



# South Coast Air Quality Management District

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SENT VIA E-MAIL:

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**Draft Environmental Impact Report (Draft EIR) for the Proposed  
Rich-Haven Specific Plan 2022 Amendment (Proposed Project)  
File No. PSPA22-001 (SCH No. 2022100425)**

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. The City of Ontario is the Lead Agency under the California Environmental Quality Act (CEQA) for the Proposed Project. The following comments recommended revisions to the health risk assessment analysis, overlapped construction and operational activities analysis, additional air quality and greenhouse gas mitigation measures, health risk reduction strategies, South Coast AQMD Rules 2305 and 316, and information on South Coast AQMD permits and responsible agency that the Lead Agency should include in the Final EIR.

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

By way of background, the Rich-Haven Specific Plan was approved by the Lead Agency in 2015, with subsequent Specific Plan Amendments approved in 2016, 2018, and 2021.<sup>1</sup> The Lead Agency proposes the current 2021 Specific Plan, which comprises approximately 584 acres,<sup>2</sup> with the Rich-Haven Specific Plan 2022 Amendment (Proposed Project), resulting in the primary revisions<sup>3</sup> to:

- Maintain the total residential development of 7,194 dwelling units, with the residential units and densities would be reassigned
- Reduce commercial development by approximately 65,900 square feet, an approximately 6.7 percent reduction, with a maximum square foot of 925,002.<sup>4</sup> The Proposed Project is assumed to accommodate a variety of commercial/retail development<sup>5</sup>
- Increase light industrial development by approximately 1,583,623 square feet, an approximately 134 percent increase, with a maximum square foot of 2,767,148.<sup>6</sup> The Proposed Project would accommodate a mix of high-cube fulfillment warehouses, refrigerated warehouses, and business park uses<sup>7</sup>

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<sup>1</sup> Draft EIR. Page 3-1.

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

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

<sup>4</sup> *Ibid.* Page 3-4.

<sup>5</sup> *Ibid.* Page 3-17.

<sup>6</sup> *Ibid.* Page 3-4.

<sup>7</sup> *Ibid.* Page 3-16.

- Other aspects and attributes of the 2021 Specific Plan would be substantively maintained under the Proposed Project

As of this Draft EIR, approximately 468 residential units of the total 7,194 dwelling units have been constructed and are occupied.<sup>8</sup> The remainder of the Proposed Project site has not yet been developed; these land uses include a dairy farm, a former hog ranch, vacant/disturbed properties throughout the site, and Southern California Edison (SCE) transmission line easement.<sup>9</sup> The Proposed Project is west of Interstate 15 (I-15) and south of State Route 60 (SR-60).<sup>10</sup> Based on the aerial photographs, South Coast AQMD staff finds that sensitive receptors (e.g., residences, Colony High School) are within 70-120 feet north, east, and west of the Proposed Project site. The Proposed Project development is anticipated in sequence in two phases: Phase 1 is for light industrial and commercial uses, and Phase 2 is for residential products and community amenities (including parks and open space).<sup>11</sup> The Proposed Project Opening year is defined as 2025.<sup>12</sup> At buildout in 2027,<sup>13</sup> the Proposed Project would generate 95,552 two-way vehicle trips, including 1,144 two-way truck trips per day.<sup>14</sup>

### South Coast AQMD Staff's Comments on the Draft EIR

#### *Health Risk Assessment (HRA) Analysis*

##### Construction HRA

Based on the provided modeling files and the AERMOD modeling outputs file in Appendix D – Air Quality Impact Analysis,<sup>15</sup> the averaging time used in the model run is ANNUAL. However, according to the South Coast AQMD Risk Assessment Procedures for Rule 1401, 1401.1, and 212<sup>16</sup> (version 8.1), and South Coast AQMD Modeling Guidance for AERMOD,<sup>17</sup> the detailed HRA utilizing AERMOD should be run using the averaging time of PERIOD and 1-hour. Therefore, South Coast AQMD staff recommend that the Lead Agency revise the construction HRA utilizing PERIOD and 1-hour averaging time to determine the health risk impacts to the sensitive receptors and off-site workers and include the results in the Final EIR. If the revision is not included in the Final EIR, the Lead Agency should provide reasons for not having them supported by substantial evidence in the record.

##### Operational HRA

Based on the provided modeling files, South Coast AQMD staff is able to verify that the building downwash option is not selected in the operational HRA. The ground-level pollutant concentrations near the building would be underestimated if the downwash effects were absent in

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<sup>8</sup> *Ibid.* Page 3-6.

<sup>9</sup> *Ibid.*

<sup>10</sup> *Ibid.* Page 3-1.

<sup>11</sup> *Ibid.* Page 3-17.

<sup>12</sup> *Ibid.* Page 3-26.

<sup>13</sup> *Ibid.* Page 4.3-31.

<sup>14</sup> *Ibid.* Appendix D – Air Quality Impact Analysis. Page 12.

<sup>15</sup> *Ibid.* Appendix D. Page 1139 of PDF.

<sup>16</sup> South Coast AQMD Risk Assessment Procedures for Rule 1401, 1401.1, and 212 Version 8.1. Page 23. Access at: <http://www.aqmd.gov/docs/default-source/permitting/rule-1401-risk-assessment/riskassessproc-v8-1.pdf>

<sup>17</sup> South Coast AQMD Modeling Guidance for AERMOD. Access at: <http://www.aqmd.gov/home/air-quality/meteorological-data/modeling-guidance>

the dispersion modeling. Therefore, building downwash should be considered for the Proposed Project operation to predict more accurate ground-level concentrations.

In addition, the truck idling emissions would need to be estimated separately and included in the dispersion modeling analysis and HRA as point sources. However, truck idling emissions from the modeling files are modeled as line volume sources. In addition, the EIR needs to clarify if any stationary combustion engines (e.g., diesel firewater pump, diesel emergency generator, etc.) will be used on-site during operation. If any of these will be used when implementing the Proposed Project, they will need to be added as additional sources to the HRA and dispersion modeling files. Therefore, South Coast AQMD staff recommend that the Lead Agency revise the operational HRA modeling by incorporating the above recommendations and including the HRA results in the Final EIR. If the HRA modeling is not revised and included in the Final EIR, the Lead Agency should provide reasons supported by substantial evidence in the record to explain why the revision is not included.

#### *Overlapped Construction and Operational Activities*

According to the Draft EIR and Appendix D, the first phase of development is anticipated in the Opening Year of 2024, and the Proposed Project Buildout is anticipated in the year 2027.<sup>18,19</sup> Hence, the possibility of overlapped construction (Phase 2) and operation (Phase 1) activities is likely to occur. However, the Draft EIR does not include an emissions analysis for the overlapping activities. Therefore, South Coast AQMD staff recommends that the Lead Agency analyze the overlapping activities to estimate emissions associated with the time. The estimated overlapped emissions should then be compared to South Coast AQMD's regional air quality CEQA operational thresholds<sup>20</sup> to determine the significance level, and the results should be included in the Final EIR. If the overlapped emissions analysis is not included in the Final EIR, the Lead Agency should provide reasons for not having them supported by substantial evidence in the record.

#### *Additional Air Quality and Greenhouse Gas Mitigation Measures*

According to the Draft EIR and Appendix D, the Lead Agency utilizes CalEEMod's latest version to analyze the maximum daily emissions from Proposed Project's construction and operational activities.<sup>21</sup> The peak unmitigated construction and peak operational emissions are shown in Tables 4.3-4, 4.3-6, and 4.3-7.<sup>22</sup> The Lead Agency concludes that regional construction and operational emissions would be significant and unavoidable. To reduce the emissions from construction and operational activities, the Lead Agency proposes mitigation measures (MM) from 4.3.1 to 4.3.18.<sup>23</sup> However, the Lead Agency concludes that the impact of air quality and greenhouse gas are significant and unavoidable even with mitigation incorporated.<sup>24</sup>

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<sup>18</sup> *Ibid.* Page 4.3-31.

<sup>19</sup> *Ibid.* Appendix D. Page 11.

<sup>20</sup> South Coast AQMD Air Quality Significance Thresholds. Access at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/south-coast-aqmd-air-quality-significance-thresholds.pdf>

<sup>21</sup> *Ibid.* Appendix D. Page 54.

<sup>22</sup> *Ibid.* Pages 4.3-29, 4.3-32, and 4.3-33.

<sup>23</sup> *Ibid.* Pages 4.3-29, 4.3-30, 4.3-34, 4.3-35, and 4.3-36.

<sup>24</sup> *Ibid.* Pages 4.3-31, 4.3-33, and 4.4-41.

Mitigation measures for operational air quality impacts from mobile sources that the Lead Agency should consider in the Final EIR may include the following:

- Require zero-emissions (ZE) or near-zero emission (NZE) on-road haul trucks, such as heavy-duty trucks with natural gas engines that meet the CARB's adopted optional NOx emissions standard at 0.02 grams per brake horsepower-hour (g/bhp-hr), if and when feasible. Given the state's clean truck rules and regulations aiming to accelerate the utilization and market penetration of ZE and NZE trucks, such as the Advanced Clean Trucks Rule<sup>25</sup> and the Heavy-Duty Low NOx Omnibus Regulation<sup>26</sup>, ZE and NZE trucks will become increasingly more available to use. The Lead Agency should require a phase-in schedule to incentivize using these cleaner operating trucks to reduce any significant adverse air quality impacts. South Coast AQMD staff is available to discuss the availability of current and upcoming truck technologies and incentive programs with the Lead Agency. At a minimum, require the use of the 2010 model year<sup>27</sup> that meets CARB's 2010 engine emissions standards at 0.01 g/bhp-hr of particulate matter (PM) and 0.20 g/bhp-hr of NOx emissions or newer, cleaner trucks. Where appropriate, include environmental analyses to evaluate and identify sufficient electricity and supportive infrastructures in the Energy and Utilities and Service Systems Sections in the CEQA document. Include the requirement in applicable bid documents, purchase orders, and contracts. Operators shall maintain records of all trucks associated with project construction to document that each truck used meets these emission standards and make the records available for inspection. The Lead Agency should conduct regular inspections to the maximum extent feasible to ensure compliance.
- Limit the daily number of trucks allowed at the Proposed Project to levels analyzed in the Final CEQA document. If higher daily truck volumes are anticipated to visit the site, the Lead Agency should commit to re-evaluating the Proposed Project through CEQA prior to allowing this higher activity level.
- Provide electric vehicle (EV) charging stations or, at a minimum, provide the electrical infrastructure, and electrical panels should be appropriately sized. Electrical hookups should be provided for truckers to plug in any onboard auxiliary equipment.

Mitigation measures for operational air quality impacts from other area sources that the Lead Agency should consider in the Final EIR may include the following:

- Maximize the use of solar energy by installing solar energy arrays
- Use light-colored paving and roofing materials
- Utilize only Energy Star heating, cooling, and lighting devices, and appliances

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<sup>25</sup> CARB. June 25, 2020. *Advanced Clean Trucks Rule*. Accessed at: <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-trucks>.

<sup>26</sup> CARB has recently passed a variety of new regulations that require new, cleaner heavy-duty truck technology to be sold and used in state. For example, on August 27, 2020, CARB approved the Heavy-Duty Low NOx Omnibus Regulation, which will require all trucks to meet the adopted emission standard of 0.05 g/hp-hr starting with engine model year 2024. Accessed at: <https://ww2.arb.ca.gov/rulemaking/2020/hdomnibuslownox>.

<sup>27</sup> CARB adopted the statewide Truck and Bus Regulation in 2010. The Regulation requires diesel trucks and buses that operate in California to be upgraded to reduce emissions. Newer heavier trucks and buses must meet particulate matter filter requirements beginning January 1, 2012. Lighter and older heavier trucks must be replaced starting January 1, 2015. By January 1, 2023, nearly all trucks and buses will need to have 2010 model year engines or equivalent. More information on the CARB's Truck and Bus Regulation is available at: <https://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm>.

- Use of water-based or low-VOC cleaning products that go beyond the requirements of South Coast AQMD Rule 1113

Furthermore, the Final EIR needs to clarify the routes designated for trucks associated with the Proposed Project development. Thus, design considerations for the Proposed Project that the Lead Agency should consider included in the Final EIR to further reduce air quality and health risk impacts may include the following:

- Identify any designated truck routes to transport to and from the Proposed Project
- Clearly mark truck routes with trailblazer signs so that trucks will not travel next to or near sensitive land uses (e.g., residences, schools, daycare centers, etc.)
- Design the Proposed Project such that truck entrances and exits are not facing sensitive receptors and trucks will not travel past sensitive land uses to enter or leave the Proposed Project site
- Design the Proposed Project such that any check-in point for trucks is inside the Proposed Project site to ensure that no trucks are queuing outside
- Design the Proposed Project to ensure that truck traffic inside the Proposed Project site is as far away as feasible from sensitive receptors
- Restrict overnight truck parking in sensitive land uses by providing overnight truck parking inside the Proposed Project site

South Coast AQMD staff also suggests the Lead Agency review the below-listed references and consider including the additional recommended mitigation measures in the Final EIR:

- State of California – Department of Justice: Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act<sup>28</sup>
- South Coast AQMD 2022 South Coast Air Quality Management Plan,<sup>29</sup> specifically:
  - Appendix IV-A – South Coast AQMD’s Stationary and Mobile Source Control Measures
  - Appendix IV-B – CARB’s Strategy for South Coast
  - Appendix IV-C – SCAG’s Regional Transportation Strategy and Control Measures
- United States Environmental Protection Agency (U.S. EPA): Mobile Source Pollution - Environmental Justice and Transportation<sup>30</sup>

#### *Health Risk Reduction Strategies*

Notwithstanding the court rulings, South Coast AQMD staff recognizes that the Lead Agency that approves CEQA documents retain the authority to include any additional information they deem relevant to assessing and mitigating the environmental impacts of a project. South Coast AQMD staff is concerned about the potential public health impacts of siting sensitive populations within

<sup>28</sup> State of California – Department of Justice. Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act. Access at: <https://oag.ca.gov/system/files/media/warehouse-best-practices.pdf>

<sup>29</sup> 2022 South Coast AQMP. Access at: <http://www.aqmd.gov/home/air-quality/clean-air-plans/air-quality-mgt-plan>

<sup>30</sup> United States Environmental Protection Agency (U.S. EPA): Mobile Source Pollution - Environmental Justice and Transportation. Access at: <https://www.epa.gov/mobile-source-pollution/environmental-justice-and-transportation>

proximity of sources of air pollution (e.g., warehouse). Therefore, it is recommended that, prior to approving future development projects, the Lead Agency consider the impacts of air pollutants on people who will live in and/or nearby a new project location and provide mitigation where necessary. Additionally, South Coast AQMD staff suggests that the Lead Agency review the CARB Air Quality Land Use and Handbook: A Community Health Perspective<sup>31</sup> as it is a reference guide for evaluating and reducing air pollution impacts associated with new projects that go through the land use decision-making process with additional guidance on strategies to reduce air pollution exposure near high-volume roadways available in CARB's technical advisory.<sup>32</sup>

#### Development of Air Quality Mitigation/Community Benefit Funds

Due to the proximity to sensitive receptors (e.g., residences, schools), the Proposed Project should consider additional mitigation strategies to reduce the health risk exposure to sensitive receptors. Many strategies are available to reduce exposures, including, but not limited to, building filtration systems with Minimum Efficiency Reporting Values (MERV) 13 or better, or in some cases, MERV 15 or better is recommended, building design, orientation, location, vegetation barriers or landscaping screening. Enhanced filtration units are capable of reducing exposures. However, enhanced filtration systems have limitations. For example, in a study that South Coast AQMD conducted to investigate filters,<sup>33</sup> a cost burden is expected to be within the range of \$120 to \$240 per year to replace each filter panel. The initial start-up cost could substantially increase if a Heating, Ventilation, and Air Conditioning (HVAC) system need to be installed and if standalone filter units are required. Installation costs may vary, including costs for conducting site assessments and obtaining permits and approvals before filters can be installed. Other costs may include filter life monitoring, annual maintenance, and training for conducting maintenance and reporting. In addition, because the filters would not be effective unless the HVAC system is running, there may be increased energy consumption. It is typically assumed that the filters operate 100 percent of the time while residents are indoors, and the environmental analysis does not generally account for the times when the residents have their windows or doors open or are in common space areas of the project. Additionally, these filters have no ability to filter out any toxic gases. Furthermore, when used filters are replaced, the replacement has the potential to result in emissions from the transportation of used filters at disposal sites and generate solid waste. Therefore, any filtration unit's presumed effectiveness and feasibility should be carefully evaluated in more detail before assuming they will sufficiently alleviate exposure to DPM emissions.

In addition, South Coast AQMD offers a broad range of programs for businesses, the community, and local government that help to achieve cleaner air quality for all. Many of these programs offer financial incentives for implementing new clean air technologies. Some provide partnerships and new ways of addressing air quality issues throughout the South Coast Basin. Therefore, South Coast AQMD staff recommends that the Lead Agency review the incentive and programs on the South Coast AQMD Incentives & Programs landing page, <http://www.aqmd.gov/home/programs>.

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<sup>31</sup> California Air Resources Board (CARB) Air Quality Land Use and Handbook: A Community Health Perspective. Access at: <https://www.arb.ca.gov/ch/handbook.pdf>

<sup>32</sup> CARB's technical advisory can be found at: <https://www.arb.ca.gov/ch/landuse.htm>

<sup>33</sup> South Coast AQMD, Pilot Study of High-Performance Air Filtration for Classrooms Applications, Draft Report: October 2009, <http://www.aqmd.gov/docs/default-source/ceqa/handbook/aqmdpilotstudyfinalreport.pdf>. Also, see the 2012 Peer Review Journal article by South Coast AQMD: <https://onlinelibrary.wiley.com/doi/10.1111/ina.12013>.



*South Coast AQMD Rules 2305 and 316*

On May 7, 2021, South Coast AQMD's Governing Board adopted Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program, and Rule 316 – Fees for Rule 2305. Rules 2305 and 316 are new rules that will reduce regional and local emissions of nitrogen oxides (NO<sub>x</sub>) and particulate matter (PM), including diesel PM (DPM). These emission reductions will reduce public health impacts for communities near warehouses from mobile sources associated with warehouse activities. Also, the emission reductions will help the region attain federal and state ambient air quality standards. Rule 2305 applies to owners and operators of warehouses greater than or equal to 100,000 square feet. Under Rule 2305, operators are subject to an annual WAIRE Points Compliance Obligation calculated based on the annual number of truck trips to the warehouse. WAIRE Points can be earned by implementing actions in a prescribed menu in Rule 2305, implementing a site-specific custom plan, or paying a mitigation fee. Warehouse owners are only required to submit limited information reports, but they can opt-in to earn Points on behalf of their tenants if they choose because certain actions to reduce emissions may be better achieved during the warehouse development phase, for instance, the installation of solar and charging infrastructure. Rule 316 is a companion fee rule for Rule 2305, allowing South Coast AQMD to recover costs associated with Rule 2305 compliance activities. Since the Proposed Project consists of developing warehouses (unrefrigerated and refrigerated) under light industrial land use up to a maximum of 2,767,148 square feet, the Proposed Project's warehouse owners and operators will be required to comply with Rule 2305 once the warehouse is occupied. Therefore, South Coast AQMD staff recommends that the Lead Agency review South Coast AQMD Rule 2305 to determine the potential WAIRE Points Compliance Obligation for future operators and explore whether additional project requirements and CEQA mitigation measures can be identified and implemented at the Proposed Project that may help future warehouse operators meet their compliance obligation<sup>34</sup>. South Coast AQMD staff is available to answer questions concerning Rule 2305 implementation and compliance by phone or email at (909) 396-3140 or [waire-program@aqmd.gov](mailto:waire-program@aqmd.gov). For implementation guidance documents and compliance and reporting tools, please visit South Coast AQMD's WAIRE Program webpage<sup>35</sup>.

*South Coast AQMD Permits and Responsible Agency*

In the event that the implementation of the Proposed Project would require using new stationary equipment, permits from South Coast AQMD are required. Stationary equipment not only requires permits to construct but also permits to operate. Therefore, the Lead Agency should discuss any stationary equipment utilized in the Proposed Project's construction and operation, requiring South Coast AQMD permits and identifying South Coast AQMD as a Responsible Agency for the Proposed Project in the Final EIR. Any assumptions for the stationary sources in the Final EIR will also be used as the basis for the permit conditions and limits for the Proposed Project. Please contact South Coast AQMD's Engineering and Permitting staff at (909) 396-3385 for questions on permits. For more general information on permits, please visit South Coast AQMD's webpage at: <http://www.aqmd.gov/home/permits>.

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<sup>34</sup> South Coast AQMD Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xxiii/r2305.pdf>.

<sup>35</sup> South Coast AQMD WAIRE Program. Accessed at: <http://www.aqmd.gov/waire>.

Conclusion

Pursuant to California Public Resources Code section 21092.5(a) and CEQA Guidelines section 15088(b), South Coast AQMD staff requests that the Lead Agency provide South Coast AQMD staff with written responses to all comments contained herein, at least 10 days prior to the certification of the Final EIR.<sup>36</sup> In addition, issues raised in the comments should be addressed in detail, giving reasons why specific comments and suggestions are not accepted. There should be good faith and reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice (CEQA Guidelines section 15088(c)). Conclusory statements do not facilitate the purpose and goal of CEQA on public disclosure and are not meaningful, informative, or useful to decision-makers and to the public who are interested in the Proposed Project.

South Coast AQMD staff is available to work with the Lead Agency to address any air quality questions that may arise from this comment letter. Please contact Danica Nguyen, Air Quality Specialist, at [dnguyen1@aqmd.gov](mailto:dnguyen1@aqmd.gov) should you have any questions.

Sincerely,

*Sam Wang*

Sam Wang

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Control Number

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<sup>36</sup> 2022 CEQA Statutes and Guidelines section 21092.5(a): "At least ten days prior to certifying an environmental impact report, the lead agency shall provide a written proposed response to a public agency on comments made by that agency which conform with the requirements of this division. Proposed responses shall conform with the legal standards established for responses to comments on draft environmental impact reports. Copies of responses or the environmental document in which they are contained, prepared in conformance with other requirements of this division and the guidelines adopted pursuant to Section 21083, may be used to meet the requirements imposed by this section." Access at: [https://www.califaep.org/docs/2022\\_CEQA\\_Statue\\_and\\_Guidelines.pdf](https://www.califaep.org/docs/2022_CEQA_Statue_and_Guidelines.pdf)