

July 30, 2024

Jennifer Clark  
City of Fresno  
Planning & Development  
2600 Fresno Street  
Fresno, CA, 93721

**Project: Draft Environmental Impact Report for the South Central Specific Plan  
(SCH No. 2019079022)**

**District CEQA Reference No: 20240657**

Dear Ms. Clark:

The San Joaquin Valley Air Pollution Control District (District) has reviewed the Draft Environmental Impact Report (DEIR) from the City of Fresno (City) for the South Central Specific Plan (SCSP) project. The SCSP proposes land use designation changes for areas within the SCSP planning area to support future development for up to 866,676 square feet of retail space, 578,790 square feet of office space, 10,576,278 square feet of industrial space, and 91 dwelling units (Project). Additionally, the SCSP would establish a planning framework, and development standards to facilitate and guide future development within the planning area, which is approximately 5,600 acres. The Project covers the southern portion of Fresno, and includes land outside of Fresno but within the City's sphere of influence. The SCSP planning area also lies within one of the communities in the state selected by the California Air Resources Board (CARB) for investment of additional air quality resources and attention under Assembly Bill (AB) 617 (Garcia) in an effort to reduce air pollution exposure in impacted disadvantaged communities. See Figure 1 below.

**Samir Sheikh**

Executive Director/Air Pollution Control Officer

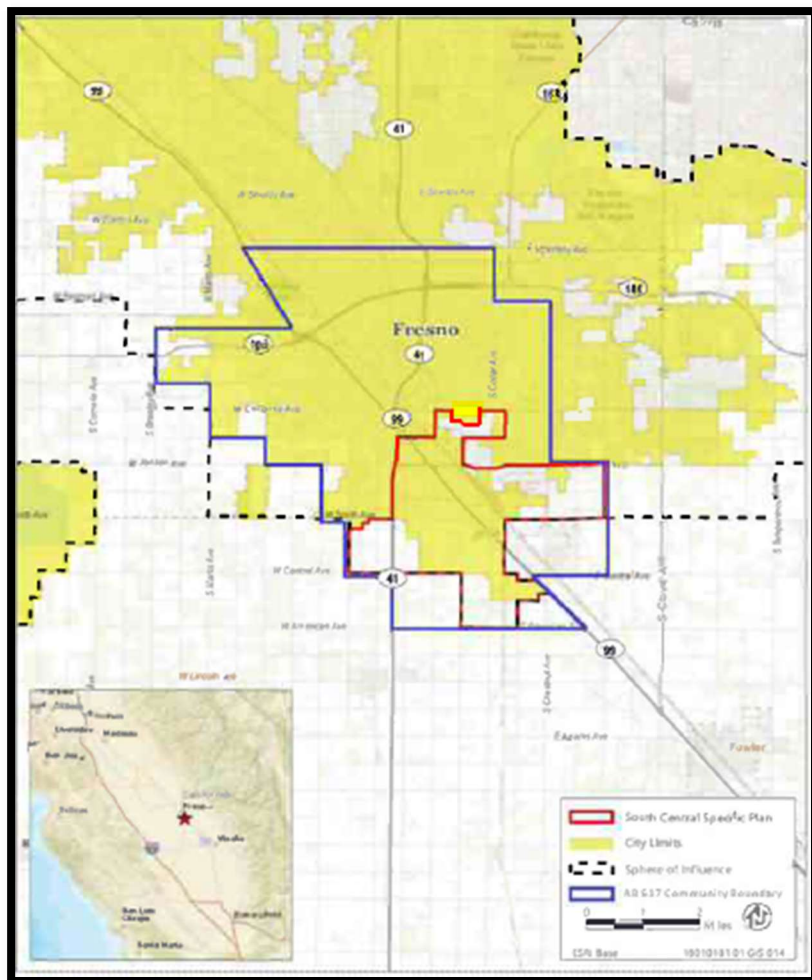
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**Figure 1: Boundaries of the AB 617 South Central Fresno and Fresno South Central Specific Plan**



The District offers the following comments at this time regarding the Project:

**1) Assembly Bill 617**

AB 617 requires CARB and air districts to develop and implement Community Emission Reduction Programs (CERPs) in an effort to reduce air pollution exposure in impacted disadvantaged communities, like those in which the Project is located. The South Central Fresno AB 617 community is one of the statewide communities selected by CARB for development and implementation of a CERP.

Following extensive community engagement and collaboration with the Community Steering Committee, the CERP for the South Central Fresno Community was adopted by the District's Governing Board in September 2019 and by CARB in February 2020.

During the development of the CERP, the Community Steering Committee expressed concerns regarding the proximity of emission sources to nearby sensitive receptors like schools, homes, day care centers, and hospitals, and the potential future industrial development within the community that may exacerbate the cumulative exposure burden for community residents. The Community Steering Committee also expressed the desire for more meaningful avenues of engagement surrounding the land-use decisions in the area. As these issues can most effectively be addressed through strong partnerships between community members and local land-use agencies. Furthermore, the District recommends the City assess the emission reductions measures and strategies included in the CERP and address them in the DEIR, as appropriate, to align the City work with the air pollution and exposure reduction strategies and measures outlined in the CERP.

For more information regarding the CERP approved for South Central Fresno, please visit the District's website at:

<http://community.valleyair.org/selected-communities/south-central-fresno>

## **2) Voluntary Emission Reduction Agreement (VERA)**

- DEIR mitigation measure 4.3-1a states “...*development project applicants shall prepare and submit ... an AAQA to determine whether any SJVAPCD annual emissions thresholds are exceeded or if a future project's emissions may result in the violation of an AAQS.*” The District recommends that an air quality assessment be performed for individual future development projects. The air quality assessment shall include: 1) quantification of construction and operational mass emissions for the individual future development projects to determine if District annual significance thresholds would be exceeded; and 2) an Ambient Air Quality Analysis to determine if emissions increases from the individual future development projects will cause or contribute to a violation of State or National Ambient Air Quality Standards.
- DEIR mitigation measure 4.3-1a also states, “...*prior to the issuance of Certificate of Occupancy, future development will engage in a voluntary emissions reduction agreement (VERA) through coordination with SJVAPCD...*” The District recommends engagement of a VERA between the District and individual future development projects applicant be conducted early in the project design stages prior to applying for project-level approval from the City, consistent with Rule 9510 (Indirect Source Review) applicability requirements. This will allow sufficient time to determine the extent of the air quality emissions, targeted

emission reductions to be achieved, with the goal of ensuring contemporaneous emission reductions.

Based on the above, the District is recommending the following revisions to mitigation measure 4.3-1a (see ~~strikeout~~ and underline below):

*“Prior to future individual discretionary project approval, and once all feasible on-site reduction measures have been incorporated, development project applicants shall prepare and submit to the Director of the Fresno Planning and Development Department, or designee, an AAQA air quality assessment to determine whether any SJVAPCD annual mass emissions thresholds are exceeded or if a future project’s emissions may result in a violation of an AAQS. If no thresholds are exceeded, no further action is necessary. If one or more thresholds are exceeded, ~~prior to the issuance of Certificates of Occupancy,~~ future individual development projects will engage in a voluntary emissions reduction agreement (VERA) prior to applying for project-level approval from the City through coordination with SVJAPCD to reduce emissions to ~~meet below~~ SJVAPCD’s annual mass emissions thresholds for any pollutant that exceeds the respective threshold. The project applicant shall engage in a discussion with SVJAPCD prior to the adoption of the VERA to ensure that feasible mitigation has been identified to reduce emissions to a less-than-significant level consistent with the direction given in SVJAPCD’s GAMAQI. ~~As allowed by SJVAPCD,~~ The project applicant shall be provided the opportunity to perform an additional quantification of the project’s operational emissions to estimate the type of reduction needed to reduce emissions to ~~meet below~~ SVJAPCD’s annual significance thresholds of significance.”*

### **3) Mitigation of Construction Related Criteria Pollutant Emissions**

DEIR mitigation measure 4.3-1b states “*prior to issuance of future construction contracts, to reduce impacts from construction-related diesel exhaust emissions resulting from development under the SCSP, construction contractors shall demonstrate that they shall use the cleanest available fleet of heavy-duty equipment. This can be accomplished through submitting Construction Clean Fleet paperwork to SJVAPCD.*”

The District would like to clarify that when individual future development projects are subject to District Rule 9510 (Indirect Source Review), the project applicant may commit to reducing construction emissions by using less polluting construction equipment, which can be achieved by utilizing add-on controls, cleaner fuels, or newer lower emitting equipment. The mechanism for satisfying such commitment is the project applicant is required to submit to the District a Construction Clean Fleet Data report, which includes records of each piece of equipment used during construction activities, equipment model year, horsepower, fuel type and hours of operation. Upon receipt, the District then conducts an analysis to determine if construction mitigation requirements under Rule 9510 have been achieved (i.e. 20%

NOx, and 45% PM10). Based on the above, the District recommends this mitigation measure be revised to reflect for individual future development projects within the SCSP planning area that are subject to Rule 9510, the City should require project applicants to provide to the City Rule 9510 approval documentation, which would include Construction Clean Fleet paperwork for such projects making construction clean fleet commitments.

#### **4) Mitigation of Permitted Stationary Source Related Criteria Pollutant Emissions**

DEIR mitigation measure 4.3-lh states *“Owners, operators, or tenants shall prohibit the use of diesel generators, except in emergency situations, in which case such generators shall have Best Available Control Technology (BACT) that meets ARB Tier 4 emission standards.”* The District would like to clarify that the determination of BACT requirements is determined at the time the Authority to Construct (ATC) permit is issued. Additionally, BACT is not a static requirement and is constantly evolving with the development of newer and cleaner technologies. Therefore, the District recommends revising mitigation measure 4.3-lh to require that generators meet BACT as determined by the San Joaquin Valley Air Pollution Control District at the time of ATC issuance.

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

- DEIR Section 5.4.3 states, *“... TACs generated from development of the proposed plan, its contribution is significant because of the scale of development; the uncertainty in the number, type, and location of TAC sources; and the level of associated health risk exposure that would result at any one location. It cannot be determined with certainty that future TAC concentrations would not expose any receptors to levels that exceed 20 in 1 million when combined with other projects. Consequently, the proposed plan’s contribution to cumulative TACs impacts would be cumulatively considerable.”* The District recommends the City ensure a health risk assessment is performed for all individual future development projects, to ensure no significant health risk situations occur at any receptor location as a result of this Project.
- DEIR mitigation measure 4.3-3a states, *“A site-specific HRA shall be required for all construction projects anticipated to last more than six months and located within 1,000 feet of sensitive receptors...”*. The California Office of Environmental Health Hazard Assessment (OEHHA) discusses this issue in Section 8.2.10 (Cancer Risk Evaluation of Short Term Projects) of their Air Toxics Hot Spots Program Risk Assessment Guidelines document (February, 2015). OEHHA warns that *“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.”* For this reason, OEHHA recommends evaluating health impacts from emissions with exposure periods exceeding two

months. As such, the District recommends the City require individual future development projects perform an HRA for all individual future development projects exceeding two months of construction.

- DEIR mitigation measure 4.3-3b states, “A *site-specific HRA shall be required for the operation of projects that propose the use of TAC-emitting equipment or industrial processes located within 1,000 feet of sensitive receptors...*”  
Depending on the type, quantity and method of emissions, toxics can significantly impact receptors at distances greater than 1,000 feet. Sensitive receptors are children, the elderly, asthmatics and others whose are at a heightened risk of negative health outcomes due to exposure to air pollution. The locations where these receptors may be present include residences, worksites, schools, daycare facilities, hospitals, convalescent facilities, parks and playgrounds, etc. All locations where sensitive receptors may be present in both the short and long-term should be evaluated when performing a health risk assessment. The District recommends the City require individual future development projects perform an HRA for operational activities that emit toxic pollutants.

#### **6) Individual Future Development Projects Trip Length for Heavy Heavy-Duty (HHD) Truck Travel**

Since the Project includes industrial uses, the City should ensure individual future development projects adequately characterize and justify an appropriate trip length distance for off-site HHD truck travel to and from the individual future development projects site. Based on the following factors: 1) the individual future development projects consists of industrial uses that are expected to generate a high volume of HHD truck trips, and 2) HHD trucks generally travel further distances for industrial uses. The District recommends individual future development projects characterize an appropriate trip length distance for HHD truck travel, and reflect such appropriate distance supported by project-specific factors.

#### **7) Industrial/Warehouse Emission Reduction Strategies**

Since the Project will include the development of industrial uses, the District recommends the City incorporate emission reduction strategies that can reduce potential harmful health impacts. In addition to those strategies contained in mitigation measure 4.3-3c, the District recommends the City incorporate the following strategies:

- Orient loading docks away from sensitive receptors unless physically impossible
- Require loading docks a minimum of 300 feet away from the property line of sensitive receptor unless dock is exclusively used for electric trucks
- Incorporate signage and “pavement markings” to clearly identify on-site

- circulation patterns to minimize unnecessary on-site vehicle travel
- Require truck entries be located on streets of a higher commercial classification
- Require all building roofs are solar-ready
- Require all portions of roof tops that are not covered with solar panels are constructed to have light colored roofing material with a solar reflective index of greater than 78
- Ensure rooftop solar panels are installed and operated to supply 100% of the power needed to operate all non-refrigerated portions of the individual future development projects
- Require power sources at loading docks for all refrigerated trucks have “plugin” capacity, which will eliminate prolonged idling while loading and unloading goods
- Incorporate bicycle racks and electric bike plug-ins
- Designate an area during construction to charge electric powered construction vehicles and equipment, if temporary power is available
- Inform the individual future development projects applicant of the incentive programs (e.g., Carl Moyer Program and Voucher Incentive Program) offered to reduce air emissions from the individual future development projects
- Ensure all landscaping be drought tolerant

## **8) On-Site Solar Deployment**

It is the policy of the State of California that renewable energy resources and zero-carbon resources supply 100% of retail sales of electricity to California end-use customers by December 31, 2045. While various emission control techniques and programs exist to reduce air quality emissions from mobile and stationary sources, the production of solar energy is contributing to improving air quality and public health. The District suggests that the City consider incorporating solar power systems as an emission reduction strategy for individual future development projects under the SCSP.

## **9) District Rules and Regulations**

The District issues permits for many types of air pollution sources, and regulates some activities that do not require permits. Individual future development projects subject to District rules and regulations would reduce its impacts on air quality through compliance with the District’s regulatory framework. In general, a regulation is a collection of individual rules, each of which deals with a specific topic. As an example, Regulation II (Permits) includes District Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review), Rule 2520 (Federally Mandated Operating Permits), and several other rules pertaining to District permitting requirements and processes.

The list of rules below is neither exhaustive nor exclusive. Current District rules can be found online at: <https://ww2.valleyair.org/rules-and-planning/current-district-rules-and-regulations>. To identify other District rules or regulations that apply to individual future development projects, or to obtain information about District permit requirements, the individual future development projects applicant are strongly encouraged to contact the District's Small Business Assistance (SBA) Office at (559) 230-5888.

**9a) District Rules 2010 and 2201 - Air Quality Permitting for Stationary Sources**

Stationary Source emissions include any building, structure, facility, or installation which emits or may emit any affected pollutant directly or as a fugitive emission. District Rule 2010 (Permits Required) requires operators of emission sources to obtain an Authority to Construct (ATC) and Permit to Operate (PTO) from the District. District Rule 2201 (New and Modified Stationary Source Review) requires that new and modified stationary sources of emissions mitigate their emissions using Best Available Control Technology (BACT).

Individual future development projects may be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and may require District permits. Prior to construction, individual future development projects applicant shall obtain an ATC permit from the District for equipment/activities subject to District permitting requirements.

*Recommended Mitigation Measure:* For individual future development projects subject to permitting by the San Joaquin Valley Air Pollution Control District, demonstration of compliance with District Rule 2201 (obtain ATC permit from the District) shall be provided to the City before issuance of the first building permit.

For further information or assistance, individual future development projects applicant may contact the District's SBA Office at (559) 230-5888.

## 9b) District Rule 9510 - Indirect Source Review (ISR)

Individual future development projects within the SCSP area may be subject to District Rule 9510 if upon full buildout, the individual future development projects would equal or exceed any of the following applicability thresholds, depending on the type of development and public agency approval mechanism:

**Table 1: ISR Applicability Thresholds**

<b>Development Type</b>	<b>Discretionary Approval Threshold</b>	<b>Ministerial Approval / Allowed Use / By Right Thresholds</b>
Residential	50 dwelling units	250 dwelling units
Commercial	2,000 square feet	10,000 square feet
Light Industrial	25,000 square feet	125,000 square feet
Heavy Industrial	100,000 square feet	500,000 square feet
Medical Office	20,000 square feet	100,000 square feet
General Office	39,000 square feet	195,000 square feet
Educational Office	9,000 square feet	45,000 square feet
Government	10,000 square feet	50,000 square feet
Recreational	20,000 square feet	100,000 square feet
Other	9,000 square feet	45,000 square feet

District Rule 9510 also applies to any individual future transportation or transit development projects where construction exhaust emissions equal or exceed two tons of NO<sub>x</sub> or two tons of PM.

The purpose of District Rule 9510 is to reduce the growth in both NO<sub>x</sub> and PM emissions associated with development and transportation projects from mobile and area sources; specifically, the emissions associated with the construction and subsequent operation of development projects. The Rule requires developers to mitigate their NO<sub>x</sub> and PM emissions by incorporating clean air design elements into their projects. Should the proposed individual future development projects clean air design elements be insufficient to meet the required emission reductions, developers must pay a fee that ultimately funds incentive projects to achieve off-site emissions reductions.

In the case the individual future development projects are subject to District Rule 9510, per Section 5.0 of the rule, an Air Impact Assessment (AIA) application is required to be submitted no later than applying for project-level approval from a public agency so that proper mitigation and clean air design under ISR can be incorporated into the public agency's analysis.

Information about how to comply with District Rule 9510 can be found online at: <https://ww2.valleyair.org/permitting/indirect-source-review-rule-overview>

The AIA application form can be found online at:

<https://ww2.valleyair.org/permitting/indirect-source-review-rule-overview/forms-and-applications/>

District staff is available to provide assistance with determining if individual future development projects will be subject to Rule 9510, and can be reached by phone at (559) 230-5900 or by email at [ISR@valleyair.org](mailto:ISR@valleyair.org).

### **9c) District Rule 9410 (Employer Based Trip Reduction)**

An individual future development project may be subject to District Rule 9410 (Employer Based Trip Reduction) if it would result in employment of 100 or more “eligible” employees. District Rule 9410 requires employers with 100 or more “eligible” employees at a worksite to establish an Employer Trip Reduction Implementation Plan (eTRIP) that encourages employees to reduce single-occupancy vehicle trips, thus reducing pollutant emissions associated with work commutes. Under an eTRIP plan, employers have the flexibility to select the options that work best for their worksites and their employees.

Information about District Rule 9410 can be found online at:

<https://ww2.valleyair.org/compliance/rule-9410-employer-based-trip-reduction/>.

For additional information, you can contact the District by phone at 559-230-6000 or by e-mail at [etrip@valleyair.org](mailto:etrip@valleyair.org)

### **9d) District Rule 4002 (National Emissions Standards for Hazardous Air Pollutants)**

Individual future development projects may be subject to District Rule 4002 if they include demolition, renovation, and removal of existing structures. To protect the public from uncontrolled emissions of asbestos, this rule requires a thorough inspection for asbestos to be conducted before any regulated facility is demolished or renovated. Any asbestos present must be handled in accordance with established work practice standards and disposal requirements.

Information on how to comply with District Rule 4002 can be found online at:

<https://ww2.valleyair.org/compliance/demolition-renovation/>.

**9e) District Rule 4601 (Architectural Coatings)**

Individual future development projects may be subject to District Rule 4601 since they may utilize architectural coatings. Architectural coatings are paints, varnishes, sealers, or stains that are applied to structures, portable buildings, pavements or curbs. The purpose of this rule is to limit VOC emissions from architectural coatings. In addition, this rule specifies architectural coatings storage, cleanup and labeling requirements. Additional information on how to comply with District Rule 4601 requirements can be found online at: <https://ww2.valleyair.org/media/tkgjeusd/rule-4601.pdf>

**9f) District Regulation VIII (Fugitive PM10 Prohibitions)**

Individual future development projects applicant may be required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to commencing any earthmoving activities as described in Regulation VIII, specifically Rule 8021 – *Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities*.

Should the individual future development projects result in at least 1-acre in size, the project applicant shall provide written notification to the District at least 48 hours prior to the project applicants intent to commence any earthmoving activities pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). Also, should the individual future development projects result in the disturbance of 5-acres or more, or will include moving, depositing, or relocating more than 2,500 cubic yards per day of bulk materials, the project applicant shall submit to the District a Dust Control Plan pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). For additional information regarding the written notification or Dust Control Plan requirements, please contact District Compliance staff at (559) 230-5950.

The application for both the Construction Notification and Dust Control Plan can be found online at: <https://ww2.valleyair.org/media/fm3jrbsq/dcp-form.docx>

Information about District Regulation VIII can be found online at: <https://ww2.valleyair.org/dustcontrol>

**9g) District Rule 4901 - Wood Burning Fireplaces and Heaters**

The purpose of this rule is to limit emissions of carbon monoxide and particulate matter from wood burning fireplaces, wood burning heaters, and outdoor wood burning devices. This rule establishes limitations on the installation of new wood burning fireplaces and wood burning heaters. Specifically, at elevations below 3,000 feet in areas with natural gas service, no

person shall install a wood burning fireplace, low mass fireplace, masonry heater, or wood burning heater.

Information about District Rule 4901 can be found online at:  
<https://ww2.valleyair.org/compliance/residential-wood-smoke-reduction-program/>

#### **9h) Other District Rules and Regulations**

Individual future development projects may also be subject to the following District rules: Rule 4102 (Nuisance) and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).

If you have any questions or require further information, please contact Eric McLaughlin by e-mail at [eric.mclaughlin@valleyair.org](mailto:eric.mclaughlin@valleyair.org) or by phone at (559) 230-5808.

Sincerely,

Tom Jordan  
Director of Policy and Government Affairs

A handwritten signature in blue ink, appearing to read "Mark Montelongo".

Mark Montelongo  
Program Manager