



Bloomington Business Park Specific Plan

SCH No. 2020120545

Recirculated Final EIR

July 2026

Prepared by:

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1. Introduction

This Final Environmental Impact Report (Final EIR) has been prepared in conformance with the environmental policy guidelines for the implementation of the California Environmental Quality Act (CEQA) to evaluate the environmental effects that may result from construction and operation of the proposed Bloomington Business Park Specific Plan Project (proposed Project).

According to CEQA Guidelines Section 15132, the Final EIR shall consist of:

- (a) The Draft Environmental Impact Report (Draft EIR) or a revision of the Draft EIR;
- (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.

This document contains responses to comments received on the Recirculated Draft EIR during the public review period, which began October 28, 2025, and ended on December 11, 2025. A Notice of Availability of the Recirculated Draft EIR was published concurrently with distribution of the Recirculated Draft EIR. This document has been prepared in accordance with CEQA, the State CEQA Guidelines, and represents the independent judgment of the lead agency, which is the County of San Bernardino. This document and the circulated Recirculated Draft EIR comprise the Final EIR in accordance with CEQA Guidelines, Section 15132.

1.1 FORMAT OF THE FINAL EIR

The following chapters are contained within this document:

Section 1.0, Introduction. This section describes CEQA requirements and the content of the Final EIR.

Section 2.0, Response to Comments. This section provides a list of agencies and organizations who commented on the Recirculated Draft EIR, as well as copies of their comment letters received during and following the public review period, and individual responses to their comments.

Section 3.0, Revisions to the Recirculated Draft EIR. This section contains revisions made to the Recirculated Draft EIR as a result of the comments received by agencies and organizations as described in Section 2.0, and/or errors and omissions discovered since release of the Recirculated Draft EIR for public review.

The County of San Bernardino has determined that none of this material constitutes significant new information that requires recirculation of the Recirculated Draft EIR for further public comment under CEQA Guidelines Section 15088.5. The additional material clarifies existing information prepared in the Recirculated Draft EIR and does not present any new substantive information. None of this new material indicates that the Project would result in a significant new environmental impact not previously disclosed in the Recirculated or Original Draft EIR. Additionally, none of this material indicates that there would be a substantial increase in the severity of a previously identified environmental impact that would not be mitigated, or that there would be any of the other circumstances requiring recirculation described in Section 15088.5.

Section 4.0, Mitigation, Monitoring, and Reporting Program. This chapter includes the Mitigation Monitoring and Reporting Program (MMRP). CEQA requires lead agencies to “adopt a reporting and

mitigation monitoring program for the changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment” (CEQA Section 21081.6, CEQA Guidelines Section 15097). The MMRP was prepared based on the mitigation measures included in the Recirculated Draft EIR and finalized in this Final EIR.

1.2 CEQA REQUIREMENTS REGARDING COMMENTS AND RESPONSES

CEQA Guidelines Section 15204(a) outlines parameters for submitting comments and reminds persons and public agencies that the focus of review and comment of Draft EIRs should be “*on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible ... CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.*”

CEQA Guidelines Section 15204(c) further advises, “*Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence.*” Section 15204 (d) also states, “*Each responsible agency and trustee agency shall focus its comments on environmental information germane to that agency’s statutory responsibility.*” Section 15204 (e) states, “*This section shall not be used to restrict the ability of reviewers to comment on the general adequacy of a document or of the lead agency to reject comments not focused as recommended by this section.*”

In accordance with CEQA, Public Resources Code (PRC) Section 21092.5, copies of the written responses to public agencies are being forwarded to those agencies at least 10 days prior to certification of the Final EIR, with copies of this Final EIR document, which conforms to the legal standards established for response to comments on the Recirculated Draft EIR pursuant to CEQA.

2. Response to Comments

This section of the Final Environmental Impact Report (FEIR; Final EIR) for the Bloomington Business Park Specific Plan Project (Project) includes a copy of all comment letters that were submitted during the public review period for the Draft Recirculated Environmental Impact Report (Draft Recirculated EIR), along with responses to comments in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15088. The 45-day review period for the Recirculated Draft EIR began on October 28, 2025, and ended on December 11, 2025. A total of 36 comment letters were received in response to the Recirculated Draft EIR during the 45-day public review period, and two comment letters were received after the close of the public review period.

The responses amplify or clarify information provided in the Recirculated Draft EIR and/or refer the reader to the appropriate place in the document where the requested information can be found. Comments that are not directly related to environmental issues (e.g., opinions on the merits of the Project unrelated to its environmental impacts) are noted for the record. Where text changes in the Recirculated Draft EIR are warranted based on comments received, updated Project information, or other information provided by County staff, those changes are noted in the response to comment and the reader is directed to Section 3.0, *Revisions to the Recirculated Draft EIR*, of this FEIR.

These changes to the analysis contained in the Recirculated Draft EIR represent only minor clarifications/amplifications and do not constitute significant new information. In accordance with CEQA Guidelines Section 15088.5, recirculation of the Recirculated Draft EIR is not required.

Master Responses

Master Response 1: Project Merits (Economic and Social Effects)

Multiple commenters raised concerns regarding the industrialization of the Bloomington community and the Project's potential economic and social effects, including job creation and environmental justice issues. Under CEQA, economic or social effects are not considered significant effects on the environment. Rather, these effects are considered in the context of their potential linkage or indirect connections between the proposed project and physical environmental effects. More specifically, the direction for treatment of economic and social effects is stated in Section 15131(a) of the CEQA Guidelines:

"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 physical changes."

Additionally, pursuant to CEQA Guidelines Section 15382, a social or economic change by itself shall not be considered a significant effect, but a social or economic change may be considered in determining whether the physical change is itself significant.

CEQA is an environmental protection statute that is concerned with physical changes to the environment (CEQA Guidelines Section 15358(b)). The environment includes land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance (CEQA Guidelines Section 15360). The Project's potential economic and social effects are not considered effects on the environment (CEQA Guidelines Sections 15064(e) and 15131(a)). Thus, consistent with CEQA, the Recirculated Draft EIR includes an analysis of the Project's potentially significant physical impacts on the environment and does not include

substantial discussion of the Project's economic or social effects. Further, it is not the purpose of a CEQA document to advocate for or against any specific project. Instead, environmental impact reports are objective and technical documents, prepared for the purpose of identifying and disclosing environmental impacts, to inform both the public and the County's decision makers. It is then in the discretion of the County's decision makers to weigh the environmental impacts identified in the environmental impact report against the Project's merits (including its economic and social effects) to decide whether to approve or disapprove the Project.

CEQA Guidelines Section 15204(a) states that when responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, and provides the following direction related to EIR comments and responses:

In reviewing draft EIRs, persons and public agencies should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commentors.

Thus, this Final EIR does not provide detailed responses to comments that do not raise a significant environmental question (*Citizens for E. Shore Parks v. State Lands Commission* (2011) 202 Cal.App.4th 549, 568). Because comments regarding the Project's social and economic merits do not pertain to the potential for significant physical impacts, or the objective analysis of the same, such comments are not responded to in detail in this Final EIR.

Even though the EIR does not provide detailed analysis regarding the Project's economic and social effects, such effects are important and will be considered by the County's decision makers in determining what action to take on the proposed Project. The Planning Commission and Board of Supervisors will hold publicly-noticed hearings to consider the Project, which will include consideration of the Project's merits (including economic and social effects).

Master Response 2: Scope of the Recirculated Draft EIR

Multiple commenters raised concerns regarding topic areas that were not analyzed in the Recirculated Draft EIR. The Recirculated Draft EIR analysis focused on the areas that were determined to be inadequate by the San Bernardino Superior Court September 17, 2024 ruling ("September 2024 Ruling"), specifically analysis related to alternatives, air quality impacts (Friant Ranch analysis and feasibility of zero-emission truck mitigation), greenhouse gas emissions impacts, energy impacts, and noise impacts. Furthermore, The Court denied the CEQA writ petition on all other grounds raised. New challenges to parts of the original environmental review that were not raised at the trial court level are not allowed to be brought to the trial court in a second suit or upon remand. Pursuant to *Ballona Wetlands Land Trust v. City of Los Angeles* (2011) 201 Cal.App.4th 455, 480, "the trial court's retained jurisdiction under Public Resources Code section 21168.9, subdivision (b) is limited to ensuring compliance with the peremptory writ of mandate. After considering the petitioner's challenges to an EIR or other agency action and rendering a final judgment and peremptory writ of mandate, a trial court evaluating a return to the writ may not consider any newly asserted challenges arising from the same material facts in existence at the time of the judgment." Accordingly, the only issues which can be challenged relate to those identified by the Court's September 2024 Ruling to not be in compliance with CEQA and only through opposition to a Motion to Discharge Writ.

Therefore, concerns outside those areas set aside by the Court are not further addressed in this Final EIR although they will be taken into consideration by the County's decision makers in determining what action to

take on the proposed Project. The Planning Commission and Board of Supervisors will hold publicly-noticed hearings to consider the Project, which will include consideration of impacts evaluated in the Original Draft EIR.

Comments Received

All written comments received on the Recirculated Draft EIR are listed in Table 2-1. All comment letters received on the Recirculated Draft EIR have been coded with a number to facilitate identification and tracking. The comment letters were reviewed and divided into individual comments, with each comment containing a single theme, issue, or concern. Individual comments and the responses to them were assigned corresponding numbers. To aid readers and commenters, electronically bracketed comment letters have been reproduced in this document with the corresponding responses provided immediately following each comment letter.

Table 2-1: Comments Received on the DEIR

Comment Letter	Commenter	Date	Page Reference
Agencies			
A1	California Department of Transportation (Caltrans)	December 10, 2025	Comment: 2-5 Response: 2-8
A2	Colton Joint Unified School District (CJUSD)	December 11, 2025	Comment: 2-11 Response: 2-206
A3	California Air Resources Board (CARB)	December 11, 2025	Comment: 2-247 Response: 2-264
A4	South Coast Air Quality Management District	December 11, 2025	Comment: 2-273 Response: 2-300
A5	South Coast Air Quality Management District	March 4, 2026	Comment: 2-309 Response: 2-357
Organizations			
O1	Concerned Neighbors of Bloomington People's Collective for Environmental Justice	November 13, 2025	Comment: 2-372 Response: 2-374
O2	Western Center on Law and Poverty	December 11, 2025	Comment: 2-376 Response: 2-547
O3	Concerned Neighbors of Bloomington People's Collective for Environmental Justice	December 11, 2025	Comment: 2-561 Response: 2-671
O4	Advocates for the Environment	December 12, 2025	Comment: 2-717 Response: 2-723
Individuals			
I1	Alisa Slaughter	November 11, 2025	Comment: 2-727 Response: 2-728
I2	Xochiti Pedraza	November 11, 2025	Comment: 2-729 Response: 2-730
I3	Ana Carlos	December 3, 2025	Comment: 2-731 Response: 2-732
I4	Jasmin Duarte Alvarado	December 3, 2025	Comment: 2-733 Response: 2-734

Comment Letter	Commenter	Date	Page Reference
I5	Yarisel Carlos Casas	December 3, 2025	Comment: 2-735 Response: 2-736
I6	Alondra X	December 6, 2025	Comment: 2-737 Response: 2-738
I7	Carlos Gonzalez	December 6, 2025	Comment: 2-739 Response: 2-740
I8	Brandalyne Evans	December 9, 2025	Comment: 2-741 Response: 2-742
I9	Ana Carlos	December 10, 2025	Comment: 2-743 Response: 2-745
I10	Beatriz Leon	December 10, 2025	Comment: 2-749 Response: 2-750
I11	Caitlin Towne	December 10, 2025	Comment: 2-751 Response: 2-752
I12	Eduardo Vargas	December 10, 2025	Comment: 2-753 Response: 2-754
I13	Jasmin Duarte	December 10, 2025	Comment: 2-755 Response: 2-757
I14	Kimberly Torres	December 10, 2025	Comment: 2-758 Response: 2-759
I15	Marcela Vargas	December 10, 2025	Comment: 2-760 Response: 2-761
I16	Maria Sarabia	December 10, 2025	Comment: 2-762 Response: 2-766
I17	Priscilla Vargas-Pena	December 10, 2025	Comment: 2-769 Response: 2-771
I18	Yarisel Carlos	December 10, 2025	Comment: 2-774 Response: 2-775
I19	Daniela Vargas	December 11, 2025	Comment: 2-777 Response: 2-779
I20	Juliann Emmons Allison & Ellen Reese	December 11, 2025	Comment: 2-785 Response: 2-798
I21	Emely Carmona	December 11, 2025	Comment: 2-805 Response: 2-806
I22	Fernanda Durazo	December 11, 2025	Comment: 2-807 Response: 2-808
I23	Isidro Vargas	December 11, 2025	Comment: 2-809 Response: 2-811
I24	Maria Daniela Pena	December 11, 2025	Comment: 2-814 Response: 2-816
I25	Maria Morales	December 11, 2025	Comment: 2-821 Response: 2-822
I26	Michael McCarthy	December 11, 2025	Comment: 2-824 Response: 2-828

Comment Letter	Commenter	Date	Page Reference
I27	Miguel Munoz Valtierra	December 11, 2025	Comment: 2-836 Response: 2-839
I28	Mina Torres	December 11, 2025	Comment: 2-843 Response: 2-844
I29	Tania Gonzalez	December 11, 2025	Comment: 2-845 Response: 2-847

To finalize the EIR for the Project, the following responses were prepared to address these comments.

Comment Letter A1: Caltrans, December 10, 2025

CALIFORNIA STATE TRANSPORTATION AGENCY

GAVIN NEWSOM, GOVERNOR

California Department of Transportation

DISTRICT 8
 464 WEST 4TH STREET
 SAN BERNARDINO CA, 92401
 (909) 925-7520
www.dot.ca.gov



December 10, 2025

Route & Postmile #: SBd 10 PM 17.827
 Cross Street: N/A
 GTS ID: 10074
 SCH #: 2020120545

County of San Bernardino
 Planning Manager
 Attn: Gina Gibson Williams
 385 N Arrowhead Avenue
 San Bernardino, CA 92415

Subject: RIR – Revised Environmental Impact Report, Bloomington Business Park Specific Plan

The California Department of Transportation (Caltrans) Local Development Review (LDR) Branch has completed its evaluation of the Revised Impact Report for the County of San Bernardino.

Caltrans is committed to supporting a multimodal transportation system that serves local development projects. Planning for facilities that accommodate pedestrians, cyclists, transit riders, and car/vanpool users encourages more multimodal travel. This, in turn, helps reduce traffic congestion, vehicle miles traveled (VMT), greenhouse gas emissions, and the State's contribution to climate change.

The county is encouraged to implement active transportation strategies as part of the projects to reduce automobile dependency and promote sustainable mobility options.

The project proposes an Policy Plan Amendment and Zoning Map Amendment.

The proposed Project includes three separate components that will require permits and approvals ("entitlements"):

1) Bloomington Business Park Specific Plan ("Specific Plan"), which is a land-use guiding document for the development of industrial and business park uses for the necessary on- and off-site and infrastructure to serve these uses. The approximately 213-acre Specific Plan Area is divided into two planning areas: the approximately 141.4-acre Planning Area A and the approximately 71.6-acre Planning Area B;

A1.1

"Improving lives and communities through transportation"

A1.1 cont.

2) Opening Year Development within the Specific Plan's Planning Area A ("Opening Year development of Planning Area A"); and

3) Rezoning a residential site ("Upzone Site") to a higher density in compliance with the Housing Crisis Act of 2019 (Senate Bill 330) to offset the rezoning of the Specific Plan Area from residential to a non-residential use.

Based on the information provided in the Revised Impact Report -Recirculated Draft Environmental Impact Report, dated October 2025 and its associated documents, we are submitting the following comments and recommendations for your consideration:

Vehicle Miles Traveled (VMT) and Greenhouse Gas (GHG) Reduction

1. Project proponents are encouraged to coordinate with nearby planned bike networks to contribute to a larger active transportation network
2. Future developments must also consider the traffic safety impacts on the State Highway System resulting from new pedestrian and bicyclist needs, particularly where new origins or destinations intersect a State Route. Additionally, the analysis should address multimodal conflict points and changes in traffic composition, such as an increase in bicyclists or pedestrians, especially in areas where features like shoulders or sidewalks may not exist or are inconsistent with the facility's design.
3. Active Transportation Plans and Smart Growth initiatives play a key role in supporting the state's 2050 Climate goals. Caltrans supports efforts to reduce Vehicle Miles Traveled (VMT) and Greenhouse Gas (GHG) emissions by promoting strategies that encourage greater use of, and benefits from, a multimodal transportation network.
4. Early engagement with Caltrans is strongly recommended for future projects that may impact state right-of-way. Additionally, before initiating the traffic study, please ensure that Caltrans is included in the scoping process.

A1.2

Traffic Operations

1. Please provide the completed Traffic Analysis Report for any of the proposed project sites separately. Each Traffic Report should include findings and recommendations for opening year and horizon year if applicable.
 - a) Prepare queuing analysis for intersections affecting the state facilities.
 - b) Provide electrical plans for review. Also, Synchro analysis is required for traffic coordination impacted on all the State traffic signal locations.
 - c) Verify the speed at intersections with on and off-ramps. Analysis speed for on and off-ramps are not the same as the speed limit of the freeway at the intersection. 5) Verify length for storage lengths at on and off-ramps locations.
 - d) Include proposed or ongoing development projects in the vicinity of the proposed project site in the analysis. Consult with the County for status and information on these projects and incorporate potential traffic impacts from these developments in your trip generation, trip projection, trip distribution, impact analysis, and mitigations or alternatives, as needed.
 - e) Include information regarding truck traffic that generated by the project affect the existing pedestrian facilities such as existing bike lane and future bike lane proposal in the analysis.
2. Each individual Traffic Report should also include Traffic Safety Evaluation at each proposed project site and provide potential safety counter measures if applicable.

A1.3

A1.4

"Improving lives and communities through transportation"

- | | |
|--|------|
| 3. Once plans for each project site are available, please provide appropriate mitigation measures for each site to reduce VMT impacts. | A1.5 |
| 4. For locations with significant VMT impact, we recommend changes in the proposed project or mitigation which would reduce VMT impact to less than significant. | |

Traffic Forecasting

- | | |
|---|------|
| 1. Provide recommended mitigation measures for the proposed sites. | A1.6 |
| 2. Provide VMT Screening models for the cumulative VMT impact. | |
| 3. Recommendation to use the project level analysis. Please provide the rationale for the overriding consideration, if any. | |

Equitable Access

If any Caltrans facilities are impacted by the project, they must comply with American Disabilities Act (ADA) Standards upon project completion. Additionally, the project must ensure the maintenance of bicycle and pedestrian access throughout the construction phase. These access considerations align with Caltrans' equity mission to provide a safe, sustainable, and equitable transportation network for all users.

A1.7

Caltrans Encroachment Permit

Please be advised that any permanent work or temporary traffic control that encroaches onto Caltrans' Right-of-Way (ROW) requires a Caltrans-issued encroachment permit.

For information regarding the Encroachment Permit application and submittal requirements, contact:

Caltrans Office of Encroachment Permits
464 West 4th Street, Basement, MS 619
San Bernardino, CA 92401-1400
(909) 383-4526

A1.8

D8.F-permits@dot.ca.gov

<https://dot.ca.gov/programs/traffic-operations/ep>

Thank you again for including Caltrans in the review process. Should you have any questions regarding this letter, or for future notifications and requests for review of new projects, please email LDR-D8@dot.ca.gov or call 909-925-7520.

Sincerely,


Janki Patel

Branch Chief - Local Development Review
Division of Transportation Planning
Caltrans District 8

"Improving lives and communities through transportation"

Response to Comment Letter A1: Caltrans (3 pages)

Comment A1.1: This comment indicates that Caltrans has completed its review of the Recirculated Draft EIR. The comment continues to state that Caltrans is committed to supporting a multimodal transportation system in order to reduce VMT and GHG emissions. The comment provides a brief description of the Project and states that the comment letter provides Caltrans' comments.

Response to Comment A1.1: This comment is introductory in nature and does not raise a specific issue with the adequacy of the Recirculated Draft EIR. Because the comment does not express any specific concern or question regarding the adequacy of the Recirculated Draft EIR, no further response is warranted.

Comment A1.2: This comment requests that future implementing Projects coordinate with Caltrans regarding bike networks and traffic safety impacts. The comment also recommends implementation of Active Transportation Plans and Smart Growth initiatives in order to reduce VMT and GHG Impacts.

Response to Comment A1.2: The comment does not provide any substantial evidence of significant environmental impacts and does not raise any specific concerns about the adequacy of the Recirculated Draft EIR. Additionally, as discussed in Master Response 2, per the San Bernardino Superior Court September 2024 Ruling, only the analysis of the impacts related to air quality, energy, greenhouse gas, noise, and alternatives associated with the proposed Project was updated. Transportation-related impacts were not required to be reanalyzed as part of the Recirculated Draft EIR and therefore no further response related to trucks and/or traffic is required or provided.

Comment A1.3: This comment requests that all future implementing Projects complete a Traffic Analysis Report to provide to Caltrans which include findings and recommendations for opening and horizon year impacts. The comment provides recommended information to include in the reports such as a queuing analysis, intersection speed analysis, and an analysis of truck traffic impacts on pedestrian and bike facilities.

Response to Comment A1.3: As discussed in Master Response 2, per the San Bernardino Superior Court September 2024 Ruling, only the analysis of the impacts related to air quality, energy, greenhouse gas, noise, and alternatives associated with the proposed Project was updated. Transportation-related impacts were not required to be reanalyzed as part of the Recirculated Draft EIR and therefore no further response related to trucks and/or traffic is required or provided.

Comment A1.4: This comment requests that each individual traffic report include a Traffic Safety Evaluation.

Response to Comment A1.4: Please refer to Response to Comment A1.3.

Comment A1.5: This comment requests future projects implement mitigation measures to reduce VMT and to modify project plans or provide additional mitigation in the case of a significant VMT impact.

Response to Comment A1.5: Please refer to Response to Comment A1.3.

Comment A1.6: The comment requests that mitigation measures are provided for the proposed sites along with VMT screening models for the cumulative VMT impact. The comment further recommends the use of a project level analysis and to provide the rationale for the overriding consideration if not.

Response to Comment A1.6: Please refer to Response to Comment A1.3.

Comment A1.7: This comment states that if any Caltrans facilities are impacted, they must comply with ADA standards upon Project completion, and the Project must ensure the maintenance of bicycle and pedestrian access throughout the construction phase.

Response to Comment A1.7: Please refer to Response to Comment A1.3. This comment does not raise a specific issue with the adequacy of the Recirculated Draft EIR. The Project would not result in any

modifications to Caltrans facilities that would require them to comply with ADA standards upon completion. In regard to pedestrian and bicyclist accessibility during construction, sidewalks and bike lanes are currently limited within the Specific Plan area with a Class II bike lane only existing on Placentia Avenue. Sidewalks currently exist along the north side of Orange Avenue, east side of Barrett Avenue, east side of Perris Boulevard, and both sides of Indian Avenue. Project contractors would ensure that sidewalks remain open or alternative routes are provided during Project construction.

Comment A1.8: This comment states that any work or temporary traffic control that encroaches into Caltrans' right-of-way requires Caltrans-issued encroachment permit and provides information regarding encroachment permits. The comment thanks the County for including Caltrans in the review process and provides contact information for questions or future notifications.

Response to Comment A1.8: This comment is informational in nature does not raise a specific issue with the adequacy of the Recirculated Draft EIR. Regarding the need for an encroachment permit, it is acknowledged that an encroachment permit for any work performed within Caltrans right-of-way would need to be obtained. At the time any improvement needs to be implemented, the County and Project Applicant would coordinate with Caltrans and an encroachment permit would be obtained as required.

Comment Letter A2: Colton Joint Unified School District, December 11, 2025**Colton Joint Unified School District**

Frank Miranda, Ed.D., Superintendent
 Gregory Fromm, Assistant Superintendent, Business Services Division
 Owen Chang, Director of Facilities and Energy Management

**BOARD OF EDUCATION***Commitment to Equal Opportunity*

Mr. Dan Flores, President
 Ms. Bertha Flores, Vice President
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 Ms. Patt Haro
 Mr. Frank Ibarra
 Ms. Berenice Sandoval
 Ms. Joanne E. Thoring-Ojeda

December 11, 2025

Gina Gibson-Williams, Planning Manager
 County of San Bernardino
 Land Use Services Department – Planning Division
 385 North Arrowhead Avenue, 1st Floor
 San Bernardino, CA 92415-0187

Transmitted via E-mail: Gina.Gibson-Williams@lus.sbcounty.gov

Subject: Comments on the Recirculated Draft EIR for the Bloomington Business Park Specific Plan Project (County Project No. PROJ-2020-00204; State Clearinghouse No. 2020120545)

Dear Ms. Gibson-Williams:

The Colton Joint Unified School District ("District") submits these comments on the Recirculated Draft Environmental Impact Report ("RDEIR") for the Bloomington Business Park Specific Plan ("BBPSP" or "Project"). The District is an active stakeholder due to the Project's close vicinity to several District schools and immediate adjacency to Zimmerman Elementary School. As extensively documented in previous comment letters on the 2021 Draft EIR, the Project, if approved as proposed, will create severe and direct environmental impacts to District schools, as well as serious health and safety impacts for District students and staff.

A2.1

Applicant Commitments to Address Impacts; Changed Circumstances

The two comment letters submitted by the District following circulation of the 2021 Draft EIR, copies of which are included as Attachment A, documented significant impacts the Project would have on District schools. Those impacts could not be mitigated with respect to Zimmerman. In view of the conclusion that operation of an elementary school adjacent to millions of square feet of warehouse and logistics uses would not be tenable, the District entered into a 2022 agreement with the previous project applicant, Howard Industrial Partners ("CEQA Mitigation Agreement"). The CEQA Mitigation Agreement served to resolve the District's concerns and preclude the need for CEQA litigation. The Agreement would make possible the relocation of Zimmerman to a safe site, as well as provide critical mitigation for

A2.2

1212 Valencia Drive, Colton, CA 92324-1798 – (909) 580-5000

Colton Joint Unified School District
 Frank Miranda, Ed.D., Superintendent
 Gregory Fromm, Assistant Superintendent, Business Services Division
 Owen Chang, Director of Facilities and Energy Management



Project impacts on other District schools in Bloomington. Specifically, the Project applicant would receive the Zimmerman property while the District would receive a parcel near the District maintenance and operations office plus \$39.5 million in cash to help fund the relocation of Zimmerman. The District would also receive \$5 million in cash, of which \$1 million has already been paid, to fund mitigation measures other District schools. Based on these commitments, the District withdrew its opposition to the Project prior to consideration by the County Board of Supervisors in 2022.

However, circumstances changed when the Project became embroiled in CEQA litigation brought by other groups.¹ The San Bernardino County Superior Court ruled that the Final EIR did not comply with CEQA, requiring preparation of the RDEIR. The court issued a writ directing the County to (1) set aside certification of the Final EIR and related approvals, and (2) recirculate those portions of the EIR necessary to cure the identified legal deficiencies.

After the Notice of Preparation ("NOP") for the RDEIR, a new applicant, IV5 Bloomington Gateway Distribution Center, LLC ("IV5"), assumed control of the Project. The District requested that the new applicant assume the responsibility of the CEQA Mitigation Agreement. Despite this, IV5 refused to assume the CEQA Mitigation Agreement.

The District respectfully requests that the County include, as a condition of project approval, a requirement that IV5 satisfy its obligations as project applicant under the CEQA Mitigation Agreement. This request is consistent with standard land planning practice: a new applicant or successor-in-interest must honor prior obligations when taking over a project. Lead agencies frequently require successor developers to provide written acceptance of all prior conditions of approval, mitigation measures, and CEQA-related commitments as a condition of project transfer. This ensures that no environmental obligation is excused merely because the entity carrying out the project changes. Such a condition would also be consistent with IV5's own representations regarding its role. On August 10, 2025, counsel for IV5 filed a verified answer in the ongoing court challenge to the Project. The answer provided in relevant part as follows:

...IV5 Bloomington Gateway Distribution Center LLC is the only remaining Real Party in Interest. Howard owns no ownership interest in the project or property. The site was obtained by IV5 Bloomington Gateway Distribution Center LLC through a deed in lieu of foreclosure and IV5 Bloomington Gateway Distribution Center LLC has assumed all obligations related to the project, including being named as the applicant for the project. (Emphasis added.)

A2.2 cont.

¹ *People's Collective for Environmental Justice et al. v. County of San Bernardino*. (San Bernardino Superior Court, CIVSB2228456, December 16, 2022)

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1. *Lost Opportunity to Challenge the Final EIR*

The CEQA Mitigation Agreement was executed prior to the County's certification of the Final EIR. In reliance on the project applicant obligations of that Agreement—including commitments to facilitate relocation of Zimmerman Elementary School and mitigate significant impacts on other District facilities—the District submitted a letter formally withdrawing its CEQA comments and opposition to the Project. That letter, which was included in the Final EIR and formed part of the administrative record supporting Project approval, effectively resolving the concerns raised in the comments without the need for further action by the County or legal recourse by the District.

Because the applicant change occurred only after the court ruled on the CEQA component of the legal challenge—and in fact, after the NOP for the RDEIR, two years after the CEQA Mitigation Agreement was executed—the District did not pursue legal action to challenge the Final EIR. As a result, the District lost its legal opportunity to litigate the adequacy of Final EIR, particularly as it relates to the Project's significant health and safety risks to schoolchildren and adverse effects on District properties.

IVS Bloomington Gateway Distribution Center's decision to reject the Agreement has retroactively nullified the basis for the District's withdrawal of opposition. This is not merely a private contractual dispute—it is a CEQA-related matter because the Agreement was explicitly designed to mitigate the Project's significant environmental impacts on sensitive receptors.

The County's failure to require the new applicant to honor previously adopted mitigation, combined with its reliance on outdated data, assumptions, and public comments that were premised on now-invalidated conditions, results in serious procedural and substantive deficiencies in the RDEIR. These deficiencies deprive the public—and the District—of a meaningful opportunity to review and comment on the Project's true environmental consequences, contrary to the fundamental objectives of CEQA.

Accordingly, the County must require the new applicant to assume responsibility for the CEQA Mitigation Agreement or recirculate the RDEIR in full to provide adequate public review of the Project as currently proposed.

2. *Loss of Statutory Scoping Participation*

The transition to a new applicant occurred after the NOP for the RDEIR was released. At that time, the District did not submit a response to the NOP, still operating under the assumption that the CEQA Mitigation Agreement remained in effect. As a result of the timing of the NOP and IVS's repudiation of the CEQA Mitigation Agreement, the District was deprived of its statutory right to participate in the NOP scoping process and to identify critical issues for analysis at the outset of the recirculated CEQA review.

Subsection (d) of CEQA Guidelines § 15088.5, regarding the recirculation of an EIR prior to certification, expressly requires agency consultation for recirculated EIRs in accordance with Guidelines § 15086. This obligates the County to consult meaningfully with the District during the

A2.3

A2.4

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scoping process. However, the County did not issue a revised NOP or reopen the scoping period following the applicant transition, thereby preventing the District from addressing the new applicant's rejection of the CEQA Mitigation Agreement, including measures to mitigate the Project's significant impacts to Zimmerman Elementary School and other local District campuses.

Although the writ identified specific areas requiring revision, CEQA does not restrict commenting agencies to the precise words or subheadings amended by the County. Under Section 15088.5(f)(2) of the CEQA Guidelines, commenters are to address the "revised portions" of the EIR; courts have repeatedly held that this includes environmental effects reasonably related to, affected by, or dependent upon those revisions. (*Laurel Heights Improvement Assn. v. Regents of UC* (1993) 6 Cal.4th 1112, 1132–1133.)

Here, the court-ordered revisions concern air quality, health-risk assessment, construction noise, cumulative effects, environmental justice, and alternatives, all of which directly affect student health, exposure pathways, traffic activity, and on-campus environmental conditions at District schools. The District's comments therefore address not only the revised text itself, but also environmental consequences logically and scientifically connected to the revised analyses, including localized air dispersion, truck traffic patterns, cumulative exposure, school-siting considerations, and the feasibility of health-protective mitigation.

Because CEQA requires the County to evaluate and respond to comments on a recirculated EIR (Guidelines § 15088.5(f)), and because the District's comments fall squarely within the scope of issues reasonably related to the revised analyses, the County is required to issue a written response to each of the District's substantive comments.

Accordingly, the District is now submitting comments on both the recirculated portions of the RDEIR and, by reference, is restating and resubmitting all prior District comments on the Project's CEQA process pertaining to non-recirculated chapters and previously circulated EIR documentation.

A2.4 cont

Failure to Mitigate Significant Health and Safety Risks

Due to the applicant change and IV5's refusal to honor the CEQA Mitigation Agreement, Zimmerman Elementary School will remain at its current location, adjacent to the proposed industrial, manufacturing, and logistics warehouse facilities. Students and staff at Zimmerman and other nearby campuses will be exposed to significant health and safety risks, including degraded air quality and increased pedestrian and bicyclist hazards along routes to school. These impacts are substantial, supported by expert evidence provided herein, and have not been adequately addressed and mitigated. The District opposes the Project until sufficient mitigation measures are adopted or made conditions of project approval to fully resolve the risks.

A2.5

1. Flawed Assumptions in Risk and Impact Analyses

Operational impact analyses for the Project—including those addressing traffic, pedestrian and bicyclist safety, air quality, health risks, and noise—are directly dependent on accurate projections of the Project's traffic volumes. As detailed in previous comments, the 2021 Draft EIR underestimated

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both the Project's own traffic generation and that of related developments. As a result, all impact and risk assessments that relied on these traffic estimates also understated the true scale and severity of environmental and health risks associated with the Project. This critical shortcoming diminishes the reliability of the EIR, depriving the public and decision-makers of a clear and accurate assessment of the Project's full environmental, health, and safety impacts.

A2.5 cont.

The District retained Garland Associates, a transportation planning and engineering firm, to conduct a comprehensive reevaluate of the Project's trip generation estimates (see Attachment B). Their updated analysis finds that both the EIR and RDEIR overlook several permitted land uses—most notably manufacturing—which typically result in higher traffic volumes than warehouse or general industrial uses. The 2021 Draft EIR and the RDEIR (p. 1-5) describe the Specific Plan Buildout scenario as, "all 213 acres would be developed with 3,235,836 SF of light industrial and business park uses such as e-commerce, light industrial and manufacturing uses, warehouses, business parks, and trailer parking" (*emphasis added*). Furthermore, Table 3-1, *Permitted Uses*, of the "Bloomington Business Park Specific Plan Final Draft – updated September 15, 2022," lists permitted uses, including a broad range of manufacturing activities, such as:

- Beverage Manufacturing (Non-alcoholic)
- Computer and Electronic Parts Manufacturing and Assembly
- Fabricating and Machining
- Furniture and Related Product Manufacturing
- Industrial Robotics Manufacturing/Assembly
- Machinery Manufacturing

A2.6

However, the trip generation assumptions used in both the 2021 Draft EIR and RDEIR only account for the following land use types: High Cube Transload Warehouse, Fulfillment Center Warehouse, and Industrial Park. These categories do not account for manufacturing uses, even though such uses are clearly permitted under the Specific Plan. As manufacturing uses typically generate higher vehicle trip volumes as compared to warehouse and industrial operations, operational analyses related to air quality impact and health risk that are evaluated in the RDEIR understate the true impacts and risks. Therefore, the traffic volumes used in the impact analysis must be updated to include manufacturing uses, as permitted in the proposed Specific Plan.

Garland Associate's updated analysis incorporates the latest available data on trip generation rates for warehouse facilities. Notably, a recent study, *TUMF High-Cube Warehouse Trip Generation Study Update* (Fehr & Peers, November 13, 2023), commissioned by the Western Riverside Council of Governments, confirms a reduced trip generation rate for high-cube warehouses. The study also verifies that the trip generation rates for the "high cube transload warehouse" and "industrial park" land use categories align with those in the *ITE Trip Generation Manual*.

Using this more recent data and factoring in the likelihood that up to 50 percent of future industrial square footage in Planning Area B may be developed with permitted manufacturing operations,

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Garland Associates updated the Project's anticipated traffic volume. The updated projections provide a more accurate reflection of anticipated traffic.

A2.6 cont.

For the District's assessment of the RDEIR's Air Quality Impact Analysis and Health Risk Assessment (see Comment 3 below), Garland Associates also prepared a separate memorandum estimating traffic volumes—including truck traffic—from the West Valley Logistics Center ("WVLC") Project, utilizing the latest available trip generation rates (Attachment C). This second technical memo for traffic volume was necessary because truck traffic associated with the WVLC Project is expected to travel along Jurupa Avenue to reach Cedar Avenue,² thereby contributing to cumulative traffic and air quality impacts across the same transportation corridor.

A2.7

Both memoranda conclude that the BBPSP and WVLC Projects will result in a significant increase in vehicle and truck traffic. Specifically:

- The proposed BBPSP Project would generate 6,988 new daily vehicle trips, including 1,916 truck trips.
- The WVLC Project would generate 5,988 new daily vehicle trips, including 1,362 truck trips.
- Combined, the two developments would generate up to 14,892 new daily vehicle trips, including 3,278 truck trips that would traverse Jurupa Avenue.

2. Pedestrian and Bicyclist Safety: Nonconforming with Policies and Significant Safety Hazards

Although the Court's Ruling did not cite specific shortcomings in the transportation section of the FEIR, and this issue was not addressed in the RDEIR, the District maintains that the transportation analysis in the FEIR is inadequate. The analysis fails to thoroughly evaluate how the Project aligns with County transportation plans, policies, or programs—particularly regarding the safety of pedestrians and bicyclists, including schoolchildren who would need to cross Jurupa Avenue. With the Project introducing 1,916 daily semitruck trips, or a combined total of 3,278 new daily semitruck trips with the WVLC Project, the FEIR does not sufficiently assess the hazards posed by the substantial increase in semitruck traffic along Jurupa Avenue. This includes the risks resulting from the proposed incompatible industrial land use within an existing rural residential community and the potential for increased conflicts between vehicles and pedestrians or bicyclists along school routes. These concerns are directly relevant to CEQA Guidelines Appendix G, Section XVII (Transportation), Checklist Questions (a) and (c).

A2.8

The Project is inconsistent with San Bernardino Countywide Plan Policies TM-4.8 and TM-4.9, both of which emphasize providing safe and continuous pedestrian and bicycle access on County roadways.

- Policy TM-4.8 (Local Bicycle and Pedestrian Networks)
We support local bike and pedestrian facilities that serve unincorporated areas, connect to

² City of Fontana. Addendum to the West Valley Logistics Center Final EIR. Appendix D2, West Valley Logistics Center Due Diligence Traffic Assessment. September 14, 2021.

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facilities in adjacent incorporated areas, and connect to regional trails. We prioritize bicycle and pedestrian network improvements that provide safe and continuous pedestrian and bicycle access to mobility focus areas, schools, parks, and major transit stops.

- Policy TM-4.9 (Bike and Pedestrian Safety)

We promote pedestrian and bicyclist safety by providing separated pedestrian and bike crossings when we construct or improve bridges over highways, freeways, rail facilities, and flood control areas. We monitor pedestrian and bicycle traffic accidents and promote safety improvements in unincorporated high-accident areas.

According to current District enrollment data from the District's demographics consultant, MGT, the District serves a total of 1,883 K-12 students who live south of Jurupa Avenue in Crestmore Heights, including 632 students residing west of Cedar Avenue and 1,251 students east of Cedar Avenue. These students are assigned to Zimmerman and Crestmore Elementary Schools, Ruth O' Harris Middle School, and Bloomington High School. Many who walk and bike to school would be required to cross Jurupa Avenue at the intersections of Cedar Avenue, Linden Avenue, and Locust Avenue.

A2.8 cont.

The projected 6,988 new daily vehicle trips generated by the BBPSP—including 1,916 truck trips—together with the cumulative total of 14,892 daily vehicle trips (of which 3,278 are truck trips) from both the BBPSP and WVLC Projects, would transform Jurupa Avenue, west of Cedar Avenue, into a major industrial traffic corridor. The significant increase in traffic volume would effectively create a physical barrier, making it more difficult and hazardous for students from Crestmore Heights to access their designated schools.

Hazards on Jurupa Avenue Between Cedar Avenue and Linden Avenue

The north side of Jurupa Avenue, between Cedar Avenue and Linden Avenue, is currently developed with a substation and large industrial warehouse; the right-of-way contains two lanes, a curb, and a sidewalk. The south side is developed with single-family residences and has only one eastbound through lane; it is lacking dedicated pedestrian and bicycle infrastructure. As shown in the aerial map below, portions of useable yards and residential driveways extend into the right-of-way. According to the Specific Plan, this segment of Jurupa Avenue exhibits "minimal shoulder improvements reflecting the more rural nature of the historic development pattern of the Bloomington area." To address the anticipated increase in traffic and heavy duty semitruck operations, the Specific Plan proposes reclassifying Jurupa Avenue as a Major Highway through a Policy Plan Amendment (refer to RDEIR Figure 3-4). This amendment would facilitate the planned expansion to a 104-foot right-of-way with four lanes.

A2.9

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Figure 1. Aerial Map of Jurupa Avenue Between Linden Avenue and Cedar Avenue Showing Residential Improvements Within The Right-of-Way.
 Source: Google Earth Pro. Accessed December 7, 2025.

Pedestrian safety is a significant concern for students living southeast of Jurupa Avenue and Cedar Avenue who walk or bike to schools located west of Cedar Avenue. The north side of this segment of Jurupa Avenue features a driveway used by semitrucks accessing the warehouse facility, creating a hazardous crossing point for students. Meanwhile, the south side with existing residential properties and improvements extending into the right-of-way make the timeline for installing roadway improvements, including a continuous sidewalk uncertain. This heightens safety concerns for pedestrians and bicyclists in the meantime. As a result, students traveling to and from school would be forced to share the roadway with heavy-duty semitrucks, increasing the risk of accidents and conflicts until proper infrastructure improvements are made. The transportation hazards and conflict between non-motorized travelers and the heavy duty semitrucks using this roadway segment are significant. Moreover, the EIR has not addressed how the proposed Specific Plan and Development Options are consistent with County Policy TM-4.8 and Policy TM-4.9, which ensures pedestrian and bicyclist safety.

A2.9 cont

Hazards along Linden Avenue, Maple Avenue, and Locust Avenue Between Jurupa Avenue and Schools

The project description states that improvements to rights-of-way within and around the Specific Plan would include constructing the full half-width of roadway segments adjacent to each development with sidewalks, curb, and gutter. These improvements would coincide with the development of each parcel. Students residing in Crestmore Heights would use Linden Avenue, Maple Avenue, and Locust Avenue to reach Zimmerman Elementary School, Bloomington High School, and Ruth O'Harris Middle School. While the proposed roadway upgrades for developments in Planning Area A would be initially installed, there is currently no set timeline for future projects in Planning Area B. As a result, student pedestrians and bicyclists would face the dual challenge of crossing newly established truck driveways associated with developments in Planning Area A—which increases the risk of conflicts between non-motorized travelers and heavy-duty semitrucks—and navigating underdeveloped roadways in Planning Area B alongside truck traffic once Planning Area A is constructed. Neither the EIR nor the County has sufficiently addressed or mitigated the safety risks

A2.10

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for pedestrians and bicyclists. Students would be required to share the roadway with semitrucks and cross designated truck driveways, exposing them to significant transportation hazards. It is essential for the County to implement adequate mitigation measures to ensure pedestrian and bicyclist safety along school routes.

A2.10 cont.

Hazards at the Intersections of Jurupa Avenue at Linden Avenue, Locust Avenue, and Cedar Avenue

Students will also be required to cross the intersections of Jurupa Avenue at Locust, Linden, and Cedar Avenues, all of which are expected to experience substantial heavy-duty semitruck traffic, if they do not already. Along with the previously described roadway improvements, the Draft EIR Traffic Impact Analysis (Appendix K1) outlines the following proposed enhancements along Jurupa Avenue, which are designated as project design features.

- Jurupa Avenue and Locust Avenue Intersection
 - *Opening Year:* Install new traffic signal
 - *Buildout Year:* Add southbound and westbound left-turn lanes
- Jurupa Avenue and Linden Avenue Intersection
 - *Opening/Buildout Years:* Convert eastbound right-turn lane to shared through/right-turn lane
- Jurupa Avenue and Cedar Avenue Intersection
 - *Opening/Buildout Years:* Add eastbound left-turn lane

A2.11

The proposed roadway improvements associated with the Project are focused primarily on maintaining vehicular traffic flow and preserving roadway level of service. They are unlikely to provide meaningful enhancements for pedestrian and bicyclist safety, and the 2021 Draft EIR does not evaluate whether the Project will adequately safeguard pedestrians and bicyclists. This is particularly concerning at critical intersections, such as Jurupa Avenue at Linden Avenue and Cedar Avenue, where student crossings are most vulnerable.

Beyond the concern of students crossing truck driveways and traveling along underdeveloped roads on their way to and from school, the District is deeply concerned by the risks students face at intersections with heavy truck traffic. Bloomington has a history of elevated crash rates. From 2021 to 2023, 660 traffic collisions were documented in Bloomington.³ The GIS Map to the right highlights an area adjacent to the Specific Plan, showing that the majority of these incidents occurred along Cedar Avenue. Additional crashes have also been reported on Locust Avenue, Santa Ana Avenue, and the portion of Jurupa Avenue east of Cedar Avenue near Crestmore Elementary School. In 2021 alone, Bloomington experienced 32 fatalities and serious injuries, including 8 deaths.⁴ More recently,

³ Transportation Injury Mapping System (TIMS). Data Analysis & Visualizations. SWITRS GIS Map. Accessed December 7, 2025. <https://tims.berkeley.edu/tools/gismap/>

⁴ IBID. *Safe Transportation Research and Education Center, University of California, Berkeley*. 2025. Accessed December 4, 2025.

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on November 17, 2025, a crash at Slover and Cedar Avenues resulted in one fatality and two people critically injured. This data demonstrates that Bloomington is a high-accident area. It is imperative that the County evaluates whether the Project will worsen the already high rate of accidents in Bloomington and takes steps to mitigate the increased risks posed by heavy semitruck traffic along Jurupa Avenue, Locust Avenue, Linden Avenue, and Cedar Avenue—especially along school routes.

Transportation hazards posed by high-volume truck traffic near schools are severe:

- **Blind Spots:** Truck drivers have multiple blind zones—including behind, close in front, and along the sides—making it difficult to see pedestrians and bicyclists, especially children.
- **Wide Turns:** Trucks require large turning radii, often occupying multiple lanes. These maneuvers endanger anyone within crosswalks or sidewalks.
- **Stopping Distance:** Fully loaded trucks weighing up to 80,000 pounds require significantly longer stopping distances, increasing the risk of pedestrian collisions.



Figure 2. Crash Data in Bloomington (1/2021 – 12/2023) Source: TIMS SWITRS GIS Map. Accessed December 7, 2025.

A2.11 cont.

District-Requested Conditions of Approval to Address Transportation Hazards

The County must prioritize the safety of pedestrians and bicyclists by implementing effective mitigation measures to address the substantial increase in daily truck traffic through school zones. Additionally, it is essential that the County ensures the Project complies with its own Policies TM-4.8

A2.12

<https://experience.arcgis.com/experience/8d7349a08da44430963950c104b50c6f/page/Statewide-Analysis-by-Place>

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and TM-4.9. Therefore, the District urges the County to make Project approval contingent upon the following conditions:

- A. Require the current Project Applicant, IV5 Bloomington Gateway Distribution Center, to fully assume all responsibilities outlined in the CEQA Mitigation Agreement previously established with Howard Industrial Partners. This obligation should encompass complete financial responsibility for relocating Zimmerman Elementary School to a new location, as well as providing necessary mitigation funding for all other affected District campuses.
- B. Establish Binding Minimum Mitigating Conditions:
 - **Jurupa Avenue and Linden Avenue Intersection.** The County and Applicant must finance and implement a permanent, staffed crossing guard program at the intersection of Jurupa Avenue and Linden Avenue. Qualified crossing guards should be present during both morning and afternoon school commute periods on all days when schools are in session. The program's performance must be evaluated annually in collaboration with the District, with adjustments made as needed to address any increases in traffic volume or recorded safety incidents.
 - **Jurupa Avenue and Cedar Avenue Intersection.** The County and Applicant must collaboratively design, finance, and build a grade-separated pedestrian bridge spanning Jurupa Avenue at its intersection with Cedar Avenue. This structure will ensure a safe, uninterrupted, and protected pathway for pedestrians, directly linking the Crestmore Heights neighborhood with District school campuses located north of Jurupa Avenue.

Implementing these conditions is essential to protect the 1,883 schoolchildren living in Crestmore Heights who would face direct risks from increased truck traffic along Jurupa Avenue. Without these enforceable safeguards, the Project would not meet CEQA requirements, would violate established transportation safety policies, and would leave vulnerable community members—especially children—exposed to preventable and unacceptable transportation dangers.

3. Air Quality and Health Risk Assessment Deficiencies

Children's Heightened Susceptibility to Air Toxics

Children are especially vulnerable to the harmful effects of air pollutants due to several physiological factors:⁵

- They have higher respiratory rates than adults and frequently breathe through their mouths, which reduces the effectiveness of natural nasal filtration and results in greater pollutant intake relative to body weight.

⁵ Office of Environmental Health Hazard Assessment. Air Pollution and Children's Health - A Fact Sheet by OEHHA and the American Lung Association. Dated November 26, 2003. [Air Pollution and Children's Health - A Fact Sheet by OEHHA and the American Lung Association - OEHHA](#)

A2.12 cont

A2.13

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- Children typically spend more time outdoors, increasing their exposure during periods of elevated air pollution.
- Their vital organs—including lungs, brain, and other systems—are still in critical stages of development, making them more susceptible to permanent damage from toxic exposures.

Exposure to air toxics during childhood is associated with significant health impacts, including:

- Development or worsening of asthma and diminished lung function.
- Impairment of neurodevelopmental processes.
- Elevated lifetime risk of developing cancer.

Some adverse effects may begin as early as the prenatal period and can continue to affect individuals into adulthood.⁶

A2.13
cont.

Regulatory Context and District Requests

Given the heightened risks to children from air toxics, regulatory agencies like the United States Environmental Protection Agency (USEPA) and the South Coast Air Quality Management District (SCAQMD) have implemented rigorous standards to safeguard sensitive groups, particularly children. SCAQMD Rule 1401.1, *Requirements for New and Relocated Facilities Near Schools*, mandates that new or relocated facilities in proximity to schools must thoroughly assess health impacts, ensuring protection for infants through high school-age children. Notably, Rule 1401.1 sets a stringent health-protective cancer risk threshold of 1 in one million for schools—significantly more protective than the general SCAQMD significance threshold of 10 in one million. The District recommends applying this more conservative threshold not only to schools, but to all sensitive receptors in Bloomington, as the area has been identified by the Office of Environmental Health Hazard Assessment's CalEnviroScreen 4.0 as bearing a substantially higher pollution burden compared to other California communities.⁷

A2.14

The District recommends that the County utilize the health-protective thresholds established by the USEPA and SCAQMD, as outlined below, when assessing potential health risks to children at schools and residences located near the project site.

⁶ American Academy of Pediatrics. Key Points about Outdoor Air Pollutants. Accessed December 7, 2025. [Outdoor Air Pollutants](#)

⁷ Office of Environmental Health Hazard Assessment. CalEnviroScreen 4.0. Accessed December 8, 2025. <https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40>

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HEALTH-PROTECTIVE SIGNIFICANCE THRESHOLDS		
Pollutant	Scenario/ Time Period	Health-Protective Thresholds
Toxic Air Contaminants (TACs) Thresholds		
DPM	Construction or Operations	Maximum Incremental Cancer Risk ≥ one in one million ^a
Ambient Air Quality Standards for Criteria Pollutants		
NO ₂	1-hour average	20 µg/m ^{3b}
	Annual arithmetic mean	1.0 µg/m ^{3b}
PM ₁₀	24-hour average	5.0 µg/m ^{3c}
		2.5 µg/m ³
	Annual average	1.0 µg/m ³
PM _{2.5}	24-hour average	1.2 µg/m ^{3d}
		1.2 µg/m ^{3d}
	Annual average	0.13 µg/m ^{3d}

A2.14 cont.

- a. SCAQMD Rule 1401.1 <http://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1401.pdf>
 b. SCAQMD Rule 1303 Table A-2. <http://www.aqmd.gov/docs/default-source/rule-book/reg-xiii/rule-1303-requirements.pdf>
 c. USEPA Prevention of Significant Deterioration (PSD) Significant Impact Level (SIL) for PM₁₀. Title 40, Volume 2 of Code of Federal Regulations, Section 51.165(b)(2): <https://www.govinfo.gov/content/pkg/CFR-2011-title40-vol2/pdf/CFR-2011-title40-vol2-sec51-165.pdf>
 d. USEPA-recommended SIL for the annual average PM_{2.5} concentration in a Class II and Class III areas. This value is lower than the value of 0.3 µg/m³ listed in 40 CFR 51.165(b)(2) at the time of the 12/30/21 memo. <https://www.epa.gov/nsr/significant-impact-levels-ozone-and-fine-particles>

Third-Party Review

To ensure that air quality impacts and health risks are accurately addressed, the District engaged BlueScape Environmental, an independent air quality and environmental compliance expert, to conduct a comprehensive third-party review of the technical assessments in the RDEIR, 2021 Draft EIR, and Final EIR. BlueScape's review identified major deficiencies in the air quality impact analysis and health risk assessment, concluding that the current analysis significantly underrepresents the potential health risks to nearby schools and residential neighborhoods. BlueScape recalculated the air quality impacts and health risks associated with both construction and operation of the Project, confirming that significant risks and impacts remain. Additionally, BlueScape evaluated the "Friant Ranch" analysis included in RDEIR Appendix B and found that it does not satisfy the requirements for a thorough, site-specific review. The District respectfully submits BlueScape's in-depth technical

A2.15

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comments, provided in Attachment D and Attachment E, as a key component of its formal response to the RDEIR.

A2.15 cont.

District Requests for Significant Air Quality Impacts and Health Risks

Following BlueScape's independent technical review and updated modeling—which found that the RDEIR and related air quality analyses for the Project are flawed and substantially understate the health risks posed by toxic air contaminants and criteria pollutants to schoolchildren and other sensitive receptors—the District maintains its strong opposition to the Project. The District urges the County to take the following actions:

- Require a new, independently reviewed Air Quality Impact Assessment and Health Risk Assessment that must include:
 - Updated trip generation numbers reflecting actual project conditions;
 - Protective significance thresholds in accordance with SCAQMD Rule 1401.1 and the EPA's 2024 National Ambient Air Quality Standards;
 - Accurate placement of receptors and appropriate breathing rates for children;
 - Comprehensive modeling of cumulative impacts, including those from nearby projects such as the WVLC Project.
- Ensure full mitigation of any cancer risk or air pollutant exposure that exceeds the one-in-one-million threshold, with particular attention to schools and residences located within 1,000 feet of project emissions.

A2.16

Unless the above corrections are made, the RDEIR does not adequately disclose, analyze, or mitigate the Project's severe and disproportionate air quality and health risks facing students and families in Bloomington.

4. Project Non-Compliance with Assembly Bill 98 Siting and Design Standards for Logistics Developments Near Sensitive Receptors

Effective January 1, 2026, Assembly Bill 98 enforces rigorous siting and design standards for new logistics facilities in warehouse concentration areas that are 250,000 square feet or larger and situated within 900 feet of sensitive receptors. The primary objective of AB 98 is to address and reduce the disproportionate public health, environmental, and land use impacts linked to warehouse and logistics developments—challenges that have been particularly acute in communities such as San Bernardino and Riverside Counties, where rapid growth of these facilities has occurred near schools, residential neighborhoods, and parks.

A2.17

Specific Plan

The proposed Specific Plan is located within a designated warehouse concentration area and is immediately adjacent to numerous sensitive receptors as identified by Government Code § 65098(e), including surrounding residential neighborhoods, Kessler Park, Zimmerman Elementary School, and Bloomington High School. Additionally, Ruth O'Harris Middle School lies within 900 feet of the Specific Plan's boundary. As stated in RDEIR Table 1-1, the Specific Plan would add

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approximately 3.2 million square feet of industrial, manufacturing, and logistics space—substantially surpassing the 250,000 square foot threshold set by AB 98. Therefore, the proposed Specific Plan falls to comply with both the intent and explicit requirements of AB 98.

BBPSP Specific Plan Development Summary

Planning Areas	Acres	Development Capacity
Planning Area A (Opening Year Development)	141.4	Up to 3,079,910 SF based on maximum 0.5 FAR
Planning Area B (Future Development)	71.6	Up to 155,926 SF based on maximum 0.05 FAR ¹
Total	213	Up to 3,235,836 SF

¹ Individual projects may have a maximum FAR of 0.50 as long as 155,926 SF is total not exceeded.

Source: RDEIR Table 1-1: Specific Plan Project Summary, Page 1-3

AB 98 requires that the proposed Specific Plan, including Development Options 1 and 2 and any future projects within Planning Area B, must fully comply with all its provisions. When assessing this Project, the County must ensure strict adherence to both the explicit requirements and the underlying purpose of AB 98. Expert testimony from District specialists confirms that the development will lead to a significant increase in automobile and semitruck traffic, raise safety concerns for pedestrians and bicyclists, and result in considerable health risks due to exposure to hazardous air pollutants.

Development Options 1 and 2

Both Development Options 1 and 2 are situated in immediate proximity to sensitive receptors, including surrounding residential neighborhoods, Kessler Park, Zimmerman Elementary School, and Bloomington High School—all located within 900 feet of each development's property line. As detailed in RDEIR Table 1 (Option 1 - Development Summary) and Table 1 (Option 2 - Development Summary), each building proposed under either scenario surpasses the 250,000 square foot minimum set by Assembly Bill 98. Collectively, Option 1 would introduce approximately 2,113,640 square feet of logistics facilities, while Option 2 would result in the development of roughly 2,712,040 square feet of logistics space.

A2.17 cont.

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Option 1 - Development Summary

Development Sites	Land (Acres)	Land Use	Building Footprint	Truck Trailer Parking Stalls Provided	Non-Trailer Parking Stalls Provided	Non-Trailer Parking Stalls Required
Site 1	17.72	Fulfillment Center	383,000 SF Warehouse	66	176	164
Site 2	57.60	High-Cube Warehouse	1,251,640 SF Warehouse	385	422	418
Site 3	30.52	Fulfillment Center	479,000 SF Warehouse	253	232	169
Site 4	9.5	Trailer Parking	-	289	-	-
Total	115.3 Acres		2,113,640 SF	993 Stalls	830 Stalls	751 Stalls

Source: RDEIR Table 1-2, Opening Year – Option 1 Development Summary, Page 1-4

Option 2 - Development Summary

Development Area	Land (Acres)	Land Use	Building Footprint	Non-Trailer Parking Stalls Provided	Non-Trailer Parking Stalls Required
Site 1	36.65	Fulfillment Center	710,400 SF Warehouse	350 Stalls	246 Stalls
Site 2	57.60	High-Cube Warehouse	1,251,640 SF Warehouse	422 Stalls	418 Stalls
Site 3	37.66	Fulfillment Center	750,000 SF Warehouse	375 Stalls	255 Stalls
Site 4	9.5	Trailer Parking	289 Truck Trailers Stalls	-	-
Total	141.41 Acres		2,712,040 SF	1,147 Stalls	919 Stalls

Source: RDEIR Table 1-3, Opening Year – Option 2 Development Summary, Page 1-4

Because both Development Options 1 and 2 require County approval of the proposed Specific Plan—which would rezone the Project area for the intended industrial, manufacturing, and logistics uses—these developments are required to comply with the design and siting standards specified in Government Code § 65098.1(c). These standards are expressly applicable to projects located within designated warehouse concentration areas.

Accordingly, each of the four site developments must fully meet the requirements set forth in the following subsections of Government Code § 65098.1(c):

A2.17 cont.

A2.18

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- (1) *Implement Tier 1 21st century warehouse design elements described in subdivision (g) of Section 65098.*
- (2) *Orient truck loading bays on the opposite side of the logistics use development away from sensitive receptors,*

The truck loading bays currently proposed in both Development Options 1 and 2 do not comply with this requirement, as they are not positioned on building sides opposite sensitive receptors.

- For Development Option 1, as illustrated in RDEIR Figure 3-8 (page 3-37), the truck loading bays at Site 1 are currently oriented toward Kessler Park, while those at Sites 2 and 3 either directly face or are insufficiently set back from nearby residential properties. Consequently, none of the truck loading bays proposed under Option 1 meet the standard of being positioned on the side of the building opposite sensitive receptors. To address this issue, the County should require the Applicant to redesign and reposition all truck loading bays in Option 1, ensuring that each bay is located on the side of the building facing away from sensitive receptors.
 - Similarly, under Development Option 2, as depicted in RDEIR Figure 3-24 (page 3-69), the truck loading bays at Sites 1, 2, and 3 are not situated on the sides of the buildings opposite existing residential neighborhoods, Kessler Park, Zimmerman Elementary School, or Bloomington High School. As a result, all truck loading bays proposed under Option 2 are also out of compliance with this standard. The County should therefore require the Applicant to redesign and reorient all truck loading bays under Option 2 to ensure they are placed on sides of the buildings away from sensitive receptors.
- (3) *Locate truck loading bays a minimum of 500 feet from sensitive receptor property lines using a direct straight-line method*
 - For Development Option 1, the truck loading bay at Site 1 is currently less than 500 feet from Kessler Park and nearby residential areas southeast of Jurupa Avenue and Linden Avenue. Similarly, the loading bays at Sites 2 and 3 are also within 500 feet of sensitive receptor property lines, including Bloomington High School. Therefore, the County should require the Applicant to redesign and relocate the truck loading bays at Sites 1, 2, and 3 under Development Option 1, ensuring each bay is positioned a minimum of 500 feet from sensitive receptor property lines using a direct straight-line measurement.
 - For Development Option 2, the truck loading bays at Site 1 are less than 500 feet from Zimmerman Elementary School, Kessler Park, and adjacent residential property lines. The loading bays at Sites 2 and 3 also fall within 500 feet of sensitive receptor property lines, such as Bloomington High School. As a result, the County should mandate that the Applicant redesign and relocate the truck loading bays at Sites 1, 2, and 3 under Development Option 2, guaranteeing that each bay is at least 500 feet away from sensitive receptor property lines, measured directly.

A2.18 cont.

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(4) Separate heavy-duty truck entrance via a truck route, arterial road, major thoroughfare, or a local road that predominantly serves commercial oriented uses.

The designated heavy-duty truck routes for Sites 1, 2, 3, and 4 utilize Jurupa Avenue and Cedar Avenue. However, Jurupa Avenue is primarily lined with sensitive land uses, such as residential neighborhoods and a public park. As a result, the proposed truck routes for all sites fail to comply with the requirements of Government Code § 65098.1(c)(4).

(5) Locate truck entry, exit, and internal circulation away from sensitive receptors; heavy-duty diesel truck drive aisles are prohibited from being adjacent to sensitive receptor property lines

- For Development Option 1, the truck entry, exit, and internal drive aisle are currently proposed on the south side of Building 1, directly facing and bordering Kessler Park and nearby residential areas. Similarly, the truck drive aisles for Buildings 2 and 3 are oriented toward residential neighborhoods.
- For Development Option 2, truck drive aisles are accessed from Linden Avenue, Locust Avenue, Laurel Avenue, and Jurupa Avenue; these truck ways are close to and face sensitive receptor property lines, such as Zimmerman Elementary School, Bloomington High School, Kessler Park, and adjacent residential developments.

As proposed, truck entrances, internal circulation, and offsite routes do not comply with the requirements of Government Code § 65098.1(c)(5).

(6) Buffering and Screening for Light and Noise

The Specific Plan, along with Development Options 1 and 2, must comply with Government Code § 65098.2(a)(2), which mandates a 100-foot-wide setback buffer measured from the sensitive receptor's property line. These buffer zones are required to incorporate a solid decorative wall, a landscaped berm and wall, or a landscaped berm that is at least 10 feet tall. Additionally, the area should feature drought-tolerant native ground landscaping with appropriate irrigation. For visual and noise screening, two rows of evergreen, drought-tolerant trees—selected for low biogenic emissions—must be planted along the length of the property line adjacent to the sensitive receptor. These trees should be supplied in a minimum 36-inch box size at planting and spaced no more than 40 feet apart on center. Palm trees are not permitted for this purpose.

Furthermore, Government Code Section 65098.2 requires the County to establish a 100-foot buffer from the boundary of the proposed Specific Plan area and to develop this setback with landscaping, as specified in Sections 65098.2(b) and (c). Implementing this requirement would reduce the development footprint for both Options 1 and 2.

District-Requested Conditions of Approval Concerning AB 98

According to Government Code Section 65098.5(a), the County cannot approve the Project because the Specific Plan and proposed Development Options do not satisfy the standards set forth in AB 98.

A2.18 cont.

A2.19

Colton Joint Unified School District
Frank Miranda, Ed.D., Superintendent
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Owen Chang, Director of Facilities and Energy Management



The District requests that the County include a mandatory 100-foot setback from sensitive receptor property lines for the Specific Plan and all development applications.

Additionally, the District urges that the RDEIR be revised to feature a Project Alternative that fully implements all design and siting criteria mandated by AB 98. This alternative should be thoroughly evaluated for its potential to reduce impacts and health risks to nearby sensitive receptors and considered for approval if it proves to be less harmful to the community.

A2.19 cont.

Conclusion

Due to IV5's breach in the CEQA Mitigation Agreement, the District's original CEQA concerns—first identified in the 2021 Draft EIR—remain unresolved. The updated 2025 trip generation and truck traffic data continue to demonstrate that the 2021 Draft EIR is flawed, and the RDEIR does not adequately address the District's concerns as the CEQA Mitigation Agreement was executed prior to the County's certification of the FEIR and approval of the Project.

The County's responses and conclusions in the RDEIR rely on outdated and inaccurate data, resulting in an environmental analysis that significantly underestimates the Project's impacts on sensitive receptors, particularly at Zimmerman Elementary School. Consequently, the District reiterates and expands upon its previous comments, which are included as Attachment A. The District continues to oppose the Project and respectfully requests that the County revise and recirculate the RDEIR to comprehensively address the substantial air quality impacts and health risks outlined herein, and to ensure that the Project complies with adopted County policies regarding pedestrian and bicyclist safety. Alternatively, the District requests that the County, as a condition of project approval, require the Project applicant to fully implement the CEQA Mitigation Agreement. This would reestablish the mitigation basis for the District's prior withdrawal of opposition, ensure CEQA compliance, and provide critical protections for students, staff, and the local community.

A2.20

Thank you for your attention to these concerns.

On behalf of Colton Joint Unified School District

Sincerely,

Owen Chang

Director of Facilities Planning, Construction, and Development

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ATTACHMENT A
PREVIOUS COMMENT LETTERS SUBMITTED BY
COLTON JOINT UNIFIED SCHOOL DISTRICT

A2.21

Colton Joint Unified School District

Frank Miranda, Ed.D., Superintendent
 Rick Jensen, Assistant Superintendent, Business Services Division
 Owen Chang, Director, Facilities & Energy Management



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 Mr. Israel Fuentes
 Ms. Patt Haro
 Ms. Berenice Sandoval

Commitment to Equal Opportunity

January 12, 2022

Aron Liang, Senior Planner
 County of San Bernardino
 Land Use Services Department, Planning Division
 385 North Arrowhead Avenue, First Floor
 San Bernardino, CA 92415-0187

Transmitted via Electronic Mail: aron.liang@lus.sbcounty.gov

Subject: Supplemental Comments on Draft EIR for the Proposed Bloomington Business Park Specific Plan Project, SCH No. 2020120545

A2.21 cont.

Dear Mr. Liang:

Please accept this letter as a supplement to the comment letter submitted on December 15, 2021 (the Comment Letter) by the Colton Joint Unified School District (District or CJUSD) regarding the Draft Environmental Impact Report (DEIR) for the proposed Bloomington Business Park Specific Plan Project (Project). A copy of the Comment Letter is attached for your reference as Attachment C.

As discussed in the Comment Letter, the Draft EIR is fatally flawed in several respects. Among the most serious is the failure to provide a thorough health risk assessment (HRA) adequately evaluating the dangers to sensitive receptors in the vicinity of the Project. The DEIR did not conduct an Air Quality Impact Analysis (AQIA) for PM₁₀, PM_{2.5}, NO_x and other emissions, including fugitive dust and fine particulate from diesel-fueled vehicles. Per Section 3.22 of the Comment Letter, the District has conducted additional air quality analysis to verify the Project's air quality impacts at Zimmerman Elementary School. Zimmerman's location directly adjacent to the Project makes it particularly vulnerable to the anticipated impacts of converting a low-density residential zone to millions of square feet of warehouse and logistics uses. The District has retained BlueScape Environmental to conduct the analysis. Their technical letter is enclosed as Attachment A.

BlueScape completed AQIA modeling using AERMOD for Project construction and operations, based on the emissions files prepared for the DEIR. The results of the analysis, as shown in Table 1, indicate Project construction and operations would generate PM₁₀, PM_{2.5}, and NO_x emissions that exceed significance thresholds. Those emissions constitute a significant effect on the environment not disclosed in the DEIR.

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A2.21 cont.

Table 1
Particulate Matter and Nitrogen Dioxide Impacts
Proposed Bloomington Business Park Specific Plan Project

Pollutant	Averaging Period	Construction Modeled Result ($\mu\text{g}/\text{m}^3$)	Operations Modeled Result from DEIR ($\mu\text{g}/\text{m}^3$)	Operations Modeled Result with Trip Correction ($\mu\text{g}/\text{m}^3$)	Significance Threshold ($\mu\text{g}/\text{m}^3$)	Exceed Threshold?
PM ₁₀	24-hr	9.4	4.9	13.8	5	YES
	Annual	0.3	2.9	8.2	1	YES
PM _{2.5}	24-hr	2.7	1.2	3.4	1.2	YES
	Annual	0.1	0.9	2.5	0.3	YES
NO ₂	1-Hr	19.8	24	68.4	20	YES
	Annual	0.4	9.2	25.9	1	YES

BlueScape supplemented the operational Health Risk Assessment (HRA) completed for the DEIR with additional receptor locations and Project trips based on trip rates included in the industry standard, *ITE Trip Generation Manual* (Attachment B). The analysis also used more conservative exposure assumptions appropriate for children. The supplement found that the operational cancer risk impacts at Zimmerman Elementary School and the community are drastically underestimated in the Draft EIR. As shown in Table 2, cancer risk impacts at nearby resident and school locations are well above the 10 in one million cancer risk significance threshold.

Table 2
Comparison of Cancer Risk Impacts for Bloomington BPSP Project from Operations
Pollutant: Diesel Particulate Matter

Cancer Risk Basis	Maximum 30-Year Cancer Risk	Cancer Risk Significance Threshold	Exceed Threshold?
1. DEIR Operations Only ¹	8.4 in one million	10 in one million	No
2. Updated 30-year, DEIR Traffic ²	12.2 in one million		YES
3. Updated 30-year, Updated Trips Traffic ³	29.8 in one million		YES

NOTES:

- From DEIR Appendix C-2 page 29, for Opening Year Development Option 2 results, corrected for the maximum impact location from the receptor grid.
- Maximum cancer risk for updated receptor grid, correcting the FAH from 0.85 to 1.0 for the third trimester and age bin 0 to 2, and using a 95% DBR for all age groups.
- Same as #2, with corrected, higher estimated truck trips using ITE generation rates; see attachment from Garland Associates.

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A2.21 cont.

With prevailing winds blowing from the southwest to the northeast in the Bloomington area, the Project—which is immediately west and south of Zimmerman Elementary School—would significantly impact air quality at the school. Figures 1 and 2 of BlueScape’s technical letter are isopleth maps that illustrate cancer risk and PM_{2.5} concentrations around the Project’s Specific Plan Area. As shown in the figures, the Project will impact the entire Zimmerman Elementary School campus. Conditions in the southern half of the school are most severe. As shown, the Project will exceed acceptable thresholds for cancer risk and PM_{2.5} in the southern half of the campus. The Project’s air quality impacts at Zimmerman Elementary School are unacceptable and represent a significant impact the Draft EIR fails to address.

The District requests that the County neither certify the Draft EIR nor approve the Project until the Draft EIR has been supplemented and recirculated. The District further requests to meet with the County and Applicant to discuss appropriate mitigation to address not only air quality impacts identified in this supplemental comment letter, but also other Project impacts discussed in the CJUSD Comment Letter, including Comment 8, *Public Services – School Facilities*.

The District looks forward to working with the County and the Applicant to resolve our concerns related to the Project. Please contact the undersigned at 909-580-6642 or via email at owen_chang@cjUSD.net to schedule a meeting.

Sincerely,

Owen Chang

Director, Facilities & Energy Management

Cc Dr. Frank Miranda, Superintendent

1212 Valencia Drive, Colton, CA 92324-1798 – (909) 580-5000

Attachment A

Technical Review and Comments on the Draft EIR for the
Proposed Bloomington Business Park Specific Plan Project;
Verification of Health Risk and Air Quality Impacts at
Residential Locations and School Sites

BlueScape Environmental

December 30, 2021



December 30, 2021

Owen Chang
Director of Facilities & Energy Management
Colton Joint Unified School District
325 Hermosa Avenue, Building 5
Colton CA 92324

via email: owen_chang@cjusd.net

Subject: Technical Review and Comments on the Draft EIR for the Proposed
Bloomington Business Park Specific Plan Project; Verification of
Health Risk and Air Quality Impacts at Residential Locations and
School Sites

Dear Mr. Chang:

BlueScape Environmental has prepared comments herein as detailed technical verification review and follow-up to a letter submitted by Colton Joint Unified School District (CJUSD or District) to the County of San Bernardino (County) on December 15, 2021 (or the 12/15/21 letter) concerning the *Draft Environmental Impact¹ Report* (DEIR) for the Bloomington Business Park Specific Plan Project (Project), dated September 2021, SCH No. 2020120545.² The focus of this technical review is on the studies that the DEIR failed to complete, as discussed in the 12/15/21 letter, and to estimate the highest expected health impacts at residential locations and school sites for either Project Development Option 1 or Option 2. The comments in this letter address primarily the DEIR Appendix C1 Air Quality Impact Analysis and the Appendix C2 Health Risk Assessment.³⁴

A2.21
Cont.

¹ Bloomington Business Park Specific Plan Draft Environmental Impact Report, County of San Bernardino, California, September, 2021, State Clearinghouse No. 2020120545.

² *Bloomington Business Park Specific Plan Air Quality Impact Analysis*, prepared by Urban Crossroads, Appendix C1 to the Draft EIR, July 23, 2021, 12991-04 AQ Report

³ *Bloomington Business Park Mobile Source Health Risk Assessment*, prepared by Urban Crossroads, Appendix C2 to the Draft EIR, July 23, 2021, 12991-04 HRA Report.

⁴ *Comments on the Draft EIR for the Proposed Bloomington Business Park Specific Plan Project*, SCH No. 2020120545, Letter from O. Chang, Colton Joint Unified School District, to A. Liang, County of San Bernardino Land Use Services Department Planning Division, December 15, 2021.

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This verification review confirms the need for additional publicly-vetted EIR review work, and the high importance of enforcing appropriate mitigation for Project-related significant emissions impacts. The additional impacts associated with Specific Plan Buildout have not been addressed in this letter, but are considered to be additive to the health impact conclusions and comments stated in this letter.

The Project will be a large source of pollutant emissions that will expose sensitive residents, school children and others located nearby to high levels of toxic and carcinogenic diesel exhaust, or diesel particulate matter (DPM), particulate matter with aerodynamic diameter less than or equal to 10 microns or 2.5 microns (PM₁₀ or PM_{2.5}), and nitrogen dioxide (NO₂), from construction and operations. CJUSD's primary concern should be the cancer risk and respiratory health impacts of these pollutants. During construction, diesel-powered equipment such as graders and bulldozers will be operated throughout the day. Fine dust emissions will be generated from earth dropped into piles and loaded onto haul trucks. These emissions will be particularly high and upwind of sites such as Zimmerman Elementary School, on both a maximum daily and annual basis, due to the highly compressed construction schedule of the Project. DPM, PM_{2.5} and NO_x emissions will also result from traffic associated with the operation of the resulting facilities, with many heavy-duty diesel-fueled trucks travelling through the community.

A2.21
Cont.

In the first section, this letter recommends that CJUSD requests that the County adopt appropriate and stringent air quality review significance thresholds that address the much higher potential health impacts from large projects on nearby sensitive residential and school sites. The recommended significance thresholds for construction cancer health risk assessment (HRA) review and air quality impact analysis (AQIA) will provide an added measure of health protection that ensures effective mitigation will be employed to reduce health impacts on sensitive receptors such as school children and residents to acceptable levels. This is needed especially in neighborhoods surrounding the Project area that already suffer a disproportionate share of health burden from air pollution.

The remaining sections present the results of verification modeling completed using DEIR Project emissions and modeling files, including an updated HRA for Project operational DPM emissions, an HRA for Project construction DPM emissions, and an AQIA for PM₁₀, PM_{2.5} and NO₂ emissions impacts. The 12/15/21 letter and this technical verification review address several flaws and technical errors in the DEIR air quality analysis and HRA work that lead to underreporting health impacts in the community. In addition, exposure assumptions have been updated to provide adequate analysis conservatism and health protection to sensitive residents and school children that will be located near the Project.

1. To protect sensitive children attending school and living near Project construction and operations, CJUSD should request that the EIR review utilize health-protective air quality impact significance thresholds. Thresholds should be used that are more stringent than general SCAQMD

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CEQA significance thresholds, but will provide an added measure of protection for children and families living and attending school within 1,000 feet of Project construction and operations, including heavily traveled truck transportation routes.

The South Coast Air Quality Management District (SCAQMD) publishes California Environmental Quality Act (CEQA) review significance thresholds on their website.⁵ These thresholds are generally acceptable for CEQA review, but are not sufficiently health-protective for sensitive children and other persons (such as asthmatic or immunocompromised individuals) living or attending school near (within 1,000 feet) of large project developments such as the Bloomington Business Park Specific Plan (BPSP) (also see Section 3.1 in the 12/15/21 letter on CARB's land use guidance). The high pollution from these projects obligates review standards that the County should use to ensure health risk impacts to these susceptible individuals are minimized to the maximum extent possible.

CJUSD should request that the County use the health-protective thresholds summarized in Table 1 below, for cancer risk impacts from DPM emissions during Project construction, for PM₁₀ and PM_{2.5} emissions, including fugitive emissions and diesel exhaust emissions from Project construction and operations, and for the NO₂ emissions from diesel equipment and trucks during Project construction and operations. The health impacts from these pollutants on children should be of the utmost concern to CJUSD and the County. The recommended health-protective thresholds in Table 1 are compared with the SCAQMD CEQA significance thresholds, and used to complete the technical verification review provided in this letter. Further discussion and justification for use of the health-protective thresholds is provided below.

A2.21
Cont.

TABLE 1 HEALTH-PROTECTIVE SIGNIFICANCE THRESHOLDS AS COMPARED TO SCAQMD CEQA SIGNIFICANCE THRESHOLDS			
Pollutant	Scenario/ Time Period	SCAQMD Air Quality Significance Thresholds	Health-Protective Thresholds
Toxic Air Contaminants (TACs) Thresholds			
DPM	Construction	Maximum Incremental Cancer Risk ≥ 10 in 1 million	Maximum Incremental Cancer Risk ≥ 1 in 1 million
	Operations		Maximum Incremental Cancer Risk ≥ 10 in 1 million

⁵ South Coast AQMD Air Quality Significance Thresholds, South Coast Air Quality Management District, www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf, Revision April 2019.

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TABLE 1 HEALTH-PROTECTIVE SIGNIFICANCE THRESHOLDS AS COMPARED TO SCAQMD CEQA SIGNIFICANCE THRESHOLDS			
Pollutant	Scenario/ Time Period	SCAQMD Air Quality Significance Thresholds	Health-Protective Thresholds
Ambient Air Quality Standards for Criteria Pollutants			
NO ₂	1-hour average	0.18 ppm (state) (Equivalent to 339 µg/m ³)	20 µg/m ³
	Annual arithmetic mean	0.03 ppm (state) (Equivalent to 56.4 µg/m ³) and 0.0534 ppm (federal) (Equivalent to 100 µg/m ³)	1.0 µg/m ³
PM ₁₀	24-hour average	10.4 µg/m ³ (construction)	5.0 µg/m ³
		2.5 µg/m ³ (operation)	2.5 µg/m ³
	Annual average	1.0 µg/m ³	1.0 µg/m ³
PM _{2.5}	24-hour average	10.4 µg/m ³ (construction)	1.2 µg/m ³
		2.5 µg/m ³ (operation)	1.2 µg/m ³
	Annual average	(no standard)	0.3 µg/m ³

A2.21
Cont.

Children, such as students at Zimmerman Elementary School or living near the proposed Project location, are generally more susceptible to adverse health impacts from exposure to toxins than adults, according to the EPA Integrated Science Assessment for Particulate Matter (p. 8-5).⁶ Students under age 18 undergo significant growth and development. Knowing that children bear a greater health burden when exposed to toxic air pollution and need greater protection under California state laws, the legislature passed the Children's Protection Act of 1999 (or SB25). Following the Act, OEHHA prepared several Technical Support Documents to update the methods for health risk assessors to use to review impacts at various life stages, and then updated the recommended air toxics health risk assessment procedures in February 2015.⁷ Children breathe at a faster rate than adults per unit

⁶ *Integrated Science Assessment for Particulate Matter*, U.S. Environmental Protection Agency, Office of Research and Development, Research Triangle Park, North Carolina, EPA/600/R-08/139F, December 2009.

⁷ *Air Toxics Hot Spots Program Risk Assessment Guidelines, Guidance Manual for Preparation of Health Risk Assessments*, Office of Environmental Health Hazard Assessment, California Environmental Protection Agency, Sacramento, California, February 2015, p. 8-18.

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body weight, especially when engaged in outdoor activities. These and other concerns about Project impacts, and the need for enforceable mitigation, have been expressed by the California Air Resources Board (ARB) in a letter to the County dated December 15, 2021.⁸ Thus, in accordance with the Children's Protection Act and the OEHHA Guidelines, the County's analysis of health impacts from Project construction and operational emissions should account properly for the vulnerability of CJUSD children, with impacts mitigated to the fullest extent feasible to protect those children.

The Project proposes to complete construction during daytime hours that overlap with the hours when classes at Zimmerman Elementary School are in session, into the afternoon hours, when students use outdoor recreational facilities. From review of five years of wind data from the Fontana monitoring station, the prevailing winds blow from the southwest to the northeast nearly all of the time students are located at Zimmerman School. Therefore, any toxic emissions, dust and odors from proposed Project construction or operation activities during these hours will likely be blown directly downwind into the property classrooms, administrative buildings and recreational facilities.

A2.21
Cont.

While significance thresholds are useful to review public health impacts and to make risk management decisions, any real health impact risk greater than zero by the Project on community residents, children and other persons should be unacceptable to CJUSD. A wide range of uncertainty exists in estimating the real future health impacts, due to uncertainty in the assumptions used to calculate Project air emissions, in theoretical computer health impact modeling methods, and in the availability and efficacy of proposed emission controls. To protect CJUSD school children and sensitive resident populations near the Project, it is incumbent on the County to mitigate and minimize any real impacts from the Project to the fullest extent possible. The following sections provide more details on the suggested thresholds.

Cancer Risk from Construction-Related Diesel Particulate Matter Emissions

Diesel exhaust from internal combustion engines is a mixture of thousands of gases and fine particles, with more than 40 substances that are toxic and hazardous to human health. CARB has designated diesel exhaust as a state-regulated Toxic Air Contaminant (TAC), based upon the determination that such exhaust is a human carcinogen.⁹ In doing so, ARB designated diesel exhaust as "*an air pollutant which may cause or contribute to an increase in mortality or an increase in serious illness, or which may pose a present or potential hazard to human health*" (p. ES-1). The mixture of toxic gases and particles combine together to form DPM, which persons

⁸ Letter from R. Krieger, California Air Resources Board, to A. Liang, County of San Bernardino Land Use Services Department Planning Division, December 15, 2021.

⁹ *Proposed Identification of Diesel Exhaust as a Toxic Air Contaminant*, California Air Resources Board and the Office of Environmental Health Hazard Assessment, as approved by the Scientific Review Panel, Sacramento, California, April 22, 1998.

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are exposed to when breathing emissions from diesel-fueled engines. DPM lodges in the human lungs of children and other sensitive individuals, delivering more than 16 potent substances known to cause cancer such as polycyclic aromatic hydrocarbons (PAHs) including benzo(a)pyrene, benzene, formaldehyde, 1-3-butadiene, and ethylene dibromide. Diesel exhaust is also associated with long-term, non-cancer immunological effects, such as respiratory diseases including asthma and other allergic diseases. High short-term exposures to diesel exhaust can lead to increased symptoms of irritation, compromised pulmonary function, and new cases of asthma. According to the SCAQMD, about 68% of the air toxics-related cancer risk to persons living in the Los Angeles Basin is due to exposure to diesel exhaust.¹⁰ DPM is the toxic air contaminant of primary concern in the South Coast Air Basin.¹¹ The DPM emissions from the Project, therefore, contribute to an already existing high health burden from local and regional DPM emissions.

The Project DEIR was deficient by not completing a construction emissions HRA. When completed, the cancer risk significance threshold used by the SCAQMD for CEQA review, 10 in one million, should not be used, as it is not health-protective for sensitive individuals such as children living and going to school near large projects. During construction activities, large amounts of DPM will blow directly toward school sites such as Zimmerman Elementary School and nearby residents. To protect children from contracting cancer due to the impacts from construction emissions, a 1 in one million cancer risk threshold would be more appropriate and health-protective.

The County has the discretion to set more stringent and health-protective thresholds for children than SCAQMD provides for general CEQA review. In the *Air Toxics Hot Spots Guidance Manual*,¹² OEHHA states, "There is valid scientific concern that the rate of exposure may influence the risk – in other words, a higher exposure to a carcinogen over a short period of time may be a greater risk than the same total exposure spread over a much longer time period. In addition, it is inappropriate from a public health perspective to allow a lifetime acceptable risk to accrue in a short period of time (e.g., a very high exposure to a carcinogen over a short period of time resulting in a 1×10^{-5} cancer risk). Thus, consideration should be given for very short-term projects to using a lower cancer risk trigger for permitting decisions."

The CJUSD should request that the County adopt the 1 in one million cancer risk significance review threshold for Project construction-related emission impacts as appropriate and health-protective for school children and sensitive receptors.

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¹⁰ *Final 2016 Air Quality Management Plan (AQMP), Appendix I Health Effects*, South Coast Air Quality Management District, Diamond Bar, California, March 2017, p. I-65.

¹¹ *Air Quality Issues in School Site Selection Guidance Document*, prepared by ICF Consulting for the South Coast Air Quality Management District, Diamond Bar, California, revised May 2007, p. ES-2.

¹² *Air Toxics Hot Spots Program Risk Assessment Guidelines, Guidance Manual for Preparation of Health Risk Assessments*, p. 8-18.

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Health Impacts from PM₁₀ and PM_{2.5} Emissions

The health effects of exposure to PM emissions, especially fine and ultrafine particles including DPM and fugitive PM, is well documented in the SCAQMD Air Quality Management Plan (AQMP), pp. I-19 to I-49.¹³ Major health effects from exposure to PM include increased mortality, and exacerbation of respiratory disease and cardiovascular disease, leading to increased hospital visits and school absences, adverse birth outcomes, and changes in lung morphology. Based upon one study, a 10 $\mu\text{g}/\text{m}^3$ increase in PM₁₀ concentration leads to a 3.4% increase in respiratory deaths, 1.4% increase in cardiovascular deaths, 3% increase in asthmatic attacks, 12.2% increase in bronchodilator use, and 3.4% increase in emergency room visits, among other impacts. Greater mortality rates and respiratory effects are associated with smaller particles, because these particles cannot be expelled easily and become lodged in the lungs.

The Project DEIR was deficient by not completing an AQIA for PM₁₀, PM_{2.5}, and NO₂ emissions impacts, as well as for other pollutant emissions. The DEIR review should select review thresholds for short-term or 24-hour average, and long-term or annual average PM_{2.5} impacts, that are health-protective for school children and other sensitive individuals. The SCAQMD's 10.4 $\mu\text{g}/\text{m}^3$ significance threshold for short-term PM₁₀ and PM_{2.5} construction emission impacts was based upon fugitive dust impacts from construction projects only, and without specific regard to health impacts on sensitive children.¹⁴

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Given the potentially high impacts of PM₁₀ and PM_{2.5} emissions on nearby residents and school sites on a daily and long-term basis, and to protect sensitive children and others from the short-term health impacts from Project PM_{2.5} emissions, including while located outdoors and experiencing higher activity levels, the federal significance thresholds of 5.0 $\mu\text{g}/\text{m}^3$ for PM₁₀ and 1.2 $\mu\text{g}/\text{m}^3$ for PM_{2.5} for 24-hour average impacts, that is taken from EPA guidance,¹⁵ would be more appropriate and health-protective than the 10.4 $\mu\text{g}/\text{m}^3$ threshold. CJUSD should request that the County adopt these review significance thresholds for short-term, or 24-hour average, Project PM₁₀ and PM_{2.5} emissions.

Similarly, the long-term, or annual average CEQA significance threshold listed by SCAQMD for operations for PM₁₀ and PM_{2.5} emissions, 2.5 $\mu\text{g}/\text{m}^3$ for both pollutants, is not health-protective for review of impacts on children. The SCAQMD CEQA thresholds table does not list a review threshold for annual average PM_{2.5} impacts

¹³ Final 2016 AQMP, Appendix I, p.I-19 to I-49.

¹⁴ *Final Methodology to Calculate Particulate Matter (PM) 2.5 and PM 2.5 Significance Thresholds*, South Coast Air Quality Management District, Diamond Bar, California, October 2006.

¹⁵ *Guidance on Significant Impact Levels for Ozone and Fine Particles in the Prevention of Significant Deterioration Program*, U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina, Revised August 18, 2016.

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from operations. The federal significance thresholds of $1.0 \mu\text{g}/\text{m}^3$ for PM_{10} and $0.3 \mu\text{g}/\text{m}^3$ for $\text{PM}_{2.5}$ are recommended for the annual average impact review. A lower threshold than PM_{10} should be used for $\text{PM}_{2.5}$ because of the greater health concerns regarding fine particulate health impacts.

Given the potential high short-term and long-term impacts of PM_{10} and $\text{PM}_{2.5}$ emissions on the community residents and school sites, in order to protect sensitive children and others, CJUSD should request that the County require the update of the DEIR review for the AQIA, to use the federal significance thresholds stated in this letter.

Health Impacts from NO_x Emissions

NO_x emissions include nitrogen oxide (NO) and nitrogen dioxide (NO_2) from mobile source fuel combustion. As with particulate emissions, NO_2 emissions have also been linked to respiratory effects. The SCAQMD AQMP Table 2-1 states NO_2 has the potential to aggravate chronic respiratory disease in children with asthma.¹⁶ According to CalEnviroScreen 4.0, the area east of Locust Avenue is associated with a 90-100% prevalence of asthma in the population.¹⁷

The SCAQMD CEQA review thresholds table lists use of the federal and state ambient standards for short-term (or 1-hour) and long-term (or annual average NO_2 impacts) which involves adding Project impacts from construction or operational NO_2 emissions to area background levels. CJUSD should recommend that the County use review thresholds that are more health-protective for school children. These are based upon the SCAQMD Rule 1303 Table A-2 thresholds that cannot be exceeded for stationary projects: $20 \mu\text{g}/\text{m}^3$ for 1-hour average NO_2 impacts and $1 \mu\text{g}/\text{m}^3$ for annual average impacts. CJUSD should request that the County utilize these health-protective thresholds for the impacts on school children and other sensitive individuals located near the Project construction and operations.

2. The DEIR operational HRA has flaws and technical errors including using too few receptor locations to assess health risk impacts, substantially underestimating truck traffic for the Project, and using child exposure assumptions that are not considered to be health-protective. As a result, the operational cancer risk impacts at school sites such as Zimmerman Elementary School and the community are underestimated. When these flaws and errors are corrected, cancer risk impacts at nearby resident and school locations are well above the 10 in one million cancer risk significance threshold.

¹⁶ Final AQMP Chapter 2, Table 2-1, p. 2-4.

¹⁷ CalEnviroScreen 4.0, Office of Environmental Health Hazard Assessment, <https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40>, October 20, 2021.

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As stated in the CJUSD's 12/15/21 letter Section 3 (page 6) and 3.1 (page 8), the receptor placement in the DEIR operational HRA is inadequate and fails to locate the maximum residential cancer risk impacts. BlueScape placed a grid of 50-meter spacing near Project sites and roadways leading to the sites, out to 100 meters, 100-meter spacing out to 200 meters, and 200-meter spacing in the surrounding community, into the DEIR operational HRA files. Using the same exposure assumptions as in the DEIR, BlueScape calculated a higher maximum resident 30-year cancer risk value than in the DEIR: 8.4 in a million. This is 45% higher than the maximum resident cancer risk reported in the DEIR: 5.8 in a million.

The 12/15/21 comment letter Section 5.1 discusses the fact the DEIR Traffic Study trip generation rates are incorrectly estimated. BlueScape received re-calculated trip generation rates from Garland Associates for the High Cube Transload Warehouse, Fulfillment Center Warehouse, Industrial Park and Manufacturing areas of Project Option 2, using the Institute of Transportation Engineer (ITE) manual reference.¹⁸ Project Opening Year Development Option 2 was reviewed as the worst-case of either Project Option 1 or 2. The updated daily trip volumes increase by 182% overall (13,698 / 4,861 vehicles, or a factor of about 2.82 times higher). Therefore, DPM emissions from truck trips and cancer risk impacts at the resident and school sites nearest the Project sites are vastly underreported. When these errors in trip generation rates are corrected, the maximum 30-year cancer risk impacts at residential locations and the Zimmerman Elementary School site are calculated to be significantly over the 10 in one million cancer risk significance threshold, as discussed below.

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BlueScape applied re-calculated trip generation rates to the DEIR CalEEMod operational DPM emissions estimates, to re-calculate the increased DPM emissions from increased truck trips. BlueScape apportioned DPM emissions according to vehicle types and routes, with truck trips along main routes to the north (75% of traffic), and the south (25% of traffic). The DPM emissions were modified in two separate ways. First, the LHD2 traffic was split from the LHD1 traffic, with the percentage of diesel and emission factors applied to LHD2 volumes. Second, the traffic volumes were increased according to the ITE values. These volumes were applied for each land use type. Though vehicle emission rates should be updated to EMFAC2021 values, as mentioned in the CJUSD's 12/15/21 letter Section 3.3 (page 9), emission rates from EMFAC2017 were used for this updated operational HRA modeling, as supplied from the DEIR.

Updated air dispersion modeling was completed with AERMOD, using files provided with the DEIR, to obtain updated DPM air concentrations. Cancer risk calculations for DPM impacts were developed in Excel spreadsheets. The emissions calculation apportionment, AERMOD files, and risk calculation files are available to the County

¹⁸ Bloomington Business Park Specific Plan DEIR Re-Calculation of Project Generated Traffic Volumes, Memorandum from Richard Garland P.E> Consulting Engineer, Garland Associates, Huntington Beach, California, December 15, 2021.

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for review upon request. AERMOD was run with the added receptor grid in order to obtain more accurate maximum cancer risk results and to produce community-wide risk isopleths.

For the cancer risk calculations, the fraction of time at home (FAH) assumption was corrected from 0.85 to 1.0 for residents under age 16 (as per SCAQMD Guidelines, and referenced in the CJUSD 12/15/21 letter Section 3.2). In addition, the daily breathing rate (DBR) assumption was adjusted to the 95th percentile for all age groups, to provide a more conservative, but realistic, upper bound cancer risk calculation, following the OEHHA Hot Spots Guidelines Table 5.7.¹⁹ This DBR assumption is higher, and therefore more health-protective, than the 80th percentile assumption typically used for ages 2 to 70. The intent of using the 95th percentile breathing rate for all age groups is to provide a more health-protective risk calculation for persons who both live and attend schools near Project construction and operations.

The results of the verification modeling and Project operational health risk calculations are shown below in Table 2.

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¹⁹ *Air Toxics Hot Spots Program Risk Assessment Guidelines, Guidance Manual for Preparation of Health Risk Assessments*, Table 5.7. p. 5-25.

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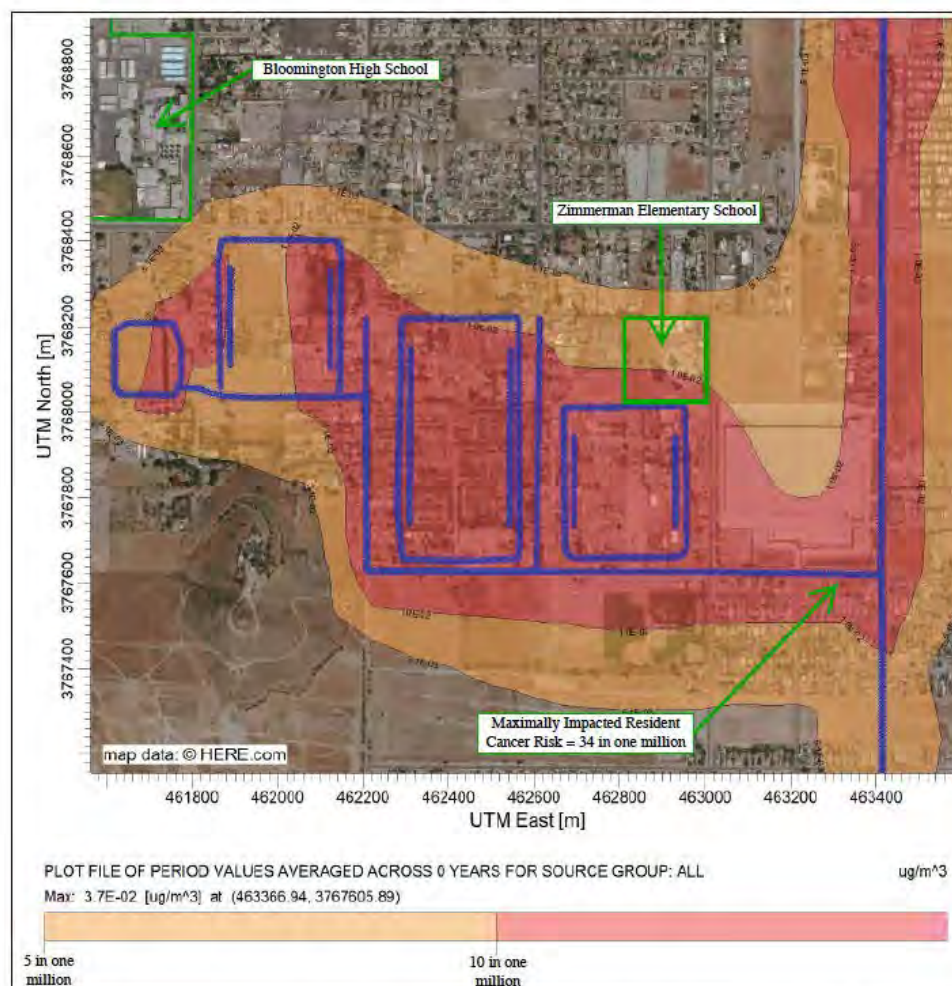
TABLE 2 COMPARISON OF CANCER RISK IMPACTS FOR BLOOMINGTON BPSP PROJECT FROM OPERATIONS POLLUTANT: DIESEL PARTICULATE MATTER			
Cancer Risk Basis	Maximum 30-Year Cancer Risk	Cancer Risk Significance Threshold	Exceed Threshold?
1. DEIR Operations Only ¹	8.4 in one million	10 in one million	No
2. Updated 30-year, DEIR Traffic ²	12.2 in one million		YES
3. Updated 30-year Updated Trips Traffic ³	29.8 in one million		YES
NOTES: 1. From DEIR Appendix C-2 page 29, for Opening Year Development Option 2 results, corrected for the maximum residential impact location from the receptor grid. 2. Maximum cancer risk for updated receptor grid, correcting the FAH from 0.85 to 1.0 for the third trimester and age bin 0 to 2, and using a 95% DBR for all age groups. 3. Same as #2, with corrected, higher estimated truck trips using ITE generation rates.			

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As shown in Table 2, when the Project operational HRA in the DEIR is corrected for technical flaws and errors, as well as including exposure assumptions that are more health-protective for children, **the cancer risk impacts are significantly high, well above and nearly three times the 10 in one million threshold.**

A 70-year risk cancer risk isopleth for Project Option 2 is shown in Figure 1 below. For the purpose of cancer risk calculations, the 70-year period represents a lifetime exposure, for persons that both live and attend school within the community. As shown in Figure 1, the updated cancer risk calculations show that **the 10 in one million cancer risk isopleth (shown in red) extends outward near the Project and along truck routes, impacting residents and the Zimmerman Elementary School and others.**

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FIGURE 1. 70-YEAR CANCER RISK ISOPLETH SHOWING AREAS OF SIGNIFICANT IMPACT

Cancer risk impacts may be greater than shown in Table 2 (see the next section) when construction and operational impacts are combined for full Project Buildout, for a 30- to 70-year lifetime period. The updated cancer risk calculations shown above do not include the Specific Plan Update or cumulative impacts with nearby projects such as the West Valley Logistics Center. With those

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additional Project and cumulative impacts, the health risk impacts in the community are expected to be much greater.

CJUSD should request that the County require an update to the DEIR Project operational HRA to include the worst-case Project emissions and risk impacts, to update to the correct trip generation rates, to correct technical assumptions (FAH 1.0 for all age groups), and to utilize exposure assumptions that are more health-protective for children (DBR 95th percentile for all age groups). The updated HRA should include the maximum cancer risk impacts, and noncancer chronic and acute risk impacts. In addition, the cumulative health risks from nearby projects should be included. Any 70-year cancer risk impacts in the community from the Bloomington BPSP Project that are above the 10 in one million lifetime cancer risk calculations need to be fully mitigated to below that level.

3. The DEIR did not complete an HRA for Project construction emissions, to include the overlap of impacts with Project operational emissions. As has been confirmed by a cancer risk modeling study completed by BlueScape, construction activities will expose nearby residents and CJUSD schools such as Zimmerman Elementary School to high levels of diesel particulate emissions (DPM) over a relatively short time frame. Residents, students, and the community will see a substantially increased and significant risk of short-term health impairment and long-term disease, including cancer and asthma.

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As stated in CJUSD's 12/15/21 letter Section 3.2, the DEIR failed to conduct an HRA for construction activities, including cancer and noncancer chronic and acute risk impacts from Project construction emissions. BlueScape prepared construction cancer risk calculations for Project Option 2, utilizing the CalEEMod emission files prepared for the DEIR. Emissions from diesel-fueled equipment and such site activities as earth movement, grading and truck traffic were modeled using area or volume sources and the AERMOD dispersion model. Health risks were calculated following procedures provided by OEHHA²⁰ and the SCAQMD.²¹

The 30-year cancer risk results were maximum of 1.1 in one million. This result exceeds the 1 in one million cancer risk threshold that CJUSD should recommend as the health-protective cancer risk significance threshold for construction emission impacts. The County should require a construction HRA to be completed for public review and comment, mitigating any impacts above the recommended cancer risk review threshold of 1 in one million.

²⁰ *Air Toxics Hot Spots Program Risk Assessment Guidelines, Guidance Manual for Preparation of Health Risk Assessments.*

²¹ *Risk Assessment Procedures for Rules 1401, 1401.1 and 212, Version 8.0, South Coast Air Quality Management District, Diamond Bar, California, June 5, 2015.*

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4. The DEIR did not complete an Air Quality Impact Analysis for PM₁₀, PM_{2.5}, NO_x and other emissions from construction and operations, including fugitive dust and fine particulate from diesel-fueled vehicles.

As stated in CJUSD's 12/15/21 letter Section 3.1, the DEIR failed to conduct an air quality impact analysis (AQIA) for both construction and operational activities, including PM₁₀, PM_{2.5}, NO_x, SO₂ and CO emissions impacts. The applicant should have completed the AQIA as required by SCAQMD for projects greater than 5 acres in size, where the Localized Significance Thresholds (LST) guidance is not acceptable. In particular, CJUSD should be concerned about high short-term fugitive particulate (PM₁₀ and PM_{2.5}) impacts from dust during construction activities, as well as both the short-term and long-term PM₁₀, PM_{2.5} and NO₂ impacts from truck diesel exhaust and other fugitive roadway particulate emissions.

BlueScape completed AQIA modeling using AERMOD for Project construction and operations, and using the emissions files prepared for the DEIR. The following assumptions were used by BlueScape:

1. The emissions modeled were not corrected for re-calculated ITE trip generation rates, as was completed for the updated operational HRA. However, impacts can be scaled up to the ITE generation rates as discussed below.
2. Emissions were modeled using area or volume source release parameters, as appropriate.
3. NO_x impacts were converted to NO₂ impacts using a 0.5 NO₂/NO_x in-stack ratio as recommended by SCAQMD and EPA guidance.
4. The ARM2 NO_x to NO₂ conversion method was selected.
5. The highest concentrations at resident or school sites (not the maximum offsite locations as is typical for air quality studies) are reported in this letter.
6. Emissions were assumed to occur from 7 AM to 5 PM for Project construction, and 24 hours per day for Project operations.

As shown in Table 3 below, the impacts from Project construction and operational PM₁₀, PM_{2.5} and NO₂ emissions (shown in bold typeface) at the maximum exposed resident or school locations are above the recommended review significance thresholds. The Project operational impacts are compared to those using DEIR emissions and estimated as corrected for 182% increase in trip rates (see Section 2 of this letter), or about a factor of 2.82 higher.

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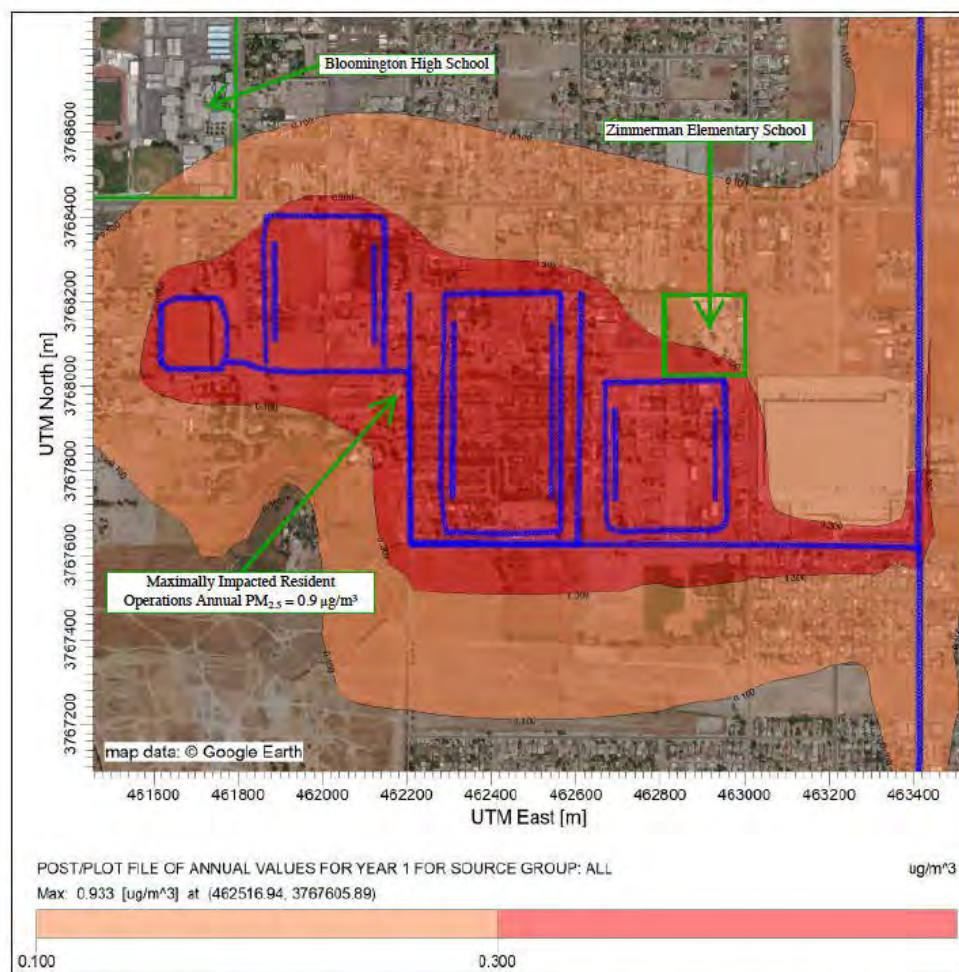
TABLE 3 PARTICULATE MATTER AND NITROGEN DIOXIDE IMPACTS PROPOSED BLOOMINGTON BUSINESS PARK SPECIFIC PLAN PROJECT						
Pollutant	Averaging Period	Construction Modeled Result ($\mu\text{g}/\text{m}^3$)	Operations Modeled Result from DEIR ($\mu\text{g}/\text{m}^3$)	Operations Modeled Result with Trip Correction ($\mu\text{g}/\text{m}^3$)	Significance Threshold ($\mu\text{g}/\text{m}^3$)	Exceed Threshold?
PM ₁₀	24-hr	9.4	4.9	13.8	5	YES
	Annual	0.3	2.9	8.2	1	YES
PM _{2.5}	24-hr	2.7	1.2	3.4	1.2	YES
	Annual	0.1	0.9	2.54	0.3	YES
NO ₂	1-Hr	19.8	24	68.4	20	YES
	Annual	0.4	9.2	25.9	1	YES
Results in Bold text exceed the threshold						

The most notable conclusion from Table 3 is that the annual average PM_{2.5} impact exceeds the 0.3 $\mu\text{g}/\text{m}^3$ federal significance threshold by three times before the ITE trip generation rate re-calculation. After re-calculation of trip generation rates, the impact is more than eight times the standard. It is also important to note that the impacts after the trip generation rates are re-calculated also exceed the SCAQMD's CEQA operational significance thresholds for 24-hour average and annual average PM₁₀, and the 24-hour average and annual average for PM_{2.5}. The County should require a new mitigation analysis to show how impacts for these pollutants will be mitigated below CEQA significance thresholds. The impacts would be even greater if combined with cumulative projects such as the West Valley Logistics Center project.

Figure 2 below shows the PM_{2.5} annual average impacts from Project operations, compared with the 0.3 $\mu\text{g}/\text{m}^3$ significance threshold, before re-calculation of trip generation rates.

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FIGURE 2. $PM_{2.5}$ ANNUAL AVERAGE CONCENTRATION ISOPLETH FOR PROJECT OPERATIONS - COMPARED TO THE 0.3 MG/M3 SIGNIFICANCE THRESHOLD

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This AQIA verification review confirms that the DEIR deficiency of not including an AQIA is a serious omission. The County should require an AQIA to be completed for public review and comment, mitigating any impacts above the recommended review significance thresholds.

BlueScape appreciates the opportunity to provide technical verification review and comment support regarding the Bloomington BPSP Project. We encourage CJUSD's continued commitment to protecting the public health of children and residents in the community.

Sincerely,

BLUESCAPE ENVIRONMENTAL
a California Corporation



James A. Westbrook, CCM, CPP
Principal Scientist

Certified Consulting Meteorologist
Certified Permitting Professional

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Attachment B

Bloomington Business Park Specific Plan DEIR
Re-Calculation of Project Generated Traffic Volumes

Garland Associates
December 15, 2021

GARLAND ASSOCIATES

MEMORANDUM

FROM: Richard Garland, P.E., Consulting Traffic Engineer
DATE: December 15, 2021
SUBJECT: Bloomington Business Park Specific Plan DEIR
 Re-Calculation of Project Generated Traffic Volumes

Based on the discrepancies between the trip generation rates that were used in the DEIR traffic analysis and the more appropriate rates from the ITE *Trip Generation Manual*, the volumes of traffic that would be generated by the development have been re-calculated to demonstrate that the traffic volumes used for the DEIR traffic analysis are substantially lower than the volumes that are calculated by using the ITE rates. The two tables below present the DEIR volumes and the re-calculated volumes.

GENERATED TRAFFIC VOLUMES FROM DEIR TRAFFIC ANALYSIS

Land Use	Time Period		
	Daily	AM Peak Hour	PM Peak Hour
TRIP GENERATION RATES (trips per 1,000 square feet)			
High Cube Transload Warehouse	1.40	0.08	0.10
Fulfillment Center Warehouse	2.129	0.122	0.165
Industrial Park	3.37	0.40	0.40
GENERATED TRAFFIC VOLUMES			
High Cube Transload Warehouse (1,251.64 KSF)	1,752	100	125
Fulfillment Center Warehouse (1,460.4 KSF)	3,109	178	241
Industrial Park (523.796 KSF)	1,765	209	209
TOTAL	6,626	487	575

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Traffic Engineering, Transportation Planning, and Parking Studies

16787 Beach Boulevard, #234, Huntington Beach, CA 92647
 Telephone: 714-330-8984

**GENERATED TRAFFIC VOLUMES
RE-CALCULATED USING ITE RATES**

Land Use	Time Period		
	Daily	AM Peak Hour	PM Peak Hour
TRIP GENERATION RATES (trips per 1,000 square feet)			
High Cube Transload Warehouse	1.40	0.08	0.10
Fulfillment Center Warehouse	8.18	0.59	1.37
Industrial Park	3.37	0.40	0.40
Manufacturing	3.93	0.62	0.67
GENERATED TRAFFIC VOLUMES			
High Cube Transload Warehouse (1,251.64 KSF)	1,752	100	125
Fulfillment Center Warehouse (1,460.4 KSF)	11,946	862	2,000
Industrial Park (261.898 KSF)	883	105	105
Manufacturing (261.898 KSF)	1,029	162	175
TOTAL	15,610	1,229	2,405
Total from DEIR Table	6,626	487	575
% Increase	135.6 %	152.4 %	318.3 %

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As shown in the tables, the volumes of project generated traffic are substantially higher when the ITE rates from the manual are used instead of the rates used in the DEIR traffic analysis. It was also assumed that 50 percent the industrial park land use could potentially be occupied by manufacturing uses, which is consistent with the project description in the Specific Plan.

Attachment C

Comments on Draft EIR for the
Proposed Bloomington Business Park Specific Plan Project,
SCH No. 2020120545

Colton Joint Unified School District
December 15, 2021

Colton Joint Unified School District

Dr. Frank Miranda, Ed.D., Superintendent
 Rick Jensen, Assistant Superintendent, Business Services
 Owen Chang, Director, Facilities & Energy Manager



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December 15, 2021

Aron Liang, Senior Planner
 County of San Bernardino
 Land Use Services Department, Planning Division
 385 North Arrowhead Avenue, First Floor
 San Bernardino, CA 92415-0187

Transmitted via Electronic Mail: aron.liang@lus.sbcounty.gov

Subject: Comments on Draft EIR for the Proposed Bloomington Business Park Specific Plan Project, SCH No. 2020120545

Dear Mr. Liang:

Colton Joint Unified School District (District or CJUSD) appreciates the opportunity to comment on the Draft Environmental Impact Report (Draft EIR) for the proposed Bloomington Business Park Specific Plan Project (Project). Our review has led us to conclude that the Draft EIR is deficient in several respects. Neither the Draft EIR's analysis, nor its proposed mitigation of impacts, satisfies the requirements of CEQA. The vast project area covers 213 acres in southern unincorporated Bloomington (Specific Plan Area) and a 24-acre "Upzone Site" in northern Bloomington. However, the Project's impacts will extend far beyond those boundaries. The Project will cause significant impacts to the District's students and staff, and the community it serves. The operations of several schools will be negatively affected. Chief among those is Zimmerman Elementary School which will be surrounded by the project on two sides. The District therefore opposes certification of the EIR and implementation of the Project as it is currently conceived.

As listed below and shown in Figure 1, *Schools Near the Project Sites*, the District operates eight schools in the vicinity of Project areas.

Specific Plan Area. CJUSD operates the following six schools within one mile of the Specific Plan Area:

1. Zimmerman Elementary School (11050 Linden Ave, Bloomington), adjacent, north of Site 1 of the Specific Plan Area.
2. Bloomington High School (10750 Laurel Ave, Bloomington), adjacent, north of Site 4 of the Specific Plan Area.

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Colton Joint Unified School District

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 Rick Jensen, Assistant Superintendent, Business Services
 Owen Chang, Director, Facilities & Energy Manager



3. Harris Middle School (11150 Alder Ave, Bloomington), 0.14 mile west of Site 4 of the Specific Plan Area.
4. Crestmore Elementary School (18870 Jurupa Ave, Bloomington), 0.44 mile east of Site 1 of the Specific Plan Area.
5. Slover Mountain High School (18829 Orange Street, Bloomington), 0.85 mile northwest of Site 2 of the Specific Plan Area.
6. Sycamore Hills Elementary School (11036 Mahogany Dr, Fontana), 0.57 mile west of Site 4 of the Specific Plan Area.

Upzone Site. CJUSD operates the following two schools within one mile of the Upzone Site:

1. Lewis Elementary School (18040 San Bernardino Ave, Bloomington), adjacent, west of the Upzone Site.
2. Smith Tech Academy (9551 Linden Ave, Bloomington), 0.36 mile east of the Upzone Site.

Project Understanding

The Project includes three general components that affect two areas within unincorporated Bloomington:

1. Amendment to the land use designation and zoning district of the 213-acre Specific Plan Area from rural residential to Special Development and Specific Plan, respectively,
2. Development of Planning Area A of the Specific Plan Area with either Option 1 or Option 2 warehouse and logistics project configurations, and
3. Amendment to the land use designation and rezoning of the 24-acre Upzone Site from rural residential to multifamily residential.

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Bloomington Business Park Specific Plan

The Bloomington Business Park Specific Plan sets development standards and guidelines for industrial, warehousing, processing, and manufacturing developments for the 213-acre Specific Plan Area. If the proposed Specific Plan were approved, the existing low-density residential land uses and zoning districts within the Specific Plan Area would be eliminated. Future developments in the Specific Plan Area would therefore not require further environmental review if they are consistent with the standards set forth in the Specific Plan and with the Draft and Final EIR. This means that all land use decisions and environmental effects that could eventually result from approval of the proposed Specific Plan must be analyzed in the Draft EIR. Instead, that analysis is improperly deferred. For this reason alone the Draft EIR should not be certified.

Development within the Specific Plan

The Specific Plan Area is separated into Planning Areas A and B. Two development scenarios within Planning Area A are considered in the Draft EIR. Both options involve the construction and operation of three high-cube warehouses on three separate sites and a trailer truck parking facility on a fourth site. Tables 1 and 2 summarize the two development scenarios.

Table 1. Option 1 Development Summary (Draft EIR Page 3-11)

Colton Joint Unified School District

Dr. Frank Miranda, Ed.D., Superintendent
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Development Site	Land (Acres)	Land Use	Proposed Development ¹	Trailer truck Parking Stalls	Traffic Land Use Category ²
Site 1	17.72	Fulfillment Center	383,000 SF Warehouse with 62 docks	66	TUMF High-cube Warehouse
Site 2	57.60	High Cube Warehouse	1,251,640 SF Warehouse with 180 docks	385	ITE Transload Warehouse
Site 3	30.52	Fulfillment Center	479,000 SF Warehouse with 61 docks	253	TUMF High-cube Warehouse
Site 4	9.5	Trailer truck Parking	—	289	ITE Industrial Park
Total:	115.34 Ac		2,113,640 SF 303 docks	993 Trailer Stalls	

1. Each warehouse structure is 50 feet in height and considered "high cube."

2. E | P | D Solutions, Inc. Bloomington Business Park Specific Plan Traffic Impact Analysis. 2021, July 13.

Table 2. Option 2 Development Summary (Draft EIR Page 3-14)

Development Site	Land (Acres)	Land Use	Proposed Development ¹	Trailer truck Parking Stalls	Traffic Land Use Category
Site 1	36.65	Fulfillment Center	710,400 SF Warehouse (unknown # docks)	Unknown	TUMF High-cube Warehouse
Site 2	57.60	High Cube Warehouse	1,251,640 SF Warehouse with 180 docks	Unknown	ITE Transload Warehouse
Site 3	37.66	Fulfillment Center	750,000 SF Warehouse (unknown # docks)	Unknown	TUMF High-cube Warehouse
Site 4	9.5	Trailer truck Parking	—	289	ITE Industrial Park
Total:	141.41 Ac		2,712,040 SF (unknown # docks)	Unknown Trailer Stalls	

1. Each warehouse structure is 50 feet in height and considered "high cube."

2. E | P | D Solutions, Inc. Bloomington Business Park Specific Plan Traffic Impact Analysis. 2021, July 13

The Applicant has submitted a development application only for the proposed Development Option 1. No other development applications have been submitted at this time. Thus, should applications for Development Option 2 and/or other future developments be submitted in the future, they may undergo no additional environmental review if they are consistent with the development standards specified in the Specific Plan, and the Draft and Final EIR, if certified. The Draft EIR therefore leaves a gaping hole in

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the analysis and mitigation of project-level impacts. That deficiency is compounded by the inadequacy of the project-level impact analysis and mitigation that actually has been provided.

Residential Density Upzone

Pursuant to Senate Bill 300, the Project also includes the proposed amendment to the land use designation of the 24-acre site in northern Bloomington from Low Density Residential (LDR) to Medium Density Residential (MDR). The zoning district of the site would undergo a corresponding change from Residential Single with 20,000 SF lot minimums (RS-20M) to Residential Multiple (RM). The existing RS-20M zone allows development of up to 52 residential units on the 24-acre site. The proposed RM zone would allow development of up to 480 dwelling units. Counting the loss of residential capacity in the Specific Plan Area, the Project would result in an overall increase of residential development capacity in unincorporated Bloomington by 215 dwelling units. No development within the 24-acre site is proposed as a part of the Draft EIR, and project-level impacts are ignored.

Comments on the Draft EIR

1. Whole of the Action

CEQA Guidelines Section 15378(a) defines a "project" as "the whole of an action" and CEQA Guidelines Appendix G summarizes the approach to conduct environmental analysis and provides that the analysis "must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts."

As further detailed below, many sections of the Draft EIR fail to analyze all three Project components, in particular impacts related to rezoning the Upzone Site with higher density residential. Neither program- nor project-level impact analysis (for air quality, noise, and traffic) was conducted for the proposed increase of up to 428 residential units at the 24-acre Upzone Site.

In addition to operational impacts, the Draft EIR is required to analyze project-level impacts including construction impacts. Sections in the Draft EIR failed to analyze construction impacts, including air quality, specifically toxic air contaminant health risks during construction. Construction-phase transportation impacts were also not conducted.

The Draft EIR and related technical studies do not fully capture cumulative project effects. The list of related projects in Draft EIR Section 4.6 does not include all developments that are currently planned or underway in the area of unincorporated Bloomington. These related developments, as shown in Figure 2, *Cumulative Projects in Bloomington*, will use the same truck routes and freeway on/offramps as the proposed Project. They will incrementally contribute to cumulative, regional air quality impacts and traffic impacts throughout the community including at the I-10 on/offramps, especially at Cedar Avenue. The full list of related projects is provided in Comments 5.9 and 5.10. The cumulative projects listed herein need to be reviewed by the County, the Draft EIR cumulative project list expanded, and the analysis supplemented, as needed.

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2. Project Description

The Draft EIR fails to articulate and analyze certain project components of the whole action that will be considered by County decisionmakers. Draft EIR Table 3-8, *Project Approvals/Permits*, provides that the Project will require "Site Plan Approvals, Conditional Use Permits, Vesting Tentative Parcel Maps, Community Benefits Agreement/Development Agreement, and Community Facilities District." If an activity or facility is necessary for the operation of a project, or necessary to achieve the project objectives, or a reasonably foreseeable consequence of approving the project, then it should be considered an integral project component that should be analyzed within the environmental analysis.¹ The Draft EIR fails to disclose, analyze, or mitigate the impacts of those components.

- 2.1 Please clarify what Site Plan Approvals will be considered by decisionmakers and both the entitlement and environmental processes that will be taken for Development Option 2 and other future developments in the Specific Plan Area.
- 2.2 Please clarify what features of the Project will require Conditional Use Permits.
- 2.3 Please describe and provide maps of the proposed Vesting Tentative Parcel Maps.
- 2.4 Please further describe what is proposed under the Community Benefits Agreement (CBA), Development Agreement (DA), and Community Facilities District (CFD). These agreements would commit to the construction of improvements for the proposed Project and must be disclosed.

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CEQA Guidelines Section 15124 requires a general description of economic characteristics in the project description, which Draft EIR Section 3, *Project Description*, does not provide. CEQA Guidelines Section 15131(a) provides that a Project's economic effects shall not be treated as significant effects on the environment. However, the EIR may trace the chain of cause and effect from a proposed decision on a project through anticipated economic changes resulting from the project to physical changes caused in turn by the economic changes.

The Bloomington Specific Plan states that the Project would include a planned CBA and/or CFD for the maintenance of public and private improvements constructed as a part of the proposed Project. The Specific Plan further states that the CBA will bring "funding for construction of a variety of public facilities and/or the provision of public services." The project description in Draft EIR Section 3, however, provides no information on these improvements. It is not clear what public facilities and road improvements would be made as a part of the CBA and CFD and what public services would be implemented. In addition, no impact analysis or mitigation is provided for the construction of these improvements and related facilities.

¹ AEP CEQA Portal Topic Paper, Project Description, Updated 2020, February 10.
<https://ceqaportal.org/tp/CEQA%20Project%20Description%202020%20Update.pdf>

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- 2.5 Table 5-1 of the Specific Plan footnotes that "If a maintenance mechanism cannot be established under Special Districts prior to final County acceptance of drainage facilities, the property owner/applicant shall bear the cost for its maintenance until such time that the formation of a public maintenance entity is established and funded." It is not clear whether a mechanism has been conceptualized to ensure that improvements proposed as a part of the proposed Project will be maintained in perpetuity. Deferral of the proposed Project's maintenance funding mechanism is unacceptable. The County must ensure that public infrastructure proposed as part of the Project will be maintained prior to its consideration of the Project.

3. Air Quality / Toxic Air Contaminants

The Draft EIR does not adequately address CEQA Air Quality thresholds b and c, whether the Project would:

- b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?
- c) Expose sensitive receptors to substantial pollutant concentrations?

The Draft EIR fails to provide a health risk assessment (HRA) for construction at the project site. In addition, the HRA conducted for operations at the project site inadequately limited the number of sensitive receptor locations evaluated. The Draft EIR further failed to conduct a health risk assessment for either the construction operations at the Upzone Site.

The Draft EIR also inappropriately relies on a screening tool to assess ambient concentrations due to construction and operations at the project site and the Upzone site. Moreover, the Draft EIR underestimates the distances between the Project site and the surrounding sensitive uses, such as Walter Zimmerman Elementary School. The construction and operational Localized Significance Thresholds (LST) thresholds must be revised to reflect the appropriate distances.

- 3.1 **Ambient Air Quality Impacts.** The Draft EIR fails to adequately examine the ambient air quality impacts from Project construction and operational activities. Draft EIR Table 5.3-5 and Table 5.3-6 (page 5.3-26) provide the derived South Coast Air Quality Management District (SCAQMD) Construction and Operational LSTs, respectively (SCAQMD's Localized Significance Threshold Methodology, dated July 2008).

According to SCAQMD's LST Methodology, Construction Localized Significance Thresholds for Central San Bernardino Valley (Source Receptor Area of 34), a five-acre project site with a receptor at 25 meters (82 feet) would be 270 lbs/day for NO₂, 1,746 lbs/day for CO, 14 lbs/day for PM₁₀, and 8 lbs/day for PM_{2.5}. The thresholds are inconsistent with those identified in Draft EIR Table 5.3-5, and there is no explanation for the deviation.

The SCAQMD Operational Localized Significance Thresholds (in pounds per day) for Central San Bernardino Valley for a five-acre project site with a receptor at 25 meters (82 feet) would be 270 (for NO₂), 1,746 (for CO), 4 (for PM₁₀), and 2 (for PM_{2.5}). Like the construction analysis, the thresholds used in Draft EIR Table 5.3-6 are not the same as those used by SCAQMD, and no explanation as to why the thresholds deviate from the adopted SCAQMD values is provided.

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LSTs represent the maximum emissions from a project that are not expected to cause or contribute to an exceedance of the most stringent applicable federal or state ambient air quality standard and are developed based on the ambient concentrations of that pollutant for each source receptor area and distance to the nearest sensitive receptor.

According to SCAQMD, the LST screening tool only applies to projects that are less than or equal to five acres. According to SCAQMD, if the project area exceeds five acres, it is recommended that the project perform project-specific air quality analysis for these larger projects and undergo air dispersion modeling to determine localized air quality impacts. The Specific Plan Area consists of approximately 213 acres of land and the Upzone Site consists of 24 acres of land. The size of the project site far exceeds the level in which use of the screening tool is appropriate.

Secondly, the LSTs are designed to provide screening information associated with air quality impacts for a receptor distance of 25 meters (82 feet) or higher. According to the Draft EIR, the closest sensitive receptor to the Project area is 59 feet from the Opening Year Development area boundary and 19 feet from the Future Development area boundary. There are numerous sensitive receptors within 25 feet of the project site. The nearest receptors are closer to the project site than which use of the screening tool is appropriate.

It is also important to note that the project site is irregular shaped (not a simple square or circle geographical area in which the screening tool was developed for) and is surrounded by residential, schools, offsite workers, and other sensitive receptors in various directions. The irregular project site area, the variability of wind direction and distance to nearby sensitive receptors, the significant and unavoidable operational emissions, the duration of the construction activities, and the variety of emission sources (construction equipment, idling trucks, truck movement onsite and offsite), make the use of the LST screening tool inappropriate.

Therefore, the proposed Project should complete a refined air dispersion modeling analysis to assess localized air quality impacts to determine if the impacts exceed ambient air quality standards. It is also important to note that the operational emissions associated with the proposed Project exceed the SCAQMD emission thresholds. Thus, it is important to determine if those excessive operational emissions cause an exceedance of the ambient air quality standards. The region is in nonattainment of ambient air quality standards for ozone, PM10, and PM2.5, and additional operational emissions jeopardize compliance with state and federal regulations. Table 2-4 of Draft EIR Appendix C1, Air Quality Impact Analysis shows numerous exceedances of the ambient air quality standards at the air monitoring station nearest the project site. Given that air quality is a major issue in the region and the local area, a refined air dispersion modeling analysis should be conducted to fully disclose the air quality conditions as a result of the proposed Project.

The air quality dispersion modeling should be performed based on the SCAQMD Modeling Guidance for AERMOD and the USEPA *Guideline on Air Quality Models*. The air quality dispersion modeling should be conducted to determine the air quality impacts, in terms of ambient pollutant concentrations, using the appropriate significance levels identified by SCAQMD. The air quality dispersion modeling should include appropriate meteorological data, terrain data, background concentrations, receptor placement (including project boundary and locations in which the public has access), NOx to NO2 conversion methods, source release characteristics, equipment/truck

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schedule (including any nighttime activities), and dispersion coefficients. The dispersion modeling for PM10 and PM2.5 should include roadway dust, brake and tire wear fugitive dust as well as combustion emissions.

The air quality dispersion modeling should be conducted to estimate CO, NO2, SO2, PM10, and PM2.5 concentrations due to the construction and operation of the proposed Project. The air quality dispersion modeling should be conducted for each year in which construction activities occur and for Options 1 and 2 and Specific Plan Buildout. The air quality dispersion modeling should be conducted to estimate CO, NO2, SO2, PM10, and PM2.5 concentrations caused by the proposed Project for receptors near the project site and along truck routes to/from the freeway (i.e., Jurupa Avenue and Cedar Avenue).

The air quality dispersion modeling should include all air emissions sources, including construction equipment, onsite sources such as generators, truck idling, and truck/employee trips. The size of the modeling domain and placement of the receptors should be at such a distance and resolution to identify the maximum impacts to the surrounding areas and the significant concentration gradients from the proposed Project. Generally, this requires a receptor spacing of 100 meters or less and a receptor domain out to five kilometers.

An air quality dispersion modeling analysis should also be included for the construction and operation of the proposed Upzone project component with the same level of detail and methodology as the Project site analysis.

If the air quality dispersion modeling analysis demonstrates exceedances of the ambient air quality standards, mitigation measures or adjustments to the proposed Project should be required, to include, but not limited to reduction in the project size and adjustment to project design.

- 3.2 Health Risk Impacts.** The Draft EIR fails to adequately examine the health risk impacts from Project construction and operational activities. The proposed Project did not conduct a HRA for construction activities. CEQA requires analysis of all project phases, including both short and long-term conditions for each phase. Specifically, Guidelines Section 15126.2 provides, "Direct and indirect significant effects of the project on the environment shall be clearly identified and described, giving due consideration to both the short-term and long-term effects."

Additionally, the HRA should be conducted for the unmitigated and mitigated construction activities as well as the operations for Options 1 and 2 and Specific Plan Buildout.

The construction HRA should incorporate PDF AQ-5 which states that construction plans and specifications shall prohibit off-road diesel-powered construction equipment from being in the "on" position for more than 10 hours per day during project construction.

The proposed Project conducted a HRA for twelve receptors associated with the Opening Year – Option 1, eleven receptors associated with the Opening Year – Option 2, and six receptors associated with the Future Development Area – Specific Plan Buildout. The HRA should include all residential, schools, offsite workers, and other sensitive receptors within ¼ mile of the project site (including along the truck routes to/from the freeway) and not just a select few nearby receptors.

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The school receptors should include Slover Mountain High School, Sycamore Hills Middle School, Bloomington High School, Ruth O Harris Middle School, and Zimmerman Elementary School and include an analysis of school children and teachers.

It should be further noted that Zimmerman Elementary School operates a state preschool program with students as young as three years of age. The HRA should incorporate the correct ages of school occupants.

The HRA should be prepared based on the California Office of Environmental Health Hazard Assessment's *Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments*, SCAQMD's *Risk Assessment Procedures for Rule 1401, 1401.1 and 212*, and SCAQMD Modeling Guidance for AERMOD.

The HRA should include appropriate meteorological data, terrain data, receptor placement, source release characteristics, equipment/truck schedule (including any nighttime activities), and dispersion coefficients.

As construction activities are followed by operations, the HRA should account for both construction and operations including any overlapping activity. The sensitive receptor's exposure is additive as the exposure occurs during the construction activities and then operations over a period of 12, 25, or 30 years for a school child, offsite worker, and residence, respectively. The health impacts due to construction activities would be expected to be much higher than the health impacts due to operations, and exclusion of the health impacts due to construction activities greatly underestimates the health impacts on nearby sensitive receptors. Completing the HRA on a select few receptors potentially underestimates the maximum health impacts given the variability of meteorological data, the geographic configuration of the project site, and the magnitude/complexity of the emission sources.

As an example, a similar and recent project (South Ontario Logistics Center Specific Plan) provided results for a construction HRA of 8.8 persons per million and for an operational HRA of 1.4 person per million. By excluding the construction activities from the HRA, the Draft EIR is greatly underestimating the health impacts associated with the project site and nearby sensitive receptors.

If the HRA demonstrates exceedances of the health risk/hazards thresholds, mitigation measures or adjustments to the project should be required, to include, but not limited to reduction in the project size.

The HRA should also be conducted for the proposed Upzone project component for both construction and operations with the same level of detail and methodology as the project site analysis.

The operational HRA used a fraction time at home of 0.85 for third trimester and age bin 0 to 2. A value of 1.0 should be used. The HRA does not present the cancer burden values compared to the SCAQMD significance thresholds of 0.5.

- 3.3 **Erroneous HRA Emission Rates.** The Draft EIR fails to adequately present the emission rates used in the HRA. The proposed Project HRA used CARB's EMFAC2017 instead of EMFAC2021. The

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proposed Project used PM10 emission factors to determine the input emission rates for the HRA. The emission factors were determined for 2022 (Option 1 and 2) and 2023 (Specific Plan Buildout), and the emission rates were assumed to be constant throughout the analysis period. The following tables present a summary of the emission factor used in the HRA.

No explanation is given towards the large decrease in emission factors associated with Option 1 and 2 versus Specific Plan Buildout for MHD and HHD trucks. Most of the truck trips are related to MHD and HHD, and thus, the HRA may be underestimating the health impacts associated with truck idling and movement. It appears that the emission factors are weighted based on population of trucks within the San Bernardino County fleet. Consideration should be given to weighting based on VMT within the San Bernardino County fleet.

Year	Speed	LHD1	MHD	HHD	Composite
Option 1	Idle	0.356	0.114	0.01588	0.08778
Option 1	5	0.03186	0.0529	0.0418	0.0423
Option 1	25	0.01155	0.02679	0.01757	0.01835

Year	Speed	LHD1	MHD	HHD	Composite
Option 2	Idle	0.356	0.114	0.01588	0.08535
Option 2	5	0.03186	0.0529	0.0418	0.04224
Option 2	25	0.01155	0.02679	0.01757	0.01827

Year	Speed	LHD1	MHD	HHD	Composite
Buildout	Idle	0.3558	0.031827	0.01337	0.09124
Buildout	5	0.0293	0.005341	0.01251	0.01491
Buildout	25	0.01083	0.002725	0.00658	0.00683

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3.4 Feasibility of Project Design Features. The Draft EIR fails to adequately explain how project design features would be implemented. The following project design features are part of the proposed Project. However, they include stipulations that implementation would be dependent on feasibility. It is not clear whether the air quality analysis and the HRA was conducted to include implementation of these project design features and what would be done if the measure turned out to be infeasible.

- **PDF AQ-3:** Project construction plans and specifications shall require on-road heavy-duty haul trucks to be model year 2010 or newer if diesel-fueled, if such equipment is widely available and economically feasible.

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- **PDF AQ-4:** The Project shall provide electrical hook ups to the power grid, rather than use diesel-fueled generators, for electric construction tools, such as saws, drills and compressors, and shall use electric tools whenever feasible.
- **PDF AQ-10:** The Project Applicant/Developer/Tenant shall require that all heavy-duty trucks entering or operated on the project site to be zero-emission beginning in 2030, if such trucks are widely available and economically feasible.
- **PDF AQ-12:** The Project Applicant/Developer/Owner shall require tenants to use zero-emission light- and medium-duty trucks as part of business operations, if such trucks are widely available and economically feasible.
- **PDF AQ-13:** The Project Applicant/Developer shall construct electric truck charging infrastructure consisting of infrastructure (i.e., conduit) to support future installation of charging stations, when such trucks are widely available and economically feasible.

3.5 Inconsistent with CARB's Community Health Perspective Handbook. Page 5.3-4 of the Draft EIR mentions CARB's Air Quality and Land Use Handbook: A Community Health Perspective (Handbook) but does not list the Handbook's advisory recommendations that are specific to the Project. Within the Handbook, CARB recommends a 1,000-foot buffer between residences, schools, daycare centers, playgrounds, and medical facilities between the following:

- A distribution center (that accommodates more than 100 trucks per day, more than 40 trucks with operating transport refrigeration units (TRUs) per day, or where TRU unit operations exceed 300 hours per week).

While the Draft EIR and Air Quality Report do not explicitly state the number of truck trips per day, at 8,555 new PCE trips per day, the Project would generate far more than 100 trucks per day and the closest sensitive receptor is 11 feet away, and schools are within 100 feet. This poses significant health risks to the existing sensitive receptors and is inconsistent with CARB's guidance.

- 3.6 Mitigation Measure AQ-1** should also include that parking lot coatings shall not exceed 50 g/L of VOC, consistent with the CalEEMod modeling for the mitigated construction cases in the Air Quality Report.
- 3.7 Mitigation Measure AQ-2.** Page 5.3-32 of the Draft EIR states that Mitigation Measure AQ-2 would "require all construction equipment greater than 150 horsepower (>150 HP) to be CARB certified tier 4 or higher." This is inconsistent with other statements in the Draft EIR such as on page 1-8 and page 5.3-59, which state the mitigation measure would apply to "off-road diesel construction equipment rated at 50 horsepower (hp) or greater."
- 3.8 Mitigation Measure AQ-2** should state that construction equipment greater than 150 HP shall be Tier 4 final, consistent with the CalEEMod modeling for the mitigated construction cases in the Air Quality Report.

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- 3.9 New AQ Mitigation.** The Draft EIR should also include a mitigation measure requiring that a maximum of 20 acres per day can be actively disturbed, since that assumption is relied upon in the CalEEMod modeling for the unmitigated and mitigated construction cases in the Air Quality Report.
- 3.10 Draft EIR Tables 5.3-7 and 5.3-8** display maximum daily construction emissions without and with mitigation but does not include construction emissions estimates related to the Upzone Site. While construction of the Future Development Area under the Specific Plan Buildout would not occur until construction of either Opening Year Option 1 or 2 is complete, construction activities could still overlap with construction of the Upzone Site. Therefore, Draft EIR Tables 5.3-7 and 5.3-8 should display maximum daily construction emissions for the Future Development Area under the Specific Plan Buildout plus the Upzone Site, and then compare the sum to SCAQMD's Regional Threshold of Significance. Even with incorporation of Mitigation Measure AQ-1 and AQ-2, mitigated maximum peak daily construction emissions for the Future Development Area under the Specific Plan Buildout plus the Upzone Site would exceed SCAQMD's Regional Thresholds of Significance for VOC and NO_x and require additional mitigation or result in significant and unavoidable impacts.
- 3.11 Draft EIR Tables 5.3-9 and 5.3-10** display peak summer and winter daily operational emissions with the opening year options (Opening Year Option 1 and 2) and the Future Development Area under the Specific Plan Buildout. However, the total maximum daily summer and winter daily emissions only consider Opening Year Option 1 plus the Future Development Area under the Specific Plan Buildout. The total maximum daily summer and winter emissions should be displayed for Opening Year Option 2 plus the Future Development Area under the Specific Plan Buildout, since it is the worst-case scenario producing the greatest emissions. Furthermore, the projected change in emissions from the Upzone Site (Draft EIR Table 5.3-11) should also be added to the total maximum daily summer and winter emissions for Opening Year Option 2 plus the Future Development Area under the Specific Plan Buildout since the increase in emissions is attributable to the Project. Therefore, the maximum daily summer and winter daily operational emissions associated with Opening Year Option 2, Future Development under the Specific Plan Buildout, and the Upzone Site should be summed and compared to the SCAQMD's Regional Threshold of Significance and would exceed SCAQMD's Regional Thresholds of Significance for VOC and NO_x and require additional mitigation or result in significant and unavoidable impacts.
- 3.12 Greenhouse Gas Emissions.** Draft EIR Tables 5.8-2 and 5.8-3 display the annual GHG emissions with the opening year options (Opening Year Option 1 and 2). Draft EIR Table 5.8-4 displays the annual GHG emissions with the Future Development Area under the Specific Plan Buildout. Draft EIR Table 5.8-5 displays the GHG emissions associated with the Upzone project. The annual GHG emissions are well above the screening threshold of 3,000 metric tons. The project uses the 2021 GHG Emissions Reduction Plan Update Screening Tables to assess significance. The project should quantify the GHG reductions achieved by implementation of the Screening Table for GHG

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Reduction Measures (Draft EIR Table 5.8-6). Secondly, if the mitigated GHG emissions are still significant, the project should provide further mitigation from onsite activities (for example, solar panels), offsite mitigation, and purchase of carbon offsets.

This is especially important because a vast majority of the project emissions are due to truck usage and a vast majority of the Project Points for GHG Reduction Measures are related to installation of Electric Vehicle Chargers for passenger vehicles, but no installation of electric chargers for medium duty and heavy-duty trucks have been identified. Given that PDF AQ-10 stipulates that "all heavy-duty trucks entering or operated on the project site to be zero-emission beginning in 2030, if such trucks are widely available and economically feasible." Therefore, until zero emission heavy-duty trucks are implemented, the GHG emissions would be significant, and should be mitigated in the interim.

- 3.13 **Draft EIR Tables 5.3-9 and 5.3-10** should be expanded to include separate emissions totals for the Future Development Area under the Specific Plan Buildout to improve the presentation of the emissions values so readers can see the contribution of the Future Development Area under the Specific Plan Buildout compared to other elements of the Project.
- 3.14 **Page 3 of Draft EIR Appendix C1, Air Quality Report** omits that project construction would also have the potential to exceed SCAQMD regional thresholds for VOC emissions prior to mitigation (in addition to NOx) and incorrectly states that "after application of Mitigation Measure AQ-1, Project construction-source emissions will not exceed SCAQMD regional thresholds for NOx emissions." Mitigation Measure AQ-1 ("Super-Compliant" low VOC paints) is intended to reduce VOC emissions to a less than significant level while Mitigation Measure AQ-2 (Tier 4 Construction equipment) is intended to reduce NOx emissions to a less than significant level.
- 3.15 **Draft EIR Table 5.3-2** provides 3 years of data of the Central San Bernardino Valley 1 monitoring station spanning between the years of 2017 – 2019. However, the most recent data available by CARB provides pollutant data spanning between 2018 – 2020. Thus, the table should be revised.
- 3.16 **Sensitive Receptors.** On p. 5.3-16 of the Draft EIR, the closest sensitive receptors for Opening Year 1 are listed as OYD1-R1 through R-2, for Opening Year 2 are listed as OYD2-R1 through R-11 and for Future Development Areas of the Specific Plan Buildout are listed as SP-R1 through R-6. However, the analysis appears to ignore other sensitive uses. These include but are not limited to the Ruth O. Harris Middle School located west of the Project site across Alder Avenue. Additionally, the analysis provides distances measured from the Project site boundary to the outdoor living areas (e.g., backyards) or at the building façade, whichever is closer. However, the analysis incorrectly provides distances from the Project site boundary to the building façade for school uses, such as Walter Zimmerman Elementary School. The analysis is therefore distorted, understating the distance which should be at the boundary and include outdoor playground areas for students.

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- 3.17 Study Year for SP-R3.** The analysis incorrectly identifies sensitive receptor SP-R3 (Bloomington High School) only as a Sensitive Receptor near Future Development Area – Specific Plan Buildout. SP-R3 should also be identified as a sensitive receptor for Development Options 1 and 2.
- 3.18 Wrong AQ Modeling Year.** The modeling assumes construction of all four sites is to commence in the fourth quarter of 2021 with operation of the four sites by fourth quarter 2022. The modeling assumes an outdated construction schedule starting October 1, 2021.
- 3.19 Availability of Tier 4 Construction Equipment.** Mitigation Measure AQ-2 requires off-road diesel construction equipment rated at 50 horsepower or greater to comply with EPA/CARB Tier 4 off-road emissions standards or equivalent. As shown in Table 5.3-8 of the Draft EIR, implementation of MM AQ-2 would reduce NOx emissions to levels less than significant. The US EPA has slowly adopted stringent standards to lower the emission from off-road construction equipment. The additions of Tier 1, Tier 2, Tier 3, Tier 4 Interim and Tier 4 construction equipment have been phased over in time. It is unclear if the construction modeling assumes all Tier 4 Final or Interim standards and whether Tier 4 equipment for all pieces of equipment remain readily available.
- 3.20 Policy Consistency.** The Draft EIR does not provide a consistency analysis with the applicable policies presented from the San Bernardino Countywide Plan which includes Policy NR-1.2, Policy NR-1.8, Policy NR-1.9, Policy HZ-3.1. Additionally, the analysis does not provide a consistency analysis with the regulatory requirements from the San Bernardino CWP EIR which includes RR-AIR-1, RR-AIR-2, and RR-AIR-3.
- 3.21 New Automobile and Trailer Truck Trips.** The updated operational air quality analysis must account for the updated and/or additional automobile and trailer truck trips resulting from the suggested changes to the Project's traffic study (per Comment 5, *Transportation and Pedestrian Safety*).
- 3.22 CJUSD Proposed Mitigation for Impacts at Zimmerman Elementary School.** The District is extremely concerned with the potential health risks that the Project will generate at its schools. Because the Draft EIR has not conducted construction-related health risk analysis and the operational HRA that has been completed for Project operations is inadequate, the District is preparing under separate cover a Toxic Air Contaminants HRA for the construction and operation of the proposed Project. The HRA is underway and will be submitted to the County as an amendment to this comment letter by the end of December 2021. Notwithstanding a completed HRA, the District strongly believes the proposed Project will cause significant health risks at its schools and submits the below mitigation for consideration.

In May of 2021, SCAQMD adopted the Warehouse Indirect Source Rule, Rule 2305. This rule seeks to reduce nitrogen oxide and particulate matter emissions produced by light- and heavy-duty trucks and tractor-trailers (mainly diesel) traveling to and from warehouses.

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Rule 2305 implements SCAQMD's Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program and applies to owners and operators of existing and new warehouses within the South Coast Air Basin with at least 100,000 square feet of indoor floor space, with those that conduct warehousing activities in at least 50,000 of those square feet required to earn "points" to offset emissions.

Warehouse operators must earn a specific number of points (called WAIRE Points) to offset the number of truck trips to and from warehouses under their control. The WAIRE program provides a "menu" of implementation measures for impacted businesses to earn points, which must be earned in addition to compliance with existing federal and state warehousing regulations. These measures include installing MERV 16 or greater filters or filtration systems in residences, schools, daycares, hospitals or community centers within three miles of the warehouse in order to reduce exposure to particulate matter. SCAQMD has indicated that they will work with operators to develop comparably effective measures.

Walter Zimmerman Elementary School is located adjacent to the Bloomington Business Park Specific Plan Project. While the analysis in the Draft EIR is not complete and will need to be revised and circulated, we expect Zimmerman Elementary to be subject to elevated health impacts due to its proximity to the proposed Project construction and operational activities. Those impacts may make it impossible to continue school programs at the site, in which case the Zimmerman students will need to be accommodated in new facilities either at a new site or at other existing District schools. If it is possible to continue school programs at Zimmerman, the following mitigation measures would be necessary:

- a) Prior to the construction of either proposed development option, Zimmerman Elementary School shall be upgraded to limit poor air quality and noise caused by Project construction and operations from entering classrooms and indoor instructional spaces.
- b) To ensure adequate health protection to school occupants, indoor classrooms and instructional spaces must be improved to limit doors and windows from opening to the outside. Windows should be restricted from opening to the outside, except for emergencies. Doors to classrooms and instructional spaces must be improved to open into an enclosed hallway, and hallway doors that open to the outside must be via separate foyer rooms, ventilated with positive air pressure.
- c) Air filtration systems should be installed to reduce noise and health impacts, including particulate matter exposure. Air filter devices shall be rated Minimum Efficiency Reporting Value (MERV)-16 or higher as defined by the American Society of Heating, Refrigerating and Air Conditioning Engineers Standard 52.2. MERV-16 air filters are considered high efficiency filters able to remove 95 percent of fine particulate from indoor air. As part of implementing this measure, an ongoing maintenance plan for the building's air filtration system shall be required.

The ventilation system should meet the following minimal design standards:

- o A MERV-16, or higher, rating that represents a minimum of 95 percent efficiency to capture fine particulates;

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- At least one air exchange(s) per hour of fresh outside filtered air;
 - At least four air exchange(s) / hour recirculation; and
 - At least 0.25 air exchange(s) per hour in unfiltered infiltration.
- d) Where appropriate, install passive electrostatic filtering systems with low air velocities (i.e., one mile per hour).
- e) Operable windows and building air intakes should be located as far away from Project emission sources as possible and should not be located on the west and south side (adjacent to the project site) of Zimmerman Elementary School.
- f) Plant dense rows of trees and other vegetation between Zimmerman Elementary School (along the west and south side) and Bloomington Business Park Specific Plan Project emission sources. Trees that are best suited to trapping air pollution should be planted, including one or more of the following: Pine (*Pinus nigra* var. *maritima*), Cypress (*X Cupressocyparis leylandii*), Hybrid poplar (*Populus deltoids* X *trichocarpa*), and Redwood (*Sequoia sempervirens*).
- g) Incorporate solid barriers into the site design, like a sound wall, between Zimmerman Elementary School and Bloomington Business Park Specific Plan Project emission sources (along northern boundary of project site 2 and northeast boundary of project site 3). The presence of solid barriers often leads to pollutant concentration reductions behind the barrier during meteorological conditions with winds directionally from the emission source. Particulate matter concentrations generally decrease between 15 and 50 percent behind a solid barrier.

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4. Noise

The Draft EIR does not adequately address CEQA Noise threshold a, whether the Project would:

- a) Generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Construction Noise Impacts. The Draft EIR underestimates construction noise impacts. The Draft EIR states that construction noise levels at Zimmerman Elementary School would generate a maximum noise level of 74.3 dBA, less than the identified threshold of 80 dBA. This conclusion, however, is erroneous. The analysis shows construction noise as an independent noise source that occurs in isolation from the existing ambient noise conditions. The calculation of construction noise should include a logarithmic sum of the existing noise level and the future construction noise level; this was not conducted.

The existing daytime noise level of 56.5 dBA measured at Zimmerman Elementary would result in a logarithmic increase of +17.9 dBA above existing noise levels. Accordingly, offsite sensitive uses adjacent to the Project would be exposed to higher noise levels than those presented in the Draft EIR, and construction noise levels have the potential to exceed the 80 dBA threshold identified in the analysis and result in significant construction noise impacts. Furthermore, a 10 dB increase is generally perceived as a doubling in loudness and would almost certainly cause an adverse change in community response.

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Accordingly, exterior noise impacts caused by construction activities would be potentially significant and require mitigation.

According to the World Health Organization, 35 dBA Leq is the recommended maximum background noise level for school classrooms. Additionally, Appendix A5, Section A5.507.5, of the California Building Code specifies a maximum background noise level of no more than 45 dBA Leq in classrooms. For young children and those experiencing hearing loss and/or Auditory Processing Disorder (APD), a limit of 40 dBA is used (McLaren, SJ, and Page, WH, 2015).

Assuming a minimum exterior-to-interior noise attenuation of 17 dBA, the interior noise levels at the school during construction would be 57.3 dBA, exceeding the maximum threshold identified by WHO and California Building Code. Consequently, construction activities would result in an increase in interior noise levels at Zimmerman Elementary School beyond that acceptable. The Draft EIR and construction noise analysis must be updated, in accordance with the below technical comments to confirm the magnitude of impact and to determine appropriate mitigation required to reduce potentially significant interior noise impacts during Project construction.

Operational Noise Impacts. The Draft EIR underestimates the overall operational noise impacts. The Draft EIR states that operational noise levels at Zimmerman Elementary School would be 52.0 dBA, below the ambient daytime noise levels of 56.5 dBA. However, similar to construction, the analysis fails to take into account the existing noise when projecting future noise levels, as noise from the loading dock, trailers, truck movements, roof-top air conditioning units, parking lot vehicle movements, and trash enclosure activity would occur in the context of the existing noise environment and not as an independent noise source that occurs in isolation. If the noise analysis accounts for the existing noise environment, the logarithmic sum of future noise levels would be 57.8 dBA, resulting in +1.3 dBA above the significance threshold identified in the Draft EIR. Thus, the impact would be potentially significant, and mitigation would be required.

Additionally, reference noise levels were used to estimate operational noise impacts, which include measurements at 50 feet and an anticipated duration of one hour. It can be reasonably assumed that under a worst-case basis, all noise sources could be operated at the same time within any part of the hour. Assuming all noise sources are operational at the same time, the logarithmic sum would be 56.5 dBA. At 50 feet, which is the distance between the Specific Plan Area and Zimmerman Elementary School, operational noise would be 66.4 dBA, above the ambient noise reading at Zimmerman. School occupants could be exposed to increased noise levels, and mitigation would be required to reduce operational noise impacts.

- 4.1 The Draft EIR does not provide a consistency analysis with the applicable policies presented from the San Bernardino Countywide Plan which includes Policy HZ-2.7, Policy HZ-2.8, and Policy HZ-2.9. Additionally, the analysis does not provide a consistency analysis with the regulatory requirements from the San Bernardino Countywide Plan EIR which includes RR-NOI-1, RR-NOI-2, RR-NOI-3, RR-NOI-4, and RR-NOI-5.
- 4.2 Draft EIR Table 5.12-5, 5.12-6 and 5.12-7 of the Draft EIR provides construction noise levels for Opening Year Option 1, Option 2, and Future Development Area, respectively. The tables provide construction noise levels for the following construction phases: Demolition, Site Preparation,

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Grading, Building Construction, Paving, and Architectural Coating. However, the analysis fails to account for the existing noise level measurements presented in Table 5.12-3. As construction noise would occur in the context of the existing noise environment and not as an independent noise source that occurs in isolation, off site sensitive uses adjacent to the Project site would be exposed to higher noise levels than the levels presented in Table 5.12-5 through 7. The calculation of construction noise should include a logarithmic sum of the existing noise level and the future construction noise level. As such, construction noise levels have the potential to exceed the 80 dBA threshold identified in the analysis and would result in significant impacts.

- 4.3** As stated in the Draft EIR, operations would primarily be conducted within the enclosed buildings, except for traffic movement, parking, as well as loading and unloading of trucks at designated loading bays. The on-site Project-related noise sources are expected to include loading dock activity, trailer activity, truck movements, roof-top air conditioning units, parking lot vehicle movements, and trash enclosure activity. Reference noise levels from similar types of activities were used to estimate operational noise impacts. These measurements include reference noise levels measured at 50 feet and an anticipated duration within the hour. It can be reasonably assumed that in the worst case all noise sources can be operational at the same time within any part of the hour. Accordingly, assuming all noise sources are operational at the same time, the logarithmic sum of all these measurements at distance of 50 feet would be 66.4 dBA. Zimmerman Elementary School is located less than 50 feet from these noise sources and would be exposed to increased noise levels. Mitigation is required to reduce these impacts.

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- 4.4** Table 5.12-11 of the Draft EIR provides Option 2 Daytime operational noise levels taking into account the noise sources previously mentioned. As shown, daytime operational noise levels at Zimmerman Elementary School (OLD2-R6) would result in 52.0 dBA. Table 5.12-13 of the Draft EIR then compares these noise levels to the ambient noise measurements and concludes operational noise levels would not exceed the County's exterior noise level standards.

Like the construction analysis, the operational analysis fails to take into account the existing noise level measurements presented in Table 5.12-3. As operational noise from loading docks, trailers, truck movements, roof-top air conditioning units, parking lot vehicle movements, and trash enclosure activity would occur in the context of the existing noise environment and not as an independent noise source that occurs in isolation, off site sensitive uses adjacent to the Project site would be exposed to higher noise levels than the levels presented in Table 5.12-11. The calculation of operational noise provided in Table 5.12-13 should include a logarithmic sum of the existing noise level and the future operational noise level assuming concurrent operation of all noise sources (66.4 dBA at 50 feet).

- 4.5** The updated noise analysis must account for the updated and/or additional automobile and trailer truck trips resulting from the suggested changes to the Project's traffic study (per Comment 5, *Transportation and Pedestrian Safety*).

5. Transportation and Pedestrian Safety

The Draft EIR does not adequately address CEQA Transportation thresholds a and c, whether the Project:

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- a) conflicts with County programs, plans, ordinances, or policies addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.
- b) increases hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

5.1 Project is Inconsistent with Countywide Plan Goals and Policies. The San Bernardino County Transportation Impact Study Guidelines (County TIS Guidelines), dated July 9, 2019,² provides:

The County has identified that vehicle level of service (LOS) is still of value to the residents of San Bernardino County. As such, the General Plan includes policies that address LOS and identify LOS standards for which County infrastructure will strive to maintain. Therefore, *County projects will also be required to complete a transportation impact study (TIS), in addition to VMT assessment, to demonstrate consistency with the General Plan.* [Emphasis added]

Draft EIR Section 5.15, *Transportation*, provides that the transportation analysis is based on "Bloomington Business Park Specific Plan Traffic Impact Analysis," which is incorporated into the Draft EIR as Appendix K1 (Project traffic study). Other than the description of the existing roadways within the Specific Plan Area (Draft EIR Table 5.15-1), none of the transportation analysis provided in Draft EIR Section 5.15 articulates the findings of the Project traffic study and how the traffic analysis conducted supports the conclusion that the proposed Project is consistent with County programs, plans, ordinances or policies. This analysis should be provided in Draft EIR Impact TR-1.

Moreover, the Project traffic study is deficient. It has not been prepared in accordance with the requirements specified in the County TIS Guidelines. Section 3.1.2 of the County TIS Guidelines provides:

At a minimum, the following subject/locations should be studied:

- a) Site access driveways
- b) On-site circulation
- c) Roadway(s) adjacent to the project (if requested by County staff)
- d) Intersections in the immediate vicinity of the project
- e) Pedestrian and bicycle circulation
- f) Consistency with County Plans and Policies
- g) Transit (bus and light commuter rail) accessibility to project site
- h) Any intersection on which the project will add 50 or more peak hour project trips

[Emphasis added]

Neither the Draft EIR nor Project traffic study adequately addresses the minimally required topics listed above. The Project traffic study addresses item h, related to intersection impacts; though as detailed below, the analysis needs to be updated. The Project traffic study does not analyze

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² San Bernardino County Transportation Impact Study Guidelines. 2019, July 9.
<https://cms.sbcounty.gov/Portals/50/transportation/Traffic-Study-Guidelines.pdf?ver=2019-10-03-155637-153>

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items a through g. Draft EIR Impact TR-1 briefly identifies transit, bicycle, and pedestrian facilities near the Specific Plan Area; however the write-up is conclusory and does not substantiate how the proposed Project would or would not significantly impact alternative transportation facilities and consequently, how the Project would or would not be consistent with County programs, plans, and the Countywide Policy Plan addressing these circulation facilities.

The Draft EIR and Project traffic study must be updated, per comments herein. The new findings must be incorporated into the Draft EIR, and the Draft EIR must be recirculated to allow the District and its Board of Education a meaningful way to participate, review, and comment on the Project's transportation impacts and to allow for the development of mitigation measures for potentially significant impacts to transportation facilities identified in County policies and to reduce potential vehicle-pedestrian conflicts.

- 5.2 No Traffic Analysis Performed for Upzone Project Component.** As mentioned, there are three components associated with the proposed Project:

- 1) General Plan Amendment and Zone Change for the 213-acre Specific Plan Area,
- 2) Development Application for the 213-acre Specific Plan Area, and
- 3) General Plan Amendment and Zone Change for 24-acre Upzone Site.

The traffic study analyzes the 213-acre Specific Plan and development scenarios. However, no analysis was conducted for the proposed increased residential density at the Upzone Site. The proposed density increase at the Upzone Site would require an amendment to the general plan and a change in zoning. Consequently, a detailed analysis of the circulation system, including transit, roadway, bicycle and pedestrian facilities and vehicle miles traveled (VMT) must be evaluated for this component of the proposed Project. The traffic scoping document must be updated to include the Upzone component of the Project, including studying intersection and roadway segment impacts near the Upzone site. The new information must be recirculated for public review.

- 5.3 No Traffic Analysis Performed for Proposed Roadway Reclassification.** The Draft EIR project description and Table 2-2, *Roadway Classifications*, of the public review draft of the Bloomington Business Park Specific Plan provides that the Specific Plan and proposed development options would require reclassification of roadways within and adjacent to the Specific Plan. A comparison of Specific Plan Table 2-2 with the County's TM-1 Roadway Network Policy Map indicates that the Project would change the classification of the following roadways:

- Jurupa Avenue from Maple Avenue to Locust Avenue segment to Major Highway,
- Linden Avenue south of Walter Zimmerman Elementary School to Jurupa Avenue to Industrial Collector (60-foot-wide),
- Maple Avenue south of Santa Ana Avenue to Jurupa Avenue to Industrial Collector (60-foot-wide),
- Laurel Avenue south of Santa Ana Avenue to Jurupa Avenue to Industrial Collector (60-foot-wide).

It is not clear what an Industrial Collector roadway is. The traffic study analyzes the proposed development options' trips on these roadways but does not address the ultimate operations

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based on the proposed reclassification. This component must be considered in the revised Project traffic study and disclosed in the Draft EIR.

- 5.4 Erroneous Trip Generation Rates Applied to Specific Plan Project Component.** The Project traffic study analyzed the Specific Plan and development project components with three land use categories: high cube transload warehouse, fulfillment center warehouse, and industrial park. The trip generation rates used in the traffic study are shown below in Table 3:

Table 3. Land Use Categories and Trip Generation Rates Used in the Draft EIR

Land Use Category	Trip Generation Rates from Draft EIR Traffic Study (trips per 1,000 square feet)		
	Daily	AM Peak Hour	PM Peak Hour
High Cube Transload Warehouse	1.40	0.08	0.10
Fulfillment Center Warehouse	2.129	0.122	0.165
Industrial Park	3.37	0.40	0.40

Source: Environmental | Planning | Development Solutions, Inc., Bloomington Business Park Specific Plan Traffic Impact Analysis. 2021, July 13.

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A comparison of the trip generation rates used in the Project traffic study with industry standard rates published in the Institute of Transportation Engineers (ITE) *Trip Generation Manual* indicates that the rates are identical for the high cube transload and short-term storage warehouse and industrial park land use categories. However, the rates used in the study for the fulfillment center warehouse category are substantially lower than the fulfillment center warehouse rates shown in the ITE *Trip Generation Manual*. Table 4, below, shows the comparable rates from the ITE *Trip Generation Manual*, as well as ITE rates for other land use categories that could have been considered.

Table 4. ITE Trip Generation Rates for High Cube Warehouses, Industrial Park, and Manufacturing Land Use Categories

Land Use Category	Trip Generation Rates from <i>Trip Generation Manual</i> (trips per 1,000 square feet)		
	Daily	AM Peak Hour	PM Peak Hour
High Cube Transload and Short-term Storage Warehouse	1.40	0.08	0.10
High Cube Fulfillment Center Warehouse	8.18	0.59	1.37
High Cube Parcel Hub Warehouse	7.75	0.70	0.64
Industrial Park	3.37	0.40	0.40
Manufacturing	3.93	0.62	0.67

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Source: 10th Edition of the ITE *Trip Generation Manual*

The ITE recognizes five high-cube warehouse groups: fulfillment center, parcel hub, cold storage facility, transload facility, and short-term storage facility. However, it combines the transload warehouse and short-term storage warehouse into one land use category. Accordingly, the ITE *Trip Generation Manual* provides trip generation rates for four types of high cube warehouse land use categories: 1) fulfillment center, 2) parcel hub, 3) cold storage facility, 4) transload facility and short-term storage facility. As the Specific Plan and EIR Project Description state that the proposed Project would not offer cold storage, Table 4 does not include the cold storage warehouse land use category's trip generation rates.

5.4.1 ITE Trip Generation Rates for Fulfillment Center Warehouse Land Use Category Should Be Used.

A comparison of Tables 3 and 4 show substantially higher trip generation rates from the ITE *Trip Generation Manual* for the fulfillment center warehouse category when compared to the rates used in the Draft EIR traffic analysis:

- The daily rate is nearly four times higher (8.18 trips per ksf vs. 2.129 trips per ksf),
- The AM peak hour rate is nearly five times higher (0.59 trips per ksf vs. 0.122 trips per ksf), and
- The PM peak hour rate is over eight times higher (1.37 trips per ksf vs. 0.165 trips per ksf).

The volumes of project generated traffic used for the Draft EIR traffic study are substantially lower than the volumes that would be if calculated using the higher trip rates from the ITE *Trip Generation Manual* for the fulfillment center warehouse category. If the fulfillment center warehouse trip rates from the ITE *Trip Generation Manual* were used, the volumes of traffic generated by the Specific Plan and development components would be substantially greater than what was indicated in the Draft EIR analysis, and traffic impacts would be more severe on study area roadways and intersections than that presented in the Draft EIR.

Instead, the transportation impact study uses generic trip rates from the Western Riverside Council of Governments' Transportation Uniform Mitigation Fee (TUMF) Program. Neither the traffic study nor Draft EIR justify why the lower TUMF trip rates are applicable, nor do they explain why the transload storage warehouse land use category is appropriate. The TUMF rates were created by WRCOG to simplify the calculation of fair-share cost contributions for transportation-related improvements required to mitigate transportation impacts of development projects in Riverside County. These rates are oversimplified and represent an average trip rate for various types of high cube warehouse land use categories. They do not represent potential operations of same day e-commerce deliveries, such as by Amazon and other newer competitors, which have a greater frequency of trips.³ These rates are inappropriate for the Project traffic study and do not represent the potential mix of operations specified in the Bloomington Business Park Specific Plan,

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³ WSP. TUMF High-Cube Warehouse Trip Generation Study Technical Memorandum. Western Riverside Council of Government. 2019, January 29, Exhibit 1: Data Plot for Daily Total Vehicle Trip Ends against Building Size (Fulfillment Center).

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which permits development of industrial, warehousing, processing, and manufacturing land uses. The Project's traffic study needs to be revised with industry standard ITE trip rates, and the Draft EIR needs to be recirculated for disclosure of the potentially greater impacts.

Further note, the TUMF high-cube warehouse daily trip rate is reported 2.21 trips per thousand square feet (TSF).⁴ However, the Project traffic study uses the daily rate of 2.129 trips/TSF, 0.081 trip/TSF lower than the reported TUMF rate. The traffic study should update the trip rates accordingly.

5.4.2 Erroneous Trip Rates for Site 4 Trailer truck Yard. According to Table 12 of the Project traffic study (page 68 of Draft EIR Appendix K1) the proposed truck yard at Site 4 was analyzed under the buildout scenario of the Specific Plan and under the ITE land use category of Industrial Park.

1. The proposed truck yard at Site 4 should be analyzed as a part of Opening Year 1, and
2. Should considering using a truck terminal trip rate, as opposed to an Industrial Park land use category.

The Project traffic study uses ITE's Industrial Park land use category for trips generated at Site 4's 9.5-acre trailer truck yard that includes 289 trailer truck parking spaces. The Project traffic study forecasts 1,573 passenger car equivalent (PCE) daily trips from Site 4. The traffic study states that Site 4 is ancillary parking; however, Draft EIR Chapter 3, *Project Description* does not provide more information on operations of this facility.

It possible that operations of this facility would be like that of another development application in the County that is undergoing separate entitlement and environmental reviews. The proposed Cedar Avenue Truck Terminal Facility project (PROJ-2020-00035), located at 10746 Cedar Avenue, proposes 260 trailer truck spaces, 14 standard car spaces, and 1 handicap accessible space, as well as office space and a maintenance shop. The traffic study conducted for PROJ-2020-00035 used trip-generation statistics published in the City of San Diego Municipal Code Land Development Code Trip Generation Manual (2003) for the Truck Terminal land use category because the closest land use category provided in the ITE Trip Generation Manual is for an intermodal truck terminal, which was not applicable to PROJ-2020-00035's characteristics. The Cedar Avenue Truck Terminal Facility, which is smaller than the proposed truck yard on Site 4, would operate 1,716 daily PCE equivalent truck trips (and an additional 144 daily passenger trips), which is more trips than the proposed truck yard.

As the City of San Diego's "truck terminal" land use category appears more applicable than the "industrial park" land use category, we question whether the traffic study should consider applying the truck terminal trip rates from the San Diego Municipal Code instead.

5.4.3 Inappropriate Trip Rate Land Use Categories Used for Specific Plan Project Component. Neither the Project's traffic study nor Draft EIR justify why the land use categories (shown in Table 3, herein) were applied to both the Specific Plan and development scenarios of the proposed

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⁴ Western Riverside Council of Governments. Transportation Uniform Mitigation Fee, Fee Calculation Handbook. 2019, June 3. <https://wrcog.us/DocumentCenter/View/2508/FeeCalculationHandbook-060319?bidId=>

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Project. They appear to not accurately represent the potential uses of the Specific Plan and development components of the proposed Project.

The land use categories in Table 4 and the truck terminal trip rates mentioned in Comment 5.4.2 appear to better align with the proposed Project. As mentioned above, the Specific Plan permits development of industrial, warehousing, processing, and manufacturing land uses. The manufacturing land use category has a higher trip generation rate than the industrial park land use category (see Table 4, above). The District questions whether the manufacturing land use category be considered for areas outside of the development option scenarios (i.e., outside the development footprint of Planning Area A and the entirety of Planning Area B). The Draft EIR appears to underestimate the potential traffic impacts of the Specific Plan component of the Project. Trip rates used for all three project components must be justified, and the traffic study updated accordingly.

- 5.5 Roadway Segment Analysis.** The traffic study addresses the impacts of the Project at study area intersections, but it does not evaluate the Project's impacts on roadway segments. While it is possible that a level of service analysis for the roadway segments is not required because of the relatively close spacing of the traffic signals, the Project's impacts on the study intersections require mitigation measures (see Draft EIR Appendix K1, Traffic Study Table 16 through Table 18) that require the addition of lanes and traffic signals at impacted study intersections. These proposed mitigating improvements require further analysis to determine if the existing roadways can support them and to determine if they are feasible mitigation measures. For example, if a mitigation measure indicates that a lane needs to be added at an intersection, it should also indicate whether the additional lane needs to be extended to the next upstream intersection, which would require roadway widening for the entire roadway segment between the intersections. The traffic study must be updated to fully disclose whether the proposed mitigation measures are feasible. The revised Draft EIR must be recirculated for public disclosure.
- 5.6 Secondary Effects Caused by Traffic Mitigation Measures.** The traffic mitigation measures identified in Tables 16, 17, and 18 of Draft EIR Appendix K1 may require the acquisition of private property and/or may be developed in areas that are currently vacant and moderately disturbed. The offsite roadway improvements are required for the Project and are reasonably foreseeable. According to *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal. App. 4th 713, a project requiring construction of offsite infrastructure must include the offsite infrastructure in the project description. The secondary effects may cause indirect physical changes in the environment that must be considered as secondary effects of the proposed Project. CEQA Guidelines Section 15378 defines "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. Consequently, the secondary effects that may include but are not limited to the loss of private land, relocation/displacement of homes and businesses, impacts to biological resources, such as burrowing owls, to the loss of sensitive habitat must be evaluated in the Draft EIR. The secondary effects must be analyzed in the Draft EIR.
- 5.7 Fair Share Cost Estimates of Mitigation Measures.** The calculations for the fair share cost estimates divide the volume of project generated traffic at each significantly impacted

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intersection by the total increase in traffic that would occur at the intersection for the buildout scenario. This methodology underestimates the amount of funding that the project should contribute because it assigns fair share costs to regional growth and to land use intensifications that do not have specific projects associated with them. There are, therefore, no applicants or developers from which to obtain the remainder of the costs for the proposed improvements. The calculations for the fair share cost contributions should include the project trips and the trips generated by proposed future development, as specified in Section 3.11, Fair Share Contributions, of County Transportation Impact Study Guidelines:

$$\text{Fair share} = \frac{\text{project trips}}{\text{project trips} + \text{future development trips}} \times 100\%$$

The fair share cost contributions should not include traffic increases from general regional growth. Also, some of the impacted intersections are in other jurisdictions and on Caltrans facilities that might not have a fair share contribution program, which would negate the success of the fair share funding.

- 5.8 Construction Traffic Impacts on Circulation Facilities.** Neither the Draft EIR nor traffic study address potential construction-related traffic impacts on transportation facilities. CEQA requires analysis of short-term construction impacts, as well as long-term operational impacts. The traffic study analyzes only long-term operational effects but neglects to consider short-term effects. The District requests the Draft EIR be updated to address construction traffic impacts along construction haul routes and Project site access points. The analysis should consider potential roadway and sidewalk closures and impacts to school operations, especially during school start and dismissal bells in the morning and afternoon. The District is concerned with conflicts between construction vehicles and student drop-off and pick-up activities, and pedestrian safety, especially at Zimmerman Elementary School where students will be walking along the Specific Plan Area and crossing Jurupa Avenue at Linden Avenue. The District is also concerned with potential conflicts at Slover Mountain High School, which is adjacent to Cedar Avenue and close to the I-10 Freeway on/off ramps.
- 5.9 Related Projects for Cumulative Analysis.** The related projects identified for cumulative impact analysis in the traffic impact study's scoping document were not analyzed in the traffic study or other Draft EIR environmental topics' cumulative impact analysis. The Draft EIR traffic study scoping memorandum (p 148 of Draft EIR Appendix K1) identifies the below ten related projects in unincorporated Bloomington:

1. Agua Mansa High Cube Warehouse
2. Alder Avenue Industrial
3. Bloomington Affordable Housing Project
4. Bloomington Business Center
5. Bloomington High Cube Warehouse
6. Bloomington Industrial Facility
7. Cedar Avenue Technology Center
8. Chevron Slover-Cedar
9. Slover High Cube Warehouse

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10. Slover-Cactus Warehouse

Not all ten of the scoped projects in unincorporated Bloomington were analyzed. Instead, the traffic study and Draft EIR cumulative impact analysis only included the following five related projects in Bloomington:

1. Alder Avenue Industrial
2. Bloomington Business Center
3. Slover High Cube Warehouse
4. Chevron Slover-Cedar
5. Slover-Cactus Warehouse

The traffic study and Draft EIR did not analyze the below five related projects in Bloomington that were identified in the traffic study scoping document.

1. Agua Mansa High Cube Warehouse
2. Bloomington Affordable Housing Project
3. Bloomington High Cube Warehouse
4. Bloomington Industrial Facility
5. Cedar Avenue Technology Center

Neither the traffic study nor Draft EIR justify why these related projects were excluded from analysis in the traffic impact study or other environmental topics in the Draft EIR. These five related projects should be added to the Draft EIR Table 4-8, *Cumulative Project List*. The cumulative impact analyses, including the traffic and air quality impact assessments, should be updated to reflect the proposed Project's augmented cumulative effects.

5.10 Related Projects Listed in Cedar Avenue Truck Terminal Facility Project Traffic Study (PROJ-2020-00035). Based on a quick review of the County's website and the traffic study prepared for the proposed Cedar Avenue Truck Terminal's Mitigated Negative Declaration (January 2021),³ it appears that there are at least 15 other related projects in unincorporated Bloomington—not mentioned in the above Comment 5.9—that should be added to Draft EIR Table 4-8 and analyzed for each environmental topic's cumulative impact analysis, including the traffic study; see Figure 2, *Cumulative Projects in Bloomington*. These related projects are proposed along and/or may use Cedar Avenue to access I-10 and SR-60 freeways, which are part of the proposed Project's main truck route. It would be prudent to include these related projects for cumulative impact analysis of the Draft EIR.

1. Bloomington Center Project
2. Truck Terminal/Storage Yard
3. Arco AM/PM
4. CK Store at Santa Ana Avenue

³ Cedar Avenue Trucking Storage Traffic Analysis, County of San Bernardino. Prepared by Urban Crossroads. 2020, June 19. Accessed: 2021, November 2.
<http://www.sbcounty.gov/Uploads/LUS/Valley/CedarTruckTerm/D.%20Traffic%20Study.pdf>

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5. Cedar Avenue Truck Terminal
6. NWC of Slover Avenue and Locust Avenue (Warehouse, Retail, Fast Food)
7. NEC and NWC of Cedar Avenue and Orange Street (Warehouse)
8. Slover Avenue between Locust Avenue and Laurel Avenue (High-Cube Warehouse)
9. Linden Avenue north of Slover (Tire Store)
10. Cedar Avenue Technology Center (Warehouse).
11. NWC of Cedar Avenue and Jurupa Avenue (High-Cube Warehouse)
12. Cedar Avenue Technology Center (Warehouse)
13. South of Valley Boulevard, West of Cactus (Warehouse)
14. South of Slover Avenue, East of Cactus Avenue (Wheeler Trucking)
15. NWC of Cedar Avenue and Jurupa Avenue (High-Cube Warehouse)

County Planning Staff must confirm whether there are any other related projects (pending, planned, and approved and underway) in unincorporated Bloomington beyond those listed above for EIR cumulative impact analysis. This may include the proposed warehouse development application at the corner of Slover Avenue at Alder.

Related projects north of I-10 should also be included to capture cumulative impacts associated with the proposed Upzone planned growth. The cities of Fontana and Rialto should also be contacted for related projects in their jurisdictions that are south and north of I-10.

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- 5.11 Lack of Traffic and Pedestrian Safety Analysis at Sensitive Uses.** Neither the Draft EIR nor traffic study adequately addresses pedestrian safety hazards; impacts caused by the proposed Specific Plan, development Options 1 and 2, or proposed Upzone components of the Project; and whether the proposed Project conflicts with County goals and policies on pedestrian facilities. The Draft EIR does not address their potential conflicts with San Bernardino County policies, programs, and plans related to bicycle and pedestrian facilities. The analysis needs to analyze traffic and pedestrian safety impacts at sensitive land uses that are adjacent to or near the affected study area roadways. Specifically, evaluation must consider pedestrian safety at the eight District schools located within one mile of the Specific Plan area and Upzone Site. The impacts of the increased traffic and truck volumes on the streets that provide access to these schools and the increased safety risks to motorists, pedestrians, and bicyclists need to be addressed, particularly at the pedestrian crosswalks closest to each school. As mentioned above, the County TIS Guidelines states that at a minimum pedestrian and bicycle circulation issues should be studied. Neither the traffic study nor Draft EIR adequately addresses pedestrian and bicycle facilities, and the analysis is inconsistent with this guideline. The pedestrian safety analysis should identify all affected pedestrian crossing locations where school-age pedestrians will be walking across the travel paths of project-generated traffic, particularly trucks, and quantify the anticipated increases in vehicular-pedestrian conflicts. It should identify the types of traffic control devices that are currently in place at the pedestrian crossing locations and determine if the traffic control devices would need to be upgraded to ensure that there are no adverse pedestrian safety impacts.

It should be further noted that many students walk to school in the Bloomington area. This is illustrated in Photo 4 of Draft EIR Figure 4-4B, which shows students walking on the west side of

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Linden Avenue, adjacent to the proposed Specific Plan, which is between the Crestmore community and Zimmerman Elementary School.

- Zimmerman students who live in the Crestmore community must cross the Linden Avenue at Jurupa Avenue intersection to get to/from home and school. According to the Specific Plan, all trailer truck trips access this intersection. According to Draft EIR Appendix K1, traffic-related mitigation proposed at this intersection involves converting the existing EB right-turn lane to a shared EB thru-right lane to accommodate increased trips accessing the Specific Plan. No mitigation is identified to address pedestrian safety at this intersection even though this is the main access point for Zimmerman Elementary students who live in the Crestmore community.
- Zimmerman students would also be required to cross Development Site 1's driveways on Linden Avenue, including designated driveways for truck-trailer access under both Development Options 1 and 2. These potential conflicts are significant and must be addressed in the Draft EIR and traffic study. Mitigation measures must be identified to eliminate potential pedestrian hazards. Alternatively, the County should restrict trailer truck traffic from using Site 1 driveways off Linden Avenue.
- Finally, there will be increased pedestrian and vehicle conflicts and hazards during the morning start and afternoon dismissal bells. The District requests the Draft EIR to include mitigation to limit trailer truck traffic access to the Specific Plan area 30 minutes before and after the Zimmerman Elementary School, Slover Mountain High School, and Bloomington High School morning start and afternoon dismissal bells.

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These types of vehicle-pedestrian hazards near all six District schools south of I-10 freeway must be addressed in the Draft EIR. Mitigation measures must be clearly defined to ensure that incompatible uses between the proposed Project and school operations are rectified. The Draft EIR must be updated to analyze the increased safety risks to motorists, pedestrians, and bicyclists, particularly at the pedestrian crosswalks closest to each school to address whether the proposed Project meets County policies concerning pedestrian facilities.

- 5.12 The Project Increases Hazards Caused by Incompatible Uses.** Draft EIR IMPACT TR-3 states that sight distance at each development sites' access point would be reviewed with respect to County standards at the time of final grading, landscape, and street improvement plan reviews. Three Project components are analyzed in the Draft EIR. While this may be applicable to the proposed general plan amendments and zone changes at the 213-acre Specific Plan Area and 24-acre Upzone Site, the Draft EIR must provide Project-level impact analysis for the proposed developments of Options 1 and 2. Specifically, the public review draft of the Bloomington Business Park Specific Plan identifies the following proposed development standards:

1. Where industrial and business park uses adjoin a residential use, a twelve-foot-high solid screen wall shall be located on the common property line, except in a required public right-of-way street setback where the screen wall shall be located behind the landscaped setback area.

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2. Where truck parking, loading areas, and/or truck maneuvering areas abut a public right-of-way, a twelve-foot-high solid screen wall shall be located behind the landscaped setback area unless a greater height is required per a site-specific noise study.
3. Where automobile parking areas abut a public right-of-way, a four-foot-high decorative screen wall, wrought-iron fence, tubular aluminum fencing or welded-wire fence shall be located behind the landscaped setback area.
4. All truck or trailer storage areas shall be completely screened from view by a minimum twelve-foot solid concrete block wall.

The development standards in the proposed Specific Plan address adjacency to residential uses, but not school uses, even though two schools adjoin the Specific Plan: Zimmerman Elementary School and Bloomington High School. Please update the Specific Plan to address its adjacency to schools or substantiate why only residential uses and public areas are addressed and not other sensitive uses, such as schools. Please also confirm if the development standards applicable to residential uses are applicable to schools, and/or if more stringent standards are required for schools.

Assuming the Specific Plan and proposed development options implement the above listed standards for Zimmerman Elementary, please confirm the type of wall that would be constructed along the northern boundary of Site 1, under Options 1 and 2. Aside from the proposed development standards, potential noise impacts at Zimmerman School may also warrant a minimum 12-foot-high block wall (see Comment Section 4, *Noise*).

How would such a wall affect a driver's view of students and other pedestrians using the western sidewalk on Linden Avenue? The Draft EIR must include a horizontal site distance evaluation for each driveway proposed under the development component of the proposed Project and each study intersection. At unsignalized intersections, sight distance analysis must provide a substantially clear line of sight between the driver and vehicle waiting on the minor road (driveway) and the driver of an approaching vehicle. A minimum 7.5 second criterion should be applied to the outside travel lanes to provide an adequate sight distance. A 7.5 second criterion would allow waiting vehicles to either cross all lanes of through traffic by turning left or cross the near lanes by turning right without requiring through traffic to alter their speed. Vertical sight distance should be evaluated using a 3.5-foot eye height and 425-foot object height. The sight distance should be based on the proposed speed limit for the proposed roadway classifications, as well as the existing classifications. The analysis must be based on Caltrans Highway Design Manual and must be included in the Draft EIR for recirculation.

The updated traffic study should also evaluate potential hazards related to truck access and circulation at Development Sites 1 – 4. Large trailer trucks have wide turning radii. Consequently, a potential truck turning area should be overlaid on the proposed development plans to confirm that there is sufficient space for turning maneuvers, not only within the property, but also at all proposed development driveways on Jurupa Avenue, Linden Avenue, Maple Avenue, and Locust Avenue. The updated analysis must be recirculated in the Draft EIR for public review.

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6. Hazards/Hazardous Materials

The Draft EIR does not adequately address CEQA Hazards/Hazardous Materials threshold c, whether the Project:

c) would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

- 6.1 There is substantial evidence that the proposed Specific Plan and proposed development options would cause significant impacts at District schools, in particular at Zimmerman Elementary School. Public Resources Code Section 21151.4(a) provides:

An environmental impact report shall not be certified or a negative declaration shall not be approved for any project involving the construction or alteration of a facility within one-fourth of a mile of a school that might reasonably be anticipated to emit hazardous air emissions, or that would handle an extremely hazardous substance or a mixture containing extremely hazardous substances in a quantity equal to or greater than the state threshold quantity specified pursuant to subdivision (j) of Section 25532 of the Health and Safety Code, that may pose a health or safety hazard to persons who would attend or would be employed at the school, unless both of the following occur:

- (1) The lead agency preparing the environmental impact report or negative declaration has consulted with the school district having jurisdiction regarding the potential impact of the project on the school.
- (2) The school district has been given written notification of the project not less than 30 days prior to the proposed certification of the environmental impact report or approval of the negative declaration.

As provided above in Comment Section 3, *Air Quality / Toxic Air Contaminants*, the Draft EIR has not adequately analyzed or disclosed the health risks caused by toxic air contaminants from construction and operation of the proposed Project. The analysis must address impacts at all schools within one-fourth mile of the Specific Plan area and Upzone Site. The analysis must be included in the Draft EIR and recirculated to ensure meaningful and useful information is provided to the District and its Board of Education.

Moreover, the Lead Agency has not formally consulted with the District on this project. The County has notified the District of the Project through CEQA notices but has not offered consultation. If given the opportunity, the District would appreciate the opportunity to further discuss its concerns of the potential Project impacts and the District's recommendations to mitigate them, as provided herein.

- 6.2 Construction of the Specific Plan Area may require soil remediation and/or removal that could contain VOCs associated with the landfill south of Jurupa Avenue. The District requests that the Soil Management Plan required under Draft EIR Mitigation Measure HAZ-1 address potential health risks and exposures on contaminated soils to school occupants at all schools within one-quarter mile of the Project site. The Soils Management Plan must identify ways to limit exposure

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to schools, including students who walk to/from school and home that may come in contact with soil hazards.

- 6.3 Due to the proximity of Site 1 to Zimmerman Elementary School and Sites 3 and 4 to Bloomington High School, the District requests that the Lead Agency consider limiting operations of areas of the Specific Plan Area within 1,000 feet of its schools. This would allow the County to meet the intent of CARB's recommendation to keep schools 1,000 feet from distribution centers. The District requests the County consider restricting trailer truck traffic and use of hazardous materials within areas 1,000 feet of its schools, including Zimmerman Elementary, Bloomington High School, and Harris Middle School. Uses within 1,000 feet of schools should be used for office and related support facilities and automobile parking. Accordingly, the County should not approve Development Option B, which would allow trucks to idle at a driveway within 50 feet of Zimmerman Elementary School.

7. Land Use and Planning

The Draft EIR does not adequately address CEQA Land Use and Planning thresholds a and b, whether the Project will:

- a) Physically divide an established community; or
- b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

7.1 The Specific Plan and Development Project Components Will Divide an Established Community and Result in Incompatible Land Uses.

The Draft EIR fails to evaluate whether the proposed Project would physically divide an established community. As shown in Figure 3, *Division of Established Zimmerman Community*, the proposed Project in conjunction with an adjoining high-cube warehouse (at the northeast corner of Linden Avenue at Jurupa Avenue) would create a physical barrier and divide the established Zimmerman Elementary School attendance area, which is generally south of Slover Avenue, west of Cedar Avenue, east of Locust Avenue, and north of the Riverside County and San Bernardino County lines. The most direct access to the Crestmore community from Zimmerman Elementary is via Linden Avenue, for which the school is on. Due to its bulk and size, the proposed Specific Plan and Project development options in combination with the adjacent high-cube warehouse/logistics facility would create a block of large buildings that would stretch from Zimmerman's eastern attendance boundary along Cedar Avenue to its western boundary on Locust Avenue. The industrial/warehouse structures would bifurcate the Zimmerman Elementary School community into northern and southern halves. This significant impact that would divide the established Zimmerman Elementary community must be analyzed in the Draft EIR.

7.2 The Specific Plan and Development Option Components Conflict with the San Bernardino County General Plan Policy Plan adopted in October 2020 for the Purpose of Avoiding or Mitigating Environmental Effects. The Draft EIR inaccurately finds that the proposed Project would conform with the goals and policies of the Countywide Plan. The Project is inconsistent with the following Countywide Plan policies:

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Countywide Plan Policy	Project Compatibility with School Uses
Policy LU-2.1, Compatibility with existing uses We require that new development is located, scaled, buffered, and designed to minimize negative impacts on existing conforming uses and adjacent neighborhoods.	The proposed development options within the Specific Plan have not been located, scaled, buffered, or designed to limit negative impact on Zimmerman Elementary School or the adjacent residential uses. Per comments provided in this comment letter, the Draft EIR must be updated to accurately reflect Project effects. Buffering. The California Air Resources Board recommends distribution centers with more than 100 trucks per day—the Project will exceed that number—be sited 1,000 feet from sensitive land uses, such as residences, schools, and playgrounds. According to CARB, compliance with their recommendations can reduce (localized) air pollution exposures as much as 80% at the sensitive receptors.⁶ To minimize negative impacts at existing schools, the District requests the County consider limiting uses and operations within 1,000 feet of schools to office and other support operations, including employee automobile parking. Design. The Specific Plan does not address adjacent school uses. Walls have been identified for developments adjacent to residents, but not schools. Please describe what, if any, sound wall would be installed adjacent to Zimmerman Elementary. To limit exposure of diesel particulate matter from idling trailer trucks, CARB further recommends not placing entry and exit points near sensitive uses. The proposed development at Site 1 under Option 2 proposes a designated trailer truck driveway less than 150 feet from Zimmerman Elementary School. To minimize negative impacts at existing schools, the District requests that the County prohibit truck-trailer driveways from being placed within 1,000 feet of existing schools. Location. The location of the proposed Specific Plan and development options are adjacent to existing schools. The proximity of the proposed Project to Zimmerman Elementary and Bloomington High raise special considerations that have not been fully vetted in the Draft EIR. Pedestrian Safety Hazards. All trailer trucks accessing the Specific Plan Area will use the Jurupa Avenue/Linden Avenue intersection, which is the main route for students accessing to/from the Crestmore community and local schools in Bloomington. To minimize negative impacts, the

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⁶ California Air Resources Board. Air Quality and Land Use Handbook: A Community Health Perspective. 2005, April. <https://www.arb.ca.gov/ch/handbook.doc>

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	District requests that pedestrian safety considerations be made at this intersection, including the permanent placement of two crossing guards. Zimmerman students who walk to/from Crestmore would also be required to cross truck-trailer driveways off Linden Avenue. To minimize pedestrian-vehicle conflicts and risks to students, the District requests that the County prohibit truck-trailer access from Linden Avenue. 2. Air Quality / Toxic Air Contaminants. Zimmerman Elementary is adjacent to Site 1 and Bloomington High is adjacent to Site 4 of the Specific Plan. Construction and operational air quality impacts and health risks at the schools are anticipated to be significant once the Draft EIR analysis is updated per our comments provided herein. Outdoor air quality at playgrounds cannot be mitigated; however, indoor air quality can be with the installation of hospital-grade HVAC systems; see Comment 3.22 of this letter. To minimize negative air quality impacts, the District requests that the County and Applicant implement the mitigation measures identified in Comment 3.22 at nearby schools, including Zimmerman Elementary, Bloomington High, and Harris Middle. 3. Noise. Construction and operational noise impacts at Zimmerman Elementary are anticipated to be significant once the analysis is updated per our comments provided herein. While a sound wall would attenuate construction and operational noise, it is possible that it would not attenuate noise from trucks accessing a driveway from Linden Avenue near the school. Therefore, to minimize negative noise impacts, the District recommends designated truck driveways be relocated at least 1,000 feet from any school property line.
Policy LU-2.4, Land Use Map consistency We consider proposed development that is consistent with the Land Use Map (i.e., it does not require a change in Land Use Category), to be generally compatible and consistent with surrounding land uses and a community's identity. Additional site, building, and landscape design treatment, per other policies in the Policy Plan and development	The Specific Plan would be incompatible with approximately 75 percent of the surrounding land uses. As shown in Draft EIR Figure 4-8, existing land uses surrounding the Specific Plan include residential to the west, residential and institutional to the north and northeast, and institutional uses to the southeast. There is existing industrial immediately east of Site 1 and proposed industrial immediately south of Site 2. As the proposed Project would replace the existing residential land use designation with Special Development and a corresponding Specific Plan zoning district that would allow industrial, manufacturing, and warehouse uses, Project implementation

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standards in the Development Code, may be required to maximize compatibility with surrounding land uses and community identity.	would conversely result in about 75 percent of surrounding incompatible land uses, including the adjacent school uses.
Policy LU-2.6, Coordination with adjacent entities We require that new and amended development projects notify and coordinate with adjacent local, state, and federal entities to maximize land use compatibility, inform future planning and implementation, and realize mutually beneficial outcomes.	The Applicant has contacted the District, and the County has notified the District via CEQA notices of the Project. Coordination conducted to date has not resulted in maximizing land use compatibility. Please see Comment 3.22 herein, which describes the minimum necessary mitigation to noise and air quality impacts to indoor instruction areas at Zimmerman Elementary School to make school operations possible. The District would appreciate consultation with the County to resolve concerns related to the issues raised herein.
Policy LU-6.4, Industrial amendments near schools and parks. We approve Land Use Plan amendments for new industrial development only if they are at least one-half mile from an existing or planned public primary or secondary school or public park. We may waive this requirement for obsolete school or park sites or for industrial amendments submitted through a specific plan.	The County must mitigate the incompatible land uses between the proposed Specific Plan and District schools within one-half mile. The District requests the County and Applicant implement Comment 3.22, which would require the Applicant to enhance Zimmerman facilities mitigate indoor noise and air quality impacts or provide for alternate facilities for Zimmerman students.
Policy HW-2.2, Land use compatibility We prioritize the safety and security of public schools in unincorporated areas by minimizing incompatible land uses near instructional facilities. We encourage school districts to place new schools where existing and planned land uses are compatible.	The District hopes the reverse of Policy HW-2.2 applies to the proposed development. As indicated above, the District recommends limiting Specific Plan uses and operations within 1,000 feet of schools to office, similar support uses, and automobile parking.
Policy HZ-3.1, Health risk assessment We require projects processed by the County to provide a health risk assessment when a project could	As provided above in Comment Section 3, <i>Air Quality / Toxic Air Contaminants</i> , the Draft EIR has not conducted a construction-phase Health Risk Assessment. A construction phase HRA must be prepared to determine if the Project could cause a cancer risk of 10 in 1 million during construction of the proposed Project.

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potentially increase the incremental cancer risk by 10 in 1 million or more in unincorporated environmental justice focus areas, and we require such assessments to evaluate impacts of truck traffic from the project to freeways. We establish appropriate mitigation prior to the approval of new construction, rehabilitation, or expansion permits.	The operational HRA must also be updated based on comments provided herein, and it must analyze all Project components: 1. General Plan Amendment and Zone Change of Specific Plan Area. 2. Development Options 1 and of the Specific Plan. 3. General Plan Amendment and Zone Change of Upzone Site. Once completed, the construction and operational HRAs must be recirculated for public review and comment.
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8 Public Services – School Facilities

The Draft EIR does not adequately address Public Services – School Facilities, in that it fails to address whether the Project would:

- have a significant effect if it were to result in substantial adverse physical impacts associated with the provision of new or physically altered school facilities, need for new or physically altered school 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 school services.

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Draft EIR Impact PS-3 states that payment of school impact fees—pursuant to Senate Bill 50 (SB 50)—constitutes full and complete mitigation of the proposed Project's impacts on CJUSD school facilities. This finding is inaccurate because it fails to account for the Project's impacts on existing District facilities. The purpose of SB 50 school impact fees is to offset the costs associated with expanding school facilities beyond those already in existence in order to house students generated by new development (residential, commercial, and industrial).

SB 50 school fees, however, do not cover the expenses associated with improving an existing school to mitigate a development's direct and indirect environmental impacts on the school. For example, the cost to mitigate the Project's impacts on indoor noise levels and air quality (see Comment 3.22) would not be covered by SB 50 school fees.

More important, SB 50 school fees are intended only to fund additional school facilities made necessary by a project's generation of additional students. SB 50 fees do not cover the loss of existing school facilities as a consequence of a project. SB 50 fees will provide no mitigation for expenses related to a potential closure of Zimmerman Elementary School and relocation of its programs to other school facilities. Due to anticipated air quality and noise impacts adjacent to the Project and reduced student enrollment at Zimmerman Elementary School, additional mitigation funding must be provided.

Based on the size of the Project, there is no doubt that the Project will have a negative impact on sensitive land uses, including schools. The extent of which, however, has not been adequately disclosed in the Draft EIR.

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The District believes the Project will have an undue burden on Zimmerman Elementary and requests that the Draft EIR be updated per comments provided herein. The District has a substantial stake in this Project. We believe the Project's environmental effects—from diesel particulate emissions generated by trucks and off-road equipment during construction and operation, noise levels during construction and operation, to transportation and pedestrian safety effects—will have a significant impact at Zimmerman Elementary. These effects have substantial weight on the District's decision on how to best conduct school operations at Zimmerman Elementary and other nearby schools. The corrected analysis will allow for a more meaningful engagement between the District, County, and Applicant on the appropriateness of new and/or altered school facilities and school operations.

Based on our review of the Draft EIR, we believe the corrected analysis will show significant air quality and noise impacts at Zimmerman Elementary School. For example, all indoor instructional spaces at Zimmerman Elementary School would require mitigation such as the installation of a high-grade HVAC system to mitigate indoor noise and air quality impacts; see Comment 3.22 of this letter. As the Zimmerman Elementary school buildings are old, the existing school buildings would also need to be improved to accommodate a higher-grade HVAC system. Cost for adequate may be between \$50 million and \$61 million. Due to the high cost, the the only feasible option may be relocating Zimmerman operations to a new location or other nearby District schools or District-owned property that would, in turn, require substantial expansion and upgrades.

Accordingly, Draft EIR Impact PS-3 concerning school facilities has not been adequately addressed. The Project's impacts on school facilities remain potentially significant, and mitigation beyond SB 50 school fees are required.

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9 Project Alternative

As provided throughout this comment letter, there are serious impacts caused by the proposed Project that have not been properly analyzed, disclosed, or mitigated in the Draft EIR. The District suggests the following project alternatives to reduce the severe air quality and noise impacts at its schools:

- Limit the boundaries of the proposed Specific Plan and development options to no closer that 1,000 feet of Zimmerman Elementary School, Bloomington High School, and Harris Middle School, consistent with CARB's recommendation to provide a 1,000-foot buffer between distribution centers and residences, schools, daycare centers, playgrounds, and medical facilities, or
- Limit operations within 1,000 feet of Zimmerman Elementary School, Bloomington High School, and Harris Middle School to office use, related support operations, and automobile parking.

10 Visual Resources

No renderings of the four developments under Development Option 2 have been provided. The District would like to understand whether a wall would be constructed between Site 1 and Zimmerman Elementary School. If so, what would be the height of the wall. Would there be shade and shadow impacts at Zimmerman Elementary? How much sunlight would be lost on the playground and how much impact would there be related to the school's solar panels? Moreover, would there be sufficient visibility of pedestrians by trailer trucks exiting the northernmost driveway of Site 1 under Option 2?

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Draft EIR Figure 5.1-2, *Site 3 Conceptual Visual Simulation*, shows a driveway on Santa Ana Avenue that leads to passenger and trailer truck parking areas. Please address potential traffic and pedestrian safety impacts along Santa Ana Avenue as trailer trucks will be accessing Santa Ana Avenue.

11 Public Nuisance

Given their capacity to generate traffic, noise, and air pollutants, large warehouse, trucking, and logistics facilities in residential areas near schools may constitute public nuisances under Civil Code Section 3480. California courts have repeatedly held that land uses with major negative impacts on surrounding properties and neighborhoods are public nuisances.⁷

As potential public nuisances, the developments contemplated by the proposed Project could be subject to litigation. The County should make changes to the Project to prevent the creation of public nuisances, or at a minimum, to mitigate their impact. Failure to do so could result in protracted litigation even after the CEQA process is complete.

Conclusion

The District appreciates the opportunity to submit these comments on the Draft EIR and the proposed Project. As provided herein, the District has serious concerns about the potential impacts on its schools and the community they serve. We therefore request that the County neither certify the Draft EIR nor approve the Project until after adequate impact analysis and mitigation are conducted. The District looks forward to working with the County to resolve the concerns identified in this letter.

Sincerely,

Owen Chang
 Director Facilities & Energy Management

Cc Dr. Frank Miranda, Superintendent

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⁷ See, e.g., *Vowinckel v. N. Clark & Sons* (1932) 216 Cal. 156, 158, 13 P.2d 733 (vibrations, noise, and smoke resulting from operation of factory); *Wade v. Campbell* (1962) 200 Cal. App. 2d 54, 57-61, 19 Cal. Rptr. 173 (odors, mosquito infestation, and dust resulting from operation of dairy); *Williams v. Blue Bird Laundry Co.* (1927) 85 Cal. App. 388, 394-395, 259 P. 484 (noise, odors, and smoke resulting from operation of laundry).

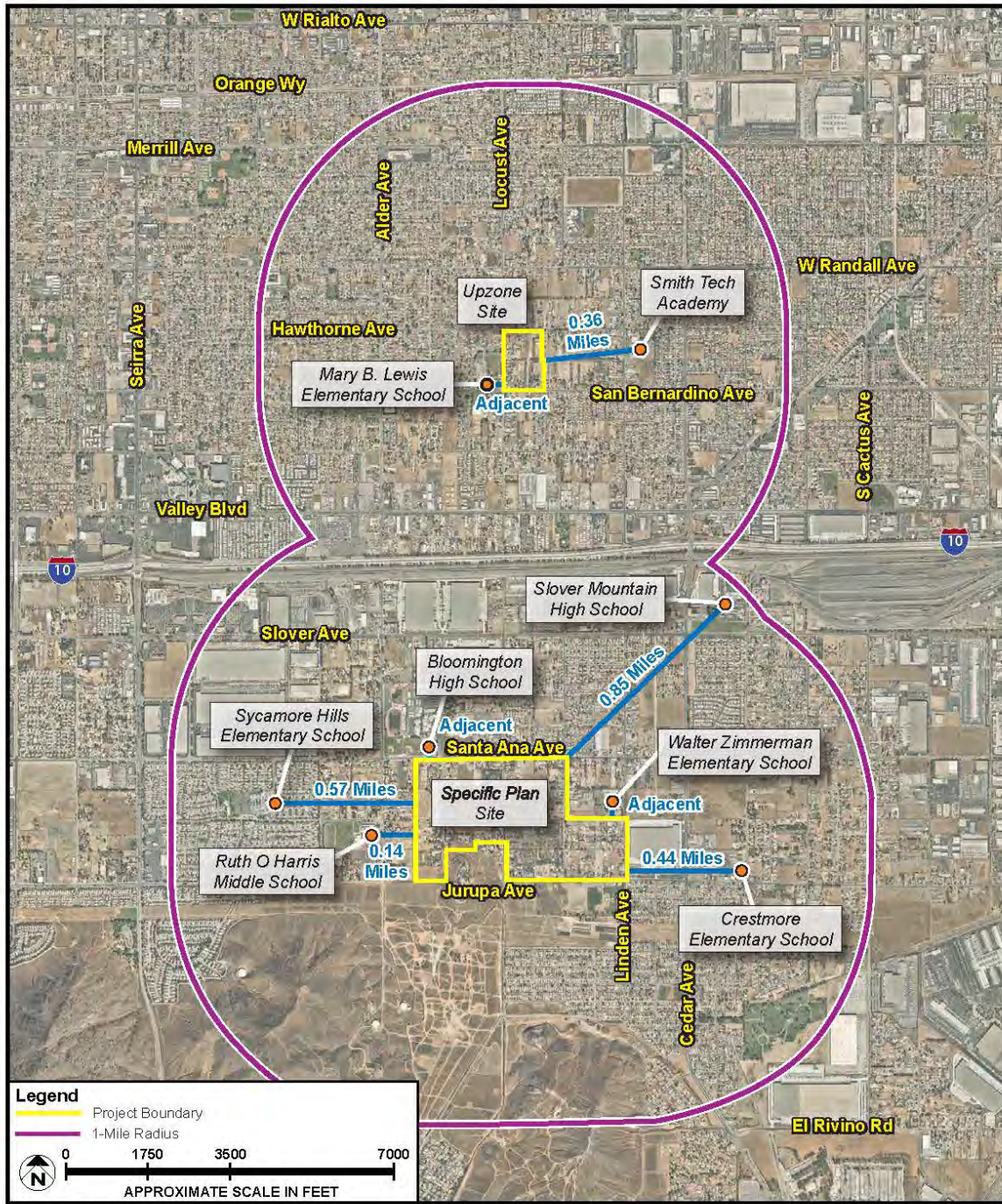


FIGURE 1



336-006-21

Schools Near the Project Site



SOURCE: ESRI - 2021, Google Earth - 2021

FIGURE 2

Cumulative Projects in Bloomington

336-006-21

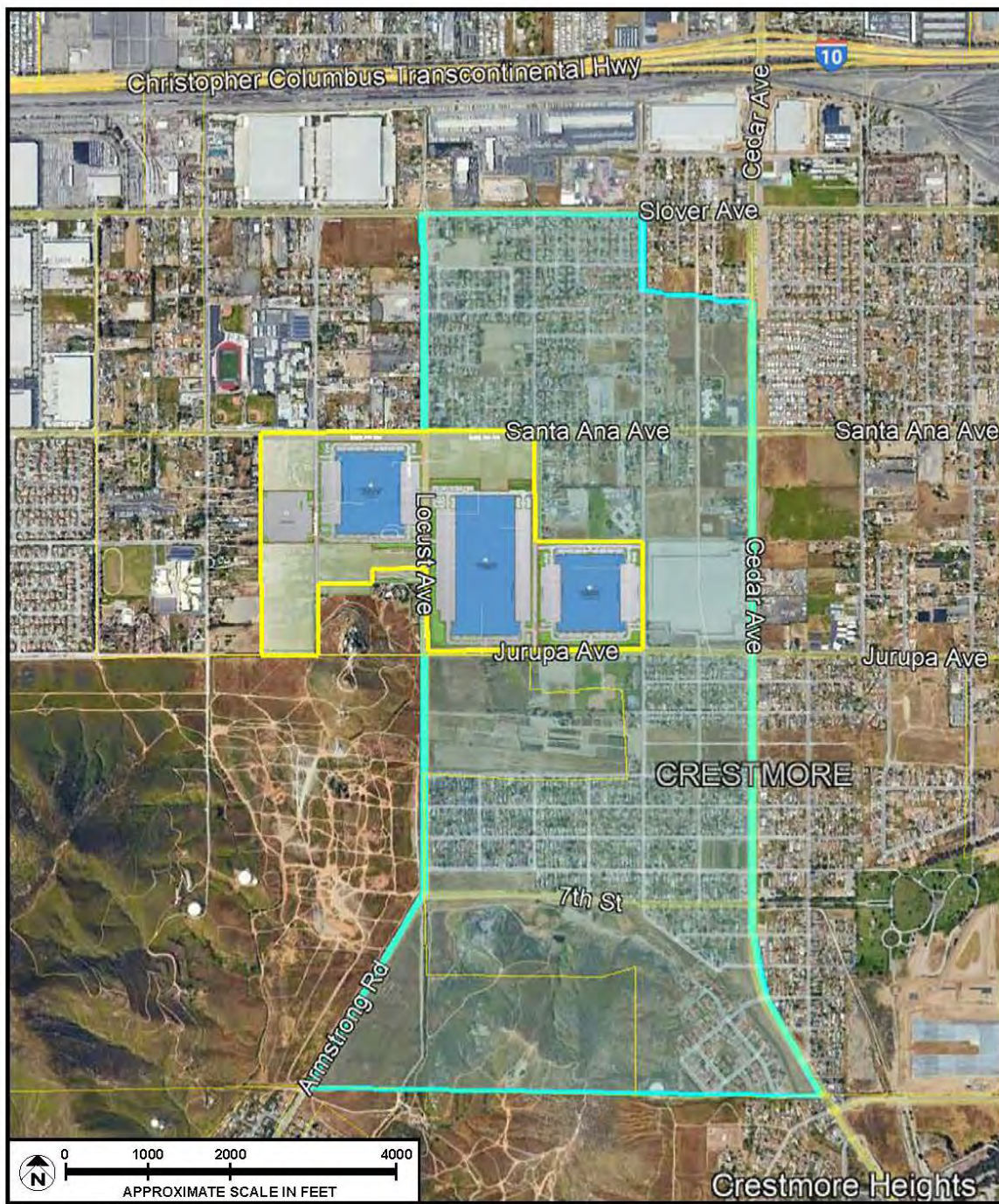


FIGURE 3

 336-006-21	Division of Established Zimmerman Community
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**Colton Joint Unified School District
Response to Notice of Preparation of
the Proposed Bloomington Business
Park Specific Plan Project
(February 8, 2021)**

Colton Joint Unified School District

Dr. Frank Miranda, Ed.D., Superintendent
Rick Jensen, Assistant Superintendent, Business Services
Owen Chang, Director, Facilities & Energy Management



Commitment to Equal Opportunity

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Mr. Frank A. Ibarra
Ms. Berenice Sandoval

February 8, 2021

Aron Liang, Senior Planner
County of San Bernardino
Land Use Services Department, Planning Division
385 North Arrowhead Avenue, First Floor
San Bernardino, CA 92415-0187

Via email: Aron.Liang@lus.sbcounty.gov

Subject: **Response to Notice of Preparation for the Bloomington Business Park Specific Plan
Project DEIR (Project No. PROJ-2020-00204)**

Dear Mr. Liang:

Thank you for the opportunity to provide our input on the notice of preparation (NOP) for the Bloomington Business Park Specific Plan Project DEIR (Project No. PROJ-2020-00204). Based on the NOP, the Bloomington Business Park Specific Plan Project DEIR ("Proposed Project") includes two sites, the Specific Plan area and the upzone site located within the unincorporated community of Bloomington. The EIR would review all environmental topics pursuant to CEQA (with recreation combined with public services).

Colton Joint Unified School District (District or CJUSD) operates six schools in the vicinity of the Specific Plan area, and two schools in the vicinity of the upzone site. See Figure 1, *Colton Joint Unified School District Schools Near the Proposed Project*, attached. Below we outline our understanding of the project and provide our comments to the NOP.

Understanding of the Project

The Proposed Project includes two sites, the Specific Plan area site and the upzone site. The Specific Plan area consists of approximately 213 acres generally bounded by Santa Ana Avenue to the north, Maple Avenue and Linden Avenue to the east, Jurupa Avenue to the south, and Alder Avenue to the west. The Specific Plan area includes a mix of large lot single-family residential and commercial uses and vacant parcels. The upzone site is approximately 1.5 miles north of the Specific Plan area site and consists of approximately 24 acres bounded by San Bernardino Avenue to the south, Hawthorne Avenue to the north, Locust Avenue to the west, and single-family residential uses to the east. The upzone site is developed with a mix of single-family residential uses and vacant parcels.

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The Proposed Project includes the development of an industrial business park that would allow for a mix of land uses, including warehouse, manufacturing, office, and business park with limited support commercial. The Proposed Project would be built out over 20 years. The Specific Plan area would be divided into two areas. The initial development area would include 141 acres and would allow for high-cube/manufacturing/warehouse/office space to a maximum development potential of approximately 3,070,983 square feet. The future development area would allow for the same uses with a maximum development potential of approximately 156,816 square feet. Together the Specific Plan area would include a total of approximately 3,227,799 square feet of high-cube/manufacturing/warehouse/office space on the 213-acre site.

Development of the Specific Plan area would require a general plan amendment and a zoning map amendment, which would redesignate the site for non-residential uses. This has the potential to result in a net loss of residential unit capacity. To offset this loss of residential unit capacity, the upzone site would be rezoned to a higher residential density. Based on the zoning in effect at both sites on January 1, 2018, the Specific Plan area would allow up to 213 residential units while the upzone site would allow for approximately 53 residential units, for a total of 266 residential units. The Proposed Project would change the zoning on the upzone site from single family residential with 20,000 SF minimum lot (RS-20M) to multiple residential (RM) and the land use designation from Low Density Residential (LDR) to Medium Density Residential (MDR). This would allow for a maximum of 480 residential units.

The Proposed Project would require the following discretionary approvals: (1) Adoption of the Specific Plan; (2) Certification of the Final EIR; (3) Adoption of a Mitigation Monitoring and Reporting Program; (4) General Plan Amendment; (5) Change of Zone; (6) Site Plan Approval(s); (7) Approval of a Conditional Use Permit(s) within the initial development area; and (8) Tentative Parcel Map(s).

COMMENTS

CEQA Analysis and Process

»**CEQA Analysis.** The District requests that a detailed CEQA analysis be performed for the proposed project.

»**NOA Comment Period on DEIR.** Because of the complexity of the proposed project and the potential to disproportionately affect District schools and the Bloomington community, we are requesting in advance that Draft EIR public review period be extended to 60 days, rather than 45 days.

»**Community Outreach.** Consistent with state legislation for environmental justice (e.g., SB 1000), outreach should be conducted with the CJUSD and surrounding neighborhoods in English and Spanish. Outreach is needed in order to provide residents affected the by the proposed project the opportunity to understand the adverse environmental effects the project may have on our community, school, and the environment (including, but not limited to, the ambient noise environment, transportation, and air quality), and the opportunity to engage in government decisions that affect residents and District students and staff. Translation services should be provided at all meetings and hearing, even if those hearings are conducted remotely. Given that not all residents in the surrounding community may have equal access to internet, information should also be provided in writing (English and Spanish) to all residents and businesses within a mile of the proposed Specific Plan area and upzone site.

Air Quality and Greenhouse Gas Emissions

»**Sensitive Receptors.** An air quality/greenhouse gas analysis should assess the Proposed Project's stationary emissions and mobile source emissions and how they may impact surrounding sensitive receptors, including the District's schools, students, and surrounding residences.

Colton Joint Unified School District

Dr. Frank Miranda, Ed.D., Superintendent
 Rick Jensen, Assistant Superintendent, Business Services
 Owen Chang, Director, Facilities & Energy Management



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»Air Quality Analysis. The proposed project is located in a community with some of the highest pollution burden in all of California. Pollution burden represents the potential exposures to pollutants and the adverse environmental conditions caused by pollution. Warehouse developments generate a substantial amount of truck traffic and associated diesel particulate matter, which has the potential to increase emissions and adversely affect sensitive populations and their pollution burden, especially school-aged children, attending schools and living near the proposed project site.

As part of the Countywide Plan, the County conducted outreach with the Bloomington community specifically to discuss concerns about the logistics industry. The proposed project would require a General Plan Amendment to allow for additional industrial/warehouse development above what was just approved and evaluated under the Countywide Plan (October 2020). Environmental justice aims to correct the legacy of concentrating pollution and other hazards in or near low-income communities and communities of color by reducing these hazards and involving the impacted communities in any decisions that affect their environmental health. CalEnviroScreen 3.0 and the Countywide Plan identifies that the Bloomington community is an environmental justice community that is disproportionately affected by and vulnerable to poor air quality. During Plan adoption, the Attorney General's Office met with the County to discuss policies regarding environmental justice to protect communities like Bloomington. As part of the FEIR conducted for the Countywide Plan, a health risk assessment identified an incremental cancer risk at the maximumly exposed individual receptor of over 263 per million from cumulative truck traffic in the Bloomington community.

The South Coast Air Quality Management District (South Coast AQMD) has identified the Colton/Grand Terrace/San Bernardino (southwest) as an Assembly Bill 617 (AB 617) Year 2–5 community. AB 617 communities meet one or more of the following criteria: identified within the top 25 percent of CalEnviroScreen 3.0; identified within the top 25 percent of South Coast AQMD's Multiple Airborne Toxics Emissions Study (MATES) IV for cancer risk; and/or average percent of industrial land use and freeways within 1,000 feet from school/daycare boundaries was in the top 20 percent. The Bloomington community in unincorporated San Bernardino County meets not one but all three of these AB 617 criteria. Placement of additional warehousing proximate to these disadvantaged communities would further exacerbate local air quality and associated health effects.

Consequently, the environmental analysis prepared for the proposed project needs to consider not only project-related emissions but also the project's emissions in context with the existing and planned sources in the Bloomington community. Residents and schools proximate to the project site already experience elevated levels of air pollutants associated with proximity to the Colton Rail Yard, the freeway, and warehousing/industrial sources. The proposed project would incrementally increase health risks. Pursuant to Policy HZ-3.2, Studying and Monitoring, of the CWP, the County plans to study the cumulative health risks affecting areas like Bloomington. However, this study has not yet been initiated. Therefore, the proposed project's air quality analysis should evaluate the cumulative health risks for affected residents in order to disclose the project's cumulative contribution to the health risks and decision makers can make findings regarding potential air quality impacts.

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We are requesting that the EIR provide clear, easy to understand information in the EIR on how the proposed project affects air quality impacts and associated health risk and health impacts. The technical assessments should consider emissions from all phases of the project based on the allowed uses under the Specific Plan as well as the cumulative effects from other surrounding projects including but not limited to the West Valley Logistics Center. In addition, offsite improvements needed should also be addressed in the EIR as part of the proposed project. The Health Risk Assessment conducted for the proposed project should consider the impacts of truck traffic from the project to the freeway, as well as on-site yard equipment. Emissions from transport refrigeration units (TRUs) should also be included if cold storage is an option for warehousing operations.

Since South Coast AQMD is seeking to reduce emissions sources in this area of the South Coast Air Basin (SoCAB) and the proposed project would result in a potential substantial increase in emissions, the South Coast AQMD should be consulted prior to initiating the air quality modeling in order to ensure that cumulative impacts of the proposed project are properly addressed and that requested mitigation measures are incorporated into the EIR.

Consistent with letters submitted by the California Attorney General's Office on CEQA projects, the EIR should consider whether use of the South Coast AQMD thresholds is appropriate or whether a more restrictive threshold (e.g., less than 10 in a million cancer risk, such as 1 in a million) is appropriate when addressing air quality impacts in AB 617 / environmental justice communities.

Hazards/Hazardous Materials

»**Handling of Hazardous Material.** As shown in Figure 1, the District operates four schools within a quarter-mile radius from the Specific Plan area and upzone site (including Bloomington High School, Walter Zimmerman Elementary, Ruth O. Harris Middle School, and Mary B. Lewis Elementary) and four additional schools within a mile radius of both sites. The project description and hazards/hazardous materials analysis should explain the design features and procedures as part of the proposed project to reduce impacts to off-site sensitive receptors and how hazards will be used, transported, and maintained onsite. The Hazards and Hazardous Materials analysis should be provided in clear, easy to understand information in the EIR.

»**Use of Hazardous Materials Onsite.** We request that the location for the use and storage of hazardous materials onsite be addressed in the DEIR and be sited away from district schools, including Walter Zimmerman Elementary School, to protect the health and safety of our students and staff.

Hydrology and Water Quality

»**Runoff onto School Property.** The Specific Plan area immediately borders Walter Zimmerman Elementary School. Walter Zimmerman ES contains a multipurpose field, hardtop courts, and playgrounds along the southern portion of the project site, immediately adjacent to the Specific Plan area. The project description and DEIR needs to address stormwater design features and measures and water quality measures in place to ensure that runoff from the site does not come onto Walter Zimmermann ES campus.

Noise

»**Sensitive Receptors.** The noise analysis should identify residential uses and District schools as sensitive receptors and evaluate noise generated by increased truck traffic to and from the Specific Plan area.

»**Noise and Vibration Analyses.** The proposed project has the potential to increase ambient noise and vibration levels and adversely affect sensitive populations, including school-aged children living proximate to the Specific Plan area and

Colton Joint Unified School District

Dr. Frank Miranda, Ed.D., Superintendent
 Rick Jensen, Assistant Superintendent, Business Services
 Owen Chang, Director, Facilities & Energy Management



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attending District Schools near the Specific Plan area. Placement of an industrial business park proximate to disadvantaged communities and District schools would degrade the ambient noise environment, disrupt the learning environment for our students, and have the potential to increase adverse health effects associated with high levels of noise exposure.

Exposure to high noise levels affects the entire system, with prolonged noise exposure in excess of 75 dBA increasing body tensions, thereby affecting blood pressure and functions of the heart and the nervous system. In addition, elevated ambient noise levels can result in noise interference (e.g., speech interruption/masking, sleep disturbance, disturbance of concentration) at schools, residences, and other noise-sensitive receptors.

We are requesting that the EIR provide clear, easy to understand information in the EIR on how the proposed project effects noise and vibration impacts and potential health impacts. At a minimum, the EIR for the proposed project will need to consider noise and vibration impacts to the disadvantaged communities and surrounding sensitive receptors and schools proximate to the site during both the construction and operational phases of the project.

Population and Housing

»**Population Growth.** The proposed project would induce population growth in the area through its employment opportunity at its business center and increasing the residential density of the upzone site. These new residents are likely to include school-aged children that would attend District schools. The Population and Housing section should quantify population growth from the proposed project.

»**Housing Displacement.** The development of the Specific Plan area would remove residential units on the site. The displacement of residents, including school-age children, should be analyzed.

Public Services, Schools

»**Student Generation.** As discussed under "Population and Housing," the proposed project would lead to population growth including new school-age children that would attend area schools. The DEIR should address the student generation anticipated by the project (especially on the upzone site), and how the increase in students would impact the schools serving the area.

Transportation

»**Increased Traffic.** The District has concerns regarding increased vehicle and truck traffic along roads leading to the Specific Plan area and along truck routes during construction and operation of the proposed project. The increase in

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traffic has the potential to disrupt and delay school drop-off and pick-up for schools adjacent to the Specific Plan area. The District requests that the environmental analysis prepared for the project address these issues. Study should also consider the cumulative effects from other surrounding projects including but not limited to the West Valley Logistics Center.

»**Pedestrian Safety.** The increase in traffic and operations of the Specific Plan area can impact pedestrian safety and the safety of our students and staff at District schools near the Specific Plan area and along roadways leading the sites. We request that the DEIR address pedestrian safety measures during construction and operation of the proposed project.

We appreciate the opportunity to submit these comments on the proposed Business Park. The District has serious concerns about the volume of truck traffic and the potential impacts on its schools and District property. We look forward to reviewing the forthcoming CEQA documentation.

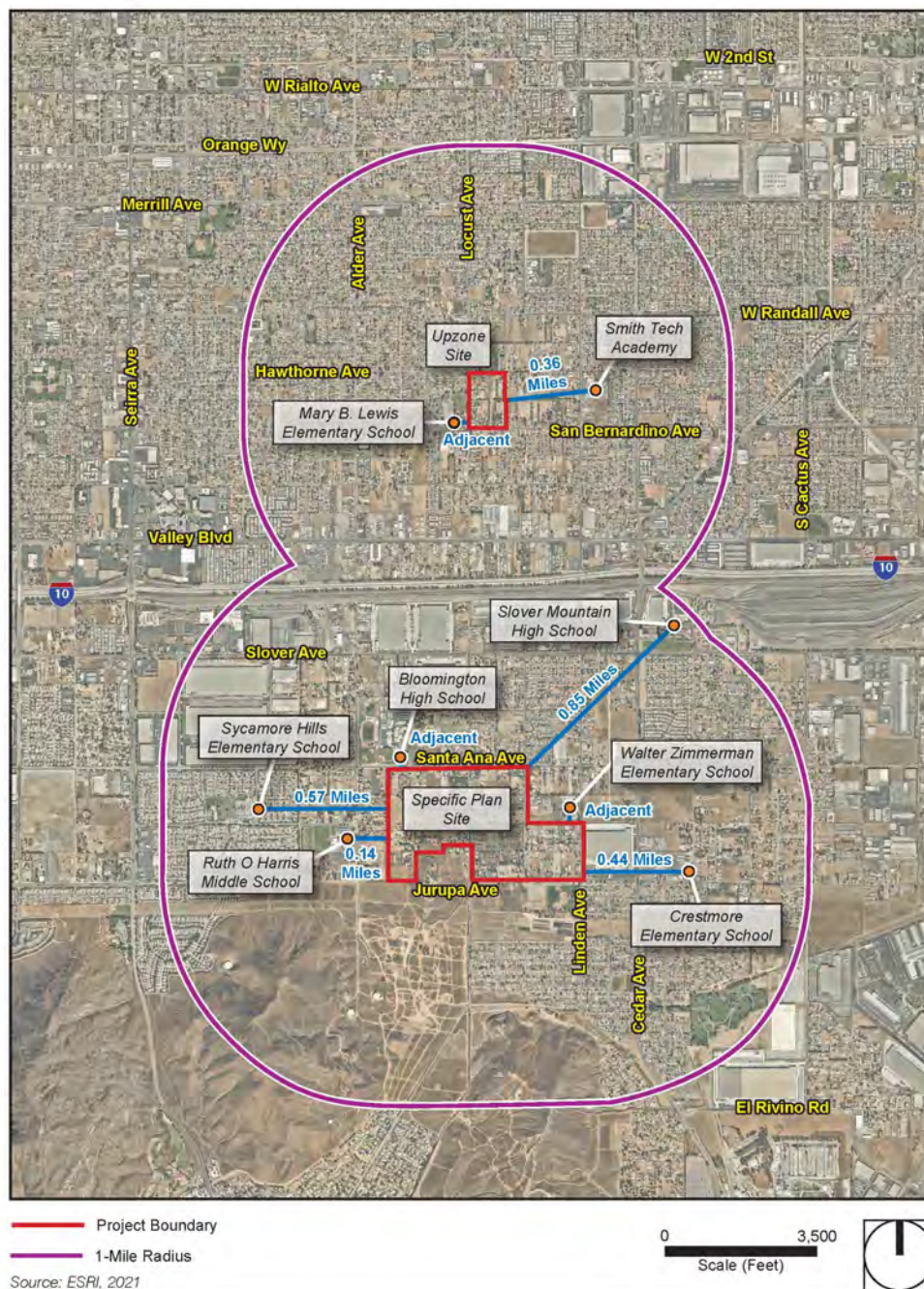
Sincerely,



Owen Chang
Facilities & Energy Management Director

Cc: Dr. Frank Miranda, Superintendent
Rick Jensen, Assistant Superintendent Business Services

Figure 1 - Colton Joint Unified School District Schools Near the Proposed Project



ATTACHMENT B

BLOOMINGTON BUSINESS PARK SPECIFIC PLAN

RDEIR ADDITIONAL FINDINGS FOR PROJECT

GENERATED TRAFFIC VOLUMES

GARLAND ASSOCIATES

MEMORANDUM

TO: Owen Chang, Director of Facilities Planning and Construction
FROM: Richard Garland, P.E., Consulting Traffic Engineer
DATE: November 5, 2025
SUBJECT: Bloomington Business Park Specific Plan DEIR
Additional Findings for Project Generated Traffic Volumes

This memo is an update to one prepared on December 15, 2021, that compared the trip generation rates that were used in the Bloomington Business Park Specific Plan DEIR traffic analysis to the more appropriate rates from the Institute of Transportation Engineers (ITE) *Trip Generation Manual*.

Since the preparation of the 2021 memo, additional traffic studies have been conducted related to traffic counts taken at fulfillment center warehouses in San Bernardino and Riverside County ("TUMF High-Cube Warehouse Trip Generation Study Update," Fehr & Peers, November 13, 2023 and "Warehouse-Related Land Use Data & Truck Travel Patterns," WSP, October 2017). Data from the 2023 report indicates that the trip generation rate for fulfillment center warehouses was 2.129 trips per 1,000 square feet in 2018 for daily traffic and 1.744 in 2023. The trip rate in the Institute of Transportation Engineers (ITE) *Trip Generation Manual* for fulfillment center warehouses is 6.44 trips per 1,000 square feet. This indicates that the volumes of traffic generated by this type of warehouse are much lower than the ITE data would indicate, particularly in the Inland Empire area of California.

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The report states that the reason for this reduction is that the number of employees that operate these warehouses has been reduced because of automation. The report does state, however, that although the number of employee trips has gone down, the number of truck trips has increased because of the higher demand for home deliveries in post-pandemic years. The reports also indicate that the trip generation rates for a high cube transload warehouse and an industrial park that are used in the DEIR traffic report are consistent with the rates documented in the ITE *Trip Generation Manual*.

Based on this more recent trip generation data, the tables comparing the DEIR traffic volumes to the ITE traffic volumes, as modified based on the above discussion, are presented in Tables 1 and 2. Table 1 shows the trip generation rates and the generated traffic volumes that were used for the DEIR traffic analysis. Table 2 shows the trip rates and traffic volumes that were calculated using the trip rates in the *Trip Generation Manual* (modified for the fulfillment center warehouse). The trip rates for the high cube warehouse, fulfillment center warehouse, and industrial park categories are the same in both tables. The manufacturing land use category was added to Table 2 because the project description in the Specific Plan for the development states that 50 percent of the industrial park could be occupied by manufacturing uses, which has a slightly higher trip rate than the industrial park category.

Traffic Engineering, Transportation Planning, and Parking Studies

16787 Beach Boulevard, #234, Huntington Beach, CA 92647
Telephone: 714-330-8984

**TABLE 1
GENERATED TRAFFIC VOLUMES FROM DEIR TRAFFIC ANALYSIS**

Land Use	Time Period		
	Daily	AM Peak Hour	PM Peak Hour
TRIP GENERATION RATES (trips per 1,000 square feet)			
High Cube Transload Warehouse	1.40	0.08	0.10
Fulfillment Center Warehouse	2.129	0.122	0.165
Industrial Park	3.37	0.40	0.40
GENERATED TRAFFIC VOLUMES			
High Cube Transload Warehouse (1,251.64 KSF)	1,752	100	125
Fulfillment Center Warehouse (1,460.4 KSF)	3,109	178	241
Industrial Park (523.796 KSF)	1,765	209	209
TOTAL	6,626	487	575

**TABLE 2
GENERATED TRAFFIC VOLUMES
RE-CALCULATED USING CURRENT DATA**

Land Use	Time Period		
	Daily	AM Peak Hour	PM Peak Hour
TRIP GENERATION RATES (trips per 1,000 square feet)			
High Cube Transload Warehouse	1.40	0.08	0.10
Fulfillment Center Warehouse	2.129	0.122	0.165
Industrial Park	3.37	0.40	0.40
Manufacturing	4.75	0.68	0.74
GENERATED TRAFFIC VOLUMES			
High Cube Transload Warehouse (1,251.64 KSF)	1,752	100	125
Fulfillment Center Warehouse (1,460.4 KSF)	3,109	178	241
Industrial Park (261.898 KSF)	883	105	105
Manufacturing (261.898 KSF)	1,244	178	194
TOTAL	6,988	561	665
Total from DEIR Table	6,626	487	575
% Increase	5.5 %	15.2 %	15.7 %

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This updated set of tables indicates that the volumes of traffic that would be generated by the proposed project, as documented in the DEIR traffic analysis, are slightly lower than the traffic volumes shown in Table 2. The only difference is that Table 2 is based on the assumption that 50 percent of the industrial park would be occupied by manufacturing uses, as stated in the Specific Plan, while Table 1 (from the DEIR) is based on the assumption that the industrial park would not have a manufacturing component.

While the minor differences between the project generated traffic volumes shown in Tables 1 and 2 would not substantially change the findings of the DEIR traffic study, it is important to quantify the volumes of truck traffic that would be generated by the proposed project. Based on the information provided in the Fehr & Peers report cited previously, the breakdown between automobile/light-duty vehicle traffic and truck traffic that would be generated by the proposed project has been calculated, as shown in Table 3.

**TABLE 3
PROJECT GENERATED TRUCK TRAFFIC**

Land Use	Total Traffic (Daily Trips)	Cars	2-4 Axle Trucks	5 Axle Trucks	Total Trucks
Fulfillment Center	3,109	2,403	299	407	706
Other Uses	3,879	2,669	589	621	1,210
Total	6,988	5,072	888	1,028	1,916

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The traffic volumes shown in Table 3 are based on the following breakdown of traffic categories:

Fulfillment Center Warehouse: 77.3% cars/light-duty vehicles, 9.6% 2-4 axle trucks, 13.1% 5-axle trucks.

Other Uses: 68.8% cars/light-duty vehicles, 15.2% 2-4 axle trucks, 16.0% 5-axle trucks.

As shown in Table 3, the proposed project would generate an estimated 1,916 truck trips per day on the streets in the project vicinity, which would be a substantial increase in truck traffic volumes.

Attachment A

WRCOG Agenda
WRCOG Staff Report
Fehr & Peers Memo
WSP Memo

Attachment A

Western Riverside Council of Governments

December 14, 2023

Meeting Agenda and

Item 6.A Staff Report and

Memo on TUMF High-Cube Warehouse

Trip Generation Study Update



Western Riverside Council of Governments Planning Directors Committee

AGENDA

**Thursday, December 14, 2023
9:30 AM**

**Western Riverside Council of Governments
3390 University Avenue, Suite 200
Riverside, CA 92501**

Remote Meeting Locations:

**Corona City Hall
400 S. Vicentia Avenue
Planning & Development Conference Room
Corona, CA 92882**

**County of Riverside
4080 Lemon Street, 12th Floor
Riverside, CA 92501**

**March Joint Powers Authority
14285 Meridian Parkway, Suite 140
Riverside, CA 92518**

**City of Perris
City Hall
101 N D Street
Perris, CA 92570**

Committee members are asked to attend this meeting in person unless remote accommodations have previously been requested and noted on the agenda. The below Zoom link is provided for the convenience of members of

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the public, presenters, and support staff.

Public Zoom Link

Meeting ID: 827 4503 4670

Passcode: 383887

Dial in: 669 900 9128 U.S.

In compliance with the Americans with Disabilities Act and Government Code Section 54954.2, if special assistance is needed to participate in the Planning Directors Committee meeting, please contact WRCOG at (951) 405-6702. Notification of at least 48 hours prior to meeting time will assist staff in assuring that reasonable arrangements can be made to provide accessibility at the meeting. In compliance with Government Code Section 54957.5, agenda materials distributed within 72 hours prior to the meeting which are public records relating to an open session agenda item will be available for inspection by members of the public prior to the meeting at 3390 University Avenue, Suite 200, Riverside, CA, 92501.

In addition to commenting at the Committee meeting, members of the public may also submit written comments before or during the meeting, prior to the close of public comment to lfelix@wrcog.us.

Any member of the public requiring a reasonable accommodation to participate in this meeting in light of this announcement shall contact Lucy Felix 72 hours prior to the meeting at (951) 405-6702 or lfelix@wrcog.us. Later requests will be accommodated to the extent feasible.

The Committee may take any action on any item listed on the agenda, regardless of the Requested Action.

1. CALL TO ORDER (Joe Perez, Chair)

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. PUBLIC COMMENT

At this time members of the public can address the Committee regarding any items within the subject matter jurisdiction of the Committee that are not separately listed on this agenda. Members of the public will have an opportunity to speak on agenda items at the time the item is called for discussion. No action may be taken on items not listed on the agenda unless authorized by law. Whenever possible, lengthy testimony should be presented to the Committee in writing and only pertinent points presented orally.

5. CONSENT CALENDAR

All items listed under the Consent Calendar are considered to be routine and may be enacted by one motion. Prior to the motion to consider any action by the Committee, any public comments on any of the Consent Items will be heard. There will be no separate action unless members of the Committee request specific items be removed from the Consent Calendar.

A. Action Minutes from the October 12, 2023, Planning Directors Committee Meeting

Requested Action(s):

1. Approve the Action Minutes from the October 12, 2023, Planning Directors Committee meeting.

6. REPORTS / DISCUSSION

Members of the public will have an opportunity to speak on agenda items at the time the item is called for discussion.

A. High-Cube Warehouse Trip Generation Study

Requested Action(s):

1. Receive and file.

2

B. Prohousing Designation Feasibility Analysis

Requested Action(s): 1. Receive and file.

C. Affordable Housing Financing

Requested Action(s): 1. Receive and file.

7. REPORT FROM THE DEPUTY EXECUTIVE DIRECTOR

Chris Gray

8. ITEMS FOR FUTURE AGENDAS

Members are invited to suggest additional items to be brought forward for discussion at future Committee meetings.

9. GENERAL ANNOUNCEMENTS

Members are invited to announce items / activities which may be of general interest to the Committee.

10. NEXT MEETING

The next Planning Directors Committee meeting is scheduled for Thursday, February 8, 2024, at 9:30 a.m., in WRCOG's office at 3390 University Avenue, Suite 200, Riverside.

11. ADJOURNMENT

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Item 6.A

Western Riverside Council of Governments Planning Directors Committee

Staff Report

Subject: High-Cube Warehouse Trip Generation Study
Contact: Jason Pack, Principal, Fehr & Peers, j.pack@fehrandpeers.com, (951) 274-4800
Date: December 14, 2023

Recommended Action(s):

1. Receive and file.

Summary:

WRCOG commissioned a trip generation study in 2018 at local high-cube facilities to verify local trip generation data that was utilized in the previous TUMF Nexus Study Update. Since the completion of that effort, a variety of factors have changed in the logistics industry. The most notable event, the COVID pandemic, increased the frequency and magnitude of on-line shopping; it is therefore appropriate to revisit the high-cube warehousing study as part of the current TUMF update. WRCOG retained Fehr & Peers to update the trip generation study with current trip generation information collected at the same locations as 2018.

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Purpose / WRCOG 2022-2027 Strategic Plan Goal:

The purpose of this item is to summarize the results of the updated trip generation study. This effort aligns with WRCOG's 2022-2027 Strategic Plan Goal #5 (Develop projects and programs that improve infrastructure and sustainable development in our subregion.).

Discussion:

Background

High-cube warehousing has been emerging as an important development type in the subregion. Studies such as *Logistics & Distribution: An Answer to Regional Upward Social Mobility* and *Multi-County Goods Movement Action Plan* suggests that this trend is likely to increase over time due to the subregion's relative abundance of suitable sites compared to coastal counties. A recurring analytical problem for the analyses of traffic impacts associated with proposed high-cube warehouses is the lack of reliable data regarding the number and vehicle mix of trips generated by this land development type.

Studies have been conducted to increase the reliability of data on high-cube warehouses. A joint Commercial Real Estate Development Association (formerly known as National Association for Industrial and Office Parks (NAIOP) / South Coast Air Quality Management District (SCAQMD) / Institute of

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Transportation Engineers (ITE) study resulted in a consensus on the trip generation rates to be used for the most common type of high-cube facility, a category called “transload and short-term storage.” The findings of the joint study generally indicated trip generation rates for this use as being consistent with the trip generation rates for the broader category of high-cube warehouses as described by ITE in the 9th Edition of the Trip Generation Manual. However, the report did not settle the issue of trip generation rates for two other specific types of high-cube warehouses: “The single data points for fulfillment centers and parcel hubs indicate that they have significantly different vehicle trip generation characteristics compared to other HCWs. However, there are insufficient data from which to derive useable trip generation rates.”

As a result, WRCOG commissioned a trip generation study in 2018 at local high-cube facilities to verify local trip generation data specifically for fulfillment centers and parcel hubs that was utilized in the previous TUMF Nexus Study Update. The frequency and magnitude of on-line shopping has increased, so the prevalence of high-cube warehouses has expanded since 2018. Since the TUMF Nexus Study Update is on-going, WRCOG commenced an update of the trip generation study on high-cube warehouses. A memorandum for this update has been attached to this Staff Report.

Present Situation

The update utilized a methodology that is summarized below.

- **Number of sites:** The previous study in 2018 reviewed potential candidate sites identified by WRCOG staff. As part of that study, a total of 16 sites were selected for inclusion into the study. Data collection at these same sites were included in this update to understand how trips generated by these high-cube warehousing sites have changed post-pandemic.
- **Independent variables:** ITE's Trip Generation Manual, which is the accepted manual utilized to generate the number of trips from land uses, measures the size of proposed developments using more than a dozen different independent variables, such as students (for schools) and acres (for parks), and so on. All related categories in both 9th and 10th Editions of the Trip Generation Manual are reported in Square Foot Gross Floor Area (GFA) measured in thousands of square feet (TSF), which is also the independent variable used for the TUMF Program. WRCOG provided GFA for all sites and employment data where available.
- The ITE Trip Generation Manual typically reports trip generation rates two ways; namely as the average rate and using the “best fit” mathematical relationship between the number of trips generated and the independent variable. R-squared, also known as the coefficient of determination, is used to measure how well the best fit equations match the surveyed traffic counts. The Trip Generation Manual recommends that the best fit equation only be used when the R² is greater than or equal to 0.50 and certain other conditions are being met; otherwise, the average rate should be used.

Data Collection: The fulfillment centers and parcel hub sites included in the original study were also analyzed in this update. Traffic counts were collected at all site driveways using video cameras over a 72-hour period (Tuesday through Thursday) in February of 2023. Video collection was determined to be preferable to collection data by means of machine counts, which can be problematic for driveways where vehicles are maneuvering at slow speeds. Video counts provide the ability for human viewers to review the captured footage to classify vehicles into 5 types (car and large 2-axle, 3-axle, 4-axle, and 5+ axle truck). The three-day average was calculated and used for the purposes of this study.

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Cont.

Findings

This study evaluated how trip generation and vehicle mix may have changed in a post-pandemic environment using 2023 data compared to the previously collected 2018 data. The most relevant findings are summarized below:

Fulfillment Centers:

- The daily fleet mix seems to have changed such that there are more heavy vehicles and fewer passenger cars.
- There is reduced trip generation activity during the peak hours with more activity occurring in off-peak periods.
- For two of the larger Fulfillment Centers (Amazon and P&G), employment has decreased by almost 30%.
- It is recommended that WRCOG utilize the average rate of 1.74 trips / thousand square feet (KSF) for Fulfillment Centers.
- Trips, as a whole, from Fulfillment Centers has decreased. The average daily trip rate has decreased from 2.13 trips/KSF in 2018 to 1.74 trips/KSF in 2023. The PM peak hour trip rate has decreased from 0.165 trips/KSF in 2018 to 0.12 trips/KSF in 2023.

Parcel Hubs:

- The updated data showed an opposite trend compared to the Fulfillment Centers, with fewer trucks and an increase in passenger car trips.
- There is concurrence with the 2018 study recommendation that the Parcel Hub data does not provide meaningful information that should be used to establish a local trip generation rate for that land use without additional data collection at other Parcel Hub locations.

All-in-all, the 2023 data supports very similar conclusions from the 2018 study for both the Fulfillment Centers and the Parcel Hub facilities.

Next Steps

The TUMF Fee Calculation Handbook details the methodology for calculating the TUMF obligation for different categories of new development and, where necessary, to clarify the definition and calculation methodology for uses not clearly defined in the respective TUMF ordinances. One of the land uses that requires further clarification is high-cube warehouse. As summarized above, trip generation activity has reduced at the Fulfillment Centers analyzed, which may be considered a high-cube warehouse land use. WRCOG will initiate work on including any necessary changes to how TUMF is calculated for high-cube warehouses in the TUMF Handbook based on the reduced trips observed in this analysis. These changes will be brought forth to this Committee for review when a complete update is conducted at the conclusion of the TUMF Nexus Study update process.

Prior Action(s):

None.

Financial Summary:

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Cont.

This item is for informational purposes only; therefore, there is no fiscal impact.

Attachment(s):

[Attachment 1 - High Cube Warehouse Trip Generation Memorandum](#)

A2.23 Cont.



Memorandum

Date: Updated November 13, 2023

To: Chris Gray, WRCOG
Chris Tzeng, WRCOG

From: Jason D. Pack, PE

Subject: TUMF High-Cube Warehouse Trip Generation Study Update

OC22-0941

Background

High-cube warehousing is emerging as an important development type in the Inland Empire. Studies such as *Logistics & Distribution: An Answer to Regional Upward Social Mobility*¹ and *Multi-County Goods Movement Action Plan*² suggests that this trend is likely to increase over time due to the Inland Empire's relative abundance of suitable sites compared to coastal counties.

A recurring analytical problem for the analyses of traffic impacts associated with proposed high-cube warehouses is the lack of reliable data regarding the number and vehicle mix of trips generated by this land development type. Specifically:

- The 2003 *Fontana Truck Trip Generation Study*, which has been used for years by agencies in the Inland Empire, is based on the older type of high-cube warehouse. Newer warehouses generally are larger (often over 1 million square feet), much more automated, and generate far fewer trips per square foot.
- The use of overly conservative estimates has produced results that were unreasonable when compared to actual field conditions. For example, the Environmental Impact Report (EIR) for the Skechers high-cube warehouse building in Moreno Valley included traffic forecasts that were substantially higher than the actual post-construction trip generation for both cars and trucks. Overstated forecasts are misleading to decision makers and could result in oversized infrastructure that could itself have environmental consequences, creates an undue burden on development, and could even have adverse legal consequences for the agencies involved.

¹ *Logistics & Distribution: An Answer to Regional Upward Social Mobility*, Dr. John Husing for SCAG, June 2004

² *Multi-County Goods Movement Action Plan*, Willbur Smith Associates, August 2008

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- In 2011 the Commercial Real Estate Development Association, also known by its former acronym NAIOP, commissioned a trip generation study of high-cube warehouses focused on large highly-automated warehouses in the Inland Empire. NAIOP had hoped that their study, which found trip-gen rates considerably lower than previous studies, would be used in CEQA analyses going forward. However, concerns about potential bias by the sponsoring party have placed into question the validity of the study results. Similarly, a study commissioned by SCAQMD was viewed as possibly having an anti-development bias.
- Finally, in 2015 NAIOP and SCAQMD jointly sponsored a trip-gen study for high-cube warehouses through a respected neutral party, the Institute of Transportation Engineers (ITE). The report for this study, *High-Cube Warehouse Vehicle Trip Generation Analysis*, was completed in 2016.

The joint NAIOP/SCAQMD/ITE study resulted in a consensus on the trip generation rates to be used for the most common type of High-Cube, a category they call “transload and short-term storage”. The findings of the joint study generally indicated the trip generation rates for this use as being consistent with the trip generation rates for the broader category of High-Cube Warehouses as described by ITE in the 9th Edition of the *Trip Generation Manual*. However, the report did not settle the issue of trip generation rates for two other specific types of High-Cube Warehouses:

“The single data points for fulfillment centers and parcel hubs indicate that they have significantly different vehicle trip generation characteristics compared to other HCWs. However, there are insufficient data from which to derive useable trip generation rates.”

As part of the previous TUMF Nexus Study update in 2018, WRCOG commissioned a trip generation study at local High-Cube facilities to verify local trip generation data that can be utilized in the TUMF study. The results of that effort were documented in the *TUMF High-Cube Warehouse Trip Generation Study Technical Memorandum* (WSP, January 29, 2019) and is presented as **Attachment A**. Since the completion of that effort, a variety of factors have changed in the logistics industry. The most notable event, the COVID pandemic, increased the frequency and magnitude of on-line shopping and it is therefore appropriate to revisit the High-Cube warehousing study as part of the current TUMF update. WRCOG has retained Fehr & Peers to update the WSP 2019 study with current trip generation information collected at the same locations. The purpose of this memorandum is to summarize the results of our efforts.

Methodology

Number of Sites: The previous study reviewed potential candidate sites identified by WRCOG staff. As part of that study, a total of 16 sites were selected for inclusion into the study. Data collection at these same sites were included in this effort to understand how trips generated by these High-Cube warehousing sites have changed post-pandemic.

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Independent Variables: ITE's Trip Generation Manual measures the size of proposed developments using more than a dozen different independent variables, such as students (for schools), acres (for parks), etc. All High-Cube related categories in both 9th and 10th Editions of the Trip Generation Manual are reported in Square Foot Gross Floor Area (GFA) measured in thousands of square feet (TSF), which is also the independent variable used for the TUMF program. Some other ITE employment categories use employment as the independent variable, as does SCAG in its Sustainable Communities Strategy. WRCOG provided GFA for all sites and employment data where available.

The ITE *Trip Generation Manual* typically reports trip generation rates two ways; namely as the average rate and using the "best fit" mathematical relationship between the number of trips generated and the independent variable. R-squared, also known as the coefficient of determination, is used to measure how well the best fit equations match the surveyed traffic counts. The *Trip Generation Manual* recommends that the best fit equation only be used when the R^2 is greater than or equal to 0.50 and certain other conditions being met; otherwise, the average rate should be used.

Data Collection

The fulfillment centers and parcel hub sites included in the original study and in this updated assessment are summarized in **Table 1**. Please note that, for site Location 1 (Chino Walmart), an additional building was added to the site that did not exist when the original study was completed. As such, that site's size has changed; while the other locations all remained the same.

Traffic counts were collected at all site driveways using video cameras over a 72-hour period (Tuesday through Thursday) in February of 2023. Video collection was determined to be preferable to collection data by means of machine counts, which can be problematic for driveways where vehicles are maneuvering at slow speeds. Video counts provide the ability for human viewers to review the captured footage to classify vehicles into 5 types (car, large 2-axle, 3-axle, 4-axle, and 5+ axle truck). The three-day average was calculated and used for the purposes of this study. The raw traffic count data is presented as **Attachment B**.

It should be noted that the Walmart fulfillment center site in Chino (Location 1) has expanded since the 2017 study. Two additional buildings have been constructed adjacent to the original building; one a 1,400,000 sq. ft. Walmart fulfillment center and the other a 190,000 sq. ft. facility occupied by Sika Corporation. Since data collected at the Walmart site includes counts to all three buildings, the size of all buildings combined was included in the assessment. Additionally, the building sizes for this complex were estimated since City staff do not have information as it is on state property.

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Fulfillment Centers

By Building Size

Exhibit 1 displays a data plot of daily vehicle trips for the 11 fulfillment centers against building size as the independent variable. The average trip generation rate for fulfillment centers (see blue line in Exhibit 1) was found to be 1.74 trips/KSF (1,000 sq. ft.). The overall trip generation is lower than the trip generation collected in the previous study (2.2 trips/KSF) and is closer to the 1.4 trips/KSF found for conventional high-cube warehouses in the ITE/SCAQMD/NAIOP study.

Table 1 – Data Collection Sites and Site Attributes

Site and Location	Building Size (Sq. Ft.)	Number of Employees in 2023 ^a
Fulfillment Centers		
1. Walmart: 6750 Kimball Avenue, Chino ^c	2,790,000	n/a
2. Amazon: 24208 San Michele Road, Moreno Valley	1,255,620	3,005
3. Lineage Logistics: 1001 Columbia Avenue, Riverside	507,050	558
4. P&G: 16110 Cosmos Street, Moreno Valley	1,106,400	650
5. Big 5: 6125 Sycamore Canyon Boulevard, Riverside	953,132	443
6. Nestle USA: 3450 Dulles Drive, Jurupa Valley	764,000	148
7. Home Depot: 11650 Venture Drive, Jurupa Valley	1,114,000	240
8. ACT Fulfillment Center: 3155 Universe Drive, Jurupa Valley	598,000	255
9. Petco: 4345 Parkhurst Street, Jurupa Valley	322,000	180
10. Komer: 11850 Riverside Drive, Jurupa Valley	649,000	113
11. Ross: 3404 Indian Avenue, Perris	1,284,000	n/a
Parcel Hubs		
1. Ryder Ecommerce by Whiplash: 15801 Meridian Parkway, Riverside	477,000	160
2. FedEx: 330 Resource Drive, Bloomington	448,000	n/a
3. FedEx Freight: 12100 Riverside Drive, Jurupa Valley	131,000	516
4. UPS Chain Logistics: 11811/11991 Landon Drive, Jurupa Valley	1,737,000	2,300
5. DHL: 12249 Holly Street North, Riverside	457,120	209 ^b

Source: WRCOG Staff

^a Employment provided by agency staff for each local agency. N/A = Not Available.

^b Estimated employment based on parking provided.

^c Includes the 1,200,000 sq. ft. building from the original study plus two additional buildings constructed since then. See text for complete description.

The best fit equation was a logarithmic relationship with R^2 of 0.50. This is shown as a red line in **Exhibit 1a**. An logarithmic relationship, meaning that the larger the building the lower the trip generation rate, is typical of expectations; however, the average rate shows an improved R^2 of

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0.77 and therefore we would recommend use of the average rate. **Exhibit 1b** summarizes the previous data collected in 2018 for reference.

Exhibit 1a: Data Plot for Daily Total Vehicle Trip Ends against Building Size (Fulfillment Center); 2023 Data

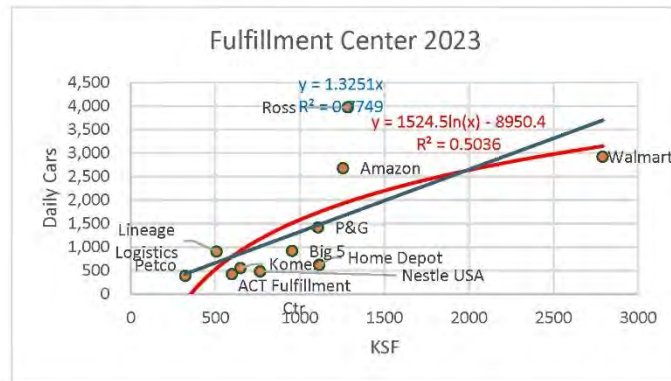
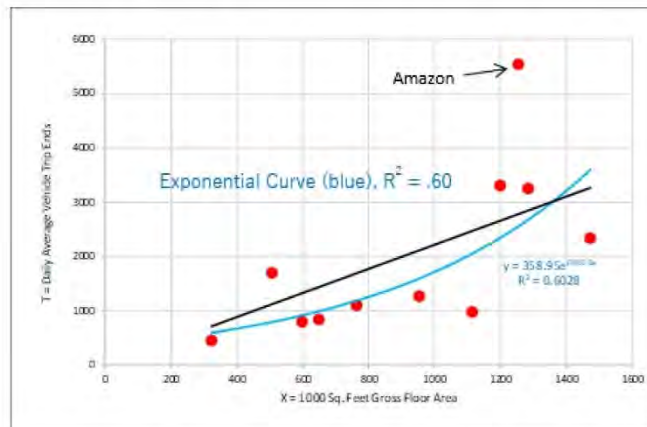


Exhibit 2b: Data Plot for Daily Total Vehicle Trip Ends against Building Size (Fulfillment Center); 2018 Data



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Exhibit 2a takes a deeper look at this by showing the daily vehicle trip generation rates for each of the 11 surveyed fulfillment centers sorted by the smallest to the largest building size from left to right. As shown, small sites tend to generate fewer trips per thousand square feet, but higher percentage of trucks while larger sites tend to generate a higher number of car trips but fewer truck trips. So not only is the overall trip generation rate affected by building size, the vehicle mix is affected as well. **Exhibit 2b** shows the previous data collected in 2018 for reference. Please also note that heavy vehicle trips generally increased at all locations; whereas passenger car trips decreased at many locations and light/medium duty trucks generally didn't vary compared to the 2018 data.

Exhibit 3a, Exhibit 3b, Exhibit 4a, and Exhibit 4b show data plots for the AM and PM peak hour vehicle trip ends against building size for both the 2023 data and the 2018 data. The fitted curves had a low R^2 during the AM peak hour and a high R^2 during the PM peak hour. We would recommend use of the average rate for consistency purposes.

Exhibit 5 compares the average trip generation rates of 11 fulfillment centers with the rates found for conventional transload and short-term storage warehouses in the 2016 high-cube warehouse trip generation study³ by SCAQMD/NAIOP/ITE, the 2018 data from the previous study, and the most recent counts collected. As shown, the fulfillment centers have decreased in the number of vehicle trips generated – but medium- and heavy-duty truck rates have increased compared to the previous data collection effort.

Exhibit 5 also summarizes the AM and PM peak hour trip rates and the daily rates for fulfillment centers based on the findings of this study, and compares the results to rates for conventional transload and short-term storage warehouses.

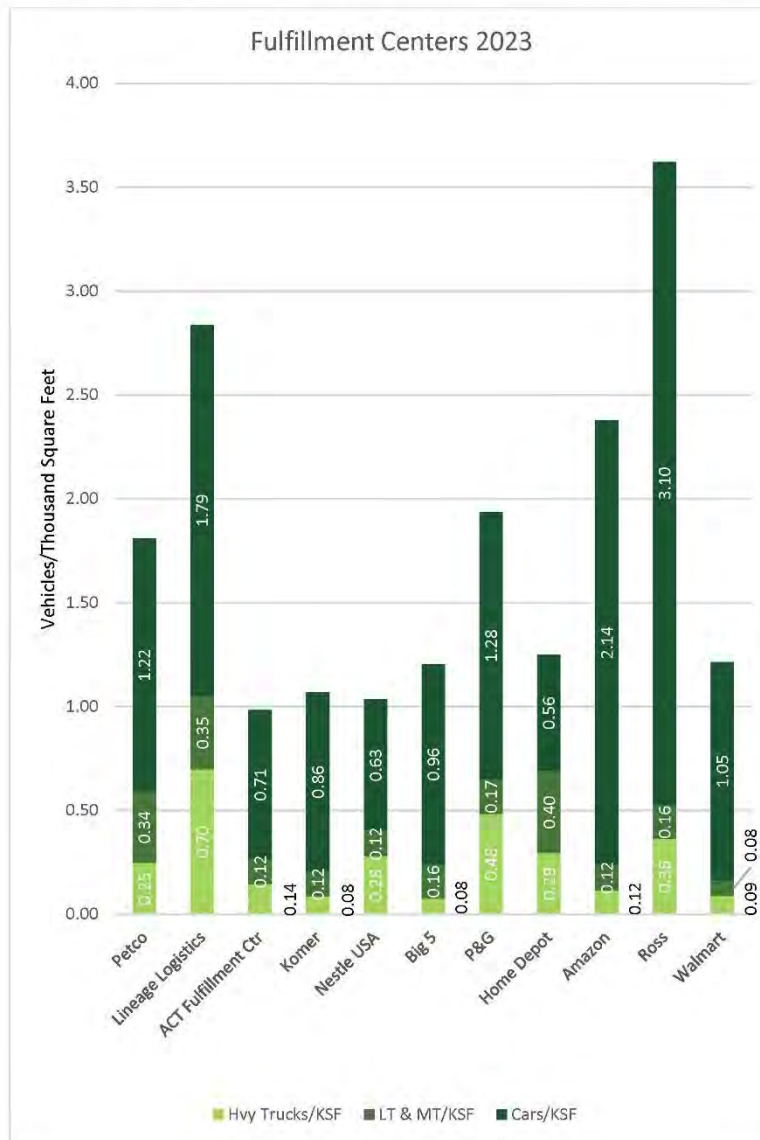
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³ High-Cube Warehouse Vehicle Trip Generation Analysis, Institute of Transportation Engineers, 2016

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Exhibit 3a: Daily Vehicle Trip Generation Rates by Building Size for Each Fulfillment Center, 2023 Data

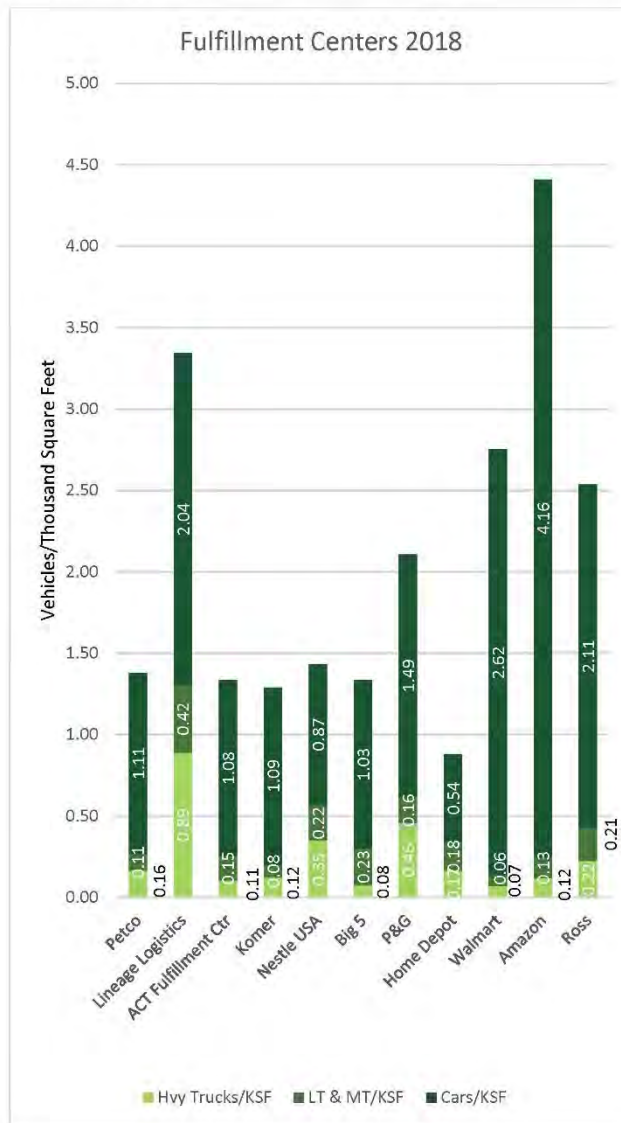


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Exhibit 4b: Daily Vehicle Trip Generation Rates by Building Size for Each Fulfillment Center, 2018 Data



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Exhibit 5a: Data Plot for AM Peak Hour Vehicle Trip Ends against Building Size (Fulfillment Center), 2023 Data

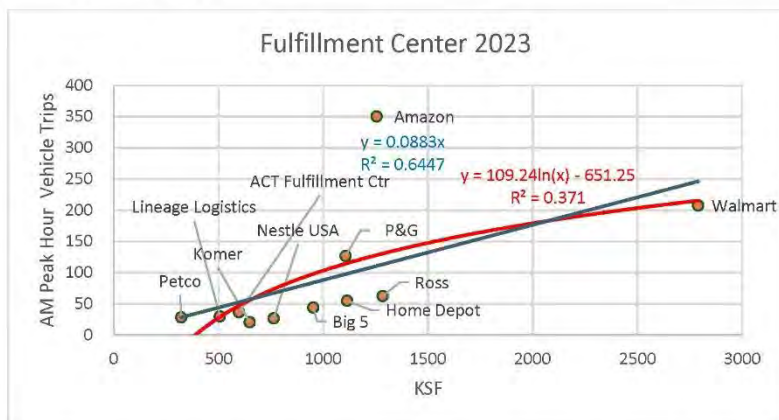
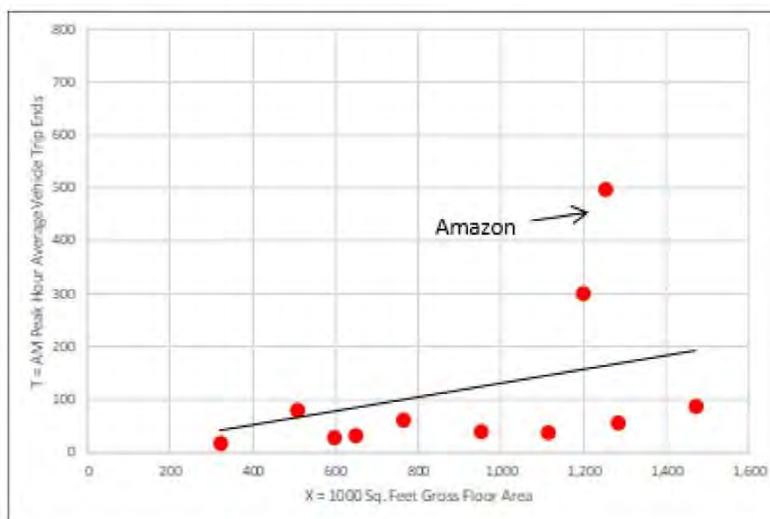


Exhibit 6b: Data Plot for AM Peak Hour Vehicle Trip Ends against Building Size (Fulfillment Center), 2018 Data



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Exhibit 7a: Data Plot for PM Peak Hour Vehicle Trip Ends against Building Size (Fulfillment Center), 2023 Data

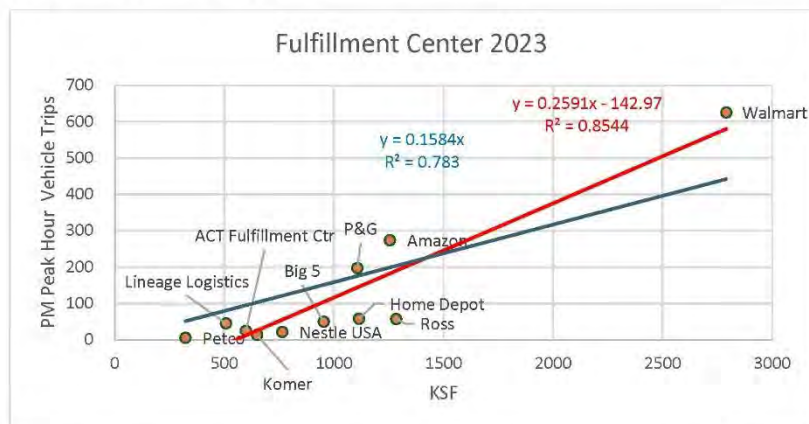
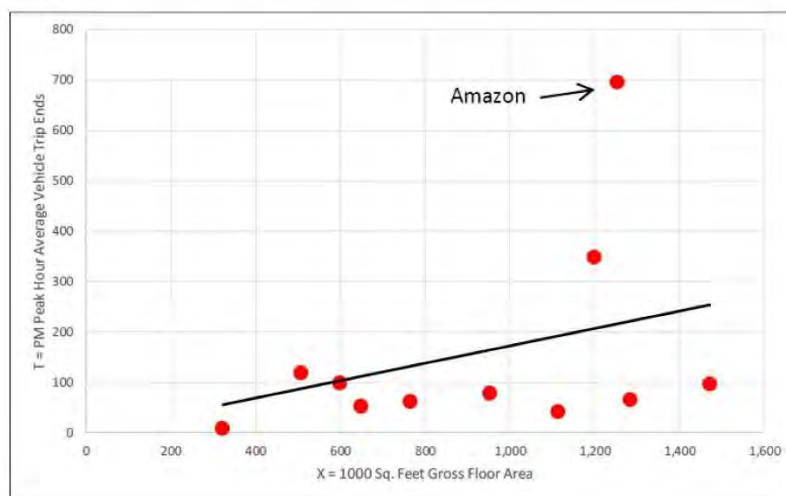


Exhibit 8b: Data Plot for PM Peak Hour Vehicle Trip Ends against Building Size (Fulfillment Center), 2018 Data



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Exhibit 9: Conventional Warehouse vs Fulfillment Centers Trip Generation Rates per 1,000 sq. ft.

	AM				PM				Daily			
	Conventional	2018	2023	% Change	Conventional	2018	2023	% Change	Conventional	2018	2023	% Change
Cars	0.057	0.103	0.062	-40%	0.086	0.144	0.105	-27%	1.000	1.75	1.350	-23%
2-4 Axle Trucks	0.009	0.008	0.008	1%	0.013	0.011	0.006	-42%	0.221	0.162	0.167	3%
5-Axle Trucks	0.015	0.011	0.010	-8%	0.01	0.01	0.010	-2%	0.233	0.217	0.228	5%
Total	0.082	0.122	0.087	-29%	0.108	0.165	0.120	-27%	1.432	2.129	1.744	-18%
% Higher than Conventional		49%	6%			53%	12%			49%	22%	

Notes:

Conventional relates conventional transload and short term storage warehouses in the 2016 high cube warehouse trip generation study by SCAQMD/NAIOP/ITE.

2018 relates to data collected in the 2018 WSP study.

2023 relates to data collected as part of this effort.

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By Employee

WRCOG staff provided employment numbers for some of the surveyed fulfillment centers which was provided by WRCOG staff in consultations with local agencies. The data provided by WRCOG is provided as **Exhibit 6** below:

Exhibit 6: Employment Information

Location Occupant	2018 Employment Data	2023 Employment Data
Fulfillment/Distribution Centers		
Walmart	500	n/a
Amazon	4,700	3,005
Lineage Logistics	478	558
P&G	1,000	650
Big 5	463	443
Nestle USA	n/a	148
Home Depot	n/a	240
ACT Fulfillment Ctr	n/a	255
Petco	169	180
Komer	235	113
Ross	1,900	n/a
Parcel Hubs		
UPS	n/a	160
FedEx	902	n/a
FedEx Freight	n/a	516
UPS Chain Logistics	n/a	2,300
DHL	n/a	209*

Notes:

n/a = Information not available.

* Employment estimated based on the number of parking spaces.

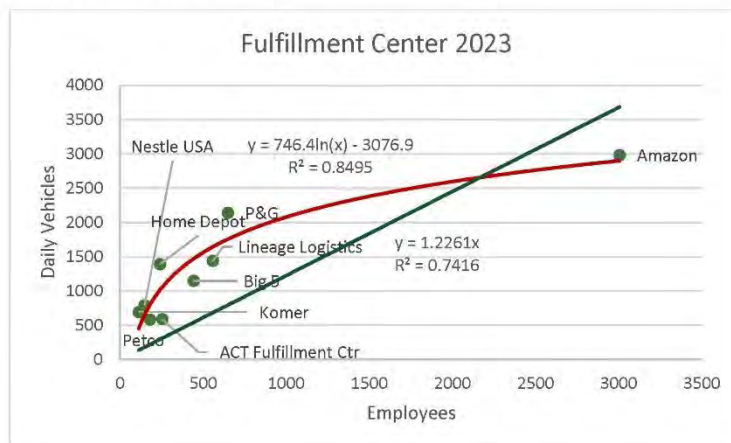
Exhibit 7a and **Exhibit 7b** shows a data plot showing daily total vehicle trip ends against the number of employees for the 2023 data and the 2018 data, respectively. The best fit equation for the 2023 dataset remains a logarithmic function which had an R^2 of 0.85, indicating a very good fit. The average trip generation rate for fulfillments centers (represented by the blue line in

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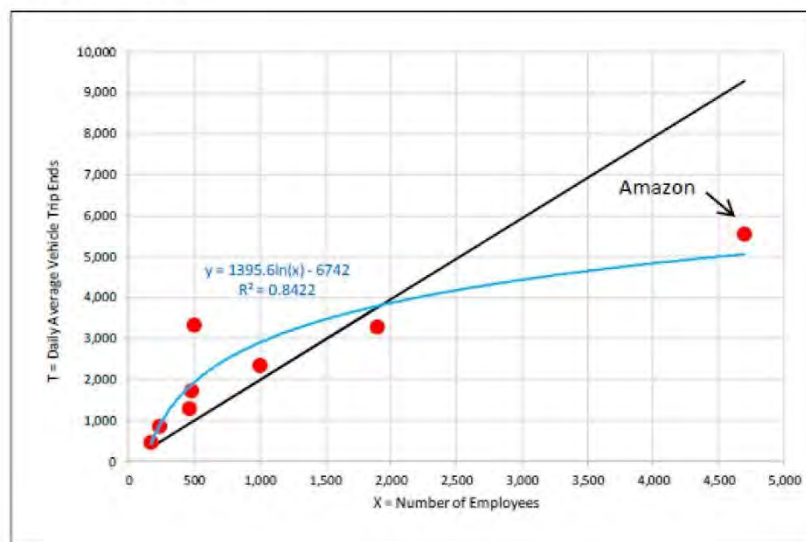


Exhibit 10a: Data Plot for Daily Total Vehicle Trip Ends Against Employee (Fulfillment Center) – 2023 Data



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Exhibit 11b: Data Plot for Daily Total Vehicle Trip Ends Against Employee (Fulfillment Center) – 2018 Data



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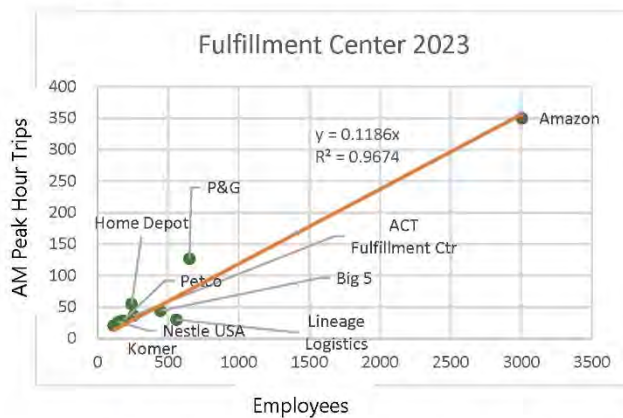
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Exhibit 7a) was found to be 1.23 trips/employee, which is lower than the 2 trips/employee collected in the 2018 dataset.

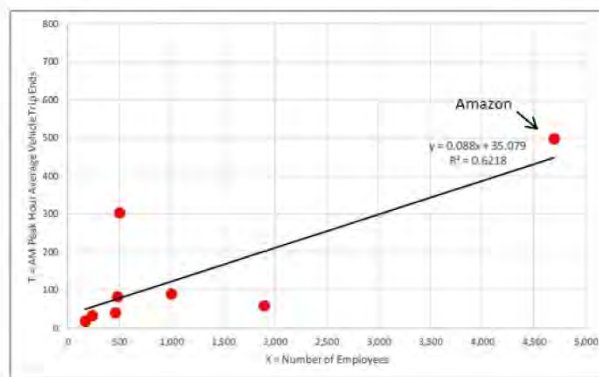
The data plots for the AM and PM peak hour total vehicle trip ends against the number of fulfillment center employees are shown in Exhibits 8a, 8b, 9a, 9b for the 2023 AM, 2018AM, 2023 PM, and 2018 PM datasets; respectively.

Exhibit 12a: Data Plot for AM Peak Hour Total Vehicle Trip Ends Against Employee (Fulfillment Center) – 2023 Data



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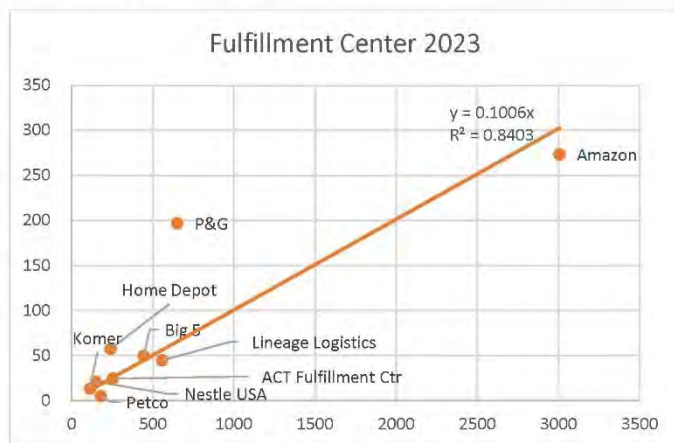
Exhibit 13b: Data Plot for AM Peak Hour Total Vehicle Trip Ends Against Employee (Fulfillment Center) – 2018 Data



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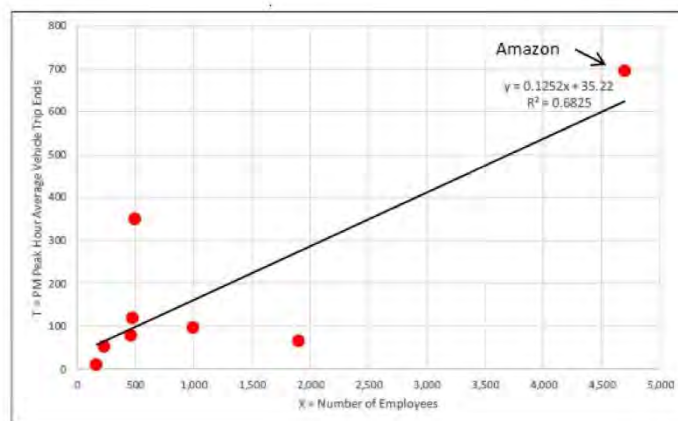


Exhibit 14a: Data Plot for PM Peak Hour Total Vehicle Trip Ends Against Employee (Fulfillment Center) - 2023 Data



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Exhibit 15b: Data Plot for PM Peak Hour Total Vehicle Trip Ends Against Employee (Fulfillment Center) - 2018 Data



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Exhibit 10 summarizes the AM and PM peak hour trip rates and the daily rates for trip generation per employee at fulfillment centers based on the findings of this study. When reviewing trip generation per employee, the updated data generally shows a decrease in car trips per employee but much higher truck trip rates compared to the previous study conclusions.

Exhibit 16: Summary of Trip Generation Rates per Employee for Fulfillment Centers

	AM			PM			Daily		
	2018	2023	% Change	2018	2023	% Change	2018	2023	% Change
Cars	0.102	0.100	-2%	0.139	0.101	-27%	1.673	1.504	-10%
2-4 Axle Trucks	0.006	0.013	120%	0.008	0.009	15%	0.125	0.264	111%
5-Axle Trucks	0.009	0.010	13%	0.008	0.013	58%	0.008	0.334	4073%
Total	0.118	0.123	4%	0.155	0.123	-21%	1.977	2.101	6%

Parcel Hubs

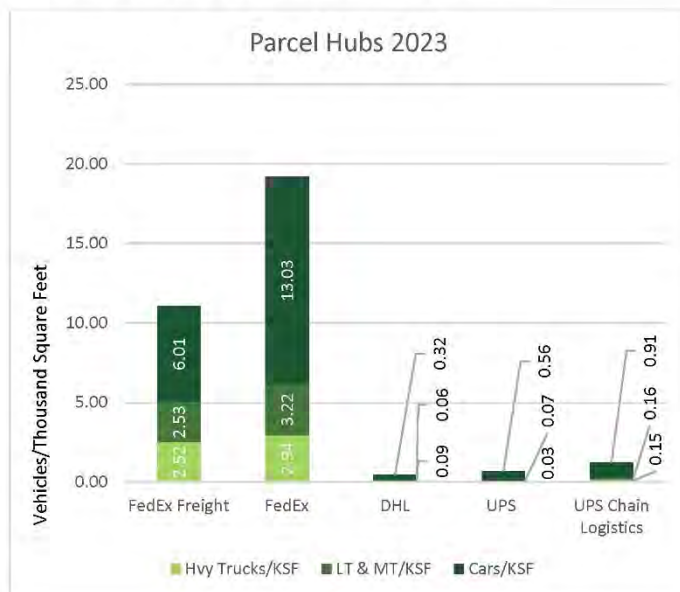
By Building Size

Exhibit 11a and **Exhibit 11b** displays daily vehicle trip generation rates by building size for each of five Parcel Hub sites collected in both 2018 (Exhibit 11b) and 2023 (Exhibit 11a). They are sorted by the smallest to the largest building size from left to right. In this case the small sites generate significantly more trips of every kind than the larger sites, which is the opposite to the pattern observed for fulfillment centers.

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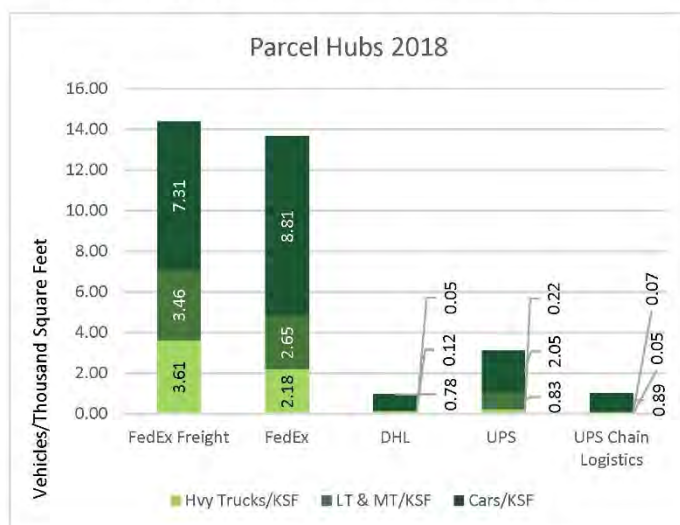


Exhibit 17a: Daily Trip Generation Rates at Parcel Hubs



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Exhibit 18a: Daily Trip Generation Rates at Parcel Hubs

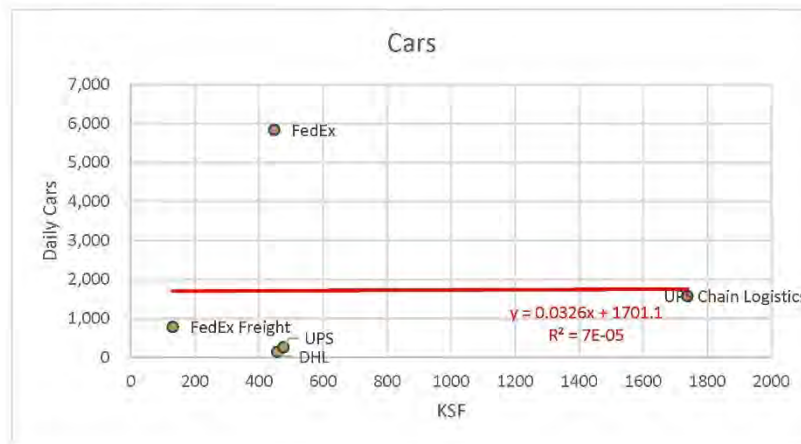


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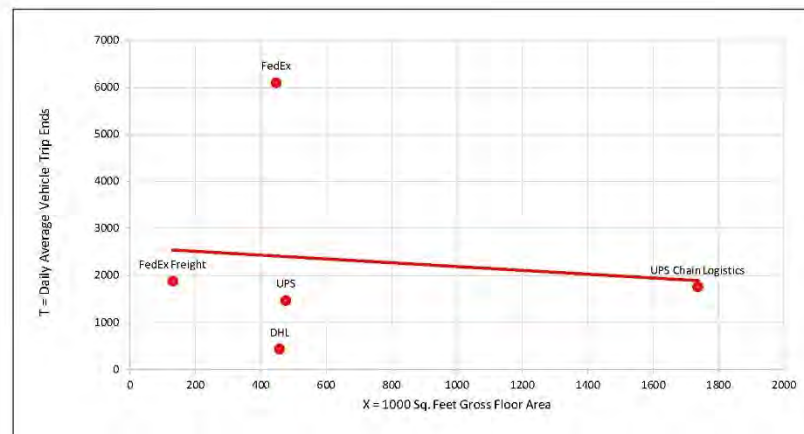
Exhibit 12a shows a data plot of daily vehicle trips of five parcel hubs against building size using the 2023 data. **Exhibit 12b** provides the 2018 data for comparison. As shown, the 2023 data set had a linear best fit; however, the slope of the line is very flat compared to a negative slope estimated in the 2018 dataset. Interestingly, both data sets showed remarkably similar data trends; albeit with different magnitude when compared to the previous dataset. **Exhibit 13** summarizes the trip generation rates by vehicle type for all surveyed Parcel Hub locations for both the 2018 data and the 2023 data. **Exhibit 14** summarizes the overall rate for all locations combined for both the 2018 and 2023 data.

Exhibit 19a: Data Plot for Daily Total Vehicle Trip Ends Against Building Size (Parcel Hubs) – 2023 Data



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Exhibit 20a: Data Plot for Daily Total Vehicle Trip Ends Against Building Size (Parcel Hubs) – 2023 Data



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Exhibit 13: Trip Generation Rates per 1,000 sq. ft. for Parcel Hubs by Location – 2018 and 2023 Data

	2018 Data			2023 Data		
	Cars/KSF	Light & Medium Duty Trucks/KSF	Heavy Duty Trucks/KSF	Cars/KSF	Light & Medium Duty Trucks/KSF	Heavy Duty Trucks/KSF
FedEx Freight	7.31	3.46	3.61	6.01	2.53	2.52
FedEx	8.81	2.65	2.18	13.03	3.22	2.94
DHL	0.78	0.05	0.12	0.32	0.06	0.09
UPS	2.05	0.83	0.22	0.56	0.07	0.03
UPS Chain Logistics	0.89	0.07	0.05	0.91	0.16	0.15

Exhibit 14: Summary of Trip Generation Rates per 1,000 sq. ft. for Parcel Hubs – 2018 and 2023 Data

	Daily		
	2018	2023	% Change
Cars	2.39	2.65	11%
2-4 Axle Trucks	0.67	0.65	-3%
5-Axle Trucks	1.19	0.60	-49%
Total	3.59	3.90	9%

The basic premise of the ITE trip generation approach is that the number of trips generated by a project is proportional to its size. Neither the 2018 nor the 2023 datasets reflect this ITE premise in that the 2018 data indicated a negative slope (meaning an opposite relationship between trips and building size) and the 2023 data set showed essentially a flat slope (meaning no relationship between building size and the number of trips). Based on this observation, we would continue to concur with the 2018 study recommendation that the Parcel Hub data does not provide meaningful information that should be used to establish a local trip generation rate for that land use without additional data collection at other Parcel Hub locations.

It should be noted that the dataset did show an interesting trend when comparing between the data sets. For Parcel Hubs, in a post-pandemic setting, passenger car trips increased on average by 11% compared to the 2018 dataset; while 5-axle trucks showed a significant decrease (-49%) in trip rate (2-4 axle trucks remained relatively consistent showing a slight decrease of -3%).

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Conclusions

This study evaluated how trip generation and vehicle mix may have changed in a post-pandemic environment using 2023 data compared to the previously collected 2018 data. The most interesting findings while reviewing and comparing the data are summarized below:

Fulfillment Centers

- The daily fleet mix seems to have changed such that there are more heavy vehicles and fewer passenger cars
- There is reduced trip generation activity during the peak hours with more activity occurring in off-peak periods
- For two of the larger Fulfillment Centers (Amazon and P&G), employment has decreased by almost 30%
- It is recommended that WRCOG utilize the average rate of 1.74 trips/KSF for Fulfillment Center

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Cont.

Parcel Hubs

- The updated data showed an opposite trend compared to the Fulfillment Centers, with fewer trucks and an increase in passenger car trips
- There is concurrence with the 2018 study recommendation that the Parcel Hub data does not provide meaningful information that should be used to establish a local trip generation rate for that land use without additional data collection at other Parcel Hub locations

Otherwise, the 2023 data supports very similar conclusions from the 2018 study for both the Fulfillment Centers and the Parcel Hub facilities.

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Attachment A – 2019 WSP Study



Technical Memorandum

To: Daniel Ramirez-Cornejo, Program Manager, WRCOG

From: Billy Park, Supervising Transportation Planner, WSP

Subject: TUMF High-Cube Warehouse Trip Generation Study

Date: January 29, 2019

Background

High-cube warehousing is emerging as an important development type in the Inland Empire. Studies such as *Logistics & Distribution: An Answer to Regional Upward Social Mobility*¹ and *Multi-County Goods Movement Action Plan*² suggests that this trend is likely to increase over time due to the Inland Empire's relative abundance of suitable sites compared to coastal counties.

A recurring analytical problem for the analyses of traffic impacts associated with proposed high-cube warehouses is the lack of reliable data regarding the number and vehicle mix of trips generated by this land development type. Specifically:

- The 2003 *Fontana Truck Trip Generation Study*, which has been used for years by agencies in the Inland Empire, is based on the older type of high-cube warehouse. Newer warehouses generally are larger (often over 1 million square feet), much more automated, and generate far fewer trips per square foot.
- The use of overly-conservative estimates has produced results that were unreasonable when compared to actual field conditions. For example, the Environmental Impact Report (EIR) for the Skechers high-cube warehouse building in Moreno Valley included traffic forecasts that were substantially higher than the actual post-construction trip generation for both cars and trucks. Overstated forecasts are misleading to decision makers and could result in oversized infrastructure that could itself have environmental consequences, creates an undue burden on development, and could even have adverse legal consequences for the agencies involved.
- In 2011 the Commercial Real Estate Development Association, also known by its former acronym NAIOP, commissioned a trip generation study of high-cube warehouses focused on large highly-automated warehouses in the Inland Empire. NAIOP had hoped that their study, which found trip-gen rates considerably lower than previous studies, would be used in CEQA analyses going forward. However, concerns about potential bias by the sponsoring party have placed into question the validity of the study results. Similarly, a study commissioned by SCAQMD was viewed as possibly having an anti-development bias.
- Finally, in 2015 NAIOP and SCAQMD jointly sponsored a trip-gen study for high-cube warehouses through a respected neutral party, the Institute of Transportation Engineers (ITE). The report for this study, *High-Cube Warehouse Vehicle Trip Generation Analysis*, was completed in 2016.

The joint NAIOP/SCAQMD/ITE study resulted in a consensus on the trip generation rates to be used for the most common type of high-cube warehouse, a category they call "transload and short-term storage". The findings of the joint study generally indicated the trip generation rates for this use as being consistent with the trip generation rates for the broader category of high-cube warehouses as described by ITE in the 9th Edition of the *Trip*

¹ *Logistics & Distribution: An Answer to Regional Upward Social Mobility*, Dr. John Husing for SCAG, June 2004

² *Multi-County Goods Movement Action Plan*, Wilbur Smith Associates, August 2008

Generation Manual. However, the report did not settle the issue of trip generation rates for two other specific types of high-cube warehouses:

"The single data points for fulfillment centers and parcel hubs indicate that they have significantly different vehicle trip generation characteristics compared to other HCWs. However, there are insufficient data from which to derive useable trip generation rates."

The purpose of this technical memorandum is to gather sufficient data to develop reliable trip generation rates for fulfillment centers and parcel hubs for use in traffic impact studies in the Inland Empire.

Methodology

Number of Sites: The study team reviewed ITE's *Trip Generation Handbook 2nd Edition*, Chapter 4 of which describes how to perform a trip generation study that meets ITE's standards (which improves the defensibility of the results if they are used for CEQA analyses). ITE recommends that at least three sites, and preferably five, be surveyed for a given land use category. Based on the review of candidate sites identified by Western Riverside Council of Governments (WRCOG) staff, it was recommended that data be collected at a total of 16 sites for the purposes of this study.

Independent Variables: ITE's *Trip Generation Manual* measures the size of proposed developments using more than a dozen different independent variables, such as students (for schools), acres (for parks), etc. All High-Cube related categories in both 9th and 10th Editions of the *Trip Generation Manual* are reported in Square Foot Gross Floor Area (GFA) measured in thousands of square feet (TSF), which is also the independent variable used for the TUMF program. Some other ITE employment categories use employment as the independent variable, as does SCAG in its Sustainable Communities Strategy. WRCOG provided GFA for all sites and employment data for eight fulfillment centers and one parcel hub site.

The ITE *Trip Generation Manual* typically reports trip generation rates two ways; namely as the average rate and using the "best fit" mathematical relationship between the number of trips generated and the independent variable. R-squared, also known as the coefficient of determination, is used to measure how well the best fit equations match the surveyed traffic counts. The *Trip Generation Manual* recommends that the best fit equation only be used when the R^2 is greater than or equal to 0.50 and certain other conditions being met; otherwise the average rate should be used.

Data Collection

WRCOG provided a list of recommended trip generation study sites after reviewing potential sites within the Inland Empire with its member agencies. The list included 11 fulfillment centers and 5 parcel hub sites as follows:

Fulfillment Centers

1. Walmart: 6750 Kimball Ave, Chino, CA 91708
2. Amazon: 24208 San Michele Rd, Moreno Valley, CA 92551
3. Lineage Logistics: 1001 Columbia Ave Riverside, CA 92507
4. P&G: 16110 Cosmos Street, Moreno Valley, CA 92551
5. Big 5: 6125 Sycamore Canyon Blvd, Riverside, CA 92507
6. Nestle USA: 3450 Dulles Drive, Jurupa Valley, CA
7. Home Depot: 11650 Venture Drive, Jurupa Valley, CA
8. ACT Fulfillment Center: 3155 Universe Drive, Jurupa Valley, CA
9. Petco: 4345 Parkhurst Street, Jurupa Valley, CA
10. Komer: 11850 Riverside Drive, Jurupa Valley, CA
11. Ross: 3404 Indian Ave Perris, CA 92571

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Parcel Hubs

12. UPS: 15801 Meridian Pkwy, Riverside, CA 92518
13. FedEx: 330 Resource Dr, Bloomington, CA 92316
14. FedEx Freight: 12100 Riverside Drive, Jurupa Valley, CA
15. UPS Chain Logistics: 11811/11991 Landon Drive, Jurupa Valley, CA
16. DHL: 12249 Holly St N, Riverside, CA 92509

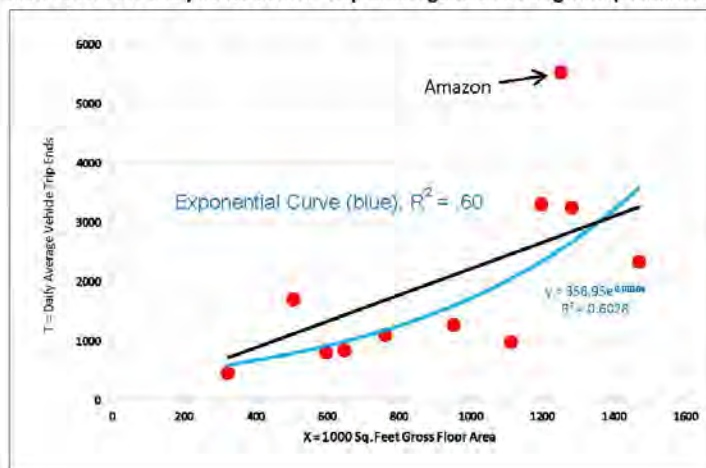
Traffic counts were collected at all of these sites. These were 72-hour driveway counts collected using video cameras for three-midweek days starting June 26, 2018. Video collection was determined to be preferable to collection data by means of machine counts, which can be problematic for driveways where vehicles are maneuvering at slow speeds. Video counts provide the ability for human viewers to review the captured footage to classify vehicles into 5 types (car, large 2-axle, 3-axle, 4-axle, and 5+ axle truck). The three-day average was calculated and used for the purposes of this study.

Fulfillment CentersBy Building Size

Exhibit 1 displays a data plot of daily vehicle trips for the 11 fulfillment centers against building size as the independent variable. The average trip generation rate for fulfillment centers (see black line in Exhibit 1) was found to be 2.2 trips/TSF, compared to the 1.4 trips/TSF found for conventional high-cube warehouses in the ITE/SCAQMD/NAIOP study (i.e. about 50% higher).

Exhibit 1 denotes one outlier data point representing the Amazon site in the upper right of the chart. As shown, the average daily trips generated at this facility is over 50% higher than the trips generated at the two sites of similar size (Walmart and Ross), which appears indicative of a greater frequency of same day e-commerce deliveries from Amazon to individual consumers.

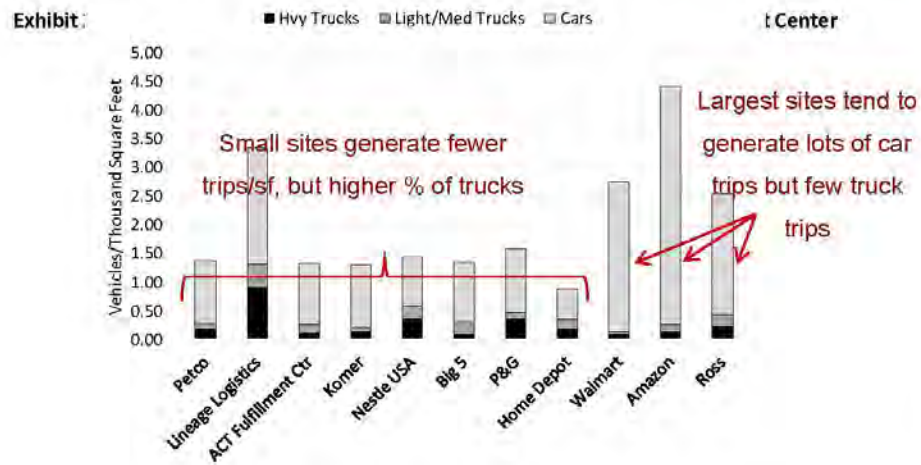
Exhibit 1: Data Plot for Daily Total Vehicle Trip Ends against Building Size (Fulfillment Center)



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Cont.

The best fit equation was an exponential relationship with R^2 of 0.60 (i.e. high enough to meet the criteria of acceptability). This is shown as a blue line in Exhibit 1. An exponential relationship, meaning that the larger the building the higher the trip generation rate, is quite unusual.

Exhibit 2 takes a deeper look at this by showing the daily vehicle trip generation rates for each of the 11 surveyed fulfillment centers sorted by the smallest to the largest building size from left to right. As shown, small sites tend to generate fewer trips per thousand square feet, but higher percentage of trucks. On the other hand, largest sites tend to generate a higher number of car trips, but fewer truck trips. So not only is the overall trip generation rate affected by building size, the vehicle mix is affected as well.

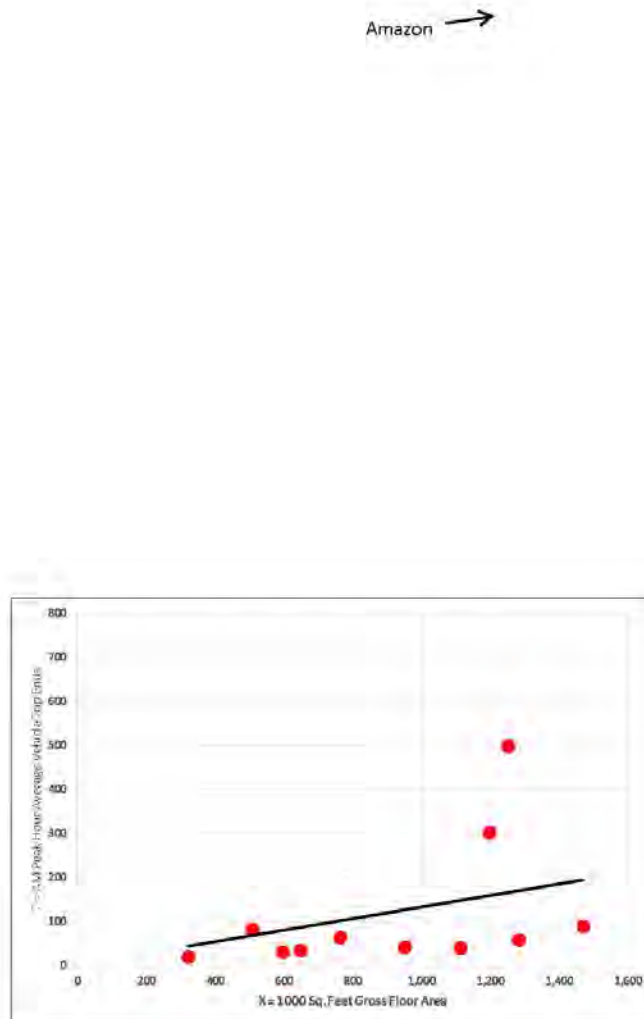


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Exhibit 3 and

Exhibit 4 show data plots for AM and PM peak hour vehicle trip ends against building size (respectively). The fitted curves had a low R^2 , and so we recommend using the average rate.

Exhibit 3: Data Plot for AM Peak Hour Vehicle Trip Ends against Building Size (Fulfillment Center)



A2.25
Cont.

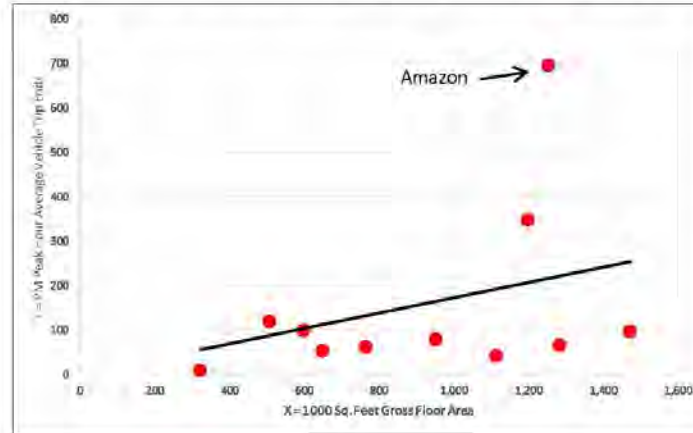
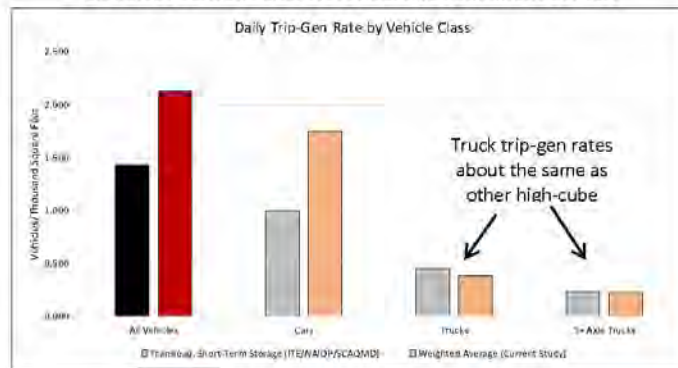
Exhibit 4: Data Plot for PM Peak Hour Vehicle Trip Ends against Building Size (Fulfillment Center)A2.25
Cont.

Exhibit 5 compares the average trip generation rates of 11 fulfillment centers with the rates found for conventional transload and short-term storage warehouses in the 2016 high-cube warehouse trip generation study³ by SCAQMD/NAIOP/ITE. As shown, the fulfillment centers generate more daily vehicle trips than conventional warehouse facilities although trucks are roughly the same. This means that the additional trips by fulfillment centers are entirely due to additional car traffic, which is almost double the rate of car trips generated by conventional warehouses.

Exhibit 5: Conventional Warehouse vs Fulfillment Centers

Visual observation of the fulfillment center sites indicates the higher trip generation rates for cars appears to be mostly due to the use vans and passenger cars as delivery vehicles, particularly for the larger facilities operated by retailers such as Amazon and Walmart.

³ High-Cube Warehouse Vehicle Trip Generation Analysis, Institute of Transportation Engineers, 2016.

Exhibit 6 summarizes the AM and PM peak hour trip rates and the daily rates for fulfillment centers based on the findings of this study, and compares the results to rates for conventional transload and short-term storage warehouses.

Exhibit 6: Summary of Trip Generation Rates per Thousand Square Feet of Gross Floor Area for Fulfillment Centers

Vehicle Class	AM Peak Hour		PM Peak Hour		Daily	
	Conventional Warehouse*	Fulfillment Center	Conventional Warehouse	Fulfillment Center	Conventional Warehouse	Fulfillment Center
Cars	0.057	0.103	0.086	0.144	1.000	1.750
2-4 Axle Trucks	0.009	0.008	0.013	0.011	0.221	0.162
5-Axle Trucks	0.015	0.011	0.010	0.010	0.233	0.217
Total	0.082	0.122	0.108	0.165	1.432	2.129
% Higher than Conventional		49%		52%		49%

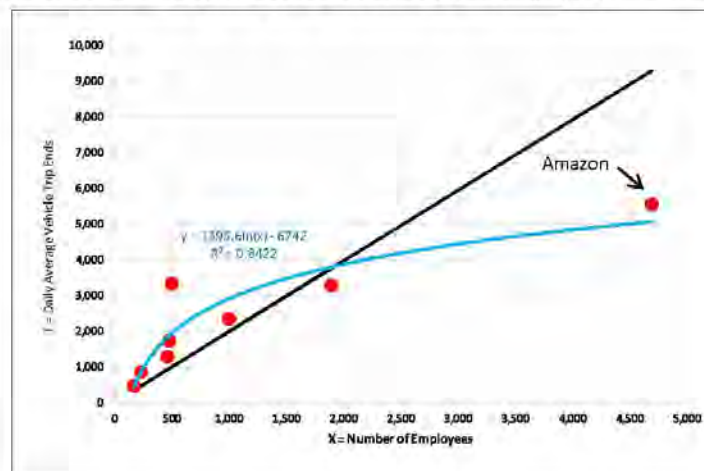
* Transload, Short-Term Storage category in 2016 TIER NAICF SOA/QMD study

By Employee

The WRCOG contacted the surveyed fulfillment centers and obtained employment data for eight of the eleven sites. Exhibit 7 shows a data plot for those eight sites for daily total vehicle trip ends against the number of employees. The best fit equation was logarithmic function which had an R^2 of 0.84, indicating a very good fit. Notably, the Amazon site, which was an outlier for trip generation based on floor area (see Exhibit 1), correlates more closely to other sites when employment is used instead. The average trip generation rate for fulfillment centers (represented by the black line in Exhibit 7) was found to be 2.0 trips/TSF.

No comparison was made to any previous rates per employees because none of the previous high-cube warehouse related trip generation studies included correlation of trips with employment data.

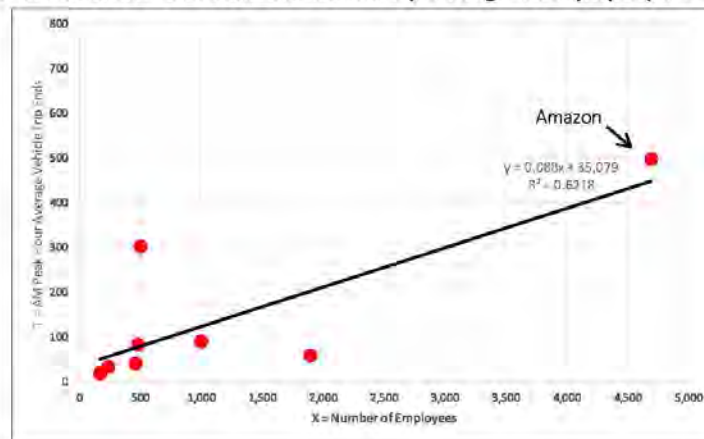
Exhibit 7: Data Plot for Daily Total Vehicle Trip Ends against Employee (Fulfillment Center)



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Cont.

The data plots for the AM and PM peak hour total vehicle trip ends against the number of fulfillment center employees are shown in Exhibit 8 and Exhibit 9. The best fit equations are linear regressions (shown with black lines) which show a good R^2 for both the AM and PM peak periods.

Exhibit 8: Data Plot for AM Peak Hour Total Vehicle Trip Ends against Employee (Fulfillment Center)



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Cont.

Exhibit 9: Data Plot for PM Peak Hour Total Vehicle Trip Ends against Employee (Fulfillment Center)

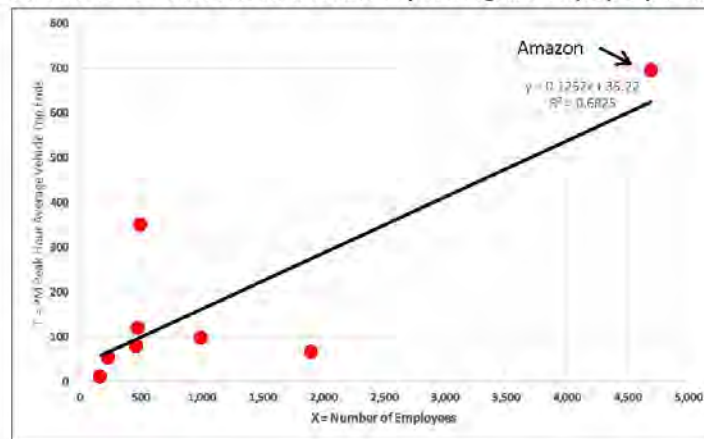


Exhibit 10 summarizes the AM and PM peak hour trip rates and the daily rates for trip generation per employee at fulfillment centers based on the findings of this study.

Exhibit 10: Summary of Trip Generation Rates per Employee for Fulfillment Centers

Vehicle Class	AM Peak Hour	PM Peak Hour	Daily
Cars	0.102	0.139	1.673
2-4 Axle Trucks	0.006	0.008	0.125
5-Axle Trucks	0.009	0.008	0.178
Total	0.118	0.155	1.977

Parcel Hubs

By Building Size

Exhibit 11 displays daily vehicle trip generation rates by building size for each of five parcel hub sites. They are sorted by the smallest to the largest building size from left to right. In this case the small sites generate significantly more trips of every kind than the larger sites, which is the opposite to the pattern observed for fulfillment centers.

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Cont.

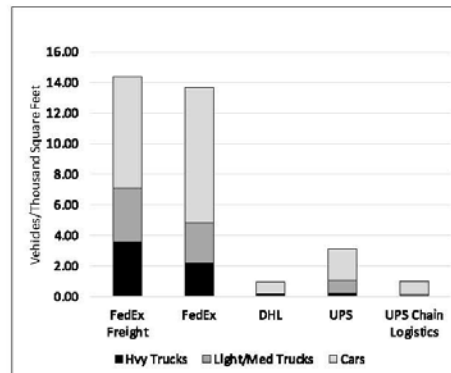
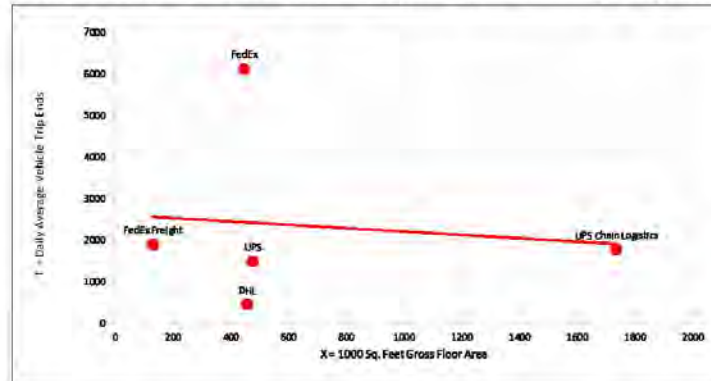
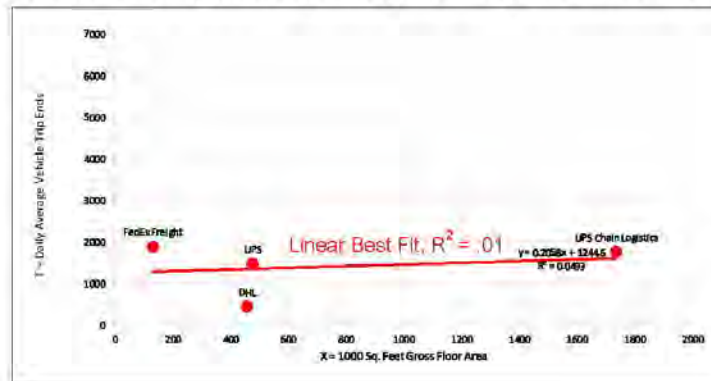
Exhibit 11: Daily Trip Generation Rates at Parcel Hubs

Exhibit 12 shows a data plot of daily vehicle trips of five parcel hubs against building size. As shown, a linear best fit was negative. During the collection of traffic data, construction activity was observed at the FedEx site potentially tainting the validity of these data to represent typical trip generation characteristics. To determine if the trip generation at this site was contributing to the poor data correlation, Exhibit 13 displays the same daily data plot without the FedEx site. The linear best fit shows a positive slope, but remains almost flat effectively indicating no correlation between the daily trips and building size based on the analysis of these sites.

The basic premise of the ITE trip generation approach is that the number of trips generated by a project is proportional to its size. That premise does not hold true for the parcel hubs in this sample and so no meaningful trip generation rates could be determined based on the data collected in support of this study. It should be recognized that a sample size of four or five sites represents the minimum recommended by ITE for valid trip generation studies, and for this reason, it is recommended that additional sites would need to be investigated and included in the data set to develop a more definitive finding on trip generation rates. Furthermore, it may be appropriate to determine the specific function at each site, due to the disparity between the rates observed at the FedEx sites versus the other three sites. It is likely that the function served by the respective sites is significantly different, as reflected in the trip generation rates, thereby necessitating reclassification of these uses for comparative purposes.

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Exhibit 12: Data Plot for Daily Total Vehicle Trip Ends against Building Size (Parcel Hubs)**Exhibit 13: Data Plot for Daily Vehicle Trip Ends against Building Size without Construction Site**A2.25
Cont.

Conclusions

Our survey of 11 fulfillment centers produced trip generation rates based on the gross floor area of the sites that satisfies ITE's standards for use. The findings of the study indicate that the daily trip generation rates for fulfillment centers is approximately 2.1 trips per thousand square feet of gross floor area, which is roughly 50% higher than the comparable rate for conventional transload and short term storage warehouses previously defined in the ITE *Trip Generation Manual* Version 10. The results of the study further indicate that the higher rates were entirely due to more cars traffic at these sites; the trip generation rates for trucks was found to be comparable to those at conventional warehouses.

Employment data were available for eight out of 11 fulfillment center sites. This provided the ability to determine trip generation rates per employee. The study results indicate that that trip generation for fulfillment centers is approximately 2.0 trips per employee. The study also found that the trip generation rate per employee correlated more closely than the trip generation rate per thousand square feet of gross floor area.

The data from the five parcel hubs did not show any statistically meaningful relationship between trips and building size. Therefore, no trip generation rate could be calculated. However, the data collected at these sites may provide a useful basis for further comparison with additional sites to provide more data points for analysis.

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Cont.

November 13, 2023
Page 22 of 22



Attachment B – Raw Traffic Counts

Item	Comment	Response
1	Comment 1	Response 1
2	Comment 2	Response 2
3	Comment 3	Response 3
4	Comment 4	Response 4
5	Comment 5	Response 5
6	Comment 6	Response 6
7	Comment 7	Response 7
8	Comment 8	Response 8
9	Comment 9	Response 9
10	Comment 10	Response 10
11	Comment 11	Response 11
12	Comment 12	Response 12
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99	Comment 99	Response 99
100	Comment 100	Response 100

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ATTACHMENT C
WEST VALLEY LOGISTICS CENTER
GENERATED TRAFFIC VOLUME COMPARISON OF
2021 TRAFFIC ANALYSIS OF
2023 FEHR & PEERS STUDY

GARLAND ASSOCIATES

MEMORANDUM

TO: Owen Chang, Colton Joint USD
FROM: Richard Garland, P.E., Consulting Traffic Engineer
DATE: November 20, 2025
SUBJECT: West Valley Logistics Center - Generated Traffic Volumes
Comparison of 2021 Traffic Analysis to 2023 Fehr & Peers Study

Since the preparation of the 2021 traffic study prepared by Urban Crossroads to determine the levels of traffic that would be generated by the proposed West Valley Logistics Center ("West Valley Logistics Center Trip Generation Assessment," Urban Crossroads, November 9, 2021), additional traffic studies have been conducted related to traffic counts taken at fulfillment center warehouses in San Bernardino and Riverside County ("TUMF High-Cube Warehouse Trip Generation Study Update," Fehr & Peers, November 13, 2023 and "Warehouse-Related Land Use Data & Truck Travel Patterns," WSP, October 2017). Data from the 2023 report indicates that the trip generation rate for fulfillment center warehouses was 2.129 trips per 1,000 square feet in 2018 for daily traffic and 1.744 in 2023. The trip rate in the Institute of Transportation Engineers (ITE) *Trip Generation Manual* for fulfillment center warehouses is 6.44 trips per 1,000 square feet. This indicates that the volumes of traffic generated by this type of warehouse are much lower than the ITE data would indicate, particularly in the Inland Empire area of California.

A2.26

The report states that the reason for this reduction is that the number of employees that operate these warehouses has been reduced because of automation. The report does state, however, that although the number of employee trips has gone down, the number of truck trips has increased because of the higher demand for home deliveries in post-pandemic years.

Based on this most recent trip generation data, the tables comparing the generated traffic volumes from the Urban Crossroads WVLC report to the generated traffic volumes using the most recent trip rates from the Fehr & Peers report are presented in Tables 1 and 2. Table 1 shows the trip generation rates and the generated traffic volumes that were used for the WVLC traffic analysis. Table 2 shows the trip rates and traffic volumes that were calculated using the trip rates from the Fehr & Peers study for fulfillment center warehouses.

The key findings from comparing the traffic volumes in the two tables is that the total number of project generated trips was reduced by using the Fehr & Peers trip rates, but the number of truck trips increased. The WVLC study indicated that the project would generate 794 daily truck trips, 69 truck trips during the morning peak hour, and 34 truck trips during the afternoon peak hour. Based on the more recent Fehr & Peers trip rates, the project would generate 1,362 daily truck trips, 86 truck trips during the morning peak hour, and 55 truck trips during the afternoon peak hour. The numbers indicate that the project would generate 568 additional truck trips per day using the Fehr & Peers trip rates.

Traffic Engineering, Transportation Planning, and Parking Studies

16787 Beach Boulevard, #234, Huntington Beach, CA 92647
Telephone: 714-330-8984

**TABLE 1
GENERATED TRAFFIC VOLUMES FROM WVLC TRAFFIC ANALYSIS**

Land Use	Time Period		
	Daily	AM Peak Hour	PM Peak Hour
TRIP GENERATION RATES (trips per 1,000 square feet)			
Fulfillment Center Warehouse			
Cars	1.580	0.130	0.150
Trucks	0.230	0.020	0.010
Total	1.810	0.150	0.160
GENERATED TRAFFIC VOLUMES			
WVLC (3,439,197 sq. ft.)			
Cars	5,434	447	516
Trucks	794	69	34
Total	6,228	516	550

**TABLE 2
GENERATED TRAFFIC VOLUMES USING FEHR & PEERS RATES**

Land Use	Time Period		
	Daily	AM Peak Hour	PM Peak Hour
TRIP GENERATION RATES (trips per 1,000 square feet)			
Fulfillment Center Warehouse			
Cars	1.349	0.062	0.104
Trucks	0.395	0.025	0.016
Total	1.744	0.087	0.120
GENERATED TRAFFIC VOLUMES			
WVLC (3,439,197 sq. ft.)			
Cars	4,636	213	358
Trucks	1,362	86	55
Total	5,998	299	413

A2.26
Cont.

ATTACHMENT D

VERIFICATION OF HEALTH RISK AND

AIR QUALITY IMPACTS AT

RESIDENTIAL LOCATIONS AND SCHOOL SITES



December 11, 2025

Owen Chang
Director of Facilities & Energy Management
Colton Joint Unified School District
325 Hermosa Avenue, Building 5
Colton CA 92324

via email: owen_chang@cjuds.net

Subject: Technical Review and Comments on the Recirculated Draft EIR for the Proposed Bloomington Business Park Specific Plan Project; Verification of Health Risk and Air Quality Impacts at Residential Locations and School Sites

Dear Mr. Chang:

BlueScape Environmental has prepared comments herein as detailed technical verification review and follow-up to a letter submitted by Colton Joint Unified School District (CJUSD or District) to the County of San Bernardino (County) on December 15, 2021 (or the 12/15/21 letter¹) concerning the *Draft Environmental Impact Report* (DEIR)² and its Appendix C1 Air Quality Impact Analysis³ and Appendix C2 Health Risk Assessment⁴ for the Bloomington Business Park Specific Plan Project (Project or BPSP), dated September 2021, SCH No. 2020120545; the December 30, 2021 technical review⁵ submitted by the CJUSD to the County; the Final Environmental Impact Report⁶ (FEIR) and its associated Appendix A Supplemental Air Quality

A2.27

¹ Provided as Attachment C in Letter A3, Colton Joint Unified School District, of the Final EIR, September 2022.

² *Bloomington Business Park Specific Plan Draft Environmental Impact Report*, County of San Bernardino, California, September 2021, State Clearinghouse No. 2020120545.

³ *Bloomington Business Park Specific Plan Air Quality Impact Analysis*, prepared by Urban Crossroads, Appendix C1 to the Draft EIR, July 23, 2021, 12991-04 AQ Report.

⁴ *Bloomington Business Park Mobile Source Health Risk Assessment*, prepared by Urban Crossroads, Appendix C2 to the Draft EIR, July 23, 2021, 12991-04 HRA Report.

⁵ Provided as Attachment A in Letter A3, Colton Joint Unified School District, of the Final EIR, September 2022.

⁶ *Bloomington Business Park Specific Plan Final Environmental Impact Report*, County of San Bernardino, California, September 2022, State Clearinghouse No. 2020120545.

Owen Chang
December 11, 2025
Page 2

Analysis Memorandum;⁷ the Recirculated Draft EIR⁸ (RDEIR), and the Ruling on Petition for Writ of Mandate (the "Writ").⁹ The focus of this technical review is on the analyses contained within the RDEIR, while referencing the DEIR, FEIR, and the court-ordered items contained in the Writ; and to estimate the highest expected health impacts at residential locations and school sites for the Project.

The comments in this letter address the aforementioned studies performed and show that they ***continue to fail to sufficiently analyze the Project's air quality impacts on the community, and they continue to fail to provide a sufficiently detailed response to comments initially raised regarding the significant air quality impacts, or to other health impact models, as specified in the Writ.***

The Project operational emissions in the RDEIR remain unchanged from the DEIR, and technical flaws from the DEIR persist in the FEIR and RDEIR. Thus, with the exception of the additional modeling performed for the FEIR, comments made in our 12/30/21 letter (included in the FEIR) remain relevant and unresolved.

This verification review confirms the need for additional publicly vetted EIR review work, and the high importance of enforcing appropriate mitigation for Project-related significant emissions impacts. The additional impacts associated with Specific Plan buildout have not been addressed in this letter but are considered to be additive to the health impact conclusions and comments stated in this letter.

The Project will be a large source of pollutant emissions that will expose sensitive residents, school children and others located nearby to high levels of toxic and carcinogenic diesel exhaust, or diesel particulate matter (DPM), particulate matter with aerodynamic diameter less than or equal to 10 microns and 2.5 microns (PM₁₀ and PM_{2.5}), and nitrogen dioxide (NO₂), from construction and operations. The cancer risk and respiratory health impacts of these pollutants should be of considerable concern to CJUSD, the County, and the community. During construction, diesel-powered equipment such as graders and bulldozers will be operated throughout the day. Fine dust emissions will be generated from earth dropped into piles and loaded onto haul trucks. These emissions will be particularly high and upwind of sites such as Zimmerman Elementary School, on both a maximum daily and annual basis, due to the highly compressed construction schedule of the Project. DPM, PM_{2.5}, and nitrogen oxides (NO_x) emissions will also result from traffic associated with the operation of the resulting facilities, with many heavy-duty, diesel-fueled trucks travelling through the community.

A2.27
Cont.

⁷ Supplemental Air Quality Analysis Memorandum, prepared by Urban Crossroads, Appendix A to the Final EIR, March 23, 2022.

⁸ Bloomington Business Park Specific Plan Recirculated Draft Environmental Impact Report, County of San Bernardino, California, October 2025, State Clearinghouse No. 2020120545.

⁹ People's Collective for Environmental Justice et al. v. County of San Bernardino. (San Bernardino Superior Court, September 17, 2024).

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In the first section, this letter recommends that CJUSD request that the County adopt appropriate and stringent air quality review significance thresholds that address the much higher potential health impacts from large projects on nearby sensitive residential and school sites. The recommended significance thresholds for construction cancer health risk assessment (HRA) review and air quality impact analysis (AQIA) will provide an added measure of health protection that ensures effective mitigation will be employed to reduce health impacts on sensitive receptors such as school children and residents to acceptable levels. This is needed especially in neighborhoods surrounding the Project area that already suffer a disproportionate share of health burden from air pollution.

A2.27
Cont.

The next two sections present the results of verification modeling completed using DEIR, FEIR, and RDEIR Project emissions and modeling files, including an updated HRA for Project construction and operational DPM emissions, a discussion of other health effects models, and an AQIA for PM₁₀, PM_{2.5}, and NO₂ emissions impacts. The 12/15/21 letter, the 12/30/21 technical verification review, and this updated technical verification review address several flaws and technical errors in the RDEIR air quality analysis and HRA work (also present in the DEIR and FEIR) that lead to underreporting health impacts in the community. Results have been shown for both standard exposure assumptions and health-protective exposure assumptions for sensitive residents and school children that will be located near the Project, showing effects that are greater than applicable thresholds.

The final section discusses the work done by Urban Crossroads in attempting to fulfill the requirement of a health effects analysis as specified in the Writ and shows that this analysis fails to complete the requirements of a "Friant Ranch" analysis.

1. To protect sensitive children attending school and living near Project construction and operations, CJUSD should request that the EIR utilize health-protective air quality impact significance thresholds consistent with the South Coast Air Quality Management District's (SCAQMD) current and proposed thresholds, and those adopted by USEPA, to review impacts from criteria pollutants such as PM₁₀, PM_{2.5} and NO₂. More stringent thresholds than general SCAQMD CEQA significance thresholds should be used to provide an added measure of protection for children and families living and attending school within 1,000 feet of Project construction and operations, including heavily-traveled truck transportation routes.

A2.28

SCAQMD publishes California Environmental Quality Act (CEQA) review significance thresholds on its website.¹⁰ These thresholds are generally acceptable for CEQA review, but are not sufficiently health-protective for sensitive children and other at-risk persons such as asthmatic or immunocompromised individuals living or attending

¹⁰ South Coast AQMD Air Quality Significance Thresholds, South Coast Air Quality Management District, www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf, Revision April 2019.

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school near large project developments (within 1,000 feet) such as the BPSP (also see Section 3.1 of the 12/15/21 letter discussing CARB's land use guidance). The high pollution from these projects obligates review standards that the County should use to ensure health risk impacts to these susceptible individuals are minimized to the maximum extent possible.

South Coast AQMD requires, in Rule 1401.1, that cancer risk at a school be less than one in one million for any new facility within 1,000 feet of a school to receive a Permit to Construct (PTC).¹¹ Zimmerman Elementary School is situated within this critical short range. "Rule 1401.1 is designed to be more health protective for school children than Rule 1401 by establishing more stringent health risk requirements related to facility-wide cancer risk and non-cancer acute Hazard Index (HI) and chronic HI for new and relocated facilities emitting Toxic Air Contaminants (TAC) near schools, thereby reducing the exposure of toxic emissions to school children." While the Project is not a stationary source facility subject to a PTC requirement from SCAQMD, it is, in fact, a large source of air emissions within a community next to houses and near a school. Logically, the same health-protective conditions should be applied by the County and supported by SCAQMD, which is a CEQA-responsible agency.

A2.28
Cont.

SCAQMD is in the process of developing revised cumulative cancer risk thresholds. In a series of CEQA Policy Development (NEW) Working Group Meetings (WGM) titled "Analyzing Cumulative Impacts from Air Toxics in CEQA Documents", SCAQMD has shown that many areas within the South Coast Air Basin have disproportionately high air toxic impact burdens due to incremental emission increases from many sources. Their WGM #6 presentation¹² specifically calls out Industrial (warehouse, light & heavy manufacturing, industrial park) and Major planning projects (Master Plan, General Plan, Specific Plan) as high cancer risk impact land uses, proposing that initial thresholds be based on its Multiple Air Toxics Exposures Study V (MATES V) cancer risk. As the MATES V cancer risk near the Project area is estimated at 434 in one million, or 77th percentile, the initial threshold for cumulative significance would be 5 in one million. However, additional proposed criteria would result in an even more stringent threshold, taking into account both (1) those areas with health-sensitive populations (SB535 or AB617), and (2) those areas with high volume diesel-fueled trucks (greater than 951 truck trips per day). As both of these criteria would be triggered by the subject Project, the revised cumulative significance threshold would be the most stringent, **one in one million**, making the Project's cancer risk cumulatively considerable.

A2.29

In addition to the SCAQMD revisions, the United States Environmental Protection Agency (USEPA) promulgated a more stringent National Ambient Air Quality Standard (NAAQS) for the criteria pollutant PM_{2.5} during the time that has transpired between

A2.30

¹¹ https://www.aqmd.gov/docs/default-source/permitting/hra-procedures/hraprocedures9-0_103124.pdf

¹² Working Group Meeting #6 Cumulative Impacts from Air Toxics for CEQA Projects
[https://www.aqmd.gov/home/rules-compliance/ceqa/ceqa-policy-development-\(new\)](https://www.aqmd.gov/home/rules-compliance/ceqa/ceqa-policy-development-(new))

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the previous DEIR, FEIR and RDEIR. This action further stresses the importance of protecting community health from the subject criteria air pollutants. All areas of the state and the country are now subject to USEPA's updated annual standard for PM_{2.5} of 9.0 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$), which was set in February 2024. This change lowered the previous annual standard of 12.0 $\mu\text{g}/\text{m}^3$ and requires SCAQMD to develop new plans for emission reductions, particularly from mobile sources like heavy-duty trucks. USEPA similarly reduced its significant impact level (SIL) for PM_{2.5} annual concentrations used for permitting stationary facilities from 0.3 to 0.13 $\mu\text{g}/\text{m}^3$. SCAQMD does not list an annual average CEQA significance threshold for PM_{2.5}; therefore, one must be adopted by the County.

A2.30
Cont.

CJUSD should request that the County use the health-protective thresholds summarized in Table 1 below, for cancer risk impacts from DPM emissions during Project construction, for PM₁₀ and PM_{2.5} emissions, including fugitive emissions and diesel exhaust emissions from Project construction and operations, and for the NO₂ emissions from diesel equipment and trucks during Project construction and operations. The health impacts from these pollutants on children should be of the utmost concern to CJUSD and the County. The recommended health-protective thresholds in Table 1 are compared with the SCAQMD CEQA significance thresholds; both are used to compare the technical verification review provided in this letter. Further discussion and justification for use of the health-protective thresholds is provided below.

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TABLE 1 HEALTH-PROTECTIVE SIGNIFICANCE THRESHOLDS AS COMPARED TO SCAQMD CEQA SIGNIFICANCE THRESHOLDS			
Pollutant	Scenario/ Time Period	SCAQMD Air Quality Significance Thresholds ^a	Health-Protective Thresholds
Toxic Air Contaminants (TACs) Thresholds			
DPM	Construction or Operations	Maximum Incremental Cancer Risk ≥ 10 in one million	Maximum Incremental Cancer Risk $\geq$ one in one million ^b
Ambient Air Quality Standards for Criteria Pollutants			
NO ₂	1-hour average	0.18 ppm (state) (Equivalent to 339 $\mu\text{g}/\text{m}^3$)	20 $\mu\text{g}/\text{m}^3$ ^c
	Annual arithmetic mean	0.03 ppm (state) (Equivalent to 56.4 $\mu\text{g}/\text{m}^3$) and 0.0534 ppm (federal) (Equivalent to 100 $\mu\text{g}/\text{m}^3$)	1.0 $\mu\text{g}/\text{m}^3$ ^c
PM ₁₀	24-hour average	10.4 $\mu\text{g}/\text{m}^3$ (construction)	5.0 $\mu\text{g}/\text{m}^3$ ^d
		2.5 $\mu\text{g}/\text{m}^3$ (operation)	2.5 $\mu\text{g}/\text{m}^3$
	Annual average	1.0 $\mu\text{g}/\text{m}^3$	1.0 $\mu\text{g}/\text{m}^3$
PM _{2.5}	24-hour average	10.4 $\mu\text{g}/\text{m}^3$ (construction)	1.2 $\mu\text{g}/\text{m}^3$ ^e
		2.5 $\mu\text{g}/\text{m}^3$ (operation)	1.2 $\mu\text{g}/\text{m}^3$ ^e
	Annual average	(no standard)	0.13 $\mu\text{g}/\text{m}^3$ ^e

A2.30
Cont.

- a. SCAQMD's Air Quality Significance Thresholds. <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>
- b. Review threshold for projects (or traffic from projects) in vicinity of schools, from SCAQMD Rule 1401 <http://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1401.pdf> and Working Group Meeting #6 Cumulative Impacts from Air Toxics for CEQA Projects. <https://www.aqmd.gov/docs/default-source/ceqa/documents/wgm-6-20241106.pdf>
- c. Most stringent Ambient Air Quality Standard and Allowable Change in Concentration from SCAQMD Rule 1303 Table A-2. <http://www.aqmd.gov/docs/default-source/rule-book/reg-xiii/rule-1303-requirements.pdf>
- d. 24-hour USEPA Prevention of Significant Deterioration (PSD) Significant Impact Level (SIL) for PM₁₀. Title 40, Volume 2 of *Code of Federal Regulations*, Section 51.165(b)(2): <https://www.govinfo.gov/content/pkg/CFR-2011-title40-vol2/pdf/CFR-2011-title40-vol2-sec51-165.pdf>
- e. USEPA-recommended SIL for the annual average PM_{2.5} concentration in a Class II and Class III areas. This value is lower than the value of 0.3 $\mu\text{g}/\text{m}^3$ listed in 40 CFR 51.165(b)(2) at the time of the 12/30/21 memo. <https://www.epa.gov/nsr/significant-impact-levels-ozone-and-fine-particles>

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Children, such as students at Zimmerman Elementary School or living near the proposed Project location, are generally more susceptible to adverse health impacts from exposure to toxins than adults, according to the USEPA Integrated Science Assessment for Particulate Matter (p. 8-5).¹³ Students under age 18 undergo significant growth and development. Knowing that children bear a greater health burden when exposed to toxic air pollution and need greater protection under California state laws, the legislature passed the Children's Protection Act of 1999 (or SB25). Following the Act, OEHHA prepared several Technical Support Documents to update the methods for health risk assessors to use to review impacts at various life stages and then updated the recommended air toxics health risk assessment procedures in February 2015.¹⁴ Children breathe at a faster rate than adults per unit body weight, especially when engaged in outdoor activities. These and other concerns about Project impacts, and the need for enforceable mitigation, have been expressed by the California Air Resources Board (CARB) in a letter to the County dated December 15, 2021.¹⁵ Thus, in accordance with the Children's Protection Act and the OEHHA Guidelines, the County's analysis of health impacts from Project construction and operational emissions should account properly for the vulnerability of CJUSD children, with impacts mitigated to the fullest extent feasible to protect those children.

A2.30
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The Project proposes to complete construction during daytime hours that overlap with the hours when classes at Zimmerman Elementary School are in session, into the afternoon hours, when students use outdoor recreational facilities. From review of five years of wind data from the Fontana monitoring station, the prevailing winds blow from the southwest to the northeast nearly all of the time students are located at Zimmerman Elementary School. Therefore, any toxic emissions, dust and odors from proposed Project construction or operation activities during these hours will likely be blown directly downwind into the property classrooms, administrative buildings and recreational facilities.

A2.31

While significance thresholds are useful to review public health impacts and to make risk management decisions, any real health impact risk greater than zero by the Project on community residents, children and other persons should be unacceptable to CJUSD. A wide range of uncertainty exists in estimating the real future health impacts, due to uncertainty in the assumptions used to calculate Project air emissions, in theoretical computer health impact modeling methods, and in the availability and efficacy of proposed emission controls. To protect CJUSD school children and sensitive resident populations near the Project, it is incumbent on the

¹³ *Integrated Science Assessment for Particulate Matter*, U.S. Environmental Protection Agency, Office of Research and Development, Research Triangle Park, North Carolina, EPA/600/R-08/139F, December 2009.

¹⁴ *Air Toxics Hot Spots Program Risk Assessment Guidelines, Guidance Manual for Preparation of Health Risk Assessments*, Office of Environmental Health Hazard Assessment, California Environmental Protection Agency, Sacramento, California, February 2015, p. 8-18.

¹⁵ Letter from R. Krieger, California Air Resources Board, to A. Liang, County of San Bernardino Land Use Services Department Planning Division, December 15, 2021.

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County to mitigate and minimize any real impacts from the Project to the fullest extent possible. The following sections provide more details on the suggested thresholds.

A2.31
Cont.

Cancer Risk from Construction- and Operations-Related DPM Emissions

Diesel exhaust from internal combustion engines is a mixture of thousands of gases and fine particles, with more than 40 substances that are toxic and hazardous to human health. CARB has designated diesel exhaust as a state-regulated Toxic Air Contaminant (TAC), based upon the determination that such exhaust is a human carcinogen.¹⁶ In doing so, CARB designated diesel exhaust as “an air pollutant which may cause or contribute to an increase in mortality or an increase in serious illness, or which may pose a present or potential hazard to human health” (p. ES-1). The mixture of toxic gases and particles combine together to form DPM, which people are exposed to when breathing emissions from diesel-fueled engines. DPM lodges in the human lungs of children and other sensitive individuals, delivering more than 16 potent substances known to cause cancer such as polycyclic aromatic hydrocarbons (PAHs) including benzo(a)pyrene, benzene, formaldehyde, 1,3-butadiene, and ethylene dibromide. Diesel exhaust is also associated with long-term, non-cancer immunological effects, such as respiratory diseases including asthma and other allergic diseases. High short-term exposures to diesel exhaust can lead to increased symptoms of irritation, compromised pulmonary function, and new cases of asthma. According to the SCAQMD, about 68% of the air toxics-related cancer risk to persons living in the Los Angeles Basin is due to exposure to diesel exhaust.¹⁷ DPM is the toxic air contaminant of primary concern in the South Coast Air Basin.¹⁸ The DPM emissions from the Project, therefore, contribute to an already existing high health burden from local and regional DPM emissions.

A2.32
Cont.

The Project DEIR was deficient by not completing a construction emissions HRA. After BlueScape’s previous letter commenting on this deficiency, a construction HRA was completed. However, the cancer risk significance threshold used by the SCAQMD for CEQA review, 10 in one million, should not have been used for construction or operations, as it is not health-protective for sensitive individuals such as children living and going to school near large projects. During construction activities, large amounts of DPM will blow directly toward school sites such as Zimmerman Elementary School and nearby residents. To protect children from contracting cancer

¹⁶ *Proposed Identification of Diesel Exhaust as a Toxic Air Contaminant*, California Air Resources Board and the Office of Environmental Health Hazard Assessment, as approved by the Scientific Review Panel, Sacramento, California, April 22, 1998.

¹⁷ *Final 2016 Air Quality Management Plan (AQMP), Appendix I Health Effects*, South Coast Air Quality Management District, Diamond Bar, California, March 2017, p. I-65.

¹⁸ *Air Quality Issues in School Site Selection Guidance Document*, prepared by ICF Consulting for the South Coast Air Quality Management District, Diamond Bar, California, revised May 2007, p. ES-2.

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due to the impacts from construction emissions, a one in one million cancer risk threshold would be more appropriate and health-protective.

The County has the discretion to set more stringent and health-protective thresholds for children than SCAQMD provides for general CEQA review. In the *Air Toxics Hot Spots Guidance Manual*,¹⁹ OEHHA states, "There is valid scientific concern that the rate of exposure may influence the risk – in other words, a higher exposure to a carcinogen over a short period of time may be a greater risk than the same total exposure spread over a much longer time period. In addition, it is inappropriate from a public health perspective to allow a lifetime acceptable risk to accrue in a short period of time (e.g., a very high exposure to a carcinogen over a short period of time resulting in a 1×10^{-5} cancer risk). Thus, consideration should be given for very short-term projects to using a lower cancer risk trigger for permitting decisions."

A2.32
Cont.

The CJUSD should request that the County adopt the one in one million cancer risk significance review threshold for Project construction- and operations-related emission impacts as appropriate and health-protective for school children and sensitive receptors, consistent with SCAQMD's 1401.1 thresholds and proposed CEQA cumulative thresholds. See Section 2 for more details on DPM health risk modeling.

Health Impacts from PM₁₀ and PM_{2.5} Emissions

The health effects of exposure to PM emissions, especially fine and ultrafine particles, including DPM and fugitive PM, are well documented in the SCAQMD Air Quality Management Plan (AQMP), pp. I-19 to I-49.²⁰ Major health effects from exposure to PM include increased mortality, and exacerbation of respiratory disease and cardiovascular disease, leading to increased hospital visits and school absences, adverse birth outcomes, and changes in lung morphology. Based upon one study, a 10 µg/m³ increase in PM₁₀ concentration leads to a 3.4% increase in respiratory deaths, 1.4% increase in cardiovascular deaths, 3% increase in asthmatic attacks, 12.2% increase in bronchodilator use, and 3.4% increase in emergency room visits, among other impacts. Greater mortality rates and respiratory effects are associated with smaller particles, because these particles cannot be expelled easily and become lodged in the lungs.

A2.33

The Project DEIR was deficient by not completing a proper AQIA for PM₁₀, PM_{2.5} emissions impacts, as well as for other pollutant emissions. After BlueScape's previous letter commenting on this deficiency, this analysis was completed in the FEIR, but only analyzed 24-hour averages for PM₁₀ and PM_{2.5}, and did not review annual concentrations. The review should select review thresholds for short-term or 24-hour average, and long-term or annual average PM_{2.5} impacts, that are health-protective for school children and other sensitive individuals (see Table 1). The

¹⁹ *Air Toxics Hot Spots Program Risk Assessment Guidelines, Guidance Manual for Preparation of Health Risk Assessments*, p. 8-18.

²⁰ Final 2016 AQMP, Appendix I, p.I-19 to I-49.

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SCAQMD's 10.4 $\mu\text{g}/\text{m}^3$ significance threshold for short-term PM_{10} and $\text{PM}_{2.5}$ construction emission impacts was based upon fugitive dust impacts from construction projects only, and without specific regard to health impacts on sensitive children.²¹

Given the potentially high impacts of PM_{10} and $\text{PM}_{2.5}$ emissions on nearby residents and school sites on a daily and long-term basis, and to protect sensitive children and others from the short-term health impacts from Project $\text{PM}_{2.5}$ emissions, including while located outdoors and experiencing higher activity levels, the federal significance thresholds of 5.0 $\mu\text{g}/\text{m}^3$ for PM_{10} and 1.2 $\mu\text{g}/\text{m}^3$ for $\text{PM}_{2.5}$ for 24-hour average impacts, that is taken from USEPA guidance,²² would be more appropriate and health-protective than the 10.4 $\mu\text{g}/\text{m}^3$ threshold. CJUSD should request that the County adopt these review significance thresholds for short-term, or 24-hour average, Project PM_{10} and $\text{PM}_{2.5}$ emissions.

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Similarly, the long-term, or annual average CEQA significance threshold listed by SCAQMD for operations for PM_{10} and $\text{PM}_{2.5}$ emissions, 2.5 $\mu\text{g}/\text{m}^3$ for both pollutants, is not health-protective for review of impacts on children. The SCAQMD CEQA thresholds table does not list a review threshold for annual average $\text{PM}_{2.5}$ impacts from operations. The federal significance thresholds of 1.0 $\mu\text{g}/\text{m}^3$ for PM_{10} and 0.13 $\mu\text{g}/\text{m}^3$ for $\text{PM}_{2.5}$ are recommended for the annual average impact review. A lower threshold than PM_{10} should be used for $\text{PM}_{2.5}$ because of the greater health concerns regarding fine particulate health impacts.

Given the potential high short-term and long-term impacts of PM_{10} and $\text{PM}_{2.5}$ emissions on the community residents and school sites, in order to protect sensitive children and others, CJUSD should request that the County require the update of the RDEIR review for the AQIA, to use the federal significance thresholds stated in this letter. See Section 3 for more details on $\text{PM}_{2.5}$ and PM_{10} modeling.

Health Impacts from NO_x Emissions

NO_x emissions include nitrogen oxide (NO) and nitrogen dioxide (NO_2) from mobile source fuel combustion. As with particulate emissions, NO_2 emissions have also been linked to respiratory effects. The SCAQMD AQMP Table 2-1 states NO_2 has the potential to aggravate chronic respiratory disease in children with asthma.²³

A2.34

²¹ Final Methodology to Calculate Particulate Matter (PM) 2.5 and PM 2.5 Significance Thresholds, South Coast Air Quality Management District, Diamond Bar, California, October 2006.

²² Guidance on Significant Impact Levels for Ozone and Fine Particles in the Prevention of Significant Deterioration Program, U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina, Revised August 18, 2016.

²³ Final AQMP Chapter 2, Table 2-1, p. 2-4.

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According to CalEnviroScreen 4.0, the area east of Locust Avenue is associated with a 90-100% prevalence of asthma in the population.²⁴

The Project DEIR was deficient by not completing an AQIA for NO₂ emissions impacts. After BlueScape's previous letter commenting on this deficiency, this analysis was completed in the FEIR, but only analyzed 1-hour averages for NO₂, and did not review annual concentrations. The SCAQMD CEQA review thresholds table lists the use of the federal and state ambient standards for short-term (or 1-hour) and long-term (or annual average NO₂ impacts), which involves adding Project impacts from construction or operational NO₂ emissions to area background levels. CJUSD should recommend that the County use review thresholds that are more health-protective for school children (see Table 1). These are based upon the SCAQMD Rule 1303 Table A-2 thresholds that cannot be exceeded for stationary projects: 20 µg/m³ for 1-hour average NO₂ impacts and 1 µg/m³ for annual average impacts. CJUSD should request that the County utilize these health-protective thresholds for the impacts on school children and other sensitive individuals located near the Project construction and operations. See Section 3 for more details on NO₂ modeling.

A2.34
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2. The operational and construction HRAs have flaws and technical errors, including using too few receptor locations to assess health risk impacts, underestimating truck traffic for the Project, using incorrect modeling parameters, and using child exposure assumptions that are not considered to be health-protective. As a result, the cancer risk impacts at school sites such as Zimmerman Elementary School and the community are underestimated. When these flaws and errors are corrected, cancer risk impacts at nearby resident and school locations are well above the one in one million cancer risk significance threshold.

DEIR Operational HRA

A2.35

As stated in the CJUSD's 12/15/21 letter Section 3 (page 6) and 3.1 (page 8), and in the December 30, 2021 memo included in the FEIR, the receptor placement in the DEIR operational HRA is inadequate and fails to locate the maximum residential cancer risk impacts. There was no change in emissions or modeling for operations between the DEIR and the RDEIR, so these comments still apply.

The DEIR/RDEIR do **not** include an evaluation of the maximum impacted receptor location on the receptor grid, as there is no grid used. As stated in South Coast AQMD's modeling guidance²⁵: "To identify the maximum impacted receptors, a uniform Cartesian grid with a spacing of 100 meters or less must be used for all distances less than 1 kilometer. [...] Note that some modeling analyses will require remodeling with a finer grid resolution if additional areas of concern are identified in

²⁴ CalEnviroScreen 4.0, Office of Environmental Health Hazard Assessment, <https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40>, October 20, 2021.

²⁵ <https://www.aqmd.gov/home/air-quality/meteorological-data/modeling-guidance#Receptor>

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the coarse grid modeling.” DPM does dissipate with distance, but features such as terrain, meteorology, and overlapping source contributions can cause impacts further from sources, so it is important to have a reasonable grid to capture these impacts. All the points on this grid may not be valid residential receptors, but it allows AERMOD to determine the maximum concentration and interpolate between these points to create the concentration contours (isopleths), resulting in a more accurate analysis. In other words, if AERMOD does not calculate the concentrations at multiple locations, it can’t determine where the maximum concentration is, which defeats the purpose of the analysis.

A2.35
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BlueScape remodeled sources²⁶ and receptors as shown in the Mobile Source Health Risk Assessment,²⁷ which analyzed the Maximum Reasonable Initial Development (MRID) scenario, using the latest AERMOD version 24142. The concentration of DPM at the receptor evaluated in Appendix C2 (UTM 463025.32 m, 3767598.45 m, at the southeast corner of Jurupa and Linden) decreased from 1.02E-02 to 9.46E-03 $\mu\text{g}/\text{m}^3$ with this version of AERMOD.

²⁶ Note that the line-volume source SLINE14 was erroneously assigned a release height of 0 meters; this was kept at 0 meters for consistency. The truck category used for 2-axle trucks, LHDT1, omitted the LHDT2 category. These errors should be corrected in an updated HRA.

²⁷ MRID/Option 2, Operations only, Appendix C2 of DEIR, July 23, 2021.

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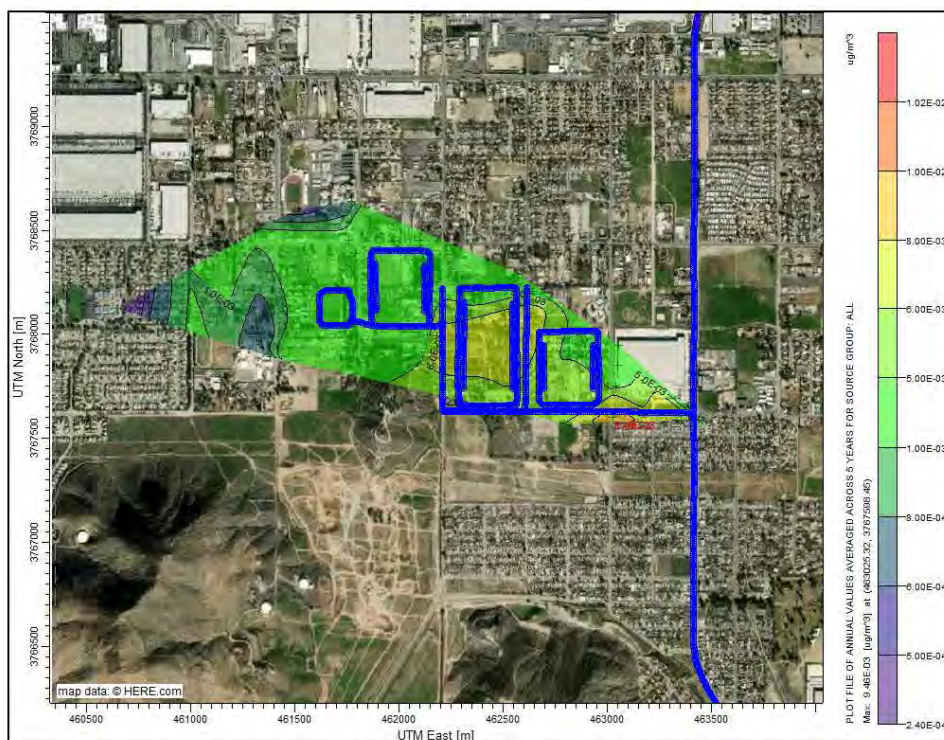


FIGURE 1. REMODELING OF DEIR/RDEIR (MRID OPERATIONS) DPM SOURCES AND RECEPTORS IN AERMOD 24142

As well summarized in Santa Barbara APCD's HRA modeling guidelines,²⁸ note that when performing a risk assessment: "Run the initial HRA with all FAH [Fraction of Time at Home] options disabled in order to determine the initial one in one million cancer risk isopleth. If there are no schools or daycares within the initial one in one million cancer risk isopleth, both FAH options (i.e., ages less than 16 years and greater than or equal to 16 years) may be selected in the final HRA. If there is a school or daycare within the initial one in one million cancer risk isopleth, the FAH option for ages greater than or equal to 16 years may be selected in the final HRA, but the FAH option for ages less than 16 years shall not be used."

²⁸ <https://www.ourair.org/wp-content/uploads/apcd-15i.pdf>

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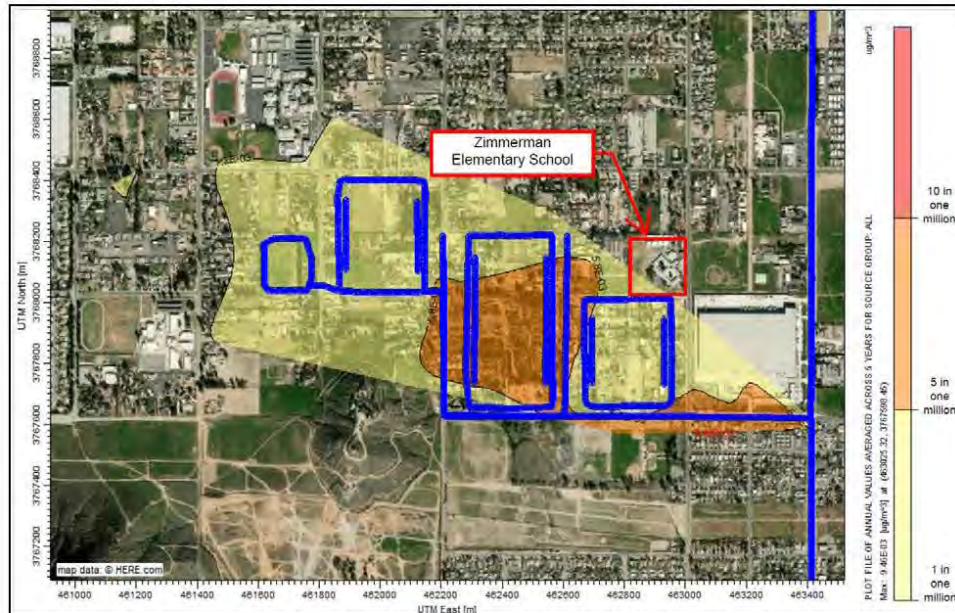


FIGURE 2. REMODELING OF DEIR/RDEIR (MRID OPERATIONS) WITH RISK ISOPLETHS

As seen in Figure 1 and Figure 2 (remodeling of the HRA for cancer risk with too few receptors), no cancer risk isopleth reaches Zimmerman Elementary or Crestmore Elementary buildings due to a lack of receptors. This does not mean that no schools or daycares are in a 30-year one in one million cancer risk isopleth. Instead, it means a conclusion cannot be drawn regarding risk at these locations.

BlueScope added additional receptor grids, with finer grids near schools (shown in pink) and nearby residential areas. As seen in Figure 3 below, receptors are now covering Zimmerman Elementary, Crestmore Elementary and additional residences.

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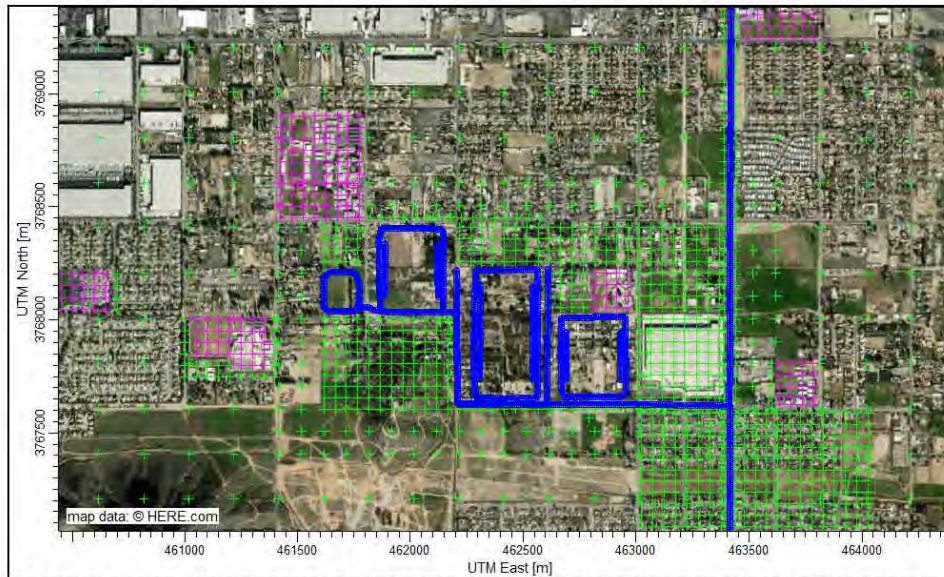


FIGURE 3. DEIR/RDEIR (MRID OPERATIONS) DPM SOURCES WITH ADDITIONAL RECEPTORS

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As seen in Figure 4, with this new receptor grid, the modeled concentration of DPM at the southwest corner of the main Zimmerman Elementary building is $3.39\text{E-}03 \mu\text{g}/\text{m}^3$. Using procedures provided by OEHHA,²⁹ SCAQMD,³⁰ and CARB's Risk Management Policy (RMP) breathing rates, this corresponds to a 30-year cancer risk of 2.52 in one million. Using 95th percentile daily breathing rates (DBR) for all groups,³¹ this risk would be 2.93 in one million. Similarly, Crestmore Elementary School has a modeled concentration of $1.35\text{E-}03 \mu\text{g}/\text{m}^3$. This corresponds to a 1.0 in one million cancer risk using RMP breathing rates, and 1.2 in one million cancer risk using 95th percentile DBR. Note that concentrations given here were at receptors that are on buildings; concentrations were even higher in playground areas, where

²⁹ *Air Toxics Hot Spots Program Risk Assessment Guidelines, Guidance Manual for Preparation of Health Risk Assessments.*

³⁰ *Risk Assessment Procedures for Rules 1401, 1401.1 and 212, Version 9.0, South Coast Air Quality Management District, Diamond Bar, California, October 31, 2024.*

³¹ The daily breathing rate (DBR) assumption was adjusted to the 95th percentile for all age groups, to provide a more conservative, but realistic, upper bound cancer risk calculation, following the OEHHA Air Toxics Hot Spots Guidelines Table 5.7. (Air Toxics Hot Spots Program Risk Assessment Guidelines, Guidance Manual for Preparation of Health Risk Assessments, Table 5.7. p. 5-25.) This DBR assumption is higher, and therefore more health-protective, than the 80th percentile assumption typically used for ages 2 to 70. The intent of using the 95th percentile breathing rate for all age groups is to provide a more health-protective risk calculation for persons who both live and attend schools near Project construction and operations.

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children would have higher breathing rates, consistent with 95th percentile breathing rates. Thus, there is an elementary school within a one in one million isopleth, and the FAH must be set to 1 for residents under age 16 in risk calculations (as per SCAQMD Guidelines and referenced in the CJUSD 12/15/21 letter, Section 3.2, and in BlueScape's 12/30/21 technical analysis).

These changes alone (receptor grid plus FAH correction), increase the cancer risk for the receptor at UTM 463025.32 m, 3767598.45 m (listed as OYD2-R7, for Maximum Reasonable Initial Development, or MRID, Operations only) from 5.78 per one million as stated in the DEIR to 7.0 per one million using RMP breathing rates, and 8.2 in one million using 95th percentile breathing rates. This does not include any additional exposure due to any MRID construction or Specific Plan full buildout construction or operations.

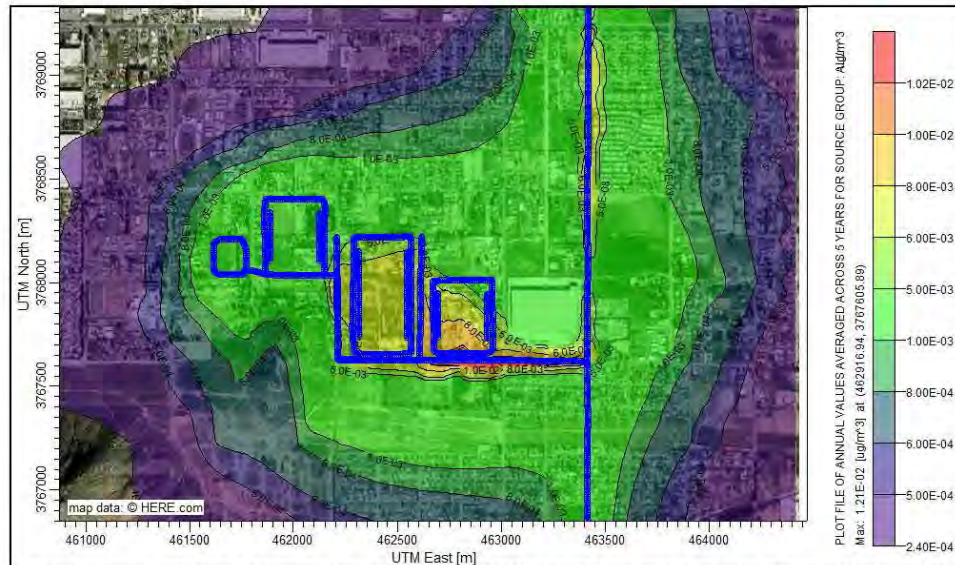


FIGURE 4. REMODELING OF DEIR/RDEIR (MRID OPERATIONS) DPM SOURCES AND RECEPTORS WITH ADDITIONAL RECEPTORS

As mentioned, SCAQMD Rule 1401.1 requires the cancer risk for new facilities to be less than one in one million at any school or school under construction within 1,000 feet of the facility. As the school property is directly adjacent to the proposed Project, this cancer risk threshold would be applicable. As seen in Figure 5 below, Zimmerman Elementary is entirely within the one in one million isopleth, with only the change of adding more receptors. Results in Table 2 below are for the southwest corner of the building, but results are even higher in school playground areas. When these errors in trip generation rates are corrected, as mentioned above, the maximum 30-year

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cancer risk impacts at Zimmerman Elementary (within 1,000 feet of the Project), **are over the Rule 1401.1 one in one million cancer risk significance threshold.**

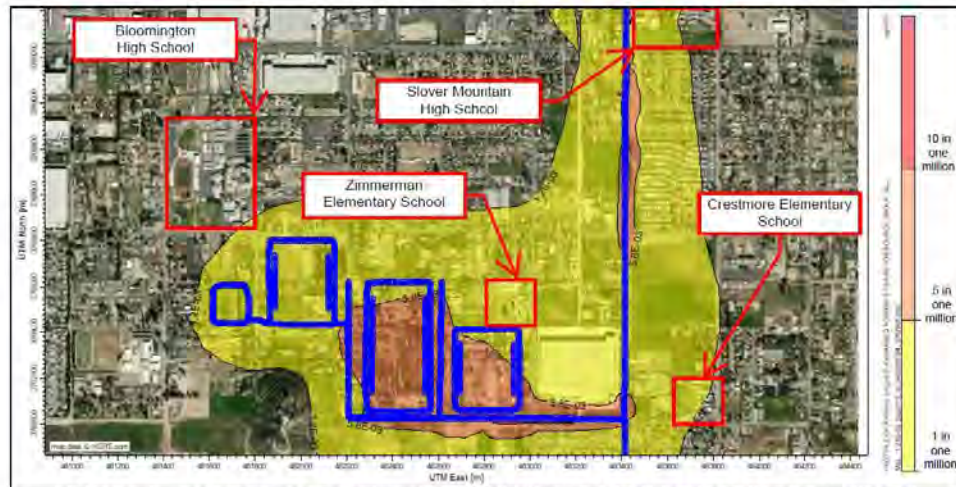


FIGURE 5. REMODELING OF DEIR/RDEIR SOURCES AND RECEPTORS, WITH CANCER RISK ISOPLETHS

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Indeed, with the addition of this grid, there are other residential receptors that have a higher impact than those arbitrarily chosen in the DEIR (See Figure 4, Figure 5). A residential receptor on Jurupa between Linden and Oak (UTM 463316.94 m, 3767605.89 m) would have a DPM concentration of $1.19 \text{ E-}02 \mu\text{g}/\text{m}^3$, correlating to a cancer risk of 8.9 in one million using RMP breathing rates, and 10.3 in one million using 95th percentile breathing rates, from MRID operational traffic alone, which is above the one in one million Rule 1401.1 health protective threshold; above the proposed CEQA cumulative threshold of one in one million; and even above the 10 in one million current CEQA threshold set by SCAQMD. This does not include risk from MRID construction, or the Specific Plan full buildout construction or operations.

The 12/15/21 comment letter and BlueScape's previous 12/30/21 analysis discuss the fact that the DEIR Traffic Study trip generation rates are incorrectly estimated. As noted by the Western Riverside Council of Governments (WRCOG) Planning Directors Committee,³² warehouse truck traffic patterns have changed since the last trip generation study in 2018 at local high-cube facilities. A study was performed by Fehr and Peers in 2023 showing how trip generation and vehicle mix changed in a post-pandemic environment. "The most notable event, the COVID pandemic, increased the frequency and magnitude of on-line shopping... Trips, as a whole, from

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³² Western Riverside Council of Governments Planning Directors Committee *High-Cube Warehouse Trip Generation Study*, December 14, 2023. Available at: <https://wrcoq.us/AgendaCenter/ViewFile/Agenda/12142023-730>

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Fulfillment Centers has decreased...[but t]he daily fleet mix seems to have changed such that there are more heavy vehicles and fewer passenger cars."

This report, issued in December 2023, was completed *almost two years* before the Recirculated DEIR, and should have been used as the basis for the vehicle mix analyzed in the RDEIR. Instead, the previous studies were referenced, and no revised analysis was performed.

BlueScape received new recalculated trip generation rates from Garland Associates for the High Cube Transload Warehouse and Fulfillment Center Warehouse for Project Option 2, and Industrial Park and Manufacturing for full buildout, using the Institute of Transportation Engineers (ITE) manual reference,³³ and new vehicle mixes from the WRCOG report. Project Opening Year Development Option 2 (modeled as MRID) was reviewed as the worst-case of either Project Option 1 or 2. The updated daily trip volumes increase by 5.5% overall, but truck trips more than double (1,916 truck trips for full buildout vs 912 truck trips modeled for MRID in the DEIR/RDEIR). Therefore, DPM emissions from truck trips and cancer risk impacts at the resident and school sites nearest the Project sites are vastly underreported.

BlueScape reviewed the SP OP modeling run (full buildout) as given in the DEIR. As with the MRID Operations run, there were too few receptors to catch the maximum impacts. In addition, some sources appeared to idle in some places, but no emissions occurred in between these idling locations and the on- or off-site travel, as though vehicles have been teleported from one place to another (see Figure 6). There appears to be too little traffic modeled in AERMOD, so concentrations are underreported. As a result, this model is not usable as a baseline setup, and no full buildout can be modeled with this.

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³³ Bloomington Business Park Specific Plan DEIR *Additional Findings for Project Generated Traffic Volumes*, Memorandum from Richard Garland P.E. Consulting Traffic Engineer, Garland Associates, Huntington Beach, California, November 5, 2025.

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FIGURE 6. FULL BUILDOUT SETUP FROM FEIR/RDEIR SHOWING LACK OF TRUCK TRAVEL BETWEEN IDLING AND OFF-SITE TRAVEL

To ensure a good base model is used, and to be consistent with the above MRID analysis, BlueScape recalculated only the MRID emission rates using these new truck trips (note that Industrial Park and Manufacturing trips, accounting for an additional 664 truck trips per day, have been excluded) and remodeled using these new emission rates.

With the corrected trip rates, a residential receptor on Jurupa between Linden and Oak (UTM 463066.94 m, 3767605.89 m), would have a DPM concentration of 1.65 E-02 $\mu\text{g}/\text{m}^3$, correlating to a cancer risk of 12.3 in one million using RMP breathing rates, and 14.3 in one million using 95th percentile breathing rates, from MRID operational traffic alone, which is above the cancer risk thresholds discussed (see Figures 7 and 8). This does not include risk from MRID construction, or the Specific Plan full buildout construction or operations.

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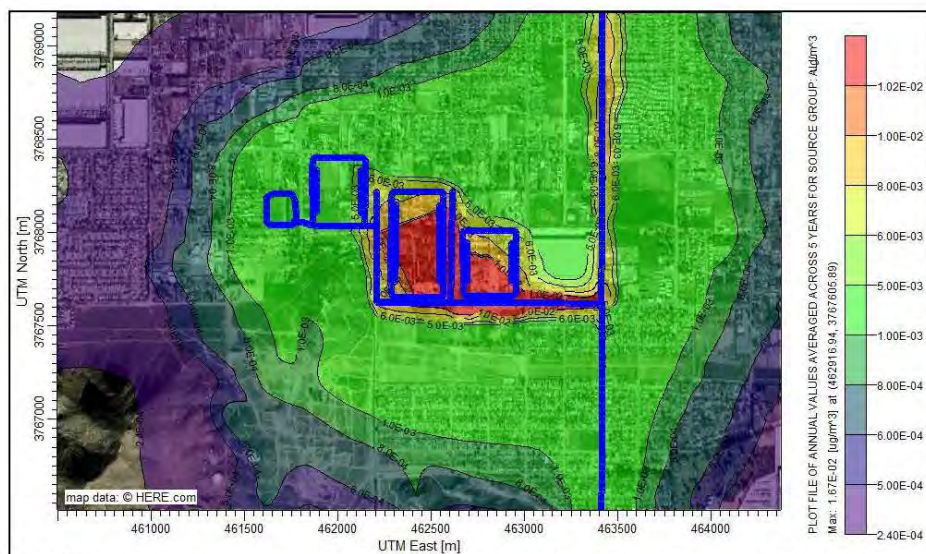


FIGURE 7. REMODELING OF DEIR (MRID OPERATIONS) DPM SOURCES WITH ADDITIONAL RECEPTORS AND CORRECTED TRAFFIC

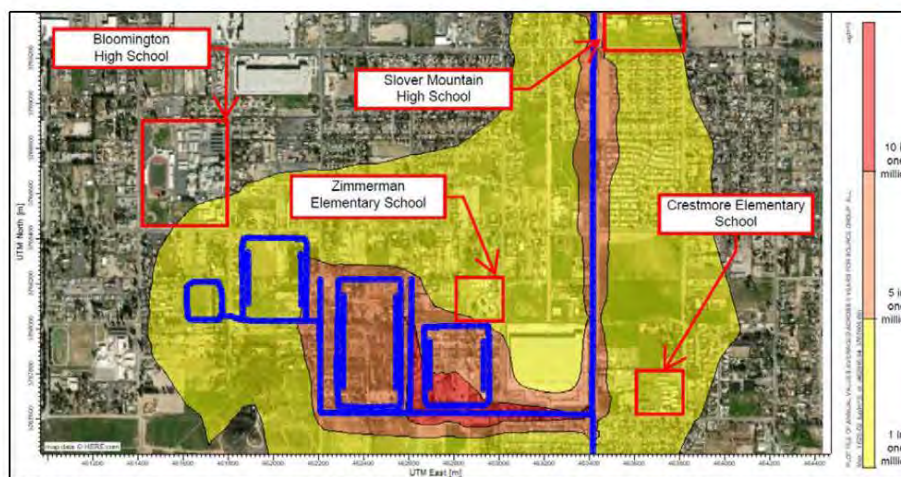


FIGURE 8. REMODELING OF MRID OPERATIONS WITH CORRECTED TRAFFIC AND RISK ISOPLETHS

When these errors in trip generation rates are corrected, the maximum 30-year cancer risk impacts at residential locations are **well over the cancer risk significance thresholds discussed.**

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TABLE 2 COMPARISON OF 30-YEAR CANCER RISK IMPACTS FOR BLOOMINGTON BPSP PROJECT, MRID OPERATIONS POLLUTANT: DIESEL PARTICULATE MATTER				
Cancer Risk Basis	RMP DBR, per million	95th % DBR, per million ^a	Significance Threshold, per million ^b	Exceed Threshold?
1. Max MRID Operations Risk presented in DEIR/RDEIR ^c	5.78	--	1	YES
2. DEIR MRID Operations Only + Grid, 30-year ^d	8.86	10.3		YES
3. DEIR MRID Operations Only + Grid and Corrected Truck Traffic, 30-yr ^e	12.3	14.3		YES
4. MRID Operations Risk for Zimmerman presented in DEIR/RDEIR	none	none		--
5. DEIR MRID Operations Only + Grid, 30-year, at Zimmerman ^f	2.52	2.93		YES
6. DEIR MRID Operations Only + Grid and Corrected Truck Traffic, 30-yr, at Zimmerman ^g	3.65	4.24		YES

a. Uses a 95% Daily Breathing Rate (DBR) for all age groups.

b. Working Group Meeting #6 Proposed CEQA Cumulative Impacts from Air Toxics for CEQA Projects, and 1401.1 threshold for receptors at schools within 1,000 ft of Project is 1 in one million; as these students will be living near the school, the threshold for all nearby residential receptors is placed at one in one million.

c. Receptor at UTM 463025.32 m, 3767598.45 m.

d. Re-run of MRID Operations as presented in DEIR, corrects grid and FAH. Receptor at UTM 463066.94 m, 3767605.89 m.

e. Re-run of MRID Operations as presented in DEIR, corrects grid, traffic, and FAH. Receptor at UTM 463066.94 m, 3767605.89 m.

f. Re-run of MRID Operations as presented in DEIR, corrects grid and FAH.

g. Re-run of MRID Operations as presented in DEIR, corrects grid, traffic, and FAH.

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FEIR Construction HRA

As mentioned, the results above are only for MRID operations. After BlueScape's 12/30/21 memo pointing out the lack of a construction HRA, one was prepared and provided in the FEIR (Appendix A, Supplemental Air Quality Analysis, March 23, 2022). BlueScape reviewed this HRA and found similar issues to the Operational HRA: the lack of receptors causes the isopleths to be inaccurate, leading to an underestimation of risk. In addition, there was also no explanation provided for how emissions were apportioned to sources in the modeling, making it difficult for the public to translate bare numbers (mass emissions) provided into adverse health

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impacts. It was unclear whether the emission rates entered into the model for each source were for MRID only, or also included full buildout emissions, as the model run was labeled "MRID OP", but was clearly set up for a construction HRA for the full buildout (SP) area. BlueScape was not able to recreate the cancer risk results of 3.7 in one million given the information provided for the 0-2 age bin; the 2-16 and 16-30 age bin calculations shown used a concentration that was not listed in the output file, and had exposure years that did not correlate with the construction duration.

Nonetheless, BlueScape remodeled the AERMOD setup in the construction HRA as a baseline, using the same sources and receptors, and received similar results to those in the FEIR ($2.129\text{E-}02$ vs $2.138\text{E-}02$ $\mu\text{g}/\text{m}^3$ listed in the FEIR); see Figure 9 below.

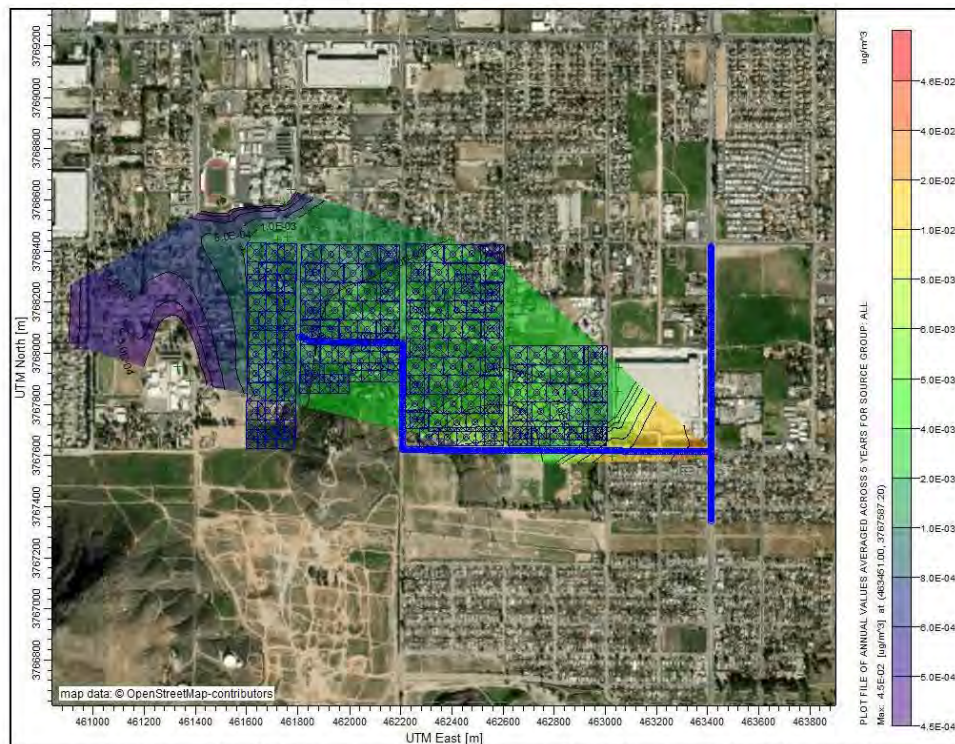


FIGURE 9. RERUN OF FEIR CONSTRUCTION DPM IN AERMOD V. 24142

BlueScape then remodeled this same information with the same expanded receptor grid shown in Figure 2. As with the operations model runs shown above, increasing the receptor grid gives a more refined picture of the concentration isopleths, as terrain, meteorological conditions, and overlapping source contributions are

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calculated and accounted for within AERMOD for each receptor. See Figure 10 below, using the same concentration color ramp as the construction run above.

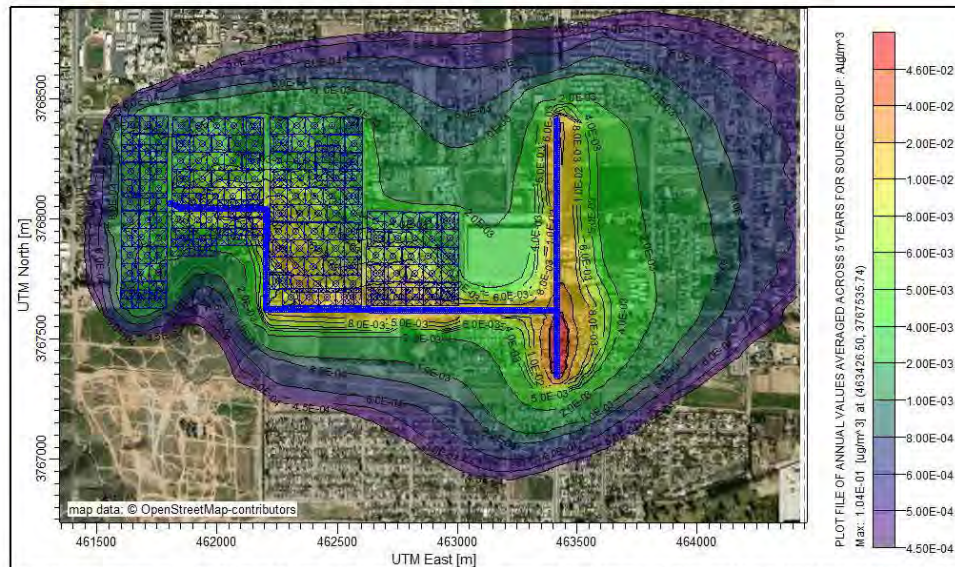


FIGURE 10. REMODELING OF FEIR SOURCES AND RECEPTORS WITH ADDITIONAL RECEPTORS

Consistent with the operational remodeling, it's shown that the maximum impacted residential receptor was not captured in the original construction HRA. Also, the construction HRA had an additional flaw (Figure 11): Variable emissions were set to HRDOW (hourly, day of week) factors using 1 and 0, which would be appropriate for an acute hourly modeling analysis, to turn those hours "on and off", but would not be appropriate for an annual run, such as for cancer risk concentrations, where annual emissions need to be concentrated into the assumed hours of construction (8 am – 4 pm) using scalars. Modeling only weekdays but not including Saturdays and Sundays is also a technical flaw, because it is standard practice to include all days of the meteorological data in order to "capture" all of the data in the files. Actual construction days are not being evaluated, so none of the days of meteorological data can be omitted.

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** Variable Emissions Type: "By Hour / Day (HROFDY)"
** Variable Emission Scenario: "Scenario 2"
** WeekDays:
EMISFACT VOL1      HROFDY 0.0 0.0 0.0 0.0 0.0 0.0 0.0
EMISFACT VOL1      HROFDY 0.0 0.0 1.0 1.0 1.0 1.0 1.0
EMISFACT VOL1      HROFDY 1.0 1.0 1.0 1.0 0.0 0.0 0.0
EMISFACT VOL1      HROFDY 0.0 0.0 0.0 0.0 0.0 0.0 0.0
** Saturday:
EMISFACT VOL1      HROFDY 0.0 0.0 0.0 0.0 0.0 0.0 0.0
EMISFACT VOL1      HROFDY 0.0 0.0 0.0 0.0 0.0 0.0 0.0
EMISFACT VOL1      HROFDY 0.0 0.0 0.0 0.0 0.0 0.0 0.0
EMISFACT VOL1      HROFDY 0.0 0.0 0.0 0.0 0.0 0.0 0.0
** Sunday:
EMISFACT VOL1      HROFDY 0.0 0.0 0.0 0.0 0.0 0.0 0.0
EMISFACT VOL1      HROFDY 0.0 0.0 0.0 0.0 0.0 0.0 0.0
EMISFACT VOL1      HROFDY 0.0 0.0 0.0 0.0 0.0 0.0 0.0

```

FIGURE 11. VARIABLE EMISSIONS USED IN FEIR CONSTRUCTION HRA

Using an Hour-of-Day (keyword HROFDY) scenario is a more appropriate selection for a construction scenario like this, with the same "turned on" hours of 8 am - 4 pm (8 hours) for all days of the week, with a scaler of 3 entered for each hour instead of 1, and a sum of rate scalers for each day of 24.³⁴

As with the operational remodeling, there is an elementary school within a 1 in one million isopleth, and the Fraction of time at Home (FAH) must be set to 1 for residents under age 16 in risk calculations.

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With all of these changes incorporated, the maximum concentration of DPM at a residential receptor is now on Cedar, between 13th and 14th Street, (UTM 463388.00 m, 3767450.00 m) at 1.90E-01 $\mu\text{g}/\text{m}^3$. For a construction duration of 1.75 years, the 30-year cancer risk for a receptor in the 0-2 age bin for construction alone is 40.6 in one million³⁵ (Figures 12 and 13). As a comparison, using no variable emission factors results in a DPM concentration of 4.25 E-01 $\mu\text{g}/\text{m}^3$, for a 30-year cancer risk of 90.7 in one million. It would be erroneous not to model variable emissions for construction, since construction activities are more likely to occur during the hours of 8 am - 4 pm, where meteorological conditions are more likely to cause emissions to disperse more quickly, but it does serve to show how the choice of variable emission factors greatly affects concentrations when all else is equal.

The isopleths in Figures 12 and 13 below also show that the extent of the construction impacts to the community are also not fully modeled, as the construction traffic exiting the Project site along Cedar stops at Santa Ana Avenue to the north, and just south of 13th Street to the south. Thus, impacts to residences along Cedar Avenue and at Slover Mountain High School (at Cedar Avenue and Slover Avenue) have not been modeled.

³⁴ For a detailed discussion of variable emissions rate factors, see Santa Barbara APCD's excellent writeup at: <https://www.ourair.org/wp-content/uploads/apcd-151.pdf>

³⁵ In this age group, RMP breathing rates and 95th percentile breathing rates are the same, so only one value is provided.

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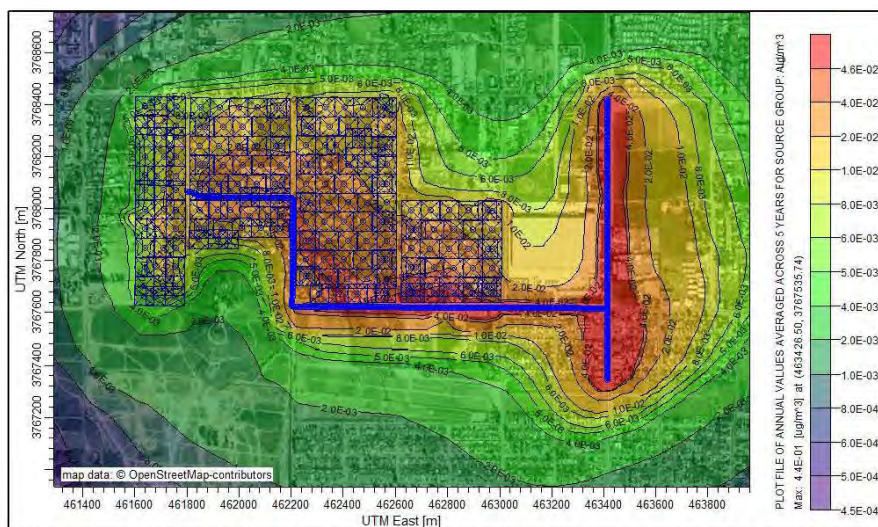


FIGURE 12. REMODELING OF FEIR SOURCES WITH ADDITIONAL RECEPTORS AND CORRECTED VARIABLE EMISSION FACTORS

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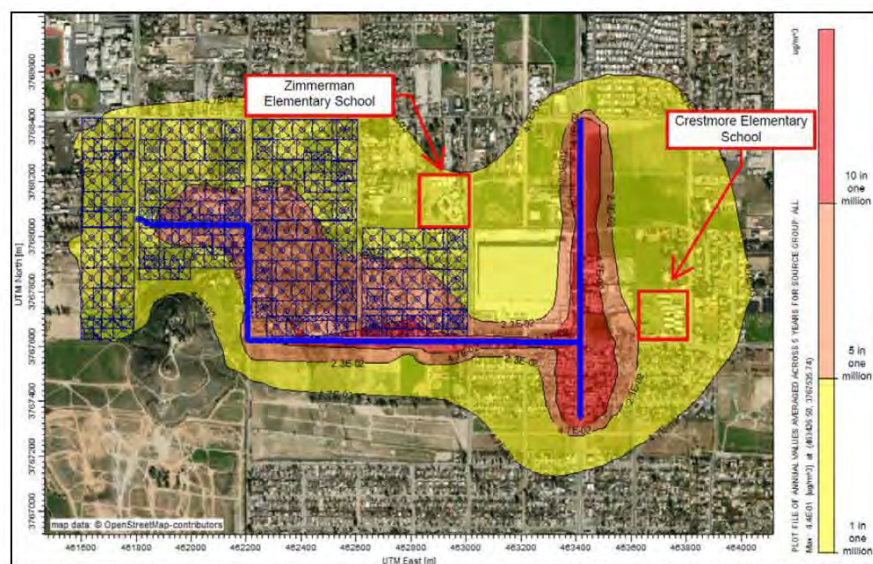


FIGURE 9. REMODELING OF FEIR SOURCES WITH ADDITIONAL RECEPTORS AND CORRECTED VARIABLE EMISSION FACTORS WITH RISK ISOPLETHS

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Thus, cancer risk impacts due to this Project would exceed the one in one million cancer risk threshold for construction only. The results of the verification modeling and Project construction health risk calculations are shown below in Table 3.

TABLE 3 COMPARISON OF 30-YEAR RESIDENTIAL CANCER RISK IMPACTS FOR BLOOMINGTON BPSP PROJECT, CONSTRUCTION ONLY POLLUTANT: DIESEL PARTICULATE MATTER			
Cancer Risk Basis	RMP/95th Percentile DBR, per million ^a	Significance Threshold, per million	Exceed Threshold?
1. Construction Risk Presented in FEIR	3.69	1	YES
2. FEIR Construction Only + Grid ^b	8.22		YES
3. FEIR Construction Only + Grid, HROFDY ^c	40.6		YES
4. FEIR Construction Only+ Grid, No Variable Emissions ^d	90.7		N/A

- a. In this age group, RMP breathing rates and 95th percentile breathing rates are the same.
b. From FEIR Appendix A, corrected for the maximum residential impact location from the receptor grid. Receptor at UTM 463388.00 m, 3767450.00 m.
c. Same as b, changing to HROFDY variable emissions scenario, correcting FAH to 1.0 for age bins <2. Receptor at UTM 463388.00 m, 3767450.00 m.
d. Same as c, without a variable emissions factor, correcting the FAH to 1.0 for age bins <2. This is here merely for comparison purposes, to show how selection of variable emissions factors can greatly affect modeling results.

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Construction + Operations

Following a child receptor in one location from commencement of construction at birth and the remaining years of operation for a total exposure of 30 years would result in 30-year cancer risk for various scenarios shown in Table 4 below. Note that the combined construction and operations are lower than construction alone, as the maximum concentrations from construction and operations occur in different locations.

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TABLE 4 COMPARISON OF 30-YEAR CANCER RISK IMPACTS FOR BLOOMINGTON BPSP PROJECT, CONSTRUCTION + OPERATIONS AT SAME LOCATION, POLLUTANT: DIESEL PARTICULATE MATTER				
Cancer Risk Basis ^a	RMP DBR, per million	95th Percentile DBR, per million ^b	Significance Threshold, per million	Exceed Threshold?
1. Combined Risks provided in DEIR/FEIR/RDEIR	none	none	1	—
2. FEIR Construction Rerun + MRID Operations ^c	8.63	10.1		YES
3. FEIR Construction, HROFDY + MRID Operations ^d	21.0	22.4		YES
4. FEIR Construction, HROFDY + MRID Operations with Corrected Truck Traffic ^e	23.0	25.0		YES

a. All scenarios follow child from age 0 at start of construction. Receptor at UTM 463066.94 m, 3767605.89 m.

b. Uses a 95% Daily Breathing Rate (DBR) for all age groups.

c. Corrects Grid, FAH.

d. Corrects Grid, FAH and variable emissions.

e. Corrects Grid, FAH, variable emissions, truck traffic.

As shown in Tables 2, 3, and 4, regardless of the analysis, when the Project construction and operational HRAs are corrected for technical flaws and errors, **the 30-year residential cancer risk impacts are above the one in one million threshold for nearby schools and residences where those schoolchildren would live when using emissions given in the DEIR/FEIR/RDEIR and using the standard RMP breathing rates.** When correcting truck trip rates as well as including exposure assumptions that are more health-protective for children, the cancer risk impacts are even higher.

The updated cancer risk calculations shown above *still do not include full buildout operations (an additional 664 truck trips per day)*, unknown construction emissions, or any cumulative impacts with nearby projects such as the West Valley Logistics Center. **With those additional cumulative impacts, the health risk impacts in the community are expected to be much greater.**

BlueScape combined the corrected traffic modeling run above with the AERMOD run from the West Valley Logistics Center (WVLC) HRA, correcting the traffic for this project as well.

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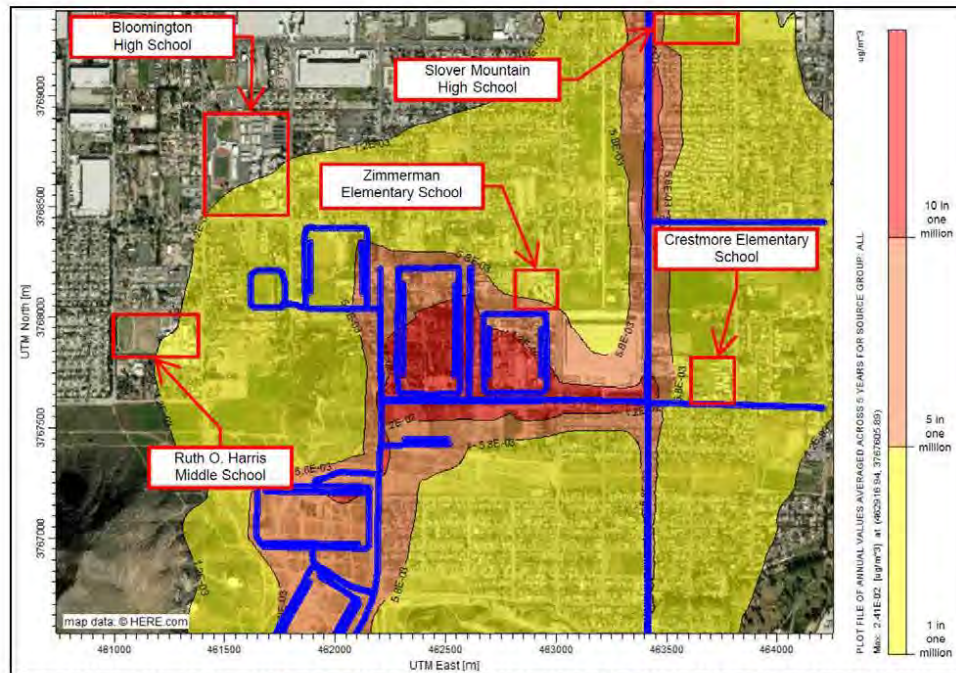


FIGURE 10. MRID OPERATIONS AND WVLC OPERATIONS WITH CANCER RISK ISOPLETHS

As seen in Figure 14 above, combining just two projects in the area has caused a cumulative health risk of over 10 in one million, and does not include any existing traffic or other projects.

CJUSD should request that the County require an update to the DEIR Project construction and operational HRAs to:

1. Include the worst-case Project emissions and risk impacts;
2. Update to the correct trip generation rates;
3. Correct technical assumptions:
 - a. FAH = 1.0 for all age groups when a school is within a 1 in one million isopleth for 30-year cancer risk;
 - b. Correct variable emissions scenario for construction; and
 - c. Use a full receptor grid to capture the maximum impacts.
4. Utilize exposure assumptions that are more health-protective for children (DBR 95th percentile for all age groups); and

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5. Provide enough information to make it possible for the public to translate bare numbers provided into adverse health impacts.

The updated HRA should include:

1. Maximum cancer risk impacts;
2. Noncancer chronic and acute risk impacts;
3. Cumulative health risks from nearby projects with health risk impacts from truck traffic that is additive to Bloomington Project health risk impacts; and
4. Comprehensive mitigation measures for any cancer risk impacts from the Bloomington BPSP Project that exceed the one in one million cancer risk threshold within 1,000 feet of the Project boundary, consistent with Rule 1401.1; and also one in one million cancer risk threshold within the surrounding community based on the SCAQMD's Working Group Meeting #6 Cumulative Impacts from Air Toxics for CEQA Projects.

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3. The applicant did not complete a proper Air Quality Impact Analysis for PM₁₀, PM_{2.5}, NO_x and other emissions from construction and operations, committing similar technical errors as the HRA modeling.

As stated in CJUSD's 12/15/21 letter, Section 3.1, the DEIR failed to conduct a proper air quality impact analysis (AQIA) for both construction and operational activities, including PM₁₀, PM_{2.5}, NO_x, SO₂, and CO emissions impacts. After BlueScape's 12/30/21 letter pointing out deficiencies, the applicant performed modeling for the AQIA as required by SCAQMD for projects greater than 5 acres in size, where the Localized Significance Thresholds (LST) guidance is not acceptable. However, this modeling suffered from many of the same technical flaws as the HRA: too few receptors, too few trucks, and incorrect use of variable emissions factors, causing inaccurate results. In particular, CJUSD should be concerned about high short-term fugitive particulate (PM₁₀ and PM_{2.5}) impacts from dust during construction activities, as well as both the short-term and long-term PM₁₀, PM_{2.5}, and NO₂ impacts from exhaust and other fugitive roadway particulate emissions. As mentioned above, annual averages were not modeled or compared to thresholds.

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The comments in BlueScape's 12/30/21 letter are still applicable, as the applicant performed no new AQIA modeling in the RDEIR. In that letter, BlueScape presented AQIA modeling results using AERMOD (version 19191) for Project construction and operations, and using the CalEEMod emissions files prepared for the DEIR. The following assumptions were used by BlueScape:

1. The emissions modeled were not corrected for recalculated ITE trip generation rates, as was completed for the updated operational HRA.
2. Emissions were modeled using area or volume source release parameters, as appropriate.
3. NO_x impacts were converted to NO₂ impacts using a 0.5 NO₂/NO_x in-stack ratio

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as recommended by SCAQMD and USEPA guidance.

4. The ARM2 NO_x to NO₂ conversion method was selected.
5. The highest concentrations at resident or school sites (not the maximum off-site locations as is typical for air quality studies) are reported in this letter.
6. Emissions were assumed to occur from 7 am to 5 pm for Project construction, and 24 hours per day for Project operations.

As shown in Table 5 below, the impacts from Project construction and operational PM₁₀, PM_{2.5}, and NO₂ emissions (shown in bold typeface) at the maximum exposed resident or school locations are above the recommended review significance thresholds.

Pollutant	Averaging Period	Construction Modeled Result (µg/m³)	Operations Modeled Result from DEIR (µg/m³)	SCAQMD Air Quality Significance Thresholds ^a (µg/m³)	Health-Protective Threshold ^a (µg/m³)	Exceed Threshold?
PM ₁₀	24-hr	9.4	4.9	10.4/2.5	5.0/2.5	YES
	Annual	0.3	2.9	1.0	1.0	YES
PM _{2.5}	24-hr	2.7	1.2	10.4/2.5	1.2/1.2	YES
	Annual	0.1	0.9	--	0.13	YES
NO ₂	1-Hr	19.8	24	339	20	YES
	Annual	0.4	9.2	56.4	1	YES

a. Where two numbers are presented, the first is a construction threshold, and the second is an operation threshold. Results in **Bold** text exceed an applicable threshold.

The most notable conclusion from Table 5 is that the annual average PM_{2.5} impact exceeds the 0.13 µg/m³ federal significance threshold **by almost seven times**, and all health-protective significance levels are exceeded from construction, operations, or both, without any trip rate adjustments. SCAQMD significance thresholds are also exceeded for PM₁₀ 24-hour and annual operations. The impacts would be even greater for truck traffic corrections, full buildout, or if combined with cumulative projects such as the West Valley Logistics Center project. **The County should require a new mitigation analysis to show how impacts for these pollutants will be mitigated below significance thresholds.**

Figure 15 below shows the PM_{2.5} annual average impacts from Project operations, compared with the 0.13 µg/m³ significance threshold in red and the old significance threshold of 0.3 µg/m³ in purple, without re-calculation of trip generation rates.

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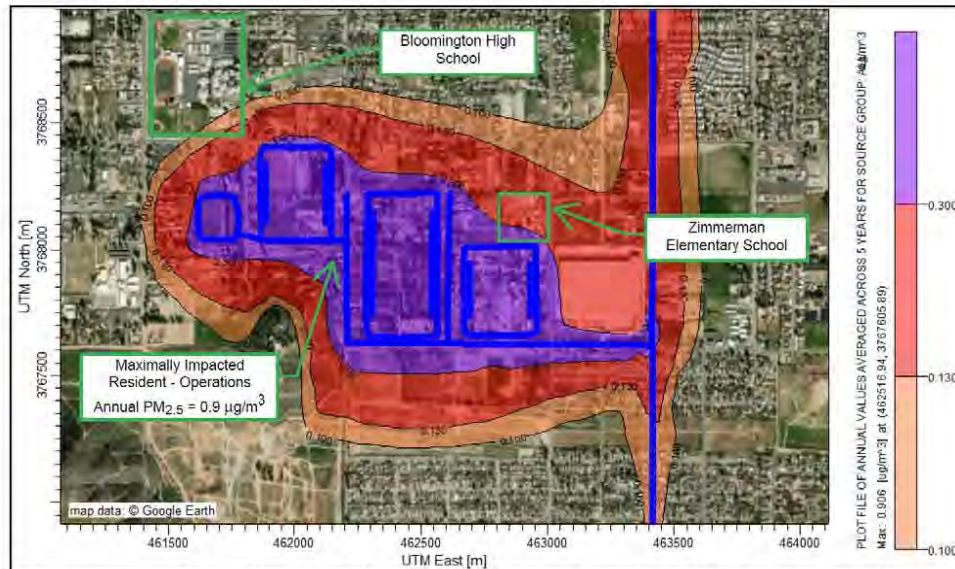


FIGURE 15. PM_{2.5} ANNUAL AVERAGE CONCENTRATION ISOPLETH FOR PROJECT OPERATIONS - COMPARED TO OLD AND NEW SIGNIFICANCE THRESHOLDS

A2.40
Cont.

4. Appendix B of the RDEIR, a technical memorandum by Urban Crossroads,³⁶ provides little more than a comparative analysis of health effects due to pollutants (which is not what the court ordered), showing that the health effects analysis was performed incorrectly, and therefore does not fulfill the requirements of a "Friant Ranch" analysis. The use of the Co-Benefits Risk Assessment (COBRA) screening tool does not sufficiently clear the hurdle of technical adequacy required to complete a site-specific health impact analysis, such as for BPSP Project emissions.

A2.41

The criteria pollutant emissions comparison in the RDEIR Appendix B provides nothing more than a "comparative analysis" of conclusions for two projects at some distance from the Project. This is not good science and it fails to meet the burden of an adequate Friant Ranch analysis, given that valid inputs rely upon local meteorology, topography, and population data, and are therefore location-specific. One cannot compare resulting concentrations from the mass emissions of one project - in an area with one set of topography and meteorology - with mass emissions in another area, and then conclude with no dedicated analysis that impacts for a project in a different community will be negligible or not meaningful as well. This is the same reason why SCAQMD sets Source Receptor Areas for their Localized Significance Thresholds, to

³⁶ *Bloomington Business Park Specific Plan Comparative Health Impact, Zero-Emission Truck Feasibility, GHG Mitigation, and Energy Cumulative Impact Analysis*, Urban Crossroads, July 31, 2025

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evaluate the sub-regional effects of projects on air quality pollution and health. Background concentrations of chemicals such as NO_x, VOCs, and ammonia also affect the photochemical reactions that form ozone and secondary PM_{2.5}, which a comparative evaluation of mass emissions will not take into account.

A2.41
Cont.

Background pollutant levels and meteorology for the two projects that the analysis referred to are significantly different than those of the Bloomington area. For example, the California State University Dominguez Hills (CSUDH) campus is the closest of the two compared projects; it is still approximately 50 miles west-southwest of the subject Project. This makes it much closer to the coastline (7 miles from the Redondo Beach waters) and thereby subject to coastal meteorology. Additionally, CSUDH is near many large air pollution sources within approximately five (5) miles, which affect background concentrations, including:

- a. Tank farms associated with the Carson refinery, beginning approximately 0.8 miles south of campus; the actual refinery facilities begin at approximately 2.4 miles south, immediately south of the 405 Freeway through Carson.
- b. Tank farms associated with the Torrance refinery, beginning approximately 3 miles west of campus; the actual refinery facilities begin at approximately 3.6 miles west of campus, just southwest of the 405 Freeway through east Torrance.
- c. A number of heavy-traffic freeways: Interstate 405 Freeway; 91 Freeway; Interstate 110 Freeway; Interstate 710 Freeway; Interstate 105 Freeway.

A2.42

The Friant Ranch comparison project is at such a great distance, some 240 miles north-northwest of the subject Project area, that it is actually in a different state-designated air basin (i.e., San Joaquin Valley Air Basin), subject to local meteorology and local topography. While somewhat rural, the Friant Ranch project was located along the foothills of the western Sierra Nevada range and was subject to its own background air quality. In contrast, the BPSP Project is located in a highly urbanized area with dense population and its own background air quality, meteorology, and topography, meaning that BPSP Project emissions could have a more concentrated health impact in the community.

Further, Appendix B attempts to quantify BPSP ozone and PM impacts using the COBRA screening tool. COBRA is a substandard tool for assessing risk to the local community and its students. The greatest limitation of COBRA, the screening model used by Urban Crossroads to estimate health effects, is its lack of resolution; COBRA is not able to provide health effects at anything less than a county level. San Bernardino County is approximately 20,105 square miles in area, making it the largest county in the United States excluding Alaska's boroughs. It is larger than many U.S. states and even slightly larger than Switzerland. So, based on its resolution, COBRA would provide the same estimated health effects for a school-aged resident in Bloomington as a senior living along either the Nevada or Arizona borders some 170 miles away (to which the County extends). The concentration data used in

A2.43

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COBRA is also available only at a county level of resolution. Thus, there is no way to tie BPSP Project emissions to community impacts at the site-specific resolution demanded by the Supreme Court's Friant Ranch decision. Proper location-specific modeling and analysis tools, for example, a photochemical grid model (PGM) with an appropriately sized grid such as CMAQ or CAMx and the BenMAP health impacts tool, should have been employed in assessing risk to the local community. As USEPA mentions in their photochemical modeling guidance:³⁷ "For coarse portions of the regional grids, a grid cell size of 12 km is generally recommended. For urban areas, it may be desirable to use grid cells sized ~1 to 4 km, but not larger than 12 km." A resolution of nearly 270 km is thus inappropriately sized.

In its Frequently Asked Questions section on the difference between BenMAP and COBRA, USEPA states: *"BenMAP users can utilize standalone air quality models, such as the Community Multi-scale Air Quality Model (CMAQ), to determine air quality changes. Additionally, BenMAP can be used to analyze health impacts at a finer geographic resolution than COBRA, depending on the scale of the air quality data that users provide. BenMAP also includes preloaded population and baseline health incidence data forecasts for all years out to 2050. COBRA only analyzes health impacts at the county-level and baseline health incidence data for 2016, 2023 and 2028."*

A2.43
Cont.

Since BenMAP can use detailed and location-specific, grid-level population, demographic, and health incidence data, the studies are not comparable for a project in Bloomington, which may be an area that experiences more adverse health outcomes / higher health incidences already due to its specific AQ and socioeconomic factors.

In reviewing the limited COBRA modeling performed and presented by Urban Crossroads, BlueScape staff found that the technical memorandum provides little explanation of COBRA inputs, which is poor practice ill-suited for producing reliable conclusions. There is no way for the public to replicate the work and verify it. However, the limited explanation of inputs and the results that are provided show that four (4) counties—not only San Bernardino, but also Los Angeles, Riverside, and Orange—were included in the COBRA run. If multiple counties are selected during the scenario setup, the emissions are dispersed across those counties. If Urban Crossroads selected all four counties during the scenario setup, then the emissions were undercounted, and health effects would have been underestimated. Given prevailing wind directions, the fact that Los Angeles County had a higher health impact than San Bernardino County (the county in which the emissions are taking place) in the COBRA output would suggest that multiple counties were selected during setup, so this analysis was not run correctly. These attempts to perform a Friant Ranch analysis using COBRA provide no information regarding specific health impacts

³⁷ Modeling Guidance for Demonstrating Air Quality Goals for Ozone, PM_{2.5} and Regional Haze, USEPA, November 29, 2018. Available at: https://www.epa.gov/sites/default/files/2020-10/documents/o3-pm-rh-modeling_guidance-2018.pdf

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from the BPSP Project on children living and attending school in the area and thus fail to satisfy the expectations of the Writ.

A2.43
Cont.

Local communities and parents of local students will continue to be uninformed about the health effects posed by ozone (O₃) and its precursor pollutants (NO_x and VOCs), and fine particulate matter (PM_{2.5}). The DEIR, FEIR, and RDEIR fail to provide a site-specific analysis that connects air quality effects to human health consequences as required by the Friant Ranch court decision and by the Writ. Due to technical flaws and omissions stated above, the mass emissions stated in the EIRs do not correlate to a reasonable concentration; thus, a CEQA-sufficient and adequate Friant Ranch analysis was not completed and the obligations set forth in the Writ have not been met.

In order to comply with the Court's Writ and provide adequate information and analysis for the public, the County should require a proper health impact analysis to be completed for public review and comment, mitigating any impacts above the recommended review significance thresholds. This analysis must include:

A2.44

- Local and regional ambient air quality data;
- Local and regional populations, for example, as provided in BenMAP's PopGrid database;
- Air quality concentrations from location-specific modeling and analysis tools, with spatial resolution sufficient to determine both local and regional impacts from the Project;
- Audit trails from BenMAP showing selection of health impact functions; and
- Discussion of health effects as a result of the concentrations and health impact functions chosen.

BlueScape appreciates the opportunity to provide technical verification review and comment support regarding the Bloomington BPSP Project. We encourage CJUSD's continued commitment to protecting the public health of children and residents in the community.

Sincerely,

BLUESCAPE ENVIRONMENTAL
a California Corporation



James A. Westbrook, CCM, CPP
Principal Scientist
Certified Consulting Meteorologist
Certified Permitting Professional

ATTACHMENT E

COMMENTS ON RDEIR AIR QUALITY AND

GREENHOUSE GAS ANALYSES



December 11, 2025

Owen Chang
Director of Facilities & Energy Management
Colton Joint Unified School District
325 Hermosa Avenue, Building 5
Colton, CA 92324

Via email: owen_chang@cjusd.net

Subject: BlueScape Rebuttal Matrix to the County Comments on the Air Quality and Greenhouse Gas Analyses in the Recirculated Draft Environmental Impact Report for the Proposed Bloomington Business Park Specific Plan Project

Dear Mr. Chang:

Please see the attached BlueScape Rebuttal Matrix to the County's comments on the AQ and GHG analyses in the RDEIR for the Bloomington Business Park Specific Plan Project. Each County comment in the second column is addressed by BlueScape in the third column, as they were addressed in BlueScape's Comment letter dated December 11, 2025.

If you have any questions regarding this Matrix, please contact me at (858) 774-2009.

A2.45

Best regards,

BLUESCAPE ENVIRONMENTAL

a California Corporation

A handwritten signature in black ink, reading 'James A. Westbrook'.

James A. Westbrook, CCM, CPP
Principal Scientist
Certified Consulting Meteorologist
Certified Permitting Professional

16870 West Bernardo Drive, Suite 400, San Diego, CA 92127 | 858.695.9200 | www.bluescapeinc.com

BlueScape Rebuttal to County's Final EIR (September 2022) Air Quality- and/or Greenhouse Gas- Related Responses

Final EIR Comment	County Response	BlueScape Rebuttal
MASTER RESPONSES (begin p. 2-4 of Final EIR, September 2022) N/A, as a Master Response does not stem from a single comment.	Master Response 1: Project Merits (Economics and Social Effects) <i>This response was neither Air Quality- nor Greenhouse Gas- related; therefore, it has not been addressed here.</i>	
N/A, as a Master Response does not stem from a single comment.	Master Response 2: Construction Health Risk In response to comments received on the publicly circulated Draft EIR, a construction Health Risk Assessment (HRA) was prepared and is included as Appendix A of this Final EIR. The construction HRA was prepared in accordance with the South Coast Air Quality Management District (SCAQMD) Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis (2003). Consistent with Section 5.3, <i>Air Quality</i> , of the Draft EIR, SCAQMD has established an incidence rate of 10 persons per million as the maximum acceptable incremental cancer risk due to TAC exposure from the Project. This threshold is used to determine whether or not a project has a potentially significant development-specific and cumulatively considerable impact. The SCAQMD has also established non-carcinogenic risk parameters for use in HRAs. Noncarcinogenic risks are quantified by calculating a "hazard index," expressed as the ratio between the ambient pollutant concentration and its toxicity or Reference Exposure Level (REL). A REL is a concentration at or below that which health effects are not likely to occur. A hazard index of less than 1.0 means that adverse health effects are not expected and are considered less-than-significant. Based on the construction timing and equipment that is detailed in the Draft EIR, the on- and off-site construction activities were modeled using the U.S. EPA's AERMOD model (Lakes AERMOD View Version 10.2.1 that incorporates the latest AERMOD Version 21112). Potential effects on resident/employee adults and school-age minors were modeled at the location with the greatest potential exposure to construction emissions to identify the greatest potential impact that could occur from implementation of the Project.	1. To protect sensitive children attending school and living near Project construction and operations, CIUSD should request that the EIR review utility health-protective air quality impact significance thresholds consistent with SCAQMD's Current and Proposed Thresholds, and those adopted by USFPA, to impacts from construction activities such as PM₁₀ and NO₂. Thresholds should be used that are more stringent than general SCAQMD CEQA significance thresholds but will provide an added measure of protection for children and families living near the Project, including within 1,000 feet of Project construction and operations, including heavily traveled truck transportation routes. 2. The operational and construction HRAs have flaws and technical errors, including using non-receptor locations to assess health risk impacts, underestimating truck traffic for the Project, using incorrect modeling parameters, incorrect variable emissions scenarios, and using child exposure assumptions that are not health-protective. As a result, the cancer risk impacts at school sites such as Zimmerman Elementary School and the community are underestimated. When these flaws and errors are corrected, cancer risk impacts at nearby residential and school locations are well above the one in one million cancer risk significance threshold. 3. The applicant did not complete a proper Air Quality Impact Analysis for PM₁₀, PM_{2.5}, NO₂, and other emissions from construction and operations, committing similar technical errors as the HRA modeling, and did not perform annual modeling for PM_{2.5} and NO₂. 4. Appendix B of the RODIR, a technical memorandum by Urban Crossroads, and Appendix C of the RODIR, a technical analysis of health effects due to pollutants (which is not what the court ordered), showing that the health effects analysis attempted was performed incorrectly, and therefore does not fulfill the requirements of the CEQA Guidelines. The findings of the Co-Benefits Risk Assessment (COBRA) screening tool does not sufficiently clear the hurdle of technical adequacy required to complete a site-specific health impact analysis, such as for B5FS Project emissions.
	Individual Exposure Scenario: The residential receptor with the greatest potential exposure to Project construction-source diesel particulate matter (DPM) emissions is the residence located at 18665 Nurpa Avenue, approximately 1,080 feet southeast of the Specific Plan area. At the maximally exposed individual receptor (MEIR), the maximum incremental cancer risk attributable to Project-construction-source DPM emissions is estimated at 3.65 in one million, which is less than the SCAQMD's significance threshold of 10 in one million. At this same location, non-cancer risks were estimated to be <0.01, which would not exceed the applicable significance threshold of 1.0. Because all other modeled residential receptors are exposed to lesser concentrations and are located at a greater distance than the MEIR analyzed here, DPM generally dissipates with distance from the source, all other residential receptors in the vicinity of the Project site would be exposed to lesser emissions and therefore less risk than the MEIR identified herein. As such, Project construction would not cause a significant human health or cancer risk to nearby residences, and impacts would be less than significant.	Whereas this Master Response 2 focuses solely on 10 in one million as a maximum acceptable incremental cancer risk for residents and workers, the SCAQMD's one (1) in one million risk rate for schools is part of the 1401.1 feet of the facility's fence that separates the facility from the community. The facility emits toxic air contaminants near schools. It requires that the facility wide cancer risk at any school within 1,000 feet of the facility must not exceed one in one million, as part of its health protection measures for children. The facility must meet this requirement, may have other options, such as installing controls, limiting operations, or relocating.
	Worker Exposure Scenario: The employment receptor with the greatest potential exposure to Project-construction-source DPM emissions is Little Truck Sales, located at 11311 Cedar Avenue, approximately 1,420 feet southeast of the Specific Plan area.	

Final EIR Comment	County Response	BlueScape Rebuttal	
	At the maximally exposed individual worker (MEIW) receptor, the maximum incremental cancer risk impact is 0.20 in one million, which is less than the SCAGQMD's threshold of 1.0 in one million. Maximum non-cancer risks at this same location were estimated to be <0.01, which would not exceed the applicable significance threshold of 1.0. Because all other modeled worker receptors are located at a greater distance than the MEIW analyzed herein, and DPM dissipates with distance from the source, all other worker receptors in the vicinity of the Project would be exposed to less emissions and therefore less risk than the MEIW identified herein. As such, the Project's construction and operational-source DPM emissions would not cause a significant human health or cancer risk to adjacent workers, and impacts would be less than significant. <u>Student Exposure Scenario:</u> The school-site receptor with the greatest potential exposure to Project-construction source DPM emissions is Walter Zimmerman Elementary School, located north of Project site. The analysis for school impacts utilized appropriate conservative assumptions based on the Office of Environmental Health Hazard Assessment (OEHA) guidance in order to reflect potential impacts to school-age minors. At this maximally exposed school child (MEISC), the maximum incremental cancer risk impact attributable to the Project is calculated to be an estimated 0.06 in one million, which is less than the significance threshold of 1.0 in one million. At this same location, non-cancer risks attributable to the Project were calculated to be <0.01, which would not exceed the applicable significance threshold of 1.0. Any other schools near the Project site would be exposed to less emissions and consequently less impacts than what is discussed for this MEISC. As such, the Project will not cause a significant human health or cancer risk to nearby students. <u>Construction and Operational Impacts:</u> The land use with the greatest potential exposure to the Project's construction and operational-source DPM emissions from the most conservative Specific Plan Buildout scenario is the existing residence located at 18665 Junipa Avenue, approximately 1,080 feet southeast of the Project site. At this MEIR, the maximum incremental cancer risk attributable to Project construction and operational-source DPM emissions is estimated at 4.91 in one million, which is less than the threshold of 10 in one million. At this same location, non-cancer risks were estimated to be <0.01, which would not exceed the applicable threshold of 1.0. As such, the Project would not cause a significant human health or cancer risk to adjacent land uses as a result of the Project's construction and operational activities. All other receptors during construction and operational activities would experience less risk than what is identified for this location. Therefore, impacts would be less than significant.	SCAQMD is also in the process of developing revised cumulative cancer risk thresholds. In a series of CEQA Policy Development (NEW) Working Group Meetings (WGM) titled "Analyzing Cumulative Impacts from Air Toxics in CEQA Documents", SCAQMD has shown that many areas within the South Coast Air Basin (SCAB) have disproportionately high air toxic impact burdens due to incremental emission increases from many sources. Their WGM #6 presentation specifically calls out industrial (warehouse, light & heavy manufacturing, industrial park) and Major planning projects (Master Plan, General Plan, Specific Plan) as high cancer risk impact land uses, proposing that initial thresholds be based on its Multiple Air Toxics Exposures Study V (MATES V) cancer risk. As the MATES V cancer risk near the Project area is estimated at 434 in one million, or 77th percentile, the initial threshold for cumulative significance would be 5 in one million. However, additional proposed criteria would result in an even more stringent threshold, taking into account both (1) those areas with health sensitive populations (S0535 or AB671), and (2) those areas with high volume diesel-fueled trucks (greater than 951 truck trips per day). As both of these criteria would be triggered by the subject Project, the proposed revised cumulative significance threshold would be the most stringent, one in one million, making the Project cancer risk cumulatively considerable. Still further, a student may be born into a local home within a 10 in one million cancer risk, attend school at a campus with greater than 1 in one million cancer risk; and proceed to live in that home and work in the local community for a 70-year lifetime. However, because most of the student exposure occurs in the early years of life, 70-year cancer risk impacts are only slightly higher than the 30-year exposure period used in the SCAGQMD model. Therefore, BlueScape is focusing on presenting the 30-year cancer risk impacts analysis.	A2.46 cont.
N/A, as a Master Response does not stem from a single comment.	Master Response 3: Localized Significance with AERMOD Modeling As detailed in the Air Quality Impact Analysis (Draft EIR Appendix C) pursuant to SCAQMD methodology CalEEMod and EMFAC2017, emission factors were utilized to prepare the air quality emissions modeling for the Draft EIR. However, in response to comments received on the un-circulated Draft EIR, additional AERMOD dispersion modeling was completed (and is included as Appendix A to this Final EIR) to model worst-case conditions, which is the highest daily peak on-site emissions resulting from	All modeling conducted in the FEIR response was unresponsive to comments related to the need for additional receptors.	A2.47

Working Group Meeting #6 Cumulative Impacts from Air Toxics for CEQA Projects <https://www.aqmd.gov/home/bureaus/compliance/ceqa/ceqa-toxics-pollution-development/new> Page 2 of 28

Final EIR Comment	County Response	BlueScope Rebuttal																																																																																		
	construction activity at the nearest land use to the Project site where an individual could remain. Construction: As shown on Table 1, emissions during peak construction activity would not exceed the SCAQMD's localized significance thresholds with implementation of the EIR's mitigation measures, which include requirements to use super-compliant low VOC paints, Tier 4 Final construction equipment, and implementation of idling regulations (Mitigation Measures MM AQ-1 through MM AQ-3). As such, the AERMOD dispersion modeling shows that the Project's localized impacts during construction activity would be less than significant. Table 1: Localized Significance Summary Peak Construction (With Mitigation) <table><tr><th rowspan="2">Pollutant</th><th colspan="5">Averaging Time</th></tr><tr><th>CO</th><th>NO₂</th><th>PM₁₀</th><th>PM_{2.5}</th><th>SO₂</th></tr><tr><td>Peak Day Localized Emissions</td><td>0.015</td><td>0.03</td><td>3.0E-03</td><td>0.01</td><td>1.14</td></tr><tr><td>Background Concentration*</td><td>0.07</td><td>0.08</td><td>0.08</td><td>0.01</td><td>0.01</td></tr><tr><td>Total Concentration</td><td>0.085</td><td>0.11</td><td>0.08</td><td>0.02</td><td>0.01</td></tr><tr><td>SCAQMD Localized Significance Threshold</td><td>0.01</td><td>0.01</td><td>0.01</td><td>0.01</td><td>0.01</td></tr><tr><td>Threshold Exceeded?</td><td>No</td><td>No</td><td>No</td><td>No</td><td>No</td></tr></table> *Background concentrations are the 95th percentile of ambient data. (Note: This table shows concentrations and does not show impacts.) Operation: To provide for a conservative estimate of on-site travel distances, the modeling shown in Table 2 uses an estimate of 0.8 mile/4,302 feet for passenger cars and 2 miles/10,560 feet for trucks. It should be noted that the longest on-site distance is approximately 0.7 miles for both trucks and passenger cars. As Table 2 shows, emissions during the peak operational activity would not exceed the SCAQMD's localized significance thresholds. As such, the Project's localized impacts during operational activity would be less than significant. Table 2: Localized Significance Summary Peak Operation (Without Mitigation) <table><tr><th rowspan="2">Pollutant</th><th colspan="5">Averaging Time</th></tr><tr><th>CO</th><th>NO₂</th><th>PM₁₀</th><th>PM_{2.5}</th><th>SO₂</th></tr><tr><td>Peak Day Localized Emissions</td><td>0.015</td><td>0.03</td><td>3.0E-03</td><td>0.01</td><td>1.14</td></tr><tr><td>Background Concentration*</td><td>0.07</td><td>0.08</td><td>0.08</td><td>0.01</td><td>0.01</td></tr><tr><td>Total Concentration</td><td>0.085</td><td>0.11</td><td>0.08</td><td>0.02</td><td>0.01</td></tr><tr><td>SCAQMD Localized Significance Threshold</td><td>0.01</td><td>0.01</td><td>0.01</td><td>0.01</td><td>0.01</td></tr><tr><td>Threshold Exceeded?</td><td>No</td><td>No</td><td>No</td><td>No</td><td>No</td></tr></table> *Background concentrations are the 95th percentile of ambient data. (Note: This table shows concentrations and does not show impacts.)	Pollutant	Averaging Time					CO	NO ₂	PM ₁₀	PM _{2.5}	SO ₂	Peak Day Localized Emissions	0.015	0.03	3.0E-03	0.01	1.14	Background Concentration*	0.07	0.08	0.08	0.01	0.01	Total Concentration	0.085	0.11	0.08	0.02	0.01	SCAQMD Localized Significance Threshold	0.01	0.01	0.01	0.01	0.01	Threshold Exceeded?	No	No	No	No	No	Pollutant	Averaging Time					CO	NO ₂	PM ₁₀	PM _{2.5}	SO ₂	Peak Day Localized Emissions	0.015	0.03	3.0E-03	0.01	1.14	Background Concentration*	0.07	0.08	0.08	0.01	0.01	Total Concentration	0.085	0.11	0.08	0.02	0.01	SCAQMD Localized Significance Threshold	0.01	0.01	0.01	0.01	0.01	Threshold Exceeded?	No	No	No	No	No	meters or less must be used for all distances less than 1 kilometer. [...] Note that some modeling analyses will require remodeling with a finer grid resolution if additional areas of concern are identified in the coarse grid modeling." DPM does dissipate with distance, but features such as terrain, meteorology, and overlapping source contributions can cause impacts further from sources, so it is important to have a reasonable grid to capture these impacts. All the points on this grid may not be valid residential receptors, but it allows AERMOD to determine the maximum concentration and interpolate between these points to create the concentration contours (isopleths), resulting in a more accurate analysis. In other words, if AERMOD does not calculate the concentrations at multiple locations, it can't determine where the maximum concentration is, which defeats the purpose of the analysis. AERMOD dispersion modeling is the basic building block of a proper air quality impact analysis and/or health risk assessment, as it estimates the pollutant concentration at each designated receptor. The largest problem with the Appendix A dispersion modeling is that there were so few receptors—a total of 24—used to represent all potential community receptors for both the construction and operational modeling analyses. Any experienced modeler knows that a patterned receptor grid is necessary to capture "where an individual could remain". To use this phrase and not use a receptor grid to capture a daily peak is in conflict with accepted modeling procedures. As stated in CUSD's 12/15/21 letter, Section 3.1, the DEIR had failed to conduct a proper air quality impact analysis (AQIA) for both construction and operational activities, including PM₁₀, PM_{2.5}, NO₂, SO₂, and CO emissions impacts. As part of the FEIR, the applicant performed modeling for the AQIA as required by SCAQMD for projects greater than 5 acres in size, where the Localized Significance Thresholds (LST) guidance is not acceptable. However, this modeling analysis suffers from many of the same technical flaws as the HRA: too few receptors, too few trucks, and incorrect use of variable emission factors, causing inaccurate results. In particular, CUSD should be concerned about high short-term fugitive particulate (PM₁₀ and PM_{2.5}) impacts from dust during construction activities, as well as both the short-term and long-term PM₁₀, PM_{2.5}, and NO₂ impacts from exhaust and other fugitive roadway particulate emissions. Further, annual averages for PM₁₀ and NO₂ were not modeled or compared to thresholds. In the Rebuttal to Response A3.21, we show that the annual average PM_{2.5} impact exceeds the 0.13 µg/m³ federal significance threshold by almost seven times at the maximum exposed school or resident receptor, and all health-protective significance levels are exceeded from construction, operations, or both, without any trip rate adjustments. SCAQMD significance thresholds are also exceeded for PM₁₀, 24-hour and annual operations. The impacts would be even greater for truck traffic corrections, full buildout, or if combined with cumulative projects such as the West Valley Logistics Center project. The County should require a new mitigation analysis to show how impacts for these pollutants will be mitigated below significance thresholds.
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SCAQMD Localized Significance Threshold	0.01	0.01	0.01	0.01	0.01																																																																															
Threshold Exceeded?	No	No	No	No	No																																																																															

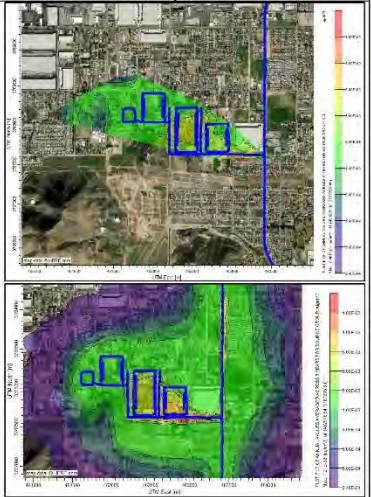
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Final EIR Comment	County Response	BlueScope Rebuttal
N/A, as a Master Response does not stem from a single comment.	Master Response 4: Environmental Justice <i>This response was neither Air Quality nor Greenhouse Gas related; therefore</i> Response: As discussed in the previous response and discussed on page 5.11-14 of the Public Review Draft EIR, the Project site is within an environmental justice focus area and a public meeting was conducted for nearby residents, businesses, and property owners to obtain public input and address environmental justice concerns. A resident meeting occurred on December 12, 2018 and November 19, 2019. A scoping meeting occurred on January 14, 2021. Two additional resident meetings occurred on April 10, 2021 and July 26, 2021. Notices were mailed out to residents within a 1300 ft radius of the Specific Plan 2 weeks prior to the scoping meeting, 2 weeks prior to the community meeting on August 5, 2021, and 2 weeks prior to the Bloomington MAC meeting. As detailed in the Impact AQ-2 discussion that begins on page 5.3-31 of the Draft EIR, each of the Project scenarios would result in regional operational-source emissions that would exceed the thresholds of significance for VOC and NO_x emissions after implementation of requirements and Mitigation Measures AQ-3 through AQ-9. However, as described on page 5.3-34 of the Draft EIR, the majority of VOC emissions are derived from consumer products. For analytical purposes, consumer products include cleaning supplies, aerosols, and other consumer products. As such, the Project applicant cannot meaningfully control the use of consumer products by future building users via mitigation. On this basis, it is concluded that Project operational-source VOC emissions cannot be reduced below applicable SCAQMD thresholds. Additionally, the majority of the Project's NO_x emissions are derived from vehicle usage. Since neither the Project applicant nor the County have regulatory authority to control tailpipe emissions, no feasible mitigation measures exist that would reduce these emissions to levels that are less than significant. However, the Project voluntarily incorporates various measures, including measures from the California Attorney General's Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act, as PDF AQ-1 through PDF AQ-28, which would serve to reduce impacts from the Project to the surrounding community. As shown in Tables 5.3-7 through 5.3-8, with implementation of Mitigation Measures AQ-1 and AQ-2, which require construction activities to utilize low VOC paints and require construction equipment greater than 50 horsepower to be CARB certified Tier 4 or higher, emissions from construction activities would be below SCAQMD significance thresholds. Therefore, the Project would not expose the community to substantial emissions from construction activities. As detailed in the Impact AQ-3 discussion that begins on page 5.3-44 of the Draft EIR, each of the Project scenarios would result in exposure of sensitive receptors (residents, workers, and school children) to diesel particulate matter (DPM) as a result of heavy-duty diesel trucks traveling to and from the site. However, based on the Mobile Health Risk Assessment, included as Appendix C to the Draft EIR, cancer risk and noncancer risks from development of the Project would not exceed applicable SCAQMD significance thresholds. Therefore, the proposed Project would not result in significant health risks to the existing community.	<i>it has not been addressed here.</i> Beginning with the second paragraph, the County seems to begin to summarize points made in multiple public meetings aimed at educating its residents in unincorporated environmental justice focus areas (meeting dates provided in the first paragraph). This response addresses the technical aspects of the comments. The County's FEIR response suggests that VOC pollutant emissions are not "meaningfully controlled" by the applicant. It would seem that some "outside the box" thinking could be prescribed to limit the types and quantities of consumer products used by future building tenants and/or users and thereby further minimize health effects on the existing community and future school attendees. Further, the County simply washes its hands of the majority of Project NO_x emissions just because they result from vehicle (or tailpipe) emissions. Again, the County should not just fall back on over-simplified measures for general warehouse projects and instead conduct some "outside the box" thinking on such matters to explore the Project's incorporation of electric transport vehicles and haul trucks. The inclusion of the use of Tier 4 equipment in the applicant's analysis as a mitigation measure for construction can only be done if the applicant guarantees that they will adhere to this mitigation measure throughout construction and if construction equipment usage is monitored. The continued referral to the errant Mobile Health Risk Assessment, included as Appendix C to the Draft EIR, avoids the multiple points made by BlueScope in the December 30, 2021 technical review letter submitted by CUSD. A substantial number of technical points are made in that letter that refute the less than significant finding. The comment about the noise-related aspects discussed in the last paragraph should be addressed by a Noise Study specialist.

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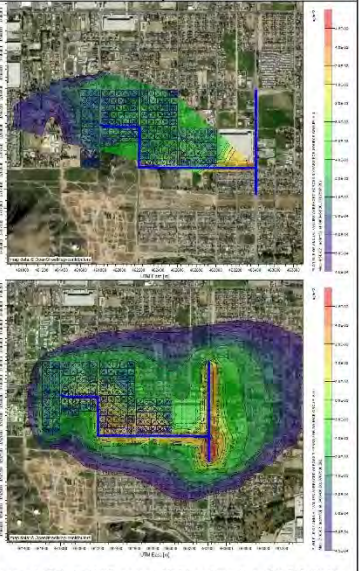
Final EIR Comment	County Response	BlueScope Rebuttal
	In addition, as detailed in the Impact NOI-1 discussion that begins on page 5.12-26 of the Draft EIR, each of the Project scenarios would implement Project Design Feature (PDF) NOI-2, which would require 12- to 14-foot-high cement block walls at Sites 1 and 2 and 9-foot-high cement walls at Site 4. With implementation of PDF NOI-2, operational noise levels for all scenarios would not exceed the County's exterior noise level standards, as adjusted to reflect the ambient noise levels at all nearby sensitive receiver locations. Additionally, the increase in ambient noise levels would range from 0.1 to 3.0 dBA with the implementation of PDF NOI-2, which would not generate a significant daytime or nighttime operational noise level increase at nearby receiver locations. Thus, the Project is consistent with Policy HZ-3.18.	
Beginning on p. 2-116 of the Final EIR document, the County provided the following responses to comments made by BlueScope in a technical letter dated December 30, 2021. The technical letter prepared by BlueScope was provided as Attachment A (pp. 2-53 to 2-69) to Mr. Owen Chang's (Director, CJUSD) letter dated January 12, 2022 (pp. 2-29 through 2-51). Follow-on responses to the County's responses are provided below.		
Comment A3.0: This letter formally withdraws Colton Joint Unified School District's previous comment letters on the Project. The letter states that the District is planning on relocating Zimmerman Elementary School, which would significantly reduce the Project's impacts to Zimmerman Elementary School.	Response A3.0: The County appreciates the District's continued coordination with the County. This withdrawal letter will be forwarded to County decisionmakers as part of the Final EIR.	No response required; we have not commented on such matters.
Comment A3.1: This comment states that the letter is a supplement to the comment letter that the Colton Joint Unified School District (CJUSD) submitted on December 15, 2021 that is attached as Attachment C.	Response A3.1: The comment is introductory in nature and does not raise a specific issue with the adequacy of the Draft EIR or raise any other CEQA issue. Therefore, no further response is required.	
Comment A3.2: This comment states that the Draft EIR is flawed because it does not provide a thorough Health Risk Assessment (HRA) adequately evaluating the dangers to sensitive receptors in the vicinity of the Project. The comment states that the Draft EIR did not conduct an air quality analysis for PM10, PM2.5, NOx and other emissions, including fugitive dust and fine particulate from diesel-fueled vehicles. The comment states that the CJUSD has conducted additional air quality analysis to verify the Project's air quality impacts at Zimmerman Elementary School that is attached to the letter as Attachment A.	Response A3.2: This comment is incorrect that no air quality analysis was prepared to analyze the Project's particulate matter and other emissions on local sensitive receptors. As detailed beginning on page 5.3-44 of the Draft EIR, a Mobile Source Health Risk Assessment was prepared to evaluate the Project's health risk impacts to residents, schools, and workers as a result of exposure to Diesel Particulate Matter (DPM) and other emissions from heavy-duty diesel trucks traveling to and from the site, maneuvering onsite, and entering and leaving the site. The Mobile Source Health Risk Assessment determined that the maximum incremental cancer risk to nearby residences attributable to TAC source emissions is 3.11 in one million, which is less than the South Coast Air Quality Management District's (SCAQMD) significance threshold of 10 in one million. The maximum non-cancer risks to nearby residences were estimated to be <0.01, which would not exceed the applicable significance threshold of 1.0. Regarding workers, the Mobile Source Health Risk Assessment determined that the maximum incremental cancer risk impact is 0.33 in one million, which is less than the SCAQMD's threshold of 10 in one million. Maximum non-cancer risks at this same location were estimated to be <0.01, which would not exceed the applicable significance threshold of 1.0. For nearby schools, the Mobile Source Health Risk Assessment determined that the maximum incremental cancer risk is estimated to be 0.17 in one million which is less than the significance threshold of 10 in one million, and the maximum non-cancer risks were calculated to be <0.01, which would not exceed the applicable significance threshold of 1.0. As such, operation of the Specific Plan at buildout would not cause a significant human health or cancer risk related to DPM emissions, and impacts would be less than significant. In addition, the Draft EIR evaluates the potential of the Project to expose local sensitive receptors, such as residences and schools, to substantial pollutant concentrations. As detailed in Draft EIR Tables 5.3-15 through 5.3-18, after implementation of Mitigation Measure AQ-2 (use of Tier 4 Final	Neither a thorough HRA nor a thorough AQIA were performed at the time of the comment. The stated maximum incremental cancer risk in the Mobile Source Health Risk Assessment is listed as 3.78 in one million (OYD2-R7), not 3.11 in one million (SP-R7). However, too few receptors were used to get an accurate isopleth (24 receptors), and incorrect health risk parameters were used, resulting in an underestimation of risk at nearby residences and schools. As a reasonable receptor grid was not used, any concentrations given by the modeling were not accurate, and the estimates of residential, worker, and student risk stated here were also not accurate. See figures below, showing the same source setup for the Maximum Reasonable Initial Development (MRID) HRA: one with only a few receptors (as modeled by the applicant) and another with a grid added (1,613 receptors, with finer grids over schools and residential areas). The same color ramp is used, showing that the actual maximum impact and the extent of the impacts are not captured when too few receptors are used.

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	construction equipment), emissions during construction activities would not exceed the SCAQMD's localized significance thresholds. Also, as detailed in Draft EIR Tables 5.3-19 through 5.3-21, emissions from operation of the Specific Plan would not exceed the SCAQMD's localized significance thresholds for any criteria pollutant at the nearest sensitive receptors. Therefore, impacts related to localized emission would be less than significant. Because the Project would not exceed thresholds for either DPM or localized significance thresholds, the Project would not result in health risk impacts to the neighboring community.	
		 When BlueScope staff used information from Appendix C2 of the DEIR (Urban Crossroads, July 2021) to rerun with a reasonable receptor grid (1,613 receptors, with finer grids over schools and residential areas), the maximum DPM concentration over a residence for only MRID operations at UTM 463066.94 m, 3767605.89 m (on Jurupa, between Linden and Oak) was 1.19 E-02 µg/m³. As Zimmerman Elementary is located in a one in one million isopleth for 30-year cancer risk, a Fraction of time at Home (FAH) of 1 must be used. Using ARB's Risk Management Policy (RMP) daily breathing rates, this results in a 30-year cancer risk of 8.86 in one million, using 95th percentile daily breathing rates results in a 30-year cancer risk of 10.3 in one million (see Rebuttal to Response A3.15). This does not include risk from MRID construction or full Specific Plan buildout construction or operations.

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		As the Project is within 1,000 feet of a school, the County should use a one in one million cancer risk threshold, consistent with South Coast Air Quality Management District's Rule 1401.1 health protective cancer risk threshold and the proposed CEQA cumulative threshold, rather than a 10 in one million threshold. As the construction area exceeds 5 acres in size, the tables in the Localized Significance Thresholds (LST) guidance are not applicable, and modeling using AERMOD must be performed to assess localized impacts.	A2.49 cont.
Comment A3.3: This comment states that BlueScape completed AQIA modeling using AERMOD for Project construction and operations, based on the emissions files prepared for the Draft EIR. The comment states that results of the analysis indicate Project construction and operations would generate PM ₁₀ , PM _{2.5} , and NO ₂ emissions that exceed significance thresholds. The comment asserts that those emissions constitute a significant effect on the environment not disclosed in the Draft EIR.	Response A3.3: As detailed in specific responses to modeling comments below (please see Response A3.5, A3.13, A3.18, A3.34, and A3.35 and Master Response 3), additional emissions modeling was performed for the Project using AERMOD (see Supplemental Air Quality Analysis Memorandum, included as Appendix A to this Final EIR) in response to this comment, which shows that the peak daily construction and operational-source emissions would not result in pollutant concentrations of NO ₂ , CO, PM ₁₀ , or PM _{2.5} that would exceed significance thresholds. As such, construction and operational-source emissions would result in a less than significant localized impact, consistent with the findings in the Draft EIR.	After BlueScape's 12/30/21 letter pointing out deficiencies, the applicant performed modeling for the AQIA as required by SCAQMD for projects greater than 5 acres in size, where the Localized Significance Thresholds (LST) guidance is not acceptable. However, this modeling suffered from many of the same technical flaws as the HRA: too few receptors, too few trucks, and incorrect use of variable emission factors causing inaccurate results. In particular, CIJUSD should be concerned about high short-term fugitive particulate (PM₁₀ and PM_{2.5}) impacts from dust during construction activities, as well as both the short-term and long-term PM₁₀, PM_{2.5}, and NO₂ impacts from exhaust and other fugitive roadway particulate emissions on the heavily travelled roads near the schools. Annual PM_{2.5} was not modeled or compared to the new lower health-protective threshold of 0.13 µg/m³. Annual NO₂ was not modeled or compared to the health-protective threshold of 1 µg/m³. See figures below, showing the source setup for the construction HRA (the same setup was used for the AQIA modeling): one with only a few receptors (as modeled by the applicant) and another with a grid added (1,613 receptors, with finer grids over schools and residential areas). The same color ramp is used, showing that the actual maximum impact and the extent of the impacts are not captured when too few receptors are used.	A2.50

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		 As seen in Rebuttal to Response A3.21 and mentioned in Rebuttal to Master Response 3, construction and operational-source emissions would result in a significant localized impact.	A2.50 cont.
Comment A3.4: This comment states that BlueScape supplemented the operational HRA completed for the Draft EIR with additional receptor locations and Project trips based on trip rates included in the industry standard, <i>ITE Trip Generation Manual</i> (Attachment B). The comment states that analysis also used more conservative exposure	Response A3.4: The Draft EIR includes an evaluation of the maximum impacted receptor location on the receptor grid, which are the receptors located nearest to the Project site. Any other receptors located a further distance would experience lower concentrations of DPM and lower risk, as DPM dissipates rapidly with distance. As detailed, the closest location with the	The Draft EIR does not include an evaluation of the maximum impacted receptor location on the receptor grid, as there is no grid used. DPM does dissipate with distance, but features such as terrain, meteorology, and overlapping source contributions can cause impacts further from sources, so it is important to have a reasonable grid to	A2.51

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assumptions appropriate for children. The comment states that the analysis found that the operational cancer risk impacts at Zimmerman Elementary School and the community are underestimated in the Draft EIR. The comment asserts that cancer risk impacts at nearby resident and school locations are well above the 10 in one million cancer risk significance threshold.	maximum potential impact would have a less than significant impact. Thus, other locations that are farther away would also not be significantly impacted. The trip rates used for modeling emissions are consistent with those used in the Project's traffic study. The Traffic Impact Analysis (TIA), included as Appendix K1 to the Draft EIR, Trip Generation used the trip rates and truck splits provided in the <i>TUHP High-Cube Warehouse Trip Generation Study</i> (WSP, January 29, 2019) for Building 1 and Building 3; the trip rates provided by Institute of Transportation Engineers' <i>Trip Generation, 10th Edition, 2017</i> and truck splits provided in the <i>Fontana Truck Trip Generation Study</i> (City of Fontana, August 2003) for Building 2, Site 4, and Planning Area B. The County of San Bernardino <i>Traffic Impact Study Guidelines</i> (July 9, 2019) states that trip generation for high truck generating uses should be handled on a project-by-project basis, dependent on the intended project use. The City of Fontana (the closest jurisdiction) <i>Traffic Impact Analysis (TIA) Guidelines for Vehicle Miles Traveled (VMT) and Level of Service Assessment</i> (October 21, 2020) states that vehicle splits from the <i>Truck Trip Generation Study</i> prepared by the City of Fontana shall be used for industrial uses. In certain cases, for industrial projects in the vicinity of Fontana, the County recommends using truck splits from the <i>Truck Trip Generation Study</i> prepared by the City of Fontana. The County of San Bernardino Public Works Department also reviewed and approved the trip generation and vehicle splits. In addition, studies in the Bloomington area have previously used the vehicle splits that are used in the Bloomington Business Park Specific Plan TIA, as further discussed in the TIA (Appendix K1 to the Draft EIR). Thus, the TIA analysis is consistent with previously used truck rate methodology. Therefore, the Draft EIR appropriately analyzed the volume of truck and vehicle trip air quality emissions that would be generated by the Project. Also, the potential risks to school children were modeled consistent with SCAQMD and the Office of Environmental Health Hazard Assessment (OEHHHA) guidance and utilized the recommended and more conservative 9-year exposure duration for schoolchildren. Also, as described on page 26 of the HRA (included as Appendix C2 to the Draft EIR), CARB, the California Environmental Protection Agency, and OEHHHA, recommends refinement to identify potential effects to smaller human body weights and breathing rates to assess risk for susceptible subpopulations such as children, which was done as detailed in the methodology provided on page 27 of the HRA. In line with guidance from CARB, the California Environmental Protection Agency, and OEHHHA, a dose algorithm was used in order to accurately determine the potential cancer risk estimate to children, based on their lower body weights and breathing rates. As detailed in the Draft EIR and in this Final EIR, the Project's specific evaluation utilizing AQMD methodology shows that the Project would result in less than significant impacts to sensitive receptors.	capture these impacts. As noted in Rebuttal to Master Response 3, South Coast AQMD states that a uniform Cartesian grid with a spacing of 100 meters or less must be used for all distances less than 1 kilometer in order to identify the maximum impacted receptors. See Rebuttal to Response A3.2 for a visualization. The 12/15/21 comment letter and BlueScape's previous 12/30/21 analysis discuss the fact that the DEIR Traffic Study trip generation rates are incorrectly estimated. As noted by the Western Riverside Council of Governments (WRCOG) Planning Directors Committee, warehouse truck traffic patterns have changed since the last trip generation study in 2018 at local high-cube facilities. A study was performed by Fehr and Peers in 2023 showing how trip generation and vehicle mix changed in a post-pandemic environment. "The most notable event, the COVID pandemic, increased the frequency and magnitude of on-line shopping... Trips, as a whole, from fulfillment Centers has decreased... [but] the daily fleet mix seems to have changed such that there are more heavy vehicles and fewer passenger cars." This report, issued in December 2023, was completed almost two years before the Recirculated DEIR, and should have been used as the basis for the vehicle mix analyzed in the RDEIR. Instead, the previous studies were referenced, and no revised analysis was performed. BlueScape received new recalculated trip generation rates from Garland Associates using the Institute of Transportation Engineers (ITE) manual reference, and new vehicle mixes from the WRCOG report. Project Opening Year Development Option 2 (modeled as MRID) was reviewed as the worst-case of either Project Option 1 or 2. The updated daily trip volumes increase by 5.5% overall, but truck trips more than double (1,916 truck trips for full buildout vs 912 truck trips modeled for MRID in the DEIR/RDEIR). Therefore, DPM emissions from truck trips and cancer risk impacts at the resident and school sites nearest the Project site are vastly underreported. As the Project is within 1,000 feet of a school, the County should use a health-protective one in one million cancer risk threshold, consistent with South Coast Air Quality Management District's Rule 1401.1 cancer risk threshold and the proposed CEQA cumulative threshold, rather than a 10 in one million threshold, to determine whether or not cancer risk for students is significant. In addition, a 30-year exposure duration representing a child that lives near the Project site and attends school at Zimmerman or Crestmore Elementary School, is a more appropriate duration than 9 years to analyze cancer risk for that child.	A2.51 cont.
Comment A3.5: This comment states that with prevailing winds blowing from the southwest to the northeast in the Bloomington area, the Project—which is west and south of Zimmerman Elementary School—would significantly impact air quality at the school. The comment states that Figures 1 and 2 of BlueScape's technical letter are isopleth maps that illustrate cancer risk and PM _{2.5} concentrations around the Specific Plan area that show that the Project would impact the Zimmerman Elementary School campus and would exceed acceptable thresholds for cancer risk and PM _{2.5} in the southern half of	Response A3.5: As noted in Master Response 3 and Response A3.3 above, additional emissions modeling for the Project was performed using AERMOD (see Supplemental Air Quality Memorandum, Appendix A to this Final EIR), which indicates that the peak daily construction and operational-source emissions would not result in pollutant concentrations of NO ₂ , CO, PM ₁₀ , or PM _{2.5} that would exceed significance thresholds. As such, construction and operational-source emissions would result in a less than significant localized impact.	After BlueScape's 12/30/21 letter pointing out deficiencies, the applicant performed modeling for the AQIA as required by SCAQMD for projects greater than 5 acres in size, where the Localized Significance Thresholds (LST) guidance is not acceptable. However, this modeling suffered from many of the same technical flaws as the HRA: too few receptors, too few trucks, and incorrect use of variable emission factors causing inaccurate results. In particular, CIUSD should be concerned about high short-term fugitive particulate (PM ₁₀ and PM _{2.5}) impacts from dust during construction activities, as well as both the short-term	A2.52

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the campus. The comment states that the Project's air quality impacts at Zimmerman Elementary School are unacceptable and represent a significant impact the Draft EIR fails to address.	While the northeast wind pattern in the area could potentially result in an increase of pollutants traveling from south to north, the results of the operational-source HRA show that cancer risk at Zimmerman Elementary would be 0.60 in one million, which is less than the 10 in one million significance threshold. The analysis utilized the OEHHHA recommended exposure duration of 9 years for schoolchildren. Additionally, a construction-source HRA was prepared, as detailed in Master Response 2, which shows that cancer impacts at all receptors would be well below the 10 in one million significance threshold.	and long-term PM ₁₀ , PM _{2.5} and NO ₂ impacts from exhaust and other fugitive roadway particulate emissions on the heavily traveled roads near the schools. Annual PM _{2.5} was not modeled or compared to the new lower health-protective threshold of 0.13 µg/m ³ . Annual NO ₂ was not modeled or compared to the health-protective threshold of 1 µg/m ³ . The AERMOD run shown in the FEIR (Appendix A, Supplemental Air Quality Analysis, March 23, 2022) uses a maximum residential DPM concentration of 2.14E-02 µg/m ³ , and a cancer risk of 3.65 in one million, but due to a lack of a reasonable receptor grid and other modeling assumptions that were erroneous (such as the use of variable emissions that are not appropriate for the construction modeling and not correctly accounting for traffic increases for operational modeling), this is not the maximum concentration and cancer risk at this residential receptor. As noted in Rebuttal to Response A3.20, BlueScape reran the construction model in the FEIR, adding a receptor grid consisting of 1,613 receptors, with finer grids over schools and residential areas, making corrections to previously mentioned modeling and calculation errors, and found that maximum impacts were much higher at this residential receptor (13.0 in one million), and even higher at a residential receptor on Cedar between 13 th and 14 th Street (40.6 in one million). The cancer risk at Zimmerman Elementary is calculated to be 2.12 in one million, and at Crestmore Elementary is 3.54 in one million, with even higher cancer risk impacts in playground areas at the 2 schools. Both of these are above the one in one million health-protective threshold recommended by Rule 1401.1 and the proposed CEQA cumulative threshold of one in one million.	A2.52 cont.
Comment A3.6: This comment states that CIUSD requests that the County neither certify the Draft EIR nor approve the Project until the Draft EIR has been supplemented and recirculated and requests to meet with the County and Applicant to discuss appropriate mitigation to address air quality and school facility impacts.	Response A3.6: The comment is conclusory in nature and refers to other comments in the letter that are addressed in other responses herein. The comment does not raise a specific issue with the adequacy of the Draft EIR or raise any other CEQA issue, and based upon other responses herein, the Draft EIR does not require recirculation.	Because the HRA and AQIA studies that Urban Crossroads performed were flawed, they need to be redone and appropriate mitigation measures need to be discussed to address these significant impacts at the 2 elementary schools as well as at nearby residential receptors.	A2.53
Comment A3.7: This comment states that BlueScape Environmental has prepared comments concerning the Draft EIR and states that the Draft EIR failed to complete an estimate the highest expected health impacts at residential locations and school sites.	Response A3.7: The comment is introductory in nature and does not identify specific recommended changes related to the Draft EIR. As described in Responses A3.2 and A3.3, the EIR completed assessments for potential impacts related to health impacts at sensitive receptor sites, which determined that impacts would be less than significant with construction related mitigation.	BlueScape has determined that impacts due to construction and operations would be significant , even with construction related mitigation. The study performed by Urban Crossroads was flawed in many ways that are detailed in BlueScape's Rebuttals to the other County Responses in this document.	A2.54
Comment A3.8: The comment states that the review by BlueScape Environmental confirms the need for additional EIR work, and the importance of enforcing appropriate mitigation for Project-related significant emissions impacts. The comment states that CIUSD's primary concern is the cancer risk and respiratory health impacts of these pollutants during construction from diesel-powered equipment such as graders and bulldozers. The comment states that fine dust emissions will be generated from earth dropped into piles and loaded onto haul trucks that would be particularly high and upwind of Zimmerman Elementary School during construction. The comment also states that DPM, PM _{2.5} and NO _x emissions would result from traffic associated with the operation of the facilities, with many heavy-duty diesel-fueled trucks traveling through the community.	Response A3.8: As detailed in Responses A3.2, A3.3, and A3.5, after implementation of Mitigation Measure AQ-2 (use of Tier 4 Final construction equipment), emissions during construction activities would not exceed the SCAQMD's localized significance thresholds for schools or residences. Additionally, a construction-source HRA was prepared (included as Appendix A to this Final EIR), as detailed in Master Response 2, which shows that cancer impacts at all receptors would be well below the 10 in one million significance threshold. The results of the construction-source HRA indicate that cancer risk at Zimmerman Elementary would be 0.06 in one million which is less than the 10 in one million significance threshold. The results of the operational-source HRA indicate the cancer risk at Zimmerman Elementary would be 0.60 in one million, which is less than the 10 in one million significance threshold. Thus, impacts from construction source and operational TAC emissions were determined to be less than significant.	As noted in Rebuttals to Responses A3.15, A3.20, and A3.21, BlueScape remodeled construction and operational sources and found that maximum impacts were much higher than listed at receptors modeled by Urban Crossroads, and even higher at receptors that were not modeled. The maximum impacts are above the one in one million threshold recommended by Rule 1401.1; the proposed CEQA cumulative threshold of one in one million; and even above the existing 10 in one million CEQA threshold. Thus, impacts from construction and operational emissions would be significant.	A2.55

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	Fine dust emissions during construction would be controlled by standard SCAQMD Rule 403 that governs emissions of fugitive dust during and after construction (as detailed on Draft EIR page 5.3-8) and included in the MMRP (Final EIR Chapter 4) to ensure inclusion on County construction permitting implementation during activities. As shown on Draft EIR Table 5.3-7 (page 5.3-32) related to regional construction emissions and Tables 5.3-15 through 5.3-18 related to localized construction emissions, impacts related to particulate matter would not occur during maximum peak construction activities with use of Tier 4 equipment that is rated 50 horsepower (hp) or greater. Additionally, although the Project would result in significant and unavoidable regional operational emissions of VOCs and NOX (Draft EIR page 5.3-34), as detailed in Response A3.2, impacts related to DPM and localized significance levels from trucks traveling to and from the Project site would be less than significant. Response A3.9: Lead Agencies have discretion to determine the appropriate significance thresholds based upon substantial evidence (See State CEQA Guidelines § 15064.7(b)), which was done by the County for preparation of the Draft EIR through compliance with Countywide Plan Policy HZ-3.1, below. Policy HZ-3.1: Health risk assessment. We require projects processed by the County to provide a health risk assessment when a project could potentially increase the incremental cancer risk by 10 in 1 million or more in unincorporated environmental justice focus areas, and we require such assessments to evaluate impacts of truck traffic from the project to freeways. We establish appropriate mitigation prior to the approval of new construction, rehabilitation, or expansion permits. In addition, the project is consistent with Countywide Plan Mitigation Measure AQ-3 below which uses a threshold of 10 in 1 million or more: Countywide Plan MM AQ-3. Applicants for new discretionary industrial or warehousing projects or commercial land uses that would generate substantial diesel truck travel—i.e., 100 diesel trucks per day or 40 or more trucks with diesel-powered transport refrigeration units per day based on the California Air Resources Board recommendations for siting new sensitive land uses—shall contact the South Coast Air Quality Management District (SCAQMD) or Mojave Desert Air Quality Management District (MDAQMD) in conjunction with County staff to determine the appropriate level of health risk assessment (HRA) required. If preparation of an HRA is required, all HRAs shall be submitted to the County Land Use Services Department and the SCAQMD or MDAQMD for evaluation. The HRA shall be prepared in accordance with policies and procedures of the State Office of Environmental Health Hazard Assessment and SCAQMD, for projects within the South Coast Air Basin (SoCAB), or MDAQMD for projects within the Mojave Desert Air Basin (MDAB). The HRA shall consider cumulative impacts from industrial/warehouse projects within 1,000 feet of the boundary of the project site. If the HRA shows that the project-level or cumulative incremental cancer risk exceeds ten in one million (10E 06) or the risk thresholds in effect at the time a project is considered, or that the appropriate noncancer hazard index exceeds 1.0 or the thresholds as determined by SCAQMD or MDAQMD at the time a project is considered, the applicant will be required to identify and demonstrate that measures are capable of reducing potential cancer and noncancer risks to an acceptable level, including appropriate enforcement	As noted in Rebuttals to Responses A3.15, A3.20, and A3.21, BlueScape determined that the HRA performed by Urban Crossroads was conducted using assumptions and modeling parameters that were incorrect, which led to cancer risk impacts that were much lower than they should be. As noted in Rebuttal to Response A3.10, the Policy HZ-3.1 cancer risk threshold of 10 in one million is not health protective for the school children that are near the Project site or in the area. The one in one million cancer risk threshold for schools set forth by South Coast Air Quality Management District (SCAQMD) in its Rule 1401.1 and in its proposed CEQA cumulative thresholds is the more appropriate cancer risk threshold for school children. The County should consider a more strict significance threshold than its blanket 10 in one million, especially in its "unincorporated environmental justice focus areas." As it pertains to Countywide Plan MM AQ-3, the third bullet of "measure to reduce risk impacts" seems to have not been adequately considered; that is, "Requiring use of newer [electric] equipment and/or vehicles." The final paragraph in this response has little to do with either quoted policy. It has been demonstrated in these Rebuttals that the health risk assessment modeling is rife with flaws and technical errors that continue to result in an underreporting of health impacts in an environmental justice focus area.

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	mechanisms. Measures to reduce risk impacts may include but are not limited to: -Restricting idling onsite beyond Air Toxic Control Measures idling restrictions, as feasible. -Electrifying warehousing docks -Requiring use of newer equipment and/or vehicles. - Restricting offsite truck travel through the creation of truck routes. - Measures identified in the HRA shall be identified as mitigation measures in the environmental document and/or incorporated into the site development plan as a component of the proposed project. As described on page 26 of the Mobile Source Health Risk Assessment (HRA) (included as Draft EIR Appendix C2), guidance from the SCAQMD in the document Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis, emissions of toxic air contaminants (TACs) are considered significant (result in excess cancer risks) if they meet or exceed a 10 in one million cancer risk threshold. Also, as described on page 26 of the HRA, included as Appendix C2 to the Draft EIR, CARB, the California Environmental Protection Agency, and OEHHA recommend refinement to identify potential effects to smaller human body weights and breathing rates to assess risk for susceptible subpopulations such as children, which was done as detailed in the methodology provided on page 27 of the HRA. In line with guidance from CARB, the California Environmental Protection Agency, and OEHHA, a dose algorithm was used in order to accurately determine the potential cancer risk estimate to children, based on their lower body weights and breathing rates. In addition, the HRA provides a conservative analysis by evaluating the closest sensitive receptors with the maximum potential emissions and continuous exposure (24-hours per day). Thus, the potential impacts of the Project were not underreported and the Draft EIR provides the appropriate conservative analysis pursuant to SCAQMD, CARB, and OEHHA recommended methodology. Response A3.10: As detailed in Response A3.9, the HRA that was completed for the Project provides the appropriate conservative analysis pursuant to SCAQMD, CARB, and OEHHA recommended methodology. Per OEHHA methodology, the HRA included refinements to identify potential effects to smaller human body weights and breathing rates to assess risk to children, which was done as detailed in the methodology provided on page 27 of the HRA. In addition, the HRA provides a conservative analysis by evaluating the closest sensitive receptors with the maximum potential emissions and continuous exposure (24-hours per day). Thus, stringent significance thresholds and methodology that is consistent with resource agency direction was utilized in the Draft EIR to determine potential impacts to school children, which determined that impacts would be less than significant, and mitigation is not required. The health protective thresholds provided in the comment letter were not utilized in the analysis provided for the Project as they would not be appropriate for determining potential impacts from construction and operation of the Project based on agency guidance. Thresholds utilized were based on the Lead Agency's discretion and are supported by substantial evidence from SCAQMD, CARB, and OEHHA. However, as demonstrated by the construction-source HRA and operation-source HRA, emissions of DPM would be below the health-protective thresholds.	The SCAQMD publishes CEQA review significance thresholds on their website; while these thresholds are generally acceptable for CEQA review, they are not sufficiently health-protective for sensitive children and other persons (such as asthmatic or immunocompromised individuals) living or attending school near large project developments (within 1,000 feet) such as the Bloomington Business Park Specific Plan (BPSP). The high pollution from such projects obligates review standards that the County should use to ensure health risk impacts to these susceptible individuals are minimized to the maximum extent possible. South Coast AQMD requires, in Rule 1401.1, that cancer risk at a school such as Zimmerman Elementary be less than one in one million for any new facility within 1,000 feet of a school to receive a Permit to Construct (PTC) "Rule 1401.1 is designed to be more health protective for school children than Rule 1401 by establishing more stringent health risk requirements related to facility-wide cancer risk and noncancer HRA and HIC for new and relocated facilities emitting TACs near schools, thereby reducing the exposure of toxic emissions to school children." (https://www.aqmd.gov/docs/default-source/permitting/hra-procedures/hraprocedures9-0_103124.pdf) While the BPSP Project is not a stationary source facility subject to obtaining a PTC from SCAQMD, it is, in fact, a large source of air

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		emissions within a community next to houses and near a school. Logically, the same health-protective conditions should be applied by the County and supported by SCAQMD, which is a CEQA-responsive agency. SCAQMD is also in the process of developing revised cumulative cancer risk thresholds. In a series of CEQA Policy Development (NEW) Working Group Meetings (WGM) titled "Analyzing Cumulative Impacts from Air Toxics in CEQA Documents", SCAQMD has shown that many areas within the South Coast Air Basin (SCAB) have disproportionately high air toxic impact burdens due to incremental emission increases from many sources. Their WGM #5 presentation specifically calls out Industrial (warehouse, light & heavy manufacturing, industrial park) and Major planning projects (Master Plan, General Plan, Specific Plan) as high cancer risk impact land uses, proposing that initial thresholds be based on its Multiple Air Toxics Exposures Study V (MATES V) cancer risk. As the MATES V cancer risk near the Project area is estimated at 434 in one million, or 77th percentile, the initial threshold for cumulative significance would be 5 in one million. However, additional proposed criteria would result in an even more stringent threshold, taking into account both (1) those areas with health sensitive populations (SB535 or AB617), and (2) those areas with high volume diesel-fueled trucks (greater than 551 truck trips per day). As both of these criteria would be triggered by the subject Project, the proposed revised cumulative significance threshold would be the most stringent, one in one million, making the Project cancer risk cumulatively considerable. Pointing to the fact that the County's consultant followed OEHHA guidance for body weight and breathing for lesser age groups is the absolute norm in the HRA industry and should not be looked upon as any more health protective; true protection comes in the form of more strict significance thresholds. An adequate HRA also starts with a simple receptor grid as discussed above in our Rebuttal to Master Response #2, but that norm was seemingly ignored in this case.	A2.57 cont.
Comment A3.11: This comment states that construction of the Project would occur during the school day and prevailing winds blow toward Zimmerman Elementary School. The comment states that any toxic emissions, dust, and odors from Project construction would blow to the school site. The comment states that any health impact risk greater than zero should be unacceptable and that to protect CUSD school children the County should mitigate and minimize impacts from the Project.	Response A3.11: As detailed in Responses A3.2, A3.3, and A3.5, after implementation of Mitigation Measure AQ-2 (use of Tier 4 final construction equipment), emissions during construction activities would not exceed the SCAQMD's localized significance thresholds for schools or residences. Additionally, a construction-source HRA was prepared, as detailed in Master Response 2, which shows that cancer impacts at all receptors would be well below the 10 in one million significance threshold. The analysis utilized the OEHHA recommended exposure duration of 9 years for schoolchildren. The results of the construction source HRA indicate that the cancer risk at Zimmerman Elementary would be 0.06 in one million, which is less than the 10 in one million significance threshold. Additionally, the results of the operational-source HRA indicate that cancer risk at Zimmerman Elementary would be 0.60 in one million, which is less than the 10 in one million significance threshold. Additionally, while prevailing winds could result in emissions blowing toward Zimmerman Elementary, as demonstrated by the construction HRA and operation HRA, impacts would be less than significant.	As noted in Rebuttals to Responses A3.15, A3.20, and A3.21, BlueScape remodeled construction and operational sources and found that maximum impacts were much higher than listed at receptors modeled by Urban Crossroads, and even higher at receptors that were not modeled. The maximum impacts are above the one in one million threshold recommended by Rule 1401.1; above the proposed CEQA cumulative threshold of one in one million, and even above the current CEQA threshold of 10 in one million. Thus, impacts from construction and operational emissions would be significant, and students at Zimmerman Elementary and Crestmore Elementary would be exposed to substantial pollutant emissions. In addition, as noted in Rebuttal to Master Response #4, the inclusion of the use of Tier 4 equipment in the applicant's analysis as a mitigation measure for construction can only be done if the applicant guarantees that they will adhere to this mitigation measure and if construction equipment usage is monitored.	A2.58

3 Working Group Meeting #6 Cumulative Impacts from Air Toxics for CEQA Projects <https://www.sanbern.co.gov/ceqa/working-group-meeting-6-cumulative-impacts-from-air-toxics-for-ceqa-projects>
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	and students at Zimmerman Elementary would not be exposed to substantial pollutant emissions.		
Comment A3.12: This comment states that diesel exhaust is an air pollutant which may cause or contribute to an increase in mortality or an increase in serious illness, or which may pose a present or potential hazard to human health. The comment states that the Draft EIR is deficient by not completing a construction emissions HRA. The comment also requests that the County adopt a 1 in one million cancer risk significance review threshold for Project construction-related emission impacts as appropriate and health-protective for school children and sensitive receptors.	Response A3.12: This comment is incorrect that a construction-source HRA was not prepared. As detailed in Master Response 2, a construction-source HRA was prepared in response to the comments provided by the commenter, which shows that cancer impacts at all receptors would be well below the 10 in one million significance threshold. The results of the operational-source HRA indicate that cancer risk at all receptors would also be well below the 10 in one million significance threshold. The analysis utilized the OEHHA recommended exposure duration of 9 years for schoolchildren and the SCAQMD's significance threshold of 10 in one million. However, it should be noted that impacts at Zimmerman Elementary would also be below the comment's recommended threshold of 1 in one million. Thus, either way, impacts would be determined to be less than significant.	At the time of the comment, a construction-source HRA had not been performed. As noted in Rebuttals to Responses A3.15, A3.20, and A3.21, BlueScape remodeled construction and operational sources and found that maximum impacts were much higher than listed at receptors modeled by Urban Crossroads, and even higher at receptors that were not modeled. After correcting the modeling and calculation errors, the remodeled maximum 30-year residential cancer risk was 40.6 in one million from the construction HRA. For MRID operations, the remodeled maximum 30-year residential cancer risk is 12.3 in one million for RMP breathing rates, and 14.3 in one million for 95th percentile breathing rates. The remodeled 30-year residential cancer risk at Zimmerman Elementary is 2.12 in one million, and 3.54 in one million at Crestmore Elementary. The MRID operational risk at Zimmerman is 3.65 in one million for RMP breathing rates, and 4.24 in one million for 95th percentile breathing rates. At Crestmore Elementary, MRID operations risk is 1.42 in one million and 1.65 in one million for RMP and 95th percentile breathing rates, respectively. These risks are even higher in playground areas at the 2 schools, where higher breathing rates occur. The maximum impacts at schools and residences in the area are above the one in one million threshold recommended by Rule 1401.1 and the proposed CEQA cumulative threshold. Thus, impacts from construction and operational emissions would be significant, and students attending Zimmerman Elementary and Crestmore Elementary and living nearby would be exposed to substantial pollutant emissions. In addition, as noted in Rebuttal to A3.20, OEHHA states "it is inappropriate from a public health perspective to allow a lifetime acceptable risk to accrue in a short period of time (e.g., a very high exposure to a carcinogen over a short period of time resulting in a 1×10^{-4} cancer risk). Thus, consideration should be given for very short-term projects to using a lower cancer risk trigger for permitting decisions."	A2.59
Comment A3.13: This comment states that there are increased health effects from exposure to PM emissions and that the Draft EIR should include thresholds for short-term or 24-hour average, and long-term or annual average PM impacts, that are health-protective for school children and other sensitive individuals. The comment states that the EIR should be updated to use the federal significance thresholds stated in this letter.	Response A3.13: As detailed in the Supplemental Air Quality Memorandum (included as Appendix A to this Final EIR), pursuant to receipt of these comments, additional modeling was performed using AERMOD that also indicate that the peak daily construction and operational-source emissions would not result in pollutant concentrations of NO ₂ , CO, PM ₁₀ , or PM _{2.5} that would exceed significance thresholds. Furthermore, the County has used exposure durations recommended by SCAQMD and OEHHA. As such, construction and operational-source emissions would result in a less than significant localized impact consistent with the Draft EIR.	As noted in Rebuttal A3.21, Urban Crossroads did not analyze annual PM₁₀ or annual NO₂ impacts and did not use the USEPA's updated NAAQS annual standard of 9.0 µg/m³ or its SIL of 0.13 µg/m³ to analyze annual PM₁₀ impacts. In addition, the Urban Crossroads modeling suffered from many of the same technical flaws as the HRA: too few receptors, too few trucks, and incorrect use of variable emissions factors, causing inaccurate results.	A2.60

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Comment A3.14: This comment provides information related to potential impacts from NO and NO ₂ and states that County should use thresholds that are more health-protective for school children that are based upon the SCAQMD Rule 1303 Table A-2 thresholds that cannot be exceeded for stationary projects: 20 µg/m ³ for 1-hour average NO ₂ impacts and 1 µg/m ³ for annual average impacts.	Response A3.14: As detailed in the previous response, the County has used thresholds that are identified by the SCAQMD and exposure durations recommended by CEHHA that are specific for schoolchildren, which determined that operational-source HRA indicate that cancer risk at Zimmerman Elementary would be 0.60 in one million, which is less than the 10 in one million significance threshold and even the 1 in one million threshold recommended by the commenter, and therefore would be less than significant.	Response A3.14 does not address Comment A3.14 which is about NO and NO ₂ impacts (not cancer risk impacts). As noted in Rebuttal A3.21, Urban Crossroads failed to analyze annual NO ₂ impacts and the modeling and assumptions had multiple technical flaws that caused inaccurate results.
Comment A3.15: This comment states that the Draft EIR operational HRA has flaws and technical errors including using too few receptor locations to assess health risk impacts, underestimating truck traffic for the Project, and using child exposure assumptions that are not considered to be health-protective; and as a result, the operational cancer risk impacts at school sites such as Zimmerman Elementary School and the community are underestimated.	Response A3.15: As detailed in Response A3.9, the HRA provides a conservative analysis by evaluating the closest sensitive receptors with the maximum potential emissions and continuous exposure (24-hours per day), which identifies the maximum potential impact, which is correct pursuant to CEQA. An evaluation of additional receptor locations that are farther away would result in identification of lower impacts and is not required by CEQA. As operational impacts at the closest receptors were determined to be less than significant, impacts at other receptors that are farther away would also be less than significant. The trip rates used for modeling emissions are consistent with those used in the Project's traffic study. The Traffic Impact Analysis (TIA), included as Appendix K1 to the Draft EIR, Trip Generation used the trip rates and truck splits provided in the <i>TUMF High-Cube Warehouse Trip Generation Study</i> (WSP, January 29, 2019) for Building 1 and Building 3; the trip rates provided by Institute of Transportation Engineers' <i>Trip Generation, 10th Edition, 2017</i> and land truck splits provided in the <i>Fontana Truck Trip Generation Study</i> (City of Fontana, August 2003) for Building 2, Site 4, and Planning Area B. The County of San Bernardino <i>Traffic Impact Study Guidelines</i> (July 9, 2019) states that trip generation for high truck generating uses should be handled on a project-by-project basis, dependent on the intended project use. The City of Fontana (the closest jurisdiction) <i>Traffic Impact Analysis (TIA) Guidelines for Vehicle Miles Traveled (VMT) and Level of Service Assessment</i> (October 21, 2020) states that vehicle splits from the <i>Truck Trip Generation Study</i> prepared by the City of Fontana shall be used for industrial uses. In certain cases, for industrial projects in the vicinity of Fontana, the County recommends using truck splits from the <i>Truck Trip Generation Study</i> prepared by the City of Fontana. The County of San Bernardino Public Works Department also reviewed and approved the trip generation and vehicle splits. In addition, studies in the Bloomington area have previously used the vehicle splits that are used in the Bloomington Business Park Specific Plan TIA, as further discussed in the TIA (Appendix K1 to the Draft EIR). Thus, the TIA analysis is consistent with previously used truck rate methodology. Therefore, the Draft EIR appropriately analyzed the volume of truck and vehicle trip air quality emissions that would be generated by the Project. As detailed in Response A3.9, the HRA that was completed for the Project utilized CEHHA methodology to identify potential effects to smelter human body weights and breathing rates to assess risk to children, which was done as detailed in the methodology provided on page 27 of the HRA.	As stated in the CIUSD's 12/15/21 letter Section 3 (page 6) and 3.1 (page 8), and in the December 30, 2021 memo from BlueScape (included in the FEIR), the receptor placement in the DEIR operational HRA is inadequate and fails to locate the maximum potential impact. As stated in South Coast AQMD's modeling guidance (https://www.aqmd.gov/home/air-quality/meteorological-data/modeling-guidance#Receptor): "To identify the maximum impacted receptors, a uniform Cartesian grid with a spacing of 100 meters or less must be used for all distances less than 1 kilometer. [...] Note that some modeling analyses will require remodeling with a finer grid resolution if additional areas of concern are identified in the coarse grid modeling." If the closest locations were always the maximum impacted receptors, SCAQMD would not provide this guidance; features such as terrain, meteorology, and overlapping source contributions can cause impacts further from the closest locations. When using only the 24 receptors from the DEIR HRA, as seen in the figure below, impacts do appear to be only at locations near the Project site.  However, placing a receptor grid where Project traffic is expected to occur shows that impacts spread further into the community, reaching local schools and neighborhoods (see figure below). Zimmerman Elementary School is now completely within the one in one million isopleth, above the SCAQMD Rule 1401.1 threshold for

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		schools located <1,000 ft from the facility and SCAQMD's proposed CEQA cumulative threshold. This also means that the Fraction of time Away from Home (FAH) must be set to 1 (as per SCAQMD Guidelines and referenced in the CIUSD 12/15/21 letter, Section 3.2, and in BlueScape's 12/30/21 technical analysis). After fixing these errors and remodeling, the cancer risk at a residential receptor is now at 8.86 in one million using RMP breathing rates, and 10.3 in one million (above the 10 in one million CEQA threshold) using 95 th percentile breathing rates.  The 12/15/21 comment letter and BlueScape's previous 12/30/21 analysis discuss the fact that the DEIR Traffic Study trip generation rates are incorrectly estimated. As mentioned in the Rebuttal to A3.4, warehouse truck traffic patterns have changed since the last trip generation study in 2018 at local high-cube facilities. BlueScape received new recalculated trip generation rates from Garland Associates for the High-Cube Transload Warehouse and Fulfillment Center Warehouse for Project Option 2, showing that truck trips more than double (1,916 truck trips for full buildout vs 912 truck trips modeled for MRID in the DEIR/DEIR). Therefore, DPM emissions from truck trips and cancer risk impacts at the resident and school sites nearest the Project sites are vastly underreported. With corrected traffic for just the MRID scenario, impacts to the local community and schools are even higher (see figure below), with 30-year cancer risk to residents on Jurupa between Linden and Oak expected to be 12.3 in one million using standard breathing rates, and 14.3 in one million using 95 th percentile breathing rates (both above the one in one million proposed CEQA cumulative threshold and the current 10 in one million CEQA threshold).

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A2.63A2.64

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one million cancer risk isopleth extends outward and impacts residents and the Zimmerman Elementary School.	recommends using a 9-year exposure duration for schoolchildren and 30-year for residents. A 70-year risk is overly conservative, as residents typically do not reside at the same location for 70 years. A 30-year exposure duration, which was utilized within the analysis prepared for the Project, represents the high-end estimate (95th percentile) and is the recommended value utilized for assessing cancer risk based on SCAQMD and OEHHA guidance. Thus, based on state and regional threshold recommendations, impacts would be less than significant. Nothing requires the County to use the 70-year exposure duration that the comment recommends as it is not based on guidance provided by SCAQMD and OEHHA or based on substantial evidence.	residents on Jurupa between Linden and Oak are expected to be 12.3 in one million using standard breathing rates, and 14.3 in one million using 95th percentile breathing rates (see figure below). Both of these values are above the one in one million proposed CEQA cumulative threshold and the current 10 in one million CEQA threshold for 30-year cancer risk. Several local schools are in the one in one million isopleth, with part of the outdoor area at Zimmerman Elementary School in the 5 in one million isopleth. 70-year cancer impacts would be higher than 30-year cancer impacts, but as most of the risk occurs in younger children, it is important to ensure that children are protected from these sources of air pollution.	A2.65 cont.
Comment A3.19: This comment states that the cancer risk calculations provided in the letter do not include the Specific Plan Update or cumulative impacts with nearby projects such as the West Valley Logistics Center, and therefore, the health risk impacts in the community are expected to be greater. The comment states that the operational HRA should include the worst-case Project emissions and risk impacts, to update to the correct trip generation rates, to correct technical assumptions (FAH 1.0 for all age groups), and to utilize exposure assumptions that are more health protective for children (DBR 95th percentile for all age groups). The comment also states that the HRA should include the maximum cancer risk impacts, non-cancer chronic and acute risk impacts, cumulative health risks from nearby projects, and mitigation should be included.	Response A3.19: Refer to Responses A3.15 and A3.17 related to trip generation estimates. Per CEHHA's 2015 Risk Assessment Guidelines, FAH 0.85 for 0-2 years and 0.72 for 2-16 years should be utilized, unless a school is located within the 1.0E-6 cancer risk isopleth, in which case 1.0 should be utilized. As there are no schools located within the 1.0E-6 cancer risk isopleth, FAH values of 0.85 and 0.72 were used for the 0-2 years and 2-16 years age groups, respectively. Nothing requires the FAH 1.0 that the comment recommends. The analysis was performed based on SCAQMD and CARB Refrigerant Management Program (RMP) guidelines, which recommend using 95th percentile breathing rates for the 0-3 <2 age group and 80th percentile breathing rates for all other ages. Nothing requires the 95th percentile breathing rates to be used for all age groups as the comment recommends, and these breathing rates are not meant to be utilized for all age groups per SCAQMD and CARB guidance. The Project's HRA provides the maximum cancer risk and non-cancer risks as requested in the comment. There is no acute non-cancer risk associated with DPM, only chronic. A review of other industrial projects within 1,000 feet of the Project and the associated truck travel routes revealed four projects in the vicinity, including the West Valley Logistics Center. Two projects, Cedar Avenue Technology Park and Thrifty Oil Warehouse are located approximately 4,800 feet north of the proposed Project. It was determined that due to the distance between these and the proposed Project, the cumulative risk from these projects would not result in any significant impacts to nearby sensitive receptors. Another project, the Cedar Avenue Truck Terminal, is located approximately 2,100 feet northwest of the proposed Project. A review of the health risk assessment prepared for this project revealed that the 1 in one million risk isopleth does not extend to any receptors modeled in the HRA for the proposed Project. As a result, the cumulative risk from this project would not result in any significant impacts for nearby sensitive receptors. The Bloomington Industrial Warehouse, located at 11191 Linden Avenue, is adjacent to the eastern boundary of the proposed Project. As presented in the HRA (Draft EIR Appendix C2), the maximally exposed individual receptor (MEIR) is located west of the warehouse and on the site of the proposed Project. The results of the HRA indicate that the 30-year cancer risk at the MEIR is 4.14 in one million. It is estimated that the MEIR for the Bloomington Industrial Warehouse is located approximately 1,400 feet northwest of the MEIR for the proposed Project. The cancer risk at the MEIR for the proposed	As seen in the figure below (remodeling of the HRA for cancer risk with too few receptors as mentioned in the Rebuttal to Response A3.15 above), no cancer risk isopleth reaches Zimmerman Elementary or Crestmore Elementary buildings due to a lack of receptors. This does not mean that no schools or daycares are in a 30-year one in one million cancer risk isopleth. Instead, it means a conclusion cannot be drawn regarding risk at these locations.  BlueScape added additional receptor grids, with finer grids near schools and nearby residential areas. As seen in the figure below, Zimmerman Elementary, Crestmore Elementary, Slover Mountain High, and Bloomington High Schools are now in the one in one million isopleth.	A2.66

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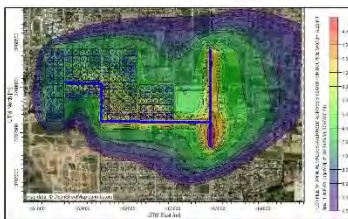
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	Project from construction and operations combined is 4.91 in one million. Should the maximum cancer risk from the two MEIRs be summed, the total risk would be 9.05, which is below the SCAQMD's significance threshold of 10 in one million. It should be noted that because the MEIRs are in different locations, the actual risk would be lower. As a result, any cumulative health risk impacts would be considered less than significant. As described on Draft EIR page 5.3-55, per SCAQMD's methodology, if an individual project would result in air emissions that exceeds the SCAQMD's thresholds for project-specific impacts, then it would also result in a cumulatively considerable impact. As detailed on page 5 of the Mobile Source Health Risk Assessment (Draft EIR Appendix C2), both the SCAQMD maximum individual cancer risk (MICR) and the cancer burden use the same significance thresholds (MICR of 10 in 1 million and cancer burden of 0.5) for project specific and cumulative impacts. As detailed on Draft EIR page 5.3-44, the Project would not exceed these thresholds; and therefore, both Project level and cumulative impacts would be less than significant, and no mitigation measures are required.	 As well summarized in Santa Barbara APCD's HRA modeling guidelines (https://www.santabarbaraapcd.org/wp-content/uploads/2022/131.pdf), note that when performing a risk assessment: "Run the initial HRA with all FAH (Fraction of Time at Home) options disabled in order to determine the initial one in one million cancer risk isopleth. If there are no schools or daycares within the initial one in one million cancer risk isopleth, both FAH options (i.e., ages less than 16 years and greater than or equal to 16 years) may be selected in the final HRA. If there is a school or daycare within the initial one in one million cancer risk isopleth, the FAH option for ages greater than or equal to 16 years may be selected in the final HRA, but the FAH option for ages less than 16 years shall not be used." RMP refers to Risk Management Policy, not Refrigerant Management Program. Results given in the Rebuttal to Response A3.15 above have been expressed for both RMP and 95th percentile breathing rates, with both above the current 10 in one million CEQA threshold and the one in one million proposed CEQA cumulative threshold for the maximum residential receptor. Nothing currently requires that 95th percentile breathing rates are used, but this exposure assumption should be used, as children at school are often engaging in state-mandated physical education and recess activities, which cause higher breathing rates. Simply measuring the distance between the Project and other projects does not show combined impacts when terrain, meteorology, and overlapping source contributions can affect receptors further from the Project. To show this, BlueScape took the sources from both Bloomington Business Specific Plan's Maximum Reasonable Initial Development (MRID) and West Valley Logistics Center (WVLC, also performed by Urban Crossroads, also with too few receptors), corrected traffic as mentioned in the Rebuttal to Response A3.15, removed the most northern and southern sources to speed up run time, and remodeled. As seen in the figure below, combining just these two projects has caused a cumulative health risk of over one in one million to multiple residential areas, and does not include any existing traffic or the other projects mentioned.	A2.66 cont.

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		 Therefore, the Project level and cumulative impacts would be significant, and mitigation measures would be required.
Comment A3.20: This comment states that the Draft EIR did not complete an HRA for Project construction emissions, to include the overlap of impacts with Project operational emissions. The comment states that the modeling study completed by BlueScape indicates that construction activities would expose nearby residents and CJUSD schools such as Zimmerman Elementary School to high levels of DPM emissions over a relatively short time frame that would result in increased risk of short-term health impairment and long-term disease, including cancer and asthma. The comment states that the 30-year cancer risk results were estimated at a maximum of 1.1 in one million that exceeds the 1 in one million cancer risk threshold that is recommend for construction emissions.	Response A3.20: In response to this comment, a construction-source HRA was prepared that includes the overlap of Project construction and operational emissions. As detailed in Master Response 2, at the MEIR during the overlap of construction and operational emissions, the maximum incremental cancer risk attributable to Project construction and operational-source DPM emissions is estimated at 4.91 in one million, which is less than the threshold of 10 in one million. Nothing requires the County to use the 1 in one million threshold recommended by the comment. At this same location, non-cancer risks were estimated to be <0.01, which would not exceed the applicable threshold of 1.0. As such, the Project would not cause a significant human health or cancer risk to adjacent land uses as a result of Project construction and operational activity. All other receptors during construction and operational activity would experience less risk than what is identified for this location. Therefore, impacts would be less than significant.	After BlueScape's 12/30/21 memo pointing out the lack of a construction HRA, one was prepared and provided in the FEIR (Appendix A, Supplemental Air Quality Analysis, March 23, 2022). BlueScape reviewed this HRA and found similar issues to the Operational HRA: the lack of receptors causes the isopleths to be inaccurate, leading to an underestimation of risk. In addition, there was also no explanation provided for how emissions were apportioned to sources in the modeling, making it difficult for the public to translate bare numbers (mass emissions) provided into adverse health impacts. It was unclear whether the emission rates entered into the model for each source were for MRID only, or also included full buildout emissions, as the model run was labeled "MRID OP", but was clearly set up for a construction HRA for the full buildout (SP) area. BlueScape was not able to recreate the cancer risk results of 3.7 in one million given the information provided for the 0-2 age bin; the 2-16 and 16-30 age bin calculations shown used a concentration that was not listed in the output file, and had exposure years that did not correlate with the construction duration. Nonetheless, BlueScape remodeled the AERMOD setup in the construction HRA as a baseline, using the same sources and receptors, and received similar results to those in the FEIR (2.129E-02 vs. 2.138E-02 $\mu\text{g}/\text{m}^3$ listed in the FEIR). The next two figures are shown in Rebuttal to Response A3.3 and are reproduced below.

A2.66
cont.

A2.67

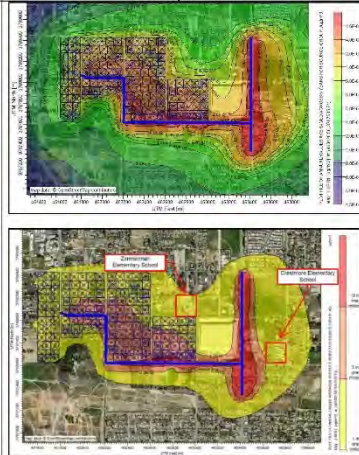
Final EIR Comment	County Response	BlueScape Rebuttal
		 BlueScape then remodeled this same information with the same expanded receptor grid shown in the figure below. As with the operations model runs mentioned in previous responses, increasing the receptor grid gives a more refined picture of the concentration isopleths, as terrain, meteorological conditions, and overlapping source contributions are calculated and accounted for within AERMOD for each receptor.  Consistent with the operational remodeling, it's shown that the maximum impacted residential receptor was not captured in the original construction HRA. Also, the construction HRA had an additional flaw: Variable emissions were set to HRDOW (hourly, day of week) factors using 1 and 0 in the weekday hours of 8 am – 4 pm,

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Final EIR Comment	County Response	BlueScape Rebuttal
		which would be appropriate for an acute hourly modeling analysis, to turn those hours "on and off", but would not be appropriate for an annual run, such as for cancer risk concentrations, where annual emissions need to be concentrated into the assumed hours of construction (8 am - 4 pm) using scalars. Modeling only weekdays and not Saturdays and Sundays is also a technical flaw, because it is standard practice to model all days of the meteorological data in order to "capture" all of the data in the files. We are not modeling actual days, so we can't omit any of the days. Using an Hour-of-Day (keyword HROFDY) scenario is a more appropriate selection for a construction scenario like this, with the same "turned on" hours of 8 am - 4 pm (8 hours) for all days of the week, with a scalar of 3 entered for each hour instead of 1, and a sum of rate scalars for each day of 24 hours. As with the operational remodeling, there is an elementary school within a one in one million isopleth, and the Fraction of Time Away from Home (FAH) must be set to 1 for residents under age 16 in risk calculations (as per SCAQMD Guidelines and referenced in the CJUSD 12/15/21 letter, Section 3.2, and in BlueScape's 12/30/21 technical analysis). With all of these changes incorporated, the same receptor has gone from the stated 3.69 in one million to 13.0 in one million. The maximum concentration of DPM at a residential receptor is now on Cedar, between 13th and 14th Street, (UTM 463388.00 m, 3767450.00 m) at 1.90E-01 $\mu\text{g}/\text{m}^3$. For a construction duration of 1.75 years, the 30-year cancer risk for a receptor in the 0-2 age bin for construction alone is 40.6 in one million. As a comparison, using no variable emission factors results in a DPM concentration of 4.25 E-01 $\mu\text{g}/\text{m}^3$, for a 30-year cancer risk of 90.7 in one million. It would be erroneous not to model variable emissions for construction, since construction activities are more likely to occur during the hours of 8 am - 4 pm, where meteorological conditions are more likely to cause emissions to disperse more quickly, but it does serve to show how the choice of variable emission factors greatly affects concentrations when all else is equal. The isopleths in the figures below (the first with concentrations, the second with risks) also show that the extent of the construction impacts to the community are also not fully modeled, as the construction traffic exiting the Project site along Cedar stops at Santa Ana Avenue to the north, and just south of 13th Street to the south. Thus, impacts to residences along Cedar Avenue and at Slover Mountain High School (at Cedar Avenue and Slover Avenue) have not been analyzed.

A2.67
cont.

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		 The County has the discretion to set more stringent and health-protective thresholds for children than SCAQMD provides for general CEQA review. In the <i>Air Toxics Hot Spots Guidance Manual</i>, OSHA states, "There is valid scientific concern that the rate of exposure may influence the risk - in other words, a higher exposure to a carcinogen over a short period of time may be a greater risk than the same total exposure spread over a much longer time period. In addition, it is inappropriate from a public health perspective to allow a lifetime acceptable risk to accrue in a short period of time (e.g., a very high exposure to a carcinogen over a short period of time resulting in a 1×10^{-4} cancer risk). Thus, consideration should be given for very short-term projects to using a lower cancer risk trigger for permitting decisions." The CJUSD should request that the County adopt the one in one million cancer risk significance review threshold for Project construction-related emission impacts as appropriate and health-

A2.67
cont.

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Final EIR Comment	County Response	BlueScape Rebuttal	
		protective for school children and sensitive receptors, consistent with SCAQMD's 1401.1 thresholds and SCAQMD's proposed CEQA cumulative threshold. Thus, cancer risk impacts due to Project construction would exceed the existing 10 in one million CEQA cancer risk threshold, and the one in one million cancer risk threshold consistent with Rule 1401.1, SCAQMD's proposed CEQA cumulative threshold and OEHA's recommendation for lower cancer risk triggers, and impacts would be significant.	A2.67 cont.
Comment A3.21: This comment states that the Draft EIR did not complete an analysis of PM10, PM2.5, and NOx for projects greater than 5 acres in size, where the Localized Significance Thresholds (LST) guidance is not acceptable. The comment provides a description of analysis that was completed by BlueScape that shows that thresholds would be exceeded. This comment also provides a figure that shows the comment's estimated PM2.5 annual average emissions from Project operations, compared with the 0.3 µg/m3 significance threshold.	Response A3.21: As detailed in previous responses, based on the comments received, additional modeling was performed using AERMOD (see Supplemental Air Quality Analysis Memorandum Appendix A to this Final EIR), which indicates that the peak daily Project construction and operational-source emissions would not result in pollutant concentrations of NO2, CO, PM10, or PM2.5 that would exceed significance thresholds. Per SCAQMD guidance, a LST analysis for SO2 is not required. As such, construction and operational source emissions would result in a less than significant localized impact.	During the time that has transpired between the previous DEIR, FEIR and RDEIR, a more stringent National Ambient Air Quality Standard (NAAQS) for the criteria pollutant PM_{2.5} was promulgated by the United States Environmental Protection Agency (USEPA). This action further stresses the importance of protecting community health from the subject criteria air pollutants. All areas of the state and the country are now subject to USEPA's updated annual standard for PM_{2.5} of 9.0 micrograms per cubic meter (µg/m³), which was set in February 2024. This change lowered the previous annual standard of 12.0 µg/m³ and requires SCAQMD to develop new plans for emission reductions, particularly from mobile sources like heavy-duty trucks. USEPA similarly reduced its significant impact level (SIL) for PM_{2.5} annual concentrations used for permitting stationary facilities from 0.3 to 0.13 µg/m³. SCAQMD does not list an annual average CEQA significance threshold for PM_{2.5}; therefore, one must be adopted by the County. The additional modeling performed in the FEIR only analyzed 24-hour average impacts for PM₁₀ and PM_{2.5}, and 1-hour average impacts for NO₂, and did not review annual PM_{2.5} and NO₂ impacts. The review should select review thresholds for short-term or 24-hour average, and long-term or annual average PM_{2.5} impacts, that are health-protective for school children and other sensitive individuals (see table below).	A2.68

Final EIR Comment	County Response	BlueScape Rebuttal																																						
		TABLE 1 HEALTH-PROTECTIVE SIGNIFICANCE THRESHOLDS AS COMPARED TO SCAQMD CEQA SIGNIFICANCE THRESHOLDS <table border="1"> <thead> <tr> <th>Pollutant</th><th>Scenario / Time Period</th><th>SCAQMD Air Quality Significance Thresholds^a</th><th>Health-Protective Thresholds</th></tr> </thead> <tbody> <tr> <td colspan="4">Toxic Air Contaminants (TACs) Thresholds</td></tr> <tr> <td>OPH</td><td>Construction or Operations</td><td>Maximum Incremental Cancer Risk ≥ 10 (in one million)</td><td>Maximum Incremental Cancer Risk ≥ 2 (in one million)^b</td></tr> <tr> <td colspan="4">Ambient Air Quality Standards for Criteria Pollutants</td></tr> <tr> <td rowspan="2">PM₁₀</td><td>24-hour average</td><td>0.10 ppm (state) (Equivalent to 350 µg/m³)</td><td>20 µg/m³^c</td></tr> <tr> <td>Annual arithmetic mean</td><td>0.03 ppm (state) (Equivalent to 86.4 µg/m³) and 0.024 ppm (federal) (Equivalent to 100 µg/m³)</td><td>1.0 µg/m³^d</td></tr> <tr> <td rowspan="2">PM_{2.5}</td><td>24-hour average</td><td>10.4 µg/m³ (construction)</td><td>5.0 µg/m³^e</td></tr> <tr> <td>Annual average</td><td>2.5 µg/m³ (operation)</td><td>2.0 µg/m³^f</td></tr> <tr> <td rowspan="2">PM_{2.5}</td><td>24-hour average</td><td>10.4 µg/m³ (construction)</td><td>1.2 µg/m³^g</td></tr> <tr> <td>Annual average</td><td>2.5 µg/m³ (operation)</td><td>0.13 µg/m³^h</td></tr> </tbody> </table> a. SCAQMD's Air Quality Significance Thresholds: https://www.sandag.ca.gov/ceqa/default.aspx?category=airquality&subcategory=sig-thresholds b. Review threshold for projects (or traffic from projects) in vicinity of schools. From SCAQMD Rule 1402: http://www.scaqmd.gov/ceqa/ceqa-rule-1402.pdf c. Most stringent ambient air quality standard and allowable change in concentration from SCAQMD Rule 1402 Table 1-1: http://www.scaqmd.gov/ceqa/ceqa-rule-1402.pdf d. 24-hour USEPA revision of Significant Deterioration (SD) Significant Impact Level (SIL) for PM₁₀. Title 40, volume 2 of Code of Federal Regulations, Section 81.141(d)(2): https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-81/subpart-1/section-81.141(d)(2) e. USEPA recommended SIL for the annual average PM_{2.5} concentration in a Class I area Class I: https://www.epa.gov/air-quality/criteria-pollutants f. This value is lower than the value of 0.3 µg/m³ listed in 40 CFR 81.145(b)(2) at the time of the 12/30/21 memo. https://www.epa.gov/air-quality/criteria-pollutants g. As stated in CUSD's 12/15/21 letter, Section 3.1, the DEIR failed to conduct a proper air quality impact analysis (AQIA) for both construction and operational activities, including PM₁₀, PM_{2.5}, NO_x, SO_x, and CO emissions impacts. After BlueScape's 12/30/21 letter pointing out deficiencies, the applicant performed modeling for the AQIA as required by SCAQMD for projects greater than 5 acres in size, where the Localized Significance Thresholds (LST) guidance is not acceptable. However, this modeling suffered from many of the same technical flaws as the HRA: too few receptors, too few trucks, and incorrect use of variable emissions factors, causing inaccurate results. The comments in BlueScape's 12/30/21 letter are still applicable, as the applicant performed no new AQIA modeling in the RDEIR. In that letter, BlueScape presented AQIA modeling results using AERMOD (version 19191) for Project construction and operations, and using the CalEEMod emissions files prepared for the DEIR. The following assumptions were used by BlueScape:	Pollutant	Scenario / Time Period	SCAQMD Air Quality Significance Thresholds ^a	Health-Protective Thresholds	Toxic Air Contaminants (TACs) Thresholds				OPH	Construction or Operations	Maximum Incremental Cancer Risk ≥ 10 (in one million)	Maximum Incremental Cancer Risk ≥ 2 (in one million) ^b	Ambient Air Quality Standards for Criteria Pollutants				PM ₁₀	24-hour average	0.10 ppm (state) (Equivalent to 350 µg/m ³)	20 µg/m ³ ^c	Annual arithmetic mean	0.03 ppm (state) (Equivalent to 86.4 µg/m ³) and 0.024 ppm (federal) (Equivalent to 100 µg/m ³)	1.0 µg/m ³ ^d	PM _{2.5}	24-hour average	10.4 µg/m ³ (construction)	5.0 µg/m ³ ^e	Annual average	2.5 µg/m ³ (operation)	2.0 µg/m ³ ^f	PM _{2.5}	24-hour average	10.4 µg/m ³ (construction)	1.2 µg/m ³ ^g	Annual average	2.5 µg/m ³ (operation)	0.13 µg/m ³ ^h	A2.68 cont.
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Response to Comment Letter A2: Colton Joint Unified School District (209 pages)

Comment A2.1: This comment states that the Colton Joint Unified School District (CJUSD) is an active stakeholder due to the Project's proximity to several CJUSD schools and that the Project, as proposed, will create severe and direct environmental impacts to schools, as well as serious health and safety impacts for District students and staff.

Response to Comment A2.1: This comment is introductory in nature and does not raise a specific issue with the adequacy of the Recirculated Draft EIR. Because the comment does not express any specific concern or question regarding the adequacy of the Recirculated Draft EIR, no further response is required or provided.

Comment A2.2: This comment states that the comment letters submitted by CJUSD following circulation of the 2021 Draft EIR (included as Attachment A to the letter) document significant impacts the Project would have on CJUSD schools, which could not be mitigated with respect to Zimmerman Elementary School. The comment states that CJUSD entered into a CEQA Mitigation Agreement with the previous project applicant to resolve CJUSD's concerns. The comment states that the CEQA Mitigation Agreement included a clause for the previous project applicant to receive the Zimmerman property in exchange for CJUSD receiving a parcel near the CJUSD maintenance and operations office plus \$39.5 million in cash to fund relocation. In addition, the CEQA Mitigation Agreement included a clause for CJUSD to receive \$5 million to fund mitigation measures for other schools. The comment states that, based on these commitments, CJUSD withdrew its opposition to the Project prior to consideration by the County Board of Supervisors in 2022.

The comment states that the new Project Applicant has not assumed responsibility for the CEQA Mitigation Agreement and that CJUSD requests that the County include a condition of approval requiring the Applicant to satisfy obligations under the CEQA Mitigation Agreement. The comment states that the Applicant's legal counsel stated that the Applicant has assumed all obligations related to the Project.

Response to Comment A2.2: As discussed in Response A3 within the Original Final EIR (Volume 3 to the Recirculated Draft EIR), there is no nexus under CEQA for requiring additional mitigation measures related to Zimmerman Elementary School, or any other CJUSD schools/facilities, as impacts to sensitive receptors were determined to be less than significant or less than significant with mitigation previously included. As discussed below, CJUSD presents no evidence, and therefore no substantial evidence that impacts to school facilities would be significant, which would have triggered additional mitigation. Moreover, CJUSD did not enter into a CEQA Mitigation Agreement with the Project Applicant or the former Project Applicant. The former Project Applicant entered into a "Real Property Exchange Agreement" with CJUSD.

As discussed under Impact AQ-3 in the Recirculated Draft EIR on pages 5.3-49 through 5.3-66, the Project would not result in significant impacts related to exposure of sensitive receptors to substantial pollutant concentrations or health risks exceeding SCAQMD thresholds.

Due to the Project's proximity to Zimmerman Elementary school, student exposure was analyzed under Impact AQ-3 of the Recirculated Draft EIR, including Construction Diesel Mobile Source Health Risk on page 5.3-57 and Operational Diesel Mobile Source Health Risk on pages 5.3-65 through 5.3-66 for Opening Year - Opening Option 1, Opening Year - Opening Option 2, and the Future Development Area - Specific Plan Buildout scenarios. The analyses concluded that the maximum incremental cancer risk under Project construction and all operating scenarios would be below the significance threshold of 10 in one million and that non-cancer risks attributable to the Project, and all scenarios were calculated to be <0.01, which would not exceed the applicable significance threshold of 1.0 (Urban Crossroads, 2021). As such, Project construction and operation under all scenarios would not cause a significant human health or cancer risk to nearby school children and impacts would be less than significant.

Impacts related to noise are discussed in Section 5.12, Noise, on pages 5.12-27 through 5.12-59 of the Recirculated Draft EIR. Due to the Project's proximity to sensitive receptors, including Zimmerman Elementary School, identified as sensitive receptor location OYD2-R6, and Bloomington High School, identified as sensitive receptor location SP-R3, construction and operational noise impacts were analyzed under Impact NOI-1. As shown in Table 5.12-13, Unmitigated Peak Hour Construction Noise Level Increases, on Page 5.12-41, unmitigated construction noise could result in potentially significant impacts at OYD2-R6, while impacts at SP-R3 would be less than significant. As such, the Project would implement Mitigation Measures NOI-1 through NOI-7, including installation of temporary sound walls, use of mufflers, placement and staging of stationary equipment away from sensitive receptors, restrictions on equipment and material delivery times pursuant to County Development Code Section 83.01.080(g)(3), use of electrically powered tools where feasible, and prohibition of music or speakers during construction. As shown on Table 5.12-14, Mitigated Peak Hour Construction Noise Level Increases, on Page 5.12-42, with implementation of Mitigation Measures NOI-1 through NOI-7, temporary construction-related noise increases at all sensitive receptors would be reduced to less-than-significant levels. Therefore, construction noise impacts would be less than significant with mitigation incorporated. Furthermore, operational noise impacts were evaluated for Opening Year - Option 2 and the Future Development Area Specific Plan buildout scenarios, as Opening Year - Option 1 would not include development adjacent to the OYD2-R6 and SP-R3 sensitive receptors. As shown in Table 5.12-20, Opening Year – Option 2 Operational Noise Level Compliance, on page 5.12-51, and Table 5.12-23, Future Development Area - Specific Plan Buildout Operational Noise Level Compliance, on page 5.12-52, operational noise levels at all sensitive receptors, including OYD2-R6 and SP-R3, would not exceed the County's exterior noise standards, as adjusted for existing ambient noise levels. Therefore, construction and operation of the Project under the applicable analyzed scenarios would result in less-than-significant noise impacts. Therefore, no additional mitigation related to school facilities is warranted.

Furthermore, as discussed in Master Response 2, the Recirculated Draft EIR analysis focused on the areas that were determined to be inadequate by the San Bernardino Superior Court September 2024 Ruling, specifically impacts related to air quality, energy, greenhouse gas, noise, and alternatives. Therefore, to the extent this comment raises concerns outside those areas, those comments are not further addressed in this document although they were fully analyzed in the Original Draft EIR and will be taken into consideration by the County decision makers in evaluating what action to take on this Project. The comment does not otherwise provide any substantial evidence of new significant environmental impacts and does not raise any specific concerns about the adequacy of the Recirculated Draft EIR's analysis.

Comment A2.3: This comment states that CJUSD withdrew its previous letters and opposition based on the CEQA Mitigation Agreement and commitments to facilitate the relocation of Zimmerman Elementary School. The comment states that CJUSD lost its legal opportunity to litigate the adequacy of the Final EIR, particularly as it relates to the Project's significant health and safety risks to schoolchildren and adverse effects on CJUSD properties. The comment states that the Applicant's decision to reject the Agreement has retroactively nullified the basis for the District's withdrawal of opposition and this is a CEQA-related matter because the Agreement was designed to mitigate the Project's significant environmental impacts on sensitive receptors. The comment states that the County's failure to require the new applicant to honor previously adopted mitigation, combined with its reliance on outdated data, assumptions, and public comments that were premised on now invalidated conditions, results in serious procedural and substantive deficiencies in the Recirculated Draft EIR as it deprives the public of a meaningful opportunity to review and comment on the Project's true environmental consequences. The comment states that the County must require the new Applicant to assume responsibility for the CEQA Mitigation Agreement or recirculate the Draft EIR in full.

Response to Comment A2.3: As discussed above in Response A2.2 and in Response A3 in the Original Final EIR (Volume 3 to the Recirculated Draft EIR), there is no nexus under CEQA for requiring additional mitigation

measures related to Zimmerman Elementary School, or any other CJUSD schools/facilities, as impacts to sensitive receptors were determined to be less than significant or less than significant with mitigation previously included. As discussed throughout this response to comments, CJUSD presents no substantial evidence that impacts to school facilities would be significant and thus does not trigger the need for additional mitigation. The comment also does not present any evidence of new or more substantial significant impacts from what has been evaluated by the Original Draft EIR and the Recirculated Draft EIR that would require recirculation of those documents. The comment does not otherwise provide any substantial evidence of new significant environmental impacts and does not raise any specific concerns about the adequacy of the Recirculated Draft EIR's analysis.

Further, contrary to CJUSD's assertion, the Real Property Exchange Agreement does not constitute mitigation under CEQA. The Agreement was a private contractual arrangement between the prior project applicant and CJUSD and was not adopted as part of the Project's CEQA mitigation framework. Moreover, the prior project approvals were not contingent upon execution or implementation of the Agreement. There is no evidence in the administrative record demonstrating that a prerequisite for Project approval included CJUSD's withdrawal of comments or opposition or entry into the Real Property Exchange Agreement.

Comment A2.4: This comment states that the transition to a new applicant occurred after the NOP for the Recirculated Draft EIR was released and, for that reason, CJUSD did not submit a comment letter on the NOP. The comment states that CJUSD was deprived of its right to participate in the NOP process and could not identify critical issues for the analysis at the outset of the recirculated CEQA review. The comment states that the County is obligated to meaningfully consult with CJUSD during the scoping process and the County did not reissue the NOP after the applicant transition.

The comment states that while the writ identified specific areas requiring revision, CEQA does not restrict agencies to precise words or subheadings amended by the County and courts have held that revised portions of EIRs include environmental effects related to, affected by, or dependent on those revisions. The comment states that the Court ordered revisions relating to air quality, health risk, construction noise, environmental justice, and alternatives, all impact student health, exposure pathways, traffic activity, and on-campus environmental conditions at CJUSD schools. The comment states that CJUSD comments address the revised text itself and environmental consequences connected to the revised analysis including localized air dispersion, truck traffic patterns, cumulative exposure, school-siting considerations, and the feasibility of health-protective mitigation.

Response to Comment A2.4: The commenter incorrectly asserts that CJUSD was deprived of its statutory right to participate in the scoping process, as a Notice of Preparation and Notice of Availability was sent to CJUSD via certified mail requesting comments on the Project and Recirculated Draft EIR, consistent with CEQA Guidelines Section 15086. In addition, the change of Project ownership does not materially alter the proposed Project or the CEQA considerations related to the proposed Project. As discussed in Response A2.3, the Real Property Exchange Agreement was a private contractual agreement between CJUSD and the former Project Applicant and not a part of any mitigation considered or adopted by the County to address impacts from the project under CEQA.

In regard to the commenter's assertion that the County must respond to comments that discuss environmental effects related to, affected by, or dependent on those revisions, the commenter incorrectly cites both CEQA Guidelines Section 15088.5(f)(2) and *Laurel Heights Improvement Assn. v. Regents of UC* (1993) 6 Cal.4th 1112, 1132-1133, which relate to recirculation of an EIR prior to initial certification but not in response to a court ruling. As discussed in Master Response 2, the Recirculated Draft EIR analysis focused on the areas that were determined to be inadequate by the San Bernardino Superior Court September 2024 Ruling, specifically impacts related to air quality, energy, greenhouse gas, noise, and alternatives. Therefore, concerns outside those areas (including localized air dispersion, truck traffic patterns, cumulative exposure, school-siting considerations, and the feasibility of health-protective mitigation) are not further addressed in

this document although they were fully analyzed in the Original Draft EIR and will be taken into consideration by the County decision makers in evaluating what action to take on this Project. In addition, these topics are not related to, affected by, or dependent on the additional and/or updated analysis contained in the Recirculated Draft EIR.

Comment A2.5: This comment states that, based on the applicant change and the new Applicant's refusal to honor the Real Property Exchange Agreement, Zimmerman Elementary School will remain in its current location, with students and staff exposed to significant health and safety risks, including degraded air quality and increased pedestrian and bicyclist hazards along routes to school. The comment states that these impacts are supported by expert evidence provided in the comment letter and have not been adequately addressed or mitigated. The comment states that CJUSD opposes the Project until sufficient mitigation measures are adopted or made conditions of approval.

The comment states that operational impact analyses for the Project, including those related to traffic, pedestrian and bicyclist safety, air quality, health risks, and noise, are directly dependent on accurate projections of the Project's traffic volumes. The comment states that the 2021 Draft EIR underestimated both the Project's own traffic generation and that of related developments, resulting in understated environmental impacts and risks.

Response to Comment A2.5: Please refer to Response to Comment A2.2 with regard to air quality and noise impacts to Zimmerman Elementary School. As discussed in Master Response 2, the Recirculated Draft EIR analysis focused on the areas that were determined to be inadequate by the San Bernardino Superior Court September 2024 Ruling, specifically impacts related to air quality, energy, greenhouse gas, noise, and alternatives. Therefore, concerns outside those areas (including traffic-related impacts, trip generation, and pedestrian and bicyclist safety) are not further addressed in this document although they were fully analyzed in the Original Draft EIR and will be taken into consideration by the County decision makers in evaluating what action to take on this Project. Specific to the trip generation and traffic analysis, the court denied the writ petition as it related to Petitioner's traffic impacts arguments and discussed that substantial evidence does not demonstrate that the County relied on "scientifically outdated information".¹ The comment does not otherwise provide any substantial evidence of new significant environmental impacts and does not raise any specific concerns about the adequacy of the Recirculated Draft EIR's analysis.

Comment A2.6: This comment states that the District retained Garland Associates to reevaluate the Project's trip generation estimates. The comment states that the EIR and Recirculated Draft EIR overlook several permitted land uses which typically result in higher traffic volumes than warehouse or general industrial uses. The comment states that the 2021 Draft EIR and Recirculated Draft EIR only account for the following land use types: High Cube Transload Warehouse, Fulfillment Center Warehouse, and Industrial Park, which do not account for manufacturing land uses as permitted under the Specific Plan. The comment states that manufacturing land uses typically generate higher vehicle trip volumes and therefore the air quality and health risk impact analysis included in the Recirculated Draft EIR understates potential impacts. The comment states that there is a more updated TUMF High-Cube Warehouse Trip Generation Study Update from 2023.

Response to Comment A2.6: Regarding the trip generation, the commenter is referred to Response to Comment A2.5. As discussed in Master Response 2, the Recirculated Draft EIR analysis focused on the areas that were determined to be inadequate by the San Bernardino Superior Court September 2024 Ruling, specifically impacts related to air quality, energy, greenhouse gas, noise, and alternatives. Therefore, concerns outside those areas (including traffic-related impacts and trip generation analysis) are not further addressed in this document although they were fully analyzed in the Original Draft EIR and will be taken

¹ *People's Collective for Environmental Justice v. County of San Bernardino*, No. CIVSB2228456, slip op. (San Bernardino Super. Ct. Sept. 17, 2024). Page 33.

into consideration by the County decision makers in evaluating what action to take on this Project. The comment does not otherwise provide any substantial evidence of new significant environmental impacts and does not raise any specific concerns about the adequacy of the Recirculated Draft EIR's analysis.

Comment A2.7: This comment states that Garland Associates prepared a separate memorandum estimating traffic volumes from the West Valley Logistics Center project utilizing the latest available trip generation rates. The comment states that truck traffic from West Valley Logistics Center is expected to travel along Jurupa Avenue to reach Cedar Avenue, which would contribute to cumulative traffic and air quality impacts. The comment states that the memoranda concludes that the Bloomington Business Park Specific Plan would generate 6,988 daily vehicle trips, with 1,916 truck trips, and the West Valley Logistics Center project would generate 5,988 new trips, including 1,362 truck trips.

Response to Comment A2.7: Regarding trip generation analysis and traffic impacts, please see Response to Comment A2.5. The comment does not otherwise provide any substantial evidence of new significant environmental impacts and does not raise any specific concerns about the adequacy of the Recirculated Draft EIR's analysis.

Comment A2.8: This comment states that, while the Court's 2024 Ruling did not cite specific shortcomings in the transportation section of the Original EIR and that transportation was not addressed in the Recirculated Draft EIR, CJUSD maintains that the transportation analysis in the EIR is inadequate as it fails to evaluate how the Project aligns with County transportation plans, policies, and programs regarding the safety of pedestrians and bicyclists. The comment states that the Original Final EIR does not sufficiently assess hazards posed by increase in truck traffic along Jurupa Avenue, including risks resulting from incompatible industrial land use within an existing rural residential community. The comment states that the Project is inconsistent with San Bernardino Countywide Plan Policies TM-4.8 and TM-4.9. The comment states that CJUSD serves 1,883 K-12 students who live south of Jurupa Avenue in Crestmore Heights, including 632 students residing west of Cedar Avenue and 1,251 students east of Cedar Avenue; these students are assigned to Zimmerman and Crestmore Elementary Schools, Ruth O' Harris Middle School, and Bloomington High School. The comment states that the increase in truck traffic would effectively create a physical barrier, making it more difficult and hazardous for students to access their designated schools.

Response to Comment A2.8: As discussed in Master Response 2, the Recirculated Draft EIR analysis focused on the areas that were determined to be inadequate by the San Bernardino Superior Court September 2024 Ruling, specifically impacts related to air quality, energy, greenhouse gas, noise, and alternatives. Therefore, concerns outside those areas (including pedestrian and bicyclist safety) are not further addressed in this document although they were fully analyzed in the Original Draft EIR and will be taken into consideration by the County decision makers in evaluating what action to take on this Project.

Further, as discussed in Response A3.80 within the Original Final EIR, the Original Draft EIR (in Section 5.1.5, *Transportation*, under Impact TR-1) discusses any potential conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. The Project does not propose to have truck access on Linden Avenue, and the Project would direct truck trips away from Santa Ana Avenue, therefore minimizing traffic impacts to schools. In addition, Mitigation Measure AQ-17 requires the installation of signs at every truck exit driveway providing directional information to the truck route. Therefore, no trucks would be traveling adjacent to schools in the Bloomington area. The Project does not propose the removal of any sidewalk or bike lanes and proposes to develop sidewalks along all streets within and adjacent to the Specific Plan. Finally, the intersection of Cedar Avenue and Jurupa Avenue is currently a signalized intersection with crosswalks. Therefore, roadway safety measures are in place at the intersection to enhance safety for students walking to or from school. In addition, the intersection of Linden Avenue/Jurupa Avenue is currently a four way stop with striped crosswalks; therefore, roadway safety measures are in place to facilitate pedestrian circulation. Utilizing the Transportation Injury Mapping System,

there have been three accidents at or within 150 feet of the intersection of Linden Avenue/Jurupa Avenue, two of which did not involve pedestrians. None of the accidents resulted in serious injury or fatalities.

Comment A2.9: This comment states that the north side of Jurupa Avenue between Cedar Avenue and Linen Avenue is developed with a substation and warehouse and contains two lanes, a curb, and a sidewalk. The comment states that the south side is developed with single-family residences and has only one eastbound lane with no curb or sidewalk. The comment states that portions of usable yards extend into the right-of-way and the Specific Plan would reclassify Jurupa Avenue as a Major Highway through Policy Plan Amendment. The comment states that the timeline for installing a sidewalk on the south side of Jurupa Avenue is uncertain, which heightens safety concerns for pedestrians and bicyclists. The comment states that the EIR has not addressed how the Project is consistent with County Policy TM-4.8 and TM-4.9.

Response to Comment A2.9: Please see Response to Comment A2.8 related to pedestrian and bicyclist safety. As discussed on page 5.11-16 of the Original Draft EIR, the Project would be consistent with County Policy TM-4.8 and TM-4.9 as sidewalks would be installed along the Project frontage along Jurupa Avenue and Linden Avenue. Further, no truck access would be allowed on Linden Avenue, which would limit potential pedestrian safety issues along Linden Avenue. Regarding improvements to Jurupa Avenue being uncertain, street improvement plans were approved by the County of San Bernardino for improvements to Jurupa Avenue in relation to the West Valley Logistics Center project. As part of these street improvements, the roadway would be widened to 32 feet wide in each direction to Cedar Avenue and sidewalks would be installed on both sides of Jurupa Avenue. As part of the roadway widening for West Valley Logistics Center, structures, fences, mailboxes, driveways, and landscaping would be removed where it encroaches into the proposed right-of-way.

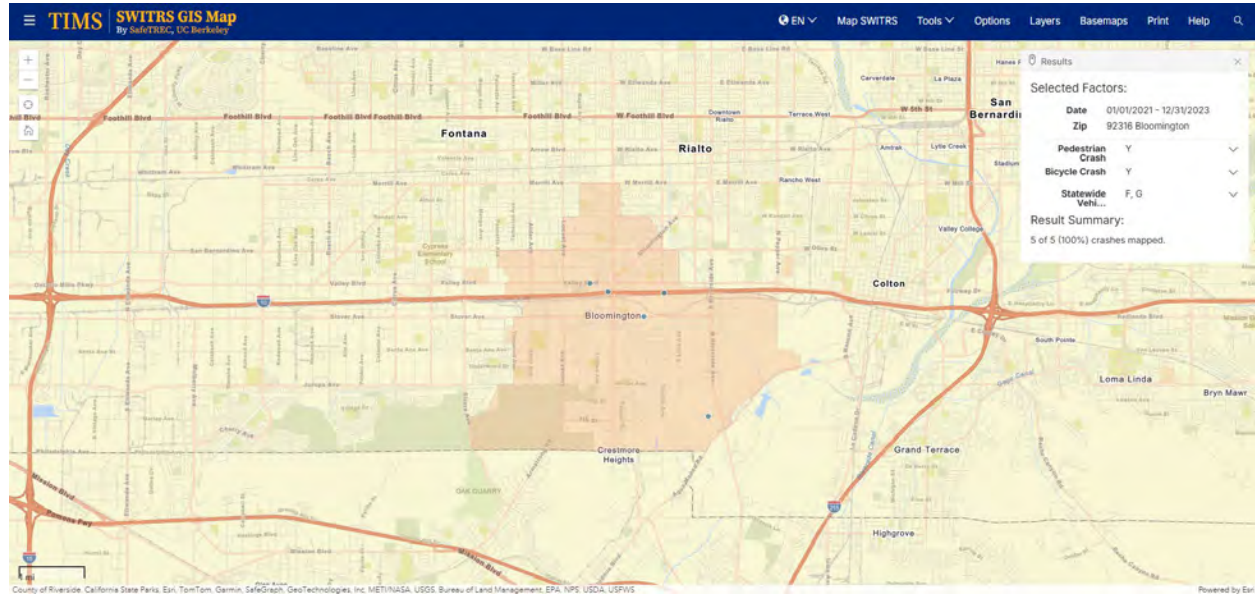
Comment A2.10: This comment states that students residing in Crestmore Heights would use Linden Avenue, Maple Avenue, and Locust Avenue to reach Zimmerman Elementary School, Bloomington High School, and Ruth O'Harris Middle School. The comment states that students and bicyclists would have to navigate truck driveways in Planning Area A and undeveloped roadways in Planning Area B, which would result in increased safety risks for pedestrians and bicyclists.

Response to Comment A2.10: Please see Response to Comment A2.8 related to pedestrian and bicyclist safety. As discussed in Response A2.9, sidewalks would be installed along the Project frontage on Linden Avenue. Further, there would be no truck access or truck driveways on Linden Avenue or Santa Ana Avenue and the Project would not introduce any new potential safety hazard on pedestrian pathways to Zimmerman Elementary, Bloomington High School, and Ruth O. Harris Middle School.

Comment A2.11: This comment states that students would be required to cross Jurupa Avenue at Locust Avenue, Linden Avenue, and Cedar Avenue, all of which are expected to experience substantial truck traffic. The comment states that the Project's roadway improvements focus primarily on maintaining vehicular traffic flow and preserving roadway level of service, which does not provide meaningful enhancements for pedestrian and bicycle safety. The comment provides crash data related to vehicular crashes in Bloomington from the Transportation Injury Mapping System (TIMS). The comment states that the County must evaluate the high rate of accidents in Bloomington and take steps to mitigate the increased risks posed by heavy truck traffic along Jurupa Avenue, Locust Avenue, Linden Avenue, and Cedar Avenue. The comment states that truck drivers have multiple blind zones and trucks have wide turning radii with an increased stopping distance.

Response to Comment A2.11: Please see Response to Comment A2.8 related to pedestrian and bicyclist safety. As discussed in Response A2.9, sidewalks would be installed along the Project frontage on Linden Avenue. Further, there would be no truck access or truck driveways on Linden Avenue or Santa Ana Avenue and the Project would not introduce any new potential safety hazard on pedestrian pathways to Zimmerman Elementary, Bloomington High School, and Ruth O. Harris Middle School. While the commenter states that from 2021 through 2023, 660 traffic collisions occurred in Bloomington, only five of those crashes involved

either a pedestrian or bicyclist and a heavy-duty truck (two of which occurred on Interstate 10), as shown below. Further, none of these incidents occurred along Cedar Avenue, Locust Avenue, Santa Ana Avenue, Maple Avenue, or Linden Avenue. Additionally, according to TIMS data, none of the accidents were at the fault of a truck driver. As such, it is unclear from this data that an increase in truck traffic would result in a corresponding safety risk for pedestrians.



Source: Transportation Injury Mapping System. Accessed January 2026.

Comment A2.12: This comment states that the County must prioritize the safety of pedestrians and bicyclists by implementing effective mitigation measures to address the substantial increase in truck traffic through school zones. The comment states that the County must ensure that the Project complies with its own Policies TM-4.8 and TM-4.9. The comment states that CJUSD urges the County to make Project approval contingent upon requiring the Project Applicant to assume all responsibilities outlined in the CEQA Mitigation Agreement. The comment requests that the County condition the Project to implement a permanent, staffed crossing guard program at the intersection of Jurupa Avenue and Linden Avenue and design/fund a pedestrian bridge over Jurupa Avenue at the intersection with Cedar Avenue.

Response to Comment A2.12: Please see Response to Comment A2.8 related to pedestrian and bicyclist safety. As discussed above in Response A2.11, it is unclear from existing data that an increase in truck traffic would result in a corresponding safety risk for pedestrians. Cedar Avenue is already a designated truck route with significant existing truck traffic. While the Project would result in an increase in truck trips, there is no substantial evidence in the record that the increase in truck trips would result in increased pedestrian and bicyclist safety risks. Further, the Project would be installing sidewalks along all Project frontages to improve pedestrian safety. Therefore, the additional mitigation measures suggested by the commentor are not necessary to address any impacts under CEQA.

Comment A2.13: This comment states that children are especially vulnerable to the harmful effects of air pollutants based on several factors. The comment states that exposure to air toxics during childhood can lead to asthma, impairment of neurodevelopmental processes, and elevated lifetime risk of developing cancer.

Response to Comment A2.13: Impacts related to air quality and pollution are discussed in Section 5.3, *Air Quality*, pages 5.3-35 through 5.3-73 of the Recirculated Draft EIR, which determined that impacts related to regional air quality emissions would be significant and unavoidable and impacts related to health risk

would be less than significant. As discussed on pages 5.3-57 through 5.3-66 in the Recirculated Draft EIR, the school-site receptor with the greatest potential exposure to Project-construction-source DPM emissions is Walter Zimmerman Elementary School, located north of Project site. The analysis for school impacts utilized appropriate conservative assumptions, including conservative breathing rates, age specific factors, and fraction of time at home, based on the Office of Environmental Health Hazard Assessment (OEHHa) guidance in order to reflect potential impacts to school-age minors. At this maximally exposed school child (MEISC), the maximum incremental cancer risk impact attributable to the Project is calculated to be an estimated 0.06 in one million, which is less than the significance threshold of 10 in one million. At this same location, non-cancer risks attributable to the Project were calculated to be <0.01, which would not exceed the applicable significance threshold of 1.0 (Urban Crossroads, 2021). Any other schools near the Project site would be exposed to less emissions and consequently less impact than what is disclosed for this MEISC. As such, the Project will not cause a significant human health or cancer risk to nearby students. For operations, the school site with the greatest potential exposure to DPM source emissions is at Bloomington High School located northwest of the Project site. At this location, the maximum incremental cancer risk is estimated to be 0.17 in one million, which is less than the significance threshold of 10 in one million. At this same location, non-cancer risks attributable to the Future Development Area – Specific Plan Buildout were calculated to be <0.01, which would not exceed the applicable significance threshold of 1.0 (Urban Crossroads, 2021). As such, operation of the Future Development Area – Specific Plan Buildout would not cause a significant human health or cancer risk to nearby school children and impacts would be less than significant.

Comment A2.14: This comment states that, given the heightened risks to children from air toxics, the United States EPA and SCAQMD have implemented rigorous standards and SCAQMD Rule 1401.1 mandates that new or relocated facilities in proximity to schools address health impacts. The comment states that Rule 1401.1 sets a stringent health-protective cancer risk threshold of 1 in one million for schools, which CJUSD recommends applying to all sensitive receptors in Bloomington. The comment provides “health-protective” thresholds that CJUSD recommends the County utilize.

Response to Comment A2.14: The thresholds utilized within the Recirculated Draft EIR, as specified under Section 5.3.4 Thresholds of Significance, are based off of SCAQMD’s CEQA Air Quality Handbook.² As of January 2026, SCAQMD has not adopted any new guidance on cumulative air quality or health risk impact analysis. As discussed in SCAQMD’s *White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution*, the SCAQMD uses the same significance thresholds for project-specific and cumulative impacts for all environmental topics analyzed in a CEQA document. As such, project emissions that exceed the project-specific significance thresholds are also considered by the SCAQMD to be cumulatively considerable. This is the document and methodology that is currently published for use and reference on the SCAQMD’s website (https://www.aqmd.gov/docs/default-source/agendas/environmental-justice/cumulative-impacts-working-group/cumulative-impacts-white-paper.pdf?sfvrsn=69761d61_2). For project-specific and cumulative health risk impacts, the SCAQMD utilizes a cancer risk significance threshold of 10 in 1 million, which is also specified in SCAQMD Rule 1401.1. SCAQMD Rule 1401.1 applies only to “New Facilities” or “Relocated Facilities” seeking a Permit to Construct/Operate from SCAQMD. The rule defines “New Facility” as “any Facility which emits Toxic Air Contaminants (TAC) and for which an application for a Permit to Construct/Operate is submitted to the Executive Officer,” excluding replacements or modifications at existing facilities. The Bloomington Business Park Specific Plan Project is a land use project (warehouses/industrial), not a stationary emissions source like a factory or refinery requiring SCAQMD permits; thus, Rule 1401.1 does not apply, and SCAQMD has not imposed it, nor have they provided

²https://www.aqmd.gov/docs/default-source/ceqa/handbook/south-coast-aqmd-air-quality-significance-thresholds.pdf?sfvrsn=f7601d61_25

comment related to Rule 1401.1. Therefore, the one in one million threshold would not be applicable to the proposed Project.

Regarding the health-protective thresholds provided for NO₂, PM₁₀, and PM_{2.5}, the analysis of potential localized pollution impacts on sensitive receptors within the Recirculated Draft EIR is based on adopted SCAQMD methodology. As discussed on pages 5.3-31 to 5.3-32 of the Recirculated Draft EIR, SCAQMD has also developed localized significance thresholds (LSTs) that represent the maximum emissions from a project that are not expected to cause or contribute to an exceedance of the most stringent applicable federal or State ambient air quality standards, and thus would not cause or contribute to localized air quality impacts. As discussed on pages 5.3-50 to 5.3-56 of the Recirculated Draft EIR, impacts related to localized air pollutants from construction would be less than significant with implementation of Mitigation Measure AQ-2 requiring use of Tier 4 Final equipment and impacts related to localized air pollutants from operation would be less than significant.

Comment A2.15: This comment states that CJUSD engaged BlueScape Environmental to conduct a third-party review of the technical assessments in the Recirculated Draft EIR, 2021 Draft EIR, and Final EIR and BlueScape identified major deficiencies in the air quality analysis and health risk assessment. The comment states that BlueScape remodeled air quality impacts and health risks and found that significant impacts would occur from construction and operation. The comment states that BlueScape found that the Friant Ranch analysis included in the Recirculated Draft EIR Appendix B does not satisfy the requirements for a thorough, site-specific review. The comment states that CJUSD submits BlueScape's technical comments in Attachment D and E to the comment letter.

Response to Comment A2.15: This comment is introductory in nature. The air quality analysis in the Original Draft EIR, Original Final EIR and Recirculated Draft EIR discloses its methods, explains key assumptions, and provides a reasoned basis for its approach, which adheres to the requirements for substantial evidence set forth in CEQA Guidelines Section 15384. Specific responses to BlueScape's technical comments are provided below in Responses A2.27 through A2.69.

Comment A2.16: This comment states that following BlueScape's review which found that the Recirculated Draft EIR and related air quality analyses for the Project are flawed and underestimates health risks, CJUSD is opposed to the Project. The comment requests that the County require a new, independently reviewed Air Quality Impact Assessment and Health Risk Assessment with updated trip generation numbers, protective significance thresholds, accurate placement of receptors and appropriate breathing rates for children, and comprehensive modeling of cumulative impacts. The comment requests full mitigation of any cancer risk or air pollutant exposure that exceeds the one in one million threshold and that unless the corrections are made, the Recirculated Draft EIR does not adequately disclose, analyze, or mitigate the Project's severe and disproportionate air quality and health risks.

Response to Comment A2.16: Regarding a new Air Quality Impact Assessment and Health Risk Assessment, a new analysis is not warranted as no substantial evidence has been provided that emissions or health risks were incorrectly calculated and disclosed. In regard to trip generation numbers, please see Response to Comment A2.6 related to trip generation analysis.. Regarding SCAQMD Rule 1401.1 and the health-protective thresholds provided for criteria pollutants, please see Response to Comments A2.14 and O3.10. In regard to accurate placement of receptors and breathing rates for children, please see Response to Comment A2.35. Regarding cumulative air quality and health risk impacts, please see Response to Comment A2.14's explanation that the SCAQMD thresholds analyze both project-specific and cumulatively considerable impacts, which would include impacts related to the West Valley Logistics Center.

As discussed under Impact AQ-2 in the Recirculated Draft EIR on pages 5.3-7 through 5.3-48, emissions from operation of the Project would exceed SCAQMD's thresholds for VOC and NO_x after implementation of regulatory requirements and mitigation measures. A majority of operational-source NO_x emissions (by

weight) would be generated by Project vehicles, and the VOC emissions would be generated by consumer products that are outside the control of both the Project applicant and the County. Therefore, the Recirculated Draft EIR properly discloses that operational source VOC and NO_x emissions would be significant on a Project-level and a cumulative basis. In regard to air quality impacts to sensitive receptors, as discussed under Impact AQ-3 in the Recirculated Draft EIR on pages 5.3-49 through 5.3-66, the Project would not result in significant impacts related to exposure of sensitive receptors to substantial pollutant concentrations (including school children; see Response to Comment A2.2).

Furthermore, as discussed in Master Response 2, the Recirculated Draft EIR analysis focused on the areas that were determined to be inadequate by the San Bernardino Superior Court September 2024 Ruling, specifically impacts related to air quality, energy, greenhouse gas, noise, and alternatives. Therefore, concerns outside those areas (including cumulative air quality and health risk impacts) are not further addressed in this document although they were fully analyzed in the Original Draft EIR and will be taken into consideration by the County decision makers in evaluating what action to take on this Project.

Comment A2.17: This comment provides a summary of Assembly Bill (AB) 98 and states that the Specific Plan is located within a designated warehouse concentration area adjacent to numerous sensitive receptors. The comment states that the Project would add approximately 3.2 million square feet of industrial space and fails to comply with AB 98. The comment states that the Project must adhere to both the explicit requirements and underlying purpose of AB 98. The comment summarizes both Opening Year options and states that the design and siting standards from AB 98 are applicable to the Project.

Response to Comment A2.17: This comment does not provide any substantial evidence of significant environmental impacts that have not already been disclosed in the Recirculated Draft EIR. AB 98 introduced Government Code section 65098, including Section 65098.1.5(c), which states, “this chapter shall not apply to any logistics projects that were subject to a commenced local entitlement process prior to September 30, 2024.” Furthermore, Senate Bill 415 (SB 415) amended Government Code section 65098.1.5(a)(3), to read as “notwithstanding any other law, except as provided in Section 65098.1.6, if by September 30, 2024, a property is currently in a local entitlement process to become a logistics use development, then the proposed logistics use development shall not be subject to the requirements described in paragraph (3) of subdivision (a) of, paragraph (3) of subdivision (b) of, or paragraph (3) of subdivision (c) of Section 65098.1, as applicable, if a sensitive receptor is constructed, established, or permitted after the effective date of this chapter,” and added Section 65098.1.6(a) which specifies, “notwithstanding any other law, this chapter shall not apply to any logistics use development that was subject to a local entitlement process that began before September 30, 2024.”

The proposed Project entered the local entitlement process with the County of San Bernardino prior to September 30, 2024. Accordingly, pursuant to Government Code Section 65098.1.6(a), the statutory requirements established by AB 98 and SB 415 are explicitly inapplicable to the proposed Project. As a result, the Project is not required to comply with the provisions of these statutes, and the comment does not otherwise identify any new regulatory obligation applicable to the Project or environmental impact requiring additional CEQA analysis.

Comment A2.18: This comment states that, in compliance with AB 98, the Project must implement Tier 1 21st century warehouse design elements; orient truck loading bays on the opposite side of the logistics use away from sensitive receptors; locate truck loading bays a minimum of 500 feet from sensitive receptors property lines; separate truck entrances via a truck route; locate truck driveways and internal circulation away from sensitive receptors; and include buffering and screening. The comment also states that Government Code section 65098.2 requires a 100-foot buffer from the boundary of the proposed Specific Plan area.

Response to Comment A2.18: Please see Response to Comment A2.17 regarding the applicability of AB 98 and SB 415.

Comment A2.19: This comment states the County cannot approve the Project because the Specific Plan and proposed Development Options do not satisfy the standards set forth in AB 98. The comment requests that the County include a mandatory 100-foot setback from sensitive receptor property lines for the Specific Plan and all development applications. The comment requests that the Recirculated Draft EIR be revised to feature a Project Alternative that fully implements the requirements set forth by AB 98 and that the alternative is evaluated for its potential to reduce impacts and health risks to nearby receptors.

Response to Comment A2.19: Please see Response to Comment A2.17 regarding the applicability of AB 98 and SB 415. In addition, as discussed in the Recirculated Draft EIR and discussed above in Response to Comment A2.2, the Project would not result in any significant air quality or noise impacts to sensitive receptors. Therefore, a 100-foot setback from sensitive receptors within the Project is not necessary to address potentially significant impacts under CEQA.

Regarding an alternative that fully implements all design and siting criteria under AB 98, pursuant to CEQA Guidelines Section 15126.6(a), an EIR must describe a reasonable range of alternatives to a proposed project or to a project's location that would feasibly avoid or lessen its significant environmental impacts while attaining most of the proposed project's objectives. CEQA Guidelines Section 15126.6(b) emphasizes that the selection of project alternatives be based primarily on the ability to reduce impacts relative to the proposed project. Further, an EIR is not required to consider every conceivable alternative to the Project. The Project Alternatives are discussed in Section 7.0, *Alternatives*, of the Recirculated Draft EIR. As shown in Table 7-3, *Impact Comparison of the Proposed Project and Alternatives*, on page 7-25 of the Recirculated Draft EIR, all three alternatives would reduce impacts to environmental topics analyzed in the EIR when compared to the proposed Project. As the Reduced Project Alternative would avoid the Project's significant air quality impact, the Recirculated EIR considers a reasonable range of alternatives.

Comment A2.20: The comment states that due to the Applicant's breach in the CEQA Mitigation Agreement, CJUSD's original CEQA concerns remain unsolved and the updated 2025 trip generation and truck traffic data continue to demonstrate the EIR is flawed. The comment states that the County's responses and conclusions in the Recirculated Draft EIR rely on outdated and inaccurate data, resulting in analysis that underestimates the Project's impacts on sensitive receptors, particularly at Zimmerman Elementary School. The comment states that CJUSD requests the County revise and recirculate the Recirculated Draft EIR to address air quality impacts, health risk concerns, and County policies regarding pedestrian and bicyclist safety or requests a condition of approval requiring the Project Applicant to fully implement the CEQA Mitigation Agreement.

Response to Comment A2.20: As substantiated in Responses A2.1 through A2.19, above, and A2.21 through A2.69, below, recirculation of the Recirculated Draft EIR pursuant to CEQA Guidelines Section 15088.5 is not required. Commentor has not raised any new significant environmental impact would result from the Project or from a new mitigation measure proposed to be implemented, there is no substantial increase in the severity of an environmental impact, no feasible project alternative or mitigation measure considerably different from others previously analyzed would lessen the environmental impacts of the proposed Project, and the Draft EIR is not fundamentally inadequate and conclusory in nature. Specific to the Real Property Exchange Agreement, the County's previous approvals related to the Project were not contingent upon the Real Property Exchange Agreement which was a private contractual agreement between the previous project applicant and CJUSD and was not adopted by the County as a mitigation measure under CEQA. The comment does not otherwise provide any substantial evidence of new significant environmental impacts and does not raise any specific concerns about the adequacy of the Recirculated Draft EIR's analysis.

Comment A2.21: This comment includes previous letters submitted by CJUSD to the County including comments on the Original Draft EIR submitted on January 12, 2022 and December 15, 2021 and the NOP comment from February 8, 2021.

Response to Comment A2.21: These comments were responded to as Response A3 within the Original Final EIR. The comment does not otherwise provide any substantial evidence of new significant environmental impacts and does not raise any specific concerns about the adequacy of the Recirculated Draft EIR's analysis.

Comment A2.22: This memorandum from Garland Associates compares the trip generation utilized in the Bloomington Business Park Specific Plan traffic analysis to updated TUMF High-Cube Warehouse trip generation rates and new ITE trip generation rates. The comment states that manufacturing rates should have also been used in the trip generation because the project description in the Specific Plan states that 50 percent of the industrial park could be occupied by manufacturing uses, which has a slightly higher trip rate than the industrial park category that was utilized. The comment states that the volumes documented in the traffic analysis for the EIR are slightly lower than the recalculated trips and that truck trips, when recalculated using truck splits in the new Fehr & Peers report, would be substantially higher than analyzed.

Response to Comment A2.22: Please see Response to Comment A2.6 related to trip generation analysis and traffic impacts. As discussed in Master Response 2, the Court denied the CEQA writ petition on all other grounds raised, including grounds relating to the trip generation and traffic volumes. Furthermore, the trip generation rate of industrial park, which was utilized within the Original Draft EIR's traffic analysis, assumes a mix of industrial uses, including manufacturing.

Comment A2.23: This comment includes the agenda from the Western Riverside Council of Governments on December 14, 2023, which includes a memorandum on the TUMF High-Cube Warehouse Trip Generation Study Update. The comment includes information on the TUMF High-Cube Warehouse Trip Generation Study Update, but provides no comment on the proposed Bloomington Business Park Specific Plan Project or Recirculated EIR.

Response to Comment A2.23: Please see Response to Comment A2.6 related to trip generation analysis and traffic impacts. Further, as discussed in Response to Comment A2.22, the Court denied the CEQA writ petition on grounds relating to the trip generation and traffic volumes. Please also see Master Response 2.

Comment A2.24: This comment includes a memorandum from Fehr & Peers on the TUMF High-Cube Warehouse Trip Generation Study Rate. This comment provides information on trip rates, but provides no comment on the proposed Bloomington Business Park Specific Plan Project or Recirculated Draft EIR.

Response to Comment A2.24: Please see Response to Comment A2.6 related to trip generation analysis and traffic impacts. Further, as discussed in Response to Comment A2.22, the Court denied the CEQA writ petition on grounds relating to the trip generation and traffic volumes. Please also see Master Response 2.

Comment A2.25: This comment includes a technical memorandum from WSP on the TUMF High-Cube Warehouse Trip Generation Study. This comment provides information on trip rates, but provides no comment on the proposed Bloomington Business Park Specific Plan Project or Recirculated EIR.

Response to Comment A2.25: Please see Response to Comment A2.6 related to trip generation analysis and traffic impacts. Further, as discussed in Response to Comment A2.22, the Court denied the CEQA writ petition on grounds relating to the trip generation and traffic volumes. Please also see Master Response 2.

Comment A2.26: This memorandum from Garland Associates compares the trip generation utilized in the West Valley Logistics Center traffic analysis to updated TUMF High-Cube Warehouse trip generation rates and new ITE trip generation rates. The comment states that while the overall Project trips would decrease using the updated TUMF rates, the number of truck trips would increase. The comment states that the updated trip generation shows that the West Valley Logistics Center project would generate 568 additional truck trips per day.

Response to Comment A2.26: Please see Response to Comment A2.6 related to trip generation analysis and traffic impacts. Further, as discussed in Response to Comment A2.22, the Court denied the CEQA writ

petition on grounds relating to the trip generation and traffic volumes. Furthermore, the memorandum by Garland Associates provides comment on the trip generation for the West Valley Logistics Center project but not the Bloomington Business Park Specific Plan Project or the Recirculated Draft EIR.

Comment A2.27: This comment states that BlueScape Environmental has prepared comments as detailed technical verification review and follow-up to a letter submitted by CJUSD to the County on December 15, 2021 concerning the Draft EIR and its air quality analysis and health risk assessment. The comment states that the focus of the review is on the analyses contained in the Recirculated Draft EIR, while referencing the Original Draft EIR, Original Final EIR, and the Court's writ, as well as estimating the highest expected health impacts at residential locations and school sites for the Project. The comment states that the studies continue to fail to sufficiently analyze the Project's air quality impacts on the community and fail to provide a sufficiently detailed response to comments as specified in the Writ. The comment states that the operational emissions in the Recirculated Draft EIR remain unchanged from the Original Draft EIR, and the technical flaws persist in the Original Final EIR and Recirculated Draft EIR. The comment states that there is a need for additional publicly vetted EIR review work and enforcing appropriate mitigation.

The comment states that the Project will be a large source of pollutants that will expose sensitive residents, school children, and others to high levels of toxic DPM and other emissions. The comment states that this letter recommends that CJUSD request that the County adopt appropriate and stringent air quality review thresholds that address the higher potential health impacts from large projects on nearby sensitive residential and school sites. The comment states that the letter presents results of verification modeling completed using Project emissions and modeling files, including an updated Health Risk Assessment for Project construction and operation and a discussion of other health effects models. The comment states that it provides an air quality analysis for PM10, PM2.5, and NO2 emissions impacts. The comment states that the Recirculated Draft EIR leads to underreporting of health impacts in the community and that effects exceed applicable thresholds. The comment also states that the letter discusses the work done by Urban Crossroads in attempting to fulfill the requirement of a health effects analysis as specified in the Writ and shows that this analysis fails to complete the requirements of a Friant Ranch analysis.

Response to Comment A2.27: This comment is introductory in nature and summarizes more detailed comments that are discussed in more detail below. The Recirculated Draft EIR's air quality analysis relies on widely used, agency-accepted models (e.g., CalEEMod, AERMOD, or equivalent), standard methodologies, and input assumptions consistent with SCAQMD and CARB guidance; this constitutes substantial evidence supporting the Recirculated Draft EIR's conclusions. The commenter's alternative modeling represents a professional difference of opinion regarding model selection and assumptions. The air quality analysis in the Original Draft EIR, Original Final EIR and Recirculated Draft EIR discloses its methods, explains key assumptions, and provides a reasoned basis for its approach, which adheres to the requirements for substantial evidence set forth in CEQA Guidelines Section 15384.

Where the commenter employs more conservative or speculative assumptions (e.g., worst-case operating scenarios, emission factors, or receptor placements) that are not required by SCAQMD guidance or other regulatory programs, the lead agency may reasonably conclude that those assumptions overstate reasonably foreseeable impacts and thus are not appropriate as the primary basis for CEQA significance determinations. CEQA Guidelines Section 15151 directs that an EIR must be prepared with a "good faith effort at full disclosure," not perfection, and courts have held that when qualified experts present competing analyses, the lead agency may rely on its own experts so long as the record demonstrates a reasoned response to comments and substantial evidence for the chosen methodology.

Accordingly, while the County appreciates the additional information provided by the commenter, and has carefully reviewed it, the County finds that the EIR's air quality modeling as finalized in the Recirculated Draft EIR remains appropriate, conservative, and consistent with accepted practice, and therefore provides

an adequate basis for determining the Project's air quality and health-risk impacts under CEQA. The commenter's various assertions are addressed in detail in subsequent Responses to Comments provided below. Many of the comments provided have been previously addressed in either or both the Original Final EIR and Recirculated Draft EIR. The Recirculated Draft EIR in total, including all supporting air quality and health analyses, demonstrate compliance with the Court's writ by (1) expressly identifying the limited CEQA issues on which the Court granted relief (alternatives, air quality/Friant Ranch and ZE truck feasibility, greenhouse gases, energy, and construction noise), (2) preparing a recirculated environmental document that provides additional, focused analysis of those issue areas while leaving unchanged the previously reviewed project description and footprint, and (3) proceeding under Public Resources Code section 21168.9 and CEQA Guidelines Section 15234 to confine the scope of remand to the deficiencies identified by the Court and recirculating the revised analysis for a full 45 day public comment period in accordance with CEQA's procedural requirements.

Moreover, the Friant Ranch-style analysis provided within Recirculated Draft EIR Appendix B is accurate, conservative, and adequate under CEQA for describing how the Project's air emissions relate to potential human health consequences. Appendix B uses methods consistent with Friant Ranch by: (1) quantifying project related criteria and toxic emissions using agency accepted modeling; (2) applying a regional scale screening tool (COBRA) in the manner intended by EPA to translate those emissions into changes in ambient pollutant levels and health outcomes over the South Coast Air Basin; and (3) comparing the Project's incremental regional health effects to existing background conditions and to other large projects that have undergone detailed health impact review. Appendix B clearly discloses model assumptions and limitations, explains that the results represent conservative screening level estimates rather than site specific epidemiological predictions, and shows that the Project's incremental contribution to regional health outcomes is small relative to existing basin wide burdens. This level of analysis reasonably "bridges the gap" between quantified emissions and health effects required by Friant Ranch and provides substantial evidence that additional, more complex quantitative health consequence modeling would not materially change the EIR's conclusions.

Comment A2.28: This comment recommends that CJUSD request that the County adopt appropriate and stringent air quality review thresholds that address the higher potential health impacts from large projects on nearby sensitive residential and school sites. The comment states that more stringent thresholds than general SCAQMD CEQA significance thresholds should be used to provide an added measure of protection for children and families living and attending school within 1,000 feet of Project construction and operations. The comment states that SCAQMD CEQA thresholds are not sufficiently health-protective for sensitive children and other at-risk persons. The comment states that SCAQMD Rule 1401.1 requires that cancer risk at a school be less than one in one million for any new stationary source facility within 1,000 feet of a school that needs a permit to construct. The comment states that while the Project is not a stationary source facility subject to a permit to construct requirement from SCAQMD, it is a large source of air emissions within a community next to houses and a school and the same health-protective threshold should be applied by the County.

Response to Comment A2.28: Regarding SCAQMD Rule 1401.1, SCAQMD Rule 1401.1 applies only to "New Facilities" or "Relocated Facilities" seeking a Permit to Construct/Operate from SCAQMD. The rule defines "New Facility" as "any Facility which emits Toxic Air Contaminants (TAC) and for which an application for a Permit to Construct/Operate is submitted to the Executive Officer," excluding replacements or modifications at existing facilities. The Bloomington Business Park Specific Plan Project is a land use project (warehouses/industrial), not a stationary emissions source like a factory or refinery requiring SCAQMD permits; thus, Rule 1401.1 does not apply.

Under CEQA, a lead agency may select a significance threshold so long as it is supported by substantial evidence. (CEQA Guidelines Section 15064.7(c)). As discussed in Recirculated Draft EIR Section 5.3.4, *Thresholds of Significance*, the County uses SCAQMD's recommended threshold of 10 in 1 million incremental cancer risk (MICR) for TACs/DPM from projects like this. SCAQMD's 10 in a million incremental cancer risk

threshold is intended to be health protective while still allowing reasonably foreseeable development to proceed under feasible controls. The SCAQMD risk metric is derived from OEHHA's cancer-potency methodology under the Air Toxics "Hot Spots" program, which estimates the probability that continuous exposure over a lifetime (using age-sensitive factors, breathing rates, and exposure durations) will cause cancer in an exposed population.

The SCAQMD 10 in a million threshold is intentionally much more conservative than federal air-toxics benchmarks (often one in 10,000), which reflects California's public-health protective stance and the desire to reduce cumulative cancer risk in already burdened communities. At the same time, SCAQMD's risk-assessment procedures explicitly tie this threshold to feasible emission controls (e.g., T-BACT) and screening levels that most typical equipment and projects can meet, so essential industrial, commercial, and infrastructure development is not categorically precluded.

With specific regard to potential impacts at area schools, as discussed on pages 5.3-57 through 5.3-66 of the Recirculated Draft EIR, the Health Risk Assessments show a max school cancer risk at Zimmerman Elementary of 0.06 in 1 million for construction and 0.13 to 0.60 in 1 million for operations, well below the 10 in one million threshold; non-cancer hazard index (HI) is 0.01 (<1.0). Even if the County did adopt the commenter's requested 1 in one million cancer-risk threshold for this Project, Project impacts would remain well-below significance thresholds.

The comment does not otherwise provide any substantial evidence of new significant environmental impacts and does not raise any specific concerns about the adequacy of the Recirculated Draft EIR's analysis.

Comment A2.29: This comment states that SCAQMD is in the process of developing revised cumulative cancer risk thresholds and summarizes the discussions from the CEQA Policy Development Working Group Meetings. The comment summarizes the methodology for setting cumulative health risk thresholds that has been discussed in these Working Group Meetings. The comment states that utilizing this criteria, the revised cumulative significance threshold for health risk would be one in one million, making the Project's cancer risk cumulatively considerable.

Response to Comment A2.29: As of the date of the Recirculated Draft EIR, SCAQMD has not adopted new CEQA cancer risk significance thresholds or cumulative "screening" levels through rulemaking or formal Board action. SCAQMD's currently applicable CEQA significance thresholds remain those in its Air Quality Significance Thresholds guidance and risk assessment procedures, which identify an incremental maximum individual cancer risk of 10 in 1,000,000 and a cancer burden of 0.5, together with non-cancer hazard indices of 1.0, as the criteria for determining significant project level and cumulative toxic air contaminant impacts. Under SCAQMD's methodology, the same 10 in 1 million MICR and 0.5 cancer burden levels are used for both project and cumulative impact determinations.

Draft concepts discussed in staff working-group meetings do not change the adopted significance thresholds unless and until the SCAQMD Governing Board formally adopts new thresholds or rules following required public notice and environmental review. Further, a lead agency has discretion to select significance thresholds, so long as they are supported by substantial evidence and explained in the record. (CEQA Guidelines Section 15064.7(c).

As discussed within Original Final EIR Responses A3.9, A3.12, and A3.19, the County relied on SCAQMD's existing, resource-agency-endorsed thresholds, Countywide Plan Policy HZ-3.1, and Countywide Plan EIR MM AQ-3 to establish a significance threshold of 10 in one million and hazard index of 1.0 for both project-level and cumulative health-risk impacts. The Recirculated Draft EIR's Mobile Source HRA and construction-source HRA show that maximum individual cancer risks from construction and operation combined are 4.91 in one million at the maximally exposed residence and 0.60 in one million at Zimmerman Elementary

School, with non-cancer hazard indices of 0.01, which are below SCAQMD's project-level and cumulative thresholds. As discussed above in Response A2.29, even if a one in one million threshold were applied Zimmerman Elementary, all modeled risks remain would remain below that level.

In light of this evidence, and because SCAQMD's potential new cumulative thresholds remain under development and are not yet in effect, CEQA does not compel the County to substitute non-adopted, draft working-group values for SCAQMD's formally promulgated CEQA thresholds. Requiring applicants to meet thresholds that have not been vetted through SCAQMD's rulemaking process would create significant regulatory uncertainty, could conflict with SCAQMD's own implementation of its Air Toxics program, and would be inconsistent with CEQA's direction that thresholds be "adopted for general use" or supported by substantial evidence in the record. (CEQA Guidelines Sections 15064.7, subds. (a)–(b).)

The commenter's proposal to require a one in one million cumulative cancer-risk threshold and very low annual PM_{2.5}/NO₂ thresholds derived from draft SCAQMD staff concepts and federal permitting SILs would effectively create project-specific standards that differ from SCAQMD's regionally applicable CEQA thresholds. Imposing such non-adopted thresholds raises several concerns:

- Regulatory consistency and due process. SCAQMD's CEQA thresholds are intended to provide uniform expectations for projects across the South Coast Air Basin. Applying substantially more stringent, non-adopted thresholds to a single project would create uneven treatment of similarly situated projects and could be challenged as arbitrary or inconsistent with SCAQMD's own implementation of its Air Toxics rules.
- Threshold-selection discretion. Courts have upheld agency choices to use established regional thresholds where the agency explains its reasoning and responds to contrary evidence—as the County has done in Original Final EIR Responses A3.9, A3.10, A3.12, A3.19, et al.
- Until SCAQMD completes any formal update to its CEQA thresholds or MATES-based cumulative framework, requiring projects to satisfy those draft values would be speculative and lack the necessary substantial evidence foundation.

For these reasons, the County has reasonably declined to replace SCAQMD's adopted CEQA thresholds with the commenter's proposed ad hoc cumulative thresholds. Instead, the County applied SCAQMD and OEHHA-recommended methods, demonstrated that both project-specific and cumulative cancer risks and PM concentrations are below the applicable thresholds (as discussed in Recirculated Draft EIR pages 5.3-56 through 5.3-66), and thereby satisfied CEQA's requirement to make a good-faith, reasoned analysis of health-risk impact.

The comment does not otherwise provide any substantial evidence of new significant environmental impacts and does not raise any specific concerns about the adequacy of the Recirculated Draft EIR's analysis.

Comment A2.30: This comment states that the United States EPA promulgated a more stringent National Ambient Air Quality Standard (NAAQS) for the criteria pollutant PM_{2.5} during the time since the Original Draft EIR & Original Final EIR. This comment states that the new, lower standard requires SCAQMD to develop new plans for emission reductions, particularly from mobile sources like heavy-duty trucks. The comment states that SCAQMD does not list an annual average CEQA significance threshold for PM_{2.5}, so one must be adopted by the County. The comment states that CJUSD should request that the County use the health protective thresholds discussed in the letter. This comment states that children are generally more susceptible to adverse health impacts from exposure to toxins. The comment states that these concerns, and others, have been expressed by CARB in a letter to the County dated December 15, 2021. The comment states that, in accordance with the Children's Protection Act and the OEHHA Guidelines, the County's analysis of health impacts should properly account for the vulnerability of CJUSD children and impacts should be mitigated to the fullest extent feasible.

Response to Comment A2.30: The County acknowledges USEPA's recent NAAQS and significant impact level (SIL) revisions and that SCAQMD will be required to update its Air Quality Management Plan and permitting programs to demonstrate future attainment. However, CEQA significance thresholds are not automatically reset by federal NAAQS changes; instead, SCAQMD reviews and updates its CEQA guidance, including Localized Significance Thresholds (LSTs), through its public process. As explained in Original Final EIR Responses A3.3, A3.13, and A3.21, the County used SCAQMD's current LST methodology and then performed additional AERMOD dispersion modeling in response to commenters, which showed that peak daily construction and operational emissions of PM₁₀, PM_{2.5}, NO₂, and CO would not exceed SCAQMD's localized thresholds at nearby sensitive receptors.

SCAQMD has not adopted an annual CEQA significance threshold equal to USEPA's PM_{2.5} SIL, nor has it recommended using federal SILs as project-specific CEQA thresholds for mobile-source dominated projects. As noted in the Original Final EIR and these Responses, a lead agency may rely on thresholds and methodologies recommended by expert agencies, so long as the EIR explains their use and addresses substantial contrary evidence—which the Original Final EIR and the Recirculated Draft EIR do, as discussion in Section 5.3.4 of the Recirculated Draft EIR.

Accordingly, while the County will consider future SCAQMD guidance and federal standards in subsequent planning and rulemaking, for this Project the County reasonably relied on SCAQMD's existing LSTs and CEQA thresholds. The Original Final EIR's AERMOD analysis demonstrates that PM_{2.5}, PM₁₀, and NO₂ impacts are less than significant under those thresholds, and the comment does not present substantial evidence that use of federal SILs is required or that doing so would change the impact conclusions.

Regarding children's vulnerability to air toxics, the comment correctly notes that children are more susceptible to air toxics and cites the federal Integrated Science Assessment for PM, the Children's Environmental Health Protection Act (SB 25), and OEHHA's 2015 Air Toxics Hot Spots Risk Assessment Guidelines. The Project's Health Risk Assessment already incorporates these updated methodologies. As Original Final EIR Responses A3.4, A3.9, A3.10, A3.15, and A3.19 explain, the EIR (Original and Recirculated) Health Risk Assessments appropriately utilizes OEHHA's age-sensitivity factors, age-specific breathing rates, and exposure durations (9-year exposure for schoolchildren, 30-year for residents) and applies dose algorithms that account for children's lower body weight and higher inhalation rates.

Under these child-focused parameters, the EIR's construction- and operational-source Health Risk Assessments substantiate that maximum incremental cancer risks and non-cancer hazard indices at Zimmerman Elementary School and other receptors remain well below SCAQMD's 10 in one million and HI=1.0 thresholds, and below 1 in one million at Zimmerman Elementary. Thus, the County's analysis already "properly accounts for the vulnerability of children" as contemplated by SB 25 and OEHHA guidance, even though the County did not adopt the commenter's suggested CEQA significance criterion. Please refer also to Response to Comment A.29, above.

Comment A2.31: This comment states that construction would occur during daytime hours that overlap with hours when classes at Zimmerman Elementary School and in the afternoon hours when students use outdoor recreational facilities. The comment states that prevailing winds blow from the southwest to the northeast nearly all of the time students are located at Zimmerman Elementary School, so toxic emissions would likely be blown onto the school site. The comment states that any health impact risk greater than zero by the Project on community residents, children, and other persons should be unacceptable to CJUSD. The comment states that the County must mitigate and minimize any real impacts from the Project to the fullest extent possible.

Response to Comment A2.31: The County acknowledges that some construction would occur during school hours and that winds can blow from the southwest toward Zimmerman Elementary. However, the Original Final EIR's detailed construction Health Risk Assessment and refined AERMOD dispersion modeling demonstrate that both construction and operational diesel particulate matter, PM, and NO₂ concentrations

at Zimmerman Elementary and nearby residences remain well below SCAQMD localized significance thresholds and cancer-risk thresholds, including a modeled construction-source cancer risk of 0.06 in one million and operational cancer risk of 0.60 in one million at Zimmerman Elementary, which are far lower than the applicable 10 in one million threshold and even below CJUSD's suggested one in one million benchmark.

Prevailing wind patterns and the school's downwind location were explicitly considered in the Health Risk Assessments and dispersion modeling, as included as Appendix C2 to the Original Draft EIR and Appendix A to the Original Final EIR, which place receptors at Zimmerman Elementary (OYD2-R6) and other nearest sensitive uses, and apply OEHHA-recommended, health-protective exposure assumptions for school-age children. Because diesel particulate matter dissipates rapidly with distance, receptors farther from the site would necessarily experience equal or lower concentrations, so the analysis captures the maximum risk without understating impacts.

CEQA does not require a finding of significant impact whenever any non-zero health risk exists; instead, lead agencies have discretion to adopt scientifically supported significance thresholds, and the County reasonably relies on SCAQMD's 10 in one million cancer-risk threshold and established localized significance thresholds, which are incorporated into Countywide Plan Policy HZ-3.1 and Countywide Plan EIR Mitigation Measure AQ-3 and are supported by SCAQMD, CARB, and OEHHA guidance.

While inherent uncertainties exist in any air quality model, the County addressed this by using conservative inputs (e.g., Tier 4 Final equipment only after mitigation, 15-minute truck-idling assumptions, 9-year school-child exposure, 30-year high-end residential exposure, and 5-acre LST screening for up to 20 acres of disturbed area), by preparing both construction- and operational-source Health Risk Assessments, and by supplementing the original screening analysis with refined AERMOD modeling. These conservative methodologies and multiple lines of evidence show that localized pollutant concentrations and health risks at schools and residences do not reach the "substantial pollutant concentrations" threshold under CEQA and therefore do not constitute a significant impact requiring additional mitigation. The comment does not otherwise provide any substantial evidence of new significant environmental impacts and does not raise any specific concerns about the adequacy of the Recirculated Draft EIR's analysis..

Comment A2.32: This comment states that diesel exhaust is a state-regulated TAC, based on the determination that exhaust is a human carcinogen. This comment summarizes the health risks associated with DPM. This comment states that the Original EIR did not include a construction emissions Health Risk Assessment, but one was completed for the Original Final EIR using the SCAQMD threshold of 10 in one million. The comment states that a one in one million threshold would be more appropriate and health protective and the County has the discretion to adopt more stringent thresholds than those set by SCAQMD.

Response to Comment A2.32: discussed on Recirculated Draft EIR pages 5.3-56 through 5.3-66, a construction-source HRA was prepared in accordance with SCAQMD and OEHHA guidance, and at the maximally exposed residence the combined construction-plus-operations DPM cancer risk is 4.91 in one million with a chronic hazard index of 0.01, both below SCAQMD's 10 in one million cancer and 1.0 non-cancer significance thresholds; therefore, construction and operational health-risk impacts are less than significant.

For school children, the construction Health Risk Assessment shows that cancer risk at Walter Zimmerman Elementary School would be 0.06 in one million, with a hazard index of 0.01, well below both the 10 in one million threshold and the commenter's suggested 1 in one million level, so construction emissions would not create a significant cancer risk to students.

Under CEQA Guidelines section 15064.7, a lead agency has discretion to select significance thresholds supported by substantial evidence. The County has reasonably exercised this discretion by using SCAQMD's

10 in one million cancer-risk threshold, which is incorporated into Countywide Plan Policy HZ-3.1 and Countywide Plan EIR MM AQ-3 and is expressly recommended in SCAQMD's mobile-source Health Risk Assessment guidance, rather than adopting ad-hoc project-specific thresholds such as the 1 in one million threshold proposed by the commenter.

OEHHA's Air Toxics Hot Spots Guidance Manual does not mandate a 1 in one million significance threshold. Instead, it recommends that short-term projects use appropriate exposure durations and child-sensitive parameters, which have been applied here through modeling a 9-year school exposure, child-specific breathing rates and body weights, and conservative time-at-home assumptions.

The construction and operational health risk assessments already demonstrate that, even if a 1 in one million threshold were hypothetically applied, the modeled cancer risks at Zimmerman Elementary School would remain below that level; thus, the commenter's proposed lower threshold would not change the conclusion that construction- and operation-related DPM health-risk impacts are less than significant and that additional recirculation or revisions are not required under CEQA. Please refer also to Response to Comment A.29.

Further, as discussed in Response to Comment O2.6, DPM emissions from heavy-duty trucks (HDTs or "trucks") and TRUs have reduced significantly over the last 15 years with the implementation of federal and state regulations. The comment does not otherwise provide any substantial evidence of new significant environmental impacts and does not raise any specific concerns about the adequacy of the Recirculated Draft EIR's analysis.

Comment A2.33: This comment summarizes the health risks related to PM emissions and states that the Draft EIR was deficient by not completing a proper air quality analysis for PM₁₀ and PM_{2.5} emissions impacts. The comment states that the analysis was included in the Original Final EIR, but only analyzed 24-hour averages for PM₁₀ and PM_{2.5} when annual concentrations should also have been reviewed. The comment states that health protective thresholds for short-term and long-term PM_{2.5} impacts should be used. The comment states that CJUSD should request that the County update the Recirculated Draft EIR air quality analysis using the federal significance thresholds in the letter.

Response to Comment A2.33: As discussed in Response to Comment A2.32 above, lead agencies may select significance thresholds based on substantial evidence, and the County has exercised this discretion by using SCAQMD's regional and localized thresholds, which are designed to ensure that project emissions do not cause or contribute to exceedances of the most stringent applicable ambient air quality standards.

In response to comments received on the Original Draft EIR, the County prepared additional refined AERMOD dispersion modeling as part of the Original Final EIR (Supplemental Air Quality Analysis Memorandum) showing that peak daily construction and operational emissions of NO₂, CO, PM₁₀, and PM_{2.5} do not exceed SCAQMD's localized thresholds at nearby residences and schools, so localized PM₁₀/PM_{2.5} impacts are less than significant and do not require adoption of the commenter's alternative federal screening values (Original Final EIR Responses A3.3, A3.5, A3.13).

Recirculated Draft EIR Tables 5.3-19 through 5.3-25 demonstrate that, with implementation of Mitigation Measure AQ-2 requiring Tier 4 Final off-road equipment, localized construction and operational PM₁₀ and PM_{2.5} emissions for all Specific Plan scenarios are below SCAQMD LSTs at the nearest sensitive receptors, including Zimmerman Elementary School and Bloomington High School. Therefore, the Project would not expose children or other sensitive individuals to substantial localized particulate concentrations.

While the commenter proposes using federal 24-hour and annual "significance thresholds" (5.0/1.2 µg/m³ and 1.0/0.13 µg/m³), those values have not been adopted by SCAQMD or the County as CEQA thresholds of significance but conservative screening levels. Further, SCAQMD's LSTs already incorporate background

concentrations and NAAQS/CAAQS and are the regionally accepted method for determining whether localized PM increments are significant.

However, to respond to this comment, additional modeling runs using AERMOD were performed by Urban Crossroads, and are included as Appendix A to this Final EIR, to analyze the annual average PM₁₀ and PM_{2.5} concentrations that would result from construction and operation of the proposed Project. This modeling indicates estimated maximum construction PM₁₀ and PM_{2.5} annual average concentrations of 0.73 µg/m³ and 0.28 µg/m³, respectively. During operational activity, modeling indicates estimated maximum PM₁₀ and PM_{2.5} annual average concentrations of 0.11 µg/m³ and 0.04 µg/m³, respectively. These concentrations remain well below the SCAQMD significance thresholds and NAAQS annual standards referenced in the comment.

The Health Risk Assessment and air quality impact analysis supporting the Recirculated Draft EIR also incorporate OEHHA-recommended exposure durations and child-specific parameters (including a 9-year exposure duration at schools) to evaluate children's vulnerability. The resulting cancer-risk results for diesel PM at schools (0.06–0.17 in one million during construction and 0.13–0.17 in one million during operation) are far below the 10 in one million threshold and even below the commenter's proposed 1 in one million level, confirming that the County's selected thresholds are protective of schoolchildren. Because the refined dispersion and health-risk analyses show that both short-term and long-term PM₁₀ and PM_{2.5} concentrations at nearby residences and schools remain below SCAQMD's localized thresholds and DPM risks remain well below the applicable cancer-risk and hazard-index criteria, CEQA does not require the County to replace these agency-endorsed thresholds with the commenter's ad-hoc federal values or to recirculate the Recirculated Draft EIR. As such, the existing air quality analysis provides a conservative, health-protective, and legally adequate evaluation of PM₁₀ and PM_{2.5} impacts.

Comment A2.34: This comment summarizes health effects of NO_x emissions and states that the Draft EIR was deficient by not completing a proper air quality analysis for NO₂ emissions impacts. The comment states that the analysis was included in the Original Final EIR, but only analyzed 1-hour averages for NO₂ when annual concentrations should also have been reviewed. The comment states that health protective thresholds for short-term and long-term NO₂ impacts should be used. The comment states that CJUSD should request that the County update Recirculated Draft EIR air quality analysis using the federal significance thresholds in the letter.

Response to Comment A2.34: In response to comments received on the Original Draft EIR, the County prepared refined AERMOD dispersion modeling as part of the Original Final EIR (Supplemental Air Quality Analysis Memorandum) for construction and operations. This analysis demonstrates that peak daily NO₂ concentrations, when added to recent three-year background levels, remain below SCAQMD's localized thresholds and the federal/state 1 hour and annual NO₂ standards, so localized NO₂ impacts are less than significant.

Rule 1303 Table A2 values cited by the commenter are best available control technology/permitting thresholds for individual stationary sources, not CEQA thresholds of significance for areawide or mobile source projects. SCAQMD's CEQA guidance instead uses the localized significance thresholds applied in the majority of CEQA analysis throughout the South Coast Air Basin. Further, SCAQMD has not directed lead agencies to substitute Rule 1303 limits for LSTs in CEQA analyses.

The Recirculated Draft EIR's air quality and Health Risk Assessments incorporate OEHHA recommended child specific exposure parameters, including a 9-year exposure duration for schoolchildren. The analysis shows that both construction and operational DPM cancer risks at schools (e.g., 0.06–0.17 in one million) and residences are far below SCAQMD's 10 in one million cancer risk threshold and below the 1 in one million

level advocated by the commenter, confirming that the County's selected thresholds and modeling approach are health protective for sensitive receptors.

Because refined AERMOD results provided as part of the Original Final EIR and Recirculated Draft EIR demonstrate that Project related NO₂ concentrations (1 hour and long term) at nearby residences and schools, when combined with background, remain below SCAQMD's localized thresholds and applicable ambient standards, and DPM health risk levels are well within SCAQMD/OEHHA criteria, CEQA does not require adoption of more stringent, stationary source permit limits from Rule 1303 or recirculation of the Recirculated Draft EIR. Overall, the existing NO₂ analysis included on Recirculated Draft EIR pages 5.3-31 through 5.3-69 provides a conservative and legally adequate evaluation of short- and long-term impacts on schoolchildren and other sensitive individuals.

CEQA allows a lead agency to select significance thresholds based on substantial evidence, and the County has exercised this discretion by relying on SCAQMD's regional and localized significance thresholds, which are explicitly developed to ensure that localized NO₂, CO, PM₁₀, and PM_{2.5} emissions will not cause or contribute to exceedances of the most stringent applicable ambient standards.

Further, in response to this comment, additional modeling in AERMOD (included as Appendix A to this Final EIR) was performed in order to estimate the annual average NO₂ concentrations that would result from the Project's construction and operational emissions. The results of this analysis indicate a maximum estimated annual average concentration of 0.21 µg/m³ during construction, and 0.48 µg/m³ during operations. As such, even if the annual NO₂ threshold of 1 µg/m³ were to be applied, the Project's construction and operational emissions would not result in a significant impact.

The comment does not otherwise provide any substantial evidence of new significant environmental impacts and does not raise any specific concerns about the adequacy of the Recirculated Draft EIR's analysis.

Comment A2.35: This comment states that the operational and construction Health Risk Assessments have technical errors, including using too few receptor locations, underestimating truck traffic for the Project, using incorrect modeling parameters, and using child exposure assumptions that are not considered health-protective. The comment states that the cancer risk impacts at school sites and the community are underestimated and that, when corrected, the cancer risk impacts exceed the one in one million cancer risk significance threshold. The comment states the Recirculated Draft EIR does not include an evaluation of the maximum impacted receptor location on the receptor grid as no grid was used. The comment states that BlueScape remodeled sources and receptors, and the concentration of DPM at the receptor identified in Appendix C2 decreased. The comment states that BlueScape added additional receptor grids with finer grids near schools and discusses the resulting cancer rates at Zimmerman Elementary School and Crestmore Elementary School. The comment states that cancer risks at Zimmerman Elementary School would be above one in one million and that some residential receptors would have a cancer risk higher than the 10 in one million threshold.

Response to Comment A2.35: The health risk assessments included as part of the EIR were prepared in accordance with SCAQMD and OEHA methodology, evaluate the closest and maximally exposed receptors, use agency-recommended exposure assumptions for children and adults, and demonstrate that both construction and operational cancer risks remain below the applicable 10 in one million significance thresholds. Therefore, impacts would be less than significant and would not require mitigation.

While SCAQMD does require a receptor grid for permitting purposes, the comment incorrectly assumes that CEQA and SCAQMD require a fine Cartesian receptor grid extending throughout the surrounding community for CEQA documents. Further, as discussed in Master Response 2, the Recirculated Draft EIR analysis focused on the areas that were determined to be inadequate by the San Bernardino Superior Court September 2024 Ruling, specifically impacts related to air quality, energy, greenhouse gas, noise, and alternatives.

Therefore, concerns outside those areas (including health risk impacts) are not further addressed in this document although they were fully analyzed in the Original Draft EIR and will be taken into consideration by the County decision makers in evaluating what action to take on this Project. Nevertheless, the Health Risk Assessments and Recirculated Draft EIR focus on receptors at the closest actual sensitive uses, which is the appropriate way to identify the maximum exposed individual receptors. The operational and construction health risk assessments place receptors at the nearest residences, Zimmerman Elementary School, Bloomington High School, and other sensitive locations, with Zimmerman Elementary represented by receptor OYD2-R6 at approximately 103 feet from the Project boundary, ensuring that the maximum school exposure is captured without the need for interpolated grid points. Because DPM and other pollutants dissipate with distance, receptors located farther away than those already modeled would, by definition, experience lower concentrations and risks. Evaluating a denser grid of points across the community would only identify lower impacts and is not required under CEQA where the nearest receptors show less than significant risk. Accordingly, the County reasonably rejects BlueScape's supplemental receptor grid as using inappropriately placed receptors and confirmed that the Health Risk Assessment receptor placement is consistent with SCAQMD and OEHHA guidance.

The comment's assertion that truck traffic was underestimated is inconsistent with the traffic study and with County-approved methodology. The Traffic Impact Analysis relied on trip rates and truck splits from the TUMF High-Cube Warehouse Trip Generation Study and the City of Fontana Truck Trip Generation Study, consistent with the County's Traffic Impact Study Guidelines and with the guidelines of the closest jurisdiction, the City of Fontana. These rates were reviewed and approved by the County Public Works Department and have been used in other Bloomington industrial projects. BlueScape's use of generalized ITE high-cube fulfillment center rates would substantially overstate trips for the proposed warehouse uses and does not reflect the expected tenants. As a result, BlueScape's re-calculated trip volumes (and resulting Health Risk Assessment inputs) are not substantial evidence of higher project emissions. Because the Project's trip generation is correctly estimated, the associated DPM and criteria-pollutant emissions modeled in the Original Draft EIR and Original Final EIR's health risk assessments and AERMOD analyses appropriately represent Project conditions and demonstrate that localized concentrations and health risks remain below SCAQMD significance thresholds. Further, as discussed in Master Response 2, the Recirculated Draft EIR analysis focused on the areas that were determined to be inadequate by the San Bernardino Superior Court September 2024 Ruling, specifically impacts related to air quality, energy, greenhouse gas, noise, and alternatives. Therefore, concerns outside those areas (including trip generation and traffic impact analysis) are not further addressed in this document although were fully analyzed in the Original Draft EIR and they will be taken into consideration by the County decision makers in evaluating what action to take on this Project.

The Health Risk Assessments referenced in the Original and Recirculated Draft EIRs (Appendix C2 to the Original Draft EIR and Appendix A to the Original Final EIR) apply OEHHA's 2015 Risk Assessment Guidelines and SCAQMD guidance for child exposure, including age-specific body weights, breathing rates, and exposure durations, and thus already incorporate health-protective assumptions for school-age children. For residential receptors, the health risk assessments use a 30-year exposure duration, representing the OEHHA-recommended 95th percentile residency period, while schoolchildren are evaluated over a 9-year duration. BlueScape's use of a 70-year exposure period and uniformly 95th-percentile breathing rates for all ages is intentionally overly conservative to result in impacts and is not supported by OEHHA or SCAQMD. Similarly, the health risk assessments use FAH values of 0.85 (third trimester/0–2 years) and 0.72 (2–16 years), as specified in OEHHA's guidelines. A FAH of 1.0 is only required where a school is within the 1E-6 cancer-risk isopleth. As the modeled project does not place any school within that isopleth, a FAH of 1.0 is not required and BlueScape's FAH of 1.0 for all child receptors is inconsistent with governing guidance. With these guideline-consistent assumptions, the health risk assessments conclude that cancer risk at Zimmerman

Elementary and other schools is ≤ 0.60 in one million for operations and 0.06 in one million for construction, both below even the more stringent 1-in-one-million level suggested by the commenter.

Even if the analysis were to be updated to utilize an FAH of 1.0 for age bins under 16 years and OEHHA 95th percentile breathing rates, the maximum health risk would remain below the applicable SCAQMD significance threshold of 10 in one million. With these updates applied to the construction Health Risk Assessment, the maximum risk would increase by less than 1.0 in one million, from 3.69 in one million to 4.35 in one million. Similarly, under the most impactful OYD2 operational health risk scenario, the maximum residential risk would increase to 8.45 in one million, remaining below the applicable SCAQMD significance threshold of 10 in one million. Additionally, utilizing 95th percentile OEHHA breathing rates, the maximum risk for Zimmerman Elementary and other schools would remain ≤ 0.60 in one million for operations and 0.09 in one million for construction. As demonstrated in Appendix A to this Final EIR, even if these factors were utilized in the analysis, the results would not change significantly, and the resulting health risk would remain less than significant.

Contrary to the comment's claim that "corrected" modeling would show cancer risks above one in one million at schools and well above CEQA thresholds at residences, the analysis prepared in support of this Final EIR (Appendix A) demonstrates that risks remain below SCAQMD's 10 in one million significance threshold at all receptors, and below 1 in one million at schools, even when construction and operational DPM are combined. For Zimmerman Elementary, the construction-source Health Risk Assessment estimates a maximum cancer risk of 0.06 in one million and a chronic hazard index of 0.01, while the operational-source Health Risk Assessment estimates a cancer risk of approximately 0.60 in one million and a hazard index of 0.01, both far below applicable thresholds. For the maximally exposed residence under Opening Year Option 2 (receptor OYD2-R7 at 18507 Jurupa Avenue), the operational Health Risk Assessment a cancer risk of 5.78 in one million, with non-cancer hazards of 0.01, and for the future buildout at the maximally exposed residence, the combined construction-plus-operation risk is 4.91 in one million. These values are well below the 10 in one million threshold and are, therefore, less than significant. By contrast, BlueScape's higher risk estimates (e.g., 7–10.3 in one million) rely on the trip generation rates that do not accurately reflect the Project, an incorrect fraction of time at home, and incorrect breathing-rate assumptions addressed above and do not undermine the substantial evidence supporting the County's Health Risk Assessment results. The trip generation rates utilized by BlueScape do not reflect the Project's trip generation as discussed in Response to Comment A2.5 as they greatly overestimate potential trips occurring from the Project. Further, BlueScape utilized an incorrect fraction of time at home of 1 for receptors at the school, which would mean that the receptor spent 100 percent of their time at the school property. In addition, the modeling improperly utilized a 95th percentile daily breathing rate for all receptors under 16, when CARB only recommends utilization of the 95th percentile daily breathing rate for receptors under 2 years of age.³

The commenter misapplies SCAQMD Rule 1401.1 by asserting that the Project exceeds the Rule's one in one million risk limit at schools within 1,000 feet. Rule 1401.1 establishes a one in one million cancer-risk standard for permitting certain new facilities near schools and is not applicable to the proposed Project as a land use project. Further, the Recirculated Draft EIR's health risk assessments show that cancer risk at Zimmerman Elementary and other schools is well below 1 in one million for construction and below 1 in one million for operations, even using the commenter's preferred one in one million benchmark rather than SCAQMD's 10 in one million CEQA significance level. CEQA allows lead agencies to adopt significance thresholds based on substantial evidence, and the County appropriately used the SCAQMD 10 in one million threshold, as reflected in the Countywide Plan and SCAQMD's own health risk assessment guidance. Further, the analysis

³ California Air Resources Board (2015). *Risk Management Guidance for Stationary Sources of Air Toxics*. https://ww2.arb.ca.gov/sites/default/files/classic/toxics/rma/rma_guidancedraft052715.pdf

also demonstrates that risks at schools would remain below the commenter's more stringent threshold. Therefore, neither Rule 1401.1 nor SCAQMD's CEQA thresholds would result in a finding of significant cancer risk at Zimmerman Elementary or other nearby schools, and the comment does not provide substantial evidence to the contrary. Please refer also to Response to Comment A.28 and A.29.

The comment does not otherwise provide any substantial evidence of new significant environmental impacts and does not raise any specific concerns about the adequacy of the Recirculated Draft EIR's analysis.

Comment A2.36: This comment states that BlueScope's previous analysis discusses that the Original Draft EIR's trip generation rates are incorrectly estimated and refers to the new TUMF rates. The comment states that BlueScope received updated trip generation rates from Garland Associates, which shows increased traffic volumes and truck trips. The comment states that, with the increased truck trips, DPM emissions and cancer risks are underreported in the Recirculated Draft EIR. The comment states that the Specific Plan buildout modeling run has too few receptors and does not show emission between idling locations and on-and off-site travel. The comment states that the modeling was redone, which shows increased cancer risks at 12.3 in one million using RMP breathing rates and 14.3 in one million using 95th percentile breathing rates from operational traffic alone.

Response to Comment A2.36: As discussed in Response to Comment A2.35, BlueScope's higher risk estimates rely on the trip generation rates that do not accurately reflect the Project, an incorrect FAH, and incorrect breathing-rate assumptions addressed above and do not undermine the substantial evidence supporting the County's health risk assessment results. Further, as discussed in Master Response 2, the Recirculated Draft EIR analysis focused on the areas that were determined to be inadequate by the San Bernardino Superior Court September 2024 Ruling, specifically impacts related to air quality, energy, greenhouse gas, noise, and alternatives. Therefore, concerns outside those areas (including trip generation and traffic impact analysis) are not further addressed in this document although they were fully analyzed in the Original Draft EIR and will be taken into consideration by the County decision makers in evaluating what action to take on this Project.

Comment A2.37: This comment states that a construction Health Risk Assessment was prepared in the Original Final EIR, which has similar issues to the operational Health Risk Assessment. The comment states that there was no explanation for how emissions were apportioned to sources in the modeling. The comment states BlueScope remodeled the construction Health Risk Assessment with an expanded receptor grid and the maximum impact residential receptor was not captured in the original construction Health Risk Assessment. The comment states that the Health Risk Assessment also set variable emissions factors incorrectly. The comment states that the updated modeling shows a residential receptor on Cedar Avenue with a cancer risk of 40.6 in one million or 90.7 in one million dependent on whether or not variable emission factors were modeled. The comment states that cancer risk impacts from construction would exceed the one in one million threshold as shown in Table 3 of the letter.

Response to Comment A2.37: The Original Final EIR's construction Health Risk Assessment, as discussed in Original Final EIR Responses A3.2, A3.3, A3.5, A3.8, A3.11, A3.12, was prepared in response to CJUSD's comments using SCAQMD and OEHHA recommended methods, including 15 minute truck idling assumptions, appropriate receptor placement at the nearest sensitive uses, and conservative exposure parameters for residents, workers, and school children.

Receptor locations and grid density utilized in the construction Health Risk Assessment are consistent with OEHHA and SCAQMD guidance, which focus on the closest actual sensitive receptors rather than a generalized community-wide grid. As discussed on pages 5.3-21 through 5.3-29 of the Recirculated Draft EIR, receptors were placed at the closest residences, Zimmerman Elementary School (approximately 103 feet from the boundary), Bloomington High School, and other sensitive locations, capturing maximum

exposures while recognizing that DPM dissipates rapidly with distance, so receptors farther away would necessarily experience lower concentrations and risks.

Contrary to the commenter's suggestion that emissions apportionment and modeling options were opaque or erroneous, the Recirculated Draft EIR sets out the construction and operational methodologies in Section 5.3.5, including use of CalEEMod for emissions estimation, application of SCAQMD 5-acre LST screening for up to 20 acres of active grading, and use of AERMOD dispersion modeling as documented in the Supplemental Air Quality Analysis. These methods, including weekday-only construction schedules, reflect standard SCAQMD practice and provide conservative yet realistic estimates of short-term concentrations rather than the commenter's re-runs, which rely on alternative AERMOD settings and extended exposure assumptions not required by governing guidance.

Further, BlueScope's much higher risk estimates stem from methodological choices that are not supported by SCAQMD or OEHHA, including using receptor grids beyond the nearest-receptor focus, altering variable-emission factors in a way that concentrates emissions unrealistically, and applying a FAH of 1.0 for all residents under 16. By contrast, the Project's Health Risk Assessment uses OEHHA-recommended FAH values of 0.85 for ages 0–2 and 0.72 for ages 2–16, and 30-year residential plus 9-year school-child exposure durations, which are the standard health-protective defaults rather than the more extreme assumptions embedded in the commenter's verification modeling.

With the agency-recommended assumptions and the refined construction Health Risk Assessment, the Recirculated Draft EIR appropriately concludes that construction-source diesel particulate matter impacts remain well below SCAQMD's 10 in one million cancer-risk significance threshold as the maximally exposed residence has an incremental construction cancer risk of 3.69 in one million. In addition, Zimmerman Elementary School's construction-source cancer risk would be 0.06 in one million, with non-cancer hazard indices of 0.01 at all receptors—values that are also below the commenter's proposed ad hoc 1 in one million construction threshold at schools and well within OEHHA and SCAQMD risk benchmarks.

Finally, as discussed on page 5.3-66 of the Recirculated Draft EIR, the Recirculated Draft EIR addresses cumulative exposure from overlapping construction and operations, finding that the combined maximum incremental cancer risk at the most exposed residence (18665 Jurupa Avenue) is 4.91 in one million and that cumulative risks from nearby industrial projects, including the Bloomington Industrial Warehouse and other logistics facilities within 1,000 feet, remain below SCAQMD's 10 in one million cancer-risk and 1.0 non-cancer hazard thresholds. Therefore, neither construction-only nor combined construction-plus-operations DPM exposures along Cedar Avenue or at nearby schools, including Slover Mountain High School, constitute "substantial pollutant concentrations" or a significant impact under CEQA, and additional Health Risk Assessment remodeling or mitigation beyond the requirement for adopted Tier 4 construction equipment and other air quality mitigation measures is not required.

Comment A2.38: This comment states that following a child receptor in one location from commencement of construction at birth and the remaining years of operation for a total exposure of 30 years would result in 30-year cancer risk for various scenarios shown in Table 4 of the letter. The comment states that, regardless of the analysis, the 30-year residential cancer risks are above the one in one million threshold for nearby schools and residences. The comment states that the updated cancer risk calculations do not include full buildout operations, unknown construction emissions, or any cumulative impacts. The comment states that combining the health risk from West Valley Logistics Center with the Project would result in a cumulative health risk of over 10 in one million.

Response to Comment A2.38: Recirculated Draft EIR Health Risk Assessments use OEHHA recommended 30-year residential and 9-year school child exposure durations, OEHHA RMP breathing rates, and FAH values of 0.85 (ages 0–2) and 0.72 (ages 2–16), which are the appropriate, health protective defaults.

Under CEQA, there is no requirement to provide an analysis of a worst-case scenario that is not reasonably foreseeable as set forth under the commenter's 30 year "birth to age 30" child scenario, FAH of 1.0, or 95th percentile breathing rates for all ages.

As explained in the Original Final EIR, the County's trip generation and truck percentages are based on the TUMF High-Cube Warehouse Trip Generation Study, the City of Fontana Truck Trip Generation Study, and County Traffic Impact Study Guidelines, and were reviewed and approved by County Public Works. BlueScope's much higher truck volumes and resulting cancer-risk estimates therefore do not constitute substantial evidence that Project emissions are underestimated. Please refer also to discussions of Project trip generation at Response to Comment A2.35.

Employing agency-supported inputs, the Original Final EIR's construction Health Risk Assessment shows that construction-source cancer risk at the maximally exposed residence (18665 Jurupa Avenue) is 3.69 in one million and at Zimmerman Elementary School is 0.06 in one million, with non-cancer hazard indices of 0.01, all well below SCAQMD's 10 in one million and 1.0 thresholds and even below the District's suggested 1 in one million benchmark for schools.

For combined construction-plus-operations, the Recirculated Draft EIR identifies the maximally exposed individual receptor at 18665 Jurupa Avenue with a total incremental cancer risk of 4.91 in one million and hazard index of 0.01, which remain below SCAQMD's 10 in one million cancer-risk and 1.0 hazard thresholds (Recirculated Draft EIR page 5.3-66). As all other modeled receptors, including schools, are exposed to lower concentrations, their combined risks are also below these thresholds, contrary to the commenter's assertion that all "corrected" 30-year risks exceed 10 in one million.

Accordingly, when applying the SCAQMD- and OEHA-endorsed methodologies and thresholds the County is entitled to use under CEQA, the Project's construction, operational, and cumulative DPM-related cancer risks at residences and schools—including any reasonable 30-year exposure scenarios—remain below significance thresholds, and the commenter's alternative modeling, which relies on non-standard exposure assumptions and off-site Health Risk Assessments for other projects, does not demonstrate a significant CEQA health-risk impact requiring additional mitigation or recirculation.

With respect to cumulative impacts, as discussed in Response to Comment A2.14, the SCAQMD uses the same significance thresholds for project-specific and cumulative impacts for all environmental topics analyzed in a CEQA document. As such, project emissions that exceed the project-specific significance thresholds are also considered by the SCAQMD to be cumulatively considerable. Therefore, since construction and operational health risk impacts would be below SCAQMD's 10 in one million threshold, impacts would be less than significant on a project and cumulative level.

Comment A2.39: This comment states that CJUSD should request that the County require an update to the Project construction and operational Health Risk Assessments to include worst-case Project emissions and risk impacts; updated trip generation rates; corrected technical assumptions; exposure assumptions that are more health-protective for children; and provide enough information for the public to translate bare numbers into adverse health impacts. The comment states that the updated Health Risk Assessment should include maximum cancer risk impacts; noncancer chronic and acute risk impacts; cumulative health risk impacts from nearby projects; and comprehensive mitigation for any cancer risk impacts that exceed one in one million cancer risk threshold.

Response to Comment A2.39: This comment summarizes prior comments. The commenter is referred to Responses to Comments A2.27 through A2.38, above. The comment does not otherwise provide any substantial evidence of new significant environmental impacts and does not raise any specific concerns about the adequacy of the Recirculated Draft EIR's analysis.

Comment A2.40: This comment states that the Project did not complete a proper air quality impact analysis for PM₁₀, PM_{2.5}, NO_x and other emissions from construction and operations. The comment states that the dispersion modeling conducted as part of the Original Final EIR did not include enough receptors or trucks and incorrectly utilized variable emissions factors. The comment states that annual averages were not modeled or compared to thresholds. The comment states that the BlueScape presented modeling results in the December 2021 letter that are still applicable, which shows that the Project would exceed health protective thresholds. The comment states that the revised analysis shows that SCAQMD thresholds are also exceeded for the remodeled PM₁₀ 24-hour and annual operations.

Response to Comment A2.40: As discussed in Responses to Comments A2.15, A2.26, A2.27, A2.30, and A2.33, above, the Recirculated Draft EIR provides an accurate analysis of potential impacts resulting from the Project's pollutant emissions utilizing SCAQMD's adopted thresholds and the commenter has not provided substantial evidence of significant impacts given their analysis is based on alternative and inappropriate modeling assumptions.

Comment A2.41: This comment states that Appendix B of the Recirculated Draft EIR provides little more than a comparative analysis of health effects due to pollutants showing that the health effects analysis was not performed correctly and does not fulfill the requirements of a Friant Ranch analysis. The comment states that the use of the COBRA screening tool does not clear the hurdle of technical adequacy required to complete a site-specific health impact analysis. The comment states that comparing the Project to projects in different areas is not adequate.

Response to Comment A2.41: commenter mischaracterizes both the purpose and content of Recirculated Draft EIR Appendix B. Appendix B does not purport to replace the Project's dispersion modeling or TAC health-risk assessment. Those analyses were provided as part of the Original Draft EIR and Original Final EIR using CalEEMod, AERMOD, and OEHHA/SCAQMD-recommended Health Risk Assessment methods to evaluate site-specific emissions, concentrations, and cancer/non-cancer risk at local receptors.

As discussed on Recirculated Draft EIR pages 5.3-44 through 5.3-49 and further clarified in Response to Comment A5 within this Final EIR, Appendix B instead responds to the California Supreme Court's Friant Ranch decision by providing a regional-scale discussion that relates significant criteria-pollutant emissions (NO_x, VOC, PM_{2.5}) to potential health outcomes, using accepted tools such as USEPA's COBRA model and comparisons to large, modeled projects (Friant Ranch and CSU Dominguez Hills) whose peak daily emissions exceed or are comparable to the Project's. This approach is consistent with expert guidance from SCAQMD, SJVAPCD, SMAQMD, and the City of Los Angeles, which explains that Friant Ranch does not require a project-specific, fine-scale quantitative model of health outcomes where no reliable, non-speculative methodology exists, but instead allows an explanation, supported by substantial evidence, of why only regional or comparative analyses are feasible.⁴

The City of Los Angeles guidance, prepared with a technical advisory panel and appending the very SCAQMD and SJVAPCD amicus briefs cited by the Supreme Court, concludes that for typical development projects, there is "no quantitative method to reliably and meaningfully translate mass emission estimates of criteria air pollutants to specific health effects for the scale of projects typically analyzed" and that regional models such as CAMx/CMAQ and BenMAP are not accurate at project scale because the incremental change in concentrations is within the models' margins of error (City of Los Angeles Air Quality & Health Effects pp.10–12, 31–36). The City of Los Angeles guidance explains that, in response to Friant Ranch, lead

⁴ City of Los Angeles. Air Quality and Health Effects: Sierra Club v. County of Fresno. October 2019. Accessed from: https://planning.lacity.gov/odocument/e1a00fbf-6134-4fa9-b6fd-54eee631effb/City_of_LA_-_Air_Quality_and_Health_Effects_and_Attachments.pdf

agencies may satisfy CEQA by (1) relating emissions to health qualitatively and with regional comparisons, and (2) explaining why more refined project-level quantification is infeasible. Recirculated Draft EIR Appendix B follows this framework.

Contrary to the commenter's claim that comparative analysis "is not what the court ordered," both the City of Los Angeles guidance, which incorporates the SCAQMD and SJVAPCD Friant Ranch amicus briefs, emphasizes that (a) criteria-pollutant health impacts are evaluated on a regional basis, (b) existing tools cannot reliably tie an individual project's NO_x/VOC/PM emissions to localized health outcomes, and (c) requiring such an analysis would be speculative and inconsistent with CEQA (City of Los Angeles Air Quality & Health Effects Attachments: SCAQMD Brief pp.3–4, 9–10; SJVAPCD Brief pp.4–10). These documents specifically caution against exactly the kind of fine-scale, site-specific criteria-pollutant health-risk modeling the commenter demands and support the use of regional models and comparative projects to demonstrate that incremental health effects are negligible at the basin scale.

The commenter also suggests that the COBRA screening tool is technically inadequate because it does not resolve local topography, meteorology, and background chemistry. However, Appendix B uses COBRA precisely for its intended purpose: to estimate incremental regional health indicators from changes in emissions across multiple counties, not to resolve micro-scale concentrations at particular receptors. As the City of Los Angeles paper explains, tools like COBRA, CAMx, and BenMAP are designed and validated for regional policy analyses and to place project emissions in a regional health-effects context; they are not intended to produce receptor-specific risk estimates, and CEQA does not require such use. As discussed in the City of Los Angeles Guidance on page 11, BenMAP "is used for assessing impacts over large areas and populations and is not intended to be used for individual projects, as it would not provide meaningful or reliable results at the smaller scale." Response to Comment A5 provides further detail on appropriateness of different models in conducting the analysis.

Furthermore, Appendix B does not rely solely on mass-emission comparison without context. It compares the Project's peak daily NO_x, VOC, PM₁₀, and PM_{2.5} emissions to those of Friant Ranch and CSU Dominguez Hills, projects for which full CAMx/BenMAP health impact modeling was performed, and explains that (1) the Project's emissions are generally lower than or comparable to those projects, and (2) those projects' modeled mortality and morbidity increments were negligible relative to background incidences (Recirculated Draft EIR p.5.3-46–5.3-49). The City of Los Angeles guidance explicitly recognizes this type of benchmarking as an appropriate way to relate the magnitude of project emissions to projects for which health impacts have been quantified while also acknowledging the limitations of extrapolating precise numeric risk to a new site.

The commenter's focus on local meteorology, topography, and background chemistry is more appropriately addressed in the Project's localized air-quality and TAC analyses, which already use localized dispersion modeling, SCAQMD LST methods, and OEHHA Health Risk Assessment guidance to evaluate concentrations and health risk at sensitive receptors. Those analyses show that localized NO₂, PM₁₀, and PM_{2.5} concentrations remain below applicable standards, DPM-related cancer risks are below SCAQMD's 10 in one million threshold, and non-cancer hazard indices are below 1.0 at all receptors, including schools (Recirculated Draft EIR Impact AQ-3).

In sum, Appendix B satisfies Friant Ranch by (1) clearly identifying that regional NO_x, VOC, and PM emissions from Project operations would be significant and unavoidable, (2) explaining, consistent with expert agency guidance, why quantitatively correlating those emissions to precise, localized health outcomes is not scientifically feasible at the project scale, and (3) using COBRA and comparisons to large, modeled projects to demonstrate that the Project's incremental regional health risk contribution is expected to be negligible. Accordingly, the commenter's assertion that Appendix B "fails to meet the burden of an adequate Friant

Ranch analysis” is not supported by substantial evidence and does not show that the Recirculated Draft EIR’s health effects discussion is inadequate under CEQA.

Comment A2.42: The comment states that background pollutant levels and meteorology for the two projects referred to are significantly different than that in the Bloomington area and provides detail on the conditions near California State University Dominguez Hills. The comment states that due to conditions in the Bloomington area, Project emissions could have a more concentrated health impact on the community.

Response to Comment A2.42: Regarding the use of CSUDH and Friant Ranch as projects to benchmark the proposed Project’s air emissions and health effects, these two projects are appropriate for comparison to the Project as regional air quality emissions from these projects are generally similar to those resulting from buildout of the Bloomington Business Park Specific Plan, as shown on Table 5.3-14 of the Recirculated Draft EIR. Impact AQ-2 of the Recirculated Draft EIR compares the Project site to CSUDH and Friant Ranch. As further discussed in Appendix B to the Recirculated Draft EIR, the Friant Ranch project is located within the San Joaquin Valley Air Basin which is a nonattainment area for ozone and particulate matter; and the CSUDH project is located within the SCAB, similar to the proposed Project. The background conditions for each respective project are taken into account in the analysis because the estimated mortality incidence levels account for regional background pollutant levels applicable to each project. As such, relative incremental increase in mortality can be compared between projects. As discussed in Response to Comment A2.41, the commenter’s assertion that the Friant Ranch discussion included in the Recirculated Draft EIR is not supported by substantial evidence and does not show that the Recirculated Draft EIR’s health effects discussion is inadequate under CEQA.

Comment A2.43: This comment states that the COBRA screening tool does not have enough resolution and is not able to provide health effects for anything less than the county level. The comment states that the County of San Bernardino is large and that there is no way to tie Project emission to community impacts using COBRA. The comment states that location-specific modeling tools such as CMAQ, CAMx and the BenMAP health impacts tool should have been utilized. The comment states that the Urban Crossroads memorandum provides little explanation of COBRA inputs and there is no way for the public to replicate the work and verify it. The comment states that four counties were included in the model run so emissions were dispersed across all four counties and health effects are underestimated.

Response to Comment A2.43: As discussed in Response to Comment A2.41, Appendix B uses COBRA precisely for its intended purpose: to estimate incremental regional health indicators from changes in emissions across multiple counties, not to resolve micro-scale concentrations at particular receptors, as discussed in Response to Comment A2.41. As further elaborated in Appendix B to the Recirculated Draft EIR and Response to Comment A5 within this Final EIR, as the City of Los Angeles paper explains, tools like COBRA, CAMx, and BenMAP are designed and validated for regional policy analyses and to place project emissions in a regional health-effects context. As discussed on pages 31 to 32 of the City of Los Angeles Guidance, these regional models are not intended to produce receptor-specific risk estimates, and CEQA does not require such use. Regarding COBRA inputs, modeling data from COBRA that was utilized for preparation of the analysis contained in Appendix B to the Recirculated Draft EIR has been provided to SCAQMD and is available for review upon request to County staff.

Comment A2.44: This comment states that the local community will continue to be uninformed about the health effects resulting from the Project and the Recirculated Draft EIR fails to provide a site-specific analysis that connects air quality effects to human health consequences as required by the Friant Ranch court decision and the Writ. The comment states that the County should require a proper health impact analysis to be completed that includes local and regional ambient air quality data; local and regional populations; air quality concentrations from location-specific modeling and analysis tools; audit trails from BenMap showing selection of health impact functions; and a discussion of health effects.

Response to Comment A2.44: As discussed in Response to Comment A2.41, the commenter's assertion that the Friant Ranch discussion included in the Recirculated Draft EIR is not supported by substantial evidence and does not show that the Recirculated Draft EIR's health effects discussion is inadequate under CEQA. As further discussed in Response to Comment A5 within this Final EIR, the Friant Ranch-style analysis provided within Recirculated Draft EIR Appendix B is accurate, conservative, and adequate under CEQA for describing how the Project's air emissions relate to potential human health consequences. Appendix B uses methods consistent with Friant Ranch by: (1) quantifying project related criteria and toxic emissions using agency accepted modeling; (2) applying a regional scale screening tool (COBRA) in the manner intended by EPA to translate those emissions into changes in ambient pollutant levels and health outcomes over the South Coast Air Basin; and (3) comparing the Project's incremental regional health effects to existing background conditions and to other large projects that have undergone detailed health impact review. Appendix B clearly discloses model assumptions and limitations, explains that the results represent conservative screening level estimates rather than site specific epidemiological predictions, and shows that the Project's incremental contribution to regional health outcomes is small relative to existing basin wide burdens. As further discussed in Response to Comment A5 within this Final EIR, this level of analysis reasonably "bridges the gap" between quantified emissions and health effects required by Friant Ranch and provides substantial evidence that additional, more complex quantitative health consequence modeling (such as BenMap) would not materially change the EIR's conclusions. Further, as discussed on page 32 of the City of Los Angeles Guidance, tools like BenMap and CAMx would not yield more reliable results, as emissions from a development project would be small in comparison to regional projects that these tools are meant for.

Comment A2.45: This comment states that this letter includes a rebuttal to the County's comments on the air quality and GHG analysis in the Recirculated Draft EIR from BlueScape.

Response to Comment A2.45: This comment does not provide any substantial evidence of significant environmental impacts and is introductory in nature. No further response is warranted.

Comment A2.46: This comment provides a rebuttal to the Original Final EIR's Master Response 2 and states that the construction health risk assessment should utilize health-protective thresholds consistent with SCAQMD's current and proposed thresholds. The comment states that thresholds should be more stringent than SCAQMD's current CEQA thresholds. The comment states that there are flaws in the construction and operational Health Risk Assessments and health risks are underestimated. The comment states that the air quality impact analysis was not accurate as it did not perform annual modeling for PM_{2.5} and NO₂. The comment states that the Friant Ranch analysis performed as part of the Recirculated Draft EIR does not meet the requirements for a Friant Ranch analysis.

Response to Comment A2.46: As discussed in the Response to Comments A2.29 above, the County, as permitted under CEQA, properly utilized SCAQMD's 10 in one million cancer risk threshold and other applicable thresholds for analyzing impacts to sensitive receptors. As discussed in Responses to Comments A2.27 through A2.38, above, the Recirculated Draft EIR provides an accurate analysis of potential impacts resulting from the Project's pollutant emissions. The commenter's analysis is based on inappropriate modeling assumptions and therefore does not provided substantial evidence of significant impacts. As discussed in Response to Comment A2.41, the commenter's assertion that the Friant Ranch discussion included in the Recirculated Draft EIR is not supported by substantial evidence and does not show that the Recirculated Draft EIR's health effects discussion is inadequate under CEQA. This comment does not otherwise provide any substantial evidence of significant environmental impacts that have not already been disclosed in the Recirculated Draft EIR.

Comment A2.47: This comment states that the modeling conducted for the Original Final EIR does not include enough receptors as no grid was used. The comment states that the dispersion modeling conducted as part of the Original Final EIR did not include enough receptors or trucks and incorrectly utilized variable emissions factors. The comment states that annual averages were not modeled or compared to thresholds. The comment

states that the BlueScope presented modeling results in the December 2021 letter that are still applicable, which shows that the Project would exceed health protective thresholds. The comment states that the revised analysis shows that SCAQMD thresholds are also exceeded for the remodeled PM₁₀ 24-hour and annual operations.

Response to Comment A2.47: As discussed in Responses to Comments A2.27 through A2.38, above, the Recirculated Draft EIR provides an accurate analysis of potential impacts resulting from the Project's pollutant emissions and the commenter has not provided substantial evidence of significant impacts given their analysis is based on inappropriate modeling assumptions. This comment does not otherwise provide any substantial evidence of significant environmental impacts that have not already been disclosed in the Recirculated Draft EIR.

Comment A2.48: This comment provides a rebuttal to the County's Master Response 4 and states that there should be outside the box thinking to limit the types and quantities of consumer products used by future tenants to control VOC pollutants and the Project should incorporate zero vehicles and trucks to limit NO_x emissions. The comment states that the inclusion of Tier 4 equipment should not be considered a mitigation unless the applicant guarantees that it will adhere to this measure throughout construction and the measure is monitored. The comment states that BlueScope's 2021 letter makes multiple points that demonstrate health risk impacts would be less than significant. The comment states noise-related aspects should be addressed by a noise study specialist.

Response to Comment A2.48: Regarding significant and unavoidable VOC and NO_x emissions, as discussed on pages 5.3-40 through 5.3-41 of the Recirculated Draft EIR, Mitigation Measure AQ-10 would be implemented to install signs at loading dock facilities that restrict idling to no more than 5 minutes pursuant to Title 13 of the California Code of Regulations, Section 2485. Mitigation Measures AQ-11 and AQ-15 would incorporate energy efficient vendor trucks. Mitigation Measure AQ-12 requires electric vehicle charging stations and a minimum of 5 carpool parking spaces at each building. Mitigation Measure AQ-13 requires all buildings to be designed to provide infrastructure to support use of electric-powered forklifts and/or other interior vehicles. Mitigation Measure AQ-14 requires that a Transportation Management Association (TMA) or similar mechanism shall be established by the Project to encourage and coordinate carpooling. Mitigation Measure AQ-16 requires record keeping for trucks accessing the site. Mitigation Measure AQ-17 would include installation of onsite signage at truck exits providing directional information to the truck route and Mitigation Measure AQ-18 requires meal options onsite or shuttles to nearby meal destinations. However, with compliance with existing rules, and implementation of the mitigation measures, emissions would continue to exceed regional thresholds of significance established by the SCAQMD for emissions of VOC and NO_x. Additionally, it should be noted that the majority of the Project's NO_x emissions are derived from vehicle usage. Since neither the Project applicant nor the County have regulatory authority to control tailpipe emissions and these emissions are dependent on state and federal regulations, as well as private sector technological advancements, as further discussed under *Feasibility of Zero Emission Trucks* on pages 5.3-41 through 5.3-43 of the Recirculated Draft EIR, no additional feasible mitigation measures exist that would reduce these emissions to levels that are less-than-significant. Nevertheless, the Project would include Mitigation Measures AQ-19 and AQ-20, which would require the use of light-duty, medium-duty, and heavy-duty electric trucks when such trucks become widely commercially available. Therefore, despite implementation of all feasible mitigation, operation of the Specific Plan would result in VOC and NO_x emissions that would be significant and unavoidable.

In regard to mitigation requiring Tier 4 equipment, Mitigation Measure AQ-2 sets forth requirements for the Applicant to utilize Tier 4 equipment during construction for equipment rated at 50 horsepower or higher. This mitigation measure would be enforced and monitored through the Mitigation Monitoring and Report Program, included as Section 4.0 of this Final EIR.

Regarding health risk impacts, the commenter is referred to Responses A2.35 through A2.39, above. As discussed, Project health risk impacts would be less than significant. To the extent the comment reference noise impacts, those are discussed within Section 5.12, Noise, of the Recirculated Draft EIR, which relies on a Noise Study prepared by Urban Crossroads, a noise specialist. This comment does not otherwise provide any substantial evidence of significant environmental impacts that have not already been disclosed in the Recirculated Draft EIR.

Comment A2.49: This comment provides a rebuttal to Response A3.2 of the Original Final EIR and states that neither a thorough Health Risk Assessment nor a thorough air quality analysis were performed at the time of the comment as too few receptors and incorrect health risk parameters were used in the Health Risk Assessment. The comment states that as a reasonable receptor grid was not used, concentrations given by the modeling were not accurate. The rebuttal shows the remodeled Health Risk Assessment by BlueScape and states that a one in one million threshold should be utilized. The comment states that since the Project construction area exceeds 5 acres in size, the LST guidance would not apply and modeling using AERMOD must be performed.

Response to Comment A2.49: As discussed in Responses to Comment A2.35, above, the Recirculated Draft EIR provides an accurate analysis of potential impacts resulting from the Project's pollutant emissions and the commenter has not provided substantial evidence of significant impacts given their analysis is based on inappropriate modeling assumptions.

While inherent uncertainties exist in any air quality model, the County addressed this by using conservative inputs (e.g., Tier 4 Final equipment only after mitigation, 15-minute truck-idling assumptions, 9-year school-child exposure, 30-year high-end residential exposure, and 5-acre LST screening for up to 20 acres of disturbed area), by preparing both construction- and operational-source Health Risk Assessments, and by supplementing the original screening analysis with refined AERMOD modeling, as outlined in Section 5.3 of the Recirculated Draft EIR. This comment does not otherwise provide any substantial evidence of significant environmental impacts that have not already been disclosed in the Recirculated Draft EIR.

Comment A2.50: This comment provides a rebuttal to Response A3.3 of the Original Final EIR. This comment states that the Project did not complete a proper air quality impact analysis for PM₁₀, PM_{2.5}, NO_x and other emissions from construction and operations. The comment states that the dispersion modeling conducted as part of the Original Final EIR did not include enough receptors or trucks and incorrectly utilized variable emissions factors. The comment states that annual averages were not modeled or compared to thresholds. The comment states that construction and operational-source emissions would result in a significant localized impact.

Response to Comment A2.50: As discussed in Responses to Comments A2.27 through A2.38, above, the Recirculated Draft EIR provides an accurate analysis of potential impacts resulting from the Project's pollutant emissions and the commenter has not provided substantial evidence of significant impacts given their analysis is based on inappropriate modeling assumptions. This comment does not otherwise provide any substantial evidence of significant environmental impacts that have not already been disclosed in the Recirculated Draft EIR.

Comment A2.51: This comment provides a rebuttal to Response A3.4 of the Original Final EIR. This comment states that the Draft EIR does not include an evaluation of the maximum impacted receptor location on the receptor grid as no grid is used. The comment states that the grid was remodeled and is shown in Comment A2.50. This comment states that the Draft EIR relies on incorrect trip generation rates and states that new TUMF rates should have been used in the Recirculated Draft EIR. The comment states that the trip generation utilized under reports overall and truck trips, resulting in underreported DPM emissions and cancer risk impacts. The comment states that a health protective threshold of one in one million should be used for cancer risk and a 30-year exposure duration should be used for children instead of a nine-year exposure duration.

Response to Comment A2.51: This comment does not provide any substantial evidence of significant environmental impacts that have not already been disclosed in the Recirculated Draft EIR. As discussed in Responses to Comments A2.27 through A2.38, above, the Recirculated Draft EIR provides an accurate analysis of potential impacts resulting from the Project's pollutant emissions and the commenter has not provided substantial evidence of significant impacts given their analysis is based on inappropriate modeling assumptions.

Comment A2.52: This comment provides a rebuttal to Response A3.5 of the Original Final EIR. This comment states that the Project did not complete a proper air quality impact analysis for PM₁₀, PM_{2.5}, NO_x and other emissions from construction and operations. The comment states that the dispersion modeling conducted as part of the Original Final EIR did not include enough receptors or trucks and incorrectly utilized variable emissions factors. The comment states that annual averages were not modeled or compared to thresholds and that more health protective thresholds should be used.

The comment states that the construction Health Risk Assessment included in the Original Final EIR did not include a reasonable receptor grid and other incorrect modeling assumptions. The comment states that BlueScope's remodeling shows cancer risks that are much higher at residential receptors and cancer risks at Zimmerman and Crestmore Elementary schools that would exceed the health protective one in one million threshold.

Response to Comment A2.52: As discussed in Responses to Comments A2.27 through A2.38, above, the Recirculated Draft EIR provides an accurate analysis of potential impacts resulting from the Project's pollutant emissions utilizing OEHHA and SCAQMD-recommended modeling inputs. Further, the commenter has not provided substantial evidence of significant impacts given their analysis is based on inappropriate modeling assumptions. This comment does not otherwise provide any substantial evidence of significant environmental impacts that have not already been disclosed in the Recirculated Draft EIR.

Comment A2.53: This comment provides a rebuttal to Response A3.6 of the Original Final EIR. This comment states that because the Health Risk Assessment and air quality analysis were flawed, they need to be redone and appropriate mitigation measures need to be discussed to address the significant impacts at the two elementary schools and nearby residential receptors.

Response to Comment A2.53: As discussed in Responses to Comments A2.27 through A2.38, above, the Recirculated Draft EIR provides an accurate analysis of potential impacts resulting from the Project's pollutant emissions utilizing OEHHA and SCAQMD-recommended modeling inputs. Further, the commenter has not provided substantial evidence of significant impacts given their analysis is based on inappropriate modeling assumptions. This comment does not otherwise provide any substantial evidence of significant environmental impacts that have not already been disclosed in the Recirculated Draft EIR.

Comment A2.54: This comment provides a rebuttal to Response A3.7 of the Original Final EIR. This comment states that BlueScope has determined that impacts from construction and operations would be significant, even with construction related mitigation. The comment states that the study by Urban Crossroads was flawed, as discussed in these comments.

Response to Comment A2.54: As discussed in Responses to Comments A2.27 through A2.38, above, the Recirculated Draft EIR provides an accurate analysis of potential impacts resulting from the Project's pollutant emissions utilizing OEHHA and SCAQMD-recommended modeling inputs. Further, the commenter has not provided substantial evidence of significant impacts given their analysis is based on inappropriate modeling assumptions. This comment does not otherwise provide any substantial evidence of significant environmental impacts that have not already been disclosed in the Recirculated Draft EIR.

Comment A2.55: This comment provides a rebuttal to Response A3.8 of the Original Final EIR. The comment states that BlueScope remodeled construction and operational sources and found that maximum impacts

were much higher than listed at receptors modeled by Urban Crossroads and even higher at receptors that were not modeled. The comment states that impacts are above the one in one million threshold recommended by Rule 1401.1, the proposed SCAQMD cumulative threshold, and even the existing 10 in one million threshold. The comment concludes that impacts from construction and operational emissions would be significant.

Response to Comment A2.55: As discussed in Response to Comment A2.28, SCAQMD Rule 1401.1 applies only to "New Facilities" or "Relocated Facilities" seeking a Permit to Construct/Operate from SCAQMD. The rule defines "New Facility" as "any Facility which emits Toxic Air Contaminants (TAC) and for which an application for a Permit to Construct/Operate is submitted to the Executive Officer," excluding replacements or modifications at existing facilities. The Bloomington Business Park Specific Plan Project is a land use project (warehouses/industrial), not a stationary emissions source like a factory or refinery requiring SCAQMD permits; thus, Rule 1401.1 does not apply, and SCAQMD has not imposed it. Further, as demonstrated in Response to Comment A2.28 and A2.35, with specific regard to potential impacts at area schools, as discussed on pages 5.3-57 through 5.3-66 of the Recirculated Draft EIR, the health risk assessments show a max school cancer risk at Zimmerman Elementary of 0.06 in 1 million for construction and 0.13 to 0.60 in 1 million for operations, well below the 10 in one million threshold; non-cancer HI is 0.01 (<1.0). Even assuming the commenter's requested 1 in one million cancer-risk threshold, Project impacts would remain well-below significance thresholds. This comment does not otherwise provide any substantial evidence of significant environmental impacts that have not already been disclosed in the Recirculated Draft EIR.

Comment A2.56: This comment provides a rebuttal to Response A3.9 of the Original Final EIR. This comment states that BlueScape determined that the modeling conducted by Urban Crossroads used assumptions and modeling parameters that were incorrect, leading to cancer risk impacts that are much lower than they should be. The comment states that the current cancer risk threshold of 10 in one million is not health protective and that a one in one million threshold should be used in line with SCAQMD Rule 1401.1 and the proposed SCAQMD cumulative threshold. The comment states that Countywide Plan MM AQ-3 third bullet was not considered. The comment states that the health risk assessment was flawed, resulting in underreporting of health impacts in an environmental justice focus area.

Response to Comment A2.56: As discussed in Responses to Comments A2.27 through A2.38, above, the Recirculated Draft EIR provides an accurate analysis of potential impacts resulting from the Project's pollutant emissions utilizing OEHA and SCAQMD-recommended modeling inputs. Further, the commenter has not provided substantial evidence of significant impacts given their analysis is based on inappropriate modeling assumptions.

As discussed in Response to Comment A2.28, SCAQMD Rule 1401.1 applies only to "New Facilities" or "Relocated Facilities" seeking a Permit to Construct/Operate from SCAQMD. The rule defines "New Facility" as "any Facility which emits Toxic Air Contaminants (TAC) and for which an application for a Permit to Construct/Operate is submitted to the Executive Officer," excluding replacements or modifications at existing facilities. The Bloomington Business Park Specific Plan Project is a land use project (warehouses/industrial), not a stationary emissions source like a factory or refinery requiring SCAQMD permits; thus, Rule 1401.1 does not apply, and SCAQMD has not imposed it. Further, as demonstrated in Response to Comment A2.28, with specific regard to potential impacts at area schools, as discussed on pages 5.3-57 through 5.3-66 of the Recirculated Draft EIR, the health risk assessments show a max school cancer risk at Zimmerman Elementary of 0.06 in 1 million for construction and 0.13 to 0.60 in 1 million for operations, well below the 10 in one million threshold; non-cancer HI is 0.01 (<1.0). Even assuming the commenter's requested 1 in one million cancer-risk threshold, Project impacts would remain well-below significance thresholds.

In regard to Countywide Plan Mitigation Measure AQ-3, the Project would not result in cancer risks that exceed the 10 in one million threshold. Therefore, individual measures of Countywide Plan Mitigation Measure AQ-3 would not be applicable to the Project. Nevertheless, the Project would incorporate

Mitigation Measure AQ-13 requiring the use of electric forklifts and other operational equipment, Mitigation Measure AQ-19 requiring ZE heavy-duty trucks when commercially available, and Mitigation Measure AQ-20 requiring ZE light- and medium-duty trucks when commercially available.

This comment does not otherwise provide any substantial evidence of significant environmental impacts that have not already been disclosed in the Recirculated Draft EIR.

Comment A2.57: This comment provides a rebuttal to Response A3.10 of the Original Final EIR. The comment states that health-protective cancer risk thresholds should be used, such as the SCAQMD Rule 1401.1 threshold of one in one million. The comment states that SCAQMD is also in the process of developing revised cumulative health risk thresholds, which would be one in one million for the Project and would make the Project's cancer risk cumulatively considerable. The comment states that following OEHHA guidance for body weight and breathing for lesser age groups is the norm for the Health Risk Assessment industry and should not be looked at as health protective.

Response to Comment A2.57: As discussed in Responses to Comments A2.27 through A2.38, above, the Recirculated Draft EIR provides an accurate analysis of potential impacts resulting from the Project's pollutant emissions utilizing OEHHA and SCAQMD-recommended modeling inputs. As discussed in Response to Comment A2.29, the Recirculated Draft EIR relies on the currently adopted SCAQMD threshold and the draft threshold that the commenter refers to is not applicable to the Project. Further, the commenter has not provided substantial evidence of significant impacts given their analysis is based on inappropriate modeling assumptions.

As discussed in Response to Comment A2.28, SCAQMD Rule 1401.1 applies only to "New Facilities" or "Relocated Facilities" seeking a Permit to Construct/Operate from SCAQMD. The rule defines "New Facility" as "any Facility which emits Toxic Air Contaminants (TAC) and for which an application for a Permit to Construct/Operate is submitted to the Executive Officer," excluding replacements or modifications at existing facilities. The Bloomington Business Park Specific Plan Project is a land use project (warehouses/industrial), not a stationary emissions source like a factory or refinery requiring SCAQMD permits; thus, Rule 1401.1 does not apply, and SCAQMD has not imposed it. Further, as demonstrated in Response to Comment A2.28, with specific regard to potential impacts at area schools, as discussed on pages 5.3-57 through 5.3-66 of the Recirculated Draft EIR, the health risk assessments show a max school cancer risk at Zimmerman Elementary of 0.06 in 1 million for construction and 0.13 to 0.60 in 1 million for operations, well below the 10 in one million threshold; non-cancer HI is 0.01 (<1.0). Even assuming the commenter's requested 1 in one million cancer-risk threshold, Project impacts would remain well-below significance thresholds.

This comment does not otherwise provide any substantial evidence of significant environmental impacts that have not already been disclosed in the Recirculated Draft EIR.

Comment A2.58: This comment provides a rebuttal to Response A3.11 of the Original Final EIR. The comment states that BlueScape remodeled construction and operational sources and found that maximum impacts were much higher than listed at receptors modeled by Urban Crossroads and even higher at receptors that were not modeled. The comment states that impacts are above the one in one million threshold recommended by Rule 1401.1, the proposed SCAQMD cumulative threshold, and even the existing 10 in one million threshold. The comment concludes that impacts from construction and operational emissions would be significant. The comment states that inclusion of Tier 4 equipment as mitigation can only be done if the Applicant guarantees that they will adhere to the measure and if construction equipment usage is monitored.

Response to Comment A2.58: As discussed in Responses to Comments A2.27 through A2.38, above, the Recirculated Draft EIR provides an accurate analysis of potential impacts resulting from the Project's pollutant emissions utilizing OEHHA and SCAQMD-recommended modeling inputs. Further, the commenter has not

provided substantial evidence of significant impacts given their analysis is based on inappropriate modeling assumptions.

As discussed in Response to Comment A2.28, SCAQMD Rule 1401.1 applies only to "New Facilities" or "Relocated Facilities" seeking a Permit to Construct/Operate from SCAQMD. The rule defines "New Facility" as "any Facility which emits Toxic Air Contaminants (TAC) and for which an application for a Permit to Construct/Operate is submitted to the Executive Officer," excluding replacements or modifications at existing facilities. The Bloomington Business Park Specific Plan Project is a land use project (warehouses/industrial), not a stationary emissions source like a factory or refinery requiring SCAQMD permits; thus, Rule 1401.1 does not apply, and SCAQMD has not imposed it. Further, as demonstrated in Response to Comment A2.28, with specific regard to potential impacts at area schools, as discussed on pages 5.3-57 through 5.3-66 of the Recirculated Draft EIR, the health risk assessments show a max school cancer risk at Zimmerman Elementary of 0.06 in 1 million for construction and 0.13 to 0.60 in 1 million for operations, well below the 10 in one million threshold; non-cancer HI is 0.01 (<1.0). Even assuming the commenter's requested 1 in one million cancer-risk threshold, Project impacts would remain well-below significance thresholds.

In regard to inclusion of Tier 4 equipment as mitigation, Mitigation Measure AQ-2 is included in the Project's Mitigation Monitoring and Reporting Program, and implementation of the measure would be verified by the County of San Bernardino during Project construction.

This comment does not otherwise provide any substantial evidence of significant environmental impacts that have not already been disclosed in the Recirculated Draft EIR.

Comment A2.59: This comment provides a rebuttal to Response A3.12 of the Original Final EIR. The comment states that BlueScape remodeled construction and operational sources and found that maximum impacts were much higher than listed at receptors modeled by Urban Crossroads and even higher at receptors that were not modeled. The comment states that the remodeled maximum 30-year residential cancer risk was 40.6 in one million for the construction Health Risk Assessment and 12.3 in one million with RMP breathing rates for the operational Health Risk Assessment or 14.3 in one million for 95th percentile breathing rates. The comment states that the remodeled risk at Zimmerman Elementary is 2.12 in one million and 3.54 at Crestmore Elementary. The comment states that the operational risk at Zimmerman is 3.65 in one million for RMP breathing rates, and 4.24 in one million for 95th percentile breathing rates and at Crestmore Elementary, operations risk is 1.42 in one million and 1.65 in one million for RMP and 95th percentile breathing rates, respectively. The comment states that impacts at schools and residents is above the one in one million threshold and impacts would be significant. The comment discusses that OEHHA states that it is inappropriate from a public health perspective to allow a lifetime acceptable risk to accrue over a short period of time so consideration should be given for very short-term projects to utilize a lower cancer risk trigger.

Response to Comment A2.59: As discussed in Responses to Comments A2.27 through A2.38, above, the Recirculated Draft EIR provides an accurate analysis of potential impacts resulting from the Project's pollutant emissions utilizing OEHHA and SCAQMD-recommended modeling inputs. Further, the commenter has not provided substantial evidence of significant impacts given their analysis is based on inappropriate modeling assumptions. This comment does not otherwise provide any substantial evidence of significant environmental impacts that have not already been disclosed in the Recirculated Draft EIR.

Comment A2.60: This comment provides a rebuttal to Response A3.13 of the Original Final EIR. This comment states that Urban Crossroads did not analyze annual PM_{2.5} or NO₂ impacts or US EPA's updated NAAQS annual standards. The comment states that air quality modeling had too few receptors, too few trucks, and incorrect variable emissions factors, causing inaccurate results.

Response to Comment A2.60: As discussed in Responses to Comments A2.27 through A2.38, above, the Recirculated Draft EIR provides an accurate analysis of potential impacts resulting from the Project's pollutant emissions and the commenter has not provided substantial evidence of significant impacts given their analysis is based on inappropriate modeling assumptions. Further, as discussed in Response to Comment A2.30, CEQA significance thresholds are not automatically reset by federal NAAQS changes; instead, SCAQMD reviews and updates its CEQA guidance, including Localized Significance Thresholds (LSTs), through its public process. As explained in Original Final EIR Responses A3.3, A3.13, and A3.21, the County used SCAQMD's current LST methodology and then performed additional AERMOD dispersion modeling in response to commenters, which showed that peak daily construction and operational emissions of PM₁₀, PM_{2.5}, NO₂, and CO would not exceed SCAQMD's localized thresholds at nearby sensitive receptors.

SCAQMD has not adopted an annual CEQA significance threshold equal to USEPA's PM_{2.5} SIL, nor has it recommended using federal SILs as project-specific CEQA thresholds for mobile-source dominated projects. As noted in the Original Final EIR and these Responses, a lead agency may rely on thresholds and methodologies recommended by expert agencies, so long as the EIR explains their use and addresses substantial contrary evidence—which the Original Final EIR and the Recirculated Draft EIR do.

Accordingly, while the County will consider future SCAQMD guidance and federal standards in subsequent planning and rulemaking, for this Project the County reasonably relied on SCAQMD's existing LSTs and CEQA thresholds. The Original Final EIR's AERMOD analysis demonstrates that PM_{2.5}, PM₁₀, and NO₂ impacts are less than significant under those thresholds, and the comment does not present substantial evidence that use of federal SILs is required or that doing so would change the impact conclusions.

This comment does not otherwise provide any substantial evidence of significant environmental impacts that have not already been disclosed in the Recirculated Draft EIR.

Comment A2.61: The comment states that Original Final EIR Response A3.14 does not address Comment A3.14 which is about NO and NO₂ impacts. The comment states that Urban Crossroads failed to analyze annual NO₂ impacts and the modeling is flawed.

Response to Comment A2.61: As discussed in Response to Comment A2.34, above, in response to comments received on the Original Draft EIR, the County prepared refined AERMOD dispersion modeling as part of the Original Final EIR (Supplemental Air Quality Analysis Memorandum) for construction and operations. This analysis demonstrates that peak daily NO₂ concentrations, when added to recent three year background levels, remain below SCAQMD's localized thresholds and the federal/state 1 hour and annual NO₂ standards, so localized NO₂ impacts are less than significant.

Because refined AERMOD results provided as part of the Original Final EIR and Recirculated Draft EIR demonstrate that project related NO₂ concentrations (1 hour and long term) at nearby residences and schools, when combined with background, remain below SCAQMD's localized thresholds and applicable ambient standards, and DPM health risk levels are well within SCAQMD/OEHHA criteria, CEQA does not require adoption of more stringent, stationary source permit limits from Rule 1303 or recirculation of the Recirculated Draft EIR. Overall, the existing NO₂ analysis included on Recirculated Draft EIR pages 5.3-31 through 5.3-69 provides a conservative and legally adequate evaluation of short- and long-term impacts on schoolchildren and other sensitive individuals.

CEQA allows a lead agency to select significance thresholds based on substantial evidence, and the County has exercised this discretion by relying on SCAQMD's regional and localized significance thresholds, which are explicitly developed to ensure that localized NO₂, CO, PM₁₀, and PM_{2.5} emissions will not cause or contribute to exceedances of the most stringent applicable ambient standards.

Further, in response to this comment, additional modeling in AERMOD was performed in order to estimate the annual average NO₂ concentrations that would result from the Project's construction and operational

emissions (Appendix A to this Final EIR). The results of this analysis indicate a maximum estimated annual average concentration of 0.21 $\mu\text{g}/\text{m}^3$ during construction, and 0.48 $\mu\text{g}/\text{m}^3$ during operations. As such, even if the annual NO_2 threshold of 1 $\mu\text{g}/\text{m}^3$ were to be applied, the Project's construction and operational emissions would not result in a significant impact.

This comment does not otherwise provide any substantial evidence of significant environmental impacts that have not already been disclosed in the Recirculated Draft EIR.

Comment A2.62: This comment provides a rebuttal to Original Final EIR Response A3.15 and states that the receptor placement in the operational Health Risk Assessment is inaccurate as it does not use a grid. The comment states that remodeling shows impacts further into the community and Zimmerman Elementary would be exposed to cancer risk above the one in one million threshold. The comment states that, after fixing errors, the cancer risk at a residential receptor is now at 8.86 in one million using RMP breathing rates, and 10.3 in one million (above the 10 in one million CEQA threshold) using 95th percentile breathing rates. The comment states that the trip generation is undercounted and modeling an updated trip generation would generate even higher impacts to the community with the cancer risk at a residential receptor is now at 8.86 in one million using RMP breathing rates, and 10.3 in one million (above the 10 in one million CEQA threshold) using 95th percentile breathing rates. The comment concludes that the Draft EIR did not appropriately analyze the volume of truck trips or the emissions and health risks that would result from the Project.

Response to Comment A2.62: As discussed in Responses to Comments A2.27 through A2.38, above, the Recirculated Draft EIR provides an accurate analysis of potential impacts resulting from the Project's pollutant emissions utilizing OEHHA and SCAQMD-recommended modeling inputs. Further, the commenter has not provided substantial evidence of significant impacts given their analysis is based on inappropriate modeling assumptions. This comment does not otherwise provide any substantial evidence of significant environmental impacts that have not already been disclosed in the Recirculated Draft EIR.

Comment A2.63: This comment provides a rebuttal to Original Final EIR Response A3.16 and states that the receptor placement used by BlueScape is consistent with SCAQMD's modeling guidance. The comment states that if AERMOD does not calculate the concentrations at multiple locations, it can't determine where the maximum concentration is, which defeats the purpose of the analysis. The comment states that a 30-year analysis would capture the higher construction impacts when the child is younger and has higher breathing rates than an older person. The comment concludes that the Health Risk Assessment was not prepared in accordance with SCAQMD recommendations and impacts would be significant.

Response to Comment A2.63: Comments A2.46 to A2.69 repeat assertions made in Comments A.27 to A.38. As discussed in Responses to Comment A2.37, above, the Recirculated Draft EIR provides an accurate analysis of potential impacts resulting from the Project's pollutant emissions utilizing OEHHA and SCAQMD-recommended modeling inputs. Further, the commenter has not provided substantial evidence of significant impacts given their analysis is based on inappropriate modeling assumptions. This comment does not otherwise provide any substantial evidence of significant environmental impacts that have not already been disclosed in the Recirculated Draft EIR.

Comment A2.64: This comment provides a rebuttal to Original Final EIR Response A3.17 and states that the trip generation used underestimates emissions from truck traffic. The comment states that the fraction of time at home utilized by BlueScape is not overly conservative as a reasonable grid shows both Zimmerman Elementary and Crestmore Elementary are in a one in one million isopleth for both construction and operation, requiring the fraction of time at home to be set to 1 per SCAQMD and OEHHA guidelines. The comment states that the daily breathing rates utilized are not overly conservative as children would be exposed to emissions at the same time they are engaged with activities with higher breathing rates.

Response to Comment A2.64 As discussed in Responses to Comments A2.27 through A2.38, above, the Recirculated Draft EIR provides an accurate analysis of potential impacts resulting from the Project's pollutant emissions utilizing OEHA and SCAQMD-recommended modeling inputs. Further, the commenter has not provided substantial evidence of significant impacts given their analysis is based on inappropriate modeling assumptions. This comment does not otherwise provide any substantial evidence of significant environmental impacts that have not already been disclosed in the Recirculated Draft EIR.

Comment A2.65: This comment provides a rebuttal to Original Final EIR Response A3.18 and states that the trip generation used underestimates emissions from truck traffic. This comment states that the updated modeling with a corrected trip generation shows that the cancer risk to residents on Jurupa between Linden and Oak are expected to be 12.3 in one million using standard breathing rates, and 14.3 in one million using 95th percentile breathing rates, which is above thresholds. The comment states that several local schools are in the one in one million isopleth, with part of the outdoor area at Zimmerman Elementary School in the 5 in one million isopleth. The comment states that 70-year cancer impacts would be higher than 30-year cancer impacts, but since most risk occurs in younger children, it is important to ensure that children are protected from these sources of pollution.

Response to Comment A2.65: As discussed in Responses to Comments A2.27 through A2.38, above, the Recirculated Draft EIR provides an accurate analysis of potential impacts resulting from the Project's pollutant emissions utilizing OEHA and SCAQMD-recommended modeling inputs. Further, the commenter has not provided substantial evidence of significant impacts given their analysis is based on inappropriate modeling assumptions. This comment does not otherwise provide any substantial evidence of significant environmental impacts that have not already been disclosed in the Recirculated Draft EIR.

Comment A2.66: This comment provides a rebuttal to Original Final EIR Response A3.19 and states that too few receptors were used in the modeling, so no cancer risk isopleth reaches Zimmerman Elementary or Crestmore Elementary. This comment states that this does not mean that no schools or daycares are within the 30-year one in one million cancer risk isopleth. The comment states that, with remodeling, Zimmerman Elementary, Crestmore Elementary, Slover Mountain High, and Bloomington High Schools are now in the one in one million isopleth. The comment states that remodeling shows impacts above thresholds and that, when the risk is cumulatively combined with those from West Valley Logistics Center, a cumulative health risk would occur.

Response to Comment A2.66: As discussed in Responses to Comments A2.27 through A2.38, above, the Recirculated Draft EIR provides an accurate analysis of potential impacts resulting from the Project's pollutant emissions utilizing OEHA and SCAQMD-recommended modeling inputs. Further, the commenter has not provided substantial evidence of significant impacts given their analysis is based on inappropriate modeling assumptions. This comment does not otherwise provide any substantial evidence of significant environmental impacts that have not already been disclosed in the Recirculated Draft EIR.

Comment A2.67: This comment provides a rebuttal to Original Final EIR Response A3.20 and states that there were issues with the construction Health Risk Assessment. The comment states that the construction Health Risk Assessment was remodeled and now shows a cancer risk of 40.6 in one million. The comment provides other comments on modeling inputs and states that the County has discretion to set more stringent and health-protective thresholds than those provided by SCAQMD. The comment states that cancer risk impacts due to Project construction would exceed the existing 10 in one million CEQA cancer risk threshold, and the one in one million cancer risk threshold consistent with Rule 1401.1, SCAQMD's proposed CEQA cumulative threshold and OEHA's recommendation for lower cancer risk triggers, and impacts would be significant.

Response to Comment A2.67: As discussed in Responses to Comments A2.27 through A2.38, above, the Recirculated Draft EIR provides an accurate analysis of potential impacts resulting from the Project's pollutant emissions utilizing OEHA and SCAQMD-recommended modeling inputs. Further, the commenter has not

provided substantial evidence of significant impacts given their analysis is based on inappropriate modeling assumptions. This comment does not otherwise provide any substantial evidence of significant environmental impacts that have not already been disclosed in the Recirculated Draft EIR.

Comment A2.68: This comment provides a rebuttal to Original Final EIR Response A3.21 and states that a more stringent NAAQS for PM_{2.5} has been promulgated by the US EPA, which requires SCAQMD to develop new plans for emissions reductions. The comment states that SCAQMD does not list an annual CEQA significance threshold for PM_{2.5}, so one must be adopted by the County. The comment states that modeling performed in the Original Final EIR only analyzed 24-hour average impacts for PM₁₀ and PM_{2.5}, and 1-hour average impacts for NO₂, and did not review annual PM_{2.5} and NO₂ impacts. The comment states that thresholds should be selected for short-term or 24-hour average, and long-term or annual average PM_{2.5} impacts, that are health-protective for school children and other sensitive individuals. The comment states that there were modeling errors in the air quality analysis and that remodeling by BlueScape shows that impacts from Project construction and operational PM₁₀, PM_{2.5}, and NO₂ emissions at the maximum exposed resident or school locations are above the recommended review significance thresholds. The comment states that the most notable remodeling conclusion is that the annual average PM_{2.5} impact exceeds the 0.13 µg/m³ federal significance threshold by almost seven times, and all health-protective significance levels are exceeded from construction, operations, or both, without any trip rate adjustments; SCAQMD significance thresholds are also exceeded for PM₁₀ 24-hour and annual operations. The comment states that the County should require a new mitigation analysis to show how impacts for these pollutants will be mitigated below significance thresholds.

Response to Comment A2.68: As discussed in Response A2.32 above, lead agencies may select significance thresholds based on substantial evidence, and the County has exercised this discretion by using SCAQMD's regional and localized thresholds, which are designed to ensure that project emissions do not cause or contribute to exceedances of the most stringent applicable ambient air quality standards.

In response to comments received on the Original Draft EIR, the County prepared additional refined AERMOD dispersion modeling as part of the Original Final EIR (Supplemental Air Quality Analysis Memorandum) showing that peak daily construction and operational emissions of NO₂, CO, PM₁₀, and PM_{2.5} do not exceed SCAQMD's localized thresholds at nearby residences and schools, so localized NO₂, PM₁₀, and PM_{2.5} impacts are less than significant and do not require adoption of the commenter's alternative federal screening values (Original Final EIR Responses A3.3, A3.5, A3.13).

Recirculated Draft EIR Tables 5.3-19 through 5.3-25 demonstrate that, with implementation of Mitigation Measure AQ-2 requiring Tier 4 Final off-road equipment, localized construction and operational NO₂, PM₁₀ and PM_{2.5} emissions for all Specific Plan scenarios are below SCAQMD LSTs at the nearest sensitive receptors, including Zimmerman Elementary School and Bloomington High School. Therefore, the Project would not expose children or other sensitive individuals to substantial localized particulate concentrations.

While the commenter proposes using federal 24-hour and annual "significance thresholds" (5.0/1.2 µg/m³ and 1.0/0.13 µg/m³), those values are not CEQA thresholds of significance but conservative screening levels. Further, SCAQMD's LSTs already incorporate background concentrations and NAAQS/CAAQS and are the regionally accepted method for determining whether localized PM increments are significant.

However, additional modeling runs using AERMOD were performed by Urban Crossroads (Appendix A to the Final EIR) to analyze the annual average PM₁₀ and PM_{2.5} concentrations that would result from construction and operation of the proposed Project (Appendix A to this Final EIR). This modeling indicates estimated maximum construction PM₁₀ and PM_{2.5} annual average concentrations of 0.73 µg/m³ and 0.28 µg/m³, respectively. During operational activity, modeling indicates estimated maximum PM₁₀ and PM_{2.5} annual average concentrations of 0.11 µg/m³ and 0.04 µg/m³, respectively. These concentrations remain well below the SCAQMD significance thresholds and NAAQS annual standards, should they be applied.

Further, additional modeling in AERMOD was performed in order to estimate the annual average NO₂ concentrations that would result from the Project's construction and operational emissions (Appendix A to this Final EIR). The results of this analysis indicate a maximum estimated annual average concentration of 0.21 µg/m³ during construction, and 0.48 µg/m³ during operations. As such, even if the annual NO₂ threshold of 1 µg/m³ were to be applied, the Project's construction and operational emissions would not result in a significant impact.

This comment does not otherwise provide any substantial evidence of significant environmental impacts that have not already been disclosed in the Recirculated Draft EIR.

Comment A2.69: This comment provides a rebuttal to Original Final EIR Response A3.22 and states that BlueScape has determined that impacts due to construction and operations of the Project would be significant. The comment states that the Urban Crossroads study is flawed as detailed in the comment letter, and the study needs to be revised.

Response to Comment A2.69: As discussed in Responses to Comments A2.27 through A2.38, above, the Recirculated Draft EIR provides an accurate analysis of potential impacts resulting from the Project's pollutant emissions utilizing OEHHA and SCAQMD-recommended modeling inputs. Further, the commenter has not provided substantial evidence of significant impacts, given their analysis is based on inappropriate modeling assumptions. This comment does not otherwise provide any substantial evidence of significant environmental impacts that have not already been disclosed in the Recirculated Draft EIR.

Comment Letter A3: California Air Resources Board (CARB), December 11, 2025

Gavin Newsom, Governor
Yana Garcia, CalEPA Secretary
Lauren Sanchez, CARB Chair

December 11, 2025

Gina Gibson Williams
Planning Manager
County of San Bernardino
385 N. Arrowhead Ave
San Bernardino, CA 92415
Gina.Gibson-Williams@us.sbcounty.gov

Sent via email

Dear Gina Gibson Williams:

Thank you for providing the California Air Resources Board (CARB) with the opportunity to comment on the Bloomington Business Park Specific Plan (Project) Recirculated Draft Environmental Impact Report (RDEIR), State Clearinghouse No. 2020120545. The Project is proposed within an unincorporated area of the County of San Bernardino (County), California, which is the lead agency for California Environmental Quality Act (CEQA) purposes.

The Project would allow for the development of up to 3,235,836 square feet of light industrial and business park uses, including high-cube warehouses and fulfillment centers, on a 213-acre site. The Project also includes a legislative land use amendment to rezone a separate 24-acre "Upzone Site" from Low Density Residential to Medium Density Residential to comply with Senate Bill 330, for the construction of up to 480 dwelling units. The Project is separated into two planning areas. Approximately 141 acres of the Project, designated as Planning Area A, are anticipated to be developed in 2026. The remaining portions of the Project site, designated as Planning Area B, would be developed by the year 2040.

Within Planning Area A, the County proposes two buildout options: Opening Year Development Option 1 and Option 2. Opening Year Development Option 1 would result in the construction of 2,113,640 square feet of fulfillment center and high-cube warehouse uses. Opening Year Development Option 2 would result in the construction of 2,712,040 square feet of fulfillment center and high-cube warehouse uses. Once fully developed in 2040, the Project is expected to generate up to approximately 4,923 daily vehicle trips, including 1,177 daily heavy-duty truck trips, along local roadways.¹

A3.1

¹ County of San Bernardino. Bloomington Business Park Specific Plan Revised Draft Environmental Impact Report. Appendix K. Traffic Impact Analysis. Accessible at:
<https://ceqa.net.lci.ca.gov/2020120545/10/Attachment/dsxOFF>

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If approved, the Project will expose nearby communities to elevated levels of air pollution beyond the existing baseline emissions at the Project site. The Project site is surrounded by residential homes, with the closest homes located within 11 feet of the Project's northern boundary. In addition to residences, Walter Zimmerman Elementary School, Sycamore Hills Elementary School, Crestmore Elementary School, Ruth O. Harris Middle School, and Bloomington High School are located within approximately half a mile of the Project site. These residences and schools are already exposed to toxic diesel particulate matter (diesel PM) emissions generated by existing industrial buildings, vehicle traffic along Interstate 10 (I-10), and rail traffic along existing Union Pacific rail lines and the Union Pacific West Colton Rail Yard.

CARB previously commented on the Draft Environmental Report (DEIR) for the Project on December 15, 2021.² In that letter, CARB expressed concerns regarding the Project's proximity to sensitive receptors, with residences located as close as 11 feet from the Project's boundary, five schools located nearby, and the cumulative health impacts on a disadvantaged community. Other recommendations were to restrict the operation of transport refrigeration units (TRUs)³ within the Project area and enforce all possible mitigation measures to minimize the Project's Significant and Unavoidable Impact on Air Quality.

A3.2

Subsequently, on September 17, 2024, the San Bernardino County Superior Court issued a ruling that set aside the certification of the 2022 Final Environmental Impact Report (FEIR) for the Bloomington Park Specific Plan due to violations of the California Environmental Quality Act (CEQA). The Court found the previous environmental review inadequate in its analysis of air quality, specifically the health risk analysis and zero-emission truck feasibility, greenhouse gas emissions, and the feasibility of renewable energy sources. As a result, the County was required to prepare a Recirculated Draft EIR. CARB acknowledges the County's efforts to address the Superior Court's ruling regarding air quality in this revised document.

Industrial development, such as that proposed under the Project, can result in high daily volumes of heavy-duty diesel truck traffic and operation of on-site equipment (e.g., forklifts and yard tractors) that emit toxic diesel emissions, contributing to regional air pollution and global climate change.⁴ Due to the Project's proximity to residences and schools already disproportionately burdened by multiple sources of pollution, CARB's comments below express concerns regarding the RDEIR's analysis of potential cumulative air quality impacts

² CARB. CEQA Comment Letter. Bloomington Business Park Specific Plan. December 15, 2021. Accessible at: https://www.arb.ca.gov/toxics/ttdceqalist/bloomingtonbusinessparkspecificplan_deir.pdf?_ga=2.181136231.1149186916.1763757540-1293749660.1717697261

³ TRUs are refrigeration systems powered by integral diesel engines that protect perishable goods during transport in an insulated truck and trailer vans, rail cars, and domestic shipping containers.

⁴ With regard to greenhouse gas emissions from this project, CARB has been clear that local governments and project proponents have a responsibility to properly mitigate these impacts. CARB's guidance, set out in detail in the *Scoping Plan Issued in 2022*, makes clear that in CARB's expert view, local mitigation is critical to achieving climate goals and reducing greenhouse gases below levels of significance.

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associated with the operation of the Project, the analysis of health risks to sensitive receptors, and the lack of enforceable zero-emission mitigation measures. To protect the health of these communities, the County and the applicant have an obligation to construct and operate the Project using all feasible zero-emission technologies described in this letter.

A3.2
cont.

The Project Would Significantly Contribute to Existing Pollution Burdens

CARB is concerned by the Project's location, which concentrates a new, large-scale industrial use within an existing low density residential area already facing an abundance of existing, under construction, and planned industrial projects. Section 5.3 (Air Quality) of the RDEIR concluded that the operation of the Project would result in a significant impact on air quality. The Project buildout is estimated to generate significant operational air pollutant emissions, including up to approximately 298.17 pounds per day (lbs./day) of nitrogen oxides (NOx), and 99.04 lbs./day of volatile organic compounds (VOCs), which were found to exceed the South Coast Air Quality Management's District's (SCAQMD) regional significance thresholds.⁵ CARB remains concerned that the Project, combined with existing and future industrial development, would significantly worsen air quality burdens in the communities surrounding the Project site.

A3.3

The RDEIR's cumulative projects list (Table 4-4) includes the multi-million square-foot West Valley Logistics Center and Goodman Industrial Park, among others, contributing to a dense corridor of logistics operations. The proximity of this concentrated industrial land use to numerous schools is a critical concern. The RDEIR identifies Bloomington High School and Walter Zimmerman Elementary School, located as close as 92 feet and 103 feet, respectively, from the Project's boundary (Figure 1).

⁵ County of San Bernardino, Bloomington Business Park Specific Plan Revised Draft Environmental Impact Report, Page 5.3-39 and 5.3-40, Table 5.3-11 and Table 5.3-12. Accessible at: <https://ceqa.net.lci.ca.gov/2020120545/10/Attachment/Lrxqtc>

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A3.3 cont.

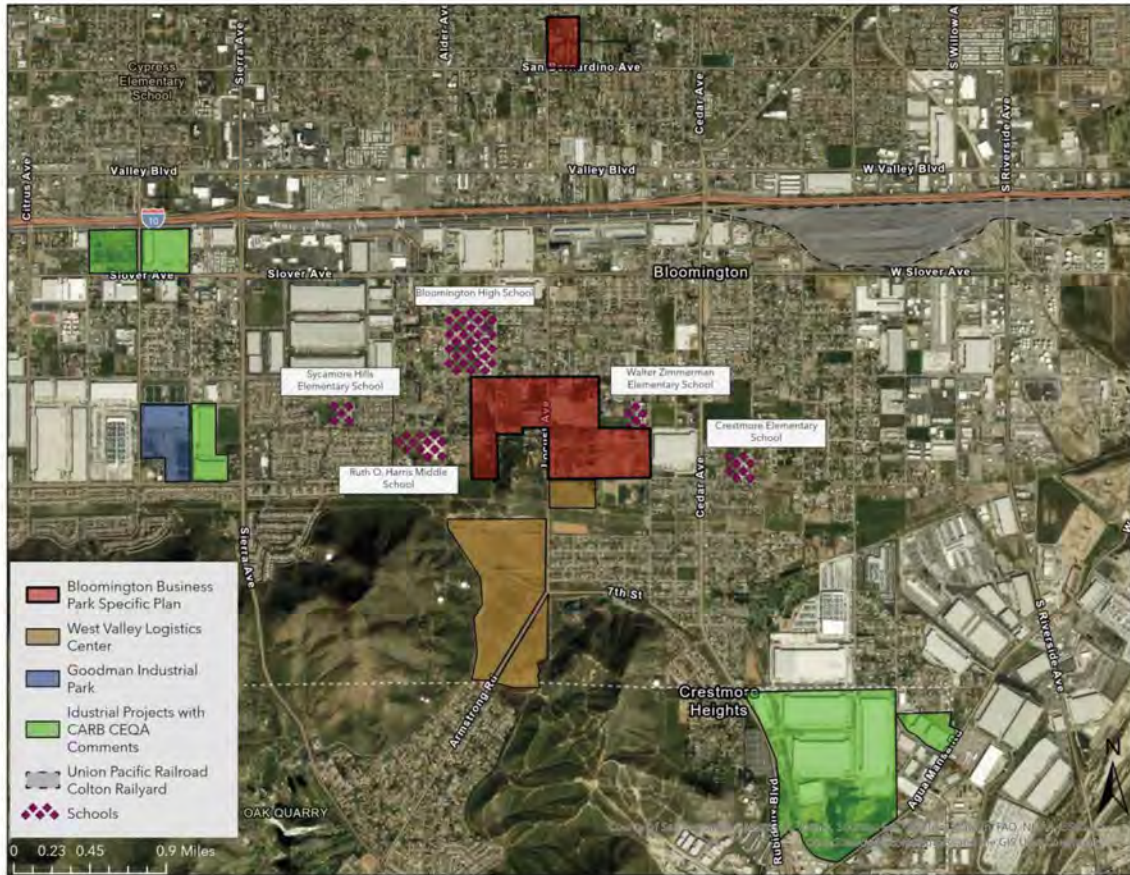


Figure 1: Map of the Bloomington Business Park Specific Plan vicinity. The map identifies the surrounding community, industrial warehouse projects, and the site's proximity to schools.

Section 5.3 (Air Quality) of the RDEIR acknowledges the Project is partially located within an Environmental Justice Focus Area (EJFA) that scores in the 88th percentile for Pollution Burden while the rest of the Project is located in a census tract that scores in the 97th percentile for Pollution Burden.⁶ The Project's contribution to local air pollution must be evaluated in the context of the State's environmental justice goals. The State of California has placed additional emphasis on protecting local communities from the harmful effects of

A3.4

⁶ County of San Bernardino. Bloomington Business Park Specific Plan Revised Draft Environmental Impact Report. Page 5.3-21. Table 5.3-4. Accessible at: <https://ceqanet.lci.ca.gov/2020120545/10/Attachment/Lrxqtc>

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air pollution through the passage of Assembly Bill 617 (AB 617) (Garcia, Chapter 136, Statutes of 2017).⁷ AB 617 is a significant piece of air quality legislation that highlights the need for further emission reductions in communities with high exposure burdens, like those in which the Project is located. Diesel PM emissions generated during the construction and operation of the Project would negatively impact neighboring communities, which are already impacted by air pollution from existing industrial buildings, vehicle traffic, and local rail traffic.

Through its authority under Health and Safety Code section 39711, the California Environmental Protection Agency (CalEPA) is charged with the duty to identify disadvantaged communities. CalEPA bases its identification of these communities on geographic, socioeconomic, public health, and environmental hazard criteria (Health and Safety Code, section 39711, subsection (a)). In this capacity, CalEPA currently defines a disadvantaged community, from an environmental hazard and socioeconomic standpoint, as a community that scores within the top 25% of the census tracts, as analyzed by the California Communities Environmental Health Screening Tool Version 4.0 (CalEnviroScreen). CalEnviroScreen uses a screening methodology to help identify California communities currently disproportionately burdened by multiple sources of pollution. The census tracts containing the residences and schools near the Project are within the top 88th and 97th percentile for Pollution Burden, therefore, the County must ensure that the Project does not adversely impact neighboring disadvantaged communities.⁸

A3.4
cont.

The RDEIR's May Present an Underestimation of Operational Health Risks

The Health Risk Assessment (HRA) prepared for the Project concludes that the operational impact is 'Less than Significant'. The estimated risks for Operation Year - Option 1 (4.58 in one million) and Operational Year - Option 2 (5.78 in one million) are below the SCAQMD's significance threshold of 10 in one million.⁹ However, CARB is concerned that the operational cancer risk may be underestimated due to the specific heavy-duty truck idling duration assumption used in the model. The RDEIR's HRA assumes an idling duration of 15 minutes for onsite heavy-duty trucks. This assumption is not supported by substantial evidence. While CARB's Airborne Toxic Control Measure (ATCM) to Limit Diesel-Fueled Commercial Motor Vehicle Idling restricts idling to five minutes, it also includes an exemption for "clean-idle certified" trucks (model year 2008+), which comprise the majority

A3.5

⁷ Assembly Bill 617, Garcia, C., Chapter 136, Statutes of 2017, modified the California Health and Safety Code, amending § 40920.6, § 42400, and § 42402, and adding § 39607.1, § 40920.8, § 42411, § 42705.5, and § 44391.2.

⁸ Pollution Burden represents the potential exposure to pollutants and the adverse environmental conditions caused by pollution.

⁹ County of San Bernardino. Bloomington Business Park Specific Plan Revised Draft Environmental Impact Report. Page 5.3-57 and 5.3-58. Accessible at: <https://ceqanet.lci.ca.gov/2020120545/10/Attachment/Lrxqtc>

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of the fleet and are permitted to idle for extended periods.¹⁰ The HRA should account for this exemption and provide data to justify why a 15-minute average is appropriate for a high-cube logistics facility where trucks may queue for longer durations.

A3.5 cont.

The RDEIR's Analysis of Zero-Emission Truck Feasibility is Flawed and The County Must Make Their Mitigation Measures Enforceable

The RDEIR asserts that the use of zero-emission heavy-duty trucks is "infeasible" due to limited commercial availability and infrastructure. CARB disagrees with this conclusion, which relies on a snapshot of current market conditions to justify long-term expectations.

The RDEIR's Technical Memorandum argues infeasibility by citing that there are "currently only 12 publicly accessible Direct Current (DC) fast charging stations" for heavy-duty trucks in the U.S and Canada.¹¹ This metric is irrelevant and misleading for a logistics facility. The primary charging model for logistics operations is "behind-the-fence" depot charging, not public charging stations.¹² Therefore, the applicant must proactively plan for and install the necessary charging infrastructure within the Project site to support fleet electrification, rather than relying on the existence of public charging stations. By ignoring the feasibility of installing private charging infrastructure on-site (which the Project's own design could accommodate throughout the 2040 buildout plan), the RDEIR creates a false barrier to implementation.

A3.6

Moreover, the RDEIR feasibility analysis ignores the availability of zero-emission trucks through California's Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project (HVIP). HVIP maintains a catalog of commercially available medium- and heavy-duty zero-emission vehicles that are eligible for funding.¹³ Major manufacturers such as Volvo, Daimler, and BYD are actively delivering Class 8 electric trucks to fleets in California. The RDEIR's reliance on specific production delays of a single manufacturer (Tesla) to characterize the entire market as "infeasible" is inaccurate and ignores the broader availability of eligible vehicles through state incentive programs.¹⁴

Furthermore, CARB is concerned that the proposed mitigation strategies for mobile sources in Section 5.3 (Air Quality) of the RDEIR rely on a feasibility definition that is financially

¹⁰ CARB. Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling. Accessible at: <https://ww2.arb.ca.gov/our-work/programs/atcm-to-limit-vehicle-idling>

¹¹ County of San Bernardino. Bloomington Business Park Specific Plan Revised Draft Environmental Impact Report. Page 5.3-42. Accessible at: <https://ceqanet.lci.ca.gov/2020120545/10/Attachment/Lrxqtc>

¹² Behind-the-fence depot charging refers to private electric charging infrastructure installed on a company's property for the use of a specific fleet.

¹³ California HVIP. HVIP Eligible Vehicles. Accessible at: <https://californiahvip.org/vehiclecatalog/>

¹⁴ County of San Bernardino. Bloomington Business Park Specific Plan Revised Draft Environmental Impact Report. Page 5.3-41. Accessible at: <https://ceqanet.lci.ca.gov/2020120545/10/Attachment/Lrxqtc>

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arbitrary and ignores the operational realities of the zero-emission market. Mitigation Measures AQ-19 and AQ-20 require future tenants to use zero-emission heavy-duty and light/medium trucks, but only "once such trucks are widely commercially available."

The RDEIR defines "widely commercially available" as a vehicle that costs "less than 125% the cost" of a comparable diesel truck. This cost cap is arbitrary, unsupported by substantial evidence, and creates an unenforceable mitigation measure. By embedding this specific cost threshold, which only accounts for the initial capital cost, the measure ignores the significantly lower Total Cost of Ownership (TCO) of electric vehicles (due to fuel and maintenance savings). TCO is a financial estimate used to help buyers and owners determine the direct and indirect costs of a product over its entire lifecycle. TCO looks at the complete cost of buying, operating, and maintenance of a product. The cost constraints also fail to account for state incentives within the HVIP, which has a list of available funding, approved network of dealers, and eligible commercially available zero-emission trucks.¹⁵ According to HVIP vehicle specifications, battery electric trucks offer a typical range of 125 to 330 miles, while hydrogen fuel cell trucks can travel 350 to 500 miles. By focusing purely on the upfront purchase price difference, this definition effectively insulates tenants from adopting cleaner technology even when it is operationally feasible and cost-effective over the life of the vehicle. This weakens the mitigation measure's intent to reduce emissions in a highly pollution burdened community. CARB recommends that the County remove the "125% cost" threshold from Mitigation Measures AQ-19 and AQ-20.

A3.6
cont.

The RDEIR Does Not Adequately Restrict Potential Air Quality Impacts from Transport Refrigeration Units

According to Section 3.4 (Project Description), Table 3-2 (Permitted Uses) of the RDEIR, the Project prohibits "cold storage/refrigerated uses." Although the Project would restrict the operation of cold storage uses, CARB is concerned that the proposed high-cube warehouse and fulfillment center may receive visits from trucks and trailers equipped with TRUs, even if the facility is not dedicated to cold storage. TRUs on trucks and trailers can emit large quantities of diesel exhaust while operating within the Project site. Nearby residences and other sensitive receptors such as daycare centers, senior care facilities, and schools could therefore be exposed to diesel exhaust, resulting in a significant air quality impact.

A3.7

To ensure TRUs will not operate within the Project site without first quantifying and mitigating their potential impacts, CARB urges the County to include one of the following design measures in the Final Recirculated Environmental Impact Report (FREIR):

- A Project design measure requiring contractual language in tenant lease agreements that prohibits tenants from operating diesel-powered TRUs within the Project site; or

¹⁵ CARB. Clean Truck & Bus Vouchers (HVIP). Assessable at: <https://www2.arb.ca.gov/our-work/programs/clean-truck-bus-vouchers-hvip>

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- A condition requiring a restrictive covenant over the parcel that prohibits the applicant's use of TRUs on the property, unless the applicant seeks and receives an amendment to its conditional use permit allowing such use.

If the County and applicant later choose to allow TRUs to operate within the Project site, the County must re-model the Project's air quality impact analysis and HRA to account for potential health risk impacts. To mitigate potential air quality impacts associated with trucks and trailers visiting the Project site, CARB also urges the County to include the following air pollutant emissions reduction measures in the FREIR:

A3.7
cont.

- Include contractual language in tenant lease agreements that require all loading/unloading docks and trailer spaces to be equipped with electrical hookups for trucks with TRUs or auxiliary power units. This requirement will substantially decrease the amount of time that a diesel-powered TRU powered can operate at 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 in lease agreements.¹⁶
- Include contractual language in tenant lease agreements that require all TRUs entering the project site to be plug-in capable.

The County Must Provide More Meaningful Mitigation Measures to Reduce the Project's Significant and Unavoidable Impact on Air Quality

Chapter 5.3 (Air Quality) of the RDEIR concludes that NO_x and VOC during the Project's construction and operation would exceed the SCAQMD's significance thresholds. To reduce the Project's impact on air quality, the RDEIR included twenty-four mitigation measures (MM AQ-1 through MM AQ-24). These mitigation strategies include requiring the use of "Super-Compliant" low-VOC paints, mandating cleaner off-road diesel equipment (Tier 4 Final), requiring on-road haul trucks (2014 or newer) during construction, and including enforcement of a 5-minute truck idling limits via signage. We acknowledge the Project's efforts to reduce emissions; however, the RDEIR indicates that operational NO_x and VOC impacts will remain significant and unavoidable after mitigation.

A3.8

To further reduce the Project's significant and unavoidable air quality impacts, CARB urges the County to implement the following emission reduction measures as either project design features or mitigation measures in the FREIR:

¹⁶ CARB's Technology Assessment for Transport Refrigerators provides information on the current and projected development of TRUs, including current and anticipated costs. The assessment is available at: https://www.arb.ca.gov/msprog/tech/techreport/tru_07292015.pdf

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- 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.
- Implement, and plan accordingly for, the necessary construction infrastructure to support the zero and near-zero emission technology vehicles and equipment that will be operating on-site. Necessary infrastructure may include the physical (e.g., needed footprint), energy, and fueling infrastructure for construction equipment, on-site vehicles and equipment, and medium-heavy and heavy-heavy duty trucks.
- Include contractual language in tenant lease agreements requiring future tenants to exclusively use zero-emission light and medium-duty delivery trucks and vans.
- Include contractual language in tenant lease agreements requiring all service equipment (e.g., yard hostlers, yard equipment, forklifts, and pallet jacks) used within the project site to be zero-emission as this equipment is widely available and can be purchased using incentive funding from CARB's Clean Off-Road Equipment Voucher Incentive Project (CORE).¹⁷
- Include contractual language in tenant lease agreements requiring a phased transition of heavy-duty trucks entering or on the project site, culminating in a requirement for 100% zero-emission trucks beginning in 2030. Incentive funds can be obtained from the Carl Moyer Program and Voucher Incentive Project.^{18, 19}
- Include contractual language in tenant lease agreements that restrict trucks and support equipment from idling longer than two minutes while on site.
- Include rooftop solar panels for each proposed warehouse to the extent feasible, with a capacity that matches the maximum allowed for distributed solar connections to the grid, to support the 100% renewable energy requirement described in Mitigation Measure AQ-23.
- Include contractual language in tenant lease agreements, requiring the installing of vegetative walls or other effective barriers that separate loading docks and people living or working nearby.²⁰

A3.8
cont.

¹⁷ Clean Off-Road Equipment Voucher Incentive Project. Accessible at: <https://ww2.arb.ca.gov/our-work/programs/clean-off-road-equipment-voucher-incentive-project>

¹⁸ Zero-Emission Truck and Bus Voucher Incentive Project. Accessible at: <https://californiahvip.org/>

¹⁹ Carl Moyer Program and Voucher Incentive Program. Accessible at: <https://ww2.arb.ca.gov/carl-moyer-program-apply>

²⁰ Effectiveness of Sound Wall-Vegetation Combination Barriers as Near-Roadway Pollution Mitigation Strategies (2017) is available at: <https://ww2.arb.ca.gov/sites/default/files/classic/research/apr/past/13-306.pdf>

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Conclusion

CARB is concerned about the potential cumulative air quality and public health impact should the County approve the Project. The Project is close to residences and schools that already suffer from exposure to existing air pollution sources and reside in census tracts that score within the top one percent for pollution burden, according to CalEnviroScreen. These sources include existing industrial facilities, vehicle traffic along the I-10, and local rail traffic. To protect the health of the residents and students within these communities, the County must include legally enforceable design features and mitigation measures that promote the use of zero-emission trucks and onsite equipment and the infrastructure to support those technologies.

Given the breadth and scope of projects subject to CEQA review throughout California that have air quality and greenhouse gas impacts, coupled with CARB's limited staff resources to substantively respond to all issues associated with a project, CARB must prioritize its substantive comments here based on staff time, resources, and its assessment of impacts. CARB's deliberate decision to substantively comment on some issues does not constitute an admission or concession that it substantively agrees with the lead agency's findings and conclusions on any issues on which CARB does not substantively submit comments. A3.9

CARB appreciates the opportunity to comment on the RDEIR for the Project and can provide assistance with emission reduction strategies, as needed. Please include CARB on your list of selected State agencies that will receive the FREIR. If you have questions, please contact Alejandro (Alex) Sanchez, Air Pollution Specialist, via email at alex.sanchez@arb.ca.gov

Sincerely,

Matthew O'Donnell

Matthew O'Donnell, Chief, Risk Reduction Branch

cc: State Clearinghouse
state.clearinghouse@ci.ca.gov

Sam Wang, Program Supervisor- CEQA IGR, South Coast Air Quality Management District
swang1@aqmd.gov

Alejandro (Alex) Sanchez, Air Pollution Specialist, Risk Reduction Branch

Stanley Armstrong, Air Pollution Specialist, Risk Reduction Branch

Attachments

A3.10



December 15, 2021

Aron Liang, Senior Planner
County of San Bernardino
Land Use Services Department - Planning Division
385 North Arrowhead Avenue, First Floor
San Bernardino, California 92415-0187
aron.liang@lus.sbcounty.gov

Dear Aron Liang:

Thank you for providing the California Air Resources Board (CARB) with the opportunity to comment on the Bloomington Business Park Specific Plan (Project) Draft Environmental Impact Report (DEIR), State Clearinghouse No. 2020120545. The Project is proposed within an unincorporated area of the County of San Bernardino (County), California, which is the lead agency for California Environmental Quality Act (CEQA) purposes.

The Project would allow for the development of up to 3,235,836 square feet of light industrial and business park uses on a 213-acre site. The Project is separated into two planning areas. Approximately 141 acres of the Project, designated as Planning Area A, are anticipated to be developed in 2022. The remaining portions of the Project site, designated as Planning Area B, would be developed by the year 2040. Within Planning Area A, the County proposes two buildout options: Opening Year Development Option 1 and Option 2. Opening Year Development Option 1 would result in the construction of 2,113,640 square feet of fulfillment center and high-cube warehouse uses. Opening Year Development Option 2 would result in the construction of 2,712,040 square feet of fulfillment center and high-cube warehouse uses. Once fully developed in 2040, the Project is expected to generate up to approximately 6,626 daily vehicle trips, including 1,289 daily heavy-duty truck trips, along local roadways.

If approved, the Project will expose nearby communities to elevated levels of air pollution beyond the existing baseline emissions at the Project site. The Project site is surrounded by residential homes, with the closest homes located within 100 feet of the Project's boundary. In addition to residences, Walter Zimmerman Elementary School, Sycamore Hills Elementary School, Crestmore Elementary School, Ruth O. Harris Middle School, and Bloomington High School are located within approximately half a mile of the Project site. These residences and schools are already exposed to toxic diesel particulate matter (diesel PM) emissions generated by existing industrial buildings, vehicle traffic along Interstate 10 (I-10), and rail traffic along existing Union Pacific rail lines and rail yards.

The State of California has placed additional emphasis on protecting local communities from the harmful effects of air pollution through the passage of Assembly Bill 617 (AB 617)

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(Garcia, Chapter 136, Statutes of 2017). AB 617 is a significant piece of air quality legislation that highlights the need for further emission reductions in communities with high exposure burdens, like those in which the Project is located. Diesel PM emissions generated during the construction and operation of the Project would negatively impact neighboring communities, which are already impacted by air pollution from existing industrial buildings, vehicle traffic, and local rail traffic.

Through its authority under Health and Safety Code section 39711, the California Environmental Protection Agency (CalEPA) is charged with the duty to identify disadvantaged communities. CalEPA bases its identification of these communities on geographic, socioeconomic, public health, and environmental hazard criteria (Health and Safety Code, section 39711, subsection (a)). In this capacity, CalEPA currently defines a disadvantaged community, from an environmental hazard and socioeconomic standpoint, as a community that scores within the top 25 percent of the census tracts, as analyzed by the California Communities Environmental Health Screening Tool Version 3.0 (CalEnviroScreen). CalEnviroScreen uses a screening methodology to help identify California communities currently disproportionately burdened by multiple sources of pollution. The census tract containing the residences and schools near the Project is within the top one percent for Pollution Burden¹ and is considered a disadvantaged community; therefore, the County must ensure that the Project does not adversely impact neighboring disadvantaged communities.

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Industrial development, such as those proposed under the Project, can result in high daily volumes of heavy-duty diesel truck traffic and operation of on-site equipment (e.g., forklifts and yard tractors) that emit toxic diesel emissions, and contribute to regional air pollution and global climate change.² Due to the Project's proximity to residences and schools already disproportionately burdened by multiple sources of pollution, CARB's comments below express concerns with the potential cumulative air quality impacts associated with the construction and operation of the Project. To protect the health of these communities, County and applicant have an obligation to construct and operate the Project using the zero-emission technologies provided in this letter.

1. Pollution Burden represents the potential exposure to pollutants and the adverse environmental conditions caused by pollution.

2. With regard to greenhouse gas emissions from this project, CARB has been clear that local governments and project proponents have a responsibility to properly mitigate these impacts. CARB's guidance, set out in detail in the Scoping Plan issued in 2017, makes clear that in CARB's expert view, local mitigation is critical to achieving climate goals and reducing greenhouse gases below levels of significance.

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The Final Environmental Impact Report Should Restrict the Operation of Transport Refrigeration Units within the Project Area

Chapter 3.4.3 (Site Operations) of the DEIR states that the proposed buildings constructed within the Project site are not designed to accommodate any warehouse cold storage or refrigerated uses. Consequently, air pollutant emissions associated with cold storage operation were not included in the DEIR. Should the Project later include cold storage uses, residences near the Project-site could be exposed to significantly higher levels of toxic diesel PM and nitrogen oxides (NO_x), and greenhouse gases than trucks and trailers without TRUs. To ensure TRUs will not operate within the Project site without first quantifying and mitigating their potential impacts, CARB urges the County to include one of the following design measures in the Final Environmental Impact Report (FEIR):

- A Project design measure requiring contractual language in tenant lease agreements that prohibits tenants from operating TRUs within the Project-site; or
- A condition requiring a restrictive covenant over the parcel that prohibits the applicant's use of TRUs on the property, unless the applicant seeks and receives an amendment to its conditional use permit allowing such use.

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If the County and applicant later chooses to allow TRUs to operate within the Project site, the County must re-model the Project's air quality impact analysis and HRA to account for potential health risk impacts. The updated air quality impact analysis and HRA should include the following air pollutant emission reduction measures:

- Include contractual language in tenant lease agreements that requires all loading/unloading docks and trailer spaces to be equipped with electrical hookups for trucks with Transport Refrigeration Units (TRU) or auxiliary power units. This requirement will substantially decrease the amount of time that a TRU powered by a fossil-fueled internal combustion engine can operate at 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 in lease agreements.³
- Include contractual language in tenant lease agreements that requires all TRUs entering the project site to be plug-in capable

³ CARB's Technology Assessment for Transport Refrigerators provides information on the current and projected development of TRUs, including current and anticipated costs. The assessment is available at: https://www.arb.ca.gov/msprog/tech/techreport/tru_07292015.pdf.

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The County Must Include Enforceable Mitigation Measures to Minimize the Project's Significant and Unavoidable Impact on Air Quality

Chapter 5.3 (Air Quality) of the DEIR concludes that nitrogen oxides (NOx) and volatile organic compounds (VOC) emitted during Project construction and operation would exceed the South Coast Air Quality Management District's significance thresholds. To reduce the Project's impact on air quality, the DEIR included 25 design features (PDF AQ-1 through PDF AQ-25) and seven mitigation measures (MM AQ-1 through MM AQ-7). These design features and mitigation measures include requiring the applicant to use on-road heavy-duty haul trucks to be model year 2010 or newer and off-road equipment 50 horsepower or greater to be equipped with Tier 4 engines during Project construction, have all heavy-duty trucks entering or operating on the Project site to be zero-emission beginning in 2030, use zero to near zero-emission onsite equipment, have tenants use zero-emission light- and medium-duty trucks as part of business operations, and construct onsite infrastructure to support onsite electric trucks and equipment. Even after implementing these design features and mitigation measures, the County concludes in the DEIR that the Project's operational emissions of NOx and VOC would remain significant after mitigation.

Although the design features listed in Chapter 5.3 of the DEIR would reduce the Project's air pollutant emissions by implementing zero-emission technologies, CARB Staff are concerned that they lack enforceable language that could provide the applicant with the option of not fully implementing them. For example, PDF AQ-3, PDF AQ-10, and PDF AQ-12 would require the applicant to utilize heavy-duty haul trucks to be model year 2010 or newer during Project construction and zero-emission trucks by 2030 if "such trucks are widely available and economically feasible." In the DEIR, the County leaves it up to the applicant to decide when certain types of equipment are "not commercially available," which makes the design features virtually unenforceable since there is no objective standard for determining what constitutes unavailability. To make the design features listed in the DEIR fully enforceable, the County must require the implementation of these measures through permit conditions, agreements, or other legally binding instruments in the FEIR. In addition to make the existing design measures in the DEIR enforceable, CARB urges the County to include the following mitigation measures in the FEIR to reduce the Project's significant and unavoidable impact on air quality.

- In construction contracts, include language that requires all heavy-duty trucks entering the construction site, during the grading and building construction phases be model year 2014 or later.
- Include contractual language in tenant lease agreements that requires future tenants to exclusively use zero-emission light and medium-duty delivery trucks and vans.
- 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 and can be

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purchased using incentive funding from CARB's Clean Off-Road Equipment Voucher Incentive Project (CORE).⁴

- 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, expedite a transition to zero-emission vehicles, and be fully zero-emission beginning in 2023. A list of commercially available zero-emission trucks can be obtained from the Hybrid and Zero-emission Truck and Bus Voucher Incentive Project (HVIP).⁵ Additional incentive funds can be obtained from the Carl Moyer Program and Voucher Incentive Program.⁶
- Include contractual language in tenant lease agreements restricting trucks and support equipment from idling longer than two minutes while on site.
- Include contractual language in tenant lease agreements, requiring the installing of vegetative walls⁷ or other effective barriers that separate loading docks and people living or working nearby.

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Conclusion

CARB is concerned about the potential cumulative air quality and public health impact should the County approve the Project. The Project is located within close proximity to residences and schools that already suffer from exposure to existing air pollution sources and reside in census tracts that score within the top one percent for pollution burden, according to CalEnviroScreen. These sources include existing industrial facilities, vehicle traffic along the I-10, and local rail traffic. To protect the health of the residences and students within these communities, the County must include legally enforceable design features and mitigation measures that promote the use of zero-emission trucks and onsite equipment and the infrastructure to support those technologies.

Given the breadth and scope of projects subject to CEQA review throughout California that have air quality and greenhouse gas impacts, coupled with CARB's limited staff resources to substantively respond to all issues associated with a project, CARB must prioritize its substantive comments here based on staff time, resources, and its assessment of impacts. CARB's deliberate decision to substantively comment on some issues does not constitute an admission or concession that it substantively agrees with the lead agency's findings and conclusions on any issues on which CARB does not substantively submit comments.

⁴ Clean Off-Road Equipment Voucher Incentive Project. Accessible at: <https://californiacore.org/how-toparticipate/>

⁵ Zero-Emission Truck and Bus Voucher Incentive Project. Accessible at: <https://californiahvip.org/>

⁶ Carl Moyer Program and Voucher Incentive Program. <https://ww2.arb.ca.gov/carl-moyer-program-apply>

⁷ Effectiveness of Sound Wall-Vegetation Combination Barriers as Near-Roadway Pollutant Mitigation Strategies (2017) is available at: <https://ww2.arb.ca.gov/sites/default/files/classic/research/apr/past/13-306.pdf>

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CARB appreciates the opportunity to comment on the DEIR for the Project and can provide assistance on zero-emission technologies and emission reduction strategies, as needed. Please include CARB on your list of selected State agencies that will receive the FEIR. If you have questions, please contact Stanley Armstrong, Air Pollution Specialist via email at stanley.armstrong@arb.ca.gov.

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Sincerely,



Robert Krieger, Branch Chief, Risk Reduction Branch

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Stanley Armstrong, Air Pollution Specialist, Risk Reduction Branch

Response to Comment Letter A3: California Air Resources Board (CARB) (17 pages)

Comment A3.1: This comment provides an introduction to the comment letter and states that the California Air Resources Board (CARB) is appreciative of their opportunity to comment. This comment summarizes the proposed Project description and provides the trips that would result from development of the Project.

Response A3.1: This comment is introductory in nature and does not raise a specific issue with the adequacy of the Recirculated Draft EIR. Because the comment does not express any specific concern or question regarding the adequacy of the Recirculated Draft EIR, no further response is required or provided.

Comment A3.2: This comment states that if the Project is approved it will expose nearby communities to elevated levels of air pollution beyond baseline and that the Project site is surrounded by homes and in proximity to schools. The comment states that CARB previously commented on the Project in a 2021 letter which expressed concerns related to the proximity to sensitive receptors, cumulative health impacts, restricting transport refrigeration units, and mitigation measures. The comment summarizes the September 2024 Ruling from the San Bernardino County Superior Court and states that CARB has concerns regarding the Recirculated Draft EIR's analysis of cumulative air quality impacts, health risks to sensitive receptors, and the lack of enforceable zero emission (ZE) mitigation measures. The comment states that the County and Applicant have an obligation to construct and operate the Project using all feasible ZE technologies described in the comment letter.

Response A3.2: Regarding the Project exposing nearby communities to elevated levels of pollution, as discussed under Impact AQ-2 in the Recirculated Draft EIR on pages 5.3-7 through 5.3-48, emissions from operation of the Project would exceed SCAQMD's thresholds for VOC and NOx after implementation of regulatory requirements and mitigation measures. A majority of operational-source NOx emissions (by weight) would be generated by Project-related vehicles, while VOC emissions would primarily result from consumer products which are outside the regulatory control of both the Project applicant and the County. Therefore, the Recirculated Draft EIR properly discloses that operational source VOC and NOx emissions would be significant on a Project-level and a cumulative basis.

In regard to air quality impacts to sensitive receptors, as discussed under Impact AQ-3 in the Recirculated Draft EIR on pages 5.3-49 through 5.3-66, the Project would not result in significant impacts related to exposure of sensitive receptors to substantial pollutant concentrations. Furthermore, as discussed in Master Response 2, the Recirculated Draft EIR analysis focused on the areas that were determined to be inadequate by the San Bernardino Superior Court September 2024 Ruling, specifically impacts related to air quality, energy, greenhouse gas, noise, and alternatives. Therefore, concerns outside those areas (including cumulative air quality and health risk impacts) are not further addressed in this document although they were fully analyzed in the Original Draft EIR and will be taken into consideration by the County decision makers in evaluating what action to take on this Project.

Regarding additional mitigation measures, such as requiring the use of ZE technologies during construction and operation, the commenter is referred to Responses A3.6 and A3.8 for a detailed response.

This comment does not otherwise provide any substantial evidence of significant environmental impacts that have not already been disclosed in the Recirculated Draft EIR, that the Recirculated Draft EIR's air quality analysis is lacking, or that any additional mitigation measures are feasible.

Comment A3.3: This comment states that CARB is concerned with the Project location given its proximity to residences and schools given additional existing and planned industrial projects in the area. The comment summarizes the findings of the Recirculated Draft EIR's regional air quality analysis and cumulative projects list. The comment provides an aerial of the Project site, schools in the vicinity, and surrounding industrial projects.

Response A3.3: The Original Draft EIR and Recirculated Draft EIR include a cumulative air quality analysis following South Coast Air Quality Management District's (SCAQMD) guidance. As discussed in the South Coast AQMD's *White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution*, SCAQMD uses the same significance thresholds for project-specific and cumulative impacts for all environmental topics analyzed in a CEQA document. As such, project emissions that exceed the project-specific significance thresholds are also considered by the SCAQMD to be cumulatively considerable. This is the document and methodology that is currently published for use and reference on the SCAQMD's website (https://www.aqmd.gov/docs/default-source/agendas/environmental-justice/cumulative-impacts-working-group/cumulative-impacts-white-paper.pdf?sfvrsn=69761d61_2).

For project-specific and cumulative regional air quality impacts, the SCAQMD utilizes the significance thresholds set forth in Table 5.3-6 of the Recirculated Draft EIR. As described in Impact AQ-2 in the Recirculated Draft EIR on pages 5.3-7 through 5.3-48, emissions from operation of the Project would exceed SCAQMD's thresholds for VOC and NO_x after implementation of regulatory requirements and mitigation measures. A majority of operational-source NO_x emissions (by weight) would be generated by Project vehicles, and the VOC emissions would be generated by consumer products that neither the Project applicant nor the County have the ability to reduce emissions of. Therefore, operational-source emissions from implementation of the proposed Project would be cumulatively considerable and cumulative air quality impacts would be significant and unavoidable.

Due to the Project's proximity to Zimmerman Elementary school, student exposure was analyzed under Impact AQ-3, including Construction Diesel Mobile Source Health Risk on page 5.3-57 and Operational Diesel Mobile Source Health Risk on pages 5.3-65 through 5.3-66 for Opening Year - Opening Option 1, Opening Year - Opening Option 2, and the Future Development Area - Specific Plan Buildout scenarios. The analyses concluded that the maximum incremental cancer risk under Project construction and all operating scenarios would be below the significance threshold of 10 in one million and that non-cancer risks attributable to the Project, and all scenarios were calculated to be <0.01, which would not exceed the applicable significance threshold of 1.0 (Urban Crossroads, 2021). As such, Project construction and operation under all scenarios would not cause a significant human health or cancer risk to nearby school children and impacts would be less than significant.

Furthermore, as further discussed in Master Response 2, the Recirculated Draft EIR analysis focused on the areas that were determined to be inadequate by the San Bernardino Superior Court September 2024 Ruling, specifically impacts related to air quality, energy, greenhouse gas, noise, and alternatives. Therefore, concerns outside those areas (including cumulative air quality and health risk impacts) are not further addressed in this document although they were fully analyzed in the Original Draft EIR and will be taken into consideration by the County decision makers in evaluating what action to take on this Project. This comment does not otherwise provide any substantial evidence of significant environmental impacts that have not already been disclosed in the Recirculated Draft EIR or that the Recirculated Draft EIR's regional or cumulative air quality analysis is lacking..

Comment A3.4: This comment states that the Recirculated Draft EIR acknowledges that the Project site is located within Environmental Justice Focus Area and in an area with a high pollution burden. The comment states that the Project's contribution to local air pollution must be evaluated in the context of the State's environmental justice goals. The comment summarizes Assembly Bill 617 and states that diesel emissions generated during construction and operation of the Project would negatively impact communities that are already impacted. The comment states that the County must ensure that the Project does not adversely impact neighboring disadvantaged communities.

Response A3.4: While the Recirculated Draft EIR acknowledges that the Project site is located within an Environmental Justice Focus Area, as further discussed in Master Response 1, CEQA is an environmental

protection statute that is concerned with physical changes to the environment (CEQA Guidelines Section 15358(b)). The environment includes land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance (CEQA Guidelines Section 15360). Moreover, CEQA also requires a project to evaluate its impacts in relation to changes in an area's population, housing needs and coverage under adequate public services. The Recirculated Draft EIR is focused on analyzing potentially significant impacts under the CEQA. Concerns outside those areas are not further addressed in this document although they will be taken into consideration by the County decision makers in evaluating what action to take on this Project. The Project's potential environmental justice effects are social issues that are not considered effects on the environment (CEQA Guidelines Sections 15064(e) and 15131(a)). Thus, consistent with CEQA, the Recirculated Draft EIRs includes an analysis of the Project's potentially significant physical impacts on the environment and does not include substantial discussion of environmental justice.

CalEnviroScreen is a general policy tool. It is generally inappropriate for CEQA review as it looks at general environmental and socioeconomic conditions, but not physical impacts associated with projects. However, the Original and Recirculated Draft EIRs provides a detailed evaluation of the potential cumulative air quality related impacts of the proposed Project upon the surrounding community (localized impacts) pursuant to SCAQMD methodology and thresholds, which is the appropriate scope due to the Project's location within the South Coast Air Basin. The Original Draft EIR also provides a detailed evaluation of the potential cumulative water supply, water quality, hazardous waste, and solid waste impacts of the proposed Project.

Regarding the existing pollution burden, the existing air quality in the Project area is described in Recirculated Draft EIR Section 5.3, *Air Quality*. Table 5.3-2 provides data from the closest air quality monitoring stations to the Project site. Data from the air quality monitoring stations indicates that the PM_{2.5} federal standard had one exceedance in 2020, two exceedances in 2021, one exceedance in 2022, and no exceedance in 2023. While the Project vicinity has experienced exceedances of State and federal standards, the thresholds set forth by the SCAQMD are intended to be health protective and are based on Clean Air Act standards and recommendations by the EPA. Although there has been an increase in development in the South Coast Air Basin, emissions concentrations have declined, and air quality has generally improved at the basin-wide level over the last 30 years largely due to cleaner air vehicles and fuel requirements (with the recognition of localized exceedances as discussed earlier in this paragraph)(Original Draft EIR Appendix C1).

Impacts related to toxic air contaminants and health risks are discussed under Impact AQ-3 of Section 5.3, *Air Quality* in the Recirculated Draft EIR on pages 5.3-56 through 5.3-66. Based on existing SCAQMD recommendations for Mobile Source Health Risk Assessments, with implementation of mitigation, the combined construction and operational impacts of the proposed Project at the maximally impacted residential receptor is estimated to be 4.91 in one million, which is less than the SCAQMD significance threshold of 10 in one million. At this same location, non-cancer risks were estimated to be less than 0.01, which would not exceed the applicable SCAQMD significance threshold of 1.0. As such, the proposed Project would result in emissions that are far below existing SCAQMD significance thresholds. Therefore, the proposed Project's potential impacts on human health risks would not be cumulatively considerable and would be less than significant.

This comment does not otherwise provide any substantial evidence of significant environmental impacts that have not already been disclosed in the Recirculated Draft EIR or that the Recirculated Draft EIR's air quality analysis is lacking.

Comment A3.5: This comment states that the Health Risk Assessment (HRA) prepared for the Project concludes that the operational impact is less than significant as the estimated risks are below SCAQMD thresholds. The comment states that CARB is concerned that the operational cancer risk may be underestimated due to the heavy-duty truck 15-minute idling duration assumed in the model. The comment states that CARB's Airborne Toxic Control Measure restricts idling to 5 minutes but includes an exemption for "clean-idle certified" trucks (model year 2008+), which account for the majority of trucks in the fleet. The comment states that the HRA

should account for this exemption and provide data to justify why a 15-minute average is appropriate for a facility where trucks may queue for longer durations.

Response A3.5: The Recirculated Draft EIR's Mobile Source Health Risk Assessment already applies the conservative 15 minute onsite idling duration recommended by SCAQMD for CEQA health risk analyses, specifically to capture truck queuing, bay staging, and check in/check out activities associated with a high cube logistics facility. This assumption exceeds the five minute regulatory limit and thus inherently encompasses the idling that could occur under the "clean idle certified" exemption; it is not constrained by the legal limit but instead reflects a worst case operational scenario. As discussed on pages 5.3-59 through 5.3-70 of the Recirculated Draft EIR, using this conservative assumption, the HRA determined maximum incremental cancer risks of 4.58 in one million (Opening Year Option 1) and 5.78 in one million (Opening Year Option 2), both below SCAQMD's 10 in one million significance threshold, with non-cancer hazard indices of 0.01, also below the threshold of 1.0. Because these risks were modeled assuming 15 minutes of idling for all heavy-duty trucks, regardless of CARB's ATCM exemptions, they already represent a health protective upper bound for onsite operational emissions. In addition, the Project incorporates idling control mitigation within Mitigation Measure AQ-10, which requires onsite signage to enforce the five minute CARB limit and provide contact information to report violations, further reducing actual idling below the conservative modeling assumption. Consequently, the HRA does not underestimate operational health risk, and the Recirculated Draft EIR appropriately concludes that operational diesel particulate matter emissions from onsite truck activity would result in less than significant cancer and non-cancer health risks to nearby residents, workers, and schoolchildren.

Notwithstanding the previous discussion, the County and Applicant have agreed to limit on-site idling to a maximum of 3 minutes. Therefore, Mitigation Measure AQ-10 has been amended accordingly as presented below:

MM AQ-10: Idling Regulations. The Project plans and specifications shall include signs at loading dock facilities that include: 1) instructions for truck drivers to shut off engines when not in use; 2) instructions for truck drivers to restrict idling to no more than ~~3~~ 5 minutes once the vehicle is stopped, the transmission is set to "neutral" or "park", and the parking brake is engaged pursuant to Title 13 of the California Code of Regulations, Section 2485; and 3) telephone numbers of the building facilities manager and California Air Resources Board (CARB) to report violations. Signs shall be installed prior to receipt of an occupancy permit. The Project facility operators shall train managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of trucks.

This comment does not otherwise provide any substantial evidence of significant environmental impacts that have not already been disclosed in the Recirculated Draft EIR or that the Recirculated Draft EIR's health risk analysis is lacking.

Comment A3.6: This comment states that CARB disagrees with the conclusion that the use of zero-emission heavy-duty trucks is infeasible due to limited commercial availability and infrastructure. The comment states that the Recirculated Draft EIR's technical memorandum argues infeasibility by stating that there are not enough public charging stations for heavy duty trucks in the United States, but the primary charging model for logistics operations is "behind-the-fence" depot charging. The comment states that the Applicant must proactively install the necessary charging infrastructure for the site to support fleet electrification and that California's Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project maintains a catalog of commercially available medium- and heavy-duty zero-emission trucks that are eligible for funding. The comment states that multiple manufacturers are delivering Class 8 electric trucks to fleets in California. The comment states that CARB is concerned that Mitigation Measures AQ-19 and AQ-20 rely on a feasibility definition that is financially arbitrary and ignores the operational realities of the zero-emission market. The

comment states that the definition of “widely commercially available” as “less than 125% the cost” of a comparable diesel truck is arbitrary and ignores the lower total cost of ownership (TCO) of electric vehicles.

Response A3.6: The Recirculated Draft EIR’s feasibility discussion is not limited to the scarcity of public DC fast chargers; it evaluates the broader state of medium and heavy duty zero-emission (ZE) truck infrastructure, including truck accessible public charging, hydrogen refueling, and grid capacity, all of which bear directly on whether tenants can realistically operate ZE fleets. The analysis explains that, as of 2025, only 12 publicly accessible DC fast charging stations with 129 heavy duty capable ports exist across the United States and Canada, that California’s first truck capable public DC fast charger opened in 2023, and that planned depots are limited and corridor oriented (RDEIR p. 5.3-42, 5.3-43; Appendix B pp. 13–15).

Crucially, the Recirculated Draft EIR explains that even depot based ZE operations are currently constrained by local grid capacity and the very high power demand of truck scale charging (e.g., megawatt class chargers), with transformer and substation upgrades facing multiyear lead times. This grid capacity discussion applies directly to “behind the fence” depots and demonstrates that, at present, large scale depot charging sufficient to serve all heavy-duty trucks accessing the Project is not yet feasible, particularly in a community already heavily burdened by electrical grid constraints. Accordingly, the Recirculated Draft EIR’s conclusion that mandatory near term ZE truck operation is infeasible is supported by substantial evidence and is not based solely on public charger availability (RDEIR p. 5.3-41, 5.3-42; Appendix B pp. 12–15).

The Recirculated Draft EIR and Appendix B fully acknowledge the existence of ZE truck models and incentive programs, including CARB’s HVIP, but reasonably conclude that these programs do not yet render full ZE truck use feasible for all trucks serving the Project. Appendix B documents that, as of 2024, battery electric trucks constitute only 0.01 percent of California’s medium duty fleet and 0.21 percent of the heavy-duty fleet, and that within the SCAQMD’s jurisdiction there are only 226 medium duty and 197 heavy duty ZE trucks, with very limited annual additions (RDEIR Appendix B p. 13). These data show that ZE trucks are being deployed, including with HVIP support, but still represent a de minimis share of the regional fleet, spread across many operators, such that requiring all trucks serving a single project to be ZE would be infeasible and potentially preclusive of lawful operations. Further, in February 2026, the EPA repealed all federal GHG emission standards for light-duty, medium-duty, and heavy-duty vehicles and engines, which may hinder market growth of ZE vehicles.⁵

The CARB comment letter cited by the commenter was responded to in the Original Final EIR, which explains that requiring universal ZE truck use or model year 2014+ trucks across all tenants and third party carriers would exceed CARB’s own regulatory requirements, would not be widely achievable in the marketplace, and would not be enforceable for unknown future tenants and independent carriers (Original Final EIR Response A2.5). Instead, the County adopted mitigation in the Recirculated Draft EIR that: (1) requires ZE yard equipment and interior equipment; (2) provides charging infrastructure; and (3) commits tenants to transition to ZE trucks once they become commercially available under objective criteria, discussed below.

This approach is consistent with CEQA’s feasibility standard set forth in CEQA Guidelines Section 15364, which requires adoption of mitigation measures that are capable of reasonable implementation in light of economic, legal, technological, and logistical constraints, but does not require measures that would effectively assume a fully converted regional fleet that does not yet exist.

The commenter’s characterization of the “125 percent of diesel cost” test as arbitrary and as ignoring total cost of ownership is incorrect. Mitigation Measures AQ-19 and AQ-20 clearly define “widely commercially

⁵ Holland & Knight. (February 2026) *EPA Repeals Vehicle Greenhouse Gas Standards and the Underlying Endangerment Finding*. Accessed from: <https://www.hklaw.com/en/insights/publications/2026/02/epa-repeals-vehicle-all-greenhouse-gas-standards-for-vehicles>

available” ZE trucks to determine when tenants must transition their fleets under binding lease requirements. Those measures explicitly base commercial availability on total five year ownership cost, including capital cost, incentives, fuel, and electricity, and require like for like comparisons between ZE trucks and comparable new production combustion engine trucks of the same class and trim level.

Thus, rather than relying solely on up front purchase price or a simplistic cost test, the mitigation uses a structured total cost of ownership framework over a five year period, expressly incorporating HVIP and other incentives into the cost comparison. The 125 percent threshold functions as a reasoned economic “safety factor” to ensure that ZE trucks are not merely technically available but are sufficiently cost competitive to make mandatory fleet conversion feasible across diverse tenants and carriers. CEQA allows lead agencies to adopt such performance based, objective triggers to define when future technology forcing mitigation will become feasible. Contrary to the comment’s assertion that the mitigation is unenforceable, as part of the Recirculated Draft EIR, the County converted the relevant project design features into formal mitigation measures incorporated into the Mitigation Monitoring and Reporting Program (MMRP). Mitigation Measures AQ-19 and AQ-20 require that, prior to issuance of final Certificates of Occupancy, tenants’ lease agreements must obligate use of ZE light, medium, and heavy-duty trucks once ZE trucks meet the “widely commercially available” criterion, with the County Planning Division responsible for determining when that criterion is satisfied. Additional mitigation (MMs AQ-10, AQ-11, AQ-12, AQ-13, AQ-16–AQ-18, AQ-21, AQ-23) requires provision of EV charging stations, interior non-diesel/ZE equipment, truck route signage, idling restrictions, recordkeeping, and 100 percent renewable electricity, all implemented through lease conditions and monitored through the MMRP.

This response to comments further clarifies that these measures are legally enforceable through conditions of approval, building permits, and business licenses, and that CEQA does not require adoption of more stringent ZE truck mandates where existing measures reduce DPM and localized criteria pollutants to levels below significance thresholds.

Therefore, CEQA does not require the County to impose infeasible ZE truck mandates simply to accelerate adoption beyond what is technologically and economically practicable today. Instead, the County has adopted a suite of enforceable, technology forcing measures that: (1) substantially reduce emissions in a heavily burdened community now; and (2) commit the Project to transition to ZE trucks once they are verifiably and cost effectively available, as defined by a total cost of ownership standard. Accordingly, the Recirculated Draft EIR’s treatment of ZE truck feasibility, incentives, and the “125 percent of diesel cost” trigger provides substantial evidence and a rational, enforceable framework consistent with CEQA, and no further revisions are required in response to this comment.

This comment does not provide any substantial evidence of significant environmental impacts that have not already been disclosed in the Recirculated Draft EIR.

Comment A3.7: This comment states that, while the Project would restrict the operation of cold storage/refrigerated uses, CARB is concerned that the Project may receive visits from trucks and trailers equipped with transport refrigeration units (TRUs). The comment states that CARB urges the County to incorporate a Project design measure requiring contractual language in lease agreements that prohibits tenants from operating diesel-powered TRUs within the Project site or a condition that prohibits the Applicant’s use of TRUs. The comment states that if the County and Applicant later choose to allow TRUs to operate within the Project site, the County must remodel the Project’s air quality analysis and HRA. The comment states that CARB suggests the County include measures requiring all loading/unloading docks and trailer spaces to be equipped with electrical hookups for trailers operating with TRUs or auxiliary power units and ensuring that all TRUs entering the Project site be plug-in capable.

Response A3.7: As shown in Table 3-2 of the Recirculated Draft EIR, the Specific Plan prohibits cold storage/refrigerated uses. Therefore, there would be no reasonably foreseeable situation where TRUs

would access the Project site, as TRUs are intended to transport frozen and/or refrigerated goods to or from refrigerated warehouses. As such, there is no nexus for conditioning or mitigating the Project to prohibit TRUs from accessing the Project site or for requiring electrical hookups at loading docks and trailer parking spaces. Should the County or Applicant desire refrigerated uses and TRU usage in the future, an amendment to the Bloomington Business Park Specific Plan would be required to permit or conditionally permit cold storage/refrigerated uses, which would trigger the need for additional CEQA analysis. Furthermore, as required by 13 California Code of Regulations 2477.5(b), 100 percent of TRU fleets must be zero-emission by December 31, 2029. As such, TRUs will progressively become less polluting as fleets transition to zero-emission technology in compliance with the TRU Airborne Toxic Control Measure (ACTM) regulations. This comment does not otherwise provide any substantial evidence of significant environmental impacts that have not already been disclosed in the Recirculated Draft EIR.

Comment A3.8: This comment states that NO_x and VOC during the Project's construction and operation would exceed SCAQMD thresholds and the Recirculated Draft EIR includes twenty-four mitigation measures related to air quality. The comment summarizes the mitigation requirements and states that the Recirculated Draft EIR indicates that operational NO_x and VOC impacts will remain significant and unavoidable. The comment provides mitigation measures suggested by CARB including:

- 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.
- Implement, and plan accordingly for, the necessary construction infrastructure to support the zero and near-ZE technology vehicles and equipment that will be operating on-site. Necessary infrastructure may include the physical (e.g., needed footprint), energy, and fueling infrastructure for construction equipment, on-site vehicles and equipment, and medium-heavy and heavy-heavy duty trucks.
- Include contractual language in tenant lease agreements requiring future tenants to exclusively use zero-emission light and medium-duty delivery trucks and vans.
- Include contractual language in tenant lease agreements requiring all service equipment (e.g., yard hostlers, yard equipment, forklifts, and pallet jacks) used within the project site to be zero-emission as this equipment is widely available and can be purchased using incentive funding from CARB's Clean Off-Road Equipment Voucher Incentive Project (CORE).
- Include contractual language in tenant lease agreements requiring a phased transition of heavy-duty trucks entering or on the project site, culminating in a requirement for 100% zero-emission trucks beginning in 2030. Incentive funds can be obtained from the Carl Moyer Program and Voucher Incentive Project.
- Include contractual language in tenant lease agreements that restrict trucks and support equipment from idling longer than two minutes while on site.
- Include rooftop solar panels for each proposed warehouse to the extent feasible, with a capacity that matches the maximum allowed for distributed solar connections to the grid, to support the 100% renewable energy requirement described in Mitigation Measure AQ-23.
- Include contractual language in tenant lease agreements, requiring the installing of vegetative walls or other effective barriers that separate loading docks and people living or working nearby.

Response A3.8: The commenter correctly describes that operational NO_x and VOC impacts would be significant and unavoidable. As discussed on page 5.3-41 of the Recirculated Draft EIR, the majority of the Project's NO_x emissions are derived from vehicle usage. Since neither the Project Applicant nor the County have regulatory authority to control tailpipe emissions and these emissions are dependent on State and federal regulations, as well as private sector technological advancements, as further discussed in Response A3.6, no additional feasible mitigation measures exist beyond Mitigation Measures AQ-10 through AQ-24 to reduce this impact to a less than significant level. Regarding recommended mitigation measures:

- Additional mitigation measures related to regional construction air quality emissions are not necessary. As demonstrated in Table 5.3-10, implementation of Mitigation Measures AQ-1 through AQ-9 would reduce emissions of VOC and NO_x to below SCAQMD's significance threshold. Therefore, as impacts would be mitigated to a less than significant level through implementation of Mitigation Measures AQ-1 through AQ-9, additional mitigation requirements regarding zero-emission or near zero-emission construction equipment is unnecessary. Furthermore, zero-emission construction equipment is not available technologically or commercially.
- Mitigation Measure AQ-20 sets forth requirements for the use of zero-emission light-duty and medium-duty trucks and vans, once such vehicles are widely commercially available. Therefore, should zero-emission light-duty and medium-duty trucks and vans become widely commercially available prior to operation of any proposed buildings, lease agreements shall require that future tenants utilize such vehicles in daily operations.
- Mitigation Measure AQ-13 requires that all onsite yard hostlers, yard equipment, forklifts, and pallet jacks be zero-emission equipment. Therefore, the request that all service equipment be zero-emission has already been incorporated into the Project's Mitigation Monitoring & Reporting Plan.
- Regarding the feasibility of zero-emission heavy-duty trucks, the commenter is referred to Response A3.6. As discussed, Mitigation Measure AQ-19 sets forth requirements for the use of zero-emission heavy-duty trucks, once such vehicles are widely commercially available. Therefore, should zero-emission heavy-duty trucks become widely commercially available prior to or during operation of any proposed buildings, lease agreements shall require that future tenants utilize such vehicles in daily operations.
- In response to CARB's request that the Project restrict trucks and support equipment from idling longer than 2 minutes, Mitigation Measure AQ-10 has been revised as follows, and as disclosed in Section 3.0 of this Final EIR. As disclosed in Section 3.0 of this Final EIR, Mitigation Measure AQ-10 has been revised to limit idling to three minutes instead of two minutes as three minutes of idling is more feasible for trucks and a further decrease would not result in a meaningful reduction in emissions.

MM AQ-10: Idling Regulations. The Project plans and specifications shall include signs at loading dock facilities that include: 1) instructions for truck drivers to shut off engines when not in use; 2) instructions for truck drivers to restrict idling to no more than 3 ~~5~~ minutes once the vehicle is stopped, the transmission is set to "neutral" or "park", and the parking brake is engaged pursuant to Title 13 of the California Code of Regulations, Section 2485; and 3) telephone numbers of the building facilities manager and California Air Resources Board (CARB) to report violations. Signs shall be installed prior to receipt of an occupancy permit. The Project facility operators shall train managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of trucks.

- In regard to including rooftop solar panels for each proposed warehouse to the extent feasible, Mitigation Measure AQ-23 requires the applicant to either install rooftop solar panels to offset 100 percent of the building's energy demands or purchase 100 percent renewable energy. As part of Building 1 and Building 2 construction design plans, both buildings would include enough solar to offset 100 percent of the buildings' energy consumption.
- In regard to installing vegetative walls or other barriers separating loading docks and people living or working nearby, the proposed buildings would be designed with screening walls, as set forth in PDF NOI-1. Furthermore, Section 3.5 of the Bloomington Business Park Specific Plan requires that, where industrial uses adjoin a residential use or where truck courts abut a public right-of-way, a 12-foot-high screen wall shall be constructed. Therefore, truck courts and loading docks would be adequately screened from nearby uses.

Comment A3.9: This comment states that CARB is concerned about potential cumulative air quality and public health impacts resulting from the Project given its proximity to residences and other air pollution

sources. The comment states that the County must include legally enforceable design features and mitigation measures that promote the use of zero-emission trucks and onsite equipment. The comment states that CARB must prioritize its substantive comments based on staff time, resources, and its assessment of impacts and that the decision to comment on some issues does not constitute an admission that it substantively agrees with the lead agency's conclusions on other issues. The comment states that CARB appreciates the opportunity to comment on the Recirculated Draft EIR for the Project and asks to be included on the list of agencies that will receive the Final Recirculated EIR.

Response A3.9: The comment is conclusionary in nature and does not identify concerns with the adequacy of the Recirculated Draft EIR or raise any other CEQA issue. CARB shall be included on the list of State agencies that will receive the Final Recirculated EIR and other CEQA noticing for the proposed Project.

Comment A3.10: This comment includes the comment letter provided by CARB on the Original EIR on December 21, 2021.

Response A3.10: This comment letter was responded to in its entirety as Response A2 in the Final EIR, included as Volume 3 to the Recirculated Draft EIR, and has been supplemented by the responses contained above. No further response is warranted.

Comment Letter A4: South Coast Air Quality Management District (SCAQMD), December 11, 2025SENT VIA E-MAIL:Gina.Gibson-Williams@lus.sbcounty.gov

December 11, 2025

Gina Gibson Williams, Planning Manager
San Bernardino County
385 N Arrowhead Avenue
San Bernardino, CA 92612

**Recirculated Draft Environmental Impact Report (Recirculated DEIR) for
Bloomington Business Park Specific Plan Project (Proposed Project)
(SCH No: 2020120545)**

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

A4.1

Summary of Proposed Project Information in the Recirculated DEIR

Based on the Recirculated DEIR, the Proposed Project consists of adopting and implementing the Bloomington Business Park Specific Plan, which would allow development of up to 3,235,836 square feet of industrial and business-park uses on a 213-acre site in unincorporated Bloomington. The Specific Plan area includes Planning Area A (141.4 acres), proposed for large warehouse and fulfillment-center development, and Planning Area B (71.6 acres), planned for additional light industrial uses through 2040. Two alternative Opening Year development scenarios for Planning Area A would construct between 2.1 million and 2.7 million square feet of high-cube warehouses, fulfillment centers, and trailer parking.¹ The Proposed Project also includes a 24-acre Upzone Site that would be redesignated from Low Density Residential to Medium Density Residential and rezoned to allow up to 480 residential units to replace lost housing capacity under Senate Bill 330. Construction could occur in phases beginning with an approximately 14-month buildout of Planning Area A. Sensitive residential receptors are located immediately adjacent to both the Specific Plan area and the Upzone Site.²

A4.2

The Recirculated DEIR states that a Final EIR for the Proposed Project was originally certified in 2022 but due to a lawsuit, the San Bernardino County Superior Court required the County to set aside its approvals because the EIR was inadequate regarding the analyses of alternatives and impacts to the topics of air quality (including the Friant Ranch methodology and zero-emission truck feasibility), greenhouse gases, energy, and noise. In response, the Lead Agency prepared the 2025 Recirculated DEIR, which retained the project description and footprint from the original DEIR but which contains a revised analysis for the aforementioned issues identified by the Court.³

¹ Recirculated DEIR, p. 1-3.

² Recirculated DEIR, pp. 1-4 and 1-5.

³ Recirculated DEIR, pp. 1-1 and 1-2.

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South Coast AQMD Comments*Lack of Lead Agency Responses to Previous Comment Letters and Request for Technical Files*

South Coast AQMD previously wrote two comment letters regarding the Original DEIR dated September 29, 2021. The first comment letter was transmitted to the Lead Agency on January 19, 2021 in response to the Notice of Preparation (NOP) for the Proposed Project which was released on December 30, 2020 (referred to herein as the January 2021 NOP Comment Letter).⁴ The second comment letter was transmitted to the Lead Agency on December 15, 2021 in response to the Original DEIR released in September 2021 (referred to herein as the December 2021 DEIR Comment Letter).⁵ More recently in response to the NOP for the Recirculated DEIR released on November 13, 2024, South Coast AQMD wrote another comment letter on December 12, 2024 that was transmitted to the Lead Agency (referred to herein as the December 2024 Recirculated DEIR Comment Letter).⁶ These comment letters are attached and incorporated by reference.

A4.3

Upon review of the Recirculated DEIR, South Coast AQMD staff found that responses to the January 2021 NOP Comment Letter and the December 2021 DEIR Comment Letter were not included in the Final EIR. Therefore, South Coast AQMD is re-submitting both January 2021 NOP Comment Letter and the December 2021 DEIR Comment Letter and awaiting the Lead Agency's responses to these previous comments.

On November 11, 2025, South Coast AQMD staff emailed the Lead Agency's contact person listed on the Governor's Office of Land Use and Climate Innovation website (Gina.Gibson-Williams@lus.sbcounty.gov) seeking to obtain a complete set of the unlocked modeling and emissions calculation files used to quantify the air quality impacts in the Recirculated DEIR including the CalEEMod input files (.csv format), emission calculation spreadsheets (Excel format), AERMOD input and output files (including the full .isc package), and any HARP or post-processing files, as applicable. However, South Coast AQMD staff did not receive a response to this request. Accordingly, South Coast AQMD staff was unable to verify the calculations upon which the analysis in the Recirculated DEIR is based. With that context in mind, the following comments reflect the lack of complete information necessary to conduct a more thorough review.

A4.4

Recommend Conducting a Quantitative Analysis of Human Health Consequences

According to the Recirculated DEIR to satisfy the court's direction for the Lead Agency to conduct a human health consequences analysis, a qualitative analysis of Comparative Health Impact Analysis was conducted.⁷ However, the February 2023 Friant Community Plan Update and Friant Ranch Specific Plan Specific Plan contained a detailed quantitative analysis of Human Health

A4.5

⁴ South Coast AQMD, January 2021 NOP Comment Letter, Available at: <https://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2021/january/SBC210105-05.pdf>

⁵ South Coast AQMD, December 2021 DEIR Comment Letter, Available at: <https://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2021/december/SBC210928-09.pdf>

⁶ South Coast AQMD, December 2024 NOP of the Recirculated DEIR Comment Letter, Available at: <https://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2024/december-2024/sbc241113-12-nop-bloomington-business-park-specific-plan-project.pdf>

⁷ Recirculated DEIR, Appendix B, p.1.

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Consequences Analysis,⁸ which is evidence that this type of calculation can be performed. Therefore, the Lead Agency is recommended to review this analysis in this referenced document, perform a quantitative analysis specific to the Proposed Project, and revise the Recirculated DEIR to incorporate the results.

A4.5 cont.

Incorporating Clean-Fleet / Clean-Construction as Mitigation and Context

Given the extent, scale and duration of the Proposed Project, the Lead Agency is recommended to evaluate the applicability of the statewide clean-fleet and clean-construction programs under development by the California Air Resources Board (CARB). These programs provide a framework for achieving substantial near-term reductions in NOx, VOC, and diesel particulate matter (DPM) emissions from on- and off-road fleets, which are the key precursors to the formation of ozone which have associated adverse health impacts. Taking full advantage of these programs would provide additional opportunities to minimize the significant effects from the Proposed Project.

CARB's California Clean Construction Program is designed to recognize and encourage off-road construction fleets that voluntarily exceed regulatory requirements by deploying cleaner-than-Tier 4 Final or zero-emission off-road equipment.⁹ Similarly, CARB's Clean Fleet Connect¹⁰ and Advanced Clean Fleets (ACF) programs support on-road fleet transitions toward zero-emission technologies.¹¹ These frameworks demonstrate that both construction and operational fleets can achieve meaningful emissions reductions through adoption of newer, cleaner equipment and zero-emission technologies. While the Recirculated DEIR analyzes construction and operational emissions, it does not fully examine the feasibility of applying these emerging statewide programs as mitigation in accordance with CEQA Guidelines Section 15126.4. These CARB programs provide substantial evidence that cleaner-than-baseline technologies are commercially emerging and will become increasingly feasible during the Proposed Project's multi-year buildout. As such, their omission results in a lost opportunity to reduce the Proposed Project's significant air quality impacts.

A4.6

Because NOx and VOC emissions from construction and operational activities are major contributors to regional ozone formation, implementation of clean-construction and clean-fleet measures could directly reduce the precursor emissions most relevant to potentially adverse health outcomes evaluated under *Sierra Club v. County of Fresno (Friant Ranch)*. These measures also complement any future Friant Ranch-type analysis by reducing the Proposed Project's emission inventory before photochemical or health-impact modeling is performed, thereby reducing any potential increases in regional pollutant concentrations.

Therefore, the Lead Agency is recommended to revise the Recirculated DEIR to incorporate clean-fleet and clean-construction commitments into either the project description as part of a design feature or in mitigation measures, such as:

⁸ Quantitative Analysis of Human Health Consequences Analysis, Table 3.3-8, Available at:

https://www.fresnocountyca.gov/files/sharedassets/counv/v/1/vision-files/files/72347-friant-pri-deir_2-7-23.pdf

⁹ CARB – California Clean Construction Program. Available at: <https://ww2.arb.ca.gov/our-work/programs/california-clean-construction-program>.

¹⁰ CARB – Clean Fleet Connect. Available at: <https://ww2.arb.ca.gov/our-work/programs/clean-fleet-connect>.

¹¹ CARB – Advanced Clean Fleets Program. Available at: <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-fleets>.

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- Require the use of cleaner than Tier 4 Final or zero-emission off-road equipment when commercially available;
- Implement phased integration of zero-emission on-road trucks consistent with CARB's ACF implementation schedule or Clean Fleet Connect guidance over the lifetime of the Proposed Project;
- Establish contract specifications which require subcontractors to utilize clean construction equipment meeting CARB-recognized standards; and
- Require annual reporting or verification mechanisms to ensure compliance.

A4.6 cont.

Incorporating these commitments would not only reduce NOx, VOC, and DPM emissions, but also align the Proposed Project with CARB's long-term clean-fleet transition strategy and California's climate mandates. Incorporating these commitments into the Final CEQA document would provide health-protective benefits to nearby sensitive receptors.

Air Quality Mitigation Measures for NOx and PM Emissions from Construction

Given the Proposed Project's buildout timeline which will extend to 2040, Tier 4 Final engines may no longer represent the cleanest available construction technology when individual phases and later components of the Proposed Project are built. According to CARB's Strategies for Reducing Emissions from Off-Road Construction Equipment, implementation of an off-road Tier 5 standard is anticipated to begin as early as 2027 or 2028. In addition, the Governor's Executive Order in September 2020 requires CARB to develop and propose a full transition to zero emission technology by 2035.¹⁴ As a result, mitigation measures that rely solely on Tier 4 Final engines may be outdated by the time substantial construction occurs, particularly for later phases of the Specific Plan.

Limiting mitigation to a fixed technology level fails to account for foreseeable improvements in equipment availability, contradicts CARB's statewide transition strategy, and does not represent the "maximum feasible" reduction required by CEQA. To ensure construction NOx and PM emissions remain less than the CEQA significance thresholds for all future phases and individual projects, the Lead Agency is recommended to strengthen mitigation measures in the Recirculated DEIR's by requiring the use of the cleanest commercially available equipment, including zero-emission or electric construction equipment where feasible, and otherwise the latest certified engine tier available at the time of construction, beyond Tier 4 Final. The mitigation measures should also include provisions that prohibit older diesel engines, require the use of advanced exhaust after-treatment systems, and mandate verification through equipment lists, purchase records, or third-party compliance reporting. These verification requirements are critical to ensuring enforceability as set forth in CEQA Guidelines Section 15126.4 and preventing backsliding to older, higher-emitting equipment once construction begins.

A4.7

The Recirculated DEIR should also evaluate construction phasing scenarios using updated assumptions about equipment availability, consistent with CARB's regulatory schedule and Executive Order directives. Without such analysis, the Recirculated DEIR may underestimate the feasibility and benefits of zero-emission construction technologies during later stages of the Proposed Project's development.

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Operational Air Quality Mitigation and Sensitive Receptors

South Coast AQMD staff acknowledges that the Recirculated DEIR identifies operational air quality impacts from the Proposed Project as significant and unavoidable, particularly due to diesel truck activity associated with warehouse and industrial operations. The Recirculated DEIR includes a range of operational mitigation measures (MM AQ-10 through MM AQ-24)¹² which encourage or require actions such as idling restrictions, electric vehicle charging infrastructure, and lease requirements for future zero-emission trucks. While these measures represent a strong foundation for reducing operational emissions, they rely heavily on nonbinding language (“encourage,” “consider,” “where feasible”) and lack the enforceable commitments necessary to reduce emissions to the maximum feasible extent. Sensitive residential receptors are located immediately adjacent to both the Specific Plan area and the Upzone Site. Given the proximity of these homes to the Proposed Project, the Recirculated DEIR should incorporate more robust and enforceable mitigation measures to minimize long-term exposure to DPM, NO_x, and associated health risks. Without enforceable requirements, the Proposed Project’s operational emissions could disproportionately affect nearby disadvantaged communities. Specifically, the Lead Agency is recommended to:

1. Require zero-emission (ZE) or near-zero Emission (NZE) trucks rather than merely encouraging ZE/NZE trucks for heavy-duty and medium-duty vehicles, when this equipment becomes commercially available. Measures such as MM AQ-19 and MM AQ-20 could include enforceable compliance mechanisms, such as contractual fleet requirements, annual reporting, tenant lease obligations, and enforcement provisions for noncompliance;
2. Incorporate phased replacement schedules for older more emitting trucks to newer and cleaner equipment which is tied to CARB’s ACF regulatory deadlines to ensure operational emissions decrease as the Proposed Project builds out through 2040;
3. Limit truck exposure to sensitive receptors by incorporating design measures to reduce health risks, including clearly marked truck routes to avoid residential areas, locating truck entrances and exits away from sensitive land uses, placing truck check-in and parking areas inside the Proposed Project’s site, and restricting overnight truck parking near sensitive receptors;
4. Require infrastructure for electric or alternative-fuel trucks, electric yard equipment, and solar energy arrays. Charging infrastructure should be sized to support future ZE truck adoption consistent with ACF requirements, rather than minimum near-term capacity. Yard hostlers, forklifts, and cargo-handling equipment should transition to ZE where commercially available;
5. Limit the daily number of actual trucks visiting the Proposed Project to levels analyzed in the Recirculated DEIR. The mitigation should include an enforceable monitoring mechanism to verify that truck activity remains within analyzed limits; and

A4.8

¹² Recirculated DEIR, Table 1-5.

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6. Encourage participation in incentive programs, such as the Carl Moyer Program or WAIRE Points under South Coast AQMD Rule 2305, to further reduce NO_x and PM emissions.

A4.8 cont.

By strengthening operational mitigation measures, ensuring enforceability, and incorporating design-based protections for adjacent residential communities, the long-term exposure to diesel emissions from the Proposed Project can be substantially reduced while demonstrating consistency with California's clean-fleet transition strategies and the public health protection goals of CEQA.

Lack of Enforceable Restriction on Transport Refrigeration Units (TRUs) and Risk of Future Tiering

The Recirculated DEIR states that the building occupants are assumed to be warehouse distributors, logistics operators with some light-duty manufacturing and the buildings are not designed to accommodate any warehouse cold storage or refrigerated uses.¹³ However, this statement is not supported by any enforceable commitments, Specific Plan requirements, or conditions of approval. Without binding mechanisms in place, the assertion that transport refrigeration units (TRUs) will not operate on-site is speculative and cannot be relied upon as justification for the assumptions relied upon to estimate emissions and health risk, or operational characteristics under CEQA. Because the Proposed Project proposes large high-cube warehouse and fulfillment buildings, TRU use is a reasonably foreseeable possibility for future tenant operation activities, even if they are not currently contemplated. The absence of TRU infrastructure at the entitlement stage does not prevent future tenants from installing plug-ins or operating diesel TRUs unless expressly prohibited by enforceable conditions. Under CEQA, reasonably foreseeable future operations associated with warehouse uses, particularly those involving DPM, which is a known toxic air contaminant, need to be evaluated.

A4.9

Additionally, without enforceable project-level restrictions, future approvals could be processed through addenda, minor-use permits, or mitigated negative declarations. Such an approach could allow TRU activity to be introduced incrementally after project approval without conducting the necessary EIR-level analysis of diesel emissions, localized health risks, and carcinogenic impacts. This outcome would conflict with CEQA's prohibition on piecemealing and would not comply with CEQA Guidelines Sections 15162–15168 concerning subsequent review.

To ensure the analysis remains consistent with CEQA and to avoid post-approval introduction of TRUs without adequate environmental review, the Lead Agency is recommended:

- Include an explicit prohibition on TRU use in the Specific Plan text, and conditions of approval;
- Require all future tenant leases, site plans, and tenant improvement approvals to include binding language prohibiting installation or operation of diesel TRUs;
- Identify TRU-related infrastructure (e.g., electric hook-ups, refrigerated trailer parking, dock refrigeration equipment) as prohibited uses under the Specific Plan; and
- Require full CEQA reevaluation, including a health risk assessment, before approving any future tenant or site plan that proposes TRU operations.

¹³ Recirculated DEIR, p. 3-16.

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These measures would provide enforceability, ensure transparency in future review, and prevent TRU operations from being added later without adequate CEQA analysis of associated DPM emissions and health risks.

A4.9 cont.

Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program

On May 7, 2021, South Coast AQMD's Governing Board adopted Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program, and Rule 316 – Fees for Rule 2305. Rule 2305 and Rule 316 are designed to reduce regional and local emissions of NOx and PM, including DPM, with reductions leading to reduced public health impacts for communities located near warehouses from mobile sources that are associated with warehouse activities. Also, these anticipated 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.

The Recirculated DEIR acknowledges the applicability of Rule 2305 to the Proposed Project but does not evaluate whether early infrastructure commitments or WAIRE-compatible design features could serve as feasible mitigation under CEQA. Because many WAIRE actions, such as charging infrastructure installation, solar energy deployment, on-site ZE truck parking, and building electrification, are most efficiently implemented during project construction rather than after occupancy, the analysis in the Recirculated DEIR should identify opportunities for incorporating these features now. Failure to do so could limit operators' ability to comply cost-effectively with Rule 2305 and could reduce achievable NOx and PM reductions.

A4.10

Under Rule 2305, operators are subject to an annual WAIRE Points Compliance Obligation that is calculated based on the annual number of truck trips to the warehouse. WAIRE Points can be earned by implementing actions in a prescribed menu in Rule 2305, implementing a site-specific custom plan, or paying a mitigation fee. Warehouse owners are only required to submit limited information reports, but they can opt to earn Points on behalf of their tenants if they so choose because certain actions to reduce emissions may be better achieved at the warehouse development phase, for instance the installation of solar and charging infrastructure. Rule 316 is a companion fee rule for Rule 2305 to allow South Coast AQMD to recover costs associated with Rule 2305 compliance activities. Since the Proposed Project consists of the development of up to 3,235,836 square feet of industrial and business-park uses, the Proposed Project's warehouse owners and operators may be required to comply with Rule 2305 once the warehouse is occupied.

Therefore, the Lead Agency is recommended to review 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 in order to help future warehouse operators meet their compliance obligation.¹⁴ 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. For

¹⁴ South Coast AQMD Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program. Accessed at: <http://www.aqmd.gov/dces/default-source/rule-book/reg-xxiii/r2305.pdf>.

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implementation of guidance documents and compliance and reporting tools, please visit South Coast AQMD's WAIRE Program webpage.¹⁵

A4.10
cont.

South Coast AQMD Air Permits and Role as a Responsible Agency

If implementation of the Proposed Project would require the use of new stationary and portable sources, including but not limited to emergency generators, fire water pumps, boilers, etc., one or more air permits from South Coast AQMD will be required. The Final EIR should include a discussion about the South Coast AQMD rules that may be applicable to the Proposed Project. Those rules may include, for example, Rule 201 – Permit to Construct,¹⁶ Rule 203 – Permit to Operate,¹⁷ Rule 401 – Visible Emissions,¹⁸ Rule 402 – Nuisance,¹⁹ Rule 403 – Fugitive Dust,²⁰ Rule 1110.2 – Emissions from Gaseous and Liquid Fueled Engines,²¹ Rule 1113 – Architectural Coatings,²² Rule 1166 – Volatile Organic Compound Emissions from Decontamination of Soil,²³ Rule 1466 – Control of Particulate Emissions from Soils with Toxic Air Contaminants,²⁴ and Rule 1470 – Requirements for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition Engines,²⁵ etc.

A4.11

It is important to note that if air permits from the South Coast AQMD are required, South Coast AQMD's role under CEQA will become the Responsible Agency of the Proposed Project. Per CEQA Guidelines Section 15086, the Lead Agency is required to consult with South Coast AQMD. CEQA Guidelines Section 15096 sets forth specific procedures for a Responsible Agency, including making a decision on the adequacy of the CEQA document for use as part of the process for conducting a review of the Proposed Project and issuing discretionary approvals. Also, as set forth in CEQA Guidelines Section 15096(h), the Responsible Agency is required to make Findings in accordance with CEQA Guidelines Section 15091 for each significant effect of the project and issue a Statement of Overriding Considerations in accordance with CEQA Guidelines Section 15093, if necessary. Lastly, as set forth in CEQA Guidelines Section 15096(i), the Responsible Agency may file a Notice of Determination.

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

¹⁵ South Coast AQMD WAIRE Program. Accessed at: <http://www.aqmd.gov/waire>.

¹⁶ South Coast AQMD, Rule 201 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-ii/rule-201.pdf>

¹⁷ South Coast AQMD, Rule 203 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-ii/rule-203.pdf>

¹⁸ South Coast AQMD, Rule 401 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-iv/rule-401.pdf>

¹⁹ South Coast AQMD, Rule 402 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-iv/rule-402.pdf>

²⁰ South Coast AQMD, Rule 403 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-iv/rule-403.pdf>

²¹ South Coast AQMD, Rule 1110.2 available at https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/r1110_2.pdf

²² South Coast AQMD, Rule 1113 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/r1113.pdf>

²³ South Coast AQMD, Rule 1166 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1166.pdf>

²⁴ South Coast AQMD, Rule 1466 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1466.pdf>

²⁵ South Coast AQMD, Rule 1470 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1470.pdf>

Gina Gibson Williams, Planning Manager

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December 11, 2025

a sufficient project description and analysis to be relied upon in order to issue any discretionary approvals that may be needed for air permits.

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

A4.11
cont.

Conclusion

As set forth in Public Resources Code Section 21092.5(a) and CEQA Guidelines Section 15088(a-b), the Lead Agency shall evaluate comments from public agencies on the environmental issues and provide a written response at least 10 days prior to certifying the Final EIR. As such, please provide South Coast AQMD written responses to all comments contained herein, including the referenced comment letters attached, at least 10 days prior to the certification of the Final EIR. In addition, as provided by CEQA Guidelines Section 15088(c), if the Lead Agency's position is at variance with recommendations provided in this comment letter, detailed reasons supported by substantial evidence in the record to explain why specific comments and suggestions are not accepted must be provided.

A4.12

Thank you for the opportunity to provide comments. South Coast AQMD staff is available to work with the Lead Agency to address any air quality questions that may arise from this comment letter. Please contact Jivar Afshar, Air Quality Specialist, at jafshar@aqmd.gov should you have any questions.

Sincerely,

Sam Wang

Sam Wang
Program Supervisor, CEQA IGR
Planning, Rule Development & Implementation

Attachments (3)

- January 2021 NOP Comment Letter
- December 2021 DEIR Comment Letter
- December 2024 NOP of the Recirculated DEIR Comment Letter

MK:BB:ND:BR:SW:JASBC251030-07

Control Number

ATTACHMENTS

A4.13



SENT VIA E-MAIL:

December 12, 2024

Maryn.Wells@lus.sbcounty.gov

Maryn Wells, Senior Planner

County of San Bernardino,

Land Use Services Department – Planning Division

385 North Arrowhead Avenue, First Floor

San Bernardino, California 92415-0187

**Notice of Preparation of a Recirculated Draft Environmental Impact Report
for Bloomington Business Park Specific Plan Project (Proposed Project)**

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. Our comments are recommendations on the analysis of potential air quality impacts from the Proposed Project that should be included in the Recirculated Draft Environmental Impact Report (EIR). Please send a copy of the Recirculated Draft EIR upon its completion and public release directly to South Coast AQMD as copies of the Recirculated Draft EIR submitted to the State Clearinghouse are not forwarded. **In addition, please send all appendices and technical documents related to the air quality, health risk, and greenhouse gas analyses and electronic versions of all emission calculation spreadsheets, and air quality modeling and health risk assessment input and output files (not PDF files). Any delays in providing all supporting documentation for our review will require additional review time beyond the end of the comment period.**

A4.13
cont.

CEQA Air Quality Analysis

Staff recommends that the Lead Agency use South Coast AQMD's CEQA Air Quality Handbook and website¹ as guidance when preparing the air quality and greenhouse gas analyses. It is also recommended that the Lead Agency use the CalEEMod² land use emissions software, which can estimate pollutant emissions from typical land use development and is the only software model maintained by the California Air Pollution Control Officers Association.

South Coast AQMD has developed both regional and localized significance thresholds. South Coast AQMD staff recommends that the Lead Agency quantify criteria pollutant emissions and compare the emissions to South Coast AQMD's air quality significance thresholds³ and localized significance thresholds (LSTs)⁴ to determine the Proposed Project's air quality impacts. The localized analysis can be conducted by either using the LST screening tables or performing dispersion modeling.

¹ South Coast AQMD's CEQA Air Quality Handbook and other resources for preparing air quality analyses can be found at: <http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook>

² CalEEMod is available free of charge at: www.caleemod.com

³ South Coast AQMD's air quality significance thresholds can be found at: <https://www.aqmd.gov/docs/default-source/ceqa/handbook/south-coast-aqmd-air-quality-significance-thresholds.pdf>

⁴ South Coast AQMD's guidance for performing a localized air quality analysis can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>

Attachments, Page 1

Maryn Wells

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The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the Proposed Project and all air pollutant sources related to the Proposed Project. Air quality impacts from both construction (including demolition, if any) and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips, and hauling trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers and air pollution control devices), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, such as sources that generate or attract vehicular trips, should be included in the analysis. Furthermore, emissions from the overlapping construction and operational activities should be combined and compared to South Coast AQMD's air quality significance thresholds for *operation* to determine the level of significance.

If the Proposed Project generates diesel emissions from long-term construction or attracts diesel-fueled vehicular trips, especially heavy-duty diesel-fueled vehicles, it is recommended that the Lead Agency perform a mobile source health risk assessment.⁵

A4.13
cont.

Also, if implementation of the Proposed Project would require the use of new stationary and portable sources, including but not limited to emergency generators, fire water pumps, boilers, spray booths, etc., one or more air permits from South Coast AQMD will be required, and the role of South Coast AQMD would change from a Commenting Agency to a Responsible Agency under CEQA. The assumptions in the air quality analysis in the EIR will be the basis for evaluating the air permit(s) under CEQA and imposing permit conditions and limits. Questions about air permit requirements should be directed to South Coast AQMD's Engineering and Permitting staff at (909) 396-3385.

In addition, if air permits are required and the South Coast AQMD is identified as a Responsible Agency in the EIR, per CEQA Guidelines Sections 15086, the Lead Agency is required to consult with South Coast AQMD. CEQA Guidelines Section 15096 sets forth specific procedures for a Responsible Agency, including making a decision on the adequacy of the CEQA document for use as part of evaluating the applications for air permits. For these reasons, the EIR should include a discussion about any new stationary and portable equipment requiring South Coast AQMD air permits and identify South Coast AQMD as a Responsible Agency for the Proposed Project, if applicable.

The California Air Resources Board's (CARB) *Air Quality and Land Use Handbook: A Community Health Perspective*⁶ is a general reference guide for evaluating and reducing air pollution impacts associated with new projects that go through the land use decision-making

⁵ South Coast AQMD's guidance for performing a mobile source health risk assessment can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>.

⁶ CARB's *Air Quality and Land Use Handbook: A Community Health Perspective* can be found at: <https://www.aqmd.gov/docs/default-source/ceqa/handbook/california-air-resources-board-air-quality-and-land-use-handbook-a-community-health-perspective.pdf>.

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process with additional guidance on strategies to reduce air pollution exposure near high-volume roadways available in CARB's technical advisory⁷.

The South Coast AQMD's *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*⁸ includes suggested policies that local governments can use in their General Plans or through local planning to prevent or reduce potential air pollution impacts and protect public health. It is recommended that the Lead Agency review this Guidance Document as a tool when making local planning and land use decisions.

South Coast AQMD staff is concerned about potential public health impacts of siting warehouses within close proximity of sensitive land uses, especially in communities that are already heavily affected by the existing warehouse and truck activities. The South Coast AQMD's Multiple Air Toxics Exposure Study (MATES V), completed in August 2021, concluded that the largest contributor to cancer risk from air pollution is diesel particulate matter (DPM) emissions⁹. According to the MATES V carcinogenic risk interactive map, the area surrounding the Proposed Project has an estimated cancer risk of over 880 in one million¹⁰. Operation of warehouses generates and attracts heavy-duty diesel-fueled trucks that emit DPM. When the health impacts from the Proposed Project are added to those existing impacts, residents living in the communities surrounding the Proposed Project will possibly face an even greater exposure to air pollution and bear a disproportionate burden of increasing health risks.

A4.13
cont.

Mitigation Measures

In the event that the Proposed Project results in significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized to minimize these impacts. Any impacts resulting from mitigation measures must also be analyzed. Several resources to assist the Lead Agency with identifying potential mitigation measures for the Proposed Project include South Coast AQMD's CEQA Air Quality Handbook,¹¹ South Coast AQMD's Mitigation Monitoring and Reporting Plan for the 2022 Air Quality Management Plan,¹² and Southern California Association of Government's Mitigation Monitoring and Reporting Plan for the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy.¹³

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

⁷ CARB's technical advisory can be found at: https://ww2.arb.ca.gov/sites/default/files/2017-10/rd_technical_advisory_final.pdf.

⁸ South Coast AQMD. 2005. *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*. Available at: <http://www.aqmd.gov/docs/default-source/planning/air-quality-guidance/complete-guidance-document.pdf>.

⁹ South Coast AQMD. August 2021. *Multiple Air Toxics Exposure Study in the South Coast Air Basin V*. Available at: <http://www.aqmd.gov/home/air-quality/air-quality-studies/health-studies/mates-v>.

¹⁰ South Coast AQMD. MATES V Data Visualization Tool. Accessed at: [MATES Data Visualization \(arcgis.com\)](https://www.aqmd.gov/home/air-quality/air-quality-studies/health-studies/mates-v).

¹¹ <https://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook>

¹² South Coast AQMD's 2022 Air Quality Management Plan can be found at: <http://www.aqmd.gov/home/air-quality/clean-air-plans/air-quality-mgt-plan> (Chapter 4 - Control Strategy and Implementation).

¹³ Southern California Association of Governments' 2020-2045 RTP/SCS can be found at: https://www.connectsocal.org/Documents/PEIR/certified/Exhibit-A_ConnectSoCal_PEIR.pdf.

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- 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 Rule¹⁴ and the Heavy-Duty Low NOx Omnibus Regulation¹⁵, ZE and NZE trucks will become increasingly more available to use. The Lead Agency should require a phase-in schedule to incentivize the use of 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 2010 model year¹⁶ that meet 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. 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, where appropriate. 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 electrical infrastructure and electrical panels should be appropriately sized. Electrical hookups should be provided for truckers to plug in any onboard auxiliary equipment.

A4.13
cont.

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

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

¹⁴ CARB. June 25, 2020. *Advanced Clean Trucks Rule*. Accessed at: <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-trucks>.

¹⁵ 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/bhp-hr starting with engine model year 2024. Accessed at: <https://ww2.arb.ca.gov/rulemaking/2020/hdomnibuslownox>.

¹⁶ 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>.

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Design considerations for the Proposed Project that the Lead Agency should consider to further reduce air quality and health risk impacts include the following:

- Clearly mark truck routes with trailblazer signs, so that trucks will not travel next to or near sensitive land uses (e.g., residences, schools, day care 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 there are no trucks 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.

On May 7, 2021, South Coast AQMD's Governing Board adopted Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program, and Rule 316 – Fees for Rule 2305. Rules 2305 and 316 are new rules that will reduce regional and local emissions of nitrogen oxides (NOx) and particulate matter (PM), including diesel PM. These emission reductions will reduce public health impacts for communities located near warehouses from mobile sources that are associated with warehouse activities. Also, the emission reductions will help the region attain federal and state ambient air quality standards. Rule 2305 applies to owners and operators of warehouses greater than or equal to 100,000 square feet. Under Rule 2305, operators are subject to an annual WAIRE Points Compliance Obligation that is calculated based on the annual number of truck trips to the warehouse. WAIRE Points can be earned by implementing actions in a prescribed menu in Rule 2305, implementing a site-specific custom plan, or paying a mitigation fee. Warehouse owners are only required to submit limited information reports, but they can opt in to earn Points on behalf of their tenants if they so choose because certain actions to reduce emissions may be better achieved at the warehouse development phase, for instance the installation of solar and charging infrastructure. Rule 316 is a companion fee rule for Rule 2305 to allow South Coast AQMD to recover costs associated with Rule 2305 compliance activities. Since the Proposed Project consists of the development of multi-million-square-foot warehouse, the Proposed Project's warehouse owners and operators will be required to comply with Rule 2305 once the warehouse is occupied. Therefore, South Coast AQMD staff recommends that the Lead Agency review South Coast AQMD Rule 2305 to determine the potential WAIRE Points Compliance Obligation for future operators and explore whether additional project requirements and CEQA mitigation measures can be identified and implemented at the Proposed Project that may help future warehouse operators meet their compliance obligation¹⁷. 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. For implementation guidance documents and compliance and reporting tools, please visit South Coast AQMD's WAIRE Program webpage¹⁸.

A4.13
cont.

¹⁷ 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>.

¹⁸ South Coast AQMD WAIRE Program. Accessed at: <http://www.aqmd.gov/waire>.

Maryn Wells

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December 12, 2024

South Coast AQMD staff is available to work with the Lead Agency to ensure that air quality, greenhouse gas, and health risk impacts from the Proposed Project are accurately evaluated and mitigated where feasible. If you have any questions regarding this letter, please contact me at swang1@aqmd.gov.

A4.13
cont.

Sincerely,

Sam Wang

Sam Wang
Program Supervisor, CEQA IGR
Planning, Rule Development & Implementation

SW
SBC241113-12
Control Number

Attachments, Page 6



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

SENT VIA E-MAIL:

December 15, 2021

Aron.Liang@lus.sbcounty.gov

Aron Liang, Senior Planner

County of San Bernardino, Land Use Services Department

385 North Arrowhead Avenue, First Floor

San Bernardino, California 92415-0187

**Draft Environmental Impact Report (EIR) for the Proposed
Bloomington Business Park Specific Plan Project (Proposed Project)
(SCH No.: 2020120545)**

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. The County of San Bernardino is the California Environmental Quality Act (CEQA) Lead Agency for the Proposed Project. The following comments on the Draft EIR include recommended revisions to existing air quality project design features, new air quality project design features or mitigation measures, and a discussion of South Coast AQMD permits that the Lead Agency should include in the Final EIR.

A4.13
cont.

Based on the Draft EIR, the Proposed Project consists of construction and operation of 3,235,836 square feet of light industrial, manufacturing, warehousing, and trailer parking uses on a 213-acre site that is located on the southeast corner of Santa Ana Avenue and Alder Avenue in the community of Bloomington. Development will be implemented in two planning areas. Planning Area A has two design options, resulting in either 2,113,640 square feet or 2,712,040 square feet of warehousing uses¹. Construction of Planning Area A is anticipated to begin in the fourth quarter of 2021 and will be completed by the fourth quarter of 2022². Planning Area B includes future development of industrial business park uses and has a proposed buildout year of 2040³.

The Proposed Project consisting of both planning areas as a whole will include 25 project design features (PDFs) for air quality⁴. These features include requirements such as heavy-duty haul trucks used during construction to be equipped with 2010 model year or newer engines, if feasible, and that all facility-owned and operated truck fleets accessing the site during operation are also equipped with 2010 model year or newer engines, among other requirements⁵. Once operational, the Proposed Project is anticipated to generate 8,555 trip-ends per day, 1,290 of which would be made by light-, medium- and heavy-duty trucks⁶. Although the warehouse tenant is unknown at the time of the release of the Draft EIR, the Proposed Project is not

¹ Draft EIR, Page 1-3.

² *Ibid.* Appendix C1 Air Quality Report.

³ *Ibid.* Page 3-16.

⁴ *Ibid.* Pages 5.3-57 to 59.

⁵ *Ibid.* Section 5.3 Air Quality, Pages 5.3-57 to 5.3-59.

⁶ *Ibid.* Appendix K1 Traffic Impact Assessment, Pages 67 to 69.

Attachments, Page 7

Aron Liang

December 15, 2021

anticipated to include refrigerated logistics uses⁷. Based on the Draft EIR, existing sensitive receptors are 11 feet of the Proposed Project⁸.

Based on a review of the Draft EIR and supporting technical documents, South Coast AQMD staff has three main comments. A summary of these comments is provided as follows with additional details provided in the attachment.

1. Recommended Revisions to Existing Air Quality Project Design Features (PDFs): The Lead Agency requires the use of cleaner on- and off-road construction equipment and operational vehicles, including zero-emission light- and medium-duty trucks, if such trucks are widely available and economically feasible, and installation of electric charging infrastructure (PDF AQ-3, PDF AQ-4, PDF AQ-10, PDF AQ-12, and PDF AQ-13). Additional information on how widely available and economically feasible will be determined should be provided in the Final EIR. Given the close proximity of sensitive receptors, the Lead Agency should strengthen and expand the requirement of using zero-emissions or near-zero emission standards, or at a minimum 2010 model year on-road trucks during operation to all trucks accessing the Proposed Project, and not limit the requirement to those trucks that are owned or contracted by warehouse tenants and/or operators (PDF AQ-9).
2. Additional Recommended Air Quality PDFs or Mitigation Measures: In the Draft EIR, operation of the Proposed Project is found to have significant and unavoidable air quality impacts for VOC and NOx emissions. The Lead Agency should include additional PDFs or mitigation measures to identify clean construction and operational equipment and trucks that are already available and in-use, require their uses by the opening date for Planning Area A in 2022, develop considerations of potential cleaner technologies that will become feasible and available during the lifetime of the Proposed Project (buildout year 2040), develop a process for periodic technology assessment with performance standards, ensure future buildout at the Proposed Project does not exceed what was previously evaluated in the Draft EIR, and clearly mark truck routes with trailblazer signs to ensure truck travel avoids traversing by existing sensitive receptors.
3. Responsible Agency and South Coast AQMD Permits: If the Proposed Project will require the use of stationary equipment such as emergency generator(s) and fire pump(s), permit(s) from South Coast AQMD will be required. The Final EIR should include a discussion of stationary equipment that will require South Coast AQMD permits and identify South Coast AQMD as a CEQA Responsible Agency for the Proposed Project.

A4.13
cont.

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 prior to the certification of the Final EIR. 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, reasoned analysis in response. Conclusory statements unsupported by factual information will

⁷ *Ibid*. Chapter 3 Project Description. Page 3-15.

⁸ *Ibid*. Section 5.12 Noise. Pages 5.12-15 to 5.12-16.

Aron Liang

December 15, 2021

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. Further, if the Lead Agency makes the finding that the recommended revisions to the existing PDFs and the recommended new air quality project design features or mitigation measures are not feasible, the Lead Agency should describe the specific reasons supported by substantial evidence for rejecting them in the Final EIR (CEQA Guidelines Section 15091).

A4.13
cont.

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 Alina Mullins, Air Quality Specialist, at amullins@aqmd.gov, should you have any questions or wish to discuss the comments.

Sincerely,

Lijin Sun

Lijin Sun

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

Attachment
LS:AM
SBC210928-09
Control Number

Aron Liang

December 15, 2021

ATTACHMENT

South Coast AQMD Staff's Summary of Air Quality Analysis and Health Risk Assessment in the Draft EIR

In the Air Quality Analysis Section of the Draft EIR, the Lead Agency quantified the Proposed Project's maximum daily construction emissions. The Lead Agency considered three different construction options: Opening Year Option 1 and Opening Year Option 2 for Planning Area A, and Future Development/Specific Plan Buildout for Planning Area B. The Lead Agency compared the Proposed Project's construction emissions to South Coast AQMD's recommended regional air quality CEQA significance thresholds. Based on the analysis, the Lead Agency found that, for all three construction options evaluated, the Proposed Project's regional construction air quality impacts would be significant for VOC and NOx emissions⁹. Mitigation Measures (MMs) AQ-1 and AQ-2 would require the use low VOC architectural coatings with no more than 10g/L of VOC and require all off-road construction equipment 50 horsepower or greater to meet Tier 4 emission standards. With implementation of these mitigation measures, both regional VOC and NOx emissions from construction activities from all three construction options would be reduced to less than significance levels¹⁰.

A4.13
cont.

The Lead Agency also considered three different operational options: Opening Year Option 1, Opening Year Option 2, and Future Development/Specific Plan Buildout. Based on the analysis, the Lead Agency found that all three options would result in significant regional operational air quality impacts from VOC and NOx emissions¹¹. MMs AQ-3 through AQ-7 require postage of idling restriction signage, contractual specifications that vendor trucks include energy efficiency improvement features through Carl Moyer, electric vehicle charging stations, installation of infrastructure to support electric forklifts and other interior equipment, and implementation of a transportation management association to coordinate carpooling. However, the Lead Agency found that air quality impacts from operating the Proposed Project under all three options would remain significant and unavoidable for VOC and NOx emissions¹².

In the Draft EIR, the Lead Agency also quantified the Proposed Project's localized construction and operational emissions and compared them to the applicable South Coast AQMD's localized significance thresholds. Based on the analysis, the Lead Agency found that the Proposed Project's localized construction and operational air quality impacts would be less than significant¹³. Additionally, the Lead Agency calculated cancer risks from Proposed Project's operational activities under Opening Year Option 1, Opening Year Option 2, and Future Development/Specific Plan Buildout and found that the maximum cancer inhalation risk would be of 4.58 in one million, 5.78 in one million, and 3.11 in one million¹⁴, respectively, all of which would be below South Coast AQMD's CEQA significance threshold of 10 in one million for cancer risk¹⁵. Finally, the Draft EIR discussed South Coast AQMD Rules 2305 and 316¹⁶.

⁹ *Ibid.* Section 5.3 Air Quality. Page 5.3-33.

¹⁰ *Ibid.*

¹¹ *Ibid.* Page 5.3-34

¹² *Ibid.*

¹³ Draft EIR. Appendix C1 Air Quality Report. Pages 56 to 62.

¹⁴ *Ibid.* Pages 13 to 35.

¹⁵ South Coast AQMD's CEQA significance threshold of 10 in one million for cancer risk is based on the most current methodology recommended by the California Office of Environmental Health Hazard assessment.

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South Coast AQMD staff's detailed comments on the Draft EIR are provided as follows.

1. Recommended Revisions to Existing Air Quality Project Design Features (PDFs)

a) PDF AQ-3, PDF AQ-4, PDF AQ-10, PDF AQ-12, PDF AQ-13

In the Draft EIR, the Lead Agency incorporated 25 PDFs related to air quality. Several PDFs (PDF AQ-3, PDF AQ-4, PDF AQ-10, PDF AQ-12, and PDF AQ-13) would require implementation of cleaner on- and off-road construction equipment and operational vehicles, including zero-emission light- and medium-duty trucks, and installation of electric charging infrastructure to further support electric vehicle (EV) usage onsite. However, these PDFs will only be implemented by the Lead Agency when they are "widely available and economically feasible" or "whenever feasible"¹⁷. South Coast AQMD staff recommends that the Lead Agency provide additional information on how "widely available and economically feasible" will be defined and determined in the Final EIR. The recommended information would establish a clear set of standards and criteria for assessing the technological, commercial, and economic availability and feasibility of using both cleaner on- and off-road construction equipment and operational vehicles and installing EV infrastructure, provide public transparency in the Lead Agency's decision-making regarding cleaner on- and off-road construction equipment, operational vehicles, and EV infrastructure, demonstrate a commitment by the Lead Agency to using cleaner on- and off-road construction equipment and operational vehicles and EV infrastructure, ensure implementation when they are available, strengthen the Proposed Project's air quality commitments, and facilitate the purpose and goal of CEQA on public disclosure.

A4.13
cont.

b) PDF AQ-9

PDF AQ-9 requires that applicant/developer/tenant require that all facility-owned and operated fleet equipment with a gross vehicle weight rating greater than 14,000 pounds accessing the site meet or exceed 2010 model year emissions standards. Since the Proposed Project's operators, which are unknown at this time, may not have their own fleet equipment, and to further reduce the Proposed Project's significant and unavoidable NOx emissions during operation, South Coast AQMD staff recommends that the Lead Agency strengthen the PDF as follows to require all trucks accessing the Proposed Project are zero-emissions (ZE) or near-zero emissions (NZE) during operation, or at a minimum meet 2010 model year emission standards, not limited to those trucks that are owned or contracted by warehouse tenants and/or operators. This recommendation is needed to protect public health on nearby sensitive receptors that are located within 11 feet of the Proposed Project. It would also support and facilitate implementation of South Coast AQMD Rule 2305 – Warehouse Indirect Source Rule.

PDF AQ-9: The Project Applicant/Developer/Tenant shall require that all ~~facility-owned and operated fleet~~ equipment with a gross vehicle weight rating greater than 14,000 pound accessing the site be ZE or NZE operation 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). At a minimum, this equipment shall meet or exceed 2010

¹⁶ Draft EIR, Section 5.3 Air Quality, Page 5.3-9.

¹⁷ Draft EIR, Chapter 1 Executive Summary

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model-year emissions equivalent engine standards as currently defined in California Code of Regulations Title 13, Division 3, Chapter 1, Article 4.5, Section 2025. Facility operators which own vehicles subject to Section 2025 shall maintain records on-site demonstrating compliance with this requirement and shall make records available for inspection by the local jurisdiction, air district, and state upon request.

2. Additional Recommended Air Quality PDFs or Mitigation Measures

In the Draft EIR, the Lead Agency found that the Proposed Project would result in significant and unavoidable air quality impacts from VOC and NOx emissions during operation. CEQA requires that the Lead Agency consider mitigation measures to minimize significant adverse impacts (CEQA Guidelines Section 15126.4) and that all feasible mitigation measures that go beyond what is required by law be utilized to minimize or eliminate any significant adverse impacts. South Coast AQMD staff recommends that the Lead Agency consider including the following operational air quality PDFs or mitigation measures in the Final EIR to further reduce the Proposed Project's significant and unavoidable air quality impacts during operation.

Technology is transforming the goods transport and movement sector at a rapid pace. ZE or NZE construction equipment, cargo handling equipment, and trucks are already commercially available and in-use. Therefore, the Lead Agency should use good-faith efforts to identify the available types of ZE or NZE construction and cargo handling equipment and trucks in the Final EIR and require their uses by the opening date for Planning Area A in 2022.

Clean construction and cargo handling equipment and trucks will become increasingly more feasible and commercially available as technology advances. If using ZE or NZE technologies is not feasible today, it could become feasible in a reasonable period of time during the Proposed Project's buildout schedule by 2040 (CEQA Guidelines Section 15364). Therefore, it is recommended that the Lead Agency include considerations of potential cleaner technologies that will become feasible and available during the lifetime of the Proposed Project and develop a process with performance standards to require and/or accelerate the deployment of the lowest emission technologies and the utilization of ZE or NZE construction and cargo handling equipment and heavy-duty trucks (CEQA Guidelines Section 15126.4(a)). The Lead Agency can and should develop the following performance standards or any other comparable standards in the Final EIR.

- Develop a minimum amount of ZE or NZE construction and cargo handling equipment and heavy-duty trucks that the Proposed Project must use each year during construction and operation to ensure adequate progress. Include this requirement in the Proposed Project's Construction Management Plan, business development agreement(s), and contracts with operator(s).
- Establish a contractor(s), tenant(s), or operator(s) selection policy that prefers contractor(s), tenant(s), or operator(s) who can supply and use ZE or NZE construction and cargo handling equipment and heavy-duty trucks during construction and operation. Include this policy in the Request for Proposal, procurement documents, and purchase order(s) for selecting contractor(s), tenant(s), or operator(s).
- Establish a policy to select and use vendors that use ZE or NZE heavy-duty trucks. Include this policy in the vendor contracts and business agreements.

A4.13
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- Establish a purchasing policy to purchase and receive materials from vendors that use ZE or NZE heavy-duty trucks to deliver materials. Include this policy in the procurement documents and purchase orders with vendors.
- Develop a target-focused and performance-based process and timeline to implement the use of ZE heavy-duty trucks during operation that is consistent with the timeline and requirement for warehouse activities under South Coast AQMD Rule 2305.
- Develop a project-specific process and criteria for periodically assessing progress in implementing the use of ZE heavy-duty trucks during operation.

Additional air quality PDFs or mitigation measures to further reduce the Proposed Project's operational air quality impacts from mobile sources and design considerations that the Lead Agency should consider in the Final EIR may include the followings:

- At this time, the Lead Agency has received development applications for three warehouses and one truck trailer parking lot. The Lead Agency analyzed up to 3,235,836 square feet of development and 8,555 truck trip ends daily. Since the Proposed Project will be fully built out by 2040 and additional developments are unknown at this time, the Lead Agency should limit the daily number of trucks allowed at the Proposed Project to levels that were analyzed in the Final EIR (8,555 daily truck trip ends). If higher daily truck volumes are anticipated to visit the site, especially as the Proposed Project is continued to be built out until 2040, the Lead Agency should commit to re-evaluating the increase in daily truck trips from the Proposed Project through CEQA prior to allowing a higher activity level than previously analyzed.
- In the Draft EIR, the Lead Agency explains that the Proposed Project's truck routes will be limited to south of Laurel Avenue, Locust Avenue, Maple Avenue, Jurupa Avenue, and Cedar Avenue¹⁸. These routes were used to model the Proposed Project's air quality concentrations during operation¹⁹. South Coast AQMD staff recommends that the Lead Agency clearly mark truck routes with trailblazer signs to ensure truck travel utilizes the routes analyzed in the Draft EIR and avoids traversing by the existing sensitive receptors (e.g. residents and schools).

A4.13
cont.

3. **Responsible Agency and South Coast AQMD Permits**

If implementation of the Proposed Project requires the use of stationary equipment, including but is not limited to, emergency generator(s) and emergency fire pump(s), permits from South Coast AQMD are required. The Final EIR should include a discussion on stationary equipment that will require South Coast AQMD permits and identify South Coast AQMD as a Responsible Agency for the Proposed Project. Any assumptions used in the Final EIR will be used as the basis for permit conditions and limits for the Proposed Project. The 2015 revised Office of Environmental Health Hazard Assessment (OEHHA) methodology is being used by South Coast AQMD for determining operational health risks for permitting applications and also for all CEQA projects where South Coast AQMD is the Lead Agency. 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>.

¹⁸ Draft EIR. Section 5.9 Hazards and Hazardous Materials. Page 5.9-32.

¹⁹ Draft EIR. Appendix C2 Health Risk Assessment Report. Pages 17 to 19.



South Coast Air Quality Management District

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SENT VIA E-MAIL:

January 19, 2021

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County of San Bernardino, Land Use Services Department

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Notice of Preparation of a Draft Environmental Impact Report for Bloomington Business Park Specific Plan Project (Proposed Project)

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. Our comments are recommendations on the analysis of potential air quality impacts from the Proposed Project that should be included in the Draft Environmental Impact Report (EIR). Please send a copy of the Draft EIR upon its completion and public release directly to South Coast AQMD as copies of the Draft EIR submitted to the State Clearinghouse are not forwarded. **In addition, please send all appendices and technical documents related to the air quality, health risk, and greenhouse gas analyses and electronic versions of all emission calculation spreadsheets, and air quality modeling and health risk assessment input and output files (not PDF files). Any delays in providing all supporting documentation for our review will require additional review time beyond the end of the comment period.**

A4.13
cont.

CEQA Air Quality Analysis

Staff recommends that the Lead Agency use South Coast AQMD's CEQA Air Quality Handbook and website¹ as guidance when preparing the air quality and greenhouse gas analyses. It is also recommended that the Lead Agency use the CalEEMod² land use emissions software, which can estimate pollutant emissions from typical land use development and is the only software model maintained by the California Air Pollution Control Officers Association.

South Coast AQMD has developed both regional and localized significance thresholds. South Coast AQMD staff recommends that the Lead Agency quantify criteria pollutant emissions and compare the emissions to South Coast AQMD's CEQA regional pollutant emissions significance thresholds³ and localized significance thresholds (LSTs)⁴ to determine the Proposed Project's air quality impacts. The localized analysis can be conducted by either using the LST screening tables or performing dispersion modeling.

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the Proposed Project and all air pollutant sources related to the Proposed Project. Air quality impacts from both construction (including demolition, if any) and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road

¹ South Coast AQMD's CEQA Handbook and other resources for preparing air quality analyses can be found at:

<http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook>

² CalEEMod is available free of charge at: www.caleemod.com

³ South Coast AQMD's CEQA regional pollutant emissions significance thresholds can be found at:

<http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>

⁴ South Coast AQMD's guidance for performing a localized air quality analysis can be found at:

<http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>

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mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips, and hauling trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers and air pollution control devices), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, such as sources that generate or attract vehicular trips, should be included in the analysis. Furthermore, emissions from the overlapping construction and operational activities should be combined and compared to South Coast AQMD's regional air quality CEQA *operational* thresholds to determine the level of significance.

If the Proposed Project generates diesel emissions from long-term construction or attracts diesel-fueled vehicular trips, especially heavy-duty diesel-fueled vehicles, it is recommended that the Lead Agency perform a mobile source health risk assessment⁵.

In the event that implementation of the Proposed Project requires a permit from South Coast AQMD, South Coast AQMD should be identified as a Responsible Agency for the Proposed Project in the Draft EIR. The assumptions in the air quality analysis in the Final EIR will be the basis for evaluating the permit under CEQA and imposing permit conditions and limits. Questions on permits should be directed to South Coast AQMD's Engineering and Permitting staff at (909) 396-3385.

A4.13
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The California Air Resources Board's (CARB) *Air Quality and Land Use Handbook: A Community Health Perspective*⁶ is a general 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 advisory⁷.

South Coast AQMD staff is concerned about potential public health impacts of siting warehouses within close proximity of sensitive land uses, especially in communities that are already heavily affected by the existing warehouse and truck activities. The South Coast AQMD's Multiple Air Toxics Exposure Study (MATES IV), completed in May 2015, concluded that the largest contributor to cancer risk from air pollution is diesel particulate matter (DPM) emissions⁸. According to the MATES IV Carcinogenic Risk interactive Map, the area surrounding the Proposed Project has an estimated cancer risk over 880 in one million⁹. Operation of warehouses generates and attracts heavy-duty diesel-fueled trucks that emit DPM. When the health impacts from the Proposed Project are added to those existing impacts, residents living in the communities surrounding the Proposed Project will possibly face an even greater exposure to air pollution and bear a disproportionate burden of increasing health risks.

Mitigation Measures

In the event that the Proposed Project results in significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized to minimize these impacts. Any impacts resulting from mitigation measures must also be analyzed. Several resources to assist the Lead Agency with identifying potential mitigation measures for the Proposed Project include South Coast AQMD's CEQA Air Quality Handbook¹, South Coast AQMD's Mitigation Monitoring and

⁵ South Coast AQMD's guidance for performing a mobile source health risk assessment can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>.

⁶ CARB's *Air Quality and Land Use Handbook: A Community Health Perspective* can be found at: <http://www.arb.ca.gov/ch/handbook.pdf>.

⁷ CARB's technical advisory can be found at: <https://www.arb.ca.gov/ch/landuse.htm>.

⁸ South Coast AQMD, May 2015, *Multiple Air Toxics Exposure Study in the South Coast Air Basin*. Available at: <http://www.aqmd.gov/docs/default-source/air-quality/air-toxic-studies/mates-iv/mates-iv-final-draft-report-4-1-15.pdf>.

⁹ South Coast AQMD, MATES IV Estimated Risk. Accessed at: <https://scaqmd-online.maps.arcgis.com/apps/webappviewer/index.html?id=470c30be0daf4ef6a43f0082973ff45f>.

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Reporting Plan for the 2016 Air Quality Management Plan¹⁰, and Southern California Association of Government's Mitigation Monitoring and Reporting Plan for the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy¹¹.

Mitigation measures for operational air quality impacts from mobile sources that the Lead Agency should consider in the Draft 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 Rule¹² and the Heavy-Duty Low NOx Omnibus Regulation¹³, ZE and NZE trucks will become increasingly more available to use. The Lead Agency should require a phase-in schedule to incentive the use of 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 2010 model year¹⁴ that meet 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. 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, where appropriate. 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.

A4.13
cont.

¹⁰ South Coast AQMD's 2016 Air Quality Management Plan can be found at: <http://www.aqmd.gov/decs/default-source/Agendas/Governing-Board/2017/2017-mar3-035.pdf> (starting on page 86).

¹¹ Southern California Association of Governments' 2020-2045 RTP/SCS can be found at: https://www.connectsocial.org/Documents/PEIR/certified/Exhibit-A_ConnectSoCal_PEIR.pdf.

¹² CARB, June 25, 2020, *Advanced Clean Trucks Rule*. Accessed at: <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-trucks>.

¹³ 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/bhp-hr starting with engine model year 2024. Accessed at: <https://ww2.arb.ca.gov/rulemaking/2020/hdomnibuslownox>.

¹⁴ 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>.

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

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

Design considerations for the Proposed Project that the Lead Agency should consider to further reduce air quality and health risk impacts include the following:

- Clearly mark truck routes with trailblazer signs, so that trucks will not travel next to or near sensitive land uses (e.g., residences, schools, day care 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 there are no trucks 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.

A4.13
cont.

South Coast AQMD staff is available to work with the Lead Agency to ensure that air quality, greenhouse gas, and health risk impacts from the Proposed Project are accurately evaluated and mitigated where feasible. If you have any questions regarding this letter, please contact me at lsun@aqmd.gov.

Sincerely,

Lijin Sun

Lijin Sun, J.D.
Program Supervisor, CEQA IGR
Planning, Rule Development & Area Sources

LS
SBC210105-05
Control Number

Attachments, Page 17

Response to Comment Letter A4: South Coast Air Quality Management District (SCAQMD) (27 pages)

Comment A4.1: This comment provides an introduction to the comment letter and states that the South Coast Air Quality Management District (SCAQMD) is appreciative of their opportunity to comment.

Response to Comment A4.1: This comment is introductory in nature and does not raise a specific issue with the adequacy of the Recirculated Draft EIR. Because the comment does not express any specific concern or question regarding the adequacy of the Recirculated Draft EIR, no further response is required or provided.

Comment A4.2: This comment provides a summary of the Project description and the planning process for the Project, including the September 2024 Ruling to recirculate the EIR. The comment states that the County prepared a Recirculated Draft EIR, which retains the Project description and development footprint from the Original Draft EIR.

Response to Comment A4.2: This comment is introductory in nature and does not raise a specific issue with the adequacy of the Recirculated Draft EIR. Because the comment does not express any specific concern or question regarding the adequacy of the Recirculated Draft EIR, no further response is required or provided.

Comment A4.3: This comment states that SCAQMD previously wrote two comment letters regarding the Original Draft EIR, one on the NOP dated January 19, 2021 and the other on the Draft EIR dated December 15, 2021. The comment states that the SCAQMD also submitted a comment letter dated December 12, 2024 on the NOP for the Recirculated Draft EIR. The comment states that the letters are attached, but SCAQMD staff found that the 2021 NOP comment letter and Original Draft EIR comment letter were not incorporated into the Final EIR. The comment states that SCAQMD is resubmitting both letters and is awaiting the Lead Agency's responses to these previous comments.

Response to Comment A4.3: The County appreciates SCAQMD's review of the Bloomington Business Park Specific Plan Recirculated Draft EIR. Regarding the January 2021 NOP comment letter, this letter is summarized in Table 2-2, *Summary of NOP Comment Letters*, on page 2-3 of the Original Draft EIR. The Original Draft EIR is included as Volume II to the Recirculated Draft EIR. Regarding the 2021 Draft EIR comment letter, this letter and the comments contained within, were thoroughly responded to as Response A1 within the Original Final EIR. The Original Final EIR was included as Volume III to the Recirculated Draft EIR. Therefore, all comments provided by SCAQMD have been adequately responded to, in compliance with CEQA.

Comment A4.4: The comment states that SCAQMD staff also submitted a request to obtain the unlocked modeling and emission calculation files used to quantify the air quality impacts contained in the Recirculated Draft EIR, but has yet to receive these files. The comment states that SCAQMD staff was unable to verify the calculations upon which the Recirculated Draft EIR is based and that the following comments reflect the lack of complete information necessary to conduct a more thorough review.

Response to Comment A4.4: In response to this comment, County staff provided SCAQMD with all pertinent modeling data on January 21, 2026 so that SCAQMD staff could verify the new analysis contained within the Recirculated Draft EIR. As discussed in Section 5.3, *Air Quality*, of the Recirculated Draft EIR, none of the analysis for regional or localized emissions or health risk impacts changed from the analysis contained in the Original Final EIR, which was provided to SCAQMD for review prior to the 2022 EIR certification. Given that the only additional modeling included was the Friant Ranch Analysis, SCAQMD has already reviewed and verified the majority of the Project's modeling data.

Comment A4.5: This comment states that SCAQMD recommends conducting a quantitative analysis of human health consequences. The comment states that a qualitative analysis was prepared for a comparative health impact analysis in response to the court's direction to conduct a human health consequences analysis. The comment states that the February 2023 Friant Ranch Community Plan Update and Friant Ranch Specific Plan

contained a detailed quantitative analysis of human health consequences, which is evidence that this type of calculation can be performed. The comment states that the County is recommended to review this analysis, perform a quantitative analysis specific to the Project, and revise the Recirculated Draft EIR.

Response to Comment A4.5: The comment does not show that CEQA requires a new quantitative “Friant style” health impact model for this particular Project, nor that the absence of such a calculation renders the Recirculated Draft EIR’s human health discussion inadequate. Under *Sierra Club v. County of Fresno* (Friant Ranch), an EIR must make a reasonable effort to relate significant air pollutant emissions to likely health consequences or explain, with substantial evidence, why a more detailed quantitative correlation is not feasible or would be misleading. The decision does not mandate any specific model or require that every project adopt the same level of quantification used in other planning level documents. Here, the Recirculated Draft EIR already satisfies Friant Ranch by (1) quantifying project emissions using agency accepted methods, (2) conducting dispersion and health risk assessments consistent with OEHHA and air district guidance, and (3) summarizing peer reviewed literature and regional health effects evidence to explain how the identified air quality impacts relate to potential human health outcomes.

Moreover, the Friant Ranch–style analysis provided within Recirculated Draft EIR Appendix B is accurate, conservative, and adequate under CEQA for describing how the Project’s air emissions relate to potential human health consequences. Appendix B uses methods consistent with Friant Ranch by: (1) quantifying project related criteria and toxic emissions using agency accepted modeling; (2) applying a regional scale screening tool (COBRA) in the manner intended by EPA to translate those emissions into changes in ambient pollutant levels and health outcomes over the South Coast Air Basin; and (3) comparing the Project’s incremental regional health effects to existing background conditions and to other large projects that have undergone detailed health impact review. Appendix B clearly discloses model assumptions and limitations, explains that the results represent conservative screening level estimates rather than site specific epidemiological predictions, and shows that the Project’s incremental contribution to regional health outcomes is small relative to existing basin wide burdens. This level of analysis reasonably “bridges the gap” between quantified emissions and health effects required by Friant Ranch and provides substantial evidence that additional, more complex quantitative health consequence modeling would not materially change the EIR’s conclusions.

This approach is consistent with expert guidance from SCAQMD, SJVAPCD, SMAQMD, and the City of Los Angeles, which explains that Friant Ranch does not require a project-specific, fine-scale quantitative model of health outcomes where no reliable, non-speculative methodology exists, but instead allows an explanation, supported by substantial evidence, of why only regional or comparative analyses are feasible.⁶

The City of Los Angeles guidance, prepared with a technical advisory panel and appending the very SCAQMD and SJVAPCD amicus briefs cited by the Supreme Court, concludes that for typical development projects, there is “no quantitative method to reliably and meaningfully translate mass emission estimates of criteria air pollutants to specific health effects for the scale of projects typically analyzed” and that regional models such as CAMx/CMAQ and BenMAP are not accurate at project scale because the incremental change in concentrations is within the models’ margins of error (City of Los Angeles Air Quality & Health Effects pp.10–12, 31–36). The City of Los Angeles Guidance explains that, in response to Friant Ranch, lead agencies may satisfy CEQA by (1) relating emissions to health qualitatively and with regional comparisons, and (2) explaining why more refined project-level quantification is infeasible. Recirculated Draft EIR Appendix B follows this framework.

⁶ City of Los Angeles. Air Quality and Health Effects: *Sierra Club v. County of Fresno*. October 2019. Accessed from: https://planning.lacity.gov/odocument/e1a00fbf-6134-4fa9-b6fd-54eee631effb/City_of_LA_-_Air_Quality_and_Health_Effects_and_Attachments.pdf

The City of Los Angeles Guidance, including both the SCAQMD and SJVAPCD Friant Ranch amicus briefs, emphasizes that (a) criteria-pollutant health impacts are evaluated on a regional basis, (b) existing tools cannot reliably tie an individual project's NO_x/VOC/PM emissions to localized health outcomes, and (c) requiring such an analysis would be speculative and inconsistent with CEQA (City of Los Angeles Air Quality & Health Effects Attachments: SCAQMD Brief pp.3–4, 9–10; SJVAPCD Brief pp.4–10). These documents specifically caution against fine-scale, site-specific criteria-pollutant health-risk modeling and support the use of regional models and comparative projects to demonstrate that incremental health effects are negligible at the basin scale.

Accordingly, the Recirculated Draft EIR's reliance on Appendix B's Friant style analysis is technically sound and CEQA compliant, and the commenter has not provided substantial evidence that the methods or results in Appendix B are inaccurate, unreliable, or legally inadequate. Response to Comment A5 provides further detail on appropriateness of different models in conducting the analysis.

This comment does not otherwise provide any substantial evidence of significant environmental impacts that have not already been disclosed in the Recirculated Draft EIR or that the Recirculated Draft EIR's air quality analysis is inadequate.

Comment A4.6: This comment states that the County is recommended to evaluate the applicability of the statewide clean-fleet and clean-construction programs under development by CARB and that taking advantage of these programs would provide opportunities to minimize the significant effects of the Project. The comment provides a summary of CARB's California Clean Construction Program, Clean Fleet Connect program, and Advanced Clean Fleet program. The comment states that the Recirculated Draft EIR does not fully examine the feasibility of these emerging statewide programs as mitigation. The comment states that these programs provide substantial evidence that cleaner-than-baseline technologies are commercially emerging and will become increasingly feasible during the Project's multi-year buildout. The comment states that these programs could directly reduce the precursor emissions tied to potentially adverse health outcomes.

The comment states that the County is recommended to revise the Recirculated Draft EIR to incorporate measures such as:

- Requiring the use of cleaner than Tier 4 Final or zero-emission (ZE) off-road equipment when commercially available;
- Implementing phased integration of ZE on-road trucks consistent with CARB's Advanced Clean Fleet implementation schedule or Clean Fleet Connect guidance;
- Establishing contract specifications that require subcontractors to utilize clean construction equipment meeting CARB-recognized standards; and
- Requiring annual reporting or verification to ensure compliance.

The comment states that these commitments would reduce NO_x, VOC, and DPM emissions as well as align the Project with CARB's long-term clean-fleet transition strategy and California's climate mandates.

Response to Comment A4.6: No additional "clean fleet/clean construction" measures of the type suggested are required for CEQA compliance. The Recirculated Draft EIR air quality analysis contained within Section 5.3, *Air Quality*, already incorporates stringent construction and operational source controls that go well beyond applicable regulatory requirements, including mandatory Tier 4 off road equipment, restrictions on daily equipment hours, model year and emissions standard requirements for on road construction trucks, and a broad suite of transportation and energy related operational measures (MM AQ-1 through MM AQ-24). The County appreciates SCAQMD's determination that these commitments would reduce NO_x, VOC, and DPM emissions. The measures implemented directly address the same emission sources (construction equipment, on road trucks, and facility fleets) targeted by CARB's emerging clean construction and clean fleet programs and are tailored to the Project's phasing, tenant structure, and site constraints.

CEQA requires mitigation that is feasible in light of technological, regulatory, and economic considerations; it does not obligate the County to impose every policy level initiative still under development at CARB, nor to mandate full ZE construction and truck fleets before those technologies are commercially available and practically deployable for this type of warehouse project. As documented in the Recirculated Draft EIR and Recirculated Draft EIR Appendix B, the current heavy duty ZE truck market remains extremely limited in population, range capability, and supporting charging/hydrogen infrastructure, and grid capacity constraints further limit the near-term feasibility of large-scale electrification of regional truck fleets (Recirculated Draft EIR Appendix B p. 12–15). The Project’s mitigation therefore uses a phased, performance-based approach. It requires provision of truck and light /medium duty electric vehicle (EV) charging infrastructure, mandates transition to zero emission light, medium and heavy-duty trucks once such vehicles are “widely commercially available” under specified cost and performance based criteria and requires lease provisions and recordkeeping to ensure enforceability.

For construction, the Recirculated Draft EIR already requires Tier 4 off road fleets, hours of use limits, and other best available measures that achieve substantial reductions in NO_x and DPM and reduce peak construction emissions below SCAQMD’s regional and localized thresholds after mitigation. Therefore, no additional mitigation would be required under CEQA as emissions would be below SCAQMD thresholds with incorporation of Tier 4 equipment. The commenter does not provide substantial evidence that requiring “cleaner than Tier 4 Final” or ZE off road fleets on a fixed schedule is presently feasible for the regional construction market serving Bloomington, or that such a mandate would be consistent with market availability, contractor bidding practices, or CARB’s own implementation timelines. Likewise, for operations, the Recirculated Draft EIR acknowledges that long term NO_x and VOC emissions from truck traffic and consumer products remain significant and unavoidable even after aggressive emissions reductions measures, principally because the County cannot directly regulate third party carrier tailpipe standards or consumer product formulation, which are controlled at the state and federal levels.

The Recirculated Draft EIR also incorporates a Friant- compliant health effects analysis at Recirculated Draft EIR Appendix B, which uses regional scale screening tools (including COBRA) and comparative modeling from Friant Ranch and CSU Dominguez Hills to demonstrate that the Project’s incremental contribution to basin wide health outcomes is expected to be negligible relative to background conditions. By substantially reducing construction emissions below regional thresholds and imposing robust operational emissions reductions measures—including on site solar sufficient to meet building loads and EV infrastructure for trucks and passenger vehicles—the Project already captures the core health protective and climate co-benefits highlighted in the comment, without committing to infeasible “across the board” ZE fleet mandates.

Accordingly, the County concludes that: (1) the Recirculated Draft EIR adequately considers and incorporates clean construction and clean fleet concepts consistent with CEQA Guidelines Section 15126.4; (2) additional prescriptive requirements mirroring CARB’s developing voluntary or statewide programs (such as mandatory cleaner than Tier 4 off road fleets and fixed ZE truck percentages) are not presently feasible or required as CEQA mitigation for this Project; and (3) with the existing suite of mitigation and design features, the EIR provides a legally adequate disclosure of significant and unavoidable regional criteria pollutant impacts, implements all feasible mitigation, and meaningfully connects those emissions to human health outcomes in compliance with *Sierra Club v. County of Fresno* (Friant Ranch). Therefore, no further revisions to the Recirculated Draft EIR are required in response to this comment.

This comment does not provide any substantial evidence of significant environmental impacts that have not already been disclosed in the Recirculated Draft EIR or that the Recirculated Draft EIR’s air quality analysis is inadequate.

Comment A4.7: This comment states that given Project buildout will extend to 2040, Tier 4 Final engines may no longer be the cleanest available construction technology when later phases of the Project are built. The comment states that implementation of the off-road Tier 5 standard is anticipated to begin as early as

2027 or 2028 and CARB is required to develop and propose a full transition to ZE technology by 2035. The comment states that mitigation measures that rely solely on Tier 4 Final engines may be outdated by the time construction occurs. The comment states that limiting mitigation to a fixed technology level fails to account for foreseeable improvements in equipment availability, contradicts CARB's statewide transition strategy, and does not represent the "maximum feasible" reduction required by CEQA and the County is recommended to strengthen the mitigation by requiring the use of the cleanest commercially available equipment. The comment states that mitigation should also include provisions that prohibit older diesel engines, require the use of advanced exhaust after-treatment systems, and mandate verification.

The comment states that the Recirculated Draft EIR should also evaluate construction phasing scenarios using updated assumptions about equipment availability and, without such analysis, the Recirculated Draft EIR may underestimate the feasibility and benefits of ZE construction technologies.

Response to Comment A4.7: Regarding use of cleanest available equipment, CEQA does not require additional "tier up" or ZE construction mandates beyond the Tier 4 Final-based mitigation already incorporated in the Recirculated Draft EIR. CEQA also does not require that the construction analysis must be rerun every time CARB updates its long-term technology roadmaps. The Recirculated Draft EIR construction analysis models peak emissions using current SCAQMD recommended methods and shows that, with Mitigation Measures AQ-1 and AQ-2 (super compliant low VOC paints and Tier 4 Final off road equipment ≥ 50 horsepower), NO_x and PM emissions are reduced below SCAQMD's regional and localized thresholds for all construction scenarios, and the Construction HRA demonstrates that construction related DPM cancer and non-cancer risks at nearby residences, workers, and schools remain well below OEHHA/SCAQMD significance levels (RDEIR p. 5.3 38–5.3 39, p. 5.3 51–5.3 54, p. 5.3 56–5.3 57).

CEQA requires adoption of all feasible mitigation, but it does not obligate the County to speculate today about the exact timing, cost, and availability of future "Tier 5" or fully zero emission construction fleets over a multi-decade buildout, nor to bind future phases to technology that may not yet be commercially deployable for the relevant equipment types. As explained in the Original Final EIR responses to SCAQMD, there is currently no substantial evidence that broad fleets of zero emission or beyond Tier 4 off road construction equipment are commercially available or can be reasonably required for all contractors serving the Project, and CEQA does not require the County to impose speculative quotas or open ended "cleanest available at the time" standards that lack clear enforceability and could render bidding and scheduling impracticable. Instead, the Recirculated Draft EIR uses a conservative, worst case emission scenario based on Tier 4 Final equipment and then layers additional enforceable measures—idling limits, fleet recordkeeping, and haul truck model year requirements (MM AQ-3, AQ-5–AQ-8)—to ensure that localized NO_x and PM levels remain below SCAQMD LSTs for all phases.

The commenter's request to "rerun" the construction modeling with evolving CARB schedules would not change the significance conclusions and is not required for a good faith, reasoned CEQA analysis. The Recirculated Draft EIR already evaluates full Specific Plan buildout using conservative equipment and activity assumptions and demonstrates that, with adopted mitigation, construction emissions do not exceed SCAQMD regional or localized thresholds, and construction related diesel health risks remain less than significant for all receptor types. To the extent CARB subsequently tightens engine standards or accelerates the market for zero emission construction equipment over the coming decades, those regulatory changes will further reduce actual future construction emissions relative to the conservative scenario analyzed in the EIR; however, CEQA does not require the County to continually update modeling to reflect each incremental regulatory improvement when the existing, mitigated analysis already shows impacts below thresholds.

For these reasons, the County concludes that the Recirculated Draft EIR's Tier 4 Final-based construction mitigation, combined with existing CARB and SCAQMD regulations and health risk safeguards, already achieves the maximum feasible reduction in construction NO_x and PM emissions, and that no additional "cleanest available equipment" mandates or remodeling are required under CEQA.

Comment A4.8: This comment states that the Recirculated Draft EIR concludes that operational air quality impacts will be significant and unavoidable and includes a range of operational mitigation measures (Mitigation Measures AQ-10 through AQ-24). The comment states that the measures rely heavily on nonbinding language and lack the enforceable commitments necessary to reduce emissions to the maximum extent feasible. The comment states that given the Project's proximity to homes, the Recirculated Draft EIR should incorporate more robust and enforceable mitigation measures to minimize long term exposure to DPM, NO_x, and associated health risks. The comment states that the County is recommended to:

- Require ZE or near-zero Emission (NZE) trucks rather than merely encouraging ZE/NZE trucks for heavy-duty and medium-duty vehicles, when this equipment becomes commercially available. Measures such as MM AQ-19 and MM AQ-20 could include enforceable compliance mechanisms, such as contractual fleet requirements, annual reporting, tenant lease obligations, and enforcement provisions for noncompliance;
- Incorporate phased replacement schedules for older more emitting trucks to newer and cleaner equipment which is tied to CARB's ACF regulatory deadlines to ensure operational emissions decrease as the Proposed Project builds out through 2040;
- Limit truck exposure to sensitive receptors by incorporating design measures to reduce health risks, including clearly marked truck routes to avoid residential areas, locating truck entrances and exits away from sensitive land uses, placing truck check-in and parking areas inside the Proposed Project's site, and restricting overnight truck parking near sensitive receptors;
- Require infrastructure for electric or alternative-fuel trucks, electric yard equipment, and solar energy arrays. Charging infrastructure should be sized to support future ZE truck adoption consistent with ACF requirements, rather than minimum near-term capacity. Yard hostlers, forklifts, and cargo-handling equipment should transition to ZE where commercially available;
- Limit the daily number of actual trucks visiting the Proposed Project to levels analyzed in the Recirculated DEIR. The mitigation should include an enforceable monitoring mechanism to verify that truck activity remains within analyzed limits; and
- Encourage participation in incentive programs, such as the Carl Moyer Program or WAIRE Points under South Coast AQMD Rule 2305, to further reduce NO_x and PM emissions.

The comment states that strengthening mitigation measures, ensuring enforceability, and incorporating design-based protections will reduce long-term exposure to diesel emissions from the Project.

Response to Comment A4.8: The commenter correctly describes that operational NO_x and VOC impacts would be significant and unavoidable. As discussed on page 5.3-41 of the Recirculated Draft EIR, the majority of the Project's NO_x emissions are derived from vehicle usage. Since neither the Project Applicant nor the County have regulatory authority to control tailpipe emissions and these emissions are dependent on state and federal regulations, as well as private sector technological advancements, as further discussed in Response A3.6, no additional feasible mitigation measures exist beyond Mitigation Measures AQ-10 through AQ-24 to reduce this impact to a less than significant level. Regarding recommended mitigation measures or suggested changes to mitigation measures:

- Mitigation Measures AQ-19 and AQ-20 require (not merely encourage, as indicated in the comment) the use of zero emission trucks once they are widely commercially available. Each measure requires that "prior to the issuance of final Certificate of Occupancy for the first building tenant for each building within the Project, documentation shall be provided to the County of San Bernardino that lease agreements for such building require that all of the tenant's" trucks are ZE when such vehicles are widely commercially available. Therefore, the mitigation measures include binding language and enforceable commitments.
- Regarding phased replacement schedules for older trucks, the commenter is referred to the discussion within Recirculated Draft EIR pages 5.3-41 through 5.3-43. As the types of technological advancements

and the associated timeframes for commercial availability for zero emission and near zero emission trucks are not known with any certainty and are highly speculative, it would be infeasible to implement a phase in schedule for cleaner operating trucks as the date for feasibility of using said trucks is also unknown.

- Regarding design measures to reduce health risks, Mitigation Measure AQ-17 requires that signs are posted at every truck exit providing directional information to the truck route. Furthermore, Project loading docks would be oriented away from sensitive receptors where possible and truck check-in/parking areas would be located inside of each Project site. Further, as discussed on page 35 of the Specific Plan, where industrial and business park uses adjoin a residential use, a minimum twelve-foot-high solid screen wall shall be located on the common property line, except in a required public right-of-way street setback where the screen wall shall be located behind the landscaped setback area. Additionally, where truck parking, loading areas, and/or truck maneuvering areas abut a public right-of-way, a twelve-foot-high solid screen wall shall be located behind the landscaped setback area unless a greater height is required per a site-specific noise study. These development standards would also apply to developments adjacent to schools, such as the proposed Site 1 development.
- Regarding infrastructure for electric trucks, Mitigation Measure AQ-24 requires the construction of conduit to support future installation of electric truck charging infrastructure at a ratio of one charging station for every 10 truck parking stations for heavy-duty trucks and one charging station for every five light-duty truck parking spaces. Regarding ZE yard hostlers, forklifts, and cargo-handling equipment, Mitigation Measure AQ-13 requires that Project plans and specifications for all of the industrial buildings include infrastructure to support use of electric-powered forklifts and/or other interior vehicles. Further, the requirement for ZE equipment shall be incorporated into all facility lease agreements.
- Regarding limiting the daily number of actual trucks to levels analyzed in the Recirculated Draft EIR, a condition of approval restricting the number of truck trips to those identified in the Draft EIR is not practical or feasible. There are no mechanisms in place beyond that required for SCAQMD Rule 2305 for documenting, tracking and monitoring the number of truck trips that access any site. CEQA requires that an EIR evaluate the Project based on reasonable assumptions and foreseeable actions. The trip generation estimates for the proposed Project were based on trip generation rates from the Fontana Truck Trip Generation Study the TUMF High-Cube Warehouse Trip Generation Study. The comment does not present any evidence that truck trips associated with the Project would be greater than disclosed in the Original Draft EIR. There is no substantial evidence presented by this comment or by any of the information in the Project's administrative record that contradicts the reasonable assumptions made in the Original Draft EIR about the expected number of truck trips. Introducing a cap on the number of trucks that can access the proposed buildings is not required under CEQA, nor would it be reasonable or feasible for the County to monitor and enforce such a requirement. In addition, restricting truck trips to the number analyzed within the Draft EIR is not required by CEQA. Overall, implementation of this condition is not necessary or feasible and the condition itself is not enforceable.
- Regarding encouraging participation in programs such as the Carl Moyer Program or the WAIRE program under SCAQMD Rule 2305, Mitigation Measure AQ-22 requires that lease agreements encourage tenants to enroll in the USEPA's SmartWay program. Further, owners and operators of warehouses greater than or equal to 100,000 square feet are required by SCAQMD Rule 2305 to enroll in the Warehouse Points Compliance Obligation. Future occupants would be processed through SCAQMD's permitting system. Thus, SCAQMD would ensure through their permitting process that future tenants and owners would comply with this measure.

Comment A4.9: This comment states that the Recirculated Draft EIR states that the proposed buildings are not designed to accommodate any warehouse cold storage or refrigerated uses; however, this statement is not supported by any enforceable commitments, Specific Plan requirements, or conditions of approval. The comment states that without enforceable project-level restrictions, future approvals could be processed through addenda, minor use permits, or mitigated negative declarations allowing TRUs to access the site.

The comment states that TRU activity could be introduced incrementally without conducting the necessary EIR-level analysis of diesel emissions, localized health risks, and carcinogenic impacts. The comment suggests that the County is recommended to include an explicit prohibition on TRU use within the Specific Plan text and conditions of approval, require all future tenant leases, site plans, and tenant improvement approvals to include binding language prohibiting operation of TRUs, identify TRU-related infrastructure as prohibited, and require full CEQA reevaluation before approving any future tenant or site plan that proposed TRU operations.

Response to Comment A4.9: As shown in Table 3-2 of the Recirculated Draft EIR, the Specific Plan prohibits cold storage/refrigerated uses. Therefore, there would be no reasonably foreseeable situation where TRUs would access the Project site, as TRUs are intended to transport frozen and/or refrigerated goods to or from refrigerated warehouses. As such, there is no nexus for conditioning or mitigating the Project to prohibit TRUs from accessing the Project site or for requiring electrical hookups at loading docks and trailer parking spaces. Should the County or Applicant desire refrigerated uses and TRU usage in the future, an amendment to the Bloomington Business Park Specific Plan would be required to permit or conditionally permit cold storage/refrigerated uses, which would trigger the need for additional CEQA analysis. Furthermore, as required by 13 California Code of Regulations 2477.5(b), 100 percent of TRU fleets must be ZE by December 31, 2029. As such, TRUs will progressively become less polluting as fleets transition to ZE technology in compliance with the TRU Airborne Toxic Control Measure (ACTM) regulations.

Comment A4.10: This comment discusses the applicability of SCAQMD Rule 2305 to the proposed Project and summarizes the requirements of Rule 2305 Warehouse Indirect Source Rule WAIRE Program. The comment states that the Recirculated Draft EIR acknowledges the applicability of Rule 2305 to the proposed Project but does not evaluate whether early infrastructure commitments or WAIRE-compatible design features could serve as feasible mitigation under CEQA. The comment states that Project requirements, design features, and CEQA mitigation measures can be identified and implemented to help future warehouse operators meet their compliance obligations.

Response to Comment A4.10: Under SCAQMD Rule 2305, warehouse operators are required to earn a certain number of points for actions and investments in clean technologies annually depending on the number of trucks visiting the facility. Regarding implementation of early infrastructure commitments and WAIRE-compatible design features, the Project would implement Mitigation Measure AQ-13, which requires the use of electric-powered yard hostlers and forklifts, which would garner WAIRE points for “use ZE Yard Truck”. In addition, once widely commercially available, the Project would implement Mitigation Measure AQ-19, requiring use of ZE heavy-duty trucks, and Mitigation Measure AQ-20, requiring use of ZE light- or medium-duty trucks, which would garner WAIRE points under “acquire ZE/NZE trucks” and/or “visit from ZE/NZE trucks”. In addition, the Project would implement Mitigation Measure AQ-23 requiring installation of solar panels or purchase of energy generated by renewable resources to power 100 percent of the expected building load for each building, which would garner WAIRE points under “install onsite solar panel system” and “use onsite solar panel system”. Finally, the Project would implement Mitigation Measure AQ-12 requiring installation of employee charging stations and Mitigation Measure AQ-24 requiring installation of truck charging station conduit, which would garner WAIRE points under menu item “ZE Charging or Fueling Infrastructure”. Therefore, the Project would incorporate multiple mitigation measures that would assist future warehouse owners and tenants in meeting the requirements under SCAQMD Rule 2305. Notably, compliance with existing law or regulation would not result in any additional mitigation. Future occupants would be processed through SCAQMD’s permitting system. Thus, SCAQMD would ensure through their permitting process that future tenants and owners would comply with Rule 2305.

Comment A4.11: The comment states that if the proposed Project will require the use of stationary equipment such as emergency generator(s) and fire pump(s), permit(s) from SCAQMD will be required. The comment states that if permits are required, SCAQMD will be a Responsible Agency of the Project. The

comment states that as a Responsible Agency, SCAQMD is obligated to ensure that the CEQA document prepared for the Project contains a sufficient project description and analysis. The comment states that the Final EIR should include a discussion about any new stationary and portable equipment requiring SCAQMD air permits and identify SCAQMD as a Responsible Agency.

Response to Comment A4.11: Draft EIR Table 3-8, *Project Approvals/Permits*, lists the SCAQMD as a Responsible Agency with potential subsequent approvals including air quality permits for installation and operation of backup generators and fire pumps, if such equipment is required. However, as required by Mitigation Measure AQ-21, all stand-by emergency generators shall be powered by non-diesel fuel, if technologically feasible.

Comment A4.12: This comment requests that SCAQMD is provided with written responses to all comments contained in the letter, including the referenced comment letters attached, at least 10 days prior to certification of the Final EIR. 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, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice (CEQA Guidelines Section 15088).

Response to Comment A4.12: The County will comply with the requirements imposed by Public Resources Code Section 21092.5 and CEQA Guidelines Section 15088(b), which require a Lead Agency to provide a written response to a public agency on comments made on environmental issues by that public agency at least ten days prior to certifying an EIR. The comment does not otherwise express any specific concern or question regarding the adequacy of the Recirculated EIR.

Comment A4.13: This comment includes the letter from SCAQMD dated December 12, 2024 on the Notice of Preparation of the Recirculated Draft EIR. This comment includes the letter from SCAQMD dated December 15, 2021 on the Original Draft EIR. In addition, the comment includes the letter from SCAQMD dated January 19, 2021 on the Notice of Preparation for the Original Draft EIR.

Response to Comment A4.13: The letter dated December 12, 2024 was summarized in Table 2-1, *Summary of NOP Comment Letters*, on page 2-6 of the Recirculated Draft EIR. In addition, the letter is included in Appendix A to the Recirculated Draft EIR. Regarding the January 2021 NOP comment letter, this letter is summarized in Table 2-2, *Summary of NOP Comment Letters*, on page 2-3 of the Original Draft EIR. The Original Draft EIR is included as Volume II to the Recirculated Draft EIR. Regarding the 2021 Draft EIR comment letter, this letter and the comments contained within, were thoroughly responded to as Response A1 within the Original Final EIR. The Original Final EIR was included as Volume III to the Recirculated Draft EIR. Therefore, all comments provided by SCAQMD have been adequately responded to, in compliance with CEQA Guidelines.

Comment Letter A5: South Coast Air Quality Management District (SCAQMD), March 4, 2026

South Coast Air Quality Management District

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SENT VIA E-MAIL:

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March 4, 2026

Supplemental Technical Comments on Recirculated Draft Environmental Impact Report (Recirculated DEIR) for Bloomington Business Park Specific Plan Project (Proposed Project) (SCH No: 2020120545)

South Coast Air Quality Management District (South Coast AQMD) staff appreciate the opportunity to review the above-mentioned document. South Coast AQMD is the regulatory agency responsible for controlling emissions primarily from stationary sources of air pollution within the four-county South Coast Air Basin (Basin) which is comprised of all of Orange County and the non-desert portions of Los Angeles, Riverside, and San Bernardino counties, and the Riverside County portion of the Salton Sea Air Basin and the non-Palo Verde, Riverside County portion of the Mojave Desert Air Basin (MDAB). San Bernardino County is the California Environmental Quality Act (CEQA) Lead Agency for the Proposed Project. To provide context, South Coast AQMD staff has provided a brief summary of the Proposed Project's information and prepared the following comments.

A5.1

History of Previous Comments and Communications with Lead Agency

South Coast AQMD previously wrote four comment letters to the Lead Agency regarding the various CEQA documents prepared for the Proposed Project (Attachment 1), as follows:

- Comment Letter #1 dated January 19, 2021, regarding the Notice of Preparation (NOP) of the DEIR¹
- Comment Letter #2 dated December 15, 2021, regarding the DEIR²
- Comment Letter #3 dated December 12, 2024, regarding the NOP for the Recirculated DEIR³
- Comment Letter #4 dated December 11, 2025, regarding the Recirculated DEIR⁴

¹ South Coast AQMD, Comment Letter #1, available at: <https://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2021/january/SBC210105-05.pdf>

² South Coast AQMD, Comment Letter #2, available at: <https://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2021/december/SBC210928-09.pdf>

³ South Coast AQMD, Comment Letter #3, available at: <https://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2024/december-2024/sbc241113-12-nop-bloomington-business-park-specific-plan-project.pdf>

⁴ South Coast AQMD, Comment Letter #4, available at: https://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2025/december-2025/sbc251030-07-recirculated-deir-bloomington-business-park-specific-plan-project_with-attachments.pdf

Gina Gibson Williams, Planning Manager

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Prior to transmitting Comment Letter #4, on November 11, 2025, South Coast AQMD staff emailed Ms. Gina Gibson-Williams, the Lead Agency's contact person (Gina.Gibson-Williams@lus.sbcounty.gov) seeking to obtain a complete set of the unlocked modeling and emission calculation files used to quantify the air quality impacts in the Recirculated DEIR.⁵ The Lead Agency, however, did not respond to this request during the public comment period. For this reason, Comment Letter #4 included a comment labeled as "Lack of Lead Agency Responses to Previous Comment Letters and Request for Technical Files," which explained that South Coast AQMD staff were unable to verify the calculations upon which the air quality and health risk analyses in the Recirculated DEIR relied.⁶

On January 21, 2026, after the close of the formal public comment period on December 11, 2025, the Lead Agency provided the following files:

- 2021 Modeling Files
- Co-Benefits Risk Assessment (COBRA) Modeling Files⁷
- Construction HRA Modeling Files (labeled "in response to comments")

A5.1
cont.

On January 21, 2026, the Lead Agency also asked for South Coast AQMD to resend the November 4, 2025 technical file request email so that it could be included in the administrative record. South Coast AQMD forwarded the requested email on January 23, 2026. In its communications, the Lead Agency also offered to provide an additional 30 days to review the technical files. The relevant email correspondence is included as Attachment 2 – Email Conversation between the CEQA Lead Agency and South Coast AQMD.

Purpose of This Letter

This letter provides South Coast AQMD's additional comments on the Recirculated DEIR in light of the technical files transmitted on January 21, 2026. Since the Recirculated DEIR was centered around the revised health effects analysis, South Coast AQMD staff focused its review on this portion of the Recirculated DEIR.

Comments on the Health Effects Analysis

The health effects analysis in the Recirculated DEIR relied on U.S. Environmental Protection Agency's (U.S. EPA) COBRA model⁸ which is a tool utilized to screen and map the health benefits or adverse health effects of a project. However, the U.S. EPA has another tool, the Environmental Benefits Mapping and Analysis Program – Community Edition (BenMAP-CE)⁹ which is capable of calculating the number and economic value of air pollution-related deaths and illnesses. While both of these tools use the same approach for estimating health impacts with the same default concentration-response functions and economic valuation functions for their calculations, there are some key differences between the two. For example, BenMAP-CE can be used to analyze health impacts at a finer geographic resolution than COBRA, depending on the scale of the air quality data that users provide. Additionally, BenMAP-CE also includes preloaded population and

A5.2

⁵ The CalEEMod input files (.csv format), emission calculation spreadsheets (Excel format), AERMOD input and output files (including the full .isc package), and any HARP or post-processing files, as applicable.

⁶ South Coast AQMD, Comment Letter #4, p.2.

⁷ These files are associated with the Friant Ranch analysis included in the Recirculated DEIR.

⁸ U.S. EPA, COBRA, available at: <https://www.epa.gov/cobra>.

⁹ U.S. EPA, BenMAP-CE, available at: <https://www.epa.gov/benmap>.

Gina Gibson Williams, Planning Manager

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baseline health incidence data forecasts for all years out to 2050 while COBRA only analyzes health impacts at the county-level and baseline health incidence data for 2016, 2023, and 2028.¹⁰

Because the Proposed Project has a build out year of 2040, the results from the health effects analysis in the Recirculated DEIR using the COBRA tool may be limited in that it did not consider the health incidence rates to the fullest extent (e.g., to year 2040). Also, it is worth noting that the quantity of NOx emissions anticipated if the Proposed Project is implemented (e.g., approximately 54.5 tons per year) would be equivalent to approximately seven industrial facilities which would qualify as major sources of air pollution subject to South Coast AQMD Regulation XXX – Title V Permits.¹¹ While the Proposed Project would not be subject to Regulation XXX, the sheer amount of NOx emissions and the associated adverse health incidence rates warrant a closer examination of the health effects analysis.

A5.2
cont.

As such, South Coast AQMD staff embarked on an exercise to assess whether the magnitude of health impacts disclosed in the Recirculated DEIR's COBRA analysis is reasonable and accurate. For background, the South Coast AQMD is responsible for periodically adopting Air Quality Management Plans (AQMPs), including the most recent 2022 AQMP, which are specifically designed to demonstrate attainment of the National Ambient Air Quality Standards (NAAQS) especially for ozone and particulate matter (PM). The 2022 AQMP contains health-based goals, policy direction, and long-term emission reduction strategies. A qualitative discussion grounded in the AQMP's overall policy framework, including its trajectory and trend toward attainment, and approach calling for the adoption of zero-emission (ZE) technology wherever feasible, is necessary to determine whether any project with significant adverse air quality impacts, such as the Proposed Project, is advancing or impeding progress toward these clean air objectives. In addition, the strategies in the 2022 AQMP include all feasible control measures that seek emission reductions from stationary, mobile, and indirect sources, to attain the NAAQS and California Ambient Air Quality Standards (CAAQS), as required by the Federal and State Clean Air Act. Since NOx is a precursor to the formation of ozone, South Coast AQMD committed in the 2022 AQMP to reduce approximately 60 tons per day of NOx by 2037¹² as a means to achieve attainment with the ozone NAAQS. The 2022 AQMP includes 30 control measures for stationary sources and 18 for mobile and facility-based mobile sources, outlining strategies to reduce NOx emissions from all feasible sources within the South Coast Air Basin. These control measures will be translated into any combination of rules and regulations, voluntary agreements and other commitments through a public process. All emission sources, including those at seaports, must achieve their fair share of reductions to attain the NAAQS.

A5.3

A peer-reviewed health impact quantification for the entire South Coast AQMD jurisdiction was conducted for the 2022 AQMP which relied upon basin-wide photochemical modeling using BenMAP-CE. The Final Socioeconomic Impact Report for the 2022 AQMP relied on the BenMAP-CE modeling results to conduct a health benefits analysis in terms of incidence-per-ton (IPT) of NOx emission reductions that would occur if all of the control measures outlined in the

¹⁰ U.S. EPA, Frequently Asked Questions: What is the difference between COBRA and BenMAP?, available at: <https://www.epa.gov/cobra/cobra-questions-and-answers#7>

¹¹ South Coast AQMD, Regulation XXX – Title V Permits, available at: <https://www.aqmd.gov/home/rules-compliance/rules/scaqmd-rule-book/regulation-xxx>

¹² South Coast AQMD, 2022 Air Quality Management Plan, (2022), p.4-36, available at: <https://www.aqmd.gov/docs/defaultsource/clean-air-plans/air-quality-management-plans/2022-air-quality-management-plan/final-2022-aqmp/final-2022aqmp.pdf>

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2022 AQMP were implemented. The IPT values for the 2022 AQMP are a product of basin-wide photochemical modeling that accounts for the nonlinear relationships between NOx emissions, ozone formation, and the formation of secondary concentrations of particulate matter with an aerodynamic diameter of 2.5 microns or less (PM2.5). The IPT method provides a standard, robust and reasonable estimate of the magnitude of the projected health impacts. The IPT method is also utilized by the U.S. EPA and the California Air Resources Board (CARB) for analyzing the health benefits as part of their regulatory development.^{13,14}

A5.3
cont.

To illustrate the potential differences between COBRA and BenMAP-CE, South Coast AQMD relied on the projected NOx emission increases from the Proposed Project and conducted a comparative analysis using the methodology and results from the health effects analysis previously conducted for the 2022 AQMP. Accordingly, South Coast AQMD applied the IPT values derived from the 2022 AQMP Final Socioeconomic Impact Report¹⁵ to estimate the magnitude of expected health impacts associated with the Proposed Project's disclosed NOx emissions by ratioing 60 tons per day (21,900 tons per year) of NOx emission reductions anticipated from implementing the 2022 AQMP versus the Proposed Project's increases of NOx emissions by approximately 298 pounds per day (54.4 tons per year). This IPT-based evaluation is intended as a screening-level analysis to compare the magnitude of health impacts disclosed in the Recirculated DEIR's COBRA analysis to what the outcome would otherwise be if the health impact relationships derived from South Coast AQMD's basin-wide photochemical modeling and socioeconomic analysis were applied to the Proposed Project.

A5.4

Table 1 summarizes the comparison between the health effects results presented in the Recirculated DEIR using COBRA and what the health effects analysis would be for the Proposed Project if South Coast AQMD-specific data from the IPT-based estimates conducted for the 2022 AQMP, which used BenMAP-CE, were applied instead. For this analysis, the Proposed Project emissions were assumed to increase gradually over time, reaching a maximum of 54.4 tons per year by 2040, with this trend extending from 2020 through 2040.

¹³ U.S. EPA, Technical Support Document: Estimating the Benefit per Ton of Reducing PM2.5 Precursors from 17 Sectors, https://www.epa.gov/sites/default/files/2018-02/documents/sourceapportionmentbptsd_2018.pdf, accessed February 2026.

¹⁴ CARB, Estimating the Community Level Health Benefits from Air Pollution Control Programs, <https://www2.arb.ca.gov/resources/documents/estimating-community-level-health-benefits-air-pollution-control-programs#:~:text=CARB%20uses%20a%20California%20specific,available%20on%20the%20CARB%20website>, accessed February 2026.

¹⁵ South Coast AQMD, 2022 AQMP Final Socioeconomic Report, Table 3-3: Health Effect Estimates, p. 62, available at: <https://www.aqmd.gov/docs/default-source/clean-air-plans/socioeconomic-analysis/final/aqmp-2022-socioeconomic-report-main-final.pdf>, accessed February 2026.

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Table 1
Comparison of Annual Average Health Incidence Rates
of COBRA Results from Recirculated DEIR to IPT Method

Health Effects Category	Health Incidence Rates Estimation		Difference Between (1) and (2) (%)
	(1) From Recirculated DEIR Using COBRA	(2) Using IPT Method Derived from BenMap-CE by South Coast AQMD*	
Total Mortality	0.271-0.436	2	781% - 448%
Total Asthma Symptoms	264.194	1,704	545%
Total Incident, Asthma	1.605	10	503%
Total Incident, Hay Fever/Rhinitis	10.343	13	25%
Total ER Visits, Respiratory	0.466	2	345%
Total Hospital Admits, All Respiratory	0.036	13	36,601%

* IPT uses annual average from 2020–2040. IPT values from the 2022 AQMP were applied to the Proposed Project's NOx emissions to estimate the annual average health incidences from 2020 through 2040.

As noted in Table 1, the Recirculated DEIR COBRA results reflect an annual average of incidence rates. To also compare the IPT-based cumulative estimates presented for the 2020 to 2040 analysis period with the COBRA results, South Coast AQMD applied the same 20-year period to the annual COBRA values. The resulting cumulative estimates are shown in Table 2. The calculation assumed a constant annual emissions level over the analysis period (e.g., from 2020 to 2040) and is provided to facilitate comparison between the two methodologies. The input and output files associated with the IPT-based estimates are included as an attachment to this letter (see Attachment 3)

Table 2
Comparison of Total Cumulative Incidence Rates from 2020 to 2040
from COBRA Results (Calculated) to IPT Method

Health Effects Category	Total Cumulative Health Incidences: Estimated from COBRA data from 2020 to 2040 [^]	Total Cumulative Health Incidences: IPT Method from 2020 to 2040
Total Mortality	6-9	50
Total Asthma Symptoms	5,548	35,784
Total Incident, Asthma	34	203
Total Incident, Hay Fever/Rhinitis	217	272
Total ER Visits, Respiratory	10	44
Total Hospital Admits, All Respiratory	1	277

[^] The COBRA analysis in the Recirculated DEIR did not appear to provide the total cumulative incidence rates for the period from 2020 through 2040. South Coast AQMD staff calculated the total COBRA incidence estimates by multiplying the annual average COBRA incidence rates in the Recirculated DEIR by 20 years to provide a comparable estimate to the IPT-based total cumulative health incidence estimates for the period from 2020 through 2040. This calculation assumed steady-state emissions at buildout over the analysis period.

A5.4
cont.

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The results of this technical exercise indicate that there may be substantially greater adverse health effects from the Proposed Project than what was disclosed in the Recirculated DEIR. Accordingly, South Coast AQMD is concerned that the limitations with using the COBRA tool may have contributed to the underestimation of the magnitude of potential adverse health effects associated with the Proposed Project's NOx emissions over its operational lifetime.

A5.5

Modeling Foundation of IPT Values

The IPT values applied to the Proposed Project were derived from the health effects analysis conducted for the 2022 AQMP:

- Projected NOx emission reductions from the implementation of 2022 AQMP;
- Basin-wide modeled reductions in ambient ozone and PM2.5 concentrations from implementing the 2022 AQMP control strategies; and
- Estimated health benefits of decreased ambient ozone and PM2.5 concentrations using the U.S. EPA BenMAP-CE model.

Because the Proposed Project contemplates phased development and operation extending through 2040, South Coast AQMD evaluated the health impacts for the Proposed Project over a 2020–2040 analysis period, which is consistent with the buildout horizon disclosed in the Recirculated DEIR. The IPT values for milestone years (2032 and 2037) were calculated based on estimated health benefits and associated emission reductions of 2022 AQMP in milestone years. For purposes of this Project-specific evaluation:

A5.6

- For years between 2032 and 2037, IPT values were linearly interpolated, using IPT values in 2032 and 2037.
- For periods 2020–2031 and 2038–2040, IPT values were extrapolated and adjusted for historical/forecasted population growth in South Coast AQMD jurisdiction. The health disbenefit from the estimated increase of NOx emissions from the Proposed Project was calculated by multiplying the IPT values for each year by the respective NOx emission increase.

Explanation of Differences Between COBRA and IPT-Based Results Using BenMAP-CE

The discrepancy between the COBRA results and IPT-based estimates using BenMAP-CE for the Proposed Project is consistent with methodological differences acknowledged in the COBRA User Manual.¹⁶ It is important to recognize that COBRA is a screening-level, reduced-form model that relies on pre-calculated source-receptor relationships, simplified atmospheric chemistry, and national or regional averages. In addition, COBRA evaluates air quality impacts at a county-level spatial resolution, which may limit its ability to capture localized variations in pollutant formation, population exposure, and associated health outcomes within a complex airshed such as the South Coast Air Basin. The COBRA User Manual explicitly cautions that the tool is not intended for

A5.7

¹⁶ COBRA User Manual, Version 5.2, pp. 23–24), <https://www.epa.gov/system/files/documents/2025-03/cobra-user-manual-v5.2.pdf>, accessed February 2026.

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conducting a project-level or basin-specific impact evaluation because it may not capture nonlinear ozone formation or secondary PM_{2.5} chemistry which is a prevalent problem contributing to the extreme non-attainment status of the South Coast Air Basin. While BenMAP-CE also has limitations, including the need for externally modeled air quality concentration changes and reliance on input datasets such as population projections and baseline health incidence rates, it allows for analyses that reflect the results of detailed photochemical air quality modeling.

A5.7
cont.

In contrast, the IPT-based estimates were derived from specific photochemical modeling conducted for the 2022 AQMP for the South Coast AQMD jurisdiction and reflect nonlinear atmospheric chemistry, population exposure, and health response relationships specific to the South Coast Air Basin. The IPT method provides a way to estimate the average change in health incidence per ton of NO_x emissions, which is consistent with methodologies used by the U.S. EPA, CARB, and South Coast AQMD in regulatory analyses.

Conclusion

South Coast AQMD appreciates the Lead Agency's cooperation with providing the technical files and allowing for additional time to conduct a detailed review. As discussed above and summarized in Tables 1 and 2, South Coast AQMD conducted a screening-level comparison between the health incidence estimates presented in the Recirculated DEIR using the COBRA model and estimates derived using IPT values from the 2022 AQMP health benefits analysis, which relied on BenMAP-CE. The comparison indicates substantial differences in the magnitude of estimated health incidence rates between the two approaches. For example, Table 1 indicates that the COBRA analysis estimates approximately 0.27–0.44 annual premature deaths compared to approximately two annual premature deaths using the IPT-based method derived from the AQMP BenMAP-CE analysis. Similarly, annual asthma symptom incidence is estimated at approximately 264 cases using COBRA compared to approximately 1,704 cases using the IPT-based method. As shown in Table 2, when evaluated cumulatively over the period from 2020 to 2040, the COBRA-based estimates correspond to approximately six to nine premature deaths compared to approximately 50 premature deaths using the IPT-based approach.

A5.8

Given the substantial differences between the COBRA results and the IPT-based estimates which relied upon BenMAP-CE, this technical exercise has shed light on the limitations of solely relying on the COBRA model to conduct a project-level health effects analysis and raised concerns about the accuracy of the health effects analysis of the Proposed Projects actual impacts.

Recognizing the substantial differences between the results from the COBRA model and the IPT method using BenMAP-CE, South Coast AQMD recommends that the Lead Agency also consider including the health effects analysis using the IPT-based estimates derived from the 2022 AQMP analysis in the Recirculated DEIR to present the potential worst-case health incident rates so as to provide additional context for characterizing the full magnitude of the potential adverse health impacts associated with the Proposed Project's operational NO_x emissions. A comprehensive evaluation of the potential health impacts would help bolster the CEQA analysis and inform the consideration of feasible mitigation measures to the fullest extent to help minimize the long-term health effects of the Proposed Project on the people residing and working within the South Coast AQMD. As discussed in South Coast AQMD's prior comment letters on the Proposed Project, mitigation measures were previously recommended so as to reduce operational emissions and

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associated health impacts, which remain applicable in light of the anticipated adverse health incidence rates presented in the Recirculated DEIR. A5.8 cont.

In accordance with Public Resources Code Section 21092.5(a) and CEQA Guidelines Sections 15088 and 15088.5, the Lead Agency shall evaluate comments from public agencies on the environmental issues and prepare a written response at least 10 days prior to certifying the Final Recirculated EIR. As such, South Coast AQMD requests that the Lead Agency provide written responses to all comments contained herein at least 10 days prior to certification of the Final Recirculated EIR. In addition, as provided by CEQA Guidelines Section 15088(c), if the Lead Agency's position is at variance with recommendations provided in this comment letter, detailed reasons supported by substantial evidence in the record to explain why specific comments and suggestions are not accepted must be provided. A5.9

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 Jivar Afshar, Air Quality Specialist, at jafshar@aqmd.gov should you have any questions.

Sincerely,

Sam Wang

Sam Wang

Program Supervisor, CEQA IGR

Planning, Rule Development & Implementation

Attachments (3)

- Attachment 1: Comment Letter #4 (contains Comment Letters #1, #2, and #3)
- Attachment 2: Email Conversation between the CEQA Lead Agency and South Coast AQMD
- Attachment 3: Input and Output of South Coast AQMD's IPT-Based Health Effects Analysis Using BenMAP-CE

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Control Number

A5.10

Attachments to South Coast AQMD Comment Letter March 4, 2026

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Comment letter # 4

A5.10 text here

Attachment 1

SENT VIA E-MAIL:

Gina.Gibson-Williams@lus.sbcounty.gov

December 11, 2025

Gina Gibson Williams, Planning Manager
 San Bernadino County
 385 N Arrowhead Avenue
 San Bernadino, CA 92612

**Recirculated Draft Environmental Impact Report (Recirculated DEIR) for
 Bloomington Business Park Specific Plan Project (Proposed Project)
 (SCH No: 2020120545)**

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

Summary of Proposed Project Information in the Recirculated DEIR

Based on the Recirculated DEIR, the Proposed Project consists of adopting and implementing the Bloomington Business Park Specific Plan, which would allow development of up to 3,235,836 square feet of industrial and business-park uses on a 213-acre site in unincorporated Bloomington. The Specific Plan area includes Planning Area A (141.4 acres), proposed for large warehouse and fulfillment-center development, and Planning Area B (71.6 acres), planned for additional light industrial uses through 2040. Two alternative Opening Year development scenarios for Planning Area A would construct between 2.1 million and 2.7 million square feet of high-cube warehouses, fulfillment centers, and trailer parking.¹ The Proposed Project also includes a 24-acre Upzone Site that would be redesignated from Low Density Residential to Medium Density Residential and rezoned to allow up to 480 residential units to replace lost housing capacity under Senate Bill 330. Construction could occur in phases beginning with an approximately 14-month buildout of Planning Area A. Sensitive residential receptors are located immediately adjacent to both the Specific Plan area and the Upzone Site.²

The Recirculated DEIR states that a Final EIR for the Proposed Project was originally certified in 2022 but due to a lawsuit, the San Bernardino County Superior Court required the County to set aside its approvals because the EIR was inadequate regarding the analyses of alternatives and impacts to the topics of air quality (including the Friant Ranch methodology and zero-emission truck feasibility), greenhouse gases, energy, and noise. In response, the Lead Agency prepared the 2025 Recirculated DEIR, which retained the project description and footprint from the original DEIR but which contains a revised analysis for the aforementioned issues identified by the Court.³

¹ Recirculated DEIR, p. 1-3.

² Recirculated DEIR, pp. 1-4 and 1-5.

³ Recirculated DEIR, pp. 1-1 and 1-2.

Comment letter # 4

(attachment 1)

South Coast AQMD Comments***Lack of Lead Agency Responses to Previous Comment Letters and Request for Technical Files***

South Coast AQMD previously wrote two comment letters regarding the Original DEIR dated September 29, 2021. The first comment letter was transmitted to the Lead Agency on January 19, 2021 in response to the Notice of Preparation (NOP) for the Proposed Project which was released on December 30, 2020 (referred to herein as the January 2021 NOP Comment Letter).⁴ The second comment letter was transmitted to the Lead Agency on December 15, 2021 in response to the Original DEIR released in September 2021 (referred to herein as the December 2021 DEIR Comment Letter).⁵ More recently in response to the NOP for the Recirculated DEIR released on November 13, 2024, South Coast AQMD wrote another comment letter on December 12, 2024 that was transmitted to the Lead Agency (referred to herein as the December 2024 Recirculated DEIR Comment Letter).⁶ These comment letters are attached and incorporated by reference.

Upon review of the Recirculated DEIR, South Coast AQMD staff found that responses to the January 2021 NOP Comment Letter and the December 2021 DEIR Comment Letter were not included in the Final EIR. Therefore, South Coast AQMD is re-submitting both January 2021 NOP Comment Letter and the December 2021 DEIR Comment Letter and awaiting the Lead Agency's responses to these previous comments.

On November 11, 2025, South Coast AQMD staff emailed the Lead Agency's contact person listed on the Governor's Office of Land Use and Climate Innovation website (Gina.Gibson-Williams@lus.sbcounty.gov) seeking to obtain a complete set of the unlocked modeling and emissions calculation files used to quantify the air quality impacts in the Recirculated DEIR including the CalEEMod input files (.csv format), emission calculation spreadsheets (Excel format), AERMOD input and output files (including the full .isc package), and any HARP or post-processing files, as applicable. However, South Coast AQMD staff did not receive a response to this request. Accordingly, South Coast AQMD staff was unable to verify the calculations upon which the analysis in the Recirculated DEIR is based. With that context in mind, the following comments reflect the lack of complete information necessary to conduct a more thorough review.

Recommend Conducting a Quantitative Analysis of Human Health Consequences

According to the Recirculated DEIR to satisfy the court's direction for the Lead Agency to conduct a human health consequences analysis, a qualitative analysis of Comparative Health Impact Analysis was conducted.⁷ However, the February 2023 Friant Community Plan Update and Friant Ranch Specific Plan Specific Plan contained a detailed quantitative analysis of Human Health

⁴ South Coast AQMD, January 2021 NOP Comment Letter, Available at: <https://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2021/january/SBC210105-05.pdf>

⁵ South Coast AQMD, December 2021 DEIR Comment Letter, Available at: <https://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2021/december/SBC210928-09.pdf>

⁶ South Coast AQMD, December 2024 NOP of the Recirculated DEIR Comment Letter, Available at: <https://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2024/december-2024/sbc241113-12-nop-bloomington-business-park-specific-plan-project.pdf>

⁷ Recirculated DEIR, Appendix B, p.1.

Comment letter # 4

(attachment 1)

Consequences Analysis,⁸ which is evidence that this type of calculation can be performed. Therefore, the Lead Agency is recommended to review this analysis in this referenced document, perform a quantitative analysis specific to the Proposed Project, and revise the Recirculated DEIR to incorporate the results.

Incorporating Clean-Fleet / Clean-Construction as Mitigation and Context

Given the extent, scale and duration of the Proposed Project, the Lead Agency is recommended to evaluate the applicability of the statewide clean-fleet and clean-construction programs under development by the California Air Resources Board (CARB). These programs provide a framework for achieving substantial near-term reductions in NOx, VOC, and diesel particulate matter (DPM) emissions from on- and off-road fleets, which are the key precursors to the formation of ozone which have associated adverse health impacts. Taking full advantage of these programs would provide additional opportunities to minimize the significant effects from the Proposed Project.

CARB's California Clean Construction Program is designed to recognize and encourage off-road construction fleets that voluntarily exceed regulatory requirements by deploying cleaner-than-Tier 4 Final or zero-emission off-road equipment.⁹ Similarly, CARB's Clean Fleet Connect¹⁰ and Advanced Clean Fleets (ACF) programs support on-road fleet transitions toward zero-emission technologies.¹¹ These frameworks demonstrate that both construction and operational fleets can achieve meaningful emissions reductions through adoption of newer, cleaner equipment and zero-emission technologies. While the Recirculated DEIR analyzes construction and operational emissions, it does not fully examine the feasibility of applying these emerging statewide programs as mitigation in accordance with CEQA Guidelines Section 15126.4. These CARB programs provide substantial evidence that cleaner-than-baseline technologies are commercially emerging and will become increasingly feasible during the Proposed Project's multi-year buildout. As such, their omission results in a lost opportunity to reduce the Proposed Project's significant air quality impacts.

Because NOx and VOC emissions from construction and operational activities are major contributors to regional ozone formation, implementation of clean-construction and clean-fleet measures could directly reduce the precursor emissions most relevant to potentially adverse health outcomes evaluated under *Sierra Club v. County of Fresno (Friant Ranch)*. These measures also complement any future Friant Ranch-type analysis by reducing the Proposed Project's emission inventory before photochemical or health-impact modeling is performed, thereby reducing any potential increases in regional pollutant concentrations.

Therefore, the Lead Agency is recommended to revise the Recirculated DEIR to incorporate clean-fleet and clean-construction commitments into either the project description as part of a design feature or in mitigation measures, such as:

⁸ Quantitative Analysis of Human Health Consequences Analysis, Table 3.3-8, Available at:

https://www.fresnocountyca.gov/files/sharedassets/county/v/1/vision-files/files/72347-friant-prj-deir_2-7-23.pdf

⁹ CARB – California Clean Construction Program. Available at: <https://ww2.arb.ca.gov/our-work/programs/california-clean-construction-program>.

¹⁰ CARB – Clean Fleet Connect. Available at: <https://ww2.arb.ca.gov/our-work/programs/clean-fleet-connect>.

¹¹ CARB – Advanced Clean Fleets Program. Available at: <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-fleets>.

Comment letter # 4

Attachment 1

- Require the use of cleaner than Tier 4 Final or zero-emission off-road equipment when commercially available;
- Implement phased integration of zero-emission on-road trucks consistent with CARB's ACF implementation schedule or Clean Fleet Connect guidance over the lifetime of the Proposed Project;
- Establish contract specifications which require subcontractors to utilize clean construction equipment meeting CARB-recognized standards; and
- Require annual reporting or verification mechanisms to ensure compliance.

Incorporating these commitments would not only reduce NOx, VOC, and DPM emissions, but also align the Proposed Project with CARB's long-term clean-fleet transition strategy and California's climate mandates. Incorporating these commitments into the Final CEQA document would provide health-protective benefits to nearby sensitive receptors.

Air Quality Mitigation Measures for NOx and PM Emissions from Construction

Given the Proposed Project's buildout timeline which will extend to 2040, Tier 4 Final engines may no longer represent the cleanest available construction technology when individual phases and later components of the Proposed Project are built. According to CARB's Strategies for Reducing Emissions from Off-Road Construction Equipment, implementation of an off-road Tier 5 standard is anticipated to begin as early as 2027 or 2028. In addition, the Governor's Executive Order in September 2020 requires CARB to develop and propose a full transition to zero emission technology by 2035.¹⁴ As a result, mitigation measures that rely solely on Tier 4 Final engines may be outdated by the time substantial construction occurs, particularly for later phases of the Specific Plan.

Limiting mitigation to a fixed technology level fails to account for foreseeable improvements in equipment availability, contradicts CARB's statewide transition strategy, and does not represent the "maximum feasible" reduction required by CEQA. To ensure construction NOx and PM emissions remain less than the CEQA significance thresholds for all future phases and individual projects, the Lead Agency is recommended to strengthen mitigation measures in the Recirculated DEIR's by requiring the use of the cleanest commercially available equipment, including zero-emission or electric construction equipment where feasible, and otherwise the latest certified engine tier available at the time of construction, beyond Tier 4 Final. The mitigation measures should also include provisions that prohibit older diesel engines, require the use of advanced exhaust after-treatment systems, and mandate verification through equipment lists, purchase records, or third-party compliance reporting. These verification requirements are critical to ensuring enforceability as set forth in CEQA Guidelines Section 15126.4 and preventing backsliding to older, higher-emitting equipment once construction begins.

The Recirculated DEIR should also evaluate construction phasing scenarios using updated assumptions about equipment availability, consistent with CARB's regulatory schedule and Executive Order directives. Without such analysis, the Recirculated DEIR may underestimate the feasibility and benefits of zero-emission construction technologies during later stages of the Proposed Project's development.

Comment letter # 4

Attachment 1

Operational Air Quality Mitigation and Sensitive Receptors

South Coast AQMD staff acknowledges that the Recirculated DEIR identifies operational air quality impacts from the Proposed Project as significant and unavoidable, particularly due to diesel truck activity associated with warehouse and industrial operations. The Recirculated DEIR includes a range of operational mitigation measures (MM AQ-10 through MM AQ-24)¹² which encourage or require actions such as idling restrictions, electric vehicle charging infrastructure, and lease requirements for future zero-emission trucks. While these measures represent a strong foundation for reducing operational emissions, they rely heavily on nonbinding language (“encourage,” “consider,” “where feasible”) and lack the enforceable commitments necessary to reduce emissions to the maximum feasible extent. Sensitive residential receptors are located immediately adjacent to both the Specific Plan area and the Upzone Site. Given the proximity of these homes to the Proposed Project, the Recirculated DEIR should incorporate more robust and enforceable mitigation measures to minimize long-term exposure to DPM, NO_x, and associated health risks. Without enforceable requirements, the Proposed Project’s operational emissions could disproportionately affect nearby disadvantaged communities. Specifically, the Lead Agency is recommended to:

1. Require zero-emission (ZE) or near-zero Emission (NZE) trucks rather than merely encouraging ZE/NZE trucks for heavy-duty and medium-duty vehicles, when this equipment becomes commercially available. Measures such as MM AQ-19 and MM AQ-20 could include enforceable compliance mechanisms, such as contractual fleet requirements, annual reporting, tenant lease obligations, and enforcement provisions for noncompliance;
2. Incorporate phased replacement schedules for older more emitting trucks to newer and cleaner equipment which is tied to CARB’s ACF regulatory deadlines to ensure operational emissions decrease as the Proposed Project builds out through 2040;
3. Limit truck exposure to sensitive receptors by incorporating design measures to reduce health risks, including clearly marked truck routes to avoid residential areas, locating truck entrances and exits away from sensitive land uses, placing truck check-in and parking areas inside the Proposed Project’s site, and restricting overnight truck parking near sensitive receptors;
4. Require infrastructure for electric or alternative-fuel trucks, electric yard equipment, and solar energy arrays. Charging infrastructure should be sized to support future ZE truck adoption consistent with ACF requirements, rather than minimum near-term capacity. Yard hostlers, forklifts, and cargo-handling equipment should transition to ZE where commercially available;
5. Limit the daily number of actual trucks visiting the Proposed Project to levels analyzed in the Recirculated DEIR. The mitigation should include an enforceable monitoring mechanism to verify that truck activity remains within analyzed limits; and

¹² Recirculated DEIR, Table 1-5.

Comment letter # 4

Attachment 1

6. Encourage participation in incentive programs, such as the Carl Moyer Program or WAIRE Points under South Coast AQMD Rule 2305, to further reduce NOx and PM emissions.

By strengthening operational mitigation measures, ensuring enforceability, and incorporating design-based protections for adjacent residential communities, the long-term exposure to diesel emissions from the Proposed Project can be substantially reduced while demonstrating consistency with California's clean-fleet transition strategies and the public health protection goals of CEQA.

Lack of Enforceable Restriction on Transport Refrigeration Units (TRUs) and Risk of Future Tiering

The Recirculated DEIR states that the building occupants are assumed to be warehouse distributors, logistics operators with some light-duty manufacturing and the buildings are not designed to accommodate any warehouse cold storage or refrigerated uses.¹³ However, this statement is not supported by any enforceable commitments, Specific Plan requirements, or conditions of approval. Without binding mechanisms in place, the assertion that transport refrigeration units (TRUs) will not operate on-site is speculative and cannot be relied upon as justification for the assumptions relied upon to estimate emissions and health risk, or operational characteristics under CEQA. Because the Proposed Project proposes large high-cube warehouse and fulfillment buildings, TRU use is a reasonably foreseeable possibility for future tenant operation activities, even if they are not currently contemplated. The absence of TRU infrastructure at the entitlement stage does not prevent future tenants from installing plug-ins or operating diesel TRUs unless expressly prohibited by enforceable conditions. Under CEQA, reasonably foreseeable future operations associated with warehouse uses, particularly those involving DPM, which is a known toxic air contaminant, need to be evaluated.

Additionally, without enforceable project-level restrictions, future approvals could be processed through addenda, minor-use permits, or mitigated negative declarations. Such an approach could allow TRU activity to be introduced incrementally after project approval without conducting the necessary EIR-level analysis of diesel emissions, localized health risks, and carcinogenic impacts. This outcome would conflict with CEQA's prohibition on piecemealing and would not comply with CEQA Guidelines Sections 15162–15168 concerning subsequent review.

To ensure the analysis remains consistent with CEQA and to avoid post-approval introduction of TRUs without adequate environmental review, the Lead Agency is recommended:

- Include an explicit prohibition on TRU use in the Specific Plan text, and conditions of approval;
- Require all future tenant leases, site plans, and tenant improvement approvals to include binding language prohibiting installation or operation of diesel TRUs;
- Identify TRU-related infrastructure (e.g., electric hook-ups, refrigerated trailer parking, dock refrigeration equipment) as prohibited uses under the Specific Plan; and
- Require full CEQA reevaluation, including a health risk assessment, before approving any future tenant or site plan that proposes TRU operations.

¹³ Recirculated DEIR, p. 3-16.

Comment letter # 4**Attachment 1**

These measures would provide enforceability, ensure transparency in future review, and prevent TRU operations from being added later without adequate CEQA analysis of associated DPM emissions and health risks.

Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program

On May 7, 2021, South Coast AQMD's Governing Board adopted Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program, and Rule 316 – Fees for Rule 2305. Rule 2305 and Rule 316 are designed to reduce regional and local emissions of NOx and PM, including DPM, with reductions leading to reduced public health impacts for communities located near warehouses from mobile sources that are associated with warehouse activities. Also, these anticipated 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.

The Recirculated DEIR acknowledges the applicability of Rule 2305 to the Proposed Project but does not evaluate whether early infrastructure commitments or WAIRE-compatible design features could serve as feasible mitigation under CEQA. Because many WAIRE actions, such as charging infrastructure installation, solar energy deployment, on-site ZE truck parking, and building electrification, are most efficiently implemented during project construction rather than after occupancy, the analysis in the Recirculated DEIR should identify opportunities for incorporating these features now. Failure to do so could limit operators' ability to comply cost-effectively with Rule 2305 and could reduce achievable NOx and PM reductions.

Under Rule 2305, operators are subject to an annual WAIRE Points Compliance Obligation that is calculated based on the annual number of truck trips to the warehouse. WAIRE Points can be earned by implementing actions in a prescribed menu in Rule 2305, implementing a site-specific custom plan, or paying a mitigation fee. Warehouse owners are only required to submit limited information reports, but they can opt to earn Points on behalf of their tenants if they so choose because certain actions to reduce emissions may be better achieved at the warehouse development phase, for instance the installation of solar and charging infrastructure. Rule 316 is a companion fee rule for Rule 2305 to allow South Coast AQMD to recover costs associated with Rule 2305 compliance activities. Since the Proposed Project consists of the development of up to 3,235,836 square feet of industrial and business-park uses, the Proposed Project's warehouse owners and operators may be required to comply with Rule 2305 once the warehouse is occupied.

Therefore, the Lead Agency is recommended to review 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 in order to help future warehouse operators meet their compliance obligation.¹⁴ 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. For

¹⁴ 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>

Comment letter # 4

Attachment 1

implementation of guidance documents and compliance and reporting tools, please visit South Coast AQMD's WAIRE Program webpage.¹⁵

South Coast AQMD Air Permits and Role as a Responsible Agency

If implementation of the Proposed Project would require the use of new stationary and portable sources, including but not limited to emergency generators, fire water pumps, boilers, etc., one or more air permits from South Coast AQMD will be required. The Final EIR should include a discussion about the South Coast AQMD rules that may be applicable to the Proposed Project. Those rules may include, for example, Rule 201 – Permit to Construct,¹⁶ Rule 203 – Permit to Operate,¹⁷ Rule 401 – Visible Emissions,¹⁸ Rule 402 – Nuisance,¹⁹ Rule 403 – Fugitive Dust,²⁰ Rule 1110.2 – Emissions from Gaseous and Liquid Fueled Engines,²¹ Rule 1113 – Architectural Coatings,²² Rule 1166 – Volatile Organic Compound Emissions from Decontamination of Soil,²³ Rule 1466 – Control of Particulate Emissions from Soils with Toxic Air Contaminants,²⁴ and Rule 1470 – Requirements for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition Engines,²⁵ etc.

It is important to note that if air permits from the South Coast AQMD are required, South Coast AQMD's role under CEQA will become the Responsible Agency of the Proposed Project. Per CEQA Guidelines Section 15086, the Lead Agency is required to consult with South Coast AQMD. CEQA Guidelines Section 15096 sets forth specific procedures for a Responsible Agency, including making a decision on the adequacy of the CEQA document for use as part of the process for conducting a review of the Proposed Project and issuing discretionary approvals. Also, as set forth in CEQA Guidelines Section 15096(h), the Responsible Agency is required to make Findings in accordance with CEQA Guidelines Section 15091 for each significant effect of the project and issue a Statement of Overriding Considerations in accordance with CEQA Guidelines Section 15093, if necessary. Lastly, as set forth in CEQA Guidelines Section 15096(i), the Responsible Agency may file a Notice of Determination.

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

¹⁵ South Coast AQMD WAIRE Program. Accessed at: <http://www.aqmd.gov/waire>.

¹⁶ South Coast AQMD, Rule 201 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-ii/rule-201.pdf>

¹⁷ South Coast AQMD, Rule 203 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-ii/rule-203.pdf>

¹⁸ South Coast AQMD, Rule 401 available at <https://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-401.pdf>

¹⁹ South Coast AQMD, Rule 402 available at <https://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-402.pdf>

²⁰ South Coast AQMD, Rule 403 available at <https://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-403>

²¹ South Coast AQMD, Rule 1110.2 available at https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/r1110_2.pdf

²² South Coast AQMD, Rule 1113 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/r1113.pdf>

²³ South Coast AQMD, Rule 1166 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1166.pdf>

²⁴ South Coast AQMD, Rule 1466 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1466.pdf>

²⁵ South Coast AQMD, Rule 1470 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1470.pdf>

Comment letter # 4**(Attachment 1)**

a sufficient project description and analysis to be relied upon in order to issue any discretionary approvals that may be needed for air permits.

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

Conclusion

As set forth in Public Resources Code Section 21092.5(a) and CEQA Guidelines Section 15088(a-b), the Lead Agency shall evaluate comments from public agencies on the environmental issues and provide a written response at least 10 days prior to certifying the Final EIR. As such, please provide South Coast AQMD written responses to all comments contained herein, including the referenced comment letters attached, at least 10 days prior to the certification of the Final EIR. In addition, as provided by CEQA Guidelines Section 15088(c), if the Lead Agency's position is at variance with recommendations provided in this comment letter, detailed reasons supported by substantial evidence in the record to explain why specific comments and suggestions are not accepted must be provided.

Thank you for the opportunity to provide comments. South Coast AQMD staff is available to work with the Lead Agency to address any air quality questions that may arise from this comment letter. Please contact Jivar Afshar, Air Quality Specialist, at jafshar@aqmd.gov should you have any questions.

Sincerely,

Sam Wang

Sam Wang
Program Supervisor, CEQA IGR
Planning, Rule Development & Implementation

Attachments (3)

- January 2021 NOP Comment Letter
- December 2021 DEIR Comment Letter
- December 2024 NOP of the Recirculated DEIR Comment Letter

MK-BB-ND-BR-SW-JA

SBC251030-07

Control Number

ATTACHMENTS

A5.11

Comment letter # 3

Attachment 1

SENT VIA E-MAIL:

December 12, 2024

Maryn.Wells@lus.sbcounty.gov

Maryn Wells, Senior Planner

County of San Bernardino,

Land Use Services Department – Planning Division

385 North Arrowhead Avenue, First Floor

San Bernardino, California 92415-0187

**Notice of Preparation of a Recirculated Draft Environmental Impact Report
for Bloomington Business Park Specific Plan Project (Proposed Project)**

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. Our comments are recommendations on the analysis of potential air quality impacts from the Proposed Project that should be included in the Recirculated Draft Environmental Impact Report (EIR). Please send a copy of the Recirculated Draft EIR upon its completion and public release directly to South Coast AQMD as copies of the Recirculated Draft EIR submitted to the State Clearinghouse are not forwarded. **In addition, please send all appendices and technical documents related to the air quality, health risk, and greenhouse gas analyses and electronic versions of all emission calculation spreadsheets, and air quality modeling and health risk assessment input and output files (not PDF files). Any delays in providing all supporting documentation for our review will require additional review time beyond the end of the comment period.**

CEQA Air Quality Analysis

Staff recommends that the Lead Agency use South Coast AQMD's CEQA Air Quality Handbook and website¹ as guidance when preparing the air quality and greenhouse gas analyses. It is also recommended that the Lead Agency use the CalEEMod² land use emissions software, which can estimate pollutant emissions from typical land use development and is the only software model maintained by the California Air Pollution Control Officers Association.

South Coast AQMD has developed both regional and localized significance thresholds. South Coast AQMD staff recommends that the Lead Agency quantify criteria pollutant emissions and compare the emissions to South Coast AQMD's air quality significance thresholds³ and localized significance thresholds (LSTs)⁴ to determine the Proposed Project's air quality impacts. The localized analysis can be conducted by either using the LST screening tables or performing dispersion modeling.

¹ South Coast AQMD's CEQA Air Quality Handbook and other resources for preparing air quality analyses can be found at: <http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook>.

² CalEEMod is available free of charge at: www.caleemod.com.

³ South Coast AQMD's air quality significance thresholds can be found at: <https://www.aqmd.gov/docs/default-source/ceqa/handbook/south-coast-aqmd-air-quality-significance-thresholds.pdf>

⁴ South Coast AQMD's guidance for performing a localized air quality analysis can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>

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Comment letter # 3

(Attachment 1)

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the Proposed Project and all air pollutant sources related to the Proposed Project. Air quality impacts from both construction (including demolition, if any) and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips, and hauling trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers and air pollution control devices), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, such as sources that generate or attract vehicular trips, should be included in the analysis. Furthermore, emissions from the overlapping construction and operational activities should be combined and compared to South Coast AQMD's air quality significance thresholds for *operation* to determine the level of significance.

If the Proposed Project generates diesel emissions from long-term construction or attracts diesel-fueled vehicular trips, especially heavy-duty diesel-fueled vehicles, it is recommended that the Lead Agency perform a mobile source health risk assessment.⁵

Also, if implementation of the Proposed Project would require the use of new stationary and portable sources, including but not limited to emergency generators, fire water pumps, boilers, spray booths, etc., one or more air permits from South Coast AQMD will be required, and the role of South Coast AQMD would change from a Commenting Agency to a Responsible Agency under CEQA. The assumptions in the air quality analysis in the EIR will be the basis for evaluating the air permit(s) under CEQA and imposing permit conditions and limits. Questions about air permit requirements should be directed to South Coast AQMD's Engineering and Permitting staff at (909) 396-3385.

In addition, if air permits are required and the South Coast AQMD is identified as a Responsible Agency in the EIR, per CEQA Guidelines Sections 15086, the Lead Agency is required to consult with South Coast AQMD. CEQA Guidelines Section 15096 sets forth specific procedures for a Responsible Agency, including making a decision on the adequacy of the CEQA document for use as part of evaluating the applications for air permits. For these reasons, the EIR should include a discussion about any new stationary and portable equipment requiring South Coast AQMD air permits and identify South Coast AQMD as a Responsible Agency for the Proposed Project, if applicable.

The California Air Resources Board's (CARB) *Air Quality and Land Use Handbook: A Community Health Perspective*⁶ is a general reference guide for evaluating and reducing air pollution impacts associated with new projects that go through the land use decision-making

⁵ South Coast AQMD's guidance for performing a mobile source health risk assessment can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>.

⁶ CARB's *Air Quality and Land Use Handbook: A Community Health Perspective* can be found at: <https://www.aqmd.gov/docs/default-source/ceqa/handbook/california-air-resources-board-air-quality-and-land-use-handbook-a-community-health-perspective.pdf>.

Comment letter # 3**Attachment 1**

process with additional guidance on strategies to reduce air pollution exposure near high-volume roadways available in CARB's technical advisory⁷.

The South Coast AQMD's *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*⁸ includes suggested policies that local governments can use in their General Plans or through local planning to prevent or reduce potential air pollution impacts and protect public health. It is recommended that the Lead Agency review this Guidance Document as a tool when making local planning and land use decisions.

South Coast AQMD staff is concerned about potential public health impacts of siting warehouses within close proximity of sensitive land uses, especially in communities that are already heavily affected by the existing warehouse and truck activities. The South Coast AQMD's Multiple Air Toxics Exposure Study (MATES V), completed in August 2021, concluded that the largest contributor to cancer risk from air pollution is diesel particulate matter (DPM) emissions⁹. According to the MATES V carcinogenic risk interactive map, the area surrounding the Proposed Project has an estimated cancer risk of over 880 in one million¹⁰. Operation of warehouses generates and attracts heavy-duty diesel-fueled trucks that emit DPM. When the health impacts from the Proposed Project are added to those existing impacts, residents living in the communities surrounding the Proposed Project will possibly face an even greater exposure to air pollution and bear a disproportionate burden of increasing health risks.

Mitigation Measures

In the event that the Proposed Project results in significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized to minimize these impacts. Any impacts resulting from mitigation measures must also be analyzed. Several resources to assist the Lead Agency with identifying potential mitigation measures for the Proposed Project include South Coast AQMD's CEQA Air Quality Handbook,¹¹ South Coast AQMD's Mitigation Monitoring and Reporting Plan for the 2022 Air Quality Management Plan,¹² and Southern California Association of Government's Mitigation Monitoring and Reporting Plan for the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy.¹³

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

⁷ CARB's technical advisory can be found at: https://ww2.arb.ca.gov/sites/default/files/2017-10/rd_technical_advisory_final.pdf.

⁸ South Coast AQMD. 2005. *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*. Available at: <http://www.aqmd.gov/docs/default-source/planning/air-quality-guidance/complete-guidance-document.pdf>.

⁹ South Coast AQMD. August 2021. *Multiple Air Toxics Exposure Study in the South Coast Air Basin V*. Available at: <http://www.aqmd.gov/home/air-quality/air-quality-studies/health-studies/mates-v>.

¹⁰ South Coast AQMD. MATES V Data Visualization Tool. Accessed at: [MATES Data Visualization \(arcgis.com\)](https://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook).

¹¹ <https://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook>.

¹² South Coast AQMD's 2022 Air Quality Management Plan can be found at: <http://www.aqmd.gov/home/air-quality/clean-air-plans/air-quality-mgt-plan> (Chapter 4 - Control Strategy and Implementation).

¹³ Southern California Association of Governments' 2020-2045 RTP/SCS can be found at: https://www.connectsocal.org/Documents/PEIR/certified/Exhibit-A_ConnectSoCal_PEIR.pdf.

Comment letter # 3

(Attachment 1)

- 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 Rule¹⁴ and the Heavy-Duty Low NOx Omnibus Regulation¹⁵, ZE and NZE trucks will become increasingly more available to use. The Lead Agency should require a phase-in schedule to incentivize the use of 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 2010 model year¹⁶ that meet 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. 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, where appropriate. 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 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 Recirculated Draft EIR may include the following:

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

¹⁴ CARB. June 25, 2020. *Advanced Clean Trucks Rule*. Accessed at: <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-trucks>

¹⁵ 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/bhp-hr starting with engine model year 2024. Accessed at: <https://ww2.arb.ca.gov/rulemaking/2020/hdornibuslownox>

¹⁶ 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>

Comment letter # 3**(Attachment 1)**

Design considerations for the Proposed Project that the Lead Agency should consider to further reduce air quality and health risk impacts include the following:

- Clearly mark truck routes with trailblazer signs, so that trucks will not travel next to or near sensitive land uses (e.g., residences, schools, day care 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 there are no trucks 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.

On May 7, 2021, South Coast AQMD's Governing Board adopted Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program, and Rule 316 – Fees for Rule 2305. Rules 2305 and 316 are new rules that will reduce regional and local emissions of nitrogen oxides (NOx) and particulate matter (PM), including diesel PM. These emission reductions will reduce public health impacts for communities located near warehouses from mobile sources that are associated with warehouse activities. Also, the emission reductions will help the region attain federal and state ambient air quality standards. Rule 2305 applies to owners and operators of warehouses greater than or equal to 100,000 square feet. Under Rule 2305, operators are subject to an annual WAIRE Points Compliance Obligation that is calculated based on the annual number of truck trips to the warehouse. WAIRE Points can be earned by implementing actions in a prescribed menu in Rule 2305, implementing a site-specific custom plan, or paying a mitigation fee. Warehouse owners are only required to submit limited information reports, but they can opt in to earn Points on behalf of their tenants if they so choose because certain actions to reduce emissions may be better achieved at the warehouse development phase, for instance the installation of solar and charging infrastructure. Rule 316 is a companion fee rule for Rule 2305 to allow South Coast AQMD to recover costs associated with Rule 2305 compliance activities. Since the Proposed Project consists of the development of multi-million-square-foot warehouse, the Proposed Project's warehouse owners and operators will be required to comply with Rule 2305 once the warehouse is occupied. Therefore, South Coast AQMD staff recommends that the Lead Agency review South Coast AQMD Rule 2305 to determine the potential WAIRE Points Compliance Obligation for future operators and explore whether additional project requirements and CEQA mitigation measures can be identified and implemented at the Proposed Project that may help future warehouse operators meet their compliance obligation¹⁷. 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. For implementation guidance documents and compliance and reporting tools, please visit South Coast AQMD's WAIRE Program webpage¹⁸.

¹⁷ 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>.

¹⁸ South Coast AQMD WAIRE Program. Accessed at: <http://www.aqmd.gov/waire>.

Comment letter # 3

(attachment 1)

South Coast AQMD staff is available to work with the Lead Agency to ensure that air quality, greenhouse gas, and health risk impacts from the Proposed Project are accurately evaluated and mitigated where feasible. If you have any questions regarding this letter, please contact me at swang1@aqmd.gov.

Sincerely,

Sam Wang

Sam Wang
Program Supervisor, CEQA IGR
Planning, Rule Development & Implementation

SW
SBC241113-12
Control Number

Comment letter # 2

A5.12

Attachment 1

SENT VIA E-MAIL:

December 15, 2021

Aron.Liang@lus.sbcounty.gov

Aron Liang, Senior Planner

County of San Bernardino, Land Use Services Department

385 North Arrowhead Avenue, First Floor

San Bernardino, California 92415-0187

**Draft Environmental Impact Environmental Impact Report (EIR) for the Proposed
Bloomington Business Park Specific Plan Project (Proposed Project)
(SCH No.: 2020120545)**

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. The County of San Bernardino is the California Environmental Quality Act (CEQA) Lead Agency for the Proposed Project. The following comments on the Draft EIR include recommended revisions to existing air quality project design features, new air quality project design features or mitigation measures, and a discussion of South Coast AQMD permits that the Lead Agency should include in the Final EIR.

Based on the Draft EIR, the Proposed Project consists of construction and operation of 3,235,836 square feet of light industrial, manufacturing, warehousing, and trailer parking uses on a 213-acre site that is located on the southeast corner of Santa Ana Avenue and Alder Avenue in the community of Bloomington. Development will be implemented in two planning areas. Planning Area A has two design options, resulting in either 2,113,640 square feet or 2,712,040 square feet of warehousing uses¹. Construction of Planning Area A is anticipated to begin in the fourth quarter of 2021 and will be completed by the fourth quarter of 2022². Planning Area B includes future development of industrial business park uses and has a proposed buildout year of 2040³.

The Proposed Project consisting of both planning areas as a whole will include 25 project design features (PDFs) for air quality⁴. These features include requirements such as heavy-duty haul trucks used during construction to be equipped with 2010 model year or newer engines, if feasible, and that all facility-owned and operated truck fleets accessing the site during operation are also equipped with 2010 model year or newer engines, among other requirements⁵. Once operational, the Proposed Project is anticipated to generate 8,555 trip-ends per day, 1,290 of which would be made by light-, medium-and heavy-heavy-duty trucks⁶. Although the warehouse tenant is unknown at the time of the release of the Draft EIR, the Proposed Project is not

¹ Draft EIR, Page 1-3.

² *Ibid.* Appendix C1 Air Quality Report.

³ *Ibid.* Page 3-16.

⁴ *Ibid.* Pages 5.3-57 to 59.

⁵ *Ibid.* Section 5.3 Air Quality, Pages 5.3-57 to 5.3-59.

⁶ *Ibid.* Appendix K1 Traffic Impact Assessment, Pages 67 to 69.

Comment letter # 2

(Attachment 1)

anticipated to include refrigerated logistics uses⁷. Based on the Draft EIR, existing sensitive receptors are 11 feet of the Proposed Project⁸.

Based on a review of the Draft EIR and supporting technical documents, South Coast AQMD staff has three main comments. A summary of these comments is provided as follows with additional details provided in the attachment.

1. Recommended Revisions to Existing Air Quality Project Design Features (PDFs): The Lead Agency requires the use of cleaner on- and off-road construction equipment and operational vehicles, including zero-emission light- and medium-duty trucks, if such trucks are widely available and economically feasible, and installation of electric charging infrastructure (PDF AQ-3, PDF AQ-4, PDF AQ-10, PDF AQ-12, and PDF AQ-13). Additional information on how widely available and economically feasible will be determined should be provided in the Final EIR. Given the close proximity of sensitive receptors, the Lead Agency should strengthen and expand the requirement of using zero-emissions or near-zero emission standards, or at a minimum 2010 model year on-road trucks during operation to all trucks accessing the Proposed Project, and not limit the requirement to those trucks that are owned or contracted by warehouse tenants and/or operators (PDF AQ-9).
2. Additional Recommended Air Quality PDFs or Mitigation Measures: In the Draft EIR, operation of the Proposed Project is found to have significant and unavoidable air quality impacts for VOC and NOx emissions. The Lead Agency should include additional PDFs or mitigation measures to identify clean construction and operational equipment and trucks that are already available and in-use, require their uses by the opening date for Planning Area A in 2022, develop considerations of potential cleaner technologies that will become feasible and available during the lifetime of the Proposed Project (buildout year 2040), develop a process for periodic technology assessment with performance standards, ensure future buildout at the Proposed Project does not exceed what was previously evaluated in the Draft EIR, and clearly mark truck routes with trailblazer signs to ensure truck travel avoids traversing by existing sensitive receptors.
3. Responsible Agency and South Coast AQMD Permits: If the Proposed Project will require the use of stationary equipment such as emergency generator(s) and fire pump(s), permit(s) from South Coast AQMD will be required. The Final EIR should include a discussion of stationary equipment that will require South Coast AQMD permits and identify South Coast AQMD as a CEQA Responsible Agency for the Proposed Project.

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 prior to the certification of the Final EIR. 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, reasoned analysis in response. Conclusory statements unsupported by factual information will

⁷ *Ibid* Chapter 3 Project Description, Page 3-15.

⁸ *Ibid* Section 5.12 Noise, Pages 5.12-15 to 5.12-16.

Comment letter # 2

Attachment 1

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. Further, if the Lead Agency makes the finding that the recommended revisions to the existing PDFs and the recommended new air quality project design features or mitigation measures are not feasible, the Lead Agency should describe the specific reasons supported by substantial evidence for rejecting them in the Final EIR (CEQA Guidelines Section 15091).

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 Alina Mullins, Air Quality Specialist, at amullins@aqmd.gov, should you have any questions or wish to discuss the comments.

Sincerely,

Lijin Sun

Lijin Sun

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

Attachment
LS:AM
SBC210928-09
Control Number

Comment letter # 2

Attachment 1

ATTACHMENT

South Coast AQMD Staff's Summary of Air Quality Analysis and Health Risk Assessment in the Draft EIR

In the Air Quality Analysis Section of the Draft EIR, the Lead Agency quantified the Proposed Project's maximum daily construction emissions. The Lead Agency considered three different construction options: Opening Year Option 1 and Opening Year Option 2 for Planning Area A, and Future Development/Specific Plan Buildout for Planning Area B. The Lead Agency compared the Proposed Project's construction emissions to South Coast AQMD's recommended regional air quality CEQA significance thresholds. Based on the analysis, the Lead Agency found that, for all three construction options evaluated, the Proposed Project's regional construction air quality impacts would be significant for VOC and NOx emissions⁹. Mitigation Measures (MMs) AQ-1 and AQ-2 would require the use low VOC architectural coatings with no more than 10g/L of VOC and require all off-road construction equipment 50 horsepower or greater to meet Tier 4 emission standards. With implementation of these mitigation measures, both regional VOC and NOx emissions from construction activities from all three construction options would be reduced to less than significance levels¹⁰.

The Lead Agency also considered three different operational options: Opening Year Option 1, Opening Year Option 2, and Future Development/Specific Plan Buildout. Based on the analysis, the Lead Agency found that all three options would result in significant regional operational air quality impacts from VOC and NOx emissions¹¹. MMs AQ-3 through AQ-7 require postage of idling restriction signage, contractual specifications that vendor trucks include energy efficiency improvement features through Carl Moyer, electric vehicle charging stations, installation of infrastructure to support electric forklifts and other interior equipment, and implementation of a transportation management association to coordinate carpooling. However, the Lead Agency found that air quality impacts from operating the Proposed Project under all three options would remain significant and unavoidable for VOC and NOx emissions¹².

In the Draft EIR, the Lead Agency also quantified the Proposed Project's localized construction and operational emissions and compared them to the applicable South Coast AQMD's localized significance thresholds. Based on the analysis, the Lead Agency found that the Proposed Project's localized construction and operational air quality impacts would be less than significant¹³. Additionally, the Lead Agency calculated cancer risks from Proposed Project's operational activities under Opening Year Option 1, Opening Year Option 2, and Future Development/Specific Plan Buildout and found that the maximum cancer inhalation risk would be of 4.58 in one million, 5.78 in one million, and 3.11 in one million¹⁴, respectively, all of which would be below South Coast AQMD's CEQA significance threshold of 10 in one million for cancer risk¹⁵. Finally, the Draft EIR discussed South Coast AQMD Rules 2305 and 316¹⁶.

⁹ *Ibid.* Section 5.3 Air Quality, Page 5.3-33.

¹⁰ *Ibid.*

¹¹ *Ibid.* Page 5.3-34

¹² *Ibid.*

¹³ Draft EIR, Appendix C1 Air Quality Report, Pages 56 to 62.

¹⁴ *Ibid.* Pages 13 to 35.

¹⁵ South Coast AQMD's CEQA significance threshold of 10 in one million for cancer risk is based on the most current methodology recommended by the California Office of Environmental Health Hazard assessment.

Comment letter # 2

(Attachment 1)

South Coast AQMD staff's detailed comments on the Draft EIR are provided as follows.

1. Recommended Revisions to Existing Air Quality Project Design Features (PDFs)

a) PDF AQ-3, PDF AQ-4, PDF AQ-10, PDF AQ-12, PDF AQ-13

In the Draft EIR, the Lead Agency incorporated 25 PDFs related to air quality. Several PDFs (PDF AQ-3, PDF AQ-4, PDF AQ-10, PDF AQ-12, and PDF AQ-13) would require implementation of cleaner on- and off-road construction equipment and operational vehicles, including zero-emission light- and medium-duty trucks, and installation of electric charging infrastructure to further support electric vehicle (EV) usage onsite. However, these PDFs will only be implemented by the Lead Agency when they are "widely available and economically feasible" or "whenever feasible"¹⁷. South Coast AQMD staff recommends that the Lead Agency provide additional information on how "widely available and economically feasible" will be defined and determined in the Final EIR. The recommended information would establish a clear set of standards and criteria for assessing the technological, commercial, and economic availability and feasibility of using both cleaner on- and off-road construction equipment and operational vehicles and installing EV infrastructure, provide public transparency in the Lead Agency's decision-making regarding cleaner on- and off-road construction equipment, operational vehicles, and EV infrastructure, demonstrate a commitment by the Lead Agency to using cleaner on- and off-road construction equipment and operational vehicles and EV infrastructure, ensure implementation when they are available, strengthen the Proposed Project's air quality commitments, and facilitate the purpose and goal of CEQA on public disclosure.

b) PDF AQ-9

PDF AQ-9 requires that applicant/developer/tenant require that all facility-owned and operated fleet equipment with a gross vehicle weight rating greater than 14,000 pounds accessing the site meet or exceed 2010 model year emissions standards. Since the Proposed Project's operators, which are unknown at this time, may not have their own fleet equipment, and to further reduce the Proposed Project's significant and unavoidable NOx emissions during operation, South Coast AQMD staff recommends that the Lead Agency strengthen the PDF as follows to require all trucks accessing the Proposed Project are zero-emissions (ZE) or near-zero emissions (NZE) during operation, or at a minimum meet 2010 model year emission standards, not limited to those trucks that are owned or contracted by warehouse tenants and/or operators. This recommendation is needed to protect public health on nearby sensitive receptors that are located within 11 feet of the Proposed Project. It would also support and facilitate implementation of South Coast AQMD Rule 2305 – Warehouse Indirect Source Rule.

PDF AQ-9: The Project Applicant/Developer/Tenant shall require that all ~~facility-owned and operated fleet~~ equipment with a gross vehicle weight rating greater than 14,000 pound accessing the site ~~be ZE or NZE operation 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). At a minimum, this equipment shall meet or exceed 2010~~

¹⁶ Draft EIR, Section 5.3 Air Quality, Page 5.3-9.

¹⁷ Draft EIR, Chapter 1 Executive Summary

Comment letter # 2

(Attachment 1)

model-year emissions equivalent engine standards as currently defined in California Code of Regulations Title 13, Division 3, Chapter 1, Article 4.5, Section 2025. Facility operators which own vehicles subject to Section 2025 shall maintain records on-site demonstrating compliance with this requirement and shall make records available for inspection by the local jurisdiction, air district, and state upon request.

2. Additional Recommended Air Quality PDFs or Mitigation Measures

In the Draft EIR, the Lead Agency found that the Proposed Project would result in significant and unavoidable air quality impacts from VOC and NOx emissions during operation. CEQA requires that the Lead Agency consider mitigation measures to minimize significant adverse impacts (CEQA Guidelines Section 15126.4) and that all feasible mitigation measures that go beyond what is required by law be utilized to minimize or eliminate any significant adverse impacts. South Coast AQMD staff recommends that the Lead Agency consider including the following operational air quality PDFs or mitigation measures in the Final EIR to further reduce the Proposed Project's significant and unavoidable air quality impacts during operation.

Technology is transforming the goods transport and movement sector at a rapid pace. ZE or NZE construction equipment, cargo handling equipment, and trucks are already commercially available and in-use. Therefore, the Lead Agency should use good-faith efforts to identify the available types of ZE or NZE construction and cargo handling equipment and trucks in the Final EIR and require their uses by the opening date for Planning Area A in 2022.

Clean construction and cargo handling equipment and trucks will become increasingly more feasible and commercially available as technology advances. If using ZE or NZE technologies is not feasible today, it could become feasible in a reasonable period of time during the Proposed Project's buildout schedule by 2040 (CEQA Guidelines Section 15364). Therefore, it is recommended that the Lead Agency include considerations of potential cleaner technologies that will become feasible and available during the lifetime of the Proposed Project and develop a process with performance standards to require and/or accelerate the deployment of the lowest emission technologies and the utilization of ZE or NZE construction and cargo handling equipment and heavy-duty trucks (CEQA Guidelines Section 15126.4(a)). The Lead Agency can and should develop the following performance standards or any other comparable standards in the Final EIR.

- Develop a minimum amount of ZE or NZE construction and cargo handling equipment and heavy-duty trucks that the Proposed Project must use each year during construction and operation to ensure adequate progress. Include this requirement in the Proposed Project's Construction Management Plan, business development agreement(s), and contracts with operator(s).
- Establish a contractor(s), tenant(s), or operator(s) selection policy that prefers contractor(s), tenant(s), or operator(s) who can supply and use ZE or NZE construction and cargo handling equipment and heavy-duty trucks during construction and operation. Include this policy in the Request for Proposal, procurement documents, and purchase order(s) for selecting contractor(s), tenant(s), or operator(s).
- Establish a policy to select and use vendors that use ZE or NZE heavy-duty trucks. Include this policy in the vendor contracts and business agreements.

Comment letter # 2

(Attachment 1)

- Establish a purchasing policy to purchase and receive materials from vendors that use ZE or NZE heavy-duty trucks to deliver materials. Include this policy in the procurement documents and purchase orders with vendors.
- Develop a target-focused and performance-based process and timeline to implement the use of ZE heavy-duty trucks during operation that is consistent with the timeline and requirement for warehouse activities under South Coast AQMD Rule 2305.
- Develop a project-specific process and criteria for periodically assessing progress in implementing the use of ZE heavy-duty trucks during operation.

Additional air quality PDFs or mitigation measures to further reduce the Proposed Project's operational air quality impacts from mobile sources and design considerations that the Lead Agency should consider in the Final EIR may include the followings:

- At this time, the Lead Agency has received development applications for three warehouses and one truck trailer parking lot. The Lead Agency analyzed up to 3,235,836 square feet of development and 8,555 truck trip ends daily. Since the Proposed Project will be fully built out by 2040 and additional developments are unknown at this time, the Lead Agency should limit the daily number of trucks allowed at the Proposed Project to levels that were analyzed in the Final EIR (8,555 daily truck trip ends). If higher daily truck volumes are anticipated to visit the site, especially as the Proposed Project is continued to be built out until 2040, the Lead Agency should commit to re-evaluating the increase in daily truck trips from the Proposed Project through CEQA prior to allowing a higher activity level than previously analyzed.
- In the Draft EIR, the Lead Agency explains that the Proposed Project's truck routes will be limited to south of Laurel Avenue, Locust Avenue, Maple Avenue, Jurupa Avenue, and Cedar Avenue¹⁸. These routes were used to model the Proposed Project's air quality concentrations during operation¹⁹. South Coast AQMD staff recommends that the Lead Agency clearly mark truck routes with trailblazer signs to ensure truck travel utilizes the routes analyzed in the Draft EIR and avoids traversing by the existing sensitive receptors (e.g. residents and schools).

3. Responsible Agency and South Coast AQMD Permits

If implementation of the Proposed Project requires the use of stationary equipment, including but is not limited to, emergency generator(s) and emergency fire pump(s), permits from South Coast AQMD are required. The Final EIR should include a discussion on stationary equipment that will require South Coast AQMD permits and identify South Coast AQMD as a Responsible Agency for the Proposed Project. Any assumptions used in the Final EIR will be used as the basis for permit conditions and limits for the Proposed Project. The 2015 revised Office of Environmental Health Hazard Assessment (OEHA) methodology is being used by South Coast AQMD for determining operational health risks for permitting applications and also for all CEQA projects where South Coast AQMD is the Lead Agency. 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>.

¹⁸ Draft EIR, Section 5.9 Hazards and Hazardous Materials, Page 5.9-32.

¹⁹ Draft EIR, Appendix C2 Health Risk Assessment Report, Pages 17 to 19.

Comment letter # 1

A5.13

(attachment 1)

SENT VIA E-MAIL:

January 19, 2021

Aron.Liang@lus.sbcounty.org

Aron Liang, Senior Planner

County of San Bernardino, Land use Services Department

385 North Arrowhead Avenue, First Floor

San Bernardino, California 92415

**Notice of Preparation of a Draft Environmental Impact Report for
Bloomington Business Park Specific Plan Project (Proposed Project)**

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. Our comments are recommendations on the analysis of potential air quality impacts from the Proposed Project that should be included in the Draft Environmental Impact Report (EIR). Please send a copy of the Draft EIR upon its completion and public release directly to South Coast AQMD as copies of the Draft EIR submitted to the State Clearinghouse are not forwarded. In addition, please send all appendices and technical documents related to the air quality, health risk, and greenhouse gas analyses and electronic versions of all emission calculation spreadsheets, and air quality modeling and health risk assessment input and output files (not PDF files). Any delays in providing all supporting documentation for our review will require additional review time beyond the end of the comment period.

CEQA Air Quality Analysis

Staff recommends that the Lead Agency use South Coast AQMD's CEQA Air Quality Handbook and website¹ as guidance when preparing the air quality and greenhouse gas analyses. It is also recommended that the Lead Agency use the CalEEMod² land use emissions software, which can estimate pollutant emissions from typical land use development and is the only software model maintained by the California Air Pollution Control Officers Association.

South Coast AQMD has developed both regional and localized significance thresholds. South Coast AQMD staff recommends that the Lead Agency quantify criteria pollutant emissions and compare the emissions to South Coast AQMD's CEQA regional pollutant emissions significance thresholds³ and localized significance thresholds (LSTs)⁴ to determine the Proposed Project's air quality impacts. The localized analysis can be conducted by either using the LST screening tables or performing dispersion modeling.

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the Proposed Project and all air pollutant sources related to the Proposed Project. Air quality impacts from both construction (including demolition, if any) and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road

¹ South Coast AQMD's CEQA Handbook and other resources for preparing air quality analyses can be found at: <http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook>

² CalEEMod is available free of charge at: www.caleemod.com.

³ South Coast AQMD's CEQA regional pollutant emissions significance thresholds can be found at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>

⁴ South Coast AQMD's guidance for performing a localized air quality analysis can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>

Comment letter # 1

(attachment 1)

mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips, and hauling trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers and air pollution control devices), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, such as sources that generate or attract vehicular trips, should be included in the analysis. Furthermore, emissions from the overlapping construction and operational activities should be combined and compared to South Coast AQMD's regional air quality CEQA *operational* thresholds to determine the level of significance.

If the Proposed Project generates diesel emissions from long-term construction or attracts diesel-fueled vehicular trips, especially heavy-duty diesel-fueled vehicles, it is recommended that the Lead Agency perform a mobile source health risk assessment⁵.

In the event that implementation of the Proposed Project requires a permit from South Coast AQMD, South Coast AQMD should be identified as a Responsible Agency for the Proposed Project in the Draft EIR. The assumptions in the air quality analysis in the Final EIR will be the basis for evaluating the permit under CEQA and imposing permit conditions and limits. Questions on permits should be directed to South Coast AQMD's Engineering and Permitting staff at (909) 396-3385.

The California Air Resources Board's (CARB) *Air Quality and Land Use Handbook: A Community Health Perspective*⁶ is a general 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 advisory⁷.

South Coast AQMD staff is concerned about potential public health impacts of siting warehouses within close proximity of sensitive land uses, especially in communities that are already heavily affected by the existing warehouse and truck activities. The South Coast AQMD's Multiple Air Toxics Exposure Study (MATES IV), completed in May 2015, concluded that the largest contributor to cancer risk from air pollution is diesel particulate matter (DPM) emissions⁸. According to the MATES IV Carcinogenic Risk interactive Map, the area surrounding the Proposed Project has an estimated cancer risk over 880 in one million⁹. Operation of warehouses generates and attracts heavy-duty diesel-fueled trucks that emit DPM. When the health impacts from the Proposed Project are added to those existing impacts, residents living in the communities surrounding the Proposed Project will possibly face an even greater exposure to air pollution and bear a disproportionate burden of increasing health risks.

Mitigation Measures

In the event that the Proposed Project results in significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized to minimize these impacts. Any impacts resulting from mitigation measures must also be analyzed. Several resources to assist the Lead Agency with identifying potential mitigation measures for the Proposed Project include South Coast AQMD's CEQA Air Quality Handbook¹, South Coast AQMD's Mitigation Monitoring and

⁵ South Coast AQMD's guidance for performing a mobile source health risk assessment can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>.

⁶ CARB's *Air Quality and Land Use Handbook: A Community Health Perspective* can be found at: <http://www.arb.ca.gov/ch/handbook.pdf>.

⁷ CARB's technical advisory can be found at: <https://www.arb.ca.gov/ch/landuse.htm>.

⁸ South Coast AQMD. May 2015. *Multiple Air Toxics Exposure Study in the South Coast Air Basin*. Available at: <http://www.aqmd.gov/docs/default-source/air-quality/air-toxic-studies/mates-iv/mates-iv-final-draft-report-4-1-15.pdf>.

⁹ South Coast AQMD. MATES INV Estimated Risk. Accessed at: <https://scaqmd-online.maps.arcgis.com/apps/webappviewer/index.html?id=470c30bc6da74ef6a43f0082973ff45f>.

Comment letter # 1

(attachment 1)

Reporting Plan for the 2016 Air Quality Management Plan¹⁰, and Southern California Association of Government's Mitigation Monitoring and Reporting Plan for the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy¹¹.

Mitigation measures for operational air quality impacts from mobile sources that the Lead Agency should consider in the Draft 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 Rule¹² and the Heavy-Duty Low NOx Omnibus Regulation¹³, ZE and NZE trucks will become increasingly more available to use. The Lead Agency should require a phase-in schedule to incentive the use of 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 2010 model year¹⁴ that meet 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. 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, where appropriate. 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.

¹⁰ South Coast AQMD's 2016 Air Quality Management Plan can be found at: <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2017/2017-mar3-035.pdf> (starting on page 86).

¹¹ Southern California Association of Governments' 2020-2045 RTP/SCS can be found at: https://www.connectsoocal.org/Documents/PEIR/certified/Exhibit-A_ConnectSoCal_PEIR.pdf

¹² CARB. June 25, 2020. *Advanced Clean Trucks Rule*. Accessed at: <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-trucks>.

¹³ 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/bhp-hr starting with engine model year 2024. Accessed at: <https://ww2.arb.ca.gov/rulemaking/2020/hdombuslownox>.

¹⁴ 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/cnrdiesel/cnrdiesel.html>

Comment letter # 1**(Attachment 1)**

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

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

Design considerations for the Proposed Project that the Lead Agency should consider to further reduce air quality and health risk impacts include the following:

- Clearly mark truck routes with trailblazer signs, so that trucks will not travel next to or near sensitive land uses (e.g., residences, schools, day care 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 there are no trucks 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 is available to work with the Lead Agency to ensure that air quality, greenhouse gas, and health risk impacts from the Proposed Project are accurately evaluated and mitigated where feasible. If you have any questions regarding this letter, please contact me at lsun@aqmd.gov.

Sincerely,

Lijin Sun

Lijin Sun, J.D.
Program Supervisor, CEQA IGR
Planning, Rule Development & Area Sources

LS
SBC210105-05
Control Number

Attachment 2:

Email Conversation between the CEQA Lead Agency and South Coast AQMD

2/25/26, 3:40 PM

Sent Items - Jivar Afshar - Outlook

A5.14

Attachment 2



[EXTERNAL] RE: Comment Letter on Recirculated DEIR for Bloomington Business Park Specific Plan Project (South Coast AQMD Control No. SBC251030-07)

From Mineo-Wells, Maryn <Maryn.Mineo-Wells@lus.sbcounty.gov>

Date: Wed 1/14/2026 10:32 AM

To: Sam Wang <swang1@aqmd.gov>

Cc: Jivar Afshar <jafshar@aqmd.gov>

Hi Sam,

Thank you so much for resending.

Kind regards,

Maryn Mineo-Wells
 Planner III
Land Use Services Department
 Office: 909.387.4738
 Mobile: 909.915.9797
 Fax: 909.387.3223
 386 N. Arrowhead Ave.
 San Bernardino, CA 92415-0187



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www.SBCounty.gov

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From: Sam Wang <swang1@aqmd.gov>

Sent: Wednesday, January 14, 2026 10:26 AM

To: Mineo-Wells, Maryn <Maryn.Mineo-Wells@lus.sbcounty.gov>

Cc: Jivar Afshar <jafshar@aqmd.gov>

Subject: Fw: Comment Letter on Recirculated DEIR for Bloomington Business Park Specific Plan Project (South Coast AQMD Control No. SBC251030-07)

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2/25/26, 3:40 PM

Sent Items - Jivar Afshar - Outlook

Attachment 2

From: Jivar Afshar <jafshar@aqmd.gov>
Sent: Thursday, December 11, 2025 5:59 PM
To: Gina.Gibson-Williams@lus.sbcounty.gov <gina.gibson-williams@lus.sbcounty.gov>
Cc: Sam Wang <swang1@aqmd.gov>; Barbara Radlein <bradlein@aqmd.gov>
Subject: Comment Letter on Recirculated DEIR for Bloomington Business Park Specific Plan Project (South Coast AQMD Control No. SBC251030-07)

Hello Ms. Gibson-Williams,

Thank you for the opportunity to comment. Please find attached South Coast AQMD staff's comment letter on the Recirculated DEIR for the Bloomington Business Park Specific Plan Project (South Coast AQMD Control No. SBC251030-07). If you have any questions or need additional information regarding these comments, please feel free to contact me.

Best Regards,
Jivar Afshar (*she, her, hers*)

*Air Quality Specialist, CEQA
Planning, Rule Development, & Implementation
(909)396-2040
Please note, South Coast AQMD is closed on Mondays.*



2/25/26, 3:42 PM

Sent Items - Jivar Afshar - Outlook



Outlook

[EXTERNAL] Re: Technical File Request for Bloomington Business Park Specific Plan Project (South Coast AQMD Control No. SBC251030-07)

From Gibson-Williams, Gina <Gina.Gibson-Williams@lus.sbcounty.gov>
Date Mon 1/26/2026 8:07 AM
To Jivar Afshar <jafshar@aqmd.gov>
Cc Sam Wang <swang1@aqmd.gov>

Thank you so much and I look forward to your response!

Gina Gibson Williams
Land Development Director
Gibson Land Consulting

Sent from my iPhone so please disregard any typographical errors. Thank you!

From: Jivar Afshar <jafshar@aqmd.gov>
Sent: Friday, January 23, 2026 11:13:17 AM
To: Gibson-Williams, Gina <Gina.Gibson-Williams@lus.sbcounty.gov>
Cc: Sam Wang <swang1@aqmd.gov>
Subject: FW: Technical File Request for Bloomington Business Park Specific Plan Project (South Coast AQMD Control No. SBC251030-07)

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Good morning Gina,

As requested, please see the forwarded November 4, 2025 technical file request email below for your administrative record. I will follow up separately regarding the modeling file review timeline and the additional questions.

Best Regards,
Jivar Afshar (*she, her, hers*)

*Air Quality Specialist, CEQA
Planning, Rule Development, & Implementation
(909)396-2040
Please note, South Coast AQMD is closed on Mondays.*

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2/25/26, 3:42 PM

Sent Items - Jivar Afshar - Outlook

Attachment 2



From: Jivar Afshar
Sent: Tuesday, November 4, 2025 4:49 PM
To: Gina.Gibson-Williams@lus.sbcounty.gov
Cc: Sam Wang <swang1@aqmd.gov>
Subject: Technical File Request for Bloomington Business Park Specific Plan Project (South Coast AQMD Control No. SBC251030-07)

Dear Ms. Gibson-Williams,

South Coast AQMD staff received the NOA for the Recirculated Draft EIR for Bloomington Business Park Specific Plan Project (South Coast AQMD Control Number: SBC251030-07). Staff is currently in the process of reviewing the Project. The public commenting period is from October 28, 2025 to December 11, 2025.

Upon review of the files provided as part of the public review period, I was able to access the PDF versions of the Recirculated Draft EIR and Appendices; <https://lus.sbcounty.gov/planning-home/environmental/valley-region/>.

We respectfully request that you also provide electronic copies of the complete, **live** modeling and emissions calculation files used to quantify air quality impacts from construction and/or operation of the proposed project. Specifically, please include:

- CalEEMod input files (**.csv format**);
- Emission calculation files (**Excel format; not PDF**), including those related to truck operations or other project-related sources;
- AERMOD input and output files, including AERMOD View (.isc) files (the entire package);
- If HARP was used, HARP input and output files and/or Excel files used to calculate cancer risk and chronic/acute hazards (**live files only**, no PDFs);
- Any additional files used for post-processing outside of AERMOD to calculate pollutant-specific concentrations, if applicable.

To ensure timely review, we request that these files be provided by **November 11, 2025**, via a Dropbox or other accessible download link. Without all files and supporting documentation, South Coast AQMD staff will be unable to complete a review of the air quality analyses in a timely manner. Any delays in providing all supporting documentation will require additional time for review beyond the end of the comment period.

Best Regards,
 Jivar Afshar (*she, her, hers*)

Air Quality Specialist, CEQA
 Planning, Rule Development, & Implementation
 (909)396-2040

Please note, South Coast AQMD is closed on Mondays.

3/

<https://outlook.office.com/mail/id/AAQkADhlZmUxZTEyLWFkOGQlNGY3My05YzE5LWNlOTkzMDA1ZTVlOAAQAIIBZ%2FhXqFELjDuYH4YNk%3D?...> 2/3

2/25/26, 3:42 PM

Sent Items - Jivar Afshar - Outlook



Outlook

[EXTERNAL] RE: Comment Letter on Recirculated DEIR for Bloomington Business Park Specific Plan Project (South Coast AQMD Control No. SBC251030-07)

From: Gibson-Williams, Gina <Gina.Gibson-Williams@lus.sbcounty.gov>
Date: Wed 2/4/2026 3:54 PM
To: Jivar Afshar <jafshar@aqmd.gov>
Cc: Sam Wang <swang1@aqmd.gov>; Barbara Radlein <bradlein@aqmd.gov>

Hello to all!

You are most welcome!

November 20205 Correspondence

Yes! That was the correspondence that we needed. Thank you so very much!

30 Day Review

We will consider follow-up technical comments based on the modeling files and we look forward to your comments. The 30-day timeframe is a request so that we have a timeline for the project.

Construction HRA Modeling

The Construction HRA remodeling was provided as part of the Original Final EIR, which was provided to SCAQMD prior to original certification of the EIR.

2021 Modeling and Cobra Files

The 2021 modeling files are related to the analysis within the Original EIR, which was previously reviewed by SCAQMD. The COBRA modeling files are associated with the new Friant Ranch analysis included in the Recirculated Draft EIR.

Again. Many thanks for your partnership on this project.

From: Jivar Afshar <jafshar@aqmd.gov>
Sent: Friday, January 23, 2026 11:31 AM
To: Gibson-Williams, Gina <Gina.Gibson-Williams@lus.sbcounty.gov>
Cc: Sam Wang <swang1@aqmd.gov>; Barbara Radlein <bradlein@aqmd.gov>
Subject: RE: Comment Letter on Recirculated DEIR for Bloomington Business Park Specific Plan Project (South Coast AQMD Control No. SBC251030-07)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

Good morning Gina,

<https://outlook.office.com/mail/id/AAQkADhlZmUxZTEyLWFkOGQINGY3My05YzE5LWNlOTkzMDA1ZTVlOAAQAKhSDH75z0sFto3AaSvyTWI%3D?n...>

1/3

2/25/26, 3:42 PM

Sent Items - Jivar Afshar - Outlook

Thank you for sending these links and for providing the modeling files for our review.

Attachment 2

In response to your questions:

1. I have re-forwarded the November 2025 email requesting the unlocked modeling and emissions calculation files for the administrative record. Please let me know if it is the correspondence you were referring to.
2. With respect to the 30-day timeframe, since the formal public comment period has closed, South Coast AQMD staff would like to confirm first that the County would accept and consider any follow-up technical comments we may provide after completing this additional review.

Also, we noted that the Construction HRA modeling files are labeled as being provided "in response to comments". Could you please clarify what specific updates were made as part of that response, and whether the "2021 modeling files" and "COBRA modeling files" are the same versions used to support the Recirculated DEIR analysis?

Thank you again, and please let me know if you have any questions.

Best regards,
Jivar Afshar (*she, her, hers*)

*Air Quality Specialist, CEQA
Planning, Rule Development, & Implementation
(909)396-2040
Please note, South Coast AQMD is closed on Mondays.*



From: Gibson-Williams, Gina <Gina.Gibson-Williams@us.sbcounty.gov>
Sent: Wednesday, January 21, 2026 11:34 AM
To: Jivar Afshar <jafshar@aqmd.gov>; Sam Wang <swang1@aqmd.gov>; Barbara Radlein <bradlein@aqmd.gov>
Subject: [EXTERNAL] Comment Letter on Recirculated DEIR for Bloomington Business Park Specific Plan Project (South Coast AQMD Control No. SBC251030-07)

Hello Jivar!

Hope this message finds you well. On behalf of the County of San Bernardino, thank you for the comment letter regarding the Bloomington Business Park. The links to the models are included in this e-mail for your review. If you have any comments or concerns, please let me know.

I have two questions. First, Prior correspondence references a letter and or e-mail sent from SCAQMD in November regarding the models. Would you please be so kind as to resend that e-mail so we have a complete administrative record? Second, will 30 days be enough time to review the models? Let me know your thoughts.

Again, many thanks and the links are below:

2021 Modeling Files:
<https://urbanxroads.egnyte.com/dl/3G8Kg9r39XqQ>

<https://outlook.office.com/mail/id/AAQkADhlZmUxZTEyLWFkOGQNGY3My05YzE5LWNiOTkzMDA1ZTViOAAQAKhSDH75z0sFto3AeSvyTWI%3D?n...> 2/3

2/25/26, 3:42 PM

Sent Items - Jiver Afsher - Outlook

*Attachment 2***COBRA Modeling Files:**<https://urbanxroads.egnyta.com/dl/d4vj7hvVF4m9>**Construction HRA Modeling Files (In response to comments):**<https://urbanxroads.egnyta.com/dl/D3dBJVJJ7hME>

Sincerely,

Gina Gibson Williams
Planning Manager
Land Use Services Department



Our job is to create a county in which those who reside and invest can prosper and achieve well-being.

www.SBCounty.gov

County of San Bernardino Confidentiality Notice: This communication contains confidential information sent solely for the use of the intended recipient. If you are not the intended recipient of this communication, you are not authorized to use it in any manner, except to immediately destroy it and notify the sender.

³⁴
<https://outlook.office.com/mail/d/AAGkADhIZmUxZTEyUWFkOGQhNGY3My06YzE5LWNiOTIzMDA1ZTVlQAAQAKhSDH76z0eFto3Aa8vyTWN%3D7m...> 3/3

A5.15

Attachment 3:

**Input and Output of South Coast AQMD's IPT-Based Health Effects Analysis
Using BenMAP-CE**

References

100%	100%	100%
100%	100%	100%

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100																																																																																																																																																																																																																																																																																																																																																																									
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Population (thousands)	1.00	1.02	1.04	1.06	1.08	1.10	1.12	1.14	1.16	1.18	1.20	1.22	1.24	1.26	1.28	1.30	1.32	1.34	1.36	1.38	1.40	1.42	1.44	1.46	1.48	1.50	1.52	1.54	1.56	1.58	1.60	1.62	1.64	1.66	1.68	1.70	1.72	1.74	1.76	1.78	1.80	1.82	1.84	1.86	1.88	1.90	1.92	1.94	1.96	1.98	2.00	2.02	2.04	2.06	2.08	2.10	2.12	2.14	2.16	2.18	2.20	2.22	2.24	2.26	2.28	2.30	2.32	2.34	2.36	2.38	2.40	2.42	2.44	2.46	2.48	2.50	2.52	2.54	2.56	2.58	2.60	2.62	2.64	2.66	2.68	2.70	2.72	2.74	2.76	2.78	2.80	2.82	2.84	2.86	2.88	2.90	2.92	2.94	2.96	2.98	3.00	3.02	3.04	3.06	3.08	3.10	3.12	3.14	3.16	3.18	3.20	3.22	3.24	3.26	3.28	3.30	3.32	3.34	3.36	3.38	3.40	3.42	3.44	3.46	3.48	3.50	3.52	3.54	3.56	3.58	3.60	3.62	3.64	3.66	3.68	3.70	3.72	3.74	3.76	3.78	3.80	3.82	3.84	3.86	3.88	3.90	3.92	3.94	3.96	3.98	4.00	4.02	4.04	4.06	4.08	4.10	4.12	4.14	4.16	4.18	4.20	4.22	4.24	4.26	4.28	4.30	4.32	4.34	4.36	4.38	4.40	4.42	4.44	4.46	4.48	4.50	4.52	4.54	4.56	4.58	4.60	4.62	4.64	4.66	4.68	4.70	4.72	4.74	4.76	4.78	4.80	4.82	4.84	4.86	4.88	4.90	4.92	4.94	4.96	4.98	5.00	5.02	5.04	5.06	5.08	5.10	5.12	5.14	5.16	5.18	5.20	5.22	5.24	5.26	5.28	5.30	5.32	5.34	5.36	5.38	5.40	5.42	5.44	5.46	5.48	5.50	5.52	5.54	5.56	5.58	5.60	5.62	5.64	5.66	5.68	5.70	5.72	5.74	5.76	5.78	5.80	5.82	5.84	5.86	5.88	5.90	5.92	5.94	5.96	5.98	6.00	6.02	6.04	6.06	6.08	6.10	6.12	6.14	6.16	6.18	6.20	6.22	6.24	6.26	6.28	6.30	6.32	6.34	6.36	6.38	6.40	6.42	6.44	6.46	6.48	6.50	6.52	6.54	6.56	6.58	6.60	6.62	6.64	6.66	6.68	6.70	6.72	6.74	6.76	6.78	6.80	6.82	6.84	6.86	6.88	6.90	6.92	6.94	6.96	6.98	7.00	7.02	7.04	7.06	7.08	7.10	7.12	7.14	7.16	7.18	7.20	7.22	7.24	7.26	7.28	7.30	7.32	7.34	7.36	7.38	7.40	7.42	7.44	7.46	7.48	7.50	7.52	7.54	7.56	7.58	7.60	7.62	7.64	7.66	7.68	7.70	7.72	7.74	7.76	7.78	7.80	7.82	7.84	7.86	7.88	7.90	7.92	7.94	7.96	7.98	8.00	8.02	8.04	8.06	8.08	8.10	8.12	8.14	8.16	8.18	8.20	8.22	8.24	8.26	8.28	8.30	8.32	8.34	8.36	8.38	8.40	8.42	8.44	8.46	8.48	8.50	8.52	8.54	8.56	8.58	8.60	8.62	8.64	8.66	8.68	8.70	8.72	8.74	8.76	8.78	8.80	8.82	8.84	8.86	8.88	8.90	8.92	8.94	8.96	8.98	9.00	9.02	9.04	9.06	9.08	9.10	9.12	9.14	9.16	9.18	9.20	9.22	9.24	9.26	9.28	9.30	9.32	9.34	9.36	9.38	9.40	9.42	9.44	9.46	9.48	9.50	9.52	9.54	9.56	9.58	9.60	9.62	9.64	9.66	9.68	9.70	9.72	9.74	9.76	9.78	9.80	9.82	9.84	9.86	9.88	9.90	9.92	9.94	9.96	9.98	10.00
Population (thousands)	1.00	1.02	1.04	1.06	1.08	1.10	1.12	1.14	1.16	1.18	1.20	1.22	1.24	1.26	1.28	1.30	1.32	1.34	1.36	1.38	1.40	1.42	1.44	1.46	1.48	1.50	1.52	1.54	1.56	1.58	1.60	1.62	1.64	1.66	1.68	1.70	1.72	1.74	1.76	1.78	1.80	1.82	1.84	1.86	1.88	1.90	1.92	1.94	1.96	1.98	2.00	2.02	2.04	2.06	2.08	2.10	2.12	2.14	2.16	2.18	2.20	2.22	2.24	2.26	2.28	2.30	2.32	2.34	2.36	2.38	2.40	2.42	2.44	2.46	2.48	2.50	2.52	2.54	2.56	2.58	2.60	2.62	2.64	2.66	2.68	2.70	2.72	2.74	2.76	2.78	2.80	2.82	2.84	2.86	2.88	2.90	2.92	2.94	2.96	2.98	3.00	3.02	3.04	3.06	3.08	3.10	3.12	3.14	3.16	3.18	3.20	3.22	3.24	3.26	3.28	3.30	3.32	3.34	3.36	3.38	3.40	3.42	3.44	3.46	3.48	3.50	3.52	3.54	3.56	3.58	3.60	3.62	3.64	3.66	3.68	3.70	3.72	3.74	3.76	3.78	3.80	3.82	3.84	3.86	3.88	3.90	3.92	3.94	3.96	3.98	4.00	4.02	4.04	4.06	4.08	4.10	4.12	4.14	4.16	4.18	4.20	4.22	4.24	4.26	4.28	4.30	4.32	4.34	4.36	4.38	4.40	4.42	4.44	4.46	4.48	4.50	4.52	4.54	4.56	4.58	4.60	4.62	4.64	4.66	4.68	4.70	4.72	4.74	4.76	4.78	4.80	4.82	4.84	4.86	4.88	4.90	4.92	4.94	4.96	4.98	5.00	5.02	5.04	5.06	5.08	5.10	5.12	5.14	5.16	5.18	5.20	5.22	5.24	5.26	5.28	5.30	5.32	5.34	5.36	5.38	5.40	5.42	5.44	5.46	5.48	5.50	5.52	5.54	5.56	5.58	5.60	5.62	5.64	5.66	5.68	5.70	5.72	5.74	5.76	5.78	5.80	5.82	5.84	5.86	5.88	5.90	5.92	5.94	5.96	5.98	6.00	6.02	6.04	6.06	6.08	6.10	6.12	6.14	6.16	6.18	6.20	6.22	6.24	6.26	6.28	6.30	6.32	6.34	6.36	6.38	6.40	6.42	6.44	6.46	6.48	6.50	6.52	6.54	6.56	6.58	6.60	6.62	6.64	6.66	6.68	6.70	6.72	6.74	6.76	6.78	6.80	6.82	6.84	6.86	6.88	6.90	6.92	6.94	6.96	6.98	7.00	7.02	7.04	7.06	7.08	7.10	7.12	7.14	7.16	7.18	7.20	7.22	7.24	7.26	7.28	7.30	7.32	7.34	7.36	7.38	7.40	7.42	7.44	7.46	7.48	7.50	7.52	7.54	7.56	7.58	7.60	7.62	7.64	7.66	7.68	7.70	7.72	7.74	7.76	7.78	7.80	7.82	7.84	7.86	7.88	7.90	7.92	7.94	7.96	7.98	8.00	8.02	8.04	8.06	8.08	8.10	8.12	8.14	8.16	8.18	8.20	8.22	8.24	8.26	8.28	8.30	8.32	8.34	8.36	8.38	8.40	8.42	8.44	8.46	8.48	8.50	8.52	8.54	8																																																																								

Advertisement

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Attachment 3

12

Response to Comment Letter A5: South Coast Air Quality Management District (SCAQMD)

Due to the technical nature of this comment letter and response, this introduction is provided to help decision makers and the public understand the letter's purpose and key findings, and to define modeling terms repeated throughout the letter.

This comment letter is focused on the Friant Ranch analysis found in Impact AQ-2 in Section 5.3 of the Recirculated Draft EIR, *Air Quality*. The purpose of this analysis is to evaluate health impacts from criteria pollutant emissions in accordance with the case of *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502 ("Friant Ranch"). As described under Health Impacts of Emissions in Section 5.3 of the Recirculated Draft EIR, there is no reliable quantitative method to directly correlate emissions from an individual project with specific health consequences. In addition, the SCAQMD has not adopted thresholds or a recommended methodology for conducting a Friant Ranch analysis.

In the absence of an established methodology or adopted numeric thresholds, the Recirculated Draft EIR follows interim recommendations by relying on regional analyses and comparing results to those of similar large projects, such as the Friant Ranch project and California University, Dominguez Hills (CSUDH) project, where no significant health impacts were identified at similar emission levels. That is, the analysis utilizes a regional modeling tool to estimate changes in health indicators as a result of criteria pollutant emissions from project operation. The results are then compared to the results of two other large projects, Friant Ranch and CSUDH. Because these projects were determined to have less than significant health impacts in the region, the Project would also have a less than significant impact if its modeled project-related health impacts are similar or lower compared to those projects. It should be noted that because no numeric threshold has been adopted to define a level of change in health incidences such as mortality rate that would constitute a significant impact, this comparative approach provides context for evaluating significance. That is, if a project's modeled impacts are similar to or below those of the sample projects, the impact may also be considered less than significant, consistent with the determination made for these sample projects. It should also be noted that even if the Project's modeled mortality estimate exceeds one of the sample projects, the impact would not necessarily be considered to be significant given a numeric threshold has not been adopted that would indicate at what level change in severity reaches the level of a significant health impact. Further, both sample projects were determined to have less than significant health impacts in the region and Project regional air quality emissions would be comparable to or less than those resulting from the sample projects.

This comment letter asserts that the regional modeling conducted for the proposed Project using the COBRA model should be replaced by methodology using a screening level calculated by SCAQMD. However, multiple methodologies are available to estimate regional changes in health outcomes, and for the reasons outlined in detail in the responses below, the County respectfully disagrees that the SCAQMD-recommended approach would provide a more reliable health outcome estimate, or that calculated health risks are understated in the Recirculated Draft EIR. Nevertheless, the results from SCAQMD's analysis have been added to the Final EIR in Section 3.0, *Revisions to the Draft EIR*. The following paragraphs outline key terms used in this comment letter and response, and summarize the main points of the comment letter.

Two models and an equation-based method are referenced throughout the letter and response:

CO-Benefits Risk Assessment (COBRA): This is the model utilized in the Recirculated Draft EIR. It is a United States Environmental Protection Agency (US EPA) modeling tool that enables users (i.e., state, local, and tribal government staff and others interested in the effects of air pollution) to estimate the air quality and health benefits of different emissions scenarios. COBRA utilizes user-supplied emissions to estimate changes in total ambient pollutant concentrations, and estimates how those changes in outdoor air quality affect the incidence of a variety of health outcomes.

Environmental Benefits Mapping and Analysis Program - Community Edition (BenMAP-CE): BenMAP-CE is another US EPA modeling tool that calculates air pollution-related deaths and illnesses based on modeled or monitored air quality changes; population data; baseline incidence rates; and an effect estimate. The key difference between COBRA and BenMAP-CE is that COBRA includes an in-model tool to convert changes in air pollution concentrations into changes in air quality. For example, as described in 5.3.3.2 of the Recirculated DEIR, ozone (the criteria pollutant) is not emitted directly into the air. Instead, it is formed through a complex series of chemical reactions involving other compounds that are directly emitted. These directly emitted pollutants (also known as ozone precursors) include reactive organic gases (ROGs) or volatile organic compounds (VOCs), and oxides of nitrogen (NOx). Because projects emit these precursor pollutants rather than ozone itself, additional tools, such as Community Multiscale Air Quality (CAMx) or Community Multi-scale Air Quality Model (CMAQ), are required to estimate where and how much ozone is formed from precursor emissions for input into BenMAP-CE. These models simulate the changes of pollutant concentrations in the atmosphere using a set of mathematical equations characterizing the chemical and physical processes in the atmosphere. References to photochemical modeling in the comment letter and responses refer to these types of tools that simulate changes in air quality as a result of calculated emissions, for input into BenMAP-CE.

As described above, because BenMAP-CE relies on these external models, this photochemical modeling is a required component that is needed in order to use the BenMAP-CE model. The COBRA model, by contrast, has built-in capabilities to calculate air quality impacts from changes in pollutant concentrations. Therefore, separate photochemical modeling was unnecessary in connection with the modeling provided in Appendix B to the Draft EIR and discussed in Section 5.3, *Air Quality*, of the Recirculated Draft EIR. Therefore, separate photochemical modeling was not conducted for the proposed Project.

Incidence-Per-Ton (IPT) Equation: The IPT value is an equation developed by SCAQMD through BenMAP-CE modeling results for the Final Socioeconomic Impact Report for the 2022 AQMP. Because the BenMAP-CE model was used by SCAQMD, separate photochemical modeling was conducted as part of IPT development. The IPT method is not an air quality model, and use of the method does not apply any site-specific photochemical modeling or changes in pollutant concentrations. Rather, it is an equation developed through health analysis conducted for the 2022 AQMP incorporating population, health incidence, and NOx emissions data to estimate health incidences per ton of NOx emissions. The IPT method is based on basin-wide data and does not take into account site-specific conditions.

This comment letter asserts that the IPT method would provide a more meaningful estimate of health incidences compared to the COBRA method utilized in the Recirculated Draft EIR. The County disagrees, as the comments do not demonstrate that the IPT method would provide a more reliable estimate of project-related health outcomes. Further, as permitted by CEQA, the County has utilized its discretion to determine what significance thresholds to use and how to evaluate those. (*King & Gardiner Farms, LLC vs. County of Kern* (2020) 45 Cal.App.5th 814, 884 (“A lead agency enjoys substantial discretion in its choice of methodology” for evaluating the significance of an impact.”).

In summary, SCAQMD is not requesting that new photochemical modeling be prepared for the Project, rather, SCAQMD implies that the IPT method applies more accurate photochemical modeling and would therefore present a more accurate representation of Project health impacts. However, as discussed throughout this response, the IPT method does not take into account Project site conditions. It is based on basin-wide modeling using BenMAP-CE and the IPT values are calculated based on basin-wide conditions. It does not include variables to reflect any site-specific conditions. Therefore, it would not provide more Project-specific analysis compared to analysis contained with Section 5.3, *Air Quality*, of the Recirculated Draft EIR.

Additionally, as described above, the COBRA model utilized for the Project analysis does not require separate photochemical modeling because this tool is incorporated into the model, unlike BenMAP-CE. The COBRA model and BenMAP-CE are both USEPA tools for estimating changes in health outcomes as a result

of changes in air pollutant emissions. As such, the Recirculated Draft EIR provides an estimate of health outcomes based on accepted methodology, consistent with the SCAQMD recommendation that the estimate of health outcomes start with a regional model that considers how atmospheric conditions convert changes in air pollutant concentrations into changes to air quality. Nevertheless, the results from SCAQMD's analysis have been added to the Final EIR in Section 3.0, *Revisions to the Draft EIR*, for informational purposes only. This addition does not alter the Recirculated Draft EIR's significance findings.

Comment A5.1: This comment provides an introduction to the comment letter and states that the South Coast Air Quality Management District (SCAQMD) is appreciative of their opportunity to comment. This comment states that SCAQMD previously wrote two comment letters regarding the Original Draft EIR, one on the NOP dated January 19, 2021 and the other on the Draft EIR dated December 15, 2021. The comment states that the SCAQMD also submitted a comment letter dated December 12, 2024 on the NOP for the Recirculated Draft EIR and a comment letter on December 11, 2025 on the Recirculated Draft EIR. The comment states that, prior to the letter submitted on the Recirculated Draft EIR, SCAQMD staff also submitted a request to obtain the unlocked modeling and emission calculation files used to quantify the air quality impacts contained in the Recirculated Draft EIR. The comment states that, on January 21, 2026, SCAQMD received modeling files and that the County of San Bernardino provided SCAQMD with an additional 30 days to review the technical files. The comment states that this comment letter provides SCAQMD's additional comments on the Recirculated Draft EIR in light of the technical files provided.

Response to Comment A5.1: The County appreciates SCAQMD's review of the Bloomington Business Park Specific Plan Recirculated Draft EIR. Regarding the January 2021 NOP comment letter, this letter is summarized in Table 2-2, *Summary of NOP Comment Letters*, on page 2-3 of the Original Draft EIR. The Original Draft EIR is included as Volume II to the Recirculated Draft EIR. Regarding the 2021 Draft EIR comment letter, that letter and the comments contained within were thoroughly responded to as Response A1 within the Original Final EIR. The Original Final EIR was included as Volume III to the Recirculated Draft EIR. Further, the 2025 comment letter was responded to in this Final EIR as Response to Comment A4.

The County has reviewed SCAQMD's supplemental letter (Comment Letter A5), including its incidence-per-ton (IPT)-based screening comparison derived from the 2022 Air Quality Management Plan (AQMP) health-benefits analysis, and the supporting modeling input and output files provided as Attachment 3 to that letter. As discussed in the introductory response above and in responses below, the County does not agree that the IPT exercise constitutes a Project-specific CAMx/CMAQ/BenMAP-CE analysis for the Bloomington Business Park Specific Plan or that IPT screening is the best methodology. Based on longstanding practice, including analyses supported by the SCAQMD, the County maintains that the Recirculated Draft EIR's use of the EPA COBRA screening tool was appropriate for the purpose for which it was employed. Nonetheless, as further discussed below, the County has included SCAQMD's IPT-based screening results in the Final EIR as supplemental contextual disclosure, consistent with SCAQMD's own recommendation that those results be presented as potential worst-case health incident rates for additional context. That inclusion does not establish a new CEQA significance threshold, does not alter the EIR's operative significance findings, and does not require recirculation pursuant to CEQA Guidelines Section 15088.5.

Comment A5.2: This comment states that the health effects analysis in the Recirculated Draft EIR relies on USEPA's COBRA model instead of BenMAP-CE. The comment states that BenMAP-CE can be used to analyze health impacts at a finer geographic resolution than COBRA and includes preloaded population and baseline health incidence data forecasts for all years out to 2050, while COBRA only analyzed health impacts at the county-level with data for 2016, 2023, and 2028. The comment states that as the Project has a buildout year of 2040, the results in the Recirculated Draft EIR may be limited in that COBRA does not consider the health incidence rates to the fullest extent. The comment notes that the quantity of NO_x emissions from the Project would be equivalent to approximately seven industrial facilities that would qualify as major sources

of air pollution subject to SCAQMD Regulation XXX – Title V Permits, although the Project would not be subject to the regulation.

Response to Comment A5.2: The County acknowledges that COBRA and BenMAP-CE are distinct US EPA tools with different capabilities. However, these differences do not establish that the Recirculated Draft EIR's use of COBRA was improper, or that a project-specific BenMAP-CE analysis driven by CAMx or CMAQ photochemical modeling was required for CEQA compliance in the context of the September 2024 Ruling on the Original EIR. As discussed in the introduction to this response to comments, above, the issue raised by this comment is not whether the County did not complete project-specific photochemical model for Bloomington; it is whether one screening approach (COBRA) should be supplemented or replaced by another screening transfer method (AQMP-derived IPT scaling), as described in the introductory paragraphs above. The County disagrees that the IPT screen criteria proposed by SCAQMD disqualifies the County's use of COBRA as multiple methodologies are available to estimate regional changes in health outcomes, no adopted methodology exists within California or the South Coast Air Basin, and given the allowance under CEQA for the County to utilize its chosen methodology based on expert findings.

In response to SCAQMD's observation that COBRA's default input files extend only to 2028 while the Project's buildout horizon is 2040, the County notes that EPA provides future-year input files for COBRA that allow users to model health incidence conditions for years beyond 2028, including years consistent with the Project's buildout horizon. See USEPA, COBRA Future Input Files, available at: <https://www.epa.gov/cobra/cobra-future-input-files>. Following receipt of SCAQMD's comment, the County utilized these future-year inputs to run COBRA for the Bloomington Business Park Specific Plan at a year consistent with the Project's 2040 buildout. The updated results are provided as Appendix B to this Final EIR. The results confirm that the Project's modeled health incidences remain within the same range of very small background-relative effects for which no meaningful health impact distinguishable from zero that was established in the Friant Ranch and CSUDH analyses. The updated analysis does not alter the Recirculated Draft EIR's significance findings.

The US EPA states that the key difference between COBRA and BenMAP-CE is that COBRA contains a built-in reduced-form air-quality model, whereas BenMAP-CE does not model air quality changes itself and instead requires users to supply externally modeled changes in pollutant concentrations as inputs. The EPA further explains that BenMAP-CE can operate at finer spatial resolution only if finer-resolution, externally modeled air-quality data are provided.^{7, 8} The technical memorandum included as Appendix B to the Recirculated Draft EIR describes this same distinction on page 7 and notes that BenMAP-CE generally requires photochemical modeling from a model such as CMAQ or CAMx to supply the necessary concentration-change inputs.

This distinction is material here because SCAQMD did not conduct a project-specific CAMx or CMAQ photochemical analysis for the Bloomington Business Park Specific Plan and then run BenMAP-CE on project-specific concentration deltas. Rather, as SCAQMD explains in the body of its supplemental letter, it derived IPT values from the 2022 AQMP health-benefits analysis and applied those basin-wide factors to the Project's disclosed NO_x emissions as a "screening-level" comparison. The conclusion that COBRA was appropriate as a screening-level disclosure tool is reinforced by the County's supplemental COBRA analysis using EPA's future-year input files for 2040 (see Appendix B and the discussion above), which demonstrates that COBRA's results are not a function of its 2028 default inputs and that updating to 2040 conditions does

⁷ United States Environmental Protection Agency (USEPA). (November 19, 2025). COBRA Questions and Answers. Accessed from: <https://www.epa.gov/cobra/cobra-questions-and-answers>

⁸ USEPA. (August 2025). BenMAP-CE User Manual. Accessed from: https://www.epa.gov/system/files/documents/2025-08/benmap_usermanual_2025_08_11_1.pdf

not produce estimates of a materially different order of magnitude. The County therefore maintains that COBRA was appropriate as a screening-level contextual disclosure tool and that SCAQMD's IPT approach does not provide a superior or more project-specific result.

The County also does not agree that comparing the Project's anticipated NO_x emissions to hypothetical Title V stationary sources materially informs the CEQA analysis. SCAQMD expressly acknowledges that the Project would not be subject to Regulation XXX, and the comment does not identify any CEQA health-effects significance threshold under which a Title V stationary-source analogy governs the significance determination for an indirect-source specific plan. The Recirculated Draft EIR evaluated the Project under the applicable SCAQMD CEQA regional air-quality significance thresholds, and the Project's regional operational VOC and NO_x impacts were already identified as significant and unavoidable. That determination is not altered by this comment and the results provided by SCAQMD do not provide evidence of a significant impact not already disclosed in the Recirculated Draft EIR.

Comment A5.3: This comment states that SCAQMD assessed whether the magnitude of health impacts disclosed in the Recirculated Draft EIR's COBRA analysis is reasonable and accurate. The comment states that the 2022 AQMP contains health-based goals, policy direction, and long-term emission reduction strategies and that a qualitative discussion grounded in the AQMP's policy framework is necessary to determine whether a project is advancing or impeding progress toward clean air objectives. The comment further summarizes the 2022 AQMP goals and states that all emission sources must achieve their fair share of emissions reductions to attain the NAAQS.

The comment states that a health impact quantification was prepared for the 2022 AQMP using BenMAP-CE to conduct a health benefits analysis in terms of IPT of NO_x emission reductions that could occur if all of the control measures outlined in the 2022 AQMP were implemented. The comment states that the IPT method provides a standard, robust, and reasonable estimate of the magnitude of projected health impacts and is utilized by the US EPA and CARB.

Response to Comment A5.3: The County acknowledges the importance of the 2022 AQMP as the South Coast Air Basin's primary regional attainment-planning document and agrees that it provides relevant policy context regarding long-term emission reduction strategies, the Basin's trajectory toward attainment, and SCAQMD's preference for zero-emission technology. The Recirculated Draft EIR addresses the Project's relationship to regional air quality planning and AQMP consistency and, as further described under Recirculated Draft EIR threshold AQ-1, discloses that the Project could conflict with implementation of the 2022 AQMP. However, the AQMP does not transform the basin-wide regulatory health-benefits analysis conducted for the 2022 AQMP into a project-specific CEQA health-effects significance threshold or a mandatory project-level modeling protocol.

SCAQMD's own supplemental letter explains that the AQMP control measures will be translated into some combination of rules, regulations, voluntary agreements, and other commitments through subsequent public processes. That description confirms the AQMP's character as a regional regulatory planning framework, not a self-executing CEQA standard. The Recirculated Draft EIR appropriately includes a qualitative discussion of the AQMP policy context and acknowledges that the Project's significant operational emissions do not advance regional attainment goals; however, that policy discussion is analytically distinct from whether the basin-wide AQMP health-benefits model—developed to evaluate the aggregate benefits of the AQMP's entire suite of control measures—can or should be treated as a project-specific CEQA significance threshold or a substitute for project-specific photochemical modeling.

With respect to zero-emission technology, the AQMP's policy direction does not itself establish that a different quantitative health-incidence modeling result is required for this Project. The Recirculated Draft EIR on pages 5.3-41 to 5.3-43 and Appendix B to the Recirculated Draft EIR address the feasibility of zero-

emission heavy-duty trucks at the Project's buildout horizon, including current fleet penetration rates, infrastructure constraints, and regulatory schedules.

Comment A5.3 outlines modeling assumptions and other context relevant to the AQMP, but does not comment directly on the analysis in the Recirculated Draft EIR or establish a deficiency in the Recirculated Draft EIR's health-consequences discussion.

Comment A5.4: This comment states that to illustrate the potential differences between COBRA and BenMAP-CE, SCAQMD relied on the projected NO_x emission increases from the Project and conducted a comparative analysis using the methodology and results from the health effects analysis previously conducted for the 2022 AQMP. The comment states that SCAQMD applied the IPT values from the 2022 AQMP to estimate the magnitude of health impacts associated with the Project by ratioing 60 tons per day of reductions from the AQMP to the Project's NO_x emissions of 298 pounds per day. The comment states that Table 1 in the comment letter summarizes the comparison between the health effects results presented in the Recirculated Draft EIR with the SCAQMD results; and that Table 2 contains the 2020 to 2040 comparison between the COBRA results and the IPT-based cumulative estimates.

Response to Comment A5.4: The County has reviewed the SCAQMD comparative analysis and Tables 1 and 2 in detail. The County respectfully disagrees that those tables establish the Project's actual project-level health incidences or demonstrate that the Recirculated Draft EIR materially understated the Project's health impacts. Several fundamental limitations apply to the comparison presented.

First, SCAQMD expressly characterizes its IPT exercise as a "screening-level analysis." Applying basin-wide AQMP-derived IPT factors to a single project's NO_x emissions by linear scaling is categorically different from running a project-specific CAMx or CMAQ photochemical model for Bloomington and then applying BenMAP-CE to the resulting project-specific ozone and PM_{2.5} concentration changes at affected receptors. That is, SCAQMD used the results of the 2022 AQMP Final Socioeconomic Report to generate an equation to estimate health incidences per ton of NO_x emissions. SCAQMD applied this formula to the NO_x emissions reported for the Project in Tables 5.3-11 and 5.3-12 of the Recirculated Draft EIR. However, the COBRA results listed in Table 1, obtained from Table 5.3-15 of the Recirculated Draft EIR, incorporate the Project's PM_{2.5} and ozone precursor emissions (VOC and NO_x). Ozone is not directly emitted — it forms in the atmosphere through chemical reactions between VOC and NO_x in the presence of sunlight. PM_{2.5}, similarly, includes both directly emitted fine particles and secondary PM_{2.5} formed from precursor gases including NO_x, VOC, and SO_x. Because COBRA's built-in atmospheric chemistry model accounts for these formation pathways, it requires VOC and NO_x (ozone precursors) and PM_{2.5} precursor emissions as inputs to properly estimate both ozone-related and PM_{2.5}-related health effects. Using only NO_x — as SCAQMD's IPT approach does — omits the VOC contribution to ozone formation and the multi-precursor pathways to secondary PM_{2.5}. COBRA's use of the full precursor inventory therefore more accurately reflects how the Project's emissions affect regional air quality, while the IPT approach's reliance on NO_x alone is a simplification that contributes to its characterization as a conservative screening proxy rather than a project-specific analysis. Therefore, these results cannot be directly compared, as is done in Table 1. SCAQMD did not conduct a project-specific photochemical model or analysis. The IPT screen is therefore a conservative regional transfer method, not a project-specific health-incidence model.

To provide additional detail, a project-specific photochemical analysis for Bloomington would have required running a regional atmospheric simulation model — such as CAMx or CMAQ — across the South Coast Air Basin for a defined modeling period, both with and without the Project's emissions. These models simulate hour-by-hour changes in atmospheric chemistry: how VOC and NO_x emissions from the Project react with sunlight and other compounds to form ozone, and how precursor emissions contribute to secondary PM_{2.5} formation. The models track the resulting changes in ozone and PM_{2.5} concentrations at specific receptor

locations across the Basin. Those receptor-level concentration changes would then be entered into BenMAP-CE, which applies health concentration-response functions and population data to estimate health incidences attributable to those specific concentration changes at those specific locations. This process requires months of work, and substantial meteorological and air quality datasets calibrated to the Project area that are only available at the air district level. SCAQMD did not conduct this analysis for the Project, nor is SCAQMD suggesting that this level of analysis can or should be conducted. Additionally, as described in Response to Comment A2.41, although a project-specific photochemical analysis would incorporate Bloomington-specific emissions, the estimate of how Project emissions affect local and regional air quality would not be meaningful for CEQA analysis because the incremental change in concentrations is within the models' margins of error (City of Los Angeles Air Quality & Health Effects pp.10–12, 31–36).

With respect to SCAQMD's Table 2 assumption that Project emissions increase gradually from 2020 through 2040 to reflect phased buildout: the COBRA analysis was conducted using the Project's operational emissions at buildout — representing the maximum sustained emission level — which is the standard CEQA approach of evaluating the Project at its worst-case operational condition. As noted above in Response to Comment A5.2, EPA provides COBRA future-year input files that allow the model to be run for years through 2040. The County conducted supplemental COBRA modeling using EPA's future-year input files for 2040 (Appendix B to this Final EIR), directly addressing SCAQMD's concern that the original analysis may not fully account for health incidence conditions at the Project's buildout horizon. The updated results confirm that the Project's modeled incidences remain within the same range of very small background-relative effects for which no meaningful impact distinguishable from zero was established in the Friant Ranch and CSUDH analyses. The different timeframes in SCAQMD's Table 2 construction therefore does not establish that COBRA materially understated health impacts over the Project's operational lifetime.

Second, the two comparisons in Tables 1 and 2 are not methodologically symmetric. The cumulative COBRA values in Table 2 were constructed by multiplying annual average COBRA rates by 20 years assuming steady-state buildout emissions throughout, while the IPT analysis modeled emissions increasing gradually from 2020 through 2040. These different timeframes limit the ability to make “apples to apples” comparison or to demonstrate that COBRA “understated” actual health impacts. The County does not agree that numerical differences produced under materially different timeframes constitute substantial evidence that the Recirculated Draft EIR's health context was inaccurate or inadequate, particularly when considering SCAQMD's acknowledgment that the IPT screening would result in the worst-case scenario).

Third, the IPT comparison is driven by a NO_x-based transfer factor derived from a regional AQMP analysis that modeled the aggregate effect of the full suite of AQMP control measures across the Basin. It is therefore an averaged basin-wide screening proxy, not a direct estimate of the Project's own modeled changes in ozone and PM_{2.5} concentrations at Bloomington-area receptors. For this reason, the County does not agree that Tables 1 and 2 establish a more accurate project-level health-effects result than the EPA COBRA screening analysis already disclosed in the Recirculated Draft EIR.

However, while the County may disagree that the IPT analysis is the best tool for which to analyze Project-specific health effects, the County acknowledges that the SCAQMD IPT analysis does provide additional context related to health impacts from the Project although at a worst-case scenario level. Therefore, as described in Response to Comment A5.1 and in Response to Comment A5.8 below, the County has nevertheless determined to include SCAQMD's IPT-based screening results in Section 3.0, *Revisions to the Draft EIR*, of the Final EIR as supplemental contextual disclosure, consistent with SCAQMD's own recommendation. As discussed further in response to comment A5.5 below, while the SCAQMD IPT analysis provides additional information on potential health effects of the Project, it does not demonstrate new or substantially greater health effects than those previously discussed in the Recirculated Draft EIR.

Comment A5.5: The comment states that the results of its technical exercise indicate there may be substantially greater adverse health effects from the Project than those disclosed in the Recirculated Draft EIR, and expresses concern that the limitations of the COBRA tool may have contributed to underestimation of potential adverse health effects associated with the Project's NO_x emissions over its operational lifetime.

Response to Comment A5.5: The County acknowledges SCAQMD's concern but, for the reasons explained in the introduction to this response to comments, above, and Responses to Comments A5.4 and A5.6, does not agree that the IPT screen demonstrates actual project-level health effects that are substantially greater than those disclosed in the Recirculated Draft EIR in a manner that would alter the Recirculated Draft EIR's significance findings.

By SCAQMD's own account, the IPT values used here were not derived from project-specific modeled air-quality changes for the Bloomington Business Park Specific Plan Project. Rather, they were derived from AQMP-wide NO_x emission reductions, AQMP-wide modeled basin-scale ozone and PM_{2.5} benefits from implementing the 2022 AQMP's entire control-measure portfolio, and AQMP-wide health benefits estimated using BenMAP-CE. Those results were then reduced to annual average IPT factors, which were interpolated and extrapolated across years, adjusted for projected population growth, and linearly multiplied by the Project's individual NO_x emissions.

This methodology is inherently more conservative and more generalized than a project-specific analysis because it applies a single basin-wide average factor — derived from modeling the aggregate effect of all AQMP control measures across the entire South Coast Air Basin — to one project's NO_x emissions by linear scaling, without simulating how the Project's specific emissions disperse and react in the atmosphere over Bloomington or estimating concentration changes at specific local receptor locations. The County also conducted supplemental COBRA modeling using EPA's future-year input files for 2040 (Appendix B to this Final EIR). That updated analysis confirms that the Project's health incidences remain within the same range of very small background-relative effects for which no meaningful impact distinguishable from zero was established with statistical certainty in the Friant Ranch and CSUDH analyses, further demonstrating that the original COBRA analysis was not materially limited by its use of 2028 baseline inputs.

Additionally, EPA's own guidance confirms that BenMAP-CE does not model air quality changes; it requires users to supply externally modeled changes in pollutant concentrations, along with population data and baseline health incidence rates. Because SCAQMD did not provide project-specific, CAMx- or CMAQ-derived ozone and PM_{2.5} concentration changes for the Bloomington Project, the IPT results cannot be characterized as a project-specific BenMAP-CE analysis. The County interprets the IPT screen as a conservative worst-case screening reference, but not substantial evidence that the Recirculated Draft EIR's health impacts analysis is materially incorrect. The County does not view the data as evidence of a substantially greater adverse health impact under CEQA.

Notably, the data shows that the Project's health impacts are similar using various methodologies and therefore confirms the Recirculated Draft EIR's conclusion. In addition, nowhere in the comment letter nor within SCAQMD's guidance has SCAQMD established a threshold of significance for change in health incidences or health effects. Specifically, when SCAQMD's IPT annual average mortality estimate of approximately two deaths per year is normalized against the Project's baseline regional mortality denominator reported in the technical memorandum (approximately 145,092), it equates to roughly 0.0014% of regional background mortality. This result, while higher than the COBRA high-end mortality estimate (approximately 0.00030% of background), falls between the mortality percentages documented in the project-specific CAMx/BenMAP-CE analyses for Friant Ranch (approximately 0.00054%) and CSUDH (approximately 0.0032%). Far from demonstrating that health effects would be of a categorically different order of magnitude, the IPT screen falls within the same general range of very small background-relative effects documented by project-specific photochemical modeling in comparable project analyses. Therefore,

the Recirculated Draft EIR's analysis appropriately characterizes the magnitude of potential adverse health effects associated with the Project's NO_x emissions.

Comment A5.6: This comment states that the IPT values applied to the Project were derived from the health effects analysis conducted for the 2022 AQMP and that, as the Project includes phased development and operation extending through 2040, SCAQMD evaluated the health impacts for the Project over a 2020–2040 analysis period. The comment states that for the evaluation, IPT values were linearly interpolated for years between 2032 and 2037, and IPT values were extrapolated and adjusted for forecasted population growth for periods between 2020 to 2031 and 2038 to 2040. The comment states that the health effects were calculated by multiplying the IPT values for each year by the respective NO_x emission increase.

Response to Comment A5.6: Comment A5.6 describes SCAQMD's approach of evaluating Project health impacts over a 2020–2040 analysis period using interpolated and extrapolated IPT values. The County acknowledges the Project includes phased development through 2040 and that SCAQMD's timeframe reflects that phasing. However, the COBRA analysis was conducted using the Project's operational emissions at buildout — the maximum sustained emission level — consistent with the standard CEQA practice of analyzing a project at its worst-case operational condition rather than modeling a trajectory of gradually increasing emissions over two decades using regional average factors.

Following receipt of SCAQMD's comment, the County conducted supplemental COBRA modeling using EPA's future-year input files for a year consistent with the Project's 2040 buildout horizon (Appendix B to this Final EIR). This directly addresses SCAQMD's concern that the original analysis did not fully reflect health incidence conditions at Project buildout. The updated results remain within the same range of very small background-relative effects for which no meaningful impact distinguishable from zero was established in the Friant Ranch and CSUDH analyses, confirming that COBRA's original use of 2028 inputs did not materially understate the Project's health incidences.

Additionally, SCAQMD's phased IPT analysis involves significant extrapolation beyond the 2022 AQMP's modeled period: IPT values were linearly interpolated for 2032–2037 and extrapolated with population-growth adjustments for 2020–2031 and 2038–2040. Each extrapolation step moves the analysis further from the conditions of the underlying AQMP modeling and closer to a theoretical upper bound. These methodological choices confirm that SCAQMD's own characterization of the IPT results as a 'potential worst-case' screening estimate is accurate, and that the cumulative IPT figures in Table 2 should be understood accordingly.

The County agrees that COBRA is a screening-level tool and employed it as such in the Recirculated Draft EIR—not as a substitute for project-specific photochemical modeling, but as contextual disclosure of potential regional health consequences associated with the Project's precursor emissions in a health-consequence analysis required under the Friant Ranch framework.

The fact that COBRA is a screening tool does not mean it was categorically inappropriate for this purpose. EPA describes COBRA as suitable for exploring how changes in precursor emissions affecting PM_{2.5}, SO₂, NO_x, NH₃, and VOCs may affect human health at the county, state, regional, or national level. Nothing in the COBRA User Manual establishes that COBRA results are legally invalid for EIR disclosure. The COBRA User Manual cautions against using COBRA as a substitute for project-level nonlinear photochemical modeling — which is precisely how the County did not use it. The County used COBRA as a screening-level contextual disclosure tool, consistent with its intended purpose. Further, as discussed above in the introduction to this response letter, while there are multiple photochemical modeling methodologies to analyze health effects, there is no prescribed methodology or threshold of significance utilized throughout California or within the South Coast Air Basin that is required to be applied to the Recirculated Draft EIR's analysis.

Furthermore, SCAQMD's comment implies that photochemical modeling (CAMx or CMAQ) plus BenMAP-CE would provide a more appropriate and accurate methodology than COBRA. However, SCAQMD did not

conduct project-specific photochemical modeling for Bloomington. As described in Response to Comment A5.4 above, the IPT approach SCAQMD employed does not apply any project-specific atmospheric simulation; it applies a pre-calculated basin-wide average factor derived from the 2022 AQMP. The choice for this Project is therefore not between COBRA and project-specific photochemical modeling — it is between two regional screening methods (COBRA and IPT scaling), each with acknowledged limitations. The County's supplemental COBRA analysis using EPA's future-year input files for 2040 (Appendix B) further demonstrates that COBRA's results, even when updated to reflect the Project's buildout year, remain consistent with the range of effects documented for the comparable project analyses. SCAQMD's IPT approach does not provide a more accurate or project-specific result.

SCAQMD's own alternative approach is also expressly screening-level. SCAQMD characterizes its IPT exercise as a "screening-level analysis" and recommends the IPT results be included only as "potential worst-case health incident rates" to provide "additional context." The SCAQMD-recommended methodology does not provide project-specific, detailed photochemical modeling as implied.

The practical comparison here is therefore not between a flawed screening approach and a rigorous, project-specific photochemical health-impact model for Bloomington. It is between two screening approaches—each with acknowledged limitations, different assumptions, and different scope—that produce different point estimates. That different screening methods produce different estimates does not, standing alone, establish that the Recirculated Draft EIR's COBRA-based disclosure was inaccurate or inadequate, or that the EIR requires revision or recirculation. It does, however, support the County's decision—described in the Response to Comment A5.8—to include SCAQMD's IPT results in the Final EIR as additional context related to potential worst-case scenario health impacts from the Project. Notably, as described above in the introduction to this response letter, the use of either data set is not evidence of a significant impact under CEQA as there is no adopted threshold of significance for health incidence changes within the South Coast Air Basin or California as a whole.

Comment A5.7: This comment explains the differences between COBRA and the SCAQMD approach using BenMAP-CE and states that the discrepancies are consistent with methodological differences noted in the COBRA User Manual. The comment states that COBRA is a screening-level model that relies on pre-calculated source-receptor relationships, simplified atmospheric chemistry, and national or regional averages. The comment states that COBRA evaluates air quality impacts at a county-level and that the COBRA User Manual states that the tool is not intended for conducting a project-level or basin-specific impact evaluation. The comment states that BenMAP-CE allows for analyses that reflect the results of detailed photochemical air quality modeling. The comment states that the IPT method provides a way to estimate the average change in health incidence per ton of NO_x emissions, consistent with methodologies used by US EPA, CARB, and SCAQMD in regulatory analyses.

Response to Comment A5.7: The County acknowledges that the photochemical modeling underlying the 2022 AQMP is basin-specific and reflects regional atmospheric chemistry for the South Coast Air Basin. However, the County does not agree that those basin-specific modeling attributes are fully preserved once the AQMP health-benefits results are condensed into an average incidence-per-ton factor and then transferred to a single project by linear scaling of the Project's NO_x emissions. Once that transfer is made, the analysis becomes a generalized screening proxy, not a project-specific photochemical modeling exercise for Bloomington.

The AQMP photochemical modeling was designed to evaluate the aggregate health benefits of the AQMP's full suite of control measures operating simultaneously across the Basin. It does not model the incremental effect of one project's emissions in isolation. Translating that portfolio-level, basin-wide incidence-per-ton factor into a prediction of one project's health effects through linear NO_x scaling necessarily involves simplifying assumptions about atmospheric nonlinearity, receptor proximity, and local emissions profiles that differ from those that produced the original AQMP modeling results. As discussed in Response to Comment

A5.6, SCAQMD characterizes its IPT exercise as a “screening-level analysis” and recommends the IPT results be included only as “potential worst-case health incident rates” to provide “additional context.” The SCAQMD-recommended methodology does not provide project-specific, detailed photochemical modeling as implied.

The record contains project-specific CAMx/BenMAP-CE analyses for two comparable projects, as further detailed below, that provide relevant context. For Friant Ranch (peak daily NO_x approximately 438 lbs/day), the project-specific analysis reported a PM_{2.5} mortality incidence of approximately 0.35 deaths per year, representing roughly 0.00054% of regional background deaths, and concluded that no meaningful health impact greater than zero could be established with certainty. For CSUDH (peak daily NO_x approximately 240 lbs/day), the project-specific analysis reported PM_{2.5} mortality of approximately 10.31 deaths per year, representing approximately 0.0032% of background all-cause mortality, while concluding that all modeled endpoints were less than 0.0058% of background incidence and therefore negligible in context.

SCAQMD’s IPT annual mortality estimate for Bloomington is approximately two deaths per year (0.0014% of background), placing it above Friant Ranch’s project-specific result but below CSUDH’s largest project-specific result. The Bloomington Project’s peak daily NO_x of approximately 298 lbs/day falls between Friant Ranch (438 lbs/day) and CSUDH (240 lbs/day). Notably, CSUDH’s peak NO_x is lower than Bloomington’s, yet its project-specific PM_{2.5} mortality result is considerably higher than SCAQMD’s IPT estimate for Bloomington. This contrast illustrates why a linear NO_x-based IPT transfer is a coarse screening proxy: actual project-specific photochemical modeling can produce results that diverge substantially from what a simple NO_x-scaling approach would predict, depending on local atmospheric conditions, receptor locations, and emissions profiles.

Significantly, CSUDH is located within the South Coast Air Basin and is subject to the same AQMP photochemical modeling that underlies the IPT values SCAQMD applied here. If the IPT transfer method provided a meaningfully more accurate project-specific result than COBRA, one would expect the IPT estimate for a project within the Basin to track reasonably closely with that project’s actual CAMx/BenMAP-CE result. The divergence between IPT and the project-specific CAMx/BenMAP-CE result for CSUDH — a project within the same AQMP basin with lower NO_x emissions than Bloomington but considerably higher modeled PM_{2.5} mortality — illustrates that linear NO_x-based IPT scaling does not reliably predict project-specific health outcomes even for projects within the Basin. It is also notable that SCAQMD did not submit comments on the CSUDH EIR questioning the use of COBRA or recommending IPT substitution. The County’s use of the Friant Ranch and CSUDH projects as comparators is discussed in Appendix B of the Recirculated Draft EIR. The County’s supplemental COBRA modeling for 2040 (Appendix B to this Final EIR) further reinforces this framework, with updated results falling within the same range of background-relative effects as both comparable projects.

The record also does not support treating SCAQMD’s IPT point estimates as statistically more reliable than the project-specific CAMx/BenMAP-CE results. The Friant Ranch material expressly presents 95% confidence intervals for modeled health endpoints and concludes that where the confidence interval includes zero, there is very low confidence the result is statistically distinguishable from zero.

The Friant Ranch analysis expressly concludes that results below one incidence per year — where the 95% confidence interval includes zero — lack statistical certainty and cannot be meaningfully distinguished from zero effect. SCAQMD’s IPT tables, by contrast, present only point estimates without confidence intervals, variance estimates, or statistical significance testing. The County therefore cannot characterize the IPT results as statistically more reliable than the project-specific CAMx/BenMAP-CE results in the record, and the IPT point estimates do not establish a meaningful health impact where the more rigorous project-specific analyses for comparable projects could not. The County’s supplemental COBRA results for 2040 (Appendix B to this Final EIR) similarly produce estimates within this same range of small background-relative effects.

The County therefore cannot characterize the IPT point estimates as statistically more reliable than the project-specific CAMx/BenMAP-CE analyses conducted for the Friant Ranch and CSUDH comparison projects — analyses that are cited in Appendix B of the Recirculated Draft EIR and that provide the basis for the comparative significance framework. No project-specific CAMx/BenMAP-CE analysis was conducted for Bloomington, nor was one required. The supplemental COBRA future-year analysis (Appendix B to this Final EIR), conducted using EPA's 2040 input files, is provided as additional context confirming that the Project's updated results remain within that same range of very small, statistically non-meaningful background-relative effects.

Taken together, these observations reinforce the County's conclusion that the IPT screen is best understood as a conservative, basin-wide screening transfer that produces estimates within the general range of very small background-relative effects documented in project-specific analyses, rather than as a definitive project-specific health-impact result that invalidates the prior COBRA disclosure.

Comment A5.8: This comment states that SCAQMD appreciates the County's cooperation with providing the technical files and allowing additional time to conduct a detailed review. The comment concludes the letter by stating that SCAQMD conducted a screening-level comparison between the health incidence estimates presented in the Recirculated Draft EIR using the COBRA model and estimates derived using IPT values from the 2022 AQMP. The comment states that the comparison shows substantial differences in the health incidence rates between the two approaches and summarizes the findings set forth in the comment letter's Table 1 and Table 2. The comment states that the technical exercise shed light on the limitation of the COBRA model to conduct a project-level health effects analysis and raised concerns about the accuracy of the health effects analysis of the Project. The comment states that SCAQMD recommends that the County consider including the health effects analysis presented by SCAQMD in the Recirculated Draft EIR to provide additional context on the full magnitude of potential adverse health effects.

The comment states that a comprehensive evaluation would help bolster the CEQA analysis and inform consideration of feasible mitigation measures. The comment states that, as discussed in SCAQMD's previous letters, mitigation measures were previously recommended to reduce impacts and remain applicable in light of the analysis prepared by SCAQMD.

Response to Comment A5.8: The County agrees with SCAQMD's recommendation to include its IPT-based screening results in the Final EIR, and has done so in Section 3.0 of this Final EIR. As reflected in the introduction to these responses, above, the County has included SCAQMD's IPT-based screening comparison in the Final EIR as supplemental contextual disclosure. This determination is consistent with SCAQMD's own characterization of the IPT exercise as a screening-level method producing potential worst-case health incident rates for additional context, and is made out of an abundance of caution to ensure all available information is properly incorporated.

However, as the County has explained in the responses to Comments A5.2 through A5.7, it does not agree with the implication that the Recirculated Draft EIR's COBRA analysis was deficient or that the IPT screen constitutes a project-specific CAMx/CMAQ/BenMAP-CE result for the Project. The County's decision to include SCAQMD's IPT results in the Final EIR is therefore not an acknowledgment that the prior COBRA analysis was incorrect. Rather, the County is including both analyses in the Final EIR record so that the public and decision-makers have access to both screening estimates and can understand how they were derived and how they differ.

The inclusion of SCAQMD's IPT screening comparison in the Final EIR does not alter the Recirculated Draft EIR's operative significance findings. The Project's operational VOC and NOx impacts were already identified as significant and unavoidable in the Recirculated Draft EIR. Disclosure of the IPT screen serves only to supplement the health-consequence context for that already-disclosed, already-significant regional air quality impact. It does not create a new significant environmental impact, does not substantially increase

the severity of any previously identified impact, does not introduce a new CEQA significance threshold, and does not establish any additional feasible mitigation measure not otherwise analyzed in the EIR. Further, the County does not adopt the IPT estimates as a project-specific CAMx/CMAQ/BenMAP-CE modeling result, does not treat them as a new CEQA significance threshold, and does not interpret them as altering the Recirculated Draft EIR's significance findings. The Project's operational VOC and NOx impacts were already identified as significant and unavoidable in the Recirculated Draft EIR; the purpose of this additional disclosure is solely to supplement the health-consequence context for an already-significant regional air quality impact.

With respect to previously recommended mitigation measures, those issues are addressed in the Final EIR's responses to SCAQMD's prior comment letter (Response to Comment A4). The County notes that the Recirculated Draft EIR already includes operational mitigation measures, project design features, and applicable regulatory requirements directed at reducing NOx, VOC, and diesel particulate matter emissions from construction and operations. The existence of a more conservative IPT screening estimate does not, by itself, establish the feasibility of additional specific mitigation measures not otherwise analyzed, or require the County to reopen or revise findings on measures already addressed.

Comment A5.9: This comment requests that SCAQMD is provided with written responses to all comments contained in the letter, including the referenced comment letters attached, at least 10 days prior to certification of the Final EIR. The comment states that if the County's position is at variance with recommendations provided in the comment letter, detailed reasons supported by substantial evidence in the record must be provided.

Response to Comment A5.9: The County appreciates SCAQMD's participation in the preparation of the Final EIR. This Response to Comment A5 satisfies the County's obligation under CEQA Guidelines section 15088 to evaluate and respond in writing to comments from public agencies on environmental issues. To the extent the County's position is at variance with any specific recommendation in SCAQMD's supplemental letter, the detailed reasons are set forth in these responses and are supported by substantial evidence in the record as required by CEQA Guidelines section 15088(c).

To the extent SCAQMD references CEQA Guidelines Section 15088.5 to request recirculation of the EIR, none of the qualifiers for recirculation set forth in CEQA Guidelines Section 15088.5 are triggered., as further discussed on page 1-1 of this Final EIR. The IPT screen falls within the same general range of very small background-relative effects documented by project-specific photochemical modeling for the Friant Ranch and CSUDH projects, as disclosed within the Recirculated Draft EIR (see Responses to Comments A5.5 and A5.7). As described above in Response to Comment A5.7, the health consequences rate calculated using the IPT screening method (0.0014% of background) for Bloomington remains well below the increase in mortality calculated for CSUDH (0.0032 percent). The increase in mortality rate is higher than that calculated for Friant Ranch (0.00054 percent); however, both Friant Ranch and CSUSH were determined to have less than significant impacts related to health impacts. As such, a project's estimated impact does not need to be below both sample projects to demonstrate a less than significant impact. As described in the introduction to this letter, a numeric threshold has not been adopted that would indicate change in severity relative to an accepted level of health impact. The IPT screen further demonstrates that estimated health incidences for the Project fall within the sample project range for background-relative effects. Inclusion of SCAQMD's IPT-based screening comparison in the Final EIR, and the County's responses to Comments A5.2 through A5.8, do not constitute "significant new information" requiring recirculation of the Recirculated Draft EIR under CEQA Guidelines section 15088.5. Information that merely clarifies, amplifies, or makes insignificant modifications to an otherwise adequate EIR does not require recirculation.

The Recirculated Draft EIR also already discloses that operational VOC and NOx impacts are significant and unavoidable. SCAQMD's IPT screen does not identify a new significant impact; it offers an alternative screening estimate for an already-disclosed, already-significant impact. The IPT screening does not

substantially increase the severity finding for any previously less-than-significant impact. Operational VOC and NO_x were already the most significant air quality concerns identified in the Recirculated Draft EIR, and the comments do not take issue with the pollutant concentrations calculated for Project operation. The IPT screen supports the conclusion that the proposed Project's impact is similar to the sample projects that were determined to have less than significant impacts, as described above. The IPT screen does not identify a feasible mitigation measure or alternative considerably different from those already analyzed. Lastly, the use of the COBRA screening tool in the Recirculated Draft EIR did not render the document fundamentally inadequate; the County employed COBRA as a contextual disclosure tool consistent with its intended EPA-defined purpose, and SCAQMD itself recommends the IPT results only as supplemental worst-case context rather than as a replacement analysis.

Accordingly, the County's addition of a summary of SCAQMD's IPT-based screening comparison to Section 3.0 of the Final EIR merely clarifies and amplifies the record for an already-disclosed and already-significant regional air quality impact. It does not change the Recirculated Draft EIR's findings or conclusions, does not substantially increase the severity of a previously identified significant impact, does not introduce a new significance threshold, and does not require recirculation. This determination is supported by substantial evidence in the record, including SCAQMD's own characterization of its IPT exercise as a screening-level method for contextual supplementation.

Comment A5.10: This comment includes the letter from SCAQMD that was submitted to the County on December 11, 2025.

Response to Comment A5.10: This comment was reviewed in detail by the County and is responded to within this Final EIR as Response to Comment A4.

Comment A5.11: This comment includes the letter from SCAQMD that was submitted to the County on December 12, 2024.

Response to Comment A5.11: The letter dated December 12, 2024 was summarized in Table 2-1, *Summary of NOP Comment Letters*, on page 2-6 of the Recirculated Draft EIR. In addition, the letter is included in Appendix A to the Recirculated Draft EIR.

Comment A5.12: This comment includes the letter from SCAQMD that was submitted to the County on December 15, 2021.

Response to Comment A5.12: This letter, dated December 15, 2021, and the comments contained within, were thoroughly responded to as Response A1 within the Original Final EIR. The Original Final EIR was included as Volume III to the Recirculated Draft EIR.

Comment A5.13: This comment includes the letter from SCAQMD that was submitted to the County on January 19, 2021.

Response to Comment A5.13: Regarding the January 2021 NOP comment letter, this letter is summarized in Table 2-2, *Summary of NOP Comment Letters*, on page 2-3 of the Original Draft EIR. The Original Draft EIR is included as Volume II to the Recirculated Draft EIR.

Comment A5.14: This comment includes an email conversation between San Bernardino County Staff and SCAQMD Staff.

Response to Comment A5.14: This comment is informational in nature and does not raise any concerns or information regarding the Recirculated Draft EIR.

Comment A5.15: This comment includes the inputs and outputs of SCAQMD's IPT based health effects analysis using BenMAP-CE.

Response to Comment A5.15: This comment is informational in nature and does not raise any concerns or provide any comments regarding the Recirculated Draft EIR. The County appreciates SCAQMD's supplemental modeling data and, per SCAQMD's recommendation, has included a summary of SCAQMD's IPT-based screening comparison to Section 3.0 of this Final EIR for conservative disclosure purposes.

Comment Letter O1: Concerned Neighbors of Bloomington and Peoples Collective for Environmental Justice, November 13 2025

**CONCERNED NEIGHBORS OF BLOOMINGTON
PEOPLE'S COLLECTIVE FOR ENVIRONMENTAL JUSTICE**

November 13, 2025

VIA ELECTRONIC MAIL

Maryn Wells, Senior Planner
County of San Bernardino
Land Use Services Department, Planning Division
385 North Arrowhead Ave., First Floor
San Bernardino, CA 92415-0187
Maryn.Wells@lus.sbcounty.gov

**Re: Comment Extension Request—Bloomington Business Park Specific Plan Recirculated
Environmental Impact Report**

Dear Ms. Wells:

The undersigned members of the Concerned Neighbors of Bloomington and People's Collective for Environmental Justice write to request a minimum of 46 additional days to comment on the Draft Recirculated Environmental Impact Report ("REIR") for the Bloomington Business Park Specific Plan. We believe a 46-day extension is appropriate given the extraordinary circumstances due to recent attacks on our communities, as well as the lack of Spanish translation. We ask that the due date for comments from the public be pushed back to Monday, January 26, 2026.

O1.1

This project presents significant environmental justice concerns for Bloomington residents, who already bear an air pollution burden ranking in the 95th percentile for the state. The large influx of industrial projects—many of which are sited near our homes and schools—has resulted in our community being labeled a "diesel death zone." The residents represented by these organizations will be greatly impacted by this project, and it is imperative that your agency provide sufficient time to review the Draft REIR.

O1.2

The federal government shutdown, which has been the longest in history, has subjected our most vulnerable community members to go without meals or having to make choices between food or other necessities of life due to the stop of SNAP benefits. Alongside of this, childcare service resources, income from jobs and the ability to travel amidst the holidays has also affected families. While many look for supplemental work to bridge the gap, time to engage or the thought of submitting comments has taken a backseat to mere survival. Attacks by the federal government on communities impacted by this Project has given rise to public safety concerns. Local mayors¹ and church leaders² in the Inland Empire have urged residents to stay home and avoid public gatherings. As a result, some residents who would otherwise wish to participate in the public comment process are refraining from doing so or avoiding public events where support and resources for drafting comments are available.

O1.3

Moreover, our non-English speaking community members were already denied a meaningful opportunity to participate in the administrative process for the original environmental impact report. With a Draft REIR comprising 470 pages, any extension shorter than 46 days will be woefully inadequate to ensure that relevant stakeholders have a sufficient review of this voluminous report.

Our State's bedrock environmental protection and community right-to-know law, the California Environmental Quality Act, was intended to allow the public and public officials to be fully informed

¹ "Southern California mayor tells residents to stay home amid ICE activity," KTLA 5 (July 10, 2025), *available at* https://www.youtube.com/watch?v=OI2YYsEhDoU&ab_channel=KTLA5.

² "California bishop lifts Sunday Mass obligation for churchgoers fearful of ICE raids," MSNBC (July 10, 2025), *available at* <https://www.msnbc.com/top-stories/latest/bishop-san-bernardino-california-sunday-mass-ice-raids-rena217835>.

about projects and be able to participate in decision-making in a meaningful way. The decision to move forward with a new REIR and solicit public input during the holidays and amid ongoing instability falls short of these principles. Extending the comment deadline for 46 days would allow the public and organizations like ours to have sufficient time to obtain the relevant documents, consult with experts, and provide informed comments to the County.

O1.3 cont.

We appreciate your consideration. Please respond to this letter to let us know whether you will grant this request, and do not hesitate to contact us if you have questions.

Sincerely,

Ana Carlos and Miguel Muñoz
Concerned Neighbors of Bloomington

Tania Gonzalez, Gem Montes, and Andrea Vidaurre
People's Collective for Environmental Justice

Response to Comment Letter O1: Concerned Neighbors of Bloomington and Peoples Collective for Environmental Justice (2 pages)

Comment O1.1: This comment states that the commenter requests an extension of the public review period for the Recirculated Draft EIR for a minimum of 46 additional days due to extraordinary circumstances within the community and lacking Spanish translation.

Response to Comment O1.1: As discussed in Master Response 2, the Recirculated Draft EIR analysis focused on the areas that were determined to be inadequate by the San Bernardino Superior Court September 2024 Ruling, specifically impacts related to air quality, energy, greenhouse gas, noise, and alternatives. A scoping meeting for the Recirculated Draft EIR was held on December 2, 2024, and a Notice of Preparation was mailed in English and Spanish two weeks prior to the meeting to a 1,300-foot radius from the Specific Plan Area and a 700-foot radius from the Upzone Site.

The Recirculated Draft EIR was circulated from October 28, 2025, through December 11, 2025 per CEQA requirements. The Notice of Availability was also mailed to residents within the 1300-foot radius of the Specific Plan Area and Upzone Site in both English and Spanish. Thus, no extension has been granted as public circulation has occurred as required by CEQA Guidelines, and the County of San Bernardino has properly exercised its discretion as lead agency to not further extend the comment period. The comment does not otherwise provide any substantial evidence of new significant environmental impacts and does not raise any specific concerns about the adequacy of the Recirculated Draft EIR's analysis.

Comment O1.2: This comment states that the Project proposes an environmental justice concern for residents of Bloomington who already experience severe air pollution from the large influx of industrial projects.

Response to Comment O1.2: As further discussed in Master Response 1, CEQA is an environmental protection statute that is concerned with physical changes to the environment (CEQA Guidelines Section 15358(b)). The environment includes land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance (CEQA Guidelines Section 15360). The Project's potential environmental justice effects, including social or socioeconomic effects on certain communities, are social issues that are not considered effects on the environment (CEQA Guidelines Sections 15064(e) and 15131(a)). The Recirculated Draft EIR is focused on analyzing potentially significant impacts under the CEQA. Concerns outside those areas (including environmental justice and socioeconomic concerns) are not further addressed in this document although they will be taken into consideration by the County decision makers in evaluating what action to take on this Project.

Regarding the Project exposing nearby communities to elevated levels of pollution, as discussed under Impact AQ-2 in the Recirculated Draft EIR on pages 5.3-7 through 5.3-48, emissions from operation of the Project would exceed SCAQMD's thresholds for VOC and NOx after implementation of regulatory requirements and mitigation measures. A majority of operational-source NOx emissions (by weight) would be generated by Project vehicles, and the VOC emissions would be generated by consumer products that neither the Project applicant nor the County have the ability to reduce emissions of. Therefore, the Recirculated Draft EIR properly discloses that operational source VOC and NOx emissions would be significant on a Project-level and a cumulative basis. In regard to air quality impacts to sensitive receptors, as discussed under Impact AQ-3 in the Recirculated Draft EIR on pages 5.3-49 through 5.3-66, the Project would not result in significant impacts related to exposure of sensitive receptors to substantial pollutant concentrations.

The comment does not otherwise provide any substantial evidence of new significant environmental impacts and does not raise any specific concerns about the adequacy of the Recirculated Draft EIR's analysis.

Comment O1.3: This comment states that due to the federal government shutdown, economic hardships and urging from local leaders to stay home due to immigration enforcement activities has resulted in residents refraining from participating in the public comment process. The comment further states that the public review

period does not provide sufficient time for non-English speaking members of the community to read the Recirculated Draft EIR document and a 46-day extension is required. The comment concludes the letter by stating that a 46-day extension would allow for the public and organizations to have sufficient time to provide informed comments to the County.

Response to Comment O1.3: Refer to Response to Comment O1.

Comment Letter O2: Western Center on Law and Poverty, December 11, 2025
www.wclp.org

December 11, 2025

Sent Via E-mail

Gina Gibson-Williams
 County of San Bernardino
 Land Use Services Department, Planning Division
 385 N. Arrowhead Ave., 1st Floor
 San Bernardino, CA 92415
Gina.Gibson-Williams@lus.sbcounty.gov

**Re: Bloomington Business Park Specific Plan
 Recirculated Draft Environmental Impact Report (SCH No. 2020120545)**

Dear Ms. Gibson-Williams:

Western Center on Law and Poverty writes to comment on the Bloomington Business Park Specific Plan (the “Project”) and the Project’s Recirculated Draft Environmental Impact Report (“RDEIR”).¹ Western Center is a California statewide organization that seeks to eliminate poverty and advance racial and economic justice by dismantling and transforming systems so all communities in California can thrive. Much of our housing-related work focuses on addressing systemic housing issues that impact low-income communities and communities of color, including enforcing state laws that require local governments to address fair housing issues in their local jurisdiction and to adequately plan for the community’s housing needs.

O2.1

The Project, proposed by lead agency San Bernardino County and located in the unincorporated area of Bloomington, would cause the displacement of approximately 117 households of a socioeconomically disadvantaged and environmentally overburdened majority-Latino community by allowing the development of up to 3.23 million square feet of new industrial uses. The Project, which would be the 11th logistics project built in Bloomington within the last eight years, would also generate thousands of heavy-duty diesel truck trips per day.

We have serious concerns with the Project as currently proposed, particularly given that the County has failed again to address many of the issues we raised with the previous iteration of

O2.2

¹ Cty. of Bernardino, “Bloomington Business Park Specific Plan, SCH No. 2020120545, Recirculated Draft Env’tl. Impact Report” (Oct. 2025), *available at* https://files.ceqanet.lci.ca.gov/266887-10/attachment/LrxqteNdckBHM4vXq9_bHw5L0y8u2VKy5NatqNIC9KuX9LdEJqfbHCOFAQ-wlcjvQnTUGLhG2VRpt9Ds0.

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the Project in our November 14, 2022, letter to the Board of Supervisors.² If the Project is approved as proposed, the County's approval would violate the Fair Employment and Housing Act ("FEHA"), Gov't Code § 12951 *et seq.*, because the Project targets for displacement areas of Bloomington where residents are disproportionately Latino. These residents are already highly burdened by housing costs and suffer from other socioeconomic disadvantages that exacerbate the Project's disparate impact. Many feasible and less discriminatory alternatives are available, such as a mixed-use commercial, residential and industrial development rather than one that is purely industrial; a smaller plan area that minimizes displacement and conforms to recent changes in state law regarding the construction of warehouses; guaranteed replacement housing and relocation assistance; environmental protections for residents as the Project area transitions; and enhanced mitigation of the Project's environmental impacts.

O2.2 cont.

The County would also contravene the Housing Crisis Act of 2019 ("SB 330"), Gov't Code § 66300, by approving the Project because it does not concurrently contemplate the number of replacement housing units required or identify a site where the replacement housing units will be built. Moreover, the Project would violate the County's duty to affirmatively further fair housing, Gov't Code § 8899.50. Affirmatively furthering fair housing requires "meaningful action" that includes "combating discrimination" and addressing "significant disparities in housing needs." *Id.* at 8899.50(a)(1). The County is also prohibited from taking an action "that is materially inconsistent with its obligation to affirmatively further fair housing." *Id.* at (b)(1). By displacing overburdened residents and imposing significant environmental impacts in an inequitable manner, the Project would do the opposite.

O2.3

In addition, the County does not adequately analyze and mitigate the Project's environmental impacts under the California Environmental Quality Act ("CEQA"), Pub. Res. § 2011 *et seq.*³

The County should amend the Project to comply with all housing laws, including FEHA, the duty to affirmatively further fair housing, and SB 330.⁴ The County should also revise the

² See Letter from Nisha Vyas on behalf of People's Collective for Env'tl. Justice to Cty. of San Bernardino, Board of Supervisors (Nov. 14, 2022) regarding Nov. 15, 2022, Board of Supervisors Agenda Item 111 Bloomington Business Park Specific Plan - OPPOSITION, attached hereto as Exhibit A.

³ See Recirculated Draft EIR comment letter from People's Collective for Env'tl. Justice, Ctr. for Cmty. Action and Env'tl. Justice, Ctr. for Biological Diversity, and Sierra Club to Gina Gibson-Williams, Land Use Services Dep't, Planning Div., Cty. of San Bernardino (Dec. 11, 2025).

⁴ Attached hereto as Exhibit B is a copy of the Verified Fourth Amended Petition for Writ of Mandate and Complaint in *People's Collective for Environmental Justice, et al. v. County of San Bernardino, et al.*, San Bernardino Superior Court (No. CivB2228456). Reference is made to the factual and legal allegations contained in that pleading regarding the previously approved version of the Project to the extent that those allegations apply equally to this new version of the Project.



RDEIR to fully analyze and disclose all significant impacts and adopt all feasible mitigation, as required by CEQA.

O2.3 cont.

I. The Bloomington community surrounding the Project is disproportionately Latino, disproportionately low income, and is already disproportionately impacted by environmental hazards from warehouses and the logistics industry.

The RDEIR fails to meaningfully discuss or analyze the demographic and environmental context of the Bloomington community where the Project is proposed. This omission is significant because FEHA and California's AFFH mandate, Government Code § 8899.50, and SB 1000, Gov't Code § 65040.12 *et seq.*, all require consideration of how land use decisions—such as siting warehouses and changing residential zoning to industrial uses—disproportionately impact disadvantaged communities. The area surrounding the Project is a majority-Latino, low-income, and linguistically isolated community that already experiences some of the worst pollution burdens in California. Yet the RDEIR is silent as to these characteristics and the Project's potential to exacerbate these inequities. As detailed below, Bloomington's demographics and existing environmental hazards make this community particularly vulnerable to additional pollution and displacement pressures associated with further warehouse development.

O2.4

A. Over the past three decades, Bloomington's demographics have dramatically transformed, with the White population dropping nearly 50% in that period.

Bloomington is an unincorporated community of approximately 22,390 residents bisected by the Interstate 10 ("I-10") corridor, a heavily trafficked route connecting the Inland Empire to the Ports of Los Angeles and Long Beach.⁵ It is a majority-Latino community: over 87% of Bloomington residents are Hispanic or Latino, compared to 55% Countywide. Only about 9% of Bloomington's population identifies as White (non-Hispanic). Bloomington's transformation into a predominantly Latino community has accelerated over the past three decades. In 1990, 55% of Bloomington residents were White; by 2000, that figure had dropped to less than 29%, and by 2020 it fell again to less than 9%. This rapid demographic shift coincided with the County's increased siting and approval of industrial and logistics uses within and adjacent to Bloomington.

O2.5

Bloomington residents also experience disproportionately high rates of poverty and lower educational attainment relative to the County overall. An estimated 15% of residents live below the federal poverty level, compared to 12.5% Countywide. The median household income in Bloomington is approximately \$81,220—nearly \$15,000 below the County median. Only 10% of

including the alleged violations of FEHA and the County's duty to affirmatively further fair housing.

⁵ Unless otherwise noted, the demographic data provided herein is largely based on the 2022 American Community Survey and other data government sources.



residents hold a bachelor's degree, compared to 24% Countywide. Two-thirds of residents are homeowners, but these homeowners face unstable housing conditions as the County increasingly rezones nearby residential areas to industrial use, rendering many homes "non-conforming uses" and impacting homeowners' ability to refinance or sell their homes. Bloomington also has one of the highest overcrowding rates among renters in the County and almost 55% of its renters are cost burdened with respect to their housing costs.

Bloomington is also a linguistically isolated community, which limits residents' ability to meaningfully participate in the County's land use decision-making processes. Nearly 43% of County residents speak a language other than English at home, but in Bloomington that figure rises considerably. More than 10% of Bloomington's population is considered linguistically isolated, meaning they speak English "not well" or not at all—more than double the Countywide average of 4.7%. Approximately 28.4% of Bloomington residents are foreign-born, and 98% of those individuals were born in a Latino country of origin.

O2.5 cont.

These demographic indicators establish that Bloomington is a community of color with high poverty, linguistic isolation, and limited mobility—characteristics that heighten vulnerability to environmental harms and displacement. As such, the Project's siting and the County's broader pattern of concentrating industrial development in Bloomington have significant fair housing and environmental justice implications that the RDEIR entirely overlooks.

B. Bloomington is already one of California's most polluted communities, burdened by disproportionate industrial siting and truck traffic.

Bloomington's residents already bear disproportionate pollution burdens linked to warehouse proliferation and truck traffic. The County has acknowledged that the community's air quality, drinking water, and overall environmental health are "significant concerns" resulting from its location near I-10, industrial land uses, and the Colton Railyard.⁶ According to the California Environmental Protection Agency's health screening tool (the "CalEnviroScreen"), six of Bloomington's census tracts rank above the 90th percentile statewide "for pollution sources and exposure."⁷ In the census tracts where the Project would be located, exposure to fine particulate matter (PM_{2.5}) ranks in the 94th and 91st percentiles; ozone exposure ranks in the 97th and 95th percentiles; and exposure to diesel particulate matter ranks in the 80th and 78th percentiles.⁸ These are among the highest cumulative pollution scores in the state.

O2.6

⁶ See Cty. of San Bernardino, "Env'tl. Justice and Legacy Communities Background Report," (September 27, 2022) at 3-35–3-36, available at <https://lus.sbcounty.gov/wp-content/uploads/sites/48/HousingPlans/EJ-Legacy-CWP-BackgroundReport-Final-20220927.pdf>.

⁷ *Id.*

⁸ See Recirculated Draft Env'tl. Impact Report, *supra* note 1, at 5.3-21.



These pollutants, largely emitted by diesel trucks and industrial operations, cause or worsen asthma, cardiovascular disease, and premature mortality. Children, seniors, and individuals with respiratory illness are especially vulnerable.⁹ County health data confirm that Bloomington residents experience elevated rates of obesity (43%), adult diabetes (15%), and emergency room admissions for heart disease.¹⁰

O2.6 cont.

The industrial land uses causing these health burdens have proliferated rapidly in Bloomington. Although Bloomington spans only 3,200 acres, almost 300 acres of land in Bloomington has been changed from residential to industrial use just since 2017. Of the warehouse and logistics projects approved by the County since 2017, about 30% are sited in Bloomington. Once all approved and pending projects are built, warehouses will occupy over 11% of Bloomington's total land area, nearly double the current footprint. These projects collectively generate thousands of heavy-duty truck trips daily. Approximately 4,000 diesel trucks already travel through Bloomington each day to serve existing warehouses, a figure projected to reach 7,000 daily truck trips once planned facilities—including the proposed Bloomington Business Park project—are operational. This diesel truck traffic produces toxic emissions that concentrate in Bloomington's residential neighborhoods, where homes, churches, and schools—such as Bloomington High School, Zimmerman Elementary, and Ruth Harris Middle School—are located mere feet from truck routes and warehouse loading docks.

The County's own Environmental Justice Background Report confirms that "nearly all census tracts [in Bloomington] have high levels of air pollution and drinking water contamination concerns," and that "due to the intermix of industrial and residential uses, high levels of pollution raise public health concerns."¹¹ Areas south of I-10 are designated by the U.S. Department of Agriculture as a food desert and by the California Office of Statewide Health Planning and Development as a medically underserved area.¹² Despite these conditions, the County continues to approve additional warehouses in Bloomington while similarly situated, majority-white unincorporated communities such as San Antonio Heights, Mentone, and Phelan have seen little to no industrial development. This pattern reinforces racial segregation and inequities in exposure to environmental harms, contrary to the mandates of SB 1000 and the County's duty to affirmatively further fair housing.

O2.7

In short, Bloomington residents—predominantly Latino, low-income, and linguistically isolated—already live in one of California's most polluted communities, burdened by disproportionate industrial siting and truck traffic. Although the County is well aware of the cumulative impacts of these multiple environmental, social and health stressors on the Bloomington community, the RDEIR fails to conduct an adequate cumulative impact analysis

⁹ See California Air Resources Board, Overview: Diesel Exhaust & Health, <https://ww2.arb.ca.gov/resources/overview-diesel-exhaust-and-health> (last visited Dec. 2, 2025).

¹⁰ Env'tl. Justice and Legacy Communities Background Report, *supra* note 6, at 3-35.

¹¹ *Id.* at 3-35, 3-37.

¹² *Id.* at 3-36.



concerning these conditions, which prevents the public and decisionmakers from understanding how the Project will exacerbate health and housing inequities. This omission violates CEQA's requirement to consider cumulative and environmental justice impacts and undermines the County's statutory obligation to affirmatively further fair housing.

O2.7 cont

II. The County's certification of the RDEIR and approval of the Project would impermissibly discriminate on the basis of race and national origin, in violation of the Fair Employment and Housing Act.

The RDEIR confirms that the Project will displace Bloomington residents, increase air pollution and noise, and create unsafe conditions for pedestrians—impacts that will fall disproportionately on Bloomington's Latino community. By failing to meaningfully analyze these impacts or adopt available less discriminatory alternatives, the County's approval of the Project would have a discriminatory disparate impact on Latino residents in violation of FEHA.

O2.8

A. The Project will displace residents, reduce housing stock, and render surrounding homes non-conforming uses under the zoning code, with disproportionate impacts on Latino households.

The RDEIR acknowledges that the Project will demolish 117 single-family residential units within the Specific Plan area.¹³ Without explanation, however, the RDEIR neglects to estimate the number of people directly displaced by the demolition of these homes. The RDEIR nonetheless concludes—without analysis—that “[t]he Project would not displace substantial numbers of existing people or housing . . .” and, therefore, these displacement impacts are “less than significant” and require no mitigation.¹⁴ This conclusion conflicts with CEQA's requirement under Code Regs., tit. 14, appen. G, § XIV that the County evaluate displacement of people and housing. Further, this is not hypothetical displacement – since the adoption of the Final Environmental Impact Report on November 15, 2022 (which was later invalidated by Court order), more than 80 demolition permits have been issued for residential structures located in the Specific Plan Area and significant residential demolition has occurred.¹⁵

O2.9

The RDEIR fails to analyze the scale or effects of displacement. The RDEIR provides no information on several critical questions. Specifically: how many people reside in the 117 units being demolished; whether displaced households are owners or renters; the income, linguistic isolation, or housing needs of the displaced households; whether displaced Bloomington residents could secure comparable housing in Bloomington; the effects of losing home-based businesses and community connections within the Project footprint; and how forced relocation outside of Bloomington will affect travel distances, emissions, and environmental burdens.

¹³ See Recirculated Draft Env'tl. Impact Report, *supra* note 1, at 5.3-16.

¹⁴ *Id.* at 1-66.

¹⁵ The County issued demolition permits between 2022 and 2025 for residential structures located within the Specific Plan Area. These permits are attached hereto as Exhibit C.



This omission is stark given that Bloomington suffers from severe overcrowding and that approximately one-third of the households in the area are renters.¹⁶ The absence of renter-specific analysis in the RDEIR is a critical flaw.

O2.9 cont.

The RDEIR also fails to address that housing will be demolished without any guarantee of replacement housing being built. The County asserts that the “Upzone Site” for future residential development mitigates displacement. But the RDEIR concedes that the Project “does not propose physical developments or improvements at the Upzone Site,”¹⁷ and that any redevelopment would require demolition of the 21 existing homes currently located there. The County has refused to identify whether any project for the Upzone Site has been proposed, funded, or is in the pipeline. There is no affordability requirement, no replacement-housing requirement, and no timeline for building housing at the Upzone Site. As a result, the displaced residents are guaranteed to lose housing, *while no one is guaranteed replacement housing*.

Residents in the Specific Plan area whose homes are *not* demolished will be constructively displaced because their ability to enjoy, use, and improve their homes will be severely diminished by industrial encroachment, 24-hour operations at the Project, increased truck traffic, and loss of neighborhood character. In addition, the RDEIR fails to address that homes located in the Specific Plan area will become legal non-conforming uses under the County’s zoning code. Specifically, the RDEIR does not analyze the impacts of this zoning decision on homeowners’ and tenants’ ability to (1) renovate their homes; (2) access traditional financing options like mortgages, home equity and small business loans; (3) sell their homes at fair market value; or (4) continue longstanding agricultural, cultural, or recreational uses on their land.

O2.10

The Project will disproportionately displace Latino residents. Bloomington is roughly 87.7% Latino, with high rates of poverty, linguistic isolation, and foreign-born residents compared to the County as a whole. Displacement of this scale within a racially concentrated area will have a foreseeable disparate impact on Latino households. The RDEIR contains no analysis of these disparate impacts and no mitigation to avoid them. This violates FEHA’s prohibition against unjustified disparate impacts on protected groups.

B. The Project will increase air pollution and noise burdens that will fall disproportionately on Latino residents.

The RDEIR confirms that both construction and operation of the Project will generate significant air quality, health-risk, and noise impacts.¹⁸ Emissions will exceed SCAQMD

O2.11

¹⁶ See Cty. of San Bernardino, San Bernardino Countywide Plan, Housing Element Technical Report (Sept. 27, 2022), at 2-51, *available at* https://countywideplan.sbcounty.gov/wp-content/uploads/sites/125/2021/02/CWP_PolicyPlan_HousingElement_2021-2029_Adopted.pdf.

¹⁷ *Id.* at 3-2.

¹⁸ Recirculated Draft Env’tl. Impact Report, *supra* note 1, at 1-8, 5.3-39.



thresholds for NO_x and VOC, and the operational scenarios modeled in the RDEIR show harmful concentrations of diesel particulate matter and other pollutants.¹⁹

The County is well aware that Bloomington already suffers extreme pollution burdens. The County's own Housing Element identifies pollution exposure as a leading fair housing barrier in Bloomington, noting that residents "are exposed to higher rates of air pollution released by activities associated with local and regional logistics operations."²⁰ Residents repeatedly raised health concerns with the County concerning warehouse proliferation, including diesel exhaust exposure.²¹ The County committed to prioritizing health and wellness outcomes in Bloomington but has not implemented these commitments.²²

The Project will expose sensitive receptors to elevated pollution. Sensitive receptors within 100 feet of the Project include Bloomington High School, Zimmerman Elementary School, Ruth Harris Middle School, and a church. Even worse, a single-family residence is located 11 feet from the Project boundary.²³

O2.11 cont

The California Air Resource Board's ("CARB") 1,000-foot buffer recommendation for warehouses and distribution centers is plainly violated here, yet the RDEIR never analyzes compliance with CARB guidance for its implications to fair housing. Instead, the RDEIR asserts that impacts to sensitive receptors will be less than significant with mitigation. This conclusion lacks evidentiary support.

Increased noise and truck traffic will exacerbate the discriminatory disparate impact. The Project will significantly increase heavy-duty truck operations, diesel idling, and traffic noise. These impacts are well-documented contributors to cardiovascular disease, asthma attacks, and pulmonary illness.²⁴ Because the surrounding community is overwhelmingly Latino, these increased burdens will fall disproportionately on a protected class in violation of FEHA.

C. The Project will create unsafe and unwalkable conditions that disproportionately burden Latino residents.

The RDEIR contains no meaningful analysis of pedestrian safety, walkability, bicycle safety, transit access, or compliance with AB 1358 (the Complete Streets Act) requirements—even though the Project involves major circulation changes, including roadway widening,

O2.12

¹⁹ *Id.* at 5.3-37.

²⁰ Housing Element Technical Report, *supra* note 16, at 2-67.

²¹ *Id.* at 1-9, 2-47.

²² *Id.* at 2-63-2-64, 2-66-2-67.

²³ Recirculated Draft Env'tl. Impact Report, *supra* note 1, at 5.3-22.

²⁴ See California Air Resources Board, Overview: Diesel Exhaust & Health, *supra* note 8.



intersection modifications, and increased truck operations. Yet the community of Bloomington has repeatedly called on the County to address pedestrian safety in south Bloomington.²⁵

The County failed to evaluate pedestrian and multimodal safety. State planning mandates—including the Complete Streets Act, the Governor’s Office of Land Use and Climate Innovation’s General Plan Guidelines, and San Bernardino County Transportation Authority multimodal standards—require public agencies to ensure safe pedestrian, bicycle, and transit infrastructure in major planning actions. The RDEIR does not address these requirements or evaluate whether the Project’s roadway designs comply with Complete Streets principles.

O2.12 cont.

The failure to plan for safe mobility as part of the Project disproportionately harms Latino families. Bloomington residents walk to schools, churches, stores, bus stops, and home-based businesses. Increased truck volumes and industrial roadway design will create dangerous and discriminatory conditions for pedestrians, including children and elderly residents. FEHA liability arises when a government action creates dangerous environmental and infrastructural conditions that disproportionately burden a protected group. The RDEIR ignores these impacts altogether.

D. Less discriminatory alternatives exist and must be adopted under FEHA.

Even assuming *arguendo* that the County had a substantial, legitimate justification for approving this Project, FEHA still requires denial or modification of the Project because less discriminatory alternatives exist.

There are at least seven modifications the County could adopt that together, would represent a less discriminatory: (1) reducing the plan area to avoid displacement of over 117 homes; (2) guaranteeing replacement housing with affordability commitments and timelines; (3) providing relocation assistance and displacement protections; (4) developing the Specific Plan area as a mixed-use development rather than purely industrial; (5) requiring a 1,000-foot CARB buffer between warehouses and sensitive receptors; (6) implementing Complete Streets designs to protect pedestrians; and (7) adopting additional air-quality mitigations and truck-route restrictions.

O2.13

Of course, the County and the New Developer could also site the Project elsewhere in the County (the largest by land area in the nation), particularly in a location where homes and schools are not within 300 feet. Because these alternatives and modifications are both feasible and would substantially reduce the discriminatory impacts, FEHA requires the County to adopt them.

²⁵ See, e.g., Housing Element Technical Report, *supra* note 16, at 1-9; Bloomington Cmty. Plan: San Bernardino Countywide Plan (Oct. 2020), at 18, 20.



III. The County's analysis with respect to the Housing Crisis Act is deeply flawed and must be amended.

The RDEIR includes an analysis of the Project's compliance with the Housing Crisis Act of 2019 that is necessary given that the Specific Plan Area would convert hundreds of acres of residentially zoned land to non-residential. If adopted, the Project will "downzone" the Specific Plan area, converting existing residential zoning to nonresidential uses and result in the demolition of a minimum of 117 residential units at full build out. Government Code section 66300(i)(1) requires that, in such instances, the County take concurrent action to change "the development standards, policies, and conditions applicable to other parcels within the jurisdiction to ensure no net loss in residential capacity."²⁶

O2.14

However, the RDEIR's analysis is flawed for two reasons. First, the analysis fails to conduct an adequate analysis of the selected "Upzone Site" and its ability to realistically accommodate the loss of residential units that has already occurred in the Specific Plan Area. Second, the RDEIR fails to take into account the legislative changes to the Housing Crisis Act, Gov't Code § 66300.6(b), since the County's original analysis, which now states, "an affected city or an affected county shall not approve a development project that will require the demolition of occupied or vacant protected units, or that is located on a site where protected units were demolished in the previous five years" unless specific conditions are met with respect to the replacement of demolished units and the payment of relocation assistance to displaced tenants. This analysis must address (1) which units have or will be demolished as part of the Project; (2) which tenants have or will be displaced by the Project who are entitled to relocation assistance; and (3) where the replacement housing units will be built.

A. There is no analysis of the selected "Upzone Site" as to its ability to realistically accommodate the loss of residential units in the Specific Plan Area.

The Project includes a zoning change designation to an "Upzone Site" located in North Bloomington, which is north of Interstate 10. The RDEIR states that rezoning the Upzone Site from Residential Single with 20,000 SF Lot Minimums (RS-20M) to Residential Multiple (RM) would permit development of 20 dwelling units per acre or up to 480 units. Beyond proposing the rezoning of the Upzone Site, the RDEIR does not engage in a sites analysis to show whether housing development at the Upzone site is feasible or realistic, nor does the RDEIR analysis include proposed changes to development standards, policies, and conditions—beyond rezoning—that would make housing feasible. In fact, the RDEIR acknowledges that approval of the Project would only rezone the Upzone Site as "no physical development or improvements are proposed there."²⁷

O2.15

²⁶ This provision of the Housing Crisis Act is referred to as the "No Net Loss requirement."

²⁷ Recirculated Draft Env'tl. Impact Report, *supra* note 1, at 5.3-36, 5.6-6, 5.8-12, 5.12-28.



There is no specificity of detail or information about how and whether the Upzone Site may be developed in a manner that would accommodate the displacement that has already occurred and will continue to occur if the Bloomington Business Park Specific Plan is adopted. It does not analyze availability of parcels at the Upzone Site for the development of affordable housing or for any additional housing at all. Notably, the County did not identify any of the parcels in the Upzone Site as part of its site inventory in its Housing Element, suggesting that the County did not see these parcels as likely sites for housing development in the current cycle.²⁸

It was not the intent of the Legislature in enacting the Housing Crisis Act to create a paper exercise for affected cities and counties; in fact, in its enactment, the Legislature declared, "it is the policy of the state that this section be interpreted and implemented in a manner to afford the fullest possible weight to the interest of, and the approval and provision of, housing." Gov't Code § 65589.5(a)(2)(L).

O2.15 cont.

To that end, what is required for good faith compliance with the Housing Crisis Act's no net loss requirement is a more comprehensive analysis of the development potential at the Upzone Site to accommodate residential uses, including whether the site has realistic capacity to accommodate housing uses; identification of barriers; and concurrent changes to development standards, policies, and conditions to reduce or eliminate such barriers.

B. The Recirculated EIR contains an outdated analysis of the Housing Crisis Act, rendering the analysis incomplete.

The RDEIR only addresses the loss of residential housing capacity that will occur with the approval of the Project. However, the Housing Crisis Act of 2019, as amended by Assembly Bill (AB 1218), now states that a jurisdiction "shall not approve a development project that will require the demolition of occupied or vacant protected units, or that is located on a site where protected units were demolished in the previous five years" unless "any required replacement housing is developed prior to or concurrently with the development project." Gov't Code §§ 66300.6(b), (b)(2)(B).

O2.16

The County clearly includes the Upzone Site, in partial compliance with the Housing Crisis Act, as part of the Project Description.²⁹ However, the RDEIR completely fails to address the loss of residential units or the displacement of tenant households within the Specific Plan Area in a manner consistent with the other obligations of the Housing Crisis Act. As already noted, there has been significant demolition of housing within the Specific Plan Area in the previous five years. However, there is no analysis of the housing loss over the previous five years within the Project area, no analysis of the number of replacement housing units required as a result of this Project, nor is there an alternative location identified for the construction of these

²⁸ Housing Element Technical Report, *supra* note 16, at Appendix A.

²⁹ Recirculated Draft Env'tl. Impact Report, *supra* note 1, at 3-1.



replacement units. This analysis is required by the Housing Crisis Act and thus, should be a part of the RDEIR's analysis as well.

Full compliance with the Housing Crisis Act also requires the County to locate a site where the replacement housing units required under the law will be built. Given the fact that the County *cannot* approve the Project without identifying a specific location and the number of housing units required to be built concurrently with the Specific Plan Area, the RDEIR fails to analyze the full scope of the Project as necessary to comply with state law.

O2.16 cont.

IV. The County will violate its duty to affirmatively further fair housing if it approves the Project.

In addition to violating FEHA, the Project is materially inconsistent with the County's affirmative duty to further fair housing under Government Code § 8899.50. That duty requires jurisdictions to take "meaningful actions" to reduce disparities in access to opportunity, address discrimination, and transform racially concentrated areas of poverty—not actions that reinforce segregation, pollution exposure, and displacement. Gov't Code, § 8899.50(a)(1). The California Department of Housing and Community Development ("HCD") makes clear that AFFH obligations extend beyond housing approvals to include land use, infrastructure, environmental health, circulation planning, and capital improvement decisions.³⁰ As clearly stated in the statute, the County's duty to AFFH "extends to all of a public agency's activities and programs relating to housing and community development." Gov't Code, § 8899.50(a)(1). Approving a warehouse project that will displace Latino residents, worsen pollution, and erode neighborhood safety is materially inconsistent with this duty to AFFH.

O2.17

Concentrating warehouses in south Bloomington decreases access to housing and deepens segregation. The Project destroys homes, reduces housing choice, and intensifies truck-related pollution and industrialization. As a result, the Project will reduce access to safe, healthy, and affordable housing; exacerbate segregation by undermining the livability of Bloomington, forcing residents to leave; increase environmental burdens in one of the most overburdened communities in the County; and undermine Bloomington's ability to become an area of opportunity. These outcomes conflict directly with the statutory requirement to replace segregated living patterns with integrated and balanced patterns.

In addition, the Project reinforces environmental inequities in a community already overburdened by pollution. Approving yet another warehouse in Bloomington will deepen the environmental burdens that disproportionately affect Latino residents. The County identified

O2.18

³⁰ California Dep't of Housing and Cmty. Dev., "Affirmatively Furthering Fair Housing Guidance for All Public Entities and for Housing Elements" (April 2021 Update), at 14–17, available at https://www.hcd.ca.gov/community-development/affh/docs/affh_document_final_4-27-2021.pdf.



“pollution exposure” as a major fair housing barrier in its own Housing Element.³¹ Yet it now proposes a Project that will (1) exceed pollution thresholds for NOx and VOC; (2) place families, schools, and churches less than 100 feet from truck operations; (3) increase traffic hazards for pedestrians; and (4) concentrate industrial uses in a racially segregated community. These actions are the opposite of “meaningful actions” to further fair housing. Gov’t Code § 8899.50(a)(1).

The County also fails to combat discrimination, address housing disparities, or replace segregated patterns, as required by Government Code § 8899.50. The duty to AFFH is proactive—public agencies must take affirmative steps to reduce disparities and combat discrimination. The Project violates this standard for at least four reasons. First, the Project displaces residents of a disadvantaged Latino community, increasing housing instability and deepening disparities in housing need. Second, the County provides no adequate relocation assistance, protections, or replacement-housing strategy. The Upzone Site is speculative and itself contains 21 homes that would need to be demolished to realize the increased residential housing possible with the zoning change and replace the lost housing in the Specific Plan Area. Third, the Project reinforces segregated patterns by creating conditions—pollution, noise, loss of safety, loss of neighborhood cohesion—that result in the loss of residents who can afford to move and deepening poverty for those who remain. Fourth, the County’s approvals are materially inconsistent with its own Housing Element commitments, including reducing pollution exposure, addressing fair-housing barriers, and partnering with AQMD to develop community emissions reduction plans.

Because the Project is inconsistent with the County’s statutory obligation to affirmatively further fair housing, the County must modify the Project to eliminate displacement, reduce pollution, and protect residents.

³¹ Housing Element Technical Report, *supra* note 16, at 2-67.



For the reasons stated above, and in concurrent comments on the insufficiency of the Recirculated Draft EIR submitted by the People's Collective For Environmental Justice, Center for Community Action and Environmental Justice, Center for Biological Diversity, and Sierra Club, Western Center on Law and Poverty urges the Planning Commission to recommend rejection of this EIR and for the County to reject the Bloomington Business Park Specific Plan in its entirety. Should you have questions regarding these comments, we can be contacted at dsternberg@wclp.org and kmckeon@wclp.org.

O2.19

Sincerely,

Daniel L. Sternberg
Staff Attorney

Katherine J. G. McKeon
Staff Attorney

EXHIBIT A


www.wclp.org

November 14, 2022

Board of Supervisors
 San Bernardino County
 385 N. Arrowhead Avenue
 San Bernardino, CA 92415
BoardMeetingComments@cob.sbcounty.gov

**Re: November 15, 2022, Board of Supervisors Agenda Item 111
 Bloomington Business Park Specific Plan - OPPOSITION**

Dear Board of Supervisors:

Western Center on Law and Poverty respectfully submits these comments in opposition to the proposals related to the Bloomington Business Park Specific Plan (collectively "project") on behalf of People's Collective for Environmental Justice (PC4EJ). PC4EJ fights on behalf of Inland Empire communities to resist pollution and systemic racism to create sustainable systems to protect public health and build self-reliance.

Despite significant opposition to the project based on its environmental, displacement, and fair housing impacts, the Planning Commission voted to recommend its approval to the Board of Supervisors. PC4EJ urges the Board of Supervisors to reject the Bloomington Business Park Specific Plan in its entirety. Approving and adopting this project will violate the prohibition against discrimination and the duty to affirmatively further fair housing under state and federal fair housing laws as well as the anti-displacement provisions of the Housing Crisis Act, as detailed below. The project is also inconsistent with the County's General Plan, as the County has failed to adopt a legally valid Housing Element.¹

O2.20

1. Bloomington demographic profile

Bloomington is an unincorporated, census designated place in San Bernardino County. Bloomington residents are 84% Hispanic or Latino², in contrast with the County at 55.8%.³ The project area consists of two Census tracts that are disproportionately low-income⁴, with over 20% of the population earning income below the federal poverty level, in contrast to the

¹ PC4EJ concurrently submits its comments on the Final Environmental Impact Report associated with the project and the California Environmental Quality Act (CEQA) in a separate letter.

² <http://www.census.gov/quickfacts/bloomingtoncdpcalifornia>

³ <https://www.census.gov/quickfacts/fact/table/sanbernardinocountycalifornia/AFN120217>

⁴ See Census tract-level data at <https://affh-data-resources-calcd.hub.arcgis.com/>

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Countywide figure of 14.3%.⁵ The County states in its draft Housing Element Technical Report that linguistic isolation contributes to fair housing issues in the region. This linguistic isolation “may prevent [community members] from ... commenting on proposed development projects.”⁶ A summary of community input from Bloomington residents in connection with preparation of the County’s Sixth Cycle Housing Element reveals residents experience housing discrimination based on national origin and immigration status.⁷

Bloomington suffers from high pollution rate, scoring in the highest category for overall pollution per CalEnviroScreen.⁸

2. Approval of the project will violate the anti-discrimination provisions of fair housing laws as well as the County’s duty to affirmatively further fair housing.

The federal Fair Housing Act (FHA), 42 U.S.C. § 3601 et seq., and the state’s Fair Employment and Housing Act (FEHA), Gov. Code § 12951 et seq., prohibit acts that would have a discriminatory effect based on protected characteristics including national origin. These prohibitions include discriminatory land use decisions by municipalities. *See Texas Department of Housing and Community Affairs v. Inclusive Communities Project, Inc.*, 576 U.S. 519 (2015); Gov. Code § 12955(l); Cal. Code of Regs § 12161.

The California Code of Regulations states that unlawful land use practices include those that:

- Deny, restrict, condition, adversely impact, or render infeasible the enjoyment of residence, land ownership, tenancy, or any other land use benefit related to housing opportunities. CCR § 12161(b)(1).
- Result in the location of toxic, polluting, and/or hazardous land uses in a manner that denies, restricts, conditions, adversely impacts, or renders infeasible the enjoyment of residence, land ownership, tenancy, or any other land use benefit related to residential use, or in connection with housing opportunities or existing or proposed dwellings. CCR § 12161(b)(10).

There is no evidence that the County or the applicant has engaged in any fair housing analysis on the impacts to the primarily Latinx, lower income households that will be directly displaced by the project or in close proximity to the project who will face environmental and other harmful constraints on their residential uses by adoption of the Bloomington Business Park

O2.20
cont.

⁵ <https://www.census.gov/quickfacts/fact/table/sanbernardinocountycalifornia/AFN120217>

⁶ http://www.sbcounty.gov/uploads/LUS/HousingPlans/REVISED_DRAFT_HE_SEP/HousingElement_CWP_Tech_Report_Draft_2022_Sept_tracked.pdf (Table 2-33 at 2-104.)

⁷ *Id.* at 1-10.

⁸ <https://ochla.ca.gov/calenviroscreen/report/calenviroscreen-40>



Specific Plan. Given Bloomington's demographics, there will likely be disproportionate impact based on national origin, in violation of the FHA and FEHA.

The County also has a duty to affirmatively further fair housing and cannot take actions materially inconsistent with that duty. Gov. Code § 8899.50. Affirmatively furthering fair housing "means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws." Gov Code 8899.50(a)(1).

As stated above, there is no analysis of the impacts of these proposals on the Bloomington community and the Census tracts that will be directly impacted, taking into consideration their specific needs as a majority Latinx, low-income community. In fact, based on what is known, the project will have an adverse impact on the existing Bloomington community. The "downzoning" of the project area will require at least 117 homes to be demolished, displacing all residents who currently live in these homes. The applicant believes that homeowners will "voluntarily" sell their homes, but there is no evidence of any survey or information about the desires of homeowners or renters in the project area. The Specific Plan does not include any plans to replace these homes.

O2.20
cont.

In response to comments regarding the insufficiency of the displacement analysis, the FEIR claims that a) there is available housing stock based on the number of single-family properties and properties listed for rent on Apartments.com; b) the proposed Upzone site would offset the residential capacity loss; c) property owners within the development footprint would "voluntarily" sell their property. FEIR at 2-706–2-707.⁹ However, the applicant "does not propose physical developments or improvements at the Upzone Site." Planning Staff Report, 296. In fact, development of the Upzone Site would require the demolition of existing housing and displacement of current residents. Planning Staff Report, 2; Final EIR, 2-707. The County has not assessed the occupancy or affordability of the homes that will be destroyed by the project, nor whether other housing in the County will be affordable to displaced residents. See Final EIR, 2-706.

This is an exceedingly cursory analysis, and one that does not indicate that any serious outreach has been done to impacted households that would directly be displaced, or any analysis as to the needs of the estimated hundreds of households that would be directly and indirectly displaced. Reviewing this cursory analysis alongside the demographic profile of Bloomington does not indicate serious consideration of the specific needs of this community, including

⁹ The FEIR responds herein to comments submitted in the letter from Melissa A. Morris of The Public Interest Law Project to Aron Liang dated December 15, 2021, on the draft EIR for the Bloomington Business Park Specific Plan Project.



affordability, linguistic barriers, and loss of existing ties and community support to existing schools and services, as is required by the AFFH mandate.¹⁰

This project will also negatively affect environmental conditions and community health in and around the Specific Plan area. The Staff Report acknowledges that the Bloomington Business Park will result in significant negative impacts on air quality in the surrounding area. See Staff Report, 35. This is an area that already has some of the worst environmental conditions in the County, and the project will make those conditions worse, in turn making homes and neighborhoods more hazardous and less livable.¹¹

As noted above, the County states in its draft Housing Element Technical Report that linguistic isolation contributes to fair housing issues in the region, and that such linguistic isolation prevents community members from commenting on proposed land use projects. Despite recognizing language access as a contributing factor to fair housing issues, the County failed to translate any portion of the actual FEIR related to this project into Spanish.

O2.20
cont.

If the County approves the project, such action would be materially inconsistent with its duty to affirmatively further fair housing. Existing residents will be displaced without any mitigation measures and the residents in homes that remain standing will be situated next to polluting sources. These harms will disproportionately be borne by Latinx and low-income households.

3. Housing Crisis Act of 2019/No Net Loss in Residential Capacity

If adopted, the Bloomington Business Park Specific Plan will “downzone” the Specific Plan area, converting existing residential zoning to nonresidential use. Government Code section 66300 requires that, in such instances, the county take concurrent action to change “the development standards, policies, and conditions applicable to other parcels within the jurisdiction to ensure no net loss in residential capacity.” (Gov. Code § 66300(i)(1).) The statute also requires replacement of any existing or demolished “protected units,” defined as any of the following: covenanted affordable units; units subject to rent or price control in the last 5 years; and units that are or were rented by lower or very low-income households within the past 5 years. (Gov. Code §§ (d)(2)(A), (d)(2)(F)(iv)(I)-(III).)

As referenced above, the project includes zoning change designation to an identified “Upzone Site” north of the proposed Specific Plan Area. The staff report and DEIR states that rezoning the Upzone Site to Residential Multiple (RM) would permit development of 20

¹⁰ See HCD AFFH Guidance (Apr. 2021 Update), 40-43, available at https://www.hcd.ca.gov/community-development/affh/docs/AFFH_Document_Final_4-27-2021.pdf (discussing displacement relative to the duty to affirmatively further fair housing).

¹¹ See HCD AFFH Guidance, 34 (highlighting environmental conditions as a component of opportunity).



dwelling units per acre or up to 480 units. Beyond proposing the rezoning of the Upzone site, the FEIR and planning staff report do not engage in any analysis regarding whether any units in the project area that will be demolished to make way for the project meet the definition of “protected units” and do not identify any plan for replacement units as required under the Government Code.

Further the applicant does not discuss whether housing development at the Upzone site is feasible or realistic, nor do the planning staff report or the FEIR include proposed changes to development standards, policies, and conditions – beyond rezoning – that would make housing feasible. In fact, the DEIR acknowledges, that approval of the Project would only rezone the Upzone Site; no physical development or improvements are proposed there.” DEIR at 5.13-9. There is no specificity of detail or information about how and whether the Upzone Site may be developed in a manner that would accommodate the displacement that will occur if the Bloomington Business Park Specific Plan is adopted or accommodate other housing needs in the region. It does not analyze availability of parcels at the Upzone Site of development of affordable housing. It was not the intent of the Legislature in enacting the Housing Crisis Act to create a paper exercise for affected cities and counties; in fact, in its enactment, the Legislature declared, “it is the policy of the state that this section be interpreted and implemented in a manner to afford the fullest possible weight to the interest of, and the approval and provision of, housing.” Gov. Code § 65589.5(a)(2)(L).

To that end, what is required for good faith compliance with the Housing Crisis Act’s no net loss requirement is a more comprehensive analysis of the loss of any protected units and attendant replacement requirement, as well as analysis of the development potential at the Upzone Site to accommodate residential uses, including whether the site has realistic capacity to accommodate housing uses; identification of barriers; and concurrent changes to development standards, policies, and conditions to reduce or eliminate such barriers.

O2.20
cont.

4. The project is inconsistent with the General Plan because the County lacks a legally sufficient Housing Element.

The County did not meet the statutory deadline of October 15, 2021, for adoption of its Sixth Cycle Housing Element (2021- 2029), and to date has not met the requirements for a legally valid Housing Element.¹² Without a valid Housing Element, the County cannot make valid approvals related to housing because they are per se inconsistent with the General Plan. *Neighborhood Action Group v. County of Calaveras*, 156 Cal.App.3d 1176, 1184 (1984) (“Since consistency with the general plan is required, absence of a valid general plan, or valid relevant

¹² See letter dated Aug. 19, 2022, from HCD to Heidi Duron, available at http://www.sbcounty.gov/uploads/LUS/HousingPlans/REVISED_DRAFT_HE_SEP/HCD_LETTER_SbdSanBernardinoCountyRevisedDraftOut081922.pdf



elements or components thereof, precludes enactment of zoning ordinances, and the like.”)
(internal citations and quotation marks omitted).

This project would rezone the 213-acre specific plan area from residential to industrial use, and “upzone” a 24-acre parcel. It will result in significant displacement both due to the planned demolition of at least 117 units of housing in the specific plan area and by creating adverse environmental pressures upon remaining housing in the vicinity. The County should not take this significant land use action while in violation of its statutory obligation to adopt a legally valid Housing Element.

O2.20
cont.

For the reasons stated above, and in its concurrent comments on the insufficiency of the FEIR, People’s Collective for Environmental Justice urges the County to reject the Bloomington Business Park Specific Plan in its entirety. Should you have questions regarding these comments, I can be contacted at nvyas@wclp.org.

Sincerely,

Nisha N. Vyas
Senior Attorney
Western Center on Law and Poverty

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EXHIBIT B

O2.21

ELECTRONICALLY FILED
 SUPERIOR COURT OF CALIFORNIA
 COUNTY OF SAN BERNARDINO
 SAN BERNARDINO DISTRICT
 7/17/2025 2:51 PM
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**IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
 IN AND FOR THE COUNTY OF SAN BERNARDINO**

PEOPLE'S COLLECTIVE FOR
 ENVIRONMENTAL JUSTICE, CENTER FOR
 COMMUNITY ACTION AND
 ENVIRONMENTAL JUSTICE, CENTER FOR
 BIOLOGICAL DIVERSITY, AND SIERRA
 CLUB,

Petitioners / Plaintiffs,

v.

COUNTY OF SAN BERNARDINO, and DOES
 1-20,

Respondents,

HOWARD INDUSTRIAL PARTNERS, LLC,
 IV5 BLOOMINGTON GATEWAY
 DISTRIBUTION CENTER LLC and DOES 21-
 40,

Real Parties in Interest.

) Case No. CIVSB2228456
)
) *Assigned for All Purposes To;*
) *Honorable Judge Donald Alvarez, Dept. S-23*
)
) California Environmental Quality Act (CEQA)
) **VERIFIED FOURTH AMENDED PETITION**
) **FOR WRIT OF MANDATE AND**
) **COMPLAINT FOR DECLARATORY &**
) **INJUNCTIVE RELIEF**
)
) Code Civ. Proc. §§ 1085, 1094.5, 526a; Pub.
) Resources Code § 21000 *et seq.*; Gov. Code §§
) 8899.50; 12951 *et seq.*

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 CASE NO. CIVSB2228456

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 28

INTRODUCTION

1. On November 15, 2022, the Board of Supervisors for the County of San Bernardino approved the Bloomington Business Park Specific Plan Project ("Project"). The Project rezones 213 acres near three schools and other sensitive sites in a predominantly residential neighborhood to construct and operate large warehouses and other industrial development the size of roughly 56 football fields. On November 15, 2022, the Board of Supervisors also certified a final environmental impact report ("Final EIR") that purports but fails to analyze the widespread adverse impacts of the Project's construction and operation.

2. The Board of Supervisors approved the Project in the unincorporated community of Bloomington, which has a much higher percentage of residents who are Hispanic or Latino (87.7%) and who speak a language other than English at home (67.8%) than San Bernardino County as a whole. Bloomington also has a higher percentage of foreign-born residents (28.4%) and a higher percentage of foreign-born residents from Latin America (98%) than San Bernardino County as a whole.

3. Bloomington is special in that the residents, many of whom are low-income, own their homes, grow fruits and vegetables, keep horses, goats, and chickens, and enjoy a semi-rural way of life. If the Project is constructed and operated as planned, however, Bloomington will lose over 100 homes and rural businesses, resulting in residential and business displacement. The remaining residents of Bloomington and its surrounding areas will see a future dominated by increased truck shipments and traffic and even worse air quality than they already experience. Given the demographics of this community, the burdens will disproportionately impact Hispanic or Latino individuals and households.

4. The County's process under the California Environmental Quality Act ("CEQA") for the Project consistently prevented many of Bloomington's residents who are most affected by warehouse development from participating meaningfully. The County failed to provide Spanish-language versions of the executive summaries of the Draft and Final EIRs and to make certain hearings available in Spanish even though almost two-thirds of Bloomington's residents primarily speak Spanish. Warehouse development is already overwhelmingly located

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1 in proximity to predominantly Hispanic or Latino¹ communities in San Bernardino County, and
2 the Project will increase the harm to these already overburdened communities.

3 5. Several organizations and individuals expressed myriad concerns about the
4 Project and the associated environmental review conducted by the County throughout the
5 County's decision-making process. The Project will substantially add to the existing presence of
6 ozone, ozone precursors, and other contaminants, such as carcinogenic diesel particulate matter,
7 in an air basin that already suffers from some of the worst air quality in the nation. This
8 additional air pollution will only exacerbate the serious direct health impacts already
9 experienced by nearby and regional residents. In addition, the Project will contribute significant
10 levels of greenhouse gas emissions that will add to, rather than reduce, climate change impacts.
11 As a result, the Project directly conflicts with existing State goals to reduce greenhouse gases.
12 The Project will also impose severe and detrimental impacts on a variety of imperiled species,
13 habitats, and other biological resources. Yet, the Project's environmental review document and
14 the County's environmental review process have failed to adequately address these impacts.

15 6. These concerns were echoed by the California Air Resources Board
16 ("ARB"), which noted that the Project would expose nearby communities to elevated levels of
17 air pollution beyond the existing baseline emissions at the Project site. ARB emphasized that the
18 Project site is surrounded by residences and schools that are already exposed to toxic diesel
19 particulate matter emissions generated by existing industrial buildings, vehicle traffic along
20 Interstate 10, and rail traffic along existing Union Pacific rail lines and rail yards.

21 7. The County failed to require re-circulation of the Final EIR in light of critical
22 information that must be analyzed in the document, and for which the public must be allowed
23 the opportunity to provide comments. These and many additional fatal flaws in the Final EIR's
24 analyses have led Bloomington residents and other individuals, community groups, and entities
25 to become deeply concerned by the County's decision to approve this Project.

26 8. The County's approval of the Project also violates the County's duty to

27
28 ¹ The Fourth Amended Petition uses the terms "Hispanic" or "Latino" as these terms are used in United States
Census surveys.

1 affirmatively further fair housing and the Fair Employment and Housing Act by siting the
2 Project in a majority non-white Hispanic or Latino community, a community already
3 experiencing negative health impacts due to air quality causing displacement of residents and
4 compounding environmental harm to the thousands of residents who remain.

5 9. Petitioners are four nonprofit organizations whose warnings about the
6 devastating consequences of the Project were ignored by both the Planning Commission and the
7 Board of Supervisors. Petitioners bring claims under CEQA, the Fair Employment and Housing
8 Act, and Government Code Section 8899.50, the duty to affirmatively further fair housing. This
9 Court should, among other things: direct the Board of Supervisors to set aside its approval of the
10 Project, certification of the Final EIR, and adoption of Findings of Fact and Statement of
11 Overriding Considerations; grant injunctive and declaratory relief that the County's approval of
12 the Project is materially inconsistent with its obligation to affirmatively further fair housing and
13 is discriminatory on the basis of national origin and other protected characteristics; and direct
14 the County to comply with the above laws in any future review of the Project and to publish any
15 future notices and the executive summaries of any future EIRs in Spanish as well as in English.²

16 PARTIES

17 10. Petitioner People's Collective for Environmental Justice ("PCEJ") is an
18 unincorporated nonprofit association dedicated to building community power in the Inland
19 Empire to fight against pollution and environmental racism. Founded in 2020, PCEJ represents
20 over 1,000 community members in the Inland Empire who are impacted by the freight and
21 logistics industry. PCEJ's purpose is rooted in historical struggle, to advance collective
22 resistance and power to support and fight against pollution, exploitation, and existential threats
23 to life—ultimately to build for the health, well-being, and self-reliance of the Inland Empire in a
24 way that uproots white supremacy and the reigning hegemonic extractive systems. PCEJ's
25 members are concerned that the Project will adversely affect their health and the health of their
26

27 ² As the Court already ruled in favor of Petitioners on the First Cause of Action set forth in the original
28 Verified Petition for Writ of Mandate and Complaint for Declaratory & Injunctive Relief filed on December
16, 2022, Petitioners have made no changes to this cause of action or the alleged facts relating to it.

community, cause displacement, and cause other adverse environmental and housing impacts. PCEJ submitted comments concerning the EIR for the Project, as well as overall comments on the Project's fair housing and residential displacement impacts. PCEJ's mission to fight against pollution and environmental racism and build for the health, well-being, and self-reliance of the Inland Empire is frustrated by the County's approval of the Project. PCEJ has diverted its limited resources to address the Project's harmful impacts and will have to divert additional resources and experience greater frustration of its mission if the Project proceeds as approved. PCEJ is an aggrieved person within the meaning of Government Code §§ 12925(d) and 12989.1(a). PCEJ's members include residents of the County who have paid sales and/or property taxes to the County within one year of filing this action.

11. Petitioner Center for Community Action and Environmental Justice ("CCA EJ") is a membership-based California nonprofit environmental health and justice organization with its membership in and around San Bernardino County. CCA EJ's mission is to bring people together to improve their social and natural environment, and to build community power to create safer, healthier, toxic-free places to live, work, learn, and play in and around San Bernardino and Riverside counties. CCA EJ has its physical offices in Jurupa Valley and organizes to build leadership for community action in Jurupa Valley, Mira Loma, Riverside, the unincorporated areas in San Bernardino County, as well as other cities throughout the counties of San Bernardino and Riverside. CCA EJ has identified the unincorporated area of Bloomington in San Bernardino County as a "community at risk" for various environmental injustices, including bearing a disproportionate share of the impacts from high polluting industries, heavy-duty diesel truck, and other mobile source emissions, and suffering other disparities created by zoning and irresponsible land use planning. CCA EJ filed extensive comments that are part of the administrative record for the County's approval of the Project and Final EIR. CCA EJ's members are extremely concerned that the Project will detrimentally impact their health and well-being, and the health and well-being of their children, their community, and the environment, and that it will detrimentally impact the area's surrounding resources. Most of CCA EJ's members who reside in and around the unincorporated area of Bloomington in San

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1 Bernardino County and around the proposed site for the Project already suffer a
2 disproportionate burden from existing stationary and mobile sources of pollution, including
3 significant air pollution from, *inter alia*, the movement of goods throughout the region to
4 existing warehouses and other storage and distribution centers. CCAEJ's mission to create safer,
5 healthier, toxic-free places to live, work, learn, and play in and around the counties of San
6 Bernardino and Riverside is frustrated by the County's approval of the Project. CCAEJ has
7 diverted its limited resources to address the Project's harmful impacts and will have to divert
8 additional resources and experience greater frustration of its mission if the Project proceeds as
9 approved. CCAEJ is an aggrieved person within the meaning of Government Code §§ 12925(d)
10 and 12989(a). CCAEJ's members include residents of the County who have paid sales and/or
11 property taxes to the County within one year of filing this action.

12 12. Petitioner Center for Biological Diversity ("Center") is a nonprofit
13 corporation with offices in Oakland and elsewhere throughout the United States. The Center is
14 actively involved in environmental protection issues throughout California and North America
15 and has over 86,000 members, including many throughout California and in San Bernardino
16 County. The Center's mission includes protecting and restoring habitat and populations of
17 imperiled species, reducing greenhouse gas pollution to preserve a safe climate, and protecting
18 air quality, water quality, and public health. The Center's members and staff include individuals
19 who regularly use and intend to continue to use the areas in San Bernardino County and
20 elsewhere affected by the Project, including numerous members who are particularly interested
21 in protecting the native, endangered, imperiled, and sensitive species and habitats found in the
22 area that will be detrimentally impacted by the construction and operation of the Project. The
23 Center submitted comments to the County, which are now part of the administrative record of
24 the County's decision to approve the Project and its Final EIR. The Center's mission to protect
25 and restore habitat and populations of imperiled species, reduce greenhouse gas pollution to
26 preserve a safe climate, and protect air quality, water quality, and public health is frustrated by
27 the County's approval of the Project. The Center will be forced to divert additional resources
28 and experience greater frustration of its mission if the Project proceeds as approved.

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13. Petitioner Sierra Club is a national nonprofit organization of approximately one million members. Sierra Club is dedicated to exploring, enjoying, and protecting the wild places of the earth; to practicing and promoting the responsible use of the earth's ecosystems and resources; to educating and encouraging humanity to protect and restore the quality of the natural and human environment; and to using all lawful means to carry out these objectives. Sierra Club's particular interest in this case and the issues that this Project approval concerns stem from the interest of its local San Geronio Chapter in preserving the native, endangered, imperiled, and sensitive species and wildlife habitats in the region, decreasing rather than increasing heavy-duty and medium-duty truck traffic in an already highly overburdened air basin, and ensuring that good, livable and healthy jobs are brought to the area. The members of the San Geronio Chapter live, work, and recreate in and around the areas that will be directly affected by the construction and operation of the Project. Sierra Club submitted extensive comments to the County throughout its environmental review process for the Project that are part of the County's record of its decision to approve the Project and its Final EIR. Sierra Club's mission is to explore, enjoy, and protect the wild places of the earth; to practice and promote the responsible use of the earth's ecosystems and resources; to educate and encourage humanity to protect and restore the quality of the natural and human environment; and to use all lawful means to carry out these objectives is frustrated by the County's approval of the Project. Sierra Club diverted its limited resources to the Project and will experience greater frustration of its mission if the Project proceeds as approved.

14. Petitioners are collectively referred to herein as "Bloomington Petitioners."

15. Respondent County of San Bernardino ("County"), a political subdivision of the State of California, is responsible for regulating and controlling land use in the unincorporated territory of San Bernardino County, including implementing and complying with the provisions of CEQA and the CEQA Guidelines. The County is the "lead agency" for purposes of Public Resources Code § 21067, with principal responsibility for conducting environmental review and approving the Project.

16. As referred herein, "County" refers to all boards, departments, and

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1 commissions, including the Board of Supervisors, Land Use Services Department, and Planning
2 Commission.

3 17. Bloomington Petitioners do not know the true names and capacities, whether
4 individual, corporate, associate, or otherwise, of Respondents Doe 1 through Doe 20, inclusive,
5 and therefore sue said Respondents under fictitious names. Bloomington Petitioners are
6 informed and believe that each fictitiously-named Respondent Doe 1 through Doe 20 is
7 responsible in some manner for the occurrences herein alleged. Bloomington Petitioners will
8 amend this Petition to show their true names and capacities when they are known.

9 18. Bloomington Petitioners are informed and believe that Howard Industrial
10 Partners LLC ("Howard Industrial"), a California limited liability company, is a Real Party in
11 Interest insofar as it is listed as an owner and developer of the property subject to the County's
12 actions pursuant to its Project approvals and Project related actions. The County's November
13 15, 2022 Notice of Determination for the Project lists Howard Industrial as the "Project
14 Applicant." Howard Industrial has also continued to participate in this litigation by joining a
15 Demurrer and Motion for Judgment on the Pleadings to Petitioners' Third Amended Petition
16 and Complaint and making Court appearances as recently as May 2025.

17 19. Bloomington Petitioners are informed and believe that IV5 Bloomington
18 Gateway Distribution Center LLC, a Delaware limited liability company, is a Real Party in
19 Interest insofar as it has received deeds to the land underlying the Project in lieu of foreclosure
20 on Howard Industrial and has assumed financial responsibility for costs associated with a trust
21 account tied to the Project.

22 20. Bloomington Petitioners do not know the true names and capacities, whether
23 individual, corporate, associate or otherwise, of Real Parties in Interest Doe 21 through Doe 40,
24 inclusive, and therefore sue said Real Parties under fictitious names. Bloomington Petitioners
25 are informed and believe that each fictitiously-named Real Parties in Interest Doe 21 through 40
26 is responsible in some manner for the occurrences herein alleged. Bloomington Petitioners will
27 amend this Petition to show their true names and capacities when they are known.

JURISDICTION AND VENUE

21. Venue is proper in the Superior Court of California, County of San Bernardino, under Code of Civil Procedure § 395 because the County and the Project are currently located, or will be located, in San Bernardino County.

22. Venue is also proper in the Court pursuant to Code of Civil Procedure §§ 393, 394.

23. The action is filed in the Civil Division of the San Bernardino District located in the San Bernardino Justice Center, 247 West 3rd Street, San Bernardino, CA, 92415-0210, in accordance with the General Order - Where Civil Cases are Filed and Heard - dated January 1, 2022, which requires all CEQA Petitions for Writ of Mandate to be filed in this Courthouse.

24. The Court has jurisdiction over this action pursuant to Article 6, Section 10 of the California Constitution, Public Resources Code § 21168 (or in the alternative, pursuant to Public Resources Code § 21168.5), and Code of Civil Procedure §§ 1094.5 and 1085, and Government Code § 12989.1(a).

25. This petition has been filed within 30 days of the filing and posting of the County's last Notice of Determination approving the Project and the Final EIR, which was approved on November 15, 2022, and posted by the County of San Bernardino's Clerk, in accordance with Public Resources Code § 21167(c) and Cal. Code Regs., tit. 14 ("CEQA Guidelines") § 15112(c)(1), on November 16, 2022.

26. Bloomington Petitioners complied with Public Resources Code § 21167.5 by prior service of a letter upon the County indicating their intent to file this petition. (Exhibit "A" hereto.)

27. Bloomington Petitioners performed any and all conditions precedent to filing this instant action and have exhausted any and all available administrative remedies to the extent required by law.

28. Bloomington Petitioners do not have a plain, speedy, or adequate remedy at law because Bloomington Petitioners and their members will be irreparably harmed by the

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County's failure to comply with CEQA's environmental review and mitigation requirements in approving the Final EIR for the Project and by the ensuing environmental and public health consequences that will be caused by the construction and operation of the Project, as approved. Additionally, the County's siting of the Project in an area that will disparately impact the community on the basis of national origin and other protected characteristics is in violation of the Fair Employment and Housing Act, specifically the prohibition on discriminatory practices in land use practices. The County is also in violation of its duty to affirmatively further fair housing by failing to affirmatively address significant disparities in housing and access to opportunity, which will only be exacerbated by the completion of the Project.

STATEMENT OF FACTS

I. San Bernardino County and the Proliferation of the Logistics Economy

29. According to the 2022 American Community Survey, approximately 2,180,563 people reside in San Bernardino County.³ Residents of the County are 55 percent Hispanic or Latino and 25.9 percent White (not Hispanic or Latino),⁴ and 43.3 percent of residents speak a language other than English at home.⁵ 4.7 percent of residents Countywide are linguistically isolated, speaking English "not well" or not at all.

30. San Bernardino County has experienced a massive increase in warehouse construction and operations since the 1980s. Petitioners estimate that the Inland Empire, consisting of San Bernardino County and Riverside County, has become home to 85 percent of the new warehouse area built in Southern California over the past two decades. These warehouses store goods delivered at the Ports of Los Angeles and Long Beach, 45 miles or more away.

31. Beginning at least as early as 2014, the County has sought "to identify target

³ See United States Census Bureau, "ACS Demographic and Housing Estimates," (last visited Jan. 28, 2025), available at <https://data.census.gov/table/ACSDP5Y2022.DP05?q=san%20bernardino%20county>.

⁴ *Id.*

⁵ See United States Census Bureau, "Selected Social Characteristics in the United States," (last visited Aug. 11, 2023), available at <https://data.census.gov/table?q=san+bernardino+county&d=ACS+5-Year+Estimates+Data+Profiles&tid=ACSDP5Y2021.DP02>.

industry sectors for an Economic Development cluster strategy.”⁶ This “cluster strategy” seeks to concentrate specific industries within specific geographic areas – for instance, warehouse projects in Bloomington – and to then develop these operations further.

32. The County believes that it “has a regional role in fostering economic and workforce development countywide and has a local role in bringing nonresidential development to targeted unincorporated communities.”⁷ In general, the County has set the goal of “[i]ncreased business investment in land and facilities and job growth in key unincorporated areas” with the following policies:

Policy ED-1.1 Marketing focus areas. In unincorporated areas, we actively market sites for business park and industrial development in employment focus areas, and we actively market sites for retail and commercial businesses in commercial focus areas.

Policy ED-1.3 Site aggregation. We may assist in aggregating smaller lots and parcels to create more marketable and developable sites in employment focus areas.

Policy ED-1.4 Planned business park and industrial areas. We prefer master planned approaches through specific and area plans for business park and industrial development and redevelopment. We facilitate master planned approaches in order to discourage incremental general plan amendments that introduce or expand business park or industrial development.

Policy ED-1.6 Industrial redevelopment. We facilitate and promote redevelopment in the industrial redevelopment focus areas to provide land and facilities for non-mining industrial development.⁸

33. The County defines an “employment focus area” as “[a]n area where the County seeks to encourage and facilitate public improvements and private investment that lead to increased commercial, office, or industrial employment opportunities (consistent with the Policy Plan and as permitted by the adopted Land Use Categories).”⁹ A “commercial focus area” is defined as “[a]n area where the County seeks to encourage and facilitate public improvements and private investment that lead to increased community- and/or tourist serving

⁶ Cty. of San Bernardino, Econ. Dev. Dep’t, Request for Quote, EDA 114-EDA-1031 (May 8, 2014).

⁷ Cty. of San Bernardino, San Bernardino Countywide Plan, at 69 (adopted Oct. 27, 2020), *available at* https://countywideplan.sbcounty.gov/wp-content/uploads/sites/125/2021/01/CWP_PolicyPlan_HardCopy_MainText_Tables_2022_Sept_Adopted.pdf.

⁸ *Id.* at 69-70 (emphasis added).

⁹ *Id.* at 89.

shops and services.”¹⁰ The County defines an “industrial redevelopment focus area” as “[a]n area where the County seeks to encourage and facilitate public improvements and private investment that increase reuse, redevelopment, and/or intensification of industrial development (consistent with the Policy Plan and as permitted by the adopted Land Use Categories).”¹¹

34. The County has designated portions of Bloomington as employment focus and commercial focus areas but has not designated any of Bloomington as an industrial redevelopment focus area. The County has not designated any focus areas in other comparable unincorporated communities with a disproportionately low percentage of residents who are Hispanic and linguistically isolated, such as Mentone, San Antonio Heights, and the Chino Sphere of Influence.

35. While the County’s land use policies purportedly focus on marketing sites for industrial development, assisting in site aggregation to create more developable sites, and facilitating a master plan approach only in designated focus areas “to discourage incremental general plan amendments that introduce or expand business park or industrial development,”¹² the County has approved every General Plan amendment requested in connection with approved warehouse projects over the past decade, even when the project is not located within an employment focus area or an industrial redevelopment focus area.

36. In its own words, the County “IS OPEN FOR BUSINESS.” The County promotes itself as a location where businesses “have unrivaled access to lucrative consumer and business markets around the world” and the “region is the nation’s leading logistics, warehouse, and distribution market for a multitude of Fortune 500 firms.” The County Economic Development Department similarly describes itself as “engaging with all aspects of the business ecosystem” so that “[w]hen it comes to making the right connections in San Bernardino County, you can count on us to put you in touch with the resources and people you need to make your business prosper and grow.” The Economic Development Department “provides free site

¹⁰ *Id.*

¹¹ *Id.* at 90.

¹² *Id.* at 70.

selection assistance” for businesses and serves as their “go-to-resource” if they “need help with permitting or understanding local regulations.”¹³

37. The County has chosen to encourage the warehouse logistics industry as part of industrial development even though the County has been warned, since at least the mid-2000s, that the warehouse logistics industry is known for causing increases in air pollution, greenhouse gas emissions, truck and other vehicular traffic.¹⁴ The County has also chosen to ignore that warehouse development can result in fair housing problems, including the loss of residential housing, other community facilities and biological diversity. As a result, households living within 2,000 feet of a large warehouse are 40 percent more likely to be Latino than in the overall region.

38. Truck drivers and warehouse workers in the Inland Empire also are predominantly Latino. Jobs in the warehouse logistics industry have been known to be low paying (e.g., the average wage in 2022 for warehouse workers in frontline occupations was \$18.95 an hour) and the working conditions have been known to be difficult (e.g., monitoring of time, lack of adequate air conditioning), resulting in many San Bernardino Latino residents working in punishing, low-wage jobs.

39. The County recognizes the negative effects of the logistic economy on residents. In 2022, the County adopted a Fair Housing Analysis as part of its Housing Element. The County identified four “Factors that Contribute to Fair Housing Issues” – one of these factors is “Pollution Exposure.”¹⁵ As part of this analysis, “[m]embers of the public expressed concern [to the County] over residents living near existing warehouses as well as pending

¹³ San Bernardino Cty., Econ. Dev., (last visited July 16, 2025), available at <https://selectsbcounty.com/>.

¹⁴ See California Env'tl. Prot. Agency & California Air Res. Board, Air Quality and Land Use Handbook: A Community Health Perspective, 11 (April 2005), available at https://ww2.arb.ca.gov/sites/default/files/2023-05/Land%20Use%20Handbook_0.pdf (“The activities associated with delivering, storing, and loading freight produces diesel PM emissions.... [I]n the normal course of business, their emissions can pose a significant health risk to those nearby. In addition to onsite emissions, truck travel in and out of distribution centers contributes to the local pollution impact.”); South Coast Air Quality Management District, White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution (August 2003), available at https://www.aqmd.gov/docs/default-source/agendas/environmental-justice/cumulative-impacts-working-group/cumulative-impacts-white-paper.pdf?sfvrsn=69761d61_2 (recommending more stringent buffers between toxic sources and sensitive receptors such as schools).

¹⁵ Housing Element Technical Report: San Bernardino Countywide Plan adopted Sept. 27, 2022, at 2-67.

warehouse projects in communities like Bloomington, citing health concerns associated with truck emissions.”¹⁶ The County acknowledged that “[r]esidents throughout the Western Valley region (incorporated and unincorporated) are exposed to higher rates of air pollution released by activities associated with local and regional logistics operations along the freeways, roads, and at warehouses and distribution facilities.”¹⁷ The County identified several “Meaningful Actions, Metrics, and Milestones” to undertake to address the fair housing issue of pollution exposure, including “Partner[ing] with South Coast [Air Quality Management District] to establish community emissions reduction plans (CERPs) for unincorporated areas such as Bloomington.”¹⁸ The County also committed “to prioritize activities to improve health and wellness outcomes in low resource areas containing lower income housing sites” in Bloomington.¹⁹ Bloomington Petitioners are informed and believe that the County has failed to meaningfully implement the actions, metrics, and milestones identified in its Fair Housing Analysis.

40. Despite the above-mentioned negative effects of the warehouse logistics industry, the County has a policy and/or practice of welcoming, encouraging, facilitating and promoting warehouse development projects in unincorporated communities with higher percentages of Latino residents and limited English speaking households than other unincorporated communities or San Bernardino County as a whole.²⁰

41. As part of the above-mentioned policy and/or practice, the County has ignored its own findings that warehouse development and operations significantly contribute to fair housing issues, including high air pollution scores and lack of housing opportunities. The County, for instance, did not conduct any fair housing analysis in connection with its approval of eleven warehouse projects in Bloomington over the past decade.

¹⁶ *Id.* at 2-47.

¹⁷ *Id.* at 2-67.

¹⁸ *Id.*

¹⁹ *Id.* at 4-14.

²⁰ See generally Tilton, Jennifer, *Live from the Frontline: San Bernardino County Neighborhoods Linked by the Long History of Logistics in the Inland Empire* (July 15, 2015), available at <https://storymaps.arcgis.com/stories/e10a826972ed4b248e1f4de854fa94bb>.

1 42. As part of the above-mentioned policy and/or practice of the County, the
2 County has also granted more General Plan amendments to re-zone land from residential to
3 industrial use and has allowed the demolition of more residential units to accommodate new
4 warehouse projects in unincorporated communities with higher percentages of Latino residents
5 and limited English speaking households.

6 43. Bloomington Petitioners are informed and believe that, as part of the above-
7 mentioned policy and/or practice, the Board of Supervisors has approved all 47 proposed
8 warehouse projects for unincorporated areas since at least 2014.²¹

9 44. At all times material herein, the County has exercised exclusive land use
10 authority for unincorporated communities like Bloomington. The County has a crucial role in
11 shaping warehouse projects in unincorporated communities through various means, including
12 providing incentives and concessions to developers and requiring modifications to reduce a
13 project's impacts. To prevent negative impacts on vulnerable residents in unincorporated
14 communities, the County can also reject warehouse project proposals that would drastically
15 increase vehicle emissions with its resulting air pollution, result in the demolition of housing or
16 require re-zoning of residential areas to industrial use.

17 45. The County has chosen to not reject any of these projects in the last decade,
18 further exacerbating the existing fair housing problems caused by the logistics industry as it
19 identified in its Housing Element.

20 46. There is a shortage of both rental housing and housing for sale in the County
21 that is affordable to low-income, very low-income, and extremely low-income households,
22 particularly in areas of opportunity. In the County's Housing Element, "areas of opportunity"
23 are described as areas that are "generally safe, higher income areas with access to good schools,
24 jobs, housing, retail, public transportation, new development, walking trails, and other
25 amenities. They have access to grocery stores, doctors, and healthcare. In particular, the schools
26

27 ²¹ Per the County's own records, the County has not rejected or denied a single warehouse application during
28 that time period. The County has received seven applications for warehouse projects since 2014 that were
 subsequently withdrawn by the applicant.

in these areas may be of much higher quality.”²² Meanwhile, the “highest rate of overcrowding among renters is present” in two “communities” that are not areas of opportunity: “Bloomington (35%) and Muscoy (40%).”²³

47. Low-income residents in the County generally lack “access to opportunity,” which the State Department of Housing and Community Development defines as a “concept to approximate place-based characteristics linked to critical life outcomes.”²⁴

Access to opportunity oftentimes means both improving the quality of life for residents of low-income communities, as well as supporting mobility and access to ‘high resource’ neighborhoods. This encompasses education, employment, economic development, safe and decent housing, low rates of violent crime, transportation, and other opportunities, including recreation, food and healthy environment (air, water, safe neighborhood, safety from environmental hazards, social services, and cultural institutions).²⁵

48. For many years the County has known or should have known about the negative and discriminatory effects of warehouse development and the shortage of housing, particularly affordable housing, and yet, the County has continued its policy and/or practice of encouraging, facilitating, promoting and approving warehouse projects in unincorporated communities with higher percentages of Latino residents and limited English-speaking households. In the meantime, Bloomington Petitioners are informed and believe that for many years the County has not encouraged, facilitated and promoted warehouse projects in unincorporated communities with lower percentages of Latino residents and limited English-speaking households.

II. The Unincorporated Community of Bloomington

49. Bloomington is an unincorporated, census-designated place in San Bernardino County, California.

²² *Id.* at 1-27.

²³ See Cty. of San Bernardino, San Bernardino Countywide Plan, Housing Element Technical Report, 2-51 (Sept. 27, 2022), available at http://www.sbcounty.gov/uploads/LUS/HousingPlans/HousingElement_CWP_TechReport_Adopted_20220927.pdf.

²⁴ California Dep’t of Housing & Cmty. Dev., Affirmatively Furthering Fair Housing: Guidance for All Public Entities & for Housing Elements, at 36 (April 2021 Update), available at https://www.hcd.ca.gov/community-development/affh/docs/affh_document_final_4-27-2021.pdf.

²⁵ *Id.*

50. Bloomington shares borders with the City of Fontana to the west and northwest, the City of Rialto to the east and northeast, and the City of Jurupa Valley in Riverside County to the south. Bloomington is located along Interstate 10, a commonly used truck route between Bloomington and the Ports of Los Angeles and Long Beach, located about 70 miles away.

51. Approximately two-thirds of Bloomington residents are homeowners. The median household income of Bloomington residents is below \$76,000, and only 10 percent of residents have a bachelor's degree.

52. Many Bloomington residents use their land for agricultural purposes, including raising livestock, horses, and a variety of crops. Some residents also operate small businesses from their properties. Below are two such photographs capturing these activities by Bloomington residents.²⁶ The County acknowledges that "some of the residences operate an additional use or business, such as a horse ranch, agricultural, truck transportation, auto repair, health services, dog club, tire distribution, welding, septic tank servicing, tree servicing, backhoe and pumping, air condition, drywall, restaurant, internet, roofing, masonry, flooring, and utility locating."²⁷ These activities provide income for many households, including their ability to pay mortgages and provide for multi-generational families. Many Bloomington households have lived in this community for decades.



²⁶ These photographs were not introduced in the administrative proceedings and so are not part of Petitioners' CEQA claim.

²⁷ Draft EIR at p. 5.13-2.

53. Approximately 22,390 people reside in Bloomington.²⁸ Bloomington residents are 87.7 percent Hispanic or Latino, and 10.7 percent of the population is linguistically isolated, speaking Spanish and little or no English. The median household income is \$75,624. 28.4 percent of residents are foreign-born and ninety-eight percent of these foreign-born residents were born in a Latino country of origin.²⁹

54. Bloomington has a higher percentage of Hispanic or Latino residents, a higher percentage of residents below the federal poverty line, a higher percentage of residents who speak a language other than English at home, and a higher percentage of foreign-born residents than San Bernardino County as a whole.

55. These demographic changes in Bloomington are relatively recent. In the 1990 census, approximately 55 percent of Bloomington residents were White, while less than 40 percent of residents were Hispanic or Latino. By 2000, the population of White residents in Bloomington had dropped to less than 29 percent, while Latino residents had become more than 64 percent of Bloomington's population. In 2010, the White population of Bloomington was approximately 14 percent and the Latino population had risen to 81 percent.

56. Since approximately 2007, after Bloomington's demographics had changed from a majority White population to a majority Latino population, the County has promoted development in Bloomington geared towards receiving goods for storage, sale, and distribution from the Ports of Los Angeles and Long Beach, nearly 70 miles away. There are currently 21 warehouses approved by the County and/or in operation in Bloomington.

57. As of 2007, "68 percent, or 2,885 acres of the total land area" within Bloomington was still "designated Single Residential."³⁰ "The community's prevailing goal

²⁸ Unless otherwise noted, the demographic data provided in Sections II and III herein is largely based on the 2022 American Community Survey and other data government sources.

²⁹ See United States Census Bureau, "Selected Characteristics of the Foreign-Born Population by Period of Entry in the United States," (last visited August 11, 2023), available at <https://data.census.gov/table?q=bloomington+cdp&t=Native+and+Foreign+Born&tid=ACSS15Y2016.S0502>

³⁰ San Bernardino Cty., Bloomington Cmty. Plan, 13 (March 13, 2007).

[was] to preserve the unique character of the community.”³¹ The County’s Community Plan accordingly set forth the following priorities for Bloomington:

- A. Protect and preserve the rural character of the community by maintaining areas of low-density residential development while also providing adequate opportunities for residential and commercial development to meet the needs of a diverse and growing population.
- B. Key features of the rural lifestyle that should be maintained are spaciousness, an equestrian-friendly environment and agricultural and animal-raising opportunities.
- C. Maintain the character of the community through a network of public and private open space, trail corridors and facilities for active and passive recreation.
- D. Provide adequate infrastructure commensurate with meeting the community needs.³²

58. In the County’s 2007 General Plan, only a narrow corridor immediately adjacent to Interstate 10 and the existing railway was zoned for industrial use. Since 2007, the County has, however, approved several warehouse projects in residential neighborhoods in Bloomington outside of the narrow corridor adjacent to the Interstate 10 and in areas not designated as employment focus or industrial redevelopment focus areas. To facilitate these warehouse projects, the County has approved the demolition of housing and General Plan amendments changing the zoning from residential uses to industrial use. Thirteen years later, in the 2020 General Plan, the County then designated the same corridor adjacent to the Interstate 10 as an “employment focus area,” or an “area where the County seeks to encourage and facilitate . . . private investment that lead to increased commercial, office, or industrial employment opportunities.”

59. The following warehouse projects approved in the last decade required the demolition of housing and/or required General Plan amendments to change the zoning from residential to industrial:

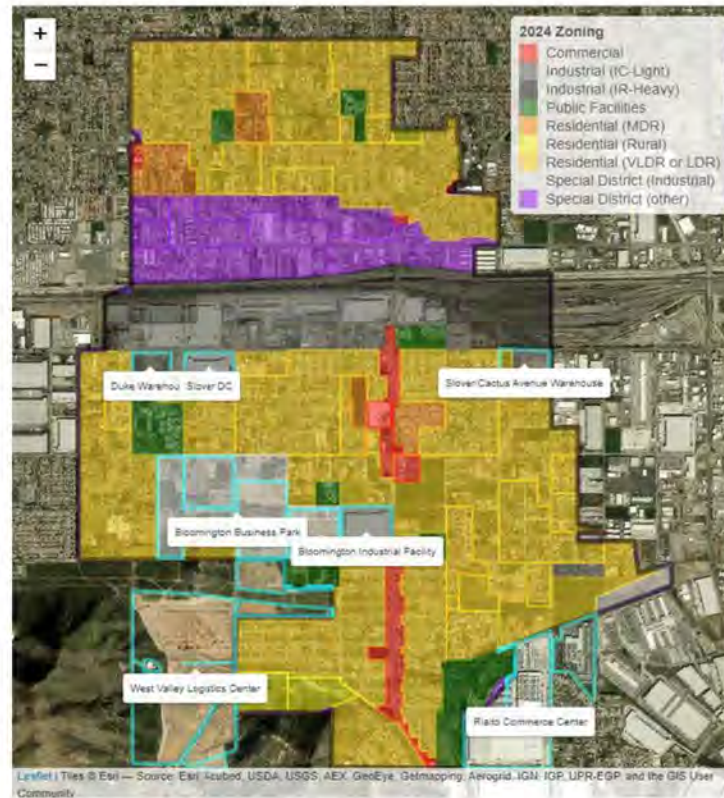
³¹ *Id.* at 12; *see also id.* at 65 (“The overarching goal in Bloomington Community Plan is to maintain the character of the community.”)

³² *Id.* at 12; *see also id.* at 22 (“Through the development review process, ensure that commercial and industrial activities are compatible with surrounding land uses in terms of visual appearance, traffic generation, noise and air quality effects” and that “the site design establishes buffers between commercial/industrial development and adjacent residential uses.”)

- a. Slover Distribution Center – a 344,000 square foot warehouse space requiring a General Plan amendment to rezone from residential to industrial and requiring the demolition of a residential structure;
- b. Bloomington Industrial Facility – a 677,000 square foot warehouse requiring a General Plan amendment to rezone from residential to industrial and requiring the demolition of a minimum of four residential structures;
- c. 10336 Alder Avenue Industrial Project – a 175,000 square foot warehouse project requiring the demolition of one residential structure;
- d. Slover/Cactus Avenue Warehouse – a 258,000 square foot warehouse requiring a General Plan amendment to rezone from residential to industrial and requiring the demolition of a minimum of 3 residential structures;
- e. The Bloomington Business Park (the Project) – 2.1 million square feet of warehouses requiring a General Plan amendment to rezone from residential to industrial and requiring the demolition of a minimum of 117 residential structures.³³

60. As depicted in the image below, the Bloomington Industrial Facility and now the Project are located in the midst of what was an exclusively residential neighborhood more than a mile from the Interstate 10.

³³ The County issued approximately 81 demolition permits for parcels located in the Project site, and approximately 79 of those demolition permits have been executed, resulting in the demolition of more than 79 units of housing.



61. In accordance with the County's policy and/or practice, the County has approved at least three additional warehouse projects requiring the demolition of another nine homes for families in Bloomington since the approval of the Project in November 2022: the XEBEC Locust Avenue Warehouse Facility Project (approximately 55,000 square feet and requiring the demolition of two residential structures), the Duke Warehouse at Slover and Alder (approximately 259,000 square feet, re-zoned from residential to industrial as part of the County's 2020 General Plan update and requiring the demolition of six residential structures), and the XEBEC Slover Warehouse Facility Project (approximately 43,000 square feet and requiring the demolition of one residential structure).

62. As a result of the County's actions of encouraging, facilitating, promoting and approving warehouse development in unincorporated areas with higher percentages of

Latino residents and limited English-speaking households, almost 300 acres of land in Bloomington has been changed from residential to industrial use just since 2017 and a minimum of 135 residential units have or will be demolished. To compensate for the 117 residential units demolished to allow for the Project, the Project only includes additional residential development in a proposed “Upzone Site” elsewhere in Bloomington and only through a change in zoning to allow increased residential density in that location. There are, however, currently 21 residential units in the Upzone Site that will likely need to be demolished to develop this new housing.

63. Bloomington Petitioners are informed and believe there is no development plan to build new housing on the Upzone Site or elsewhere in Bloomington to compensate for the demolition of housing that has already occurred on the Project site, despite the fact that the County’s Housing Element and Analysis of Impediments to Fair Housing Choice both recognize the need for more housing in Bloomington.

64. Bloomington Petitioners are informed and believe that the County has no intention of stopping their approval of warehouse projects in South Bloomington, including rezoning residential areas to industrial, leading to further demolition of residential neighborhoods in Bloomington south of the Interstate 10 corridor.

65. Bloomington has experienced worsening air quality due to increased diesel pollution from trucks used to transport goods into the region’s growing warehouse and other storage and distribution facilities. Due to this influx of industrial projects over the past several years, Bloomington has become known as a “diesel death zone.”³⁴

66. CalEnviroScreen,³⁵ the California Environmental Protection Agency’s health screening tool, has identified the Project area in Bloomington as having an overall pollution burden that is heavier than 94 percent of the state. Bloomington has some of the State’s worst

³⁴ Megan Jamerson, *Cnty. Members Distribute Petition to Stop Approval of a New Bloomington Warehouse Dist.*, KVCN News (Feb. 3, 2021), available at <https://www.kvcnnews.org/local-news/2021-02-03/community-members-distribute-petition-to-stop-approval-of-a-new-bloomington-warehouse-district>; see also Ivette Torres et al., *Warehouses, Pollution, and Social Disparities* (Apr. 2021), available at https://earthjustice.org/sites/default/files/files/warehouse_research_report_4.15.2021.pdf.

³⁵ California Env’tl. Prot. Agency, CalEnviroScreen 4.0 (last updated Oct. 20, 2021), available at <https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40>.

concentrations of ozone, particulate matter and diesel particulate matter, and traffic density.

Residents in the Project area are exposed to more particles with a diameter of 2.5 micrometers or smaller (“PM_{2.5}”) than 91 percent of census tracts in California, more diesel particulate matter than 80 percent of census tracts, and more traffic than 83 percent of census tracts.

67. Bloomington has historically suffered from a lack of investment in community assets, such as sewer systems connected to individual residences, a lack of green space and park investments, and a lack of affordable housing. This lack of investment is more pronounced in South Bloomington. Just a few months before approving the Project, the County, for example, acknowledged that “all areas south of I-10” in Bloomington “are designated as a medically underserved population/area” and “the area south of I-10 is designated by the USDA as a food desert.”³⁶

68. A summary of community input the County received from Bloomington residents in 2022 recognized that these residents experience housing discrimination based on national origin and immigration status.³⁷ This report, which the County prepared in connection with its most recent Housing Element, also admitted that linguistic isolation of persons with limited English proficiency contributes to fair housing issues in the region and is a barrier to public participation in proposed development projects and cited data showing the average linguistic isolation percentile of Bloomington is over 50 percent.³⁸

69. Public input to the County’s Housing Element included the acknowledgment that the community of Bloomington expressed a desire for amenities and housing opportunities, with housing stock, housing affordability, and air quality being cited as among the areas with

³⁶ See Cty. of San Bernardino, San Bernardino Countywide Plan, Env’tl. Justice and Legacy Communities Background Report, 3–36 (Sept. 27, 2022), available at https://www.sbcounty.gov/uploads/LUS/HousingPlans/EJ-Legacy_CWP_BackgroundReport_Final_20220927.pdf.

³⁷ See Cty. of San Bernardino, San Bernardino Countywide Plan, Housing Element Technical Report, 2–66 (Sept. 27, 2022), available at http://www.sbcounty.gov/uploads/LUS/HousingPlans/HousingElement_CWP_TechReport_Adopted_20220927.pdf.

³⁸ See Cty. of San Bernardino, San Bernardino Countywide Plan, Housing Element Technical Report: Appendix B, County Analysis of Individual and Aggregated Fair Housing Data, B-4 (Sept. 27, 2022).

the greatest needs. The County accordingly committed in its Housing Element to “[e]xpand infrastructure capacity in Bloomington to increase opportunity for new rental housing with good access to opportunity.”³⁹

III. Warehouse Development in Other Unincorporated Communities

70. Bloomington has more warehouses than other unincorporated communities in the County, such as the Chino Sphere of Influence, Mentone, and San Antonio Heights. As a result, the logistics sectors (warehousing, wholesale trade, and transportation) provided a larger share of jobs in Bloomington (28%) than San Bernardino County as a whole (13%) by 2020.⁴⁰

71. The unincorporated communities also have not experienced the same intensity of warehouse development, number of demolished residential housing units, or number of General Plan amendments to re-zone land from residential to industrial use as Bloomington.

72. The Chino Sphere of Influence (SOI) is an unincorporated area approximately 46 miles from the Long Beach and Los Angeles Ports and is directly adjacent to the Corona Freeway (State Route 71) and the Pomona Freeway (State Route 60). The Chino SOI is approximately 1,550 acres across three geographic areas (approximately a third of the size of Bloomington in total) and has undergone minimal zoning changes since the adoption of the County’s 2007 General Plan. There are only two warehouses in operation in the Chino SOI.

73. The Chino SOI has a population of 5,540 residents. 62 percent of its population is Hispanic or Latino -- 25 percent lower than Bloomington’s Latino population. The median household income is \$107,506 and approximately three percent of the population is linguistically isolated.

74. There is currently one warehouse project undergoing CEQA review in the northern part of the Chino SOI. This warehouse project requires a General Plan amendment to change the zoning from residential use to industrial use and is being considered only because of a proposed annexation of the land by the City of Chino. The project does not require the

³⁹ *Id.* at 2-63.

⁴⁰ San Bernardino County, Bloomington Community Plan, Appendix A (2020), available at https://countywideplan.com/wp-content/uploads/sites/68/2020/07/Bloomington_CAG_2020.pdf.

1 demolition of existing residential units.

2 75. The Chino SOI has undergone no warehouse development from 2007 to 2020
3 despite the proximity of the area to the Port, the low density of development, and its relatively
4 low population levels. There is also extensive warehouse development in the adjacent city of
5 Chino, which paired with the proposed warehouse project linked to the annexation of
6 unincorporated County land described above, demonstrates the viability of warehouse
7 development in the area.

8 76. Similarly, the unincorporated community of Mentone has also not
9 undergone the level of warehouse development experienced in Bloomington. Mentone has just
10 three warehouses currently in operation. Since 2007, there is only one instance where the
11 County has approved a General Plan amendment in Mentone that changed the zoning from
12 residential to industrial use for an existing warehouse built prior to 2007.

13 77. Mentone has a population of 10,056 residents with approximately the same
14 land area as Bloomington. Mentone residents are 43.7 percent Hispanic or Latino -- 44 percent
15 lower than Bloomington's Latino population. Only one percent of residents is linguistically
16 isolated. Mentone has a median household income of \$84,413.

17 78. While Mentone is farther from the Ports of Los Angeles and Long Beach
18 than Bloomington, there are more than 50 warehouses located between Bloomington and
19 Mentone, including a 217,000 square foot warehouse recently approved by the City of Redlands
20 less than five miles away from Mentone. This warehouse development close to Mentone, along
21 with a small number of warehouses in the community, demonstrates the economic viability of
22 warehouse development in Mentone.

23 79. San Antonio Heights is another unincorporated community that has not had
24 any warehouse development with the resulting demolition of residential units and amendments
25 to General Plan changing residentially zoned land to industrial. San Antonio Heights has a
26 population of 3,376 residents and has approximately the same land area as the Chino SOI. San
27 Antonio Heights residents are 27.3 percent Hispanic or Latino -- 60 percent lower than
28 Bloomington's Latino population. The household median income is \$138,939. Zero percent of

26

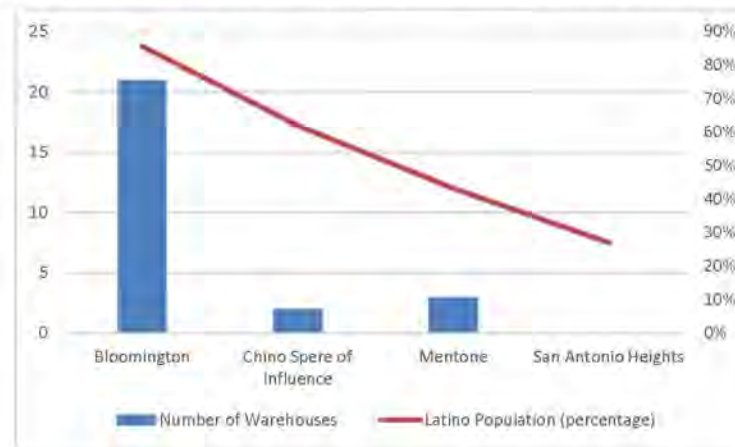
VERIFIED FOURTH AMENDED PETITION FOR WRIT OF MANDATE
AND COMPLAINT FOR DECLARATORY & INJUNCTIVE RELIEF
CASE NO: CIVSB2228456

San Antonio Heights residents are linguistically isolated.

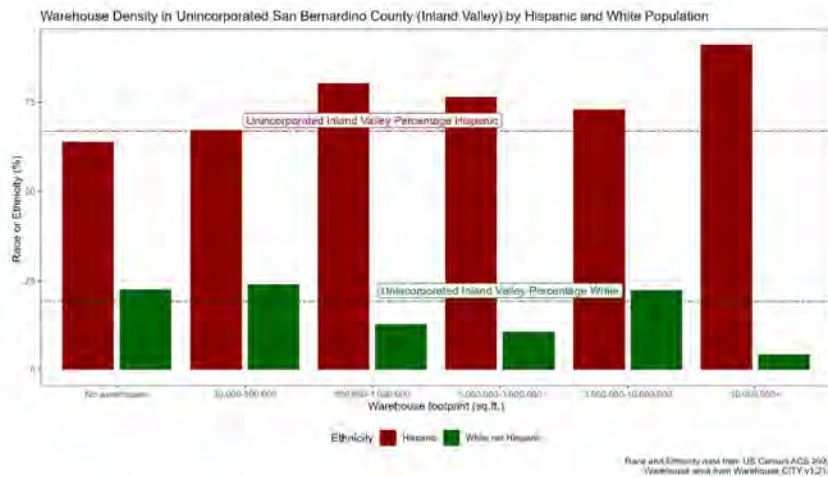
80. Compared to these four other unincorporated communities, Bloomington is more heavily Latino and has undergone more intensive warehouse development even though the County has not designated any land area in Bloomington as an “industrial redevelopment focus area,” as defined by the San Bernardino Countywide Plan.

81. Contrary to its Countywide Plan, the County has approved these warehouse projects for Bloomington, including approving a greater number of General Plan amendments to re-zone from residential to industrial use and approving the demolition of more residential units to allow warehouse development than in other unincorporated communities.

82. The chart below provides a summary of the relevant demographics and warehouse development for the unincorporated communities described above:



83. As depicted in the graph below, this pattern holds true across unincorporated areas in the County in the Valley region, the portion of the County west of the San Bernardino Mountains.



84. Consistent with the graph above, the Fontana Sphere of Influence also has an almost exclusively Latino population and experienced high levels of warehouse development. This unincorporated community in the County has a population of 22,910 residents and 88.4 percent of the population is Latino. The median household income is \$83,497 and 12.3 percent of the population is linguistically isolated. The County has at least designated a large portion of the Fontana Sphere of Influence as an “industrial redevelopment focus area” as the County has been encouraging the redevelopment of the former Auto Club Speedway, a racetrack that closed in 2023, and the adjacent Kaiser Steel Mill. The majority of warehouse projects approved in the past decade in the Fontana Sphere of Influence have not required General Plan amendments. There are 87 warehouses in operation in the Fontana SOI.

85. The pattern of warehouse development in the unincorporated areas demonstrates that the County facilitates and approves warehouse projects in a manner inconsistent with its own Countywide Plan only in impacted communities that are disproportionately Latino like Bloomington. In contrast, the County acts consistently with its Countywide Plan regarding warehouse development in predominantly White communities.

IV. Bloomington is an Environmental Justice Focus Area

86. Pursuant to Senate Bill (“SB”) 1000, the County is required to adopt an

“environmental justice element, or related goals, policies, and objectives that are integrated into other elements, as part of its general plan obligations.” (Gov. Code § 65302(h)(1)).

87. An adopted environmental justice element, or related goals, policies, and objectives that are integrated into other elements, “shall do all of the following”:

(A) Identify objectives and policies to reduce the unique or compounded health risks in disadvantaged communities by means that include, but are not limited to, the reduction of pollution exposure, including the improvement of air quality, and the promotion of public facilities, food access, safe and sanitary homes, and physical activity.

(B) Identify objectives and policies to promote civil engagement in the public decisionmaking process.

(C) Identify objectives and policies that prioritize improvements and programs that address the needs of disadvantaged communities.

(Gov. Code § 65302(h)(1)(A)-(C)).

88. Starting in 2018, San Bernardino County identified Bloomington as an “Environmental Justice Focus Area,” which is defined as “an area disproportionately affected by environmental pollution and other hazards that can lead to negative health effects, exposure, or environmental degradation.”⁴¹ In the same report, the County recognized that the following environmental and health problems are rated in the highest quartile in the two census tracts covering the Project area: air quality, drinking water, toxic releases, traffic density, lead from housing, groundwater threats, toxic cleanup sites, hazardous waste, solid waste sites/facilities, asthma, low birth weight, heart disease, and educational attainment.⁴²

89. The County has recognized that the identified detrimental environmental effects are also a fair housing issue, citing the pollution from the logistics economy as one of four factors contributing to fair housing issues in the County. Housing Element Technical Report: San Bernardino Countywide Plan adopted September 27, 2022 at 2-67. The County committed to addressing pollution as a fair housing issue. *Id.*

90. In October 2020, the Board of Supervisors approved the Countywide Plan,

⁴¹ See Cty. of San Bernardino, “Envtl. Justice and Legacy Communities Background Report,” (September 30, 2019) at 2-6, available at https://countywideplan.com/wp-content/uploads/sites/68/2021/02/EJ-Legacy_CWP_BackgroundReport_FinalDraft_20190930.pdf.

⁴² *Id.* at 3-35 – 3-36.

1 which serves as the General Plan for the unincorporated areas of San Bernardino County.

2 91. The County has integrated various environmental justice goals and policies
3 into various sections of the Countywide Plan. For example, as part of the Countywide Plan, the
4 County adopted a policy in its Hazard Element, Policy HZ-3.2, that commits the County to
5 “monitor pollution exposure, publicize pollution data, and identify solutions in unincorporated
6 environmental justice focus areas.”

7 92. As part of the Countywide Plan, the County also adopted an Environmental
8 Justice and Legacy Communities Background Report, which “provides an assessment of
9 disadvantaged communities in the unincorporated areas of the county (referred to as
10 environmental justice focus or study areas for SB 1000) based on environmental pollution,
11 social equity, and public services and infrastructure.”⁴³ The County once again identified
12 Bloomington as an “Environmental Justice Study Area.”⁴⁴

13 93. The County has failed to identify any policies that will reduce the unique or
14 compounded health risks identified in Bloomington, including pollution exposure, air quality,
15 traffic density, and other pollutants.

16 94. The Board of Supervisors’ approval of the Project: (A) does not “reduce the
17 unique or compounded health risks” in Bloomington (i.e., reduction of pollution exposure,
18 including the improvement of air quality, and the promotion of public facilities, food access,
19 safe and sanitary homes, and physical activity); (B) does not “promote civic engagement in the
20 public decisionmaking process” in Bloomington; and (C) does not “prioritize improvements and
21 programs that address the needs” of a disadvantaged community, such as Bloomington. (See
22 Gov. Code § 65302(h)(1)(A)-(C)). Far from doing (A) through (C) above, the County has done
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26 ⁴³ See Cty. of San Bernardino, San Bernardino Countywide Plan, Env'tl. Justice and Legacy Communities
27 Background Report, 1-1 (Sept. 27, 2022), available at
[https://www.sbcounty.gov/uploads/LUS/HousingPlans/EJ-
Legacy_CWP_BackgroundReport_Final_20220927.pdf](https://www.sbcounty.gov/uploads/LUS/HousingPlans/EJ-Legacy_CWP_BackgroundReport_Final_20220927.pdf).

28 ⁴⁴ *Id.* at 3-34.

the opposite in its approval of the Project.

V. The Environmental Regulation Agencies

95. Bloomington is located within the jurisdiction of the South Coast Air Quality Management District (“SCAQMD”)—the regional air pollution control agency with authority to regulate the “critical air pollution problems” throughout the South Coast Air Basin (“South Coast”), which includes all of Orange County and the non-desert portions of Los Angeles, Riverside and San Bernardino counties. (Health & Safety Code § 40402(b).)

96. SCAQMD is responsible for clean air quality management planning in and throughout the South Coast, pursuant to the Clean Air Act. The air quality planning SCAQMD conducts is critical to meeting national air pollution control standards set forth under the Clean Air Act, including National Ambient Air Quality Standards aimed at reducing the presence of contaminants of concern that severely impact public health and the environment, and which contribute to climate change. These contaminants include but are not limited to nitrogen oxide (“NOx”) and particulate matter, which produce soot, ground-level ozone (or “smog”), and ozone precursors that are highly prevalent throughout the South Coast, and specifically in Bloomington.

97. The South Coast experiences complex and significant air quality issues caused by an extremely high concentration of various industrial activities and on-road vehicle traffic, including diesel emissions from heavy-duty truck traffic. As a result, the South Coast currently exceeds federal public health standards for particulate matter and both ozone and ozone precursors, resulting in its residents suffering from some of the worst air pollution in the nation. For example, exposure to PM_{2.5}—which comes primarily from combustion activities (71 Fed. Reg. 61,144, 61,146 (Oct. 17, 2006))—can cause aggravation of respiratory and cardiovascular diseases, lung disease, asthma attacks, heart attacks, and premature death. (See 70 Fed. Reg. 65,984, 65,988 and 65,991 (Nov. 1, 2005).) Individuals with heart and lung disease, the elderly, and children are most sensitive to PM_{2.5} exposure. (*Id.* at 65988.)

98. ARB is the state agency charged with monitoring the regulatory activity of California’s 35 local air districts, including SCAQMD. ARB has determined that diesel exhaust

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1 is responsible for over 70 percent of the health risks associated with air pollution statewide.
2 SCAQMD has determined that diesel particulate matter accounts for over 68 percent of the
3 health risks and 50 percent of inhalation cancer risk associated with breathing air in and around
4 the South Coast.

5 99. Consistent and continued exposure to diesel particulate matter is, therefore, a
6 serious concern for South Coast communities, particularly those residing along heavy-duty
7 truck thoroughfares like Interstate 10. Residents who live along these and other thoroughfares
8 experience some of the region's most concentrated vehicle traffic and breathe some of its most
9 polluted air. Most of these residents also lack the financial means to address the health problems
10 caused by these exposures. Children, who are among the most vulnerable residents, are not only
11 subject to these avoidable health impacts, but they also experience some of the highest rates of
12 school absences, which means lost workdays for parents and caregivers, all of which only
13 further impact families and these communities.

14 100. In addition to the region's grave diesel particulate matter, ozone, and other
15 particulate matter emission concentrations, the South Coast and the western portion of San
16 Bernardino and Riverside counties, like the rest of the state, are experiencing increased impacts
17 from climate change, including decreasing water supply and rainfall as well as increasing
18 temperatures, which often exacerbate air pollution concentrations.

19 101. Greenhouse gas emissions contribute to local, regional, and global climate
20 change impacts and, as such, they have been the subject of increased statewide regulatory
21 efforts. ARB, SCAQMD, and the Governor's office have all adopted rigorous goals and
22 standards to decrease the state's greenhouse gas emissions and impacts from climate change.
23 Some of these targets have been codified into state law, and others have been declared by
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executive order or agency action.⁴⁵

102. The crux of many of the State's most recent efforts has been to actively limit greenhouse gas emissions as government agencies have recognized that a pure "business as usual" approach will only exacerbate and accelerate the impacts of climate change rather than help to reduce and slow its negative consequences.⁴⁶ In setting forth its greenhouse gas reduction efforts, the State has emphasized the importance of local agency involvement and local agency commitments to reducing greenhouse gas emissions through their policy and planning processes. Continued coordination between State, regional, and local entities is instrumental to ensuring the efficacy of the State's policies and to enabling the State to reach its reduction targets.

VI. The Project

103. Bloomington Petitioners are informed and believe that Howard Industrial originally proposed the Project in 2018. This is not the first time that Howard Industrial has sought the rezoning of land from residential to industrial use. Howard Industrial sought and obtained the rezoning of 159 acres of residential and recreational land in Rialto for the Rialto Commerce Center, after the land was annexed by the County of San Bernardino to the City of Rialto. Howard Industrial is also seeking a rezoning of another 9.5 acres of residential land and 30 acres of open space for warehousing for the Harvest Landing Project in the City of Perris.

104. The County held its first community meeting regarding the Bloomington Business Park Specific Plan in November 2018. Since this initial meeting, several community members have repeatedly expressed their opposition to the placement of an additional warehouse project in the Bloomington community.

⁴⁵ See e.g., Health and Safety Code § 38500 *et seq.*, the California Global Warming Solutions Act of 2006 (setting forth a statewide requirement to reduce greenhouse gas emissions to 1990 levels by 2020 — a reduction of approximately 15 percent below emissions expected under a "business as usual" scenario — and requiring ARB to adopt regulations to achieve the maximum technologically feasible and cost-effective greenhouse gas emission reductions; to mitigate risks associated with climate change; improve energy efficiency; and expand the use of renewable energy resources, cleaner transportation, and waste reduction practices).

⁴⁶ See *id.*; see also California State Exec. Order B-30-15, April 29, 2015, Gov. Edmund G. Brown (increasing the state's greenhouse gas reduction target to achieve 40% below 1990 level reductions by the year 2030).

105. For the approximately 117 households that will be directly displaced by the Project, it will likely be difficult to purchase substantially similar plots of land in the region due to rapidly rising land costs. A recent news article described the reluctance of many Bloomington residents to accept offers to purchase their land, with one resident stating that if her family sold their land, “her family would need to leave Bloomington’s fertile soil and trek further east into California’s more remote High Desert to find the same kind of open, relatively affordable land.”⁴⁷ The article further notes, “Housing prices have skyrocketed across California, which makes leaving their home in Bloomington an even riskier prospect.”⁴⁸

106. The County did not consider alternative sites for the Project, concluding that “due to the built-out nature of urbanized unincorporated communities in the Valley Region, development of a master planned industrial business park at a different location would likely require demolition of existing structures....”⁴⁹ There was no analysis of whether alternative sites would require the demolition of a similar number of structures as in Bloomington or whether alternative sites would have less of a disproportionate impact on protected groups than in Bloomington. Bloomington has suffered the destruction of more residential units for the development of warehouse projects than any other unincorporated community in the County, especially in comparison to unincorporated areas with a higher percentage of White residents.

107. In July 2022, the Colton Unified School District reached an agreement with the Real Party in Interest involving the Project. As a result, a local elementary school, currently located on the western border of the Project, will be relocated prior to the opening of the Project. The Superintendent for the school district stated prior to the approval of the project, “Bloomington has been undergoing dramatic change with the growth of the logistics industry in the area and the increasing number of large developments that create noise, traffic and air

⁴⁷ Justine Calma, “The Warehouse Next Door: Booming warehouse growth clashes with rural life in California’s Inland Empire,” *The Verge* (April 21, 2022), available at <https://www.theverge.com/c/23030220/e-commerce-warehouse-boom-california-inland-empire-bloomington>.

⁴⁸ *Id.*

⁴⁹ Draft EIR at p. 7-3.

pollution.”⁵⁰ Currently, a majority of public schools located in Bloomington are within 1,000 feet of a warehouse.

108. The Draft Environmental Impact Report stated that the Project would result in “cumulative air quality impacts [that] would be significant and unavoidable.” As a result, already recognized air quality issues in Bloomington will worsen due to the Project, which is acknowledged in a County staff report regarding the Project.⁵¹

109. While hundreds of Bloomington residents will be directly displaced by the Project, thousands of Bloomington residents will remain and be subjected to worsening air quality, pollution, and traffic. The remaining residents will be disproportionately non-white Hispanic or Latino, low-income, and living with disabilities.

VII. The Project’s Environmental Impacts

110. The Project includes approval of the Bloomington Business Park Specific Plan (“Specific Plan”); a policy plan amendment; zoning amendments; site plan approvals; conditional use permits; vesting tentative parcel maps; and a community facilities district.

111. The Specific Plan is a land-use guiding document whose stated goal is to accomplish the orderly development of a 213-acre industrial business park for around 3,235,836 square feet of industrial uses. This entails rezoning the 213 acres from residential to non-residential to construct a 383,000-square-foot warehouse building, a 1.25 million-square-foot warehouse, a 479,000-square-foot warehouse, and a truck/trailer parking lot.

112. The Specific Plan Site is generally bounded by Santa Ana Avenue to the north, Maple Avenue and Linden Avenue to the east, Jurupa Avenue to the south, and Alder Avenue to the west, in the southern area of Bloomington.

113. The Specific Plan Site comprises an opening-year planning area that includes 141.4 acres. It entails the construction and operation of the three warehouse structures and

⁵⁰ Brian Whitehead, “Colton school district swaps elementary school land in \$45 million deal with warehouse developer,” San Bernardino Sun (July 8, 2022), available at <https://www.sbsun.com/2022/07/08/colton-school-district-swaps-elementary-school-land-in-45-million-deal-with-warehouse-developer/>.

⁵¹ Cty. of San Bernardino, Land Use Services Dep’t Planning Comm’n Staff Report, at 35–36 (Sept. 22, 2022).

truck/trailer parking lot on four developments, as well as a future development planning area that includes 71.6 acres and a proposed buildout year of 2040.

114. At least 117 existing residential units will be displaced from the Specific Plan Site as a result of the Project. Other existing residences and agricultural uses in the Specific Plan Site would become legal non-conforming uses.

115. The Project will expose sensitive receptors to substantial pollutant concentrations. These sensitive receptors include a church, Bloomington High School, Walter Zimmerman Elementary School, Kessler Park,⁵² Ruth Harris Middle School, and single-family residences. The closest residence to the Project is located 11 feet north of the area.

116. The Specific Plan Site also contains a host of biological resources, with seventeen special-status species identified as having the potential to occur in the vicinity of the Project site. These include the burrowing owl, a California species of special concern, pocketed free-tailed bat, and western yellow bat. Much of the site also consists of Delhi Fine Sand, a highly unusual habitat found nowhere else on earth. This habitat is home to the federally endangered Delhi Sands flower-loving fly, whose populations have dwindled down into the dozens, primarily due to the loss of suitable habitat. Due to extensive development in San Bernardino County, only a few hundred acres, or approximately 2 percent of the original habitat area of Delhi Fine Sand, remain undeveloped.

117. The Project entails a policy plan amendment that would rezone an “Upzone Site” to allow higher residential density to offset the residential zoning capacity that would be lost from rezoning the 213-acre Specific Plan Site to a non-residential zone.

118. The Upzone Site is a 24-acre area in the northern area of Bloomington, specifically east of Locust Avenue, south of Hawthorne Avenue, and north of San Bernardino Avenue. The Upzone is residentially zoned and surrounded by single-family residential uses to the north, Mary Lewis Elementary School northwest of the San Bernardino Avenue/Locust Avenue intersection, single-family residences southwest of Hawthorne Avenue at Locust

⁵² Kessler Park is the only park space in South Bloomington and is directly adjacent to the Project.

Avenue, and single-family residences to the south and east.

119. No physical development or improvements are proposed at the Upzone Site.

120. Because the Project involves constructing and operating a large warehouse complex, the Project will necessarily attract increased truck and other vehicular traffic.

121. The Project will significantly impact the air quality in the immediate vicinity of the Project, as well as throughout Bloomington, San Bernardino County, and the South Coast.

122. Because the Project will be located about 70 miles away from the nearest port, the Project is likely to cause significant impacts along all roadways, thoroughfares, highways, and highway corridors linking the Ports of Los Angeles and Long Beach to Bloomington.

123. The Project will involve disruptive construction and operation as well as high levels of light, noise, and glare, which will also obstruct scenic views.

VIII. The County's Environmental Review Process and Project Approval

A. The Draft EIR

124. On or about December 30, 2020, the County issued a Notice of Preparation of a draft environmental impact report ("Draft EIR") and a Notice of Public Scoping Meeting for the Project.

125. On or about January 8, 2021, the County recirculated a revised Notice of Preparation of the Draft EIR and Notice of Public Scoping Meeting.

126. On or about January 14, 2021, the County held a virtual scoping meeting.

127. On or about August 5, 2021, the County held a Bloomington Municipal Advisory Council meeting in person and via video conference where the Project was discussed.

128. On or about September 23, 2021, the County issued a Notice of Completion and Availability of the Draft EIR for the Project.

129. On or about September 29, 2021, the County released the Draft EIR and circulated the document for a 45-day period of public comment.

130. Petitioners are informed and believe that the County did not publish any

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1 portion of the Draft EIR in Spanish.

2 131. On or about October 6, 2021, the County held a Bloomington Municipal
3 Advisory Council meeting in person and via video conference. Petitioners are informed and
4 believe that a representative of Howard Industrial presented on the Project and informed the
5 public in English that Respondents and/or Real Parties in Interest had provided a Spanish
6 translator. However, neither Respondents nor Real Parties in Interest provided translation.
7 During the meeting, simultaneous English translation was provided via audio equipment, but
8 consecutive English translation for Spanish speakers at the podium was not provided.
9 Anticipating these problems, some of the Bloomington Petitioners hired their own translator to
10 assist at the meeting.

11 132. On October 13, 2021, some of the Bloomington Petitioners submitted a
12 written request that the County extend the comment period by an additional 30 days to allow for
13 adequate evaluation of the lengthy and highly technical Draft EIR, particularly in light of the
14 previous failures of the County to provide Bloomington's non-English speaking community
15 members meaningful opportunities to participate in the decision-making process. On October
16 22, 2021, Senior Planner Aron Liang from the Land Use Services Department informed
17 Bloomington Petitioners that their request for a 30-day extension was granted.

18 133. On or about October 25, 2021, the County issued a Notice of Availability of
19 Extension of the Draft EIR, wherein the County extended the comment period for an additional
20 30 days.

21 134. Numerous organizations, individuals, and agencies, including SCAQMD and
22 ARB, submitted comments criticizing the Draft EIR.

23 135. Bloomington Petitioners submitted letters regarding the Draft EIR to the
24 County dated on or around December 15, 2021. Incorporated into one of Bloomington
25 Petitioners' letters was an expert report from Dr. Ranajit Sahu. The letters and report explained
26 that the Draft EIR failed to comply with CEQA in the following respects.

27 **1. Air Quality Impacts**

28 136. The Project's air quality analysis severely underestimated emissions from the

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Project. The Draft EIR noted that “with compliance with existing rules, and implementation of the mitigation measures, emissions would continue to exceed regional thresholds of significance established by the SCAQMD for emissions of VOC and NOx.”

137. The Draft EIR’s air quality analysis was inadequate because it relied on improper, unjustified, and inaccurate assumptions included in the traffic analysis. For example, the Draft EIR improperly assumed, *inter alia*, the underlying activity levels of goods and people movement into and out of the Project; the numbers and types of passenger cars and heavy-duty trucks; miles traveled to and from the Project; the manner in which these trips were distributed in the vicinity of the Project; and truck trips as a share of total trips related to the Project.

138. The Draft EIR also failed to adequately disclose and analyze the Project’s significant impacts on air quality. For example, the air quality analysis underestimated the air pollution associated with the Project due to undercounting the number of trucks connected to the Project and minimizing truck trip length.

139. The Draft EIR failed to adequately disclose and analyze the air quality impacts associated with the Project under a *Friant Ranch*-type analysis in that it did not study or disclose the impact of the Project’s NOx emissions on ozone formation in the South Coast air basin, and the resulting cumulative impacts of these air emissions on human health.

140. The Draft EIR’s measures for mitigating air quality impacts were vague, ineffective, deferred, unenforceable, unsupported by substantial evidence, and/or otherwise inadequate.

141. The Draft EIR failed to incorporate all feasible mitigation or avoidance measures, as previously noted.

2. Greenhouse Gas Emissions Impacts

142. The Draft EIR failed to adequately disclose, analyze, and/or mitigate the Project’s considerable greenhouse gas emissions.

143. The Draft EIR’s greenhouse gas analysis was inadequate because it relied on improper underlying values and assumptions and/or failed to disclose the values and assumptions upon which the analysis was based. For example, the Draft EIR should have relied

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on the global warming potential (“GWP”) values from the Intergovernmental Panel on Climate Change’s 5th Assessment Report, but it was unclear if the Draft EIR instead improperly used GWP values from the earlier 2nd Assessment Report. Likewise, the Draft EIR did not explain the underlying emission factors used in the calculations to determine emissions of methane and nitrous oxide. The Draft EIR should have provided a more thorough discussion of these emission factors.

144. The Draft EIR’s greenhouse gas analysis was also inadequate because it relied on improper, unjustified, and inaccurate assumptions included in the traffic analysis. For example, the Draft EIR improperly assumed, *inter alia*, the underlying activity levels of goods and people movement into and out of the Project; the numbers and types of passenger cars and heavy-duty trucks; miles traveled to and from the Project; the manner in which these trips were distributed in the vicinity of the Project; and truck trips as a share of total trips related to the Project.

145. The Draft EIR relied on mitigation measures that are vague, ineffective, deferred, unenforceable, unsupported by substantial evidence, and/or otherwise inadequate. For example, the Draft EIR stated that San Bernardino County includes a greenhouse gas Development Review Process that relies on a screening threshold of 3,000 MTCO₂e/year to determine if additional analysis is required. Projects that exceed the 3,000 MTCO₂e/year, such as certain scenarios in this Project, are then required to “achieve a minimum 100 points” per certain tables in San Bernardino guidelines in order to be determined to have a less than significant impact for greenhouse gases. However, the limited discussion of the 100-point requirement and how any commitments associated with this point determinations were unenforceable in the Draft EIR.

3. Mitigation Measures

146. While the Project purports to include measures aimed at reducing impacts on air quality, greenhouse gases, noise, energy impacts, and other impact categories, many of these proposed measures were inadequate, unenforceable, and/or improperly deferred for reasons including, but not limited to:

147. The measures for air quality, greenhouse gases, noise, energy impacts, and other impact categories were inadequate and failed to include all feasible mitigation measures as required under CEQA. For example, the Draft EIR failed to require the use of Class 7 and 8 electric trucks even though this is a feasible mitigation measure that would substantially lessen significant environmental effects. Numerous studies show that the current total cost of ownership for a large battery-electric semi-truck is less than a diesel equivalent. As time progresses, this cost will drop even lower, whereas diesel trucks are expected to increase in cost or remain stagnant. There are also numerous Class 7 and 8 battery-electric truck models available for purchase, and many freight facilities have already committed to utilizing these trucks. Requiring the usage of zero-emission Class 7 and 8 semi-trucks in lieu of diesel semi-trucks is an effective, feasible mitigation measure under CEQA because these vehicles have no tailpipe emissions and much lower life cycle greenhouse gas emissions.

148. The Draft EIR failed to include mitigation measures requiring all cranes, forklifts, and other on-site construction and operational equipment to be electrified.

149. The Draft EIR failed to include a mitigation measure requiring trucks that haul dirt or other materials to and from the Project site to be covered during transit, even though this was a feasible mitigation measure.

150. The Draft EIR failed to include a 30-minute limit on truck turnaround time, even though this is a feasible mitigation measure. The Draft EIR was also deficient because it did not include idling limits for yard tractors, even though this would save fuel costs, cut pollution, and reduce a significant source of worker exposure.

151. The Draft EIR included measures that were unenforceable. Measures intended to abate air quality impacts failed to include an authority, permit, or regulatory body that will ensure proper oversight and compliance. For example, Mitigation Measure AQ-1 failed to provide or cite to any oversight body or method that would ensure enforceable mitigation. Similarly, Mitigation Measure AQ-2 did not include any specifications as to when on-site inspections to verify compliance with construction mitigation will occur, how often they would occur, and what consequences would be for non-compliance. Mitigation Measure AQ-3 did not

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1 include language regarding the enforcement of the idling rules.

2 152. The mitigation measures included in the Draft EIR for greenhouse gas
3 impacts were similarly unenforceable. For example, Mitigation Measure GHG-1 required
4 projects exceeding a 3,000 metric tons CO₂e/year threshold to “achieve a minimum of 100
5 points.” However, this measure lacked any commitment associated with how this point
6 determination would be carried out or overseen and was therefore unenforceable.

7 **4. Environmental Justice Impacts**

8 153. The Draft EIR failed to analyze and mitigate the environmental justice
9 impacts and address concerns the Project presents for Bloomington residents.

10 154. The Draft EIR failed to analyze any of the environmental justice impacts of
11 the Project, even though the South Coast is one of the nation’s most polluted regions, and
12 CalEnviroScreen data demonstrating that residents in the Project’s specific census tracts endure
13 a pollution burden heavier than most of the State of California.

14 155. The Draft EIR did not analyze how the Project exposes sensitive receptors to
15 substantial pollutant concentrations, particularly in light of paltry and ineffective mitigation
16 measures. For example, it did not acknowledge the harms the Project will have on such sensitive
17 receptors as numerous schools, the park, and a church in the area, as well as residences as close
18 as 11 feet north of the area.

19 156. The Draft EIR failed to comply with the San Bernardino County General
20 Plan’s Countywide Environmental Justice goals and policies. For example, the Draft EIR stated
21 its compliance with these goals and policies by “construct[ing] frontage improvements,
22 including sidewalks, which would encourage walking in the Project area.” But the Draft EIR did
23 not provide substantial evidence of how installing sidewalks will address the environmental
24 justice concerns of adding more diesel truck traffic, air pollution, noise, and other impacts to a
25 community already overburdened by air pollution.

26 157. The County also violated CEQA by denying Bloomington residents a
27 meaningful opportunity to participate throughout the Project’s review process on numerous
28 occasions, such as failing to accommodate Spanish speakers in written documents and public

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1 hearings and failing to provide timely and accessible notices. According to comments on the
2 Draft EIR that individuals submitted, residents did not receive proper notice or enough time to
3 comment during the Scoping Meeting.

4 158. The Project also fails to comply with the San Bernardino County General
5 Plan's Countywide Environmental Justice goals and policies. The Countywide Plan contains
6 policies to protect against and minimize the effects of incompatible development. Countywide
7 Plan Policy HZ-3.18 states that a planning project application must "indicate whether the
8 project is within, adjacent to, or nearby an unincorporated environmental justice focus area and,
9 if so, to: document to the County's satisfaction how an applicant will address environmental
10 justice concerns potentially created by the project; and present a plan to conduct at least two
11 public meetings for nearby residents, businesses, and property owners to obtain public input for
12 applications involving a change in zoning." The Draft EIR is both procedurally and
13 substantively inconsistent with Policy HZ-3.18 because the County did not hold the requisite
14 number of community meetings. Even when the County held meetings, it denied residents
15 meaningful opportunities to participate in those meetings, as detailed above.

16 **5. Noise Impacts**

17 159. The Project presents significant noise issues for neighboring and surrounding
18 sensitive receptors, including existing residences. The closest residences are a mere 11 feet from
19 the Project site, yet the Draft EIR did not accurately and fully evaluate the Project's impact on
20 these receptors. There were numerous flaws and omissions with respect to the Draft EIR's
21 analysis of the Project's noise impacts. For example, the Draft EIR's failed to measure the
22 Project's noise impacts against nighttime noise standards, despite the Project operating on a 24-
23 hour basis.

24 160. The Draft EIR also did not measure noise levels at property lines, as it
25 dubiously assumed that residents will not utilize their backyards.

26 161. The Draft EIR additionally relied on an improper threshold of significance to
27 evaluate construction noise impacts that did not account for the Project's proximity to sensitive
28 noise receptors, as well as uncertain and deferred noise mitigation.

6. Agricultural Resources Impacts

162. The Project site currently contains substantial agricultural resources and open space. According to the Draft EIR, the site contains .04 acres of “prime farmland” and 23.55 acres of “farmland of statewide importance.” Because the Project will permanently remove this designated farmland and not replace it, the Project results in adverse impacts on agricultural resources contrary to the determination of the EIR that the Project will result in less than significant agricultural impacts.

163. The Project will result in potentially significant cumulative impacts where it will convert a sizeable portion of existing farmland of statewide importance with no corresponding mitigation. Rather than treat these impacts as significant, the Draft EIR assumed that other speculative projects would mitigate this impact. This represented deferred analysis and mitigation pursuant to CEQA.

7. Land Use Impacts

164. The Project results in significant land use impacts because it is not consistent or compatible with surrounding land uses. For example, the Draft EIR failed to adequately evaluate and mitigate the impacts associated with developing the Project at its location and in relation to surrounding sensitive uses. The Project would introduce a massive industrial complex in an area typified by low-density residences, agricultural uses, and community-oriented development. Among other things, three schools are located within 1/4 mile of the Project site, and a park is located at the southwestern boundary of the site. The Project, with its intense warehouse operations, including thousands of diesel truck trips and round-the-clock operations, will radically alter the character and nature of this semi-urban environment.

165. The Draft EIR’s analysis and mitigation of the Project’s land use impacts were inadequate in part because the Project conflicts with Countywide Policy LU-2.1 in that the Project is not “located, scaled, buffered, and designed to minimize negative impacts on existing conforming uses and adjacent neighborhoods.” The Project conflicts with Countywide Policy LU-2.3 in that the Project is not “located, scaled, buffered, and designed for compatibility with the surrounding natural environment and biodiversity.” The Project conflicts with Countywide

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Policy LU-4.5 in that the Project has not been designed to “be consistent with and reinforce the physical and historical character and identity of our unincorporated communities.” The Project conflicts with Countywide Policy LU-6.4 in that the Project should be prohibited because it is a “new industrial development” located “at least one-half mile from an existing or planned public primary or secondary school or public park.” The “Specific Plan” zoning does not eliminate the Project’s land use conflicts and the need for mitigation to address the incompatibility between uses, particularly where the “Specific Plan” has no community features or benefits.

166. The Project also conflicts with Countywide Policy NR-7.1 in that the Project does not “protect economically viable and productive agricultural lands from the adverse effects of urban encroachment, particularly increased . . . non-agricultural land development.”

167. The Project conflicts with the goals, policies, and “aspirations” of the Community Action Guide for the unincorporated Bloomington community, including the policy that “Bloomington contains great neighborhoods, parks and recreation centers, and local services, while maintaining a safe, small-town feel.”

8. Biological Resources Impacts

168. The Project presents significant biological impacts that the County failed to address. For example, the Draft EIR failed to adequately disclose, analyze, and/or mitigate the Project’s significant direct and cumulative impacts on biological resources, including numerous special status wildlife and plant species affected by the Project and their habitat. Those wildlife species include but are not limited to: Delhi Sands flower-loving fly, which is listed as endangered under the Federal Endangered Species Act, 16 U.S.C. § 1531 *et seq.*; burrowing owl, pocketed free-tailed bat, western yellow bat, and numerous special status native plant species. The Draft EIR failed to adequately disclose, analyze, and/or mitigate the Project’s significant and cumulative impacts on habitats and features. The Draft EIR also failed to disclose, analyze, or mitigate the biological impacts associated with developing the Upzone Site.

169. The Draft EIR relied on mitigation measures that are vague, ineffective, deferred, unenforceable, unsupported by substantial evidence, and/or otherwise inadequate. It

1 failed to incorporate all feasible mitigation or avoidance measures and failed to adequately
2 disclose, analyze, and/or mitigate the direct, indirect, and cumulative impacts of the Project on
3 other biological resources.

4 **9. Housing Impacts**

5 170. The Draft EIR failed to adequately disclose, analyze, or mitigate the
6 displacement impacts of the Project, including information about the number of people residing
7 in the Project's footprint, the applicant's acquisition plan for these properties, and the impact of
8 that rezoning to non-residential uses on existing homeowners and tenants. Nor is there any
9 disclosure, analysis, or mitigation plan for residents adjacent to the Project who will be
10 constructively displaced through loss of full use and enjoyment of their properties due to
11 conversion to non-conforming uses.

12 **B. The Responses to Comments and Final EIR**

13 171. On or about September 15, 2022, the County issued a notice of hearing
14 regarding the Planning Commission's consideration of the Project and the Final EIR.

15 172. On or about September 16, 2022, the Land Use Services Department released
16 a staff report for the Planning Commission ("Planning Commission Staff Report") containing its
17 proposed findings of fact and Statement of Overriding Considerations to be adopted with the
18 approval of the Project.

19 173. On or about September 22, 2022, the Planning Commission held a hearing at
20 which it recommended that: the Board of Supervisors certify the Final EIR; adopt the CEQA
21 findings, Statement of Overriding Considerations and Mitigation Monitoring and Reporting
22 Program; adopt findings for and approve the Bloomington Business Park Specific Plan, the
23 policy plan amendment, the zoning amendment, the site plan approvals, the vesting tentative
24 parcel maps, the community benefits agreement/development agreement, the community
25 facilities district, and the conditional use permits to construct the warehouses and truck/trailer
26 parking lot; and direct the Clerk of the Board to file a Notice of Determination.

27 174. On October 29, 2022, the County released the Final EIR, which includes its
28 responses to comments on the Draft EIR as well as the other finalized sections.

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1 175. The County did not provide the public with a Spanish version of the Final
2 EIR or any portions thereof.

3 176. The Final EIR failed to remedy most errors identified by Bloomington
4 Petitioners and other commenters. For example, the Final EIR continues to fail to adequately
5 disclose or analyze the Project's significant impacts on the environment, including, but not
6 limited to, the Project's aesthetic, agricultural, air quality, biological, energy, greenhouse gas
7 emissions, land use, noise, traffic and transportation, and environmental justice impacts. The
8 Final EIR also fails to consider cumulative impacts associated with other proposed logistics
9 centers in the area, as well as fails to consider, discuss, or adopt adequate, feasible, and
10 enforceable mitigation measures to minimize the Project's significant and detrimental impacts,
11 and otherwise improperly deferred mitigation necessary to minimize the Project's impacts.

12 177. The County did not adequately respond to comments on the Draft EIR,
13 including, but not limited to, dismissing expert comments, requests for additional information,
14 and suggestions of feasible mitigation measures. For example, the Final EIR declines to respond
15 to comments highlighting the Project's social and economic merits because they "do not pertain
16 to the potential for significant physical impacts." Despite calls for an environmental justice
17 analysis, the Final EIR omitted any such analysis while also conceding that the Project is sited
18 in an Environmental Justice Focus Area.

19 178. The Final EIR failed to acknowledge the procedural justice violations alleged
20 in the comments on the Draft EIR. For example, the County responded to requests for
21 translations of CEQA documents for Bloomington's Spanish-speaking residents by arguing that
22 "[t]ranslation of CEQA documents is not part of the County's standard CEQA procedures and is
23 not consistent with the County's existing activities or procedures." But, as the Final EIR
24 elsewhere recognized, the County provided Spanish translations of the Notice of Preparation
25 and Notice of Public Scoping Meeting, the Notice of Availability, and the Notice of Availability
26 Extension. The Final EIR also responded in English to comments that were submitted in
27 Spanish, further denying meaningful opportunities for engagement and public review of the
28 Final EIR.

179. The record otherwise does not show that the County sufficiently acknowledged or addressed the issues identified by community members and advocacy organizations. For instance, the Planning Commission Staff Report fails to acknowledge nor sufficiently address the fair housing, displacement, and community development issues that community members and advocacy organizations raise with respect to the Project.

180. The Final EIR included significant new information, such as a 1,300-page Health Risk Assessment, a 120-page traffic analysis, and a new analysis on environmental justice impacts, seemingly disclosing significant impacts from the Project. This significant new information was not recirculated for full public review.

181. As a result of these actions, the County prejudicially abused its discretion by failing to proceed in the manner required by law and by failing to act on the basis of substantial evidence.

182. Bloomington Petitioners submitted letters to the County regarding the Final EIR dated September 21, 2022. These letters highlighted the Final EIR's failure to correct the errors identified by comments on the Draft EIR and failure to comply with CEQA. Bloomington Petitioners also requested that the County recirculate the EIR for 60 days for full public review in light of significant new information and the County's failure to translate documents into Spanish.

C. The County's Approval of the Project

183. On or about November 10, 2022, the County issued a notice of hearing regarding the Board of Supervisors' consideration of the Project and the Final EIR.

184. Bloomington Petitioners submitted letters regarding the Final EIR to the County dated November 14, 2022. These letters further explained the Final EIR's deficiencies and failures to comply with CEQA.

185. On November 15, 2022, the County of San Bernardino Board of Supervisors held a public hearing at which it considered approval of the Project.

186. Bloomington Petitioners submitted oral comments at the November 15 public hearing, reiterating their concerns from their written comments on the Final EIR.

187. Despite concerns expressed by Bloomington Petitioners, residents, and others, the Board voted that day to: certify the Final EIR; adopt the CEQA findings, Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program; adopt findings for and approve the Bloomington Business Park Specific Plan, the policy plan amendment, the zoning amendment, the site plan approvals, the vesting tentative parcel maps, the community benefits agreement/development agreement, the community facilities district, and the conditional use permits to construct the warehouses and truck/trailer parking lot; and direct the Clerk of the Board to file a Notice of Determination.

188. The County's approval of the Project will cause Bloomington Petitioners irreparable injury for which Bloomington Petitioners have no adequate remedy at law. Bloomington Petitioners and their members will be irreparably harmed by the County's actions in approving the Project. Bloomington Petitioners were harmed by, among other things, the failure of the County in its certification of the Final EIR to adequately evaluate the potential impacts of the Project and the County's approval of the Project without providing adequate and effective mitigation measures contrary to the requirements of state law.

189. The maintenance of this action is for the purpose of enforcing important public policies of the State of California with respect to the protection of the environment under CEQA and conformance with state law and local law, including mandates to refrain from unlawful discrimination and the duty to affirmatively further fair housing. The maintenance and prosecution of this action will confer a substantial benefit upon the public by protecting the public from environmental, residential displacement, and other harms alleged in this Petition. Bloomington Petitioners are acting as private attorneys general to enforce these public policies and prevent such harm.

FIRST CAUSE OF ACTION⁵³

(Violations of CEQA: Inadequate Final EIR; Failure to Provide Meaningful Opportunity for Spanish-Speaking Residents to Participate)

⁵³ See, *supra*, footnote 2.

190. Bloomington Petitioners hereby reallege and incorporate herein by reference the allegations contained in the foregoing paragraphs.

I. Applicable CEQA Requirements

191. CEQA is designed to ensure that the environmental consequences of proposed projects are disclosed, considered, and feasibly avoided at the earliest opportunity. CEQA requires the lead agency for a project with the potential to cause significant environmental impacts to prepare an EIR that complies with the requirements of the statute, including, but not limited to, the requirement to analyze the project's potentially significant environmental impacts. (Pub. Resources Code § 21002.1, subd. (a), 21080, subd. (d).) The EIR must provide sufficient environmental analysis to ensure that the decision makers can intelligently consider environmental consequences when acting on the proposed project. (*Laurel Heights Improvement Assn. v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 405.)

192. An EIR must "provide the public with an accurate, stable and finite description of the project." (*Washoe Meadows Community v. Dept. of Parks & Recreation* (2017) 17 Cal.App.5th 277, 285.) "[A] project description that gives conflicting signals to decision makers and the public about the nature and scope of the project is fundamentally inadequate and misleading." (*Id.* at 287.)

193. An EIR "must delineate environmental conditions prevailing absent the project, defining a 'baseline' against which predicted effects can be described and quantified." (*Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439, 447.) An EIR's description of this environmental setting should be sufficiently comprehensive to allow the project's significant impacts "to be considered in the full environmental context." (CEQA Guidelines, § 15125, subd. (c).)

194. An EIR must disclose and analyze the direct and the reasonably foreseeable indirect environmental impacts of a proposed project if they are significant. (CEQA Guidelines, §§ 15126.2, 15064, subd. (d)(3).) "[A] sufficient discussion of significant impacts requires not merely a determination of whether an impact is significant, but some effort to explain the nature and magnitude of the impact." (*Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 519

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1 (“Friant Ranch”).)

2 195. An EIR must discuss a cumulative impact if a project’s incremental effect
3 combined with the effects of other projects is “cumulatively considerable.” (CEQA Guidelines,
4 § 15130, subd. (a).) The discussion of cumulative impacts must be more than “a conclusion
5 utterly devoid of any reasoned analysis.” (*Whitman v. Bd. of Supervisors* (1979) 88 Cal.App.3d
6 397, 411.)

7 196. CEQA also mandates that the lead agency identify feasible mitigation
8 measures that will reduce or avoid a project’s significant environmental impacts. (Pub.
9 Resources Code, §§ 21002, 21002.1, subd. (b).) Even where a public agency cannot completely
10 eliminate a project’s significant impacts, CEQA requires that it nonetheless reduce those
11 impacts to the extent feasible. (*Friant Ranch, supra*, 6 Cal.5th 502, 524-25.)

12 197. An EIR must respond to comments making specific suggestions for
13 mitigating a significant impact unless the suggested mitigation is “facially infeasible.” (*L.A.*
14 *Unified School Dist. v. City of L.A.* (1997) 58 Cal.App.4th 1019, 1029.) If an agency rejects a
15 suggested measure as infeasible, the rejection must be supported by substantial evidence and
16 free of legal error. (Pub. Resources Code, § 21168.5.)

17 198. CEQA instructs that “[a] public agency shall provide that measures to
18 mitigate or avoid significant effects on the environment are fully enforceable through permit
19 conditions, agreements, or other measures.” (Pub. Resources Code, § 21081.6, subd. (b).) The
20 agency must assure that its mitigation is “effective” and will “present a viable solution” to
21 mitigating the adverse effect. (*Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1116.)
22 The EIR must include facts and analysis to support its conclusions regarding the effect of its
23 mitigation measures. (*Friant Ranch, supra*, 6 Cal.5th at 522 (“The EIR must accurately reflect
24 the net health effect of proposed air quality mitigation measures”), citing *Cleveland Nat. Forest*
25 *Foundation v. San Diego Assn. of Governments* (2017) 3 Cal.5th 497, 514.)

26 199. Requiring a project to implement or fund its fair share of a measure designed
27 to mitigate a cumulative impact is a legally acceptable mechanism for addressing the project’s
28 contribution to the impact. (CEQA Guidelines, § 15130, subd. (a)(3).) Fair-share contributions

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1 to a mitigation fund may be adequate mitigation if they are “part of a reasonable, enforceable
2 plan or program that is sufficiently tied to the actual mitigation of the . . . impacts at issue.”

3 (*Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, 1189.)

4 200. CEQA requires a lead agency to address new information before certifying
5 an EIR when “[s]ubstantial changes occur with respect to the circumstances under which the
6 project is being undertaken which will require major revisions in the environmental impact
7 report” or “[n]ew information, which was not known and could not have been known at the time
8 the environmental impact report was certified as complete, becomes available.” (Pub. Resources
9 Code, § 21166, subs. (b), (c).) This includes significant effects not discussed in the previous
10 EIR and impacts that are “substantially more severe” than what the previous EIR disclosed.
11 (CEQA Guidelines, § 15162, subd. (a)(3)(B).)

12 201. CEQA prohibits a lead agency from approving a project with significant
13 environmental effects unless it has made written findings for each of those effects, accompanied
14 by an explanation of the rationale for each finding. (Pub. Resources Code, § 21081, subd. (a).)
15 These findings must support the ultimate decision, be based on substantial evidence in the
16 record, and trace the analytical route between the evidence in the record and the agency’s
17 conclusions.

18 202. CEQA provides that where a project’s significant environmental effects
19 cannot feasibly be mitigated, the lead agency may still approve the project if it finds that
20 “specific overriding economic, legal, social, technological or other benefits of the project
21 outweigh the significant effects on the environment.” (Pub. Resources Code, § 21081, subd.
22 (b).) However, an agency’s Statement of Overriding Considerations constitutes an abuse of
23 discretion where it is not supported by substantial evidence. (*Id.* § 21168.5; CEQA Guidelines,
24 § 15093, subd. (b).) The statement’s core “purposes are undermined if its conclusions are based
25 on misrepresentations of the contents of the EIR or it misleads the reader about the relative
26 magnitude of the impacts and benefits the agency has considered.” (*Woodward Park*
27 *Homeowners Assn., Inc. v. City of Fresno* (2007) 150 Cal.App.4th 683, 718.)

28 203. An agency’s Statement of Overriding Considerations provides “a proper

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basis for approving a project despite the existence of unmitigated environmental effects, only when the measures necessary to mitigate or avoid those effects have properly been found to be infeasible.” (*City of Marina v. Bd. of Trustees of Cal. State Univ.* (2006) 39 Cal.4th 341, 368.) Where an agency improperly determines that significant impacts cannot feasibly be mitigated, it “necessarily follows” that the statement of overriding consideration is invalid. (*Ibid.*)

204. Among CEQA’s basic purposes are to “[i]nform . . . the public about the potential, significant environmental effects of proposed activities” and to “[d]isclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.” (CEQA Guidelines, §§ 15002, subs. (a)(1), (a)(4).) “Public participation is an essential part of the CEQA process,” (*id.*, § 15201), and a CEQA lead agency like San Bernardino County possesses inherent authority and discretion to provide translations of CEQA documents in Spanish.

II. Violations of CEQA

205. Respondents violated CEQA by certifying an inadequate EIR for the project and failing to comply with CEQA.

206. Respondents failed to adequately disclose or analyze the Project’s significant impacts on the environment, including, but not limited to, the Project’s aesthetic, agricultural, air quality, biological, energy, greenhouse gas emissions, land use, noise, traffic and transportation, and environmental justice impacts.

207. Respondents failed to consider cumulative impacts associated with other proposed logistics centers in the area and failed to revise and recirculate the EIR in response to significant new information that occurred after the release of the Project’s Draft EIR regarding the newly proposed Project.

208. Respondents failed to consider, discuss, or adopt adequate, feasible, and enforceable mitigation measures to minimize the Project’s significant and detrimental impacts, and otherwise improperly deferred mitigation necessary to minimize the Project’s impacts.

209. Respondents failed to adopt feasible Project alternatives and make adequate findings supported by substantial evidence that Project alternatives are infeasible within the

1 meaning of CEQA.

2 210. Respondents failed to support the adopted Statement of Overriding
3 Considerations with substantial evidence in the record.

4 211. Respondents failed to provide meaningful opportunity for Spanish-speaking
5 county residents to participate in the CEQA Process.

6 212. As a result of the foregoing defects, Respondents prejudicially abused their
7 discretion by certifying a Final EIR that does not comply with CEQA and by approving the
8 Project in reliance thereon. Accordingly, Respondents' certification of the Final EIR and
9 approval of the Project must be set aside.

10 SECOND CAUSE OF ACTION

11 (Ordinary Mandamus: Code of Civ. Proc. §1085, and Declaratory & Injunctive Relief; Duty to 12 Affirmatively Further Fair Housing, Gov. Code § 8899.50)

13 213. Bloomington Petitioners hereby reallege and incorporate herein by reference
14 the allegations contained in the foregoing paragraphs.

15 I. The Duty to Affirmatively Further Fair Housing

16 214. The County is prohibited from taking actions that are materially inconsistent
17 with its obligation to affirmatively further fair housing. (Gov. Code § 8899.50 (b)(1).)

18 215. "Affirmatively furthering fair housing means taking meaningful actions that,
19 taken together, address significant disparities in housing needs and in access to opportunity,
20 replacing segregated living patterns with truly integrated and balanced living patterns,
21 transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and
22 fostering and maintaining compliance with civil rights and fair housing laws." (Gov. Code
23 § 8899.50(a)(1).)

24 216. The duty to affirmatively further fair housing applies to the County and
25 extends to all its activities and programs relating to land use, planning, and zoning decisions,
26 including the Project. (Gov. Code § 8899.50(b)(1).)

27 II. Violations of the Duty to Affirmatively Further Fair Housing

28 217. The Project will result in significant negative impacts on air quality in

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1 Bloomington, as acknowledged in the Planning Commission Staff Report. Bloomington is
2 already environmentally burdened, and the Project will worsen these conditions, making homes
3 and neighborhoods more hazardous and less livable.

4 218. In its approval of the Project, the County failed to address existing significant
5 disparities in housing needs and access to opportunity and failed to address whether the Project
6 would increase significant disparities in housing needs and access to opportunity. The Project
7 will decrease neighborhood and housing quality in the Bloomington neighborhood, eliminate
8 crucial economic activity through the destruction of home-based businesses, exacerbate existing
9 environmental hazards, and displace existing residents without adequate mitigation measures.
10 These harms will disproportionately impact Hispanic or Latino residents and lower-income
11 households.

12 219. The County has not engaged in any analysis of the Project's impact on
13 members of non-white Hispanic or Latino and lower-income households or on any other
14 protected classes under the Fair Employment and Housing Act, nor has it taken any action to
15 mitigate residents' direct or indirect displacement or the loss of housing.

16 220. The County's actions violate its duty to affirmatively further fair housing and
17 to foster compliance with civil rights and fair housing laws.

18 221. The County has a clear, present, ministerial duty to comply with its duty to
19 affirmatively further fair housing.

20 222. Bloomington Petitioners have a beneficial interest in the performance of the
21 County's duties.

22 223. Bloomington Petitioners also have an interest as citizens in the performance
23 of the County's public duties.

24 224. Unless compelled by this Court to comply with its legal obligations, the
25 County and Real Parties in Interest will proceed with the Project, destroy existing homes, cause
26 displacement, and harm the predominately Hispanic or Latino community and under-resourced
27 community through environmental degradation and the deepening of already existing
28 segregation, violating the duty to affirmatively further fair housing.

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225. Petitioner has no plain, speedy, and adequate remedy at law other than that sought herein.

THIRD CAUSE OF ACTION

(Ordinary Mandamus: Code of Civ. Proc. § 1085, and Declaratory & Injunctive Relief; Fair Employment and Housing Act: Gov. Code § 12951 *et seq.*; 2 Cal. Code Regs., § 12161)

226. Bloomington Petitioners hereby reallege and incorporate herein by reference the allegations contained in the foregoing paragraphs.

I. Relevant Provisions of FEHA

227. The Fair Employment and Housing Act makes it unlawful to discriminate through public or private land use practices, decisions, and authorizations on the basis of enumerated characteristics: race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, familial status, marital status, disability, genetic information, national origin, source of income, veteran or military status, or ancestry. (Gov. Code § 12955(l).) Discrimination includes, but is not limited to, restrictive covenants, zoning laws, denials of use permits, and other actions authorized under the Planning and Zoning Law (Title 7 (commencing with § 65000)) that make housing opportunities unavailable. (*Id.*)

228. California Code of Regulations states that unlawful land use practices include those that intentionally discriminate or have a discriminatory effect, such as those that:

- (a) Deny, restrict, condition, adversely impact, or render infeasible the enjoyment of residence, land ownership, tenancy, or any other land use benefit related to housing opportunities. (2 Cal. Code Regs., § 12161(b)(1).)
- (b) Result in the location of toxic, polluting, and/or hazardous land uses in a manner that denies, restricts, conditions, adversely impacts, or renders infeasible the enjoyment of residence, land ownership, tenancy, or any other land use benefit related to residential use, or in connection with housing opportunities or existing or proposed dwellings. (2 Cal. Code Regs., § 12161(b)(10).)

II. Violations of FEHA

229. The Project will result in significant negative impacts on air quality in

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1 Bloomington, as acknowledged in the Planning Commission Staff Report. Bloomington is
2 already environmentally burdened, and the Project will worsen these conditions, making homes
3 and neighborhoods more hazardous and less livable.

4 230. The County has not engaged in any analysis of the Project's impact on
5 members of Hispanic or Latino and lower-income households, or on any other protected classes
6 under the Fair Employment and Housing Act, or taken any action to mitigate residents' direct or
7 indirect displacement or the loss of housing.

8 231. The Project will decrease neighborhood and housing quality in the
9 Bloomington neighborhood, will exacerbate environmental hazards, and will displace existing
10 residents without adequate mitigation measures. These harms will disproportionately impact
11 Hispanic or Latino residents and lower-income households.

12 232. The Project will result in significant negative impacts on air quality in the
13 surrounding area. Bloomington already has some of the worst environmental conditions in the
14 County, and the Project will make those conditions worse, in turn making homes and
15 neighborhoods more hazardous and less livable.

16 233. The Project will eliminate housing stock and displace residents from their
17 homes and community in a predominately Hispanic or Latino community. The change in
18 allowable use will also impact homeowners' future ability to use, modify, finance, or sell their
19 homes. The Specific Plan does not include any plans to provide replacement housing and does
20 not allow for any residential uses.

21 234. The Project does not propose physical developments or improvements at the
22 Upzone Site. Any development at the Upzone Site also requires the demolition of the existing
23 21 residential units currently developed on the Upzone Site and the displacement of current
24 residents. The County has not assessed the tenure or affordability of the homes that will be
25 destroyed by the project, nor whether other housing in San Bernardino County will be
26 affordable to displaced residents.

27 235. The County's failure to provide language access in the public participation
28 process for land use applications has a disparate impact on Bloomington's Hispanic or Latino

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1 residents because these residents are more likely than others to have Limited English
2 Proficiency.

3 236. Hispanic or Latino residents of unincorporated Bloomington with Limited
4 English Proficiency are unfairly denied the opportunity to review documents and participate in
5 the public planning process when they are unable to respond to requests for information sent
6 only in English.

7 237. The County has not sited similar projects in or near racially concentrated
8 areas of affluence.

9 238. The County's approval of the Project will therefore have a discriminatory
10 effect.

11 239. The County does not have a legally sufficient justification for the practice.
12 The County has not demonstrated that there is no feasible alternative practice that would equally
13 or better accomplish the identified purpose with a less discriminatory effect.

14 240. The County has a clear, present, ministerial duty to comply with the Fair
15 Employment and Housing Act.

16 241. Bloomington Petitioners have a beneficial interest in the performance of the
17 County's duties and an interest as citizens in the performance of the County's public duties.

18 242. Bloomington Petitioners also have an interest as citizens in the performance
19 of the County's public duties.

20 243. Bloomington Petitioners have no plain, speedy, and adequate remedy at law
21 other than that sought herein.

22 **FOURTH CAUSE OF ACTION**

23 **(Claim under Government Code § 12989.1(a) for Declaratory & Injunctive Relief; Fair**
24 **Employment and Housing Act; Gov. Code § 12951 *et seq.*; 2 Cal. Code Regs., § 12161)**

25 244. Petitioners PCEJ and CCAEJ hereby reallege and incorporate herein by
26 reference the allegations contained in the foregoing paragraphs.

27 245. The County's above-mentioned actions with regard to both the Project *and* as
28 part of a broader pattern and practice violate Government Code § 12955(l) and 2 Cal. Code

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1 Regs., § 12161(b)(1) and (10).

2 246. Pursuant to Government Code §§ 12989.1(a) and 12989.2, Petitioners PCEJ
3 and CCAEJ, as aggrieved persons have brought this civil action less than two years after the
4 County's approval of the Project.

5 247. Petitioners PCEJ and CCAEJ are seeking appropriate declaratory and
6 injunctive relief barring the County from advancing the Project or any other warehouse projects
7 or approvals within the community of Bloomington until such time as the County has complied
8 with its obligations under FEHA. Apart from the Project, Petitioners do not, however, seek to
9 enjoin any warehouse project already approved by the County prior to the filing of the Third
10 Amended Petition.

11 **FIFTH CAUSE OF ACTION**

12 **(Claim under Code of Civil Procedure § 526a for Declaratory and Injunctive Relief; Duty to**
13 **Affirmatively Further Fair Housing, Gov. Code § 8899.50)**

14 248. Petitioners PCEJ and CCAEJ hereby reallege and incorporate herein by
15 reference the allegations contained in the foregoing paragraphs.

16 249. Pursuant to Code of Civil Procedure § 526a Petitioners PCEJ and CCAEJ are
17 organizations whose members have interest as taxpayers in the County's performance of its
18 obligation to affirmatively further fair housing.

19 250. The County's above-mentioned actions with regard to both the Project and as
20 part of a broader pattern and practice violate Government Code § 8899.50.

21 251. Petitioners PCEJ and CCAEJ are seeking appropriate declaratory and
22 injunctive relief barring the County from advancing the Project or any other warehouse projects
23 or approvals within the community of Bloomington until such time as the County has complied
24 with its fair housing obligations. Apart from the Project, Petitioners do not, however, seek to
25 enjoin any warehouse project already approved by the County prior to the filing of the Third
26 Amended Petition.

27 **PRAYER FOR RELIEF**

28 WHEREFORE, Bloomington Petitioners pray for judgment as follows:

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1 252. For alternative and peremptory writs of mandate directing Respondents to
2 vacate and set aside their approval of the Project and certification of the Final EIR, and adoption
3 of findings of fact and a Statement of Overriding Considerations in connection with their
4 approval of the Project;

5 253. For alternative and peremptory writs of mandate directing Respondents to
6 vacate and set aside all permits reliant on the Final EIR for CEQA compliance;

7 254. For alternative and peremptory writs of mandate directing Respondents to
8 comply with CEQA and the CEQA Guidelines, and to take any other action as required by
9 Public Resources Code § 21168.9 or otherwise required by law;

10 255. For a temporary stay, temporary restraining order, and preliminary and
11 permanent injunctions restraining Respondents and Real Parties in Interest and their agents,
12 servants, and employees, and all others acting in concert with them or on their behalf, from
13 taking any action (a) to approve any permits, entitlements, licenses, or authorizations pursuant
14 to the Bloomington Business Park, or (b) to implement any portion or aspect of the
15 Bloomington Business Park Specific Plan, pending Respondents' full compliance with the
16 requirements of CEQA, the CEQA Guidelines, FEHA, and the duty to affirmatively further fair
17 housing;

18 256. For a temporary stay, temporary restraining order, and preliminary and
19 permanent injunctions restraining Respondents and Real Parties in Interest and their agents,
20 servants, and employees, and all others acting in concert with them or on their behalf, from
21 taking any action to approve any permits, entitlements, licenses, or authorizations for any other
22 proposed warehouse projects within the community of Bloomington that have not already been
23 approved by the County prior to the filing of the Third Amended Petition pending Respondents'
24 full compliance with the requirements of FEHA and the duty to affirmatively further fair
25 housing;

26 257. For alternative and peremptory writs of mandate directing the County to
27 publish any future CEQA notices concerning the Project, as well as the executive summaries of
28 any future EIRs concerning the Project, in Spanish, as well as in English;

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VERIFIED FOURTH AMENDED PETITION FOR WRIT OF MANDATE
AND COMPLAINT FOR DECLARATORY & INJUNCTIVE RELIEF
CASE NO. 82CVSB2228456

258. For alternative and peremptory writ of mandate restraining the County from taking actions that site the Project or other warehouse projects in a manner that denies, restricts, conditions, adversely impacts, or renders infeasible the enjoyment of residence, land ownership, tenancy, or any other land use benefit related to residential use, or in connection with housing opportunities or existing or proposed dwellings, on the basis of national origin or any other protected characteristics.

259. For declaratory and injunctive relief that the County's approval of the Project and the related pattern and practice of approving warehouse projects in the community of Bloomington violates its duty to affirmatively further fair housing and FEHA;

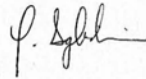
260. For declaratory and injunctive relief that the County's approval of the Project and the related pattern and practice of approving warehouse projects in the community of Bloomington have unlawful, discriminatory impacts based on protected characteristics as defined therein;

261. For costs of the suit;

262. For attorneys' fees as authorized by Code of Civil Procedure § 1021.5, Government Code § 12989.2 and/or other provisions of law; and

263. For such other and further relief as the Court deems just and proper.

Respectfully submitted,



Dated: July 17, 2025

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VERIFIED FOURTH AMENDED PETITION FOR WRIT OF MANDATE
AND COMPLAINT FOR DECLARATORY & INJUNCTIVE RELIEF
CASE NO. 8 CIVSB2228456

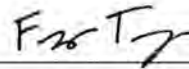
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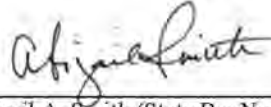
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Attorney for Petitioner Sierra Club

VERIFICATION

I, Andrea Vidaurre, hereby declare:

I am the Policy Lead at People's Collective for Environmental Justice. People's Collective for Environmental Justice is one of the Petitioners in this action, and I am authorized to execute this verification on Petitioners' behalf. The facts alleged in the above Fourth Amended Petition and Complaint are true to my personal knowledge and belief.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct and that this verification is executed on this 17th day of July 2025 in San Bernardino, California.



Andrea Vidaurre

EXHIBIT A



**VIA: U.S. FIRST-CLASS MAIL
AND ELECTRONIC MAIL**

December 14, 2022

County of San Bernardino
Attn: Chairman Curt Hagman and Board of Supervisors
385 North Arrowhead Avenue, First Floor
San Bernardino, CA 92415
Email: SupervisorHagman@sbcounty.gov & COB@sbcounty.gov

**Re: California Public Resources Code Section 21167.5 Notice of Intent to File CEQA
Petition Challenging the Certification of the Final Environmental Impact Report for
the Bloomington Business Park Specific Plan Project (State Clearinghouse No.
2020120545)**

Dear County Clerk Lynna Monell:

Please be advised that as required under California Public Resources Code section 21167.5, the Center for Community Action and Environmental Justice, People's Collective for Environmental Justice, the Center for Biological Diversity, and the Sierra Club (collectively "Petitioners") through this correspondence hereby provide notice of their intent to file a petition under the California Environmental Quality Act ("CEQA") against the County of San Bernardino ("Respondent"), and Tim Howard and Howard Industrial Partners, LLC ("Real Parties in Interest"). (See Pub. Res. Code § 21000, *et seq.*)

Petitioners seek to challenge the Final Environmental Impact Report ("FEIR") for the Bloomington Business Park Specific Plan project (State Clearinghouse No. 2020120545) that was certified on November 15, 2022, by Respondent. Petitioners will file this CEQA challenge based on the FEIR's failure to comply with CEQA requirements, including but not limited to the failure to adequately analyze environmental impacts, the failure to disclose or accurately evaluate greenhouse gas emissions impacts, and the failure to adequately consider cumulatively considerable impacts. For these and other reasons, the certified FEIR is procedurally and substantively defective.

Additionally, Petitioners intend to include claims against the County alleging that, by approving and adopting the applications associated with the Bloomington Business Park Specific Plan project, the County has violated its duty to affirmatively further fair housing (Gov. Code § 8889.50), the Fair Employment and Housing Act (Gov. Code § 12955 *et seq.*), and the Housing Crisis Act (Gov. Code § 65589.5).

Among other relief, Petitioners will request that the Court issue a writ of mandate to vacate the FEIR certification and to compel the recirculation and preparation of an EIR that conforms to

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CEQA requirements. Additionally, Petitioners will seek costs and attorney's fees. (Cal. Civ. Pro. § 1021.5.)

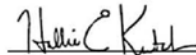
Based on the reasons outlined above, Respondent should immediately vacate the certification of the FEIR and engage in an appropriate CEQA review process that results in an adequate EIR.

Most respectfully,



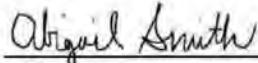
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Counsel for Petitioner Sierra Club

cc: County of San Bernardino
Land Use Services Department – Planning Division
Attn: Aron Liang
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Tom Bunton, County Counsel
385 North Arrowhead Avenue, 4th Floor
San Bernardino, CA 92415-0140
Email: tom.bunton@cc.sbcounty.gov

PROOF OF SERVICE

I am a citizen of the United States of America and a resident of the City and County of Los Angeles; I am over the age of 18 years and not a party to the within entitled action; my business address is 707 Wilshire Blvd., Suite 4300, Los Angeles, California 90017.

I hereby certify that on December 14, 2022 I served by U.S. first class mail and by electronic mail one true copy of the following document:

California Public Resources Code Section 21167.5 Notice of Intent to File CEQA Petition Challenging the Certification of the Final Environmental Impact Report for the Bloomington Business Park Specific Plan Project (State Clearinghouse No. 2020120545)

on the parties listed below:

County of San Bernardino Attn: Chairman Curt Hagman and Board of Supervisors 385 N. Arrowhead Ave., First Floor San Bernardino, CA 92415 Email: SupervisorHagman@sbcountv.gov and COB@sbcountv.gov	County of San Bernardino Land Use Services Department – Planning Division Attn: Aron Liang 385 North Arrowhead Avenue, First Floor San Bernardino, CA 92415 Email: aron.liang@lus.sbcountv.gov
Tom Bunton, County Counsel 385 North Arrowhead Avenue, 4th Floor San Bernardino, CA 92415-0140 Email: tom.bunton@cc.sbcountv.gov	

I certify under penalty of perjury that the foregoing is true and correct. Executed on December 14, 2022 in Los Angeles, California.


 César Nije

1 **PROOF OF SERVICE**

2 I am employed in the County of Los Angeles, State of California. I am over the age of 18
3 and not a party to the within action. My business address is 3701 Wilshire Blvd, Suite 208, Los
4 Angeles, CA 90010 and my email address is asmith@wclp.org.

5 On July 17, 2025, I served the within document(s) described as:

6 **VERIFIED FOURTH AMENDED PETITION FOR WRIT OF MANDATE AND
7 COMPLAINT FOR DECLARATORY & INJUNCTIVE RELIEF**

8 on the interested parties in this action as stated below:

9 Jason M. Searles
10 Supervising Deputy County Counsel
11 Tom Bunton
12 County Counsel
13 385 North Arrowhead Ave., Fourth Floor
14 San Bernardino, CA 92415-0140
15 FAX: (909) 387-4069
16 E-MAIL: jason.searles@cc.sbcounty.gov

17 *Attorneys for Defendants San Bernardino
18 County*

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*Attorneys for Defendants San Bernardino
County*

21 ☒ (BY E-MAIL) By transmitting a true copy of the foregoing document(s) to the e-mail
22 addresses set forth above.

23 I declare under penalty of perjury under the laws of the State of California that the foregoing
24 is true and correct. Executed on July 17, 2025, at Los Angeles, California.

25
26 Amanda Smith
27 (Type or print name)

28 
(Signature)