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Via Email to:
squintanilla@fontanaca.gov

Subject: Comments on Sierra Distribution Facility Project EIR (SCH NO. 2023030788)

Dear Mr. Quintanilla,

Thank you for the opportunity to comment on the Environmental Impact Report (EIR) for the proposed Sierra Distribution Facility Project. Please accept and consider these comments on behalf of Golden State Environmental Justice Alliance. Also, Golden State Environmental Justice Alliance formally requests to be added to the public interest list regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this project. Send all communications to Golden State Environmental Justice Alliance P.O. Box 79222 Corona, CA 92877.

1.0 Summary

The project proposes the demolition of four existing buildings and construction and operation of a 398,514 square foot (sf) warehouse building including 10,000 sf of office space on an approximately 18.3-acre site. The building proposes 54 truck/trailer loading dock doors and the site provides 125 passenger car parking spaces and 118 truck/trailer parking spaces.

1.1 Project Piecemealing

The EIR does not accurately or adequately describe the project, meaning "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" (CEQA § 15378). The proposed project is a piecemealed portion of a larger overall project to be developed within the larger Seefried Industrial Center in the City.

The EIR misleads the public and decision makers by circumventing adequate and accurate environmental analysis for the whole of the action - construction and operation of all Seefried Industrial Center buildings as a whole. At minimum, piecemealed projects include MCN 22-000105[1] (400,000 sf warehouse building located at 16025 Slover Ave.), MCN 15-000060[2] (424,427 sf warehouse building), MCN 17-000067[3] (376,910 sf warehouse building), MCN 22-000079[4] (490,565 sf warehouse building), and the proposed project, MCN 22-000104[5] (398,034 sf warehouse building). Notably, MCN 22-000079 was submitted to the lead agency on July 7, 2022; MCN 22-000105 was submitted to the lead agency on August 16, 2022; and the proposed project, MCN 22-000104, was submitted to the lead agency on August 29, 2022, meaning that these three projects were submitted successively over six weeks as piecemealed projects.

A project EIR must be prepared that accurately represents the whole of the action without piecemealing the project into separate, smaller development projects to present unduly low environmental impacts. CEQA Section 15161 describes project EIRs as examining "the environmental impacts of a specific development project. This type of EIR should focus primarily on the changes in the environment that would result from the development project. The EIR shall examine all phases of the project including planning, construction, and operation." The specific development project is the construction and operation of all Seefried buildings.

Additionally, CEQA Section 15146 requires that the degree of specificity in an EIR "will correspond to the degree of specificity involved in the underlying activity which is described in the EIR. (a) An EIR on a construction project will necessarily be more detailed in the specific effects of the project than will be an EIR on the adoption of a local general plan or comprehensive zoning ordinance because the effects of the construction can be predicted with greater accuracy." Because there are multiple proposed buildings as part of a single project, the project EIR must be

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[1] MCN 22-000105 https://aca-prod.accela.com/FONTANA/Cap/CapDetail.aspx?Module=Planning&capID1=22HIS&capID2=00000&capID3=07U4K&agencyCode=FONTANA

[2] MCN 15-000060 https://aca-prod.accela.com/FONTANA/Cap/CapDetail.aspx?Module=Planning&TabName=Planning&capID1=15HIS&capID2=00000&capID3=07TJB&agencyCode=FONTANA&IsToShowInspection=

[3] MCN 17-000067 https://aca-prod.accela.com/FONTANA/Cap/CapDetail.aspx?Module=Planning&capID1=17HIS&capID2=00000&capID3=07TON&agencyCode=FONTANA

[4] MCN 22-000079 https://aca-prod.accela.com/FONTANA/Cap/CapDetail.aspx?Module=Planning&TabName=Planning&capID1=22HIS&capID2=00000&capID3=07U3Y&agencyCode=FONTANA

[5] MCN 22-000104 https://aca-prod.accela.com/FONTANA/Cap/CapDetail.aspx?Module=Planning&TabName=Planning&capID1=22HIS&capID2=00000&capID3=07U4J&agencyCode=FONTANA&IsToShowInspection=

more detailed in the specific effects of the project. A project EIR must be prepared which accurately represents the whole of the action without piecemealing the project into separate, smaller development projects or development areas to present unduly low environmental impacts.

3.0 Project Description

The EIR does not include a detailed site plan, floor plans, or a conceptual grading plan. The basic components of a Planning Application include a detailed site plan, floor plan, conceptual grading plan, written narrative, and detailed elevations. The site plan provided in Figure 3-5: Overall Site Plan has been edited for public review to remove meaningful information such as the legend, general notes, floor area ratio, and site coverage. All of these basic items are necessary to conduct any type of analysis, and the EIR is inadequate as an informational document as it is not possible to ascertain any meaningful analysis based upon the information provided.

The elevations provided in Figure 3-6: Building Design and Elevations also do not provide meaningful information such as the building heights to their highest points, specific colors, or materials to be used. Additionally, the EIR states that, "With regard to earthwork volumes, cut would total 82,237 cubic yards and fill would total 87,574 cubic yards; a difference of 4,336 cubic yard short," but there is no method for the public to verify this claim, such as through review of a grading plan. Providing the complete grading plan to verify the earthwork quantities is vital as this directly informs the quantity of necessary truck hauling trips due to soil import/export during the grading phase of construction. A revised EIR must be prepared to include wholly accurate and unedited detailed floor plan, grading plan, site plan, building elevations, and project narrative for public review.

The Project Description also describes site circulation as, "Access to the Project site would be provided via one right-in/right-out driveway along Sierra Avenue (for auto traffic only) and two driveways along Mango Avenue (one full access and one for auto traffic only)." However, the driveway on Sierra Avenue is 50 feet wide and provides direct access for trucks/trailers to the dock court. This is confirmed by the EIR's statement in the Transportation section that, "Trucks would enter the site via northbound Sierra Avenue and exit the site via southbound Mango Avenue. Mango Avenue intersects with Sierra Lakes Parkway which reconnects with Sierra Avenue. Trucks would access southbound Sierra Avenue from this point to reach SR-210 and regional destinations beyond." The Sierra Avenue driveway can feasibly accommodate truck/trailer trips and must be included for modeling. A revised EIR must be prepared to include this information in the Project Description in order to provide an internally consistent and adequate informational document.

Further, the EIR does not provide any information regarding the status of Windflower Avenue, a street that bisects the project site. The EIR must be revised to provide information and analysis throughout the document regarding any required street vacation and subsequent amendment to the General Plan Circulation Element Maps to remove Windflower Avenue.

3.3 Project Location, Setting, Surrounding Land Uses, and Land Use and Zoning Designations

CEQA Guidelines Section 15125 (a)(1) states that the lead agency shall describe the environmental setting based on existing conditions at the time the Notice of Preparation is published. The NOP for the EIR was issued on April 3, 2023[6]. The EIR analyzes throughout the document that there are four "existing businesses" operating on the site and provides the project with associated "existing operations" reductions credit in each section of analysis. As an example, Table 1: Existing Trip Generation within Appendix K: Transportation provides trip generation reduction credits for "existing uses." Notably, the Trip Counts were taken on June 14, 15, and 16, 2022, which is 10 months prior to the issuance of the NOP for the EIR on April 3, 2023[7]. Utilizing trip counts prior to the date established and utilized for the Environmental Setting does not provide the most accurate picture practically possible of the project's impacts pursuant to CEQA Section 15125. Seefried completed assemblage and acquisition of the project site in June 2021. Knowing that redevelopment was imminent, the project applicant requested vehicle trip counts be recorded at the project site very early on in the process (June 2022) in order to create artificially inflated daily vehicle trips that do not match the Environmental Setting.

Notably, of the four "businesses" on the site described within the EIR, only one (Aluma Systems) has a business license issued by the City of Fontana[8] at the property address. A tenant cannot operate without a business license. The EIR overstates the existing operations at the project site to artificially inflate "existing" emissions, trip generation, and VMT, which subsequently reduces the "net new" quantity of emissions, trip generation, and VMT generated by the proposed project and skews impacts downwards. A revised EIR must be prepared to remove any credit given for the described "existing businesses" in order to accurately and adequately analyze the project's significant impacts in accordance in order to provide an adequate and accurate analysis throughout the entire EIR document.

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[6] https://files.ceqanet.opr.ca.gov/286639-1/attachment/33NRj9U4xMwpoK2YOufRr_BxBZdBSL-63XLM0_wFErFf6KzH6-BS1qMVAsNNBIQY2-_cmpu2CZezlrFi0

[7] https://files.ceqanet.opr.ca.gov/286639-1/attachment/33NRj9U4xMwpoK2YOufRr_BxBZdBSL-63XLM0_wFErFf6KzH6-BS1qMVAsNNBIQY2-_cmpu2CZezlrFi0

[8] City of Fontana Business License Search https://bl.fontana.org/Search/

Further, Section 30-522 (1) - Industrial Districts of the Fontana Municipal Code[9] establishes and defines the Light Industrial (M-1) district as follows:

"An industrial zoning district that accommodates employee-intensive uses, such as business parks, research and technology centers, offices, and supporting retail uses, high cube/warehousing which does not permit heavy manufacturing, processing of raw materials, or businesses logistics which generate high volumes of truck traffic."

The EIR does not provide any information here about the M-1 district other than the statement that, "the Project is consistent with the City's General Plan land use designation and the zoning." The Land Use and Planning section describes the M-1 district as follows:

"...accommodates employee-intensive uses, such as business parks, research, and technology centers, offices, and supporting retail uses, high cube/ warehousing which does not permit heavy traffic manufacturing, processing of raw materials, and permits other types of industrial uses not suitable for location in the M-1 district."

The EIR has manipulated the definition and permitted uses within the M-1 district in order to obfuscate that the proposed use is not permitted in the M-1 district. Table 2: Project Trip Generation within Appendix K: Transportation demonstrates that the project will generate 239 truck trips per day. This is a high volume of truck traffic and therefore the proposed use is not permitted within the M-1 district. The EIR must be revised to state verbatim the definition of the M-1 district from the City's Municipal Code, that the proposed use is not permitted within the M-1 district, and include a finding of significance due to this inconsistency. Further, the EIR must be revised throughout the document to include this information and analysis in order to comply with CEQA's requirements for meaningful disclosure and adequate informational documents. (CEQA § 15121).

4.3 Air Quality, 4.6 Energy, and 4.8 Greenhouse Gas Emissions

The EIR does not include for analysis relevant environmental justice issues in reviewing potential impacts, including cumulative impacts from the proposed project. The EIR provides general information about CalEnviroScreen but does not provide meaningful analysis regarding project census tract and the health impacts of pollution. This is in conflict with CEQA Guidelines Section 15131 (c), which requires that "Economic, social, and particularly housing factors shall be

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9 https://library.municode.com/ca/fontana/codes/zoning_and_development_code?nodeId=CH30ZODECO_ARTVIIINZODI

considered by public agencies together with technological and environmental factors in deciding whether changes in a project are feasible to reduce or avoid the significant effects on the environment identified in the EIR. If information on these factors is not contained in the EIR, the information must be added to the record in some other manner to allow the agency to consider the factors in reaching a decision on the project." This is especially significant as the surrounding community is highly burdened by pollution and the project census tract is designated as an SB 535 Disadvantaged Community.

According to CalEnviroScreen 4.0[10], CalEPA's screening tool that ranks each census tract in the state for pollution and socioeconomic vulnerability, the proposed project's census tract (6071002704) ranks worse than 94% of the rest of the state in overall pollution burden. The proposed project's census tract and surrounding community bears the impact of multiple sources of pollution and is more polluted than average on several pollution indicators measured by CalEnviroScreen. For example, the project census tract ranks in the 95th percentile for ozone burden, the 94th percentile for PM 2.5 burden, the 90th percentile for diesel particulate matter burden, and the 70th percentile for traffic impacts. All of these environmental factors are typically attributed to heavy truck activity in the area. Ozone can cause lung irritation, inflammation, and worsening of existing chronic health conditions, even at low levels of exposure[11]. The very small particles of diesel PM can reach deep into the lung, where they can contribute to a range of health problems. These include irritation to the eyes, throat and nose, heart and lung disease, and lung cancer[12].

The census tract ranks in the 96th percentile for contaminated drinking water and 97th percentile for groundwater threats. Poor communities and people in rural areas are exposed to contaminants in their drinking water more often than people in other parts of the state[13]. People who live near contaminated groundwater may be exposed to chemicals moving from the soil into the air inside their homes[14].

The census tract also ranks in the 94th percentile for solid waste facility impacts and 85th percentile for hazardous waste facility impacts. Solid waste facilities can expose people to hazardous chemicals, release toxic gases into the air (even after these facilites are closed), and chemicals can

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[10] CalEnviroScreen 4.0 https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40
[11] OEHHA Ozone https://oehha.ca.gov/calenviroscreen/indicator/air-quality-ozone
[12] OEHHA Diesel Particulate Matter https://oehha.ca.gov/calenviroscreen/indicator/diesel-particulate-matter
[13] OEHHA Contaminated Drinking Water https://oehha.ca.gov/calenviroscreen/drinking-water
[14] OEHHA Groundwater Threats https://oehha.ca.gov/calenviroscreen/indicator/groundwater-threats

leach into soil around the facility and pose a health risk to nearby populations[15]. Hazardous waste generators and facilities contribute to the contamination of air, water and soil near waste generators and facilities can harm the environment as well as people[16].

The census tract also bears more impacts from cleanup sites than 88% of the state. Chemicals in the buildings, soil, or water at cleanup sites can move into nearby communities through the air or movement of water[17].

Further, the census tract is a diverse community including 46% Hispanic, 14% African-American and 13% Asian-American residents, whom are especially vulnerable to the impacts of pollution. The community has a high rate of low educational attainment, meaning 49% of the census tract over age 25 has not attained a high school diploma, which is an indication that they may lack health insurance or access to medical care. Medical care is vital for this census tract as it ranks in the 83rd percentile for incidence of cardiovascular disease and 49th percentile for incidence of asthma. The community also has a high rate of linguistic isolation, meaning 40% of the census tract speaks little to no English and faces further inequities as a result.

Additionally, the proposed project's census tract (6071002704) and the census tract adjacent to the project site (6071002301 (south)) are identified as SB 535 Disadvantaged Communities[18]. This indicates that cumulative impacts of development and environmental impacts in the City are disproportionately impacting these communities. The EIR does not discuss that the project site and surrounding area are disadvantaged communities and does not utilize this information in its analysis. The negative environmental, health, and quality of life impacts of the warehousing and logistics industry in Fontana have become distinctly inequitable and this information must be included for analysis as part of a revised EIR.

The State of California lists three approved compliance modeling softwares[19] for non-residential buildings: CBECC-Com, EnergyPro, and IES VE. CalEEMod is not listed as an approved software. The CalEEMod modeling does not comply with the 2022 Building Energy Efficiency Standards and under-reports the project's significant Energy impacts and fuel consumption to the

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[15] OEHHA Solid Waste Facilities https://oehha.ca.gov/calenviroscreen/indicator/solid-waste-sites-and-facilities
[16] OEHHA Hazardous Waste Generators and Facilities https://oehha.ca.gov/calenviroscreen/indicator/hazardous-waste-generators-and-facilities
[17] OEHHA Cleanup Sites https://oehha.ca.gov/calenviroscreen/indicator/cleanup-sites
[18] OEHHA SB 535 Census Tracts https://oehha.ca.gov/calenviroscreen/sb535
[19] California Energy Commission 2022 Energy Code Compliance Software https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2022-building-energy-efficiency-1

public and decision makers. Since the EIR did not accurately or adequately model the energy impacts in compliance with Title 24, it cannot conclude the project will generate less than significant impacts and a finding of significance must be made. A revised EIR with modeling using one of the approved software types must be prepared and circulated for public review in order to adequately analyze the project's significant environmental impacts. This is vital as the EIR utilizes CalEEMod as a source in its methodology and analysis, which is clearly not an approved software.

It must also be noted that the City is not listed as a jurisdiction with local energy standards approved by the CA Energy Commission[20]. According to the CA Energy Commission, "Local jurisdictions wishing to enforce locally adopted energy standards that exceed the current energy code are required to apply to the California Energy Commission (CEC). Local jurisdictions must demonstrate their local ordinance, or reach code, saves more energy than current statewide energy standards and is cost effective." Therefore, compliance with the General Plan or other local standards does not comply with CA Energy Commission standards or AB 32/SB 32. The EIR is misleading to the public and decision makers by stating compliance with these standards when the local jurisdiction standards have not been approved by the CA Energy Commission. The EIR also uses uncertain and misleading language in stating that, "The Project would comply with the latest Title 24 standards. The Project would implement required green building strategies through existing regulation that requires the Project to comply with various CALGreen requirements. The Project includes sustainability design features that support the Green Building Strategy. As such, the Project would be consistent with this goal." The EIR has not provided any meaningful evidence to demonstrate that the project being subject to these requirements ensures that the project will comply with these requirements or providing any quantification of the alleged reductions. The EIR has not provided any meaningful evidence to conclude that the project does not result in a significant and unavoidable impact and a revised EIR must be prepared to include a finding of significance.

Further, the Table 4.8-3: Project Greenhouse Gas Emissions improperly analyzes the project by displaying the "net new" project emissions by applying emissions reduction credits for the "existing buildings." Appendix G: Greenhouse Gas Emission states that, "Existing emissions have been estimated based on CalEEMod default emissions factors for building operations and estimated trip generation," with the emissions generated by the existing on-site buildings operating at full capacity based on CalEEMod defaults. It is not appropriate to model the existing buildings

[20] Local Ordinances Exceeding the 2022 Energy Code, California Energy Commission https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2022-building-energy-efficiency-2

at full operational capacity and provide emissions and trip generation reduction credits on these rates. The emissions analysis grossly overestimates the emissions generated by the "existing onsite buildings". CEQA Guidelines Section 15125 (a)(1) states that the lead agency shall describe the environmental setting based on existing conditions at the time the Notice of Preparation is published. The NOP for the EIR was issued on April 3, 2023[21]. Notably, of the four "businesses" on the site described within the EIR, only one (Aluma Systems) has a business license issued by the City of Fontana[22] at the property address. A tenant cannot operate without a business license. The EIR overstates the existing operations at the project site to artificially inflate "existing" emissions, trip generation, and VMT, which subsequently reduces the "net new" quantity of emissions, trip generation, and VMT generated by the proposed project and skews impacts downwards. A revised EIR must be prepared to remove any credit given for the described "existing businesses" in order to accurately and adequately analyze the project's significant impacts in accordance in order to provide an adequate and accurate environmental analysis, including in the Air Quality, GHG, and Energy analysis.

Table 4.8-4: Regional Transportation Plan/Sustainable Communities Strategy Consistency provides a misleading and erroneous consistency analysis with SCAG's 2020-2045 Connect SoCal RTP/SCS. Due to errors in modeling and modeling without supporting evidence (as noted throughout this comment letter and attachments), the proposed project is directly inconsistent with Goal 5 to reduce greenhouse gas emissions and improve air quality, Goal 6 to support healthy and equitable communities, and Goal 7 to adapt to a changing climate. The EIR must be revised to include a finding of significance due to these direct inconsistencies with SCAG's 2020-2045 Connect SoCal RTP/SCS.

4.11 Land Use and Planning

Section 30-522 (1) - Industrial Districts of the Fontana Municipal Code[23] establishes and defines the Light Industrial (M-1) district as follows:

"An industrial zoning district that accommodates employee-intensive uses, such as business parks, research and technology centers, offices, and supporting retail uses, high cube/warehousing which does not permit heavy manufacturing, processing of raw materials, or businesses logistics which generate high volumes of truck traffic."

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[21] https://files.ceqanet.opr.ca.gov/286639-1/attachment/33NRj9U4xMwpoK2YOufRr_BxBZdBSL-63XLM0_wFErFf6KzH6-BS1qMVAsNNBIQY2-_cmpu2CZezlrFi0

[22] City of Fontana Business License Search https://bl.fontana.org/Search/

[23] https://library.municode.com/ca/fontana/codes/zoning_and_development_code?nodeId=CH30ZODECO_ARTVIIINZODI

The EIR describes the M-1 district as follows:

"...accommodates employee-intensive uses, such as business parks, research, and technology centers, offices, and supporting retail uses, high cube/ warehousing which does not permit heavy traffic manufacturing, processing of raw materials, and permits other types of industrial uses not suitable for location in the M-1 district."

The EIR has manipulated the definition and permitted uses within the M-1 district in order to obfuscate that the proposed use is not permitted in the M-1 district. Table 2: Project Trip Generation within Appendix K: Transportation demonstrates that the project will generate 239 truck trips per day. This is a high volume of truck traffic and therefore the proposed use is not permitted within the M-1 district. The EIR must be revised to state verbatim the definition of the M-1 district from the City's Municipal Code, that the proposed use is not permitted within the M-1 district, and include a finding of significance due to this inconsistency. Further, the EIR must be revised throughout the document to include this information and analysis in order to comply with CEQA's requirements for meaningful disclosure and adequate informational documents. (CEQA § 15121).

The EIR erroneously concludes that the project "would be consistent with all applicable General Plan goals and policies related to environmental effects." The EIR does not provide any substantial or meaningful evidence to support these claims. Table 4.11-4: Consistency with the Fontana General Plan does not provide analysis of all goals and policies adopted for the purpose of avoiding or mitigating an environmental effect. A revised EIR must be prepared to provide a consistency analysis with all Fontana General Plan objectives, goals, policies, and actions, including but not limited to the following:

1. EJ Goal 2: The City of Fontana incorporates health considerations into the development review process.
2. Policy: Support including Healthy Fontana development analysis in relevant development project reviews.
3. Healthier Fontana Goal 1 Policy 3: Support local and regional initiatives to improve air quality in order to reduce asthma while actively discouraging development that may exacerbate asthma rates.
4. Sustainability and Resilience Element Goal 4: Reduce GHG emissions by 2030.

5. Circulation Element Goal 5: Fontana's commercial and mixed-use areas include a multifunctional street network that ensures a safe, comfortable, and efficient movement of people, goods, and services to support a high quality of life and economic vitality.

6. Circulation Element Policy: Maintain levels of service for passenger vehicles, transit vehicles, trucks, bicyclists, and pedestrians that are appropriate for the context of the area.

Notably, the Transportation section states that, "an evaluation of LOS is not required," and "The Project will be consistent with applicable local agency operational LOS standards." These two statements contradict one another as the first statement indicates that an LOS analysis was not performed, yet the second statement concludes the project complies with the City's operational LOS standards. The EIR does not provide any specific analysis or information regarding the level of service for passenger vehicles, transit vehicles, trucks, bicyclists, and pedestrians that are appropriate for the context of the area. The EIR must be revised to include a complete LOS analysis that removes all credits for "existing businesses" and is analyzed in accordance with the General Plan requirements.

Table 4.11-3: Consistency with the SCAG 2020-2045 RTP/SCS also provides a misleading and erroneous consistency analysis with SCAG's 2020-2045 Connect SoCal RTP/SCS. The 2020 RTP/SCS is notably adopted for the purpose of avoiding or mitigating an environmental effect, as required by California law (SB 375 to reduce greenhouse gas emissions), detailed through the plan itself and Resolution No. 20-621-1 adopting the plan[24]. The EIR concludes that none of the Goals listed in Connect SoCal apply to the proposed project. This is erroneous and misleading to the public and decision makers as the RTP/SCS document ensures consistent, aligned action by all local jurisdictions and projects for regional progress towards achieving statewide climate change goals. Due to errors in modeling and modeling without supporting evidence (as noted throughout this comment letter and attachments), the proposed project has significant potential for inconsistency with Goal 5 to reduce greenhouse gas emissions and improve air quality, Goal 6 to support healthy and equitable communities, and Goal 7 to adapt to a changing climate. A revised EIR must be prepared to include a finding of significance due to these inconsistencies with SCAG's 2020-2045 Connect SoCal RTP/SCS.

The EIR does not include any information regarding the buildout conditions of the City's General Plan. A revised EIR must be prepared with this information for discussion in order to provide an adequate and accurate environmental analysis.

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[24] SCAG 2020 RTP/SCS https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocal-plan_0.pdf?1606001176

4.14 Population and Housing

The EIR utilizes uncertain language and does not provide any meaningful analysis or supporting evidence to substantiate the conclusion that there will be no significant impact to population and housing. For example, the EIR states regarding construction employees that, "Construction related jobs would not result in a significant population increase because those jobs are *temporary* in nature and are *expected* to be filled by persons within the *local area*. This expectation is based, *among other things*, on the City's 5.9 percent unemployment rate. Furthermore, the small percentage of skilled and managerial construction-related positions *could* either be filled by the local workforce or by persons from the *larger region*." The EIR states that the City's unemployment rate is 5.9%, which is insignificant as an unemployment rate near 5% is considered full employment and does not substantiate the EIR's claims that impacts will be less than significant. Additionally, the EIR relies upon the unemployed workforce in the "local area" and the "larger region," and the geographic boundaries of these areas are undefined. Relying on the unemployed workforce population of the surrounding Inland Empire region will increase project related VMT and emissions during all phases of construction and operations and a revised EIR must be prepared to account for longer worker trip distances.

Further, the EIR states regarding operational employees that, "These jobs *could* be filled by unemployed City residents, given the City's existing unemployment rate of 5.9 percent. Specifically, the warehousing portion would comprise approximately 2.1 percent of the City's warehousing workforce." Again, the EIR relies upon a low unemployment rate to fill both the project's construction and operational jobs, without providing any meaningful evidence to demonstrate that the City's available unemployed workforce is qualified for or interested in work in the industrial sector. The location of available workers can increase project VMT and therefore increase GHG emissions and Air Quality impacts. This information must be presented in a revised EIR in order to provide an adequate and accurate environmental analysis.

The EIR incorrectly applies the SCAG's Employment Density Study[25] (Study) methodology. The Study provides the following applicable employment generation rates for San Bernardino County:

1 employee per 1,195 sf of warehouse area.
1 employee per 697 sf of office area.

Application of these ratios results in the following calculation:

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[25] SCAG Employment Density Study
http://www.mwcog.org/file.aspx?A=QTTlTR24POOOUIw5mPNzK8F4d8djdJe4LF9Exj6lXOU%3D

Warehouse: 388,514 sf / 1,195 sf = 326 employees
Office: 10,000 square feet / 697 sf = 15 employees
Total: 341 employees

SCAG's Connect SoCal Demographics and Growth Forecast[26] notes that the City will add 18,400 jobs between 2016 - 2045. Utilizing the correctly applied SCAG Employment Density calculation of 341 employees, the project represents 1.8% of the City's employment growth from 2016 - 2045. A single project accounting for this amount of the projected employment over 29 years represents a significant amount of growth. A revised EIR must be prepared to include this information for analysis.

A revised EIR must also provide a cumulative analysis discussion of projects approved since 2016 and projects "in the pipeline" to determine if the project will exceed SCAG's employment or population growth forecast for the City. For example, the 3,736,156 sf of warehousing proposed by the five recent Alere Realty projects (Citrus Commerce Center (3 industrial buildings totaling 1,830,000 sf), 16270 Jurupa Avenue (631,000 sf industrial building), 13032 Slover Avenue (672,000 sf industrial building), Master Case No. 20-049/Tentative Parcel Map No. 20235 (TPM No. 20-014), and Design Review No. 20-019 (247,786 sf industrial building)[27], Fontana Corporate Center (355,370 sf industrial building), Sierra Business Center[28] (510 employees), Citrus and Oleander at Santa Ana Avenue[29] (595 employees), Cypress and Slover Warehouse[30] (531 employees), Poplar South Distribution Center[31] (411 employees), Hemlock Warehouse[32] (763 employees), Beech Avenue Logistics Center[33] (151 employees), and Citrus Avenue Industrial Warehouse[34] (304 employees) combined with the proposed project's 341 employees, this brief list of recent industrial projects alone will generate 6,739 employees. This represents 36% of the City's job growth over 29 years accounted for by only a brief list of recent industrial projects. This total increases exponentially when commercial development activity and other industrial projects are added to the calculation. A revised EIR must be prepared to include this information for

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[26] SCAG Connect SoCal Demographics and Growth Forecast adopted September 3, 2020 https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocal_demographics-and-growth-forecast.pdf?1606001579
[27] Fontana Planning Commission August 17, 2021 Agenda Packet https://fontana.legistar.com/View.ashx?M=PA&ID=872341&GUID=A694AA6F-F236-4B53-B537-025338533AF9
[28] Sierra Business Center https://ceqanet.opr.ca.gov/2020100256/3
[29] Citrus and Oleander at Santa Ana Avenue https://ceqanet.opr.ca.gov/2022110389/2
[30] Cypres and Slover Warehouse https://ceqanet.opr.ca.gov/2021120059/2
[31] Poplar South Distribution Center https://ceqanet.opr.ca.gov/2022090611/2
[32] Hemlock Warehouse https://ceqanet.opr.ca.gov/2009091089/8
[33] Beech Avenue Logistics Center https://ceqanet.opr.ca.gov/2023110591
[34] Citrus Avenue Industrial Warehouse https://ceqanet.opr.ca.gov/2024020971

analysis and also include a cumulative development analysis of projects approved since 2016 and projects "in the pipeline" to determine if the proposed project exceeds SCAG's growth forecasts and/or the buildout scenario and employment projections of the General Plan.

4.17 Transportation

Table 1: Existing Trip Generation within Appendix K: Transportation provides trip generation reduction credits for "existing uses." Notably, the Trip Counts were taken on June 14, 15, and 16, 2022, which is 10 months prior to the issuance of the NOP for the EIR on April 3, 2023[35]. Utilizing trip counts prior to the date established and utilized for the Environmental Setting does not provide the most accurate picture practically possible of the project's impacts pursuant to CEQA Section 15125. Seefried completed assemblage and acquisition of the project site in June 2021. Knowing that redevelopment was imminent, the project applicant requested vehicle trip counts be recorded at the project site very early on in the process (June 2022) in order to create artificially inflated daily vehicle trips that do not match the Environmental Setting. Notably, of the four "businesses" on the site described within the EIR, only one (Aluma Systems) has a business license issued by the City of Fontana[36] at the property address. A tenant cannot operate without a business license. The EIR overstates the existing operations at the project site to artificially inflate "existing" emissions, trip generation, and VMT, which subsequently reduces the "net new" quantity of emissions, trip generation, and VMT generated by the proposed project and skews impacts downwards. A revised EIR must be prepared to remove any credit given for the described "existing businesses" in order to accurately and adequately analyze the project's significant impacts in accordance in order to provide an adequate and accurate environmental analysis, including in the LOS analysis and subsequently required project-specific VMT analysis.

Additionally, Table 4.17-1: Consistency Analysis does not provide a complete analysis with all programs, plans, ordinances or policies addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. At minimum, the following items for the General Plan must be included for analysis as part of a revised EIR:

1. Circulation Element Goal 5: Fontana's commercial and mixed-use areas include a multifunctional street network that ensures a safe, comfortable, and efficient movement of people, goods, and services to support a high quality of life and economic vitality.

2. Circulation Element Policy: Maintain levels of service for passenger vehicles, transit vehicles, trucks, bicyclists, and pedestrians that are appropriate for the context of the area.

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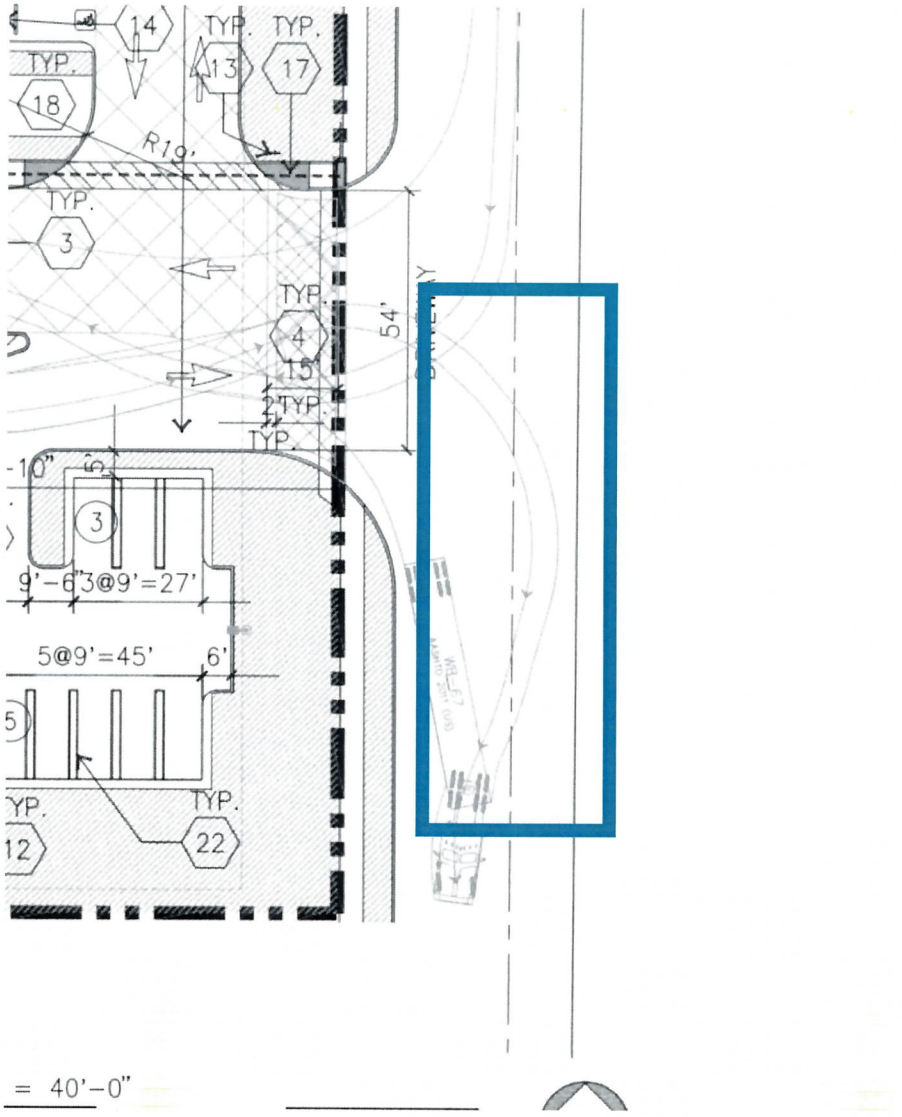
[35] https://files.ceqanet.opr.ca.gov/286639-1/attachment/33NRj9U4xMwpoK2YOufRr_BxBZdBSL-63XLM0_wFErFf6KzH6-BS1qMVAsNNBIQY2-_cmpu2CZezlrFi0

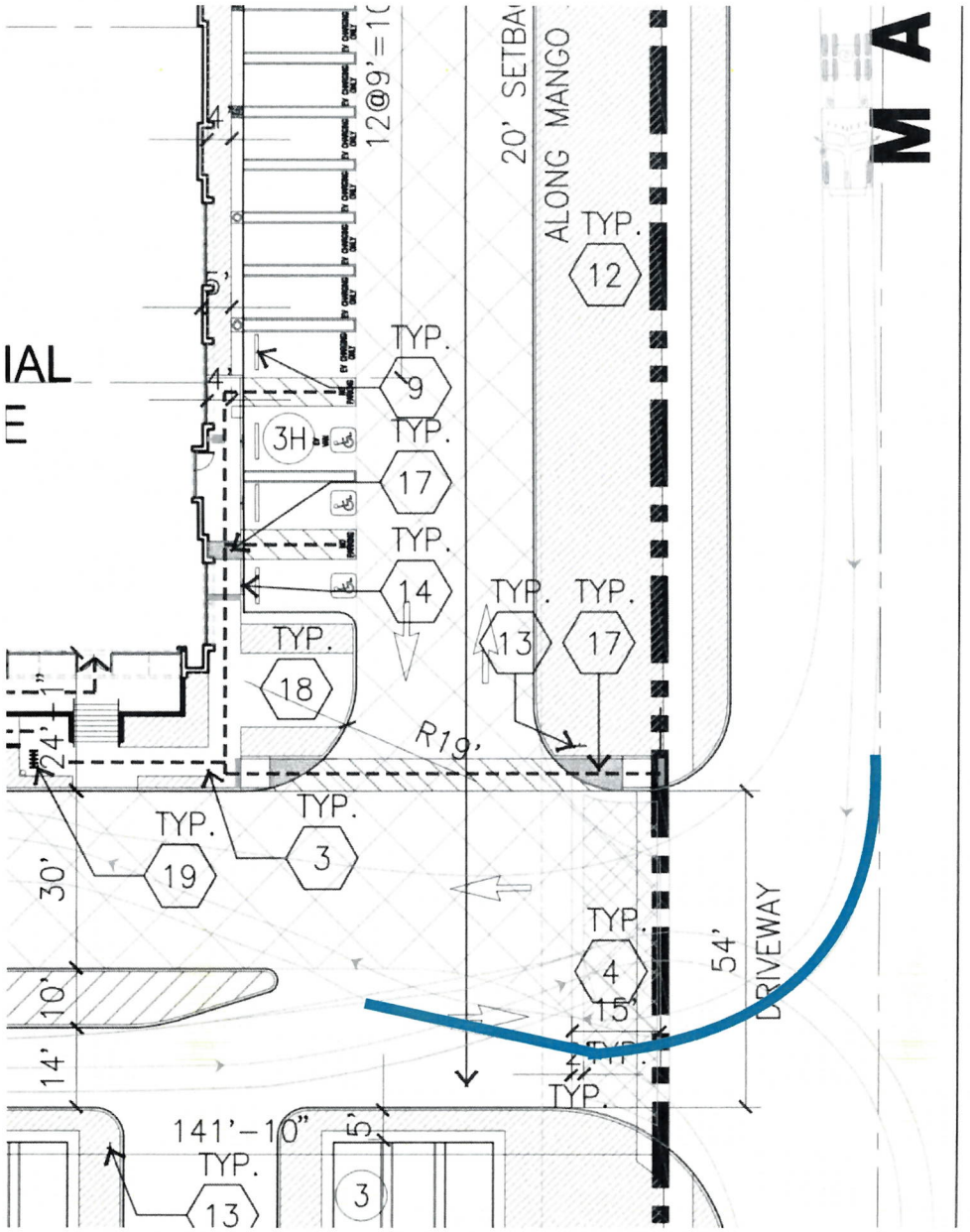
[36] City of Fontana Business License Search https://bl.fontana.org/Search/

The EIR states that, "an evaluation of LOS is not required," and "The Project will be consistent with applicable local agency operational LOS standards." These two statements contradict one another as the first statement indicates that an LOS analysis was not performed, yet the second statement concludes the project complies with the City's operational LOS standards. The EIR does not provide any specific analysis or information regarding the level of service for passenger vehicles, transit vehicles, trucks, bicyclists, and pedestrians that are appropriate for the context of the area. The EIR must be revised to include a complete LOS analysis that removes all credits for "existing businesses" and is analyzed in accordance with the General Plan requirements.

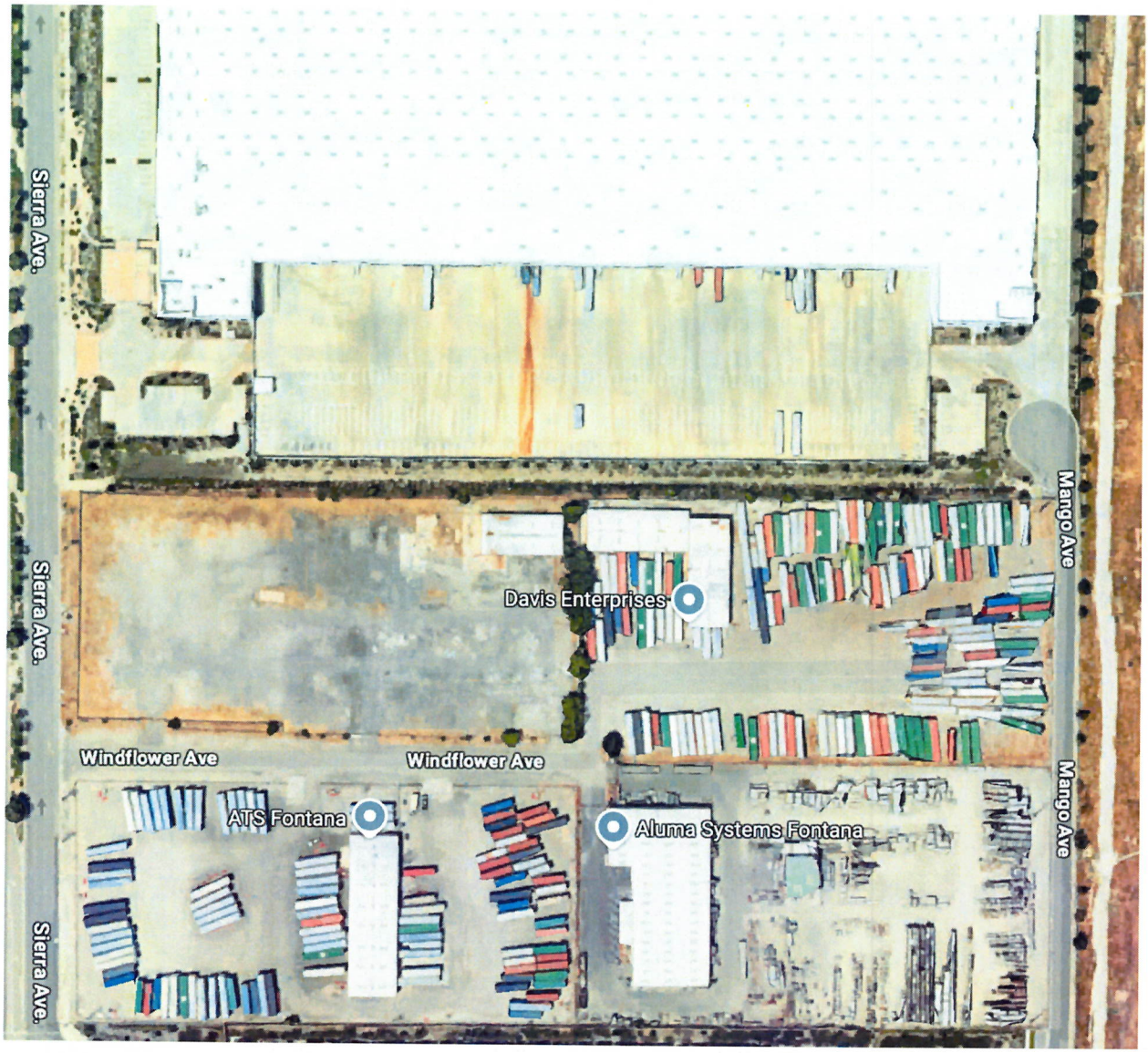
The EIR has not adequately analyzed the project's potential to substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses; or the project's potential to result in inadequate emergency access. The EIR does not discuss Attachment A within Appendix K that provides some truck/trailer maneuvering models.
The modeling depicts there is not adequate maneuvering and queueing space for trucks/trailers at the intersection of the project driveways and the adjacent streets. For example, trucks exiting the site via the southernmost driveway on Mango Avenue require additional maneuvering space across the centerline of each street, meaning that the truck will need to drive on the "wrong side" of the street into oncoming traffic in order to leave the site.



Further, the modeling for a truck entering the site traveling southbound on Mango Avenue demonstrates that it requires nearly the entire maneuvering area in the driveway in order to execute a left turn into the site. If a vehicle is queued at the driveway to exit the site, the incoming truck/trailer would collide into it.



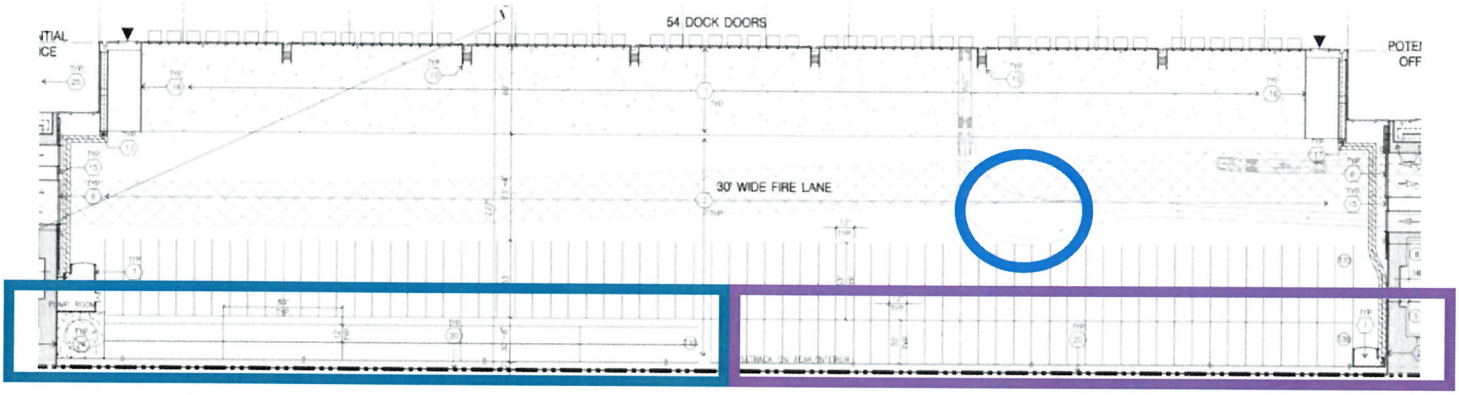
It must also be noted that the northernmost part of Mango Avenue terminates as a cul-de-sac at the property immediately adjacent to the north. The EIR must be revised to include modeling and queuing analysis for all vehicles accessing the project site on Mango Avenue and their interactions with vehicles accessing the warehouse to the north. The function of Mango Avenue as a cul-de-sac must also be considered in the modeling analysis.



The modeling in Appendix K excluded a truck/trailer entering the site traveling northbound on Mango Avenue and making a left turn into the driveway, which is a likely scenario as Mango Avenue is a cul-de-sac on the north side and vehicles will primarily enter the Mango Avenue driveway from the south by connecting from Sierra Lakes Parkway. Additionally, the driveway on Sierra Avenue is 50 feet wide and provides direct access for trucks/trailers to the dock court. This is confirmed by the EIR's statement that, "Trucks would enter the site via northbound Sierra Avenue and exit the site via southbound Mango Avenue. Mango Avenue intersects with Sierra Lakes Parkway which reconnects with Sierra Avenue. Trucks would access southbound Sierra

Avenue from this point to reach SR-210 and regional destinations beyond." The Sierra Avenue driveway can feasibly accommodate truck/trailer trips and must be included for modeling. A revised EIR must be prepared to include modeling these scenarios for analysis.

Further, the revised EIR must include modeling for trucks/trailers and passenger cars throughout the project site. There are several areas of conflict located within the truck/trailer dock court. There are two types of tandem parking stalls provided. Truck/trailer parking stalls are designed in a tandem configuration with passenger car parking stalls and horizontal truck/trailer parking stalls.



These parking stalls may be in use at any time and further restrict truck/trailer movement, including increasing truck idling times as tandem parked trucks require additional time to maneuver, which will also result in increased queuing duration and associated need for increased queuing area for trucks/trailers. Attachment A demonstrates that a truck/trailer does not have adequate maneuvering space to access the loading dock because there is clear overlap between the modeling and the parking stall area. The EIR also has not provided any exhibits demonstrating that there is sufficient backup space and queuing space for trucks/trailers or passenger cars to utilize these spaces, or how the tandem configuration will function. A revised EIR must be prepared to include a finding of significance due to these significant and unavoidable impacts.

Additionally, the EIR has not provided any analysis of the available horizontal and vertical sight distance at the intersection of the project driveways and adjacent streets. Sight distance is the continuous length of street ahead visible to the driver. At unsignalized intersections, corner sight distance must provide a substantially clear line of sight between the driver of the vehicle waiting on the minor road (driveway) and the driver of an approaching vehicle. A revised EIR must be prepared with this analysis based on the American Association of State Highway and Transportation Officials (AASHTO) Stopping Sight Distance requirements.

The EIR states that, "Adhering to the City's regulatory requirements for general street alignments and circulation/mobility, would ensure that the Project would not include any sharp curves for the public and Project uses, or create dangerous intersections, or design hazards." However, the EIR has not provided any meaningful information, such as a list of the City's requirements and how the project does or does not comply with the requirements, to support a less than significant finding. Further, the EIR makes a similar statement regarding emergency access that, "prior to any project approval all plans would be reviewed by the City fire department and City engineer to ensure all site access standards and internal emergency access circulation requirements are included to future plans. This would ensure needed emergency access is maintained." The EIR does not provide any meaningful evidence or analysis, such as the Fire Department requirements and demonstrating how the project does or does not meet these requirements, to support a less than significant finding. This does not comply with CEQA's requirements for adequate informational documents and meaningful disclosure (CEQA § 15121 and 21003(b)). Deferring this environmental analysis required by CEQA to the construction permitting phase is improper mitigation and does not comply with CEQA's requirement for meaningful disclosure and adequate informational documents. A revised EIR must be prepared to include a finding of significance as the EIR has not provided any meaningful evidence to support a less than significant finding.

5.2 Growth-Inducing Impacts

The EIR does not adequately discuss or and analyze the commitment of resources is not consistent with regional and local growth forecasts. As noted throughout this comment letter, the project represents a significant amount of growth in the City and in tandem with only five other recent industrial projects account for a significant amount of the City's employment growth over 29 years. The EIR must also include a cumulative analysis discussion here to demonstrate the impact of the proposed project in a cumulative setting.

A revised EIR must be prepared to include a cumulative analysis discussion here to demonstrate the impact of the proposed project in a cumulative setting. The EIR does not include any information regarding the buildout conditions of the City's General Plan in order to provide an adequate and accurate cumulative analysis. A revised EIR must be prepared to provide a cumulative analysis discussion of projects approved since General Plan adoption and projects "in the pipeline" to determine if the project will exceed SCAG's and/or the City's General Plan growth estimates for the City.

A revised EIR must also provide a cumulative analysis discussion of projects approved since 2016 and projects "in the pipeline" to determine if the project will exceed SCAG's employment or population growth forecast for the City. For example, the 3,736,156 sf of warehousing proposed

by the five recent Alere Realty projects (Citrus Commerce Center (3 industrial buildings totaling 1,830,000 sf), 16270 Jurupa Avenue (631,000 sf industrial building), 13032 Slover Avenue (672,000 sf industrial building), Master Case No. 20-049/Tentative Parcel Map No. 20235 (TPM No. 20-014), and Design Review No. 20-019 (247,786 sf industrial building)[37], Fontana Corporate Center (355,370 sf industrial building), Sierra Business Center[38] (510 employees), Citrus and Oleander at Santa Ana Avenue[39] (595 employees), Cypress and Slover Warehouse[40] (531 employees), Poplar South Distribution Center[41] (411 employees), Hemlock Warehouse[42] (763 employees), Beech Avenue Logistics Center[43] (151 employees), and Citrus Avenue Industrial Warehouse[44] (304 employees) combined with the proposed project's 341 employees, this brief list of recent industrial projects alone will generate 6,739 employees. This represents 36% of the City's job growth over 29 years accounted for by only a brief list of recent industrial projects. This total increases exponentially when commercial development activity and other industrial projects are added to the calculation. A revised EIR must be prepared to include this information for analysis and also include a cumulative development analysis of projects approved since 2016 and projects "in the pipeline" to determine if the proposed project exceeds SCAG's growth forecasts and/or the buildout scenario and employment projections of the General Plan.

Conclusion

For the foregoing reasons, GSEJA believes the EIR is flawed and a revised EIR must be prepared for the proposed project and circulated for public review. Golden State Environmental Justice Alliance requests to be added to the public interest list regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this project. Send all communications to Golden State Environmental Justice Alliance P.O. Box 79222 Corona, CA 92877.

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[37] Fontana Planning Commission August 17, 2021 Agenda Packet https://fontana.legistar.com/View.ashx?M=PA&ID=872341&GUID=A694AA6F-F236-4B53-B537-025338533AF9

[38] Sierra Business Center https://ceqanet.opr.ca.gov/2020100256/3

[39] Citrus and Oleander at Santa Ana Avenue https://ceqanet.opr.ca.gov/2022110389/2

[40] Cypres and Slover Warehouse https://ceqanet.opr.ca.gov/2021120059/2

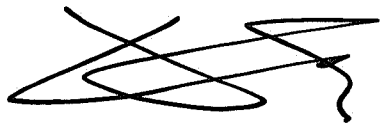
[41] Poplar South Distribution Center https://ceqanet.opr.ca.gov/2022090611/2

[42] Hemlock Warehouse https://ceqanet.opr.ca.gov/2009091089/8

[43] Beech Avenue Logistics Center https://ceqanet.opr.ca.gov/2023110591

[44] Citrus Avenue Industrial Warehouse https://ceqanet.opr.ca.gov/2024020971

Sincerely,



Gary Ho
Blum, Collins & Ho LLP

Attachments:
1. SWAPE Technical Analysis

SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment

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Santa Monica, CA 90405

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October 22, 2024

Gary Ho
Blum, Collins & Ho LLP
707 Wilshire Blvd, Ste. 4880
Los Angeles, CA 90017

Subject: Comments on the Sierra Distribution Facility Project (SCH No. 2023030788)

Dear Mr. Ho,

We have reviewed the September 2024 Draft Environmental Impact Report ("DEIR") for the Sierra Distribution Facility ("Project") located in the City of Fontana ("City"). The Project proposes to construct up to 398,514-square-feet ("SF") of industrial space, including 10,000-SF of office space and 243 parking spaces on the 18.3-acre site.

Our review concludes that the DEIR fails to adequately evaluate the Project's health risk impacts. As a result, emissions and health risk impacts associated with construction and operation of the proposed Project may be underestimated and inadequately addressed. A revised Environmental Impact Report ("EIR") should be prepared to adequately assess and mitigate the potential health risk impacts that the project may have on the environment.

Air Quality

Disproportionate Health Risk Impacts of Warehouses on Surrounding Communities

Upon review of the DEIR, we have determined that the development of the proposed Project may contribute to disproportionate health risk impacts that warehouses pose on community members living, working, and going to school within the immediate area of the Project site. According to the South Coast Air Quality Management District ("SCAQMD"):

> "Those living within a half mile of warehouses are more likely to include communities of color, have health impacts such as higher rates of asthma and heart attacks, and a greater environmental burden."[1]

Specifically, the SCAQMD found that more than 2.4 million people live within a half mile radius of at least one warehouse, and that those areas not only experience increased rates of asthma and heart attacks, but are also disproportionately Black and Latino communities below the poverty line.[2] Another study similarly indicates that "neighborhoods with lower household income levels and higher percentages of minorities are expected to have higher probabilities of containing warehousing facilities."[3] Additionally, a report authored by the Inland Empire-based People's Collective for Environmental Justice and University of Redlands states:

> "As the warehouse and logistics industry continues to grow and net exponential profits at record rates, more warehouse projects are being approved and constructed in low-income communities of color and serving as a massive source of pollution by attracting thousands of polluting truck trips daily. Diesel trucks emit dangerous levels of nitrogen oxide and particulate matter that cause devastating health impacts including asthma, chronic obstructive pulmonary disease (COPD), cancer, and premature death. As a result, physicians consider these pollution-burdened areas 'diesel death zones.'"[4]

The continued development of industrial warehouses within these communities poses a significant environmental justice challenge. The acceleration of warehouse development, however, is only increasing despite the consequences on public health. The Inland Empire alone is adding 10 to 25 million SF of new industrial space each year.[5]

San Bernardino County, the setting of the proposed Project, has long borne a disproportionately high pollution burden compared to the rest of California. When using CalEnviroScreen 4.0, CalEPA's screening tool that ranks each census tract in the State for pollution and socioeconomic vulnerability, we found

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[1] "South Coast AQMD Governing Board Adopts Warehouse Indirect Source Rule." SCAQMD, May 2021, *available at:* http://www.aqmd.gov/docs/default-source/news-archive/2021/board-adopts-waisr-may7-2021.pdf?sfvrsn=9.

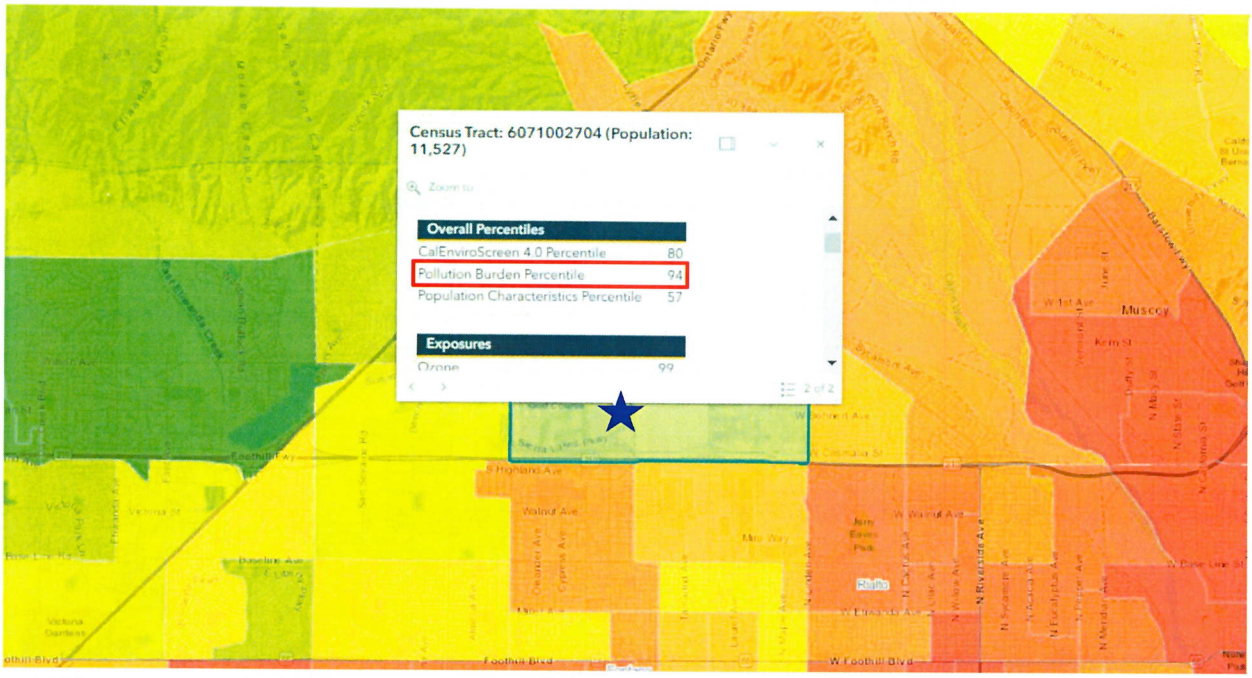
[2] "Southern California warehouse boom a huge source of pollution. Regulators are fighting back." Los Angeles Times, May 2021, *available at:* https://www.latimes.com/california/story/2021-05-05/air-quality-officials-target-warehouses-bid-to-curb-health-damaging-truck-pollution.

[3] "Location of warehouses and environmental justice: Evidence from four metros in California." Metro Freight Center of Excellence, January 2018, *available at:* https://www.metrans.org/assets/research/MF%201.1g_Location%20of%20warehouses%20and%20environmental%20justice_Final%20Report_021618.pdf, p. 21.

[4] "Warehouses, Pollution, and Social Disparities: An analytical view of the logistics industry's impacts on environmental justice communities across Southern California." People's Collective for Environmental Justice, April 2021, *available at:* https://earthjustice.org/sites/default/files/files/warehouse_research_report_4.15.2021.pdf, p. 4.

[5] "2020 North America Industrial Big Box Review & Outlook." CBRE, 2020, *available at:* https://www.cbre.com/-/media/project/cbre/shared-site/insights/local-responses/industrial-big-box-report-inland-empire/local-response-2020-ibb-inland-empire-overview.pdf, p. 2.

that the Project's census tract is in the 94th percentile of most polluted census tracts in the State (see excerpt below).[6]



Furthermore, the Data Visualization Tool for Mates V, a monitoring and evaluation study conducted by SCAQMD, demonstrates that the County already exhibits a heightened residential carcinogenic risk from exposure to air toxics.[7] Specifically, the location of the Project site is in the 76th percentile of highest cancer risks in the South Coast Air Basin, with a cancer risk of 423 in one million (see excerpt below).[8]

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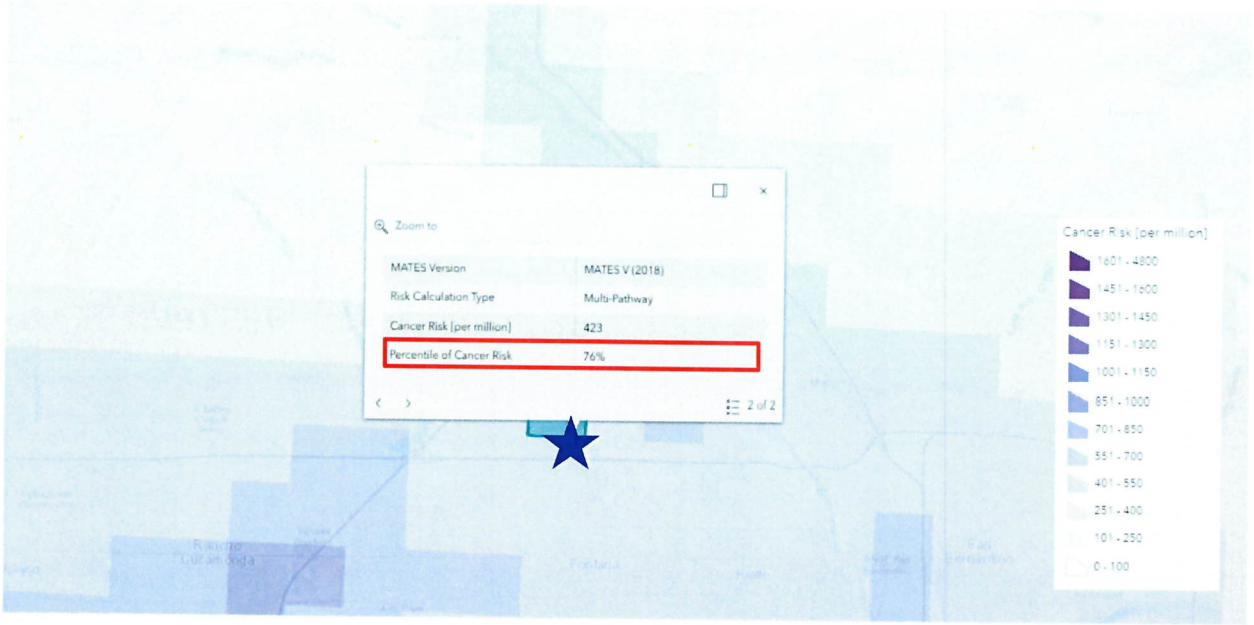
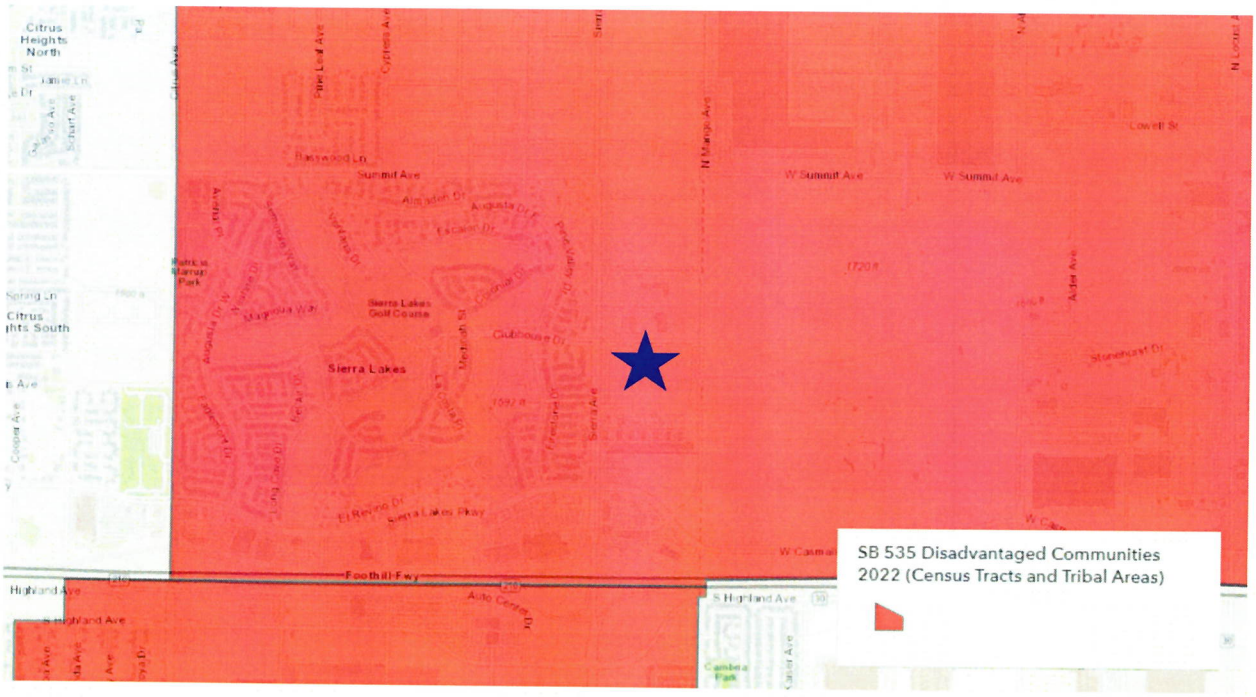
[6] "CalEnviroScreen 4.0." California Office of Environmental Health Hazard Assessment (OEHHA), October 2021, *available at:* https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40, census tract #6071002204.

[7] "Residential Air Toxics Cancer Risk Calculated from Model Data in Grid Cells." MATES V, 2018, *available at:* https://experience.arcgis.com/experience/79d3b6304912414bb21ebdde80100b23/page/Main-Page/?views=Click-tabs-for-other-data%2CGridded-Cancer-Risk; see also: "MATES V Multiple Air Toxics Exposure Study." SCAQMD, *available at:* http://www.aqmd.gov/home/air-quality/air-quality-studies/health-studies/mates-v.

[8] "Gridded Cancer Risk." SCAQMD, *available at:* https://experience.arcgis.com/experience/79d3b6304912414bb21ebdde80100b23/page/Main-Page/?data_id=dataSource_112-7c8f2a4db79b4a918d46b4e8985a112b%3A20315&views=Click-tabs-for-other-data%2CGridded-Cancer-Risk



Additionally, according to CalEnviroScreen's Senate Bill ("SB") 535 Disadvantaged Communities Map, the Project site is located in a designated disadvantaged community (see excerpt below).[9]



[9] "SB 535 Disadvantaged Communities (2022 Update)." California Environmental Protection Agency, *available at:* https://experience.arcgis.com/experience/1c21c53da8de48f1b946f3402fbae55c/page/SB-535-Disadvantaged-Communities/

SB 535 provides funding for development projects that provide a benefit to disadvantaged communities. CalEPA has been given the responsibility for identifying those communities based on "geographic, socioeconomic, public health, and environmental hazard criteria."[10] As the Project site is located in a designated disadvantaged community, and the Project's census tract already exhibits a high cancer risk, development of the proposed Project would contribute to the disproportionate impact warehouses are posing to the health conditions of nearby residents.

The proposed Project may exacerbate disproportionate health risks for community members within the immediate area, a concern underscored by the mandates of SB 1000. SB 1000, enacted to address environmental justice considerations, requires local governments to integrate environmental justice elements into their planning processes, particularly focusing on reducing health risks for disadvantaged communities.[11]

According to SCAQMD guidelines, individuals residing within a half-mile radius of warehouses, predominantly communities of color, face elevated rates of asthma and heart attacks, along with a greater environmental burden. The DEIR identifies single family residences 130 feet, or 0.02 miles west of the Project site. While the DEIR confirms the existence of residential sensitive receptors within a 0.5-mile radius of the Project site, the proposed Project would still contribute to the concentration of warehouse projects in low-income communities of color, which may result in significant pollution emissions from diesel trucks and lead to severe health conditions.[12] This contradicts the objectives of SB 1000, which aim to address such environmental justice challenges by incorporating policies to reduce the unique health risks faced by disadvantaged communities.

The continued expansion of industrial warehouses in these communities presents a significant environmental justice challenge, compounded by San Bernardino County's alarming ozone pollution levels. Ozone pollution, a key concern under SB 1000, can pose serious health risks, particularly for children, who are more vulnerable due to their developing lungs and increased outdoor activity.[13]

In accordance with the California Department of Justice ("CA DOJ") guidelines, the effects of greenhouse gas emissions and air pollutants from warehouses should be evaluated cumulatively. The CA DOJ states:[14]

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[10] "Final Designation of Disadvantaged Communities." California Environmental Protection Agency, *available at:* https://calepa.ca.gov/wp-content/uploads/sites/6/2022/05/Updated-Disadvantaged-Communities-Designation-DAC-May-2022-Eng.a.hp_-1.pdf?emrc=e05e10.

[11] "Environmental Justice in Local Land Use Planning." State of California Department of Justice, *available at:* https://oag.ca.gov/environment/sb1000.

[12] "Nationwide and Regional $PM_{2.5}$-Related Air Quality Health Benefits from the Removal of Energy-Related Emissions in the United States." National Library of Medicine, May 2022, *available at:* https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9109601/

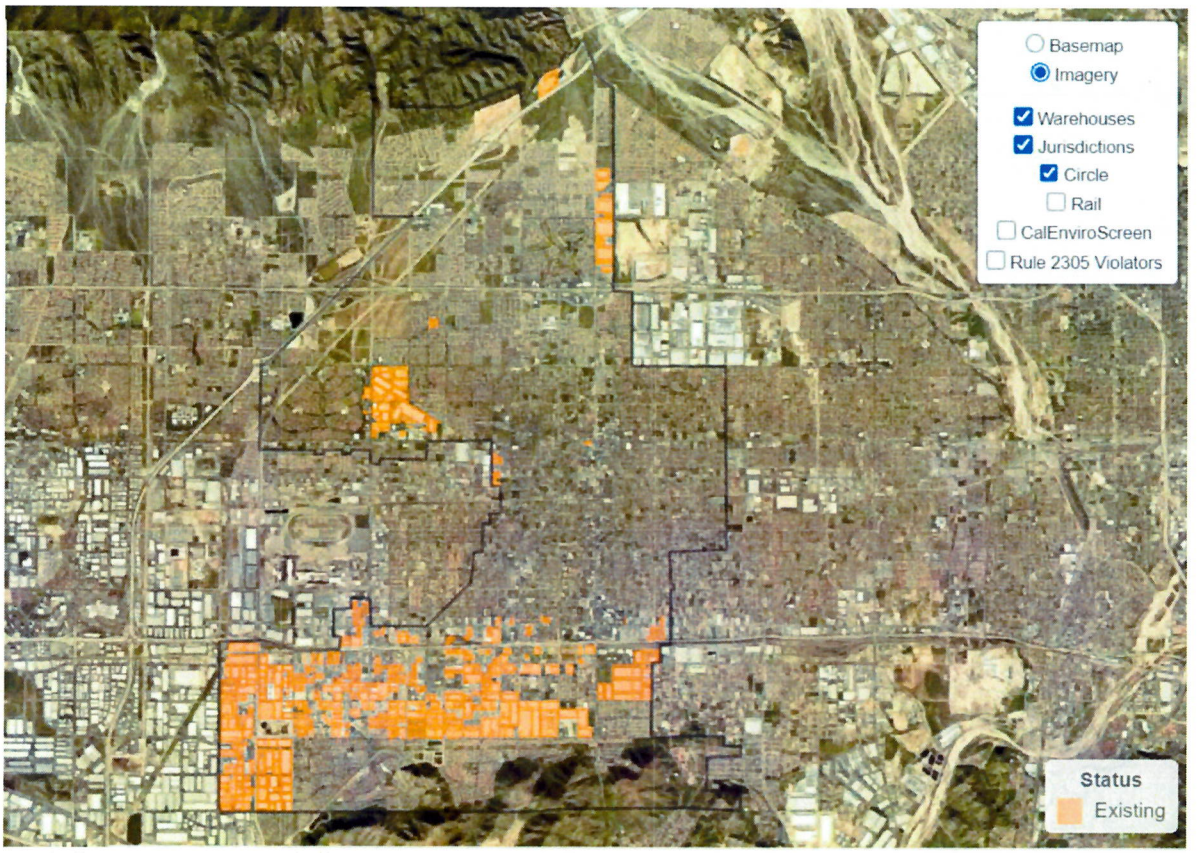
[13] "Health Effects of Ozone Pollution." U.S. EPA, *available at:* https://www.epa.gov/ground-level-ozone-pollution/health-effects-ozone-pollution

[14] "Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act." CA DOJ, available at: https://oag.ca.gov/sites/all/files/agweb/pdfs/environment/warehouse-best-practices.pdf.

> "When analyzing cumulative impacts, thoroughly considering the project's incremental impact in combination with past, present, and reasonably foreseeable future projects, even if the project's individual impacts alone do not exceed the applicable significance thresholds" (p. 6).

To accurately assess the Project's impact on disadvantaged communities, both existing and anticipated warehouse developments should be considered during the environmental review process.

The Warehouse Cumulative Impact Tool for Community dashboard ("Warehouse CITY"), developed by the Redford Conservancy at Pitzer College and Radical Research LLC, is a tool that visualizes and quantifies existing, potential, and approved warehouse locations across Southern California. Review of Warehouse CITY reveals that there are currently 39 existing warehouses within the city of Fontana (see screenshot below).[15]



As the Project site is located in an SB 535 disadvantaged community, we recommend reevaluating the Project's cumulative health risks to more effectively align with CA DOJ guidelines and SB 1000 environmental justice requirements.

[15] "Warehouse and Air Quality Mapping." Pitzer College & Radical Research LLC, *available at*: https://radicalresearch.shinyapps.io/WarehouseCITY/.

We recommend that a revised EIR be conducted to evaluate the Project's contribution to the disproportionate impacts that warehouses pose on the surrounding disadvantaged communities.

Disclaimer

SWAPE has received limited discovery regarding this project. Additional information may become available in the future; thus, we retain the right to revise or amend this report when additional information becomes available. Our professional services have been performed using that degree of care and skill ordinarily exercised, under similar circumstances, by reputable environmental consultants practicing in this or similar localities at the time of service. No other warranty, expressed or implied, is made as to the scope of work, work methodologies and protocols, site conditions, analytical testing results, and findings presented. This report reflects efforts which were limited to information that was reasonably accessible at the time of the work, and may contain informational gaps, inconsistencies, or otherwise be incomplete due to the unavailability or uncertainty of information obtained or provided by third parties.

Sincerely,

Matt Hagemann, P.G., C.Hg.

Paul E. Rosenfeld, Ph.D.

Attachment A: Matt Hagemann CV
Attachment B: Paul Rosenfeld CV

SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment

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Matthew F. Hagemann, P.G., C.Hg., QSD, QSP

Geologic and Hydrogeologic Characterization
Investigation and Remediation Strategies
Litigation Support and Testifying Expert
Industrial Stormwater Compliance
CEQA Review

Education:

M.S. Degree, Geology, California State University Los Angeles, Los Angeles, CA, 1984.
B.A. Degree, Geology, Humboldt State University, Arcata, CA, 1982.

Professional Certifications:

California Professional Geologist
California Certified Hydrogeologist
Qualified SWPPP Developer and Practitioner

Professional Experience:

Matt has 30 years of experience in environmental policy, contaminant assessment and remediation, stormwater compliance, and CEQA review. He spent nine years with the U.S. EPA in the RCRA and Superfund programs and served as EPA's Senior Science Policy Advisor in the Western Regional Office where he identified emerging threats to groundwater from perchlorate and MTBE. While with EPA, Matt also served as a Senior Hydrogeologist in the oversight of the assessment of seven major military facilities undergoing base closure. He led numerous enforcement actions under provisions of the Resource Conservation and Recovery Act (RCRA) and directed efforts to improve hydrogeologic characterization and water quality monitoring. For the past 15 years, as a founding partner with SWAPE, Matt has developed extensive client relationships and has managed complex projects that include consultation as an expert witness and a regulatory specialist, and a manager of projects ranging from industrial stormwater compliance to CEQA review of impacts from hazardous waste, air quality and greenhouse gas emissions.

Positions Matt has held include:

- Founding Partner, Soil/Water/Air Protection Enterprise (SWAPE) (2003 – present);
- Geology Instructor, Golden West College, 2010 – 2104, 2017;
- Senior Environmental Analyst, Komex H2O Science, Inc. (2000 -- 2003);

- Executive Director, Orange Coast Watch (2001 – 2004);
- Senior Science Policy Advisor and Hydrogeologist, U.S. Environmental Protection Agency (1989–1998);
- Hydrogeologist, National Park Service, Water Resources Division (1998 – 2000);
- Adjunct Faculty Member, San Francisco State University, Department of Geosciences (1993 – 1998);
- Instructor, College of Marin, Department of Science (1990 – 1995);
- Geologist, U.S. Forest Service (1986 – 1998); and
- Geologist, Dames & Moore (1984 – 1986).

Senior Regulatory and Litigation Support Analyst:

With SWAPE, Matt's responsibilities have included:

- Lead analyst and testifying expert in the review of over 300 environmental impact reports and negative declarations since 2003 under CEQA that identify significant issues with regard to hazardous waste, water resources, water quality, air quality, greenhouse gas emissions, and geologic hazards. Make recommendations for additional mitigation measures to lead agencies at the local and county level to include additional characterization of health risks and implementation of protective measures to reduce worker exposure to hazards from toxins and Valley Fever.
- Stormwater analysis, sampling and best management practice evaluation at more than 100 industrial facilities.
- Expert witness on numerous cases including, for example, perfluorooctanoic acid (PFOA) contamination of groundwater, MTBE litigation, air toxins at hazards at a school, CERCLA compliance in assessment and remediation, and industrial stormwater contamination.
- Technical assistance and litigation support for vapor intrusion concerns.
- Lead analyst and testifying expert in the review of environmental issues in license applications for large solar power plants before the California Energy Commission.
- Manager of a project to evaluate numerous formerly used military sites in the western U.S.
- Manager of a comprehensive evaluation of potential sources of perchlorate contamination in Southern California drinking water wells.
- Manager and designated expert for litigation support under provisions of Proposition 65 in the review of releases of gasoline to sources drinking water at major refineries and hundreds of gas stations throughout California.

With Komex H2O Science Inc., Matt's duties included the following:

- Senior author of a report on the extent of perchlorate contamination that was used in testimony by the former U.S. EPA Administrator and General Counsel.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of MTBE use, research, and regulation.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of perchlorate use, research, and regulation.
- Senior researcher in a study that estimates nationwide costs for MTBE remediation and drinking water treatment, results of which were published in newspapers nationwide and in testimony against provisions of an energy bill that would limit liability for oil companies.
- Research to support litigation to restore drinking water supplies that have been contaminated by MTBE in California and New York.

- Expert witness testimony in a case of oil production-related contamination in Mississippi.
- Lead author for a multi-volume remedial investigation report for an operating school in Los Angeles that met strict regulatory requirements and rigorous deadlines.
- Development of strategic approaches for cleanup of contaminated sites in consultation with clients and regulators.

Executive Director:

As Executive Director with Orange Coast Watch, Matt led efforts to restore water quality at Orange County beaches from multiple sources of contamination including urban runoff and the discharge of wastewater. In reporting to a Board of Directors that included representatives from leading Orange County universities and businesses, Matt prepared issue papers in the areas of treatment and disinfection of wastewater and control of the discharge of grease to sewer systems. Matt actively participated in the development of countywide water quality permits for the control of urban runoff and permits for the discharge of wastewater. Matt worked with other nonprofits to protect and restore water quality, including Surfrider, Natural Resources Defense Council and Orange County CoastKeeper as well as with business institutions including the Orange County Business Council.

Hydrogeology:

As a Senior Hydrogeologist with the U.S. Environmental Protection Agency, Matt led investigations to characterize and cleanup closing military bases, including Mare Island Naval Shipyard, Hunters Point Naval Shipyard, Treasure Island Naval Station, Alameda Naval Station, Moffett Field, Mather Army Airfield, and Sacramento Army Depot. Specific activities were as follows:

- Led efforts to model groundwater flow and contaminant transport, ensured adequacy of monitoring networks, and assessed cleanup alternatives for contaminated sediment, soil, and groundwater.
- Initiated a regional program for evaluation of groundwater sampling practices and laboratory analysis at military bases.
- Identified emerging issues, wrote technical guidance, and assisted in policy and regulation development through work on four national U.S. EPA workgroups, including the Superfund Groundwater Technical Forum and the Federal Facilities Forum.

At the request of the State of Hawaii, Matt developed a methodology to determine the vulnerability of groundwater to contamination on the islands of Maui and Oahu. He used analytical models and a GIS to show zones of vulnerability, and the results were adopted and published by the State of Hawaii and County of Maui.

As a hydrogeologist with the EPA Groundwater Protection Section, Matt worked with provisions of the Safe Drinking Water Act and NEPA to prevent drinking water contamination. Specific activities included the following:

- Received an EPA Bronze Medal for his contribution to the development of national guidance for the protection of drinking water.
- Managed the Sole Source Aquifer Program and protected the drinking water of two communities through designation under the Safe Drinking Water Act. He prepared geologic reports, conducted

public hearings, and responded to public comments from residents who were very concerned about the impact of designation.

- Reviewed a number of Environmental Impact Statements for planned major developments, including large hazardous and solid waste disposal facilities, mine reclamation, and water transfer.

Matt served as a hydrogeologist with the RCRA Hazardous Waste program. Duties were as follows:

- Supervised the hydrogeologic investigation of hazardous waste sites to determine compliance with Subtitle C requirements.
- Reviewed and wrote "part B" permits for the disposal of hazardous waste.
- Conducted RCRA Corrective Action investigations of waste sites and led inspections that formed the basis for significant enforcement actions that were developed in close coordination with U.S. EPA legal counsel.
- Wrote contract specifications and supervised contractor's investigations of waste sites.

With the National Park Service, Matt directed service-wide investigations of contaminant sources to prevent degradation of water quality, including the following tasks:

- Applied pertinent laws and regulations including CERCLA, RCRA, NEPA, NRDA, and the Clean Water Act to control military, mining, and landfill contaminants.
- Conducted watershed-scale investigations of contaminants at parks, including Yellowstone and Olympic National Park.
- Identified high-levels of perchlorate in soil adjacent to a national park in New Mexico and advised park superintendent on appropriate response actions under CERCLA.
- Served as a Park Service representative on the Interagency Perchlorate Steering Committee, a national workgroup.
- Developed a program to conduct environmental compliance audits of all National Parks while serving on a national workgroup.
- Co-authored two papers on the potential for water contamination from the operation of personal watercraft and snowmobiles, these papers serving as the basis for the development of nation-wide policy on the use of these vehicles in National Parks.
- Contributed to the Federal Multi-Agency Source Water Agreement under the Clean Water Action Plan.

Policy:

Served senior management as the Senior Science Policy Advisor with the U.S. Environmental Protection Agency, Region 9.

Activities included the following:

- Advised the Regional Administrator and senior management on emerging issues such as the potential for the gasoline additive MTBE and ammonium perchlorate to contaminate drinking water supplies.
- Shaped EPA's national response to these threats by serving on workgroups and by contributing to guidance, including the Office of Research and Development publication, Oxygenates in Water: Critical Information and Research Needs.
- Improved the technical training of EPA's scientific and engineering staff.
- Earned an EPA Bronze Medal for representing the region's 300 scientists and engineers in negotiations with the Administrator and senior management to better integrate scientific

principles into the policy-making process.
- Established national protocol for the peer review of scientific documents.

Geology:

With the U.S. Forest Service, Matt led investigations to determine hillslope stability of areas proposed for timber harvest in the central Oregon Coast Range. Specific activities were as follows:

- Mapped geology in the field, and used aerial photographic interpretation and mathematical models to determine slope stability.
- Coordinated his research with community members who were concerned with natural resource protection.
- Characterized the geology of an aquifer that serves as the sole source of drinking water for the city of Medford, Oregon.

As a consultant with Dames and Moore, Matt led geologic investigations of two contaminated sites (later listed on the Superfund NPL) in the Portland, Oregon, area and a large hazardous waste site in eastern Oregon. Duties included the following:

- Supervised year-long effort for soil and groundwater sampling.
- Conducted aquifer tests.
- Investigated active faults beneath sites proposed for hazardous waste disposal.

Teaching:

From 1990 to 1998, Matt taught at least one course per semester at the community college and university levels:

- At San Francisco State University, held an adjunct faculty position and taught courses in environmental geology, oceanography (lab and lecture), hydrogeology, and groundwater contamination.
- Served as a committee member for graduate and undergraduate students.
- Taught courses in environmental geology and oceanography at the College of Marin.

Matt is currently a part time geology instructor at Golden West College in Huntington Beach, California where he taught from 2010 to 2014 and in 2017.

Invited Testimony, Reports, Papers and Presentations:

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Presentation to the Public Environmental Law Conference, Eugene, Oregon.

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Invited presentation to U.S. EPA Region 9, San Francisco, California.

Hagemann, M.F., 2005. Use of Electronic Databases in Environmental Regulation, Policy Making and Public Participation. Brownfields 2005, Denver, Coloradao.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Nevada and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Las Vegas, NV (served on conference organizing committee).

Hagemann, M.F., 2004. Invited testimony to a California Senate committee hearing on air toxins at schools in Southern California, Los Angeles.

Brown, A., Farrow, J., Gray, A. and **Hagemann, M.**, 2004. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to the Ground Water and Environmental Law Conference, National Groundwater Association.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Arizona and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Phoenix, AZ (served on conference organizing committee).

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in the Southwestern U.S. Invited presentation to a special committee meeting of the National Academy of Sciences, Irvine, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a tribal EPA meeting, Pechanga, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a meeting of tribal repesentatives, Parker, AZ.

Hagemann, M.F., 2003. Impact of Perchlorate on the Colorado River and Associated Drinking Water Supplies. Invited presentation to the Inter-Tribal Meeting, Torres Martinez Tribe.

Hagemann, M.F., 2003. The Emergence of Perchlorate as a Widespread Drinking Water Contaminant. Invited presentation to the U.S. EPA Region 9.

Hagemann, M.F., 2003. A Deductive Approach to the Assessment of Perchlorate Contamination. Invited presentation to the California Assembly Natural Resources Committee.

Hagemann, M.F., 2003. Perchlorate: A Cold War Legacy in Drinking Water. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. From Tank to Tap: A Chronology of MTBE in Groundwater. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. A Chronology of MTBE in Groundwater and an Estimate of Costs to Address Impacts to Groundwater. Presentation to the annual meeting of the Society of Environmental Journalists.

Hagemann, M.F., 2002. An Estimate of the Cost to Address MTBE Contamination in Groundwater (and Who Will Pay). Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to a meeting of the U.S. EPA and State Underground Storage Tank Program managers.

Hagemann, M.F., 2001. From Tank to Tap: A Chronology of MTBE in Groundwater. Unpublished report.

Hagemann, M.F., 2001. Estimated Cleanup Cost for MTBE in Groundwater Used as Drinking Water. Unpublished report.

Hagemann, M.F., 2001. Estimated Costs to Address MTBE Releases from Leaking Underground Storage Tanks. Unpublished report.

Hagemann, M.F., and VanMouwerik, M., 1999. Potential Water Quality Concerns Related to Snowmobile Usage. Water Resources Division, National Park Service, Technical Report.

VanMouwerik, M. and **Hagemann, M.F.** 1999, Water Quality Concerns Related to Personal Watercraft Usage. Water Resources Division, National Park Service, Technical Report.

Hagemann, M.F., 1999, Is Dilution the Solution to Pollution in National Parks? The George Wright Society Biannual Meeting, Asheville, North Carolina.

Hagemann, M.F., 1997, The Potential for MTBE to Contaminate Groundwater. U.S. EPA Superfund Groundwater Technical Forum Annual Meeting, Las Vegas, Nevada.

Hagemann, M.F., and Gill, M., 1996, Impediments to Intrinsic Remediation, Moffett Field Naval Air Station, Conference on Intrinsic Remediation of Chlorinated Hydrocarbons, Salt Lake City.

Hagemann, M.F., Fukunaga, G.L., 1996, The Vulnerability of Groundwater to Anthropogenic Contaminants on the Island of Maui, Hawaii. Hawaii Water Works Association Annual Meeting, Maui, October 1996.

Hagemann, M. F., Fukanaga, G. L., 1996, Ranking Groundwater Vulnerability in Central Oahu, Hawaii. Proceedings, Geographic Information Systems in Environmental Resources Management, Air and Waste Management Association Publication VIP-61.

Hagemann, M.F., 1994. Groundwater Characterization and Cleanup at Closing Military Bases in California. Proceedings, California Groundwater Resources Association Meeting.

Hagemann, M.F. and Sabol, M.A., 1993. Role of the U.S. EPA in the High Plains States Groundwater Recharge Demonstration Program. Proceedings, Sixth Biennial Symposium on the Artificial Recharge of Groundwater.

Hagemann, M.F., 1993. U.S. EPA Policy on the Technical Impracticability of the Cleanup of DNAPL-contaminated Groundwater. California Groundwater Resources Association Meeting.

Hagemann, M.F., 1992. Dense Nonaqueous Phase Liquid Contamination of Groundwater: An Ounce of Prevention... Proceedings, Association of Engineering Geologists Annual Meeting, v. 35.

Other Experience:

Selected as subject matter expert for the California Professional Geologist licensing examinations, 2009-2011.

SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment

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Paul Rosenfeld, Ph.D.

Chemical Fate and Transport & Air Dispersion Modeling

Principal Environmental Chemist

Risk Assessment & Remediation Specialist

Education

Ph.D. Soil Chemistry, University of Washington, 1999. Dissertation on volatile organic compound filtration.

M.S. Environmental Science, U.C. Berkeley, 1995. Thesis on organic waste economics.

B.A. Environmental Studies, U.C. Santa Barbara, 1991. Focus on wastewater treatment.

Professional Experience

Dr. Rosenfeld has over 25 years of experience conducting environmental investigations and risk assessments for evaluating impacts to human health, property, and ecological receptors. His expertise focuses on the fate and transport of environmental contaminants, human health risk, exposure assessment, and ecological restoration. Dr. Rosenfeld has evaluated and modeled emissions from oil spills, landfills, boilers and incinerators, process stacks, storage tanks, confined animal feeding operations, industrial, military and agricultural sources, unconventional oil drilling operations, and locomotive and construction engines. His project experience ranges from monitoring and modeling of pollution sources to evaluating impacts of pollution on workers at industrial facilities and residents in surrounding communities. Dr. Rosenfeld has also successfully modeled exposure to contaminants distributed by water systems and via vapor intrusion.

Dr. Rosenfeld has investigated and designed remediation programs and risk assessments for contaminated sites containing lead, heavy metals, mold, bacteria, particulate matter, petroleum hydrocarbons, chlorinated solvents, pesticides, radioactive waste, dioxins and furans, semi- and volatile organic compounds, PCBs, PAHs, creosote, perchlorate, asbestos, per- and poly-fluoroalkyl substances (PFOA/PFOS), unusual polymers, fuel oxygenates (MTBE), among other pollutants. Dr. Rosenfeld also has experience evaluating greenhouse gas emissions from various projects and is an expert on the assessment of odors from industrial and agricultural sites, as well as the evaluation of odor nuisance impacts and technologies for abatement of odorous emissions. As a principal scientist at SWAPE, Dr. Rosenfeld directs air dispersion modeling and exposure assessments. He has served as an expert witness and testified about pollution sources causing nuisance and/or personal injury at sites and has testified as an expert witness on numerous cases involving exposure to soil, water and air contaminants from industrial, railroad, agricultural, and military sources.

Professional History:

Soil Water Air Protection Enterprise (SWAPE); 2003 to present; Principal and Founding Partner
UCLA School of Public Health; 2007 to 2011; Lecturer (Assistant Researcher)
UCLA School of Public Health; 2003 to 2006; Adjunct Professor
UCLA Environmental Science and Engineering Program; 2002-2004; Doctoral Intern Coordinator
UCLA Institute of the Environment, 2001-2002; Research Associate
Komex H_2O Science, 2001 to 2003; Senior Remediation Scientist
National Groundwater Association, 2002-2004; Lecturer
San Diego State University, 1999-2001; Adjunct Professor
Anteon Corp., San Diego, 2000-2001; Remediation Project Manager
Ogden (now Amec), San Diego, 2000-2000; Remediation Project Manager
Bechtel, San Diego, California, 1999 – 2000; Risk Assessor
King County, Seattle, 1996 – 1999; Scientist
James River Corp., Washington, 1995-96; Scientist
Big Creek Lumber, Davenport, California, 1995; Scientist
Plumas Corp., California and USFS, Tahoe 1993-1995; Scientist
Peace Corps and World Wildlife Fund, St. Kitts, West Indies, 1991-1993; Scientist

Publications:

Rosenfeld P. E., Spaeth K., Hallman R., Bressler R., Smith, G., (2022) Cancer Risk and Diesel Exhaust Exposure Among Railroad Workers. *Water Air Soil Pollution.* **233,** 171.

Remy, L.L., Clay T., Byers, V., **Rosenfeld P. E.** (2019) Hospital, Health, and Community Burden After Oil Refinery Fires, Richmond, California 2007 and 2012. *Environmental Health.* 18:48

Simons, R.A., Seo, Y. **Rosenfeld, P.**, (2015) Modeling the Effect of Refinery Emission On Residential Property Value. Journal of Real Estate Research. 27(3):321-342

Chen, J. A, Zapata A. R., Sutherland A. J., Molmen, D.R., Chow, B. S., Wu, L. E., **Rosenfeld, P. E.,** Hesse, R. C., (2012) Sulfur Dioxide and Volatile Organic Compound Exposure To A Community In Texas City Texas Evaluated Using Aermod and Empirical Data. *American Journal of Environmental Science*, 8(6), 622-632.

Rosenfeld, P.E. & Feng, L. (2011). *The Risks of Hazardous Waste.* Amsterdam: Elsevier Publishing.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2011). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Agrochemical Industry*, Amsterdam: Elsevier Publishing.

Gonzalez, J., Feng, L., Sutherland, A., Waller, C., Sok, H., Hesse, R., **Rosenfeld, P.** (2010). PCBs and Dioxins/Furans in Attic Dust Collected Near Former PCB Production and Secondary Copper Facilities in Sauget, IL. *Procedia Environmental Sciences*. 113–125.

Feng, L., Wu, C., Tam, L., Sutherland, A.J., Clark, J.J., **Rosenfeld, P.E.** (2010). Dioxin and Furan Blood Lipid and Attic Dust Concentrations in Populations Living Near Four Wood Treatment Facilities in the United States. *Journal of Environmental Health.* 73(6), 34-46.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2010). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Wood and Paper Industries.* Amsterdam: Elsevier Publishing.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2009). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Petroleum Industry*. Amsterdam: Elsevier Publishing.

Wu, C., Tam, L., Clark, J., **Rosenfeld, P.** (2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. *WIT Transactions on Ecology and the Environment, Air Pollution,* 123 (17), 319-327.

Tam L. K.., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008). A Statistical Analysis Of Attic Dust And Blood Lipid Concentrations Of Tetrachloro-p-Dibenzodioxin (TCDD) Toxicity Equivalency Quotients (TEQ) In Two Populations Near Wood Treatment Facilities. *Organohalogen Compounds*, 70, 002252-002255.

Tam L. K.., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008). Methods For Collect Samples For Assessing Dioxins And Other Environmental Contaminants In Attic Dust: A Review. *Organohalogen Compounds*, 70, 000527-000530.

Hensley, A.R. A. Scott, J. J. J. Clark, **Rosenfeld, P.E.** (2007). Attic Dust and Human Blood Samples Collected near a Former Wood Treatment Facility. *Environmental Research.* 105, 194-197.

Rosenfeld, P.E., J. J. J. Clark, A. R. Hensley, M. Suffet. (2007). The Use of an Odor Wheel Classification for Evaluation of Human Health Risk Criteria for Compost Facilities. *Water Science & Technology* 55(5), 345-357.

Rosenfeld, P. E., M. Suffet. (2007). The Anatomy Of Odour Wheels For Odours Of Drinking Water, Wastewater, Compost And The Urban Environment. *Water Science & Technology* 55(5), 335-344.

Sullivan, P. J. Clark, J.J.J., Agardy, F. J., **Rosenfeld, P.E.** (2007). *Toxic Legacy, Synthetic Toxins in the Food, Water, and Air in American Cities.* Boston Massachusetts: Elsevier Publishing

Rosenfeld, P.E., and Suffet I.H. (2004). Control of Compost Odor Using High Carbon Wood Ash. *Water Science and Technology*. 49(9),171-178.

Rosenfeld P. E., J.J. Clark, I.H. (Mel) Suffet (2004). The Value of An Odor-Quality-Wheel Classification Scheme For The Urban Environment. *Water Environment Federation's Technical Exhibition and Conference (WEFTEC) 2004.* New Orleans, October 2-6, 2004.

Rosenfeld, P.E., and Suffet, I.H. (2004). Understanding Odorants Associated With Compost, Biomass Facilities, and the Land Application of Biosolids. *Water Science and Technology*. 49(9), 193-199.

Rosenfeld, P.E., and Suffet I.H. (2004). Control of Compost Odor Using High Carbon Wood Ash, *Water Science and Technology*, 49(9), 171-178.

Rosenfeld, P. E., Grey, M. A., Sellew, P. (2004). Measurement of Biosolids Odor and Odorant Emissions from Windrows, Static Pile and Biofilter. *Water Environment Research*. 76(4), 310-315.

Rosenfeld, P.E., Grey, M and Suffet, M. (2002). Compost Demonstration Project, Sacramento California Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Integrated Waste Management Board Public Affairs Office*, Publications Clearinghouse (MS–6), Sacramento, CA Publication #442-02-008.

Rosenfeld, P.E., and C.L. Henry. (2001). Characterization of odor emissions from three different biosolids. *Water Soil and Air Pollution*. 127(1-4), 173-191.

Rosenfeld, P.E., and Henry C. L., (2000). Wood ash control of odor emissions from biosolids application. *Journal of Environmental Quality*. 29, 1662-1668.

Rosenfeld, P.E., C.L. Henry and D. Bennett. (2001). Wastewater dewatering polymer affect on biosolids odor emissions and microbial activity. *Water Environment Research*. 73(4), 363-367.

Rosenfeld, P.E., and C.L. Henry. (2001). Activated Carbon and Wood Ash Sorption of Wastewater, Compost, and Biosolids Odorants. *Water Environment Research*, 73, 388-393.

Rosenfeld, P.E., and Henry C. L., (2001). High carbon wood ash effect on biosolids microbial activity and odor. *Water Environment Research.* 131(1-4), 247-262.

Chollack, T. and **P. Rosenfeld.** (1998). Compost Amendment Handbook For Landscaping. Prepared for and distributed by the City of Redmond, Washington State.

Rosenfeld, P. E. (1992). The Mount Liamuiga Crater Trail. *Heritage Magazine of St. Kitts*, 3(2).

Rosenfeld, P. E. (1993). High School Biogas Project to Prevent Deforestation On St. Kitts. *Biomass Users Network*, 7(1).

Rosenfeld, P. E. (1998). Characterization, Quantification, and Control of Odor Emissions From Biosolids Application To Forest Soil. Doctoral Thesis. University of Washington College of Forest Resources.

Rosenfeld, P. E. (1994). Potential Utilization of Small Diameter Trees on Sierra County Public Land. Masters thesis reprinted by the Sierra County Economic Council. Sierra County, California.

Rosenfeld, P. E. (1991). How to Build a Small Rural Anaerobic Digester & Uses Of Biogas In The First And Third World. Bachelors Thesis. University of California.

Presentations:

Rosenfeld, P.E., "The science for Perfluorinated Chemicals (PFAS): What makes remediation so hard?" Law Seminars International, (May 9-10, 2018) 800 Fifth Avenue, Suite 101 Seattle, WA.

Rosenfeld, P.E., Sutherland, A; Hesse, R.; Zapata, A. (October 3-6, 2013). Air dispersion modeling of volatile organic emissions from multiple natural gas wells in Decatur, TX. *44th Western Regional Meeting, American Chemical Society.* Lecture conducted from Santa Clara, CA.

Sok, H.L.; Waller, C.C.; Feng, L.; Gonzalez, J.; Sutherland, A.J.; Wisdom-Stack, T.; Sahai, R.K.; Hesse, R.C.; **Rosenfeld, P.E.** (June 20-23, 2010). Atrazine: A Persistent Pesticide in Urban Drinking Water. *Urban Environmental Pollution.* Lecture conducted from Boston, MA.

Feng, L.; Gonzalez, J.; Sok, H.L.; Sutherland, A.J.; Waller, C.C.; Wisdom-Stack, T.; Sahai, R.K.; La, M.; Hesse, R.C.; **Rosenfeld, P.E.** (June 20-23, 2010). Bringing Environmental Justice to East St. Louis, Illinois. *Urban Environmental Pollution.* Lecture conducted from Boston, MA.

Rosenfeld, P.E. (April 19-23, 2009). Perfluoroctanoic Acid (PFOA) and Perfluoroactane Sulfonate (PFOS) Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*, Lecture conducted from Tuscon, AZ.

Rosenfeld, P.E. (April 19-23, 2009). Cost to Filter Atrazine Contamination from Drinking Water in the United States" Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting.* Lecture conducted from Tuscon, AZ.

Wu, C., Tam, L., Clark, J., **Rosenfeld, P.** (20-22 July, 2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. Brebbia, C.A. and Popov, V., eds., *Air Pollution XVII: Proceedings of the Seventeenth International Conference on Modeling, Monitoring and Management of Air Pollution.* Lecture conducted from Tallinn, Estonia.

Rosenfeld, P. E. (October 15-18, 2007). Moss Point Community Exposure To Contaminants From A Releasing Facility. *The 23rd Annual International Conferences on Soils Sediment and Water.* Platform lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld, P. E. (October 15-18, 2007). The Repeated Trespass of Tritium-Contaminated Water Into A Surrounding Community Form Repeated Waste Spills From A Nuclear Power Plant. *The 23rd Annual International Conferences on Soils Sediment and Water*. Platform lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld, P. E. (October 15-18, 2007). Somerville Community Exposure To Contaminants From Wood Treatment Facility Emissions. The *23rd Annual International Conferences on Soils Sediment and Water*. Lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld P. E. (March 2007). Production, Chemical Properties, Toxicology, & Treatment Case Studies of 1,2,3-Trichloropropane (TCP). *The Association for Environmental Health and Sciences (AEHS) Annual Meeting*. Lecture conducted from San Diego, CA.

Rosenfeld P. E. (March 2007). Blood and Attic Sampling for Dioxin/Furan, PAH, and Metal Exposure in Florala, Alabama. *The AEHS Annual Meeting*. Lecture conducted from San Diego, CA.

Hensley A.R., Scott, A., **Rosenfeld P.E.,** Clark, J.J.J. (August 21 – 25, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *The 26th International Symposium on Halogenated Persistent Organic Pollutants – DIOXIN2006*. Lecture conducted from Radisson SAS Scandinavia Hotel in Oslo Norway.

Hensley A.R., Scott, A., **Rosenfeld P.E.,** Clark, J.J.J. (November 4-8, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *APHA 134 Annual Meeting & Exposition*. Lecture conducted from Boston Massachusetts.

Paul Rosenfeld Ph.D. (October 24-25, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. Mealey's C8/PFOA. *Science, Risk & Litigation Conference*. Lecture conducted from The Rittenhouse Hotel, Philadelphia, PA.

Paul Rosenfeld Ph.D. (September 19, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, *Toxicology and Remediation PEMA Emerging Contaminant Conference*. Lecture conducted from Hilton Hotel, Irvine California.

Paul Rosenfeld Ph.D. (September 19, 2005). Fate, Transport, Toxicity, And Persistence of 1,2,3-TCP. *PEMA Emerging Contaminant Conference*. Lecture conducted from Hilton Hotel in Irvine, California.

Paul Rosenfeld Ph.D. (September 26-27, 2005). Fate, Transport and Persistence of PDBEs. *Mealey's Groundwater Conference*. Lecture conducted from Ritz Carlton Hotel, Marina Del Ray, California.

Paul Rosenfeld Ph.D. (June 7-8, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. *International Society of Environmental Forensics: Focus On Emerging Contaminants*. Lecture conducted from Sheraton Oceanfront Hotel, Virginia Beach, Virginia.

Paul Rosenfeld Ph.D. (July 21-22, 2005). Fate Transport, Persistence and Toxicology of PFOA and Related Perfluorochemicals. *2005 National Groundwater Association Ground Water And Environmental Law Conference*. Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

Paul Rosenfeld Ph.D. (July 21-22, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, Toxicology and Remediation. *2005 National Groundwater Association Ground Water and Environmental Law Conference*. Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

Paul Rosenfeld, Ph.D. and James Clark Ph.D. and Rob Hesse R.G. (May 5-6, 2004). Tert-butyl Alcohol Liability and Toxicology, A National Problem and Unquantified Liability. *National Groundwater Association. Environmental Law Conference*. Lecture conducted from Congress Plaza Hotel, Chicago Illinois.

Paul Rosenfeld, Ph.D. (March 2004). Perchlorate Toxicology. *Meeting of the American Groundwater Trust.* Lecture conducted from Phoenix Arizona.

Hagemann, M.F., **Paul Rosenfeld, Ph.D.** and Rob Hesse (2004). Perchlorate Contamination of the Colorado River. *Meeting of tribal representatives.* Lecture conducted from Parker, AZ.

Paul Rosenfeld, Ph.D. (April 7, 2004). A National Damage Assessment Model For PCE and Dry Cleaners. *Drycleaner Symposium. California Ground Water Association.* Lecture conducted from Radison Hotel, Sacramento, California.

Rosenfeld, P. E., Grey, M., (June 2003) Two stage biofilter for biosolids composting odor control. *Seventh International In Situ And On Site Bioremediation Symposium Battelle Conference* Orlando, FL.

Paul Rosenfeld, Ph.D. and James Clark Ph.D. (February 20-21, 2003) Understanding Historical Use, Chemical Properties, Toxicity and Regulatory Guidance of 1,4 Dioxane. *National Groundwater Association. Southwest Focus Conference. Water Supply and Emerging Contaminants..* Lecture conducted from Hyatt Regency Phoenix Arizona.

Paul Rosenfeld, Ph.D. (February 6-7, 2003). Underground Storage Tank Litigation and Remediation. *California CUPA Forum.* Lecture conducted from Marriott Hotel, Anaheim California.

Paul Rosenfeld, Ph.D. (October 23, 2002) Underground Storage Tank Litigation and Remediation. *EPA Underground Storage Tank Roundtable.* Lecture conducted from Sacramento California.

Rosenfeld, P.E. and Suffet, M. (October 7- 10, 2002). Understanding Odor from Compost, *Wastewater and Industrial Processes. Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association.* Lecture conducted from Barcelona Spain.

Rosenfeld, P.E. and Suffet, M. (October 7- 10, 2002). Using High Carbon Wood Ash to Control Compost Odor. *Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association.* Lecture conducted from Barcelona Spain.

Rosenfeld, P.E. and Grey, M. A. (September 22-24, 2002). Biocycle Composting For Coastal Sage Restoration. *Northwest Biosolids Management Association.* Lecture conducted from Vancouver Washington..

Rosenfeld, P.E. and Grey, M. A. (November 11-14, 2002). Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Soil Science Society Annual Conferenc*e. Lecture conducted from Indianapolis, Maryland.

Rosenfeld. P.E. (September 16, 2000). Two stage biofilter for biosolids composting odor control. *Water Environment Federation.* Lecture conducted from Anaheim California.

Rosenfeld. P.E. (October 16, 2000). Wood ash and biofilter control of compost odor. *Biofest.* Lecture conducted from Ocean Shores, California.

Rosenfeld, P.E. (2000). Bioremediation Using Organic Soil Amendments. *California Resource Recovery Association.* Lecture conducted from Sacramento California.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. *Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings.* Lecture conducted from Bellevue Washington.

Rosenfeld, P.E., and C.L. Henry. (1999). An evaluation of ash incorporation with biosolids for odor reduction. *Soil Science Society of America.* Lecture conducted from Salt Lake City Utah.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Comparison of Microbial Activity and Odor Emissions from Three Different Biosolids Applied to Forest Soil. *Brown and Caldwell.* Lecture conducted from Seattle Washington.

Rosenfeld, P.E., C.L. Henry. (1998). Characterization, Quantification, and Control of Odor Emissions from Biosolids Application To Forest Soil. *Biofest.* Lecture conducted from Lake Chelan, Washington.

Rosenfeld, P.E, C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings. Lecture conducted from Bellevue Washington.

Rosenfeld, P.E., C.L. Henry, R. B. Harrison, and R. Dills. (1997). Comparison of Odor Emissions From Three Different Biosolids Applied to Forest Soil. *Soil Science Society of America.* Lecture conducted from Anaheim California.

Teaching Experience:

UCLA Department of Environmental Health (Summer 2003 through 20010) Taught Environmental Health Science 100 to students, including undergrad, medical doctors, public health professionals and nurses. Course focused on the health effects of environmental contaminants.

National Ground Water Association, Successful Remediation Technologies. Custom Course in Sante Fe, New Mexico. May 21, 2002. Focused on fate and transport of fuel contaminants associated with underground storage tanks.

National Ground Water Association; Successful Remediation Technologies Course in Chicago Illinois. April 1, 2002. Focused on fate and transport of contaminants associated with Superfund and RCRA sites.

California Integrated Waste Management Board, April and May, 2001. Alternative Landfill Caps Seminar in San Diego, Ventura, and San Francisco. Focused on both prescriptive and innovative landfill cover design.

UCLA Department of Environmental Engineering, February 5, 2002. Seminar on Successful Remediation Technologies focusing on Groundwater Remediation.

University Of Washington, Soil Science Program, Teaching Assistant for several courses including: Soil Chemistry, Organic Soil Amendments, and Soil Stability.

U.C. Berkeley, Environmental Science Program Teaching Assistant for Environmental Science 10.

Academic Grants Awarded:

California Integrated Waste Management Board. $41,000 grant awarded to UCLA Institute of the Environment. Goal: To investigate effect of high carbon wood ash on volatile organic emissions from compost. 2001.

Synagro Technologies, Corona California: $10,000 grant awarded to San Diego State University.
Goal: investigate effect of biosolids for restoration and remediation of degraded coastal sage soils. 2000.

King County, Department of Research and Technology, Washington State. $100,000 grant awarded to University of Washington: Goal: To investigate odor emissions from biosolids application and the effect of polymers and ash on VOC emissions. 1998.

Northwest Biosolids Management Association, Washington State. $20,000 grant awarded to investigate effect of polymers and ash on VOC emissions from biosolids. 1997.

James River Corporation, Oregon: $10,000 grant was awarded to investigate the success of genetically engineered Poplar trees with resistance to round-up. 1996.

United State Forest Service, Tahoe National Forest: $15,000 grant was awarded to investigating fire ecology of the Tahoe National Forest. 1995.

Kellogg Foundation, Washington D.C. $500 grant was awarded to construct a large anaerobic digester on St. Kitts in West Indies. 1993

Deposition and/or Trial Testimony:

In the Superior Court of the State of California, County of San Bernardino
Billy Wildrick, Plaintiff vs. BNSF Railway Company
Case No. CIVDS1711810
Rosenfeld Deposition 10-17-2022

In the State Court of Bibb County, State of Georgia
Richard Hutcherson, Plaintiff vs Norfolk Southern Railway Company
Case No. 10-SCCV-092007
Rosenfeld Deposition 10-6-2022

In the Civil District Court of the Parish of Orleans, State of Louisiana
Millard Clark, Plaintiff vs. Dixie Carriers, Inc. et al.
Case No. 2020-03891
Rosenfeld Deposition 9-15-2022

In The Circuit Court of Livingston County, State of Missouri, Circuit Civil Division
Shirley Ralls, Plaintiff vs. Canadian Pacific Railway and Soo Line Railroad
Case No. 18-LV-CC0020
Rosenfeld Deposition 9-7-2022

In The Circuit Court of the 13th Judicial Circuit Court, Hillsborough County, Florida Civil Division
Jonny C. Daniels, Plaintiff vs. CSX Transportation Inc.
Case No. 20-CA-5502
Rosenfeld Deposition 9-1-2022

In The Circuit Court of St. Louis County, State of Missouri
Kieth Luke et. al. Plaintiff vs. Monsanto Company et. al.
Case No. 19SL-CC03191
Rosenfeld Deposition 8-25-2022

In The Circuit Court of the 13th Judicial Circuit Court, Hillsborough County, Florida Civil Division
Jeffery S. Lamotte, Plaintiff vs. CSX Transportation Inc.
Case No. NO. 20-CA-0049
Rosenfeld Deposition 8-22-2022

In State of Minnesota District Court, County of St. Louis Sixth Judicial District
Greg Bean, Plaintiff vs. Soo Line Railroad Company
Case No. 69-DU-CV-21-760
Rosenfeld Deposition 8-17-2022

In United States District Court Western District of Washington at Tacoma, Washington
John D. Fitzgerald Plaintiff vs. BNSF
Case No. 3:21-cv-05288-RJB
Rosenfeld Deposition 8-11-2022

In Circuit Court of the Sixth Judicial Circuit, Macon Illinois
Rocky Bennyhoff Plaintiff vs. Norfolk Southern
Case No. 20-L-56
Rosenfeld Deposition 8-3-2022

In Court of Common Pleas, Hamilton County Ohio
Joe Briggins Plaintiff vs. CSX
Case No. A2004464
Rosenfeld Deposition 6-17-2022

In the Superior Court of the State of California, County of Kern
George LaFazia vs. BNSF Railway Company.
Case No. BCV-19-103087
Rosenfeld Deposition 5-17-2022

In the Circuit Court of Cook County Illinois
Bobby Earles vs. Penn Central et. al.
Case No. 2020-L-000550
Rosenfeld Deposition 4-16-2022

In United States District Court Easter District of Florida
Albert Hartman Plaintiff vs. Illinois Central
Case No. 2:20-cv-1633
Rosenfeld Deposition 4-4-2022

In the Circuit Court of the 4th Judicial Circuit, in and For Duval County, Florida
Barbara Steele vs. CSX Transportation
Case No.16-219-Ca-008796
Rosenfeld Deposition 3-15-2022

In United States District Court Easter District of New York
Romano et al. vs. Northrup Grumman Corporation
Case No. 16-cv-5760
Rosenfeld Deposition 3-10-2022

In the Circuit Court of Cook County Illinois
Linda Benjamin vs. Illinois Central
Case No. No. 2019 L 007599
Rosenfeld Deposition 1-26-2022

In the Circuit Court of Cook County Illinois
Donald Smith vs. Illinois Central
Case No. No. 2019 L 003426
Rosenfeld Deposition 1-24-2022

In the Circuit Court of Cook County Illinois
Jan Holeman vs. BNSF
Case No. 2019 L 000675
Rosenfeld Deposition 1-18-2022

In the State Court of Bibb County State of Georgia
Dwayne B. Garrett vs. Norfolk Southern
Case No. 20-SCCV-091232
Rosenfeld Deposition 11-10-2021

In the Circuit Court of Cook County Illinois
Joseph Ruepke vs. BNSF
Case No. 2019 L 007730
Rosenfeld Deposition 11-5-2021

In the United States District Court For the District of Nebraska
Steven Gillett vs. BNSF
Case No. 4:20-cv-03120
Rosenfeld Deposition 10-28-2021

In the Montana Thirteenth District Court of Yellowstone County
James Eadus vs. Soo Line Railroad and BNSF
Case No. DV 19-1056
Rosenfeld Deposition 10-21-2021

In the Circuit Court Of The Twentieth Judicial Circuit, St Clair County, Illinois
Martha Custer et al.cvs. Cerro Flow Products, Inc.
Case No. 0i9-L-2295
Rosenfeld Deposition 5-14-2021
Trial October 8-4-2021

In the Circuit Court of Cook County Illinois
Joseph Rafferty vs. Consolidated Rail Corporation and National Railroad Passenger Corporation d/b/a AMTRAK,
Case No. 18-L-6845
Rosenfeld Deposition 6-28-2021

In the United States District Court For the Northern District of Illinois
Theresa Romcoe vs. Northeast Illinois Regional Commuter Railroad Corporation d/b/a METRA Rail
Case No. 17-cv-8517
Rosenfeld Deposition 5-25-2021

In the Superior Court of the State of Arizona In and For the Cunty of Maricopa
Mary Tryon et al. vs. The City of Pheonix v. Cox Cactus Farm, L.L.C., Utah Shelter Systems, Inc.
Case No. CV20127-094749
Rosenfeld Deposition 5-7-2021

In the United States District Court for the Eastern District of Texas Beaumont Division
Robinson, Jeremy et al vs. CNA Insurance Company et al.
Case No. 1:17-cv-000508
Rosenfeld Deposition 3-25-2021

In the Superior Court of the State of California, County of San Bernardino
Gary Garner, Personal Representative for the Estate of Melvin Garner vs. BNSF Railway Company.
Case No. 1720288
Rosenfeld Deposition 2-23-2021

In the Superior Court of the State of California, County of Los Angeles, Spring Street Courthouse
Benny M Rodriguez vs. Union Pacific Railroad, A Corporation, et al.
Case No. 18STCV01162
Rosenfeld Deposition 12-23-2020

In the Circuit Court of Jackson County, Missouri
Karen Cornwell, Plaintiff, vs. Marathon Petroleum, LP, Defendant.
Case No. 1716-CV10006
Rosenfeld Deposition 8-30-2019

In the United States District Court For The District of New Jersey
Duarte et al, Plaintiffs, vs. United States Metals Refining Company et. al. Defendant.
Case No. 2:17-cv-01624-ES-SCM
Rosenfeld Deposition 6-7-2019

In the United States District Court of Southern District of Texas Galveston Division
M/T Carla Maersk vs. Conti 168., Schiffahrts-GMBH & Co. Bulker KG MS "Conti Perdido" Defendant.
Case No. 3:15-CV-00106 consolidated with 3:15-CV-00237
Rosenfeld Deposition 5-9-2019

In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica
Carole-Taddeo-Bates et al., vs. Ifran Khan et al., Defendants
Case No. BC615636
Rosenfeld Deposition 1-26-2019

In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica
The San Gabriel Valley Council of Governments et al. vs El Adobe Apts. Inc. et al., Defendants
Case No. BC646857
Rosenfeld Deposition 10-6-2018; Trial 3-7-19

In United States District Court For The District of Colorado
Bells et al. Plaintiffs vs. The 3M Company et al., Defendants
Case No. 1:16-cv-02531-RBJ
Rosenfeld Deposition 3-15-2018 and 4-3-2018

In The District Court Of Regan County, Texas, 112th Judicial District
Phillip Bales et al., Plaintiff vs. Dow Agrosciences, LLC, et al., Defendants
Cause No. 1923
Rosenfeld Deposition 11-17-2017

In The Superior Court of the State of California In And For The County Of Contra Costa
Simons et al., Plaintifs vs. Chevron Corporation, et al., Defendants
Cause No. C12-01481
Rosenfeld Deposition 11-20-2017

In The Circuit Court Of The Twentieth Judicial Circuit, St Clair County, Illinois
Martha Custer et al., Plaintiff vs. Cerro Flow Products, Inc., Defendants
Case No.: No. 0i9-L-2295
Rosenfeld Deposition 8-23-2017

In United States District Court For The Southern District of Mississippi
Guy Manuel vs. The BP Exploration et al., Defendants
Case No. 1:19-cv-00315-RHW
Rosenfeld Deposition 4-22-2020

In The Superior Court of the State of California, For The County of Los Angeles
Warrn Gilbert and Penny Gilber, Plaintiff vs. BMW of North America LLC
Case No. LC102019 (c/w BC582154)
Rosenfeld Deposition 8-16-2017, Trail 8-28-2018

In the Northern District Court of Mississippi, Greenville Division
Brenda J. Cooper, et al., Plaintiffs, vs. Meritor Inc., et al., Defendants
Case No. 4:16-cv-52-DMB-JVM
Rosenfeld Deposition July 2017

In The Superior Court of the State of Washington, County of Snohomish
Michael Davis and Julie Davis et al., Plaintiff vs. Cedar Grove Composting Inc., Defendants
Case No. 13-2-03987-5
Rosenfeld Deposition, February 2017
Trial March 2017

In The Superior Court of the State of California, County of Alameda
Charles Spain., Plaintiff vs. Thermo Fisher Scientific, et al., Defendants
Case No. RG14711115
Rosenfeld Deposition September 2015

In The Iowa District Court In And For Poweshiek County
Russell D. Winburn, et al., Plaintiffs vs. Doug Hoksbergen, et al., Defendants
Case No. LALA002187
Rosenfeld Deposition August 2015

In The Circuit Court of Ohio County, West Virginia
Robert Andrews, et al. v. Antero, et al.
Civil Action No. 14-C-30000
Rosenfeld Deposition June 2015

In The Iowa District Court for Muscatine County
Laurie Freeman et. al. Plaintiffs vs. Grain Processing Corporation, Defendant
Case No. 4980
Rosenfeld Deposition May 2015

In the Circuit Court of the 17th Judicial Circuit, in and For Broward County, Florida
Walter Hinton, et. al. Plaintiff, vs. City of Fort Lauderdale, Florida, a Municipality, Defendant.
Case No. CACE07030358 (26)
Rosenfeld Deposition December 2014

In the County Court of Dallas County Texas
Lisa Parr et al, Plaintiff, vs. Aruba et al, Defendant.
Case No. cc-11-01650-E
Rosenfeld Deposition: March and September 2013
Rosenfeld Trial April 2014

In the Court of Common Pleas of Tuscarawas County Ohio
John Michael Abicht, et al., Plaintiffs, vs. Republic Services, Inc., et al., Defendants
Case No. 2008 CT 10 0741 (Cons. w/ 2009 CV 10 0987)
Rosenfeld Deposition October 2012

In the United States District Court for the Middle District of Alabama, Northern Division
James K. Benefield, et al., Plaintiffs, vs. International Paper Company, Defendant.
Civil Action No. 2:09-cv-232-WHA-TFM
Rosenfeld Deposition July 2010, June 2011

In the Circuit Court of Jefferson County Alabama
Jaeanette Moss Anthony, et al., Plaintiffs, vs. Drummond Company Inc., et al., Defendants
Civil Action No. CV 2008-2076
Rosenfeld Deposition September 2010

In the United States District Court, Western District Lafayette Division
Ackle et al., Plaintiffs, vs. Citgo Petroleum Corporation, et al., Defendants.
Case No. 2:07CV1052
Rosenfeld Deposition July 2009

Green Jobs & Clean Communities

12 June 2025

City Council
City of Fontana
8353 Sierra Avenue
Fontana, CA 92335

SUBJECT:
Appeal to the City Council of the City of Fontana regarding a decision of the Sierra Distribution Facility Project Final EIR (SCH 2023030788)

PROJECT:
Sierra Distribution Facility Project Final EIR (SCH 2023030788)

APPELLANT:
Golden State Environmental Justice Alliance

PURPOSE:
This appeal seeks to reverse the entire decision of the Planning Commission's decision on 3 June 2025, which approved the Project.

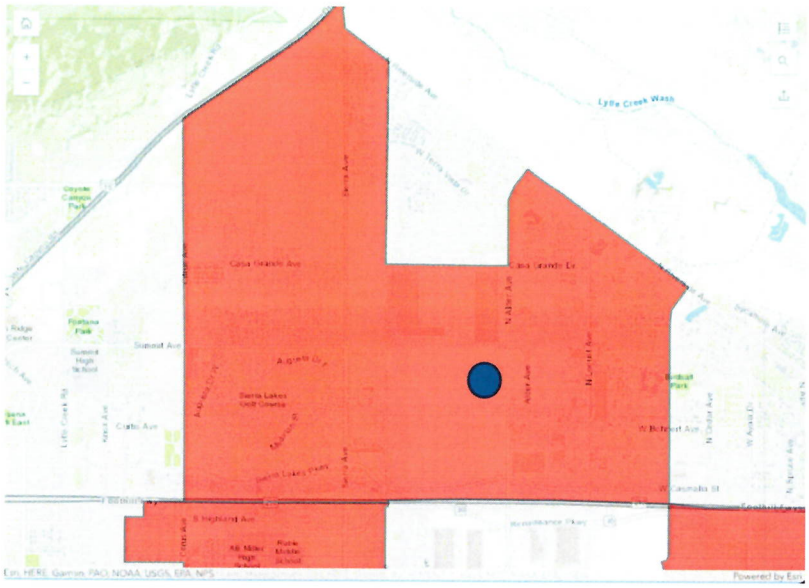
REASONS FOR APPEAL AND DENIAL OF PROJECT:
Appellant presented multiple arguments in communications in the form of a:

- Comment letter dated 23 October 2024, which objects the Environmental Impact Report (EIR) and cites numerous procedural and substantive deficiencies including project piecemealing, inadequate environmental analysis, and failure to properly assess impacts on the surrounding disadvantaged community.

- Email dated 1 June 2025, which objects the Final Environmental Impact Report (FEIR) and reaffirms the position of the October 2024 comment letter.

Appellant also provided a response to comments dated 22 October 2024 by consultant Soil Water Air Protection Enterprise (SWAPE), stating that the Draft Environmental Impact Report "*fails to adequately evaluate the Project's health risk impacts*" as well as "*emissions and health risk impacts associated with construction and operation of the proposed Project may be underestimated and inadequately addressed.*" SWAPE's specific comments are detailed in the forthcoming text.

Appellant's comprehensive technical review of the Project's FEIR reveals critical deficiencies that warrant the Planning Department's reconsideration of this proposed 398,514 ft^2 warehouse development. The project site is in a census tract ranking in the 94th percentile of California's most polluted areas, with cancer risks at 423 in one million—positioning it in the 76th percentile of highest cancer risks regionally. This designated SB 535 disadvantaged community already bears disproportionate environmental burdens that the proposed warehouse would significantly exacerbate.



CalEnviroScreen's SB 535 Disadvantaged Communities Map, the Project site is identified as a designated disadvantaged community

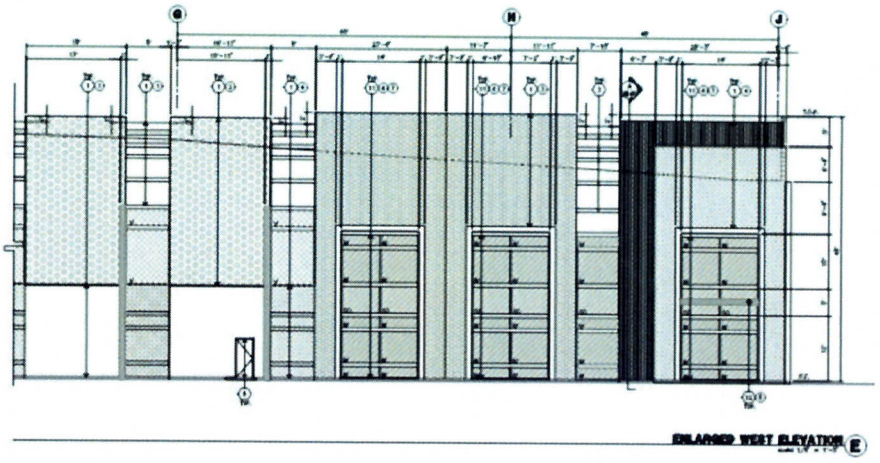
Legal and Regulatory Compliance Issues

The FEIR fails to meet California Environmental Quality Act (CEQA) standards through multiple critical omissions.

The environmental analysis improperly segments what should be evaluated as a comprehensive development program, with the same developer submitting three separate warehouse projects totaling over 1.2 million square feet within six weeks ((MCN 22-000079, MCN 22-000105, and MCN 22-000104). This "piecemealing" artificially minimizes cumulative environmental impacts and violates CEQA's mandate to analyze the whole of the action under CEQA Guidelines §15378, and in violation of *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376 and *Bozung v. Local Agency Formation Comm.* (1975) 13 Cal.3d 263.

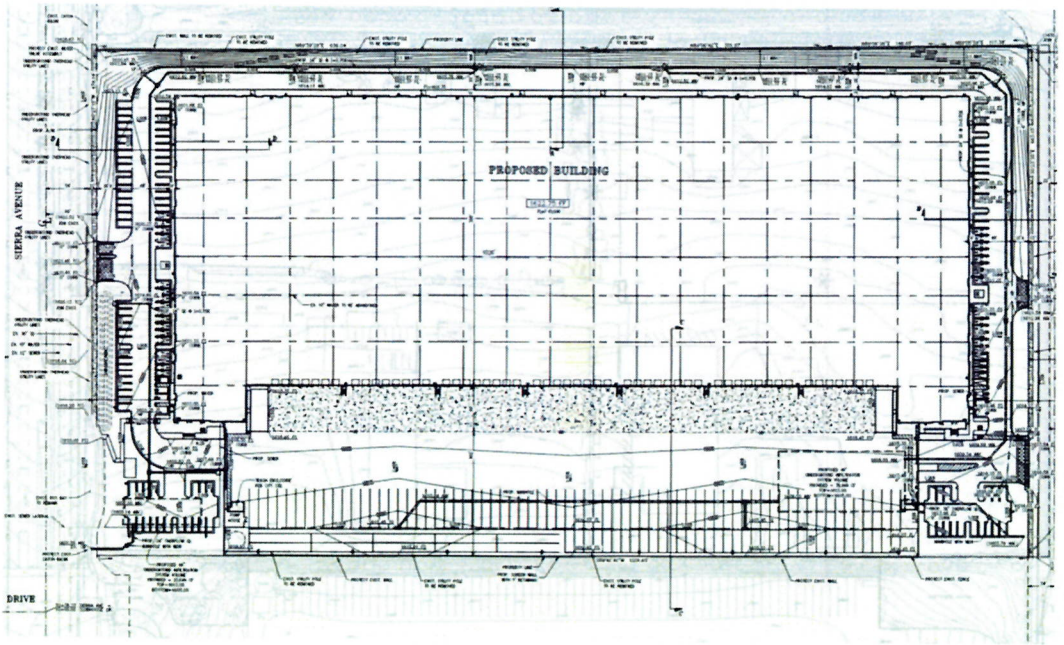
The FEIR fails to provide legally adequate project descriptions, with illegible site plans, elevations, and grading documents that prevent any meaningful public review. CEQA mandates that project descriptions be sufficiently detailed to enable informed decision-making, however critical technical drawings remain unreadable, violating the statute's informational disclosure mandates, and represents a fundamental breach of governmental transparency and due process

that could be characterized as institutional hypocrisy. Illegible technical drawings prevent constitutionally required meaningful public participation, violating due process requirements under *Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist. Agricultural Assn.* (1986) 42 Cal.3d 929.



PROJECT DATA

SITE AREA		
In s.f.	797,033	sf
In acres	18.30	ac
BUILDING AREA		
SWC Office	5,000	sf
SEC Office	5,000	sf
Warehouse	390,514	sf
TOTAL	390,514	sf
FLOOR AREA RATIO		
Maximum Allowed	0.60	
Actual	0.500	
SITE COVERAGE		
Maximum Allowed	60%	
Actual	50.0%	
AUTO PARKING REQUIRED		
Office (required if over 10% of G.F.A.)	0	stalls
Whse 1st 20,000 @ 1/1,000 s.f.	20	stalls
2nd 20,000 @ 1/2,000 s.f.	10	stalls
above 40,000 @ 1/5,000 s.f.	72	stalls
TOTAL	102	stalls
AUTO PARKING PROVIDED		
Standard (9' x 19')	104	stalls
Accessible Standard (9' x 19')	5	stalls
Accessible Van (12' x 19')	1	stalls
EV Van Accessible (12' x 19')	1	stalls
EV Standard Accessible (9' x 19')	1	stalls
EV Standard (9' x 19')	9	stalls
EV Capable (9'x19')	21	stalls
TOTAL	142	stalls



Project plans provided in FEIR are illegible and fail to meet CEQA disclosure requirements, preventing meaningful public review and true verification of environmental impacts, exemplifying the need for revised environmental analysis.

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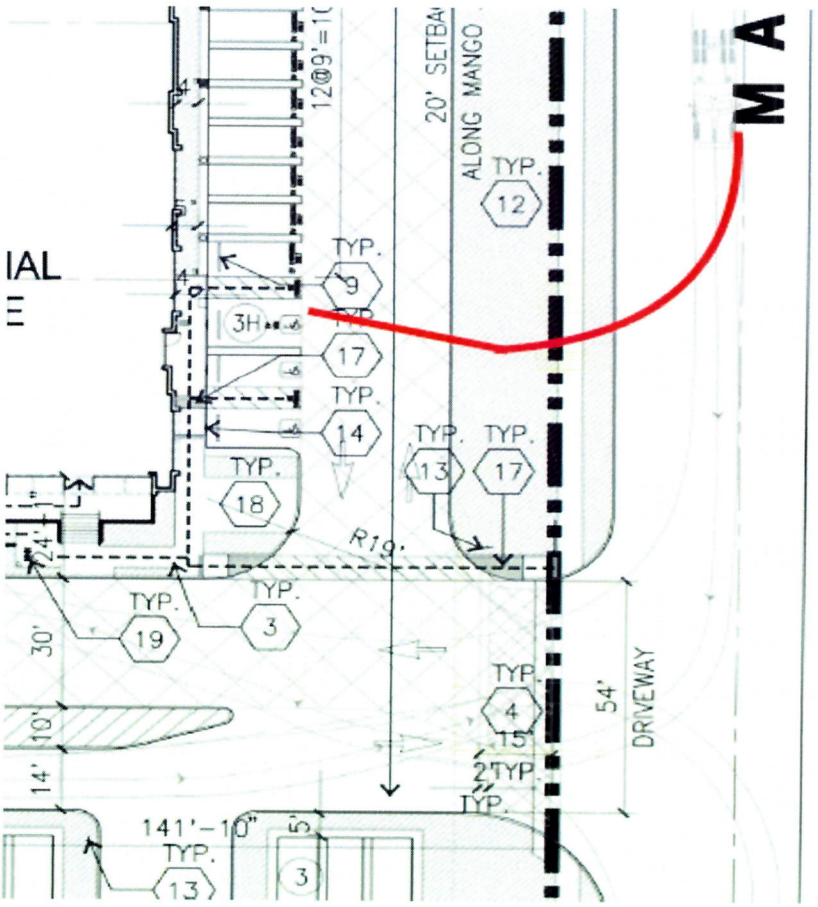
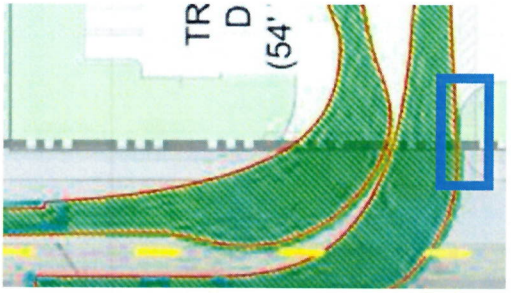
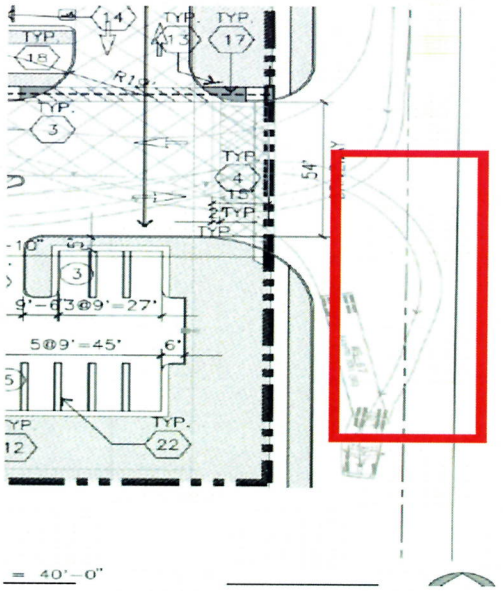
Additionally, the project generates 239 daily truck trips, directly violating Light Industrial (M-1) zoning requirements that explicitly prohibit "high volumes of truck traffic" (Municipal Code §30-522). The truck routing analysis forces heavy vehicles onto residential streets rather than designated truck routes, creating significant public safety hazards and community impacts. This also violates Municipal Code §17-426(b) which requires commercial vehicles to utilize designated truck routes. These inconsistencies with permitted land uses requires either project redesign or zoning amendments through proper legislative processes.

Official city truck route map shows Sierra Avenue as the only designated truck route serving the project site, contradicting project's proposed routing plan.

Technical analysis demonstrates inadequate truck turning space and safety hazards, with vehicles required to use opposing traffic lanes.



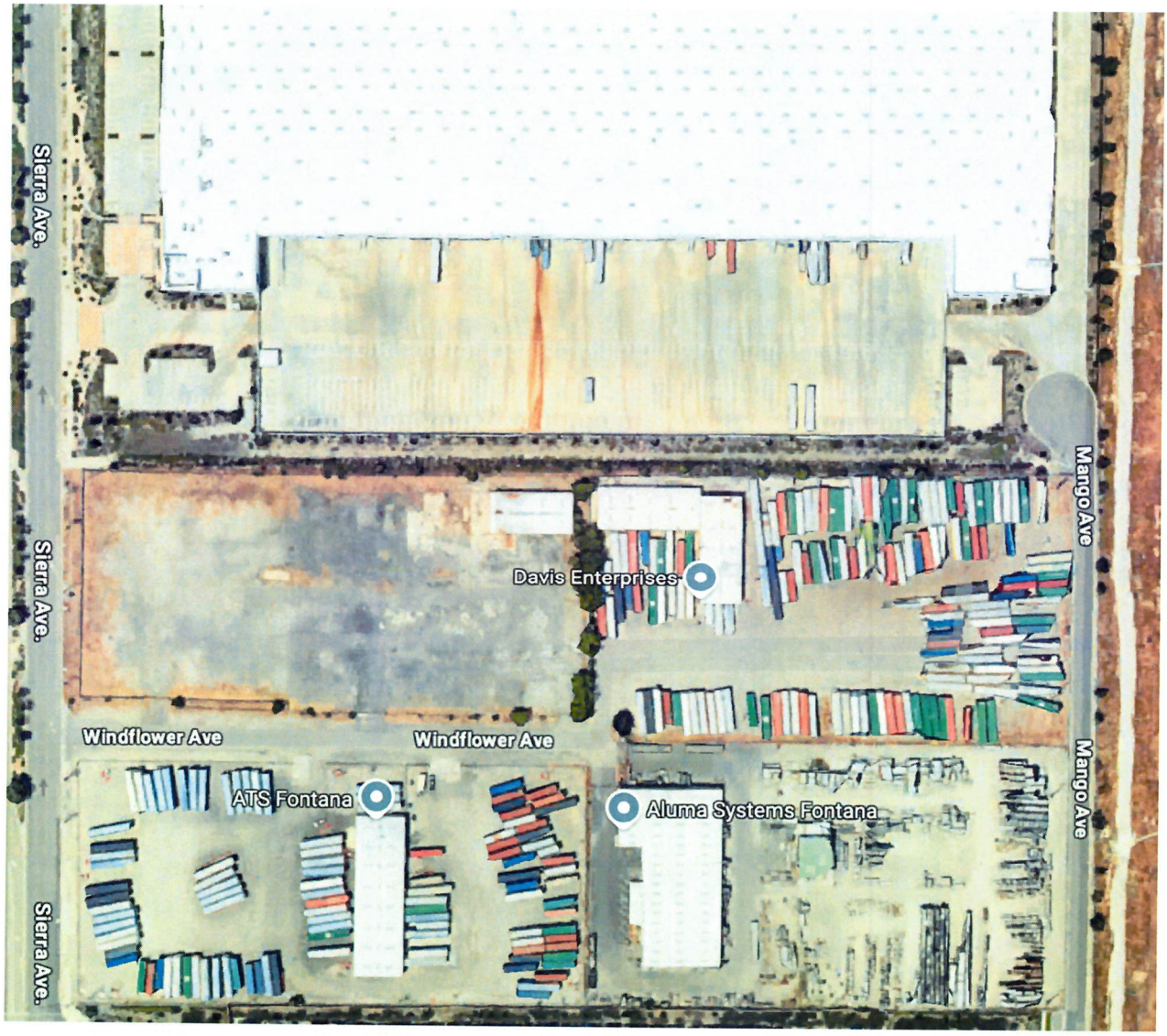




Environmental Justice Violations

The Project contradicts SB 1000 environmental justice requirements and established planning principles. South Coast Air Quality Management District research demonstrates that communities within a half-mile radius of warehouses—predominantly communities of color—experience elevated asthma and heart attack rates. With 39 existing warehouses already operating in Fontana and regional industrial development adding 10-25 million square feet annually, this project contributes to what health experts term **"diesel death zones"** where cumulative pollution exposure creates severe public health consequences. Additionally, this violates CEQA Guidelines §15130(a) requiring evaluation of "past, present, and reasonably foreseeable probable future projects."

Existing site conditions showing concentration of warehouse facilities in this disadvantaged community, supporting cumulative impact concerns.



The FEIR establishes an artificially inflated environmental baseline (CEQA Guidelines §15125) by claiming four businesses operated on-site when only one possessed valid city business licenses. This manipulation of existing conditions violates *Communities for a Better Environment v. South Coast Air Quality Management District* (2010) 48 Cal.4th 310, which requires accurate baseline determinations.

Grievances

Following the Planning Commission's decision to approve the project FEIR, Appellant maintains that the Planning Commission breached its responsibility to conduct proper environmental reviews and implement necessary safeguards. Additionally, CEQA requires local agencies to "Take all action necessary to provide the people of this state with clean air and water, enjoyment of aesthetic, natural, scenic, and historic environmental qualities, and freedom from excessive noise."

The centrality of environmental health for California's population underlies CEQA's statutory framework. The Legislature articulated these fundamental mandates when adopting CEQA:

- "The maintenance of a quality environment for the people of this state now and in the future is a matter of statewide concern." (Pub. Res. Code, § 21000, subd. (a).)

- Agencies must "identify any critical thresholds for the health and safety of the people of the state and take all coordinated actions necessary to prevent such thresholds from being reached." (Id. at subd. (d).)

- "[M]ajor consideration [must be] given to preventing environmental damage, while providing a decent home and satisfying living environment for every Californian." (Id. at subd. (g).)

- Agencies must "[t]ake all action necessary to provide the people of this state with clean air and water, enjoyment of aesthetic, natural, scenic, and historic environmental qualities, and freedom from excessive noise." (Pub. Res. Code, § 21001, subd. (b).)

Municipal governments and other local authorities hold critical responsibilities in safeguarding environmental justice for California communities. Under existing statutes: "[E]nvironmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.

Gov. Code, § 65040.12, subd. (e) demands that environmental benefits reach all community members equally, while preventing the concentration of pollution impacts on at-risk populations or neighborhoods already bearing environmental burdens.

Recommendation

The Planning Commission should have required a revised Environmental Impact Report addressing cumulative impacts, proper project scope definition, zoning compliance, and comprehensive environmental justice analysis before project approval. The current FEIR's technical deficiencies and regulatory violations necessitate additional environmental review to ensure community protection and legal compliance with state environmental justice mandates.

Conclusion

Due to the above-mentioned reasons as well as the reasons listed in the original comment letter to the EIR, Appellant believes the EIR is flawed and a new EIR must be prepared for the proposed project and circulated for public review. Appellant requests the City of Fontana City Council reverse the decision of the Planning Commission's approval of the project and require a new EIR.

Best.

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