for fuels and electricity created by poorly-planned local projects creates unnecessary demand on the Cap-and-Trade system, potentially raising prices in the system and making statewide compliance more difficult.

These impacts could be substantial because the transportation sector is the state's largest source of GHG emissions (as well as criteria and toxic pollutant emissions, as we have previously addressed with regard to this project). The recently released California Greenhouse Gas Emission Inventory – 2018 Edition shows that while the state's overall GHG emissions declined from 2015 to 2016, the emissions in the transportation sector increased 2 percent over that same time period.⁸ This increase was driven by increases in fuel purchases and use. To effectively achieve the State's GHG target, both production and demand for energy and fuels must be addressed. The

⁷ As the California Supreme Court has held "CEQA requires public agencies...to ensure that such analysis stay in step with evolving scientific knowledge and state regulatory schemes." The Court viewed the Scoping Plan as a particularly useful source of information, given the extensive study and public participation involved in its preparation. (*Cleveland National Forest Foundation v. San Diego Ass'n of Governments* (2017) 3 Cal. 5th 497, 504.) A recent article provides a useful primer on this body of law. (See Janill Richards, *The SANDAG Decision: How Lead Agencies Can "Stay in Step" with Law and Science in Addressing the Climate Impacts of Large-Scale Planning and Infrastructure Projects* (2017) 26:2 Environmental Law News 17))

⁸ See https://www.arb.ca.gov/cc/inventory/pubs/reports/2000_2016/ghg_inventory_trends_00-16.pdf.

1-B1-7
cont.

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Legislature recognized this need with regard to electricity when passing SB 350 (Stats. 2015 Ch. 547, De León) to increase the Renewable Portfolio Standard and double energy savings. A similar approach is needed for transportation sector emissions. State-level production side policies such as the Renewable Portfolio Standard, Low Carbon Fuel Standard, and Cap-and-Trade Program cannot alone achieve the State's GHG reduction targets.

1-B1-7
 cont.

In this instance, the RFEIR not only improperly relies on the Cap-and-Trade Regulation; it also fails fully to address consistency with the local measures that *do* more clearly apply. There are a suite of potential emissions reduction strategies identified in the 2017 Scoping Plan aimed at reducing GHG emissions from on-road vehicle travel (e.g., fuel economy standards, technology advancements, SB 375⁹), and the majority of such emissions are not covered in any way by the Cap-and-Trade program.

The City chose not to analyze the project's consistency with the applicable Regional Transportation Plan (RTP), for example, which is subject to GHG emissions reduction targets set by CARB pursuant to SB 375. The City asserted that the RTP does not apply to this project (Table 4.7-11, page 4.7-41 of the RDEIR). We disagree, and suggest that a more appropriate analysis would be whether the project's GHG emissions from on-road transportation would be consistent with, or conflict with, assumptions in the applicable RTP found to comply with SB 375. The city might also refer to the additional nonbinding recommendations offered in CARB's Scoping Plan, though the application of these recommendations, if used, depend on the circumstances of a particular project.

1-B1-8

We discuss these points in more detail below.

A. The Cap-and-Trade Regulation Was Never Designed to Achieve All Necessary GHG Reductions From Land Use and Logistics Planning.

The Cap-and-Trade Program was designed from the start as one of a diverse suite of measures, some statewide and some local, to move California toward achieving its GHG targets. To understand the Cap-and-Trade Program's purposes and limitations, the Scoping Plan provides helpful context. The Cap-and-Trade Program covers about 80 percent of all GHG emissions in California.¹⁰ Crucially, just because emissions are "covered" by Cap-and-Trade does not mean all of those emissions from any particular covered entity are mitigated or reduced. It simply means they are included in the cap.

1-B1-9

⁹ SB 375 (Steinberg, Statutes of 2008).
¹⁰ Scoping Plan at ES16.

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Thirty-nine percent of California’s GHG emissions come from the transportation sector, including logistics-related transportation (like the WLC would involve).¹¹ Another 19 percent of the state’s GHG emissions comes from electricity generation.¹² In addition to Cap-and-Trade, the Scoping Plan includes various other CARB measures, some of which also address transportation and electricity sector emissions, including SB 350, the Low Carbon Fuel Standard, the Mobile Source Strategy, and the Sustainable Freight Action Plan. In addition to the other complementary Scoping Plan measures, the Scoping Plan also clearly states that “[l]ocal government efforts to reduce emissions within their jurisdiction are critical to achieving the State’s long-term GHG goals.”¹³

1-B1-9
 cont.

The RFEIR’s GHG methodology departs from this science, and has enormous implications for other projects across the state: it would amount to a determination that massive logistics centers, sprawling far-flung residential developments, and other types of remote greenfield development need not do anything to address and mitigate their GHG emissions because those emissions are already “taken care of” by the Cap-and-Trade Program. This is simply not true.

B. The Cap-and-Trade Regulation Is Not Intended to Bear the Burden of Achieving the State’s Transportation and Energy Sector GHG Goals Alone.

Cap-and-Trade is not intended to achieve California’s climate goals on its own. Rather, Cap-and-Trade is designed to motivate behavior by capping and pricing carbon at the regulated entity level – that is, at the industrial facility and fuel/energy supplier level. It does not send a direct price signal to developers of land use or logistics projects. This means, if CEQA and other “checks” on unsustainable development are weakened as the WLC analysis proposes, such development would simply continue without direct cost to the developers, while adding market demand without mitigating the WLC’s emissions.

1-B1-10

Moreover, if land use development does not account for GHG emissions, more and more of our state’s carbon “cap” would be taken up by increasing transportation emissions. Developers do not receive a price signal from Cap-and-Trade, meaning that there will be no clear incentive to alter this pattern, even as it impacts the Cap-and-Trade system. Thus, the prices of compliance instruments under the Cap-and-Trade Program would increase at a higher rate than was contemplated when CARB developed the Cap-and-Trade Program. This would eventually cause a greater cost burden than

¹¹ As noted above, transportation-related GHG emissions have increased, from 37% in 2015, to 39% in 2016. See CARB, *California Greenhouse Gas Emissions for 2000 to 2016, Trends of Emissions and Other Indicators* (July 2018) at 1 (available at https://www.arb.ca.gov/cc/inventory/pubs/reports/2000_2016/ghg_inventory_trends_00-16.pdf); see also Scoping Plan at ES1.

¹² Scoping Plan at ES1.

¹³ Scoping Plan at 99.; see also page 101.

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anticipated, and it would be borne by all Californians rather than dealt with during the project design phase. Properly-designed local policies, by contrast, may account for GHG emissions of development in a direct way—which furthers the equity objectives of AB 32, complements Cap-and-Trade, and better achieves California’s climate goals.

1-B1-10
cont.

C. There Is No Substantial Evidence Showing that the Project’s Transportation and Electricity Related Emissions Would Actually Be Mitigated.

In the face of these substantial difficulties, the RFEIR does not articulate substantial evidence demonstrating a rational connection to the Cap-and-Trade Program – and that connection is badly attenuated, as we have explained. The project developer in this instance is claiming it may do nothing with regard to fuels and electricity, and will rely on reductions other entities may achieve. This is not the tight evidentiary connection required by the Supreme Court and by CEQA, and it is not consistent with the State’s GHG reduction programs.

The Final Statement of Reasons (FSOR) prepared when section 15064.4 of the CEQA guidelines, concerning GHGs, was promulgated demonstrates that to properly rely on subsection (b)(3), concerning compliance with statewide programs, a project must demonstrate *with evidence in the record* how the regulations of GHG emissions would actually address the emissions that result from the project. That document states:

1-B1-11

Reading section 15064.4 together with 15064(h)(3), however, to demonstrate consistency with an existing GHG reduction plan, a lead agency would have to show that the plan actually addresses the emissions that would result from the project. *Thus, for example, a subdivision project could not demonstrate consistency with the ARB’s Early Action Measures because those measures do not address emissions resulting from a typical housing subdivision.* (ARB, Expanded List of Early Action Measures to Reduce Greenhouse Gas Emissions in California Recommended for Board Consideration, October 2007; see also State CEQA Guidelines, §§ 15063(d)(3) (initial study must be supported with information to support conclusions), 15128 (determination in an EIR that an impact is less than significant must be briefly explained).)¹⁴

Here, there is no evidence in the RFEIR regarding who is responsible for complying with Cap-and-Trade for all the GHG emissions at issue in this case – and it certainly is not the project itself. The project is a logistics facility, with trucks involved in interstate commerce, and it is not covered by that Program. Indeed, there is no basis for the

¹⁴ See Natural Resources Agency, Final Statement of Reasons for Amendments to the State CEQA Guidelines Addressing Analysis and Mitigation of Greenhouse Gas Emissions Pursuant to SB97 (December 2009) at 27 (emphasis added).

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RFEIR’s conclusion that the fuel for all of the vehicles serving the project would be covered under the Cap-and-Trade regulation, since it is not clear that all of these vehicles would even purchase their fuel in California.

1-B1-11
cont.

D. The Project Fails to Account for the Duration of the Project Compared to the Duration of the Cap-and-Trade Program.

The RFEIR states the project’s buildout year is 2035,¹⁵ yet the GHG analysis seems to stop after 2035. This raises multiple problems for the RFEIR analysis.

First, it is unclear why the analysis stops at buildout, when GHG emissions (and other environmental impacts) would continue into the indefinite future – at their highest levels – once full operations begin. Without further analysis throughout the project’s anticipated life (which does not appear to be stated in the RFEIR but, presumably, would be at least 30 years after buildout), the analysis is incomplete and dramatically understates the project’s GHG emissions. This also means the project would likely place a much higher burden on the Cap-and-Trade program than disclosed in the RFEIR – a burden that, as described above, is pushed onto all Californians instead of the project developer as a result of the project’s failure to mitigate the vast majority of its GHG emissions.

1-B1-12

Second, the RFEIR fails to account for, or even consider, the fact that the current Cap-and-Trade regulation extends only to 2030 – which is five years *before* the project’s full buildout is achieved. This means that the RFEIR has no plan whatsoever to account for its GHG emissions once the project is fully built out. The RFEIR also does not address the inconsistency between the project’s GHG emissions and Executive Order S-03-05, which, among other things, establishes a state GHG reduction target to reduce GHG emissions to 80 percent below 1990 levels by 2050.¹⁶ The California Supreme Court has emphasized the importance of California’s GHG targets in selecting appropriate CEQA thresholds.¹⁷ Despite these considerations, there is no substantial evidence in the record to ensure that *any* of the project’s post-buildout operational emissions are mitigated by the Cap-and-Trade program.

1-B1-13

E. The Project Fails to Include a Backstop In Case Cap-and-Trade is Altered.

1-B1-14

¹⁵ Revised FEIR at 3-1.

¹⁶ See Governor’s Executive Order No. S-03-05 (June 1, 2005) (available at [http://static1.squarespace.com/static/549885d4e4b0ba0bff5dc695/t/54d7f1e0e4b0f0798cee3010/1423438304744/California+Executive+Order+S-3-05+\(June+2005\).pdf](http://static1.squarespace.com/static/549885d4e4b0ba0bff5dc695/t/54d7f1e0e4b0f0798cee3010/1423438304744/California+Executive+Order+S-3-05+(June+2005).pdf)); see also Governor’s Executive Order No. B-30-15 (April 29, 2015) (available at <https://www.gov.ca.gov/2015/04/29/news18938/>).

¹⁷ See *Cleveland Nat’l Forest Found. v. San Diego Assn. of Governments* (2017) 3 Cal.5th 497 at 516-519.

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In addition to its other evidentiary flaws, the RFEIR does not analyze how the analysis would change, and how the project's significant GHG impacts would be mitigated, if Cap-and-Trade were revised in a way that affects the state's GHG levels. In other words, the RFEIR's approach puts an almost complete reliance on the Cap-and-Trade Program in ways that, if adopted generally, would considerably affect the Program, and then fails to consider the possibility that the Program might change even as the Project continues to exist. This could include, for example, a scenario in which:

- The Cap-and-Trade program ceased to exist, or
- If the scope of the program were limited to exclude fuels and electricity, or
- If the Legislature or other factors required the program to be amended in a way that allows a higher cap.

1-B1-14
 cont.

Rather than anticipating any of these or other potential contingencies and building in an appropriate backstop to ensure the project's GHG emissions are mitigated below significance, the RFEIR instead blindly relies on the current Cap-and-Trade Program, with no further commitments or requirements. As a result, the RFEIR fails to provide substantial evidence supporting its conclusion that the project will result in less than significant GHG emissions, while forwarding an analysis that, if accepted, would make the state significantly less able to address climate change impacts resulting from its built infrastructure.

III. The RFEIR is Inconsistent with CEQA Requirements.

The RFEIR's multiple errors with regard to the Cap-and-Trade Program render it contrary with CEQA law. The RFEIR misapplies the key CEQA Guideline, section 15064.4(b), which provides in pertinent part:¹⁸

(b) A lead agency should consider the following factors, *among others*, when assessing the significance of impacts from greenhouse gas emissions on the environment:

1-B1-15

1. The extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting;
2. Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project.
3. The extent to which *the project complies* with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions. Such requirements must be adopted by the relevant public agency through a public review process and

¹⁸ CEQA Guidelines § 15064.4(b) (emphasis added).

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must reduce or mitigate the project's incremental contribution of greenhouse gas emissions. *If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding compliance with the adopted regulations or requirements, an EIR must be prepared for the project.*

Thus, the CEQA Guidelines focus on project-level compliance and project-level impacts. State programs are available for consideration, but they are not held out as a panacea, for GHGs any more than for any other resource area.

Yet, the RFEIR relies upon subsection (b)(3) of this provision to claim that emissions which are indirectly included under the "cap" created by the Cap-and-Trade Program (referred to in the RFEIR as "capped emissions") need not be analyzed and mitigated under CEQA. This approach would excuse all of the WLC's transportation and electricity related emissions, leaving the project only "on the hook" for analyzing and mitigating a tiny fraction of its emissions. The following sections explain why this approach is legally and factually flawed.

A. Subsection (b)(3) Itself Does Not Allow The Approach Used in the Revised Final EIR.

As noted above, subsection (b)(3) of CEQA Guidelines section 15064.4 can be used as a factor to assess GHG significance when "*the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions...*" Here, the RFEIR concedes that the project is not subject to the Cap-and-Trade Regulation.¹⁹ This in itself should be sufficient to demonstrate that subsection (b)(3) is inapplicable to the project, as "the project" does not "comply" with Cap-and-Trade at all.

B. The RFEIR's Hybrid Approach Used To Determine Significance Is Not Allowed.

In addition to improperly relying on subsection (b)(3), as described above, the RFEIR improperly attempts to create a "hybrid" significance scheme based on selectively combining subsection (b)(3) with the South Coast Air Quality Management District's (SCAQMD) bright-line threshold. As explained in the RFEIR, a potentially appropriate significance threshold in this case is the SCAQMD's 10,000 metric ton threshold.²⁰ The problem here is that the RFEIR does not compare the project's GHG emissions against this 10,000 metric ton threshold, and then mitigate those emissions to below that threshold to the extent feasible. Rather, the RFEIR simply subtracts from its emissions quantifications any GHG emissions that it deems to be "capped," and compares only the net "non-capped" emissions against the bright-line threshold.

¹⁹ See page 4.7-4.

²⁰ RFEIR at 4.7-21.

1-B1-15
 cont.

1-B1-16

1-B1-17

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This approach is unsupported in law. Regardless of which threshold applies, CEQA requires lead agencies to “make a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project.”²¹ CEQA then provides that the lead agency must consider “whether *the project emissions* exceed a threshold of significance the lead agency determines applies to the project.”²² Thus, even if subsection (b)(3) properly applied here (which it does not, as explained above), nothing in the CEQA Guidelines allows this hybrid approach of cherry-picking what emissions are applied to an otherwise-applicable bright-line threshold. The City has not even attempted to satisfy its burden of providing such substantial evidence. As noted elsewhere in this letter, Cap-and-Trade does not result in ton-for-ton mitigation of each metric ton covered by the program. Rather, it is a declining market-wide cap designed to achieve certain statewide goals – which, as explained elsewhere in this document, is not designed to mitigate all GHG emissions from land use and logistics facilities.

1-B1-17
 cont.

Because the REFIR fails to properly apply the vast majority of the project’s GHG emissions to the applicable bright-line significance threshold, it also fails to mitigate those emissions, as it simply dismisses them as “less than significant”. If the full scope of the GHG emissions attributable to the project were compared to the applicable bright-line threshold, the mitigated emissions would still be substantially over the threshold. CEQA requires that the project’s significant GHG emissions must be mitigated to the extent feasible. Additional mitigation measures are available to further reduce the project’s GHG emissions that were not considered due to the inappropriate exclusion of the majority of project-generated emissions from the analysis.

C. Reliance Upon *AIR v. Kern County* Is Improper.

While the RFEIR provides little support for the GHG significance approach it takes, the briefing for *Paulek* further explains the reasoning behind the project’s GHG analysis. In those briefs, attorneys for the developer claim that an unrelated appellate ruling, the *AIR v. Kern County* decision²³ is relevant. That decision concerned CEQA analyses for sources actually covered by the Cap-and-Trade Regulation, but the claim is that it somehow applies not only to GHGs from projects that are directly subject to the Cap-and-Trade Regulation, but also to all transportation and electricity related GHG

1-B1-18

²¹ CEQA Guidelines § 15064.4(a).

²² CEQA Guidelines § 15064.4(b)(2).

²³ *Association of Irrigated Residents v. Kern County Board of Supervisors* (2017) 17 Cal. App. 5th 708. In CARB’s view this case was wrongly decided as to the Cap-and-Trade issue, and it is certainly not apposite in this very different context.

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emissions, the logic being that those emissions are technically included in the statewide “cap” on emissions. This is incorrect factually, for all the reasons discussed above.

It is also not a controlling case legally. The holding in *AIR v. Kern County* addressed whether it “is appropriate for a lead agency to conclude a project compliance [sic] with the cap-and-trade program provides a sufficient basis for determining the impact of the project’s greenhouse gas emissions will be less than significant.”²⁴ The project at issue in that case was a refinery that was directly subject to the Cap-and-Trade Regulation. The court did not address the broader question of whether all GHG emissions from resources that are indirectly covered by Cap-and-Trade, at some undefined upstream point, may be cast aside as less than significant. Here, as noted above, the WLC is not subject to the Cap-and-Trade regulation. It therefore does not “comply” with the Cap-and-Trade program, and is distinguishable from the project at issue in *AIR v. Kern County*.

1-B1-18
 cont.

C. Reliance Upon Obscure 2013 Negative Declarations and a Policy Document from Another District Is Similarly Uncompelling.

The RFEIR itself also attempts to justify excluding “capped emissions” from its significance analysis by referencing two seemingly cherry-picked 2013 mitigated negative declarations,²⁵ and one 2014 guidance document from the San Joaquin Valley Air Pollution Control District (SJVAPCD) titled Policy APR-2025. The RFEIR does not explain why it chose to follow the methodology allegedly used in two obscure mitigated negative declarations and in a 2014 policy document from an air district in a different air basin, rather than following traditional CEQA GHG analysis and mitigation principles. Furthermore, the primary SJVAPCD guidance documents regarding analyzing and mitigating GHG emissions under CEQA make no mention of Policy APR-2025, including the guidance documents relied upon in the *AIR v. Kern County* decision.²⁶

1-B1-19

To the extent the RFEIR is considering what other air districts have done, it is worth noting that the California Air Pollution Control Officers’ Association (CAPCOA) has considered a range of potential CEQA significance thresholds, none of which summarily

²⁴ *AIR v. Kern County* at 743 (emphasis added).

²⁵ The Revised FEIR only cryptically references these MNDs, without citations or links to the documents, and without any other information explaining the basis for their CEQA significance approach. The RFEIR’s failure to include or adequately reference these mitigated negative declarations hampers the public’s ability to review and comment on the RFEIR.

²⁶ See, e.g., *AIR v. Kern County* at 743-744; see also http://www.valleyair.org/transportation/GAMAQI_3-19-15.pdf; http://www.valleyair.org/transportation/GAMAQI_3-19-15.pdf; and <http://www.valleyair.org/Programs/CCAP/12-17-09/3%20CCAP%20-%20FINAL%20LU%20Guidance%20-%20Dec%2017%202009.pdf>.

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exclude emissions that are indirectly included within the Cap-and-Trade program.²⁷ While that document was generated in 2008, it makes multiple references to the Cap-and-Trade program, and does not endorse simply subtracting all so-called “capped emissions” from GHG analyses.

1-B1-19
cont.

D. Even If CEQA Guideline 15064.4(b)(3) Applied Here, The RFEIR Ignores Other Requirements in the CEQA Guidelines.

The sections above provide in-depth analysis regarding why subsection (b)(3) of CEQA Guideline 15064.4 does not allow this project to simply disregard the vast majority of its GHG emissions. Even if that subsection did apply, there are other deficiencies in the RFEIR’s GHG analysis that must be addressed.

First, the CEQA Guidelines make clear that an agency cannot focus solely on a single significance consideration while ignoring other evidence or indicators showing potentially significant impacts. For example:

- Section 15064.4(b) states that “[a] lead agency should consider the following factors, *among others*, when assessing the significance of impacts from greenhouse gas emissions on the environment.”
- Section 15064.4(b)(3) provides in pertinent part: “If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding compliance with the adopted regulations or requirements, an EIR must be prepared for the project.”
- Section 15064(h)(3) provides: “If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding that the project complies with the specified plan or mitigation program addressing the cumulative problem, an EIR must be prepared for the project.”

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As discussed in depth above, there is evidence in this record showing significant GHG impacts that were not analyzed or mitigated in the RFEIR. CEQA does not allow these impacts to be overlooked, even if the lead agency believes the project’s GHG emissions would be less than significant under one particular (and here, improper) significance metric.

IV. Criteria Pollutants and Toxic Emissions Must Still Be Considered

In its 2013 and 2015 comment letters, CARB noted its substantial concerns regarding the project’s air pollutant and toxics emissions, and suggested several feasible means of reducing the significant impacts from those emissions. These emissions raise

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²⁷ See CAPCOA, CEQA & Climate Change (January 2008). Available at <http://www.capcoa.org/wp-content/uploads/downloads/2010/05/CAPCOA-White-Paper.pdf>.

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substantial local exposure and environmental justice concerns, as Moreno Valley already suffers from very substantial air pollution exposures. These exposures would likely be worsened without appropriate mitigation measures.²⁸ CARB incorporates the comments from those letters into this letter by reference, and strongly recommends that the RFEIR be revised to incorporate all mitigation recommended in its 2013 and 2015 comment letters.

1-B1-21
cont.

V. Conclusion

While the WLC has enormous GHG implications in itself, the attention this project has received, and the recent legal developments in the emerging *AIR v. Kern County* and *Paulek* line of cases, demonstrate that the City's decisions in the RFEIR have implications beyond the WLC project as well. The City should revise its GHG analysis to accurately account for all GHG emissions that would result from the project, apply those emissions against the applicable significance threshold identified in the RFEIR, and adopt feasible mitigation to ensure those emissions would not cause significant impacts, as required by CEQA.

1-B1-22

Sincerely,



Richard W. Corey
Executive Officer

²⁸ On these issues of acute local exposure, especially to roadway emissions, and the importance of fully addressing these sources of risk, see Ann Carlson, *The Clean Air Act's Blind Spot: Microclimates and Hotspot Pollution* (2018) 65 UCLA L. Rev. 1036.



Air Resources Board



Matthew Rodriguez
Secretary for
Environmental Protection

Mary D. Nichols, Chairman
1001 I Street • P.O. Box 2815
Sacramento, California 95812 • www.arb.ca.gov

Edmund G. Brown Jr.
Governor

April 16, 2013

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CITY OF MORENO VALLEY
Planning Division

Mr. John Terell
Planning Official
Community and Economic Development Department
Planning Division
14177 Frederick Street
Post Office Box 88005
Moreno Valley, California 92552

Dear Mr. Terell:

The California Air Resources Board (ARB) is providing comments regarding the Draft Environmental Impact Report (EIR) for the proposed World Logistics Center (Center) a 3,918 acre project which includes 2,710 acres for logistics warehousing to be developed by the project applicant Highland Fairview. This new facility provides an opportunity to create a state-of-the-art-facility that promotes the use of the cleanest technologies available during both the construction phase and full project build-out.

The Center includes a number of features that attempt to mitigate the impacts of the increase in diesel truck traffic in the region as well as emissions from project construction. These features include designated truck routes to direct trucks away from a nearby residential community, design principles that include special edge treatments to provide a buffer between the Center and an existing residential community, sustainability principles that encourage active transportation, and the requirement for all heavy-duty trucks entering the facility to meet or exceed 2010 emission standards or be powered by an alternative fuel. Nonetheless, the long-term operation of diesel trucks will have a significant impact in the region. Given the magnitude and scope of the Center, these features need to be expanded to include emerging zero-emission technology for the equipment that will serve the facility.

At full project build-out, emissions from diesel trucks will be the largest contributor to cancer risk from the Center. ARB staff believes that technology capable of

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The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website: <http://www.arb.ca.gov>.

California Environmental Protection Agency

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zero-emissions will be available for additional applications, including trucks, in the early years of full project build-out. The final project conditions should support development of this technology and provide for its use to better protect the health of nearby residents from the harmful effects of fine particle pollution (including diesel particulate matter), ensure the emission reductions required to attain air quality standards for all pollutants, and reduce greenhouse gases.

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Background

The proposed Center project area covers 3,918 acres in eastern Moreno Valley (near Highway 60 and roughly 75 miles east of the Ports of Los Angeles and Long Beach). The entire project area is covered by a City of Moreno Valley General Plan Amendment that proposes to redesignate 2,635 acres for logistics development, with the remaining area designated for use as public utility, open space, or utility extensions. Currently, the Center project area is designated as a mix of residential, commercial, business park, and open space land uses.

Within the project area, 2,710 acres are included in a proposed World Logistics Center Specific Plan (Specific Plan). The Specific Plan allows for up to 41.4 million square feet of high-cube logistics (logistics development) including 20,000 square feet of land for logistics support for vehicle fueling, as well as 200,000 square feet of warehouse and related uses (light logistics). The project area will be built-to-suit under the requirements of the Specific Plan, individual development permits, and mitigation required as a result of the EIR. It is proposed that the Center be built in two phases with development build-out years of 2017 for Phase 1 and 2022 for Phase 2. At full project build-out it is expected that on average about 58,300 non-diesel vehicles and 12,700 heavy duty diesel vehicles will operate at the facility daily.

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Existing land use surrounding the proposed Center is the Highland Fairview Corporate Park and State Route 60 to the north; San Jacinto Wildlife Area and Lake Perris State Recreation Area to the south; vacant hillsides and scattered Residential to the east; and Suburban Residential Neighborhood to the west.

The draft EIR presents several analyses of the Center's potential air quality impacts at both a regional and local level. The document presents two scenarios: 1) the "No Project" scenario in which assumes full build-out of the City of Moreno Valley General Plan in 2035 except for the project site, and 2) the "With Project" scenario which assumes the project were built-out in accordance with its proposed phased build-out schedule and then added to the No Project scenario. Both of the scenarios reflect the benefits of adopted ARB and federal regulations that are reducing emissions from the transportation sector over time. The draft EIR also assesses the maximum individual

1-B1-27
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cancer risk (risk) to residents in the neighboring residential community from Center emissions. When risk from the two scenarios is compared, there is an estimated net increase in risk from the Center (with proposed mitigation) of 20.9 chances in a million.

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The draft EIR also presented year-by-year estimated greenhouse gas emissions from Center operations in 2014 through 2022. Even after all feasible mitigation is implemented, Center-related greenhouse gas emissions will exceed the South Coast Air Quality Management District significance threshold of 10,000 million metric tons of carbon dioxide equivalents per year by a wide margin. At full project build out in 2022 (including all mitigation and project design features), total projected greenhouse gas emissions exceed 665,000 million metric tons of carbon dioxide equivalents per year. Impacts related to greenhouse gas emissions and climate change will be significant and unavoidable.

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ARB staff concludes that the proposed Center would increase the health risk in the immediate area and the project should utilize all existing and emerging zero-emission technology and implement land use decisions that minimize diesel exposure to the neighboring community.

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 7

Recommendations

The majority of the localized cancer risk for the Center is attributable to the increase in diesel PM from the construction and long-term operation of the facility. The draft EIR estimates a net increase in diesel PM from the Center's total operational emissions of 24 pounds per day in 2017 and 54 pounds per day in 2022 (total operations include truck yards, local roadways internal to the project site, local surface streets, and main freeway segments in the project area). Consequently, ARB staff recommends actions to support the development, demonstration, and deployment of zero- and near zero-emission technology to reduce localized health risk and regional emissions. We believe that use of these technologies is feasible within the build-out years of the Center, consistent with the California Environmental Quality Act definition:

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"Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. (California Code of Regulations, title 14, section 15364)

The Specific Plan should be modified to require the use of the cleanest technologies within the Center as a project and lease condition accordingly:

↓

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1. From the onset, require that all medium-heavy and heavy-heavy duty trucks, including any alternative fuel vehicles, meet or exceed the 2010 emission standards. As it becomes available, require that trucks traveling between the Center and any ports or railyards within 100 miles use zero/near zero technology.
2. Require, to the greatest extent possible, on-site service vehicles and equipment use zero emission technology and, if zero-emission technology is unavailable, that all vehicles and equipment meet the cleanest applicable emission standard.
3. Require, when available, the use of zero-emission property maintenance equipment.

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In addition, proposed mitigation measure 4.3.6.2A (construction equipment exhaust mitigation) should require the use of electric construction tools, when available and feasible, rather than just provide electric hookups. In addition, require all construction fleets be in compliance and monitor compliance with current air quality regulations for off-road equipment. Proposed mitigation measure 4.3.6.3B (localized construction and operations emission mitigation) should require all tenants be in compliance and monitor compliance with all current air quality regulations for on-road trucks including ARB's Heavy-Duty Greenhouse Gas Regulation and Truck and Bus Regulation. ARB is available to provide assistance in implementing this recommendation.

1-B1-31
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ARB recommends these additional mitigation measures to further minimize impact to the surrounding community:

1. The developer, Highland Fairview, or the City of Moreno Valley provide incentives for tenants to encourage the use of alternative modes of commuting by their employees including, but not limited to, active transportation, public transportation, car pool, and the use of zero-emission vehicles. These same methods of transportation should be strongly encouraged or required for movement within the Center area.
2. Shift the proposed development along the west side of the project area to focus on light logistics or other uses to ensure that any operations of diesel trucks or equipment are at least 1000 feet away from residential occupied or zoned property or other sensitive receptor.
3. Minimize all traffic, beyond just heavy-duty truck traffic, by limiting the use of the "D" Street entrance to only local residents.

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Page 5

4. Increase the required distance from any on-site fueling stations to residential occupied or zoned property or other sensitive receptor from 250 feet to 1,000 feet.

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13

Closing

ARB staff appreciated the opportunity to comment on the draft EIR. Given the scale of the facility and the risk associated with the increase in diesel PM from the Project, it is critical that the draft EIR and Specific Plan incorporate the use of advanced technologies as they become available. We are pleased to provide assistance for successful implementation and deployment of a state-of-the-art facility that serves the region's distribution and air quality needs, while protecting public health. If you have questions, please call me at (916) 324-0062 or contact Mr. Jack Kitowski, Assistant Division Chief, Stationary Source Division at (916) 445-6102 or jkitowsk@arb.ca.gov.

1-B1-36
14

Sincerely,



Cynthia Marvin, Chief
Stationary Source Division

cc: Jack Kitowski
Assistant Division Chief
Stationary Source Division

State Clearinghouse #2012021045



Air Resources Board

Mary D. Nichols, Chairman

1001 I Street • P.O. Box 2815
Sacramento, California 95812 • www.arb.ca.gov



Edmund G. Brown Jr.
Governor

Matthew Rodriguez
Secretary for
Environmental Protection

June 8, 2015

Mr. Mark Gross
City of Moreno Valley
Community Development Department
14177 Frederick Street
PO Box 88005
Moreno Valley, California 92552

Re: World Logistics Center Final Environmental Impact Report
SCH# 2012021045

Dear Mr. Gross:

The Air Resources Board (ARB) has received and reviewed the World Logistics Center (WLC or project) Final Environmental Impact Report (FEIR). This project provides an opportunity to create a state-of-the-art facility that promotes the use of the cleanest technologies available and maximizes efficiency improvements during both the construction and operational phases at full build out in 2030.

ARB reviewed the Draft Environmental Impact Report (DEIR) and provided comments to the City of Moreno Valley (City) in a letter dated April 16, 2013. ARB's comment letter expressed concern over the increase in health risk in the immediate area and the significant and unavoidable air quality and greenhouse gas related impacts caused by the proposed WLC. To address those concerns, ARB recommended actions to support the development, demonstration, and deployment of zero and near-zero emission technology at the WLC.

Unfortunately, ARB finds the FEIR to be legally inadequate and unresponsive to the comments ARB provided in its April 16, 2013 letter regarding the DEIR. ARB appreciates the opportunity to comment on the FEIR, as we have significant concerns with the analysis and mitigation currently outlined in the document. We urge the City to revise and recirculate the EIR, to reflect needed changes in mitigation and to bolster the analysis of potential health risks posed by the project, as required by California Environmental Quality Act (CEQA).

1-B1-37

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website: <http://www.arb.ca.gov>.

California Environmental Protection Agency

Mr. Mark Gross
 June 8, 2015
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In addition, we are aware of the possibility that the City may opt to move the WLC decision to a ballot measure. Given the potential emissions impacts and increase in health risk associated with project construction and operation, we strongly urge CEQA compliance by the City, irrespective of whether or not this project becomes a ballot measure.

1-B1-38

CEQA Background Regarding Responses to Comments and Need for EIR Recirculation

When a significant environmental issue is raised in comments that object to the draft EIR’s analysis, the response must be detailed and must provide a reasoned, good faith analysis. (14 CCR § 15088(c).) The responses to comments on a draft EIR must state reasons for rejecting suggestions and objections concerning significant environmental issues. (*City of Maywood v. Los Angeles Unified Sch. Dist.* (2012) 208 Cal.App.4th 362, 391.) The need for a reasoned, factual response is particularly acute when critical comments have been made by other agencies or by experts. (See *Berkeley Keep Jets Over the Bay Comm. v. Board of Port Comm’rs* (2001) 91 Cal.App.4th 1344, 1367,1371.)

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If significant new information¹ is added to an Environmental Impact Report (EIR)² after notice of public review has occurred, but before final certification of the EIR, the lead agency must issue a new notice and recirculate the EIR for comments and consultation. (Pub. Res. Code § 21092.1; 14 CCR § 15088.5.) “Significant new information” triggering the need for EIR recirculation includes information showing that (1) a new or more severe environmental impact would result from the project, (2) a feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of a project but the project proponent declines to adopt it, or (3) the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (14 CCR § 15088.5(a)(1)-(4).)

A decision not to recirculate an EIR must be supported by substantial evidence in the administrative record. (14 CCR § 15088.5(e).)

¹ “Information” triggering recirculation can include additional data or other information. (14 CCR § 15088.5(a).)

² Note that even if new information is not “added to an EIR,” it can still trigger the need for recirculation. (See, e.g., *Save Our Peninsula Comm. v. Monterey County Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 131 (information on important new mitigation measure, added to record after EIR was completed, should have been included in EIR and circulated for public review and comment given questions raised about its effectiveness and potential impacts).)

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The Response to Comments Fails to Adequately Address ARB's Comments And Does Not Adopt All Feasible Mitigation Measures

In its previous comment letter, ARB recommended "actions to support the development, demonstration, and deployment of zero and near-zero emission technology to reduce localized health risk and regional emissions. We believe that use of these technologies is feasible within the build-out years of the Center." However, the FEIR discussion (in particular, responses to comment B-5-7 and B-5-8 and Master Response 3) regarding zero emission and hybrid electric trucks, vehicles, and equipment does not evaluate the current feasibility of hybrid technologies, or consider the potential for other zero and near-zero emission technologies to be feasible and commercially available, both at the present date and by project build-out in 2030. These technologies are feasible measures that would lessen the WLC's impacts on criteria and greenhouse gas emissions, as well as air toxics and health risk.³

Because these mitigation measures have not been fully adopted for the proposed project, the EIR must be recirculated to incorporate the feasible mitigation measures, or to make a supportable finding that the measures are infeasible. (See 14 CCR § 15088.5(a)(3).)

The information contained in the FEIR regarding feasibility and availability of these technologies relies largely on information from the Port of Long Beach and Los Angeles, most of which is at least two years old, and is but one source of information regarding the feasibility of zero or near-zero emissions vehicles. Today, zero and near-zero emission technologies are commercially available in vehicle and equipment applications typically used at warehouse and distribution centers. Examples include battery electric and fuel cell electric forklifts, battery electric and hybrid electric medium-duty trucks, and plug-in hybrid electric transportation refrigeration units. For more information, please see ARB's Heavy-Duty Technology and Fuels Assessment: Overview, found at http://www.arb.ca.gov/msprog/tech/techreport/ta_overview_v_4_3_2015_final_pdf.pdf.

However, the FEIR discussion (in particular, responses to comment B-5-7 and B-5-8 and Master Response 3) regarding zero emission and hybrid electric trucks, vehicles, and equipment does not adequately evaluate the current feasibility of hybrid technologies, or consider the potential for other zero and near-zero emission technologies to be feasible and commercially available, both at the present date and by project build-out.

³ For the purposes of CEQA, "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. (California Code of Regulations, title 14, section 15364)

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The response to comment B-5-7 states that “the project will support a variety of future users which are unknown at this time so it is not possible to specify or require future users to have zero emission or alternative fuel fleets since most logistics companies use independent contractors and truck drivers rather than maintain their own fleets.” This response is contradictory and insufficient to show that the proposed mitigation measures are infeasible. This is particularly true given the FEIR’s inclusion of several requirements that are applicable to all future tenants; specifically, that all medium and heavy-duty diesel trucks entering logistics sites shall meet or exceed 2010 engine emission standards and all yard trucks shall be powered by electricity, natural gas, propane, or an equivalent non-diesel fuel. If the mitigation measures can restrict access to the facility by truck engine year, there is no reason the mitigation measures cannot similarly restrict access by allowable technologies.

Furthermore, the response to comments rejected the proposed measure of requiring that trucks travelling between the project and any ports or rail yards within 100 miles use zero or near zero emission technology. The reasons for rejecting this measure are also unclear. The response to comments notes that “the Port of Los Angeles is testing various types of zero-emission technology solutions for heavy-duty vehicles,” which the response to comments explains have a “range of travel between 100 miles and 200 miles per charge.” (WLC Response to Comments at 234.) Therefore, it remains unclear why a measure requiring zero or near zero emission trucks for trips within 100 miles of the project would not be feasible, particularly by project build out in 2030.

With regard to onsite service vehicles and equipment, the response to comment B-5-8 further notes that the only included mitigation measure incorporated into the FEIR is prohibiting the use of diesel-powered onsite vehicles and equipment. (WLC Response to Comments at 185.) Again, the reasons for not including mitigation measures for these onsite vehicles remain unclear, since the response to comments does not clearly address why these types of vehicles and equipment are not available in zero or near-zero emission configurations.

The EIR should therefore be revised and recirculated to do the following:

- Fully evaluate mitigation measures for zero and near-zero emission technologies that are commercially available over the course of project development and by full build-out in 2030.
- Require all feasible mitigation measures and support the development, demonstration, and deployment of zero and near-zero emission technologies including requiring zero emission (such as battery electric or fuel cell electric) forklifts and battery electric and hybrid electric medium-duty trucks. These technologies are commercially available today. Additional advancements,

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especially for on-road trucks, are expected in the next three to five years; well before project build-out in 2030.

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Recirculation Is Required Due To Fundamental Inadequacies in the Project’s Health Risk Assessment

Several elements of the health risk assessment section of the FEIR are flawed and inadequate, and require revision and recirculation. As noted above, one of the circumstances triggering the need for EIR recirculation is the addition of information showing that the EIR was fundamentally inadequate and conclusory in nature that meaningful public review and comment were precluded. (14 CCR § 15088.5(a).)

In this case, this recirculation “trigger” is present. The FEIR analysis has been revised since the draft EIR was released to include a new study regarding health impacts from diesel engines, specifically, the Advanced Collaborative Emissions Study (ACES). The FEIR repeatedly references that the ACES study concludes that the “application of new emissions control technology to diesel engines have virtually eliminated the health impacts of diesel exhaust.” First, the use of only one study as the basis for this analysis is not sufficient for the purpose of providing a comprehensive analysis of health risk from project construction and operations. The ACES study is only one of many scientific studies related to health risk and emissions, and therefore, cannot serve as substantial evidence regarding the project impact to human health. In fact, there are many other studies that conclude that diesel particulate matter (PM) is a health hazard. For example, the International Agency for Research on Cancer evaluated the scientific literature as a whole and concluded in 2012 that diesel PM is carcinogenic to humans (class 1). Second, and more importantly, the ACES study’s methodology and findings render it inadequate for inclusion in an environmental document, and cannot serve as substantial evidence supporting a finding that the project will not result in significant cancer risk impacts.⁴ Therefore, use of and reference to the ACES study should be removed throughout the FEIR.⁵

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⁴ An EIR’s CEQA significance findings must be supported by substantial evidence. “Substantial evidence” means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. (14 CCR § 15384(a).) Notably, argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, does not constitute substantial evidence. (*Id.*) In this case, the ACES study should not be used for the purposes of a CEQA analysis, as the exposure levels used in the ACES study were based on diluted NO2 and not particulate matter and therefore actual exposure of particulate matter in this study is unknown. Additionally, during the lab exposure testing, two 2007 Detroit Diesel engines were used, one for a total of 10,090 hours and one for 4031 hours with oil changes at every 250 hours (250 hours = 5,000 miles). Therefore, the study results are based on the best-case scenario and did not account for potential real world wear and tear on diesel engines, poor maintenance, and failure rates of diesel particulate filters.

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Further, the air quality and health risk methodology and models used in the FEIR should be fully explained to ensure the information is accessible and understandable to the public. Specifically, the final document should include the presentation of all cancer and non-cancer health risks at the receptor locations of interest for all emissions from construction and operations at the WLC. The methodology should include the use of all the current Office of Environmental Health Hazard Assessment (OEHHA) approved risk assessment methodology contained in the OEHHA Air Toxics Hot Spots Program Risk Assessment Guidelines: Guidance Manual for the Preparation of Health Risk Assessments (February 2015).

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Furthermore, we recommend the document include an evaluation of the potential health impacts at the major milestones identified for this project (e.g., beginning in 2015, 2022, and 2035) for each receptor of interest and appropriate exposure duration (i.e., resident would be 30 years). This analysis will allow the presentation of potential health impacts at key milestones and how the potential health risk estimates may change as the project is completed and the facility changes to full operation.

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Other ARB Recommendations

Attainment of Federal Ambient Air Quality Standards

The FEIR determines that the proposed project would have significant long term air quality impacts. Specifically, the air quality analysis demonstrates that the project’s operational nitrogen oxides (NOx) emissions far exceed the South Coast Air Quality Management District’s significance threshold of 55 pounds per day. The projected rise in emissions of criteria pollutants may interfere with current strategy to bring the South Coast Air Basin into attainment with federal air quality standards. Given the level of impacts and the location in the South Coast Air Basin, the project needs to be revised to include substantial air quality mitigation by employing effective and feasible zero and near-zero emission technologies.

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Use of Future Baseline in the Health Risk and Air Quality Analysis

Should the City re-circulate the EIR, ARB strongly recommends that the health risk and air quality analysis use both the existing conditions baseline (current conditions) and a future conditions baseline (full build out year, without the project.) This analysis will be useful to the public in understanding the full impacts of the project. *Neighbors for Smart Rail v Exposition Metro Line Construction Authority* (2013) 57 C4th 439 confirmed that the lead agency has discretion on how to best define a baseline under the

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⁵ For more information regarding diesel engine exhaust health impacts, please see http://oehha.ca.gov/public_info/DEEposter.html.

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circumstances of rapidly changing environmental conditions. In this situation, the project site is located in a federal nonattainment area and is adjacent to residences; given the timeframe for full build out, those conditions may be significantly different from current conditions.

Specifically, it is important to analyze whether anticipated regional air quality improvements in future years as the result of State, federal, and local air quality programs, may be reduced or negated as the result of this project. For those reasons, it is important to ensure that the public has a complete understanding of the environmental impacts of the WLC, as compared to both existing conditions and future conditions.

Charging Infrastructure to Support Zero and Near-Zero Emission Technology

Should the City re-circulate the EIR, ARB recommends including mitigation measures that detail more robust plans for charging and fueling infrastructure, which will be necessary to support increased zero emission vehicles and equipment used on the project site. Mitigation measure 4.3.6.3C indicates that one alternative fueling station will be publicly available prior to the issuance of building permits for more than 25 million square feet. This mitigation measure should include a more comprehensive description of the fueling station, including how that fueling station will adequately meet the needs of the zero and near-zero emission equipment used on site.

Furthermore, mitigation measure 4.3.6.4A indicates two electric vehicle-charging stations for automobiles or light duty trucks shall be provided at each building. The project description does not include an estimation of how many buildings are expected to be developed on site. While the FEIR does provide an estimation of the number of daily trips by passenger vehicles and light duty trucks (54,714 and 2,385 daily trips, respectively), mitigation measure 4.3.6.4A and the associated analysis does not contain an estimation of how many of those trips will be made by electric vehicles and does not provide enough information to evaluate whether mitigation measure 4.3.6.4A satisfies potential charging demand. Given Governor's Executive Order B-16-2012 target of reaching 1.5 million zero emission vehicles on California roadways by 2025 and the Governor's goal of cutting petroleum use in half by 2030, mitigation measure 4.3.6.4A should be expanded to ensure that the charging infrastructure required on-site will meet the needs of the growing numbers of zero emission vehicles that will be accessing the project site.

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Statewide Air Quality, Climate and Health Drivers to Reduce Emissions from Freight Hubs

To achieve California’s air quality, climate and sustainability goals, and to reduce the health risk from diesel PM in communities located near freight hubs, the State, including public and private partners, must take effective action to transition to a zero and near-zero emission freight system. This effort is laid out in ARB’s Sustainable Freight Pathways to Zero and Near-Zero Emissions Discussion Draft, which can be found at http://www.arb.ca.gov/gmp/sfti/Sustainable_Freight_Draft_4-3-2015.pdf.

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Closing

Given the scale of the project, the substantial increases in criteria pollutants and greenhouse gas emissions, as well as the potential impact to health risk, it is critical that the FEIR require the use of zero and near-zero emission technologies. Furthermore, the health risk analysis must be revised to ensure that the potential impacts are fully analyzed and disclosed. We would be pleased to provide assistance to help develop the analysis and mitigation measures to ensure that this state-of-the-art facility is able to serve the region’s distribution needs, while protecting air quality and public health, as well as minimizing the project’s contribution to greenhouse gas emissions. Please include ARB on any further notifications related to the WLC.

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If you have questions, please contact me at (916) 322-8382 or freight@arb.ca.gov.

Sincerely,



Heather Arias, Chief
Freight Transport Branch
Transportation and Toxics Division

cc: See next page

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cc: Honorable Mayor and Council Members- City of Moreno Valley
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State Clearinghouse
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RESPONSES TO LETTER 1-B1: California Air Resources Board (CARB)

Response to Comment 1-B1-1: No specific comment on the contents of the 2018 Revised Sections of the Final Environmental Impact Report (2018 RSFEIR) is provided in this comment, and thus no further response is needed (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

Response to Comment 1-B1-2: Refer to Topical Response A, The Use of Cap-and-Trade, for a discussion of why the 2019 Draft Recirculated RSFEIR does not mischaracterize (1) the scope of the Cap-and-Trade Program and how it relates to the state's overall greenhouse gas reduction mandates, or (2) how Cap-and-Trade is relevant to a CEQA analysis.

Response to Comment 1-B1-3: Topical Response A demonstrates that the Project's GHG approach utilizing the Cap-and-Trade Program does not depart or create a "novel exemption" from CEQA's general rule that project-level impacts be properly addressed. The 2019 Draft Recirculated RSFEIR analyzed GHG emissions and their impacts and identified mitigation, either through Cap-and-Trade or through PDFs and mitigation measures to reduce impacts to less than significant. The consideration of only uncapped GHG emissions to determine the significance of those emissions under CEQA was used by the SCAQMD and the SJVAPCD and was validated in *Association of Irrigated Residents v. Kern County Board of Supervisors*, 17 Cal. App. 5th 708 (2017). Topical Response A also demonstrates how the Project's GHG approach complies with CEQA as it contains accurate and legally adequate information upon which decision-makers can make an informed decision. As outlined in Topical Response C, Project Approvals, Litigation and the Effects of Litigation, an appeal of the judgment entered on June 7, 2018, in the CEQA litigation is currently pending in the Court of Appeal, Fourth Appellate District, Division Two, as *Paulek v. Moreno Valley Community Services District*, Case No. E071184. Depending on the result of the Court of Appeal ruling, the amount of GHG required to be mitigated would either be the total uncapped GHG emissions or total project emissions (uncapped and capped). Therefore, new Mitigation Measure 4.7.7.1 shall apply to mitigate to net zero either all uncapped GHG emissions or all Project GHG emissions (capped and uncapped) remaining after the application of other mitigation measures. See Topical Response C, Project Approvals, Litigation, and the Effects of Litigation, for a detailed description of Mitigation Measure 4.7.7.1. Refer to Topical Response B, Scoping Plan, and how the Scoping Plan and Scoping Plan Updates relate to the project and how the WLC complies with, and would not conflict with or impede, the implementation of GHG reduction goals identified in AB 32 and SB 32. Thus, the WLC would not have a significant GHG impact and therefore would not hinder the State's achievement of its long-term GHG goals as further discussed in Topical Response A.

Response to Comment 1-B1-4: The 2019 Draft Recirculated RSFEIR, fully evaluated the potential air quality and health risks of the WLC project to sensitive receptors. Regarding the air pollutant and toxics emissions concerns, 2019 Draft Recirculated RSFEIR, Section 4.3 Air Quality, Section 6.3 Air Quality Cumulative, along with Appendix A, Air Quality, Greenhouse Gas, and Health Risk Assessment Report, have been revised to show the effect of incorporating the applicable data from the revised traffic analysis which includes utilizing trip generation rates from the most recent edition of the Institute of Traffic Engineer's (ITE) Trip Generation Manual and the inclusion of 359 additional projects that would cumulatively contribute to traffic impacts and thus air quality and health risk impacts. Compared to the 2015 Final EIR, construction emissions analyzed in the 2019 Draft Recirculated RSFEIR assume later construction years and therefore

newer, more efficient construction equipment in the California Emissions Estimator Model (CalEEMod), which resulted in reduced construction emissions in the 2019 Draft Recirculated RSFEIR. As reflected in the Traffic Impact Analysis (TIA), use of the most recent edition of the ITE Trip General Manual resulted in fewer average daily trips than previously analyzed in the 2015 Final EIR. A lower trip rate coupled with lower regional vehicle miles travelled (VMT) outlined in the TIA and the later operational year assumption used in CalEEMod resulted in reduced mobile emissions in the 2019 Draft Recirculated RSFEIR when compared to those in the 2015 Final EIR. Additionally, the later operational year resulted in the inclusion of a greater number of electric vehicles in the operational assumptions. Due to these factors, the construction and operational analyses in the 2019 Draft Recirculated RSFEIR entirely replaced the analyses included in the 2018 RSFEIR as well as the 2015 Final EIR, and no further comparison is required. CARB's 2015 letter requested a baseline of a with project scenario and without project scenario. The 2019 Draft Recirculated RSFEIR studied three with project and without project scenarios, the existing baseline (year 2020), an interim year 2025, and full buildout year 2035.

As shown in the 2019 Draft Recirculated RSFEIR, the Long-Term Microscale Emissions (CO Hot Spot) resulted in a less than significant impact. With respect to the Air Quality Plan Management Consistency, Regional and Localized Construction and Operational Emissions, the 2019 Draft Recirculated RSFEIR found the project could impede Air Quality Management Plan (AQMP) attainment due to its construction and operation emissions exceeding the SCAQMD regional and localized significance thresholds. Mitigation Measures 4.3.6.2A, 4.3.6.2B, 4.3.6.2C, 4.3.6.2D, 4.3.6.3A, 4.3.6.3B, 4.3.6.3C, 4.3.6.3D, 4.3.6.3E, 4.3.6.3F, 4.3.6.4A, and 4.3.6.5A in the 2019 Draft Recirculated RSFEIR are required. Implementation of the WLC project would exceed applicable thresholds for all criteria pollutants, with the exception of SO_x. Despite the implementation of mitigation measures, emissions associated with the project cannot be reduced below the applicable thresholds. Construction and operational emissions would be reduced to the extent feasible through implementation of mitigation measures and Project Design Features. Construction emissions would be reduced through implementation of mitigation measures that require the use of Tier 4 construction equipment, reduced idling time, use of non-diesel equipment where feasible, low-VOC paints and cleaning solvents, and dust suppression measures. Operational emissions would be reduced through implementation of mitigation measures that require reduced vehicle idling, use of non-diesel on-site equipment, meeting or exceeding 2010 engine emission standards for all diesel trucks entering the site, electric vehicle charging stations, and prohibition of refrigerated warehouses. In the absence of further feasible mitigation to reduce the project's emission of criteria pollutants to below SCAQMD thresholds, potential air quality impacts resulting from exhaust from construction equipment will remain significant and unavoidable. The mitigation measures adapted included some of the suggestions from CARB's previous letters, but do not include the zero-emission technology requirements. Subsequent environmental review may require that specific technology that will work with future users be required as condition of approval, but a broad requirement that unknown future users use a specific technology is not currently feasible since current zero-emission technology is very limited in medium-duty and heavy-duty trucks.

A health risk assessment (HRA) was conducted in the 2019 Draft Recirculated RSFEIR to allow decision makers to see the cancer-related impacts of the WLC project with the assumption that new technology diesel exhaust (NTDE) causes cancer, contrary to what was found by the Health Effects Institute (HEI) study. The HRA was conducted consistent with South Coast Air Quality Management District (SCAQMD) Health Risk Assessment Guidance and the current 2015 Office of Environmental Health Hazard Assessment (OEHHA) Air Toxics Hot Spots Program Guidance for Preparation of Health Risk

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Assessments. The HRA methodology applied a risk characterization model to the results from an air dispersion model to estimate potential health risks at each sensitive receptor location. A multi-pollutant health risk assessment was conducted for the WLC which included exhaust emissions of particulate matter (PM) and total organic gases (TOG) from diesel and gasoline combustion, as well as toxics associated with fugitive PM from tire wear and brake wear of mobile sources. To be conservative, the HRA relied on EMFAC2017 to determine the breakdown of vehicle types and fuel types and did not consider potential reductions in TACS emissions and health risks from increased penetration of zero emission vehicles. The estimation of cancer risk involves the specification of several parameters including the concentration level of the toxic air contaminants, the rate of inhalation of the toxic, the exposure frequency (number of days per year), the exposure duration in years, the time period over which the exposure takes place, what is termed a slope factor that represents an upper bound on the increased cancer risk from a lifetime exposure to a toxic by ingestion or inhalation and early-in-life age sensitivity factors. The values of these parameters depend on the type of receptor, i.e., sensitive/residential, worker, and student as discussed below. The health risk calculation does not rely on the HEI finding that NTDE does not cause cancer. The principal focus of the HRA was on the potential health impacts to sensitive/residential receptors located within and surrounding the Project site. Table 4.3-5 on page 4.3-26 of the 2019 Draft Recirculated RSFEIR provides the exposure assumptions for the cancer risk.

Table 4.3-26 on page 4.3-67 in the 2019 Draft Recirculated RSFEIR presents the estimated maximum incremental increase in lifetime cancer risks for the 30-year exposure duration that starts from the beginning of Project Construction (Construction + Operation HRA). The results are provided separately for the incremental increase in cancer risk during Project construction, incremental increase in cancer risk during Project Operation, and the total incremental increase in cancer risk prior to the application of mitigation measures. As shown in Table 4.3-26, the Project would exceed the SCAQMD's cancer risk significance threshold of an incremental increase of 10 in a million prior to the application of mitigation and would represent a significant impact. Construction impacts contribute the greatest proportion of the total impact presented in Table 4.3-26. Table 4.3-27 on page 4.3-68 of the 2019 Draft Recirculated RSFEIR shows the estimated cancer risk for the 30-year exposure duration that starts from the beginning of Project full operation in 2035 (Operational HRA). Table 4.3-27 shows that during full Project operation, the total incremental increase in cancer risk is greater than the 10 in a million threshold, prior to mitigation, and would represent a significant impact. Overall, without mitigation and without consideration of the HEI study, the Project is expected to have a significant impact mainly due to diesel PM emissions from construction activities and heavy-duty diesel truck activities. With mitigation incorporated (2019 Draft Recirculated RSFEIR, page 4.3-73 – 4.3-74), the cancer risks are substantially lower. As shown on Table 4.3-28, 2019 Draft Recirculated RSFEIR, page 4.3-27, the estimated cancer risks for the 30-year exposure duration for construction (construction and operation HRA) would not exceed the SCAQMD cancer risk significance threshold after incorporation of mitigation. The large reduction in cancer risk after mitigation is attributable principally to the reduced diesel PM associated with the commitment to Tier 4 construction equipment. Table 4.3-29, 2019 Draft Recirculated RSFEIR shows that the estimated 30-year exposure cancer risk for operation would still exceed the SCAQMD cancer risk significance threshold for sensitive receptors located within and outside the project boundary. Therefore, Mitigation Measure 4.3.5.4.A, the use of MERV 13 filters to impacted residences, was added. The owners of the homes located at 13100 World Logistics Center Parkway (formerly Theodore Street) and 12400 World Logistics Center Parkway (formerly Theodore Street) have accepted the offer for the installation of the MERV 13 filters in writing. (see Attachment R).

This mitigation measure reduced the total incremental cancer risk to less than the SCAQMD significance threshold as shown on Table 4.3-30 (page 4.3-74 of the 2019 Draft Recirculated RSFEIR. Thus, with the implementation of mitigation, any possible risk from the Project to an on-site or offsite receptor, within the study area, was less than significant. As shown above, the cancer risk and chronic and acute non-cancer risk to sensitive receptors in the community would be less than significant with incorporation of mitigation for construction and operation and operation scenarios of the WLC. Thus, additional mitigation measures are not required to be utilized for the Project to address the chronic or acute non-cancer and cancer risk.

Additionally, the HRA study area included 18 miles of freeway segments along SR 60 that extends from north of the project boundary 8.6 miles west, toward the Port of Long Beach, and 9 miles east, toward Palm Springs, and the HRA receptor grids include receptors along the SR 60 freeway. Emissions and associated health impacts from Project activities are highest on-site and decrease with distance from the Project site as demonstrated by the unmitigated cancer risk contours in Figures 4.3-3 and 4.3-4 (2019 Draft Recirculated RSFEIR, Section 4.3.6.5). Based on the results shown in Figure 4.3-3 for the construction plus operation scenario, without mitigation, a section surrounding the project boundary will potentially have an incremental cancer risk exceeding the SCAQMD 10 in one million threshold at an approximate distance of 2.5 miles away from the project boundary. Based on results shown in Figure 4.3-4 for 30 years of the full project operation, without mitigation, a similar section surrounding the project boundary out to an approximate distance of 2.5 miles will potentially have an incremental cancer risk exceeding 10 in one million. Some receptors near the SR-60 could also exceed the 10 in one million cancer risk threshold. Because project-generated vehicle trips and associated impacts decrease with an increase in distance from the project site, the project impact along the regional freeway network outside the HRA's study area will be less than those presented in Figures 4.3-3 and 4.3-4. The project's impact to the regional freeway network will be the greatest during project full operation, as shown in Table 4.3-27 and Tables 4.3-29 and 4.3-30 of the 2019 Draft Recirculated RSFEIR. The maximum cancer risk for receptors along the SR-60 freeway would be near the project boundary and 9.5 in one million with mitigation, which is less than the 10 in one million threshold with mitigation. As shown in Figure 4.3-6, with mitigation, the incremental cancer risk along SR-60 may exceed the 10 in one million threshold promulgated by SCAQMD and be greater than significant for the 30 years of full operation. However, Figure 4.3-6 conservatively portrays each and every receptor as residents. This means that the more-conservative residential assumptions were also applied to worker receptors and may show extraneous exceedances of the 10 in one million threshold. The purpose of Figure 4.3-6 is to identify the 1 in one million isopleth in order to determine whether any schools fall within. The isopleth presented in Figure 4.3-6 does not ultimately apply for significance determination, which differentiates between receptor type. The maximum residential cancer risk for significance determination is presented, with mitigation, in Tables 4.3-29 and 4.3-30. As shown in Figure 4.3-5, with mitigation, the incremental cancer risk along SR-60 will be less than 10 in one million and less than significant for the 30 years of combined construction and operation.

Section 4.3.6.6 Summary of Health Effects of Air Quality Emissions, starting on page 4.3-79 of the 2019 Draft Recirculated RSFEIR, discusses the health effects from ozone and PM_{2.5} resulting from the project. Tables 4.3-32 through 4.3-35 show the annual percent of background health incidence for PM_{2.5} and ozone health effects associated with the unmitigated and mitigated Project, respectively. The "background health incidence" is the actual incidence of health effects (based on available data) as estimated in the local

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population in the absence of additional emissions from the Project.³⁵ When taken into context, the small increase in incidences and the very small percent of the number of background incidences indicate that these health effects are minimal in a developed, urban environment. There are no relevant significance thresholds for health effects from criteria pollutants adopted by state, federal, or local agencies; thus, this information is provided for background understanding regarding the air quality emissions. Table 4.3-32 and Table 4.3-33 show the health effects, morbidity and mortality, of the unmitigated project emissions across the southern California model domain for the Annual Mean PM_{2.5} and Annual Mean Ozone, respectively. Table 4.3-34 and Table 4.3-35 show the health effects, morbidity and mortality, of the mitigated project emissions across the southern California model domain for the Annual Mean PM_{2.5} and Annual Mean Ozone, respectively. Potential PM_{2.5} Mitigated Project related health effects show an increase in asthma-related emergency room visits (0.0047%), asthma-related hospital admissions (0.0028%), all cardiovascular-related hospital admissions (not including myocardial infarctions) (0.00059%), all respiratory-related hospital admissions (0.0015%), mortality (0.0044%), and nonfatal acute myocardial infarction (less 0.0020% for all age groups). Potential Project Mitigated Ozone-related health effects increased respiratory-related hospital admissions (0.00062%), mortality (0.00027%), and asthma-related emergency room visits for any age range (lower than 0.011% for all age groups). Because the health effects from ozone and PM_{2.5} are minimal, in light of background incidences, and health effects from other criteria pollutants would be even smaller, the health effects of those other criteria pollutants were not quantified. Because there are no established thresholds, this data was provided for informational purposes.

As discussed above, additional mitigation measures are not required to be utilized for the Project to address the chronic or acute non-cancer and cancer risk. Air quality impacts would still be significant and unavoidable for criteria pollutants, primarily PM, but as stated previously, this is a programmatic EIR and subsequent discretionary approvals for the WLC Project will be examined in light of the program EIR to determine whether an additional environmental document must be prepared. If no subsequent EIR is required pursuant to Section 15168 of the CEQA Guidelines, the City can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental documents would need to be prepared.³⁶ However, if a subsequent discretionary approval has effects that are not examined in the program EIR, additional environmental documentation will be required per CEQA, which may require additional mitigation if additional significant impacts are found.³⁷ Due to the programmatic nature of the document, it is not known who future users of the WLC will be or what their operational needs will require in terms of equipment. As a result, all current mitigation relies on commercially available technology that meets the most stringent environmental standards. As demonstrated, the 2019 Draft Recirculated RSFEIR fully evaluated the potential air quality and health risks of the WLC project to sensitive receptors along with incorporating feasible mitigation measures to reduce impacts in Section 4.3.6.5, pages 4.3-63 to 4.3-82. In regard to not modifying the Project due to serious health concerns because of inadequate mitigation measures, CEQA Guidelines Section 15132(d) requires that a Final EIR consist of the responses of the Lead Agency to significant environmental points raised in the review and consultation process. Per CEQA requirements, all comments in CARB's 2013 Comment Letter on the 2013 Draft EIR and their 2015 Comment Letter on the 2015 Final EIR were addressed and are part of the public record. CARB's 2013

³⁵ Background health statistics were obtained from data included in the BenMAP model, and the sources are referenced in the BenMAP manual (USEPA, 2018). For example, EPA obtained mortality rates from the Centers for Disease Control (CDC) WONDER database, and hospital admissions rates from the Healthcare Cost and Utilization Project (HCUP).

³⁶ State CEQA Guidelines §15168(c)(2)

³⁷ State CEQA Guidelines §15168(c)(1)

Comment Letter stated that the WLC would increase the health risk in the area and requested the use of all available zero-emission technology to reduce the risk and requested the implementation of mitigation measures. CARB's 2015 letter reiterated health risk concerns and the zero-emission technology mitigation. In response to these comments, the mitigation measures that CARB previously requested in its their letters have been addressed in a table that was included in the response to comments for the 2013 letter in which the table provides a response of (1) included in the Project mitigation, (2) partially included, or (3) not included and the reason for the decision.

The status of zero-emission technology was addressed in the responses to both of CARB's previous letters. Essentially, as CARB's ongoing multi-year planning (not implementation) effort on the Sustainable Freight Plan to lay out pathways to get to a zero-emission freight sector demonstrates, there are no commercially available technology zero-emission on-road heavy-duty trucks available and as CARB's own progress report on heavy-duty technology and fuels assessment states zero- and non-zero emission technologies are still at the demonstration phase.³⁸ In 2016, in response to Executive Order B-32-15, the California Department of Transportation, CARB, the California Energy Commission and the Governor's Office of Business and Economic Development published the California Sustainable Freight Action Plan ("CSFAP"). The CSFAP was the beginning of a comprehensive effort by the State of California to transition "to a more efficient, more economically competitive, and less polluting freight system." (CSFAP, p. 1.) The CSFAP discussed policies and objectives in support of transitioning to near-zero and zero-emission freight vehicles, including heavy-duty trucks, but CARB recognized at that time, that no commercially available technology zero-emission on-road heavy-duty trucks were available and that zero- and near-zero emission technologies are still at the demonstration phase.³⁹ Since then, some zero emission trucks have become available for limited applications, but the Class 7 and Class 8 heavy-duty trucks are still not commercially available.⁴⁰ Recognizing the challenges in transitioning to zero-emission heavy duty trucks, CARB proposed in late 2019, the Advanced Clean Truck Regulation, which proposes to require manufacturers to make a certain percentage of sales of zero-emission trucks and buses. CARB received numerous comments on the proposed Regulation, and it has not been formally adopted, but CARB's Staff Report in support of the Regulation provided a detailed evaluation of the market in the Staff Report, including Appendix E, Zero Emission Truck Market Assessment. The Staff Report notes the importance of heavy duty trucks: "Heavy-duty trucks operate through California in numerous vocations and are an essential part of the state's economy." (Staff Report, p. I-4.) The Staff Report outlines the challenges in ZEV market, particularly with respect to heavy-duty trucks, including the incremental cost of ZEVs, infrastructure investment cost and availability, matching vehicle capability with fleet need and diverging standards. (Staff Report, pp. I-14 – I-17.) The Regulation sets forth proposed percentage sales for Class 7-8 Tractor Group at 3% by 2024. CARB's evaluation of the market and its proposed goal of 3% for 2024 demonstrates that Class 7-8 heavy-duty trucks are not currently commercial availability.

³⁸ California Air Resources Board, 2015. Draft Heavy-Duty Technology And Fuels Assessment: Overview, April. Available online: https://www.arb.ca.gov/msprog/tech/techreport/ta_overview_v_4_3_2015_final_pdf.pdf?_ga=2.207832726.540754214.1560412530-179310568.1519193875.

³⁹ California Air Resources Board, 2015. Draft Heavy-Duty Technology And Fuels Assessment: Overview, April. Available online: https://www.arb.ca.gov/msprog/tech/techreport/ta_overview_v_4_3_2015_final_pdf.pdf?_ga=2.207832726.540754214.1560412530-179310568.1519193875.

⁴⁰ California Air Resources Board, 2019. Advanced Clean Trucks Fact Sheet, July. Available online: <https://ww2.arb.ca.gov/resources/fact-sheets/advanced-clean-trucks-fact-sheet>

According to a Feasibility Assessment for Drayage Trucks for the San Pedro Bay Ports Clean Air Action Plan, zero-emission and near zero-emission on-road haul trucks availability, as of late-2018, includes one zero-emission and one near zero-emission fuel-technology platform sold by Original Equipment Manufacturers (OEMs) in commercially available Class 8 trucks suitable for drayage.⁴¹ With the development of zero-emission and near zero-emission platforms, infrastructure has emerged as one of the most significant near-term barriers to wide-scale adoption of these technologies due to standardization difficulties and the ability to develop the full charging infrastructure required by 2021. Additionally, according to the Feasibility Assessment, one OEM plans to begin offering a zero-emission battery-electric Class 8 truck by 2021, the other OEMs have similar or later timeframes. Furthermore, the International Council on Clean Transportation (ICCT) in a November 2017 white paper titled “Transitioning to Zero-Emission Heavy-Duty Freight Vehicles”⁴² states that there are “prevailing barriers to widespread viability” of plug-in electric heavy-duty freight vehicles, primarily limited electric range, high vehicle cost, long recharging time, and tradeoffs on cargo weight and/or volume. This report does not cite drayage trucking (Class 8) as a promising segment for widespread commercialization, further proof that the zero-emission and near zero-emission truck fleet won’t be viable during construction of the Project or possibly be readily available enough for use during operation of the Project. CARB’s latest working group meeting Third Work Group for the FY 2019-20 Heavy-Duty Three-Year Investment Strategy on May 8, 2019 shows that the Zero Emission Vehicle technology readiness for medium- and heavy-duty trucks is primarily in the demonstration phase in 2019 which includes technology development and early stage demonstrations.⁴³ As of late last year, CARB is funding a couple of pilot programs for electric truck fleets.⁴⁴ BYD (Build Your Dreams) and Anheuser-Busch announced that Anheuser-Busch will pilot a scale project by deploying 21 BYD battery electric trucks at four Anheuser-Busch distribution facilities across southern California: Sylmar, Riverside, Pomona, and Carson.⁴⁵ Additionally, another pilot program includes replacing PepsiCo’s existing diesel powered freight equipment with fifteen Tesla Semi electric trucks with “zero-emission (ZE) and near-zero emission (NZE)” trucks and equipment at its Frito-Lay Modesto, California, manufacturing site by 2021.⁴⁶ See also recent article describing emerging state of technology for electric heavy-duty trucks and other pilot programs (<https://www.nytimes.com/2020/03/19/business/electric-semi-trucks-big-rigs.html>). Furthermore, since the Project will support a variety of future users which are unknown at this time, it is not possible to specify or require future users to have zero emission or alternative fuel fleets since most logistics companies use independent contractors and truck drivers rather than maintain their own fleets. Nonetheless, the Project has committed under various mitigation measures to require the most stringent levels of emission mitigation under existing emission control regulations.

⁴¹ Port of Long Beach & The Port of Los Angeles, 2019. San Pedro Bay Ports Clean Air Action Plan, 2018 Feasibility Assessment for Drayage Trucks, April. Available online: <http://www.cleanairactionplan.org/documents/final-drayage-truck-feasibility-assessment.pdf/>.

⁴² Moultak, M., Lutsey, N., Hall, D., “Transitioning to Zero-Emission Heavy-Duty Freight Vehicles,” The International Council on Clean Transportation (ICCT), September 26, 2017, Available online: <https://www.theicct.org/publications/transitioning-zero-emission-heavy-duty-freightvehicles>.

⁴³ California Air Resources Board, 2019. Third Work Group for the FY 2019-20 Heavy-Duty Three-Year Investment Strategy, May 8. Available online: https://ww2.arb.ca.gov/sites/default/files/2019-05/050819_3yp_wg3_handout.pdf

⁴⁴ California Air Resources Board, 2019. CARB Approves \$533 million funding plan for clean transportation investments, October 25, 2019. Available online: <https://ww2.arb.ca.gov/news/carb-approves-533-million-funding-plan-clean-transportation-investments>

⁴⁵ Build Your Dreams, 2019. Anheuser-Busch Completes First Zero-Emission Beverage Distribution, November 21. Available online: <https://en.byd.com/news-posts/anheuser-busch-completes-first-zero-emission-beer-delivery/>

⁴⁶ Electrek, 2019. 15 Tesla Semi electric trucks to replace diesel trucks at Pepsi facility, October 4. Available online: <https://electrek.co/2019/10/04/tesla-semi-electric-trucks-replace-diesel-trucks-pepsi/>

Along the lines of implementing zero emission technologies mitigation that CARB asked for in their previous letters, in Judge Sharon Waters' Ruling on Peremptory Writ of Mandate, RIC1510967, February, 8, 2018, *Paulek, et al. v. City of Moreno Valley* (See Topical Comment C for more information on the Writ), the WLC was tasked with providing a comparison of feasible, cost-effective renewable energy technologies in the Energy Impact analysis, which could potentially result in lower GHG project emissions. The 2019 Draft Recirculated RSFEIR presented these findings in Appendix E, Renewable Energy Technical Report (RETR). An engineering and financial analysis of the full range of sustainable energy options potentially available at the site was conducted. The analysis evaluated building energy efficiency opportunities to reduce the energy requirements to the maximum extent practicable. Projected electric vehicle (EV) loads were added to building loads to characterize overall electric loads for the project. A full range of renewable energy supply options were evaluated to meet the combined building and EV loads. Since this project falls within Moreno Valley Utilities (MVU's) service territory; therefore, it is MVU's responsibility for securing additional power from Southern California Edison (SCE). The Project's electrical demand is based on typical high-cube warehouse energy demands, defined using hourly energy simulation modeling software (see full analysis in Appendix E of the 2019 Draft Recirculated RSFEIR). The modeling software was validated against actual historical data and modified to reflect compliance with the California Title 24 building energy standards and then further modified to incorporate the Energy Conservation Measures (ECMs) to which the Project has committed in the WLC Specific Plan. The available ECMs would provide an approximately 17 percent improvement in energy performance over Title 24 requirements at Phase 1 and an approximately 16 percent improvement at full buildout (page 4.17-21 of the 2019 Draft Recirculated RSFEIR). The analysis also evaluated the benefits of various types of sustainable energy supply for this the Project. The results of the WLC supply-side analysis indicate that the Project is required to provide renewable energy through solar panels that will be installed on the rooftops of buildings to offset the power requirements within the project (MM 4.16.4.6.1C of the 2019 Draft Recirculated RSFEIR). A detailed solar analysis is included in Appendix E of the 2019 Draft Recirculated RSFEIR. Due to the limitations that current MVU rules impose on solar PV capacity (see Topical Response E), Phase 1 buildings can each feature 300 kilowatts (kW) of photovoltaic (PV) (one-half the 600-kW minimum daytime electric load) and Phase 2 buildings can each feature 800 kW. At these PV system sizes, a total of 4.5 megawatts (MW) of PV capacity would exist at WLC at the end of Phase 1 and a total of 14.1 MW of PV capacity would exist at WLC at full build-out. The use of PV in each phase would cover both the peak electric load generated by the offices and the annual energy usage of the offices, thereby achieving effective near zero-emission status for the offices. Due to the highly speculative nature of the EV penetration in Phase 2, project mitigation measures require the Project to upgrade the structural integrity of the roof on each building to accommodate the possibility of future solar installation over the entire roof. At a minimum, the Project will install enough solar power in both phases to meet energy needs of the Project's office spaces. Additional feasible Project Design Features to reduce energy usage were added as part of the Project in 2019 Draft Recirculated RSFEIR, Section 4.17, Energy, 4.17.5 Project Design Features. The 2019 Draft Recirculated RSFEIR includes mitigation measures for Air Quality, Greenhouse Gases, and Energy to reduce impacts to the extent possible. Some of the mitigation measures requested by CARB in their previous letters, such as zero- or near zero-emission technology and solar power to provide all the power to the Project are not feasible due to regulatory requirements and moratoriums or not commercially available at this time as discussed in the RETR (Appendix E of the 2019 Draft Recirculated RSFEIR). Thus, WLC will incorporate the Project Design Features outlined in the 2019 Draft Recirculated RSFEIR to reduce emissions from the Project that are in support of the zero emission technology mitigation measures requested by CARB, which may become available at some undetermined future date.

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Response to Comment 1-B1-5: In response to addressing criteria and toxics issues previously raised, the City has fully addressed the criteria and toxics issues in the 2019 Draft Recirculated RSFEIR, as discussed above in Response to Comment 1-B1-4. The City does not need to recirculate the 2018 RSFEIR or revise its GHG analysis to account for all GHG emissions. Refer to Topical Response A, The Use of Cap-and-Trade, and Response to Comment 1-B1-3 above, regarding the 2015 Final EIR and the 2019 Draft Recirculated RSFEIR approach to 1) utilizing the Cap-and-Trade Program and how it relates to the state's overall greenhouse gas reduction mandates, and 2) how Cap-and-Trade is relevant to the Projects CEQA analysis.

Response to Comment 1-B1-6: Refer to Topical Response A, The Use of Cap-and-Trade, for a discussion of why the Cap-and-Trade Program applies to the Project, why the GHG analysis is accurate and complies with CEQA and is not a departure, and why *Paulek v. City of Moreno Valley* validates the GHG analysis. Response to Comment 1-B1-4, above, discusses the Project-based emission reduction strategies that CARB outlined in previous letters, and the responses to CARB's 2013 letter are addressed below in Response to Comments 1-B1-23 to 1-B1-36 and CARB's 2015 letter are addressed in Response to Comments 1-B1-37 through 1-B1-47.

Response to Comment 1-B1-7: Topical Response A, The Use of Cap-and-Trade, demonstrates that the Project's GHG approach utilizing the Cap-and-Trade Program does not depart or create a "novel exemption" from CEQA's general rule that project-level impacts be properly addressed. It discusses how the Cap-and-Trade Program places a cap on certain sectors (e.g. electricity generation, petroleum refining, and cement production) which provides regulatory certainty of reduced future emissions since regulated entities will not be permitted to emit GHG emissions that exceed the cap. The Project emissions sources covered by the Cap-and-Trade Program include fuel combustion sources (motor vehicle and truck exhaust, construction exhaust, natural gas, onsite equipment) and electricity generation. The Project emissions sources not covered by the Cap-and-Trade Program include waste decomposition in landfills, land use change, and refrigerant leakage. For further discussion refer to Topical Response A, The Use of Cap-and-Trade, and Response to Comment 1-B1-3 above, regarding the 2015 Final EIR and 2019 Draft Recirculated RSFEIR approach to 1) utilizing the Cap-and-Trade Program and how it relates to the state's overall greenhouse gas reduction mandates, and 2) how Cap-and-Trade is relevant to the Projects CEQA analysis.

CARB states that each version of CARB's Scoping Plan, including the recent 2017 Scoping Plan Update, explains, on the basis of extensive modeling and analysis, the Cap-and-Trade Program is not intended to address project-level impacts and does not do so. Refer to Topical Response B for a discussion of how the project complies with the Scoping Plan and Scoping Plan Updates. However, with respect to project-level GHG reduction actions and thresholds for individual development projects, the 2017 Scoping Plan Update indicates, beyond plan-level goals and actions, local governments can also support climate action when considering discretionary approvals and entitlements of individual projects through CEQA. Absent conformity with an adequate geographically-specific GHG reduction plan, as described in the regulatory section of Section 4.7 of the 2019 Draft Recirculated RSFEIR, CARB recommends that projects incorporate design features and GHG reduction measures, to the degree feasible, to minimize GHG emissions. Achieving no net additional increase in GHG emissions, resulting in no contribution to GHG impacts, is an appropriate overall objective for new development⁴⁷. As discussed above, the Project incorporates project

⁴⁷ California Air Resources Board, 2017. California's 2017 Climate Change Scoping Plan: The strategy for achieving California's 2030 greenhouse gas target. Page 101 Available online at: https://www.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf.

design features and construction and operational mitigation measures to reduce GHG emissions and energy demand, including LEED certification for buildings (Mitigation Measures 4.7.6.1B and 4.7.6.1C of the 2019 Draft Recirculated RSFEIR) and attempts to achieve as close to zero net uncapped emissions for the project with incorporation of solar (see discussion above in Response to Comment 1-B1-6) to meet CARB's requirements of the 2017 Update to the Scoping Plan. As outlined in Topical Response C, Project Approvals, Litigation, and the Effects of Litigation, an appeal of the judgment entered on June 7, 2018, in the CEQA litigation is currently pending in the Court of Appeal, Fourth Appellate District, Division Two, as *Paulek v. Moreno Valley Community Services District*, Case No. E071184. Depending on the result of the Court of Appeal ruling, the amount of GHG required to be mitigated would either be the total uncapped GHG emissions or total project emissions (uncapped and capped). Therefore, new Mitigation Measure 4.7.7.1 shall apply to mitigate to net zero either all uncapped GHG emissions or all Project GHG emissions (capped and uncapped) remaining after the application of other mitigation measures. See Topical Response C, Project Approvals, Litigation, and the Effects of Litigation, for a detailed description of Mitigation Measure 4.7.7.1. Refer to Topical Response B, Scoping Plan, and how the Scoping Plan and Scoping Plan Updates relate to the project and how the WLC complies with, and would not conflict with or impede, the implementation of GHG reduction goals identified in AB 32 and SB 32. Thus, the WLC would not have a significant GHG impact and therefore would not hinder the State's achievement of its long-term GHG goals as further discussed in Topical Responses A and B.

Response to Comment 1-B1-8: As stated in the comment, Table 4.7-11: Project Compliance with Federal/State Greenhouse Gas Reduction Strategies discusses the project's compliance with federal and state policies. The Regional Transportation Plan (RTP) was found to not be applicable to the Project because specific regional emission targets for transportation emissions do not directly apply to the WLC project; regional GHG reduction target development is outside the scope of the Project. Further, the Sustainable Communities Strategy (SCS), an element of the RTP which integrates land use and transportation strategies pursuant to SB 375, and SB 375 states: "Nothing in a sustainable community's strategy shall be interpreted as superseding the exercise of the land use authority of cities and counties within the region. Nothing in this section shall require a city's or county's land use policies and regulations, including its general plan, to be consistent with the regional transportation plan or an alternative planning strategy." (Cal. Gov't Code Section 65080(b)(2)(K)). The Project will comply with any plans developed by the City of Moreno Valley.

The RTP was discussed in Section 4.7 of the 2019 Draft Recirculated RSFEIR, as follows. Southern California Association of Governments (SCAG) Sustainable Communities Strategy (SCS) within the RTP demonstrates the region's ability to attain and exceed the GHG emission reduction targets set by the CARB. The SCS outlines the plan for integrating the transportation network and related strategies with an overall land use pattern that responds to projected growth, housing needs, changing demographics, and transportation demands. The regional vision of the SCS maximizes current voluntary local efforts that support the goals of SB 375, as evidenced by several Compass Blueprint Demonstration Projects and various county transportation improvements. The SCS focuses the majority of new housing and job growth such as that provided by the Project, in high-quality transit areas and other opportunity areas in existing main streets, downtowns, and commercial corridors, resulting in an improved jobs-housing balance and more opportunity for transit-oriented development. This overall land use development pattern supports and complements the proposed transportation network, which emphasizes system preservation, active transportation, and transportation demand management measures. The RTP/SCS exceeds its greenhouse

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gas emission-reduction targets set by the CARB by achieving an 8 percent reduction by 2020, an 18 percent reduction by 2035, and a 21 percent reduction by 2040 compared to the 2005 level on a per capita basis. The RTP also includes an appendix on Goods Movement, which describes a process to develop and deploy needed technologies for improving efficiency of goods movement, along with key action steps for public sector agencies to help move the region to that objective. The 2016 RTP/SCS identifies near zero- and zero-emission technologies as a priority and establishes the regional path forward towards improving the goods movement system. As shown, the RTP was discussed and the Project's compliance with the RTP was analyzed in the 2019 Draft Recirculated RSFEIR. See Response to Comments 1-B1-3, 1-B1-5 and 1-B1-7 above for a discussion on zero- and near zero-emission technologies as mitigation measures and the how the project is including emissions reduction mitigation measures and project design features.

A comparison of the WLC project design features and mitigation measures with the 2016 Regional Transportation Plan (RTP) / Sustainable Communities Strategy (SCS) is presented below. The WLC supports many of the RTP/SCS major themes that will allow them to achieve their vision. The alternative fuels, solar, and electric equipment project requirements are in direct response to your CARB's comment letters to introduce zero or near zero technologies.

- **Integrating strategies for land use and transportation:** The WLC supports this concept by bringing jobs to a job poor city, which will allow the residents to live closer to where they work and, provide greater opportunities for biking and walking. The Project will also provide ridesharing information to construction employees, provide local bus service, add bicycle lanes and facilities, construct safe pedestrian connections between on-site uses and ridesharing for commute trip reduction, allow for more sustainable growth, and results in a reduction of VMT.
- **Striving for Sustainability:** The WLC supports this theme by using resources efficiently by being one of the most sustainable developments of its kind. The WLC's innovative environmental design, water and energy conservation strategies as well as its utilization of the cleanest diesel technology available, solar, and alternative fuels will ensure the utmost in environmental compatibility. The Project will provide ridesharing information to construction employees, provide local bus service, add bicycle lanes and facilities, construct safe pedestrian connections between on-site uses, and ridesharing for commute trip reduction.
- **Leveraging Technology:** The WLC is committed to providing an alternative fueling station that will be open during the first phase of development to serve trucks that use liquefied or compressed natural gas as vehicle fuel. Future development will comply with vehicle fleet fuel requirements at the time of development approval. All operational equipment will utilize non-diesel technologies and will use electric when available. The following Energy Conservation Measures (ECMs), as outlined in Figure 10 of the RETR, include the following categories which will exceed minimal compliance with current Title 24 requirements by 12 -16 percent depending on building characteristics: (1) envelope, (2) exterior loads, (3) internal equipment loads, (4) lighting, (5) daylighting, and (6) HVAC. The WLC is committed to providing renewable energy through solar panels that will be installed on the rooftops of buildings to help offset the power requirements within the Project. The use of PV in each phase would cover both the peak electric load generated by the offices and the annual energy usage of the offices, thereby achieving effective near zero-emission status for the offices. The WLC is committed to upgrading the structural integrity of the roof on each building to accommodate the possibility of future solar installation over the entire roof.

- **Supporting commerce, economic growth and opportunity:** The WLC supports this theme by providing jobs closer to existing housing in a city that has an extremely low job to housing ratio which will reduce VMT and provide revenue to the City. The Project will also build high-tech logistics facilities that will promote the smooth flow of goods with a goal of utilizing the latest technology to reduce emissions and provide easier access to jobs. Keeping people working close to home will allow them to have a better work life environment and thrive. The Project will provide ridesharing information to employees, provide local bus service, add bicycle lanes and facilities, construct safe pedestrian connections between on-site uses, and ridesharing for commute trip reduction.

Response to Comment 1-B1-9: The 2019 Draft Recirculated RSFEIR’s GHG methodology follows a precedent, refer to Topical Response A. As stated in Topical Response A, this approach is in accordance with Mitigated Negative Declarations for other projects that were approved by the SCAQMD and a recently adopted policy by the SJVAPCD “*CEQA Determination of Significance for Project’s Subject to CARB’s Cap-and-Trade Regulation*”⁴⁸ which acknowledges that “combustion of fossil fuels including transportation fuels used in California (on- and off-road including locomotives), not directly covered at large sources, are subject to Cap-and-Trade requirements, with compliance obligations starting in 2015.” The 2019 Draft Recirculated RSFEIR does not “exempt” the GHG emissions from evaluation; instead, it demonstrates how the Cap-and-Trade Program functions to reduce and mitigate GHG emissions from fuels combustion and electricity generation. The Cap-and-Trade Program ensures that GHG emissions from fuels combustion are reduced State-wide as 99% of fuel suppliers are included in the program and the GHG cap is always decreasing. Further, the consideration of using only Project uncapped GHG emissions to determine the significance of those emissions under CEQA, as approved by the SCAQMD and the SJVAPCD, and was validated in *Association of Irrigated Residents v. Kern County Board of Supervisors*, 17 Cal. App. 5th 708 (2017). Thus, the GHG analysis in the 2019 Draft Recirculated RSFEIR properly relied on compliance with California’s Cap-and-Trade Program to conclude that the Project’s GHG emissions would be less than significant with implementation of mitigation. As outlined in Topical Response C, Project Approvals, Litigation, and the Effects of Litigation, an appeal of the judgment entered on June 7, 2018, in the CEQA litigation is currently pending in the Court of Appeal, Fourth Appellate District, Division Two, as *Paulek v. Moreno Valley Community Services District*, Case No. E071184. Depending on the result of the Court of Appeal ruling, the amount of GHG required to be mitigated would either be the total uncapped GHG emissions or total project emissions (uncapped and capped). Therefore, new Mitigation Measure 4.7.7.1 shall apply to mitigate to net zero either all uncapped GHG emissions or all Project GHG emissions (capped and uncapped) remaining after the application of other mitigation measures. See Topical Response C, Project Approvals, Litigation, and the Effects of Litigation, for a detailed description of Mitigation Measure 4.7.7.1. Refer to Topical Response B, Scoping Plan, and how the Scoping Plan and Scoping Plan Updates relate to the project and how the WLC complies with, and would not conflict with or impede, the implementation of GHG reduction goals identified in AB 32 and SB 32. Thus, the WLC would not have a significant GHG impact, and therefore, would not hinder the State’s achievement of its long-term GHG goals as further discussed in Topical Response A.

CARB’s comment that massive logistics centers not doing anything to address and mitigate GHG emissions because they are already taken care of by Cap-and-Trade is simply not true. A master planned logistics center is better developed and evaluated than a piecemealed logistics center or development would be.

⁴⁸ Policy 2025-2, June 25,2014. Available Online: https://www.valleyair.org/policies_per/Policies/APR-2025.pdf

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Additionally, as described in Topical Responses A and C, all GHG emissions from the Project have been accounted for, analyzed, and mitigated to less than significant. Capped Project GHG emissions were mitigated through Cap-and-Trade and uncapped Project GHG emissions were mitigated through Project mitigation measures. As outlined in Topical Response C, Project Approvals, Litigation, and the Effects of Litigation, an appeal of the judgment entered on June 7, 2018, in the CEQA litigation is currently pending in the Court of Appeal, Fourth Appellate District, Division Two, as *Paulek v. Moreno Valley Community Services District*, Case No. E071184. Depending on the result of the Court of Appeal ruling, the amount of GHG required to be mitigated would either be the total uncapped GHG emissions or total project emissions (uncapped and capped). Therefore, new Mitigation Measure 4.7.7.1 shall apply to mitigate to net zero either all uncapped GHG emissions or all Project GHG emissions (capped and uncapped) remaining after the application of other mitigation measures. See Topical Response C, Project Approvals, Litigation, and the Effects of Litigation, for a detailed description of Mitigation Measure 4.7.7.1. As demonstrated, there would be no significant impacts associated with the Project, and therefore would not hinder the State's achievement of its long-term GHG goals.

Response to Comment 1-B1-10: As discussed in Topical Response A, The Use of Cap-and-Trade, in CARB's responses to comments on its October, 2011 Final Statement of Reasons (FSOR) for the Cap-and-Trade Project⁴⁹ CARB made it clear that it always intended that GHG emissions were to be handled solely at the refinery/generator level which means that the cost of dealing with GHG emissions were to be incurred initially at the refinery/generator level and then were to be passed down to the end consumer as a price signal meant to encourage the consumer to use less fuel and less electricity. Topical Response A provides more examples that support this statement from CARB, but the few provided below are particularly telling.

- "Placing a price signal on transportation fuels will reduce the consumption of transportation fuel; driving investment in newer, more fuel-efficient vehicles. Any GHG reductions resulting from federal regulations or the LCFS at covered entities would be counted as emission reductions under the Cap-and-Trade Program." (FSOR at page 178)
- "We agree that Cap-and-Trade is not well-suited to address emissions from millions of distributed point sources such as automobiles. However, our approach is not to apply Cap-and-Trade to the end user (vehicle drivers), but to the fuel suppliers, who will be responsible for fuel that is combusted. By taking this "upstream" approach in the regulation, we avoid the challenges of applying it to millions of "downstream" users." (FSOR at page 178)
- "For the price signal from the Cap-and-Trade Program to be effective, the cost of GHG emissions must be passed through to end users." (FSOR at page 1431)

The Legislature has made CARB the only entity with the authority to deal with vehicular emissions. According to the Health and Safety Code §39002, "Local and regional authorities have the primary responsibility for control of air pollution from all sources other than vehicular sources. The control of vehicular sources, except as otherwise provided in this division, shall be the responsibility of the State Air Resources board."

⁴⁹ California Air Resources Board, 2011. California's Cap-and-Trade Program Final Statement of Reasons, October. Available online: <https://www.arb.ca.gov/regact/2010/capandtrade10/fsor.pdf>

Additionally, AB 32, which authorized CARB to come up with the Cap-and-Trade Program, repeatedly stated that CARB was to adopt rules and regulations that resulted in “cost-effective greenhouse gas emission reductions.”⁵⁰ All of this was done in such a manner as to “minimize costs and maximize the benefits to California.”⁵¹ CARB’s Final Statement of Reasons for adopting the Cap-and-Trade Program repeatedly stated that its choice was the most cost effective. The comment and response on page 177 of the Final Statement of Reasons are a good example:

- **Final Statement of Reasons Comment B-60:** The Cap-and-Trade Program should not be extended to transportation consumer emissions as provisions of other federal and State programs address these. Additionally, fuel providers should not be responsible for these emissions that are directly consumer related. Transportation emissions should be considered only if a formal review determines that this action is necessary, and implementation would be more cost-effective than other policy approaches. The proposed regulations include GHG emissions from consumer use of transportation fuels under the emissions cap starting in 2015 (section 95812(d)(1)). This results in a clear overlay to the existing federal Renewable Fuels Standard, the California Low Carbon Fuel Standard (LCFS), and State/federal vehicle GHG performance standards. Transportation GHG emissions are substantially addressed through current federal and State programs (i.e. federal fuel economy programs, federal renewables programs and State LCFS programs). Cap-and-Trade is not well-suited to address emissions from millions of distributed point sources such as automobiles. Inclusion of transportation fuel emissions within the Cap-and-Trade Program will add a volatile carbon cost to the price consumers already pay for GHG control measures such as LCFS and vehicle efficiency standards. In addition, fuels under the cap will increase administrative complexity and the market price of emission allowances for all the other capped sectors. Specifically, a carbon cost of \$20 per ton would add a fuel cost burden in excess of \$3 billion per year to the California economy. In addition to individual consumers, much of this cost will fall on businesses and municipalities which will impact small business owners, truck drivers, city bus and trash services, construction companies, rail services, and others. This carbon cost, along with the cost of compliance for LCFS and federal programs, will be embedded into the costs of all goods and services that rely on transportation. CARB should not extend the Cap-and-Trade program to consumer emissions from use of transportation fuels. Instead, CARB should allow existing federal/State programs to address GHG emissions in this sector. (CONOCO)
- **Final Statement of Reasons Response to Comment B-60:** We believe that Cap-and-Trade’s market-based approach is the most cost-effective and practical approach to lowering emissions throughout most of California’s economy. There are numerous sectors that are covered by direct regulation and the Cap-and-Trade regulation. For example, the electricity sector is subject to the Renewable Portfolio Standard as well as the Cap-and-Trade regulation. We believe that the Cap-and-Trade-program is complementary to existing renewable and LCFS standards and to other State or federal laws.

Thus, as outlined above, CARB has made it clear that the Cap-and-Trade Program market-based approach is the most cost-effective and practical approach to lower emissions. GHG emissions resulting from the WLC Project will be primarily from VMTs associated with truck and auto trips to and from the facility. The gas purchased to fuel the truck and auto trips already includes the fees, at the pump, which the producers use as mitigation. As such, Cap-and-Trade can be applied to the Project as the analysis appropriately

⁵⁰ Health and Safety Code §§38560, 38560.5(c), 38561(a) and (b), and 38562(a)

⁵¹ Health and Safety Code §38562(b)(1)

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addressed that emissions generated under the Cap-and-Trade Program are already regulated and are not subject to analysis at the project level. As stated, this approach was upheld in court in *Association of Irrigated Residents v. Kern County Board of Supervisors*, 17 Cal. App. 5th 708 (2017).

The 2019 Draft Recirculated RSFEIR discusses compliance with Federal/State Greenhouse Gas Reduction Strategies in Table 4.7-11, analysis of additional measures in the 2017 Scoping Plan Update in Table 4.7-12, consistency with the City General Plan Air Quality Policies in Table 4.7-13, and consistency with the City Climate Action Strategy in Table 4.7-14. As described in Response to Comment 1-B1-8, the Project supports many of the RTP/SCS goals outlined to achieve the state's GHG reduction mandate. Thus, the Project does address consistency with federal, state, and local strategies to reduce GHG emissions and achieve California's climate goals, thus the Project does not rely on Cap-and-Trade alone to reduce its GHG emissions. This is a properly designed project and does account for all GHG emissions. The Project design features (Section 4.17.5) and mitigation measures (4.7.6.1A through 4.7.6.1.D, 4.3.6.2A, 4.3.6.2B, 4.3.6.4A, 4.16.1.6.1A through 4.16.1.6.1C) for uncapped emissions would reduce GHG impacts to less than significant. The Project incorporates project design features and construction and operational mitigation measures to reduce GHG emissions and energy demand to meet CARB's plan to reduce GHG emissions with the 2017 Update to the Scoping Plan (see Topical Response B). Thus, the WLC would not have a significant GHG impact and therefore would not hinder the State's achievement of its long-term GHG goals as further discussed in Topical Responses A and B.

Response to Comment 1-B1-11: Topical Response A describes why Cap-and-Trade applies to the Project and why the 2019 Draft Recirculated RSFEIR accounts for and fully analyzes and mitigates Project GHG emissions, including both capped and uncapped emissions. Topical Response A also examines why the Cap-and-Trade Program mitigates capped emissions (consumption of fuel associated with VMTs and consumption of electricity) and why those covered emissions are not compared against the Project's significance threshold. The 2019 Draft Recirculated RSFEIR's GHG methodology follows a precedent, as outlined in Topical Response A, this approach is in accordance with Mitigated Negative Declarations for other projects that were approved by the SCAQMD and a recently adopted policy by the SJVAPCD "*CEQA Determination of Significance for Project's Subject to CARB's Cap-and-Trade Regulation*" which acknowledges that "combustion of fossil fuels including transportation fuels used in California (on- and off-road including locomotives), not directly covered at large sources, are subject to Cap-and-Trade requirements, with compliance obligations starting in 2015." The Cap-and-Trade Program ensures that GHG emissions from fuels combustion are reduced State-wide as 99% of fuel suppliers are included in the program and the GHG cap is always decreasing. As covered emissions are fully mitigated under Cap-and-Trade, the 2019 Draft Recirculated RSFEIR's approach of comparing uncapped emissions against the Project's significance threshold was upheld in court in *Association of Irrigated Residents v. Kern County Board of Supervisors*, 17 Cal. App. 5th 708 (2017) which did not identify this approach as an issue to be addressed in the 2019 Draft Recirculated RSFEIR, nor did it violate CEQA's mandate. Thus, the 2019 Draft Recirculated RSFEIR's GHG analysis properly relied on compliance with California's Cap-and-Trade Program to conclude that GHG uncapped emissions would be less than significant with incorporation of mitigation when compared against the significance threshold. As outlined in Topical Response C, Project Approvals, Litigation, and the Effects of Litigation, an appeal of the judgment entered on June 7, 2018, in the CEQA litigation is currently pending in the Court of Appeal, Fourth Appellate District, Division Two, as *Paulek v. Moreno Valley Community Services District*, Case No. E071184. Depending on the result of the

Court of Appeal ruling, the amount of GHG required to be mitigated would either be the total uncapped GHG emissions or total project emissions (uncapped and capped). Therefore, new Mitigation Measure 4.7.7.1 shall apply to mitigate to net zero either all uncapped GHG emissions or all Project GHG emissions (capped and uncapped) remaining after the application of other mitigation measures. See Topical Response C, Project Approvals, Litigation, and the Effects of Litigation, for a detailed description of Mitigation Measure 4.7.7.1. Refer to Topical Response B, Scoping Plan, and how the Scoping Plan and Scoping Plan Updates relate to the project and how the WLC complies with, and would not conflict with or impede, the implementation of GHG reduction goals identified in AB 32 and SB 32.

Compliance with the state's GHG reduction plans are discussed in Table 4.7-11: Project Compliance with Federal/State Greenhouse Gas Reduction Strategies in the 2019 Draft Recirculated RSFEIR. In regard to responsibility of the Cap-and-Trade Program, CARB states that the program is enforceable and meets the requirements of AB 32.^{52 53} Since the facility would be located in California, it is reasonable to assume that most, if not all, of the vehicles would purchase fuel in California. Although some trucks would potentially come from out of state, or go out of state, they would most likely purchase fuel while in California and thus would be covered under the capped emissions. Additionally, CARB staff will review fuel prices in California and neighboring states to ensure that the California fuel prices aren't too high and will revise "operation and/or design of the [Cap-and-Trade] program accordingly" (FSOR at page 71). The average trip length for heavy- and medium-duty trucks was assumed to be 49 miles and 26 miles, respectively, which is much less than the distance to neighboring states and Mexico (see 2019 Draft Recirculated RSFEIR, Appendix F, Table 101 on page 398). Thus, the WLC would not have a significant GHG impact and therefore would not hinder the State's achievement of its long-term GHG goals as further discussed in Topical Responses A and B.

Response to Comment 1-B1-12: The 2019 Draft Recirculated RSFEIR, Section 4.7, Greenhouse Gases, provided a breakdown of the assumptions used for the construction and operational years and buildout as follows. The WLC construction period was assumed to occur over 15 years from the year 2020 to 2034.⁵⁴ Although buildout of the Project would depend on market conditions, the Project could be built out as early as 2035. Therefore, to provide a conservative analysis, construction was assumed to be completed over a 15-year period that provides for phase overlap and the use of less efficient construction equipment. Operational emissions occur once the Project commences operation, in this case starting the first year of operation for a total of 30 years, the Project's lifetime under CEQA. Therefore, operational emissions were analyzed from the buildout year 2035 through the presumed lifetime of the project in 2064. Year-by-year mitigated uncapped emissions are shown in the 2019 Draft Recirculated RSFEIR in Table 4.7-8. As depicted in the table, Project GHG emissions would remain below the 10,000 MTCO_{2e} threshold for the entire lifetime of the Project. Thus, the 2019 Draft Recirculated RSFEIR's analysis of GHG emissions does not stop at buildout and does not understate the Project's GHG emissions. Refer to Topical Response A

⁵² California Association of Port Authorities, 2018. *Cap and Trade: Port Environmental Initiatives*. Available online: <http://californiaports.org/project/cap-and-trade-funding-for-port-environmental-initiatives/>

⁵³ California Air Resources Board, 2008. *Climate Change Draft Scoping Plan, a framework for change, June 2008n Discussion Draft*. ... The plan states "ARB will also design the California program to meet requirements of AB 32, including the need to address potential localized impacts, insure market security (avoid gaming), and ensure enforceability." Page ES-4.

⁵⁴ Full build out of the Project is expected to take 15 to 20 years, dependent on market forces. The TIA analyzes full project buildout in 2040, which is worst case for traffic analysis purposes as it accounts for greater regional growth in non-project traffic. However, for purposes of a conservative construction impact analysis, the fifteen-year buildout (ending in 2034) is analyzed. An accelerated construction schedule occurring in earlier years would account for greater overlap of construction activity and the use of dirtier construction equipment (i.e. subject to less stringent emission standards).

for a discussion of why the Project did not understate GHG emissions and thus place a higher burden on the Cap-and-Trade Program. As outlined in Topical Response C, Project Approvals, Litigation, and the Effects of Litigation, an appeal of the judgment entered on June 7, 2018, in the CEQA litigation is currently pending in the Court of Appeal, Fourth Appellate District, Division Two, as *Paulek v. Moreno Valley Community Services District*, Case No. E071184. Depending on the result of the Court of Appeal ruling, the amount of GHG required to be mitigated would either be the total uncapped GHG emissions or total project emissions (uncapped and capped). Therefore, new Mitigation Measure 4.7.7.1 shall apply to mitigate to net zero either all uncapped GHG emissions or all Project GHG emissions (capped and uncapped) remaining after the application of other mitigation measures. See Topical Response C, Project Approvals, Litigation, and the Effects of Litigation, for a detailed description of Mitigation Measure 4.7.7.1. Refer to Topical Response B, Scoping Plan, and how the Scoping Plan and Scoping Plan Updates relate to the project and how the WLC complies with, and would not conflict with or impede, the implementation of GHG reduction goals identified in AB 32 and SB 32.

Response to Comment 1-B1-13: Refer to Topical Response A for a discussion of Cap-and-Trade and how it applies to the Project, including its extension to 2030 and possibly beyond or what would happen if it's not renewed. The chance that the Cap-and-Trade program is not renewed is unlikely when considering the 2018 California Health and Safety Code Section 38551(b) demonstrates the Legislature's intent to maintain the GHG emissions limit and continue reductions of GHGs beyond 2020. Further, the 2017 Scoping Plan identifies cap-and-trade as the "best choice" to achieve the State's climate and clean air goals.⁵⁵ The Cap-and-Trade Program is designed to achieve cost-effective emissions reductions across the capped sectors by setting maximum, statewide GHG emissions, which are reduced every year. If the Cap-and-Trade Program continues to produce as it has in the past, it will likely be renewed by the legislature as it was in 2016. Further, Executive Order S-03-05's reduction target of 80 percent would require the continuation of the Cap-and-Trade program or some other equivalent program to reduce GHG emissions from fuel consumption and energy production. In any case, if the 2017 Scoping Plan Updates are met, near zero- and zero-emissions technology would be more readily available which would also reduce emissions from the capped sectors. Thus, the WLC would not have a significant GHG impact and therefore would not hinder the State's achievement of its long-term GHG goals if Cap-and-Trade is not renewed as further discussed in Topical Response A.

Response to Comment 1-B1-14: Refer to Topical Response A, The Use of Cap-and-Trade, and Response to Comment 1-B1-3 above, and how it applies to the project, including if its revised in any way, regarding the 2015 Final EIR and the 2019 Draft Recirculated RSFEIR approach to utilizing the Cap-and-Trade Program and how it relates to the state's overall greenhouse gas reduction mandates, and how Cap-and-Trade is relevant to the Project's CEQA analysis. Refer to Response to Comment 1-B1-13, above, and Topical Response A for a discussion of what would happen if Cap-and-Trade is not renewed. Additionally, since this is a Programmatic EIR, there will be subsequent environmental evaluations as each project is designed and reviewed under CEQA. At this point, if Cap-and-Trade was revised in a way that affects the state's GHG levels, such as failing to get renewed, limiting the scope to exclude fuels and electricity, or if the legislature or other factors required the program to be amended to allow a higher cap, the proposed project analysis under the new environmental documents would analyze the loss of the emissions covered under cap-and-trade at

⁵⁵ California Air Resources Board, 2017. *California's 2017 Climate Change Scoping Plan*. Page 22

that time. As this is a Programmatic EIR, it can't account for every possible scenario. That is why there will be subsequent CEQA documents prepared for every project under this programmatic EIR.

Response to Comment 1-B1-15: Refer to Topical Response A, The Use of Cap-and-Trade, and Response to Comment 1-B1-3 above, regarding the 2015 Final EIR and 2019 Draft Recirculated RSFEIR approach to 1) utilizing the Cap-and-Trade Program and how it relates to the state's overall greenhouse gas reduction mandates, and 2) how Cap-and-Trade is relevant to the Projects CEQA analysis.

CARB had previously submitted two other letters on this project; one for the 2013 Draft EIR and one for the 2015 Final EIR. The 2015 Final EIR included the discussion of Cap-and-Trade, but CARB didn't comment on the approach or analysis in their response to the 2015 Final EIR. They didn't bring up their concern regarding mischaracterization of the scope of the Cap-and-Trade Program as they relate to the state overall greenhouse gas reduction mandates, or how the program may be relevant to a CEQA analysis. The greenhouse gas analysis approach in the 2019 Draft Recirculated RSFEIR did not change from the 2015 Final EIR. The greenhouse gas analysis in the 2019 Draft Recirculated RSFEIR is based on current scientific and regulatory guidance on the preparation of such studies, is legally adequate, and the 2019 Draft Recirculated RSFEIR proposes appropriate mitigation based on the impacts identified. Thus, the GHG analysis and significance determination meets CEQA requirements.

CARB states that the flaw with the analysis of GHGs in the 2019 Draft Recirculated RSFEIR is that it declines to fully analyze or mitigate emissions from fuel and electricity demand that the project will cause, the majority of the project's emissions, on the ground that CARB's Cap-and-Trade Program "covers" the project's emissions. Responses 1-B1-3, 1-B1-5, and 1-B1-7 above explain why the 2019 Draft Recirculated RSFEIR's analysis approach separating project emissions into capped and uncapped emissions as outlined in the Cap-and-Trade Program is acceptable and was upheld by the court in *Association of Irrigated Residents v. Kern County Board of Supervisors*, 17 Cal. App. 5th 708 (2017).

Response to Comment 1-B1-16: The 2019 Draft Recirculated complies with CEQA Guidelines Section 15604.4(b)(3) as discussed in Section 4.7 and Topical Response A which explains why the 2019 Draft Recirculated RSFEIR's impact analysis approach separating Project emissions into capped and uncapped emissions as outlined in the Cap-and-Trade Program is acceptable, was upheld by the court in *Association of Irrigated Residents v. Kern County Board of Supervisors*, 17 Cal. App. 5th 708 (2017), and thus complies with CEQA. Further the Project also satisfies CEQA Guidelines Section 15064.4(b) by demonstrating consistency with applicable plans, policies, and regulations in Tables 4.7-11 through 4.7-14 of the 2019 Draft Recirculated RSFEIR.

Response to Comment 1-B1-17: As stated above in Response 1-B1-16 and Topical Response A, the 2019 Draft Recirculated RSFEIR complies with CEQA Guidelines Section 15064.4(b)(3) and did not create a "hybrid" significance scheme by only applying "non-capped" emissions to the significance threshold. Refer to Topical Response A, The Use of Cap-and-Trade, and Response to Comment 1-B1-3, regarding the 2015 Final EIR and the 2019 Draft Recirculated RSFEIR approach to 1) utilizing the Cap-and-Trade Program and how it relates to the state's overall greenhouse gas reduction mandates, and 2) how Cap-and-Trade is relevant to the Projects CEQA analysis. CEQA Section 15604.4(b) expressly authorizes the consideration of multiple factors when determining the significance of impacts from greenhouse gas emissions. Three factors are listed under subsection (b), the factor listed in subsection (b)(2) is whether "the project emissions

exceed a threshold of significance that the lead agency determines applies to the project.” This is the SCAQMD’s 10,000 MTCO_{2e} significance threshold. Subsection (b)(3) is the third factor which relates to compliance with a statewide plan for the reduction of greenhouse gas emissions, and this is the Cap-and-Trade Program. Further Section 15064.4(a) was revised in response to comments to clarify that lead agencies may rely on quantitative or qualitative analyses, or both.⁵⁶ Thus, the 2019 Draft Recirculated RSFEIR properly considers both SCAQMD’s threshold and the Cap-and-Trade Program and Topical Response A demonstrates how the Project’s GHG approach complies with CEQA as it contains accurate and legally adequate information upon which decision-makers can make an informed decision.

Response to Comment 1- B1-18: Refer to Topical Response A for a discussion of why the *AIR vs Kern County* case is applicable to the Project, even though the project is not a covered entity. The 2019 Draft Recirculated RSFEIR’s GHG methodology follows a precedent; as stated in the *AIR vs Kern County* case, “Both the refinery and its electrical power provider, Pacific Gas & Electric, are subject to California’s cap-and-trade program.” (17 Cal.App.5th at 735). The EIR for the project accounted for capped emissions, those resulting from the construction and operation of improvements to the refinery and those resulting from electricity provided by Pacific Gas and Electric, a covered entity which will itself be required to reduce its own GHG emissions. (17 Cal.App.5th at 735.) The GHG emissions associated with the refinery’s electricity consumption were considered as offsets, i.e., reductions, to the total emissions from the construction and operation of the project and were not considered when determining the significance of the project’s emissions under CEQA. (17 Cal.App.5th at 736.) Thus, the *AIR* opinion holds that an EIR should recognize all GHG emissions associated with a project – those resulting from the project itself and those indirectly resulting from the project – and then require the project to mitigate, to the extent feasible, GHG emissions, to the extent they are significant, all those GHG emissions from sources not subject to the Cap-and-Trade program. Whether the capped GHG emissions come from a facility itself that is regulated by Cap-and-Trade or the project itself is irrelevant. The *AIR* opinion didn’t discuss transportation related GHG emissions because they weren’t subject to the Cap-and-Trade Program when the refinery’s EIR was certified on September 9, 2014 (17 Cal.App.5th at 722.). Thus, the *AIR* opinion is as applicable to the CEQA analysis of the WLC’s GHG emissions as it was to the refinery’s, thereby justifying both the 2015 Final EIR’s and the 2019 Draft Recirculated RSFEIR’s determination that the significance of those emissions was to be based on a comparison of the WLC’s uncapped emissions to the SCAQMD’s threshold of significance. Additionally, the requirement that fuel suppliers account for GHG emissions resulting from fuel construction became effective January 1, 2015 (FSOR at 178).

Response to Comment 1-B1-19: The 2019 Draft Recirculated RSFEIR’s GHG methodology follows a precedent as stated above in Response to Comment 1-B1-18. As discussed in Topical Response A, Mitigated Negative Declarations⁵⁷ ⁵⁸ were approved by the SCAQMD, where it was the lead agency. In these documents, the electricity GHG emissions were accounted for by energy suppliers and were considered offsets from the project’s GHG emissions. The recently adopted policy by the SJVAPCD “CEQA

⁵⁶ California Natural Resources Agency, 2009. Final Statement of Reasons for Regulatory Action. Page 23.

⁵⁷ South Coast Air Quality Management District, 2014. Final Negative Declaration for: Ultramar Inc. Wilmington Refinery Cogeneration Project, October. Available online: http://www.aqmd.gov/docs/default-source/ceqa/documents/permit-projects/2014/ultramar_neg_dec.pdf?sfvrsn=2

⁵⁸ South Coast Air Quality Management District, 2014. Final Negative Declaration for: Phillips 66 Los Angeles Refinery Carson Plant – Crude Oil Storage Capacity Project. Available online: www.aqmd.gov/docs/default-source/ceqa/documents/permit-projects/2014/phillips-66-fnd-and-appendices-a-e.pdf

Determination of Significance for Project's Subject to CARB's Cap-and-Trade Regulation"⁵⁹ which acknowledges that "combustion of fossil fuels including transportation fuels used in California (on- and off-road including locomotives), not directly covered at large sources, are subject to Cap-and-Trade requirements, with compliance obligations starting in 2015" is relevant because it demonstrates how a local air district interpreted the State Cap-and-Trade Program and its position that GHG emissions covered under Cap-and-Trade cannot constitute a significant increase under CEQA. These documents are relevant because they demonstrate that the air districts which have directly considered the issue of Cap-and-Trade in the context of determining the significance of GHG emissions have decided the issue in only one way, to deduct the capped emissions as offsets. The CAPCOA white paper (January 2008) did not consider this issue directly. The consideration of using only project uncapped GHG emissions to determine the significance of those emissions under CEQA, as approved by the SCAQMD and the SJVAPCD, was validated in *Association of Irrigated Residents v. Kern County Board of Supervisors*, 17 Cal. App. 5th 708 (2017). Thus, the 2019 Draft Recirculated RSFEIR's GHG analysis properly relied on compliance with California's Cap-and-Trade Program to conclude that GHG uncapped emissions would be less than significant.

Response to Comment 1-B1-20: As discussed in Topical Response A and Response to Comments 1-B1-16 and 1-B1-17, the 2019 Draft Recirculated RSFEIR complies with CEQA Guidelines Sections 15064.4(b)(2) and (3) and does not disregard the vast majority of Project GHG emissions. In regard to Section 15064.4(b)(3) and Section 15064(h)(3) which discuss cumulatively considerable effects, the GHG cumulative impacts are addressed in Section 6.7 of the 2019 Draft Recirculated RSFEIR. Further discussion regarding the Project GHG emissions, refer to Topical Response A, The Use of Cap-and-Trade, Topical Response C, Project Approvals, Litigation, and the Effects of Litigation, and Response to Comment 1-B1-3 above, regarding the 2015 Final EIR and 2019 Draft Recirculated RSFEIR approach to 1) utilizing the Cap-and-Trade Program and how it relates to the state's overall greenhouse gas reduction mandates, and 2) how Cap-and-Trade is relevant to the Projects CEQA analysis.

Response to Comment 1-B1-21: CARB submitted two prior comment letters dated April 16, 2013 and June 8, 2015, as attachments to its September 8, 2018 comment letter. CARB states that it "incorporates the comments from those letters into this letter by reference, and strongly recommends that the 2018 RSFEIR be revised to incorporate all mitigation recommended in its 2013 and 2015 comment letters." With the recirculation of an EIR, CEQA provides that the agency need only respond to comments that relate to portions of the document that were revised and recirculated. CEQA Guidelines, §15088.5. The April 16, 2013 and June 8, 2015, comment letters do not provide comments on the 2018 RSFEIR, and CEQA does not require responses to the comments set forth in those letters. The original responses to these comments are set forth below; CARB's 2013 letter are addressed in Response to Comments 1-B1-23 to 1-B1-36 and CARB's 2015 letter are addressed in Response to Comments 1-B1-37 through 1-B1-47. Additionally, the Judge's ruling on the 2015 Final EIR did not find a deficiency in the air quality analysis (refer to Topical Response C).

In addition, CARB's September 8, 2018, letter does not explain the relevance of the comments set forth in the April 15, 2013, and June 8, 2015, letters relative to the 2018 RSFEIR, except for its reference to the

⁵⁹ San Joaquin Valley Air Pollution Control District, 2014. APR – 2025 CEQA Determination of Significance for Projects Subject to ARB's GHG Cap-and-Trade Regulation, June 25. Available online: https://www.valleyair.org/policies_per/Policies/APR-2025.pdf

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mitigation and recommendations set forth in the letters. CEQA provides in Section 15088, Evaluation of and Response to Comments: “A general response may be appropriate when a comment ... does not explain the relevance of evidence submitted with the comment.” The prior comments from the April 15, 2013 and June 8, 2015 letters that relate to mitigation and recommendations (Comments 1-B1-30 through 1-B1-35 and 1-B1-40) are addressed in Responses to Comments 1-B1-4 and Topical Responses A and C. The remaining comments in those prior letters are generally addressed by the content of the 2019 Draft Recirculated RSFEIR.

Response to Comment 1-B1-22: The GHG analysis approach in the 2019 Draft Recirculated RSFEIR did not change from the 2015 Final EIR. Refer to Topical Response A, The Use of Cap-and-Trade, and Response to Comment 1-B1-3 above, regarding the 2015 Final EIR and the 2019 Draft Recirculated RSFEIR approach to 1) utilizing the Cap-and-Trade Program and how it relates to the state’s overall greenhouse gas reduction mandates, and 2) how Cap-and-Trade is relevant to the Projects CEQA analysis. As discussed in Topical Response A, the 2019 Draft Recirculated RSFEIR accurately accounted for all GHG emissions resulting from the Project. As outlined in Topical Response C, Project Approvals, Litigation, and the Effects of Litigation, an appeal of the judgment entered on June 7, 2018, in the CEQA litigation is currently pending in the Court of Appeal, Fourth Appellate District, Division Two, as *Paulek v. Moreno Valley Community Services District*, Case No. E071184. Depending on the result of the Court of Appeal ruling, the amount of GHG required to be mitigated would either be the total uncapped GHG emissions or total project emissions (uncapped and capped). Therefore, new Mitigation Measure 4.7.7.1 shall apply to mitigate to net zero either all uncapped GHG emissions or all Project GHG emissions (capped and uncapped) remaining after the application of other mitigation measures. See Topical Response C, Project Approvals, Litigation, and the Effects of Litigation, for a detailed description of Mitigation Measure 4.7.7.1. Refer to Topical Response B, Scoping Plan, and how the Scoping Plan and Scoping Plan Updates relate to the project and how the WLC complies with, and would not conflict with or impede, the implementation of GHG reduction goals identified in AB 32 and SB 32. Therefore, the City does not need to recirculate the 2019 Draft Recirculated RSFEIR, as the Project has adopted feasible mitigation that have been identified to ensure those emissions would not cause significant impacts, as required by CEQA.

Response to Comments 1-B1-23 through 1-B1-36 are the Original Responses to CARB’s April 16, 2013 comment letter on the 2013 Draft EIR, Letter B5.

Response to Comment 1-B1-23: The Project includes an alternative fueling station that will open during the first phase of development to serve trucks that use liquefied or compressed natural gas as vehicle fuel. It should be noted the Specific Plan area was reduced from 2,710 acres to 2,610 acres (3.7 percent reduction) due to the removal of 100 acres in the southwest corner of the Specific Plan. This results in a reduction of 1 million square feet of logistics warehousing which is now 40.6 million square feet, down 2.4 percent from the original 41.6 million square feet. The WLC implementation schedule was revised or extended from 10 to 15 years, so Phase 1 is now scheduled for completion in 2022 rather than in 2017, or from approximately 2015 to 2022, compared to the five-year time period assumed in the 2013 Draft EIR (i.e., 2012 to 2017). The second phase is scheduled for 2023 to 2030. Therefore, the quantitative impact analyses for 2017 in the 2013 Draft EIR were eliminated in the Revised Draft EIR (see 2015 Final EIR Volume 2).

Response to Comments 1-B1-24 and 1-B1-25: Refer to the Mitigation Monitoring Reporting Program (2015 Final EIR, Volume 1) for a list of the mitigation measures and Master Response 3.

Suggested Mitigation Measure	Response
Emerging zero-emission technology for the equipment that would serve the facility should be implemented. The project should support development of this technology.	Partially Included. The project requires non-diesel emergency generators, forklifts, and service equipment. Please also refer to Master Response-3, Zero Emission and Hybrid Electric Trucks, Vehicles and Equipment.

Master Response-3: Zero-Emission and Hybrid Electric Trucks, Vehicles, and Equipment

Major improvements in diesel engine technology have occurred over the past several years. Exhibit C-3-1 shows changes in the EPA’s nitrogen oxides (NOx) and particulates (PM) emissions standards. The heavy-duty operational diesel values are shown in beige, while the off-road equipment Tier 4 emissions standards are shown in blue. Model year 2010 and newer heavy-duty trucks are 96 percent cleaner for NOx and 90 percent cleaner for PM than 1994 model year trucks producing substantial improvements in resultant tailpipe air pollutant emissions. During operation, the WLC project prohibits trucks older than 2010 model year from entry into the facility. The WLC project would only allow entry of diesel trucks which are model year 2010 or newer (Mitigation Measure (MM) 4.3.6.3B), which would reduce air pollutant emissions on and off the project site. Refer to the Mitigation Monitoring Reporting Program for a list of the mitigation measures (2015 Final EIR, Volume 1).

Also, during operation, no diesel-powered onsite yard trucks, equipment, and emergency generators will be allowed at the project site (MM 4.3.6.3B and project design feature), which would reduce diesel particulate matter emissions on the project site. The project is also implementing solar photovoltaic (MM 4.16.4.6.1C); therefore, the electricity from this solar could power any onsite electric equipment and yard trucks.

During construction, the WLC project requires Tier 4 off-road equipment, MM 4.3.6.2A also requires that haul trucks used during construction be model year 2007 or newer. Several commenters suggested zero-emission, near-zero, and/or hybrid electric trucks and equipment as potential mitigation measures. This is not feasible as discussed below.

Zero- and near-zero emission truck technologies include battery-electric trucks, fuel cell trucks, dual-mode (hybrid) electric trucks with all-electric range and, potentially, other technologies. These technologies are still in the testing stages and are not commercially available. There are no commercially viable zero-emission or hybrid trucks currently available and it is unknown whether any such demonstration project would be successful and lead to commercially viable zero-emission or hybrid trucks in the future. To require a project to use these types of technologies is not feasible because they are not available, it is unknown when or if they will become feasible in the future.

The Port of Los Angeles is testing various types of zero-emission technology solutions for heavy-duty vehicles as part of its Clean Air Action Plan and through its joint Technology Advancement Program with the Port of Long Beach.⁶⁰ The SCAQMD provided money to the port through a \$4.1 million-dollar grant from

⁶⁰ www.portoflosangeles.org/environment/zero.asp

the U.S. Department of Energy. This money funded only 13 zero emission trucks: Balgon plug-in, hydrogen Fuel Cell truck, Transpower plug-in, and U.S. Hybrid plug-in. These trucks have a low range of travel between 100 miles and 200 miles per charge.

The Port of Long Beach states that the use of electric and hydrogen fuel cell trucks is currently not feasible:

“The trucks may result in feasible technology to provide zero emissions goods movement between Pier S and near-dock rail yards. Until the trucks have successfully completed their prototype testing and are being produced for the commercial market, they are not yet considered viable zero-technology options. The reliability and durability of heavy-duty electric trucks in a short-haul port-duty cycle have yet to be proven. At this time, no commercial production zero emissions drayage truck is available or expected to be available in the near future. Because the technology is still in the development stage, the Port does not include requirements within the environmental documents for a single terminal, but rather continues to update the CTP [Clean Trucks Program]. In addition, a viable business model for zero emissions technology has not yet been established. Given the initial high cost of equipment and reduced operating characteristics of current prototype zero emissions equipment, additional investigation is necessary to determine the financial viability of this equipment following prototype demonstration and prior to any small-scale deployment.”⁶¹

According to the most recent monthly inventory, there were no electric hybrid trucks in the Port of Los Angeles out of 12,226 trucks.⁶²

There are problems with some zero emission technologies, such as batteries, that do not have the same energy density as a truck that utilizes diesel fuel. Diesel fuel is a dense energy source, that yields sufficient energy per unit weight to haul 50,000-pound loads. Battery powered vehicles do not have sufficient energy density. Rather, the batteries would outweigh payload, sacrificing efficiency and requiring many more trucks to be on the road per unit of goods transported.⁶³ Thereby, potentially generating additional traffic along the proposed haul routes.

Response to Comment 1-B1-26: Refer to Response to Comment B-5-1 for changes made to the size and phasing of the proposed project.

Response to Comment 1-B1-27: The cancer risks as estimated in the 2013 Draft EIR are located in Table 4.3. AB for locations in the residential areas across Redlands Boulevard. The cancer risks were recalculated in the revised air quality analysis (2015 Final EIR, Volume 2, Appendix D and 2015 Final EIR, Volume 2, Section 4.3 Air Quality) based on the revised construction and occupancy schedule, new traffic volumes,

⁶¹ Port of Long Beach Pier S Marine Terminal & Back Channel Improvements. Final EIS/FEIR, November 2012.

⁶² Port of Los Angeles – Clean Truck Program – Gate Move Data Analysis, July 1, 2013 – July 31, 2013. http://www.portoflosangeles.org/ctp/ctp_Cargo_Move_Analysis.pdf. Accessed November 22, 2013.

⁶³ Statement of Daimler Trucks North America regarding California Air Resources Board, Workshop to Consider Vision for Clean Air: A Framework for Air Quality and Climate Change Planning. September 20, 2012. www.arb.ca.gov/lists/visionforcleanair-ws/5-dna_comments_to_carb_re_vision_papaer_-_20sep12.pdf

and realignment of roadways. Refer to the 2015 Final EIR and/or Master Response-1 on page 216 of the 2015 Final EIR, Volume 1, Response to Comments.

Master Response 1: Changes to Air Quality, Greenhouse Gas, and Health Risk Assessment

The following is based on the revised Air Quality, Greenhouse Gas, and Health Risk Assessment.

Air Quality Improvement in the South Coast Air Basin

The project is located within the South Coast Air Basin (air basin). The air quality in the air basin has been steadily improving over the last couple of decades as measured in air pollutant concentrations by the South Coast Air Quality Management District (SCAQMD). A concentration of a pollutant is a measure of the amount of a pollutant in the air. Some pollutants are measured in parts per million (ppm) and some are measured in micrograms per cubic meter ($\mu\text{g}/\text{m}^3$).

When sensitive people, such as children, pregnant women, and the elderly, breathe in air pollutants, they can experience health effects. These health effects differ based on the type of pollutant, the length of time someone is exposed, and the concentration of the pollutant. In general, health effects can include coughing, sore throat, chest pain, difficulty breathing, reduced lung function, asthma aggravation, chronic lung diseases, cancer, and lung damage.

Federal, state, and local agencies enact rules and regulations to reduce air pollutant emissions to protect the health of sensitive individuals. The United States Environmental Protection Agency (EPA) sets federal ambient air quality standards and the California Air Resources Board (ARB) sets state ambient air quality standards to protect public health and welfare. When concentrations of pollutants exceed the standards, sensitive individuals may experience health effects.

Ozone is a pollutant formed in the air when emissions of volatile organic compounds (VOC) and nitrogen oxides (NO_x) combine in the presence of sunlight. Ozone is a pollutant of concern in the air basin because ozone levels exceed the ozone standards. As shown in Figure 4.3.1: Ozone Concentration Trends in the South Coast Air Basin in the 2015 Final EIR, Volume 2, ozone concentrations in the basin have generally decreased over the past twenty years for 1-hour and 8-hour averaging time periods as defined by the State and/or federal ambient air quality standards. The 1-hour and 8-hour concentration refers to the average of the concentration over a 1-hour and 8-hour time period, respectively.

The main source of NO_x and VOC emissions in the basin are from on-road motor vehicles, not from the operation of buildings. Although vehicle miles traveled in the basin continue to increase, ozone concentrations are decreasing because of the mandated controls on motor vehicles and the replacement of older polluting vehicles with cleaner and lower-emitting vehicles. VOC and NO_x are ozone precursors; therefore, if those emissions decrease, it follows that ozone concentrations would also decrease. Another pollutant of concern is particulate matter (PM). PM is a mixture of small particles and liquid droplets suspended in the air. It is made up of components such as chemicals, metals, soil, or dust particles. The size of these particulates is linked to their potential for causing health problems. Ultrafine particles are less than 0.1 in micron in diameter, fine particles are less than 2.5 microns in diameter (PM_{2.5}), and coarse particles are larger than 2.5 microns and smaller than 10 microns in diameter (PM₁₀). The Air Resources Board (ARB) and Environmental Protection Agency (EPA) have established standards for PM_{2.5} and PM₁₀ but not for ultrafine particles. PM_{2.5} and PM₁₀ are a concern in the air basin because sometimes the

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concentrations exceed the standards. PM_{2.5} is often used as a marker for toxic air pollutants such as diesel PM.

As shown in 2015 Final EIR Section 4.3, PM₁₀ and PM_{2.5} annual concentrations have continued to decrease since 1990 within the air basin as a whole. Additionally, emissions are expected to decrease and then level out after the year 2014.

In the Inland Empire there is a marked decreasing trend in PM_{2.5} concentrations in Riverside-Rubidoux, Fontana, and San Bernardino from 2001 to 2012 and at Mira Loma from 2006 to 2012. The relevance of these trends is that PM_{2.5} levels have displayed a decreasing trend in the Inland Empire despite increases in urban development including the development of large warehouse complexes since 2001.

Part of the success in the decreasing NO_x and PM emissions are standards placed on motor vehicles. The figure below demonstrates the changes in U.S. heavy duty diesel emission standards for NO_x and PM. The project would incorporate mitigation that would require that the heavy-duty trucks accessing the project incorporate 2010 emissions standards. As shown below, the 2010 standards are only a fraction of the older standards, at 0.2 grams per horsepower hour (g/HP-hr) of NO_x and 0.01 g/HP-hr of PM. The text in blue represents the off-road construction standards; 2011 is Tier 4 Interim and 2014 is Tier 4 Final.

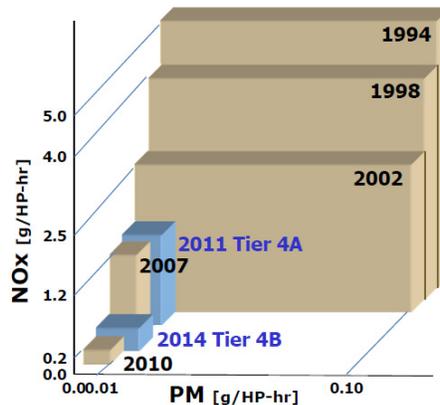


Exhibit C-3-1: Changes in U.S. Heavy Duty Diesel NO_x and PM Emission Standards

Air Pollutant Emissions from Project

The construction and operation of the project would generate various sources of air pollutant emissions. During construction, there would be exhaust and dust emissions from the onsite construction equipment, worker vehicles, and haul trucks. During operation, there would be exhaust emissions from the heavy-duty trucks that would bring goods and materials to and from the warehouses, as well as worker vehicles, and onsite equipment. There would also be dust emissions from travel on paved roads.

The construction related emissions of VOC, NO_x, CO, and PM₁₀ as estimated in the revised analysis are still significant. However, after mitigation, PM_{2.5} emissions are now less than significant. Average daily emissions of VOC, NO_x, CO, and PM_{2.5} have decreased by approximately 100, 600, 500, and 25 pounds per day, respectively. This is primarily because the construction period for the project increased from 10 years to 15 years, the construction activity levels decreased, Tier 4 equipment is now applied as mitigation, and a newer version of the California Emissions Estimator Model (CalEEMod) land use emission model

was used to estimate construction emissions. The average PM10 emissions increased slightly by an average of approximately 35 pounds per day, primarily because of the inclusion of unpaved road dust in the emissions estimates.

The mitigated combined construction and operational emissions (without the existing emissions subtracted) are shown in Exhibit C-3-2 below. All combined emissions (with the exception of sulfur oxides, which are negligible) would exceed the SCAQMD's regional significance thresholds. The emissions (except sulfur oxides) would exceed the thresholds individually for construction and operation as well.

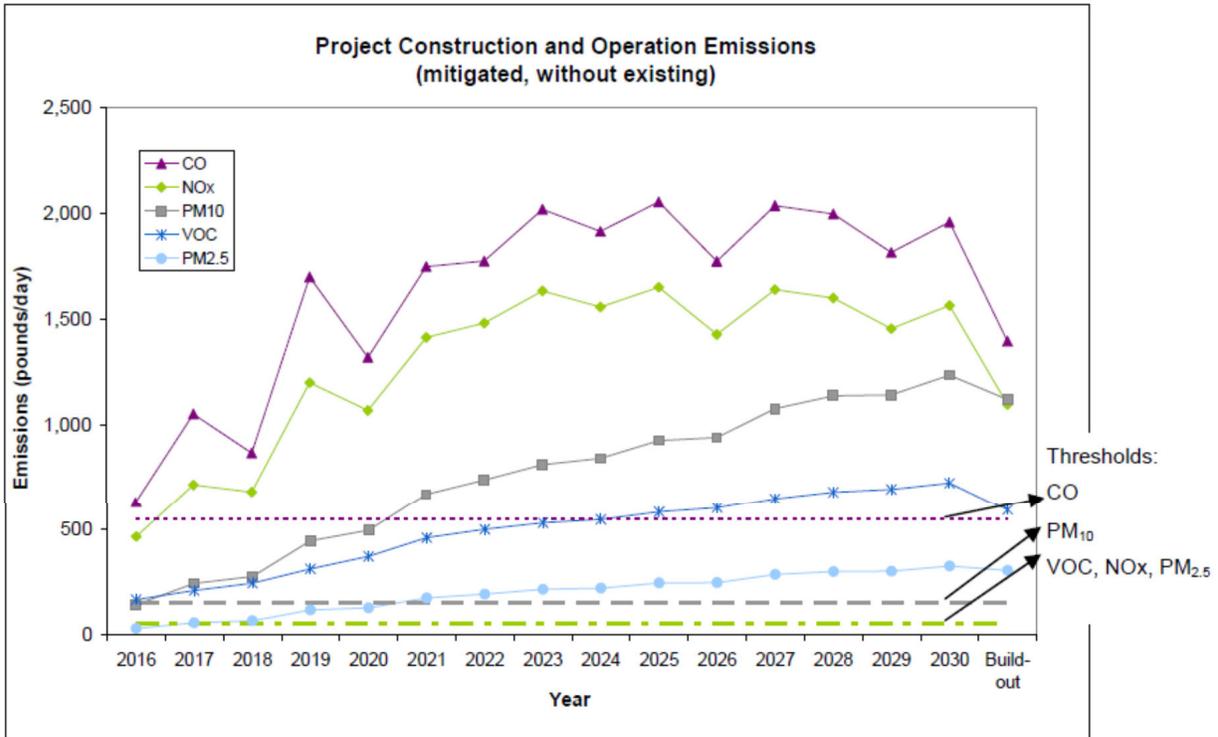


Exhibit C-3-2: Project Construction and Operation Emissions

Operational emissions at buildout for the revised analysis as compared with the estimates in the 2013 Draft EIR are as follows:

- For unmitigated operational emissions, VOC, NOx, CO, and PM10 emissions decreased by approximately 140, 1800, 2200, and 600 pounds per day lower than in the 2013 Draft EIR, respectively.
- Mitigation reduces NOx by approximately 200 pounds per day at buildout. Mitigated operational emissions of VOC, NOx, CO, and PM10 are approximately 140, 2000, 2000, and 600 pounds per day lower than in the 2013 Draft EIR, respectively.
- Emissions of PM2.5 increased by approximately 150 pounds per day in both unmitigated and mitigated scenarios because of the use of updated ARB mobile source emission factors.

The revised emissions are lower because of the following: a reduction in the project size (from 41.6 to 40.6 million square feet); the emission factors for the mobile trucks and vehicles have been updated to the ARB's

newest factors; and the project's vehicle miles traveled (VMT) decreased. In the 2013 Draft EIR, the VMT at buildout for diesel trucks was 730,100 miles per day and in the revised analysis, the VMT for diesel vehicles is 420,400 miles per day; therefore, the VMT for diesel vehicles decreased by approximately 309,700 miles per day. The VMT decreased because the analysis in the 2013 Draft EIR assumed an arbitrary average of 50 miles per trip for all heavy-duty trucks, while the revised analysis computed the VMT using forecast traffic volumes from a detailed regional transportation model for nearly 500 freeway and roadway segments represented in detail in the Traffic Impact Analysis. The VMT for light duty vehicles increased by approximately 64,600 miles: in the 2013 Draft EIR, the VMT for light duty vehicles was 549,700 miles per day and in the revised analysis, the VMT for gasoline vehicles is 614,300 miles per day. To put the revised VMT in terms of an average trip rate, it would be 14.9 miles per trip (1,034,750 miles/day divided by 69,549 trips/day) on average, which includes all vehicle types. An average trip rate for the diesel vehicles would be approximately 35.3 miles per trip (420,440 miles/day divided by 11,908 trips/day). An average trip rate for the light-duty vehicles would be approximately 10.7 miles per trip (614,310 miles/day divided by 57,641 trips/day).

Localized Air Quality Analysis

The analysis of localized air quality impacts determines the potential of the project to violate any air quality standard, contribute substantially to an existing or projected air quality violation, or expose nearby sensitive receptors to substantial pollutant concentrations. This analysis is commonly referred to as a Localized Significance Threshold (LST) analysis and considers the emissions that are generated from all construction and operational activities while within or along the boundaries of the project. Based on estimates of project local emissions and their corresponding air quality impacts, the following is a summary of the project's localized impact analysis:

- The highest localized air quality impacts would occur at the existing residences within the project boundaries.
- After application of mitigation, the project impacts would not exceed any SCAQMD localized significance threshold at any residential or sensitive receptor located outside of the project boundaries for any of the localized air quality assessments evaluated in the revised air quality analysis for the assessment years 2012, 2021, 2027, and final build out assumed to be 2035.
- After application of mitigation, project impacts would exceed the SCAQMD localized significance thresholds for PM₁₀ during operation under the Project Phase 1 (2012) condition at the existing residences located within the project boundaries, assuming Phase 1 of the Project would be fully in operation in the existing year 2012.
- After application of mitigation, project impacts would exceed the SCAQMD localized significance for PM₁₀ during operation under the Project Phase 1 and Phase 2 Full Build Out (2012) condition at the existing residences located within the project boundaries, assuming that the project would be operational in the existing year 2012.
- After application of mitigation, project impacts would exceed the SCAQMD localized significance thresholds for PM₁₀, concentrations at the existing residences located within the project boundaries during the year 2021 when the project construction would take place at the western portion of the project adjacent to the existing residences across Redlands Boulevard.

- After application of mitigation, project impacts would exceed the SCAQMD localized significance thresholds for PM10 at the existing residences located within the project boundaries in 2027, the year when construction activities would take place along the east portion of the project adjacent to the existing residences across Gilman Springs Road.
- At final buildout project impacts would exceed the SCAQMD localized significance thresholds for PM10 concentrations at the existing residences located within the project boundaries during operations under the proposed development schedule.

Cancer Risk from Project

Diesel particulate matter (diesel PM) is the primary pollutant of concern regarding the emissions of toxic air contaminants (TAC) from the project. A TAC is a chemical that is present in the atmosphere in small quantities but, nonetheless, can result in cancer health risks and non-cancer health hazards. The ARB, after a 10-year research investigation identified diesel PM as a carcinogenic substance. Diesel PM is a complex mixture of perhaps a few hundred chemical components. Even though diesel PM comprises numerous compounds, cancer risk from the inhalation of the diesel PM as a whole will outweigh the cancer risk associated with the individual chemical components.

As stated by the (California) Air Resources Board (ARB) in study of diesel PM exposure from ports and goods movement in California, “Risk assessment has various uncertainties in the methodology and is therefore deliberately designed so that risks are not under predicted. Risk assessment is thus best understood as a tool for comparing risks from various sources, usually for purposes of prioritizing risk reduction, and not as literal prediction of the community incidence of disease from exposure” (ARB 2006, page 4).

It should be noted further that the geographical scope of the health risk analysis was expanded in the revised analysis to cover an area of approximately 3,500 square miles that extended from Palm Springs to the ports of Los Angeles and Long Beach. The geographical scope contained in the revised analysis is about 40 percent greater than the area encompassed in the 2013 Draft EIR and was required to analyze project impacts all the way from the project site to the ports of Los Angeles and Long Beach.

During construction, the diesel-powered vehicles and equipment would emit diesel PM. During operation, the diesel trucks that would access the project site would also emit diesel PM. In addition, diesel PM would also be emitted by standby emergency generators and yard service trucks in the unmitigated case (diesel prohibited with mitigation). Gasoline fueled vehicles emit organic gases, some of which are classified as TACs. The revised air quality analysis determined the cancer risk and non-cancer hazards from exposure to those air toxics at sensitive/residential receptors, worker receptors, and school sites in the area. In the 2013 Draft EIR, only impacts from diesel PM were assessed; for the revised analysis, total organic gases were also included to analyze acute non-cancer hazards from diesel and gasoline powered vehicles.

Exposure Durations for Cancer Risk

In the 2015 Final EIR, cancer risk is presented for periods of 30 years under the Current OEHHA Guidance for residential exposure and 25 under the Current OEHHA Guidance for worker exposure. In addition, the 2015 Final EIR included a 9-year exposure duration to examine health impacts on school age children.

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The underlying factors used in the analysis exemplify the conservative nature of utilizing the exposure scenarios and the underlying assumptions:

- The residential cancer risk calculation assumes that each resident will be exposed to diesel particulate matter (diesel PM) and organic gases for 24 hours a day for 350 days a year at the location of his or her home throughout the residential exposure period. It's as if no one ever left his or her backyard to go to work or school.
- Studies have shown that over 90 percent of all residents remain in their homes for less than 30 years.
- The worker cancer risk calculation assumes that workers are exposed to diesel PM for 8 hours a day for 245 days a year, next to, but outside of the buildings in which they work.
- Studies have shown that over 95 percent of workers stay at the same job location for less than 25 years.
- Cancer risk results are derived using the emissions from construction equipment and cars and trucks which will serve the project. Emissions are a function of the number of construction equipment in usage, length of time in operation, power of the equipment, and load factor while mobile source emission depend on the number of vehicle trips and miles traveled, vehicle class, model year, and vehicle speed. The project's emissions have been estimated using methodologies published by the SCAQMD and the CARB.
- The atmospheric dispersion model and traffic model (used in estimating mobile source emissions) that are used to estimate risks generally provide impact estimates that are overestimates based on the use of conservative model assumptions.

Trip Estimates are Conservative

It should also be noted that the traffic analysis used a conservative estimate of the number of truck trips after the project begins operation. This is important because diesel PM emissions are directly related to both the number of trucks and the vehicle miles traveled.

The traffic analysis in the EIR used the traffic generation rate for high-cube warehouses suggested by the Institute of Traffic Engineers ("ITE") which is based on traffic counts from a number of large warehouses located in California and elsewhere in the United States. This rate was also compared to the trip generation rate actually resulting from the Skechers warehouse immediately adjacent to the project. The Skechers warehouse is representative of the warehouses planned for the project. The ITE trip generation rate is three times greater than the Skechers warehouse traffic counts (see Table 4.15.K in the revised EIR). Because the project analysis used a higher trip generation rate, the vehicle miles traveled are also higher. The combination of the conservative forecasts of traffic and of the miles traveled means that the calculation of the cancer risk in the EIR overstates the extent of that risk regardless of the exposure period used.

Conclusion

The 2015 Final EIR, Volume 2 (Revised Draft EIR) provides cancer risk calculations based on both 30-year exposure periods for residential receptors and 25-year exposure periods for work place receptors using the current OEHHA Guidance, the cancer risks exceed the cancer risk significance threshold at existing residences located within the project boundary but do not exceed the threshold at residences located outside of the project boundary. Further, even though the significance threshold is exceeded on a numerical

basis, the risks are expected to be less than significant based on the new health research results from the Health Effects Institute (HEI) that evaluated the health effects of diesel PM emissions from new technology diesel engines such as those that are required as a mitigation measure for this project (MM 4.3.6.2B) that requires that all diesel fueled trucks must be compliant with Model Year 2010 truck emission standards. The HEI study clearly demonstrates that the application of new emissions control technology to diesel engines have virtually eliminated the health impacts of diesel exhaust that were identified when it was designated a toxic air contaminant by CARB in 1998. That designation spurred a series of regulations that brought forth transformative emissions control technology, significantly reducing both emissions and the associated health impacts. This finding is further re-enforced by the mitigation requirement that all diesel construction equipment greater than 50-horsepower meet Tier 4 emission standards, the most stringent emission control requirements on off-road construction equipment. The public and the City's decision makers will be presented, and therefore will be fully informed, about the extent of the project's cancer risks.

Summary of Health Risk Results

To provide an understanding of the meaning of cancer risk, a person exposed to a cancer risk level of 1 in a million implies a likelihood that up to one person, out of one million equally exposed people would contract cancer if exposed continuously (24 hours per day indoors and outdoors) to the levels of toxic air contaminants over a specified duration of time such as 30 years. This risk would be an excess cancer risk in addition to any cancer risk borne by a person not exposed to the project's emissions. The results of the health risk assessment prior to the application of mitigation are summarized in Table C-3A for various receptors located within the project boundaries and outside of the project boundaries as shown in the 2013 Draft EIR. Compared to the risks shown in the 2013 Draft EIR, the revised risks are substantially lower. This is due to several reasons including changes in the original construction and occupation schedule, realignment of the internal roadways, reductions in the total size of the project, reductions in the construction equipment inventory, use of the EMFAC2014 mobile source emission model for mobile sources and the newest version of the CalEEMod for estimating construction emissions, and a 5-day construction work week. The maximum daily emissions are required for the regional analysis, because project emissions can occur on any day of the week. However, in order to calculate annual average emissions, it is necessary to base emissions upon a realistic work schedule. The revised analysis assumes a more realistic annual average use of construction equipment by assuming that the maximum equipment would occur for five days per week (instead of six days per week as in the DEIR). In this way, an annual average emission inventory was estimated.

Table C-3C shows the resulting cancer risks estimated with the application of the "Current OEHHA Guidance" that includes a 30-year exposure duration and incorporated age-sensitivity factors. As noted therein, the results shown in Table 3C-C are consistent with the significance results shown in the 2013 Draft EIR that concluded that the SCAQMD cancer risk significance threshold is exceeded at locations both within and outside of the project boundary including both existing residential areas as well as in residentially-zoned areas to the southwest of the project and along Gilman Springs at the eastern boundary of the project prior to mitigation.

Table C-3D and Table C-3E summarize the results of the project cancer risks after application of mitigation. As noted in Table C-3E with the "Current OEHHA Guidance", the SCAQMD significance threshold is exceeded at 3 existing residences located within the project boundary.

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Based on the recent research results published by the Health Effects Institute, the diesel PM emissions from the truck fleet and construction fleet that will be operated by the project consisting of Model Year 2010 diesel trucks and Tier 4 off-road construction equipment, the project's impacts are not expected to result in significant cancer risk impacts.

Table C-3A: Estimated Cancer Risks, 70-Year Exposure Duration for Sensitive/Residential Receptors as Shown in the 2013 Draft EIR

Receptor Location	Unmitigated			Mitigated		
	Total Incremental Cancer Risk ¹ (risk/million)	SCAQMD Cancer Risk Significance Threshold (risk/million)	Exceeds Threshold?	Total Incremental Cancer Risk ¹ (risk/million)	SCAQMD Cancer Risk Significance Threshold (risk/million)	Exceeds Threshold?
Maximum risk anywhere in the modeling domain ²	100.7	10	Yes	76.8	10	Yes
Maximum risk at existing residences within the project boundaries ³	100.7	10	Yes	76.8	10	Yes
Maximum risk at any existing residential area outside of the project boundaries ⁴	22.2	10	Yes	20.9	10	Yes

Notes:

- ¹ 70-year average exposures from 2015 to 2084 (includes diesel PM emissions from construction and operation); cancer risk estimates derived from the EMFAC2014 emission model and “Former OEHHA Guidance” for estimating cancer risks as presented in the Draft EIR
- ² Location is at the existing residences within the boundaries of the project
- ³ Location is at the southwest corner of the project
- ⁴ Location is at an undeveloped property zoned for residential at the southwest corner of the project

Source: *Air Quality, Greenhouse Gas, and Health Risk Assessment Report, 2015.*

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Table C-3C: Estimated Cancer Risks, 30-Year Exposure Duration for Sensitive/Residential Receptors, Based on the “Current OEHHA Guidance,” Without Mitigation (new)

Receptor Location	Incremental Cancer Risk During Project Construction (risk/million)	Incremental Cancer Risk During Project Operation (risk/million)	Total Incremental Cancer Risk ¹ (risk/million)	SCAQMD Cancer Risk Significance Threshold (risk/million)	Exceeds Threshold?
Maximum risk anywhere in the modeling domain ²	180.8	6.7	187.5	10	Yes
Maximum risk at existing residences within the project boundaries ³	180.8	6.7	187.5	10	Yes
Maximum risk at any existing residential area outside of the project boundaries ⁴	47.2	2.5	49.7	10	Yes
Maximum risk at any undeveloped residentially zoned property outside of the project boundaries ⁵	40.5	2.7	43.2	10	Yes

Notes:

- ¹ 30-year average exposures from 2015 to 2044 (includes diesel PM emissions from construction and operation); cancer risk estimates derived from the EMFAC2014 emission model and “Current OEHHA Guidance” for estimating cancer risks
- ² Location is at the existing residences within the boundaries of the project
- ³ Location is at the existing residences within the boundaries of the project
- ⁴ Location is at the southwest corner of the project
- ⁵ Location is at an undeveloped property zoned for residential at the southwest corner of the project

Source: *Air Quality, Greenhouse Gas, and Health Risk Assessment Report, 2015.*

Table C-3E: Estimated Cancer Risks, 30-Year Exposure Duration for Sensitive/Residential Receptors, Based on the “Current OEHHA Guidance,” With Mitigation (new)

Receptor Location	Incremental Cancer Risk During Project Construction (risk/million)	Incremental Cancer Risk During Project Operation (risk/million)	Total Incremental Cancer Risk ⁽¹⁾ (risk/million)	SCAQMD Cancer Risk Significance Threshold (risk/million)	Exceeds Threshold?
Maximum risk anywhere in the modeling domain ²	11.4	5.6	17.0	10	Yes
Existing residences within the project boundaries					
13100 Theodore St	11.2	4.5	15.7	10	Yes
13200 Theodore St	11.1	4.5	15.6	10	Yes
13241 Theodore St	11.4	5.6	17.0	10	Yes
30220 Dracaea Ave	5.0	3.6	8.6	10	No
30240 Dracaea Ave	5.0	3.6	8.6	10	No
29080 Dracaea Ave	3.0	1.5	4.5	10	No
29140 Dracaea Ave	4.8	1.7	6.5	10	No
Maximum risk at any existing residential area outside of the project boundaries ³	2.7	1.6	4.3	10	No
Maximum risk at any undeveloped residentially zoned property outside of the project boundaries ⁴	2.1	1.9	4.0	10	No

Notes:

- ¹ 30-year average exposures from 2015 to 2044 (includes diesel PM emissions from construction and operation); cancer risk estimates derived from the EMFAC2014 emission model and “Current OEHHA Guidance” for estimating cancer risks
- ² Location is at the existing residences within the boundaries of the project
- ³ Location is at the southwest corner of the project
- ⁴ Location is at an undeveloped property zoned for residential at the southwest corner of the project

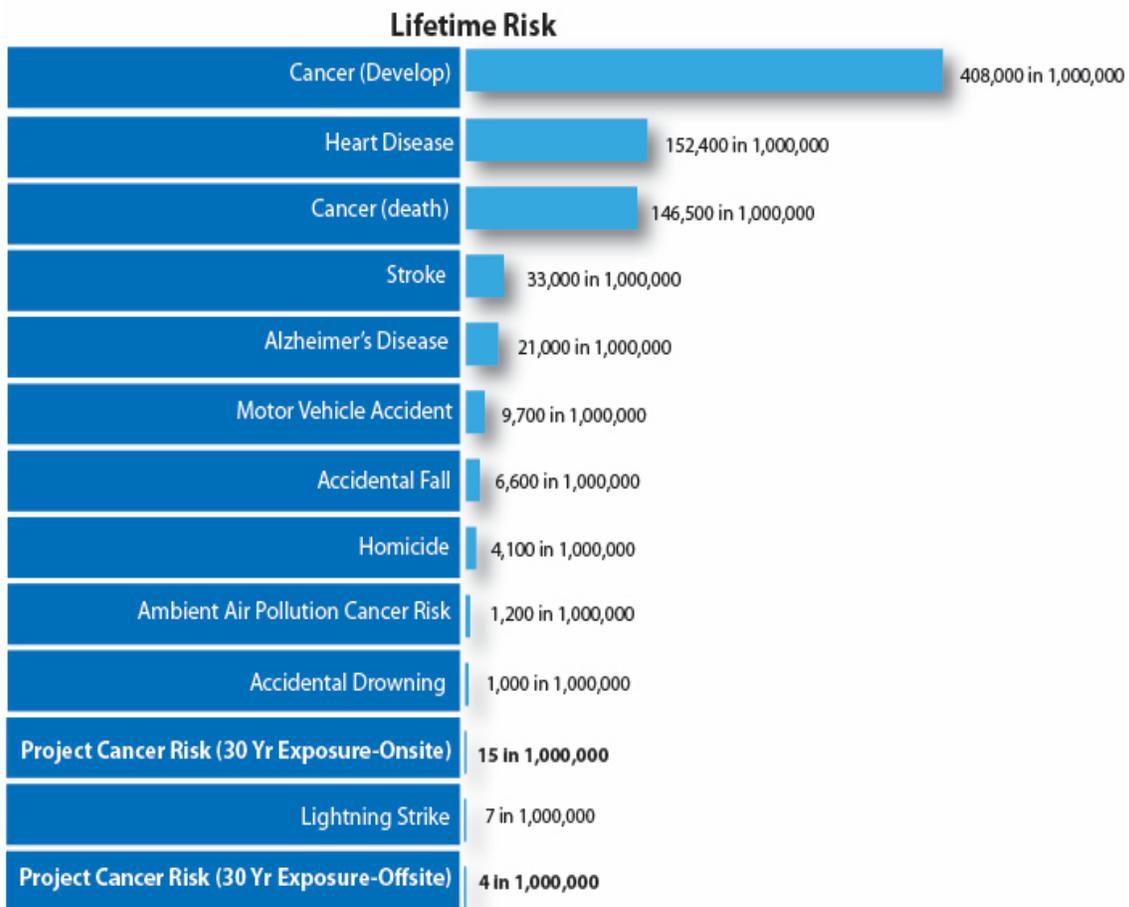
Source: *Air Quality, Greenhouse Gas, and Health Risk Assessment Report*, 2015.

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In response to comments, analysis of implementing a 1,000-foot buffer indicates that the buffer would not have a substantial impact on the cancer risk estimates. There is only a minimal difference in the maximum values and a negligible difference in the cancer risk contours. The health risk assessment also has the following cancer burden and non-cancer results:

- The project’s cancer burden level of 0.1 after mitigation based on the Current OEHHA Guidance that call for a 70-year exposure duration and age-sensitivity factors in estimating cancer burden.; therefore, the project would not exceed the SCAQMD’s threshold of 0.5.
- The project’s non-cancer chronic and acute hazard index would not exceed the SCAQMD’s thresholds at any receptor.
- The project would result in a cumulatively considerable health risk impact even after mitigation for sensitive/residential receptors.

Exhibit C-3-3 presents the project risk in perspective with other lifetime risks in the United states based on mortality statistics. As shown in the chart, the project cancer risk has a slightly higher risk than dying from a lightning strike and lower risk than accidental drowning.



Source: Michael Brandman Associates 2015

Exhibit C-3-3: Lifetime Risks in the United States Based on Mortality Statistics

Greenhouse Gas Emissions from Project

Greenhouse gas (GHG) emissions are of concern because the accumulation of them in the atmosphere can contribute to climate change. California's Assembly Bill (AB) 32 requires that the State reduce its greenhouse gas emissions to 1990 levels by the year 2020. One of the ways California will reduce these emissions is through the California Cap-and-Trade Program. This program places a cap on certain sectors (e.g., electricity generation, petroleum refining, and cement production). The cap provides regulatory certainty of future emissions since regulated entities will not be permitted to emit GHG emissions that exceed the cap. The project emissions sources covered by the Cap-and-Trade Program include fuel combustion sources (motor vehicle and truck exhaust, construction exhaust, natural gas, onsite equipment) and electricity generation. The project emissions sources not covered by the Cap-and-Trade Program include waste decomposition in landfills, land use change, and refrigerant leakage.

The analysis in the 2013 Draft EIR did not divide the greenhouse gas emissions into AB 32 capped and uncapped emissions. The 2013 Draft EIR compared the total project emissions to the SCAQMD draft industrial threshold for greenhouse gas emissions of 10,000 metric tons of carbon dioxide equivalents (MTCO₂e) per year and found the emissions to be significant and unavoidable even after mitigation. However, the revised analysis divides the Greenhouse Gas Emissions into capped and uncapped and compares the uncapped emissions to the SCAQMD's significance threshold.

The SCAQMD has recognized that the GHG emissions associated with capped sources should not be counted for the purpose of determining what the GHG emissions are for facilities that will use electricity generated elsewhere. See the following negative declarations adopted by the SCAQMD:

- Ultramar Inc. Wilmington Refinery Proposed Cogeneration Project, SCH No. 2012041014, April, 2013 (available at www.aqmd.gov/ceqa/documents/2013/nonaqmd/Ultramar_Neg_Dec.pdf)
- Phillips 66 Los Angeles Refinery Carson Plant - Crude Oil Storage Capacity Project, SCH No. 2013091029, September 2013, (available at www.aqmd.gov/ceqa/documents/2013/nonaqmd/Draft_ND_Phillips_66_Crude_Storage.pdf).

A summary of the greenhouse gas emissions as estimated in the 2013 Draft EIR and the 2015 Final EIR is shown in the table below. The analysis in the 2015 Final EIR divides the AB 32 capped and uncapped emissions and compares the uncapped emissions to the SCAQMD significance threshold. As shown in the Table C-3B, after mitigation, the AB 32 uncapped emissions do not exceed the SCAQMD's threshold of 10,000 MTCO₂e.

As shown in Table C-3B, the emissions as estimated in the 2015 Final EIR are lower mainly because of the following reasons:

1. Motor vehicle emissions were reduced by about 163,000 MTCO₂e/year because of the reasons specified in the operational regional analysis regarding updated emission factors and vehicle miles traveled.
2. Operational waste emissions were reduced by approximately 136,000 MTCO₂e/year because the new version of CalEEMod (2013) lowered its waste generation rates for warehouse development.

Table C-3B: Summary of Greenhouse Gas Emission Results

Year at Buildout	Source of Operation Emissions*	Greenhouse Gas Emissions (MTCO ₂ e/year)			
		Unmitigated		Mitigated	
		DEIR	FEIR	DEIR	FEIR
2012	Worst Case Total	751,787 ^(a)	509,247 ^(c)	N/A = Not Estimated	N/A = Not Estimated
2022 for 2013 Draft EIR	Total for 2031 for 2015 Final EIR	721,034 ^(b)	415,991**	665,321 ^(e)	385,599**
2035 for 2015 Final EIR	AB 32 Capped	**	396,754 ^(d)	**	379,924 ^(f)
	AB 32 Uncapped	**	19,237 ^(d)	**	5,775 ^(f)

DEIR = World Logistics Center Project Draft Environmental Impact Report (February 2013)

FEIR = World Logistics Center Project Final Environmental Impact Report (2015)

N/A = not applicable because mitigated emissions were not estimated for the worst-case scenario.

* = The emissions are operational emissions and include the construction emissions averaged over 30 years.

** = The total emissions are not applicable for the 2015 FEIR because the emissions are divided into AB 32 capped and uncapped emissions. A division of the capped and uncapped emissions was not done in the 2013 Draft EIR.

Sources: *Air Quality, Greenhouse Gas, and Health Risk Assessment Report, 2015.*

(a) 2013 Draft EIR Table 4.7.F; (b) 2013 Draft EIR Table 4.7.G; (c) 2015 Final EIR Table 4.7.F; (d) 2015 Final EIR Table 4.7.G; (e) 2013 Draft EIR Table 4.7.I; (f) 2015 Final EIR Table 4.7.I

Response to Comment 1-B1-28: Refer to Response to Comment 1-B1-23 regarding the reduction in the size of the proposed Project and changes to phasing of the Project.

Response to Comment 1-B1-29: As discussed in Section 4.3 of the 2015 Final EIR and Master Response-1 and Master Response-2 of the 2015 Final EIR, Volume 1, Response to Comments, the project will not increase health risk in the immediate area. Nonetheless, the WLC Specific Plan (SP) proposes an alternative fueling station that will open during the first phase of development to serve trucks that use liquefied or compressed natural gas as vehicle fuel. In addition, future development under the WLCSP will comply with vehicle fleet fuel requirements at the time of development approval. However, the project will support a variety of future users which are unknown at this time, so it is not possible to specify or require future users to have zero-emission or alternative fuel fleets since most logistics companies use independent contractors and truck drivers rather than maintain their own fleets.

Finally, it should be noted that the project has committed under various mitigation measures to requiring the most stringent levels of emission mitigation under existing emission control regulations including the use of Model Year 2010 engine diesel trucks and Tier 4 off-road construction equipment.

Response to Comment 1-B1-30: Refer to the updated air quality and health risk assessment for a refinement of the PM and cancer risk values (2015 Final EIR, Volume 2, Appendix D).

As discussed in Master Response 3: Zero Emission and Hybrid Electric Trucks, Vehicles, and Equipment on page 234 in the 2015 Final EIR, Volume 1, Response to Comments, Response to Comment C-3, the development, demonstration and deployment of zero and near zero emission technologies are not feasible for the project.

The suggested mitigation measures are discussed below:

Suggested Mitigation Measure	Response
1. From the onset, require that all medium-heavy and heavy-heavy duty trucks, including and alternative fuel vehicles, meet or exceed the 2010 emissions standard	Already Included. This was a project design feature in the 2013 Draft EIR and is now part of MM 4.3.6.3B.
2. As it becomes available, require that trucks traveling between the Center and any ports or rail yards within 100 miles use zero- or near zero-emission technology.	Not Included. See Master Response 3: Zero Emission and Hybrid Electric Trucks, Vehicles, and Equipment in Response to Comment Letter C-3
3. Require, to the greatest extent possible, onsite service vehicles and equipment use zero emission technology, and if zero-emission technology is unavailable, that all vehicles and equipment meet the cleanest applicable emission standard.	Partially Included. Low-emission and zero-emission technologies are required for onsite equipment, as stated in Specific Plan Section 12.3: "The use of diesel-powered service yard vehicles (yard goats, etc.) is prohibited at all times within the Specific Plan area. Pallet jacks, forklifts, and other onsite equipment used during building operation (indoors or outdoors) shall be powered by electricity, natural gas, propane, or other non-diesel fuel." The commenter requests that onsite service vehicles also have zero emission technology; however, it is not feasible to require this as discussed in Master Response: Zero Emission and Hybrid Electric Trucks, Vehicles, and Equipment in Response to Comment Letter C- 3.
4. Require, when available, the use of zero-emission property maintenance equipment.	Partially Included. As a project design feature, the forklifts will be fueled by alternative fuel. In addition, Mitigation Measure 4.3.6.3B requires that the yard trucks be powered by alternative fuel. The landscaping equipment emissions are negligible as estimated by the CalEEMod land use emission model; therefore, according to the emissions analysis, it is not necessary to implement zero-emission landscaping equipment. The WLCSP Section 12.4 requires that electric power sources will be provided both indoor and outdoor to accommodate electric property maintenance equipment.

Response to Comment 1-B1-31: It was suggested that mitigation measure 4.3.6.2A (construction equipment exhaust mitigation) should require the use of electric construction tools, when available and feasible, rather than just provide electric hookups. In addition, require all construction fleets be in compliance and monitor compliance with current air quality regulations for off-road equipment. Proposed mitigation measure 4.3.6.3B (localized construction and compliance with all current air quality regulations for on-road trucks including ARB's Heavy-Duty Greenhouse Gas Regulation and Truck and Bus Regulation.

Final Response to Comments

Suggested Mitigation Measure	Response
Mitigation measures 4.3.6.2A should require the use of electric construction tools, when available and feasible, rather than just provide electrical hookups.	Incorporated. This language is incorporated was a project design feature in the 2013 Draft EIR and is in MM 4.3.6.2A.
Require all construction fleets be in compliance and monitor compliance with current air quality regulations for off-road equipment.	Incorporated. This language is incorporated was a project design feature in the 2013 Draft EIR and is in MM 4.3.6.2A.
Mitigation measure 4.3.6.3B should require all tenants be in compliance and monitor compliance with all current air quality regulations for on-road trucks including ARB's Heavy-Duty Greenhouse Gas Regulation and Truck and Bus Regulation.	Incorporated. This language is incorporated was a project design feature in the 2013 Draft EIR and is in MM 4.3.6.3B.

Response to Comment 1-B1-32: The suggested mitigation measure is discussed below.

Suggested Mitigation Measure	Response
The developer, Highland Fairview, or the City of Moreno Valley provide incentives for tenants to encourage the use of alternative modes of commuting by their employees including, but not limited to, active transportation, public transportation, car pool, and the use of zero-emission vehicles. These same methods of transportation should be strongly encouraged or required for movement within the Center area.	Already Incorporated. MM 4.3.6.4A requires that tenants participate in Riverside County's rideshare program, which encourages carpooling and public transportation. In addition, all tenants will need to comply with the requirements of SCAQMD Rule 2202, which accomplishes the same goals as requested by the commenter.

Response to Comment 1-B1-33: Shifting the land use designation from LD to LL along the west side of the project would have no effect on the presence of diesel trucks and equipment in that area. Neither designation includes any restriction on the type of vehicles that can access future buildings. The Specific Plan provides for a 250-foot setback for buildings and truck access/parking facilities from adjacent residential zoned areas.

The suggested mitigation measure is discussed below.

Suggested Mitigation Measure	Response
Shift the proposed development along the west side of the project area to focus on light logistics or other uses to ensure that any operations of diesel trucks or equipment are at least 1,000 feet away from residential occupied or zoned property or other sensitive receptor	Not Included. Refer to Master Response 4 in the Response to Comment Letter C-3 concerning the d1,000-foot buffer.

Master Response 4: 1,000-Foot Buffer

Several commenters have proposed that the project use a "1,000-foot buffer between the project and sensitive receptors as recommended in the California Air Resources Board's Land Use Handbook." However, those recommendations are outdated and not applicable to this specific project. First, the Land Use Handbook states that for distribution centers and warehouses, "ARB recommends a separation of 1,000 feet based on the combination of risk analysis done for TRUs [transportation refrigeration units] and the decrease in exposure predicted with the South Coast AQMD modeling" (page 14). MM 4.3.6.3E has

been added, which prohibits refrigeration unless it can be demonstrated that the environmental impacts resulting from the inclusion of the refrigerated space and its associated facilities, including, but not limited to, refrigeration units in vehicles serving the logistics warehouse, do not exceed any environmental impact for the entire World Logistics Center identified in the program Environmental Impact Report. The Land Use Handbook was published in 2005 before ARB promulgated its On-Road Heavy-Duty Diesel Vehicles (In-Use) Regulation significantly reducing diesel emissions from sources like warehouses (the ARB analysis was “assuming a current fleet diesel PM emission rate”). In addition, the project’s commitment to allow only trucks that are compliant with United States Environmental Protection Agency’s (USEPA) 2010 emissions standards, which are over 90% cleaner than the prior generation of trucks, means that the assumptions that were modeled and considered during the preparation of the Land Use Handbook are not valid for this project. Additionally, based on improved mitigation, such as the requirement to use Tier 4 construction equipment, there is no significant health impact outside the project boundaries based on the current OEHHA methodology. More importantly, the recommendation was made prior to the release of the Health Effects Institute study (discussed in Master Response-2), which found no evidence that new technology diesel exhaust causes cancer. This means that current OEHHA methodology for calculating cancer risk is not applicable and that there is no cancer risk attributable to project-related diesel emissions.

Nonetheless, an analysis of a 1,000-foot buffer between the project’s operational emissions and the centerlines of Redlands Boulevard, Gilman Springs Road, Bay Avenue, and Merwin Street was included in the revised Air Quality, Greenhouse Gas, and Health Risk Assessment prepared for the project. The results show that there is no substantial difference in the cancer risk estimates with the use of a 1,000-foot buffer. Any difference is well within the mathematical and physical limitations and uncertainties of the various methodologies used to estimate cancer risk. These limitations and uncertainties deal with the approximate mathematical formulations used to describe and simulate of the complex atmospheric processes that disperse air pollutants, experimental limitations in the accuracy for estimating emissions from sources, and the limitations in quantifying the physical relationships between a specific level of air pollution and a direct health effect.

In addition, pursuant to the WLCSP (Section 2.5) and MM 4.1.6.1A, the WLC will have a minimum 250-foot buffer between the project and residentially zoned properties along Redlands Boulevard, Merwin Street, and Bay Avenue. A berm along Redlands Boulevard and landscaping will also create a visual screen between the WLC and adjacent communities to reduce the visibility of the proposed warehouse structures and improving aesthetics and reducing impacts on the neighboring community. The effectiveness of vegetative barriers on air quality is highly complex and depends on a number of factors including particle size, wind speed, leaf area density, and gaps in the vegetation, tree species, and season. The project proposed to plant a wide variety of vegetative species, as shown in the WLCSP, Section 5.4, and Onsite Landscaping that could act as a vegetative barrier. At this time, it is not possible to gauge the effectiveness of the vegetative barriers in absorbing air pollutants. However, a SCAQMD forum, Near-Road Mitigation Measures and Technologies, given November 21, 2013, featured several presentations that showed that vegetative barriers had measurable benefits in reducing pollution.

The Gilman Springs Road edge in the eastern portion of the project is adjacent to existing and future suburban residential (zoned) uses. This edge will feature a restricted use area of 250 feet from these residentially zoned properties. No buildings, truck courts, loading areas, truck circulation areas, or truck or trailer storage uses are permitted within this area. Employee/visitor parking, emergency access,

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landscaping, drainage facilities, and property maintenance access are permitted. This restricted use area may be reduced subject to the review of project specific air quality and noise analyses.

In summary, a 1,000-foot barrier will not reduce air quality impacts for the WLC project.

For additional information about the project design features and mitigation measures that have been incorporated into the project, see Section 4.1 of the 2015 Final EIR and Figures 4.1.4 through 4.1.4J and Figures 4.1.5 through 4.1.5J.

Response to Comment 1-B1-34: Section 21101.6 of the California Vehicle Code states that local authorities may not place gates or other selective devices on any street which deny or restrict the access of certain members of the public to the street, while permitting others unrestricted access to the street. Local authorities may prohibit vehicles based on size (weight or height) as is being proposed for the Cactus Avenue Extension, but they cannot limit access to a public street based on the residence of the driver. On that basis, heavy trucks would be prohibited from using the Cactus Avenue Extension.

The suggested mitigation measure is discussed below.

Suggested Mitigation Measure	Response
Minimize all traffic, beyond just heavy-duty traffic, by limiting the use of the "D" street entrance to only local residents.	Not Included. The Cactus Street extension is a public street. While the project does place restriction on heavy-duty vehicles, prohibiting use of the street, the City cannot limit street access to only nearby residents. In addition, there is no way to distinguish among light vehicles those that are operated by local residents as opposed to nearby communities like Lake Perris. As a result, the proposed limitation is infeasible.

Response to Comment 1-B1-35: Any on-site fueling station is a "stationary source" under SCAQMD rules and as such, will be subject to all applicable rules and regulations regarding layout and design at such time as specific site is selected and a project is proposed. In addition to SCAQMD rules, any proposed fueling station will be subject to a discretionary Plot Plan process which will evaluate the specific design and any potential impacts on nearby uses. No significant impact has been identified and therefore no specific mitigation is required.

The suggested mitigation measure is discussed below.

Suggested Mitigation Measure	Response
Increase the required distance from any onsite fueling stations to residential occupied or zoned property or other sensitive receptor from 250 feet to 1,000 feet.	Partially Included. The proposed onsite fueling station shall be placed a minimum of 1,000 feet from any offsite residential occupied or zoned property or other sensitive receptors pursuant to MM 4.3.6.3C. As a stationary source, rules established by the SCAQMD will determine the location and controls placed on the facility to ensure that there is no impact on residential areas.

Response to Comment 1-B1-36: Future development within the WLCSP may take advantage of alternative fuel or zero emission vehicles and will comply with all fleet and/or fuel requirements at the time

of development approval in the future. The project will support a variety of future users which are unknown at this time, so it is not possible to require future users to have zero emission or alternative fuel fleets since most logistics companies use independent contractors and truck drivers rather than maintain their own fleets.

Response to Comments 1-B1-37 through 1-B1-47 are the Original Responses to the CARB June 8, 2015, comment letter on the 2015 Final EIR, Memorandum dated June 10, 2015.

Response to Comment 1-B1-37: The air quality, health risk, and greenhouse gas analyses in the EIR are based on current scientific and regulatory guidance on the preparation of such studies, are legally adequate, and the EIR proposes appropriate mitigation based on the impacts identified in those studies. The EIR contains accurate and legally adequate information upon which decision-makers can make an informed decision. As outlined in Table 1.C of the 2015 Final EIR, Volume 1, Response to Comments, recirculation is not necessary based on the results of the additional analyses and responses to the many comments on the 2013 Draft EIR.

Response to Comment 1-B1-38: This comment discusses the possibility that the City may opt to move the WLC decision to a ballot measure and they urge CEQA compliance regardless of whether the project becomes a ballot measure. The 2013 Draft EIR, Section 4.4 fully evaluated the potential air quality and health risks of the WLC project. The many comments on the DEIR regarding air quality and health risks were addressed in the 2015 Final EIR, Volume 1, Response to Comments.

Response to Comment 1-B1-39: The comment above describes requirements of CEQA in regard to response to comments and recirculation. The 2015 Final EIR for the WLC project meets the requirements of CEQA in regard to response to comments. In addition, the 2015 Final EIR does not meet any of the criteria for recirculation: (1) there are no new or more severe environmental impacts, (2) there are no feasible project alternatives that would lessen the environmental impacts and all feasible mitigation has been adopted, and (3) it is neither inadequate nor conclusory.

Response to Comment 1-B1-40: This comment states that the Response to Comments fails to adequately address ARB's comments and does not adopt all feasible mitigation measures in their previous letter. Specifically, ARB's recommended "actions to support the development, demonstration, and deployment of zero and near-zero emission technology to reduce localized health risk and regional emissions. The WLC 2015 Final EIR is a programmatic EIR that analyzes the environmental impacts and require mitigation for a long-term project that will be implemented in increments over many years. Each subsequent increment will be subject to further environmental review and may require additional mitigation if additional impacts are found or previously infeasible mitigation becomes feasible. Due to the programmatic nature of the document, it is not known who future users of the WLC will be or what their operational needs will require in terms of equipment. As a result, all mitigation relies on commercially available technology that meets the most stringent environmental standards. As CARB knows, planning for zero-emission technology in the freight sector is incredibly difficult, as demonstrated by CARB's ongoing multi-year planning (not implementation) effort to on the Sustainable Freight Plan to lay out pathways to get to a zero-emission freight sector.

As CARB knows, there are no commercially available zero-emission on-road heavy-duty trucks available (See Response to Comments Master Response-3). CARB's own progress report on heavy duty technology

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and fuels assessment (Draft Heavy-Duty Technology And Fuels Assessment: Overview, April 2015) overview states that the zero and non-zero emission technologies are still at the demonstration phase:

“Demonstrations are underway across the State in a wide array of heavy-duty applications including drayage trucks, delivery trucks, school buses, and some types of off-road equipment.”

“Achieving the successful transition to zero and near-zero emission technologies will be challenging and will take time and money to realize.”

“Staff is assessing additional zero emission vehicle and equipment platforms in the concept, demonstration, or pilot scale deployment stage in the heavy-duty sector. Examples include drayage trucks, delivery trucks, and selected types of cargo handling equipment (CHE) such as yard trucks. These technologies are limited today by cost and in some cases performance. As these technologies mature, moving from demonstrations to pilots and early commercialization, costs will decrease and performance will improve.”

Not only are none currently available, it is not currently known when such trucks will become available, what technology they will rely (an important requirement for refueling/recharging requirements), or what operational capabilities such equipment might have such as range or load. The project can commit to requiring all trucks meet U.S. EPA 2010 standards (Mitigation Measure 4.3.6.3B) because it is not question of commercial availability – all new trucks must meet these standards – it is a question of what subset of the truck fleet will serve the WLC.

Similarly, with off-road equipment, there is no zero-emission standard for such equipment. While some electrical equipment does exist, it does not exist in for all operational requirements. However, all onsite equipment is available in non-diesel technologies. Subsequent environmental review may require that specific technology that will work with future users be required as condition of approval, but a broad requirement that unknown future users use a specific technology is not currently feasible since current zero-emission technology is very limited.

Response to Comment 1-B1-41: This comment states that recirculation is required due to fundamental inadequacies in the project’s health risk assessment which is flawed and inadequate. In this case the recirculation “trigger” is present. The 2015 Final EIR analysis has been revised since the 2013 Draft EIR was released to include a new study regarding health impacts from diesel engines, specifically, the Advanced Collaborative Emissions Study (ACES). The 2015 Final EIR repeatedly references that the ACES study concludes that the “application of new emissions control technology to diesel engines have virtually eliminated the health impacts of diesel exhaust. Use of and reference to the ACES study should be removed throughout the 2015 Final EIR. Further, the air quality and health risk methodology and models used in the 2015 Final EIR should be fully explained to ensure the information is accessible and understandable to the public.

The HEI is an independent non-profit research organization founded in 1980 to provide high-quality, impartial, and relevant science on the health effects of air pollution. Typically, HEI receives half of its core funds from the US Environmental Protection Agency and half from the worldwide motor vehicle industry. Other public and private organizations periodically support special projects or certain research programs.

Organizations also participate as part of steering committees and peer reviewers including the California Air Resources Board and the Natural Resources Defense Council, among others.

It is important to note that the primary purpose of ACES, on which CARB was a member of the steering committee, was to evaluate the cancer risk from new technology diesel exhaust: “the first study to conduct a comprehensive evaluation of lifetime inhalation exposure to emissions from heavy-duty 2007-compliant engines” (HEI Statement p. 1).

While HEI ACES evaluated over 100 health endpoints, the 2015 Final EIR only relied upon the report’s conclusion in its discussion and analysis of cancer risk. The HEI ACES report was not relied upon in the 2015 Final EIR’s analysis of the chronic/acute hazard index or the mortality/morbidity analysis. In addition, CARB’s comment requests that the approved risk assessment methodology contained in the OEHHA Air Toxics Hot Spots Program Risk Assessment Guidelines: Guidance Manual for the Preparation of Health Risk Assessments be used. A full assessment using those guidelines is provided in the 2015 Final EIR, Volume 3, Section 4.3.3.4. Based upon those guidelines, there would be no project-related cancer risk outside the project’s boundaries. The 2015 Final EIR concludes that based upon HEI ACES, that estimated risk is overestimated and that no cancer risk impact is expected from the WLC. The primary conclusion of the HEI ACES is “that NTDE would not cause an increase in tumor formation or substantial toxic health effects.” (HEI ACES Report p.3).

Additionally, the study mentioned by CARB does not examine cancer health risk attributable to new technology diesel but have examined health effects from diesel trucks that emit between 10 to 100 times more emissions than the new technology that the project’s mitigation will require. As ACES Phase 1 and 2 demonstrate, new technology diesel exhaust is substantially different from traditional diesel exhaust necessitating the HEI study to evaluate the health impacts of new technology diesel exhaust. All previous studies, including those evaluated by OEHHA and cited by CARB examined the health effects of traditional diesel exhaust which date back to research done in the 1990’s and 2000’s.

CEQA Guidelines Section 15088.5 states that “new information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect”. The impacts described in the 2015 Final EIR are similar to or less than the impacts described in the DEIR. New, though not significant, information added to the document responds to comments; merely clarifies or amplifies existing information; or adds new mitigation measures, any impacts of which have been fully evaluated in the 2015 Final EIR. In addition, 2015 Final EIR is neither inadequate nor conclusory.

Response to Comment 1-B1-42: This comment recommends that the document include an evaluation of the potential health impacts at the major milestones identified for this project for each receptor of interest and appropriate exposure duration. The OEHHA health risk assessment contained in the 2015 Final EIR analyses the lifetime exposure as defined by OEHHA (30 years) (2015 Final EIR, Volume 3, Section 4.3.3.4). Any period shorter than the lifetime exposure would show results less than those shown in the 2015 Final EIR. While the OEHHA method overestimates the risk, based upon the conclusions of HEI ACES, it does show a worst-case scenario with regard to duration. Further, as one moves into the future, the health impacts would be less than those described in the 2015 Final EIR since emissions will be lower than in the early years of the project.

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Response to Comment 1-B1-43: This comment suggests that the rise in emissions of criteria pollutants due to the project may interfere with the current strategy to bring the South Coast Air Basin into attainment with federal air quality standards. The project needs to be revised to include substantial air quality mitigation by employing effective and feasible zero- and near zero-emission technologies. See Response to Comment B1-40. The 2015 Final EIR has committed to require U.S. EPA 2010 compliant trucks well ahead of the State of California's requirements. There are no commercially available heavy-duty trucks and therefore such mitigation is infeasible. CARB's own planning efforts with regard to zero-emissions within the freight sector is incomplete. Additionally, without knowledge of who future users might be, it is not currently possible to specify what technology will meet their operational needs. Subsequent environmental review may require that specific technology that will work with future users be required as condition of approval.

Response to Comment 1-B1-44: This comment states that the City should use a future baseline in the health risk and air quality analysis as well as the existing baseline condition for a comparison. The 2015 Final EIR contains an exhaustive analysis of the impacts of the proposed project and the cumulative analysis shows the project's impacts when combined with the impacts of reasonably foreseeable past, present, and future projects. (2015 Final EIR, Volume 3, Section 4.3).

Response to Comment 1-B1-45: This comment states that the City should recirculate the 2013 Draft EIR, and ARB recommends including mitigation measures that detail more robust plans for charging and fueling infrastructure, which will be necessary to support increased zero emission vehicles and equipment used on the project site. Mitigation measure 4.3.6.3C should be modified to include a more comprehensive description of the fueling station, including how that fueling station will adequately meet the needs of the zero- and near zero-emission equipment used on site. Furthermore, mitigation measure 4.3.6.4A should be expanded to ensure that the charging infrastructure required on-site will meet the needs of the growing numbers of zero emission vehicles that will be accessing the project site. The project does not make an estimate of the number of electric vehicles arriving at the project because such an estimate would be pure speculation. The State of California has had a zero-emission vehicle (ZEV) requirement for decades with little success. That is beginning to change; however, the rate of penetration for ZEV is unknown. As a result, the project is using the highest planning standards in setting a minimum for electrical charging stations. Since this is a programmatic EIR and there will be subsequent environmental evaluation as the project is implemented, it is possible that the electric vehicle charging requirements will increase due to changing real-world circumstances, rather than hopeful speculation. Finally, as noted, the project requires that construction and operation of an alternative fueling station to encourage the use of alternative heavy-duty technologies.

Response to Comment 1-B1-46: This comment asserts that to achieve California's air quality climate and sustainability goals, and to reduce the health risk from diesel PM in communities located near freight hubs, the State, including public and private partners, must take effective action to transition to a zero- and near zero-emission freight system. As CARB notes in its comment, the Sustainable Freight Strategy is still draft and subject to change. In addition, the document acknowledges that much of the technology that CARB has recommended in its comment letter is still not commercially available.

Response to Comment 1-B1-47: This comment states that given the scale of the project, the substantial increases in criteria pollutants and greenhouse gas emissions, as well as the potential impact to health risk, it is critical that the 2015 Final EIR require the use of zero- and near zero-emission technologies. It also

asserts that the health risk analysis be revised. Refer to previous Response to Comments 1-B1-37 through 1-B1-47.

From: Albert Armijo
Sent: Friday, September 7, 2018 4:29 PM
To: Julia Descoteaux; Vera Sanchez
Subject: FW: California Department of Justice, Office of the Attorney General's Comments re: Revised Sections of the Final Environmental Impact Report for the World Logistics Center
Attachments: 2018-09-07 Signed AGO Comments on WLC RFEIR.pdf

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From: Heather Leslie [mailto:Heather.Leslie@doj.ca.gov]
Sent: Friday, September 7, 2018 3:51 PM
To: Albert Armijo <alberta@moval.org>
Subject: California Department of Justice, Office of the Attorney General's Comments re: Revised Sections of the Final Environmental Impact Report for the World Logistics Center

Dear Mr. Armijo,

Attached please find the California Department of Justice, Office of the Attorney General's comments on the Revised Sections of the Final Environmental Impact Report for the World Logistics Center.

1-B2-1

Thank you,
Heather

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September 7, 2018

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RE: Revised Sections of the Final Environmental Impact Report for the World Logistics Center Project

Dear Mr. Armijo:

Attorney General Xavier Becerra submits the following comments on the Revised Sections of the Final Environmental Impact Report (“RFEIR”) prepared for the World Logistics Center (the “Project”).¹ The Project, a proposed warehouse and logistics complex in the City of Moreno Valley (“City”), would be one of the largest warehouse facilities in the world, with square footage equaling approximately 700 regulation-size football fields.

INTEREST OF THE ATTORNEY GENERAL

For well over a decade, the Attorney General has actively encouraged lead agencies to fulfill their CEQA responsibilities as they relate to climate change. It is now well-established that California, through law and policy, and consistent with sound science, is committed to achieving a low-carbon future by 2050 in order to reduce and avoid the most catastrophic effects of climate change. California has already begun to experience adverse climate effects, such as rising sea levels and longer, more intense fire seasons. The Attorney General is particularly concerned about how such effects may impact our most vulnerable communities, such as Inland Empire residents, who are already burdened by some of the worst air quality in the country.

¹ The Attorney General’s Office submits these comments pursuant to his independent power and duty to protect the environment and natural resources of the State from pollution, impairment, or destruction, and in furtherance of the public interest. (See Cal. Const., art. V, § 13; Gov. Code, §§ 12511, 12600-12612; *D’Amico v. Bd. of Medical Examiners* (1974) 11 Cal.3d 1, 14-15.) This letter is not intended, and should not be construed, as an exhaustive discussion of the RFEIR’s compliance with the California Environmental Quality Act (“CEQA”).

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Every large development project has the potential either to facilitate, or instead hinder, the State’s achievement of its climate goals. It is therefore important that as lead agencies consider the impacts of individual development projects – many of which will operate for decades into the future – they evaluate and impose feasible mitigation for climate change impacts.

With these goals in mind, the Attorney General has provided guidance to local governments, commented on potential projects, and engaged with local interest organizations concerned with climate change and environmental justice. (See California Department of Justice, Office of the Attorney General, *California Environmental Quality Act*, <https://oag.ca.gov/environment/ceqa> (as of Sept. 7, 2018).) The Attorney General has also participated in litigation throughout the State to ensure that local governments comply with state requirements to fully analyze and implement all feasible mitigation measures to lessen significant impacts from greenhouse gas emissions (“GHGs”) caused by land use development projects. (See, e.g., *Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 3 Cal.5th 497; *People of the State of California v. County of San Bernardino* (Cty. of San Bernardino filed April 12, 2007) No. CIVSS700329.) The Attorney General also has a long-standing interest in ensuring environmental justice throughout the State and for communities in the Inland Empire. (See, e.g., *CCA EJ v. County of Riverside, et al.*, Case No. RIC1112063; California Department of Justice, Office of the Attorney General, *Environmental Justice at the Local and Regional Level: Legal Background* (July 10, 2012) https://oag.ca.gov/sites/all/files/agweb/pdfs/environment/ej_fact_sheet.pdf.)

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After review of the GHG analysis in the RFEIR, the Attorney General believes that the City has failed to comply with CEQA’s requirements for analyzing and implementing feasible mitigation for the significant GHG emissions that will result from this Project. For the reasons outlined below, the City’s approach falls substantially short of meeting the requirements of CEQA, the regulations implementing CEQA – the CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.), and applicable case law. The City’s approach in the RFEIR has the potential to seriously undermine the overall effort to meet the State’s science-based GHG reduction goals for the transportation and land use sectors, and to disproportionately disadvantage environmental justice communities.

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THE RFEIR’S GHG ANALYSIS VIOLATES CEQA AND UNDERMINES THE STATE’S CLIMATE OBJECTIVES.

1-B2-4

As the RFEIR acknowledges, this Project at buildout will cause over 281,000 metric tons of GHGs to be released into the atmosphere every year, and will result in over 200,000 metric tons of GHG emissions beginning as early as 2028. (RFEIR at 4.7-35.) These emissions will presumably continue throughout the life of the project, though the RFEIR does not address this.

The RFEIR takes a very unusual and troubling approach to addressing the Project’s GHG-related impacts, especially since climate pollution is undeniably a *cumulative* problem. (*Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal.4th 204, 256-257.) The RFEIR divides the Project’s GHG emissions into two categories, which it terms

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“capped” and “uncapped” – classifications created by this RFEIR. What the RFEIR deems “uncapped” emissions constitute only about 3% of the Project emissions. They include the comparatively minor landfill emissions caused by waste generated at the Project and the use of refrigerants at the Project. (RFEIR at 4.7-33.) For these emissions, the RFEIR follows the approach that would be expected under CEQA: the City has, in its discretion, designated a significance threshold (in this case, 10,000 metric tons of GHGs as recommended by the South Coast Air Quality Management District), compared the “uncapped” emissions to that threshold, and required feasible mitigation measures to ensure those emissions fall below that threshold.² (RFEIR at p. 4.7-19.) What the RFEIR terms “capped” emissions, however, constitute the remaining 97% of the Project’s predicted emissions. Those include emissions caused by mobile sources (namely, diesel trucks) and electricity use at the Project. (RFEIR at p. 4.7-33.) With respect to these emissions, the RFEIR deviates dramatically from standard CEQA methodology. The RFEIR asserts that these emissions are “covered” by the California Air Resources Board’s (“CARB”) Cap-and-Trade Program, and therefore claims that they are exempt from any further CEQA analysis or mitigation. (RFEIR at p. 4.7-22.) This is a novel and unsupportable approach under CEQA.

As discussed below, the RFEIR’s approach does not comply with CEQA, for several reasons. First, the Project is not regulated under the State’s Cap-and-Trade Program, so purported compliance with that Program cannot be used to exclude 97% of the Project’s GHG emissions from the analysis of whether the Project’s GHG emissions will result in significant climate change impacts. Second, CEQA requires that all of the emissions attributable to the Project be evaluated for significance, regardless of their source. Third, when comparing all of the Project’s emissions to California’s ambitious, science-based climate goals, as well as statewide, regional, and local plans for the reduction or mitigation of GHG emissions, the Project’s GHG emissions are clearly significant, requiring further feasible mitigation measures.

We are concerned about the City’s use of this analytical approach, both in the context of this Project and more generally. If the RFEIR’s approach is put into general use by the City, or followed by other lead agencies, emissions from transportation and electricity could largely be exempt from analysis and mitigation under CEQA. This is directly counter to the purposes of CEQA, and the Legislature’s considered decision to make clear that GHG emissions must be analyzed. (Senate Bill 97 (2007); Pub. Resources Code, § 21083.05.) The State cannot meet its well-established, long-term environmental GHG reduction goals if new local projects are free to add hundreds of thousands of tons of GHGs to the atmosphere every year without undergoing the

² Lead agencies may choose to use a “threshold of significance,” a working presumption that can assist in determining whether an impact is significant. (Cal. Code Regs., tit. 14, §§ 15064.4(b)(2); 15064.7.) “A threshold of significance is an identifiable quantitative, qualitative or performance level of a particular environmental effect, non-compliance with which means the effect will normally be determined to be significant by the agency and compliance with which means the effect normally will be determined to be less than significant.” (Cal. Code Regs., tit. 14, § 15064.7, subd. (a).)

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analysis and mitigation that CEQA requires. Moreover, the RFEIR’s approach will likely expose already-burdened communities in the State to greater amounts of GHG co-pollutants, such as diesel particulate matter and nitrogen oxides.

We urge the City to revise its GHG analysis to comply with CEQA by properly evaluating whether *all* of the Project’s emissions—for all phases of the Project, direct and indirect, short-term and long-term—are cumulatively significant, and adopting feasible mitigation to ensure those emissions do not have a significant impact on the environment.

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I. THE RFEIR’S NOVEL APPROACH TO “CAPPED” EMISSIONS VIOLATES CEQA.

The purpose of an environmental impact report is “to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project.” (Pub. Resources Code § 21061.)

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The City’s approach violates a number of well-established CEQA principles. Lead agencies must “consider the whole of an action, not simply its constituent parts, when determining whether it will have a significant environmental effect.” (Cal. Code Regs., tit. 14 § 15003, subd. (h).) This Project as a whole includes both the “capped” and “uncapped” GHG emissions, but the RFEIR fails to analyze and mitigate “capped” emissions. Moreover, both “direct and indirect significant effects” and “short-term and long-term effects” should be considered. (Cal. Code Regs., tit. 14, § 15126.2, subd. (a).) The RFEIR fails to inform the public of the long-term effects of the Project’s GHG emissions by failing to analyze GHG emissions past buildout.

In addition to violating these more general principles, the City’s approach to “capped” emissions contradicts the CEQA Guidelines specific to GHG analysis. “The determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the public agency involved, based to the extent possible on scientific and factual data.” (Cal. Code Regs., tit. 14, § 15064, subd. (b).) The CEQA Guidelines advise lead agencies on how to determine the significance of a Project’s GHG emissions. A lead agency should consider three non-exclusive methods for determining climate significance:

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- (1) The extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting;
- (2) Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project[.];
- (3) The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions. . . . If there is substantial evidence that the possible effects of

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a particular project are still cumulatively considerable notwithstanding compliance with the adopted regulations or requirements, an EIR must be prepared for the project. (Cal. Code Regs., tit. 14, § 15064.4, subd. (b)).

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While “[a]n ironclad definition of significant effect is not always possible,” (Cal. Code Regs., tit. 14 § 15064, subd. (b)), the RFEIR’s conclusion that the Project’s GHG impacts are not significant under CEQA (RFEIR at p. 4.7-33) is based solely on its unjustifiable exclusion of the vast majority of the GHG emissions of the Project. That exclusion is neither consistent with CEQA nor justified by the Cap-and-Trade Program, which does not apply to the Project.

A. Since the Project is Not Regulated Under Cap-and-Trade, The RFEIR Cannot Use Cap-and-Trade to Ignore the Significance of the Project’s GHG Emissions.

The RFEIR effectively treats the Cap-and-Trade Program as if it is a qualified mitigation plan for the Project and its “capped” emissions. (See Cal. Code Regs., tit. 17, §§ 15064, subd. (h)(3); 15064.4 subd. (b)(3). It is not.

California’s Cap-and-Trade Program applies “an aggregate greenhouse gas allowance budget [to] *covered entities* and provides a trading mechanism for compliance instruments.” (Cal. Code Regs., tit. 17, § 95801 (emphasis added).) The Cap-and-Trade Program only applies to expressly identified entities, such as cement producers, petroleum refiners, electricity generators, natural gas supplies, fuel importers, and liquid petroleum gas supplies. (Cal. Code Regs., tit. 17, § 95811.) Warehouse and logistics complexes are *not* covered entities.

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Although the operator of a refinery that produces liquefied petroleum gas in California is subject to the Cap-and-Trade Program, (Cal. Code Regs., tit. 17, § 95811, subd. (e)(1)), entities downstream from that refinery in the chain of commerce are not. The refinery itself may have compliance obligations under the Cap-and-Trade Program, which can be met by reducing its own GHG emissions or surrendering compliance instruments, but the gas station that resells the gas, the truck drivers who purchase it, and the warehouses to which the trucks drive do not. Because CEQA Guidelines section 15064.4, subdivision (b)(3) instruct lead agencies to consider the extent to which *the project* complies with GHG regulations or requirements, it is inappropriate to rely upon compliance with Cap-and-Trade by other entities downstream in the chain of commerce as a basis for avoiding analysis of project-related emissions. In the Final Statement of Reasons for the CEQA Guidelines addressing GHG emissions, the California Natural Resources Agency confirmed that, in implementing CEQA Guidelines section 15064.4, a lead agency must show that a GHG reduction plan “actually addresses the emissions that would result from the project.” (California Natural Resources Agency, Final Statement of Reasons for Regulatory Action: Amendments to the State CEQA Guidelines Addressing Analysis and Mitigation of Greenhouse Gas Emissions Pursuant to SB 97 (2009), available at http://resources.ca.gov/ceqa/docs/Final_Statement_of_Reasons.pdf, at p. 27.)

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Further, the City’s approach is not, as the RFEIR claims (RFEIR at 4.7-20), supported by *Association of Irrigated Residents v. Kern County Bd. of Supervisors* (2017) 17 Cal.App.5th 708 (“*AIR*”). Without commenting on whether or not that case was rightly decided, *AIR* is facially inapposite because the project being evaluated under CEQA in that case was a refinery, a covered entity under the Cap-and-Trade Program. Because this Project is not a covered entity under the Cap-and-Trade Program, it is unjustifiable for the RFEIR to use compliance with Cap-and-Trade as a factor in analyzing the significance of the Project’s GHG emissions. There is no basis in the law for the use of Cap-and-Trade to exclude a full 97% of the Project’s GHG emissions from analysis or mitigation.

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The flaw in the City’s approach becomes even more apparent when one considers its incongruous results. The RFEIR describes the Project, in part, as follows: “Goods imported through the Ports of Long Beach and Los Angeles as well as other locations are delivered via truck to the proposed distribution centers and distributed via truck both in and out of state locations. . . .” (Original FEIR at 3-27-3-28.) The heart of this Project is this movement of goods via trucks. Yet, the City’s approach avoids any analysis of 210,596 metric tons of GHG emissions associated with the movement of goods via trucks. (RFEIR at p. 4.7-33.) 97% of the Project’s total GHG emissions are simply dismissed under this approach. CEQA does not permit such a dismissal.

B. The RFEIR Must Consider All Emissions in Determining Significance.

Correctly applying CEQA requires an evaluation of *all* the Project’s GHG emissions in determining significance. (See Cal. Code Regs., tit. 14, §§ 15064.4, subd. (b)(2); 15378 (defining “project” as “the whole of an action. . . .”)) There is no basis here for comparing some of the Project’s emissions to the significance threshold, but not others. Here, the City elected to use a threshold of 10,000 metric tons of GHGs. (RFEIR at p. 4.7-19.) CEQA Guidelines section 15064.4, subdivision (b)(2), notes that when using a threshold, an agency should compare all of the “project emissions” of GHGs to that threshold. Emissions from trucks and electricity are a result of the Project just as much as the “uncapped” emissions. They therefore must be compared to the significance threshold, and mitigated to the extent feasible.

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Further, the City’s attempt to exempt an impact from any significance analysis based solely on purported compliance with a single rule or regulation is unwarranted. Courts have repeatedly held compliance with a single environmental or land use law or regulation does not create an exemption from CEQA’s requirement that lead agencies evaluate all of a project’s significant environmental impacts. For example, “compliance with a general plan in and of itself ‘does not insulate a project from the EIR requirement, where it may be fairly argued that the project will generate significant environmental effects.’” (*East Sacramento Partnerships for a Livable City v. City of Sacramento* (2016) 5 Cal.App.5th 281, 301; see also *Keep Our Mountains Quiet v. County of Santa Clara* (2015) 236 Cal.App.4th 714, 732 (“[A]n EIR is required if substantial evidence supports a fair argument that [a project] may have significant unmitigated noise impacts, even if other evidence shows the [project] will not generate noise in excess of [a] County’s noise ordinance or general plan.”))

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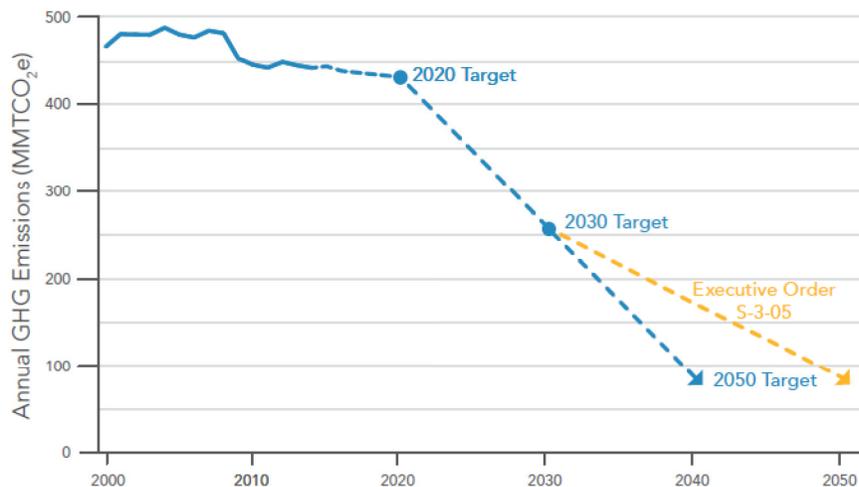
C. In Light of the Project’s Substantial, Long-Term Projected Emissions, Its GHG Impacts Must Be Deemed Significant.

It seems impossible a proper evaluation of the Project’s emissions under CEQA could support a finding that the Project’s emissions are not significant. This Project—as currently designed—will lock in hundreds of thousands of tons of GHG emissions for decades to come, and may put this City and the region on a path that deeply undermines the State’s climate goals.

To reduce and avoid the most catastrophic effects of climate change, science tells us that we must dramatically reduce our annual statewide GHG emissions. California has taken ambitious steps to accomplish that objective. Assembly Bill 32 (“AB 32”) requires California to reduce its total statewide GHG emissions to 1990 levels by 2020. (Health & Saf. Code, § 38550.) Under Senate Bill 32 (“SB 32”), California must reduce its GHG emissions to 40% below 1990 levels by 2030. (Health & Saf. Code, § 38566.) In addition, the Governor’s Executive Order S-3-5 (“EO S-3-05”) directs state agencies to reduce statewide GHG emissions to 80% below 1990 levels by 2050. To achieve such ambitious but necessary goals, California will have to reduce GHG emissions from various sectors of the economy. Transportation, industry, and electricity generation are the top three contributing sectors to the State’s total GHG emissions. (CARB, 2017 Climate Change Scoping Plan (Nov. 2017) at p. 11 (“Scoping Plan”).) Below is a graph showing the dramatic downward trajectory of statewide GHG reductions necessary to achieve the State’s climate goals.

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FIGURE 5: PLOTTING CALIFORNIA’S PATH FORWARD

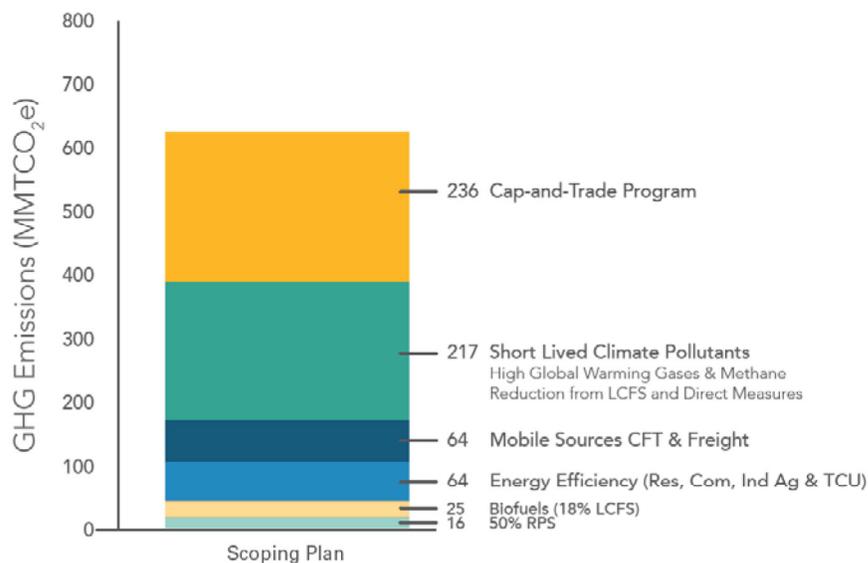


(Scoping Plan at p. 24.)

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California has adopted a multitude of regulations, requirements, plans, and policies to achieve the substantial reductions in statewide GHG emissions required by AB 32, SB 32, and EO S-3-5. CARB identified, in its Climate Change Scoping Plan, multiple required and voluntary measures working in concert as necessary for California to achieve its ambitious climate goals as depicted in the graph below. (See Scoping Plan at p. 28.)

FIGURE 7: SCOPING PLAN SCENARIO – ESTIMATED CUMULATIVE GHG REDUCTIONS BY MEASURE (2021–2030)⁶⁴



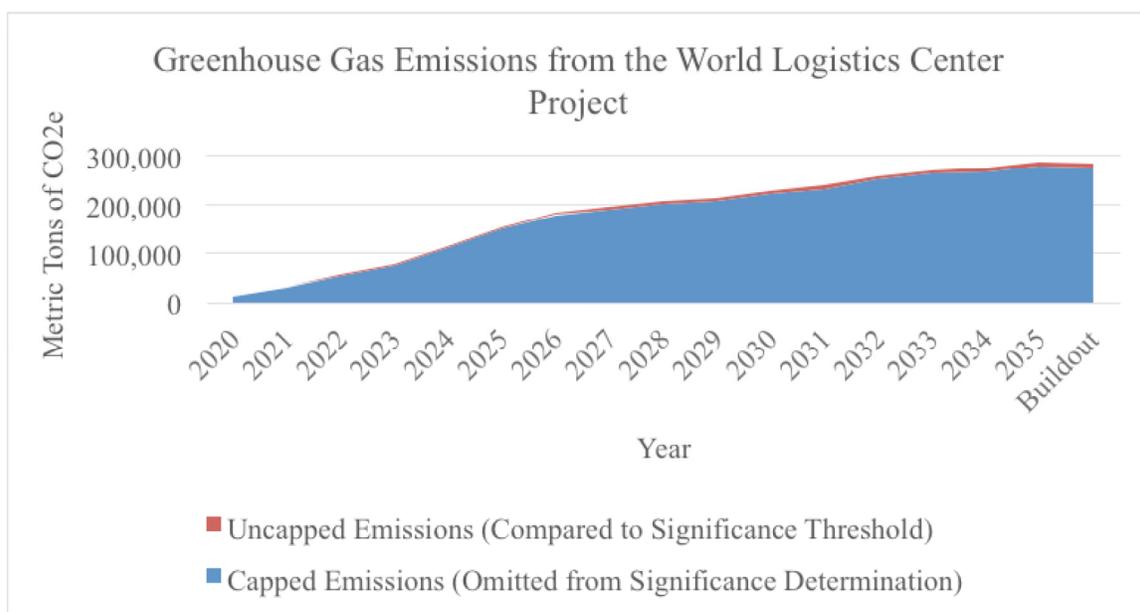
The Scoping Plan proposes various strategies for reductions in emissions from transportation and energy sectors. The Scoping Plan notes that for the GHG reductions from the transportation sector, “[vehicle miles traveled (“VMT”)] reductions are necessary to achieve the 2030 target and must be part of any strategy evaluated in this plan.” (Scoping Plan at p. 112.) In addition, under SB 375, CARB assigns California’s 18 Metropolitan Planning Organizations targets for GHG emission reductions in the transportation sector which are to be achieved based on land use patterns and transportation systems. (CARB, Updated Final Staff Report: Proposed Update to the SB 375 Greenhouse Gas Emission Reduction Targets (2017), available at https://www.arb.ca.gov/cc/sb375/final_staff_proposal_sb375_target_update_october_2017.pdf.) CARB’s recommended target for the Southern California Association of Governments is a 19% reduction in GHG emissions from transportation by 2035. (*Id.* at p. 34.)

CEQA requires the City evaluate the consistency of the Project’s substantial increases in GHG emissions with state and regional plans and policies calling for a dramatic reduction in GHG emissions. The Supreme Court in *Cleveland National Forest Foundation v. San Diego Association of Governments* (2017) 3 Cal.5th 497 (“*SANDAG*”) affirmed that an EIR should consider the project’s long-range greenhouse gas emission impacts through the year 2050, and address whether the project as a whole is in accord with the state’s climate goals. (*Id.* at p. 515.) The Supreme Court further instructed lead agencies to “stay in step with evolving scientific knowledge and state regulatory schemes.” (*Id.* at p. 504.)

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The RFEIR estimates that the Project’s total emissions will increase from the existing conditions of no emissions at the Project site to over 281,000 metric tons of GHG emissions annually at full buildout of the Project in 2040. (RFEIR at p. 4.7-33.) See the graph below depicting the trajectory of the Project’s GHG emissions.³



The Project’s substantial *increase* in GHG emissions conflicts with the downward trajectory for GHG emissions necessary to achieve state climate goals. This is illustrated clearly in the sharp difference in the upward trajectory of the graph of the Project’s GHG emissions versus the steep downward trajectory in the graph of the State’s climate goals as depicted in Figure 5 of the Scoping Plan and reproduced above. Yet, the RFEIR failed to evaluate the Project’s consistency with state and regional goals, requirements, plans, and policies to reduce

³ Visual depictions such as this graph make it easier to understand the significant impact of GHG emissions from the Project on the environment. Such clarity is encouraged by the CEQA Guidelines, which state that EIRs should be “written in plain language and may use appropriate graphics so that decisionmakers and the public can rapidly understand the documents.” (Cal. Code Regs., tit. 17, § 95811.) Such graphs are also helpful because they allow the decisionmakers to see a project’s proposed greenhouse gas emissions as a trajectory and assess the “significance of the *shape* of that emissions curve as a whole.” (Janill Richards, *The SANDAG Decision: How Lead Agencies Can “Stay in Step” with Law and Science in Addressing the Climate Impacts of Large-Scale Planning and Infrastructure Projects* (2017) 26:2 Environmental Law News 17, 19, available at http://legal-planet.org/wp-content/uploads/2018/09/environmental-law-news_2017_vol-26-no-2_fall_the-sandag-decision.pdf.) To better inform the public of the Project’s unmitigated GHG emissions, we recommend revising the RFEIR to include graphical representations of the emissions trajectory of the project.

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GHGs that should have been analyzed under CEQA. Comparing the Project’s GHG trajectory against the state’s climate goals would inform the public of the Project’s GHG impacts. For example, the RFEIR’s GHG analysis should have considered whether the Project will increase VMT. Because it did not, it is inconsistent with SB 375. Although the RFEIR’s revised traffic analysis does include a VMT analysis, it is included only to address air quality issues, and not GHGs. (RFEIR at pp. 4.7-19 and 4.15-3.) Under CEQA, the City is required to consider how the project can reduce VMT and electricity use, “rather than expecting[ing] these reductions to come [only] from technological advances or other measures.” (SANDAG, at 523.) The City ignores its CEQA obligations and instead, the RFEIR obscures the Project’s GHG impacts by improperly exempting them from CEQA analysis.

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In addition, there is no discussion in the RFEIR of the GHG emissions from the Project over its expected lifespan. GHG emissions are estimated up until the Project’s full buildout in 2040 (RFEIR at p. 4.7-33), but the Project will clearly continue beyond that point, and the RFEIR gives no indication of how long that will be. The cumulative impact of the Project’s GHG emissions over its entire lifespan should be considered and mitigated to the greatest extent feasible. Notably, by failing to estimate emissions through 2050, the RFEIR obscures the extent to which the Project does or does not comply with California’s explicit 2050 climate goals.

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D. The RFEIR Should Analyze and Adopt Feasible Mitigation Measures to Avoid or Lessen the Project’s GHG Impacts.

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CEQA requires that an EIR consider and adopt feasible alternatives or mitigation measures that would substantially lessen the significant and harmful environment effects of the project being analyzed. (See Pub. Resources Code, § 21002.) The RFEIR’s failure to properly analyze the Project’s significant GHG impacts also results in a failure to mitigate those impacts as required by CEQA. If the RFEIR’s analysis were done properly, the Project’s GHG emissions from vehicles and electricity would have vastly exceeded the significance threshold selected by the City. Those emissions would therefore have to be reduced through changes or alterations in the Project, or the City would be required to explain why “[s]pecific economic, legal, social, technological, or other considerations including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives... .” (Cal. Code Regs., tit. 22, § 15091, subs. (a)(1) and (a)(3).) There may be mitigation measures or project alternatives that could reduce or avoid the Project’s GHG emissions, such as the adoption of requirements mandating the use of zero emission vehicles or a certain percentage of electricity from renewable electricity sources, such as on-site solar power generation.⁴ By

⁴ The Attorney General recognizes that devising climate mitigation on a project-by-project basis can be challenging. Many local governments have therefore elected to move toward enforceable Climate Action Plans (“CAPs”) integrated with their general plans. (CARB, California Climate Action Portal Map, <https://webmaps.arb.ca.gov/capmap/> (as of Sept. 7, 2018).) Done correctly, CAPs can put local governments on the path to a lower-carbon future

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excluding 97% of the Project’s GHG emissions from its significance determination, the RFEIR obscures the extent of the Project’s emissions and improperly evades the City’s obligation to mitigate the Project’s GHG impacts.

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II. ADOPTION OF THIS METHOD OF EXEMPTING “CAPPED” EMISSIONS FROM CEQA ANALYSIS WILL UNDERMINE THE STATE’S VARIOUS POLICIES AND PROGRAMS TO REACH OUR AMBITIOUS CLIMATE GOALS.

The RFEIR’s failure to comply with CEQA will have real consequences. If this RFEIR’s approach is widely adopted, the State will not be able to achieve its ambitious climate goals. The RFEIR exempts the Project’s emissions attributable to mobile sources and electricity use from CEQA analysis and mitigation. And yet transportation and electricity are two of the State’s three largest sources of GHG emissions. (Scoping Plan at p. 11). Transportation and electricity are thus two of the most important areas in which GHG emissions must be reduced.

The RFEIR’s approach to the transportation and electricity sectors incorrectly presumes that the Cap-and-Trade Program will achieve *all* GHG reductions necessary in those areas. But as CARB’s 2017 Scoping Plan points out, “[l]ocal land use decisions play a particularly critical role in reducing GHG emissions associated with transportation, both at the project level, and in long-term plans... .” (Scoping Plan at pp. 100-101.) If other lead agencies adopt the City’s approach, millions of metric tons of GHGs resulting from development projects would be ignored and unmitigated through what amounts to a categorical exemption from CEQA. Local governments would therefore not be doing their part to help the State reach its ambitious, yet necessary, climate goals of emitting 40% below 1990 GHG levels by 2030 and 80% below 1990 levels by 2050. (Heath & Saf. Code, § 38566, Governor’s Executive Order No. S-3-05 (June 1, 2005).)

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Instead of claiming that no amount of transportation and electricity emissions can be significant under CEQA, and thus excluding them from any analysis and mitigation, lead agencies have an obligation to acknowledge the significance of such emissions and work to implement feasible mitigation of them.⁵

III. REVISING THE GHG ANALYSIS WILL LIKELY LEAD TO GREATER PROTECTION OF ENVIRONMENTAL JUSTICE COMMUNITIES.

In addition to, and separate from, the CEQA issues, revising the RFEIR’s GHG analysis will likely help mitigate some of the Project’s direct harmful effects on environmental justice communities. Moreno Valley contains some of the most pollution-burdened census tracts in the

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while substantially streamlining the approval of individual projects that are consistent and comply with the CAP.

⁵ There are several examples of economically viable land use development projects that contributed no net additional GHG emissions. (Scoping Plan at p. 99.)

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State according to California Environmental Protection Agency's CalEnviroScreen tool.⁶ City residents experience ozone and particulate matter (PM) 2.5 at rates higher than 90% of the State. The South Coast Air Basin, where Moreno Valley is located, exceeds federal public health standards for ozone, ozone precursors, and particulate matter. Exposure to these air contaminants contributes to asthma, lung cancer, and cardiovascular disease. Indeed, residents in Moreno Valley experience higher than average emergency room visits due to asthma and higher than average rates of cardiovascular disease, particularly residents living along freeways.

Furthermore, environmental justice concerns are significant for the residents of Moreno Valley. Moreno Valley residents are predominately people of color, made up of 56.5% Hispanic and 18% African American populations. (United States Census Bureau, Quick Facts for Moreno Valley, California, <https://www.census.gov/quickfacts/fact/table/morenovalleycitycalifornia.ca/PST045217> (as of Sept. 7, 2018).) The rates of poverty are dramatically higher in Moreno Valley compared to the state—according to U.S. Census data, 18.6% of Moreno Valley residents live in poverty, compared with the statewide poverty rate of 14.4%. (*Ibid.*, and United States Census Bureau, Quick Facts for California, <https://www.census.gov/quickfacts/fact/table/ca/PST045217> (as of Sept. 7, 2018).) They experience high rates of unemployment and housing burdens (paying more than 50% of their income for housing costs). These socioeconomic characteristics of Moreno Valley residents increase their sensitivity to the health effects of the heavy pollution burdens they experience.

Adding to these burdens, Riverside County as a whole, and the City of Moreno Valley specifically, are experiencing a great influx of logistics warehouse projects. Recent developments in Moreno Valley alone include an 825,000 square-foot distribution facility for the Aldi grocery chain, a 1.6 million square-foot distribution facility for Deckers Brands footwear company, and a 1.25 million square-foot fulfillment center for Amazon. These large projects, and their related impacts on the low-income communities of color who live nearby and in the communities residing along the freeways serving them, are dwarfed by the over 40 million square-foot Project.

By conducting a proper GHG analysis in the RFEIR and adopting feasible mitigation, the City will likely better protect the environmental justice communities living near both the Project and along the freeways that trucks will use to reach the Project. Reduction of GHG emissions leads to the reduction of co-pollutant emissions. (See Nicky Sheats, *Achieving Emissions Reductions for Environmental Justice Communities Through Climate Change Mitigation Policy* (2017) 41 WM. & MARY ENVTL. L. & POL'Y REV. 377, 387 (“[E]ven without the intentional maximization of co-pollutant reduction, there should be incidental co-pollutant

⁶ CalEnviroScreen is a tool that uses environmental, health, and socioeconomic information to produce scores and rank every census tract in the state. A census tract with a high score is one that experiences a much higher pollution burden than a census tract with a low score. (See CalEnviroScreen 3.0 Report, Office of Environmental Health Hazard Assessment, January 2017, available at <https://oehha.ca.gov/media/downloads/calenviroscreen/report/ces3report.pdf>.)

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reductions as GHGs are being reduced [which] should improve the health of local communities.”)) This is especially true in the context of diesel truck emissions, where a VMT reduction would reduce both GHG emissions and co-pollutant emissions. Indeed, the RFEIR acknowledges that “[t]he *most effective way to reduce air pollution* impacts on the health of our nearly 17 million residents, including those in disproportionately impacted and environmental justice communities that are concentrated along our transportation corridors and goods movement facilities, *is to reduce emissions from mobile sources*,” and that those mobile sources constitute “the principal contributor to our air quality challenges.” (RFEIR at 4.3-11 (emphasis added).) Therefore, while revising the GHG analysis is necessary to comply with CEQA, the City should also see this as an opportunity to implement mitigation measures that would benefit the City’s residents and the other environmental justice communities impacted by this Project.

1-B2-14
cont.

CONCLUSION

We appreciate the difficulty in analyzing GHG emissions under CEQA. However, local agencies must comply with the CEQA Guidelines for GHG analysis and cannot exempt GHG emissions from any significance analysis because of California’s Cap-and-Trade Program. We urge the City of Moreno Valley to revise the GHG analysis in the RFEIR as described above so as to support this State’s efforts to reduce GHG emissions, achieve our ambitious but necessary climate goals, and benefit local communities in the area who are already suffering some of the worst air pollution in the country. We would be happy to work with the City of Moreno Valley to take the additional steps needed to fully comply with CEQA’s GHG analysis and mitigation requirements for the Project. We appreciate your consideration of our comments.

1-B2-15

Sincerely,



HEATHER LESLIE
BRIAN BILFORD
Deputy Attorneys General

For XAVIER BECERRA
Attorney General

RESPONSES TO LETTER 1-B2: CA Department of Justice

Response to Comment 1-B2-1: This is an email correspondence transmitting comments from the California Department of Justice, Office of the Attorney General, on the 2018 Revised Sections of the Final Environmental Impact Report (RSFEIR), and thus no further response is needed (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

Response to Comment 1-B2-2: The Attorney General (AG) Xavier Becerra is submitting comments on the 2018 RSFEIR and gives a brief description of the project and background on the Attorney General's role, and thus no further response is needed (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

Response to Comment 1-B2-3: Refer to Topical Response A, The Use of Cap-and-Trade, and Response to Comment 1-B1-3 above, regarding the 2015 Final EIR and the 2019 Draft Recirculated RSFEIR approach to (1) utilizing the Cap-and-Trade Program and how it relates to the state's overall greenhouse gas reduction mandates, and (2) how Cap-and-Trade is relevant to the Projects CEQA analysis.

Response to Comment 1-B2-4: Topical Response A demonstrates that the Project's GHG approach utilizing the Cap-and-Trade Program does not undermine the State's climate objectives. Refer to Topical Response A, The Use of Cap-and-Trade, and Response to Comment 1-B1-3 above, regarding the 2015 Final EIR and the 2019 Draft Recirculated RSFEIR approach to (1) utilizing the Cap-and-Trade Program and how it relates to the state's overall greenhouse gas reduction mandates, and (2) how Cap-and-Trade is relevant to the Projects CEQA analysis. Further, the 2019 Draft Recirculated RSFEIR analyzes Project emissions from initial construction in 2020 through 2064, which accounts for the 30-year presumed lifetime of the Project. Emissions are presented on a year-by-year basis and separated between capped and uncapped emissions. Table 4.7-8 of the 2019 Draft Recirculated RSFEIR shows the annual mitigated uncapped emissions for years 2020 through 2064 and clearly demonstrates that the Project's emissions would remain under the 10,000 MTCO_{2e} threshold for its entire lifetime. As outlined in Topical Response C, Project Approvals, Litigation, and the Effects of Litigation, an appeal of the judgment entered on June 7, 2018, in the CEQA litigation is currently pending in the Court of Appeal, Fourth Appellate District, Division Two, as *Paulek v. Moreno Valley Community Services District*, Case No. E071184. Depending on the result of the Court of Appeal ruling, the amount of GHG required to be mitigated would either be the total uncapped GHG emissions or total project emissions (uncapped and capped). Therefore, new Mitigation Measure 4.7.7.1 shall apply to mitigate to net zero either all uncapped GHG emissions or all Project GHG emissions (capped and uncapped) remaining after the application of other mitigation measures. See Topical Response C, Project Approvals, Litigation, and the Effects of Litigation, for a detailed description of Mitigation Measure 4.7.7.1. Refer to Topical Response B, Scoping Plan, and how the Scoping Plan and Scoping Plan Updates relate to the project and how the WLC complies with, and would not conflict with or impede, the implementation of GHG reduction goals identified in AB 32 and SB 32. Thus, the analysis adequately addresses the CEQA requirements and provides feasible mitigation that reduces impacts to less than significant levels.

Response to Comment 1-B2-5: Refer to Topical Response A, The Use of Cap-and-Trade, and Response to Comment 1-B1-3 above, regarding the 2015 Final EIR and the 2019 Draft Recirculated RSFEIR approach to 1) utilizing the Cap-and-Trade Program and how it relates to the state's overall greenhouse gas reduction mandates, and 2) how Cap-and-Trade is relevant to the Projects CEQA analysis as it contains

accurate and legally adequate information upon which decision-makers can make an informed decision. As outlined in Topical Response C, Project Approvals, Litigation, and the Effects of Litigation, an appeal of the judgment entered on June 7, 2018, in the CEQA litigation is currently pending in the Court of Appeal, Fourth Appellate District, Division Two, as Paulek v. Moreno Valley Community Services District, Case No. E071184. Depending on the result of the Court of Appeal ruling, the amount of GHG required to be mitigated would either be the total uncapped GHG emissions or total project emissions (uncapped and capped). Therefore, new Mitigation Measure 4.7.7.1 shall apply to mitigate to net zero either all uncapped GHG emissions or all Project GHG emissions (capped and uncapped) remaining after the application of other mitigation measures. See Topical Response C, Project Approvals, Litigation, and the Effects of Litigation, for a detailed description of Mitigation Measure 4.7.7.1. Refer to Topical Response B, Scoping Plan, and how the Scoping Plan and Scoping Plan Updates relate to the project and how the WLC complies with, and would not conflict with or impede, the implementation of GHG reduction goals identified in AB 32 and SB 32. Thus, the WLC has committed to a project which would not have a significant GHG impact and therefore would not hinder the State's achievement of its long-term GHG goals as further discussed in Topical Response A and Topical Response B, Scoping Plan.

Additionally, as stated by the SCAQMD as the introduction to their 2016 AQMP, the most effective way to reduce air pollution impacts on the health of the nearly 17 million residents in the Basin, including those in disproportionately impacted and environmental justice communities that are concentrated along the transportation corridors and goods movement facilities, is to reduce emissions from mobile sources, the principal contributor to the Basin's air quality challenge⁶⁴. To ensure that those around the Project site are not exposed to unacceptable levels of potentially harmful pollutants, an operation and construction and operational health risk analysis was conducted and included in the 2019 Draft Recirculated RSFEIR to evaluate the potential air quality and health risks of the WLC Project to sensitive receptors. The HRA was conducted consistent with South Coast Air Quality Management District (SCAQMD) Health Risk Assessment Guidance and the current 2015 Office of Environmental Health Hazard Assessment (OEHHA) Air Toxics Hot Spots Program Guidance for Preparation of Health Risk Assessments. The HRA methodology applied a risk characterization model to the results from an air dispersion model to estimate potential health risks at each sensitive receptor location. A multi-pollutant health risk assessment was conducted for the WLC which included exhaust emissions of particulate matter (PM) and total organic gases (TOG) from diesel and gasoline combustion, as well as toxics associated with fugitive PM from tire wear and brake wear of mobile sources. To be conservative, the HRA relied on EMFAC2017 to determine the breakdown of vehicle types and fuel types and did not consider potential reductions in TACS emissions and health risks from increased penetration of zero emission vehicles. The estimation of cancer risk involves the specification of several parameters including the concentration level of the toxic air contaminants, the rate of inhalation of the toxic, the exposure frequency (number of days per year), the exposure duration in years, the time period over which the exposure takes place, what is termed a slope factor that represents an upper bound on the increased cancer risk from a lifetime exposure to a toxic by ingestion or inhalation and early-in-life age sensitivity factors. The values of these parameters depend on the type of receptor, i.e., sensitive/residential, worker, and student as discussed below. The health risk calculation does not rely on the Health Effects Institute (HEI) finding that New Technology Diesel Exhaust (NTDE) does not cause cancer. The principal focus of the HRA was on the potential health impacts to

⁶⁴ South Coast Air Quality Management District, 2019. SCAQMD Air Quality Management Plan (AQMP) Website. Available online: <http://www.aqmd.gov/home/air-quality/clean-air-plans/air-quality-mgt-plan>

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sensitive/residential receptors located within and surrounding the Project site. Table 4.3-5 on page 4.3-26 of the 2019 Draft Recirculated RSFEIR provides the exposure assumptions for the cancer risk.

Table 4.3-26 on page 4.3-67 in the 2019 Draft Recirculated RSFEIR presents the estimated cancer risks for the 30-year exposure duration that starts from the beginning of Project Construction (Construction + Operation HRA). The results are provided separately for the incremental increase in cancer risk during Project construction, incremental increase in cancer risk during Project Operation, and the total incremental increase in cancer risk prior to the application of mitigation measures. As shown in Table 4.3-26, the Project would exceed the SCAQMD's cancer risk significance threshold of an incremental increase of 10 in a million prior to the application of mitigation and would represent a significant impact. Construction impacts contribute the greatest proportion of the total impact presented in Table 4.3-26. Table 4.3-27 on page 4.3-68 of the 2019 Draft Recirculated RSFEIR shows the estimated cancer risk for the 30-year exposure duration that starts from the beginning of Project full operation in 2035 (Operational HRA). Table 4.3-27 shows that during full Project operation, the total incremental increase in cancer risk is greater than the 10 in a million threshold, prior to mitigation, and would represent a significant impact. Overall, without mitigation and without consideration of the HEI study, the Project is expected to have a significant impact mainly due to diesel PM emissions from construction activities and heavy-duty diesel truck activities. With mitigation incorporated (2019 Draft Recirculated RSFEIR, page 4.3-73 – 4.3-74), the cancer risks are substantially lower. As shown on Table 4.3-28, 2019 Draft Recirculated RSFEIR, page 4.3-27, the estimated cancer risks for the 30-year exposure duration for construction (construction and operation HRA) would not exceed the SCAQMD cancer risk significance threshold after incorporation of mitigation. The large reduction in cancer risk after mitigation is attributable principally to the reduced diesel PM associated with the commitment to Tier 4 construction equipment. Table 4.3-29, 2019 Draft Recirculated RSFEIR shows that the estimated 30-year exposure cancer risk for operation would still exceed the SCAQMD cancer risk significance threshold for sensitive receptors located within and outside the project boundary. Therefore, Mitigation Measure 4.3.5.4.A, the use of MERV 13 filters to impacted residences, was added. This mitigation measure reduced the total incremental cancer risk to less than the SCAQMD significance threshold as shown on Table 4.3-30 (page 4.3-74 of the 2019 Draft Recirculated RSFEIR). The owners of the homes located at 13100 World Logistics Center Parkway (formerly Theodore Street) and 12400 World Logistics Center Parkway (formerly Theodore Street) have accepted the offer for the installation of the MERV 13 filters in writing. (see Attachment R). Thus, with the implementation of mitigation, any possible risk from the Project to an on-site or offsite receptor, within the study area, was less than significant. As shown above, the cancer risk and chronic and acute non-cancer risk to sensitive receptors in the community would be less than significant with incorporation of mitigation for construction and operation and operational scenarios of the WLC. Thus, additional mitigation measures are not required

The HRA study area included 18 miles of freeway segments along SR 60 that extends from north of the project boundary 8.6 miles west, toward the Port of Long Beach, and 9 miles east, toward Palm Springs, and the HRA receptor grids include receptors along the SR 60 freeway. Emissions and associated health impacts from Project activities are highest on-site and decrease with distance from the Project site as demonstrated by the unmitigated cancer risk contours in Figures 4.3-3 and 4.3-4 (2019 Draft Recirculated RSFEIR, Section 4.3.6.5). Based on the results shown in Figure 4.3-3 for the construction plus operation scenario, without mitigation, a section surrounding the project boundary will potentially have an incremental cancer risk exceeding the SCAQMD 10 in one million threshold at an approximate distance of 2.5 miles

away from the project boundary. Based on results shown in Figure 4.3-4 for 30 years of the full project operation, without mitigation, a similar section surrounding the project boundary out to an approximate distance of 2.5 miles will potentially have an incremental cancer risk exceeding 10 in one million. Some receptors near the SR-60 could also exceed the 10 in one million cancer risk threshold. Because project-generated vehicle trips and associated impacts decrease with an increase in distance from the project site, the project impact along the regional freeway network outside the HRA's study area will be less than those presented in Figures 4.3-3 and 4.3-4. The project's impact to the regional freeway network will be the greatest during project full operation, as shown in Table 4.3-27 and Tables 4.3-29 and 4.3-30 of the 2019 Draft Recirculated RSFEIR, the maximum cancer risk for receptors along the SR-60 freeway would be near the project boundary and 9.5 in one million with mitigation, which is less than the 10 in one million threshold with mitigation. As shown in Figure 4.3-6, with mitigation, the incremental cancer risk along SR-60 may exceed the 10 in one million threshold promulgated by SCAQMD and be greater than significant for the 30 years of full operation. However, Figure 4.3-6 conservatively portrays each and every receptor as residents. This means that the more-conservative residential assumptions were also applied to worker receptors and may show extraneous exceedances of the 10 in one million threshold. The purpose of Figure 4.3-6 is to identify the 1 in one million isopleth in order to determine whether any schools fall within. The isopleth presented in Figure 4.3-6 does not ultimately apply for significance determination, which differentiates between receptor type. The maximum residential cancer risk for significance determination is presented, with mitigation, in Tables 4.3-29 and 4.3-30. As shown in Figure 4.3-5, with mitigation, the incremental cancer risk along SR-60 will be less than 10 in one million and less than significant for the 30 years of combined construction and operation.

Section 4.3.6.6 Summary of Health Effects of Air Quality Emissions, starting on page 4.3-79 of the 2019 Draft Recirculated RSFEIR, discusses the health effects from ozone and PM_{2.5} resulting from the project. Tables 4.3-32 through 4.3-35 show the annual percent of background health incidence for PM_{2.5} and ozone health effects associated with the unmitigated and mitigated Project, respectively. The "background health incidence" is the actual incidence of health effects (based on available data) as estimated in the local population in the absence of additional emissions from the Project.⁶⁵ When taken into context, the small increase in incidences and the very small percent of the number of background incidences indicate that these health effects are minimal in a developed, urban environment. There are no significance thresholds for health effects, thus this information is provided for background understanding regarding the air quality emissions. Table 4.3-32 and Table 4.3-33 show the health effects, morbidity and mortality, of the unmitigated project emissions across the southern California model domain for the Annual Mean PM_{2.5} and Annual Mean Ozone, respectively. Table 4.3-34 and Table 4.3-35 show the health effects, morbidity and mortality, of the mitigated project emissions across the southern California model domain for the Annual Mean PM_{2.5} and Annual Mean Ozone, respectively. Potential PM_{2.5} Mitigated Project related health effects show an increase in asthma-related emergency room visits (0.0047%), asthma-related hospital admissions (0.0028%), all cardiovascular-related hospital admissions (not including myocardial infarctions) (0.00059%), all respiratory-related hospital admissions (0.0015%), mortality (0.0044%), and nonfatal acute myocardial infarction (less than 0.0020% for all age groups). Potential Project Mitigated Ozone-related health effects increased respiratory-related hospital admissions (0.00062%), mortality (0.00027%), and asthma-related emergency room visits for any age range (lower than 0.011% for all age groups). Because the health effects from ozone and PM_{2.5} are minimal, in light

⁶⁵ Background health statistics were obtained from data included in the BenMAP model, and the sources are referenced in the BenMAP manual (USEPA, 2018). For example, EPA obtained mortality rates from the Centers for Disease Control (CDC) WONDER database, and hospital admissions rates from the Healthcare Cost and Utilization Project (HCUP).

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of background incidences, and health effects from other criteria pollutants would be even smaller, the health effects of those other criteria pollutants were not quantified. Because there are no established thresholds, this data was provided for informational purposes.

As discussed above, additional mitigation measures are not required to be utilized for the Project to address the chronic or acute non-cancer and cancer risk. Air quality impacts would still be significant and unavoidable for criteria pollutants, primarily PM, but as stated previously, this is a programmatic EIR and subsequent discretionary approvals for the WLC Project will be examined in light of the program EIR to determine whether an additional environmental document must be prepared. If no subsequent EIR is required pursuant to Section 15168 of the CEQA Guidelines, the City can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental documents would need to be prepared.⁶⁶ However, if a subsequent discretionary approval has effects that are not examined in the program EIR, additional environmental documentation will be required per CEQA, which may require additional mitigation if additional significant impacts are found.⁶⁷ Due to the programmatic nature of the document, it is not known who future users of the WLC will be or what their operational needs will require in terms of equipment. As a result, all current mitigation relies on commercially available technology that meets the most stringent environmental standards. Thus, it is possible that as zero-emission technologies become available at a later date, due to real-world circumstances, they can be incorporated into the subsequent environmental documents at that time. As demonstrated, the 2019 Draft Recirculated RSFEIR fully evaluated the potential air quality and health risks of the WLC project to sensitive receptors along with incorporating feasible mitigation measures to reduce impacts in Section 4.3.6.5, pages 4.3-63 to 4.3-82. Thus, this Project would be protective of health risks for environmental justice communities.

Response to Comment 1-B2-6: Refer to Topical Response A, The Use of Cap-and-Trade, and Response to Comment 1-B1-3 above, regarding the 2015 Final EIR and the 2019 Draft Recirculated RSFEIR approach to 1) utilizing the Cap-and-Trade Program and how it relates to the state's overall greenhouse gas reduction mandates, and 2) how Cap-and-Trade is relevant to the Projects CEQA analysis. The 2019 Draft Recirculated RSFEIR analyzed emissions and their impacts and identified mitigation measures to reduce impacts.

Additionally, as stated above in Response to Comment 1-B2-4, the Project operational or long-term emissions occur over the life of the Project. Table 4.7-5 of the 2019 Draft Recirculated RSFEIR shows a summary of AB 32/SB 32 capped and uncapped project emissions (unmitigated) for each year between 2020 and 2064. As shown in the table, the uncapped emissions in the years 2024 through 2053 are over the SCAQMD's significance threshold of 10,000 MTCO_{2e} per year. Thus, the 2019 Draft Recirculated RSFEIR does address that emissions would occur over the lifetime of the Project, and therefore, informs the public of the long-term effects of the Project's GHG emissions past buildout.

Response to Comment 1-B2-7: Topical Response A explains the legal reasons that although the Project is not regulated under the Cap-and-Trade Program, Project GHG emissions associated with capped emissions are regulated, and therefore already mitigated, and are not compared to the SCAQMD's significance threshold for an impact determination. As outlined in Topical Response A, CARB believes the Cap-and-Trade Program's market-based approach is the most cost-effective and practical approach to

⁶⁶ State CEQA Guidelines §15168(c)(2)

⁶⁷ State CEQA Guidelines §15168(c)(1)

lower emissions subject to regulations which can be applied to the Project as the analysis appropriately addressed emissions generated under the Cap-and-Trade Program are already regulated and are not subject to analysis at the Project level. As stated, this approach was upheld in court in *Association of Irrigated Residents v. Kern County Board of Supervisors*, 17 Cal. App. 5th 708 (2017).

The WLC analysis did follow the CEQA Guidelines approach a lead agency should take when determining the significance of a project's GHG emissions. All potential Project emissions were identified and disclosed in the 2019 Draft Recirculated RSFEIR and were compared to the existing environmental setting to determine the increase or reduction of emissions. The Project's yearly uncapped GHG emissions for years 2020 through 2064 were compared to the significance threshold and the capped GHG emissions were provided for informational purposes. The extent to which the Project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions was analyzed and is discussed further in Topical Response A.

Response to Comment 1-B2-8: Topical Response A explains the legal reasons that although the Project is not regulated under the Cap-and-Trade Program, Project GHG emissions associated with capped emissions are regulated, and therefore already mitigated, and are not compared to the SCAQMD's significance threshold for an impact determination. As outlined in Topical Response A, CARB believes the Cap-and-Trade Program's market-based approach is the most cost-effective and practical approach to lower emissions subject to regulations which can be applied to the Project as the analysis appropriately addressed emissions generated under the Cap-and-Trade Program are already regulated and are not subject to analysis at the Project level. As stated, this approach was upheld in court in *Association of Irrigated Residents v. Kern County Board of Supervisors*, 17 Cal. App. 5th 708 (2017).

As stated in the *Association of Irrigated Residents v. Kern County Board of Supervisors* case, "Both the refinery and its electrical power provider, Pacific Gas & Electric, are subject to California's cap-and-trade program." (17 Cal. App 5th at 735). Thus, the project was able to take the total GHG emissions from the project and only analyze those emissions not regulated by the Cap-and-Trade Program. This is precisely what the 2019 Draft Recirculated RSFEIR did for the greenhouse gas analysis. There is nothing in the opinion that in any way was tied into the fact that the refinery itself was subject to the Cap-and-Trade Program. Furthermore, because PG&E's contribution to the GHG emissions were an indirect result of the project's approval just as the GHG emissions resulting from the electrical energy and fuel emissions will be indirect results of the development of the WLC. Thus, the *Association of Irrigated Residents v. Kern County Board of Supervisors* opinion holds that an EIR should recognize all GHG emissions associated with a project – those resulting from the project itself and those indirectly resulting from the Project and then require the Project to mitigate, to the extent feasible, GHG emissions, to the extent they are significant, all those GHG emissions from sources not subject to the Cap-and-Trade Program.⁶⁸ Whether the capped GHG emissions come from the project itself is irrelevant. The *Association of Irrigated Residents v. Kern County Board of Supervisors* opinion didn't discuss transportation related GHG emissions because they weren't subject to the Cap-and-Trade Program when the refinery's EIR was certified in 2014. The consideration of using only project uncapped GHG emissions to determine the significance of those emissions under CEQA was validated in *Association of Irrigated Residents v. Kern County Board of*

⁶⁸ The Attorney General's reference to the final measures for the adoption of Section 15064.4 were written in 2009, two years before CARB adopted the climate change regulations.

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Supervisors. Thus, the 2019 Draft Recirculated RSFEIR's GHG analysis properly relied on compliance with California's Cap-and-Trade Program to conclude that GHG emissions would be less than significant.

Additionally, in a court ruling dated February 8, 2018, the Honorable Sharon J. Waters, Judge of the Riverside County Superior Court, identified five deficiencies in the 2015 Final EIR which related to energy impacts, biological impacts, noise impacts, agricultural impacts, and cumulative impacts. As noted, GHG impacts were not among the areas Judge Waters found deficient. The 2019 Draft Recirculated RSFEIR was prepared to respond to the Judge's ruling and writ of mandate by correcting the five deficiencies identified in the ruling. Although not required by the Judge's ruling, portions of the Traffic and Circulation analysis have been revised to: (1) Show the effect of using the trip generation rates shown in the most recent edition of the Institute of Transportation Engineer's Trip Generation Manual. (2) Show the effect of the inclusion of the over 300 projects that cumulatively contribute to traffic impacts. As a result, Section 4.7 Greenhouse Gas Emissions, Climate Change, and Sustainability, Section 6.7 Greenhouse Gas Emissions, Climate Change, and Sustainability Cumulative, along with Appendix A, Air Quality, Greenhouse Gas, and Health Risk Assessment Report of the 2019 Draft Recirculated RSFEIR were also revised to show the effect of incorporating the applicable data from the revised traffic analysis. Thus, the approach used to identify GHG impacts in the 2015 Final EIR, the use of capped and uncapped emissions, was not found to be deficient with regards to CEQA in Judge Waters ruling. The approach used in the 2019 Draft Recirculated RSFEIR to analyze the significance of GHG emissions, having once been litigated, is not subject to challenge. Judge Waters' judgement on this issue is being appealed. As outlined in Topical Response C, Project Approvals, Litigation, and the Effects of Litigation, an appeal of the judgment entered on June 7, 2018, in the CEQA litigation is currently pending in the Court of Appeal, Fourth Appellate District, Division Two, as Paulek v. Moreno Valley Community Services District, Case No. E071184. Depending on the result of the Court of Appeal ruling, the amount of GHG required to be mitigated would either be the total uncapped GHG emissions or total project emissions (uncapped and capped). Therefore, new Mitigation Measure 4.7.7.1 shall apply to mitigate to net zero either all uncapped GHG emissions or all Project GHG emissions (capped and uncapped) remaining after the application of other mitigation measures. See Topical Response C, Project Approvals, Litigation, and the Effects of Litigation, for a detailed description of Mitigation Measure 4.7.7.1.

Response to Comment 1-B2-9: Refer to Topical Response A, The Use of Cap-and-Trade, regarding the 2015 Final EIR and the 2019 Draft Recirculated RSFEIR approach to 1) utilizing the Cap-and-Trade Program and how it relates to the state's overall greenhouse gas reduction mandates, and 2) how Cap-and-Trade is relevant to the Projects CEQA analysis. Additionally, refer to Topical Response B, Scoping Plan, for a discussion of how the project complies with the Scoping Plan goals. As outlined in Topical Response C, Project Approvals, Litigation, and the Effects of Litigation, an appeal of the judgment entered on June 7, 2018, in the CEQA litigation is currently pending in the Court of Appeal, Fourth Appellate District, Division Two, as Paulek v. Moreno Valley Community Services District, Case No. E071184. Depending on the result of the Court of Appeal ruling, the amount of GHG required to be mitigated would either be the total uncapped GHG emissions or total project emissions (uncapped and capped). Therefore, new Mitigation Measure 4.7.7.1 shall apply to mitigate to net zero either all uncapped GHG emissions or all Project GHG emissions (capped and uncapped) remaining after the application of other mitigation measures. See Topical Response C, Project Approvals, Litigation, and the Effects of Litigation, for a detailed description of Mitigation Measure 4.7.7.1. Refer to Topical Response B, Scoping Plan, and how the Scoping Plan and

Scoping Plan Updates relate to the project and how the WLC complies with, and would not conflict with or impede, the implementation of GHG reduction goals identified in AB 32 and SB 32.

Response to Comment 1-B2-10: Refer to Topical Response A, The Use of Cap-and-Trade, and Response, regarding the 2015 Final EIR and the 2019 Draft Recirculated RSFEIR approach to 1) utilizing the Cap-and-Trade Program and how it relates to the state’s overall greenhouse gas reduction mandates, and 2) how Cap-and-Trade is relevant to the Projects CEQA analysis. Topical Response A provides an overview of AB 32 and the Cap-and-Trade Program; how it applies to the consideration of Project GHG emissions and its effect on the State’s efforts to reduce its GHG emissions. The graphs presented by the AG could be applicable to any project that was previously vacant. Figure 5 in the AG’s letter identifies the graph with projected reduction targets from 1990 levels. Executive Order S-3-5 requires an 80 percent reduction in GHG emissions from 1990 levels, resulting in a downward trending graph. The GHG emissions from the Project graph identify an upward trending graph as emissions from the Project are generally new emissions as the Project would be built on generally vacant land. Thus, these graphs don’t necessarily show that the Project conflicts with the state’s ability to achieve the state climate goals. If graphs alone were used to show if a project conflicted with the state’s climate goals, then no new project that had any increase in emissions would ever get approved. The 2019 Draft Recirculated RSFEIR did not fail to evaluate the Project’s consistency with state and regional goals, requirements, plans, and policies to reduce GHGs just because the trajectory of the two graphs are in opposition to each other. Furthermore, Table 4.7-11: Project Compliance with Federal/State Greenhouse Gas Reduction Strategies, Table 4.7-12: Analysis of Additional Measures in the 2017 Scoping Plan Update, Table 4.7-13: Consistency with City General Plan Air Quality Policies, and Table 4.7-14: Consistency with City Climate Action Strategy in the 2019 Draft Recirculated RSFEIR assess the projects consistency with these policies. In order to ensure that the WLC complies with and would not conflict with or impede the implementation of reduction goals identified in AB 32 and SB 32, all PDF and Mitigation Measures identified in the 2019 Draft Recirculated RSFEIR shall be implemented. Thus, the Project’s consistency with state and regional plans was analyzed per CEQA requirements.

Refer to Topical Response B, which discusses the Project’s compliance with the Scoping Plan and the State’s attainment goals. AB 32 focuses on reducing GHG emissions to 1990 levels by the year 2020, while SB 32 has a target of 40 percent below 1990 levels by 2030. Pursuant to the requirements in AB 32, CARB adopted the Climate Change Scoping Plan (Scoping Plan) in 2008, which contains a variety of strategies to reduce the State’s emissions. The First Update to the Scoping Plan was approved in 2014 and the Second Update was approved in 2017 following the passage of SB 32. As described in Section 4.7.2.2 – State Regulations/Standards, AB 398⁶⁹ extended California’s Cap-and-Trade Program through 2030 and the program is adopted as a core strategy in the 2017 Scoping Plan Update for meeting the state’s GHG reduction targets for 2020 and 2030. Each version of CARB’s Scoping Plan, including the recent 2017 Scoping Plan Update, explains, on the basis of extensive modeling and analysis, that the Cap-and-Trade Program is not intended to address project-level impacts and does not do so. However, with respect to project-level GHG reduction actions and thresholds for individual development projects, the 2017 Scoping Plan Update indicates, beyond plan-level goals and actions, local governments can also support climate action when considering discretionary approvals and entitlements of individual projects through CEQA.

⁶⁹ Section 1 of AB 398, which remains in effect until 1/1/31 states the Legislature’s intent to extend the Cap-and-Trade Program to 12/31/30 (Health & Safety Code 38501(i)). Section 2 of AB 398, which becomes effective on 1/1/31, states the Legislature’s intent that CARB design effective GHG emissions with no termination date (Health & Safety 38501(k)). Health & Safety 38551(b) states it’s the Legislature’s intent that reduction in GHG emissions continue beyond 2020.

Final Response to Comments

Absent conformity with an adequate geographically-specific GHG reduction plan as described in the regulatory section of Section 4.7 of the 2019 Draft Recirculated RSFEIR, CARB recommends that projects incorporate design features and GHG reduction measures, to the degree feasible, to minimize GHG emissions. Achieving no net additional increase in GHG emissions, resulting in no contribution to GHG impacts, is an appropriate overall objective for new development.⁷⁰ As discussed above, the Project incorporates project design features and construction and operational mitigation measures to reduce GHG emissions and energy demand, including LEED certification for buildings (Mitigation Measures 4.7.6.1B and 4.7.6.1C of the 2019 Draft Recirculated RSFEIR) and attempts to achieve as close to zero net uncapped emissions for the project with incorporation of solar to meet CARB's requirements of the 2017 Update to the Scoping Plan. Thus, the WLC has committed to a project which would not have a significant GHG impact and therefore would not hinder the State's achievement of its long-term GHG goals as further discussed in Topical Responses A and B.

With regard to a flaw with the GHG analysis because the 2019 Draft Recirculated RSFEIR declines to fully analyze or mitigate emissions from fuel and electricity demand that the project will cause, the majority of the project's emissions, on the ground that CARB's Cap-and-Trade Program "covers" the project's emissions, refer to Topical Response A which explains why the 2019 Draft Recirculated RSFEIR's impact analysis approach separating project emissions into capped and uncapped emissions as outlined in the Cap-and-Trade Program is acceptable and was upheld by the court in *Association of Irrigated Residents v. Kern County Board of Supervisors*, 17 Cal. App. 5th 708 (2017).

The WLC project is a logistics facility and thus would increase vehicle miles travelled (VMTs) and electricity use. Although the WLC cannot reduce VMT significantly, it has reduced its reliance on electricity through the use of on-site solar. The WLC is required to providing renewable energy through solar panels that will be installed on the rooftops of buildings to help offset the power requirements within the Project (MM 4.16.4.6.1C). A detailed solar analysis is included in Appendix E of the 2019 Draft Recirculated RSFEIR. Due to the limitations that current Moreno Valley Utility (MVU) rules (see Topical Response E) impose on solar photovoltaic (PV) capacity, Phase 1 buildings can each provide 300 kilowatts (kW) of PV (one-half the 600-kW minimum daytime electric load) and Phase 2 buildings can each provide 800 kW. At these PV system sizes, a total of 4.5 megawatts (MW) of PV capacity would exist at WLC at the end of Phase 1 and a total of 14.1 MW of PV capacity would exist at WLC at full build-out. The use of PV in each phase would cover both the peak electric load generated by the offices and the annual energy usage of the offices, thereby achieving effective near zero-emission status for the offices. Due to the highly speculative nature of the EV penetration in Phase 2, Project mitigation measures require the project to upgrade the structural integrity of the roof on each building to accommodate the possibility of future solar installation over the entire roof. At a minimum, the Project will install enough solar power in both phases to meet energy needs of the Project's office spaces, resulting in net zero-energy office buildings. Some mitigation measures, such as zero- or near zero-emission technology and utilizing solar power to provide all the power to the Project due to regulatory requirements and moratoriums as discussed in the RETR (Appendix E of the 2019 Draft Recirculated RSFEIR), are not available at this time. Thus, the WLC will incorporate the Project Design Features outlined in the 2019 Draft Recirculated RSFEIR to further reduce emissions from the project that are along the line of zero emission technology mitigation measures requested by CARB. The City has not

⁷⁰ California Air Resources Board, 2017. California's 2017 Climate Change Scoping Plan: The strategy for achieving California's 2030 greenhouse gas target. Available online at: https://www.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf.

ignored its CEQA obligations and does not improperly obscure the Projects GHG impacts by exempting them from CEQA analysis.

Response to Comment 1-B2-11: As stated in Response to Comment 1-B2-4, long-term operational emissions occur over the life of the Project (2019 Draft Recirculated RSFEIR, page 4.7-21). Table 4.7-5 depicts total emissions estimates for the Project construction and operations, although it does not account for PDFs (described in Section 4.17.5, Energy, of the 2019 Draft Recirculated RSFEIR) that improve building energy efficiency and maximize the use of on-site renewable energy, nor do they account for the Project's mitigation measures. Table 4.7-5 shows a summary of AB 32/SB 32 capped and uncapped project emissions (unmitigated) for each year between 2020 and buildout (see Topical Response A for a discussion of how Cap-and-Trade applies to the Project and refer to Topical Response B, which discusses the Project's compliance with the Scoping Plan and the State's attainment goals.). Buildout emissions would then continue to occur for the lifetime of the Project. As shown in the table, the uncapped emissions in the year 2026 and after are over the SCAQMD's significance threshold of 10,000 MTCO_{2e} per year. Thus, the 2019 Draft Recirculated RSFEIR does address that emissions would occur, and what those emissions would be, over the life of the Project. As outlined in Topical Response C, Project Approvals, Litigation, and the Effects of Litigation, an appeal of the judgment entered on June 7, 2018, in the CEQA litigation is currently pending in the Court of Appeal, Fourth Appellate District, Division Two, as Paulek v. Moreno Valley Community Services District, Case No. E071184. Depending on the result of the Court of Appeal ruling, the amount of GHG required to be mitigated would either be the total uncapped GHG emissions or total project emissions (uncapped and capped). Therefore, new Mitigation Measure 4.7.7.1 shall apply to mitigate to net zero either all uncapped GHG emissions or all Project GHG emissions (capped and uncapped) remaining after the application of other mitigation measures. See Topical Response C, Project Approvals, Litigation, and the Effects of Litigation, for a detailed description of Mitigation Measure 4.7.7.1.

Greenhouse Gas Emissions, Climate Change and Sustainability cumulative impacts are addressed in Section 6.7 of the 2019 Draft Recirculated RSFEIR. As stated in the 2019 Draft Recirculated RSFEIR, operational or long-term emissions occur over the life of the Project. Mobile emissions were calculated using emission factors for the actual years assessed (2020 through 2064). The motor vehicle and truck year-by-year emissions use emission factors corresponding to each year analyzed. For emissions in years post-2050, the 2050 emission factors were used. This is due to EMFAC2017 only projecting emission factors through 2050. CARB has designed a California Cap-and-Trade Program that is enforceable and meets the requirements of AB 32 and SB 32. The program began on January 1, 2012, placing GHG emissions limits on capped sectors (e.g., electricity generation, petroleum refining, cement production, and large industrial facilities that emit more than 25,000 MT CO_{2e} per year), and enforcing compliance obligations beginning with 2013 emissions. Vehicle fuels were placed under the cap in 2015, and with the passage of AB 398⁷¹, the program was recently extended through 2030. The Health and Safety Code §38510 makes CARB responsible for regulating sources of GHG emissions and that §39500 makes CARB responsible for regulating emissions from vehicles. CARB was the one who decided that fuel suppliers are

⁷¹ Section 1 of AB 398, which remains in effect until 1/1/31 states the Legislature's intent to extend the Cap-and-Trade Program to 12/31/30 (Health & Safety Code 38501(i)). Section 2 of AB 398, which becomes effective on 1/1/31, states the Legislature's intent that CARB design effective GHG emissions with no termination date (Health & Safety 38501(k)). Health & Safety 38551(b) states it's the Legislature's intent that reduction in GHG emissions continue beyond 2020.

required to account for, and mitigate, for fuels that they produce when the fuels are combusted.⁷² The Cap-and-Trade Program allocates emissions permits across covered entities in each sector. As shown in Section 4.7.6.1 Greenhouse Gas Emissions of the 2019 Draft Recirculated RSFEIR, the Project's unmitigated uncapped emissions of approximately 22,974 MTCO_{2e} per year are over the SCAQMD's significance threshold of 10,000 MT CO_{2e} per year. However, the mitigated emissions are below the SCAQMD's significance threshold of 10,000 MTCO_{2e} per year for the Project's entire lifetime, beginning with construction in 2020 through 2064. The maximum annual mitigated uncapped emissions for the Project's lifetime occur at buildout (2035) and total 8,563 MTCO_{2e}. After 2035, emissions remain below the 10,000 MTCO_{2e} threshold and incrementally decrease for the remainder of the Project's lifetime.

With regard to the GHG cumulative impact analysis (Section 6.7 of the 2019 Draft Recirculated RSFEIR), GHG emissions were estimated for each of the 359 cumulative projects by making land use assumptions for each of the identified cumulative project based on project specific information contained in associated documents, the City of Moreno Valley General Plan, and/or the SCAG RTP/SCS 2040 regional population and employment forecasts for all areas outside of the City of Moreno Valley. Out of the 359 cumulative projects that were evaluated during preparation of the 2019 Draft Recirculated RSFEIR, 66 were found to be completed with construction or currently undergoing construction as of November 2019 and nine projects were not accounted for due to lack of project information or due to there being no specific development proposed (specifically, H-10, MV-55, MV-122, P-13, P-29, SJWA-1, RC-4, RC-8, and RC-16) (see Section 4.3, Errata – Changes to the Draft Recirculated RSFEIR). Therefore, 284 potentially cumulative projects are located within the Basin that could undergo construction activities during the project's 15-year construction period. Estimated construction GHG emissions were amortized over 30 years. Of the 359 projects analyzed, 95 projects exceeded their given threshold and 189 projects were below threshold. Given that the unmitigated project and 95 of the cumulative projects are over threshold, impacts would be potentially significant and cumulatively considerable. Given that the Project would have a potentially significant impact to GHG emissions prior to the application of mitigation, this Project's contribution to cumulative impact is considered to be considerable prior to mitigation. The Project's mitigated uncapped emissions total 8,563 MTCO_{2e} at buildout in 2035, would not exceed the SCAQMD's significance threshold of 10,000 mt CO_{2e} per year, and would be less than significant. As shown in Table 6.7-2 (pages 6.7-15 – 6.7-29 of the Draft Recirculated RSFEIR), it is estimated that 95 projects would exceed the applicable numeric threshold, contributing to a potentially significant cumulative impact. When considered with the other projects' significant impacts, the Project would not contribute to a significant cumulative impact given that the project would generate uncapped emissions that are less than the 10,000 MTCO_{2e} significance threshold.

Section 4.7.6.2, of the 2019 Draft Recirculated RSFEIR assesses the WLCs consistency with applicable federal, state, regional and local GHG reduction strategies and concludes that the Project would comply with all mandatory reduction strategies such as water conservation, energy efficiency, solid waste reduction, and efficiency measures related to transportation and motor vehicles. In addition, the project would go beyond energy conservation measures and exceed minimum compliance with 2019 Title 24 requirements. Additionally, the Project would contribute to further reductions by exceeding minimum compliance with Title 24 requirements by approximately 16 percent at full buildout, incorporating an alternative fuel service station, and supporting infrastructure to accommodate future electric vehicle populations. Therefore, the

⁷² California Air Resources Board, 2015. Facts About: Information for Entities That take Delivery of Fuel for Fuels Phased into the Cap-and-Trade Program Beginning on January 1, 2015. Available online: https://ww3.arb.ca.gov/cc/capandtrade/guidance/faq_fuel_purchasers.pdf.

Project's contribution to cumulative impacts would not be cumulatively considerable. It would be speculative to assume that all 359 listed cumulative projects would be consistent with all applicable plans, policies, and regulations related to the reduction of GHG emissions. Therefore, it is possible that any of the cumulative projects are inconsistent with any plans, policies, and regulations and would result in a potentially significant impact. Therefore, the cumulative impact would be potentially significant. However, because the project's impact would be less than significant with mitigation, the project is not contributing to cumulatively considerable impacts. As the Project does not contribute to cumulatively considerable impacts in regard to GHG emissions nor conflict with applicable GHG reduction measures, the Project would not interfere with the State's ability to comply with 2050 climate goals.

Response to Comment 1-B2-12: Refer to Topical Response A, The Use of Cap-and-Trade, regarding the 2015 Final EIR and the 2019 Draft Recirculated RSFEIR, including additional mitigation measures, for the approach to 1) utilizing the Cap-and-Trade Program and how it relates to the state's overall greenhouse gas reduction mandates, and 2) how Cap-and-Trade is relevant to the Projects CEQA analysis.

In response to using all widely available commercially viable zero-emission technology, utilizing zero-emission technology trucks is an effective strategy at reducing tailpipe PM emissions. In 2016, in response to Executive Order B-32-15, the California Department of Transportation, CARB, the California Energy Commission and the Governor's Office of Business and Economic Development published the California Sustainable Freight Action Plan ("CSFAP"). The CSFAP was the beginning of a comprehensive effort by the State of California to transition "to a more efficient, more economically competitive, and less polluting freight system." (CSFAP, p. 1.) The CSFAP discussed policies and objectives in support of transitioning to near-zero and zero-emission freight vehicles, including heavy-duty trucks, but CARB recognized at that time, that no commercially available technology zero-emission on-road heavy-duty trucks were available and that zero- and near-zero emission technologies are still at the demonstration phase.⁷³ Since then, some zero emission trucks have become available for limited applications, but the Class 7 and Class 8 heavy-duty trucks are still not commercially available. (<https://ww2.arb.ca.gov/resources/fact-sheets/advanced-clean-trucks-fact-sheet>.) Recognizing the challenges in transitioning to zero-emission heavy duty trucks, CARB proposed in late 2019, the Advanced Clean Truck Regulation, which proposes to require manufacturers to make a certain percentage of sales of zero-emission trucks and buses. CARB received numerous comments on the proposed Regulation, and it has not been formally adopted, but CARB's Staff Report in support of the Regulation provided a detailed evaluation of the market in the Staff Report, including Appendix E, Zero Emission Truck Market Assessment. The Staff Report notes the importance of heavy duty trucks: "Heavy-duty trucks operate through California in numerous vocations and are an essential part of the state's economy." (Staff Report, p. I-4.) The Staff Report outlines the challenges in ZEV market, particularly with respect to heavy-duty trucks, including the incremental cost of ZEVs, infrastructure investment cost and availability, matching vehicle capability with fleet need and diverging standards. (Staff Report, pp. I-14 – I-17.) The Regulation sets forth proposed percentage sales for Class 7-8 Tractor Group at 3% by 2024. CARB's evaluation of the market and its proposed goal of 3% for 2024 demonstrates that Class 7-8 heavy-duty trucks are not currently commercial availability.

⁷³ California Air Resources Board, 2015. Draft Heavy-Duty Technology And Fuels Assessment: Overview, April. Available online: https://www.arb.ca.gov/msprog/tech/techreport/ta_overview_v_4_3_2015_final_pdf.pdf?_ga=2.207832726.540754214.1560412530-179310568.1519193875.

According to a Feasibility Assessment for Drayage Trucks for the San Pedro Bay Ports Clean Air Action Plan, zero-emission and near zero-emission on-road haul trucks availability, as of late-2018, includes one zero-emission and one near zero-emission fuel-technology platform sold by Original Equipment Manufacturers (OEMs) in commercially available Class 8 trucks suitable for drayage.⁷⁴ With the development of zero-emission and near zero-emission platforms, infrastructure has emerged as one of the most significant near-term barriers to wide-scale adoption of these technologies due to standardization difficulties and the ability to develop the full charging infrastructure required by 2021. Additionally, according to the Feasibility Assessment, one OEM plans to begin offering a zero-emission battery-electric Class 8 truck by 2021, the other OEMs have similar or later timeframes. Furthermore, the International Council on Clean Transportation (ICCT) in a November 2017 white paper titled “Transitioning to Zero-Emission Heavy-Duty Freight Vehicles”⁷⁵ states that there are “prevailing barriers to widespread viability” of plug-in electric heavy-duty freight vehicles, primarily limited electric range, high vehicle cost, long recharging time, and tradeoffs on cargo weight and/or volume. This report does not cite drayage trucking (Class 8) as a promising segment for widespread commercialization, further proof that the zero-emission and near zero-emission truck fleet won’t be viable during construction of the Project or possibly be readily available enough for use during operation of the Project. CARB’s latest working group meeting Third Work Group for the FY 2019-20 Heavy-Duty Three-Year Investment Strategy on May 8, 2019 shows that the Zero Emission Vehicle technology readiness for medium- and heavy-duty trucks is primarily in the demonstration phase in 2019 which includes technology development and early stage demonstrations.⁷⁶ As of late last year, CARB is funding a couple of pilot programs for electric truck fleets.⁷⁷ BYD (Build Your Dreams) and Anheuser-Busch announced that Anheuser-Busch will pilot a scale project by deploying 21 BYD battery electric trucks at four Anheuser-Busch distribution facilities across southern California: Sylmar, Riverside, Pomona, and Carson.⁷⁸ Additionally, another pilot program includes replacing PepsiCo’s existing diesel powered freight equipment with fifteen Tesla Semi electric trucks with “zero-emission (ZE) and near-zero emission (NZE)” trucks and equipment at its Frito-Lay Modesto, California, manufacturing site by 2021.⁷⁹ See also recent article describing emerging state of technology for electric heavy-duty trucks and other pilot programs (<https://www.nytimes.com/2020/03/19/business/electric-semi-trucks-big-rigs.html>).

The WLC is required to provide an alternative fueling station that will open prior to the issuance of building permits for more than 25,000,000 square feet of logistics warehousing to serve trucks that use liquefied or compressed natural gas as vehicle fuel (MM 4.3-6.3C of the 2019 Draft Recirculated RSFEIR). In addition, future development will comply with vehicle fleet fuel requirements at the time of development approval. Additionally, based on the RETR (Appendix E of the 2019 Draft Recirculated RSFEIR), Project Design

⁷⁴ Port of Long Beach & The Port of Los Angeles, 2019. San Pedro Bay Ports Clean Air Action Plan, 2018 Feasibility Assessment for Drayage Trucks, April. Available online: <http://www.cleanairactionplan.org/documents/final-drayage-truck-feasibility-assessment.pdf/>.

⁷⁵ Moultak, M., Lutsey, N., Hall, D., “Transitioning to Zero-Emission Heavy-Duty Freight Vehicles,” The International Council on Clean Transportation (ICCT), September 26, 2017, Available online: <https://www.theicct.org/publications/transitioning-zero-emission-heavy-duty-freightvehicles>.

⁷⁶ California Air Resources Board, 2019. Third Work Group for the FY 2019-20 Heavy-Duty Three-Year Investment Strategy, May 8. Available online: https://ww2.arb.ca.gov/sites/default/files/2019-05/050819_3yp_wg3_handout.pdf

⁷⁷ California Air Resources Board, 2019. CARB Approves \$533 million funding plan for clean transportation investments, October 25, 2019. Available online: <https://ww2.arb.ca.gov/news/carb-approves-533-million-funding-plan-clean-transportation-investments>

⁷⁸ Build Your Dreams, 2019. Anheuser-Busch Completes First Zero-Emission Beverage Distribution, November 21. Available online: <https://en.byd.com/news-posts/anheuser-busch-completes-first-zero-emission-beer-delivery/>

⁷⁹ Electrek, 2019. 15 Tesla Semi electric trucks to replace diesel trucks at Pepsi facility, October 4. Available online: <https://electrek.co/2019/10/04/tesla-semi-electric-trucks-replace-diesel-trucks-pepsi/>

Features will be incorporated to provide an approximately 17 percent improvement in energy performance over Title 24 requirements at Phase 1 and an approximately 16 percent improvement at full buildout (page 4.17-21 of the 2019 Draft Recirculated RSFEIR). WLC is required to providing renewable energy through solar panels that will be installed on the rooftops of buildings to help offset the power requirements within the Project (MM 4.16.4.6.1C of the 2019 Draft Recirculated RSFEIR). At a minimum, the Project will install enough solar power in both phases to meet energy needs of the Project's office spaces (refer to Topical Response E for the MVU limitations placed on solar). The 2019 Draft Recirculated RSFEIR includes mitigation measures for Air Quality, Greenhouse Gases, and Energy to reduce impacts to the extent possible. Some of the mitigation measures suggested by the CARB, zero- or near zero-emission technology, are not available at this time, such as utilizing solar power to provide all the power to the project due to regulatory requirements and moratoriums as discussed in the RETR (Appendix E of the 2019 Draft Recirculated RSFEIR) and readily available zero-emission fleets of medium- and heavy-duty trucks (Refer to response B1-4 for detailed discussion of ZEV availability and solar power. Thus, WLC will incorporate the Project Design Features outlined in the 2019 Draft Recirculated RSFEIR, Section 4.17.5, to further reduce emissions from the Project that are along the line of the zero emission technology mitigation measures. However, since the Project will support a variety of future users which are unknown at this time, it is not possible to specify or require future users to have zero emission or alternative fuel fleets since most logistics companies use independent contractors and truck drivers rather than maintaining their own fleets. Nonetheless, the Project required under various project design features and mitigation measures to require the most stringent levels of emission mitigation under existing emission control regulations including the use of model year 2010 engine diesel trucks, Tier 4 off-road construction equipment, and rooftop solar. The City has investigated the use of nonzero- and zero-emission technologies in the transportation and electricity portions and has incorporated those that are practicable and feasible.

Response to Comment 1-B2-13: Refer to Topical Response A, The Use of Cap-and-Trade, regarding the 2015 Final EIR and the 2019 Draft Recirculated RSFEIR, approach to 1) utilizing the Cap-and-Trade Program and how it relates to the state's overall greenhouse gas reduction mandates, and 2) how Cap-and-Trade is relevant to the Projects CEQA analysis.

Response to Comment 1-B2-14: As presented in Response to Comment 1-B2-5, the Project would be protective of health risks for environmental justice communities, including those from criteria and toxic air pollutants and diesel PM. The cancer risk and chronic and acute non-cancer risk to sensitive receptors in the community would be less than significant with incorporation of mitigation for construction and operation and operation of the WLC as evidenced in the HRA and Section 4.3.6.6 Summary of Health Effects of Air Quality Emissions in the 2019 Draft Recirculated RSFEIR. The WLC has adopted all feasible and practicable zero- and near zero-emission technology mitigation measures to reduce impacts associated with trucking and electricity usage as described above under Response to Comments 1-B2-12 and 1-B2-13, all of which are protective of impacts to environmental justice communities. Regarding exemption of Project GHG emissions from a CEQA significance analysis because of the Cap-and-Trade Program and its effect on the State's efforts to reduce GHG emissions through adoption of mitigation measures refer to Topical Response A.

Response to Comment 1-B2-15: Regarding exemption of Project GHG emissions from a CEQA significance analysis because of the Cap-and-Trade Program and its effect on the State's efforts to reduce GHG emissions refer to Topical Response A. Response to Comment 1-B2-2 through 1-B2-14 address

Final Response to Comments

additional concerns. brought forth in the letter. Additionally, this Project would be protective of health risks for environmental justice communities as presented in Response to Comment 1-B2-5.

RECEIVED

SEP 13 2018



KEN ALEX
DIRECTOR



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
CITY OF MORENO VALLEY
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
Planning Division

September 10, 2018

Albert Armijo
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552

Subject: World Logistics Center Project EIR PEN18-0050
SCH#: 2012021045

Dear Albert Armijo:

The State Clearinghouse submitted the above named Final Document to selected state agencies for review. The review period closed on September 7, 2018, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

1-B3-1

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

**Document Details Report
State Clearinghouse Data Base**

SCH# 2012021045
Project Title World Logistics Center Project EIR PEN18-0050
Lead Agency Moreno Valley, City of

Type FIN Final Document
Description Note: Final, Review Per Lead

Revised Sections of the FEIR have been prepared to provide the public and trustee agencies with info about the potential effects on the local and regional environment associated with the construction and operation of the proposed Worl Logistics Center project, and its associated infrastructure on approx 2,600 acres of land in the eastern portion of the city. All of the land use entitlements for the World Logistics Center are in place - the GP and Z designations, the SP, a request for annexation of unincorporated land and a development agreement. The potential environmental impacts evaluated in the revised sections of the FEIR are based upon these adopted entitlements allowing 40.6 M sf of buildings specifically designed to support large scale logistic operations in a quality business environment.

Lead Agency Contact

Name Albert Armijo
Agency City of Moreno Valley
Phone 951-413-3206 **Fax**
email
Address 14177 Frederick Street
City Moreno Valley **State** CA **Zip** 92552

1-B3-2

Project Location

County Riverside
City Moreno Valley
Region
Lat / Long 33° 55' N / 117° 8' W
Cross Streets Redlands Boulevard and Eucalyptus Avenue
Parcel No. 477-090 et al
Township 3S **Range** 3W **Section** 6-9 **Base** SBB&M

Proximity to:

Highways Hwy 60
Airports
Railways
Waterways
Schools
Land Use vacant ag land approved for the world logistics center

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Biological Resources; Drainage/Absorption; Noise; Traffic/Circulation; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Wildlife, Region 6; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 8; Regional Water Quality Control Board, Region 8; Native American Heritage Commission; Public Utilities Commission; State Lands Commission

Date Received 07/24/2018 **Start of Review** 07/24/2018 **End of Review** 09/07/2018

RESPONSES TO LETTER 1-B3: Governor's Office of Planning & Research

Response to Comment 1-B3-1: No specific comments on the contents of the 2018 Revised Sections of the Final EIR (RSFEIR) are provided within this comment, and thus no further response is needed (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

Response to Comment 1-B3-2: This is an attachment of the State Clearinghouse Data Base details for the Revised Sections of the FEIR document. No specific comments on the contents of the 2018 RSFEIR are provided within this comment, and thus no further response is needed (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.) The City has complied with State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

3.4.3 (1-C) Letters from Regional Agencies

Comment Letters Received from Regional Agencies include the following:

1-C1: South Coast Air Quality Management District

From: Albert Armijo
Sent: Wednesday, August 22, 2018 9:53 AM
To: Julia Descoteaux
Cc: Richard Sandzimier; Chris Ormsby; Mark Gross
Subject: FW: Request for Technical Data Files for World Logistics Center Project

Hi Julia,
Please see SCAQMD's request below.
Thanks.
Albert

Albert Armijo
Interim Planning Manager
Community Development
City of Moreno Valley
p: 951.413.3354 | e: alberta@moval.org W: www.moval.org
14177 Frederick St., Moreno Valley, CA 92553

From: Robert Dalbeck [mailto:RDalbeck@aqmd.gov]
Sent: Wednesday, August 22, 2018 8:54 AM
To: Albert Armijo <alberta@moval.org>
Subject: Request for Technical Data Files for World Logistics Center Project

Hello Albert,

SCAQMD staff has received the Revised FEIR for the World Logistics Center project for review (SCAQMD Control Number: RVC180725-03) before September 7, 2018.

Please provide all appendices or technical documents related to the air quality, health risk, and greenhouse gas analyses and electronic versions of all air quality modeling and health risk assessment files. These include emission calculation spreadsheets and modeling input and output files (not PDF files). Without all files and supporting documentation, SCAQMD staff will be unable to complete a review of the air quality analyses in a timely manner.

You may burn the data onto a CD and send it to SCAQMD Attn: CEQA-Intergovernmental Review, to the address in my signature below. Or, you may send the above-mentioned documents via a Dropbox link in which they may be accessed and downloaded by SCAQMD staff. Thank you.

Best Regards,

Robert Dalbeck
Assistant Air Quality Specialist, CEQA IGR
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765
P. (909) 396-2139
E. RDalbeck@aqmd.gov

**Please note that the SCAQMD is closed on Mondays.*

1-C1-1

From: Julia Descoteaux
Sent: Friday, August 24, 2018 2:05 PM
To: 'Robert Dalbeck'
Subject: Request for Technical Data Files for World Logistics Center Project

Hi Robert,

Here are the files you requested. Please verify that you can access them, and if you have any questions.

And, you have a great weekend as well!!

Best Regards,
Julia

1-C1-2

From: eruby@esassoc.com [mailto:eruby@esassoc.com]
Sent: Friday, August 24, 2018 12:27 PM
To: Julia Descoteaux <juliad@moval.org>
Subject: ESA DeliverIt

Hi Julia: The requested files for SCAQMD are attached. It's a very large zipped folder. Thanks

Eric J., Ruby
ESA | www.esassoc.com

ESA DeliverIt

A file or (files) have been sent to you from Eric J., Ruby via [ESA DeliverIt](#).

Please click the link(s) below to access those files and save them locally to your computer/server. Hyperlinks are not properly displayed using Entourage for Mac OS. A manual copy and paste of the hyperlink could be required in order to download the file. The link(s) will expire 14 days after the original send date. Be sure to save the files to their appropriate locations and do not work directly on the open files hosted on DeliverIt as the changes will not be saved. If you have any troubles retrieving the files, please let us know.

[FOR SCAQMD.zip](#)

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From: Robert Dalbeck <RDalbeck@aqmd.gov>
Sent: Tuesday, August 28, 2018 4:52 PM
To: Julia Descoteaux
Subject: RE: Request for Technical Data Files for World Logistics Center Project

Hi Julia,

I did receive the files, thank you so much. I had a little trouble accessing them at first, hence my delay in confirming I received them. Thank you again for your help, it's much appreciated!

Best,

Robert Dalbeck | Assistant Air Quality Specialist, CEQA IGR
South Coast Air Quality Management District
21865 Copley Drive | Diamond Bar, CA 91765
Phone: (909) 396-2139 | Email: RDalbeck@aqmd.gov
**Please note that the SCAQMD is closed on Mondays.*

From: Julia Descoteaux [mailto:juliad@moval.org]
Sent: Tuesday, August 28, 2018 4:36 PM
To: Robert Dalbeck <RDalbeck@aqmd.gov>
Subject: RE: Request for Technical Data Files for World Logistics Center Project

Hi Robert,

Can you please confirm that you received the requested information?

Best Regards,
Julia

Julia Descoteaux
Associate Planner
Community Development
City of Moreno Valley
p: 951.413.3209 | e: juliad@moval.org W: www.moval.org
14177 Frederick St., Moreno Valley, CA 92553



From: Julia Descoteaux
Sent: Friday, August 24, 2018 2:05 PM
To: 'Robert Dalbeck' <RDalbeck@aqmd.gov>
Subject: Request for Technical Data Files for World Logistics Center Project

1-C1-3

Hi Robert,

Here are the files you requested. Please verify that you can access them, and if you have any questions.

And, you have a great weekend as well!!

Best Regards,
Julia

From: eruby@esassoc.com [<mailto:eruby@esassoc.com>]
Sent: Friday, August 24, 2018 12:27 PM
To: Julia Descoteaux <juliad@moval.org>
Subject: ESA DeliverIt

Hi Julia: The requested files for SCAQMD are attached. It's a very large zipped folder. Thanks

Eric J., Ruby
ESA | www.esassoc.com

ESA DeliverIt

A file or (files) have been sent to you from Eric J., Ruby via [ESA DeliverIt](#).

Please click the link(s) below to access those files and save them locally to your computer/server. Hyperlinks are not properly displayed using Entourage for Mac OS. A manual copy and paste of the hyperlink could be required in order to download the file. The link(s) will expire 14 days after the original send date. Be sure to save the files to their appropriate locations and do not work directly on the open files hosted on DeliverIt as the changes will not be saved. If you have any troubles retrieving the files, please let us know.

[FOR SCAQMD.zip](#)

1-C1-3
cont.

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RESPONSES TO LETTER 1-C-1: South Coast Air Quality Management District

Response to Comment 1-C1-1: The South Coast Air Quality Management District (SCAQMD) acknowledges that it has received the 2018 Revised Sections of the Final EIR (RSFEIR) and requests that all appendices and technical documents related to air quality, health risk, and greenhouse gas analyses and electronic versions of all air quality modeling and health risk files be provided. The City of Moreno Valley forwarded the technical documents and modeling files to SCAQMD. No further response is required because no specific comments on the contents of the environmental analysis was provided in this comment.

Response to Comment 1-C1-2: The SCAQMD acknowledges that the files asked for in Response to Comment 1-C1-1 have been provided. No further response is required because no specific comments on the contents of the environmental analysis was provided in this comment.

Response to Comment 1-C1-3: The SCAQMD acknowledges that the files asked for in Response to Comment 1-C1-1 were received by SCAQMD. No further response is required because no specific comments on the contents of the environmental analysis was provided in this comment.

3.4.4 (1-D) Letters from County Departments/Agencies

No comment letters were received from county departments or agencies.

3.4.5 (1-E) Letters from Local Agencies/City Departments

Comment Letters Received from Local Agencies/City Departments include the following:

1-E1: Moreno Valley Unified School District



Board of Education
Susan Smith, President
Jesús M. Holguín, Vice President
Cleveland Johnson, Clerk
Gary E. Baugh, Ed.S.

Superintendent of Schools
Martinrex Kedziora, Ed.D.

Moreno Valley Unified School District

25634 Alessandro Boulevard
Moreno Valley, California 92553
951-571-7500
www.mvUSD.net

The mission of Moreno Valley Unified School District is to ensure all students graduate high school prepared to successfully enter into higher education and/or pursue a viable career path.

September 5, 2018

Albert Armijo
Interim Planning Manager
City of Moreno Valley
PO Box 88005
Moreno Valley, CA 92552

Via email: alberta@moval.org

Subject: Comments on World Logistics Center Revised Sections of the Final Environmental Impact Report; State Clearinghouse No. 2012021045, July 2018

Dear Mr. Armijo:

The Moreno Valley Unified School District (District) appreciates the opportunity to review the World Logistics Center Revised Sections of the Final EIR, dated July 2018.

The focus of our review in these matters is always the health and well-being of our students and staff. We acknowledge that the revised sections of the FEIR have undergone substantial modification and updating. The District appreciates the serious manner in which the City of Moreno Valley has undertaken this process, including how the City has addressed the District's comments on the Draft EIR.

We request that the City keep school facilities in mind as you respond to this next round of comments and final mitigation measures are established. Please keep us informed as to the City's progress in this matter and we request that notifications be provided to the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dr. Martinrex Kedziora'.

Dr. Martinrex Kedziora
Superintendent of Schools

1-E1-1

RESPONSES TO LETTER 1-E1: Moreno Valley Unified School District

Response to Comment 1-E1-1: The Moreno Valley Unified School District (MVUSD) appreciates how the City addressed the MVUSD's comments on the previous Draft EIR. The MVUSD also requested the City to keep them informed of the Project's progress. No specific comment on the contents of the 2018 Revised Sections of the Final EIR is provided. No further response is required because no specific comments on the contents of the environmental analysis was provided in this comment (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

3.4.6 (1-F) Letters from Community/Conservation Groups

Comment Letters Received from Community/Conservation Groups include the following:

1-F1: Center for Biological Diversity

1-F2: Earthjustice

1-F3: Friends of Northern San Jacinto Valley

1-F4: Friends of Riverside's Hills and Richard Block

1-F5: Blum | Collins

1-F6: Sierra Club

1-F7: Wittwer Parkin LLP

1-F8: California Clean Energy Committee

From: Albert Armijo
Sent: Friday, September 7, 2018 4:40 PM
To: Julia Descoteaux; Vera Sanchez
Subject: FW: CBD Comments on Revised Final EIR for World Logistics Center
Attachments: Exhibit 1.pdf; CBD Comments on Revised FEIR for WLC.pdf; Exhibit 2.pdf

Albert Armijo
Interim Planning Manager
Community Development
City of Moreno Valley

p: 951.413.3354 | e: alberta@moval.org w: www.moval.org
14177 Frederick St., Moreno Valley, CA 92553

From: Aruna Prabhala [mailto:APrabhala@biologicaldiversity.org]
Sent: Friday, September 7, 2018 4:10 PM
To: Albert Armijo <alberta@moval.org>
Subject: CBD Comments on Revised Final EIR for World Logistics Center

Please find the attached comments and associated exhibits from the Center for Biological Diversity on the Revised Final EIR for the World Logistics Center. Feel free to contact me if you have any questions or if you have any issues opening the attached documents.

1-F1-1

Sincerely,
Aruna

Aruna Prabhala
Urban Wildlands Program Director
Staff Attorney
Center for Biological Diversity
1212 Broadway, Suite 800
Oakland, CA 94612
Ph: 510-844-7100, ext. 322
aprabhala@biologicaldiversity.org

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September 7, 2018

Sent via email

Albert Armijo,
 Interim Planning Manager
 14177 Frederick Street
 Post Office Box 88005
 Moreno Valley, California 92552
 Phone: (951) 413-3206
 Email: alberta@moval.org

Re: Revised Sections of the Final Environmental Impact Report for the World Logistics Center

Dear Albert Armijo,

These comments are submitted on behalf of the Center for Biological Diversity (the “Center”) regarding the Revised Sections of the Final Environmental Impact Report (“RFEIR”) for the World Logistics Center (“WLC”). The Center has reviewed the RFEIR closely and is concerned that the City of Moreno Valley (“City”) has failed to make the necessary changes to the RFEIR to fully comply with Judge Waters ruling and the California Environmental Quality Act (“CEQA”) core requirements.

1-F1-2

The Center is a non-profit, public interest environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has over 1.6 million members and online activists throughout California and the United States. The Center has worked for many years to protect imperiled plants and wildlife, open space, air and water quality, and overall quality of life for people in Riverside County.

I. THE RFEIR FAILS TO ADEQUATELY ANALYZE AND MITIGATE IMPACTS TO BIOLOGICAL RESOURCES

1-F1-3

The RFEIR fails to remedy the inadequate analysis and mitigation of Project impacts on biological resources that were present in the FEIR. In response to the Judgment issued by Judge Waters, the City has removed the offending sections of the FEIR but failed to replace those sections with analysis and mitigation that satisfy its CEQA mandate. The Project presents significant threats to wildlife present within the Project site and in the adjacent San Jacinto Wildlife Area (“SJWA”).

A. The RFEIR does not Provide for a Sufficient Buffer Zone Between the Project Site and the San Jacinto Wildlife Area

The RFEIR fails to properly address previous deficiencies in its analysis and mitigation of the Project’s impacts on areas immediately adjacent to the Project site. The Judgement Granting Petitions for a Peremptory Writ of Mandate, issued by Judge Waters in June of 2018, required the City to remove from the FEIR references to any SJWA, Riverside County Multispecies Habitat Conservation Plan (“MSHCP”) or California Department of Fish and Wildlife (“CDFW”) land as a “buffer zone.” (RFEIR at 1-1.) The Court’s instruction does not merely mandate the deletion of misleading terminology, but also requires the City to provide new analysis and appropriate mitigation for Project impacts along the SJWA border. (Exhibit 1: Judgment Granting Petitions for a Peremptory Writ of Mandate at Exh. A at 2.) The implementation of a 250-foot buffer zone along the Project site’s border with SJWA lands does not sufficiently mitigate the Project’s significant impacts to wildlife.

1-F1-3
cont.

i. The RFEIR Fails to Mitigate the Effects of Diesel Exhaust on Wildlife in the SJWA

Project construction and operation will generate significant amounts of diesel exhaust (“DE”) that will significantly impact both human and animal receptors. The RFEIR acknowledges that exposure to DE and/or diesel particulate matter (“diesel PM”) is harmful to animals as well as humans. (RFEIR at 4.4-71.) The RFEIR cites a California Air Resources Board (“CARB”) study that indicates 80 percent of PM generally settles out within 1,000 feet of the emission source. (RFEIR at 4.4-72.) This means that Project-related diesel PM would extend into the SJWA, potentially harming wildlife. The RFEIR goes on to state that despite this 1,000-foot danger zone, the implementation of a 250-foot buffer zone (Mitigation Measure 4.4.6.1A) will be sufficient to reduce diesel PM impacts on biological resources in SJWA to less than significant. (RFEIR at 4.4-74.) The RFEIR fails to reconcile this apparent discrepancy or clarify the extent of the potential impacts of diesel PM in the northern portion of the SJWA.

1-F1-4

The lackluster mitigation of diesel PM is further evidenced by the RFEIR’s reference to a 400-foot setback for logistics buildings in Planning Areas 10 and 12 along the southerly property line adjacent to the SJWA. (RFEIR at 4.4-73.) The setback for logistics buildings is presumably intended to restrict truck activity close to the SJWA border. The RFEIR acknowledges that even with this 400-foot setback, there are potential direct and indirect impacts to listed species in SJWA. (RFEIR at 4.4-73.) The RFEIR goes on to claim that the 250-foot setback, from the same property line as the above-mentioned 400-foot setback, will mitigate the impacts of diesel PM. (RFEIR at 4.4-73.) The assertion that this mitigation measure will effectively reduce the impact of diesel PM, with its 1000-foot impact zone, is simply confounding. The RFEIR is attributing additional mitigation effects to the same setback area, as the 250-foot setback occurs within the 400-foot area. The City must reanalyze the impacts of diesel PM in SJWA and designate an appropriate setback to properly mitigate the health risks posed to wildlife.

ii. *The RFEIR Fails to Properly Mitigate the Impacts Project Grading and Ground Disturbance on Multiple Bird Species*

The mitigation measures in place to protect burrowing owls do not adequately protect the species from Project construction or operation. The RFEIR acknowledges the presence of burrowing owls in the 250-foot setback area, as well as their potential to occur within the proposed area of disturbance. (RFEIR at 4.4-78.) Mitigation measure 4.4.6.3D requires a pre-construction clearance survey be conducted within 30 days of any grading or ground disturbance. (RFEIR at 4.4-80.) If a nest or burrow is observed during this survey, a 500-foot buffer area is required wherein no construction activity can occur until the nest/burrow is no longer active. (RFEIR at 4.4-80.) If 500 feet is required to protect burrowing owls from construction activities, it follows that the survey should extend beyond the area of disturbance, to ensure that the outer boundary of grading or ground disturbance is no less than 500 feet from any burrow or nest. The RFEIR fails to fully describe the scope of the clearance survey, rendering the mitigation measure incomplete and insufficient.

1-F1-5

The 250-foot setback is also insufficient to protect bird species present outside the Project boundaries. Protocols in place under the Migratory Bird Treaty Act (“MBTA”) require certain buffer zones when the presence of certain species and their nests are present. (RFEIR at 4.4-79.) Similar to the inconsistencies highlighted above, the 250-foot setback is less than the mandated buffers (up to 500 feet for a listed species nest) that are triggered once a species is deemed to be present. (RFEIR at 4.4-79.) The RFEIR acknowledges that species requiring buffers greater than 250 feet are present, such as golden eagle and white-tailed kite, yet it defers appropriate mitigation to a later date following a project-specific survey. It is worth noting that the RFEIR’s 500-foot buffer for a nesting raptor is significantly less than the buffers recommended in study which focused on raptor protection, wherein an 800-meter buffer was recommended for golden eagle nests. (Richardson 1997.) The RFEIR must expand the 250-foot setback from the border with the SJWA based on the presumption of sensitive species being present, instead of deferring to duplicative future wildlife surveys that will reveal what is already known.

a. *The RFEIR Improperly Defers Management of the Setback Area*

Despite heavy reliance on the 250-foot setback area throughout the biological resources mitigation measures, the RFEIR defers development and management to the discretionary approval process of individual permits within Planning Areas 10 and 12. A Biological Resource Management Plan (“BRMP”) must be prepared before any discretionary development permit can be approved. (RFEIR at 4.4-81.) The BRMP will prescribe how the setback area is established, including vegetation management, erosion control, species relocation and landscape design. (RFEIR at 4.4-81.) Allowing this vital management to proceed on a project by project basis creates the potential for disjointed and contradicting planning, which undermines the value of the setback area. The setback area is the only real line of defense between the Project’s harmful environmental impacts and the SJWA, and as such, it requires a focused and unified planning process at the programmatic level.

1-F1-6

In its current form the RFEIR fails to mitigate the Project’s impacts on the habitat and wildlife in the adjacent SJWA. In light of the Court’s order of judgment, the RFEIR must expand the setback area along the Project’s boundary with the SJWA; as well as establishing setback management requirements at the programmatic level.

1-F1-6
cont.

II. Conclusion

Thank you for the opportunity to submit comments on the RFEIR for the WLC. The Center remains concerned about the inadequacies in the current version of the RFEIR and the urge the City to revise the RFEIR so the RFEIR complies the statutory requirements, case law and Judge Water’s ruling. The Center also joins in the concerns raised by Earthjustice and others regarding the RFEIR, in particular the inadequacies in the Project’s greenhouse gas and air quality analysis. Please do not hesitate to contact the Center with any questions at the number or email listed below.

1-F1-7

Sincerely,



Aruna Prabhala
 Ross Middlemiss
 Attorneys for the Center for Biological Diversity
 1212 Broadway, Suite #800
 Oakland, CA 94612
 Tel: (510) 844-7100, ext. 322
aprabhala@biologicaldiversity.org

Exhibit 1

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

JUN - 7 2018

L. Hall

JUN 14 2018

1 ADRIANO L. MARTINEZ, CA Bar No. 237152
2 amartinez@earthjustice.org
3 OSCAR ESPINO-PADRON, CA Bar No. 290603
4 oespino-padron@earthjustice.org
5 Earthjustice
6 800 Wilshire Boulevard, Ste. 1000
7 Los Angeles, CA 90017
8 Tel: 415-217-2000/Fax: 415-217-2040

9 Attorneys for Petitioners Center for Community
10 Action and Environmental Justice, Center for
11 Biological Diversity, Coalition for Clean Air,
12 Sierra Club, and San Bernardino Valley Audubon Society.

13 [ADDITIONAL COUNSEL ON THE NEXT PAGE]

14 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
15 IN AND FOR THE COUNTY OF RIVERSIDE

16 ALBERT THOMAS PAULEK; FRIENDS OF THE
17 NORTHERN SAN JACINTO VALLEY, et al.,

18 Petitioners/Plaintiffs,

19 v.

20 CITY OF MORENO VALLEY, a municipal
21 corporation; MORENO VALLEY COMMUNITY
22 SERVICES DISTRICT, a dependent special district of
23 the City of Moreno Valley; and DOES 1-20 inclusive,

24 Respondents/Defendants,

25 HIGHLAND FAIRVIEW; HIGHLAND FAIRVIEW
26 OPERATING COMPANY, a Delaware general
27 partnership; HF PROPERTIES, a California general
28 partnership; SUNNYMEAD PROPERTIES, a
29 Delaware general partnership; 13451 THEODORE
30 LLC, a California limited liability company; and DOES
31 21-40 inclusive

Real Parties in Interest.

Case No: RIC 1510967 [MF]

Consolidated with
Case No. RIC 1511118
Case No. RIC 1511195
Case No. RIC 1511213
Case No. RIC 1511279
Case No. RIC 1511327
Case No. RIC 1511421

(California Environmental Quality Act)

Dep't: 10
Judge: Hon. Sharon J. Waters

~~PROPOSED~~ JUDGMENT GRANTING
PETITIONS FOR A PEREMPTORY
WRIT OF MANDATE

1-F1-8



1-F1-8
cont.

1 ABIGAIL A. SMITH, CA Bar No. 228087
 abby@socalceqa.com
 2 Law Offices of Abigail Smith
 1455 Frazee Road, Suite 500
 3 San Diego, CA 92108
 4 Telephone: (951) 506-9925/Facsimile: (951) 506-9725

5 **Attorneys for Petitioner Residents For a Livable Moreno Valley**

6
 7 RICHARD T. DRURY, CA Bar No.163559
 richard@lozeaudrury.com
 8 Lozeau | Drury LLP
 410 12th Street, Ste. 250
 9 Oakland, CA 94607
 10 Telephone: (510) 836-4200/Facsimile: (510) 836-4203

11 **Attorneys for Petitioner Laborers International Union**

12
 13 SUSAN NASH, CA Bar No.122533
 snashlaw@gamil.com
 14 Law Offices of Susan Nash
 P.O. Box 4036
 15 Idyllwild, CA 92549
 16 Telephone: (909) 228-6710/Facsimile: (909) 659-2718

17 **Attorney for Petitioner Albert Thomas Paulek and Friends of the Northern San Jacinto Valley**

18
 19 STEVEN A BLUM, CA Bar No. 133208
 blum@blumcollins.com
 20 CRAIG M COLLINS, CA Bar No. 151582
 collins@blumcollins.com
 21 GARY HO, CA Bar No. 151582
 Ho@blumcollins.com
 22 Blum Collins, LLP
 707 Wilshire Boulevard, Suite 4880
 23 Los Angeles, CA 90017
 24 Telephone: (213) 572-0400/Facsimile: (213) 572-0401

25 **Attorneys for Petitioner SoCal Environmental Justice Alliance**

26
 27
 28
 29
 30
 31

1 On January 22, 2018, this Court, Honorable Judge Sharon Waters presiding, heard the above-
 2 captioned matter in Department 10. The following counsel appeared at the hearing: Adriano L. Martinez
 3 and Oscar Espino-Padron appeared on behalf of petitioners Center for Community Action and
 4 Environmental Justice, Center for Biological Diversity, Coalition for Clean Air, Sierra Club, and San
 5 Bernardino Valley Audubon Society; Abigail Smith appeared on behalf of petitioner Residents for a
 6 Livable Moreno Valley; Susan Nash appeared on behalf of petitioners Albert Thomas Paulek and Friends
 7 of the Northern San Jacinto Valley; Richard T. Drury appeared on behalf of petitioner Laborers
 8 International Union; and Craig Collins appeared on behalf of petitioner SoCal Environmental Justice
 9 Alliance (collectively "Petitioners"). Further, Kenneth Bley appeared on behalf of real parties in interest,
 10 HF Properties, Sunnymead Properties, Theodore Properties Partners, HL Property Partners, and 13451
 11 Theodore LLC (collectively "Real Parties In Interest"); and Martin Koczanowicz appeared on behalf of
 12 respondents, City of Moreno Valley and Moreno Valley Community Services District (collectively
 13 "Respondents").

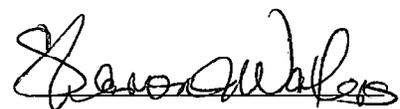
14 After hearing argument on the matter, the Court took the case under submission. The Court having
 15 reviewed the record of proceedings in this matter, the briefs submitted by all parties, and the oral
 16 argument of all counsel, on February 8, 2018, this Court issued a Ruling on Peremptory Writ of Mandate.
 17 The Ruling is attached hereto as Exhibit A and incorporated into this judgment by reference. In
 18 accordance with this Court's decision,

19 IT IS ORDERED and ADJUDGED that:

- 20 1. Judgment be entered in favor of Petitioners in this proceeding.
- 21 2. A peremptory writ of mandate directed to Respondents issue under seal of this Court, ordering
 22 Respondents to comply with this Court's February 8, 2018, Ruling and to vacate remaining
 23 approvals made in August 2015, as enumerated in the peremptory writ of mandate.
- 24 3. Respondents are required to file a return on the writ within 120 days following service of writ.
 25 This Court retains jurisdiction for all purposes, including over return to writ and to issue any
 26 orders necessary to ensure compliance with this judgment and writ.
- 27 4. Petitioners are the prevailing parties and may seek to recover costs incurred in litigating this case
 28 and file a motion(s) to recover attorneys' fees.

29 IT IS SO ORDERED.

30 Date: *June 7, 2018*



31 SUPERIOR COURT JUDGE

1 APPROVED AS TO FORM ONLY:

2
3 COX, CASTLE & NICHOLSON LLP

4 Date:

5
6
7 _____
8 Kenneth B. Bley
9 Attorney for Real Parties in Interest,
10 HF Properties, Sunnymead Properties, Theodore
11 Properties Partners, 13451 Theodore LLC, and
12 HL Property Partners (collectively "Highland Fairview")

13 OFFICE OF THE CITY ATTORNEY

14 Date:

15
16
17 _____
18 Martin D. Koczanowicz
19 Attorney for Respondents/Defendants,
20 City of Moreno Valley and Moreno Valley
21 Community Services District
22
23
24
25
26
27
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29
30
31

1-F8-1
cont.

EXHIBIT A

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

TITLE: PAULEK, et al. vs. CITY OF MORENO VALLEY	DATE & DEPT: 02/08/18 D10	NUMBER: RIC1510967
COUNSEL: None present	REPORTER: None <div style="text-align: center; font-weight: bold; font-size: 1.2em;">FILED</div> SUPERIOR COURT OF CALIFORNIA COUNTY OF RIVERSIDE	
PROCEEDING: RULING ON PEREMPTORY WRIT OF MANDATE		FEB - 8 2018

L. Hall 

The Court grants the petition, in part, as follows.

I. Energy Impacts: The FEIR must provide a comparison of feasible, cost-effective renewable energy technologies in the Energy Impacts analysis.

Petitioners argue that the City's response indicating that a comparison of feasible renewable energy technologies is "unnecessary" and its references to mitigation measures addressing other issues (i.e. GHG emissions) was a failure to provide adequate energy conservation analysis. The Court agrees.

"[C]ompressing the analysis of impacts and mitigation measures into a single issue ... disregards the requirements of CEQA." (*Lotus v. Department of Transportation* (2014) 223 Cal.App.4th 645, 656-657.) Additionally, analysis of and mitigation for GHG emissions is not a substitute for energy conservation analysis and mitigation. The City failed to conduct "a good faith reasoned analysis" of cost-effective renewable energy in the FEIR. (*Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 442.

II. Biological Impacts: The FEIR should remove all references to and consideration of the 910 acres of SJWA and MSHCP lands as a "buffer zone" or "CDFW Conservation Buffer Area" in the Biological Resources and Habitat Impacts

Sharon Waters, Judge
 L. Hall (vis), Clerk
 Page 1 of 6 Page(s)

FEB 09 2018
 1-F1-9

analysis.

Petitioners assert that the use of the term "CDFW Conservation Buffer Area" distorts CEQA analysis of the impacts of the Project on biological resources and habitat on adjacent San Jacinto Wildlife Area (SJWA) and Riverside County Multiple Species Habitat Conservation Plan (MSHCP) lands because it is not actually a buffer area. Petitioners assert that this "false labeling" is repeated numerous times in the EIR, and gives the false impression that the area can be considered mitigation of significant impacts on biological resources and habitat. The Court agrees.

All references to "CDFW Conservation Buffer Area" should be removed and the potential environmental impacts on biological resources and habitats should be re-analyzed without any consideration of said buffer area.

III. Noise Impacts: The FEIR must provide an analysis of construction noise over ambient levels; provide adequate analysis on construction noise impacts on nearby homes; address the inadequacy of mitigation measures, which fail to include performance standards or ways to reduce construction noise.

Analysis of Construction Noise Increases over Ambient Levels

Petitioners assert that in the FEIR, construction noise was only evaluated based on exceedances of Municipal Code levels. Respondents do not establish otherwise. The record does not show that respondents analyzed increases over ambient levels or considered mitigation to address those concerns. This is required.

Construction Noise Impacts on Nearby Homes

Petitioners also argue that the FEIR fails to disclose how severe noise impacts from construction will be on homes that are 50 feet or less from construction. Respondents have not

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cited to the record showing where this specific issue was discussed, other than the comment that it is "highly unlikely" that construction noise would occur within 50 feet of a residence because it is "highly unlikely" that a grader or other noise generator will be parked for an hour at that distance. Further analysis in the FEIR is required.

Mitigation Measures

Respondents acknowledge that the FEIR concluded impacts from construction noise would remain significant and unavoidable to residences near the development. They acknowledge that given the potential for construction noise on a 24/7 basis over nine years, mitigation is required.

An EIR is required to describe feasible mitigation measures that effectively minimize the project's significant impacts. (CEQA Guidelines §15126.4(a).) In general, courts defer to an agency's assessment of how effective mitigation measures are. (*Sacramento Old City Association v. City Council* (1991) 229 Cal.App.3d 1011, 1027.) Petitioners take issue with the fact that of three mitigation measures that were proposed (4.12.6.1D; 4.12.6.1E; 4.12.6.1F), only one was implemented, and the other two are merely alternatives. As discussed above, the FEIR failed to analyze construction noise impacts on residences closer than 50-feet from the construction site. As a result, it is not clear how severe the noise impacts would be on those residences. Presuming the impacts are severe, it follows that all feasible mitigation measures should be utilized. Currently, the FEIR only adopted the mitigation measure that prevents grading within 2,800 feet of residences at night. The court finds that further analysis of mitigation measures is required.

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Deferred Mitigation for Construction Noise Impacts

Petitioners argue that the EIR improperly deferred mitigation for construction noise impacts. Specifically, they argue that MM 4.12.6.1A and MM 4.12.6.1F only require preparation of a Noise Reduction Compliance Plan and taking measurements, without performance standards or ways to reduce construction noise impacts. In response, Respondents assert that the applicable regulatory standards are the City of Moreno Valley's Municipal Code. Petitioners correctly argue that the subject mitigation measures do not require compliance with the Municipal Code.

IV. Agricultural Impacts: The FEIR and the resolution certifying the FEIR require clarification as to whether loss of locally important farmlands will have a significant direct or cumulative impact on agriculture and, if significant, the FEIR must either explain how proposed mitigation will reduced the impact or why other mitigation is not feasible.

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The FEIR states that in addition to the FMMP designations, Riverside County has classified certain land in the County as "Locally Important Farmland." This is the category into which the remaining land (2,201 acres) falls. The FEIR provides that the County uses several factors to define "Locally Important Farmland." The FEIR provides that none of those factors support maintaining the remaining land as farmland.

However, as Petitioners note, the City made a finding in its Resolution certifying the FEIR that there would be permanent loss of the 2,201 acres of locally important farmland when the land was converted to nonagricultural uses, and "[t]herefore, the Project will cause significant impacts." Its further finding that implementation of MM 4.2.6.1A "reduces the impact to less than significant level" is without support. MM 4.2.6.1A only applies to the 25 acres of unique

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farmland. Thus, there is no mitigation discussed or adopted for the loss of 2,201 acres of local important farmland. As a result, the FEIR fails on this issue.

V. Cumulative Impacts: The FEIR should include consideration of recently constructed and proposed large warehouse projects in the summary-of-projections method, and should analyze whether individually insignificant impacts may be cumulatively significant.

Summary of Projections Method

A city may choose to analyze cumulative impacts based on a summary of projections method in an adopted plan, planning document or environmental document, and may use the projections in the plan or document for the for its cumulative impacts analysis. (CEQA Guidelines §15130(b)(1)(B).) The projections may be inadequate if they are outdated or inaccurate. (See *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1217.)

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The FEIR explained that there was a cumulative impacts analysis for each environmental topic in the DEIR, and that the City chose the "summary-of-projections" method rather than the "list" method due to the size, location, and development phasing or horizon of the project, and used the City's General Plan buildout projections, which were available at that time. Petitioners correctly pointed out that using the 2006 Update to the General Plan incorporated outdated information into the FEIR given the increase of large warehouse projects in Moreno Valley since 2006, and amendments to the General Plan. Thus, the FEIR fails as to cumulative impacts by failing to consider recently constructed and proposed warehouse projects.

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Consideration of How Individually Insignificant Impacts

May Be Cumulatively Significant

Petitioners argue that the FEIR failed to consider how individually insignificant impacts, even if minor impacts, could be cumulatively significant. They cite to the FEIR's response to Comment 5-5-24 analysis on storm water impacts as an example. This Comment describes certain mitigation measures applicable to water quality impacts, and water treatment controls, and then concludes: "It is reasonable to assume that if each individual cumulative project mitigates its own water quality impacts, then the cumulative water impacts ... can be effectively mitigated to less than significant levels." Petitioners point out that there is no analysis of cumulative effects relating to water quality impacts other than analysis of the project itself. Respondents do not cite to specific instances in the record to demonstrate that there is substantial evidence in the FEIR that an adequate cumulative impacts analysis considering incremental effects was done. Accordingly, any new cumulative impacts analysis should also consider and discuss whether any environmentally insignificant impacts may be cumulatively significant, taking into account all relevant past, present, and probable future projects.

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The petition is denied as to all remaining arguments.

Petitioners shall prepare and serve a proposed judgment and a proposed peremptory writ of mandate and present it to the Court no later than February 22, 2018. A hearing is set to insure the Court's receipt of these documents. No appearance is required.

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SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE
4050 Main Street - 2nd Floor
Riverside, CA 92501
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CLERK'S CERTIFICATE OF MAILING

ALBERT THOMAS PAULEK

vs.

CASE NO. RIC1510967

CITY OF MORENO VALLEY

TO:

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I certify that I am currently employed by the Superior Court of California, County of Riverside and I am not a party to this action or proceeding. In my capacity, I am familiar with the practices and procedures used in connection with the mailing of correspondence. Such correspondence is deposited in the outgoing mail of the Superior Court. Outgoing mail is delivered to and mailed by the United States Postal Service, postage prepaid, the same day in the ordinary course of business. I certify that I served a copy of the attached Ruling on Peremptory Writ of Mandate on this date, by depositing said copy as stated above.

Court Executive Officer/Clerk

Dated: 02/08/18

by:


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Exhibit 2

Recommendations for protecting raptors from human disturbance: a review

Cary T. Richardson and Clinton K. Miller

In a survey of resource managers, LeFranc and Millsap (1984) identified human-associated disturbance as a primary threat to raptor populations. Several studies have demonstrated declines in raptor populations resulting from human-associated disturbance (Voous 1977, Swenson 1979, Craighead and Mindell 1981). Resource managers can successfully use spatial and temporal buffer zones in concert to protect raptors from the effects of recreational activity (Swenson 1979, Knight and Skagen 1988, Holmes et al. 1993), human development (Ramakka and Woyewodzic 1993), and oil development (Squires et al. 1993). Spatial and temporal restrictions (buffer zones) are useful tools for resource managers to protect raptors during periods of extreme sensitivity (Knight and Skagen 1988, Knight and Temple 1995). We present information relevant to the establishment of buffer zones and the guidelines for assessing spatial and temporal buffer zones for a variety of raptors in North America. This review may serve as a general guideline for resource managers and others interested in protecting raptors.

The need for nest site protection

Human activities are known to impact raptors in at least 3 ways: (1) by physically harming or killing eggs, young, or adults; (2) by altering habitats; and (3) by disrupting normal behavior (Postovit and Postovit 1987). Due to the broad range of direct and indirect human-associated impacts and the fluctuating levels of sensitivity for individual raptors, depending on life stage and time of year, buffer zones are most effective when spatial and temporal restrictions are congruent.

The direct effects of human disturbance may seem inconsequential to uninformed or unconcerned outdoor recreationists. Activities like rock-climbing, can have severe impacts on nesting raptors, even when climbers do not have direct contact with eggs, young, or adults (Lanier and Joseph 1989, Kelly 1996). This sport often involves shouting and other noises which are disturbing enough to raptors to keep them away from their nests (Call 1979, Ratcliffe 1980). Even brief absence by parent birds can lead to missed feedings, predation on eggs or young, or to overheating, chilling, or desiccation of eggs or young (Call 1979, Suter and Jones 1981). Rock-climbing near peregrine falcon (*Falco peregrinus*) eyries during the nesting season can cause nest abandonment; some peregrine falcons are extremely sensitive and refuse to breed if humans have been in the vicinity of their eyries (Snow 1972, Olsen and Olsen 1980). Ferruginous hawks (*Buteo regalis*) tend to desert their nests if adults are exposed to human activity during incubation (White and Thurow 1985). Van Daele and Van Daele (1982) found that incubation at successful osprey (*Pandion haliaetus*) nests occurred during 99.5–100% of daylight hours. Human disturbance during the critical periods of incubation and the early nesting stages can be fatal to embryos and nestlings.

The presence of humans detected by a raptor in its nesting or hunting habitat can be a significant habitat-altering disturbance even if the human is far from an active nest. Impacts of human activities on wild animals are often reduced when animals are shielded visually from such activities (Postovit and Postovit 1987, Knight and Temple 1995). A clear line of sight is an important factor in a raptor's response to a par-

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Key words: buffer zones, closures, conservation management, flushing distance, human disturbance, raptor

ticular disturbance (Suter and Jones 1981). A Geographic Information System-assisted viewshed approach combined with a designated buffer zone distance was found to be an effective tool for reducing potential disturbance to golden eagles (*Aquila chrysaetos*) in Northern Colorado (R. L. Knight, Colo. State Univ., Fort Collins, pers. commun.).

Human disturbance was listed as the cause of 85% of all known nest losses occurring during Boeker and Ray's (1971) study of golden eagles. Disturbance of wintering bald eagles (*Haliaeetus leucocephalus*) resulted in both increased energy expenditures due to avoidance flights and decreased energy intake due to interference with feeding activities (Stalmaster 1983). The enforcement of spatial and temporal buffer zones can protect raptors from the effects of visual disturbances (e.g., human development or recreation), audible disturbances, and direct disturbances (e.g., shooting, recreational rock-climbing).

Determining adequate protection

Several authors have provided general recommendations for determining adequate site-specific buffer zones (Postovit and Postovit 1987, Pomerantz et al. 1988, Holmes et al. 1993). Postovit and Postovit (1987) detailed steps for mitigation planning. Pomerantz et al. (1988) gave a useful set of guidelines that could be used to determine the compatibility of recreational activities in sensitive resource areas. In designing appropriate buffer zones the most important factors are: site-specific information on the horizontal and vertical proximity of a nest to a potential disturbance, source or duration of disturbance, and disturbance history of the individual raptors (Suter and Jones 1981, Postovit and Postovit 1987, Knight and Skagen 1988, Holmes et al. 1993).

Site-specific information

Physical characteristics (i.e., topography, vegetation) are important variables to consider when establishing buffer zones based on raptors' visual and auditory-detection distances. Horizontal spatial restrictions can be shortened or lengthened depending on the height of perching or nesting sites (Holmes et al. 1993). Given variable nesting phenology of different species and regional climatic variation, exact dates of nest-site closures should be modified according to local situations (U.S. Fish and Wildl. Serv. 1984). White and Thurow (1985) recommend that the degree to which a nest is exposed or concealed should be considered when designing buffers for ferruginous hawks. They also suggested that information on the general health and status of

individual populations be considered. For example, in years of food scarcity, spatial buffers should be expanded substantially.

Source or type of disturbance

Management plans should be tailored to each species, habitat, season, and source of disturbance. For example, Holmes et al. (1993) argued that, because humans in vehicles are less disruptive to raptors than pedestrians, management plans should offer different restrictions based on disturbance type. Squires et al. (1993) suggested that prairie falcons (*Falco mexicanus*) could cope with limited development on their foraging areas if their nest sites were secure from direct human disturbance. Nonthreatening activities, such as those occurring on recreational trails, may be compatible with a nest or perch location in close proximity if that activity is visually or aurally buffered by vegetation or topography (Knight and Temple 1995).

Prior disturbance history of individual raptors

Due to variation of tolerance between bald eagle populations, Stalmaster and Newman (1978) suggested monitoring adult behavior prior to the establishment of management recommendations and buffer zones to determine to what extent the individuals had been sensitized to human disturbance. They noted that although a single direct disturbance may have insignificant impacts, repeated direct disturbances may cause abandonment of a nest or perch location.

Spatial and temporal buffer recommendations

Spatial buffers

Spatial buffer-zone recommendations depend on site specific considerations, and vary considerably for species such as osprey, Cooper's hawk (*Accipiter cooperii*), northern goshawk (*Accipiter gentilis*), sharp-shinned hawk (*Accipiter striatus*), golden eagle, red-tailed hawk, (*Buteo jamaicensis*), ferruginous hawk, bald eagle, prairie falcon, peregrine falcon, and American kestrel (*Falco sparverius*; Table 1). Median distances recommended for buffer zones for nesting raptors (based on the information summarized in Table 1) are as follows: osprey = 1,000 m (range = 400-1,500 m, $n = 3$), Cooper's hawk = 525 m (range = 400-600 m, $n = 2$), northern goshawk = 450 m ($n = 1$), sharp-shinned hawk = 450 m ($n = 1$), golden eagle = 800 m (range = 200-1,600 m, $n = 3$),

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Table 1. Summary of recommendations for spatial and temporal buffer-zones for nesting raptors.

Species	Spatial (m)	Temporal	Reason for closure	Source
osprey	1,500	not discussed	human activity	Van Daele and Van Daele 1982
	400	Apr 1–Aug 31	no explanation	Colo. Div. Wildl. 1995
	1,000	during incubation	recreational disturbance	Swenson 1979
Cooper's hawk	600	not specified	habitat alteration	Bosakowski et al. 1993
	400–500	not specified	unspecified disturbance	Jones 1979
northern goshawk	400–500	not specified	unspecified disturbance	Jones 1979
sharp-shinned hawk	400–500	not specified	unspecified disturbance	Jones 1979
golden eagle	200 from cliff tops; 400 from base	Mar 1–Jun 30	human disturbance	M. Ball, U.S. For. Serv., Fort Collins, Colo., pers. commun.
	800	Feb 1–Aug 1	noise	Call 1979
	200–1,600	Mar 1–Sep 1	visual, audible	Suter and Jones 1981
red-tailed hawk	800	Feb 1–Jul 15	no explanation	Colo. Div. Wildl. 1995
	800	Feb 1–Aug 1	noise	Call 1979
ferruginous hawk	200–800	arrival–post fledging	visual, audible	Suter and Jones 1981
	250	during incubation	human activity	White and Thurow 1985
bald eagle	800	Feb 1–Jul 15	no explanation	Colo. Div. Wildl. 1995
	400	Feb 1–Aug 15	human disturbance	D. Flath, Mont. Dep. Fish, Wildl. & Parks, Bozeman, pers. commun.
	800	Feb 1–Aug 1	noise	Call 1979
	500	not discussed	human disturbance	Fraser 1983
	250	prior to egg laying through incubation	human activity	Grier et al. 1983
	800	Nov 15–Jul 31	no explanation	Colo. Div. Wildl. 1995
prairie falcon	200 from cliff tops; 400 from base	Mar 1–Jun 30	human disturbance	M. Ball, U.S. For. Serv., Fort Collins, Colo., pers. commun.
	800	Feb 1–Aug 1	noise	Call 1979
	200–800	arrival–post fledging	visual, audible	Suter and Jones 1981
	800	Mar 15–Jul 31	no explanation	Colo. Div. Wildl. 1995
	50	Mar 15–post fledging	visual	Natl. Park Serv. 1995
	800	Feb 1–Jul 15	climbing disturbance	S. Johnson, Natl. Park Serv., pers. commun.
	800–1,500	not discussed	recreational disturbance	Windsor 1975
	800	Feb. 1–Aug. 1	noise	Call 1979
	1,600	Feb 1–Aug 31	human activity	U.S. Fish and Wildl. Serv. 1984
American kestrel	800	Mar 15–Jul 31	no explanation	Colo. Div. Wildl. 1995
	200 from cliff tops; 400 from base	Mar 1–Jun 30	human disturbance	M. Ball, U.S. For. Serv., Fort Collins, Colo., pers. commun.
	50	Mar 15–post-fledging	visual	Natl. Park Serv. 1995

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cont.

red-tailed hawk = 800 m ($n = 1$), ferruginous hawk = 500 m (range = 200–800 m, $n = 3$), bald eagle = 500 m (range = 250–800 m, $n = 5$), prairie falcon = 650 m (range = 50–800 m, $n = 4$), peregrine falcon = 800 m (range = 800–1,600 m, $n = 5$), and American kestrel = 50–200 m ($n = 2$). Several studies have recorded flushing distances for raptors responding to disturbances from pedestrians and vehicles (Table 2).

Table 2. Flushing distances (m) for raptors in response to disturbance by pedestrians and vehicles.

Species	Pedestrian disturbance	Vehicle disturbance	Source
golden eagle	105–390	14–190	Holmes et al. 1993
ferruginous hawk	13–165	110–280	Holmes et al. 1993
	136.4 (range = 29–291)	117.2 (range = 24–316)	White and Thurow 1985
rough-legged hawk	55–900	9–170	Holmes et al. 1993
bald eagle	50–990	50–990	Fraser 1983
	57–991 (91% > 200 m)	not studied	Fraser et al. 1985
prairie falcon	24–185	18–200	Holmes et al. 1993
American kestrel	10–100	12–115	Holmes et al. 1993
merlin	17–180	44–85	Holmes et al. 1993

Temporal buffers

For temporal restrictions to be effective, they must be tailored to individual populations. In addition, temporal restrictions need only be in effect when raptors are using a critical resource such as a nest site or foraging area (Knight and Skagen 1988). Temporal buffers should encompass all nesting activities and extend at least from the arrival of the adult birds in the nesting area through the first few weeks of nestling development (Fyfe and Olendorff 1976, Suter and Jones 1981, Grier et al. 1983, White and Thurow 1985). Adult birds often sit tightly on eggs or young nestlings, and when adults flush abruptly due to disturbances, there is increased likelihood of their ejecting the contents of their nests (Grier and Fyfe 1987).

Summary

Several studies have documented flushing distance responses of raptors to a variety of activities during breeding and nonbreeding seasons (Table 2); however, except for anecdotal and incidental reports, few studies have experimentally documented disturbance distances for use in buffer-zone recommendations (White and Thurow 1985, Holmes et al. 1993). The wide range of recommendations (Table 1) probably reflects site-specific anthropogenic and environmental conditions (Suter and Jones 1981, Fraser 1983). To be effective, buffer zones should be based on empirical evidence of wildlife responses to disturbance (Knight and Skagen 1988). Several authors suggest the need for further disturbance studies to determine flushing responses among different species (White and Thurow 1985, Postovit and Postovit 1987, Knight and Temple 1995).

The City of Boulder Open Space Department and Mountain Parks Division have used spatial and temporal buffer zones successfully for a number of years to protect cliff-nesting peregrine falcons, prairie falcons, and golden eagles. Closures are in effect from February through July annually and vary in distance by 50–400 m depending on topography, nest location, and species. Extensive public education accompanies the closures, including direct mailings to outdoor recreation shops in the area, closure signs at trailheads, press releases, and access to a 24-hour telephone information line and a site on the World Wide Web. In addition, nest sites are monitored weekly by trained volunteers. With proper planning, extensive observations of target individuals and groups, and aggressive public education, spatial and temporal buffer zones provide a useful tool for protecting raptors to resource managers.

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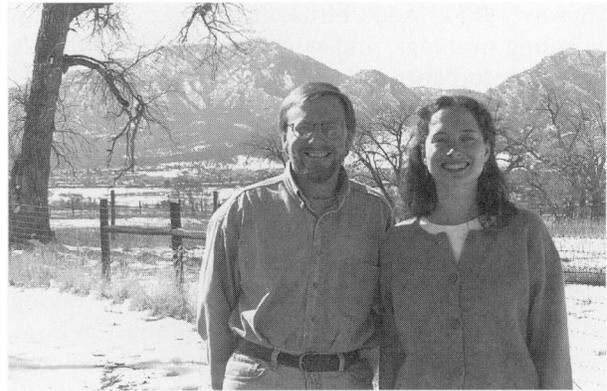
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productivity of ospreys nesting in west-central Idaho. *Condor* 84:292-299.

VOOUS, K. H. 1977. Three lines of thought for consideration and eventual action. Pages 343-347 in Proc. of the International Council of Bird Preservation world conference on birds of prey, Vienna, Austria, 1975. 422pp.

WHITE, C. M., AND T. L. THUROW. 1985. Reproduction of ferruginous hawks exposed to controlled disturbance. *Condor* 87:14-22.

WINDSOR, J. 1975. The response of peregrine falcons (*Falco peregrinus*) to aircraft and human disturbance. *Can. Wildl. Serv. Note* 87.



Cary Richardson (right) worked as the wildlife specialist for the City of Boulder Open Space Department in Boulder, Colorado from 1995 to 1996 and as the wildlife biologist during 1997. She received her bachelor's degree from the University of Colorado at Boulder in 1995 and is currently pursuing her master's degree. Her research interests include the breeding biology of birds in an urban interface, understanding and minimizing the impacts of recreation and development on wildlife, and the ecology of birds in arctic ecosystems. **Clint Miller** (left) spent 4 years with the City of Boulder Open Space Department in Boulder, Colorado, as the wildlife biologist and research coordinator. His research interests include investigating management techniques for the coexistence of wildlife and recreation. He received his B.S. from the University of Wisconsin-Madison and his M.S. from Colorado State University.



1-F1-10
cont.

RESPONSES TO LETTER 1-F1: Arunda Prabhala, Center for Biological Diversity

Response to Comment 1-F1-1: No specific comments on the contents of the 2018 Revised Sections of the Final EIR (RSFEIR) are provided within this comment, and thus no further response is needed (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

Response to Comment 1-F1-2: No specific comments on the contents of the 2018 RSFEIR are provided within this comment. Refer to Response to Comment 1-F1-3 through 1-F1-7 for a response to the individual concerns brought up in the letter.

Response to Comment 1-F1-3: The trial court ruling stated, “All references to CDFW Conservation Buffer Area should be removed and the potential environmental impacts on biological resources and habitats should be re-analyzed without any consideration of said buffer area.” Refer to Topical Response C, Project Approvals, Litigation and the Effects of Litigation, regarding the Court Ruling and its effect upon the EIR process, content and project approvals.

The 2018 RSFEIR addresses and incorporates the information required in the ruling. First, it removed all references to the “CDFW Buffer Area,” 2018 RSFEIR page 4.4-1. Second, it provided a new biological resource assessment to determine the Project’s biological resources and habitats, both within the WLC site and the SJWA. See Biological Resources Technical Memorandum (Revised) and DBESP, Appendix B in the 2018 RSFEIR. Third, in addition to the 250-foot development set back from the SJWA’s northern border and the 150-foot additional building set back (400 feet total), WLC Specific Plan Section 2.5.3 provided appropriate mitigation (based in the new assessment), so that all significant impacts were reduced to less than significant (2018 RSFEIR pages 4.4-74, 4.4-77, 4.4-82).

Response to Comment 1-F1-4: The 2018 RSFEIR states “it is reasonable to conclude that the Project, due to its size and expected amount of truck traffic, will have potentially significant impacts on wildlife within the SJWA and east across Gilman Springs Road from Project air pollution, including diesel truck exhaust” (2018 RSFEIR page 4.4-72). Similarly, the 2018 RSFEIR states that “Local wildlife (i.e., within the SJWA) may be exposed to vehicular exhaust and diesel particulates and toxic air contaminants from truck exhaust as the WLC project builds out” (2018 RSFEIR page 4.4-70). The northern portion of the SJWA, south of the WLC Specific Plan area, has been used historically for agricultural purposes, and may be used by foraging birds, with a portion of this area currently containing non-native grassland with predominantly non-native or invasive species. Direct air pollutant impacts on wildlife within the northern end of the SJWA will be reduced somewhat because prevailing winds are mainly to the southeast with the remainder mostly to the east (i.e., very little to the south), based on data from the Project air quality study provided in Appendix D of the 2015 Final EIR (MBA 2012). However, some diesel will still be expected to disperse toward the SJWA, including particulates, from trucks and passenger vehicles, when prevailing winds are absent (2018 RSFEIR page 4.4-72). In addition, the 2018 RSFEIR acknowledges that “particulate deposition may occur within approximately 1,000 feet of truck activities within the project, which would extend part way into the northern portion of the SJWA” (2018 RSFEIR page 4.4-72).

Most of the available (and most applicable) research is on diesel pollutant impacts on humans. Although the physiology of many animals is very different than humans, data on health effects from diesel pollution

may nonetheless be somewhat instructive when attempting to assess diesel impacts on wildlife. Potential health effects on wildlife obviously depend on the species involved, but in general, health effects from diesel exhaust include impaired cardiac and lung or respiratory function, reduced heart function or longevity, decreased clutch size or hatching success, increased incidence of cancer and other mutagenic or teratogenic effects, ingestion of air deposited particulates, reduction in overall biodiversity, reproductive failure, etc. In general, impacts on higher animals are most commonly attributed to food loss and reproductive effects, rather than to direct toxic effects on adults. There are relatively few examples of higher animals suffering direct toxic effects from either atmospheric acidity or gaseous air pollution. However, a number of mammals are known to build up high levels of heavy metals and other pollutants in their systems from air pollution. The main public health concerns are from fine and ultrafine particulate matter, black or elemental carbon, polyaromatic hydrocarbons (PAHs) like phenanthrene, metallic ashes, gases like nitrogen dioxide, aldehydes like acetaldehyde, acrolein, and crotonaldehyde, volatile organic compounds like benzene and 1,3-butadiene, etc. (2018 RSFEIR page 4.4-70). One of the research limitations is that some health effects from these pollutants take a long time, in some cases even a lifetime, to exhibit themselves. These pollutant species can also be emitted from a variety of sources in complex urban environments so it can be difficult to trace individual sources of the air pollutants. In the case of this Project, air pollutant emissions potentially affecting wildlife would predominantly be the result of new warehouse uses within the Project Site. Research suggests that wildlife may be more susceptible to air pollutant impacts than humans, due to their smaller size, higher respiration rates, smaller lung capacities, ingestion of local plant materials that have also been exposed, higher metabolic rates, etc., although some factors like shorter natural lifespans would reduce the duration of exposure over time. For these reasons and for the purposes of this analysis, it is assumed that animals within the SJWA would be at least as susceptible to health effects from air pollution, including diesel exhaust, as humans.

Direct air pollutant impacts on wildlife within the northern end of the SJWA would be minimized somewhat because prevailing winds are mainly to the southeast with the remainder mostly to the east (i.e., very little to the south), based on data from the project air quality study (MBA 2012). However, some diesel particulate matter (PM) emissions would be expected to disperse toward the SJWA, from trucks and passenger vehicles, when prevailing winds are absent. There is little academic or scientific research on the specific impacts of diesel PM emissions on wildlife (i.e., not laboratory animals) in natural settings, or specific setbacks for wildlife protection areas from warehouse distribution centers or other sources of diesel PM emissions. Most available research is too limited or specific regarding the type of pollutant and/or the species considered to be affected (e.g., impacts of one pollutant on one species). Based on available scientific data, it is reasonable to conclude that the Project, due to its size and expected amount of truck traffic, could result in potentially significant impacts on wildlife within the SJWA and east across Gilman Springs Road from diesel truck exhaust.

To assess the significance of the impacts to wildlife from the increase in diesel PM, the results of the Health Risk Assessment (HRA), conducted for the Project, to assess the human health risk was utilized to assess the risk to animals (Section 4.3.6.5 of the 2019 Draft Recirculated RSFEIR). An HRA was conducted for the WLC which focused on estimating the health risks from multiple pollutants, but primarily diesel PM and total organic gases (TOG). The HRA identified that the cancer risk and chronic and acute non-cancer risk to sensitive receptors in the community would be less than significant with incorporation of mitigation for construction and operational scenarios of the WLC (see Section 4.3.6.5 of the 2019 Draft Recirculated RSFEIR). Since on-site and offsite human sensitive receptors would experience a less than significant

Final Response to Comments

health risk impact with incorporation of mitigation, the potential health risk impact to wildlife within the SJWA, which is located farther away than the nearest human sensitive receptors at 250 feet to the south of the proposed development area, would also be less than significant (2018 RSFEIR at page 4.4-73). No further response is required and Section 4.4 Biological Resources has not been recirculated in the 2019 Draft Recirculated RSFEIR.

Response to Comment 1-F1-5: As discussed on page 4.4-78 of the 2018 RSFEIR, no burrowing owls were identified within the Project's proposed area of disturbance; however, because suitable habitat is present within the WLC site for the burrowing owl, and because the species is highly mobile, a potential exists that, at some future date prior to Project development, this species may be present in the WLC development sites. This is a potentially significant impact requiring mitigation. The Project design features as well as the mitigation measures would reduce impacts to burrowing owl and other avian species to less than significant and the Project would be consistent with the MSHCP, the Migratory Bird Treaty Act (MBTA) as well as the California Fish and Game Code (Section 3503), all of which protect against direct or indirect impacts to nesting or migratory birds. The Project design features to reduce potential impacts include the 250-foot development setback, the additional 150-foot building setback (total 400 feet), and the soundwall along the southern boundary of the WLC site. The mitigation measures to reduce potential impacts include Mitigation Measures 4.4.6.3A, 4.4.6.3B, 4.4.6.3C, 4.4.6.3D, 4.4.6.3K, and 4.1.6.4A (2018 RSFEIR pages 4.4-79, 4.4-80, 4.4-82, and 4.4-74) The MSHCP requires that pre-construction surveys be completed in areas of suitable habitat no more than 30 days prior to any grading or ground disturbing activities within the WLC site. If burrowing owls are present during the breeding season, construction activity shall maintain a 500-foot buffer area around any active nest/burrow until it has been determined that the nest/burrow is no longer active and all juveniles have fledged the nest/burrow (MM 4.4.6.3D, 2018 RSFEIR page 4.4-80). IF active burrowing owl burrows are detected outside the breeding season and owls are not nesting or are in the process of nesting, active and/or passive relocation may be conducted following consultation with the CDFW (MM 4.4.6.3D, 2018 RSFEIR page 4.4-80). A relocation plan approved by the appropriate resource agencies must be prepared prior to any active or passive relocation. If other nesting birds are found during the pre-construction surveys, a 300-foot buffer zone will be required around the nest where no vegetation disturbance will be permitted (MM 4.4.6.3A, 2018 RSFEIR page 4.4-79). This buffer zone should be expanded to 500 feet for raptor and listed species such as hawks or coastal California gnatcatcher (MM 4.4.6.3A, 2018 RSFEIR page 4.4-79). Since impacts to burrowing owls and other avian species are less than significant with the above mitigation measures, the Project's 250-foot setback from the border with the SJWA does not need to be increased. The above mitigation measure identifies the action to reduce the Project's potentially significant environmental impacts, defines the timing during which the mitigation measure is to be implemented and monitored, and is fully enforceable through permit conditions. Additionally, the actions of private parties' points to the feasibility of the mitigation measure and is not a delegation of authority. The Project does not defer mitigation by relying on pre-construction surveys, which are a common practice, that will be done within 30 days of construction to detect the presence of burrowing owls and other avian species.

The reference to Richardson and Miller 1997 (Richardson, Cray T. and Clinton K. Miller 1997, Recommendations for protecting raptors from human disturbance: a review, Wildlife Society Bulletin 25(3): 634-638) regarding nest buffers for raptor species, specifically golden eagle, ranges from 200 meters (656 feet) to 1,600 meters (5,249 feet). However, the 2018 RSFEIR states "No suitable nesting habitat for golden

eagle, white-tailed kite or peregrine falcon occurs within the area due to historic agricultural activities, regular disking of the site, and dominance of sparse, non-native low-quality vegetation” (2018 RSFEIR page 4.4-29). Because suitable nesting habitat is not present for either the golden eagle or white-tailed kite, the nesting buffer zones required by Mitigation Measure 4.4.6.3A (2018 RSFEIR pages 4.4-79 and 4.4-80) are sufficient to protect nesting birds that could be expected on the WLC or the northern portion of the SJWA. Similarly, the peregrine falcon has a low potential to nest within the WLC as only marginal nesting habitat is present, which is located at the periphery of the WLC site. Should nesting peregrine falcon be discovered onsite, the species will be adequately protected if discovered to nest onsite by the required buffer zones of Mitigation Measure 4.4.6.3A. Since impacts to golden eagles, white-tailed kites, and peregrine falcons are less than significant with the above mitigation measure, the Project’s 250-foot setback from the border with the SJWA does not need to be increased.

Response to Comment 1-F1-6: The 2018 RSFEIR analyzes impacts on wildlife in the SJWA and concludes that impacts from the Project would be less than significant with the implementation of the recommended mitigation measures and proposed Project design features. This is further described in Response to Comment 1-F1-3 above. Mitigation Measure 4.4.6.3F (2018 RSFEIR page 4.4-81) requires the preparation of a Biological Resource Management Plan (BRMP) for the 250-foot development setback area that will identify vegetation management requirements for control of invasive plants, and the planting and maintaining of trees to provide roosting and nesting opportunities for raptors and other birds. The BRMP will be reviewed and approved by the City and the SJWA manager, and implementation of the BRMP will be supervised by a qualified biologist. Preparation of the BRMP is not needed until such time that Planning Areas 10 and 12, the closest areas to the SJWA, will be developed after discretionary approval by the City (2018 RSFEIR page 4.4-81). The BRMP is at the programmatic level and will be developed and approved, prior to any design of projects in WLC Planning Areas 10 and 12, and all projects within the WLC Planning Areas 10 and 12 would need to implement it. Since the BRMP would be implemented at the programmatic level it would not result in disjointed and contradictory planning regarding the 250-foot setback which will reduce impacts to the SJWA.

The 250-foot development setback is one of the design features that lessens impacts on the SJWA and would be located between the north boundary of the SJWA and the south boundary of development within the WLC. As discussed in Section 4.4.1.15, Other Issues, a. Setbacks, on page 4.4-49 of the 2018 RSFEIR, “typical setbacks to protect wildlife from human presence (though not warehousing) ranges from 50 to 500 feet, but 200–250 feet appears adequate for the most sensitive species.”⁸⁰ In addition to the 250-foot development setback, the WLC Project includes a 150-foot building setback resulting in a total setback of 400 feet. The MSHCP and adopted guidelines of the USFWS and CDFW include a setback of 200 feet or more from nesting birds during construction activities and no grading or heavy equipment activity shall take place within at least 250 feet of an active nest during the breeding season and 160 feet during the non-breeding season. Furthermore, the WLC Project includes a minimum 11-foot high solid walls along the southern boundary of the WLC site that would further reduce potential urban/wildlands interface impacts. As discussed in Section 4.4.6.1 of the 2018 RSFEIR, construction and operational noise levels would result in less than significant impacts with the implementation of the two setback areas and proposed solid wall along the SJWA boundary (2018 RSFEIR page 4.4-68). Because the programmatic project features would

⁸⁰ McElfish, J., Kihlslinger, R., and Nichols, S., 2008. *Setting Buffer Sizes for Wetlands*. Available online: http://staging.ecosystemmarketplace.com/wp-content/uploads/archive/documents/Doc_456.pdf

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reduce potential interface issues between the WLC site and the SJWA, no further expansion of the setback area along the boundary with the SJWA is required.

Response to Comment 1-F1-7: Refer to Topical Response C, Project Approvals, Litigation and the Effects of Litigation, regarding the Court Ruling and its effect upon the EIR process, content and project approvals and why the 2018 RSFEIR complies with statutory requirements, case law, and Judge Water's ruling. The commenter states that they join in the concerns raised by Earth Justice and others regarding the 2018 RSFEIR, in particular the Project's greenhouse gas (GHG) and air quality analysis. However, they don't state what those inadequacies are, so for a discussion regarding concerns brought up in the Earth Justice letter, refer to Response to Comments 1-F2-1 through 1-F2-8.

Response to Comment 1-F1-8: This was Attachment A - the Judgment Granting Petitions for a Peremptory Writ of Mandate to the letter. No further response is required for this attachment because no specific comments on the contents of the environmental analysis were provided within this comment.

Response to Comment F1-9: This was Exhibit A – Ruling on peremptory Writ of Mandate to the letter and not a comment. No further response is required for this attachment because no specific comments on the contents of the environmental analysis were provided within this comment.

Response to Comment F1-10: This was Exhibit 2 - "Recommendations for protecting raptors from human disturbance: a review" to the letter. No further response is required for this attachment because no specific comments on the contents of the environmental analysis were provided within this comment.

From: Albert Armijo
Sent: Friday, September 7, 2018 4:39 PM
To: Julia Descoteaux; Vera Sanchez
Subject: FW: Comments on World Logistics Center Revised Final EIR
Attachments: WLC RFEIR Comments 9-07-2018 .pdf; ARB EMFACE PPT Presentation - Attachment A.pdf

Albert Armijo
Interim Planning Manager
Community Development
City of Moreno Valley

p: 951.413.3354 | e: alberta@moval.org w: www.moval.org

14177 Frederick St., Moreno Valley, CA 92553

From: Adrian Martinez [mailto:amartinez@earthjustice.org]
Sent: Friday, September 7, 2018 4:19 PM
To: Albert Armijo <alberta@moval.org>
Cc: amartinez@earthjustice.com; Allen Hernandez <Allen.H@CCA EJ.org>; 'Drew Feldmann' (drewf3@verizon.net) <drewf3@verizon.net>; Aruna Prabhala <APrabhala@biologicaldiversity.org>; Oscar Espino-Padron <oespino-padron@earthjustice.org>
Subject: Comments on World Logistics Center Revised Final EIR

Good Afternoon Mr. Armijo,

Please find the attached comments regarding the Revised Final EIR for the World Logistics Center. Please do not hesitate to contact me if you have questions.

All the best,
Adrian

1-F2-1



September 7, 2018

Via E-Mail

Albert Armijo, Interim Planning Manager
14177 Frederick Street
Post Office Box 88005
Moreno Valley, California 92552
Phone: (951) 413-3206
Email: alberta@moval.org

RE: World Logistics Center Project Final Environmental Impact Report (SCH No. 2012021045)

Dear Mr. Armijo:

I respectfully submit the following comments to the Revised Final Environmental Impact Report (“RFEIR”) for the World Logistics Center Project (“WLC” or “Project”) and Specific Plan on behalf of the Center for Community Action and Environmental Justice, the San Bernardino Valley Audubon Society, and the Center for Biological Diversity. These groups are membership-based organizations whose members reside in and around the proposed WLC project site and in the region. As such, they have a direct interest in the City of Moreno Valley (“City”) and specifically in the City Planning Department’s careful analysis regarding the vast implications of WLC on the residents of Moreno Valley and its surrounding areas.

1-F2-2

As described in the RFEIR, this Project entails construction of the largest warehouse development in the nation. For a development of this magnitude, it is vital to properly disclose the environmental consequences of the proposed action and to identify and adopt all feasible mitigation measures, and alternatives. Unfortunately, the RFEIR fails in its duty to comply with the California Environmental Quality Act (“CEQA”). As such, the City and Planning Commission cannot rely on the document as a form of environmental impact review for the purpose of Project approval, and must engage in a new Revised Draft Environmental Impact Report (“DEIR”) to allow the public and decision-makers an opportunity for meaningful review of the Project’s impacts.

I. THE CITY SHOULD HAVE ISSUED A REVISED DRAFT ENVIRONMENTAL IMPACT REPORT.

1-F2-3

After the Riverside Superior Court determined that the Environmental Impact Report for this Project was unlawful, the City decided to do a major revision through a revised FEIR. By moving directly to the Final EIR, this does not allow proper and full vetting of the comments and the responses to comments. This curtailed and rushed approach is not consistent with CEQA. As

such, the City should release the revised Final EIR as a draft EIR to allow for proper commenting and analysis.

1-F2-3
cont.

II. THE FEIR MUST BE RECIRCULATED BEFORE PROJECT APPROVAL AND CERTIFICATION.

Under CEQA, an EIR must be re-circulated for review and comment whenever significant new information becomes known to the lead agency and is added to the EIR, after public notice of the availability of the draft document has been made, and before the EIR is certified. Pub. Res. Code § 21092.1. Under such circumstances the lead agency is specifically required to re-notice the environmental review document to the public and all responsible agencies, and is required to obtain comments from the same, before certifying the document’s impacts and alternatives analyses as well as any mitigation measures. *See id.*; *see also*, Pub. Res. Code § 21153. A lead agency’s decision not to recirculate an EIR must be supported by substantial evidence. Cal. Code Regs. tit. 14 (“CEQA Guidelines” or “Guidelines”) § 15088.5(e).

1-F2-4

“Significant new information” includes any information regarding changes in the environmental setting of the project under review. Guidelines § 15088.5(a). It also includes information or data that has been added to the EIR and is considered “significant” because it deviates from that which was presented in the draft document, depriving the public from a meaningful opportunity to comment upon a significant environmental effect of the project, or a feasible way to mitigate or avoid such an effect at the time of circulation of the draft. *Id.* Some examples of significant new information provided in the CEQA Guidelines are: “(1) information relating to a new significant environmental impact that would result from the project or a new mitigation measure; (2) a substantial increase in the severity of an environmental impact [that] would result unless mitigation measures are adopted; and (3) any feasible alternative or mitigation measure considerably different from others previously analyzed ...” Guidelines § 15088.5 (a)(1)-(3). Recirculation is further required where the draft EIR is “so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.” Guidelines § 15088.5 (a).

The required re-noticing and new comment period for a re-circulated EIR is essential to meeting CEQA’s procedural and substantive environmental review requirements, as the EIR’s assessment of a project’s impacts, mitigation measures and alternatives, and the public’s opportunity to weigh in on the same is at the heart of CEQA. *Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112, 1123. Where new information is added to an EIR in such a way as to highlight informational deficiencies in the draft document’s environmental impacts, mitigation and alternatives analyses, the public must be allowed the opportunity and additional time to comment on the changes made in the final document’s analyses. Moreover, where significant new information that is added to the EIR’s assessment of a particular impact area falls within the purview of another responsible agency’s area of expertise, that agency must also be allowed a meaningful opportunity to review and respond to such new information and any changes implicated in the EIR’s analyses.

While re-circulation is indeed an exception and not the rule in the preparation of final environmental review documents, it is an exception that must be invoked here – where the absence of significant information rendered the draft EIR ineffective in meeting CEQA’s substantive mandates, and now, where included, the addition of significant new information substantially changes the FEIR’s analyses and conclusions regarding the Project’s impacts, feasible alternatives and required mitigation. *Laurel Heights Improvement Assn. v. Regents of Univ. of Cal.* (1993) 6 Cal.4th 1112, 1132. As stated in numerous comments to the draft EIR and the final EIR, that document failed to provide critical information regarding the project area and scope of the project’s impacts; it failed to adequately describe fundamental information relating to the phasing and timing of the project’s massive structural and infrastructural developments; it lacked adequate detail specifically regarding the construction and operations phases of the project; and it contained analyses and mitigation measures relating to the Project’s air quality, traffic, human health and biological resources impacts based on outdated or inapplicable studies and data. On many issues, a court rejected the approach of the City. Whether referenced in the RFEIR as new information, or wholly omitted from the document’s analyses, the addition of such information is essential to the public’s ability to participate in the environmental review process. The RFEIR must therefore be re-drafted and re-circulated document to provide the public at large and the Project’s numerous other responsible agencies with more time to review and analyze the Project’s impacts and to assess, suggest or prescribe necessary mitigation measure to minimize those impacts. The City, moreover, cannot render a determination on the issuance of the project approvals under consideration until such re-circulation occurs, and CEQA compliance is assured.

1-F2-4
cont.

III. THE GREENHOUSE GAS (“GHG”) EMISSIONS ANALYSIS REMAINS PATENTLY UNLAWFUL.

Seeking to obfuscate the full impacts from this Project, the RFEIR continues course and dramatically reduces the GHG emissions in a manner that contradicts the core of CEQA. In particular, the RFEIR continues to assert the claims from the prior Final EIR in that “GHG emissions associated with vehicle miles traveled (VMT) cannot constitute significant increases under CEQA.” FEIR, at 4.7-47. “This regulatory conclusion is therefore directly applicable to the WLC project because VMT is by far the largest source of project GHG emissions.” *Id.* The factual predicate for this conclusion is based on claims that because of “compliance with the Cap-and-Trade regulation, project-specific GHG emissions that are covered by the regulation will be fully mitigated.” *Id.* Like before, this continued assertion in the RFEIR is a fundamentally wrong conclusion that if left uncured will lead to large amounts of significant GHG going unmitigated. This approach is unlawful for several reasons.

1-F2-5

First, this approach ignores CEQA’s substantive mandate and CEQA Guidelines related to GHG emissions. In particular, Appendix F notes that mitigation measures may include “[t]he potential of siting, orientation, and design to minimize energy consumption, including transportation energy.” Cal. Code Regs. tit. 14, Appendix F(II)(D). Under the FEIR’s and RFEIR’s approach, this provision would be rendered utterly nugatory because the siting of

facilities in a manner to reduce fuel consumption (i.e. reduce VMT) would be irrelevant for mitigating GHG emissions.

↑ 1-F2-5
cont.

Second, the position of the FEIR and RFEIR makes no sense. Even if the RFEIR is allowed to ignore mitigation measures for GHG emissions of transportation fuels, AB 32 seeks to achieve 1990 levels by 2020. This is not the end game in the effort to clean up harmful GHG emissions. In fact, Governor Schwarzenegger implemented EO-03-05 with the goal of also “reduc[ing] GHG emissions to 80 percent below 1990 levels” by 2050. Even the RFEIR concedes that going beyond 1990 levels is a goal that should be sought in the Project. The FEIR notes that the “Sustainability Guidelines” for the WLC “[a]ssist in meeting California’s greenhouse gas reduction targets as set forth through Executive Order S-3-05 and Assembly Bill 32 (also known as the Global Warming Solutions Act of 2006).” FEIR, at 3-36 (*see also* FEIR, at 4-7.23, 4.7-24 n.3).

1-F2-6

In fact, given that the cap and trade program currently does not move emissions towards the 2050 goal, there will inherently be significant direct and cumulative unmitigated GHG emissions from this Project. Even the recent legislative extension of cap and trade to 2030, does not reduce emissions beyond this timeframe. Thus, even relying on this law does not make sense for a project with full build out in 2035. Moreover, even if the City could argue that there are a full suite of policies geared to achieve the 80% below 1990 levels by 2050 (which there are not), the Project concedes that GHG issues are global in nature, but have real impacts in California. Thus, projects with VMT related emission above the 10,000 metric ton of CO₂e would need to be mitigated even if California had AB 32 programs designed to reach the 80% below 1990 levels by 2050.

This deep flaw in the RFEIR is especially relevant because the scope of impacts the project seeks to hide from. Because this approach cannot be reconciled with CEQA, the RFEIR should be rejected with instructions to prepare a recirculated draft of the document that includes significantly more mitigation measures to curb this large amount of GHG emissions associated with this project. These mitigation measures should include the use of zero emission technologies as commenters have presented in the past.

IV. THE AIR QUALITY ANALYSIS CONTINUES TO SUFFER SIGNIFICANT FLAWS.

1-F2-7

The Air Quality analysis in the RFEIR is designed to mislead the public and decision-makers. Instead of accepting the fact that this project seeks to build the largest diesel magnet source in Riverside County, which receives a score of “F” for ozone and particulate pollution, it seeks to provide an overly rosy picture of the air quality landscape. In particular, the RFEIR fails to disclose the fact that prior mobile source emission models underestimated pollution emissions – especially from larger vehicles like trucks.

A. The revised air quality analysis fails to use the most recent EMFAC Model.

The original FEIR was completed in 2015, and it used EMFAC 2014 in the air quality analysis. To comply with the Court order, the project proponents did a new air quality analysis based on new traffic numbers for air quality. Despite the fact that there is a new EMFAC model available called EMFAC 2017, it chose to ignore this updated model and continue to use EMFAC 2014 for the air quality analysis released in 2018. Importantly, EMFAC 2017 represents California's current best assessment of vehicular emissions, which CEQA and its Guidelines require to be used. Perhaps most importantly for this project, EMFAC 2017 shows that in several respects emissions from heavy-duty vehicles – like the thousands that will be visiting this project each day – are under-reported in EMFAC 2014. The attached powerpoint presentation shows the many instances where EMFAC 2014 underestimated heavy-duty vehicle emissions. Because the RFEIR failed to use the best model designed to most accurately portray vehicular emissions, it does not meet CEQA's disclosure requirements, in addition to under-reporting the amount of emissions that need to be mitigated.

This flaw also taints the Appendix F analysis and the Greenhouse Gas analysis, which similarly require use of the most recent models to ascertain impacts.

We appreciate your consideration of these comments. Please do not hesitate to contact us at amartinez@earthjustice.org if you have questions about this comment letter.

Sincerely,

Adrian Martinez
Attorney for Earthjustice

1-F2-8

RESPONSES TO LETTER 1-F2: Adrian Martinez, Earthjustice

Response to Comment 1-F2-1: No specific comments on the contents of the 2018 RSFEIR are provided within this comment, and thus no further response is needed (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

Response to Comment 1-F2-2: The 2018 RSFEIR explains in detail the reasons for the 2018 RSFEIR, its format, the process for its preparation and its availability for public review. (2018 RSFEIR pages 2-1 through 2-4 and pages 2-6 and 2-7.) Thus, the public and responsible agencies were fully informed of the process being followed to comply with the trial court’s judgment and writ. CEQA is not concerned with the name given to an environmental document; instead, the question is whether the document is sufficiently informative (*Citizens for a Sustainable Treasure Island v. City & County of San Francisco*, 227 Cal.App.4th 1036, 1047-1050 (2014)). The 2018 RSFEIR and the 2019 Draft Recirculated RSFEIR were recirculated for review because new significant information was provided. The 2018 RSFEIR was circulated for public review and comment for 45 days and served the purpose of a draft EIR. (2018 RSFEIR page 1-3) and the 2019 Draft Recirculated RSFEIR was also circulated for public review and comment for 45 days and served the purpose of a draft EIR (2019 Draft Recirculated RSFEIR, page 2-8). The 2018 RSFEIR and the 2019 Draft Recirculated RSFEIR were recirculated for review because new significant information was provided; as discussed in Topical Response C, Project Approvals, Litigation and the Effects of Litigation, regarding the Court Ruling and its effect upon the EIR process, content and project approvals. The Revised Final EIR will contain all of the comments received concerning both the 2018 RSFEIR and the 2019 Draft Recirculated RSFEIR and the responses to comments for both of those documents as required by CEQA Guidelines §15089. The Revised Final EIR will also contain the other required sections as outlined in CEQA Guidelines §15132. The 2019 Draft Recirculated RSFEIR were labeled “draft” so there would be no confusion that this document was the part of the “draft EIR” process in which comments were being sought from the public.

In additional, refer to Topical Response C, Project Approvals, Litigation and the Effects of Litigation, regarding the Court Ruling and its effect upon the EIR process, content and project approvals.

Response to Comment 1-F2-3: The 2018 RSFEIR serves as a draft EIR, and it addresses the deficiencies identified by the trial court and those sections of the 2015 Final EIR that involved data resulting from the correction of the 2015 Final EIR (see Response to Comment 1-F2-2). Refer to Topical Response C, Project Approvals, Litigation and the Effects of Litigation, regarding the Court Ruling and its effect upon the EIR process, content and project approvals. As stated above in Response to Comment 1-F2-2, the 2019 Draft Recirculated RSFEIR, released in December 2019, includes updated Air Quality, Greenhouse Gas, and Energy analysis utilizing the newly approved EMFAC2017 emission factors by the US EPA. The title of the 2019 Draft Recirculated RSFEIR includes the word “Draft” to avoid any misunderstanding by the public that the document is part of the Draft EIR. Response to Comments on both the 2018 RSFEIR and 2019 Draft Recirculated RSFEIR will be included in this 2020 Response to Comments Document which is one of the components of the Revised Final EIR for this project.

Response to Comment 1-F2-4: The comment purports to summarize CEQA provisions and CEQA court decisions that relate to recirculation, but the CEQA statutes and guidelines set forth the accurate language of those provisions and the court decisions themselves constitute applicable legal authority. For example, the comment references Section 15088.5(a) of the CEQA Guidelines, but misstates the definition of

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“significant new information” that triggers the requirement to recirculate. Only “new information” that is “significant” triggers the requirement to recirculate under CEQA.

The trial court’s judgment identified five deficiencies that occurred within the 2015 Final EIR. Lead agencies responsible for EIRs which are found to be deficient and remanded to the lead agency for correction frequently will prepare and circulate just the portions of an EIR found to be deficient, adding additional portions as called for (*Ballona Wetlands Trust v. City of Los Angeles*, 201 Cal.App.4th 455, 463-464 (2011)). This procedure is explicitly allowed by CEQA Guidelines §15088.5(c). The City of Moreno Valley acted in compliance with CEQA Guidelines §15088.5(d) because they provided notice to the public of the 2018 RSFEIR pursuant to CEQA Guidelines §15087 and conducted consultation pursuant to CEQA Guidelines §15086. As a result, the City of Moreno Valley’s 2018 RSFEIR was circulated to the public and comments on the 2018 RSFEIR were solicited, as per CEQA Guidelines §15088.5(f)(2) (2018 RSFEIR page 2-7). Other issues that were either not presented in the CEQA litigation challenging the adequacy of the 2015 Final EIR, or if presented, were rejected by the trial court, may not be raised as challenges to the adequacy of the 2018 RSFEIR as they are not “significant new information” that would trigger recirculation under CEQA (*Inland Oversight Committee v. City of San Bernardino*, 17 Cal. App. 5th 771, 779-780 (2018)). In addition, refer to Topical Response C, Project Approvals, Litigation and the Effects of Litigation, regarding the Court Ruling and its effect upon the EIR process, content and project approvals.

See also Responses to Comments 1-F2-3 and 1-F2-4 regarding the 2018 RSFEIR.

Response to Comment 1-F2-5: The GHG analysis, presented in the 2019 Draft Recirculated RSFEIR, quantifies GHG emissions, assesses the contribution of the projects emissions to the effects of climate change, locally and cumulatively, applies the project’s GHG emissions against a significance threshold to determine impacts, proposes mitigation measures to lessen project impacts, and analyzes the extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions. It also assessed the project’s consistency with the State’s long-term climate goals or strategies. Therefore, the GHG analysis presented in the 2019 Draft Recirculated RSFEIR meets CEQA’s Guidelines as outlined in §15064.4, Determining the Significance of Impacts from Greenhouse Gas Emissions.⁸¹

Topical Response A demonstrates that the Project’s GHG approach utilizing the Cap-and-Trade Program does not depart from CEQA’s general rule that project-level impacts be properly addressed nor does it obfuscate the full impacts from the Project. Refer to Topical Response A, The Use of Cap-and-Trade, regarding the 2015 Final EIR and the 2019 Draft Recirculated RSFEIR approach to: (1) utilizing the Cap-and-Trade Program and how it relates to the state’s overall greenhouse gas reduction mandates, and (2) how Cap-and-Trade is relevant to the Project’s CEQA analysis. As discussed in Topical Response A, CARB is the only authority that can regulate vehicle emissions standards in California. As such the Cap-and-Trade Program, as overseen by CARB, can be applied to the Project’s vehicle emissions as the analysis appropriately states that emissions generated under the Cap-and-Trade Program are already regulated and are therefore not required to be analyzed at an individual project level. Topical Response A also demonstrates that the Project’s GHG emissions analysis methodology complies with CEQA and why GHG emissions associated with the combustion of fossil fuels, including transportation fuels, which is a direct

⁸¹ California Code of Regulations Title 14, Division 6, Chapter 3, Section 15064.4, as amended on December 28, 2018. Available online: http://resources.ca.gov/ceqa/docs/2018_CEQA_FINAL_TEXT_122818.pdf

result of vehicle miles traveled (VMT), cannot constitute significant increases under CEQA. As such, the 2019 Draft Recirculated RSFEIR contains accurate and legally adequate information upon which decision-makers can make an informed decision. Furthermore, the Project's GHG emissions analysis methodology does not ignore CEQA's substantive mandate as the 2015 Final EIR evaluated alternatives and provides feasible mitigation measures to reduce potentially significant impacts (2019 Draft Recirculated RSFEIR, pages 4.7-27 – 4.7-30) for GHG emissions to less than significant.

In regard to Appendix F of the CEQA Guidelines, mitigation measures may include, "the potential siting, orientation, and design to minimize energy consumption, including transportation energy", as discussed in 2019 Draft Recirculated RSFEIR, Section 4.17 and in Appendix E, Renewable Energy Technical Report (RETR). The Project will seek to minimize energy consumption, through the incorporation of project design features (PDFs) (2019 Draft Recirculated RSFEIR, pages 4.19-24 – 4.17- and energy conservation measures (ECMs), which will exceed Title 24 requirements by approximately 17 percent at Phase 1 and 16 percent at full buildout (2019 Draft Recirculated RSFEIR, page 4.17-1). As the Project would be a logistics center with approximately 40.4 million square feet of high-cube logistics and 200,000 square feet of warehousing-related uses classified as light logistics, the Project's primary source of GHG emissions would be from transportation fuel combustion, which is directly a result of the Project's VMT. With respect to transportation fuel demand projections, the WLC's estimated operational transportation fuel demand is provided in Table 4.17-7 (2019 Draft Recirculated RSFEIR, page 4.17-33). The Project would represent between 0.002 to 0.003 percent of the County gasoline use and between 0.009 to 0.012 percent of the County diesel use (2019 Draft Recirculated RSFEIR, page 4.17-35).

The comment states that Appendix F's listed mitigation measure -- "the potential siting, orientation, and design to minimize energy consumption, including transportation energy" -- would be "rendered utterly nugatory" under the approach to GHG emissions of the 2015 Final EIR and the 2019 Draft Recirculated RSFEIR because the "siting of facilities in a manner to reduce fuel consumption (i.e. reduce VMT) would be irrelevant for mitigating GHG emissions." With respect to siting, the 2015 Final EIR did evaluate potential Alternative Sites and determined that "there are no feasible alternative sites in the surrounding or nearby jurisdictions that could support the proposed project ..." (2015 Final EIR, p. 6-39.) The Alternatives section also evaluated a Reduced Density Alternative (Alternative 1), along with two Mixed Use Alternatives (Alternatives 2 and 3), each of which considered changes in GHG emissions. In addition, the comment characterizes "transportation energy" as reducing VMT, but Appendix F, Transportation Energy Technical Study, does not define "transportation energy" in this narrow manner.

A Transportation Energy Technical Study was conducted to compare feasible, cost-effective options for integrating the use of renewable energy and improving the overall energy performance of transportation operations associated with the WLC and is included as Appendix E of the 2019 Draft Recirculated RSFEIR. The Transportation Energy Technical Study found that zero emission vehicle (ZEV) technology is steadily developing for both light-duty and heavy-duty vehicles, driven by both regulatory developments and market forces. However, the study found that while the commercialization of ZEV technology passenger vehicles is occurring rapidly, the development of electric medium- or heavy-duty vehicles is still in the pilot or demonstration phase and it is not possible to predict when they will become commercially available. Nonetheless, WLC will accommodate ZEV technologies by planning for appropriate onsite charging infrastructure. To that end, the Project will construct the WLC parking areas with cable raceways for installing future EV charging stations, which will enable WLC to more readily and cost effectively provide

this service to future tenants if and when demand dictates. The Project would also include the installation of electric vehicle supply equipment pursuant to Title 24, part 6 of the CALGreen Code. As presented in Section 4.17, the WLC project would result in the efficient use of operational transportation fuel consistent with State and City goals. As such the Project would support statewide efforts to improve transportation energy efficiency and reduce fossil fuel consumption by private automobiles by incorporating feasible measures into the Project design (2019 Draft Recirculated RSFEIR, page 4.17-32). In conjunction with California's stringent vehicle efficiency standards, operation of the WLC would not result in the wasteful, inefficient, or unnecessary consumption of transportation fuel (2019 Draft Recirculated RSFEIR, page 4.17-36). As discussed, the Project would implement feasible mitigation measures designed to minimize energy consumption, including transportation energy, and thus the Project did not ignore CEQA Guidelines Appendix F. Additionally, the comment identifies no new significant impacts over those disclosed in the 2019 Draft Recirculated RSFEIR. Finally, refer to Topical Response A, the Use of Cap-and-Trade, in regard to the Cap-and-Trade program as a whole.

Response to Comment 1-F2-6: Refer to Topical Response A and Response to Comment 1-F2-5 above, The Use of Cap-and-Trade, regarding the 2015 Final EIR and the 2019 Draft Recirculated RSFEIR approach to: (1) utilizing the Cap-and-Trade Program and how it relates to the state's overall greenhouse gas reduction mandates, and (2) how Cap-and-Trade is relevant to the Projects CEQA analysis.

Table 4.7-11: Project Compliance with Federal/State Greenhouse Gas Reduction Strategies, Table 4.7-12: Analysis of Additional Measures in the 2017 Scoping Plan Update, Table 4.7-13: Consistency with City General Plan Air Quality Policies, and Table 4.7-14: Consistency with City Climate Action Strategy in the 2019 Draft Recirculated RSFEIR assess the Project's consistency with these policies. In order to ensure that the WLC complies with and would not conflict with or impede the implementation of reduction goals identified in AB 32 and SB 32, all Project Design Features (PDF) (2019 Draft Recirculated RSFEIR, pages 4.17-19 – 4.17-24) and Mitigation Measures (2019 Draft Recirculated RSFEIR, pages 4.7-24 – 4.7-25) identified in the 2019 Draft Recirculated RSFEIR shall be implemented. As discussed in Section 4.7.4 of the 2019 Draft Recirculated RSFEIR, the SCAQMD developed its significance thresholds based on consistency with California Executive Order S-3-05. As shown in Impact 4.7.6.1, 2019 Draft Recirculated RSFEIR, the project's GHG emissions would exceed the SCAQMD's industrial significance threshold. However, with mitigation implemented, the Project would be reduced to levels less than 10,000 MTCO_{2e} and, therefore, the project would not conflict with Executive Order S-3-05. Furthermore, Cap-and-Trade *does* move emissions towards the 2050 goal. If Cap-and-Trade is not utilized beyond 2030 to achieve 2050 goals, some equivalent measure will need to be in place to 1) maintain the Cap-and-Trade reductions achieved prior to 2030 and 2) achieve 80% reduction by 2050. In other words, the comment tries to use S-3-05 as a weapon, but in fact, S-3-05 is a defense, as it demonstrates that the State is prepared to take action (Cap-and-Trade or other measures) to achieve 80% reduction. Thus, the Project's consistency with state and regional plans was analyzed per CEQA requirements and found to be less than significant (2019 Draft Recirculated RSFEIR, page 4.7-40).

The Regional Transportation Plan (RTP) was discussed in Section 4.7 of the 2019 Draft Recirculated RSFEIR, as follows. Southern California Association of Governments (SCAG) Sustainable Communities Strategy (SCS) within the RTP demonstrates the region's ability to attain and exceed the GHG emission reduction targets set by CARB. The SCS outlines the plan for integrating the transportation network and related strategies with an overall land use pattern that responds to projected growth, housing needs,

changing demographics, and transportation demands (2019 Draft Recirculated RSFEIR, page 4.7-14). The regional vision of the SCS maximizes current voluntary local efforts that support the goals of SB 375, as evidenced by several Compass Blueprint Demonstration Projects and various county transportation improvements (2019 Draft Recirculated RSFEIR, page 4.7-14). The SCS focuses the majority of new housing and job growth in high-quality transit areas and other opportunity areas in existing main streets, downtowns, and commercial corridors, resulting in an improved jobs-housing balance and more opportunity for transit-oriented development (2019 Draft Recirculated RSFEIR, page 4.7-14). This overall land use development pattern supports and complements the proposed transportation network, which emphasizes system preservation, active transportation, and transportation demand management measures. The RTP/SCS exceeds its greenhouse gas emission-reduction targets set by CARB by achieving an 8 percent reduction by 2020, an 18 percent reduction by 2035, and a 21 percent reduction by 2040 compared to the 2005 level on a per capita basis. The RTP also includes an appendix on Goods Movement, which describes a process to develop and deploy needed technologies for improving efficiency of goods movement, along with key action steps for public sector agencies to help move the region to that objective (2019 Draft Recirculated RSFEIR, page 4.7-15). The 2016 RTP/SCS establishes near zero- and zero-emission technologies as a priority, and also sets the regional path forward towards improving the goods movement system (2019 Draft Recirculated RSFEIR, page 4.7-15). As shown, the RTP was discussed and the Project's compliance with the RTP was analyzed in the 2019 Draft Recirculated RSFEIR.

Along the lines of implementing zero emission technologies mitigation that other commenters have asked for in their previous letters, Judge Sharon Waters' Ruling on Peremptory Writ of Mandate, RIC1510967, February 8, 2018, *Paulek, et al. v. City of Moreno Valley* (See Topical Comment C, Project Approvals, Litigation and the Effects of Litigation, regarding the Court Ruling and its effect upon the EIR process, content and project approvals), required the WLC to provide a comparison of feasible, cost-effective renewable energy technologies in the Energy Impact analysis, which could potentially result in lower GHG project emissions. The 2019 Draft Recirculated RSFEIR presented these findings in Appendix E of the 2019 Draft Recirculated RSFEIR, Renewable Energy Technical Report. An engineering and financial analysis of the full range of sustainable energy options potentially available at the site was conducted (2019 Draft Recirculated RSFEIR, Appendix E, RETR). The analysis evaluated building energy efficiency opportunities to reduce the energy requirements to the maximum extent practicable. Projected electric vehicle (EV) loads were added to building loads to characterize overall electric loads for the project. A full range of renewable energy supply options were evaluated to meet the combined building and EV loads. This project falls within Moreno Valley Utilities (MVU's) service territory; therefore, it is MVU's responsibility for securing additional power from Southern California Edison (SCE) as needed. The Project's electrical demand is based on typical high-cube warehouse energy demands, defined using hourly energy simulation modeling software (see full analysis in Appendix E of the 2019 Draft Recirculated RSFEIR, Renewable Energy Technical Report). The modeling software was validated against actual historical data and modified to reflect compliance with the California Title 24 building energy standards and then further modified to incorporate the Energy Conservation Measures (ECMs) to which the Project has committed in the WLC Specific Plan. The available ECMs would provide an approximately 17 percent improvement in energy performance over Title 24 requirements at Phase 1 and an approximately 16 percent improvement at full buildout (page 4.17-21 of the 2019 Draft Recirculated RSFEIR). The analysis also evaluated the benefits of various types of sustainable energy supply for the Project. The results of the WLC supply-side analysis indicate that the Project is required to provide renewable energy through solar panels that will be installed on the rooftops of buildings to offset the power requirements within the project (MM 4.7.6.1D, page 4.17-25 of the 2019

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Draft Recirculated RSFEIR, formerly MM 4.16.4.6.1C in the 2018 RSFEIR) (refer to Topical Response E, Moreno Valley Utilities/Solar, for a discussion of solar limits placed on the project). A detailed solar analysis is included in Appendix E of the 2019 Draft Recirculated RSFEIR, Renewable Energy Technical Report (RETR). Due to the limitations that current MVU rules impose on solar PV capacity, Phase 1 buildings can each feature 300 kilowatts (kW) of photovoltaic (PV) (one-half the 600-kW minimum daytime electric load) and Phase 2 buildings can each feature 800 kW. At these PV system sizes, a total of 4.5 megawatts (MW) of PV capacity would exist at WLC at the end of Phase 1 and a total of 14.1 MW of PV capacity would exist at WLC at full build-out. The use of PV in each phase would cover both the peak electric load generated by the offices and the annual energy usage of the offices, thereby achieving effective near zero-emission status for the offices. Due to the highly speculative nature of the EV penetration in Phase 2, mitigation measures require the Project to upgrade the structural integrity of the roof on each building to accommodate the possibility of future solar installation over the entire roof. At a minimum, the Project will install enough solar power in both phases to meet energy needs of the Project's office spaces. Additional feasible Project Design Features to reduce energy usage were added as part of the Project in 2019 Draft Recirculated RSFEIR, Section 4.17, Energy, 4.17.5 Project Design Features. The 2019 Draft Recirculated RSFEIR includes mitigation measures for Air Quality, Greenhouse Gases, and Energy to reduce impacts to the extent possible. Some of the mitigation measures requested by CARB in their previous letters, such as zero- or near zero-emission technology and utilizing solar power to provide all the power to the Project, are not feasible due to regulatory requirements and moratoriums or not commercially available at this time as discussed in the RETR (Appendix E of the 2019 Draft Recirculated RSFEIR). Thus, WLC will incorporate the Project Design Features outlined in the 2019 Draft Recirculated RSFEIR to reduce emissions from the Project that are in support of the zero emission technology mitigation measures requested by CARB, which may become available at some undetermined future date. Furthermore, the traffic count for the Sketchers warehouse substantiates the accuracy of the newer traffic generation factors used in the 2018 RSFEIR and the 2019 Draft Recirculated RSFEIR (2015 Final EIR Table 4.15L, page 4.15-44 in the 2015 Final EIR).

Additionally, to reduce air quality impacts and in response to utilizing zero-emission technology, the Project has committed to reduce idling to 3 minutes or less in any one-hour period ; engines will be turned off when not in use; tenant fleets shall be in compliance with all current air quality regulations for on-road trucks, including but not limited to CARB's Heavy Duty Greenhouse Gas Regulation and Truck and Bus Regulation; information will be provided to tenants on alternative fuel technologies and the availability of such fuels in the area of the WLC; all yard trucks will be powered by electricity, natural gas, propane, or an equivalent non-diesel fuel; off-road engines will utilize Tier 4 engines or greater; on-road engines will meet or exceed 2010 engine emission standards (yard trucks); any diesel truck entering the WLC facility will meet or exceed 2010 engine emission standards or be powered by natural gas, electricity, or other diesel alternative; and all standby emergency generators shall be fueled by natural gas, propane, or any non-diesel fuel (MM 4.3.6.2A page 4.3-42 of the 2019 Draft Recirculated RSFEIR). Additionally, the WLC is committing to a publicly-accessible fueling station offering alternative fuels (natural gas, electricity, etc.) for purchase by the motoring public which will be placed a minimum of 1000 feet from any off-site sensitive receptors or off-site zoned sensitive uses (MM 4.3.6.3C on page 4.3-54 of the 2019 Draft Recirculated RSFEIR) which will reduce diesel emissions from the Project as truck fleets switch to non-diesel alternatives in the future. Furthermore, refrigerated warehouse space is prohibited unless it can be demonstrated that the environmental impacts resulting from the inclusion of refrigerated space and its associated facilities, including, but not limited to, refrigeration units in vehicles serving the logistics warehouse, do not exceed

any environmental impact for the entire WLC identified in 2019 Draft Recirculated RSFEIR. Any such proposal shall include electrical hookups at dock doors to provide power for vehicles equipped with Transportation Refrigeration Units (TRUs). However, since the Project will support a variety of future users which are unknown at this time, it is not possible to specify or require future users to have zero emission or alternative fuel fleets since most logistics companies use independent contractors and truck drivers rather than maintain their own fleets. Nonetheless, the Project has committed under various mitigation measures to require the most stringent levels of emission mitigation under existing emission control regulations.

Response to Comment 1-F2-7: The air quality analysis can be found in Section 4.3 of the 2019 Draft Recirculated RSFEIR. The analysis does not mislead the public or decisions makers about the impacts from the Project. The 2019 Draft Recirculated RSFEIR fully evaluated the potential air quality and health risks of the WLC project to sensitive receptors. The latest approved EPA EMFAC2017 emission factors were utilized in this analysis to better represent pollution emissions from larger vehicles. The 2015 Final EIR utilized EMFAC2014 which represented lower emissions estimates from larger vehicles. To assess risks to nearby sensitive receptors, a health risk assessment (HRA) was conducted in the 2019 Draft Recirculated RSFEIR to allow decision makers to see the cancer-related impacts of the WLC project with the assumption that new technology diesel exhaust (NTDE) causes cancer (WLC being the largest diesel magnet source), contrary to what was found by the Health Effects Institute (HEI) study. The HRA was conducted consistent with South Coast Air Quality Management District (SCAQMD) Health Risk Assessment Guidance and the current 2015 Office of Environmental Health Hazard Assessment (OEHHA) Air Toxics Hot Spots Program Guidance for Preparation of Health Risk Assessments. The HRA methodology applied a risk characterization model to the results from an air dispersion model to estimate potential health risks at each sensitive receptor location. A multi-pollutant health risk assessment was conducted for the WLC which included exhaust emissions of particulate matter (PM) and total organic gases (TOG) from diesel and gasoline combustion, as well as toxics associated with fugitive PM from tire wear and brake wear of mobile sources. To be conservative, the HRA relied on EMFAC2017 to determine the breakdown of vehicle types and fuel types and did not consider potential reductions in TACS emissions and health risks from increased penetration of zero emission vehicles. The estimation of cancer risk involves the specification of several parameters including the concentration level of the toxic air contaminants, the rate of inhalation of the toxic, the exposure frequency (number of days per year), the exposure duration in years, the time period over which the exposure takes place, what is termed a slope factor that represents an upper bound on the increased cancer risk from a lifetime exposure to a toxic by ingestion or inhalation and early-in-life age sensitivity factors. The values of these parameters depend on the type of receptor, i.e., sensitive/residential, worker, and student as discussed below. The health risk calculation does not rely on the HEI finding that New Technology Diesel Exhaust (NTDE) does not cause cancer. The principal focus of the HRA was on the potential health impacts to sensitive/residential receptors located within and surrounding the Project site. Table 4.3-5 on page 4.3-26 of the 2019 Draft Recirculated RSFEIR provides the exposure assumptions for the cancer risk.

Table 4.3-26 on page 4.3-67 in the 2019 Draft Recirculated RSFEIR presents the estimated maximum incremental increase in lifetime cancer risks for the 30-year exposure duration that starts from the beginning of Project Construction (Construction + Operation HRA. The results are provided separately for the incremental increase in cancer risk during Project construction, incremental increase in cancer risk during Project Operation, and the total incremental increase in cancer risk prior to the application of mitigation measures. As shown in Table 4.3-26, the Project would exceed the SCAQMD's cancer risk significance

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threshold of an incremental increase of 10 in a million prior to the application of mitigation and would represent a significant impact. Construction impacts contribute the greatest proportion of the total impact presented in Table 4.3-26. Table 4.3-27 on page 4.3-68 of the 2019 Draft Recirculated RSFEIR shows the estimated cancer risk for the 30-year exposure duration that starts from the beginning of Project full operation in 2035 (Operational HRA). Table 4.3-27 shows that during full Project operation, the total incremental increase in cancer risk is greater than the 10 in a million threshold, prior to mitigation, and would represent a significant impact. Overall, without mitigation and without consideration of the HEI study, the Project is expected to have a significant impact mainly due to diesel PM emissions from construction activities and heavy-duty diesel truck activities. With mitigation incorporated (2019 Draft Recirculated RSFEIR, page 4.3-73 – 4.3-74), the cancer risks are substantially lower. As shown on Table 4.3-28, 2019 Draft Recirculated RSFEIR, page 4.3-27, the estimated cancer risks for the 30-year exposure duration for construction (construction and operation HRA) would not exceed the SCAQMD cancer risk significance threshold after incorporation of mitigation. The large reduction in cancer risk after mitigation is attributable principally to the reduced diesel PM associated with the commitment to Tier 4 construction equipment. Table 4.3-29, 2019 Draft Recirculated RSFEIR shows that the estimated 30-year exposure cancer risk for operation would still exceed the SCAQMD cancer risk significance threshold for sensitive receptors located within and outside the project boundary. Therefore, Mitigation Measure 4.3.5.4.A, the use of MERV 13 filters to impacted residences, was added. This mitigation measure reduced the total incremental cancer risk to less than the SCAQMD significance threshold as shown on Table 4.3-30 (page 4.3-74 of the 2019 Draft Recirculated RSFEIR). The owners of the homes located at 13100 World Logistics Center Parkway (formerly Theodore Street) and 12400 World Logistics Center Parkway (formerly Theodore Street) have accepted the offer for the installation of the MERV 13 filters in writing. (see Attachment R). Thus, with the implementation of mitigation, any possible risk from the Project to an on-site or offsite receptor, within the study area, was less than significant. As shown above, the cancer risk and chronic and acute non-cancer risk to sensitive receptors in the community would be less than significant with incorporation of mitigation for construction and operation and operation scenarios of the WLC. Thus, additional mitigation measures are not required to be utilized for the Project to address the chronic or acute non-cancer and cancer risk.

Additionally, the HRA study area included 18 miles of freeway segments along SR 60 that extends from north of the project boundary 8.6 miles west, toward the Port of Long Beach, and 9 miles east, toward Palm Springs, and the HRA receptor grids include receptors along the SR 60 freeway. Emissions and associated health impacts from Project activities are highest on-site and decrease with distance from the Project site as demonstrated by the unmitigated cancer risk contours in Figures 4.3-3 and 4.3-4 (2019 Draft Recirculated RSFEIR, Section 4.3.6.5). Based on the results shown in Figure 4.3-3 for the construction plus operation scenario, without mitigation, a section surrounding the project boundary will potentially have an incremental cancer risk exceeding the SCAQMD 10 in one million threshold at an approximate distance of 2.5 miles away from the project boundary. Based on results shown in Figure 4.3-4 for 30 years of the full project operation, without mitigation, a similar section surrounding the project boundary out to an approximate distance of 2.5 miles will potentially have an incremental cancer risk exceeding 10 in one million. Some receptors near the SR-60 could also exceed the 10 in one million cancer risk threshold. Because project-generated vehicle trips and associated impacts decrease with an increase in distance from the project site, the project impact along the regional freeway network outside the HRA's study area will be less than those presented in Figures 4.3-3 and 4.3-4. The project's impact to the regional freeway network will be the greatest during project full operation, as shown in Table 4.3-27 and Tables 4.3-29 and 4.3-30 of

the 2019 Draft Recirculated RSFEIR, the maximum cancer risk for receptors along the SR-60 freeway would be near the project boundary and 9.5 in one million with mitigation, which is less than the 10 in one million threshold with mitigation. As shown in Figure 4.3-6, with mitigation, the incremental cancer risk along SR-60 may exceed the 10 in one million threshold promulgated by SCAQMD and be greater than significant for the 30 years of full operation. However, Figure 4.3-6 conservatively portrays each and every receptor as residents. This means that the more-conservative residential assumptions were also applied to worker receptors and may show extraneous exceedances of the 10 in one million threshold. The purpose of Figure 4.3-6 is to identify the 1 in one million isopleth in order to determine whether any schools fall within. The isopleth presented in Figure 4.3-6 does not ultimately apply for significance determination, which differentiates between receptor type. The maximum residential cancer risk for significance determination is presented, with mitigation, in Tables 4.3-29 and 4.3-30. As shown in Figure 4.3-5, with mitigation, the incremental cancer risk along SR-60 will be less than 10 in one million and less than significant for the 30 years of combined construction and operation.

In response to the comment about the County of Riverside getting an F for ozone and PM pollution, Section 4.3.6.6 Summary of Health Effects of Air Quality Emissions, starting on page 4.3-79 of the 2019 Draft Recirculated RSFEIR discusses the health effects from ozone and PM_{2.5} (diesel PM) resulting from the project. Tables 4.3-32 through 4.3-35 show the annual percent of background health incidence for PM_{2.5} and ozone health effects associated with the unmitigated and mitigated Project, respectively. The “background health incidence” is the actual incidence of health effects (based on available data) as estimated in the local population in the absence of additional emissions from the Project.⁸² When taken into context, the small increase in incidences and the very small percent of the number of background incidences indicate that these health effects are minimal in a developed, urban environment. There are no relevant significance thresholds for health effects from criteria pollutants adopted by state, federal, or local agencies; thus, this information is provided for background understanding regarding the air quality emissions. Table 4.3-32 and Table 4.3-33 show the health effects, morbidity and mortality, of the unmitigated project emissions across the southern California model domain for the Annual Mean PM_{2.5} and Annual Mean Ozone, respectively. Table 4.3-34 and Table 4.3-35 show the health effects, morbidity and mortality, of the mitigated project emissions across the southern California model domain for the Annual Mean PM_{2.5} and Annual Mean Ozone, respectively. Potential PM_{2.5} Mitigated Project related health effects show an increase in asthma-related emergency room visits (0.0047%), asthma-related hospital admissions (0.0028%), all cardiovascular-related hospital admissions (not including myocardial infarctions) (0.00059%), all respiratory-related hospital admissions (0.0015%), mortality (0.0044%), and nonfatal acute myocardial infarction (less than 0.0020% for all age groups). Potential Project Mitigated Ozone-related health effects increased respiratory-related hospital admissions (0.00062%), mortality (0.00027%), and asthma-related emergency room visits for any age range (lower than 0.011% for all age groups). Because the health effects from ozone and PM_{2.5} are minimal, in light of background incidences, and health effects from other criteria pollutants would be even smaller, the health effects of those other criteria pollutants were not quantified. Because there are no established thresholds, this data was provided for informational purposes.

⁸² Background health statistics were obtained from data included in the BenMAP model, and the sources are referenced in the BenMAP manual (USEPA, 2018). For example, EPA obtained mortality rates from the Centers for Disease Control (CDC) WONDER database, and hospital admissions rates from the Healthcare Cost and Utilization Project (HCUP).

Final Response to Comments

Although the WLC project would include a large amount of diesel trucks, as discussed above, the cancer risk HRA's for construction and operation and operation of the WLC and the ozone and PM2.5 health effects study, concluded that Project impacts would be less than significant with incorporation of mitigation measures.

Response to Comment 1-F2-8: The Air Quality and Greenhouse Gas analysis contained in the 2019 Draft Recirculated RSFEIR utilized EMFAC2017, the latest emissions model, in the calculation of Project emissions. The Air Quality and Greenhouse Gas analysis in the 2018 RSFEIR used EMFAC2014, but these sections were replaced with the Air Quality and Greenhouse Gas section in the 2019 Draft Recirculated RSFEIR which was redone after the USEPA approved EMFAC2017.

From: Albert Armijo
Sent: Friday, September 7, 2018 3:39 PM
To: Julia Descoteaux; Vera Sanchez
Subject: FW: WLC revised EIR.pdf
Attachments: WLC revised EIR.pdf; ATT00001.htm

Albert Armijo
Interim Planning Manager
Community Development
City of Moreno Valley

p: 951.413.3354 | e: alberta@moval.org w: www.moval.org
14177 Frederick St., Moreno Valley, CA 92553

From: Susan Nash [mailto:snashlaw@gmail.com]
Sent: Friday, September 7, 2018 1:46 PM
To: Albert Armijo <alberta@moval.org>
Cc: Tom Paulek <atpaul70@gmail.com>; Susan Nash <snashlaw@gmail.com>
Subject: WLC revised EIR.pdf

Mr Armijo: Enclosed is the Friends of Northern San Jacinto Valley comment letter on the Revised FEIR for the World Logistics Center Project. Please confirm your receipt of our comments and thank you for your courtesy.

1-F3-1

Regards,

Tom Paulek / Susan Nash
Friends of the Northern San Jacinto Valley

**Friends of the Northern San Jacinto Valley
Post Office Box 4036
Idyllwild, California 92549**

September 7, 2018

Albert Armijo, Interim Planning Manager
14177 Frederick Street
Post Office Box 88005
Moreno Valley, California 92552

Email: alberta@moval.org

RE: Public Comments on the Revised Sections of the Final Environmental Impact Report (FEIR) to evaluate the potential environmental impacts associated with construction and operation of the World Logistics Center project [SCH # 2012021045].

We object to the City of Moreno Valley July, 2018 issuance of the ***“Revised Sections of the Final Environmental Impact Report”*** (FEIR), previously certified by the City Council in August, 2015 for the World Logistics Center (WLC) Project, in response to the Riverside County Superior Court June 7, 2018 Judgment granting multiple CEQA Petitioners a Peremptory Writ of Mandate vacating the initial World Logistics Center (WLC) Program EIR (Riverside Superior Court Case No. RIC 1510967 [MF]).

1-F3-2

The City of Moreno Valley claims the subject document, referred to as the Revised Sections of the FEIR, has been prepared to correct the deficiencies cited in the February Superior Court ruling. Responses to public comments on the Revised Sections of the FEIR will be prepared. A revised FEIR, consisting of the Revised Sections of the FEIR, the comments and responses from the public will then be considered by the City to determine if the Revised FEIR should be certified as complying with CEQA (Revised FEIR – Executive Summary pages 1-1 to 1-2).

1-F3-3

The City’s misguided attempt to comply with CEQA and the Court’s ruling by merely correcting the five deficiencies [Energy Impacts; Biological Impacts; Noise Impacts; Agricultural Impacts; Cumulative Impacts] is incorrect. The June 14, 2018 Peremptory Writ of Mandate provides: ***“In issuing this writ and its February 8, 2018 Ruling, The Court does not make the required finding of severability, under Public Resources Code 21168.9(b) partially limiting this writ to a portion of a determination, finding, or decision or to the specific project activity or activities found to be in noncompliance. For these reasons, the EIR is voided in whole.”*** (See: Public Res. Code § 21168.9(b); *San Bernardino Audubon Soc’y v. Metropolitan Water District (2001) 89*

Ca. App. 4th 1097, 1104; Center for Biological Diversity v. California Department of Fish and Wildlife (2017) 17 Cal. App. 5th 1245' 1251-1255)

1-F3-3
cont.

The City asserts the Revised Sections of the FEIR have been prepared to address deficiencies identified in the Court's ruling including impacts to Biological Resources as follows:

Biological Impacts: *The FEIR should remove all reference to the consideration of the 910 acres of SJWA and MSHCP lands as "buffer zone" or "CDFW Conservation Buffer Area in the Biological Resources and Habitat Impacts analysis.*

(See Revised FEIR p: 1-1)

The actual Court RULING ON THE PEREMPTORY WRIT OF MANDATE in PAULEK, et al vs. CITY OF MORENO VALLEY [RIC 1510967 – Filed Feb-8-2018] expounds on the above **Biological Impacts** heading as follows:

1-F3-4

"Petitioners assert that the use of the term "CDFW Conservation Buffer Area" distorts CEQA analysis of the impacts of the Project on biological resources and habitat on adjacent San Jacinto Wildlife Area (SJWA) and Riverside County Multiple Species Habitat Conservation Plan (MSHCP) lands because it is not actually a buffer area. Petitioners assert that this "false labeling" is repeated numerous times in the EIR and gives the false impression that the area can be considered mitigation of significant impacts on biological resources and habitat. The Court agrees.

All references to "CDFW Conservation Buffer Area" should be removed and the potential environmental impacts on biological resources and habitats should be re-analyzed without any consideration of said buffer area (emphasis added)

The City's purported "Revised FEIR" once again fails to identify mandatory significant impacts to public wildlife resources, avoids the analysis of significant wildlife impacts, and continues to circumvent the analysis of Project alternatives to avoid or mitigate wildlife impacts to the habitats of endangered plants and animals. Moreover, the City continues to improperly defer wildlife mitigation measures to some uncertain future City action.

The City of Moreno Valley is a signatory to the 1995 Stephens' Kangaroo Rat Habitat Conservation Plan (SKRHCP) and the 2004 Multiple Species Habitat Conservation Plan (MSHCP). More importantly, the San Jacinto Wildlife Area (SJWA), immediately adjacent to the World Logistics Center Project site, is the principal designated Conservation Area/Reserve for both of these "incidental take" permits. The MSHCP permits the "take" of 146 species of plants and animals in western Riverside County outside of the designated Conservation Area/Reserves such as the SJWA. Under state law the SKRHCP and the MSHCP "take" permits are authorized pursuant to the Natural Communities Conservation Planning Act (NCCP Act – Fish and Game Code §§ 2800 -2835). Section 2826 of the NCCP Act provides:

1-F3-5

"Nothing in this chapter exempts a project proposed in a natural community planning area from Division 13 (commencing with section 21000) of the Public Resources Code [CEQA] or otherwise alters the applicability of that division."

With regard to endangered and Special status species [MSHCP covered species] the "Revised FEIR" continues to disregard **Mandatory Findings of Significance** for the WLC Project direct impacts [WLC Specific Plan site] and indirect impacts [on the adjacent SJWA] on Biological Resources pursuant to CEQA Guidelines § 15065 (a)(1) *[The project has the potential to: substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; substantially reduce the number or restrict the range of an endangered, rare or threatened species...]. In addition, the subject "Revised FEIR" does not properly consider the cumulative impacts (Guidelines § 15065 (a)(3) of the "take" of individual special-status species [SKRHCP and MSHCP species].*

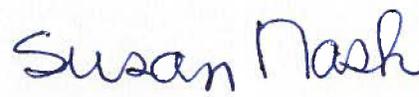
1-F3-5
cont.

The SKRHCP and the MSHCP authorizes the incidental take of endangered and special status plants and animals throughout western Riverside County [including the City of Moreno Valley] thereby eliminating the habitats and populations of already declining species in exchange for the establishment in perpetuity of designated Wildlife Conservation Areas/Reserves such as the SJWA. Absent an adequate CEQA cumulative analysis it is impossible for the public and the Wildlife Agencies to know whether these plant and animal populations are dropping below self-sustaining levels [in jeopardy of extinction] both in the areas of "take" and on the designated Conservation Reserves. The "Revised FEIR" provides no such cumulative analysis.

We are requesting the City of Moreno Valley **NOT** certify the "Revised FEIR" as being in compliance with CEQA. In Addition, we are requesting the City comply with the June 14, 2018 Peremptory Writ of Mandate voiding the 2015 World Logistics Center EIR in whole. Thank you for your consideration and courtesy.

1-F3-6


Tom Paulek
FNSJV Conservation Chair


Susan Nash
FNSJV, President

RESPONSES TO LETTER 1-F3: Tom Paulek/Susan Nash, Friends of the Northern San Jacinto Valley

Response to Comment 1-F3-1: No specific comments on the contents of the 2018 RSFEIR are provided within this comment, and thus no further response is needed (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

Response to Comment 1-F3-2: No specific comments on the contents of the 2018 RSFEIR are provided within this comment, and thus no further response is needed (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

Response to Comment 1-F3-3: Refer to Topical Response C, Project Approvals, Litigation and the Effects of Litigation, regarding the Court Ruling and its effect upon the EIR process, content and project approvals. The Court Ruling on the 2015 Final EIR voided the 2015 Final EIR certification, as certain parts of the 2015 Final EIR were found to be deficient and thus needed revision. The City agrees that the 2015 Final EIR certification be set aside based on the non-compliance findings determined by the Court Ruling and that a writ ordered the City to set aside the certification of the 2015 Final EIR. The 2018 RSFEIR was prepared to correct the deficiencies identified in the 2015 Final EIR under the February ruling. Thus, the 2018 RSFEIR was circulated for public comment and those portions of the 2015 Final EIR that were found to be in compliance with CEQA by the Court were not re-circulated but are part of the public administrative record.

Response to Comment 1-F3-4: Refer to Response 1-F1-3 above for further discussion, and to Topical Response C, Project Approvals, Litigation and the Effects of Litigation, regarding the Court Ruling and its effect upon the EIR process, content and project approvals. It is acknowledged that one purpose of the 2018 RSFEIR was to amend the text to ensure that the “buffer” concept was eliminated and not considered, and the 2018 RSFEIR does not consider or evaluate any part of the SJWA as a buffer area. Instead, the 2018 RSFEIR Section 4.4 Biological Resources evaluated whether or not the WLC project would have potentially significant impacts on biological resources, inclusive of those found within the SJWA. The 2018 RSFEIR re-analyzed the potential project impacts on biological resources and habitats without any consideration of said former SJWA buffer area.

The 2018 RSFEIR does not fail to identify significant impacts to public wildlife resources, nor does it avoid or fail to analyze impacts on wildlife resources. As discussed on page 4.4-61, “development that will be near the SJWA may cause significant impacts to species within the SJWA, which will require mitigation that may include a fair share contribution toward safety improvements along Gilman Springs Road.” In regard to endangered/threatened species, Section 4.4.61, Endangered and Threatened Species, discusses special-status plant and animal species that have the potential to occur within the general vicinity of the WLC site, 17 plant and animal species are designated as endangered or threatened (Table 4.4-6); one of these, the Coastal gnatcatcher, was observed but none of the other species are believed to be present on the WLC site, although listed birds may utilize the SJWA on a seasonal basis.

Project impacts were analyzed in detail within the 2018 RSFEIR, Sections 4.4.5, Less Than Significant Impacts, and 4.4.6, Significant Impacts (pages 4.4-58 through 4.4-82). As stated on page 4.4-61, “potential indirect impacts to avian and other biological resources within the SJWA will be reduced to less than significant levels by the requirements of a 250-foot on-site setback in Mitigation Measure 4.4.6.1A. Project design features and associated setbacks, previously described, will reduce project impacts to adjacent

Final Response to Comments

biological resources to less than significant levels.” According to available research, presented in Section 4.4.1.15. in the 2018 RSFEIR, a 250-foot development setback is adequate for a project-SJWA separation and is supported by a compilation of available academic and scientific literature and studies on wildlife impacts from diesel emissions, and also the distance established in nesting bird surveys for setbacks from human activity. In addition, the Specific Plan Mitigation Measure 4.4.6.1A requires solid walls along the 250-foot development setback where are truck activity areas adjacent, which will help provide an additional buffer from building lighting and noise and effectively mitigate potential direct and indirect impacts on the SJWA. In addition to the 250-foot development setback and solid walls, the WLC Project includes a 150-foot building setback resulting in a total setback of 400 feet that would further reduce potential impacts on wildlife within the SJWA area. Regarding impacts to threatened and endangered species, the coastal California gnatcatcher was detected on the WLC site for which mitigation is included in Mitigation Measure 4.4.6.3A in the 2018 RSFEIR.

To minimize impacts to listed species, the WLC specific plan provides a number of Project design features to address the interface between the WLC and SJWA including the following to create an interface area that is sensitive to the unique relationship between the Project and the SJWA.

The 250-foot development setback is one of the design features that lessens impacts on the SJWA. As discussed in Section 4.4.1.15.a, Other Issues, a. Setbacks on page 4.4-49 of the 2018 RSFEIR, “typical setbacks to protect wildlife from human presence (though not warehousing) ranges from 50 to 500 feet, but 200–250 feet appears adequate for the most sensitive species.⁸³ In addition to the 250-foot development setback, the WLC Project includes a 150-foot building setback resulting in a total setback of 400 feet. Furthermore, the WLC Project includes a minimum 11-foot high solid walls along the southern boundary of the WLC site that would further reduce potential urban/wildlands interface impacts. As discussed in Section 4.4.6.1 of the 2018 RSFEIR, construction and operational noise levels would result in less than significant impacts with the implementation of the two setback areas and proposed solid wall along the SJWA boundary (RDEIR at page 4.4-68). Because the project features would reduce potential interface issues between the WLC site and the SJWA, no further expansion of the setback area along the boundary with the SJWA is required

- *Setbacks:* Establishes a 250-foot wide development setback from the southernmost property line along the SJWA boundary, and an additional 150-foot building setback from the development setback to help minimize potential impacts on biological resources of the SJWA (WLC Specific Plan Section 2.2.3.f.4, Exhibit 4-16).
- *Architecture and Building Restrictions:* Requires ground- and roof-mounted equipment to be screened from off-site view (WLC Specific Plan Section 5.3.15).
- *Landscaping Restrictions:* Provides “Special Edge Treatment Areas” in terms of adjacent uses, including the SJWA and Gilman Springs Road (WLC Specific Plan Section 2.5.3, Exhibit 2-1 and Section 2.5.4, Exhibit 2-3).
- *Off-Site Lighting:* All lighting in the vicinity of SJWA shall be designed to confine all direct light rays to the project site and preclude the visibility of direct light rays from the wildlife area (WLC Specific Plan

⁸³ McElfish, J., Kihlsinger, R., and Nichols, S., 2008. *Setting Buffer Sizes for Wetlands*. Available online: http://staging.ecosystemmarketplace.com/wp-content/uploads/archive/documents/Doc_456.pdf

Section 4.3). The project would also comply with the City's new Dark Sky Lighting Ordinance, which reduces spillover light to 0.25 foot-candles at five feet from the adjacent property lines.

As discussed in Section 4.4 of the 2018 RSFEIR, overall, project impacts on wildlife are determined to be less than significant with the implementation of recommended mitigation measures (Mitigation Measures 4.4.5.2A-B, and 4.4.6.1A-B through 4.4.6.3A-K).

The alternative analysis was presented in Section 6.0, Alternatives to the Proposed Project, of the 2015 Final EIR,⁸⁴ which is part of the Public Record. The judge's ruling did not find the Alternatives section deficient, thus there was no need to recirculate this portion of the 2015 Final EIR. The 2018 RSFEIR was prepared to correct the deficiencies identified in the 2015 Final EIR under the February ruling. Thus, the 2018 RSFEIR was circulated for public comment and those portions of the 2015 Final EIR that were found to be in compliance with CEQA by the Court were not re-circulated but are part of the public administrative record.

Response to Comment 1-F3-5: It is acknowledged that the City of Moreno Valley is signatory to both the Stephens' Kangaroo Rat Habitat Conservation Plan (SKR HCP) and the Multiple Species Habitat Conservation Plan (MSHCP). As stated on page 4.4-54 of the 2018 RSFEIR, the MSHCP is a comprehensive, multi-jurisdictional Habitat Conservation Plan (HCP) focusing on the long-term conservation of species and their habitats in western Riverside County. The MSHCP serves as an HCP pursuant to Section 10(a)(1)(B) of Federal Endangered Species Act as well as the Natural Communities Conservation Plan (NCCP) under the State of California. The California Department of Fish and Wildlife (CDFW) also issued the NCCP Approval and Take Authorization for the MSHCP. As long as adherence to the policies and requirements of the MSHCP is maintained, participants in the MSHCP, which include the County of Riverside and fourteen cities (including the City of Moreno Valley), are allowed to authorize "incidental take" of plant and wildlife species of concern. The Implementing Agreement authorized the "take of 146 species covered by the MSHCP (termed "covered species"), including state and federally listed species, as well as other identified sensitive species." The United States Fish and Wildlife Service (USFWS) and CDFW have authority to regulate the Take of Threatened, Endangered, and rare Species. Under the MSHCP, the USFWS and CDFW can grant "Take Authorization" for otherwise lawful actions—such as public and private development that may incidentally Take or harm individual species or their habitat outside of the MSHCP Conservation Area—in exchange for the assembly and management of a coordinated MSHCP Conservation Area. With regard to the SKRHCP (Section 4.4.5.2 of the 2018 RSFEIR, page 4.4-60), the WLC site is within the SKR HCP fee area. The long-term SKR HCP provides Take Authorization for the SKR within its boundaries. The core reserves established by the SKR HCP will be managed as part of the MSHCP Conservation Area consistent with the provisions of the SKR HCP. Focused surveys for Stephens' kangaroo rat will not be required for this project because the project lies within the SKR Fee Area; therefore, no requirements under the SKR HCP other than payment of a local fair share mitigation fee to acquire additional SKR conservation lands are required. Pertaining to the MSHCP (Section 4.4.5.2 of the 2018 RSFEIR, page 4.4-60 and 4.4-61), the MSHCP and its Implementation Agreement contain a fee mitigation program pursuant to which local agencies collect development impact fees and remit such fees to the Riverside Conservation Authority (RCA). These fees are in turn used to acquire lands that are suitable for habitat preservation for species covered by the MSHCP. Payment of the local MSHCP

⁸⁴ City of Moreno Valley, 2015. World Logistics Center Project Final Programmatic Environmental Impact Report, Volume 3 – Final Environmental Impact Report, State Clearinghouse No. 2012021045, May.

Final Response to Comments

mitigation fee will be required of the project prior to the issuance of building permits. The MSHCP provides that payment of the fee completely mitigates a project's environmental impacts. Additionally, as required by the October 17, 2014 JPR, the WLC Project must implement the guidelines contained in MSHCP Section 6.1.4 related to controlling adverse effects for development adjacent to the MSHCP Conservation Area, of which there are seven specific conditions. Thus, since the WLC would comply with SKR HCP and MSHCP requirements, Project implementation would result in less than significant impacts.

The mandatory findings of significance were evaluated for threatened and endangered species including the potential to substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; substantially reduce the number or restrict the range of an endangered, rare or threatened species. Project impacts pertaining to the mandatory findings of significance were analyzed in detail within the 2018 RSFEIR, Sections 4.4.5, Less Than Significant Impacts (pages 4.4-58 – 4.4-64, and 4.4.6, Significant Impacts (pages 4.4-64 through 4.4-82). As discussed above in Response to Comment 1-F3-5, endangered and threatened special status species impacts were determined to be less than significant with the implementation of recommended mitigation measures (Mitigation Measures 4.4.5.2A-B, and 4.4.6.1A-B through 4.4.6.3A-K).

Cumulative impacts on Biological Resources are analyzed in 2018 RSFEIR Section 6.4 (pages 6.4-1 through 6.4-33). The cumulative impact geographic area for biological resources is the MSHCP area, which also includes the San Jacinto Wildlife Area (SJWA). Refer to Figure 6.4-1 (2018 RSFEIR page 6.4-3) and Table 6.4-1 (2018 RSFEIR pages 6.4-5 – 6.4-23 for projects that could potentially result in a cumulative impact to the SJWA that are located within the biological resources cumulative impact area. The Project and the other cumulative projects fall within the jurisdiction of the MSHCP. As shown, there are very few cumulative projects that would directly affect the SJWA. RC-1 and RC-5. The northern portion of the SJWA Area is designated as Agriculture in the San Jacinto Wildlife Area Management Plan and the existing use is fallow agricultural land. As such, sensitive species associated with the SJWA are located in the central and southern portion of the wildlife area, over one-mile south of the WLC project boundary and farther away from the identified cumulative projects. The impacts conclusion in the 2018 RSFEIR is "... there are no unmitigated project-specific significant and unavoidable impacts to biological resources identified in the FEIR" (2018 RSFEIR, page 6.4-2) with incorporation of recommended mitigation measures (Mitigation Measures 4.4.5.2A-B, and 4.4.6.1A-B through 4.4.6.3A-K). Similar to the project, each of these identified cumulative projects are required to mitigate impacts to biological resources including the MSHCP and the SJWA. A review of available CEQA documents in the identified biological resources cumulative project area indicates that these identified projects mitigate impacts to biological resources through a combination of project design features, mitigation measures and payment of MSHCP fees (2018 RSFEIR page 6.4-23).

Response to Comment 1-F3-6: No specific comments on the contents of the 2018 RSFEIR are provided within this comment, and thus no further response is needed (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

From: Richard Block <rblock31@charter.net>
Sent: Friday, September 7, 2018 12:53 PM
To: Albert Armijo; Julia Descoteaux
Subject: comments on revised FEIR for World Logistic Center

Sept. 7, 2018

To: City of Moreno Valley

Via planners Albert Armijo (alberta@moval.org) and Julia Descoteaux (juliad@moval.org)

From: Friends of Riverside's Hills and Richard Block

Re: Comment on Revised Final EIR for the World Logistics Center project (public comment period through today)

Please consider the following comments on the said RFEIR.

Mostly not within the City of Moreno Valley, but the traffic on the portion SR-60 that it shares with I-215 (so between the two interchanges, one with the 91 freeway and the other a little west of Day Street) is (as I have personally observed) horrendous, bumper to bumper stop-and-go heading southeast in much of the afternoon and early evening, and the reverse in the morning. A good part of that traffic consists of diesel trucks, and the project's addition of some 10,000 truck trips a day, many or most of which will travel that portion of SR-60, will greatly exacerbate the traffic and its impacts there, including air quality and noise impacts.

1-F4-1

Some relevant questions that the EIR needs to consider and analyze: What are the present peak hour volumes and delays in the said stretch of freeway, how many additional peak hour vehicles will the project cause to added there, how many of them will be diesel trucks, and what pollutants and noise will those additional vehicles (particularly diesel trucks) cause to be added there?

1-F4-2

Also, because of the stop-and-go nature of the congestion there, the project will result in much increased idling time there, with resultant increase in pollutants that the EIR needs to analyze.

One reason that this is especially important is that a very large number of cars and smaller trucks, in order to avoid the rush hour congestion on the said stretch of freeway, at present bypass a significant portion of that freeway route by going through the City of Riverside's University Neighborhood, using Watkins Drive, Blaine Street and other streets in the City of Riverside, thus going through a residential neighborhood and creating a long line of vehicles at each stop sign and stop light on Watkins Drive, thus severely impacting the traffic peak-hour levels-of-service there and spewing pollutants affecting the residents of that neighborhood. (As

a resident of that neighborhood, I am very aware of that.) A significant increase in traffic on the said portion of SR-61, such as that which would be caused by the World Logistics Center project, would inevitably cause in significant increase in the traffic through the University Neighbor that would be using those local streets to bypass the increased freeway congestion.

1-F4-2
cont.

Thus the project's causing increased traffic, delays and pollution on the said segment of freeway will cause an increase in the traffic on city streets in Riverside's University Neighborhood. The EIR needs to analyze the impacts, including to traffic and air quality, associated with that increase in traffic in that part of Riverside.

It should be noted that that increased traffic on Watkins Drive will go right by two public schools, namely Highland Elementary and the STEM Academy. The EIR needs to analyze the impacts at those schools.

1-F4-3

Also, the said portion of freeway is immediately adjacent to a number of buildings on the University of California Riverside campus, as well as numerous residences. The EIR needs to analyze the air quality and noise impacts on the UCR campus and on those residences of the increased freeway traffic, particularly from the huge number of additional diesel truck trips that the project will involve.

Another kind of impact that needs to be analyzed is the impacts on Riverside County's Box Springs Mountain Park, a Riverside County Multiple Species Habitat Conservation Plan Reserve, a short distance to the north of a portion of the freeway discussed above. The increase in pollutants from increased traffic caused by the project, particularly nitrogen, results in increased nitrogen deposition on Box Springs Mountain. Already over the decades this has greatly changed the vegetation on the mountain, as I have personally observed during my 50 years of hiking the mountain. The EIR needs to analyze the potential impacts on the flora and fauna on Box Springs Mountain, including on the Reserve, caused by increased nitrogen deposition and other pollutants associated with increased nearby freeway traffic, including increased idling time, resulting from the project.

1-F4-4

Thank you for your consideration.

Friends of Riverside's Hills by its Legal Liaison Officer Richard Block

Richard Block, 424 Two Trees Rd, Riverside CA 92507 rblock31@charter.net

RESPONSES TO LETTER 1-F4: Friends of Riverside's Hills and Richard Block

Response to Comment 1-F4-1: World Logistic Center traffic impacts were analyzed in Section 4.15 of the 2018 RSFEIR. Air Quality impacts were evaluated in Section 4.3 of the 2019 Draft Recirculated RSFEIR, and Noise impacts were assessed in Section 4.12 of the 2018 RSFEIR. A Transportation Impact Analysis (TIA) in Appendix F in the 2018 RSFEIR, was conducted for the Project which identified specific near-term and longer-term circulation improvements that would be required to mitigate Project impacts and maintain acceptable peak hour and daily levels of service (LOS) on surface streets and freeways affected by the project. As part of the TIA, impacts to freeways were analyzed with regard to LOS. As indicated in the analysis, many of the freeway segments along SR-60 and I-215 would be impacted as discussed in Section 4.15.6 of the 2018 RSFEIR. The WLC project would increase the density of traffic in the area, with most of the area operating at a degraded level of service. Therefore, traffic impacts were found to be significant and unavoidable for roads and intersections, and on all freeway mainline, weaving, and ramp facilities because those roads, intersections, and freeways are not within the City's jurisdiction as discussed in Section 4.15.7 of the 2018 RSFEIR. However, payment of fair share mitigation fees is required for the improvements not within the City of Moreno Valley and those jurisdictions that have established fair share mitigation programs (see mitigation measure 4.7.15.4E and 4.7.15.4F). In addition, payment is also required for the Transportation Uniform Mitigation Fee (TUMF) as set forth in Municipal Code Chapter 3.44 (See Mitigation Measure 4.7.15.4D on page 4.4-63 of the 2018 RSFEIR).

The 2019 Draft Recirculated RSFEIR fully evaluated the potential air quality and health risks of the WLC project to sensitive receptors within the project area. Section 4.3 Air Quality, Section 6.3 Air Quality Cumulative, along with Appendix A, Air Quality, Greenhouse Gas, and Health Risk Assessment Report, have been revised to show the effect of incorporating the applicable data from the revised traffic analysis which includes using trip generation rates from the most recent edition of the Institute of Traffic Engineer's (ITE) Trip Generation Manual and the inclusion of 359 additional projects that would cumulatively contribute to traffic impacts and thus air quality and health risk impacts. As discussed in Table 4.3-29 in Section 4.3 of the 2019 Draft Recirculated RSFEIR, the maximum unmitigated incremental increase in cancer risk along SR 60 for a 30-year exposure, beginning after the full buildout of the WLC Project, is 34 people per million people and the mitigated incremental increase in cancer risk, as shown in Table 4.3-29 is 9.5 people per million people, below the 10 people per million people SCAQMD cancer risk significance threshold. Table 4.3-26 in Section 4.3 of the 2019 Draft Recirculated RSFEIR identifies that the maximum cancer risk for a 30-year exposure beginning at project construction (construction and operation) at any area in the modelling domain is a total of 66.8 people per million prior to mitigation which is considered significant. After the implementation of Mitigation Measures 4.1.6.1A, 4.3.6.2A, 4.3.6.2B, 4.3.6.2D, 4.3.6.3A, 4.3.6.3B, 4.3.6.3C, 4.3.6.3D, 4.3.6.3E and 4.3.6.5A, the cancer risk at any area within the modeling domain is a total of 9.1 people per million people as shown in Table 4.3-28. Thus, although the Project would increase traffic in the area, the chronic and acute non-cancer risk to sensitive receptors in the community would be less than significant with incorporation of mitigation for construction and operation of the WLC. Project air quality impacts would still be significant and unavoidable for criteria pollutants, primarily PM, even with incorporation of mitigation. However, this is a programmatic EIR, and there will be subsequent environmental evaluations as the Project is built out. Thus, it is possible that other mitigation measures, such as zero-emission technologies, could become available at a later date, due to real-world circumstances, and could be incorporated into the subsequent environmental documents at that time to reduce air quality impacts. Furthermore, the traffic count for the Sketchers warehouse substantiates the

accuracy of the newer traffic generation factors used in the 2018 RSFEIR and the 2019 Draft Recirculated RSFEIR (2015 Final EIR Table 4.15L, page 4.15-44). Nonetheless, the 2019 Draft Recirculated RSFEIR, fully evaluated the potential air quality and health risks of the WLC project to sensitive receptors along with incorporating feasible mitigation measures to reduce impacts.

With regard to noise, the 2018 RSFEIR analyzed potential noise impacts resulting from construction and operation of the WLC project in Section 4.12. As stated on page 4.12-36 of the 2018 RSFEIR, 89 freeway segments were analyzed in the noise analysis. The traffic noise study area included the main travel routes between the Project and neighboring cities of Riverside, Perris, Beaumont, San Jacinto, and Redlands. The study area extended west to the nearest ramps on SR-91 and as far south as the I-215 ramps at Redlands Avenue in Perris. The study area for freeways was selected to encompass the freeway routes radiating from the Project site to the north, south, east, and west. As provided in Appendix C of Appendix D (Noise and Vibration Technical Report), there were 6 freeway segments along the portions of SR 60 that is shared with I-215. Based on a review of the noise levels generated during the peak hour periods, the 2018 plus full project buildout scenario compared to the existing conditions scenario would result in peak hour noise levels increasing 0.6 to 0.7 dBA CNEL. This increase in noise level would be less than significant because the increase would be less than 1.5 dB threshold that would need to occur to result in a substantial noise increase.

Response to Comment 1-F4-2: Information regarding present peak hour volumes and peak hour volumes with Project traffic generation can be found in Section 4.15, Transportation and Traffic, and Appendix F, Traffic Impact Assessment (TIA) Technical Report. The section and appendix looked at traffic along the portion of I-215 that overlaps with SR-60. The TIA analyzed six individual freeway segments that are along this portion of the I-215 and SR-60, the segment between Martin Luther King Boulevard and Central Avenue, identified in the TIA as segment F-24, was reviewed to answer the commenter's questions. The existing conditions for this segment of freeway (I-215 and SR-60) are shown in Table 15 of the traffic study located in Appendix F of the 2018 RSFEIR. The existing peak-hour volumes in this section are as follows:

- I-215 Freeway from Martin Luther King Boulevard to Central Avenue -Segment F-24
- Westbound: AM Peak Hour: 7,050 vehicles, PM peak Hour: 6,885 vehicles
- Eastbound: AM Peak Hour: 9,400 vehicles, PM peak Hour: 9,400 vehicles

Per the Highway Capacity Manual, freeways are evaluated based on density—not delay. The highest density (see Table 15 in Appendix F) is 59.2 and 33.3 vehicles-per-mile for eastbound in the AM and westbound in the AM, respectively.

As explained in Section 4D on pages 93 through 97 of the TIA (Appendix F of the 2018 RSFEIR), the effect of adding a large employment center in an area with a poor jobs/housing balance is that some Riverside County residents who might otherwise have driven to jobs in the coastal counties would choose to work at the proposed Project instead. Some residents of Jurupa Valley, Ontario, and Chino would choose to reverse-commute to the proposed Project rather than drive to jobs in Los Angeles and Orange Counties. As shown in Figures 33 and 34 on page 95 of the TIA (Appendix F of the 2018 RSFEIR), the Southern California Association of Governments (SCAG) traffic model predicts that the proposed Project would reduce car traffic in the peak direction of travel in this section of freeway. The Project's effects on total

volumes in this section of freeway are shown in Table 37 on page 169 of the TIA (Appendix F of the 2018 RSFEIR). The existing conditions and existing plus Project conditions for this segment are also shown on Table 4.15-32 on page 4.15-83 of the 2018 RSFEIR. The Existing Plus Project Conditions is compared to the Existing Conditions to derive the change in existing traffic volumes. A breakdown of the total volumes between cars and trucks are shown below for this segment. From a traffic perspective, the proposed Project would increase the density of traffic during the morning peak hour in the eastbound direction and during the evening peak hour in the westbound direction. This increase in density is derived when comparing the existing conditions and existing plus Project conditions on Table 4.15-32 on page 4.15-83 of the 2018 RSFEIR. Because this segment of the SR-60/I-215 is currently operating at a degraded level of service, an increase in the density of traffic would result in a significant traffic impact as shown on Table 4.15-32 on page 4.15-83 of the 2018 RSFEIR. Table 2, of the TIA (Appendix F of the 2018 RSFEIR) provides the derivation of trip generation rates for high-cube warehouses; passenger vehicles account for 69 percent, 2- to 4- axle trucks make up 15 percent with the remaining 16 percent being 5+ axle trucks. The project would change traffic volumes as follows:

Direction	Vehicle Type	Traffic Volume Change during AM Peak Hour	Traffic Volume Change during PM Peak Hour
Eastbound	Cars	259	-331
	Trucks	212	181
	Total	471	-150
Westbound	Cars	-440	-170
	Trucks	260	285
	Total	-180	115

Regarding the cut-through traffic that the commenter is describing that utilizes Watkins Drive, Blaine Street and others, this is an existing condition stemming from existing commuting patterns. The traffic study used the best available traffic model (Riverside County Transportation and Analysis Model [RIVTAM] as discussed on pages 36 and 37 of the TIA in Appendix F of the 2018 RSFEIR) to forecast how the Project would change commute patterns, including diversion of traffic due to congestion. Any commute traffic to/from the proposed Project using Watkins Avenue would travel south on Watkins Drive in the morning and turn left onto I-215/SR-60 using the eastbound on-ramp at the Central Avenue Interchange (Intersection 77) and return in the evening using the westbound off-ramp (Intersection 78). Comparing the volumes for these two movements in the Existing Condition and Existing Plus Project Condition (TIA Figures 12-I and 41-I respectively) shows that the proposed Project will add 42 vehicles to the southbound left-turn onto the on-ramp in the morning and 8 vehicles to the westbound right turn in the evening. The Project would not have a significant impact at either intersection (see Table 35 on page 162 for the AM Peak Hour and page 165 for the PM Peak Hour). Thus, this commute pattern was studied in the 2018 RSFEIR.

With respect to the increase in air pollutants that stop and go traffic would cause due to increased idling times, health risks associated with the WLC project truck emissions were analyzed in the Health Risk Assessment (HRA) Section 4.3 and Appendix A to the 2019 Draft Recirculated RSFEIR and are represented as the increase in incremental cancer risk associated with exposure to diesel particulate matter (diesel PM) emissions from project construction and operations and project operations. These diesel PM

Final Response to Comments

emissions arise from both exhaust and idling of diesel trucks while operating on and near the Project site. A HRA was conducted for the WLC to allow decision makers to see the acute and chronic non-cancer health risk impacts as well as the cancer-related health risk impacts of the WLC project. See Response to Comment 1-F4-1 above, for a further discussion of the incremental health risks associated with the Project. As shown on Figure 4.3-5 of the 2019 Draft Recirculated RSFEIR, page 4.3-75, cancer risk during construction and operation of the WLC around the I-215 and SR 60 interchange would be approximately 2 in one million with mitigation. As depicted on Figure 4.3-6 of the 2019 Draft Recirculated RSFEIR, page 4.3-76, cancer risk during operation of the WLC around the I-215 and SR 60 interchange would be approximately 5 in one million with mitigation. Both of these are below the SCAQMD cancer risk significance threshold of 10 in one million.

As discussed on page 4.3-64 of the 2019 Draft Recirculated RSFEIR, the diesel PM impact results in a chronic non-cancer hazard index (HI) of 0.14 which is less than the SCAQMD's significance level of 1.0 and therefore, less than significant. Also discussed on page 4.3-64 of the 2019 Draft Recirculated RSFEIR is the acute non-cancer HI which was determined for a worst-case condition that assumed the project would be constructed between 2020 and 2034 and full operation starts in 2035. Based on this information, the maximum acute non-cancer HI found at any receptor within the model domain prior to mitigation was 0.07 during any year of project construction and operation which is less than the SCAQMD's non-cancer HI threshold of 1.0 and therefore is less than significant without mitigation. Thus, the potential for short-term acute and chronic exposure from toxic air contaminant emissions are considered to be less than significant.

The cancer-related health risk impacts were assessed consistent with South Coast Air Quality Management District (SCAQMD) Health Risk Assessment Guidance and the current 2015 Office of Environmental Health Hazard Assessment (OEHHA) Air Toxics Hot Spots Program Guidance for Preparation of Health Risk Assessments. The HRA methodology applied a risk characterization model to the results from an air dispersion model to estimate potential health risks at each sensitive receptor location. The estimation of cancer risk involves the specification of several parameters including the concentration level of the toxic air contaminant (diesel PM10 exhaust), the rate of inhalation of the toxic, the exposure frequency (number of days per year), the exposure duration in years, the time period over which the exposure takes place, and what is termed a slope factor that represents an upper bound on the increased cancer risk from a lifetime exposure to a toxic by ingestion or inhalation and early-in-life age sensitivity factors. The values of these parameters depend on the type of receptor, i.e., sensitive/residential, worker, and student as discussed below (2019 Draft Recirculated RSFEIR, page 4.3-26). The principal focus of the HRA was on the potential health impacts to sensitive/residential receptors located within and surrounding the project site. Table 4.3-26, in the 2019 Draft Recirculated RSFEIR, presents the unmitigated estimated cancer risks for the 30-year exposure scenario that starts from the beginning of Project construction (Construction + Operation HRA), which used updated construction and operational emissions values. The results are provided separately for Project construction diesel PM emissions, operational diesel PM emissions, and the total Project diesel PM emissions prior to the application of emission mitigation. Table 4.3-27 shows the estimated cancer risk for the 30-year residential exposure scenario that starts from the beginning of Project full operation in 2035 (Operational HRA), which used the 2035 emission levels to represent the emissions for 2035 to 2064. As shown in Table 4.3-26 and 4.3-27, the Project would exceed the SCAQMD's cancer risk significance threshold of an incremental increase of 10 in a million prior to the application of mitigation and would represent a significant impact. With mitigation incorporated, the cancer risks are substantially lower, and

the SCAQMD cancer risk significance threshold would not be exceeded at any of the onsite or offsite receptors within the study area. The large reduction in cancer risk after mitigation is attributable principally to the reduced diesel PM associated with the requirement of Tier 4 construction equipment (see Mitigation Measure 4.3.6.2A). With implementation of mitigation measures, local communities would not face undue pollution from this Project in regard to cancer risk. Air quality impacts would still be significant and unavoidable for criteria pollutants, primarily PM, but as stated previously, this is a programmatic EIR and there will be subsequent environmental evaluations as the Project is built out. Each subsequent development with the WLC will be subject to further environmental review and may require additional mitigation if additional impacts are found or previously infeasible mitigation becomes feasible. Due to the programmatic nature of the document, it is not known who future users of the WLC will be or what their operational needs will require in terms of equipment. As a result, all current mitigation relies on commercially available technology that meets the most stringent environmental standards. As demonstrated above and discussed in Section 4.3 of the 2019 Draft Recirculated RSFEIR, the potential air quality and health risks of the WLC project (that includes truck idling) to sensitive receptors were evaluated along with incorporating feasible mitigation measures to reduce impacts. As demonstrated, the 2019 Draft Recirculated RSFEIR fully evaluated the potential air quality and health risks of the WLC project to sensitive receptors due to truck idling.

With regard to noise, refer to Response to Comment 1-F4-1 above.

Response to Comment 1-F4-3: As discussed in Response to Comment 1-F4-2, commute traffic associated with the Project is estimated to add 42 vehicles during the morning peak hour traveling south on Watkins Drive in the morning to the southbound left-turn onto the I-215 on-ramp and 8 vehicles during the evening peak hour exiting I-215 at Central Avenue and traveling north on Watkins. Based on a review of the existing and existing plus Project buildout peak hour traffic volumes traveling to and from the I-215 at Central Avenue, the Project traffic would add approximately 9 percent additional peak hour trips on Watkins Drive in the morning and approximately 4 percent additional peak hour trips to Watkins Drive in the evening. Based on a review of the I-215/SR-60 and Central Avenue on- and off-ramps (Intersection 77 and 78), the Project would not exceed the City of Riverside the level of service standard (LOS D), and therefore, would not have a significant impact at either ramp intersection (see Table 35 on page 162 for the AM Peak Hour and page 165 for the PM Peak Hour).

From a noise perspective, traffic volumes would need to double to generate an increase of 3 dB. An increase of 5 dB is considered substantial and significant. The Project's increase in trips along Watkins Drive could increase noise levels; however, this increase would be nominal and less than a 3 dB increase because the increase would be substantially less than doubling the existing traffic volumes.

The 2019 Draft Recirculated RSFEIR analyzed air quality impacts from the WLC which included the area of the University of California Riverside Campus. As noted in Response to Comment 1-F4-2, above, the HRA found that the estimated maximum cancer risk anywhere in the model domain (which encompasses the University of California Riverside Campus) is less than the 10 in a million threshold with implementation of mitigation, therefore, the impact would be less than significant. However, implementation of the WLC project would exceed applicable thresholds for all criteria pollutants, with the exception of SO_x. Despite the implementation of mitigation measures, emissions associated with the Project cannot be reduced below the applicable thresholds and would remain significant and unavoidable.

Response to Comment 1-F4-4: Section 4.4 of the 2018 RSFEIR, Biological Resources, analyzed impacts to flora and fauna from the WLC project. As part of the analysis, the WLC site was assessed to determine consistency with the Multiple Species Habitat Conservation Plan (MSHCP) focusing on conservation of species and their associated habitats in western Riverside County. The Box Springs Mountain Park is not close to where Project construction would occur. The change in vegetation in the Box Springs Mountains is the result of many factors, air pollution being one factor. One of the greatest factors in the change in the Box Spring Mountains has been the frequent wildfires that have altered much of the native vegetation from a shrubland to a non-native grassland according to Minnich and Dezzani (Minnich, Richard A. and Raymond J. Dezzani, 1998, Historical Decline of Coastal Sage Scrub in Riverside-Perris Plan, California, Western Birds 29: 366-391). However, as stated in the 2018 RSFEIR, potential impacts related to MSHCP consistency will be less than significant.

Section 4.4 also discusses the effects of pollution impacts on plants and animals. Nitrogen deposition is the term used to describe nitrogen-based pollutants that are deposited as a result of emissions from future project related activities. The pollutants are typically in the form of nitrogen oxide (NO_x) and ammonia (NH₃)-derived pollutants, primarily nitric acid (HNO₃) (2018 RSFEIR page 4.4-62). Although there are many types of nitrogen-based pollutants resulting from project-related emissions, HNO₃ is typically the easiest to measure and is used in determining nitrogen deposition rates. Mechanisms by which nitrogen deposition can lead to impacts on sensitive species include (1) direct toxicity, (2) changes in species composition among native plants, and (3) enhancement of invasive species (Fenn et al. 2003; Weiss 2006a). Direct toxicity refers to impacts associated with direct contact with the nitrogen pollutants. There is no scientific documentation that links direct toxicity to impacts associated with sensitive plant and wildlife species. Therefore, the effect of direct toxicity is considered speculative. An increase in nitrogen deposition does not inhibit the growth of native plants, but promotes the rapid growth of non-native invasive species that could out-compete native plants for available water and nutrients. If the increase of non-native plant species is detrimental to the growth of native plants, the result may be a conversion from a native plant community to a non-native plant community. This change in habitat is only considered a significant impact if that change occurs in suitable habitat for a federally threatened or endangered species within USFWS-designated critical habitat. The WLC will consist of mobile, non-point pollution sources (diesel trucks), which will result in a highly random dispersion of emissions that will occur in a broad, regional fashion (2018 RSFEIR page 4.4-63). Because of the way in which nitrogen is generated by the WLC project, its overall patterns for dispersion, and the multi-variant parameters that would need to be taken into consideration for such an analysis, there is no established scientific basis or standards to study the effects of nitrogen dispersion for non-point pollution sources; hence, project-specific conclusions or mitigation would be overly speculative for the purposes of the 2018 RSFEIR.

Local wildlife may be exposed to vehicular exhaust and diesel particulates and toxic air contaminants from truck exhaust as the WLC project builds out. New development will produce significant amounts of diesel-related air pollutants that will be released into the atmosphere, including gases and particles of various sizes. Most of the available (and most applicable) research is on diesel pollutant impacts on humans. Although the physiology of many animals is very different than humans, data on health effects from diesel pollution may nonetheless be somewhat instructive when attempting to assess diesel impacts on wildlife. Potential health effects on wildlife obviously depend on the species involved, (1) but in general health effects from air pollution/diesel exhaust include impaired cardiac and lung or respiratory function, (2) reduced heart

function or longevity, decreased clutch size or hatching success, increased incidence of cancer and other mutagenic or teratogenic effects, ingestion of air deposited particulates, reduction in overall biodiversity, reproductive failure, etc. In general, impacts on higher animals are most commonly attributed to food loss and reproductive effects, rather than to direct toxic effects on adults. There are relatively few examples of higher animals suffering direct toxic effects from either atmospheric acidity or gaseous air pollution. However, a number of mammals are known to build up high levels of heavy metals and other pollutants in their systems from air pollution. The main public health concerns are from fine and ultrafine particulate matter, black or elemental carbon, polyaromatic hydrocarbons (PAHs) like phenanthrene, metallic ashes, gases like nitrogen dioxide, aldehydes like acetaldehyde, acrolein, and crotonaldehyde, volatile organic compounds like benzene and 1,3-butadiene, etc. One of the research limitations is that some health effects from these pollutants take a long time, in some cases even a lifetime, to exhibit themselves. These pollutant species can also be emitted from other sources, so in complex urban environments, it can be difficult to trace individual sources of air pollution. In this case, air quality is species would predominantly be the result of new warehouse uses within the project. Research suggests that wildlife may be more susceptible to air pollutant impacts than humans, due to their smaller size, higher respiration rates, smaller lung capacities, ingestion of local plant materials that have also been exposed, higher metabolic rates, etc., although some factors like shorter lifespans would reduce the length of exposure over time. For these reasons and for the purposes of this analysis, it is assumed that animals within the area would be at least as susceptible to health effects from air pollution, including diesel exhaust, as humans.

In addition to pollutants associated with diesel trucks, passenger vehicles produce additional air pollutants including carbon monoxide, nitrogen oxides, particulates, etc. These pollutants will also have indirect impacts on wildlife resources in the area. Two impacts of most concern would be ozone degradation (e.g., plants having an unusual dry or “burned” look) and the deposition of additional nitrogen, both of which can disrupt plant growth cycles. Direct air pollutant impacts on wildlife could occur as a result of diesel and other project-related air pollutants, including gases and particulates, from trucks and passenger vehicles. There appears to be little academic or scientific research on the specific impacts of diesel air pollutant emissions on wildlife (i.e., not laboratory animals) in natural settings, or specific setbacks for wildlife protection areas from warehouse distribution centers or other sources of diesel pollution. Most available research is too limited or specific regarding the type of pollutant and/or the species considered to be affected (e.g., impacts of one pollutant on one species). To assess the significance of the impacts to wildlife from the increase in air pollution, primarily diesel PM, the results of the HRA conducted for the project to assess the human health risk was utilized to assess the risk to animals. As discussed above in Response to Comment 1-F4-2, an HRA was conducted for the WLC (see Section 4.3.6.5 in the 2019 Draft Recirculated RSFEIR which focused on estimating the health risks from diesel PM. The HRA identified that the cancer risk and chronic and acute non-cancer risk to sensitive receptors in the community would be less than significant with incorporation of mitigation for construction and operation of the WLC. Thus, based on available information, the effects of emissions on wildlife and vegetation in the Box Springs Mountains is less than significant. As demonstrated, the 2019 Draft Recirculated RSFEIR fully evaluated the potential air quality and health risks of the WLC with regard to diesel PM and other pollutants to humans, which is also used for wildlife and plants.

From: Albert Armijo
Sent: Friday, September 7, 2018 3:28 PM
To: Julia Descoteaux; Vera Sanchez
Subject: FW: World Logistics Center (SCH No. 2012021045)
Attachments: World Logistics Center Comment Letter and Attachments.pdf

Albert Armijo
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From: Ketmanee Tychsen [mailto:tychsen@blumcollins.com]
Sent: Friday, September 7, 2018 11:50 AM
To: Albert Armijo <alberta@moval.org>
Cc: Gary Ho <ho@blumcollins.com>
Subject: World Logistics Center (SCH No. 2012021045)

Dear Mr. Armijo,

Please see attached letter serving you with comments on behalf of the Golden State Environmental Justice Alliance (“GSEJA”) regarding the World Logistics Center.

1-F5-1

Best Regards,

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September 7, 2018

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VIA EMAIL to alberta@moval.org

Re: *World Logistics Center (SCH No. 2012021045)*

Dear Albert Armijo,

We write to submit Golden State Environmental Justice Alliance's ("GSEJA's") objections to the revised sections of the final environmental impact report ("FEIR") for the World Logistics Center ("Project").

The World Logistics Center Project is located on 2,610 acres at the eastern end of the Moreno Valley within the City of Moreno Valley and unincorporated portion of Riverside County. The project proposes construction and operation of 40.6 million square feet of logistics facilities and associated infrastructure. The Revised Sections of the FEIR document indicates that buildout of the project is expected to span a 15-year period from 2020 to 2035, an average of 2.7 million square feet per year¹. The Revised Sections of the FEIR document also indicates that Phase 1, comprising approximately 50% of the development area (20.3 million square feet) is expected to be completed by 2025. This represents an average buildout rate of 4.1 million square feet per year over that period.

On August 19, 2015, the City of Moreno Valley City Council certified the FEIR, adopted the related CEQA Findings and Statement of Overriding Considerations, and approved the Mitigation Monitoring and Reporting Program for the World Logistics Center Project. The City Council also approved the proposed General Plan Amendments, approved a 26-

¹ FEIR Revised Sections document, Section 3.3.13 Phasing.

1-F5-2

Albert Armijo
September 7, 2018

parcel Tentative Parcel Map for the project, requested annexation of two parcels into the City of Moreno Valley, and introduced two ordinances to approve a Development Agreement, proposed zoning and other land use changes for the project².

In September 2015, various lawsuits were filed against the City of Moreno Valley and Highland Fairview (the real party in interest) in Riverside County Superior Court. These lawsuits challenged the City's certification of the FEIR, and sought issuance of writs requiring the City to fully comply with the California Environmental Quality Act (CEQA) and other applicable law. The petitions were consolidated into *Albert Thomas Paulek, Friends of the Northern San Jacinto Valley, et al v. City of Moreno Valley, et al.*, Riverside County Superior Court Case No. RIC 1510967.

1-F5-2
cont.

In her February 8, 2018 ruling, Riverside County Superior Court Judge Sharon Waters granted the petitions in part and denying the petitions in part. Judge Waters' ruling identified five key areas of deficiencies in the EIR. The June 12, 2018 Writ of Mandate issued by Judge Waters directed the City to set aside its certification of the EIR for the project and its approval of the Parcel Map. The City of Moreno Valley issued its Revised Sections of the FEIR document on July 25, 2018 to address the EIR deficiencies identified in Judge Walters' ruling.

Comments regarding deficiencies identified by ALG related to the air quality analysis in the Revised Sections of the FEIR for the World Logistics Center Project are discussed below.

General Comments.

The following comments pertain to general issues related to the Revised Sections of the FEIR document:

The City's characterization of the document as "Revised Sections of the Final Environmental Impact Report" rather than as a revised/recirculated Environmental Impact Report misleads the public and frustrates meaningful public review of the document.

1-F5-3

Public Resources Code sec. 21061 provides,
An environmental impact report is an informational document which, when its preparation is required by this division, shall be considered by every public agency prior

² Minutes – Joint Meeting of the City Council of the City of Moreno Valley, Moreno Valley Community Services District, City as Successor Agency for the Community Redevelopment Agency of the City of Moreno Valley, Moreno Valley Housing Authority and the Board of Library Trustees, Special Meeting, August 19, 2015, available at <http://morenovalleyca.iqm2.com/Citizens/FileOpen.aspx?Type=15&ID=1460&Inline=True> (accessed August 31, 2018).

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to its approval or disapproval of a project. The purpose of an environmental impact report is to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project.

CEQA provides for many forms of environmental documents that can be used for the analysis of potential environmental effects of a proposed project, feasible measures to mitigate significant adverse environmental effects, consideration of alternatives to the proposed project and cumulative effects when combined with other projects, and other considerations. Generally, those documents include a Notice of Exemption, Negative Declaration, Mitigated Negative Declaration, and Environmental Impact Report (EIR). Generally, when EIRs need to be revised, the lead agency will prepare a revised EIR and recirculate the document for public review, often as a "Revised" or "Recirculated" EIR.

1-F5-3
 cont.

Public review of draft EIRs, evaluation of and responding to public comments, and revising/recirculating draft EIRs follows the procedures described in CEQA Guidelines secs. 15087 (Public Review of Draft EIR), 15088 (Evaluation of and Response to Comments), and 15088.5 (Recirculation of an EIR Prior to Certification).

Recirculation of the Revised Sections of the FEIR document is deficient under CEQA Guidelines sec. 15089

Per CEQA Guidelines sec. 15132 (Contents of Final Environmental Impact Report), The Final EIR shall consist of:

- a) The draft EIR or a revision of the draft.
- b) Comments and recommendations received on the draft EIR either verbatim or in summary.
- c) A list of persons, organizations, and public agencies commenting on the draft EIR.
- d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process.
- e) Any other information added by the Lead Agency.

1-F5-4

CEQA Guidelines sec. 15089(b) provides that agencies may allow for review of the FEIR by the public or by commenting agencies before approving a project. However, sec. 15089(b) provides that such review of the FEIR should focus on responses to comments on the draft EIR. The City of Moreno Valley has not circulated responses to Draft EIR comments (originally prepared as FEIR Volume 1) for review. The City's recirculation of the Revised Sections of the FEIR document is therefore deficient under CEQA Guidelines sec. 15089(b).

Albert Armijo
September 7, 2018

Recirculation of the Revised Sections of the FEIR Document is deficient under CEQA Guidelines sec. 15088.5

As indicated above, CEQA Guidelines sec. 15088.5 provides for recirculation of a Draft EIR prior to certification. However, the City’s decision to release only revised sections of the FEIR for public review, rather than the entire revised Draft EIR, frustrates public review and comments on the impacts and proposed mitigation measures for the proposed project, as discussed below:

CEQA Guidelines Sec. 15088.5(c) provides, “If the revision is limited to a few chapters or portions of the EIR, the lead agency need only recirculate the chapters or portions that have been modified.” With respect to the Revised Sections of the FEIR document, the City has decided to circulate only the revised sections of the FEIR, rather than a revised Draft EIR. However, the Revised Sections of the FEIR document comprises far more than “a few chapters or portions of the EIR”.

1-F5-5

The main Revised Sections of the FEIR document comprises 13 revised sections related to project impacts and mitigation measures, the project description, executive summary, and introduction. Further, the main Revised Sections of the FEIR document also includes 17 new sections related to cumulative impacts and mitigation measures. In total, the Revised Sections of the FEIR document spans 1,000 pages. Also, the Revised Sections of the FEIR document includes incorrect, inconsistent, and misleading section references, which further frustrates public review and comment. For example, the original 2015 FEIR document includes the carbon monoxide (CO) hotspots analysis as Section 4.3.5.2, while the Revised Sections of the FEIR document includes the CO hotspots analysis as Section 4.3.5.1. To make matters worse, Revised Sections of the FEIR Section 6.3 (Cumulative Impacts – Air Quality) references the CO hotspots analysis as being in Section 4.3.5.2 of the document.

Further, the City has circulated revised technical appendices spanning 12,574 pages related to air quality and greenhouse gases, biological resources, hydrology/water quality, noise, renewable energy, and traffic. Moreover, the technical appendices document does not incorporate any index or consolidated numbering system, frustrating public review and comments on these documents.

Clearly, release of only the revised portions of the FEIR, rather than a consolidated complete revised Draft EIR, does not comply with CEQA Guidelines sec. 15088.5(c).

The Revised Sections of the FEIR Document contains numerous inconsistencies with respect to project phasing, leading to inconsistent evaluations of project impacts on the Environment.

1-F5-6

As indicated previously, Section 3.3.13 (Phasing) of the Revised Sections of the FEIR document provides the following basic statements regarding project phasing:

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- Buildout of the project is expected to span a 15-year period from 2020 to 2035.
- Phase 1 of the project is expected to be completed by 2025.
- Phase 1 of the project will comprise approximately 50% of the development area, or approximately 20.3 million square feet of logistics warehouse uses.

Project phasing is an important component of the project description, because it forms the basis for describing how the project will be constructed and occupied from year to year. This in turn affects how various environmental impacts are evaluated for issues such as air quality, greenhouse gases, noise, and traffic/circulation. Each environmental issue area should use the same set of facts and assumptions with respect to project phasing.

Unfortunately, this is not the case for the Revised Sections of the FEIR document. The first inconsistency occurs within Section 3.0 (Project Description) itself. The Phase 1 and Phase 2 columns in Table 3.1 (Estimated Construction Equipment and Phasing – 2020–2035) indicate that Phase 1 is expected to be constructed between January 1, 2020 and December 31, 2026 (not December 31, 2025), and that Phase 2 will be constructed between January 1, 2027 to December 31, 2035.

Section 4.3 (Air Quality) assumes that buildout of Phase 1 will result in construction of 57 percent of the project's total floor space³, not 50% as described in Section 3.3.13. Further, Revised Sections of the FEIR Appendix A (Air Quality/GHG and Health Risk Assessment Technical Report – Revised) also assumes that buildout of Phase 1 will result in construction of 57 percent of the project's total floor space⁴.

The transportation impact analysis is based on a third set of assumptions related to project phasing, Section 4.15 (Traffic/Circulation) assumes that buildout of Phase 1 will result in construction of 21.45 million square feet of logistics warehouse uses, or approximately

1-F5-6
cont.

³ Revised Sections of the FEIR, Sections 4.3.3.3 (Localized Construction/Operation), page 4.3-21; and 4.3.6.3 (Localized Construction and Operational Air Quality Impacts), pages 4.3-44 and 4.3-48.

⁴ Revised Sections of the FEIR, Appendix A (Air Quality/GHG and Health Risk Assessment Technical Report – Revised), Section 4.2 (Operations), Table 9 (Conceptual Operational Occupancy Schedule); and Section 5.4 (Substantial Pollutant Concentrations). Various references in Revised Sections of the FEIR Appendix A also reference use of data from Table 9 in construction and operational emissions. Note that Table 9 presents square feet in terms of "occupancy" rather than "construction". Therefore, Table 9 indicates that a cumulative total 22.95 million square feet (56.51% of the project total square feet) will be available for occupancy by the beginning of 2027, meaning that a cumulative total 22.95 million square feet of project floor area will have been constructed by the end of 2026.

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52 percent of the project’s total floor space⁵. On the other hand, Revised Sections of the FEIR Appendix F (Traffic Impact Assessment Technical Report – Revised) assumes that buildout of Phase 1 will result in construction of 22.946 million square feet of logistics warehouse uses, or approximately 57 percent of the project’s total floor space⁶.

1-F5-6
cont.

Comments on Air Quality Analyses.

The following comments pertain to the air quality analyses related to the Revised Sections of the FEIR for the World Logistics Center:

Analyses of emissions associated with on-road motor vehicles are deficient in that they were estimated using older EMFAC2014 emission factors rather than current EMFAC2017 emission factors released by the California Air Resources Board in December 2017.

1-F5-7

Emissions associated with on-road motor vehicles in Revised Sections of the FEIR Sections 4.3 (Air Quality) and 4.7 (Greenhouse Gas Emissions, Climate Change, and Sustainability) were prepared using the California Air Resources Board’s (CARB) EMFAC2014 emissions model. According to Section 8.0 (References), the EMFAC2014 data were obtained from the CARB web site on June 27, 2018.

EMFAC2017, CARB’s latest on-road motor vehicle emissions model has been available for more than nine months. Officially released December 22, 2017, EMFAC2017 represents CARB's current understanding of motor vehicle travel activities and their associated emission levels.

Attachment 1, Comparison of Aggregate On-Road Motor Vehicle Emission Factors for the South Coast Portion of Riverside County, provides a comparison of EMFAC2017 and EMFAC2014 emission factors. As can be seen, EMFAC2017 emission factors are less than EMFAC2014 emission factors for reactive organic gas (ROG – equivalent to volatile organic compounds, or VOC, used in the Revised Sections of the FEIR document) and carbon dioxide (CO₂). However, the current EMFAC2017 emission factors are greater than the older EMFAC2014 emission factors for nitrogen oxides (NOx), carbon monoxide (CO), inhalable particulate matter (PM₁₀), fine particulate matter (PM_{2.5}), and diesel particulate matter (DPM) for both 2025 and 2035.

⁵ Revised Sections of the FEIR, Sections 4.15.3.1 (Traffic Volume Scenarios), page 4.15-27, and 4.15.3.4 (Year 2025 Conditions), page 4.15-35; and Table 4.15-11: Analysis Scenarios), page 4.15-28. Note that 21.45 million square feet represents approximately 53 percent (52.8 percent) of the project’s total floor space.

⁶ Revised Sections of the FEIR, Appendix F (Traffic Impact Assessment Technical Report – Revised), Sections 4.B (Project Description).

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On-road motor vehicle emissions presented in the Revised Sections of the FEIR document should be updated to reflect the latest EMFAC2017 emissions model, not the older EMFAC2014 emissions model.

1-F5-7
cont.

Analyses of carbon monoxide (CO) hotspots (Section 4.3.5.1), localized air quality impacts (Section 4.3.6.3), and cancer risks (Section 4.3.6.5) that rely on the assumption that project buildout will occur in 2040 are inconsistent with the Project Description in Section 3.0, and are therefore deficient.

The analyses of carbon monoxide (CO) hotspots (Revised Sections of the FEIR, Section 4.3.5.1), localized air quality impacts (Section 4.3.6.3), and cancer risks (Section 4.3.6.5) all rely to some extent on the assumption that project buildout will not occur before 2040. As described in one of the document’s footnotes,

In some circumstances, references are made to the year 2035. The year 2035 is the year the construction schedule assumes full completion of project construction. However, detailed traffic volumes were provided by the project traffic consultant for the long-term planning year 2040. Similar to the Phase 1 buildout year, and for purposes of this assessment, the project buildout year is referred to as year 2040 to remain consistent with the TIA.” [Revised Sections of the FEIR, Section 4.3.6.3, footnote 11.]

1-F5-8

The above footnote attempts to justify use of 2040 as the assumed project buildout year because the traffic consultant used the 2040 long-term planning year as the basis for its Traffic Impact Analysis. Therefore, rather than using more conservative emission factors for 2035, footnote 11 indicated that it is more important “to remain consistent with the TIA” and use less conservative (and lower) 2040 emission factors for motor vehicles.

As indicated in Section 3.3.13 (Project Phasing), “Phase 2 anticipates full development build-out by 2035.” To be consistent with the project description, the air quality analyses (as well as the greenhouse gas analyses, noise analyses, and traffic/circulation analyses) should be revised to use 2035 as the project buildout year, consistent with the project description.

Looking at the year-to-year project phasing presented in Revised Sections of the FEIR, Appendix A (Air Quality/GHG and Health Risk Assessment Technical Report – Revised), Section 4.2 (Operations), Table 9 (Conceptual Operational Occupancy Schedule), construction of all the proposed project, with the exception of Plot 6 (representing 1% of the project total square feet) is expected to be completed by the end of 2034, and available for occupancy at the beginning of 2035.

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Construction emissions should be revised to reflect year-to-year variations in building square feet constructed, rather than using annual average construction activity.

Project phasing presented in Revised Sections of the FEIR, Appendix A (Air Quality/GHG and Health Risk Assessment Technical Report – Revised), Section 4.2 (Operations), Table 9 (Conceptual Operational Occupancy Schedule) reflects a wide range in building square feet to be constructed each year. As shown in Attachment 2, Comparison of Project Phasing (Annual Building Area Added) to Project Building Construction Schedule, annual building activity is expected to range from 0.5 million square feet constructed in 2035⁷ to 5.2 million square feet to be constructed during 2024 and 2025.

Despite the wide year-to-year range in anticipated building square feet to be constructed, construction activity emissions are estimated based on a relative uniform level of building construction activity. As documented in Revised Sections of the FEIR Section 3.0 (Project Description), Table 3.1 (Estimated Construction Equipment and Phasing – 2020–2035), Building Construction activity is expected to occur from July 1, 2020 to December 31, 2035 (186 total months). Over this period, building construction activity is expected to utilize the same equipment: 6 backhoes, 36 concrete trucks, 16 excavators, 11 material delivery trucks, 10 forklifts, 28 loaders, 24 service/support trucks, and 12 other equipment items.

1-F5-9

Note that the CalEEMod2016.3.2 model outputs for Plots 2 and 4 (expected to be constructed during 2020 to 2023) presented in Revised Sections of the FEIR Appendix A (Air Quality/GHG and Health Risk Assessment Technical Report – Revised) at or about PDF page 267 shows 12 months of building construction activity during 2020, for a total 192 months of building construction activity from January 1, 2020 to December 31, 2035. Attachment 2 reflects the building construction activity reflected in the CalEEMod outputs.

With the exception of activities related to construction of the SR-60 interchange included as part of this project, the CalEEMod2016.3.2 model outputs do not reflect much year-to-year construction activity variation. As shown in Attachment 2, this results in significant underestimation of building construction activity, as well as predictable associated underestimation of construction emissions. Attachment 2 shows that Phase 1 building construction activity could have been underestimated by 23 percent overall, and that individual annual building construction activity could have been underestimated by as much as 51 percent.

Building construction activity should be revised to reflect year-to-year variations in building square feet expected to be completed each year, rather than nearly uniform

⁷ Anticipated to be Light Logistics land uses (conventional warehouses).

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annual construction activity. Construction emissions should then be recalculated to reflect the updated construction activity estimates.

1-F5-9
cont.

Complete documentation of the CalEEMod2016.3.2 model runs should be provided in Revised Sections of the FEIR Appendix A, to provide complete and transparent documentation of the CalEEMod runs and to allow public review and comment on the CalEEMod model runs.

By default, the CalEEMod2016.3.2 model provides extensive documentation of changes made to default data contained within the model. Typically, this includes new phases, changes to the number of days associated with each phase, new equipment, equipment horsepower, equipment daily operating hours, emission rates, and vehicle trip generation rates – to name just a few. Also, the CalEEMod2016.3.2 model output always includes an “X in Y” format page numbering system (where “X” represents the current page number and “Y” represents the total number of pages) at the top of each page.

1-F5-10

The CalEEMod2016.3.2 outputs presented in Revised Sections of the FEIR Appendix A only include a “1 of 1” page number designation at the top of the first model output page for each scenario modeled. The following pages for each scenario include no page numbering at all. Furthermore, the Section 1.3 (User Entered Comments & Non-Default Data) for each EMFAC output report provides almost no documentation. Based on a limited review, Section 1.3 should have included numerous reports of non-standard and new construction phases, as well as reports for new and modified equipment and/or equipment parameters.

Once complete documentation for the EMFAC2016.3.2 construction modeling for the World Logistics Center has been provided, we will be able to complete our review of the CalEEMod construction emission estimates presented in the Revised Sections of the FEIR document.

Analyses of CO hotspots presented in Revised Sections of the FEIR Section 4.3.5.1 contain numerous deficiencies which must be corrected, to avoid underestimation of CO hotspot concentrations.

Deficiencies in the CO hotspots analyses summarized in Revised Sections of the FEIR Section 4.3.5.1 and Appendix A, Section 5.4 (Sensitive Pollutant Concentrations), and documented in CT-EMFAC2014 and CALINE4 model outputs starting on or about page 4,027 of the PDF document, are as follows:

1-F5-11

- Documentation presented for the project buildout year CT-EMFAC2014 and CALINE4 model runs in Appendix A is garbled and unintelligible. The Revised Sections of the FEIR document implies that CT-EMFAC2014 and CALINE4 were executed for a 2040 project buildout year. However, but documentation in Appendix A instead refers to a 2050 project buildout. Once complete

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documentation for the CT-EMFAC2014 and CALINE4 modeling for the World Logistics Center has been provided, we will be able to complete our review of the revised CT-EMFAC2014 and CALINE4 analyses for the World Logistics Center.

- CO hotspots analyses reflected in the CALINE4 model outputs in Revised Sections of the FEIR Appendix A appear to have been based on CT-EMFAC2014 emission factors for 2025 and 2040. As seen in Attachment 3, Aggregate On-Road Motor Vehicle Carbon Monoxide Emission Factors by Speed for the South Coast Portion of Riverside County, these factors are less than the CO emission factors based on CARB's EMFAC2014 and EMFAC2017 on-road motor vehicle emissions models.

As discussed previously, CARB's latest on-road motor vehicle emissions model is EMFAC2017. EMFAC2017 was officially released December 22, 2017, and represents CARB's current understanding of motor vehicle travel activities and their associated emission levels. Also as discussed previously, analyses of air quality impacts associated with project buildout should be based on 2035 emissions, not 2040 emissions. Therefore, CALINE4 needs to be rerun for intersections potentially impacted by CO hotspots using EMFAC2017 emission factors for 2025 (Phase 1) and 2035 (project buildout).

- CALINE4 roadway mixing width should be based on through lanes for the link configuration chosen for the analysis. For the intersection of Alessandro and Chicago, the EMFAC4 output indicates that separate northbound, southbound, eastbound and westbound travel lanes were used as the lane configuration for the analysis. Since the through traffic for each direction of travel takes up two lanes, a mixing width of 12.5 meters (6.5 meters for two lanes and the recommended a 3 meter buffer area on each side) should have been used for the links, rather than 17.1 meters. Use of a 17.1 meter mixing width instead of the correct 12.5 meter mixing width likely resulted in significant underestimation of CO concentrations.
- The U.S. Environmental Protection Agency recommends placement of receptors within or at the edge of the buffer area if the location is appropriate, considering site conditions. The intersection of Alessandro and Chicago has right turn lanes that are approximately 3 meters in width – the same width as the buffer area. Therefore, the receptors for this intersection should be placed at the edge of the buffer, rather than away from the buffer.
- Selected intersections should be reviewed to determine local elevations and whether there are obstructions to pollutant mixing that would cause an intersection to be determined to be below grade for purposes of CALINE4 modeling. For example, the intersection of Alessandro and Chicago has terrain, block walls, and other obstruct pollutant mixing extending 2 or more meters above the roadway elevation. Given this configuration, the intersection of Alessandro and Chicago should have been modeled as if it were 2 meters below grade, not at grade. Failure to treat this intersection as below grade likely resulted in additional significant underestimation of CO concentrations.

1-F5-11
cont.

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Site characteristics, vehicle lane configurations, receptor locations, mixing widths, emission factors, and other modeling parameters need to be updated and CALINE4 re-run for each intersection, consistent with the above comments. All comments presented above related to the Alessandro/Chicago intersection pertain to each intersection modeled for the CO hotspots analysis.

1-F5-11
cont.

Analysis of cumulative air quality impacts is deficient, and should be revised to incorporate estimates of vehicle traffic and associated emissions in the analysis of cumulative impacts for criteria pollutants, toxic air contaminants, and CO hotspots.

The new 31-page air quality cumulative impact section (Revised Sections of the FEIR Section 6.3) dedicates 18 pages to identifying projects supposedly considered in the cumulative impact analysis, 2 pages to reciting significance thresholds (which aren't utilized), 2-3 pages to summarizing the project-level impact analyses from Section 4.3, and the remaining 2-3 pages to an inadequate discussion of cumulative issues with no actual quantitative or specific analysis of cumulative air quality impacts.

Table 6.3-1 identifies 360 projects selected for consideration in the cumulative impact analysis. Of the 360 projects, environmental documents were reviewed for only 162 of the projects. Of the 162 environmental documents reviewed, only 35 documents contained estimates of construction and operational project emissions. Of these 35 documents, 28 documents determined air quality impacts to be less than significant, 4 documents contained findings of significant and unavoidable air quality impacts associated with project operation, and 4 documents contained findings of significant and unavoidable air quality impacts associated with project construction and project operation.⁸

1-F5-12

Revised Sections of the FEIR Section 6.3 (Cumulative Impacts – Air Quality) provides no quantitative analyses or summaries for criteria pollutant emissions, construction emissions, toxic air contaminants, or CO hotspots. Even if project-specific environmental documents were not available for all 360 projects, Section 6.3 should have presented rough estimates of vehicle trips and associated criteria and toxic air contaminant emissions for the identified projects. This analysis should have utilized the available land use data available to describe each project: number of residences, square feet of commercial offices, acres of regional commercial shopping areas, and other similar project parameters. These data, when combined with readily available trip generation factors, should have been used to calculate vehicle trips. Estimated vehicle trip data in turn should have been used to estimate criteria pollutant and toxic air contaminant emissions for the cumulative projects.

⁸ No explanation of the inconsistency between a total of 35 documents with air quality analyses and a total of 36 documents with air quality findings is presented in the discussion.

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For cumulative projects impacting the same receptors or intersections as identified for the World Logistics Center, estimates of additional toxic air contaminants and vehicle trips associated with the proposed projects can be estimated using reasonable worst-case assumptions. These data can then be combined with toxic air contaminant emissions estimates and vehicle trip data for the World Logistics Center to determine the cumulative impacts with respect to additional impacts on health risks and CO hotspots.



1-F5-12
cont.

Sincerely,

Gary Ho
BLUM | COLLINS LLP

Attachments:

1. Comparison of Aggregate On-Road Motor Vehicle Emission Factors for the South Coast Portion of Riverside County.
2. Comparison of Project Phasing (Annual Building Area Added) to Project Building Construction Schedule.
3. Aggregate On-Road Motor Vehicle Carbon Monoxide Emission Factors by Speed for the South Coast Portion of Riverside County

RESPONSES TO LETTER 1-F5: Gary Ho, Blum | Collins

Response to Comment 1-F5-1: No specific comments on the contents of the environmental analysis were provided in this comment, and thus no further response is needed (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

Response to Comment 1-F5-2: No specific comments on the contents of the environmental analysis were provided in this comment, and thus no further response is needed (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

Response to Comment 1-F5-3: The purpose of the document was to recirculate the sections of the 2015 Final EIR document that were revised. CEQA Guidelines Section 15088.5(c) allows the lead agency to recirculate the chapters or portions of the EIR that have been modified. By recirculating on those portions of the document that have been revised allowed the public to focus on their review on only the portions of the document that have changed. The recirculation of only the revised sections of the 2015 Final EIR is appropriate. Furthermore, the title of the new document was Revised Sections of the Final Environmental Impact Report (2018 RSFEIR); in compliance with the CEQA Guidelines.

The 2018 RSFEIR explains in detail the reasons for the 2018 RSFEIR, its format, the process for its preparation and its availability for public review. (2018 RSFEIR pages 2-1 through 2-4 and pages 2-6 and 2-7.) Thus, the public and responsible agencies were fully informed of the process being followed to comply with the trial court's judgment and writ. CEQA is not concerned with the name given to an environmental document; instead, the question is whether the document is sufficiently informative (*Citizens for a Sustainable Treasure Island v. City & County of San Francisco*, 227 Cal.App.4th 1036, 1047-1050 (2014)). The 2018 RSFEIR and 2019 Draft Recirculated RSFEIR were recirculated for review because new significant information was provided. The 2018 RSFEIR was circulated for public review and comment for 45 days and served the purpose of a draft EIR. (2018 RSFEIR page 1-3) and the 2019 Draft Recirculated RSFEIR was also circulated for public review and comment for 45 days and served the purpose of a draft EIR (2019 Draft Recirculated RSFEIR, page 2-8). The 2018 RSFEIR and 2019 Draft Recirculated RSFEIR were recirculated for review because new significant information was provided; as discussed in Topical Response C, Project Approvals, Litigation and the Effects of Litigation, regarding the Court Ruling and its effect upon the EIR process, content and project approvals. The Revised Final EIR will contain all of the comments received concerning both the 2018 RSFEIR and the 2019 Draft Recirculated RSFEIR and the responses to comments for both of those documents as required by CEQA Guidelines §15089. The Revised Final EIR will also contain the other required sections as outlined in CEQA Guidelines §15132. The 2019 Draft Recirculated RSFEIR were labeled "draft" so there would be no confusion that this document was the part of the "draft EIR" process in which comments were being sought from the public.

Response to Comment 1-F5-4: The 2015 Final EIR, Volume 1, Response to Comments was available to the public for review prior to the City of Moreno Valley taking action on the project in 2015.

The 2018 RSFEIR explains in detail the reasons for the 2018 RSFEIR, its format, the process for its preparation and its availability for public review. (2018 RSFEIR pages 2-1 through 2-4 and pages 2-6 and 2-7.) Thus, the public and responsible agencies were fully informed of the process being followed to comply with the trial court's judgment and writ. CEQA is not concerned with the name given to an environmental document; instead, the question is whether the document is sufficiently informative (*Citizens for a*

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Sustainable Treasure Island v. City & County of San Francisco, 227 Cal.App.4th 1036, 1047-1050 (2014)). The 2018 RSFEIR and 2019 Draft Recirculated RSFEIR were recirculated for review because new significant information was provided. The 2018 RSFEIR was circulated for public review and comment for 45 days and served the purpose of a draft EIR. (2018 RSFEIR page 1-3) and the 2019 Draft Recirculated RSFEIR was also circulated for public review and comment for 45 days and served the purpose of a draft EIR (2019 Draft Recirculated RSFEIR, page 2-8). The 2018 RSFEIR and 2019 Draft Recirculated RSFEIR were recirculated for review because new significant information was provided; as discussed in Topical Response C, Project Approvals, Litigation and the Effects of Litigation, regarding the Court Ruling and its effect upon the EIR process, content and project approvals. The Revised Final EIR will contain all of the comments received concerning both the 2018 RSFEIR and the 2019 Draft Recirculated RSFEIR and the responses to comments for both of those documents as required by CEQA Guidelines §15089. The Revised Final EIR will also contain the other required sections as outlined in CEQA Guidelines §15132. The Revised Final EIR will also contain the other required sections as outlined in CEQA Guidelines §15132. The 2019 Draft Recirculated RSFEIR were labeled “draft” so there would be no confusion that this document was the part of the “draft EIR” process in which comments were being sought from the public.

Response to Comment 1-F5-5: The 2018 RSFEIR explains in detail the reasons for the 2018 RSFEIR, its format, the process for its preparation and its availability for public review. (2018 RSFEIR pages 2-1 through 2-4 and pages 2-6 and 2-7.) Thus, the public and responsible agencies were fully informed of the process being followed to comply with the trial court’s judgment and writ. CEQA is not concerned with the name given to an environmental document; instead, the question is whether the document is sufficiently informative (*Citizens for a Sustainable Treasure Island v. City & County of San Francisco*, 227 Cal.App.4th 1036, 1047-1050 (2014)). The 2018 RSFEIR and 2019 Draft Recirculated RSFEIR were recirculated for review because new significant information was provided. The 2018 RSFEIR was circulated for public review and comment for 45 days and served the purpose of a draft EIR. (2018 RSFEIR page 1-3) and the 2019 Draft Recirculated RSFEIR was also circulated for public review and comment for 45 days and served the purpose of a draft EIR (2019 Draft Recirculated RSFEIR, page 2-8). The 2018 RSFEIR and 2019 Draft Recirculated RSFEIR were recirculated for review because new significant information was provided; as discussed in Topical Response C, Project Approvals, Litigation and the Effects of Litigation, regarding the Court Ruling and its effect upon the EIR process, content and project approvals. The Revised Final EIR will contain all of the comments received concerning both the 2018 RSFEIR and the 2019 Draft Recirculated RSFEIR and the responses to comments for both of those documents as required by CEQA Guidelines §15089. The Revised Final EIR will also contain the other required sections as outlined in CEQA Guidelines §15132. The Revised Final EIR will also contain the other required sections as outlined in CEQA Guidelines §15132. The 2019 Draft Recirculated RSFEIR were labeled “draft” so there would be no confusion that this document was the part of the “draft EIR” process in which comments were being sought from the public.

As for the references to the CO hotspot analysis, the 2019 Draft Recirculated RSFEIR includes the analysis of CO hotspots in Section 4.3.5.2 because the odor issue that was addressed in Section 4.3.5.1 of the 2015 Final EIR and did not require revisions in the 2018 RSFEIR or the 2019 Draft Recirculated RSFEIR. The cumulative discussion of CO hotspots is included in Section 6.3.3.2 of the 2019 Draft Recirculated RSFEIR. As discussed in Section 6.3.3.2 of the 2019 Draft Recirculated RSFEIR, CO hotspots associated with the WLC Project would be less than significant which is a similar finding as discussed in the 2015 Final EIR, Volume 2.

Appendices to the 2015 Final EIR included: Appendix A: Initial Study and Notice of Preparation (NOP), NOP Mailing List; Appendix B: NOP Response Letters, and Public Scoping Meeting Materials; Appendix C: Agricultural Resources; Appendix D: Air Quality/Health Risk/Greenhouse Gases; Appendix E: Biological Resources; Appendix F: Cultural and Paleontological Resources; Appendix G: Geotechnical Constraints; Appendix H: Specific Plan and Project Information; Appendix I: Hazards and Hazardous Materials; Appendix J: Hydrology and Water Quality; Appendix K: Noise; Appendix L: Traffic; Appendix M: Water Resources; Appendix N: Utilities; Appendix O: Economic-Fiscal Studies; and Appendix P: Preparer Résumés.

The 2018 RSFEIR includes updated appendices for the following areas (these appendices replace those in the 2015 Final EIR): Appendix A: Air Quality/GHG and Health Risk Assessment Technical Report; Appendix B: Biological Resources Technical Memorandum and DBESP; Appendix C: Hydrology/Water Quality Technical Memorandum; Appendix D: Noise Analysis Technical Report; Appendix E: Renewable Energy Technical Report; and Appendix F: Traffic Impact Assessment Technical Report.

The 2019 Draft Recirculated RSFEIR included the following updated appendices (which replace those in the 2018 RSFEIR): Appendix A: Air Quality/Greenhouse Gas/Health Risk Assessment Technical Report and Appendix E: Energy.

Response to Comment 1-F5-6: Chapter 3, Project Description in the 2018 RSFEIR and 2019 Draft Recirculated RSFEIR identifies that the WLC project is planned over a period of 15 years, from 2020 through 2034. However, the phasing used in the air quality analysis did not exactly match the phasing described in the Project Description in the 2018 RSFEIR. The 2019 Draft Recirculated RSFEIR fixed the phasing discrepancy between the Project Description and the Air Quality analysis. The 2019 Draft Recirculated RSFEIR states that Phase 1 of the WLC project would be completed by 2024 and occupied by 2025 and would contain approximately 50 percent of development or approximately 20.3 million square feet of logistics warehouse uses. Phase 2 is anticipated to be completed by 2034 and fully occupied by 2035 (2019 Draft Recirculated RSFEIR, page 3-2). As stated in the Project Description (2019 Draft Recirculated RSFEIR, page 3-2) Project phasing predictions are conceptual. Actual amount and timing of development will be dependent upon numerous factors, many of which are outside the control of the City or the developer, including interest by building users, private developers and local, regional, and national economic conditions. These and other factors will ultimately determine the location and rate at which development within the project area occurs. Additionally, the assumptions for each environmental issue do not need to be the same if a separate set of assumptions are estimating potential worst-case effects of the WLC project which is the case for air quality, greenhouse gas emissions, and the health risk assessment.

For the traffic analysis, as stated in the Traffic Impact Analysis Report, Appendix F of the 2018 RSFEIR (page 1) and Section 4.15 (2018 RSFEIR, page 4.15-2), the interim year analysis, 2025, shows the Project when it is approximately half built out. 2025 was selected for the interim year based on SCAG's projection that 222 million square feet of logistics warehouses would be built in the region between 2016 and 2025, and the assumption that the WLC would attract approximately 10 percent of the regional total (around 22 million square feet; 2018 RSFEIR page 4.15-6). Thus, Table 4.15-11 (2018 RSFEIR page 4.15-28) shows that 2025 would have a buildout of 21.45 million square feet which is approximately 52.8 percent. Again, this value is close to the 50 percent estimated in the Project description and as stated above was specifically

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chosen by the TIA as it's based on SCAG projections for the region and represents the worst-case for traffic impacts for 2025, and generally follows the assumptions of the Project description.

Response to Comment 1-F5-7: The Air Quality and Greenhouse Gas analysis contained in the 2019 Draft Recirculated RSFEIR utilized EMFAC2017, the latest emissions model, in the calculation of Project emissions.

Response to Comment 1-F5-8: As noted in Response to Comment 1-F5-6, the air quality phasing was changed to match that in the project description and shows that project construction would occur over a 15-year period with full project buildout in 2035 in the 2019 Draft Recirculated RSFEIR. The analysis of the CO hotspots (Section 4.3.5.2 of the 2019 Draft Recirculated RSFEIR), Localized Construction and Operational Impacts (Section 4.3.6.3 of the 2019 Draft Recirculated RSFEIR) and Impacts to Sensitive Receptors (Section 4.3.6.5 of the 2019 Draft Recirculated RSFEIR) now rely on the assumption that full project buildout will occur in 2035, the same assumptions as the Project Description.

Response to Comment 1-F5-9: The air quality analysis was redone in the 2019 Draft Recirculated RSFEIR due to the approval of EMFAC2017 by the USEPA. As a result, compared to the 2018 RSFEIR, construction emissions analyzed assume a more average approach to construction phasing and duration and the completion of Phase 1 by December 31, 2024 and the completion of Phase 2 by December 31, 2034. This results in greater consistency with the assumed Project buildout and occupancy schedule with Phase 1 operational in 2025 and Phase 2 operational in 2035. On-road mobile emissions for both construction and operations reflect updated emissions factors using EMFAC2017. The use of EMFAC2017 results in the inclusion of natural gas heavy-duty trucks. Additionally, an early operational year (2035) has been assumed for full Project buildout as opposed to 2040 in the 2018 RSFEIR, resulting in less efficient vehicles. To provide a conservative air quality analysis, construction was assumed to be completed over a 15-year period that provides for phase overlap and the use of less efficient construction equipment. For mass grading, each planning area was assumed to be graded separately over a total of approximately 13 years to reflect a realistic grading plan. The estimated construction equipment and phasing schedule is identified in Table 3.1 in the 2019 Draft Recirculated RSFEIR. The revised CalEEMod runs and on-road construction emissions, which were calculated separate from CalEEMod using EMFAC2017 emission factors, are also located in Appendix A. Construction assumptions are located in Appendix A.1 of the Air Quality/Greenhouse Gas/Health Risk Assessment Technical Report, which is located behind Appendix C CO Hot Spot Output in the 2019 Draft Recirculated RSFEIR.

Although no longer relevant, because the Air Quality analysis in the 2018 RSFEIR has been redone in the 2019 Draft Recirculated RSFEIR, the CalEEMod construction emissions reflected in Attachment 2 of this comment letter incorrectly assumed that the construction equipment was an average number of equipment to be used during the Building Phase. The equipment identified for the Building Phase was a worst-case assumption, which means all equipment was assumed to run all day with no mitigation accounted for, so that emissions that would occur during construction activities during the Building Phase could be represented or over represented. Additionally, Attachment 2 only showed the outputs for Plots 2 and 4, however the CalEEMod outputs for the other plots were also included in Appendix A of the 2018 RSFEIR. The outputs in Appendix A of the 2019 Draft Recirculated RSFEIR include all plots and included overlap in the construction of plots and with operations. As a result, the construction emissions identified in Section 4.3 of the 2019 Draft Recirculated RSFEIR would be considered a worst-case representation of the potential

construction emissions during each phase of construction. Also, refer to Response to Comment 1-F5-6 which discusses Project phasing.

Response to Comment 1-F5-10: Appendix A includes the complete CalEEMod 2016.3.2 runs for the WLC project. CalEEMod allows you to export the files to Excel where you can format them to fit your document. The files have been formatted for inclusion in the Air Quality, Greenhouse Gas, and Health Risk Assessment Report (Appendix A in the 2019 Draft Recirculated RSFEIR) and the header with the page numbers was not included after the first page to take up less space in the document. However, all the pages of the CalEEMod runs are included for review in Appendix A, as well as all assumptions used, and any changes made to the default CalEEMod numbers. Since the complete CalEEMod runs for the WLC project were included in the technical appendices, the commenter should have been able to make a thorough review. Additionally, the commenter mixed up the CalEEMod outputs and called them the EMFAC 2016.3.2 within the comment. Since there is no such thing as “EMFAC 2016.3.2”, construction modeling outputs, those have not been included in the Appendix, but the full CalEEMod2016.3.2 runs are included.

Response to Comment 1-F5-11: After reviewing the outputs for CT-EMFAC2014 and Caline4 models in the 2018 RSFEIR, it was noted that some of the outputs had 2050 in the title when it should have been 2040, this was a clerical error and did not affect the numbers run which were based on 2040 numbers. However, this error was fixed in the 2019 Draft Recirculated RSFEIR which utilized the years 2025 as Phase 1 operations and 2035 as full buildout operations to better match the Project Description and also utilized EMFAC2017 emission factors as EMFAC2017 was recently approved by the EPA. CT-EMFAC and CALINE4 model documentation used for the revised analysis in the 2019 Draft Recirculated RSFEIR is provided in Appendix A. Appendix A of the 2019 Draft Recirculated RSFEIR provides the direct model outputs generated by both models and provides all the data necessary to conduct a thorough review. CT-EMFAC and CALINE modeling was conducted for future analysis years 2025 and 2035 as provided in the documentation in Appendix A. Modeling was conducted for these future analysis years to estimate emissions generated in the buildout year of Phase 1 (2025) and the full buildout of the World Logistics Project (2035).

In regard to CALINE4 model outputs based on CT-EMFAC2017 emission factors for 2025 and 2035, CALINE’s underlying information on emission factors is based on the CARB’s EMFAC2017 on-road emissions model and MSAT speciation factors developed by CARB and the USEPA. The emission processes modeled by CT-EMFAC2017 include:

- Running exhaust – pollutants emitted from the tailpipe while vehicles are traveling
- Idling exhaust – pollutants emitted from the tailpipe while vehicles are idling
- Running losses – evaporative emissions that occur during vehicle operation
- Tire/brake wear – particulate matter emissions from tire and brake wear as a result of use

The 2019 Draft Recirculated RSFEIR used EMFAC2017 emission factors for multiple vehicle classes and technology groups (various types of gasoline- or diesel-powered cars, trucks, buses, and other vehicles). CT-EMFAC2017 uses EMFAC2017 emission factors output (e.g., gram-per-mile running exhaust emission factors from the EMFAC2017 “Project-Level Assessment” run type) and calculates fleet-average emission factors based on EMFAC2017 assumptions concerning the mix of various vehicle classes operating in a

given area. Thus, the 2019 Draft Recirculated RSFEIR used the appropriately approved USEPA EMFAC model. Refer to Response to Comment 1-F2-8 regarding The World Logistics Center (WLC or Project) 2015 Final EIR and the 2019 Draft Recirculated RSFEIR discussion on the emission analysis.

With regard to the mix widths used in the CALINE4 model for the intersection of Alessandro and Chicago, there are two through lanes for the northbound, eastbound, and westbound lanes. However, those approach lanes also have separate right-hand turn lanes that are also accounted for in the calculation for mixing width used for the CALINE4 modeling. Additionally, the southbound through lanes both approaching and departing Chicago are composed of three lanes. Thus, the 17.1-meter mixing width was correct and did not underestimate CO concentrations. Regarding the receptors for the Alessandro and Chicago intersection, the mixing width provided in the link configuration is taking into consideration those right turns, that are approximately 3 meters in width. Therefore, the placement of the receptors in the CALINE4 model is at the edge of the buffer, rather than away from the buffer. With regard to not treating the intersection of Alessandro and Chicago as below grade, as defined in the CALINE4 User's guide, "For all link types except bridges, Link Height represents the height of the link above the surrounding terrain. Ground level is defined as 0 meters or feet." At grade was chosen for this specific intersection due to the location of the receptors on the sidewalks directly adjacent to the roadways. If receivers were placed the farther away from the intersection, within areas where the terrain is slightly higher in elevation than the intersection, than a more appropriate Link Height would have been selected. As it stands the height of the receivers' locations are within 2 meters of the modeled intersection.

As demonstrated, the site characteristics, vehicle lane configurations, receptor locations, mixing widths, emission factors and other modeling parameters were carefully considered for each intersection for the CALINE4 model. Since there are no deficiencies in the analysis, the modeling parameters do not need to be updated and the CALINE4 runs do not need to be redone, and thus, there is no underestimation of CO hotspot concentrations.

Response to Comment 1-F5-12: The cumulative analysis for air quality was based on the limits set forth in the cumulative traffic analysis, which encompassed 359 projects,⁸⁵ of which approximately 173 environmental documents were available for review. However, not all environmental documents contained quantified emissions. Therefore, emissions were calculated for all of the identified cumulative projects based on available project size, information, and standard methodologies. These are listed in Table 6.3-1, Section 6.3 of the 2019 Draft Recirculated RSFEIR and the cumulative project emissions are summarized in Table 6.3-2 and 6.3-3, for operations and construction, respectively. As discussed in 6.3.1 Project Impact Findings, page 6.3-1 in the 2019 Draft Recirculated RSFEIR, the cumulative air quality impacts found to be significant and unavoidable with mitigation were 1) conflict with or obstruct implementation of the applicable air quality plan, 2) result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is nonattainment under an applicable Federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors), and 3) expose sensitive receptors to substantial pollutant concentrations. Cumulative air quality impacts were found to be less than

⁸⁵ The Judge's February 8, 2018 ruling found the FEIR cumulative impacts section deficient; "[t]he FEIR should include consideration of recently constructed and proposed large warehouse projects in the summary of projects method, and should analyze whether individually significant impacts may be cumulative considerable." The RSFEIR revised cumulative impact section included the recently constructed large warehouse projects and other projects, including industrial, 360359 in all, even though it wasn't required.

significant related to whether emissions would result in violations of any air quality standard or contribute substantially to an existing or projected air quality violation and related to the creation of objectionable odors affecting a substantial number of people.

Based on the SCAQMD recommendations for analyzing cumulative air quality impacts, which primarily uses project findings to analyze cumulative impacts, these findings are expected as the Project itself results in numerous significant and unavoidable impacts. Since the Project itself has numerous significant and unavoidable impacts, adding the emissions from the cumulative projects (as summarized in Section 6.3 and detailed in Appendix A.3 of the 2019 Draft Recirculated RSFEIR) to those of the Project would still result in emissions exceeding significance thresholds which would result in the same significant and unavoidable impact. In regard to the CO hotspots cumulative analysis, none of the 162 documents reviewed had CO hot spot impacts, thus no exceedance of significance thresholds was estimated, and impacts are less than significant. Thus, the estimating of vehicle trips or emissions for the cumulative projects would not alter the analysis or conclusions presented in Section 6.3 of the 2019 Draft Recirculated RSFEIR.

From: George Hague <gbhague@gmail.com>
Sent: Monday, September 10, 2018 9:31 AM
To: Albert Armijo
Cc: Julia Descoteaux; Vera Sanchez
Subject: II Second version of Sierra Club comment letter on the World Logistic Center Revised Final EIR.
Attachments: 6 WLC RFEIR SC comments.pdf; ATT00001.htm

Begin forwarded message:

From: George Hague <gbhague@gmail.com>
Subject: **Second version of Sierra Club comment letter on the World Logistic Center Revised Final EIR.**
Date: September 7, 2018 at 7:50:41 PM PDT
To: Albert Armijo <alberta@moval.org>
Cc: Julia Descoteaux <juliad@moval.org>, Vera Sanchez <veras@moval.org>

Good evening/morning Mr Armijo,

I needed to take my wife to the doctors at about 1:15 this afternoon and therefore had to close my other version of the Sierra Club's comment letter very quickly. We did not get home until well past 5 pm.

I simply added three paragraphs at the end of what I sent earlier.

Please confirm that you are willing to use this version of the Sierra Club letter for our comments on the WLC's RFEIR?

Thank you,

George Hague

1-F6-1



SAN GORGONIO CHAPTER

PO Box 5425, Riverside, CA 92517 (951) 684-6203

Regional Groups Serving Riverside and San Bernardino Counties: Big Bear, Los Serranos, Mojave, Moreno Valley, Mountains, Tahquitz, Santa Margarita

To: Albert Armijo
Interim Planning Manager

RE: Comments on the World Logistic Center (WLC) Revised Final EIR (RFEIR)

The Sierra Club appreciates this opportunity to express some concerns on this massive and harmful project. We, however, strongly believe that a full Draft EIR is the appropriate document to be before the public for review following the June court decision against the World Logistic Center (WLC) in multiple areas — especially cumulative and biological impacts.

1-F6-2

While the RFEIR points out what it considers all the projects in the surrounding communities, it fails to apply them to all elements of what makes up a full EIR and therefore makes what is now before the public inadequate. Cumulative impacts need to be fully addressed which cannot be found within the RFEIR.

1-F6-3

Figure 12 from the revised FEIR appendices which is suppose to depict "existing sensitive receptors" fails miserably. It appears that you are only concerned about the project site being the cause of the problems while not addressing the impacts from more than 12,000 toxic diesel trucks daily trips as they travel to and from the project — as well as the almost 50,000 other project daily vehicle trips. Everywhere a sound wall that is recommended as a result of this project will be impacted with pollution drifting over the walls which causes them to be sensitive receptors and the revised new cumulative impacts must be shown on this figure — have they been revised? Figure 26 shows many more areas of Moreno Valley with receptors — even on both side of SR-60. The Sierra Club

1-F6-4

believes even more areas must be included in update Figures and analysis throughout the document.

1-F6-4
cont.

As shown in the article found in the following link(<https://sandiego.urbdezine.com/2015/05/28/what-is-a-safe-distance-to-live-or-work-near-high-auto-emission-roads/>) those who live within 1,500 feet or further of major roads can be significantly affected — especially children. In fact this following link has information from EPA on what needs to be done to protect school children also needs to be applied to homes which will be similar impacted by the WLC’s 24 hour 7 day per week operation.

(https://www.epa.gov/sites/production/files/2015-10/documents/ochp_2015_near_road_pollution_booklet_v16_508.pdf)

1-F6-5

Because of all the almost 60,000 additional daily vehicle trips caused by the WLC and its growth inducing traffic many current roads will be upgraded to major roadways, even smaller roads will bring significant pollution into peoples homes and yards. In the following link even the World Health Organization has concerns from particulate pollution (PM 10 and PM 2.5) caused by diesel and generated in large amounts by the WLC. (<http://www.who.int/airpollution/ambient/health-impacts/en/>)

More and more information is provided to show that proximity to diesel pollution is very unhealthy. You can be much further away than Figure 12 depicts and you can be significantly impacted. The following link shows that you can measure pollution with a mobile source. This needs to be required of the WLC and used several times each month in all the areas within a half mile of the project and major vehicle routes for the life of the project.

(<https://www.scpr.org/programs/take-two/2017/11/09/60115/the-ride-la-air-pollution-data-gets-hyperlocal-tha/>) In addition there must be an onsite air quality monitoring system.

Were is the San Jacinto Wildlife Area (SJWA) on Figure 12 as containing many “sensitive receptors”? There are articles (<https://www.nationalgeographic.org/encyclopedia/air-pollution/>) that show the impacts humans suffer from being exposed to diesel/car pollution cause similar problems with animals and in some cases plants as well as insects. The link found above reads “ *Like humans, animals can suffer health effects from exposure to air pollution. Birth defects,*

1-F6-6

diseases, and lower reproductive rates have all been attributed to air pollution.” (<https://venta-usa.com/wildlife-pets-affected-air-pollution/>)

The previous link contains the following :*“Birds are directly and indirectly affected by air pollution. they spend more time in open air and have a higher breathing rate than humans, exposing themselves to greater levels of air pollution. Studies have shown that for birds with long term exposure to pollution, there was reduced egg production and hatching, lung failure, inflammation and reduced body size.”* The SJWA is shown to be among the top inland areas of North America for diversity of bird species during the Audubon Christmas bird Count.

They usually report close to 150 different species with more than 20 raptors. It is a “national treasure” and people come from all over the United States and the world to bird watch at this special area which the state spent over \$80,000,000 to acquire. The SJWA has threatened/endangered species which will suffer harm similar to humans because of the pollution generated by the operation of the WLC. The SJWA and the WLC will share an almost two mile border. The pollution from operating the WLC will settle on the endangered plants which will harm them. The following link explains how *“Ozone molecules wind up near the Earth’s surface as part of air pollution.*

Ozone molecules near the ground damages lung tissues of animals and prevent plant respiration by blocking the openings in leaves where respiration occurs. Without respiration, a plant is not able to photosynthesize at a high rate and so it will not be able to grow.” (<https://www.windows2universe.org/earth/Atmosphere/wildlife/forests.html>)

This not only impacts the plant, but those species of animals and insects which must rely on it for their survival. This also raises the question of how will the developer reimburse homeowners for plants which suffer/die as a result of the WLC’s pollution?

The same threatened/endangered plants and animals will also be harmed by the noise, light and runoff pollution from the WLC operation. Just stating the project meets Moreno Valley standards for lighting — municipal code section 9.08.100 — does not prove it protects animals from the such pollution. This is especially true for nocturnal animals and those trying to hide from nocturnal animals. The municipal code is concerning impacts to humans and not animals—especially threatened/endangered ones.

1-F6-6
cont.

1-F6-7

There is no analysis of the WLC’s pollution on household pets. As you can read in the article found in the following link .. *“Similar to humans, pets have a negative reaction to outdoor air pollution. Multiple studies found physical signs of harm in dogs that were exposed to air pollution.”* (<https://venta-usa.com/wildlife-pets-affected-air-pollution/>) The WLC’s environmental documents need to include health impacts to the pets we have, such as dogs, cats, birds, and horses as well as others. Since many of them breath at a faster rate than humans they can develop problems quicker with lower levels of pollution.

1-F6-8

Where is the analysis of the WLC and its traffic pollution impacts on the families that live on Avalon and Alicante Avenues as well as their entire neighborhood region? What roads will be improved/extended to accommodate the WLC and how will that impacted residents? The map of existing sensitive receptors is lacking the homes of many families that live within 1500 feet which shows the analysis of the project’s negative impacts on those who live in Moreno Valley is inadequate and must be revised. This is especially true in light of the revised cumulative project list which will produce significant cumulative impacts.

1-F6-9

The employees health at the San Diego Gas facility immediately south of the WLC will be impacted by the trucks/other WLC traffic and must be highlighted on Figure 12. with an analysis of that impact. None of the WLC documents address the impacts on the work force other than some cancers. Asthma, heart attacks, strokes, bronchitis, lung disease, heart ailments, and premature deaths are only some of the health impacts caused by diesel pollution as mentioned in the following link.

1-F6-10

(<https://www.edf.org/health/health-impacts-air-pollution>) Not only is the health of the families in all the homes within 1500 feet of the WLC impacted, but so are the workers at the project site. Now that we have a more robust cumulative list of projects there is a need to have another analysis of health impacts on the community and workers within the WLC project or the WLC environmental documents will be inadequate. They need to also include the growth inducing impacts that will result because of the massive project.

The claim that only 2010 or newer trucks will be allowed is also never shown to be enforced. Without an ongoing constant meaningful enforcement mechanism required which is open to public review the claim of only 2010 or newer trucks cannot be used in any analysis. Air quality and GHG analysis must recognize this reality and be completely redone.

1-F6-11

This WLC's massive Greenhouse Gas (GHG) impacts must be dealt with by the project on site using all possible methods currently available and as they become available during the building as well as the life of the project. The EPA offers the following online:

1-F6-12

"Climate change impacts on public health and welfare

The risks to public health and the environment from climate change are substantial and far-reaching. Scientists warn that carbon pollution and resulting climate change are expected to lead to more intense hurricanes and storms, heavier and more frequent flooding, increased drought, and more severe wildfires - events that can cause deaths, injuries, and billions of dollars of damage to property and the nation's infrastructure.

Carbon dioxide and other greenhouse gas pollution leads to more frequent and intense heat waves that increase mortality, especially among the poor and elderly.³ Other climate change public health concerns raised in the scientific literature include anticipated increases in ground-level ozone pollution⁴, the potential for enhanced spread of some waterborne and pest-related diseases⁵, and evidence for increased production or dispersion of airborne allergens. ⁶

1-F6-13

Other effects of greenhouse gas pollution noted in the scientific literature include ocean acidification, sea level rise and increased storm surge, harm to agriculture and forests, species extinctions and ecosystem damage.⁷ Climate change impacts in certain regions of the world (potentially leading, for example, to food scarcity, conflicts or mass migration) may exacerbate problems that raise humanitarian, trade and national security issues for the United States.⁸

The U.S. government's May 2014 National Climate Assessment concluded that climate change impacts are already manifesting themselves and imposing losses and costs.⁹ The report documents increases in extreme weather and climate events in recent decades, with resulting damage and disruption to human well-being, infrastructure, ecosystems, and agriculture, and projects continued increases in impacts across a wide range of communities, sectors, and ecosystems.

Those most vulnerable to climate related health effects - such as children, the elderly, the poor, and future generations - face disproportionate risks.¹⁰ Recent studies also find that certain communities, including low-income communities and some communities of color (more specifically, populations defined jointly by ethnic/racial characteristics and geographic location), are disproportionately affected by certain climate-change-related impacts - including heat waves, degraded air quality, and extreme weather events - which are associated with increased deaths, illnesses, and economic challenges. Studies also find that climate change poses particular threats to the health, well-being, and ways of life of indigenous peoples in the U.S.

The National Research Council (NRC) and other scientific bodies have emphasized that it is important to take initial steps to reduce greenhouse gases without delay because, once emitted, greenhouse gases persist in the atmosphere for long time periods. As the NRC explained in a recent report, "The sooner that serious efforts to reduce greenhouse gas emissions proceed, the lower the risks posed by climate change, and the less pressure there will be to make larger, more rapid, and potentially more expensive reductions later."¹¹(EPA)

The World Logistic Center must take responsibility for its share of the GHG problem and not assume it is being resolved with some aspect of Cap and Trade. This must include the health of the residents and environment in the area. The WLC will prejudice Moreno Valley's current on and off efforts with its General Plan update, because it will require an Environmental Justice Element.

1-F6-14

1-F6-15

This RFEIR is inadequate because it doesn't have a environmental justice section.

1-F6-15
cont.

Figure 16 of the revised FEIR appendices needs to show a Figure with the WLC traffic included along with the additional cumulative and growth inducing impacts. Figure 17 is at least six years old and needs to also be updated and new analysis included throughout the document.

1-F6-16

The Sierra Club strongly believes any additional environmental documents must acknowledge the WLC's impacts on a much larger area and reduce those by using more electric equipment like yard goats/hostlers

[\(http://www.transpowerusa.com/yard-tractors/\)](http://www.transpowerusa.com/yard-tractors/) and fork lifts [\(http://www.hyster.com/north-america/en-us/products/4-wheel-electric-trucks/\)](http://www.hyster.com/north-america/en-us/products/4-wheel-electric-trucks/). All warehouses must provide the infrastructure for electric trucks

[\(https://cleantechnica.com/2017/12/16/electric-semi-trucks-heavy-duty-trucks-available-models-planned-models/\)](https://cleantechnica.com/2017/12/16/electric-semi-trucks-heavy-duty-trucks-available-models-planned-models/). All warehouse roofs need to be covered with the maximum amount of solar arrays possible. The parking lots also must provide EVSE charging stations for at least 15% of the employees' cars and they must include Quick Charge units. The solar will allow all these vehicles to run on sunshine. Senate Bill 100 requires electric utilities and other service providers to generate 60% of their power from renewable sources by 2030 and 100% by 2045. The WLC must be part of the solution to meeting this targets. Moreno Valley must do its part to reduce the impact of Climate Change or as Sierra Club says Climate Disruption.

1-F6-17

Health impacts to more families because of the WLC's generated pollution – on and off site – must be acknowledge and resolved. The handful of homes within the project area have not been shown to be fully protected as people continue to live there. How will the WLC protect the health of those in these surrounded

1-F6-18

homes if they decide to continue living in their dream retirement home for the next 20 years and/or until the WLC’s buildout? As newer and cleaner equipment is made available over the life of the project, the WLC users must be required as soon as possible to implement their use throughout the life of project and remove all of the more polluting equipment..

1-F6-18
cont.

The detrimental impacts from all forms of pollution to the resources of the San Jacinto Wildlife Area must also be acknowledged. The SJWA’s resources of plants, animals. insects and ponds will not be as well off as they are currently upon the WLC buildout and even before it is totally built out. The SJWA’s threatened and endangered plants and animals must receive very special attention. Future WLC environmental documents/responses must show how the WLC will not impact and harm the resources of the SJWA as well as its employees/visitors.

1-F6-19

Since Judge Water’s June 7, 2018 writ (incorporated by reference) seems very clearly to include the requirement that the earlier WLC EIR must be voided, the Sierra Club strongly believes the correct environmental document which should be before the public for comments is a new Draft EIR. Please keep the Sierra Club updated of all future meetings and documents related to the WLC by using this email and the address found below.

1-F6-20

Sincerely,

George Hague
Conservation Chair
Moreno Valley Group
Sierra Club

P.O. Box 1325
Moreno Valley, CA 92556-1325

Printed on Recycled Paper.To explore, enjoy and preserve the nation's forests, waters, wildlife, and wilderness.

From: George Hague <gbhague@gmail.com>
Sent: Friday, September 7, 2018 1:12 PM
To: Albert Armijo
Cc: Julia Descoteaux
Subject: Sierra Club comments on the World Logistic Center's (WLC) Revised Final EIR (RFEIR)
Attachments: 2 WLC RFEIR SC comments.pdf

Good afternoon,

Please confirm you have received the attached Sierra Club comments on the WLC's RFEIR and can open it.

Thank you,

George Hague

1-F6-21



SAN GORGONIO CHAPTER

PO Box 5425, Riverside, CA 92517 (951) 684-6203

Regional Groups Serving Riverside and San Bernardino Counties: Big Bear, Los Serranos, Mojave, Moreno Valley, Mountains, Tahquitz, Santa Margarita

To: Albert Armijo
Interim Planning Manager

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1-F6-22

While the RFEIR points out what it considers all the projects in the surrounding communities, it fails to apply them to all elements of what makes up a full EIR and therefore makes what is now before the public inadequate. Cumulative impacts need to be fully addressed which cannot be found within the RFEIR.

1-F6-23

Figure 12 from the revised FEIR appendices which is suppose to depict "existing sensitive receptors" fails miserably. It appears that you are only concerned about the project site being the cause of the problems while not addressing the impacts from more than 12,000 toxic diesel trucks daily trips as they travel to and from the project — as well as the almost 50,000 other project daily vehicle trips. Everywhere a sound wall that is recommended as a result of this project will be impacted with pollution drifting over the walls which causes them to be sensitive receptors and the revised new cumulative impacts must be shown on this figure — have they been revised?

1-F6-24

Figure 26 shows many more areas of Moreno Valley with receptors — even on both side of SR-60. The Sierra Club believes even more areas must be included in update Figures and analysis throughout the document.

As shown in the article found in the following link(<https://sandiego.urbdzine.com/2015/05/28/what-is-a-safe-distance-to-live-or-work-near-high-auto-emission-roads/>) those who live within 1,500 feet or further of major roads can be significantly affected — especially children. In fact this following link has information from EPA on what needs to be done to protect school children also needs to be applied to homes which will be similar impacted by the WLC’s 24 hour 7 day per week operation. (https://www.epa.gov/sites/production/files/2015-10/documents/ochp_2015_near_road_pollution_booklet_v16_508.pdf)

1-F6-25

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(<https://www.scpr.org/programs/take-two/2017/11/09/60115/the-ride-la-air-pollution-data-gets-hyperlocal-tha/>) In addition there must be an onsite air quality monitoring system.

Were is the San Jacinto Wildlife Area (SJWA) on Figure 12 as containing many “sensitive receptors”? There are articles (<https://www.nationalgeographic.org/encyclopedia/air-pollution/>) that show the impacts humans suffer from being exposed to diesel/car pollution cause similar problems with animals and in some cases plants as well as insects. The link found above reads “ *Like humans, animals can suffer health effects from exposure to air pollution. Birth defects, diseases, and lower reproductive rates have all been attributed to air pollution.* ” (<https://venta-usa.com/wildlife-pets-affected-air-pollution/>)

The previous link contains the following :“*Birds are directly and indirectly affected by air pollution. they spend more time in open air and have a higher breathing rate than humans, exposing themselves to greater levels of air pollution. Studies have shown that for birds with long term exposure to pollution, there was reduced egg production and hatching, lung failure, inflammation and reduced body size.*” The SJWA is shown to be among the top inland areas of North America for diversity of bird species during the Audubon Christmas bird Count. They usually report close to 150 different species with more than 20 raptors. It is a “national treasure” and people come from all over the United States and the world to bird watch at this special area which the state spent over \$80,000,000 to acquire. The SJWA has threatened/endangered species which will suffer harm similar to humans because of the pollution generated by the operation of the WLC. The SJWA and the WLC will share an almost two mile border. The pollution from operating the the WLC will settle on the endangered plants which will harm them. The following link explains how “*Ozone molecules wind up near the Earth’s surface as part of air pollution. Ozone molecules near the ground damages lung tissues of animals and prevent plant respiration by blocking the openings in leaves where respiration occurs. Without respiration, a plant is not able to photosynthesize at a high rate and so it will not be able to grow.*” (https://www.windows2universe.org/earth/Atmosphere/wildlife_forests.html)

1-F6-25
cont.

1-F6-26

This not only impacts the plant, but those species of animals and insects which must rely on it for their survival. This also raises the question of how will the developer reimburse homeowners for plants which suffer/die as a result of the WLC’s pollution?

1-F6-26
cont.

The same threatened/endangered plants and animals will also be harmed by the noise, light and runoff pollution from the WLC operation. Just stating the project meets Moreno Valley standards for lighting — municipal code section 9.08.100 — does not prove it protects animals from the such pollution. This is especially true for nocturnal animals and those trying to hide from nocturnal animals. The municipal code is concerning impacts to humans and not animals—especially threatened/endangered ones.

1-F6-27

There is no analysis of the WLC’s pollution on household pets. As you can read in the article found in the following link .. *“Similar to humans, pets have a negative reaction to outdoor air pollution. Multiple studies found physical signs of harm in dogs that were exposed to air pollution.”* (<https://venta-usa.com/wildlife-pets-affected-air-pollution/>) The WLC’s environmental documents need to include health impacts to the pets we have, such as dogs, cats, birds, and horses as well as others. Since many of them breath at a faster rate than humans they can develop problems quicker with lower levels of pollution.

1-F6-28

Where is the analysis of the WLC and its traffic pollution impacts on the families that live on Avalon and Alicante Avenues as well as their entire neighborhood region? What roads will be improved/extended to accommodate the WLC and how will that impacted residents? The map of existing sensitive receptors is lacking the homes of many families that live within 1500 feet which shows the analysis of the project’s negative impacts on those who live in Moreno Valley is inadequate and must be revised. This is especially true in light of the revised cumulative project list which will produce significant cumulative impacts.

1-F6-29

The employees health at the San Diego Gas facility immediately south of the WLC will be impacted by the trucks/other WLC traffic and must be highlighted on Figure 12. with an analysis of that impact. None of the WLC documents address the impacts on the work force other than some cancers. Asthma, heart attacks, strokes, bronchitis, lung disease, heart ailments, and premature deaths are only some of the health impacts caused by diesel pollution as mentioned in the following link.

1-F6-30

(<https://www.edf.org/health/health-impacts-air-pollution>) Not only is the health of the families in all the homes within 1500 feet of the WLC impacted, but so are the workers at the project site. Now that we have a more robust cumulative list of projects there is a need to have another analysis of health impacts on the community and workers within the WLC project or the WLC environmental documents will be inadequate. They need to also include the growth inducing impacts that will result because of the massive project.

The claim that only 2010 or newer trucks will be allowed is also never shown to be enforced. Without an ongoing constant meaningful enforcement mechanism required which is open to public review the claim of only 2010 or newer trucks cannot be used in any analysis. Air quality and GHG analysis must recognize this reality and be completely redone.

1-F6-31

This WLC’s massive Greenhouse Gas (GHG) impacts must be dealt with by the project on site using all possible methods currently available and as they become available during the building as well as the life of the project. The EPA offers the following online:

1-F6-32

"Climate change impacts on public health and welfare

The risks to public health and the environment from climate change are substantial and far-reaching. Scientists warn that carbon pollution and resulting climate change are expected to lead to more intense hurricanes and storms, heavier and more frequent flooding, increased drought, and more severe wildfires - events that can cause deaths, injuries, and billions of dollars of damage to property and the nation’s infrastructure.

Carbon dioxide and other greenhouse gas pollution leads to more frequent and intense heat waves that increase mortality, especially among the poor and elderly.³ Other climate change public health concerns raised in the scientific literature include anticipated increases in ground-level ozone pollution⁴, the potential for enhanced spread of some waterborne and pest-related diseases⁵, and evidence for increased production or dispersion of airborne allergens. ⁶

1-F6-33

Other effects of greenhouse gas pollution noted in the scientific literature include ocean acidification, sea level rise and increased storm surge, harm to agriculture and forests, species extinctions and ecosystem damage.⁷ Climate change impacts in certain regions of the world (potentially leading, for example, to food scarcity, conflicts or mass migration) may exacerbate problems that raise humanitarian, trade and national security issues for the United States.⁸

The U.S. government's May 2014 National Climate Assessment concluded that climate change impacts are already manifesting themselves and imposing losses and costs.⁹ The report documents increases in extreme weather and climate events in recent decades, with resulting damage and disruption to human well-being, infrastructure, ecosystems, and agriculture, and projects continued increases in impacts across a wide range of communities, sectors, and ecosystems.

1-F6-34

Those most vulnerable to climate related health effects - such as children, the elderly, the poor, and future generations - face disproportionate risks.¹⁰ Recent studies also find that certain communities, including low-income communities and some communities of color (more specifically, populations defined jointly by ethnic/racial characteristics and geographic

location), are disproportionately affected by certain climate-change-related impacts - including heat waves, degraded air quality, and extreme weather events - which are associated with increased deaths, illnesses, and economic challenges. Studies also find that climate change poses particular threats to the health, well-being, and ways of life of indigenous peoples in the U.S. The National Research Council (NRC) and other scientific bodies have emphasized that it is important to take initial steps to reduce greenhouse gases without delay because, once emitted, greenhouse gases persist in the atmosphere for long time periods. As the NRC explained in a recent report, "The sooner that serious efforts to reduce greenhouse gas emissions proceed, the lower the risks posed by climate change, and the less pressure there will be to make larger, more rapid, and potentially more expensive reductions later." [11\(EPA\)](#)

1-F6-34
cont.

The World Logistic Center must take responsibility for its share of the GHG problem and not assume it is being resolved with some aspect of Cap and Trade. This must include the health of the residents and environment in the area. The WLC will prejudice Moreno Valley's current on and off efforts with its General Plan update, because it will require an Environmental Justice Element. This RFEIR is inadequate because it doesn't have an environmental justice section.

1-F6-35

Figure 16 of the revised FEIR appendices needs to show a Figure with the WLC traffic included along with the additional cumulative and growth-inducing impacts. Figure 17 is at least six years old and needs to also be updated and new analysis included throughout the document.

1-F6-36

Please keep the Sierra Club updated of all meetings and documents related to the WLC by using this email and the address found below.

1-F6-37

Sincerely,

George Hague
Conservation Chair
Moreno Valley Group
Sierra Club

P.O. Box 1325
Moreno Valley, CA 92556-1325

RESPONSES TO LETTER 1-F6: George Hague, Sierra Club

Response to Comment 1-F6-1: No specific comments on the contents of the 2018 RSFEIR are provided within this comment, and thus no further response is needed (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

Response to Comment 1-F6-2: The 2018 RSFEIR includes a detailed explanation of the reasons for the 2018 RSFEIR, its format, the process for its preparation and its availability for public review. (2018 RSFEIR at pages 2-1 through 2-4 and pages 2-6 and 2-7.) Refer to Topical Response C, Project Approvals, Litigation and the Effects of Litigation, regarding the Court Ruling and its effect upon the EIR process, content and project approvals.

Response to Comment 1-F6-3: Section 6.0 in the 2018 RSFEIR is a new Chapter in the 2018 RSFEIR which evaluates the cumulative impacts of the Project in response to the court ruling on the petition for a Writ of Mandate. Each of the environmental issues evaluated in Section 4.0 with regard to Project impacts were evaluated for cumulative impacts in Section 6.0 (see 2018 RSFEIR Sections 6.1 through 6.17 and 2019 Draft Recirculated RSFEIR, Sections 6.3 Air Quality, 6.7 Greenhouse Gas, and 6.17 Energy).

Response to Comment 1-F6-4: Figure 12, Existing Sensitive Receptors, located in Appendix A, Air Quality, Greenhouse Gas, and Health Risk Assessment Report of the 2019 Draft Recirculated RSFEIR shows the location of the on-site and nearest off-site existing sensitive receptors in the vicinity of the Project for air quality, GHG, and health risk. For air quality, sensitive receptors include residences, schools, medical offices, convalescent facilities, and similar uses but not soundwalls. Thus, the soundwalls would not be located on this figure as they are not an air quality sensitive receptor. This figure in no way represents that impacts were only estimated for the Project site itself and no other areas.

The 2019 Draft Recirculated RSFEIR fully evaluated the potential air quality and health risks of the WLC project to sensitive receptors from diesel trucks. Section 4.3 Air Quality, Section 6.3 Air Quality Cumulative, along with Appendix A, Air Quality, Greenhouse Gas, and Health Risk Assessment Report of the 2019 Draft Recirculated RSFEIR show the effect of incorporating the applicable data from the Traffic Impact Assessment (TIA) in Appendix F of the 2018 RSFEIR which includes using trip generation rates from the most recent edition of the Institute of Traffic Engineer's (ITE) Trip Generation Manual and the inclusion of 359 additional projects that would cumulatively contribute to traffic impacts and thus air quality and health risk impacts. Compared to the 2015 Final EIR, construction emissions analyzed in the 2019 Draft Recirculated RSFEIR assume later construction years and therefore newer, more efficient equipment. This resulted in reduced construction emissions. As reflected in the TIA, use of the most recent edition of the ITE Trip General Manual resulted in fewer average daily trips than previously analyzed in the 2015 Final EIR (2018 RSFEIR page 4.3-1). A lower trip rate coupled with lower regional VMT analyzed in the TIA and the later operational year assumption resulted in reduced mobile emissions when compared to those in the 2015 Final EIR. Additionally, the later operational year resulted in the inclusion of a greater number of electric vehicles in the operational assumptions. Due to these factors, the construction and operational analyses in the 2019 Draft Recirculated RSFEIR entirely replaced the analyses included in the 2015 Final EIR, and no further comparison is required.

A health risk assessment (HRA) was conducted to allow decision makers to see the cancer-related impacts of the WLC project with the assumption that new technology diesel exhaust (NTDE) causes cancer, contrary

to what was found by the HEI study. The HRA was conducted consistent with South Coast Air Quality Management District (SCAQMD) Health Risk Assessment Guidance and the current 2015 Office of Environmental Health Hazard Assessment (OEHHA) Air Toxics Hot Spots Program Guidance for Preparation of Health Risk Assessments. The HRA methodology applied a risk characterization model to the results from an air dispersion model to estimate potential health risks at each sensitive receptor location. A multi-pollutant health risk assessment was conducted for the WLC which included exhaust emissions of particulate matter (PM) and total organic gases (TOG) from diesel and gasoline combustion, as well as toxics associated with fugitive PM from tire wear and brake wear of mobile sources. To be conservative, the HRA relied on EMFAC2017 to determine the breakdown of vehicle types and fuel types and did not consider potential reductions in TACS emissions and health risks from increased penetration of zero emission vehicles. The estimation of cancer risk involves the specification of several parameters including the concentration level of the toxic air contaminants, the rate of inhalation of the toxic, the exposure frequency (number of days per year), the exposure duration in years, the time period over which the exposure takes place, what is termed a slope factor that represents an upper bound on the increased cancer risk from a lifetime exposure to a toxic by ingestion or inhalation and early-in-life age sensitivity factors. The values of these parameters depend on the type of receptor, i.e., sensitive/residential, worker, and student as discussed below. The health risk calculation does not rely on the Health Effects Institute (HEI) finding that NTDE does not cause cancer. The principal focus of the HRA was on the potential health impacts to sensitive/residential receptors located within and surrounding the Project site. Table 4.3-5 on page 4.3-26 of the 2019 Draft Recirculated RSFEIR provides the exposure assumptions for the cancer risk.

Table 4.3-26 on page 4.3-67 in the 2019 Draft Recirculated RSFEIR presents the estimated cancer risks for the 30-year exposure duration that starts from the beginning of Project Construction (Construction + Operation HRA). The results are provided separately for the incremental increase in cancer risk during Project construction, incremental increase in cancer risk during Project Operation, and the total incremental increase in cancer risk prior to the application of mitigation measures. As shown in Table 4.3-26, the Project would exceed the SCAQMD's cancer risk significance threshold of an incremental increase of 10 in a million prior to the application of mitigation and would represent a significant impact. Construction impacts contribute the greatest proportion of the total impact presented in Table 4.3-26. Table 4.3-27 on page 4.3-68 of the 2019 Draft Recirculated RSFEIR shows the estimated cancer risk for the 30-year exposure duration that starts from the beginning of Project full operation in 2035 (Operational HRA). Table 4.3-27 shows that during full Project operation, the total incremental increase in cancer risk is greater than the 10 in a million threshold, prior to mitigation, and would represent a significant impact. Overall, without mitigation and without consideration of the HEI study, the Project is expected to have a significant impact mainly due to diesel PM emissions from construction activities and heavy-duty diesel truck activities. With mitigation incorporated (2019 Draft Recirculated RSFEIR, page 4.3-73 – 4.3-74), the cancer risks are substantially lower. As shown on Table 4.3-28, 2019 Draft Recirculated RSFEIR, page 4.3-27, the estimated incremental increase in lifetime cancer risks for the 30-year exposure duration for construction (construction and operation HRA) would not exceed the SCAQMD cancer risk significance threshold after incorporation of mitigation. The large reduction in cancer risk after mitigation is attributable principally to the reduced diesel PM associated with the commitment to Tier 4 construction equipment. Table 4.3-29, 2019 Draft Recirculated RSFEIR shows that the increase in lifetime (30-year exposure) cancer risk for operation would still exceed the SCAQMD cancer risk significance threshold for sensitive receptors located within and outside the project boundary. Therefore, Mitigation Measure 4.3.5.4.A, the use of MERV 13 filters to

impacted residences, was added. The owners of the homes located at 13100 World Logistics Center Parkway (formerly Theodore Street) and 12400 World Logistics Center Parkway (formerly Theodore Street) have accepted the offer for the installation of the MERV 13 filters in writing. (see Attachment R). This mitigation measure reduced the total incremental cancer risk to less than the SCAQMD significance threshold as shown on Table 4.3-30 (page 4.3-74 of the 2019 Draft Recirculated RSFEIR). Thus, with the implementation of mitigation, any possible risk from the Project, including risks from diesel trucks, to an on-site or offsite receptor, within the study area, was less than significant.

As shown above, the cancer risk and chronic and acute non-cancer risk to sensitive receptors in the community would be less than significant with incorporation of mitigation for construction and operation of the WLC. Thus, additional mitigation measures are not required to be utilized for the Project to address the chronic or acute non-cancer and cancer risk. Air quality impacts would still be significant and unavoidable for criteria pollutants, primarily PM, but as stated previously, this is a programmatic EIR and there will be subsequent environmental evaluations as the Project is implemented. Thus, it is possible that as zero-emission technologies become available at a later date, due to real-world circumstances, they can be incorporated into future subsequent environmental documents at that time, as the technology becomes more readily available. Figure 26, which the comment refers to is from the HRA and depicts the Incremental Project Cancer Risk – With Mitigation (30 Years of Full Operation), which shows that impacts were analyzed at more places than just the project site. At sensitive receptors farther away, impacts would be less than those that are closer. As demonstrated, the 2019 Draft Recirculated RSFEIR fully evaluated the potential air quality and health risks of the WLC project to sensitive receptors along with incorporating feasible mitigation measures to reduce impacts.

In response to the comment about ozone and particulate pollution, Section 4.3.6.6 Summary of Health Effects of Air Quality Emissions, starting on page 4.3-79 of the 2019 Draft Recirculated RSFEIR discusses the health effects from ozone and PM_{2.5} resulting from the project. Tables 4.3-32 through 4.3-35 show the annual percent of background health incidence for PM_{2.5} and ozone health effects associated with the unmitigated and mitigated Project, respectively. The “background health incidence” is the actual incidence of health effects (based on available data) as estimated in the local population in the absence of additional emissions from the Project.⁸⁶ When taken into context, the small increase in incidences and the very small percent of the number of background incidences indicate that these health effects are minimal in a developed, urban environment. There are no relevant significance thresholds for health effects from criteria pollutants adopted by state, federal, or local agencies; thus, this information is provided for background understanding regarding the air quality emissions. Table 4.3-32 and Table 4.3-33 show the health effects, morbidity and mortality, of the unmitigated project emissions across the southern California model domain for the Annual Mean PM_{2.5} and Annual Mean Ozone, respectively. Table 4.3-34 and Table 4.3-35 show the health effects, morbidity and mortality, of the mitigated project emissions across the southern California model domain for the Annual Mean PM_{2.5} and Annual Mean Ozone, respectively. Potential PM_{2.5} Mitigated Project related health effects show an increase in asthma-related emergency room visits (0.0047%), asthma-related hospital admissions (0.0028%), all cardiovascular-related hospital admissions (not including myocardial infarctions) (0.00059%), all respiratory-related hospital admissions (0.0015%), mortality (0.0044%), and nonfatal acute myocardial infarction (less than 0.0020% for all age groups).

⁸⁶ Background health statistics were obtained from data included in the BenMAP model, and the sources are referenced in the BenMAP manual (USEPA, 2018). For example, EPA obtained mortality rates from the Centers for Disease Control (CDC) WONDER database, and hospital admissions rates from the Healthcare Cost and Utilization Project (HCUP).

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Potential Project Mitigated Ozone-related health effects increased respiratory-related hospital admissions (0.00062%), mortality (0.00027%), and asthma-related emergency room visits for any age range (lower than 0.011% for all age groups). Because the health effects from ozone and PM_{2.5} are minimal, in light of background incidences, and health effects from other criteria pollutants would be even smaller, the health effects of those other criteria pollutants were not quantified. Because there are no established thresholds, this data was provided for informational purposes.

Traffic noise impacts would be reduced in some areas by the use of soundwalls. This would reduce traffic noise to sensitive receptors in the area. However, the soundwall would not be impacted by pollution drifting over the walls and is not a sensitive receptor in terms of air quality (see first paragraph). Noise barriers, or soundwalls, also reduce traffic-related pollutants and protect the public from air pollution. Researchers have found that noise barriers can reduce pollution by more than 50 percent within 50 meters from the barrier to about 30 percent as far as 300 meters from the barrier.⁸⁷ Cumulative impacts for the WLC are presented in Section 6.0 in the 2018 RSFEIR and the 2019 Draft Recirculated RSFEIR. Cumulative projects are depicted on Figure 6.0 Cumulative Projects Index Map and in greater detail on Figure 6.0 Cumulative Projects Map page 1 of 9 through 9 of 9. However, there is not a map that depicts where all the project impacts would occur. Each environmental discipline presents Project impacts in different ways some via tables, maps, figures, etc.

Response to Comment 1-F6-5: Refer to Response to Comment 1-F6-4 for a discussion on impacts from truck pollution on sensitive receptors in the area. With regard to school children, the 2018 RSFEIR specifically analyzed cancer risk to school children (page 4.3-78 of the 2019 Draft Recirculated RSFEIR). After the application of the mitigation, the maximum cancer risk occurred at Bear Valley Elementary School would be less than 3 people per one million people for the construction + operation and operational scenarios. Therefore, impacts at schools are less than the 10 in one million significance threshold and are less than significant.

As stated in Section 4.3 of the 2019 Draft Recirculated RSFEIR, the HRA has been conducted to allow decision makers to see the cancer-related impacts of the WLC Project with the assumption that NTDE cause cancer, contrary to what was found in the HEI study (page 4.3-24 of the 2019 Draft Recirculated RSFEIR). Recent studies, such as the HEI study, clearly demonstrates that the application of new emissions control technology to diesel engines have virtually eliminated the health impacts of diesel exhaust page 4.3-19 of the 2019 Draft Recirculated RSFEIR. Additionally, the HRA utilizes the 2015 OEHHA guidance “Current Guidance” which produces much more conservative estimates of cancer risks from toxic air contaminant exposures than the “Former OEHHA Guidance.” As discussed in Response to Comment 1-F6-4, an HRA was conducted for the WLC which focused on estimating the health risks from diesel PM. The HRA identified that the cancer risk and chronic and acute non-cancer risk to sensitive receptors in the community would be less than significant with incorporation of mitigation for construction + operation and operations of the WLC. Thus, air monitoring is not necessary. As demonstrated, the 2019 Draft Recirculated RSFEIR fully evaluated the potential air quality and health risks of the WLC with regard to diesel PM to sensitive receptors along with incorporating feasible mitigation measures to reduce impacts.

⁸⁷ Isakov, V. AND R. Baldauf. Influence of Noise Barriers on Near-Road and On-Road Air Quality: Results from Phoenix. A&WMA Grand Canyon Chapter, Phoenix, AZ, October 23, 2015. Available online: https://cfpub.epa.gov/si/si_public_record_report.cfm?dirEntryId=317291&Lab=NERL

Response to Comment 1-F6-6: As discussed in Response to Comment 1-F6-4, Figure 12, Existing Sensitive Receptors, located in Appendix A, Air Quality, Greenhouse Gas, and Health Risk Assessment Report of the 2019 Draft Recirculated RSFEIR shows the on-site and nearest off-site existing human sensitive receptors in the vicinity of the Project for air quality, GHG, and health risk, not for biological resources. Per current OEHHA Guidelines,⁸⁸ sensitive receptors include residences, schools, hospitals, day care centers, work-sites, and similar uses. Thus, the SJWA would not be located on this figure as it is not considered a HRA sensitive receptor per this determination.

Section 4.4 of the 2018 RSFEIR, Biological Resources, discusses the effects of pollution impacts on plants and animals in the SJWA area. It also analyzes impacts to threatened and endangered species. Potential indirect impacts to avian and other biological resources within the SJWA will be reduced to less than significant levels by the project design features (2018 RSFEIR page 4.4-66) which include architecture and building restrictions, landscape restrictions, off-site lighting, and setbacks, and Mitigation Measures 4.4.6.1A and 4.4.6.1B (2018 RSFEIR pages 4.4-73 – 4.4-74). The 2018 RSFEIR analysis found that 17 plant and animal species within the WLC site are designated as endangered or threatened by the State and/or Federal authorities (Table 4.4-6 in the 2018 RSFEIR, page 4.4-65). Air pollution resulting from diesel trucks and passenger vehicles produce particulates, diesel particulate matter, carbon monoxide, and nitrogen oxides, etc. These pollutants would have indirect impacts on wildlife resources within the SJWA. The most concerning are ozone degradation and deposition of nitrogen. No standards for impacts to wildlife have been established. However, the AQMP includes analysis of air pollution effects on humans and animals and has based their standards to be protective of both. Thus, health risks from diesel PM can be obtained from the health risk assessment (HRA) conducted for humans for this Project. The HRA found the cancer risk to be less than significant. Thus, based upon available information, the effect of emissions on wildlife is less than significant (Refer to F1-4 and F4-4 for more information regarding pollutant's effect on wildlife and plants).

Response to Comment 1-F6-7: Impacts to wildlife species covered by both the Federal and California Endangered Species Acts are analyzed in Section 4.4.6.1, Endangered and Threatened Species of the 2018 RSFEIR (pages 4.4-64 to 4.4-74). Impacts from lighting, water quality, construction and operational noise are discussed. For potential lighting impacts, the Specific Plan requires that streetlights, parking lot lighting, and other project-related illumination sources be positioned, directed, and shielded to avoid “direct light spill” into MSHCP conservation areas including those contained within Existing Core H to the south of the WLC site, and Proposed Core 3 (Section 6.1.1, of the MSHCP, Proposed Core 3) to the east of the WLC site. In addition, the WLC will comply with the new night lighting guidelines in the City’s Municipal Code Section 9.08.100, which limits off-site impacts to 0.25 foot-candles per square meter. Lighting installed according to the design elements within the WLC Specific Plan as discussed above will be consistent with Section 6.1.4 of the MSHCP which requires “night lighting shall be directed away from the MSHCP Conservation Area to protect species within the MSHCP Conservation Area from direct night lighting. Shielding shall be incorporated in project designs to ensure ambient lighting in the MSHCP Conservation Area is not increased.” Project adherence to Specific Plan design guidelines and municipal restrictions will ensure that Project night lighting increases will not result in significant indirect lighting impacts on native wildlife within the SJWA. The Specific Plan design guidelines include a development

⁸⁸ Office of Environmental Health Hazard Assessment, 2015. *Air Toxics Hot Spots Program Risk Assessment Guidelines, Guidance Manual for Preparation of Health Risk Assessments*, page 1-3. Available online: <https://oehha.ca.gov/media/downloads/cnr/2015guidancemanual.pdf>. Accessed on December 25, 2019.

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setback of 250 feet, an additional building setback of 150 feet, an 11-foot high solid wall, orientation of lighting downward so that no direct rays extend up into the sky or onto adjacent properties, and high-pressure sodium or low-emitting diodes (LEDs) as discussed on page 4.1-81 of the 2015 Final EIR. The municipal restrictions are contained in the City's Municipal Code (Section 9.08.100 Lighting), which states that any outdoor lighting associated with nonresidential uses shall be shielded and directed away from the surrounding residential uses (Section 9.08.100 C.3.a). Such lighting shall not exceed one-quarter (0.25) foot-candle at property lines and shall not blink, flash, oscillate, or be of unusually high intensity or brightness (Section 9.08.100 C.3.a). Lighting in parking areas and drive aisles must be at least 1.0-foot candle and cannot exceed a maximum of 8.0-foot candles (Section 9.08.100 C.4.a). These municipal restrictions are also discussed on page 4.1-81 of the 2015 Final EIR.

Any construction noise-related impacts would be temporary in nature and generally limited to construction of Phase 2 facilities along the southern boundary of the WLC site. The recent noise studies by ESA (2018) Appendix D of the 2018 RSFEIR conclude that construction noise levels would not exceed the 60 dB informal standard, that is used by the U.S. Fish and Wildlife Service (USFWS) for wildlife noise impacts, within the SJWA. The highest construction noise level is projected to be 52 dB at the SJWA boundary with the incorporation of the Specific Plan's 250-foot setback, and therefore, would be less than the 60 dB USFWS noise standard, and thus impacts would be less than significant. For operational noise impacts, page 4.4-68 of the 2018 RSFEIR states "with implementation of the two setback areas [the 250-foot minimum development setback and an additional 150-foot building setback along the southern boundary of the WLC site] (total 400 feet) and proposed [11-foot high] solid walls along the SJWA boundary, the anticipated increase in noise from the project site will not have a significant impact on wildlife and would not require mitigation." Table 4.4-7 on page 4.4-67 of the 2018 RSFEIR identifies that the combined noise levels from the implementation of the proposed warehousing and ambient noise levels would increase existing ambient noise levels of 40.8 dB Leq for daytime and 35.8 dB Leq for nighttime to a maximum noise level of 46.2 dBA Leq during the daytime and 45.2 dBA Leq during the nighttime. Based on these estimated construction and operational noise levels, it is reasonable to conclude that increased noise from human activity (Project construction, traffic on local roads, loading and unloading of trucks, etc.) related to the Project will not have significant impacts on local wildlife in the SJWA area, based on available research. Additionally, animals within the SJWA haven't been shown to be harmed by the noises from the SDG&E and SCG facilities which are surrounded by the SJWA.

To combat potential water quality impacts to wildlife, development plans for the WLC project will include Water Quality best management practices (BMPs). These BMPs include vegetated earthen channels, storm drain stenciling, street sweeping, and education. Detention basins will be designed to filter potential toxics from storm water. These BMP facilities would be part of the runoff management and water quality facilities identified in Mitigation Measure 4.4.6.1B on page 4.4-74 of the 2018 RSFEIR and implemented as part of the storm water pollution prevention measures for the Project, in accordance with all appropriate National Pollutant Discharge Elimination System (NPDES) Permit requirements. These BMPs would be consistent with Section 6.1.4, Drainage, of the MSHCP that requires measures to be put in place to avoid discharge of untreated surface water runoff from developed and paved areas into the MSHCP Conservation Area. Project adherence to these BMPs, including the implementation of Mitigation Measure 4.4.6.1B, will result in a less than significant impact to wildlife species, including threatened and endangered species.

It should be noted that the only Federal or State listed Endangered or Threatened species observed to be present on the Project site is the coastal California gnatcatcher, a species that receives protection under the provisions of the MSHCP, as indicated in Table 4.4-6, Endangered/Threatened Species Within the WLC site (page 4.4-65 of the 2018 RSFEIR).

In addition, refer to Topical Response C, Project Approvals, Litigation and the Effects of Litigation, regarding the Court Ruling and its effect upon the EIR process, content and project approvals.

Response to Comment 1-F6-8: As discussed in Response to Comment 1-F6-4, an HRA was conducted for the WLC which focused on estimating the health risks from multiple pollutants. Section 4.3.6.5 of the 2019 Draft Recirculated RSFEIR identified that the cancer risk and chronic and acute non-cancer risk to sensitive receptors in the community would be less than significant with incorporation of mitigation (Mitigation Measures 4.1.6.1A, 4.3.6.2A, 4.3.6.2B, 4.3.6.2D, 4.3.6.3A, 4.3.6.3B, 4.3.6.3C, 4.3.6.3D, 4.3.6.3E, and 4.3.6.5A) (2019 Draft Recirculated RSFEIR, page 4.3-72) for construction and operation and operation of the WLC (see Response to Comment 1-F6-4, above). As discussed in Response to Comment 1-F6-6 above, no standards for impacts to wildlife have been established. However, the AQMP includes analysis of air pollution effects on humans and animals and has based their standards to be protective of both. Thus, health risks for animals, including pets, can be obtained from the HRA conducted for humans for this Project. As discussed above in Response to Comment 1-F6-4, the HRA found the cancer risk to be less than significant. Therefore, based upon available information, the effect of emissions on wildlife and pets is less than significant with mitigation (2018 RSFEIR page 4.4-74).

Response to Comment 1-F6-9: Air pollution impacts were addressed in the HRA for the Project, refer to Response to Comment 1-F6-4, above. As discussed above, the cancer risk and chronic and acute non-cancer risk to sensitive receptors in the community would be less than significant with incorporation of mitigation for construction and operation and operation of the WLC. The comment also asks what roads would be improved or extended. This information can be found in Section 4.15 Traffic and Circulation and in Appendix F, Traffic Impact Analysis Technical Report of the 2018 RSFEIR. The comment also states that the map of existing sensitive receptors is lacking homes of many families that live within 1,500 feet. The map the commenter referring to is addressed in Response to Comment 1-F6-4 and only shows the nearest sensitive receptors as they would have the highest air quality impacts. Sensitive receptors located farther away are not included on the map as impacts at these receptors would be less than those at the closest receptors and thus, also less than significant. Cumulative impacts for all environmental impact areas were addressed in Section 6.0, Cumulative Impacts, of the 2018 RSFEIR and the 2019 Draft Recirculated RSFEIR.

Response to Comment 1-F6-10: The figure the commenter referred to is addressed in Response to Comment 1-F6-4 and only shows the on-site and nearest off-site sensitive receptors as they would have the highest air quality impacts. Sensitive receptors located farther away are not included on the map, but impacts for those receptors were still addressed in the analysis. Air pollution impacts were addressed in the HRA for the Project, refer to Response to Comment 1-F6-4, above. As discussed above, the cancer risk and chronic and acute non-cancer risk to sensitive receptors in the community, including employees at the San Diego Gas facility, would be less than significant with incorporation of mitigation for construction and operation and operation of the WLC (Section 4.3.6.5 of the 2019 Draft Recirculated RSFEIR). Health effects caused by toxic air contaminants are discussed in Table 4.3-4, pages 4.3-15- 4.3-17 of the 2019

Draft Recirculated RSFEIR. With regard to diesel pollution, diesel PM and ozone were addressed in Section 4.3.6.6 Summary of Health Effects of Air Quality Emissions, starting on page 4.3-79 of the 2019 Draft Recirculated RSFEIR. Tables 4.3-32 through 4.3-35 show the annual percent of background health incidence for PM_{2.5} and ozone health effects associated with the unmitigated and mitigated Project, respectively. The “background health incidence” is the actual incidence of health effects (based on available data) as estimated in the local population in the absence of additional emissions from the Project.⁸⁹ When taken into context, the small increase in incidences and the very small percent of the number of background incidences indicate that these health effects are minimal in a developed, urban environment. There are no relevant significance thresholds for health effects from criteria pollutants adopted by state, federal, or local agencies; thus, this information is provided for background understanding regarding the air quality emissions. Table 4.3-32 and Table 4.3-33 show the health effects, morbidity and mortality, of the unmitigated project emissions across the southern California model domain for the Annual Mean PM_{2.5} and Annual Mean Ozone, respectively. Table 4.3-34 and Table 4.3-35 show the health effects, morbidity and mortality, of the mitigated project emissions across the southern California model domain for the Annual Mean PM_{2.5} and Annual Mean Ozone, respectively. Potential PM_{2.5} Mitigated Project related health effects show an increase in asthma-related emergency room visits (0.0047%), asthma-related hospital admissions (0.0028%), all cardiovascular-related hospital admissions (not including myocardial infarctions) (0.00059%), all respiratory-related hospital admissions (0.0015%), mortality (0.0044%), and nonfatal acute myocardial infarction (less than 0.0020% for all age groups). Potential Project Mitigated Ozone-related health effects increased respiratory-related hospital admissions (0.00062%), mortality (0.00027%), and asthma-related emergency room visits for any age range (lower than 0.011% for all age groups). Because the health effects from ozone and PM_{2.5} are minimal, in light of background incidences, and health effects from other criteria pollutants would be even smaller, the health effects of those other criteria pollutants were not quantified. Because there are no established thresholds, this data was provided for informational purposes. As shown in the study, diesel PM from the Project would cause minimal health effects in the community in relation to background incidences.

Cumulative air quality impacts are discussed in Sections 6.3 of the 2019 Draft Recirculated RSFEIR. A cumulative HRA was conducted which assessed the regional cumulative impact of the 359 identified cumulative projects in addition to the WLC project. The air dispersion models included 99 grid area sources covering an area of 2,475 square kilometers to represent the onsite and surface street emissions of all cumulative projects, and 63 freeway mainline segments for warehouse projects in the region that may overlap with the traffic routes of the Project. The modeled freeway segments extended from North Palm Springs to Long Beach in the east-west direction and from Rancho Cucamonga to Hemet/San Jacinto in the north-south direction, roughly an area of 3,500 square miles radiating from the cumulative project sites to the north, south, east, and west. The analysis covered major portions of the following freeways from North Palm Springs to the ports of Los Angeles and Long Beach: Interstate 10, State Route 60, State Route 91, Interstate 215, and Interstate 710. As stated in Section 6.3.3.7, Impacts to Sensitive Receptors, of the 2019 Draft Recirculated RSFEIR, the cumulative HRA included emissions from both the Project and the 359 cumulative projects, the cancer risks and CHIs calculated are the cumulative health risk values that will be compared to the selected cumulative HRA threshold. The thirty-year exposure to cumulative construction

⁸⁹ Background health statistics were obtained from data included in the BenMAP model, and the sources are referenced in the BenMAP manual (USEPA, 2018). For example, EPA obtained mortality rates from the Centers for Disease Control (CDC) WONDER database, and hospital admissions rates from the Healthcare Cost and Utilization Project (HCUP).

and operations results in a cancer risk of 139.8 in one million at the maximum exposed receptor and thirty-year cumulative operations would result in a cancer risk of 171.5 in one million at the maximum exposed receptor. Thus, cancer risk impacts at the maximum exposed project receptor, for both construction and operation and operation are above the cumulative cancer threshold of 10 in a million with and without mitigation. Therefore, the construction and operation of cumulative projects in addition to the Project (with mitigation incorporated) is expected to have a significant and unavoidable cumulative impact. Cumulative cancer risks were estimated at the geographical center (centroid) of census tracts that are within the study area of the cumulative HRA. For the 70-year exposure duration with the inclusion of the Current OEHHA Guidance without consideration of the results of the HEI ACERS Study, the cancer burden is estimated to be 72.2 for construction and operations and 90.3 for full operations, out of a population of about 10.8 million individuals that were conservatively estimated to have a cancer risk of 1 in a million or more for the 359 cumulative projects. This is compared to the Project cancer burden impact, estimated at approximately 0.47. The SCAQMD has established a threshold for cancer burden of 0.5. Because the SCAQMD's cancer burden significance threshold is exceeded with and without mitigation for the 359 cumulative projects, the cumulative cancer burden impact is expected to be significant and unavoidable. The non-cancer HI value at each of the modeled receptor locations are less than SCAQMD cumulative threshold of 3.0 and is expected to have a less than significant cumulative impact.

Cumulative Health Effects are discussed in Section 6.3.3.8 Cumulative Health Effects, of the 2019 Draft Recirculated RSFEIR. As shown on Tables 6.3-9 and 6.3-10, of the 2019 Draft Recirculated RSFEIR shows the estimated annual percent of background health incidence for PM_{2.5} and Ozone health effects associated with cumulative projects (including the unmitigated Project). Potential PM_{2.5}-related health effects associated with increases in ambient air concentrations estimated from cumulative Projects (including the unmitigated Project) include asthma-related emergency room visits (0.0015%), asthma-related hospital admissions (0.0009%), all cardiovascular-related hospital admissions (not including myocardial infarctions) (0.0002%), all respiratory-related hospital admissions (0.0005%), mortality (0.0014%), and nonfatal acute myocardial infarction (less than 0.00042% for all age groups). Potential ozone-related health effects associated with increases in ambient air concentrations estimated from cumulative Projects (including the unmitigated Project) include respiratory-related hospital admissions (0.00017%), mortality (0.00008%), and asthma-related emergency room visits for any age range (lower than 0.0014% for all age groups). When taken into context, the small percent of the number of background incidences indicate that these health effects are minimal in a developed, urban environment. Per the reference in the comment to growth inducing impacts, the growth inducement analysis in the 2015 Final EIR wasn't found to be inadequate at trial and, therefore, did not need to be revised.

Response to Comment 1-F6-11: The requirement for construction vehicles to utilize 2010 or newer engines will be included in bid documents and as stated in Mitigation Measures 4.3.6.2A in the 2019 Draft Recirculated RSFEIR. Construction equipment maintenance records (including the emissions control tier of the equipment) shall be kept on site during construction and shall be available for inspection by the City of Moreno Valley. The requirement for yard trucks on the site and diesel trucks entering the facility are included in Mitigation Measure 4.3.6.3B in the 2019 Draft Recirculated RSFEIR. This will be enforced through facility operators maintaining a log of all trucks entering or operating at the facility and the Vehicle Identification Number which will be identified as the primary method of verifying truck compliance, as well as on-site inspections, and this log will be kept onsite and available for inspection by the City at any time. Noncompliance triggers an administrative process which results in compliance efforts and If they don't

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comply, then a certificate of occupancy could be revoked as outlined in the MMRP. This is a common mitigation measure and truck fleets are accustomed to having the documents available for inspection. Thus, the requirement to utilize 2010 or newer engines to reduce impacts is an enforceable mitigation measure under CEQA.

Response to Comment 1-F6-12: As outlined in Section 4.7, Greenhouse Gases and Global Climate Change in the 2019 Draft Recirculated RSFEIR, impacts from greenhouse gases are less than significant with mitigation (MM's 4.7.6.1A, 4.7.6.1B, 4.7.6.1C, and 4.1.6.1D, pages 4.7-27 – 4.7-28) and thus other mitigation measures are not required. Since this is a programmatic EIR and subsequent discretionary approvals for the WLC Project will be examined in light of the program EIR to determine whether an additional environmental document must be prepared. If no subsequent EIR is required pursuant to Section 15168 of the CEQA Guidelines, the City can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental documents would need to be prepared.⁹⁰ However, if a subsequent discretionary approval has effects that are not examined in the program EIR, additional environmental documentation will be required per CEQA, which may require additional mitigation if additional significant impacts are found.⁹¹ Due to the programmatic nature of the document, it is not known who the future users of the WLC will be or what their operational needs will require in terms of equipment. As a result, all current mitigation relies on commercially available technology that meets the most stringent environmental standards.

Response to Comment 1-F6-13: In regard to the USEPA website article on climate change impacts and public health and welfare, Section 4.7 of the 2019 Draft Recirculated RSFEIR addressed all of the items brought up in this passage. No specific comment on the contents of the 2018 RSFEIR is provided.

Response to Comment 1-F6-14: In regard to the USEPA website article on climate change impacts and public health and welfare, Section 4.7 of the 2019 Draft Recirculated RSFEIR addressed all of the items brought up in this passage. No specific comment on the contents of the 2019 RSFEIR is provided.

Response to Comment 1-F6-15: Refer to Topical Response A, The Use of Cap-and-Trade, regarding the 2015 Final EIR and the 2019 Draft Recirculated RSFEIR approach to 1) utilizing the Cap-and-Trade Program and how it relates to the state's overall greenhouse gas reduction mandates, and 2) how Cap-and-Trade is relevant to the Projects CEQA analysis.

CEQA doesn't require a section on environmental justice. In accordance with Government Code Section 65302(h)(2), the City will be required to either adopt an Environmental Justice Element or integrate environmental justice policies and goals into the elements of their General Plan upon adoption or the next revision of two or more elements concurrently. The City recently initiated a comprehensive General Plan update which is projected to be completed in the summer of 2021. Although the City has not established environmental justice policies or goals, the 2019 Draft Recirculated RSFEIR includes a discussion of health impacts. As discussed above under Response to Comment 1-F6-4, an HRA was conducted and cancer risk and chronic and acute non-cancer risk to sensitive receptors in the community would be less than

⁹⁰ State CEQA Guidelines §15168(c)(2)

⁹¹ State CEQA Guidelines §15168(c)(1)

significant with incorporation of mitigation for construction and operation of the WLC. Thus, the WLC is protective of health risks for environmental justice communities as the HRA shows.

Response to Comment 1-F6-16: Figure 16 in the 2019 Draft Recirculated RSFEIR, Appendix A shows the average cancer risk in the Project area as determined by the SCAQMD MATES-IV study. This figure does not change with traffic or additional cumulative projects. This SCAQMD study was completed in 2012. Figure 17 shows the changes in air toxics simulated risk from 2005 to 2012. Nearly all areas of the South Coast Air Basin experienced decreased cancer risk during the time period from MATES-III, 2005, to MATES-IV, 2012. The Project area also experienced a decrease in cancer risk of between 100 and 400 in one million from the years 2005 to 2012. Thus, Figure 17 in Appendix A of the 2019 Draft Recirculated RSFEIR represents a change in time and does not need to be updated. There has not been a new MATES study since MATES-IV.

Response to Comment 1-F6-17: Potential mitigation that could reduce emissions to close to or below the SCAQMD significance thresholds would be the implementation of zero or near-zero emissions technologies. In Judge Sharon Waters Ruling on Peremptory Writ of Mandate, RIC1510967, February 8, 2018, *Paulek, et al. v. City of Moreno Valley* (refer to Topical Response C, Project Approvals, Litigation and the Effects of Litigation, regarding the Court Ruling and its effect upon the EIR process, content and Project approvals), a comparison of feasible, cost-effective renewable energy technologies in the Energy Impact analysis, which could potentially result in lower Project emissions, was found to be missing in the EIR. The 2019 Draft Recirculated RSFEIR presented these findings in Appendix E, Renewable Energy Technical Report (RETR). The WLC is required to provide an alternative fueling station that would open prior to the issuance of building permits for more than 25,000,000 square feet of logistics warehousing to serve trucks that use liquefied or compressed natural gas as vehicle fuel is required (MM 4.3.6.3C on page 4.3-54 of the 2019 Draft Recirculated RSFEIR), which would reduce diesel emissions from the Project as truck fleets switch to non-diesel alternatives in the future. In addition, future development will comply with regulated vehicle fleet fuel requirements at the time of development approval. Additionally, based on the RETR (Appendix E of the 2018 RSFEIR and 2019 Draft Recirculated RSFEIR), Project Design Features will be incorporated to provide an approximately 17 percent improvement in energy performance, which will also reduce Project emissions. WLC is required to provide renewable energy through solar panels that would be installed on the rooftops of buildings to offset the power requirements within the Project (MM 4.7.6.1D page 4.7-28 in the 2019 Draft Recirculated RSFEIR). At a minimum, the Project would install enough solar power in both phases to meet energy needs of the Project's office spaces. As discussed, the 2019 Draft Recirculated RSFEIR includes feasible mitigation measures for Air Quality, Greenhouse Gases, and Energy to reduce emissions and impacts to the greatest extent possible. Potential mitigation measures utilizing all or a substantial number of zero- or near zero-emission technologies for medium-duty and heavy-duty truck fleets are not feasible at this time as discussed below and in the RETR (Appendix E of the 2019 Draft Recirculated RSFEIR). Additionally, a mitigation measure utilizing 100 percent solar power to provide all the power to the Project is not feasible due to regulatory requirements and moratoriums as discussed in Topical Response E and the RETR (Appendix E of the 2019 Draft Recirculated RSFEIR).

Additionally, to reduce air quality impacts and in response to utilizing zero-emission technology, the Project requires the reduction of idling to 3 minutes or less in any one-hour period; engines will be turned off when not in use; tenant fleets shall be in compliance with all current air quality regulations for on-road trucks, including but not limited to CARB's Heavy Duty Greenhouse Gas Regulation and Truck and Bus Regulation;

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information will be provided to tenants on alternative fuel technologies and the availability of such fuels in the area of the WLC; all yard trucks will be powered by electricity, natural gas, propane, or an equivalent non-diesel fuel; off-road engines will utilize Tier 4 engines or greater; on-road engines will meet or exceed 2010 engine emission standards (yard trucks); any diesel truck entering the WLC facility will meet or exceed 2010 engine emission standards or be powered by natural gas, electricity, or other diesel alternative; and all standby emergency generators shall be fueled by natural gas, propane, or any non-diesel fuel (MM 4.3.6.2A page 4.3-42 of the 2019 Draft Recirculated RSFEIR). Low-emission and zero-emission technologies are required for onsite equipment, as stated in Specific Plan Section 12.3: "The use of diesel-powered service yard vehicles (yard goats, etc.) is prohibited at all times within the Specific Plan area. Pallet jacks, forklifts, and other onsite equipment used during building operation (indoors or outdoors) shall be powered by electricity, natural gas, propane, or other non-diesel fuel."

Additionally, the WLC is committing to a publicly-accessible fueling station offering alternative fuels (natural gas, electricity, etc.) for purchase by the motoring public which will be placed a minimum of 1,000 feet from any off-site sensitive receptors or off-site zoned sensitive uses (MM 4.3.6.3C on page 4.3-54 of the 2019 Draft Recirculated RSFEIR) which will reduce diesel emissions from the Project as truck fleets switch to non-diesel alternatives in the future. Furthermore, refrigerated warehouse space is prohibited unless it can be demonstrated that the environmental impacts resulting from the inclusion of refrigerated space and its associated facilities, including, but not limited to, refrigeration units in vehicles serving the logistics warehouse, do not exceed any environmental impact for the entire WLC identified in 2019 Draft Recirculated RSFEIR. Any such proposal shall include electrical hookups at dock doors to provide power for vehicles equipped with Transportation Refrigeration Units (TRUs). However, since the Project will support a variety of future users which are unknown at this time, it is not possible to specify or require future users to have zero emission or alternative fuel fleets since most logistics companies use independent contractors and truck drivers rather than maintain their own fleets. Nonetheless, the Project has committed under various mitigation measures to require the most stringent levels of emission mitigation under existing emission control regulations.

The WLC is not a utilities provider and therefore is not subject to Senate Bill 100 (see Topical Response E). However, in support of utilizing renewable energy for the Project, an engineering and financial analysis of the full range of sustainable energy options potentially available at the site was conducted (2019 Draft Recirculated RSFEIR, Appendix E, RETR). The analysis evaluated building energy efficiency opportunities to reduce the energy requirements to the maximum extent practicable. Projected electric vehicle (EV) loads were added to building loads to characterize overall electric loads for the Project. A full range of renewable energy supply options were evaluated to meet the combined building and EV loads. The Project falls within Moreno Valley Utilities (MVU's) service territory; therefore, it is MVU's responsibility to secure additional power from Southern California Edison (SCE) as needed. The Project's electrical demand is based on typical high-cube warehouse energy demands, defined using hourly energy simulation modeling software (see full analysis in Appendix E of the 2019 Draft Recirculated RSFEIR, Renewable Energy Technical Report (RETR)). The modeling software was validated against actual historical data and modified to reflect compliance with the California Title 24 building energy standards and then further modified to incorporate the Energy Conservation Measures (ECMs) to which the Project is required to comply in the WLC Specific Plan. The available ECMs would provide an approximately 17 percent improvement in energy performance over Title 24 requirements at Phase 1 and an approximately 16 percent improvement at full buildout (page

4.17-21 of the 2019 Draft Recirculated RSFEIR). The analysis also evaluated the benefits of various types of sustainable energy supply for the Project. The results of the WLC supply-side analysis indicate that the Project is required to provide renewable energy through solar panels that will be installed on the rooftops of buildings to offset the power requirements within the Project (MM 4.7.6.1D, page 4.17-25 of the 2019 Draft Recirculated RSFEIR, formerly MM 4.16.4.6.1C in the 2018 RSFEIR). A detailed solar analysis is included in Appendix E of the 2019 Draft Recirculated RSFEIR, RETR. Due to the limitations that current MVU rules impose on solar PV capacity (see Topical Response E), Phase 1 buildings can each feature 300 kilowatts (kW) of photovoltaic (PV) (one-half the 600-kW minimum daytime electric load) and Phase 2 buildings can each feature 800 kW. At these PV system sizes, a total of 4.5 megawatts (MW) of PV capacity would exist at WLC at the end of Phase 1 and a total of 14.1 MW of PV capacity would exist at WLC at full build-out. The use of PV in each phase would cover both the peak electric load generated by the offices and the annual energy usage of the offices, thereby achieving effective near zero-emission status for the offices. Due to the highly speculative nature of the EV penetration in Phase 2, mitigation measures require the Project to upgrade the structural integrity of the roof on each building to accommodate the possibility of future solar installation over the entire roof. At a minimum, the Project will install enough solar power in both phases to meet energy needs of the Project's office spaces. Additional feasible Project Design Features to reduce energy usage were added as part of the Project in the 2019 Draft Recirculated RSFEIR, Section 4.17, Energy, 4.17.5 Project Design Features. The 2019 Draft Recirculated RSFEIR also includes mitigation measures for Air Quality, Greenhouse Gases, and Energy to reduce impacts to the extent possible. Thus, due to the limitations that current MVU rules impose on solar PV capacity, solar panels are only being installed on the structure roofs and not the parking lots.

Each subsequent development with the WLC will be subject to further environmental review and may require additional mitigation if additional impacts are found or previously infeasible mitigation becomes feasible. Due to the programmatic nature of the document, it is not known who future users of the WLC will be or what their operational needs will require in terms of equipment. As a result, all current mitigation relies on commercially available technology that meets the most stringent environmental standards.

Response to Comment 1-F6-18: As discussed above under Response to Comment 1-F6-4, an HRA was conducted for the Project and determined that cancer risk and chronic and acute non-cancer health risk impacts to sensitive receptors in the community would be less than significant with incorporation of mitigation for both construction + operation and operation of the WLC (Section 4.3.6.5 of the 2019 Draft Recirculated RSFEIR). Thus, the WLC would not result in health risk impacts that exceed the established SCAQMD significance thresholds and would not generate significant health risks to families in the Project area. Additionally, as discussed in Response to Comment 1-F6-17, WLC is committed to reducing emissions to the extent feasible based on current available technology.

The type of EIR that has been prepared for the WLC project is a Programmatic EIR that analyzes the environmental impacts and required mitigation for a long-term project that will be implemented in increments over many years. Each subsequent development with the WLC will be subject to further environmental review and may require additional mitigation if additional impacts are found or previously infeasible mitigation becomes feasible. Due to the programmatic nature of the document, it is not known who future users of the WLC will be or what their operational needs will require in terms of equipment. As a result, all current mitigation relies on commercially available technology that meets the most stringent environmental standards.

Response to Comment 1-F6-19: Section 4.4 of the 2018 RSFEIR, Biological Resources, discusses the effects of pollution impacts on plants and animals in the SJWA area. Nitrogen deposition is the term used to describe nitrogen-based pollutants that are deposited as a result of emissions from future Project related activities. The pollutants are typically in the form of nitrogen oxide (NO_x) and ammonia (NH₃)-derived pollutants, primarily nitric acid (HNO₃). Although there are many types of nitrogen-based pollutants resulting from project-related emissions, HNO₃ is typically the easiest to measure and is used in determining nitrogen deposition rates. Nitrogen deposition can potentially lead to impacts on sensitive species through (1) direct toxicity, (2) changes in species composition among native plants, and (3) enhancement of invasive species (Fenn et al. 2003; Weiss 2006a). However, there is no scientific documented evidence that links direct toxicity to impacts associated with sensitive plant and wildlife species; thus, direct toxicity is not considered a significant impact (2018 RSFEIR page 4.4-62). An increase in nitrogen deposition does not inhibit the growth of native plants but promotes the rapid growth of non-native invasive species that could out-compete native plants for available water and nutrients. If the increase of non-native plant species is detrimental to the growth of native plants, the result may be a conversion from a native plant community to a non-native plant community. This change in habitat is only considered a significant impact if that change occurs in suitable habitat for a federally threatened or endangered species within USFWS-designated critical habitat. The WLC will consist of mobile, non-point pollution sources (diesel trucks), which will result in a highly random dispersion of emissions that will occur in a broad, regional fashion. Because of the way in which nitrogen is generated by the WLC project, its overall patterns for dispersion, and the multi-variant parameters that would need to be taken into consideration for such an analysis, and since there is no established scientific basis or standards to study the effects of nitrogen dispersion for non-point pollution sources; Project-specific conclusions or mitigation would be overly speculative for the purposes of this 2018 RSFEIR.

Local wildlife (i.e., within the SJWA) may be exposed to vehicular exhaust and diesel particulates and toxic air contaminants from truck exhaust as the WLC project builds out. New development will produce significant amounts of diesel-related air pollutants that will be released into the atmosphere, including gases and particles of various sizes. Most of the available (and most applicable) research is on diesel pollutant impacts on humans. Although the physiology of many animals is very different than humans, data on health effects from diesel pollution may nonetheless be somewhat instructive when attempting to assess diesel impacts on wildlife. Potential health effects on wildlife obviously depend on the species involved, but in general, health effects from air pollution/diesel exhaust include impaired cardiac and lung or respiratory function, reduced heart function or longevity, decreased clutch size or hatching success, increased incidence of cancer and other mutagenic or teratogenic effects, ingestion of air deposited particulates, reduction in overall biodiversity, reproductive failure, etc. In general, impacts on higher animals are most commonly attributed to food loss and reproductive effects, rather than to direct toxic effects on adults. There are relatively few examples of higher animals suffering direct toxic effects from either atmospheric acidity or gaseous air pollution. However, a number of mammals are known to build up high levels of heavy metals and other pollutants in their systems from air pollution. The main public health concerns are from fine and ultrafine particulate matter, black or elemental carbon, polyaromatic hydrocarbons (PAHs) like phenanthrene, metallic ashes, gases like nitrogen dioxide, aldehydes like acetaldehyde, acrolein, and crotonaldehyde, volatile organic compounds like benzene and 1,3-butadiene, etc. (2018 RSFEIR page 4.4-70). One of the research limitations is that some health effects from these pollutants take a long time, in some cases even a lifetime, to exhibit themselves. These pollutant species can also be emitted from a

variety of other sources in complex urban environments so it can be difficult to trace individual sources of the air pollutants. In the case of this Project, air pollutant emissions potentially affecting wildlife would predominantly be the result of new warehouse uses within the Project Site. Research suggests that wildlife may be more susceptible to air pollutant impacts than humans, due to their smaller size, higher respiration rates, smaller lung capacities, ingestion of local plant materials that have also been exposed, higher metabolic rates, etc., although some factors like shorter natural lifespans would reduce the duration of exposure over time. For these reasons and for the purposes of this analysis, it is assumed that animals within the SJWA would be at least as susceptible to health effects from air pollution, including diesel exhaust, as humans.

In addition to pollutants associated with diesel trucks, passenger vehicles generate air pollutant emissions including carbon monoxide, nitrogen oxides, particulates, etc. These pollutants will also have indirect impacts on wildlife resources of the SJWA. Two impacts of most concern would be ozone degradation (e.g., plants having an unusual dry or “burned” look) and the deposition of additional nitrogen, both of which can disrupt plant growth cycles. Direct air pollutant impacts on wildlife within the northern end of the SJWA would be minimized somewhat because prevailing winds are mainly to the southeast with the remainder mostly to the east (i.e., very little to the south), based on data from the project air quality study (MBA 2012). However, some diesel and other Project-related air pollutants would be expected to disperse toward the SJWA, including gaseous and PM emissions, from trucks and passenger vehicles, when prevailing winds are absent. There is little academic or scientific research on the specific impacts of diesel and gaseous air pollutant emissions on wildlife (i.e., not laboratory animals) in natural settings, or specific setbacks for wildlife protection areas from warehouse distribution centers or other sources of diesel and gaseous pollutant emissions. Most available research is too limited or specific regarding the type of pollutant and/or the species considered to be affected (e.g., impacts of one pollutant on one species). The northern portion of the SJWA, south of the WLC Specific Plan area, has been used historically for agricultural purposes, and may be used by foraging birds, with a portion of this area currently containing non-native grassland with predominantly non-native or invasive species. Based on available scientific data, it is reasonable to conclude that the Project, due to its size and expected amount of truck traffic, could have potentially significant impacts on wildlife within the SJWA and east across Gilman Springs Road from project air pollution, including diesel truck exhaust.

To assess the significance of these potentially significant impacts to wildlife from the increase in air pollutant emissions from the Project, primarily diesel PM, the results of the HRA conducted for the Project to assess the human health risk was utilized to evaluate the risk to animals (Section 4.3.6.5 of the 2019 Draft Recirculated RSFEIR). An HRA was conducted for the WLC in the 2019 Draft Recirculated RSFEIR which focused on estimating the health risks from multiple pollutants, but primarily diesel PM and ROG. The HRA identified that the cancer risk and chronic and acute non-cancer risk to sensitive receptors in the community would be less than significant with incorporation of mitigation for construction and operational scenarios of the WLC (see Section 4.3.6.5 of the 2019 Draft Recirculated RSFEIR). Since on-site and offsite human sensitive receptors would experience a less than significant health risk impact with incorporation of mitigation, the potential health risk impact to wildlife within the SJWA, which is located farther away than the nearest human sensitive receptors at 250 feet to the south of the proposed development area, would also be less than significant (2018 RSFEIR at page 4.4-73). Thus, based on available information, the effects of emissions on wildlife in the SJWA is less than significant. As demonstrated, the 2018 RSFEIR and the 2019 Draft Recirculated RSFEIR fully evaluated the potential air quality and health risks of the WLC

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with regard to diesel PM and other pollutants to wildlife and plants, as well as employees and visitors in the SJWA.

Response to Comment 1-F6-20: Refer to Topical Response C, Project Approvals, Litigation and the Effects of Litigation, regarding the Court Ruling and its effect upon the EIR process, content and project approvals.

Response to Comment 1-F6-21: This is an email correspondence from the Sierra Club, San Geronio Chapter, to the City providing comments on the 2018 RSFEIR. The City is confirming that they received the comments and have reviewed the comments. No further response is required because no specific comments on the contents of the environmental analysis was provided in this comment (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

Responses to Comment 1-F6-22 through 1-F6-36: These comments refer to an earlier emailed version of Letter 1-F6 that was received. The latter 1-F6 letter included additional information that was not contained in the previous letter, specifically for comments 1-F6-8, 1-F6-16, 1-F6-19, and the first part of 1-F6-20. Therefore, the latter 1-F6 Letter was answered in Responses to Comments 1-F6-1 through 1-F6-21, above, and the earlier letter which includes comments 1-F6-22 through 1-F6-36, were all addressed in the responses above.

Response to Comment 1-F6-37: This Sierra Club requests to be updated on all meetings and documents related to the WLC project. This comment will be forwarded for review by the decision makers. No further response is required because no specific comments on the contents of the environmental analysis was provided in this comment (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

From: Albert Armijo
Sent: Friday, September 7, 2018 4:42 PM
To: Julia Descoteaux; Vera Sanchez
Subject: FW: World Logistics Center Revised Program FEIR (SCH No. 2012021045)
Attachments: MX-M5070_20180907_152339.pdf

Albert Armijo
Interim Planning Manager
Community Development
City of Moreno Valley

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14177 Frederick St., Moreno Valley, CA 92553

From: Nicholas Whipps [mailto:nwhipps@wittwerparkin.com]
Sent: Friday, September 7, 2018 4:30 PM
To: Albert Armijo <alberta@moval.org>
Subject: Re: World Logistics Center Revised Program FEIR (SCH No. 2012021045)

Dear Mr. Armijo:

Attached, please find comments regarding the World Logistics Center Revised FEIR, submitted on behalf of the Southwest Regional Council of Carpenters.

Pursuant to Section 21092.2 of the Public Resources Code and Section 65092 of the Government Code, Southwest Carpenters requests notification of all CEQA actions and notices of any public hearings concerning this Project, including any action taken pursuant to California Planning and Zoning Law. In addition, pursuant to Public Resources Code section 21167(f), please provide a copy of each Notice of Determination issued by the City in connection with this Project and please add Southwest Carpenters to the list of interested parties in connection with this Project and direct all notices to my attention. **This request includes any future projects considered in relation to this FEIR.** Please send all notices by email or, if email is unavailable, by U.S. Mail to the following two addressees:

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Very truly yours,

NICHOLAS WHIPPS

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September 7, 2018

Sent via Email

Albert Armijo, Interim Project Manager
 14177 Frederick Street
 P.O. Box 88005
 Moreno Valley, CA 82552
 alberta@moval.org

Re: World Logistics Center Revised Program FEIR (SCH No. 2012021045)

Dear Mr. Armijo:

This law firm represents the Southwest Regional Council of Carpenters (Southwest Carpenters) and submits this letter on the above-referenced project on its behalf.

Southwest Carpenters represents 50,000 union carpenters in six states, including in Southern California, and has a strong interest in the environmental impacts of development projects, such as the City of Moreno Valley's (City) consideration of the World Logistics Center (Project) (SCH No. 2012021045). In response to a court judgment vacating the City's environmental review for the World Logistics Center, the City has issued a revised Program Final Environmental Impact Report (FEIR).

The Project is massive by any definition. The Project proposes to approve and construct a series of logistics centers and associated uses, structures, and infrastructure across roughly 40 million square feet of warehouse "logistics" structures across 3,818 acres (approximately six square miles) in the Rancho Belago area of the City of Moreno Valley, including 3,714 acres of land comprising the Project site, in addition to 104 acres of off-site improvements.

The Project requires several approvals, including:

- General Plan Amendment to permit logistics warehousing, open space, and public facilities;
- Adoption of a new Specific Plan;
- Zone Change;
- Development Agreement; and
- Tentative Parcel Map covering 1,539 acres within the Project site.

1-F7-2

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Southwest Carpenters joins in comments submitted by other groups and individuals concerned about the environmental impacts of the Project, as well as the City’s failure to conduct adequate environmental review. Southwest Carpenters incorporates those concerns and issues herein by reference. Southwest Carpenters submits further comments regarding the City’s revised environmental review, below.

1-F7-2
 cont.

Project Description

California Environmental Quality Act (CEQA) Guidelines define “project” as “the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” (14 Cal. Code Regs. § 15378(a).) The Project Description must contain “A general description of the project’s technical, economic, and environmental characteristics.” (14 Cal. Code Regs. § 15124(c).) Failure to adequately define the Project may invalidate EIR.

The City states the Project only includes approval of Tentative Parcel Map number 36547, as this map “was not part of the Initiative adoption, which included the General Plan Amendment, Zone Change, Specific Plan and Development Agreement.” However, as the City is now aware, the Court of Appeal has invalidated the City’s process wherein it vacated these approvals and then re-adopted them after an initiative was lodged. (See *Center for Community Action and Environmental Justice v. City of Moreno Valley*, Case No. D073451 (filed Aug. 23, 2018) (“the Legislature exclusively delegated the power to enter into development agreements to the local governing body, thus precluding adoption by initiative”).) As the City notes in its FEIR, “the City Council, in response to the initiative petitions submitted to it for . . . the Development Agreement, vacated approvals for those entitlements granted in August, and then readopted [these entitlements].” The Project must, at minimum, also include the Development Agreement. The City’s failure to state the Project includes the Development Agreement constitutes a violation of CEQA. (14 Cal. Code Regs. § 15378(a).)

1-F7-3

However, as noted above, the Project includes “the whole of the action” which has the potential to cause environmental impacts. Here, the whole of the action includes all elements of the Project, including the General Plan Amendment, Specific Plan, and Zone Change, not just those approvals the City claims are not yet finalized. Claiming certain aspects of the Project have already been approved and remain fixed means the City has committed itself to a definite course of action prior to finalizing its environmental review, in violation of CEQA. (14 Cal. Code Regs. § 15352; *Save Tara v. City of West Hollywood* (2008) 45 Cal. 4th 116, 129, 130.)

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Reasonable Range of Alternatives

The range of alternative examined in an EIR should be designed to foster informed decisionmaking and public participation. (14 Cal. Code Regs. § 15126; *Bay Area Citizens v. Assoc. of Bay Area Gov'ts* (2016) 248 Cal.App.4th 1252, 1264.) The range presented should be sufficient to permit a reasonable choice of alternatives for environmental aspects. (*San Bernardino Valley Audubon Soc'y v. County of San Bernardino* (1984) 155 Cal.App.3d 738, 750.) An EIR should provide “enough of a variation to allow informed decisionmaking.” (*Mann v. Community Redevelopment Agency* (1991) 233 Cal.App.3d 1143, 1151.)

The City’s revised review of Project alternatives is haphazard and defeats informed decisionmaking. In its introduction, the City states the Alternatives section “evaluates the proposed effects of the No Project Alternative only.” However, the City does not provide a revised Alternatives Section in conformance with its decision to only consider the Project and No Project alternatives. Instead, the City tacks on the Alternatives section from the Draft EIR without revising or renumbering or renaming it. The heading for this section remains labeled as Section 6.0 - “Revised **Draft** EIR.” (emphasis added).

1-F7-4

As the City has indicated it only intends to consider the Project and No Project Alternatives, the City’s failure to revise the Alternatives Section fails to accurately depict the City’s evaluation of the Project. Furthermore, the City’s consideration of only the No Project Alternative for such a massive Project that could achieve reduced Project impacts from a reduced intensity alternative is unreasonable and violates CEQA. (14 Cal. Code Regs. § 15126.) This adds further evidence the City has impermissibly committed itself to a definite course of action. (14 Cal. Code Regs. § 15352.) CEQA requires the City to consider “feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects.” (Pub. Resources Code § 21002; 14 Cal. Code Regs. § 15168(b)(1) (one advantage of Program EIR is to provide “for a more exhaustive consideration of effects and alternatives”).) As even a fractional reduction of a project of this size could substantially reduce environmental impacts, a reduced intensity alternative considering even small reductions would permit the Project to fulfill its purpose, while also mitigating environmental impacts.

Air Quality

The City is required to adopt all feasible mitigation measures. (Pub. Resources Code § 21002.) This mandate remains in effect although City has determined air quality impacts will remain significant and unavoidable even after adoption of the City’s proposed mitigation. As indicated, above, the City has not adopted all feasible mitigation measures, including by reducing

1-F7-5

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the size of the Project and further reducing Project-related emissions by installing solar panels in all parking lots and structure roofs.

1-F7-5
 cont.

Biological Resources

The City’s FEIR should provide “decision makers with sufficient analysis to intelligently consider the environmental consequences of [the] project.” (*Cleveland National Forest Found. v. San Diego Assn. of Gov’ts* (2017) 17 Cal.App.5th 413, 426.) The FEIR should “deal[] with the effects of the program as specifically and comprehensively as possible.” (14 Cal. Code Regs. § 15168(c)(5).) The City’s FEIR must provide sufficient description of the environmental setting and impacts of the Project to foster informed decisionmaking. Failure to consider potential impacts at the programmatic stage would unlawfully exclude consideration of these potential impacts and mitigation measures in this or any other subsequent environmental review.

1-F7-6

The City states subsequent environmental review “shall include a focused plant survey of the proposed development site . . . to identify if any of the following sensitive plants (i.e., Coulter’s goldfields, smooth tarplant, Plummer’s mariposa lily, or thread-leaved brodiaea) are present.” However, the City must provide an accurate statement regarding the potential of these plants to occur in the FEIR, which may include the need to survey for the occurrence of these species within the Project site. Instead, the City claims three of these four species—Coulter’s goldfields, smooth tarplant, and thread-leaved brodiaea are not likely to occur within the Project site. The City’s treatment of these species within its FEIR directly contradicts the City’s directive that project-level review conduct surveys for these plant species. The FEIR must be revised to accurately disclose the potential of these and other species to occur within the Project site or otherwise be affected by Project activities. Further, the City may not have proposed feasible mitigation in regard to these species. The City permits the relocation of these species; however, plant species often cannot survive in different soil, moisture, light, etc. conditions, resulting in the failure of relocated populations. Many plant species have poorly understood biological requirements, rendering such relocation ineffective at mitigating impacts to these species. In contrast, the City simply assumes, without evidence, relocation would be successful.

The FEIR fails to consider the potential of the Project to directly impact California Fully Protected Species, including the white-tailed kite, golden eagle, and peregrine falcon. According to the Fully Protected Species Laws, take (including harassment) of any of these species is prohibited and avoidance the only option. (*E.g.*, Fish & Game Code § 3511; *Center for Biological Diversity v. Dep’t of Fish & Wildlife* (2015) 62 Cal.4th 204, 231-232.) Because the City determined fully protected species are present within the Project site, the Project has the potential to result in the take of these species anywhere within the Project site. Accordingly, the City is required to ensure strict avoidance of the take of these species, which the City did not do.

1-F7-7

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(Fish & Game Code §§ 3511, 4700, 5050 and 5515.) By contrast, the City has only provided that impacts from habitat loss will be offset and that the Project will include a 250-foot setback from the southerly property line.

1-F7-7
cont.

The City did not consider or disclose traffic impacts on species. A Project of this size will cause a variety of species impacts, including by causing collisions with wildlife. The City should evaluate these impacts and mitigate accordingly, including possibly by ensuring drivers are driving at reduced speeds until they reach more urbanized areas or a freeway.

1-F7-8

The City has not conducted an adequate evaluation of cumulative Project impacts to biological resources. CEQA Guidelines define “cumulative impacts” as “two or more individual effects, [which] when considered together, are considerable or which compound or increase other environmental impacts.” (14 Cal. Code Regs. § 15355.) Critically, “Cumulative impacts can result from *individually minor but collectively significant projects* taking place over a period of time.” (14 Cal. Code Regs. § 15355 (emphasis added).) As plainly stated in the definition of cumulative impacts, a project-related impact may be individually less than significant but cumulatively significant. (14 Cal. Code Regs. § 15355.)

1-F7-9

The judgment rendered by the Superior Court required the City to adequately consider cumulative impacts consistent with the requirements of CEQA. It is clear from several sections of the FEIR the City has failed to conduct this required analysis. For instance, regarding cumulative impacts to biological resources, the City concludes, “With implementation of the stated project-specific mitigation and payment of required MSHCP fees, no significant cumulative effect on biological resources would result from development of the WLC project.” However, this analysis ignores the directive and purpose of the cumulative impacts analysis that the City consider impacts that may be directly and indirectly less than significant but cumulatively significant. While the City claims direct and indirect Project impacts will be reduced to a *less than significant level*, the City nowhere claims there will be no impacts arising from this and other past, present, and reasonably foreseeable future projects—nor could it. The bevy of projects the City has identified will result in the collective loss of thousands of acres of habitat and result in direct and indirect impacts that, while potentially less than significant at the project-level, will collectively significantly reduce the habitat availability and population numbers of dozens of wildlife species. By determining that cumulative impacts will be less than significant so long as Project impacts are less than significant, the City’s analysis writes the cumulative impacts analysis out of CEQA. This approach violates CEQA. (14 Cal. Code Regs. § 15355.)

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Geology and Soils

The City makes seemingly contradictory conclusions regarding the Project. The City first claims the Project site “has little or no potential for seismically-induced failure or liquefaction.” However, continuing, the City determines “The eastern portion of the site contains one or more splays of the San Jacinto Fault and the Casa Loma Fault may be in the general vicinity of the western portion of the site.” It is inconsistent for the City to determine the Project has no potential for seismically induced failure on one hand, but that it straddles two well-known faults on the other. Please revise this analysis to ensure consistency. Further, impacts related to fault zones within the Project site would be more effectively studied first at the Program-level, as opposed to being relegated to being chopped up in several subsequent analyses. The City should have evaluated and disclosed these potential impacts in more detail within the FEIR.

1-F7-10

Greenhouse Gases

The City’s determination that Project greenhouse gas impacts will be reduced to less than significant after minimal mitigation is procedurally and substantively invalid.

A threshold of significance is a standardized “performance level of a particular environmental effect, non-compliance with which means the effect will normally be determined to be significant . . . and compliance with which means the effect normally will be determined to be less than significant.” (14 Cal. Code Regs. § 15064.7.) The City determined the Project would have less-than-significant greenhouse gas impacts. The FEIR discloses the Project will emit 372,073 metric tons of carbon dioxide equivalent (MTCO_{2e}) of greenhouse gas emissions per year. The City determined these impacts would be significant applying the SCAQMD interim threshold of 10,000 MTCO_{2e}/year developed for stationery-source industrial land uses, with most of these emissions originating from mobile sources. However, the City discounted over 300,000 MTCO_{2e}/year of these emissions, assuming all projects approved under the FEIR would be subject to mandatory compliance to the AB 32 regulations implementing the Cap-and-Trade program, claiming “the majority of the project’s GHG emissions are from sources that are subject to the requirements of the Cap-and-Trade Program. AB 32/SB 32 capped emissions are shown for informational purposes, as those emissions are not compared with the SCAQMD’s significance threshold.” The City has presented no evidence that would support its conclusion that all Project uses would be subject to mandatory Cap-and-Trade compliance.

1-F7-11

The City erroneously assumes all aspects of the Project will be subject to mandatory compliance with the Cap-and-Trade Program, when there is no evidence this will be the case. As explained in California Air Resources Board guidance documents, only certain sectors are required to comply with the Cap-and-Trade Program (See CARB, Cap-and-Trade Regulation

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Instructional Guidance, Chapter 2: Is My Company Subject to the Cap-and-Trade Regulation? (Sept. 2012), <https://www.arb.ca.gov/cc/capandtrade/guidance/chapter2.pdf>; *see also* CARB, Cap-and-Trade Regulation Instructional Guidance, Chapter 1: How Does the Cap-and-Trade Program Work? (Sept. 2012), <https://www.arb.ca.gov/cc/capandtrade/guidance/chapter1.pdf#page=2> (Attachments A, B.)

Warehouse uses, which will comprise the majority of Project site, appear nowhere on the list of regulated entities, though these warehouse uses may voluntarily purchase credits as mitigation to offset significant greenhouse gas emissions. Regulated entities include electricity importers or generators, petroleum and natural gas refineries and systems, and a few other specific manufacturing facilities, such as glass and nitric acid production. The City does not describe the Project site as including any of the uses regulated by the mandatory Cap-and-Trade Program requirements. It is erroneous of the City to assume the large majority of Project emissions will be subject to the Cap-and-Trade Program absent requiring such compliance as mitigation. Accordingly, the entirety of the City’s Greenhouse Gas analysis is faulty, masks or otherwise ignores these significant impacts, and must be revised prior to Project approval. The City further based its determination that the Project would be consistent with plans and policies designed to reduce greenhouse gas emissions on its false assumption that Project emissions will fall “below the SCAQMD threshold for greenhouse gases that was structures in accordance with . . . State policies. Thus, the City’s conclusion regarding the second greenhouse gas significance threshold fails as well.

The City has missed an opportunity to reduce and offset the significant greenhouse gas impacts, including by requiring the purchase of offsets and installing solar panels on all parking lot shade structures and building roofs. The City must adopt all feasible mitigation. The City implies the purchase of offsets are feasible; thus, it should require the purchase of offsets as a mitigation measure at the levels assumed in the FEIR.

In addition, the City has not disclosed baseline greenhouse gas emissions for the Project. “An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published . . . from both a local and regional perspective.” 14 Cal. Code Regs. § 15125(a). The City provides a global overview of greenhouse gas emissions but provides no information regarding Project-specific baseline conditions.

Further, the primary goal of all plans the City analyzed is to reduce local, regional, and statewide greenhouse gas emissions. It is erroneous to conclude a Project, which serves to increase, rather than decrease, these emissions could be consistent with plans adopted to reduce these emissions.

1-F7-11
 cont.

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Finally, the City’s conclusion that greenhouse gas emissions will be cumulatively less than significant is not supported by evidence in the record. The City lists dozens of other projects, all which serve to increase greenhouse gas emissions, and the majority of which will determine, or have already determined, that greenhouse gas impacts will remain significant and unavoidable after mitigation. Thus, even assuming, *arguendo*, Project-specific impacts may be reduced to less than significant, it is erroneous to claim there is a less than significant cumulative impact.

1-F7-11
 cont.

Hazards and Hazardous Materials

The City’s analysis regarding potential impacts arising from exposure to hazardous materials is inadequate. The City determined the transport, use, handling, and disposal of hazardous materials would be less than significant prior to mitigation, reasoning:

The transport, use, handling, or disposal of hazardous materials is regulated by various local, state, and federal standards, ordinances, and regulations that would ensure that potential impacts associated with environmental and health hazards related to an accidental release of hazardous materials are less than significant, and no mitigation is required Compliance with established safety laws and regulations regarding natural gas plants is expected to reduce this potential impact to a less than significant level, and no mitigation is required.”

1-F7-12

The City’s analysis categorically eliminates any need to ever discuss impacts arising from the transport, use, handling, or disposal of hazardous materials. While the City claims the Project has the potential to transport, store, and release hazardous materials, according to the City, no discussion of these impacts is necessary now (or ever) because laws exist that regulate hazardous materials. This approach incorrectly writes this analysis out of CEQA, and also incorrectly assumes that nothing more is required of the City than citation to these laws. Many of the laws governing the handling of hazardous materials require the production of discretionary project-specific Hazardous Materials Management Plans; yet, the City does not require this and instead concludes that no further action is necessary to ensure safe handling of these materials. (*See, e.g.* 40 CFR Part 355, Subpart B – Emergency Planning.) Failure to properly disclose, evaluate, and mitigate these impacts violates CEQA. (14 Cal. Code Regs. § 15126.4.)

Regarding fire hazards, the City determined the Project is located within a Very High Fire Hazard Severity Zone and would necessitate the construction of a dedicated fire station and related emergency infrastructure. However, the City strangely concludes Project impacts would be less than significant *prior* to mitigation. The City’s conclusion is at odds with the extreme measures it proposes to take to ensure fire hazards are addressed. The City should revise its

1-F7-13

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FEIR to accurately disclose the potential fire hazards associated with the Project and mitigate accordingly.

1-F7-13
cont.

Finally, the City, again, does not conduct an adequate cumulative impacts analysis, concluding “The risk to each future project is based on the location and interface between [the] urbanized area and wildland areas. Potential risks associated with development in this area can be effectively reduced through conformance with Fire and Building Code regulations.” First, this statement does not address cumulative impacts from any other potential hazard category. Second, the City fails to address the potential cumulative impacts arising from the cumulative inclusion of a variety of projects within the urban-wildland interface and the increased demand for fire services, especially with the occurrence of a large fire. The cumulative development within this area would place an increasing strain on local, regional, and state fire services and poses an ever-increasing risk of catastrophic loss of life and property.

1-F7-14

Land Use

The City’s conclusion that the Project is consistent with regional and local land use plans is faulty. The City concludes the Project will not conflict with the City’s General Plan, assuming the General Plan Amendment, which is a component of the Project, has already taken effect. However, this conclusion is not founded on a comparison of the Project in relation to the environmental setting *prior* to Project approval, as required by CEQA. (*See Laurel Heights Improvement Assn. v. Regents of Univ. of California*, 47 Cal. 3d 376, 394 (1988) (“If post-approval environmental review were allowed, EIR's would likely become nothing more than post hoc rationalizations to support action already taken. We have expressly condemned this use of EIR's.”).)

1-F7-15

Further, the City’s conclusion regarding the Project’s inconsistency with the Southern California Association of Governments growth projections is puzzling:

The land uses per se of the project are not consistent with SCAG growth projections and some Compass Plan policies because they are not residential in nature. However, the project will substantially improve the City’s job/housing balance which is consistent with these regional plans.

1-F7-16

According to this reasoning, any project that promises jobs cannot be found inconsistent with regional growth projections. The City confuses the evaluation overriding considerations (weighing the “economic, legal, social, technological, or other benefits” of the Project) with the City’s evaluation of environmental impacts, which is designed to evaluate, disclose, and mitigate, *inter alia*, growth-inducing features of the Project. (*Compare* 14 Cal. Code Regs. §

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15093 *with* 14 Cal. Code Regs. § 15064.) The evidence in the record, and by the City’s own admission, is that the Project will be inconsistent with the growth projections of multiple regional plans. This requires disclosure and the adoption of feasible mitigation. Because the City has not followed required analytical and procedural mandates, its determination is erroneous and violates CEQA.

1-F7-16
 cont.

The same is true for the City’s treatment of compliance with the Multi-Species Habitat Conservation Plan (MSHCP). The City determined the Project would have a less than significant impact to the MSHCP prior to mitigation. However, the City assumes this will be so because the Project will be required to comply with mitigation measures, absent which Project impacts would be significant. Thus, the City’s conclusion that Project impacts will be less than significant *prior* to mitigation is unfounded.

1-F7-17

The City’s cumulative impacts Land Use and Planning analysis remains deficient. The City states:

The WLC project would not have significant project-related impacts related to dividing an established community, conflicting with applicable land use plans, policies, or regulations, or conflicting with an approved habitat conservation plan.

1-F7-18

The City’s conclusion is based entirely on the direct and indirect impacts of the Project on the environment and not, as required, “the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects.” (14 Cal. Code Regs. § 15355(b).) The City’s analysis violates CEQA.

Noise

Regarding Mitigation Measure 4.12.6.2A, the City impermissibly delegates the responsibility of adopting feasible mitigation measures designed to reduce significant noise impacts. CEQA Guidelines specify that each public agency is responsible for complying with CEQA and should not rely on comments from other public agencies or private citizens as a substitute for the agency’s own work. (14 Cal. Code Regs. § 15020.) A lead agency’s functions under CEQA are sufficiently important that they may not be delegated to another agency or private citizens. (*Friends of the Eel River v. North Coast Railroad Authority* (2017) 3 Cal.5th 677, 712-713.)

1-F7-19

In violation of this principle, the City delegates the acceptance of mitigation measures designed to reduce noise impacts to private citizens. The City states:

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Prior to implementing the mitigation, the Applicant shall send letters by registered mail to all property owners and non-owner occupants of properties that would benefit from the proposed mitigation asking them to provide a position either in favor of or in opposition to the proposed noise abatement mitigation *If more than 50% of the votes from responding benefited receptors oppose the abatement, the abatement will not be considered reasonable.*

1-F7-19
 cont.

Determining the feasibility of Project mitigation is the sole responsibility of the City. Although the opinions of non-experts and members of the public are important in considering mitigation measures, this input must be taken *prior* to Project approval, not after. As designed, the City cannot guarantee this mitigation will be implemented, or where, rendering this mitigation measure unreliable. The City must revise this mitigation measure to ensure it represents the City’s final judgment as the lead agency. (14 Cal. Code Regs. § 15020; Pub. Resources Code § 21067.)

Traffic and Transportation

It is unclear whether, and to what extent, Mitigation Measure 4.15.7.4C will be implemented. According to the City, this Mitigation Measure “shall apply only to mitigation measures where a mechanism has been established to collect funds from the project and any other funds needed to complete the improvements.” The City does not go on to disclose which, if any, portions of the Project will provide funding pursuant to this Mitigation Measure, and it is unclear how, if at all, the City will determine “a mechanism has been established to collect funds” for needed infrastructure. This language is also confusing because *the City’s mitigation measures should be used as the mechanism for assigning and collecting these funds*. Please revise this Mitigation Measure in a matter that will allow decisionmakers and the public to determine whether the City has ensured adequate funding exists to mitigate Project-related traffic impacts to the levels disclosed in the FEIR.

1-F7-20

Utilities and Public Services

The City does not conduct proper analysis of impacts related to public services. CEQA Guidelines Appendix G thresholds of significance for impacts related to public services asks:

1-F7-21

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for . . . public services?

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The City responds, yes, the Project will directly, indirectly, and cumulatively create the need for increased police, fire, school, and recreational facilities. However, the City concludes *environmental impacts* related to these increased services will be less than significant because the Project will be required to pay impact fees, which would permit the City to construct additional facilities and otherwise provide for this increased need. The City fails to take the required analytical step to evaluate whether the “provision of new or physically altered governmental facilities” would cause significant environmental effects. (14 Cal. Code Regs, Appx. G.) Instead, the City admits these impacts exist and does nothing to address or otherwise mitigate them.

1-F7-21
 cont.

The same issues exist for the City’s treatment of impacts to utilities. For instance, regarding wastewater service, the City concludes,

The project, in conjunction with planned and future development within the service area, will incrementally increase the need for wastewater treatment over the long-term. ***However, the project itself would not require the construction of new wastewater treatment facilities or expansion of existing facilities.*** (emphasis added)

1-F7-22

Even after a court order requiring the City to conduct adequate cumulative impacts analysis, the City fails to recognize the difference between the direct, indirect, and cumulative impacts of the Project. The City first implies cumulative impacts have the potential to be significant and then wrongly states cumulative impacts are less than significant because “the project itself would not require the construction of new wastewater treatment facilities.” This misapplies the cumulative impacts analysis required by CEQA. (14 Cal. Code Regs. § 15355.)

Finally, it is unclear whether the City properly evaluated direct and indirect Project impacts to wastewater treatment facilities. Most treatment facilities are designed to ensure there will be no sewer system overflows (SSOs) during peak wet weather conditions. While dry weather capacity may not be an issue, facilities may not currently have sufficient capacity to handle peak wet weather flows. The FEIR does not appear to address this important aspect of sewer system capacity in its FEIR. (See U.S. Environmental Protection Agency, Proposed EPA Policy on Permit Requirements for Peak Wet Weather Discharges from Wastewater Treatment Plants Serving Sanitary Sewer Collection Systems (2005), https://www3.epa.gov/npdes/pubs/peak_wet_weather_fs.pdf (Attachment C).)

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Conclusion

Southwest Carpenters thanks the City for providing an opportunity to comment on the EIR. Pursuant to Section 21092.2 of the Public Resources Code and Section 65092 of the Government Code, Southwest Carpenters requests notification of all CEQA actions and notices of any public hearings concerning this Project, including any action taken pursuant to California Planning and Zoning Law. In addition, pursuant to Public Resources Code section 21167(f), please provide a copy of each Notice of Determination issued by the City in connection with this Project and please add Southwest Carpenters to the list of interested parties in connection with this Project and direct all notices to my attention. **This request includes any future projects considered in relation to this FEIR.** Please send all notices by email or, if email is unavailable, by U.S. Mail to the following two addressees:

Nicholas Whipps
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ddowning@wittwerparkin.com

Thank you for your consideration of these comments.

Very truly yours,
WITTWER PARKIN LLP



Nicholas Whipps

Attachments:

Attachment A: California Air Resources Board, Cap-and-Trade Regulation Instructional Guidance, Chapter 2: Is My Company Subject to the Cap-and-Trade Regulation? (Sept. 2012)

Attachment B: CARB, Cap-and-Trade Regulation Instructional Guidance, Chapter 1: How Does the Cap-and-Trade Program Work? (Sept. 2012)

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Attachment C: U.S. Environmental Protection Agency, Proposed EPA Policy on Permit
Requirements for Peak Wet Weather Discharges from Wastewater Treatment Plants
Serving Sanitary Sewer Collection Systems (2005)

RESPONSES TO LETTER 1-F7: Nicholas Whipps, Wittwer Parkin LLP for Southwest Regional Council of Carpenters

Response to Comment 1-F7-1: No specific comments on the contents of the 2018 RSFEIR are provided within this comment, and thus no further response is needed (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

Response to Comment 1-F7-2: Refer to Topical Response C, Project Approvals, Litigation and the Effects of Litigation, regarding the Court Ruling and its effect upon the EIR process, content and project approvals. The general Plan amendment, the Specific Plan and the zone change were approved through the initiative process in November, 2015. The use of the initiative process was upheld at trial in 2016 and was not appealed so that these three land use approvals are no longer required. Instead, they are part of the existing baseline. The Revised Final EIR will analyze all impacts resulting from the construction and operation of the WLC which is the “project” under CEQA Guidelines §15378.

Response to Comment 1-F7-3: The development agreement for the World Logistics Center was described as one of the discretionary approvals being considered in the 2015 Final EIR. (2015 Final EIR, page 3-114.) It was initially approved by Moreno Valley’s City Council in August, 2015. (2018 RSFEIR, page 2-1.) The approval of the development agreement was vacated and then reapproved by the City Council in November, 2015, in response to an initiative submitted by Moreno Valley’s voters. (2018 RSFEIR page 2-1.) The Council’s November, 2015, actions were upheld, and a petition for writ of mandate denied, in a judgment entered in September, 2016. The judgment was reversed in August, 2018, in a case entitled *Center for Community Action & Environmental Justice*, 26 Cal.App.5th 689 (2018), and the trial court was ordered to issue a writ commanding the Council to set aside its actions approving the development agreement. The Court of Appeal’s decision came after the 2018 RSFEIR had been prepared and circulated. The Revised Final EIR will reflect that the Council will consider the approval of the development agreement, together with the approval of the parcel map, based on the information contained in the Revised Final EIR. The environmental effects addressed in the Revised Final EIR adequately addresses the potential environmental impacts associated with the approval of the parcel map and the development agreement.

Refer to Topical Response C, Project Approvals, Litigation and the Effects of Litigation, regarding the Court Ruling and its effect upon the EIR process, content and project approvals.

Response to Comment 1-F7-4: CEQA Guidelines Section 15126.6 states that “an EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project... An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible.” In accordance with CEQA Guidelines Section 15126.6, the Alternatives Section evaluates a reasonable range of alternatives in light of Project objectives, which in this case are creating a regional logistics campus, improving the City’s jobs/housing balance and providing financial benefits to the City, and provides a comparative analysis of the environmental impacts for each alternative with respect to the Project.

Alternatives to the Proposed Project were evaluated in the Draft EIR and included two No Project alternatives and four Project Alternatives as follows: No Project/No Development; No Project/Existing

General Plan Alternative; Alternative 1: Reduced Density; Alternative 2: Mixed Use Alternative; Alternative 3: Mixed Use B Alternative; and Alternative Sites. Alternatives considered and rejected because they could not accomplish the basic objectives of the Project were all residential use alternatives and the mixed-use alternatives. Table 6.S in the Draft EIR is a comparison of Alternative to the Proposed Project regarding impacts. Based on the analysis in this Section 6.0 and the summary contained in Table 6.S, Alternative 1 – Reduced Density is the only alternative that reduces traffic, air quality, and related impacts by reducing the square footage of warehousing by 30 percent and has been deemed the environmentally superior alternative to the proposed project. However, Alternative 1 would still result in significant and unavoidable air quality impacts. Furthermore, none of the alternatives achieves the objectives of the Project to nearly the same degree as the proposed project as shown in Table 6.T. In accordance with CEQA Guidelines Section 15126.6, the City evaluated Project alternatives, including a reduced density alternative. However, since the reduced density alternative did not meet all or most of the Project objectives, the City has determined to proceed with the proposed project.

Refer to Topical Response C, Project Approvals, Litigation and the Effects of Litigation, regarding the Court Ruling and its effect upon the EIR process, content and project approvals. The City followed the court judgment to correct the five deficiencies identified by the trial court in the 2015 Final EIR. The five deficiencies include (1) Energy Impacts, (2) Biological Impacts, (3) Noise Impacts, (4) Agricultural Impacts, and (5) Cumulative Impacts (refer to Topical Response C, Project Approvals, Litigation and the Effects of Litigation, regarding the Court Ruling and its effect upon the EIR process, content and project approvals.). The Alternatives Section was not identified by the court as deficient. A similar comment was provided as Comment F8-107 in the 2015 Final EIR, Response to Comments. The Response to Comment 1-F8-107 explained that the alternatives analysis in the 2015 Final EIR does in fact represent a reasonable range of alternatives, including a reduced density alternative and several with reduced impacts. However, those alternatives were evaluated in light of Project objectives, which in this case are to create a regional logistics campus, improving the City's jobs/housing balance and providing financial benefits to the City.

Response to Comment 1-F7-5: Refer to Response to Comment 1-F7-4, above, for a discussion of Alternatives, and their analysis, for the WLC project. Although reducing the size of the Project as a mitigation measure could potentially result in a reduction in air pollutant emissions, such a mitigation measure would require a substantial reduction in size and scale of the Project to reduce the air quality impacts to less than significant levels. To get the reduction in Project impacts to less than significant, the Project objectives would not be met and the Project would not provide sufficient benefits with respect to the City's jobs/housing balance and financial benefits that would render the Project not viable. Thus, a reduced intensity alternative was considered by the City.

In regard to installing solar panels, the 2019 Draft Recirculated RSFEIR, Appendix E, Renewable Energy Technical Report (RETR) conducted an engineering and financial analysis of the full range of sustainable energy options potentially available at the site. The results of the WLC supply-side analysis indicate that this Project is required to provide renewable energy through solar panels that will be installed on the rooftops of buildings to help offset the power requirements within the Project (MM 4.7.6.1D in the 2019 Draft Recirculated RSFEIR). A detailed solar analysis is included in Appendix E of the 2019 Draft Recirculated RSFEIR. Due to the limitations that current MVU rules impose on solar PV capacity (see Topical Response E), Phase 1 buildings can each feature 300 kilowatts (kW) of photovoltaic (PV) (one-half the 600-kW minimum daytime electric load) and Phase 2 buildings can each feature 800 kW. At these PV system sizes,

a total of 4.5 megawatts (MW) of PV capacity would exist at WLC at the end of Phase 1 and a total of 14.1 MW of PV capacity would exist at WLC at full build-out. The use of PV in each phase would cover both the peak electric load generated by the offices and the annual energy usage of the offices, thereby achieving effective near zero-emission status for the offices. Due to the highly speculative nature of the EV penetration in Phase 2, mitigation measures require the Project to upgrade the structural integrity of the roof on each building to accommodate the possibility of future solar installation over the entire roof. At a minimum, the Project will install enough solar power in both phases to meet energy needs of the Project's office spaces. As a result of this analysis, Project Design Features to reduce energy usage were added as part of the Project in 2019 Draft Recirculated RSFEIR, Section 4.17, Energy, 4.17.5 Project Design Features. The 2019 Draft Recirculated RSFEIR includes mitigation measures for Air Quality, Greenhouse Gases, and Energy to reduce impacts to the extent possible. Thus, due to the limitations that current MVU rules impose on solar PV capacity, solar panels are being installed on the structure roofs, which will meet the maximum demand of solar allowed at this time.

Response to Comment 1-F7-6: A CEQA document must provide sufficient information and analysis to allow decision makers the ability to make informed decisions. The City has prepared the 2018 RSFEIR with sufficient information for the City's decision makers to make an informed decision. The 2018 RSFEIR provides accurate statements regarding the potential for special-status and narrow endemic plant species such as Coulter's goldfields (*Lasthenia glabrata* ssp. *coulteri*), thread-lived brodiaea (*Brodiaea filifolia*) and smooth tarplant (*Centromadia pungens* ssp. *laevis*), to occur and that project-level surveys for the three special-status plant species must occur. These three species are all Criteria Area Sensitive Plant Species (CASPSs) within the project site. The 2018 RSFEIR Table 4.4-2, Sensitive Plant Species in the WLC site (pages 4.4-16 through 4.4-19) provides accurate information regarding the potential for these species to occur. Specifically, for thread-lived brodiaea, the Table 4.4-2 states that the species is not likely to occur because "No clay soils or vernal pools occur in the WLC site. Recorded approximately 5 miles south of the WLC site (CNDDDB 2012)". For smooth tarplant, the Table 4.4-2 entry states that the species is not likely to occur because "No alkali soils occur in the WLC site. Recorded approximately 3 miles west of the WLC site (CNDDDB 2012)". For Coulter's goldfields, Tables 4.4-2 concludes that the species is not likely to occur because "No alkali soils, marshes, or vernal pools occur in the WLC site. Observed approximately 2 miles south of WLC site (CNDDDB 2012)."

The Project limits are within MSHCP Survey Area 10 of the Narrow Endemic Plant Species' (NEPSs) and MSHCP Survey Area 9 of the CASPSs for plant species. The MSHCP requires that a habitat site assessment (HSA) be conducted for all proposed developments within NEPS and CASPS survey areas (MSHCP Section 6.1.3). The HSA for most NEPS and CASPS plants must be done during a normal rainfall year and/rainy season. If it is determined during the HSA that suitable soils and/or growing conditions are present on site to support identified NEPS species, a focused plant survey is required during the plant species blooming period.

Habitat suitability of the site for NEPS and CASPS species is detailed in the General Biological Resources and MSHCP Compliance Report (Appendix E). None of the species analyzed in the NEPS or CASPS areas are anticipated to occur on the WLC site and none were observed during 2018 rare plant surveys (2018 RSFEIR page 4.4-79). The implementation of the WLC project would not affect the habitat or result in a direct impact for any special status plant species, and therefore, no mitigation measures for relocation of special status plant species are included in the 2018 RSFEIR. The focused special-status plant species

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surveys were conducted in 2018. The results of those surveys are described in the 2018 RSFEIR in Appendix B.

Response to Comment 1-F7-7: The 2018 RSFEIR did consider potential impacts on Fully Protected Species, specifically the golden eagle, white-tailed kite, and peregrine falcon. The 2018 RSFEIR Table 4.4-3: Sensitive Wildlife Species in the WLC site (pages 4.4-21 through 4.4-28) states that the golden eagle has a low potential to occur because “The WLC site contains open flat area that is considered marginally suitable foraging habitat, but not suitable nesting habitat. Recorded approximately 1 mile south of the WLC site.” The 2018 RSFEIR states the white-tailed kite was observed in 2018 foraging within the Project site, which contains suitable foraging habitat but no suitable habitat for nesting is present. The 2018 RSFEIR states that peregrine falcon has a low potential to occur because “The WLC site contains marginal nesting habitat. Known to occur in the San Jacinto Valley but not recorded within 7 miles of the site (CNDDDB 2012).” The 2018 RSFEIR states that “No suitable nesting habitat for golden eagle, white-tailed kite or peregrine falcon occurs within the area due to historic agricultural activities, regular disking of the site, and dominance of sparse, non-native low-quality vegetation. However, agricultural land does represent marginal quality foraging habitat within the WLC project site and adjacent SJWA” (page 4.4-29). The 2018 RSFEIR concludes that “California State fully protected wildlife species are not likely to occur in the WLC site, and there is no impact to California State fully protected wildlife species” (page 4.4-30).

Response to Comment 1-F7-8: Regarding traffic impacts on wildlife, page 4.4-66 of the 2018 RSFEIR acknowledges that “some local wildlife will be injured or killed by the additional vehicles and trucks on SR-60, Gilman Springs Road, Redlands Boulevard.” However, the “WLC site along the west side of Gilman Springs Road will be separated from the roadway by fencing or walls as appropriate; this will help restrict human access to Gilman Springs Road and native areas along the east side of the roadway and may incrementally reduce roadkill along Gilman Springs Road” (page 4.4-67). The 2018 RSFEIR acknowledges that roadkill from vehicle traffic on Gilman Springs Road will occur but the impacts will be less than significant “as long as the County coordinates with the Resource Conservation Agency and takes wildlife movement between Core H and proposed Core 3 into account when designing and improving Gilman Springs Road” (2018 RSFEIR page 4.4-67).

Response to Comment 1-F7-9: The Cumulative Impacts are discussed in 2018 RSFEIR Section 6.0 Cumulative Impact. Specific to Biological Resources, 2018 RSFEIR Section 6.4, Biological Resources, provides a detail analysis of cumulative impacts, which does not rely on the project-specific impacts to determine whether or not there will be cumulatively considerable impacts resulting from the WLC project and the other related-359 projects.

Cumulative impacts on Biological Resources are analyzed in 2018 RSFEIR Section 6.4 (pages 6.4-1 through 6.4-33). The impacts conclusion in the 2018 RSFEIR is “... there are no unmitigated project-specific significant and unavoidable impacts to biological resources identified in the FEIR” (2018 RSFEIR, page 6.4-2) with incorporation of recommended mitigation measures (Mitigation Measures 4.4.5.2A-B, and 4.4.6.1A-B through 4.4.6.3A-K). The 2018 RSFEIR Section 6.4 cumulative impact discussion includes discussion of impacts on SJWA (refer to Figures 6.4-1 [page 6.4-3] and 6.4-2 [page 6.4-4] for projects that could potentially result in a cumulative impact to the SJWA). The identified cumulative projects mitigate impacts to biological resources to less than significance through a combination of Project design features, mitigation measures and payment of MSHCP fees. Special-status species associated with the SJWA are primarily

located in the central and southern portion of the wildlife area, over one-mile south of the WLC project boundary and farther away from the identified cumulative projects. The conclusion in regard to cumulative biological resource impacts is, "... when considered in addition to the anticipated impacts of other projects in the cumulative scenario, the project's incremental contribution to impacts to biological resources would not be cumulatively considerable, and cumulative impacts to biological resources would be less than significant." (2018 RSFEIR page 6.4-23).

Response to Comment 1-F7-10: This comment is not on the 2018 RSFEIR, but on Section 4.6 of the 2015 Final EIR. The judgment in the CEQA litigation lawsuit challenging the 2015 Final EIR did not find any deficiencies in the analysis of geology issues and so may not be challenged again (*Inland Oversight Committee v. City of San Bernardino*, 17 Cal. App. 5th 771, 779-780 (2018)). The fault splays are located in the general vicinity of the eastern portion of the project site. The issue regarding seismically-induced failure relates to secondary seismic effects such as settlement, subsidence and liquefaction. The Project site's conditions, that include relatively dense alluvial and dense sedimentary bedrock materials at depth as well as groundwater levels at depths of greater than 100 feet, are such that less than significant effects associated with these secondary effects would result. The 2015 Final EIR included an analysis of fault rupture effects and ground shaking impacts on pages 4.6-16 through 4.6-20 of the 2015 Final EIR. Furthermore, it should be noted that CEQA need not address impacts, such as seismic activities, on a project, pursuant to *California Building Industry Association v. Bay Area Air Quality Management District*, 62 Cal. 4th 369, 385-388 (2015). In addition, refer to Topical Response C, Project Approvals, Litigation and the Effects of Litigation, regarding the Court Ruling and its effect upon the EIR process, content and project approvals.

Response to Comment 1-F7-11: Refer to Topical Response A, The Use of Cap-and-Trade, and Response to Comment 1-F6-15 for a discussion of why the 2019 Draft Recirculated RSFEIR does not mischaracterize 1) the scope of the Cap-and-Trade Program and how it relates to the state's overall greenhouse gas reduction mandates, and 2) how Cap-and-Trade is relevant to a CEQA analysis. Furthermore, the project does include feasible mitigation measures provided on pages 4.7-27 – 30 of the 2019 Draft Recirculated RSFEIR which will reduce total project emissions below 10,000 MTCO_{2e} for the entirety of the Project's presumed lifetime (2020 – 2064). Table 4.7-8 (see page 4.7-34 of the 2019 Draft Recirculated RSFEIR) shows the year-by-year lifetime emissions for the Project and demonstrates how mitigation measures reduce impacts to less than significant when compared to unmitigated year-by-year emissions in Table 4.7-6. Since the implemented mitigation reduces impacts to less than significant, no further mitigation is necessary i.e. carbon offsets.

Regarding the baseline greenhouse gas emissions for the Project, all Project emissions were analyzed as new emissions. No existing emissions at the site were assumed so as to provide a conservative analysis of impacts (page 4.3-62 of the 2019 Draft Recirculated RSFEIR).

Project consistency with greenhouse gas reduction plans, policies, regulations, and strategies was evaluated in Tables 4.7-11, 4.7-12, 4.7-13, and 4.7-14 of the 2019 Draft Recirculated RSFEIR. With implementation of applicable strategies/measures, Project design features, and mitigation measures, the Project's impacts would be less than significant. Thus, the WLC would not have a significant GHG impact and therefore would not hinder the State's achievement of its long-term GHG goals as further discussed in Topical Responses A and B.

As part of the GHG cumulative analysis a review of available environmental documents for projects within the Project vicinity was conducted. Approximately 359 projects have been identified in the vicinity of the Project and are listed in Table 6.7-1 of the 2019 Draft Recirculated RSFEIR. Out of those 359 projects, approximately 173 environmental documents were available. All 173 were reviewed to identify quantitative emissions for construction and operation of the respective projects; however, not all environmental documents contained emissions for construction and operation. Emissions from all of the identified cumulative projects were calculated based on available information and methodologies. Detailed research was conducted to identify as much information on the remaining projects that did not have environmental documents with construction and operational emissions available. However, complete project descriptions, detailed construction schedules, and any operational efficiencies were not available for every single project within the cumulative analysis limits. Therefore, with the information that was accumulated, modeling was conducted, utilizing CalEEMod and EMFAC2017 default factors, to estimate construction and operational emissions generated from these cumulative projects. The same methodologies used to calculate air quality emissions were also used to calculate GHG emissions, see Section 6.3.2 of the 2019 Draft Recirculated RSFEIR. The cumulative analysis of the identified project GHG emissions and climate change was based on standard methodologies and available information available at the time the 2019 Draft Recirculated RSFEIR, was prepared. Of the 359 projects analyzed, 95 projects exceeded their given threshold, 255 projects were below threshold, and sufficient project information to calculate emission was not available for 9 projects (see Section 4.3, Errata – Changes to the Draft Recirculated RSFEIR). Given that the unmitigated project and 95 of the cumulative projects are over threshold, impacts would be potentially significant and cumulatively considerable. With incorporation of mitigation measures 4.7.6.1A, 4.7.6.1B, 4.7.1C, and 4.7.1D in Section 4.7 of the 2019 Draft Recirculated RSFEIR, impacts would be less than cumulatively considerable, since the Project GHG emissions would not exceed the SCAQMD's significance threshold of 10,000 MTCO_{2e} per year, when considered with the other Projects' significant impacts (page 6.7-14 of the 2019 Draft Recirculated RSFEIR).

Response to Comment 1-F7-12: The analysis of the hazards and hazardous materials within the 2015 Final EIR was not found to be deficient and Section 4.8, Hazards and Hazardous Materials was not revised in the 2018 RSFEIR. Refer to Topical Response C, Project Approvals, Litigation and the Effects of Litigation, regarding the Court Ruling and its effect upon the EIR process, content and project approvals.

With respect to hazardous materials and associated management plans, as stated in Section 4.8, Hazards and Hazardous Materials of the 2015 Final EIR, the County of Riverside Community Health Agency is the Certified Unified Program Agency (CUPA) with responsibility for the City of Moreno Valley. All business that handle more than a specified amount of hazardous materials or extremely hazardous materials are required to submit a Hazardous Materials Business Emergency Plan (HMBEP). The HMBEP must include an inventory of the hazardous materials used in the facility, and emergency response plans and procedures to be used in the event of a significant or threatened significant release of a hazardous material. The HMBEP must also include the Material Safety Data Sheet for each hazardous and potentially hazardous substance used. The Material Safety Data Sheets summarize the physical and chemical properties of the substances and their health impacts. The plan also requires immediate notification to all appropriate agencies and personnel of a release, identification of local emergency medical assistance appropriate for potential accident scenarios, contact information of all company emergency coordinators of the business, a listing and location of emergency equipment at the business, an evacuation plan, and a training program

for business personnel. The City adequately analyzed potential impacts arising from exposure to hazardous materials as validated by the court's judgement. Additionally, Section 4.8, Hazards and Hazardous Materials was not recirculated in the 2018 RSFEIR or the 2019 Draft Recirculated RSFEIR, as it was not required under CEQA.

Response to Comment 1-F7-13: The 2015 Final EIR (Volume 3), Section 4.8, Hazards and Hazardous Materials, was not revised in the 2018 RSFEIR. Refer to Topical Response C, Project Approvals, Litigation and the Effects of Litigation, regarding the Court Ruling and its effect upon the EIR process, content and project approvals.

According to the 2015 FEIR ([age 4.8-21), the project site does not lie within a mapped high fire hazard area. However, the Badlands lie directly east of the project area and are considered a high fire hazard area. The Project does not require mitigation measures to address wildfire impacts because the Project includes the dedication of a new 1.5-acre urban fire station site and in accordance with the City of Moreno Valley's Development Impact Fee (DIF) requirements, funding for the construction of the fire station would be provided. The construction of a fire station within the Project boundary would adhere to all State and local fire and building codes. Additionally, development would conform to Fire and Building Code regulations. Therefore, the Project would result in less than significant impacts related to wildland fires. Additionally, Section 4.8, Hazards and Hazardous Materials, was not recirculated in the 2018 RSFEIR or the 2019 Draft Recirculated RSFEIR, as it was not required under CEQA.

Response to Comment 1-F7-14: The 2018 RSFEIR, Section 6.8 provides a detailed cumulative analysis for each of the hazards and hazardous materials thresholds. As discussed in the 2018 RSFEIR, Section 6.8, the project's incremental contribution to cumulative wildfire hazard impacts would be less than cumulatively significant. Additionally, Section 6.8, Hazards and Hazardous Materials, was not recirculated in the 2018 RSFEIR or the 2019 Draft Recirculated RSFEIR, as it was not required under CEQA.

Response to Comment 1-F7-15: This comment is not on the 2018 RSFEIR, but on the 2015 Final EIR. The judgment in the CEQA litigation lawsuit challenging the 2015 Final EIR did not find any deficiencies in the analysis of Land Use and so may not be challenged again as discussed in Topical Response C, Project Approvals, Litigation and the Effects of Litigation. The only Project approvals being sought are the development agreement and the financing parcel map. The General Plan was amended in November 2015 and represents the current planning for the Project and is the current baseline for Project analysis. Additionally, Section 4.10, Land Use and Planning, was not recirculated in the 2018 RSFEIR or the 2019 Draft Recirculated RSFEIR, as it was not required under CEQA.

Response to Comment 1-F7-16: This comment is not on the 2018 RSFEIR, but on the 2015 Final EIR. The judgment in the CEQA litigation lawsuit challenging the 2015 Final EIR did not find any deficiencies in the analysis of regional growth projections and so may not be challenged again (*Inland Oversight Committee v. City of San Bernardino*, 17 Cal. App. 5th 771, 779-780 (2018)). Each of the SCAG plans and policies were evaluated and the City determined that the proposed WLC Project would be consistent with these plans and policies as discussed in Section 4.10.5.2 of the 2015 Final EIR. Refer to Topical Response C, Project Approvals, Litigation and the Effects of Litigation, regarding the Court Ruling and its effect upon the EIR process, content and project approvals. Additionally, Section 4.10, Land Use and Planning, was

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not recirculated in the 2018 RSFEIR or the 2019 Draft Recirculated RSFEIR, as it was not required under CEQA.

Response to Comment 1-F7-17: The judgment in the CEQA litigation lawsuit challenging the 2015 Final EIR did not find any deficiencies in the analysis of the MSHCP and so may not be challenged again. *Inland Oversight Committee v. City of San Bernardino*, 17 Cal. App. 5th 771, 779-780 (2018). In accordance with the MSHCP and its Implementation Agreement, a fee mitigation program pursuant to which local agencies, including the City of Moreno Valley, collect development impact fees that are in turn used to acquire lands that are suitable for habitat preservation for species covered by the MSHCP. As stated on page 4.4-63 of the 2018 RSFEIR, implementation of Mitigation Measures 4.4.6.1A and 4.4.6.1B would reduce potential direct and indirect impacts to biological resources covered by the MSHCP to less than significant, and Mitigation Measures 4.4.6.1A, 4.4.6.1B, 4.4.6.2B, 4.4.5.2A and 4.4.5.2B would further reduce the less than significant impacts related to MSHCP consistency. In addition, refer to Topical Response C, Project Approvals, Litigation and the Effects of Litigation, regarding the Court Ruling and its effect upon the EIR process, content and project approvals.

Response to Comment 1-F7-18: Page 6.10-16 of the 2018 RSFEIR concludes that the cumulative effects of the Project in combination with other cumulative projects would result in a significant physical division of the established residences. This discussion further states that the Project's contribution to this significant cumulative impact would be cumulatively considerable. The 2018 RSFEIR concluded that there was no effective means of reducing this significant impact (2018 RSFEIR, page 6.10-17).

Response to Comment 1-F7-19: As stated in Mitigation Measure 4.12.5.2A in Section 4.12 of the 2018 RSFEIR, when processing future individual buildings under the WLCSP, as part of the City's approval process, the City shall require the Applicant to take the following three actions for each building prior to approval of discretionary permits for individual plot plans for the requested development:

Action 1: Perform a building-specific noise study to ensure that the assumptions set forth in the 2018 RSFEIR remain valid. These procedures used to conduct these noise analyses shall be consistent with the noise analysis conducted in the 2018 RSFEIR and shall be used to impose building-specific mitigation on the individually proposed buildings.

Action 2: If the building-specific analyses identify that the proposed development triggers the need for mitigation from the proposed building, including all preceding developments in the World Logistics Center site, the Applicant shall implement the appropriate level of mitigation, identified in the 2018 RSFEIR to reduce the identified impacts to comply with the Moreno Valley Municipal Code, which sets maximum sound levels reaching residential uses at 60 dBA Leq during the daytime hours (8:00 a.m. – 10:00 p.m.) and 55 dBA Leq during nighttime hours (10:01 p.m. – 7:59 a.m.). Prior to implementing the mitigation, the Applicant shall send letters by registered mail to all property owners and non-owner occupants of properties that would benefit from the proposed mitigation asking them to provide a position either in favor of or in opposition to the proposed noise abatement mitigation within 45 days. Each property shall be entitled to one vote on behalf of owners and one vote per dwelling on behalf of non-owner occupants. If more than 50% of the votes from responding benefited receptors oppose the abatement, the abatement will not be considered reasonable. Additionally, for noise abatement to be located on private property, 100% of owners of

property upon which the abatement is to be placed must support the proposed abatement. In the case of proposed noise abatement on private property, no response from a property owner, after three attempts by registered mail, is considered a no vote. At the completion of the vote at the end of the 45-day period, the Applicant shall provide the tentative results of the vote to all property owners by registered mail. During the next 15 calendar days following the date of the mailing, property owners may change their vote. Following the 15-day period, the results of the vote will be finalized and made public.

Action 3: Upon consent from benefited receptors and property owners, the Applicant shall post a bond for the cost of the construction of the necessary mitigation as estimated by the City Engineer to ensure completion of the mitigation. The certificate of occupancy permits shall be issued upon posting of the bond or demonstration that 50% of the votes from responding benefited receptors oppose the abatement or, if the abatement is located on private property, any property owners oppose the abatement.

The above mitigation measure identifies the action to reduce the Project's potentially significant environmental impacts, defines the timing during which the mitigation measure is to be implemented and monitored, and is fully enforceable through permit conditions. Additionally, the actions of private parties' points to the feasibility of the mitigation measure and is not a delegation of authority. Since it is unknown if the mitigation will be feasible, the 2018 RSFEIR identifies this impact as significant and unavoidable (2018 RSFEIR pages 4.12-43 – 4.12-45). Thus, this mitigation is an appropriate mitigation measure. Additionally, Section 4.12, Noise, was not recirculated in the 2018 RSFEIR or the 2019 Draft Recirculated RSFEIR; as it is not required under CEQA.

Response to Comment 1-F7-20: With respect to the mechanism to collect the funds for SR-60 improvements, these improvements are under the jurisdiction of Caltrans and not the City of Moreno Valley. Because the proposed WLC would be implemented over several years, the City would request information from Caltrans at the time that individual buildings are proposed to determine if there is a funding mechanism for a required SR-60 improvement. If there is a funding mechanism, the City would collect the applicant's fair share toward the improvement. Because the SR-60 improvements are not within the City of Moreno Valley's jurisdiction, the City could not ensure the improvements are implemented and, as a result, was required to find that the potential impacts would be significant and unavoidable.

By state law, a project is only required to mitigate its fair share of impacts.⁹² If the project's fair share is less than 100% then the remaining funds need to come from another source. The project is not obliged to provide its portion of funding for an improvement unless a source for the remaining portion has been identified.

Mitigation Measure 4.15.7.4E refers to improvements that are outside the City of Moreno Valley and thus beyond the direct control of either the City of Moreno Valley or the developer. The City of Moreno Valley

⁹² The Transportation Uniform Mitigation Fee (TUMF) Program applies to those jurisdictions in Western Riverside County that have adopted and are implementing the TUMF Program Ordinance. The TUMF Program has been developed pursuant and consistent with authority provided in the requirements of California Government Code Chapter 5 Section 66000-66008 Fees for Development Projects also known as California Assembly Bill 1600 (AB 1600 or the Mitigation Fee Act), which governs assessment of development impact fees in California.

Final Response to Comments

cannot compel another jurisdiction to find additional funding for improvements; all it can do is ask for cooperation and collect the project's fair share for any improvements where counterpart funding is available.

Response to Comment 1-F7-21: This comment is not on the 2018 RSFEIR, but on the 2015 Final EIR. The judgment in the CEQA litigation lawsuit challenging the 2015 Final EIR did not find any deficiencies in the analysis of Utilities and Public Services and so may not be challenged again (*Inland Oversight Committee v. City of San Bernardino*, 17 Cal. App. 5th 771, 779-780 (2018)). The discussion of potential impacts on police is located in Section 4.14.1.5 of the FIER. As discussed on page 4.14-5 of the 2015 Final EIR, states that the City collects fees from developers to offset police-related service impacts associated with new development. The WLC would be designed and operated per applicable standards required by the City for new development in regard to public safety. Additionally, the WLC is consistent with the City General Plan policies and Municipal Code requirements relative to police services. Thus, impacts related to police service, including the provision of new or physically altered governmental facilities, are less than significant (2015 Final EIR, page 4.14-7). Fire protection impacts are discussed in Section 4.14.2 of the 2015 Final EIR. As discussed on page 4.14-11 of the 2015 Final EIR, states that the City collects fees from developers to offset fire-related service impacts associated with new development. The WLC would be designed and operated per applicable standards required by the City for new development in regard to fire protection. Additionally, Section 2.2.6 of the WLC Specific Plan indicates a future 1.5-acre urban fire station site will be dedicated to the City to help offset increased fire service needs. The WLC is consistent with the City General Plan policies and Municipal Code requirements relative to fire protection services. Thus, impacts related to fire protection service, including the provision of new or physically altered governmental facilities, are less than significant (2018 RSFEIR page 4.14-11). The 2015 Final EIR discusses school impacts in Section 4.14.3, Schools. As discussed on page 4.14-15 of the 2015 Final EIR, the school districts collect fees from developers to offset school service impacts associated with new development. The WLC is an industrial project and not a residential project that would have a direct impact on school services by accommodating additional residents within the City. The WLC is consistent with the City General Plan policies and Municipal Code requirements relative to school services. Thus, impacts related to school services, including the provision of new or physically altered governmental facilities, are less than significant (2018 RSFEIR page 4.14-16). Recreational facilities impacts are discussed in Section 4.14.4 of the 2015 Final EIR. As discussed on page 4.14-23 of the 2015 Final EIR, the WLC Specific Plan proposes a General Plan Amendment to the Master Plan of Trails to reduce the extent of trail systems in the area to reflect the change from a residential neighborhood (Moreno Highlands) to a non-residential neighborhood (WLC). Trail linkages are provided in the WLC Project to extend existing trail routes from the western edge of the project to the east, providing for future linkages to Gilman Springs road, to the Lake Perris State Recreation Area, and to the San Jacinto Wildlife Area. Implementation of these new trails and the General Plan Amendment will allow the project to be consistent with the City's General Plan policies relative to trails. As discussed on page 4.14-25 of the 2015 Final EIR, the City collects fees from developers to offset recreational service impacts associated with new development. As stated on page 4.14-25, The WLC would not create any substantial demands on recreational facilities. It would not create a new demand on existing park facilities nor would it require an expansion of existing parks or the construction of new park; thus, the project would have a less than significant impact on recreational resources.

Section 4.14, Public Services and Facilities, has not been recirculated in the 2018 RSFEIR or the 2019 Draft Recirculated RSFEIR, as it is not required by CEQA. In addition, refer to Topical Response C, Project

Approvals, Litigation and the Effects of Litigation, regarding the Court Ruling and its effect upon the EIR process, content and project approvals.

Response to Comment 1-F7-22: As stated on page 6.16-46 of the 2018 RSFEIR, the proposed Project would not cause or contribute to a cumulatively significant impact on wastewater infrastructure because the proposed Project would not combine with the demands of other Projects in the cumulative scenario to require the expansion of existing infrastructure. The 2018 RSFEIR further states that the Project would require only connections to existing infrastructure. Potential significant environmental impacts associated with such construction include air quality, traffic, biological resources, cultural resources, noise, hydrology, water quality, and other impacts as identified and analyzed in Chapters 4.0 and 6.0 of the 2018 RSFEIR and the 2019 Draft Recirculated RSFEIR. None of those sections identified construction or operation of the Project's new or expanded wastewater infrastructure as resulting in significant impacts apart from those already analyzed in the 2015 Final EIR.

Response to Comment 1-F7-23: This comment is not on the 2018 RSFEIR, but on the 2015 Final EIR. The judgment in the CEQA litigation lawsuit challenging the 2015 Final EIR did not find any deficiencies in the analysis of Wastewater Treatment Services and so may not be challenged again (*Inland Oversight Committee v. City of San Bernardino*, 17 Cal. App. 5th 771, 779-780 (2018)). The discussion of potential impacts on wastewater treatment facilities is provided in Section 4.16.2.5.2 of the 2015 Final EIR. As discussed on page 4.16-29 of the 2015 Final EIR, the current capacity of the Moreno Valley Regional Water Reclamation Facility (MVRWRF) is 16 million gallons per day (mgd) and the existing average inflow is approximately 11.2 mgd. As discussed on page 4.16-29 of the 2015 Final EIR, the proposed WLC project would generate 0.82 mgd which represents approximately 18.2 percent of the remaining capacity of the existing MVRWRF. As stated in the discussion, there was a planned expansion at this facility to increase capacity from 16 mgd to 18 mgd in December 2013. The ultimate expansion of the facility is planned to increase capacity to 41 mgd. Due to the availability of treatment capacity and based on the approximate 15-year buildout of the WLC, the Project's indirect and direct impacts on the existing treatment facilities would be less than significant. In addition, refer to Topical Response C, Project Approvals, Litigation and the Effects of Litigation, regarding the Court Ruling and its effect upon the EIR process, content and project approvals. Section 4.16, Utilities and Service Systems, has not been recirculated in the 2018 RSFEIR or the 2019 Draft Recirculated RSFEIR, as it is not required under CEQA.

Response to Comment 1-F7-24: As requested, Southwest Carpenters will be provided notification of all CEQA actions and notices of public hearings including notices of determinations concerning the WLC project. No further response is required as no specific comments on the contents of the 2018 RSFEIR are provided within this comment.

CCEC

California Clean Energy Committee

California Clean Energy Committee | 3502 Tanager Avenue, Davis, CA 95616-7531

Voice: 530-756-6141 | Facsimile: 530-756-5930

<http://www.californiacleanenergy.org/>

October 16, 2018

VIA EMAIL AND FIRST-CLASS

Mr. Albert Armijo, Interim Planning Manager
City of Moreno Valley
Post Office Box 88005
Moreno Valley, California 92552

Re: Comments on Revised Sections of Final Environmental Impact Report
World Logistics Center
SCH No. 2012-021045

Dear Mr. Armijo:

This letter will constitute comments by the California Clean Energy Committee (CCEC) on the Revised Sections of Final Environmental Impact Report (RFEIR) for the World Logistics Center (WLC) prepared by the City of Moreno Valley.

The California Clean Energy Committee is a California non-profit corporation located in Davis, California, which advocates on behalf of the general public throughout California for energy conservation, reduction of greenhouse gas emissions, sustainable transportation, the development of clean-energy resources, and the conservation of natural resources. CCEC actively supports the application of the California Environmental Quality Act (CEQA) to energy conservation and related environmental impacts. Since 2008 the Committee has supported communities across California seeking to protect and conserve valuable resources.

Over 20 individuals in the Moreno Valley area have joined Clean Energy's campaign to request that that city require robust energy conservation and environmental stewardship in the World Logistics Center project design. CCEC was a party to the original consolidated litigation in this matter. (*Paulek v. City of Moreno Valley*, Riverside Superior Court, Case No. RIC 1510967.) Although CCEC dismissed its petition for writ of mandate on June 8, 2017, the arguments made by CCEC in that proceeding with respect to energy issues prevailed in the trial court. Judgment was entered against the city on June 7, 2018, concluding among other things that the energy conservation analysis in the final EIR had

1-F8-1

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been inadequate. A peremptory writ of mandate was issued on June 12, 2018, directing the city to set aside its approval of the final EIR and of the tentative parcel map.

CCEC continued discussions with the city and the project developer attempting to resolve energy issues related to the project. The city prepared and released the Revised Sections of the Final Environmental Impact Report (RFEIR) for public comment running from July 25, 2018, through September 7, 2018. CCEC did not receive a copy of the Notice of Availability and consequently was unable to provide comments during the public comment period. The RFEIR has since come to our attention and we are providing comments herewith.

1-F8-1
 cont.

As noted in our previous correspondence, all notices regarding this project should be sent to 503 Del Oro Avenue, Davis, California 95616-7531. The documents listed in the appendix to this letter are contained on a USB drive that accompanies the mailed copy of the letter. Please let us know if you have any difficulty in accessing the documents or to contact the undersigned for additional information.

We urge the City Council to reject the RFEIR and the revised project as designed. As noted below, there remain a number of areas where environmental impacts should be more carefully evaluated and feasible mitigation measures should be adopted. For the various reasons discussed below, the conclusion that impacts to energy are less than significant is not supported. The RFEIR should be revised and re-circulated.

1-F8-2

1. District Energy

Project-wide use of packaged, rooftop HVAC units is inefficient. District heating and chilled water service have proven cost-effective and efficient. The adverse energy efficiency impacts of choosing inefficient traditional HVAC equipment should be evaluated.

Chilled water and hot water service could be produced via one or more technologies. Both centralized centrifugal chillers driven by renewably generated electricity and centralized solar collection technology driving single or double effect absorption chillers should be discussed. The payback period on such a system can be less than five years.

1-F8-3

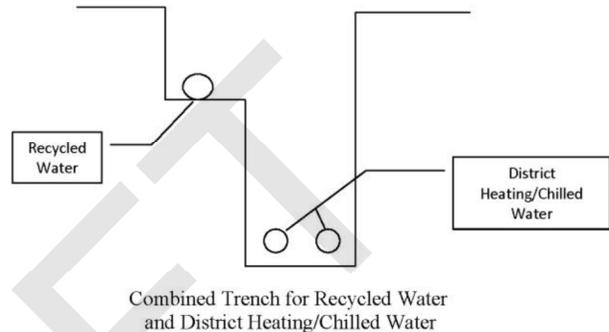
Information should be provided comparing these systems to using large numbers of rooftop HVAC units in terms of energy efficiency and cost-effectiveness under a typical warehouse configuration. The comparison should recognize that providing chilled water service enables cost-effective, chilled water storage which can take advantage of peak generation, utilize low off-peak rates, and avoid the need to maintain expensive peaking natural gas generation to serve HVAC units.

Capital costs are substantially reduced for renewable energy systems integrated into the initial project design and installed during initial construction, as opposed to being retro-

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fitted at some later date. Chilled water distribution piping installed as a component of the initial project is a good example of this. Piping can be sequenced into construction of underground utilities such as water, sewer, natural gas, electricity, data services, recycled water, etc. using an appropriate joint trench design.

District chilled water reduces capital costs and maintenance costs for individual warehouses including the cost of purchasing and installing large HVAC units, the cost of structural components required to support heavy HVAC equipment on roofs, the cost of sizing substations and power distribution systems to serve peak demand for numerous HVAC systems, the costs of constructing floor space for HVAC systems and equipment, and the cost of duct work throughout warehouses or offices. It increases revenues by providing additional rooftop space for solar PV generation. HVAC maintenance costs and replacement costs are reduced because individual buildings do not have HVAC systems to maintain or replace. Instead air handler units and chilled-water piping are used. The overall cooling capacity that must be purchased is reduced because system size is based on overall peak demand rather than by equipping each building to meet peak cooling demand individually.



The RFEIR determined that district energy was infeasible for the EIR relying on the analysis in the Comparison Report. The Comparison Report states due to the similar thermal load profiles of the warehouses, there would not be an opportunity to "exploit high demand diversity on the customer side" and that the distance between air-conditioned spaces makes the cost of installing district energy cost prohibitive.

The conclusion is speculative and unsupported. The size of the project site and the number of buildings to be served does not render district cooling infeasible or uneconomic. The WLC project, which involves 2,610 acres or 4 square miles and 27 buildings compares favorably in terms of size to existing districts in similar climates.

The concern about costs fails to take into account the considerable savings in construction costs where new warehouse buildings on the site could be designed and built from the ground up without HVAC systems or the related ducts. Retrofitting is far more expensive. It also fails to take into account that the important participation rate of buildings in the district could be assured of being 100%. It also fails to take into account the cost reductions where chilled water piping is installed and stubbed out to individual lots before streets are constructed, which is vastly cheaper than retrofitting underground systems to a highly-developed urban area.

1-F8-3
 cont.

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2. Warehouse Operation

The developer's analysis concludes that lighting and equipment loads will be responsible for most of the energy consumption at the WLC, even in the air conditioned warehouses. The analysis states that it did not consider opportunities to reduce energy usage by warehouse equipment because the developer has no direct control over warehouse equipment and operations.

Mitigation would be imposed by the city and does not depend upon the developer's authority. The city has the authority to implement mitigation such as requiring Energy Star certification. And the developer could exercise control over the efficiency of warehouse operations and equipment through lease terms or through CC&Rs. For example, the project as proposed would require natural gas for on-site forklifts and yard trucks, but fuel-cell or battery-powered forklifts that do not rely upon fossil fuels could be required.

The potential energy impact of warehouse equipment should be evaluated whether or not the impact can be mitigated. Warehouses are expected to operate natural gas powered forklifts and yard trucks. This should be evaluated as an unnecessary use of fossil fuel. Electric forklifts or hydrogen-powered forklifts reduce reliance on fossil fuels.

If a precise technical analysis is not practical, the city should make a reasonable effort to pursue a less exacting analysis. If the necessary details are not available to evaluate the efficiency of warehouse operations, the city should focus on programmatic energy analysis and commit to additional CEQA evaluation when second tier projects are introduced.

1-F8-4

3. Recycling

The energy discussion in the RFEIR identifies solid waste diversion features in the project design and concludes that they will help minimize energy consumption. These features consist primarily of a requirement in the specific plan that all development within the project provide enclosures or compactors for recyclable materials. This is an energy inefficient design for handling waste and an insufficient discussion of energy impacts.

Dedicating land on the WLC site to a recycling center with pro-active management specifically geared to serve logistics warehouses would consolidate and foster recycling while avoiding unnecessary hauling to remote sites. The volume of recyclable material generated by a project of this size would justify a dedicated on-site recycling center.

Warehouses and distribution centers generate a substantial volume of scrap material much of which is recyclable. Reverse flow logistics is the flow of returned and defective goods, used packaging, recyclable materials and hazardous waste back up the distribution stream to the manufacturer or to other appropriate facilities. It is more energy inefficient

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to accomplish the movement of these goods to reuse or recycling with reverse flow logistics, rather than relying on the existing forward logistics infrastructure.

Hewlett Packard accepts used toner cartridges and provides shipping by UPS using the original packaging without charge to the consumer. Bundled cardboard is returned from stores via empty delivery trucks. Companies with significant waste byproducts should create markets or simple systems that effectively address the waste material produced. It is energy inefficient to design the WLC without an on-site recycling center that encourages recycling and reverse flow logistics.

1-F8-5
 cont.

4. Net Zero Design

A net-zero building is one that generates as much energy over time as it uses. The proposed project should be evaluated to determine whether it is feasible to implement a net-zero design or alternatively how close to net-zero energy the buildings can feasibly be made. Initially this requires consideration of the energy consumption of a typical warehouse building with attention to the level of hourly energy demand over a typical year. The demand profile data should be reported and discussed in the RFEIR.

The RFEIR discusses net-zero building design and concludes that the WLC would be "net zero ready." The RFEIR reports that it has been recommended that the buildings have "the future potential to operate 100% on renewable electricity." But according to the RFEIR, MVU limits the size of solar generation to one-half of the minimum, daytime electric demand of a building. Since this is less generation than the demand, the RFEIR concludes that at best the buildings can only be made "net-zero ready." This analysis is unsupported. The city has not demonstrated that the project as designed would have sufficient solar capacity to fully meet its own energy demand at any time. Nor has the city demonstrated that the amount of solar energy generation that would be required to achieve net-zero could be used, sold, or stored at the time when it is available.

1-F8-6

The City has failed to justify its conclusion that implementing net-zero energy when warehouse buildings become operational would be infeasible. The city has the authority to allow sufficient solar energy to be generated to equal the buildings' energy usage over time. To the extent that peak solar generation cannot be immediately used, the city should evaluate battery storage, renewable hydrogen storage, ice storage, and chilled water storage as well as the project selling renewably generated power to MVU or to other utilities for their renewable portfolio content requirements. Without consideration of these factors, the extent to which the project can rely on renewable generation cannot be determined.

These issues should be addressed at this time so that the electrical distribution system for the WLC can be right-sized to the anticipated, renewable generation. Designing the

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buildings or the electric distribution system serving the project so that a portion of the solar generation resources would be difficult or more expensive to recover and utilize would constitute a wasteful and inefficient energy practice that should be discussed. Over-sizing utility infrastructure reduces energy system efficiency. Constructing buildings and subsequently changing them inflicts significant financial penalties and makes energy efficient designs infeasible.

The RFEIR states that the specific plan will include rooftop solar "at minimum, to offset the power demands of office space contained in the building. In addition, the project will provide on-site rooftop solar generating capacity up to the maximum level currently permitted by Moreno Valley Electric Utility (MVU), which is currently defined as one-half the minimum electric demand a building experiences during daytime hours."

1-F8-6
cont.

The RFEIR increases rooftop solar in comparison to the project as proposed which provides only for rooftop solar to offset the power demands of office space. This change is reflected in the GHG mitigation. Consequently, the project as proposed does not implement feasible renewable energy resources and has an adverse impact on renewable energy content. The proposed project results in a significant adverse impact to energy conservation that must be identified and analyzed. The mitigation in the RFEIR of increasing rooftop solar up to the maximum permitted by MVU should not be included in the project as analyzed.

5. Energy Efficiency

The Comparison Report states that energy simulation software was used to project the energy consumption of a hypothetical warehouse building at the WLC site adopting the assumption that buildings would incorporate the energy conservation measures required by Title 24. That hypothetical building was called the "Title-24-compliant prototype." The Title-24-compliant prototype was then modified to incorporate the additional energy conservation measures included in the WLC specific plan. That design was called the "adjusted model" or "baseline model."

1-F8-7

The Comparison Report then added several additional energy conservation measures beyond the Title-24-compliant prototype and called that design the "Project Building Model." The additional measures included the Project Building Model were referred to as the "recommended ECM package." This package provides greater energy conservation than the project as proposed. The additional measures included variable refrigerant flow heat pumps for office heating and cooling, direct evaporative cooling as the first cooling stage for warehouse space with variable refrigerant flow heat pumps for a second stage, LED lighting for all office and warehouse space, and LED exterior lighting. Table 5 of the Comparison Report also describes recommended efficiency features. The RFEIR lists the

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energy conservation features (ECM) and states that they exceed Title 24 requirements by 17 percent.

The Comparison Report concludes that the Project Building Model with the recommended ECM package would reduce energy demand by 17% when compared to the baseline model. Later the Comparison Report states that the 17% reduction in energy usage is based on a comparison to the Title-24-compliant prototype. These are inconsistent statements since they find the same improvement when comparing to two different standards.

1-F8-7
 cont.

The recommended ECM package contains energy efficiency features that are beyond what the project as designed would include. The recommended ECM package is assumed to be part of the project. The ECM measures should not be treated as part of the project as proposed. The absence of the measures from the project design should instead be identified and discussed as a significant adverse impact to energy in the RFEIR. The energy efficiency measures should then be discussed and adopted as enforceable mitigation for energy impacts.

6. Microgrids

A microgrid is a cluster of electricity sources and possibly controllable loads that are connected to the traditional wider power system but which may, as circumstances dictate, disconnect from it and operate as an island for short periods of time. Microgrids can consist of multiple buildings or locations. Micro-grids provide the power quality and reliability benefits of on-site generation with semiautonomous control as well as cost, efficiency and environmental benefits. The EIR should evaluate the use of a microgrid for the WLC project area. Microgrids are suitable for projects that require high reliability and availability of electricity supply. Microgrids allow the efficient integration of project-wide renewable energy resources, enable consumption shift to off-peak hours, facilitate energy storage, reduce environmental impacts, and enhance the safety, reliability and affordability of electric service to business users.

1-F8-8

The conclusion in the RFEIR that microgrids are infeasible is not supported. The Comparison Report states that "electricity distribution regulations preclude delivery of electric power across public rights-of-way by any entity besides the utility. Furthermore, MVU is currently precluded from owning/operating generation assets." MVU is the electric utility for the area covered by the WLC, and as such it is entitled to deliver power across public rights-of-way.

MVU claims to be precluded from owning generation assets, but it provides nothing to support that assertion and leaves it unclear whether this must be the case in the future or whether it could renegotiate its commitments. This should be explored.

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Further, electric generation assets serving a microgrid on the WLC site need not be owned by MVU. The RFEIR should discuss whether the developer, either directly or through a third party, could install cost-effective renewable generation resources on the project site in order to avoid wasting renewable energy resources. Those generation assets could ultimately be owned and operated by the customer, by the developer, or by a third-party, and could be integrated into a microgrid.

Microgrid assets need not be owned or operated by the utility. Through Senate Bill 1339, signed by Governor Brown on September 19, 2018, the California Legislature established it as public policy in California that agencies shall take action to facilitate the development of microgrids. In particular, local publicly-owned electric utilities, such as MVU, are required to make available a standardized process and separate electric rates and tariffs for the interconnection of customer-supported microgrids. Pursuant to SB 1339, MVU is required to use its authority to facilitate a customer-owned microgrid at the WLC site. The city's evident failure to do so conflicts with adopted public policy and constitutes a significant adverse impact to energy which must be identified and discussed.

Further, MVU is engaged in the on-going purchase of renewable electricity to meet the statewide renewable portfolio standard as are other utilities across California. As a public utility, MVU has the authority to enter into a power-purchase agreement to acquire excess renewable electricity generated on the WLC site. If MVU were to purchase some portion of the electric power generated, it would avoid transmission charges and help to meet its obligations under SB 100. These factors as well as increased energy system reliability should be discussed.

A portion of any excess power could also be stored on site in batteries, chilled water, or as renewable hydrogen, considerably increasing the efficiency of the site. These factors should be evaluated.

The Comparison Report states that the distances between buildings in the WLC would be a barrier, asserting that "the extra expense of the specialized microgrid equipment causes microgrid economics to favor high-density collections of buildings, such as urban districts and campuses." There is no basis for such concerns at the WLC. The additional distance between these warehouse buildings—by comparison, for example, to buildings located on a university campus—is irrelevant to the feasibility of a microgrid. The warehouse buildings sites are contiguous and in any case all buildings in the WLC will require wiring to a shared utility grid and will be electrically interconnected. No additional equipment is required because the buildings are slightly further apart.

1-F8-8
 cont.

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7. Ground Source Heat Pumps

The RFEIR concludes that ground source heat pumps (GSHP) would not be feasible because it is expected that cooling requirements within the typical building would be much greater than heating requirements due to typical atmospheric temperature conditions at the WLC site, resulting in the accumulation of excess heat in the geo-exchange field.

However, GSHP have been installed and operate well under the climatic conditions found in Moreno Valley. Installation of a GSHP system for building conditioning requires an appropriate design of the geo-exchange field so that it is capable of operating as an adequate heat sink given the projected heating and cooling loads. This is a question of properly engineering the installation. GSHP installation is a feasible and cost-effective space conditioning technology for the WLC climate.

1-F8-9

According to the Comparison Report, only about 11% of the WLC buildings will feature air-conditioned warehouses. For buildings that do not have air-conditioned warehouse space, only the ancillary office space will be air conditioned and cooling demand would be reduced.

8. Solar PV

The city should not limit its consideration of on-site solar generation to the amount of generation that would be sufficient to off-set the project's anticipated energy demand. The city should evaluate the total amount of solar energy that can be feasibly produced using project rooftops and parking canopies in view of the solar radiation characteristics of the WLC site and the incremental cost of installing additional solar generation concurrently with the solar generation that is already planned.

1-F8-10

The planned 40,000,000 square feet of commercial space comprising the project would yield 28,000,000 square feet of rooftop solar PV at a 70 percent coverage ratio. At an average of 4 mWh daily produced per mW of solar generation capacity, the available solar generation would produce 204,400 mWh annually. The cost of purchasing an equivalent amount of power using \$0.1401 per kWh, which is the time-of-use rate for summer peak for large commercial users of the Moreno Valley Electric Utility, is over \$28 million per year.

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SOLAR ENERGY PER YEAR	
Gross Floor Space (sf)	40,000,000
Available Roof Space for Solar PV (sf) ¹	28,000,000
Roof Space Required per MW of Generation (sf) ²	200,000
Solar Generation Capacity (mW) ³	140
Annual Solar Generation (mWh) ⁴	204,400
Annual Cost of an Equivalent Amount of Electric Power purchased from Moreno Valley Utility ⁵	\$28,636,400

Using the CPUC-determined starting price for the SB32 feed-in-tariff of \$89.23/mWh and a 20 percent adder for solar time-of-use characteristics, the annual wholesale value is \$21,829,920. The shading effect of rooftop solar arrays reduces cooling demand and should be included in the energy benefits.

The available solar generation capacity of the project represents a large renewable energy resource that is unusually well-located to serve electric demand in Moreno Valley and adjacent communities. The failure to implement the full and cost-effective renewable generation of the site is an inefficient and wasteful energy practice and conflicts with public policy including SB 100. The adverse impact is significant and should be identified and discussed.

The quantity of renewable energy that feasibly could be made available should be compared to the hourly electrical demand expected from the project using standard modeling software for that purpose. According to the city's Integrated Resource Plan for fiscal 2015-2016, MVU anticipates significant future growth in electric demand due to commercial and industrial development in its service area including development of the WLC. It anticipates that the majority of the additional demand will be met with conventional

¹ 40,000,000 square feet of commercial space would yield 28,000,000 square feet of usable roof space at a 70 percent usable ratio.

² Solar generation at Orange County Convention Center delivers 1.016 MW from 200,000 s.f. of roof space.

³ 28,000,000 square feet of roof space used for solar panels would generate 140 mW (28,000,000/200,000=140).

⁴ Assuming conservatively 4 mWh per day of generation for each mW of solar generation capacity, 140 mW of capacity would produce 204,400 mWh of electricity per year (4 mWh * 140 * 365).

⁵ 204,400,000 kWh * \$0.1401.

1-F8-10
cont.

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resources including fossil fuel generation. Failing to meet that demand with the solar resources of this project constitutes a significant impact to energy conservation that should be evaluated.

The City owns the local electric utility and has the authority to allow the amount of rooftop solar at the WLC that is feasible. The city should explain and eliminate to the extent feasible any limitation imposed on the level of solar permitted. To the extent that power management issues are implicated, the electrical distribution systems serving the WLC can be designed to feasibly address those issues as part of the initial energy design for the project. Addressing those issues after the project has been built would be infeasible. Limiting the amount of solar constitutes an adverse impact to energy that should be identified, discussed and mitigated.

the California Energy Commission and the California Public Utilities Commission have established an energy resource loading order to guide energy decisions. The loading order consists of decreasing electricity demand by increasing energy efficiency and demand response, and meeting new generation needs first with renewable and distributed generation resources, and second with clean fossil-fueled generation. The loading order and is used as the foundation for energy policies and decisions and represents established public policy in California. The project as proposed creates a significant and adverse energy impact because it conflicts with the loading order because it relies on fossil fuel generation where renewable resources are available. That impact should be identified and evaluated in the RFEIR.

9. Obstacles to Future Solar Deployment

Maximizing the cost-effective solar generation potential of the WLC site requires early-stage planning. The electric distribution system infrastructure required for the WLC must be designed to take advantage of on-site solar in order to avoid costly modifications at a later date that would make the resource infeasible to access.

The RFEIR points out that the buildings will be "solar ready roof construction." This refers to structural upgrades to allow the installation of rooftop solar photovoltaic. However, it requires more than structurally adequate roofs to make the solar resources usable and to avoid the loss of a large amount of local renewable generation. The RFEIR should discuss the measures necessary to fully take advantage of the cost-effective solar resources on the site. The use of the term "solar ready" is misleading in that it presents an incomplete picture of the obstacles that the project would create as proposed.

Facilities to use additional renewable generation may be costly or difficult to implement in the absence of any initial unifying plan for that purpose. In particular the design of electric distribution lines and transformers serving the WLC may be too costly to upgrade

1-F8-10
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1-F8-11

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later to take advantage of the solar capacity of the project site, while they would be cost-effective if incorporated into the initial project design. Generating additional renewable energy on site may become infeasible due to the need to upgrade basic infrastructure in a completed project such as the wiring, transformers, and other components installed for a smaller amount of renewable energy.

Installing additional solar would also require modification of the building. There are increased costs in retrofitting an operating building as opposed to including solar in the original construction sequence. Electrical systems including panels and wiring will likely not be sufficient to accommodate significantly increased generation. Future businesses occupying a project where only limited solar has been installed would suffer the business disruption costs of undertaking construction on an operating warehouse building.

The EIR is misleading in that it suggests that there are no penalties connected with delaying the solar installation. The proposed design for the WLC contributes to those penalties which waste resources, and the RFEIR should identify, analyze, and mitigate those impacts.

10. SB 100

SB 100 requires that 60% of retail electricity sales by POUs be from eligible renewable resources by 2030. SB 100 further establishes that eligible renewable resources and zero-carbon resources are to supply 100 percent of all retail sales of electricity to end-use customers in California by 2045. Failing to implement feasible renewable generation is not consistent with the public policies reflected in SB 100.

Under SB 100, MVU will need substantial renewable content going forward. MVU has no local renewable generation at this time, other than a small amount of customer-owned solar. MVU imports renewable generation from facilities in the Mojave Desert and near Fresno. It also purchases renewable energy certificates (RECs).

Absent development of the solar resources at the WLC, there will be few opportunities locally for MVU to develop significant amounts of renewable generation. Consequently, a resource such as the WLC is a critical tool to meeting SB 100. However, as proposed the project would not develop the full feasible solar generation of the project. The proposed project conflicts with the public policies adopted in SB 100. That conflict should be identified, discussed, and mitigated.

11. Natural Gas

The RFEIR notes that the design will "eliminate the need for natural gas in building systems, positioning the WLC to become an all-electric development." It further states that

1-F8-11
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1-F8-12

1-F8-13

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the project's operational natural gas demand from buildings is expected to be zero. The Comparison Report states that natural gas is not required because all heating and cooling will be provided by evaporative cooling and heat pumps and further that with all-electric buildings there is no need for natural gas distribution infrastructure. The Comparison Report's recommended path includes all-electric building systems which eliminate the need for on-site natural gas usage.

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The energy features of the project are unclear because the project as proposed does not eliminate natural gas. The design of the project should not be changed during the analysis of impacts, and the environmental impacts of a project should not be minimized.

The RFEIR shows that the project as proposed unnecessarily relies on fossil fuel in the form of natural gas. For that reason, the project as proposed would have a significant and adverse impact on energy. That impact should be identified and discussed in the RFEIR. Enforceable mitigation for the impact should be adopted.

12. Transmission Grid

The project entails a potentially significant contribution to cumulative adverse impacts on the transmission grid. MVU currently imports solar power from a project in the Mojave Desert (Recurrent Astoria 2, LLC) and from a project in Fresno (Whitney Point Solar, LLC). In addition MVU purchases renewable energy certificates to comply with California's RPS requirement. (TGP Energy Management, LLC.) According to the most recent data available, MVU derives 17 percent of its overall energy mix from renewable resources.

1-F8-14

To meet SB 100 requirements, MVU will be obliged to greatly increase renewable content, rising to 100% by 2045. Absent the development of significant local renewable resources, which is generally difficult if not impossible in urbanized areas, a utility such as MVU will be required to greatly increase its import of renewable content to procure large quantities of qualified renewables using the long-distance electric transmission system.

Numerous other utilities serving consumers in the Los Angeles Basin will also need increased renewable content under SB 100. Other utilities may lack significant opportunities to develop cost-effective local renewable resources and will be unable to meet SB 100 without having access to additional transmission capacity to import renewable content.

The long-distance transmission capacity that MVU would access for this purpose is limited and expensive. Constructing new transmission lines may not be feasible. Failure to implement the full solar resources at the WLC site will contribute transmission system congestion making it difficult and costly for utilities to access remote renewable content.



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This congestion will be amplified by the increased electric demand resulting from large scale vehicle electrification.

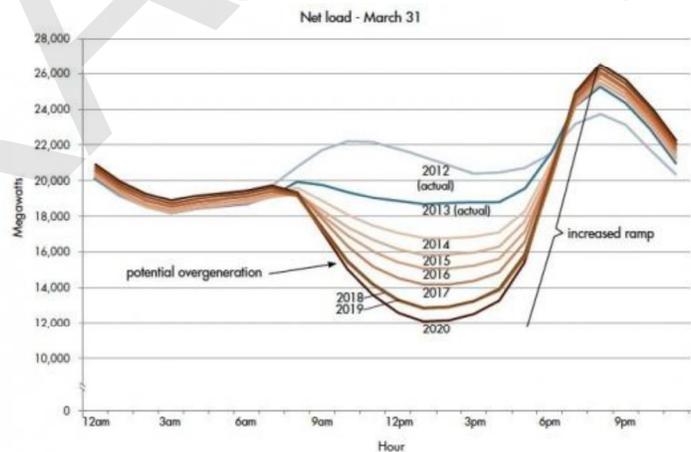
The WLC site represents the opportunity to develop a substantial local renewable resource that can assist MVU in meeting SB 100 requirements and in reducing its reliance on scarce and expensive transmission resources. Failing to fully develop the solar resource increases the city's reliance on transmission resources along with other utilities in the region.

1-F8-14
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The city should evaluate the project's contribution to transmission system congestion that would result from failing to develop the maximum feasible renewable generation available on the project site. This constitutes a potentially significant contribution to the cumulative impact on transmission resources and conflicts with SB 100 policies. The cumulative impact should be identified, discussed, and mitigated in the RFEIR.

13. Energy Storage

The project as proposed would have an adverse effect on peak demand for electrical generation that should be evaluated. The significant amounts of rooftop solar that would be installed on the project site will stop generating after sunset, but temperatures typically remain hot after sunset, air conditioning systems continue to run, and work processes continue to demand electricity after sunset. The falling off of solar generation at that time creates an energy deficit on the grid that requires very substantial fossil fuel resources across the state to be ramped up to meet demand. This is reflected in the well-known "duck curve." The RFEIR should recognize that the project would exacerbate this demand peak and analyze that impact.



1-F8-15

Energy storage systems such as batteries, hydrogen produced by electrolysis, ice storage, and chilled water storage systems mitigate this impact by absorbing excess energy in during times of excess generation, storing it, and then making it available to meet demand as solar resources fall off during the late afternoon. Energy storage can be used to store excess renewable generation. Chilled water, hydrogen produced by electrolysis, ice storage, and battery storage should be evaluated as mitigation for the impacts on grid stability.

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The RFEIR states that the MVU time-of-use rate structure is not compatible with the project's peak electrical usage making the use of batteries to deliver any meaningful reduction an unviable option. Imposing this restriction on the WLC creates a significant and adverse impact which should be analyzed and mitigated. The city has the authority to implement the project without imposing such a rate structure or to devise other policies to adequately compensate energy storage. Policies which interfere with the implementation of cost-effective energy storage conflict with state policy which requires MVU to foster energy storage. Applying such policies to the WLC is a significant adverse impact which should be analyzed.



1-F8-15
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14. Transportation Energy

The city estimated transportation energy usage by projecting the quantities of diesel fuel, gasoline, and electricity that would be consumed by transportation connected with the project. These projections were made for two different dates—2025 and 2040. The city then ran the projections for each date under three assumed scenarios—low, medium and high electric vehicle (EV) penetration. The city concluded that the resulting energy usage projections did not represent the wasteful, inefficient or unnecessary consumption of energy. The analysis is inadequate and the conclusion is incorrect.

1-F8-16

The RFEIR notes that the specific plan would accommodate alternate forms of transportation, construct sidewalks, provide bike racks and showers, and design streets to accommodate bus service. It further notes that the project would comply with building codes by installing empty electrical conduits that could later be wired to accommodate electric vehicle supply equipment (EVSE), i.e., charging stations, for 6 percent of the parking spaces.

This is an insufficient discussion of transportation energy impacts. It fails to address the transportation energy inefficiency inherent in the proposed design. The city should discuss whether the demand for transportation energy associated with the project can be reduced or whether a greater component of the demand can be met using systems that reduce reliance on fossil fuels.

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15. Single Use Design

The city should evaluate the adverse energy impact of a single-use project design. The project consists entirely of warehousing and provides no residential housing for employees. This is energy inefficient because employees are compelled to travel greater distances to work. The city should evaluate the energy impact of this design using Institute of Transportation Engineers formula for calculating the reduction in vehicle miles travelled for multi-use projects. Dwellings within a short distance of employment reduce the amount of energy used by employees for commuting travel. There is abundant land available on the site. The warehousing is not expected to be built out until 2045. Implementing a single-use design, rather than mixed use, increases the amount of driving that employees must do and makes the project energy inefficient. Housing opportunities can also be an attractive incentive to employees and reduce family travel expenses. The project developer should be allowed to reduce the amount of parking spaces and roadway capacity that must be constructed based upon fewer employees driving to work under a multi-use design.

1-F8-17

16. Barriers to Electric Vehicles

The RFEIR notes that the project intends to comply with California building codes by installing empty conduits that might be used if electric vehicle supply equipment (the chargers) were ever to be installed. There is, however, nothing in the project as proposed that would cause EVSE equipment to actually be installed, either at the time when a warehouse is built or later as the number of electric vehicles in service increases. The RFEIR incorrectly states that the project would include the installation of EVSE pursuant to Title 24, part 6 of the CALGreen Code. CALGreen requires that buildings be EV Ready, but it does not require the installation of EVSE.

1-F8-18

The project is transportation energy inefficient because it does not include the deployment of electric vehicle supply equipment for recharging electric vehicles and plug-in hybrids. This design encourages employees to rely on gasoline-powered vehicles by providing them with no charging facility, and it is therefore an energy inefficient design.

The design is inconsistent with the public policy of the Charge Ahead California Initiative, which is intended to place at least 1,000,000 zero emission vehicles and near zero-emission vehicles into service by January 1, 2023, and inconsistent with Senate Bill 350, which calls for increased electric vehicle charging infrastructure. The design and development of a large, high-traffic warehouse complex without an on-going commitment to deploy electric vehicle charging equipment results in a significant adverse impact to energy efficiency that should be identified and discussed.

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17. Parking Commitment

Implementing a project that relies on providing every employee with a parking place is energy inefficient. The city should evaluate the adverse energy impact of a project design that requires the developer to construct and owners to maintain parking lot capacity, rather than providing an equivalent sum to employees who choose not to drive. Investing in unneeded parking capacity costs developers and encourages employees to drive to work in single-occupant vehicles. The amount of vehicle parking that the project requires is based on the assumption that employees would prefer to drive to work and park in an employer-financed parking space. The project design provides no option to employees to forego the parking space under a parking cash-out option. Parking cash out allows employees the option of taking a cash payment in lieu of using a subsidized parking space. Electing employees can take transit, bike, walk or carpool to work in lieu of driving a single-occupant vehicle. Designing drive-and-park incentives into the project is energy inefficient. With a parking cash-out program in place, the city can reduce the required amount of land devoted to parking and reduce developer and owner costs.

1-F8-19

18. Commitment to Single-Occupant Vehicles

The project is transportation-energy inefficient because it relies exclusively on infrastructure for automobile commuting to meet the transportation demand it generates, rather than meeting some of that demand by funding a commute trip reduction program implemented by a public agency or a transportation management association. A commute trip reduction program would serve part of the project's transportation demand by encouraging more energy-efficient commuter travel options such as walking, cycling, ridesharing, and public transit.

A commute trip reduction program can include public outreach to commuters through various media such as workplace promotion, social media, on-line ride matching, signage, on-site transit pass sales, on-site transit information, discounted transit passes, and coordination with transit agencies.

1-F8-20

Large employers located at the WLC site can contribute to funding a commute trip reduction program for the WLC project, operated by the Riverside County Transportation Agency, by the City of Moreno Valley, or by a transportation management organization. Developers and owners can receive a reduction in the amount of parking space development required and a credit against roadway development contributions based upon the reduction in automobile commuting.

The city should recognize and evaluate the significant energy inefficiency of a project design that relies on automobile commuting and that does not provide robust alternatives to meet commuter transportation demand.

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19. Commitment to Trucks

The project is energy inefficient because it relies exclusively on trucking for hauling freight. Freight railroad is three to four times more energy efficient for long-distance freight transportation. The project as designed does not provide any direct access to freight railroad services or take steps to ensure ready access to freight rail services. The city should identify and discuss the significant adverse impact on energy efficiency that results from committing 40.6 million square feet of warehousing to be served by trucking and evaluate opportunities to link the WLC to convenient freight rail services. BNSF has trackage rights for freight service on the San Jacinto Branch Line, which runs parallel to I-215 from Riverside through Perris and Hemet to San Jacinto.

1-F8-21

20. Renewable Fuels

Governor Brown's Executive Order B-32-15 ordered state agencies to create a plan establishing targets to improve freight efficiency, to transition to zero-emission freight technologies, and to increase the competitiveness of California's freight system. Executive Order B-32-15 resulted in the creation of the *California Sustainable Freight Action Plan*, which establishes freight system efficiency targets to be met by 2030 including the deployment of over 100,000 freight vehicles and equipment capable of zero emission operation and maximizing the freight equipment powered by renewable energy.



1-F8-22

The California *Mobile Source Strategy* calls for a 50 percent reduction in petroleum use in California by 2030. (MSS, p. 29.) In the *Mobile Source Strategy*, CARB developed a scenario analysis for meeting this goal and other state goals related to mobile sources. It concluded that these goals would require a mix of both near-zero and zero-emission technologies and increased use of renewable fuels. CARB's key policy conclusions stated that deployment of zero-emission technologies in targeted heavy-duty applications will be critical.

By 2025 operation of the WLC is expected to result in the combustion of up to 36,678 gallons of diesel fuel per year, and by 2040 that amount will increase to as much as 60,755 gallons per year. The increased amount of diesel fuel that the project will require for transportation constitutes a significant energy impact that should be identified and discussed in the RFEIR.

The project conflicts with state policy and significantly impacts transportation energy because it would provide no non-fossil transportation fuel to support zero-emission trucks. Hydrogen-powered trucks producing zero emissions are now becoming available. Nikola Motor Corporation recently announced an order for up to 800 semi-trucks powered by hydrogen. Nikola sells fueling networks along with its trucks which result in

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100% renewable energy trucking. The California State Legislature has implemented funding for automobile station hydrogen fueling under AB 8 as a necessary precursor to fuel cell automobiles.

1-F8-22
cont.

The project's commitment to diesel trucking and the lack of provisions for renewable fueling facilities will impede the adoption of emission-free trucking by companies located at the WLC. The project as designed would be built without a cost-effective and convenient location for future hydrogen fueling facilities for trucks and without provisions for solar photovoltaic generation that would power hydrogen electrolysis and produce zero-carbon hydrogen for fuel-cell trucks.

An efficient warehouse design would avoid adverse impacts to transportation energy by incorporating, as part of the fueling facilities that are included in the project, provisions for renewable fueling facilities suitable for trucks to be implemented as soon as needed by shippers. Rather than creating obstacles to the development of on-site solar resources, the electrical infrastructure would be planned so that locally-generated solar energy could be used for on-site hydrogen production, providing for 100 percent renewably-powered trucking. The absence of provisions for hydrogen refueling facilities should be identified and discussed as a significant adverse impact to transportation energy.

1-F8-23

Respectfully submitted,



Eugene S. Wilson
California Clean Energy Committee

Enclosures

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APPENDICES

- Appendix 1 International District Energy Association, *Community Energy: Planning, Development and Delivery* (2012).
- Appendix 2 NRG Energy, Omaha.
- Appendix 3 NRG Energy, Phoenix.
- Appendix 4 NRG Energy, San Diego.
- Appendix 5 NRG Energy, San Francisco.
- Appendix 6 Daikin, 823 Congress Office Building
- Appendix 7 Daikin, Northwest Service Center
- Appendix 8 Daikin, Salem Conference Center
- Appendix 9 Daikin, San Francisco Public Utilities Commission Headquarters.
- Appendix 10 Daikin, T.W. Patterson Building.
- Appendix 11 PG&E, "Thermal Energy Storage Strategies for Commercial HVAC Systems.
- Appendix 12 U.S. Environmental Protection Agency, Energy Star Overview.
- Appendix 13 U.S. Environmental Protection Agency, Energy Star Certification for Your Building.
- Appendix 14 U.S. Environmental Protection Agency, Energy Star Score for Warehouses.
- Appendix 15 U.S. Environmental Protection Agency, Energy Star Score for Warehouses in the United States.
- Appendix 16 U.S. Environmental Protection Agency, How the 1-100 Energy Star Score is Calculated.

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- Appendix 17 National Renewable Energy Laboratory, *Án Evaluation of the Total Cost of Ownership of Fuel Cell-Powered Material Handling Equipment (2013)*.
- Appendix 18 Transport Topics, "Warehouse Forklifts Finally Give Hydrogen Power a Reason To Be" (July 31, 2017).
- Appendix 19 Toyota Material Handling, "Gas Versus Electric Forklifts-Which Is Better?" (Dec. 12, 2016).
- Appendix 20 American Geosciences Institute, "How Does Recycling Save Energy?"
- Appendix 21 California Public Utilities Commission, *Commercial Zero Net Energy Action Plan (April, 2018)*.
- Appendix 22 Dohn, Robert Liam, "The Business Case for Microgrids" (2011).
- Appendix 23 California Energy Commission, "Assessment of California's Low Temperature Geothermal Resources: Geothermal Heat Pump Efficiencies by Region (April, 2012).
- Appendix 24 ENGEO, *World Logistics Center-City of Moreno Valley, CA*.
- Appendix 25 U.S. Environmental Protection Agency, "5 Things You Should Know About Geothermal Heat Pumps," (August, 1, 2017).
- Appendix 26 International Ground Source Heat Pump Association, "Geothermal" (Oct. 25, 2017).
- Appendix 27 U.S. Department of Energy, "Environmental and Energy Benefits of Geothermal Heat Pumps.
- Appendix 28 E. Battocletti & B. Lawrence, *Measuring the Costs and Benefits Nationwide Geothermal Heat Pump Deployment* (Feb., 2013).
- Appendix 29 NAIOP, "A Case for Consolidation (Fall, 2010).
- Appendix 30 U.S. Department of Energy, "Choosing and Installing Geothermal Heat Pumps."
- Appendix 31 Moreno Valley Electric Utility, *Integrated Resources Plan-Update Fiscal Year 2015-2016* (Mar., 2015).
- Appendix 32 Moreno Valley Utility, "Road Map to the Future 2017."

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- Appendix 33 California Energy Commission, *Implementing California's Loading Order for Electricity Resources* (Jul., 2005).
- Appendix 34 City of Moreno Valley, Report to City Council (Apr. 18, 2017).
- Appendix 35 City of Moreno Valley, Electric Service Rules, Fees and Charges (Apr. 18, 2017).
- Appendix 36 California Energy Commission, Renewable Energy Transmission Initiative 2.0 (Feb. 23, 2017).
- Appendix 37 California Energy Commission, Final Integrated Energy Policy Report (April 16, 2018).
- Appendix 38 U.S. Department of Energy, "Confronting the Duck Curve: How to Address Over-Generation of Solar Energy."
- Appendix 39 California Energy Commission, "Tracking Progress."
- Appendix 40 Lazard, "Lazard's Levelized Cost of Energy Analysis-Version 11.0 (Nov., 2017).
- Appendix 41 Environmental Defense Fund, "Getting It Right with Time-of-Use Pricing in California."
- Appendix 42 Sperry, Benjamin R., "Comparing Methodologies to Estimate Internal Trip Capture at Mixed-Use Developments."
- Appendix 43 Nelson\Nygaard Consulting Associates, "Crediting Low-Traffic Developments: Adjusting Site-Level Vehicle Trip Generation Using URBEMIS" (Aug., 2005).
- Appendix 44 Institute of Transportation Engineers, *Trip Generation Handbook* (March, 2001).
- Appendix 45 Hauge Brueck Associates, Homewood Mountain Resort Ski Area Master Plan EIR/EIS, 11.0 Transportation, Parking and Circulation (2011).
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- Appendix 47 Shoup, Donald C., *The High Cost of Free Parking*.

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- Appendix 49 Victoria Transport Policy Institute, "Commuter Financial Incentives: Parking Cash Out, Travel Allowance, Transit and Rideshare Benefits" (Mar. 16, 2011).
- Appendix 50 U.S. Environmental Protection Agency, "Parking Cash Out: Implementing Commuter Benefits as One of the Nation's Best Workplaces for Commuters (Mar., 2005).
- Appendix 51 Victoria Transport Policy Institute, "Commute Trip Reduction: Programs that Encourage Employees to Use Efficient Commute Options" (Apr. 24, 2018).
- Appendix 52 County of Placer, Memorandum County Executive Office, Funding Agreement with Truckee/North Tahoe Transportation Management Association for Operation of the North Lake Tahoe Express (Jun. 13, 2017).
- Appendix 53 Bay Area Air Quality Management District, Bay Area Commuter Benefits Program Report to the California Legislature (Feb. 2, 2016).
- Appendix 54 American Public Transportation Association, "Public Transportation Reduces Greenhouse Gases and Conserves Energy."
- Appendix 55 County of Placer, "Systems Plan Update for the Tahoe Truckee Area Regional Transit in Eastern Placer County."
- Appendix 56 American Association of Railroads, "Railroads: Green From the Start" (July, 2009)
- Appendix 57 Governor Edmund G. Brown, Jr., Executive Order B-32-15.
- Appendix 58 Governor Edmund G. Brown, Jr., *California Sustainable Freight Action Plan* (July, 2016).
- Appendix 59 Anheuser-Busch, "Anheuser-Busch Continues Leadership in Clean Energy, Places Order for 800 Hydrogen-Electric Powered Semi-Trucks with Nikola Motor Company" (May 3, 2018).
- Appendix 60 California Air Resources Board, *Mobile Source Strategy* (May, 2016).

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We, the undersigned, support the effort of the California Clean Energy Committee that the City of Moreno Valley require robust energy conservation and environmental stewardship in the World Logistics Center Project:

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Petition for Energy Efficient Design World Logistics Center Draft EIR

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cont.

RESPONSES TO LETTER 1-F8: California Clean Energy Committee

Response to Comment 1-F8-1: No specific comments on the contents of the 2018 RSFEIR are provided within this comment, and thus no further response is needed. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.) The comment is noted and will be presented to the decision makers for their review and consideration.

Response to Comment 1-F8-2: The 2018 RSFEIR and the 2019 Draft Recirculated RSFEIR include a detailed explanation of the reasons for the 2018 RSFEIR and the 2019 Draft Recirculated RSFEIR, its format, the process for its preparation and its availability for public review (2018 RSFEIR, pages 2-1 through 2-4 and pages 2-6 and 2-7 and 2019 Draft Recirculated RSFEIR, at pages 2-3 through 2-6 and pages 2-8 and 2-9). Refer to Topical Response C, Project Approvals, Litigation and the Effects of Litigation, regarding the Court Ruling and its effect upon the EIR process, content and Project approvals. Refer to Response to Comments 1-F8-3 through 1-F8-23, below.

Response to Comment 1-F8-3: Appendix E, Renewable Energy Technical Report (RETR), in the 2019 Draft Recirculated RSFEIR contains an analysis of the Project's overall energy needs "demand-side" (Section 4 Demand Side Energy Analysis pages 9 – 11) and ways the Project's energy needs could be reduced through energy efficiency technologies "supply-side" (Section 5 Supply-Side Energy Strategy pages 12 – 25) strategies which included energy efficiency concerns. Based on the distribution centers that currently exist within the Moreno Valley Utilities (MVU) service territory, the energy analysis assumes a worst-case emissions evaluation by assuming that about 11 percent of the WLC buildings will feature air-conditioned warehouses; even though the WLC Project would not include refrigerated warehouses. The energy conservation measures (ECMs) for the WLC were based on maximizing environmental protections in the most cost-effective manner practical and address internal loads, such as lighting and equipment, as well as the energy required to provide heating, cooling, and domestic hot water. The RETR determined, through comparison with other systems, including district energy, that for the office space the recommended system is underfloor air distribution coupled with water-cooled variable refrigerant flow (VRF) technology that is served by a shared water loop which allows for sharing of energy among zones, such that if one zone requires heating while another requires cooling, energy can be transferred between zones resulting in built-in energy recovery (Section 4.1 Recommended Measures in the RETR). If additional cooling is needed during extremely warm weather, a cooling tower provides supplemental heat rejection to the atmosphere. Air-conditioned warehouse spaces shall be served by displacement ventilation whereby conditioned air is delivered at low velocity from air diffusers near floor level. Cooling of supply air is achieved via direct evaporative cooling sections that deliver sufficiently cool air at required warehouse conditions for most hours during the typical weather year. During hours that evaporative cooling doesn't meet the cooling load or doesn't maintain acceptable relative humidity in the warehouse, VRF systems are utilized for supplemental space cooling. The shared water loop of the warehouse VRF systems is connected to an air-to-water heat pump to provide supplemental cooling via heat rejection to the atmosphere. When heating requirements exceed the heat recovered within the shared water loop by the VRF units, supplemental heat for the water loop is extracted from the atmosphere by the same air-to-water heat pump running in reverse. Because all heating and cooling in the buildings is provided by direct evaporative cooling and heat pumps, utilizing electricity, natural gas is not required, which allows the WLC to eliminate on-site fossil fuel combustion that would normally be associated with service water and space heating. Additionally, in all electric buildings there is not a need for natural gas distribution infrastructure. As discussed, the HVAC

system would not be roof-top HVAC units. The underfloor air distribution coupled with water-cooled VRF technology system is much more energy efficient and cost-effective than the typical warehouse configuration.

The RETR discussed benefits of district energy distribution for supplying heating and cooling while achieving GHG and energy use reductions (Section 5.1 of the RTER). However, the benefits of district energy are best realized by dense development with a large building diversity that have varying loads. The WLC will have comparable buildings with similar loads, thereby reducing the potential for capital savings to be unlocked by a district energy system's ability to exploit high demand diversity on the customer side. While there are no technical constraints to district energy, most warehouses are unconditioned and so the distance between air-conditioned spaces in the WLC makes the cost of installing a district energy distribution system prohibitively expensive. The 2019 Draft Recirculated RSFEIR discussed district energy in Section 5.1 of the RTER (page 14); however, district energy was not recommended for further investigation due to cost considerations and the required combustion of fuels to run the system which would exacerbate the already untenable local air quality. Furthermore, since the California electricity grid features so much renewable clean energy and getting cleaner every year, on-site electricity generation such as district energy utilizing fuel cells energized by natural gas, would produce more GHG emissions and require more overall energy consumptions when compared to receiving all required energy from the grid. As shown, the conclusion to not utilize district energy is not speculative or unsupported. The Project would not utilize roof top HVAC as the comment suggests, but would utilize an energy efficient and cost-effective system that reduces GHG emissions by not burning natural gas.

Response to Comment 1-F8-4: The 2019 Draft Recirculated RSFEIR analyzed project energy usage by developing a prototype building energy model for California Title 24 building energy standard-compliant air-conditioned and unconditioned warehouse buildings (the full analysis can be found in the RETR, Appendix E of the 2019 Draft Recirculated RSFEIR). The model contained detailed information about building construction, lighting systems and controls, HVAC systems and controls, and office equipment. The modeling analysis acknowledges that lighting and equipment is responsible for a substantial portion of the energy consumption even in air-conditioned warehouse buildings. The analysis accounted for the electrical vehicle demand which is expected to contribute significantly to the overall WLC electricity demand consumption. To further reduce energy consumption, the RTER evaluated a wide range of ECM to identify feasible measures for reducing building energy consumption and related emissions beyond Title 24 energy code. The ECMs, contained in Table 5: ECM Descriptions in the RETR, address internal loads, such as lighting and equipment, as well as the energy required to provide heating, cooling and domestic hot water. The ECMs and the HVAC systems described in Response to Comment 1-F8-3, above, reduce energy consumed by the various equipment that the buildings will contain and delivers energy performance that exceeds minimal compliance with current Title 24 requirements by approximately 16 to 17 percent (RTER page xii). Additionally, the WLC will include rooftop solar photovoltaic (PV) systems sized, at a minimum, to offset the power demands of office space contained in the building. The Project will provide on-site rooftop solar generating capacity up to the maximum level currently permitted by Moreno Valley Electric Utility (MVU), which is currently defined as one-half the minimum electrical demand a building experiences during daytime hours. Thus, solar would provide more than 100 percent of the office energy needs. Furthermore,

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the Project will incorporate the following project design features (Section 4.17.5 Project Design Features in the 2019 Draft Recirculated RSFEIR), all of which are designed to reduce energy usage:

- Accommodate the use of alternative means of transportation including, public transportation (bus), charging stations for electric cars, carpooling, and bicycles to encourage more environmentally sustainable and efficient use of transportation fuels;
- Support alternative fuel use through the provision of an on-site alternative fueling site to encourage more environmentally sustainable and efficient use of transportation fuels;
- Construct sidewalks and a multiuse trail for pedestrian circulation to encourage non-automotive transportation and reduce transportation fuel consumption;
- Promote the riding of bicycles, through the provision of bike racks/storage, showers and changing rooms to encourage non-automotive transportation and reduce transportation fuel consumption;
- Design streets to accommodate bus service – Riverside Transit Agency (RTA) does not currently operate any routes in the immediate vicinity of the WLC. RTA will determine if and when bus service will be provided.
- Install outdoor electric outlets to accommodate the use of electrical property maintenance equipment (Section 12.4 of the WLCSP) to encourage more environmentally sustainable and efficient use of maintenance equipment fuels;
- Use recycled building material to the extent feasible to reduce energy required for producing building materials from raw materials;
- Use local sources of building materials to the extent feasible, which reduces transportation fuel demand;
- Support waste management reduction identified in AB 341 to increase recycling and reduce energy required for producing materials from raw materials;
- Develop waste management plan and a comprehensive recycling and management program to divert at least 50 percent of waste from landfill, including storage and collection of recyclables, building and material reuse, and careful construction waste management to increase recycling and reduce energy required for producing materials from raw materials;
- Reduced water uses for landscape irrigation, which reduces electricity for the supply, conveyance, and treatment of water;
- Street designs that harvest and channel runoff into landscape areas instead of storm drains, which reduces electricity for the supply, conveyance, and treatment of water;
- Incorporate on-site storm water capture and infiltration within landscape areas and minimize the use of impervious paved surfaces throughout the project to provide for groundwater recharge and increase groundwater supplies, which reduces electricity for the supply and conveyance of water supplied from non-local sources;
- Provide for the use of roof-mounted solar systems or other alternative power systems to increase renewable energy supplies and reduce grid-supplied electricity;

- Implement design and construction techniques will be employed to reduce the heat island effect, including the use of materials that have a low solar reflectance index such as white roofs and light-pavements to reduce building energy demand for cooling;
- High performance glazing, overhangs, and landscaping to capture and control natural daylight to reduce building energy demand for lighting, cooling, and heating;
- Use of atriums, skylights and internal courtyards to provide additional daylighting and reduce building energy demand for lighting;
- Incorporate the use of passive heating and cooling into the design or modification of the high-cube warehouse development (e.g., white building colors and roof insulation to minimize heat gain, and landscaping to help shade buildings) to reduce building energy demand for lighting, cooling, and heating;
- Install advanced irrigation systems, drought-tolerant plants, the use of mulch, recycled and other permissible alternative sources of water, and turfless plantings with decorative hardscape materials such as rock and other materials that do not require potable water sources to reduce electricity demand for the supply, conveyance, and treatment of water.
- Provide optimal vertical fenestration construction to maximize light and energy efficiency.

The above project design features would encourage non-automotive forms of transportation and use of electric and alternative-fueled vehicles instead of gasoline-fueled and diesel-fueled vehicles, which provides for more environmentally sustainable and efficient use of transportation fuels; increase recycling and reduce energy required for producing materials from raw materials; provide for groundwater recharge and increase groundwater supplies, which reduces electricity for the supply and conveyance of water supplied from non-local sources; reduce water demand, which reduced electricity demand for the supply, conveyance, and treatment of water; reduce building energy demand for lighting, cooling, and heating; and increase renewable energy supplies and reduce grid-supplied electricity.

In addition to the PDFs regarding energy conservation and renewable energy, the 2019 Draft Recirculated RSFEIR includes the following mitigation measures for other environmental impacts that reduce potential impacts of the WLC project.

- **Air Quality Mitigation Measure 4.3.6.2A (construction fuel)** would require that construction equipment greater than 50 horsepower be USEPA Tier 4 emissions compliant and limits on-site idling of all diesel-powered construction equipment, delivery vehicles, and delivery trucks to three minutes in any one hour.
- **AQ Mitigation Measure 4.3.6.3B (long haul trucks).** Require model year 2010 medium-heavy duty and heavy-heavy duty trucks or later.
- **AQ Mitigation Measure 4.3.6.4A:** Includes several measures related to bicycle and pedestrian facilities and infrastructure, electric vehicle infrastructure, and ridesharing as conditions to any Plot Plan approval within the WLC site.
- **Utilities Mitigation Measure 4.16.1.6.1A** would reduce outdoor water usage which in turn reduces energy use associated with the conveyance of that water.

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- **Utilities Mitigation Measure 4.16.1.6.1B** would reduce interior water usage, including low flow fittings, fixtures and equipment.
- **Utilities Mitigation Measure 4.16.1.6.1C** would allow reclaimed water to be used for irrigation.
- **Greenhouse Gas Mitigation Measure 4.7.6.1A (waste diversion).** Recycling and composting availability and reduce operational waste by at least 50 percent before 2020 and 75 percent after 2020.
- **Greenhouse Gas Mitigation Measure 4.7.6.1B** (Previously Included as Utilities Mitigation Measure 4.16.4.6.1A for building energy). Each application for a building permit shall include energy calculations to demonstrate compliance with California Energy Efficiency Standards (Title 24, Part 6).
- **Greenhouse Gas Mitigation Measure 4.7.6.1C** (Previously Included as Utilities Mitigation Measure 4.16.4.6.1B building energy). Prior to the issuance of any building permits within the WLC site, each Project developer shall submit energy calculations used to demonstrate compliance with the performance approach to the California Energy Efficiency Standards, for each new structure.
- **Greenhouse Gas Mitigation Measure 4.7.6.1D** (Previously Included as Utilities Mitigation Measure 4.16.4.6.1C building energy; now modified). Prior to the issuance of a building permit, new development shall demonstrate that each building has implemented the following:
 - Install solar panels with a capacity equal to the peak daily demand for the ancillary office uses in each warehouse building or up to the limit allowed by MVU’s restriction on distributed solar PV connecting to their grid, whichever is greater;
 - Increase efficiency for buildings by implementing either 10 percent over the 2019 Title 24’s energy saving requirements or the Title 24 requirements in place at the time the building permit is approved, whichever is more stringent; and
 - Require the equivalent of “Leadership in Energy and Environmental Design Certified” (LEED) for the buildings constructed at the World Logistics Center based on Leadership in Energy and Environmental Design Certified standards in effect at the time of project approval (which would meet the Energy Star Certification⁹³).

In regard to the warehouse equipment, while some electrical equipment does exist, it does not exist for all operational requirements. However, all onsite equipment available in non-diesel technologies will be utilized for the WLC project. The type of EIR that has been prepared for the WLC project is a Programmatic EIR that analyzes the environmental impacts and required mitigation for a long-term project that will be implemented in increments over many years. Each subsequent development within the WLC will be subject to further environmental review and may require additional mitigation if additional impacts are found or previously infeasible mitigation becomes feasible. Due to the programmatic nature of the document, it is not known who the future users of the WLC will be or what their specific operational needs will require in

⁹³ According to the United States Green Building Council (USGBC), Energy Star often helps users achieve LEED certification. As an early adopter of energy performance standards, Energy Star helped pave the way for the development of the USGBC’s LEED certification upon meeting certain levels of energy efficiency, among other measures. In fact, LEED uses the Energy Star system to empower property owners and occupants with the tools they need to meet these requirements and earn additional credits. Energy Star gives users the tools they need to reach a higher level of building energy performance, therefore, positioning them closer to the standards required for LEED certification. Reference: Blackwelder, A., 2017. United States Green Building Council, *Energy Star and LEED work together for private-sector energy efficiency*, April 27. Available online: <https://www.usgbc.org/articles/energy-star-and-leed-work-together-private-sector-energy-efficiency>

terms of exact equipment specifications. As a result, all current mitigation relies on commercially available technology that meets the most stringent environmental standards in place. As shown, the Project incorporates numerous PDFs and mitigation measures, implemented by the City, to reduce energy impacts and criteria and greenhouse gas emissions during warehouse operations.

Response to Comment 1-F8-5: As shown in Response to Comment 1-F8-4, as a PDF, the project would require that all development within the WLC provide enclosures or compactors for trash and recyclable materials which would facilitate energy efficiency in meeting the requirement to divert 75 percent of solid waste from the landfill. Additionally, Mitigation Measure 4.7.6.1A contains the following requirements to reduce solid waste and increase waste diversion efficiency from construction and operation of project development:

- a) Prior to January 1, 2020, divert a minimum of 50 percent of landfill waste generated by operation of the project. After January 1, 2020, development shall divert a minimum of 75 percent of landfill waste. In January of each calendar year after project approval the developer and/or Property Owners Association shall certify the percentage of landfill waste diverted on an annual basis.
- b) Prior to January 1, 2020, recycle and/or salvage at least 50 percent of non-hazardous construction and demolition debris. After January 1, 2020, recycle and/or salvage at least 75 percent of non-hazardous construction and demolition debris. In January of each calendar year after project approval the developer and/or Property Owners Association shall certify the percentage of landfill waste diverted on an annual basis.

Develop and implement a construction waste management plan that, at a minimum, identifies the materials to be diverted from disposal and whether the materials will be sorted on-site or co-mingled. Calculations can be done by weight or volume, but must be consistent throughout.

- c) The applicant shall submit a Recyclables Collection and Loading Area Plan for construction related materials prior to issuance of a building permit with the Building Division and for operational aspects of the project prior to the issuance of the occupancy permit to the Public Works Department. The plan shall conform to the Riverside County Waste Management Department's Design Guidelines for Recyclable Collection and Loading Areas.
- d) Prior to issuance of certificate of occupancy, the recyclables collection and loading area shall be constructed in compliance with the Recyclables Collection and Loading Area plan.
- e) Prior to issuance of certificate of occupancy, documentation shall be provided to the City confirming that recycling is available for each building.
- f) Within six months after occupancy of a building, the City shall confirm that all tenants have recycling procedures set in place to recycle all items that are recyclable, including but not limited to paper, cardboard, glass, plastics, and metals.
- g) The property owner shall advise all tenants of the availability of community recycling and composting services.
- h) Existing on-site street material shall be recycled for new project streets to the extent feasible.

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Since the WLC will ensure that 75 percent of their waste will be diverted from the landfill in 2020 to comply with regulations and ensure efficient waste disposal, there is no need for an onsite recycling center. The WLC Project is not like Hewlett-Packard, in that it is not processing goods for one single manufacturer or company. A recycling facility is not practicable as it would not be feasible to take in the products from the broad variety of industries that would use the WLC and collect enough material for an onsite recycling facility. Furthermore, the WLC Specific Plan does not identify a recycling center as a permitted land use under Section 2.2.2 and was not an issue raised in the original CEQA Litigation. Therefore, the issue cannot be raised now and is covered under Topical Response C. As shown above, the WLC will be committed to recycling materials as energy efficient as possible and will provide areas and plans for collection.

Response to Comment 1-F8-6: As stated in the 2019 Draft Recirculated RSFEIR, the RETR conducted a supply-side analysis of the various types of sustainable energy available for the WLC (Section 5 Supply-Side Energy Strategy pages 12 – 25). The WLC commits to meet the annual energy requirements of all office spaces with PV, thereby effectively achieving net-zero energy office operations.⁹⁴ Since each individual WLC building is expected to feature about 60,000 square feet of office space, this is the equivalent of fifteen 60,000 square-foot office buildings at WLC achieving net-zero energy consumption by 2025 (RETR, page 16). The entire state of California has about 30 net-zero energy office buildings in operation, under construction, or publicly committed as of 2016.⁹⁵ Thus, the WLC Specific Plan will grow California's net-zero energy office population by about 50% by 2025. At full WLC build-out there will be the equivalent of twenty-seven 60,000 square-foot office buildings achieving net-zero energy status (RETR, page 16, Draft Recirculated RSFEIR page 4.17-31). The RETR estimates that the offices in each typical WLC building will consume about 474,120 kWh/yr and experience peak electric demand of about 280 kW. The maximum allowed amount of PV capacity/building in Phase 1 (300 kW) will generate about 512,275 kWh/yr at the WLC location (RETR, page xi). The maximum allowed amount of PV capacity/building in Phase 2 (800 kW) will generate about 1,366,400 kWh/yr (RETR, page 16). Thus, in all cases, the maximum allowed PV capacities are sufficient in both Phase 1 and Phase 2 to satisfy 100% of the office energy needs, thereby meeting the net-zero energy objective for WLC office space. Thus, the City has shown that it will achieve net-zero energy status for all WLC office space.

Moreno Valley Utilities (MVU) is the utility provider for the Project and while solar PV is a viable option, MVU has limitations in its Electric Service Rules on the amount of PV allowed for commercial and industrial projects, as discussed in the 2019 Draft Recirculated RSFEIR, RETR (Appendix E of the 2019 Draft Recirculated RSFEIR) and Topical Response E. A system that combines PV with battery storage of excess solar generation was considered, but the MVU solar sizing limitations and the estimated WLC Project demands do not result in excess solar generation to charge a battery. Thus, due to the MVU solar sizing limits, PV solar generation would be utilized for the Project and there would be no excess solar generation for battery storage, renewable hydrogen storage, ice storage, chilled water storage, or the sale of excess power generation to MVU or other utilities for their renewable portfolio content requirements. In addition,

⁹⁴ When buildings are constructed, they will comply with the latest Uniform Building Code and will achieve energy efficiency of 10 percent better than 2008 Title 24 code or the most current code at the time of construction, whichever is more efficient.

⁹⁵ New Buildings Institute. 2016 List of Zero Net Energy Buildings. Available online at: https://newbuildings.org/wp-content/uploads/2016/10/GTZ_2016_List.pdf

MVU's Time-of-Use rate structure⁹⁶ is not compatible with the Project's peak electrical usage (load curve) making the use of batteries to deliver any meaningful reduction an unviable option. The outcome of the WLC supply-side analysis is that this Project is committed to providing renewable energy through solar panels that will be installed on the rooftops of buildings to help offset the power requirements within the project (MM 4.16.4.6.1C). A detailed solar analysis is included in Appendix E of the 2019 Draft Recirculated RSFEIR, Renewable Energy Technical Report (RETR). Due to the limitations that current MVU rules impose on solar PV capacity (regulatory requirements and moratoriums as discussed in Appendix E of the 2019 Draft Recirculated RSFEIR), Phase 1 buildings can each feature 300 kilowatts (kW) of PV (one-half the 600-kW minimum daytime electric load) and Phase 2 buildings can each feature 800 kW. At these PV system sizes, a total of 4.5 megawatts (MW) of PV capacity would exist at WLC at the end of Phase 1 and a total of 14.1 MW of PV capacity would exist at WLC at full build-out. The use of PV in each phase would cover both the peak electric load generated by the offices and the annual energy usage of the offices, thereby achieving effective net-zero energy status for the offices. However, due to the highly speculative nature of the electric vehicle penetration in Phase 2, Project mitigation measures require the project to upgrade the structural integrity of the roof on each building to accommodate the possibility of future solar installation over the entire roof to cover future electric usage. At a minimum, the Project will install enough solar power in both phases to meet energy needs of the Project's office spaces. As exhibited, the WLC would achieve net-zero energy status for the offices in each building and include the design for future solar capability to proactively embrace all-electric design standards which would make the WLC net zero-ready and position it to comply with future net-zero regulations. The WLC does implement feasible renewable energy resources and does not have an adverse impact on energy resources.

Response to Comment 1-F8-7: As discussed in Response to Comment 1-F8-4 above, to analyze Project energy usage, the RTER developed a prototype building energy model for California Title 24 building energy standard-compliant air-conditioned and unconditioned warehouse buildings (referred to as the baseline building). The analysis accounted for the electrical vehicle demand, which is expected to contribute significantly to the WLC electricity demand consumption. To further reduce energy consumption, the RTER evaluated a wide range of Energy Conservation Measures (ECM) to identify feasible measures for reducing building energy consumption and related emissions beyond Title 24 energy code. The ECMs, contained in Table 5: ECM Descriptions in the RETR, address internal loads, such as lighting and equipment, as well as the energy required to provide heating, cooling and domestic hot water. The ECMs and the HVAC systems, described in Response to Comment 1-F8-3 above, reduce energy consumed by the various equipment that the buildings will contain and delivers energy performance that exceeds minimal compliance with current Title 24 requirements by approximately 16 to 17 percent. The Project building model which includes the recommended ECM package would have a 16 to 17 percent reduction when compared to the baseline model (i.e., the Title 24-compliant model). Thus, the 16 to 17 percent reduction in the 2019 Draft Recirculated RSFEIR is based on a comparison to one baseline standard and is not inconsistently based

⁹⁶ Tenants of the WLC will contract for utility services directly with MVU. The rate structure for each account is determined by the monthly maximum demand. WSP expects that all proposed buildings in the WLC will exceed the 20 kW demand threshold specified by MVU and will therefore be subject to Schedule C – Large General Service. Tenants will also be eligible for Schedule TOU-LGS – Time of Use – Large General Service rates. However, analysis using energy models and 15-minute interval consumption data from five existing logistics buildings in the MVU service territory determined that a time-of-use rate is not advantageous to the customer. Furthermore, MVU imposes limits on the capacity of on-site solar PV generation that can be installed by their customers. Per Resolution No. 2017-20 the “maximum solar generating capacity that will be approved to be connected to each meter is up to 50% of the meter minimum daytime load.” This dramatically limits the amount of on-site solar generation that can be installed at WLC buildings. MVU currently has no policies or rules that would allow WLC to use battery storage to increase usage of solar electricity.

on a comparison to two different standards. The ECM package will be part of the Project design and is included in the 2018 RSFEIR under Project Design Features. Since they are Project Design Features that are implemented into the Project to reduce impacts, they do not have to be adopted as mitigation measures, per CEQA Guidelines Section 15126.444(a)(1)(A).

Response to Comment 1-F8-8: The use of microgrids was evaluated in the RTER (Appendix E to the 2019 Draft Recirculated RSFEIR), but as indicated in the comment, electricity distribution regulations preclude delivery of electric power across rights-of-way belonging to any entity besides the utility. Furthermore, MVU is currently precluded from owning/operating generation assets (RTER page 14). Finally, the extra expense of the specialized microgrid equipment causes microgrid economics to favor high-density collections of buildings, such as urban districts and campuses. The layout of the WLC and MVU restriction only accommodate small clusters of buildings, perhaps two or three buildings. At this scale, a microgrid is impractical. Thus, the use of microgrids was analyzed and found to be not viable per the screening criteria matrix. Having a third party own the microgrid is also not viable as only MVU can supply power to the site per regulations as outlined in the RTER (page 14). Even if MVU would allow WLC to construct a microgrid and tie into their system under SB 1339, as discussed in the RTER, the scale and layout of the WLC would make a microgrid impractical. Currently the state of California does not allow private microgrids systems to cross public rights of way to serve individual property owners (California Public Utilities Code Section 218). All of the streets within the WLC will be public. Thus, an electric microgrid is infeasible under the current regulations. Additionally, MVU doesn't allow any excess energy to be generated and/or stored onsite in batteries, chilled water, or as renewable hydrogen (RETR page 17). Storage of excess energy in different ways was also discussed in the RTER (page 17). The RTER thoroughly discussed microgrids and why they aren't appropriate for the WLC project. The WLC project is utilizing renewable energy in the use of PV to the extent feasible as discussed above in Response to Comment 1-F8-6. Refer to Topical Response E for solar generation limits imposed by MVU.

Response to Comment 1-F8-9: The use of ground source heat pumps was evaluated in the RTER and the pros and cons of the system were discussed (RTER page 15). Thus, the use of ground source heat pumps was analyzed and found to be viable per the screening criteria matrix. However, ground source heat pumps were ultimately not recommended for the WLC due to building space cooling requirements being much greater than the space heating needs, which would cause the geo-exchange field to grow increasingly warmer over time. This, in turn, would degrade ground source heat pump performance in providing building space cooling. For this reason, VRF reversible heat pumps were recommended for the offices and air-conditioned warehouses. VRF also creates a possible pathway for WLC to eventually offer buildings with the potential to be powered by 100 percent renewable energy.

Response to Comment 1-F8-10: As discussed in the 2019 Draft Recirculated RSFEIR, RTER, and in Response to Comments 1-F8-4, 1-F8-6, and 1-F8-10, above, onsite solar is scalable and a foundational component of WLCs sustainable energy strategy. However, the amount of solar able to be produced is limited by MVU to one-half the minimum electrical demand a building experiences during daytime hours (see Topical Response E). The WLC commits to meeting the annual energy requirements of all office spaces with PV, thereby effectively achieving net-zero energy office operations. Project design features require the Project to upgrade the structural integrity of the roof on each building to accommodate the possibility of future solar installation over the entire roof to cover future electric usage. Since the structural integrity of the roof will be upgraded to accommodate future solar installation, the electric distribution system

would also be designed for the use of future solar installations (See page 4.17-19 of the 2019 Draft Recirculated RSFEIR). Although more solar generating capacity is potentially available at the Project, current MVU regulations, as discussed in Response to Comment 1-F8-6, do not allow for the additional capacity. AS stated on page 4.17-12 of the 2019 Draft Recirculated RSFEIR, MVU previously offered a solar net energy metering program to their customers, but in MVU's latest Electric Rates Schedule for Net Energy Metering, adopted April 17, 2018, this schedule is closed to new applicants effective April 2018. Furthermore, per Resolution No. 2017-20 the "maximum solar generating capacity that will be approved to be connected to each meter is up to 50% of the meter minimum daytime load." This limits the amount of on-site solar generation that can be installed at WLC buildings. Thus, it is not feasible at this time to require that additional solar generation be required since it cannot be used, saved on or off-site, or sold (see RTER, Appendix E to the 2019 Draft Recirculated RSFEIR). With respect to the energy resource loading order, the Project is committed to utilizing renewable resources and electricity where feasible over the burning of fossil fuels and the buildings have been designed, with incorporation of PDF's, to reduce energy usage by 16 to 17 percent beyond compliance with Title 24 and reinforced roofs for future solar generation (RTER pages 16 and 17). Therefore, the WLC does not create a significant and adverse energy impact as it does not conflict with the loading order since it does not rely on fossil fuels first and when fossil fuel usage is required, clean fossil fuels (compressed natural gas, liquid hydrogen, etc.) are utilized.

Response to Comment 1-F8-11: As discussed in the 2019 Draft Recirculated RSFEIR, RTER, and in Response to Comments 1-F8-4, 1-F8-6, and 1-F8-10, above, onsite solar is scalable and a foundational component of WLCs sustainable energy strategy. The Project would utilize solar to provide all of the electricity needs of the WLC office buildings creating a net-zero energy demand. However, due to the highly speculative nature of the electric vehicle penetration in Phase 2, Project design features require the Project to upgrade the structural integrity of the roof on each building to accommodate the possibility of future solar installation over the entire roof to cover future electric usage. At a minimum, the Project will install enough solar power in both phases to meet energy needs of the Project's office spaces. Since the mitigation measures requires the structural integrity of the roof be upgraded to accommodate future solar installation, the electric distribution system would also be designed for the use of future solar installations (See page 4.17-19 of the 2019 Draft Recirculated RSFEIR). The WLC is committed to embracing all-electric design standards which would make the WLC net zero-ready and position it to comply with future net-zero regulations, which primarily includes the use of future solar. Thus, a unifying plan is being developed and will be designed to utilize solar throughout the Project site, both initial and future solar generation. Additionally, since this is a Programmatic EIR, it analyzes the environmental impacts and requires mitigation for a long-term project that will be implemented in increments over many years. Due to the programmatic nature of the document, it is not known who the future users of the WLC will be or what their specific operational needs will require in terms of exact equipment specifications. Each subsequent development within the WLC will be subject to further environmental review and may require additional mitigation if additional impacts are found or previously infeasible mitigation becomes feasible. As a result, all current mitigation relies on commercially available technology that meets the most stringent environmental standards in place. However, when future solar is required or allowed under new or modified regulations, they can become a condition of approval under future CEQA documents. Therefore, the 2019 Draft Recirculated RSFEIR is not misleading and there are no penalties associated with delaying the solar installation as the Project would utilize the maximum amount of solar allowed to be generated under current regulations, but the buildings would be made ready to allow future solar generation when that option becomes available.

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Response to Comment 1-F8-12: The renewable portfolio standards are discussed in the 2019 Draft Recirculated RSFEIR and apply to public utility corporations, so they would apply to MVU (see page 4.7-7 of the 2019 Draft Recirculated RSFEIR). Currently MVU gets 17 percent of its energy resources from renewable resources, primarily wind and solar⁹⁷ with plans to increase renewable resources in their power mix to comply with SB 100. As discussed in the 2019 Draft Recirculated RSFEIR, Section 4.7, Greenhouse Gas Emissions and Sustainability, the Project is not part of the State's power generation grid, but rather would install solar PV panels on Project roofs pursuant to Mitigation Measures 4.7.6.1D, which would reduce the Project's electricity related emissions by approximately 5 percent. Additionally, the Project's building energy will not require natural gas and would instead use only electricity. Therefore, the WLC would directly benefit from the progressively cleaner energy supplied by MVU under the SB 100 mandate. The requirement to meet SB 100 requirements lies with MVU and not the Project since this regulation is not applicable to the WLC (see Topical Response E for further discussion). Thus, the Project does not conflict with the public policies adopted in SB 100, there are no Project impacts associated with SB 100 and no mitigation is required.

Response to Comment 1-F8-13: The 2019 Draft Recirculated RSFEIR and RTER, as well as Response to Comments 1-F8-4, 1-F8-6, and 1-F8-10 discuss how the office buildings will be powered by solar and they would be net zero-energy buildings. As discussed in the 2019 Draft Recirculated RSFEIR and RTER, natural gas would not be required in the buildings as all heating and cooling is provided via direct evaporative cooling and heat pumps, eliminating on-site fossil fuel combustion associated with service water and space heating and the natural gas distribution infrastructure associated with it. However, the Project would still utilize natural gas as yard trucks will be powered by natural gas, propane, or an equivalent non-diesel fuel and all standby emergency generators shall be fueled by natural gas, propane, or non-diesel fuel. Additionally, the WLC is committing to a publicly-accessible fueling station offering alternative fuels (natural gas, electricity, etc.) for purchase by the motoring public. Baseline natural gas use is presented as a point of comparison to the Project's all-electric building energy design and Project design was not changed during the analysis and environmental impacts were not minimized. The Project does not unnecessarily rely on fossil fuels in the form of natural gas as shown above. Thus, the Project would not have a significant and adverse impact on energy and the impact does not need to be mitigated before the 2019 Draft Recirculated RSFEIR can be adopted.

Response to Comment 1-F8-14: Response to Comment 1-F8-12, above, discusses how MVU is subject to SB 100 requirements but the Project is not (also see Topical Response E). The requirement to meet SB 100 lies with MVU and not the Project since this regulation is not applicable to the WLC. Additionally, the transmission system utilized by MVU is an existing environmental condition and speculative changes to the system are not required to be analyzed under CEQA, especially since the Project would not worsen the condition of MVUs reliance on transmission resources. MVU has the obligation to meet the requirements of SB 100. In order to meet these requirements, MVU may have to greatly increase its import of renewable content to procure large quantities of qualified renewables using the long-distance electric transmission system and the impacts that may entail are beyond the scope of the Project. CEQA does not require that public agencies analyze the impact an existing environmental condition might have on a project's future users or residents, according to *California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal.4th 369. An agency must analyze how environmental conditions might

⁹⁷ City of Moreno Valley, Moreno Valley Utility. [Available](http://www.moval.org/mvu/pdfs/power-content.pdf) online at: <http://www.moval.org/mvu/pdfs/power-content.pdf>

adversely affect a project's residents or users only where the project itself might worsen existing environmental hazards in a way that will adversely affect them. Thus, the fact that MVU currently obtains 17 percent of its overall energy mix from renewable resources is an existing environmental condition, and it is not the responsibility of the Project to ensure that MVU meets the 100 percent requirements of SB 100 by 2045.

The comment also states that failure to implement the full solar resources at the WLC site will contribute to transmission system congestion making it difficult and costly for utilities to access remote renewable content. The WLC is generating as much solar PV as possible under the MVU current rules and moratoriums (refer to Topical Response E for further discussion). Since this project falls within MVU's service territory, it is the serving utilities responsibility to secure additional power from Southern California Edison (SCE), if required. WLC has provided all of the current information to MVU for its use in evaluating what additional power requirements it will need to serve the Project. MVU will work with SCE to do a complete and thorough review of SCE's systems in order to properly serve MVU's needs. As stated on page 4.17-30 of the 2019 Draft Recirculated RSFEIR, it is reasonable to assume that MVU's existing and planned electricity supplies could support the project's electricity demand calculated for the Project + Low EV Penetration (Scenario A) and the Project + Medium EV Penetration (Scenario B) by 2025. Any determination of MVU's need for additional capacity beyond what is planned would be speculative and depend on the cumulative demand within MVU's service area. The Project is utilizing the maximum amount of solar allowed from MVU to have net-zero energy office buildings. Although, the WLC site may represent the opportunity to develop a substantial local renewable resource to assist MVU in meeting SB 100 requirements, it is not a CEQA requirement and does not need to be analyzed. Thus, the Project does not conflict with the public policies adopted in SB 100, there are no Project impacts associated with SB 100, and no mitigation is required.

Response to Comment 1-F8-15: The 2019 Draft Recirculated RSFEIR and the RETR looked at electrical generation and energy storage systems (RETR, page 17). The Project's electrical demand is based on typical high-cube warehouse energy demands, defined using hourly energy simulation modeling software, IES. Typical high-cube warehouses use the majority of their energy during the middle of the day when the company is operating and tends to use much less at night when everyone has gone home. This is the opposite of most residential uses and thus the solar energy demand "duck curve" would not be a problem as the Project's energy demand would be opposite that of the "duck curve." Guided by the characteristics of the Skechers warehouse, adjacent to the WLC site, detailed digital models of a prototypical building with conditioned warehouse space and a prototypical building with unconditioned warehouse space were constructed. Both prototypes feature conditioned office space. These IES models were driven with long-term average hourly Moreno Valley weather data to simulate expected WLC energy usage. The IES model-projected energy usage has been rigorously validated using historical energy usage data provided by MVU (see full analysis in Appendix E of the 2019 Draft Recirculated RSFEIR). In this validation exercise, actual energy usage data of twelve similar logistics operations within the utility's service territory was evaluated to validate assumptions regarding the projected energy demands for the Project. Once the IES models were validated against actual historical data, they were modified to reflect features making them minimally compliant with the Title 24 energy code. The Title 24-compliant prototypes were then further modified to incorporate the energy conservation measures to which the project has committed in the WLC Specific Plan. As shown, the 2019 Draft Recirculated RSFEIR evaluated the energy requirements of the project and considered average hourly temperatures in Moreno Valley to simulate expected WLC energy usage. MVU

is the utility provider for the Project and while solar PV is a viable option, MVU has limitations in its Electric Service Rules on the amount of PV allowed for commercial and industrial projects. A system that combines PV with battery storage of excess solar generation was considered, but the MVU solar sizing limitations and the estimated WLC Project demands do not result in excess solar generation to charge a battery. In addition, MVU's Time-of-Use rate structure⁹⁸ is not compatible with the Project's peak electrical usage (load curve) making the use of batteries to deliver any meaningful reduction an unviable option. The 2018 RSFEIR thoroughly analyzed the use of solar and potential storage via batteries and other methods (RETR page 17). Thus, there is no significant adverse impact which should be analyzed, or mitigated, since the solar generation supply to the Project is the maximum allowed under current MVU regulations and will make the WLC office buildings net zero-energy compliant. Per CEQA, the Project must be evaluated based on existing rules as any future changes to rules would be speculative. Further, the City cannot impose a condition on MVU to change its rules, including the rate structure, as it cannot control MVU's discretion throughout the project process because MVU rules changes would follow separate and independent processes. The WLC is abiding by current MVU rules with respect to amount of solar PV it can currently produce. See Response to Comment 1-B2-14 and Topical Response E to see the Project compliance with SB 100.

Response to Comment 1-F8-16: The WLC energy usage projections are not inadequate nor is the conclusion incorrect. The 2019 Draft Recirculated RSFEIR and RTER evaluated the energy requirements for transportation activities to, from, and on the WLC site using the projected number of trips and the estimated vehicle miles traveled (VMT) per trip (2019 Draft Recirculated RSFEIR, page 4.17-14) although the court ruling only required an analysis of renewable energy (See Topical Response C). Trips included employee trips, vendor and delivery trips, truck trips hauling goods to and from the site, and off-road mobile equipment needed for cargo/material handling (forklifts, etc.). The estimated fuel economy for on-road vehicles was based on fuel consumption factors from the CARB EMFAC2017 emissions model. The energy assessment is consistent with the modeling approach used for the air quality and GHG analysis and is consistent with general CEQA standards. However, to quantify the increased electricity use and decreased fuel use associated with a higher fleet percentage of electric vehicles due to California's 2016 Mobile Source Strategy, three scenarios were developed: low, medium, and high electric vehicle penetration which were based on what can be reasonably expected for zero emission vehicle technology. The RETR compared feasible, cost-effective options for integrating the use of renewable energy and improving the overall energy performance of transportation operations by looking at a wide range of fuel and vehicle options, across all vehicle classes and assessed feasibility based on applicability to the project, relative cost, commercial readiness, funding availability, policy and regulatory support, potential industry partners, and other factors (2019 Draft Recirculated RSFEIR, page 4.17-24).

⁹⁸ Tenants of the WLC will contract for utility services directly with MVU. The rate structure for each account is determined by the monthly maximum demand. WSP expects that all proposed buildings in the WLC will exceed the 20 kW demand threshold specified by MVU and will therefore be subject to Schedule C – Large General Service. Tenants will also be eligible for Schedule TOU-LGS – Time of Use – Large General Service rates. However, analysis using energy models and 15-minute interval consumption data from five existing logistics buildings in the MVU service territory determined that a time-of-use rate is not advantageous to the customer. Furthermore, MVU imposes limits on the capacity of on-site solar PV generation that can be installed by their customers. Per Resolution No. 2017-20 the “maximum solar generating capacity that will be approved to be connected to each meter is up to 50% of the meter minimum daytime load.” This dramatically limits the amount of on-site solar generation that can be installed at WLC buildings. MVU currently has no policies or rules that would allow WLC to use battery storage to increase usage of solar electricity.

The RETR found that zero emission vehicle technology is steadily developing for both light-duty and heavy-duty vehicles, driven by both regulatory developments and market forces. Zero emission vehicles encompass a range of technologies including battery electric vehicles (BEVs), hybrid electric vehicles (HEVs), plug-in hybrid electric vehicles (PHEVs), and range extended electric vehicles (REEVs) that utilize a fuel cell as an additional energy source. As outlined in the RETR and summarized in the 2019 Draft Recirculated RSFEIR, commercialization of passenger vehicles is occurring rapidly. A significant population of passenger electric vehicles is expected at the site by Phase 1 (2025) and that number will increase substantially by full buildout of the project (2035), representing a potential significant demand for on-site charging. The study also found that development of electric medium- or heavy-duty vehicles is still in the pilot or demonstration phase and it is not possible to predict when they will become commercially available. Although it is speculative to state what the regional fleet mix will be as each phase of the project is completed, and the adoption of zero electric vehicles by WLC employees and customers will be beyond the direct control of the WLC, all EV types should be anticipated in planning for the onsite charging infrastructure. To that end, the Project will construct the WLC parking areas with cable raceways for installing future EV charging stations, which will enable WLC to more readily and cost effectively provide this service to future tenants if and when demand dictates. The analysis indicates that the low electric vehicle penetration scenario would use approximately 14 percent less electricity than the 2025 baseline scenario and approximately 16 percent less electricity than the 2035 baseline scenario (2019 Draft Recirculated RSFEIR, page 4.17-26). Although the medium electric vehicle scenario would use more electricity than the low electric vehicle scenario, the net electrical demand on MVU would still be 11 percent less than the 2025 baseline scenario and it would be 12 percent more than the 2035 baseline scenario due to the much higher electric vehicle penetration rates for light duty passenger cars consistent with the 2016 Mobile Source Strategy (2019 Draft Recirculated RSFEIR, page 4.17-26). For the high electric vehicle scenario, total electrical demand driven by populations of electric vehicle trucks would exceed total electrical demand in both the 2025 and 2035 baseline scenarios. However, a substantial reduction in the use of liquid transportation fuels (diesel and gasoline) would also be expected to occur under this scenario as more vehicles and trucks utilize electricity for power instead of gas or diesel. Replacing VMT powered by the combustion of diesel and gasoline fuels with EV-generated VMT, especially as electricity becomes less GHG-intensive under the State's RPS, has the added advantage of reducing the emission of harmful air pollutants such as particulate matter nitrogen oxide associated with fuel combustion. (2019 Draft Recirculated RSFEIR, page 4.17-29). Additionally, the 2019 Draft Recirculated RSFEIR discusses that the Project would accommodate alternative forms of transportation through the construction of sidewalks, providing bike racks and showers, and designing streets to accommodate bus service or other rideshare transportation options. Compliance with current building codes would include the installation of required electric vehicle charging stations. Furthermore, the WLC is committing to a publicly-accessible fueling station offering alternative fuels (natural gas, electricity, etc.) for purchase by the motoring public.

Recognizing the challenges in transitioning to zero-emission heavy duty trucks, CARB proposed in late 2019, the Advanced Clean Truck Regulation, which proposes to require manufacturers to make a certain percentage of sales of zero-emission trucks and buses. CARB received numerous comments on the proposed Regulation, and it has not been formally adopted, but CARB's Staff Report in support of the Regulation provided a detailed evaluation of the market in the Staff Report, including Appendix E, Zero Emission Truck Market Assessment. The Staff Report notes the importance of heavy duty trucks: "Heavy-duty trucks operate through California in numerous vocations and are an essential part of the state's economy." (Staff Report, p. I-4.) The Staff Report outlines the challenges in ZEV market, particularly with

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respect to heavy-duty trucks, including the incremental cost of ZEVs, infrastructure investment cost and availability, matching vehicle capability with fleet need and diverging standards. (Staff Report, pages. I-14 – I-17.) The Regulation sets forth proposed percentage sales for Class 7-8 Tractor Group at 3% by 2024. CARB's evaluation of the market and its proposed goal of 3% for 2024 demonstrates that Class 7-8 heavy-duty truck are not currently commercially available.

Moreover, according to a Feasibility Assessment for Drayage Trucks for the San Pedro Bay Ports Clean Air Action Plan, zero-emission and near zero-emission on-road haul truck availability, as of late-2018, includes one zero-emission and one near zero-emission fuel-technology platform sold by Original Equipment Manufacturers (OEMs) in commercially available Class 8 trucks suitable for drayage.⁹⁹ With the development of zero-emission and near zero-emission platforms, infrastructure has emerged as one of the most significant near-term barriers to wide-scale adoption of these technologies due to standardization difficulties and the ability to develop the full charging infrastructure required by 2021. Additionally, according to the Feasibility Assessment, one OEM plans to begin offering a zero-emission battery-electric Class 8 truck by 2021, the other OEMs have similar or later timeframes. Furthermore, the International Council on Clean Transportation (ICCT) in a November 2017 white paper titled "Transitioning to Zero-Emission Heavy-Duty Freight Vehicles"¹⁰⁰ states that there are "prevailing barriers to widespread viability" of plug-in electric heavy-duty freight vehicles, primarily limited electric range, high vehicle cost, long recharging time, and tradeoffs on cargo weight and/or volume. This report does not cite drayage trucking (Class 8) as a promising segment for widespread commercialization, further proof that the zero-emission and near zero-emission truck fleet won't be viable during construction of the Project or possibly be readily available enough for use during operation of the Project. CARB's latest working group meeting Third Work Group for the FY 2019-20 Heavy-Duty Three-Year Investment Strategy on May 8, 2019 shows that the Zero Emission Vehicle technology readiness for medium- and heavy-duty trucks is primarily in the demonstration phase in 2019 which includes technology development and early stage demonstrations.¹⁰¹ As of late last year, CARB is funding a couple of pilot programs for electric truck fleets. BYD (Build Your Dreams) and Anheuser-Busch announced that Anheuser-Busch will pilot a scale project by deploying 21 BYD battery electric trucks at four Anheuser-Busch distribution facilities across southern California: Sylmar, Riverside, Pomona, and Carson. This is a landmark achievement as the largest Class 8 electric truck deployment in North America. Additionally, another pilot program includes replacing PepsiCo's existing diesel powered freight equipment with fifteen Tesla Semi electric trucks with "zero-emission (ZE) and near-zero emission (NZE)" trucks and equipment at its Frito-Lay Modesto, California, manufacturing site by 2021. Automakers are expanding their electric vehicles to heavy duty trucks. However, the extent of commercial availability of such trucks as the WLC begins operations is unknown. Furthermore, since the Project will support a variety of future users which are unknown at this time, it is not possible to specify or require future users to have zero emission or alternative fuel fleets since most logistics companies use independent contractors and truck drivers rather

⁹⁹ Port of Long Beach & The Port of Los Angeles, 2019. San Pedro Bay Ports Clean Air Action Plan, 2018 Feasibility Assessment for Drayage Trucks, April. Available online: <http://www.cleanairactionplan.org/documents/final-drayage-truck-feasibility-assessment.pdf/>.

¹⁰⁰ Moultak, M., Lutsey, N., Hall, D., "Transitioning to Zero-Emission Heavy-Duty Freight Vehicles," The International Council on Clean Transportation (ICCT), September 26, 2017, Available online: <https://www.theicct.org/publications/transitioning-zero-emission-heavy-duty-freightvehicles>.

¹⁰¹ California Air Resources Board, 2019. Third Work Group for the FY 2019-20 Heavy-Duty Three-Year Investment Strategy, May 8. Available online: https://ww2.arb.ca.gov/sites/default/files/2019-05/050819_3yp_wg3_handout.pdf

than maintain their own fleets. Nonetheless, the Project has committed under various mitigation measures to require the most stringent levels of emission mitigation under existing emission control regulations.

As discussed above and in Section 4.17 of the 2019 Draft Recirculated RSFEIR, operation of the Project would not result in the wasteful, inefficient, or unnecessary consumption of electricity, would not cause a need for additional capacity regionally or locally, and would not affect electricity resources to the extent that electricity demand can reasonably be projected and assessed (2019 Draft Recirculated RSFEIR, page 4.17-31).

Response to Comment 1-F8-17: The WLC is not energy inefficient because it is a single use design (logistics center) versus a multi-use design (mixed-use development) which would provide housing for employees. As discussed in the DEIR, Moreno Valley has a relatively low jobs-to-housing ratio of 0.45 compared to the overall regional ratio of 1.14 (i.e., 1.14 jobs for each 1 housing unit) (Draft EIR, page 2-24). SCAG's Compass Blueprint Plan and the Regional Transportation Plan encourages "bedroom" communities (i.e., those with more housing than jobs, such as Moreno Valley) to encourage jobs growth instead of housing growth, which will eventually help balance these factors across the region and help reduce commuter traffic (2018 RSFEIR page 2-29). These plans forecast that the City's ratio of jobs to housing will increase in the future but will still be less than 1.0 (estimated 0.89 by 2035), compared to a projected ratio of 1.14 for the County and 1.29 for the entire SCAG area (2018 RSFEIR page 2-29). The City's jobs/housing ratio is expected to still be less than 1.0 by 2035, but to achieve that ratio, the City would need to attract over 34,000 jobs in the next 20 years, compared to attracting 17,000 new houses during that same period. A low jobs/housing ratio results in longer distances that residents of Moreno Valley must drive to and from work. An economic study of the project¹⁰² concluded that the proposed WLC project could generate approximately 25,000 new on-site jobs within the City (2018 RSFEIR page 4.15-31). In addition to the projected on-site job creation, the study estimates the proposed WLC project could generate new off-site jobs (i.e., indirect/induced employment) in all industries of the economy.¹⁰³ The study also estimated that an additional 7,583 indirect/induced jobs could be created in the County, of which 3,792 jobs were projected to be within the City as a result of project implementation.¹⁰⁴

Thus, although the Project is a single-use design, it would bring many jobs to the City, which has a shortage of jobs, and would result in less commuter travel for WLC employees. The Project is a logistics center, not a mixed-use development, and does not result in adverse energy impacts because it is a single-use development. The Project's transportation analysis did use the Institute of Transportation Engineers (ITE) formulas for calculating VMTs from the Project. Additionally, as outlined above in Response to Comments 1-F8-1 through 1-F8-16, the Project has been designed to be as energy efficient as currently and feasibly possible given MVU constraints. Furthermore, placing housing within close proximity to a logistics center would bring a wide range of different environmental impacts, primarily health. In addition, the WLC Specific Plan does not allow residential uses within the WLC (see WLC Specific Plan §§2.1-2.1).

Response to Comment 1-F8-18: The WLC is not transportation energy inefficient as it requires Project features that reduce barriers to electric vehicles. As stated, in Mitigation Measure 4.3.6.4A (g) of the 2019

¹⁰² David Taussig & Associates, Inc., 2012. Fiscal and Economic Impact Study World Logistics Center Moreno Valley, California. October 11.

¹⁰³ David Taussig & Associates, Inc., 2012. Fiscal and Economic Impact Study World Logistics Center Moreno Valley, California. October 11

¹⁰⁴ David Taussig & Associates, Inc., 2012. Fiscal and Economic Impact Study World Logistics Center Moreno Valley, California. October 11

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Draft Recirculated RSFEIR, a minimum of two electric vehicle-charging stations for automobiles or light-duty trucks shall be provided at each building. In addition, parking facilities with 200 parking spaces or more shall be designed and constructed so that at least six percent of the total parking spaces are capable of supporting future electric vehicle supply equipment (EVSE) charging locations. Only sufficient sizing of conduit and service capacity to install Level 2 EVSE or greater are required to be installed at the time of construction. The RETR assumes that the six percent EVSE charging locations would be operational by the time the Project is fully operational, as they are included in the electricity usage for the baseline scenario. Additionally, the project is committed to a publicly-accessible fueling station offering alternative fuels (natural gas, electricity, etc.) for purchase by the motoring public (MM 4.3.6.3C of the 2019 Draft Recirculated RSFEIR). Thus, the Project design does include deployment of electric vehicle supply equipment for recharging electric vehicles and plug-in hybrids and the design is also consistent with SB 350 and the Charge Ahead California Initiative as it provides both EVSE charging locations and an alternative fuels station available to the public.

Response to Comment 1-F8-19: The Project will be required to meet the minimum code requirements of the City of Moreno Valley in regard to parking requirements and as discussed in Mitigation Measure 4.3.6.4A of the 2019 Draft Recirculated RSFEIR, the Project incorporates the following measures to encourage alternate modes of transportation and reduce single occupancy vehicle trips:

- a) All tenants shall be required to participate in the Riverside County's Rideshare Program.
- b) Storage lockers shall be provided in each building for a minimum of three percent of the full-time equivalent employees based on a ratio of 0.50 employees per 1,000 square feet of building area. Lockers shall be located in proximity to required bicycle storage facilities.
- c) Class II bike lanes shall be incorporated into the design for all project streets.
- d) The project shall incorporate pedestrian pathways between on-site uses.
- e) Site design and building placement shall provide pedestrian connections between internal and external facilities.
- f) The project shall provide pedestrian connections to residential uses within 0.25 mile from the project site.
- g) A minimum of two electric vehicle-charging stations for automobiles or light-duty trucks shall be provided at each building. In addition, parking facilities with 200 parking spaces or more shall be designed and constructed so that at least six percent of the total parking spaces are capable of supporting future electric vehicle supply equipment (EVSE) charging locations. Sizing of conduit and service capacity at the time of construction shall be sufficient to install Level 2 Electric Vehicle Supply Equipment (EVSE) or greater.
- h) Each building shall provide indoor and/or outdoor bicycle storage space consistent with the City Municipal Code and the California Green Building Standards Code. Each building shall provide a minimum of two shower and changing facilities for employees.
- i) Each building shall provide preferred and designated parking for any combination of low-emitting, fuel-efficient, and carpool/vanpool vehicles equivalent to the number identified in California Green

Standards Building Code Section 5.106.5.2 or the Moreno Valley Municipal Code whichever requires the higher number of carpool/vanpool stalls.

- j) The following information shall be provided to tenants; onsite electric vehicle charging locations and instructions, bicycle parking, shower facilities, transit availability and the schedules, telecommunicating benefits, alternative work schedule benefits, and energy efficiency.

Additionally, the WLC Specific Plan requires that mass transit features, such as bus stops, be incorporated into the project based on consultation with the Riverside Transit Agency. The Project meets the standards provided in the City Municipal Code and the California Building Standards Code regarding parking requirements. There is nothing in the Codes that require the developer to pay the employee a parking cash-out option. Further, if the WLC did not provide the parking required under Code, that would be a significant impact under CEQA. Although the Project does not have a parking cash-out program, it does encourage employees to utilize alternate modes of transportation (See MM 4.3.6.4A). The Project design is not energy inefficient because it provides parking for employees and not a cash-out program.

Response to Comment 1-F8-20: The Project is committing to reducing single-occupant vehicles, as discussed in Response to Comment 1-F8-19, and as discussed in Mitigation Measure 4.3.6.4A of the 2019 Draft Recirculated RSFEIR, which incorporates many measures to encourage alternate modes of transportation and reduce single occupancy vehicle trips including requiring all tenants to participate in the Riverside County's Rideshare Program. Since the Project does require that tenants participate in the Riverside County Rideshare Program and includes numerous other measures, identified above in Response to Comment 1-F8-19, to reduce single-occupancy vehicles, the Project is not transportation energy inefficient. In Addition, transportation energy efficiency was not one of the areas ruled as deficient by Judge Waters and therefore meets commuter transportation demands (Refer to Topical Response C, Project Approvals, Litigation and the Effects of Litigation, regarding the Court Ruling and its effect upon the EIR and process, content and project approvals).

Response to Comment 1-F8-21: The potential for utilizing rail was analyzed in the 2018 RSFEIR Section 4.15 Traffic and Circulation pages 4.15-33 through 35, but was found to not be a viable option for reducing the traffic impacts of the WLC. This conclusion is based on several factors, including the physical constraints to bringing rail service to the WLC site, the cost of cargo movement by rail relative to movement by truck, capacity constraints in the rail system that the WLC branch line would tie into, and the minimal effect that rail service would have even if all other factors could be overcome. The WLC site is not currently served by rail. The rail lines nearest the site are the Union Pacific Yuma Line (single-track in this area), the Riverside County Transportation Commission's San Jacinto Branch Line (single-track, currently inactive), and the BNSF double-track line through the City of Riverside. There are four general alignment possibilities for a branch line to the WLC. Each alignment is inherent with significant problems as follows:

- Western Alignment – Alignments running from the BNSF line in Riverside to the WLC, an approximate distance of 15 miles, would have to run through built-up areas of the Cities of Riverside and Moreno Valley. The cost of acquiring right-of-way through these areas, and the impacts to the community (noise, traffic disruption, safety, division of the community, etc.) render such alignments unviable. Moreover, trains using the at-grade rail crossings in the City of Riverside already impose substantial delays on road traffic. In fact, in recent years the City of Riverside has sued the ports over the issue of traffic

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impacts from additional trains passing through the city. Adding more crossings and more trains would exacerbate this problem.

- Southern Alignment – It would be possible to avoid densely populated and built-out areas by connecting to the San Jacinto Branch Line south of March Air Reserve Base. However, the only way to avoid established communities would be to pass along the northern portion of the Lake Perris State Recreation Area. The alignment, approximately 10 miles in length, would be a major impact as it would require constructing and operating a rail line along the slopes of the Lake Perris State Recreation Area and potentially the San Jacinto Wildlife Area. There would also be traffic impacts at road crossings, potential grade issues, and grade separated crossings needed for drainage channels and I-215. The impacts and costs of this approach would be disproportionate to the benefit of removing WLC trucks from the freeways.
- Northern Alignment – The shortest alignment to an existing rail line is to the north in the vicinity of Redlands Boulevard and connecting to the UP Yuma line near the intersection of Redlands Boulevard and San Timoteo Canyon Road, approximately five miles from the project site. This alignment would require extensive ROW acquisition, encounter very serious grade issues that would increase the length of track needed, result in environmental impacts on the Badlands, and require a grade separated crossing of SR-60. The impacts and costs of this approach would be disproportionate to the benefit of removing WLC trucks from the freeways.
- Eastern Alignment – The final possibility would be to connect to the UP Yuma line along an alignment parallel to SR-60. This alignment would connect to the existing rail network near the Morongo Golf Club at Tukwet Canyon, approximately five miles to the east of the WLC site. The eastern alignment would be affected by the same drawbacks as the northern alignment, with the addition of the need to construct a bridge over San Timoteo Creek.

As can be seen from the discussion above, providing rail service to the WLC along any of the possible alignments would in itself create serious environmental impacts. In addition to the environmental impacts, the loading and unloading of rail requires special equipment and handling and can only be performed at specialized places, which significantly adds to the cost of shipping goods by rail. The actual movement of goods by rail is more energy-efficient and less expensive than movement by truck. However, this combination of relatively high fixed costs at each end of a trip with low variable costs for the distance traveled means rail can be a less expensive way to ship cargo than truck, but only if the shipping distance is sufficiently long, more than 500 miles. Therefore, even if a rail line was built from the WLC to the Ports of Los Angeles or Long Beach, a distance of 70 miles, shipping by rail would be far more expensive than by truck, which would make it uneconomical.

Furthermore, there are serious capacity constraints in the rail network in the Los Angeles Basin. Both BNSF and UP rail operations are already capacity-constrained on the lines between the ports and western Riverside County. Rail service would not significantly reduce traffic either, since rail is only economical for trips over 500 miles. As shown, the Project did consider and analyze using rail, but found that bringing rail service to the site would be very costly, result in serious environmental impacts, create major disruption to existing communities, and take many years to design, acquire right-of-way, and construct. Thus, the EIR identified and discussed the significant adverse impacts that could occur with implementing transportation by rail and they were shown to be worse than the utilization of trucks as analyzed in the EIR. In Addition,

transportation energy efficiency was not one of the areas ruled as deficient by Judge Waters and therefore meets commuter transportation demands (Refer to Topical Response C, Project Approvals, Litigation and the Effects of Litigation, regarding the Court Ruling and its effect upon the EIR and process, content and project approvals). Section 4.15 Traffic and Circulation, has not been recirculated in the 2019 Draft Recirculated RSFEIR, as it is not required under CEQA.

Response to Comment 1-F8-22: As CARB’s ongoing multi-year planning effort on the Sustainable Freight Plan to lay out pathways to get to a zero-emission freight sector demonstrates, there are no commercially available technology zero-emission on-road heavy-duty trucks available and as CARB’s progress report on heavy-duty technology and fuels assessment states zero- and non-zero emission technologies are still at the demonstration phase.¹⁰⁵

Since then, some zero emission trucks have become available for limited applications, but the Class 7 and Class 8 heavy-duty trucks are still not commercially available. (<https://ww2.arb.ca.gov/resources/fact-sheets/advanced-clean-trucks-fact-sheet>.) Recognizing the challenges in transitioning to zero-emission heavy duty trucks, CARB proposed in late 2019, the Advanced Clean Truck Regulation, which proposes to require manufacturers to make a certain percentage of sales of zero-emission trucks and buses. CARB received numerous comments on the proposed Regulation, and it has not been formally adopted, but CARB’s Staff Report in support of the Regulation provided a detailed evaluation of the market in the Staff Report, including Appendix E, Zero Emission Truck Market Assessment. The Staff Report notes the importance of heavy duty trucks: “Heavy-duty trucks operate through California in numerous vocations and are an essential part of the state’s economy.” (Staff Report, p. I-4.) The Staff Report outlines the challenges in ZEV market, particularly with respect to heavy-duty trucks, including the incremental cost of ZEVs, infrastructure investment cost and availability, matching vehicle capability with fleet need and diverging standards. (Staff Report, pp. I-14 – I-17.) The Regulation sets forth proposed percentage sales for Class 7-8 Tractor Group at 3% by 2024. CARB’s evaluation of the market and its proposed goal of 3% for 2024 demonstrates that Class 7-8 heavy-duty trucks are not currently commercial availability.

According to a Feasibility Assessment for Drayage Trucks for the San Pedro Bay Ports Clean Air Action Plan, zero-emission and near zero-emission on-road haul trucks availability, as of late-2018, includes one zero-emission and one near zero-emission fuel-technology platform sold by Original Equipment Manufacturers (OEMs) in commercially available Class 8 trucks suitable for drayage.¹⁰⁶ With the development of zero-emission and near zero-emission platforms, infrastructure has emerged as one of the most significant near-term barriers to wide-scale adoption of these technologies due to standardization difficulties and the ability to develop the full charging infrastructure required by 2021. Additionally, according to the Feasibility Assessment, one OEM plans to begin offering a zero-emission battery-electric Class 8 truck by 2021, the other OEMs have similar or later timeframes. Furthermore, the International Council on Clean Transportation (ICCT) in a November 2017 white paper titled “Transitioning to Zero-Emission Heavy-

¹⁰⁵ California Air Resources Board, 2015. Draft Heavy-Duty Technology And Fuels Assessment: Overview, April. Available online: https://www.arb.ca.gov/msprog/tech/techreport/ta_overview_v_4_3_2015_final_pdf.pdf?_ga=2.207832726.540754214.1560412530-179310568.1519193875.

¹⁰⁶ Port of Long Beach & The Port of Los Angeles, 2019. San Pedro Bay Ports Clean Air Action Plan, 2018 Feasibility Assessment for Drayage Trucks, April. Available online: <http://www.cleanairactionplan.org/documents/final-drayage-truck-feasibility-assessment.pdf/>.

Duty Freight Vehicles”¹⁰⁷ states that there are “prevailing barriers to widespread viability” of plug-in electric heavy-duty freight vehicles, primarily limited electric range, high vehicle cost, long recharging time, and tradeoffs on cargo weight and/or volume. This report does not cite drayage trucking (Class 8) as a promising segment for widespread commercialization, further proof that the zero-emission and near zero-emission truck fleet won’t be viable during construction of the Project or possibly be readily available enough for use during operation of the Project. CARB’s latest working group meeting Third Work Group for the FY 2019-20 Heavy-Duty Three-Year Investment Strategy on May 8, 2019 shows that the Zero Emission Vehicle technology readiness for medium- and heavy-duty trucks is primarily in the demonstration phase in 2019 which includes technology development and early stage demonstrations.¹⁰⁸ As of late last year, CARB is funding a couple of pilot programs for electric truck fleets.¹⁰⁹ BYD (Build Your Dreams) and Anheuser-Busch announced that Anheuser-Busch will pilot a scale project by deploying 21 BYD battery electric trucks at four Anheuser-Busch distribution facilities across southern California: Sylmar, Riverside, Pomona, and Carson.¹¹⁰ Additionally, another pilot program includes replacing PepsiCo’s existing diesel powered freight equipment with fifteen Tesla Semi electric trucks with “zero-emission (ZE) and near-zero emission (NZE)” trucks and equipment at its Frito-Lay Modesto, California, manufacturing site by 2021.¹¹¹ See also recent article describing emerging state of technology for electric heavy-duty trucks and other pilot programs (<https://www.nytimes.com/2020/03/19/business/electric-semi-trucks-big-rigs.html>).

Furthermore, since the Project will support a variety of future users which are unknown at this time, it is not possible to specify or require future users to have zero emission or alternative fuel fleets since most logistics companies use independent contractors and truck drivers rather than maintain their own fleets. As electric heavy-duty trucks become commercially available, WLC will accommodate ZEV technologies by planning for appropriate onsite charging infrastructure. To that end, the Project will construct the WLC parking areas with cable raceways for installing future EV charging stations, which will enable WLC to more readily and cost effectively provide this service to future tenants if and when demand dictates. Nonetheless, the Project has committed under various mitigation measures to require the most stringent levels of emission mitigation under existing emission control regulations. In addition, the WLC is required to provide an alternative fueling station that would open during the first phase of development to serve trucks that use liquefied or compressed natural gas as vehicle fuel (MM 4.3.6.3C on page 4.3-54 of the 2019 Draft Recirculated RSFEIR), which would reduce diesel emissions from the Project as truck fleets switch to non-diesel alternatives in the future. In addition, future development will comply with regulated vehicle fleet fuel requirements at the time of development approval.

Along the lines of implementing zero emission technologies mitigation that CARB asked for in their previous letters, in Judge Sharon Waters’ Ruling on Peremptory Writ of Mandate, RIC1510967, February, 8, 2018, *Paulek, et al. v. City of Moreno Valley* (See Topical Comment C for more information on the Writ), the WLC

¹⁰⁷ Moultaq, M., Lutsey, N., Hall, D., “Transitioning to Zero-Emission Heavy-Duty Freight Vehicles,” The International Council on Clean Transportation (ICCT), September 26, 2017, Available online: <https://www.theicct.org/publications/transitioning-zero-emission-heavy-duty-freightvehicles>.

¹⁰⁸ California Air Resources Board, 2019. Third Work Group for the FY 2019-20 Heavy-Duty Three-Year Investment Strategy, May 8. Available online: https://ww2.arb.ca.gov/sites/default/files/2019-05/050819_3yp_wg3_handout.pdf

¹⁰⁹ California Air Resources Board, 2019. CARB Approves \$533 million funding plan for clean transportation investments, October 25, 2019. Available online: <https://ww2.arb.ca.gov/news/carb-approves-533-million-funding-plan-clean-transportation-investments>

¹¹⁰ Build Your Dreams, 2019. Anheuser-Busch Completes First Zero-Emission Beverage Distribution, November 21. Available online: <https://en.byd.com/news-posts/anheuser-busch-completes-first-zero-emission-beer-delivery/>

¹¹¹ Electrek, 2019. 15 Tesla Semi electric trucks to replace diesel trucks at Pepsi facility, October 4. Available online: <https://electrek.co/2019/10/04/tesla-semi-electric-trucks-replace-diesel-trucks-pepsi/>

was tasked with providing a comparison of feasible, cost-effective renewable energy technologies in the Energy Impact analysis, which could potentially result in lower GHG project emissions. The 2019 Draft Recirculated RSFEIR presented these findings in Appendix E, Renewable Energy Technical Report (RETR). An engineering and financial analysis of the full range of sustainable energy options potentially available at the site was conducted (2019 Draft Recirculated RSFEIR, Appendix E, RETR). The analysis evaluated building energy efficiency opportunities to reduce the energy requirements to the maximum extent practicable. Projected electric vehicle (EV) loads were added to building loads to characterize overall electric loads for the project. A full range of renewable energy supply options were evaluated to meet the combined building and EV loads. The project falls within Moreno Valley Utilities (MVU's) service territory; therefore, it is MVU's responsibility to secure additional power from Southern California Edison (SCE) as needed. The Project's electrical demand is based on typical high-cube warehouse energy demands, defined using hourly energy simulation modeling software (see full analysis in Appendix E of the 2019 Draft Recirculated RSFEIR). The modeling software was validated against actual historical data and modified to reflect compliance with the California Title 24 building energy standards and then further modified to incorporate the Energy Conservation Measures (ECMs) to which the Project has committed in the WLC Specific Plan. The available ECMs would provide an approximately 17 percent improvement in energy performance over Title 24 requirements at Phase 1 and an approximately 16 percent improvement at full buildout (page 4.17-21 of the 2019 Draft Recirculated RSFEIR). The analysis also evaluated the benefits of various types of sustainable energy supply for this the Project. The results of the WLC supply-side analysis indicate that this the Project is required to provide renewable energy through solar panels that will be installed on the rooftops of buildings to offset the power requirements within the project (MM 4.16.4.6.1C of the 2019 Draft Recirculated RSFEIR). A detailed solar analysis is included in Appendix E of the 2019 Draft Recirculated RSFEIR). Due to the limitations that current MVU rules impose on solar PV capacity, Phase 1 buildings can each feature no more than 300 kilowatts (kW) of photovoltaic (PV) (one-half the 600-kW minimum daytime electric load) and Phase 2 buildings can each feature 800 kW. At these PV system sizes, a total of 4.5 megawatts (MW) of PV capacity would exist at WLC at the end of Phase 1 and a total of 14.1 MW of PV capacity would exist at WLC at full build-out. The use of PV in each phase would cover both the peak electric load generated by the offices and the annual energy usage of the offices, thereby achieving effective near zero-emission status for the offices. Due to the highly speculative nature of the EV penetration in Phase 2, mitigation measures require the Project to upgrade the structural integrity of the roof on each building to accommodate the possibility of future solar installation over the entire roof. At a minimum, the Project will install enough solar power in both phases to meet energy needs of the Project's office spaces (see Topical Response E for a discussion of MVU's solar limitation placed on the project). Additional feasible Project Design Features to reduce energy usage were added as part of the Project in the 2019 Draft Recirculated RSFEIR, Section 4.17, Energy, 4.17.5 Project Design Features. The 2019 Draft Recirculated RSFEIR includes mitigation measures for Air Quality, Greenhouse Gases, and Energy to reduce impacts to the extent possible. Thus, WLC will incorporate the Project Design Features outlined in the 2019 Draft Recirculated RSFEIR to further reduce emissions from the Project.

Response to Comment 1-F8-23: This is a restatement of what the body of the letter stated. Thus, all these issues are addressed in Response to Comments 1-F8-1 through 1-F8-22.

Response to Comment 1-F8-24: This lists the Appendices used in the drafting of the letter, and thus no further response is needed (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate

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and respond to comments raised on environmental issues.) The comment is noted and will be presented to the decision makers for their review and consideration.

Response to Comment 1-F8-25: Attached to the letter is a Petition for Energy Efficient Design World Logistics Center Draft EIR signed by 22 people, and thus no further response is needed (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.) The comment is noted and will be presented to the decision makers for their review and consideration.

3.4.7 (1-G) Letters from Private Individuals

The following are responses to “G” comments from the general public. These responses are organized as follows:

- Responses to comments on the 2018 RSFEIR where the comment letter requires one or more specific responses. For these comments, each comment letter is followed by a response to the comment letter (refer to each individual comment letter to see bracketed comments).
- Comments indicating general support, general opposition, or otherwise not raising substantive environmental issues and therefore not warranting a specific response. These general comments are located in Attachment D of this Response to Comments Document. A general response to these general comments follows the response provided to Letter 1-G284. The discussion that precedes the general response identifies the number of each general comment to which the general response is applicable.

Comment Letters Received from private individuals include the following:

1-G1: Aaron Mariscal	1-G16: Alva Arguetta	1-G31: Benjamin Mariscal
1-G2: Abigail Hermsillo	1-G17: Ana Cisneros	1-G32: Bertha Garcia
1-G3: Adela Esprada	1-G18: Ana Villuverde	1-G33: Bertha Lozano
1-G4: Adriana Reza	1-G19: Andrea Chouinard	1-G34: Betty Magana
1-G5: Aj Ballesteros	1-G20: Angel Guitierrez	1-G35: Betty Ochoa
1-G6: Alejandro and Georgina Briseno	1-G21: Angela Quinones	1-G36: Blanca Kalderon
1-G7: Alenjandro Robles	1-G22: Anthony Magana	1-G37: Brandon Carn
1-G8: Alex Farfan	1-G23: Antonio Reza Jr.	1-G38: Brenda Galicia
1-G9: Alexa Escutia	1-G24: Arturo Ibarra	1-G39: Brenda Rios
1-G10: Alfredo Garcia	1-G25: Aureliano Martinez	1-G40: Bricia Salazar
1-G11: Alicia Espinosa	1-G26: Beatriz Garcia	1-G41: Carlos Chavez
1-G12: Alicia Wright	1-G27: Beatriz Vega	1-G42: Carlos Reza
1-G13: Alma Flores	1-G28: Belia Sahogun	1-G43: Carolina Escutia
1-G14: Alma Gonzales	1-G29: Benita Palominos	1-G44: Carolina Rodriguez
1-G15: Alma Ramirez	1-G30: Benjamin Hernandez	1-G45: Celia Corona

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1-G46: Cecilia Najar	1-G70: Eleuterio Carrillo	1-G94: Georgina Vasquez
1-G47: Cecilia Serrano	1-G71: Elisa Garcia	1-G95: George Price
1-G48: Charles Turkowski	1-G72: Eluvia Amador	1-G96: Gloria Corona
1-G49: Christian Villanueva	1-G73: Enrique Lizarraga	1-G97: Gonzalo Flores
1-G50: Christopher Baca	1-G74: Erica Medel	1-G98: Griselda Cabrera
1-G51: Christopher Mauldin	1-G75: Esteban Salinas	1-G99: Graciela Gallegos
1-G52: Clara Bautista	1-G76: Euduro Wuence	1-G100: Griselda Serrano
1-G53: Claudia Ibarra	1-G77: Eullalia Pedro	1-G101: Guadalupe Andrade
1-G54: Cole Brockman	1-G78: Eunice Kong	1-G102: Guadalupe Marquez
1-G55: Concepcion Areas	1-G79: Fabian Reyes	1-G103: Guillermo Patino
1-G56: Conrado Lansang	1-G80: Fabiana Nicolas	1-G104: Guillermo Reza
1-G57: Consuelo Capulin	1-G81: Fabiana Rafael	1-G105: Guillermo Siordia
1-G58: Consuelo Siordia	1-G82: Fernando Moreno	1-G106: Inez Gonzalez
1-G59: Corinne Orozco	1-G83: Francisco Serrano	1-G107: Irene Sims
1-G60: Darleen Reza	1-G84: Francisco Vega	1-G108: Irese Carpenter
1-G61: Delfina Polanco	1-G85: Frank Huddleston	1-G109: Iris Pedroza
1-G62: Dolores Rojas	1-G86: Frank Wright	1-G110: Irma Mendez
1-G63: Donovan Saadiq	1-G87: Gabriel Mariscal	1-G111: Irma Roman
1-G64: Dora Capolino	1-G88: Gabriel Nieves	1-G112: Isabel Amavizca
1-G65: Ed Von Nordeck	1-G89: Gabriela Negrete	1-G113: Isaias Gonzalez
1-G66: Edgard Espin	1-G90: Gary Klinn	1-G114: Israel Carrillo
1-G67: Eduardo Corona	1-G91: Gaspar Fernandez	1-G115: Israel Flores
1-G68: Eduardo Hernandez	1-G92: Gema Garcia	1-G118: Jan Jugas
1-G69: Elena Contreras	1-G93: Gemma Arrate	1-G119: Javier

1-G120: Jerry Mercado	1-G144: Juan Razo	1-G168: Lily Quinones
1-G121: Jerry Mercado	1-G145: Julia Anguiano	1-G169: Lindsay Robinson
1-G122: Jesse Molina	1-G146: Julissa Wuence	1-G170: Lindsay Robinson
1-G123: Jesus Hernandez	1-G147: Karen Flores	1-G171: Lorenzo Tello
1-G124: Jesus Salas	1-G148: Karen Jakpor	1-G172: Luis Baldenegro
1-G125: Joe Fernandez	1-G149: Karina Verdugo	1-G173: Luis Buenrostro
1-G126: Joel Estrada	1-G150: Kathleen Dale	1-G174: Luis Saldaña
1-G127: John Peikert	1-G151: Kathleen Dale	1-G175: Luz Maria Naranjo
1-G128: John Serrano	1-G152: Kathy Kulsick	1-G176: Lydia Vaula
1-G129: John Sims	1-G153: Keith Howerton	1-G177: Marina Smiley
1-G130: Jonah Villegas	1-G154: Kennedy Sanchez	1-G178: Magy Velazquez
1-G131: Jose Arvizu	1-G155: Keri A. Then	1-G179: Manuel Arredondo
1-G132: Jose Galicia	1-G156: Kevin Mesa	1-G180: Manuel Garcia
1-G133: Jose Garcia	1-G157: Kirk Hansen	1-G181: Manuel Rodriguez
1-G134: Jose Lopez	1-G158: Dolores Jempson	1-G182: Manuel Patino
1-G135: Jose Mariscal	1-G159: Laura Manjarrez	1-G183: Marco Areas
1-G136: Jose Valenzuela	1-G160: Laura Robinson	1-G184: Marco A. Rojo
1-G137: Josefina Gregory	1-G161: Leanna Gonzalez	1-G185: Margaret Martin
1-G138: Josefina Valenzuela	1-G162: Laura Sixtos	1-G186: Maria Baldenegro
1-G139: Josephine Villegas	1-G163: Leo Castañeda	1-G187: Maria Barragan
1-G140: Joshua Bonilla	1-G164: Leon A. Enderica	1-G188: Maria Carrillo
1-G141: Joshua Mariscal	1-G165: Leticia Mata	1-G189: Maria Corral
1-G142: Juan Hernandez	1-G166: Lila A. Smith	1-G190: Maria Cruz
1-G143: Juan Palominos	1-G167: Liliana Perez de Aceves	1-G191: Maria De Los Angeles Ponce

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1-G192: Maria del Loerra Lopez	1-G215: Mr. & Mrs. Marvin Niles	G-238: Owen Christian
1-G193: Maria Diaz	1-G216: Mayori Ovalles	G-239: Pablo Hermosillo
1-G194: Maria Raquel Escebedo	1-G217: Mathis Moore	G-240: Pablo Hermosillo Sr.
1-G195: Maria Galaza	1-G218: Maura Garcia	G-241: Pablo Ramirez
1-G196: Maria Guerrero	1-G219: Mauricio Lopez	G-242: Patricia Gonzalez
1-G197: Maria Gutierrez	1-G220: Miguel Gutierrez	1-G243: Paul Roman
1-G198: Maria Isabel Ramirez	1-G221: Miguel Naranjo	1-G244: Pearlie Mae Sims
1-G199: Maria R. Jacobo	1-G222: Milton Martinez	1-G245: Petra Avina
1-G200: Maria Lara	1-G223: Moises Leanos	1-G246: Petra Olazabal
1-G201: Maria Lopez	1-G224: Monica Esparza	1-G247: Coil Hagar Vasquez
1-G202: Maria Mereyman	1-G225: Morena Mesa	1-G248: Ponciano Garcia
1-G203: Maria Nieves	G-226: Myles Caldwell	1-G249: Porfirio Guerrero
1-G204: Maria Seans	G-227: Nahum Serrano	1-G250: Ramon Aguado
1-G205: Maria A. Saldaña	G-228: Nelly Menjivar	1-G251: Ramon Gallegos
1-G206: Maria G. Torres	G-229: Nigdia Jimenez	1-G252: Ramon Mendez
1-G207: Mariana Gissel Sanchez Escobedo	G-230: Norma Preciado	1-G253: Ramon Rios
1-G208: Mario Ochoa	G-231: Norma Roman	1-G254: Ramon Rios Sr.
1-G209: Marjorie Lloyd	G-232: Obdulia Cisneros	1-G255: Raquel Carrillo
1-G210: Martha Munoz	G-233: Olegario Rojas	1-G256: Refugio Navarro
1-G211: Martha Rodriguez	G-234: Olga Arvizu	1-G257: Regina Lynn
1-G212: Marta A. Torres	G-235: Olga Reza	1-G258: Rhonda Turkowski
1-G213: Martha Villanueva	G-236: Olivia Gonzalez	1-G259: Reina Ayala
1-G214: Martina Delgado Lares	G-237: Otana Jakpor	1-G260: Robert Beard

1-G261: Robert Doss
1-G262: Robert Then
1-G263: Robert Vavela
1-G264: Roberto Cabrera
1-G265: Rodolfo Hernandez
1-G266: Rogelio Bautista
1-G267: Ron Scott
1-G268: Ronald A. Mesa
1-G269: Ronald Mesa Jr.
1-G270: Ronald Sims
1-G271: Rosa Garcia
1-G272: Rosa Martinez
1-G273: Rosa Maria Quintero
1-G274: Rosalba A. Rojo
1-G275: Rosie Mariscal
1-G276: Roxana C. Melara
1-G277: Ruben Avila
1-G278: Ruben Muñoz
1-G279: Rubi Hernandez
1-G280: Sandra Reyes
1-G281: Santiago Rodriguez
Avalos
1-G282: Sarah Niña G. Perez
1-G283: Sergio Gonzalez
1-G284: Shaunte M. Gonzales
1-G285: Sheila Espinoza-Sanford
1-G286: Silvia Callente
1-G287: Silvia Delgado
1-G288: Socorro Gamez
1-G289: Socorro Gutierrez
1-G290: Stephany Avila
1-G291: Susan Lansang
1-G292: Susana Navarro
1-G293: Teodora Garcia
1-G294: Thomas Turkowski III
1-G295: Uvaldo Robles Tello
1-G296: Vicente Mora Barrera
1-G297: Violeta G. Perez
1-G298: Virginia Cuatlayotl
1-G299: Walter Rodriguez
1-G300: Yuliana G. Bolaina
1-G301: Bonnie Thresher

From: Julia Descoteaux
Sent: Thursday, August 9, 2018 8:32 AM
To: Julia Descoteaux
Subject: FW: World Logistics Center

Julia Descoteaux
Associate Planner
Community Development
City of Moreno Valley
p: 951.413.3209 | e: juliad@moval.org W: www.moval.org
14177 Frederick St., Moreno Valley, CA 92553

From: Albert Armijo
Sent: Thursday, August 9, 2018 7:31 AM
To: Chris Ormsby <chriso@moval.org>; Mark Gross <markg@moval.org>; Julia Descoteaux <juliad@moval.org>
Cc: Richard Sandzimier <richardsa@moval.org>
Subject: FW: World Logistics Center

From: Aj Ballesteros [<mailto:ballesterosaj99@gmail.com>]
Sent: Wednesday, August 8, 2018 3:57 PM
To: Albert Armijo <alberta@moval.org>
Subject: RE: World Logistics Center

Hello!

My name is Aj Ballesteros. I am 18 years old and was born and raised in Moreno Valley. While I am deeply concerned about the environmental impact of codifying Moreno Valley as a global center for commodity shipping, I am simultaneously deeply concerned about the manner in which such "economic development" truly impacts the residents of my community -- who are primarily working class people and people of color. I feel that without the most thorough investigation into the true environmental impacts of such development, the city risks being complacent in the structural process of environmental racism. We have already seen such impacts on the air quality for residents in our neighboring town Mira Loma, where the city had to give air filters to residents, and children were suffering from greater lung problems. I feel also that without simultaneously passing legislation in the city that uplifts, supports, and empowers the workers of these large warehouses/corporations, the city only subjugates our community further to the domination of large, global property owners. I'd like to see so much more effort put towards protecting the ability of workers in these warehouses to Unionize and gain power. Because remember - the city government is supposed to serve the PEOPLE of our community. That means supporting the workers of these corporations, who are actual residents of the community, and NOT the corporations themselves. The corporation's ultimate goal is not to uplift our community by "bringing much-needed jobs" as they say, but it is to extract value (Profit) from us by devaluing our labor for their benefit. Remember - you must protect the residents of the community first, not the interests of corporations that only seek to exploit us and introduce us to harm.

Thank you for taking the time to read this.

1-G5-1

Aj Ballesteros
Pronouns: they/them/theirs
UC Davis '20 Sociology

Albert Armijo
Interim Planning Manager
Community Development
City of Moreno Valley

p: 951.413.3354 | e: alberta@moval.org W: www.moval.org
14177 Frederick St., Moreno Valley, CA 92553

↑
1-G5-1
cont.

RESPONSES TO LETTER 1-G5: AJ Ballesteros

Response to Comment 1-G5-1: Related to social justice issues associated with the WLC project, the court order did not direct the City of Moreno Valley to evaluate environmental justice issues. Impacts of the proposed project related to the court order were evaluated in the 2018 RSFEIR, and this comment did not raise new or additional significant environmental issues (State CEQA Guidelines §15088 (c)). Also refer to Topical Response C, Project Approvals, Litigation and the Effects of Litigation, regarding the Court Ruling and its effect upon the EIR process, content and project approvals. Nonetheless, environmental justice considerations are incorporated into the 2016 AQMP (p. 4.3-12) and the 2019 Draft Recirculated RSFEIR states that the “project would comply with all applicable rules and regulations enacted as part of the 2016 AQMP, including transportation control measures from the 2016 RTP/SCS” (2019 Draft Recirculated RSFEIR, page 4.3-37).

In addition, local air quality is addressed in Section 4.3, Air Quality, in the 2019 Draft Recirculated RSFEIR.

From: Albert Armijo
Sent: Friday, September 7, 2018 3:28 PM
To: Julia Descoteaux; Vera Sanchez
Subject: FW: WIC EIR Revisions

Albert Armijo
Interim Planning Manager
Community Development
City of Moreno Valley

p: 951.413.3354 | e: alberta@moval.org w: www.moval.org

14177 Frederick St., Moreno Valley, CA 92553

-----Original Message-----

From: jose espinoza [mailto:azmedtrans@mac.com]
Sent: Friday, September 7, 2018 10:56 AM
To: Albert Armijo <alberta@moval.org>; azmedtrans@mac.com; lr92555@aol.com
Subject: WIC EIR Revisions

The Writ of Mandate states the EIR is voided in whole. The project is no longer what was voted on so needs to go back to step 1 with planning commission. Court ruling vacates approvals made in Aug 2015, city is restrained and enjoined from granting any permits or land use entitlements etc.

1-G11-1

My voice needs to be heard.

Thank you,

Alicia Espinoza
azmedtrans@mac.com
951-452-0168.



RESPONSES TO LETTER 1-G11: Alicia Espinosa

Response to Comment 1-G11-1: Refer to Topical Response C, Project Approvals, Litigation and the Effects of Litigation, regarding the Court Ruling and its effect upon the EIR process, content and project approvals.

From: Albert Armijo
Sent: Friday, September 7, 2018 4:39 PM
To: Julia Descoteaux; Vera Sanchez
Subject: FW: Comments for the Revised World Logistics Center Environmental Impact Report

From: Brandon Carn [mailto:bmcar@gmail.com]
Sent: Friday, September 7, 2018 4:24 PM
To: Albert Armijo <alberta@moval.org>
Subject: Comments for the Revised World Logistics Center Environmental Impact Report

Albert Armijo, Interim Planning Manager
City of Moreno Valley
14177 Frederick Street
Post Office Box 88005
Moreno Valley, California 92552
Email: alberta@moval.org

Revised Sections of the Final Environmental Impact Report
(SCH #2012021045)

The following comments/questions are submitted for the World Logistics Center’s revised Final Environmental Impact Report by the Highland Fairview/City of Moreno Valley Joint Venture.

The revised Environmental Impact Report for the World Logistics Center as of this time is incomplete even with the new information included following the ruling by the Riverside County Superior Court. This reasoning is because most of the sections of the Final EIR were exempt from CEQA examination at the time in the documents included in the initiatives adopted by the city of Moreno Valley in November 2015 with twenty percent of registered voters of the community.

However these initiatives were recently also invalidated by the same court system on an appeal that also changed the precedent in California state law on how these types of petitions may be used and for who. It was the ruling of the court that development agreements made between a private corporation and a city's municipal government cannot be altered through the initiative process. All of the criteria in the former Environmental Impact Report not scrutinized by the court because of the adopted initiatives needs to be further revisited before being considered for renewal by Moreno Valley's staff or city council. Much of the information first placed into between 2012 and 2015 is now changed and needs to be reevaluated, especially after the February 2018 court ruling of much of the last drafted EIR being legally inadequate in the areas of CEQA and analysis. A very strong chance exists that more similar flaws in the document exist and will make it legally invalid if challenged in court in the future.

Failure to address the currently unanalyzed portions missing from the new EIR for the World Logistics Center more than likely will subject the city to further legal challenges in court with great cost to taxpayers and to the reputation of the city and its ability to do business. Moreno Valley has already lost all current legal challenges regarding the World Logistics Center to plaintiffs because of not making choices for recirculation of documents in the past and will do so again if it fails to take action again. It's the responsibility of Moreno Valley's staff and elected leaders to ensure the safety of the community's health and natural resources and those which border and surround it as well. Not requiring a more detailed and revised EIR from Highland Fairview is not upholding these protections.

Other issues needing to be addressed are future funding sources to widen State Route 60 in all directions regarding adequate lane space and infrastructure to support transit to and from the World Logistics Center site. Also the question of funding of repairs for local Moreno Valley streets such as Cactus Avenue and Alessandro Boulevard not included in the specific zone for the this proposal and how they will have mitigation funded from increased usage and traffic from the transit of vehicles from

1-G37-1

1-G37-2

this property as well is not currently addressed. Many of the same infrastructure issues not addressed since 2015 remain unanswered or addressed today. Such failures have caused litigation for Moreno Valley in the past and also costly settlements with Riverside County and other neighboring entities that could have been prevented if addressed earlier in EIR documents.

↑
1-G37-2
cont.
↓

Thank you for your time and consideration,
Brandon Carn,
Moreno Valley Resident

Albert Armijo
Interim Planning Manager
Community Development
City of Moreno Valley
p: 951.413.3354 | e: alberta@moval.org w: www.moval.org
14177 Frederick St., Moreno Valley, CA 92553

RESPONSES TO LETTER 1-G37: Brandon Carn

Response to Comment 1-G37-1: Refer to Topical Response C, Project Approvals, Litigation and the Effects of Litigation, regarding the Court Ruling and its effect upon the EIR process, content and project approvals. The trial court's judgment identified five deficiencies that occurred within the 2015 Final EIR. EIRs which are found to be deficient and remanded to the lead agency for correction frequently will prepare and circulate just the portions of an EIR found to be deficient, adding additional portions as called for (*Ballona Wetlands Trust v. City of Los Angeles*, 201 Cal.App.4th 455, 463-464 (2011)). This procedure is explicitly allowed by CEQA Guidelines §15088.5(c) and the City of Moreno Valley was consistent with CEQA Guidelines §15088.5(d) because they provided notice to the public of the 2018 RSFEIR pursuant to CEQA Guidelines §15087 and consultation pursuant to CEQA Guidelines §15086 which the City followed. As a result, the City of Moreno Valley's 2018 RSFEIR was circulated to the public and comments on the 2018 RSFEIR were solicited, as per CEQA Guidelines §15088.5(f)(2), further alerting readers focus on the information provided in the 2018 RSFEIR (page 2-7). Other issues that were either not presented in the CEQA litigation challenging the adequacy of the 2015 Final EIR, or if presented, were rejected by the trial court in either event, may not be raised as challenges to the adequacy of the 2018 RSFEIR (*The Inland Oversight Committee v. City of San Bernardino*, 17 Cal. App. 5th 771, 779-780 (2018)).

Response to Comment 1-G37-2: As discussed in the 2018 RSFEIR on pages 4.15-122 through 4.15-125, impacts as well as required improvements to SR-60 are discussed. There is a detailed discussion of the potential improvements, the feasibility of implementing the improvement, and the potential funding for the improvements along SR-60. The Project's fair share by freeway segment is shown in Appendix F on Table 77, and the Project's fair share for SR-60 ranges between 1.0% and 10.2%. For various required SR-60 improvements, there are no specific Caltrans funding mechanisms at this time; however, the City will require the developer to pay a fair-share contribution toward the improvements as a condition of approval if a fair share program is established. See Mitigation Measure 4.15.7.4F. Although a fair-share contribution is identified, the City cannot ensure that Caltrans would provide the improvement. Therefore, the 2018 RSFEIR determined that the Project would result in a significant and unavoidable impact.

As for Moreno Valley streets, Mitigation Measure 4.15.7.4C requires the Applicant to construct and fully fund all necessary road improvements within the City. The developer would be responsible for upgrades to Alessandro Boulevard and Cactus Avenue within the Project site. Table 20 and Figures 19 and 20 in Appendix F of the 2018 RSFEIR show the proposed improvements to these road sections.

Regarding funding for repairs to streets located outside the Project site, routine road maintenance is a long-term recurring expense that is part of the City's existing street maintenance program.

From: Albert Armijo
Sent: Friday, September 7, 2018 3:42 PM
To: Julia Descoteaux; Vera Sanchez
Subject: FW: wlc

From: Christopher Baca [mailto:christopherbaca2014@gmail.com]
Sent: Friday, September 7, 2018 2:59 PM
To: Albert Armijo <alberta@moval.org>
Subject: wlc

The Writ of Mandate states the EIR is voided in whole. The project is no longer what was voted on so needs to go back to step 1 with planning commission. Court ruling vacates approvals made in Aug 2015, city is restrained and enjoined from granting any permits or land use entitlements etc.

1-G50-1

Albert Armijo
Interim Planning Manager
Community Development
City of Moreno Valley
p: 951.413.3354 | e: alberta@moval.org W: www.moval.org
14177 Frederick St., Moreno Valley, CA 92553

RESPONSES TO LETTER 1-G50: Christopher Baca

Response to Comment 1-G50-1: Refer to Topical Response C, Project Approvals, Litigation and the Effects of Litigation, regarding the Court Ruling and its effect upon the EIR process, content and project approvals.

Albert Armiso
 Interim Planning Manager
 14177 Frederick St.
 P.O. Box 88005
 Moreno Valley CA 92552

RECEIVED

SEP - 7 2018

CITY OF MORENO VALLEY
 Planning Division

08-30-18

Estimado señor Albert

Estoy muy alegre por el proyecto Logístico Mundial que va a cambiar nuestra Ciudad de Moreno Valley que va a cambiar de una manera positiva. FEIR Cumplio con los Requiritos de aquellos que estaban Reocupados por el medio ambiente con Resultados muy poco significativos Me gusto a demas que Van a ampliar el Freeway estos Cambios van a mejorar nuestra Ciudad con entrada de dinero y mejor educacion gracias y lla queremos ver el proyecto Logístico Mundial

Clara B. ~~B.~~

707-731-3514

13048 Pepper bush Dr
 Moreno Valley CA 92553

8/30/2018

RECEIVED

SEP - 7 2018

**CITY OF MORENO VALLEY
Planning Division**

Albert Armijo
Interim Planning Manager
14177 Frederick St.
PO Box 88005
Moreno Valley Ca 92552

Dear Mr. Albert

I am very happy for the World Logistic project that will change our city of Moreno Valley that will change in a positive way. FEIR fulfilled the requirements of those who were concerned about the environment with very little significant results. I also like that they are going to expand the freeway. These changes will improve our city with money entry and better education. Thank you and we already want to see the world logistic project.

Clara Bautista
13048 Pepper bush Dr.
Moreno Valley CA 92553

1-G52-1
cont.

RESPONSES TO LETTER 1-G52: Clara Bautista

Response to Comment 1-G52-1: The comment does not raise any environmental issues or address the adequacy of the 2018 RSFEIR. To reduce impacts to freeways, Mitigation Measures 4.15.7.4E and 4.15.7.4F requires the Applicant to contribute its fair share of the cost of needed improvements such as additional freeway lanes as long as Caltrans has established a fair share contribution program. There are no specific Caltrans funding mechanisms available at this time; however, the City will require the developer to pay a fair share contribution toward improvement as a condition of approval if a fair share program is established. As for schools, the Applicant will be required to pay school impact fees to the Moreno Valley Unified School District and the San Jacinto Unified School District for providing new school facilities as discussed on page 4.14-16 of the 2015 Final EIR (Volume 2).

From: Albert Armijo
Sent: Wednesday, August 8, 2018 7:33 AM
To: Julia Descoteaux
Subject: FW: WLC Impact

From: Donovan Saadiq [mailto:dxfilez@gmail.com]
Sent: Wednesday, August 1, 2018 6:53 AM
To: Albert Armijo <alberta@moval.org>
Cc: Donovan Saadiq <dxfilez@gmail.com>
Subject: WLC Impact

14,000 additional trucks.... This is a bad project and idea! How are we suppose to breathe? Traffic on 60 is bad enough.... 2 lanes? You would need to expand those lanes!! Where is the truck infrastructure we badly need now? No refueling stops, transmission shops, truck stops? What about the danger of increased human trafficking and prostitution of our youth due to the increase of trucking within city? This isca bad idea!! We have enough warehouses and trucks!!

1-G63-1

Donovan Saadiq

Albert Armijo
Interim Planning Manager
Community Development
City of Moreno Valley
p: 951.413.3354 | e: alberta@moval.org W: www.moval.org
14177 Frederick St., Moreno Valley, CA 92553

RESPONSES TO LETTER 1-G63: Donovan Saadiq

Response to Comment 1-G63-1: As shown on Table 4.15-14 in Section 4.15 of the 2018 RSFEIR, the Project would result at full build-out in a total of 15,138 average daily trips of medium and heavy trucks which is a subset of the total Project trips of 58,800 average daily trips of all vehicle types. As discussed in the 2018 RSFEIR on pages 4.15-122 through 4.15-125, impacts as well as required improvements to SR-60 are discussed. There is a detailed discussion of the potential improvements, the feasibility of implementing the improvement, and the potential funding for the improvements along SR-60. The Project's fair share by freeway segment is shown in Appendix F on Table 77, and the Project's fair share for SR-60 ranges between 1.0 percent and 10.2 percent. For various required SR-60 improvements, there are no specific Caltrans funding mechanisms at this time; however, the City will require the developer to pay a fair-share contribution toward the improvements as a condition of approval if a fair share program is established. See Mitigation Measure 4.15.7.4F. Although a fair-share contribution is identified, the City cannot ensure that Caltrans would provide the improvement. Therefore, the 2018 RSFEIR determined that the Project would result in a significant and unavoidable impact.

Regarding truck infrastructure, the Project includes a logistics support use on the Project site that is intended to provide alternative fueling services for onsite users, additional fueling stop locations, transmission shops, and truck stops are not included as part of the Project.

From: Albert Armijo
Sent: Wednesday, August 8, 2018 7:33 AM
To: Julia Descoteaux
Subject: FW: Warehousing

Albert Armijo
Interim Planning Manager
Community Development
City of Moreno Valley

p: 951.413.3354 | e: alberta@moval.org W: www.moval.org
14177 Frederick St., Moreno Valley, CA 92553

From: Ed Von Nordeck [mailto:vonnordeck-ed@sbcglobal.net]
Sent: Tuesday, July 31, 2018 8:24 PM
To: Albert Armijo <alberta@moval.org>
Subject: Warehousing

I am not a resident of Moreno Valley, but avoid going shopping or restaurants and supporting the merchants now because of the traffic conditions. I

1-G65-1

God forbid when these units get built.

IF very few of the trucks will be coming from the Long Beach- Los Angeles Harbor area, then how will the goods get to the warehouses.???

1-G65-2

AS to outbound, the new UPS facility location sure will help for the first miles, but then needs to get to Ontario Airport or go over the highways to nearby states. What about FED Ex having to go to Ontario Airport and I believe US postal has to go to the Metro LA area, at least at present time for air or sorting for Sou Cal Delivery..

1-G65-3

Just how many miles of new traffic lanes and access ramps will be paid for by the promoters.

1-G65-4

To me its nothing more then a "Con Game" to make the promoters richer and to hell with the folks who have to bleath the air and maintain the highways.

1-G65-5

Ed Von Nordeck
P O Box 2768
Riverside CA 92516-2768

vonnordeck-ed@sbcglobal.net

RESPONSES TO LETTER 1-G65: Ed Von Nordeck

Response to Comment 1-G65-1: The comment does not raise any environmental issues or address the adequacy of the 2018 RSFEIR, and thus no further response is needed. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

Response to Comment 1-G65-2: Regarding the transportation of goods to the WLC Project site, the percentages of daily truck trips by type of truck trip (i.e., internal, external, intermodal, port-related and secondary port trips as defined on pages 76 and 77 of the Traffic Impact Assessment [TIA] in Appendix F of the 2018 RSFEIR) that currently occur to and from Riverside County are provided on Table 18 on page 77 of the TIA in Appendix F of the 2018 RSFEIR. Truck traffic associated with the WLC and other logistics centers is expected to follow this general pattern of distribution. Port-related trips account for less than one percent of truck traffic to and from Riverside County.

Response to Comment 1-G65-3: As discussed in Response to Comment 1-G65-2, truck trips to the WLC site are included in the traffic distribution identified in Figure 37 on page 97 of Appendix F (Traffic Impact Assessment) of the 2018 RSFEIR. As for UPS and FedEx deliveries, these are considered as part of the truck trip percentages identified in Table 18 of Appendix F (Traffic Impact Assessment) of the 2018 RSFEIR.

Response to Comment 1-G65-4: Regarding new traffic lanes and access ramps, these project improvements are discussed in Section 4.15.7 of the 2018 RSFEIR and the Project's contribution to cumulative improvements is discussed in Section 6.15.3 of the 2018 RSFEIR. Sections 4.15.7 and 6.15.3 identify numerous roadway improvements as well as access ramp improvements that would be required to reduce potential impacts to less than significant. See the Response to Comment 1-G37-2 concerning payment for these improvements.

Response to Comment 1-G65-5: Local air quality is evaluated in Section 4.3 of the 2019 Draft Recirculated RSFEIR. As discussed in Response to Comment 1-G37-2, routine road maintenance is a long-term recurring expense that is part of the City's existing street maintenance program. The comment does not raise any environmental issues or address the adequacy of the 2018 RSFEIR, and thus no further response is needed. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

SEP 10 2018

CITY OF MORENO VALLEY
Planning Division

Sept 5 '18

GENTLEMAN:

THE AIR POLLUTION IN MORENO VALLEY HAS REACHED A LEVEL THAT IS NEAR INTOLERABLE ON THE EAST END, WHERE I LIVE. MY WIFE CANNOT DO HER MORNING WALKS; CHEST PAINS I HAVE PROBLEMS ALSO, BREATHING.

IT IS NECESSARY TO LIVE INSIDE THE HOUSE DURING DAYLIGHT HOURS. MY A/C BILL HAS BEEN THE HIGHEST EVER THAN SUMMER. THE FILTER IS CONSTANTLY NEEDING CHANGING DUE TO DIESEL PARTICULATES FROM THE TRUCKS THAT RUN 24/7 INTO THE WAREHOUSES ON EAST END OF TOWN. WE HAVE TO PUT WASH A. DEGREASER AND SOAP. MY VEHICLES GET A COATING ON THE HOODS AND TOPS

1-G90-1

WHICH IS A BLACK SOOT SUBSTANCE

I'VE ENCLOSED ABOUT ~~15~~ DAYS
OF AIR QUALITY REPORTS.

NOTICE NOT A SINGLE GREEN
DOT OF GOOD AIR FOR MORENO
VALLEY IN THIS GROUP OF
REPORTS. THIS IS THE NORM, NOW.

THE ADDITION OF MORE WAREHOUSES
WILL HAVE MORE DETRIMENTAL
EFFECTS TO AIR QUALITY, TRAFFIC
ETC TO THE PEOPLE OF
MORENO VALLEY. SOME ROADS AS
30 YEAR AGO OTHER THAN SMILES OF  ON 60
WE ARE BECOMING THE NEXT MICA
LUMA — THIS IS NOT ACCEPTABLE

Gary Kuhn
GARY KUHN

1-G90-1
cont.

RESPONSES TO LETTER 1-G90: Gary Klinn

Response to Comment 1-G90-1: The South Coast Air Quality Management District (SCAQMD) has monitoring stations that monitor ambient air quality throughout the South Coast Air Basin including Moreno Valley. Table 4.3-3 on page 4.3-8 of the 2019 Draft Recirculated RSFEIR identifies the concentration levels of pollutants in the Moreno Valley area compared to the state and federal ambient air quality standards. As shown, the concentrations of ozone have exceeded the state and federal standards for multiple days. The concentrations of coarse particulates referred to as PM10 have exceeded the state standards for multiple days and for recent years. The concentrations of fine particulates referred to as PM2.5 have exceeded the federal ambient air quality standard for multiple days and the state and federal standards in recent years.

Construction and operation of the Project would generate emissions of ozone precursors (volatile organic compounds [VOC] and nitrogen oxides [NO_x]), PM10, and PM2.5. Project-related diesel particulate matter (diesel PM) emissions are included within the analysis as PM10 and PM2.5 emissions. As discussed on pages 4.3-31 through 4.3-34, Project emissions are compared to significance thresholds established by the SCAQMD. As shown on Table 4.3-25 on page 4.3-63 of the 2019 Draft Recirculated RSFEIR, the implementation of Mitigation Measures 4.3.6.2A through 4.3.6.2E for construction activities and the implementation of Mitigation Measures 4.3.6.3A through 4.3.6.3F for operational activities would reduce Project-related VOC, NO_x, PM10, and PM2.5 emissions. However, even with the implementation of the mitigation measures, Project-related VOC, NO_x, PM10, and PM2.5 emissions would exceed the significance thresholds set by SCAQMD during most of the 15-year buildout of the Project and at full buildout operations. Cancer risk (see HRA in Appendix A.1 of the 2019 Draft Recirculated RSFEIR) and non-cancer risk impacts (see Ramboll health effects analysis in Appendix A.2 of the 2019 Draft Recirculated RSFEIR) from the Project's diesel PM emissions were evaluated and would not exceed the SCAQMD significance thresholds, resulting in a less than significant health risk impact with implementation of mitigation measures.

From: Albert Armijo
Sent: Friday, September 7, 2018 3:41 PM
To: Julia Descoteaux; Vera Sanchez
Subject: FW: WLC EIR revisions

Albert Armijo
Interim Planning Manager
Community Development
City of Moreno Valley

p: 951.413.3354 | e: alberta@moval.org w: www.moval.org

14177 Frederick St., Moreno Valley, CA 92553

-----Original Message-----

From: George Price [mailto:geovic73@verizon.net]
Sent: Friday, September 7, 2018 2:21 PM
To: Albert Armijo <alberta@moval.org>
Subject: WLC EIR revisions

The Writ of Mandate states the EIR is voided in whole. The San Jacinto Wildlife land the WLC was using as his buffer has also been voided. The project is no longer what I as a Council member at the time voted on should go back to step one and start again with the planning commission. Court ruling vacates approvals made in Aug 2015 (which I voted on), city is restrained and enjoined from granting any permits or land use entitlements etc.

The only reasonable action is to start the process anew with staff being impartial and not cheerleading for the proponents.

Respectfully
George Price
Moreno Valley

Sent from my iPad

1-G95-1

RESPONSES TO LETTER 1-G95: George Price

Response to Comment 1-G95-1: Refer to Topical Response C, Project Approvals, Litigation and the Effects of Litigation, regarding the Court Ruling and its effect upon the EIR process, content and project approvals.

Regarding the San Jacinto Wildlife Area, the 2018 RSFEIR Section 4.4 Biological Resources replaced the 2015 Final EIR Section 4.4 in its entirety. The 2018 RSFEIR Section 4.4 states on page 4.4-1 that “the text has been amended to ensure that the “buffer” concept was eliminated and not considered, and this document does not consider or evaluate any part of the San Jacinto Wildlife Area (SJWA) as a buffer area”. In addition, biological resource assessments were updated in 2018 to document any changes to the results from the previous surveys conducted by Michael Brandman Associates (MBA). See Appendix B to the 2018 RSFEIR Biological Resources Technical Memorandum (Revised) and DBESP. With respect to the Writ, See Topical Responses Project Approvals, Litigation and the Effects of Litigation, regarding the Court Ruling and its effect upon the EIR process, content and project approvals.

From: Vera Sanchez
Sent: Wednesday, August 15, 2018 7:57 AM
To: Albert Armijo; Chris Ormsby; Julia Descoteaux
Subject: FW: World Logistics center

From: Jan Jugas [mailto:derderian60@yahoo.com]
Sent: Wednesday, August 15, 2018 5:25 AM
To: Planning Email <PlanningEmail@moval.org>
Subject: World Logistics center

Did this devastating project get approved? If it did, why, why, why are you doing this to our city??? My cross street is Moreno Beach Dr. and Cactus. Are those 1400 trucks going to be barraling by all day and night? My children and grandchildren have to breathe the already unhealthful air. The 60 freeway can't handle the traffic now. The city is too crowded already and the influx of more people.. I just don't understand. I take that back, I do understand. You're putting money above the citizens; their health, safety and way of life. It's more than sad, it's irresponsible and a souless choice We will be nothing more than a industrial town...no culture, nothing of value. Very, very LOW END. Hope you can sleep at night. You probably don't even live here.

1-G118-1
1-G118-2

[Sent from Yahoo Mail on Android](#)

Vera Sanchez
Senior Administrative Assistant
Community Development
City of Moreno Valley
p: 951.413.3207 | e: veras@moval.org W: www.moval.org
14177 Frederick St., Moreno Valley, CA 92553

RESPONSES TO LETTER 1-G118: Jan Jugas

Response to Comment 1-G118-1: Refer to Topical Response C, Project Approvals, Litigation and the Effects of Litigation, regarding the Court Ruling and its effect upon the EIR process, content and Project approvals. The Revised Final EIR, the 2015 Final EIR, the 2018 RSFEIR and the Draft Recirculated RSFEIR will be used by the City of Moreno Valley City Council to deliberate whether to approve or not approve the proposed Development Agreement and the Parcel Map. It will also be used in connection with the approval of plot plans or other discretionary approvals in the future.

Response to Comment 1-G118-2: The operation of the proposed Project would occur 24 hours per day. According to Table 4.15-14 in Section 4.15 of the 2018 RSFEIR, there are a total of 15,138 average daily trips from medium and heavy trucks associated with the Project. Additional trips are associated with passenger vehicles and light trucks. As shown in Figure 37 on page 97 of the Traffic Impact Assessment within Appendix F of the 2018 RSFEIR, 0% of the truck traffic associated with the WLC Project would travel to or from southwest of the Project site in the vicinity of Moreno Beach Drive and Cactus Avenue. Also shown on Figure 37, approximately 82% of the truck trips that would travel west or east along SR-60 east of Redlands Boulevard. Potential impacts on the freeways, including SR-60, are discussed in Section 4.15.6.5 of the 2018 RSFEIR. Mitigation measures and the level of impact after mitigation are discussed in Sections 4.15.7.4 and 4.15.7.5, respectively in the 2018 RSFEIR.

As for safety, Section 4.15 of the 2018 RSFEIR (page 4.15-49) provides an evaluation of potential safety impacts resulting from potential conflicts between Project traffic and local schools. The conclusion is that Project passenger cars and trucks would not create unsafe conflicts with pedestrians.

From: Albert Armijo
Sent: Friday, September 7, 2018 3:30 PM
To: Julia Descoteaux; Vera Sanchez
Subject: FW: The following comments/questions are submitted for the World Logistics Center's revised Final Environmental Impact Report by the Highland Fairview/City of Moreno Valley Joint Venture (update)

Albert Armijo
Interim Planning Manager
Community Development
City of Moreno Valley

p: 951.413.3354 | e: alberta@moval.org W: www.moval.org

14177 Frederick St., Moreno Valley, CA 92553

From: Jerry Mercado [mailto:Jerry.Mercado@mail.com]
Sent: Friday, September 7, 2018 12:21 PM
To: Albert Armijo <alberta@moval.org>
Subject: The following comments/questions are submitted for the World Logistics Center's revised Final Environmental Impact Report by the Highland Fairview/City of Moreno Valley Joint Venture (update)

September 7, 2018

Mr. Albert Armijo, Interim Planning Manager

City of Moreno Valley

14177 Frederick Street

Post Office Box 88005

Moreno Valley, California 92552

Email: alberta@moval.org

Subject: NOTICE OF AVAILABILITY

Revised Sections of the Final Environmental Impact Report

(SCH #2012021045)

The following comments/questions are submitted for the World Logistics Center’s revised Final Environmental Impact Report by the Highland Fairview/City of Moreno Valley Joint Venture.

Mitigation Measure 4.3.6.3B:

1. Provide justification why CARB Drayage Truck Regulations signage are not included as part of the Certificate of Occupancy requirements?

https://www.arb.ca.gov/msprog/onroad/porttruck/drayage_no_drayoffs.pdf

2. Indicate how (3) three minute idling times will be enforced and what the fines will be. California Air Resources Board diesel idling regulations are based on (5) minute idling times. What authority would CARB have to enforce and apply fines for violations in excess of three minutes? This conflicts with the City of Moreno Valley Municipal Code Section 12.50.040 Idling Limitation. If anything this would lead to confusion, claims of ignorance and abuses which would negate the mitigation measure. Please explain how this discrepancy between CARB and the Municipal Code will be resolved?

3. The FEIR indicates that all diesel trucks entering logistics sites shall meet or exceed 2010 engine emission standards. The FEIR makes various references to The Ports of Long Beach and Los Angeles “Clean Truck Program” and updated the Clean Air Action Plan in 2017. The Ports will require new trucks that visit marine terminals to be 2014 model year or newer. The requirement takes effect Oct. 1, 2018.

Is there a reason why the 2010 engine standards are specified in lieu of the 2014 standard? If WLC will be serviced by trucks from the POLB and POLA it would not be unreasonable to incorporate this same requirement for the WLC.

Section 4.3.2.2 Regional Regulations

4. The FEIR relies heavily on the Advanced Collaborative Emissions Study (ACES): Lifetime Cancer and Non-Cancer Assessment in Rats Exposed to New- Technology Diesel Exhaust, Research Report 184, January 2015” for the Health Effects Institute which claimed that new technology diesel exhaust (NTDE) does not cause cancer. The WLC FEIR uses this report to downplay the negative health effects the project will generate. In a Press-Enterprise article on January 22, 2018 Superior Court Judge Sharon Waters overseeing the lawsuit was quoted as saying that she thought the study was “significant new information” that could warrant more study. The referenced ACES studies was

1-G120-1

1-G120-2

1-G120-3

1-G120-4

carried out by Jake McDonald, et al and the Lovelace Respiratory Research Institute. In 2014, Jake McDonald at the Lovelace Respiratory Research Institute (LRRRI) in Albuquerque, New Mexico carried out another experiment that pumped diesel exhaust into the lungs of 10 cartoon-watching monkeys. These experiments were at the center of the scandal that forced Volkswagen to plead guilty to federal fraud and conspiracy charges in the United States and to pay more than \$26 billion in fines. Moreover, it offered a rare window into the world of industry-sponsored academic research commissioned to challenge the 2012 World Health Organization decision to classify diesel exhaust as a carcinogen. In the foreword to the ACES studies, the Health Effects Institute (HEI) admits that it receives half its monies from the “worldwide motor-vehicle” industry, including the diesel-truck industry. What additional research studies are provided to validate the claims in the ACES studies?

1-G120-4
cont.

4.3.6.4 Long-Term Operational Emissions

5. Tables 4.3-28 and 4.3-29 show significant project emissions greater than the permitted SCADMD threshold. In some cases upwards of 18 times greater than the limit. What other mitigation measures are proposed to reduce the project emissions to compliant levels?

1-G120-5

6. The FEIR shows that there will be significant traffic impacts and reduced level of service to roads and freeways. This will increase idling times beyond the 5 minutes used in the emissions analysis. What will be the impacts to the region as it is highly likely that idling times will be in excess of 5 minutes due to increased traffic delays. Has an operational requirement to permit deliveries and pickups to the WLC by appointment only being considered as a mitigation measure similar to what the Port of Long Beach is doing?

1-G120-6

Section 4.15 Estimating Truck Trips between the WLC and the Ports

7. The method used to calculate truck trips by taking an average using the total warehouse space in Riverside County grossly underestimates the truck trips. This assumption assumes that city’s within Riverside County with limited warehouses will have the same average truck trips as local region with a large concentration of warehouses. A more appropriate method would be to proportion the truck trips based on the warehouses house space specific to Moreno Valley Region. See below. Provide clarification on what the impact will locally and regionally. For example:

1-G120-7

TT = Truck Trip from Ports to Inland Empire

WSRC= Total Warehouse Space Riverside County

WSMV= Total Current Moreno Valley Region Warehouse Space (City of Moreno Valley, City of Riverside, City of Perris, March JPA)

TTMV= Truck Trip to Moreno Valley Region

ATTMV= Average Truck Trip Moreno Valley Region/ sq ft of warehouse space

WLCWS = 40.6 million sq ft of proposed warehouse space

WLCTT = WLC Estimate Truck Trip per day

$TTMV = TT * (WSMV / WSRC)$

$ATTMV = TTM / WSMV$

$WLCTT = WLCWS * ATTMV$

Section 6.0 Cumulative Impacts

8. Table 6.0-2: Project ID M-7 Meridian Business-Phase K4 indicates that no environmental impact was available for review. However, the recent Western Municipal Water District Meeting on August 29, 2018 indicates the proposed K-4 Industrial Project located in the March JPA is an approximately 34.5-acre site with a 718,000-square-foot building located in the March JPA jurisdiction in unincorporated Riverside County. The Project site is located on the south side of Cactus Avenue and extends from where Veterans Way terminates at Cactus Avenue on the west to where Frederick Street terminates at Cactus Avenue on the east. Interstate 215 is located approximately 0.8 mile west of the Project site. The proposed Project will include a total of 289 automobile parking stalls and 317 truck trailer parking stalls. The building will feature a total of 105 loading dock positions for trucks, contain 130,000 square-feet of landscaping, and employ approximately 750 people. This is a significant project that cannot be ignored and shall be included in the cumulative impact analysis. Provide clarification and analysis on the additional impacts to air quality and traffic?

Sincerely,

Jerry Mercado

Moreno Valley Resident

1-G120-7
cont.

1-G120-8

From: Albert Armijo
Sent: Friday, September 7, 2018 3:29 PM
To: Julia Descoteaux; Vera Sanchez
Subject: FW: The following comments/questions are submitted for the World Logistics Center's revised Final Environmental Impact Report by the Highland Fairview/City of Moreno Valley Joint Venture.

Albert Armijo
Interim Planning Manager
Community Development
City of Moreno Valley

p: 951.413.3354 | e: alberta@moval.org W: www.moval.org

14177 Frederick St., Moreno Valley, CA 92553

From: Jerry Mercado [mailto:Jerry.Mercado@mail.com]
Sent: Friday, September 7, 2018 11:58 AM
To: Albert Armijo <alberta@moval.org>
Subject: The following comments/questions are submitted for the World Logistics Center's revised Final Environmental Impact Report by the Highland Fairview/City of Moreno Valley Joint Venture.

September 7, 2018

Mr. Albert Armijo, Interim Planning Manager

City of Moreno Valley

14177 Frederick Street

Post Office Box 88005

Moreno Valley, California 92552

Email: alberta@moval.org

Subject: NOTICE OF AVAILABILITY

Revised Sections of the Final Environmental Impact Report

(SCH #2012021045)

The following comments/questions are submitted for the World Logistics Center’s revised Final Environmental Impact Report by the Highland Fairview/City of Moreno Valley Joint Venture.

Mitigation Measure 4.3.6.3B:

1. Provide justification why CARB Drayage Truck Regulations signage are not included as part of the Certificate of Occupancy requirements?

https://www.arb.ca.gov/msprog/onroad/porttruck/drayage_no_drayoffs.pdf

2. Indicate how (3) three minute idling times will be enforced and what the fines will be. California Air Resources Board diesel idling regulations are based on (5) minute idling times. What authority would CARB have to enforce and apply fines for violations in excess of three minutes? This conflicts with the City of Moreno Valley Municipal Code Section 12.50.040 Idling Limitation. If anything this would lead to confusion, claims of ignorance and abuses which would negate the mitigation measure. Please explain how this discrepancy between CARB and the Municipal Code will be resolved?

3. The FEIR indicates that all diesel trucks entering logistics sites shall meet or exceed 2010 engine emission standards. The FEIR makes various references to The Ports of Long Beach and Los Angeles “Clean Truck Program” and updated the Clean Air Action Plan in 2017. The Ports will require new trucks that visit marine terminals to be 2014 model year or newer. The requirement takes effect Oct. 1, 2018.

Is there a reason why the 2010 engine standards are specified in lieu of the 2014 standard? If WLC will be serviced by trucks from the POLB and POLA it would not be unreasonable to incorporate this same requirement for the WLC.

Section 4.3.2.2 Regional Regulations

4. The FEIR relies heavily on the Advanced Collaborative Emissions Study (ACES): Lifetime Cancer and Non-Cancer Assessment in Rats Exposed to New- Technology Diesel Exhaust, Research Report 184, January 2015” for the Health Effects Institute which claimed that new technology diesel exhaust (NTDE) does not cause cancer. The WLC FEIR uses this report to downplay the negative health effects the project will generate. In a Press-Enterprise article on January 22, 2018 Superior Court Judge Sharon Waters overseeing the lawsuit was quoted as saying that she thought the study was “significant new information” that could warrant more study. The referenced ACES studies was

1-G121-1

1-G121-2

1-G121-3

1-G121-4

carried out by Jake McDonald, et al and the Lovelace Respiratory Research Institute. In 2014, Jake McDonald at the Lovelace Respiratory Research Institute (LRRI) in Albuquerque, New Mexico carried out another experiment that pumped diesel exhaust into the lungs of 10 cartoon-watching monkeys. These experiments were at the center of the scandal that forced Volkswagen to plead guilty to federal fraud and conspiracy charges in the United States and to pay more than \$26 billion in fines. Moreover, it offered a rare window into the world of industry-sponsored academic research commissioned to challenge the 2012 World Health Organization decision to classify diesel exhaust as a carcinogen. In the foreword to the ACES studies, the Health Effects Institute (HEI) admits that it receives half its monies from the “worldwide motor-vehicle” industry, including the diesel-truck industry. What additional research studies are provided to validate the claims in the ACES studies?

1-G121-4
cont.

4.3.6.4 Long-Term Operational Emissions

G121-4

5. Tables 4.3-28 and 4.3-29 show significant project emissions greater than the permitted SCADMD threshold. In some cases upwards of 18 times greater than the limit. What other mitigation measures are proposed to reduce the project emissions to compliant levels?

1-G121-5

Section 4.15.6.5

Estimating Truck Trips between the WLC and the Ports

7. The method used to calculate truck trips by taking an average using the total warehouse space in Riverside County grossly underestimates the truck trips. This assumption assumes that city’s within Riverside County with limited warehouses will have the same average truck trips as local region with a large concentration of warehouses. A more appropriate method would be to proportion the truck trips based on the warehouses house space specific to Moreno Valley Region. See below. Provide clarification on what the impact will locally and regionally. For example:

1-G121-6

TT = Truck Trip from Ports to Inland Empire

WSRC= Total Warehouse Space Riverside County

WSMV= Total Current Moreno Valley Region Warehouse Space (City of Moreno Valley, City of Riverside, City of Perris, March JPA)

TTMV= Truck Trip to Moreno Valley Region

ATTMV= Average Truck Trip Moreno Valley Region/ sq ft of warehouse space

WLCWS = 40.6 million sq ft of proposed warehouse space

WLCTT = WLC Estimate Truck Trip per day

TTMV = TT * (WSMV/ WSRC)

ATTMV= TTM / WSMV

WLCTT = WLCWS * ATTMV

Section 6.0 Cumulative Impacts

8. Table 6.0-2: Project ID M-7 Meridian Business-Phase K4 indicates that no environmental impact was available for review. However, the recent Western Municipal Water District Meeting on August 29, 2018 indicates the proposed K-4 Industrial Project located in the March JPA is an approximately 34.5-acre site with a 718,000-square-foot building located in the March JPA jurisdiction in unincorporated Riverside County. The Project site is located on the south side of Cactus Avenue and extends from where Veterans Way terminates at Cactus Avenue on the west to where Frederick Street terminates at Cactus Avenue on the east. Interstate 215 is located approximately 0.8 mile west of the Project site. The proposed Project will include a total of 289 automobile parking stalls and 317 truck trailer parking stalls. The building will feature a total of 105 loading dock positions for trucks, contain 130,000 square-feet of landscaping, and employ approximately 750 people. This is a significant project that cannot be ignored and shall be included in the cumulative impact analysis. Provide clarification and analysis on the additional impacts to air quality and traffic?

Sincerely,

Jerry Mercado

Moreno Valley Resident

1-G121-6
cont.

1-G121-7

RESPONSES TO LETTER 1-G120 and 1-G121: Jerry Mercado 11:58am and 12:21pm

Response to Comments 1-G120-1 and 1-G121-1: The CARB Drayage Truck Regulations are described in Section 4.3.2.2 Regional Regulations on page 4.3-13 of the 2019 Draft Recirculated RSFEIR. The purpose of the regulation is to reduce emissions and public exposure to diesel particulate matter (diesel PM), nitrogen oxides (NOx), and other air contaminants by setting emission standards for in-use, heavy-duty diesel-fueled vehicles that transport cargo to and from California's ports and intermodal rail facilities.¹¹² The regulation requires an accelerated introduction of "clean trucks" into the statewide truck fleet resulting in substantially lower diesel emissions. The regulation states that starting January 1, 2023, drayage trucks are subject to the provisions of Title 13, California Code of Regulations, Section 2025, which requires that all not otherwise exempt in-use on-road diesel vehicles, including drayage trucks, have a 2010 model year emissions equivalent engine. The regulation does not state anything about having a signage requirement. Thus, there is no drayage signage requirement that would be necessary for a Certificate of Occupancy and was not included in Mitigation Measure 4.3.6.3B as a Certificate of Occupancy Requirement. However, the drayage requirement is an ongoing requirement and is included in Mitigation Measure 4.3.6.3B on pages 4.3-53 and 4.3-54 under the "On an Ongoing Basis" portion of the measure in the 2019 Draft Recirculated RSFEIR, as outlined below¹¹³:

- k) All yard trucks (yard dogs/yard goats/yard jockeys/yard hostlers), landscaping equipment, and industrial sweepers shall be powered by electricity, natural gas, propane, or an equivalent non-diesel fuel. Any off-road engines in the yard trucks shall have emissions standards equal to Tier 4 Interim or greater. Any on-road engines in the yard trucks and landscaping equipment shall have emissions standards that meet or exceed 2010 engine emission standards specified in California Code of Regulations Title 13, Article 4.5, Chapter 1, Section 2025.
- l) All diesel trucks entering logistics sites shall meet or exceed 2010 engine emission standards specified in California Code of Regulations Title 13, Article 4.5, Chapter 1, Section 2025 or be powered by natural gas, electricity, or other diesel alternative. Facility operators shall maintain a log of all trucks entering the facility to document that the truck usage meets these emission standards. This log shall be available for inspection by City staff at all time.

Response to Comments 1-G120-2 and 1-G121-2: Per the Mitigation Monitoring and Reporting Program, Mitigation Measure 4.3.6.2A(d) requires the 3-minute idling time in any one hour on-site and will be verified by the City through facility operators maintaining a log of all trucks entering or operating at the facility and the Vehicle Identification Number which will be identified as the primary method of verifying truck compliance, as well as on-site inspections, and this log will be kept onsite and available for inspection by the City at any time (2019 Draft Recirculated RSFEIR, page 4.3-42). Noncompliance triggers an administrative process which results in compliance efforts and if they don't comply, then a certificate of occupancy could be revoked as outlined in the MMRP.

Response to Comments 1-G120-3 and 1-G121-3: The 2010 engine standard was specified because it complies with the CARB's Truck and Bus Regulation and Drayage Truck Regulations. As stated in the

¹¹² California Code of Regulations, Article 4.5, Chapter 1, Division 3, title 13, section 2027, Drayage Truck Regulations, 2011. Available online at: https://ww3.arb.ca.gov/msprog/onroad/porttruck/finalregdrayage.pdf?_ga=2.62323116.1294289326.1562780625-179310568.1519193875

¹¹³ Additions to part k) of Mitigation Measure 4.3.6.3B are shown with underline text.

regulation, by January 1, 2023, all diesel trucks need to have 2010 model year engines.¹¹⁴ The POLB and POLA “Clean Truck Program” is discussed on page 4.3-13 of the 2019 Draft Recirculated RSFEIR. The “Clean Truck Program” commenced on October 1, 2018 and states that any new trucks registered in the Port Drayage Truck Registry (PDTR) must be model year 2014 or newer. Drayage trucks registered in the PDTR prior to October 1, 2018, that are current on their annual registration fees as of September 30, 2018 and are compliant with state law may continue to operate at the POLB and POLA.¹¹⁵ Thus, current trucks that are currently registered in the PDTR do not need to be 2014 compliant but do need to be 2010 compliant if diesel fueled as specified in California Code of Regulations Title 13, Article 4.5, Chapter 1, Section 2025. Since the WLC would utilize truck fleets from other companies, all fleets will have to meet CARB requirements, as specified in the CCRs, and those fleets that have trucks that would go to the POLB and the POLA would have to meet their more stringent “Clean Truck Program” requirements. Therefore, CARB’s Truck and Bus Regulation which requires 2010 compliant engines is the requirement for the WLC since most truck fleets will have all their current trucks registered in the PDTR. As the fleets acquire new trucks, those would be required to be 2014 compliant in accordance with the “Clean Truck Program” if they intend to go to the ports; however, if they don’t go to the ports, they would only need to be 2010 compliant. Thus, the 2019 Draft Recirculated RSFEIR chose the 2010 model year required by the CARB Truck and Bus Regulation instead of the 2014 model year referenced in the “Clean Truck Program.”

Response to Comments 1-G120-4 and 1-G121-4: The 2019 Draft Recirculated RSFEIR does give an overview of the Advanced Collaborative Emissions Study (ACES) which looked at 2007 compliant engines equipped with a diesel particulate filter versus pre-model year 2007 engines and concludes that “The HEI study clearly demonstrates that the application of new emissions control technology to diesel engines have virtually eliminated health impacts of diesel exhaust” (2019 Draft Recirculated RSFEIR, page 4.3-19). This study was again discussed on page 4.3-24 of the 2019 Draft Recirculated RSFEIR, where it stated, “the importance of this study is that diesel PM emissions from new technology diesel engines does not cause any increase in the risk of lung cancer or other significant adverse health effects in study animals that, in fact are more sensitive to toxics exposures than humans.” Previous studies directed at studying the effects of diesel PM on health were based on exposure studies that date 15 to 20 years ago when diesel emissions were significantly higher than the New-Technology Diesel Exhaust (NTDE). This study was also sponsored or reviewed by the US Environmental Protection Agency, CARB, US Department of Energy, and the US Federal Highway Administration in conjunction with the manufacturers of emissions control equipment. This study was discussed in the 2019 Draft Recirculated RSFEIR, as it is the most recent study looking at NTDE effects and did not fall under the five deficient areas listed in the Writ of Mandate (Refer to Topical Response C, Project Approvals, Court Ruling and Writ of Mandate).

However, the 2019 Draft Recirculated RSFEIR did not solely rely on this study to determine health effects resulting from the WLC. A health risk assessment (HRA) was conducted to allow decision makers to see the cancer-related impacts of the WLC project with the assumption that NTDE causes cancer, contrary to what was found by the HEI study. The HRA was conducted consistent with South Coast Air Quality Management District (SCAQMD) Health Risk Assessment Guidance and the current 2015 Office of Environmental Health Hazard Assessment (OEHHA) Air Toxics Hot Spots Program Guidance for

¹¹⁴ California Air Resources Board, 2019. Truck and Bus Regulation Compliance Requirement Overview. Last Updated June 18, 2019. Available online at: <https://ww3.arb.ca.gov/msprog/onrdiesel/documents/fsregsum.pdf>

¹¹⁵ Port of Long Beach and Port of Los Angeles, 2018. San Pedro Bay Ports Clean Air Action Plan, September. Available online at: <http://www.polb.com/civica/filebank/blobdload.asp?BlobID=14684>

Preparation of Health Risk Assessments. The HRA methodology applied a risk characterization model to the results from an air dispersion model to estimate potential health risks at each sensitive receptor location. A multi-pollutant HRA was conducted for the WLC which included exhaust emissions of particulate matter (PM) and total organic gases (TOG) from diesel and gasoline combustion, as well as toxics associated with fugitive PM from tire wear and brake wear of mobile sources. To be conservative, the HRA relied on EMFAC2017 to determine the breakdown of vehicle types and fuel types and did not consider potential reductions in toxic air contaminant (TAC) emissions and associated health risk reductions from increased penetration of zero emission vehicles. The estimation of cancer risk involves the specification of several parameters including the concentration level of TACs, the rate of inhalation of TACs, the exposure frequency (number of days per year), the exposure duration in years, the time period over which the exposure takes place, what is termed a slope factor that represents an upper bound on the increased cancer risk from a lifetime exposure to a toxic by ingestion or inhalation and early-in-life age sensitivity factors. The values of these parameters depend on the type of receptor, i.e., sensitive/residential, worker, and student as discussed below. The health risk calculation does not rely on the Health Effects Institute (HEI) finding that New Technology Diesel Exhaust (NTDE) does not cause cancer. The principal focus of the HRA was on the potential health impacts to sensitive/residential receptors located within and surrounding the Project site. Table 4.3-5 on page 4.3-26 of the 2019 Draft Recirculated RSFEIR provides the exposure assumptions for the cancer risk.

Table 4.3-26 on page 4.3-67 in the 2019 Draft Recirculated RSFEIR presents the estimated cancer risks for the 30-year exposure duration that starts from the beginning of Project construction (Construction + Operational HRA). The results are provided separately for the incremental increase in cancer risk during Project construction, incremental increase in cancer risk during Project operation, and the total incremental increase in cancer risk from Project construction plus operation prior to the application of mitigation measures. As shown in Table 4.3-26, the Project would exceed the SCAQMD's cancer risk significance threshold of an incremental increase of 10 in a million prior to the application of mitigation and would represent a significant impact. Construction impacts contribute the greatest proportion of the total health risk impact presented in Table 4.3-26. Table 4.3-27 on page 4.3-68 of the 2019 Draft Recirculated RSFEIR shows the estimated cancer risk for the 30-year exposure duration that starts from the beginning of Project full buildout operation in 2035 (Operational HRA). Table 4.3-27 shows that during full Project operation, the total incremental increase in cancer risk is greater than the 10 in a million threshold, prior to mitigation, and would represent a significant impact. Overall, without mitigation and without consideration of the HEI study, the Project is expected to have a significant impact mainly due to diesel PM emissions from construction activities and heavy-duty diesel truck activities. With mitigation incorporated (2019 Draft Recirculated RSFEIR, page 4.3-73 – 4.3-74), the cancer risks are substantially lower. As shown on Table 4.3-28, 2019 Draft Recirculated RSFEIR, page 4.3-27, the estimated cancer risks for the 30-year exposure duration for construction (construction and operation HRA) would not exceed the SCAQMD cancer risk significance threshold after incorporation of mitigation. The large reduction in cancer risk after mitigation is attributable principally to the reduced diesel PM associated with the commitment to Tier 4 construction equipment. Table 4.3-29, 2019 Draft Recirculated RSFEIR shows that the estimated 30-year exposure cancer risk for operation would exceed the SCAQMD cancer risk significance threshold for sensitive receptors located within and outside the Project boundary. Therefore, Mitigation Measure 4.3.5.4.A, the use of Minimum Efficiency Reporting Value (MERV) 13 filters to impacted residences, was added. The owners of the homes located at 13100 World Logistics Center Parkway (formerly Theodore Street) and 12400 World Logistics

Center Parkway (formerly Theodore Street) have accepted the offer for the installation of the MERV 13 filters in writing. (see Attachment R). This mitigation measure would reduce the total incremental cancer risk for those sensitive receptors located within the Project boundary to less than the SCAQMD significance threshold for those as shown on Table 4.3-30 (page 4.3-74 of the 2019 Draft Recirculated RSFEIR). Thus, with the implementation of mitigation, health risk impacts from the Project to an on-site or offsite receptor, within the study area, would be mitigated to less than significant.

As shown above, the cancer risk and chronic and acute non-cancer risk to sensitive receptors in the community would be less than significant with incorporation of feasible mitigation for the construction plus operational and the operational scenarios of the WLC.

Response to Comments 1-G120-5 and 1-G121-5: As discussed on page 4.3-53 of the 2019 Draft Recirculated RSFEIR, Mitigation Measures 4.3.6.3A through 4.3.6.3F would reduce operational emissions of criteria pollutants associated with the Project. However, implementation of the WLC project would exceed applicable thresholds for all criteria pollutants, with the exception of SO_x. Despite the implementation of feasible mitigation measures, emissions associated with the Project cannot be reduced below the applicable thresholds. Operational emissions would be reduced to the extent feasible through implementation of mitigation measures and Project Design Features. Operational emissions would be reduced through implementation of mitigation measures that require reduced vehicle idling, use of non-diesel on-site equipment, meeting or exceeding 2010 engine emission standards for all diesel trucks entering the site, electric vehicle charging stations, and prohibition of refrigerated warehouses.¹¹⁶ There are no further feasible mitigation measures to reduce the Project's emission of criteria pollutants to below SCAQMD thresholds so potential air quality impacts would remain significant and unavoidable.

Potential mitigation that could reduce emissions to close to or below the SCAQMD significance thresholds would be implementation of zero or near-zero emissions technologies. In Judge Sharon Waters Ruling on Peremptory Writ of Mandate, RIC1510967, February 8, 2018, *Paulek, et al. v. City of Moreno Valley*, the court required a comparison of feasible, cost-effective renewable energy technologies. In response to this ruling, the 2018 RSFEIR presented an analysis of potential zero and near-zero technologies in Appendix E of the 2018 RSFEIR and the 2019 Draft Recirculated RSFEIR, Renewable Energy Technical Report (RETR). The WLC is required to provide an alternative fueling station that would open during the first phase of development to serve trucks that use liquefied or compressed natural gas as vehicle fuel (MM 4.3.6.3C on page 4.3-54 of the 2019 Draft Recirculated RSFEIR), which would reduce diesel emissions from the Project as truck fleets switch to non-diesel alternatives in the future. In addition, future development will comply with regulated vehicle fleet fuel requirements at the time of development approval. Additionally, based on the RETR (Appendix E of the 2018 RSFEIR and the 2019 Draft Recirculated RSFEIR), Project Design Features will be incorporated to provide an approximately 17 percent improvement in energy performance which will also reduce Project emissions. WLC is required to provide renewable energy through solar panels that would be installed on the rooftops of buildings to offset the power requirements within the Project (MM 4.16.4.6.1C, page 4.16-42 of the 2015 Final EIR). At a minimum, the Project would install enough solar power in both phases to meet energy needs of the Project's office spaces (see Topical Response E for a discussion on the limits of solar allowed by MVU). As discussed, the 2019 Draft Recirculated RSFEIR includes feasible mitigation measures for Air Quality, Greenhouse Gases, and Energy to reduce emissions and impacts to the greatest extent possible. Potential mitigation measures utilizing all

¹¹⁶ Unless refrigerated warehouses could be shown to be less than significant in future environmental documents.

or a substantial number of zero- or near-zero-emission technologies for medium-duty and heavy-duty truck fleets are not feasible at this time as discussed below and in the RETR (Appendix E of the 2019 Draft Recirculated RSFEIR). Additionally, a mitigation measure utilizing 100 percent solar power to provide all the power to the Project is not feasible due to regulatory requirements and moratoriums as discussed in the RETR (Appendix E of the 2019 Draft Recirculated RSFEIR).

The Transportation Energy Technical Study, Appendix E, found that zero emission vehicle (ZEV) technology is steadily developing for both light-duty and heavy-duty vehicles, driven by both regulatory developments and market forces. However, the study found that while the commercialization of ZEV technology passenger vehicles is occurring rapidly, the development of electric medium- or heavy-duty vehicles is still in the pilot or demonstration phase and it is not possible to predict when they will become commercially available. In 2016, in response to Executive Order B-32-15, the California Department of Transportation, CARB, the California Energy Commission and the Governor's Office of Business and Economic Development published the California Sustainable Freight Action Plan ("CSFAP"). The CSFAP was the beginning of a comprehensive effort by the State of California to transition "to a more efficient, more economically competitive, and less polluting freight system." (CSFAP, p. 1.) The CSFAP discussed policies and objectives in support of transitioning to near-zero and zero-emission freight vehicles, including heavy-duty trucks, but CARB recognized at that time, that no commercially available technology zero-emission on-road heavy-duty trucks were available and that zero- and near-zero emission technologies are still at the demonstration phase.¹¹⁷ Since then, some zero emission trucks have become available for limited applications, but the Class 7 and Class 8 heavy-duty trucks are still Recognizing the challenges in transitioning to zero-emission heavy duty trucks, CARB proposed in late 2019, the Advanced Clean Truck Regulation, which proposes to require manufacturers to make a certain percentage of sales of zero-emission trucks and buses. CARB received numerous comments on the proposed Regulation, and it has not been formally adopted, but CARB's Staff Report in support of the Regulation provided a detailed evaluation of the market in the Staff Report, including Appendix E, Zero Emission Truck Market Assessment. The Staff Report notes the importance of heavy duty trucks: "Heavy-duty trucks operate through California in numerous vocations and are an essential part of the state's economy." (Staff Report, p. I-4.) The Staff Report outlines the challenges in ZEV market, particularly with respect to heavy-duty trucks, including the incremental cost of ZEVs, infrastructure investment cost and availability, matching vehicle capability with fleet need and diverging standards. (Staff Report, pp. I-14 – I-17.) The Regulation sets forth proposed percentage sales for Class 7-8 Tractor Group at 3% by 2024. CARB's evaluation of the market and its proposed goal of 3% for 2024 demonstrates that Class 7-8 heavy-duty truck are not currently commercially available.

Moreover, according to a Feasibility Assessment for Drayage Trucks for the San Pedro Bay Ports Clean Air Action Plan, zero-emission and near zero-emission on-road haul truck availability, as of late-2018, includes one zero-emission and one near zero-emission fuel-technology platform sold by Original Equipment Manufacturers (OEMs) in commercially available Class 8 trucks suitable for drayage.¹¹⁸ With

¹¹⁷ California Air Resources Board, 2015. Draft Heavy-Duty Technology And Fuels Assessment: Overview, April. Available online: https://www.arb.ca.gov/msprog/tech/techreport/ta_overview_v_4_3_2015_final_pdf.pdf?_ga=2.207832726.540754214.1560412530-179310568.1519193875.

¹¹⁸ Port of Long Beach & The Port of Los Angeles, 2019. San Pedro Bay Ports Clean Air Action Plan, 2018 Feasibility Assessment for Drayage Trucks, April. Available online: <http://www.cleanairactionplan.org/documents/final-drayage-truck-feasibility-assessment.pdf/>.

the development of zero-emission and near zero-emission platforms, infrastructure has emerged as one of the most significant near-term barriers to wide-scale adoption of these technologies due to standardization difficulties and the ability to develop the full charging infrastructure required by 2021. Additionally, according to the Feasibility Assessment, one OEM plans to begin offering a zero-emission battery-electric Class 8 truck by 2021, the other OEMs have similar or later timeframes. Furthermore, the International Council on Clean Transportation (ICCT) in a November 2017 white paper titled “Transitioning to Zero-Emission Heavy-Duty Freight Vehicles”¹¹⁹ states that there are “prevailing barriers to widespread viability” of plug-in electric heavy-duty freight vehicles, primarily limited electric range, high vehicle cost, long recharging time, and tradeoffs on cargo weight and/or volume. This report does not cite drayage trucking (Class 8) as a promising segment for widespread commercialization, further proof that the zero-emission and near zero-emission truck fleet won’t be viable during construction of the Project or possibly be readily available enough for use during operation of the Project. CARB’s latest working group meeting Third Work Group for the FY 2019-20 Heavy-Duty Three-Year Investment Strategy on May 8, 2019 shows that the Zero Emission Vehicle technology readiness for medium- and heavy-duty trucks is primarily in the demonstration phase in 2019 which includes technology development and early stage demonstrations.¹²⁰ As of late last year, CARB is funding a couple of pilot programs for electric truck fleets. BYD (Build Your Dreams) and Anheuser-Busch announced that Anheuser-Busch will pilot a scale project by deploying 21 BYD battery electric trucks at four Anheuser-Busch distribution facilities across southern California: Sylmar, Riverside, Pomona, and Carson. This is a landmark achievement as the largest Class 8 electric truck deployment in North America. Additionally, another pilot program includes replacing PepsiCo’s existing diesel powered freight equipment with fifteen Tesla Semi electric trucks with “zero-emission (ZE) and near-zero emission (NZE)” trucks and equipment at its Frito-Lay Modesto, California, manufacturing site by 2021. Automakers are expanding their electric vehicles to heavy duty trucks; however, the extent of commercial availability of such trucks as the WLC begins operations is unknown. Furthermore, since the Project will support a variety of future users which are unknown at this time, it is not possible to specify or require future users to have zero emission or alternative fuel fleets since most logistics companies use independent contractors and truck drivers rather than maintain their own fleets. Nonetheless, the Project has committed under various mitigation measures to require the most stringent levels of emission mitigation under existing emission control regulations.

As electric heavy-duty trucks become commercially available, WLC will accommodate ZEV technologies by planning for appropriate onsite charging infrastructure. To that end, the Project will construct the WLC parking areas with cable raceways for installing future EV charging stations, which will enable WLC to more readily and cost effectively provide this service to future tenants if and when demand dictates. Since this is a programmatic EIR, subsequent discretionary approvals for the WLC Project will be examined in light of the program EIR to determine whether an additional environmental document must be prepared. If no subsequent EIR is required pursuant to Section 15168 of the CEQA Guidelines, the City can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental documents would need to be prepared.¹²¹ However, if a subsequent discretionary approval has effects that are not examined in the program EIR, additional environmental documentation will be required per CEQA,

¹¹⁹ Moultaq, M., Lutsey, N., Hall, D., “Transitioning to Zero-Emission Heavy-Duty Freight Vehicles,” The International Council on Clean Transportation (ICCT), September 26, 2017, Available online: <https://www.theicct.org/publications/transitioning-zero-emission-heavy-duty-freightvehicles>.

¹²⁰ California Air Resources Board, 2019. Third Work Group for the FY 2019-20 Heavy-Duty Three-Year Investment Strategy, May 8. Available online: https://ww2.arb.ca.gov/sites/default/files/2019-05/050819_3yp_wg3_handout.pdf

¹²¹ State CEQA Guidelines §15168(c)(2)

which may require additional mitigation if additional significant impacts are found.¹²² Due to the programmatic nature of the document, it is not known who future users of the WLC will be or what their operational needs will require in terms of equipment. As a result, all current mitigation relies on commercially available technology that meets the most stringent environmental standards.

As discussed on page 4.3-61 of the 2019 Draft Recirculated RSFEIR, the Project's developers entered into a settlement agreement with the SCAQMD on October 21, 2016 which requires the payment to SCAQMD of an Air Quality Improvement Fee of 64 cents per square foot for each building as the Project is constructed. Funds may be used by SCAQMD for any purpose to improve air quality in the South Coast Air Basin although the SCAQMD has indicated that the funds will be used "to develop mitigation efforts focused on reducing emissions in the areas affected by the warehouse project."¹²³ One possible use might be that individual or fleet truck owners servicing the Project could be offered a financial incentive to purchase a near-zero or zero-emission truck model, similar to the Carl Moyer Program. This type of program has been an effective tool for more than 19 years in speeding the transition of heavy-duty trucks and other equipment to cleaner models. In the 2017 Reporting Cycle for the Carl Moyer Program (Funding Years 8-19), \$87,373,480 was funded for "On-Road" vehicles by the SCAQMD for a reduction of 6,265 tons of NO_x and ROG emissions, and a reduction of 145.3 tons of PM emissions, with an average cost effectiveness of \$11,612. Using those costs and resulting reductions in emissions, the \$26,000,000 Air Quality Improvement Fee could result in a reduction of 1,864 tons of NO_x and ROG emissions, and a PM reduction of 43 tons of PM emissions. Therefore, with the payment of the Air Quality Improvement Fee through the 2016 settlement, the Project's net contribution to regional air quality would be further reduced. Because the use of the funds will be determined by the SCAQMD's Governing Board and because it is not yet known how the Board will allocate the funds, no credit in emissions has been taken by the Project. Additionally, the SCAQMD sent a letter to the Project sponsor acknowledging the Settlement Agreement and that payment of funds has not occurred and will not occur until approval and development of Project buildings (see Attachment P).

The EIR prepared for the WLC project is a Programmatic EIR that analyzes the environmental impacts and requires mitigation for a long-term project that will be implemented in increments over many years. Each subsequent increment will be subject to further environmental review and may require additional mitigation if additional impacts are found or previously infeasible mitigation becomes feasible. Due to the programmatic nature of the document, it is not known who the future users of the WLC will be or what their specific operational needs will require in terms of exact equipment specifications. As a result, all current mitigation relies on commercially available technology that meets the most stringent environmental standards in place.

Response to Comments 1-G120-6 and 1-G121-6: The 5-minute idling time refers to idling at the WLC site; the CARB Truck and Bus Regulation specifically states that idling in traffic is not subject to the regulation. Health risks associated with the WLC project truck emissions were analyzed in the HRA, which followed the risk assessment methodologies of the SCAQMD and the OEHHA (see Response to Comment 1-G120-4 above). As discussed above under Response to Comment 1-G120-4, the cancer risk and chronic and acute non-cancer risk to sensitive receptors in the community from construction and operation and

¹²² State CEQA Guidelines §15168(c)(1)

¹²³ SCAQMD press released October, 21, 2016, announcing the settlement.

operation of the WLC would be less than significant with incorporation of mitigation (2019 Draft Recirculated RSFEIR, page 4.3-72). Thus, additional mitigation measures are not required to be utilized for the Project to address the chronic or acute non-cancer (2019 Draft Recirculated RSFEIR, pages 4.3-79 – 4.3-82) and cancer risk impacts. Air quality impacts would be significant and unavoidable for criteria pollutants, primarily ozone precursors and PM. But as stated previously, given that the EIR prepared for the WLC project is a Programmatic EIR, there will be subsequent environmental review documents, as triggered by CEQA, for implementing projects as they are proposed for buildout. Each subsequent development with the WLC will be subject to further environmental review and may require additional mitigation if additional impacts are found or previously infeasible mitigation becomes feasible. Due to the programmatic nature of the document, it is not known who future users of the WLC will be or what their operational needs will require in terms of equipment. As a result, all current mitigation relies on commercially available technology that meets the most stringent environmental standards.

As it is unknown who the tenants of the WLC will be at this time, a mitigation measure, similar to the Port of Long Beach, that limits deliveries and pickups to appointment times is not reasonable nor feasible as future tenant-specific operating schedules or operational requirements are not known. Nonetheless, as demonstrated, the 2019 Draft Recirculated RSFEIR fully evaluated the potential air quality and health risk impacts of the WLC Project to sensitive receptors due to truck idling.

Response to Comment 1-G120-7: Based on substantial evidence collected by ITE and presented in the 2017 10th edition of ITE's Trip Generation Manual and in the 2016 High-Cube Warehouse Vehicle Trip Generation Analysis, the data from these two sources were appropriately used in the current analysis of the WLC traffic impacts. As discussed in Section 4.15.3.2 on page 4.15-29 of the 2018 RSFEIR, the 10th Edition of ITE's Trip Generation Manual was used for trip generation rates and directionality (percent of vehicles entering and leaving the site) while the percentage of vehicles in each vehicle class was taken from the High-Cube Warehouse Vehicle Trip Generation Analysis. A combination of sources was required because the Trip Generation Manual reported the directional split but not the vehicle mix while High-Cube Warehouse Vehicle Trip Generation Analysis reported the vehicle mix but not the directional split. The commenter states that the method used to calculate truck trips by taking an average using the total warehouse space in Riverside County grossly underestimates truck trips. However, as discussed above, the method the commenter discusses was not used to calculate truck trips. Additionally, the formula provided by the commenters example to calculate truck tips to the Port assumes that all truck trips from the WLC would go to the Port, which is also not the case. As stated, the analysis utilized the findings of a highly respected neutral party, ITE, which utilized counts at 107 high-cube warehouse sites to come up with the rates presented in their 2016 High-Cube Warehouse Vehicle Trip Generation Analysis. The results were incorporated into the 10th edition of ITE's *Trip Generation Manual* in a new land use code (Code 154) and the SCAQMD has indicated its acceptance of these results on its website.¹²⁴ Additionally, traffic counts for the Skechers warehouse substantiates the accuracy of the newer traffic generation factors used in the 2018 RSFEIR.

Response to Comment 1-G120-8: The 2018 RSFEIR was sent out for public review in July 2018. Subsequent to the circulation of the 2018 RSFEIR, the Notice of Preparation for the Meridian Business – Phase K4 (K4 Warehouse and Cactus Channel Improvements Project) was distributed to the public and

¹²⁴ South Coast Air Quality Management District. High Cube Warehouse Trip Rate Study for Air Quality Analysis. Available online: <http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook/high-cube-warehouse>

Final Response to Comments

interested agencies such as the City of Moreno Valley on November 19, 2018. On April 18, 2019, the Draft EIR for the K4 Warehouse and Cactus Channel Improvements Project was circulated for public review. Because the NOP was sent out after the distribution of the 2018 RSFEIR, no environmental document was available for review as stated in Table 6.0-2 of the 2018 RSFEIR.

However, air quality cumulative emissions and traffic impacts from the 359 projects in the cumulative project area are analyzed in Section 6.3 of the 2019 Draft Recirculated RSFEIR. Table 6.3-1, *Air Quality Cumulative Projects Summary*, lists the projects considered in the quantitative cumulative emissions calculations (pages 6.3-4 through 6.3-12 of the 2019 Draft Recirculated RSFEIR). This includes Project ID M-7, Meridian Business Park – Phase K4, with an indicated land use category of Warehouse/Logistics operations.

Cumulative daily operational emissions for these projects (including Project M-7, Meridian Business – Phase K4) are summarized in Table 3.6-2 (pages 6.3-13 through 6.3-22 of the 2019 Draft Recirculated RSFEIR) and include on-road vehicle emissions based on cumulative project daily trips calculated from each project's size and land use type. Construction emissions for identified cumulative projects that had not been constructed as of November 2019 (including Project M-7) that could potentially undergo construction during the project's 15-year construction period are included in Table 3.6-3 Cumulative Maximum Daily Construction Emissions (page 6.3-22 through 6.3-30 of the 2019 Draft Recirculated RSFEIR).

Detailed emissions of the listed cumulative projects are provided in Appendix A.3 of the 2019 Draft Recirculated RSFEIR. Both operational and construction emission calculations are based on standard methods utilizing information specific to each cumulative project's size (building square footage or number of dwelling units) and land use type.

With respect to traffic, cumulative traffic impacts are evaluated in the revised traffic study contained in Appendix F of the 2018 RSFEIR and summarized in Section 6.15.3 of the 2018 RSFEIR. Additionally, as part of the 2019 Draft Recirculated RSFEIR, potential cumulative traffic impacts were reviewed and found not to change the cumulative impact and therefore, weren't addressed in the 2019 Draft Recirculated RSFEIR.

From: Albert Armijo
Sent: Friday, September 7, 2018 4:29 PM
To: Julia Descoteaux; Vera Sanchez
Subject: FW: WLC

From: lidia hinojosa [mailto:rocksolidfamilia@gmail.com]
Sent: Friday, September 7, 2018 3:48 PM
To: Albert Armijo <alberta@moval.org>
Subject: WLC

To whom it may concern,

It has come to my attention that the revisions and court orders change the EIR considerably and it needs to go back to square one!

The Writ of Mandate was explicitly clear that the "EIR is voided in whole". Without the EIR the 2015 council would not have voted for approval, therefore there is no longer a project. Court ruling vacates approvals made in Aug 2015, the city is restrained from granting any permits or land use entitlements etc.

Mr. Benzeevi failed to honor the development agreement regarding legal fee payments, therefore the project must be null and voided!

The Writ of Mandate voided the EIR in its entirety. No EIR means no project. It does not say go back to the city and have them make a few revisions. The major changes to the project indicate it needs to go back to the planning stages and start the process over.

The Writ of Mandate states the EIR is voided in whole, the project is no longer what was voted on so needs to go back to step 1 with planning commission. Promises made promises not kept." The city of Moreno Valley will not pay a dime for infrastructure" was a promise made by the developer at the council meeting. If I knew what I know now, I would not have voted for the project.

Sincerely,

Jesse L. Molina

Former Mayor , Councilmember

Albert Armijo
Interim Planning Manager
Community Development
City of Moreno Valley

p: 951.413.3354 | e: alberta@moval.org W: www.moval.org

14177 Frederick St., Moreno Valley, CA 92553

1-G122-1

RESPONSES TO LETTER 1-G122: Jesse Molina

Response to Comment 1-G122-1: Refer to Topical Response C, Project Approvals, Litigation and the Effects of Litigation, regarding the Court Ruling and its effect upon the EIR process, content and project approvals.

From: Albert Armijo
Sent: Friday, September 7, 2018 3:32 PM
To: Julia Descoteaux; Vera Sanchez
Subject: FW: Karen Jakpor's comments for the revised Final Environmental Impact Report of World Logistics Center
Attachments: Karen Jakpor's comments for revised draft EIR WLC.docx

From:
Sent: Friday, September 7, 2018 1:06 PM
To: Albert Armijo <alberta@moval.org>
Cc:
Subject: Karen Jakpor's comments for the revised Final Environmental Impact Report of World Logistics Center

Dear Mr. Armijo,

I have attached a document with my comments on the revised Final Environmental Impact Report of the World Logistics Center. Please contact me immediately if you have any difficulty opening the attachment.

I request that you keep my personal address private while you disclose the content of my letter to the public.

Best,

Karen Jakpor, MD, MPH

Albert Armijo
Interim Planning Manager
Community Development
City of Moreno Valley
 p: 951.413.3354 | e: alberta@moval.org W: www.moval.org
 14177 Frederick St., Moreno Valley, CA 92553

1-G148-1

September 7, 2018

Albert Armijo, Interim Planning Manager
City of Moreno Valley
14177 Frederick Street
PO Box 88005
Moreno Valley, CA 92552

RE: revised sections of the Final EIR of the World Logistics Center

Dear Mr. Armijo, Planning Committee, and City Council Members:

I am a concerned physician, mother, and patient with severe asthma from the neighboring city of Riverside, therefore I wish to submit comments on the revised EIR. Some of the trucks traveling to the World Logistics Center will travel on Van Buren Boulevard directly past my daughter’s high school and not far from our home. This will certainly impact the air that my family breathes.

1-G148-2

I read the following in the Revised Final EIR for the World Logistics Center:

“4.3.1.1 Regional Air Quality Improvements The American Lung Association website (lung.org) includes data collected from State air quality monitors that are used to compile an annual State of the Air report. These reports have been published over the last 13 years. The latest State of the Air Report compiled for the Basin was in 2017 (American Lung Association, 2017). As noted in this report, air quality in the Basin has significantly improved in Revised Sections of the Final Environmental Impact Report 4.3-2 Air Quality Chapter 4.3 terms of both pollution levels and high pollution days over the past three decades. Riverside County’s average number of unhealthy ozone days dropped from 203 days per year in the initial 2000 State of the Air report to 122 in the 2017 report and San Bernardino County’s number of unhealthy ozone days dropped from 230 in 2000 to 142 in 2017. Both Counties has seen dramatic reduction in particle pollution since the initial State of the Air report (2000). While the 2017 State of the Air Report shows a slight uptick in the number of days of unhealthy particle pollution for both counties since the 2016 report, it is important to note that pollution levels measured in this latter report were affected by fluctuations in weather conditions.”

1-G148-3

Having served as a spokesperson for the American Lung Association’s State of the Air report, I find it absurd to find this statement in the EIR as if the improving air quality over the past three decades is justification that the World Logistics Center should be able to build a highly polluting project. This is very flawed reasoning! My high school daughter Jibiana’s analogy is spot on! If a morbidly obese man weighing 400 pounds went on a diet over several years and lost 100 pounds, he would still be obese at 300 pounds. Does his weight loss make it OK for him to binge on pizza and donuts? Certainly not! He is still obese. Likewise, the air quality in the Inland Empire is still a “non-attainment” area in violation of federal and state statues.

According to the California Air Resources Board’s “AQMIS2” database, the South Coast Air Basin violated the national 8-hour ozone standard every day between June 1, 2018 and September 6, 2018. Our progress on air pollution is remarkable, but we have a long way to go until my family and my community

1-G148-4

breathe healthy air. This screen shot of a table of data from the California Air Resources Board shows that the ozone standard was violated every single day from June 18, 2018 until today September 7, 2018! (California Air Resources Board. AQMIS2 database accessed September 7, 2018. <https://www.arb.ca.gov/aqmis2/display.php?param=OZONE&units=007&year=2018&report=AREA1YR&statistic=DMOL8N&o3pa8=SC&ptype=aqd&std15=y>)

California Air Resources Board
 About Our Work Resources Business Assistance Rulemaking News

Data on this page extracted on September 7, 2018 at 09:35:59
 AQMIS web pages were recently revised. Please report any problems to aqmis@arb.ca.gov

AQMIS
 Data after 2016 may be preliminary
 AQMIS data are in PST

Note: This AQMIS Ozone page reflects the 2015 National 8-Hour Ozone Standard of 0.070 ppm
 South Coast Air Basin
 Daily Max 8 Hr Overlapping Avg Ozone - Natl at Highest Site
 2018
 Parts Per Million (ppm)

Day	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec
1	0.055	0.054	0.048	0.074	0.056	0.073	0.073	0.086	0.091			
2	0.048	0.059	0.042	0.057	0.046	0.100	0.088	0.086	0.076			
3	0.040	0.069	0.047	0.063	0.061	0.100	0.081	0.087	0.073			
4	0.049	0.066	0.048	0.077	0.074	0.091	0.079	0.087	0.082			
5	0.045	0.069	0.051	0.076	0.084	0.082	0.086	0.092	0.084			
6	0.043	0.054	0.052	0.069	0.085	0.075	0.086	0.111	0.087			
7	0.042	0.049	0.048	0.056	0.083	0.087	0.089	0.113				
8	0.034	0.049	0.054	0.062	0.102	0.104	0.078	0.073				
9	0.045	0.057	0.058	0.066	0.104	0.086	0.077	0.088				
10	0.037	0.049	0.033	0.060	0.078	0.084	0.078	0.077				
11	0.039	0.051	0.038	0.062	0.048	0.100	0.074	0.081				
12	0.045	0.045	0.044	0.060	0.051	0.097	0.078	0.071				
13	0.080	0.048	0.037	0.059	0.057	0.080	0.075	0.082				
14	0.052	0.044	0.044	0.074	0.066	0.080	0.086	0.093				
15	0.052	0.050	0.049	0.066	0.068	0.087	0.076	0.091				
16	0.047	0.052	0.045	0.063	0.068	0.054	0.086	0.084				
17	0.051	0.054	0.050	0.056	0.052	0.050	0.104	0.092				
18	0.054	0.056	0.048	0.067	0.057	0.066	0.089	0.089				
19	0.063	0.046	0.063	0.060	0.064	0.098	0.080	0.099				
20	0.045	0.046	0.055	0.061	0.061	0.106	0.084	0.090				
21	0.047	0.049	0.060	0.074	0.046	0.105	0.080	0.081				
22	0.044	0.047	0.037	0.084	0.052	0.125	0.072	0.074				
23	0.047	0.049	0.063	0.076	0.063	0.096	0.106	0.077				
24	0.046	0.049	0.052	0.074	0.051	0.080	0.112	0.080				
25	0.044	0.053	0.053	0.077	0.056	0.094	0.114	0.085				
26	0.046	0.056	0.052	0.074	0.046	0.096	0.101	0.087				
27	0.050	0.046	0.054	0.067	0.061	0.088	0.114	0.081				
28	0.047	0.050	0.056	0.072	0.083	0.085	0.096	0.074				
29	0.044		0.067	0.061	0.082	0.075	0.083	0.072				
30	0.040		0.072	0.050	0.064	0.076	0.092	0.077				
31	0.055		0.073		0.066		0.085	0.096				
MAX:	0.055	0.069	0.073	0.084	0.104	0.125	0.114	0.113	0.091			
MIN:	0.034	0.044	0.033	0.050	0.046	0.050	0.072	0.071	0.073			

Download Data: [Quick](#) or [Select Format](#)

Cell color is red if national 8-hour standard level is exceeded. Change Selection
 Blank values indicate data not available.

1-G148-4 cont.

The World Logistics Center remains a highly polluting project and should not be built in a region with such failing air quality already impacting the health of the population of the entire Inland Empire, not just the City of Moreno Valley. The revised report still shows “significant and unavoidable impacts” on the air we breathe. Consider the following impacts on our air:

- Impact 4.3.6.1 Air Quality Management Plan Consistency—Significant and Unavoidable
- Impact 4.3.6.2 Construction equipment exhaust emissions—Significant and Unavoidable
- Impact 4.3.6.3 Localized construction and operating emissions—Significant and Unavoidable
- Impact 4.3.6.4 Long-term operational emissions—Significant and Unavoidable

1-G148-5

Impact 4.3.6.5 Impacts to Sensitive Receptors—Significant and Unavoidable

Cumulative Air Quality Impacts—Significant and Unavoidable (on p. 1-14)

The project will increase short-term local and long-term regional air pollutant emissions and chronic health risks.

1-G148-5
cont.

Diesel PM to exceed maximum cancer risk thresholds—Significant and Unavoidable

Implementation of mitigation measures won't reduce these impacts to less than significant.

I have the following questions:

1. How can the city of Moreno Valley help reach “attainment” of state and federal air quality standards by building a 41.6 million-square-foot warehouse complex the equivalent of 700 football fields when it’s projected impacts on air quality are “significant and unavoidable” even with mitigation measures?
2. How can the city of Moreno Valley fulfil its legal obligations for “smart growth” under CA SB375 if it proceeds with this project which will impact the entire region for many decades to come?
3. Why has this been written as a “revised final environmental impact report” when the court has found significant flaws in how the final environmental impact report was written and in June, 2018 ordered the city to set aside the certification of the FEIR. Why not go back to the drawing board and start all over with an all new draft environmental impact report?
4. How can we expect compliance with mitigation measures such as only cleaner trucks will be allowed or no idling if there are no teeth to these mitigation measures? A posted sign that says no idling will hardly prevent a truck driver from idling.
5. Why is there not an outside party to investigate and enforce compliance with mitigation measures?
6. How are we to believe that the revised estimates on truck traffic and therefore resultant emissions are not just some number pulled from a hat in order to try to get the project passed. What relationship do the numbers of this analysis have with the actual true impact on the air we breathe and the health of our community?
7. Why are the estimates of traffic lower in the revised EIR?
8. Please recalculate the estimates of vehicle traffic based on this highly relevant article by Bluffstone and Ouderkirk. (*Bluffstone, Randall & OUDERKIRK, BRAD. (2007). Warehouses, trucks, and Pm2.5: Human health and logistics industry growth in the eastern inland empire. Contemporary Economic Policy. 25. 10.1111/j.1465-7287.2006.00017.x.*)
<http://web.pdx.edu/~bluffsto/warehouses%20and%20trucks.pdf>
I believe if you recalculate the vehicle traffic and truck traffic estimates using this academic methodology, you will find that this EIR underestimates that amount of truck trips and therefore underestimates the air quality emissions and the subsequent impact on health.
9. Based on the methodology used in the above article, what is the expected increase in morbidity and mortality due to this proposed World Logistics Center Project over the coming decades?
10. Based on the methodology used in the above article, what is the expected economic cost of the increase in morbidity and mortality due to the World Logistics Center Project over the coming decades?
11. What is the rationale of the city that these costs from the increase in morbidity and mortality should be born by residents of Moreno Valley and surrounding communities? Why should these costs be the burden of people including children who are not employed by the World Logistics

1-G148-6

1-G148-7

1-G148-8

1-G148-9

1-G148-10

1-G148-11

1-G148-12

1-G148-13

1-G148-14

Center and receive no benefits from it, only costs? Why should not the World Logistics Center itself fully internalize all the costs that it generates rather than shifting the costs onto others? Will the World Logistics Center pay for the increased health costs and compensate for lives lost as a result of this development?

1-G148-14
cont.

12. In 4.3.4 the EIR states that “Based on Appendix G of the CEQA Guidelines, air quality impacts would occur if the World Logistics Center project would:

- Conflict with or obstruct implementation of the applicable air quality plan; (We see that this conflicts with the AQMP and probably SB375 and others.)
- Violate any air quality standard or contribute substantially to an existing or projected air quality violation; (We see that this does have cumulative air quality impacts in this EIR, so it would contribute to an existing air quality violation.)
- Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable Federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors) (We see that this will occur according to this EIR.)
- Expose sensitive receptors to substantial pollutant concentrations. (I myself am considered a sensitive receptor, since I’ve been hospitalized many times with asthma. Some of the trucks driving to the World Logistics Center are expected to travel along Van Buren Boulevard which is close to my home, so it will expose me to increased pollutant levels.)

1-G148-15

So, my question is, if the proposed World Logistics Center development will violate CEQA guidelines in all these ways, how can the City of Moreno Valley legally and ethically proceed with the project?

1-G148-16

Sure, Moreno Valley wants jobs, but the World Logistics Center will provide jobs for robots. There are other industries that produce a lot more jobs per acre than the logistics industry. The City of Moreno Valley needs good jobs that don’t make the population too ill to work and don’t increase health costs in the community. We don’t have to choose between jobs and our ability to breathe clean air. That is the false choice that is used as justification for projects such as the World Logistics Center, when what is really going on is that a developer desires personal profit no matter what the cost. We need both jobs and clean air!

1-G148-17

Finally, I believe that if the City of Moreno Valley goes ahead with the World Logistics Center plan, then the city slogan should be changed from “Moreno Valley—Where Dreams Soar” to “Moreno Valley—Where Lungs are Sore” or “Moreno Valley—Home of the World’s Largest Warehouse.” This would reflect the true priorities of the city.

Sincerely,

Karen Jakpor, MD, MPH

RESPONSES TO LETTER 1-G148: Karen Jakpor

Response to Comment 1-G148-1: The comment does not raise any environmental issues or address the adequacy of the 2018 RSFEIR, and thus no further response is needed. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

Response to Comment 1-G148-2: A TIA located in Appendix F of the 2018 RSFEIR, was prepared for the Project that fully analyzed the impacts to local and regional traffic on surface streets and freeways potential affected by the project. The TIA analyzed traffic impacts to local schools and found that the Project would pose little safety risk with the safety features that were already present on roads near schools. With buildout of the proposed Project, WLC trucks that travel from the region would use the freeway system as the most direct route to the Project but could use other truck routes or approved routes such as Van Buren Boulevard in the City of Riverside. WLC trucks that use Van Buren Boulevard could originate or have a destination within areas along Van Buren Boulevard. No substantial amount of truck traffic is expected to travel along Van Buren Boulevard as there is no direct route from the Project site connecting to Van Buren Boulevard. Additionally, there are many deterrents for trucks using Van Buren Boulevard as a truck route from the Project to the 91 freeway including grade conditions in excess of 2% slope, rolling and mountainous terrain, and multiple signalized intersections creating longer delays.

Response to Comment 1-G148-3: With respect to disclosure of the air quality improvements within the region (i.e., Riverside and San Bernardino Counties), pages 4.3-2 and 4.3-3 of the Draft Recirculated RSFEIR provided a background of the air quality conditions over the past two decades. This background was not intended to provide justification for Project approval, but to disclose information. As stated on Table 4.3-2 on page 4.3-7 of the 2019 Draft Recirculated RSFEIR, the pollutants within the South Coast Air Basin that are in non-attainment of the State standards are ozone (1-hour and 8-hour), PM₁₀, and PM_{2.5}. In addition, the pollutants that are in non-attainment of the federal standards are ozone (8-hour), PM₁₀, and PM_{2.5}.

Response to Comment 1-G148-4: A screenshot from the California Air Resources Board (CARB) AQ2IS database was provided and shows that the South Coast Air Basin has violated the national 8-hour ozone standard every day from June 1, 2018 through September 6, 2018. Table 4.3-3 on page 4.3-8 of the 2019 Draft Recirculated RSFEIR provides air quality data including the number of days of ozone exceedances at the Riverside-Rubidoux air monitoring station for each year from 2014 to 2017. No further response is required because no specific comments on the contents of the environmental analysis was provided.

Response to Comment 1-G148-5: Air quality impacts were fully evaluated in Section 4.3 of the 2019 Draft Recirculated RSFEIR. The air quality findings identify significant and unavoidable impacts in Table 4.3-31 on page 4.3-79 of the 2019 Draft Recirculated RSFEIR.

With respect to cancer health risk impacts, as shown on Table 4.3-28, 2019 Draft Recirculated RSFEIR, page 4.3-27, the estimated cancer risks for the 30-year exposure duration for construction and operation would not exceed the SCAQMD cancer risk significance threshold after incorporation of mitigation. The large reduction in cancer risk after mitigation is attributable principally to the reduced diesel PM associated with the commitment to Tier 4 construction equipment. Table 4.3-29, 2019 Draft Recirculated RSFEIR shows that the estimated 30-year exposure cancer risk for operation would exceed the SCAQMD cancer

risk significance threshold for sensitive receptors located within and outside the Project boundary. Therefore, Mitigation Measure 4.3.5.4.A, the use of MERV 13 filters to impacted residences, was added. The owners of the homes located at 13100 World Logistics Center Parkway (formerly Theodore Street) and 12400 World Logistics Center Parkway (formerly Theodore Street) have accepted the offer for the installation of the MERV 13 filters in writing. (see Attachment R). This mitigation measure would reduce the total incremental cancer risk for those sensitive receptors located within and outside the project boundary to less than the SCAQMD significance threshold as shown on Table 4.3-30 (page 4.3-74 of the 2019 Draft Recirculated RSFEIR). Thus, with the implementation of mitigation, cancer risk impacts from the Project to an on-site or offsite receptor, within the study area, would be mitigated to less than significant.

Tables 4.3-32 through 4.3-35 show the annual percent of background health incidence for PM2.5 and ozone health effects associated with the unmitigated and mitigated Project, respectively. The “background health incidence” is the predicted incidence of health effects (based on available data) as estimated in the local population in the absence of additional emissions from the Project.¹²⁵ When taken into context, the small increase in incidences and the very small percent of the number of background incidences indicate that these health effects are minimal in a developed, urban environment. The SCAQMD and the City have not adopted significance thresholds for evaluating health effects from criteria pollutants. Thus, the health effects information is provided as information to the public and decision makers to provide an understanding regarding the Project’s air pollutant emissions and the potential changes to health effects incidences. Table 4.3-32 and Table 4.3-33 show the health effects, morbidity and mortality, of the unmitigated Project emissions across the Southern California model domain for the Annual Mean PM2.5 and Annual Mean Ozone. Table 4.3-34 and Table 4.3-35 show the health effects, morbidity and mortality, of the mitigated project emissions across the southern California model domain for the Annual Mean PM2.5 and Annual Mean Ozone. Potential Mitigated Project PM2.5-related health effects show an increase in asthma-related emergency room visits (0.0047%), asthma-related hospital admissions (0.0028%), all cardiovascular-related hospital admissions (not including myocardial infarctions) (0.00059%), all respiratory-related hospital admissions (0.0015%), mortality (0.0044%), and nonfatal acute myocardial infarction (less than 0.0020% for all age groups). Potential Project Mitigated Ozone-related health effects show an increase in respiratory-related hospital admissions (0.00062%), mortality (0.00027%), and asthma-related emergency room visits for any age range (lower than 0.011% for all age groups). Because the health effects from ozone and PM2.5 are minimal when compared to the existing background incidences, the health effects from other criteria pollutants that are of lesser concern in the region would be even smaller. As such, the health effects of those other criteria pollutants were not quantified. Because there are no established thresholds, this data was provided for informational purposes to the public and decision makers.

Response to Comment 1-G148-6: As discussed in Section 4.3.1.1 Regional Air Quality Improvements on pages 4.3-2 and 4.3-3 of the 2019 Draft Recirculated RSFEIR, the latest *State of the Air Report*,¹²⁶ addresses that the air quality in the Basin has significantly improved in terms of both pollution levels and high pollution days over the past three decades. Riverside County’s average number of unhealthy ozone days dropped from 203 days per year in the initial 2000 State of the Air Report to 122 in the 2017 State of the Air Report and San Bernardino County’s number of unhealthy ozone days dropped from 230 in 2000 to

¹²⁵ Background health statistics were obtained from data included in the BenMAP model, and the sources are referenced in the BenMAP manual (USEPA, 2018). For example, EPA obtained mortality rates from the Centers for Disease Control (CDC) WONDER database, and hospital admissions rates from the Healthcare Cost and Utilization Project (HCUP).

¹²⁶ American Lung Association, 2017. State of the Air Report. Available at: <https://www.lung.org/assets/documents/healthy-air/state-of-the-air/state-of-the-air-2017.pdf>

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142 in 2017. Both counties have seen dramatic reduction in particle pollution since the initial State of the Air Report in 2000. While the 2017 *State of the Air Report* shows a slight uptick in the number of unhealthy particle pollution for both counties since the 2016 report, it is important to note that pollution levels measured in this latter report were affected by fluctuations in weather conditions. Thus, the screenshot presented in Response to Comment 1-G148-4 above could also be affected by fluctuations in weather conditions.

Nonetheless, the 2016 Air Quality Management Plan (AQMP) outlines a comprehensive control strategy that meets the requirements for expeditious progress towards an attainment date for the five National Ambient Air Quality Standards (NAAQS). As discussed in Section 4.3.6.1 Air Quality Management Plan Consistency, page 4.3-36 of the 2019 Draft Recirculated RSFEIR, the Project could violate an air quality standard, and therefore, could contribute substantially to an existing or projected air quality violation. Thus, Project emissions could cumulatively contribute to an exceedance of a pollutant for which the Basin is in nonattainment (ozone, PM₁₀ and PM_{2.5}) at a monitoring station within the Basin which would not be consistent with the AQMP. Although the WLC project is consistent with policies, rules, and regulations identified in the AQMP's and the State Implementation Plans to achieve attainment of NAAQS, the WLC project could impede AQMP attainment because its construction and operational emissions exceed the SCAQMD regional significance thresholds, so the Project is considered to be inconsistent with the AQMP. Despite the implementation of mitigation measures, the WLC project would exceed applicable thresholds for all criteria pollutants, with the exception of SO_x. In the absence of further feasible mitigation to reduce the WLC project's criteria pollutant emissions to below SCAQMD thresholds, potential air quality impacts are significant and unavoidable. Although the WLC air quality impacts are significant and unavoidable and could hinder attainment of the NAAQS, it is just one of the many factors the City will review and deliberate when making an informed decision on the WLC project.

Response to Comment 1-G148-7: SB 375 is discussed in the 2019 Draft Recirculated RSFEIR, under Section 4.7 Greenhouse Gas Emissions, Climate Change, and Sustainability. SB 375 sets regional GHG emissions reduction targets for passenger vehicles. Local governments can directly influence both the siting and design of new residential and commercial developments in a way that reduces GHG emissions associated with vehicle travel. The Southern California Association of Governments (SCAG) 2016 Sustainable Communities Strategy (SCS) within the Regional Transportation Plan (RTP) demonstrates the region's ability to attain and exceed the GHG emission reduction targets set by CARB. The SCS outlines the plan for integrating the transportation network and related strategies with an overall land use pattern that responds to projected growth, housing needs, changing demographics, and transportation demands. The regional vision of the SCS maximizes current voluntary local efforts that support the goals of SB 375, as evidenced by several Compass Blueprint Demonstration Projects and various county transportation improvements. The SCS focuses the majority of new housing and job growth solely as those that will be provided and operation of the WLC, in high-quality transit areas and other opportunity areas in existing main streets, downtowns, and commercial corridors, resulting in an improved jobs-housing balance and more opportunity for transit-oriented development. This overall land use development pattern supports and complements the proposed transportation network, which emphasizes system preservation, active transportation, and transportation demand management measures. The RTP/SCS exceeds its greenhouse gas emission-reduction targets set by the CARB by achieving an 8 percent reduction by 2020, an 18 percent reduction by 2035, and a 21 percent reduction by 2040 compared to the 2005 level on a per capita basis. The RTP also includes an appendix on Goods Movement, which describes a process to develop and deploy

needed technologies for improving efficiency of goods movement, along with key action steps for public sector agencies to help move the region to that objective. SCAG recognizes Southern California's role as the nation's epicenter for distribution and logistics and acknowledges that logistics in the region will see continued growth. The 2016 RTP/SCS identifies near zero- and zero-emission technologies as a priority and establishes the regional path forward towards improving the goods movement system. Additionally, the 2016 RTP/SCS discusses State programs such as the Heavy Truck and Bus Rule, that requires all heavy-duty vehicles to have model year 2010 or newer engines by 2023. Programs such as this would apply to the Project and ensure "smart" growth in the logistics industry as a whole.

A comparison of the WLC project design features and mitigation measures with the 2016 Regional Transportation Plan (RTP) / Sustainable Communities Strategy (SCS) is presented below. The WLC supports many of the RTP/SCS major themes that will allow them to achieve their vision.

Integrating strategies for land use and transportation: The WLC supports this concept by bringing jobs to a job poor city, which will allow the residents to live closer to where they work, provide greater opportunities for biking and walking. The Project will provide ridesharing information to construction employees, provide local bus service, add bicycle lanes and facilities, construct safe pedestrian connections between on-site uses and ridesharing for commute trip reduction, allow for more sustainable growth, and results in a reduction of vehicle miles travelled (VMT).

Striving for Sustainability: The WLC supports this theme by using resources efficiently by being one of the most sustainable developments of its kind. The WLC's innovative environmental design, water and energy conservation strategies as well as its utilization of the cleanest diesel technology available, solar, and alternative fuels will ensure the utmost in environmental compatibility. The Project will provide ridesharing information to construction employees, provide local bus service, add bicycle lanes and facilities, construct safe pedestrian connections between on-site uses, and ridesharing for commute trip reduction.

Leveraging Technology: The WLC will be required to provide an alternative fueling station that will be open during the first phase of development to serve trucks that use liquefied or compressed natural gas as vehicle fuel (MM 4.3.6.3C, page 4.3-54 of the 2019 Draft Recirculated RSFEIR). Future development will comply with vehicle fleet fuel requirements at the time of development approval. All operational equipment will utilize non-diesel technologies and will use electric when available. The following Energy Conservation Measures (ECMs), as outlined in Figure 10 of the RETR, include the following categories which will exceed minimal compliance with current Title 24 requirements by 12 -16 percent depending on building characteristics: (1) envelope, (2) exterior loads, (3) internal equipment loads, (4) lighting, (5) daylighting, and (6) HVAC. The WLC is required to provide renewable energy through solar panels that will be installed on the rooftops of buildings to help offset the power requirements within the Project (MM 4.7.6.1D, page 4.7-28 of the 2019 Draft Recirculated RSFEIR). The use of Photovoltaic (PV) in each phase would cover both the peak electric load generated by the offices and the annual energy usage of the offices, thereby achieving effective near zero-emission status for the offices (2018 RSFEIR page 4.17-27).

Supporting commerce, economic growth and opportunity: The WLC supports this theme by providing jobs closer to existing housing in a city that has an extremely low job to housing ratio

which will reduce VMT and provide revenue to the City. The Project also builds high-tech logistics facilities that will promote the smooth flow of goods with a goal of utilizing the latest technology to reduce emissions and provide easier access to jobs. Keeping people working close to home will allow them to have a better work life environment and thrive. The Project will provide ridesharing information to employees, provide local bus service, add bicycle lanes and facilities, construct safe pedestrian connections between on-site uses, and ridesharing for commute trip reduction (MM 4.3.6.4A page 4.3-60 of the 2019 Draft Recirculated RSFEIR).

Promoting the links among public health, environmental protection and economic opportunity: The WLC places a priority on public health and reducing Project emissions for better air quality. As stated above, the Project will implement many measures to reduce emissions related to utilizing cleaner burning diesel, alternative fueled trucks and equipment, solar, etc. The WLC also is required to provide the most stringent levels of emission mitigation under existing emission control regulations including the use of model year 2010 engine diesel trucks, Tier 4 off-road construction equipment, idling restrictions to three minutes in one-hour, and electrical hookups for equipment (MM 4.3.6.2A page 4.3-42 of the 2019 Draft Recirculated RSFEIR). The Project is also required to provide accessibility to transit, bicycle facilities, and pedestrian access within and to communities within 0.25 miles to promote a more active lifestyle (MM 4.3.6.4A on page 4.3-60 of the 2019 Draft Recirculated RSFEIR).

As demonstrated above, if the City of Moreno Valley approves the WLC project, it would fulfill its obligation under SB 375 for “smart growth.” Additionally, as demonstrated in Section 4.7 of the 2019 Draft Recirculated RSFEIR, impacts from greenhouse gas emissions are less than significant with implementation of mitigation measures.

Response to Comment 1-G148-8: The 2018 RSFEIR explains in detail the reasons for the 2018 RSFEIR, its format, the process for its preparation and its availability for public review. (2018 RSFEIR pages 2-1 through 2-4 and pages 2-6 and 2-7.) Thus, the public and responsible agencies were fully informed of the process being followed to comply with the trial court’s judgment and writ. CEQA is not concerned with the name given to an environmental document; instead, the question is whether the document is sufficiently informative (*Citizens for a Sustainable Treasure Island v. City & County of San Francisco*, 227 Cal.App.4th 1036, 1047-1050 (2014)). The 2018 RSFEIR and 2019 Draft Recirculated RSFEIR were recirculated for review because new significant information was provided. The 2018 RSFEIR was circulated for public review and comment for 45 days and served the purpose of a draft EIR. (2018 RSFEIR page 1-3) and the 2019 Draft Recirculated RSFEIR was also circulated for public review and comment for 45 days and served the purpose of a draft EIR (2019 Draft Recirculated RSFEIR, page 2-8). The 2018 RSFEIR and the 2019 Draft Recirculated RSFEIR were recirculated for review because new significant information was provided; as discussed in Topical Response C, Project Approvals, Litigation and the Effects of Litigation, regarding the Court Ruling and its effect upon the EIR process, content and project approvals. The Revised Final EIR will contain all of the comments received concerning both the 2018 RSFEIR and the 2019 Draft Recirculated RSFEIR and the responses to comments for both of those documents as required by CEQA Guidelines §15089. The Revised Final EIR will also contain the other required sections as outlined in CEQA Guidelines §15132. The 2019 Draft Recirculated RSFEIR were labeled “draft” so there would be no confusion that this document was the part of the “draft EIR” process in which comments were being sought from the public.

Response to Comment 1-G148-9: Cleaner trucks are required by the CARB Drayage Truck Regulations which are described in Section 4.3.2.2 Regional Regulations of the 2019 Draft Recirculated RSFEIR, pages 4.3-13 and 4.3-14. The purpose of the regulation is to reduce emissions and public exposure to diesel particulate matter (diesel PM), nitrogen oxides (NOx), and other air contaminants by setting emission standards for in-use, heavy-duty diesel-fueled vehicles that transport cargo to and from California's ports and intermodal rail facilities.¹²⁷ The regulation requires an accelerated introduction of "clean trucks" into the statewide truck fleet resulting in substantially lower diesel emissions. The regulation states that drayage trucks are subject to the provisions of Title 13, California Code of Regulations, Section 2025, which requires that all not otherwise exempt in-use on-road diesel vehicles, including drayage trucks, have a 2010 model year emissions equivalent engine by January 1, 2023. Mitigation Measure 4.3.6.3B¹²⁸ on pages 4.3-53 and 4.3-54 of the 2019 Draft Recirculated RSFEIR state:

- k) All yard trucks (yard dogs/yard goats/yard jockeys/yard hostlers), landscaping equipment, and industrial sweepers shall be powered by electricity, natural gas, propane, or an equivalent non-diesel fuel. Any off-road engines in the yard trucks and landscaping equipment shall have emissions standards equal to Tier 4 Interim or greater. Any on-road engines in the yard trucks shall have emissions standards that meet or exceed 2010 engine emission standards specified in California Code of Regulations Title 13, Article 4.5, Chapter 1, Section 2025.
- l) All diesel trucks entering logistics sites shall meet or exceed 2010 engine emission standards specified in California Code of Regulations Title 13, Article 4.5, Chapter 1, Section 2025 or be powered by natural gas, electricity, or other diesel alternative. Facility operators shall maintain a log of all trucks entering the facility to document that the truck usage meets these emission standards. This log shall be available for inspection by City staff at all time.

Operational Truck Idling discussed on page 4.3-22 of the 2019 Draft Recirculated RSFEIR states that each truck was assumed to idle for 5 minutes or less in any one hour consistent with the California Air Resources Board's Air Toxic Control Measure that limits such idling to 5 minutes and requirements specified in the World Logistics Center Specific Plan. Although Project mitigation limits idling per truck to 3 minutes in any one hour (Mitigation Measure 4.3.6.3B, construction, in the 2019 Draft Recirculated RSFEIR), this reduction in emissions has not been accounted for in the Project emissions to provide a worst-case analysis.

Per the Mitigation Monitoring and Reporting Program, the 2010 engine requirement and 3-minute idling time will be verified by the City through facility operators maintaining a log of all trucks entering or operating at the facility and the Vehicle Identification Number which will be identified as the primary method of verifying truck compliance, as well as on-site inspections, and this log will be kept onsite and available for inspection by the City at any time. Noncompliance triggers an administrative process which results in compliance efforts and If they don't comply, then a certificate of occupancy could be revoked as outlined in the MMRP. Thus, this is a legitimate mitigation measure to reduce impacts, and it is an enforceable mitigation measure under CEQA.

¹²⁷ California Code of Regulations, Article 4.5, Chapter 1, Division 3, title 13, section 2027, Drayage Truck Regulations, 2011. Available online at: https://ww3.arb.ca.gov/msprog/onroad/porttruck/finalregdrayage.pdf?_ga=2.62323116.1294289326.1562780625-179310568.1519193875

¹²⁸ Additions to park k) of the mitigation measure are shown in underlined text.

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Refer to Response to Comments 1-G120-2 and 1-G121-2 and 1-F6-11 for additional discussion regarding enforcement of mitigation measures for the use of cleaner trucks and idling restrictions.

Response to Comment 1-G148-10: A Mitigation Monitoring and Reporting Program (MMRP) will be prepared for the WLC project in compliance with Section 21081.6 of the Public Resources Code and Section 15097 of the California Environmental Quality Act (CEQA) Guidelines. Section 21081.6 of the Public Resources Code states: "...the [lead] agency shall adopt a reporting or monitoring program for the changes made to the Project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment... [and the program] shall be designed to ensure compliance during project implementation." The City of Moreno Valley is the Lead Agency for the WLC project. The MMRP will identify the mitigation measures prescribed in the 2018 RSFEIR and the 2019 Draft Recirculated RSFEIR to reduce the Project's potentially significant environmental impacts, defines the timing during which the mitigation measure is to be implemented and monitored, the enforcement agency, and the verification/approval party and the penalty for non-compliance. Assignment of responsibility for implementation of mitigation measures may be enforced through permit conditions, agreements, or other measures. CEQA does not require an outside agency to investigate and enforce compliance with mitigation measures, but all mitigation measures are fully enforceable as described above through permit conditions, agreements, or other measures. The MMRP was part of the 2015 Final EIR, Volume 1, Section 3.0. The 2015 MMRP will be revised and included in this Response to Comments Document as Chapter 5.0 based on revisions provided in the 2018 RSFEIR and 2019 Draft Recirculated RSFEIR. The revised MMRP will be part of the resolution certifying the adequacy of the Revised Final EIR and will be dealt with in the new resolution.

Response to Comment 1-G148-11: The forecasts for truck traffic to and from the WLC are presented in Section 4C of the TIA located in Appendix F of the 2018 RSFEIR. As described in Section 2A of the TIA located in Appendix F of the 2018 RSFEIR, the trip generation rates for high-cube warehouses were estimated using survey data from a 2016 report entitled High-Cube Warehouse Vehicle Trip Generation Analysis. This report was prepared by the Institute of Transportation Engineers with the support of the South Coast Air Quality Management District (SCAQMD), the agency responsible for regulating air pollution in the Los Angeles and Inland Empire region. As stated in Section 2A of the TIA, SCAQMD has indicated its acceptance of these rates, "Staff recommends truck trip rates from the Institute of Transportation Engineers (ITE) for high cube warehouse projects located in SCAQMD."

The passenger car and truck trips derived by the methodology in the TIA was used for determining trip generation rates as explained above were used to evaluate air quality and health risk impacts as discussed in Section 4.3 of the 2019 Draft Recirculated RSFEIR. The air quality and health risk evaluations were based on South Coast Air Quality Management District (SCAQMD) and Office of Environmental Health Hazard Assessment (OEHHA) assessment methodologies and significance thresholds as discussed in Section 4.3.3 of the 2019 Draft Recirculated RSFEIR.

Refer to Response 1-G120-7 for additional discussion.

Response to Comment 1-G148-12 Since 2015, the October 2016 High-Cube Warehouse Vehicle Trip Generation Analysis (Report) was completed. This Report is a major trip generation study for high-cube warehouses which is the predominant form of land use within the WLC Project. As described in Section 2A

of the TIA located in Appendix F of the 2018 RSFEIR, survey data from the Report was used. This Report was prepared by the Institute of Transportation Engineers with the support of the South Coast Air Quality Management District (SCAQMD), the agency responsible for regulating air pollution in the Los Angeles and Inland Empire region. As reported in Section 2A of the TIA located in Appendix F of the 2018 RSFEIR, SCAQMD has indicated its acceptance of these lower rates, “Draft final results for the Warehouse Truck Trip Study were completed and were lower than SCAQMD recommended truck trip rates in the California Emissions Estimator Model (CalEEMod). Staff recommends truck trip rates from the Institute of Transportation Engineers (ITE) for high cube warehouse projects located in SCAQMD.”

Based on substantial evidence collected by ITE and presented in the 2017 10th edition of ITE’s Trip Generation Manual and in the 2016 High-Cube Warehouse Vehicle Trip Generation Analysis, the data from these two sources were appropriately used in the current analysis of the WLC traffic impacts. As discussed in Section 4.15.3.2 on page 4.15-29 of the 2018 RSFEIR, the 10th Edition of ITE’s Trip Generation Manual was used for trip generation rates and directionality (percent of vehicles entering and leaving the site) while the percentage of vehicles in each vehicle class was taken from the High-Cube Warehouse Vehicle Trip Generation Analysis. A combination of sources was required because the Trip Generation Manual reported the directional split but not the vehicle mix while High-Cube Warehouse Vehicle Trip Generation Analysis reported the vehicle mix but not the directional mix. Additionally, traffic counts for the Skechers warehouse substantiates the accuracy of the newer traffic generation factors used in the 2018 RSFEIR.

Please note that the 2014 TIA located in Appendix L of the Revised DEIR was prepared prior to the High-Cube Warehouse Vehicle Trip Generation Analysis which was published in 2016.

Response to Comment 1-G148-13: Refer to Response to Comment 1-G148-12. The traffic forecast in the TIA in Appendix F of the 2018 RSFEIR used the best data currently available, including warehouse surveys taken more recently than the 2007 article cited by the commenter. The air quality analysis, Section 4.3 in the 2019 Draft Recirculated RSFEIR, is likewise based on the current best available data and methodologies. The analysis in the 2019 Draft Recirculated RSFEIR is more accurate than what would come from the 2006 paper because the 2019 Draft Recirculated RSFEIR used more recent data and because the analysis was specific to the WLC rather than the generic analysis in the cited paper. The air quality and health risk assessment were based on the traffic forecast that used the more recent data and therefore, the assessments in Section 4.3 of the 2019 Draft Recirculated RSFEIR are appropriate.

Response to Comment 1-G148-14: Refer to Response to Comment 1-G148-12 and 1-G148-13 regarding truck traffic estimates. As for the costs from increases in morbidity and mortality, Section 4.3.6.6 Summary of Health Effects of Air Quality Emissions, starting on page 4.3-79 of the 2019 Draft Recirculated RSFEIR discusses the health effects from exposure to increased ozone and PM2.5 levels resulting from construction and operation of the Project. Tables 4.3-32 through 4.3-35 show the annual percent of background health incidence for PM2.5 and ozone health effects associated with the unmitigated and mitigated Project, respectively. The “background health incidence” is the predicted incidence of health effects (based on available data) as estimated in the local population in the absence of additional emissions from the Project.¹²⁹ When taken into context, the small increase in incidences and the very small percent of the

¹²⁹ Background health statistics were obtained from data included in the BenMAP model, and the sources are referenced in the BenMAP manual (USEPA, 2018). For example, EPA obtained mortality rates from the Centers for Disease Control (CDC) WONDER database, and hospital admissions rates from the Healthcare Cost and Utilization Project (HCUP).

number of background incidences indicate that these health effects are minimal in a developed, urban environment. The SCAQMD and the City have not adopted significance thresholds for evaluating health effects from criteria pollutants. Thus, the health effects information is provided as information to the public and decision makers to provide an understanding regarding the Project's air pollutant emissions and the potential changes to health effects incidences. Table 4.3-32 and Table 4.3-33 show the health effects, morbidity and mortality, of the unmitigated Project emissions across the Southern California model domain for the Annual Mean PM_{2.5} and Annual Mean Ozone. Table 4.3-34 and Table 4.3-35 show the health effects, morbidity and mortality, of the mitigated project emissions across the southern California model domain for the Annual Mean PM_{2.5} and Annual Mean Ozone. Potential Mitigated Project PM_{2.5}-related health effects show an increase in asthma-related emergency room visits (0.0047%), asthma-related hospital admissions (0.0028%), all cardiovascular-related hospital admissions (not including myocardial infarctions) (0.00059%), all respiratory-related hospital admissions (0.0015%), mortality (0.0044%), and nonfatal acute myocardial infarction (less than 0.0020% for all age groups). Potential Project Mitigated Ozone-related health effects show an increase in respiratory-related hospital admissions (0.00062%), mortality (0.00027%), and asthma-related emergency room visits for any age range (lower than 0.011% for all age groups). Because the health effects from ozone and PM_{2.5} are minimal when compared to the existing background incidences, the health effects from other criteria pollutants that are of lesser concern in the region would be even smaller. As such, the health effects of those other criteria pollutants were not quantified. Because there are no established thresholds, this data was provided for informational purposes to the public and decision makers. Additionally, economic impacts aren't treated as CEQA impacts per CEQA Guidelines §15131(a).¹³⁰

Response to Comment 1-G148-15: Related to the comment on sensitive receptors, an acute and chronic health risk analysis was prepared to determine the increased risk for non-cancer health and a health risk assessment for increased cancer risks was prepared. Table 4.3-26 on page 4.3-67 in the 2019 Draft Recirculated RSFEIR presents the estimated cancer risks for the 30-year exposure duration that starts from the beginning of Project Construction (Construction + Operational HRA). The results are provided separately for the incremental increase in cancer risk during Project construction, incremental increase in cancer risk during Project operation, and the total incremental increase in cancer risk from Project construction plus operation prior to the application of mitigation measures. As shown in Table 4.3-26, the Project would exceed the SCAQMD's cancer risk significance threshold of a lifetime incremental increase of 10 in a million prior to the application of mitigation and would represent a significant impact. Construction impacts contribute the greatest proportion of the total health risk impact presented in Table 4.3-26. Table 4.3-27 on page 4.3-68 of the 2019 Draft Recirculated RSFEIR shows the estimated increase in cancer risk for the 30-year exposure duration that starts from the beginning of Project full buildout operation in 2035 (Operational HRA). Table 4.3-27 shows that during full Project operation, the total incremental increase in cancer risk is greater than the 10 in a million threshold, prior to mitigation, and would represent a significant impact. Overall, without mitigation, the Project is expected to have a significant impact mainly due to diesel PM emissions from construction activities and heavy-duty diesel truck activities. With mitigation incorporated (2019 Draft Recirculated RSFEIR, page 4.3-73 – 4.3-74), the cancer risks are substantially

¹³⁰ Economic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the physical changes.

lower. As shown on Table 4.3-28, 2019 Draft Recirculated RSFEIR, page 4.3-27, the estimated cancer risks for the 30-year exposure duration for construction (construction and operation HRA) would not exceed the SCAQMD cancer risk significance threshold after incorporation of Mitigation Measures 4.1.6.1A, 4.3.6.2B, 4.3.6.2D, 4.3.6.3A, 4.3.6.3B, 4.3.6.3C, 4.3.6.3D, 4.3.6.3E, and 4.3.6.5A. The large reduction in cancer risk after mitigation is attributable principally to the reduced diesel PM associated with the commitment to Tier 4 construction equipment. Table 4.3-29, 2019 Draft Recirculated RSFEIR, shows that the estimated 30-year exposure cancer risk for operation would exceed the SCAQMD cancer risk significance threshold for sensitive receptors located within and outside the Project boundary. Therefore, Mitigation Measure 4.3.5.4.A, the use of MERV 13 filters to impacted residences, was added. The owners of the homes located at 13100 World Logistics Center Parkway (formerly Theodore Street) and 12400 World Logistics Center Parkway (formerly Theodore Street) have accepted the offer for the installation of the MERV 13 filters in writing (see Attachment R). This mitigation measure would reduce the total incremental cancer risk for those sensitive receptors to less than the SCAQMD significance threshold as shown on Table 4.3-30, page 4.3-74 of the 2019 Draft Recirculated RSFEIR. Thus, with the implementation of mitigation, health risk impacts from the Project to an on-site or offsite receptor, within the study area, would be mitigated to less than significant.

Response to Comment 1-G148-16: Regarding the environmental issues that were re-evaluated within the 2018 RSFEIR, the significant and unavoidable impacts associated with the WLC Project are identified in Table 1.1 of the 2018 RSFEIR. In accordance with CEQA Guidelines §15093, a lead agency can approve a project that has significant and unavoidable impacts if the lead agency adopts a statement of overriding considerations. Prior to adopting the statement of overriding considerations, CEQA Guidelines §15093 (a) requires the decision-making agency (i.e., City of Moreno Valley) to balance the economic, legal, social, technological, or other benefits, including region-wide and statewide environmental benefits, of the proposed project against its unavoidable environmental risks. These overriding considerations are required to be approved prior to the City approving the Project.

Response to Comment 1-G148-17: Regarding the jobs associated with the WLC project, Section 4.13 of the 2015 Final EIR (Volume 2) estimates that the Project will generate approximately 20,300 new employment opportunities as stated on page 4.13-14. The comment does not raise any environmental issues or address the adequacy of the 2018 RSFEIR, and thus no further response is needed. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

The notice announcing availability of Revised Sections of the Final Environmental Impact Report (FEIR) for the World Logistics Center (WLC) claims that the Revised Sections have been released "pursuant to the requirements of the California Environmental Quality Act, and in response to a Riverside Superior Court ruling". Nothing could be farther from the truth. The release of these documents is disrespectful of the law, the Court, and the public.

1-G151-1

The Revised Sections Document is Not in Compliance with the California Environmental Quality Act (CEQA)

The Project Description section of the Notice of Availability declares: "All of the entitlements for the World Logistics Center Project are in place" and the "the potential environmental impacts evaluated in the Revised Sections of the FEIR are based upon these adopted entitlements". The Executive Summary (page 1-1 of the redline version) indicates the City intends to use the revised EIR, once certified, in conjunction with "future discretionary approvals required for the development of the World Logistics Center (WLC), including, but not limited to subdivision maps, plot plan approvals, and annexation of land".

1-G151-2

Based upon the documents that have been released for public review, it appears that the City seeks to create the benefits of a program EIR to streamline future, as yet unspecified implementing actions for a specific plan of development that has already been approved. Aside from listing the types of approvals that may be involved, no information is provided regarding the nature of such future implementing actions that would allow a reasonable understanding of any potential environmental consequences over and above the baseline condition of the approved specific plan. While the documents characterize the project as implementation of the specific plan, the documents do not disclose a "project" as defined by CEQA. There is currently no "trigger" for CEQA compliance.

The City took advantage of CEQA statutory exemption provisions when it directly adopted the initiatives approving the General Plan amendment, change of zone and specific plan for the WLC. The City may not have its cake and eat it too by attempting to retrospectively assess an approved project. There is no basis for the Revised EIR sections and the City must abandon this effort.

1-G151-3

The Revised EIR Sections is Not in Compliance with the Writ of Mandate and Associated Ruling

Similar to the distortion of fundamental CEQA applicability, the City misrepresents the judge's orders to suit its desire to obtain the benefits of a program EIR by "fixing" the prior EIR. The writ of mandate (copy attached) is very clear as to the corrective actions the City has been ordered to take. First, the City was ordered to **immediately** rescind the August 2015 actions certifying the EIR and approving the parcel map. The City Council has had three regular meetings since the writ was issued, but has yet to comply with these "immediate" remedies ordered by the court. When will the City comply with Judge Waters' order to rescind the August 2015 parcel map approval and EIR certification (including findings, statement of overriding considerations and mitigation monitoring program)?

1-G151-4

Once the prior approvals are rescinded, the writ requires the City to comply with CEQA. The writ does not order the City to make changes to certain sections of the faulty EIR as the City suggests, but instructs the City is to take the errors the Court found in the faulty EIR into consideration in any new CEQA document the City prepares.

1-G151-5

The writ clearly and explicitly voids the entire EIR. The City must start anew with an evaluation of CEQA compliance requirements when it intends to entertain a "project" as defined by CEQA and taking into consideration current baseline conditions (including the approved status of the WLC Specific Plan).

1-G151-6

With reasonable expectation that the City will summarily dismiss these comments, answers to the following questions are necessary to confirm compliance with the City's Rules and Procedures for Implementation of the California Environmental Quality Act.

1. When was ESA placed on the City's approved consultant list?
2. What is the effective date of the contract between Highland Fairview and ESA for preparation of the Revised Sections?
3. When was the first draft Revised Sections document submitted to City staff for review?
4. Who conducted legal review of the Revised Sections documents for the City?
5. When were the Revised Sections documents approved for public release?
6. Has the City incurred any costs to date in conjunction with the Revised Sections that have not been reimbursed by the applicant?
7. Did the City contract with any consultants to fulfill the City's independent review obligation? If so, please identify the consultant(s) and when they were placed on the City's approved consultants list.
8. When did the City provide copies of the Revised Sections documents to designated City officials and staff in accordance with Section 9.4.C of the City's Rules and Procedures for the Implementation of the California Environmental Quality Act?

1-G151-7

RESPONSES TO LETTER 1-G151: Kathleen Dale

Response to Comment 1-G151-1: The comment does not raise any environmental issues or address the adequacy of the 2018 RSFEIR, and thus no further response is needed (State CEQA Guidelines §15088 (a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.

Response to Comment 1-G151-2: In November 2015, the City Council in response to petitions submitted to it for the General Plan Amendment, the Zone Change, the WLC Specific Plan and the Development Agreement, vacated approvals for those entitlements granted in August, and then readopted the GPA, the Zone Change, the WLC Specific Plan and the Development Agreement. Parcel Map 36547 was not part of the initiative process and is not currently approved. The WLC Specific Plan entitles 40.6 million square feet of logistics and associated infrastructure land uses on the 2,610-acre WLC project site. In February 2016, lawsuits were filed challenging the use of the initiative process to adopt the Development Agreement. The trial judge rejected the challenges. However, in August 2018, the Court of Appeal, Fourth Appellate District, Division One, reversed the trial court judgment, holding that the initiative process could not be used to adopt the Development Agreement, and directed the trial court to issue a writ of mandate ordering the City to vacate its November, 2015, approval of the Development Agreement. Section 3.7.3 of the FEIR also identifies various actions by others that are needed for development of the WLC project, such as maps, plot plans, and the development agreement. As discussed in Section 3.7.2 on page 3-119, of the FEIR, each building developed within the WLC site will be subject to a discretionary Plot Plan process described in Section 11 of the Specific Plan. It should be noted that the petitioners challenged the use of a program EIR through CEQA litigation, the challenge was rejected by the trial court, and that rejection hasn't been appealed.

This Response to Comments Document along with the Final RSFEIR consisting of the combination of the 2019 Draft Recirculated RSFEIR and the 2018 RSFEIR, as well as the 2015 Final EIR which will constitute the Revised Final EIR will be used by the City to deliberate the approval or denial of the construction and operation of the WLC Project. Various approvals have already been granted; the General Plan Amendment, rezoning, and Specific Plan, as stated above, and are included as a baseline for the Project in the 2018 RSFEIR. CEQA §15088.5 (a) states a lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term "information" can include changes in the project or environmental setting as well as additional data or other information. Thus, the court order which found sections of the 2015 Final EIR deficient and ordered them revised constituted "new information" under CEQA and "triggered" a recirculation of the 2015 Final EIR, the 2018 RSFEIR. Therefore, the basis for the 2018 RSFEIR was the revised sections prepared to correct the deficiencies found by the court.

Refer to Topical Response C, Project Approvals, Litigation and the Effects of Litigation, regarding the Court Ruling and its effect upon the EIR process, content and project approvals.

Response to Comment 1-G151-3: Refer to Response to Comment 1-G151-2 for a discussion on the initiative regarding the General Plan Amendment, zone change and specific plan approvals. The 2018 RSFEIR does not retrospectively assess an approved project. CEQA §15378 (a) states that "Project means the whole of an action, which has a potential for resulting in either a direct physical change in the

environment, or a reasonably foreseeable indirect physical change in the environment ...” Thus, the WLC Project has to be evaluated in its entirety and has chosen to do this in a Programmatic EIR. Development of the WLC Specific Plan is the project, as defined by CEQA, and the project that was analyzed in the 2015 Final EIR and 2018 RSFEIR. Approval of the General Plan amendment, specific plan and zone change were used as a baseline in the environmental analysis. As stated above in Response to Comment 1-G151-2, the 2018 RSFEIR was required by CEQA as new information became available which had to be recirculated for public comment.

Response to Comment 1-G151-4: The initiatives that were approved provided approval of certain land use entitlements, however, other discretionary approvals including the development agreement and tentative parcel map are still required to be approved by the City of Moreno Valley (refer to Response to Comment 1-G151-3, above). The comment states that there is “no basis for the Revised EIR sections”, but CEQA provides for the preparation of additional environmental documents to address deficiencies identified by courts or under circumstances as described in the CEQA statutes and regulations. Other statements in the comment do not raise any environmental issues or address the adequacy of the 2018 RSFEIR, and thus no further response is needed (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

Response to Comment 1-G151-5: The law allows the City to appeal the judgment, which it has done. See *Paulek v. Moreno Valley Community Services District*, court of Appeal, Fourth Appellate District Division Two, Case No. E071184. The City will respond to the trial court’s order as determined by the outcome of the appeal. As outlined in Topical Response C, Project Approvals, Litigation, and the Effects of Litigation, an appeal of the judgment entered on June 7, 2018, in the CEQA litigation is currently pending in the Court of Appeal, Fourth Appellate District, Division Two, as *Paulek v. Moreno Valley Community Services District*, Case No. E071184. Depending on the result of the Court of Appeal ruling, the amount of GHG required to be mitigated would either be the total uncapped GHG emissions or total project emissions (uncapped and capped). Therefore, new Mitigation Measure 4.7.7.1 shall apply to mitigate to net zero either all uncapped GHG emissions or all Project GHG emissions (capped and uncapped) remaining after the application of other mitigation measures. See Topical Response C, Project Approvals, Litigation, and the Effects of Litigation, for a detailed description of Mitigation Measure 4.7.7.1.

Response to Comment 1-G151-6: The writ did not void the entire EIR, refer to Topical Response C, Project Approvals, Litigation and the Effects of Litigation, regarding the Court Ruling and its effect upon the EIR process, content and project approvals. As discussed in Response to Comment 1-G151-2, above, the 2018 RSFEIR complied with the writ and recirculated the sections of the 2015 Final EIR that the judge found to be deficient.

Response to Comment 1-G151-7: Although these questions do not raise any environmental issues or address the adequacy of the 2018 RSFEIR, answers have been provided below.

1. ESA was approved by City staff on a project specific basis to provide the environmental documentation for the WLC project.
2. The effective date of the contract between Highland Fairview and ESA for preparation of the Revised Sections is February 22, 2018.
3. The first draft Revised Sections document was submitted to City staff for review in June 2018.

Final Response to Comments

4. Legal review of the Revised Sections documents for the City were conducted by the City Attorney and Cox, Castle & Nicholson LLP.
5. The Revised Sections document was approved for public release on July 25, 2018.
6. The City has/has not incurred any costs to date in conjunction with the 2018 RSFEIR that have not been reimbursed by the applicant.
7. The City did not contract with any consultants to fulfill the City's independent review obligation.
8. The City provided copies of the 2018 RSFEIR to designated City officials and staff in accordance with Section 9.4.C of the City's Rules and Procedures for the implementation of CEQA on July 25, 2018.

Response to Comment 1-G151-8: This comment provides attachments to their Comment Letter and does not raise any environmental issues or address the adequacy of the 2018 RSFEIR, and thus no further response is needed (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

From: Albert Armijo
Sent: Wednesday, August 8, 2018 7:06 AM
To: Julia Descoteaux
Subject: FW: Logistics Center

From: Kekulsick [mailto:kekulsick@aol.com]
Sent: Monday, August 6, 2018 2:25 PM
To: Albert Armijo <alberta@moval.org>
Subject: Logistics Center

I am vehemently opposed to the center. Despite fixes that the developer is proposing, traffic and pollution will only get worse. It is already hard getting to Riverside on the freeway at any time of the day. This project will only make it worse, and it will greatly affect the quality of life in our community in a negative way. Will probably move if the project develops.

1-G152-1

Kathy Kulsick

Albert Armijo
Interim Planning Manager
Community Development
City of Moreno Valley
p: 951.413.3354 | e: alberta@moval.org w: www.moval.org
14177 Frederick St., Moreno Valley, CA 92553

RESPONSES TO LETTER 1-G152: Kathy Kulsick

Response to Comment 1-G152-1: Related to traffic and pollution, Section 4.3 (2019 Draft Recirculated RSFEIR) and Section 4.15 (2018 RSFEIR) provides a discussion of both increases in air emissions and traffic volumes along roadways and freeways and at intersections. The other statements in the comment do not raise any environmental issues or address the adequacy of the 2018 RSFEIR, and thus no further response is needed (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

From: Albert Armijo
Sent: Tuesday, September 4, 2018 7:08 AM
To: 'Keri Then'
Cc: Richard Sandzimier; Julia Descoteaux; Vera Sanchez
Subject: RE: World Logistics Center Revised Environmental Impact Report, dated June 2018

Thank you for your comments. We will include them as part of the record.
Best.

Albert Armijo
Interim Planning Manager
Community Development
City of Moreno Valley
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-----Original Message-----

From: Keri Then [mailto:kerithen@earthlink.net]
Sent: Monday, September 3, 2018 12:12 AM
To: Albert Armijo <alberta@moval.org>
Subject: World Logistics Center Revised Environmental Impact Report, dated June 2018

To: Mr Albert Armijo, Interim Planning Manager, City of Moreno Valley

Ref: Public Comment Regarding World Logistics Center Revised Environmental Impact Report, dated June 2018

Dear Mr Armijo,

I would like to submit the following comments regarding the World Logistics Center, Revised Environmental Impact Report, dated June 2018.

1. I do not support the proposed World Logistics Center Project, Revised Environmental Impact Report (REIR), dated June 2018. The proposed nine-year construction schedule is too long for a governmental agency to approve and should be reduced both in scope and length of construction time to allow for incremental review and approval of Developer reports and plans. It is also too long a period for a governmental agency to be reasonably assured that air, noise, ground water, traffic, wildlife, fauna, trail, and worker safety issues will be sufficiently mitigated to meet the needs of the City or its residents. There is no assurance given within the REIR that the Project will offer an environmentally sensitive plan that will meet current and future regional air, water, and noise quality standards as defined by State, Regional, and Local Air, Water, and Noise Quality Management Districts.

In addition, a 2,800 ft night time grading restriction for a nine-year proposed project will not ensure day time activities occurring within 1/2 mile of the site, at existing residential and business locations, I.e., homes, two markets, and a post office, are not negatively impacted.

The World Logistics Center Specific Plan (WLCSP) should also include provisions that every business within the site must meet future wage, worker benefit, and labor hour laws as adopted by both the City and the State during the life of the Project and the Plan.

2. The REIR does not mitigate or offers inconsequential mitigation with respect to issues related to CO2 hot spots, view sheds, and light pollution, and will change the VERY vista of the City's brown valley to one of grey industrial warehousing

1-G155-1

1-G155-2

1-G155-3

1-G155-4

buildings. This unmitigated concern will leave future residents wondering where is the "Moreno" Valley.

3. There is no requirement or condition in the REIR or WLCSP for solar powered electric generating farms or battery-storage plants to power future electric trucks, heavy equipment, or industrial warehouse equipment such as forklifts. This condition of approval would further mitigate the most noted pollutant, diesel particulate matter.

4. There is no offered mitigation in the REIR to ensure future wildlife migration patterns are provided or to mitigate the impact on current wildlife migration patterns.

5. There is no mitigation offered in the REIR to ensure the safe removal of human remains that may be found on a project that extends across 2,600 acres. An archeologist, experienced in human burial excavation, should be contracted and paid for by the Developer, to remain on site for the entire nine-year construction period and during the full duration of all construction activities.

6. No mitigation was provided in the REIR to integrate, or preserve for historical purposes, the Juan Bautista de Anza Trail that intersects or crosses the WLCSP. The Developer offered to fund a \$5,000 marker to note the Trail's existence. This inconsequential mitigation effort in no way provides a means to integrate the Trail with existing plans within the City to both highlight and improve the Trail's visibility and access.

7. The REIR states the site shows no sign of seismic induced failure yet the site sits within 100 ft of an arroyo known to flood, produce sink holes, and overflow which could undermine buildings and structures.

8. The REIR states the "...Project will substantially improve the City's job/housing balance..," but offers no evidence or support for this statement.

9. The REIR states, "The WLC project would not have significant project- related impacts related to dividing an established community... While the WLC project would represent a shift in land use policy, this policy shift does not represent a significant CEQA impact." This statement is patently false as determined by the fact a REIR was legally required by court order.

10. The REIR states "The Project operations will create significant long-term noise impacts on site and along a number of off-site roadways. Not all off-site impacts can be mitigated to less than significant levels by installing sound-attenuation improvements." The REIR further states "...noise studies will be completed and if found to be needed, noise mitigation measures will be used..." but fails to identify exact method or scope. The REIR states "...Applicant shall send letters by registered mail to all property owners and non-owner occupants of properties that would benefit from the proposed mitigation asking them to provide a position either in favor of or in opposition to the proposed noise abatement mitigation within 45 days. Each property shall be entitled to one vote on behalf of owners and one vote per dwelling on behalf of non-owner occupants." I am a property owner that may be impacted by noise from this project and I formally request a copy of the proposed noise abatement mitigation prior to issuance of any construction permits.

Please record these comments as part of the public record and note that I oppose approval of this Project, the Plan, and the REIR.

Respectfully,

Keri A. Then
Moreno Valley, CA

1-G155-4
cont.
1-G155-5
1-G155-6
1-G155-7
1-G155-8
1-G155-9
1-G155-10
1-G155-11
1-G155-12
1-G155-13

RESPONSES TO LETTER 1-G155: Keri Then

Response to Comment 1-G155-1: The comment does not raise any environmental issues or address the adequacy of the 2018 RSFEIR, and thus no further response is needed. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

Response to Comment 1-G155-2: Construction of the WLC Project is expected to be approximately 15 years as discussed in Section 3.3.13 of the 2018 RSFEIR and Section 3.4.13 of the 2019 Draft Recirculated RSFEIR. The mitigation measures provided in Sections 4 and 6 of the 2018 RSFEIR and the 2019 Draft Recirculated RSFEIR are required to be implemented with the development of the WLC Project. These mitigation measures would reduce potential impacts; however, as discussed in the 2018 RSFEIR and the 2019 Draft Recirculated RSFEIR, there are significant and unavoidable impacts associated with aesthetics, air quality, land use and planning, noise, and traffic.

Response to Comment 1-G155-3: Regarding every business within the WLC site meeting future wage, worker benefit, and labor hour laws, each business will be required to comply with state and federal labor laws. This comment does not raise any environmental issues associated with the proposed project, and thus no further response is needed (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

Response to Comment 1-G155-4: The evaluation provided in Section 4.3 of the 2019 Draft Recirculated RSFEIR was for carbon monoxide (CO) hotspots and not carbon dioxide (CO₂) hotspots. As discussed in Section 4.3.5.2 of the 2019 Draft Recirculated RSFEIR, the significance of localized project impacts under CEQA depends on whether ambient CO levels in the vicinity of the project are above or below the State and Federal CO standards. As discussed in Section 4.3.5.2, the proposed WLC Project would generate less than significant long-term microscale (CO Hotspot) emissions. The CO concentration for the year 2025 and the year 2035 as shown in Table 4.3-6 and 4.3-7, respectively, would not exceed the State or Federal CO concentration standards. Therefore, no mitigation measures are required related to CO hotspots.

As for viewsheds, the 2018 RSFEIR identified that the analysis in the 2015 Final EIR has not changed. As discussed in Section 4.1.6.1 of the 2015 Final EIR, the proposed WLC project would significantly impact one or more viewsheds (scenic vistas), notably views of the Badlands, Mount Russell and the Mount Russell Range, and Mystic Lake/San Jacinto Wildlife Area. Mitigation measures 4.1.6.1A through 4.1.6.1D of the 2015 Final EIR are provided; however, there would still be a significant and unavoidable impact on scenic vistas due to the fundamental change in public views for residents within and surrounding the project site, for travelers on SR-60, Gilman Springs Road, Theodore Street and Redlands Boulevard. See Topical Response C, Project Approvals, Litigation and the Effects of Litigation, regarding the Court Ruling and its effect upon the EIR process, content and project approvals.

As for light pollution, the 2018 RSFEIR identified that the analysis in the 2015 Final EIR has not changed. As discussed in Section 4.1.6.4 of the 2015 Final EIR, the proposed WLC Project would result in potential significant lighting impacts. However, Mitigation Measure 4.1.6.4A in the 2015 Final EIR is provided to meet or exceed the City's standards regarding light impacts. After the implementation of Mitigation Measure 4.1.6.4A, the Project's lighting impacts would be reduced to less than significant.

Response to Comment 1-G155-5: In Judge Sharon Waters Ruling on Peremptory Writ of Mandate RIC1510967, February 8, 2018, *Paulek, et al. v. City of Moreno Valley*, a comparison of feasible, cost-effective renewable energy technologies in the Energy Impact analysis, which could potentially result in lower GHG Project emissions, was requested (refer to Topical Response C, Project Approvals, Litigation and the Effects of Litigation, regarding the Court Ruling and its effect upon the EIR process, content and Project approvals). The 2019 Draft Recirculated RSFEIR presented these findings in Appendix E, Renewable Energy Technical Report (RETR). An engineering and financial analysis of the full range of sustainable energy options potentially available at the site was conducted (2019 Draft Recirculated RSFEIR, Appendix E, RETR). The analysis evaluated building energy efficiency opportunities to reduce the energy requirements to the maximum extent practicable. Projected electric vehicle (EV) loads were added to building loads to characterize overall electric loads for the Project. A full range of renewable energy supply options were evaluated to meet the combined building and EV loads. The Project falls within Moreno Valley Utilities (MVU's) service territory; therefore, it is MVU's responsibility to secure additional power from Southern California Edison (SCE) as needed. The Project's electrical demand is based on typical high-cube warehouse energy demands, defined using hourly energy simulation modeling software (see full analysis in Appendix E of the 2019 Draft Recirculated RSFEIR, Renewable Energy Technical Report (RETR). The modeling software was validated against actual historical data and modified to reflect compliance with the California Title 24 building energy standards and then further modified to incorporate the Energy Conservation Measures (ECMs) to which the Project is required to comply in the WLC Specific Plan. The available ECMs would provide an approximately 17 percent improvement in energy performance over Title 24 requirements at Phase 1 and an approximately 16 percent improvement at full buildout (page 4.17-21 of the 2019 Draft Recirculated RSFEIR). The analysis also evaluated the benefits of various types of sustainable energy supply for the Project. The results of the WLC supply-side analysis indicate that the Project is required to provide renewable energy through solar panels that will be installed on the rooftops of buildings to offset the power requirements within the Project (Mitigation Measure 4.7.6.1D on page 4.17-28 of the 2019 Draft Recirculated RSFEIR). A detailed solar analysis is included in Appendix E of the 2019 Draft Recirculated RSFEIR, Renewable Energy Technical Report (RETR). Due to the limitations that current MVU rules impose on solar PV capacity (see Topical Response E), Phase 1 buildings can each feature 300 kilowatts (kW) of photovoltaic (PV) (one-half the 600-kW minimum daytime electric load) and Phase 2 buildings can each feature 800 kW. At these PV system sizes, a total of 4.5 megawatts (MW) of PV capacity would exist at WLC at the end of Phase 1 and a total of 14.1 MW of PV capacity would exist at WLC at full build-out. MVU regulations do not allow for the additional capacity and the Project does not have jurisdiction over the MVU to require changes to MVU regulations to allow for solar generating power in excess of that allowed under current regulations. Thus, it is not feasible to require the additional solar generation. The use of PV in each phase would cover both the peak electric load generated by the offices and the annual energy usage of the offices, thereby achieving effective near zero-emission status for the offices. Due to the highly speculative nature of the EV penetration in Phase 2, mitigation measures require the Project to upgrade the structural integrity of the roof on each building to accommodate the possibility of future solar installation over the entire roof. At a minimum, the Project will install enough solar power in both phases to meet energy needs of the Project's office spaces. Additional feasible Project Design Features to reduce energy usage were added as part of the Project in 2019 Draft Recirculated RSFEIR, Section 4.17, Energy, 4.17.5 Project Design Features. The 2019 Draft Recirculated RSFEIR includes mitigation measures for Air Quality, Greenhouse Gases, and Energy to reduce impacts to the extent possible.

A system that combines PV with battery storage of excess solar generation was considered, but the MVU solar sizing limitations and the estimated WLC Project demands do not result in excess solar generation to charge a battery. In addition, MVU's Time-of-Use rate structure is not compatible with the Project's peak electrical usage (load curve) making the use of batteries to deliver any meaningful reduction an unviable option.

However, to reduce air quality impacts, all yard trucks will be powered by electricity, natural gas, propane, or an equivalent non-diesel fuel; off-road engines will utilize Tier 4 engines or greater; on-road engines will meet or exceed 2010 engine emission standards (yard trucks); any diesel truck entering the WLC facility will meet or exceed 2010 engine emission standards or be powered by natural gas, electricity, or other diesel alternative; and all standby emergency generators shall be fueled by natural gas, propane, or any non-diesel fuel (MM 4.3.6.2A page 4.3-42 of the 2019 Draft Recirculated RSFEIR).

See topical Response C, Project Approvals, Litigation and the Effects of Litigation, regarding the Court Ruling and its effect upon the EIR process, content and project approvals.

Nonetheless, the WLC is committing to additional measures including a publicly accessible fueling station offering alternative fuels (natural gas, electricity, etc.) for purchase by the motoring public which will be placed a minimum of 1,000 feet from any off-site sensitive receptors or off-site zoned sensitive uses (MM 4.3.6.3C, page 4.3-54 of the 2019 Draft Recirculated RSFEIR). Other mitigation measures are not available at this time, such as utilizing solar power to provide all the power to the Project due to regulatory requirements and moratoriums as discussed in the RETR (Appendix E of the 2019 Draft Recirculated RSFEIR).

Response to Comment 1-G155-6: As discussed in Section 4.4 on page 4.4-64 of the 2018 RSFEIR, development of the Project would not adversely affect wildlife movement in the area and would not fragment habitat or adversely affect wildlife movement through the surrounding area because the WLC site contains limited vegetation cover and minimal resource value for wildlife moving between habitat blocks. Because Project impacts to future wildlife migration patterns would be less than significant, no mitigation measures are required.

Response to Comment 1-G155-7: The removal of human remains, if discovered, was not an issue that was updated in the 2018 RSFEIR as it was not required under CEQA. See Topical Response C, Project Approvals, Litigation and the Effects of Litigation, regarding the Court Ruling and its effect upon the EIR process, content and project approvals. However, as stated in the 2015 Final EIR in Section 4.5 on page 4.5-17, there is a possibility that ground-disturbing activities during construction may uncover buried human remains. However, there are current state laws that are required to be followed that would reduce potential impacts to buried human remains to less than significant.

Response to Comment 1-G155-8: The Juan Bautista de Anza Trail was not an issue that was updated in the 2018 RSFEIR as it was not required under CEQA. See Topical Response C, Project Approvals, Litigation and the Effects of Litigation, regarding the Court Ruling and its effect upon the EIR process, content and project approvals. The WLC Project would result in a potential significant impact on the historic Juan Bautista de Anza trail in the Project area. As a result, Mitigation Measure 4.5.6.2B on page 4.5-27 of the 2015 Final EIR included the installation of a historical marker acknowledging the passing of Juan

Final Response to Comments

Bautista de Anza through the area during his exploration of California. Implementation of this mitigation measures was found to reduce potential impacts to less than significant.

Response to Comment 1-G155-9: Seismic induced failures as well as geology and soils were not issues that were updated in the 2018 RSFEIR as it was not required under. See Topical Response C, Project Approvals, Litigation and the Effects of Litigation, regarding the Court Ruling and its effect upon the EIR process, content and project approvals. As provided in Mitigation Measure 4.6.6.1C on page 4.6-19 of the 2015 Final EIR, as each development proposal is brought forward to the City and prior to approval of grading permits, the City will be required to review and approve plans confirming that the project has been designed to withstand anticipated ground shaking and other geotechnical and soil constraints such as settlement. The implementation of this measure would reduce potential significant impacts to less than significant. Furthermore, it should be noted that CEQA need not address impacts, such as seismic activities, on a project, pursuant to *California Building Industry Association v. Bay Area Air Quality Management District*, 62 Cal. 4th 369, 385-388 (2015).

Response to Comment 1-G155-10: The improvement in the City's jobs to housing balance was not updated in the 2018 RSFEIR because it was not required under CEQA. See topical Response C, Project Approvals, Litigation and the Effects of Litigation, regarding the Court Ruling and its effect upon the EIR process, content and project approvals. Section 4.13.5 in the 2015 Final EIR provides a discussion and supports the determination that the WLC project would improve the jobs housing balance within the City. Additionally, Appendix O to the 2015 Final EIR analyzes the WLC's job generation.

Response to Comment 1-G155-11: The issue regarding physical division of an established community was not updated in the 2018 RSFEIR as it was not required under CEQA. See topical Response C, Project Approvals, Litigation and the Effects of Litigation, regarding the Court Ruling and its effect upon the EIR process, content and project approvals. Section 4.10.6.1 of the 2015 Final EIR states that because the proposed WLC Project is located at the edge of the community, its development could not physically divide the community, and no impact would occur relative to residences near the southwest corner of the site. However, Section 4.10.6.1 of the 2015 Final EIR states that because seven existing rural residences are located on the Project site, the WLC Project could physically divide the existing community and could represent a significant land use impact. As further discussed in Section 4.10.6.1 of the 2015 Final EIR, there is no effective mitigation available to protect or separate these existing residences from future warehousing buildings and operations. Therefore, potential impacts would remain significant and unavoidable.

Response to Comment 1-G155-12: No specific comments on the contents of the 2018 RSFEIR are provided within this comment. However, if an owner's property falls within the area triggered by a building-specific noise study, the owner would receive the letter outlining the proposed noise mitigation measure, and the owner would have time to vote on the proposed mitigation.

Response to Comment 1-G155-13: The disposition of all comments provided on the environmental documentation are part of the record, including the comments provided in this letter.

From: Julia Descoteaux
Sent: Wednesday, August 29, 2018 2:54 PM
To: Julia Descoteaux
Subject: FW: Project called "World Logistics Center East side of Redlands Blvd"

Albert Armijo
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14177 Frederick St., Moreno Valley, CA 92553

From: kirk hansen [<mailto:kirksevern@yahoo.com>]
Sent: Tuesday, August 28, 2018 2:53 PM
To: Albert Armijo <alberta@moval.org>
Subject: Project called "World Logistics Center East side of Redlands Blvd"

I have read your notice of availability,
I am so frustrated obtaining this notices, I moved from Orange county to the now called "rancho belago" area to provide my children a better place to grow. in 2006 when I purchased a new home I was given information that my high dollar property taxes included the special assessment for new schools to be built east of Redlands Blvd and Cottonwood. I have been paying so much money and have not seen a new school built I had to send my children to another city to obtain a better opportunity of education,
Can you update me as to when I would get a break on the special assessments being charged for your new "logistic center"?
Thanks,
Kirk Hansen

1-G157-1

RESPONSES TO LETTER 1-G157: Kirk Hansen

Response to Comment 1-G157-1: In accordance with CEQA Guidelines Section 15087, the Lead Agency (City of Moreno Valley) is required to provide the public a notice of availability of draft EIR. The 2018 RSFEIR was circulated for public review for 45 days and served the purpose of a draft EIR. As for property taxes and special assessment for new schools, these issues do not raise specific objections to the adequacy of the 2018 RSFEIR, and thus no further response is required (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.) However, there are no special assessments being charged by the Project for schools. In fact, the Applicant will be required to pay school impact fees to the Moreno Valley Unified School District and the San Jacinto Unified School District for providing new school facilities as discussed on page 4.14-16 of the 2015 Final EIR (Volume 2).

From: Albert Armijo
Sent: Friday, September 7, 2018 4:25 PM
To: Julia Descoteaux; Vera Sanchez
Subject: FW: Revised EIR

Albert Armijo
Interim Planning Manager
Community Development
City of Moreno Valley

p: 951.413.3354 | e: alberta@moval.org W: www.moval.org

14177 Frederick St., Moreno Valley, CA 92553

-----Original Message-----

From: lilas51@roadrunner.com [mailto:lilas51@roadrunner.com]

Sent: Friday, September 7, 2018 3:43 PM

To: Albert Armijo <alberta@moval.org>

Subject: Revised EIR

Sept. 7, 2018

To Whom it may Concern

RE: The Revised WLC EIR

With all due respect, I would like to ask: Why on earth is this city willing to accept this half-ass revision and expect it to be passed? The first attempt was done half-ass and it ended up in court, rightfully. What makes this so-called revision any different?

Apparently the city loves wasting our tax dollars on legal fees because it continues to cater to this non developer. Why? The WLC is flawed!!! It was in the beginning and it will continue to be until a whole new EIR is done and all serious problems addressed.

I have come to the conclusion that city hall is under some evil spell and needs some serious cleaning. Maybe it's the water or the ventilation system? Oh wait! Most likely the serious manipulation by a so-called developer who has proven time and time again that he is a total loser. I for one am tired of this and I am and will be pursuing putting an end to this nonsense.

What part of the court's ruling does the city not understand? The Writ of Mandate clearly stated that the EIR is VOIDED IN WHOLE! And yet the city honestly thinks it can skip the courts and present an incomplete revision to be approved by our joke of a City Council. We all know the "Three Amigos" on Council would push this through with no problem, since that's what their benefactor wants.

Moreno Valley is a big city where we do have many uneducated residents who will believe anything they hear. We also have a huge population of residents who are not easily fooled and are waking up to the nonsense.

I could go on and on in "nit picking" this disaster of a revision but I don't have the time or patience to deal with total lunacy. If you have any qualifications to be sitting in your job position, I'm sure you know exactly what it going on and you know it's bull.

How about this? Let's hold Highland Fairview/Iddo Benzeevi accountable for all the promises he has made in the past, then and only then he can expect more. First off, require him to finish Phase 2 and 3 of the Sketchers Business Park which he loves to brag about. I understand Sketchers ended up using available space available in a different part of the city? Why? Because Highland Fairview is a scam and they now know this. When will the city realize this? How about we hold Iddo Benzeevi responsible for all legal fees and infrastructure pertaining to his WLC pipe dream? He continually agreed to this not only in the Development Agreement but also numerous times during his personal sales pitch to get this approved. There is proof, if needed. It will require going into the archives but it's right there on video.

Please explain to me how one can revise the impact of traffic and pollution, claiming it will be reduced by 15%? Please, don't insult our intelligence!!! If anything, traffic and pollution will increase by at least this percentage.

Overall, this so-called revision is, once again, a waste of our tax dollars! Enough is enough!!!!

The Writ of Mandate and court ruling voided the EIR in its entirety and yet the city thinks it can make a few changes and call it a deal? I might add, some of the changes are major enough to bring this whole concept back to square one. It's time for the city to do right by its taxpaying residents and not continually do things half-ass and illegally in order to please a "non" developer who is choking this city.

Thank You for your time and I do hope the citizens of Moreno Valley receive some satisfaction by ending the never ending legal battles caused by one person.

Lila A. Smith

1-G166-1

1-G166-2

1-G166-3

1-G166-4

1-G166-5

RESPONSES TO LETTER 1-G166: Lila Smith

Response to Comment 1-G166-1: The 2018 RSFEIR explains in detail the reasons for the 2018 RSFEIR, its format, the process for its preparation and its availability for public review. (2018 RSFEIR pages 2-1 through 2-4 and pages 2-6 and 2-7.) Thus, the public and responsible agencies were fully informed of the process being followed to comply with the trial court's judgment and writ. CEQA is not concerned with the name given to an environmental document; instead, the question is whether the document is sufficiently informative (*Citizens for a Sustainable Treasure Island v. City & County of San Francisco*, 227 Cal.App.4th 1036, 1047-1050 (2014)). The 2018 RSFEIR and 2019 Draft Recirculated RSFEIR were recirculated for review because new significant information was provided. The 2018 RSFEIR was circulated for public review and comment for 45 days and served the purpose of a draft EIR. (2018 RSFEIR page 1-3) and the 2019 Draft Recirculated RSFEIR was also circulated for public review and comment for 45 days and served the purpose of a draft EIR (2019 Draft Recirculated RSFEIR, page 2-8). The 2018 RSFEIR and 2019 Draft Recirculated RSFEIR were recirculated for review because new significant information was provided; as discussed in Topical Response C, Project Approvals, Litigation and the Effects of Litigation, regarding the Court Ruling and its effect upon the EIR process, content and project approvals. The Revised Final EIR will contain all of the comments received concerning both the 2018 RSFEIR and the 2019 Draft Recirculated RSFEIR and the responses to comments for both of those documents as required by CEQA Guidelines §15089. The Revised Final EIR will also contain the other required sections as outlined in CEQA Guidelines §15132. 2019 The Draft Recirculated RSFEIR were labeled "draft" so there would be no confusion that this document was the part of the "draft EIR" process in which comments were being sought from the public.

Response to Comment 1-G166-2: Refer to Topical Response C, Project Approvals, Litigation and the Effects of Litigation, regarding the Court Ruling and its effect upon the EIR process, content and project approvals.

Response to Comment 1-G166-3: The comment does not raise any environmental issues or address the adequacy of the 2018 RSFEIR, and thus no further response is needed. State CEQA Guidelines §15088 (a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.

Response to Comment 1-G166-4: The TIA (Appendix F of the 2018 RSFEIR) was revised based on an October 2016 report entitled *High-Cube Warehouse Vehicle Trip Generation Analysis*¹³¹ which was jointly sponsored by the South Coast Air Quality Management District (SCAQMD), a leading environmental agency for Riverside County, and the National Association of Industrial and Office Properties (NAIOP), representing developers, and conducted by a highly respected neutral party, the Institute of Transportation Engineers (ITE). The 2016 ITE study found that on average high-cube transload and short-term storage warehouses, the type of warehouse proposed for the WLC, generate fewer trips than had been assumed in the previous TIA for every analysis period (24 percent fewer in the AM peak period, 14 percent fewer in the PM peak hour, and 15 percent fewer on a daily basis). However, the volume of truck trips being generated in off-peak periods was higher than had previously been assumed. These results have been incorporated into the 2017 10th edition of ITE's Trip Generation Manual in a new land use code (Code 154) (2018 RSFEIR Appendix F page 29). SCAQMD has indicated its acceptance of these results.¹³² Based on

¹³¹ Institute of Transportation Engineers, 2016. High-Cube Warehouse Vehicle Trip Generation Analysis, October. Available online at: <https://www.ite.org/pub/?id=a3e6679a%2De3a8%2Dbf38%2D7f29%2D2961becdd498>

¹³² South Coast Air Quality Management District, 2016. Available online: <http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook/high-cube-warehouse>

the substantial evidence collected by ITE and presented in the 10th edition of ITE's Trip Generation Manual and in High-Cube Warehouse Vehicle Trip Generation Analysis, the data from these two sources were used in the current analysis of WLC traffic impacts. Specifically, the trip generation rates and directionality (percent of vehicle entering and leaving the site) were taken from the 10th edition of Trip Generation Manual, while the percentage of vehicles in each vehicle class was taken from High-Cube Warehouse Vehicle Trip Generation Analysis. A combination of sources was required because the Trip Generation Manual reported the directional split but not the vehicle mix while the High-Cube Warehouse Vehicle Trip Generation Analysis reported the vehicle mix but not the directional mix. Thus, the revised TIA has a reduction of 15 percent daily trips based on the 2016 ITE study which specifically investigated high-cube warehouse vehicle trip generation (2018 RSFEIR Appendix F page 29). Based on this new data, the air quality and greenhouse gas impacts were analyzed. As indicated in Section 4.3 Air Quality of the 2019 Draft Recirculated RSFEIR, the majority of air quality impacts would still be significant and unavoidable and the impacts addressed in Section 4.7, Greenhouse Gas, Climate Change, and Sustainability of the 2019 Draft Recirculated RSFEIR would be less than significant with mitigation incorporated. Furthermore, the traffic count for the Sketchers warehouse substantiates the accuracy of the newer traffic generation factors used in the 2018 RSFEIR and the 2019 Draft Recirculated RSFEIR (2015 Final EIR, Table 4.15L, page 4.15-44).

Response to Comment 1-G166-5: The Court Ruling on the 2015 Final EIR found that only certain parts of the 2015 Final EIR were found to be deficient and thus needed revision. The City agrees that the 2015 Final EIR certification will be set aside based on the non-compliance findings determined by the Court Ruling and that a writ ordered the City to set aside the certification of the 2015 Final EIR. The 2018 RSFEIR was prepared to correct the deficiencies identified in the 2015 Final EIR under the February ruling. Thus, the 2018 RSFEIR was circulated for public comment and those portions of the 2015 Final EIR that were found to be in compliance with CEQA by the Court were not re-circulated but are part of the public administrative record. For additional discussion refer to Topical Response C, Project Approvals, Litigation and the Effects of Litigation regarding the Court Ruling and its effect upon the EIR process, content and project approvals.

From: Albert Armijo
Sent: Friday, September 7, 2018 3:27 PM
To: Julia Descoteaux; Vera Sanchez
Subject: FW: revisions to wlc eir comments

From: Lindsay Robinson [mailto:lr92555@gmail.com]
Sent: Friday, September 7, 2018 10:06 AM
To: Albert Armijo <alberta@moval.org>
Subject: revisions to wlc eir comments

Dear Albert,

I am not sure what the new game is that Mr. Benzeevi and the city are playing but I'll join the game without knowing their end around plan.

1-G170-1

The Writ of Mandate was explicitly clear that the "EIR is VOIDED IN WHOLE" (caps are my emphasis). No EIR = No project.

1-G170-2

What has the additional cost been to the taxpayers for the city of Moreno Valley to prepare these revised sections?

1-G170-3

Based on the statements in the Writ of Mandate and court ruling the city of Moreno Valley is misleading/deceiving the public by stating in thier public notice "All of the land use entitlements for the World Logistics Center are in place – the General Plan and Zoning designations, the Specific Plan, a request for annexation of unincorporated land and a development agreement. The potential environmental impacts evaluated in the Revised Sections of the FEIR are based upon these adopted entitlements allowing 40.6 million square feet of buildings specifically designed to support large scale logistic operations in a quality business environment.".....

1-G170-4

The ruling set aside the August 15 discretionary rulings so please explain why the city is once again deceiving the public in their biased efforts to support a project that doesn't belong on the east end of the city and the planning staff neglected to research the existing land use for jobs comparison.

Removal of the San Jacinto Wildlife area land that Benzeevi was incorrectly using as his buffer completely changes the project therefore the entire project needs to go back to square one with the planning commission. The planning commission at the time was biased towards Benzeevi with all the pressure he applied to council as to who to appoint. All knew Meli was leaving but he needed her vote therefore the alternate positions were created, but abused. Another commissioner, Brian Lowell, fell for the promise of a council seat which failed and he too has moved away. The mayor is currently trying to stack the commission with the least qualified applicants but that's another battle.

1-G170-5

Why does the city think that a revision of this magnitude does not warrant an entirely new EIR and return to step one with the planning commission?

1-G170-6

We have some of the worst traffic and air quality in the state. His revision to 15% less traffic is an insulting joke and will do nothing to alleviate the traffic nor air quality especially with the Aldi and Prologis warehouses that are already up and running. Additionally Phase 2 and 3 of the Skechers Business Park will impact. We asked that Benzeevi build these phases before action taken on the wlc and we were ignored. They still aren't built and Skechers had to lease another warehouse elsewhere so his claim they didn't want it built was another figment of his imagination.

1-G170-7

1-G170-8

How does the city intend to alleviate the traffic and fix our roads when they are incapable of doing so now? Mr. Benzeevi is supposed to pay for the infrastructure within the area yet the city is proposing now to pay to fix Eucalyptus?

1-G170-9

If the taxpayers pay for Eucalyptus which street will he manipulate us into paying for next?

The council in 2015 voted based on the project they were given (although Gutierrez neither read nor understood the issues, but was there to vote yes only). These revisions and court orders change this considerably and it needs to go back to square one, just as it should have when they snuck in the closure of Alessandro to through traffic and opened up Cactus without notifying residents.

1-G170-10

Seat the 2015 council with this project now and the vote would be entirely different with and overwhelming NO. No rezoning, no change to general plan, no change to specific plan. He fails to play by the rules and it's time to hold him accountable.

1-G170-11

Mr. Benzeevi failed to honor the development agreement regarding legal fee payments which should have had repercussions but didn't. Do other developers get this same special treatment?

1-G170-12

Mr. Benzeevi buys people off to get his way as well as takes whatever shortcuts he can. The city has been remiss in their blind support of the wlc and not done their due diligence at any step of the process leading to numerous lawsuits.

1-G170-13

The Writ of Mandate voided the EIR in its entirety. No EIR means no project. It does not say go back to the city and have them make a few revisions. The major changes to the project indicate it needs to go back to the planning stages and start the process over.

1-G170-14

I'm asking the city to start working for the residents and do the right thing here. Stop looking for shortcuts and loopholes that only benefit one businessman. There is much more to pick apart, but unfortunately I don't have an entire staff funded by taxpayers to give this a full analysis.

1-G170-15

Thank you,

Lindsay Robinson

Albert Armijo
Interim Planning Manager
Community Development
City of Moreno Valley

p: 951.413.3354 | e: alberta@moval.org W: www.moval.org

14177 Frederick St., Moreno Valley, CA 92553

RESPONSES TO LETTER 1-G170: Lindsey Robinson

Response to Comment 1-G170-1: The comment does not raise specific objections to the adequacy of the 2018 RSFEIR, and thus no further response is required (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

Response to Comment 1-G170-2: The Court Ruling on the 2015 Final EIR found that only certain parts of the 2015 Final EIR were found to be deficient and thus needed revision. The City agrees that the 2015 Final EIR certification will be set aside based on the non-compliance findings determined by the Court Ruling and that a writ ordered the City to set aside the certification of the 2015 Final EIR. The 2018 RSFEIR was prepared to correct the 2015 Final EIR under the February ruling. Thus, the 2018 RSFEIR was circulated for public comment and those portions of the 2015 Final EIR that were found to be in compliance with CEQA by the Court were not re-circulated but are part of the public administrative record. For additional discussion, refer to Topical Response C, Project Approvals, Litigation and the Effects of Litigation regarding the Court Ruling and its effect upon the EIR process, content and project approvals.

Response to Comment 1-G170-3: The comment does not raise specific objections to the adequacy of the 2018 RSFEIR, and thus no further response is required (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

Response to Comment 1-G170-4: Refer to Topical Response C, Project Approvals, Litigation and the Effects of Litigation, regarding the Court Ruling and its effect upon the EIR process, content and project approvals. The Notice of Availability (NOA) of the 2018 RSFEIR identified that the land use entitlements associated with the WLC Project were in place including the General Plan, Zoning, and Specific Plan as well as a request for annexation and a development agreement. Land approvals were adopted through the initiative process in November, 2015, and upheld by the trial court in 2016, and not appealed. In August 2018, the approval of the development agreement was reversed. Therefore, Parcel Map 36457 and the Development Agreement will be deliberated by the City of Moreno Valley City Council with the 2018 RSFEIR.

The City did research existing land uses for jobs comparisons, as discussed in the DEIR, Moreno Valley has a relatively low jobs-to-housing ratio of 0.45 compared to the overall regional ratio of 1.14 (i.e., 1.14 jobs for each 1 housing unit) (Draft EIR, page 2-24). SCAG's Compass Blueprint Plan and the Regional Transportation Plan encourages "bedroom" communities (i.e., those with more housing than jobs, such as Moreno Valley) to encourage jobs growth instead of housing growth, which will eventually help balance these factors across the region and help reduce commuter traffic (2018 RSFEIR page 2-29). These plans forecast that the City's ratio of jobs to housing will increase in the future but will still be less than 1.0 (estimated 0.89 by 2035), compared to a projected ratio of 1.14 for the County and 1.29 for the entire SCAG area (2018 RSFEIR page 2-29). The City's jobs/housing ratio is expected to still be less than 1.0 by 2035, but to achieve that ratio, the City would need to attract over 34,000 jobs in the next 20 years, compared to attracting 17,000 new houses during that same period. A low jobs/housing ratio results in longer distances that residents of Moreno Valley must drive to and from work. An economic study of the project¹³³ concluded that the proposed WLC project could generate approximately 25,000 new on-site jobs within the City (2018

¹³³ David Taussig & Associates, Inc., 2012. Fiscal and Economic Impact Study World Logistics Center Moreno Valley, California. October 11.

RSFEIR page 4.15-31). In addition to the projected on-site job creation, the study estimates the proposed WLC project could generate new off-site jobs (i.e., indirect/induced employment) in all industries of the economy.¹³⁴ The study also estimated that an additional 7,583 indirect/induced jobs could be created in the County, of which 3,792 jobs were projected to be within the City as a result of project implementation.¹³⁵

Response to Comment 1-G170-5: The 910 acres of San Jacinto Wildlife Area and Western Riverside County Multiple Species Habitat Conservation Plan area was described as a “buffer zone” in the environmental analysis within the 2015 Final EIR. The Court Ruling required that references to the “buffer zone” be removed and a re-analysis be provided. The 2018 RSFEIR removed these references and provided a re-analysis. No specific objections to the adequacy of the 2018 RSFEIR were provided, and thus no further response is required.

Response to Comment 1-G170-6: Refer to Topical Response C, Project Approvals, Litigation and the Effects of Litigation, regarding the Court Ruling and its effect upon the EIR process, content and project approvals.

Response to Comment 1-G170-7: The air quality and traffic associated with the Project are addressed in Sections 4.3 of the 2019 Draft Recirculated RSFEIR and Section 4.15 of the 2018 RSFEIR, respectively. Mitigation measures are provided in both of these sections to reduce air emissions and provide traffic improvements to lessen potential impacts. As discussed in both of these sections, potential impacts would remain significant after the implementation of the mitigation measures. The reference to 15percent fewer trips is discussed on page 4.15-3 of the 2018 RSFEIR. This discussion clarified the use of a trip generation study for high-cube warehouses prepared in October 2016 as well as a new edition of the Institute of Transportation Engineer’s Trip Generation Manual which was completed after the preparation of the 2015 Final EIR. See the discussion on page 4.15-3 of the 2018 RSFEIR. These were used to more accurately identify trips associated with warehouses. Furthermore, the traffic count for the Sketchers warehouse substantiates the accuracy of the newer traffic generation factors used in the 2018 RSFEIR and the 2019 Draft Recirculated RSFEIR (2015 Final EIR, Table 4.15L, page 4.15-44).

Response to Comment 1-G170-8: The comment does not raise specific objections to the adequacy of the 2018 RSFEIR, and thus no further response is required (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

Response to Comment 1-G170-9: As discussed in Section 4.15 on pages 4.15-129 through 4.15-131, various mitigation measures to reduce traffic impacts and fix City roads would be required as specific development proposals are submitted within the WLC Project site.

Response to Comment 1-G170-10: The comment does not raise specific objections to the adequacy of the 2018 RSFEIR, and thus no further response is required.

¹³⁴ David Taussig & Associates, Inc., 2012. Fiscal and Economic Impact Study World Logistics Center Moreno Valley, California. October 11

¹³⁵ David Taussig & Associates, Inc., 2012. Fiscal and Economic Impact Study World Logistics Center Moreno Valley, California. October 11

Final Response to Comments

Response to Comment 1-G170-11: The comment does not raise specific objections to the adequacy of the 2018 RSFEIR, and thus no further response is required.

Response to Comment 1-G170-12: The comment does not raise specific objections to the adequacy of the 2018 RSFEIR, and thus no further response is required.

Response to Comment 1-G170-13: The comment does not raise specific objections to the adequacy of the 2018 RSFEIR, and thus no further response is required.

Response to Comment 1-G170-14: Refer to Topical Response C, Project Approvals, Litigation and the Effects of Litigation, regarding the Court Ruling and its effect upon the EIR process, content and project approvals.

Response to Comment 1-G170-15: The comment does not raise specific objections to the adequacy of the 2018 RSFEIR, and thus no further response is required.

From: Albert Armijo
Sent: Tuesday, September 4, 2018 12:39 PM
To: Julia Descoteaux; Vera Sanchez
Subject: FW: revised section of the FEIR comments East Moreno Valley residents
Attachments: Letter About FEIRt.pdf

Albert Armijo
Interim Planning Manager
Community Development
City of Moreno Valley

p: 951.413.3354 | e: alberta@moval.org W: www.moval.org
14177 Frederick St., Moreno Valley, CA 92553

From: Marina Smiley [mailto:marina@realpro.net]
Sent: Tuesday, September 4, 2018 12:31 PM
To: Albert Armijo <alberta@moval.org>
Subject: revised section of the FEIR comments East Moreno Valley residents

Hello Mr. Armijo,
The residents of East Moreno Valley have sent you a letter about their comments and suggestions concerning the revised section of the FEIR. The letter was sent September 4, 2018, at 11 AM through the Post Office. You will receive it tomorrow.
I am attaching a copy of the letter as a PDF files. Please, check it out.

1-G177-1

Respectfully,
Marina Smiley



Virus-free. www.avg.com

TO: Albert Armijo Interim Planning Manager
14177 Frederick Street
Post Office Box 88005
Moreno Valley, California 92552

FROM: Residents of Avalon Ave, Alicante Ave, Moreno Valley

SUBJECT: Comments about the revised section of the FEIR
(SCH #201202104)

DATE: September 03, 2018

Urgent! Our children and elderly are fighting for their lives!

The situation of the East Moreno Valley residents who live in the houses located on Avalon Ave and Alicante Ave. is not presented properly in the revised section of the Final Impact Report (FEIR). It cannot move any further until a separate Air Quality Report for Avalon and Alicante Ave houses overlooking the stop sign at the intersection of Redlands Blvd., Cactus Ave. and JFK Road will be done and included in the Revised section of the Final Impact Report (FEIR).

1-G177-2

Table 5 on page 35, Figure 12, Figure 16, Figure 23, Figure 24 are missing some sensitive and very important information and have to be fixed based on the separate report just for this small area.

Why do we demand a separate Air Quality report?

When the Cactus Ave extension connecting 215 freeway with the World Logistic Center was silently hidden in the WLC plan, nobody thought about Avalon and Alicante Ave residents. Well, it

1-G177-3

is time to think about us now. Our health is in serious danger, and we demand that the FEIR reflects our situation.

1-G177-3

Basically, the Cactus road extension will turn our quiet neighborhood into a noisy and polluted freeway located a few feet behind our homes. What makes the matter even worse, is the fact that the stop sign is only feet away from our backyards. About 20,000 WLC employees vehicles will be stopping at the sign and then accelerating up the hill twice a day, driving to the job and returning home. Now we are talking about 40,000 car stops just a few feet away from our houses.

1-G177-4

It is common knowledge that cars produce much more toxic gas when they stop and then accelerate up the hill compare to cars that are driving along a straight road. We will be affected not only by pollution of the biggest warehouse complex in the USA, with 14,000 diesel trucks daily, but additionally by 40,000 cars accelerating daily, only a few feet away from our backyard. What kind of superhuman could tolerate that amount of accumulated pollution day after day? Even one half of that? Or even a quarter of that amount? Our children and our elderly will not be able to survive this amount exposure.

1-G177-5

That makes our situation different, and that is why we must have a separate Air Quality report just for the Avalon and Alicante Ave houses facing the stop sign at the intersection of Redlands Blvd., Cactus Ave. and JFK Road.

1. We demand that the Revised section of the Final Impact Report (FEIR) includes the results from a reliable laboratory showing the accumulative effect from WLC and its 14,0000 diesel truck PLUS the 20,000 employee vehicles just a few feet from our backyards. We demand proof that it will be safe for our children and the elderly.

1-G177-6

2. We also couldn't find in your revised report any information about protecting our residents from a possible detour.

Alicante Ave has an exit that directly connects to the Cactus Ave road extension. This exit needs to be closed to all vehicles including motorcycles before you start any construction.

Otherwise, vehicles that are stuck in traffic near the stop sign behind our backyards, will discover this loophole very quickly, and as a result we will have huge traffic not only at our backyards, but in front of our houses on Avalon and Alicante Ave, and through the remainder of the tract as well.

Since you represent the City of Moreno Valley, you are fully responsible for the safety of all who reside and work in Moreno Valley.

Always remember that you work for the city and its residents.

We, THE PEOPLE, demand that you provide proof that the residents of Avalon and Alicante Ave facing the stop sign at the intersection of Redlands Blvd and Cactus Ave. road extension will be safe from the toxic cloud that WLC, and its employee cars will generate.

If you are unable to provide proof and/or will not provide proof of safe air quality for the residences referenced above, stop this project immediately including the Cactus Ave extension.

MILLAN SMILEY	28990 AVALON AVE. MV	<i>Allen Smiley</i>
MARINA SMILEY	28990 AVALON AVE. MV	<i>M Smiley</i>
ANDREW GUILLEN	29000 ALICANTE AVE	MV. 92555 <i>of the</i>
CONSTANCE GUILLEN	29000 ALICANTE AVE	M.V. 92555
EDWARD BRASSFIELD	29010 Alicante Ave	M.V. 92555 <i>beautiful E.B.</i>

1-G177-7

1-G177-8

RESPONSES TO LETTER 1-G177: Marina and Allan Smiley, Andrew and Constance Guillen, and Edward Brassfield

Response to Comment 1-G177-1: The comment does not raise specific objections to the adequacy of the 2018 RSFEIR, and thus no further response is required.

Response to Comment 1-G177-2: The revised air quality analysis prepared for the WLC Project is provided in Appendix A of the 2019 Draft Recirculated RSFEIR and includes an evaluation of emissions from truck traffic and automobile trips identified in the Traffic Impact Assessment (TIA) provided in Appendix F of the 2018 RSFEIR. Figure 37 of the TIA identifies that 0 percent of the truck traffic would travel to and from southwest of the WLC site while Figure 32 shows 29 percent of the automobile traffic would travel to and from southwest of the WLC site. Based on the 40,598 daily passenger vehicle trips for full buildout shown in Table 23 of the TIA, approximately 11,773 daily passenger vehicle trips would travel to and from southwest of the WLC site using Cactus Avenue in 2040. Based on a review of Figure 12 on page 50 of the TIA, 909 AM peak hour trips and 833 PM peak hour trips occur under the Existing scenario at the Cactus Avenue and Redlands Boulevard/John F. Kennedy Drive intersection and Figure 45 on page 285 of the TIA, 2,010 AM peak hour trips and 2,470 PM peak hour trips would occur under the 2040 plus Project Buildout scenario at the Cactus Avenue and Redlands Boulevard/John F. Kennedy Drive intersection. Therefore, the peak hour trips under the 2040 scenario increase the existing peak hour volumes by approximately 121 percent in the AM and 197 percent in the PM. During the 2025 Plus Phase 1 scenario when approximately 50% of the WLC Project is built out, the Cactus Avenue and Redlands Avenue/John F. Kennedy Drive intersection would exceed the level of service standard and require the installation of a signal and the addition of one eastbound left turn lane and one westbound left turn lane (TIA, Table 50, page 235).

The air quality analysis that was prepared for the Project evaluates congestion-related vehicle emissions at intersections and along roadway segments in the project vicinity that would result in potential local CO “hot spot” impacts. As discussed on pages 4.3-34 through 4.3-36 of Section 4.3, Air Quality of the 2019 Draft Recirculated RSFEIR, the primary mobile source pollutant of local concern is CO, which is a direct function of vehicle travel speeds and idling time and, thus, traffic flow conditions. CO transport is extremely limited; it disperses rapidly with distance from the source under normal meteorological conditions. However, under certain extreme meteorological conditions, CO concentrations proximate to a congested roadway or intersection may reach unhealthful levels affecting local sensitive receptors (residents, schoolchildren, etc.). High CO concentrations are typically associated with roadways or intersections operating at unacceptable levels of service or with very high traffic volumes. In areas with high ambient background CO concentrations, modeling is recommended to determine a project’s effect on local CO levels. The 2,010 AM peak hour trips and 2,470 PM peak hour trips would occur under the 2040 plus Project Buildout scenario at the Cactus Avenue and Redlands Boulevard/John F. Kennedy Drive intersection would be less than the peak hour trips at the intersections listed in Table 4.3-7, Carbon Monoxide Concentrations at Intersections, 2035, in Section 4.3, Air Quality of the 2019 Draft Recirculated RSFEIR. Therefore, because the peak hour trips at the Cactus Avenue and Redlands Boulevard/John F. Kennedy Drive intersection would be less than the peak hour trips at the intersections listed in Table 4.3-7, CO hotspot concentrations would be less than the concentrations that would occur at the intersections shown in Table 4.3-7. Therefore, CO hotspot impacts at the Cactus Avenue and Redlands Boulevard/John F. Kennedy Drive intersection would not exceed the CO hotspot significance threshold and impacts would be less than significant, and less than the impacts disclosed in Table 4.3-7.

Final Response to Comments

Furthermore, note that the Project will prohibit truck traffic from using Cactus Avenue to limit noise and air quality impacts on residential neighborhoods. Thus, the houses overlooking Avalon Avenue and Alicante Avenue would be less impacted by Project vehicle emissions than shown in Table 4.3-7 and the vehicle emission impacts would be less than significant.

The air quality analysis that was prepared for the Project also includes a health risk assessment (HRA) provided in Appendix A of the 2019 Draft Recirculated RSFEIR. The HRA addressed the existing residents that would experience the worst-case health risk impacts in the Project vicinity. These existing residents are located on the WLC site. These residents would be exposed to a greater amount of emissions from construction and operational activities due to their proximity to the proposed structures compared to residents adjacent to the Cactus Avenue and Redlands Boulevard/John F. Kennedy intersection. Table 4.3-26 on page 4.3-67 in the 2019 Draft Recirculated RSFEIR presents the estimated cancer risks for the 30-year exposure duration that starts from the beginning of Project Construction (Construction + Operational HRA). The results are provided separately for the incremental increase in cancer risk during Project construction, incremental increase in cancer risk during Project Operation, and the total incremental increase in cancer risk from Project construction plus operation prior to the application of mitigation measures. As shown in Table 4.3-26, the Project would exceed the SCAQMD's cancer risk significance threshold of an incremental increase of 10 in a million prior to the application of mitigation and would represent a significant impact. Construction impacts contribute the greatest proportion of the total health risk impact presented in Table 4.3-26. Table 4.3-27 on page 4.3-68 of the 2019 Draft Recirculated RSFEIR shows the estimated cancer risk for the 30-year exposure duration that starts from the beginning of Project full buildout operation in 2035 (Operational HRA). Table 4.3-27 shows that during full Project operation, the total incremental increase in cancer risk is greater than the 10 in a million threshold, prior to mitigation, and would represent a significant impact. Overall, without mitigation and without consideration of the HEI study, the Project is expected to have a significant impact mainly due to diesel PM emissions from construction activities and heavy-duty diesel truck activities. With mitigation incorporated (2019 Draft Recirculated RSFEIR, page 4.3-73 – 4.3-74), the cancer risks are substantially lower. As shown on Table 4.3-28, 2019 Draft Recirculated RSFEIR, page 4.3-27, the estimated cancer risks for the 30-year exposure duration for construction (construction and operation HRA) would not exceed the SCAQMD cancer risk significance threshold after incorporation of mitigation. The large reduction in cancer risk after mitigation is attributable principally to the reduced diesel PM associated with the commitment to Tier 4 construction equipment. Table 4.3-29, 2019 Draft Recirculated RSFEIR, shows that the estimated 30-year exposure cancer risk for operation would exceed the SCAQMD cancer risk significance threshold for sensitive receptors located within and outside the Project boundary. Therefore, Mitigation Measure 4.3.5.4.A, the use of MERV 13 filters to impacted residences, was added. The owners of the homes located at 13100 World Logistics Center Parkway (formerly Theodore Street) and 12400 World Logistics Center Parkway (formerly Theodore Street) have accepted the offer for the installation of the MERV 13 filters in writing (see Attachment R). This mitigation measure would reduce the total incremental cancer risk to less than the SCAQMD significance threshold as shown on Table 4.3-30 (page 4.3-74 of the 2019 Draft Recirculated RSFEIR). Thus, with the implementation of mitigation, health risk impacts from the Project to an on-site or offsite receptor, within the study area, would be mitigated to less than significant. As a result, a separate air quality report would not be needed for the residents near the Cactus Avenue and Redlands Boulevard/John F. Kennedy intersection.

Tables 4.3-32 through 4.3-35 show the annual percent of background health incidence for PM2.5 and ozone health effects associated with the unmitigated and mitigated Project, respectively. The “background health incidence” is the predicted incidence of health effects (based on available data) as estimated in the local population in the absence of additional emissions from the Project.¹³⁶ When taken into context, the small increase in incidences and the very small percent of the number of background incidences indicate that these health effects are minimal in a developed, urban environment. The SCAQMD and the City have not adopted significance thresholds for evaluating health effects from criteria pollutants. Thus, the health effects information is provided as information to the public and decision makers to provide an understanding regarding the Project’s air pollutant emissions and the potential changes to health effects incidences. Table 4.3-32 and Table 4.3-33 show the health effects, morbidity and mortality, of the unmitigated Project emissions across the Southern California model domain for the Annual Mean PM2.5 and Annual Mean Ozone. Table 4.3-34 and Table 4.3-35 show the health effects, morbidity and mortality, of the mitigated project emissions across the southern California model domain for the Annual Mean PM2.5 and Annual Mean Ozone. Potential Mitigated Project PM2.5-related health effects show an increase in asthma-related emergency room visits (0.0047%), asthma-related hospital admissions (0.0028%), all cardiovascular-related hospital admissions (not including myocardial infarctions) (0.00059%), all respiratory-related hospital admissions (0.0015%), mortality (0.0044%), and nonfatal acute myocardial infarction (less than 0.0020% for all age groups). Potential Project Mitigated Ozone-related health effects show an increase in respiratory-related hospital admissions (0.00062%), mortality (0.00027%), and asthma-related emergency room visits for any age range (lower than 0.011% for all age groups). Because the health effects from ozone and PM2.5 are minimal when compared to the existing background incidences, the health effects from other criteria pollutants that are of lesser concern in the region would be even smaller. As such, the health effects of those other criteria pollutants were not quantified. Because there are no established thresholds, this data was provided for informational purposes to the public and decision makers.

Response to Comment 1-G177-3: Regarding health risks of residents along Avalon Avenue and Alicante Avenue, refer to Response to Comment 1-G177-2, above.

Response to Comment 1-G177-4: Plans to extend Cactus Avenue in a 4-lane northward curve predate any proposals for the WLC Project, as can be seen from this General Plan map dated January 2005 (Note that the map is for the Moreno Highlands Specific Plan, the predecessor of the WLC Specific Plan).

As shown in Table 34 of the TIA in Appendix F of the 2018 RSFEIR, Cactus Ave. is expected to have 13,375 trips per day with full buildout of the WLC. The Moreno Valley General Plan designates Cactus Avenue as an arterial and the forecasted traffic can easily be accommodated by this class of road (Level of Service would be “A” in the Plus Project condition, as shown in Table 34 of the TIA). The stop sign at Cactus Avenue/John F. Kennedy Drive and Redlands Boulevard will be replaced with a traffic signal as a mitigation measure (see Table 64 of the TIA) which will reduce delay, queuing, and noise at this intersection.

Note that the Project will prohibit truck traffic from using Cactus Avenue to limit noise and air quality impacts on residential neighborhoods.

¹³⁶ Background health statistics were obtained from data included in the BenMAP model, and the sources are referenced in the BenMAP manual (USEPA, 2018). For example, EPA obtained mortality rates from the Centers for Disease Control (CDC) WONDER database, and hospital admissions rates from the Healthcare Cost and Utilization Project (HCUP).

Response to Comment 1-G177-8: As discussed in Response to Comment 1-G177-2, the health risks in the Project vicinity were addressed in the revised HRA located in Appendix A of the 2019 Draft Recirculated RSFEIR.

From: Margaret Martin <margaret.g.martin@gmail.com>
Sent: Thursday, July 26, 2018 11:01 AM
To: Julia Descoteaux
Subject: Fwd: World Logistic Center

----- Forwarded message -----

From: **Margaret Martin** <margaret.g.martin@gmail.com>
Date: Thu, Jul 26, 2018 at 11:56 AM
Subject: World Logistic Center
To: alberta@moval.org

I and My Family are residents here in Moreno Valley Ca. We are opposed to the huge warehouse project that Mr. I.B. wants to build on that property. We have many large warehouse's here in town already and many of them are still empty. There are 2 being built right now just East of Nason St beside the 60 Fwy. We don't need this complex!!! They would sit empty for years, as others have. All they will do, aside from destroying native plants and animals, is give Mr I.B. a huge tax write off. Block This Project!! As far as jobs are concerned, warehouses now days don't need very many workers. They are now fully automated and only need minimal human technicians on the property to tend them. So Big Deal as far as jobs are concerned. That is a poor excuse for building this huge unnecessary group of warehouses.

You.

Thank
Margaret Martin

1-G185-1

RESPONSES TO LETTER 1-G185: Margaret Martin

Response to Comment 1-G185-1: Regarding the removal of plant and animals with the implementation of the WLC project, Section 4.4 of the 2018 RSFEIR included the evaluation of potential impacts to plants and animals. As stated on page 4.4-3 of the 2018 RSFEIR, there are eleven (11) plant communities/vegetation types that occur within the project survey area: extensive agriculture (e.g., dry-land farming), non-native grassland, urban/developed, disturbed, Riversidean sage scrub, mule fat scrub, non-vegetated channel, open water, ornamental, southern willow scrub, and northern mixed chaparral. A complete list of observed wildlife species on the WLC site is included in Appendix B of the 2018 RSFEIR and the sensitive plant species on the WLC is listed on Table 4.4-2 on pages 4.4-16 through 4.4-19 of the 2018 RSFEIR. The sensitive wildlife species on the WLC site are provided on Table 4.4-3 on pages 4.4-21 through 4.4-28. The 2018 RSFEIR provided an adequate analysis of the potential impacts to plants and animals in Sections 4.4.5 and 4.4.6. Section 4.4.6 also provided mitigation measures to reduce potential significant impacts on plant and animal species.

From: Albert Armijo
Sent: Friday, September 7, 2018 3:26 PM
To: Julia Descoteaux; Vera Sanchez
Subject: FW: Comment on World Logistics Center RFEIR

From: Otana Jakpor [mailto:otanajakpor@gmail.com]
Sent: Thursday, September 6, 2018 8:13 PM
To: Albert Armijo <alberta@moval.org>
Subject: Comment on World Logistics Center RFEIR

Dear Mr. Armijo:

My name is Otana Jakpor, and I would like to submit the following comment on the Revised Final Environmental Impact Report of the World Logistic Center warehouse.

1-G237-1

Moreno Valley already suffers from poor air quality, and as you note in your report, children are particularly susceptible to air pollution. What health impacts could be expected on children specifically as a result of this proposed project (including effects of air pollution, traffic safety issues, etc.)? Exactly which schools and neighborhoods would be impacted the most?

1-G237-2

Thank you for your time.

Sincerely,
Otana

Albert Armijo
Interim Planning Manager
Community Development
City of Moreno Valley
p: 951.413.3354 | e: alberta@moval.org W: www.moval.org
14177 Frederick St., Moreno Valley, CA 92553

RESPONSES TO LETTER 1-G237: Otana Jakpor

Response to Comment 1-G237-1: The comment does not raise any environmental issues or address the adequacy of the 2018 RSFEIR, and thus no further response is needed. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

Response to Comment 1-G237-2: A revised air quality evaluation was prepared which included a Health Risk Assessment (HRA) to evaluate impacts to sensitive receptors, including local school receptors based on current Office of Environmental Health Hazards Assessment (OEHHA) guidance. Figures 4.3-3 and 4.3-4 in the 2019 Draft Recirculated RSFEIR show the unmitigated incremental Project cancer risk for construction and operation and operations and Figures 4.3-5 and 4.3-6 show the mitigated incremental Project cancer risk. As discussed on page 4.3-78 of the 2019 Draft Recirculated RSFEIR, with the application of mitigation measures, the maximum incremental increase in cancer risk would be approximately 3 in one million at Bear Valley Elementary school for both the construction and operation and operational scenarios, which is less than the SCAQMD's significance threshold. The 2019 Draft Recirculated RSFEIR fully evaluated the potential air quality and health risks of the WLC project to sensitive receptors. Section 4.3 Air Quality, Section 6.3 Air Quality Cumulative, along with Appendix A, Air Quality, Greenhouse Gas, and Health Risk Assessment Report in the 2019 Draft Recirculated RSFEIR have been revised to show the effect of incorporating the applicable data from the revised traffic analysis which includes using trip generation rates from the most recent edition of the Institute of Traffic Engineer's (ITE) Trip Generation Manual and the inclusion of 359 additional projects that would cumulatively contribute to traffic impacts and thus air quality and health risk impacts.

The HRA analysis was based on the 2018 traffic scenario because it has the highest certainty regarding pre-project conditions. The HRA methodology applied a risk characterization model to the results from an air dispersion model to estimate potential health risks at each sensitive receptor location. The health risk calculation methodology in this HRA is consistent with SCAQMD Health Risk Assessment Guidance (SCAQMD, 2016) and the current OEHHA guidance set forth in the 2015 OEHHA Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments. A multi-pollutant health risk assessment was conducted for the WLC which included exhaust emissions of particulate matter (PM) and total organic gases (TOG) from diesel and gasoline combustion, as well as toxics associated with fugitive PM from tire wear and brake wear of mobile sources. To be conservative, the HRA relied on EMFAC2017 to determine the breakdown of vehicle types and fuel types and did not consider potential reductions in TACS emissions and health risks from increased penetration of zero emission vehicles. The estimation of cancer risk involves the specification of several parameters including the concentration level of the toxic air contaminant (diesel PM10 exhaust), the rate of inhalation of the toxic, the exposure frequency (number of days per year), the exposure duration in years, the time period over which the exposure takes place, what is termed a slope factor that represents an upper bound on the increased cancer risk from a lifetime exposure to a toxic by ingestion or inhalation and early-in-life age sensitivity factors. The values of these parameters depend on the type of receptor, i.e., sensitive/residential, worker, and student as discussed below. The principal focus of the HRA was on the potential health impacts to sensitive/residential receptors located within and surrounding the Project site. Table 4.3-26 on page 4.3-67 in the 2019 Draft Recirculated RSFEIR presents the estimated cancer risks for the 30-year exposure duration that starts from the beginning of Project Construction (Construction + Operational HRA). The results are provided separately for the incremental increase in cancer risk during Project construction, incremental increase in cancer risk

Final Response to Comments

during Project Operation, and the total incremental increase in cancer risk from Project construction plus operation prior to the application of mitigation measures. As shown in Table 4.3-26, the Project would exceed the SCAQMD's cancer risk significance threshold of an incremental increase of 10 in a million prior to the application of mitigation and would represent a significant impact. Construction impacts contribute the greatest proportion of the increase in total health risk impact presented in Table 4.3-26. Table 4.3-27 on page 4.3-68 of the 2019 Draft Recirculated RSFEIR shows the estimated cancer risk for the 30-year exposure duration that starts from the beginning of Project full buildout operation in 2035 (Operational HRA). Table 4.3-27 shows that during full Project operation, the total incremental increase in cancer risk is greater than the 10 in a million threshold, prior to mitigation, and would represent a significant impact. Overall, without mitigation, the Project is expected to have a significant impact mainly due to diesel PM emissions from construction activities and heavy-duty diesel truck activities. With mitigation incorporated (2019 Draft Recirculated RSFEIR, page 4.3-73 – 4.3-74), the cancer risks are substantially lower. As shown on Table 4.3-28, 2019 Draft Recirculated RSFEIR, page 4.3-27, the estimated cancer risks for the 30-year exposure duration for construction (construction and operation HRA) would not exceed the SCAQMD cancer risk significance threshold after incorporation of Mitigation Measures 4.1.6.1A, 4.3.6.2B, 4.3.6.2D, 4.3.6.3A, 4.3.6.3B, 4.3.6.3C, 4.3.6.3D, 4.3.6.3E, and 4.3.6.5A. The large reduction in cancer risk after mitigation is attributable principally to the reduced diesel PM associated with the commitment to Tier 4 construction equipment. Table 4.3-29, 2019 Draft Recirculated RSFEIR shows that the estimated 30-year exposure cancer risk for operation would exceed the SCAQMD cancer risk significance threshold for sensitive receptors located within and outside the Project boundary. Therefore, Mitigation Measure 4.3.5.4.A, the use of MERV 13 filters to impacted residences, was added. The owners of the homes located at 13100 World Logistics Center Parkway (formerly Theodore Street) and 12400 World Logistics Center Parkway (formerly Theodore Street) have accepted the offer for the installation of the MERV 13 filters in writing (see Attachment R). This mitigation measure would reduce the total incremental cancer risk to less than the SCAQMD significance threshold as shown on Table 4.3-30, page 4.3-74 of the 2019 Draft Recirculated RSFEIR. Thus, with the implementation of mitigation, health risk impacts from the Project to an on-site or offsite receptor, within the study area, would be mitigated to less than significant.

Tables 4.3-32 through 4.3-35 show the annual percent of background health incidence for PM_{2.5} and ozone health effects associated with the unmitigated and mitigated Project, respectively. The “background health incidence” is the predicted incidence of health effects (based on available data) as estimated in the local population in the absence of additional emissions from the Project.¹³⁷ When taken into context, the small increase in incidences and the very small percent of the number of background incidences indicate that these health effects are minimal in a developed, urban environment. The SCAQMD and the City have not adopted significance thresholds for evaluating health effects from criteria pollutants. Thus, the health effects information is provided as information to the public and decision makers to provide an understanding regarding the Project's air pollutant emissions and the potential changes to health effects incidences. Table 4.3-32 and Table 4.3-33 show the health effects, morbidity and mortality, of the unmitigated Project emissions across the Southern California model domain for the Annual Mean PM_{2.5} and Annual Mean Ozone. Table 4.3-34 and Table 4.3-35 show the health effects, morbidity and mortality, of the mitigated project emissions across the southern California model domain for the Annual Mean PM_{2.5} and Annual

¹³⁷ Background health statistics were obtained from data included in the BenMAP model, and the sources are referenced in the BenMAP manual (USEPA, 2018). For example, EPA obtained mortality rates from the Centers for Disease Control (CDC) WONDER database, and hospital admissions rates from the Healthcare Cost and Utilization Project (HCUP).

Mean Ozone. Potential Mitigated Project PM2.5-related health effects show an increase in asthma-related emergency room visits (0.0047%), asthma-related hospital admissions (0.0028%), all cardiovascular-related hospital admissions (not including myocardial infarctions) (0.00059%), all respiratory-related hospital admissions (0.0015%), mortality (0.0044%), and nonfatal acute myocardial infarction (less than 0.002% for all age groups). Potential Project Mitigated Ozone-related health effects show an increase in respiratory-related hospital admissions (0.00062%), mortality (0.00027%), and asthma-related emergency room visits for any age range (lower than 0.011% for all age groups). Because the health effects from ozone and PM2.5 are minimal when compared to the existing background incidences, the health effects from other criteria pollutants that are of lesser concern in the region would be even smaller. As such, the health effects of those other criteria pollutants were not quantified. Because there are no established thresholds, this data was provided for informational purposes to the public and decision makers.

From: Albert Armijo
Sent: Friday, September 7, 2018 3:40 PM
To: Julia Descoteaux; Vera Sanchez
Subject: FW: Public Comment to the World Logistics Center (WLC) Revised Environmental Impact Report (EIR)

From: Robert Then [mailto:robertthen411@gmail.com]
Sent: Friday, September 7, 2018 2:22 PM
To: Albert Armijo <alberta@moval.org>
Subject: Public Comment to the World Logistics Center (WLC) Revised Environmental Impact Report (EIR)

Dear Mr. Armijo,

I wish to submit the following comments related to the WLC EIR.

I am concerned with the increased traffic, air pollution and other negative impacts to the Moreno Valley environment created as a result of the development of the World Logistic Center (WLC).

A traffic study found that the project as a whole would draw 68,721 vehicle trips a day, 14,006 of which would be trucks. Even with a 15% reduction that increase in traffic and pollution equates to significant increase traffic and its related 58,413 vehicle trips a day, 11905 of which would be trucks.

- In one day a line of 14,000 trucks lined up taillight to headlight would stretch nearly 200 miles. **Two hundred miles of truck congestion and pollution every day!**
- In a 30 day month the 420,000+ truck trips lined up would stretch some 5970 miles, **the distance of driving from LA to NY and back again.** Driving cross country is a long multi-day excursion. Imagine leaving LA and passing a continuous line of trucks day-after-day as you drive east through the desert, over the Rockies, across the Great Plains, through the Rust Belt States and Mid-Atlantic States and arriving in New York City then turning around and making the same trip back from NY to LA. That continuous line of trucks stretching across our country and back is the line of trucks that the WLC is projected to create in one month.
- In one year the number of truck trips would be over 5.1 million. Lined up those trucks would stretch over 72, 000 miles. The continuous line of trucks generated by the WLC in one year would **stretch around the world over 3 times**

Even with a 15% reduction the traffic and environmental impact of the WLC on Moreno Valley, its resident’s health and quality of life is scary and ridiculous. And this is not just a Moreno Valley problem, it is a regional problem as this WLC projected vehicle traffic doesn’t just mysteriously start and end at the City border.

Any benefits derived from the WLC are overwhelmingly negated by the damage to environment, health and quality of life resulting from this huge project.

The Numbers:

1-G262-1

1-G262-2

1-G262-3

1-G262-4

1-G262-5

The length of an eighteen wheeler varies, but the overall average length is 70-80 ft.

Using the original traffic projection and an average length of a semi being 75 feet:

14006 trucks x 75 feet, average length of a semi = 1,050,450 feet / 5280 the number of feet in a mile = 198.948 miles of trucks every day.

199 miles of trucks per day x 30 days in a month = 5970 miles of trucks in a month

199 miles of trucks per day x 365 days in a year = 72,635 miles of trucks in a year

The driving distance from Los Angeles to New York City is 2797 miles. The circumference of the earth is 24,901 miles.

Thank You,

Robert Then

Concerned Moreno Valley Resident

951-323-1800

Albert Armijo

Interim Planning Manager

Community Development

City of Moreno Valley

p: 951.413.3354 | e: alberta@moval.org W: www.moval.org

14177 Frederick St., Moreno Valley, CA 92553

1-G262-5
cont.

RESPONSES TO LETTER 1-G262: Robert Then

Response to Comment 1-G262-1: The increased traffic, air pollution and other negative impacts to the Moreno Valley environment resulting from the WLC Project are addressed in the 2018 RSFEIR. The traffic impacts are addressed in Section 4.15 of the 2018 RSFEIR and air quality impacts are addressed in Section 4.3 of the 2019 Draft Recirculated RSFEIR. Other impacts of the WLC Project are addressed in Sections 4.1 through 4.17 and Section 6.1 through 6.17 of the 2018 RSFEIR and the 2019 Draft Recirculated RSFEIR. No specific comments on the contents of the 2018 RSFEIR are provided, and therefore, no further response is required.

Response to Comment 1-G262-2: As shown on Table 23 of the TIA in Appendix F of the 2018 RSFEIR, the Project would generate approximately 58,800 vehicle trips. The 15% reduction in daily trips is identified in Section 4.15 on page 4.15-3 of the 2018 RSFEIR. This 15% reduction is compared to the trip generation that was identified in the 2015 Final EIR. The reduction occurred due to more current trip generation data that resulted in a decrease in project trip factors as discussed on page 29 of the TIA. Also refer to Response to Comment 1-G120-7 and to Comment 1-G148-11. Furthermore, the traffic count for the Sketchers warehouse substantiates the accuracy of the newer traffic generation factors used in the 2018 RSFEIR and the 2019 Draft Recirculated RSFEIR (2015 Final EIR Table 4.15L, page 4.15-44).

Response to Comment 1-G262-3: Refer to Response to Comment 1-G262-2 regarding the number of trips expected to be generated by the Project. The comment's characterization of truck traffic does not accurately describe the project's traffic impacts. Traffic impacts are adequately addressed in Sections 4.15 and 6.15 of the 2018 RSFEIR. The proposed increase in traffic was used to determine potential air quality impacts that are adequately addressed in Sections 4.3 and 6.3 of the 2019 Draft Recirculated RSFEIR.

Response to Comment 1-G262-4: The comment does not raise any environmental issues or address the adequacy of the 2018 RSFEIR, and thus no further response is needed. State CEQA Guidelines §15088 (a) requires that a lead agency only evaluate and respond to comments raised on environmental issues. CEQA §15093 (b) requires that when a lead agency approves a project which will result in the occurrence of significant effects which are identified in a final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record. As per CEQA requirements, the City will file a statement of overriding considerations, prior to project approval, which will outline why the project should be approved in light of its environmental effects.

Response to Comment 1-G262-5: The comment does not raise any environmental issues or address the adequacy of the 2018 RSFEIR, and thus no further response is needed (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

From: Albert Armijo
Sent: Wednesday, August 8, 2018 7:06 AM
To: Julia Descoteaux
Subject: FW: Warehouse Project

From: rharrison scott [mailto:rharrisonscott@gmail.com]
Sent: Friday, August 3, 2018 9:47 AM
To: Albert Armijo <alberta@moval.org>
Subject: Warehouse Project

Alberta,

Regarding the proposed warehouse project, I believe the community's best interests would be served if the project were to be phased in instead of receiving blanket approval. Divide the project into four sections. At the end of the first year of a phase's construction, evaluate it's environmental impact. If all is well, approve further expansion. This way the community won't be buying into what could turn out to be an environmental catastrophe justified by self-serving research.

1-G267-1
1-G267-2
1-G267-3

Two additional thoughts.

1. All the hype about construction jobs is just that hype. That labor is not a long term benefit to the surrounding community. First, construction probably won't last more than a year if the entire project were to be approved. Second, most of that labor will not be derived from the surrounding community.
2. Whether the project is approved and re-evaluated phase by phase or approved without reasonable forethought, trucks should be required to remain in the right hand lane. Any trucker who attempts to use any other lane, should be ticketed and this can be done using a video surveillance system on the 60 East and West.

Thank you.

Ron Scott
20020 Dartmouth Ave.
Riverside, CA 92507
(951) 784-2274

Albert Armijo
Interim Planning Manager
Community Development
City of Moreno Valley
p: 951.413.3354 | e: alberta@moval.org W: www.moval.org
14177 Frederick St., Moreno Valley, CA 92553

RESPONSES TO LETTER 1-G267: Ron Harrison Scott

Response to Comment 1-G267-1: As discussed on page 3-1 of the 2018 RSFEIR, the WLC project is planned to be developed over a period of fifteen years generally from 2020 to 2034. However, CEQA §15378 (a) states that “Project means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment ...” Thus, the WLC Project has to be evaluated in its entirety and has chosen to do this in a Programmatic EIR, as the WLC realizes that the project will be built in phases. Since this is a programmatic EIR, each site-specific development proposal on the WLC site will be submitted to the City, the City then must determine whether the environmental effects of the proposal are within the levels of environmental effects analyzed in this programmatic EIR. If they are within the levels approved, the proposal may be approved. If they are not within the limits, additional CEQA documentation would be required. Section 3.7.3 of the 2015 Final EIR also identifies various actions by others that are needed for development of the WLC project, maps, plot plans, and the development agreement. As discussed in Section 3.7.2 on page 3-119, of the 2015 Final EIR, each building developed within the WLC site will be subject to a discretionary Plot Plan process described in Section 11 of the Specific Plan. It should be noted that the petitioners challenged the use of a program EIR through CEQA litigation, the challenge was rejected by the trial court, and that rejection hasn’t been appealed. Refer to Topical Response C, Project Approvals, Litigation and the Effects of Litigation, regarding the Court Ruling and its effect upon the EIR process, content and project approvals. The comment does not raise any environmental issues or address the adequacy of the 2018 RSFEIR, and thus no further response is needed (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

Response to Comment 1-G267-2: The proposed WLC Project is not planned to be constructed all in one year. As discussed on page 3-1 of the 2019 Draft Recirculated RSFEIR, the WLC project is planned to be developed over a period of fifteen years from 2020 to 2034. Therefore, construction would occur over an extended period of time. Because the number of construction employees was not an issue found to be deficient by the court, the 2019 Draft Recirculated RSFEIR did not address the number of construction employees. Refer to Topical Response C, Project Approvals, Litigation and the Effects of Litigation, regarding the Court Ruling and its effect upon the EIR process, content and project approvals. page 4.13-12 of the 2015 Final EIR (Volume 2) acknowledged that construction of the WLC project would create short-term construction jobs, and these jobs are anticipated to be filled by workers who reside in the Project area (i.e., within the region). Appendix O of the 2015 Final EIR analyzes the WLC’s job generation. The comment does not raise any environmental issues or address the adequacy of the 2018 RSFEIR, and thus no further response is needed (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

Response to Comment 1-G267-3: The comment does not raise any environmental issues or address the adequacy of the 2018 RSFEIR, and thus no further response is needed (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

From: Albert Armijo
Sent: Wednesday, September 5, 2018 4:25 PM
To: Julia Descoteaux; Vera Sanchez
Subject: FW: WLC Impact

Albert Armijo
Interim Planning Manager
Community Development
City of Moreno Valley

p: 951.413.3354 | e: alberta@moval.org W: www.moval.org
14177 Frederick St., Moreno Valley, CA 92553

From: Shaunte Wilder [mailto:taeisme@icloud.com]
Sent: Wednesday, August 1, 2018 7:50 AM
To: Albert Armijo <alberta@moval.org>
Subject: WLC Impact

Good morning,

I am emailing in regards to the impact of the WLC. With the current traffic with the existing warehouses, what is the plan to add additional lanes to the highways? Has the city taken into account the traffic that will increase? The air quality? What about the necessary support facilities for the trucks? Repair facilities, fuel and truck stops? What about the trucks that will need to come in to support those facilities? Was that taken into account?

1-G284-1

I keep hearing about all of the jobs that will be brought to the city but what businesses have committed to buying or leasing warehouse space at the WLC? When will it be built? Will we have to wait 10-15 or 20 years for jobs? Also, considering that warehousing has begun to transition to automated warehousing, how accurate are the predicted job numbers? Will there be a guarantee that these jobs will hire from Moval first or will they import from other cities and counties due to the limited pool of executive/supervisory talent located in our city?

Kind Regards,

Ms Shaunte M. Gonzales
951.218.9340

RESPONSES TO LETTER 1-G284: Shaunte Gonzales Wilder

Response to Comment 1-G284-1: Regarding additional travel lanes, these Project improvements are discussed in Section 4.15.7 of the 2018 RSFEIR and the Project's contribution to cumulative improvements is discussed in Section 6.15.3 of the 2018 RSFEIR. Sections 4.15.7 and 6.15.3 identify numerous roadway improvements that would be required to reduce potential impacts to less than significant.

Regarding truck infrastructure, the Project includes a logistics support use on the Project site that is intended to provide alternative fueling services for onsite users. Additional fueling stop locations, transmission shops, and truck stops are not included as part of the Project.

As discussed in Chapter 3 of the 2018 RSFEIR, the proposed WLC Project is projected to be built out by the year 2035. page 4.15-31 in Section 4.15 of the 2018 RSFEIR provides an anticipated passenger vehicle traffic distribution which includes future employees of the proposed WLC project. As identified, 44 percent of the daily passenger vehicle traffic would be to/from the west on SR-60. At this time, a specific number of employees who would reside in the City of Moreno Valley is not known. As for guaranteeing employment positions for City of Moreno Valley residents, Appendix O of the 2015 Final EIR analyzes the WLC's job generation, some of which may go to City residents. In addition, the 2018 RSFEIR discusses all aspects of the Project's air quality impacts in Section 4.3 of the 2019 Draft Recirculated RSFEIR, with job estimates based in the latest available information.

Responses to General Comments

The following response applies to the Group G Comment Letters (see Attachment D) listed as follows: 1-4, 6-10, 12-36, 38-49, 51, 53-62, 64, 65-1, 66-89, 91-94, 96-117, 119, 123-147, 149-150, 153-154, 156, 158-165, 167-169, 171-176, 178-184, 186-236, 238-261, 263-266, 268-283, 285-301.

The comment does not raise any environmental issues or address the adequacy of the 2018 Revised Sections of the Final EIR (RSFEIR), and thus no further response is needed. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

3.5 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT RECIRCULATED RSFEIR

Following includes the comment letters that were received on the 2019 Draft Recirculated RSFEIR. Each comment letter includes an alphanumeric identifier and each comment within each letter includes a numeric identifier within the right margin of the letter. Responses to each comment letter follow the corresponding letter. The references to the 2015 Final EIR are to the compiled Final EIR that was prepared in May 2015. References to the Final EIR or Revised Final EIR are to the compiled Final EIR that consists of this Response to Comments Document, the draft EIRs (2018 RSFEIR and 2019 Draft Recirculated RSFEIR), and the 2015 Final EIR.

3.5.1 (2-A) Letters from Federal Agencies/Tribal Groups

No comment letters were received from Federal Agencies or Tribal groups.

3.5.2 (2-B) Letters from State Agencies

Comment Letters Received from State Agencies include the following:

2-B1: California Air Resources Board

From: Kim, Elizabeth@ARB <Elizabeth.Kim@arb.ca.gov>
Sent: Thursday, January 30, 2020 3:59 PM
To: Albert Armijo
Subject: RE: CARB's Response Letter Regarding WLC RRSFEIR (January 30, 2020)
Attachments: Enclosure- 2018 09 07 Signed CARB Comments on WLC RFEIR.pdf;
2020-01-30 FINAL CARB Comment Letter Re RRSFEIR.pdf

Warning: External Email – Watch for Email Red Flags!

Mr. Armijo,

My apologies. The enclosure was not attached to the previous email. I have attached it to this email. It will also be sent in hard copy form, along with the letter.

Thank you,



Elizabeth Kim
Assistant to Chief Counsel Ellen Peter
California Air Resources Board
Executive Office
916.445.4647

From: Kim, Elizabeth@ARB
Sent: Thursday, January 30, 2020 3:49 PM
To: alberta@moval.org
Subject: CARB's Response Letter Regarding WLC RRSFEIR (January 30, 2020)
Importance: High

Hello Mr. Armijo,

Please find attached a response letter from CARB regarding the above mentioned topic. If you have any questions, feel free to contact me. I will also be sending the hard copy letter via mail, to your attention.

Please acknowledge receipt of this email.

Thank you,



Elizabeth Kim
Assistant to Chief Counsel Ellen Peter
California Air Resources Board
Executive Office
916.445.4647

2-B1-1



January 30, 2020

Albert Armijo, Interim Planning Manager
14177 Frederick Street
Post Office Box 88005
Moreno Valley, California 92552
Phone: (951) 413-3206
Email: alberta@moval.org

Re: World Logistics Center Draft Recirculated Revised Sections of the Final Environmental Impact Report (SCH # 2012021045)

Dear Mr. Armijo:

The California Air Resources Board (CARB) has reviewed the Draft Recirculated Revised Sections of the Final Environmental Impact Report (RRSFEIR) for the World Logistics Center (WLC or Project). CARB appreciates the opportunity to comment on the RRSFEIR, and raises two primary issues with the RRSFEIR in this letter.

1. The RRSFEIR contains the same flawed GHG analysis as the RFEIR.

CARB previously reviewed the City's July 2018 Revised Final Environmental Impact Report (RFEIR), and submitted comments regarding the RFEIR on September 7, 2018. As noted in that comment letter, CARB believes the RFEIR's analysis of greenhouse gas (GHG) related impacts does not meet California Environmental Quality Act (CEQA) requirements, as it relies almost entirely on mischaracterizations to reach its less-than-significant impact determination.

Unfortunately, the flaws described in CARB's September 7, 2018 comment letter remain in the RRSFEIR, which continues to rely upon mischaracterizations regarding California's Cap-and-Trade Program to dismiss any serious analysis or mitigation of the Project's GHG emissions. Therefore, as part of its comments on the current draft RRSFEIR, CARB re-submits its September 7, 2018 comment letter (attached to this letter) in its entirety. CARB directs its comments toward both the direct and cumulative impact analysis sections in the RRSFEIR.

2-B1-2

2. The RRSFEIR does not include the new GHG mitigation measures it references.

The RRSFEIR includes passing references to new GHG-related mitigation measures, particularly measures 4.7.6.1E-1 and 4.7.6.1E-2 (see pages 4.7-20, 6.7-14, and 6.7-20). However, it appears the measures themselves have not been included in the RRSFEIR. Without the ability to review the mitigation measures relied upon by the City in reaching its significance determinations, the public has no way to evaluate the effectiveness of those measures, thwarting CEQA's public disclosure purpose.

2-B1-3

Mr. Albert Armijo
January 30, 2020
Page 2

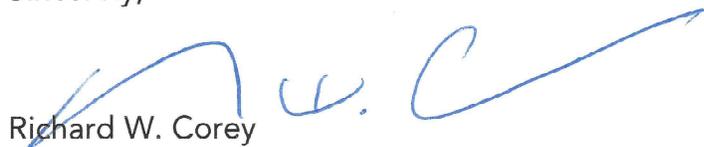
Conclusion

Both this comment letter and CARB's September 7, 2018 comment letter set forth substantial deficiencies in the environmental analysis prepared for the WLC project. Given these deficiencies, the City should revise the RRSFEIR to include adequate analysis and mitigation regarding all of the Project's environmental impacts, including GHG, air quality, and cumulative impacts. The City should then re-circulate the document for public review to allow the public to review and comment on the City's revised proposal.

2-B1-4

Thank you for your consideration. As always, we welcome any questions from the City regarding ways to adequately analyze and mitigate the Project's GHG emissions.

Sincerely,



Richard W. Corey
Executive Officer

Enclosure: CARB's September 7, 2018 comment letter regarding the WLC RFEIR.

RESPONSES TO LETTER 2-B1: California Air Resources Board (CARB)

Response to Comment 2-B1-1: No specific comments on the contents of the 2019 Draft Recirculated RSFEIR are provided within this comment, and thus no further response is needed (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

Response to Comment 2-B1-2: The City received the comment letter submitted on the 2018 Revised Sections of the Final Environmental Impact Report (2018 RSFEIR) and responses to that comment letter are included in the Final RSFEIR. Refer to Topical Response A, The Use of Cap-and-Trade, for a discussion of why dividing the Project's greenhouse gas (GHG) emissions into capped and uncapped emissions and then analyzing impacts meets the California Environmental Quality Act (CEQA) requirements and is not a mischaracterization of the Cap-and-Trade Program. As outlined in Topical Response C, Project Approvals, Litigation, and the Effects of Litigation, an appeal of the judgment entered on June 7, 2018, in the CEQA litigation is currently pending in the Court of Appeal, Fourth Appellate District, Division Two, as *Paulek v. Moreno Valley Community Services District*, Case No. E071184. Depending on the result of the Court of Appeal ruling, the amount of GHG required to be mitigated would either be the total uncapped GHG emissions or total project emissions (uncapped and capped). Therefore, new Mitigation Measure 4.7.7.1 shall apply to mitigate to net zero either all uncapped GHG emissions or all Project GHG emissions (capped and uncapped) remaining after the application of other mitigation measures. See Topical Response C, Project Approvals, Litigation, and the Effects of Litigation, for a detailed description of Mitigation Measure 4.7.7.1.

Response to Comments for the September 7, 2018 letter can be found under Responses to Letter 1-B1, Response to Comments 1-B1-1 through 1-B1-22, Response to Comments 1-B1-23 through 1-B1-36 are the original responses to CARB's April 16, 2013 comment letter on the 2013 Draft EIR (Letter B5), and Response to Comments 1-B1-37 through 1-B1-47 are the original responses to CARB's June 8, 2015 comment letter on the 2015 Final EIR, dated June 10, 2015.

Response to Comment 2-B1-3: The mention of mitigation measures 4.7.6.1E-1 and 4.7.6.1E-2, on pages 4.7-20, 6.7-14, and 6.7-20 was a typographical error and will be changed in the Final RSFEIR as shown below.

The last paragraph on page 4.7-19, of the 2019 Draft Recirculated RSFEIR, will be changed to add the first sentence of the first paragraph on page 4.7-20 in the Final RSFEIR follows:

Table 4.7-4 shows project emissions separated into capped and uncapped sectors, as defined by California's cap-and-trade program. California's cap-and-trade program is enforceable and meets the requirements of AB 32 and SB 32. The program began on January 1, 2012, placing GHG emissions limits on capped sectors (e.g., electricity generation, petroleum refining, cement production, and large industrial facilities that emit more than 25,000 MT CO₂e per year), and enforcing compliance obligations beginning with 2013 emissions. Vehicle fuels were placed under the cap in 2015, and with the passage of AB 398, the program was extended through 2030. The Cap-and-Trade Program allocates emissions permits across covered entities in each sector. This regulatory conclusion is therefore directly applicable to the WLC project because VMT is by far the largest source of project GHG emissions.

Final Response to Comments

The first paragraph on page 4.7-20, of the 2019 Draft Recirculated RSFEIR, will be deleted in the Final RSFEIR as follows:

~~This regulatory conclusion is therefore directly applicable to the WLC project because VMT is by far the largest source of project GHG emissions. The analysis considers both the inclusion and exclusion of capped emissions, notably with the inclusion of mitigation measure 4.7.6.1E-1 and 4.7.6.1E-2 in Section 4.7.6, below. The applicable mitigation measure taken relies on the outcome of Paulek v. Moreno Valley Community Services District, Case No. E071184, in the Fourth District Court of Appeal, Second Division.~~

The third paragraph on page 6.7-14, of the 2019 Draft Recirculated RSFEIR, will be changed in the Final RSFEIR as follows:

Mitigation Measures: As identified in Section 4.7.6.1, **Mitigation Measures 4.7.6.1A, 4.7.6.1B, 4.7.6.1C, and 4.7.6.1D, and 4.7.6.1E.1 or 4.7.6.1E.2** are required to reduce solid waste and greenhouse gas emissions from construction and operation of project development to less than significant impacts, ~~and the purchase of credits to offset emissions and reach net zero GHG emissions.~~

The second to last paragraph on page 6.7-30, of the 2019 Draft Recirculated RSFEIR, will be changed in the Final RSFEIR as follows:

Mitigation Measures: Implementation of previously referenced **Mitigation Measures 4.3.6.2A, 4.3.6.3B, 4.3.6.4A, 4.3.6.3C, 4.3.6.3D, 4.7.6.1A, 4.7.6.1B, 4.7.6.1C, 4.7.6.1D, 4.7.6.1E, 4.16.1.6.1A, 4.16.1.6.1B, and 4.16.1.6.1C** will help reduce project-related GHG emissions and therefore make it more consistent with GHG reduction plans, policies, and/or regulations

Response to Comment 2-B1-4: Refer to Topical Response A, The Use of Cap-and-Trade, for a discussion of why dividing the Project's GHG emissions into capped and uncapped emissions and then analyzing impacts meets the California Environmental Quality Act (CEQA) requirements and is not a mischaracterization of the Cap-and-Trade Program. As outlined in Topical Response C, Project Approvals, Litigation, and the Effects of Litigation, an appeal of the judgment entered on June 7, 2018, in the CEQA litigation is currently pending in the Court of Appeal, Fourth Appellate District, Division Two, as *Paulek v. Moreno Valley Community Services District*, Case No. E071184. Depending on the result of the Court of Appeal ruling, the amount of GHG required to be mitigated would either be the total uncapped GHG emissions or total project emissions (uncapped and capped). Therefore, new Mitigation Measure 4.7.7.1 shall apply to mitigate to net zero either all uncapped GHG emissions or all Project GHG emissions (capped and uncapped) remaining after the application of other mitigation measures. See Topical Response C, Project Approvals, Litigation, and the Effects of Litigation, for a detailed description of Mitigation Measure 4.7.7.1.

As discussed in the Response to Comments for the September 7, 2018 letter, which can be found under Responses to Letter 1-B1, Response to Comments 1-B1-1 through 1-B1-22, there are no deficiencies in the GHG, air quality, and cumulative environmental analysis prepared for the WLC project. Therefore, the 2019 Draft Recirculated RSFEIR does not need to be revised and recirculated.'

3.5.3 (2-C) Letters from Regional Agencies

Comment Letters Received from Regional Agencies include the following:

2-C1: Metropolitan Water District of Southern California

Olivia Chan

From: Asef,Tania S <TAsef@mwdh2o.com>
Sent: Friday, January 31, 2020 8:00 AM
To: Albert Armijo
Cc: Doesserich,Diane M
Subject: Draft Recirculated RSFEIR - City of Moreno Valley - World Logistics Center - MWD Comments
Attachments: City of Moreno Valley_World Logistics Center_MWD_Signed.pdf

Warning: External Email – Watch for Email Red Flags!

Dear Mr. Armijo,

Please see attached for the Metropolitan Water District comment letter regarding the World Logistics Center RSFEIR.

Thanks you,

Tania S. Asef, M.S.
Associate Environmental Specialist
213-217-5687

2-C1-1

This communication, together with any attachments or embedded links, is for the sole use of the intended recipient(s) and may contain information that is confidential or legally protected. If you are not the intended recipient, you are hereby notified that any review, disclosure, copying, dissemination, distribution or use of this communication is strictly prohibited. If you have received this communication in error, please notify the sender immediately by return e-mail message and delete the original and all copies of the communication, along with any attachments or embedded links, from your system.



THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

January 30, 2020

VIA EMAIL

Albert Armijo, Interim Planning Manager
14177 Frederick Street
Post Office Box 88005
Moreno Valley, California 92552

Dear Mr. Armijo:

City of Moreno Valley, World Logistics Center
Review of the Draft Recirculated Revised Sections of the Final Environmental Impact Report

The Metropolitan Water District of Southern California (Metropolitan) has reviewed the Draft Recirculated Revised Sections of the Final Environmental Impact Report for the construction and operation of the World Logistics Center on approximately 2,600 acres in the County of Riverside. The project proposes to develop 40.6 million square feet of buildings designed to support large scale logistic operations. The City of Moreno Valley is the CEQA lead agency. This letter contains Metropolitan’s comments as a potentially affected public agency.

Metropolitan is a regional water wholesaler. It is comprised of 26 member public agencies serving approximately 19 million people in portions of six counties in Southern California, including Riverside County. Metropolitan’s mission is to provide its 5,200 square mile service area with adequate and reliable supplies of high-quality water to meet present and future needs in an environmentally and economically responsible way.

Metropolitan owns and operates the Inland Feeder pipeline within the proposed project area. Metropolitan’s Inland Feeder is a 145.5-inch inside diameter water conveyance pipeline that runs in a north-south direction beneath Theodore Street and turns in an east-west direction adjacent to Eucalyptus Avenue within Metropolitan’s fee property. See attached map for location of Metropolitan’s facilities in relation to the proposed project.

Based on a review of the proposed project, the project has the potential to impact Metropolitan’s Inland Feeder. Metropolitan must be allowed to maintain its rights-of-way and requires unobstructed access to its facilities in order to maintain and repair its system. Metropolitan will not permit activities that could subject its pipelines or structures to excessive vehicle, impact, or vibratory loads.

In order to avoid potential conflicts with Metropolitan's facilities and rights-of-way, Metropolitan requires that detailed design plans for any activities that affect our facilities be submitted prior to construction for review and written approval. Approval of the proposed

2-C1-2

Albert Armijo, Interim Planning Manager

Page 2

January 30, 2020

proposed Project where it could impact Metropolitan's property should be contingent on Metropolitan's approval of design plans for the proposed Project. Detailed prints of drawings of Metropolitan's pipelines and rights-of-way may be obtained by emailing Metropolitan's Substructures Information Line at Engineeringstructures@mwdh2o.com or calling at (213) 217-7663. To assist in preparing plans that are compatible with Metropolitan's facilities, easements and properties, please refer to "Guidelines for Improvements and Construction Projects Proposed in the Area of Metropolitan's Facilities and Rights-of-Way " available at http://www.mwdh2o.com/PDF_Doing_Your_Business/4.7.1_Guidelines_development.pdf#search=substructures%20guidelines. Please note that all submitted designs or plans must clearly identify Metropolitan's facilities and rights-of-way.

2-C1-2
cont.

Additionally, please direct all future environmental review requests, environmental documents, and public hearing notices to the following address or email address:

MWD Environmental Planning

700 N. Alameda Street

Los Angeles, CA 90012

(213) 217-6337

ep@mwdh2o.com

We appreciate the opportunity to provide input to your planning process and we look forward to receiving future environmental documentation and design plans regarding this proposed Project. If you have any questions, please contact Tania Asef at (213) 217-5687.

Very truly yours,



Diane Doesserich

Interim Team Manager, Environmental Planning Section

DD:tsa

SharePoint\Documents\City of Moreno Valley – World Logistics Center

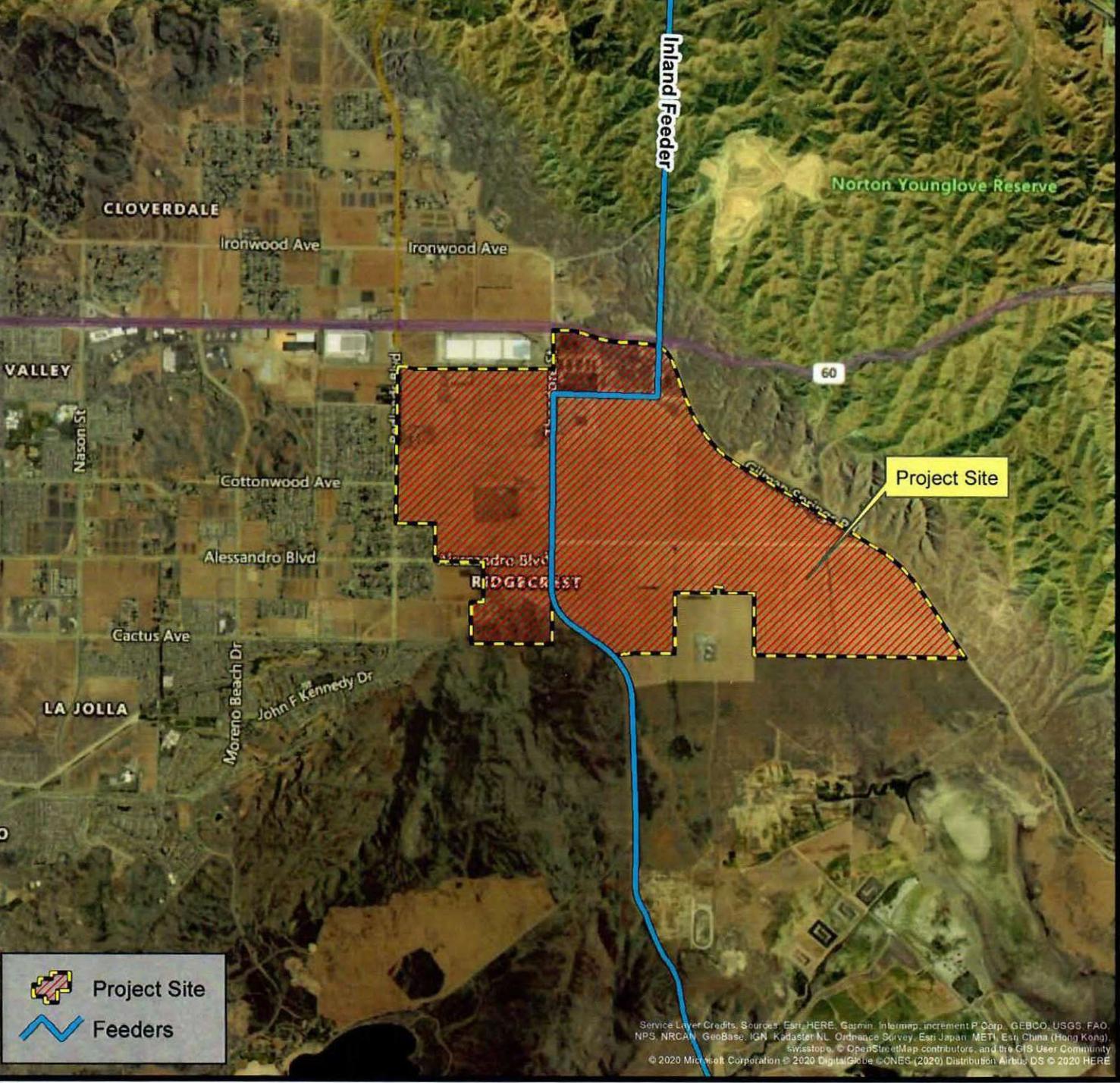
Enclosures:

Moreno Valley Logistics Center Vicinity Map

N:\Infrastructure_Unit\Geodetics_and_Mapping_Team_1\Projects\Special_Requests\Tania_Asef\Moreno_Valley_Logistics_Center_Map2.mxd (Printed 1/30/2020) Photography Date: Bing Prepared by: Tom Bleicher (Geodetics & Mapping Team) Checked by: Tania Asef (Geodetics & Mapping Team) Job#: GIS20-01-52



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- Project Site
- Feeders

Service Layer Credits, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), Swisstopo, © OpenStreetMap contributors, and the GIS User Community © 2020 Microsoft Corporation © 2020 DigitalGlobe © CNES (2020) Distribution Airbus DS © 2020 HERE

RESPONSES TO LETTER 2-C1: The Metropolitan Water District of Southern California (MWD)

Response to Comment 2-C1-1: No specific comments on the contents of the 2019 Draft Recirculated RSFEIR are provided within this comment, and thus no further response is needed (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

Response to Comment 2-C1-2: With the recirculation of an EIR, CEQA provides that the agency need only respond to comments that relate to portions of the document that were revised and recirculated (CEQA Guidelines, §15088.5). The 2019 Draft Recirculated RSFEIR did not include the recirculation of Section 4.16 Utilities and Service Systems, and CEQA does not require responses to the comments set forth in this comment letter. Additionally, the Judge's ruling on the 2015 Final EIR did not find a deficiency in the Utilities and Service Systems analysis (refer to Topical Response C).

However, it is understood that MWD owns and operates the Inland Feeder pipeline within the proposed Project area that runs north-south beneath Theodore Street and turns east-west adjacent to Eucalyptus Avenue. MWD will be allowed to maintain its rights-of-way and will have unobstructed access to facilities in order to make repairs when required. Activities that could subject the pipelines or structures to excessive vehicle, impact, or vibratory loads would not occur. Design plans will be submitted to the MWD, prior to construction, for review and written approval to ensure consistency with MWD's applicable rights.

3.5.4 (2-D) Letters from County Departments/Agencies

Comment Letters Received from County Departments/Agencies include the following:

2-D1: Riverside County Flood Control and Water Conservation District

From: Albert Armijo <alberta@moval.org>
Sent: Friday, January 24, 2020 7:51 AM
To: Ashley Aparicio; Julia Descoteaux
Subject: FW: Comments: Parcel Map 36457, SCH#2012021045, World Logistics Center
Attachments: Moreno Valley PM 36457 NOA Draft Final EIR District Interest Letter.docx

WLC Comment.

Albert Armijo
Interim Planning Manager
Community Development
City of Moreno Valley
 p: 951.413.3214 | e: alberta@moval.org W: www.moval.org
 14177 Frederick St., Moreno Valley, CA 92553

From: Yang, Han <hyang@RIVCO.ORG>
Sent: Thursday, January 23, 2020 4:29 PM
To: Albert Armijo <alberta@moval.org>
Cc: Johnson, Sharon <sjohnson@RIVCO.ORG>
Subject: Comments: Parcel Map 36457, SCH#2012021045, World Logistics Center

Warning: External Email – Watch for Email Red Flags!

Hello Alberto,

Please find the attached comment letter from the District.

Regards,

Han Yang | Assistant Engineer | Development Review
 Riverside County Flood Control & Water Conservation District
 1995 Market Street | Riverside, CA 92501
hyang@rivco.org

2-D1-1



Confidentiality Disclaimer

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County of Riverside California

January 22, 2020

City of Moreno Valley
Community Development Department Planning Division
Post Office Box 88005
Moreno Valley, CA 92552-0805

Attention: Albert Armijo

Re: Parcel Map 36457, SCH#2012021045
Final Environmental Impact Report
World Logistics Center

The Riverside County Flood Control and Water Conservation District (District) does not normally recommend conditions for land divisions or other land use cases in incorporated cities. The District also does not plan check City land use cases, or provide State Division of Real Estate letters or other flood hazard reports for such cases. District comments/recommendations for such cases are normally limited to items of specific interest to the District including District Master Drainage Plan facilities, other regional flood control and drainage facilities which could be considered a logical component or extension of a master plan system, and District Area Drainage Plan fees (development mitigation fees). In addition, information of a general nature is provided.

2-D1-2

The District's review is based on the above-referenced project transmittal, received December 19, 2019. The District **has not** reviewed the proposed project in detail, and the following comments do not in any way constitute or imply District approval or endorsement of the proposed project with respect to flood hazard, public health and safety, or any other such issue:

☒ This project involves multiple District proposed Master Drainage Plan facilities, namely, Lines D, E, E1 Thru E6, E10, F and F-2. The District will accept ownership of such facilities on written request of the City. Facilities must be constructed to District standards, and District plan check and inspection will be required for District acceptance. Plan check, inspection, and administrative fees will be required.

2-D1-3

☒ This project proposes channels, storm drains 36 inches or larger in diameter, or other facilities that could be considered regional in nature and/or a logical extension of the adopted Moreno Master Drainage Plan. The District would consider accepting ownership of such facilities on written request of the City. Facilities must be constructed to District standards, and District plan check and inspection will be required for District acceptance. Plan check, inspection, and administrative fees will be required.

2-D1-4

Moreno MDP was revised and adopted in 2015. The drainage study that was previously done for this project needs to be consistent with currently adopted MDP drainage.

☒ This project is located within the limits of the District's Moreno Area Drainage Plan for which drainage fees have been adopted. If the project is proposing to create additional impervious surface area, applicable fees should be paid by cashier's check or money order only to the Flood

2-D1-5

City of Moreno Valley
Re: Parcel Map 36457
World Logistics Center

51183

Control District or City prior to issuance of grading or building permits. Fees to be paid should be at the rate in effect at the time of issuance of the actual permit. 2-D1-5 cont.

An encroachment permit shall be obtained for any construction related activities occurring within District right of way or facilities. For further information, contact the District's Encroachment Permit Section at 951.955.1266. 2-D1-6

The District's previous comments are still valid.

GENERAL INFORMATION

This project may require a National Pollutant Discharge Elimination System (NPDES) permit from the State Water Resources Control Board. Clearance for grading, recordation, or other final approval should not be given until the City has determined that the project has been granted a permit or is shown to be exempt. 2-D1-7

If this project involves a Federal Emergency Management Agency (FEMA) mapped floodplain, then the City should require the applicant to provide all studies, calculations, plans, and other information required to meet FEMA requirements, and should further require that the applicant obtain a Conditional Letter of Map Revision (CLOMR) prior to grading, recordation, or other final approval of the project and a Letter of Map Revision (LOMR) prior to occupancy. 2-D1-8

If a natural watercourse or mapped floodplain is impacted by this project, the City should require the applicant to obtain a Section 1602 Agreement from the California Department of Fish and Wildlife and a Clean Water Act Section 404 Permit from the U.S. Army Corps of Engineers, or written correspondence from these agencies indicating the project is exempt from these requirements. A Clean Water Act Section 401 Water Quality Certification may be required from the local California Regional Water Quality Control Board prior to issuance of the Corps 404 permit. 2-D1-9

Very truly yours,

DEBORAH DE CHAMBEAU
Engineering Project Manager

c: Riverside County Planning Department
Attn: Jason Killebrew
City of Moreno Valley
Attn: Chris Ormsby – chriso@moval.org

@@: @@

RESPONSES TO LETTER 2-D1: Riverside County Flood Control District and Water Conservation District

Response to Comment 2-D1-1: No specific comments on the contents of the 2019 Draft Recirculated RSFEIR are provided within this comment, and thus no further response is needed (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

Response to Comment 2-D1-2: This is a general comment regarding what the responsibilities of the District are regarding District Master Plan facilities, other regional flood control and drainage facilities, and the District Drainage Plan fees. Additionally, the District states it has not reviewed the proposed Project in detail and its comments do not imply approval or endorsement. No further response is required because no specific comments on the contents of the environmental analysis was provided in this comment (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

Response to Comment 2-D1-3: With the recirculation of an EIR, CEQA provides that the agency need only respond to comments that relate to portions of the document that were revised and recirculated (CEQA Guidelines, §15088.5). The 2019 Draft Recirculated RSFEIR did not include the recirculation of Section 4.16 Utilities and Service Systems, and CEQA does not require responses to the comments set forth in this comment letter. Additionally, the Judge's ruling on the 2015 Final EIR did not find a deficiency in the Utilities and Service Systems analysis (refer to Topical Response C). However, the City will let the District know if it wants them to take ownership of the facilities (lines D, E, E1 thru E6, E10, F and F-2). Facilities will be constructed to District standards and it is understood that a District plan check and inspection, including District fees, will be required for District acceptance.

Response to Comment 2-D1-4: With the recirculation of an EIR, CEQA provides that the agency need only respond to comments that relate to portions of the document that were revised and recirculated (CEQA Guidelines, §15088.5). The 2019 Draft Recirculated RSFEIR did not include the recirculation of Section 4.16 Utilities and Service Systems, and CEQA does not require responses to the comments set forth in this comment letter. Additionally, the Judge's ruling on the 2015 Final EIR did not find a deficiency in the Utilities and Service Systems analysis (refer to Topical Response C). The City understands that the District will consider taking ownership of the proposed channels, storm drains, 36 inches or larger in diameter, or other facilities that are considered regional in nature and/or a logical extension of the Moreno Master Drainage Plan. If the City decides that it wants the District to take over ownership, it will let the District know in writing. All facilities will be constructed to District standards and it is understood that a District plan check and inspection, including District fees, will be required for District acceptance.

Response to Comment 2-D1-5: With the recirculation of an EIR, CEQA provides that the agency need only respond to comments that relate to portions of the document that were revised and recirculated (CEQA Guidelines, §15088.5). The 2019 Draft Recirculated RSFEIR did not include the recirculation of Section 4.16 Utilities and Service Systems, and CEQA does not require responses to the comments set forth in this comment letter. Additionally, the Judge's ruling on the 2015 Final EIR did not find a deficiency in the Utilities and Service Systems analysis (refer to Topical Response C). The Project will create additional impervious surfaces and will pay applicable drainage fees to the Flood Control District prior to the issuance of grading or building permits.

Final Response to Comments

Response to Comment 2-D1-6: With the recirculation of an EIR, CEQA provides that the agency need only respond to comments that relate to portions of the document that were revised and recirculated (CEQA Guidelines, §15088.5). The 2019 Draft Recirculated RSFEIR did not include the recirculation of Section 4.16 Utilities and Service Systems, and CEQA does not require responses to the comments set forth in this comment letter. Additionally, the Judge's ruling on the 2015 Final EIR did not find a deficiency in the Utilities and Service Systems analysis (refer to Topical Response C). The project shall obtain an encroachment permit for any construction related activities occurring within the District right-of-way or facilities.

Response to Comment 2-D1-7: With the recirculation of an EIR, CEQA provides that the agency need only respond to comments that relate to portions of the document that were revised and recirculated (CEQA Guidelines, §15088.5). The 2019 Draft Recirculated RSFEIR did not include the recirculation of Section 4.16 Utilities and Service Systems, and CEQA does not require responses to the comments set forth in this comment letter. Additionally, the Judge's ruling on the 2015 Final EIR did not find a deficiency in the Utilities and Service Systems analysis (refer to Topical Response C). The project will require a National Pollutant Discharge Elimination System permit from the State Water Resources Control Board and the City will ensure that it obtains one prior to the issuance of grading or building permits.

Response to Comment 2-D1-8: With the recirculation of an EIR, CEQA provides that the agency need only respond to comments that relate to portions of the document that were revised and recirculated (CEQA Guidelines, §15088.5). The 2019 Draft Recirculated RSFEIR did not include the recirculation of Section 4.16 Utilities and Service Systems, and CEQA does not require responses to the comments set forth in this comment letter. Additionally, the Judge's ruling on the 2015 Final EIR did not find a deficiency in the Utilities and Service Systems analysis (refer to Topical Response C). As stated on page 3-49 of the 2015 FEIR, based on the latest Flood Insurance Rate Maps published by the Federal Emergency Management Agency, the Project site is not located within a 100-year floodplain.

Response to Comment 2-D1-9: With the recirculation of an EIR, CEQA provides that the agency need only respond to comments that relate to portions of the document that were revised and recirculated (CEQA Guidelines, §15088.5). The 2019 Draft Recirculated RSFEIR did not include the recirculation of Section 4.16 Utilities and Service Systems, and CEQA does not require responses to the comments set forth in this comment letter. Additionally, the Judge's ruling on the 2015 Final EIR did not find a deficiency in the Utilities and Service Systems analysis (refer to Topical Response C). As stated on page 4.4-49 of the 2018 RSFEIR, there are two drainage features (Drainage 12 and 15) that have been determined to be jurisdictional waters of the U.S. under Section 404 and 401 of the Clean Water Act, and are likely subject to United States Army Corps of Engineers (USACE) jurisdiction. However, as indicated in Mitigation Measure 4.4.6.2A (page 4.4-76), prior to the issuance of any grading permits, the applicant shall secure a jurisdictional determination from the USACE and confirm with the Regional Water Quality Control Board and California Department of Fish and Game if drainage features mapped on the property to be developed are subject to jurisdictional authority. If the features are subject to regulatory protection, the applicant shall secure permit approvals with the appropriate agencies prior to initiation of construction.

3.5.5 (2-E) Letters from Local Agencies/City Departments

Comment Letters Received from Local Agencies/City Departments include the following:

2-E1: March Joint Powers Authority

2-E2: Moreno Valley Unified School District

2-E3: City of Riverside

2-E4: Eastern Municipal Water District

MARCH JOINT POWERS AUTHORITY

December 26, 2019

RECEIVED

DEC 30 2019

CITY OF MORENO VALLE
Planning Division

Albert Armijo
Interim Planning Manager
City of Moreno Valley
Community Development Department – Planning Division
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805

RE: Draft Recirculated Revised Sections of the Final Environmental Impact Report for the World Logistics Center Project - State Clearinghouse No. 2012021045

Dear Mr. Armijo:

March Joint Powers Authority staff has completed their review of the **Draft Recirculated Revised Sections of the Final Environmental Impact Report for the World Logistics Center Project - State Clearinghouse No. 2012021045**. We have no comments at this time.

If you have any questions regarding our comments or need additional information, please feel free to contact me at (951) 656-7000, or by email at, smith@marchjpa.com. Thank you.

2-E1-1

Sincerely,



Jeffrey M. Smith, AICP
Senior Planner
March Joint Powers Authority

RESPONSES TO LETTER 2-E1: March Joint Powers Authority

Response to Comment 2-E1-1: The March Joint Powers Authority reviewed the 2019 Draft Recirculated RSFEIR and have no comments at this time. No further response is required because no specific comments on the contents of the environmental analysis was provided in this comment (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

From: Jauregui, Claudia <cjauregui@mvusd.net>
Sent: Friday, January 31, 2020 12:01 PM
To: Albert Armijo
Cc: Kedziora, Martinrex
Subject: Comments on the World Logistics Center Draft Recirculated Revised Sections of the Final Environmental Impact Report (SCH #2012021045; State Clearing House Number 2012021045, August 2019
Attachments: WLC Letter 1-31-20.pdf

Warning: External Email – Watch for Email Red Flags!

Good afternoon Mr. Armijo, *sent on behalf of the Superintendent, Dr. Martinrex Kedziora;*

Please find the attached letter in regards to the “Comments on the World Logistics Center Draft Recirculated Revised Sections of the Final Environmental Impact Report (SCH #2012021045; State Clearing House Number 2012021045, August 2019”.

We will also mail a hard copy for your records. Thank you and please let Dr. Kedziora know if you have any questions or concerns.

2-E2-1



Claudia Jauregui

Administrative Assistant | Board Of
Education & Superintendent

p: 951-571-7500 ext. 17203
e: cjauregui@mvusd.net

Moreno Valley Unified School District

www.mvusd.net





**MORENO VALLEY
UNIFIED SCHOOL DISTRICT**

SUPERINTENDENT'S OFFICE

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Chief Academic Officer

DR. ROBERT VERDI
*Chief Human
Resources Officer*

SUSANA LOPEZ
Chief Business Official

*The mission of Moreno Valley
Unified School District is to
ensure all students graduate
high school prepared to
successfully enter into higher
education and/or pursue a
viable career path.*

January 29, 2020

Albert Armijo, Interim Planning Manager
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552

Via email: alberta@moval.org

Subject: Comments on the World Logistics Center Draft Recirculated Revised Sections of the Final Environmental Impact Report (SCH #2012021045; State Clearing House Number 2012021045, August 2019

Dear Mr. Armijo:

The Moreno Valley Unified School District appreciates the opportunity to review the World Logistics Center Revised Sections of the Final EIR, dated August 2019.

As we indicated in our previous responses regarding the above subject matter, the District's focus is always the health and well-being of our students and staff.

The District appreciates the serious manner in which the City of Moreno Valley has undertaken this process, including the City's addressing the District's comments on the Draft EIR.

Please keep us informed as to the City's progress on this matter and any notifications relating to this project.

Sincerely,

Dr. Martinrex Kedziora
Superintendent of Schools

2-E2-2

RESPONSES TO LETTER 2-E2: Moreno Valley Unified School District (MVUSD)

Response to Comment 2-E2-1: No specific comments on the contents of the 2019 Draft Recirculated RSFEIR are provided within this comment, and thus no further response is needed (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

Response to Comment 2-E2-2: The Moreno Valley Unified School District (MVUSD) appreciates how the City addressed the MVUSD's comments on the previous Draft EIRs. The MVUSD also requested the City to keep them informed of the Project's progress. No specific comment on the contents of the 2019 Draft Recirculated RSFEIR is provided. No further response is required because no specific comments on the adequacy or contents of the environmental analysis was provided in this comment (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

Ashley Aparicio

From: Julia Descoteaux
Sent: Monday, March 2, 2020 9:29 AM
To: Ashley Aparicio
Cc: Sean P. Kelleher
Subject: FW: City of Riverside Comment Letter - RSFEIR for World Logistics
Attachments: City of Riverside Comment Ltr_World Logistics Recirculated RFEIR_01-31-2020.pdf

Hi Ashley,

I have added this letter to the file, number 20. Can you please add the email?

Thank you,
Julia

Julia Descoteaux
Associate Planner
Community Development
City of Moreno Valley

p: 951.413.3209 | e: juliad@moval.org W: www.moval.org

14177 Frederick St., Moreno Valley, CA 92553

From: Albert Armijo
Sent: Monday, February 3, 2020 7:31 AM
To: Sean P. Kelleher ; Julia Descoteaux
Subject: FW: City of Riverside Comment Letter - RSFEIR for World Logistics

Albert Armijo
Interim Planning Manager
Community Development
City of Moreno Valley

p: 951.413.3214 | e: alberta@moval.org W: www.moval.org

14177 Frederick St., Moreno Valley, CA 92553

From: Eastman, Jay
Sent: Friday, January 31, 2020 6:20 PM
To: Albert Armijo
Subject: City of Riverside Comment Letter - RSFEIR for World Logistics

Warning: External Email – Watch for Email Red Flags!

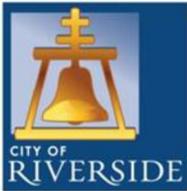
Mr. Armijo,

Please find attached a comment letter from the City of Riverside.

Sincerely,

Jay Eastman, AICP
Principal Planner

City of Riverside
Community & Economic Development Department
Main: 951.826.5371
Direct: 951.826.5264
JEastman@RiversideCA.gov



Community Development
Department
Planning Division

City of Arts & Innovation

January 31, 2020

City of Moreno Valley
Planning Department
Attn: Albert Armijo, Interim Planning Manager
14177 Frederick Street
Moreno Valley, CA 92552

SUBJECT: Draft Recirculated Revised Sections of the Final Environmental Impact Report (FEIR) for the World Logistics Center Project (SCH NO. 2012021045)

Dear Mr. Armijo:

The City of Riverside Community & Economic Development Department, Planning Division, thanks you for the opportunity to comment on the Revised Sections of the World Logistics Center Project's Final Draft Environmental Impact Report (FEIR).

According to the distributed Notice of Availability (NOA) for the Revised Sections of the FEIR, the World Logistics Center is a 2,600 acre project in the eastern portion of the City of Moreno Valley. The project site includes the area generally east of Redlands Boulevard, south of the SR-60 Freeway, west of Gilman Springs Road, and north of the San Jacinto Wildlife Area. The revised sections of the FEIR address *air quality, greenhouse gas and energy analyses*, and include revisions to Section 6, *Cumulative Impacts*. The revised analyses evaluate the potential environmental impacts associated with construction and operation of the World Logistics Center project and its associated infrastructure.

2-E3-1

The City of Riverside Planning Division routed the NOA and Draft Recirculated Sections of the Revised FEIR to other departments for their review and comments. The Planning Division received the following:

Public Works Department – Traffic Division

The net total project trip generation within the 2018 Transportation section was reduced when compared to the 2015 transportation analysis prepared for this project. However, the recently updated Air Quality section reflects an overall increase in PM10 over the 24 hour and annual periods.

2-E3-2

1. Does the increase in PM10 correspond to an increase in project trip generation?
2. If so, will any changes to trip generation be reflected in a subsequent revision of the Transportation section?

January 31, 2020

Page 2 of 2

Should you have any questions regarding this letter, please contact me at (951) 826-5264 or jeastman@riversideca.gov.

2-E3-3

Thank you again for the opportunity to provide comments.

Sincerely,



Jay Eastman, AICP
Principal Planner

cc:

- Rusty Bailey, Mayor
- Riverside City Council Members
- Al Zelinka, City Manager
- Rafael Guzman, Assistant City Manager
- Moises Lopez, Deputy City Manager
- Kris Martinez, Public Works Director
- Nathan Mustafa, Traffic Engineer
- David Welch, Community & Economic Development Director
- Mary Kopaskie-Brown, City Planner

RESPONSES TO LETTER 2-E3: City of Riverside

Response to Comment 2-E3-1: No specific comments on the contents of the 2019 Draft Recirculated RSFEIR are provided within this comment, and specific comments are addressed in responses below (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

Response to Comment 2-E3-2: The commenter is specifically questioning the changes in PM10 emissions generated from truck traffic for the WLC. Project trip generation as estimated in the 2018 RSFEIR utilizes trip generation rates from the most recent edition of the Institute of Traffic Engineer's (ITE) Trip Generation Manual (10th Edition). As reflected in the Traffic Impact Analysis (TIA), use of the most recent edition of the ITE Trip General Manual resulted in fewer average daily trips than previously analyzed in the 2015 Final EIR. In addition, the 2019 Draft Recirculated RSFEIR utilized the latest EPA-approved EMFAC2017 vehicle emissions model to calculate mobile emissions as opposed to the previous version, EMFAC2014, used to calculate emissions for the 2015 FEIR. For heavy duty vehicles, the vehicle emission factors for NOX and particulate matter (PM) increased under EMFAC2017 as compared to EMFAC2014.¹³⁸ In short, the higher emission factor for PM10 in EMFAC2017 resulted in a higher total PM10 even though the number of trips decreased. Due to the update to trip generation rates and vehicle emissions factors, the emissions presented in the 2015 FEIR are to be replaced by emissions presented in the 2019 Draft Recirculated RSFEIR and are not comparable.

Response to Comment 2-E3-3: No specific comments on the contents of the 2019 Draft Recirculated RSFEIR are provided within this comment (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

¹³⁸ California Air Resources Board. EMFAC2017 Volume III – Technical Documentation. July 20, 2018. Available online at: <https://ww3.arb.ca.gov/msei/downloads/emfac2017-volume-iii-technical-documentation.pdf>. Accessed March 20, 2020

RECEIVED
MAR - 5 2020
CITY OF MORENO VALLEY
Planning Division



March 2, 2020

Albert Armijo
Interim Planning Manager
14177 Frederick St.
Moreno Valley, CA 92552

Subject: World Logistics Center – PM 36457 - Notice of Availability of Draft Recirculated Revised Sections of the Final Environment Impact Report (SCH #20122021045)

Dear Albert,

EMWD sent a prior response on June 10, 2015 including comments and revisions regarding the Final Environmental Impact Report. To date, EMWD has not received an updated EIR document that addresses these conditions. After review of the latest draft recirculated revised sections of the final EIR, we found that EMWD's comments from 2015 were not addressed. We are attaching the comments from June 10, 2015 for your reference and consideration.

The subject project is an active project with EMWD's Development Services Department, with a water and sewer Work Order Number 15146 & 15147 and Project Record Number WS2011-0399.

To date, a final DC has not been completed to identify on-site and offsite facilities required to serve this project.

If you have questions or concerns, please do not hesitate to contact me at (951) 928-3777, extension 4468 or by email at El-hagem@emwd.org.

2-E4-1

Board of Directors
David J. Slowson, President | Ronald W. Sullivan, Vice President | Stephen J. Corona | Philip E. Paule | Randy A. Record

2270 Trumble Road • P.O. Box 8300 • Perris, CA 92572-8300
T 951.928.3777 • F 951.928.6177 | www.emwd.org

Mr. Armijo
March 2, 2020
Page 2

Sincerely,



Maroun El-Hage, MPA, MS, PE
Principal Civil Engineer
Development Services Department
Eastern Municipal Water District

MEH:lm

Enclosed: Copy of Notice of Availability, Attachment A (Comments)

c:

RESPONSES TO LETTER 2-E4: Eastern Municipal Water District

Response to Comment 2-E4-1: The Eastern Municipal Water District (EMWD) provided a comment that referred to a letter that EMWD submitted to the City of Moreno Valley on June 10, 2015, one day prior to the Planning Commission's June 11, 2015 hearing on the WLC Project. The EMWD 2015 comment indicated that a Master Plan of Services had not yet been completed for the Project, and offered text changes to the Final EIR for consistency in discussing the water and sewer facilities. Given the timing of the comment, a memorandum responding to the EMWD comment letter was first issued on July 13, 2015 and then reissued on August 5, 2015 prior to the certification of the Final EIR by the Moreno Valley City Council in August 2015. The response stated "There is no 'final design' at this time as there are no specific building locations or sizes proposed. Highland Fairview will obtain a Master Plan of Services prior to commencing final design." The EMWD letter and a response to the EMWD letter were provided to the Moreno Valley City Council during their deliberation on the adequacy of the Final EIR.

EMWD's 2015 comments proposed text changes to the 2015 FEIR regarding water and wastewater facilities both in the project impacts section of the FEIR (Section 4.16) and in the cumulative impacts section of the FEIR (Section 6.16). While the FEIR's analysis of project impacts to water and wastewater facilities in Section 4.16 was upheld by the court as discussed in Topical Response C, cumulative impacts were identified as a deficiency in the court ruling. The 2018 Revised Sections of the Final EIR (2018 RSFEIR) addressed cumulative water and wastewater impacts associated with the implementation of the WLC Project.

The EMWD identified two proposed revisions to the cumulative wastewater infrastructure that are applicable to the analysis provided in Section 6.16, Utilities and Service Systems, of the 2018 RSFEIR. The first sentence of the second paragraph under the Cumulative Impact Analysis under Section 6.16.3.5 of the Final RSFEIR is revised as follows:

The proposed project would not require the expansion of existing wastewater treatment infrastructure; and is only required to construct on-site and off-site conveyance piping to connect to existing infrastructure ~~connections to existing infrastructure would be required by the project.~~

In addition, the first and second sentences of the second paragraph under Cumulative Impact Analysis under Section 6.16.3.6 of the Final RSFEIR is revised as follows:

The proposed project would not cause or contribute to a cumulatively significant impact on wastewater infrastructure because the proposed project would not combine with the demands of other projects in the cumulative scenario to require the expansion of existing wastewater treatment infrastructure, and is only required to construct on-site and off-site conveyance piping to connect to existing infrastructure. ~~The project would require only connections to existing infrastructure.~~

In any case, the developer will comply with all of the mitigation measures with respect to water distribution facilities and will comply with the rules and regulations of the EMWD in the construction of the operation of the WLC Project.

The above revisions to the text of the cumulative analysis provides clarification and does not affect the less than significant impact determination.

3.5.6 (2-F) Letters from Community/Conservation Groups

Comment Letters Received from Community/Conservation Groups include the following:

2-F1: Blum | Collins

2-F2: Sierra Club

2-F3: Earthjustice

2-F4: Friends of Northern San Jacinto Valley

2-F5: Residents for a Livable Moreno Valley

From: Craig Collins <collins@blumcollins.com>
Sent: Friday, January 31, 2020 12:31 PM
To: Albert Armijo
Cc: Hannah Bentley; Peregrine Lang; amartinez@earthjustice.org
Subject: World Logistics Center
Attachments: L 2020-01-31 WLCRDEIRComments v2.pdf; Signed Declaration of Thomas A. Owings WLC Comments.pdf

Warning: External Email – Watch for Email Red Flags!

Dear Mr. Armijo,

Attached is a comment letter on behalf of our client Golden State Environmental Justice Alliance. Also attached is a declaration of Thomas Owings in support.

We have voluminous attachments to our letter, which you can download using this link:

<https://1c588.sharefile.com/d-sab9144ba32b470a9>

Please confirm receipt. If you have any questions, please let us know.

Regards,
Craig

Craig M. Collins
Blum Collins LLP
707 Wilshire Blvd., Suite 4880
Los Angeles, CA 90017
213-572-0405 Voice
213-572-0401 Fax

2-F1-1

BLUM | COLLINS LLP

Aon Center
707 Wilshire Boulevard
Suite 4880
Los Angeles, California
90017

213.572.0405 phone
213.572.0401 fax

January 31, 2020

Albert Armijo, Interim Planning Manager
14177 Frederick Street
Post Office Box 88005
Moreno Valley, California 92552
Email: alberta@moval.org

Via Email (With Attachments) & U.S. Mail (Without Attachments)

Re: *California Environmental Quality Act Comments on World Logistics
Center Draft Recirculated Revised Sections of the Final EIR, State
Clearinghouse Number 2012021045*

Dear Mr. Armijo and the City of Moreno Valley:

Under the California Environmental Quality Act (“CEQA”), this is to provide comments on the Draft Recirculated Revised Sections of the Final EIR (“RDEIR”) for the World Logistics Center project (“the Project”), State Clearinghouse Number 2012021045¹ on behalf of the Golden State Environmental Justice Alliance (formerly the SoCal Environmental Justice Alliance). The Project is to construct 40.6 million square feet of warehouse space, most of it as high-cube logistics space, on 2610 acres of the eastern end of Moreno Valley. Our comments are in two parts, first addressing flaws of the RDEIR, and next addressing the environmental justice impacts of this Project.

2-F1-2

PART ONE – ANALYSIS OF RDEIR

These comments generally track with the order of the RDEIR.

§ 4.3, Air Quality

The RDEIR’s discussion of “Regional Air Quality Improvements” is irrelevant, given the situation of the local area within the South Coast Air Basin whereby the area receives a significant portion of the Basin’s ozone pollution. The section contains these statements:

2-F1-3

¹ After the City’s loss to the Petitioners on five issues in the consolidated cases under *Paulek v. City of Moreno Valley* in 2018, the City originally circulated Revised Sections of the *Final* EIR, as if it had no obligation to recirculate a *Draft* EIR. The City then determined that it had to revise and recirculate portions of that document relating to Air Quality, Greenhouse Gas Emissions, and Energy. Apparently, the City now understands that its obligation was to recirculate a Draft EIR, and we will accordingly refer to the document as an RDEIR.

The number of days exceeding the ozone national 8-hour standard has decreased between 1992 and 2011. During the 1992 time period, nearly all of the South Coast Air Basin had more than 50 exceedance days, with more than 100 days in nearly one-third of the Basin. This is equivalent to more than three months during a year with ozone concentrations above the level of the standard. Much of this area currently meets the national standard, including about two-thirds of Orange County and one-third of Los Angeles County, where the majority of the Basin population lives and works (CARB, 2013).

2-F1-3
cont.

RDEIR at 4.3-2. These statements are highly misleading and out of date; the relevant situation for residents is that of the Riverside-Rubidoux air quality monitoring station, where violations of the national ozone standard have been steadily increasing: as Table 4.3-3 tells us, there were 84 days exceeding that standard in 2017, as opposed to 47 in 2016, 39 in 2015 and 41 in 2014.

As the RDEIR also notes, the South Coast Air Basin is in Extreme Nonattainment for the federal ozone standard, and in Nonattainment for the State standard regarding PM₁₀ and PM_{2.5}. We note that Table 4.3-3 discloses the number of days there were violations for various criteria pollutants, and to do your health studies later in the document you must have had your consultants calculate the additional number of days of nonattainment in the Project vicinity that would be attributable to the Project, but you did not disclose this in the RDEIR.

2-F1-4

At 4.3-10 to -11, the RDEIR discusses RECLAIM as a source of additional PM_{2.5} reductions for the 2012 Air Quality Management Plan (AQMP). RECLAIM will not reduce PM_{2.5} emissions attributable to the Project, and the South Coast Air Quality Management District's ("SCAQMD's") Indirect Source Rule is unlikely to change this.

2-F1-5

At 4.3-11, the RDEIR discusses 2012 AQMP mobile source implementation measures including the Clean Vehicle Rebate Pilot Program for 1,000 vehicles *statewide* per year, and funding assistance of up to 1,000 light-heavy and medium-heavy duty trucks *statewide* per year at up to \$25,000 per vehicle. These limited programs are highly unlikely to significantly improve air quality in the Project area. At buildout, the Project is expected to have 18,202 truck trips per day, of which the applicant assumes (incorrectly) that 379 will be natural-gas fueled. See RSFEIR Appendix F (Revised TIA, July 2018) at 93, Table 23 (summing truck trips at full buildout). And 10,831 of those truck trips will be attributable to heavy-heavy duty trucks which would not be eligible for this very limited assistance. The RDEIR refers also to "Accelerated retirement of older light-, medium-, and heavy-duty vehicles through funding incentives" without specifying how extensive those funding incentives are, and "Further emission reductions from heavy-duty vehicles serving near-dock rail yards," which does not affect this Project.

2-F1-6

None of the emission reduction measures at RDEIR 4.3-12 for off-road mobile sources would relate to this Project.

2-F1-7

The RDEIR also says that the 2012 AQMP relies on the 2012-2035 RTP/SCS from SCAG. This Project is not consistent with that RTP/SCS because the Project required an amendment to the General Plan, and regardless of whether the amendment occurred through the initiative process, the Project is not consistent with the AQMP.

2-F1-8

The RDEIR also refers to the 2016 AQMP, conceding that:

The most effective way to reduce air quality impacts on the health of our nearly 17 million residents, including those in disproportionately impacted and environmental justice communities that are concentrated along our transportation corridors and goods movement facilities, is to reduce emissions from mobile sources, the principal contributor to our air quality challenges.

2-F1-9

Despite this admission, the City and applicant make essentially no effort to mitigate the impacts of vehicular, primarily diesel truck, pollution attributable to this Project.

Indirect Source Rule. The RDEIR indicates that SCAQMD’s work on an “Indirect Source Rule” is consistent with “Control Measures MOB 03 from the 2016 AQMP.” To spell this out, since the RDEIR doesn’t, 2016 AQMP MOB 03, “Emissions Reductions at Warehouse Distribution Centers,” provides that

The SCAQMD is currently working with industry stakeholders on conducting in-use truck trip studies and obtaining emissions information from various warehouse distribution types. This information along with emissions occurring in and around industrial warehouse distribution centers will serve as the basis for seeking opportunities to reduce emissions beyond existing requirements . . . To the extent that these actions are voluntary . . . , the emission reductions may be credited as surplus reductions (as defined by US EPA) into the SIP. If emission reductions are to be included in the SIP, enforceable commitments to ensure that the emissions are permanent [sic] will need to be made and may be in the form of a regulation adopted by the SCAQMD within its legal authority or by other enforceable mechanisms.

2-F1-10

2016 AQMP at 4-28 to 4-29.

The RDEIR sets forth other information regarding the Indirect Source Rule that Petitioner GSEJA did not previously have. Specifically, it indicates that the Indirect Source Rule will be brought before the SCAQMD Board in the second quarter of 2020, and that voluntary measures “could include”

- A CEQA air quality mitigation fund projects could opt into to provide financial incentives to fleet owners to buy cleaner trucks,
 - This should be mandatory, not voluntary, and the SCAQMD should take the funds it received in its settlement over this Project for such funding so that mitigation benefits those exposed to emissions from the Project.
- Updated guidance for siting and operations,
 - Like CARB, the SCAQMD does not have land use authority and this guidance would not be followed.

- Development of necessary fueling/charging infrastructure by working with utilities and regulatory agencies,
 - Charging infrastructure should naturally be located *at the distribution centers themselves*, as this is where the trucks will be located, and this should be the responsibility of project proponents, such as the applicant for the WLC here. Further, this requirement should be mandatory, not voluntary.
- Development of green delivery options whereby consumers pay a voluntary surcharge when purchasing goods online.
 - Consumers are highly unlikely to pay a voluntary surcharge in any appreciable numbers; if funding is to come from consumers, it would have to be a *mandatory* measure.

The RDEIR then recognizes that mandatory regulations are being proposed, “since the recommended voluntary measures would only result in limited emissions reductions;” this approach “could provide several compliance options . . . including”:

- Requirements for a voluntary fleet certification program for both construction and operational fleets,
 - This measure would have to be *mandatory* if it was the compliance path chosen.
- Facility emissions caps requiring warehouses to directly control emissions,
 - The Air District would have to monitor emissions directly or monitor each facility.
- Mitigation fees for exceeding cap levels,
 - This would defeat any environmental justice benefit as the emissions damage would be local and the distribution of fees likely will *not* be.
- Crediting options for installation of charging/fueling infrastructure for cleaner trucks and TRUs and conversion of cargo handling equipment to zero emission technologies.
 - This installation and conversion should be *mandatory*.
- Requiring facilities to utilize zero emission trucks and provide infrastructure, or
 - We agree this should be mandatory.
- A points-based system.

Relevant to this Project, there should be requirements for 100% zero-emission cargo handling equipment and at a minimum raceways for truck and TRU charging at each loading dock.

The RDEIR states that

This proposed rule would further reduce air quality emissions, beyond those calculated in this analysis, as future operations of the WLC would be subject to this rule once it is proposed and approved.

Several things are wrong with this. First, you take the opposite position later, that the Indirect Source Rule would only apply to later construction (if at all). *See* Mitigation Measure (“MM”) 4.3.6.3E. Second, this is an RDEIR under CEQA, and CEQA requires

2-F1-10
cont.

2-F1-11

analysis and mitigation of significant impacts *before* a project is approved, and the City acknowledges impacts are significant and it must adopt all feasible mitigation measures without waiting for this Rule. Second, frankly, if SCAQMD has pursued this Rule only by interacting with “industry stakeholders” rather than the affected communities, it is a captive agency and its Rule is not going to adequately mitigate for impacts as CEQA requires.

2-F1-11
cont.

At 4.3-13 to -14, the RDEIR discusses “Diesel Regulations” such as the “Clean Truck Program” for the Ports of Los Angeles and Long Beach, the CARB Drayage Truck Regulation, and the CARB statewide Truck and Bus Regulation, but the RDEIR does not address what specifically these programs do, and it is not clear to what degree regulations from the Ports of Los Angeles and Long Beach will limit emissions at the WLC, as many trucks going to the WLC will not be going to or coming from the Ports.

2-F1-12

At 4.3-14 the RDEIR says it is providing Toxic Air Contaminant (“TAC”) measurements at the Riverside Rubidoux station, but not for Diesel Particulate Matter (“DPM”), even though this TAC poses the greatest risk. If the RDEIR wanted to do its job, it would provide background cancer risks from SCAQMD’s MATES IV, and providing OEHHA’s environmental justice data from CalEnviroscreen.² As the Attorney General’s Office recently noted in opposing this Project before the Fourth District Court of Appeal, residents of WLC’s census tract experience ozone at a rate higher than 98% of the rest of the State, and they experience cardiovascular disease at a rate higher than 95% of the State. While the MATES IV data would be out of date, because it does not reflect the effects of multiple cumulative projects such as the approximately 59 other warehouse projects in the region documented in the RDEIR’s cumulative impacts section, it would at least provide a start for evaluating the true magnitude of the impacts of this Project. A review of the MATES IV Estimated Risk Interactive Map available from SCAQMD’s website reveals that the background cancer risk in roughly May of 2015, based on studies that were done earlier, was 501-800 additional cancers per 1 million people. The trial court’s ruling on the petitions for writ of mandate, which provided that “The FEIR should include consideration of recently constructed and proposed large warehouse projects in the summary-of-projections method, and should analyze whether individually insignificant impacts may be cumulatively significant,” intended that further analysis be done.

2-F1-13

At 4.3-17, you include Table 4.3-4, which contains perhaps the first of your repeated assertions that “the Health Effects Institute Study clearly demonstrates that the application of new emissions control technology to diesel engines has virtually eliminated the health impacts of diesel exhaust.” We disagree strongly with your assertions. The HEI or ACES study had several design flaws which biased it in favor of finding no health impacts. Specifically, the study was done only on rats, not humans (unlike the over 30 studies that were conducted after humans were exposed to diesel

2-F1-14

² The RDEIR does include a reference to MATES IV at 4.3-18, but it does not include any of the above information, instead asserting only that “cancer risks are declining,” without quantifying background risk.

exhaust), the study did not use young rats which would have been more susceptible to poor health outcomes, the study used a particularly hardy strain of rats rather than the more susceptible strain usually used, the study failed to directly measure how much DPM the rats were exposed to, and used mass as an indicator rather than volume, and the study did not use nearly enough rats to reach proper conclusions regarding health impacts to the rats it did analyze. *See* Shrader-Frechette, Kristin, Ph.D., “State-Variable and Representativeness Errors Conceal ‘Clean Diesel’ Harm: Methodologically Fallacious ACES Research,” in *Journal of Environment and Health Sciences* (Sept. 7, 2015), included as Attachment B. This is a peer-reviewed analysis. As Dr. Shrader-Frechette notes,

2-F1-14

ACES errs because most diesel-exhaust deaths are from DPM, and confirmed scientific consensus is that there is *no safe dose* of any type of PM . . . Consequently, even 10 percent of a large-volume, no-safe-dose pollutant, obviously can be deadly.

Attachment B at 3 (citations omitted). In fact, as she says, NTDE-2007 engines, that have low DPM (mass) emissions – appear to emit both much smaller particles and higher particle-number concentrations than pre-2007 diesel engines. As a result, NTDE-2007 includes a higher percentage of more dangerous particles than typical diesel exhaust.

Attachment B at 3 (citations omitted).

At 4.3-19 you address the supposedly over-“Conservative Nature of Health Risk Assessments,” contending that they improperly model people’s exposure outside when in fact residents are inside 18-20 hours a day. DPM can and does go inside and Health Risk Assessments are conservative because they are meant to model risk.

2-F1-15

Around 4.3-21 you assert that the Traffic Impact Assessment calculates vehicle miles traveled (“VMT”) with and without a “net effect,” which is the assumption that constructing the WLC will lead to reduced commute times. More than that, the revised TIA projects *reduced* interim VMT because of this Project. *See* Revised 2018 TIA at 400 (Table 102).³ This is not credible. We are submitting herewith the declaration of Thomas Owings, a former Moreno Valley mayor, to the effect that VMT is highly likely to increase with this Project both in the near and long term. Air quality impacts should be modeled based on this assumption and not the “net effect” assumption you made.

2-F1-16

Under heading 4.3.3.3, “Localized Construction/Operation” you indicate that you assumed each truck would idle only once per day. It is more reasonable to assume that a

2-F1-17

³ The Revised TIA shows a net reduction in VMT from passenger cars *relative to the No Project Scenario* in 2025, with Freeway VMT going down by 56,734 and Total VMT going down by 39,160. This is not possible because Moreno Valley already has many logistics centers and their managers report that they must employ out-of-city residents with more skills, who make long commutes to get to Moreno Valley. The TIA thus understates the amount of VMT and this undercuts the Air Quality Analysis. This comment goes to the present air quality analysis, and GSEJA was not required to submit comments on the TIA itself, or at any other time, for GSEJA’s comments to be considered.

truck will idle both when it stops and when it starts again, so this appears to be an underestimation of emissions again.

2-F1-17
cont.

At 4.3-29 the RDEIR assumes mitigation conditions whereby all construction equipment is Tier 4. What kind of Tier 4, Tier 4 Interim or Tier 4 Final? Regarding either, you should demonstrate that the Project will have access to sufficient equipment in the near term if you are assuming that the equipment will be used.

2-F1-18

In section 4.3.3.5 you provide additional information intended to comply with *Sierra Club v. County of Fresno*. You indicate there that EPA’s air quality modeling guidelines recommend using a PGM, which you do not define in the text.

2-F1-19

In section 4.3.6.1, “AQMP Consistency,” the RDEIR states that operational emissions would be reduced in part through a requirement for 2010 trucks or later. There must be enforcement mechanisms for this to be a credible limitation and we do not see them. MM 4.3.6.3C is the provision of an “alternative fueling station” “for the motoring public,” not for trucks, but you have apparently assumed in your air quality analysis there will be alternative-fueled trucks; this is unjustified. MM 4.3.6.3E is weakly worded and allows refrigerated space on the site if a demonstration is made that there are no environmental impacts. Based on your entirely improper reliance on the HEI Study we can see you trying to make that proof. Refrigerated uses have not been modeled in your mitigated scenario for either the air quality analysis or the health risk assessment, and they must be prohibited.

2-F1-20

At 4.3.6.2, “Regional Construction Emissions,” mitigated emissions will exceed SCAQMD thresholds for everything except PM_{2.5} and SO₂. At 4.3.6.3, the Project exceeds all sorts of LSTs even with the mitigations the RDEIR lists. At 4.3.6.4, “Long Term Operational Emissions,” with buildout in 2020 the Project exceeds all criterial pollutant emission thresholds except for SO_x. The City acknowledges that the applicant settled with SCAQMD for an “Air Quality Improvement Fee,” which we have no guarantee will go to mitigating air quality conditions at or near the Project site. This is not something the Project can claim as mitigation.

2-F1-21

At page 4.3-65, under “Cancer Risks,” the HRA assumes the heavy-duty truck fleet will be 89 percent diesel, 9 percent gasoline, 3 percent natural gas, and 0 percent electric. The Project should not be anticipating any electric truck usage at the Project site without charging capabilities at the loading docks, which the Mitigation Measures and Project Design Features do not provide for. The sentence “According to the WLC Transportation Energy Technical Report (ESA 2019), a High EV Penetration scenario projects that the heavy duty truck fleet could consist of 30 percent electric by 2035,” is highly misleading and should be struck (although it’s already misled your local readership). It is misleading because in the RDEIR’s Energy Section, it concludes that the High EV Penetration scenario is speculative. Even the projections you *did* make are speculative, because you are overestimating the number of gasoline-powered trucks likely to visit the site:

2-F1-22

- The 2018 TIA calculates 18,202 truck trips per day at full buildout. 3064 of these would be light-heavy-duty (“LHD”) trucks, or 16.8%. To support your

assumption of 9% gasoline-powered, more than half of these would have to be gasoline-powered. But according to the California Energy Commission (“CEC”), LHD trucks are in weight classes 3, 4, and 5, and vehicle sales in this class are about 70 percent diesel and 30 percent gasoline. *See* CEC Final Consultant Report, Forecast of Medium- and Heavy-Duty Vehicle Attributes to 2030 (CEC April 2018), at 5 (included as Attachment A).

- Multiplying 30% (for gasoline trucks) by the percentage of LHD trucks yields about 5%, not 9%, for gasoline-powered trucks.

2-F1-22
cont.

At 4.3-68, Table 4.3-27, “Estimated Cancer Risk for Residential Receptors without Mitigation at Full Project Operation in 2035,” shows a risk of 34 in a million inside the Project boundaries, and 29.9 outside, except for 34 in a million along the SR 60. Inexplicably, the Table claims there is no exceedance of the SCAQMD 10-in-a-million threshold along SR 60. At 4.3-69, Regional Freeway Network Risk, the text at least acknowledges there is an exceedance.

2-F1-23

At 4.3-72 the RDEIR identifies the following MM’s to limit impacts:

MM Number	Description	Comments
4.1.6.1A	Minimum 250-foot setback along W. edge of Project site.	This probably was required anyway and will not significantly improve health outcomes.
4.3.6.2A	Tier 4 construction equipment, maximum 3 minutes idling, electric hookups	Is this Tier 4 Final or Interim? You shouldn’t model Final and then use Interim. The RDEIR should demonstrate that enough Tier 4 equipment is available.
4.3.6.2B	Construction staging plan with no routing past sensitive receptors.	The RDEIR should demonstrate how this is possible.
4.3.6.2D	No grading on days with an air quality index of 150 or greater for ozone or particulates.	According to the U.S. EPA, an air quality index of 151 or greater reflects unhealthful air quality for all groups. Grading should be prohibited whenever the index exceeds 100.
4.3.6.3A	A demonstration before a certificate of occupancy is issued that vehicles can access this facility via paved roads.	Access on unpaved roads should be <i>prohibited</i> .
4.3.6.3B	No idling of over 3 minutes for trucks during operations; non-diesel	There must be clear enforcement mechanisms

2-F1-24

2-F1-25

2-F1-26

2-F1-27

2-F1-28

2-F1-29

	equipment only for yard operations; all trucks accessing the facility must be model year 2010 or later.	for these measures, with enforcement authority going to SCAQMD and not merely City staff. Tenants violating these rules should be subject to stiff fines, and the money generated should go to air quality improvements on site.	2-F1-29 cont.
4.3.6.3C	“Prior to the issuance of building permits for more than 25 million square feet of logistics warehousing within the Specific Plan area, a publicly-accessible fueling station shall be operational within the Specific Plan area offering alternative fuels (natural gas, electricity, etc.) <i>for purchase by the motoring public . . .</i> ”	This MM allows for a fueling station for the public and does not anticipate use by trucks. The RDEIR therefore should not assume that trucks will use the alternative fueling station.	2-F1-30
4.3.6.3D	A convenience store shall be operational before the issuance of building permits for more than 25 million square feet of logistics warehousing.		2-F1-31
4.3.6.3E	Refrigerated warehouse space is prohibited “unless it can be demonstrated that the environmental impacts resulting from the inclusion of refrigerated space . . . do not exceed any environmental impact for the entire World Logistics Center identified in the Revised Sections of the FEIR.	Refrigerated space inherently has greater impacts and should be prohibited.	2-F1-32
4.3.6.5A	The house at 30220 Dracaea Ave. shall be demolished, and air filtration systems meeting ASHRSE Standard 52.2 MERV-13 “shall be <i>offered</i> to the owners of the houses located at 13100 World Logistics Center Parkway . . . and 12400 World Logistics Center Parkway.”	It is not proper to model the use of the filters since we do not know if they will be accepted, and since assuming residents will be indoors with windows closed violates SCAQMD and OEHHA rules regarding HRAs.	2-F1-33

The RDEIR further claims that the alternative fueling station (MM 4.3.6.3C) “may” reduce emissions and “encourage alternative fueled . . . trucks on the project site.” But a

2-F1-34

feasible and entirely proper MM would be to require the inclusion of raceways with wiring for truck charging extending to each loading dock so electric trucks can charge. It is frankly absurd to posit a High EV Penetration Scenario absent charging capabilities for trucks.

2-F1-34
cont.

We find your assertions in the Construction and Operation HRA and the Operational HRA, both with mitigation, not to be credible. We have located an expert on HRAs to comment on this aspect of the RDEIR but she is not available to us before your deadline. We reserve the right to submit her comments once the City has issued the RFEIR.

2-F1-35

We're confused by your presentation of Tables 4.3-28, Construction and Operation HRA with Mitigation, 4.3-29, Sensitive Receptors Starting at Full Operation in 2035 with Mitigation, and 4.3-30, Sensitive Receptors Starting at Full Operation in 2035 with Mitigation and Installation of MERV-13 Filters. For one thing, 12400 World Logistics Center Parkway is not evaluated in the first two Tables, but *is* evaluated in the last, with the application of the MERV-13 filter only, with a stated risk *with* the filter of 7.1 in a million.⁴ You have “cooked the books” because a proper health risk assessment would model the impacts to the receptors at that location *outside* of the house and unaffected by the filter (which you do not know they will accept).

2-F1-36

At 4.3-76, Figure 4.3-6 shows an incremental project cancer risk with mitigation disclosing that several receptors (two or three) along the SR 60 outside of the Project site will be exposed to a risk of 10 in a million or greater. This risk is nowhere discussed in the text or in a table.

2-F1-37

At 4.3-77 you reiterate the assertion that “The HEI Study clearly demonstrates that the application of new emissions control technology to diesel engines have [sic] virtually eliminated the health impacts of diesel exhaust.” This conclusion is unwarranted and the RDEIR is misleading for reiterating it. Among other things, the HEI Study did not test enough rats, did not test the right rats, did not test the amount of DPM the rats were exposed to, and excluded young rats that would be more susceptible to impacts.

2-F1-38

At 4.3-78, the RDEIR states that the cancer risk reduction from ASHRAE filters is 50%. This ignores that the filters do not trap the particles of the smallest sizes, which carry the greatest health risks. *See* Attachment B. Also on this page, the RDEIR says the maximum cancer risk would be approximately 3.0 in a million at Bear Valley Elementary School for either the construction and operation scenario or the full operation scenario. This statement gives us pause because in the unmitigated analyses there was mention of Ridgecrest Elementary School where the risk was greater than 10 in a million. Why is Ridgecrest not mentioned here? Also, the risk at Bear Valley Elementary is not appreciably reduced – only from about 3.54 to 3.0 in a million, so the risk at Ridgecrest may well exceed ten in a million.

2-F1-39

⁴ The corresponding table in the Air Quality Report, Table 55b, footnotes “DieselNet.com, 2002.” We’re not sure what the reference is for, or if it is accurate.

Table 4.3-31 summarizes the drastic impacts of this Project, which has significant and unavoidable impacts after mitigation regarding:

- AQMP consistency
- Regional construction emissions: VOC, NO_x, CO, and PM₁₀
- LSTS for construction and operation: PM₁₀
- Regional long-term operational emissions: VOC, NO_x, CO, PM₁₀, PM_{2.5}, with regional health effects from PM₁₀, PM_{2.5}, and ozone.
- Exposures of sensitive receptors to localized emissions of PM₁₀ both onsite and offsite.

2-F1-40

To mitigate all these significant impacts, the City must adopt all feasible mitigation measures, which would include providing electrical hookups for truck charging at all loading docks, and a significant increase in the number of solar panels planned, which we will discuss further under the Energy section.

2-F1-41

Section 4.3.6.6, “Summary of Health Risks,” claims that the Project will have “minimal” health effects relative to background numbers which you provide for the *entire Southern California region*. We’re not sure why you think that an increase in mortality of 14.17 incidents per year, attributable to PM_{2.5} only, is “minimal”; even assuming your calculations are correct (which we doubt), an additional 14+ deaths per year is too many. Further, between PM_{2.5} and ozone, there would be approximately 13 additional asthma-related ER visits. We’re not sure why you used EPA’s BENMAP tool as opposed to OEHHA’s CalEnviroScreen 3, which would have disclosed that the census tract has a current burden in terms of cardiovascular disease exceeding 95% of the rest of the State, *without the Project*.

2-F1-42

The RDEIR does nothing to address the significant likelihood that increased incidences of dementia will be attributable to the “NTDE,” which is 50-90 percent metals.

2-F1-43

At 4.3-82 you cite to several studies that conclude there is no impact from particulate matter on health. These studies are in the obvious minority and the RDEIR’s citation to them is an obvious attempt to mislead the public.

2-F1-44

§ 4.7, Greenhouse Gases

At 4.7-6 the RDEIR refers to federal regulations between U.S. EPA and U.S. DOT, including a Phase 2 set of standards to cut carbon pollution by 2027. These standards are probably not in effect.

2-F1-45

At 4.7-7 to -8 you refer to the Pavley regulations. The Trump Administration has revoked California’s waiver and we cannot count on the greenhouse gas (GHG) reductions you posit here. This is just another reason your splitting emissions into “capped” and “uncapped,” and only counting the “uncapped,” is unwarranted. By any reasonable measure and under Guideline 15064.4 (either version), the Project will have a significant impact.

2-F1-46

The Sustainable Freight Action Plan, E.O. B-32-15, includes a ZEV target of 100,000 trucks on the road by 2030. What is the *Project* doing to contribute? Without infrastructure or the capacity for infrastructure, those trucks will not come.

2-F1-47

At 4.7-11 you describe the California Cap-and-Trade Program, saying “Fuel suppliers are required to reduce GHG emissions by supplying low carbon fuels or purchasing pollution permits, called ‘allowances,’ to cover the GHGs produced when the conventional petroleum-based fuel they supply is combusted.” While the Cap-and-Trade Program is meant to reduce emissions from vehicles *in part* (we believe it is *also* intended to address direct emissions from extraction and refining), it is more than clear that the Program is but one step down a road of many required to reduce emissions. As the Attorney General wrote in opposing your “interpretation” of CEQA compliance with AB and SB 32,

Cap-and-Trade is not a program designed to reduce emissions from local government actions, or land use; instead, it was designed on the assumption that local actors would simultaneously work to reduce emissions within their spheres. Cap-and-Trade alone was designed to account for less than 40% of the total emissions reductions needed to achieve California’s 2030 climate goals, and on the explicit assumption that local design choices would continue to reduce overall emissions (and hence economy-wide costs in the Cap-and-Trade Program).

2-F1-48

Attorney General Amicus Brief (“AG’s Amicus Brief”) (filed Jan. 10, 2020) at 20. It’s clear that the Legislature did *not* intend Cap-and-Trade to be the sole regulation of California’s combustion of transportation fuels, or it would not have adopted SB 375, which was intended to reduce VMT within California’s MPOs by changing residential land use patterns. And CARB explicitly addressed the Sustainable Freight Action Plan as a separate strategy from the Cap-and-Trade Program. *See* CARB’s 2017 Scoping Plan Update at 1 (Attachment C).

At 4.7-13, discussing the 2014 Scoping Plan Update, the RDEIR notes that:

Emissions of criteria air pollutants, including ozone precursors (primarily oxides of nitrogen, or NO_x) and particulate matter, must be reduced by an estimated 90 percent by 2032 to comply with federal air quality standards.

Obviously, this Project is a huge step in the wrong direction. Combined with other warehouse projects in the area, it will undercut reaching this goal, as the trial court recognized in requiring an improved cumulative impacts analysis which would include those projects (an analysis you did not provide, as we discuss under the relevant section).

2-F1-49

The RDEIR falsely asserts regarding the 2017 Scoping Plan Update that “The cornerstone . . . is an expansion of the Cap-and-Trade Program to meet the aggressive 2030 GHG emissions goal and ensure achievement of the 2050 limit set forth by E.O. B-30-15.” The 2017 Scoping Plan Update clarifies that Cap-and-Trade is not the “cornerstone,” and the Legislature has only authorized it through 2030. *See* AB 398 (2017), Section 4, amending Health & Safety Code § 38562 (Attachment D). Continuing this discussion, the RDEIR tries to imply that the Cap-and-Trade Program’s limits are

enough to singlehandedly reduce GHG impacts from trucks and cars, but this is directly contrary to the language in the 2017 Update which the RDEIR quotes at 4.7-14:

Beyond plan-level goals and actions, local governments can also support climate action when considering discretionary approvals and entitlements of individual projects through CEQA. Absent conformity with an adequate geographically-specific GHG reduction plan as described in the preceding section above, CARB recommends that projects incorporate design features and GHG reduction measures, to the degree feasible, to minimize GHG emissions. Achieving no net additional increase in GHG emissions, resulting in no contribution to GHG impacts, is an appropriate overall objective for new development (CARB, 2017e).

RDEIR at 4.7-14 (emphasis in original, underlining supplied).

2-F1-49
cont.

Moreno Valley:

- does *not* have an “adequate geographically-specific GHG reduction plan as described in the preceding section” of the 2017 Scoping Plan Update, and
- the RDEIR does *not* demonstrate that this Project will achieve “no net additional increase in GHG emissions . . . [from] new development.”

This is apparent from the 2017 Scoping Plan Update’s “preceding section,” which the RDEIR fails to quote, so we will do that here. Under “Climate Action through Local Planning and Permitting,” and “Recommended Local Plan-Level Greenhouse Gas Emission Reduction Goals,” the 2017 Scoping Plan states:

Local government efforts to reduce emissions within their jurisdiction are critical to achieving the State’s long-term GHG goals, and can also provide important co-benefits, such as improved air quality . . .

[¶] CARB recommends statewide targets of no more than six metric tons CO_{2e} per capita by 2030 and no more than two metric tons CO_{2e} per capita by 2050. The statewide per capita targets account for all emissions sectors in the state, statewide population forecasts, and the statewide reductions necessary [under SB 32 for 2030 and E.O. S-3-05 for 2050].

[¶] Numerous local governments in California have already adopted GHG emissions reductions goals for year 2020 consistent with AB 32. *CARB advises that local governments also develop community-wide GHG emissions reduction goals necessary to reach the 2030 and 2050 climate goals* [and that they be based on mass emissions, per capita emissions, and service population emissions]. . . .

[¶] *Contributions from policies and programs, such as renewable energy and energy efficiency, are helping to achieve the near-term 2020 targets, but longer-term targets cannot be achieved without land use decisions that allow more efficient use and management of land and infrastructure. Local governments have primary authority* [in this realm]. Land use decisions affect GHG emissions associated with transportation, water use, wastewater treatment, waste generation and treatment, energy consumption, and conversion of natural and working lands. Land use decisions play a particularly critical role in reducing

2-F1-50

GHG emissions associated with the transportation sector, both at the project level, and in long-term plans . . .

While the State can do more to accelerate and incentivize these local decisions, local actions that reduce VMT are also necessary to meet transportation sector-specific goals and achieve the 2030 target under SB 32. Through developing the Scoping Plan, CARB staff is more convinced than ever that, in addition to achieving GHG reductions from cleaner fuels and vehicles, California must also reduce VMT.

2017 Scoping Plan Update (Attachment C) at 99-101 (emphasis supplied). This Project does not reduce VMT from trucks, or cars (*see* Owings Declaration), in mid-range or long-range timeframes. Further, the 2017 Update states there is a gap between the VMT reductions to be delivered by SB 375 (which, by the way, have not materialized), and what is needed to meet the 2030 and 2050 goals, *and* that besides planning that reduces VMT, local governments must “increas[e] low carbon mobility choices.” 2017 Scoping Plan Update (Attachment C) at 101. Here, “increasing low carbon mobility choices” means providing for electric truck infrastructure at loading docks (as well as including enough solar power and batteries to supply those trucks with power).

2-F1-50
cont.

At 4.7-14, under “4.7.2.3 Regional Regulations,” the City asserts that:

The RTP/SCS exceeds its greenhouse gas emission-reduction targets set by the CARB by achieving an 8 percent reduction by 2020, an 18 percent reduction by 2035, and a 21 percent reduction by 2040 ***compared to the 2005 level*** on a per capita basis.

(emphasis supplied). As we just noted, CARB has stated that SB 375 reductions in VMT are not enough, and:

- an 18 percent reduction by 2035 from 2005 levels is obviously not the same as a 40 percent reduction by 2030 from 1990 levels, and
- a 21 percent reduction by 2040 from 2005 levels is not nearly enough to achieve an 80 percent reduction by 2050 from the transportation sector as mandated by E.O.’s S-3-05 and B-16-2012.⁵ (E.O. B-16-2012 is included as Attachment E.)

2-F1-51

The RDEIR notes that the 2016-2040 RTP/SCS has an Appendix on Goods Movement, but it fails to include the facts that the Appendix provides for “Full Deployment of All Commercially Viable Truck and Rail Technologies” between 2020 and 2040, and “Deployment of Existing Near-Zero Emissions Truck Technologies” and “Continue[d] Evaluation of Zero-Emission Truck Technologies in Operational Service” with an end-date of 2025. *See* 2016-2040 RTP/SCS Goods Movement Appendix (Attachment F) at

⁵ It is also too late to argue that the 2050 goals included in these Executive Orders are not mandated by science and applicable to this Project. *See Cleveland Nat’l Forest Found. v. San Diego Ass’n of Gov’ts (“SANDAG”)* (2017) 3 Cal. 5th 497, 515 (finding that Executive Order S-3-05’s “2050 goal of reducing California’s greenhouse gas emissions to 80 percent below 1990 levels expresses the pace and magnitude of reduction efforts that the scientific community believes necessary to stabilize the climate,” and that it therefore had to be discussed in the SANDAG EIR: “This scientific information has important value to policymakers and citizens in considering the emission impacts of a project like SANDAG’s”).

49. As this Project will not complete Phase 1 until 2025, it should *support* zero-emission trucks by providing electric charging infrastructure at loading docks.

2-F1-51
cont.

At 4.7-15 the RDEIR commences its discussion of the City of Moreno Valley “Climate Action Strategy,” stating that it outlines how the City can reduce its *organizational* consumption of energy and water and outlining “actions that the City *can encourage* and community members *can employ*.” The City of Moreno Valley’s Climate Action Strategy, which has an end-date of 2020, does not even comply with CARB’s requirements for a 2020 climate action plan, because it never identified hard targets for reduction per capita or per service population. And it is blatantly inadequate to limit emissions beyond 2020, which is the timeframe for the Project to commence even very limited operations. Finally, while the RDEIR purports to demonstrate the Project’s compliance with the Climate Action Strategy at 4.7-45 through -46, it fails to demonstrate compliance:

- Strategy R3-E1 is described as “Energy Efficient Development, and Renewable Energy Deployment Facilitation and Streamlining: Updating of codes and zoning requirements and guidelines to further implement green building practices. This could include incentives for energy efficient projects.” While the RDEIR claims this Strategy is “Not Applicable,” the Strategy directly calls into question the apparent policy of the Moreno Valley Utility (“MVU”) to limit PV installations to “one-half the minimum electricity demand a building experiences during daytime hours.” The City, which owns the MVU, should clearly waive this limitation, which massively undercuts the Project’s ability to achieve net-zero energy (“NZE”) and provide electric power for trucks (indeed, in the Energy section, the RDEIR *refuses to consider* the High EV Penetration Scenario based on the increased need for load for the buildings, and states that the MVU won’t consider it either).
- Strategy R3-L2 is described as “Heat Island Plan. Develop measures that address ‘heat islands.’ Potential measures include using strategically placed shade trees, using paving materials with a Solar Reflective Index of at least 29, an open grid pavement system, or covered parking.” The RDEIR asserts the Project is “Consistent” because the Specific Plan calls for landscaping providing “50 percent coverage at maturity.” The Specific Plan will not be fully operational until 2035, when the earth’s climate is likely to be in significantly worse shape than it is now, and the “shade canopy” is unlikely to grow in until about 2050 (at the earliest). Therefore the Project should be “using paving materials with a Solar Reflective Index of at least 29, an open grid pavement system, or covered parking,” none of which are considered.

2-F1-52

The City’s description of the Climate Action Strategy in the RDEIR is also not at all comprehensive. Besides the policies discussed in the RDEIR, the Climate Action Strategy includes these goals:

- “C41. Set goals consistent with State’s Long Term Strategic Plan: . . . All new commercial construction in California will be zero net energy by 2030.” The Project does not comply, only requiring the buildings to be approximately NZE

for *office uses*, not, for example, lighting for the buildings as a whole, or powering electric trucks.

- “C 42. Encourage installation of solar and wind power systems and solar hot water heaters,” and “C 46. Adopt and implement a policy to increase the use of renewable energy,” are not complied with here because the MVU’s policy of limiting PV installation to “one-half the minimum electricity demand a building experiences during daytime hours” is not supportive of the stated renewable energy goals (and is likely illegal, given the State’s NZE goals for commercial buildings by 2030, if not otherwise).

2-F1-52

See 2012 Moreno Valley Climate Action Strategy at 28.⁶

At 4.7-18 the City acknowledges that the Project would have GHG impacts if it “Generate[s] [GHG] emissions, either directly or indirectly, that may have a significant impact on the environment (i.e., exceeds the SCAQMD’s 10,000 mt CO₂e emissions screening threshold of significance).” We’re willing to accept SCAQMD’s screening threshold of 10,000 MTCO₂e for its own projects as an appropriate measure, but the method the City engages in to calculate emissions from the Project, which excludes the use of transportation fuels and energy sources and most construction emissions from analysis because they are supposedly “capped” by the Cap-and-Trade Program, is entirely inappropriate, as discussed extensively above. In the mitigated scenario, the supposedly “capped” emissions represent about 96% of Project emissions and they count toward the Project’s GHG impacts. As the AG’s Office writes,

The CEQA Guidelines allow projects to consider regulations “[with] which the project complies” for purposes of considering significance of GHG emissions. (See CEQA Guidelines, § 15064.4, subd. (b)(3).) However, that consideration does not apply here and Respondents’ approach, which in effect relies on other entities to undertake Respondents’ CEQA mitigation, not only violates both CEQA’s legal requirements and public disclosure and mitigation purposes, but also undermines the state climate objectives Cap-and-Trade is intended to further.

2-F1-53

AG’s Amicus Brief at 15.

The RDEIR writes at 4.7-18 that:

Some policymakers and regulators suggest that a zero emissions threshold would be appropriate when evaluating GHGs and their potential effect on climate change. Such a rule appears inconsistent with the State’s approach to mitigation of climate change impacts. AB 32 and SB 32 do not prohibit all new GHG emissions; rather, they require a reduction in statewide emissions to a given level.

⁶ The Moreno Valley Climate Action Strategy should be a part of the administrative record for this RDEIR because the City relies on it and cites to it in the RDEIR. Therefore we have not included it as an Attachment. The direct url for the Climate Action Strategy, which is clearly in the City’s files as well as those of its consultants, is currently at <http://www.moval.org/pdf/efficiency-climate112012nr.pdf>.

The RDEIR’s rejection of CARB’s approach in the 2017 Scoping Plan Update (which it declines to quote, contravening CEQA’s requirements for a good faith effort at full disclosure) is fundamentally flawed. As is evident from the extensive quotation from the 2017 Scoping Plan Update above, what CARB (the preeminent agency on compliance with California’s climate action goals) said was *first*, that local agencies needed to develop individual and enforceable climate action plans (“CAPs”) containing measured maximum per capita limits of 6.0 MTCO_{2e} for 2030 and 2.0 MTCO_{2e} for 2050, such that individual projects demonstrating compliance with those CAPs would be permissible, and *second*, regarding those projects not covered by a CAP, they should be net zero. In this regard, CARB clearly was indicating that CAPs represent the caps on emissions from local land use, *not* that the Cap-and-Trade Program provided such limits. The RDEIR’s analysis is incomplete and incorrect.

2-F1-53

At 4.7-19 the RDEIR relies on two unspecified negative declarations by SCAQMD where it concluded that capped emissions do not count toward the 10,000 MTCO_{2e} threshold. These probably were refinery projects directly subject to the Cap-and-Trade caps. And the policy of an agency without jurisdiction, the San Joaquin Valley APCD, is entirely irrelevant and inadequate precedent, given CARB’s clear authority and its contrary pronouncements on the subject.

The RDEIR relies on MM 4.7.6.1D to install solar panels generating 24,083 MWh per year, which it concedes is only 5 percent of the Project’s electricity demand at buildout. This is far less than the generating capacity of the Project, which we estimate to be about 1.46 million MWh per year, in fact it is only about 1.7% of what the Project site could achieve using rooftops alone. Based on the Project’s estimated power usage, if 27,083 MWh per year is 5%, then the Project could power its full usage with 115 square feet of solar panels. To the extent this development would require a waiver from the MVU, the Project must get one.

2-F1-54

At 4.7-37 to -40, the RDEIR makes the wholly unjustified assumption that 21% of passenger vehicles and 22.5 % of light trucks would be electric by 2035. The assumption regarding light trucks is unjustified unless they have a place to charge, and the Project is not giving them that.

2-F1-55

The RDEIR claims that the Project follows the Sustainable Freight Action Plan, though the Project would hinder achievement of its goals. At 4.7-43 to -44, the RDEIR asserts that the Project follows the 2017 Scoping Plan Update. It is not, as discussed above. The RDEIR erroneously focuses solely on the Natural and Working Lands provisions of the Scoping Plan and not those we quoted above.

2-F1-56

§ 4.17, Energy

The RDEIR says the project will be designed to eliminate the need for natural gas in building systems, positioning the WLC to become an all-electric development with potential to operate on 100% renewable energy. As noted immediately above, the Project could do this now with 115 square feet of solar panels, depending upon its demand. If

2-F1-57

the MVU tries to limit the power the facility can glean from solar, it may be contrary to state law (particularly since the MVU has not met the RPS standards, which are also increasing rapidly).

2-F1-57
cont.

At 4.17-14, the RDEIR discloses that CNG/LNG fuel use assumed, per the traffic study, that all visits to the alternative fueling station were from trucks. This is contrary to the wording of the MM.

2-F1-58

At 4.7-15, the conclusion reached is that solar power without battery storage is the best renewable energy technology, generating at a level that solely supplies the office uses with power. Then it states additionally that “the project proponent is committed to requiring on-site rooftop solar generating capacity up to the maximum level currently permitted by the MVU, which is defined as one-half the minimum electric demand a building experiences during daytime hours.” MM 4.7.6.1D does include installing solar panels up to the limit permitted by the MVU; MVU’s limit is too low, however, as is evidenced by its apparent unwillingness to handle the High EV Penetration Scenario. That Scenario is likely a necessary component to this Project meeting SB 32 requirements under CEQA.

2-F1-59

Under “Technology Advancement,” the RDEIR concedes that the California Public Utilities Commission (“PUC”) has a goal for all commercial construction to be ZNE by 2030. Yet the RDEIR merely states that, “By proactively embracing an all-electric building design and committing to solar-ready roof construction, WLC would be net-zero ready and in a stronger position for compliance with future Title 24 updates.” This seems to ignore that buildings constructed after 2030 *should have to comply* with ZNE requirements.

2-F1-60

Under both Scenario A, Low EV Penetration, and Scenario B, Medium EV Penetration, the RDEIR states that DC power blocks “would charge thousands of vehicles per day,” but no mitigation measure requires the installation of DC power blocks, so this speculation is unwarranted.

2-F1-61

Regarding Scenario C, High EV Penetration, 20 percent of heavy duty trucks would be EVs, and 10 percent of medium duty trucks would be EVs, by 2025, and 30 percent of heavy duty trucks, and 20 percent of medium duty trucks, would be EVs by 2035. Despite relying on these percentages (or higher percentages) elsewhere in the document, the RDEIR concludes that the High EV Penetration Scenario is unwarranted.

2-F1-62

The RDEIR agrees that one threshold of significance requires consideration of “The project’s projected transportation energy use requirements and its overall efficient use of efficient transportation alternatives,” citing CEQA Guidelines Appendix F, Section II C-6. For this Project, that means analyzing and providing alternative energy for electrified trucks.

2-F1-63

At 4.17-22 regarding On-Site Renewable Energy, the RDEIR says

2-F1-64

The WLC Specific Plan commits the WLC project to meeting the annual energy requirements of all office spaces with PV, thereby effectively achieving net-zero energy (NZE) *office* operations. (emphasis supplied.) NZE *office* operations are not sufficient; the buildings should be NZE for full operation (including truck charging).

2-F1-64
cont.

Regarding battery storage, the RDEIR says that “MVU currently has no policies or rules that would allow WLC to use battery storage.” It does not necessarily have any policies or rules prohibiting such use, and therefore battery storage should be permitted.

2-F1-65

The closest the RDEIR comes to committing to charging for trucks is at 4.17-23 to -24 where it states:

Although it is speculative to state what the regional fleet mix will be as each phase of the project is completed, and the adoption of ZEVs by WLC employees and customers will be beyond the direct control of the WLC, all EV types should be anticipated in planning for the onsite charging infrastructure. To that end, the project will construct the WLC parking areas with cable raceways for installing future EV charging stations, which will enable WLC to more readily and cost effectively provide this service to future tenants if and when demand dictates.

We don’t see that as an enforceable commitment in any mitigation measure. It should be, and raceways should go to all the loading docks.

2-F1-66

As an apparent excuse for not providing raceway to the loading docks, the RDEIR consultants write:

many warehouses implement the “drop and drag” procedure, where a truck will bring goods to the facility, and the trailer (or sea-going container) will be disconnected and left on-site for the lengthy process of unloading. An empty trailer may be connected and the truck quickly departs to return to its point of origin. Conversely, an out-bound truck is usually scheduled to retrieve a delivery load only once the container/trailer is full.

RDEIR at 4.17-30. Obviously, if trucks are electric, as they must be soon, scheduling will change because by far the most convenient location for trucks to charge is at the loading docks.

Next, the RDEIR provides its ultimate excuse for not providing raceways:

Medium-duty and heavy-duty zero emission trucks are in the very early stages of commercially market deployment [sic] and currently cost substantially more than conventionally fueled trucks, and current funding assistance programs do not fully offset that cost difference (ESA and CALSTART, 2018).

New technologies always cost more in their infancy, and then come down in price. This is simply no excuse for not preparing WLC for the inevitable future.

Then the RDEIR argues that the High EV Penetration Scenario is “highly speculative” relative to electric demand. False. Climate change is a major threat in California, and the region’s criteria air pollutant exceedances must be addressed. Transition to electric trucks is needed for both reasons.

2-F1-66
cont.

Regarding the RDEIR’s projections for MVU’s capacity, since the City’s consultants and MVU seem to believe MVU can’t power the WLC under the High EV Penetration Scenario, the MVU should not limit the solar capacity of the site in the way that it apparently is. This should be obvious. As noted above, the buildings have the capacity to generate at least 1.46 million MWh of solar power. Further, the projections the RDEIR makes for the buildings’ minimum daytime use should include the power needed for the trucks under the High EV Penetration Scenario. The WLC should provide solar panels to power the trucks in particular because the RDEIR discloses that “the WLC project’s estimated electrical consumption would account for *between 74 and 113 percent of MVU’s projected electricity* projected [sic] sales, depending on the EV penetration scenario for Phase 1 (2025).” If the WLC alone constitutes 113% of projected sales, the MVU will have to expand its portfolio massively, while keeping in line with the Renewable Portfolio Standard (something it apparently is not doing currently). This impact must be ranked as *significant*, because as the RDEIR acknowledges, the thresholds of significance require that the City and Project proponent evaluate “The effects of the project on local and regional energy supplies and on requirements for additional capacity ([CEQA Guidelines] Appendix F Section II C-2),” as a factor, and the separate criterion that “A project would result in significant impacts with regard to energy use and consumption if it would require the construction of new electrical . . . facilities or expansion of existing facilities, the construction of which would cause significant environmental effects.” RDEIR at 4.17-18 to 4.17-19.

2-F1-67

Standalone solar facilities in California’s desert, perhaps the primary source of renewable power which utilities have been relying upon, have significant environmental impacts on desert wildlife, including but not limited to profound impacts on avian populations using the Pacific Flyway, the desert tortoise, and the burrowing owl. Attachments I-2 through I-13 provide a series of U.S. Fish & Wildlife Service (“USFWS”) and California Department of Fish & Wildlife (“CDFW”) documents attempting to quantify the full impacts of desert solar facilities on species over a four-year period. In reviewing that data, the City must remember that the mortality threshold for sensitive, threatened or endangered avian species is the “one bird” take threshold set forth in the State and Federal Endangered Species Acts and the Migratory Bird Treaty Act. *See* 16 U.S.C. § 703, 16 U.S.C. § 1539(a)(1)(B) and Cal. Fish & Game Code § 86. Under this threshold under CEQA, the death of even one special-status bird, or a desert tortoise, is a significant impact if no take permit has been obtained (and GSEJA is not aware of any take permits being issued to any solar facilities in the desert). *See* Pub. Res. Code § 21002.1(c). USFWS documented the deaths of at least two federally-endangered Yuma Clapper Rails at solar projects in the desert in May of 2013 and April of 2014, as its comments on one Project, the Palo Verde Mesa Solar Project, indicate. Attachment I-1. In sum, the WLC project would cause significant impacts because it will require the

2-F1-68

construction or expansion of new electrical facilities which would have significant impacts themselves.

2-F1-68
cont.

Appendix F of the CEQA Guidelines requires that the City and Project sponsor calculate “The effects of the project on peak and base period demands for electricity . . . (Appendix F Section II C-3).” RDEIR at 4.17-19. The RDEIR notes that based on MVU’s forecasts, peak demand for its power grid will be 83.4 MW in 2025. Under the High EV Penetration Scenario, 2025 peak demand from the Project alone would be 54.4 MW. The RDEIR seeks to give readers a false sense of security, stating that:

MVU’s 2018 IRP anticipates growth in the region and specifically considers the electrical demand generated by energy-intensive account [sic] focused in the logistics industry. The IRP states that large energy-intensive projects like the WLC project are included in the projected growth.

RDEIR at 4.17-30. It is clear, however, from what the RDEIR says that MVU has *not* projected for the WLC, because the WLC *alone* would account for 113 percent of MVU’s projected sales in 2025.⁷

Another reason this Project would lead to the “wasteful, inefficient, or unnecessary” consumption of energy is that the MVU apparently does not presently comply with the state’s RPS. Specifically, the RDEIR acknowledges that MVU only had renewable power sources accounting for 17% of its “overall energy mix” in 2017, RDEIR at 4.17-31, but under SB 1078 (2002), MVU had to have 20% in its renewables portfolio by that year. Because SB 350 requires 33% renewables generation by the end of 2020, MVU must *double* its renewables generation between 2017 and the beginning of 2021. Further, the MVU 2018 Integrated Resource Plan (July 2018) (“MVU IRP”), which we presume will be part of the administrative record since the RDEIR cites it, is out of date because under SB 100 (Sept. 10, 2018), the following procurement requirements apply, including to local publicly owned electric utilities:

2-F1-69

- 44% by 12/31/24
- 50% by 12/31/26
- 52% by 12/31/27
- 60% by 12/31/30

⁷ See also the contradictory discussion at RDEIR 4.17-35:
Although the project would result in moderate increases in annual electrical demand from EV charging compared to MVU’s current supply (for the low and medium EV penetration scenarios), MVU is committed to meeting the project’s electricity demand through a future IRP update and planning process. As mentioned above, MVU’s IRP addresses the fact that the project would exceed the utility’s current and forecasted demand. However, the IRP states that energy-intensive logistics projects are considered in the projected growth. Any determination on additional capacity would be speculative considering MVU is aware of the project and its effect on grid electricity. MVU has a considerable amount of time to procure energy resources in anticipation of the project’s development.

MVU’s IRP does *not* address WLC’s exceedance of its current and forecasted demand. MVU does *not* have a “considerable amount of time” to procure further energy, particularly considering RPS demands. And projection of additional capacity is *not* speculative, in fact, Appendix F requires it.

See Attachment G. Thus, MVU must nearly *triple* its renewables generation by the end of 2026. Despite these requirements, MVU has indicated that it disfavors local renewable resource development on customer sites because it claims that utility-scale projects in the desert are cheaper. See MVU IRP at 4-11. However, (1) utility-scale projects are having significant impacts, and (2) MVU’s policy of limiting solar development on customer sites is unreasonable, given its own failure to comply with the RPS.

2-F1-69

The RDEIR states that

At full buildout WLC will feature the equivalent of twenty-seven 60,000 square-foot net-zero office buildings. To put this in context, the entire State of California has about 190 net-zero commercial buildings that are currently verified or designed as of 2017 (CPUC, 2017).

RDEIR at 4.17-31. This is highly misleading, as the WLC buildings will each be about 1,500,000 square feet, and the buildings will *not* be NZE with respect even to demand for lighting or cooling, much less with respect to their ability to power trucks or cars.

It appears MVU is complicit in the WLC’s desire to endanger the health of the residents of Moreno Valley and the safety of the planet, because the RDEIR says:

Although the project would result in moderate increases in annual electrical demand compared to MVU’s current supply, *for the low and medium EV penetration scenarios*, MVU is committed to meeting the project’s electricity demand through a future IRP update and planning process.

2-F1-70

RDEIR at 4.17-31. If MVU has no such commitment regarding the High EV Penetration Scenario, the City (which owns MVU) is single-handedly imperiling its residents and the planet.

The Project proposes a CNG/LNG fueling station, which the RDEIR says in combination with large trucks, yard trucks and forklifts will consume 821,523 MMBtu/year. The RDEIR compares this to *statewide* natural gas consumption in 2018 for some reason. The Project’s commitment to a CNG/LNG fueling station and yard trucks and forklifts running on CNG/LNG represents a cumulatively considerable impact regarding GHGs, and is wasteful. Instead, the proposed station should provide additional DC fast-charging capability, and the RDEIR should have mitigation measures (1) requiring DC fast-charging (rather than Level Two) charging at sites, and (2) requiring electric forklifts and yard trucks.

2-F1-71

The RDEIR’s analysis is based on the assumptions of the Revised Traffic Study, which anticipated 204 trucks completely refueling at the CNG/LNG station per day. However, the MM anticipates no truck use of the station, and the station should provide *electric* charging.

Regarding fuel efficiency, the RDEIR states that the Project would benefit from California’s Pavley standards, which are “the most stringent in the nation and among the most stringent in the world.” The Pavley/ACC standards are not enforceable, given U.S.

2-F1-72

EPA’s denial of California’s Clean Air Act waiver. This information should have been included in the RDEIR, which came out in December 2019, long after California sued the EPA in September.

2-F1-72
cont.

At 4.17-37 to -38, the RDEIR purports to discuss whether the Project will require the construction or expansion of new electrical facilities which could have significant environmental effects. We have addressed this question above. The RDEIR fails to discuss the need for additional utility-scale generation within this section.

2-F1-73

At 4.17-39 to -40, the RDEIR addresses the threshold of the degree to which the Project complies with existing energy standards, but it does not discuss the pending Title 24 requirement that all commercial buildings be ZNE by 2030. *See* CPUC, California Energy Efficiency Strategic Plan Update, 2011 (Attachment H) at 30-33. Failure to comply with this requirement means the Project “would conflict with or obstruct a state . . . plan for renewable energy or energy efficiency. RDEIR at 4.17-19.

2-F1-74

§ 6.3, Cumulative Air Quality Impacts

Consistently throughout this analysis the RDEIR refers to 67 projects out of 359 that have been completed or begun construction and concludes that therefore there are 289 potentially cumulative projects. These numbers do not add up.

2-F1-75

There is no real analysis of cumulative impacts in this section except regarding the HRA; the RDEIR merely concludes that cumulative impacts will be significant based on *Project* impacts being significant. The RDEIR also proposes no further mitigations for cumulative impacts, which it must, because they were found to be significant.

2-F1-76

Regarding the cumulative HRA, the RDEIR does not provide a significant amount of data, however, it appears from the discussion at 6.3-32 that the consultants modeled dispersion of DPM over a 3,500 square mile area even though the cumulative projects cover an area that appears to be considerably smaller than 1024 square miles (*see* Figure 6.3-1). Nevertheless, the HRA comes out with significant cumulative impacts in terms of incremental cancer risk and cancer burden. RDEIR at 6.3-48 to -49. We suspect this analysis significantly underestimates cumulative impacts in terms of health risk, but again, the RDEIR proposes no additional mitigation measures, although it is required to.

2-F1-77

§ 6.7, GHG Emissions, Climate Change, and Sustainability

This section is unacceptable for the same reasons section 4.7 is unacceptable, that is, it excludes all analysis of supposedly “capped” emissions. The Attorney General’s Office has opposed your shoddy analysis as violating CEQA Guidelines section 15064.4.

2-F1-78

§ 6.17, Cumulative Energy Impacts

The RDEIR does not consider the proper cumulative energy impacts of warehouse projects relative to the solar they can produce, anymore than it does regarding the Project.

2-F1-79

The RDEIR improperly claims that the MVU has projected for the additional planned logistics centers when it apparently has not.

2-F1-80

PART TWO – ENVIRONMENTAL JUSTICE CONSIDERATIONS

As noted in the attached Declaration of Thomas Owings, this Project is highly unlikely to employ any significant number of Moreno Valley residents; as he states, the Skechers facility only employed 35 out of its 600 workers from the City according to its General Manager. This not only means that the Project’s air quality impacts are severely underestimated, it also has significant environmental justice implications, because the additional burdens on the health of Moreno Valley and surrounding communities’ residents *will not* be offset by new economic opportunities.

2-F1-81

As we pointed out previously, warehousing and logistics jobs pay less than a living wage, regardless of whether the employees are temporary (51% are temporary, according to a 2015 UCLA study) or permanent, because the annual income these jobs generate in either event puts them under the federal poverty line for a family of three. So even if local residents were hired, the income generated would hardly set off the worsened health outcomes for the community. Studies show that most of these workers won’t get health insurance, and even if they do, they may not get it for their families.

2-F1-82

As we commented before, the site of the WLC is one of very few remaining non-logistics or industrial uses within the City. The RDEIR should have evaluated the impacts to the City of the lost opportunity for its residents to be in a more livable environment.

As the Attorney General’s Office noted in its Amicus Brief relating to this Project, the Project will be built in a census tract in the 75th to 80th percentile of census tracts in California in terms of the greatest pollution burden indicators and health and vulnerability factors according to the Office of Environmental Health Hazard Assessment (“OEHHA”) CalEnviroScreen 3.0 tool. Even without the Project, the census tract already has ozone at a rate higher than 98% of the rest of California, and they have cardiovascular disease at a rate higher than 95% of the state, which is likely attributable to their air pollution burden. The census tract has low birthweight babies at a rate greater than 82% of the state.⁸ With its significant GHG impacts, the Project will only make these things worse. The City needs to consider these issues in connection with amendments to its General Plan addressing environmental justice, and it should do so now.

2-F1-83

Attachment J is a recent report from Jones Lange LaSalle IP, Inc. discussing the state of the logistics industry in Southern California. The low unemployment rates in the Inland Empire reflect that the Project will need to find workers who take long commutes, and that Moreno Valley’s residents will not benefit from the Project. Further, the increased demand for IE warehouse space projects further significant impacts in this already pollution-burdened area, in terms of further criteria pollutants, TACs, and GHGs.

2-F1-84

⁸ In the City as a whole, over half the census tracts score above the 61st percentile for asthma, and only four of the City’s census tracts are below the 92.89th percentile for PM_{2.5}.

Government Code section 11135(a) requires local agencies to consider environmental justice impacts on their residents, and section 11136 requires administrative hearings by the state to decide whether a violation has occurred. Funding to the local agency may be curtailed by the state because of a violation, and section 11135 may be enforced via a civil action for equitable relief. Gov. Code §§ 11137, 11139. Further, under CEQA, the City must “[t]ake all action necessary to provide the people of this state with clean air and water, enjoyment of aesthetic, natural, scenic, and historic environmental qualities, and freedom from excessive noise.” Pub. Res. Code § 21001(b). We urge the City to take its responsibilities seriously this time.

2-F1-85

Finally, if this Project goes forward in severely modified form in the future, the City must mitigate its impacts by providing better education for its students, so they can obtain the jobs the Project will offer.

2-F1-86

Conclusion

We look forward to your response. Please put us on your mailing and contact list for the Project and contact us with the results of your process, including the RFEIR, should you prepare one, at collins@blumcollins.com and bentley@blumcollins.com. Thank you.

2-F1-87

Sincerely,

/s/

Hannah Bentley

Attachments: A-I

Declaration of Thomas Owings

RESPONSES TO LETTER 2-F1: Hannah Bentley, Blum | Collins

Response to Comment 2-F1-1: No specific comments on the contents of the 2019 Draft Recirculated RSFEIR are provided within this comment, and thus no further response is needed. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

Response to Comment 2-F1-2: No specific comment on the contents of the 2019 Draft Recirculated RSFEIR is provided in this comment. The comment refers to the 2018 Revised Sections of the Final EIR (2018 RSFEIR), in footnote 1, asserting that it was not circulated as a “draft” document as required under CEQA. However, the 2018 RSFEIR was a draft document prepared in compliance with CEQA, and the City’s Notice of Availability for the 2018 Revised Sections of the Final EIR advised the public of the public review period and the comment deadline.¹³⁹ Refer to Topical Response C, Project Approvals, Court Ruling, and Writ of Mandate. The comment also provides an accurate summary of the Project’s square footage and land use. No further response is required (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

Response to Comment 2-F1-3: The comment refers to Section 4.3.1.1 Existing Setting, specifically 4.3.1.1 Regional Air Improvements (pages 4.3-2 – 4.3-3), which discusses how ozone has improved in the South Coast Air Basin (Basin) since 1992, and 4.3.1.2 Local Air Quality, which provides ambient air quality conditions in the Project area as measured by the closest air quality monitoring station to the Project site (Riverside-Rubidoux station). Measured air quality, as compared to the State and Federal standards for criteria air pollutants (pages 4.3-3 – 4.3-8), which is also included in Table 4.3-3. The statements are not misleading or out of date as the commenter suggests. Table 4.3-3 is intended to include the most up-to-date air quality measurement data at the closest location to the Project site. The most recent ozone data, provided by the California Air Resources Board (CARB),¹⁴⁰ will be included in Table 4.3-3 as shown below. Although both statements relate to ozone, the regional statement discusses the 2017 State of the Air Report, compiled by the American Lung Association, which reports that the Basin has significantly improved in terms of both pollution levels and high pollution days over the past three decades. Then it discusses that Riverside and San Bernardino Counties have seen a reduction in the number of unhealthy ozone days and a dramatic reduction in particle pollution since the initial State of the Air Report in 2000. Both ozone and particulate matter (PM) are important because the Basin is non-attainment for ozone, 1-hour and 8-hour, PM10, and PM2.5. The information presented was the most up to date information available to the public during the preparation of the 2019 Draft Recirculated RSFEIR and was included in the document to provide background and trends of regional air quality.

Table 4.3-3 (page 4.3-8 of the 2019 Draft Recirculated RSFEIR) provides the ambient air quality measurements for the Riverside-Rubidoux monitoring station, the closest station to the Project site, for the last four years of record for which data has been made available to the public. As shown in the table, there was a slight increase in the number of days which exceed the Federal 8-hour ozone standard, there was a decrease of 2 days from 2014 to 2015 and an increase of 8 days from 2015 to 2016 and an increase of 11 days from 2016 to 2017. The reason for the large increase between 2016 and 2017 was due to the fires in

¹³⁹ City of Moreno Valley, 2018. Notice of Availability Revised Sections of the Final EIR (SCH #2012021045). Available online: <http://www.moval.org/cdd/pdfs/projects/wlc/FEIR-Revision2018/WLC-FEIR-Notice.pdf>

¹⁴⁰ CARB, 2019. iADAM: Air Quality Data Statistics. Available online: <https://www.arb.ca.gov/adam/index.html>. Accessed March 18, 2020

California in 2017, which was one of the worst fire seasons in state history. The newest air quality data shows that there was a decrease of 24 ozone days from 2017 to 2018, for a total of 34 days.¹⁴¹

On page 4.3-8, Table 4.3-3 has an error under the Ozone portion, in the sixth column, 12th row. The number 84 should be 58. The corrected number will be changed and 2018 data included in the Final RSFEIR to read as follows:

Table 4.3-3: Ambient Air Quality Monitored in the Project Vicinity

Pollutant	Standard	2014	2015	2016	2017	2018
...						
Ozone (O₃)						
Maximum 1-hr concentration (ppm)		0.141	0.132	0.142	0.145	<u>0.123</u>
Number of days exceeded:	State: > 0.09 ppm	29	31	33	ND	<u>22</u>
Maximum 8-hr concentration (ppm)		0.105	0.106	0.105	0.118 <u>0.119</u>	<u>0.101</u>
Number of days exceeded:	State: > 0.070 ppm	69	59	71	ND	<u>57</u>
	Federal: > 0.075 ppm	41	39	47	84 <u>58</u>	<u>34</u>
...						

Although Table 4.3-3 shows exceedances of ozone locally, it does not mean that the overall trend in the basin is incorrect or misleading or that it is out of date. Even though there are local areas where the federal ozone standards have been exceeded, the overall trend is that these pollutants have been reduced Basin wide.

Response to Comment 2-F1-4: As discussed in Response to Comment 2-F1-3, Table 4.3-3 does indeed disclose the number of days that the federal and/or state standard was exceeded for ozone, PM10, and PM2.5. Section 4.3.6.6, Summary of Health Effects of Air Quality Emissions (pages 4.3-79 – 4.3-82), estimated health effects from ozone and PM2.5 associated with the unmitigated and mitigated Project. The health effects evaluation completed combines spatially and temporally allocated emissions, photochemical grid modeling, and application of concentration-health response functions (through the BenMAP program) to quantify health effects from incremental ozone and fine particulate matter concentrations resulting from the Project. While the Friant Ranch decision [*Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502] notes the Project’s impact on the days of nonattainment per year is one example of how the analysis could have been framed to adequately inform the public, it acknowledges there are several ways in which this can be done, but that the lead agency has the discretion on what type of analysis to provide. The study did not calculate the additional number of days of nonattainment, so there is no undisclosed information on the number of nonattainment days (if any) attributable to the Project. The health effects evaluation completed

¹⁴¹ CARB, 2019. iADAM: Air Quality Data Statistics. Available online: <https://www.arb.ca.gov/adam/index.html>. Accessed March 18, 2020

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here provides information on the possible adverse health effects associated with the Project, which provides more meaningful information than the number of days of nonattainment.

Response to Comment 2-F1-5: The discussions of RECLAIM, with regard to the 2012 Air Quality Management Plan (AQMP), and SCAQMD's proposed Indirect Source Rule occur under Section 4.3.2.2 Regional Regulations, of the 2019 Draft Recirculated RSFEIR. The discussion of RECLAIM was specific to the 2012 AQMP as one of the ways it will reduce PM_{2.5} emissions. RECLAIM is aimed at reducing NO_x and SO_x emissions from stationary sources, which also leads to a reduction in PM_{2.5} emissions. This discussion does not state, nor was it implied, that RECLAIM would specifically reduce PM_{2.5} emissions from the Project since it is not a stationary source. Additionally, the SCAQMD's proposed Indirect Source Rule for warehouses was added to this section because it would support the 2016 AQMP in meeting the 8-hour ozone standards' (80 ppb and 75 ppb) attainment dates. This rule is aimed at reducing NO_x emissions from indirect sources, which again would reduce PM_{2.5} emissions. However, again, this discussion does not state, that the proposed Indirect Source Rule would reduce PM_{2.5} emissions specifically from the Project. It states that if the proposed rule is approved, it would reduce air quality emissions beyond those calculated in this analysis. For a further discussion on the Indirect Source Rule see Topical Response D.

Response to Comment 2-F1-6: The discussion of 2012 AQMP mobile source implementation measures occurs under Section 4.3.2.2 Regional Regulations, of the 2019 Draft Recirculated RSFEIR, which discusses rules and regulations that could be applicable to the Project. The 2012 AQMP contained mobile source implementation measures for deployment of zero and near-zero emission on-road heavy-duty vehicles, locomotives, and cargo handling equipment. The on-road mobile source measures included the following financed primarily through funding mechanisms: accelerated penetration of partial zero-emission and zero-emission vehicles, light-heavy, and medium-heavy duty vehicles; accelerated retirement of older light-, medium-, and heavy-duty vehicles; and further emission reductions from heavy-duty vehicles serving near-dock rail yards through the requirement that cargo containers be moved between the Ports of Los Angeles and Long Beach to rail yards with zero-emission technologies. The 2012 mobile source implementation measures are statewide measures specific to the 2012 AQMP as one of the ways emission reduction will be realized to meet federal and state standards.

CARB's Fiscal Year 2019-20 Funding Plan for Clean Transportation Incentives for Low Carbon Transportation and the Air Quality Improvement Plan represents \$533 million in clean transportation investments. The proposed Funding Plan states: "The Low Carbon Transportation program is the only program in CARB's portfolio and one of the only programs in the State, available to support the demonstration, pilot, and early market deployment of emerging and zero-emission technologies." (Funding Plan, p. ii.) The proposed project allocations include \$303 million for "Vehicle Purchase Incentives and Clean Mobility Projects" and \$230 million for "Heavy-Duty Vehicle and Off-Road Equipment Investment." Further details are provided in the Funding Plan and its appendices.

Response to Comment 2-F1-7: The discussion of 2012 AQMP mobile source implementation measures occurs under Section 4.3.2.2 Regional Regulations, of the 2019 Draft Recirculated RSFEIR. The 2012 AQMP contained mobile source implementation measures for off-road mobile sources which included the following: extension of Surplus Off-Road Opt-In for NO_x provision for construction/industrial equipment; further reduce emissions by using Tier 4 locomotives in the Basin; further reduce emissions from ocean-going marine vessels while at berth; and emission reductions from ocean-going marine vessels. The 2012

mobile source implementation measures are statewide measures specific to the 2012 AQMP as one of the ways emission reductions will be realized to meet federal and state standards.

Response to Comment 2-F1-8: The discussion of the 2012 AQMP and its reliance upon the South Coast Association of Governments (SCAG) 2012 2035 Regional Transportation Program/Sustainable Communities Strategy (RTP/SCS) occurs under Section 4.3.2.2 Regional Regulations, of the 2019 Draft Recirculated RSFEIR, which discusses rules and regulations that could be applicable to the Project. Under Section 4.3.6.1, Air Quality Management Plan Consistency (page 4.3-38), the analysis states that although the Project complies with all applicable rules and regulations as identified in the AQMPs and State Implementation Plans (SIPs), the WLC could impede AQMP attainment because its construction and operation emissions exceed the SCAQMD regional significance thresholds and is therefore considered to be inconsistent with the AQMP.

Response to Comment 2-F1-9: The comment refers to the 2016 AQMP and states that the City and the applicant make no effort to mitigate the impacts of vehicular pollution attributable to the WLC. To the contrary, the 2019 Draft Recirculated RSFEIR fully evaluates the Project's air quality impacts and imposes feasible mitigation measures to reduce the effects of the Project. Overall, without mitigation, the Project is expected to have a significant impact mainly due to diesel particulate matter (PM) emissions from construction activities and heavy-duty diesel truck activities. With mitigation incorporated (2019 Draft Recirculated RSFEIR, page 4.3-73 – 4.3-74), the cancer risks are substantially lower than those without mitigation. As shown on Table 4.3-28, 2019 Draft Recirculated RSFEIR, page 4.3-27, the estimated cancer risks for the 30-year exposure duration for construction would not exceed the SCAQMD cancer risk significance threshold after incorporation of mitigation. The large reduction in cancer risk after mitigation is attributable principally to the reduced diesel PM associated with the commitment to Tier 4 construction equipment. Table 4.3-29, 2019 Draft Recirculated RSFEIR, shows that the estimated 30-year exposure cancer risk for operation of the WLC (operation HRA) would still exceed the SCAQMD cancer risk significance threshold for sensitive receptors located within and outside the project boundary. Therefore, Mitigation Measure 4.3.6.5.A, the use of MERV 13 filters to impacted residences, was added. This mitigation measure reduced the total incremental cancer risk to less than the SCAQMD significance threshold as shown on Table 4.3-30 (page 4.3-74 of the 2019 Draft Recirculated RSFEIR). The owners of the homes located at 13100 World Logistics Center Parkway (formerly Theodore Street) and 12400 World Logistics Center Parkway (formerly Theodore Street) have accepted the offer for the installation of the MERV 13 filters in writing. (see Attachment R). Thus, for these reasons, with the implementation of mitigation, the increase in health risks from the Project to an on-site or offsite receptor, within the study area, was less than significant. As shown above, the cancer risk and chronic and acute non-cancer risk to sensitive receptors in the community would be less than significant with incorporation of mitigation for construction and operation and operation scenarios of the WLC.

Section 4.3.6.6 Summary of Health Effects of Air Quality Emissions, starting on page 4.3-79 of the 2019 Draft Recirculated RSFEIR, discusses the health effects from ozone and PM_{2.5} resulting from the project. PM_{2.5} best represents diesel PM. Tables 4.3-32 through 4.3-35 show the annual percent of background health incidence for PM_{2.5} and ozone health effects associated with the unmitigated and mitigated Project, respectively. With mitigation, the potential health effects from PM_{2.5} show an increase in asthma-related emergency room visits (0.0047%), asthma-related hospital admissions (0.0028%), all cardiovascular-related hospital admissions (not including myocardial infarctions) (0.00059%), all respiratory-related

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hospital admissions (0.0015%), mortality (0.0044%), and nonfatal acute myocardial infarction (less than 0.0020% for all age groups). With mitigation, potential Ozone-related health effects due to the project, increased respiratory-related hospital admissions (0.00062%), mortality (0.00027%), and asthma-related emergency room visits for any age range (lower than 0.011% for all age groups) over background health incidence. Because there are no established thresholds, this data was provided for informational purposes.

The health studies are conservative and based on the assumption that diesel trucks cause significant health impacts, contrary to the HEI study which analyzed 2007-compliant diesel engines and found that the application of new emissions control technology to diesel engines “showed few exposure-related biologic effects” and any such exposure to NO₂ “is being substantially further reduced in 2010-compliant engines.” (HEI, p.4.) Furthermore, only 2010-compliant diesel trucks will be allowed to service the WLC per mitigation measures 4.3.6.2A h) (page 4.3-32, construction on-road haul trucks) and 4.3.6.3 b) (page 4.3-53, trucks servicing the WLC when operational).

Refer to Response to Comment 2-F1-85 for a discussion on environmental justice issues. Utilizing zero-emission technology trucks is an effective strategy at reducing tailpipe PM emissions. In 2016, in response to Executive Order B-32-15, the California Department of Transportation, CARB, the California Energy Commission and the Governor’s Office of Business and Economic Development published the California Sustainable Freight Action Plan (“CSFAP”). The CSFAP was the beginning of a comprehensive effort by the State of California to transition “to a more efficient, more economically competitive, and less polluting freight system.” (CSFAP, p. 1.) The CSFAP discussed policies and objectives in support of transitioning to near-zero and zero-emission freight vehicles, including heavy-duty trucks, but CARB recognized at that time, that no commercially available technology zero-emission on-road heavy-duty trucks were available and that zero- and near-zero emission technologies are still at the demonstration phase.¹⁴² Since then, some zero emission trucks have become available for limited applications, but the Class 7 and Class 8 heavy-duty trucks are still not commercially available. (<https://ww2.arb.ca.gov/resources/fact-sheets/advanced-clean-trucks-fact-sheet>.) Recognizing the challenges in transitioning to zero-emission heavy duty trucks, CARB proposed in late 2019, the Advanced Clean Truck Regulation, which proposes to require manufacturers to make a certain percentage of sales of zero-emission trucks and buses. CARB received numerous comments on the proposed Regulation, and it has not been formally adopted, but CARB’s Staff Report in support of the Regulation provided a detailed evaluation of the market in the Staff Report, including Appendix E, Zero Emission Truck Market Assessment. The Staff Report notes the importance of heavy duty trucks: “Heavy-duty trucks operate through California in numerous vocations and are an essential part of the state’s economy.” (Staff Report, p. I-4.) The Staff Report outlines the challenges in ZEV market, particularly with respect to heavy-duty trucks, including the incremental cost of ZEVs, infrastructure investment cost and availability, matching vehicle capability with fleet need and diverging standards. (Staff Report, pp. I-14 – I-17.) The Regulation sets forth proposed percentage sales for Class 7-8 Tractor Group at 3% by 2024. CARB’s evaluation of the market and its proposed goal of 3% for 2024 demonstrates that Class 7-8 heavy-duty trucks are not currently commercial availability.

¹⁴² California Air Resources Board, 2015. Draft Heavy-Duty Technology And Fuels Assessment: Overview, April. Available online: https://www.arb.ca.gov/msprog/tech/techreport/ta_overview_v_4_3_2015_final_pdf.pdf?_ga=2.207832726.540754214.1560412530-179310568.1519193875.

According to a Feasibility Assessment for Drayage Trucks for the San Pedro Bay Ports Clean Air Action Plan, zero-emission and near zero-emission on-road haul trucks availability, as of late-2018, includes one zero-emission and one near zero-emission fuel-technology platform sold by Original Equipment Manufacturers (OEMs) in commercially available Class 8 trucks suitable for drayage.¹⁴³ With the development of zero-emission and near zero-emission platforms, infrastructure has emerged as one of the most significant near-term barriers to wide-scale adoption of these technologies due to standardization difficulties and the ability to develop the full charging infrastructure required by 2021. Additionally, according to the Feasibility Assessment, one OEM plans to begin offering a zero-emission battery-electric Class 8 truck by 2021, the other OEMs have similar or later timeframes. Furthermore, the International Council on Clean Transportation (ICCT) in a November 2017 white paper titled “Transitioning to Zero-Emission Heavy-Duty Freight Vehicles”¹⁴⁴ states that there are “prevailing barriers to widespread viability” of plug-in electric heavy-duty freight vehicles, primarily limited electric range, high vehicle cost, long recharging time, and tradeoffs on cargo weight and/or volume. This report does not cite drayage trucking (Class 8) as a promising segment for widespread commercialization, further proof that the zero-emission and near zero-emission truck fleet won’t be viable during construction of the Project or possibly be readily available enough for use during operation of the Project. CARB’s latest working group meeting Third Work Group for the FY 2019-20 Heavy-Duty Three-Year Investment Strategy on May 8, 2019 shows that the Zero Emission Vehicle technology readiness for medium- and heavy-duty trucks is primarily in the demonstration phase in 2019 which includes technology development and early stage demonstrations.¹⁴⁵ As of late last year, CARB is funding a couple of pilot programs for electric truck fleets.¹⁴⁶ BYD (Build Your Dreams) and Anheuser-Busch announced that Anheuser-Busch will pilot a scale project by deploying 21 BYD battery electric trucks at four Anheuser-Busch distribution facilities across southern California: Sylmar, Riverside, Pomona, and Carson.¹⁴⁷ Additionally, another pilot program includes replacing PepsiCo’s existing diesel powered freight equipment with fifteen Tesla Semi electric trucks with “zero-emission (ZE) and near-zero emission (NZE)” trucks and equipment at its Frito-Lay Modesto, California, manufacturing site by 2021.¹⁴⁸ See also recent article describing emerging state of technology for electric heavy-duty trucks and other pilot programs (<https://www.nytimes.com/2020/03/19/business/electric-semi-trucks-big-rigs.html>).

Furthermore, since the Project will support a variety of future users which are unknown at this time, it is not possible to specify or require future users to have zero emission or alternative fuel fleets since most logistics companies use independent contractors and truck drivers rather than maintain their own fleets. Nonetheless, the Project has committed under mitigation measures 4.3.6.2A and 4.3.6.3B to require the most stringent levels of emission mitigation under existing emission control regulations.

¹⁴³ Port of Long Beach & The Port of Los Angeles, 2019. San Pedro Bay Ports Clean Air Action Plan, 2018 Feasibility Assessment for Drayage Trucks, April. Available online: <http://www.cleanairactionplan.org/documents/final-drayage-truck-feasibility-assessment.pdf/>.

¹⁴⁴ Moultak, M., Lutsey, N., Hall, D., “Transitioning to Zero-Emission Heavy-Duty Freight Vehicles,” The International Council on Clean Transportation (ICCT), September 26, 2017, Available online: <https://www.theicct.org/publications/transitioning-zero-emission-heavy-duty-freightvehicles>.

¹⁴⁵ California Air Resources Board, 2019. Third Work Group for the FY 2019-20 Heavy-Duty Three-Year Investment Strategy, May 8. Available online: https://ww2.arb.ca.gov/sites/default/files/2019-05/050819_3yp_wg3_handout.pdf

¹⁴⁶ California Air Resources Board, 2019. CARB Approves \$533 million funding plan for clean transportation investments, October 25, 2019. Available online: <https://ww2.arb.ca.gov/news/carb-approves-533-million-funding-plan-clean-transportation-investments>

¹⁴⁷ Build Your Dreams, 2019. Anheuser-Busch Completes First Zero-Emission Beverage Distribution, November 21. Available online: <https://en.byd.com/news-posts/anheuser-busch-completes-first-zero-emission-beer-delivery/>

¹⁴⁸ Electrek, 2019. 15 Tesla Semi electric trucks to replace diesel trucks at Pepsi facility, October 4. Available online: <https://electrek.co/2019/10/04/tesla-semi-electric-trucks-replace-diesel-trucks-pepsi/>

Response to Comment 2-F1-10: This comment is directed solely at the SCAQMD's proposed Indirect Source Rule (ISR). The commenter states specifically what they think the ISR should contain and what should be mandatory instead of voluntary. Proposed voluntary and regulatory measures are discussed below.

As a proposed voluntary measure, SCAQMD would administer a CEQA air quality mitigation fund for warehouse projects to opt into. Funds would be used to reduce project emissions by funding financial incentives for fleet owners to purchase clean trucks. Although such a fund has not been established, the Settlement Agreement between SCAQMD and the City required that the WLC Project pay an Air Quality Improvement Fee to the SCAQMD of approximately \$26,000,000. The Air Quality Improvement Fee is to be used by SCAQMD "for any purpose that will improve air quality in the South Coast Air Basin"; which will help to improve air quality for those within the project area through emissions reductions. Refer to Topical Response B, Scoping Plan/State's Attainment Goals, for more detail regarding the Settlement Agreement and its provisions. Because it is unknown at this time what improvements will be made by the SCAQMD through the use of the \$26,000,000 that will result from the settlement, it would be speculative to assume that any particular improvement will take place. Accordingly, the analyses contained in the 2019 Draft recirculated RSFEIR do not include any reductions in criteria pollutants or greenhouse gas emissions that might occur as a result of the settlement and the payment of the money. Additionally, the SCAQMD sent a letter to the Project sponsor acknowledging the Settlement Agreement and that payment of funds has not occurred and will not occur until approval and development of Project buildings (see Attachment P).

Another voluntary measure noted in the comment is updated guidance for siting and operations, and the commenter opines that any such guidance for siting and operations would not be followed. While SCAQMD does not have the local land use authority, local jurisdictions would be encouraged to consider such guidance when making land use decisions such as updating the General Plan land use plan and/or zoning map. For example, the City of Moreno Valley General Plan incorporates the following policies:

- 2.5.2 Locate manufacturing and industrial uses to avoid adverse impacts on surrounding land uses.
- 2.5.3 Screen manufacturing and industrial uses where necessary to reduce glare, noise, dust, vibrations and unsightly views.
- 2.5.4 Design industrial developments to discourage access through residential areas.
- 6.7.4 Locate heavy industrial and extraction facilities away from residential areas and sensitive receptors.

With regard to the proposed voluntary measure to develop fueling/charging infrastructure, raceways for truck and TRU charging will be provided at each loading dock, and the WLC will accommodate Zero-Emission vehicle technologies by planning for appropriate onsite charging infrastructure. To that end, the Project will construct the WLC parking areas with cable raceways for installing future EV charging stations, which will enable WLC to more readily and cost effectively provide this service to future tenants if and when demand dictates (page 4.17-24 2019 Draft Recirculated RSFEIR). The Project would also include the installation of electric vehicle supply equipment (EVSE) charging stations pursuant to Title 24, part 6 of the CALGreen Code.

As for the proposed voluntary measure to establish green delivery options, it is acknowledged that voluntary plan-based approaches may not be feasible for warehouse uses.¹⁴⁹

With respect to the proposed mandatory measures being considered by SCAQMD, the project would ensure that construction fleets and truck fleets would be cleaner than required by CARB regulations through mitigation measures detailed in Section 4.3 of the 2019 Draft Recirculated RSFEIR. Mitigation measure 4.3.6.3B k) requires all yard trucks (yard dogs/yard goats/yard jockeys/yard hostlers) to be powered by electricity, natural gas, propane, or an equivalent non-diesel fuel. Any off-road engines in the yard trucks shall have emissions standards equal to Tier 4 Interim or greater. Any on-road engines in the yard trucks shall have emissions standards that meet or exceed 2010 engine emission standards specified in California Code of Regulations Title 13, Article 4.5, Chapter 1, Section 2025. Operational mitigation measures, listed below (page 4.3-53 and 4.3-54 of the 2019 Draft Recirculated RSFEIR) have been implemented to ensure that the operational emissions, related to the fleet, are reduced and limited to the extent feasible. Operational mitigation includes, but is not limited to, use of on-site equipment powered by electricity, natural gas, propane, or an equivalent non-diesel fuel and have emissions standards meet or exceed Tier 4 Interim or greater or off-road equipment and 2010 engine emission standards for on-road vehicles, and all diesel trucks shall meet or exceed 2010 engine emission standards, and limit on-site idling to 3 minutes (Mitigation Measure 4.3.6.3B).

With regard to zero-emission trucks, in 2016, in response to Executive Order B-32-15, the California Department of Transportation, CARB, the California Energy Commission and the Governor's Office of Business and Economic Development published the California Sustainable Freight Action Plan ("CSFAP"). The CSFAP was the beginning of a comprehensive effort by the State of California to transition "to a more efficient, more economically competitive, and less polluting freight system." (CSFAP, p. 1.) The CSFAP discussed policies and objectives in support of transitioning to near-zero and zero-emission freight vehicles, including heavy-duty trucks, but CARB recognized at that time, that no commercially available technology zero-emission on-road heavy-duty trucks were available and that zero- and near-zero emission technologies are still at the demonstration phase.¹⁵⁰ Since then, some zero emission trucks have become available for limited applications, but the Class 7 and Class 8 heavy-duty trucks are still not commercially available. Recognizing the challenges in transitioning to zero-emission heavy duty trucks, CARB proposed in late 2019, the Advanced Clean Truck Regulation, which proposes to require manufacturers to make a certain percentage of sales of zero-emission trucks and buses. CARB received numerous comments on the proposed Regulation, and it has not been formally adopted, but CARB's Staff Report in support of the Regulation provided a detailed evaluation of the market in the Staff Report, including Appendix E, Zero Emission Truck Market Assessment. The Staff Report notes the importance of heavy duty trucks: "Heavy-duty trucks operate through California in numerous vocations and are an essential part of the state's economy." (Staff Report, p. I-4.) The Staff Report outlines the challenges in ZEV market, particularly with respect to heavy-duty trucks, including the incremental cost of ZEVs, infrastructure investment cost and availability, matching vehicle capability with fleet need and diverging standards. (Staff Report, pp. I-14 – I-

¹⁴⁹ South Coast Air Quality Management District, 2018. Board Meeting March 2, 2018. Potential Strategies for Facility-Based Mobile Source Measures Adopted in 2016 AQMP. Available online: <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2018/2018-mar2-032.pdf?sfvrsn=7>

¹⁵⁰ California Air Resources Board, 2015. Draft Heavy-Duty Technology And Fuels Assessment: Overview, April. Available online: https://www.arb.ca.gov/msprog/tech/techreport/ta_overview_v_4_3_2015_final_pdf.pdf?_ga=2.207832726.540754214.1560412530-179310568.1519193875.

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17.) The Regulation sets forth proposed percentage sales for Class 7-8 Tractor Group at 3% by 2024. CARB's evaluation of the market and its proposed goal of 3% for 2024 demonstrates that Class 7-8 heavy-duty truck are not currently commercially available.

As demonstrated above, the project incorporates measures that would reduce emissions, consistent with proposed Indirect Source Rule measures. Therefore, regardless of if and when the Indirect Source Rule is adopted, the project is doing its fair share in advancing the emission reduction goals of SCAQMD.

Response to Comment 2-F1-11: The discussion on page 4.3-13 of the 2019 Draft Recirculated RSFEIR is purely descriptive of what the proposed SCAQMD ISR may contain. The 2019 Draft Recirculated RSFEIR takes no credit for any reduction in pollutants that may occur when, and if, the ISR is adopted. Refer to Topical Response D for a discussion of the Indirect Source Rule. It is unknown at this time when the rule will be proposed and approved, but it could be proposed as early as 2020. Mitigation Measure 4.3.6.3F (page 4.3-54) states that the Project will comply with the proposed rule for any warehouse constructed if/when the rule goes into effect.

Because project-related emissions are projected to exceed applicable mass emissions thresholds for all criteria pollutants, with the exception of SO_x, the 2019 Draft Recirculated RSFEIR includes the following Mitigation Measures: 4.3.6.2A, 4.3.6.2B, 4.3.6.2C, 4.3.6.2D, 4.3.6.2E, 4.3.6.3A, 4.3.6.3B, 4.3.6.3C, 4.3.6.3D, 4.3.6.3E, 4.3.6.3F, 4.3.6.4A, and 4.3.6.5A to reduce emissions from warehousing operations. Construction and operational emissions would be reduced to the extent feasible through implementation of mitigation measures and Project Design Features. As stated on the SCAQMD website, "as part of this working group [Warehouse Distribution Center Working Group], South Coast AQMD staff is working closely with industry, local governments, and the community to develop a comprehensive framework ..." ¹⁵¹ for a proposed rule to benefit everyone involved.

Response to Comment 2-F1-12: The discussion of Diesel Regulations, including the Clean Truck Program, CARB Drayage Truck Regulation, and the CARB statewide Truck and Bus Regulations occurs under Section 4.3.2.2 Regional Regulations, of the 2019 Draft Recirculated RSFEIR. As stated on page 4.3-13, these regulatory programs will require an accelerated introduction of "clean trucks" into the statewide truck fleet that will result in lower diesel emissions during the 2008 to 2020 timeframe. The CARB Drayage Truck Regulations requires all drayage trucks that transport cargo to or from California's ports and intermodal trip yards be registered in the Drayage Truck Registry, meet 2010 emission standards by 2022 for all trucks, and that the truck driver provide required information to enforcement personnel when requested. ¹⁵² (In comparison, the WLC Project requires that all diesel trucks entering the site must meet or exceed 2010 emission standards, a requirement imposed now, not in 2022.) The CARB Statewide Truck and Bus Regulations require heavy-duty diesel vehicles to reduce toxic air contaminants (TACs) emissions from their exhaust. By January 1, 2023, nearly all trucks and buses will be required to have 2010 or newer

¹⁵¹ South Coast Air Quality Management District, 2019. Warehouse Distribution Centers Working Group webpage. Available online: <https://www.aqmd.gov/home/air-quality/clean-air-plans/air-quality-mgt-plan/facility-based-mobile-source-measures/warehs-distr-wkng-grp>. Accessed on February 13, 2020.

¹⁵² California Air Resources Board, 2012. California's Drayage Truck Regulation, California Code of Regulations Title 13, Section 2027, Summarized Version for Truck Owners. Available online: <https://ww3.arb.ca.gov/msprog/onroad/porttruck/arbdoc/sumreg.pdf>. Accessed on February 13, 2020.

model year engines to reduce PM and NOx emissions. Starting in 2020, only vehicles compliant with this regulation will be registered by the California Department of Motor Vehicles.¹⁵³

Further, on March 10, 2020, the Ports of Los Angeles and Long Beach adopted a Clean Truck Fund Rate to be charged to beneficial cargo owners for loaded heavy duty container trucks to enter or exit the ports' terminals, with rebates for trucks with CARB-certified low NOx engines or better. (Economic Study for the Clean Truck Fund Rate, p. 1.) The added cost is expected to help incentivize the transition of drayage trucks operating at the ports to cleaner equipment.

Appendix F, Traffic Impact Assessment, of the 2018 RSFEIR, Section F, Truck Trips to Ports (pages 366 – 370) discusses the volume of truck traffic between the WLC and the Ports of Los Angeles and Long Beach were estimated using three different methods, all based on data provided by regional planning agencies, with the highest of the forecasts used for the analysis. The three methods were: (1) the RIVTAM model which predicted 82 truck trips per day, (2) based on Port Truck Study which predicted 261 truck trips per day, and (3) based on Truck Flows from Riverside County which predicted 125 truck trips per day. The analysis showed that a reasonable estimate of truck traffic between WLC and the ports would be in the range of 82 – 261 truck trips per day. The highest figure of 261 truck trips was used in the analysis as a reasonable worst-case scenario because it resulted in the greatest number of vehicle miles. Thus, since there would be 261 trucks trips between the Ports of Los Angeles/Long Beach and the WLC, the above regulations are applicable.

Response to Comment 2-F1-13: The 2019 Draft Recirculated RSFEIR discusses MATES IV cancer risk on page 4.3-17. Additionally, a more detailed discussion is provided in Appendix A-1, Air Quality, Greenhouse Gas Emissions, and Health Risk Assessment Report, to the 2019 Draft Recirculated RSFEIR, which states “the basin-wide population weighted cancer risk is 357 per million based on averages at fixed monitoring sites estimated during the MATES IV study.” As displayed in Figure 16, the estimated risk within the project vicinity is within the 401 – 500 and 501-800 range. As displayed in Figure 17, nearly all areas of the Basin experienced decreases in cancer risk during the time period from MATES III, 2005, to MATES IV, 2012, and the project area experienced a decrease in cancer risk of between 100 and 400 in one million. Due to the regional scale of project impacts, the weighted average risk based on MATES IV data was calculated and discussed in Appendix A-1. Thus, background cancer risks were provided from SCAQMD's MATES IV study. As discussed below, the 2019 Draft Recirculated RSFEIR analyzed the health-related effects and cancer risk from TACs resulting from the Project on WLC's census tract and even those sensitive receptors that lie along SR-60.

With regard to health effects, EPA's BenMAP tool, as opposed to OEHHA's CalEnviroScreen 3, was chosen to to conduct the project's health effects analysis. As stated in the OEHHA factsheet¹⁵⁴, CalEnviroScreen 3.0 is a mapping tool that can be used to identify California communities (by census tract) that are most affected by sources of pollution and are most vulnerable to the effects of pollution. The CalEnviroScreen score measures the relative pollution burdens and vulnerabilities in one census tract compared to others and is not a measure of health risk. The data presented in the comment is consistent with the results of

¹⁵³ California Air Resources Board, 2020. Truck and Bus Regulation. Available online: <https://ww2.arb.ca.gov/our-work/programs/truck-and-bus-regulation>. Accessed on February 13, 2020.

¹⁵⁴ <https://oehha.ca.gov/media/downloads/calenviroscreen/fact-sheet/ces30factsheetfinal.pdf>

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CalEnviroScreen 3.0 tool. The BenMAP tool utilizes background health statistics¹⁵⁵ which would have incorporated the increased cardiovascular disease rate for the area in the background incidents, thus this data set was not excluded.

Cumulative air quality impacts are discussed in Section 6.3 of the 2019 Draft Recirculated RSFEIR. A cumulative HRA was conducted which assessed the regional cumulative impact of the 359 identified cumulative projects in addition to the WLC project. The air dispersion models included 99 grid area sources covering an area of 2,475 square kilometers to represent the onsite and surface street emissions of all cumulative projects, and 63 freeway mainline segments for warehouse projects in the region that may overlap with the traffic routes of the Project. The modeled freeway segments extended from North Palm Springs to Long Beach in the east-west direction and from Rancho Cucamonga to Hemet/San Jacinto in the north-south direction, roughly an area of 3,500 square miles radiating from the cumulative project sites to the north, south, east, and west. The analysis covered major portions of the following freeways from North Palm Springs to the ports of Los Angeles and Long Beach: Interstate 10, State Route 60, State Route 91, Interstate 215, and Interstate 710. As stated in Section 6.3.3.7, Impacts to Sensitive Receptors, of the 2019 Draft Recirculated RSFEIR, the cumulative HRA included emissions from both the Project and the 359 cumulative projects, the cancer risks and chronic hazard index (HI) calculated are the cumulative health risk values that will be compared to the selected cumulative HRA threshold. The thirty-year exposure to cumulative construction and operations results in a cancer risk of 139.8 in one million at the maximum exposed receptor and thirty-year cumulative operations would result in a cancer risk of 171.5 in one million at the maximum exposed receptor. Thus, cancer risk impacts at the maximum exposed project receptor, for both construction and operation and operation are above the cumulative cancer threshold of 10 in a million with and without mitigation. Therefore, the construction and operation of cumulative projects in addition to the Project (with mitigation incorporated) is expected to have a significant and unavoidable cumulative impact. Cumulative cancer risks were estimated at the geographical center (centroid) of census tracts that are within the study area of the cumulative HRA. For the 70-year exposure duration with the inclusion of the Current OEHHA Guidance, without consideration of the results of the HEI ACES Study, the cancer burden is estimated to be 72.2 for construction and operations and 90.3 for full operations, out of a population of about 10.8 million individuals that were conservatively estimated to have a cancer risk of 1 in a million or more for the 359 cumulative projects. This is compared to the Project cancer burden impact, estimated at approximately 0.47. The SCAQMD has established a threshold for cancer burden of 0.5. Because the SCAQMD's cancer burden significance threshold is exceeded with and without mitigation for the 359 cumulative projects, the cumulative cancer burden impact is expected to be significant and unavoidable. The non-cancer HI value at each of the modeled receptor locations are less than SCAQMD cumulative threshold of 3.0 and is expected to have a less than significant cumulative impact.

Cumulative Health Effects are discussed in Section 6.3.3.8 Cumulative Health Effects, of the 2019 Draft Recirculated RSFEIR. As shown on Tables 6.3-9 and 6.3-10 in the 2019 Draft Recirculated RSFEIR, the estimated annual percent of background health incidence for PM_{2.5} (which best represents diesel PM) and ozone health effects associated with cumulative projects (including the unmitigated Project). Potential Increases of PM_{2.5}-related health effects above background, associated with increases in ambient air concentrations estimated from cumulative Projects (including the unmitigated Project), include asthma-

¹⁵⁵ Background health statistics were obtained from data included in the BenMAP model, and the sources are referenced in the BenMAP manual (USEPA, 2018). For example, EPA obtained mortality rates from the Centers for Disease Control (CDC) WONDER database, and hospital admissions rates from the Healthcare Cost and Utilization Project (HCUP).

related emergency room visits (0.16%), asthma-related hospital admissions (0.09%), all cardiovascular-related hospital admissions (not including myocardial infarctions) (0.02%), all respiratory-related hospital admissions (0.09%), mortality (0.14%), and nonfatal acute myocardial infarction (less than 0.07% for all age groups). Potential ozone-related health effects shown as an increase over background, associated with increases in ambient air concentrations estimated from cumulative Projects (including the unmitigated Project), include respiratory-related hospital admissions (0.02%), mortality (0.01%), and asthma-related emergency room visits for any age range (lower than 0.07% for all age groups). Because there are no established thresholds, this data was provided for informational purposes only.

As evidenced above, the 2019 Draft Recirculated RSFEIR included recently constructed and proposed large warehouse projects, as well as other projects, in its cumulative analysis, which included analysis of diesel PM, to determine if the project contributed to cumulatively significant impacts, as required by the trial court's ruling on the petitions for writ of mandate, and no further analysis is required.

Response to Comment 2-F1-14: The HEI study was discussed in the 2019 Draft Recirculated RSFEIR to indicate that newer model diesel engines are cleaner than the older model engines and result in less health effects than the older engines. However, the construction and operational HRA's and health effects study conducted for the 2019 Draft Recirculated RSFEIR, both project and cumulative, did not rely on the findings of the HEI study in the analysis (page 4.3-24). Shrader-Frechette (2016)¹⁵⁶ disagrees with the findings in the HEI study mainly due to the HEI study not counting diesel PM as a known human carcinogen¹⁵⁷ and conducting the studies using NO₂ and mass and not diesel exhaust, which is more harmful than NO₂. Additionally, the comment states that the HEI study exhibited representativeness errors, using only the healthiest animals, too-small sample sizes, and non-lifetime exposures, which makes the studies result inconclusive about diesel harm. However, the HEI study combines four studies, each of which was rigorously peer reviewed by HEI's review panel, an independent panel of distinguished scientists, whose comments are included in the report. Further, the "overall effort has been guided by an ACES Steering Committee consisting of representative from HEI and CRC [Coordinating Research Council], along with the U.S. Department of Energy, U.S. EPA, engine manufacturers, the petroleum industry, CARB, emission control manufacturers, the National Resources Defense Council and others." (HEI, p. xii.) The HEI study analyzed 2007-compliant diesel engines and found that the application of new emissions control technology to diesel engines "showed few exposure-related biologic effects" and any such exposure to NO₂ "is being substantially further reduced in 2010-compliant engines." (HEI, p. 4.) Nonetheless, the project health risk assessment is conservative and based on the assumption that diesel trucks cause significant health impacts, despite the findings of the HEI study. Therefore, the commenter's position, i.e. disagreement with the results of the study and potential design flaws in the HEI study, is irrelevant, as the 2019 Draft Recirculated RSFEIR's analysis of cancer and health effect risks did not depend on the results of the HEI study. Additionally, as stated in the CEQA Guidelines §15151, "disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among experts."

¹⁵⁶ Shrader-Frechette K, McQuestion, C., 2016 "Special-Interest Science" Harms Diesel-Polluted Communities Like East Los Angeles. *J Community Med Public Health Care* 3: 016. Available online: <http://www.heraldopenaccess.us/openaccess/special-interest-science-harms-diesel-polluted-communities-like-east-los-angeles>. Accessed February 20, 2020

¹⁵⁷ In 2012, the International Agency for Research on Cancer (IARC), part of the World Health Organization (WHO) named diesel exhaust as a known human carcinogen and called for tighter regulations. Europe passed new regulations, but the US government denied that diesel exhaust was a known human carcinogen because the scientific data was "uncertain", primarily because of the HEI study.

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Response to Comment 2-F1-15: The assertion that HRAs are conservative by design did not influence the performance of the project level and cumulative HRAs, results of which are presented in the 2019 Draft Recirculated RSFEIR. The OEHHA guidelines¹⁵⁸ state an HRA includes a comprehensive analysis of the dispersion of hazardous substances in the environment, their potential for human exposure, and a quantitative assessment of both individual and population-wide health risks associated with those levels of exposure. The output of the air dispersion modeling analysis includes a receptor field of ground level concentrations of the pollutant in ambient air, which can be used to estimate an inhaled or ingested dose. Additionally, the assumptions used in these guidelines are designed to err on the side of health protection in order to avoid underestimation of risk to the public. The HRAs were performed in accordance with state and local guidance.

Response to Comment 2-F1-16: The Traffic Impact Assessment (TIA) for the Project (located in Appendix F of the 2018 Revised Sections of the FEIR [RSFEIR]) calculated vehicle miles travelled (VMT) with and without the Project, demonstrating that construction of the WLC will lead to reduced commute times and VMT. As discussed in the DEIR, Moreno Valley has a low jobs-to-housing ratio of 0.45 compared to the overall regional ratio of 1.14 (i.e., 0.45 jobs for each 1 housing unit) (Draft EIR, page 2-24). SCAG's Compass Blueprint Plan and the Regional Transportation Plan encourages "bedroom" communities (i.e., those with more housing than jobs, such as Moreno Valley) to encourage jobs growth instead of housing growth, which will eventually help balance these factors across the region and help reduce commuter traffic (2018 RSFEIR page 2-29). These plans forecast that the City's ratio of jobs to housing will increase in the future but will still be less than 1.0 (estimated 0.89 by 2035), compared to a projected ratio of 1.14 for the County and 1.29 for the entire SCAG area (2018 RSFEIR page 2-29). The City's jobs/housing ratio is expected to still be less than 1.0 by 2035, but to achieve that ratio, the City would need to attract over 34,000 jobs in the next 20 years, compared to attracting 17,000 new houses during that same period. A low jobs/housing ratio results in longer distances that residents of Moreno Valley must drive to and from work. An economic study of the project¹⁵⁹ concluded that the WLC could generate approximately 25,000 new on-site jobs within the City (2018 RSFEIR page 4.15-31). In addition to the projected on-site job creation, the study estimates the WLC could generate new off-site jobs (i.e., indirect/induced employment) in all industries of the economy.¹⁶⁰ The study also estimated that an additional 7,583 indirect/induced jobs could be created in the County, of which 3,792 jobs were projected to be within the City as a result of project implementation.¹⁶¹ As stated in the TIA (page 93, Appendix F of the 2018 RSFEIR), approximately 80 percent of the vehicles entering or leaving warehouse sites are passenger cars, mostly used for commute trips by employees of the warehouses. The WLC would create much needed local jobs, which would affect commute patterns in the area by reducing VMT because people would work closer to where they live. Thus, the TIA provides VMT attributable to the WLC on the net effect the Project has on regional automobile travel. As discussed above these are valid reasons for the assumptions in the TIA (Table 102) that support the reduced VMT utilized in the Project analyses.

¹⁵⁸ Office of Environmental Health Hazard Assessment, 2015. Air Toxics Hot Spots Program Risk Assessment Guidelines, pages 1-3 and 1-6. Available online: <https://oehha.ca.gov/media/downloads/crn/2015guidancemanual.pdf>. Accessed February 20, 2020.

¹⁵⁹ David Taussig & Associates, Inc., 2012. Fiscal and Economic Impact Study World Logistics Center Moreno Valley, California. October 11.

¹⁶⁰ David Taussig & Associates, Inc., 2012. Fiscal and Economic Impact Study World Logistics Center Moreno Valley, California. October 11

¹⁶¹ David Taussig & Associates, Inc., 2012. Fiscal and Economic Impact Study World Logistics Center Moreno Valley, California. October 11

With respect to the declaration from former Moreno Valley mayor, Thomas Owings, served as Mayor from January 2013 to June 2014. During this time, he states that qualified workers were not available in the City of Moreno Valley or the surrounding communities and that residents were lacking in basic reading, writing, and computer skills and could not be employed, thus the logistics centers had to hire workers farther away. Former Mayor Thomas Owings states that the TIA net effect scenario is not credible due to what he observed during his time as mayor. Substantial growth has occurred in Moreno Valley's logistics industry since Mr. Owings' tenure concluded in 2014. Many companies have selected a new corporate location and several have elected to expand locally. Following is an update that demonstrates Moreno Valley's growth in facilities and employment:

Company	Facility Size SF Declaration	Facility Size Year 2020 (sq. ft.)	Employment Year 2020
Amazon	1,000,000	2,019,320	7,500
Skechers USA	1,800,000	2,937,155	1,200
Harbor Freight	2,000,000	2,574,216	788
Ross Dress for Less	1,600,000	3,449,281	2,400
Aldi Foods	800,000	800,430	181
Walgreens	685,000	685,000	600
Iherb.com	365,000	400,935	No rpt.
Corporate Additions			
United Natural Foods	—	613,174	700
Deckers Outdoor	800,000	1,539,604	700
Floor & Décor	—	1,103,003	788
Lowe's Home Improvement	756,340	2,144,550	No rpt.
Procter & Gamble	—	1,500,000	603
Keeco Bedding	—	1,351,763	600
Solaris Paper	—	779,233	200

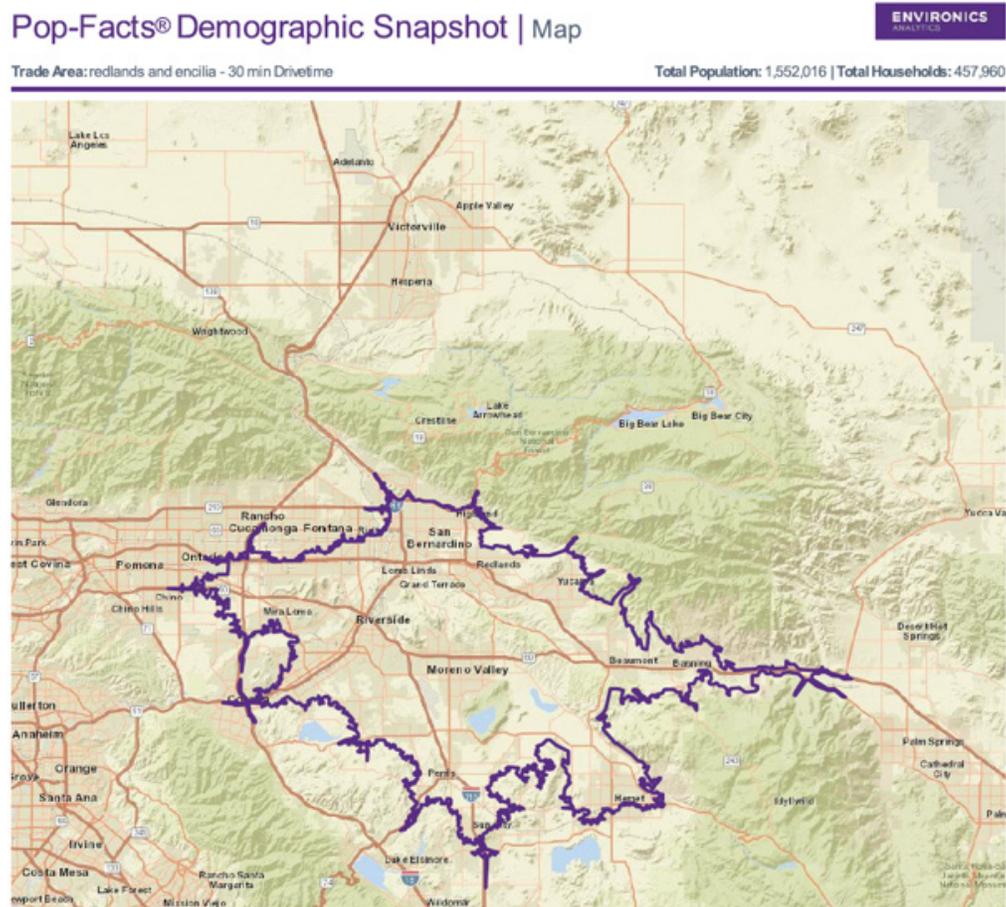
Source: City of Moreno Valley, Economic Development Department

As demonstrated above, Moreno Valley has experienced substantial growth in the logistics field, much of it from existing corporate citizens who would be knowledgeable about inadequate labor resources and would select other sites if the assertion was accurate. Existing companies continues to expand in Moreno Valley (Harbor Freight Tools, Deckers, Lowes, Ross, Amazon, Skechers USA). Human Resource representatives of these large firms would be knowledgeable about inadequate labor resources and would advise their real estate counterparts to select other sites if shallow labor pool is an issue. In 2009, the City created the Moreno Valley Employment Resource Center (ERC) to help residents struggling in the Great Recession to access jobs and increase their job readiness skills. During that time the City's unemployment reached a high of 17.5% in July of 2010, according to the Bureau of Labor Statistics (BLS). Today the City has reached an unemployment rate that is often on par or below that of the County's at 3.7% as of December 2019 (BLS).

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The City operates the Employment Resource Center (ERC) as a service to corporate citizens that also encourages local hiring, not as an economic concession. Aldi representatives have not cited lack of quality workers and has retained a majority of the existing workers since initial opening. Additionally, since opening in Moreno Valley, Skechers has continued to expand and now reports a workforce of 1,200 employees.

Current demographics by Environics Analytics (run 02/25/20) indicate that the Estimated Civilian Employed Workforce Aged 16+ within just 30 minutes' drive of the World Logistics Center is 645,675, of which 190,789 workers are employed in blue collar professions. The map below graphically represents the 30-minute drive. Logistics employers in Moreno Valley find an ample workforce and Moreno Valley encourages local hiring by providing complimentary workforce recruitment services.



Because of the seasonal shifts in retail consumption, it is a common practice for logistics facilities to utilize temporary employment agencies to bolster their permanent workforce. In addition, some companies contract with third party logistics firms (“3PLs”) that operate distribution centers on behalf of the retailers. As a result, these retailers have very few direct employees in their facilities as a majority of the permanent and seasonal labor is hired by and managed by the 3PL.

The situation served to further motivate City leaders to enhance resources and programs offered by Moreno Valley’s ERC. Using the ERC’s complimentary employee recruitment services, the City has witnessed companies converting positions from 3PL contract workforce to direct hires such as P&G. Though ERC

workforce development services are available to all individuals who walk through the door, City residents are the main beneficiaries of this trend as they naturally form the largest contingent of ERC clients.

The City regularly meets with Moreno Valley employers both large and small, and conducted over 100 business visits last year to discuss matters relevant to businesses including City programs and workforce development.

In 2015, the City created the Hire MoVal program which incentivizes employers to hire locally with utility rate incentives and hiring assistance, like job fairs and email job postings, available at the Moreno valley Employment Resource Center. The program has grown to include a Hire A Vet component and a Hire A Grad incentive that provides \$1,000 to employers for hiring recent grads and vets.

The City works with the following education and workforce development partners to prepare residents for the job skills needed:

- a) Moreno Valley College
- b) California Baptist University
- c) University of California, Riverside
- d) Moreno Valley Unified School District – Adult School
- e) Riverside County Workforce Development Board and America’s Job Centers
- f) Moreno Valley Youth Opportunity Center (YOC)

The City, in conjunction with workforce and educational partners, facilitates access to the following programs and services:

- a) Basic Skills classes through Moreno Valley College Career and Technical Education (CTE) program with regular outreach, on-site at the ERC. Certificates and programs fall under three major categories such as
 - 1. Business and Information Technology,
 - 2. Health, Human and Public Services and
 - 3. Public Safety Education and Training.
- b) English as a Second Language, Adult Basic Education (ABE) classes and GED in Spanish are offered in partnership with Moreno Valley Adult.
- c) Basic Computer Skills and computer classes such as Microsoft (MS) Certification, Google, and Basic and Intermediate classes at Moreno Valley Adult.
- d) Job preparation courses are offered on-site at the ERC through the Training Tuesdays program. Classes such as free weekly workshops on topics such as Resume Writing, Job Search, LinkedIn, and the LevelUp Certificate program which provides access to the most popular workshops in a half-day format. Moreno Valley businesses also use the ERC for job fairs and information sessions. The second Tuesday of every month is reserved for programming for veterans with classes like Social Media Cleansing and how to build your resume.

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- e) In addition, the City has partnered with Moreno Valley College to support students and their workforce training with programs such as MoVaLEARNS (which pays students to go to school), College Promise Initiative (which helps with first year school costs) and the iMake Innovation Center, a 4,150 square foot makerspace that provides students and the public with access to hands-on skill building like vinyl printers, laser printers/cutters, 3D printers and virtual reality and coding.

According to the Moreno Valley Unified School District (MVUSD), the graduation rate at all MVUSD high schools for the 2016-2017 academic year was 87.8 percent, 5.1 percent higher than the California average. The graduation rate has increased by 22.1 percent since the year 2010.¹⁶²

Former Mayor Owings draws upon previous experience as the CEO of an auto dealership to assert that most Moreno Valley residents commute long distances for white collar jobs and that the jobs provided by the WLC would not fit the economic needs of these commuters. The writer may not recognize that large logistics facilities like those intended in the WLC often include substantial office space and require white collar employees to perform various administrative tasks. This trend is often overlooked because the office space is dwarfed by the distribution space. To provide a couple examples: the primary, 1,800,000 sq. ft. Skechers facility (which is the prototype of intended World Logistics Center logistics product) serves as the company's West Coast Headquarters, which operates in approximately 53,000 sq. ft. of Class A office space. Similarly, Aldi Foods' 800,430 sq. ft. distribution facility includes 50,000 sq. ft. of office space that provides corporate meeting rooms, marketing offices, test kitchens, etc.

The project is estimated to provide a total of approximately \$47,502,000 in school impact mitigation fees (calculated based on a total 40,600,000 SF times the 2019 Moreno Valley School District¹⁶³ development fee of 61 cents per square foot and San Jacinto Unified School District's¹⁶⁴ 56 cents per square foot development fee) that can be used to improve educational opportunities for students within both the Moreno Valley Unified School District and the San Jacinto Unified School District. Further, the project is estimated to contribute \$6,993,000 to be used by the City to provide and enhance educational and workforce development training in the supply chain and logistics industries.

Response to Comment 2-F1-17: Operational Truck Idling discussed on page 4.3-22 of the 2019 Draft Recirculated RSFEIR states that each truck was assumed to idle for 5 minutes or less in any one hour consistent with the California Air Resources Board's Air Toxic Control Measure that limits such idling to 5 minutes and requirements specified in the World Logistics Center Specific Plan. Additionally, mitigation measure 4.3.6.3B n) (page 4.3-54) would require that truck and vehicle idling shall be limited to three minutes per day, but emissions reduction from this measure has not been accounted for in the analysis to provide a worst-case. It is the practice at the majority of logistics centers in the area to implement the "drop and drag" procedure; a procedure where a truck will bring goods to the facility, and the trailer (or sea-going cargo container) will be disconnected and left on-site for the lengthy process of unloading. An empty trailer may be connected and the truck quickly departs to return to its point of origin. Conversely, an out-bound truck is usually scheduled to retrieve a delivery load only once the container/trailer is full. Thus, trucks are

¹⁶² <https://www.mvUSD.net/apps/news/article/890606>

¹⁶³ https://www.mvUSD.net/apps/pages/index.jsp?uREC_ID=786774&type=d&pREC_ID=1181763

¹⁶⁴ https://www.sanjacinto.k12.ca.us/apps/pages/index.jsp?uREC_ID=330831&type=d&pREC_ID=757853

not on-site very long nor do they idle for extended time periods. Thus, the assumption for each truck to idle for 5 minutes per day is not unreasonable and would not be an underestimation of project emissions.

Response to Comment 2-F1-18: As stated in Mitigation Measure 4.3.6.2A a), off-road diesel-powered construction equipment greater than 50 horsepower shall meet United States Environmental Protection Agency (USEPA) Tier 4 off-road emissions standards. Mitigation measure 4.3.6.3B k) requires that all off-road engines in the yard trucks have emissions standards equal to Tier 4 interim or greater. A copy of each unit's certified tier specification shall be available for inspection by the City at the time of mobilization of each applicable unit of equipment. The WLC air quality and GHG analysis includes certified Tier 4 interim engines, but engines that are certified to meet or exceed the emissions ratings for USEPA Tier 4 interim engines are also allowed. Nonetheless, since the Tier 4 phase-in for construction equipment began in the 2013 to 2015-time frame, and the CARB's Airborne Toxic Control Measures will be fully implemented by 2023, there should be readily available equipment available for construction of the WLC.

Response to Comment 2-F1-19: PGM stands for photochemical grid model. The last paragraph on page 4.3-82 of the 2019 Draft Recirculated RSFEIR will be changed in the Final RSFEIR to read as follows:

There is a degree of uncertainty in these results from a combination of the uncertainty in the emissions themselves, the increase in concentration resulting from the photochemical grid model (PGM) and the uncertainty of the application of the C-R increase. All simulations of physical processes, whether ambient air concentrations, or health effects from air pollution, have a level of uncertainty associated with them, due to simplifying assumptions. The overall uncertainty is a combination of the uncertainty associated with each piece of the modeling study, in this case, the emissions quantification, the emissions model, the PGM, and BenMAP. While these results reflect a level of uncertainty, regulatory agencies, including the USEPA have judged that, even with the uncertainty in the results, the results provide sufficient information to the public to allow them to understand the potential health effects of increases or decreases in air pollution (USEPA 2012).

Response to Comment 2-F1-20: The mitigation measures to support operational emissions would be reduced in part through a requirement for 2010 trucks or later are MMs 4.3.6.3B k) and 4.3.6.3B l). Mitigation measure 4.3.6.3B k) states that any on-road engines in the yard trucks shall have emissions standards that meet or exceed 2010 engine emissions standards specified in California Code of Regulations Title 13, Article 4.5, Chapter 1, Section 2025 and as stated in MM 4.3.6.3B d) tenants shall maintain records on fleet equipment and vehicle engine maintenance to ensure that equipment and vehicles are maintained pursuant to manufacturer's specifications. The records shall be maintained on site and be made available for inspection by the City. Mitigation measure 4.3.6.3B l) specifies that all diesel trucks entering logistics sites shall meet or exceed 2010 engine emission standards specified in California Code of Regulations Title 13, Chapter 1, Section 2025 or be powered by natural gas, electricity, or other diesel alternative. Facility operators shall maintain a log of all trucks entering the facility to document that the truck usage meets these emission standards. This log shall be available for inspection by City staff at any time. This will be enforced through facility operators maintaining a log of all trucks entering or operating at the facility and monitoring for excess idling; the Vehicle Identification Number will be identified as the primary method of verifying truck compliance, as well as on-site inspections, and this log will be kept onsite and available for inspection by the City at any time. Noncompliance triggers an administrative process in the City which results in compliance efforts and if they don't comply, then a certificate of occupancy could be revoked as outlined in

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the MMRP. CEQA requires that mitigation measures be enforceable and does not mandate that any particular agency be responsible for such enforcement. As specified, the mitigation measures have enforcement mechanisms in place and are thus credible mitigation measures under CEQA.

Mitigation measure 4.3.6.3C states that prior to issuance of building permits for more than 25 million square feet of logistics warehousing within the Specific Plan area, a publicly-accessible fueling station shall be operational within the Specific Plan area offering alternative fuels (natural gas, electricity, etc.) for purchase by the motoring public, which would include trucks. As stated on page 32 of the TIA Report (Appendix F of the 2018 RSFEIR) “the project includes a fueling station and convenience store intended to serve the needs of truckers picking up or delivering cargos at the WLC site”. Thus, mitigation measure 4.3.6.3C also makes the fueling station accessible to the public, but it will still be utilized by truckers visiting the WLC site.

Mitigation measures 4.3.6.3E prohibits refrigerated warehouse space unless it can be determined that the environmental impacts resulting from the inclusion of refrigerated space and its associated facilities, including but not limited to, refrigeration units in vehicles serving the logistics warehouse, do not exceed any environmental impact for the entire WLC identified in the 2019 Draft Recirculated RSFEIR. Such environmental analysis shall be provided with any warehouse plot plan proposing refrigerated space. Any such proposal shall include electrical hookups at dock doors to provide power for vehicles equipped with Transportation Refrigeration Units (TRUs). Since this is a programmatic EIR, subsequent discretionary approvals for the WLC Project will be examined in light of the program EIR to determine whether an additional environmental document must be prepared. If no subsequent EIR is required pursuant to Section 15168 of the CEQA Guidelines, the City can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental documents would need to be prepared.¹⁶⁵ However, if a subsequent discretionary approval has effects that are not examined in the program EIR, additional environmental documentation will be required per CEQA, which may require additional mitigation if additional significant impacts are found.¹⁶⁶ As such the appropriate CEQA analysis, with mitigation, if required, would occur prior to the allowance of any refrigerated warehouse space. Refrigerated uses have not been modeled for the air quality analysis or the HRA in the 2019 Draft Recirculated RSFEIR. As stated in Response to Comment 2-F1-13, the HRA and health risk analysis does not rely on the HEI finding that New Technology Diesel Exhaust does not cause cancer.

Response to Comment 2-F1-21: An agreement was reached between the applicant and the SCAQMD which states that the parties agree the applicant will pay an Air Quality Improvement Fee and in addition to the mitigation measures listed in the FIER, WLC is subject to the following additional mitigation measures; all 2010 clean diesel trucks, all Tier 4 construction equipment, and a CNG/LNG fueling facility.¹⁶⁷ The MMs have been included in the 2019 Draft Recirculated RSFEIR as discussed above under Response to Comments 2-F1-18, Tier 4 equipment, and 2-F1-20, 2010 clean diesel trucks and the CNG/LNG fueling facility. The settlement states that the SCAQMD can use the Air Quality Improvement Fee for any purpose that will improve air quality in the South Coast Air Basin. The agreement states that the Air Quality Improvement Fee adequately mitigates heavy-duty truck related air quality impacts that may result from the construction and

¹⁶⁵ State CEQA Guidelines §15168(c)(2)

¹⁶⁶ State CEQA Guidelines §15168(c)(1)

¹⁶⁷ Superior Court of the State of California for the County of Riverside, 2016. Case No. RIC 1511213, Stipulation for Entry of Judgement in the Case of South Coast Air Quality Management District, Petitioner, vs. City of Moreno Valley; and DOES I-10 inclusive, Respondents, and HF Properties, a California general partnership, et al., Real Parties in Interest.

operation of the WLC. However, the Project is not claiming the Air Quality Improvement Fee as mitigation for emissions, as evidenced by the fact that there is no mention of the Air Quality Improvement Fee in the mitigation measures, and that air quality impacts from regional construction and operational emissions and localized significant thresholds are significant and unavoidable even after mitigation.

Response to Comment 2-F1-22: As stated on page 4.17-30, the feasibility of using medium- and heavy-duty EVs for delivery of goods to or from the WLC is, to a great extent, dependent on the nature of the warehousing operations. Tying the usage of EV trucks to the availability of charging stations at the WLC is faulty. For example, many warehouses implement the “drop and drag” procedure, where a truck will bring goods to the facility, and the trailer (or sea-going cargo container) will be disconnected and left on-site for the lengthy process of unloading. An empty trailer may be connected and the truck quickly departs to return to its point of origin. Conversely, an out-bound truck is usually scheduled to retrieve a delivery load only once the container/trailer is full. Thus, trucks are not on-site long enough times to obtain a meaningful battery charge. Appendix E of the 2019 Draft Recirculated RSFEIR asserts that with Level 2 AC chargers, with a minimum charging rate of 19.2 kW (the highest rate currently available), it would take approximately 4 hours to fully charge a passenger vehicle with a 100kWh battery. Trucks would not stay docked at the facility for that long in most cases, and a truck battery would be larger and require more time to charge than a passenger vehicle with most charging overnight. Most of these trucks would have battery charging facilities at their place of origin or the end point as its more economical for the fleet owners who don't want to be paying for employees sitting idle waiting for a vehicle to charge. Nonetheless, the purpose and intent of logistics support sites is to provide services including fueling facilities, which may include chargers (Section 2.2.5.1 of the Specific Plan [Appendix H-1 of the 2015 FEIR]).

As stated on page 4.17-24 of the 2019 Draft Recirculated RSFEIR, although it is speculative to state what the regional fleet mix will be as each phase of the Project is completed, and the adoption of ZEVs by WLC tenants' employees and customers will be beyond the direct control of the WLC, all EV types should be anticipated in planning for the onsite charging infrastructure. To that end, the project will construct the WLC parking areas with cable raceways for installing future EV charging stations (page 4.17-24 2019 Draft Recirculated RSFEIR), which will enable the WLC to more readily and cost effectively provide this service to future tenants, if and when demand dictates.

As discussed in Section 4.17, Energy, of the 2019 Draft Recirculated RSFEIR, three electric vehicle (EV) penetration scenarios were modeled; low, medium, and high. The low EV penetration scenario reflects the current state building code, and includes charging for passenger vehicles and light duty trucks. The percentage of vehicle types and the type of fuel used was determined from the breakdown in EMFAC2017; 2.5 percent passenger vehicle EVs and 1.4 percent light truck EVs by 2025 and 4.7 percent passenger EVs and 3.7 percent light truck EVs by 2035. The medium EV penetration scenario reflects a higher EV population consistent with the goals of the 2017 Scoping Plan Update and 2016 Mobile Source Strategy, and includes passenger and light truck EVs, but no charging of medium- or heavy-duty truck EVs. It is estimated that the WLC project would be visited by a combined EV population (passenger vehicles and light trucks) of 627 EVs per day in 2025 and 4,509 EVs by 2035. The high EV scenario is the same as the medium EV scenario with respect to passenger and light truck EVs, but includes estimates for medium-duty and heavy-duty EV trucks based on CALSTART's zero-emission transformation model. The model predicts 10 percent medium-duty EV trucks and 20 percent heavy-duty EV trucks by 2025, and by 2035, the forecasts indicate that 20 percent medium-duty and 30 percent heavy-duty trucks could be EVs. (page

4.17-18). Given that the future tenants of the WLC are not known and cannot be identified at this time, it would be speculative to assume that the high EV penetration scenario would be practicable or feasible by 2025 or by 2035. In 2016, in response to Executive Order B-32-15, the California Department of Transportation, CARB, the California Energy Commission and the Governor's Office of Business and Economic Development published the California Sustainable Freight Action Plan ("CSFAP"). The CSFAP was the beginning of a comprehensive effort by the State of California to transition "to a more efficient, more economically competitive, and less polluting freight system." (CSFAP, p. 1.) The CSFAP discussed policies and objectives in support of transitioning to near-zero and zero-emission freight vehicles, including heavy-duty trucks, but CARB recognized at that time, that no commercially available technology zero-emission on-road heavy-duty trucks were available and that zero- and near-zero emission technologies are still at the demonstration phase.¹⁶⁸ Since then, some zero emission trucks have become available for limited applications, but the Class 7 and Class 8 heavy-duty trucks are still not commercially available. Recognizing the challenges in transitioning to zero-emission heavy duty trucks, CARB proposed in late 2019, the Advanced Clean Truck Regulation, which proposes to require manufacturers to make a certain percentage of sales of zero-emission trucks and buses. CARB received numerous comments on the proposed Regulation, and it has not been formally adopted, but CARB's Staff Report in support of the Regulation provided a detailed evaluation of the market in the Staff Report, including Appendix E, Zero Emission Truck Market Assessment. The Staff Report notes the importance of heavy duty trucks: "Heavy-duty trucks operate through California in numerous vocations and are an essential part of the state's economy." (Staff Report, p. I-4.) The Staff Report outlines the challenges in ZEV market, particularly with respect to heavy-duty trucks, including the incremental cost of ZEVs, infrastructure investment cost and availability, matching vehicle capability with fleet need and diverging standards. (Staff Report, pp. I-14 – I-17.) The Regulation sets forth proposed percentage sales for Class 7-8 Tractor Group at 3% by 2024. CARB's evaluation of the market and its proposed goal of 3% for 2024 demonstrates that Class 7-8 heavy-duty truck are not currently commercially available.

As discussed on page 4.17-14 of the 2019 Draft Recirculated RSFEIR, "additional analysis was required to quantify the increased electricity use and decreased fuel use associated with higher fleet penetration of electric vehicles expected with implementation of California's 2016 Mobile Source Strategy, which is not incorporated into EMFAC2017." As discussed on page 4.17-15 of the 2019 Draft Recirculated RSFEIR, CEQA Guidelines Section 15144 states that "Drafting an EIR or preparing a Negative Declaration necessarily involves some degree of forecasting. While foreseeing the unforeseeable is not possible, an agency must use its best efforts to find out and disclose all that it reasonably can." The analysis of three EV penetration scenarios seeks to establish what is reasonably foreseeable with respect to technology advancements that may influence transportation energy use contemporaneous with development of the WLC project. Further, it is common practice in energy reports to analyze a low, medium, and high energy use scenario. It was done in the 2018 MVU IRP which analyzed and gave load forecast scenarios for a low, medium, and high EV scenario.¹⁶⁹ Thus, the 2019 Draft Recirculated RSFEIR presented the high EV scenario to parallel the 2018 MVU IRP and explained that the high EV scenario would be speculative, but if this scenario occurred, it would result in less emissions and a less health risk than the modeled scenario

¹⁶⁸ California Air Resources Board, 2015. Draft Heavy-Duty Technology And Fuels Assessment: Overview, April. Available online: https://www.arb.ca.gov/msprog/tech/techreport/ta_overview_v_4_3_2015_final_pdf.pdf?ga=2.207832726.540754214.1560412530-179310568.1519193875.

¹⁶⁹ City of Moreno Valley, 2018. Moreno Valley Utility 2018 Integrated Resource Plan. July 20. Page 1-4. Available online: <http://www.moval.org/mvu/pubs/MVU-IRP-Report-072018.pdf>. Accessed February 21, 2020.

in the HRA, because there would be less diesel trucks on the road. Given the full explanation provided in the 2019 Draft Recirculated RSFEIR as to the high EV scenario, it should not have been misleading with respect to its practicality.

The CEC report¹⁷⁰ provided by the commenter states that vehicle sales in the light heavy-duty (LHD) truck category, classes 3, 4 and 5, are about 70 percent diesel and 30 percent gasoline, and the commenter states that multiplying 30% (for gasoline trucks) by the percentage of LHD trucks yields 5% not 9% gasoline trucks and that using 9% underestimates emissions. However, as discussed in the TIA, Appendix F of the 2018 RSFEIR (pages 110 – 117), to quantify mobile source operational emissions, the following information was required: trip generation, vehicle fleet mix, trip length, and emission factors. Trip generation rates were derived using trip rates from the High-Cube Warehouse Vehicle Trip Generation Analysis which were incorporated into the 10th edition of the Institute of Traffic Engineers (ITE) Trip Generation Manual. The EMFAC2017 mobile source model was used to derive a complete mix of vehicles serving the WLC and it was also used to subdivide each class by gasoline and diesel vehicles. A traffic model was used to forecast trip generation and VMTs. EMFAC2017 was also used for the emission factors. The assumption that the heavy-duty truck fleet would be made up of 89 percent diesel, 9 percent gasoline, and 3 percent natural gas, and 0 percent electric for the HRA was based on EMFAC2017. The HRAs were performed in accordance with state and local guidance. Therefore, the fact that commenters disagree with the percentage of gasoline heavy-duty trucks in 2035 (5% versus 9%) with a study that says 70 percent of light heavy-duty truck sales are diesel does not refute the logic of the use of the USEPA approved EMFAC2017 to derive the fleet mix and type of fuel used in the 2019 Draft Recirculated RSFEIR's analysis of cancer and health effect risks. Additionally, as stated in the CEQA Guidelines §15151, "disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among experts."

Response to Comment 2-F1-23: Table 4.3-27 accidentally showed that a cancer risk of 34 in a million along the SR-60 did not exceed the SCAQMD significance threshold of 10 in a million. This is a typographical error. The last line of Table 4.3-27, Estimated Cancer Risks, 30-Year Exposure Duration for Sensitive/Residential Receptors Starting from Beginning of Project Full Operation in 2035, Without Mitigation, on page 4.3-68 of the 2019 Draft Recirculated RSFEIR will be changed in the Final RSFEIR to read as follows:

¹⁷⁰ California Energy Commission, 2018. Final Consultant Report Forecast of Medium- and Heavy-Duty Vehicle Attributes to 2030, April. Available online: <https://ww2.energy.ca.gov/2018publications/CEC-200-2018-005/CEC-200-2018-005.pdf>. Accessed February 15, 2020.

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Table 4.3-27: Estimated Cancer Risks, 30-Year Exposure Duration for Sensitive/Residential Receptors Starting from Beginning of Project Full Operation in 2035, Without Mitigation

Receptor Location	Total Incremental Increase in Cancer Risk ¹ (risk/million)	SCAQMD Cancer Risk Significance Threshold (risk/million)	Exceeds Threshold?
Maximum risk anywhere in the modeling domain ²	34.0	10	Yes
Maximum risk within the project boundaries ³	34.0	10	Yes
Maximum risk at any area outside of the project boundaries ⁴	29.9	10	Yes
Maximum risk along SR 60 freeway ⁵	34.0	10	No Yes

Notes:

- ¹ Conservatively assumed all receptors in the studied domain are residential receptors and will have 30-year average exposures from 2040 to 2069 (includes diesel PM emissions from full project operation); cancer risk estimates derived from the TIA, EMFAC2014 emission model, SCAQMD HRA guidance and "Current OEHHA Guidance" for estimating cancer risks.
- ² Location is at the existing residence immediately to the north of the project boundary at 13241 World Logistics Center Parkway (formerly Theodore Avenue).
- ³ Location is at the existing residence located at 30220 Dracaea Avenue.
- ⁴ Location is to the northwest of the project boundary, on the west side of Redlands Boulevard and south of Eucalyptus Avenue.
- ⁵ Location is south of SR 60 freeway, same as the location in footnote (2).

Source: *Air Quality, Greenhouse Gas, and Health Risk Assessment Report*, 2019.

Response to Comment 2-F1-24: Mitigation Measure 4.1.6.1A is a mitigation measure under Scenic Vistas in the 2018 RSFEIR (page 1-4) and states that each Plot Plan application for development along the western, southwestern, and eastern boundaries of the project (i.e., adjacent to existing or planned residential zoned uses) shall include a minimum 250-foot setback measured from the City/County zoning boundary line and any building or truck parking/access area within the project. The setback area shall include landscaping, berms, and walls to provide visual screening between the new development and existing residential areas upon maturity of the landscaping materials. The existing olive trees along Redlands Blvd. shall remain in place as long as practical to help screen views of the project site. This measure shall be implemented to the satisfaction of the Planning Official. This mitigation measure would help improve health outcomes by increasing the distance between the project boundary and any sensitive receptors.

Response to Comment 2-F1-25: Refer to Response to Comment 2-F1-18 for a discussion on Tier 4 interim engines and availability of equipment. This MM would help reduce health outcomes by reducing air quality emissions, primarily PM2.5 emissions, and therefore black carbon emissions.

Response to Comment 2-F1-26: Mitigation measure 4.3.6.2B states:

"Prior to issuance of any grading permits, a Construction Staging Plan shall be submitted to and approved by the City of Moreno Valley that describes in detail the location of equipment staging areas, stockpiling/storage areas, construction parking areas, safe detours around the project construction site, as well as provide temporary traffic control (e.g., flag person) during construction-related truck hauling activities. Construction trucks shall be rerouted away from sensitive receptor areas. Trucks shall use State Route 60

using World Logistics Center Parkway (formerly Theodore Street), Redlands Boulevard (north of Eucalyptus Avenue), and Gilman Springs Road. In addition to its traffic safety purpose, the Construction Staging Plan can minimize traffic congestion and delays that increase idling emissions. A copy of the approved Traffic Control Plan shall be retained on site in the construction trailer.”

The route the trucks will take is explained in the mitigation measure, but will be confirmed and approved by the City in the Construction Staging Plan prior to issuance of grading permits.

Response to Comment 2-F1-27: The Air Quality Index (AQI) is calculated from the highest concentration measurements of 5 criteria pollutants among all the monitors within each reporting area.¹⁷¹ An AQI of 100 generally corresponds to the national ambient air quality standard (NAAQS) for the pollutant.¹⁷² As the project site is situated in the South Coast Air Basin, which is in nonattainment for ozone and particulate matter,¹⁷³ there will be days on which the reporting area will exceed an AQI of 100 due to sources unrelated to the project site and a tremendous amount of economic activity that leads to emissions will continue to operate.

The ambient air quality standard is not a measure to allow or disallow economic activity in a region. Under Part D, Section 172 of the Clean Air Act,¹⁷⁴ non-attainment areas must submit to the EPA a State Implementation Plan (SIP) which would lay out approaches to reducing pollutant levels through implementation of reasonably available control measures, enforceable emission limitations, or other methods. There is no requirement for sources within the region to cease operations if the NAAQS is exceeded. As described, the AQI is a useful tool to convey general air quality conditions to the public. For a more detailed and source-specific assessment of air quality, the ambient air quality concentration of each relevant pollutant is compared directly with its federal and state air quality standards (CAAQS and NAAQS). This more detailed approach is utilized in the analysis in Section 4.3, Air Quality.

The mitigation measure was structured to help address extreme situations of very poor air quality. In this way, it is appropriate to keep the mitigation measure to reference an AQI of 150 which is a good representation for those conditions. The project analyses show that cancer risk and health impacts, as calculated in the health risk assessment and health effects analysis, were less than significant. Therefore, there is no need to change Mitigation Measures 4.3.6.2D from an air quality index of 150 to an air quality index of 100.

Response to Comment 2-F1-28: Mitigation Measure 4.3.6.3A (page 4.3-52) states prior to issuance of occupancy permits for each warehouse building within the WLC Specific Plan, the developer shall demonstrate to the City that vehicles can access the building using paved roads and parking lots. However, the commenter would rather the measure read access on unpaved roads should be prohibited. In either

¹⁷¹ EPA. AQI Technical Assistance Document. Sep. 2018. Accessible: <https://www3.epa.gov/airnow/aqi-technical-assistance-document-sept2018.pdf>. Accessed March 23, 2020.

¹⁷² EPA. Air Now. AQI Basics. Accessible: <https://airnow.gov/index.cfm?action=aqibasics.aqi>. Accessed March 23, 2020.

¹⁷³ SCAQMD. National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS) Attainment Status for South Coast Air Basin. Feb. 2016. <http://www.aqmd.gov/docs/default-source/clean-air-plans/air-quality-management-plans/naaqs-caaqs-feb2016.pdf?sfvrsn=14>. Accessed March 23, 2020.

¹⁷⁴ Clean Air Act Part D. <https://www.govinfo.gov/content/pkg/USCODE-2013-title42/html/USCODE-2013-title42-chap85-subchapl-partD-subpart1-sec7502.htm> Accessed March 23, 2020.

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case, vehicles will be accessing the site on paved roads which would reduce air quality PM emissions as dust would not be generated from driving on unpaved roads.

Mitigation Measure 4.3.6.3A, on page 4.3-52 of the 2019 Draft Recirculated RSFEIR, will be changed in the Final RSFEIR to read as follows:

Prior to issuance of occupancy permits for each warehouse building within the WLSCP, the developer shall demonstrate to the City that vehicles can access the building using paved roads and parking lots and that access on unpaved roads is prohibited.

Response to Comment 2-F1-29: Mitigation Measures 4.3.6.3B n) (page 4.3-54) requires that truck and vehicle idling shall be limited to 3 minutes during operations and MM4.3.6.3B b) (page 4.3-53) necessitates that signs be prominently displayed in all dock and delivery areas advising of the following: engines shall be turned off when not in use; trucks shall not idle for more than three consecutive minutes; and the telephone number of the building facilities manager and CARB to report air quality violations. Mitigation measure 4.3.6.3B e) (page 4.3-53) states that tenant's staff in charge of keeping vehicle records shall be trained/certified in diesel technologies, by attending CARB approved courses (such as the free, one-day course #512). Documentation of said training shall be maintained on-site and be available for inspection by the City. As required by mitigation measure 4.3.6.3B k) (page 4.3-53), all yard trucks (yard dogs/yard goats/yard jockeys/yard hostlers) shall be powered by electricity, natural gas, propane, or an equivalent non-diesel fuel. Any off-road engines in the yard trucks shall have emissions standards equal to Tier 4 Interim or greater. Any on-road engines in the yard trucks shall have emissions standards that meet or exceed 2010 engine emission standards specified in California Code of Regulations Title 13, Article 4.5, Chapter 1, Section 2025. Mitigation Measure 4.3.6.3B l) (page 4.3-53) all diesel trucks entering the logistics sites shall meet or exceed 2010 engine emission standards specified in CCR Title 13, Article 4.5, Chapter 1, Section 2025. This will be enforced through facility operators maintaining a log of all trucks entering or operating at the facility and monitoring for excess idling; the Vehicle Identification Number will be identified as the primary method of verifying truck compliance, as well as on-site inspections, and this log will be kept onsite and available for inspection by the City at any time. Noncompliance triggers an administrative process in the City which results in compliance efforts and if they don't comply, then a certificate of occupancy could be revoked as outlined in the MMRP. CEQA requires that mitigation measures be enforceable and does not mandate that any particular agency be responsible for such enforcement.

Response to Comment 2-F1-30: Mitigation Measure 4.3.6.3C (page 4.3-54) states that prior to issuance of building permits for more than 25 million square feet of logistics warehousing within the Specific Plan area, a publicly-accessible fueling station shall be operational within the Specific Plan area offering alternative fuels (natural gas, electricity, etc.) for purchase by the motoring public. Any fueling station shall be placed a minimum of 1,000 feet from any off-site sensitive receptors or off-site zoned sensitive uses. This facility may be established in connection with the convenience store required in Mitigation Measure 4.3.6.3D (page 4.3-54). As stated on page 32 of the TIA Report (Appendix F of the 2018 RSFEIR) "the project includes a fueling station and convenience store intended to serve the needs of truckers picking up or delivering cargos at the WLC site". Mitigation Measure 4.3.6.3C also makes the fueling station accessible to the public, but it will still be utilized by truckers visiting the WLC site. Thus, it can be assumed that trucks visiting the WLC site would use the alternative fueling station, if they use alternative fuel, which would reduce air quality emissions for a reduction in health effects.

Response to Comment 2-F1-31: The comment merely quotes Mitigation Measure 4.3.6.3D (page 4.3-54) without taking issue with it. Mitigation Measure 4.3.6.3D asserts that prior to the issuance of building permits for more than 25 million square feet of logistics warehousing within the Specific Plan area a site shall be operational within the Specific Plan area offering food and convenience items for purchase by the motoring public. This facility may be established in connection with the fueling station required in Mitigation Measure 4.3.6.3C. This will allow patrons to purchase merchandise if they need to while filling up the fueling station which could potentially reduce VMTs and thus, air quality emissions.

Response to Comment 2-F1-32: Refer to Response to Comment 2-F1-20 for a discussion about refrigerated warehouse space at the WLC.

Response to Comment 2-F1-33: Mitigation Measure 4.3.6.5A a) (page 4.3-72), erroneously cited as mitigation measure 4.3.5.4A on the top of page 4.3-78, states the house at 30220 Dracaea Avenue shall be demolished prior to the issuance of the first grading permit for grading within the WLC and b) an air filtration system meeting ASHRSE Standard 52.2 MERV-13 standards shall be offered to the owners of the houses located at 13100 World Logistics Center Parkway (formerly Theodore Street) and 12400 World Logistics Center Parkway (formerly Theodore Street). The developer shall offer to install the air filtration system to the owners of the two properties within two months of the certification of the Final RSFEIR. Prior to the issuance of the first grading permit within the World Logistics Center, documentation shall be provided to the City confirming that an offer to install the air filtration system has been extended to the owners of each of the two properties. The owners of the two properties shall be under no obligation to accept the offer. Each property owner shall have two years from the receipt of the offer to accept the offer. Upon acceptance of each offer, the developer shall work with each owner to ensure the air filtration system is properly installed within one year of acceptance. Of the homes requiring filters there is only one home that is not owned by Highland Fairview and for all the other homes on-site, the requirement for MERV filters is part of the development agreement. Therefore, it is appropriate to apply the MERV filters as mitigation to reduce the impact and it is not improper to model the reduction provided by MERV filters. The effectiveness of the filters is assumed to be 50 percent to account for some degree of the residents opening the windows for part of the time, which doesn't violate SCAQMD and OEHHA rules regarding HRAs. This MM is required to ensure that significant health risk does not occur at on-site residential receptors. The owners of the homes located at 13100 World Logistics Center Parkway (formerly Theodore Street) and 12400 World Logistics Center Parkway (formerly Theodore Street) have accepted the offer for the installation of the MERV 13 filters in writing (see Attachment R). Thus, for these reasons, with the implementation of mitigation, the increase in health risks from the Project to an on-site or offsite receptor, within the study area, was less than significant.

The first paragraph on page 4.3-78 in the 2019 Draft Recirculated RSFEIR will be changed to correct the erroneous mitigation measure number from 4.3.5.4A to 4.3.6.5A (a) in the Final RSFEIR as follows:

The use of a filtration system consisting of the application of filters with a rating of ASHRSE Standard 52.2 MERV-13, as required by Mitigation Measure 4.3.6.5A (a)~~4.3.5.4.A~~, is sufficient to capture a significant portion of the diesel particulate matter. However, the filtration system would not remove the smallest of particles (less than approximately 0.01 to 0.2 micrometer (μm) in diameter). MERV-13 filters would, however, reduce particles in the range of 0.3 to 1 μm by up to 75 percent and particles larger than 1 μm by 90 percent (see Table 1 of the Addendum to CARB,

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2013b). Based on measurement studies of the size distribution of the collected DPM, approximately 0.1 to 10 percent of the total DPM mass includes particles between 0.01 and 0.2 μm in diameter, particles between 0.3 and 1 μm in diameter comprise 70 percent of the total DPM mass, and particles above 1 μm comprise 5 to 20 percent of the total DPM mass (DieselNet.com, 2002).

Response to Comment 2-F1-34: With regard to the inclusion of raceways with wiring for truck charging extending to the loading docks, refer to Response to Comments 2-F1-10 and 2-F1-22.

Response to Comment 2-F1-35: The comment omits specificity as to alleged lack of credibility in the project HRAs. The comment also asserts that they have located an expert on HRAs to comment on this part of the 2019 Draft Recirculated RSFEIR, but the expert wasn't available prior to the deadline. The deadline for commenting on the Draft Recirculated RSFEIR closed on January 31, 2020. Thus, no response is warranted at this time.

Response to Comment 2-F1-36: Table 4.3-28 (page 4.3-73 of the 2019 Draft Recirculated RSFEIR) presents the estimated cancer risks to sensitive receptors for the 30-year exposure scenario that starts from the beginning of construction (construction and operation HRA) with mitigation. The 12400 World Logistics Center Parkway location is evaluated. However, due to its location within the lines which represent maximum risk anywhere within the modeling domain it wasn't called out by name because the risk isn't predicted to be as high as the risk at other locations. As shown in Table 4.3-28, the Project would not exceed the SCAQMD's cancer risk significance threshold of 10 in a million at any onsite or offsite receptors within the study area. This table highlights the existing properties within the project boundaries, because they will have the most exposure to construction emissions.

Table 4.3-29 (page 4.3-74 of the 2019 Draft Recirculated RSFEIR) presents the estimated cancer risks for the 30-year exposure for sensitive/residential receptors starting from the beginning of project full operation (operational HRA). This table shows the maximum risk anywhere in the modeling domain, within the project boundaries, outside the project boundaries, and along the SR-60 freeway outside the project boundaries. The 12400 World Logistics Center Parkway location is evaluated in the modeling domain and is located outside the project boundary, but is owned by the WLC Project's developer. Table 4.3-30 (page 4.3-74 of the 2019 Draft Recirculated RSFEIR) shows the estimated cancer risk for 30-year exposure scenario that starts from the beginning of project full operation in 2035 (operational HRA). As shown in the table, the estimated maximum cancer risk would not exceed the SCAQMD's significance threshold for any of the sensitive/residential onsite receptors with mitigation and the installation of MERV-13 filters. This table highlights the 12400 World Logistics Center Parkway location because it is not located on the project site and the additional mitigation measure of MERV-13 filters is needed to reduce the cancer risk to below the significance level. The HRA did not "cook the books", this address was modeled without the filter and was shown in Table 4.3-29 as having a significant risk of 10.7 in a million. As stated in Response to Comment 2-F1-33, of the homes requiring filters there is only one home that is not owned by Highland Fairview and for all the other homes on-site, the requirement for MERV filters is part of the development agreement. Therefore, it is appropriate to apply the MERV filters as mitigation to reduce the impact. The effectiveness of the filters is assumed to be 50 percent to account for some degree of the residents opening the windows for part of the time, which doesn't violate SCAQMD and OEHHA rules regarding HRAs. At the owners of the homes located at 13100 World Logistics Center Parkway (formerly Theodore Street) have accepted the offer for the installation of the MERV 13 filters in writing (see Attachment R). Thus, with the implementation

of mitigation, the increase in health risks from the Project to an on-site or offsite receptor, within the study area, was less than significant.

Response to Comment 2-F1-37: Figure 4.3-6 (page 4.3-76) shows the incremental cancer risk with mitigation for 30 years of full operation (operational HRA). The 10 in one million cancer isopleth shows a few receptors along the SR-60 corridor, outside the project site. This is discussed on page 4.3-69 of the 2019 Draft Recirculated RSFEIR, as shown in Figure 4.3-6 (page 4.3-76), with mitigation, the incremental cancer risk along SR-60 may exceed the 10 in one million threshold promulgated by SCAQMD and be greater than significant for the 30 years of full operation. However, Figure 4.3-6 conservatively portrays all receptors as residents. The receptors in question are not sensitive residential receptors, even though they were modeled as such. The largest of the areas along the 60 freeway, adjacent to the Project site, is vacant land that belongs to a nursery. The isopleth presented in Figure 4.3-6 does not ultimately apply for significance determination, which differentiates between receptor type. The maximum residential cancer risk for significance determination is presented, with mitigation, in Tables 4.3-29 and 4.3-30 of the 2019 Draft Recirculated RSFEIR. The more-conservative residential assumptions were also applied to worker receptors and may show extraneous “false positive” exceedances of the 10 in one million threshold. The purpose of Figure 4.3-6 is to identify the 10 in one million isopleth in order to determine whether any schools or residences fall within. The maximum residential cancer risk for significance determination is presented, with mitigation, in Tables 4.3-29 and 4.3-30. As shown in Figure 4.3-5, with mitigation, the incremental cancer risk along SR-60 will be less than 10 in one million and less than significant for the 30 years of combined construction and operation.

Response to Comment 2-F1-38: Refer to Response to Comment 2-F1-14, for a discussion of the HEI study in the analysis.

Response to Comment 2-F1-39: As stated on page 4.3-78, the use of a filtration system consisting of the application of filters with a rating of ASHRAE Standard 52.2 MERV-13, as required by Mitigation Measure 4.3.5.4.A, is sufficient to capture a significant portion of the diesel particulate matter. MERV-13 filters are recognized to reduce particles in the range of 0.3 to 1 micrometer (μm) in diameter by up to 75 percent and particles larger than 1 μm by 90 percent (see Table 1 of the Addendum to CARB, 2013b). Based on measurement studies of the size distribution of the collected diesel PM, approximately 0.1 to 10 percent of the total diesel PM mass includes particles between 0.01 and 0.2 μm in diameter, particles between 0.3 and 1 μm in diameter comprise 70 percent of the total diesel PM mass, and particles above 1 μm comprise 5 to 20 percent of the total DPM mass (DieselNet.com, 2002). Since the cancer risk from diesel PM is calculated from the mass of diesel PM emitted, the quantity of diesel PM reduced by the action of air filters would thus equate to a reduction in cancer risk. The application of MERV-13 air filter filtration system would result in a reduction of diesel PM exposures by approximately 70 percent. Attributing an adjustment for time that windows might be open, residents would be outside, or for different compounds that result in the cancer risk would reduce the efficacy of the filters by about 20 percent, bringing the total cancer risk reduction from the filters to 50 percent. Thus, the use of the filters to bring the OEHHA-calculated risk below the SCAQMD threshold is appropriately modeled in the HRA. Health risk impacts are less than significant and no further mitigation is required. As discussed above, the use of the ASHRAE filters did not ignore the fact that filters do not trap the particles of the smallest sizes.

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As stated on page 4.3-66, cancer risk estimates at school sites in the area were prepared assuming a 9-year exposure during construction and operation as well as operation at full buildout. Prior to the application of the mitigation, the maximum cancer risk is at Ridgecrest Elementary School for the construction + operational scenario and would be approximately 12.6 in a million. Similarly, the maximum cancer risk for the full operational scenario is 3.54 in one million is at Bear Valley Elementary School. Therefore, maximum impact at Ridgecrest Elementary School is greater than the 10 in one million significance threshold, prior to mitigation, and are potentially significant without mitigation. With the application of mitigation, the maximum cancer risk would be approximately 1.8 in a million at Ridgecrest Elementary School and 3.0 in one million at Bear Valley Elementary School. Both schools are below the significance threshold of 10 in one million after mitigation. The reason the Ridgecrest Elementary Schools risk dropped so much is because it is the closest school to the site and had the highest risk due to construction equipment. The risk at Bear Valley Elementary didn't drop as much after mitigation because it is farther from the project site and wasn't influenced by construction equipment, but is primarily influenced by truck emissions as it lies close to the SR-60 freeway.

Response to Comment 2-F1-40: This comment accurately summarizes the air quality impacts after mitigation. No further response is warranted.

Response to Comment 2-F1-41: The air quality impacts resulting from the WLC were analyzed and all feasible mitigation measures were adopted per CEQA requirements. With regard to providing electrical hookups for truck charging at all loading docks, refer to Response to Comments 2-F1-10 and 2-F1-22. Additionally, refer to Topical Response E, Moreno Valley Utilities/Solar, regarding the limit on the amount of solar the WLC is allowed to generate.

Response to Comment 2-F1-42: The comment mischaracterizes the analysis which evaluates the health effects from criteria air pollutants by misstating the context in which the word "minimal" was used in the analysis. Clearly no value can ever be put on human health and wellness, especially the potential loss of life which can never be characterized as minimal. The word "minimal" was not used to minimize the importance of each person's life and each person's health. The word minimal was used to describe the analysis results in context relative to Southern California's overall mortality statistics. The City believes that the potential health effects from criteria air pollutants is important to understand when evaluating a project, and thus has invested the effort to represent the potential health effects from criteria air pollutants.

The analysis showed the estimated health effects from ozone and PM2.5 are much less than background incidences. It is common practice in health risk assessments to characterize health risks in comparison to relative thresholds.

In the context of a CEQA analysis, there are no adopted thresholds to assess the results of this health effects analysis. Thus, the use of "minimal" in the Health Effects report was in the context of the comparison to background health incidence rates. When considered in the context of background health incidences, the Project risks represented a very small fraction as a percentage of other risks, see chart below. There are no activities in life that do not have a risk factor associated with them. It is important to understand a project's potential risk relative to the risk rates resulting from all other factors in Southern California.

The health effects analysis represents the best available approach to assess the potential health effects related to air emissions. The analysis includes conservative assumptions, and due to the inherent uncertainty with assessing health effects from all areas (e.g., economic factors, health behaviors, clinical care, etc.), the actual health effects solely due to the air emissions may be zero.

While the health effects analysis attempts to address specific health risks (as understood by the current available science), it is important to place these risks in context with well-known mortality risk drivers or exposures to other air-borne or water-borne contaminants that cannot be ruled out by the risk analysis.

For example, for the leading causes of death (e.g., heart disease, cancer, and lung disease) researchers have long studied the underlying risk factors since the mid-1900s. Researchers have demonstrated in the past two decades that behavioral conditions can greatly impact health and have sought to assess the contributions from various risk factors (Booske et al.,2010).¹⁷⁵ For example, Booske et al. (2010) provided a recommended ranking scheme for various health risk factors, or health determinants, based on a review of the literature, and noted that 90% of the of these risk factors were associated with social and economic factors, health behaviors, and clinical care. In contrast, 10% or less of the risk factors were due to environmental factors, which include unsafe water, sanitation, hygiene, indoor and outdoor air pollution, lead exposure, and climate change. In fact, the authors note that based on experts' opinions, health behaviors "had the largest and most unambiguously measurable effect on health" (pg. 3). These include smoking, diet, and exercise. Thus, the results of the health effects analysis could and should be also considered in the greater context of other risk factors.

In addition, an analysis by the World Health Organization (WHO, 2009¹⁷⁶), analyzed the relative burden of mortality and burden of disease to various risk factors reporting that various diet-related risks (e.g., physical inactivity, high blood pressure, obesity) accounted for 25% of the burden in high income countries, whereas total environmental risk factors (indoor and outdoor air pollution, water quality, lead and climate change) accounted for less than 3% of mortality and burden of disease. Importantly, the epidemiological studies on which this health effects analysis is based are unable to control for all the individual risk factors that could account for the observed statistical associations between air pollutants and health effects. This remains one of the largest sources of uncertainty. Thus, while the health correlations relied upon in this analysis suggest that health effects are due to air pollution, there remains the possibility that the combined effects of various social risk factors (e.g., income, education, and occupation) or behavioral risk factors could be influencing these results.

It is also helpful to place the Project-related PM2.5 mortality risks in context with other everyday mortality risks. That is, everyday activities are associated with some level of risks, including risks associated with driving a car, swimming, traveling in a train or an airplane, for example. As shown in the figure below, the Project-related risks are 10 to 100 times lower than some annual mortality risks associated with everyday activities, including motor vehicle accidents and accidental falls or drownings, and are in the same order of magnitude as some other everyday risks (e.g., plane accidents, lightning strikes). Everyday risk estimates represent 2017 national estimates and were obtained from the National Safety Council.¹⁷⁷ We also

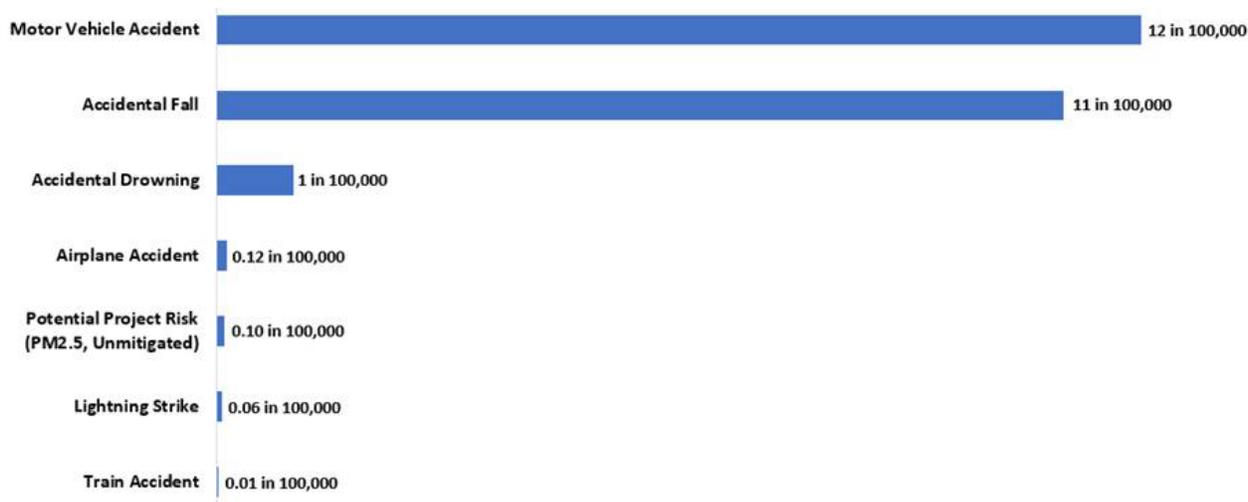
¹⁷⁵ <https://www.countyhealthrankings.org/sites/default/files/differentPerspectivesForAssigningWeightsToDeterminantsOfHealth.pdf>

¹⁷⁶ https://www.who.int/healthinfo/global_burden_disease/GlobalHealthRisks_report_full.pdf

¹⁷⁷ <https://injuryfacts.nsc.org/all-injuries/preventable-death-overview/odds-of-dying/data-details/>

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compared these risk estimates to county-level estimates from the CDC WONDER database¹⁷⁸ for Riverside, Orange, San Bernardino, Los Angeles, San Diego, Ventura, and Imperial Counties.¹⁷⁹ Project-related PM_{2.5} mortality risks (conservatively presented for unmitigated emissions) represent the worst-case annual impacts (for year 2035), and consider populations (ages 30–99, consistent with the epidemiological study relied upon) within model grid cells with mortality impacts greater than 0.001. Overall, this comparison highlights the relative risks associated with Project-related air quality impacts when compared to other everyday risks which cause mortality.



Annual National Mortality Risks. Source: National Safety Council

Lastly, the comments refer to the CalEnviroScreen 3 model. The CalEnviroScreen 3 model is a tool that is used to identify “California communities by census tract that are disproportionately burdened by, and vulnerable to, multiple sources of pollution.” Specifically, it is a screening model that aims at identifying potentially susceptible community groups based on 20 indicators (pollution and population characteristics) and ranks each census tract relative to other census tracts based on weighing the 20 indicators. This tool is not applicable for determining the health effects from a specific project because it lacks the ability to estimate impacts from emissions of a project on air pollution levels and it does not apply health effect functions to estimate effects from potential changes in air pollution concentrations from future project emissions. In contrast, the BenMAP tool is specifically designed to calculate health effects from changes in air pollution concentrations. Therefore, the BenMAP tool is the appropriate tool to use for assessing health effects from future Project emissions.

As shown on Table 4.3-34, the BenMAP model estimated health effects from PM_{2.5} attributed to the WLC, as a very small fraction in light of background incidences. The increase in mortality is 0.0044 percent over background incidents. This is a very small percentage and as such, the effect is a very small fraction in relation to background incidences. To reduce these potential health effects the project has incorporated numerous mitigation measures and project design features. It is also noteworthy that as discussed in the 2019 Draft Recirculated RSFEIR, the health effects estimation using this method presumes that effects

¹⁷⁸ Centers for Disease Control and Prevention, National Center for Health Statistics. “Underlying Cause of Death” 1999-2018 on CDC WONDER Online Database, released in 2020. Data are from the Multiple Cause of Death Files for 2018, for populations 30-99 years old. Accessed at <http://wonder.cdc.gov/ucd-icd10.html>

¹⁷⁹ These counties represent the areas impacted by the Project with a mortality risk in excess of 0.001 in modeled grid cells.

seen at large concentration differences can be linearly scaled down (i.e., correspond to) small increases in concentration, with no consideration of potential thresholds below which health effects may not occur. The methodology of linearly scaling health effects is broadly accepted for use in regulatory evaluations and is considered as being health protective, but potentially overstates the potential effects. In summary, health effects presented are conservatively estimated, and the actual effects may be zero.¹⁸⁰

Agencies have continued to assess how to respond to the Supreme Court's decision on *Sierra Club v. County of Fresno* (Friant Ranch) on December 24, 2018. The City of Los Angeles had come to a conclusion in October 2019 that they believed such analyses cannot provide meaningful information.¹⁸¹ However, in January 2020, Sacramento Metropolitan Air Quality Management District (SMAQMD) released guidance for CEQA projects in response to Friant Ranch, including modeling guidance for projects that have emissions of criteria pollutants in excess of significance thresholds, based on the assumption that such analyses can provide meaningful information.¹⁸² The health effects study included in the 2019 Draft Recirculated RSFEIR (page 4.3-82), follows methodology in line with the SMAQMD guidance. As recognized in the 2019 Draft Recirculated RSFEIR and by SMAQMD, there is a degree of uncertainty in a health effects analysis that should be considered when evaluating the results.

The 2019 Draft Recirculated RSFEIR, pages 4.3-79 through 4.3-81, contains a health effects analysis showing the association between increased, project-related levels of criteria pollutants and adverse health effects from these pollutants, using modeling similar to that set forth in the SMAQMD guidance. Further investigation has revealed other health impact analyses, discussed below.

1. The Cal State University, Dominguez Hills, Campus Master Plan (CSUDH)¹⁸³ consists of the retention of the existing 20,000 enrollment cap of full time-equivalent students (FTES) while providing a framework for development of the University's campus in a forward-looking manner than accommodates growth from the current enrollment of approximately 11,000 FTES to the maximum enrollment of 20,000 FTES over a planning horizon extending to 2035.
2. The Mineta San Jose International Airport Master Plan (SJIA)¹⁸⁴ includes the amendment of the 1997 Airport Master Plan to a) modify certain components of the airfield to reduce the potential for runway incursions; b) update the aviation demand forecasts and shift the horizon year from 2027 to 2037; and c) modify future facilities requirements at the Airport to reflect updated demand forecasts.

¹⁸⁰ Ramboll, 2019. Highland Fairview World Logistics Center Additional Information Regarding Potential Health Effects of Air Quality Impacts, Moreno Valley, California, page 14. Appendix A of the 2019 Draft Recirculated RSFEIR.

¹⁸¹ City of Los Angeles, 2019. Air Quality and Health Effects, October, p. 4. Available at: https://planning.lacity.org/odocument/e1a00fbf-6134-4fa9-b6fd-54eee631effb/City_of_LA_-_Air_Quality_and_Health_Effects_and_Attachments.pdf

¹⁸² Sacramento Metropolitan Air Quality Management District, 2019, Guidance to Address the Friant Ranch Ruling for CEQA Projects in the Sac Metro Air District, December, p. 2. Available at: http://www.airquality.org/LandUseTransportation/Documents/SMAQMD_FriantRanch_DraftFinalPublic.pdf

¹⁸³ California State University, Dominguez Hills. Campus Master Plan. <https://www.csudh.edu/fpcm/campus-master-plan-update/>

¹⁸⁴ City of San Jose. SJC Airport Master Plan Update. <https://www.sanjoseca.gov/your-government/department-directory/planning-building-code-enforcement/planning-division/environmental-planning/environmental-review/active-eirs/sjc-airport-master-plan-update>

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The table below summarizes the results of these analyses along with the results of the WLC health effects analysis.

	CSUDH	SJIA	WLC
PM2.5 Related Health Outcomes (incidences per year)¹			
Asthma Related Emergency Room Visits [0–99]	4.38	1.89	6.2
Asthma Related Hospital Admissions [0–64]	0.38	0.15	0.49
Cardiovascular Related Hospital Admissions (less Myocardial Infarctions) [65–99]	1.05	0.41	1.33
Respiratory Related Hospital Admissions [65–99]	2.44	0.80	2.98
All-Cause Mortality [30–99]	10.31	4.46	14.17
Nonfatal Acute Myocardial Infarction [18–99]	0.75	0.31	1.04
Ozone Related Health Outcomes (incidences per year)¹			
Respiratory-Related Hospital Admissions [65–99]	0.67	2.07	1.20
Non-Accidental Mortality [0–99]	0.28	1.11	0.56
Asthma Related Emergency Room Visits [0–99]	6.30	25.64	12.64

Note:

¹ Affected age ranges are shown in square brackets

The results shown above demonstrate that, even when health effects analyses are prepared, projects which are needed for a functioning society (e.g., universities and airports) nevertheless may have adverse health effects associated with their construction and operation. The listed health outcomes differ among the projects, which is to be expected given that each project has different types of emission sources, different types of land uses and activities, and different population distributions in the surrounding areas. While the health effects modeling has uncertainty, those results demonstrate they may nevertheless be helpful to decision makers and the public in determining whether the benefits associated with the development of the WLC (including construction and operational jobs and the reduction in vehicle miles traveled, with concurrent reductions in air quality pollutants and greenhouse gas emissions) outweigh its environmental impacts. Note also, that the air quality in the future is expected to be cleaner than current air quality due to a number of measures that are taken to clean the air, including new car and truck standards and other control commitments that are currently outlined in the SCAQMD's 2016 Air Quality Management Plan (AQMP; <http://www.aqmd.gov/home/air-quality/clean-air-plans/air-quality-mgt-plan/final-2016-aqmp>). The trucks that serve and other sources associated with the WLC will be complying with these standards and rules. So even with the WLC project, the air is expected to be cleaner and the health effects will be lower, than it is today.

Response to Comment 2-F1-43: The USEPA's BenMAP program was used to estimate the potential health effects of the Project's contribution to ozone and PM2.5 concentrations. The USEPA default BenMAP health effects concentration-response (c-r) functions that are typically used in national rulemaking were used, such as the health effects assessment for the 2012 National Ambient Air Quality Standard. The health effects estimated for PM2.5 include mortality (all causes), hospital admissions (respiratory, asthma,

cardiovascular), emergency room visits (asthma), and acute myocardial infarction (non-fatal). BenMAP uses these studies to characterize the potential human health effect of small changes in PM and ozone concentrations.

The commenter brings up the likelihood of increased incidences of dementia attributable to New Technology Diesel Exhaust (NTDE). The comment here does not provide a citation or scientific source upon which the statement is based. NTDE is defined as diesel exhaust from post-2006 and older retrofitted diesel engines that have been equipped with a variety of emissions control devices such as oxidation catalysts and diesel particulate filters (DPF). Data comparing NTDE emissions and traditional diesel exhaust (TDE) have found large differences in emissions characteristics as well as toxicity, with overall significant benefits from the use of new diesel emissions controls (Hesterberg et al., 2011¹⁸⁵; Hesterberg et al., 2012¹⁸⁶; HEI, 2015¹⁸⁷). With regards to metals, some concern has been raised regarding the release of metals from catalysts used for emissions control. However, studies indicate that particulate-bound metals are significantly reduced with the use of DPF and selective catalytic reduction (SCR) systems, and that NTDE emissions are similar to those of gasoline or even compressed natural gas (CNG)-powered vehicles (Hesterberg et al., 2011). Therefore, it would be nearly impossible to distinguish contributions of metals from NTDE and gasoline or CNG- powered engines. Additional studies show that particle-bound trace metals have been reduced by an average of 98% in NTDE relative to 2004-technology engines, and that the PM mass emitted from 2007 technology engines is only 4 percent metals and other elements (Khalek et al. 2011).¹⁸⁸ It is very unlikely that any emissions from NTDE engines associated with the Project would contribute significantly to increased metal concentrations.

Response to Comment 2-F1-44: Inclusion of differing opinions between experts is supported by the CEQA Guidelines, specifically §15151, which states in part “disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among experts.” Section 4.3.6.5, Summary of Health Effects of Air Quality Emissions, provides an analysis of estimated health effects and discusses the uncertainty inherent in these analyses, which is what the studies that are cited on page 4.3-82 are explaining. The uncertainty section on page 4.3-82 notes “some epidemiological studies have found no correlation between mortality and increased PM”. This is noted as a recognized uncertainty. The document does not, however, cite studies that conclude there is no impact from particulate matter on health in general. The public has not been misled by providing this information and the references to the studies.

Response to Comment 2-F1-45: CARB staff worked jointly with the USEPA and the National Highway Traffic Safety Administration (NHTSA) on the next phase of federal GHG emission standards for medium- and heavy-duty engines and vehicles. These federal Phase 2 standards were built on the improvements in engine and vehicle efficiency required by the Phase 1 emission standards and represent a significant opportunity to achieve further GHG reductions for 2018 (2020 in California) and later model year heavy-duty vehicles, including trailers. On October 25, 2016, the EPA and the NHTSA jointly published the second

¹⁸⁵ <https://www.navistar.com/StaticFiles/navistar/whoweare/research/Hesterberg%202011h.pdf>

¹⁸⁶ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3423304/pdf/uiht24-1.pdf>

¹⁸⁷ <https://pole-moveo.org/wp-content/uploads/2015/02/HEI-Report-184-Advanced-Collabor.pdf#page=103>

¹⁸⁸ Imad A. Khalek , Thomas L. Bougher , Patrick M. Merritt & Barbara Zielinska (2011) Regulated and Unregulated Emissions from Highway Heavy-Duty Diesel Engines Complying with U.S. Environmental Protection Agency 2007 Emissions Standards, *Journal of the Air & Waste Management Association*, 61:4, 427-442, DOI: 10.3155/1047-3289.61.4.427.

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phase of GHG emissions and fuel efficiency standards for medium- and heavy-duty vehicles and engines (81 Federal Register 73478) through their authority under the Clean Air Act Amendment (CAA). Despite the withdrawal of California's Clean Air Act waiver, the federal Phase 2 standards would still be in effect because the California standards are aligned with the federal Phase 2 standards in structure, timing, and stringency. In February 2019, the Office of Administrative Law (OAL) approved the rulemaking, and filed with Secretary of State. These regulations became effective April 1, 2019.¹⁸⁹

Response to Comment 2-F1-46: Refer to Topical Response A, The Use of Cap and Trade regarding applicability of the Cap and Trade Program to the project as explained in 2015 Final EIR and the 2019 Draft Recirculated RSFEIR, specifically how it accounts for and fully analyzes and mitigates Project GHG emissions, including both capped and uncapped emissions. Topical Response A also examines why the Cap-and-Trade Program mitigates capped emissions (consumption of fuel associated with VMTs and consumption of electricity) and why those covered emissions are not compared against the Project's significance threshold. As discussed on page 4.7-30, total uncapped GHG emissions are below the threshold of significance for every year of construction and operation and are therefore less than significant after mitigation.

Despite the withdrawal of California's Clean Air Act waiver by the Trump Administration, zero emission technology is still steadily developing. Furthermore, the State of California, along with 23 other states petitioned the U.S. Court of Appeals for the District of Columbia Circuit for review of the EPA's action to withdraw the waiver. That action was stayed on February 11, 2020, because of the pendency of a related case in the District of Columbia Circuit. A briefing schedule will be filed in March, 2020. In the meantime, California has not amended or withdrawn any of its laws or regulations in response to the withdrawal of the waiver. As confirmed on the CARB website, during the period the federal action is in effect, CARB will administer the affected portions of its program on a voluntary basis, including issuing certifications for the greenhouse gas emissions and zero-emission vehicle programs.¹⁹⁰

Response to Comment 2-F1-47: The Sustainable Freight Action Plan establishes targets to improve freight efficiency, transition to zero emission technologies, and increase the competitiveness of California's freight transportation system. As stated on page 4.7-8 of the 2019 Draft Recirculated RSFEIR, the targets are not mandates, but rather aspirational measures of progress towards sustainability for the State to meet and try to exceed. One of the targets is to deploy 100,000 freight vehicles and equipment powered by renewable energy by 2030. In 2016, in response to Executive Order B-32-15, the California Department of Transportation, CARB, the California Energy Commission and the Governor's Office of Business and Economic Development published the California Sustainable Freight Action Plan ("CSFAP"). The CSFAP was the beginning of a comprehensive effort by the State of California to transition "to a more efficient, more economically competitive, and less polluting freight system." (CSFAP, p. 1.) The CSFAP discussed policies and objectives in support of transitioning to near-zero and zero-emission freight vehicles, including heavy-duty trucks, but CARB recognized at that time, that no commercially available technology zero-emission on-road heavy-duty trucks were available and that zero- and near-zero emission technologies are

¹⁸⁹ CARB, Greenhouse Gas Standards for Medium- and Heavy-Duty Engines and Vehicles. Available at: <https://ww2.arb.ca.gov/our-work/programs/ghg-std-md-hd-eng-veh/about>

¹⁹⁰ California Air Resources Board, 2020. CARB Waiver Timeline. Available online: <https://ww2.arb.ca.gov/resources/documents/carb-waiver-timeline>. Accessed February 14, 2020.

still at the demonstration phase.¹⁹¹ Recognizing the challenges in transitioning to zero-emission heavy duty trucks, CARB proposed in late 2019, the Advanced Clean Truck Regulation, which proposes to require manufacturers to make a certain percentage of sales of zero-emission trucks and buses. CARB received numerous comments on the proposed Regulation, and it has not been formally adopted, but CARB's Staff Report in support of the Regulation provided a detailed evaluation of the market in the Staff Report, including Appendix E, Zero Emission Truck Market Assessment. The Staff Report notes the importance of heavy duty trucks: "Heavy-duty trucks operate through California in numerous vocations and are an essential part of the state's economy." (Staff Report, p. I-4.) The Staff Report outlines the challenges in ZEV market, particularly with respect to heavy-duty trucks, including the incremental cost of ZEVs, infrastructure investment cost and availability, matching vehicle capability with fleet need and diverging standards. (Staff Report, pp. I-14 – I-17.) The Regulation sets forth proposed percentage sales for Class 7-8 Tractor Group at 3% by 2024. CARB's evaluation of the market and its proposed goal of 3% for 2024 demonstrates that Class 7-8 heavy-duty truck are not currently commercially available.

Moreover, according to a Feasibility Assessment for Drayage Trucks for the San Pedro Bay Ports Clean Air Action Plan, as of late-2018, zero-emission and near zero-emission on-road haul truck availability includes one zero-emission and one near zero-emission fuel-technology platform sold by Original Equipment Manufacturers (OEMs) in commercially available Class 8 trucks suitable for drayage.¹⁹² ¹⁹³ As of late last year, CARB is funding a couple of pilot programs for electric truck fleets.¹⁹⁴ BYD (Build Your Dreams) and Anheuser-Busch announced that Anheuser-Busch will pilot a scale project by deploying 21 BYD battery electric trucks at four Anheuser-Busch distribution facilities across southern California: Sylmar, Riverside, Pomona, and Carson.¹⁹⁵ Additionally, another pilot program includes replacing PepsiCo's existing diesel powered freight equipment with fifteen Tesla Semi electric trucks with "zero-emission (ZE) and near-zero emission (NZE)" trucks and equipment at its Frito-Lay Modesto, California, manufacturing site by 2021.¹⁹⁶ As the comment notes, automakers are expanding their electric vehicles to heavy duty trucks. However, the extent of commercial availability of such trucks as the WLC begins operations is unknown. See also recent article describing emerging state of technology for electric heavy-duty trucks and other pilot programs (<https://www.nytimes.com/2020/03/19/business/electric-semi-trucks-big-rigs.html>).

However, to support the mission of ZEV, Mitigation Measure 4.3.6.4A (g) of the 2019 Draft Recirculated RSFEIR, includes providing a minimum of two electric vehicle-charging stations for automobiles or light-duty trucks at each building. In addition, parking facilities with 200 parking spaces or more shall be designed and constructed so that at least six percent of the total parking spaces are capable of supporting future

¹⁹¹ California Air Resources Board, 2015. Draft Heavy-Duty Technology And Fuels Assessment: Overview, April. Available online: https://www.arb.ca.gov/msprog/tech/techreport/ta_overview_v_4_3_2015_final_pdf.pdf?_ga=2.207832726.540754214.1560412530-179310568.1519193875.

¹⁹² Port of Long Beach & The Port of Los Angeles, 2019. San Pedro Bay Ports Clean Air Action Plan, 2018 Feasibility Assessment for Drayage Trucks, April. Available online: <http://www.cleanairactionplan.org/documents/final-drayage-truck-feasibility-assessment.pdf/>.

¹⁹³ California Air Resources Board, 2019. Third Work Group for the FY 2019-20 Heavy-Duty Three-Year Investment Strategy, May 8. Available online: https://ww2.arb.ca.gov/sites/default/files/2019-05/050819_3yp_wg3_handout.pdf

¹⁹⁴ California Air Resources Board, 2019. CARB Approves \$533 million funding plan for clean transportation investments, October 25, 2019. Available online: <https://ww2.arb.ca.gov/news/carb-approves-533-million-funding-plan-clean-transportation-investments>

¹⁹⁵ Build Your Dreams, 2019. Anheuser-Busch Completes First Zero-Emission Beverage Distribution, November 21. Available online: <https://en.byd.com/news-posts/anheuser-busch-completes-first-zero-emission-beer-delivery/>

¹⁹⁶ Electrek, 2019. 15 Tesla Semi electric trucks to replace diesel trucks at Pepsi facility, October 4. Available online: <https://electrek.co/2019/10/04/tesla-semi-electric-trucks-replace-diesel-trucks-pepsi/>

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electric vehicle supply equipment (EVSE) charging locations. Only sufficient sizing of conduit and service capacity to install Level 2 EVSE or greater are required to be installed at the time of construction. The RETR assumes that the six percent EVSE charging locations would be operational by the time the Project is fully operational, as they are included in the electricity usage for the baseline scenario. Additionally, the project is committed to a publicly-accessible fueling station offering alternative fuels (natural gas, electricity, etc.) for purchase by the motoring public (MM 4.3.6.3C of the 2019 Draft Recirculated RSFEIR). Although it doesn't add more ZEV drayage trucks, the Project design does include deployment of electric vehicle supply equipment for recharging electric vehicles and plug-in hybrids and the design is also consistent with SB 350 and the Charge Ahead California Initiative as it provides both EVSE charging locations and an alternative fuels station available to the public. Furthermore, the "drop and drag" procedure discussed in Response to Comment 2-F1-17 makes it likely that charging will take place at places other than at the WLC.

Response to Comment 2-F1-48: Topical Response A explains the legal reasons that although the Project is not regulated under the Cap-and-Trade Program, Project GHG emissions associated with capped sectors such as fuels suppliers are regulated, and therefore already mitigated, and are not compared to the SCAQMD's significance threshold for an impact determination. As outlined in Topical Response A, CARB believes the Cap-and-Trade Program's market-based approach is the most cost-effective and practical approach to lower emissions subject to regulations which can be applied to the Project as the analysis appropriately addressed emissions generated under the Cap-and-Trade Program are already regulated and are not subject to analysis at the Project level. As stated, this approach was upheld in court in *Association of Irrigated Residents v. Kern County Board of Supervisors*, 17 Cal. App. 5th 708 (2017).

For the evaluation of GHG emissions, CEQA expressly authorized consideration of compliance with "a statewide, regional or local plan for the reduction or mitigation of greenhouse gas emissions."¹⁹⁷ There is no doubt that the Cap-and-Trade program is a statewide plan, adopted by CARB, after public review to reduce or mitigate GHG emissions. Additionally, the Cap-and-Trade program works and ensures that GHG emissions from fuel and electricity suppliers cannot increase, because the cap declines over time. Reductions of emissions are required under the program, which satisfies CEQA. As outlined in Topical Response C, Project Approvals, Litigation, and the Effects of Litigation, an appeal of the judgment entered on June 7, 2018, in the CEQA litigation is currently pending in the Court of Appeal, Fourth Appellate District, Division Two, as *Paulek v. Moreno Valley Community Services District*, Case No. E071184. Depending on the result of the Court of Appeal ruling, the amount of GHG required to be mitigated would either be the total uncapped GHG emissions or total project emissions (uncapped and capped). Therefore, new Mitigation Measure 4.7.7.1 shall apply to mitigate to net zero either all uncapped GHG emissions or all Project GHG emissions (capped and uncapped) remaining after the application of other mitigation measures. See Topical Response C, Project Approvals, Litigation, and the Effects of Litigation, for a detailed description of Mitigation Measure 4.7.7.1.

In support of the SCS, the project reduces VMT within Moreno Valley and surrounding communities by providing jobs within the City, which is jobs poor. See Response to Comment 2-F1-47, above, for a discussion on the Sustainable Freight Action Plan. Refer to Topical Response B, Scoping Plan, and how the Scoping Plan and Scoping Plan Updates relate to the project and how the WLC complies with, and

¹⁹⁷ State CEQA Guidelines §15064.4(b)(3)

would not conflict with or impede, the implementation of GHG reduction goals identified in AB 32 and SB 32.

Response to Comment 2-F1-49: The discussion of the 2017 Scoping Plan is provided under Section 4.7.2, Regulatory Setting, which discusses rules and regulations that could be applicable to the Project. For a discussion of the Scoping Plan and the Scoping Plan Updates and how they are applicable to the Project, refer to Topical Response B, Scoping Plan.

Additionally, refer to Topical Response A for a discussion of Cap-and-Trade and how it applies to the Project, including its extension to 2030 and possibly beyond or what would happen if it's not renewed. The chance that Cap-and-Trade program is not renewed is unlikely when considering the 2018 California Health and Safety Code Section 38551(b) demonstrates the Legislature's intent to maintain the GHG emissions limit and continue reductions of GHGs beyond 2020. Further, the 2017 Scoping Plan identifies cap-and-trade as the "best choice" to achieve the State's climate and clean air goals.¹⁹⁸ The Cap-and-Trade Program is designed to achieve cost-effective emissions reductions across the capped sectors by setting maximum, statewide GHG emissions, which are reduced every year. Executive Order S-03-05's reduction target of 80 percent would require the continuation of the Cap-and-Trade program or some other equivalent program to reduce GHG emissions from fuel consumption and energy production. Thus, the WLC would not have a significant GHG impact and therefore would not hinder the State's achievement of its long-term GHG goals if Cap-and-Trade is not renewed as further discussed in Topical Response B. Refer to Response to Comment 2-F1-48, above, for a discussion of why Cap-and-Trade is an adequate, geographically-specific GHG reduction plan per CEQA, and counts as mitigation of capped emissions.

Furthermore, the Project incorporates project design features and construction and operational mitigation measures to reduce GHG emissions and energy demand, including LEED certification for buildings (Mitigation Measures 4.7.6.1B and 4.7.6.1C of the 2019 Draft Recirculated RSFEIR) and attempts to achieve as close to zero net uncapped emissions for the project with incorporation of solar panels to meet CARB's requirements of the 2017 Update to the Scoping Plan. Thus, the WLC would not have a significant GHG impact and therefore would not hinder the State's achievement of its long-term GHG goals as further discussed in Topical Response A.

In regards to an improved cumulative impacts analysis, Section 6.0 in the 2018 RSFEIR is a new Chapter in the 2018 RSFEIR which evaluates the cumulative impacts of the Project in response to the court ruling on the petition for a Writ of Mandate. Each of the environmental issues evaluated in Section 4.0 with regard to Project impacts were evaluated for cumulative impacts in Section 6.0 (see 2018 RSFEIR Sections 6.1 through 6.17 and 2019 Draft Recirculated RSFEIR, Sections 6.3 Air Quality, 6.7 Greenhouse Gas, and 6.17 Energy). As shown in Table 6.7-2, it is estimated that 95 projects would exceed the applicable numeric threshold, contributing to a potentially significant cumulative impact. When considered with the other projects' significant impacts, the Project would not contribute to a significant cumulative impact given that the project would generate uncapped emissions that are less than the 10,000 MTCO_{2e} significance threshold.

Although the Scoping Plan states that a "no net additional" GHG emissions is an appropriate goal – the Scoping Plan does not mandate this as a target or threshold for individual projects, and it has not been

¹⁹⁸ California Air Resources Board, 2017. California's 2017 Climate Change Scoping Plan. Page 22

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widely accepted. For example, no regional or sub-regional agency with jurisdiction in the vicinity of the WLC, such as SCAQMD, the County of Riverside, nor the Western Riverside Council of Governments (WRCOG), have adopted this more stringent goal.

Response to Comment 2-F1-50: As discussed above, under Response to Comments 2-F1-48 and 2-F1-49, and Topical Response A, Cap-and-Trade, the Cap-and-Trade Program is an adequate geographically-specific GHG reduction plan per CEQA. Refer to Topical Response B, Scoping Plan, for further discussion on CARB's 2008 Scoping Plan and the 2014 and 2017 Scoping Plan Updates and how they pertain to the Project, further discussion on the utilization of Cap and Trade and other methods in evaluating GHG impacts, and mitigation measures that will be implemented as part of the Project to reduce energy consumption. The 2019 Draft Recirculated RSFEIR discusses compliance with Federal/State Greenhouse Gas Reduction Strategies in Table 4.7-11, analysis of additional measures in the 2017 Scoping Plan Update in Table 4.7-12, consistency with the City General Plan Air Quality Policies in Table 4.7-13, and consistency with the City Climate Action Strategy in Table 4.7-14. The Project supports many of the RTP/SCS goals outlined to achieve the state's GHG reduction mandate. As discussed on page 4.3-21 of the 2019 Draft Recirculated RSFEIR, the project would create a job center that would redistribute existing regional travel and result in shorter employee trips. As described in the Traffic Impact Analysis (page 93 and 94, Appendix F of the 2018 RSFEIR), the project would create approximately 20,000 local job opportunities that would have the following effects on worker commute patterns:

- Many current and future residents of Moreno Valley would have the opportunity to work locally with very short commute trips.
- Residents of neighboring cities who work at the WLC would have short commutes and, importantly, be able to access the site using the arterial road network. This is consistent with the policies of the Western Riverside Council of Governments and the Riverside County Transportation Commission to promote use of the arterial road network as an alternative to freeways. Tests with the RIVTAM model suggest that nearly half of auto traffic associated with the WLC would be on surface streets; i.e. not on freeways.
- Workers coming from more distant locations would, in most cases, be traveling on freeways in the off-peak direction; i.e. commuters traveling to the WLC from Los Angeles or Orange Counties would be headed eastbound in the morning and westbound in the evening. This would enable them to take advantage of the existing unused off-peak capacity of freeways, since the freeways were sized for flows in the peak direction.
- Assuming, as RIVTAM does, that WLC employees would work elsewhere if the WLC project were not implemented, then the availability of jobs at the east end of Moreno Valley would reduce the number of workers driving long commutes to distant jobsites to the west and southwest...

Thus, the Project does address consistency with federal, state, and local strategies to reduce GHG emissions and achieve California's climate goals and does not rely on the Cap-and-Trade Program alone to reduce its GHG emissions. Instead, it looks to the amount of uncapped emissions to determine if they are significant under CEQA, both with and without mitigation. If the Cap-and-Trade Program were not in existence, then the City would have had to consider whether additional feasible mitigation measures to reduce GHG emission could be adopted. This is a properly designed project and does account for all GHG emissions.

On October 9, 2012, the Moreno Valley City Council approved the Energy Efficiency and Climate Action Strategy and the related Greenhouse Gas Analysis. The Strategy and Analysis documents identify potential programs and policies to reduce overall City energy consumption and increase the use of renewable energy. The Greenhouse Gas Analysis provides a more scientific approach and recommends a target to reducing community-wide GHG emissions consistent with the State reduction goals in Assembly Bill (AB) 32, the legislation that provides the basis of the State's climate action initiatives. The Draft Recirculated RSFIER recognizes that the City's Cap only goes through 2020 and has not relied on it beyond that date.

The Strategy is intended to be a comprehensive living policy document for the City organization and the community to address energy and water conservation and effects of climate change. The Energy Efficiency section's primary focus is to identify potential energy efficiency measures for the City as an organization, both those that have been implemented and those that could be implemented in the future. In addition, the document provides direction and policies to ensure the most effective, practical, and affordable, energy use practices are implemented. The focus of the Climate Action section is to promote measures similar to those identified in the Energy Efficiency section and additional measures that can be implemented by the community's residents and businesses to reduce greenhouse gas emissions on a community-wide basis. The Climate Action Strategy includes an analysis of existing and future greenhouse gas emissions community wide and provides a set of policies to guide efforts to reduce greenhouse gas emissions to meet or exceed State requirements without unduly compromising other community goals.

With regard to Owings Declaration regarding a reduction in VMT, refer to Response to Comment 2-F1-16. Electric truck infrastructure at loading docks is discussed in Response to Comments 2-F1-10 and 2-F1-22. Solar power is limited to what is allowed by MVU, refer to Response to Comment 2-F1-41 for a more thorough discussion.

Response to Comment 2-F1-51: The discussion of the RTP/SCS is provided under Section 4.7.2, Regulatory Setting, which discusses rules and regulations that could be applicable to the Project. See Response to Comment 2-F1-48 for a discussion on the RTP/SCS reduction goals and project compliance. As discussed in the 2018 Progress Report California Sustainable Communities and Climate Protection Act¹⁹⁹, page 4, "a key finding of the report is that California is not on track to meet the GHG reductions expected under SB 375 for 2020, with emissions from statewide passenger vehicle travel per capita increasing and going in the wrong direction". Specifically, CARB's 2017 Scoping Plan Update identifies reduction in growth of single-occupancy vehicle travel as necessary to achieve the statewide target of 40 percent below 1990 level emissions by 2030. CARB's 2017 Climate Change Scoping Plan Update conducted a comprehensive assessment of GHG emissions reductions strategies. The plan concludes that California cannot meet its climate goals without curbing growth in single-occupancy vehicle activity. Efforts to reduce vehicle travel are a key component of California's efforts to preserve our climate. Thus, according to CARB, the key to reducing VMTs are to reduce single occupancy vehicles, which are not medium- and heavy-duty trucks associated with the WLC. Additionally, to help reduce the reliance on single occupancy vehicles, and to promote alternative forms of transportation the WLC will:

- Require all tenants to participate in the Riverside County's Rideshare Program.

¹⁹⁹ California Air Resources Board, 2018. 2018 Progress Report California Sustainable Communities and Climate Protection Act, November. Available online: https://ww2.arb.ca.gov/sites/default/files/2018-11/Final2018Report_SB150_112618_02_Report.pdf. Accessed on February 15, 2020.

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- Provide storage lockers in each building for a minimum of three percent of the full-time equivalent employees based on a ratio of 0.50 employees per 1,000 square feet of building area. Lockers shall be located in proximity to required bicycle storage facilities.
- Incorporate Class II bike lanes into the design for all project streets.
- Incorporate pedestrian pathways between on-site uses.
- Provide pedestrian connections between internal and external facilities through site design and building placement.
- Provide pedestrian connections to residential uses within 0.25 mile from the project site.
- Provide a minimum of two electric vehicle-charging stations for automobiles or light-duty trucks at each building. In addition, parking facilities with 200 parking spaces or more shall be designed and constructed so that at least six percent of the total parking spaces are capable of supporting future electric vehicle supply equipment (EVSE) charging locations. Sizing of conduit and service capacity at the time of construction shall be sufficient to install Level 2 Electric Vehicle Supply Equipment (EVSE) or greater.
- Provide each building with indoor and/or outdoor bicycle storage space consistent with the City Municipal Code and the California Green Building Standards Code. Each building shall provide a minimum of two shower and changing facilities for employees.
- Provide each building with preferred and designated parking for any combination of low-emitting, fuel-efficient, and carpool/vanpool vehicles equivalent to the number identified in California Green Standards Building Code Section 5.106.5.2 or the Moreno Valley Municipal Code whichever requires the higher number of carpool/vanpool stalls.
- Provide the following information to tenants; onsite electric vehicle charging locations and instructions, bicycle parking, shower facilities, transit availability and the schedules, telecommunicating benefits, alternative work schedule benefits, and energy efficiency.

Additionally, the WLC Specific Plan requires that mass transit features, such as bus stops, be incorporated into the project based on consultation with the Riverside Transit Agency. Furthermore, the WLC will provide jobs in a City that is job poor, which would potentially reduce single occupancy vehicle trips and VMTs as people could work closer to where they live.

The commenter erroneously conflates the goals for reduction in VMT, which are set by CARB on a region-specific basis, with the overall State-wide goals for reductions in GHGs. CARB acknowledges that reductions will not, and need not, be achieved by all sectors (transportation, energy, industry, etc.) uniformly.

Refer to Response to Comment 2-F1-48, for a discussion on the 2016-2040 RTP/SCS and the Goods Movement Appendix.

In 2016, in response to Executive Order B-32-15, the California Department of Transportation, CARB, the California Energy Commission and the Governor's Office of Business and Economic Development published the California Sustainable Freight Action Plan ("CSFAP"). The CSFAP was the beginning of a

comprehensive effort by the State of California to transition “to a more efficient, more economically competitive, and less polluting freight system.” (CSFAP, p. 1.) The CSFAP discussed policies and objectives in support of transitioning to near-zero and zero-emission freight vehicles, including heavy-duty trucks, but CARB recognized at that time, that no commercially available technology zero-emission on-road heavy-duty trucks were available and that zero- and near-zero emission technologies are still at the demonstration phase.²⁰⁰ Since then, some zero emission trucks have become available for limited applications, but the Class 7 and Class 8 heavy-duty trucks are still Recognizing the challenges in transitioning to zero-emission heavy duty trucks, CARB proposed in late 2019, the Advanced Clean Truck Regulation, which proposes to require manufacturers to make a certain percentage of sales of zero-emission trucks and buses. CARB received numerous comments on the proposed Regulation, and it has not been formally adopted, but CARB’s Staff Report in support of the Regulation provided a detailed evaluation of the market in the Staff Report, including Appendix E, Zero Emission Truck Market Assessment. The Staff Report notes the importance of heavy duty trucks: “Heavy-duty trucks operate through California in numerous vocations and are an essential part of the state’s economy.” (Staff Report, p. I-4.) The Staff Report outlines the challenges in ZEV market, particularly with respect to heavy-duty trucks, including the incremental cost of ZEVs, infrastructure investment cost and availability, matching vehicle capability with fleet need and diverging standards. (Staff Report, pp. I-14 – I-17.) The Regulation sets forth proposed percentage sales for Class 7-8 Tractor Group at 3% by 2024. CARB’s evaluation of the market and its proposed goal of 3% for 2024 demonstrates that Class 7-8 heavy-duty truck are not currently commercially available.

Moreover, according to a Feasibility Assessment for Drayage Trucks for the San Pedro Bay Ports Clean Air Action Plan, zero-emission and near zero-emission on-road haul trucks availability, as of late-2018, includes one zero-emission and one near zero-emission fuel-technology platform sold by Original Equipment Manufacturers (OEMs) in commercially available Class 8 trucks suitable for drayage.²⁰¹ With the development of zero-emission and near zero-emission platforms, infrastructure has emerged as one of the most significant near-term barriers to wide-scale adoption of these technologies due to standardization difficulties and the ability to develop the full charging infrastructure required by 2021. Additionally, according to the Feasibility Assessment, one OEM plans to begin offering a zero-emission battery-electric Class 8 truck by 2021, the other OEMs have similar or later timeframes. Furthermore, the International Council on Clean Transportation (ICCT) in a November 2017 white paper titled “Transitioning to Zero-Emission Heavy-Duty Freight Vehicles”²⁰² states that there are “prevailing barriers to widespread viability” of plug-in electric heavy-duty freight vehicles, primarily limited electric range, high vehicle cost, long recharging time, and tradeoffs on cargo weight and/or volume. This report does not cite drayage trucking (Class 8) as a promising segment for widespread commercialization, further proof that the zero-emission and near zero-emission truck fleet won’t be viable during construction of the Project or possibly be readily available enough for use during operation of the Project. CARB’s latest working group meeting Third Work Group for the FY 2019-

²⁰⁰ California Air Resources Board, 2015. Draft Heavy-Duty Technology And Fuels Assessment: Overview, April. Available online: https://www.arb.ca.gov/msprog/tech/techreport/ta_overview_v_4_3_2015_final_pdf.pdf?_ga=2.207832726.540754214.1560412530-179310568.1519193875.

²⁰¹ Port of Long Beach & The Port of Los Angeles, 2019. San Pedro Bay Ports Clean Air Action Plan, 2018 Feasibility Assessment for Drayage Trucks, April. Available online: <http://www.cleanairactionplan.org/documents/final-drayage-truck-feasibility-assessment.pdf/>.

²⁰² Moultak, M., Lutsey, N., Hall, D., “Transitioning to Zero-Emission Heavy-Duty Freight Vehicles,” The International Council on Clean Transportation (ICCT), September 26, 2017, Available online: <https://www.theicct.org/publications/transitioning-zero-emission-heavy-duty-freightvehicles>.

20 Heavy-Duty Three-Year Investment Strategy on May 8, 2019 shows that the Zero Emission Vehicle technology readiness for medium- and heavy-duty trucks is primarily in the demonstration phase in 2019 which includes technology development and early stage demonstrations.²⁰³ Furthermore, since the Project will support a variety of future users which are unknown at this time, it is not possible to specify or require future users to have zero emission or alternative fuel fleets since most logistics companies use independent contractors and truck drivers rather than maintain their own fleets. As of late last year, CARB is funding a couple of pilot programs for electric truck fleets.²⁰⁴ BYD (Build Your Dreams) and Anheuser-Busch announced that Anheuser-Busch will pilot a scale project by deploying 21 BYD battery electric trucks at four Anheuser-Busch distribution facilities across southern California: Sylmar, Riverside, Pomona, and Carson.²⁰⁵ Additionally, another pilot program includes replacing PepsiCo's existing diesel powered freight equipment with fifteen Tesla Semi electric trucks with "zero-emission (ZE) and near-zero emission (NZE)" trucks and equipment at its Frito-Lay Modesto, California, manufacturing site by 2021.²⁰⁶ See also recent article describing emerging state of technology for electric heavy-duty trucks and other pilot programs (<https://www.nytimes.com/2020/03/19/business/electric-semi-trucks-big-rigs.html>).

Nonetheless, the Project has committed under various mitigation measures to require the most stringent levels of emission mitigation under existing emission control regulations. With regard to providing electrical hookups for truck charging at all loading docks, refer to Response to Comments 2-F1-10 and 2-F1-22.

Response to Comment 2-F1-52: The first paragraph of the comment claims that the City's Climate Action Strategy (CAS) doesn't contain "hard targets" for GHG reduction. The City's CAS states that the purpose and intent of these policies, to reduce GHG emissions, is to achieve compliance with AB 32 and reduce GHGs by 15 percent by 2020, their hard target.²⁰⁷ With the implementation of the City's GHG reduction measures, Moreno Valley is projected to reduce its community-wide emissions to a total of 798,137 MT CO₂e, which is 556 MT CO₂e below the 2020 reduction target. This is a decrease of 38.5 percent from the City's 2020 BAU emissions inventory and 13 percent from the 2010 emissions. The reduction measures reduce GHG emissions from all sources of community-wide GHG emissions including transportation, energy, area sources, water, and solid waste.²⁰⁸ Additionally, refer to the response for Comment 2-F1-50 for more details regarding the City of Moreno Valley Energy Efficiency and Climate Action Strategy and Greenhouse Gas Analysis. The Strategy and Analysis documents identify potential programs and policies to reduce overall City energy consumption and increase the use of renewable energy. The Greenhouse Gas Analysis provides a more scientific approach and recommends a target to reducing community-wide GHG emissions consistent with the State reduction goals in Assembly Bill (AB) 32, the legislation that provides the basis of the State's climate action initiatives. The comments first bullet point takes issue with MVU's limitation on solar policy and argues that the City should waive the limitation with respect to its

²⁰³ California Air Resources Board, 2019. Third Work Group for the FY 2019-20 Heavy-Duty Three-Year Investment Strategy, May 8. Available online: https://ww2.arb.ca.gov/sites/default/files/2019-05/050819_3yp_wg3_handout.pdf

²⁰⁴ California Air Resources Board, 2019. CARB Approves \$533 million funding plan for clean transportation investments, October 25, 2019. Available online: <https://ww2.arb.ca.gov/news/carb-approves-533-million-funding-plan-clean-transportation-investments>

²⁰⁵ Build Your Dreams, 2019. Anheuser-Busch Completes First Zero-Emission Beverage Distribution, November 21. Available online: <https://en.byd.com/news-posts/anheuser-busch-completes-first-zero-emission-beer-delivery/>

²⁰⁶ Electrek, 2019. 15 Tesla Semi electric trucks to replace diesel trucks at Pepsi facility, October 4. Available online: <https://electrek.co/2019/10/04/tesla-semi-electric-trucks-replace-diesel-trucks-pepsi/>

²⁰⁷ City of Moreno Valley, 2012. Final Energy Efficiency and Climate Action Plan, page 6. Available online: <http://www.moval.org/pdf/efficiency-climate112012nr.pdf>. Accessed February 20, 2020

²⁰⁸ City of Moreno Valley, 2012. Final Energy Efficiency and Climate Action Plan, page 6. Available online: <http://www.moval.org/pdf/efficiency-climate112012nr.pdf>. Accessed February 20, 2020

Strategy R3-E1 in the CAS. The 2019 Draft Recirculated RSFEIR presented the findings to Strategy R3-E1 of the City of Moreno Valley's Climate Action Plan in Appendix E, Renewable Energy Technical Report (RETR). An engineering and financial analysis of the full range of sustainable energy options potentially available at the site was conducted. The analysis evaluated building energy efficiency opportunities to reduce the energy requirements to the maximum extent practicable. Projected electric vehicle (EV) loads were added to building loads to characterize overall electric loads for the project. A full range of renewable energy supply options were evaluated to meet the combined building and EV loads. The Project's electrical demand is based on typical high-cube warehouse energy demands, defined using hourly energy simulation modeling software (see full analysis in Appendix E of the 2019 Draft Recirculated RSFEIR). The modeling software was validated against actual historical data and modified to reflect compliance with the California Title 24 building energy standards and then further modified to incorporate the Energy Conservation Measures (ECMs) to which the Project has committed in the WLC Specific Plan. The available ECMs would provide an approximately 17 percent improvement in energy performance over Title 24 requirements at Phase 1 and an approximately 16 percent improvement at full buildout (page 4.17-21 of the 2019 Draft Recirculated RSFEIR). The Project will provide on-site rooftop solar generating capacity up to the maximum level currently permitted by Moreno Valley Electric Utility (MVU), which is currently defined as one-half the minimum electrical demand a building experiences during daytime hours (page 4.17-1). Thus, solar would provide more than 100 percent of the office energy needs. In anticipation of increased electricity loads in the future that could result from a growing electric vehicle fleet, the project will provide solar ready roofs that could accommodate expanded rooftop solar installations in the future (page 4.17-1). Refer to Topical Response E, Moreno Valley Utilities/Solar, for a discussion of solar generations limits imposed on the WLC by MVU and why the Project cannot get a waiver for MVU for more solar generation. Currently for the WLC project, MVU is the utility provider for the Project and while solar PV is a viable option, MVU has limitations in its Electric Service Rules on the amount of PV allowed for commercial and industrial projects, as discussed in the 2019 Draft Recirculated RSFEIR and RTER (Appendix E of the 2019 Draft Recirculated RSFEIR).

The second bullet point takes issue with compliance with the CAS's heat island plan. Mitigation Measure 4.7.6.1B of the 2019 Draft Recirculated RSFEIR (page 4.7-29) requires energy-efficient roofing systems ("cool roofs") and cool pavement materials such as lighter-colored pavement materials. Furthermore, the Project will incorporate the following project design features (Section 4.17.5 Project Design Features in the 2019 Draft Recirculated RSFEIR), all of which are designed to reduce energy usage compliant with Strategy R3-L2, the Heat Island Plan:

- Implement design and construction techniques will be employed to reduce the heat island effect, including the use of materials that have a low solar reflectance index such as white roofs and light-pavements to reduce building energy demand for cooling;
- High performance glazing, overhangs, and landscaping to capture and control natural daylight to reduce building energy demand for lighting, cooling, and heating;
- Use of atriums, skylights and internal courtyards to provide additional daylighting and reduce building energy demand for lighting; and
- Incorporate the use of passive heating and cooling into the design or modification of the high-cube warehouse development (e.g., white building colors and roof insulation to minimize heat gain, and

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landscaping to help shade buildings) to reduce building energy demand for lighting, cooling, and heating.

The above project design features and mitigation would reduce the heat island effect by utilizing materials that have a low solar reflectance index, using overhangs and landscaping for shading and to capture and control natural daylight, and by incorporating the use of passive heating and cooling into the warehouse design to minimize heat gain, which would reduce the WLC's energy demand for lighting, cooling and heating.

The third bullet point argues that the MVU's solar power limitation is inconsistent with the State's 2030 net zero energy goal. The commenter also discusses other goals in the Climate Action Strategy that were not included in the discussion. Goal C41, set goals consistent with the State's Long-Term Strategic Plan...all new commercial construction in California will be net zero energy by 2030. Although this has the potential to reduce GHG emissions, it is primarily an energy initiative, and thus wasn't included in the list on page 4.7-15. Goal C 42, encourages installation of solar and wind power systems and solar hot water heaters and C46, adopt and implement a policy to increase the use of renewable energy. As stated on page 4.7-15, CEQA Guidelines Section 15144 states "Drafting an EIR or preparing a Negative Declaration necessarily involves some degree of forecasting. While foreseeing the unforeseeable is not possible, an agency must use its best efforts to find out and disclose all that it reasonably can." This essentially limits the requirement for forecasting to that which could be reasonably expected under the circumstances and is part of the effort to provide a general "rule of reason" for EIR contents. The following discussion seeks to establish what is reasonably foreseeable with respect to technology advancements that may influence transportation energy use contemporaneous with development of the WLC project. The California Energy Efficiency Strategic Plan, sets out the States goals for zero net energy (ZNE) buildings (zero net energy consumption), including a goal for all new commercial construction to be ZNE by 2030. Most zero-energy buildings rely on the electrical grid during times when local demand exceeds supply, and return the same amount of power or more at other times. Some ZNE buildings utilize on-site energy storage and are thus independent of the grid. ZNE buildings usually harvest some amount of energy on-site using technologies like solar and wind, while reducing the overall use of energy with highly efficient heating, ventilation, and air conditioning (HVAC) and lighting technologies. As described in Section 4.17.5, Project Design Features, future updates to the Title 24 building standards are expected to require ZNE commercial buildings by the year 2030. By proactively embracing an all-electric building design and committing to solar-ready roof construction, WLC would be net-zero-ready and in a stronger position for compliance with future Title 24 updates.

As stated in the 2019 Draft Recirculated RSFEIR, the RETR conducted a supply-side analysis of the various types of sustainable energy available for the WLC (Section 5 Supply-Side Energy Strategy pages 12 – 25). The WLC commits to meet the annual energy requirements of all office spaces with PV, thereby effectively achieving net-zero energy office operations.²⁰⁹ Since each individual WLC building is expected to feature about 60,000 square feet of office space, this is the equivalent of fifteen 60,000 square-foot office buildings at WLC achieving net-zero energy consumption by 2025 (RETR, page x). The entire state of California has 45 verified (projects that performance data showing they have achieved zero energy for one year) net-zero

²⁰⁹ When buildings are constructed, they will comply with the latest Uniform Building Code and will achieve energy efficiency of 10 percent better than 2019 Title 24 code or the most current code at the time of construction, whichever is more efficient.

energy buildings in operations, 26 of which are office buildings as of 2019.²¹⁰ Additionally, there are 236 emerging (projects that have not yet achieved zero energy or where New Buildings Institute does not have data to verify zero energy performance) projects in California, 67 of which are office uses.²¹¹ Thus, the WLC Specific Plan will grow California's verified net-zero energy office population by approximately 37% by 2025 and will grow California's emerging net-zero energy office population by approximately 22%. At full WLC build-out there will be the equivalent of twenty-seven 60,000 square-foot office buildings achieving net-zero energy status (RETR, page x). The RTER estimates that the offices in each typical WLC building will consume about 474,120 kWh/yr and experience peak electric demand of about 280 kW. The maximum allowed amount of PV capacity/building in Phase 1 (300 kW) will generate about 512,275 kWh/yr at the WLC location (RETR, page xi). The maximum allowed amount of PV capacity/building in Phase 2 (800 kW) will generate about 1,366,400 kWh/yr (RETR, page xi). Thus, in all cases, the maximum allowed PV capacities are sufficient in both Phase 1 and Phase 2 to satisfy 100% of the office energy needs, thereby meeting the net-zero energy objective for WLC office space. Thus, the City has shown that it will achieve net-zero energy status for all WLC office space through the installation of solar systems which satisfies Strategies C41 and C42. Goal C43 is also satisfied because per MVU restrictions, the WLC is generating the maximum amount of solar energy allowed. For more additional information on MVU solar restrictions, refer to Topical Response E, Moreno Valley Utilities/Solar. Refer to Topical Response E, Moreno Valley Utilities/Solar, for a discussion of solar generations limits imposed on the WLC by MVU and why the Project cannot get a waiver for MVU for more solar generation. Currently for the WLC project, MVU is the utility provider for the Project and while solar PV is a viable option, MVU has limitations in its Electric Service Rules on the amount of PV allowed for commercial and industrial projects, as discussed in the 2019 Draft Recirculated RSFEIR and RTER (Appendix E of the 2019 Draft Recirculated RSFEIR).

Response to Comment 2-F1-53: Refer to Topical Response A, The Use of Cap and Trade and how it applies to the project. Please also see Topical Response B, Scoping Plan, which discusses the applicability of the 2017 Scoping Plan update to the Project and further details the utilization of Cap and Trade and other methods in evaluating GHG impacts. As stated in Topical Response A, the 2019 Draft Recirculated RSFEIR complies with CEQA Guidelines Section 15064.4(b)(3) and did not inappropriately evaluate GHG impacts by only applying "non-capped" emissions to the significance threshold. Refer to Topical Response A, The Use of Cap and Trade, regarding the 2015 Final EIR and the 2019 Draft Recirculated RSFEIR approach to 1) utilizing the Cap and Trade Program and how it relates to the state's overall greenhouse gas reduction mandates, and 2) how Cap and Trade is relevant to the Projects CEQA analysis. CEQA Section 15604.4(b) expressly authorizes the consideration of multiple factors when determining the significance of impacts from greenhouse gas emissions. Three factors are listed under subsection (b), the factor listed in subsection (b)(2) is whether "the project emissions exceed a threshold of significance that the lead agency determines applies to the project." This is the SCAQMD's 10,000 MTCO_{2e} significance threshold. Subsection (b)(3) is the third factor which relates to compliance with a statewide plan for the reduction of greenhouse gas emissions, and this is the Cap-and-Trade Program. Further Section 15064.4(a) was revised in response to comments to clarify that lead agencies may rely on quantitative or qualitative analyses, or both.²¹² Thus, the 2019 Draft Recirculated RSFEIR properly considers both SCAQMD's threshold and the Cap and Trade

²¹⁰ New Buildings Institute. Getting to Zero Buildings Database. Available online at: <https://newbuildings.org/resource/getting-to-zero-database/>

²¹¹ New Buildings Institute. Getting to Zero Buildings Database. Available online at: <https://newbuildings.org/resource/getting-to-zero-database/>

²¹² California Natural Resources Agency, 2009. Final Statement of Reasons for Regulatory Action. Page 23.

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Program and Topical Response A demonstrates how the Project's GHG approach complies with CEQA as it contains accurate and legally adequate information upon which decision-makers can make an informed decision.

Refer Response to Comment 2-F1-48, and Topical Response A, for an explanation of how the Cap-and-Trade is a statewide plan, adopted by CARB, after public review to reduce or mitigate GHG emissions. Additionally, the Cap-and-Trade program works and ensures that GHG from fuel and electricity suppliers cannot increase, because the cap declines over time. Reductions of emissions are required under the program, which satisfies CEQA.

The commenter is correct in that the two negative declarations by the SCAQMD involved refineries. Topical Response A discusses the reasons why the SCAQMD negative declarations, although they applied to refineries, are relevant to the WLC project and so set a precedent for why cap-and-trade is applicable to the WLC. Additionally, Topical Response A also discusses why the San Joaquin Valley APCD rule is relevant to setting a precedent for why cap-and-trade is applicable to the Project.

As outlined in Topical Response C, Project Approvals, Litigation, and the Effects of Litigation, an appeal of the judgment entered on June 7, 2018, in the CEQA litigation is currently pending in the Court of Appeal, Fourth Appellate District, Division Two, as *Paulek v. Moreno Valley Community Services District*, Case No. E071184. Depending on the result of the Court of Appeal ruling, the amount of GHG required to be mitigated would either be the total uncapped GHG emissions or total project emissions (uncapped and capped). Therefore, new Mitigation Measure 4.7.7.1 shall apply to mitigate to net zero either all uncapped GHG emissions or all Project GHG emissions (capped and uncapped) remaining after the application of other mitigation measures. See Topical Response C, Project Approvals, Litigation, and the Effects of Litigation, for a detailed description of Mitigation Measure 4.7.7.1.

Response to Comment 2-F1-54: Mitigation measure 4.7.6.1D (page 4.17-24) requires the installation of solar panels with a capacity equal to the peak daily demand for the ancillary office uses in each warehouse building or up to the limit allowed by MVU's restriction on distributed solar PV connecting to their grid, whichever is greater. As stated on page 4.7-32 of the 2019 Draft Recirculated RSFEIR, the estimated electricity generation from onsite solar is 24,083 MWh per year, which is 5.0 percent of the electricity demand at buildout. Therefore, 5.0 percent of the unmitigated electricity-related GHG emissions are reduced by solar generation. The comment states that the Project should be able to power its full electrical usage with 115 square feet of solar panels, so it must get a waiver from MVU to power the whole project. Refer to Topical Response E, Moreno Valley Utilities/Solar, for a discussion of solar generations limits imposed on the WLC by MVU.

Response to Comment 2-F1-55: The projections of EV penetration rates are based on third party research and summarized in Table 4.7-9, California and SCAQMD Electric Vehicle (EV) Penetration Estimates. Although EV and near-EV technologies are gaining market share, specific adoption rates are at this time uncertain. The table presents data for two scenarios, the first scenario is based on the USEPA EMFAC2017 assumptions for fleet mix and the second scenario is based on implementation of the 2017 Scoping Plan Update including the Mobile Source Strategy (MSS). Under the MSS scenario, the table shows that 5.2 percent of passenger vehicle and light truck fleet is expected to be powered by electricity or zero emission engines by 2025, compared to 2.5 percent of passenger vehicles and 1.6 percent of light trucks under the

EMFAC2017 assumptions. By 2035, 21 percent of passenger vehicles and 22.5 percent off light trucks using MSS assumptions and 4.7 percent of passenger vehicles and 3.9 percent of light trucks are expected to be ZEVs under EMFAC2017.

As explained above, raceways for car, truck, and TRU charging will be appropriately provided, and the WLC will enable WLC to more readily and cost effectively provide the infrastructure need to accommodate Zero-Emission vehicle technologies to future tenants if and when demand dictates. The Project would also include the installation of electric vehicle supply equipment pursuant to Title 24, part 6 of the CALGreen Code.

Response to Comment 2-F1-56: Refer to the response for comment 2-F1-47, in response to the Project's effects on the achievements of the Sustainable Freight Action Plan. In regards to the Project following the 2017 Scoping Plan Update, refer to Topical Response B, Scoping Plan. Additionally, Topical Response B, Scoping Plan, discusses implementing policies and strategies in the eight different sectors in order to reduce GHG emissions. The commenter states that the RDEIR focuses solely on the Natural and Working Lands provisions of the Scoping Plan. Other than Natural and Working Lands Provisions, the 2019 Draft Recirculated RSFEIR focuses on the following sectors:

- *Energy.* Keep moving forward to meet renewable energy targets through wind, solar, hydroelectric, geothermal, and biomass.
 - WLC is required to provide renewable energy through solar panels that will be installed on the rooftops of buildings to help offset the power requirements within the Project (MM 4.16.4.6.1C of the 2019 Draft Recirculated RSFEIR). At a minimum, the Project will install enough solar power in both phases to meet energy needs of the Project's office spaces.
- *Waste.* Prioritize waste reduction, re-use, and material recovery over landfilling.
 - The Project will incorporate the following project design features (Section 4.17.5 Project Design Features in the 2019 Draft Recirculated RSFEIR), all of which are designed to reduce energy usage:
 - Support waste management reduction identified in AB 341 to increase recycling and reduce energy required for producing materials from raw materials;
 - Develop waste management plan and a comprehensive recycling and management program to divert at least 50 percent of waste from landfill, including storage and collection of recyclables, building and material reuse, and careful construction waste management to increase recycling and reduce energy required for producing materials from raw materials;
- *Water.* To meet the water demand, California has to increase water conservation and *efficiency*, improve coordination and management of various water supplies, get a greater understanding of the

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water-energy nexus, and develop new technologies in drinking water treatment, groundwater remediation and recharge and potentially brackish and seawater desalination.

- The Project will incorporate the following project design features (Section 4.17.5 Project Design Features in the 2019 Draft Recirculated RSFEIR), all of which are designed to reduce energy usage:
 - Reduced water uses for landscape irrigation, which reduces electricity for the supply, conveyance, and treatment of water;
 - Street designs that harvest and channel runoff into landscape areas instead of storm drains, which reduces electricity for the supply, conveyance, and treatment of water;
 - Incorporate on-site storm water capture and infiltration within landscape areas and minimize the use of impervious paved surfaces throughout the project to provide for groundwater recharge and increase groundwater supplies, which reduces electricity for the supply and conveyance of water supplied from non-local sources;
- *Carbon Pricing and Investment.* The Cap-and-Trade Program is fundamental to meeting California's long-range climate targets as it has been very successful.
 - Please also refer to Topical Response A, The Use of Cap and Trade and how it applies to the project.

Response to Comment 2-F1-57: As discussed on page 4.7-1 of the Draft Recirculated RSFEIR, project buildings will provide on-site rooftop solar generating capacity up to the maximum level currently permitted by Moreno Valley Electric (MVU). In anticipation of increased electricity loads in the future, including from a growing electric vehicle fleet, the project will provide solar ready roofs that could accommodate expanded rooftop solar installations in the future. Refer to Topical Response E, Moreno Valley Utilities/Solar, regarding interconnectivity with MVU's distribution system and limitations that current MVU roles impose on solar PV capacity at the project site.

Response to Comment 2-F1-58: The fueling station, as required by Mitigation Measure 4.3.6.3C, would be publicly-accessible for purchase by the motoring public. This includes trucks and autos. Light duty autos powered by CNG/LNG is a relatively minor percentage as compared to gasoline-powered and EV options. For example, the U.S. Department of Energy's Office of Energy Efficiency and Renewable Energy (EERE), in its latest accounting updated January 2019, reports only 0.11% of all alternatively fueled light duty vehicles registered in the United States are CNG.²¹³ Application of CNG/LNG options in the medium- and heavy-duty classifications continues to expand, displacing the reliance on diesel.

Response to Comment 2-F1-59: Refer to Topical Response E, Moreno Valley Utilities/Solar, regarding interconnectivity with MVU's distribution system and limitations that current MVU roles impose on solar PV capacity at the project site. As stated on page 4.7-43 of the 2019 Draft Recirculated RSFEIR, in order to ensure the WLC project complies with and would not conflict with or impede the implementation of reduction goals identified in AB 32 and SB 32, the mitigation measures and project design features listed in Table

²¹³ <https://afdc.energy.gov/data/>

4.7-11, Project Compliance with Federal/State Greenhouse Gas Reduction (page 4.7-41 – 4.7-43) shall be implemented.

Response to Comment 2-F1-60: As discussed on page 4.17-40 of the 2019 Draft Recirculated RSFEIR, the project would “comply with and exceed the applicable provisions of Title 24 and the CALGreen Code in effect at the time of building permit issuance”. Additionally, Mitigation Measure 4.7.6.1D requires that prior to the issuance of a building permit, new development shall demonstrate that each building would “increase efficiency for buildings by implementing either 10 percent over the 2019 Title 24’s energy saving requirements or the Title 24 requirements in place at the time the building permit is approved, whichever is more stringent”. Therefore, although specific examples of potential future regulatory standards have not been discussed, the project would be subject to all applicable standards at the time of issuance of building permits. Additionally, regardless of what future Title 24 standards include, the project is being constructed to facilitate future operation of ZNE buildings. Therefore, the project is consistent with all current regulatory standards and will be compliant with all future applicable standards. Refer to Response to Comment 2-F1-52 for a more in-depth discussion on ZNE buildings.

Response to Comment 2-F1-61: Scenario A reflects the current state building code, and includes charging for passenger vehicles and light duty trucks. The percentage of vehicle types and the type of fuel used was determined from the breakdown in EMFAC2017; 2.5 percent passenger vehicle EVs and 1.4 percent light truck EVs by 2025 and 4.7 percent passenger EVs and 3.7 percent light truck EVs by 2035. Although Scenario A assumes electric passenger vehicle and light duty trucks, all EV types will be anticipated for the onsite charging infrastructure. To that end, the project will construct the WLC parking areas with cable raceways for installing future EV charging stations (page 4.17-24 of the 2019 Draft Recirculated RSFEIR), which will enable the WLC to more readily and cost effectively provide this service to future tenants, if and when demand dictates. DC power blocks was referenced on page 4.17-17 as a potential way to deliver power simultaneously to multiple vehicles as they charge on site. There is no discussion of DC power blocks being part of project design and no commitment to their use. However, the use of DC power blocks would be considered and deployed in response to market demands. Therefore, mitigation requiring the installation of DC power blocks on-site is not warranted.

Response to Comment 2-F1-62: Section 4.17 Energy, specifically Table 4.17-74 on page 4.17-32, of the 2019 Draft Recirculated RSFEIR summarizes project operational transportation fuel usage under all three EV Penetration scenarios. The commenter asserts that the percentage of electric trucks assumed under the High Penetration scenario have been relied upon elsewhere in the document. The High Penetration scenario has not been relied upon elsewhere in the document, meaning that the potential reduction in air pollutant emissions from the displacement of fossil fuel combustion has not been credited to the analysis of air pollutant or health risk impacts. Refer to response 2-F1-21 for a discussion of the three energy scenarios and why they were chosen. The “worst case” emissions from diesel is presented, and the “most impactful” use of electricity was also studied, yet would not both occur concurrently. As discussed on page 4.3-21 of the 2019 Draft Recirculated RSFEIR, mobile emissions were calculated based on EMFAC2017’s projected vehicle fuel mix, and not based on any of the EV Penetration scenarios presented in Section 4.17. Based on EMFAC2017 vehicle fuel mix assumptions, electric medium and heavy-duty trucks have not been assumed as a part of the air quality or greenhouse gas analysis and the project does not take credit for any potential penetration of EV technology due to the speculative nature of those projections. Refer to Response-to-Comment 2-F1-22 for a more detailed discussion of the three EV penetration scenarios.

Response to Comment 2-F1-63: Section 4.17 of the 2019 Draft Recirculated RSFEIR analyzes the potential impact to energy supplies by including the potential future electricity demand from electrified trucks in the Project's overall demand, and assessing the potential for solar energy to supply the Project's electricity needs. An engineering and financial analysis of the full range of sustainable energy options potentially available at the site was conducted (2019 Draft Recirculated RSFEIR, Appendix E, RETR). The analysis evaluated building energy efficiency opportunities to reduce the energy requirements to the maximum extent practicable. Projected electric vehicle (EV) loads were added to building loads to characterize overall electric loads for the project. A full range of renewable energy supply options were evaluated to meet the combined building and EV loads. This project falls within Moreno Valley Utilities (MVU's) service territory; therefore, it is MVU is responsible for securing additional power from Southern California Edison (SCE) as needed. Refer to Topical Response E, Moreno Valley Utilities/Solar, regarding interconnectivity with MVU's distribution system and limitations that current MVU rules impose on solar PV capacity at the project site. Electric truck infrastructure at loading docks is discussed in Response to Comments 2-F1-10 and 2-F1-22.

Response to Comment 2-F1-64: As discussed on page 4.7-1 of the 2019 Draft Recirculated RSFEIR, project buildings will provide on-site rooftop solar generating capacity up to the maximum level currently permitted by Moreno Valley Electric (MVU). In anticipation of increased electricity loads in the future, including from a growing electric vehicle fleet, the project will provide solar ready roofs that could accommodate expanded rooftop solar installations in the future. Refer to Topical Response E, Moreno Valley Utilities/Solar, regarding interconnectivity with MVU's distribution system and limitations that current MVU rules impose on solar PV capacity at the project site. Electric truck infrastructure at loading docks is discussed in Response to Comments 2-F1-10 and 2-F1-22.

Response to Comment 2-F1-65: MVU is the utility provider for the Project and while solar PV is a viable option, MVU has limitations in its Electric Service Rules on the amount of PV allowed for commercial and industrial projects, as discussed in the 2019 Draft Recirculated RSFEIR and RTER (Appendix E of the 2019 Draft Recirculated RSFEIR). A system that combines PV with battery storage of excess solar generation was considered, but the MVU solar sizing limitations and the estimated WLC Project demands do not result in excess solar generation to charge a battery. Thus, due to the MVU solar sizing limits, PV solar generation would be utilized for the Project and there would be no excess solar generation for battery storage, renewable hydrogen storage, ice storage, chilled water storage, or the sale of excess power generation to MVU or other utilities for their renewable portfolio content requirements. In addition, MVU's Time-of-Use rate structure²¹⁴ is not compatible with the Project's peak electrical usage (load curve) making the use of batteries to deliver any meaningful reduction an unviable option. Refer to Topical Response E, Moreno

²¹⁴ Tenants of the WLC will contract for utility services directly with MVU. The rate structure for each account is determined by the monthly maximum demand. WSP expects that all proposed buildings in the WLC will exceed the 20 kW demand threshold specified by MVU and will therefore be subject to Schedule C – Large General Service. Tenants will also be eligible for Schedule TOU-LGS – Time of Use – Large General Service rates. However, analysis using energy models and 15-minute interval consumption data from five existing logistics buildings in the MVU service territory determined that a time-of-use rate is not advantageous to the customer. Furthermore, MVU imposes limits on the capacity of on-site solar PV generation that can be installed by their customers. Per Resolution No. 2017-20 the "maximum solar generating capacity that will be approved to be connected to each meter is up to 50% of the meter minimum daytime load." This dramatically limits the amount of on-site solar generation that can be installed at WLC buildings. MVU currently has no policies or rules that would allow WLC to use battery storage to increase usage of solar electricity.

Valley Utilities/Solar, regarding interconnectivity with MVU's distribution system and limitations that current MVU rules impose on solar PV capacity at the project site.

Response to Comment 2-F1-66: The Transportation Energy Technical Study found that zero emission vehicle (ZEV) technology is steadily developing for both light-duty and heavy-duty vehicles, driven by both regulatory developments and market forces. However, the study found that while the commercialization of ZEV technology passenger vehicles is occurring rapidly, the development of electric medium- or heavy-duty vehicles is still in the pilot or demonstration phase and it is not possible to predict when they will become commercially available. Nonetheless, WLC will accommodate ZEV technologies by planning for appropriate onsite charging infrastructure. To that end, the Project will construct the WLC parking areas with cable raceways for installing future EV charging stations, which will enable WLC to more readily and cost effectively provide this service to future tenants if and when demand dictates. The Project would also include the installation of electric vehicle supply equipment pursuant to Title 24, part 6 of the CALGreen Code. Therefore, the project would be consistent with and be constructed to support application of State goals. Electric truck infrastructure at loading docks is discussed in Response to Comments 2-F1-10 and 2-F1-22. Response to Comment 2-F1-22 also contains a discussion of why drop and drag would not require raceways and charging station at the loading docks and why the high EV penetration scenario is highly speculative. To address the major threat of Climate Change from GHG emissions, refer to Response to Comment 2-F1-51, which as CARB states is primarily from passenger vehicles.

Response to Comment 2-F1-67: Refer to Topical Response E, Moreno Valley Utilities/Solar, regarding interconnectivity with MVU's distribution system and limitations that current MVU rules impose on solar PV capacity at the project site. Impacts to local and regional energy supplies and additional capacity were evaluated in Section 4.17, energy, of the 2019 Draft Recirculated RSFEIR. Section 4.17.7.2, Construction or Expansion of Electrical and Natural Gas Facilities (pages 4.17-37 - 4.17-39 discusses the impacts associated with the minor construction of moving power lines underground, addition of solar panels and connectors, addition of new transformer units and the substation and construction of a new substation and switching station. Impacts from construction and modification were analyzed and impacts were found to be less than significant.

Response to Comment 2-F1-68: The comment discusses standalone solar facilities in California's desert and their significant environmental impacts on desert wildlife, especially avian populations, and included attachments that discuss the impacts of the desert solar facilities on different species over a four-year period and that the take for sensitive, threatened, or endangered species is one-bird. The comment also states that under this threshold, the death of one special status bird is a significant impact and therefore, the WLC project would cause significant impacts because it will require the construction and expansion of new electrical facilities which would have significant impact themselves. The WLC power needs will be met by MVU as stated in the Draft Recirculated RSFEIR, pages 4.17-2 and 4.17-28. As stated on page 4.17-30 of the 2019 Draft Recirculated RSFEIR, MVU forecasts that its peak demand in 2025, would be approximately 231,555 MWh per year. This is approximately 25 percent higher than the 185,000 MWh that MVU sold to all customers in its area for the 2015-2016 fiscal year. As shown in Table 4.17-4 (page 4.17-29), the WLC project's estimated electrical consumption would account for between 74 and 113 percent of MVU's projected electricity projected sales depending on the EV penetration scenario for Phase 1 (2025). However, MVU's 2018 IRP anticipates growth in the region and specifically considers the electrical demand generated by energy-intensive account focused in the logistics industry. The IRP states that large energy-

intensive projects like the WLC project are included in the projected growth. Therefore, it is reasonable to assume that MVU's existing and planned electricity supplies could support the project's electricity demand calculated for the Project + Low EV Penetration (Scenario A) and the Project + Medium EV Penetration (Scenario B) by 2025. Any determination of MVU's need for additional capacity beyond what is planned would be speculative and depend on the cumulative demand within MVU's service area. As described above, MVU has determined that they can meet the electrical energy needs of the WLC. Hypothetically, if, as a result of, MVU requiring more power from the grid to serve its customers' needs the construction of a solar generation plant in the desert results, the environmental impacts from construction and operation of that solar plant would be assessed and mitigated under CEQA in that environmental analysis. Since the WLC project did not build the solar plant nor require it to be built to specifically serve their project, it is considered a separate project under CEQA. Refer to Response to Comment 2-F1-67, above, for a discussion of impacts from the construction or expansion of new electrical facilities.

Response to Comment 2-F1-69: MVU's 2018 IRP anticipates growth in the region and specifically considers the electrical demand generated by energy-intensive account focused in the logistics industry. The IRP states that large energy-intensive projects like the WLC project are included in the projected growth. Therefore, it is reasonable to assume that MVU's existing and planned electricity supplies could support the project's electricity demand calculated for the Project + Low EV Penetration (Scenario A) and the Project + Medium EV Penetration (Scenario B) by 2025. Any determination of MVU's need for additional capacity beyond what is planned would be speculative and depend on the cumulative demand within MVU's service area. As described above, MVU has determined that they can meet the electrical energy needs of the WLC. Page 4.17-34 states that under the High EV penetration scenario, the project would account for approximately 356,351 MWh for 2035, the 2018 IRP shows that under the high demand scenario MVU would have a 2030 net energy load of 390,326 MWh²¹⁵, which is 91 percent of MVU's projected electrical consumption. Additionally, that was what MVU anticipates in 2030, likely by 2035 they would have more electricity available. As shown, the 2018 IRP has included electricity assumptions for the logistics industry. However, the High EV penetration scenario remains speculative due to the state of current technology. The Transportation Energy Technical Study found that zero emission vehicle (ZEV) technology is steadily developing for both light-duty and heavy-duty vehicles, driven by both regulatory developments and market forces. However, the study found that while the commercialization of ZEV technology passenger vehicles is occurring rapidly, the development of electric medium- or heavy-duty vehicles is still in the pilot or demonstration phase and it is not possible to predict when they will become commercially available.

The comments second paragraph argues that MVU fails to comply with the requirements for procuring renewable energy. MVU states in their 2018 IRP, that the IRP plans for the procurement of sufficient eligible renewable energy resources to serve at least 50 percent of annual retail load by 2030, plus a reasonable margin of procurement to manage the risk of load uncertainty, renewable resource performance variations and potential contract failures.²¹⁶ Refer to Topical Response E, Moreno Valley Utilities/Solar, regarding interconnectivity with MVU's distribution system and limitations that current MVU rules impose on solar PV capacity at the project site.

²¹⁵ City of Moreno Valley, 2018. Moreno Valley Utility 2018 Integrated Resource Plan. July 20. Available online: <http://www.moval.org/mvu/pubs/MVU-IRP-Report-072018.pdf>. Accessed February 21, 2020.

²¹⁶ City of Moreno Valley, 2018. Moreno Valley Utility 2018 Integrated Resource Plan. July 20. Available online: <http://www.moval.org/mvu/pubs/MVU-IRP-Report-072018.pdf>. Accessed February 21, 2020.

As discussed on page 4.17-31 of the 2019 Draft Recirculated RSFEIR, the project would incorporate renewable energy sources to achieve a net-zero energy use for the estimated office demands. Office space in each of the project buildings (27 total) are assumed to be 60,000 square feet. The text clearly states that the project would feature an equivalent of 27 60,000-square foot net zero buildings and does not attempt to mislead the reader by implying that project buildings in their entirety would be net zero.

Response to Comment 2-F1-70: Section 4.17 of the 2019 Draft Recirculated RSFEIR analyzes a Low, Medium, and High EV penetration scenario and the potential for alternative energy for electrified trucks by looking at the overall potential for solar energy at the project site. The Transportation Energy Technical Study found that zero emission vehicle (ZEV) technology is steadily developing for both light-duty and heavy-duty vehicles, driven by both regulatory developments and market forces. However, the study found that while the commercialization of ZEV technology passenger vehicles is occurring rapidly, the development of electric medium- or heavy-duty vehicles is still in the pilot or demonstration phase and it is not possible to predict when they will become commercially available. Nonetheless, WLC will accommodate ZEV technologies by planning for appropriate onsite charging infrastructure. To that end, the Project will construct the WLC parking areas with cable raceways for installing future EV charging stations, which will enable WLC to more readily and cost effectively provide this service to future tenants if and when demand dictates.

Refer to Topical Response E, Moreno Valley Utilities/Solar, regarding interconnectivity with MVU's distribution system and limitations that current MVU rules impose on solar PV capacity at the project site. MVU has committed to meeting the project's electricity demand, and as discussed in the Draft Recirculated EIR on page 4.17-31. Response to Comment 2-F1-22 also contains a discussion of why drop and drag would not require raceways and charging station at the loading docks and why the high EV penetration scenario is highly speculative. Thus, the City is not single-handedly imperiling its residents or the planet.

Response to Comment 2-F1-71: As discussed on page 6.17-15, the geographic area for evaluating potential cumulative natural gas impacts is the State of California because natural gas as a fuel can be procured from anywhere and is not limited to the service provider's on-hand, near-by resources. Cumulative natural gas consumption has been calculated and presented in Section 6.17 of the 2019 Draft Recirculated RSFEIR. As discussed on page 6.17-15, overall demand for natural gas is expected to decline over time due to increases in regional natural gas efficiencies and the transition to renewable energy on a statewide basis displacing fossil fuels including natural gas. Therefore, the project would not have a cumulatively considerable impact related to natural gas consumption. Mitigation Measure 4.3.6.3B k) states all yard trucks (yard dogs/yard goats/yard jockeys/yard hostlers) shall be powered by electricity, natural gas, propane, or an equivalent non-diesel fuel. Any off-road engines in the yard trucks shall have emissions standards equal to Tier 4 Interim or greater. Any on-road engines in the yard trucks shall have emissions standards that meet or exceed 2010 engine emission standards specified in California Code of Regulations Title 13, Article 4.5, Chapter 1, Section 2025.

Mitigation Measure 4.3.6.3C requires that the fueling station be operational "offering alternative fuels (natural gas, electricity, etc.) for purchase by the motoring public" prior to issuance of building permits for more than 25 million square feet of logistics warehousing within the Specific Plan area. As discussed on page 80 of the TIA, the intent of the station is to provide an on-site location to purchase alternative fuels for trucks at the project. The mitigation does not specify what types of vehicles are anticipated, permitted, or

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prohibited and therefore does not limit the types of vehicles that could refuel on-site. Thus, mitigation measure 4.3.6.3C also makes the fueling station accessible to the public, but it will still be utilized by truckers visiting the WLC site. Additionally, Response to Comment 2-F1-22 discussed the EVSE charging stations that the WLC will incorporate into the parking areas.

Response to Comment 2-F1-72: Despite the withdrawal of California’s Clean Air Act waiver by the Trump Administration, zero emission technology is still steadily developing. Furthermore, the State of California, along with 23 other states petitioned the U.S. Court of Appeals for the District of Columbia Circuit for review of the EPA’s action to withdraw the waiver. That action was stayed on February 11, 2020, because of the pendency of a related case in the District of Columbia Circuit. A briefing schedule will be filed in March, 2020. In the meantime, California has not amended or withdrawn any of its laws or regulations in response to the withdrawal of the waiver. For a more detailed response, see Response to Comment 2-F1-46. The 2019 Draft Recirculated RSFEIR presented these findings in Appendix E, Renewable Energy Technical Report (RETR). Zero emission vehicles encompass a range of technologies including battery electric vehicles (BEVs), hybrid electric vehicles (HEVs), plug-in hybrid electric vehicles (PHEVs), and range extended electric vehicles (REEVs) that utilize a fuel cell as an additional energy source. As outlined in the RETR and summarized in the 2019 Draft Recirculated RSFEIR, commercialization of passenger vehicles is occurring rapidly. A significant population of passenger electric vehicles is expected at the site by Phase 1 (2025) and that number will increase substantially by full buildout of the project (2035), representing a potential significant demand for on-site charging.

Response to Comment 2-F1-73: Refer to Response to Comment 2-F1-68 for discussion of the Project’s analysis of impacts regarding construction of new or expansion of existing electrical facilities.

Response to Comment 2-F1-74: As discussed on page 4.17-40 of the 2019 Draft Recirculated RSFEIR, the project would “comply with and exceed the applicable provisions of Title 24 and the CALGreen Code in affect at the time of building permit issuance”. Additionally, Mitigation Measure 4.7.6.1D requires that prior to the issuance of a building permit, new development shall demonstrate that each building would “increase efficiency for buildings by implementing either 10 percent over the 2019 Title 24’s energy saving requirements or the Title 24 requirements in place at the time the building permit is approved, whichever is more stringent”. Therefore, although specific examples of potential future regulatory standards have not been discussed, the project would be subject to all applicable standards at the time of issuance of building permits.

Response to Comment 2-F1-75: On page 6.3-22, the last paragraph on the page has a typographical error. It should say 66 projects were found to be completed and nine projects were not accounted for due to lack of project information or due to there being no specific development proposed (specifically, H-10, MV-55, MV-122, P-13, P-29, SJWA-1, RC-4, RC-8, and RC-16). The first line of this paragraph will be changed to reflect that 66 projects have been completed in the Final RSFEIR to read as follows:

Out of the 359 cumulative projects that were evaluated, ~~67~~ 66 were found to be completed with construction or currently undergoing construction as of November 2019 and have not been included in the analysis. Nine projects have not been accounted for due to lack of sufficient project information to estimate impacts (specifically, H-10, MV-55, MV-122, P-13, P-29, SJWA-1, RC-4, RC-8, and RC-16). Therefore, ~~289~~ 284 potentially cumulative projects could undergo construction

activities during the project's 15-year construction period. Results of the cumulative construction emissions analysis is provided in Table 6.3-3.

On page 6.3-32, the first paragraph under Construction Emissions Inventory has a typographical error. It should say 66 projects were found to be completed and nine projects were not accounted for due to lack of project information or due to there being no specific development proposed (specifically, H-10, MV-55, MV-122, P-13, P-29, SJWA-1, RC-4, RC-8, and RC-16). The first line of this paragraph will be changed to reflect that 66 projects have been completed in the Final RSFEIR to read as follows:

As mentioned above, the environmental document research conducted for the project found that ~~67~~ 66 projects are either completely constructed or currently undergoing construction. Nine projects have not been accounted for due to lack of sufficient project information to estimate impacts (specifically, H-10, MV-55, MV-122, P-13, P-29, SJWA-1, RC-4, RC-8, and RC-16). Therefore, the cumulative construction analysis was conducted for the ~~289~~ 284 potentially cumulative projects that could undergo construction activities during the project's 15-year construction period. The analysis compiled a construction emissions inventory based on previously completed CEQA documents for each of the cumulative projects where such documents were available. In most cases, toxic air contaminant (TAC) emissions data were lacking but that of total PM10 and total organic gas (TOG) emissions were presented in available CEQA documents; therefore, maximum daily construction total PM10 and TOG emissions data was obtained, which was speciated using the speciation profile developed for the Project HRA presented in Section 4.3 of this Draft Recirculated RSFEIR. For projects where emissions data was unavailable in available CEQA documents, their emissions were estimated based on the land use type and building square footage instead, see details in the air quality section above for detail.

On page 6.3-36, the third paragraph on the page has a typographical error. It should say 66 projects were found to be completed (not 67) and nine projects were not accounted for due to lack of project information or due to there being no specific development proposed (specifically, H-10, MV-55, MV-122, P-13, P-29, SJWA-1, RC-4, RC-8, and RC-16). The first line of this paragraph will be changed to reflect that 66 projects have been completed in the Final RSFEIR to read as follows:

In addition, out of the 359 cumulative projects that were evaluated, ~~67~~ 66 were found to be completed with construction or currently undergoing construction and nine projects have not been accounted for due to lack of sufficient project information to estimate impacts (specifically, H-10, MV-55, MV-122, P-13, P-29, SJWA-1, RC-4, RC-8, and RC-16). Therefore, ~~289~~284 potentially cumulative projects that could undergo construction activities during the project's 15-year construction period. However, even if none of these ~~289~~284 cumulative projects undergo construction while the project is under construction, a cumulatively considerable impact will occur because projects that exceed the Project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable. As previously stated, the Project-specific construction emissions presented in Section 4.3.6.2 exceed the applicable SCAQMD significance thresholds for VOC, NOx, CO, PM10, and PM2.5; therefore, a cumulatively considerable impact will occur, despite any potential construction activity associated with another project.

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On page 6.3-39, the first full paragraph on the page has a typographical error. It should say 66 projects were found to be completed (not 67) and nine projects were not accounted for due to lack of project information or due to there being no specific development proposed (specifically, H-10, MV-55, MV-122, P-13, P-29, SJWA-1, RC-4, RC-8, and RC-16). The first line of this paragraph will be changed to reflect that 66 projects have been completed in the Final RSFEIR to read as follows:

Out of the 359 cumulative projects that were evaluated, ~~67~~ 66 were found to be completed with construction or currently undergoing construction as of November 2019. Nine projects have not been accounted for due to lack of sufficient project information to estimate impacts (specifically, H-10, MV-55, MV-122, P-13, P-29, SJWA-1, RC-4, RC-8, and RC-16). Therefore, ~~289~~284 potentially cumulative projects could undergo construction activities during the project's 15-year construction period. Construction emissions gathered from the environmental documents and modeling show that out of the ~~289~~284 cumulative projects, 9590 cumulative projects were identified as exceeding VOC significance thresholds, 22 projects were identified as exceeding NOX thresholds, and 2 projects would exceed CO, PM2.5 and PM10 thresholds. However, even if none of the ~~289~~284 potential cumulative projects undergo construction while the project is under construction, a cumulatively considerable impact will occur because projects that exceed the Project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable.¹¹ As previously stated the Project-specific construction emissions presented in Section 4.3.6.2 exceed the applicable SCAQMD significance thresholds for VOC, NOx, CO, PM10, and PM2.5; therefore, a cumulatively considerable impact will occur, despite any potential construction activity associated with another project.

Response to Comment 2-F1-76: Analysis of cumulative air quality impacts can be found in Section 6.3.3, Cumulative Impact Analysis. Each impact area is fully analyzed, but the analysis concludes the same impacts as the project primarily because construction and operational emissions of the project exceed the SCAQMD significance thresholds so the addition of more emissions would still cause an exceedance of the threshold, and thus, a cumulatively considerable impact would occur. Although the cumulative air quality analysis resulted in cumulatively considerable and potentially significant cumulative air impacts, there are no other mitigation measures available to reduce the project's contribution to cumulatively considerable impacts, as all projects would have included project design features or mitigation measures to reduce project-level impacts to below significance criteria, if possible. However, since the WLC project exceeds the significance thresholds and cannot be reduced below the applicable thresholds, potential air quality impacts resulting from the Project and any of the identified cumulative projects will still be considered cumulatively significant and unavoidable.

Response to Comment 2-F1-77: The cumulative HRA uses the same air dispersion modeling and health risk calculation methodologies used in the project-level HRA; however, the operational AERMOD model was updated to include emissions sources from the 359 cumulative projects and an expanded receptor grid that covers most of the South Coast Air Basin. Both model runs used the same expanded receptor grid, which includes 5,298 receptors covering areas from North Palm Springs to Long Beach in the east-west direction and from Rancho Cucamonga to Hemet/San Jacinto in the north-south direction, roughly an area of 3,500 square miles radiating from the project site to the north, south, east, and west. The 3,500 square mile area modeled for receptors is larger than the 1,024 square mile area which encompasses the

cumulative project area due to the dispersion of air pollutant emissions in the area. The modeled grid ensured that that all potential health risk areas were covered.

As discussed on page 6.3-49, project cancer risks are reduced after implementation of mitigation. However, the SCAQMD cancer risk and cancer burden significance threshold would be exceeded at sensitive receptor locations within the cumulative HRA study area. Therefore, the cancer risk impact to sensitive receptors and cancer burden to general population will be cumulatively significant and unavoidable. As discussed in Section 4.3, the Project impacts would be reduced to less-than-significant levels after implementation of mitigation. However, because the Project would result in an increase in cancer risk of 9.1 under construction + operations and 7.1 30-year operations, the Project contribution would be cumulatively considerable. Tables 6.3-9 and 6.3-10 (page 6.3-50) show the estimated annual percent of background health incidence for PM2.5 and ozone health effects associated with cumulative projects (including the unmitigated Project). When taken into context, the small percent of the number of background incidences indicate that these health effects are minimal in a developed, urban environment. Refer to Response to Comment 2-F1-42 for a discussion of why health impacts aren't underrepresented. As stated in Response to Comment 2-F1-76, above, although the cumulative air quality analysis resulted in cumulatively considerable and potentially significant cumulative air impacts, there are no other mitigation measures available to the Project to reduce cumulatively considerable impacts, as all projects would have included project design features or mitigation measures to reduce project-level impacts to below significance criteria, if possible. However, since the WLC project emissions are close to or exceed the significance thresholds and, if exceeded, cannot be reduced below the applicable thresholds, potential air quality impacts resulting from the Project and any of the identified cumulative projects will still be considered cumulatively significant and unavoidable.

Response to Comment 2-F1-78: Refer to Topical Response A, The Use of Cap and Trade and how it applies to the project. The cumulative analysis for GHG was based on the limits set forth in the cumulative traffic analysis, which encompassed 359 projects,²¹⁷ of which approximately 173 environmental documents were available for review. However, not all environmental documents contained quantified emissions. Therefore, emissions were calculated for all of the identified cumulative projects based on available project size, information, and standard methodologies. These are listed in Table 6.7-1, Section 6.7 of the 2019 Draft Recirculated RSFEIR and the cumulative project emissions are summarized in Table 6.7-2 for operations and construction. As discussed in 6.7.3 Cumulative Evaluation, the quantitative analysis of operation and construction emissions utilized the SCAQMD's Interim CEQA GHG Significance Thresholds to determine the respective project's level of significance. Significance thresholds for each project were determined based on land use. The projects that were identified as either residential or commercial projects are considered part of the SCAQMD's draft threshold for residential/commercial projects and 3,000 mt CO₂e per year was used in each of the greenhouse assessments. The projects that were identified as industrial/warehouses were compared against a threshold of 10,000 mt CO₂e for industrial projects. Of the 359 projects analyzed, 95 projects exceeded their given threshold and 255 projects were below threshold. Given that the unmitigated project and 95 of the cumulative projects are over threshold, impacts would be potentially significant and cumulatively considerable. However, the Project's mitigated uncapped emissions

²¹⁷ The Judge's February 8, 2018 ruling found the FEIR cumulative impacts section deficient; "[t]he FEIR should include consideration of recently constructed and proposed large warehouse projects in the summary of projects method, and should analyze whether individually significant impacts may be cumulative considerable." The RSFEIR revised cumulative impact section included the recently constructed large warehouse projects and other projects, including industrial, 360359 in all, even though it wasn't required.

total 8,563 MTCO_{2e} at buildout in 2035, would not exceed the SCAQMD's significance threshold of 10,000 mt CO_{2e} per year, and would be less than significant. As shown in Table 6.7-2, it is estimated that 95 projects would exceed the applicable numeric threshold, contributing to a potentially significant cumulative impact. When considered with the other projects' significant impacts, the Project would not contribute to a significant cumulative impact given that the project would generate uncapped emissions that are less than the 10,000 MTCO_{2e} significance threshold. Additionally, the SCAQMD set the 10,000 MTCO_{2e} significance threshold because the GHG emissions for any one project would almost never be significant when compared to state or global emissions.

Furthermore, it would be speculative to assume that all 359 listed cumulative projects would be consistent with all applicable plans, policies, and regulations related to the reduction of GHG emissions. Therefore, it is possible that any of the cumulative projects are inconsistent with any plans, policies, and regulations and would result in a potentially significant impact. Therefore, the cumulative impact would be potentially significant. However, because the project's impact would be less than significant with mitigation, the project is not contributing to cumulatively considerable impacts.

As outlined in Topical Response C, Project Approvals, Litigation, and the Effects of Litigation, an appeal of the judgment entered on June 7, 2018, in the CEQA litigation is currently pending in the Court of Appeal, Fourth Appellate District, Division Two, as *Paulek v. Moreno Valley Community Services District*, Case No. E071184. Depending on the result of the Court of Appeal ruling, the amount of GHG required to be mitigated would either be the total uncapped GHG emissions or total project emissions (uncapped and capped). Therefore, new Mitigation Measure 4.7.7.1 shall apply to mitigate to net zero either all uncapped GHG emissions or all Project GHG emissions (capped and uncapped) remaining after the application of other mitigation measures. See Topical Response C, Project Approvals, Litigation, and the Effects of Litigation, for a detailed description of Mitigation Measure 4.7.7.1. Thus, even if the trial court's judgement is reversed, the Project GHG emissions would be net zero after implementation of Mitigation Measure 4.7.7.1 which is below the significance threshold. Therefore, since the Project's impact would be less than significant with mitigation, the project is not contributing to a cumulatively considerable GHG impact.

Response to Comment 2-F1-79: Cumulative energy demand is discussed in Section 6.17 of the 2019 Draft Recirculated RSFEIR. The inclusion of solar production at cumulative industrial sites has not been considered in the analysis in order to present a worst-case total for cumulative electrical demand. Additionally, it would be speculative to assume that all cumulative industrial projects would comply with any current or future energy conservation measures.

See Topical Response E, Moreno Valley Utilities/Solar, for a discussion of solar limitations imposed by MVU for the project and any other related warehouse project in the vicinity that are served by MVU.

Response to Comment 2-F1-80: Refer to Response to Comment 2-F1-69.

Response to Comment 2-F1-81: See Response to Comment 2-F1-16 regarding the Owings declaration.

Response to Comment 2-F1-82: Approval of the project will create jobs and increase economic activity. At full build out, the Project is estimated to generate over 20,000 ongoing direct jobs in the City, and an additional approximately 7,400 indirect and induced jobs, approximately 3,700 of these indirect and induced

jobs will be in the City. In constant 2012 dollars, these jobs will result in estimated annual wages of approximately \$830,000,000 for direct jobs and approximately \$300,000,000 in wages resulting from indirect and induced jobs. Of the estimated \$300,000,000 indirect and induced jobs approximately \$150,000,000 in wages will occur within the City. The project is also estimated to generate in aggregate, almost 13,000 direct construction jobs over the 15-year buildout period, equivalent to approximately 850 full-time equivalent jobs every year for the duration of the 15-year construction period. These jobs will result in estimated wages, in constant 2012 dollars, of approximately \$625,000,000. Added to this will be approximately 7,400 estimated indirect and induced jobs, with approximately 3,700 of them within the City, with wages, in constant 2012 dollars, of approximately \$300,000,000 half of which, approximately \$150,000,000 will be for jobs within the City. Construction is estimated to result in approximately \$2,600,000,000 in total economic output, which includes in wages and sales income of which approximately \$2,140,000,000 will occur within the City. Future employment levels may be influenced by and vary, due to economic and market conditions, business decisions, and other factors unknown at this time. Local residents will be able to apply for both temporary construction jobs and permanent jobs.

Response to Comment 2-F1-83: Emissions potentially impacting air quality were evaluated in Section 4.3 of the 2019 Draft Recirculated RSFEIR. Maximum regional daily emissions of VOC, NOX, CO, and PM10 would exceed SCAQMD daily regional thresholds during construction and max daily regional emissions of VOC, NOX, CO, PM10, and PM2.5 would exceed daily operational thresholds at full build out. A dispersion analysis for CO, NOX, PM10, and PM2.5 was performed to evaluate project impacts during potential overlap of construction and operational activities on localized air quality. As described on page 4.3-21 of the 2019 Draft Recirculated RSFEIR, localized thresholds represent the maximum emissions from a project that would not cause or contribute to an exceedance of the most stringent applicable Federal or State ambient air quality standards and are developed based on the ambient concentrations of that pollutant for each source receptor area identified by SCAQMD. As summarized on Table 4.3-19, the project would result in significant localized impacts with regard to PM10. PM10 emissions consist of roadway dust generated by tire wear and brake wear from commuters traveling to their jobs. As shown in Table 4.3-21 of the 2019 Draft Recirculated RSFEIR, approximately 96 percent of unmitigated regional PM10 mobile emissions at project buildout are attributable to roadway dust.

A health risk assessment (HRA) was conducted to allow decision makers to evaluate the cancer-related impacts of the WLC project with the assumption that new technology diesel exhaust (NTDE) causes cancer, contrary to what was found by the HEI study. The HRA was conducted consistent with South Coast Air Quality Management District (SCAQMD) Health Risk Assessment Guidance and the current 2015 Office of Environmental Health Hazard Assessment (OEHHA) Air Toxics Hot Spots Program Guidance for Preparation of Health Risk Assessments. The HRA methodology applied a risk characterization model to the results from an air dispersion model to estimate potential health risks at each sensitive receptor location. A multi-pollutant health risk assessment was conducted for the WLC which included exhaust emissions of particulate matter (PM) and total organic gases (TOG) from diesel and gasoline combustion, as well as toxics associated with fugitive PM from tire wear and brake wear of mobile sources. To be conservative, the HRA relied on EMFAC2017 to determine the breakdown of vehicle types and fuel types and did not consider potential reductions in TACS emissions and health risks from increased penetration of zero emission vehicles. The estimation of cancer risk involves the specification of several parameters including the concentration level of the toxic air contaminants, the rate of inhalation of the toxic, the exposure frequency (number of days per year), the exposure duration in years, the time period over which the

exposure takes place, what is termed a slope factor that represents an upper bound on the increased cancer risk from a lifetime exposure to a toxic by ingestion or inhalation and early-in-life age sensitivity factors. The values of these parameters depend on the type of receptor, i.e., sensitive/ residential, worker, and student as discussed below. The health risk calculation does not rely on the Health Effects Institute (HEI) finding that NTDE does not cause cancer. The principal focus of the HRA was on the potential health impacts to sensitive/residential receptors located within and surrounding the Project site. Table 4.3-5 on page 4.3-26 of the 2019 Draft Recirculated RSFEIR provides the exposure assumptions for the cancer risk.

Table 4.3-26 on page 4.3-67 in the 2019 Draft Recirculated RSFEIR presents the estimated cancer risks for the 30-year exposure duration that starts from the beginning of Project Construction (Construction + Operation HRA). The results are provided separately for the incremental increase in cancer risk during Project construction, incremental increase in cancer risk during Project Operation, and the total incremental increase in cancer risk prior to the application of mitigation measures. As shown in Table 4.3-26, the Project would exceed the SCAQMD's cancer risk significance threshold of an incremental increase of 10 in a million prior to the application of mitigation and would represent a significant impact. Construction impacts contribute the greatest proportion of the total impact presented in Table 4.3-26. Table 4.3-27 on page 4.3-68 of the 2019 Draft Recirculated RSFEIR shows the estimated cancer risk for the 30-year exposure duration that starts from the beginning of Project full operation in 2035 (Operational HRA). Table 4.3-27 shows that during full Project operation, the total incremental increase in cancer risk is greater than the 10 in a million threshold, prior to mitigation, and would represent a significant impact. Overall, without mitigation and without consideration of the HEI study, the Project is expected to have a significant impact mainly due to diesel PM emissions from construction activities and heavy-duty diesel truck activities. With mitigation incorporated (2019 Draft Recirculated RSFEIR, page 4.3-73 – 4.3-74), the cancer risks are substantially lower. As shown on Table 4.3-28, 2019 Draft Recirculated RSFEIR, page 4.3-27, the estimated incremental increase in lifetime cancer risks for the 30-year exposure duration for construction (construction and operation HRA) would not exceed the SCAQMD cancer risk significance threshold after incorporation of mitigation. The large reduction in cancer risk after mitigation is attributable principally to the reduced diesel PM associated with the commitment to Tier 4 construction equipment. Table 4.3-29, 2019 Draft Recirculated RSFEIR shows that the increase in lifetime (30-year exposure) cancer risk for operation would still exceed the SCAQMD cancer risk significance threshold for sensitive receptors located within and outside the project boundary. Therefore, Mitigation Measure 4.3.5.4.A, the use of MERV 13 filters to impacted residences, was added. This mitigation measure reduced the total incremental cancer risk to less than the SCAQMD significance threshold as shown on Table 4.3-30 (page 4.3-74 of the 2019 Draft Recirculated RSFEIR). Thus, with the implementation of mitigation, any possible risk from the Project, including risks from diesel trucks, to an on-site or off-site receptor, within the study area, was less than significant.

As shown above, the cancer risk and chronic and acute non-cancer risk to sensitive receptors in the community would be less than significant with incorporation of mitigation for construction and operation of the WLC.

Section 4.3.6.6 Summary of Health Effects of Air Quality Emissions, starting on page 4.3-79 of the 2019 Draft Recirculated RSFEIR discusses the health effects from ozone and PM_{2.5} resulting from the project. Tables 4.3-32 through 4.3-35 show the annual percent of background health incidence for PM_{2.5} and ozone health effects associated with the unmitigated and mitigated Project, respectively. The "background health

incidence” is the actual incidence of health effects (based on available data) as estimated in the local population in the absence of additional emissions from the Project.²¹⁸ When taken into context, the small increase in incidences and the very small percent of the number of background incidences indicate that these health effects are minimal in a developed, urban environment. There are no relevant significance thresholds for health effects from criteria pollutants adopted by state, federal, or local agencies; thus, this information is provided for background understanding regarding the air quality emissions. Table 4.3-32 and Table 4.3-33 show the health effects, morbidity and mortality, of the unmitigated project emissions across the southern California model domain for the Annual Mean PM2.5 and Annual Mean Ozone, respectively. Table 4.3-34 and Table 4.3-35 show the health effects, morbidity and mortality, of the mitigated project emissions across the southern California model domain for the Annual Mean PM2.5 and Annual Mean Ozone, respectively. Potential PM2.5 Mitigated Project related health effects show an increase in asthma-related emergency room visits (0.0047%), asthma-related hospital admissions (0.0028%), all cardiovascular-related hospital admissions (not including myocardial infarctions) (0.00059%), all respiratory-related hospital admissions (0.0015%), mortality (0.0044%), and nonfatal acute myocardial infarction (less than 0.0020% for all age groups). Potential Project Mitigated Ozone-related health effects increased respiratory-related hospital admissions (0.00062%), mortality (0.00027%), and asthma-related emergency room visits for any age range (lower than 0.011% for all age groups). Because the health effects from ozone and PM2.5 are minimal, in light of background incidences, and health effects from other criteria pollutants would be even smaller, the health effects of those other criteria pollutants were not quantified. Because there are no established thresholds, this data was provided for informational purposes.

As stated in the OEHHA factsheet (<https://oehha.ca.gov/media/downloads/calenviroscreen/factsheet/ces30factsheetfinal.pdf>), CalEnviroScreen 3.0 is a mapping tool that can be used to identify California communities (by census tract) that are most affected by sources of pollution and are most vulnerable to the effects of pollution. The CalEnviroScreen score measures the relative pollution burdens and vulnerabilities in one census tract compared to others and is not a measure of health risk. The data presented in the comment is consistent with the results of CalEnviroScreen 3.0 tool.

The commenter is trying to link air quality issues such as high ozone concentrations and population characteristics such as incidents of cardiovascular disease and low birth weight infants to GHG impacts. There is no scientific basis for this. Although GHG emissions are considered the primary driver for anthropogenic climate change, there are no scientific studies linking GHG emissions to increases in ambient ozone concentrations or increases in incidents of cardiovascular disease and low birthweight infants.

Construction activities during the Proposed Project would be performed in accordance with and exceed standard mitigation practices commonly implemented to protect surrounding communities from the effects of construction-related impacts. Page 4.3-42 and 4.3-43 of the 2019 Draft Recirculated RSFEIR lists construction mitigation which include, but are not limited to, the use of Tier 4 Final off-road equipment, provide electrical hookups to power electric construction tools, the use of electric construction tools where feasible, limit idling to 3 minutes in any hour (Mitigation Measure 4.3.6.2A); preparation of a Construction Staging Plan to identify staging, truck routes, and construction parking (Mitigation Measure 4.3.6.2B);

²¹⁸ Background health statistics were obtained from data included in the BenMAP model, and the sources are referenced in the BenMAP manual (USEPA, 2018). For example, EPA obtained mortality rates from the Centers for Disease Control (CDC) WONDER database, and hospital admissions rates from the Healthcare Cost and Utilization Project (HCUP).

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prohibit grading on days with an Air Quality Index forecast greater than 150 for particulates or ozone for the project area (Mitigation Measure 4.3.6.2D); and the project shall comply with SCAQMD's proposed Indirect Source Rule for warehouses constructed after the rule goes into effect (Mitigation Measure 4.3.6.2E) (See Topical Response D for more information on the Indirect Source Rule).

Operational mitigation measures, listed below (page 4.3-53 and 4.3-54 of the 2019 Draft Recirculated RSFEIR) have been implemented to ensure that operational emissions are reduced and limited to the extent feasible. Operational mitigation includes, but is not limited to, signage informing truck drivers of idling and truck route information, staff training on vehicle records and diesel technologies, compliance of all tenant fleets with all current air quality regulations, use of on-site equipment powered by electricity, natural gas, propane, or an equivalent non-diesel fuel and have emissions standards meet or exceed Tier 4 Interim or greater or off-road equipment and 2010 engine emission standards for on-road vehicles, all diesel trucks shall meet or exceed 2010 engine emission standards, and limit on-site idling to 3 minutes (Mitigation Measure 4.3.6.3B); prior to issuance of building permits for more than 25 million square feet of logistics warehousing, a publically-accessible fueling station (Mitigation Measure 4.3.6.3C) a food and convenience store will be built and operational (Mitigation Measure 4.3.6.3D); refrigerated warehouse space is prohibited (Mitigation Measure 4.3.6.3D); and the project shall comply with SCAQMD's proposed Indirect Source Rule for warehouses constructed after the rule goes into effect (Mitigation Measure 4.3.6.2E) (See Topical Response D for more information on the Indirect Source Rule).

As discussed above, although the project would result in significant and unavoidable impacts related to regional and localized criteria pollutant emissions, the project would result in less than significant increases in cancer risk and minimal health effects. Additionally, implementation of the project would result in the generation of temporary and permanent jobs, many of which would benefit local residents, shorten the commute of many workers by providing a job source in a City with a severe jobs/housing imbalance, and contribute to the public education system (specifically, Moreno Valley Unified School District and San Jacinto Unified School District). Therefore, the project would not subject a disproportionate share of health consequences to a disadvantaged population and would not conflict with Government Code section 11135(a).

Response to Comment 2-F1-84: As discussed on page 93 of the Traffic Impact Analysis (Appendix F of the 2018 RSFEIR), the city of Moreno Valley currently has a severe jobs/housing imbalance that results in long westbound commutes for thousands of city residents every workday. The project would create approximately 20,000 local job opportunities, a nearly 50 percent increase in the number of jobs in Moreno Valley. The addition of these jobs would have the following effects on worker commute patterns:

- Many current and future residents of Moreno Valley would have the opportunity to work locally with very short commute trips.
- Residents of neighboring cities who work at the project would have short commutes and, importantly, be able to access the site using the arterial road network. This is consistent with the policies of the Western Riverside Council of Governments and the Riverside County Transportation Commission to promote use of the arterial road network as an alternative to freeways. Tests with the Riverside County Traffic Analysis Model (RIVTAM) model suggest that nearly half of auto traffic associated with the project would be on surface streets and not on freeways.

- Workers coming from more distant locations would, in most cases, be travelling on freeways in the off-peak direction; i.e., commuters traveling to the project from Los Angeles or Orange Counties would be headed eastbound in the morning and westbound in the evening. This would enable them to take advantage of the existing unused off-peak capacity of freeways, since the freeways were sized for flows in the peak direction.
- Assuming, as RIVTAM does, that project employees would work elsewhere if the project were not implemented, then the availability of jobs at the east end of Moreno Valley would reduce the number of workers driving along commutes to distant jobsites to the west and southwest. Although the project would increase freeway auto traffic eastbound in the morning, it would also decrease the traffic in the more congested westbound direction. In the evening the pattern would reverse, with the project relieving traffic in the congested eastbound direction.

As indicated above, the project would have a net beneficial impact on the regional freeway auto traffic. This is the effect sought in the policies of Southern California Association of Governments (SCAG), Western Riverside Council of Governments (WRCOG), and other regional governments and agencies that encourage better jobs/housing balances as a way to reduce peak directional flows on the regional freeway system.

Refer to Response to Comment 2-F1-83 for a summary of project impacts with respect to criteria pollutants, TACs, and GHGs.

Response to Comment 2-F1-85: The State of California first codified environmental justice into law in 1999, empowering the Office of Planning and Research (OPR) to coordinate the State's environmental justice programs and directing the California Environmental Protection Agency (Cal EPA) to take into account environmental justice in "designing its mission for programs, policies, and standards" adding a new section to the Public Resources Code entitled "Environmental Justice". (1999 Cal SB 115; codified at Section 65040.12 of the California Government Code and Section 72000 of the Public Resources Code (now Section 71110 et seq.) In 2000, the State also directed Cal EPA to establish a Working Group on Environmental Justice to develop "an agencywide strategy for identifying and addressing any gaps in existing programs, policies, or activities that may impede the achievement of environmental justice." Section 71113 of the Public Resources Code. In 2004, CalEPA created the Intra-agency Environmental Justice Strategy, identifying several goals. (2013 Policy Memorandum.)

In 2013, CalEPA issued CalEnviroScreen. As stated in the OEHHA factsheet²¹⁹, CalEnviroScreen 3.0 is a mapping tool that can be used to identify California communities (by census tract) that are most affected by sources of pollution and are most vulnerable to the effects of pollution. The CalEnviroScreen score measures the relative pollution burdens and vulnerabilities in one census tract compared to others and is not a measure of health risk. The data presented in the comment is consistent with the results of CalEnviroScreen 3.0 tool.

Later in 2013, shortly after the introduction of CalEnviroScreen, and based on these legislative directives, Cal EPA issued a Policy Memorandum creating "an agency-led compliance and enforcement program" entitled the Environmental Justice Compliance and Enforcement Working Group, including a Charter setting

²¹⁹ <https://oehha.ca.gov/media/downloads/calenviroscreen/fact-sheet/ces30factsheetfinal.pdf>

Final Response to Comments

forth its mission and goals. This Working Group's efforts included focused Initiatives on individual areas, such as Pomona, or most recently Imperial County, which have high scores in the CalEnviroScreen tool.²²⁰

Workgroup goals include incorporating community input in planning and implementing compliance assistance and enforcement initiatives in disproportionately impacted areas and improving communication with communities and the public regarding environmental justice concerns and the benefits of compliance and enforcement actions. The project is committed to community input and addressing community concerns through the public review process and has incorporated mitigation measures and project designed features to reduce impacts to the community and environment.

Further, none of the environmental justice legislation nor the State's implementing activities requires a different standard for CEQA projects located in communities identified on CalEnviroScreen with higher environmental burdens. CEQA is an informational tool, and CalEnviroScreen does not mandate a prohibition on development projects in communities designated as having environmental burdens. And, in any case, such an outcome would seem particularly unjust if those very development projects could provide community benefits to ease those burdens. See Health and Safety Code Section 39711 (investment for disadvantaged communities encouraged).

The City of Moreno Valley supports the just enforcement of environmental laws under the State's environmental justice laws and implementing activities, and the WLC Project provides for the enforcement of the Project's conditions and mitigation measures. Further, as the WLC Project is implemented, there will be additional opportunities for the community to participate in the future discretionary approvals for the Project.

Recently, the State adopted legislation that requires environmental justice be incorporated into general plans, either through a separate element or by integrating environmental justice into other required elements of the general plan. Cal. Government Code Section 65302(h). The City of Moreno Valley has not yet modified its general plan to trigger the requirements under Section 65302 and thus, has not yet considered compliance with Section 65302. Nonetheless, many of the concepts articulated in Section 65302 have been taken into consideration in the City's existing General Plan. The General Plan policies (related to industrial development) listed below were considered in the evaluation of the WLC Project.

- 2.5.2 Locate manufacturing and industrial uses to avoid adverse impacts on surrounding land uses.
- 2.5.3 Screen manufacturing and industrial uses where necessary to reduce glare, noise, dust, vibrations, and unsightly views.
- 2.5.4 Design industrial developments to discourage access through residential areas.
- 6.7.1 Cooperate with regional efforts to establish and implement regional air quality strategies and tactics.
- 6.7.4 Locate heavy industrial and extraction facilities away from residential areas and sensitive receptors.

²²⁰ <https://calepa.ca.gov/enforcement/environmental-justice-compliance-and-enforcement-task-force/>.

- 7.5.3 Locate areas planned for commercial, industrial and multiple family density residential development within areas of high transit potential and access.

Response to Comment 2-F1-86: The project is estimated to provide approximately \$47,502,000 in school impact mitigation fees (calculated based on a total 40,600,000 SF times the 2019 Moreno Valley School District²²¹ and San Jacinto Unified School District's²²² respective development fees) that can be used to improve educational opportunities for students within both the Moreno Valley Unified School District and the San Jacinto Unified School District. The Project is estimated to also generate approximately \$22,000,000 in additional State education revenue annually as a result of the 1% ad valorem property taxes assessed against the developed project. Finally, the project will also benefit education as a result of income taxes paid to the State on jobs created by the project, which will be used to fund elementary and high schools, both locally and throughout the state.

Response to Comment 2-F1-87: No specific comments on the contents of the 2019 Draft Recirculated RSFEIR are provided within this comment, and thus no further response is needed (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

²²¹ https://www.mvUSD.net/apps/pages/index.jsp?uREC_ID=786774&type=d&pREC_ID=1181763

²²² https://www.sanjacinto.k12.ca.us/apps/pages/index.jsp?uREC_ID=330831&type=d&pREC_ID=757853



SAN GORGONIO CHAPTER

To: Albert Armijo
Interim Planning Manager

January 31, 2020

RE: Comments on the World Logistic Center’s Draft Recirculated RSFEIR and changes to the RSFEIR.

The Sierra Club appreciates this opportunity to make comments on both the World Logistic Center’s (WLC) Draft Recirculated RSFEIR and the changes to the RSFEIR. Each of our comments reply to both documents. We urge you to read Moreno Valley’s 2010 Census and look at the number of people who are Latino and who speak Spanish as their first language. The Sierra Club continually requests that all these documents also be in Spanish to fully capture public input from those who will be directly and indirectly impacted by this massive project.

2-F2-1

The Sierra Club also objects to the way the two different documents on which the public is to comment is mixed in with other documents as shown below:

World Logistics Downloads
Some of these files are very large, allow time to download.

2019 Revised RFEIR Review 11-2019

[Draft Recirculated RSFEIR](#) | [Draft Recirculated RSFEIR With Tracked Changes](#)
Technical Appendices: [A-C](#) | [D1- D6](#) | [D7-D11](#) | [E1- E5](#) | [E 6-1 - E- 6- 5](#) | [E 6-6 - E- 6-10](#) | [E6-11 - E6-13](#) | [E](#)

Note: the appendices are very large and may not open through the browser. Right click on the link and save them to your local system.

2-F2-2

2019 Draft Recirculated Revised Sections of the Final Environmental Impact Report: [Notice of Availability](#)

Revised FEIR — July 2018

[Revised FEIR Notice](#) | [World Logistics Center Revised Sections of FEIR](#) | [Revised FEIR with Redlines](#) | [Revised FEIR Appendices](#)

Original FEIR and DEIR

[World Logistics Center Specific Plan](#) | [Notice of DEIR](#) | [Project Map](#) | [Draft EIR Final FEIR](#) | [Tracking FEIR](#) | [Technical Appendices](#) (~1.7 GB)

Initiatives

[WLC Land Benefit Initiative](#) | [World Logistics Center Development Agreement Initiative](#) | [World Logistics Center Land Use and Zoning Entitlements Initiative](#)

Legal

[WLC Legal Information](#)

Notice of Determination

[Notice](#)

Most of the average public will look at the above links and not realize that there are two documents on which to comment --- especially with one of them dated 2018 – at least that is what I think, but it is confusing. The documents need to be recirculated with very specific directions on which of all the above documents are to open for public review and comment. They also need to be removed from the others to make them stand out and very obvious.

All Figures in future documents must show where the San Jacinto Wildlife Area (SJWA) is in relation to the WLC with which it shares and almost two mile border. Figure 4.3.1 indicates the location/boundary of the Norton Younglove Reserve, Lake Perris State Recreation Area, and Box Springs Park in relation to the WLC, but like other figures doesn't indicate the location of the Fish and Wildlife's SJWA. The taxpayers have spent more than \$80,000,000 on acquiring the San Jacinto Wildlife Area and the WLC's projected air pollution and Greenhouse Gas (GHG) will lead to the SJWA's

2-F2-2
cont.

2-F2-3

mission being compromised. The current documents do not explain how the WLC will reduce air pollution and GHG impacts to the SJWA to a level of insignificance. These documents fail to explain how all measures are being taken to further reduce the WLC health impacts to people and the resources of the SJWAS as well as the biological resources of surrounding lands.

The air pollution from more than 50,000 daily vehicle trips including more than 12,000 daily diesel truck trips will impact plant life — especially those at the San Jacinto Wildlife Area which provides habitat for many animals and also its threatened/endangered plants. These documents do not deal with the problems this project will cause to the many plant communities that surround the WLC. Many of these plants provide the habitat necessary for many animals which include us humans.

Official URL: <http://dx.doi.org/10.1016/j.envpol.2008.11.049>

Abstract/Summary

Vehicle exhaust emissions are a dominant feature of urban environments and are widely believed to have detrimental effects on plants. The effects of diesel exhaust emissions on 12 herbaceous species were studied with respect to growth, flower development, leaf senescence and leaf surface wax characteristics. A diesel generator was used to produce concentrations of nitrogen oxides (NO_x) representative of urban conditions, in solardome chambers. Annual mean NO_x concentrations ranged from 77 nl l⁻¹ to 98 nl l⁻¹, with NO:NO₂ ratios of 1.4–2.2, providing a good experimental simulation of polluted roadside environments. Pollutant exposure resulted in species-specific changes in growth and phenology, with a consistent trend for accelerated senescence and delayed flowering. Leaf surface characteristics were also affected; contact angle measurements indicated changes in surface wax structure following pollutant exposure. The study demonstrated clearly the potential for realistic levels of vehicle exhaust pollution to have direct adverse effects on urban vegetation.

2-F2-3
cont.

Item Type:	Publication - Article
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Digital Object Identifier (DOI):	https://doi.org/10.1016/j.envpol.2008.11.049
Programmes:	CEH Programmes pre-2009 publications > Biogeochemistry > BG02 Recovery from acidification and eutrophication
UKCEH and CEH Sections/Science Areas:	Billett (to November 2013) Emmett
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NORA Subject Terms:	Botany Ecology and Environment Atmospheric Sciences
Date made live:	26 May 2009 13:30 +0 (UTC)
URI:	http://nora.nerc.ac.uk/id/eprint/5621

The study shown above requires these documents to be rewritten to significantly reduce impacts to show how the many plants will survive/thrive and not be subjected to the pollution that cause them to either reduce in number or be much less vigorous. The picture of the WLC that came with the links to the environmental documents show a forest of Palm trees that will do little to combat the pollution, GHG and reduce energy use of this project in our non-attainment area.

By being careful with the selection of trees and plants the WLC can help to reduce their harmful impact on our poor air quality. The attachment found at the top of the other attachments has the following and much more:

"We believe that phylloremediation is an environmentally friendly, cost effective way of remediation of air pollutants. The key component of this technology lies in plants. It is plants that can adsorb or absorb pollutants and plants that support microbes in biodegradation or biotransformation of pollutants"

2-F2-3
cont.

The final sentence of the article reads as follows: "Nature has offered healthy alternatives for remediation of air pollution; we should collaborate with nature as a partner to restore nature's identity."

2-F2-3
cont.

The Sierra Club expects to see the plant pallet to exclude all palm trees and give proof for its selection of trees and other plants to reduce pollution to the maximum extent possible. The project will have several years before you will begin planting trees and plants which will help absorb pollution caused by this massive project. The WLC needs to start working to select the best vegetation to reduce large amounts of air pollution and upgrade the list as better species become available prior to buildout. These trees cannot be allowed to be trimmed to allow more visibility and must be replaced immediately with similar trees if they die.

2-F2-4

Having these type of trees instead of all the many palm trees shown on many depictions of the WLC will also reduce energy consumption and reduce heat gain. The final versions of both documents need to show how much energy will be saved by eliminating palm trees and replacing them with evergreen trees that become as tall as the high cube warehouses after 20 years and then after 30 years and again after 40 years of growth.

While the RFEIR points out what it considers all the current and foreseeable projects in the surrounding communities, it fails to apply them to all elements of what makes up a full EIR and therefore makes what is now before the public inadequate. Cumulative, growth inducing, direct and indirect impacts need to be fully addressed which cannot be found within the RFEIR.

2-F2-5

Figure 12 from the revised FEIR appendices which is supposed to depict "existing sensitive receptors" fails miserably as does Figure 4.3.2. It appears that you are only concerned about the project site being the cause of the problems while not addressing the impacts from more than 12,000 toxic diesel trucks daily trips as they travel to and from the project— as well as the almost 50,000 other project daily vehicle trips. Everywhere a sound wall that is recommended as a result of this project will be impacted with car pollution drifting over the walls which causes them to be sensitive receptors and the revised new cumulative impacts must be shown on this

2-F2-6

figure — have they been revised? Figure 26 shows many more areas of Moreno Valley with receptors — even on both side of SR-60. The Sierra Club believes even more areas must be included in updated Figures and analysis throughout the document. Full cumulative impacts need to be shown along SR-60 through Moreno Valley or the environmental documents will be inadequate. SCAQMD believes roads like SR-60 and truck routes like Redlands Blvd as well as Alessandro Blvd will impact sensitive receptors within 1,000 feet which this WLC documents fail to acknowledge, but must to protect the health of Moreno Valley residents.

2-F2-6
cont.

As shown in the article found in the following link

<https://sandiego.urbdezine.com/2015/05/28/what-is-a-safe-distance-to-live-or-work-near-high-auto-emission-roads/>) #1 those who live within 1,500 feet or further of major roads can be significantly affected — especially children. In fact this following link has information from EPA on what needs to be done to protect school children also needs to be applied to homes which will be similar impacted by the WLC’s 24 hour 7 day per week operation.
[#2](https://rems.ed.gov/docs/Mobile_docs/EPA_Reducing-Near-Road-Pollution-Schools.pdf)

Because of all the almost 60,000 additional daily vehicle trips caused by the WLC and its growth inducing traffic many current roads will be upgraded to major roadways, even smaller roads will bring significant pollution into people’s homes and yards. In the following link even the World Health Organization has concerns from particulate pollution (PM 10 and PM 2.5) caused by diesel and generated in large amounts by the WLC. (<http://www.who.int/airpollution/ambient/health-impacts/en/>) #3 More and more information is provided to show that proximity to diesel pollution is very unhealthy. You can be much further away than Figure 12 depicts and you can be significantly impacted. The following link shows that you can measure pollution with a mobile source. This needs to be required of the WLC and used several times each month in all the areas within a mile of the project and major vehicle routes for the life of the project.

2-F2-7

<https://www.scp.org/programs/take-two/2017/11/09/60115/the-ride-la-air-pollutiondata-gets-hyperlocal-tha/>) #4 In addition there must be an onsite air quality monitoring system.

Where is the San Jacinto Wildlife Area (SJWA) on Figure 12 and Figure 4.3.2 as containing many “sensitive receptors”? There are articles (<https://www.nationalgeographic.org/encyclopedia/air-pollution/>) #5 that show the impacts humans suffer from being exposed to diesel/car pollution cause similar problems with animals and in some cases plants as well as insects. The link found above reads “ Like humans, animals can suffer health effects from exposure to air pollution. Birth defects, diseases, and lower reproductive rates have all been attributed to air pollution.” (<https://venta-usa.com/wildlife-pets-affected-airpollution/>)#6

The previous link contains the following :“Birds are directly and indirectly affected by air pollution. they spend more time in open air and have a higher breathing rate than humans, exposing themselves to greater levels of air pollution. Studies have shown that for birds with long term exposure to pollution, there was reduced egg production and hatching, lung failure, inflammation and reduced body size.” The SJWA is shown to be among the top inland areas of North America for diversity of bird species during the Audubon Christmas bird Count. They usually report close to 150 different species with more than 20 raptors. It is a “national treasure” and people come from all over the United States and the world to bird watch at this special area which the state spent over \$80,000,000 to acquire. The SJWA has threatened/endangered species which will suffer harm similar to humans because of the pollution generated by the operation of the WLC. The SJWA and the WLC will share an almost two mile border. The pollution from operating the WLC will settle on the endangered plants which will harm them. The following link explains how "Ozone molecules wind up near the Earth’s surface as part of air pollution. Ozone molecules near the ground damages lung tissues of animals and prevent plant respiration by blocking the openings in leaves where respiration occurs. Without respiration, a plant is not able to photosynthesize at a high rate and so it will not be able to grow.”

(https://www.windows2universe.org/earth/Atmosphere/wildlife_forests.html) #7

This not only impacts the plant, but those species of animals and insects which must rely on it for their survival. This also raises the question of how will the developer reimburse homeowners for plants which suffer/die as a result of the WLC’s pollution?

2-F2-8

The same threatened/endangered plants and animals will also be harmed by the noise, light and runoff pollution from the WLC operation. Much of the noise can be eliminated with all electric equipment and vehicles. Just stating the project meets Moreno Valley standards for lighting — municipal code section 9.08.100 — does not prove it protects animals from the such pollution. This is especially true for nocturnal animals and those trying to hide from nocturnal animals. The municipal code is concerning impacts to humans and not animals—especially threatened/endangered ones.

2-F2-9

There is no analysis of the WLC’s pollution on household pets. As you can read in the article found in the following link .. “Similar to humans, pets have a negative reaction to outdoor air pollution. Multiple studies found physical signs of harm in dogs that were exposed to air pollution.” (<https://www.pca.state.mn.us/featured/does-air-pollution-affect-our-furry-friends>) #8 The WLC’s environmental documents need to include health impacts to the pets we have, such as dogs, cats, birds, and horses as well as others. Since many of them breath at a faster rate than humans they can develop problems quicker with lower levels of pollution.

2-F2-10

Where is the analysis of the WLC and its traffic pollution impacts on the families that live on Avalon and Alicante Avenues as well as their entire neighborhood region? What roads will be improved/extended to accommodate the WLC and how will that impacted residents? The map of existing sensitive receptors is lacking the homes of many families that live within 1500 feet which shows the analysis of the project’s negative impacts on those who live in Moreno Valley is inadequate and must be revised. This is especially true in light of the revised cumulative project list which will produce significant cumulative impacts.

2-F2-11

The employees’ health at the San Diego Gas facility immediately south of the WLC will be impacted by the trucks/other WLC traffic and must be highlighted on Figures 12 and 4.3.2. with an analysis of that impact. None of the WLC documents address the impacts on the work force other than some cancers. Asthma, heart attacks, strokes, bronchitis, lung disease, heart ailments, and premature deaths are only some of the health impacts caused by diesel pollution as mentioned in the following link. (<https://www.edf.org/health/health-impacts-air-pollution>) #9 Not only is the health of the families in all the homes within 1500 feet of the WLC

2-F2-12

impacted, but so are the workers at the project site. Now that we have a more robust cumulative list of projects there is a need to have another analysis of health impacts on the community and workers within the WLC project or the WLC environmental documents will be inadequate. They need to also include the growth inducing impacts that will result because of the massive project.⁴

2-F2-12
cont.

The claim that only 2010 or newer trucks will be allowed is also never shown to be enforced. Without an ongoing constant meaningful enforcement mechanism required which is open to public review the claim of only 2010 or newer trucks cannot be used in any analysis. Air quality and GHG analysis must recognize this reality and be completely redone. There is also a need to show how the project will enforce no project trucks on Redlands Blvd south of Eucalyptus. Without such enforcement it a bogus claim. Will the developer pay for such enforcement?

2-F2-13

2-F2-14

This WLC's massive Greenhouse Gas (GHG) impacts must be dealt with by the project on site using all possible methods currently available and as they become available during the building as well as the life of the project. The EPA offers the following online:

"Climate change impacts on public health and welfare The risks to public health and the environment from climate change are substantial and far-reaching. Scientists warn that carbon pollution and resulting climate change are expected to lead to more intense hurricanes and storms, heavier and more frequent flooding, increased drought, and more severe wildfires - events that can cause deaths, injuries, and billions of dollars of damage to property and the nation's infrastructure. Carbon dioxide and other greenhouse gas pollution leads to more frequent and intense heat waves that increase mortality, especially among the poor and elderly.³ Other climate change public health concerns raised in the scientific literature include anticipated increases in ground-level ozone pollution⁴, the potential for enhanced spread of some waterborne and pest related diseases⁵, and evidence for increased production or dispersion of airborne allergens. ⁶

2-F2-15

Other effects of greenhouse gas pollution noted in the scientific literature include ocean acidification, sea level rise and increased storm surge, harm to agriculture and forests, species extinctions and ecosystem

damage.⁷ Climate change impacts in certain regions of the world (potentially leading, for example, to food scarcity, conflicts or mass migration) may exacerbate problems that raise humanitarian, trade and national security issues for the United States.⁸

2-F2-15
cont.

The U.S. government's May 2014 National Climate Assessment concluded that climate change impacts are already manifesting themselves and imposing losses and costs.⁹ The report documents increases in extreme weather and climate events in recent decades, with resulting damage and disruption to human well-being, infrastructure, ecosystems, and agriculture, and projects continued increases in impacts across a wide range of communities, sectors, and ecosystems. Those most vulnerable to climate related health effects - such as children, the elderly, the poor, and future generations - face disproportionate risks.¹⁰ Recent studies also find that certain communities, including low income communities and some communities of color (more specifically, populations defined jointly by ethnic/racial characteristics and geographic location), are disproportionately affected by certain climate-change-related impacts - including heat waves, degraded air quality, and extreme weather events - which are associated with increased deaths, illnesses, and economic challenges. Studies also find that climate change poses particular threats to the health, well-being, and ways of life of indigenous peoples in the U.S. The National Research Council (NRC) and other scientific bodies have emphasized that it is important to take initial steps to reduce greenhouse gases without delay because, once emitted, greenhouse gases persist in the atmosphere for long time periods. As the NRC explained in a recent report, "The sooner that serious efforts to reduce greenhouse gas emissions proceed, the lower the risks posed by climate change, and the less pressure there will be to make larger, more rapid, and potentially more expensive reductions later."¹¹ (EPA)

2-F2-16

“Solar Energy. The WLC Specific Plan requires solar photovoltaic (PV) arrays to be installed on the project buildings to offset the electrical power requirements of the office portion of each proposed warehouse building (WLCSP Section 12.7, Solar Commitment).” (3-56)

Solar only for the office portions of the warehouses isn’t sufficient. How will this cover high energy users like those warehouses with refrigeration? At each warehouse site there needs to be multiple EV charging stations for

2-F2-17

cars and several need to be DC quick charging units where you can obtain more than 100 miles in less than one hour of charging. These charging stations must also have signs indicating they are available to the public. Each warehouse needs to have enough solar to supply these units with all the electricity they need.

2-F2-17
cont.

All service yard trucks (hostlers, yard goats, etc.), pallet jacks, forklifts, and other on-site equipment used during operation shall be powered by electricity, natural gas, and/or propane. Electrical power sources shall be provided for service equipment. (3-33)

Natural gas and propane are petroleum based which will add to our air pollution and GHG. When analyzing the benefits of natural gas one must include the environmental impacts caused during extraction or the data will be inadequate. Electricity must be required for all the equipment mentioned in the paragraph found above. Enough solar with batteries must be required of each warehouse, other WLC buildings and covered parking to supply all the electricity required by this equipment.

2-F2-18

Large trucks which travel 200 miles per day are already available by several manufacturers like Volvo in the following link:

<https://www.tfltruck.com/2019/12/volvo-is-expanding-its-electric-big-rig-truck-lineup/#10>

While electric long haul big rigs are currently available on a limited basis, most experts believe they will be readily available before the planned buildout of the WLC. The following link explains that Volvo had electric trucks on southern California roadways in 2019 and will have at least 23 in 2020.

<https://www.greenbiz.com/article/8-electric-truck-and-van-companies-watch-2020#11>

This same article explains that “80% of freight in the United States is transported less than 250”.

“In 2018, German automaker [Daimler](#), the largest truck maker in the world, [announced its all-electric](#) 18-wheeler: the [Freightliner eCascadia](#).

The big rig has a 250-mile range and was designed for regional transportation and port service” (from the link found above). The article has other Daimier trucks with a 230 mile range which would also allow for port to WLC. These trucks could now be making deliveries from the ports and return without charging. The WLC must require enough solar/batteries on all buildings and parking structures to allow big rigs to run on sunshine. All solar and batteries must be required to be maintained in operation for a least 25 years. Before the WLC buildout long range electric big rigs will be available for use. The WLC needs to require them as they become easily available and require a larger percentage each year.

2-F2-19

This plan needs to do more to significantly reduce the use of diesel Auxiliary Power Units (APU). The Sierra Club sees nothing in the environmental documents to analyze their impacts or restrict their use to three or fewer minutes. Your air quality and GHG impacts analysis is significantly inadequate without including almost every

2-F2-20

trucker using APU's with the majority being diesel. Moreno Valley can make truck cabs very hot and APU's allow the cab to be air-conditioned as well as other benefits. The WLC must require all warehouses to install electrical hookups at all loading docks to increase the use of electric APU's. They must also be installed at all places trucks park. To help reduce the use of diesel APU's each warehouse must provide an air-conditioned, indoor facility of reasonable size for truck operators, namely a lounge equipped with vending machines, comfortable seating area, restrooms and a television. These rooms must be regularly maintained, cleaned and stocked which will result in truckers leaving their polluting diesel APU's off and instead relax in the lounge.

2-F2-20
cont.

The WLC needs a robust bicycle path system throughout the project which totally separates the bicyclist from truck/car traffic and connects to all warehouses. They also need to connect to other City bike lanes. The warehouses need to also provide showers for the bikers to encourage more to ride long distances. Each warehouse also needs to provide bicycle lockers in sufficient numbers to meet the needs of all who want to use them. Multi-use trails must be improved by the project and all warehouses and not just set aside land for someone else to improve. These again are safer than sidewalks and encourage people to walk to and from work. These efforts again reduce our air pollution and GHG as well as consume less energy.

2-F2-21

The WLC believes they will have buildings in 2023 which is the same year as big rig trucks are required to have 2010 or newer engines. Therefore the idea that the WLC is requiring 2010 is not going above and beyond to reduce its impacts on the Inland Empire's non-attainment air quality and GHG. Using other forms of petroleum in place of diesel for big rigs instead of electric will continue to cause degradation of our poor air quality, and increase GHG. The WLC not only needs maximum roof coverage with solar to accommodate all the above needs for electricity they also need backup batteries and locations on site for quick charging stations to meet the needs of more than 12,000 daily truck trips as well as passenger cars.

2-F2-22

It is the Sierra Club's understanding that there is an agreement between the city of Moreno Valley/WLC interests and SCAQMD to drop litigation efforts in return for \$.64 per square foot of the more than 40,000,000 sq foot WLC which would result in more than \$25,000,000 during the life of the project. The Sierra Club has great confidence in SCAQMD staff that works on warehouse issues, but we do not know if they would need to recuse themselves for further review of the WLC during buildout as the project possibly moves forward. Perhaps the California Air Resources Board (CARB) staff could replace them — if that is the case. You will find below requirements which need to be part of any WLC approval and in some cases the AQMD is also usually involved. These requirements are as if this was a single building

2-F2-23

project, but as we know this project could take up to 15 years to complete. It is because of this that each of the areas found below must be required to be updated with new information/requirements at least every three or four years and immediately if SCAQMD and/or CARB adopts new rules/requirements. These must be required if the WLC is truly going to reduce all possible impacts to our non-attainment air-quality, GHG and reduce energy consumption. In some cases the WLC surrounds family homes on three sides and others it is within less than a stones throw. The WLC truck routes go by family homes on Alessandro Blvd, Redlands Blvd (north of SR-60) and Gilman Springs Road as well as other. The WLC will impact the health these families and also all who work within the WLC. Therefore all possible measures must be adopted to reduce pollution and GHG — like others with this letter and the following:

2-F2-23
cont.

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 and near-zero equipment and tools.

2-F2-24

Implement, and plan accordingly for, the necessary infrastructure to support the zero and near-zero emission technology vehicles and equipment that will be operating onsite. This includes the physical (e.g. needed footprint), energy, and fueling infrastructure for construction equipment, onsite vehicles and equipment, and medium-heavy and heavy-heavy duty trucks.

Include contractual language in tenant lease agreements that requires tenants to use the cleanest technologies available, and to provide the necessary infrastructure to support zero-emission vehicles and equipment that will be operating on-site.

2-F2-25

In construction contracts, include language that requires all heavy-duty trucks entering the construction site, during either the grading or building construction phases be model year 2014 or later. Starting in the year 2022, all heavy-duty haul trucks should also meet CARB's lowest optional low-NOx standard.

2-F2-26

Include contractual language in tenant lease agreements that requires future tenants to exclusively use zero-emission light and medium-duty delivery trucks and vans.

2-F2-27

Include contractual language in tenant lease agreements that requires all service equipment (e.g., yard hostlers, yard equipment, forklifts, and pallet

jacks) used within the project site to be zero-emission. This equipment is widely available. 2-F2-27

Include contractual language in tenant lease agreements that requires all heavy-duty trucks entering or on the project site to be model year 2014 or later today, expedite a transition to zero-emission vehicles, and be fully zero-emission beginning in 2030 as is strongly recommended by CARB. 2-F2-28

In construction contracts, include language that requires all off-road equipment with a power rating below 19 kilowatts (e.g., plate compactors, pressure washers, etc.) used during project construction be battery powered. 2-F2-29

Include contractual language in tenant lease agreements that requires all loading/unloading docks and trailer spaces be equipped with electrical hookups for trucks with transport refrigeration units (TRU) or auxiliary power units (APU). This will eliminate the amount of time that a TRU powered by a fossil-fueled internal combustion engine can operate from within the project site. Use of zero-emission all-electric plug-in TRUs, hydrogen fuel cell transport refrigeration, and cryogenic transport refrigeration are encouraged and can also be included lease agreements.² 2-F2-30

Require the use of off-road diesel-powered construction equipment that meets or exceeds the CARB and U.S. Environmental Protection Agency (USEPA) Tier 4 Final off-road emissions standards or cleaner for equipment rated at 50 horsepower or greater during construction of the Proposed Project. Such equipment will be outfitted with Best Available Control Technology (BACT) devices including a CARB certified Level 3 Diesel Particulate Filter (DPFs). Level 3 DPFs are capable of achieving at least 85 percent reduction in particulate matter emissions²¹. A list of CARB verified DPFs are available on the CARB website. 2-F2-31

To ensure that Tier 4 Final construction equipment or better would be used during the Proposed Project’s construction, South Coast AQMD staff recommends that the Lead Agency include this requirement in applicable bid documents, purchase orders, and contracts. Successful contractor(s) must demonstrate the ability to supply the compliant construction equipment for use prior to any ground disturbing and construction activities. A copy of each unit’s certified tier specification or model year specification and CARB or South Coast AQMD operating permit (if applicable) shall be available upon request at the time of mobilization of each applicable unit of equipment. 2-F2-31

Additionally, the Lead Agency must require periodic reporting and provision of written construction documents by construction contractor(s) to ensure compliance, and conduct regular inspections to the maximum extent feasible to ensure 2-F2-32

compliance. These reports and all others in this section must be made available to the public.

2-F2-32
cont.

In the event that construction equipment cannot meet the Tier 4 Final engine certification, the Project representative or contractor must demonstrate through future study with written findings supported by substantial evidence that is approved by the Lead Agency before using other technologies/strategies. Alternative applicable strategies may include, but would not be limited to, construction equipment with Tier 4 Interim or Tier 3 emission standards that the Lead Agency has already included in the air quality modeling, reduction in the number and/or horsepower rating of construction equipment, limiting the number of daily construction haul truck trips to and from the Proposed Project, and/or limiting construction phases occurring simultaneously with the remediation activities.

2-F2-33

Require the use of zero-emission or near-zero emission heavy-duty haul trucks during construction, such as trucks with natural gas engines that meet the California Air Resources Board’s (CARB) adopted optional NOx emissions standard of 0.02 grams per brake horsepower- hour (g/bhp-hr). At a minimum, require that operators of heavy-duty haul trucks visiting the Proposed Project during construction commit to using 2014 model year²³ or newer engines that meet CARB’s 2014 engine emission standards of 0.01 g/bhp-hr for particulate matter (PM) and 0.20 g/bhp-hr of NOx emissions or newer, cleaner trucks. Include analyses to evaluate and identify sufficient power available for zero emission trucks and supportive infrastructures in the Energy and Utilities and Service Systems Sections of the Final EIR, where appropriate. Require that contractor(s) maintain records of all trucks visiting the Proposed Project and make these records available to the Lead Agency upon request. The records will serve as evidence to prove that each truck called to the Proposed Project during construction meets the minimum 2010 model year engine emission standards. The Lead Agency must conduct regular inspections of the records to the maximum extent feasible and practicable to ensure compliance with this mitigation measure.

2-F2-34

Encourage construction contractors to apply for South Coast AQMD “SOON” funds. The “SOON” program 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. More information on this program can be found at South Coast AQMD’s website and searching “SOON”: <http://www.aqmd.gov/home/programs/business/business-detail?title=off-road-diesel-engines.#12>

2-F2-35

CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized to minimize or eliminate significant adverse impacts. Since the

2-F2-36

Proposed Project’s mitigated operational NOx emissions would remain significant and unavoidable, it is recommended that the Lead Agency incorporate the following operational mitigation measures in the Final EIR to further reduce those emissions and to facilitate the 2016 AQMD’s goals and timeline for reducing Basin-wide NOx emissions and attaining NAAQS for ozone. For more information on potential mitigation measures as guidance to the Lead Agency, please visit South Coast AQMD’s CEQA Air Quality Handbook website²⁴. Require the use of zero emission (ZE) or near-zero emission (NZE) heavy-duty trucks during operation, such as trucks with natural gas engines that meet CARB’s adopted optional NOx emission standard of 0.02 grams per brake horsepower-hour (g/bhp-hr). At a minimum, require that operators of heavy-duty trucks visiting the Proposed Project during operation commit to using 2010 model year²⁵ or newer engines that meet CARB’s 2010 engine emission standards of 0.01 g/bhp-hr for particulate matter (PM) and 0.20 g/bhp-hr of NOx emissions or newer, cleaner trucks. Include analyses to evaluate and identify sufficient power available for ZE trucks and supportive infrastructure in the Energy and Utilities and Service Systems Sections of the Final EIR, where appropriate.

2-F2-36
cont.

To monitor and ensure ZE, NZE, or 2014 model year trucks are used at the Proposed Project, the Lead Agency should require that operators maintain records of all trucks associated with the Proposed Project’s operation, and make these records available to the Lead Agency upon request and public. The records will serve as evidence to prove that each truck called to the Proposed Project during operation meets the minimum 2014 model year engine emission standards. Alternatively, the Lead Agency should require periodic reporting and provision of written records by operators, and conduct regular inspections of the records to the maximum extent feasible and practicable.

Provide at least six percent of electric vehicle (EV) charging stations. Pursuant to the 2016 California Green Building Standards Code, Part 11, nonresidential projects with 201 vehicle parking spaces or more should include EV charging stations in at least six percent of all vehicle parking spaces²⁶ and should also include designated parking for clean air vehicles in at least eight percent of all vehicle parking spaces²⁷. Since the Proposed Project includes 1,000’s parking spaces²⁸ and 1,000’s of trailer parking spaces²⁹, the Lead Agency should require at least six percent of all vehicle parking spaces to include EV charging stations and at least eight percent of all vehicle parking spaces to be designated for clean air vehicles. Vehicles that can operate at least partially on electricity have the ability to substantially reduce NOx emissions. It is important to make this electrical infrastructure available when the Proposed Project is built. The cost of installing electrical charging equipment onsite is significantly cheaper if completed when the project is built compared to retrofitting an existing building. Additionally, electrical panels should be appropriately sized to allow for

2-F2-37

future expanded use. Therefore it is recommended the Lead Agency require the WLC to provide the appropriate infrastructure to facilitate sufficient electric charging for vehicles to plug-in in the final project design.

2-F2-37
cont.

Additionally, the Lead Agency must include analyses to evaluate and identify sufficient power available for zero emission trucks and supportive infrastructures (e.g., EV charging stations) in the Energy and Utilities and Service Systems Sections of the Final EIR..

Design the Proposed Project such that the dock doors are located as far away as feasible from the residences. This could minimize the exposure of sensitive receptors to DPM from trucks entering/exiting and idling at the Proposed Project.

Create a buffer zone of at least 500 meters (roughly 1,500 feet), which can be office space, employee parking, greenbelt, etc. between the Proposed Project and sensitive receptors (e.g., residences)..

2-F2-38

Design the Proposed Project such that entrances and exits are such that trucks are not traversing past residences, and other sensitive receptors near the Proposed Project.

Design the Proposed Project such that any check-in point for trucks is well inside the Proposed Project site to ensure that there are no trucks queuing outside of the facility and ensure that truck traffic within the Proposed Project site is located away from the property line(s) closest to the sensitive receptors (e.g., residences).

Limit the daily number of truck trips allowed at the Proposed Project to the level that was analyzed in the Final EIR. If higher daily truck volumes are anticipated during operation than what was analyzed in the certified Final EIR, the Lead Agency must commit to re-evaluating the Proposed Project’s air quality and health risks impacts through a CEQA process prior to allowing higher activity levels (CEQA Guidelines Section 15162).

2-F2-39

Require trucks to use the truck routes that were used to analyze the air quality and HRA impacts in the Final EIR.

Have truck routes clearly marked with trailblazer signs, so that trucks will not enter residential areas that are adjacent to portions of the designated truck routes analyzed in the Final EIR.

2-F2-40

Restrict overnight truck parking in residential areas. Establish parking within the Proposed Project where trucks can rest overnight.

2-F2-41

Establish area(s) within the Proposed Project site for repair needs and ensure that these designated areas are away from any sensitive land uses.

2-F2-41
cont.

Maximize the use of solar energy including solar panels. Installing the maximum possible number of solar energy arrays on the building roofs and/or on the Proposed Project site to generate solar energy for the warehouse and/or EV charging stations.

2-F2-42

Require the use of electric landscaping equipment, such as lawn mowers and leaf blowers.

2-F2-43

Require use of electric or alternatively fueled sweepers with HEPA filters.

Maximize the planting of trees in landscaping and parking lots. Use light colored paving materials. Utilize only Energy Star heating, cooling, and lighting devices, and appliances.

2-F2-44

To facilitate stronger collaboration between Lead Agencies and South Coast AQMD to reduce community exposure to source-specific and cumulative air pollution impacts, South Coast AQMD adopted the *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*³⁰ in 2005. Additional guidance is available in the California Air Resources Board (CARB) *Air Quality and Land Use Handbook: A Community Health Perspective*, available at: <https://www.arb.ca.gov/ch/handbook.pdf>. #13 For warehouses that accommodate more than 100 trucks per day, or more than 40 trucks with operating TRUs per day, a 1,000-foot separation between sensitive land uses (e.g., residential uses)³¹ and the operating warehouse is recommended. Because the Proposed Project includes operation of warehouse that would accommodate up to 640 heavy-duty truck trips per day³², South Coast AQMD staff recommends that the Lead Agency review and consider these guidance when making local planning and land use decisions.

2-F2-45

Implementation of the Proposed Project may require permits from South Coast AQMD. If operation of the Proposed Project will involve the use of any stationary diesel-fueled internal combustion or compression engines (i.e., generators or firefighting equipment), South Coast AQMD Rule 1470 – Requirement for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition Engines³³ and South Coast AQMD Rule Series 1146 – Emissions of Oxides of Nitrogen from Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters³⁴, including Rule 1146.1 – Emissions of Oxides of Nitrogen from Small Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters³⁵ and Rule 1146.2 – Emissions of Oxides of Nitrogen from Large Water

Heaters and Small Boilers and Process Heaters³⁶ would apply and should be discussed in the Air Quality Section of the Final EIR. Additionally, in the event that the use of three or more Stationary Emergency Standby Diesel-Fueled Internal Combustion Engines rated at greater than 50 brake horsepower (>50 bhp) is reasonably foreseeable, the Lead Agency should include a discussion on South Coast AQMD Rule 1472 – Requirement for Facilities with Multiple Stationary Emergency Standby Diesel-Fueled Internal Combustion³⁷. Therefore, South Coast AQMD staff recommends that the Lead Agency consult with South Coast AQMD Permitting and Engineering staff as early as feasible to determine permit requirements and any applicable rules and regulations that should be discussed in the Final EIR for the Proposed Project. Additionally, in the event that the Proposed Project will use new stationary equipment that requires a permit from South Coast AQMD, the Lead Agency should identify South Coast AQMD as a Responsible Agency for the Proposed Project in the Final EIR. Questions on permits and applicable South Coast AQMD rules can directed to South Coast AQMD’s Engineering and Permitting staff.

2-F2-45
cont.

The World Logistic Center must take responsibility for its share of the GHG problem and not assume it is being resolved with some aspect of Cap and Trade. This must include the health of the residents and environment in the area. The WLC will prejudice Moreno Valley’s current on and off efforts with its General Plan update, because it will require an Environmental Justice Element. This RFEIR is inadequate because it doesn’t have an environmental justice section.

2-F2-46

Figure 16 of the revised FEIR appendices needs to show a Figure with the WLC traffic included along with the additional cumulative and growth inducing impacts. Figure 17 uses data that is at least six years old and needs to also be updated and new analysis included throughout the document. Please keep the Sierra Club updated of all meetings and documents related to the WLC by using this email and the address found below.

2-F2-47

2-F2-48

Sincerely,
 George Hague
 Conservation Chair
 Moreno Valley Group
 Sierra Club
 P.O. Box 1325, Moreno Valley, CA 92556-1325

From: Albert Armijo <alberta@moval.org>
Sent: Monday, February 3, 2020 7:20 AM
To: 'George Hague'
Cc: Sean P. Kelleher; Julia Descoteaux; Ashley Aparicio
Subject: RE: #2 Sierra Club comments on World Logistic Center's (WLC) Draft Recirculated RSFEIR and the changes to the RSFEIR

Hi Mr. Hague,
Thank you for your email.
Staff is collecting and organizing all WLC comments.
We will include your email and attachments.
Best.
Albert Armijo

Albert Armijo
Interim Planning Manager
Community Development
City of Moreno Valley
p: 951.413.3214 | e: alberta@moval.org W: www.moval.org
14177 Frederick St., Moreno Valley, CA 92553

From: George Hague <gbhague@gmail.com>
Sent: Friday, January 31, 2020 6:30 PM
To: Albert Armijo <alberta@moval.org>
Subject: #2 Sierra Club comments on World Logistic Center's (WLC) Draft Recirculated RSFEIR and the changes to the RSFEIR

Warning: External Email – Watch for Email Red Flags!

Good evening/morning Mr Armijo, 6:29 pm Friday January 31, 2020

Since not much has happened since the close of business on Friday January 31, 2020, I believe the following two letters and newspaper article are still valid for comments on the World Logistic Center's (WLC) Draft Recirculated RSFEIR and the changes to the RSFEIR.

Attached is a newspaper article and two amicus briefs filed Friday January 10, 2020. The first is from the California Attorney General's office and the California Air Resources Board. The second is from CEQA and climate experts - Ken Alex, Dallas Burtraw, Ann E. Carlson, Fran Pavley, and Michael Wara. These two "friend of the court" briefs come from those who must implement AB 32 and one of its principal authors as well as the head of Office of Planning and Research (OPR) for many years.

2-F2-49

The letters are excellent and are still relevant to the latest WLC environmental documents for public review. These latest WLC documents still do not address the problems the project has with Greenhouse Gas (GHG) nor resolve the problems pointed out in the two letters. The Sierra Club expects their points and concerns to be fully addressed.

2-F2-49
cont.

While the comment period ended less than two hours ago, the Sierra Club believes you should also accept this second comment letter from us.

Sincerely,

George Hague
Sierra Club
Moreno Valley Group
Conservation Chair

RESPONSES TO LETTER 2-F2: George Hague, Sierra Club

Response to Comment 2-F2-1: No specific comments on the contents of the 2019 Draft Recirculated RSFEIR are provided within this comment, and thus no further response is needed (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.) There is nothing in CEQA or the Guidelines that requires that CEQA documents be in Spanish. Public Resources Code §21083.1 prohibits the imposition of “procedural or substantive requirements beyond those explicitly stated in [CEQA] or in the state guidelines.”

Response to Comment 2-F2-2: The City website includes all the documents prepared for the Project. As shown on the website, the various documents are dated and the notice of availability, dated December 17, 2019, specifically requested comments on the 2019 Draft Recirculated RSFEIR, dated 2019. The older documents are still on the website and available for review because they are incorporated and/or referenced therein. There was only one document that comments were being requested for, the 2019 Draft Recirculated RSFEIR, not two documents as stated in the comment. The December 17, 2019 notice of availability did not request comments on the July 2018 RSFEIR. (The Sierra Club also provided comments on the July 2018 RSFEIR in a letter dated September 10, 2018). There were two documents listed on the website under ‘2019 Revised RFEIR Review 11-2019’, but they were the same document, one was a clean document and the other was a red-lined version which showed the changes to the original sections, so it was easy to identify them. Comments have previously been solicited for all of the other documents listed on the website. Thus, the City does not need to recirculate the documents, since the appropriate notice of availability, listing the document for review and the review period were listed pursuant to Section 21091 of the Public Resources Code.

Response to Comment 2-F2-3: This comment received on the 2019 Draft Recirculated RSFEIR is similar to comments 1-F6-4 thru 1-F6-6 received from the Sierra Club on the 2018 RSFEIR dated September 10, 2018. Refer to Response to Comments 1-F6-4 and 1-F6-6.

The new issues within this comment that were not raised in Sierra Club’s previous comments on the 2018 RSFEIR are addressed below.

With regard to Figure 4.3-1 not showing the location of the SJWA, this figure is located in Section 4.3, Air Quality, and represents the location of the nearest air quality monitoring station to the WLC site. The base map which was used for the figure includes the Norton Younglove Reserve, Lake Perris State Recreation Area, and Box Spring Park because they are regional or state parks. The SJWA, although a CDFW wildlife area, is not recognized as a park and does not show up on the base map. However, the SJWA is included in Section 4.4, Biological Resources, in Figure 4.4-4, MSHC Conservation Areas, in the 2018 RSFEIR.

The objectives of the World Logistics Center Specific Plan (Appendix H-1 of the 2015 FEIR) landscaping plan are listed below (page 5-38 for the Specific Plan):

- Promote a pleasant, distinctive, corporate environment
- Augment internal cohesion and continuity within the World Logistics Center
- Enhance the structured urban design concept of the World Logistics Center
- Promote water conservation.

Final Response to Comments

The design concept is focused toward:

- Providing a clean, contemporary visual appearance, coordinating the landscaping treatment along freeway and surface streets to emphasize the circulation system
- Coordinating streetscapes within the World Logistics Center to unify its general appearance
- Coordinating on-site landscaping design continuity amount individual development sites within the World Logistics Center.

The landscaping design concept will minimize the use of mechanical irrigation and maximize the collection and harvesting of runoff to be directed to landscape areas, promoting the creation of a sustainable environment. Three years after installation of landscaping, non-irrigated planting groups shall achieve 70% coverage. See page 5-44 and 5-45 for the Plant Selection List, which all plant materials must be selected from. The picture of the WLC on the website is a design rendering of what the Project might look like, the final plants and trees haven't been selected yet, but will be selected from the plant selection list.

With regard to plants and pollution, refer to Section 4.4, Biological Resources, in the 2018 RSFEIR. Carbon sequestration is the process of capture and storage of carbon dioxide; trees, vegetation, and soil store carbon in their tissues and wood. The net removal of vegetation for construction from land use change results in a loss of the carbon sequestration in plants. However, planting additional vegetation (sequestration) would result in additional carbon sequestration and would lower the carbon footprint of the project. This topic is discussed in Section 4.7, Greenhouse Gas Emissions, Climate Change, and Sustainability, in the 2019 Draft Recirculated RSFEIR.

Response to Comment 2-F2-4: An objective of the World Logistics Center Specific Plan (Appendix H-1 of the 2015 FEIR) is to promote water conservation (page 5-38 of the Specific Plan). The Specific Plan landscape program includes design elements (beginning on page 5-39 of the Specific Plan) that include maximizing the use of drought tolerant plant species; design to meet peak moisture demand of all plant materials within design zones and avoid flow rates that exceed the infiltration rate of soil; calculate optimum spacing of plants to avoid overcrowding and need for excessive irrigation; use best available irrigation technology to maximize efficient use of water, including moisture sensors, multi-program electronic timers, rain shutoff devices, remote control valves, drip systems, backflow preventers, pressure reducing valves and precipitation-rated sprinkler heads; design irrigation systems to prevent discharge onto non-landscaped areas or adjacent properties; and restrict irrigation cycles to operate at night when wind, evaporation and activity are at a minimum. See page 5-44 and 5-45 for a list of allowed plant species. As shown on the list, the Mexican fan palm, among others is allowed. Additionally, trees will be trimmed to allow more visibility if required for safety.

Response to Comment 2-F2-5: Refer to Topical Response C, Project Approvals, Court Ruling, and Writ of Mandate for what was required of the cumulative analysis. The 2018 Revised Sections of the FEIR (2018 RSFEIR) included an analysis of potential cumulative impacts for all environmental topics, and the 2019 Draft Recirculated RSFEIR includes revised cumulative analyses for the topics included in the document – Air Quality, Greenhouse Gas Emissions and Energy. The 2018 RSFEIR included the updated project and cumulative biological analyses, Section 4.4 and 6.4, respectively, which were based on the expected growth impacts resulting from the project and those of the current and foreseeable projects in surrounding

communities. Section 4.13.5.1, of the 2015 FEIR, discusses growth inducing impacts (pages 4.13-11 – 4.13-17) as well as Section 5.3 of the 2015 FEIR (pages 5-4 – 5-6). Therefore, growth inducing, direct and indirect impacts, were fully addressed, as the 2015 FEIR is incorporated by reference into the 2019 Draft Recirculated RSFEIR.

Response to Comment 2-F2-6: This comment received on the 2019 Draft Recirculated RSFEIR is primarily the same comment received from the Sierra Club on the 2018 RSFEIR dated September 10, 2018. Refer to Response to Comment 1-F6-4.

The new issues within this comment that were not raised by Sierra Club in its prior comments on the 2018 RSFEIR, September 10, 2018, are addressed below.

As stated on page 6.3-31 of the 2019 Draft Recirculated RSFEIR, to assess the regional cumulative impact of the identified 359 projects in addition to that of the Project's, both the universe of the emission sources and air dispersion model receptors were greatly expanded in the cumulative HRA. The air dispersion models included 99 grid area sources (each grid cell is 5 km by 5 km) covering an area of 2,475 square kilometers to represent the onsite and surface street emissions of all cumulative projects, and 63 freeway mainline segments for warehouse projects in the region that may overlap with the traffic routes of the Project. The modeled freeway segments extended from North Palm Springs to Long Beach in the east-west direction and from Rancho Cucamonga to Hemet/San Jacinto in the north-south direction, roughly an area of 3,500 square miles radiating from the cumulative project sites to the north, south, east, and west. The analysis covered major portions of the following freeways from North Palm Springs to the ports of Los Angeles and Long Beach: Interstate 10, State Route 60, State Route 91, Interstate 215, and Interstate 710. The expanded geographic scope of the assessment also necessitated an expansion in the locations of the receptors where the cumulative projects' impacts were calculated. This expanded network included grid receptors that cover the entire study domain, locations of individual schools within 0.5 mile of the modeled freeway segments and those in the Moreno Valley Unified School District, and over 2,300 census tract centroid locations. Thus, as shown, cumulative impacts were analyzed for freeways and truck routes through Moreno Valley and sensitive receptors along these areas were modeled. Results of the air quality cumulative analysis are summarized on pages 6.3-12 and 6.3-51 of the 2019 Draft Recirculated RSFEIR. Since cumulative impacts were thoroughly addressed, the 2019 Draft Recirculated RSFEIR is not inadequate.

Response to Comment 2-F2-7: This comment received on the 2019 Draft Recirculated RSFEIR is the same comment received from the Sierra Club on the 2018 RSFEIR dated September 10, 2018. Refer to Response to Comment 1-F6-5.

Response to Comment 2-F2-8: This comment received on the 2019 Draft Recirculated RSFEIR is the same comment received from the Sierra Club on the 2018 RSFEIR dated September 10, 2018. Refer to Response to Comment 1-F6-6.

Response to Comment 2-F2-9: This comment received on the 2019 Draft Recirculated RSFEIR is primarily the same comment received from the Sierra Club on the 2018 RSFEIR dated September 10, 2018. Refer to Response to comment 1-F6-7.

Final Response to Comments

The new issues within this comment that were part of Sierra Club's comments on the 2018 RSFEIR are addressed below.

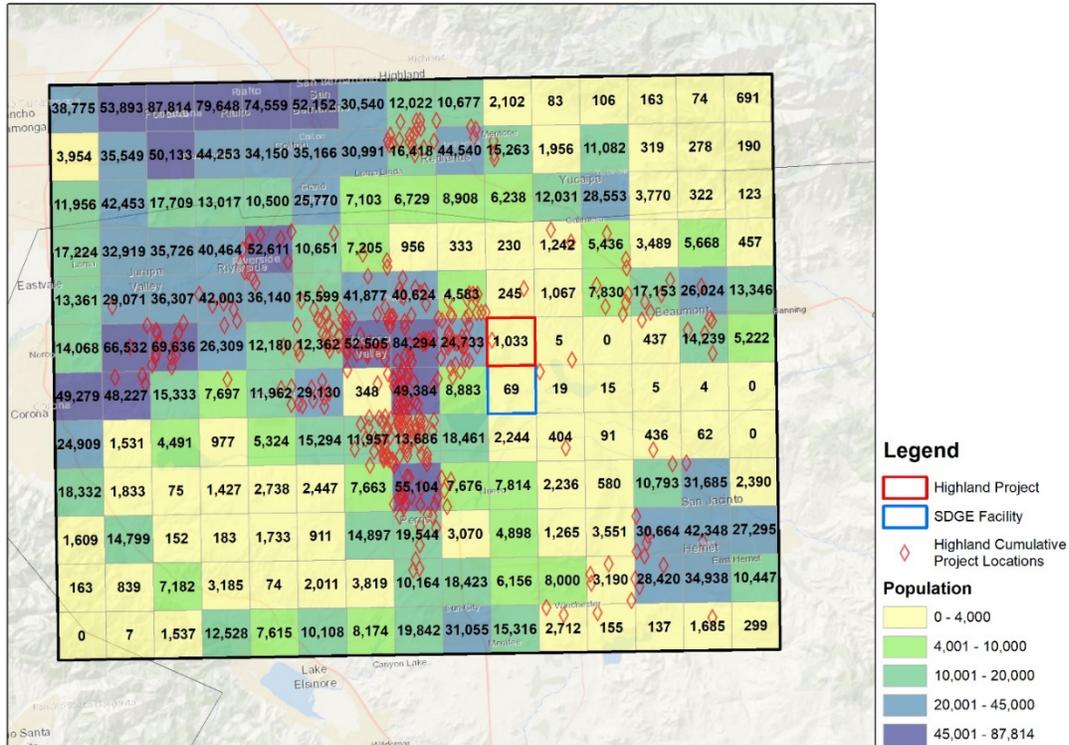
The commenter asserts that operational noise can be eliminated with all electric equipment and vehicles. Electric vehicles and equipment emit lower noise levels than internal combustion engine (ICE) vehicles and equipment due to the absence of mechanical vibrations and combustion generated by the ICE. However, under the Pedestrian Safety Enhancement Act (PSEA) of 2010, the National Highway Traffic Safety Administration (NHTSA) is required to issue performance standards for electric and hybrid vehicles to ensure that they emit a sound that meets certain minimum requirements.²²³ Therefore, although electric vehicles and equipment emit less noise than ICE vehicles and equipment, there may not be an appreciable difference due to the minimum sound requirements required by the NHTSA.

Response to Comment 2-F2-10: This comment received on the 2019 Draft Recirculated RSFEIR is primarily the same comment received from the Sierra Club on the 2018 RSFEIR dated September 10, 2018. Refer to Response to Comment 1-F6-8.

Response to Comment 2-F2-11: This comment received on the 2019 Draft Recirculated RSFEIR is primarily the same comment received from the Sierra Club on the 2018 RSFEIR dated September 10, 2018. Refer to Response to Comment 1-F6-9.

Response to Comment 2-F2-12: The BenMAP runs utilized in the health effects analysis incorporate 2035 projected populations in each modeled grid cell. These populations reflect residents, not workers. Below is a map of the populations accounted for in the Project grid cell and surrounding grid cells, including the SDGE Facility (shown in the figure below).

²²³ U.S. Department of Transportation National Highway Traffic Safety Administration. Minimum Sound Requirements for Hybrid and Electric Vehicles Draft Environmental Assessment. January 2013.



The health effects analysis does not specifically address onsite or offsite workers, but is intended to address impacts of residents in the communities around the Project site. It is likely that workers live in the vicinity of where they work, but regardless, regional health effects analyses such as this are typically not able to obtain sufficient information on population exposures based on population mobility (i.e., exposures at work, home, or during commutes) and instead conservatively assume that populations are exposed to the predicted air concentrations every day, 24 hours a day. This is likely to overestimate exposures to the outdoor air concentrations predicted from Project emissions because most people spend the majority of their time indoors, where concentrations of outdoor air pollutants have been shown to be much lower (e.g., due to physical barriers, use of air conditioners or air filters, etc.). Therefore, we don't anticipate that risks to workers, either onsite or offsite, will be any different from risks to the community members living in the vicinity of the Project.

The USEPA's BenMAP program was used to estimate the potential health effects of the Project's contribution to ozone and PM2.5 concentrations. The USEPA default BenMAP health effects concentration-response (c-r) functions that are typically used in national rulemaking were used, such as the health effects assessment for the 2012 National Ambient Air Quality Standard. The health effects estimated for PM2.5 include mortality (all causes), hospital admissions (respiratory, asthma, cardiovascular), emergency room visits (asthma), and acute myocardial infarction (non-fatal). BenMAP uses these studies to characterize the potential human health effect of small changes in PM and ozone concentrations.

The local health risk assessment (HRA) performed does consider potential exposure to offsite workers.

Final Response to Comments

Response to Comment 2-F2-13: This comment received on the 2019 Draft Recirculated RSFEIR is primarily the same comment received from the Sierra Club on the 2018 RSFEIR dated September 10, 2018. Refer to Response to Comment 1-F6-11.

Response to Comment 2-F2-14: Pursuant to Mitigation Measure 4.3.6.2B (page 4.3-43 of the 2019 Draft Recirculated RSFEIR), a Construction Staging Plan detailing haul truck routes, which are required to use World Logistics Center Parkway, Redlands Boulevard *north* of Eucalyptus Avenue, and Gilman Springs Road would detail the methods in which construction trucks would be rerouted away from residential sensitive receptors (e.g., flag person). Construction traffic is anticipated to arrive at the site via State Route 60 to the north, using Redlands Boulevard, World Logistics Center Parkway, and/or Gilman Springs off ramps. Based on the location of State Route 60, to the north of the project site and north of Eucalyptus Avenue, trucks would not need to travel south of Eucalyptus Avenue to gain access to the project site. Therefore, due to the location of regional access routes, project access points, and required rerouting of construction traffic, construction traffic can feasibly be directed to avoid sensitive receptors. The Construction Staging Plan shall be submitted to the City of Moreno Valley for approval prior to the issuance of grading permits. The City of Moreno Valley Safety Division will enforce the Mitigation Measure.

Response to Comment 2-F2-15: These comments received on the 2019 Draft Recirculated RSFEIR are primarily the same comments received from the Sierra Club on the 2018 RSFEIR dated September 10, 2018. Refer to Response to Comments 1-F6-12 and 1-F6-13.

Response to Comment 2-F2-16: This comment received on the 2019 Draft Recirculated RSFEIR is primarily the same comment received from the Sierra Club on the 2018 RSFEIR dated September 10, 2018. Refer to Response to Comment 1-F6-14.

Response to Comment 2-F2-17: Refer to Tropical Response E, Moreno Valley Utilities/Solar, for a discussion of why MVU limits the amount of solar generation the Project is allowed. At a minimum, the Project will install enough solar power in both phases to meet energy needs of the Project's office spaces as outlined in mitigation measure 4.7.6.1D (page 4.7-28). Due to the highly speculative nature of the EV penetration in Phase 2, the Project will provide solar ready roofs by upgrading the structural integrity of the roof on each building to accommodate the possibility of future solar installation over the entire roof. (page 4.17-1) as a project design feature.

As per Mitigation Measure 4.3.6.3E, refrigerated warehouse space is prohibited unless it can be demonstrated that the environmental impacts resulting from the inclusion of refrigerated space and its associated facilities, including, but not limited to, refrigeration units in vehicles serving the logistics warehouse, do not exceed any environmental impact for the entire WLC identified in the 2019 Draft Recirculated RSFEIR. Such environmental analysis shall be provided with any warehouse plot plan proposing refrigerated space. Any such proposal shall include electrical hookups at dock doors to provide power for vehicles equipped with Transportation Refrigeration Units (TRUs). Thus, high energy users, warehouses with refrigeration, are currently not part of the proposed Project.

The Project includes the installation of electric vehicle supply equipment (ESVE) pursuant to Title 24, part 6 of the CALGreen Code (page 4.3-61). Additionally, the Project will construct the WLC parking areas with cable raceways for installing future EV charging stations, which will enable WLC to more readily and cost

effectively provide this service to future tenants if and when demand dictates (page 4.17-24). Furthermore, the WLC is committing to a publicly-accessible fueling station offering alternative fuels (natural gas, electricity, etc.) for purchase by the motoring public (page 4.3-54).

Response to Comment 2-F2-18: Refer to Topical Response E, Moreno Valley Utilities/Solar, for a discussion of solar generation limits imposed on the WLC by MVU. Currently for the WLC project, MVU is the utility provider for the Project and while solar PV is a viable option, MVU has limitations in its Electric Service Rules on the amount of PV allowed for commercial and industrial projects, as discussed in the 2019 Draft Recirculated RSFEIR and RTER (Appendix E of the 2019 Draft Recirculated RSFEIR). A system that combines PV with battery storage of excess solar generation was considered, but the MVU solar sizing limitations and the estimated WLC Project demands do not result in excess solar generation to charge a battery. Thus, due to the MVU solar sizing limits, PV solar generation would be utilized for the Project and there would be no excess solar generation for battery storage, renewable hydrogen storage, ice storage, chilled water storage, or the sale of excess power generation to MVU or other utilities for their renewable portfolio content requirements. In addition, MVU's Time-of-Use rate structure²²⁴ is not compatible with the Project's peak electrical usage (load curve) making the use of batteries to deliver any meaningful reduction an unviable option. The outcome of the WLC supply-side analysis is that this Project is committed to providing renewable energy through solar panels that will be installed on the rooftops of buildings to help offset the power requirements within the project (MM 4.16.4.6.1C).

Mitigation Measure 4.3.6.3B k) requires all yard trucks (yard dogs/yard goats/yard jockeys/yard hostlers) to be powered by electricity, natural gas, propane, or an equivalent non-diesel fuel. Any off-road engines in the yard trucks shall have emissions standards equal to Tier 4 Interim or greater. Any on-road engines in the yard trucks shall have emissions standards that meet or exceed 2010 engine emission standards specified in California Code of Regulations Title 13, Article 4.5, Chapter 1, Section 2025.

The Recirculated Draft EIR analyzed impacts to energy under Section 4.17, Energy, including solar, transportation energy, and on- and off-site renewable energy procurement. With regard to the impacts resulting from natural gas extraction, the project would not result in any new natural gas extraction facilities. Natural gas serving the project would be obtained from existing facilities and service providers, and the environmental impacts resulting from the use of natural gas have been analyzed and mitigated to the extent feasible. The project is not required to conduct environmental review on existing processes.

Response to Comment 2-F2-19: The Transportation Energy Technical Study, Appendix E, found that zero emission vehicle (ZEV) technology is steadily developing for both light-duty and heavy-duty vehicles, driven by both regulatory developments and market forces. However, the study found that while the commercialization of ZEV technology passenger vehicles is occurring rapidly, the development of electric medium- or heavy-duty vehicles is still in the pilot or demonstration phase and it is not possible to predict

²²⁴ Tenants of the WLC will contract for utility services directly with MVU. The rate structure for each account is determined by the monthly maximum demand. WSP expects that all proposed buildings in the WLC will exceed the 20 kW demand threshold specified by MVU and will therefore be subject to Schedule C – Large General Service. Tenants will also be eligible for Schedule TOU-LGS – Time of Use – Large General Service rates. However, analysis using energy models and 15-minute interval consumption data from five existing logistics buildings in the MVU service territory determined that a time-of-use rate is not advantageous to the customer. Furthermore, MVU imposes limits on the capacity of on-site solar PV generation that can be installed by their customers. Per Resolution No. 2017-20 the “maximum solar generating capacity that will be approved to be connected to each meter is up to 50% of the meter minimum daytime load.” This dramatically limits the amount of on-site solar generation that can be currently installed at WLC buildings. MVU currently has no policies or rules that would allow WLC to use battery storage to increase usage of solar electricity.

when they will become commercially available. In 2016, in response to Executive Order B-32-15, the California Department of Transportation, CARB, the California Energy Commission and the Governor's Office of Business and Economic Development published the California Sustainable Freight Action Plan ("CSFAP"). The CSFAP was the beginning of a comprehensive effort by the State of California to transition "to a more efficient, more economically competitive, and less polluting freight system." (CSFAP, p. 1.) The CSFAP discussed policies and objectives in support of transitioning to near-zero and zero-emission freight vehicles, including heavy-duty trucks, but CARB recognized at that time, that no commercially available technology zero-emission on-road heavy-duty trucks were available and that zero- and near-zero emission technologies are still at the demonstration phase.²²⁵ Since then, some zero emission trucks have become available for limited applications, but the Class 7 and Class 8 heavy-duty trucks are still. Recognizing the challenges in transitioning to zero-emission heavy duty trucks, CARB proposed in late 2019, the Advanced Clean Truck Regulation, which proposes to require manufacturers to make a certain percentage of sales of zero-emission trucks and buses. CARB received numerous comments on the proposed Regulation, and it has not been formally adopted, but CARB's Staff Report in support of the Regulation provided a detailed evaluation of the market in the Staff Report, including Appendix E, Zero Emission Truck Market Assessment. The Staff Report notes the importance of heavy duty trucks: "Heavy-duty trucks operate through California in numerous vocations and are an essential part of the state's economy." (Staff Report, p. I-4.) The Staff Report outlines the challenges in ZEV market, particularly with respect to heavy-duty trucks, including the incremental cost of ZEVs, infrastructure investment cost and availability, matching vehicle capability with fleet need and diverging standards. (Staff Report, pp. I-14 – I-17.) The Regulation sets forth proposed percentage sales for Class 7-8 Tractor Group at 3% by 2024. CARB's evaluation of the market and its proposed goal of 3% for 2024 demonstrates that Class 7-8 heavy-duty truck are not currently commercially available.

Moreover, according to a Feasibility Assessment for Drayage Trucks for the San Pedro Bay Ports Clean Air Action Plan, zero-emission and near zero-emission on-road haul truck availability, as of late-2018, includes one zero-emission and one near zero-emission fuel-technology platform sold by Original Equipment Manufacturers (OEMs) in commercially available Class 8 trucks suitable for drayage.²²⁶ With the development of zero-emission and near zero-emission platforms, infrastructure has emerged as one of the most significant near-term barriers to wide-scale adoption of these technologies due to standardization difficulties and the ability to develop the full charging infrastructure required by 2021. Additionally, according to the Feasibility Assessment, one OEM plans to begin offering a zero-emission battery-electric Class 8 truck by 2021, the other OEMs have similar or later timeframes. Furthermore, the International Council on Clean Transportation (ICCT) in a November 2017 white paper titled "Transitioning to Zero-Emission Heavy-Duty Freight Vehicles"²²⁷ states that there are "prevailing barriers to widespread viability" of plug-in electric heavy-duty freight vehicles, primarily limited electric range, high vehicle cost, long recharging time, and tradeoffs on cargo weight and/or volume. This report does not cite drayage trucking (Class 8) as a promising

²²⁵ California Air Resources Board, 2015. Draft Heavy-Duty Technology And Fuels Assessment: Overview, April. Available online: https://www.arb.ca.gov/msprog/tech/techreport/ta_overview_v_4_3_2015_final_pdf.pdf?_ga=2.207832726.540754214.1560412530-179310568.1519193875.

²²⁶ Port of Long Beach & The Port of Los Angeles, 2019. San Pedro Bay Ports Clean Air Action Plan, 2018 Feasibility Assessment for Drayage Trucks, April. Available online: <http://www.cleanairactionplan.org/documents/final-drayage-truck-feasibility-assessment.pdf/>.

²²⁷ Moultak, M., Lutsey, N., Hall, D., "Transitioning to Zero-Emission Heavy-Duty Freight Vehicles," The International Council on Clean Transportation (ICCT), September 26, 2017, Available online: <https://www.theicct.org/publications/transitioning-zero-emission-heavy-duty-freightvehicles>.

segment for widespread commercialization, further proof that the zero-emission and near zero-emission truck fleet won't be viable during construction of the Project or possibly be readily available enough for use during operation of the Project. CARB's latest working group meeting Third Work Group for the FY 2019-20 Heavy-Duty Three-Year Investment Strategy on May 8, 2019 shows that the Zero Emission Vehicle technology readiness for medium- and heavy-duty trucks is primarily in the demonstration phase in 2019 which includes technology development and early stage demonstrations.²²⁸ As of late last year, CARB is funding a couple of pilot programs for electric truck fleets. BYD (Build Your Dreams) and Anheuser-Busch announced that Anheuser-Busch will pilot a scale project by deploying 21 BYD battery electric trucks at four Anheuser-Busch distribution facilities across southern California: Sylmar, Riverside, Pomona, and Carson. This is a landmark achievement as the largest Class 8 electric truck deployment in North America. Additionally, another pilot program includes replacing PepsiCo's existing diesel powered freight equipment with fifteen Tesla Semi electric trucks with "zero-emission (ZE) and near-zero emission (NZE)" trucks and equipment at its Frito-Lay Modesto, California, manufacturing site by 2021. As the comment notes, automakers are expanding their electric vehicles to heavy duty trucks. However, the extent of commercial availability of such trucks as the WLC begins operations is unknown. Furthermore, since the Project will support a variety of future users which are unknown at this time, it is not possible to specify or require future users to have zero emission or alternative fuel fleets since most logistics companies use independent contractors and truck drivers rather than maintain their own fleets. Nonetheless, the Project has committed under various mitigation measures to require the most stringent levels of emission mitigation under existing emission control regulations.

As electric heavy-duty trucks become commercially available, WLC will accommodate ZEV technologies by planning for appropriate onsite charging infrastructure. To that end, the Project will construct the WLC parking areas with cable raceways for installing future EV charging stations, which will enable WLC to more readily and cost effectively provide this service to future tenants if and when demand dictates. Since this is a programmatic EIR, subsequent discretionary approvals for the WLC Project will be examined in light of the program EIR to determine whether an additional environmental document must be prepared. If no subsequent EIR is required pursuant to Section 15168 of the CEQA Guidelines, the City can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental documents would need to be prepared.²²⁹ However, if a subsequent discretionary approval has effects that are not examined in the program EIR, additional environmental documentation will be required per CEQA, which may require additional mitigation if additional significant impacts are found.²³⁰ Due to the programmatic nature of the document, it is not known who future users of the WLC will be or what their operational needs will require in terms of equipment. As a result, all current mitigation relies on commercially available technology that meets the most stringent environmental standards.

Refer to Topical Response E, Moreno Valley Utilities/Solar, regarding interconnectivity with MVU's distribution system and limitations that current MVU rules impose on solar PV capacity at the project site. A system that combines PV with battery storage of excess solar generation was considered, but the MVU

²²⁸ California Air Resources Board, 2019. Third Work Group for the FY 2019-20 Heavy-Duty Three-Year Investment Strategy, May 8. Available online: https://ww2.arb.ca.gov/sites/default/files/2019-05/050819_3yp_wg3_handout.pdf

²²⁹ State CEQA Guidelines §15168(c)(2)

²³⁰ State CEQA Guidelines §15168(c)(1)

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solar sizing limitations and the estimated WLC Project demands do not result in excess solar generation to charge a battery (see Appendix E, Energy, of the 2019 Draft Recirculated RSFEIR).

Response to Comment 2-F2-20: Mitigation Measure 4.3.6.3B(a) of the 2019 Draft Recirculated RSFEIR (page 4.3-53) requires that “signs shall be prominently displayed informing truck drivers about the California Air Resources Board diesel idling regulations, and the prohibition of parking in residential areas.” Although overnight parking is prohibited by the Specific Plan (see page 3-10 of the Specific Plan, Appendix H-1 of the 2015 FEIR), truck parking lanes are included in the project design and designated resting areas would be provided at the CNG/LNG fueling station for truck drivers to rest. In addition, Mitigation Measure 4.3.6.3B has been revised to include a requirement for ten electrical outlets for each building for use of electric APUs. Generally, approximately three to five trucks would need to run their APUs while they rest prior to a trip. Therefore, the requirement for ten outlets for each building is a conservative approach that would ensure that enough outlets are available should the demand exist.

- o) For each building, the developer shall provide ten electrical outlets for the use of electric APUs to be located at the dock doors near the shipping offices, or an alternate location with access to electrical outlets.

Response to Comment 2-F2-21: The project will include features that would support the use of alternative modes of transportation such as bicycles. Mitigation Measure 4.3.6.4A (page 4.3-60 of the 2019 Draft Recirculated RSFEIR) requires the incorporation of Class II bike lanes and pedestrian pathways into site circulation, site design and building placement to provide pedestrian connections between internal and external facilities, and pedestrian connection of the project to residential uses within 0.25 miles away. Additionally, the project would provide bicycle parking, shower facilities, and transit availability and scheduling to all tenants and their workers (Mitigation Measure 4.3.6.4A(j)).

As detailed on pages 3-13 and 3-14 of the World Logistics Center Specific Plan (Appendix H-1 of the 2015 FEIR), the project will connect to and extend the existing multi-use trail on the north side of Eucalyptus Avenue to continue along Street B to Gilman Springs Road and then southerly to connect with the trail head as shown in Exhibit 3-16, below. In addition, a future connection between the trailhead to the SJWA (located on the project site) will be allowed to be constructed by others.

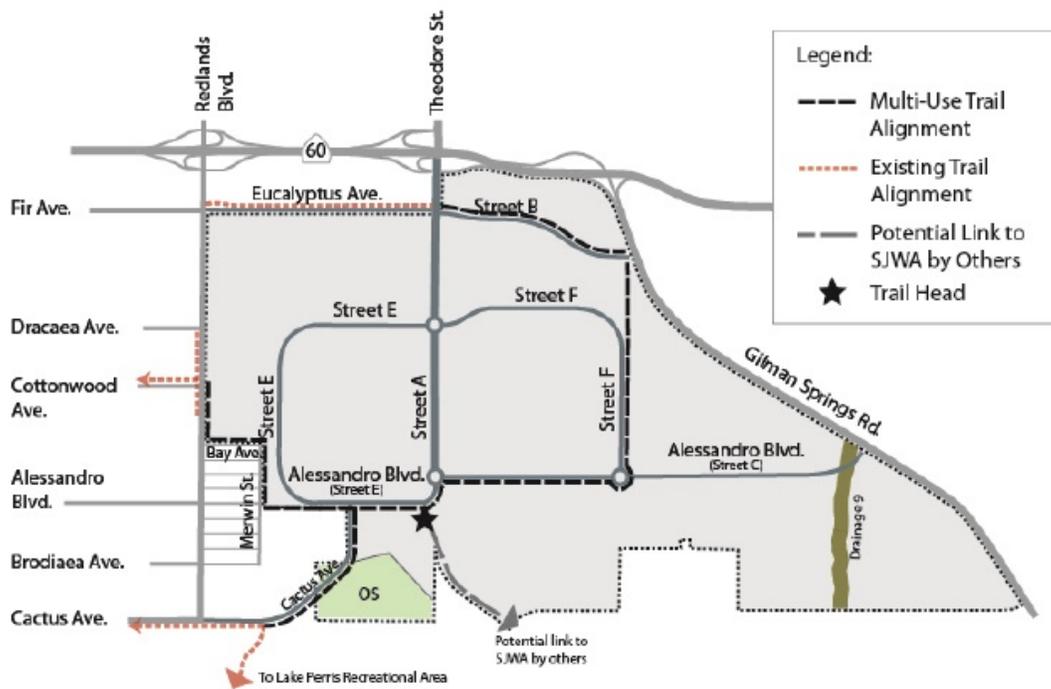


Exhibit 3-17 Multi-Use Trail Plan

Response to Comment 2-F2-22: The 2010 engine standard was specified because it complies with the CARB’s Truck and Bus Regulation and Drayage Truck Regulations. As stated in the regulation, by January 1, 2023, all diesel trucks need to have 2010 model year engines.²³¹ The POLB and POLA “Clean Truck Program” is discussed on page 4.3-13 of the 2019 Draft Recirculated RSFEIR. The “Clean Truck Program” commenced on October 1, 2018 and states that any new trucks registered in the Port Drayage Truck Registry (PDTR) must be model year 2014 or newer. Drayage trucks registered in the PDTR prior to October 1, 2018, that are current on their annual registration fees as of September 30, 2018 and are compliant with state law may continue to operate at the POLB and POLA.²³² Thus, current trucks that are currently registered in the PDTR do not need to be 2014 compliant but do need to be 2010 compliant if diesel fueled as specified in California Code of Regulations Title 13, Article 4.5, Chapter 1, Section 2025. Since the WLC would utilize truck fleets from other companies, all fleets will have to meet CARB requirements, as specified in the California Code of Regulations, and those fleets that have trucks that would go to the POLB and the POLA would have to meet their more stringent “Clean Truck Program” requirements. Therefore, CARB’s Truck and Bus Regulation which requires 2010 compliant engines is the requirement for the WLC since most truck fleets will have all their current trucks registered in the PDTR. As the fleets acquire new trucks, those would be required to be 2014 compliant in accordance with the “Clean Truck Program” if they intend to go to the ports; however, if they don’t go to the ports, they would only need

²³¹ California Air Resources Board, 2019. Truck and Bus Regulation Compliance Requirement Overview. Last Updated June 18, 2019. Available online at: <https://ww3.arb.ca.gov/msprog/onrdiesel/documents/fsregsum.pdf>

²³² Port of Long Beach and Port of Los Angeles, 2018. San Pedro Bay Ports Clean Air Action Plan, September. Available online at: <http://www.polb.com/civica/filebank/blobload.asp?BlobID=14684>

to be 2010 compliant. Thus, the 2019 Draft Recirculated RSFEIR chose the 2010 model year required by the CARB Truck and Bus Regulation instead of the 2014 model year referenced in the “Clean Truck Program.” At full build-out, the number of heavy-duty diesel trucks daily will be 10,831 (Table 4.15-14 on page 4.15-30 of the 2018 RSFEIR) of which only 261 daily truck trips will be coming from the ports (page 4.15-112 – 4.15-113 of the 2018 RSFEIR).

Refer to Topical Response E, Moreno Valley Utilities/Solar, for a discussion of solar generation limits imposed on the WLC by MVU. Currently for the WLC project, MVU is the utility provider for the Project and while solar PV is a viable option, MVU has limitations in its Electric Service Rules on the amount of PV allowed for commercial and industrial projects, as discussed in the 2019 Draft Recirculated RSFEIR and RTER (Appendix E of the 2019 Draft Recirculated RSFEIR). A system that combines PV with battery storage of excess solar generation was considered, but the MVU solar sizing limitations and the estimated WLC Project demands do not result in excess solar generation to charge a battery. Thus, due to the MVU solar sizing limits, PV solar generation would be utilized for the Project and there would be no excess solar generation for battery storage, renewable hydrogen storage, ice storage, chilled water storage, or the sale of excess power generation to MVU or other utilities for their renewable portfolio content requirements. In addition, MVU’s Time-of-Use rate structure²³³ is not compatible with the Project’s peak electrical usage (load curve) making the use of batteries to deliver any meaningful reduction an unviable option. The outcome of the WLC supply-side analysis is that this Project is committed to providing renewable energy through solar panels that will be installed on the rooftops of buildings to help offset the power requirements within the project (Mitigation Measure 4.16.4.6.1C).

Response to Comment 2-F2-23: Construction and operational emissions would be reduced to the extent feasible through implementation of mitigation measures and project design features. Construction emissions would be reduced through implementation of mitigation measures that require the use of Tier 4 construction equipment, reduced idling time, use of non-diesel equipment where feasible, low-VOC paints and cleaning solvents, and dust suppression measures. Operational emissions would be reduced through implementation of mitigation measures that require reduced vehicle idling, use of non-diesel on-site equipment, meeting or exceeding 2010 engine emission standards for all diesel trucks entering the site, electric vehicle charging stations, and prohibition of refrigerated warehouses.

Page 4.3-61 of the 2019 Draft Recirculated RSFEIR discusses the settlement that the project’s developers have entered into with the South Coast Air Quality Management District (SCAQMD). The agreement requirements the payment of 64 cents per square foot for each building to SCAQMD as the Project is constructed. Funds may be used by SCAQMD for any purpose to improve air quality in the South Coast Air Basin although the SCAQMD has indicated that the funds will be used “to develop mitigation efforts focused

²³³ Tenants of the WLC will contract for utility services directly with MVU. The rate structure for each account is determined by the monthly maximum demand. WSP expects that all proposed buildings in the WLC will exceed the 20 kW demand threshold specified by MVU and will therefore be subject to Schedule C – Large General Service. Tenants will also be eligible for Schedule TOU-LGS – Time of Use – Large General Service rates. However, analysis using energy models and 15-minute interval consumption data from five existing logistics buildings in the MVU service territory determined that a time-of-use rate is not advantageous to the customer. Furthermore, MVU imposes limits on the capacity of on-site solar PV generation that can be installed by their customers. Per Resolution No. 2017-20 the “maximum solar generating capacity that will be approved to be connected to each meter is up to 50% of the meter minimum daytime load.” This dramatically limits the amount of on-site solar generation that can be currently installed at WLC buildings. MVU currently has no policies or rules that would allow WLC to use battery storage to increase usage of solar electricity.

on reducing emissions in the areas affected by the warehouse project.”²³⁴ One possible use might be that individual or fleet truck owners servicing the Project could be offered a financial incentive to purchase a near-zero or zero-emission truck model, similar to the Carl Moyer Program. This type of program has been an effective tool for more than 19 years in speeding the transition of heavy-duty trucks and other equipment to cleaner models. In the 2017 Reporting Cycle for the Carl Moyer Program (Funding Years 8-19), \$87,373,480 was funded for “On-Road” vehicles by the SCAQMD for a reduction of 6,265 tons of NOX and ROG emissions, and a reduction of 145.3 tons of PM emissions, with an average cost effectiveness of \$11,612. Using those costs and resulting reductions in emissions, the \$26,000,000 Air Quality Improvement Fee could result in a reduction of 1,864 tons of NOX and ROG emissions, and a PM reduction of 43 tons of PM emissions. Because it is unknown at this time what improvements will be made by the SCAQMD through the use of the \$26,000,000 that will result from the settlement, it would be speculative to assume that any particular improvement will take place. Accordingly, the analyses contained in the 2019 Draft recirculated RSFEIR do not include any reductions in criteria pollutants or greenhouse gas emissions that might occur as a result of the settlement and the payment of the money. The SCAQMD sent a letter to the Project sponsor acknowledging the Settlement Agreement and that payment of funds has not occurred and will not occur until approval and development of Project buildings (see Attachment Q). The Settlement Agreement states:

“[A]ll parties agree that the payment of the Air Quality Improvement Fee will adequately mitigate heavy-duty truck related air quality impacts that may result from the construction and operation of the World Logistics Center as described in the EIR and that no additional charges will be imposed on the World Logistics Center to mitigate emissions, including NOx, described in the EIR from heavy-duty trucks.”

As shown on Table 4.3-28, 2019 Draft Recirculated RSFEIR, page 4.3-27, the estimated cancer risks for the 30-year exposure duration for construction would not exceed the SCAQMD cancer risk significance threshold after incorporation of mitigation. The large reduction in cancer risk after mitigation is attributable principally to the reduced diesel PM associated with the commitment to Tier 4 construction equipment. Table 4.3-29, 2019 Draft Recirculated RSFEIR, shows that the estimated 30-year exposure cancer risk for operation of the WLC (operation HRA) would still exceed the SCAQMD cancer risk significance threshold for sensitive receptors located within and outside the project boundary. Therefore, Mitigation Measure 4.3.6.5.A, requiring the use of MERV 13 filters to impacted residences, was added. This mitigation measure reduced the total incremental cancer risk to less than the SCAQMD significance threshold as shown on Table 4.3-30 (page 4.3-74 of the 2019 Draft Recirculated RSFEIR). Thus, with the implementation of mitigation, the increase in health risks from the Project to an on-site or off-site receptor, within the study area, was less than significant. As shown above, the cancer risk and chronic and acute non-cancer risk to sensitive receptors in the community would be less than significant with incorporation of mitigation for construction and operation and operation scenarios of the WLC.

Section 4.3.6.6 Summary of Health Effects of Air Quality Emissions, starting on page 4.3-79 of the 2019 Draft Recirculated RSFEIR, discusses the health effects from ozone and PM_{2.5} resulting from the project. PM_{2.5} best represents diesel PM. Tables 4.3-32 through 4.3-35 show the annual percent of background health incidence for PM_{2.5} and ozone health effects associated with the unmitigated and mitigated Project, respectively. With mitigation the potential health effects from PM_{2.5} show an increase in asthma-related

²³⁴ SCAQMD press released October, 21, 2016, announcing the settlement.

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emergency room visits (0.0047%), asthma-related hospital admissions (0.0028%), all cardiovascular-related hospital admissions (not including myocardial infarctions) (0.00059%), all respiratory-related hospital admissions (0.0015%), mortality (0.0044%), and nonfatal acute myocardial infarction (less than 0.0020% for all age groups). With mitigation, potential ozone-related health effects due to the project, increased respiratory-related hospital admissions (0.00062%), mortality (0.00027%), and asthma-related emergency room visits for any age range (lower than 0.011% for all age groups) over background health incidence. Because there are no established thresholds, this data was provided for informational purposes.

Response to Comment 2-F2-24: Mitigation Measure 4.3.6.2A of the 2019 Draft Recirculated RSFEIR (page 4.3-53) requires best management practices with respect to the operation and maintenance of construction equipment. Specifically, off-road diesel-powered construction equipment greater than 50 horsepower must meet US EPA Tier 4 off-road emissions standards, off-road diesel-powered equipment may be in the “on” position for no more than 10 hours per day, all equipment must be properly maintained according to manufacturer specifications, on-site idling shall be limited to three minutes in any one hour, all diesel powered construction equipment, delivery vehicles, and trucks shall be turned off when not in use, and electrical hook ups to the electrical grid shall be provided for electric construction tools.

See Response to Comment 2-F2-19 for discussion on commercial availability of zero-emission on-road heavy-duty trucks and off-road equipment.

The Project would include the installation of electric vehicle supply equipment (EVSE) charging stations and designated parking for clean vehicles pursuant to Title 24, part 6 of the CALGreen Code, as required by Mitigation Measure 4.3.6.4A of the 2019 Draft Recirculated RSFEIR. Additionally, the project will accommodate ZEV technologies by planning for appropriate onsite charging infrastructure. To that end, the Project will construct the WLC parking areas with cable raceways for installing future EV charging stations, which will enable WLC to more readily and cost effectively provide this service to future tenants if and when demand dictates.

Response to Comment 2-F2-25: As discussed on page 4.17-5, project buildings would be subject to the current version of Title 24 building standards when the buildings are built and the project’s energy conservation measures and project design features will exceed the current minimum Title 24 requirements by approximately 17 percent at Phase 1 and 16 percent at full buildout (page 4.17-21). The Title 24 update (2019) focuses on integrating solar photovoltaic and other renewables with energy storage taking Title 24 closer toward the state’s zero net energy (ZNE) goals calling for all commercial buildings to be ZNE by the year 2030. The project is proactively embracing an all-electric building design and committing that the energy requirements of all office space will be supplied by rooftop solar energy systems to effectively get ZNE for the office space of each building (page 4.17-19). Additionally, the Project is committing to solar-ready roof construction (i.e., structural upgrades to allow the installation of solar photovoltaic systems on the roof of each building) to ensure that the project would be net-zero-ready and in a stronger position for compliance with future Title 24 updates (page 4.17-19).

In regard to including contractual language in the tenant lease agreements, tenants are required to abide by the following mitigation measures or they won’t get a lease. With regard to clean equipment operating on site, tenants will be required per mitigation measure 4.3.6.3B k) (page 4.3-53) which requires all yard trucks (yard dogs/yard goats/yard jockeys/yard hostlers) to be powered by electricity, natural gas, propane,

or an equivalent non-diesel fuel. Any off-road engines in the yard trucks shall have emissions standards equal to Tier 4 Interim or greater. Any on-road engines in the yard trucks shall have emissions standards that meet or exceed 2010 engine emission standards specified in California Code of Regulations Title 13, Article 4.5, Chapter 1, Section 2025. With regard to the WLC providing infrastructure to support zero-emission vehicles, the project is using the highest planning standards in setting a minimum for electrical charging stations (4.17-28) which the tenants will provide. Additionally, as noted, the project requires the construction and operation of an alternative fueling station to encourage the use of alternative heavy-duty technologies (page 4.3-54). Finally, as stated above, buildings must satisfy Mitigation Measure 4.7.6.1D (page 4.7-28), which requires:

- Installation of solar panels with a capacity equal to the peak daily demand for the ancillary office uses in each warehouse building or up to the limit allowed by MVU's restriction on distributed solar PV connecting to their grid, whichever is greater;
- Increased efficiency of buildings by implementing either 10 percent over the 2019 Title 24's energy saving requirements or the Title 24 requirements in place at the time the building permit is approved, whichever is stricter; and
- Obtaining the equivalent of "Leadership in Energy and Environmental Design Certified" for the buildings constructed at the World Logistics Center based on Leadership in Energy and Environmental Design Certified standards in effect at the time of project approval.

The WLC is committed to using the cleanest technologies available and to providing as much solar generation as possible under MVU regulations (see Topical Response E).

Response to Comment 2-F2-26: See Response to Comment 2-F2-22 for discussion of the model year 2014 engine standard and appropriateness for the project.

Response to Comment 2-F2-27: See Response to Comment 2-F2-19 for discussion on commercial availability of zero-emission on-road heavy-duty trucks and off-road equipment. Refer to Response to Comment 2-F2-25 for a discussion on service equipment being zero-emission or alternatively fueled. Mitigation measure 4.3.6.3B I) (pages 4.3-53 – 4.3-54) states that all diesel trucks entering logistics sites shall meet or exceed 2010 engine emission standards specified in California Code of Regulations Title 13, Article 4.5, Chapter 1, Section 2025 or be powered by natural gas, electricity, or other diesel alternative. Although light- and medium-duty delivery trucks and vans exist, it is not known who future users of the WLC will be or what their operational needs will require in terms of equipment, trucks, etc., or what the truck fleets will consist of at the time of operation. Therefore, including contractual language to require zero-emission trucks is not reasonable at this time. However, mitigation measure 4.3.6.3C (page 4.3-54) provides for a publicly-accessible fueling station offering alternative fuels, (natural gas, electricity, etc.) for onsite truck use and purchase by the motoring public. Since this is a programmatic EIR, subsequent discretionary approvals for the WLC project will be examined in light of the program EIR to determine whether an additional environmental document must be prepared. If no subsequent EIR is required pursuant to Section 15168 of the CEQA Guidelines, the City can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental documents would need to be prepared.²³⁵ However, if a subsequent discretionary approval has effects that are not examined in the

²³⁵ State CEQA Guidelines §15168(c)(2)

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program EIR, additional environmental documentation will be required per CEQA, which may require additional mitigation if additional impacts are found.²³⁶ At that time, if zero-emission technologies become available at a later date, due to real-world circumstances, they can be incorporated into future environmental documents as mitigation. As a result, all current mitigation relies on commercially available technology that meets the most stringent environmental standards.

Response to Comment 2-F2-28: See Response to Comment 2-F2-22 for discussion of the model year 2014 engine standard and appropriateness for the project and Response to Comment 2-F2-19 for discussion on commercial availability of zero-emission on-road heavy-duty trucks and off-road equipment. Although heavy-duty trucks exist, they are not readily available for use in commercial fleets and it is unknown when they will be available. Additionally, it is not known who future users of the WLC will be or what their operational needs will require in terms of equipment, trucks, etc., or what the truck fleets will consist of at the time of operation. Therefore, including contractual language to require zero-emission trucks is not reasonable at this time.

Response to Comment 2-F2-29: The commenter recommends requiring the use of battery-powered off-road equipment with power ratings below 19 kw during construction. Mitigation Measure 4.3.6.3B (page 4.3-53 of the 2019 Draft Recirculated RSFEIR) requires all yard trucks and emergency generators to be powered by electricity, natural gas, propane, or an equivalent non-diesel fuel. Additionally, any off-road engines are required to meet Tier 4 interim or greater emissions standards. Therefore, although the mitigation measure does not expressly require the use of battery-powered off-road equipment, the mitigation measure requires that non-diesel-powered equipment, which would reduce emissions, be used.

Response to Comment 2-F2-30: Mitigation Measure 4.3.6.3E (page 4.3-54 of the 2019 Draft Recirculated RSFEIR) prohibits refrigerated warehouse space “unless it can be demonstrated that the environmental impacts resulting from the inclusion of refrigerated space and its associated facilities, including, but not limited to, refrigeration units in vehicles serving the logistics warehouse, do not exceed any environmental impact for the entire World Logistics Center”. Pursuant to the mitigation, any warehouse seeking to include refrigerated space would be required to conduct further environmental analysis and include plans for “electrical hookups at dock doors to provide power for vehicles equipped with Transportation Refrigeration Units (TRUs).” At present, there are no TRU’s, hydrogen fuel cell transport refrigeration, or cryogenic transport refrigeration associated with the Project.

Response to Comment 2-F2-31: Mitigation Measure 4.3.6.2A of the 2019 Draft Recirculated RSFEIR (page 4.3-53) requires best management practices with respect to the operation and maintenance of construction equipment. Specifically, off-road diesel-powered construction equipment greater than 50 horsepower must meet US EPA Tier 4 interim or greater off-road emissions standards, off-road diesel-powered equipment may be in the “on” position for no more than 10 hours per day, all equipment must be properly maintained according to manufacturer specifications, on-site idling shall be limited to three minutes in any one hour, all diesel powered construction equipment, delivery vehicles, and trucks shall be turned off when not in use, and electrical hook ups to the electrical grid shall be provided for electric construction

²³⁶ State CEQA Guidelines §15168(c)(1)

tools. A copy of each unit's certification tier specification shall be available for inspection by the City at the time of mobilization of each applicable unit of equipment.

Response to Comment 2-F2-32: Mitigation Measure 4.3.6.2A of the 2019 Draft Recirculated RSFEIR (page 4.3-53) requires that construction equipment maintenance records be kept on site during construction and shall be available for inspection by the City of Moreno Valley.

Response to Comment 2-F2-33: Mitigation Measure 4.3.6.2A a) requires off-road diesel-powered construction equipment greater than 50 horsepower shall meet USEPA Tier 4 interim or greater off-road emissions standards. A copy of each unit's certification tier specification shall be available for inspection by the City at the time of mobilization of each applicable unit of equipment.

Response to Comment 2-F2-34: See Response to Comment 2-F2-22 for discussion of the model year 2014 engine standard and appropriateness for the project.

See Response to Comment 2-F2-19 for discussion on commercial availability of zero-emission on-road heavy-duty trucks and off-road equipment.

Section 4.17 of the 2019 Draft Recirculated RSFEIR analyzes a Low, Medium, and High EV penetration scenario and the potential for alternative energy for electrified trucks by looking at the overall potential for solar energy at the project site. The Transportation Energy Technical Study found that zero emission vehicle (ZEV) technology is steadily developing for both light-duty and heavy-duty vehicles, driven by both regulatory developments and market forces. However, the study found that while the commercialization of ZEV technology passenger vehicles is occurring rapidly, the development of electric medium- or heavy-duty vehicles is still in the pilot or demonstration phase and it is not possible to predict when they will become commercially available. Nonetheless, WLC will accommodate ZEV technologies by planning for appropriate onsite charging infrastructure. To that end, the Project will construct the WLC parking areas with cable raceways for installing future EV charging stations, which will enable WLC to more readily and cost effectively provide this service to future tenants if and when demand dictates.

Mitigation Measure 4.3.6.3B (page 4.3-53) requires that records on fleet equipment and vehicle engine maintenance be maintained and made available for inspection by the City by all tenants to ensure that equipment and vehicles are maintained pursuant to manufacturer's specifications.

Response to Comment 2-F2-35: Mitigation Measure 4.3.6.2A(g) of the 2019 Draft Recirculated RSFEIR (page 4.3-42) requires that all construction contractors be provided with information on the South Coast Air Quality Management District's (SCAQMD) Surplus Off-Road Opt-In "SOON" funds.

Response to Comment 2-F2-36: This comment is similar to Comment 2-F2-34. Refer to Response to Comment 2-F2-34, above.

Response to Comment 2-F2-37: The Project would include the installation of electric vehicle supply equipment (EVSE) charging stations and designated parking for clean vehicles pursuant to Title 24, part 6 of the CALGreen Code, as required by Mitigation Measure 4.3.6.4A of the 2019 Draft Recirculated RSFEIR. Mitigation Measure 4.3.6.4A(g) (page 4.3-61) requires at least six percent of the total parking spaces for buildings for 200 parking spaces or more be capable of supporting future electric vehicle supply equipment

(EVSE) charging locations. Part (i) of Mitigation Measure 4.4.6.4A requires that preferred and designated parking for low-emitting, fuel-efficient, and carpool/vanpool vehicles equivalent to what is required under Title 24 or the Moreno Valley Municipal Code, whichever requires the higher number of carpool/vanpool stalls.

At a minimum, the Project will install enough solar power in both phases to meet energy needs of the Project's office spaces (mitigation measure 4.7.6.1D on page 4.7-28). Refer to Topical Response E, Moreno Valley Utilities/Solar, for a discussion of solar generation limits imposed on the WLC by MVU. Due to the highly speculative nature of the EV penetration in Phase 2, as Mitigation measure 4.7.6.1D has been revised to require that the WLC will proactively upgrade the structural integrity of the roof on each building to accommodate the possibility of future solar installation over the entire roof to meet the charging capacity of the Vehicle EV Penetration scenarios, discussed below.

The 2019 Draft Recirculated RSFEIR included an analysis and evaluation of the Project's electric requirements to meet building and electric vehicle usage (Section 4.17, Energy). Because the project is proposed to be developed over a long period of time, the assessment of future energy demand by fuel type may consider likely achievements related to the development and improvement of technologies to reduce or displace traditional fossil fuel energy consumption. The following scenarios were developed in the WLC Transportation Energy Technical Report (See Appendix E.1 of the 2019 Draft Recirculated RSFEIR) based on varying degrees of electric vehicles projected to be in use at the time of the project's Phase 1 development in 2025 and full buildout in 2035 and their effects on overall project energy use. These scenarios form the basis for considering the project's potential impacts to energy consumption and generation in Section 4.17.7 Impacts Analysis: Vehicle Scenario A, Low EV Penetration, Vehicle Scenario B, Medium EV Penetration, and Vehicle Scenario C, High EV Penetration (pages 4.17-16 – 4.17-18). This analysis looks at the electricity usage for the Project based on the building square footage and the penetration of EV and their charging requirements.

Response to Comment 2-F2-38: Page 5-14 of the World Logistics Center Specific Plan (Appendix H-1 of the 2015 FEIR) lists on-site design standards for building locations. Standard 5.2.4.2 requires that "Buildings shall be oriented so that loading and service areas are screened from view from streets and public areas." Standard 5.2.10 requires that "service, storage, maintenance, loading, refuse collection areas and similar facilities are to be located out of view of public roadways and buildings on adjacent sites, or screened by architectural barriers."

Building setbacks are required to be at least 250 feet from residentially zoned properties as measured from the zoning boundary (page 2-5 of the Specific Plan). The 500-meter separation distance, the commenter discusses, was based on emissions from trucks that were not 2010-compliant. Therefore, the 500-meter buffer is not applicable to the construction and operation of the WLC, especially, in light of the HRA conducted using the current OEHHA Guidance, which didn't take into account the results of the HEI ACES studies or building setbacks. The HRA assumed that emissions associated with on-site activity would occur up to the WLC project boundary, ensuring a conservative analysis. Furthermore, the 250-foot buffer is sufficient for less than significant health impacts as evidenced by the WLC HRA.

As discussed on page 3-8 of the Specific Plan, "the circulation system is designed to move large vehicles between the regional highway system and the businesses of the World Logistics Center while directing

heavy trucks away from nearby residential neighborhoods. The World Logistics Center plan directs all heavy truck traffic to SR-60 and Gilman Springs Road and away from Redlands Boulevard (south of Eucalyptus Avenue) and Cactus Avenue. These prohibitions are incorporated in the City’s Truck Route Ordinance.” See *Exhibit 3-11 Truck Routes* found on page 3-8 of the Specific Plan, below.

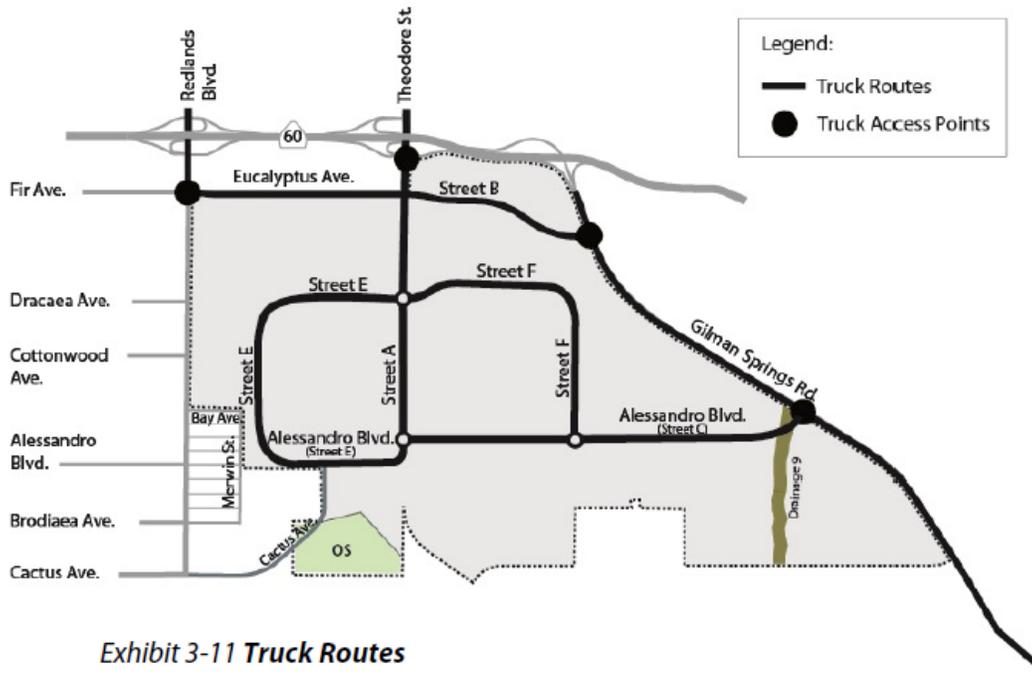


Exhibit 3-11 Truck Routes

Response to Comment 2-F2-39: Project trip generation as studied in the project Traffic Impact Analysis is based on substantial evidence collected by the Institute of Traffic Engineers (ITE). As discussed on page 29 of the TIA (see Appendix F of the 2018 RSFEIR), data from a 2016 ITE study (*High-Cube Warehouse Vehicle Trip Generation Analysis*) and data from the 10th edition of ITE’s *Trip Generation Manual* was used in the analysis to determine project trip generation. As long as future tenant operations are consistent with the assumed “high-cube warehouse” land use category, it is reasonable to assume that trip generation would be consistent with that analyzed in the 2018 RSFEIR. Nonetheless, Mitigation Measure 4.15.7.4A (see page 4.15-129 of the 2018 RSFEIR) requires that a TIA be submitted in conjunction with each Plot Plan application within the WLC. The intent of this measure is to determine if any of the traffic improvements identified in Section 4.15 of the 2018 RSFEIR would need to be implemented as a part of each specific plot plan. During preparation of this required building-specific TIA, trip generation for that facility would be identified and traffic-related impacts analyzed.

Response to Comment 2-F2-40: Mitigation Measure 4.3.6.3B of the 2019 Draft Recirculated RSFEIR (page 4.3-53) requires that signage directing trucks to the designated truck routes be posted at each project exit driveway. Project trucks are anticipated to arrive at the site via State Route 60 to the north, using the Redlands Boulevard, World Logistics Center Parkway, and/or Gilman Springs off ramps and anticipated to

Final Response to Comments

leave the site following the same route to State Route 60. Based on the location of State Route 60, to the north of the project site and north of Eucalyptus Avenue, trucks would not need to travel south of Eucalyptus Avenue to gain access to the project site. Therefore, due to the location of regional access routes, project access points, and required rerouting of construction traffic, it is reasonable to assume that project trucks would follow directional signage when leaving the project site toward regional access routes.

Response to Comment 2-F2-41: Mitigation Measure 4.3.6.3B(a) of the 2019 Draft Recirculated RSFEIR (page 4.3-53) requires that “signs shall be prominently displayed informing truck drivers about the California Air Resources Board diesel idling regulations, and the prohibition of parking in residential areas.” Although overnight parking is prohibited by the Specific Plan (see page 3-10 of the Specific Plan, Appendix H-1 of the 2015 FEIR), truck parking stalls are included in the project design and designated resting areas would be provided at the CNG/LNG fueling station for truck drivers to rest.

Response to Comment 2-F2-42: Refer to Topical Response E, Moreno Valley Utilities/Solar, for a discussion of solar generation limits imposed on the WLC by MVU. The outcome of the WLC supply-side analysis is that this Project is committed to providing renewable energy through solar panels that will be installed on the rooftops of buildings to help offset the power requirements within the project (MM 4.16.4.6.1C). Refer to Response to Comment 2-F2-17.

Response to Comment 2-F2-43: The commenter recommends requiring electric landscaping equipment and alternatively fueled sweepers with HEPA filters during project operations. Mitigation Measure 4.3.6.3B part k) of the 2019 Draft Recirculated RSFEIR (page 4.3-53) has been revised as follows:

- k) All yard trucks (yard dogs/yard goats/yard jockeys/yard hostlers), landscaping equipment, and industrial sweepers shall be powered by electricity, natural gas, propane, or an equivalent non-diesel fuel. Any off-road engines in the yard trucks and landscaping equipment shall have emissions standards that meet or exceed 2010 engine emission standards specified in California Code of Regulations Title 13, Article 4.5, Chapter 1, Section 2025.

In addition, the following requirement has been added to Mitigation Measure 4.3.6.3B:

- p) All industrial sweepers shall be equipped with HEPA filters.

Response to Comment 2-F2-44: Mitigation Measure 4.7.6.1B of the 2019 Draft Recirculated RSFEIR (page 4.7-29) requires energy-efficient roofing systems (“cool roofs”), cool pavement materials such as lighter-colored pavement materials, and installation of energy-efficient appliances that achieve 2016 California Appliance Energy Efficiency Standards (e.g., EnergyStar® Appliances). Mitigation Measure 4.7.6.1.C of the 2019 Draft Recirculated RSFEIR (page 4.7-29) requires the developer to submit energy calculations that demonstrate compliance with performance approach to the California Energy Efficiency Standards for each new structure. Compliance may include, but not be limited to, high-efficiency air-conditioning, isolated high-efficiency air-conditioning zone control, and use of EnergyStar® existing lighting or exit signage. Additionally, as discussed on page 4.7-47 of the 2019 Draft Recirculated RSFEIR, the Specific Plan requires vehicle parking areas to be landscaped to provide a shade canopy of 50 percent coverage at maturity.

Response to Comment 2-F2-45: The City has considered available South Coast Air Quality Management District (SCAQMD) and California Air Resources Board (CARB) guidance with regard to local planning and warehouse siting. The 1,000-foot separation is a recommendation because 1,000 feet substantially reduces public exposure to diesel PM concentrations resulting from a project. As shown in Section 4.3, and discussed above in Response to Comment 2-F2-23, cancer risks and health risks primarily from diesel PM, were determined to be less than significant with implementation of mitigation. Therefore, although the WLC is not separated from sensitive receptors by 1,000 feet, it was shown that the project would have less than significant health risks to on-site and off-site sensitive receptors with mitigation. The WLC is subject to all applicable current and future SCAQMD rules and regulations and will obtain all necessary permits. Additionally, the project would be subject to all applicable future guidance issued by SCAQMD and CARB, including SCAQMD's proposed Indirect Source Rule (see Topical Response D for information on the Indirect Source Rule), as discussed on page 4.3-13 of the 2019 Draft Recirculated RSFEIR.

Response to Comment 2-F2-46: This comment received on the 2019 Draft Recirculated RSFEIR is the same comment received from the Sierra Club on the 2018 RSFEIR, dated September 10, 2018. Refer to Response to Comment 1-F6-15.

Response to Comment 2-F2-47: This comment received on the 2019 Draft Recirculated RSFEIR is the same comment received from the Sierra Club on the 2018 RSFEIR, dated September 10, 2018. Refer to Response to Comment 1-F6-16.

Response to Comment 2-F2-48: No specific comments on the contents of the 2019 Draft Recirculated RSFEIR are provided within this comment, and thus no further response is needed (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

Response to Comment 2-F2-49: No specific comments on the contents of the 2019 Draft Recirculated RSFEIR are provided within this comment, and thus no further response is needed (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

From: Albert Armijo <alberta@moval.org>
Sent: Monday, February 3, 2020 7:39 AM
To: Ashley Aparicio
Subject: FW: Revised Recirculated FEIR Comments
Attachments: WLC Comments 1.31.2020.pdf; Brief Amici Curiae_Final (1).pdf;
Proposed Amicus Brief of Climate Policy Experts (1).pdf

Ashley,
For printing.
Thanks.

From: Adrian Martinez <amartinez@earthjustice.org>
Sent: Friday, January 31, 2020 4:29 PM
To: Albert Armijo <alberta@moval.org>
Subject: Revised Recirculated FEIR Comments

Warning: External Email – Watch for Email Red Flags!

Please see the attached comments on the World Logistics Center Revised Recirculated FEIR.

I have also attached two amicus briefs that are relevant to the GHG arguments.

Thanks,
Adrian

Adrian Martinez
Staff Attorney
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2-F3-1



January 31, 2020

Albert Armijo
 Interim Planning Manager
 14177 Frederick Street
 Post Office Box 88005
 Moreno Valley, California 92552
 Email: alberta@moval.org

Re: Revised Recirculated FEIR – World Logistics Center

Dear Mr. Armijo:

On behalf of the Center for Community Action and Environmental Justice and the Center for Biological Diversity, Earthjustice submits comments on the Draft Recirculated Revised Sections of the Final Environmental Impact Report (“Draft Recirculated FEIR”). The Draft Recirculated FEIR continues the flaws of prior versions of the EIR. Commenters hereby incorporate all prior comments submitted by Earthjustice, Center for Biological Diversity, and/or the Center for Community Action & Environmental Justice. In particular, commenters are deeply concerned about the health, ecological, and global consequences of this project. This letter solely provides additional comments on the greenhouse gas (“GHG”) analysis.

2-F3-2

I. The GHG Analysis Remains Unlawful.

The Draft Recirculated FEIR continues to rely on California’s Cap-and-Trade program as a way to absolve the City of analyzing and mitigating the clearly significant impacts from this project. The Cap-and-Trade program does not alter CEQA or relieve local agencies of their CEQA responsibilities. Importantly, the California Air Resources Board, the agency responsible for implementation of AB 32 and the Cap-and-Trade Program, has stated several times that the “[Cap-and-Trade] Program does not, and was never designed to, adequately address emissions from local projects and CEQA does not support a novel exemption for such emissions on this ground.”¹ In fact, this issue was raised in the Final Statement of Reasons for the 2018 revisions to the California Environmental Quality Act Guidelines where the Building Industry Association made the following request:

2-F3-3

Comment 44.37

Guideline 15064.4. Analyzing Impacts from Greenhouse Gas Emissions
 Consistent with *Association of Irrigated Residents v. Kern County Board of Supervisors* (2017) 17 Cal.App.5th 708, the following sentence should be added at the end of subsection (b)(3): “Project-related greenhouse gas emissions resulting from sources subject to the cap-

¹ Letter from California Air Resources Board to Moreno Valley, September 7, 2018, *available at* https://ww3.arb.ca.gov/toxics/ttdceqalist/logisticsfeir.pdf?_ga=2.143040245.1938875667.1580500719-1770248365.1564513994.

and-trade program shall not be considered when determining whether the project-related emissions are significant.”²

The Natural Resources Agency emphatically rejected this comment from the Building Industry Association in stating the following:

Response 44.37

The Agency declines to make any changes in response to this comment. The decision in *Association of Irrigated Residents v. Kern County Board of Supervisors* (2017) 17 Cal.App.5th 708 (“AIR v. Kern”) is from one state appellate court and has not been consistently applied by any other appellate courts. Moreover, the Agency finds that the case does not support the suggested addition. The holding in that case is limited to its facts. That court held only that the CEQA Guidelines may authorize a lead agency to determine that a project's greenhouse gas emissions will have a less than significant effect on the environment based on the project's compliance with the Cap-and-Trade program. The project in that case was directly regulated by the Cap-and-Trade program. The decision did not hold that all emissions from may be subject to the Cap-and-Trade regulation at any point in the supply chain are exempt from CEQA analysis, regardless of how those sources are used by the project.³

The Natural Resources Agency further elaborated referencing the Air Resources Board’s letter on the exact project studied in the Draft Recirculated FEIR.

The Agency notes that the California Air Resources Board (CARB) has prepared an extensive legal analysis setting forth why the Cap-and-Trade program does not excuse projects from CEQA’s analysis and mitigation requirements, including emissions from vehicular trips or energy consumption from development projects. (This analysis, prepared by CARB as CEQA comments regarding a major freight logistics facility, is available at <https://www.arb.ca.gov/toxics/ttdceqalist/logisticsfeir.pdf>.) The Agency further notes that CARB’s analysis is consistent with this Agency’s discussion of how greenhouse gas regulations factor into a CEQA analysis of greenhouse gas emissions. (See Final Statement of Reasons (SB 97), December 2009, at p. 100 (“Lead agencies should note ... that compliance with one requirement, affecting only one source of a project’s emissions, may not necessarily support a conclusion that all of the project’s emissions are less than significant”).)

The effect of existing regulations is addressed further in the updates to Sections 15064(b) and 15064.7 of the CEQA Guidelines.⁴

² California Natural Resources Agency, Final Statement of Reasons for Regulatory Action Amendments to the State CEQA Guidelines, OAL Notice File No. Z-2018-0116-12, Exhibit A. at p. 219 (November 2018) *available at*

http://resources.ca.gov/ceqa/docs/2018_CEQA_ExA_FSOR.pdf.

³ *Id.*

⁴ *Id.*

2-F3-3
cont.

Thus, the agency responsible for implementation AB 32 and the Cap-and-Trade Program, in addition to the agency responsible for drafting the CEQA Guidelines the Draft Recirculated FEIR relies upon for authority disagrees with the approach taken by the City to rely on Cap-and-Trade for all transportation and energy emissions.

2-F3-3
cont.

1. The Revised Recirculated FEIR fundamentally misconstrues the purpose and effect of the Cap and Trade program.

The Draft Recirculated FEIR essentially boils down to one “key point” to evade analysis of the vast majority of GHG emissions: that the cap-and-trade program is how the State has decided to reduce and avoid – i.e., mitigate – greenhouse gas impacts from fuel combustion and electricity consumption. The real “key point” here, however, is that the Revised Recirculated FEIR is wrong about how the Cap-and-Trade program works. We do not contend that the Cap and Trade program “should not be considered when determining the significance of a project’s greenhouse gas emissions.” Commenters insist only that the Cap and Trade program be “considered” accurately—as one of many complementary programs necessary to achieve the state’s GHG reduction goals.

2-F3-4

a. Coverage under the Cap and Trade program does not mean emissions have been eliminated or “offset.”

The Draft Recirculated FEIR misleadingly claims that all emissions from sources “covered” under the Cap and Trade regulation have already been “offset” or “mitigated,” and that requiring local governments and developers to do anything more to reduce or mitigate emissions from projects not covered by Cap and Trade would “double count” these emissions. This is not how the Cap and Trade regulation works.

The Cap-and-Trade program does not eliminate, mitigate, or even necessarily “offset” all emissions from facilities covered by the regulation. Rather, the Cap and Trade program requires covered facilities to surrender either “allowances” or offset credits equivalent to their annual emissions, such that the program as a whole achieves an aggregate reduction in GHG emissions over time from all covered sectors combined. (*Ibid.*; see Cal. Code Regs., tit. 17, §§ 95841, 95855, 95856.) For example, between 2021 and 2031, when statutory authorization for the Cap and Trade regulation expires, the state’s annual GHG “allowance budget” will decline from 320.8 million metric tons to 193.8 million metric tons CO_{2e}.⁵ (Cal. Code Regs., tit. 17, § 95841, Table 6-2.) The program does not mitigate, offset, or otherwise eliminate the remaining emissions, even though they are from “covered” facilities.

2-F3-5

⁵ The aggregate emissions “Budget” from 2021 to 2031, inclusive, totals 2,800.6 million metric tons. (Cal. Code Regs., tit. 17, § 95841, Table 6-2.) Aggregate annual reductions over the same time period (compared to the 2021 budget) total 728.2 million metric tons. (See *ibid.*) The total *cumulative* reduction in GHG emissions from “covered” facilities to be achieved by Cap and Trade over the 2021-2031 period is therefore about 26%.

Even where entities subject to Cap and Trade do rely on “offsets,” they may do so for only a small percentage of their overall compliance obligation: 8% through the end of 2020, 4% through the end of 2025, and 6% from 2026 through 2030. (Health & Safety Code, § 38562, subd. (c)(2)(E)(i); see also Cal. Code Regs., tit. 17, § 95854, subds. (b), (c) [imposing “quantitative usage limit” for offsets]; see also *id.*, § 95840, subd. (d) [establishing compliance periods].)

It is thus patently incorrect to suggest that all emissions “covered” under the Cap and Trade program are either “offset” or “fully mitigated.” Rather, they are simply *permitted*. As the regulation itself states, a “compliance instrument,” whether in the form of an “allowance” or an “offset,” “represents a *limited authorization to emit* up to one metric ton in CO₂e of any greenhouse gas.” (Cal. Code Regs., tit. 17, § 95820, subd. (c), emphasis added.) The Draft Recirculated FEIR thus were unjustified in treating these emissions *as if they do not exist* for purposes of evaluating their significance under CEQA.

2-F3-5
cont.

b. The Cap-and-Trade Program is neither the sole strategy for, nor sufficient to meet, the State’s climate goals.

The Cap and Trade program is just *one* of the ways the State has decided to mitigate GHG emissions from the energy and transportation sectors, not the only way.

The Draft Recirculated FEIR suggests that compliance with the Cap-and-Trade regulation will achieve California’s climate goals. They are demonstrably wrong. On its own, the Cap-and-Trade program will *not* achieve California’s emissions reduction goals, but rather must be supplemented by additional reductions from both the energy and transportation sectors.

Each of the three “Scoping Plans” prepared by CARB pursuant to AB 32 confirms that the Cap and Trade program has always been intended to complement, not supplant, a comprehensive suite of necessary emissions reduction strategies. As CARB’s original 2008 Scoping Plan put it, “[a]chieving the goals of AB 32 in a cost-effective manner will require a wide range of approaches. Every part of California’s economy needs to play a role in reducing greenhouse gas emissions.” Critically, even within the economic sectors “covered” by the Cap and Trade program, CARB intended “price incentives posed by emissions allowance prices” only as a supplemental measure to achieve reductions that could not be accomplished through “direct regulations” and other measures.

2-F3-6

In fact, the 2008 Scoping Plan explicitly cautioned that “[b]y itself, a cap-and-trade program alone will not deliver the most efficient mitigation outcome for the state.” CARB therefore found it “critically important” to include additional “complementary measures directed at emission sources that are included in the cap-and-trade program.” CARB’s inclusion of transportation fuels and electrical generation facilities in the Cap-and-Trade Program provided

flexibility and secured *additional* emissions reductions. It did not, and was never intended to, supplant all other emissions reduction efforts.⁶

Those other efforts also include actions by local governments. The 2008 Scoping Plan underscored that “[l]ocal governments are essential partners in achieving California’s goals” due to the “broad influence and, in some cases, exclusive authority” they hold over “activities that contribute to significant direct and indirect greenhouse gas emissions.” CARB specifically identified “[l]and use planning and urban growth decisions” as “areas where successful implementation of the Scoping Plan relies on local governments.” Local government land use decisions “have large impacts on the greenhouse gas emissions that will result” from several sectors, explicitly including “transportation . . . electricity, and natural gas.”

Subsequent iterations of the Scoping Plan reflect the same interpretation of the Cap and Trade program. For example, a table in CARB’s 2014 Scoping Plan Update covering where emissions reductions would come from to meet the AB 32’s 2020 GHG emissions reduction target reveals a similar division of labor between Cap and Trade and other strategies: of the 78 million metric ton CO₂e reduction needed to meet the then-current 2020 limit, Cap and Trade was expected to reduce emissions by only 23 million metric tons, or less than 30% of the emissions reductions needed. The Cap and Trade regulation was not even the largest source of reductions; another 25 million metric tons in reductions from the energy sector would be required independent of the Cap and Trade program. California also needed an additional 23 million metric tons in reductions—again, beyond reductions from the Cap and Trade program—from the transportation sector to meet the limit. CARB designed the Cap and Trade program to be *complementary*, not exclusive—that is, to “work in concert” with “direct regulatory measures,” and to provide “an additional economic incentive to reduce emissions”, rather than to do *all* of the necessary work to meet the state’s climate goals. All the Final EIRs for this project fundamentally misconstrue the purpose and effect of the program in arguing otherwise.

If anything, the 2014 Scoping Plan Update devotes far more attention to non-Cap and Trade measures than to the Cap and Trade system. At the time of the update, transportation accounted for 36% of the state’s emissions. According to CARB, “[a]chieving California’s long-term . . . GHG emissions goals will require four strategies to be employed”: (1) improving vehicle efficiency and developing zero-emission technology; (2) reducing the carbon content of fuels and providing market support for lower-carbon fuels; (3) “plan[ning] and build[ing] communities to reduce vehicular GHG emissions” and providing more transportation options; and (4) improving the efficiency of existing transportation systems. The transportation section of the Scoping Plan Update devotes extensive attention to improving vehicle efficiency, improving land use and housing patterns, reducing emissions from existing transportation systems, and developing “sustainable freight” initiatives and strategies to reduce emissions from the goods movement and

⁶ Of the 146.7 million metric tons CO₂e in reductions CARB found necessary to meet AB 32’s original 2020 goal, only 34.4 million metric tons were anticipated to come specifically from Cap and Trade; 112.3 million metric tons would come from “complementary measures” like vehicle efficiency standards, renewable energy requirements, energy efficiency, regional transportation-related targets, and goods movement efficiency improvements.

logistics sector. Yet it mentions the Cap and Trade program only briefly, and then only as part of an overall effort in conjunction with the Low Carbon Fuel Standard to reduce fuel carbon intensity and as a source of financial support for targeted investments in low-emission technologies. Nowhere does CARB suggest that Cap and Trade is the only strategy for mitigating emissions from “fuel combustion.” Indeed, CARB’s “Key Recommended Actions for the Transportation System” do not mention Cap-and-Trade at all.

2-F3-6
cont.

Much the same can be said for the 2014 Scoping Plan Update’s discussion of the energy sector, which focuses primarily on strategies including building and appliance energy efficiency standards, demand response, renewable power generation, energy storage, and combined heat and power. Even for the industrial facilities directly regulated under the Cap and Trade program, the Scoping Plan Update does not rely exclusively on Cap and Trade, but also recommends efficiency improvements and direct emissions reductions.

CARB further confirmed this interpretation of the Cap and Trade regulation in its 2017 Scoping Plan. In fact, several portions of the 2017 Scoping Plan actually support Appellants’ position, including the portion that notes the following:

Local government efforts to reduce emissions within their jurisdiction are critical to achieving the State’s long-term GHG goals, and can also provide important co-benefits, such as improved air quality, local economic benefits, more sustainable communities, and an improved quality of life.

2-F3-7

The 2017 Scoping Plan also makes clear that local governments play a critical part in controlling project-level greenhouse gas emissions, regardless of statewide regulations and policies: “While state-level investments, policies, and actions play an important role in shaping growth and development patterns, regional and local governments and agencies are uniquely positioned to influence the future of the built environment and its associated GHG emissions.” Furthermore, “[t]hrough developing the Scoping Plan, [California Air Resources Board] staff is more convinced than ever that, in addition to achieving GHG reductions from cleaner fuels and vehicles, California must also reduce [vehicle miles traveled].” The Plan specifically notes that state-level efforts like SB 375 will not be sufficient to achieve the state’s 2030 emissions reduction requirements; “there is a gap between what SB 375 can provide and what is needed to meet the State’s 2030 and 2050 goals.” Thus, like the 2008 and 2014 Scoping Plans, the 2017 Scoping Plan further confirms that the Cap and Trade regulation is not the sole means of reducing or mitigating the state’s transportation and energy emissions.

The Revised Recirculated FEIR is thus completely wrong to suggest that CARB intended the Cap-and-Trade program to relieve local governments of any responsibility to consider the significance of, and develop additional mitigation for, greenhouse gas emissions from the transportation and energy sectors directly or indirectly caused by local projects within their control. CARB’s consistent construction of the Cap and Trade program—beginning with the 2008 Scoping Plan, which was relatively contemporaneous with both adoption of AB 32 and enactment of the Cap and Trade regulation, and continuing through the 2017 Scoping Plan—is deserving of great weight. (See, e.g., *People v. Harrison* (2013) 57 Cal.4th 1211, 1225-26.)

2-F3-8

2. CARB’s policy decisions in the Cap and Trade regulation are irrelevant to this case.

In relying on the Cap-and-Trade Program, the Draft Recirculated FEIR loses sight of two critical facts: (1) all of the determinations related to that program were made by CARB not in relation to local agencies’ responsibilities under CEQA, but in designing the Cap and Trade regulation pursuant to the specific requirements of state law; and (2) *this Project is not subject to the Cap and Trade regulation*. The Cap-and-Trade regulation is not the exclusive means for reducing GHG emissions in California. Local agencies must pull their weight. Arguments regarding CARB’s policy determinations as to the most efficient ways to implement the Cap-and-Trade regulation are thus largely beside the point.

The Revised Recirculated FEIR also misunderstands the relationship between CARB’s decisions related to the Cap-and-Trade program and local agencies’ responsibilities under CEQA. Indeed, CARB reached the opposite conclusion in its Final Statement of Reasons for the Cap-and-Trade Regulation. During that rulemaking, Placer County Air Pollution Control District filed a comment asking that the regulation be amended to allow local lead agencies to take credit in the CEQA process for offsets purchased under the Cap and Trade regulation. CARB flatly rejected the District’s request, explaining that:

The proposed [Cap and Trade] Regulation does not provide for any other use of offset credits, supersede any other air quality regulation that might require GHG reductions, or alleviate the requirement for a lead agency to fully comply with CEQA. ARB rejects commenter’s suggestion that the Regulation be amended to allow the use of offsets for CEQA mitigation purposes by lead agencies.

CARB could not have been more clear: the Cap and Trade regulation does not relieve any local lead agency of its responsibility to “fully comply with CEQA.” This alone is fatal to the EIR’s argument, and to the EIR’s analysis.

CARB’s 2008 Scoping Plan also directly contradicts this EIR’s interpretation. There, CARB specifically noted that “measures and other actions” *including “land use planning that contributes to reduced transportation fuel demand”* that result in “reductions in energy demand ‘downstream’ of capped sectors will help achieve the cap.”

CARB is not the lead agency here and has no statutory jurisdiction over approval of this Project. Because the Project is not subject to the Cap-and-Trade regulation, CARB cannot enforce the emission reductions required by the Cap and Trade regulation against the City or the Project developers. CARB, in short, has no operational control over this Project. The City, in contrast, *does* have operational control over the Project. They can make decisions that affect Project emissions. Specifically, the City and Developer have control over the very “downstream” factors and practices—such as land use permitting, facility design, and transportation patterns—that the Cap and Trade program does not reach, and that CARB has identified as within the responsibility of local governments. That the Cap-and-Trade program was not designed to include a permitting scheme for “downstream” emissions does not relieve all other agencies of their responsibility under CEQA to disclose, analyze, and mitigate those emissions.

2-F3-9

2-F3-10

Lead agencies like the City have a mandatory duty under CEQA not to approve projects with significant impacts if there are feasible ways to reduce those impacts. (Pub. Resources Code, §§ 21002, 21002.1, subd. (b), 21081.) The fact that some emissions reductions can be achieved efficiently at the production level does not mean further reductions *cannot* be achieved at the level of a particular project. By excluding all capped emissions from the significance analysis, the EIR short-circuits the process of examining whether feasible Project-level mitigation exists.

Courts have decried similar practices in other contexts. In *Lotus v. Department of Transportation* (2014) 223 Cal.App.4th 645, 655-58, the court invalidated an EIR for a highway project, finding that the lead agency unlawfully attempted to evade its responsibility to determine the significance of impacts to ancient redwood trees. There, the EIR concluded that the project would not have any significant impacts due to certain construction methods incorporated into the project, despite evidence that significant impacts might occur without mitigation. (*Id.*, at pp. 655-56.) The court held that this approach improperly “compress[ed] the analysis of impacts and mitigation measures into a single issue,” thereby precluding an unbiased significance determination and a full evaluation of mitigation measures. (*Id.*, at p. 656.)

2-F3-11

Despite obvious factual differences, *Lotus* and this project involve the same basic CEQA principles. The Recirculated FEIR has attempted to avoid making any determination regarding the significance of the vast majority of this Project’s substantial GHG emissions—emissions that greatly exceed the City’s own chosen threshold of significance—by relying on an argument that the Cap and Trade program will reduce emissions from other sources. Like the construction methods in *Lotus*, the Cap and Trade program functions in the EIR here not as mitigation for identified significant effects, but rather as an excuse for forgoing any determination as to whether those effects are significant in the first place. Determining the significance of impacts and identifying feasible mitigation are fundamental to CEQA. (See *id.*, at pp. 653-54.) The City has short-circuited those requirements here.

The City’s attempt to displace all responsibility for climate mitigation onto CARB also echoes a state university’s efforts to escape its mitigation obligations in *City of Marina v. Board of Trustees of the California State University*, *supra*, 39 Cal.4th 341. There, the university concluded—based on a misinterpretation of governing law—that another agency was solely responsible for mitigating a range of off-campus impacts associated with an on-campus expansion project. (See *id.*, at pp. 366-67.) The Supreme Court held that the university could escape its obligations only if the other agency was exclusively responsible for mitigation; because the university could potentially contribute to off-campus improvements and had an obligation to seek the necessary funding from the Legislature, the Supreme Court found the university had improperly deemed mitigation infeasible. (*Ibid.*)

2-F3-12

Here, of course, the City made no findings regarding the feasibility of mitigation for the vast majority of the Project’s GHG emissions because it found those emissions were not significant. But the City nonetheless similarly misinterpreted both the Cap and Trade program and CEQA by essentially determining, without justification, that mitigation for GHG emissions from energy and transportation is CARB’s *sole* responsibility under the Cap-and-Trade Program. As previously discussed, that responsibility is *shared*, and nothing in the Cap-and-Trade Program

prevents the City from mitigating GHG emissions caused by the Project that are within their own operational control. “An EIR that incorrectly disclaims the power and duty to mitigate identified environmental effects based on erroneous legal assumptions is not sufficient as an informative document.” (*Id.*, at p. 356.) The EIR here, like the EIR in *City of Marina*, is inadequate as a matter of law.

2-F3-12
cont.

To the extent the City argues its mitigation measures suffice, the mitigation measures in the Revised Recirculated FEIR are lacking. Again, because the Revised Recirculated FEIR conclude that none of the “capped” emissions from the Project were significant for CEQA purposes, it has determined that it has *no* mitigation obligation for *any* of these emissions. Moreover, it is clear that the solar panels, building efficiency, and LEED certification measures adopted to mitigate the Project’s massive demand for additional electricity and natural gas will come nowhere near eliminating the Project’s GHG emissions. Because the Revised Recirculated FEIR failed to accurately disclose or account for the significance of *all* of the Project’s emissions, none of these measures reflects the analysis CEQA requires in order to reduce or avoid significant impacts to the extent feasible.

2-F3-13

II. The Phantom Mitigation Measures are Faulty.

The Revised Recirculated FEIR mentions the following:

The analysis considers both the inclusion and exclusion of capped emissions, notably with the inclusion of mitigation measure 4.7.6.1E-1 and 4.7.6.1E-2 in Section 4.7.6, below.

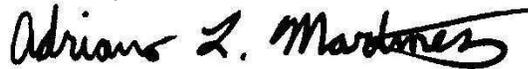
2-F3-14

None of the drafts of the Recirculated Revised FEIR explain or reference what these new mitigation measures 4.7.6.1E-1 and 4.7.6E-2. It is axiomatic in CEQA that to rely on mitigation measures, they must actually be listed in the document for public review. A blank or totally undescribed mitigation measure has not effect and cannot be relied upon to mitigate significant impacts.

We appreciate your consideration of these comments. Please do not hesitate to contact me if you have questions.

2-F3-15

Sincerely,



Adriano L. Martinez
Staff Attorney

RESPONSES TO LETTER 2-F3: Adriano L. Martinez, Earthjustice

Response to Comment 2-F3-1: No specific comments on the contents of the 2019 Draft Recirculated RSFEIR are provided within this comment, and thus no further response is needed (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

Response to Comment 2-F3-2: The comment references Earthjustice’s prior comments, and states that the letter solely provides additional comments on the GHG analysis. The comment also states that they are concerned about the “health, ecological, and global consequences of this project.” Under CEQA, the environmental risks of a project are to be weighed against its economic, legal, social, technological or other benefits. (CEQA Guidelines, Section 15093.) Here, the WLC Project provides substantial benefits by contributing 40,600,000 square feet of logistics space to the goods movement system supported by SCAG in the 2016 RTP/SCS; provides 25,000 on-site jobs and over 7,500 indirect/induced jobs in the region, over half of which are projected to be within the City; provides sufficient solar for its office uses and solar-ready buildings; provides infrastructure for zero-emission vehicles; and provides commitments to exceed regulatory standards, such as model year 2010 diesel engines and Tier 4 engine off-road construction equipment, and three-minute idling restrictions. The WLC Project constitutes smart growth for the Southern California region, supporting economic growth in an environmentally intelligent manner.

No specific comments on the contents of the 2019 Draft Recirculated RSFEIR are provided within this comment, and specific comments are addressed in responses below (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.) The prior comments provided by Earthjustice were addressed in the response to comments on the 2018 RSFEIR. The greenhouse gas analysis in the 2019 Draft Recirculated RSFEIR is based on current scientific and regulatory guidance on the preparation of such studies, is legally adequate.

Response to Comment 2-F3-3: Topical Response A demonstrates that the Project’s GHG approach utilizing the Cap-and-Trade Program does not depart or create a “novel exemption” from CEQA’s general rule that project-level impacts be properly addressed. The 2019 Draft Recirculated RSFEIR analyzed GHG emissions and their impacts and identified mitigation, either through Cap-and-Trade or through PDFs and mitigation measures to reduce impacts to less than significant. The consideration of only uncapped GHG emissions to determine the significance of those emissions under CEQA was used by the South Coast Air Quality Management District (SCAQMD) and the San Joaquin Valley Air Pollution Control District (SJVAPCD) and was validated in *Association of Irrigated Residents v. Kern County Board of Supervisors*, 17 Cal. App. 5th 708 (2017) (*AIR*). The Natural Resources Agency (Agency) understood the role that the cap-and-trade program would play when CEQA Guidelines §15064.4 was added in 2010 and stated “regulations that will require actual reduction in GHG emission may not be adopted until 2012. Once those regulations are adopted and being implemented, they may, if appropriate, be used to assist in the determination of significance, similar to the current use of air quality, water quality, and other similar environmental regulations.”²³⁷ The precedent set in *AIR*, which was relied on by the trial court, is precisely the same CEQA analysis used by the City in its review of the impacts of the WLC (determining only whether

²³⁷ California Natural Resources Agency, 2009. Final Statement of Reasons for Regulatory Action, Amending the State CEQA Guidelines Addressing the Analysis and Mitigation of Greenhouse Gas Emissions Pursuant to SB97 at 27 (MJN2 at 12). Available online: https://resources.ca.gov/CNRALegacyFiles/ceqa/docs/Final_Statement_of_Reasons.pdf. Accessed March 3, 2020.

the projects uncapped emissions exceeded the CEQA threshold of significance). Additionally, the *AIR* opinion involved a refinery which was a covered entity under the cap-and-trade program for fuels but not for electricity because it didn't produce electricity. The court held that the electricity used by the refinery wasn't to be considered when determining if the greenhouse gas emissions exceeded the CEQA threshold of significance (i.e., the environmental impact report for the refinery was correct in not counting the capped emissions associated with the electricity – emissions which had already been accounted for and mitigated by the producer of the electricity – when determining if the refinery's emissions were significant).

Topical Response A also demonstrates how the Project's GHG approach complies with CEQA as it contains accurate and legally adequate information upon which decision-makers can make an informed decision. CARB stated that its adoption of the cap-and-trade program did not speak to CEQA in any manner; "staff does not believe that CARB has the authority to make determinations regarding CEQA mitigation for projects for which it is not the lead agency, e.g., projects that fall within the authority of local permitting authorities. Lead agencies are responsible for determining the baselines for GHG emissions for their respective projects that are subject to CEQA, and for determining the level of significance for impacts."²³⁸ The *AIR* opinion noted that CARB's cap-and-trade regulations were a statewide plan for the reduction or mitigation of greenhouse gas emissions (17 Cal. App. 5th at 741-742). Thus, the only court to address the question held that capped emissions need not be counted when determining if a project's greenhouse gas emissions exceeded a project's CEQA threshold of significance. In doing so, the court was following the lead of the agencies charged with the oversight of both the cap-and-trade program and CEQA, and they do not disagree with the approach taken by the City on analyzing GHG emissions for the WLC.

As outlined in Topical Response C, Project Approvals, Litigation, and the Effects of Litigation, an appeal of the judgment entered on June 7, 2018, in the CEQA litigation is currently pending in the Court of Appeal, Fourth Appellate District, Division Two, as *Paulek v. Moreno Valley Community Services District*, Case No. E071184. Depending on the result of the Court of Appeal ruling, the amount of GHG required to be mitigated would either be the total uncapped GHG emissions or total project emissions (uncapped and capped). Therefore, new Mitigation Measure 4.7.7.1 shall apply to mitigate to net zero either all uncapped GHG emissions or all Project GHG emissions (capped and uncapped) remaining after the application of other mitigation measures. See Topical Response C, Project Approvals, Litigation, and the Effects of Litigation, for a detailed description of Mitigation Measure 4.7.7.1.

The comment also refers to the Agency's response to a comment by the California Building Industry Association (CBIA) on the proposed CEQA Guidelines (adopted in 2018), where the CBIA had requested that the Agency revise Section 15064.4 of the CEQA Guidelines to account for the *AIR* decision. The Agency declined to make any changes in response to the comment, stating that the decision "has not been consistently applied by any other appellate courts." However, the *AIR* decision had not been considered by any other appellate courts at the time. The Agency also made various statements regarding the scope of the decision and its holding, but the courts of the State of California will determine the precedential effect of the *AIR* decision. The comment also quotes the Agency's response that "CARB's analysis is consistent with this Agency's discussion of how greenhouse gas regulations factor into a CEQA analysis" citing its Final Statement of Reasons from 2009 that "Lead agencies should note ... that compliance with one

²³⁸ California Air Resources Board, 2011. Final Statement of Reasons California's Cap-and-Trade Program. Final Statement of Reasons at 71, AR 2079. Available online: <https://ww3.arb.ca.gov/regact/2010/capandtrade10/fsor.pdf>. Accessed March 3, 2020

requirement, affecting only one source of a project's emissions, may not necessarily support a conclusion that all of the project's emissions are less than significant." With respect to the WLC Project, the capped GHG emissions from Cap-and-Trade sources were not considered when evaluating whether the threshold of significance was exceeded.

Response to Comment 2-F3-4: Topical Response A describes why Cap-and-Trade applies to the Project and demonstrates that the use of Cap-and-Trade was "considered" accurate as one of many complementary programs necessary to achieve the state's GHG reduction goals. The 2019 Draft Recirculated RSFEIR identified reductions to GHG emissions either through Cap-and-Trade or through PDFs and mitigation measures consistent with the State's plan to reduce GHG emissions. The results of those mitigation measures are shown in Table 4.7-7, page 4.7-33 of the 2019 Draft Recirculated RSFEIR. The 2019 Draft Recirculated RSFEIR's GHG methodology follows a precedent presented in Topical Response A. As stated in Topical Response A, this approach is in accordance with Mitigated Negative Declarations for other projects that were approved by the SCAQMD and a recently adopted policy by the SJVAPCD "*CEQA Determination of Significance for Project's Subject to CARB's Cap-and-Trade Regulation*"²³⁹ which acknowledges that "combustion of fossil fuels, including transportation fuels used in California (on- and off-road including locomotives), not directly covered at large sources, are subject to Cap-and-Trade requirements, with compliance obligations starting in 2015." The 2019 Draft Recirculated RSFEIR presents a complete analysis of the GHG emissions, capped and uncapped, and demonstrates how the Cap-and-Trade Program functions to reduce and mitigate GHG emissions from fuels combustion and electricity use. The Cap-and-Trade Program ensures that GHG emissions from fuels combustion are reduced State-wide, as 99% of fuel suppliers are included in the program, and the GHG cap is always decreasing. Further, the consideration of using only Project uncapped GHG emissions to determine the significance of those emissions under CEQA, as approved by the SCAQMD and the SJVAPCD, and was validated in *Association of Irrigated Residents v. Kern County Board of Supervisors*, 17 Cal. App. 5th 708, 718 (2017).

"Second, we interpret the reference in Guidelines section 15064.4, subdivision (b)(3) to "regulations ... adopted to implement a statewide ... plan for the reduction of mitigation of greenhouse gas emissions" to include California's cap-and-trade program. We also interpret Guidelines section 15064.4 as authorizing a lead agency to determine that a project's greenhouse gas emissions will have a less than significant effect on the environment based on the project's compliance with the cap-and-trade program. Accordingly, we conclude the EIR's discussion of greenhouse gas emissions contains no prejudicial error."

As described in Topical Response A, all GHG emissions from the Project have been accounted for, analyzed, and all uncapped emissions mitigated to less than significant. Capped Project GHG emissions were accounted for, and mitigated, at the producer level through the Cap-and-Trade Program and were mitigated through mitigation measures imposed on the Project. See Table 4.7-7, page 4.7-33 of the 2019 Draft Recirculated RSFEIR. As demonstrated, there would be no significant impacts associated with the

²³⁹ Policy 2025-2, June 25, 2014. Available Online: https://www.valleyair.org/policies_per/Policies/APR-2025.pdf

Project, and therefore would not hinder the State's achievement of its long-term GHG goals (see Topical Response B, Scoping Plan/State Attainment Goals).

As outlined in Topical Response C, Project Approvals, Litigation, and the Effects of Litigation, an appeal of the judgment entered on June 7, 2018, in the CEQA litigation is currently pending in the Court of Appeal, Fourth Appellate District, Division Two, as *Paulek v. Moreno Valley Community Services District*, Case No. E071184. Depending on the result of the Court of Appeal ruling, the amount of GHG required to be mitigated would either be the total uncapped GHG emissions or total project emissions (uncapped and capped). Therefore, new Mitigation Measure 4.7.7.1 shall apply to mitigate to net zero either all uncapped GHG emissions or all Project GHG emissions (capped and uncapped) remaining after the application of other mitigation measures. See Topical Response C, Project Approvals, Litigation, and the Effects of Litigation, for a detailed description of Mitigation Measure 4.7.7.1.

Response to Comment 2-F3-5: Topical Response A examines why the Cap-and-Trade Program mitigates capped emissions (consumption of fuel associated with VMTs and consumption of electricity) and why those covered emissions are not compared against the Project's significance threshold. The 2019 Draft Recirculated RSFEIR's GHG methodology follows a precedent, as outlined in Topical Response A. This approach is in accordance with Mitigated Negative Declarations for other projects that were approved by the SCAQMD and a recently adopted policy by the SJVAPCD. The SJVAPCD policy, "*CEQA Determination of Significance for Project's Subject to CARB's Cap-and-Trade Regulation*," acknowledges that "combustion of fossil fuels including transportation fuels used in California (on- and off-road including locomotives), not directly covered at large sources, are subject to Cap-and-Trade requirements, with compliance obligations starting in 2015." The Cap-and-Trade Program ensures that GHG emissions from fuels combustion are reduced statewide, as 99% of fuel suppliers are included in the program, and the GHG cap is always decreasing. The 2019 Draft Recirculated RSFEIR's approach of comparing uncapped emissions against the Project's significance threshold was upheld in court in *Association of Irrigated Residents v. Kern County Board of Supervisors*, 17 Cal. App. 5th 708 (2017). Additionally, the Cap-and-Trade Program has been adopted to ensure reduction of GHG emissions on a statewide basis through 2030. Furthermore, CARB is planning on extending the program to achieve the State's 2050 goal. (See 17 California Code of Regulation §§95840(d) and 95841(b) as well as the 2017 Climate Change Scoping Plan, page 1)

Additionally, compliance with Section 15064.4 of the CEQA Guidelines does not require that the GHG emissions be mitigated to zero (which is what the commenter seems to be suggesting). Section 15064.4 allows a program to be relied upon where it provides "for the reduction or mitigation of greenhouse gas emissions." As noted in the comment, the Cap-and-Trade program will reduce GHG emissions substantially and fuel suppliers are covered by the Cap-and-Trade program. The comment seems to suggest that the "remaining emissions" from Cap-and-Trade's covered sectors such as fuel suppliers need to be eliminated, but that would entail reducing or eliminating the use of fuel. Reducing the use of fuel altogether is a different issue addressed through other means, such as the Southern California Association of Governments (SCAG) 2016 Sustainable Communities Strategy (SCS) within the Regional Transportation Plan (RTP). The RTP/SCS demonstrates the region's ability to attain and exceed the GHG emission reduction targets set by CARB. Thus, the 2019 Draft Recirculated RSFEIR's GHG analysis properly relied on compliance with California's Cap-and-Trade Program to conclude that GHG uncapped emissions would be less than significant with incorporation of mitigation when compared against the significance threshold.

As outlined in Topical Response C, Project Approvals, Litigation, and the Effects of Litigation, an appeal of the judgment entered on June 7, 2018, in the CEQA litigation is currently pending in the Court of Appeal, Fourth Appellate District, Division Two, as *Paulek v. Moreno Valley Community Services District*, Case No. E071184. Depending on the result of the Court of Appeal ruling, the amount of GHG required to be mitigated would either be the total uncapped GHG emissions or total project emissions (uncapped and capped). Therefore, new Mitigation Measure 4.7.7.1 shall apply to mitigate to net zero either all uncapped GHG emissions or all Project GHG emissions (capped and uncapped) remaining after the application of other mitigation measures. See Topical Response C, Project Approvals, Litigation, and the Effects of Litigation, for a detailed description of Mitigation Measure 4.7.7.1.

Response to Comment 2-F3-6: As discussed in Topical Response A, the 2019 Draft Recirculated RSFEIR identified reductions to GHG emissions either through Cap-and-Trade or through PDFs and mitigation measures consistent with the State's plan to reduce GHG emissions. The Project incorporates project design features and construction and operational mitigation measures to reduce GHG emissions and energy demand, including LEED certification for buildings (Mitigation Measures 4.7.6.1B and 4.7.6.1C of the 2019 Draft Recirculated RSFEIR) and attempts to achieve as close to zero net uncapped emissions for the project with incorporation of solar to meet CARB's requirements of the 2017 Update to the Scoping Plan. Thus, the WLC has committed to a project which would not have a significant GHG impact and therefore would not hinder the State's achievement of its long-term GHG goals as further discussed in Topical Response A.

The comment references the 2008 Scoping Plan and the 2014 and 2017 Updates to the Scoping Plan to argue that Cap-and-Trade was not the "sole strategy" to meet the State's climate goals (refer to Topical Response B, Scoping Plan). Again, the 2019 Draft Recirculated RSFEIR does not assert that Cap-and-Trade is CARB's sole strategy to meet the State's climate goals. The comment appears to select certain quotations from the scoping plans but omits significant passages from the scoping plans which demonstrate the importance of Cap-and-Trade to achieving the State's climate goals.

The 2008 Scoping Plan states (p. ES-13):

Similarly, measures like the cap-and-trade program, energy efficiency programs, the California clean car standards, and the renewables portfolio standard will all play central roles in helping California meet its 2020 reduction requirements. Yet, these strategies will also figure prominently in California's efforts beyond 2020. Some of these measures, like energy efficiency programs and the renewables portfolio standard, have already delivered greenhouse gas emissions reduction benefits that will expand over time. Others, like the cap and-trade program, will put in place a foundation on which to build well into the future. All of these measures, and many others in the plan, will ensure that California meets its 2020 target and is positioned to continue its international role as leader in the fight against global warming to 2050 and beyond.

Further, the comment, in footnote 6, mischaracterizes the amount of GHG reductions estimated from Cap-and-Trade as 34.4 million metric tons. The reference to 34.4 million metric tons appears to be from Table 2 in the 2008 Scoping Plan, although the comment does not provide a citation. With respect to GHG reductions from Cap-and-Trade, the 2008 Scoping Plan states: "The measures listed in Table 2 lead to

emissions reductions from sources within the capped sectors (146.6 MMT CO₂E) and from sources or sectors not covered by cap-and-trade (27.3 MMT CO₂E).” (Scoping Plan, p. 16.) Also, the 34.4 million metric tons from Table 2 is listed as “Additional Reductions Necessary to Achieve the Cap” which was part of the 146.7 MMT CO₂E listed as “Estimated Reductions Resulting from the Combination of Cap-and-Trade Program - Complementary Measures.” Also, the formal Cap-and-Trade Program was not adopted until 2013 well after the 2008 Scoping Plan was adopted, and thus, these amounts were estimates for a proposed Cap-and-Trade program.

The comment also misstates the importance of Cap-and-Trade in the 2014 Scoping Plan Update. As stated in the 2014 Scoping Plan Update²⁴⁰, the Cap-and-Trade Program is a vital component in achieving both California’s near-and long-term GHG emissions targets. “California’s Cap-and-Trade Regulation is purposely designed to leverage the power of the market in pursuit of an environmental goal. It opens the door for major investment in emission-reducing technologies and sends a clear economic signal that these investments will be rewarded. The Cap-and-Trade Regulation establishes a hard and declining cap on approximately 85 percent of total statewide GHG emissions.”²⁴¹ Again, without providing a citation for the amounts provided, the commenter asserts that Cap-and-Trade “was expected to reduce emissions by only 23 million metric tons.” This figure is from Table 5 of the 2014 Scoping Plan (page 93) which lists sectors covered by Cap-and-Trade, and a review of the table shows that the commenter mischaracterizes these figures. The 23 million metric tons is the difference between those covered sectors and the 2020 cap, and the asterisk states: “Cap-and-Trade emission reductions depend on the emission forecast.” If the covered sectors achieved fewer reductions, then the Cap-and-Trade process would make up the difference through the cap.

Importantly, all of the scoping plans recognize that GHG emissions will not be reduced to zero, but instead will be reduced to a level that meets the State’s reduction goals. Additionally, none of the scoping plans state that CEQA projects must mitigate any remaining GHG emissions from covered sectors to zero after the application of Cap-and-Trade.

Topical Response A demonstrates that the Project’s GHG approach utilizing the Cap-and-Trade Program does not depart from CEQA’s general rule that project-level impacts be properly addressed nor does it obfuscate the full impacts from the Project. Topical Response A describes the 2015 Final EIR and the 2019 Draft Recirculated RSFEIR approach to: (1) utilizing the Cap-and-Trade Program and how it relates to the state’s overall greenhouse gas reduction mandates, and (2) how Cap-and-Trade is relevant to the Project’s CEQA analysis. As discussed in Topical Response A, CARB is the only authority that can regulate vehicle emissions standards in California. As such the Cap-and-Trade Program, as overseen by CARB, can be applied to the Project’s vehicle emissions as the analysis appropriately states that emissions generated under the Cap-and-Trade Program are already regulated and are therefore not required to be analyzed at an individual project level. Furthermore, the Project’s GHG emissions analysis methodology does not ignore CEQA’s substantive mandate as the 2015 Final EIR evaluated alternatives and provides feasible mitigation

²⁴⁰ California Air Resources Board, 2014. First Update to the Climate Change Scoping Plan, page 86. Available online: https://ww3.arb.ca.gov/cc/scopingplan/2013_update/first_update_climate_change_scoping_plan.pdf. Accessed March 3, 2020.

²⁴¹ California Air Resources Board, 2014. First Update to the Climate Change Scoping Plan, page 86. Available online: https://ww3.arb.ca.gov/cc/scopingplan/2013_update/first_update_climate_change_scoping_plan.pdf. Accessed March 3, 2020.

Final Response to Comments

measures to reduce potentially significant impacts (2019 Draft Recirculated RSFEIR, pages 4.7-27 – 4.7-30) for GHG emissions to less than significant.

Pursuant to the requirements in AB 32, CARB adopted the Climate Change Scoping Plan (Scoping Plan) in 2008, which contains a variety of strategies to reduce the State's emissions. The First Update to the Scoping Plan was approved in 2014 and the Second Update was approved in 2017 following the passage of SB 32. As described in Section 4.7.2.2 – State Regulations/Standards, AB 398²⁴² extended California's Cap-and-Trade Program through 2030 and the program is adopted as a core strategy in the 2017 Scoping Plan Update for meeting the state's GHG reduction targets for 2020 and 2030. As discussed in Topical Response B, Scoping Plan, the 2017 Scoping Plan Update "recommends that projects incorporate design features and greenhouse gas reduction measures, to the degree feasible", resulting in no contribution to GHG impacts.²⁴³ The specific measures by which the Project would achieve this were presented in Appendix E, Renewable Energy Technical Report (RETR), in the 2019 Draft Recirculated RSFEIR, and are reiterated below.

As far as the actions of the local governments, on October 9, 2012, the Moreno Valley City Council approved the Energy Efficiency and Climate Action Strategy and the related Greenhouse Gas Analysis. The Strategy and Analysis documents identify potential programs and policies to reduce overall City energy consumption and increase the use of renewable energy. The Greenhouse Gas Analysis provides a more scientific approach and recommends a target to reducing community-wide GHG emissions consistent with the State reduction goals in Assembly Bill (AB) 32, the legislation that provides the basis of the State's climate action initiatives. Further, the City's CAP looked only to 2020 and was not relied upon to determine the significance of the Project's GHG emissions.

The Strategy is intended to be a comprehensive living policy document for the City organization and the community to address energy and water conservation and effects of climate change. The Energy Efficiency section's primary focus is to identify potential energy efficiency measures for the City as an organization, both those that have been implemented and those that could be implemented in the future. In addition, the document provides direction and policies to ensure the most effective, practical, and affordable, energy use practices are implemented. The focus of the Climate Action section is to promote measures similar to those identified in the Energy Efficiency section and additional measures that can be implemented by the community's residents and businesses to reduce greenhouse gas emissions on a community-wide basis. The Climate Action Strategy includes an analysis of existing and future greenhouse gas emissions community wide and provides a set of policies to guide efforts to reduce greenhouse gas emissions to meet or exceed State requirements without unduly compromising other community goals.

For further information regarding local government actions, refer to response to Comment 2-F3-7.

²⁴² Section 1 of AB 398, which remains in effect until 1/1/31 states the Legislature's intent to extend the Cap-and-Trade Program to 12/31/30 (Health & Safety Code 38501(i)). Section 2 of AB 398, which becomes effective on 1/1/31, states the Legislature's intent that CARB design effective GHG emissions with no termination date (Health & Safety 38501(k)). Health & Safety 38551(b) states it's the Legislature's intent that reduction in GHG emissions continue beyond 2020.

²⁴³ California Air Resources Board, 2017. California's 2017 Climate Change Scoping Plan: The strategy for achieving California's 2030 greenhouse gas target. Available online at: https://www.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf.

Response to Comment 2-F3-7: The discussion of the 2017 Scoping Plan is provided under Section 4.7.2, Regulatory Setting, which discusses rules and regulations that could be applicable to the Project. As discussed in Topical Response B, Scoping Plan, the 2017 Scoping Plan discusses the success of the Cap-and-Trade program. It states that “since the launch of any of the state’s major climate programs, including Cap-and-Trade, economic growth in California has consistently outpaced economic growth in the rest of the country. The state’s average annual growth rate has been double the national average – and ranks second in the country since Cap-and-Trade took effect in 2012. In short, California has succeeded in reducing GHG emissions while also developing a cleaner, resilient economy that uses less energy and generates less pollution.”²⁴⁴ Additionally, it affirms that “high efficiency rates, coupled with the Cap-and-Trade Program’s firm emission cap, allow economic activity to increase without corresponding increases in GHG emissions. ... Maintaining and extending our successful programs – from the Cap-and-Trade Program and Low Carbon Fuel Standard to zero-emission, renewable energy and energy efficiency programs – will reduce GHGs, increase energy cost savings, offer businesses flexibility to reduce emissions at low cost and provide clear policy and market direction, and certainty, for business planning and investment.”²⁴⁵ Thus, as shown, the Cap-and-Trade Program is hugely successful in reducing GHG emissions while allowing the economy to grow. For a discussion of the Scoping Plan and the Scoping Plan Updates, how they are applicable to the Project and how the WLC complies with, and would not conflict with or impede, the implementation of GHG reduction goals identified in SB 375, refer to Topical Response B, Scoping Plan. The Topical Response also discusses the WLC’s measures to reduce emissions through the Scoping Plan sectors including energy, water, waste, and transportation.

SB 375 is discussed in the 2019 Draft Recirculated RSFEIR, under Section 4.7 Greenhouse Gas Emissions, Climate Change, and Sustainability. SB 375 sets regional GHG emissions reduction targets for passenger vehicles. The Southern California Association of Governments (SCAG) 2016 Sustainable Communities Strategy (SCS) within the Regional Transportation Plan (RTP) demonstrates the region’s ability to attain and exceed the GHG emission reduction targets set by CARB. A comparison of the WLC project design features and mitigation measures with the 2016 RTP/SCS is presented below. The WLC supports many of the RTP/SCS major themes that will allow them to achieve their vision.

Integrating strategies for land use and transportation: The WLC supports this concept by bringing jobs to a job-poor city, which will allow the residents to live closer to where they work, provide greater opportunities for biking and walking. The Project will provide ridesharing information to construction employees, provide local bus service, add bicycle lanes and facilities, construct safe pedestrian connections between on-site uses, and ridesharing for commute trip reduction, resulting in a reduction of vehicle miles travelled (VMT).

Striving for Sustainability: The WLC supports this theme by using resources efficiently by being one of the most sustainable developments of its kind. The WLC’s innovative environmental design uses water and energy conservation strategies as well as the cleanest diesel technology available, solar, and alternative fuels. The Project will provide ridesharing information to construction

²⁴⁴ California Air Resources Board, 2017. California’s 2017 Climate Change Scoping Plan. Page ES3. Available online: https://ww3.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf. Accessed March 3, 2020.

²⁴⁵ California Air Resources Board, 2017. California’s 2017 Climate Change Scoping Plan. Page ES7. Available online: https://ww3.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf. Accessed March 3, 2020.

employees, provide local bus service, add bicycle lanes and facilities, construct safe pedestrian connections between on-site uses, and ridesharing for commute trip reduction.

Leveraging Technology: The WLC will be required to provide an alternative fueling station that will be open prior to the issuance of building permits for more than 25,000,000 square feet of logistics warehousing to serve trucks that use liquefied or compressed natural gas as vehicle fuel (MM 4.3.6.3C, page 4.3-54 of the 2019 Draft Recirculated RSFEIR). Future development will comply with vehicle fleet fuel requirements at the time of development approval. All operational equipment will use non-diesel technologies and will use electric when available. The following Energy Conservation Measures (ECMs), as outlined in Figure 10 of the RETR, include the following categories that will exceed at minimum compliance with current Title 24 requirements by 12 -16 percent depending on building characteristics: (1) envelope, (2) exterior loads, (3) internal equipment loads, (4) lighting, (5) daylighting, and (6) HVAC. The WLC is required to provide renewable energy through solar panels that will be installed on the rooftops of buildings to help offset the power requirements within the Project (MM 4.7.6.1D, page 4.7-28 of the 2019 Draft Recirculated RSFEIR). The use of Photovoltaic (PV) in each phase would cover both the peak electric load generated by the offices and the annual energy usage of the offices, thereby achieving effective near zero-emission status for the offices (2018 RSFEIR page 4.17-27).

Supporting commerce, economic growth and opportunity: The Project also builds high-tech logistics facilities that will promote the smooth flow of goods with a goal of utilizing the latest technology to reduce emissions and provide easier access to jobs. Keeping people working close to home will allow them to have a better work life environment and thrive. The Project will provide ridesharing information to employees, provide local bus service, add bicycle lanes and facilities, construct safe pedestrian connections between on-site uses, and ridesharing for commute trip reduction (MM 4.3.6.4A page 4.3-60 of the 2019 Draft Recirculated RSFEIR).

Promoting the links among public health, environmental protection and economic opportunity: The WLC places a priority on public health and reducing Project emissions for better air quality. As stated above, the Project will implement many measures to reduce emissions related to utilizing cleaner burning diesel, alternative fueled trucks and equipment, solar, etc. The WLC also is required to provide the most stringent levels of emission mitigation under existing emission control regulations including the use of model year 2010 engine diesel trucks, Tier 4 off-road construction equipment, idling restrictions to three minutes in one-hour, and electrical hookups for equipment (MM 4.3.6.2A page 4.3-42 of the 2019 Draft Recirculated RSFEIR). The Project is also required to provide accessibility to transit, bicycle facilities, and pedestrian access within and to communities within 0.25 miles to promote a more active lifestyle (MM 4.3.6.4A on page 4.3-60 of the 2019 Draft Recirculated RSFEIR).

As demonstrated above, if the City of Moreno Valley approves the WLC project, it would fulfill its obligation under SB 375 for “smart growth.” In this way, the Project does not rely solely on Cap-and-Trade as GHG emissions mitigation.

Response to Comment 2-F3-8: Refer to Topical Response A, The Use of Cap-and-Trade, regarding the 2015 Final EIR and the 2019 Draft Recirculated RSFEIR approach to: (1) utilizing the Cap-and-Trade

Program and how it relates to the state's overall greenhouse gas reduction mandates, and (2) how Cap-and-Trade is relevant to the Project's CEQA analysis. As discussed in Topical Response A, CARB is the only authority that can regulate vehicle emissions standards in California. As such the Cap-and-Trade Program, as overseen by CARB, can be applied to the Project's vehicle emissions as the analysis appropriately states that emissions generated under the Cap-and-Trade Program are already accounted for, and mitigated, at the producer level and are therefore not required to be considered in determining the significance of GHG emissions at an individual project level. Topical Response A also demonstrates that the Project's GHG emissions analysis methodology complies with CEQA. As such, the 2019 Draft Recirculated RSFEIR contains accurate and legally adequate information upon which decision-makers can make an informed decision. Furthermore, the Project's GHG emissions analysis methodology does not ignore CEQA's substantive mandate as the 2015 Final EIR evaluated alternatives and provides feasible mitigation measures to reduce potentially significant impacts (2019 Draft Recirculated RSFEIR, pages 4.7-27 – 4.7-30) for uncapped GHG emissions to less than significant. Additionally, refer to Topical Response B, Scoping Plan, which discusses how Cap-and-Trade has been a backbone of the Scoping Plan in reducing emissions, which has allowed the focus of emission reductions to occur in other sectors. It also recognized that capped emissions were accounted for, and mitigated, at the producer level and that those capped emissions were properly not considered when evaluating the project's GHG emissions against the threshold of significance; nonetheless, the WLC Project has reduced GHG emissions in many of the other sectors outlined in the 2017 Scoping Plan for emissions reductions.

The comment implies that the City is attempting to utilize the Cap-and-Trade Program as a way to relieve the City in their responsibility in fully complying with CEQA. However, as discussed in Topical Response A and response to Comment 2-F3-7, the 2019 Draft Recirculated RSFEIR accurately estimated the GHG emissions generated from the construction and operation of WLC, identified the GHG impacts, and provided PDFs and mitigation measures to reduce GHG emissions. See Table 4.7-7, page 4.7-33 of the 2019 Draft Recirculated RSFEIR.

The commenter suggests that its interpretation of Cap-and-Trade relative to the 2008 Scoping Plan and the 2014 and 2017 Scoping Plan Updates is "deserving of great weight" citing *People v. Harrison*, 57 Cal.4th 1211 (2013), a criminal case regarding the Mentally Disordered Offender Act. Refer to responses to Comments 2-F3-5 and 2-F3-6 regarding the commenter's interpretation of the scoping plans and Cap-and-Trade. In addition, the actual language of the Cap-and-Trade Program along with CARB's actions in approving Cap-and-Trade for fuel and energy suppliers provide the necessary evidence of CARB's position on Cap-and-Trade. See *Union of Medical Marijuana Patients, Inc. v. City of San Diego*, 7 Cal.5th 1171, 1183-84 (2019) (interpretation of statute follows settled principles, first considering words of statute and then legislative history).

Response to Comment 2-F3-9: Topical Response A, The Use of Cap-and-Trade, discusses how the Cap-and-Trade Program places a cap on certain sectors (e.g. electricity generation, petroleum refining, and cement production) and provides regulatory certainty of reduced future emissions since regulated entities will not be permitted to emit GHG emissions that exceed the cap. For further discussion, refer to Topical Response A, The Use of Cap-and-Trade regarding the 2015 Final EIR and 2019 Draft Recirculated RSFEIR approach to 1) utilizing the Cap-and-Trade Program and how it relates to the state's overall greenhouse gas reduction mandates, and 2) how Cap-and-Trade is relevant to the Projects CEQA analysis. The Project recognizes that the WLC is not a Cap-and-Trade facility; however, the fuel that will be used by the facility

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is the exact fuel that is covered by Cap-and-Trade which requires that fuel suppliers surrender compliance instruments equivalent to the emissions from the eventual combustion of those fuels. Additionally, CARB's statement rejecting the use of offsets was rejected by the Natural Resources Agency when it adopted CEQA guidelines §15126.4(c)(3) which includes the use of "offsets that are not otherwise required."

The City continues to act as the lead agency for this project and is not utilizing the Cap-and-Trade regulation to relieve their responsibility to "fully comply with CEQA." As discussed in Topical Response B, Scoping Plan, and Response to Comment 2-F3-7, the 2019 Draft Recirculated RSFEIR discusses the many ways in which the Project will support many of the RTP/SCS major themes that will allow them to achieve their vision and the mitigation measures that reduced emissions in many of the Scoping Plan sectors. In addition, the City considered land use planning, facility design, and transportation patterns when they certified the 2015 FEIR and approved the Project.

The WLC is committed to embracing all-electric design standards which would make the WLC net zero-ready and position it to comply with future net-zero regulations, which primarily includes the use of future solar. Thus, a unifying plan is being developed and will be designed to utilize solar throughout the Project site, both initial and future solar generation. Additionally, since this is a Programmatic EIR, it analyzes the environmental impacts and requires mitigation for a long-term project that will be implemented in increments over many years. Due to the programmatic nature of the document, it is not known who the future users of the WLC will be or what their specific operational needs will require in terms of exact equipment specifications. Each subsequent development within the WLC will be subject to further environmental review and may require additional mitigation if additional impacts are found or previously infeasible mitigation becomes feasible. As a result, all current mitigation relies on commercially available technology that meets the most stringent environmental standards in place. However, when future solar is required under new or modified regulations, it can become a condition of approval under future CEQA documents. Therefore, there are no penalties associated with delaying the solar installation as the Project would utilize the maximum amount of solar required to be generated under current regulations, but the buildings would be made ready to allow future solar generation when that option becomes available. See page 4.17-19 of the 2019 Draft Recirculated RSFEIR which notes that making the rooftops solar ready is a project design feature. Mitigation Measure 4.7.6.1D has been revised, see below, to require that all WLC rooftops be constructed to be solar ready to ensure that the proper infrastructure is available in the event that MVU's restrictions on solar PV connecting to their grid be lifted.

Addition to Mitigation Measure 4.7.6.1D

- All project rooftops shall be constructed to be solar ready and be designed to accommodate the additional loads from solar equipment that might be installed at a future date.

By designing for and implementing solar generation in this way, the Project would not rely solely on Cap-and-Trade for GHG emissions reductions.

Response to Comment 2-F3-10: It is true that CARB is not the lead agency and does not have statutory jurisdiction over approval of this Project. However, CARB does have control over fuel suppliers in California, whose GHG emissions this project is required to evaluate. The Health and Safety Code §38510 makes CARB responsible for regulating sources of GHG emissions and that §39500 makes CARB responsible for

regulating emissions from vehicles. CARB was the one who decided that fuel suppliers are required to account for, and mitigate, for fuels that they produce when the fuels are combusted. The Cap-and-Trade Program ensures that GHG emissions from fuels combustion are reduced State-wide as 99% of fuel suppliers are included in the program and the GHG cap is always decreasing. In response to the Project not being subject to the Cap-and-Trade regulation, refer to Topical Response A which demonstrates how Cap-and-Trade applies to the Project.

The City does have operational control of the Project and as demonstrated in Response to Comment 2-F3-7, the City considered land use planning, facility design, and transportation patterns when they certified the 2015 FEIR and approved the Project.

Response to Comment 2-F3-11: In accordance with CEQA Guidelines §15093, a lead agency can approve a project that has significant and unavoidable impacts if the lead agency adopts a statement of overriding considerations. Prior to adopting the statement of overriding considerations, CEQA Guidelines §15093 (a) requires the decision-making agency (i.e., City of Moreno Valley) to balance the economic, legal, social, technological, or other benefits, including region-wide and statewide environmental benefits, of the proposed project against its unavoidable environmental risks. These overriding considerations are required to be approved prior to the City approving the Project. As discussed in Response to Comment 2-F3-5, CEQA Section 15064.4 expressly allows a program to be relied upon where it is responsible for that sector (cap-and-trade for capped emissions) and does not require that an impact be reduced to zero. Capped and uncapped GHG emissions were reduced through project design features and mitigation measures to below the significance threshold for GHG's, resulting in a less than significant impact. See Table 4.7-7, page 4.7-33 of the 2019 Draft Recirculated RSFEIR.

Topical Response A also examines why the Cap-and-Trade Program mitigates capped emissions (consumption of fuel associated with VMTs and consumption of electricity) and why those covered emissions are not compared against the Project's significance threshold. The 2019 Draft Recirculated RSFEIR's GHG methodology follows a precedent, as outlined in Topical Response A, this approach is in accordance with Mitigated Negative Declarations for other projects that were approved by the SCAQMD and a recently adopted policy by the SJVAPCD "*CEQA Determination of Significance for Project's Subject to CARB's Cap-and-Trade Regulation*" which acknowledges that "combustion of fossil fuels including transportation fuels used in California (on- and off-road including locomotives), not directly covered at large sources, are subject to Cap-and-Trade requirements, with compliance obligations starting in 2015." The Cap-and-Trade Program ensures that GHG emissions from fuels combustion are reduced State-wide as 99% of fuel suppliers are included in the program and the GHG cap is always decreasing. As covered emissions are fully mitigated under Cap-and-Trade, the 2019 Draft Recirculated RSFEIR's approach of comparing uncapped emissions against the Project's significance threshold was upheld in court in *Association of Irrigated Residents v. Kern County Board of Supervisors*, 17 Cal. App. 5th 708 (2017) which did not identify this approach as an issue to be addressed in the 2019 Draft Recirculated RSFEIR, nor did it violate CEQA's mandate. Thus, the 2019 Draft Recirculated RSFEIR's GHG analysis properly relied on compliance with California's Cap-and-Trade Program to conclude that GHG uncapped emissions would be less than significant with incorporation of mitigation when compared against the significance threshold. Additionally, the City does not claim that the Cap-and-Trade program results in offsets; rather the City has taken a position that the threshold of significance should be uncapped emissions precisely because CARB

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has seen fit to impose the responsibility for dealing with emissions from fuel and electricity on the producers rather than the users.

Compliance with the state's GHG reduction plans are discussed in Table 4.7-11: Project Compliance with Federal/State Greenhouse Gas Reduction Strategies in the 2019 Draft Recirculated RSFEIR. In regard to responsibility of the Cap-and-Trade Program, CARB states that the program is enforceable and meets the requirements of AB 32.^{246 247}

In response to the decision in *Lotus v. Department of Transportation*, 223 Cal.App.4th 645 (2014), this case involved an EIR that provided information on the impacts on redwoods that would result from the widening of Highway 101 in a redwood forest north of San Francisco. It did not, however, "include any information that enables the reader to evaluate the significance of these impacts." (223 Cal.App.4t at 654.) Lotus did not involve Section 15064.4, but project design features. In contrast, the 2019 Draft Recirculated RSFEIR provided a detailed emissions burden analysis from the construction and operation of the Project and relied on Section 15064.4.

Table 4.7-5 in the 2019 Draft Recirculated RSFEIR, pages 4.7-24 through 26, sets out the greenhouse gas emissions, without mitigation, that would be expected over the 30-year life of each building within the World Logistics Center. Table 4.7-8, pages 4.7-34 through 36, does the same thing after mitigation. Both Tables set out all of the emissions, capped and uncapped, so that the reader is fully informed of the amounts of greenhouse gas emissions that will result from the construction and operation of the World Logistics Center. While the effects of the emissions of a single project on climate change cannot be determined (page 4.7-18), the cumulative effects are discussed in Section 4.7.1, both globally, pages 4.7-3 and 4.7-44, and on Moreno Valley, pages 4.7-4 and 4.7-5.

Response to Comment 2-F3-12: As described in Topical Response A, all GHG emissions from the Project have been accounted for, analyzed, and mitigated to less than significant. The City is not implying that nothing be done to the GHG emissions generated from the Project, in fact, as discussed in Topical Response A, Capped Project GHG emissions were accounted for, and mitigated through Cap-and-Trade and both capped and uncapped Project GHG emissions were mitigated through Project mitigation measures which also reduced capped emissions. See Table 4.7-7. Page 4.7-33 of the 2019 Draft Recirculated RSFEIR. As demonstrated, there would be no significant impacts associated with the Project, and therefore would not hinder the State's achievement of its long-term GHG goals. Additionally, the case of the *City of Marina v. Board of Trustees of the California State University*, 39 Cal.4th 341 (2006), involved the Board's finding of legal infeasibility based on the assumption that it could not contribute money for the mitigation of off-site impacts on roads and fire protection because there was no legislative authority that would allow it to do so and because to do so without such authority would constitute a prohibited gift of public funds. (39 Cal.4th at 351.) The Supreme Court disagreed and held that mitigation was feasible because the Board did have the authority to do so, that doing so would not constitute a gift of public funds

²⁴⁶ California Association of Port Authorities, 2018. *Cap and Trade: Port Environmental Initiatives*. Available online: <http://californiaports.org/project/cap-and-trade-funding-for-port-environmental-initiatives/>

²⁴⁷ California Air Resources Board, 2008. *Climate Change Draft Scoping Plan, a framework for change, June 2008n Discussion Draft*. . . . The plan states "ARB will also design the California program to meet requirements of AB 32, including the need to address potential localized impacts, insure market security (avoid gaming), and ensure enforceability." Page ES-4.

and that it could seek funds from the Legislature to do so. (39 Cal.4th at 356-366.) Only if the Legislature refused to appropriate the required funds would the mitigation become infeasible. (39 Cal.4th at 367.)

The Supreme Court also pointed out that not deferring to the jurisdiction of another agency to mitigate impacts was to avoid “the problem of agencies deferring to each other, with the result that no agency deals with the problem.” (39 Cal.4th at 366, quoting from the Natural Resources Agency’s discussion of CEQA Guidelines §150919(c).) That problem is not present because CARB’s Cap-and-Trade regulations require that the suppliers of transportation fuels account for the greenhouse gas emissions that will result when those fuels are used with the cost of accounting for those emissions being passed on to the purchasers of the fuel. (CARB’s Final Statement of Reasons for the adoption of the Cap-and-Trade program’s regulation (October, 2011), pages 177-178.) Similarly, the suppliers of electricity are responsible for accounting for the emissions resulting from its generation with the costs again being passed on to consumers. (CARB’s Final Statement of Reasons for the adoption of the Cap-and-Trade program’s regulation (October, 2011), pages 159, 187 and 1157.) Further, the *Marina* decision did not involve Section 15064.4, and under Section 15064.4, reliance on CARB’s Cap-and-Trade program is expressly authorized.

Neither case considered a lead agency’s choice of a threshold of significance: “It is axiomatic that cases are not authority for propositions that are not considered.” *California Building Industry Association v. State Water Resources Control Board*, 4 Cal.5th 1032, 1043 (2018).

Further, the City’s choice of a threshold of significance based on the amount of uncapped emissions was precisely the choice upheld in *Association of Irrigated Residents v. Kern County Board of Supervisors*, 17 Cal.App.5th 708 (2017).

As outlined in Topical Response C, Project Approvals, Litigation, and the Effects of Litigation, an appeal of the judgment entered on June 7, 2018, in the CEQA litigation is currently pending in the Court of Appeal, Fourth Appellate District, Division Two, as *Paulek v. Moreno Valley Community Services District*, Case No. E071184. Depending on the result of the Court of Appeal ruling, the amount of GHG required to be mitigated would either be the total uncapped GHG emissions or total project emissions (uncapped and capped). Therefore, new Mitigation Measure 4.7.7.1 shall apply to mitigate to net zero either all uncapped GHG emissions or all Project GHG emissions (capped and uncapped) remaining after the application of other mitigation measures. See Topical Response C, Project Approvals, Litigation, and the Effects of Litigation, for a detailed description of Mitigation Measure 4.7.7.1.

Response to Comment 2-F3-13: Refer to Topical Response A, The Use of Cap-and-Trade and Response, regarding the 2015 Final EIR and the 2019 Draft Recirculated RSFEIR approach to 1) utilizing the Cap-and-Trade Program and how it relates to the state’s overall greenhouse gas reduction mandates, and 2) how Cap-and-Trade is relevant to the Project’s CEQA analysis. Topical Response A provides an overview of AB 32 and the Cap-and-Trade Program; how it applies to the consideration of Project GHG emissions and its effect on the State’s efforts to reduce its GHG emissions. The 2019 Draft Recirculated RSFEIR also accurately discloses the GHG emissions generated from the construction and operation of the Project and includes mitigation measures for Air Quality, Greenhouse Gases, and Energy to reduce impacts to the extent possible. Some of the mitigation measures suggested by the CARB, zero- or near zero-emission technology, are not available at this time, such as utilizing solar power to provide all the power to the project due to regulatory requirements and moratoriums as discussed in the RETR (Appendix E of the 2019 Draft

Recirculated RSFEIR) and readily available zero-emission fleets of medium- and heavy-duty trucks (Refer to response B1-4 for detailed discussion of ZEV availability and solar power. Thus, WLC will incorporate the Project Design Features outlined in the 2019 Draft Recirculated RSFEIR, Section 4.17.5, to further reduce emissions from the Project that are along the line of the zero emission technology mitigation measures. However, since the Project will support a variety of future users which are unknown at this time, it is not possible to specify or require future users to have zero emission or alternative fuel fleets since most logistics companies use independent contractors and truck drivers rather than maintaining their own fleets. Nonetheless, the Project required under various project design features and mitigation measures to require the most stringent levels of emission mitigation under existing emission control regulations including the use of model year 2010 engine diesel trucks and Tier 4 off-road construction equipment. The City has investigated the use of nonzero- and zero-emission technologies in the transportation and electricity portions and has incorporated those that are practicable and feasible. The Project will also provide on-site rooftop solar generating capacity up to the maximum level currently permitted by Moreno Valley Electric Utility (MVU), which is currently defined as one-half the minimum electrical demand a building experiences during daytime hours (page 4.17-1). Thus, solar would provide more than 100 percent of the office energy needs. In anticipation of increased electricity loads in the future that could result from a growing electric vehicle fleet, the project will provide solar ready roofs that could accommodate expended rooftop solar installations in the future (page 4.17-1). Refer to Topical Response E, Moreno Valley Utilities/Solar, for a discussion of solar generations limits imposed on the WLC by MVU and why the Project cannot get a waiver for MVU for more solar generation. Currently for the WLC project, MVU is the utility provider for the Project and while solar PV is a viable option, MVU has limitations in its Electric Service Rules on the amount of PV allowed for commercial and industrial projects, as discussed in the 2019 Draft Recirculated RSFEIR and RTER (Appendix E of the 2019 Draft Recirculated RSFEIR).

As outlined in Topical Response C, Project Approvals, Litigation, and the Effects of Litigation, an appeal of the judgment entered on June 7, 2018, in the CEQA litigation is currently pending in the Court of Appeal, Fourth Appellate District, Division Two, as *Paulek v. Moreno Valley Community Services District*, Case No. E071184. Depending on the result of the Court of Appeal ruling, the amount of GHG required to be mitigated would either be the total uncapped GHG emissions or total project emissions (uncapped and capped). Therefore, new Mitigation Measure 4.7.7.1 shall apply to mitigate to net zero either all uncapped GHG emissions or all Project GHG emissions (capped and uncapped) remaining after the application of other mitigation measures. See Topical Response C, Project Approvals, Litigation, and the Effects of Litigation, for a detailed description of Mitigation Measure 4.7.7.1.

Response to Comment 2-F3-14: Regarding the phantom mitigation measures, refer to Response to Comment 2-B1-3, which explains that they were a typographical error.

Response to Comment 2-F3-15: No specific comments on the contents of the 2019 Draft Recirculated RSFEIR are provided within this comment, and thus no further response is needed (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

From: Tom <atpaul70@gmail.com>
Sent: Friday, January 31, 2020 11:28 AM
To: Albert Armijo
Cc: Susan Nash; Tom Paulek
Subject: Comments WLC Draft Recirculated RSFEIR / RSFEIR
Attachments: WLC comments Jan 31, 2020; ATT00001.txt

Warning: External Email – Watch for Email Red Flags!

Mr Armijo: Please find the Friends of Northern San Jacinto Valley Comment letter with attachment on the World Logistics Center (WLC) Draft Recirculated RSFEIR / RSFEIR.

Please confirm your receipt of our WLC comment letter with attachment. Thank you for your courtesy.

Tom Paulek / Susan Nash
Friends of the Northern San Jacinto Valley

2-F4-1

**Friends of the Northern San Jacinto Valley
Post Office Box 4036
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January 31, 2020

Via: Email: alberta@moval.org
Personal Service to City of Moreno Valley

Albert Armijo, Interim Planning Manager
City of Moreno Valley
14177 Frederick Street
Post Office Box 88005
Moreno Valley, California 92552

Subject: Public Comments Draft Recirculated Revised Sections of the Final Environmental Impact Report (Draft Recirculated RSFEIR) with a State Clearing House Number (SCH 2012021045).

The subject Draft Recirculated Revised Sections of the Final Environmental Impact Report (Draft Recirculated RSFEIR) is the second attempt by the City of Moreno Valley to comply with the Riverside County Superior Court Judgment and Peremptory Writ of Mandate to set aside the August, 2015 Final Environmental Impact Report (“EIR”) for the World Logistics Center (WLC). The subject Draft Recirculated RSFEIR was preceded by the July 2018 Revised Sections of the FEIR (“RSFEIR”) and circulated to the public for review and comment by the City of Moreno Valley. We are requesting our September 7, 2018 comment letter submitted to the City of Moreno Valley on the July 2018 RSFEIR be incorporated herein by this reference.

2-F4-2

We are submitting [See Attachment] the June 25, 2018 Superior Court *Entry of Judgement*, the June 7, 2018 *Judgement Granting the Peremptory Writ of Mandate*, and the *Peremptory Writ of Mandate* setting aside the Final EIR for the World Logistic Center for further consideration by the

2-F4-3

Moreno Valley City Council and the public. The subject Draft Recirculated RSFEIR continues to misrepresents Judge Waters rulings asserting:

“The Judge found that substantial portions of the FEIR did comply with CEQA so that, only portions of the RSFEIR had to be circulated for public review and comment.” (Draft Recirculated RSFEIR pages 2-2 and 2-3)

No such assertion occurs anywhere in Judge Waters rulings. To the contrary Judge Waters ruling specifically states:

*“In issuing this writ and its February 8, 2018 Ruling, the Court does not make the required finding, including finding of severability, under Public Resources Code section 21168.9(b) partially limiting this writ to a portion of a determination, finding, or to the specific activity or activities found to be in noncompliance. **For these reasons, the EIR is voided in whole.**”* (June 14, 2018 Peremptory Writ of Mandate - page 2)

2-F4-3
cont.

The City of Moreno Valley assertion that only portions of the RSFEIR had to be circulated for public review and comment is false. The City’s current falsehood is analogous/corresponds to the City’s use of the term “CDFW Conservation Buffer Area” in the analysis of the Biological Resources section of the challenged 2015 Final EIR. The Court ruling on the Writ of Mandate agrees the City’s analysis “*distorts CEQA analysis of the of the impacts of the Project on biological resources and habitats on the adjacent San Jacinto Wildlife Area and Riverside County Multiple Species Habitat Conservation Plan (MSHCP) lands.*” The Court agrees the “*false labeling*”.... “*gives the false impression that the area [CDFW Conservation Buffer Area] can be considered mitigation of **significant impacts** on biological resources and habitat.*” Most importantly the Court orders all references to the false “CDFW Conservation Buffer Area” should be removed and the “*...potential environmental impacts on biological resources and habitats should be **re-analyzed** without any consideration of said buffer area.*” (February 8, 2018 Ruling on Peremptory Writ of Mandate pages 1 and 2).

2-F4-4

In performing the necessary/required **re-analysis** of WLC impacts on Biological Resources the City of Moreno Valley must acknowledge/ recognize the City is a signatory to the 1995 Stephens’ Kangaroo Rat Habitat Conservation Plan (SKRHCP) and the 2004 Multiple Species Habitat Conservation Plan (MSHCP). More importantly, the City of Moreno

2-F4-5

Valley must acknowledge/recognize the San Jacinto Wildlife Area (SJWA), immediately adjacent to the World Logistics Center Project site, is the principal designated Conservation Area/Reserve for both of these “incidental take” permits. The MSHCP permits the “take” of 146 species of plants and animals in western Riverside County outside of the designated Conservation Area/Reserves such as the SJWA. It is also necessary for the City of Moreno Valley to recognize that under state law the SKRHCP and the MSHCP “take” permits are authorized pursuant to the Natural Communities Conservation Act (NCCP Act - Fish and Game Code §§2800-2835). Section 2826 of the NCCP Act provides: *“Nothing in this chapter exempts a project proposed in a natural community planning area from Division 13 (commencing with section 21000) [CEQA] or otherwise alters the applicability of that division.”*

2-F4-5
cont.

The City of Moreno Valley, in performing the necessary/required **re-analysis** of the WLC impacts on Biological Resources, cannot continue to disregard/ignore the law as it relates to **CEQA Mandatory Findings of Significance** (CEQA Guidelines § 15065(a)(1)) *[The project has the potential to: to substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; substantially reduce the numbers or restrict the range of an endangered, rare or threatened species...]* The failure of the City of Moreno Valley to identify the “take” of MSHCP/NCCP Covered species as a **Mandatory Significant Impact** in the initial 2015 FEIR for the WLC and the City’s current efforts to comply with Judge Waters Writ of Mandate corrupts the entire CEQA review of the WLC project. It allows the City of Moreno Valley to avoid/circumvent the required examination/analysis of alternatives and mitigation measures for the “take” of MSHCP/NCCP covered species. Ultimately it allows the City of Moreno Valley to avoid making the required Finding under CEQA Guideline § 15091: *“No Public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects [direct, indirect and cumulative impacts] of the project unless the public agency makes one or more written findings for each of the significant effects..”* These CEQA procedural errors are clearly prejudicial and require correction by the City of Moreno Valley.

2-F4-6

The consideration of cumulative impacts on Biological Resources in the 2015 FEIR, the 2018 RSFEIR and the current Draft Recirculated RSFEIR

2-F4-7

fails to consider the cumulative impacts of the “take” of MSHCP Covered species. This is contrary to Judge Waters Ruling on the Peremptory Writ of Mandate indicating: “... any new cumulative impact analysis should also consider and discuss whether any environmental insignificant impacts may be cumulatively significant, taking into account all relevant past, present, and probable future projects.” (Ruling on Peremptory Writ of Mandate page 6). The SKRHCP and the MSHCP authorizes the incidental “take” of endangered and special status plants and animals throughout western Riverside County [including the City of Moreno Valley] thereby eliminating habitats and populations of already declining species in exchange for the establishment in perpetuity of designated wildlife Conservation Areas/ Reserves such as the SJWA. Absent an adequate CEQA cumulative analysis it is impossible for the public and the state and federal Wildlife Agencies to know whether the plant and animal populations are dropping below self-sustaining levels [in jeopardy of extinction] both in the area of “take” and on the designated Conservation Reserves (**CEQA Guideline § 15065 (A)(3) - Mandatory Findings of Significance**). The City of Moreno Valley has yet to provide the required cumulative analysis.

2-F4-7
cont.

We are requesting the City of Moreno Valley **NOT** certify the proposed 2018 RSFEIR or the subject Draft Recirculated RSFEIR as being in compliance with CEQA. We are also requesting the City comply with the June 14, 2018 Peremptory Writ of Mandate voiding the 2015 World Logistic Center EIR in whole. Please ensure we receive timely notice of the availability of the City’s response to these comments and the scheduling of any public hearing by the City of Moreno Valley regarding this project.

2-F4-8

Thank you for your courtesy.



Tom Paulek
FNSJV Conservation Chair



Susan Nash
FNSJV, President

Attachment: Riverside County Superior Court-RIC 1510967 [MF] - Entry of Judgement, Judgement Granting the Peremptory Writ of Mandate, and the Peremptory Writ of Mandate.

RESPONSES TO LETTER 2-F4: Tom Paulek/Susan Nash, Friends of the Northern San Jacinto Valley

Response to Comment 2-F4-1: No specific comments on the contents of the 2019 Draft Recirculated RSFEIR are provided within this comment, and thus no further response is needed (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

Response to Comment 2-F4-2: No specific comments on the contents of the 2019 Draft Recirculated RSFEIR are provided within this comment, and thus no further response is needed (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

Response to Comment 2-F4-3: This comment received during the public review period of the 2019 Draft Recirculated RSFEIR is primarily the same comment received during the public review period of the 2018 RSFEIR. Refer to Response to Comment 1-F3-3.

Refer to Topical Response C, Project Approvals, Litigation and the Effects of Litigation, regarding the Court Ruling and its effect upon the EIR process, content and project approvals. The 2019 Draft Recirculated RSFEIR was prepared and circulated for public review due to the recent approval of California Air Resources Board's (CARB) 2017 version of the Emission Factors (EMFAC) model (EMFAC2017) by the USEPA. Only sections that were affected by the updated EMFAC were revised and recirculated. Those sections include: air quality, greenhouse gas, and energy. The 2018 RSFEIR and 2019 Draft Recirculated RSFEIR were recirculated for review because new significant information was provided; as discussed in Topical Response C, Project Approvals, Litigation and the Effects of Litigation, regarding the Court Ruling and its effect upon the EIR process, content and project approvals. The Revised Final EIR will contain all of the comments received concerning both the 2018 RSFEIR and the 2019 Draft Recirculated RSFEIR and the responses to comments for both of those documents as required by CEQA Guidelines §15089. The Revised Final EIR will also contain the other required sections as outlined in CEQA Guidelines §15132. The 2019 Draft Recirculated RSFEIR were labeled "draft" so there would be no confusion that this document was the part of the "draft EIR" process in which comments were being sought from the public.

Response to Comment 2-F4-4: This comment received during the public review period of the 2019 Draft Recirculated RSFEIR is primarily the same comment received during the public review period of the 2018 RSFEIR. Refer to response 1-F3-4 for further discussion, and to Topical Response C, Project Approvals, Litigation and the Effects of Litigation, regarding the Court Ruling and its effect upon the EIR process, content and project approvals.

The 2019 Draft Recirculated RSFEIR was prepared and circulated for public review due to the recent approval of EMFAC2017 by the USEPA. Only sections that were affected by the updated EMFAC were revised and recirculated. Those sections include: air quality, greenhouse gas, and energy. Section 4.4 Biological Resources, circulated as part of the 2018 RSFEIR, satisfies the Court Ruling and there is no new significant new information with regards to biological resources requiring recirculation of the section.

Response to Comment 2-F4-5: This comment received during the public review period of the 2019 Draft Recirculated RSFEIR is primarily the same comment received during the public review period of the 2018 RSFEIR. Refer to to Response 1-F3-5.

Response to Comment 2-F4-6: This comment received during the public review period of the 2019 Draft Recirculated RSFEIR is primarily the same comment received during the public review period of the 2018 RSFEIR. Refer to to Response 1-F3-5.

Response to Comment 2-F4-7: This comment received during the public review period of the 2019 Draft Recirculated RSFEIR is primarily the same comment received during the public review period of the 2018 RSFEIR. Refer to to Response 1-F3-5.

Response to Comment 2-F4-8: No specific comments on the contents of the 2019 Draft Recirculated RSFEIR are provided within this comment, and thus no further response is needed (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

Residents for a Livable Moreno Valley - PO Box 6195 - Moreno Valley, CA 29556

January 31, 2020

Mr. Albert Armijo
City of Moreno Valley
14177 Frederick Street
Moreno Valley, California 92552

Via e-mail: alberta@moval.org

Re: Comments to the Draft Recirculated Revised Sections (pertaining to Air Quality, Green House Gases, and Energy) of the Final Environmental Impact Report (SCH #2012021045) World Logistics Center.

Dear Mr. Armijo,

Below you will find comments on the 2019 Draft Recirculated Revised Sections of the Final Environmental Impact Report pertaining to Air Quality, Green House Gases, and Energy as per the legal notice. However, some members of our group and the community do have a concern that the notice send for the review of the sections cited above also includes comment pertaining to the changes made in the WLC's previously circulated 2018 Draft Recirculated EIR. If this is the case the notice sent does not properly define all elements of the FEIR that should be subject to review. Let hope this is not the case. Please consider and address the comments that follow.

2-F5-1

1. Phasing in this document is unrealistic. It assumes and evaluates 50% completion by 2024 throughout the document and the appendices. Correct and be realistic.

2-F5-2

2. Beginning on page 4.3-14 there are references to SCAQMD mitigations they may be imposing on warehouse projects in the future. Mention of these is irrelevant if not adopted and imposed on development. Since these measures "could" occur please explain what this project will "do" as similar measures as proposed.

2-F5-3

3. On page 4.3-15 has discussion of PM effect on sensitive receptors but makes no mention of how distance from the source may lower the health risk. Please evaluate and mitigate as necessary. (Settlement discussions with the developer by the community have asked that there be greater setbacks of building, 500-1,000 feet, as separation from PM source and the sensitive receptors.)

2-F5-4

4. Based on Figure 4.3.3 a greater setback of buildings and PM sources would reduce cancer impacts scenario from 30 per million to 10 per million. Include mitigation to move emission areas 1,000 feet from sensitive receptors.

2-F5-5

5. Why doesn't MM4.3.6.5A include all homes within the WLC development area? The homes on Dracaea Avenue (29080 Dracaea and it neighbor) will experience development and placement of warehouses within mere feet of these homes and their occupants. They should be getting the air filtration units too.

2-F5-6

6. Figures used throughout that show cancer risks seem to extend a greater distance from the area of Dracaea Avenue and Redlands Boulevard than would seem appropriate. Development will occur right up to the property lines and the roadways, therefore the evaluation area is flawed and the results need to recalculated and adjusted to more properly assess the impacts.

2-F5-7

7. An appropriate mitigation measure should be included that moves all truck activity areas (docks and travel lanes 500-1,000 feet back from homes and sensitive receptor to increase air quality and reduce nuisance noises. 2-F5-8
8. Explain why Figure 4.3-6 has a larger cancer health risk area with mitigation measures than the smaller area shown in Figure 4.3-5 based on incremental impacts. Would appear that more mitigation is necessary. 2-F5-9
9. Please provide a list of additional mitigation measures or project design features that could be implemented to lower the 30 year cancer risk and other health risks associated with warehouses and diesel emissions. Additional options should be available for selection by the city to further lessen the impacts. 2-F5-10
10. 4.7.1.1 makes reference to climate change being brought on by factors such as changes in the sun's intensity, slowing earth orbit, and ocean circulation none of which are known to be occurring. Please modify these reference to be more accurate or cite the source of this science. 2-F5-11
11. Page 4.7-6 (section 4.7.2) third paragraph cites EPA standards for vehicle emissions that have been dropped by the current administration (president). Therefore, the information and any results related to those standards are no longer accurate. 2-F5-12
12. MM4.7.6.1D, first bullet point should require more solar than peak ancillary uses of a warehouse. There should be a requirement to achieve 50% electric needs via rooftop solar energy systems up to the extent of the warehouse's roof capacity. The Moreno Valley Utility restrictions are an impediment to CEQA needs to mitigate impacts and should not be binding. Additionally, MVU must get 44% of its energy from renewable resources by 2024 so the warehouses will lower their electric bills and provide the city with a way to meet state law. 2-F5-13
13. Are there other MMs that could be included and considered for adoption by the city to further reduce Energy impacts? Please provide. 2-F5-14
14. AQ-MM 4.3.6.3B should be written to include upgrades to future truck standards and they are implemented, and fleet should be upgraded or replaced based on depreciation or a set time period for requiring new models. 2-F5-15
15. AQ-MM 4.3.6.3A should require the installation of more than two chargers per warehouse. State law require 6% of parking to have EV infrastructure installed but sets no standard to require charging station to be installed. As mitigation at least half of the EV ready parking spaces shall be equipped with chargers. If not required by mitigation then explain when and who will install the charging stations? 2-F5-16
16. Section 4.17.1.4 states that MVU is the primary utility (electric) provider in the city. This is incorrect, it is SoCal Edison. Check with them for number of uses compared to MVU and correct accordingly. 2-F5-17
17. In this revised document there are several references to electric trucks being used and their reduction in exhaust related impacts. However, there is no mention or mitigation that would require truck chargers to be installed at the docks or elsewhere on site. If port deliveries to warehouse are to be a reality then the delivery vehicles will likely need charging for a return trip to the ports. Please explain this omission. Including a mitigation requirement would make good sense. 2-F5-18
18. In section 4.17.3.3 why not make mention and require installation of underground pipework to provide warehouse cooling? This would offset energy needs in the warmer months. 2-F5-19
19. The discussions throughout section 4.17.3.4 describe scenarios that seem to imply that all the parking stations required to be EV ready will have chargers. Since state regulations don't require installation these scenarios are flawed. Additionally, if the charger are indeed available and have an energy drawdown then that could be offset by the installation of an appropriate number of solar panels to meet the demand of the chargers. Great mitigation measure could be included here. 2-F5-20

20. There are a number of figures in section 6 that fail to include a legend defining the symbols (see Fig. 6.3-1 for starters).

2-F5-21

21. Typos: 4.4.6. "does" should be "goes."

2-F5-22

4.3-99 "Cracaea" Avenue should read "Dracaea" Avenue.

Should you or others have any questions regarding our comments please address them to Tom Thornsley at tomthornsley@hotmail.com.

2-F5-23

Sincerely,

Tom Thornsley

Tom Thornsley
with Residents for a Livable Moreno Valley

RESPONSES TO LETTER 2-F5: Residents for a Livable Moreno Valley

Response to Comment 2-F5-1: No specific comments on the contents of the 2019 Draft Recirculated RSFEIR is provided in this comment. However, the comment does refer to the 2018 Revised Sections of the Final EIR (RSFEIR). The 2018 RSFEIR and 2019 Draft Recirculated RSFEIR were recirculated for review because new significant information was provided, as discussed in Topical Response C, Project Approvals, Litigation and the Effects of Litigation, regarding the Court Ruling and its effect upon the EIR process, content and project approvals. The Revised Final EIR will contain all of the comments received concerning both the 2018 RSFEIR and the 2019 Draft Recirculated RSFEIR and the responses to comments for both of those documents as required by CEQA Guidelines §15089. The Final RSFEIR will also contain the other required sections as outlined in CEQA Guidelines §15132. The 2019 Draft Recirculated RSFEIR were labeled “draft” so there would be no confusion that this document was the part of the “draft EIR” process in which comments were being sought from the public.

Response to Comment 2-F5-2: The updated air quality analysis for the 2019 Draft Recirculated RSFEIR assumed a more average approach to construction phasing and duration and the completion of Phase 1 by December 31, 2024 and the completion of Phase 2 by December 31, 2034. This results in greater consistency with the assumed Project buildout and occupancy schedule with Phase 1 operational in 2025 and Phase 2 operational in 2035. As stated in the 2019 Draft Recirculated RSFEIR and the WLC Specific Plan, “project phasing predictions are conceptual.” (2019 Draft Recirculated RSFEIR, p. 3-2.) Further explanation is provided:

“The actual amount and timing of development and occupancy will be dependent upon numerous factors, many of which are outside the control of the City or the developer, including interest by building users, private developers and local, regional, and national economic conditions. These and other factors acting together will ultimately determine the location and rate at which development within the project will occur.”

A Phase 1 completion by December 31, 2024 and a Phase 2 completion by December 31, 2035 provides a more conservative air quality analysis than a delayed or extended schedule. These completion dates assume that more project construction is occurring within each year, assuming a greater intensity of use each year, and further assumes that more project construction is occurring sooner rather than later, when air quality improvements in construction equipment could be available.

Accordingly, to provide a conservative air quality analysis, construction was assumed to be completed over a 15-year period that provides for phase overlap and the use of less efficient construction equipment. For mass grading, each planning area was assumed to be graded separately over a total of approximately 13 years to reflect a realistic grading plan. The outputs in Appendix A of the 2019 Draft Recirculated RSFEIR include all plots and included overlap in the construction of plots and with operations. As a result, the construction emissions identified in Section 4.3 of the 2019 Draft Recirculated RSFEIR would be considered a worst-case representation of the potential construction emissions during each phase of construction.

Furthermore, according to commercial real estate CBRE Group, thirteen “mega warehouses” of 1 million square feet or more, including a 1.25 million-square-foot fulfillment center in Moreno Valley, were built in the Inland Empire between 2010 and 2016. In 2018, twenty of the top one hundred commercial real estate leases were signed in the Inland Empire by e-commerce companies and logistics firms, deals totaling nearly

Final Response to Comments

20 million square feet. WLC will be built out in response to market demand which makes it reasonable to analyze the impacts of construction and operation of Phase 1 by 2024.

Response to Comment 2-F5-3: At this time the SCAQMD is still working on the specific details of this rule, precisely what measures should be included in the rule or what rules would be voluntary or mandatory. Refer to Topical Response D for further discussion of the Indirect Source Rule (ISR). The discussion of the proposed ISR is provided for informational purposes only because the analyses in the 2019 Draft Recirculated RSFEIR does not include any of the benefits that the ISR will provide. An agreement was reached between the applicant and the SCAQMD which states that the parties agree the applicant will pay an Air Quality Improvement Fee in addition to the mitigation measures listed in the Final RSFEIR. The Settlement Agreement between SCAQMD and the City requires that the WLC Project pay an Air Quality Improvement Fee to SCAQMD of approximately \$26,000,000. The Air Quality Improvement Fee is to be used by SCAQMD “for any purpose that will improve air quality in the South Coast Air Basin.”

The Settlement Agreement states:

“[A]ll parties agree that the payment of the Air Quality Improvement Fee will adequately mitigate heavy-duty truck related air quality impacts that may result from the construction and operation of the World Logistics Center as described in the EIR and that no additional charges will be imposed on the World Logistics Center to mitigate emissions, including NO_x, described in the EIR from heavy-duty trucks.”

One of the recitals in the Settlement Agreement acknowledges the WLC Project’s on-site commitments: “The parties agree that the amount of the Air Quality Improvement Fee ... is in addition to the air quality improvement features already part of the World Logistics Center including the commitment to all 2010 clean diesel trucks, all Tier 4 construction equipment and a CNG/LNG fueling facility.” Because it is unknown at this time what improvements will be made by the SCAQMD through the use of the \$26,000,000 that will result from the settlement, it would be speculative to assume that any particular improvement will take place. Accordingly, the analyses contained in the 2019 Draft Recirculated RSFEIR do not include any reductions in criteria pollutants or greenhouse gas emissions that might occur as a result of the settlement and the payment of the money. Additionally, the SCAQMD sent a letter to the Project sponsor acknowledging the Settlement Agreement and that payment of funds has not occurred and will not occur until approval and development of Project buildings (see Attachment Q).

Thus, the City and the SCAQMD recognized the importance of on-site Project Design Features, mitigation measures and direct regional investment, consistent with the Scoping Plan’s guidance, and required the WLC Project to fund air quality improvements in the South Coast Air Basin, which they determined was sufficient to mitigate adequately the heavy-duty truck related air quality impacts of the WLC Project. Specifically, construction emissions would be reduced through implementation of mitigation measures that require the use of Tier 4 construction equipment, reduced idling time, use of non-diesel equipment where feasible, low-VOC paints and cleaning solvents, and dust suppression measures. Operational emissions would be reduced through implementation of mitigation measures that require reduced vehicle idling, use of non-diesel on-site equipment, meeting or exceeding 2010 engine emission standards for all diesel trucks entering the site, electric vehicle charging stations, and prohibition of refrigerated warehouses.

Response to Comment 2-F5-4: Particulate emissions and associated health impacts from Project activities are highest on-site and decrease with distance from the Project site as demonstrated by the unmitigated cancer risk contours in Figures 4.3-3 and 4.3-4 (2019 Draft Recirculated RSFEIR, Section 4.3.6.5). Table 4.3-26 (page 4.3-67 of the 2019 Draft Recirculated RSFEIR) presents the estimated cancer risks for the 30-year exposure duration that starts from the beginning of Project construction (Construction + Operational HRA). The results are provided separately for the incremental increase in cancer risk during Project construction, incremental increase in cancer risk during Project operation, and the total incremental increase in cancer risk from Project construction plus operation prior to the application of mitigation measures. As shown in Table 4.3-26, the Project would exceed the SCAQMD's cancer risk significance threshold of an incremental increase of 10 in a million prior to the application of mitigation and would represent a significant impact. Construction impacts contribute the greatest proportion of the total health risk impact presented in Table 4.3-26. Table 4.3-27 on page 4.3-68 of the 2019 Draft Recirculated RSFEIR shows the estimated cancer risk for the 30-year exposure duration that starts from the beginning of Project full buildout operation in 2035 (Operational HRA). Table 4.3-27 shows that during full Project operation, the total incremental increase in cancer risk is greater than the 10 in a million threshold, prior to mitigation, and would represent a significant impact. Overall, without mitigation, the Project is expected to have a significant impact mainly due to diesel PM emissions from construction activities and heavy-duty diesel truck activities. With mitigation incorporated (2019 Draft Recirculated RSFEIR, page 4.3-73 – 4.3-74), the cancer risks are substantially lower. As shown on Table 4.3-28, 2019 Draft Recirculated RSFEIR, page 4.3-27, the estimated cancer risks for the 30-year exposure duration for construction (construction and operation HRA) would not exceed the SCAQMD cancer risk significance threshold after incorporation of mitigation. The large reduction in cancer risk after mitigation is attributable principally to the reduced diesel PM associated with the commitment to Tier 4 construction equipment. Table 4.3-29, 2019 Draft Recirculated RSFEIR shows that the estimated 30-year exposure cancer risk for operation would exceed the SCAQMD cancer risk significance threshold for sensitive receptors located within and outside the Project boundary. Therefore, Mitigation Measure 4.3.5.4.A, the use of Minimum Efficiency Reporting Value (MERV) 13 filters to impacted residences, was added. This mitigation measure reduced the total incremental cancer risk to less than the SCAQMD significance threshold as shown on Table 4.3-30 (page 4.3-74 of the 2019 Draft Recirculated RSFEIR). The owners of the homes located at 13100 World Logistics Center Parkway (formerly Theodore Street) and 12400 World Logistics Center Parkway (formerly Theodore Street) have accepted the offer for the installation of the MERV 13 filters in writing (see Attachment R). Thus, for these reasons, with the implementation of mitigation, the increase in health risks from the Project to an on-site or offsite receptor, within the study area, was less than significant. This mitigation measure would reduce the total incremental cancer risk for impacted sensitive receptors located within and outside of the Project boundary to less than the SCAQMD significance threshold as shown on Table 4.3-30 (page 4.3-74 of the 2019 Draft Recirculated RSFEIR). Thus, with the implementation of mitigation, health risk impacts from the Project to an on-site or offsite receptor, within the study area, would be mitigated to less than significant.

The commenter brought up the community has asked that there be greater setbacks of buildings, 500-1,000 feet, as separation from PM sources and the sensitive receptors. As discussed on pages 4.3-18 and 4.3-19 of the 2019 Draft Recirculated RSFEIR, the Advanced Collaborative Emissions Study (ACES) guided by an ACES Steering Committee consisting of representatives of the Health Effects institute (HEI) and the Coordinating Research Council (CRC). The HEI study concluded new technology diesel exhaust (NTDE) does not induce tumors or pre-cancerous changes in the lung and does not increase tumors that were considered to be related to NTDE. The project HRA was conducted to allow decision makers to

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evaluate the cancer-related impacts of the WLC project with the assumption that new technology diesel exhaust (NTDE) causes cancer, contrary to what was found by the HEI study. The HRA was conducted using the current OEHHA Guidance, which didn't take into account the results of the HEI ACES studies, building setbacks, or buffers. The HRA assumed that emissions associated with on-site activity would occur up to the WLC project boundary, ensuring a conservative analysis.

Response to Comment 2-F5-5: See Response to Comment 2-F5-4 for a discussion on why a project setback of 1,000 feet is not necessary to significantly reduce cancer risks associated with the proposed project.

Response to Comment 2-F5-6: Mitigation Measure 4.3.5.6A only applies to residences located at 13100 World Logistics Center Parkway (formerly Theodore Street) and 12400 World Logistics Center Parkway (formerly Theodore Street) because these residences still experience significant impacts with mitigation measures in place, as shown in Table 4.3-29 of the 2019 Draft Recirculated RSFEIR. As shown in Table 4.3-28 (page 4.3-73), impacts related to 30 years of construction and operational emissions to all on-site residences would be reduced to less than significant with mitigation incorporated. Table 4.3-29 (page 4.3-74) has been revised as follows to show the risk of exposure to 30 years of full operation at all on-site residences.

As shown the mitigated health risks at 13241 World Logistics Center parkway, 13200 World Logistics Center Parkway, 29080 Dracaea Avenue, and 29140 Dracaea Avenue do not exceed the SCAQMD 10 in one million cancer risk threshold and additional mitigation, specifically MERV filters, would not be required. However, as a part of the project's development agreement, all on-site residences would be offered an air filtration system meeting MERV 13 standards within two months of certification of the Final RSFEIR.

Response to Comment 2-F5-7: To ensure that those around the Project site are not exposed to unacceptable levels of potentially harmful pollutants, a construction plus operation health risk analysis and an operational only health risk analysis was conducted and included in the 2019 Draft Recirculated RSFEIR to evaluate the potential health risks of the WLC Project to sensitive receptors. The HRA methodology applied a risk characterization model to the results from an air dispersion model to estimate potential health risks at each sensitive receptor location. On-site project activities were assumed to occur up to the project property line, and thus the HRA does not account for any applicable setbacks as a worst case analysis. Project-related mobile sources are distributed along the regional and local roadway network. Figures 4.3-3 through 4.3-6 (pages 4.3-70, 4.3-71, 4.3-75, and 4.3-76, respectively) show the full extent of receptors (represented by orange dots) analyzed in the HRA. Figure 4.3-5 shows the mitigated cancer risk under the construction plus operations scenario and Figure 4.4-6 shows the mitigated cancer risk under the operation only scenario. As shown in these figures, areas to the west and east of the project site would experience an incremental increase in cancer risk; however, the areas highlighted in red are the areas that would be associated with cancer risk of greater than 10 in one million, exceeding the significance threshold. Areas shown as exceeding the threshold of 10 in one million on Figure 4.3-6 either consist of a vacant lot, paved parking lot, or a non-residential use. Therefore, impacts would not be significant in those areas. As shown in Figures 4.3-3 through 4.3-6, the HRA evaluated areas well beyond Dracaea and Redlands. Therefore, the evaluation area is not flawed and has been properly assessed.

Table 4.3-29: Estimated Cancer Risks, 30-Year Exposure Duration for Sensitive/Residential Receptors Starting from Beginning of Project Full Operation in 2035, With Mitigation (Without MERV-13 Filters)

Receptor Location	Total Incremental Increase in Cancer Risk ¹ (risk/million)	SCAQMD Cancer Risk Significance Threshold (risk/million)	Exceeds Threshold?
Maximum risk anywhere in the modeling domain ²	14.2	10	Yes
Maximum risk within the project boundaries ³	40.7	10	Yes
<u>13241 World Logistics Center Pkwy</u>	<u>8.8</u>	<u>10</u>	<u>No</u>
<u>13100 World Logistics Center Pkwy</u>	<u>10.2</u>	<u>10</u>	<u>Yes</u>
<u>13200 World Logistics Center Pkwy</u>	<u>8.5</u>	<u>10</u>	<u>No</u>
<u>30220 Dracaea Ave</u>	<u>10.7</u>	<u>10</u>	<u>Yes</u>
<u>29080 Dracaea Ave</u>	<u>5.3</u>	<u>10</u>	<u>No</u>
<u>29140 Dracaea Ave</u>	<u>5.6</u>	<u>10</u>	<u>No</u>
Maximum risk at any area outside of the project boundaries ⁴	<u>14.2</u>	<u>10</u>	<u>Yes</u>
<u>12400 World Logistics Center Parkway²</u>	9.5	10	No
<u>W of Redlands Blvd & S of Eucalyptus Avenue⁴</u>			
Maximum risk along SR60 freeway outside of the project boundaries ⁵	9.5 <u>14.2</u>	10	No <u>Yes</u>

Notes:

- 1 Conservatively assumed all receptors in the studied domain are residential receptors and will have 30-year average exposures from 2040 to 2064 (includes diesel PM emissions from full project operation); cancer risk estimates derived from the TIA, EMFAC2014/EMFAC2017 emission model, SCAQMD HRA guidance and "Current OEHHA Guidance" for estimating cancer risks.
- 2 Location is at the existing residence immediately to the north of the project boundary and is owned by the project sponsor, at 12400 World Logistics Center Parkway.
- 3 Location is at the existing residence located at 30220 Dracaea Avenue.
- 4 ~~Excluding the location in footnote (2) and locations within the project boundaries, this maximum risk~~ Location is owned by the project sponsor and is ~~Receptor is located~~ to the northwest of the project boundary, on the west side of Redlands Boulevard and south of Eucalyptus Avenue.
- 5 Location is ~~south~~ immediately north of SR 60 freeway, same as the location in footnote (4) ~~which to the northwest of the project boundary, on the west side of Redlands Boulevard and south of Eucalyptus Avenue.~~

Source: Air Quality, Greenhouse Gas, and Health Risk Assessment Report, 2019.

Response to Comment 2-F5-8: Refer to response to Comment 2-F5-7 in regards to the health risk of sensitive receptors both within the project boundaries and outside the project boundaries. Also, see Response to Comment 2-F5-4 with regards WLC not requiring 1,000 feet setbacks to reduce air quality impacts to sensitive receptors.

With regard to operational traffic noise, the 2018 RSFEIR analyzed potential noise impacts resulting from operation of the WLC project in Section 4.12. Specifically, for the two residences located on Dracaea Avenue, east of Redlands Boulevard, the noise analysis found these residences would be most affected by traffic along Redlands Boulevard between Eucalyptus Avenue and Cottonwood Avenue, where no

Final Response to Comments

significant noise increase has been identified, as shown in Table 4.12-13 of the 2018 RSFEIR. Therefore, impacts would be less than significant and no mitigation is required.

The 2018 RSFEIR also evaluated the potential noise impacts generated from the construction and operation of the WLC. As shown in Table 4.12-8 of the 2018 RSFEIR, construction activities within the project area would elevate existing ambient noise levels by as much as 50 dB. The existing sensitive receptors that would be most affected by on-site construction activities are located within, to the west, and to the southwest of the project area. Therefore, noise generated during onsite construction activities would result in a significant impact. Implementation of Mitigation Measure 4.12.6.1A would reduce construction noise levels at nearby sensitive receptors through implementation of a Noise Reduction Compliance Plan (NRCP), which is expected to attenuate construction noise levels by 10 dB and prohibit construction activities within 800 feet of residences during nighttime hours. As shown in Table 4.12-8 and Table 4.12-10, even with implementation of Mitigation Measure 4.12.6.1A, sensitive receptors located near on-site and off-site construction areas would be exposed to construction noise levels that would elevate the existing ambient noise levels above the applied 10 dB substantial temporary increase threshold. Therefore, this would result in a significant and unavoidable impact with mitigation.

The above mitigation measure identifies the action to reduce the Project's potentially significant environmental impacts, defines the timing during which the mitigation measure is to be implemented and monitored, and is fully enforceable through permit conditions. Additionally, the actions of private parties' points to the feasibility of the mitigation measure and is not a delegation of authority. Since it is unknown if the mitigation will be feasible, the 2018 RSFEIR identifies this impact as significant and unavoidable. Thus, this mitigation is an appropriate mitigation measure.

Response to Comment 2-F5-9: Figure 4.3-5 of the 2019 Draft Recirculated RSFEIR depicts impacts associated with 30 years of exposure beginning with the start of construction (construction + operation impacts), with mitigation. Therefore, impacts depicted on Figure 4.3-5 includes 15 years of on-site construction emissions, resulting in more localized impacts. Figure 4.3-6, shows the impacts associated with 30 years of full operation (beginning with full project buildout) with mitigation. Thirty years of operations reflects on-road mobile emissions from the impact of truck traffic from buildout of the WLC warehouses on the regional (specifically, SR 60 Freeway) and local roadway network. Therefore, impacts associated with 30 years of full operations reaches beyond the immediate project area. Figures 4.3-5 and 4.3-6 depict isopleths for two different analysis scenarios and are not intended to be compared against one another.

Response to Comment 2-F5-10: Mitigation measures that will be implemented to lower the cancer risk and other health risks associated with the construction and operation of WLC are provided in Section 4.3.6.5, page 4.3-72 of the 2019 Draft Recirculated RSFEIR. Please also refer to response to Comment 2-F5-3 in regards to the health risk of sensitive receptors both within the project boundaries and outside the project boundaries and the effectiveness of the proposed mitigation measures on these potential impacts. Furthermore, the cancer risk and chronic and acute non-cancer risk to sensitive receptors in the community would be less than significant with incorporation of mitigation for construction and operation and operation scenarios of the WLC. Thus, additional mitigation measures are not required to be utilized for the Project to address the chronic or acute non-cancer and cancer risk.

Furthermore, the Project will incorporate project design features (Section 4.17.5 Project Design Features in the 2019 Draft Recirculated RSFEIR), which are designed to reduce energy usage and air pollutant emissions. These project design features would encourage non-automotive forms of transportation and use of electric and alternative-fueled vehicles instead of gasoline-fueled and diesel-fueled vehicles, which provides for more environmentally sustainable and efficient use of transportation fuels.

Response to Comment 2-F5-11: The reference to climate change being brought on by factor's such as changes in the sun's intensity, slowing earth orbit, and ocean circulation referenced in Section 4.7.1.1 of the 2019 Draft Recirculated RSFEIR was obtained from the U.S. EPA.²⁴⁸

Response to Comment 2-F5-12: CARB staff worked jointly with the USEPA and the National Highway Traffic Safety Administration (NHTSA) on the next phase of federal GHG emission standards for medium- and heavy-duty engines and vehicles. These federal Phase 2 standards were built on the improvements in engine and vehicle efficiency required by the Phase 1 emission standards and represent a significant opportunity to achieve further GHG reductions for 2018 (2020 in California) and later model year heavy-duty vehicles, including trailers. On October 25, 2016, the EPA and the NHTSA jointly published the second phase of GHG emissions and fuel efficiency standards for medium- and heavy-duty vehicles and engines (81 Federal Register 73478) through their authority under the Clean Air Act Amendment (CAA). Despite the withdrawal of California's Clean Air Act waiver, the federal Phase 2 standards would still be in effect because the California standards are aligned with the federal Phase 2 standards in structure, timing, and stringency. In February 2019, the Office of Administrative Law (OAL) approved the rulemaking, and filed with Secretary of State. These regulations became effective April 1, 2019.²⁴⁹ Despite the withdrawal of California's Clean Air Act waiver by the Trump Administration, as mentioned above, California is aligned with federal standards which weren't revoked. Furthermore, the State of California, along with 23 other states petitioned the U.S. Court of Appeals for the District of Columbia Circuit for review of the EPA's action to withdraw the waiver. That action was stayed on February 11, 2020, because of the pendency of a related case in the District of Columbia Circuit. A briefing schedule will be filed in March, 2020. In the meantime, California has not amended or withdrawn any of its laws or regulations in response to the withdrawal of the waiver. For a more detailed response. As confirmed on the CARB website, during the period the federal action is in effect, CARB will administer the affected portions of its program, including issuing certifications for the greenhouse gas emissions and zero-emission vehicle programs.²⁵⁰

Response to Comment 2-F5-13: Mitigation Measure 4.7.6.1D states that prior to the issuance of a building permit, new development shall demonstrate that each building has implemented the following:

- Install solar panels with a capacity equal to the peak daily demand for the ancillary office uses in each warehouse building or up to the limit allowed by MVU's restriction on distributed solar PV connecting to their grid, whichever is greater;

²⁴⁸ U.S. Environmental Protection Agency (EPA). *Climate Change: Basic Information*. Available at <https://archive.epa.gov/epa/climatechange/climate-change-basic-information.html>. Website accessed June 26, 2018

²⁴⁹ CARB, Greenhouse Gas Standards for Medium- and Heavy-Duty Engines and Vehicles. Available at: <https://ww2.arb.ca.gov/our-work/programs/ghg-std-md-hd-eng-veh/about>

²⁵⁰ California Air Resources Board, 2020. CARB Waiver Timeline. Available online: <https://ww2.arb.ca.gov/resources/documents/carb-waiver-timeline>. Accessed February 14, 2020.

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- Increase efficiency for buildings by implementing either 10 percent over the 2019 Title 24's energy saving requirements or the Title 24 requirements in place at the time the building permit is approved, whichever is more strict; and
- Require the equivalent of "Leadership in Energy and Environmental Design Certified" for the buildings constructed at the World Logistics Center based on Leadership in Energy and Environmental Design Certified standards in effect at the time of project approval.

As discussed on page 4.7-1 of the 2019 Draft Recirculated RSFEIR, project buildings will provide on-site rooftop solar generating capacity up to the maximum level currently permitted by Moreno Valley Electric (MVU). In anticipation of increased electricity loads in the future, including from a growing electric vehicle fleet, the project will provide solar ready roofs that could accommodate expanded rooftop solar installations in the future. Additionally, Mitigation Measure 4.7.6.1D has been revised to require that rooftops be made solar ready. See the Response to Comment 2-F3-9. CEQA Guidelines §15126.4(a) requires lead agencies to consider feasible mitigation measures to avoid or substantially reduce a project's significant environmental impacts. Mitigation Measure 4.7.6.1D conforms to CEQA Guidelines by reducing GHG impacts by utilizing solar to the maximum extent allowed under MVU regulations. Refer to Topical Response E, Moreno Valley Utilities/Solar, for a discussion of solar generations limits imposed on the WLC by MVU. Currently for the WLC project, MVU is the utility provider for the Project and while solar PV is a viable option, MVU has limitations in its Electric Service Rules on the amount of PV allowed for commercial and industrial projects, as discussed in the 2019 Draft Recirculated RSFEIR and RTER (Appendix E of the 2019 Draft Recirculated RSFEIR. Additionally, Topical Response E discusses MVU's ability to meet its Renewable Portfolio Standards.

Response to Comment 2-F5-14: As discussed on pages 4.17-18 – 4.17-23 of the 2019 Draft Recirculated RSFEIR, the WLC includes Project Design Features including sustainable development standards that minimize energy consumption, conserve water, and use recycled or sustainable building materials, where feasible. Pursuant to the WLCSP, all new development within the project site will be required to meet the California Building Energy Standards in effect at the time construction commences or be 10% more stringent than 2019 standards, whichever results in lowest energy use. In addition, WLC buildings will be designed to be "solar ready" (i.e., structural upgrades to allow the installation of solar photovoltaic systems on the roof of each building), and the WLCSP includes a commitment that the energy requirements of all office space will be supplied with rooftop solar energy systems. The project also incorporates energy conservation measures (2019 Draft Recirculated RSFEIR pages 4.17-20 – 4.17-21) which, in combination with the PDFs, are expected to deliver energy performance that exceeds the current minimum Title 24 requirements by approximately 17 percent at Phase 1 and 16 percent at full buildout. Furthermore, in addition to the PDFs regarding energy conservation and renewable energy, the following mitigation measures for other environmental impacts that reduce potential impacts of the WLC project relative to energy use (2019 Draft Recirculated RSFEIR pages 4.17-23 – 4.17-24).

- Air Quality mitigation measures 4.3.6.2A, 4.3.6.3B, and 4.3.6.4A
- Utilities mitigation measures 4.16.1.6.1A, 4.16.1.6.1B, and 4.16.1.6.1C
- Greenhouse Gas mitigation measures 4.7.6.1A, 4.7.6.1B, 4.7.6.1C, and 4.7.6.1D

As discussed in the 2019 Draft Recirculated RSFEIR, pages 4.17-24 – 4.17-39, energy impacts were less than significant, so no other mitigation measures are required.

Response to Comment 2-F5-15: As stated in Mitigation Measure 4.3.6.3B (pages 4.3-53 4.3-54), tenants' fleets shall be in compliance with all current air quality regulations for on-road trucks including, but not limited to, California Air Resources Board's Heavy-Duty Greenhouse Gas Regulation and Truck and Bus Regulation. This includes all future truck standards as they are implemented so the mitigation doesn't need to be rewritten. Regarding model year engine standards, those are specified in California Code of Regulations Title 13, Article 4.5, Chapter 1, Section 2025. Tenants' fleets will be required to adhere to this Regulation and will be upgraded or replaced as appropriate to meet the current regulations.

Response to Comment 2-F5-16: Mitigation Measure 4.3.6.4A g) states that a minimum of two electric vehicle-charging stations for automobiles or light-duty trucks shall be provided at each building. In addition, parking facilities with 200 parking spaces or more shall be designed and constructed so that at least six percent of the total parking spaces are capable of supporting future electric vehicle supply equipment (EVSE) charging locations. Sizing of conduit and service capacity at the time of construction shall be sufficient to install Level 2 ESVE or greater (page 4.3-61). The Project includes the installation of ESVE, as described above, pursuant to Title 24, part 6 of the CALGreen Code (page 4.3-61). Additionally, the Project will construct the WLC parking areas with cable raceways for installing future EV charging stations, which will enable WLC to more readily and cost effectively provide this service to future tenants if and when demand dictates (page 4.17-24). Furthermore, the WLC is committing to a publicly-accessible fueling station offering alternative fuels (natural gas, electricity, etc.) for purchase by the motoring public (page 4.3-54).

Response to Comment 2-F5-17: Section 4.17.1.4 of the 2019 Draft Recirculated RSFEIR states that MVU is the primary utility provider for the residences and businesses of Moreno Valley and is the utility provider to the WLC Project. Southern California Edison does provide electrical service to a portion of the City and has existing facilities running through the project. The annual electricity sale to all customers in the MVU service area for the 2017-2018 fiscal year was approximately 188 million kilowatt hours (kWh).²⁵¹ MVU is the provider for the majority of the City of Moreno Valley.²⁵² As stated above, the project lies within the MVU service area, and even if Southern California Edison has a larger number of users, it wouldn't affect the analysis conducted in Section 4.17 of the 2019 Draft Recirculated RSFEIR since MVU would provide power to the WLC Project.

Response to Comment 2-F5-18: As stated on page 4.17-29 of the 2019 Draft Recirculated RSFEIR, the feasibility of using medium- and heavy-duty EVs for delivery of goods to or from the WLC is, to a great extent, dependent on the nature of the warehousing operations. Tying the usage of EV trucks to the availability of charging stations at the WLC is faulty. For example, it is the practice at the majority of logistics center in the area to implement the "drop and drag" procedure; a procedure where a truck will bring goods to the facility, and the trailer (or sea-going cargo container) will be disconnected and left on-site for the lengthy process of unloading. An empty trailer may be connected and the truck quickly departs to return to its point of origin. Conversely, an out-bound truck is usually scheduled to retrieve a delivery load only once

²⁵¹ City of Moreno Valley, Moreno Valley Utility, 2018 Integrated Resource Plan, 2018, p 16-14 <http://www.moval.org/mvu/pubs/MVU-IRP-Report-072018.pdf>. Accessed September 2019.

²⁵² Map of MVU's service area. <http://www.moval.org/mvu/pdfs/MVU-servarea.pdf>

the container/trailer is full. Thus, trucks are not on-site long enough times to obtain a meaningful battery charge. Appendix E of the 2019 Draft Recirculated RSFEIR asserts that with Level 2 AC chargers, with a minimum charging rate of 19.2 kW (the highest rate currently available), it would take approximately 4 hours to fully charge a passenger vehicle with a 100kWh battery. Trucks would not stay docked at the facility for that long in most cases, and a truck battery would be larger and require more time to charge than a passenger vehicle. Most of these trucks would have battery charging facilities at their place of origin or the end point as its more economical for the fleet owners who don't want to be paying for employees sitting idle waiting for a vehicle to charge.

As stated on page 4.17-24 of the 2019 Draft Recirculated RSFEIR, although it is speculative to state what the regional fleet mix will be as each phase of the Project is completed, and the adoption of ZEVs by WLC tenants' employees and customers will be beyond the direct control of the WLC, all EV types should be anticipated in planning for the onsite charging infrastructure. To that end, the project will construct the WLC parking areas with cable raceways for installing future EV charging stations (page 4.17-23 of the 2019 Draft Recirculated RSFEIR), which will enable the WLC to more readily and cost effectively provide this service to future tenants, if and when demand dictates.

Response to Comment 2-F5-19: Appendix E, Renewable Energy Technical Report (RETR), of the 2019 Draft Recirculated RSFEIR contains an analysis of the Project's overall energy needs "demand-side" (Section 4 Demand Side Energy Analysis pages 9 – 11) and ways the Project's energy needs could be reduced through energy efficiency technologies "supply-side" (Section 5 Supply-Side Energy Strategy pages 12 – 25) strategies which included energy efficiency concerns. Based on the distribution centers that currently exist within the Moreno Valley Utilities (MVU) service territory, the energy analysis assumes a worst-case emissions evaluation by assuming that about 11 percent of the WLC buildings will feature air-conditioned warehouses. The energy conservation measures (ECMs) for the WLC were based on maximizing environmental protections in the most cost-effective manner practical and to address internal loads, such as lighting and equipment, as well as the energy required to provide heating, cooling, and domestic hot water. The RETR determined, through a comparison with different systems, that for the office space the recommended system is underfloor air distribution coupled with water-cooled variable refrigerant flow (VRF) technology that is served by a shared water loop which allows for sharing of energy among zones, such that if one zone requires heating while another requires cooling, energy can be transferred between zones resulting in built-in energy recovery (Section 4.1 Recommended Measures in the RETR). If additional cooling is needed during extremely warm weather, a cooling tower provides supplemental heat rejection to the atmosphere. Air-conditioned warehouse spaces shall be served by displacement ventilation whereby conditioned air is delivered at low velocity from air diffusers near floor level. Cooling of supply air is achieved via direct evaporative cooling sections that deliver sufficiently cool air at required warehouse conditions for most hours during the typical weather year. During hours that evaporative cooling doesn't meet the cooling load or doesn't maintain acceptable relative humidity in the warehouse, VRF systems are utilized for supplemental space cooling. The shared water loop of the warehouse VRF systems is connected to an air-to-water heat pump to provide supplemental cooling via heat rejection to the atmosphere. When heating requirements exceed the heat recovered within the shared water loop by the VRF units, supplemental heat for the water loop is extracted from the atmosphere by the same air-to-water heat pump running in reverse. Because all heating and cooling in the buildings is provided by direct evaporative cooling and heat pumps, utilizing electricity, natural gas is not required, which allows the WLC to eliminate on-site

fossil fuel combustion that would normally be associated with service water and space heating. Additionally, in all electric buildings there is not a need for natural gas distribution infrastructure. As discussed, the heating, ventilation, and air conditioning(HVAC) system would not be roof-top HVAC units. The underfloor air distribution coupled with water-cooled VRF technology system is much more energy efficient and cost-effective than the typical warehouse configuration. Appendix E of the 2019 Draft Recirculated RSFEIR discusses the potential for ground-source heat pumps (GSHP) to provide both heating and cooling of warehouse spaces. However, as discussed, GSHP is not recommended for the WLC due to the imbalance of project heating and cooling needs. Thus, underground pipework to provide cooling was discussed in Appendix E to the 2019 Draft Recirculated RSFEIR with respect to underfloor air distribution and GHSP.

Response to Comment 2-F5-20: Refer to Response to Comment 2-F5-16 for a discussion of the EVSE chargers for the WLC Project, what charging stations will be installed and what areas will be made EVSE ready for installation at a future date. Thus, the scenarios aren't flawed as all energy requirements have been considered. Refer to Topical Response E, Moreno Valley Utilities/Solar, for a discussion on the limitation of solar panels per MVU requirements.

Response to Comment 2-F5-21: The figures in Section 6 of the 2019 Draft Recirculated RSFEIR identify the location of cumulative projects being considered in the cumulative analyses with indicators for the jurisdiction they are located in. The legend identifying project boundary, air quality cumulative project area, and county boundary is located in the top right-hand corner. The colored dots represent the 359 cumulative projects analyzed and are identified by city initials on the map. See Figure 6.0 of the 2018 RSFEIR (pages 6.0-5 through 6.0-15).

Response to Comment 2-F5-22: The commenter identifies two typographical errors. Regarding the error identified on page 4.4-6, that page was not included in the 2019 Draft Recirculated RSFEIR. That page in the 2018 RSFEIR is blank and does not include the error identified. With regard to the error identified on page 4.3-99, Section 4.3 does not have a page 4.3-99 (the section goes to page 4.3-82) and the error identified would not be located elsewhere within the section. Therefore, no further response is needed.

Response to Comment 2-F5-23: No specific comments on the contents of the 2019 Draft Recirculated RSFEIR are provided within this comment, and thus no further response is needed (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

3.5.7 (1-G) Letters from Private Individuals

Comment Letters Received from Private Individuals include the following:

2-G1: Residences of Avalon Ave and Alicante Ave

2-G2: Gary Klein

2-G3: Don Holt

2-G4: Stephen McKee

2-G5: Lindsay Robinson

2-G6: Susan Zeitz

2-G7: Susan Zeitz

2-G8: David Zeitz

2-G9: Adam Salcido

TO: Albert Armijo Interim Planning Manager
14177 Frederick Street, Post Office Box 88005
Moreno Valley, California 92552

CC: Dr. Yxstian Gutierrez, David Marquez, Ulises Cabrera

FROM: Residents of Avalon Ave, Alicante Ave,
Moreno Valley, 92555

DATE: January 21, 2020

It's common knowledge that the further you live from a pollution source, the safer you are.

Well, we are three families who live in the houses located on the east side of Moreno Valley, situated close to the stop signs on Redlands Blvd. and Cactus Avenue. Please, read about our situation in the attached document that we sent to you last year, so we don't have to repeat the same information twice. Since we sent you that letter, last year, no one from the City Administration has visited us, talked to us or informed us what could be done.

2-G1-1

There are disabled, elderly, veterans, and cancer survivors living in these 3 houses. We pay our taxes and YOUR salaries and we, as citizens and permanent residents of the City of Moreno Valley all have reasonable expectations of concerns, helpful consideration and protection from our city administration.

Instead, we get a "Notice of Availability" which states in part: "the proposed project will have significant unavoidable adverse impact to air quality, noise, and transportation traffic."

Well, you are being very straightforward with us, making it clear that you do not care about our lives, our health, our elderly, our veterans who will be greatly impacted by the extreme closeness to the source of toxic pollution.

2-G1-2

So, let's us to be straightforward, as well. We have only one life, and we refuse to be victims. If The City of Moreno Valley won't remove the Cactus extension road from the plan and strictly prohibit any of 14 000 diesel

2-G1-3

trucks driving behind our backyards, then you MUST evacuate us from this potential toxic zone!

The City of Moreno Valley will garner taxes from WLC for years to come, the Developer stands to make profits, and some people will have jobs, although, they may not be residents of Moreno Valley.

But, what will we get?

- our health placed in dire jeopardy;
- our remaining peaceful retirement years shaken by noise and toxic pollution from thousands of trucks daily streaming by our homes;
- destroyed dream to live happily and safely during our quite golden years that we were worked so hard for;
- decreased value of our homes;
- increased possibility of stricken with cancer again or some other deadly disease.

2-G1-3
cont.

We demand that we be fully compensated for destroying our American dream that we worked all our lives so hard for,

We demand that we be fully compensated for ignoring veterans, elderly people and cancer survivors with your actions, which basically destroying our lives.

2-G1-4

We demand compensation of one million dollars (\$1,000,000.00) to each family involved, so we can move on with our lives to another city, where the city administration will be concerned about the safety of their citizens.

ALLAN SMILEY 28990 ALICANTE AVE MORENO VALLEY CA 92555 Allan Smiley

MARINA SMILEY 28990 ALICANTE AVE 11-11-11 M Smiley

Beasfull Ed

Edward Beasfull 29010 Alicante Ave Moreno Valley, CA 92555

ANDREW J GILLEN 29000 ALICANTE AVE. MORENO VALLEY, CA 92555

CHRISTINE D. GILLEN 29000 ALICANTE AVE. MORENO VALLEY, CA 92555

Christine Gilen 29000 Alicante Ave 92555

TO: Albert Armijo Interim Planning Manager
14177 Frederick Street
Post Office Box 88005
Moreno Valley, California 92552

FROM: Residents of Avalon Ave, Alicante Ave, Moreno Valley

SUBJECT: Comments about the revised section of the FEIR
(SCH #201202104)

DATE: September 03, 2018

Urgent! Our children and elderly are fighting for their lives!

The situation of the East Moreno Valley residents who live in the houses located on Avalon Ave and Alicante Ave. is not presented properly in the revised section of the Final Impact Report (FEIR). It cannot move any further until a separate Air Quality Report for Avalon and Alicante Ave houses overlooking the stop sign at the intersection of Redlands Blvd., Cactus Ave. and JFK Road will be done and included in the Revised section of the Final Impact Report (FEIR).

Table 5 on page 35, Figure 12, Figure 16, Figure 23, Figure 24 are missing some sensitive and very important information and have to be fixed based on the separate report just for this small area.

Why do we demand a separate Air Quality report?

When the Cactus Ave extension connecting 215 freeway with the World Logistic Center was silently hidden in the WLC plan, nobody thought about Avalon and Alicante Ave residents. Well, it

is time to think about us now. Our health is in serious danger, and we demand that the F&IR reflects our situation.

Basically, the Cactus road extension will turn our quiet neighborhood into a noisy and polluted freeway located a few feet behind our homes. What makes the matter even worse, is the fact that the stop sign is only feet away from our backyards. About 20,000 WLC employees vehicles will be stopping at the sign and then accelerating up the hill twice a day, driving to the job and returning home. Now we are talking about 40,000 car stops just a few feet away from our houses.

It is common knowledge that cars produce much more toxic gas when they stop and then accelerate up the hill compare to cars that are driving along a straight road. We will be affected not only by pollution of the biggest warehouse complex in the USA, with 14,000 diesel trucks daily, but additionally by 40,000 cars accelerating daily, only a few feet away from our backyard. What kind of superhuman could tolerate that amount of accumulated pollution day after day? Even one half of that? Or even a quarter of that amount? Our children and our elderly will not be able to survive this amount exposure.

That makes our situation different, and that is why we must have a separate Air Quality report just for the Avalon and Alicante Ave houses facing the stop sign at the intersection of Redlands Blvd., Cactus Ave. and JFK Road.

1. We demand that the Revised section of the Final Impact Report (F&IR) includes the results from a reliable laboratory showing the accumulative effect from WLC and its 14,000 diesel truck PLUS the 20,000 employee vehicles just a few feet from our backyards. We demand proof that it will be safe for our children and the elderly.

2. We also couldn't find in your revised report any information about protecting our residents from a possible detour.

Alicante Ave has an exit that directly connects to the Cactus Ave road extension. This exit needs to be closed to all vehicles including motorcycles before you start any construction.

Otherwise, vehicles that are stuck in traffic near the stop sign behind our backyards, will discover this loophole very quickly, and as a result we will have huge traffic not only at our backyards, but in front of our houses on Avalon and Alicante Ave, and through the remainder of the tract as well.

Since you represent the City of Moreno Valley, you are fully responsible for the safety of all who reside and work in Moreno Valley.

Always remember that you work for the city and its residents.

We, THE PEOPLE, demand that you provide proof that the residents of Avalon and Alicante Ave facing the stop sign at the intersection of Redlands Blvd and Cactus Ave. road extension will be safe from the toxic cloud that WLC, and its employee cars will generate.

If you are unable to provide proof and/or will not provide proof of safe air quality for the residences referenced above, stop this project immediately including the Cactus Ave extension.

ALLAN SMILEY	2599 AVALON AVE. MV	Allan Smiley
MARINA SMILEY	2890 AVALON AVE. MV	M Smiley
ANDREW GUILLEN	2900 ALICANTE AVE	M.V. 92555
CONSTANCE GUILLEN	2900 ALICANTE AVE	M.V. 92555
EDWARD BRASSFIELD	29010 Alicante Ave	M.V. 92555

RESPONSES TO LETTER 2-G1: Residents of Avalon Ave and Alicante Ave

Response to Comment 2-G1-1: Although the EIR drafted for this project concludes significant impacts, as shown in the document and summarized below, the air quality, noise, and traffic impacts are largely mitigated to less than significant near the specific homes mentioned in the comment letter, on Avalon Avenue and Alicante Avenue.

The revised air quality analysis prepared for the WLC Project is provided in Appendix A of the 2019 Draft Recirculated RSFEIR and includes an evaluation of emissions from truck traffic and automobile trips identified in the Traffic Impact Assessment (TIA) provided in Appendix F of the 2018 RSFEIR. Figure 37 of the TIA identifies that 0 percent of the truck traffic would travel to and from southwest of the WLC site while Figure 32 shows 29 percent of the automobile traffic would travel to and from southwest of the WLC site. Based on the 40,598 daily passenger vehicle trips for full buildout shown in Table 23 of the TIA, approximately 11,773 daily passenger vehicle trips would travel to and from southwest of the WLC site using Cactus Avenue in 2040. Based on a review of Figure 12 on page 50 of the TIA, 909 AM peak hour trips and 833 PM peak hour trips occur under the Existing scenario at the Cactus Avenue and Redlands Boulevard/John F. Kennedy Drive intersection and Figure 45 on page 285 of the TIA, 2,010 AM peak hour trips and 2,470 PM peak hour trips would occur under the 2040 plus Project Buildout scenario at the Cactus Avenue and Redlands Boulevard/John F. Kennedy Drive intersection. Therefore, the peak hour trips under the 2040 scenario increase by approximately 121 percent in the AM and 197 percent in the PM. During the 2025 Plus Phase 1 scenario when approximately 50% of the WLC Project is built out, the Cactus Avenue and Redlands Avenue/John F. Kennedy Drive intersection would exceed the level of service standard and require the installation of a signal and the addition of one eastbound left turn lane and one westbound left turn lane (TIA, Table 50, page 235).

The air quality analysis that was prepared for the Project evaluates congestion-related vehicle emissions at intersections and along roadway segments in the project vicinity that would result in potential local CO “hot spot” impacts. As discussed on pages 4.3-34 through 4.3-36 of Section 4.3, Air Quality of the 2019 Draft Recirculated RSFEIR, the primary mobile source pollutant of local concern is CO, which is a direct function of vehicle travel speeds and idling time and, thus, traffic flow conditions. CO transport is extremely limited; it disperses rapidly with distance from the source under normal meteorological conditions. However, under certain extreme meteorological conditions, CO concentrations proximate to a congested roadway or intersection may reach unhealthy levels affecting local sensitive receptors (residents, schoolchildren, etc.). High CO concentrations are typically associated with roadways or intersections operating at unacceptable levels of service or with very high traffic volumes. In areas with high ambient background CO concentrations, modeling is recommended to determine a project’s effect on local CO levels.²⁵³

The closest intersection identified near your residences on Avalon Avenue and Alicante Avenue is Cactus Avenue and Redlands Boulevard/John F. Kennedy Drive. According to the project TIA, 2,010 AM peak hour trips and 2,470 PM peak hour trips would occur under the 2040 plus Project Buildout scenario at this intersection. These peak hour trips are less than the peak hour trips at the intersections listed in Table 4.3-7, Carbon Monoxide Concentrations at Intersections, 2035, in Section 4.3, Air Quality of the 2019 Draft Recirculated RSFEIR. Because the peak hour trips at the Cactus Avenue and Redlands Boulevard/John F.

²⁵³ U.S. Environmental Protection Agency. Guideline for Modeling Carbon Monoxide from Roadway Intersections. November 1992. Available at: <https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=2000F7L2.pdf>

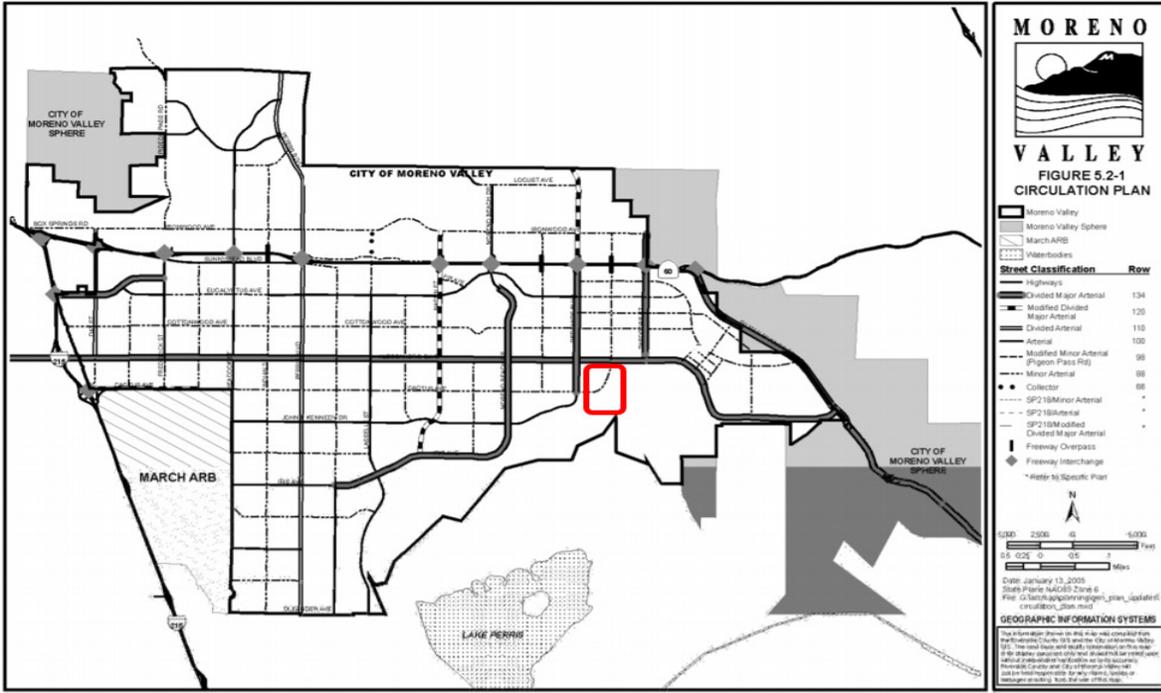
Kennedy Drive intersection would be less than the peak hour trips at the intersections listed in Table 4.3-7, CO concentrations would be less than the concentrations shown in Table 4.3-7, which are far below the CO NAAQS. Therefore, CO hotspot impacts at the Cactus Avenue and Redlands Boulevard/John F. Kennedy Drive intersection would not exceed the CO hotspot significance threshold and impacts would be less than significant, and less than the impacts disclosed in Table 4.3-7.

Furthermore, as stated in the TIA (Network Assumptions, page 26) the Project truck routes assumed for roads in Moreno Valley were based on the current Municipal Code. Within the Project Site all roads would be truck routes, but trucks would not be permitted to enter or leave the site through the Cactus Avenue Extension. This will limit noise and air quality impacts from truck traffic on residential neighborhoods adjoining Cactus Avenue. Thus, the houses overlooking Avalon Avenue and Alicante Avenue would be less impacted by Project vehicle emissions than shown in Table 4.3-7 and the vehicle emission impacts would be less than significant.

The air quality analysis that was prepared for the Project also includes a health risk assessment (HRA) provided in Appendix A of the 2019 Draft Recirculated RSFEIR. The HRA addressed the existing residents that would experience the worst-case health risk impacts in the Project vicinity. These existing residents are located on the WLC site. These residents would be exposed to a greater amount of emissions from construction and operational activities due to their proximity to the proposed structures compared to residents adjacent to the Cactus Avenue and Redlands Boulevard/John F. Kennedy intersection. Table 4.3-26 on page 4.3-67 in the 2019 Draft Recirculated RSFEIR presents the estimated increase in cancer risks for the 30-year exposure duration that starts from the beginning of Project Construction (Construction + Operational HRA). As shown in Table 4.3-26, the Project would exceed the SCAQMD's cancer risk significance threshold of an incremental increase of 10 in a million prior to the application of mitigation. With mitigation incorporated (2019 Draft Recirculated RSFEIR, page 4.3-73 – 4.3-74), the cancer risks are substantially lower, 9.1 in one million. As shown on Table 4.3-28, 2019 Draft Recirculated RSFEIR, page 4.3-27, the estimated cancer risks for the 30-year exposure duration for construction (construction and operation HRA) would not exceed the SCAQMD cancer risk significance threshold after incorporation of mitigation. The large reduction in cancer risk after mitigation is attributable principally to the reduced diesel PM associated with the commitment to use the cleanest (Tier 4) construction equipment available. Thus, as shown in Figure 4.3-5, Incremental Project Cancer Risk – With Mitigation (Construction and Operation), with the implementation of mitigation, health risk impacts from the Project to an on-site or offsite receptor, within the study area, would be mitigated to less than significant. As a result, a separate air quality report would not be needed for the residents near the Cactus Avenue and Redlands Boulevard/John F. Kennedy intersection.

Response to Comment 2-G1-2: Regarding toxic emissions from Project vehicles, a revised Health Risk Assessment (HRA) was prepared for the Project and included within Appendix A of the 2019 Draft Recirculated RSFEIR. As discussed in Response to Comment 1-G1-1 above, and shown in Table 4.3-5 (page 4.3-26 of the 2019 Draft Recirculated RSFEIR) the HRA has specific breathing and exposure rates for children and the elderly which were utilized in accordance with the California Office of Environmental Health Hazard Assessment (OEHHA) and South Coast Air Quality Management District (SCAQMD) guidelines. This area was covered under the HRA, and health related impacts were found to be less than significant with mitigation.

Response to Comment 2-G1-3: Plans to extend Cactus Avenue in a 4-lane northward curve predate any proposals for the WLC Project, as can be seen from this General Plan map dated January 2005 (Note that the map is for the Moreno Highlands Specific Plan, the predecessor of the WLC Specific Plan).



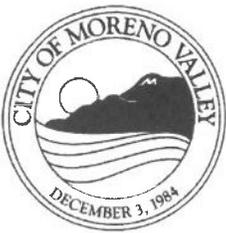
As shown in Table 34 of the TIA in Appendix F of the 2018 RSFEIR, Cactus Ave. is expected to have 13,375 trips per day with full buildout of the WLC. The Moreno Valley General Plan designates Cactus Avenue as an arterial and the forecasted traffic can easily be accommodated by this class of road (Level of Service would be “A” in the Plus Project condition, as shown in Table 34 of the TIA). The stop sign at Cactus Avenue/John F. Kennedy Drive and Redlands Boulevard will be replaced with a traffic signal as a mitigation measure (see Table 64 of the TIA) which will reduce delay and queuing to less than significant, and noise at this intersection.

Also, note, in Response to Comment 2-G1-1, 0 percent truck trips would occur to and from southwest of the WLC Project site because the Project will prohibit trucks from using Cactus Avenue, as stated in the Project’s TIA (Network Assumptions, page 26). Therefore, emissions at this intersection would occur from the automobile trips anticipated at this intersection. Please see Response to Comment 2-G1-1 for a discussion of cancer risks associated with the Project.

Section 4.3.6.6 Summary of Health Effects of Air Quality Emissions, starting on page 4.3-79 of the 2019 Draft Recirculated RSFEIR, discusses the health effects from ozone and PM2.5 resulting from the project. PM2.5 best represents diesel PM. Tables 4.3-32 through 4.3-35 show the annual percent of background health incidence for PM2.5 and ozone health effects associated with the unmitigated and mitigated Project, respectively. With mitigation, the potential health effects from PM2.5 show an increase in asthma-related emergency room visits (0.0047%), asthma-related hospital admissions (0.0028%), all cardiovascular-related hospital admissions (not including myocardial infarctions) (0.00059%), all respiratory-related

hospital admissions (0.0015%), mortality (0.0044%), and nonfatal acute myocardial infarction (less than 0.0020% for all age groups). With mitigation, potential Ozone-related health effects due to the project, increased respiratory-related hospital admissions (0.00062%), mortality (0.00027%), and asthma-related emergency room visits for any age range (lower than 0.011% for all age groups) over background health incidence. Because there are no established thresholds, this data was provided for informational purposes.

Response to Comment 2-G1-4: No specific comments on the contents of the 2019 Draft Recirculated RSFEIR are provided within this comment, and thus no further response is needed (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)



NOTICE OF AVAILABILITY

Draft Recirculated Revised Sections of the Final Environmental Impact Report (SCH #2012021045)

NOTICE IS HEREBY GIVEN that, pursuant to requirements of the California Environmental Quality Act (CEQA), the City of Moreno Valley has prepared a Draft Recirculated Revised Sections of the Final Environmental Impact Report (Draft Recirculated RSFEIR) with a State Clearinghouse number, 2012021045, to revise the air quality, greenhouse gas and energy analyses based on the use of the U.S. Environmental Protection Agency's approval of the use of the EMFAC2017 model on August 15, 2019. The Draft Recirculated RSFEIR also includes revisions to Section 6, Cumulative Impacts, of the Revised Sections of the Final Environmental Impact Report circulated in 2018 (RSFEIR). The revised analyses evaluate the potential environmental impacts associated with construction and operation of the World Logistics Center project and its associated infrastructure.

Project Description: This Notice of Availability (NOA) has been prepared to notify agencies and interested parties that the City of Moreno Valley, as the Lead Agency, has prepared the Draft Recirculated RSFEIR to provide the public and trustee agencies with information about the revised air quality, greenhouse gas and energy potential effects on the environment associated with the construction and operation of the proposed World Logistics Center project and its associated infrastructure on approximately 2,600 acres of land in the eastern portion of the City. The land use entitlements for the World Logistics Center that are in place include the General Plan and Zoning designations, the World Logistics Center Specific Plan, and a request for annexation of unincorporated land. The discretionary approvals that will be considered by the City as part of the approval process consist of a development agreement and Parcel Map 36457. The potential environmental impacts evaluated in the Draft Recirculated RSFEIR are based upon the previously adopted entitlements as well as the development agreement and Parcel Map 36457 allowing 40.6 million square feet of buildings specifically designed to support large scale logistic operations in a quality business environment.

Location: The project site includes the area generally east of Redlands Boulevard, south of the SR-60 Freeway, west of Gilman Springs Road, and north of the San Jacinto Wildlife Area.

Potential Environmental Impacts: Analyses presented in the Draft Recirculated RSFEIR indicates that the proposed project will have significant unavoidable adverse impacts to air quality, as described in detail within the document. In the RSFEIR, the significant unavoidable adverse impacts also included air quality as well as land use, noise, and transportation/traffic. All other environmental effects evaluated in the Final Environmental Impact Report, RSFEIR, and the Draft Recirculated RSFEIR are considered to be less than significant, or can be feasibly reduced with mitigation measures to less than significant levels.

Public Review and Comment Deadline: The City of Moreno Valley is soliciting comments from the public about the Draft Recirculated RSFEIR. Pursuant to Section 21091 of the Public Resources Code, the City has established a review period that runs 45 days, beginning December 17, 2019 through the close of City business on January 31, 2020. The City has also prepared, for informational purposes, a document that shows the changes from the RSFEIR. **If you wish to make written comments on the Draft Recirculated RSFEIR or the changes to the RSFEIR that are identified in a separate document and available for review at the City of Moreno Valley, comments must be received at the City of Moreno Valley Community Development Department by no later than the conclusion of the 45-day review period, 4:30 pm on January 31, 2020.** Written comments on the Draft Recirculated RSFEIR or the changes to the RSFEIR should be addressed to:

Albert Armijo, Interim Planning Manager
14177 Frederick Street
Post Office Box 88005
Moreno Valley, California 92552
Phone: (951) 413-3206
Email: alberta@moval.org

Document Availability: The Draft Recirculated RSFEIR, all documents incorporated and/or referenced therein and the changes to the RSFEIR can be reviewed during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday and Friday's, 7:30 a.m. to 4:30 p.m.) at the City of Moreno Valley Planning Division counter, located at 14177 Frederick Street, Moreno Valley, CA 92553. The documents may also be reviewed at the Moreno Valley Library, located at 25480 Alessandro Boulevard, Moreno Valley, California. For your convenience, the document will also be provided on-line at the City's web page, www.moval.org.

To: Albert

This came in
for you.

Gabriel

RECEIVED

JAN 31 2009

CITY OF MORENO VALLEY
Planning Division

Dear Sir;

I cannot believe that we are addressing the warehouse matter again. Ten Thousand people signed a petition against the 47,000,000 foot project to begin with. The city council went against this and allowed a mega warehouse to be built. The highest court in California vetoed the rest of the project due to environmental impacts, which cannot be denied.

These impacts are already in place as shown by the worsening air quality in the Moreno Valley-Riverside areas .

In January of this year, we have had 16 plus yellow air quality days in what is normally the best time of year for good air. See clippings from Press Enterprise.

This 40.6 million square foot project will ruin any quality of life that is left in Moreno Valley with its admitted pollution and traffic impacts.

This is an unacceptable consequence for its residents.

Do we want to be the most polluted city in the inland empire?

My answer is no.

Sam J. Klamm

JAN 31, 2020

LOOKING AT DEC 2019 REPORTS CONFIRMS
MY FEARS
JAN 31-2020

2-G2-1

RIVERSIDE COUNTY

Leaders boost railroads to cut truck traffic

Supervisors urge state and nation to make freight projects easier

By Jeff Horseman
jhorseman@scng.com
@JeffHorseman on Twitter

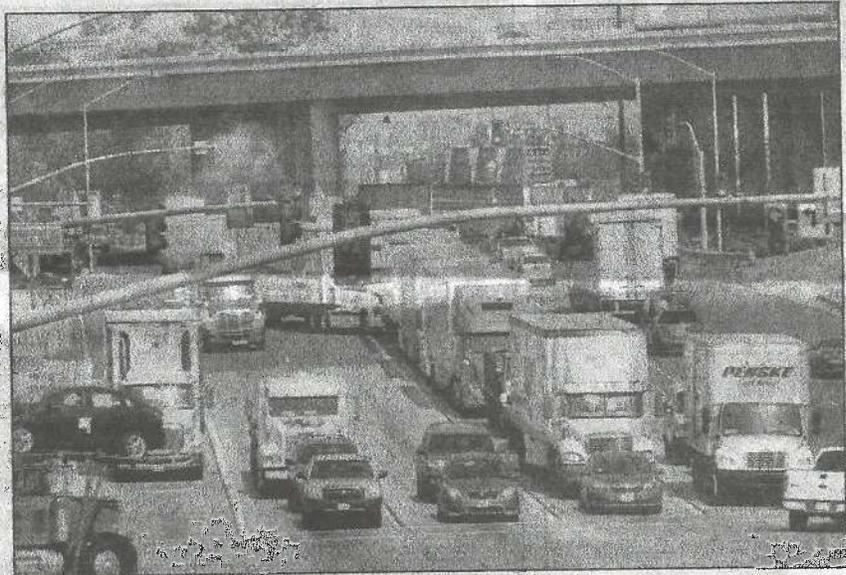
The key to easing Inland freeway gridlock could be a train ride away.

That's the view of Riverside County supervisors as expressed in the county's annual Legislative Platform, a wish list outlining what county officials want from Sacramento and Washington, D.C. The Board of Supervisors approved the 2020 platform Jan. 14.

Included in the 75-page platform is a desire to remove regulatory barriers and restrict legal challenges to more regional rail infrastructure in California. The document also calls for more federal and state incentives to encourage rail over trucks to move goods.

The goal is to boost rail as the preferred mode of moving freight from the ports of Los Angeles and Long Beach to and through the Inland Empire, reducing truck traffic and improving the Inland area's notoriously poor air quality. More rail "has the greatest potential to be effective" in cutting truck-related traffic congestion, the document states.

With more warehouses popping up in the vicinity of Moreno Valley and Perris, the pros and cons of hauling



STAFF FILE PHOTO

Big rigs line up in Jurupa Valley in 2015. Riverside County supervisors say they want rail infrastructure projects to be made easier as a way to ship freight to inland warehouses and fulfillment centers while reducing truck traffic and smog.

freight by the 215 Freeway corridor should be explored, Supervisor Kevin Jeffries said via email Monday.

"We would need to look at the trade-offs of less tractor-trailer rigs on our congested freeways, but also the possibility of increased rail noise along certain residential areas," said Jeffries, who last year advocated for a series of "Good Neighbor" planning guidelines to shield residential areas from problems associated with logistics develop-

ment. A watered-down version passed the board in November.

According to the platform, the L.A. and Long Beach ports handle as much as 40% of the nation's international cargo, and the volume of cargo is projected to grow from 15.2 million TEUs — 20-foot equivalent containers — in 2014 to 41.1 million TEUs in 2040. TEUs are used to measure a cargo ship's capacity.

FREIGHT » PAGE 7

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Riverside
59/39

Temecula:
High 60
Low 39

Des
High
Low

JUL 21/15

IS THIS OUR FUTURE?

2-G2-1

RESPONSES TO LETTER 2-G2: Gary Klein

Response to Comment 2-G2-1: The Air Quality Index (AQI) is a key tool used by the U.S. Environmental Protection Agency (EPA) to provide the public simple information about local air quality, how unhealthy air may affect the general public and how health can be protected. The higher the AQI value, the greater the level of air pollution and the greater the health concern.

An AQI value of 100 generally corresponds to the national air quality standard for the pollutant, which is the level EPA has set to protect public health. AQI values at or below 100 are generally thought of as satisfactory. When AQI values are above 100, air quality is considered to be unhealthy—at first for certain sensitive groups of people, then for everyone as AQI values increase. According to the EPA's *Air Quality Index: A Guide to Air Quality and Your Health* (February 2014), a rating of yellow falls between an AQ range of 51 to 100 and is considered to be moderate and acceptable.

Additionally, the South Coast Air Quality Management District (SCAQMD) has monitoring stations that monitor ambient air quality throughout the South Coast Air Basin including Moreno Valley. Table 4.3-3 on page 4.3-8 of the 2019 Draft Recirculated RSFEIR identifies the maximum concentration levels of pollutants in the Moreno Valley area compared to the state and federal ambient air quality standards. As shown, the concentrations of ozone have exceeded the state and federal standards for multiple days. The concentrations of coarse particulates referred to as PM₁₀ have exceeded the state standards for multiple days and for recent years. The concentrations of fine particulates referred to as PM_{2.5} have exceeded the federal ambient air quality standard for multiple days and the state and federal standards in recent years. Data collected from other monitoring stations within Riverside County show that ozone concentrations collected at the station nearest the Project Site are the highest within the County. However, PM_{2.5} and PM₁₀ concentrations collected from areas outside of the City of Moreno Valley were worse than those identified at the monitoring station nearest the Project Site.

Construction and operation of the Project would generate emissions of ozone precursors (volatile organic compounds [VOC] and nitrogen oxides [NO_x]), PM₁₀, and PM_{2.5}. Project-related diesel particulate matter (diesel PM) emissions are included within the analysis as PM₁₀ and PM_{2.5} emissions. As discussed on pages 4.3-31 through 4.3-34, Project emissions are compared to significance thresholds established by the SCAQMD. As shown on Table 4.3-25 on page 4.3-63 of the 2019 Draft Recirculated RSFEIR, the implementation of Mitigation Measures 4.3.6.2A through 4.3.6.2E for construction activities and the implementation of Mitigation Measures 4.3.6.3A through 4.3.6.3F for operational activities would reduce Project-related VOC, NO_x, PM₁₀, and PM_{2.5} emissions. However, even with the implementation of the mitigation measures, Project-related VOC, NO_x, PM₁₀, and PM_{2.5} emissions would exceed the significance thresholds set by SCAQMD during most of the 15-year buildout of the Project and at full buildout operations. Cancer risk (see HRA in Appendix A.1 of the 2019 Draft Recirculated RSFEIR) from the Project's diesel PM emissions were evaluated and would result in a less than significant health risk impact with implementation of mitigation measures.

The potential for utilizing rail was analyzed in the 2018 RSFEIR Section 4.15 Traffic and Circulation pages 4.15-33 through 35, but was found to not be a viable option for reducing the traffic impacts of the WLC. This conclusion is based on several factors, including the physical constraints to bringing rail service to the WLC site, the cost of cargo movement by rail relative to movement by truck, capacity constraints in the rail system

that the WLC branch line would tie into, the environmental impacts associated with construction and operation of rail service, and the minimal effect that rail service would have even if all other factors could be overcome. The WLC site is not currently served by rail. The rail lines nearest the site are the Union Pacific Yuma Line (single-track in this area), the Riverside County Transportation Commission's San Jacinto Branch Line (single-track, currently inactive), and the BNSF double-track line through the City of Riverside. There are four general alignment possibilities for a branch line to the WLC. Each alignment is inherent with significant problems as follows:

- Western Alignment – Alignments running from the BNSF line in Riverside to the WLC, an approximate distance of 15 miles, would have to run through built-up areas of the Cities of Riverside and Moreno Valley. The cost of acquiring right-of-way through these areas, and the impacts to the community (noise, traffic disruption, safety, division of the community, etc.) render such alignments unviable. Moreover, trains using the at-grade rail crossings in the City of Riverside already impose substantial delays on road traffic. In fact, in recent years the City of Riverside has sued the ports over the issue of traffic impacts from additional trains passing through the city. Adding more crossings and more trains would exacerbate this problem.
- Southern Alignment – It would be possible to avoid densely populated and built-out areas by connecting to the San Jacinto Branch Line south of March Air Reserve Base. However, the only way to avoid established communities would be to pass along the northern portion of the Lake Perris State Recreation Area. The alignment, approximately 10 miles in length, would be a major impact as it would require constructing and operating a rail line along the slopes of the Lake Perris State Recreation Area and potentially the San Jacinto Wildlife Area. There would also be traffic impacts at road crossings, potential grade issues, and grade separated crossings needed for drainage channels and I-215. The impacts and costs of this approach would be disproportionate to the benefit of removing WLC trucks from the freeways.
- Northern Alignment – The shortest alignment to an existing rail line is to the north in the vicinity of Redlands Boulevard and connecting to the UP Yuma line near the intersection of Redlands Boulevard and San Timoteo Canyon Road, approximately five miles from the project site. This alignment would require extensive ROW acquisition, encounter very serious grade issues that would increase the length of track needed, result in environmental impacts on the Badlands, and require a grade separated crossing of SR-60. The impacts and costs of this approach would be disproportionate to the benefit of removing WLC trucks from the freeways.
- Eastern Alignment – The final possibility would be to connect to the UP Yuma line along an alignment parallel to SR-60. This alignment would connect to the existing rail network near the Morongo Golf Club at Tukwet Canyon, approximately five miles to the east of the WLC site. The eastern alignment would be affected by the same drawbacks as the northern alignment, with the addition of the need to construct a bridge over San Timoteo Creek.

As can be seen from the discussion above, providing rail service to the WLC along any of the possible alignments would in itself create serious environmental impacts. In addition to the environmental impacts, the loading and unloading of rail requires special equipment and handling and can only be performed at specialized places, which significantly adds to the cost of shipping goods by rail. The actual movement of goods by rail is more energy-efficient and less expensive than movement by truck. However, this combination of relatively high fixed costs at each end of a trip with low variable costs for the distance

traveled means rail can be a less expensive way to ship cargo than truck, but only if the shipping distance is sufficiently long, more than 500 miles. Therefore, even if a rail line was built from the WLC to the Ports of Los Angeles or Long Beach, a distance of 70 miles, shipping by rail would be far more expensive than by truck, which would make it uneconomical.

Furthermore, there are serious capacity constraints in the rail network in the Los Angeles Basin. Both BNSF and UP rail operations are already capacity-constrained on the lines between the ports and western Riverside County. Rail service would not significantly reduce traffic either, since rail is only economical for trips over 500 miles. As shown, the Project did consider and analyze using rail, but found that bringing rail service to the site would be very costly, result in serious environmental impacts, create major disruption to existing communities, and take many years to design, acquire right-of-way, and construct. Thus, the EIR identified and discussed the significant adverse impacts that could occur with implementing transportation by rail and they were shown to be worse than the utilization of trucks as analyzed in the EIR. In Addition, transportation energy efficiency was not one of the areas ruled as deficient by Judge Waters and therefore meets commuter transportation demands (Refer to Topical Response C, Project Approvals, Litigation and the Effects of Litigation, regarding the Court Ruling and its effect upon the EIR and process, content and project approvals). Section 4.15 Traffic and Circulation, has not been recirculated in the 2019 Draft Recirculated RSFEIR, as it is not required under CEQA.

From: Don Holt <chiefholt@yahoo.com>
Sent: Friday, December 20, 2019 8:52 AM
To: Planning Email_DG
Subject: NOTICE OF AVAILABILITY

Warning: External Email – Watch for Email Red Flags!

I would like to know why taxpayers paid \$6.80 for a copy of said Notice via Certified mail (god only knows the cost/extent of this mailing) and then received another copy of the same with regular postage of \$0.50

2-G3-1

Olivia Chan

From: Don Holt <chiefholt@yahoo.com>
Sent: Tuesday, December 24, 2019 6:29 AM
To: Planning Email_DG
Subject: Fwd: NOTICE OF AVAILABILITY

Warning: External Email – Watch for Email Red Flags!

I assume this is not going to receive a legitimate answer

2-G3-1
cont.

----- Forwarded Message -----

Subject:NOTICE OF AVAILABILITY
Date:Fri, 20 Dec 2019 08:52:28 -0800
From:Don Holt <chiefholt@yahoo.com>
To:PlanningEmail@moval.org

I would like to know why taxpayers paid \$6.80 for a copy of said Notice via Certified mail (god only knows the cost/extent of this mailing) and then received another copy of the same with regular postage of \$0.50

RESPONSES TO LETTER 2-G3: Don Holt

Response to Comment 2-G3-1: No specific comments on the contents of the 2019 Draft Recirculated RSFEIR are provided within this comment, and thus no further response is needed (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.) It should be noted that the Applicant paid for the postage, not the City's taxpayers.

From: Stephen G McKee <stephen.g.mckee@gmail.com>
Sent: Thursday, January 23, 2020 7:52 AM
To: Planning Email_DG
Subject: Zoning

Warning: External Email – Watch for Email Red Flags!

I wish to make comment on the zoning for the NE area of Moreno Valley. This area has many lots and houses with a minimum of 1/2 acre. It is my opinion that this area and zoning needs to remain protected as an area where people can upgrade to larger lots if they desire. We love our home and this area. It is one of the few remaining areas where people can enjoy the larger lots. Developers of course would love to put as many houses as they can per acre as it means more profit for them. We are a rural community out here. We don't want warehouses or condos. Thanks for the opportunity to comment.

2-G4-1

Stephen McKee
11577 Knoll Vista Street

Sent from my iPhone

RESPONSES TO LETTER 2-G4: Stephen McKee

Response to Comment 2-G4-1: No specific comments on the contents of the 2019 Draft Recirculated RSFEIR are provided within this comment, and thus no further response is needed (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

Patty Nevins

From: Lindsay Robinson <lr92555@gmail.com>
Sent: Wednesday, January 29, 2020 9:14 AM
To: Albert Armijo
Subject: wlc-revised draft eir on city website?
Attachments: Moval ignored environmental law 442433014-WLC-Amicus-state attny general says no to wlc.pdf

Warning: External Email – Watch for Email Red Flags!

Hi Albert,

I've tried many times unsuccessfully to find the revised draft eir on the city's website as noted in the notice of availability. Others have had the same issue. Please provide a direct link to the location on the city's website. A matter of such importance should be front and center on the home page.

2-G5-1

I trust you are aware that the State Attorney General has weighed in and determined that the city and HF have ignored environmental laws with regards to this project, just as residents stated throughout the process. I also trust that the Attorney General's legal briefs will be included in the analysis of the current draft EIR and that the city will stop rubber stamping HF projects and gifts of public funds and do what is right for the actual residents.

2-G5-2

This project has been improper since it first was promoted by the city and Henry Garcia. The developer owned the majority vote as well as staff members who admitted that they didn't do complete research as they were instructed to only promote the project not the previous well balanced zoning. The residents who live in the affected area were completely ignored as the city rushed to do HF's bidding. Noise, pollution, traffic, health and quality of life of the residents don't seem to matter as long as HF gets it's way. Environmental laws have been put into place to protect us and should not be ignored, but enforced.

2-G5-3

Thank you,
Lindsay Robinson

From: Lindsay Robinson <lr92555@gmail.com>
Sent: Friday, January 31, 2020 9:01 AM
To: Albert Armijo
Subject: comments on draft revised wlc eir
Attachments: Robinson- comments on revised draft eir wlc.pdf; Brief Amici Curiae_Final (1).pdf; Proposed Amicus Brief of Climate Policy Experts (1).pdf

Warning: External Email – Watch for Email Red Flags!

Dear Mr. Armijo,

Please find my comments regarding the wlc draft revised EIR attached here along with the State Attorney General's Amici Curiae and Proposed Amicus Brief of Climate Policy Experts. Please enter all of these into the file.

Thank you,
Lindsay Robinson

2-G5-1

Draft Recirculated Revised Sections of the Final Environmental Impact Report (SCH #2012021045)

Dear Mr. Armijo,

Please enter this document in the comments regarding the revised wlc EIR.

I am also attaching the Attorney General’s Amicus Brief as well as the Proposed Brief of CA CEQA and Climate Policy Experts that both support what the residents claimed throughout the wlc hearings. Residents were ignored by the city staff/council in their rush to approve their financial backer/benefactor’s project. These two documents clearly show that the EIR is again flawed and explain it in much better detail than a resident can. Please enter these documents in the record too.

2-G5-2

Once again the EIR does not adequately address all the issues it should to protect the residents who live here. They cannot adequately mitigate the noise, pollution and traffic that will have an extremely negative impact on our health and quality of life.

2-G5-3

Having no known tenants there are no safeguards in place regarding the noise they will generate 24 hours a day. Both skechers and now the Solaris paper company have turned our once silent nights into noise all night long that prevents (or will this summer) residents from sleeping with their windows open. Warehouses need to be held to the same standards as the residents and their noise needs to stop from 10 pm until 7 am. This restriction will return a modicum of quality of life to the affected residents and also slow down the proliferation of warehouses in residential areas. Additionally, sound walls as tall as the warehouses need to be erected along the freeway to help mitigate the noise. Always claiming that certain negative issues can’t be mitigated needs to end in order to protect the residents. Stringent noise rules need to be added.

2-G5-4

This project claims that no trucks will be entering that don’t conform to 2010 emission standards. This standard is already outdated, but even worse this project claims they will “self-police”. As the project proponent has already shown by the illegal initiatives, false claims of the SJWA buffer area, and complete disregard for the environmental laws (to name a few), allowing them to “self-police” the trucks/emissions means nothing and needs to be strengthen to ensure that they follow the agreement.

2-G5-5

Environmental justice is supposed to be a part of Moreno Valley’s development plans and is defined in California law as the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of **environmental** laws, regulations, and policies. The city’s own presentation goes on to add that “Fair treatment means that no group of people, including those of different racial, ethnic, or socioeconomic groups may be disproportionately harmed by the negative consequences of our environmental, political or economic decisions. Unfortunately, combined with systematic disinvestment and disenfranchisement in low-income communities and communities of color continue to experience a disproportionate share of pollution and health related issues.” I bring this up as Tom DeSantis, former city manager and proponent of the wlc, had the city applying for funds to improve Mr. Benzeevi’s interchange by claiming the east end qualifies for the funds as it is

2-G5-6

socioeconomically disadvantaged. Most will disagree that we are economically disadvantaged on the east end, but if the city is claiming this then they are violating their own commitment to Environmental Justice. They are harming the residents by violating environmental laws, as well as allowing politics (political bribery) to completely influence their economic decisions in the case of the wlc and Mr. Benzeevi. | 2-G5-6 cont.

Once again this EIR does not adequately protect our treasured San Jacinto Wildlife Area and I think this is covered by their attorneys. | 2-G5-7

Once again, the traffic studies were seriously flawed and there is no way to mitigate the increased traffic this project will bring. Caltrans has stated previously there won't be any 60 freeway widening, and even if they could it would mean eminent domain issues and tearing down lots of the recent construction along the freeway. Increasing the traffic and associated pollutants to this extent will be extremely detrimental to the health of those who live here and this EIR does not adequately mitigate this. | 2-G5-8

If this project were truly a good project, the proponent and the city would not have needed to violate laws to get it approved. It was approved solely because the proponent had undue influence over the council/planning commission/some staff members. An objective and ethical council would never have let this proceed. | 2-G5-9

Please take the Attorney General's Amicus Brief seriously and protect the residents and wildlife in this area. No more shortcuts or illegal actions please. | 2-G5-10

Thank you,

Lindsay Robinson

RESPONSES TO LETTER 2-G5: Lindsay Robinson

Response to Comment 2-G5-1: The commenter states that they have tried unsuccessfully to locate the 2019 Draft Recirculated RSFEIR on the City's website and requests a direct link. The 2019 Draft Recirculated RSFEIR, 2018 RSFEIR, and appendix materials were posted to the City's website where documentation for all current projects is located: <http://www.moval.org/cdd/documents/about-projects.html>.

Response to Comment 2-G5-2: Refer to Topical Response A, The Use of Cap and Trade and how it applies to the project, including the 2015 Final EIR and the 2019 Draft Recirculated RSFEIR approach to utilizing the Cap and Trade Program and how it relates to the state's overall greenhouse gas reduction mandates, and how Cap and Trade is relevant to the Project's CEQA analysis. The 2019 Draft Recirculated RSFEIR analyzed GHG emissions and their impacts and identified mitigation, either through Cap-and-Trade or through PDFs and mitigation measures to reduce impacts to less than significant. The consideration of only uncapped GHG emissions to determine the significance of those emissions under CEQA was used by the SCAQMD and the SJVAPCD and was validated in *Association of Irrigated Residents v. Kern County Board of Supervisors*, 17 Cal. App. 5th 708 (2017). Topical Response A also demonstrates how the Project's GHG approach complies with CEQA as it contains accurate and legally adequate information upon which decision-makers can make an informed decision. Thus, the WLC would not have a significant GHG impact and therefore would not hinder the State's achievement of its long-term GHG goals as further discussed in Topical Response A.

Response to Comment 2-G5-3: World Logistic Center traffic impacts were analyzed in Section 4.15 of the 2018 RSFEIR. Air Quality impacts were evaluated in Section 4.3 of the 2019 Draft Recirculated RSFEIR, and Noise impacts were assessed in Section 4.12 of the 2018 RSFEIR. A Transportation Impact Analysis (TIA) in Appendix F in the 2018 RSFEIR, was conducted for the Project which identified specific near-term and longer-term circulation improvements that would be required to mitigate Project impacts and maintain acceptable peak hour and daily levels of service (LOS) on surface streets and freeways affected by the project. As part of the TIA, impacts to freeways were analyzed with regard to LOS. As indicated in the analysis, many of the freeway segments along SR-60 and I-215 would be impacted as discussed in Section 4.15.6 of the 2018 RSFEIR. The WLC project would increase the traffic in the area, with most of the area operating at a degraded level of service. Therefore, traffic impacts were found to be significant and unavoidable for roads and intersections, and on all freeway mainline, weaving, and ramp facilities because those roads, intersections, and freeways are not within the City's jurisdiction as discussed in Section 4.15.7 of the 2018 RSFEIR. However, payment of fair share mitigation fees is required for the improvements not within the City of Moreno Valley and those jurisdictions that have established fair share mitigation programs (see mitigation measure 4.7.15.4E and 4.7.15.4F). In addition, payment is also required for the Transportation Uniform Mitigation Fee (TUMF) as set forth in Municipal Code Chapter 3.44 (See Mitigation Measure 4.7.15.4D on page 4.4-63 of the 2018 RSFEIR).

The 2019 Draft Recirculated RSFEIR fully evaluated the potential air quality and health risks of the WLC project to sensitive receptors within the project area. Section 4.3 Air Quality, Section 6.3 Air Quality Cumulative, along with Appendix A, Air Quality, Greenhouse Gas, and Health Risk Assessment Report, have been revised to show the effect of incorporating the applicable data from the revised traffic analysis which includes using trip generation rates from the most recent edition of the Institute of Traffic Engineer's (ITE) Trip Generation Manual and the inclusion of 359 additional projects that would cumulatively contribute

to traffic impacts and thus air quality and health risk impacts. As discussed in Table 4.3-28 in Section 4.3 of the 2019 Draft Recirculated RSFEIR, the maximum mitigated incremental increase in cancer risk (existing residences within the project boundaries) for a 30-year exposure, beginning after the full buildout of the WLC Project, is an incremental increase in lifetime cancer risk of 9.1 in one millions, as shown in Table 4.3-28, below the SCAQMD cancer risk significance threshold. Thus, although the Project would increase traffic in the area, the chronic and acute non-cancer risk to sensitive receptors in the community would be less than significant with incorporation of mitigation for construction and operation of the WLC. Project air quality impacts would still be significant and unavoidable for criteria pollutants, primarily PM, even with incorporation of mitigation. Much of the PM generated by the operation of the Project will be generated from roadway dust from employees traveling to and from the Project site. At full build out, the Project is estimated to generate over 20,000 ongoing direct jobs in the City, and an additional approximately 7,400 indirect and induced jobs, approximately 3,700 of these indirect and induced jobs will be in the City.

With regard to noise, the 2018 RSFEIR analyzed potential noise impacts resulting from construction and operation of the WLC project in Section 4.12. As stated on page 4.12-36 of the 2018 RSFEIR, 89 freeway segments were analyzed in the noise analysis. The traffic noise study area included the main travel routes between the Project and neighboring cities of Riverside, Perris, Beaumont, San Jacinto, and Redlands. The study area extended west to the nearest ramps on SR-91 and as far south as the I-215 ramps at Redlands Avenue in Perris. The study area for freeways was selected to encompass the freeway routes radiating from the Project site to the north, south, east, and west. As provided in Appendix C of Appendix D (Noise and Vibration Technical Report), there were 6 freeway segments along the portions of SR 60 that is shared with I-215. Based on a review of the noise levels generated during the peak hour periods, the 2018 plus full project buildout scenario compared to the existing conditions scenario would result in peak hour noise levels increasing 0.6 to 0.7 dBA CNEL. This increase in noise level would be less than significant because the increase would be less than 1.5 dB threshold that would need to occur to result in a substantial noise increase.

Response to Comment 2-G5-4: No specific comments on the contents of the 2019 Draft Recirculated RSFEIR are provided within this comment, and thus no further response is needed (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

Response to Comment 2-G5-5: Refer to response to comment 2-G5-2.

Response to Comment 2-G5-6: Refer to Response to Comment 2-G5-3.

Response to Comment 2-G5-7: As stated in Mitigation Measure 4.12.5.2A in Section 4.12 of the 2018 RSFEIR, when processing future individual buildings under the WLCSP, as part of the City's approval process, the City shall require the Applicant to take the following three actions for each building prior to approval of discretionary permits for individual plot plans for the requested development:

Action 1: Perform a building-specific noise study to ensure that the assumptions set forth in the 2018 RSFEIR remain valid. These procedures used to conduct these noise analyses shall be consistent with the noise analysis conducted in the 2018 RSFEIR and shall be used to impose building-specific mitigation on the individually proposed buildings.

Action 2: If the building-specific analyses identify that the proposed development triggers the need for mitigation from the proposed building, including all preceding developments in the World Logistics Center site, the Applicant shall implement the appropriate level of mitigation, identified in the 2018 RSFEIR to reduce the identified impacts to comply with the Moreno Valley Municipal Code, which sets maximum sound levels reaching residential uses at 60 dBA Leq during the daytime hours (8:00 a.m. – 10:00 p.m.) and 55 dBA Leq during nighttime hours (10:01 p.m. – 7:59 a.m.). Prior to implementing the mitigation, the Applicant shall send letters by registered mail to all property owners and non-owner occupants of properties that would benefit from the proposed mitigation asking them to provide a position either in favor of or in opposition to the proposed noise abatement mitigation within 45 days. Each property shall be entitled to one vote on behalf of owners and one vote per dwelling on behalf of non-owner occupants. If more than 50% of the votes from responding benefited receptors oppose the abatement, the abatement will not be considered reasonable. Additionally, for noise abatement to be located on private property, 100% of owners of property upon which the abatement is to be placed must support the proposed abatement. In the case of proposed noise abatement on private property, no response from a property owner, after three attempts by registered mail, is considered a no vote. At the completion of the vote at the end of the 45-day period, the Applicant shall provide the tentative results of the vote to all property owners by registered mail. During the next 15 calendar days following the date of the mailing, property owners may change their vote. Following the 15-day period, the results of the vote will be finalized and made public.

Action 3: Upon consent from benefited receptors and property owners, the Applicant shall post a bond for the cost of the construction of the necessary mitigation as estimated by the City Engineer to ensure completion of the mitigation. The certificate of occupancy permits shall be issued upon posting of the bond or demonstration that 50% of the votes from responding benefited receptors oppose the abatement or, if the abatement is located on private property, any property owners oppose the abatement.

The above mitigation measure identifies the action to reduce the Project's potentially significant environmental impacts, defines the timing during which the mitigation measure is to be implemented and monitored, and is fully enforceable through permit conditions. Additionally, the actions of private parties' points to the feasibility of the mitigation measure and is not a delegation of authority. Since it is unknown if the mitigation will be feasible, the 2018 RSFEIR identifies this impact as significant and unavoidable (2018 RSFEIR pages 4.12-43 – 4.12-45). Thus, this mitigation is an appropriate mitigation measure. Additionally, Section 4.12, Noise, was not recirculated in the 2019 Draft Recirculated RSFEIR; as it is not required under CEQA.

Response to Comment 2-G5-8: The project's commitment to allow only trucks that are compliant with the U.S. Environmental Protection Agency's (EPA) 2010 emissions standards, which are over 90% cleaner than the prior generation of trucks. Mitigation Measures 4.3.6.2A in the 2019 Draft Recirculated RSFEIR, requires that the following constraint be included in bid documents, all on-road construction haul trucks utilized for the Project maintain 2010 or newer engines that meet the EPA 2010 emissions standards. To date this is the most stringent emissions standard by the EPA and heavily enforced by the California Department of Motor Vehicles (DMV) through the yearly registration process.

Construction equipment maintenance records (including the emissions control tier of the equipment) shall be kept on site during construction and shall be available for inspection by the City of Moreno Valley. The requirement for yard trucks on the site and diesel trucks entering the facility are also included in Mitigation Measure 4.3.6.3B in the 2019 Draft Recirculated RSFEIR, as specified in California Code of Regulations Title 13, Article 4.5, Chapter 1, Section 2025. This will be enforced through facility operators maintaining a log of all trucks entering or operating at the facility and the Vehicle Identification Number (registered with the DMV) which will be identified as the primary method of verifying truck compliance, as well as on-site inspections, and this log will be kept onsite and available for inspection by the City at any time. Noncompliance triggers an administrative process which results in compliance efforts. If they don't comply, then a certificate of occupancy could be revoked as outlined in the MMRP. This is a common mitigation measure and truck fleets are accustomed to having the documents available for inspection. Thus, the requirement to utilize 2010 or newer engines to reduce impacts is an enforceable mitigation measure under CEQA.

Additionally, per the Mitigation Monitoring and Reporting Program, the 2010 engine requirement and 3-minute idling time will be verified by the City through facility operators maintaining a log of all trucks entering or operating at the facility and the Vehicle Identification Number which will be identified as the primary method of verifying truck compliance, as well as on-site inspections, and this log will be kept onsite and available for inspection by the City at any time. Noncompliance triggers an administrative process which results in compliance efforts and If they don't comply, then a certificate of occupancy could be revoked as outlined in the MMRP. Thus, this is a legitimate mitigation measure to reduce impacts, and it is an enforceable mitigation measure under CEQA.

Response to Comment 2-G5-9: According to the California Office of Environmental Health Hazard Assessment's (OEHHA) CalEnviroScreen, areas surrounding the Project Site have been identified as disadvantaged communities where Environmental Justice does apply. Refer to Response to Comment 2-F1-85 for a discussion on environmental justice issues.

Response to Comment 2-G5-10: The 2018 RSFEIR states "it is reasonable to conclude that the Project, due to its size and expected amount of truck traffic, will have potentially significant impacts on wildlife within the SJWA and east across Gilman Springs Road from Project air pollution, including diesel truck exhaust" (2018 RSFEIR page 4.4-72). Similarly, the 2018 RSFEIR states that "Local wildlife (i.e., within the SJWA) may be exposed to vehicular exhaust and diesel particulates and toxic air contaminants from truck exhaust as the WLC project builds out" (2018 RSFEIR page 4.4-70). The northern portion of the SJWA, south of the WLC Specific Plan area, has been used historically for agricultural purposes, and may be used by foraging birds, with a portion of this area currently containing non-native grassland with predominantly non-native or invasive species. Direct air pollutant impacts on wildlife within the northern end of the SJWA will be reduced somewhat because prevailing winds are mainly to the southeast with the remainder mostly to the east (i.e., very little to the south), based on data from the Project air quality study provided in Appendix D of the 2015 Final EIR (MBA 2012). However, some diesel will still be expected to disperse toward the SJWA, including particulates, from trucks and passenger vehicles, when prevailing winds are absent (2018 RSFEIR page 4.4-72). In addition, the 2018 RSFEIR acknowledges that "particulate deposition may occur within approximately 1,000 feet of truck activities within the project, which would extend part way into the northern portion of the SJWA" (2018 RSFEIR page 4.4-72).

Most of the available (and most applicable) research is on diesel pollutant impacts on humans. Although the physiology of many animals is very different than humans, data on health effects from diesel pollution may nonetheless be somewhat instructive when attempting to assess diesel impacts on wildlife. Potential health effects on wildlife obviously depend on the species involved, but in general, health effects from diesel exhaust include impaired cardiac and lung or respiratory function, reduced heart function or longevity, decreased clutch size or hatching success, increased incidence of cancer and other mutagenic or teratogenic effects, ingestion of air deposited particulates, reduction in overall biodiversity, reproductive failure, etc. In general, impacts on higher animals are most commonly attributed to food loss and reproductive effects, rather than to direct toxic effects on adults. There are relatively few examples of higher animals suffering direct toxic effects from either atmospheric acidity or gaseous air pollution. However, a number of mammals are known to build up high levels of heavy metals and other pollutants in their systems from air pollution. The main public health concerns are from fine and ultrafine particulate matter, black or elemental carbon, polyaromatic hydrocarbons (PAHs) like phenanthrene, metallic ashes, gases like nitrogen dioxide, aldehydes like acetaldehyde, acrolein, and crotonaldehyde, volatile organic compounds like benzene and 1,3-butadiene, etc. (2018 RSFEIR page 4.4-70). One of the research limitations is that some health effects from these pollutants take a long time, in some cases even a lifetime, to exhibit themselves. These pollutant species can also be emitted from a variety of sources in complex urban environments so it can be difficult to trace individual sources of the air pollutants. In the case of this Project, air pollutant emissions potentially affecting wildlife would predominantly be the result of new warehouse uses within the Project Site. Research suggests that wildlife may be more susceptible to air pollutant impacts than humans, due to their smaller size, higher respiration rates, smaller lung capacities, ingestion of local plant materials that have also been exposed, higher metabolic rates, etc., although some factors like shorter natural lifespans would reduce the duration of exposure over time. For these reasons and for the purposes of this analysis, it is assumed that animals within the SJWA would be at least as susceptible to health effects from air pollution, including diesel exhaust, as humans.

Direct air pollutant impacts on wildlife within the northern end of the SJWA would be minimized somewhat because prevailing winds are mainly to the southeast with the remainder mostly to the east (i.e., very little to the south), based on data from the project air quality study (MBA 2012). However, some diesel particulate matter (PM) emissions would be expected to disperse toward the SJWA, from trucks and passenger vehicles, when prevailing winds are absent. There is little academic or scientific research on the specific impacts of diesel PM emissions on wildlife (i.e., not laboratory animals) in natural settings, or specific setbacks for wildlife protection areas from warehouse distribution centers or other sources of diesel PM emissions. Most available research is too limited or specific regarding the type of pollutant and/or the species considered to be affected (e.g., impacts of one pollutant on one species). Based on available scientific data, it is reasonable to conclude that the Project, due to its size and expected amount of truck traffic, could result in potentially significant impacts on wildlife within the SJWA and east across Gilman Springs Road from diesel truck exhaust.

To assess the significance of the impacts to wildlife from the increase in diesel PM, the results of the Health Risk Assessment (HRA), conducted for the Project, to assess the human health risk was utilized to assess the risk to animals (Section 4.3.6.5 of the 2019 Draft Recirculated RSFEIR). An HRA was conducted for the WLC which focused on estimating the health risks from multiple pollutants, but primarily diesel PM and total organic gases (TOG). The HRA identified that the cancer risk and chronic and acute non-cancer risk

to sensitive receptors in the community would be less than significant with incorporation of mitigation for construction and operational scenarios of the WLC (see Section 4.3.6.5 of the 2019 Draft Recirculated RSFEIR). Since on-site and offsite human sensitive receptors would experience a less than significant health risk impact with incorporation of mitigation, the potential health risk impact to wildlife within the SJWA, which is located further away than the nearest human sensitive receptors at 250 feet to the south of the proposed development area, would also be less than significant (2018 RSFEIR at page 4.4-73). No further response is required and Section 4.4 Biological Resources has not been recirculated in the 2019 Draft Recirculated RSFEIR.

Response to Comment 2-G5-11: A Transportation Impact Analysis (TIA) in Appendix F in the 2018 RSFEIR, was conducted for the Project which identified specific near-term and longer-term circulation improvements that would be required to mitigate Project impacts and maintain acceptable peak hour and daily levels of service (LOS) on surface streets and freeways affected by the project. As part of the TIA, impacts to freeways were analyzed with regard to LOS. As indicated in the analysis, many of the freeway segments along SR-60 and I-215 would be impacted as discussed in Section 4.15.6 of the 2018 RSFEIR. The WLC project would increase the density of traffic in the area, with most of the area operating at a degraded level of service. Therefore, traffic impacts were found to be significant and unavoidable for roads and intersections, and on all freeway mainline, weaving, and ramp facilities because those roads, intersections, and freeways are not within the City's jurisdiction as discussed in Section 4.15.7 of the 2018 RSFEIR. However, payment of fair share mitigation fees is required for the improvements not within the City of Moreno Valley but only if those jurisdictions have established fair share mitigation programs (see mitigation measure 4.7.15.4E and 4.7.15.4F). In addition, payment is also required for the Transportation Uniform Mitigation Fee (TUMF) as set forth in Municipal Code Chapter 3.44 (See Mitigation Measure 4.7.15.4D on page 4.4-63 of the 2018 RSFEIR).

The 2019 Draft Recirculated RSFEIR, fully evaluated the potential air quality and health risks of the WLC project to sensitive receptors. Regarding the air pollutant and toxics emissions concerns, 2019 Draft Recirculated RSFEIR, Section 4.3 Air Quality, Section 6.3 Air Quality Cumulative, along with Appendix A, Air Quality, Greenhouse Gas, and Health Risk Assessment Report, have been revised to show the effect of incorporating the applicable data from the revised traffic analysis which includes utilizing trip generation rates from the most recent edition of the Institute of Traffic Engineer's (ITE) Trip Generation Manual and the inclusion of 359 additional projects that would cumulatively contribute to traffic impacts and thus air quality and health risk impacts. Compared to the 2015 Final EIR, construction emissions analyzed in the 2019 Draft Recirculated RSFEIR assume later construction years and therefore newer, more efficient construction equipment in the California Emissions Estimator Model (CalEEMod), which resulted in reduced construction emissions in the 2019 Draft Recirculated RSFEIR. As reflected in the Traffic Impact Analysis (TIA), use of the most recent edition of the ITE Trip General Manual resulted in fewer average daily trips than previously analyzed in the 2015 Final EIR. A lower trip rate coupled with lower regional vehicle miles travelled (VMT) outlined in the TIA and the later operational year assumption used in CalEEMod resulted in reduced mobile emissions in the 2019 Draft Recirculated RSFEIR when compared to those in the 2015 Final EIR. Additionally, the later operational year resulted in the inclusion of a greater number of electric vehicles in the operational assumptions. Due to these factors, the construction and operational air quality analyses in the 2019 Draft Recirculated RSFEIR entirely replaced the analyses included in the 2018 RSFEIR as well as the 2015 Final EIR, and no further comparison is required.

Final Response to Comments

The City is requiring the project to commit to stringent emission reduction strategies, as shown in Mitigation Measures 4.3.6.2A, 4.3.6.2B, 4.3.6.2C, 4.3.6.2D, 4.3.6.3A, 4.3.6.3B, 4.3.6.3C, 4.3.6.3D, 4.3.6.3E, 4.3.6.3F, 4.3.6.4A, and 4.3.6.5A in the 2019 Draft Recirculated RSFEIR. Construction and operational emissions would be reduced to the extent feasible through implementation of mitigation measures and Project Design Features. Construction emissions would be reduced through implementation of mitigation measures that require the use of Tier 4 construction equipment, reduced idling time, use of non-diesel equipment where feasible, low-VOC paints and cleaning solvents, and dust suppression measures. Operational emissions would be reduced through implementation of mitigation measures that require reduced vehicle idling, use of non-diesel on-site equipment, meeting or exceeding 2010 engine emission standards for all diesel trucks entering the site, electric vehicle charging stations, and prohibition of refrigerated warehouses. Refer to Topical Response #, Indirect Source Rule, which demonstrates the Project's compliance with CEQA.

Additionally, the 2019 Draft Recirculated RSFEIR fully evaluated the potential air quality and health risks of the WLC project to sensitive receptors. The latest approved EPA EMFAC2017 emission factors were utilized in this analysis to better represent pollution emissions from larger vehicles. The 2015 Final EIR utilized EMFAC2014 which represented lower emissions estimates from larger vehicles. To assess risks to nearby sensitive receptors, a health risk assessment (HRA) was conducted in the 2019 Draft Recirculated RSFEIR to allow decision makers to see the cancer-related impacts of the WLC project with the assumption that new technology diesel exhaust (NTDE) causes cancer (WLC being the largest diesel magnet source), contrary to what was found by the HEI study. The HRA was conducted consistent with South Coast Air Quality Management District (SCAQMD) Health Risk Assessment Guidance and the current 2015 Office of Environmental Health Hazard Assessment (OEHHA) Air Toxics Hot Spots Program Guidance for Preparation of Health Risk Assessments.

Table 4.3-26 on page 4.3-67 in the 2019 Draft Recirculated RSFEIR presents the estimated maximum incremental increase in lifetime cancer risks for the 30-year exposure duration that starts from the beginning of Project Construction (Construction + Operation HRA). The results are provided separately for the incremental increase in cancer risk during Project construction, incremental increase in cancer risk during Project Operation, and the total incremental increase in cancer risk prior to the application of mitigation measures. As shown in Table 4.3-26, the Project would exceed the SCAQMD's cancer risk significance threshold of an incremental increase of 10 in a million prior to the application of mitigation and would represent a significant impact. Construction impacts contribute the greatest proportion of the total impact presented in Table 4.3-26. Table 4.3-27 on page 4.3-68 of the 2019 Draft Recirculated RSFEIR shows the estimated cancer risk for the 30-year exposure duration that starts from the beginning of Project full operation in 2035 (Operational HRA). Table 4.3-27 shows that during full Project operation, the total incremental increase in cancer risk is greater than the 10 in a million threshold, prior to mitigation, and would represent a significant impact. Overall, without mitigation and without consideration of the HEI study, the Project is expected to have a significant impact mainly due to diesel PM emissions from construction activities and heavy-duty diesel truck activities. With mitigation incorporated (2019 Draft Recirculated RSFEIR, page 4.3-73 – 4.3-74), the cancer risks are substantially lower. As shown on Table 4.3-28, 2019 Draft Recirculated RSFEIR, page 4.3-27, the estimated cancer risks for the 30-year exposure duration for construction (construction and operation HRA) would not exceed the SCAQMD cancer risk significance threshold after incorporation of mitigation. The large reduction in cancer risk after mitigation is attributable principally to the reduced diesel PM associated with the commitment to Tier 4 construction equipment.

Table 4.3-29, 2019 Draft Recirculated RSFEIR shows that the estimated 30-year exposure cancer risk for operation would still exceed the SCAQMD cancer risk significance threshold for sensitive receptors located within and outside the project boundary. Therefore, Mitigation Measure 4.3.5.4.A, the use of MERV 13 filters to impacted residences, was added. This mitigation measure reduced the total incremental cancer risk to less than the SCAQMD significance threshold as shown on Table 4.3-30 (page 4.3-74 of the 2019 Draft Recirculated RSFEIR). Thus, with the implementation of mitigation, any possible risk from the Project to an on-site or offsite receptor, within the study area, was less than significant. As shown above, the cancer risk and chronic and acute non-cancer risk to sensitive receptors in the community would be less than significant with incorporation of mitigation for construction and operation and operation scenarios of the WLC. Thus, additional mitigation measures are not required to be utilized for the Project to address the chronic or acute non-cancer and cancer risk.

Response to Comment 2-G5-12: No specific comments on the contents of the 2019 Draft Recirculated RSFEIR are provided within this comment, and thus no further response is needed (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

Response to Comment 2-G5-13: No specific comments on the contents of the 2019 Draft Recirculated RSFEIR are provided within this comment, and thus no further response is needed (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

From: Albert Armijo
Sent: Monday, February 3, 2020 7:33 AM
To: Sean P. Kelleher; Julia Descoteaux
Subject: FW: EIR and world logistics center
Attachments: Jan 31 2020.odt

Albert Armijo
Interim Planning Manager
Community Development
City of Moreno Valley

p: 951.413.3214 | e: alberta@moval.org w: www.moval.org

14177 Frederick St., Moreno Valley, CA 92553

-----Original Message-----

From: Susan Zeitz
Sent: Friday, January 31, 2020 4:53 PM
To: Albert Armijo
Subject: EIR and world logistics center

Warning: External Email – Watch for Email Red Flags!

See Attached

I want Benzeevi, Highland Fairview, their World logistics project, and any, and all, businesses, associates, acquaintances, dealing, or projects to be held to the same standards as the rest of us that are just regular people without any disposable monies.

2-G6-1

I want you to put an end to their lies, excuses, and narcissistic attitudes.

They must be held accountable.

In order to protect our environment please defer to:

The Briefs of AMICI CURIAE the Attorney General and the California Air Resources Board in support of plaintiffs and repondents Albert Thomas Plaulek, ET AL. And Plaintiffs and Appellants Laborers International Union of North America, Local 1184, ET AL.

2-G6-2

And

Laborers' International Union North America Local 1184 Plintiffs and Appellants, vs. Moreno Valley Community Services District, et al.: Defendants and Respondents

The world logistic project which never should have gotten past our city representatives. Highland Fairview disregarded the EIR... just like they do many other things that they don't like. They disregard the laws and rules if they don't suit them...

2-G6-3

Year after year there has been a steady loss of open space and an increase in traffic and pollution. Not what we envisioned in 1984 nor what others who moved here and bought large parcels in keeping with the surrounding open spaces, especially in the NE end of Moreno Valley.

Also year after year we see the steady decline of moral judgment our city officials practice in protecting our city and way of live, despite what the citizens want. Moreno Valley's officials continuously allow prejudice when they allow large land owners and developers, those with money to sway votes or ignore policy or what common sence screams is right. They have ignored the laws including environmental justice *which is the fair treatment and meaningful involvement of all people regardless of income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policie.* **This goal will be achieved when everyone enjoys:**

2-G6-4

- ⑩ Have the same degree of protection from environmental and health hazards
- ⑩ Have equal access to the decision-making process to **have a healthy environment in which to live**, learn, and work.

A resident since 1984 it is sad to see how fare askew Moreno Valley has come from the first general plan which we actively commented and followed to be sure the NE end of Moreno Valley retained the open spaces and large properties which we moved here fore.

2-G6-5

Already we have been adversely and negatively impacted.

- Increased simi truck **traffic**
- Increased **cancer causing simi truck emissions polluting our environment**
- **Noise** north of the freeway caused by simi truck engines, back up alarms from the warehouses including Sketchers, Aldi's, and the paper plant which can be heard a mile north of their locations and which prevent citizens from being able to sleep with windows open do to the incessant noise. **Why aren't the laws being enforced for quiet time between 10P-8AM?**
- Light pollution
- Encroachment on our rural life style

2-G6-6

2-G6-7

2-G6-8

The city officials have let themselves become beholden to Benzeevi/Highland Fairview and \$\$\$ signs. There is no way that Highland Fairview or anyone or company associated with them should on any boards or committees, or any thing that has to do with how this city makes it decisions. They cheat! It doesn't take much digging to find out how they cheat and lie to get things their way.... They should not be allowed to give money in any way shape or form including campaign donations.

2-G6-9

Benzeevi and Highland Fairview only see things their way! There is ample evidence to that fact in every thing they touch and finance. They are egotistical and think they are immune from the laws of our country, state, and city. A huge example is the world logistic project.

Please protect our environment!

Please protect our city!

Please protect our way of life in the NE areas of Moreno Valley's

Please!!!!

Susan Zeitz
26386 Ironwood Ave
Moreno Valley Ca 92555

RESPONSES TO LETTER 2-G6: Susan Zeitz

Response to Comment 2-G6-1: No specific comments on the contents of the 2019 Draft Recirculated RSFEIR are provided within this comment, and specific comments are addressed in responses below (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

Response to Comment 2-G6-2: Refer to Topical Response A, The Use of Cap and Trade and how it applies to the project, including the 2015 Final EIR and the 2019 Draft Recirculated RSFEIR approach to utilizing the Cap and Trade Program and how it relates to the state's overall greenhouse gas reduction mandates, and how Cap and Trade is relevant to the Project's CEQA analysis. The 2019 Draft Recirculated RSFEIR analyzed GHG emissions and their impacts and identified mitigation, either through Cap-and-Trade or through PDFs and mitigation measures to reduce impacts to less than significant. The consideration of only uncapped GHG emissions to determine the significance of those emissions under CEQA was used by the SCAQMD and the SJVAPCD and was validated in *Association of Irrigated Residents v. Kern County Board of Supervisors*, 17 Cal. App. 5th 708 (2017). Topical Response A also demonstrates how the Project's GHG approach complies with CEQA as it contains accurate and legally adequate information upon which decision-makers can make an informed decision. Thus, the WLC would not have a significant GHG impact and therefore would not hinder the State's achievement of its long-term GHG goals as further discussed in Topical Response B, Scoping Plan.

Response to Comment 2-G6-3: No specific comments on the contents of the 2019 Draft Recirculated RSFEIR are provided within this comment (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

Response to Comment 2-G6-4: The State of California first codified environmental justice into law in 1999, empowering the Office of Planning and Research (OPR) to coordinate the State's environmental justice programs and directing the California Environmental Protection Agency (Cal EPA) to take into account environmental justice in "designing its mission for programs, policies, and standards" adding a new section to the Public Resources Code entitled "Environmental Justice". (1999 Cal SB 115; codified at Section 65040.12 of the California Government Code and Section 72000 of the Public Resources Code (now Section 71110 et seq.) In 2000, the State also directed Cal EPA to establish a Working Group on Environmental Justice to develop "an agencywide strategy for identifying and addressing any gaps in existing programs, policies, or activities that may impede the achievement of environmental justice." Section 71113 of the Public Resources Code. In 2004, CalEPA created the Intra-agency Environmental Justice Strategy, identifying several goals. (2013 Policy Memorandum.)

In 2013, CalEPA issued CalEnviroScreen. As stated in the OEHHA factsheet²⁵⁴, CalEnviroScreen 3.0 is a mapping tool that can be used to identify California communities (by census tract) that are most affected by sources of pollution and are most vulnerable to the effects of pollution. The CalEnviroScreen score measures the relative pollution burdens and vulnerabilities in one census tract compared to others and is not a measure of health risk. The data presented in the comment is consistent with the results of CalEnviroScreen 3.0 tool.

²⁵⁴ <https://oehha.ca.gov/media/downloads/calenviroscreen/fact-sheet/ces30factsheetfinal.pdf>

Final Response to Comments

Later in 2013, shortly after the introduction of CalEnviroScreen, and based on these legislative directives, Cal EPA issued a Policy Memorandum creating “an agency-led compliance and enforcement program” entitled the Environmental Justice Compliance and Enforcement Working Group, including a Charter setting forth its mission and goals. This Working Group’s efforts included focused Initiatives on individual areas, such as Pomona, or most recently Imperial County, which have high scores in the CalEnviroScreen tool.²⁵⁵

Workgroup goals include incorporating community input in planning and implementing compliance assistance and enforcement initiatives in disproportionately impacted areas and improving communication with communities and the public regarding environmental justice concerns and the benefits of compliance and enforcement actions. The project is committed to community input and addressing community concerns through the public review process and has incorporated mitigation measures and project designed features to reduce impacts to the community and environment.

Further, none of the environmental justice legislation nor the State’s implementing activities requires a different standard for CEQA projects located in communities identified on CalEnviroScreen with higher environmental burdens. CEQA is an informational tool, and CalEnviroScreen does not mandate a prohibition on development projects in communities designated as having environmental burdens. And, in any case, such an outcome would seem particularly unjust if those very development projects could provide community benefits to ease those burdens. See Health and Safety Code Section 39711 (investment for disadvantaged communities encouraged).

The City of Moreno Valley supports the just enforcement of environmental laws under the State’s environmental justice laws and implementing activities, and the WLC Project provides for the enforcement of the Project’s conditions and mitigation measures. Further, as the WLC Project is implemented, there will be additional opportunities for the community to participate in the future discretionary approvals for the Project.

Recently, the State adopted legislation that requires environmental justice be incorporated into general plans, either through a separate element or by integrating environmental justice into other required elements of the general plan. Cal. Government Code Section 65302(h). The City of Moreno Valley has not yet modified its general plan to trigger the requirements under Section 65302 and thus, has not yet considered compliance with Section 65302. Nonetheless, many of the concepts articulated in Section 65302 have been taken into consideration in the City’s existing General Plan. The General Plan policies (related to industrial development) listed below were considered in the evaluation of the WLC Project.

- 2.5.2 Locate manufacturing and industrial uses to avoid adverse impacts on surrounding land uses.
- 2.5.3 Screen manufacturing and industrial uses where necessary to reduce glare, noise, dust, vibrations, and unsightly views.
- 2.5.4 Design industrial developments to discourage access through residential areas.
- 6.7.1 Cooperate with regional efforts to establish and implement regional air quality strategies and tactics.

²⁵⁵ <https://calepa.ca.gov/enforcement/environmental-justice-compliance-and-enforcement-task-force/>.

- 6.7.4 Locate heavy industrial and extraction facilities away from residential areas and sensitive receptors.
- 7.5.3 Locate areas planned for commercial, industrial and multiple family density residential development within areas of high transit potential and access.

Response to Comment 2-G6-5: No specific comments on the contents of the 2019 Draft Recirculated RSFEIR are provided within this comment (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

Response to Comment 2-G6-6: The revised air quality analysis prepared for the WLC Project is provided in Appendix A of the 2019 Draft Recirculated RSFEIR and includes an evaluation of emissions from truck traffic and automobile trips identified in the Traffic Impact Assessment (TIA) provided in Appendix F of the 2018 RSFEIR.

To ensure that those around the Project site are not exposed to unacceptable levels of potentially harmful pollutants, an operation and construction and operational health risk analysis was conducted and included in the 2019 Draft Recirculated RSFEIR to evaluate the potential air quality and health risks of the WLC Project to sensitive receptors. The HRA methodology applied a risk characterization model to the results from an air dispersion model to estimate potential health risks at each sensitive receptor location. A multi-pollutant health risk assessment was conducted for the WLC which included exhaust emissions of particulate matter (PM) and total organic gases (TOG) from diesel and gasoline combustion, as well as toxics associated with fugitive PM from tire wear and brake wear of mobile sources. To be conservative, the HRA relied on EMFAC2017 to determine the breakdown of vehicle types and fuel types and did not consider potential reductions in TACS emissions and health risks from increased penetration of zero emission vehicles. The estimation of cancer risk involves the specification of several parameters including the concentration level of the toxic air contaminants, the rate of inhalation of the toxic, the exposure frequency (number of days per year), the exposure duration in years, the time period over which the exposure takes place, what is termed a slope factor that represents an upper bound on the increased cancer risk from a lifetime exposure to a toxic by ingestion or inhalation and early-in-life age sensitivity factors. The values of these parameters depend on the type of receptor, i.e., sensitive/residential, worker, and student as discussed below. The health risk calculation does not rely on the Health Effects Institute (HEI) finding that New Technology Diesel Exhaust (NTDE) does not cause cancer. The principal focus of the HRA was on the potential health impacts to sensitive/residential receptors located within and surrounding the Project site. Table 4.3-5 on page 4.3-26 of the 2019 Draft Recirculated RSFEIR provides the exposure assumptions for the cancer risk.

Table 4.3-26 on page 4.3-67 in the 2019 Draft Recirculated RSFEIR presents the estimated cancer risks for the 30-year exposure duration that starts from the beginning of Project Construction (Construction + Operation). The results are provided separately for the incremental increase in cancer risk during Project construction, incremental increase in cancer risk during Project Operation, and the total incremental increase in cancer risk prior to the application of mitigation measures. As shown in Table 4.3-26, the Project would exceed the SCAQMD's cancer risk significance threshold of an incremental increase of 10 in a million prior to the application of mitigation and would represent a significant impact. Construction impacts contribute the greatest proportion of the total impact presented in Table 4.3-26. Table 4.3-27 on page 4.3-68 of the 2019 Draft Recirculated RSFEIR shows the estimated cancer risk for the 30-year exposure

duration that starts from the beginning of Project full operation in 2035 (Operational HRA). Table 4.3-27 shows that during full Project operation, the total incremental increase in cancer risk is greater than the 10 in a million threshold, prior to mitigation, and would represent a significant impact. Overall, without mitigation and without consideration of the HEI study, the Project is expected to have a significant impact mainly due to diesel PM emissions from construction activities and heavy-duty diesel truck activities. With mitigation incorporated (2019 Draft Recirculated RSFEIR, page 4.3-73 – 4.3-74), the cancer risks are substantially lower. As shown on Table 4.3-28, 2019 Draft Recirculated RSFEIR, page 4.3-27, the estimated cancer risks for the 30-year exposure duration for construction (construction and operation HRA) would not exceed the SCAQMD cancer risk significance threshold after incorporation of mitigation. The large reduction in cancer risk after mitigation is attributable principally to the reduced diesel PM associated with the commitment to Tier 4 construction equipment. Table 4.3-29, 2019 Draft Recirculated RSFEIR shows that the estimated 30-year exposure cancer risk for operation would still exceed the SCAQMD cancer risk significance threshold for sensitive receptors located within and outside the project boundary. Therefore, Mitigation Measure 4.3.5.4.A, the use of MERV 13 filters to impacted residences, was added. This mitigation measure reduced the total incremental cancer risk to less than the SCAQMD significance threshold as shown on Table 4.3-30 (page 4.3-74 of the 2019 Draft Recirculated RSFEIR). Thus, with the implementation of mitigation, any possible risk from the Project to an on-site or offsite receptor, within the study area, was less than significant. As shown above, the cancer risk and chronic and acute non-cancer risk to sensitive receptors in the community would be less than significant with incorporation of mitigation for construction and operation and operational scenarios of the WLC. Thus, additional mitigation measures are not required

The HRA study area included 18 miles of freeway segments along SR 60 that extends from north of the project boundary 8.6 miles west, toward the Port of Long Beach, and 9 miles east, toward Palm Springs, and the HRA receptor grids include receptors along the SR 60 freeway. Emissions and associated health impacts from Project activities are highest on-site and decrease with distance from the Project site as demonstrated by the unmitigated cancer risk contours in Figures 4.3-3 and 4.3-4 (2019 Draft Recirculated RSFEIR, Section 4.3.6.5). Based on the results shown in Figure 4.3-3 for the construction plus operation scenario, without mitigation, a section surrounding the project boundary will potentially have an incremental cancer risk exceeding the SCAQMD 10 in one million threshold at an approximate distance of 2.5 miles away from the project boundary. Based on results shown in Figure 4.3-4 for 30 years of the full project operation, without mitigation, a similar section surrounding the project boundary out to an approximate distance of 2.5 miles will potentially have an incremental cancer risk exceeding 10 in one million. Some receptors near the SR-60 could also exceed the 10 in one million cancer risk threshold. Because project-generated vehicle trips and associated impacts decrease with an increase in distance from the project site, the project impact along the regional freeway network outside the HRA's study area will be less than those presented in Figures 4.3-3 and 4.3-4. The project's impact to the regional freeway network will be the greatest during project full operation, as shown in Table 4.3-27 and Tables 4.3-29 and 4.3-30 of the 2019 Draft Recirculated RSFEIR, the maximum cancer risk for receptors along the SR-60 freeway would be near the project boundary and 9.5 in one million with mitigation, which is less than the 10 in one million threshold with mitigation. As shown in Figure 4.3-6, with mitigation, the incremental cancer risk along SR-60 may exceed the 10 in one million threshold promulgated by SCAQMD and be greater than significant for the 30 years of full operation. However, Figure 4.3-6 conservatively portrays each and every receptor as residents. This means that the more-conservative residential assumptions were also applied to worker receptors and

may show extraneous exceedances of the 10 in one million threshold. The purpose of Figure 4.3-6 is to identify the 1 in one million isopleth in order to determine whether any schools fall within. The isopleth presented in Figure 4.3-6 does not ultimately apply for significance determination, which differentiates between receptor type. The maximum residential cancer risk for significance determination is presented, with mitigation, in Tables 4.3-29 and 4.3-30. As shown in Figure 4.3-5, with mitigation, the incremental cancer risk along SR-60 will be less than 10 in one million and less than significant for the 30 years of combined construction and operation.

Response to Comment 2-G6-7: As stated in Mitigation Measure 4.12.5.2A in Section 4.12 of the 2018 RSFEIR, when processing future individual buildings under the WLCSP, as part of the City's approval process, the City shall require the Applicant to take the following three actions for each building prior to approval of discretionary permits for individual plot plans for the requested development:

Action 1: Perform a building-specific noise study to ensure that the assumptions set forth in the 2018 RSFEIR remain valid. These procedures used to conduct these noise analyses shall be consistent with the noise analysis conducted in the 2018 RSFEIR and shall be used to impose building-specific mitigation on the individually proposed buildings.

Action 2: If the building-specific analyses identify that the proposed development triggers the need for mitigation from the proposed building, including all preceding developments in the World Logistics Center site, the Applicant shall implement the appropriate level of mitigation, identified in the 2018 RSFEIR to reduce the identified impacts to comply with the Moreno Valley Municipal Code, which sets maximum sound levels reaching residential uses at 60 dBA Leq during the daytime hours (8:00 a.m. – 10:00 p.m.) and 55 dBA Leq during nighttime hours (10:01 p.m. – 7:59 a.m.). Prior to implementing the mitigation, the Applicant shall send letters by registered mail to all property owners and non-owner occupants of properties that would benefit from the proposed mitigation asking them to provide a position either in favor of or in opposition to the proposed noise abatement mitigation within 45 days. Each property shall be entitled to one vote on behalf of owners and one vote per dwelling on behalf of non-owner occupants. If more than 50% of the votes from responding benefited receptors oppose the abatement, the abatement will not be considered reasonable. Additionally, for noise abatement to be located on private property, 100% of owners of property upon which the abatement is to be placed must support the proposed abatement. In the case of proposed noise abatement on private property, no response from a property owner, after three attempts by registered mail, is considered a no vote. At the completion of the vote at the end of the 45-day period, the Applicant shall provide the tentative results of the vote to all property owners by registered mail. During the next 15 calendar days following the date of the mailing, property owners may change their vote. Following the 15-day period, the results of the vote will be finalized and made public.

Action 3: Upon consent from benefited receptors and property owners, the Applicant shall post a bond for the cost of the construction of the necessary mitigation as estimated by the City Engineer to ensure completion of the mitigation. The certificate of occupancy permits shall be issued upon posting of the bond or demonstration that 50% of the votes from responding benefited receptors oppose the abatement or, if the abatement is located on private property, any property owners oppose the abatement.

Final Response to Comments

The above mitigation measure identifies the action to reduce the Project's potentially significant environmental impacts, defines the timing during which the mitigation measure is to be implemented and monitored, and is fully enforceable through permit conditions. Additionally, the actions of private parties' points to the feasibility of the mitigation measure and is not a delegation of authority. Since it is unknown if the mitigation will be feasible, the 2018 RSFEIR identifies this impact as significant and unavoidable (2018 RSFEIR pages 4.12-43 – 4.12-45). Thus, this mitigation is an appropriate mitigation measure. Additionally, Section 4.12, Noise, was not recirculated in the 2018 RSFEIR or the 2019 Draft Recirculated RSFEIR; as it is not required under CEQA.

Response to Comment 2-G6-8: The WLC will comply with the new night lighting guidelines in the City's Municipal Code Section 9.08.100, which limits off-site impacts to 0.25 foot-candles per square meter. The Specific Plan design guidelines include a development setback of 250 feet, an additional building setback of 150 feet, an 11-foot high solid wall, orientation of lighting downward so that no direct rays extend up into the sky or onto adjacent properties, and high-pressure sodium or low-emitting diodes (LEDs) as discussed on page 4.1-81 of the 2015 Final EIR. The municipal restrictions are contained in the City's Municipal Code (Section 9.08.100 Lighting), which states that any outdoor lighting associated with nonresidential uses shall be shielded and directed away from the surrounding residential uses (Section 9.08.100 C.3.a). Such lighting shall not exceed one-quarter (0.25) foot-candle at property lines and shall not blink, flash, oscillate, or be of unusually high intensity or brightness (Section 9.08.100 C.3.a). Lighting in parking areas and drive aisles must be at least 1.0-foot candle and cannot exceed a maximum of 8.0-foot candles (Section 9.08.100 C.4.a). These municipal restrictions are also discussed on page 4.1-81 of the 2015 Final EIR.

Response to Comment 2-G6-9: No specific comments on the contents of the 2019 Draft Recirculated RSFEIR are provided within this comment (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

Ashley Aparicio

From: Albert Armijo
Sent: Monday, February 3, 2020 1:23 PM
To: Sean P. Kelleher; Julia Descoteaux
Subject: FW: WLC EIR

Albert Armijo
Interim Planning Manager
Community Development
City of Moreno Valley
p: 951.413.3214 | e: alberta@moval.org W: www.moval.org
14177 Frederick St., Moreno Valley, CA 92553

From: Susan Zeitz
Sent: Friday, January 31, 2020 4:54 PM
To: Albert Armijo
Subject: WLC EIR

Warning: External Email – Watch for Email Red Flags!

I want Benzeevi, Highland Fairview, their World logistics project, and any, and all, businesses, associates, acquaintances, dealing, or projects to be held to the same standards as the rest of us that are just regular people without any disposable monies.

I want you to put an end to their lies, excuses, and narcissistic attitudes.

They must be held accountable.

In order to protect our environment please defer to:

The Briefs of AMICI CURIAE the Attorney General and the California Air Resources Board in support of plaintiffs and repondents Albert Thomas Plaulek, ET AL. And Plaintiffs and Appellants Laborers International Union of North America, Local 1184, ET AL.

And

Laborers' International Union North America Local 1184 Plaintiffs and Appellants, vs.
Moreno Valley Community Services District, et al.: Defendants and Respondents

The world logistic project which never should have gotten past our city representatives.

Highland Fairview disregarded the EIR... just like they do many other things that they don't like. They disregard the laws and rules if they don't suit them...

Year after year there has been a steady loss of open space and an increase in traffic and pollution. Not what we envisioned in 1984 nor what others who moved here and bought large parcels in keeping with the surrounding open spaces, especially in the NE end of Moreno Valley.

Also year after year we see the steady decline of moral judgment our city officials practice in protecting our city and way of live, despite what the citizens want. Moreno Valley's officials continuously allow prejudice when they allow large land owners and developers, those with money to sway votes or ignore policy or what common sense screams is right. They have ignored the laws including environmental justice *which is the fair treatment and meaningful involvement of all people regardless of income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policie.* **This goal will be achieved when everyone enjoys:**

- Have the same degree of protection from environmental and health hazards
- Have equal access to the decision-making process to **have a healthy environment in which to live**, learn, and work.

A resident since 1984 it is sad to see how far askew Moreno Valley has come from the first general plan which we actively commented and followed to be sure the NE end of Moreno Valley retained the open spaces and large properties which we moved here for.

Already we have been adversely and negatively impacted.

- Increased simi truck **traffic**
- Increased **cancer causing simi truck emissions polluting our environment**
- **Noise** north of the freeway caused by simi truck engines, back up alarms from the warehouses including Sketchers, Aldi's, and the paper plant which can be heard a mile north of their locations and which prevent citizens from being able to sleep with windows open do to the incessant noise. **Why aren't the laws being enforced for quiet time between 10P-8AM?**
- Light pollution
- Encroachment on our rural life style

The city officials have let themselves become beholden to Benzeevi/Highland Fairview and \$\$\$ signs. There is no way that Highland Fairview or anyone or company associated with them should on any boards or committees, or any thing that has to do with how this city makes it decisions. They cheat! It doesn't take much digging to find out how they cheat and lie to get things their way.... They should not be allowed to give money in any way shape or form including campaign donations.

Benzeevi and Highland Fairview only see things their way! There is ample evidence to that fact in every thing they touch and finance. They are egotistical and think they are immune from the laws of our country, state, and city. A huge example is the world logistic project.

Please protect our environment!

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Please protect our way of life in the NE areas of Moreno Valley's

Please!!!!

Susan Zeitz

26386 Ironwood Ave

Moreno Valley Ca 92555

RESPONSES TO LETTER 2-G7: Susan Zeitz

Two emails were received from the commenter. Refer to Responses to Comments 2-G6-1 through 2-G6-9.

From: Albert Armijo
Sent: Monday, February 3, 2020 7:32 AM
To: Sean P. Kelleher; Julia Descoteaux
Subject: FW: WLC EIR

Sean and Julia,
I am printing all the correspondence I receive.

Albert Armijo
Interim Planning Manager
Community Development
City of Moreno Valley
p: 951.413.3214 | e: alberta@moval.org W: www.moval.org
14177 Frederick St., Moreno Valley, CA 92553

From: S Z
Sent: Friday, January 31, 2020 5:00 PM
To: Albert Armijo
Subject: WLC EIR

Warning: External Email – Watch for Email Red Flags!

In the case of Benzeevi and Fairview Highland or anyone or anything connected to them please make them follow the laws just like we'd have to. Help protect our environment and the San Jacinto wild life preserve.

2-G7-1

In order to protect our environment please defer to:

The Briefs of AMICI CURIAE the Attorney General and the California Air Resources Board in support of plaintiffs and repondents Albert Thomas Plaulek, ET AL. And Plaintiffs and Appellants Laborers International Union of North America, Local 1184, ET AL.

2-G7-2

And

Laborers' International Union North America Local 1184 Plintiffs and Appellants, vs. Moreno Valley Community Services District, et al.: Defendants and Respondents

2-G7-3

The world logistic project which never should have gotten past our city representatives. Highland Fairview disregarded the EIR... just like they do many other things that they don't like. They disregard the laws and rules if they don't suit them...

2-G7-3

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2-G7-4

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2-G7-4

continuously allow prejudice when they allow large land owners and developers, those with money to sway votes or ignore policy or what common sense screams is right. They have ignored the laws including environmental justice *which is the fair treatment and meaningful involvement of all people regardless of income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policie.* **This goal will be achieved when everyone enjoys:**

2-G7-4

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2-G7-5

Already we have been adversely and negatively impacted.

2-G7-6

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2-G7-7

2-G7-8

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2-G7-9

Benzeevi and Highland Fairview only see things their way! There is ample evidence to that fact in every thing they touch and finance. They are egotistical and think they are immune from the laws of our country, state, and city. A huge example is the world logistic project.

David Zeitz
26386 Ironwood Ave
Moreno Valley Ca 92555

RESPONSES TO LETTER 2-G8: David Zeitz

Response to Comment 2-G8-1: Section 4.4 of the 2018 RSFEIR, Biological Resources, discusses the effects of pollution impacts on plants and animals in the SJWA area. It also analyzes impacts to threatened and endangered species. Potential indirect impacts to avian and other biological resources within the SJWA will be reduced to less than significant levels by the project design features (2018 RSFEIR page 4.4-66) which include architecture and building restrictions, landscape restrictions, off-site lighting, and setbacks, and Mitigation Measures 4.4.6.1A and 4.4.6.1B (2018 RSFEIR pages 4.4-73 – 4.4-74). The 2018 RSFEIR analysis found that 17 plant and animal species within the WLC site are designated as endangered or threatened by the State and/or Federal authorities (Table 4.4-6 in the 2018 RSFEIR, page 4.4-65). Air pollution resulting from diesel trucks and passenger vehicles produce particulates, diesel particulate matter, carbon monoxide, and nitrogen oxides, etc. These pollutants would have indirect impacts on wildlife resources within the SJWA. The most concerning are ozone degradation and deposition of nitrogen. No standards for impacts to wildlife have been established. However, the AQMP includes analysis of air pollution effects on humans and animals and has based their standards to be protective of both. Thus, health risks from diesel PM can be obtained from the health risk assessment (HRA) conducted for humans for this Project. The HRA found the cancer risk to be less than significant. Thus, based upon available information, the effect of emissions on wildlife is less than significant (Refer to F1-4 and F4-4 for more information regarding pollutant's effect on wildlife and plants).

Any construction noise-related impacts would be temporary in nature and generally limited to construction of Phase 2 facilities along the southern boundary of the WLC site. The recent noise studies by ESA (2018) Appendix D of the 2018 RSFEIR conclude that construction noise levels would not exceed the 60 dB informal standard, that is used by the U.S. Fish and Wildlife Service (USFWS) for wildlife noise impacts, within the SJWA. The highest construction noise level is projected to be 52 dB at the SJWA boundary with the incorporation of the Specific Plan's 250-foot setback, and therefore, would be less than the 60 dB USFWS noise standard, and thus impacts would be less than significant. For operational noise impacts, page 4.4-68 of the 2018 RSFEIR states "with implementation of the two setback areas [the 250-foot minimum development setback and an additional 150-foot building setback along the southern boundary of the WLC site] (total 400 feet) and proposed [11-foot high] solid walls along the SJWA boundary, the anticipated increase in noise from the project site will not have a significant impact on wildlife and would not require mitigation." Table 4.4-7 on page 4.4-67 of the 2018 RSFEIR identifies that the combined noise levels from the implementation of the proposed warehousing and ambient noise levels would increase existing ambient noise levels of 40.8 dB Leq for daytime and 35.8 dB Leq for nighttime to a maximum noise level of 46.2 dBA Leq during the daytime and 45.2 dBA Leq during the nighttime. Based on these estimated construction and operational noise levels, it is reasonable to conclude that increased noise from human activity (Project construction, traffic on local roads, loading and unloading of trucks, etc.) related to the Project will not have significant impacts on local wildlife in the SJWA area, based on available research. Additionally, animals within the SJWA haven't been shown to be harmed by the noises from the SDG&E and SCG facilities which are surrounded by the SJWA.

To combat potential water quality impacts to wildlife, development plans for the WLC project will include Water Quality best management practices (BMPs). These BMPs include vegetated earthen channels, storm drain stenciling, street sweeping, and education. Detention basins will be designed to filter potential toxics from storm water. These BMP facilities would be part of the runoff management and water quality facilities

identified in Mitigation Measure 4.4.6.1B on page 4.4-74 of the 2018 RSFEIR and implemented as part of the storm water pollution prevention measures for the Project, in accordance with all appropriate National Pollutant Discharge Elimination System (NPDES) Permit requirements. These BMPs would be consistent with Section 6.1.4, Drainage, of the MSHCP that requires measures to be put in place to avoid discharge of untreated surface water runoff from developed and paved areas into the MSHCP Conservation Area. Project adherence to these BMPs, including the implementation of Mitigation Measure 4.4.6.1B, will result in a less than significant impact to wildlife species, including threatened and endangered species.

It should be noted that the only Federal or State listed Endangered or Threatened species observed to be present on the Project site is the coastal California gnatcatcher, a species that receives protection under the provisions of the MSHCP, as indicated in Table 4.4-6, Endangered/Threatened Species Within the WLC site (page 4.4-65 of the 2018 RSFEIR).

Response to Comment 2-G8-2: Refer to Topical Response A and response to comment 2-G6-2 regarding the commenter's deference to the Attorney General's Amicus Brief.

Response to Comment 2-G8-3: No specific comments on the contents of the 2019 Draft Recirculated RSFEIR are provided within this comment (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

Response to Comment 2-G8-4: Refer to response to Comment 2-G6-4 for issues regarding Environmental Justice and health hazards.

Response to Comment 2-G8-5: No specific comments on the contents of the 2019 Draft Recirculated RSFEIR are provided within this comment (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

Response to Comment 2-G8-6: Refer to response to Comment 2-G6-6 for issues regarding Project related truck traffic and cancer-causing impacts related to truck traffic.

Response to Comment 2-G8-7: Refer to response to Comment 2-G6-7 for issues regarding noise impacts generated by the WLC and mitigation measures propose to decrease identified impacts to nearby residential land uses.

Response to Comment 2-G8-8: Refer to response to Comment 2-G6-8 for issues regarding light pollution and mitigation measures implemented to reduce impacts to nearby residences.

Response to Comment 2-G8-9: No specific comments on the contents of the 2019 Draft Recirculated RSFEIR are provided within this comment (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

From: adam salcido <asalcido.07@gmail.com>
Sent: Monday, January 6, 2020 12:24 PM
To: Albert Armijo <alberta@moval.org>
Cc: Unknown <jbourg2271@aol.com>; jbourgeois029@gmail.com; Terrance Lucio <t.lucio57@gmail.com>; PATRICK HANINGER <phaninger1@gmail.com>
Subject: World Logistics Center

Warning: External Email – Watch for Email Red Flags!

Hello Mr. Armijo,
Please provide any updates to the above mentioned project.
I am requesting under Public Resource Code Section 21092.2 to add the email addresses and mailing address below to the notification list, regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this project.
t.lucio57@gmail.com
phaninger1@gmail.com
jbourg2271@aol.com
jbourgeois029@gmail.com
asalcido.07@gmail.com
Mailing Address:
P.O. Box 79222
Corona, CA 92877
Please confirm receipt of this email.
Thank You,
Adam Salcido

2-G8-1

RESPONSES TO LETTER 2-G9: Adam Salcido

Response to Comment 2-G9-1: No specific comments on the contents of the 2019 Draft Recirculated RSFEIR are provided within this comment, however, the comment requests to be and thus no further response is needed (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

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4.0 ERRATA

4.1 INTRODUCTION

After the distribution of the Revised Sections of the Final EIR (RSFEIR) in July 2018 and the Recirculated Draft RSFEIR in December 2019, responses to the comments received on the two documents were prepared as provided in Sections 3.4 and 3.5 of this Response to Comments Document. The responses to the comments resulted in revisions to the text of the documents. In addition to revisions that resulted from responses to the comments received, there are additional revisions to provide minor corrections and clarifications. The revisions are organized by changes to the RSFEIR and changes to the Recirculated Draft RSFEIR. The changes to the text of both documents are organized by page number. Additional text is shown in underline, and deleted text is shown in ~~strike through~~ format.

4.2 ERRATA – CHANGES TO THE RSFEIR

4.2.1 Errata – Changes to the RSFEIR Provided in Responses to Comments

Following includes revisions that were provided in the responses to the comments that were received on the RSFEIR. These revisions are to the following sections of the RSFEIR:

- Utilities and Service Systems (Section 6.16)

Section 6.16, Utilities and Service Systems

Based on the comments that were received on the RSFEIR, Section 6.16 was revised to include clarification of the information presented. The following summarizes the changes to the RSFEIR.

- **Page 6.16-36, second paragraph first sentence**

“The proposed project would not require the expansion of existing wastewater treatment infrastructure; ~~and is only connections to existing infrastructure would be required by the project~~ required to construct on-site and off-site conveyance piping to connect to existing infrastructure.”

The clarified description of the expansion of infrastructure does not result in a change in the impact determination and no new significant impacts would result.

- **Page 6.16-37, second paragraph, first and second sentences**

“The proposed project would not cause or contribute to a cumulatively significant impact on wastewater infrastructure because the proposed project would not combine with the demands of other projects in the cumulative scenario to require the expansion of existing wastewater treatment infrastructure, ~~and is only required to construct on-site and off-site conveyance piping to connect to existing infrastructure.~~ ~~The project would require only connections to existing infrastructure.~~”

The clarified description of the expansion of infrastructure does not result in a change in the impact determination and no new significant impacts would result.

4.2.2 Errata – Additional Changes to the RSFEIR Not in Response to a Comment

In addition to revisions that resulted from responses to the comments received, there are additional revisions to the RSFEIR to provide minor corrections and clarifications. These revisions are to the following sections if the RSFEIR:

- Noise and Vibration (Section 4.12)
- Traffic and Circulation (Section 4.15 and Section 6.15)

Section 4.12, Noise and Vibration

- **Page 4.12-26, last paragraph, last sentence**

“Therefore, noise generated during onsite construction activities would not result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project with regard to the adjacent wildlife corridor. However, noise generated during onsite construction activities would result in a substantial temporary or periodic increase in ambient noise level sat residences within, to the west, and to the southwest of the project areas and would result in a significant impact.”

The revision provided on page 4.12-26 was included to clarify that impacts would be less than significant for the wildlife corridor but would be significant for residential receptors. This revision does not change an impact determination and no new significant impact would result.

Section 4.15, Traffic and Circulation

Section 4.15 was revised to include a reference to an updated VMT analysis discussion that is added to Appendix F of the RSFEIR. The updated analysis is for informational purposes only and concludes that based on the best information currently available, the project’s VMT impact would be less than significant.

- **Page 4.15-3, last bullet**

“An analysis of the effect of the Project on regional vehicle-miles traveled (VMT) has been added. This analysis was done primarily to provide data needed for the air quality analysis. Readers may be aware that, as a result of Senate Bull 743 (Steinberg, 2013), CEQA analysis of traffic impacts is likely to change at some point in the future from LOS-based to VMT-based. The ~~change-VMT analysis will not~~ is required to take effect January 1st 2020 at the earliest before July 1, 2020, so the LOS approach ~~that~~ is the primary focus of the current study accords with current state law. The VMT analysis is therefore included in ~~this~~ the traffic study for informational purposes only. An updated VMT analysis discussion is provided in Appendix F of the RSFEIR as a Technical Memorandum. The discussion reiterates the WLC’s impact on VMT and concludes that based on a VMT per service population, the WLC would yield a VMT impact of 5.5 VMT per service population which based on the best information currently available would result in a less than significant impact.”

The revisions provided on page 4.15-3 were to include updated VMT information (see Appendix A of this Response to Comments document). These revisions do not change an impact determination and no new significant impact would result.

Section 6.15, Traffic and Circulation

Section 6.15 was revised to include a reference to an updated VMT analysis discussion that is added to Appendix F of the RSFEIR. The updated analysis is for informational purposes only and concludes that based on the best information currently available, the project's VMT impact would be less than significant.

- **Page 6.15-2, 6th bullet**

“An analysis of the effect of the Project on regional vehicle-miles traveled (VMT) has been added. This analysis was done primarily to provide data needed for the air quality analysis. Readers may be aware that, as a result of Senate Bull 743 (Steinberg, 2013), CEQA analysis of traffic impacts is likely to change at some point in the future from LOS-based to VMT-based. The ~~change-VMT analysis will not~~ is required to take effect January 1st 2020 at the earliest before July 1, 2020, so the LOS approach ~~that~~ is the primary focus of the current study accords with current state law. The VMT analysis is therefore included in ~~this~~ the traffic study for informational purposes only. An updated VMT analysis discussion is provided in Appendix F of the RSFEIR as a Technical Memorandum. The discussion reiterates the WLC's impact on VMT and concludes that based on a VMT per service population, the WLC would yield a VMT impact of 5.5 VMT per service population which based on the best information currently available would result in a less than significant impact.”

The revisions provided on page 6.15-2 were to include updated VMT information (see Appendix A of this Response to Comments document). These revisions do not change an impact determination and no new significant impact would result.

4.3 ERRATA – CHANGES TO THE DRAFT RECIRCULATED RSFEIR

This section includes revisions to the Draft Recirculated RSFEIR resulting from responses that were provided to the comments. These revisions are provided in Section 4.3.1 below. In addition, this section includes additional revisions to provide minor corrections and clarifications, and these revisions are provided in Section 4.3.2.

4.3.1 Errata – Changes to the Draft Recirculated RSFEIR Provided in Responses to Comments

Following includes revisions that were provided in the responses to the comments that were received on the Draft Recirculated RSFEIR. These revisions are to the following sections of the Recirculated Draft RSFEIR:

- Air Quality (Section 4.3 and Section 6.3)
- Greenhouse Gas Emissions (Sections 4.7 and Section 6.7)

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As stated above, additions to text are shown with underlined text and deletions are shown as ~~strikethrough text~~.

Section 4.3, Air Quality

- Page 4.3-8, Table 4.3-3

Table 4.3-3: Ambient Air Quality Monitored in the Project Vicinity

Pollutant	Standard	2014	2015	2016	2017
Ozone (O3)					
Maximum 1-hr concentration (ppm)		0.141	0.132	0.142	0.145
Number of days exceeded:	State: > 0.09 ppm	29	31	33	ND
Maximum 8-hr concentration (ppm)		0.105	0.106	0.105	0.118 0.119
Number of days exceeded:	State: > 0.070 ppm	69	59	71	ND
	Federal: > 0.075 ppm	41	39	47	84 58

The revisions include corrected data. Table 4.3-3 provides background information and these revisions do not result in a change in the impact determination and no new significant impacts would result.

- Page 4.3-53, Mitigation Measure 4.3.6.3B

“k) All yard trucks (yard dogs/yard goats/yard jockeys/yard hostlers), landscaping equipment, and industrial sweepers shall be powered by electricity, natural gas, propane, or an equivalent non-diesel fuel. Any off-road engines in the yard trucks and landscaping equipment shall have emissions standards that meet or exceed 2010 engine emission standards specified in California Code of Regulations Title 13, Article 4.5, Chapter 1, Section 2025.”

“o) For each building, the developer shall provide ten electrical outlets for the use of electric auxiliary power units (APUs) to be located at the dock doors near the shipping offices, or an alternate location with access to electrical outlets.”

“p) All industrial sweepers shall be equipped with high-efficiency particulate air (HEPA) filters.”

Additions to Mitigation Measure 4.3.6.3B were made to include additional feasible mitigation. The emissions reductions provided by these additions have not been accounted for in the emissions inventory and the revised mitigation does not result in a change in the impact determination and no new significant impacts would result.

- Page 4.3-78, Mitigation Measure 4.3.6.3A

“Prior to issuance of occupancy permits for each warehouse building within the WLSCP, the developer shall demonstrate to the City that vehicles can access the building using paved roads and parking lots and that access on unpaved roads is prohibited.”

The revisions to Mitigation Measure 4.3.6.3A was made to strengthen the existing measure requiring that vehicles travel on paved roads. The revised mitigation does not result in a change in the impact determination and no new significant impacts would result.

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- Page 4.3-68, Table 4.3-27

Table 4.3-27: Estimated Cancer Risks, 30-Year Exposure Duration for Sensitive/Residential Receptors Starting from Beginning of Project Full Operation in 2035, Without Mitigation

Receptor Location	Total Incremental Increase in Cancer Risk ¹ (risk/million)	SCAQMD Cancer Risk Significance Threshold (risk/million)	Exceeds Threshold?
Maximum risk anywhere in the modeling domain ²	34.0	10	Yes
Maximum risk within the project boundaries ³	34.0	10	Yes
Maximum risk at any area outside of the project boundaries ⁴	29.9 <u>23.4</u>	10	Yes
Maximum risk along SR 60 freeway ⁵	34.0 <u>18.7</u>	10	No <u>Yes</u>

Notes:

- ¹ Conservatively assumed all receptors in the studied domain are residential receptors and will have 30-year average exposures from 2040 to 2069 (includes diesel PM emissions from full project operation); cancer risk estimates derived from the TIA, ~~EMFAC2014~~EMFAC2017 emission model, SCAQMD HRA guidance and “Current OEHHA Guidance” for estimating cancer risks.
- ² Location is at the existing on-site residence immediately to the north of the project boundary at 13241 World Logistics Center Parkway (formerly Theodore Avenue).
- ³ Location is same as location (2), at the existing residence located at 30220 Dracaea Avenue
- ⁴ Location is to the northwest of the project boundary, on the west side of Redlands Boulevard and south of Eucalyptus Avenue Location is to the east of the project boundary along Gilman Springs Road.
- ⁵ Location is ~~south of SR 60 freeway, same as the location in footnote (2)~~—a residence north of SR 60 Freeway, at 12400 World Logistics Center Parkway.

Source: *Air Quality, Greenhouse Gas, and Health Risk Assessment Report*, 2019.

Table 4.3-27 has been revised to properly characterize the risk level within and outside of the Project boundaries. The impact determination for the maximum risk along SR 60 freeway has been corrected to show that risk exceeds the threshold. The SCAQMD cancer risk threshold under this category has not been revised and the reader can ascertain the impact based on the numeric values shown on the table. This revision to Table 4.3-27 relates to estimated cancer risks prior to the application of mitigation, and with the application of mitigation as shown in Tables 4.3-29 and 4.3-30, the impacts remain less than significant, and no new significant impacts occur.

- Page 4.3-74, Table 4.3-29

Table 4.3-29: Estimated Cancer Risks, 30-Year Exposure Duration for Sensitive/Residential Receptors Starting from Beginning of Project Full Operation in 2035, With Mitigation

Receptor Location	Total Incremental Increase in Cancer Risk ¹ (risk/million)	SCAQMD Cancer Risk Significance Threshold (risk/million)	Exceeds Threshold?
Maximum risk anywhere in the modeling domain ²	14.2	10	Yes
Maximum risk within the project boundaries ³	10.7	10	Yes
<u>13241 World Logistics Center Pkwy</u>	<u>8.8</u>	<u>10</u>	<u>No</u>
<u>13100 World Logistics Center Pkwy</u>	<u>10.2</u>	<u>10</u>	<u>Yes</u>
<u>13200 World Logistics Center Pkwy</u>	<u>8.5</u>	<u>10</u>	<u>No</u>
<u>30220 Dracaea Ave</u>	<u>10.7</u>	<u>10</u>	<u>Yes</u>
<u>29080 Dracaea Ave</u>	<u>5.3</u>	<u>10</u>	<u>No</u>
<u>29140 Dracaea Ave</u>	<u>5.6</u>	<u>10</u>	<u>No</u>
Maximum risk at any area outside of the project boundaries ⁴			
<u>12400 World Logistics Center Parkway²</u>	<u>14.2</u>	<u>10</u>	<u>Yes</u>
<u>W of Redlands Blvd & S of Eucalyptus Avenue⁴</u>	9.5	10	No
Maximum risk along SR60 freeway outside of the project boundaries ⁵	9.5 14.2	10	No Yes

Notes:

- ¹ Conservatively assumed all receptors in the studied domain are residential receptors and will have 30-year average exposures from 2040 to 2069 (includes diesel PM emissions from full project operation); cancer risk estimates derived from the TIA, EMFAC2014 emission model, SCAQMD HRA guidance and “Current OEHHA Guidance” for estimating cancer risks.
- ² Location is at the existing residence immediately to the north of the project boundary and is owned by the project sponsor.
- ³ Location is at the existing residence located at 30220 Dracaea Avenue.
- ⁴ Excluding the location in footnote (2) and locations within the project boundaries, this maximum risk Location is owned by the project sponsor and is receptor is located to the northwest of the project boundary, on the west side of Redlands Boulevard and south of Eucalyptus Avenue.
- ⁵ Location is south immediately north of SR 60 freeway, same as the location in footnote (42) which to the northwest of the project boundary, on the west side of Redlands Boulevard and south of Eucalyptus Avenue.

Source: Air Quality, Greenhouse Gas, and Health Risk Assessment Report, 2019.

Table 4.3-29 has been revised to properly characterize the risk level within and outside of the Project boundaries and to provide clarification of impacts at specific locations. The incremental increase in cancer risk and impact determination for the maximum risk along SR 60 freeway has been corrected to show that risk along SR 60 exceeds the threshold. Although the incremental cancer risk at this location has been corrected, the impact determination remains less than significant and unchanged for incremental cancer risk at any sensitive receptor within the modeling domain due to implementation of Mitigation Measure 4.3.6.5.A, requiring the use of MERV 13 filters at impacted residences. This mitigation measure reduced the total incremental cancer risk to less than the SCAQMD significance threshold as shown on Table 4.3-30 (page 4.3-74 of the Draft Recirculated RSFEIR). The owners of the homes located at 13100 World Logistics Center Parkway (formerly Theodore Street) and 12400 World Logistics Center Parkway (formerly Theodore Street) have accepted the offer for the installation of the MERV 13 filters in writing. (see Attachment R). Thus, for these reasons, with the implementation of mitigation, the increase in health risks from the Project to an on-site or offsite receptor, within the study area, was less than significant. Therefore, this revision to Table 4.3-29 does not change the impact determination of significant and would not result in a new significant impact.

- **Page 4.3-78, first paragraph, first sentence**

“The use of a filtration system consisting of the application of filters with a rating of ASHRAE Standard 52.2 MERV-13, as required by Mitigation Measure 4.3.6.5A (a)~~4.3.5.4.A~~, is sufficient to capture a significant portion of the diesel particulate matter.”

Correction of this typographical error does not change the impact determination and would not result in a new significant impact.

- **Page 4.3-82, last paragraph, first sentence**

“There is a degree of uncertainty in these results from a combination of the uncertainty in the emissions themselves, the increase in concentration resulting from the photochemical grid model (PGM) and the uncertainty of the application of the C-R increase.”

Defining the meaning of the acronym PGM does not result in a new significant impact.

Section 4.7, Greenhouse Gases/Climate Change

- **Page 4.7-20, first paragraph, last two sentences**

~~“This regulatory conclusion is therefore directly applicable to the WLC project because VMT is by far the largest source of project GHG emissions. The analysis considers both the inclusion and exclusion of capped emissions, notably with the inclusion of mitigation measure 4.7.6.1E-1 and 4.7.6.1E-2 in Section 4.7.6, below. The applicable mitigation measure taken relies on the outcome of Paulek v. Moreno Valley Community Services District, Case No. E071184, in the Fourth District Court of Appeal, Second Division.”~~

The GHG analysis as set forth in Section 4.7 is not based on these two erroneously referenced mitigation measures. Therefore, this revision to the text does not change the impact determination of less than significant with mitigation incorporated and would not result in a new significant impact.

- **Page 4.7-28, Mitigation Measure 4.7.6.1D**

- “All project rooftops shall be constructed to be solar ready and be designed to accommodate the additional loads from solar equipment that might be installed at a future date.”

Emissions calculations do not account for the inclusion of solar-ready rooftops. This addition to Mitigation Measure 4.7.6.1D does not change the impact determination and would not result in a new significant impact.

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- Pages 4.7-34–4.7-36, Table 4.7-8

Table 4.7-8: Project GHG Emissions (Year by Year with Mitigation)

Source	GHG Mitigated Emissions (mt CO ₂ e/year)														
	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034
Capped Emissions															
Construction	18,770	22,198	23,363	23,511	22,113	16,408	12,424	11,692	12,000	11,452	12,311	10,610	9,993	7,451	7,430
Net Mobile	0	20,982	41,248	60,829	79,602	96,308	102,643	112,971	123,218	132,710	141,787	150,466	158,748	166,632	174,108
Yard trucks	0	813	1,625	2,438	3,250	4,053	4,371	4,689	5,016	5,334	5,652	5,970	6,288	6,606	6,924
Generator	0	32	65	97	130	162	174	187	200	213	225	238	251	263	276
Forklifts	0	29	58	87	117	145	157	168	180	191	203	214	226	237	248
Electricity	0	5,487	10,505	16,725	22,319	32,535	36,088	36,779	36,207	35,461	35,096	34,716	34,056	33,116	31,366
Water	0	119	239	398	557	853	1,148	1,304	1,398	1,492	1,626	1,778	1,929	2,081	2,181
Natural gas	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Solar	0	-179	-357	-595	-834	-1,276	-1,705	-1,931	-2,068	-2,204	-2,398	-2,618	-2,838	-3,059	-3,203
Total Capped	18,770	49,483	76,746	103,490	127,254	149,188	155,300	165,860	176,151	184,649	194,501	201,374	208,653	213,328	219,330
Uncapped Emissions															
Construction Refrigerants and Waste	192	192	192	192	190	85	124	127	124	124	124	124	124	124	101
Waste	0	544	1,087	1,631	2,175	2,712	2,924	3,137	3,356	3,569	3,781	3,994	4,207	4,419	4,632
Refrigerants	0	291	583	874	1,166	1,454	1,568	1,682	1,799	1,913	2,027	2,141	2,255	2,369	2,483
Land use change	0	131	262	392	523	652	704	755	807	858	910	961	1,012	1,063	1,114
Sequestration	0	-13	-25	-38	-50	-63	-68	-72	-77	-82	-87	-92	-97	-102	-107
Total Uncapped	192	1,145	2,098	3,051	4,003	4,840	5,252	5,628	6,009	6,382	6,755	7,128	7,501	7,874	8,223
<u>Credits/Offsets (MM 4.7.7.1)</u>	<u>-192</u>	<u>-1,145</u>	<u>-2,098</u>	<u>-3,051</u>	<u>-4,003</u>	<u>-4,840</u>	<u>-5,252</u>	<u>-5,628</u>	<u>-6,009</u>	<u>-6,382</u>	<u>-6,755</u>	<u>-7,128</u>	<u>-7,501</u>	<u>-7,874</u>	<u>-8,223</u>
Total Project Emissions	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Threshold	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
Significant Impact?	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No

Source	GHG Mitigated Emissions (mt CO ₂ e/year)														
	2035 (Buildout)	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049
Capped Emissions															
Construction	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Net Mobile	178,798	178,798	178,798	178,798	178,798	178,798	178,798	178,798	178,798	178,798	178,798	178,798	178,798	178,798	178,798
Yard trucks	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172
Generator	286	286	267	267	267	267	267	267	267	267	267	267	267	267	267
Forklifts	257	257	257	257	257	257	257	257	257	257	257	257	257	257	257
Electricity	29,432	26,712	23,744	20,776	17,808	14,840	11,872	8,904	5,936	2,968	0	0	0	0	0
Water	2,280	2,308	2,308	2,308	2,308	2,308	2,308	2,308	2,308	2,308	0	0	0	0	0
Natural gas	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Solar	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386
Total Capped	214,839	212,148	209,161	206,193	203,225	200,257	197,289	194,321	191,353	188,385	183,109	183,109	183,109	183,109	183,109
Uncapped Emissions															
Construction Refrigerants and Waste	149	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Waste	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798
Refrigerants	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572
Land use change	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154
Sequestration	-111	-111	-111	-111	-111	-111	-111	-111	-111	-111	-111	-111	-111	-111	-111
Total Uncapped	8,563	8,414													
<u>Credits/Offsets (MM 4.7.7.1)</u>	<u>-8,563</u>	<u>-8,414</u>													
Total Project Emissions	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Threshold	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
Significant Impact?	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No

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Source	GHG Mitigated Emissions (mt CO ₂ e/year)															Total (2020–2064)
	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	
Capped Emissions																
Construction	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	221,727
Net Mobile	153,767	132,239	107,555	87,478	57,152	45,312	40,356	37,703	35,225	31,920	28,525	25,491	22,779	21,191	19,714	5,090,636
Yard trucks	6,168	5,304	4,314	3,509	2,293	1,818	1,619	1,512	1,413	1,280	1,144	1,022	914	850	791	204,561
Generator	230	198	161	131	85	68	60	56	53	48	43	38	34	32	29	7,821
Forklifts	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6,122
Electricity	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	563,449
Water	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	40,159
Natural gas	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Solar	-2,912	-2,505	-2,037	-1,657	-1,082	-858	-764	-714	-667	-605	-540	-483	-431	-401	-373	-92,091
Total Capped	157,252	135,237	109,993	89,461	58,448	46,339	41,270	38,557	36,023	32,644	29,172	26,068	23,295	21,671	20,161	6,042,384
Uncapped Emissions																
Construction Refrigerants and Waste	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2,289
Waste	4,126	3,549	2,886	2,348	1,534	1,216	1,083	1,012	945	857	765	684	611	569	529	136,855
Refrigerants	2,212	1,902	1,547	1,258	822	652	580	542	507	459	410	367	328	305	284	73,356
Land use change	993	854	694	565	369	293	261	243	227	206	184	165	147	137	127	32,922
Sequestration	-95	-82	-67	-54	-35	-28	-25	-23	-22	-20	-18	-16	-14	-13	-12	-3,159
Total Uncapped	7,236	6,223	5,061	4,116	2,689	2,132	1,899	1,774	1,658	1,502	1,342	1,199	1,072	997	928	242,263
Credits/Offsets (MM 4.7.7.1)	-7,236	-6,223	-5,061	-4,116	-2,689	-2,132	-1,899	-1,774	-1,658	-1,502	-1,342	-1,199	-1,072	-997	-928	-242,263
Total Project Emissions	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Threshold	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	450,000
Significant Impact?	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No

mt CO₂e = metric tons of carbon dioxide equivalents, which is calculated from the emissions (tons/year) by multiplying by the individual global warming potential (carbon dioxide – 1, methane – 21, nitrous oxide – 310, hydrofluorocarbons – 1500, black carbon 760) and converted to metric tons by multiplying by 0.9072.

¹ Electricity and natural gas emissions estimates account for PDFs that improve energy efficiency and eliminate the use of building natural gas; includes electricity use by on-site EV chargers.

² Estimated construction emissions are included prior to buildout.

³ 2036 is the first full year that the Project would be built out. Years from buildout until 2049 are conservatively estimated to be equivalent to buildout year emissions and exclude construction emissions since construction activity would cease after buildout. Years post-2049 take into account the phasing out of structures as they reach their presumed 30-year lifetime.

⁴ Electricity emissions decrease to zero in 2045 after renewable portfolio standard (RPS) has reached 100% renewable electricity

Source: ESA, 2019

Revisions to Table 4.7-8 includes the addition of reductions provided by new Mitigation Measure 4.7.7.1 (detailed below). Addition of this mitigation and revision of Table 4.7-8 does not change the impact determination and would not result in a new significant impact.

- **A new section, Section 4.7.7 will be added to the end of Section 4.7, Greenhouse Gas Emissions, Climate Change, and Sustainability, beginning on page 4.7-48.**

4.7.7 Mitigation Measure Conditioned on the Outcome of the Appeal in Paulek V. Moreno Valley

An appeal of the judgement entered on June 7, 2018, in the CEQA litigation, is currently pending in the Court of Appeal, Fourth Appellate District, Division Two, as *Paulek v. Moreno Valley Community Services District*, Case No. E071184. The appeal seeks judicial review of the FEIR's application of California's Cap-and-Trade Program to the analysis of GHG emissions for the construction and operation of the WLC. Specifically, the FEIR determined that the GHG emissions attributable to fuel suppliers and energy producers under Cap-and-Trade (capped emissions) could be deducted from the total GHG emissions to be evaluated against the significance threshold because capped emissions were already accounted for and mitigated at the producer/supplier level. To address the yet unknown determination of the appeal and to eliminate uncertainty as to how capped GHG emissions should be accounted for in determining the significance of a project's GHG emissions under CEQA, a new mitigation measure, Mitigation Measure 4.7.7.1, shall apply requiring that the WLC Project's GHG emissions be mitigated to net zero where the amount of GHG emissions to be mitigated is either "Total Uncapped" GHG emissions from Table 4.7-8 or "Project Emissions" from new Table 4.7-16, depending on the outcome of the appeal.

If the trial court's judgment is affirmed after the appellate process is completed or if the appeal is dismissed, then the GHG emissions to be mitigated to net zero will be the "Total Uncapped" GHG emissions from Table 4.7-8.

If the trial court's judgment is reversed after the appellate process is completed, then the amount of GHG emissions to be mitigated to net zero will be the "Project Emissions" shown on Table 4.7-16. As shown in Table 4.7-16, Project GHG emissions, both capped and uncapped, with implementation of Project Design Features and mitigation measures would, prior to the application of mitigation, exceed the SCAQMD's significance threshold of 10,000 mt CO₂e per year.

To mitigate the WLC Project's GHG emissions to net zero and to remove uncertainty as to how GHG emissions should be accounted for, the following mitigation, Mitigation Measure 4.7.7.1, shall apply. Mitigation Measure 4.7.7.1 shall read as follows:

4.7.7.1 The developer shall mitigate the WLC Project's GHG emissions to net zero by providing offsets and/or carbon credits, where the amount of GHG emissions to be mitigated is either "Total Uncapped" GHG emissions from Table 4.7-8 or "Project Emissions" from new Table 4.7-16, depending on the outcome of the appeal in *Paulek v. Moreno Valley Community Services District* ("*Paulek*"). If the trial court's judgment in *Paulek* is affirmed after the appellate process is completed or if the appeal is dismissed, then the GHG emissions to be mitigated to net zero will be the "Total Uncapped" GHG emissions from Table 4.7-8. If

the trial court's judgment is reversed after the appellate process is completed, then the amount of GHG emissions to be mitigated to net zero will be the "Project Emissions" shown on Table 4.7-16. Upon the provision of offsets and/or the retirement of carbon credits, no further analysis of capped and uncapped GHG emissions will be required, and no further reduction of those emissions will be required.

The developer shall provide the city with any combination of qualified offsets and/or carbon credits in its sole determination provided that the following conditions are satisfied:

- a) Offsets: A developer shall provide proof of offsets to reduce or sequester GHG emissions (as distinguished from carbon credits) to the City's Planning Official that the offsets are real, permanent, additional, quantifiable, verifiable, and enforceable by an appropriate agency.
- b) Carbon Credits: A developer shall provide proof to the City's Planning Official that the carbon credits represent reductions in GHG emissions that are real, permanent, additional, quantifiable, verifiable, and enforceable by an appropriate agency. Credits registered by a carbon registry approved by the California Air Resources Board, such as, but not limited to, the Climate Action Reserve, American Carbon Registry, Verra (formerly Verified Carbon Standard) or GHG Reduction Exchange (GHG RX), shall be conclusively presumed to meet all of the criteria set forth above.
- c) Timing: The developer shall provide the City with offsets and/or carbon credits equal to the proportionate amount of GHG emissions for the facilities proposed in each plot plan (by square footage as compared to the total square footage of the project) as a condition of the issuance of a certificate of occupancy for such facilities, using either Table 4.7-8 or Table 4.7-16, as appropriate. The City shall retire the carbon credits upon their receipt. The developer shall have the right at any time to provide such offsets and/or carbon credits in advance of the issuance of any certificate of occupancy for any of the facilities in the WLC Project.

Level of Impact After Mitigation. Less than significant.

With the application of all previous mitigation measures (pages 4.7-27 – 4.7-30) and the new Mitigation Measure 4.7.7.1, the WLC Project's GHG emissions will be reduced to net zero at buildout, as shown in Table 4.7-8 and Table 4.7-15. Table 4.7-8 and Table 4.7-16 show the mitigated GHG emissions, including new Mitigation Measure 4.7.7.1, for each year from 2020 through construction and 30-years operation of all Project facilities. Since total Project GHG emissions will be reduced to net zero, they are below the threshold of significance for every year and are therefore less than significant after mitigation.

Table 4.7-15: GHG Reductions at Buildout (with Mitigation)

Source	GHG Emissions (mt CO₂e) at Buildout		
	Unmitigated	Reductions from Mitigation	With Reductions (Mitigated)
Construction	7,391	0	7,391
Net Mobile	179,355	-557	178,798
Yard trucks	7,172	0	7,172
Generator	267	19	286
Forklifts	257	0	257
Electricity	34,147	-4,715	29,432
Water	2,548	-268	2,280
Natural gas	4,689	-4,689	0
Solar	0	-3,386	-3,386
Construction Refrigerants and Waste	166	-17	149
Waste	19,193	-14,395	4,798
Refrigerants	2,572	0	2,572
Land use change	1,154	0	1,154
Sequestration	-111	0	-111
Project Emissions with previous PDFs and MMs	258,800	-28,008	230,792
Credits/Offsets (MM 4.7.7.1)		-230,792	0
Project Emissions	258,800	-258,800	0
Significance Threshold	10,000		10,000
Significant Impact?	Yes	=	No

Notes:

mt CO₂e = metric tons of carbon dioxide equivalents which is calculated from the emissions (tons/year) by multiplying by the individual global warming potential (carbon dioxide – 1, methane – 21, nitrous oxide – 310, hydrofluorocarbons – 1500, black carbon 760) and converted to metric tons by multiplying by 0.9072.

¹ Electricity and natural gas emissions estimates account for PDFs that improve energy efficiency and eliminate the use of building natural gas; includes electricity use by on-site EV chargers. Electricity-based emissions result in an increase due to the inclusion of EV charging stations and electric outlets for electrical property maintenance equipment.

² Construction would no longer occur at buildout; however, according to SCAQMD recommendations, construction emissions are included as amortized over 30 years.

Source: ESA, 2020

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Table 4.7-16: Project GHG Emissions (Year by Year with Mitigation)

Source	GHG Mitigated Emissions (mt CO ₂ e/year)														
	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034
Project Emissions															
Construction	18,770	22,198	23,363	23,511	22,113	16,408	12,424	11,692	12,000	11,452	12,311	10,610	9,993	7,451	7,430
Net Mobile	0	20,982	41,248	60,829	79,602	96,308	102,643	112,971	123,218	132,710	141,787	150,466	158,748	166,632	174,108
Yard trucks	0	813	1,625	2,438	3,250	4,053	4,371	4,689	5,016	5,334	5,652	5,970	6,288	6,606	6,924
Generator	0	32	65	97	130	162	174	187	200	213	225	238	251	263	276
Forklifts	0	29	58	87	117	145	157	168	180	191	203	214	226	237	248
Electricity	0	5,487	10,505	16,725	22,319	32,535	36,088	36,779	36,207	35,461	35,096	34,716	34,056	33,116	31,366
Water	0	119	239	398	557	853	1,148	1,304	1,398	1,492	1,626	1,778	1,929	2,081	2,181
Natural gas	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Solar	0	-179	-357	-595	-834	-1,276	-1,705	-1,931	-2,068	-2,204	-2,398	-2,618	-2,838	-3,059	-3,203
Construction Refrigerants and Waste	192	192	192	192	190	85	124	127	124	124	124	124	124	124	101
Waste	0	544	1,087	1,631	2,175	2,712	2,924	3,137	3,356	3,569	3,781	3,994	4,207	4,419	4,632
Refrigerants	0	291	583	874	1,166	1,454	1,568	1,682	1,799	1,913	2,027	2,141	2,255	2,369	2,483
Land use change	0	131	262	392	523	652	704	755	807	858	910	961	1,012	1,063	1,114
Sequestration	0	-13	-25	-38	-50	-63	-68	-72	-77	-82	-87	-92	-97	-102	-107
Project Emissions (with previous PDFs and MMs)	18,962	50,628	78,844	106,541	131,257	154,028	160,553	171,488	182,160	191,031	201,256	208,501	216,154	221,202	227,553
Credits/Offsets (MM 4.7.7.1)	-18,962	-50,628	-78,844	-106,541	-131,257	-154,028	-160,553	-171,488	-182,160	-191,031	-201,256	-208,501	-216,154	-221,202	-227,553
Total Project Emissions	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Threshold	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
Significant Impact?	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No

Source	GHG Mitigated Emissions (mt CO ₂ e/year)														
	2035 (Buildout)	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049
Project Emissions															
Construction	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Net Mobile	178,798	178,798	178,798	178,798	178,798	178,798	178,798	178,798	178,798	178,798	178,798	178,798	178,798	178,798	178,798
Yard trucks	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172
Generator	286	286	267	267	267	267	267	267	267	267	267	267	267	267	267
Forklifts	257	257	257	257	257	257	257	257	257	257	257	257	257	257	257
Electricity	29,432	29,330	26,071	22,812	19,554	16,295	13,036	9,777	6,518	3,259	0	0	0	0	0
Water	2,280	2,308	2,308	2,308	2,308	2,308	2,308	2,308	2,308	2,308	0	0	0	0	0
Natural gas	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Solar	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386
Construction Refrigerants and Waste	149	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Waste	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798
Refrigerants	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572
Land use change	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154
Sequestration	-111	-111	-111	-111	-111	-111	-111	-111	-111	-111	-111	-111	-111	-111	-111
Project Emissions (with previous PDFs and MMs)	223,402	223,180	219,902	216,643	213,384	210,125	206,866	203,607	200,348	197,090	191,522	191,522	191,522	191,522	191,522
Credits/Offsets (MM 4.7.7.1)	-223,402	-223,180	-219,902	-216,643	-213,384	-210,125	-206,866	-203,607	-200,348	-197,090	-191,522	-191,522	-191,522	-191,522	-191,522
Total Project Emissions	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Threshold	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
Significant Impact?	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No

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Source	GHG Mitigated Emissions (mt CO ₂ e/year)															Total (2020–2064)
	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	
Project Emissions																
Construction	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	221,727
Net Mobile	153,767	132,239	107,555	87,478	57,152	45,312	40,356	37,703	35,225	31,920	28,525	25,491	22,779	21,191	19,714	5,090,636
Yard trucks	6,168	5,304	4,314	3,509	2,293	1,818	1,619	1,512	1,413	1,280	1,144	1,022	914	850	791	204,561
Generator	230	198	161	131	85	68	60	56	53	48	43	38	34	32	29	7,821
Forklifts	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6,122
Electricity	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	576,539
Water	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	40,159
Natural gas	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Solar	-2,912	-2,505	-2,037	-1,657	-1,082	-858	-764	-714	-667	-605	-540	-483	-431	-401	-373	-92,091
Construction Refrigerants and Waste	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2,289
Waste	4,126	3,549	2,886	2,348	1,534	1,216	1,083	1,012	945	857	765	684	611	569	529	136,855
Refrigerants	2,212	1,902	1,547	1,258	822	652	580	542	507	459	410	367	328	305	284	73,356
Land use change	993	854	694	565	369	293	261	243	227	206	184	165	147	137	127	32,922
Sequestration	-95	-82	-67	-54	-35	-28	-25	-23	-22	-20	-18	-16	-14	-13	-12	-3,159
Project Emissions (with previous PDFs and MMs)	164,488	141,460	115,054	93,577	61,137	48,471	43,169	40,331	37,681	34,146	30,514	27,268	24,367	22,669	21,088	6,297,736
Credits/Offsets (MM 4.7.7.1)	-164,488	-141,460	-115,054	-93,577	-61,137	-48,471	-43,169	-40,331	-37,681	-34,146	-30,514	-27,268	-24,367	-22,669	-21,088	-6,297,736
Total Project Emissions	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Threshold	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	450,000
Significant Impact?	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No

Source	GHG Mitigated Emissions (mt CO ₂ e/year)															
	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	Total (2020-2064)
<p>mt CO₂e = metric tons of carbon dioxide equivalents, which is calculated from the emissions (tons/year) by multiplying by the individual global warming potential (carbon dioxide – 1, methane – 21, nitrous oxide – 310, hydrofluorocarbons – 1500, black carbon 760) and converted to metric tons by multiplying by 0.9072.</p> <p>¹ Electricity and natural gas emissions estimates account for PDFs that improve energy efficiency and eliminate the use of building natural gas; includes electricity use by on-site EV chargers.</p> <p>² Estimated construction emissions are included prior to buildout.</p> <p>³ 2036 is the first full year that the Project would be built out. Years from buildout until 2049 are conservatively estimated to be equivalent to buildout year emissions and exclude construction emissions since construction activity would cease after buildout. Years post-2049 take into account the phasing out of structures as they reach their presumed 30-year lifetime.</p> <p>⁴ Electricity emissions decrease to zero in 2045 after RPS has reached 100% renewable electricity</p> <p>Source: <i>ESA, 2020</i></p>																

Section 6.3, Air Quality

- **Page 6.3-22, fourth paragraph.**

“Out of the 359 cumulative projects that were evaluated, ~~67~~ 66 were found to be completed with construction or currently undergoing construction as of November 2019 and have not been included in the analysis. Nine projects have not been accounted for due to lack of sufficient project information to estimate impacts (specifically, H-10, MV-55, MV-122, P-13, P-29, SJWA-1, RC-4, RC-8, and RC-16). Therefore, ~~289~~284 potentially cumulative projects could undergo construction activities during the project’s 15-year construction period. Results of the cumulative construction emissions analysis is provided in Table 6.3-3.”

This revision clarifies the number of cumulative projects that emissions were able to be calculated for. This clarification does not result in any change in impact determinations and would not result in a new significant impact.

- **Page 6.3-32, second paragraph, first two sentences**

“As mentioned above, the environmental document research conducted for the project found that ~~67~~66 projects are either completely constructed or currently undergoing construction. Nine projects have not been accounted for due to lack of sufficient project information to estimate impacts (specifically, H-10, MV-55, MV-122, P-13, P-29, SJWA-1, RC-4, RC-8, and RC-16). Therefore, the cumulative construction analysis was conducted for the ~~289~~284 potentially cumulative projects that could undergo construction activities during the project’s 15-year construction period.”

This revision clarifies the number of cumulative projects that emissions were able to be calculated for. This clarification does not result in any change in impact determinations and would not result in a new significant impact.

- **Page 6.3-36, third paragraph**

“In addition, out of the 359 cumulative projects that were evaluated, ~~67~~ 66 were found to be completed with construction or currently undergoing construction and nine projects have not been accounted for due to lack of sufficient project information to estimate impacts (specifically, H-10, MV-55, MV-122, P-13, P-29, SJWA-1, RC-4, RC-8, and RC-16). Therefore, ~~289~~284 potentially cumulative projects that could undergo construction activities during the project’s 15-year construction period. However, even if none of these ~~289~~284 cumulative projects undergo construction while the project is under construction, a cumulatively considerable impact will occur because projects that exceed the Project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable. As previously stated the Project-specific construction emissions presented in Section 4.3.6.2 exceed the applicable SCAQMD significance thresholds for VOC, NOx, CO, PM10, and PM2.5; therefore, a cumulatively considerable impact will occur, despite any potential construction activity associated with another project.”

This revision clarifies the number of cumulative projects that emissions were able to be calculated for. This clarification does not result in any change in impact determinations and would not result in a new significant impact.

- **Page 6.3-39, first full paragraph**

“Out of the 359 cumulative projects that were evaluated, ~~67~~ 66 were found to be completed with construction or currently undergoing construction as of November 2019. Nine projects have not been accounted for due to lack of sufficient project information to estimate impacts (specifically, H-10, MV-55, MV-122, P-13, P-29, SJWA-1, RC-4, RC-8, and RC-16). Therefore, ~~289~~284 potentially cumulative projects could undergo construction activities during the project’s 15-year construction period. Construction emissions gathered from the environmental documents and modeling show that out of the ~~289~~284 cumulative projects, 9590 cumulative projects were identified as exceeding VOC significance thresholds, 22 projects were identified as exceeding NOX thresholds, and 2 projects would exceed CO, PM2.5 and PM10 thresholds. However, even if none of the ~~289~~284 potential cumulative projects undergo construction while the project is under construction, a cumulatively considerable impact will occur because projects that exceed the Project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable.¹¹ As previously stated the Project-specific construction emissions presented in Section 4.3.6.2 exceed the applicable SCAQMD significance thresholds for VOC, NOx, CO, PM10, and PM2.5; therefore, a cumulatively considerable impact will occur, despite any potential construction activity associated with another project.”

This revision clarifies the number of cumulative projects that emissions were able to be calculated for. This clarification does not result in any change in impact determinations and would not result in a new significant impact.

Section 6.7, Greenhouse Gases/Climate Change

- **Page 6.7-14, third paragraph**

“**Mitigation Measures:** As identified in Section 4.7.6.1, **Mitigation Measures 4.7.6.1A, 4.7.6.1B, 4.7.6.1C, and 4.7.6.1D,** ~~and 4.7.6.1E.1 or 4.7.6.1E.2~~ are required to reduce solid waste and greenhouse gas emissions from construction and operation of project development to less than significant impacts, ~~and the purchase of credits to offset emissions and reach net zero GHG emissions.~~”

Erroneous references to mitigation have been removed. This revision does not change any impact determinations and would not result in a new significant impact.

- **Page 6.7-30, second to last paragraph**

“**Mitigation Measures:** Implementation of previously referenced **Mitigation Measures 4.3.6.2A, 4.3.6.3B, 4.3.6.4A, 4.3.6.3C, 4.3.6.3D, 4.7.6.1A, 4.7.6.1B, 4.7.6.1C, 4.7.6.1D, 4.7.6.1E, 4.16.1.6.1A, 4.16.1.6.1B, and 4.16.1.6.1C** will help reduce project-related GHG emissions and therefore make it more consistent with GHG reduction plans, policies, and/or regulations.”

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Erroneous references to mitigation have been removed. This revision does not change any impact determinations and would not result in a new significant impact.

Appendix A.1, Air Quality, Greenhouse Gas Emissions, and Health Risk Assessment Report

The following typographical errors have been corrected in Appendix A.1 of the Draft Recirculated RSFEIR (Air Quality, Greenhouse Gas Emissions, and Health Risk Assessment Report).

- Page 35, Table 5

**Table 5
Ambient Air Quality Monitored in the Project Vicinity**

Pollutant	Standard	2014	2015	2016	2017
Ozone (O₃)					
Maximum 1-hr concentration (ppm)		0.141	0.132	0.142	0.145
Number of days exceeded:	State: > 0.09 ppm	29	31	33	ND
Maximum 8-hr concentration (ppm)		0.105	0.106	0.105	0.118 0.119
Number of days exceeded:	State: > 0.070 ppm	69	59	71	ND
	Federal: > 0.075 ppm	41	39	47	84 58

The revisions include corrected data. Table 5 provides background information and these revisions do not result in a change in the impact determination and no new significant impacts would result.

- Page 176, Table 38

**Table 38
Estimated Cancer Risks, 30-Year Exposure Duration for Sensitive/Residential Receptors Starting from Beginning of Project Full Operation in 2035, Without Mitigation**

Receptor Location	Total Incremental Increase in Cancer Risk ¹ (risk/million)	SCAQMD Cancer Risk Significance Threshold (risk/million)	Exceeds Threshold?
Maximum risk anywhere in the modeling domain ²	34.0	10	Yes
Maximum risk within the project boundaries ³	34.0	10	Yes
Maximum risk at any area outside of the project boundaries ⁴	29.9 <u>23.4</u>	10	Yes
Maximum risk along SR 60 freeway ⁵	34.018.7	10	No <u>Yes</u>

Notes:

- ¹ Conservatively assumed all receptors in the studied domain are residential receptors and will have 30-year average exposures from 2040 to 2069 (includes diesel PM emissions from full project operation); cancer risk estimates derived from the TIA, ~~EMFAC2014~~ EMFAC2017 emission model, SCAQMD HRA guidance and “Current OEHHA Guidance” for estimating cancer risks.
- ² Location is at the existing on-site residence immediately to the north of the project boundary at 13241 World Logistics Center Parkway (formerly Theodore Avenue).
- ³ Location is same as location (2), at the existing residence located at 30220 Dracaea Avenue
- ⁴ Location is to the northwest of the project boundary, on the west side of Redlands Boulevard and south of Eucalyptus Avenue Location is to the east of the project boundary along Gilman Springs Road.
- ⁵ Location is south of SR 60 freeway, same as the location in footnote (2)—a residence north of SR 60 Freeway, at 12400 World Logistics Center Parkway.

Source: *Air Quality, Greenhouse Gas, and Health Risk Assessment Report, 2019.*

Table 38 has been revised to properly characterize the risk level within and outside of the Project boundaries. The impact determination for the maximum risk along SR 60 freeway has been corrected to show that risk exceeds the threshold. The SCAQMD cancer risk threshold under this category has not been revised and the reader can ascertain the impact based on the numeric values shown on the table. This revision to Table 4.3-27 relates to estimated cancer risks prior to the application of mitigation, and with the application of mitigation as shown in Tables 4.3-29 and 4.3-30, the impacts remain less than significant and no new significant impacts occur.

- **Page 201, Mitigation Measure MM-AIR-6**

“Prior to issuance of occupancy permits for each warehouse building within the WLSCP, the developer shall demonstrate to the City that vehicles can access the building using paved roads and parking lots and that access on unpaved roads is prohibited.”

The revisions to Mitigation Measure MM-AIR-6 was made to strengthen the existing measure requiring that vehicles travel on paved roads. The revised mitigation does not result in a change in the impact determination and no new significant impacts would result.

- **Pages 202–203, Mitigation Measure MM-AIR-7**

“k) All yard trucks (yard dogs/yard goats/yard jockeys/yard hostlers), landscaping equipment, and industrial sweepers shall be powered by electricity, natural gas, propane, or an equivalent non-diesel fuel. Any off-road engines in the yard trucks and landscaping equipment shall have emissions standards that meet or exceed 2010 engine emission standards specified in California Code of Regulations Title 13, Article 4.5, Chapter 1, Section 2025.”

“o) For each building, the developer shall provide ten electrical outlets for the use of electric auxiliary power units (APUs) to be located at the dock doors near the shipping offices, or an alternate location with access to electrical outlets.”

“p) All industrial sweepers shall be equipped with high-efficiency particulate air (HEPA) filters.”

Additions to Mitigation Measure AIR-7 were made to include additional feasible mitigation. The emissions reductions provided by these additions have not been accounted for in the emissions inventory and the revised mitigation does not result in a change in the impact determination and no new significant impacts would result.

- **Page 219, Mitigation Measure MM-GHG-7**

- “All project rooftops shall be constructed to be solar ready and be designed to accommodate the additional loads from solar equipment that might be installed at a future date.”
- “Increase efficiency for buildings by implementing either 10 percent over the ~~2008~~ 2019 Title 24’s energy saving requirements for the Title 24 requirements in place at the time the building permit is approved, whichever is more strict; and”

Emissions calculations do not account for the inclusion of solar-ready rooftops. This addition to Mitigation Measure MM-GHG-7 does not change the impact determination and would not result in a new significant impact.

• Page 213, Table 55a

Table 55a
Estimated Cancer Risks, 30-Year Exposure Duration for Sensitive/Residential Receptors Starting from Beginning of Project Full Operation in 2035, With Mitigation

Receptor Location	Total Incremental Increase in Cancer Risk ¹ (risk/million)	SCAQMD Cancer Risk Significance Threshold (risk/million)	Exceeds Threshold?
Maximum risk anywhere in the modeling domain ²	14.2	10	Yes
Maximum risk within the project boundaries ³	40.7	10	Yes
<u>13241 World Logistics Center Pkwy</u>	<u>8.8</u>	<u>10</u>	<u>No</u>
<u>13100 World Logistics Center Pkwy</u>	<u>10.2</u>	<u>10</u>	<u>Yes</u>
<u>13200 World Logistics Center Pkwy</u>	<u>8.5</u>	<u>10</u>	<u>No</u>
<u>30220 Dracaea Ave</u>	<u>10.7</u>	<u>10</u>	<u>Yes</u>
<u>29080 Dracaea Ave</u>	<u>5.3</u>	<u>10</u>	<u>No</u>
<u>29140 Dracaea Ave</u>	<u>5.6</u>	<u>10</u>	<u>No</u>
Maximum risk at any area outside of the project boundaries ⁴			
<u>12400 World Logistics Center Parkway²</u>	<u>14.2</u>	<u>10</u>	<u>Yes</u>
<u>W of Redlands Blvd & S of Eucalyptus Avenue⁴</u>	9.5	10	No
Maximum risk along SR60 freeway outside of the project boundaries ⁵	9.5 <u>14.2</u>	10	No <u>Yes</u>

Notes:

- ¹ Conservatively assumed all receptors in the studied domain are residential receptors and will have 30-year average exposures from 2040 to 2069 (includes diesel PM emissions from full project operation); cancer risk estimates derived from the TIA, EMFAC2014 emission model, SCAQMD HRA guidance and "Current OEHHA Guidance" for estimating cancer risks.
- ² Location is at the existing residence immediately to the north of the project boundary and is owned by the project sponsor.
- ³ Location is at the existing residence located at 30220 Dracaea Avenue.
- ⁴ ~~Excluding the location in footnote (2) and locations within the project boundaries, this maximum risk location is owned by the project sponsor and is a receptor is located to the northwest of the project boundary, on the west side of Redlands Boulevard and south of Eucalyptus Avenue.~~ Receptor is located to the northwest of the project boundary, on the west side of Redlands Boulevard and south of Eucalyptus Avenue.
- ⁵ Location is ~~south immediately north~~ immediately north of SR 60 freeway, same as the location in footnote (42) ~~which to the northwest of the project boundary, on the west side of Redlands Boulevard and south of Eucalyptus Avenue.~~

Table 55a has been revised to properly characterize the risk level within and outside of the Project boundaries and to provide clarification of impacts at specific locations. The incremental increase in cancer risk and impact determination for the maximum risk along SR 60 freeway has been corrected to show that risk along SR 60 exceeds the threshold. Although the incremental cancer risk at this location has been corrected, the impact determination remains less than significant and unchanged for incremental cancer risk at any sensitive receptor within the modeling domain due to implementation of Mitigation Measure 4.3.6.5.A, requiring the use of MERV 13 filters at impacted residences. This mitigation measure reduced the total incremental cancer risk to less than the SCAQMD significance threshold as shown on Table 4.3-30 (page 4.3-74 of the Draft Recirculated RSFEIR). The owners of the homes located at 13100 World Logistics Center Parkway (formerly Theodore Street) and 12400 World Logistics Center Parkway (formerly Theodore Street) have accepted the offer for the installation of the MERV 13 filters in writing. (see Attachment R). Thus, for these reasons, with the implementation of mitigation, the increase in health risks from the Project to an on-site or offsite receptor, within the study area, was less than significant. Therefore, this revision to Table 4.3-29 does not change the impact determination of significant and would not result in a new significant impact.

- Pages 225–227, Table 58

Table 58a
Project GHG Emissions (Year by Year with Mitigation)

Source	GHG Mitigated Emissions (mt CO ₂ e/year)														
	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034
Capped Emissions															
Construction	18,770	22,198	23,363	23,511	22,113	16,408	12,424	11,692	12,000	11,452	12,311	10,610	9,993	7,451	7,430
Net Mobile	0	20,982	41,248	60,829	79,602	96,308	102,643	112,971	123,218	132,710	141,787	150,466	158,748	166,632	174,108
Yard trucks	0	813	1,625	2,438	3,250	4,053	4,371	4,689	5,016	5,334	5,652	5,970	6,288	6,606	6,924
Generator	0	32	65	97	130	162	174	187	200	213	225	238	251	263	276
Forklifts	0	29	58	87	117	145	157	168	180	191	203	214	226	237	248
Electricity	0	5,487	10,505	16,725	22,319	32,535	36,088	36,779	36,207	35,461	35,096	34,716	34,056	33,116	31,366
Water	0	119	239	398	557	853	1,148	1,304	1,398	1,492	1,626	1,778	1,929	2,081	2,181
Natural gas	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Solar	0	-179	-357	-595	-834	-1,276	-1,705	-1,931	-2,068	-2,204	-2,398	-2,618	-2,838	-3,059	-3,203
Total Capped	18,770	49,483	76,746	103,490	127,254	149,188	155,300	165,860	176,151	184,649	194,501	201,374	208,653	213,328	219,330
Uncapped Emissions															
Construction Refrigerants and Waste	192	192	192	192	190	85	124	127	124	124	124	124	124	124	101
Waste	0	544	1,087	1,631	2,175	2,712	2,924	3,137	3,356	3,569	3,781	3,994	4,207	4,419	4,632
Refrigerants	0	291	583	874	1,166	1,454	1,568	1,682	1,799	1,913	2,027	2,141	2,255	2,369	2,483
Land use change	0	131	262	392	523	652	704	755	807	858	910	961	1,012	1,063	1,114
Sequestration	0	-13	-25	-38	-50	-63	-68	-72	-77	-82	-87	-92	-97	-102	-107
Total Uncapped	192	1,145	2,098	3,051	4,003	4,840	5,252	5,628	6,009	6,382	6,755	7,128	7,501	7,874	8,223
<u>Credits/Offsets (MM GHG-8)</u>	<u>-192</u>	<u>-1,145</u>	<u>-2,098</u>	<u>-3,051</u>	<u>-4,003</u>	<u>-4,840</u>	<u>-5,252</u>	<u>-5,628</u>	<u>-6,009</u>	<u>-6,382</u>	<u>-6,755</u>	<u>-7,128</u>	<u>-7,501</u>	<u>-7,874</u>	<u>-8,223</u>
Total Project Emissions	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Threshold	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
Significant Impact?	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No

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**Table 58b
Project GHG Emissions (Year by Year with Mitigation)**

Source	GHG Mitigated Emissions (mt CO ₂ e/year)														
	2035 (Buildout)	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049
Capped Emissions															
Construction	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Net Mobile	178,798	178,798	178,798	178,798	178,798	178,798	178,798	178,798	178,798	178,798	178,798	178,798	178,798	178,798	178,798
Yard trucks	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172
Generator	286	286	267	267	267	267	267	267	267	267	267	267	267	267	267
Forklifts	257	257	257	257	257	257	257	257	257	257	257	257	257	257	257
Electricity	29,432	26,712 <u>29,330</u>	23,744 <u>26,071</u>	20,776 <u>22,812</u>	17,808 <u>19,554</u>	14,840 <u>16,295</u>	11,872 <u>13,036</u>	8,904 <u>9,777</u>	5,936 <u>6,518</u>	2,968 <u>3,259</u>	0	0	0	0	0
Water	2,280	2,308	2,308	2,308	2,308	2,308	2,308	2,308	2,308	2,308	0	0	0	0	0
Natural gas	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Solar	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386
Total Capped	214,839	212,148	209,161	206,193	203,225	200,257	197,289	194,321	191,353	188,385	183,109	183,109	183,109	183,109	183,109
Uncapped Emissions															
Construction Refrigerants and Waste	149	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Waste	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798
Refrigerants	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572
Land use change	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154
Sequestration	-111	-111	-111	-111	-111	-111	-111	-111	-111	-111	-111	-111	-111	-111	-111
Total Uncapped	8,563	8,414	8,414	8,414	8,414	8,414	8,414	8,414	8,414	8,414	8,414	8,414	8,414	8,414	8,414
<u>Credits/Offsets (MM GHG-8)</u>	<u>-8,563</u>	<u>-8,414</u>	<u>-8,414</u>	<u>-8,414</u>	<u>-8,414</u>	<u>-8,414</u>	<u>-8,414</u>	<u>-8,414</u>	<u>-8,414</u>	<u>-8,414</u>	<u>-8,414</u>	<u>-8,414</u>	<u>-8,414</u>	<u>-8,414</u>	<u>-8,414</u>
Total Project Emissions	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Threshold	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
Significant Impact?	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No

**Table 58c
Project GHG Emissions (Year by Year with Mitigation)**

Source	GHG Mitigated Emissions (mt CO ₂ e/year)															Total (2020–2064)
	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	
Capped Emissions																
Construction	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	221,727
Net Mobile	153,767	132,239	107,555	87,478	57,152	45,312	40,356	37,703	35,225	31,920	28,525	25,491	22,779	21,191	19,714	5,090,636
Yard trucks	6,168	5,304	4,314	3,509	2,293	1,818	1,619	1,512	1,413	1,280	1,144	1,022	914	850	791	204,561
Generator	230	198	161	131	85	68	60	56	53	48	43	38	34	32	29	7,821
Forklifts	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6,122
Electricity	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	563,449
Water	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	40,159
Natural gas	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Solar	-2,912	-2,505	-2,037	-1,657	-1,082	-858	-764	-714	-667	-605	-540	-483	-431	-401	-373	-92,091
Subtotal, capped	157,252	135,237	109,993	89,461	58,448	46,339	41,270	38,557	36,023	32,644	29,172	26,068	23,295	21,671	20,161	6,042,384
Uncapped Emissions																
Construction Refrigerants and Waste	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2,289
Waste	4,126	3,549	2,886	2,348	1,534	1,216	1,083	1,012	945	857	765	684	611	569	529	136,855
Refrigerants	2,212	1,902	1,547	1,258	822	652	580	542	507	459	410	367	328	305	284	73,356
Land use change	993	854	694	565	369	293	261	243	227	206	184	165	147	137	127	32,922
Sequestration	-95	-82	-67	-54	-35	-28	-25	-23	-22	-20	-18	-16	-14	-13	-12	-3,159
Total Uncapped	7,236	6,223	5,061	4,116	2,689	2,132	1,899	1,774	1,658	1,502	1,342	1,199	1,072	997	928	242,263
<u>Credits/Offsets (MM GHG-8)</u>	<u>-7,236</u>	<u>-6,223</u>	<u>-5,061</u>	<u>-4,116</u>	<u>-2,689</u>	<u>-2,132</u>	<u>-1,899</u>	<u>-1,774</u>	<u>-1,658</u>	<u>-1,502</u>	<u>-1,342</u>	<u>-1,199</u>	<u>-1,072</u>	<u>-997</u>	<u>-928</u>	<u>-242,263</u>
Total Project Emissions	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Threshold	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	450,000
Significant Impact?	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No

mt CO₂e = metric tons of carbon dioxide equivalents, which is calculated from the emissions (tons/year) by multiplying by the individual global warming potential (carbon dioxide – 1, methane – 21, nitrous oxide – 310, hydrofluorocarbons – 1500, black carbon 760) and converted to metric tons by multiplying by 0.9072.

- 1 Electricity and natural gas emissions estimates account for PDFs that improve energy efficiency and eliminate the use of building natural gas; includes electricity use by on-site EV chargers.
- 2 Estimated construction emissions are included prior to buildout.
- 3 2036 is the first full year that the Project would be built out. Years from buildout until 2049 are conservatively estimated to be equivalent to buildout year emissions and exclude construction emissions since construction activity would cease after buildout. Years post-2049 take into account the phasing out of structures as they reach their presumed 30-year lifetime.
- 4 Electricity emissions decrease to zero in 2045 after renewable portfolio standard (RPS) has reached 100% renewable electricity

Revisions to Table 58 includes the addition of reductions provided by new Mitigation Measure MM-GHG-8 (detailed below). Addition of this mitigation and revision of Table 58 does not change the impact determination and would not result in a new significant impact.

- **A new section, Mitigation Measure Conditioned on the Outcome of The Appeal in Paulek V. Moreno Valley, will be added to the end of the technical report, beginning on page 250.**

Mitigation Measure Conditioned on the Outcome of the Appeal in Paulek V. Moreno Valley

An appeal of the judgement entered on June 7, 2018, in the CEQA litigation, is currently pending in the Court of Appeal, Fourth Appellate District, Division Two, as *Paulek v. Moreno Valley Community Services District*, Case No. E071184. The appeal seeks judicial review of the FEIR's application of California's Cap-and-Trade Program to the analysis of GHG emissions for the construction and operation of the WLC. Specifically, the FEIR determined that the GHG emissions attributable to fuel suppliers and energy producers under Cap-and-Trade (capped emissions) could be deducted from the total GHG emissions to be evaluated against the significance threshold because capped emissions were already accounted for and mitigated at the producer/supplier level. To address the yet unknown determination of the appeal and to eliminate uncertainty as to how capped GHG emissions should be accounted for in determining the significance of a project's GHG emissions under CEQA, a new mitigation measure, Mitigation Measure MM-GHG-8, shall apply requiring that the WLC Project's GHG emissions be mitigated to net zero where the amount of GHG emissions to be mitigated is either "Total Uncapped" GHG emissions from Table 58 or "Project Emissions" from new Table 62, depending on the outcome of the appeal.

If the trial court's judgment is affirmed after the appellate process is completed or if the appeal is dismissed, then the GHG emissions to be mitigated to net zero will be the "Total Uncapped" GHG emissions from Table 58.

If the trial court's judgment is reversed after the appellate process is completed, then the amount of GHG emissions to be mitigated to net zero will be the "Project Emissions" shown on Table 62. As shown in Table 62, Project GHG emissions, both capped and uncapped, with implementation of Project Design Features and mitigation measures would, prior to the application of mitigation, exceed the SCAQMD's significance threshold of 10,000 mt CO₂e per year.

To mitigate the WLC Project's GHG emissions to net zero and to remove uncertainty as to how GHG emissions should be accounted for, the following mitigation, Mitigation Measure MM-GHG-8, shall apply. Mitigation Measure MM-GHG-8 shall read as follows:

MM-GHG-8 The developer shall mitigate the WLC Project's GHG emissions to net zero by providing offsets and/or carbon credits, where the amount of GHG emissions to be mitigated is either "Total Uncapped" GHG emissions from Table 58 or "Project Emissions" from new Table 62, depending on the outcome of the appeal in *Paulek v. Moreno Valley Community Services District* ("*Paulek*"). If the trial court's judgment in *Paulek* is affirmed after the appellate process is completed or if the

appeal is dismissed, then the GHG emissions to be mitigated to net zero will be the “Total Uncapped” GHG emissions from Table 58. If the trial court’s judgment is reversed after the appellate process is completed, then the amount of GHG emissions to be mitigated to net zero will be the “Project Emissions” shown on Table 62. Upon the provision of offsets and/or the retirement of carbon credits, no further analysis of capped and uncapped GHG emissions will be required, and no further reduction of those emissions will be required.

The developer shall provide the city with any combination of qualified offsets and/or carbon credits in its sole determination provided that the following conditions are satisfied:

- a) Offsets: A developer shall provide proof of offsets to reduce or sequester GHG emissions (as distinguished from carbon credits) to the City’s Planning Official that the offsets are real, permanent, additional, quantifiable, verifiable, and enforceable by an appropriate agency.
- b) Carbon Credits: A developer shall provide proof to the City’s Planning Official that the carbon credits represent reductions in GHG emissions that are real, permanent, additional, quantifiable, verifiable, and enforceable by an appropriate agency. Credits registered by a carbon registry approved by the California Air Resources Board, such as, but not limited to, the Climate Action Reserve, American Carbon Registry, Verra (formerly Verified Carbon Standard) or GHG Reduction Exchange (GHG RX), shall be conclusively presumed to meet all of the criteria set forth above.
- c) Timing: The developer shall provide the City with offsets and/or carbon credits equal to the proportionate amount of GHG emissions for the facilities proposed in each plot plan (by square footage as compared to the total square footage of the project) as a condition of the issuance of a certificate of occupancy for such facilities, using either Table 58 or Table 62, as appropriate. The City shall retire the carbon credits upon their receipt. The developer shall have the right at any time to provide such offsets and/or carbon credits in advance of the issuance of any certificate of occupancy for any of the facilities in the WLC Project.

Level of Impact After Mitigation. Less than significant.

With the application of all previous mitigation measures (MM-GHG-1 through MM-GHG-7) and the new Mitigation Measure MM-GHG-8, the WLC Project’s GHG emissions will be reduced to net zero at buildout, as shown in Table 58 and Table 62. Table 58 and Table 62 show the mitigated GHG emissions, including new Mitigation Measure MM-GHG-8, for each year from 2020 through construction and 30-years operation of all Project facilities. Since total Project GHG emissions will be reduced to net zero, they are below the threshold of significance for every year and are therefore less than significant after mitigation.

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Table 61

GHG Reductions at Buildout (with Mitigation)

<u>Source</u>	<u>GHG Emissions (mt CO₂e) at Buildout</u>		
	<u>Unmitigated</u>	<u>Reductions from Mitigation</u>	<u>With Reductions (Mitigated)</u>
<u>Construction</u>	7,391	0	7,391
<u>Net Mobile</u>	179,355	-557	178,798
<u>Yard trucks</u>	7,172	0	7,172
<u>Generator</u>	267	19	286
<u>Forklifts</u>	257	0	257
<u>Electricity</u>	34,147	-4,715	29,432
<u>Water</u>	2,548	-268	2,280
<u>Natural gas</u>	4,689	-4,689	0
<u>Solar</u>	0	-3,386	-3,386
<u>Construction Refrigerants and Waste</u>	166	-17	149
<u>Waste</u>	19,193	-14,395	4,798
<u>Refrigerants</u>	2,572	0	2,572
<u>Land use change</u>	1,154	0	1,154
<u>Sequestration</u>	-111	0	-111
<u>Project Emissions with previous PDFs and MMs</u>	258,800	-28,008	230,792
<u>Credits/Offsets (MM 4.7.7.1)</u>		-230,792	0
<u>Project Emissions</u>	258,800	-258,800	0
<u>Significance Threshold</u>	10,000		10,000
<u>Significant Impact?</u>	Yes	=	No

Notes:

mt CO₂e = metric tons of carbon dioxide equivalents which is calculated from the emissions (tons/year) by multiplying by the individual global warming potential (carbon dioxide – 1, methane – 21, nitrous oxide – 310, hydrofluorocarbons – 1500, black carbon 760) and converted to metric tons by multiplying by 0.9072.

¹ Electricity and natural gas emissions estimates account for PDFs that improve energy efficiency and eliminate the use of building natural gas; includes electricity use by on-site EV chargers. Electricity-based emissions result in an increase due to the inclusion of EV charging stations and electric outlets for electrical property maintenance equipment.

² Construction would no longer occur at buildout; however, according to SCAQMD recommendations, construction emissions are included as amortized over 30 years.

Source: ESA, 2020

Table 62a: Project GHG Emissions (Year by Year with Mitigation)

Source	GHG Mitigated Emissions (mt CO ₂ e/year)														
	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034
Project Emissions															
Construction	18,770	22,198	23,363	23,511	22,113	16,408	12,424	11,692	12,000	11,452	12,311	10,610	9,993	7,451	7,430
Net Mobile	0	20,982	41,248	60,829	79,602	96,308	102,643	112,971	123,218	132,710	141,787	150,466	158,748	166,632	174,108
Yard trucks	0	813	1,625	2,438	3,250	4,053	4,371	4,689	5,016	5,334	5,652	5,970	6,288	6,606	6,924
Generator	0	32	65	97	130	162	174	187	200	213	225	238	251	263	276
Forklifts	0	29	58	87	117	145	157	168	180	191	203	214	226	237	248
Electricity	0	5,487	10,505	16,725	22,319	32,535	36,088	36,779	36,207	35,461	35,096	34,716	34,056	33,116	31,366
Water	0	119	239	398	557	853	1,148	1,304	1,398	1,492	1,626	1,778	1,929	2,081	2,181
Natural gas	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Solar	0	-179	-357	-595	-834	-1,276	-1,705	-1,931	-2,068	-2,204	-2,398	-2,618	-2,838	-3,059	-3,203
Construction Refrigerants and Waste	192	192	192	192	190	85	124	127	124	124	124	124	124	124	101
Waste	0	544	1,087	1,631	2,175	2,712	2,924	3,137	3,356	3,569	3,781	3,994	4,207	4,419	4,632
Refrigerants	0	291	583	874	1,166	1,454	1,568	1,682	1,799	1,913	2,027	2,141	2,255	2,369	2,483
Land use change	0	131	262	392	523	652	704	755	807	858	910	961	1,012	1,063	1,114
Sequestration	0	-13	-25	-38	-50	-63	-68	-72	-77	-82	-87	-92	-97	-102	-107
Project Emissions (with previous PDFs and MMs)	18,962	50,628	78,844	106,541	131,257	154,028	160,553	171,488	182,160	191,031	201,256	208,501	216,154	221,202	227,553
Credits/Offsets (MM 4.7.7.1)	-18,962	-50,628	-78,844	-106,541	-131,257	-154,028	-160,553	-171,488	-182,160	-191,031	-201,256	-208,501	-216,154	-221,202	-227,553
Total Project Emissions	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Threshold	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
Significant Impact?	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No

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Source	GHG Mitigated Emissions (mt CO ₂ e/year)														
	2035 (Buildout)	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049
Project Emissions															
Construction	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Net Mobile	178,798	178,798	178,798	178,798	178,798	178,798	178,798	178,798	178,798	178,798	178,798	178,798	178,798	178,798	178,798
Yard trucks	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172
Generator	286	286	267	267	267	267	267	267	267	267	267	267	267	267	267
Forklifts	257	257	257	257	257	257	257	257	257	257	257	257	257	257	257
Electricity	29,432	29,330	26,071	22,812	19,554	16,295	13,036	9,777	6,518	3,259	0	0	0	0	0
Water	2,280	2,308	2,308	2,308	2,308	2,308	2,308	2,308	2,308	2,308	0	0	0	0	0
Natural gas	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Solar	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386
Construction Refrigerants and Waste	149	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Waste	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798
Refrigerants	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572
Land use change	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154
Sequestration	-111	-111	-111	-111	-111	-111	-111	-111	-111	-111	-111	-111	-111	-111	-111
Project Emissions (with previous PDFs and MMs)	223,402	223,180	219,902	216,643	213,384	210,125	206,866	203,607	200,348	197,090	191,522	191,522	191,522	191,522	191,522
Credits/Offsets (MM 4.7.7.1)	-223,402	-223,180	-219,902	-216,643	-213,384	-210,125	-206,866	-203,607	-200,348	-197,090	-191,522	-191,522	-191,522	-191,522	-191,522
Total Project Emissions	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Threshold	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
Significant Impact?	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No

Source	GHG Mitigated Emissions (mt CO ₂ e/year)															Total (2020–2064)
	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	
Project Emissions																
Construction	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	221,727
Net Mobile	153,767	132,239	107,555	87,478	57,152	45,312	40,356	37,703	35,225	31,920	28,525	25,491	22,779	21,191	19,714	5,090,636
Yard trucks	6,168	5,304	4,314	3,509	2,293	1,818	1,619	1,512	1,413	1,280	1,144	1,022	914	850	791	204,561
Generator	230	198	161	131	85	68	60	56	53	48	43	38	34	32	29	7,821
Forklifts	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6,122
Electricity	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	576,539
Water	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	40,159
Natural gas	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Solar	-2,912	-2,505	-2,037	-1,657	-1,082	-858	-764	-714	-667	-605	-540	-483	-431	-401	-373	-92,091
Construction Refrigerants and Waste	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2,289
Waste	4,126	3,549	2,886	2,348	1,534	1,216	1,083	1,012	945	857	765	684	611	569	529	136,855
Refrigerants	2,212	1,902	1,547	1,258	822	652	580	542	507	459	410	367	328	305	284	73,356
Land use change	993	854	694	565	369	293	261	243	227	206	184	165	147	137	127	32,922
Sequestration	-95	-82	-67	-54	-35	-28	-25	-23	-22	-20	-18	-16	-14	-13	-12	-3,159
Project Emissions (with previous PDFs and MMs)	164,488	141,460	115,054	93,577	61,137	48,471	43,169	40,331	37,681	34,146	30,514	27,268	24,367	22,669	21,088	6,297,736
Credits/Offsets (MM 4.7.7.1)	-164,488	-141,460	-115,054	-93,577	-61,137	-48,471	-43,169	-40,331	-37,681	-34,146	-30,514	-27,268	-24,367	-22,669	-21,088	-6,297,736
Total Project Emissions	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Threshold	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	450,000
Significant Impact?	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No

mt CO₂e = metric tons of carbon dioxide equivalents, which is calculated from the emissions (tons/year) by multiplying by the individual global warming potential (carbon dioxide – 1, methane – 21, nitrous oxide – 310, hydrofluorocarbons – 1500, black carbon 760) and converted to metric tons by multiplying by 0.9072.

- ¹ Electricity and natural gas emissions estimates account for PDFs that improve energy efficiency and eliminate the use of building natural gas; includes electricity use by on-site EV chargers.
- ² Estimated construction emissions are included prior to buildout.
- ³ 2036 is the first full year that the Project would be built out. Years from buildout until 2049 are conservatively estimated to be equivalent to buildout year emissions and exclude construction emissions since construction activity would cease after buildout. Years post-2049 take into account the phasing out of structures as they reach their presumed 30-year lifetime.
- ⁴ Electricity emissions decrease to zero in 2045 after RPS has reached 100% renewable electricity

Source: ESA, 2020

4.3.2 Errata – Additional Changes to the Draft Recirculated RSFEIR Not in Response to a Comment

In addition to revisions that resulted from responses to the comments received, there are additional revisions to the Draft Recirculated RSFEIR to provide minor corrections and clarifications. These revisions are to the following sections and appendix of the Recirculated Draft RSFEIR:

- Air Quality (Section 4.3 and Section 6.3)
- Greenhouse Gas Emissions (Section 4.7 and Section 6.7)
- Energy (Section 4.17 and Section 6.17)
- Appendix A.1 (Air Quality, Greenhouse Gas emissions, and Health Risk Assessment Report)
- Appendix A.3 (Cumulative Emissions Calculations)
- Appendix E (Energy)

As stated above, additions to text are shown with underlined text and deletions are shown as ~~strikethrough~~ text.

Section 4.3, Air Quality

- **Page 4.3-8, Table 4.3-3**

Table 4.3-3: Ambient Air Quality Monitored in the Project Vicinity

Pollutant	Standard	2014	2015	2016	2017	<u>2018</u>
Carbon Monoxide (CO)						
Maximum 1-hr concentration (ppm)		2.4	2.5	1.6	2.4	<u>2.1</u>
Number of days exceeded:	State: > 20 ppm	0	0	0	0	<u>ND</u>
	Federal: > 35 ppm	0	0	0	0	<u>0</u>
Maximum 8-hr concentration (ppm)		1.9	1.7	1.3	1.8	<u>1.9</u>
Number of days exceeded:	State: ≥ 9.0 ppm	0	0	0	0	<u>ND</u>
	Federal: ≥ 9 ppm	0	0	0	0	<u>0</u>
Ozone (O₃)						
Maximum 1-hr concentration (ppm)		0.141	0.132	0.142	0.145	<u>0.123</u>
Number of days exceeded:	State: > 0.09 ppm	29	31	33	ND	<u>22</u>
Maximum 8-hr concentration (ppm)		0.105	0.106	0.105	0.118 <u>0.119</u>	<u>0.101</u>
Number of days exceeded:	State: > 0.070 ppm	69	59	71	ND	<u>57</u>
	Federal: > 0.075 ppm	41	39	47	84 <u>58</u>	<u>34</u>

Table 4.3-3: Ambient Air Quality Monitored in the Project Vicinity

Pollutant	Standard	2014	2015	2016	2017	2018
Coarse Particulates (PM₁₀)						
Maximum 24-hr concentration (µg/m ³)		100	69	84	92	<u>86.5</u>
Number of days exceeded:	State: > 50 µg/m ³	125	92	ND	ND	<u>133.6</u>
	Federal: > 150 µg/m ³	0	0	0	0	<u>0</u>
Annual arithmetic mean concentration (µg/m ³)		44.8	40.0	ND	ND	<u>43.9</u>
Exceeded for the year	State: > 20 µg/m ³	Yes	Yes	ND	ND	<u>Yes</u>
Fine Particulates (PM_{2.5})						
Maximum 24-hr concentration (µg/m ³)		50.6	61.1	60.8	50.3	<u>66.3</u>
Number of days exceeded:	Federal: > 35 µg/m ³	ND	10	5	ND	<u>3.1</u>
	Annual arithmetic mean (µg/m ³)	16.8	15.3	12.6	12.2	<u>12.5</u>
Exceeded for the year	State: > 12 µg/m ³	Yes	Yes	Yes	Yes	<u>Yes</u>
	Federal: > 12.0 µg/m ³	Yes	Yes	Yes	Yes	<u>Yes</u>
Nitrogen Dioxide (NO₂)						
Maximum 1-hr concentration (ppm)		0.0600	0.057	0.073	0.063	<u>0.055</u>
Number of days exceeded:	State: > 0.18 ppm	0	0	0	0	<u>ND</u>
	Annual arithmetic mean concentration (ppm)	0.015	0.0144	0.015	0.015	<u>0.014</u>
Exceeded for the year	State: > 0.030 ppm	No	No	ND	ND	<u>ND</u>
	Federal: > 0.053 ppm	No	No	ND	ND	<u>ND</u>
Sulfur Dioxide (SO₂)						
Maximum 24-hr concentration (ppm)		1.3	1.0	1.2	1.2	<u>0.9</u>
Number of days exceeded:	State: > 0.04 ppm	ND	ND	ND	ND	<u>ND</u>
	Annual arithmetic average concentration (ppm)	0.26	0.27	0.23	0.29	<u>0.45</u>
Exceeded for the year:	Federal: > 0.030 ppm	No	No	No	No	<u>No</u>

µg/m³ = micrograms per cubic meter
 Agency

EPA = United States Environmental Protection

ID = Insufficient data

ND = No data

ppm = parts per million

Source: CARB, 2018 for the SCAQMD Riverside-Rubidoux air monitoring station.

In addition to the correction of typographical errors made in response to comments, updated 2018 data has been added. Table 4.3-3 provides background information and these revisions do not result in a change in the impact determination and no new significant impacts would result.

- **Page 4.3-46, second paragraph**

“As noted from Table 4.3-11, the project would exceed the SCAQMD’s significance thresholds for the 24-hour and annual PM₁₀ thresholds for receptors located within the project’s boundaries. As shown in Table 4.3-12, the significance thresholds would ~~not be exceeded at any sensitive receptor located for the 24-hour and annual PM₁₀ thresholds outside of the project boundaries.~~”

Final Response to Comments

A typographical error in the text on page 4.3-46 has been revised to correctly describe the results in Table 4.3-12. Therefore, this revision to the text does not change the impact determination of potentially significant and would not result in a new significant impact.

- **Page 4.3-47, Table 4.3-12**

Table 4.3-12: Localized Assessment of Project Phase 1 and Phase 2 Full Build Out (2020) Emissions Maximum Impacts Outside the Project Boundaries (without mitigation)

Pollutant	Averaging Time, Units	Existing Background ¹	Air Concentration ²		Standard/Threshold	Total Impact Exceeds Threshold
			Project Local Increase	Total (Background + Project)		
Carbon Monoxide	1 hour, ppm	2.2	0.03	2.2	20.0	No
	8 hour, ppm	2.0	0.02	2.0	9.0	No
Nitrogen Dioxide	State 1 hour, ppm	0.073	0.015	0.088	0.180	No
	National 1 hour, ppm	0.058	0.015	0.073	0.100	No
	Annual, ppm	0.015	0.001	0.016	0.030	No
PM ₁₀	24 hour, µg/m ³	NA	2.9	2.9	2.5	<u>Yes/No</u>
	Annual, µg/m ³	NA	1.8	1.8	1.0	<u>Yes/No</u>
PM _{2.5}	24 hour, µg/m ³	NA	0.8	0.8	2.5	No

Notes:

µg/m³ = micrograms per cubic meter (a concentration unit); NA = Not Applicable, the SCAQMD threshold methodology does not require a background for PM₁₀ or PM_{2.5}

¹ Background data for CO and NO₂ for State standards were derived as the highest air quality measured data over the most recent 3 years of meteorological data 2016-2018. Background concentrations for the National 1-hour NO₂ is the 3 year average of the 98th percentile of the daily maximum 1-hour average.

² Highest impacts generally occur at the existing residences along Gilman Springs Road to the east of the project.

Source: *Air Quality, Greenhouse Gas, and Health Risk Assessment Report, 2019.*

The final column of Table 4.3-12 on impact determination on has been corrected to show that there is a significant impact with respect to localized PM₁₀ emissions under the Year 2020 Full Build Out scenario (without mitigation). Numeric values shown for Background emissions, Project local increase, and total background plus Project emissions as shown in Table 4.3-12 of the Draft Recirculated Sections of the RSFEIR have remain unchanged and the reader of this table would have been able to ascertain the impact level from the numeric values. Additionally, as discussed on page 4.3-45 of the Draft Recirculated RSFEIR, the Year 2020 Full Build Out scenario “represents hypothetical worst-case conditions in that the project physically could not be built-out in 2020”. The Year 2020 Full Build Out scenario has been included for informational purposes and to provide consistency with the traffic impact assessment (TIA) which examines Project Build Out under existing conditions and is not utilized in impact determination for Project localized significant. Therefore, this revision to Table 4.3-12 does not change any impact determination because projects impacts were not determined based on the Year 2020 Build Out scenario and would not result in a new significant impact.

- Page 4.3-67, Table 4.3-26

Table 4.3-26: Estimated Cancer Risks, 30-Year Exposure Duration for Sensitive/Residential Receptors Starting from Beginning of Project Construction (Construction and Operation HRA), Without Mitigation

Receptor Location	Incremental Increase in Cancer Risk During Project Construction (risk/million)	Incremental Increase in Cancer Risk During Project Operation (risk/million)	Total Incremental Increase in Cancer Risk ¹ (risk/million)	SCAQMD Cancer Risk Significance Threshold (risk/million)	Exceeds Threshold?
Maximum risk anywhere in the modeling domain ²	49.5	17.3	66.8	10	Yes
Maximum risk within the project boundaries ³	49.5	17.3	66.8	10	Yes
Maximum risk at any area outside of the project boundaries ⁴	46.46	8.76	55.22	10	Yes

Notes:

¹ Conservatively assumed all receptors in the studied domain are residential receptors and will have 30-year average exposures from 2020 to 2049 (includes diesel PM emissions from construction and operation); cancer risk estimates derived from the updated construction emission estimate, TIA, EMFAC2014/EMFAC2017 emission model, SCAQMD HRA guidance and “Current OEHHA Guidance” for estimating cancer risks.

² Location is at the existing residences within the boundaries of the project, located at the 13241 World Logistic Parkway (formerly Theodore Street).

³ Location is at the existing residences within the boundaries of the project, located at the 13241 World Logistic Parkway (formerly Theodore Street).

⁴ Location is adjacent to the southwestern boundary of the project.

Source: *Air Quality, Greenhouse Gas, and Health Risk Assessment Report, 2019.*

A typographical error was corrected and reference to the appropriate version of EMFAC has been included. This revision reflects the version of the model used in the analysis and does not result a change to the impact determination and no new significant impact would result.

Final Response to Comments

- Page 4.3-73, Table 4.3-28

Table 4.3-28: Estimated Cancer Risks, 30-Year Exposure Duration for Sensitive/Residential Receptors Starting from Beginning of Project Construction (Construction and Operation HRA), With Mitigation (Without MERV-13 Filters)

Receptor Location	Incremental Increase in Cancer Risk during Project Construction (risk/million)	Incremental Increase in Cancer Risk during Project Operation (risk/million)	Total Incremental Increase in Cancer Risk ¹ (risk/million)	SCAQMD Cancer Risk Significance Threshold (risk/million)	Exceeds Threshold?
Maximum <u>combined</u> risk anywhere in the modeling domain ²	4.9	4.2	9.1	10	No
Existing residences within the project boundaries					
13241 World Logistics Center Pkwy	4.9	4.2	9.1	10	No
13100 World Logistics Center Pkwy	3.3	4.6	7.9	10	No
13200 World Logistics Center Pkwy	4.0	3.8	7.8	10	No
30220 Dracaea Ave	4.1	4.8	8.9	10	No
29080 Dracaea Ave	2.3	2.5	4.8	10	No
29140 Dracaea Ave	2.5	2.7	5.2	10	No
Maximum risk at any area outside of the project boundaries ³	4.4	4.3	5.7	10	No
<u>12400 World Logistics Center Parkway</u>	<u>0.7</u>	<u>6.4</u>	<u>7.1</u>	<u>10</u>	<u>No</u>
<u>Southwest of the Project Boundary³</u>	<u>5.1</u>	<u>1.4</u>	<u>6.5</u>	<u>10</u>	<u>No</u>

Notes:

* Pursuant to Mitigation Measure 4.3.6.5A, the Applicant shall install MERV-13 air filters at the residences located at 13100 World Logistics Center Parkway (formerly Theodore Avenue) and 12400 World Logistics Center Parkway (formerly Theodore Avenue); however, reductions provided by MERV-13 filters are not reflected in mitigated numbers in this table.

¹ Cancer risk calculation conservatively assumed all receptors modeled are residential receptors. 30-year average exposures from 2020 to 2049 (includes diesel PM emissions from construction and operation); cancer risk estimates derived from the ~~EMFAC2014~~ EMFAC2017 emission model and “Current OEHHA Guidance” for estimating cancer risks.

² Location is at existing residences within the boundaries of the project.

³ Location is adjacent to the midsouthwestern boundary of the project between Bay Avenue and Stevens Avenue.

Source: *Air Quality, Greenhouse Gas, and Health Risk Assessment Report*, 2019.

Clarification was included in the footer of Table 4.3-28 to better convey the application of mitigation and reference the appropriate version of EMFAC to more clearly and accurately describe modeling methodology. No change to the impact determination would occur and no new significant impact would result.

• Page 4.3-74, Table 4.3-29

Table 4.3-29: Estimated Cancer Risks, 30-Year Exposure Duration for Sensitive/Residential Receptors Starting from Beginning of Project Full Operation in 2035, With Mitigation (Without MERV-13 Filters)

Receptor Location	Total Incremental Increase in Cancer Risk ¹ (risk/million)	SCAQMD Cancer Risk Significance Threshold (risk/million)	Exceeds Threshold?
Maximum risk anywhere in the modeling domain ²	14.2	10	Yes
Maximum risk within the project boundaries ³	40.7	49	Yes
<u>13241 World Logistics Center Pkwy</u>	<u>8.8</u>	<u>10</u>	<u>No</u>
<u>13100 World Logistics Center Pkwy</u>	<u>10.2</u>	<u>10</u>	<u>Yes</u>
<u>13200 World Logistics Center Pkwy</u>	<u>8.5</u>	<u>10</u>	<u>No</u>
<u>30220 Dracaea Ave</u>	<u>10.7</u>	<u>10</u>	<u>Yes</u>
<u>29080 Dracaea Ave</u>	<u>5.3</u>	<u>10</u>	<u>No</u>
<u>29140 Dracaea Ave</u>	<u>5.6</u>	<u>10</u>	<u>No</u>
Maximum risk at any area outside of the project boundaries ⁴			
<u>12400 World Logistics Center Parkway²</u>	<u>14.2</u>	<u>10</u>	<u>Yes</u>
<u>W of Redlands Blvd & S of Eucalyptus Avenue⁴</u>	9.5	10	No
Maximum risk along SR60 freeway outside of the project boundaries ⁵	9.5 <u>14.2</u>	10	No <u>Yes</u>

Notes:

- 1 Conservatively assumed all receptors in the studied domain are residential receptors and will have 30-year average exposures from 2040 to 2035 to 2069 to 2064 (includes diesel PM emissions from full project operation); cancer risk estimates derived from the TIA, EMFAC2014/EMFAC2017 emission model, SCAQMD HRA guidance and "Current OEHHA Guidance" for estimating cancer risks.
- 2 Location is at the existing residence immediately to the north of the project boundary and is owned by the project sponsor, at 12400 World Logistics Center Parkway.
- 3 Location is at the existing residence located at 30220 Dracaea Avenue.
- 4 ~~Excluding the location in footnote (2) and locations within the project boundaries, this maximum risk Location is owned by the project sponsor and is at~~ Receptor is located to the northwest of the project boundary, on the west side of Redlands Boulevard and south of Eucalyptus Avenue.
- 5 Location is ~~south immediately north~~ north of SR 60 freeway, same as the location in footnote (42) ~~which to the northwest of the project boundary, on the west side of Redlands Boulevard and south of Eucalyptus Avenue.~~

Source: Air Quality, Greenhouse Gas, and Health Risk Assessment Report, 2019.

In addition to revisions made to properly characterize the risk level within and outside of the Project boundaries, typographical errors and clarifications within the footer of the table were corrected. Therefore, this revision to Table 4.3-29 does not change the impact determination of significant and would not result in a new significant impact.

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- Page 4.3-74, Table 4.3-30

Table 4.3-30: Estimated Cancer Risks, 30-Year Exposure Duration for Sensitive/Residential Onsite Receptors Starting from Beginning of Project Full Operation in 2035, With Mitigation & Installation of MERV-13 Filters

Receptor Location	Total Incremental Increase in Cancer Risk ¹ (risk/million)	SCAQMD Cancer Risk Significance Threshold (risk/million)	Exceeds Threshold?
12400 World Logistics Center Parkway	7.10	10	No
30220 Dracaea Avenue	5.35	10	No
43244-13100 World Logistics Center Parkway	4.75 5.10	10	No

Notes:

¹ MERV-13 filters conservatively assume 50% efficiency and are applied to the receptors presented in Table 4.3-29. DieselNet.com, 2002

Source: *Air Quality, Greenhouse Gas, and Health Risk Assessment Report*, 2019.

Typographical errors were corrected and clarification of mitigation application was included. These revisions reflect the modeling methodology and results accurately and does not result a change to the impact determination and no new significant impact would result.

Section 4.7, Greenhouse Gases/Climate Change

- Pages 4.7-24–4.7-26, Table 4.7-5

Table 4.7-5: Project GHG Emissions (Year by Year without Mitigation)

Source	GHG Unmitigated Emissions (mt CO ₂ e/year)														
	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034
Capped Emissions															
Construction	18,770	22,198	23,363	23,511	22,113	16,408	12,424	11,692	12,000	11,452	12,311	10,610	9,993	7,451	7,430
Net Mobile	0	22,089	42,984	62,716	81,169	97,097	103,414	113,746	123,988	133,464	142,515	151,159	159,397	167,226	174,639
Yard trucks	0	813	1,625	2,438	3,250	4,053	4,371	4,689	5,016	5,334	5,652	5,970	6,288	6,606	6,924
Generator	0	30	61	91	121	151	163	175	187	199	211	222	234	246	258
Forklifts	0	29	58	87	117	145	157	168	180	191	203	214	226	237	248
Electricity	0	6,097	11,672	18,583	24,799	36,149	40,666	41,689	41,168	40,436	40,169	39,884	39,257	38,288	36,329
Water	0	133	267	445	623	953	1,283	1,458	1,562	1,667	1,817	1,986	2,156	2,326	2,437
Natural gas	0	0	545	1,089	1,634	2,723	3,080	3,259	3,438	3,617	3,795	3,974	4,153	4,331	4,510
Solar	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Capped	18,770	51,390	80,574	108,959	133,825	157,680	165,558	176,875	187,539	196,360	206,672	214,020	221,703	226,711	232,775
Uncapped Emissions															
Construction Refrigerants and Waste	209	209	209	209	206	102	141	144	141	141	141	141	141	141	118
Waste	0	2,175	4,349	6,524	8,698	10,847	11,698	12,549	13,423	14,274	15,125	15,976	16,827	17,678	18,529
Refrigerants	0	291	583	874	1,166	1,454	1,568	1,682	1,799	1,913	2,027	2,141	2,255	2,369	2,483
Land use change	0	131	262	392	523	652	704	755	807	858	910	961	1,012	1,063	1,114
Sequestration	0	-13	-25	-38	-50	-63	-68	-72	-77	-82	-87	-92	-97	-102	-107
Total Uncapped	209	2,793	5,377	7,961	10,543	12,992	14,043	15,057	16,093	17,104	18,116	19,127	20,138	21,149	22,137
Threshold	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
Significant impact?	No	No	No	No	Yes										

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Source	GHG Unmitigated Emissions (mt CO ₂ e/year)														
	2035 (Buildout)	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049
Capped Emissions															
Construction	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Net Mobile	179,355	179,355	179,355	179,355	179,355	179,355	179,355	179,355	179,355	179,355	179,355	179,355	179,355	179,355	179,355
Yard trucks	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172
Generator	267	267	267	267	267	267	267	267	267	267	267	267	267	267	267
Forklifts	257	257	257	257	257	257	257	257	257	257	257	257	257	257	257
Electricity	34,147	29,379 31,998	26,115 28,442	22,850 24,886	19,586 21,331	16,322 17,776	13,057 14,221	9,793 10,666	6,529 7,110	3,264 3,555	0	0	0	0	0
Water	2,548	2,580	2,580	2,580	2,580	2,580	2,580	2,580	2,580	2,580	0	0	0	0	0
Natural gas	4,689	4,689	4,689	4,689	4,689	4,689	4,689	4,689	4,689	4,689	4,689	4,689	4,689	4,689	4,689
Solar	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Capped	228,435	223,699 226,317	220,435 222,762	217,170 219,206	213,906 215,651	210,642 212,096	207,377 208,541	204,113 204,986	200,849 201,430	197,584 197,875	191,740	191,740	191,740	191,740	191,740
Uncapped Emissions															
Construction Refrigerants and Waste	166	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Waste	19,193	19,193	19,193	19,193	19,193	19,193	19,193	19,193	19,193	19,193	19,193	19,193	19,193	19,193	19,193
Refrigerants	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572
Land use change	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154
Sequestration	-111	-111	-111	-111	-111	-111	-111	-111	-111	-111	-111	-111	-111	-111	-111
Total Uncapped	22,974	22,808	22,808	22,808	22,808	22,808	22,808								
Threshold	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
Significant impact?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Source	GHG Unmitigated Emissions (mt CO ₂ e/year)															
	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	Total (2020-2064)
Capped Emissions																
Construction	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	221,727
Net Mobile	154,246	132,651	107,890	87,750	57,330	45,453	40,481	37,820	35,334	32,020	28,614	25,570	22,850	21,257	19,775	5,114,971
Yard trucks	6,168	5,304	4,314	3,509	2,293	1,818	1,619	1,512	1,413	1,280	1,144	1,022	914	850	791	204,561
Generator	230	198	161	131	85	68	60	56	53	48	43	38	34	32	29	7,620
Forklifts	221	190	155	126	82	65	58	54	51	46	41	37	33	30	28	7,340
Electricity	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	636,226 649,316
Water	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	44,876
Natural gas	4,032	3,468	2,820	2,294	1,499	1,188	1,058	989	924	837	748	668	597	556	517	132,674
Solar	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Capped	164,897	141,811	115,340	93,810	61,289	48,592	43,277	40,432	37,774	34,231	30,590	27,336	24,428	22,725	21,141	6,383,085 6,383,085
Uncapped Emissions																
Construction Refrigerants and Waste	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2,559
Waste	16,506	14,195	11,545	9,390	6,135	4,864	4,332	4,047	3,781	3,426	3,062	2,736	2,445	2,275	2,116	547,418
Refrigerants	2,212	1,902	1,547	1,258	822	652	580	542	507	459	410	367	328	305	284	73,356
Land use change	993	854	694	565	369	293	261	243	227	206	184	165	147	137	127	32,922
Sequestration	-95	-82	-67	-54	-35	-28	-25	-23	-22	-20	-18	-16	-14	-13	-12	-3,159
Total Uncapped	19,615	16,869	13,720	11,159	7,291	5,780	5,148	4,809	4,493	4,072	3,639	3,252	2,906	2,703	2,515	653,096
Threshold	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	450,000
Significant impact?	Yes	Yes	Yes	Yes	No	Yes										

mt CO₂e = metric tons of carbon dioxide equivalents, which is calculated from the emissions (tons/year) by multiplying by the individual global warming potential (carbon dioxide – 1, methane – 21, nitrous oxide – 310, hydrofluorocarbons – 1500, black carbon 760) and converted to metric tons by multiplying by 0.9072.

1 Electricity and natural gas emissions estimates account for PDFs that improve energy efficiency and eliminate the use of building natural gas; includes electricity use by on-site EV chargers.

2 Estimated construction emissions are included prior to buildout.

3 2036 is the first full year that the Project would be built out. Years from buildout until 2049 are conservatively estimated to be equivalent to buildout year emissions and exclude construction emissions since construction activity would cease after buildout. Years post-2049 take into account the phasing out of structures as they reach their presumed 30-year lifetime.

4 Electricity emissions decrease to zero in 2045 after RPS has reached 100% renewable electricity

Source: ESA, 2019

Revisions to Table 4.7-5 were made to correct errors made in transferring data from calculation workbooks. No new calculations were made, no changes to the impact determinations were made, and no new significant impacts would result.

- **Page 4.7-27, first paragraph**

“Project Design Features. The WLCSP incorporates site and building designs (Project Design Features) that emphasize conservation of water and energy, which in turn help reduce greenhouse gas emissions (WLCSP September 2014, Section 1.3.2, Green Building-Sustainable Development). The revised Project Design Features, as outlined in the *Comparison of Renewable Energy Technologies* report (WSP, 2018) and explained in detail in Energy Section 4.17.5, go substantially beyond that previous commitment with energy conservation measures (ECMs) that exceed minimal compliance with current (~~2016~~2019) Title 24 requirements by about 17 percent at Phase 1 and 16 percent at full buildout, and a commitment to maximize the use of onsite rooftop solar PV generation.”

A typographical error has been revised to reference the correct version of Title 24’s energy savings requirements. The analysis set forth in the Draft Recirculated RSFEIR assumes the correct version (2019) and the correction does not invalidate the results of the analysis. Therefore, this revision to the text does not change the impact determination of less than significant and would not result in a new significant impact.

- Pages 4.7-34–4.7-36, Table 4.7-8

Table 4.7-8: Project GHG Emissions (Year by Year with Mitigation)

Source	GHG Mitigated Emissions (mt CO ₂ e/year)														
	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034
Capped Emissions															
Construction	18,770	22,198	23,363	23,511	22,113	16,408	12,424	11,692	12,000	11,452	12,311	10,610	9,993	7,451	7,430
Net Mobile	0	20,982	41,248	60,829	79,602	96,308	102,643	112,971	123,218	132,710	141,787	150,466	158,748	166,632	174,108
Yard trucks	0	813	1,625	2,438	3,250	4,053	4,371	4,689	5,016	5,334	5,652	5,970	6,288	6,606	6,924
Generator	0	32	65	97	130	162	174	187	200	213	225	238	251	263	276
Forklifts	0	29	58	87	117	145	157	168	180	191	203	214	226	237	248
Electricity	0	5,487	10,505	16,725	22,319	32,535	36,088	36,779	36,207	35,461	35,096	34,716	34,056	33,116	31,366
Water	0	119	239	398	557	853	1,148	1,304	1,398	1,492	1,626	1,778	1,929	2,081	2,181
Natural gas	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Solar	0	-179	-357	-595	-834	-1,276	-1,705	-1,931	-2,068	-2,204	-2,398	-2,618	-2,838	-3,059	-3,203
Total Capped	18,770	49,483	76,746	103,490	127,254	149,188	155,300	165,860	176,151	184,649	194,501	201,374	208,653	213,328	219,330
Uncapped Emissions															
Construction Refrigerants and Waste	192	192	192	192	190	85	124	127	124	124	124	124	124	124	101
Waste	0	544	1,087	1,631	2,175	2,712	2,924	3,137	3,356	3,569	3,781	3,994	4,207	4,419	4,632
Refrigerants	0	291	583	874	1,166	1,454	1,568	1,682	1,799	1,913	2,027	2,141	2,255	2,369	2,483
Land use change	0	131	262	392	523	652	704	755	807	858	910	961	1,012	1,063	1,114
Sequestration	0	-13	-25	-38	-50	-63	-68	-72	-77	-82	-87	-92	-97	-102	-107
Total Uncapped	192	1,145	2,098	3,051	4,003	4,840	5,252	5,628	6,009	6,382	6,755	7,128	7,501	7,874	8,223
Credits/Offsets (MM 4.7.7.1)	<u>-192</u>	<u>-1,145</u>	<u>-2,098</u>	<u>-3,051</u>	<u>-4,003</u>	<u>-4,840</u>	<u>-5,252</u>	<u>-5,628</u>	<u>-6,009</u>	<u>-6,382</u>	<u>-6,755</u>	<u>-7,128</u>	<u>-7,501</u>	<u>-7,874</u>	<u>-8,223</u>
Total Project Emissions	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Threshold	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
Significant Impact?	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No

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Source	GHG Mitigated Emissions (mt CO ₂ e/year)														
	2035 (Buildout)	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049
Capped Emissions															
Construction	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Net Mobile	178,798	178,798	178,798	178,798	178,798	178,798	178,798	178,798	178,798	178,798	178,798	178,798	178,798	178,798	178,798
Yard trucks	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172
Generator	286	286	267	267	267	267	267	267	267	267	267	267	267	267	267
Forklifts	257	257	257	257	257	257	257	257	257	257	257	257	257	257	257
Electricity	29,432	26,712 29,330	23,744 26,071	20,776 22,812	17,808 19,554	14,840 16,295	11,872 13,036	8,904 9,777	5,936 6,518	2,968 3,259	0	0	0	0	0
Water	2,280	2,308	2,308	2,308	2,308	2,308	2,308	2,308	2,308	2,308	0	0	0	0	0
Natural gas	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Solar	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386
Total Capped	214,839	212,148 214,766	209,164 211,488	206,193 208,229	203,225 204,971	200,257 201,712	197,289 198,453	194,324 195,194	191,353 191,935	188,385 188,676	183,109	183,109	183,109	183,109	183,109
Uncapped Emissions															
Construction Refrigerants and Waste	149	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Waste	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798
Refrigerants	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572
Land use change	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154
Sequestration	-111	-111	-111	-111	-111	-111	-111	-111	-111	-111	-111	-111	-111	-111	-111
Total Uncapped	8,563	8,414	8,414	8,414	8,414	8,414	8,414								
Credits/Offsets (MM 4.7.7.1)	-8,563	-8,414	-8,414	-8,414	-8,414	-8,414	-8,414	-8,414	-8,414	-8,414	-8,414	-8,414	-8,414	-8,414	-8,414
Total Project Emissions	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Threshold	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
Significant Impact?	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No

Source	GHG Mitigated Emissions (mt CO ₂ e/year)															Total (2020–2064)
	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	
Capped Emissions																
Construction	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	221,727
Net Mobile	153,767	132,239	107,555	87,478	57,152	45,312	40,356	37,703	35,225	31,920	28,525	25,491	22,779	21,191	19,714	5,090,636
Yard trucks	6,168	5,304	4,314	3,509	2,293	1,818	1,619	1,512	1,413	1,280	1,144	1,022	914	850	791	204,561
Generator	230	198	161	131	85	68	60	56	53	48	43	38	34	32	29	7,821
Forklifts	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6,122
Electricity	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	563,449 576,539
Water	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	40,159
Natural gas	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Solar	-2,912	-2,505	-2,037	-1,657	-1,082	-858	-764	-714	-667	-605	-540	-483	-431	-401	-373	-92,091
Total Capped	157,252	135,237	109,993	89,461	58,448	46,339	41,270	38,557	36,023	32,644	29,172	26,068	23,295	21,671	20,161	6,042,384 6,055,473
Uncapped Emissions																
Construction Refrigerants and Waste	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2,289
Waste	4,126	3,549	2,886	2,348	1,534	1,216	1,083	1,012	945	857	765	684	611	569	529	136,855
Refrigerants	2,212	1,902	1,547	1,258	822	652	580	542	507	459	410	367	328	305	284	73,356
Land use change	993	854	694	565	369	293	261	243	227	206	184	165	147	137	127	32,922
Sequestration	-95	-82	-67	-54	-35	-28	-25	-23	-22	-20	-18	-16	-14	-13	-12	-3,159
Total Uncapped	7,236	6,223	5,061	4,116	2,689	2,132	1,899	1,774	1,658	1,502	1,342	1,199	1,072	997	928	242,263
Credits/Offsets (MM 4.7.7.1)	-7,236	-6,223	-5,061	-4,116	-2,689	-2,132	-1,899	-1,774	-1,658	-1,502	-1,342	-1,199	-1,072	-997	-928	-242,263
Total Project Emissions	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

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Source	GHG Mitigated Emissions (mt CO ₂ e/year)															
	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	Total (2020–2064)
Threshold	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	450,000
Significant Impact?	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No

mt CO₂e = metric tons of carbon dioxide equivalents, which is calculated from the emissions (tons/year) by multiplying by the individual global warming potential (carbon dioxide – 1, methane – 21, nitrous oxide – 310, hydrofluorocarbons – 1500, black carbon 760) and converted to metric tons by multiplying by 0.9072.

- ¹ Electricity and natural gas emissions estimates account for PDFs that improve energy efficiency and eliminate the use of building natural gas; includes electricity use by on-site EV chargers.
- ² Estimated construction emissions are included prior to buildout.
- ³ 2036 is the first full year that the Project would be built out. Years from buildout until 2049 are conservatively estimated to be equivalent to buildout year emissions and exclude construction emissions since construction activity would cease after buildout. Years post-2049 take into account the phasing out of structures as they reach their presumed 30-year lifetime.
- ⁴ Electricity emissions decrease to zero in 2045 after RPS has reached 100% renewable electricity

Source: ESA, 2019

On top of revisions made to incorporate new Mitigation Measure 4.7.7.1, revisions to Table 4.7-8 were made to correct errors made in transferring data from calculation workbooks. No new calculations were made, no changes to the impact determinations were made, and no new significant impacts would result.

- Pages 4.7-38–4.7-40, Table 4.7-10

Table 4.7-10: Project GHG Emissions (Year by Year with Mitigation and Medium EV Penetration) – Scoping Plan Scenario, For Informational Purposes Only

Source	GHG Mitigated Emissions (mt CO ₂ e/year)														
	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034
Capped Emissions															
Construction	18,770	22,198	23,363	23,511	22,113	16,408	12,424	11,692	12,000	11,452	12,311	10,610	9,993	7,451	7,430
Mobile	0	20,982	41,248	60,829	79,602	94,618	102,528	112,913	123,228	132,810	141,992	150,778	159,165	167,154	174,742
Yard trucks	0	813	1,625	2,438	3,250	4,053	4,371	4,689	5,016	5,334	5,652	5,970	6,288	6,606	6,924
Generator	0	32	65	97	130	162	174	187	200	213	225	238	251	263	276
Forklifts	0	29	58	87	117	145	157	168	180	191	203	214	226	237	248
Electricity	0	5,634	10,785	17,172	22,915	33,404	40,224	42,353	42,411	42,184	42,583	42,956	42,870	42,326	40,453
Water	0	119	239	398	557	853	1,148	1,304	1,398	1,492	1,626	1,778	1,929	2,081	2,181
Natural gas	0	0	0	0	0	0	0	0	0	1	1	1	1	1	1
Solar	0	-179	-357	-595	-834	-1,276	-1,705	-1,931	-2,068	-2,204	-2,398	-2,618	-2,838	-3,059	-3,203
Total Capped	18,770	49,629	77,027	103,937	127,851	148,367	159,322	171,376	182,365	191,474	202,194	209,926	217,884	223,060	229,051
Uncapped Emissions															
Construction Refrigerants and Waste	192	192	192	192	190	85	124	127	124	124	124	124	124	124	101
Waste	0	544	1,087	1,631	2,175	2,712	2,924	3,137	3,356	3,569	3,781	3,994	4,207	4,419	4,632
Refrigerants	0	291	583	874	1,166	1,454	1,568	1,682	1,799	1,913	2,027	2,141	2,255	2,369	2,483
Land use change	0	131	262	392	523	652	704	755	807	858	910	961	1,012	1,063	1,114
Sequestration	0	-13	-25	-38	-50	-63	-68	-72	-77	-82	-87	-92	-97	-102	-107
Total Uncapped	192	1,145	2,098	3,051	4,003	4,840	5,252	5,628	6,009	6,382	6,755	7,128	7,501	7,874	8,223
Threshold	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
Significant Impact?	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No

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Source	GHG Mitigated Emissions (mt CO ₂ e/year)														
	2035 (Buildout)	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049
Capped Emissions															
Construction	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Mobile	172,356	172,356	172,356	172,356	172,356	172,356	172,356	172,356	172,356	172,356	172,356	172,356	172,356	172,356	172,356
Yard trucks	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172
Generator	286	286	286	286	286	286	286	286	286	286	286	286	286	286	286
Forklifts	257	257	257	257	257	257	257	257	257	257	257	257	257	257	257
Electricity	38,279	34,818 38,678	30,949 34,381	27,080 30,083	23,212 25,785	19,343 21,488	15,475 17,190	11,606 12,893	7,737 8,595	3,869 4,298	0	0	0	0	0
Water	2,280	2,308	2,308	2,308	2,308	2,308	2,308	2,308	2,308	2,308	0	0	0	0	0
Natural gas	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Solar	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386
Total Capped	217,245	213,812 217,672	209,943 213,375	206,075 209,077	202,206 204,780	198,337 200,482	194,469 196,185	190,600 191,887	186,731 187,589	182,863 183,292	176,686	176,686	176,686	176,686	176,686
Uncapped Emissions															
Construction Refrigerants and Waste	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Waste	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798
Refrigerants	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572
Land use change	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154
Sequestration	-111	-111	-111	-111	-111	-111	-111	-111	-111	-111	-111	-111	-111	-111	-111
Total Uncapped	8,414	8,414	8,414	8,414	8,414	8,414	8,414	8,414	8,414	8,414	8,414	8,414	8,414	8,414	8,414
Threshold	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
Significant Impact?	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No

Source	GHG Mitigated Emissions (mt CO ₂ e/year)															Total (2020-2064)
	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	
Capped Emissions																
Construction	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	221,727
Mobile	148,226	127,475	103,680	84,326	55,093	43,680	38,902	36,344	33,956	30,770	27,497	24,572	21,958	20,428	19,003	4,963,844
Yard trucks	6,168	5,304	4,314	3,509	2,293	1,818	1,619	1,512	1,413	1,280	1,144	1,022	914	850	791	204,561
Generator	246	211	172	140	91	72	65	60	56	51	46	41	36	34	32	8,152
Forklifts	221	190	155	126	82	65	58	54	51	46	41	37	33	30	28	7,340
Electricity	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	680,637 699,939
Water	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	40,159
Natural gas	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	20
Solar	-2,912	-2,505	-2,037	-1,657	-1,082	-858	-764	-714	-667	-605	-540	-483	-431	-401	-373	-92,091
Total Capped	151,950	130,677	106,284	86,444	56,477	44,777	39,879	37,257	34,808	31,543	28,188	25,189	22,510	20,941	19,481	6,053,651 6,053,651
Uncapped Emissions																
Construction Refrigerants and Waste	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2,140
Waste	4,126	3,549	2,886	2,348	1,534	1,216	1,083	1,012	945	857	765	684	611	569	529	136,855
Refrigerants	2,212	1,902	1,547	1,258	822	652	580	542	507	459	410	367	328	305	284	73,356
Land use change	993	854	694	565	369	293	261	243	227	206	184	165	147	137	127	32,922
Sequestration	-95	-82	-67	-54	-35	-28	-25	-23	-22	-20	-18	-16	-14	-13	-12	-3,159
Total Uncapped	7,236	6,223	5,061	4,116	2,689	2,132	1,899	1,774	1,658	1,502	1,342	1,199	1,072	997	928	242,114
Threshold	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	450,000
Significant Impact?	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No

mt CO₂e = metric tons of carbon dioxide equivalents, which is calculated from the emissions (tons/year) by multiplying by the individual global warming potential (carbon dioxide – 1, methane – 21, nitrous oxide – 310, hydrofluorocarbons – 1500, black carbon 760) and converted to metric tons by multiplying by 0.9072.

1 - Electricity and natural gas emissions estimates account for PDFs that improve energy efficiency and eliminate the use of building natural gas; includes electricity use by on-site EV chargers.

2 - Estimated construction emissions are included prior to buildout.

3 – 2035 is the first full year that the Project would be built out. Years from buildout until 2049 are conservatively estimated to be equivalent to buildout year emissions and exclude construction emissions since construction activity would cease after buildout. Years post-2049 take into account the phasing out of structures as they reach their presumed 30-year lifetime.

4 – Electricity emissions decrease to zero in 2045 after RPS has reached 100% renewable electricity

Source: ESA, 2019

Revisions to Table 4.7-10 were made to correct errors made in transferring data from calculation workbooks. No new calculations were made, no changes to the impact determinations were made, and no new significant impacts would result.

Section 4.17, Energy

- **Page 4.17-19, first full paragraph, third sentence**

“Pursuant to the WLCSP, all new development within the project site will be required to meet the California Building Energy Standards in effect at the time construction commences or be 10% more stringent than ~~2008~~2019 standards, whichever results in lowest energy use.”

A typographical error has been revised to reference the correct version of Title 24’s energy savings requirements. The analysis set forth in the Draft Recirculated RSFEIR assumes the correct version (2019) and the correction does not invalidate the results of the analysis. Therefore, this revision to the text does not change the impact determination of less than significant and would not result in a new significant impact.

- **Page 4.17-25, second bullet under Mitigation Measure 4.7.6.1D**

“Increase efficiency for buildings by implementing either 10 percent over the ~~2008~~2019 Title 24’s energy savings requirements of the Title 24 requirements in place at the time the building permit is approved, whichever is more stringent; and”

A typographical error has been revised to reference the correct version of Title 24’s energy savings requirements. The analysis set forth in the Draft Recirculated RSFEIR assumes the correct version (2019) and the correction does not invalidate the results of the analysis. Therefore, this revision to the text does not change the impact determination of less than significant and would not result in a new significant impact.

Section 6.3, Air Quality

- **Page 6.3-2, second paragraph**

“The cumulative project impact area includes the entire City of Moreno Valley and portions of the Cities of Riverside, Redlands, Beaumont, Perris, San Jacinto, Hemet and Calimesa, as well as portions of unincorporated Riverside and San Bernardino County, and the March Joint Powers Authority (JPA). A geographic map for these cumulative projects are shown on Figure 6.3-1. ~~Approximately~~ A total of 359 projects have been identified in the vicinity of the Project and are listed in Table 6.3-1. Out of those 359 projects, approximately 173 environmental documents were available. All 173 were reviewed to identify quantitative emissions for construction and operation of the respective projects; however, not all environmental documents contained emissions for construction and operation. Additionally, available emissions were not calculated using the most recent available information and methodologies. ~~Emissions~~ Therefore, emissions from all of the identified cumulative projects were calculated based on the most recent available information and methodologies.”

Revisions were made to clarify the review and use of available data and emissions from cumulative projects' environmental documentation. No change to the significance determination and no new significant impact would result.

- **Page 6.3-12, first paragraph, first sentence**

~~“Operational emissions were accumulated from the environmental documents that were”~~ gathered for the cumulative analysis. For projects that did not have an environmental document with quantitative emissions available, emissions were modeled utilizing default emission rates and factors from California Emissions Estimator Model (CalEEMod) (version 2016.3.2) and the California Air Resources Board’s (CARB) mobile source emissions inventory (EMFAC2017).”

Revisions were made to clarify that all emissions for cumulative projects were calculated based on updated, default rates and methodology. No change to the significance determination and no new significant impact would result.

- **Page 6.3-17, Table 6.3-2**

MV-127	7.27	20.72	15.04	0.14	2.24	0.99
MV-129	35.66	43.33	133.93	0.64	11.86	5.52
MV-130	4.74	13.52	9.82	0.09	1.46	0.65
MV-131	32.05	91.41	66.36	0.61	9.89	4.36
MV-132	23.51	67.03	48.67	0.44	7.25	3.20

Five additional rows were erroneously included in Table 6.3-2. These rows do not represent any cumulative project emissions. No changes to the significance determination and no new significant impacts would occur.

- **Page 6.3-22, Table 6.3-2**

Total	5,915.42	15,683.32	31,942.02	107.61	2,015.08	921.24
	5,812.10	15,477.29	31,668.18	105.73	1,982.39	906.50

The last row of Table 6.3-2, total, has been revised to reflect the accurate totals after removing the erroneously included five rows. No changes to the significance determination and no new significant impacts would occur.

- **Page 6.3-22, first paragraph, first sentence**

“Detailed research was conducted to identify as much information on the remaining projects that did not have environmental documents with ~~construction and operational emissions available~~ with complete project descriptions.”

Revisions was made to clarify that a number of cumulative projects' environmental documentation did not include complete project descriptions. No changes to the significance determination and no new significant impacts would occur.

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- **Page 6.3-26, Table 6.3-3**

MV 127	157.82	42.48	24.23	0.05	20.47	12.01
MV 129	266.75	62.82	54.48	0.16	10.62	6.55
MV 130	103.06	42.48	22.27	0.05	20.47	12.01
MV 131	253.26	62.82	52.74	0.15	10.53	6.55
MV 132	291.63	73.66	43.76	0.12	10.53	6.54

Five additional rows were erroneously included in Table 6.3-3. These rows do not represent any cumulative project emissions. No changes to the significance determination and no new significant impacts would occur.

- **Page 6.3-30, Table 6.3-3**

Total	24,780.64	17,509.64	13,633.42	35.53	3,808.65	2,049.37
	<u>23,708.14</u>	<u>17,225.45</u>	<u>13,436.00</u>	<u>35.13</u>	<u>3,736.25</u>	<u>2,005.56</u>

The last row of Table 6.3-3, total, has been revised to reflect the accurate totals after removing the erroneously included five rows. No changes to the significance determination and no new significant impacts would occur.

- **Page 6.3-33, second paragraph, first sentence**

“Two sets of 30-year cancer risk calculations were performed for the identified cumulative projects, one includes the cancer risks from exposure to construction plus operation (Cumulative Construction & Operation HRA), and the other includes 30-year exposure to the full operation of ~~the 359~~350 cumulative projects (sufficient data for 9 of the 359 projects not available) in addition to the Project (Cumulative Operation HRA).”

This revision was made to reflect the number of cumulative projects that emissions were able to be calculated for. No changes to the significance determination and no new significant impacts would occur.

- **Page 6.3-37, third paragraph**

“As shown in Table 6.3-2 operational emissions gathered from the environmental documents and modeling show that out of the 359 cumulative projects, ~~2520~~2520 cumulative projects were identified as exceeding VOC significance thresholds and ~~59~~56 projects were identified as exceeding NO_x thresholds. Table 6.3-3 provides the construction emissions gathered from the environmental documents and modeling. The results show that out of the 359 cumulative projects, ~~95~~90 cumulative projects were identified as exceeding VOC significance thresholds and 22 projects were identified as exceeding NO_x thresholds. Those projects that were found to exceed the SCAQMD thresholds were primarily industrial land uses or larger single-family residential developments. The number of each project type is provided in Table 6.3-4. As shown, in Table 6.3-4, up to 43 multi-family residential projects have been proposed, in combination with ~~445~~116 single-family residences and 10 heavy industrial projects.”

Typographical errors were corrected. No changes to the significance determination and no new significant impacts would occur.

- **Page 6.3-37, fourth paragraph, first sentence**

“The cumulative impacts of all 359 projects with sufficient project information to calculate emissions have been taken into consideration with the SCAQMD thresholds.”

This revision was made to indicate that emissions were able to be calculated for projects without sufficient information available. No changes to the significance determination and no new significant impacts would occur.

- **Page 6.3-37, Table 6.3-4**

Table 6.3-4: Air Quality Cumulative Operation Emissions

Type of Project	Number Identified within Cumulative Analysis Limits
Business Park	11
Heavy Industrial	10
Light Industrial	39 38
Medical	4
Office	13
Residential - Assisted Living	10
Single-Family Residential	115116
Multi-Family Residential	43
Warehouse	6460
Retail	65

Notes:

1) The total number of identified projects ~~exceeds~~ does not equal 359 due to the multi-use projects that were identified. These multi-use projects may include residential, retail, and office land uses within one project description. Additionally, sufficient project descriptions were not available for nine of the 359 projects.

Source: City of Moreno Valley, 2019

Typographical errors were corrected. No changes to the significance determination and no new significant impacts would occur.

- **Page 6.3-47, first paragraph, last sentence**

“Cumulative long-term impacts would take into consideration both the Project related emissions and those generated by the 359 cumulative projects with sufficient project information to calculate emissions that have been identified.”

This revision was made to indicate that emissions were able to be calculated for projects without sufficient information available. No changes to the significance determination and no new significant impacts would occur.

- **Page 6.3-47, third paragraph**

“As shown, in Table 6.3.2 operational emissions gathered from the environmental documents and modeling show that out of the 359 cumulative projects, ~~2520~~ cumulative projects were identified as exceeding VOC significance thresholds, ~~5956~~ projects were identified as exceeding NOx thresholds, and ~~4610~~ projects were identified as exceeding CO thresholds. ~~None of the 359 projects~~ One project would exceed the PM_{2.5} threshold and one project would exceed the PM₁₀ significance thresholds. However, because the project-specific emissions exceed the SCAQMD significance thresholds, this Project is considered by the SCAQMD to be cumulatively considerable, despite the potential operation of any of the identified cumulative projects.”

This revision was made to corrected typographical errors in the summary of projects exceeding significance thresholds. No changes to the significance determination and no new significant impacts would occur.

Section 6.7, Greenhouse Gases/Climate Change

- **Page 6.7-2, third and fourth paragraph**

“As part of the GHG cumulative analysis a review of available environmental documents for projects within the Project vicinity was conducted. Approximately 359 projects have been identified in the vicinity of the Project and are listed in Table 6.7-1. Out of those 359 projects, approximately 173 environmental documents were available. All 173 were reviewed to identify ~~quantitative emissions for construction and operation~~ project description of the respective projects; however, not all environmental documents contained ~~emissions for construction and operation~~ detailed project descriptions with information on proposed land use and construction schedule. Emissions from all of the identified cumulative projects were calculated based on available information and methodologies.

Detailed research was conducted to identify as much information on the remaining projects that did not have environmental documents with ~~construction and operational emissions~~ detailed project descriptions available. However, complete project descriptions, detailed construction schedules, and any operational efficiencies were not available for every single project within the cumulative analysis limits. Therefore, with the information that was accumulated, modeling was conducted, utilizing CalEEMod and EMFAC2017 default factors, to estimate construction and operational emissions generated from ~~these all~~ cumulative projects. The same methodologies used to calculate air quality emissions were also used to calculate GHG emissions, see Section 6.3.2.”

These revisions were made to reflect the number of cumulative projects that emissions were able to be calculated for and to clarify that all emissions for cumulative projects were calculated based on updated, default rates and methodology. No changes to the significance determination and no new significant impacts would occur.

- **Page 6.7-13, second paragraph**

“In addition, out of the 359 cumulative projects that were evaluated during preparation of the Revised Sections of the FEIR in 2018, ~~6866~~ were found to be completed with construction or currently undergoing construction as of November 2019 and sufficient project information to calculate emissions was not available for 9 projects. Therefore, ~~291284~~ potentially cumulative projects are located within the Basin that could undergo construction activities during the project’s 15-year construction period.”

These revisions were made to reflect the number of cumulative projects that could be under construction concurrently with the project and the number of projects. No changes to the significance determination and no new significant impacts would occur.

- **Page 6.7-14, first paragraph, last two sentences**

“Of the 359 projects analyzed, ~~9495~~ projects exceeded their given threshold, ~~and 261255~~ projects were below threshold, and sufficient project information to calculate emissions was not available for 9 projects. Given that the unmitigated project and ~~9495~~ of the cumulative projects are over threshold, impact would be potentially significant and cumulatively considerable.”

This revision was made to correct typographical errors in the summary of projects exceeding significance thresholds. No changes to the significance determination and no new significant impacts would occur.

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- Pages 6.7-15–6.7-29, Table 6.7-2

Project ID	Land Use	Emissions (MTCO ₂ e)				Threshold	Impact?
		Total Construction Emissions	Amortized Construction Emissions	Total Operational Emissions	Total Amortized Construction and Operational Emissions		
B-001	SF Res	183,838	6,128	38,700 39,539	45,667 45,667	3,000	Yes
B-002	MF Res	0	0	4,793 4,906	4,793 4,906	3,000	Yes
B-003	SF Res	24,210	807	10,813 11,047	11,620 11,854	3,000	Yes
B-004	Light Industrial	5,622	187	15,860 16,123	16,047 16,310	10,000	Yes
B-005	Heavy Industrial	0	0	20,269 20,578	20,269 20,578	10,000	Yes
B-006	Business Park	6,618	221	24,215 24,832	24,436 25,053	3,000	Yes
B-007	SF Res	8,185	273	4,726 4,829	4,999 5,101	3,000	Yes
B-008	SF Res	19,952	665	7,599 7,764	8,264 8,429	3,000	Yes
B-009	SF Res	317,101	10,570	52,187 53,317	62,757 63,887	3,000	Yes
B-010	SF Res	1,014	34	1,114 1,138	1,148 1,172	3,000	No
B-011	Retail-Commercial	552	18	7,249 7,431	7,268 7,449	3,000	Yes
B-012	MF Res	0	0	2,342 2,397	2,342 2,397	3,000	No
B-013	SF Res	78,595	2,620	22,165 22,645	24,785 25,265	3,000	Yes
B-014	SF Res	20,714	690	8,209 8,387	8,900 9,077	3,000	Yes
C-001	Retail-Commercial	511	17	6,444 6,605	6,461 6,622	3,000	Yes
C-002	Business Park	11,613	387	52,851 54,183	53,238 54,570	3,000	Yes
C-003	Retail-Commercial	334	11	2,342 2,401	2,353 2,412	3,000	No
H-001	SF Res	9,602	320	6,896 7,045	7,216 7,365	3,000	Yes

Project ID	Land Use	Emissions (MTCO _{2e})				Threshold	Impact?
		Total Construction Emissions	Amortized Construction Emissions	Total Operational Emissions	Total Amortized Construction and Operational Emissions		
H-002	SF Res	8,472	282	5,160 5,272	5,442 5,554	3,000	Yes
H-003	SF Res	24,373	812	10,918 11,155	11,731 11,967	3,000	Yes
H-004	Business Park	6,321	211	19,725 20,168	19,936 20,379	3,000	Yes
H-005	Retail-Commercial	67	2	674 691	676 693	3,000	No
H-006	Retail-Commercial	1,361	45	21,934 22,483	21,980 22,528	3,000	Yes
H-007	Senior Res	3,522	117	1,839 1,875	1,956 1,992	3,000	No
H-008	SF Res	11,597	387	3,961 4,041	4,347 4,428	3,000	Yes
H-009	Senior Res	0	0	3,077 3,137	3,077 3,137	3,000	Yes
M-001	Heavy Industrial	1,598	53	6,548 6,678	6,602 6,731	10,000	No
M-002	Light Industrial	0	0	44,681 46,006	44,681 46,006	10,000	Yes
M-003	Warehouse	12,706	424	22,741 23,466	23,164 23,890	10,000	Yes
M-004	Retail-Commercial	361	12	3,509 3,596	3,521 3,608	3,000	Yes
M-005	Light Industrial	50,188	1,673	36,068 37,054	37,741 38,727	10,000	Yes
M-006	Business Park	572	19	2,866 2,939	2,885 2,958	3,000	No
M-007	Warehouse	1,228	41	5,297 5,466	5,338 5,507	10,000	No
M-008	Medical Office	21,328	711	97,194 100,133	97,905 100,844	3,000	Yes
M-009	SF Res	1,456	49	1,583 1,617	1,632 1,666	3,000	No
M-010	Warehouse	1,069	36	4,523 4,523	4,419 4,559	10,000	No
M-011	Retail-Commercial	305	10	2,159 2,213	2,169 2,223	3,000	No
MV-001	Retail-Commercial	647	22	9,811 10,056	9,832 10,078	3,000	Yes

Final Response to Comments

Project ID	Land Use	Emissions (MTCO _{2e})				Threshold	Impact?
		Total Construction Emissions	Amortized Construction Emissions	Total Operational Emissions	Total Amortized Construction and Operational Emissions		
MV-002	MF Res	5,432	181	4,886 4,995	5,067 5,176	3,000	Yes
MV-003	Light Industrial	10,213	340	18,264 18,795	18,604 19,135	10,000	Yes
MV-004	Light Industrial	0	0	8,572 8,715	8,572 8,715	10,000	No
MV-005	Retail-Commercial	370	12	3,749 3,843	3,761 3,855	3,000	Yes
MV-006	Warehouse	1,302	43	5,881 6,069	5,925 6,112	10,000	No
MV-007	SF Res	387	13	364 371	376 384	3,000	No
MV-008	SF Res	554	18	680 695	699 713	3,000	No
MV-009	SF Res	317	11	429 432	440 442	3,000	No
MV-010	SF Res	546	18	551 563	569 581	3,000	No
MV-011	SF Res	380	13	284 288	294 300	3,000	No
MV-012	Medical Office	0	0	2,104 2,170	2,104 2,170	3,000	No
MV-013	Office	71	2	303 311	305 313	3,000	No
MV-014	SF Res	1,555	52	1,255 1,282	1,307 1,334	3,000	No
MV-015	SF Res	698	23	739 755	762 778	3,000	No
MV-016	SF Res	534	18	375 383	393 401	3,000	No
MV-017	SF Res	1,014	34	1,126 1,150	1,160 1,184	3,000	No
MV-018	Retail-Commercial	0	0	177 182	177 182	3,000	No
MV-019	Senior Res	0	0	744 728	744 728	3,000	No
MV-020	Retail-Commercial	0	0	3,022 3,097	3,022 3,097	3,000	Yes
MV-021	Medical Office	349	12	2,104	2,116	3,000	No

Project ID	Land Use	Emissions (MTCO _{2e})				Threshold	Impact?
		Total Construction Emissions	Amortized Construction Emissions	Total Operational Emissions	Total Amortized Construction and Operational Emissions		
				<u>2,170</u>	<u>2,182</u>		
MV-022	SF Res	0	0	469 479	469 479	3,000	No
MV-023	MF Res	1,552	52	3,504 3,583	3,552 3,635	3,000	Yes
MV-024	SF Res	2,224	74	4,865 1,905	4,939 1,979	3,000	No
MV-025	SF Res	912	30	950 970	980 1,001	3,000	No
MV-026	SF Res	1,016	34	4,173 1,198	4,207 1,232	3,000	No
MV-027	MF Res	367	12	453 464	466 476	3,000	No
MV-028	MF Res	462	15	756 773	774 789	3,000	No
MV-029	SF Res	3,582	119	3,225 3,295	3,344 3,414	3,000	Yes
MV-030	SF Res	912	30	973 994	1,004 1,025	3,000	No
MV-031	SF Res	549	18	622 635	640 653	3,000	No
MV-032	SF Res	1,571	52	4,349 1,378	4,401 1,430	3,000	No
MV-033	SF Res	549	18	633 647	652 665	3,000	No
MV-034	SF Res	548	18	640 623	628 641	3,000	No
MV-035	SF Res	380	13	293 300	306 312	3,000	No
MV-036	MF Res	0	0	470 481	470 481	3,000	No
MV-037	Heavy Industrial	0	0	12,765 12,962	12,768 12,962	10,000	Yes
MV-038	Light Industrial	0	0	3,970 4,035	3,970 4,035	10,000	No
MV-039	Light Industrial	0	0	14,634 14,877	14,634 14,877	10,000	Yes
MV-040	Warehouse	342	11	772 796	783 808	10,000	No

Final Response to Comments

Project ID	Land Use	Emissions (MTCO _{2e})				Threshold	Impact?
		Total Construction Emissions	Amortized Construction Emissions	Total Operational Emissions	Total Amortized Construction and Operational Emissions		
MV-041	Warehouse	3,320	111	11,370 <u>11,733</u>	11,481 <u>11,844</u>	10,000	Yes
MV-042	Warehouse	958	32	3,500 <u>3,612</u>	3,532 <u>3,644</u>	10,000	No
MV-043	Heavy Industrial	0	0	4,390 <u>4,457</u>	4,390 <u>4,457</u>	10,000	No
MV-044	Warehouse	2,554	85	8,699 <u>8,977</u>	8,785 <u>9,062</u>	10,000	No
MV-045	Retail-Commercial	346	12	2,807 <u>2,877</u>	2,818 <u>2,889</u>	3,000	No
MV-046	Warehouse	0	0	2,998 <u>3,093</u>	2,998 <u>3,093</u>	10,000	No
MV-047	SF Res	374	12	488 <u>192</u>	200 <u>204</u>	3,000	No
MV-048	Business Park	0	0	19,397 <u>19,891</u>	19,397 <u>19,891</u>	3,000	Yes
MV-049	Business Park	0	0	20,384 <u>20,904</u>	20,384 <u>20,904</u>	3,000	Yes
MV-050	Light Industrial	0	0	3,245 <u>3,299</u>	3,245 <u>3,299</u>	10,000	No
MV-051	Light Industrial	0	0	7,036 <u>7,153</u>	7,036 <u>7,153</u>	10,000	No
MV-052	Light Industrial	0	0	8,039 <u>8,173</u>	8,039 <u>8,173</u>	10,000	No
MV-053	Warehouse	0	0	9,802 <u>10,115</u>	9,802 <u>10,115</u>	10,000	No <u>Yes</u>
MV-054	Warehouse	5,625	187	13,629 <u>14,063</u>	13,816 <u>14,251</u>	10,000	Yes
MV-056	SF Res	374	12	488 <u>192</u>	200 <u>204</u>	3,000	No
MV-057	SF Res	536	18	434 <u>443</u>	452 <u>461</u>	3,000	No
MV-058	SF Res	0	0	94 <u>96</u>	94 <u>96</u>	3,000	No
MV-059	SF Res	698	23	739 <u>755</u>	762 <u>778</u>	3,000	No
MV-060	SF Res	923	31	1,079 <u>1,102</u>	1,110 <u>1,133</u>	3,000	No
MV-061	Retail-Commercial	496	17	5,799	5,816	3,000	Yes

Project ID	Land Use	Emissions (MTCO _{2e})				Threshold	Impact?
		Total Construction Emissions	Amortized Construction Emissions	Total Operational Emissions	Total Amortized Construction and Operational Emissions		
				<u>5,945</u>	<u>5,961</u>		
MV-062	SF Res	9,278	309	6,368 <u>6,506</u>	6,677 <u>6,815</u>	3,000	Yes
MV-063	SF Res	2,401	80	2,592 <u>2,648</u>	2,672 <u>2,728</u>	3,000	No
MV-064	SF Res	920	31	1,020 <u>1,042</u>	1,051 <u>1,073</u>	3,000	No
MV-065	MF Res	366	12	437 <u>447</u>	449 <u>459</u>	3,000	No
MV-066	MF Res	807	27	2,107 <u>2,157</u>	2,134 <u>2,183</u>	3,000	No
MV-067	SF Res	2,236	75	1,888 <u>1,929</u>	1,963 <u>2,004</u>	3,000	No
MV-068	Heavy Industrial	533	18	1,636 <u>1,661</u>	1,654 <u>1,679</u>	10,000	No
MV-069	Heavy Industrial	0	0	3,236 <u>3,285</u>	3,236 <u>3,285</u>	10,000	No
MV-070	MF Res	795	27	2,023 <u>2,071</u>	2,050 <u>2,097</u>	3,000	No
MV-071	MF Res	363	12	411 <u>421</u>	423 <u>433</u>	3,000	No
MV-072	MF Res	275	9	204 <u>206</u>	211 <u>215</u>	3,000	No
MV-073	MF Res	470	16	806 <u>825</u>	822 <u>840</u>	3,000	No
MV-074	Senior Res	1,763	59	971 <u>990</u>	1,030 <u>1,048</u>	3,000	No
MV-075	Senior Res	45,745	1,525	7,505 <u>7,651</u>	9,030 <u>9,175</u>	3,000	Yes
MV-076	Retail-Commercial	655	22	10,041 <u>10,292</u>	10,062 <u>10,314</u>	3,000	Yes
MV-077	Light Industrial	1,086	36	4,875 <u>4,956</u>	4,911 <u>4,992</u>	10,000	No
MV-078	Light Industrial	0	0	4,756 <u>4,835</u>	4,756 <u>4,835</u>	10,000	No
MV-079	Warehouse	711	24	2,878 <u>2,970</u>	2,902 <u>2,993</u>	10,000	No
MV-080	Retail-Commercial	290	10	1,427 <u>1,463</u>	1,437 <u>1,473</u>	3,000	No

Final Response to Comments

Project ID	Land Use	Emissions (MTCO _{2e})				Threshold	Impact?
		Total Construction Emissions	Amortized Construction Emissions	Total Operational Emissions	Total Amortized Construction and Operational Emissions		
MV-081	Warehouse	0	0	5,489 5,664	5,489 5,664	10,000	No
MV-082	Warehouse	0	0	3,921 4,046	3,921 4,046	10,000	No
MV-083	Light Industrial	0	0	3,256 3,310	3,256 3,310	10,000	No
MV-084	Light Industrial	0	0	914 930	914 930	10,000	No
MV-085	Retail-Commercial	462	15	4,511 4,624	4,526 4,639	3,000	Yes
MV-086	SF Res	0	0	833 851	833 851	3,000	No
MV-087	MF Res	375	12	504 516	516 528	3,000	No
MV-088	MF Res	62	2	404 103	403 105	3,000	No
MV-089	MF Res	62	2	404 103	403 105	3,000	No
MV-090	Retail-Commercial	59	2	236 241	237 243	3,000	No
MV-091	SF Res	920	31	1,020 1,042	1,051 1,073	3,000	No
MV-092	SF Res	0	0	1,161 1,186	1,161 1,186	3,000	No
MV-093	MF Res	0	0	940 962	940 962	3,000	No
MV-094	MF Res	868	29	2,233 2,285	2,262 2,314	3,000	No
MV-095	Retail-Commercial	491	16	5,638 5,779	5,655 5,796	3,000	Yes
MV-096	SF Res	714	24	915 935	939 958	3,000	No
MV-097	SF Res	2,381	79	2,510 2,564	2,589 2,643	3,000	No
MV-098	SF Res	374	12	188 192	200 204	3,000	No
MV-099	MF Res	470	16	806 825	822 840	3,000	No
MV-100	MF Res	739	25	1,629	1,653	3,000	No

Project ID	Land Use	Emissions (MTCO _{2e})				Threshold	Impact?
		Total Construction Emissions	Amortized Construction Emissions	Total Operational Emissions	Total Amortized Construction and Operational Emissions		
				<u>1,667</u>	<u>1,691</u>		
MV-101	Retail-Commercial	59	2	290 <u>297</u>	292 <u>299</u>	3,000	No
MV-102	Office	352	12	848 <u>870</u>	860 <u>881</u>	3,000	No
MV-103	Light Industrial	515	17	1,683 <u>1,711</u>	1,700 <u>1,728</u>	10,000	No
MV-104	Warehouse	716	24	2,925 <u>3,018</u>	2,949 <u>3,042</u>	10,000	No
MV-105	MF Res	62	2	404 <u>103</u>	403 <u>105</u>	3,000	No
MV-106	MF Res	62	2	404 <u>103</u>	403 <u>105</u>	3,000	No
MV-107	SF Res	255	9	406 <u>108</u>	414 <u>116</u>	3,000	No
MV-108	Retail-Commercial	57	2	96 <u>98</u>	98 <u>100</u>	3,000	No
MV-109	SF Res	27,106	904	12,959 <u>13,239</u>	13,862 <u>14,143</u>	3,000	Yes
MV-110	MF Res	375	12	504 <u>516</u>	516 <u>528</u>	3,000	No
MV-111	MF Res	266	9	434 <u>137</u>	443 <u>146</u>	3,000	No
MV-112	MF Res	66	2	426 <u>129</u>	428 <u>131</u>	3,000	No
MV-113	SF Res	1,473	49	1,689 <u>1,725</u>	1,738 <u>1,774</u>	3,000	No
MV-114	Retail-Commercial	58	2	484 <u>188</u>	486 <u>190</u>	3,000	No
MV-115	Office	57	2	0	2	3,000	No
MV-116	SF Res	380	13	293 <u>300</u>	306 <u>312</u>	3,000	No
MV-117	Office	300	10	525 <u>538</u>	535 <u>548</u>	3,000	No
MV-118	SF Res	255	9	406 <u>108</u>	414 <u>116</u>	3,000	No
MV-119	SF Res	535	18	440 <u>419</u>	428 <u>437</u>	3,000	No

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Project ID	Land Use	Emissions (MTCO _{2e})				Threshold	Impact?
		Total Construction Emissions	Amortized Construction Emissions	Total Operational Emissions	Total Amortized Construction and Operational Emissions		
MV-120	Retail-Commercial	505	17	6,106 <u>6,259</u>	6,123 <u>6,276</u>	3,000	Yes
MV-121	Retail-Commercial	58	2	140 <u>144</u>	142 <u>146</u>	3,000	No
MV-123	Retail-Commercial	64	2	451 <u>462</u>	453 <u>464</u>	3,000	No
MV-124	Retail-Commercial	462	15	4,511 <u>4,624</u>	4,526 <u>4,639</u>	3,000	Yes
MV-125	MF Res	275	9	201 <u>206</u>	211 <u>215</u>	3,000	No
MV-126	SF Res	3,432	114	2,756 <u>2,816</u>	2,870 <u>2,930</u>	3,000	No
MV-127	Warehouse	684	23	2,666	2,689	10,000	No
MV-129	Light Industrial	5,234	174	14,451	14,626	10,000	Yes
MV-130	Warehouse	570	49	1,740	1,759	10,000	No
MV-131	Warehouse	4,916	164	11,762	11,926	10,000	Yes
MV-132	Warehouse	2,443	81	8,626	8,707	10,000	No
P-001	SF Res	0	0	1,607 <u>1,641</u>	1,607 <u>1,641</u>	3,000	No
P-002	Warehouse	0	0	4,705 <u>4,855</u>	4,705 <u>4,855</u>	10,000	No
P-003	Warehouse	0	0	3,625 <u>3,741</u>	3,625 <u>3,741</u>	10,000	No
P-004	Light Industrial	503	17	1,573 <u>1,599</u>	1,590 <u>1,616</u>	10,000	No
P-005	Warehouse	971	32	3,607 <u>3,722</u>	3,640 <u>3,755</u>	10,000	No
P-006	Light Industrial	1,201	40	5,488 <u>5,579</u>	5,528 <u>5,619</u>	10,000	No
P-007	Light Industrial	2,702	90	10,883 <u>11,064</u>	10,973 <u>11,154</u>	10,000	Yes
P-008	Light Industrial	594	20	2,204 <u>2,241</u>	2,224 <u>2,261</u>	10,000	No
P-009	Heavy Industrial	1,244	41	5,072 <u>5,149</u>	5,113 <u>5,191</u>	10,000	No
P-010	Warehouse	0	0	13,331 <u>13,756</u>	13,331 <u>13,756</u>	10,000	Yes

Project ID	Land Use	Emissions (MTCO _{2e})				Threshold	Impact?
		Total Construction Emissions	Amortized Construction Emissions	Total Operational Emissions	Total Amortized Construction and Operational Emissions		
P-011	Heavy Industrial	0	0	9,678 9,825	9,678 9,825	10,000	No
P-012	Light Industrial	965	32	4,153 4,222	4,185 4,254	10,000	No
P-014	Warehouse	2,688	90	9,410 9,710	9,500 9,800	10,000	No
P-015	Warehouse	0	0	6,423 6,318	6,423 6,318	10,000	No
P-016	Warehouse	0	0	10,273 10,600	10,273 10,600	10,000	Yes
P-017	Warehouse	0	0	4,548 4,693	4,548 4,693	10,000	No
P-018	Warehouse	0	0	12,131 12,518	12,131 12,518	10,000	Yes
P-019	Warehouse	0	0	5,470 5,645	5,470 5,645	10,000	No
P-020	Warehouse	0	0	6,834 7,052	6,834 7,052	10,000	No
P-021	Warehouse	0	0	1,333 1,376	1,333 1,376	10,000	No
P-022	Warehouse	722	24	2,980 3,075	3,004 3,099	10,000	No
P-023	Warehouse	510	17	1,411 1,457	1,428 1,473	10,000	No
P-024	Warehouse	3,343	111	11,480 11,846	11,592 11,958	10,000	Yes
P-025	Warehouse	1,969	66	8,140 8,399	8,205 8,465	10,000	No
P-026	Light Industrial	1,514	50	7,423 7,547	7,474 7,597	10,000	No
P-027	Warehouse	0	0	6,775 6,991	6,775 6,991	10,000	No
P-028	Light Industrial	1,271	42	6,428 6,230	6,470 6,272	10,000	No
P-030	SF Res	8,865	296	5,770 5,895	6,065 6,190	3,000	Yes
P-031	MF Res	426	14	630 644	644 659	3,000	No
P-032	Retail-Commercial	1,209	40	20,717 21,235	20,757 21,275	3,000	Yes

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Project ID	Land Use	Emissions (MTCO _{2e})				Threshold	Impact?
		Total Construction Emissions	Amortized Construction Emissions	Total Operational Emissions	Total Amortized Construction and Operational Emissions		
P-033	SF Res	58,216	1,941	21,813 <u>22,285</u>	23,754 <u>24,226</u>	3,000	Yes
P-034	Warehouse	13,703	457	24,833 <u>25,625</u>	25,290 <u>26,082</u>	10,000	Yes
P-035	MF Res	296	10	336 <u>344</u>	346 <u>354</u>	3,000	No
P-036	Retail-Commercial	21,179	706	28,655 <u>29,557</u>	29,364 <u>30,263</u>	3,000	Yes
P-037	SF Res	0	0	2,146 <u>2,193</u>	2,146 <u>2,193</u>	3,000	No
P-038	SF Res	0	0	2,615 <u>2,672</u>	2,615 <u>2,672</u>	3,000	No
P-039	Warehouse	1,338	45	6,146 <u>6,341</u>	6,190 <u>6,386</u>	10,000	No
P-040	SF Res	1,585	53	1,431 <u>1,462</u>	1,484 <u>1,515</u>	3,000	No
P-041	Light Industrial	481	16	1,370 <u>1,392</u>	1,386 <u>1,408</u>	10,000	No
P-042	SF Res	555	18	715 <u>731</u>	734 <u>749</u>	3,000	No
P-043	SF Res	554	18	668 <u>683</u>	687 <u>701</u>	3,000	No
P-044	MF Res	468	16	789 <u>808</u>	805 <u>823</u>	3,000	No
P-045	MF Res	426	14	630 <u>644</u>	644 <u>659</u>	3,000	No
P-046	Senior Res	5,138	171	2,204 <u>2,246</u>	2,375 <u>2,418</u>	3,000	No
P-047	SF Res	9,084	303	6,110 <u>6,242</u>	6,413 <u>6,545</u>	3,000	Yes
P-048	SF Res	711	24	880 <u>899</u>	903 <u>922</u>	3,000	No
P-049	SF Res	1,571	52	1,337 <u>1,366</u>	1,389 <u>1,418</u>	3,000	No
P-050	Retail-Commercial	341	11	2,578 <u>2,642</u>	2,589 <u>2,653</u>	3,000	No
P-051	SF Res	535	18	410 <u>419</u>	428 <u>437</u>	3,000	No
P-052	SF Res	912	30	962	992	3,000	No

Project ID	Land Use	Emissions (MTCO _{2e})				Threshold	Impact?
		Total Construction Emissions	Amortized Construction Emissions	Total Operational Emissions	Total Amortized Construction and Operational Emissions		
				<u>982</u>	<u>1,013</u>		
P-053	SF Res	2,236	75	1,888 <u>1,929</u>	1,963 <u>2,004</u>	3,000	No
P-054	SF Res	3,438	115	2,794 <u>2,852</u>	2,906 <u>2,966</u>	3,000	No
P-055	Retail-Commercial	995	33	14,499 <u>14,861</u>	14,532 <u>14,894</u>	3,000	Yes
P-056	Light Industrial	60	2	90 <u>92</u>	92 <u>94</u>	10,000	No
P-057	Warehouse	76	3	327 <u>337</u>	329 <u>340</u>	10,000	No
P-058	Heavy Industrial	718	24	2,986 <u>3,032</u>	3,040 <u>3,056</u>	10,000	No
P-059	SF Res	3,450	115	2,850 <u>2,911</u>	2,965 <u>3,027</u>	3,000	No <u>Yes</u>
P-060	Retail-Commercial	58	2	445 <u>149</u>	447 <u>151</u>	3,000	No
P-061	Warehouse	0	0	2,745 <u>2,832</u>	2,745 <u>2,832</u>	10,000	No
R-001	Business Park	0	0	17,968 <u>18,426</u>	17,968 <u>18,426</u>	3,000	Yes
R-002	Warehouse	0	0	4,570 <u>4,716</u>	4,570 <u>4,716</u>	10,000	No
R-003	Light Industrial	0	0	5,964 <u>6,063</u>	5,964 <u>6,063</u>	10,000	No
R-004	MF Res	768	26	1,813 <u>1,856</u>	1,839 <u>1,881</u>	3,000	No
R-005	Medical Office	1,198	40	13,150 <u>13,565</u>	13,190 <u>13,605</u>	3,000	Yes
R-006	MF Res	429	14	646 <u>662</u>	661 <u>676</u>	3,000	No
R-007	Retail-Commercial	298	10	1,808 <u>1,853</u>	1,817 <u>1,863</u>	3,000	No
R-008	Senior Res	403	13	490 <u>194</u>	204 <u>207</u>	3,000	No
R-009	Retail-Commercial	170,897	5,697	282,806 <u>289,881</u>	288,503 <u>295,578</u>	3,000	Yes
R-010	Retail-Commercial	67	2	759 <u>778</u>	764 <u>780</u>	3,000	No

Final Response to Comments

Project ID	Land Use	Emissions (MTCO _{2e})				Threshold	Impact?
		Total Construction Emissions	Amortized Construction Emissions	Total Operational Emissions	Total Amortized Construction and Operational Emissions		
R-011	Business Park	715	24	4,451 4,565	4,475 4,588	3,000	Yes
R-012	Retail-Commercial	303	10	1,978 2,027	1,988 2,037	3,000	No
R-013	SF Res	58	2	35 36	37 38	3,000	No
R-014	Retail-Commercial	58	2	124 127	126 129	3,000	No
R-015	SF Res	2,265	75	2,044 2,057	2,089 2,133	3,000	No
R-016	SF Res	57	2	18	20	3,000	No
R-017	MF Res	879	29	2,309 2,363	2,338 2,392	3,000	No
R-018	Light Industrial	197,176	6,573	82,663 84,036	89,235 90,608	10,000	Yes
R-019	MF Res	368	12	462 473	474 485	3,000	No
R-020	Warehouse	3,341	111	11,460 11,826	11,572 11,937	10,000	Yes
R-021	SF Res	319	11	176 180	187 190	3,000	No
R-022	SF Res	255	9	106 108	114 116	3,000	No
R-023	Retail-Commercial	59	2	259 265	264 267	3,000	No
R-024	SF Res	351,603	11,720	58,637 59,907	70,357 71,627	3,000	Yes
R-025	MF Res	757	25	1,746 1,787	1,771 1,812	3,000	No
R-026	Business Park	5,336	178	22,771 23,270	22,949 23,448	3,000	Yes
R-027	Retail-Commercial	58	2	117 119	118 121	3,000	No
R-028	Senior Res	1,057	35	688 702	724 737	3,000	No
R-029	Retail-Commercial	58	2	122 125	124 127	3,000	No
R-030	Retail-Commercial	520	17	6,720 6,888	6,737 6,905	3,000	Yes

Project ID	Land Use	Emissions (MTCO _{2e})				Threshold	Impact?
		Total Construction Emissions	Amortized Construction Emissions	Total Operational Emissions	Total Amortized Construction and Operational Emissions		
R-031	MF Res	287	10	302 309	312 319	3,000	No
R-032	Retail-Commercial	67	2	718 736	720 738	3,000	No
R-033	MF Res	282	9	252 258	264 267	3,000	No
R-034	Office	61	2	123 126	125 128	3,000	No
R-035	MF Res	475	16	856 876	872 892	3,000	No
R-036	MF Res	376	13	520 533	533 545	3,000	No
R-037	Retail-Commercial	58	2	493 198	495 200	3,000	No
R-038	Retail-Commercial	58	2	113 116	115 118	3,000	No
R-039	SF Res	8,141	271	4,714 4,817	4,986 5,088	3,000	Yes
R-040	Retail-Commercial	57	2	77 79	79 81	3,000	No
R-041	Office	68	2	234 239	236 242	3,000	No
R-042	SF Res	9,683	323	7,013 7,165	7,336 7,488	3,000	Yes
R-043	SF Res	547	18	586 599	605 617	3,000	No
R-044	Retail-Commercial	58	2	129 132	131 134	3,000	No
R-045	Office	75	2	383 393	386 395	3,000	No
R-046	SF Res	535	18	420 429	438 447	3,000	No
R-047	Warehouse	349	12	845 872	856 883	10,000	No
R-048	Retail-Commercial	337	11	2,426 2,487	2,437 2,498	3,000	No
R-049	Senior Res	3,154	105	1,592 1,623	1,698 1,728	3,000	No
R-050	SF Res	253	8	45 46	53 54	3,000	No

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Project ID	Land Use	Emissions (MTCO _{2e})				Threshold	Impact?
		Total Construction Emissions	Amortized Construction Emissions	Total Operational Emissions	Total Amortized Construction and Operational Emissions		
R-051	Retail-Commercial	57	2	76 78	78 80	3,000	No
R-052	SF Res	534	18	375 383	393 401	3,000	No
R-053	SF Res	386	13	340 347	353 360	3,000	No
R-054	SF Res	380	13	293 300	306 312	3,000	No
R-055	SF Res	379	13	235 240	247 252	3,000	No
R-056	Office	465	16	1,323 1,356	1,338 1,372	3,000	No
R-057	Light Industrial	503	17	1,570 1,596	1,586 1,613	10,000	No
R-058	Retail-Commercial	57	2	88 91	90 93	3,000	No
R-059	Retail-Commercial	58	2	130 134	132 136	3,000	No
R-060	Business Park	367	12	1,327 1,361	1,340 1,373	3,000	No
R-061	Retail-Commercial	775	26	13,707 14,050	13,733 14,076	3,000	Yes
R-062	Retail-Commercial	57	2	59 60	61 62	3,000	No
R-063	MF Res	273	9	176 180	185 190	3,000	No
R-064	SF Res	253	8	59 60	67 68	3,000	No
R-065	SF Res	556	19	727 743	746 761	3,000	No
R-066	Retail-Commercial	59	2	198 203	200 205	3,000	No
RC-001	SF Res	43,931	1,464	14,671 14,989	16,135 16,453	3,000	Yes
RC-002	SF Res	81,912	2,730	23,455 23,963	26,185 26,693	3,000	Yes
RC-003	SF Res	189,155	6,305	40,014 40,881	46,319 47,186	3,000	Yes
RC-005	SF Res	21,537	718	8,796	9,513	3,000	Yes

Project ID	Land Use	Emissions (MTCO _{2e})				Threshold	Impact?
		Total Construction Emissions	Amortized Construction Emissions	Total Operational Emissions	Total Amortized Construction and Operational Emissions		
				<u>8,986</u>	<u>9,704</u>		
RC-006	Business Park	1,243	41	7,840 <u>8,040</u>	7,881 <u>8,081</u>	3,000	Yes
RC-007	Warehouse	5,138	171	12,442 <u>12,839</u>	12,613 <u>13,010</u>	10,000	Yes
RC-009	Heavy Industrial	2,729	91	9,608 <u>9,758</u>	9,699 <u>9,849</u>	10,000	No
RC-010	Light Industrial	69,526	2,318	56,707 <u>57,649</u>	59,025 <u>59,966</u>	10,000	Yes
RC-011	Warehouse	1,368	46	6,383 <u>6,587</u>	6,429 <u>6,632</u>	10,000	No
RC-012	Light Industrial	762	25	3,875 <u>3,939</u>	3,900 <u>3,965</u>	10,000	No
RC-013	SF Res	8,909	297	5,829 <u>5,955</u>	6,125 <u>6,252</u>	3,000	Yes
RC-014	MF Res	1,109	37	2,686 <u>2,749</u>	2,723 <u>2,786</u>	3,000	No
RC-015	SF Res	1,473	49	1,665 <u>1,701</u>	1,714 <u>1,750</u>	3,000	No
RC-017	Retail-Commercial	59	2	299 <u>306</u>	304 <u>308</u>	3,000	No
RC-018	SF Res	319	11	176 <u>180</u>	187 <u>190</u>	3,000	No
RC-019	Retail-Commercial	294	10	1,701 <u>1,744</u>	1,711 <u>1,753</u>	3,000	No
RC-020	Retail-Commercial	57	2	90 <u>92</u>	92 <u>94</u>	3,000	No
RC-021	Warehouse	60	2	63 <u>65</u>	65 <u>67</u>	10,000	No
RC-022	SF Res	1,453	48	1,536 <u>1,570</u>	1,585 <u>1,618</u>	3,000	No
RC-023	Light Industrial	297	10	480 <u>488</u>	490 <u>498</u>	10,000	No
RC-024	Light Industrial	521	17	1,745 <u>1,774</u>	1,762 <u>1,791</u>	10,000	No
RC-025	Light Industrial	328	11	777 <u>790</u>	788 <u>801</u>	10,000	No
RC-026	SF Res	57	2	23 <u>24</u>	25 <u>26</u>	3,000	No

Final Response to Comments

Project ID	Land Use	Emissions (MTCO _{2e})				Threshold	Impact?
		Total Construction Emissions	Amortized Construction Emissions	Total Operational Emissions	Total Amortized Construction and Operational Emissions		
RC-027	Light Industrial	517	17	1,726 1,755	1,743 1,772	10,000	No
RC-028	Retail-Commercial	58	2	180 185	182 187	3,000	No
RC-029	Retail-Commercial	59	2	262 269	264 271	3,000	No
RC-030	Warehouse	2,777	93	9,873 10,188	9,966 10,280	10,000	No Yes
RC-031	Light Industrial	510	17	1,652 1,679	1,669 1,696	10,000	No
RC-032	SF Res	21,151	705	8,514 8,699	9,219 9,404	3,000	Yes
RC-033	SF Res	8,035	268	4,503 4,601	4,771 4,869	3,000	Yes
RC-034	SF Res	8,404	280	5,066 5,176	5,346 5,456	3,000	Yes
RC-035	MF Res	143,338	4,778	34,208 34,953	38,986 39,731	3,000	Yes
RC-036	SF Res	8,690	290	5,488 5,607	5,778 5,897	3,000	Yes
RC-037	SF Res	9,427	314	6,591 6,734	6,905 7,048	3,000	Yes
RC-038	Warehouse	5,837	195	14,301 14,757	14,496 14,952	10,000	Yes
RC-039	SF Res	540	18	457 467	475 485	3,000	No
RD-001	SF Res	0	0	962 982	962 982	3,000	No
RD-002	SF Res	0	0	645 659	645 659	3,000	No
RD-003	SF Res	1,025	34	1,208 1,234	1,242 1,268	3,000	No
RD-004	SF Res	704	23	786 803	809 826	3,000	No
RD-005	Warehouse	0	0	3,926 4,051	3,926 4,051	10,000	No
RD-006	Retail-Commercial	291	10	1,554 1,593	1,563 1,602	3,000	No
RD-007	Retail-Commercial	376	13	4,116	4,128	3,000	Yes

Project ID	Land Use	Emissions (MTCO _{2e})				Threshold	Impact?
		Total Construction Emissions	Amortized Construction Emissions	Total Operational Emissions	Total Amortized Construction and Operational Emissions		
				<u>4,219</u>	<u>4,231</u>		
RD-008	MF Res	452	15	<u>672</u> <u>687</u>	<u>687</u> <u>702</u>	3,000	No
RD-009	Retail-Commercial	290	10	<u>1,411</u> <u>1,447</u>	<u>1,421</u> <u>1,456</u>	3,000	No
RD-010	Light Industrial	477	16	<u>1,329</u> <u>1,351</u>	<u>1,344</u> <u>1,367</u>	10,000	No
RD-011	Retail-Commercial	298	10	<u>1,787</u> <u>1,832</u>	<u>1,797</u> <u>1,842</u>	3,000	No
RD-012	Warehouse	0	0	<u>4,715</u> <u>4,865</u>	<u>4,715</u> <u>4,865</u>	10,000	No
RD-013	Warehouse	0	0	<u>7,944</u> <u>8,197</u>	<u>7,944</u> <u>8,197</u>	10,000	No
RD-014	Warehouse	0	0	<u>6,054</u> <u>6,247</u>	<u>6,054</u> <u>6,247</u>	10,000	No
RD-015	Warehouse	0	0	<u>3,317</u> <u>3,423</u>	<u>3,317</u> <u>3,423</u>	10,000	No
RD-016	Warehouse	0	0	<u>5,605</u> <u>5,783</u>	<u>5,605</u> <u>5,783</u>	10,000	No
SB-001	Warehouse	0	0	<u>4,817</u> <u>4,971</u>	<u>4,817</u> <u>4,971</u>	10,000	No
SB-002	Warehouse	0	0	<u>2,458</u> <u>2,537</u>	<u>2,458</u> <u>2,537</u>	10,000	No
SB-003	Warehouse	0	0	<u>4,655</u> <u>4,803</u>	<u>4,655</u> <u>4,803</u>	10,000	No
SB-004	Warehouse	0	0	<u>6,098</u> <u>6,292</u>	<u>6,098</u> <u>6,292</u>	10,000	No
SB-005	Warehouse	0	0	<u>2,211</u> <u>2,282</u>	<u>2,211</u> <u>2,282</u>	10,000	No
SB-006	Warehouse	0	0	<u>4,258</u> <u>4,394</u>	<u>4,258</u> <u>4,394</u>	10,000	No
SB-007	SF Res	535	18	<u>399</u> <u>407</u>	<u>417</u> <u>425</u>	3,000	No
SB-008	SF Res	540	18	<u>469</u> <u>479</u>	<u>487</u> <u>497</u>	3,000	No
SJ-001	Retail-Commercial	5,692	190	<u>54,071</u> <u>55,424</u>	<u>54,264</u> <u>55,614</u>	3,000	Yes
SJ-002	SF Res	7,530	251	<u>3,764</u> <u>3,846</u>	<u>4,015</u> <u>4,097</u>	3,000	Yes

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Project ID	Land Use	Emissions (MTCO _{2e})				Threshold	Impact?
		Total Construction Emissions	Amortized Construction Emissions	Total Operational Emissions	Total Amortized Construction and Operational Emissions		
SJ-003	SF Res	9,564	319	6,802 6,949	7,121 7,268	3,000	Yes
SJ-004	SF Res	9,808	327	7,189 7,345	7,516 7,672	3,000	Yes
Total	-	2,626,148 2,612,302	87,538 87,077	2,324,164 2,340,675	2,411,700 2,427,752		

A calculation error resulted in an inaccurate conversion of greenhouse gas emissions from pounds to metric tons. Cumulative greenhouse gas emissions have been converted from pounds to metric tons and Table 6.7-2 has been revised to show the correct emissions. The correct emissions do not result in a change in the impact determination or result in a new significant impact.

Section 6.17, Energy

- **Page 6.17-10, fifth paragraph, third sentence**

“Total energy consumption from all cumulative projects is estimated at ~~592,748~~ 565,690 MWh annually and is ~~256-161~~ percent of MVU’s forecasted sales in 2037.”

A formula error resulted in an inaccurate estimate of electrical consumption for select projects. This revision was made to reflect the corrected values. No change to impact determinations and no new significant impact would result.

- **Pages 6.17-10 and 6.17-11, Table 6.17-2**

Table 6.17-2: Cumulative Electrical Consumption within MVU Service Area

Project ID	Annual Construction (MWh)	Annual Operation (MWh)	Project ID	Annual Construction (MWh)	Annual Operation (MWh)
MV-001	0.86	4,293	MV-052	—	11,568
MV-002	0.63	3,694 <u>3,894</u>	MV-053	—	6,714
MV-003	0.73	15,041	MV-054	0.74	9,335
MV-004	—	12,335	MV-056	0.20	148 <u>160</u>
MV-005	0.37	1,641	MV-057	0.43	342 <u>371</u>
MV-006	0.83	4,028	MV-058	—	74 <u>80</u>
MV-007	0.39	287 <u>311</u>	MV-059	0.62	583 <u>631</u>
MV-008	0.68	537 <u>581</u>	MV-060	0.70	852 <u>922</u>
MV-009	0.15	102 <u>110</u>	MV-061	0.52	2,538
MV-010	0.55	435 <u>471</u>	MV-062	0.60	5,026 <u>5,442</u>
MV-011	0.30	222 <u>241</u>	MV-063	0.69	2,046 <u>2,215</u>
MV-012	—	914	MV-064	0.67	805 <u>872</u>
MV-013	0.21	391	MV-065	0.17	305
MV-014	0.49	990 <u>1,072</u>	MV-066	0.70	1,474
MV-015	0.62	583 <u>631</u>	MV-068	0.36	2,725

Table 6.17-2: Cumulative Electrical Consumption within MVU Service Area

Project ID	Annual Construction (MWh)	Annual Operation (MWh)	Project ID	Annual Construction (MWh)	Annual Operation (MWh)
MV-016	0.37	296 321	MV-069	—	5,391
MV-017	0.67	889 962	MV-070	0.68	1,415
MV-018	—	78	MV-071	0.16	288
MV-019	—	777 883	MV-074	0.58	4,057 1,201
MV-020	—	1,322	MV-075	1.09	8,168 9,286
MV-021	0.24	914	MV-076	0.88	4,394
MV-022	—	370 401	MV-077	0.82	7,015
MV-023	0.77	2,449	MV-078	—	6,844
MV-024	0.50	1,472 1,593	MV-079	0.44	1,971
MV-025	0.62	750 812	MV-080	0.15	625
MV-026	0.69	926 1,002	MV-081	—	3,760
MV-027	0.18	317	MV-082	—	2,686
MV-028	0.27	529	MV-083	—	4,685
MV-029	0.61	2,545 2,756	MV-084	—	1,316
MV-033	0.63	500 541	MV-089	0.10	70
MV-034	0.61	481 521	MV-090	0.06	103
MV-035	0.32	231 251	MV-093	—	658
MV-036	—	329	MV-102	0.25	1,096
MV-037	—	21,270	MV-105	0.10	70
MV-038	—	5,712	MV-106	0.10	70
MV-039	—	21,058	MV-108	0.02	42
MV-040	0.14	528	MV-111	0.06	94
MV-041	0.91	7,788	MV-112	0.11	88
MV-042	0.50	2,397	MV-118	0.14	83
MV-043	—	7,313	MV-121	0.03	61
MV-044	0.76	5,959	MV-123	0.10	197

Table 6.17-2: Cumulative Electrical Consumption within MVU Service Area

Project ID	Annual Construction (MWh)	Annual Operation (MWh)	Project ID	Annual Construction (MWh)	Annual Operation (MWh)
MV-045	0.28	1,228	MV-124126	0.40 0.52	4,974 2,355
MV-046	—	2,053	Cum Project Total	29	290,603 294,161
MV-048	—	19,944	Net Project	1,496	302,145 271,529
MV-049	—	20,959	Total	1,525	592,748 565,690
MV-050	—	4,670	MVU	231,555 352,044	231,555 352,044
MV-051	—	10,125	%MVU	0.66% 0.43%	256% 161%

Source: ESA, 2019-2020

A formula error resulted in an inaccurate estimate of electrical consumption for select projects. No change to impact determinations and no new significant impact would result.

- Pages 6.17-12–6.17-14, Table 6.17-3

Table 6.17-3: Cumulative Natural Gas Consumption

Project ID	Annual MMBtu	Project ID	Annual MMBtu	Project ID	Annual MMBtu
B-001	400,967	MV-078	46,640	R-015	5,253
B-002	8,447	MV-079	734	R-016	47
B-003	28,210	MV-080	89	R-017	4,068
B-004	55,488	MV-081	1,400	R-018	289,211
B-005	82,102	MV-082	1,000	R-019	814
B-006	5,560	MV-083	11,392	R-020	2,923
B-007	12,330	MV-084	3,199	R-021	459
B-008	19,826	MV-085	280	R-022	275
B-009	136,152	MV-086	2,172	R-023	16
B-010	2,907	MV-087	888	R-024	152,980
B-011	450	MV-088	178	R-025	3,077
B-012	4,128	MV-089	178	R-026	596
B-013	57,826	MV-090	45	R-026	30,192
B-014	21,417	MV-091	2,662	R-026	1,043
C-001	400	MV-093	1,657	R-027	7

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Table 6.17-3: Cumulative Natural Gas Consumption

Project ID	Annual MMBtu	Project ID	Annual MMBtu	Project ID	Annual MMBtu
C-002	2,000	MV-094	3,935	R-028	2,087
C-002	4,737	MV-095	350	R-029	8
C-003	145	MV-096	2,386	R-030	417
H-001	17,990	MV-097	6,548	R-031	533
H-002	13,462	MV-098	490	R-032	45
H-003	28,485	MV-099	1,420	R-033	444
H-004	23,519	MV-100	2,870	R-034	36
H-004	2,985	MV-101	48	R-035	1,509
H-005	42	MV-102	252	R-036	917
H-006	1,362	MV-103	5,888	R-037	12
H-007	5,575	MV-104	746	R-038	7
H-008	6,853	MV-105	178	R-039	12,300
H-008	4,436	MV-106	178	R-040	5
H-009	9,329	MV-107	275	R-041	69
M-001	20	MV-108	6	R-042	18,296
M-001	774	MV-109	33,809	R-043	1,530
M-001	1,351	MV-110	888	R-044	8
M-001	13,098	MV-111	237	R-045	114
M-002	9,050	MV-112	222	R-046	1,097
M-002	1,407	MV-113	4,406	R-047	215
M-002	15,610	MV-114	11	R-048	151
M-003	5,800	MV-115	0	R-049	4,828
M-004	218	MV-116	765	R-050	117
M-005	6,124	MV-117	156	R-051	5
M-005	698	MV-118	275	R-052	979
M-005	33,966	MV-119	1,071	R-053	887
M-006	658	MV-120	379	R-054	765
M-007	1,351	MV-121	9	R-055	612
M-008	1,250	MV-123	28	R-056	393
M-008	8,790	MV-124	280	R-057	5,492
M-009	4,130	MV-125	355	R-058	5
M-010	1,118	MV-126	7,190	R-059	8
M-011	134	MV-127	680	R-060	305
MV-001	609	MV-129	50,560	R-061	851

Table 6.17-3: Cumulative Natural Gas Consumption

Project ID	Annual MMBtu	Project ID	Annual MMBtu	Project ID	Annual MMBtu
MV-002	8,016	MV-130	444	R-062	4
MV-002	3,196	MV-131	3,000	R-063	311
MV-003	3,802	MV-132	2,200	R-064	153
MV-003	11,744	P-001	4,192	R-065	1,897
MV-004	29,992	P-002	1,200	R-066	12
MV-005	233	P-003	925	RC-001	38,276
MV-006	1,500	P-004	5,504	RC-002	61,192
MV-007	948	P-005	920	RC-003	104,394
MV-008	1,775	P-006	19,200	RC-005	22,947
MV-009	337	P-007	38,076	RC-006	1,800
MV-010	1,438	P-008	7,712	RC-007	3,173
MV-011	734	P-009	20,544	RC-009	102
MV-012	240	P-010	3,400	RC-009	37,527
MV-013	90	P-011	39,200	RC-010	198,400
MV-014	3,274	P-012	14,531	RC-011	1,628
MV-015	1,928	P-014	2,400	RC-012	13,557
MV-016	979	P-015	1,562	RC-013	15,206
MV-017	2,937	P-016	2,620	RC-014	4,734
MV-018	11	P-017	1,160	RC-015	4,345
MV-019	2,165	P-018	3,094	RC-017	19
MV-020	188	P-019	1,395	RC-018	459
MV-021	240	P-020	1,743	RC-019	106
MV-022	1,224	P-021	340	RC-020	6
MV-023	6,169	P-022	760	RC-021	16
MV-024	4,865	P-023	360	RC-022	4,008
MV-025	2,178	P-024	2,928	RC-023	1,678
MV-026	3,060	P-025	2,076	RC-024	6,106
MV-027	799	P-026	25,972	RC-025	2,720
MV-028	1,331	P-027	1,728	RC-026	61
MV-029	8,414	P-028	21,440	RC-027	6,038
MV-030	2,539	P-030	15,053	RC-028	11
MV-031	1,622	P-031	1,110	RC-029	16
MV-032	3,519	P-032	1,286	RC-030	2,518
MV-033	1,652	P-033	56,909	RC-034	5,779
MV-034	1,591	P-034	6,334	RC-032	22,213

Final Response to Comments

Table 6.17-3: Cumulative Natural Gas Consumption

Project ID	Annual MMBtu	Project ID	Annual MMBtu	Project ID	Annual MMBtu
MV-035	765	P-035	592	RC-033	11,749
MV-036	828	P-036	6,897	RC-034	13,217
MV-037	51,716	P-036	100	RC-035	84,904
MV-038	13,888	P-037	5,599	RC-035	240
MV-039	51,200	P-038	6,823	RC-035	1,509
MV-040	197	P-039	1,567	RC-036	14,319
MV-041	2,900	P-040	3,733	RC-037	17,195
MV-042	893	P-041	4,792	RC-038	3,648
MV-043	17,781	P-042	1,866	RC-039	1,193
MV-044	2,219	P-043	1,744	RD-001	2,509
MV-045	174	P-044	1,391	RD-002	1,683
MV-046	765	P-045	1,110	RD-003	3,151
MV-047	490	P-046	6,681	RD-004	2,050
MV-048	4,453	P-047	15,941	RD-005	1,001
MV-049	4,680	P-048	2,295	RD-006	96
MV-050	11,354	P-049	3,488	RD-007	255
MV-051	24,618	P-050	160	RD-008	1,184
MV-052	28,127	P-051	1,071	RD-009	88
MV-053	2,500	P-052	2,509	RD-010	4,648
MV-054	3,476	P-053	4,926	RD-011	111
MV-056	490	P-054	7,282	RD-012	1,203
MV-057	1,132	P-055	900	RD-013	2,026
MV-058	245	P-056	315	RD-014	1,544
MV-059	1,928	P-057	83	RD-015	846
MV-060	2,815	P-058	12,096	RD-016	1,429
MV-061	360	P-059	7,435	SB-001	1,229
MV-062	16,614	P-060	9	SB-002	627
MV-063	6,762	P-061	700	SB-003	1,187
MV-064	2,662	R-001	4,126	SB-004	1,555
MV-065	769	R-002	1,166	SB-005	564
MV-066	3,713	R-003	20,865	SB-006	1,086
MV-067	4,926	R-004	3,196	SB-007	1,040
MV-068	6,627	R-005	1,500	SB-008	1,224
MV-069	13,107	R-006	1,139	SJ-001	3

Table 6.17-3: Cumulative Natural Gas Consumption

Project ID	Annual MMBtu	Project ID	Annual MMBtu	Project ID	Annual MMBtu
MV-070	3,565	R-007	112	SJ-002	9,821
MV-071	725	R-008	576	SJ-003	17,746
MV-072	355	R-009	17,555	SJ-004	18,755
MV-073	1,420	R-010	47		
MV-074	2,943	R-011	1,022	Total Cum.	3,181,269
MV-075	22,754	R-012	123	Net Project (Building Energy)	0
MV-076	623	R-013	92	Total	3,181,269
MV-077	17,056	R-014	8	SoCalGas	873,793,575
				%SoCalGas	0.36%

Source: ESA, 2019

Table 6.17-3: Cumulative Natural Gas Consumption

Project ID	Annual MMBtu	Project ID	Annual MMBtu	Project ID	Annual MMBtu
B-001	100,934	MV-083	11,566	R-017	4,068
B-002	8,447	MV-084	3,248	R-018	293,639
B-003	28,200	MV-085	311	R-019	814
B-004	56,338	MV-086	2,172	R-020	2,967
B-005	83,359	MV-087	888	R-021	459
B-006	5,411	MV-088	178	R-022	275
B-007	12,326	MV-089	178	R-023	18
B-008	19,820	MV-090	16	R-024	152,931
B-009	136,108	MV-091	2,661	R-025	3,077
B-010	2,906	MV-092	3,028	R-026	32,331
B-011	500	MV-093	1,657	R-027	8
B-012	4,128	MV-094	3,935	R-028	2,087
B-013	57,808	MV-095	389	R-029	8
B-014	21,410	MV-096	2,386	R-030	463
C-001	444	MV-097	6,545	R-031	533
C-002	6,831	MV-098	489	R-032	49
C-003	161	MV-099	1,420	R-033	444
H-001	17,985	MV-100	2,870	R-034	42
H-002	13,458	MV-101	20	R-035	1,509
H-003	28,476	MV-102	291	R-036	917
H-004	26,785	MV-103	5,978	R-037	13

Table 6.17-3: Cumulative Natural Gas Consumption

<u>Project ID</u>	<u>Annual MMBtu</u>	<u>Project ID</u>	<u>Annual MMBtu</u>	<u>Project ID</u>	<u>Annual MMBtu</u>
<u>H-005</u>	<u>46</u>	<u>MV-104</u>	<u>757</u>	<u>R-038</u>	<u>8</u>
<u>H-006</u>	<u>1,511</u>	<u>MV-105</u>	<u>178</u>	<u>R-039</u>	<u>12,296</u>
<u>H-007</u>	<u>5,576</u>	<u>MV-106</u>	<u>178</u>	<u>R-040</u>	<u>5</u>
<u>H-008</u>	<u>11,288</u>	<u>MV-107</u>	<u>275</u>	<u>R-041</u>	<u>80</u>
<u>H-009</u>	<u>9,329</u>	<u>MV-108</u>	<u>7</u>	<u>R-042</u>	<u>18,291</u>
<u>M-001</u>	<u>15,588</u>	<u>MV-109</u>	<u>33,798</u>	<u>R-043</u>	<u>1,529</u>
<u>M-002</u>	<u>26,662</u>	<u>MV-110</u>	<u>888</u>	<u>R-044</u>	<u>9</u>
<u>M-003</u>	<u>5,887</u>	<u>MV-111</u>	<u>237</u>	<u>R-045</u>	<u>132</u>
<u>M-004</u>	<u>242</u>	<u>MV-112</u>	<u>222</u>	<u>R-046</u>	<u>1,096</u>
<u>M-005</u>	<u>41,509</u>	<u>MV-113</u>	<u>4,404</u>	<u>R-047</u>	<u>219</u>
<u>M-006</u>	<u>640</u>	<u>MV-114</u>	<u>13</u>	<u>R-048</u>	<u>167</u>
<u>M-007</u>	<u>1,371</u>	<u>MV-115</u>	<u>0.08</u>	<u>R-049</u>	<u>4,828</u>
<u>M-008</u>	<u>11,555</u>	<u>MV-116</u>	<u>765</u>	<u>R-050</u>	<u>117</u>
<u>M-009</u>	<u>4,129</u>	<u>MV-117</u>	<u>180</u>	<u>R-051</u>	<u>5</u>
<u>M-010</u>	<u>1,135</u>	<u>MV-118</u>	<u>275</u>	<u>R-052</u>	<u>979</u>
<u>M-011</u>	<u>149</u>	<u>MV-119</u>	<u>1,071</u>	<u>R-053</u>	<u>887</u>
<u>MV-001</u>	<u>676</u>	<u>MV-120</u>	<u>421</u>	<u>R-054</u>	<u>765</u>
<u>MV-002</u>	<u>11,209</u>	<u>MV-121</u>	<u>10</u>	<u>R-055</u>	<u>612</u>
<u>MV-003</u>	<u>15,783</u>	<u>MV-123</u>	<u>31</u>	<u>R-056</u>	<u>455</u>
<u>MV-004</u>	<u>30,452</u>	<u>MV-124</u>	<u>311</u>	<u>R-057</u>	<u>5,576</u>
<u>MV-005</u>	<u>258</u>	<u>MV-125</u>	<u>355</u>	<u>R-058</u>	<u>6</u>
<u>MV-006</u>	<u>1,523</u>	<u>MV-126</u>	<u>7,188</u>	<u>R-059</u>	<u>9</u>
<u>MV-007</u>	<u>948</u>	<u>P-001</u>	<u>4,190</u>	<u>R-060</u>	<u>297</u>
<u>MV-008</u>	<u>1,774</u>	<u>P-002</u>	<u>1,218</u>	<u>R-061</u>	<u>944</u>
<u>MV-009</u>	<u>336</u>	<u>P-003</u>	<u>938</u>	<u>R-062</u>	<u>4</u>
<u>MV-010</u>	<u>1,438</u>	<u>P-004</u>	<u>5,588</u>	<u>R-063</u>	<u>311</u>
<u>MV-011</u>	<u>734</u>	<u>P-005</u>	<u>934</u>	<u>R-064</u>	<u>153</u>
<u>MV-012</u>	<u>278</u>	<u>P-006</u>	<u>19,494</u>	<u>R-065</u>	<u>1,896</u>
<u>MV-013</u>	<u>104</u>	<u>P-007</u>	<u>38,659</u>	<u>R-066</u>	<u>14</u>
<u>MV-014</u>	<u>3,273</u>	<u>P-008</u>	<u>7,830</u>	<u>RC-001</u>	<u>38,263</u>
<u>MV-015</u>	<u>1,927</u>	<u>P-009</u>	<u>20,859</u>	<u>RC-002</u>	<u>61,172</u>
<u>MV-016</u>	<u>979</u>	<u>P-010</u>	<u>3,451</u>	<u>RC-003</u>	<u>104,360</u>
<u>MV-017</u>	<u>2,936</u>	<u>P-011</u>	<u>39,800</u>	<u>RC-005</u>	<u>22,940</u>
<u>MV-018</u>	<u>12</u>	<u>P-012</u>	<u>14,753</u>	<u>RC-006</u>	<u>1,752</u>

Table 6.17-3: Cumulative Natural Gas Consumption

<u>Project ID</u>	<u>Annual MMBtu</u>	<u>Project ID</u>	<u>Annual MMBtu</u>	<u>Project ID</u>	<u>Annual MMBtu</u>
<u>MV-019</u>	<u>2,165</u>	<u>P-014</u>	<u>2,436</u>	<u>RC-007</u>	<u>3,221</u>
<u>MV-020</u>	<u>208</u>	<u>P-015</u>	<u>1,585</u>	<u>RC-009</u>	<u>38,219</u>
<u>MV-021</u>	<u>278</u>	<u>P-016</u>	<u>2,659</u>	<u>RC-010</u>	<u>201,438</u>
<u>MV-022</u>	<u>1,223</u>	<u>P-017</u>	<u>1,177</u>	<u>RC-011</u>	<u>1,652</u>
<u>MV-023</u>	<u>6,169</u>	<u>P-018</u>	<u>3,140</u>	<u>RC-012</u>	<u>13,765</u>
<u>MV-024</u>	<u>4,863</u>	<u>P-019</u>	<u>1,416</u>	<u>RC-013</u>	<u>15,201</u>
<u>MV-025</u>	<u>2,477</u>	<u>P-020</u>	<u>1,769</u>	<u>RC-014</u>	<u>4,734</u>
<u>MV-026</u>	<u>3,059</u>	<u>P-021</u>	<u>345</u>	<u>RC-015</u>	<u>4,343</u>
<u>MV-027</u>	<u>799</u>	<u>P-022</u>	<u>771</u>	<u>RC-017</u>	<u>21</u>
<u>MV-028</u>	<u>1,331</u>	<u>P-023</u>	<u>365</u>	<u>RC-018</u>	<u>459</u>
<u>MV-029</u>	<u>8,411</u>	<u>P-024</u>	<u>2,972</u>	<u>RC-019</u>	<u>117</u>
<u>MV-030</u>	<u>2,539</u>	<u>P-025</u>	<u>2,107</u>	<u>RC-020</u>	<u>6</u>
<u>MV-031</u>	<u>1,621</u>	<u>P-026</u>	<u>26,370</u>	<u>RC-021</u>	<u>16</u>
<u>MV-032</u>	<u>3,517</u>	<u>P-027</u>	<u>1,754</u>	<u>RC-022</u>	<u>4,007</u>
<u>MV-033</u>	<u>1,652</u>	<u>P-028</u>	<u>21,768</u>	<u>RC-023</u>	<u>1,704</u>
<u>MV-034</u>	<u>1,590</u>	<u>P-030</u>	<u>15,048</u>	<u>RC-024</u>	<u>6,199</u>
<u>MV-035</u>	<u>765</u>	<u>P-031</u>	<u>1,110</u>	<u>RC-025</u>	<u>2,762</u>
<u>MV-036</u>	<u>828</u>	<u>P-032</u>	<u>1,427</u>	<u>RC-026</u>	<u>61</u>
<u>MV-037</u>	<u>52,508</u>	<u>P-033</u>	<u>56,890</u>	<u>RC-027</u>	<u>6,131</u>
<u>MV-038</u>	<u>14,101</u>	<u>P-034</u>	<u>6,429</u>	<u>RC-028</u>	<u>12</u>
<u>MV-039</u>	<u>51,984</u>	<u>P-035</u>	<u>592</u>	<u>RC-029</u>	<u>18</u>
<u>MV-040</u>	<u>200</u>	<u>P-036</u>	<u>7,112</u>	<u>RC-030</u>	<u>2,556</u>
<u>MV-041</u>	<u>2,944</u>	<u>P-037</u>	<u>5,597</u>	<u>RC-031</u>	<u>5,868</u>
<u>MV-042</u>	<u>906</u>	<u>P-038</u>	<u>6,821</u>	<u>RC-032</u>	<u>22,206</u>
<u>MV-043</u>	<u>18,054</u>	<u>P-039</u>	<u>1,591</u>	<u>RC-033</u>	<u>11,745</u>
<u>MV-044</u>	<u>2,252</u>	<u>P-040</u>	<u>3,732</u>	<u>RC-034</u>	<u>13,213</u>
<u>MV-045</u>	<u>193</u>	<u>P-041</u>	<u>4,865</u>	<u>RC-035</u>	<u>86,663</u>
<u>MV-046</u>	<u>776</u>	<u>P-042</u>	<u>1,866</u>	<u>RC-036</u>	<u>14,314</u>
<u>MV-047</u>	<u>489</u>	<u>P-043</u>	<u>1,743</u>	<u>RC-037</u>	<u>17,189</u>
<u>MV-048</u>	<u>4,335</u>	<u>P-044</u>	<u>1,391</u>	<u>RC-038</u>	<u>3,702</u>
<u>MV-049</u>	<u>4,555</u>	<u>P-045</u>	<u>1,110</u>	<u>RC-039</u>	<u>1,193</u>
<u>MV-050</u>	<u>11,528</u>	<u>P-046</u>	<u>6,681</u>	<u>RD-001</u>	<u>2,508</u>
<u>MV-051</u>	<u>24,995</u>	<u>P-047</u>	<u>15,935</u>	<u>RD-002</u>	<u>1,682</u>
<u>MV-052</u>	<u>28,557</u>	<u>P-048</u>	<u>2,294</u>	<u>RD-003</u>	<u>3,150</u>
<u>MV-053</u>	<u>2,538</u>	<u>P-049</u>	<u>3,487</u>	<u>RD-004</u>	<u>2,049</u>

Table 6.17-3: Cumulative Natural Gas Consumption

<u>Project ID</u>	<u>Annual MMBtu</u>	<u>Project ID</u>	<u>Annual MMBtu</u>	<u>Project ID</u>	<u>Annual MMBtu</u>
<u>MV-054</u>	<u>3,528</u>	<u>P-050</u>	<u>178</u>	<u>RD-005</u>	<u>1,016</u>
<u>MV-056</u>	<u>489</u>	<u>P-051</u>	<u>1,071</u>	<u>RD-006</u>	<u>107</u>
<u>MV-057</u>	<u>1,132</u>	<u>P-052</u>	<u>2,508</u>	<u>RD-007</u>	<u>284</u>
<u>MV-058</u>	<u>245</u>	<u>P-053</u>	<u>4,924</u>	<u>RD-008</u>	<u>1,184</u>
<u>MV-059</u>	<u>1,927</u>	<u>P-054</u>	<u>7,280</u>	<u>RD-009</u>	<u>97</u>
<u>MV-060</u>	<u>2,814</u>	<u>P-055</u>	<u>999</u>	<u>RD-010</u>	<u>4,719</u>
<u>MV-061</u>	<u>400</u>	<u>P-056</u>	<u>320</u>	<u>RD-011</u>	<u>123</u>
<u>MV-062</u>	<u>16,608</u>	<u>P-057</u>	<u>85</u>	<u>RD-012</u>	<u>1,221</u>
<u>MV-063</u>	<u>6,760</u>	<u>P-058</u>	<u>12,281</u>	<u>RD-013</u>	<u>2,056</u>
<u>MV-064</u>	<u>2,661</u>	<u>P-059</u>	<u>7,432</u>	<u>RD-014</u>	<u>1,567</u>
<u>MV-065</u>	<u>769</u>	<u>P-060</u>	<u>10</u>	<u>RD-015</u>	<u>859</u>
<u>MV-066</u>	<u>3,713</u>	<u>P-061</u>	<u>711</u>	<u>RD-016</u>	<u>1,451</u>
<u>MV-067</u>	<u>4,924</u>	<u>R-001</u>	<u>4,015</u>	<u>SB-001</u>	<u>1,247</u>
<u>MV-068</u>	<u>6,728</u>	<u>R-002</u>	<u>1,183</u>	<u>SB-002</u>	<u>636</u>
<u>MV-069</u>	<u>13,308</u>	<u>R-003</u>	<u>21,184</u>	<u>SB-003</u>	<u>1,205</u>
<u>MV-070</u>	<u>3,565</u>	<u>R-004</u>	<u>3,196</u>	<u>SB-004</u>	<u>1,579</u>
<u>MV-071</u>	<u>725</u>	<u>R-005</u>	<u>1,735</u>	<u>SB-005</u>	<u>572</u>
<u>MV-072</u>	<u>355</u>	<u>R-006</u>	<u>1,139</u>	<u>SB-006</u>	<u>1,102</u>
<u>MV-073</u>	<u>1,420</u>	<u>R-007</u>	<u>125</u>	<u>SB-007</u>	<u>1,040</u>
<u>MV-074</u>	<u>2,944</u>	<u>R-008</u>	<u>576</u>	<u>SB-008</u>	<u>1,223</u>
<u>MV-075</u>	<u>22,754</u>	<u>R-009</u>	<u>19,486</u>	<u>SJ-001</u>	<u>4</u>
<u>MV-076</u>	<u>692</u>	<u>R-010</u>	<u>52</u>	<u>SJ-002</u>	<u>9,818</u>
<u>MV-077</u>	<u>17,317</u>	<u>R-011</u>	<u>995</u>	<u>SJ-003</u>	<u>17,740</u>
<u>MV-078</u>	<u>16,895</u>	<u>R-012</u>	<u>136</u>	<u>SJ-004</u>	<u>18,749</u>
<u>MV-079</u>	<u>745</u>	<u>R-013</u>	<u>92</u>	<u>Total Cum.</u>	<u>3,154,888</u>
<u>MV-080</u>	<u>98</u>	<u>R-014</u>	<u>9</u>	<u>Net Project</u>	<u>84,771</u>
<u>MV-081</u>	<u>1,421</u>	<u>R-015</u>	<u>5,252</u>	<u>Total</u>	<u>3,239,659</u>
<u>MV-082</u>	<u>1,015</u>	<u>R-016</u>	<u>47</u>	<u>SoCalGas</u>	<u>873,793,575</u>
				<u>%SoCalGas</u>	<u>0.37%</u>

Source: *ESA, 2020*

A formula error resulted in an inaccurate estimate of natural gas consumption. Natural gas consumption has been recalculated and Table 6.17-3 has been replaced in its entirety. No change to impact determinations and no new significant impact would result.

- Page 6.17-15, second paragraph, last sentence

“From a cumulative standpoint, natural gas consumption from all cumulative projects (including the proposed Project) would be ~~3,181,269~~ 3,239,659 MMBtu or ~~0.36~~ 0.37 percent of the SoCalGas’s total natural gas use.”

A formula error resulted in in an inaccurate estimate of natural gas consumption. Natural gas consumption has been recalculated and this revision reflects updated values. No change to impact determinations and no new significant impact would result.

- Pages 6.17-15–6.17-22, Table 6.17-4

Table 6.17-4: Cumulative Transportation Fuel Consumption (Annual Average)

Project ID	Construction		Operational		
	Diesel Gallons	Gasoline Gallons	Diesel Gallons	Gasoline Gallons	Natural Gas (MMBTU)
B-001	811,945	886,209	1,993,672	17,519,159	1,625
B-002	—	—	267,495	2,350,577	218
B-003	136,884	83,203	557,020	4,894,747	454
B-004	120,158	90,274	711,650	6,253,541	580
B-005	—	—	834,317	7,331,468	680
B-006	134,044	96,431	1,458,987	12,820,679	1,189
B-007	54,788	48,615	243,470	2,139,461	198
B-008	121,463	58,888	391,485	3,440,126	319
B-009	1,343,552	1,592,304	2,688,436	23,624,320	2,192
B-010	50,691	4,861	57,394	504,339	47
B-011	45,372	9,446	305,089	2,680,936	249
B-012	—	—	130,702	1,148,531	107
B-013	382,424	339,379	1,141,830	10,033,700	931
B-014	124,123	63,361	422,900	3,716,185	345
C-001	43,602	8,938	271,190	2,383,054	221
C-002	163,552	123,557	2,599,032	22,838,694	2,119
C-003	33,981	3,590	98,578	866,240	80
H-001	59,841	26,798	355,236	3,121,596	290
H-002	55,851	20,221	265,823	2,335,888	217
H-003	137,416	84,199	562,457	4,942,526	459
H-004	129,039	90,032	1,085,086	9,535,072	885
H-005	15,668	1,173	28,351	249,134	23
H-006	83,134	27,853	923,116	8,111,773	753
H-007	55,570	32,744	84,772	744,924	69

Final Response to Comments

Table 6.17-4: Cumulative Transportation Fuel Consumption (Annual Average)

Project ID	Construction		Operational		
	Diesel Gallons	Gasoline Gallons	Diesel Gallons	Gasoline Gallons	Natural Gas (MMBTU)
H-008	60,183	46,385	191,790	1,685,330	156
H-009	—	—	141,839	1,246,395	116
M-001	101,761	38,543	315,755	2,774,658	257
M-002	—	—	2,647,578	23,266,282	2,158
M-003	172,547	152,814	1,391,747	12,229,816	1,135
M-004	35,832	5,164	147,663	1,297,573	120
M-005	232,896	227,504	2,041,886	17,942,835	1,665
M-006	45,116	12,072	172,683	1,517,435	141
M-007	78,878	36,132	324,181	2,848,704	264
M-008	205,511	178,369	5,816,670	51,113,311	4,742
M-009	46,928	6,545	81,559	716,693	66
M-010	70,532	29,978	268,271	2,357,402	219
M-011	32,882	3,305	90,849	798,323	74
MV-001	51,273	12,703	412,887	3,628,200	337
MV-002	61,451	31,634	259,474	2,280,100	212
MV-003	143,133	119,796	1,062,934	9,340,413	867
MV-004	—	—	384,660	3,380,158	314
MV-005	36,448	5,596	157,779	1,386,461	129
MV-006	82,104	40,030	359,935	3,162,883	293
MV-007	36,444	1,929	18,728	164,574	15
MV-008	47,680	3,129	35,040	307,912	29
MV-009	32,920	868	6,646	58,397	5
MV-010	47,410	2,625	28,395	249,515	23
MV-011	36,176	1,549	14,499	127,412	12
MV-012	—	—	135,678	1,192,253	111
MV-013	15,979	2,032	17,640	155,011	14
MV-014	51,404	5,319	64,643	568,045	53
MV-015	50,266	3,424	38,061	334,457	31
MV-016	46,873	1,998	19,333	169,883	16
MV-017	50,691	4,861	57,998	509,648	47
MV-018	—	—	7,458	65,534	6
MV-019	—	—	32,914	289,230	27
MV-020	—	—	127,172	1,117,509	104

Table 6.17-4: Cumulative Transportation Fuel Consumption (Annual Average)

Project ID	Construction		Operational		
	Diesel Gallons	Gasoline Gallons	Diesel Gallons	Gasoline Gallons	Natural Gas (MMBTU)
MV-021	34,602	5,021	135,678	1,192,253	111
MV-022	—	—	24,166	212,353	20
MV-023	60,143	37,050	195,351	1,716,621	159
MV-024	47,781	7,746	96,059	844,105	78
MV-025	50,727	4,177	48,936	430,016	40
MV-026	50,691	4,994	60,414	530,884	49
MV-027	34,085	5,571	25,297	222,296	21
MV-028	38,070	8,557	42,162	370,494	34
MV-029	51,067	12,781	166,139	1,459,930	135
MV-030	50,727	4,177	50,144	440,633	41
MV-031	47,412	2,996	32,020	281,368	26
MV-032	51,667	5,692	69,476	610,516	57
MV-033	47,412	2,996	32,624	286,677	27
MV-034	47,411	2,872	31,415	276,059	26
MV-035	36,176	1,549	45,104	432,721	12
MV-036	—	—	26,234	230,529	21
MV-037	—	—	525,539	4,618,116	428
MV-038	—	—	178,118	1,565,188	145
MV-039	—	—	656,655	5,770,280	535
MV-040	34,737	6,168	47,221	414,949	38
MV-041	108,981	76,567	695,873	6,114,908	567
MV-042	65,692	24,084	214,209	1,882,337	175
MV-043	—	—	180,695	1,587,833	147
MV-044	98,367	57,085	532,405	4,678,444	434
MV-045	34,906	4,164	118,131	1,038,058	96
MV-046	—	—	183,461	1,612,143	150
MV-047	35,907	1,179	9,666	84,941	8
MV-048	—	—	1,168,682	10,269,659	953
MV-049	—	—	1,228,159	10,792,302	1,001
MV-050	—	—	145,617	1,279,596	119
MV-051	—	—	315,736	2,774,495	257
MV-052	—	—	360,733	3,169,903	294
MV-053	—	—	599,891	5,271,472	489

Final Response to Comments

Table 6.17-4: Cumulative Transportation Fuel Consumption (Annual Average)

Project ID	Construction		Operational		
	Diesel Gallons	Gasoline Gallons	Diesel Gallons	Gasoline Gallons	Natural Gas (MMBTU)
MV-054	120,158	90,395	834,088	7,329,455	680
MV-056	35,907	1,179	9,666	84,941	8
MV-057	46,874	2,245	22,353	196,427	18
MV-058	—	—	4,833	42,471	4
MV-059	50,266	3,424	38,061	334,457	31
MV-060	50,987	4,665	55,584	488,413	45
MV-061	42,739	8,133	244,071	2,144,749	199
MV-062	58,776	24,816	328,050	2,882,698	267
MV-063	49,658	10,493	133,516	1,173,253	109
MV-064	50,986	4,427	52,560	461,869	43
MV-065	34,085	5,439	24,360	214,063	20
MV-066	53,112	23,199	117,585	1,033,266	96
MV-067	48,047	7,746	97,267	854,723	79
MV-068	43,801	12,032	67,341	591,750	55
MV-069	—	—	133,194	1,170,430	109
MV-070	52,840	22,315	112,900	992,100	92
MV-071	34,084	5,174	22,955	201,713	19
MV-072	30,418	2,729	11,243	98,798	9
MV-073	38,339	9,183	44,973	395,193	37
MV-074	48,543	17,378	44,754	393,270	36
MV-075	168,241	261,706	345,955	3,040,040	282
MV-076	51,807	12,950	422,559	3,713,191	345
MV-077	72,693	28,602	218,748	1,922,224	178
MV-078	—	—	213,413	1,875,341	174
MV-079	51,814	19,833	176,128	1,547,704	144
MV-080	31,956	2,299	60,069	527,846	49
MV-081	—	—	335,939	2,952,024	274
MV-082	—	—	239,956	2,108,589	196
MV-083	—	—	146,106	1,283,887	119
MV-084	—	—	41,032	360,563	33
MV-085	40,724	6,380	189,833	1,668,138	155
MV-086	—	—	42,894	376,927	35
MV-087	34,375	6,243	28,108	246,996	23

Table 6.17-4: Cumulative Transportation Fuel Consumption (Annual Average)

Project ID	Construction		Operational		
	Diesel Gallons	Gasoline Gallons	Diesel Gallons	Gasoline Gallons	Natural Gas (MMBTU)
MV-088	15,044	1,456	5,622	49,399	5
MV-089	15,044	1,456	5,622	49,399	5
MV-090	15,041	597	9,912	87,101	8
MV-091	50,986	4,427	52,560	461,869	43
MV-093	—	—	52,468	461,059	43
MV-094	56,890	24,579	124,612	1,095,015	102
MV-095	42,451	7,868	237,292	2,085,172	193
MV-096	50,823	4,199	47,123	414,089	38
MV-097	49,390	10,247	129,287	1,136,091	105
MV-098	35,907	1,179	9,666	84,941	8
MV-099	38,339	9,183	44,973	395,193	37
MV-100	51,486	18,048	90,883	798,620	74
MV-101	15,041	597	12,204	107,237	10
MV-102	34,603	5,311	49,392	434,031	40
MV-103	42,935	10,820	75,515	663,582	62
MV-104	52,082	20,090	179,022	1,573,134	146
MV-105	15,044	1,456	5,622	49,399	5
MV-106	15,044	1,456	5,622	49,399	5
MV-107	29,796	725	5,437	47,780	4
MV-108	14,732	313	4,031	35,424	3
MV-109	147,517	99,569	667,578	5,866,264	544
MV-110	34,375	6,243	28,108	246,996	23
MV-111	30,107	1,872	7,495	65,866	6
MV-112	15,055	1,747	7,027	61,749	6
MV-113	47,191	6,919	86,997	764,472	71
MV-114	14,732	455	7,729	67,917	6
MV-115	14,732	313	14	119	0
MV-116	36,176	1,549	15,104	132,721	12
MV-117	32,267	3,304	30,576	268,686	25
MV-118	29,796	725	5,437	47,780	4
MV-119	46,873	2,121	21,145	185,809	17
MV-120	43,314	8,541	256,980	2,258,182	240
MV-121	14,732	455	5,900	51,843	5

Final Response to Comments

Table 6.17-4: Cumulative Transportation Fuel Consumption (Annual Average)

Project ID	Construction		Operational		
	Diesel Gallons	Gasoline Gallons	Diesel Gallons	Gasoline Gallons	Natural Gas (MMBTU)
MV-123	45,359	884	48,983	466,814	45
MV-124	40,724	6,380	189,833	1,668,138	155
MV-125	30,418	2,729	11,243	98,798	9
MV-126	50,003	11,043	141,974	1,247,576	116
MV-127	50,475	18,335	163,175	1,433,883	133
MV-129	113,312	82,274	648,447	5,698,151	529
MV-130	45,286	12,195	106,473	935,619	87
MV-131	107,750	78,093	719,869	6,325,767	587
MV-132	95,297	56,598	527,904	4,638,896	430
P-001	—	—	82,768	727,311	67
P-002	—	—	287,948	2,530,307	235
P-003	—	—	221,864	1,949,601	181
P-004	42,359	40,148	70,590	620,305	58
P-005	66,230	24,835	220,760	1,939,902	180
P-006	77,321	32,120	246,246	2,163,855	201
P-007	99,537	61,196	488,330	4,291,141	398
P-008	46,187	13,201	98,909	869,148	81
P-009	79,203	34,373	208,768	1,834,521	170
P-010	—	—	815,852	7,169,202	665
P-011	—	—	398,347	3,500,430	325
P-012	65,961	24,464	186,362	1,637,634	152
P-014	102,254	61,689	575,895	5,060,613	470
P-015	—	—	374,723	3,292,836	306
P-016	—	—	628,686	5,524,503	513
P-017	—	—	278,349	2,445,963	227
P-018	—	—	742,425	6,523,974	605
P-019	—	—	334,787	2,941,903	273
P-020	—	—	418,244	3,675,270	341
P-021	—	—	81,585	716,920	67
P-022	52,350	20,460	182,367	1,602,528	149
P-023	42,648	10,555	86,384	759,092	70
P-024	109,516	77,315	702,592	6,173,948	573
P-025	97,333	56,895	498,149	4,377,431	406

Table 6.17-4: Cumulative Transportation Fuel Consumption (Annual Average)

Project ID	Construction		Operational		
	Diesel Gallons	Gasoline Gallons	Diesel Gallons	Gasoline Gallons	Natural Gas (MMBTU)
P-026	90,377	43,292	333,096	2,927,047	272
P-027	—	—	414,645	3,643,642	338
P-028	80,280	35,885	274,974	2,416,305	224
P-030	57,182	22,579	297,238	2,611,947	242
P-031	36,614	7,588	35,135	308,745	29
P-032	77,768	26,351	871,877	7,661,519	711
P-033	284,116	250,456	1,123,706	9,874,435	916
P-034	184,333	166,949	1,519,815	13,355,199	1,239
P-035	31,042	4,302	18,739	164,664	15
P-036	199,973	182,238	1,722,889	15,139,688	1,405
P-037	—	—	110,558	971,517	90
P-038	—	—	134,724	1,183,870	110
P-039	83,717	41,903	376,108	3,305,002	307
P-040	51,931	5,934	73,705	647,678	60
P-041	41,207	8,803	61,454	540,019	50
P-042	47,680	3,253	36,853	323,839	30
P-043	47,680	3,129	34,436	302,604	28
P-044	38,338	8,937	44,036	386,960	36
P-045	36,614	7,588	35,135	308,745	29
P-046	55,398	38,815	101,584	892,661	83
P-047	57,979	23,819	314,758	2,765,904	257
P-048	50,822	3,944	45,311	398,163	37
P-049	51,667	5,692	68,872	605,207	56
P-050	34,597	3,880	108,476	953,222	88
P-051	46,873	2,121	21,145	185,809	17
P-052	50,727	4,177	49,540	435,325	40
P-053	48,047	7,746	97,267	854,723	79
P-054	50,003	11,175	143,786	1,263,503	117
P-055	70,577	18,567	610,178	5,361,871	497
P-056	15,042	881	4,044	35,538	3
P-057	16,598	2,750	19,988	175,645	16
P-058	52,083	20,336	122,919	1,080,139	100
P-059	50,004	11,419	146,807	1,290,047	120

Final Response to Comments

Table 6.17-4: Cumulative Transportation Fuel Consumption (Annual Average)

Project ID	Construction		Operational		
	Diesel Gallons	Gasoline Gallons	Diesel Gallons	Gasoline Gallons	Natural Gas (MMBTU)
P-060	14,732	455	6,102	53,619	5
P-061	—	—	167,969	1,476,012	137
R-001	—	—	1,082,613	9,513,334	883
R-002	—	—	279,680	2,457,653	228
R-003	—	—	267,594	2,351,454	218
R-004	52,296	20,063	101,189	889,185	82
R-005	76,397	26,843	847,986	7,451,581	691
R-006	36,615	7,863	36,072	316,978	29
R-007	32,572	2,731	76,070	668,459	62
R-008	36,451	3,806	8,761	76,989	7
R-009	854,784	698,839	11,902,028	104,587,698	9,703
R-010	15,669	1,315	31,953	280,783	26
R-011	52,896	18,460	268,185	2,356,641	219
R-012	32,881	3,015	83,225	731,333	68
R-013	14,732	455	1,812	15,927	1
R-014	14,732	455	5,231	45,969	4
R-015	48,316	8,248	103,729	911,506	85
R-016	14,732	313	922	8,100	1
R-017	57,160	25,330	128,828	1,132,064	105
R-018	871,072	942,530	3,709,210	32,594,251	3,024
R-019	34,086	5,703	25,766	226,413	21
R-020	109,516	77,192	701,368	6,163,190	572
R-021	32,921	1,143	9,062	79,633	7
R-022	29,796	725	5,437	47,780	4
R-023	15,041	597	10,900	95,787	9
R-024	1,469,035	1,788,690	3,020,715	26,544,180	2,463
R-025	52,026	19,302	97,441	856,252	79
R-026	116,224	79,217	1,064,889	9,357,592	868
R-027	14,732	455	4,906	43,109	4
R-028	52,307	12,308	31,730	278,826	26
R-029	14,732	455	5,146	45,218	4
R-030	44,177	9,345	282,804	2,485,112	231
R-031	30,730	3,877	16,865	148,198	14

Table 6.17-4: Cumulative Transportation Fuel Consumption (Annual Average)

Project ID	Construction		Operational		
	Diesel Gallons	Gasoline Gallons	Diesel Gallons	Gasoline Gallons	Natural Gas (MMBTU)
R-032	15,669	1,315	30,200	265,377	25
R-033	30,728	3,303	44,054	423,498	11
R-034	15,042	1,030	7,154	62,862	6
R-035	38,341	9,686	47,784	419,893	39
R-036	34,375	6,375	29,045	255,229	24
R-037	14,732	455	8,136	71,492	7
R-038	14,732	455	4,746	41,703	4
R-039	54,524	18,483	242,865	2,134,152	198
R-040	14,732	313	3,254	28,597	3
R-041	15,670	1,599	13,597	119,482	11
R-042	60,107	27,296	361,277	3,174,684	295
R-043	47,411	2,749	30,207	265,442	25
R-044	14,732	455	5,424	47,661	4
R-045	16,597	2,466	22,308	196,032	18
R-046	46,873	2,121	21,654	190,285	18
R-047	35,047	6,742	51,702	454,325	42
R-048	34,289	3,732	102,103	897,220	83
R-049	52,395	28,492	73,406	645,046	60
R-050	29,794	441	2,315	20,346	2
R-051	14,732	313	3,201	28,132	3
R-052	46,873	1,998	19,333	169,883	16
R-053	36,443	1,806	17,520	153,956	14
R-054	36,176	1,549	15,104	132,721	12
R-055	36,175	1,426	12,083	106,177	10
R-056	40,343	7,866	77,029	676,881	63
R-057	42,359	10,148	70,433	618,920	57
R-058	14,732	313	3,723	32,719	3
R-059	14,732	455	5,492	48,257	4
R-060	35,529	6,310	79,970	702,724	65
R-061	57,297	17,591	576,886	5,069,316	470
R-062	14,732	313	2,483	21,817	2
R-063	30,417	2,446	9,838	86,449	8
R-064	29,794	441	3,021	26,544	2

Final Response to Comments

Table 6.17-4: Cumulative Transportation Fuel Consumption (Annual Average)

Project ID	Construction		Operational		
	Diesel Gallons	Gasoline Gallons	Diesel Gallons	Gasoline Gallons	Natural Gas (MMBTU)
R-065	47,684	3,376	37,457	329,148	34
R-066	15,040	455	8,339	73,279	7
RC-001	232,273	169,005	755,783	6,641,354	616
RC-002	394,126	358,691	1,208,286	10,617,672	985
RC-003	831,089	916,704	2,061,336	18,113,748	1,684
RC-005	127,311	67,813	453,107	3,981,627	369
RC-006	75,918	32,116	472,355	4,150,763	385
RC-007	111,699	82,645	761,451	6,691,164	621
RC-009	100,314	62,171	401,338	3,526,710	327
RC-010	314,834	323,833	2,544,538	22,359,835	2,074
RC-011	85,061	43,415	390,649	3,432,783	318
RC-012	54,226	22,718	173,876	1,527,916	142
RC-013	57,446	22,701	300,259	2,638,491	245
RC-014	58,125	30,342	149,909	1,317,311	122
RC-015	47,191	6,919	85,788	753,855	70
RC-017	15,041	597	12,583	110,574	10
RC-018	32,921	1,143	9,062	79,633	7
RC-019	32,264	2,589	71,592	629,102	58
RC-020	14,732	313	3,797	33,363	3
RC-021	15,041	739	3,839	33,737	3
RC-022	46,927	6,424	79,143	695,458	65
RC-023	32,265	3,446	21,526	189,157	18
RC-024	43,224	11,228	78,307	688,113	64
RC-025	33,812	5,310	34,885	306,546	28
RC-026	14,732	313	1,208	10,618	4
RC-027	42,936	11,085	77,445	680,539	63
RC-028	14,732	455	7,593	66,726	6
RC-029	15,041	597	11,040	97,014	9
RC-030	104,845	64,722	604,234	5,309,638	493
RC-031	42,648	10,555	74,120	651,320	60
RC-032	125,718	65,841	438,608	3,854,215	358
RC-033	54,256	17,741	231,991	2,038,593	189
RC-034	55,586	19,855	260,990	2,293,417	213

Table 6.17-4: Cumulative Transportation Fuel Consumption (Annual Average)

Project ID	Construction		Operational		
	Diesel Gallons	Gasoline Gallons	Diesel Gallons	Gasoline Gallons	Natural Gas (MMBTU)
RC-035	635,794	688,311	1,771,324	15,565,275	1,444
RC-036	56,649	21,464	282,739	2,484,535	231
RC-037	59,308	25,680	339,528	2,983,566	277
RC-038	123,845	94,836	875,246	7,691,120	714
RC-039	47,142	2,368	23,562	207,045	19
RD-001	—	—	49,540	435,325	40
RD-002	—	—	33,228	291,986	27
RD-003	50,958	5,240	62,227	546,810	51
RD-004	50,544	3,680	40,478	355,692	33
RD-005	—	—	240,245	2,111,128	196
RD-006	31,956	2,447	65,389	574,602	53
RD-007	36,757	6,028	173,217	1,522,128	141
RD-008	37,800	7,685	37,477	329,328	31
RD-009	31,956	2,299	59,393	521,913	48
RD-010	40,919	8,671	59,614	523,851	49
RD-011	32,572	2,731	75,208	660,880	61
RD-012	—	—	288,565	2,535,734	235
RD-013	—	—	486,152	4,272,001	396
RD-014	—	—	370,493	3,255,661	302
RD-015	—	—	203,003	1,783,866	166
RD-016	—	—	343,009	3,014,156	280
SB-001	—	—	294,824	2,590,730	240
SB-002	—	—	150,438	1,321,959	123
SB-003	—	—	284,858	2,503,161	232
SB-004	—	—	373,190	3,279,362	304
SB-005	—	—	135,335	1,189,244	110
SB-006	—	—	260,582	2,289,831	212
SB-007	46,873	2,121	20,541	180,500	17
SB-008	47,142	2,368	24,166	212,353	20
SJ-001	126,588	66,774	2,275,619	19,996,740	1,855
SJ-002	52,396	14,895	193,930	1,704,136	158
SJ-003	59,839	26,422	350,403	3,079,125	286
SJ-004	60,638	27,916	370,340	3,254,316	302

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Table 6.17-4: Cumulative Transportation Fuel Consumption (Annual Average)

Project ID	Construction		Operational		
	Diesel Gallons	Gasoline Gallons	Diesel Gallons	Gasoline Gallons	Natural Gas (MMBTU)
Total Cum.	23,156,749	44,740,889	118,637,945	1,042,517,233	96,722
Net Project	1,553,812	54,103	45,345	30,327	821,523
Total	24,710,561	44,794,992	118,683,290	1,042,547,560	918,245
County/SoCalGas	275,000,000	1,052,000,000	275,000,000	1,052,000,000	873,793,575
%County/SoCalGas	9%	1%	43%	99%	0.11%

Source: ESA, 2019

Table 6.17-4: Cumulative Transportation Fuel Consumption (Annual Average)

Project ID	Construction		Operational		
	Diesel Gallons	Gasoline Gallons	Diesel Gallons	Gasoline Gallons	Natural Gas (MMBTU)
B-001	811,945	886,209	632,697	2,626,111	4,226
B-002	=	=	84,890	352,350	567
B-003	136,884	83,203	176,772	733,720	1,181
B-004	120,158	90,274	224,674	934,728	1,505
B-005	=	=	263,401	1,095,848	1,764
B-006	134,044	96,431	463,133	1,922,085	3,093
B-007	54,788	18,615	77,266	320,704	516
B-008	121,463	58,888	124,239	515,673	830
B-009	1,343,552	1,592,304	853,183	3,541,271	5,699
B-010	50,691	4,861	18,214	75,600	122
B-011	45,372	9,446	98,552	405,826	653
B-012	=	=	41,479	172,164	277
B-013	382,424	339,379	362,363	1,504,046	2,420
B-014	124,123	63,361	134,208	557,054	896
C-001	43,602	8,938	87,602	360,734	580
C-002	163,552	123,557	832,605	3,441,320	5,536
C-003	33,981	3,590	31,843	131,127	211
H-001	59,841	26,798	112,735	467,925	753
H-002	55,851	20,221	84,360	350,148	563
H-003	137,416	84,199	178,497	740,882	1,192
H-004	129,039	90,032	343,923	1,428,315	2,299

Table 6.17-4: Cumulative Transportation Fuel Consumption (Annual Average)

Project ID	Construction		Operational		
	Diesel Gallons	Gasoline Gallons	Diesel Gallons	Gasoline Gallons	Natural Gas (MMBTU)
H-005	15,668	1,173	9,158	37,713	61
H-006	83,134	27,853	298,191	1,227,918	1,975
H-007	55,570	32,744	26,903	111,664	180
H-008	60,183	46,385	60,865	252,630	407
H-009	=	=	45,013	186,834	301
M-001	101,761	38,543	100,101	415,681	669
M-002	=	=	2,239,161	1,845,822	17,175
M-003	172,547	152,814	1,338,370	781,454	10,361
M-004	35,832	5,164	47,699	196,420	316
M-005	232,896	227,504	1,594,071	1,577,644	12,150
M-006	45,116	12,072	54,816	227,495	366
M-007	78,878	36,132	311,748	182,025	2,413
M-008	205,511	178,369	1,862,040	7,698,655	12,386
M-009	46,928	6,545	25,883	107,432	173
M-010	70,532	29,978	257,982	150,632	1,997
M-011	32,882	3,305	29,347	120,846	194
MV-001	51,273	12,703	133,374	549,218	883
MV-002	61,451	31,634	82,345	341,786	550
MV-003	143,133	119,796	924,877	710,091	7,110
MV-004	=	=	121,441	505,238	813
MV-005	36,448	5,596	50,967	209,875	338
MV-006	82,104	40,030	346,130	202,100	2,680
MV-007	36,444	1,929	5,944	24,670	40
MV-008	47,680	3,129	11,120	46,156	74
MV-009	32,920	868	2,109	8,754	14
MV-010	47,410	2,625	9,011	37,402	60
MV-011	36,176	1,549	4,601	19,099	31
MV-012	=	=	43,366	179,423	289
MV-013	15,979	2,032	5,606	23,254	37
MV-014	51,404	5,319	20,515	85,150	137
MV-015	50,266	3,424	12,079	50,135	81
MV-016	46,873	1,998	6,135	25,465	41
MV-017	50,691	4,861	18,406	76,396	123

Final Response to Comments

Table 6.17-4: Cumulative Transportation Fuel Consumption (Annual Average)

Project ID	Construction		Operational		
	Diesel Gallons	Gasoline Gallons	Diesel Gallons	Gasoline Gallons	Natural Gas (MMBTU)
MV-018	=	=	2,409	9,920	16
MV-019	=	=	10,445	43,355	70
MV-020	=	=	41,080	169,163	272
MV-021	34,602	5,021	43,366	179,423	289
MV-022	=	=	7,669	31,832	51
MV-023	60,143	37,050	61,995	257,320	414
MV-024	47,781	7,746	30,484	126,531	204
MV-025	50,727	4,177	15,530	64,459	104
MV-026	50,691	4,994	19,173	79,579	128
MV-027	34,085	5,571	8,028	33,322	54
MV-028	38,070	8,557	13,380	55,537	89
MV-029	51,067	12,781	52,725	218,843	352
MV-030	50,727	4,177	15,913	66,051	106
MV-031	47,412	2,996	10,161	42,177	68
MV-032	51,667	5,692	22,049	91,516	147
MV-033	47,412	2,996	10,353	42,973	69
MV-034	47,411	2,872	9,970	41,381	67
MV-035	36,176	1,549	4,793	19,895	32
MV-036	=	=	8,325	34,556	56
MV-037	=	=	165,917	690,278	1,111
MV-038	=	=	56,233	233,952	377
MV-039	=	=	207,312	862,494	1,388
MV-040	34,737	6,168	45,410	26,514	352
MV-041	108,981	76,567	669,185	390,727	5,181
MV-042	65,692	24,084	205,994	120,277	1,595
MV-043	=	=	57,047	237,336	382
MV-044	98,367	57,085	511,986	298,941	3,964
MV-045	34,906	4,164	38,159	157,136	253
MV-046	=	=	176,425	103,012	1,366
MV-047	35,907	1,179	3,068	12,733	20
MV-048	=	=	370,980	1,539,634	2,478
MV-049	=	=	389,860	1,617,989	2,604
MV-050	=	=	45,973	191,263	308

Table 6.17-4: Cumulative Transportation Fuel Consumption (Annual Average)

Project ID	Construction		Operational		
	Diesel Gallons	Gasoline Gallons	Diesel Gallons	Gasoline Gallons	Natural Gas (MMBTU)
MV-051	=	=	99,681	414,709	668
MV-052	=	=	113,887	473,811	763
MV-053	=	=	576,884	336,834	4,466
MV-054	120,158	90,395	802,099	468,333	6,209
MV-056	35,907	1,179	3,068	12,733	20
MV-057	46,874	2,245	7,094	29,444	47
MV-058	=	=	1,534	6,366	10
MV-059	50,266	3,424	12,079	50,135	81
MV-060	50,987	4,665	17,639	73,213	118
MV-061	42,739	8,133	78,841	324,661	522
MV-062	58,776	24,816	104,107	432,115	695
MV-063	49,658	10,493	42,372	175,870	283
MV-064	50,986	4,427	16,680	69,234	111
MV-065	34,085	5,439	7,731	32,088	52
MV-066	53,112	23,199	37,316	154,886	249
MV-067	48,047	7,746	30,868	128,122	206
MV-068	43,801	12,032	21,260	88,450	142
MV-069	=	=	42,051	174,946	282
MV-070	52,840	22,315	35,829	148,715	239
MV-071	34,084	5,174	7,285	30,237	49
MV-072	30,418	2,729	3,568	14,810	24
MV-073	38,339	9,183	14,272	59,239	95
MV-074	48,543	17,378	14,203	58,951	95
MV-075	168,241	261,706	109,790	455,700	733
MV-076	51,807	12,950	136,498	562,084	904
MV-077	72,693	28,602	69,061	287,318	462
MV-078	=	=	67,376	280,311	451
MV-079	51,814	19,833	169,373	98,894	1,311
MV-080	31,956	2,299	19,404	79,903	129
MV-081	=	=	323,055	188,627	2,501
MV-082	=	=	230,753	134,733	1,786
MV-083	=	=	46,127	191,905	309
MV-084	=	=	12,954	53,894	87

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Table 6.17-4: Cumulative Transportation Fuel Consumption (Annual Average)

<u>Project ID</u>	<u>Construction</u>		<u>Operational</u>		
	<u>Diesel Gallons</u>	<u>Gasoline Gallons</u>	<u>Diesel Gallons</u>	<u>Gasoline Gallons</u>	<u>Natural Gas (MMBTU)</u>
<u>MV-085</u>	<u>40,724</u>	<u>6,380</u>	<u>61,321</u>	<u>252,514</u>	<u>406</u>
<u>MV-086</u>	<u>=</u>	<u>=</u>	<u>13,613</u>	<u>56,501</u>	<u>91</u>
<u>MV-087</u>	<u>34,375</u>	<u>6,243</u>	<u>8,920</u>	<u>37,025</u>	<u>60</u>
<u>MV-088</u>	<u>15,044</u>	<u>1,456</u>	<u>1,784</u>	<u>7,405</u>	<u>12</u>
<u>MV-089</u>	<u>15,044</u>	<u>1,456</u>	<u>1,784</u>	<u>7,405</u>	<u>12</u>
<u>MV-090</u>	<u>15,041</u>	<u>597</u>	<u>3,202</u>	<u>13,185</u>	<u>21</u>
<u>MV-091</u>	<u>50,986</u>	<u>4,427</u>	<u>16,680</u>	<u>69,234</u>	<u>111</u>
<u>MV-092</u>	<u>=</u>	<u>=</u>	<u>18,981</u>	<u>78,783</u>	<u>127</u>
<u>MV-093</u>	<u>=</u>	<u>=</u>	<u>16,651</u>	<u>69,112</u>	<u>111</u>
<u>MV-094</u>	<u>56,890</u>	<u>24,579</u>	<u>39,546</u>	<u>164,142</u>	<u>264</u>
<u>MV-095</u>	<u>42,451</u>	<u>7,868</u>	<u>76,651</u>	<u>315,643</u>	<u>508</u>
<u>MV-096</u>	<u>50,823</u>	<u>4,199</u>	<u>14,955</u>	<u>62,072</u>	<u>100</u>
<u>MV-097</u>	<u>49,390</u>	<u>10,247</u>	<u>41,029</u>	<u>170,299</u>	<u>274</u>
<u>MV-098</u>	<u>35,907</u>	<u>1,179</u>	<u>3,068</u>	<u>12,733</u>	<u>20</u>
<u>MV-099</u>	<u>38,339</u>	<u>9,183</u>	<u>14,272</u>	<u>59,239</u>	<u>95</u>
<u>MV-100</u>	<u>51,486</u>	<u>18,048</u>	<u>28,842</u>	<u>119,713</u>	<u>193</u>
<u>MV-101</u>	<u>15,041</u>	<u>597</u>	<u>3,942</u>	<u>16,233</u>	<u>26</u>
<u>MV-102</u>	<u>34,603</u>	<u>5,311</u>	<u>15,696</u>	<u>65,110</u>	<u>105</u>
<u>MV-103</u>	<u>42,935</u>	<u>10,820</u>	<u>23,841</u>	<u>99,187</u>	<u>160</u>
<u>MV-104</u>	<u>52,082</u>	<u>20,090</u>	<u>172,156</u>	<u>100,519</u>	<u>1,333</u>
<u>MV-105</u>	<u>15,044</u>	<u>1,456</u>	<u>1,784</u>	<u>7,405</u>	<u>12</u>
<u>MV-106</u>	<u>15,044</u>	<u>1,456</u>	<u>1,784</u>	<u>7,405</u>	<u>12</u>
<u>MV-107</u>	<u>29,796</u>	<u>725</u>	<u>1,726</u>	<u>7,162</u>	<u>12</u>
<u>MV-108</u>	<u>14,732</u>	<u>313</u>	<u>1,302</u>	<u>5,362</u>	<u>9</u>
<u>MV-109</u>	<u>147,517</u>	<u>99,569</u>	<u>211,858</u>	<u>879,349</u>	<u>1,415</u>
<u>MV-110</u>	<u>34,375</u>	<u>6,243</u>	<u>8,920</u>	<u>37,025</u>	<u>60</u>
<u>MV-111</u>	<u>30,107</u>	<u>1,872</u>	<u>2,379</u>	<u>9,873</u>	<u>16</u>
<u>MV-112</u>	<u>15,055</u>	<u>1,747</u>	<u>2,230</u>	<u>9,256</u>	<u>15</u>
<u>MV-113</u>	<u>47,191</u>	<u>6,919</u>	<u>27,609</u>	<u>114,594</u>	<u>184</u>
<u>MV-114</u>	<u>14,732</u>	<u>455</u>	<u>2,497</u>	<u>10,281</u>	<u>17</u>
<u>MV-115</u>	<u>14,732</u>	<u>313</u>	<u>4</u>	<u>18</u>	<u>0</u>
<u>MV-116</u>	<u>36,176</u>	<u>1,549</u>	<u>4,793</u>	<u>19,895</u>	<u>32</u>
<u>MV-117</u>	<u>32,267</u>	<u>3,304</u>	<u>9,717</u>	<u>40,306</u>	<u>65</u>

Table 6.17-4: Cumulative Transportation Fuel Consumption (Annual Average)

Project ID	Construction		Operational		
	Diesel Gallons	Gasoline Gallons	Diesel Gallons	Gasoline Gallons	Natural Gas (MMBTU)
MV-118	29,796	725	1,726	7,162	12
MV-119	46,873	2,121	6,710	27,853	45
MV-120	43,314	8,541	83,011	341,832	550
MV-121	14,732	455	1,906	7,848	13
MV-123	15,359	881	6,132	25,251	41
MV-124	40,724	6,380	61,321	252,514	406
MV-125	30,418	2,729	3,568	14,810	24
MV-126	50,003	11,043	45,056	187,011	301
P-001	=	=	26,267	109,023	175
P-002	=	=	276,904	161,680	2,144
P-003	=	=	213,355	124,575	1,652
P-004	42,359	10,148	22,286	92,718	149
P-005	66,230	24,835	212,293	123,955	1,643
P-006	77,321	32,120	77,742	323,435	521
P-007	99,537	61,196	154,170	641,405	1,032
P-008	46,187	13,201	31,226	129,913	209
P-009	79,203	34,373	65,910	274,209	441
P-010	=	=	784,562	458,094	6,074
P-011	=	=	125,762	523,216	842
P-012	65,961	24,464	58,836	244,780	394
P-014	102,254	61,689	553,808	323,360	4,287
P-015	=	=	360,352	210,404	2,790
P-016	=	=	604,574	353,002	4,680
P-017	=	=	267,674	156,291	2,072
P-018	=	=	713,951	416,865	5,527
P-019	=	=	321,947	187,980	2,492
P-020	=	=	402,203	234,840	3,114
P-021	=	=	78,456	45,809	607
P-022	52,350	20,460	175,373	102,397	1,358
P-023	42,648	10,555	83,071	48,504	643
P-024	109,516	77,315	675,646	394,499	5,231
P-025	97,333	56,895	479,044	279,707	3,709
P-026	90,377	43,292	105,161	437,511	704

Final Response to Comments

Table 6.17-4: Cumulative Transportation Fuel Consumption (Annual Average)

Project ID	Construction		Operational		
	Diesel Gallons	Gasoline Gallons	Diesel Gallons	Gasoline Gallons	Natural Gas (MMBTU)
P-027	=	=	398,742	232,819	3,087
P-028	80,280	35,885	86,812	361,169	581
P-030	57,182	22,579	94,329	391,529	630
P-031	36,614	7,588	11,150	46,281	74
P-032	77,768	26,351	281,639	1,159,761	1,865
P-033	284,116	250,456	356,611	1,480,172	2,382
P-034	184,333	166,949	1,461,527	853,363	11,314
P-035	31,042	4,302	5,947	24,683	40
P-036	199,973	182,238	1,613,515	1,019,503	12,467
P-037	=	=	35,086	145,630	234
P-038	=	=	42,755	177,461	286
P-039	83,717	41,903	361,683	211,181	2,800
P-040	51,931	5,934	23,391	97,087	156
P-041	41,207	8,803	19,402	80,718	130
P-042	47,680	3,253	11,695	48,543	78
P-043	47,680	3,129	10,928	45,360	73
P-044	38,338	8,937	13,975	58,005	93
P-045	36,614	7,588	11,150	46,281	74
P-046	55,398	38,815	32,238	133,809	215
P-047	57,979	23,819	99,889	414,607	667
P-048	50,822	3,944	14,379	59,684	96
P-049	51,667	5,692	21,857	90,720	146
P-050	34,597	3,880	35,041	144,294	232
P-051	46,873	2,121	6,710	27,853	45
P-052	50,727	4,177	15,722	65,255	105
P-053	48,047	7,746	30,868	128,122	206
P-054	50,003	11,175	45,631	189,398	305
P-055	70,577	18,567	197,104	811,653	1,305
P-056	15,042	881	1,277	5,312	9
P-057	16,598	2,750	19,222	11,223	149
P-058	52,083	20,336	38,807	161,450	260
P-059	50,004	11,419	46,590	193,377	311
P-060	14,732	455	1,971	8,117	13

Table 6.17-4: Cumulative Transportation Fuel Consumption (Annual Average)

Project ID	Construction		Operational		
	Diesel Gallons	Gasoline Gallons	Diesel Gallons	Gasoline Gallons	Natural Gas (MMBTU)
P-061	=	=	161,527	94,313	1,250
R-001	=	=	343,659	1,426,246	2,295
R-002	=	=	268,953	157,038	2,082
R-003	=	=	84,482	351,476	566
R-004	52,296	20,063	32,113	133,288	215
R-005	76,397	26,843	271,038	1,121,392	1,804
R-006	36,615	7,863	11,448	47,515	76
R-007	32,572	2,731	24,573	101,188	163
R-008	36,451	3,806	2,780	11,541	19
R-009	854,784	698,839	3,844,670	15,831,948	25,463
R-010	15,669	1,315	10,322	42,504	68
R-011	52,896	18,460	85,131	353,309	569
R-012	32,881	3,015	26,884	110,705	178
R-013	14,732	455	575	2,387	4
R-014	14,732	455	1,690	6,959	11
R-015	48,316	8,248	32,919	136,634	220
R-016	14,732	313	293	1,214	2
R-017	57,160	25,330	40,884	169,696	273
R-018	871,072	942,530	1,171,029	4,871,921	7,842
R-019	34,086	5,703	8,177	33,939	55
R-020	109,516	77,192	674,469	393,812	5,221
R-021	32,921	1,143	2,876	11,937	19
R-022	29,796	725	1,726	7,162	12
R-023	15,041	597	3,521	14,500	23
R-024	1,469,035	1,788,690	958,632	3,978,957	6,403
R-025	52,026	19,302	30,923	128,352	207
R-026	116,224	79,217	339,623	1,406,532	2,263
R-027	14,732	455	1,585	6,526	10
R-028	52,307	12,308	10,070	41,796	67
R-029	14,732	455	1,662	6,845	11
R-030	44,177	9,345	91,353	376,183	605
R-031	30,730	3,877	5,352	22,215	36
R-032	15,669	1,315	9,755	40,171	65

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Table 6.17-4: Cumulative Transportation Fuel Consumption (Annual Average)

Project ID	Construction		Operational		
	Diesel Gallons	Gasoline Gallons	Diesel Gallons	Gasoline Gallons	Natural Gas (MMBTU)
R-033	30,728	3,303	4,460	18,512	30
R-034	15,042	1,030	2,273	9,430	15
R-035	38,341	9,686	15,164	62,942	101
R-036	34,375	6,375	9,217	38,259	62
R-037	14,732	455	2,628	10,822	17
R-038	14,732	455	1,533	6,313	10
R-039	54,524	18,483	77,074	319,908	515
R-040	14,732	313	1,051	4,329	7
R-041	15,670	1,599	4,321	17,924	29
R-042	60,107	27,296	114,652	475,883	766
R-043	47,411	2,749	9,586	39,790	64
R-044	14,732	455	1,752	7,215	12
R-045	16,597	2,466	7,089	29,407	47
R-046	46,873	2,121	6,872	28,524	46
R-047	35,047	6,742	49,719	29,030	385
R-048	34,289	3,732	32,982	135,817	218
R-049	52,395	28,492	23,296	96,692	156
R-050	29,794	441	735	3,050	5
R-051	14,732	313	1,034	4,258	7
R-052	46,873	1,998	6,135	25,465	41
R-053	36,443	1,806	5,560	23,078	37
R-054	36,176	1,549	4,793	19,895	32
R-055	36,175	1,426	3,835	15,916	26
R-056	40,343	7,866	24,479	101,541	163
R-057	42,359	10,148	22,236	92,511	149
R-058	14,732	313	1,203	4,953	8
R-059	14,732	455	1,774	7,305	12
R-060	35,529	6,310	25,385	105,353	170
R-061	57,297	17,591	186,349	767,367	1,234
R-062	14,732	313	802	3,303	5
R-063	30,417	2,446	3,122	12,959	21
R-064	29,794	441	959	3,979	6
R-065	47,681	3,376	11,887	49,339	79

Table 6.17-4: Cumulative Transportation Fuel Consumption (Annual Average)

Project ID	Construction		Operational		
	Diesel Gallons	Gasoline Gallons	Diesel Gallons	Gasoline Gallons	Natural Gas (MMBTU)
R-066	15,040	455	2,694	11,093	18
RC-001	232,273	169,005	239,850	995,535	1,602
RC-002	394,126	358,691	383,453	1,591,583	2,561
RC-003	831,089	916,704	654,171	2,715,240	4,370
RC-005	127,311	67,813	143,795	596,843	960
RC-006	75,918	32,116	149,942	622,285	1,001
RC-007	111,699	82,645	732,248	427,548	5,669
RC-009	100,314	62,171	126,747	527,239	849
RC-010	314,831	323,833	803,332	3,342,165	5,379
RC-011	85,061	43,415	375,667	219,346	2,908
RC-012	54,226	22,718	54,894	228,380	368
RC-013	57,446	22,701	95,288	395,508	636
RC-014	58,125	30,342	47,574	197,464	318
RC-015	47,191	6,919	27,225	113,002	182
RC-017	15,041	597	4,065	16,738	27
RC-018	32,921	1,143	2,876	11,937	19
RC-019	32,264	2,589	23,126	95,230	153
RC-020	14,732	313	1,226	5,050	8
RC-021	15,041	739	3,692	2,156	29
RC-022	46,927	6,424	25,116	104,249	168
RC-023	32,265	3,446	6,796	28,274	46
RC-024	43,224	11,228	24,722	102,854	166
RC-025	33,812	5,310	11,013	45,820	74
RC-026	14,732	313	383	1,592	3
RC-027	42,936	11,085	24,450	101,721	164
RC-028	14,732	455	2,453	10,101	16
RC-029	15,041	597	3,566	14,686	24
RC-030	104,845	64,722	581,060	339,272	4,498
RC-031	42,648	10,555	23,400	97,354	157
RC-032	125,718	65,841	139,193	577,745	930
RC-033	54,256	17,741	73,623	305,584	492
RC-034	55,586	19,855	82,826	343,782	553
RC-035	635,794	688,311	562,154	2,333,272	3,755

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Table 6.17-4: Cumulative Transportation Fuel Consumption (Annual Average)

Project ID	Construction		Operational		
	Diesel Gallons	Gasoline Gallons	Diesel Gallons	Gasoline Gallons	Natural Gas (MMBTU)
RC-036	56,649	21,461	89,728	372,430	599
RC-037	59,308	25,680	107,750	447,235	720
RC-038	123,845	94,836	841,678	491,443	6,516
RC-039	47,142	2,368	7,477	31,036	50
RD-001	=	=	15,722	65,255	105
RD-002	=	=	10,545	43,769	70
RD-003	50,958	5,240	19,748	81,967	132
RD-004	50,544	3,680	12,846	53,318	86
RD-005	=	=	231,031	134,896	1,789
RD-006	31,956	2,447	21,123	86,980	140
RD-007	36,757	6,028	55,954	230,412	371
RD-008	37,800	7,685	11,894	49,366	79
RD-009	31,956	2,299	19,186	79,004	127
RD-010	40,919	8,671	18,821	78,301	126
RD-011	32,572	2,731	24,294	100,041	161
RD-012	=	=	277,498	162,027	2,148
RD-013	=	=	467,507	272,970	3,619
RD-014	=	=	356,283	208,028	2,758
RD-015	=	=	195,217	113,984	1,511
RD-016	=	=	329,854	192,597	2,554
SB-001	=	=	283,517	165,541	2,195
SB-002	=	=	144,669	84,470	1,120
SB-003	=	=	273,933	159,946	2,121
SB-004	=	=	358,877	209,543	2,778
SB-005	=	=	130,145	75,990	1,008
SB-006	=	=	250,588	146,314	1,940
SB-007	46,873	2,121	6,519	27,057	44
SB-008	47,142	2,368	7,669	31,832	51
SJ-001	126,588	66,774	735,085	3,027,004	4,868
SJ-002	52,396	14,895	61,544	255,449	411
SJ-003	59,839	26,422	111,201	461,559	743
SJ-004	60,638	27,916	117,528	487,820	785

Table 6.17-4: Cumulative Transportation Fuel Consumption (Annual Average)

Project ID	Construction		Operational		
	Diesel Gallons	Gasoline Gallons	Diesel Gallons	Gasoline Gallons	Natural Gas (MMBTU)
Total Cum.	22,744,630	14,493,399	55,560,027	132,144,452	399,958
Net Project	1,553,812	54,103	45,345	30,327	1,094
Total	24,298,442	14,547,502	55,605,372	132,174,779	401,052
County/ SoCalGas	275,000,000	1,052,000,000	275,000,000	1,052,000,000	873,793,575
%County/ SoCalGas	9%	1%	20.22%	13%	0.05%

Source: ESA, 2020

A calculation error resulted in an inaccurate estimate of cumulative operational transportation fuel consumption. Cumulative operational fuel consumption has been recalculated and Table 6.17-4 has been replaced in its entirety. No change to impact determinations and no new significant impact would result.

- **Page 6.17-22, second paragraph, second and third to last sentence**

“Cumulative construction and operational consumption for diesel and gasoline would result in ~~449~~ 80 million gallons of diesel and ~~1,043~~ 147 million gallons of gasoline representing approximately ~~43-29~~ percent of county diesel and ~~99-14~~ percent of county gasoline respectively. The Project’s transportation fuel consumption from construction and operations consists of ~~0-14-7~~ percent of the total overall cumulative consumption of projects listed in Table 6.17-4 (total consumption of cumulative projects plus the proposed Project).”

A calculation error resulted in an inaccurate estimate of cumulative operational transportation fuel consumption. Cumulative operational fuel consumption has been recalculated and this revision reflects updated values. No change to impact determinations and no new significant impact would result.

Appendix A.1, Air Quality, Greenhouse Gas Emissions, and Health Risk Assessment Report

The following revisions have been made to Appendix A.1 of the Draft Recirculated RSFEIR (Air Quality, Greenhouse Gas Emissions, and Health Risk Assessment Report) to maintain consistency with the revisions made to Sections 4.3 (Air Quality) and 4.7 (Greenhouse Gases/Climate Change).

- **Page 35, Table 5**

In addition to the correction of typographical errors made in response to comments, updated 2018 data has been added. Table 5 provides background information and these revisions do not result in a change in the impact determination and no new significant impacts would result.

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- Page 164, Table 30

**Table 5
Ambient Air Quality Monitored in the Project Vicinity**

Pollutant	Standard	2014	2015	2016	2017	2018
Carbon Monoxide (CO)						
Maximum 1-hr concentration (ppm)		2.4	2.5	1.6	2.4	<u>2.1</u>
Number of days exceeded:	State: > 20 ppm	0	0	0	0	<u>ND</u>
	Federal: > 35 ppm	0	0	0	0	<u>0</u>
Maximum 8-hr concentration (ppm)		1.9	1.7	1.3	1.8	<u>1.9</u>
Number of days exceeded:	State: ≥ 9.0 ppm	0	0	0	0	<u>ND</u>
	Federal: ≥ 9 ppm	0	0	0	0	<u>0</u>
Ozone (O₃)						
Maximum 1-hr concentration (ppm)		0.141	0.132	0.142	0.145	<u>0.123</u>
Number of days exceeded:	State: > 0.09 ppm	29	31	33	ND	<u>22</u>
Maximum 8-hr concentration (ppm)		0.105	0.106	0.105	0.118 <u>0.119</u>	<u>0.101</u>
Number of days exceeded:	State: > 0.070 ppm	69	59	71	ND	<u>57</u>
	Federal: > 0.075 ppm	41	39	47	84 <u>58</u>	<u>34</u>
Coarse Particulates (PM₁₀)						
Maximum 24-hr concentration (µg/m ³)		100	69	84	92	<u>86.5</u>
Number of days exceeded:	State: > 50 µg/m ³	125	92	ND	ND	<u>133.6</u>
	Federal: > 150 µg/m ³	0	0	0	0	<u>0</u>
Annual arithmetic mean concentration (µg/m ³)		44.8	40.0	ND	ND	<u>43.9</u>
Exceeded for the year	State: > 20 µg/m ³	Yes	Yes	ND	ND	<u>Yes</u>
Fine Particulates (PM_{2.5})						
Maximum 24-hr concentration (µg/m ³)		50.6	61.1	60.8	50.3	<u>66.3</u>
Number of days exceeded:	Federal: > 35 µg/m ³	ND	10	5	ND	<u>3.1</u>
Annual arithmetic mean (µg/m ³)		16.8	15.3	12.6	12.2	<u>12.5</u>
Exceeded for the year	State: > 12 µg/m ³	Yes	Yes	Yes	Yes	<u>Yes</u>
	Federal: > 12.0 µg/m ³	Yes	Yes	Yes	Yes	<u>Yes</u>
Nitrogen Dioxide (NO₂)						
Maximum 1-hr concentration (ppm)		0.0600	0.057	0.073	0.063	<u>0.055</u>
Number of days exceeded:	State: > 0.18 ppm	0	0	0	0	<u>ND</u>
Annual arithmetic mean concentration (ppm)		0.015	0.0144	0.015	0.015	<u>0.014</u>
Exceeded for the year	State: > 0.030 ppm	No	No	ND	ND	<u>ND</u>
	Federal: > 0.053 ppm	No	No	ND	ND	<u>ND</u>

**Table 5
Ambient Air Quality Monitored in the Project Vicinity**

Pollutant	Standard	2014	2015	2016	2017	2018
Sulfur Dioxide (SO₂)						
Maximum 24-hr concentration (ppm)		1.3	1.0	1.2	1.2	<u>0.9</u>
Number of days exceeded:	State: > 0.04 ppm	ND	ND	ND	ND	<u>ND</u>
Annual arithmetic average concentration (ppm)		0.26	0.27	0.23	0.29	<u>0.45</u>
Exceeded for the year:	Federal: > 0.030 ppm	No	No	No	No	<u>No</u>

µg/m³ = micrograms per cubic meter

EPA = United States Environmental Protection Agency

Agency

ID = Insufficient data

ND = No data

ppm = parts per million

Source: CARB, 2018 for the SCAQMD Riverside-Rubidoux air monitoring station.

**Table 30
Localized Assessment of Project Phase 1 and Phase 2 Full Build Out (2020) Emissions
Maximum Impacts Outside the Project Boundaries (without mitigation)**

Pollutant	Averaging Time, Units	Existing Background ¹	Air Concentration ²		Standard/Threshold	Total Impact Exceeds Threshold
			Project Local Increase	Total (Background + Project)		
Carbon Monoxide	1 hour, ppm	2.2	0.03	2.2	20.0	No
	8 hour, ppm	2.0	0.02	2.0	9.0	No
Nitrogen Dioxide	State 1 hour, ppm	0.073	0.015	0.088	0.180	No
	National 1 hour, ppm	0.058	0.015	0.073	0.100	No
	Annual, ppm	0.015	0.001	0.016	0.030	No
PM ₁₀	24 hour, µg/m ³	NA	2.9	2.9	2.5	<u>Yes</u> No
	Annual, µg/m ³	NA	1.8	1.8	1.0	<u>Yes</u> No
PM _{2.5}	24 hour, µg/m ³	NA	0.8	0.8	2.5	No

Notes:

µg/m³ = micrograms per cubic meter (a concentration unit); NA = Not Applicable, the SCAQMD threshold methodology does not require a background for PM₁₀ or PM_{2.5}

¹ Background data for CO and NO₂ for State standards were derived as the highest air quality measured data over the most recent 3 years of meteorological data 2016-2018. Background concentrations for the National 1-hour NO₂ is the 3 year average of the 98th percentile of the daily maximum 1-hour average.

² Highest impacts generally occur at the existing residences along Gilman Springs Road to the east of the project.

Source: Air Quality, Greenhouse Gas, and Health Risk Assessment Report, 2019.

The final column of Table 30 on impact determination on has been corrected to show that there is a significant impact with respect to localized PM₁₀ emissions under the Year 2020 Full Build Out scenario (without mitigation). Numeric values shown for Background emissions, Project local increase, and total background plus Project emissions as shown in Table 30 remain unchanged and the reader of this table would have been able to ascertain the impact level from the numeric values. Additionally, as

discussed on page 4.3-45 of the Draft Recirculated RSFEIR, the Year 2020 Full Build Out scenario “represents hypothetical worst-case conditions in that the project physically could not be built-out in 2020”. The Year 2020 Full Build Out scenario has been included for informational purposes and to provide consistency with the traffic impact assessment (TIA) which examines Project Build Out under existing conditions and is not utilized in impact determination for Project localized significant. Therefore, this revision to Table 30 does not change any impact determination because projects impacts were not determined based on the Year 2020 Build Out scenario and would not result in a new significant impact.

- **Page 164, last paragraph**

“As noted from Table 29, the project would exceed the SCAQMD’s significance thresholds for the 24-hour and annual PM₁₀ thresholds for receptors located within the project’s boundaries. As shown in ~~table~~ Table 30, the significance thresholds would ~~not~~ be exceeded for the 24-hour and annual PM₁₀ thresholds ~~at any sensitive receptor located~~ outside of the project boundaries.”

A typographical error in the text has been revised to correctly describe the results in Table 30. Therefore, this revision to the text does not change the impact determination of potentially significant and would not result in a new significant impact.

- **Page 167, last paragraph, first sentence**

“The project’s maximum combined impacts from construction and operations during 2022 are shown in **Table 33**, Localized Assessment – Construction and Operation, Year ~~2032~~ 2022 Maximum Impacts Within the Project Boundaries (Without Mitigation), for the existing sensitive receptors located within the project boundaries along with the SCAQMD-recommended significance thresholds. **Table 34**, Localized Assessment – Construction and Operation, Year ~~2032~~ 2022 Maximum Impacts Outside the Project Boundaries (Without Mitigation), shows the maximum combined impacts for sensitive receptors located outside of the project boundaries.”

The title of Tables 33 and 34 were corrected to indicate an analysis year of 2022. The assumptions and data used for the calculations are for the year 2022 and no changes to the calculations are required. No change to the impact determination would occur and no new significant impacts would result.

- **Page 168, Table 33, Title**

**“Table 33
Localized Assessment – Construction and Operation, Year ~~2032~~ 2022 Maximum Impacts
Within the Project Boundaries (Without Mitigation)”**

The title of Table 33 was corrected to indicate an analysis year of 2022. The assumptions and data used for the calculations are for the year 2022 and no changes to the calculations are required. No change to the impact determination would occur and no new significant impacts would result.

- Page 169, Table 34, Title

**“Table 34
Localized Assessment – Construction and Operation, Year ~~2032~~2022 Maximum Impacts
Outside the Project Boundaries (without Mitigation)”**

The title of Table 34 was corrected to indicate an analysis year of 2022. The assumptions and data used for the calculations are for the year 2022 and no changes to the calculations are required. No change to the impact determination would occur and no new significant impacts would result.

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- Pages 188–190, Table 44

**Table 44a
Project GHG Emissions (Year by Year without Mitigation)**

Source	GHG Unmitigated Emissions (mt CO ₂ e/year)														
	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034
Capped Emissions															
Construction	18,770	22,198	23,363	23,511	22,113	16,408	12,424	11,692	12,000	11,452	12,311	10,610	9,993	7,451	7,430
Net Mobile	0	22,089	42,984	62,716	81,169	97,097	103,414	113,746	123,988	133,464	142,515	151,159	159,397	167,226	174,639
Yard trucks	0	813	1,625	2,438	3,250	4,053	4,371	4,689	5,016	5,334	5,652	5,970	6,288	6,606	6,924
Generator	0	30	61	91	121	151	163	175	187	199	211	222	234	246	258
Forklifts	0	29	58	87	117	145	157	168	180	191	203	214	226	237	248
Electricity	0	6,097	11,672	18,583	24,799	36,149	40,666	41,689	41,168	40,436	40,169	39,884	39,257	38,288	36,329
Water	0	133	267	445	623	953	1,283	1,458	1,562	1,667	1,817	1,986	2,156	2,326	2,437
Natural gas	0	0	545	1,089	1,634	2,723	3,080	3,259	3,438	3,617	3,795	3,974	4,153	4,331	4,510
Solar	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Capped	18,770	51,390	80,574	108,959	133,825	157,680	165,558	176,875	187,539	196,360	206,672	214,020	221,703	226,711	232,775
Uncapped Emissions															
Construction Refrigerants and Waste	209	209	209	209	206	102	141	144	141	141	141	141	141	141	118
Waste	0	2,175	4,349	6,524	8,698	10,847	11,698	12,549	13,423	14,274	15,125	15,976	16,827	17,678	18,529
Refrigerants	0	291	583	874	1,166	1,454	1,568	1,682	1,799	1,913	2,027	2,141	2,255	2,369	2,483
Land use change	0	131	262	392	523	652	704	755	807	858	910	961	1,012	1,063	1,114
Sequestration	0	-13	-25	-38	-50	-63	-68	-72	-77	-82	-87	-92	-97	-102	-107
Total Uncapped	209	2,793	5,377	7,961	10,543	12,992	14,043	15,057	16,093	17,104	18,116	19,127	20,138	21,149	22,137
Threshold	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
Significant impact?	No	No	No	No	Yes										

**Table 44b
Project GHG Emissions (Year by Year without Mitigation)**

Source	GHG Unmitigated Emissions (mt CO ₂ e/year)														
	2035 (Buildout)	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049
Capped Emissions															
Construction	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Net Mobile	179,355	179,355	179,355	179,355	179,355	179,355	179,355	179,355	179,355	179,355	179,355	179,355	179,355	179,355	179,355
Yard trucks	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172
Generator	267	267	267	267	267	267	267	267	267	267	267	267	267	267	267
Forklifts	257	257	257	257	257	257	257	257	257	257	257	257	257	257	257
Electricity	34,147	29,379 <u>31,998</u>	26,115 <u>28,442</u>	22,850 <u>24,886</u>	19,586 <u>21,331</u>	16,322 <u>17,776</u>	13,057 <u>14,221</u>	9,793 <u>10,666</u>	6,529 <u>7,110</u>	3,264 <u>3,555</u>	0	0	0	0	0
Water	2,548	2,580	2,580	2,580	2,580	2,580	2,580	2,580	2,580	2,580	0	0	0	0	0
Natural gas	4,689	4,689	4,689	4,689	4,689	4,689	4,689	4,689	4,689	4,689	4,689	4,689	4,689	4,689	4,689
Solar	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Capped	228,435	223,699 <u>226,317</u>	220,435 <u>222,762</u>	217,170 <u>219,206</u>	213,906 <u>215,651</u>	210,642 <u>212,096</u>	207,377 <u>208,541</u>	204,113 <u>204,986</u>	200,849 <u>201,430</u>	197,584 <u>197,875</u>	191,740	191,740	191,740	191,740	191,740
Uncapped Emissions															
Construction Refrigerants and Waste	166	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Waste	19,193	19,193	19,193	19,193	19,193	19,193	19,193	19,193	19,193	19,193	19,193	19,193	19,193	19,193	19,193
Refrigerants	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572
Land use change	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154
Sequestration	-111	-111	-111	-111	-111	-111	-111	-111	-111	-111	-111	-111	-111	-111	-111
Total Uncapped	22,974	22,808	22,808	22,808	22,808	22,808	22,808								
Threshold	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
Significant impact?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

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Table 44c
Project GHG Emissions (Year by Year without Mitigation)

Source	GHG Unmitigated Emissions (mt CO ₂ e/year)															Total (2020- 2064)
	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	
Capped Emissions																
Construction	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	221,727
Net Mobile	154,246	132,651	107,890	87,750	57,330	45,453	40,481	37,820	35,334	32,020	28,614	25,570	22,850	21,257	19,775	5,114,971
Yard trucks	6,168	5,304	4,314	3,509	2,293	1,818	1,619	1,512	1,413	1,280	1,144	1,022	914	850	791	204,561
Generator	230	198	161	131	85	68	60	56	53	48	43	38	34	32	29	7,620
Forklifts	221	190	155	126	82	65	58	54	51	46	41	37	33	30	28	7,340
Electricity	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	636,226 649,316
Water	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	44,876
Natural gas	4,032	3,468	2,820	2,294	1,499	1,188	1,058	989	924	837	748	668	597	556	517	132,674
Solar	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Capped	164,897	141,811	115,340	93,810	61,289	48,592	43,277	40,432	37,774	34,231	30,590	27,336	24,428	22,725	21,141	6,383,085 6,383,085
Uncapped Emissions																
Construction Refrigerants and Waste	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2,559
Waste	16,506	14,195	11,545	9,390	6,135	4,864	4,332	4,047	3,781	3,426	3,062	2,736	2,445	2,275	2,116	547,418
Refrigerants	2,212	1,902	1,547	1,258	822	652	580	542	507	459	410	367	328	305	284	73,356
Land use change	993	854	694	565	369	293	261	243	227	206	184	165	147	137	127	32,922
Sequestration	-95	-82	-67	-54	-35	-28	-25	-23	-22	-20	-18	-16	-14	-13	-12	-3,159
Total Uncapped	19,615	16,869	13,720	11,159	7,291	5,780	5,148	4,809	4,493	4,072	3,639	3,252	2,906	2,703	2,515	653,096
Threshold	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	450,000
Significant impact?	Yes	Yes	Yes	Yes	No	Yes										

mt CO₂e = metric tons of carbon dioxide equivalents, which is calculated from the emissions (tons/year) by multiplying by the individual global warming potential (carbon dioxide – 1, methane – 21, nitrous oxide – 310, hydrofluorocarbons – 1500, black carbon 760) and converted to metric tons by multiplying by 0.9072.

- 1 - Electricity and natural gas emissions estimates account for PDFs that improve energy efficiency and eliminate the use of building natural gas; includes electricity use by on-site EV chargers.
- 2 - Estimated construction emissions are included prior to buildout.
- 3 – 2036 is the first full year that the Project would be built out. Years from buildout until 2049 are conservatively estimated to be equivalent to buildout year emissions and exclude construction emissions since construction activity would cease after buildout. Years post-2049 take into account the phasing out of structures as they reach their presumed 30-year lifetime.
- 4 – Electricity emissions decrease to zero in 2045 after RPS has reached 100% renewable electricity

Revisions to Table 44 were made to correct errors made in transferring data from calculation workbooks. No new calculations were made, no changes to the impact determinations were made, and no new significant impacts would result.

• Page 212, Table 54

Table 54
Estimated Cancer Risks, 30-Year Exposure Duration for Sensitive/Residential Receptors Starting from Beginning of Project Construction (Construction and Operation HRA), With Mitigation (Without MERV-13 Filters)

Receptor Location	Incremental Increase in Cancer Risk during Project Construction (risk/million)	Incremental Increase in Cancer Risk during Project Operation (risk/million)	Total Incremental Increase in Cancer Risk ¹ (risk/million)	SCAQMD Cancer Risk Significance Threshold (risk/million)	Exceeds Threshold?
Maximum <u>combined</u> risk anywhere in the modeling domain ²	4.9	4.2	9.1	10	No
Existing residences within the project boundaries					
13241 World Logistics Center Pkwy	4.9	4.2	9.1	10	No
13100 World Logistics Center Pkwy	3.3	4.6	7.9	10	No
13200 World Logistics Center Pkwy	4.0	3.8	7.8	10	No
30220 Dracaea Ave	4.1	4.8	8.9	10	No
29080 Dracaea Ave	2.3	2.5	4.8	10	No
29140 Dracaea Ave	2.5	2.7	5.2	10	No
Maximum risk at any area outside of the project boundaries ³	4.4	4.3	5.7	10	No
<u>12400 World Logistics Center Parkway</u>	<u>0.7</u>	<u>6.4</u>	<u>7.1</u>	<u>10</u>	<u>No</u>
<u>Southwest of the Project Boundary³</u>	<u>5.1</u>	<u>1.4</u>	<u>6.5</u>	<u>10</u>	<u>No</u>

Notes:

* Pursuant to Mitigation Measure 4.3.6.5A, the Applicant shall install MERV-13 air filters at the residences located at 13100 World Logistics Center Parkway (formerly Theodore Avenue) and 12400 World Logistics Center Parkway (formerly Theodore Avenue); however, reductions provided by MERV-13 filters are not reflected in mitigated numbers in this table.

¹ Cancer risk calculation conservatively assumed all receptors modeled are residential receptors. 30-year average exposures from 2020 to 2049 (includes diesel PM emissions from construction and operation); cancer risk estimates derived from the EMFAC2014/EMFAC2017 emission model and “Current OEHHA Guidance” for estimating cancer risks.

² Location is at existing residences within the boundaries of the project.

³ Location is adjacent to the midsouthwestern boundary of the project between Bay Avenue and Stevens Avenue.

Source: Air Quality, Greenhouse Gas, and Health Risk Assessment Report, 2019.

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Clarification was included in the footer of Table 54 to better convey the application of mitigation and reference the appropriate version of EMFAC to more clearly and accurately describe modeling methodology. No change to the impact determination would occur and no new significant impact would result.

- **Page 213, Table 55a**

Table 55a
Estimated Cancer Risks, 30-Year Exposure Duration for Sensitive/Residential Receptors Starting from Beginning of Project Full Operation in 2035, With Mitigation (Without MERV-13 Filters)

Receptor Location	Total Incremental Increase in Cancer Risk ¹ (risk/million)	SCAQMD Cancer Risk Significance Threshold (risk/million)	Exceeds Threshold?
Maximum risk anywhere in the modeling domain ²	14.2	10	Yes
Maximum risk within the project boundaries ³	40.7	49	Yes
<u>13241 World Logistics Center Pkwy</u>	<u>8.8</u>	<u>10</u>	<u>No</u>
<u>13100 World Logistics Center Pkwy</u>	<u>10.2</u>	<u>10</u>	<u>Yes</u>
<u>13200 World Logistics Center Pkwy</u>	<u>8.5</u>	<u>10</u>	<u>No</u>
<u>30220 Dracaea Ave</u>	<u>10.7</u>	<u>10</u>	<u>Yes</u>
<u>29080 Dracaea Ave</u>	<u>5.3</u>	<u>10</u>	<u>No</u>
<u>29140 Dracaea Ave</u>	<u>5.6</u>	<u>10</u>	<u>No</u>
Maximum risk at any area outside of the project boundaries ⁴			
<u>12400 World Logistics Center Parkway²</u>	<u>14.2</u>	<u>10</u>	<u>Yes</u>
<u>W of Redlands Blvd & S of Eucalyptus Avenue⁴</u>	9.5	10	No
Maximum risk along SR60 freeway outside of the project boundaries ⁵	9.5 <u>14.2</u>	10	No <u>Yes</u>

Table 55a
Estimated Cancer Risks, 30-Year Exposure Duration for Sensitive/Residential Receptors Starting from Beginning of Project Full Operation in 2035, With Mitigation (Without MERV-13 Filters)

Receptor Location	Total Incremental Increase in Cancer Risk ¹ (risk/million)	SCAQMD Cancer Risk Significance Threshold (risk/million)	Exceeds Threshold?
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Notes:

- ¹ Conservatively assumed all receptors in the studied domain are residential receptors and will have 30-year average exposures from 2040 to 2064 (includes diesel PM emissions from full project operation); cancer risk estimates derived from the TIA, EMFAC2014/EMFAC2017 emission model, SCAQMD HRA guidance and "Current OEHHA Guidance" for estimating cancer risks.
- ² Location is at the existing residence immediately to the north of the project boundary and is owned by the project sponsor, at 12400 World Logistics Center Parkway.
- ³ Location is at the existing residence located at 30220 Dracaea Avenue.
- ⁴ Excluding the location in footnote (2) and locations within the project boundaries, this maximum risk location is owned by the project sponsor and is a receptor located to the northwest of the project boundary, on the west side of Redlands Boulevard and south of Eucalyptus Avenue.
- ⁵ Location is south immediately north of SR 60 freeway, same as the location in footnote (4) which is to the northwest of the project boundary, on the west side of Redlands Boulevard and south of Eucalyptus Avenue.

Source: Air Quality, Greenhouse Gas, and Health Risk Assessment Report, 2019.

In addition to revisions made to properly characterize the risk level within and outside of the Project boundaries, typographical errors and clarifications within the footer of the table were corrected. Therefore, this revision to Table 55a does not change the impact determination of significant and would not result in a new significant impact.

- **Page 213, Table 55b**

Table 55b
Estimated Cancer Risks, 30-Year Exposure Duration for Sensitive/Residential Onsite Receptors Starting from Beginning of Project Full Operation in 2035, With Mitigation & Installation of MERV-13 Filters

Receptor Location	Total Incremental Increase in Cancer Risk ¹ (risk/million)	SCAQMD Cancer Risk Significance Threshold (risk/million)	Exceeds Threshold?
12400 World Logistics Center Parkway	7.10	10	No
30220 Dracaea Avenue	5.35	10	No
13241 13100 World Logistics Center Parkway	4.75 10	10	No

Notes:

- ¹ MERV-13 filters conservatively assume 50% efficiency and are applied to the receptors presented in Table 4.3-29. DieselNet.com, 2002

Source: Air Quality, Greenhouse Gas, and Health Risk Assessment Report, 2019.

Final Response to Comments

Typographical errors were corrected and clarification of mitigation application was included. These revisions reflect the modeling methodology and results accurately and does not result a change to the impact determination and no new significant impact would result.

- **Page 232, first paragraph, last sentence**

“The WLC Sustainable Energy Plan includes additional Project Design Features that go beyond the ~~WLSCP~~WLCSP with energy conservation measures that exceed minimal compliance with current (~~2016~~2019) Title 24 requirements by about 17 percent at Phase 1 and 16 percent at full buildout.”

A typographical error has been revised to reference the correct version of Title 24’s energy savings requirements. The analysis set forth in the Draft Recirculated RSFEIR assumes the correct version (2019) and the correction does not invalidate the results of the analysis. Therefore, this revision to the text does not change the impact determination of potentially significant and would not result in a new significant impact.

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- Pages 229–231, Table 60

**Table 60a
Project GHG Emissions (Year by Year with Mitigation and Medium EV Penetration) – Scoping Plan Scenario, For Informational Purposes Only**

Source	GHG Mitigated Emissions (mt CO ₂ e/year)														
	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034
Capped Emissions															
Construction	18,770	22,198	23,363	23,511	22,113	16,408	12,424	11,692	12,000	11,452	12,311	10,610	9,993	7,451	7,430
Mobile	0	20,982	41,248	60,829	79,602	94,618	102,528	112,913	123,228	132,810	141,992	150,778	159,165	167,154	174,742
Yard trucks	0	813	1,625	2,438	3,250	4,053	4,371	4,689	5,016	5,334	5,652	5,970	6,288	6,606	6,924
Generator	0	32	65	97	130	162	174	187	200	213	225	238	251	263	276
Forklifts	0	29	58	87	117	145	157	168	180	191	203	214	226	237	248
Electricity	0	5,634	10,785	17,172	22,915	33,404	40,224	42,353	42,411	42,184	42,583	42,956	42,870	42,326	40,453
Water	0	119	239	398	557	853	1,148	1,304	1,398	1,492	1,626	1,778	1,929	2,081	2,181
Natural gas	0	0	0	0	0	0	0	0	0	1	1	1	1	1	1
Solar	0	-179	-357	-595	-834	-1,276	-1,705	-1,931	-2,068	-2,204	-2,398	-2,618	-2,838	-3,059	-3,203
Total Capped	18,770	49,629	77,027	103,937	127,851	148,367	159,322	171,376	182,365	191,474	202,194	209,926	217,884	223,060	229,051
Uncapped Emissions															
Construction Refrigerants and Waste	192	192	192	192	190	85	124	127	124	124	124	124	124	124	101
Waste	0	544	1,087	1,631	2,175	2,712	2,924	3,137	3,356	3,569	3,781	3,994	4,207	4,419	4,632
Refrigerants	0	291	583	874	1,166	1,454	1,568	1,682	1,799	1,913	2,027	2,141	2,255	2,369	2,483
Land use change	0	131	262	392	523	652	704	755	807	858	910	961	1,012	1,063	1,114
Sequestration	0	-13	-25	-38	-50	-63	-68	-72	-77	-82	-87	-92	-97	-102	-107
Total Uncapped	192	1,145	2,098	3,051	4,003	4,840	5,252	5,628	6,009	6,382	6,755	7,128	7,501	7,874	8,223
Threshold	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
Significant Impact?	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No

Table 60b
Project GHG Emissions (Year by Year with Mitigation and Medium EV Penetration) – Scoping Plan Scenario, For Informational Purposes Only

Source	GHG Mitigated Emissions (mt CO ₂ e/year)														
	2035 (Buildout)	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049
Capped Emissions															
Construction	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Mobile	172,356	172,356	172,356	172,356	172,356	172,356	172,356	172,356	172,356	172,356	172,356	172,356	172,356	172,356	172,356
Yard trucks	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172	7,172
Generator	286	286	286	286	286	286	286	286	286	286	286	286	286	286	286
Forklifts	257	257	257	257	257	257	257	257	257	257	257	257	257	257	257
Electricity	38,279	34,818 38,678	30,949 34,381	27,080 30,083	23,212 25,785	19,343 21,488	15,475 17,190	11,606 12,893	7,737 8,595	3,869 4,298	0	0	0	0	0
Water	2,280	2,308	2,308	2,308	2,308	2,308	2,308	2,308	2,308	2,308	0	0	0	0	0
Natural gas	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Solar	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386	-3,386
Total Capped	217,245	213,812 217,672	209,943 213,375	206,075 209,077	202,206 204,780	198,337 200,482	194,469 196,185	190,600 191,887	186,731 187,589	182,863 183,292	176,686	176,686	176,686	176,686	176,686
Uncapped Emissions															
Construction Refrigerants and Waste	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Waste	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798	4,798
Refrigerants	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572	2,572
Land use change	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154	1,154
Sequestration	-111	-111	-111	-111	-111	-111	-111	-111	-111	-111	-111	-111	-111	-111	-111
Total Uncapped	8,414	8,414	8,414	8,414	8,414	8,414	8,414	8,414	8,414	8,414	8,414	8,414	8,414	8,414	8,414
Threshold	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
Significant Impact?	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No

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Table 60c

Project GHG Emissions (Year by Year with Mitigation and Medium EV Penetration) – Scoping Plan Scenario, For Informational Purposes Only

Source	GHG Mitigated Emissions (mt CO ₂ e/year)															Total (2020-2064)
	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	
Capped Emissions																
Construction	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	221,727
Mobile	148,226	127,475	103,680	84,326	55,093	43,680	38,902	36,344	33,956	30,770	27,497	24,572	21,958	20,428	19,003	4,963,844
Yard trucks	6,168	5,304	4,314	3,509	2,293	1,818	1,619	1,512	1,413	1,280	1,144	1,022	914	850	791	204,561
Generator	246	211	172	140	91	72	65	60	56	51	46	41	36	34	32	8,152
Forklifts	221	190	155	126	82	65	58	54	51	46	41	37	33	30	28	7,340
Electricity	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	680,637 699,939
Water	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	40,159
Natural gas	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	20
Solar	-2,912	-2,505	-2,037	-1,657	-1,082	-858	-764	-714	-667	-605	-540	-483	-431	-401	-373	-92,091
Total Capped	151,950	130,677	106,284	86,444	56,477	44,777	39,879	37,257	34,808	31,543	28,188	25,189	22,510	20,941	19,481	6,053,651 6,053,651
Uncapped Emissions																
Construction Refrigerants and Waste	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2,140
Waste	4,126	3,549	2,886	2,348	1,534	1,216	1,083	1,012	945	857	765	684	611	569	529	136,855
Refrigerants	2,212	1,902	1,547	1,258	822	652	580	542	507	459	410	367	328	305	284	73,356
Land use change	993	854	694	565	369	293	261	243	227	206	184	165	147	137	127	32,922
Sequestration	-95	-82	-67	-54	-35	-28	-25	-23	-22	-20	-18	-16	-14	-13	-12	-3,159
Total Uncapped	7,236	6,223	5,061	4,116	2,689	2,132	1,899	1,774	1,658	1,502	1,342	1,199	1,072	997	928	242,114
Threshold	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	450,000
Significant Impact?	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No

mt CO₂e = metric tons of carbon dioxide equivalents, which is calculated from the emissions (tons/year) by multiplying by the individual global warming potential (carbon dioxide – 1, methane – 21, nitrous oxide – 310, hydrofluorocarbons – 1500, black carbon 760) and converted to metric tons by multiplying by 0.9072.

- 1 - Electricity and natural gas emissions estimates account for PDFs that improve energy efficiency and eliminate the use of building natural gas; includes electricity use by on-site EV chargers.
- 2 - Estimated construction emissions are included prior to buildout.
- 3 - 2035 is the first full year that the Project would be built out. Years from buildout until 2049 are conservatively estimated to be equivalent to buildout year emissions and exclude construction emissions since construction activity would cease after buildout. Years post-2049 take into account the phasing out of structures as they reach their presumed 30-year lifetime.
- 4 - Electricity emissions decrease to zero in 2045 after RPS has reached 100% renewable electricity

Revisions to Table 60 were made to correct errors made in transferring data from calculation workbooks. No new calculations were made, no changes to the impact determinations were made, and no new significant impacts would result.

Appendix A.3, Cumulative Emissions Calculations

A conversion error resulted in an inaccurate representation of cumulative metric tons of CO₂e emissions from operational on-road vehicles. Revised cumulative emissions database outputs (to replace Appendix A.3-1 of the Recirculated Revised Sections of the FEIR) are included as Appendix B of this Response to Comments document.

Appendix Energy

Conversion and calculation errors resulted in inaccurate estimates of cumulative energy usage. Revised cumulative energy calculations (to replace Appendix E.6 of the Recirculated Revised Sections of the FEIR) are included Appendix C of this Response to Comments document.

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