



June 28, 2023

City of National City
Attn: David Welch, Associate Planner – Planning Department
1243 National City Boulevard, National City, CA 91950
dwelch@nationalcityca.gov

Re: 2023-03 CUP, CDP, IS Fuel Transfer Facility MND Comments

Dear Mr. Welch,

The San Diego County Air Pollution Control District (APCD) appreciates the opportunity to comment on the “Draft Initial Study and Mitigated Negative Declaration” (IS – MND) for the San Diego Clean Fuels Terminal LLC Project, dated May 2023. However, the APCD would like to express concerns with potentially significant air quality impacts that could result from the 2023-03 CUP, CDP, IS Fuel Transfer Facility project (project).

General Comments

The project proposes a terminal that would be operating 24 hours per day and seven days per week and, according to Project Description on page 1-2, “The terminal is expected to receive approximately 115 trucks per day...”, which equates to approximately 42,000 truck trips per year. However, in Appendix A, Table B-2, Total Trip Information, it states that the Average Daily Truck Trips are 210, which equates to approximately 76,650 truck trips per year. The terminal will be transloading bio-diesel fuel, renewable diesel fuel, ethanol and sustainable aviation fuel directly from rail cars into trucks. The trucks will then deliver the fuels to local retailers within a 35-mile radius of the terminal. Due to the relatively short distance of these deliveries, this operation could be conducive to the use of heavy-duty electric vehicles; however, that is not proposed by the project proponents.

Although there seems to be an attempt to calculate emissions from truck trips in Appendix A, Section 4.3.3.2, it is not clear the quantity and character of mobile source emissions (trucks or locomotives) are incorporated into the air quality analysis. Since truck trips are directly related to the operation of the terminal, their emissions and associated health impacts should be included in the analysis of operational emissions from the project. Additionally, the IS-MND should make it clear what specific emission factors or assumptions are used in these calculations and how they are analyzed in the health risk assessment (HRA) presented in Section 4.3.3.3. The APCD is concerned that these impacts from truck trips could be significant and therefore should appropriately be considered as part of the CEQA evaluation. This could potentially affect the finding of “No Potential Significant Impact” for Air Quality on Page 3-1 of Section 3.1 – Environmental Factors Potentially Affected.

In addition, as discussed in the Site History, Section 2.1.1 of the IS-MND, the California Department of Toxic Substances Control (DTSC) approved an Interim Measure Workplan (IMW) in 2021 for the cleanup

of the BNSF Railway Property, and on May 31, 2022, filed a Notice of Exemption (NOE) to satisfy the CEQA requirements for the IMW. The site mitigation and cleanup under the IMW consists of removal of about 8,000 cubic yards of contaminated soil (metals and PCB contamination) in a period of 3 months requiring the use of 600 trucks (7-8 trucks per day) to transport the contaminated soil to a landfill in Arizona. During the same 3 months period, they will be transporting 20,370 cubic yards of clean soil to back fill the property using 2,037 trucks (22-23 trucks per day). The impacts of these 30-40 truck trips per day for a period of 3 months should also be evaluated as part of the “cumulative impacts” in the IS-MND document for the new terminal project since the site cleanup and backfilling will prepare the site for the construction of the new terminal.

APCD also notes that the proposed transloading of fuels from railcars into trucks and fuel delivery to local retailers will further increase the challenges and disproportionate burdens the surrounding community faces. The project is proposed to be located in the Portside Environmental Justice Community (Portside Community), which was selected as an Environmental Justice community under the California Air Resources Board (CARB) Community Air Protection Program (Program)¹ (established in response to Assembly Bill 617 [C. Garcia, Chapter 16, Statutes of 2017]). The Program requires new community-focused and community-driven actions to reduce air pollution and improve public health in communities that experience disproportionate burdens from exposure to air pollutants. The Program’s mission is to reduce pollution exposure in communities based on environmental, health and socioeconomic information, and it establishes new strategies to improve air quality in California environmental justice communities.

The Portside Community includes the neighborhoods of Barrio Logan, Logan Heights, and Sherman Heights in the City of San Diego, and West National City within National City. The Portside Community was selected under the Program since it includes twelve (12) census tracts with some of the highest CalEnviroScreen 3.0 (CES 3.0)² ratings in California. Specifically, four (4) census tracts are in the 98th percentile for CES 3.0 and eight (8) are in the 85th percentile for CES 3.0. This environmentally burdened and vulnerable community has over 50,000 residents.

The Portside Community Steering Committee (CSC)³ was formed in 2018 to incorporate community expertise and direction in the development and implementation of the Community Emissions Reduction Plan (CERP)⁴. The CERP, adopted by the APCD and CARB, includes several emission reduction strategies for mobile sources of air pollution (which include diesel trucks) as they are the driver for diesel particulate matter (DPM) emissions, a known carcinogen, in the community. Eleven (11) of the twelve (12) census tracts in the Portside Community (over 45,000 people) have an exposure risk to DPM greater than 95 percent of census tracts statewide (i.e., the 95th percentile) according to CES 3.0. Four (4) of the census tracts (over 15,000 people) are in the 99th percentile for DPM. In addition to these environmental burdens, residents of the Portside Community also face significant health and socioeconomic challenges.

¹ <https://ww2.arb.ca.gov/capp>

² *CalEnviroScreen is a science-based mapping tool that helps identify California communities that are most affected by many sources of pollution, and that are often especially vulnerable to pollution’s effects. CalEnviroScreen uses environmental, health, and socioeconomic information to produce a numerical score for each census tract in the State (CalEnviroScreen 3.0 Fact Sheet)*

³ [Portside Steering Committee Meetings \(sdapcd.org\)](https://www.sdapcd.org/content/dam/sdapcd/documents/capp/cerp/Portside-Environmental-Justice-CERP-July-2021.pdf)

⁴ <https://www.sdapcd.org/content/dam/sdapcd/documents/capp/cerp/Portside-Environmental-Justice-CERP-July-2021.pdf>

CalEnviroScreen scores for the asthma indicator show five census tracts (20,000 residents) in the 95th+ percentile. With the high asthma indicator and significant pollution exposure, residents that suffer from asthma are especially vulnerable to the health effects of air pollution. Residents in seven of the census tracts (30,000 people) are also in the 95th percentile for poverty. Ten of the census tracts (40,000+ residents) are in the 90th percentile for housing burden.

Specific Comments

Section 2.5 – Regulatory Requirements, Permits, and Approvals

This section states that the project requires a Permit to Operate from APCD. Please note that this project is also required to obtain an Authority to Construct from the APCD prior to initiating any construction in accordance with APCD Rule 10⁵. Commencement of construction includes installation of equipment, excavation and pouring foundation and other activities associated with the construction of the terminal.

Section 4.3.1 – Environmental Setting

The IS-MND should make it clear that the San Diego Air Basin (SDAB) has been recently redesignated from Serious to Severe Ozone Non-attainment status, which requires additional measures to bring the SDAB into attainment with Ozone National Ambient Air Quality Standards. Increased emissions from truck trips may have a negative impact on the attainment process.

Sections 4.3.3.2 – 4.3.3.4 – Air Quality and Health Risk Assessment

As previously noted, the APCD is concerned with multiple aspects of the analysis related to emission calculations and impacts on public health presented in Sections 4.3.3.2 through 4.3.3.4, especially in the context of the existing air pollution burden in this community.

First, the APCD found that the Air Quality & Green House Gas Emissions Assessment (Appendix A) does not contain sufficient documentation for the APCD or a member of the public to verify that the emission estimates and risk assessment methodology are accurate and appropriate for the project. Based on the methodology that is described, APCD does not agree with the exclusion of toxic air contaminant emissions from transfer operations from the health risk assessment due to being “...well under their reportable levels...” There is no regulatory basis for this determination and the pollutants in question, especially ethylbenzene, are known to be able to cause elevated health impacts even at low levels.

The APCD also does not agree with the lack of calculation of an acute non-cancer impact from diesel truck emissions in section 4.3.3.4 since there are established methods for this calculation. The engineering evaluation for an Authority to Construct for this project would require an evaluation of the project impacts, including detailed emission calculations and an HRA to assess the impacts from the entire project. Based on the results of this evaluation, the APCD would determine if the increase in emissions and health risks meet all Federal, State and local applicable air quality rules and regulations as proposed.

⁵ <https://www.sdapcd.org/content/dam/sdapcd/documents/rules/current-rules/Rule-10.pdf>

In addition to the above considerations, the APCD notes the selection of a ten in one million significance threshold for cancer risk. However, please note that APCD Rule 1200⁶ allows for a maximum increased cancer risk of one in one million for stationary sources, unless the project implements Toxics Best Available Control Technology (T-BACT). This is a critical point because at the increased cancer risk levels of 5.957 in a million presented in Table 4.3-6 of the IS-MND, selection of a one in one million significance threshold would result in potentially significant impacts requiring mitigation measures to protect the already over-burdened community from additional health impacts.

The APCD also notes that these sections contain numerous statements that appear to minimize the concept of health risks or suggest that the expected risk is lower than the thresholds without providing any justification. Specifically, pages 4-15 discuss a comparison of increased cancer risk to lifetime risk of drowning. It is inappropriate to compare the cancer risk from this project to voluntary risks. There is also a reference to "...the reduced exposure structures provide..." and "...pollutant reducing remedial components..." without any justification for relevancy or accuracy (in fact, it is also possible for a structure to result in increased exposure to environmental air contaminants).

The APCD suggests that the Air Quality and Health Risk Assessment section be revised to address the following issues and provide complete and accurate information to the community about the impacts from the project.

1. The Health Risk Assessment and related emission calculations should be revised and the results should be clearly documented to address all air quality and health risk impacts, including but not limited to, those associated with the transfer process of fuels as well as diesel locomotive and truck trips related to facility operations.
2. The Environmental Assessment and Air Quality & Green House Gas Emissions Assessment should be revised to focus on the results of the risk assessment and any applicable requirements to minimize adverse health impacts to the community.
3. The City of National City should use a significance threshold of one-in-one million, as established by APCD Rule 1200, for increased incremental cancer risk for this project. If the revised health risk assessment or the revised significance threshold result in the project potentially requiring mitigation, appropriate measures should be evaluated and proposed.

Specific Comment on Air Quality Section 4.3.3.1 Construction-Related Emissions

The section states, "operation of the construction vehicles (i.e., tractors, forklifts, pavers)" will be used on the project. The APCD strongly recommends implementation of zero emission equipment wherever feasible and the use of cleanest available combustion off-road equipment (Tier 4 Final) whenever zero emission equipment is not feasible to minimize emissions from project construction activities to the maximum extent practicable. All off-road construction equipment must also meet the requirements of the following general comment on off-road construction equipment.

General Comment on Emission Reduction Possibilities

The project will involve operational emissions from on-site diesel equipment, specifically from locomotive and switching engines. The APCD notes that this type of equipment is likely a good candidate

⁶ <https://www.sdapcd.org/content/dam/sdapcd/documents/rules/current-rules/Rule-1200.pdf>

to consider for emission reductions because the project proponent has more direct control over what equipment is used, and there are known emission reducing technologies for this equipment (e.g. repowering with a tier 4 final engine or using zero-emission technologies such as those available through the California CORE program⁷).

Also, the APCD notes that emission impacts from the project include diesel engine emissions for the purpose of importing alternative fuels that are designed to reduce emissions from this very type of equipment. The APCD suggests that this may create unique opportunities for making this fuel available broadly within the nearby area to reduce emissions from the transportation sector as a whole, potentially resulting in net reductions to emissions (and health risk) within the community.

General Comment - Off-Road Construction Equipment

Any project using off-road vehicles or equipment that are diesel-powered, self-propelled, and 25 horsepower (hp) or greater must comply with the In-Use Off-Road Diesel-Fueled Fleets Regulation and must be registered under the current owner with the California Air Resources Board (CARB) Diesel Off-Road Online Reporting System (DOORS)⁸. Each vehicle is assigned an Equipment Identification Number (EIN) which must be labeled on both sides of the vehicle. Fleets must meet emission targets.

Fleets must limit their unnecessary idling to 5 minutes; there are exceptions for vehicles that need to idle to perform work (such as a crane providing hydraulic power to the boom), vehicles being serviced, or in a queue waiting for work.

Written Idling Policy – Medium fleets (total max hp 2,501 – 5,000) and large fleets (total max hp greater than 5,000 hp) must also have a written idling policy that is made available to operators of the vehicles and informs them that idling is limited to 5 consecutive minutes or less.

Clarification Comment about Table 4.3-3. Construction-Related Criteria Air Pollutant Emissions

In Table 4.3-3 the maximum pounds per day significance threshold is listed at sixty-seven (67) for PM_{2.5}. The APCD uses the significance thresholds from the County of San Diego Guidelines⁹ for Determining Significance. Table 5 of the guidelines (found on page 30) lists screening-level thresholds for air quality impact analysis. The specified screening threshold for PM_{2.5} is 55 pounds per day or 10 tons per year. The APCD recommends the use of the screening threshold under the County of San Diego Guidelines.

Clarification Comment about Table 4.3-4. Operational Criteria Air Pollutant Emissions

This is the same comment as above regarding the incorrect PM 2.5 daily significance threshold. The APCD recommends the use of the screening threshold under the County of San Diego Guidelines.

Clarification Comment about Table 4.3-5. SDAPCD Significance Thresholds – Pounds per Day

This is the same comment as above regarding the incorrect PM 2.5 daily significance threshold. The APCD recommends the use of the screening threshold under the County of San Diego Guidelines.

⁷ <https://californiacore.org/equipment-category/railcar-movers-switchers>

⁸ <https://ww2.arb.ca.gov/our-work/programs/use-road-diesel-fueled-fleets-regulation>

⁹ <https://www.sandiegocounty.gov/content/dam/sdc/pds/ProjectPlanning/docs/AQ-Guidelines.pdf>



General Comment on status of SDAPCD Permit Application for the Project

The APCD is currently reviewing the permit application submitted for this project (Application APCD2023-APP-007688). Review of this application will involve calculation of potential emissions and health risks and evaluation of the proposed equipment to ensure compliance with applicable regulations, including APCD Rules 20.2, 61.2 and 1200. While typically APCD Rule 61.2 does not apply to transfer of diesel fuel, it likely does apply to this project because the project description (page 1-2) includes the ability to transfer fuel to tanks that may contain gasoline (or other VOC) vapors.

Should you have any questions about these comments or APCD requirements please contact Supervising Air Resources Specialist, Eric Luther (858) 586-2893 or eric.luther@sdapcd.org .

Sincerely,

Eric Luther

Eric Luther
Supervising Air Resources Specialist