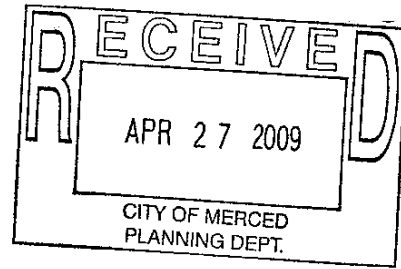


April 2, 2009

To Whom It May Concern  
Merced Planning Department  
678 West 18<sup>th</sup> Street  
Merced, CA 95340



Subject: Draft Environmental Impact Report for the WalMart Distribution Center

I had the chance to review the Alternatives for the Proposed Project in the draft report. I think you are missing input from the Municipal Airport Authority in regards to Site #3 in your list of Alternative Sites. Is the Airport Authority even aware that an alternative site is next to their runway? Are there safety issues that ought to be explored? As I understand it, under CEQA, you have to provide good options as alternatives. Maybe Alternative Site 3 is really not a good option. I hope you will come up some other options.

102A-1

Thank you,

A handwritten signature in cursive script, appearing to read "Anison Harris", written over a horizontal line.

Signature

Anison Harris

Print Name

420 W. 19th Street

Address

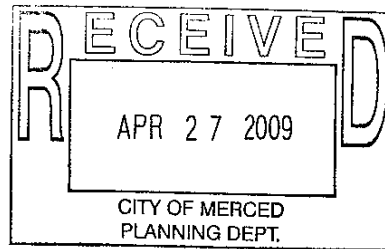
Merced CA 95340

Phone

209-722-7167

April 15, 2009

Kim Espinosa  
Project Manager  
Planning Division  
City of Merced  
Merced, CA 95340



Hi Kim,

I am writing to support the "environmentally superior alternative" for the Wal-Mart distribution center mentioned in the draft report. I don't want a distribution center period, but since the city wants it, they'll get it. So, might as well pick the lesser of two evils.

I think a smaller sized distribution center makes the most sense. Hopefully it will mean less traffic and pollution in my neighborhood.

102B-1

Regards,

A handwritten signature in cursive script, appearing to read "Allison Harris".

Signature

Allison Harris

Print Name

420 W. 19th Street

Address

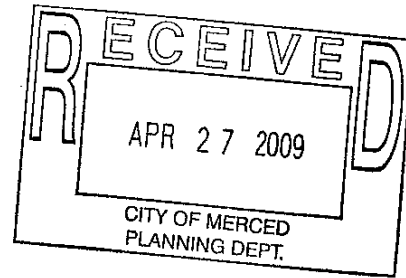
Merced, CA 95340

Phone

209-722-7167

4.12.09

Ms. Kim Espinosa  
Project Manager  
Merced Planning Division  
678 West 18<sup>th</sup> Street  
Merced, CA 95340



Dear Ms. Espinosa:

I appreciate the opportunity to take a look at the study on the Wal-Mart Distribution Center. Thanks for putting it on-line. As an educator, I think it is absolutely critical that residents take a look. I think we need more time and the comment period should be extended, but that's another topic for another day.

102C-1

Anyway, I am looking at some of the alternative ideas you have presented. Seems to me what makes sense is to 1: reduce the size and 2: move it to the other side of highway 99. Look, your own report says a reduced size will decrease the impacts. Move it west of 99 and its father away from schools and the neighborhoods. Everyone's happy and the city gets its precious distribution center. It just makes sense.

102C-2

Thank for your time,

A handwritten signature in cursive script, appearing to read "Allison Harris".

Signature

Allison Harris

Print Name

420 W. 19<sup>th</sup> Street

Address

Merced, CA 95340

Phone

209-722-7167

**Letter**  
**102A-C**  
**Response**

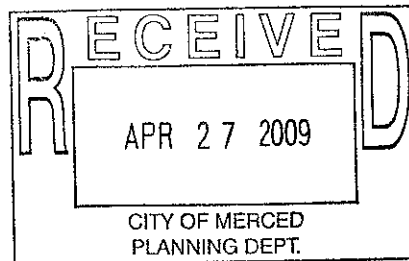
Allison Harris  
➤ 102A–April 2, 2009  
➤ 102B–April 15, 2009  
➤ 102C–April 12, 2009

---

- 102A-1      The commenter raises air traffic hazard issues related to the proximity of Alternative Site #3 to the Municipal Airport and questions whether the airport has been notified about this alternative site. The DEIR notes the potential for hazards associated with the proximity of Alternative Site #3 with the Merced Municipal Airport (See DEIR page 5-35). It should also be noted that the City cannot approve the project at Alternative Site #3 since it is not within the city limits. If Alternative Site #3 is selected over the proposed project, the applicant would need to submit an application with the County of Merced and additional CEQA review would be required. This would likely include coordination with the airport.
- 102B-1      The commenter recommends approval of the environmentally superior alternative identified in the DEIR (The Reduced Site Plan and Operations Alternative). The commenter does not raise issues related to the adequacy of the DEIR. The comment is noted.
- 102C-1      This comment raises issues related to the adequacy of the public review period (although the comment does not raise specific issues with the adequacy of the provided 60-day public review of the Draft EIR). Please refer to Master Response 2: Language Barrier and Public Review Period, which addresses this issue.
- 102C-2      The commenter recommends that Council approve a combination of the Reduced Site Plan and Operations Alternative at an alternative site (not specified, but Alternative Site #2 and #3 fit the description provided by the commenter). The commenter does not raise issues with the adequacy of the DEIR. The comment is noted.

April 3, 2009

Kim Espinosa  
Project Manager  
Merced Planning Division  
678 W. 18<sup>th</sup> St.  
Merced, CA 95340



Ms. Espinosa,

In regards to Alternative Site #3, I think you have to remove this suggestion from Section 5 of the draft environmental impact report. I would be especially troubled by having the distribution center's fuel storage tank being so close to the southern runway of Merced Municipal Airport. I have to think there are safety issues with having fuel tanks in low flight paths as plans land and take off and I would have concerns for the safety of residents on the western side of Highway 99.

103-1

Please prepare a viable and safe alternative.

Sincerely,

Cheryl Haupt  
Signature

Cheryl Haupt  
Print Name

2146 Bristol CT  
Address  
Merced, CA

Phone  
209 726 6251

**Letter  
103  
Response**

Cheryl Haupt  
April 3, 2009

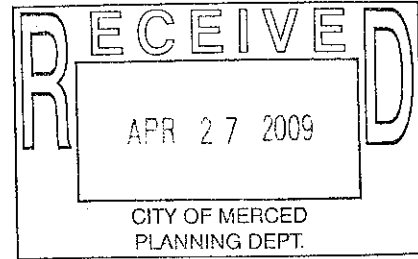
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103-1

The commenter raises hazards-related issues with the proximity of Alternative Site #3 with the Merced Municipal Airport. This comment is similar to Comment 102A-1. Please refer to the Response to Comment 102A-1.

April 13, 2009

Kim Espinosa  
Project Director  
City of Merced  
Planning Division  
678 West 18<sup>th</sup> St.  
Merced, CA 95340



I wanted to share my thoughts on the distribution center in Merced. As a resident in Southeast Merced, I was disappointed in reading the Air Quality section of the Toxic Air Contaminants. Why are you ignoring TAC data from diesel PM? You say that there is "no routine measurement method" which currently exists.

| 104-1

Perhaps there are other distribution centers where you could study diesel PM?

| 104-2

You should investigate this, if you really want to have an accurate environmental impact report.

*Gene Porter*  
*Frank Hawksworth*

**Letter  
104  
Response**

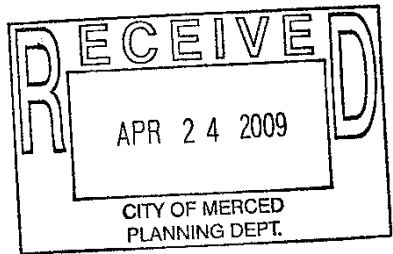
Joan Porter, Frank Hawksworth  
April 13, 2009

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- 104-1      The commenter questions why “TAC data from diesel PM” was ignored. The commenter also suggests that the analysis refer to other distribution centers in the TAC analysis. Please refer to the responses to comments 81-1, 81-2, and 86-2.
- 104-2      The commenter questions why “TAC data from diesel PM” was ignored. The commenter also suggests that the analysis refer to other distribution centers in the TAC analysis. Please refer to the responses to comments 81-1, 81-2, and 86-2.



Kim Espinosa, Planning Manager  
City of Merced Planning Division  
678 West 18<sup>th</sup> Street  
Merced, Ca 95340



Jon Hawthorne  
974 Wyoming Dr  
Merced, Ca 95340  
April 24, 2009

Dear Ms. Espinosa,

After reading through the Draft EIR report on the Wal-Mart Distribution Center, I have several concerns about this project.

1. Compliance with mitigations and consequences if Wal-Mart doesn't do what they are required to do according to the Final EIR. Who or what agency will monitor and verify compliance with the mitigations required by the final EIR? Will they report to the City of Merced or to Wal-Mart? This person or agency should be accountable to the people of Merced and not to Wal-Mart. There should be assurances in any agreement which reflect that. 105-1

2. Urban decay. My understanding was that urban decay must be addressed in the DEIR and I couldn't find it anywhere. There will definitely be urban decay if the project goes through. It will bring with it the typical elements of urban decay: lower property values, vacancies, crimes and prostitution to name a few? Who's going to want to build or buy houses next to this huge distribution center, with it's hundreds of diesel polluting trucks caravanning past their homes 24/7? 105-2

3. Water runoff. I was a little confused about how the water runoff from rain was going to be handled in a adequate way. I understand that there are going to be ponding basins arranged to collect the runoff, but it didn't seem like they are deep enough. The overflow from these ponding basins would then be pumped to the Merced canal system with all the pavement runoff contaminates in it. Can you simplify for me how this is going to work and keep our waterways clean? 105-3

4. Traffic. With 600 to 900 semi-trucks traveling past and though schools and residential developments, the traffic impact is going to be enormous. Everyone in the vicinity is going to be impacted in a negative way with the constant parade of dirty diesel polluting trucks, unceasing noise, greatly increased likelihood of accidents and severe wear of the roadways overused by this large number of trucks everyday 24/7. 105-4

5. Air Pollution. The current air quality of Merced and the Valley is bad and will only get worse from this type of industry locating here. The harmful and deadly effects of the dirty air our children and elders have to breathe is well documented. Diesel trucks are a major source of the most harmful kind of pollutants we can be exposed to. There are two schools in close enough proximity to this project that will be impacted in a very significant way if this project goes through. The plan to build a new school located near this distribution center site will have to be abandoned if this project goes through. 105-5

If this distribution center is allowed to go through it will allow many, many more Wal-Mart and Super Wal-Mart stores to pop-up in our local valley. This means there won't just be "hundreds" of trucks coming to and from this center, but "thousands" of diesel trucks spewing their noxious fumes that we all have to breathe. This means massive amounts of unwanted air pollution and traffic problems for our town and central valley. This is a bad project for our city and valley regardless of the number of jobs that may be promised. 105-6

*Jon Hawthorne*  
Jon Hawthorne

105-1 The commenter raises issues with the enforceability of mitigation measures in the DEIR. As indicated in Merced Municipal Code 19.28 (Mitigation Monitoring):

In 1988, the Legislature added to CEQA a requirement contained in Public Resources Code Section 21081.6 that a public agency, in approving feasible mitigation measures contained in EIR's and mitigated negative declarations, must also adopt a mitigation monitoring or reporting program. Such a program is to be designed to ensure compliance with the adopted changes to a project or the conditions of approval of a project which were required by the public agency in order to reduce or avoid significant environmental effects.

The purpose of this ordinance (MMC 19.28) is to set forth the procedures and requirements to be followed in this city with regard to the preparation and adoption of, and compliance with, mitigation monitoring or reporting programs for proposed projects when those programs are necessary to meet the requirements of CEQA.

The City of Merced is responsible for monitoring and verifying compliance with all mitigation measures. MMC 19.28.030 indicates the "Environmental Coordinator" is responsible for the above and MMC 19.28.020(D) indicates that the City of Merced Community Development Director (a title since changed to Director of Development Services) or his designee is the Environmental Coordinator. MMC 19.28.070 calls for the establishment of fees to be fully funded by the project applicant to cover all direct and indirect costs incurred by the City in carrying out the mitigation monitoring program. (The City may also use "professional expertise" per MMC 19.28.050(B)(3) for completion or verification of any portion or all of the program.) MMC 19.28.080 and 19.28.090 spells out criminal penalties and civil and administrative remedies that may be imposed for non-compliance with the mitigation measures.

105-2 The commenter indicates that the DEIR does not address urban decay to surrounding residential communities as a result of this proposed project, explaining that the proposed project will generate typical elements of urban decay, including lower property values, vacancies, crimes, and prostitution. Please see Master Response 11: Economics and Urban Decay, which addresses these issues.

105-3 The commenter requests a simplified explanation of the stormwater treatment system. Stormwater runoff in excess of existing conditions would be generated due to the addition of impervious surfaces. This runoff would be conveyed to detention basins or would pond and pool over pervious surfaces. These ponds will be sized to contain runoff from up to a 100-year storm (i.e., the amount of rainfall that has a 1 in 100 chance of occurring in any given year). This water would then be released at a rate agreed upon by the City and Merced Irrigation District, which manages the canals receiving the runoff. The design criteria described in the DEIR and associated references are designed to meet or exceed the City of Merced Storm Drain Master Plan and Standard Design requirements pertaining to stormwater treatment. The permanent BMPs to be utilized in the stormwater treatment system described in detail in the Master Drainage Plan have been shown in many studies in many areas to be effective in reducing contaminant levels in urban runoff (e.g. EPA 1999, CASQA 2003).

- 105-4 The commenter expresses concern that project-related truck traffic will result in “enormous” impacts. The DEIR analyzes impacts related to truck traffic in Section 4.11 “Traffic and Transportation.” Please also see Master Response 6: Trucks and the Transportation Analysis. It should be noted that the DIER assumes that the actual number of trucks would be 643 per day. The comment does not raise issues related to the adequacy of the DEIR. The comment is noted.
- 105-5 The commenter states that air quality in the project area will get worse with implementation of the proposed project. Section 4.2 of the DEIR is focused on the regional and local air quality impacts of the project. The analyses of short-term construction, long-term regional (operational), local mobile source, odor, and TAC emissions were performed in accordance with the recommendations of SJVAPCD. The project was found to have a less than significant impact on air quality with respect to CAPs, TAC, and odor emissions from construction and operation. The commenter is concerned about the health effects of the project’s emissions on children and the elderly. As discussed on Page 4.2-32 of the DEIR, a HRA was performed to assess the potential health risk associated with TACs generated by the operation of the proposed project. The HRA evaluated increased cancer and chronic noncancer health hazards at specific nearby locations where people may be exposed to emissions of TACs, including residences, schools, and worker sites. The impact was found to be less than significant at all these receptors. Thus, the project would not expose any offsite sensitive receptors to health risks that exceed acceptable levels. Please also refer to Master Response 13.
- The commenter also raises concerns about the impacts to the schools in close proximity to the proposed project site and suggests that implementation of the project will lead to abandonment of the plans to build a new school near the project site. The HRA performed for the project identified four schools (three existing and one potential future school) located within 2.5 miles of the project site. Separate health risk analyses were performed for children and adults at the school. The analysis for children accounted for the higher breathing rate to body mass ratio of a child compared to an adult and is appropriate for use in estimating exposure to children. The levels of increased health risks to school children were less than the SJVAPCD’s significance levels. Thus, the proposed project would not expose school children to health risks that exceed acceptable levels. Please also refer to response to comment 17-12 regarding the potential nearby location of a future school.
- 105-6 The commenter indicates that the proposed distribution center could spawn additional retail stores which would add to regional air quality impacts. Please see Master Response 1: Growth Inducement and Expansion, which addresses this issue.

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## Espinosa, Kim

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**From:** Annette Heikkila [aheikkila@transcountytitle.com]

**Sent:** Wednesday, March 25, 2009 11:09 AM

**To:** Espinosa, Kim

**Subject:** Wal Mart

I am strongly for the Wal Mart Distribution Center. We need jobs in Merced County desperately. Our economy is suffering and we cannot afford to let a job opportunity of this caliber pass us by.

Now more than ever, is the time for us to embrace this job opportunity in Merced County. Our unemployment rate continues to soar. We need jobs in Merced County!!

I say "YES" for Wal-Mart!

Thank you,  
Annette Heikkila

(209) 358-8254

106-1

**Letter  
106  
Response**

Annette Heikkila  
March 25, 2009

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106-1

The comment addresses the merits of the proposed project, recommends project approval, and does not raise environmental issues or any issues regarding the adequacy of the Draft EIR. The comment is noted.

## Espinosa, Kim

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**From:** Walker, Dawn on behalf of city, council  
**Sent:** Tuesday, March 31, 2009 9:33 AM  
**To:** city, council; Bill Spriggs (E-mail); Carlisle, John; Conway, Mike; Cortez, Joseph; Dawn Walker (E-mail); Ellie Wooten (E-mail 2); Ellie Wooten (E-mail); Gabriault, Michele; Jim Sanders (E-mail); Joe Cortez (E-mail); John Bramble; John Carlisle (E-mail); Lor, Noah; Lor, Noah; Michele Gabriault-Acosta (E-mail 2); Michele Gabriault-Acosta (E-mail); Sanders, Jim; Spriggs, Bill  
**Cc:** Conway, Mike; Davidson, Dana; Quintero, Frank; Espinosa, Kim; Schechter, Jeanne  
**Subject:** FW: Madera Distribution Center

From the website.

### *Dawn*

Dawn Walker  
Executive Secretary  
City of Merced  
678 West 18th Street  
Merced, CA 95340  
Phone: (209) 385-6834  
Fax: (209) 385-1780

-----Original Message-----

**From:** Joe Henriques [mailto:joehenriques@sbcglobal.net]  
**Sent:** Tuesday, March 31, 2009 7:46 AM  
**To:** city, council  
**Subject:** Madera Distribution Center

Watch out Madera has a nice distribution center that just became available for Wal-Mart.

| 107-1

### **Joe Henriques**

**Letter  
107  
Response**

Joe Henriques  
March 31, 2009

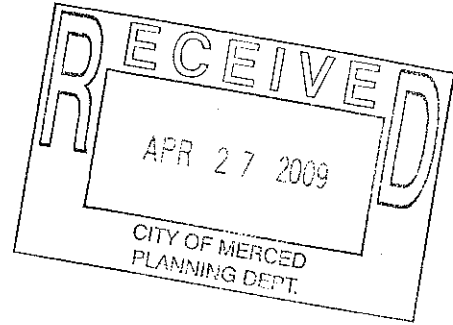
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107-1

The comment addresses the merits of the proposed project and does not raise environmental issues or any issues regarding the adequacy of the Draft EIR. The comment is noted.



Kim Espinosa, Planning Manager  
City of Merced Planning Division  
678 West 18th Street  
Merced, CA 95340



Re: Wal-Mart distribution center trucks and idling.

How many diesel and construction vehicles and equipment will be running at the Wal-Mart construction site at any time? According to California law, trucks can't idle for more than 5 minutes at a time, which means that trucks will be moving around very quickly and with a lot of frequency.

108-1

This will make the noise at the site deafening during and after construction. I would like to see figures in the final EIR regarding how many idling trucks there will be at the site in a 24 hour time period.

108-2

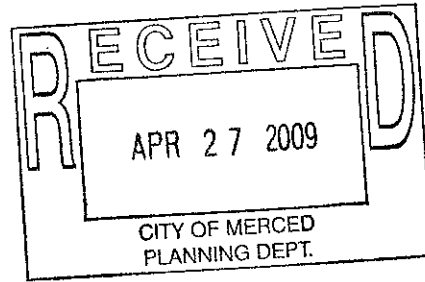
Sincerely,

Jamie Hernandez  
438 Hydrangea Ct  
Merced, CA 95301  
95341

- 108-1      The commenter asks “how many diesel and construction equipment will be running at the Wal-Mart construction site at the same time?” Please refer to response to comment 30D-1 for a discussion about the types and number of construction equipment that would be used for the project. Page 4.2-29 of the DEIR directs the reader to “Refer to Appendix C for detailed modeling input parameters, including the SJVAPCD-Recommended Construction Fleet spreadsheet, as well as modeling results.” The types and numbers of construction equipment used in the modeling are included in Appendix C of the DEIR.
- The commenter also states that “according to California law, trucks can’t idle for more than 5 minutes at one time, which means that trucks will be moving around very quickly and with a lot of frequency.” The comment does not raise issues with the adequacy of the DEIR. The comment is noted. The airborne toxic control measure that limits idling to 5 minutes is discussed on page 4.2-15. This regulation, however, does not mean that trucks would be moving around at any particular speed; rather, it means that truck and equipment operators will shut off their engines when not in use.
- 108-2      The comment states that noise from construction will be deafening and the amount of trucks that would idle on site over a 24-hour period is not disclosed. As shown in Exhibit 4.8-1, noise levels above 120 dB are considered deafening. No noise sources from the project would be greater than 88 dB. Approximately 643 truck trips (one-way) would be generated per day by the project (303 from 7:00 p.m. to 7:00 a.m. and 341 from 7:00 a.m. to 7:00 p.m.). This equates to approximately 28 trucks per hour accessing the distribution facility. Each truck would likely idle for some period of time while at the distribution facility. However, since trucks may not idle for more than 5 minutes, as stated on page 4.8-21 in Impact 4.8-2, no more than 4 trucks would be idling at any one time.

April 20, 2009

Kim Espinosa  
Project Director  
Merced City Planning Department  
678 W. 18<sup>th</sup> Street  
Merced, CA 95340



Dear Ms. Espinosa,

After reading Air Quality mitigation measure 4.2-2b, one of your suggestions is implementing parking fees for employees who commute alone in their cars. I like the idea behind requiring commuters to pay a fee to park, but that's a difficult burden for Wal-Mart's employees to bear.

109-1

Second, what's not to prevent single occupancy commuters to park outside the distribution center in our nearby neighborhoods? Who will police this activity? Merced parking enforcement? Will Wal-Mart fund this?

109-2

Finally, where will these parking fees go? Will it be used to for air quality efforts or for policing single occupancy commuters?

109-3

Thank you.

A handwritten signature in black ink, appearing to read "Emilie Herr".

Signature

Emilie Herr

Print Name

1240 W. 6<sup>th</sup> St.

Address

Merced, CA 95341

Phone

- 109-1      The commenter questions the feasibility of implement parking fees for single occupancy vehicle commuters or a parking cash-out program for employees, as stated in Mitigation Measure 4.2-2b.
- The commenter believes that one component of Mitigation Measure 4.2-2c, the implementation of parking fees for single occupancy vehicle commuters or a parking cash-out program for employees, would be ineffective and would be overly burdensome to the employees. The commenter provides no reasoning to support this belief, however. Parking cash-out programs typically involve paying an extra payout to those employees who do not use a parking space. Thus, employees are not subject to additional fees but rather the potential to realize additional monetary benefits.
- 109-2      The commenter notes that Wal-Mart employees who commute to work alone might be charged parking fees as suggested in one of the mitigation measures. The commenter asks what is to prevent single occupancy commuters from parking in adjacent residential neighborhoods, who will enforce this provision, who will fund the enforcement, and what will the parking fees be used for? Mitigation measure 4.2-2b includes design and program measures providing options to the applicant for reducing employee trips and then spells out possible elements of the program. The provision cited by the commenter may or may not be included in the final program, so it is not possible to address all the potential impacts of such a provision. It is noted in the mitigation measure, however, that the project applicant is responsible for all costs of the program. There are currently no parking restrictions in the adjacent neighborhoods, but if it becomes an issue, the City Council can consider residential parking permit programs, etc. in the future.
- 109-3      The commenter asks about parking fees. See Response to Comment 109-2, which addresses this issue.

## Espinosa, Kim

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**From:** Walker, Dawn on behalf of city, council  
**Sent:** Tuesday, March 10, 2009 8:21 AM  
**To:** city, council; Bill Spriggs (E-mail); Carlisle, John; Conway, Mike; Cortez, Joseph; Dawn Walker (E-mail); Ellie Wooten (E-mail 2); Ellie Wooten (E-mail); Gabriault, Michele; Jim Sanders (E-mail); Joe Cortez (E-mail); John Bramble; John Carlisle (E-mail); Lor, Noah; Lor, Noah; Michele Gabriault-Acosta (E-mail 2); Michele Gabriault-Acosta (E-mail); Sanders, Jim; Spriggs, Bill  
**Cc:** Davidson, Dana; Conway, Mike; Quintero, Frank; Espinosa, Kim; Schechter, Jeanne  
**Subject:** FW: WalMart EIR

From the website

*Dawn*

Dawn Walker  
Executive Secretary  
City of Merced  
678 West 18th Street  
Merced, CA 95340  
Phone: (209) 385-6834  
Fax: (209) 385-1780

-----Original Message-----

**From:** David Hetland [mailto:dhetland2003@yahoo.com]  
**Sent:** Monday, March 09, 2009 8:43 PM  
**To:** city, council  
**Subject:** WalMart EIR

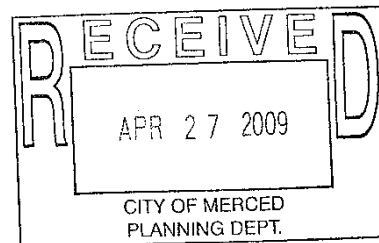
The EIR for the Wal-Mart Distribution Center project is daunting, to say the least. Please consider extending the review period to more than 60 days.

110A-1

Sincerely,

David Hetland  
3359 Shamrock Place  
Merced, CA 95340

Kim Espinoza, Planning Manager  
City of Merced Planning Department  
678 West 18<sup>th</sup> Street  
Merced, CA 95340



Ms. Espinoza:

The Wal-Mart distribution Center idea is bad. Teachers and parents are concerned because we know that South Merced will become less safe and more polluted. The project is not worth the sales tax revenue.

The City Council needs to do some due diligence before it approves this project. The Council needs to do more to prevent the trucks and pollution from spilling into the neighborhood, and then it needs to seek a deal with Wal-Mart so that Wal-Mart will pay impact fees. At a minimum, this will take the bite out of the damage to this neighborhood.

110B-1

DAVID HETLAND  
3359 SWANROCK PLACE  
MERCED, CA 95340

A handwritten signature in black ink, appearing to read "David Hetland".

April 23, 2009

**Letter  
110A-B  
Response**

David Hetland  
➤ 110A–March 9, 2009  
➤ 110B–April 23, 2009

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110A-1

This comment raises issues related to the adequacy of the public review period. Please refer to Master Response 2: Language Barrier and Public Review Period, which addresses this issue.

110B-1

The commenter addresses the merits of the project and also raises the issues of traffic, pollution, and socio-economic effects. CEQA does not require analysis of socio-economic effects and the DEIR does not address these non-environmental impacts. However, regarding traffic and pollution, the Draft EIR analyzes these environmental issues under sections 4.2 “Air Quality,” 4.6 “Hydrology and Water Quality,” 4.10 “Public Health and Hazards,” and 4.11 “Traffic and Transportation.” The commenter does not raise issues related to the Draft EIR’s adequacy. The commenter recommends that the City Council require “impact fees;” however, the comment does not include any specific recommendations for such fees. It should be noted that the Draft EIR requires fee payment as mitigation for various impacts such as cumulative impacts to intersections. The City will also require the applicant to pay approximately \$4.2 million for impact fees related to public services (based on 2009 fee levels; see Response to Comment 16-5). The comment is noted.

*This page intentionally blank.*



**Espinosa, Kim**

---

**From:** Barbara Hill [barbaraahill@sbcglobal.net]  
**Sent:** Wednesday, March 04, 2009 12:44 AM  
**To:** Espinosa, Kim  
**Subject:** Mixed feelings about Walmart but.....

Dear Ms Espinosa,

I am writing this email to express my concern about the inaccessability of the Walmart EIR to Spanish and Hmong speakers who could be potentially affected by the distribution center. The favorable bias towards the project by the city government is obvious but as long as the city is following the letter and intent of the law all we can do is voice our opinion. I myself have mixed feelings about the project generally I am opposed to Walmart because of its discriminatory policies which serve to oppress people of color and women. They only recently settled a lawsuit (one of many) while admitting no wrong doing. How can they be doing no wrong when these lawsuits consistently come up? Also, the warehouse is in a bad location. Why can it not be moved to another part of the county where children and families will not suffer from the direct effect of pollution, if it must be in Merced. Once again people of color are being disproportionately affected. However,

111-1

111-2

I work with people who experience hunger and feel it is very easy for me be against jobs when I have food on my table. It is hard to believe that this is the only business that can be attracted to Merced. This brings me back to my original point: when you deny citizens the right to understand a public process you are in essence oppressing them. This is also relevant to English speakers. To make a document that is incoherent and too technical also serves to shut folks out of the democratic process. The city might be well served to study and emulate President Obama's document on ethics in government made public his first week in office. At its center is transparency. I want to thank you for your service to the city and I hope you will understand that I am fulfilling my obligation as a citizen who is interested in justice and fairness above all and in making sure that long term decisions are made for the common good that are based on accurate understandable data. I hope that Walmart realizes that if they come to town the pressure to make sure they are being equitable will not subside especially if are found to be discriminatory in their hiring and promotion practices. Again, thank you for your service to the city.

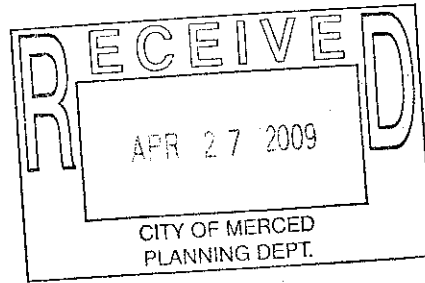
Sincerely,

Barbara Hill

- 111-1 This comment raises issues related to language barrier and translation of CEQA documents. Please refer to Master Response 2: Language Barrier and Public Review Period, which addresses these issues.
- 111-2 The comment suggests that placement of the proposed project in a more remote location would reduce pollution-related impacts to the neighborhood. Three off-site alternatives were evaluated in the Draft EIR (See DEIR Section 5 “Alternatives to the Proposed Project.” Alternative Site #3 is located in southwest Merced near the Merced Municipal Airport, which is a relatively remote location. Section 5 of the Draft EIR compares the impacts of this Alternative to the impacts of the proposed project. As indicated in Table 5-8, the impacts associated with Alternative Site #3 are generally greater than those resulting from the proposed project. Therefore, the Draft EIR appropriately analyzes an alternative site that is more remote than the project site. For more discussion related to project alternatives, see Master Response 12: Alternatives. The commenter does not raise issues regarding the adequacy of the Draft EIR’s analysis. However, the commenter does raise the issue of environmental justice, suggesting that approving the project at the proposed location would disproportionately affect minorities. The subject of environmental justice is not addressed in the Draft EIR because CEQA does not require analysis of economic or social effects, except when such effects would elicit physical changes in the environment. (*State CEQA Guidelines* Section 15131) The proposed project would not result in economic or social effects that would elicit such changes in the environment. As required by CEQA, the Draft EIR appropriately focuses on environmental effects; therefore, no changes to the Draft EIR are necessary.

March 29, 2009

Ms. Kim Espinosa  
Project Director  
Merced Planning Division  
678 W. 18<sup>th</sup> Street  
Merced, CA 95340



Ms. Espinosa,

I am concerned about cancer rates which will result from the Wal-Mart distribution center. It appears to me that you are using false data in the draft environmental impact study.

112-1

First, you admit that you are using the incorrect Particular Matter in you toxic air contaminant measure.

112-2

Second, you fail to use PM<sub>2.5</sub> in your TAC assessments, which means your cancer rates are unreliable.

112-3

Please update your data before you make your recommendation.

Thanks.

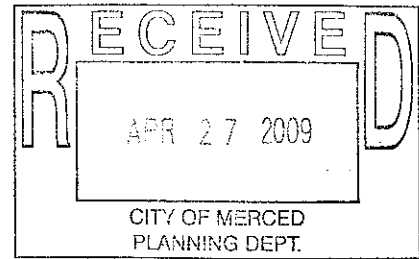
*Bill, MSPH*

*Christina Hill  
2427 Olive Ave  
Atwater, CA 95301*

- 112-1      The commenter expresses concern about the levels of cancer risk associated with the proposed project.
- Impact 4.2-4 discusses the incremental increase in cancer risk to off-site receptors. The analysis concludes that the incremental increase would not exceed the applicable threshold of significance and, therefore, not mitigation is required, such as notification of nearby receptors. The commenter also states that the TAC analysis failed to use PM2.5. Please refer to response to comment 81-1.
- 112-2      The commenter expresses concern about the levels of cancer risk associated with the proposed project.
- Impact 4.2-4 discusses the incremental increase in cancer risk to off-site receptors. The analysis concludes that the incremental increase would not exceed the applicable threshold of significance and, therefore, not mitigation is required, such as notification of nearby receptors. The commenter also states that the TAC analysis failed to use PM2.5. Please refer to response to comment 81-1.
- 112-3      The commenter expresses concern about the levels of cancer risk associated with the proposed project.
- Impact 4.2-4 discusses the incremental increase in cancer risk to off-site receptors. The analysis concludes that the incremental increase would not exceed the applicable threshold of significance and, therefore, not mitigation is required, such as notification of nearby receptors. The commenter also states that the TAC analysis failed to use PM2.5. Please refer to response to comment 81-1.

April 9, 2009

Ms. Kim Espinosa  
Planning Department of Merced  
678 West 18<sup>th</sup> Street  
Merced, CA 95340



Dear Ms. Espinosa,

Regarding the proposal to construct a Wal-Mart distribution center, I am fairly concerned on the damage which could occur to the possible archaeological items (specifically those important to Native-Americans) that may be found on the site if the construction were not to take place. There are many Native-American tribes in Northern California whose history has had to be pieced together due to the lack of historical documentation. Artifacts sometimes provide such history and many artifacts have been found in the Merced region already.

113A-1

To allow for the construction, and implicit destruction of artifacts, to occur on the site is a shame and dishonor to the various Native American tribes in the region. The City must not allow the project to be approved thus harming an area which could contain such artifacts

Thank you,

A handwritten signature in cursive script, appearing to read "Je Howell", written over a horizontal line.

Signature

Je Howell

Print Name

28 E 21st St.

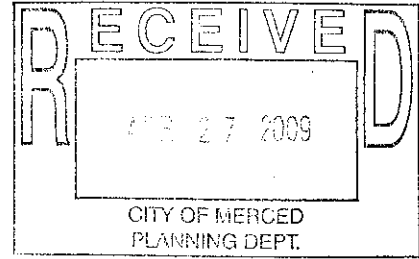
Address

Merced, CA 95340

Phone

3/25/09

Kim Espinosa  
Planning Manager  
City of Merced Planning Division  
678 West 18th Street  
Merced, CA 95340



Dear Ms. Espinosa,

What will happen at this facility when county-wide emissions exceed federal standards?  
Can it be closed during spare the air days, or on days when we can't light a fire in our fire  
place?

113B-1

Could a mitigation for the project include mandatory shutdown during those periods?

113B-2

Thank you,

A handwritten signature in cursive script, appearing to read "Je Howell".

Signature

Je Howell

Print Name

28 E. 21st St,

Address

Merced, Ca, 95340

Phone

**Letter  
113A-B  
Response**

Je Howell  
➤ 113A–April 9, 2009  
➤ 113B–March 25, 2009

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- 113A-1      The commenter expresses concern that construction of the project could result in damage or destruction of cultural artifacts related to Native American habitation. The commenter states that the City must not allow the project to be approved thus harming an area which could contain artifacts. The comment is noted. Please refer to Response to Comment 78-1 which addresses potential impacts to cultural resources.
- 113B-1      The commenter asks what would happen to the facility if federal emissions standards are exceeded and whether the facility would be closed during “Spare the Air Days.” Please refer to response to comment 126D-1.
- 113B-2      The commenter recommends adding mitigation that would require the facility to be closed during “Spare the Air Days.” Please refer to response to comment 126D-1.

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## Espinosa, Kim

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**From:** Walker, Dawn on behalf of city, council  
**Sent:** Thursday, April 02, 2009 1:10 PM  
**To:** city, council; Bill Spriggs (E-mail); Carlisle, John; Conway, Mike; Cortez, Joseph; Dawn Walker (E-mail); Ellie Wooten (E-mail 2); Ellie Wooten (E-mail); Gabriault, Michele; Jim Sanders (E-mail); Joe Cortez (E-mail); John Bramble; John Carlisle (E-mail); Lor, Noah; Lor, Noah; Michele Gabriault-Acosta (E-mail 2); Michele Gabriault-Acosta (E-mail); Sanders, Jim; Spriggs, Bill  
**Cc:** Davidson, Dana; Conway, Mike; Quintero, Frank; Schechter, Jeanne; Espinosa, Kim  
**Subject:** FW: Wal-Mart

From the website.

*Dawn*

Dawn Walker  
Executive Secretary  
City of Merced  
678 West 18th Street  
Merced, CA 95340  
Phone: (209) 385-6834  
Fax: (209) 385-1780

-----Original Message-----

**From:** Dan Hultgren [mailto:dhultgren@gonellarealty.com]  
**Sent:** Thursday, April 02, 2009 12:13 PM  
**To:** city, council  
**Subject:** Wal-Mart

I cannot see where the debate is. We need jobs in this county so bad. We are at least 18% unemployment. As leaders of our community how could you turn down this opportunity.  
Sincerely  
Dan Hultgren

114-1

**Letter  
114  
Response**

Dan Hultgren  
April 2, 2009

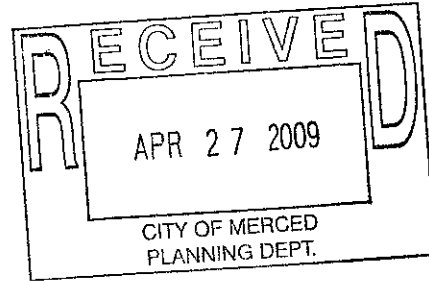
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114-1

The comment addresses the merits of the proposed project, recommends project approval, and does not raise environmental issues or any issues of adequacy regarding the Draft EIR. The comment is noted.

3/22/09

Kim Espinosa  
Project Director  
Merced Planning Division  
678 West 18<sup>th</sup> St.  
Merced, CA 95340



RE: Merced's proposed distribution center

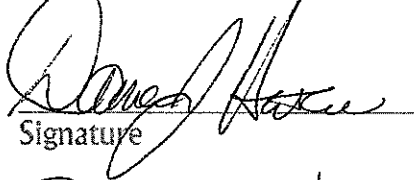
Dear Ms. Espinosa:

Air quality is obviously a huge concern for those of us throughout Merced. I appreciate you considering the McLane Pacific Grocery. I heard that Wal-Mart owns McLane. Is this true?

115-1

If it is, shouldn't you also include them as a part of your Wal-Mart study? Combine all your figures? That would be a good way to get an accurate picture.

Hope you consider my suggestions.

  
Signature

Dawna J Hunter  
Print Name

1240 W. 6<sup>th</sup> St.  
Address

Merced, CA 95340

209-385-6676  
Phone

**Letter  
115  
Response**

Dawna J. Hunter  
March 22, 2009

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115-1

The commenter recommends consideration of McLane Pacific Grocery as part of the EIR for the project. The City has no knowledge of the ownership of McLane Pacific. McLane Pacific has been operating a distribution facility on another parcel in the adjacent industrial area for many years and is not part of the proposed project. However, the DEIR's traffic study takes into account the current traffic on the roadways, including McLane Pacific trucks.

**Espinosa, Kim**

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**From:** judy jones [911jj@sbcglobal.net]  
**Sent:** Tuesday, April 14, 2009 9:41 AM  
**To:** Espinosa, Kim  
**Subject:** Wal Mart Distribution Center

To whom it may concern,

I am writing in regard to the Wal Mart Distribution Center coming to Merced. The eight hundred jobs this business will supposedly create is more than likely an over statement on the part of Wal Mart. In most cases, businesses will bring along trained employees from other stores to open the new location.

116-1

I realize the Merced area is in desperate need of any and all jobs we can get. The fact remains that nine hundred (not ninety!), but nine hundred trucks per day will assault our area highways in order to maintain the operation of this business. The trucks on Highway 99 are already at a disturbing high and traffic is an existing problem.

116-2

The health issues alone should be enough to halt the progress of this business coming to the area. The excessive traffic congestion is also an issue that should not be overlooked.

116-3

There are certainly other ways to bring quality jobs to the Merced area that do not have these negative issues attached. Health issues for all surely out weigh jobs for a few.

Respectfully,

Judy A. Jones  
320 W. Alexander Ave.  
Merced, Ca. 95348

- 116-1 The comment suggests that the proposed number of employees, “800”, is an overestimate because of the likelihood that Wal-Mart would relocate an existing crew to start the facility. It should be noted that the Draft EIR specifies that the proposed project would employ approximately 1,200 employees (p. 3-14) with 1,050 working at the distribution center and 150 working as drivers. However, the Draft EIR does not indicate that all 1,200 employees would be hired locally. Section 4.9 “Population and Housing” indicates that the proposed project “would likely draw largely from the local employment pool, including the unemployed.” (p. 4.9-9) Therefore, relocation of a small number of crewmembers from other distribution centers to start-up the proposed facility would not affect the analysis of the Draft EIR. It should also be noted that Wal-Mart has indicated that they would not likely relocate staff to fill a large percentage of the proposed positions.
- 116-2 The comment raises concerns regarding truck traffic. The DEIR analyzes impacts related to truck traffic in Section 4.11 “Traffic and Transportation.” Please also see Master Response 6: Trucks and the Transportation Analysis. It should be noted that the DIER assumes that the actual number of trucks would be 643 per day. The comment does not raise issues related to the adequacy of the DEIR. The comment is noted.
- 116-3 The commenter expresses concerns about the potential for the project to result in health issues. Please refer to Master Response 13 and the response to comment 12-23 about the HRA prepared for the DEIR. The commenter also states that traffic congestion is an issue that should not be overlooked. Traffic impacts, including increased traffic congestion, were analyzed in Section 4.2-11 of the DEIR.

## Espinosa, Kim

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**From:** Walker, Dawn on behalf of city, council  
**Sent:** Monday, March 09, 2009 9:40 AM  
**To:** city, council; Bill Spriggs (E-mail); Carlisle, John; Conway, Mike; Cortez, Joseph; Dawn Walker (E-mail); Ellie Wooten (E-mail 2); Ellie Wooten (E-mail); Gabriault, Michele; Jim Sanders (E-mail); Joe Cortez (E-mail); John Bramble; John Carlisle (E-mail); Lor, Noah; Lor, Noah; Michele Gabriault-Acosta (E-mail 2); Michele Gabriault-Acosta (E-mail); Sanders, Jim; Spriggs, Bill  
**Cc:** Davidson, Dana; Quintero, Frank; Conway, Mike; Schechter, Jeanne; Espinosa, Kim  
**Subject:** FW: Walmart

From the website.

*Dawn*

Dawn Walker  
Executive Secretary  
City of Merced  
678 West 18th Street  
Merced, CA 95340  
Phone: (209) 385-6834  
Fax: (209) 385-1780

-----Original Message-----

**From:** Charlie Judd [mailto:charlietuna10@gmail.com]  
**Sent:** Monday, March 09, 2009 4:49 AM  
**To:** city, council  
**Subject:** Walmart

We urge a yes vote for the plans for Walmart to come here. With our unemployment rate at 19%, and stores closing left and right, we can use the stimulus and jobs for our community.

117-1

Thank you.

Mr. and Mrs. Judd

**Letter  
117  
Response**

Mr. and Mrs. Judd  
March 9, 2009

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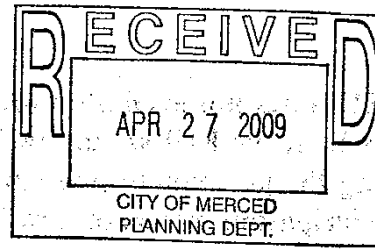
117-1

The comment addresses the merits of the proposed project, recommends project approval, and does not raise environmental issues or any issues of adequacy regarding the Draft EIR. The comment is noted.



April 26, 2009

Kim Espinosa  
City of Merced - Planning Department  
678 W. 18<sup>th</sup>  
Merced, CA 95340



Re: Proposed Merced Wal-Mart Distribution Center DEIR

This Draft Environmental Impact Report for the proposed Wal-Mart Distribution Center in Merced contains weaknesses in identification, quantification, and mitigation of impacts, which should be corrected in order to provide a more accurate representation of the effects this project would have on our community.

118-1

The DEIR has left too many "significant and unavoidable" impacts, including huge greenhouse gas emissions which cannot be accepted. If the project proponents cannot add ways to truly reduce these impacts in the final EIR then the project must be rejected.

118-2

My comments will focus on the following areas:

- I. Loss of prime farmland with access to local surface irrigation
- II. Irreplaceable loss of habitat
- III. Degradation of air quality, with severe impacts on health and efforts to reverse climate change-inducing greenhouse gases
- IV. Degradation of the local community, urban decay, and disincentive for higher quality ventures to locate in Merced

I. The loss of prime farmland is a significant and unavoidable impact of the project, and yet this impact must be avoided. Obviously the project cannot truly mitigate this impact. Development decisions of the last few decades have had a devastating effect on available farmland, especially land with access to local surface irrigation. Recent drought and the uncertainty of future water supplies caused by climate change and our rapidly increasing population have caused thousands of acres of farmland in California to be abandoned or left unplanted indefinitely. The decision by the City of Merced to annex and zone this piece of excellent farmland as an industrial area was a mistake to begin with. Now that such land is becoming a vanishing, irreplaceable resource, the wisest course is to avoid this loss by rejecting the project and returning the land to agricultural use.

118-3

**The DEIR does not even attempt to offer any sort of mitigation for this impact. At the very least the EIR should include an attempt to offset this farmland loss by requiring the permanent preservation of existing prime farmland with access to surface irrigation water, in a ratio of 4:1 (preserved to lost).**

**II. Similar to farmland loss, the loss of foraging habitat for sensitive species is a significant and unavoidable impact that must be avoided. Species become threatened when their habitat is lost, and the collective actions of piecemeal development over time have resulted in every remaining piece of habitat being critical.**

Mitigation measure 4.3-2 proposes to protect ¼ acre of Swainson's Hawk foraging land for every 1 acre lost, according to outdated and obviously inadequate DFG guidelines. The land available for protection according to the guidelines, in a 1 to 5 mile radius from the project, is probably already within the hawks' foraging area and so the result is still a loss of habitat with only a small amount of the remaining habitat protected from future development. It is easy to see how with piecemeal development and "mitigation", the City can let itself believe that it is doing something to protect habitat with each new development while it is actually inexorably decreasing the size of the remaining habitat until there is not enough left to sustain the supposedly protected wildlife populations.

**In order to make a good faith effort to truly mitigate the loss of foraging habitat for the Swainson's Hawk, the EIR should include a mitigation measure that requires protection of ALL of the remaining foraging habitat within 5 miles of the nearest active nest.**

**III. Air Quality**

The proposed distribution center will generate significant amounts of air pollution in Merced and will have severe impacts on the people living and attending schools nearby. **The EIR should state that all of the local air pollution impacts will be eliminated by local mitigation measures and not offset fees that reduce pollution elsewhere. One such mitigation measure should be to require and enforce that all trucks coming in and out of the project will have the highest level of pollution controls available. If it is determined that all emissions can't be mitigated locally then offsets should be made at a 2:1 ratio (emissions offset to emissions generated).**

The computation of the project's operational air pollution emissions is based on faulty assumptions and inconsistent and incomplete data.

All computations are based on the Merced Distribution Center serving 49 stores that are currently being served by two other distribution centers. Since these 49 stores are already being served without the Merced project, and taking into account the size of the proposed Merced project, it is obvious that the Merced Distribution Center (DC) is being designed to serve many more planned stores.

**The air pollution computations in the EIR must take into account the emissions of trucks from the Merced DC serving the planned and foreseeable new Wal-Mart stores, in addition to the current stores.**

Table 4.2-7, "Summary of Modeled Project-Generated, Operation-Related Emissions of Criteria Air Pollutants and Precursors", shows that the EIR is offsetting the project emissions with the reduction in emissions from the DC's that are currently serving the 49 stores referenced above. This is a flawed assumption in that the Merced DC will not be the same distance from either the ports or sources of the transported materials or the stores which the DC will supply. It is highly likely that the Merced DC will be farther from the supplies of goods than the Porterville and Red Bluff DC's. **More precise estimates can and should be made, using actual truck trips that will be generated by the project, upon which to base mitigation measures.**

The effect of offsetting emissions from inbound receivable truck trips from existing DC's against the trips by the proposed project is to come up with zero new emissions from inbound receivable truck trips needing mitigation by the Merced project. This is based on the assumption that Merced's DC will serve only the same stores as the existing DC's, and that these stores are the same average distance from the Merced DC as they are from the existing DC's. As noted in the paragraphs above, this is a faulty assumption and it greatly distorts the amount of emissions needing reduction – in favor of the project developers.

ISR rules may allow new sources of pollution to offset old ones for the purposes of certain computations, but in this case the new sources can't be assumed to be the same as the existing. In addition, the emissions from the DC's in Porterville and Red Bluff are not necessarily all in the San Joaquin Valley Air Basin and so should not be used to offset emissions in the Valley.

Even more importantly, the emissions from the new project in Merced will be impacting the local community far more than the emissions from the DC's in Porterville and Red Bluff. **The EIR must mitigate all emissions that actually impact Merced and the Valley, and not use a loophole to falsely claim that one entire source will create no emissions.**

**IV. Urban decay is explicitly dismissed as an area to be addressed in the EIR, and yet the document acknowledges that urban decay is an appropriate impact for EIR consideration under CEQA.**

According to the EIR noise disturbance to the surrounding neighborhoods and schools will be significant and cannot be sufficiently mitigated. Traffic problems will be chronic and severe. These plus the presence of a huge, diesel-fume-filled, asphalt-landscaped distribution center will inevitably and obviously reduce the values of the homes and make it impossible to have the kind of comfort and pride in one's neighborhood to induce people who have better options to live there.

118-7

The impact upon the economic prospects of the community could be even more severe. This project at the southern gateway to Merced reflects a community's desperation for jobs at any price and as such is an enticement to dirty, undesirable industries to locate here while at the same time discouraging cleaner ventures that could have a more positive impact on the community.

**The EIR must examine, communicate, and attempt to mitigate the projects' inevitable impact upon urban decay.**



**Lisa Kayser-Grant**  
**1425 W.N. Bear Creek Drive**  
**Merced, CA 95348**

- 118-1 The comment introduces the letter and provides a generalized assessment of the document's quality, indicating weakness in the Draft EIR's impact analysis. No specific issues with the impact analysis are raised in this introductory comment, but more specific issues are raised in the body of the letter, for which individual responses have been prepared and included below.
- 118-2 The commenter indicates that the Draft EIR has not mitigated several of the "significant and unavoidable" impacts, such as greenhouse gas emissions, to the extent feasible and recommends that the City deny the project if additional mitigation cannot be implemented to further reduce impacts. The Draft EIR has identified mitigation measures to reduce significant impacts in all cases where such mitigation is feasible; however, several impacts remain significant and unavoidable even after implementation of all feasible mitigation. Although CEQA does authorize decision makers to deny projects solely on the basis of significant environmental impacts, CEQA also requires decision makers to "balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered 'acceptable.'" (State CEQA Guidelines Section 15093[a]) CEQA requires that a written "statement of overriding considerations" be prepared for approval of a project with significant and unavoidable environmental impacts. (State CEQA Guidelines Section 15093[b]) The commenter offers no specific additional mitigation to reduce any of the significant and unavoidable impacts identified in the Draft EIR.
- 118-3 The commenter states the loss of prime farmland must be avoided. The commenter states the project should be rejected to protect the vanishing, irreplaceable agricultural land. The commenter states the DEIR does not offer any mitigation for impacts to agricultural resources. The commenter states the DEIR should include mitigation that offsets the loss of farmland through conservation of existing prime farmland at a ratio of 4:1. Please refer to Master Response 5: Agricultural Resources which addresses the issue related to conversion of important farmland.
- 118-4 The commenter states that Mitigation Measure 4.3-2 is based on inadequate Department of Fish and Game guidelines and that implementation of the measure would still result in a loss of habitat. Please refer to Master Response 10, which addresses this comment and other comments regarding impacts and mitigation for Swainson's hawk and burrowing owl.
- 118-5 The commenter asserts that all air quality impacts should be mitigated locally and not through offset fee programs. Further, the commenter believes that if the impact cannot be mitigated locally (on-site), the emissions should be offset at a ratio of 2:1 to emissions generated by the project. SJVAPCD's ISR 9510 is required by law, but is also listed as a mitigation measure in the DEIR because it will have direct mitigating effects on regional air pollution. SJVAPCD has a track record of funding offset projects inside the air basin, ensuring that offsets are additional (i.e., would not occur if not for ISR fees), and occur within a reasonable amount of time from the time fees are collected. Because ISR results in emissions offsets of regional pollutants inside the region in which air quality impacts would occur, a 1:1 ratio is sufficient to mitigate the impact. Further, there is no evidence in support of the commenter's claim that a 2:1 ration would be necessary to mitigate the impact. Offsetting air quality impacts at a ratio of 2:1 would be disproportionate to the impact caused by the proposed project. This measure would not have

proper nexus or proportionality to the impact in question (cumulative impacts to air quality). (See *Dolan v. City of Tigard*, 512 U.S. 687 (1994), *Nollan v. California Coastal Commission*, 483 U.S. 825 (1987)).

118-6 The commenter challenges the assumption that the proposed distribution center in Merced would only serve 49 existing retail stores and states that the quantification of operational emissions should also account for the truck trips to the planned, foreseeable new retail stores. Please refer to Master Response 1: Growth Inducement and Expansion, which addresses the potential for the proposed distribution center to spawn new retail stores.

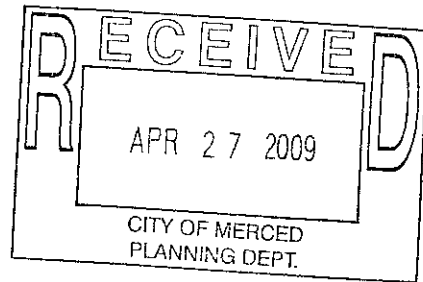
The commenter also questions the trip length assumptions used to produce the truck emissions in Table 4.2-7. Please refer to response to comment 17-11. To clarify, inbound receivable truck trips refer to those trips from wholesalers or manufacturers that would ship goods to the new distribution center in Merced instead of one of Wal-Mart's existing distribution centers in Porterville or Red Bluff.

The commenter also states that "ISR rules may allow new sources of pollution to offset old ones for the purposes of certain computations..." This is not true. A description of the ISR program is explained on page 4.2-18 of the DEIR and in response to comment 17-14.

The commenter also states that "the emissions from [distribution centers] in Porterville and Red Bluff are not necessarily all in the SJVAB and so should not be used to offset emissions in the Valley." The City agrees. The DEIR does not propose off-setting the emissions of the proposed project by achieving reductions at other Wal-Mart distribution centers or any other locations outside the SJVAB. The ISR program only accounts for emissions offsets projects inside the SJVAB.

118-7 The commenter indicates that the DEIR does not address urban decay that may occur as a result of additional truck traffic and from direct activities at the distribution center. Please see Master Response 11: Economics and Urban Decay, which addresses this issue.

Kim Espinosa, Planning Manager  
City of Merced Planning Division  
678 West 18th Street  
Merced, CA 95340



RE: Wal-Mart Distribution Center DEIR

Dear Kim Espinosa,

I would like more detail about the numbers of heavy equipment at the Wal-Mart construction. The EIR declines to provide specifics that are not acceptable to ignore.

There should be specific figures on how many excavators, graders, scrapers, loaders, backhoes, haul trucks, and cranes will be used. Those are gas burning vehicles which need to be accounted for in the air quality and environmental impacts. If we don't know this then we cannot know the real effect of pollution and noise construction will create. Please provide specific figures.

119-1

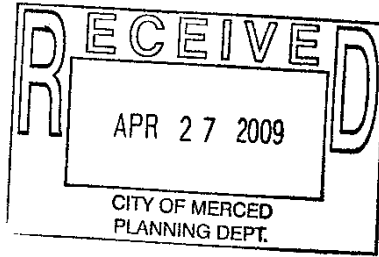
Regards,

Greg Kelly  
3241 Nashville Ct.  
Merced, CA 95340

- 119-1      Please see response to comments 30-D and 108-1. Information on detailed modeling input parameters, including the SJVAPCD-Recommended Construction Fleet spreadsheet is included in Appendix C to the DEIR, as stated on Page 4.2-29. These same assumptions about the number and types of construction equipment were used in the analysis of construction-generated noise under Impact 4.8-1, which begins on page 4.8-18 of the DEIR.



Kim Espinosa, Planning Manager  
City of Merced Planning Department  
678 West 18<sup>th</sup> Street  
Merced, CA 95340



Ms. Espinosa:

I'm writing today in regard to the EIR on the Wal-Mart distribution center project. Specifically, I'm concerned that the city's study badly fails to properly address cumulative and growth inducing impacts of this project because the premise of what area will be affected is far too narrow.

120-1

The cumulative impacts section says on page 6-1 that it is based "on an examination of existing urban development in southeast Merced". Unfortunately, that misses the point that many of us concerned have been making about the project – this will affect an area far wider than just southeast Merced. If you need proof of this, just look at the project title for the word "regional". This project is going to add a very large, very cumbersome industrial project to the Central Valley and will be the hub of operations for the largest company in the world from Sacramento to the Bay Area and as far south as the Bakersfield area. 900 big rigs will be going in and out of the region 365 days a year, adding to our air quality woes, emitting green house gases, and making the entire valley a more industrial, less-agricultural region. You cannot honestly conduct a review of the cumulative effects of this project without looking well beyond the Merced city limits to view this project in context of the entire region.

120-2

This review should be reflective of a larger scope. If you think Merced can get away with pretending the impacts will only affect this small corner of the city then you are ignoring how far-reaching the downsides of this project will be.

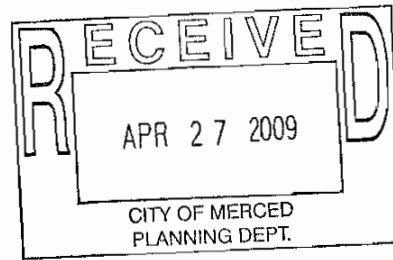
Please re-draft this section to include a "regional" focus on the impacts.

Sincerely,

Grace Kenny  
Name  
321 W. 27 St.  
Address  
Merced, CA, 95340  
City, State, Zip  
[Signature]

- 120-1      The commenter is concerned that the DEIR fails to properly address cumulative impacts because the premise of what area will be affected is far too narrow. Please see Master Response 4: Cumulative Impacts Analysis regarding the scope of analysis for cumulative impacts. No further response is necessary as no issues related to the specific environmental impacts of the project were raised.
- 120-2      The commenter addresses the cumulative impacts section of the DEIR, and states that the cumulative impact analysis should be reflective of a larger scope. Please see Master Response 4: Cumulative Impacts Analysis regarding the scope of analysis for cumulative impacts. No further response is necessary as no issues related to the specific environmental impacts of the project were raised.

Kim Espinosa, Planning Manager  
City of Merced Planning Division  
678 West 18th Street  
Merced, CA 95340



Planning Manager Espinosa,

I have deep concerns about the use of construction equipment for the proposed Wal-Mart Distribution Center. Many studies have illustrated the fact that construction equipment is one of the leading sources of diesel pollution in California.

Please include the following study in the EIR record, *Digging-Up Trouble - The Health Risks of Construction Pollution in California*, 2006 by the Union of Concerned Scientists. In short their study quantifies the effects of construction pollution on California's public health and economy, both across the state and in the five most affected regions.

121A-1

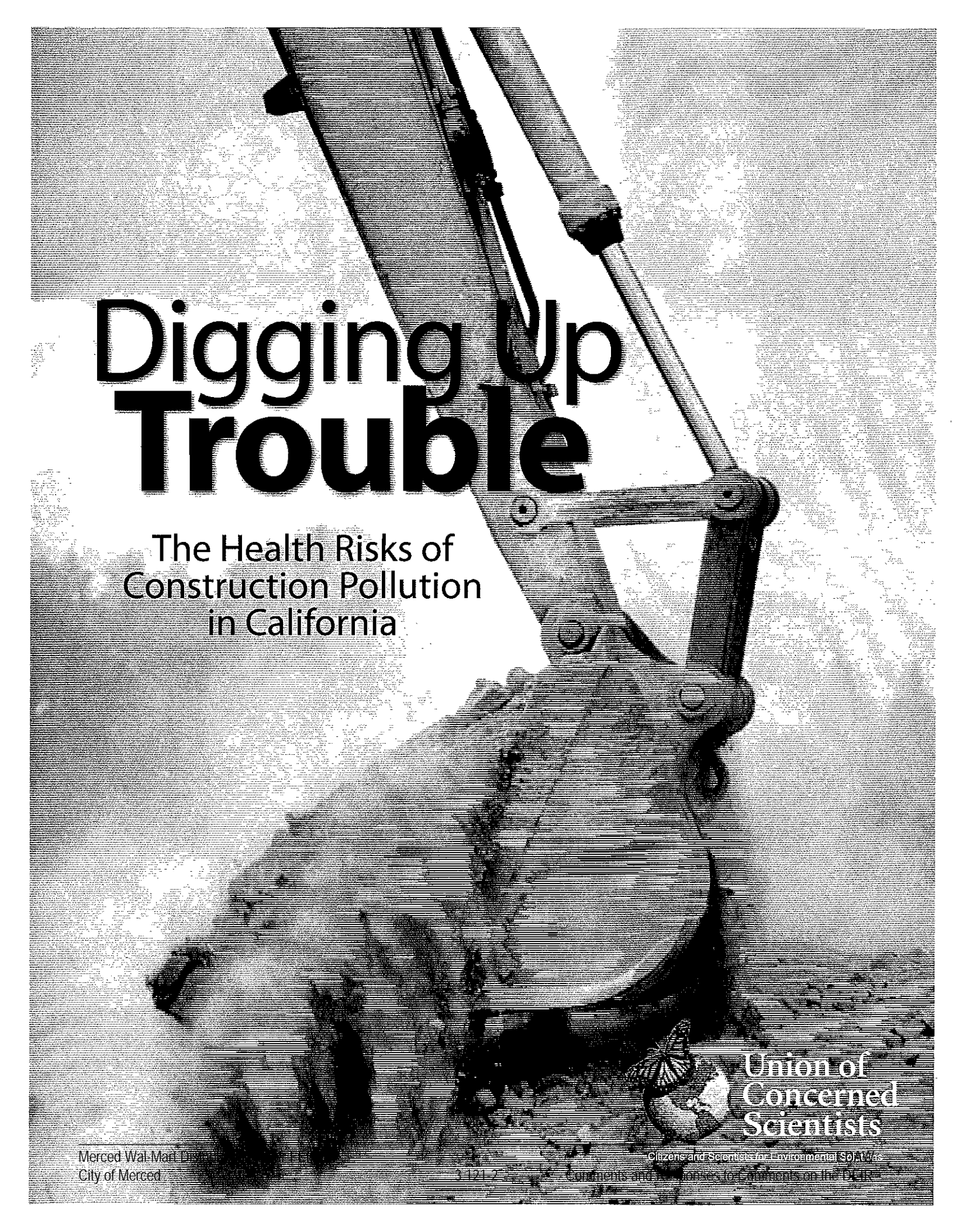
Did you know that Merced is one of the cities cited as being a "high-risk area." The final environmental report must implement the safety steps residents can take in protecting themselves against harmful construction equipment highlighted on page 32 of the study.

121A-2

Please review the study, add into the record and address in the final EIR.

Thank you,

Post in Kenny  
321 west 27<sup>th</sup> st  
Merced CA 95346  
John



# Digging Up Trouble

The Health Risks of  
Construction Pollution  
in California

Union of  
Concerned  
Scientists

# Digging Up Trouble

---

## **The Health Risks of Construction Pollution in California**

**D O N   A N A I R**

Union of Concerned Scientists  
November 2006

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**Don Anair** is a vehicles engineer in the Union of Concerned Scientists Clean Vehicles Program.

The Union of Concerned Scientists (UCS) is the leading science-based nonprofit working for a healthy environment and a safer world. UCS combines independent scientific research and citizen action to develop innovative, practical solutions and to secure responsible changes in government policy, corporate practices, and consumer choices.

The UCS Clean Vehicles Program develops and promotes strategies to reduce the adverse environmental impact of the U.S. transportation system.

More information about UCS and the Clean Vehicles Program is available on the UCS website at [www.ucsusa.org](http://www.ucsusa.org).

The full text of this report is available online at [www.ucsusa.org/clean\\_vehicles](http://www.ucsusa.org/clean_vehicles) or may be obtained from:

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## ACKNOWLEDGMENTS

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The opinions expressed in this report do not necessarily reflect the opinions of the foundations that supported the work, or the individuals who reviewed and commented on the report. Both the opinions and information contained herein are the sole responsibility of the author.

## EXECUTIVE SUMMARY

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Pollution from diesel construction equipment is taking a toll on the health and economic well-being of California residents. This equipment contributes to particulate and ozone pollution that can cause severe cardiovascular and respiratory illnesses, asthma attacks, acute bronchitis, and even premature death.

This study analyzes air pollution caused by construction equipment and—for the first time—quantifies its effect on California’s public health and economy, both across the state and in the five most-affected regions. In addition, we evaluate the risk of exposure to construction activity in specific cities in each of these five regions. Lagging emission standards and very old equipment have made construction equipment one of the largest sources of toxic diesel particulate matter pollution in the state, necessitating an accelerated cleanup program to protect the health of all Californians.

Using established U.S. Environmental Protection Agency (EPA) and California Air Resources Board (CARB) methods to quantify the impact of air pollution, the Union of Concerned Scientists (UCS) estimates that construction equipment emissions statewide are responsible for:

- more than 1,100 premature deaths per year
- more than 1,000 hospital admissions for cardiovascular and respiratory illness
- 2,500 cases of acute bronchitis
- tens of thousands of asthma attacks and other lower respiratory symptoms

This pollution is hurting the state’s economy as well. Construction equipment is critical to the building industry (a sector of the economy worth \$60 billion per year)<sup>1</sup> and instrumental in maintaining and building our roads and highways (on which California spent eight billion dollars last year). But the pollution from this equipment results in more than nine billion dollars in annual public health costs, including hundreds of thousands of lost work days and school absences.

Construction equipment is used extensively throughout the entire state. More than 270,000 acres of land in California were under construction permit during 2005—an area the size of Los Angeles.<sup>2</sup> In addition, more than 10,000 miles of state roadway were under contract for construction, repairs, or maintenance.<sup>3</sup>

The impact of construction pollution on public health is greatest where equipment and people mix, and 90 percent of the health and economic damage occurs in California’s five most populous air basins. The South Coast air basin (which encompasses most of Los Angeles, Orange, Riverside, and San Bernardino counties) ranks first with more than 700 premature deaths and more than 650 hospitalizations for respiratory and cardiovascular illness annually. The San Francisco Bay Area and San Diego follow, with more than 150 and 89 premature deaths, respectively, every year. The San Joaquin Valley and Sacramento Valley (the two largest air basins in

---

1 As reported to the California Department of Finance by the California Construction Industry Research Board. Available at [http://www.dof.ca.gov/HTML/FS\\_DATA/LatestEconData/FS\\_Construction.htm](http://www.dof.ca.gov/HTML/FS_DATA/LatestEconData/FS_Construction.htm).

2 Total acres based on State Water Resources Control Board data (SWRCB 2005). The city of Los Angeles covers 300,160 acres.

3 Mileage based on ongoing contract data available from the California Department of Transportation (CALTRANS 2005).

**TABLE 1 Health Damage from Construction Pollution (by Air Basin)**

Health Endpoint	Total Incidences					
	Statewide	South Coast	San Francisco Bay Area	San Diego	San Joaquin Valley	Sacramento Valley
Premature Deaths	1,132	731	154	89	49	39
Respiratory Hospitalizations	669	383	56	50	55	30
Cardiovascular Hospitalizations	417	274	61	33	14	12
Asthma and Other Lower Respiratory Symptoms	30,118	20,941	3,406	2,127	1,284	790
Acute Bronchitis	2,494	1,729	284	177	107	66
Lost Work Days	182,940	123,439	25,713	14,014	6,241	4,617
Minor Restricted Activity Days	1,544,952	959,839	168,459	113,280	99,585	50,408
School Absences	331,040	175,339	18,472	24,689	33,282	17,492

NOTE: Values represent the mean annual incidence estimate for 2005.

California's Central Valley) round out the top five with 49 and 39 annual premature deaths, respectively.

Construction activity varies from city to city and, therefore, so does potential exposure to harmful diesel exhaust. Areas with high population density and construction activity are an obvious concern because construction equipment emissions are more likely to be occurring in close proximity to people. Nevertheless, the most densely populated cities are not the only areas with high potential for construction risk; evaluation of active construction projects finds areas outside major population centers also face risks since large-scale construction projects accompany regional population growth.

While incentive programs have begun to clean up some of this equipment, only statewide regulations can achieve the reductions in construction equipment pollution needed to truly protect public health. Cost-effective technology solutions that would help meet this regulatory goal already exist, and more will become available over the next few years. CARB should adopt a regulatory regime that will clean up existing construction equipment by retiring the oldest, most-polluting equipment and using retrofit technology where appropriate.

## Chapter 1

# DIESEL POLLUTION FROM CONSTRUCTION EQUIPMENT

---

Highway truck and bus engine manufacturers have had to meet increasingly stringent emission regulations since the late 1980s. Construction and other off-road equipment, however, did not face new particulate matter (PM) emission standards until 1996, with some engines unregulated as late as 2003.<sup>4</sup> In 2004, the U.S. Environmental Protection Agency (EPA) finally forced construction equipment to meet similar standards to highway trucks and buses, requiring 90 percent reductions in nitrogen oxides (NO<sub>x</sub>) and PM for most engine sizes. These standards will phase in over a seven-year period starting in 2008, reaching full implementation in 2014 (EPA 2004).

Although these standards will significantly reduce pollutants from new engines, the full benefits will not be realized until sometime after 2030, when the long-lasting equipment currently in use today is finally retired. There are technology options available to clean up these existing machines, but neither the EPA nor the state of California currently requires them. As a result, if no additional requirements are put in place, the construction sector will continue emitting high levels of toxic and smog-forming pollution for the next two to three decades.

### THE WORST OFFENDERS

The Union of Concerned Scientists (UCS) took a closer look at pollution from California's construction equipment to find out which types of

equipment emit the most toxic diesel PM (or "soot") and smog-forming NO<sub>x</sub>. Most people think of trucks and buses when they think of diesel pollution, but as it turns out, the equipment repairing the road near your home or operating at a construction site near your office may be many times more polluting. Diesel construction equipment ranges from backhoes and bulldozers to paving equipment and cranes; we have identified the worst offenders.

Out of 18 categories of construction equipment identified in the 2005 California Air Resources Board (CARB) emission inventory, the five highest-polluting categories are responsible for 65 percent of PM and 60 percent of NO<sub>x</sub> emissions. In descending order, they are excavators, tractors/loaders/backhoes, crawler tractors (commonly called bulldozers), rubber-tired loaders, and skid-steer loaders (CARB 2006c).

We compared PM and NO<sub>x</sub> emissions from these types of equipment with the number of miles a new heavy-duty tractor-trailer truck (or "big rig") would have to travel to emit the same amount of pollution. The emissions of a model year 2007 big rig were estimated based on a truck traveling 55 miles per hour and operating on recently available ultra-low-sulfur diesel fuel. Hourly construction equipment emissions were calculated from equipment population estimates and CARB's 2005 emission inventory.

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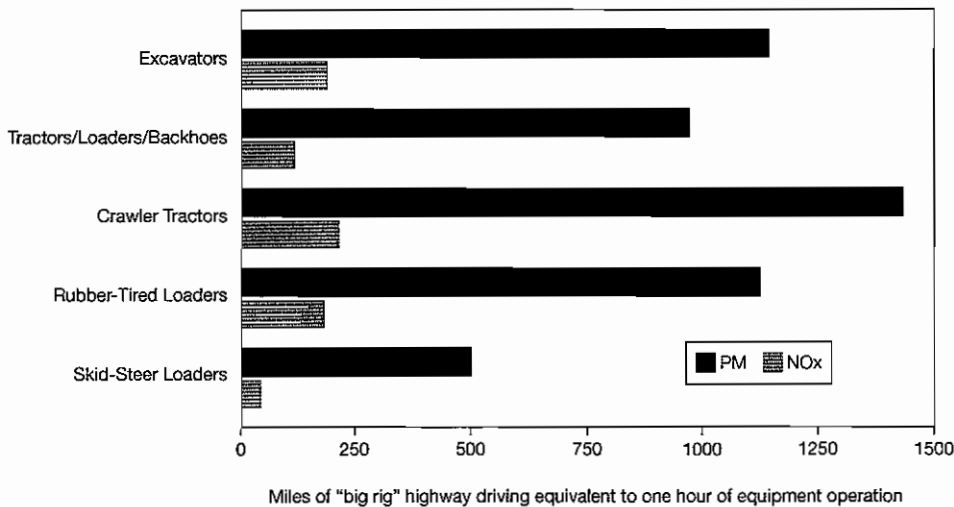
<sup>4</sup> Tier 1 EPA nonroad engine standards did not include PM limits for engines of 50 to 175 horsepower.

**TABLE 2 Emissions by Type of Construction Equipment**

	Percent of Total PM from Construction Equipment	Percent of Total NOx from Construction Equipment	Useful Life (in years)
Excavators	17%	18%	17
Tractors/Loaders/Backhoes	16%	12%	18
Crawler Tractors (Tracked Bulldozers)	13%	13%	29
Rubber-Tired Loaders	12%	12%	21
Skid-Steer Loaders	7%	4%	13
Off-Highway Trucks	5%	9%	17
Rough-Terrain Forklifts	5%	3%	16
Graders	5%	5%	23
Off-Highway Tractors	4%	5%	31
Rollers	3%	3%	20
Trenchers	3%	2%	28
Scrapers	3%	4%	26
Cranes	3%	4%	19
Rubber-Tired Dozers	2%	2%	32
Pavers	2%	1%	26
Bore/Drill Rigs	1%	1%	10
Other Construction Equipment	0.4%	1%	16
Paving Equipment	0.3%	0.2%	24
Surfacing Equipment	0.04%	0.1%	22

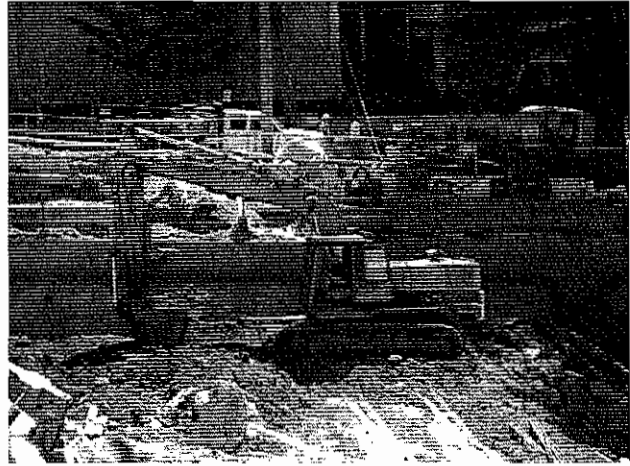
NOTE: Useful life is defined as the age at which half of the equipment of a given model year has been retired.  
 SOURCE: Based on 2005 CARB construction emission inventory (updated as of September 2006).

**FIGURE 1 Construction Equipment Emissions Compared with a New "Big Rig"**



### Excavators

There are an estimated 19,000 excavators in California, ranging in size from about 50 to 750 horsepower. The annual PM pollution from excavators accounts for 17 percent of all PM from construction equipment. On average, an excavator operating for one hour emits as much PM as a new big rig traveling 1,100 miles, while NO<sub>x</sub> emissions are equivalent to driving a big rig about 200 miles. The useful life of this equipment is 17 years.<sup>5</sup>



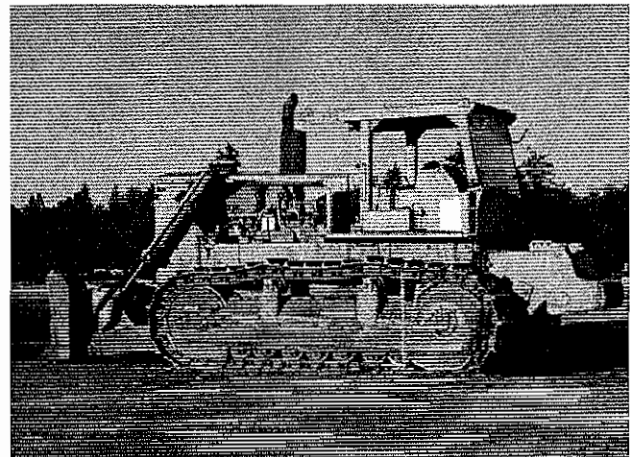
### Tractors/loaders/backhoes

These versatile pieces of equipment are commonly used on construction sites and road repair projects. More than 30,000 backhoes are operated in California every year, emitting 16 percent of all PM from construction equipment. The PM produced by the average backhoe in one hour is equivalent to driving a big rig nearly 1,000 miles, while the NO<sub>x</sub> emissions are equivalent to driving more than 100 miles. The useful life of this equipment is 18 years.



### Crawler tractors (bulldozers)

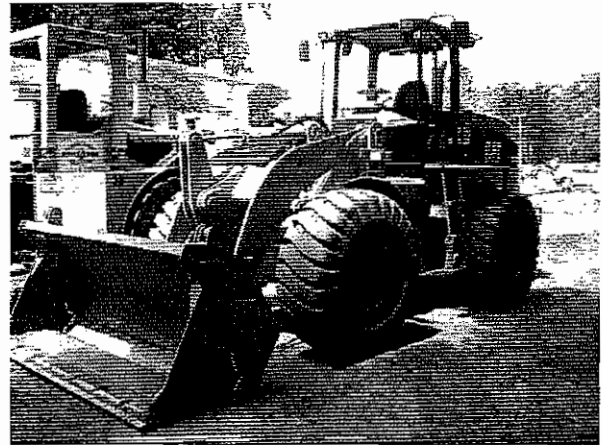
These tracked vehicles are used primarily for earthmoving operations. More than 16,000 bulldozers operate in California and emit 13 percent of all PM from construction equipment. The average bulldozer operating for one hour emits the same amount of PM as a new big rig driving 1,400 miles. The NO<sub>x</sub> emissions from an hour of operation are equivalent to driving a big rig 200 miles. The useful life of a crawler tractor is an impressive 29 years.



<sup>5</sup> Useful life is defined as the age at which half of the equipment of a certain model year has been retired. The useful life, equipment populations, emissions, and other equipment specifics described in this section are based on CARB's updated off-road emission inventory model as of September 2006 (CARB 2006c).

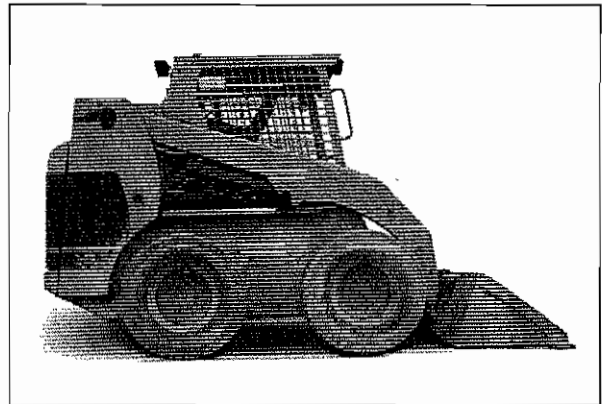
### Rubber-tired loaders

These heavy-duty vehicles, commonly used to load trucks, represent the fourth largest source of diesel emissions from construction equipment; the estimated 19,000 rubber-tired loaders in California account for 12 percent of all construction pollution. The average loader operating for one hour emits PM equivalent to driving a new big rig 1,100 miles and NO<sub>x</sub> emissions equivalent to driving 200 miles. The useful life of rubber-tired loaders is 21 years.



### Skid-steer loaders

More than 29,000 of these relatively small pieces of equipment operate in California on all types of construction projects, and account for seven percent of all PM from construction equipment. Even though the average skid-steer loader delivers less than 50 horsepower (a fraction of that provided by a big rig),<sup>6</sup> its PM emissions from one hour of operation are equivalent to driving a new big rig 500 miles. The useful life of a skid-steer loader is 13 years.



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<sup>6</sup> A new big rig's engine can range anywhere from 300 to 600 horsepower.



## Chapter 2

# HEALTH AND ECONOMIC DAMAGE FROM CONSTRUCTION EQUIPMENT

---

Emissions from construction equipment and other diesel vehicles are harmful to our health and well-being. The damage comes in the form of premature death, increased hospital admissions for respiratory and cardiovascular diseases, asthma attacks, and lost productivity through school absences and missed work days. Following established statistical methods, UCS has quantified the cost of diesel emissions from construction equipment in California.

The impact of several pollutants that comprise diesel exhaust must be taken into account:

- **Particulate matter (PM).** Also known as soot, these small particles (25 times smaller than the width of a human hair) are released directly from the tailpipe or formed indirectly from emissions of NO<sub>x</sub> and sulfur oxides (SO<sub>x</sub>). PM can penetrate deeply into the lungs, causing or aggravating a variety of respiratory and cardiovascular illnesses and even leading in some cases to premature death (Pope 2002, Krewski 2000, Samet 2000).
- **Smog-forming pollutants.** NO<sub>x</sub> and hydrocarbons react in the presence of sunlight to form ozone (smog), which can damage the respiratory tract, reduce lung function, exacerbate asthma, aggravate chronic lung diseases, and also cause premature death (White 1994,

Koren 1995, Thurston 2001, Bell 2005). As much as 10 to 20 percent of all summertime hospital visits and admissions for respiratory illness are associated with ozone, and more than 90 percent of Californians live in areas that do not comply with federal ozone standards (Thurston 1992, 1994).

- **Air toxics.** The state of California has classified diesel exhaust and more than 40 compounds in diesel exhaust as toxic air contaminants.<sup>7</sup> Exposure to these chemicals can cause cancer, damage to fetuses, and other serious health and reproductive problems. CARB has estimated that diesel exhaust is responsible for 70 percent of the state's risk of cancer from airborne toxics (CARB 1998).

### ESTIMATING HEALTH EFFECTS OF CONSTRUCTION POLLUTION

This analysis uses methods established by CARB and the EPA to quantify health and economic damage from diesel pollution. In March 2006, CARB released a study detailing the regional health and economic damage caused by California's goods movement system (CARB 2006a). A number of adverse health effects, or endpoints, strongly linked to diesel pollution were quantified along with an estimate of the economic costs associated with these endpoints.

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<sup>7</sup> According to the California Health and Safety Code, a toxic air contaminant is "an air pollutant which may cause or contribute to an increase in mortality or in serious illness, or which may pose a present or potential hazard to human health."



### How Diesel Exhaust Damages Lungs

As PM from diesel exhaust travels through the air and is inhaled, the largest particles settle in the nose, throat, and lungs. The finest particles are able to evade the body's natural defenses (such as sneezing and coughing) and travel deep into the lungs. Once there, these particles can cause inflammation and scarring of air passageways and lung tissue, resulting in reduced oxygen flow to the rest of the body. Symptoms can range from coughing and shortness of breath to severe and fatal asthma attacks.

When inhaled, ozone—a key ingredient of smog—can also damage lungs by chemically burning delicate tissue and causing scarring. Recent evidence suggests that exposure to ozone can cause asthma in otherwise healthy children (McConnell 2002). On days with high ozone levels, health officials recommend reducing outdoor activities to lower exposure to this dangerous pollutant.

Using emission data specific to diesel construction equipment in California, we used the same methodology to quantify the damage from construction equipment pollution. Because our ability to quantify the public health impact of diesel pollution is limited, the health endpoints quantified in this analysis do not represent all of the potential damage associated with diesel pollution and are therefore conservative estimates.

Economic damage associated with construction equipment pollution is estimated by assigning each health endpoint an economic value. Economic valuations for each health endpoint are based on the cost of treating an illness, lost productivity or wages, or the value society is willing to pay to lower the risk of certain outcomes.

For further discussion of the methodology used to estimate the health and economic impact of construction pollution, please refer to the appendix.

Our analysis found that the economic and health damage caused by construction equipment pollution in California is staggering. More than 1,000 premature deaths per year can be attributed to these emissions, along with more than 1,000 hospitalizations for cardiovascular and respiratory illness, and more than 30,000 asthma attacks and other respiratory symptoms. Hundreds of thousands of lost work days and school absences equate to more than \$60 million in annual economic losses. In addition, Californians collectively experience millions of days each year when air pollution restricts their activities. Overall, construction equipment pollution costs the state more than nine billion dollars every year.

TABLE 3 Health and Economic Damage from Construction Pollution (Statewide)

Health Endpoint	Pollutants	Total Incidences	Costs (in thousands of 2005 dollars)
<b>Premature Deaths</b> (\$7.9 million/incidence)	PM and ozone	<b>1,132</b> (328–1930)	<b>8,944,256</b> (2,588,161–15,249,672)
<b>Respiratory Hospitalizations</b> (\$34,000/incidence)	PM and ozone	<b>669</b> (398–933)	<b>22,758</b> (13,530–31,735)
<b>Cardiovascular Hospitalizations</b> (\$41,000/incidence)	PM only	<b>417</b> (263–646)	<b>17,082</b> (10,795–26,491)
<b>Asthma and Other Lower Respiratory Symptoms</b> (\$19/incidence)	PM only	<b>30,118</b> (11,686–48,110)	<b>572</b> (222–914)
<b>Acute Bronchitis</b> (\$422/incidence)	PM only	<b>2,494</b> (–609–5,408)	<b>1,053</b> (–257–2,282)
<b>Lost Work Days</b> (\$180/incidence)	PM only	<b>182,940</b> (155,031–210,810)	<b>32,929</b> (27,906–37,946)
<b>Minor Restricted Activity Days</b> (\$60/incidence)	PM and ozone	<b>1,544,952</b> (988,809–2,150,641)	<b>92,697</b> (59,329–129,038)
<b>School Absences</b> (\$88/incidence)	Ozone only	<b>331,040</b> (134,632–531,374)	<b>29,131</b> (11,848–46,761)
<b>Total Cost</b>			<b>9,140,480</b> (2,711,532–15,524,840)

## DEFINITIONS:

Premature deaths: Premature deaths due to exposure to PM and ozone, including cardiopulmonary and lung cancer mortality.

Respiratory hospitalizations: Hospital admissions for respiratory illnesses (such as emphysema or chronic bronchitis) as a result of exposure to both PM and ozone.

Cardiovascular hospitalizations: Hospital admissions for cardiovascular illnesses (such as heart attacks or hypertension) as a result of exposure to PM.

Lower respiratory symptoms: Asthma attacks and other symptoms such as wheezing, coughing, and shortness of breath.

Acute bronchitis: Symptoms can include coughing, chest discomfort, and slight fever and can last several days.

Lost work days: Days of work missed due to symptoms resulting from exposure to PM or to take care of an individual with such symptoms.

Minor restricted activity days: Days in which high ozone and PM levels require less strenuous activities but do not result in a lost work day or school absence.

School absences: Days of school missed due to symptoms resulting from exposure to ozone.

NOTE: Mean estimates are shown in bold; ranges shown in parentheses represent the 95 percent confidence interval (i.e., there is a 95 percent chance that the actual value falls between the two values shown).

*Chapter 3***CONSTRUCTION POLLUTION IMPACT BY REGION**

The majority of the damage caused by construction equipment pollution occurs in areas where large numbers of people are exposed. Five of California's 15 air basins, home to more than 85 percent of the state's population, suffer more than 90 percent of the total health and economic damage from construction pollution. In each of these five air basins, which are the focus of this chapter, concerns exist in both urban and suburban areas.

Air basins are largely defined by physical features, such as mountain ranges, and meteorological conditions, such as air flow patterns, that restrict the movement of air pollution to another air basin. Air quality in a given air basin is influenced by the emission sources within it, and to a lesser degree by pollution entering from another air basin. Transport of air pollution from neighboring air basins is an ongoing area of research and, for the purposes of this analysis, construction equipment emissions are assumed to remain in the air basin in which they were generated.

**WHERE PEOPLE AND CONSTRUCTION MIX**

UCS also evaluated the likelihood of exposure to construction activity in specific cities within the five most-affected air basins. While construction equipment contributes to overall PM and ozone concentrations in each air basin, people who live or work near construction equipment may be at a higher risk of exposure to these dangerous pollutants.<sup>8</sup> Using 2000 census data and

2005 construction permit data from the California State Water Resources Control Board (SWRCB), we have identified those cities that have a higher risk of exposure to construction activity. The results show that areas where construction activity and people mix are spread throughout each region, in both urban and suburban cities and towns.

The SWRCB requires permits for construction projects that disturb more than one acre of land through clearing, grading, or excavation. We used permits from the SWRCB database for our analysis because such land disturbance generally involves the use of diesel earthmoving construction equipment. By excluding local building permits, we attempted to eliminate small projects such as single-family home construction and remodeling work that may not require the use of diesel equipment. The permits selected for this analysis were either active or issued between January 1, 2005, and December 31, 2005 (SWRCB 2005).

We then created maps using geographic information system (GIS) software to display "Construction Risk Zones" related to construction activity in each of the five studied air basins. Construction Risk Zones represent the risk of exposure to construction pollution in a given city, based on its mixture of construction activity and population density. To determine the relative risk potential for each city, we multiplied the total acreage under construction permit during 2005

<sup>8</sup> Northeast States for Coordinated Air Use Management showed increased concentrations of diesel PM near construction sites (NESCAUM 2003). Other studies have shown an elevated risk of cancer near diesel pollution sources; these studies include a health risk assessment at a California rail yard (CARB 2005).

by population density from the 2000 census. A city's risk potential is presented in relation to other cities within the air basin, ranging from a relatively high risk to a relatively low risk.

The resulting Construction Risk Zones are based on the best information available, but it is important to note that this is not a measure of actual exposure to emissions and is only one measure of the likelihood that people and construction equipment will be in proximity to one another. Actual exposure levels depend on the amount of emissions produced by specific equipment, the types of equipment on a construction site and the length of time they operate, wind patterns and atmospheric conditions, and proximity

to the emission source. These details are not available from the SWRCB permit database.

Also, because we have measured construction activity in terms of acreage, a multi-story project and a single-story project are treated equally. In addition, the construction permit data used to evaluate Construction Risk Zones does not include California Department of Transportation (Caltrans) highway projects—a major source of construction activity in the state.<sup>9</sup> In spite of these limitations, our Construction Risk Zone evaluation captures a majority of the largest construction sites in the state.

Please see the appendix for further discussion of the SWRCB permit data.

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<sup>9</sup> For perspective, Caltrans contracts were worth eight billion dollars in 2005 (CALTRANS 2005) while building and construction contracts were valued at \$65 billion according to the California Department of Finance (CDF 2005).

**SOUTH COAST**

Comprising most of Los Angeles, San Bernardino, Riverside, and Orange counties, this air basin experiences the greatest degree of health and economic damage in the state from construction equipment emissions. For 2005, this includes estimates of:

- more than 700 premature deaths
- 650 hospitalizations for respiratory and cardiovascular disease
- more than 1,700 cases of acute bronchitis
- nearly 21,000 incidences of asthma attack and other lower respiratory symptoms
- 300,000 days of lost work and school absences
- close to one million days of restricted activity

This loss of life and productivity cost South Coast residents an estimated \$5.9 billion.

Within the air basin, 127 cities and towns had active construction permits during 2005 accounting for more than 70,000 acres of land under construction. Areas designated as high-risk are spread throughout the region, with cities in all four counties falling in the top 10 percent of Construction Risk Zones. San Bernardino and Riverside counties each have four such cities while Los Angeles has three and Orange two. The presence of less population-dense cities such as Murrieta and Temecula in this group reflects the fact that large developments of 50 acres or more are common in these cities.

**TABLE 4 South Coast Construction Pollution Damage**

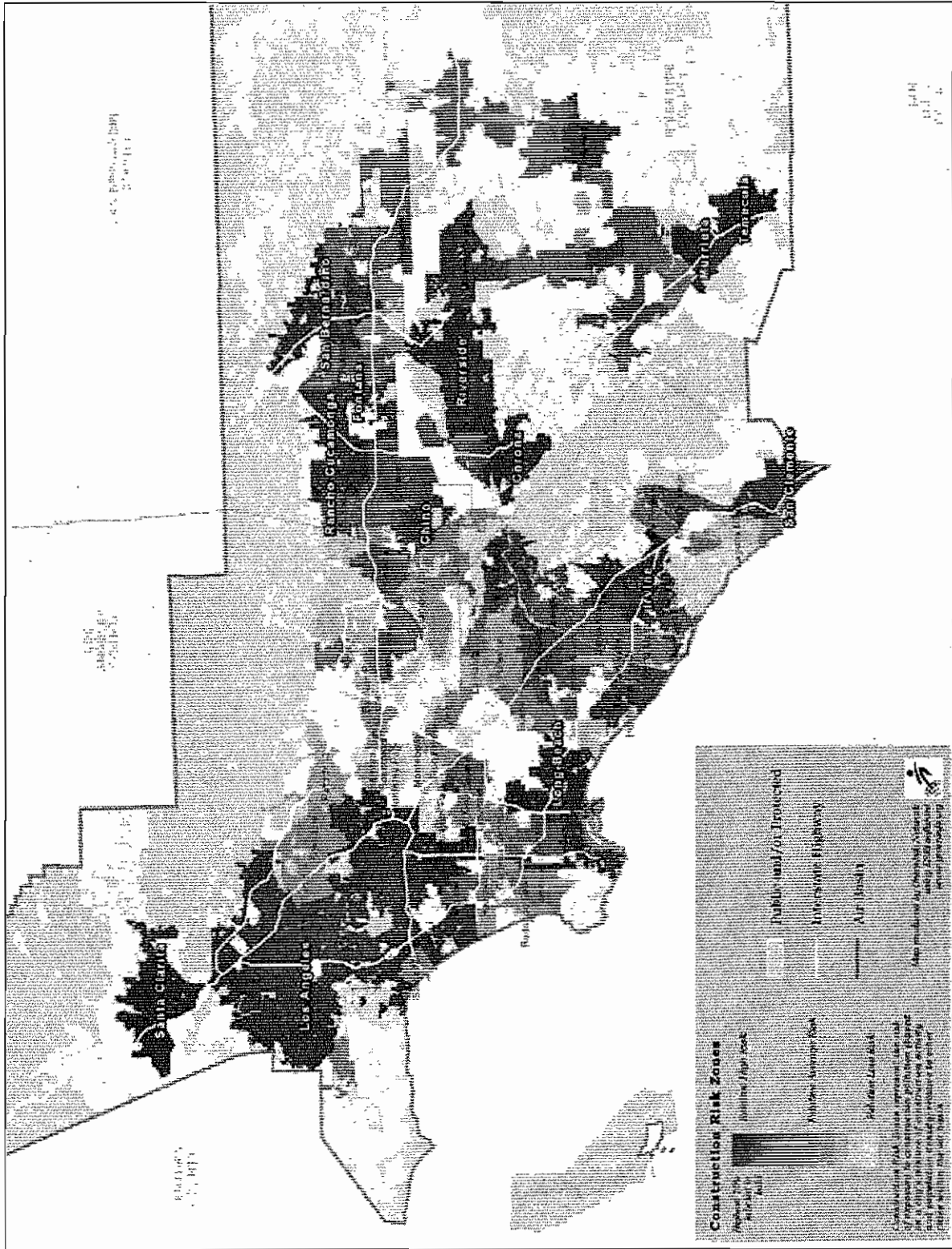
Health Endpoint	Mean Annual Incidences	Annual Costs (in thousands of 2005 dollars)
Premature Deaths	731	5,776,261
Respiratory Hospitalizations	383	13,019
Cardiovascular Hospitalizations	274	11,248
Asthma and Other Lower Respiratory Symptoms	20,941	398
Acute Bronchitis	1,729	730
Lost Work Days	123,439	22,219
Minor Restricted Activity Days	959,839	57,590
School Absences	175,339	15,430
<b>Total Annual Cost</b>		<b>5,896,894</b>

**TABLE 5 Top 10 Percent of South Coast Construction Risk Zones**

City	County
Long Beach	Los Angeles
Los Angeles	Los Angeles
Santa Clarita	Los Angeles
Irvine	Orange
San Clemente	Orange
Corona	Riverside
Murrieta	Riverside
Riverside	Riverside
Temecula	Riverside
Chino	San Bernardino
Fontana	San Bernardino
Rancho Cucamonga	San Bernardino
San Bernardino	San Bernardino

NOTE: Cities are listed in alphabetical order by county.

FIGURE 2 Construction Pollution Risk in the South Coast Air Basin



### SAN FRANCISCO BAY AREA

This air basin comprises nine counties and is second only to the South Coast air basin in health and economic damage from construction equipment emissions. For 2005, this includes estimates of:

- more than 150 premature deaths
- 100 hospitalizations for respiratory and cardiovascular disease
- more than 280 cases of acute bronchitis
- 3,000 incidences of asthma attack and other lower respiratory symptoms
- 44,000 days of lost work and school absences
- well over 100,000 days of restricted activity

This loss of life and productivity cost Bay Area residents an estimated \$1.2 billion.

Within the air basin, 80 cities and towns had active construction permits during 2005 accounting for more than 17,500 acres of land under construction. As in the South Coast, areas designated as high-risk are spread throughout the region. San Francisco and San Jose, both densely populated cities, fall in the top 10 percent of Construction Risk Zones along with less population-dense cities in Contra Costa, Alameda, and Solano counties (where large amounts of acreage are under construction).

It should be noted that the replacement of the Bay Bridge's eastern span, a multi-year, multi-billion-dollar project involving large amounts of construction equipment, is not captured in this evaluation.

**TABLE 6 San Francisco Bay Area Construction Pollution Damage**

Health Endpoint	Mean Annual Incidences	Annual Costs (in thousands of 2005 dollars)
Premature Deaths	154	1,215,948
Respiratory Hospitalizations	56	1,914
Cardiovascular Hospitalizations	61	2,482
Asthma and Other Lower Respiratory Symptoms	3,406	65
Acute Bronchitis	284	120
Lost Work Days	25,713	4,628
Minor Restricted Activity Days	168,459	10,108
School Absences	18,472	1,626
<b>Total Annual Cost</b>		<b>1,236,890</b>

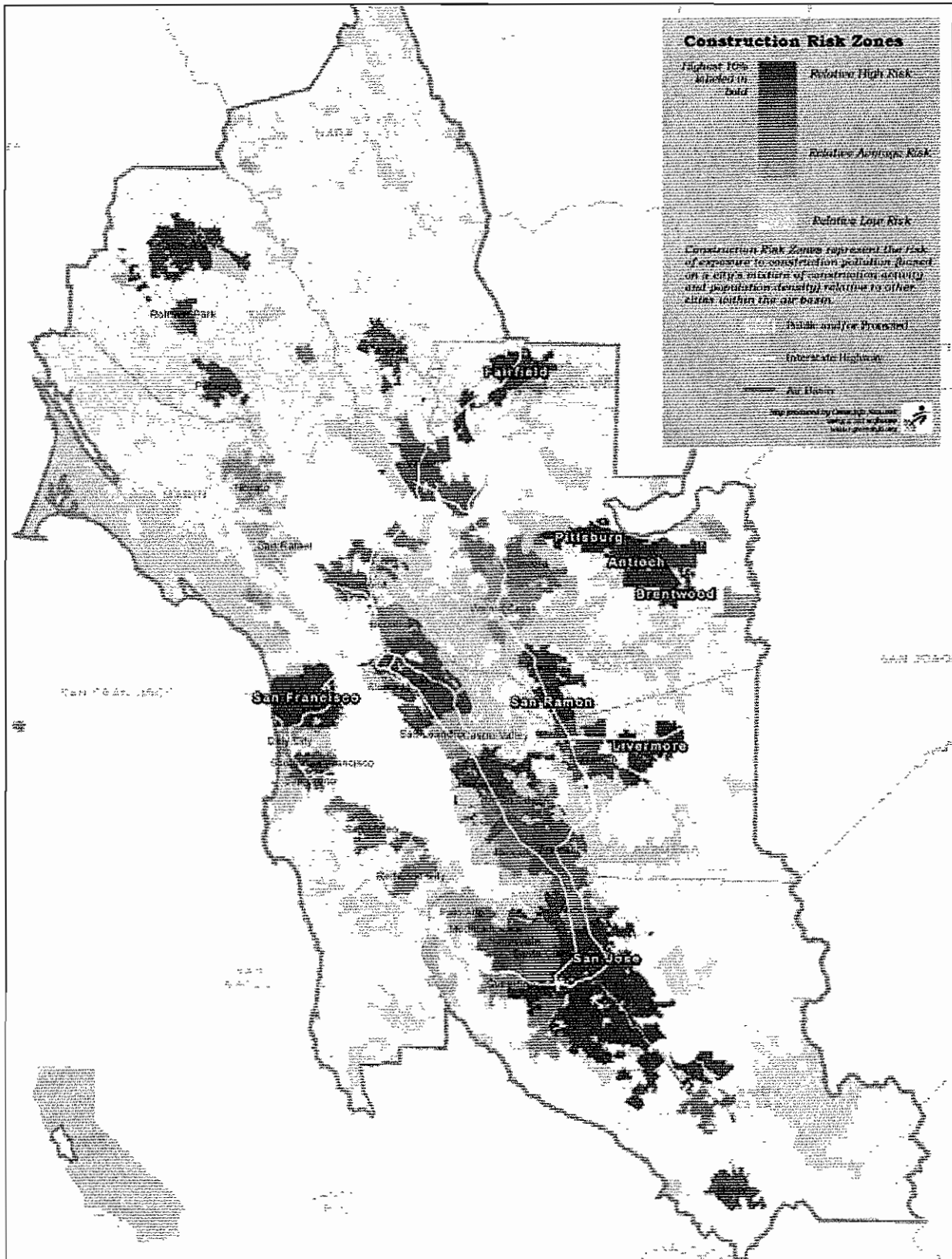
**TABLE 7 Top 10 Percent of San Francisco Bay Area Construction Risk Zones**

City	County
Livermore	Alameda
Antioch	Contra Costa
Brentwood	Contra Costa
Pittsburg	Contra Costa
San Ramon	Contra Costa
San Francisco	San Francisco
San Jose	Santa Clara
Fairfield	Solano

NOTE: Cities are listed in alphabetical order by county.



**FIGURE 3 Construction Pollution Risk in the San Francisco Bay Area Air Basin**



### SAN DIEGO

This air basin ranks third behind the South Coast and San Francisco Bay Area for damage from construction equipment pollution. For 2005, this includes estimates of:

- nearly 90 premature deaths
- more than 80 hospitalizations for respiratory and cardiovascular disease
- more than 170 cases of acute bronchitis
- more than 2,000 incidences of asthma attack and other lower respiratory symptoms
- 38,500 days of lost work and school absences
- more than 100,000 days of restricted activity

This loss of life and productivity cost San Diego residents an estimated \$718 million.

Within the air basin, 25 cities and towns had active construction permits during 2005 accounting for more than 22,500 acres of land under construction. San Diego is by far the most populated and largest city in the air basin falling in the top 10 percent of Construction Risk Zones; others include Chula Vista and Oceanside, which both have a population density similar to San Diego and more than 1,000 acres under construction permit in 2005.

**TABLE 8 San Diego Construction Pollution Damage**

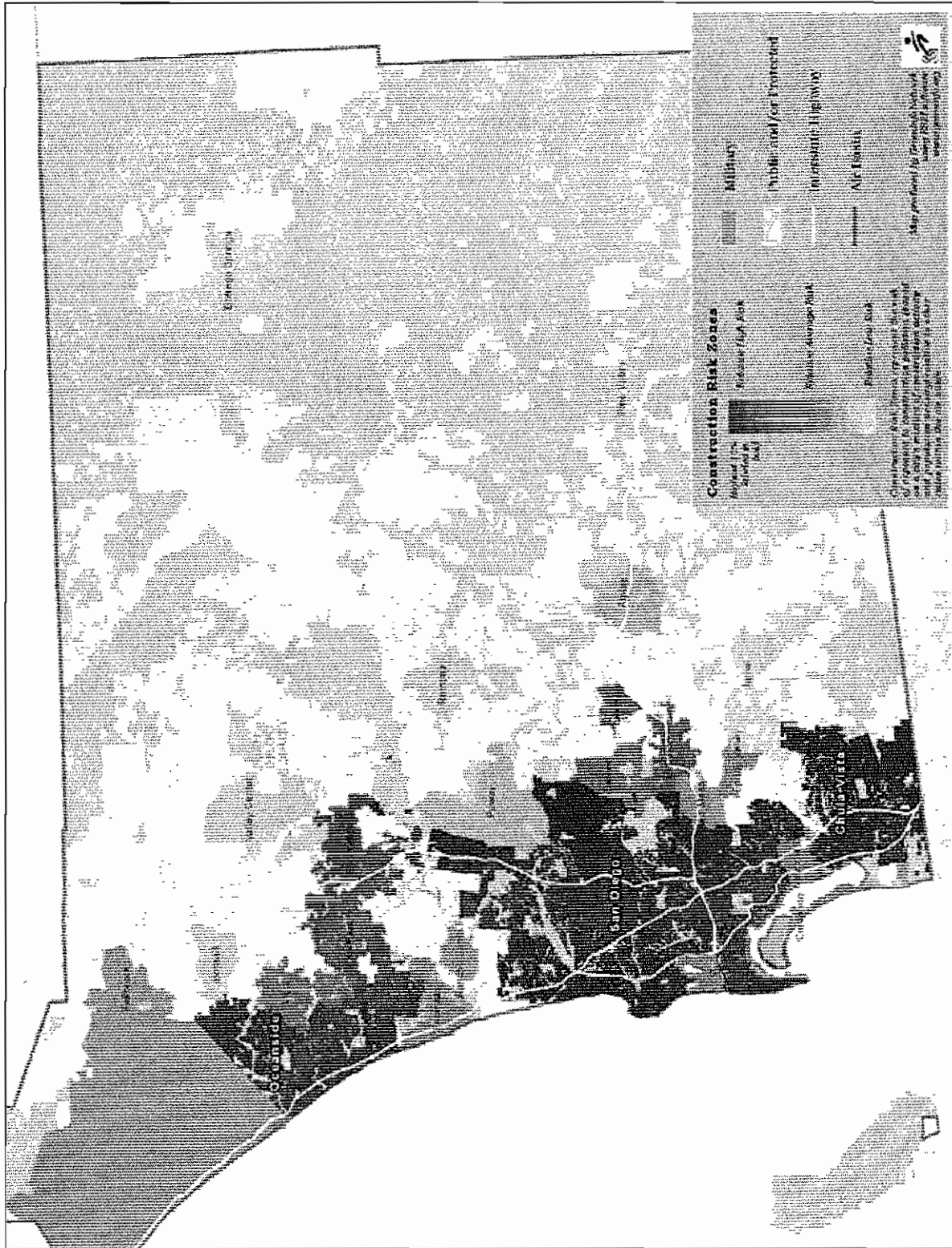
Health Endpoint	Mean Annual Incidences	Annual Costs (in thousands of 2005 dollars)
Premature Deaths	89	703,222
Respiratory Hospitalizations	50	1,703
Cardiovascular Hospitalizations	33	1,357
Asthma and Other Lower Respiratory Symptoms	2,127	40
Acute Bronchitis	177	75
Lost Work Days	14,014	2,523
Minor Restricted Activity Days	113,280	6,797
School Absences	24,689	2,173
<b>Total Annual Cost</b>		<b>717,890</b>

**TABLE 9 Top 10 Percent of San Diego Construction Risk Zones**

City	County
Chula Vista	San Diego
Oceanside	San Diego
San Diego	San Diego

NOTE: Cities are listed in alphabetical order by county.

FIGURE 4 Construction Pollution Risk in the San Diego Air Basin



**SAN JOAQUIN VALLEY**

This air basin, comprising the southern counties of California’s Central Valley, ranks fourth for health and economic damage from construction equipment pollution. For 2005, this includes estimates of:

- nearly 50 premature deaths
- 70 hospitalizations for respiratory and cardiovascular disease
- more than 100 cases of acute bronchitis
- more than 1,200 incidences of asthma attack and other lower respiratory symptoms
- 39,000 days of lost work and school absences
- nearly 100,000 days of restricted activity

This loss of life and productivity cost San Joaquin Valley residents an estimated \$401 million.

Within the air basin, 66 cities and towns had active construction permits during 2005 accounting for more than 32,500 acres of land under construction. The seven cities comprising the air basin’s top 10 percent of Construction Risk Zones are spread throughout the valley (in six different counties) and correspond to the most populated areas.

**TABLE 10 San Joaquin Valley Construction Pollution Damage**

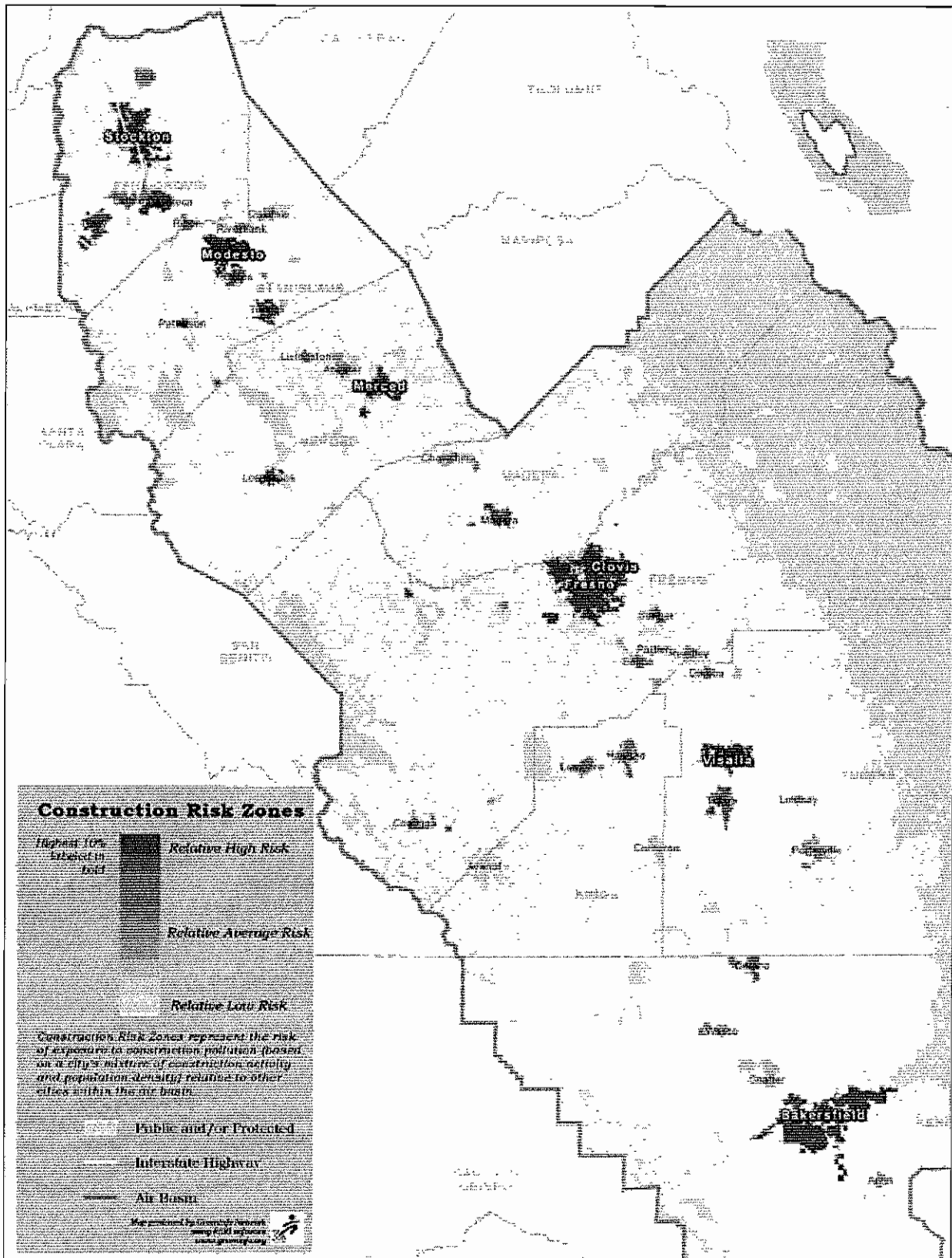
Health Endpoint	Mean Annual Incidences	Annual Costs (in thousands of 2005 dollars)
Premature Deaths	49	388,547
Respiratory Hospitalizations	55	1,858
Cardiovascular Hospitalizations	14	592
Asthma and Other Lower Respiratory Symptoms	1,284	24
Acute Bronchitis	107	45
Lost Work Days	6,241	1,123
Minor Restricted Activity Days	99,585	5,975
School Absences	33,282	2,929
<b>Total Annual Cost</b>		<b>401,094</b>

**TABLE 11 Top 10 Percent of San Joaquin Valley Construction Risk Zones**

City	County
Clovis	Fresno
Fresno	Fresno
Bakersfield	Kern
Merced	Merced
Stockton	San Joaquin
Modesto	Stanislaus
Visalia	Tulare

NOTE: Cities are listed in alphabetical order by county.

FIGURE 5 Construction Pollution Risk in the San Joaquin Valley Air Basin



### SACRAMENTO VALLEY

This air basin, comprising the northern counties of California's Central Valley, ranks fifth for health and economic damage from construction equipment pollution. For 2005, this includes estimates of:

- nearly 40 premature deaths
- more than 40 hospitalizations for respiratory and cardiovascular disease
- more than 65 cases of acute bronchitis
- 790 incidences of asthma attack and other lower respiratory symptoms
- 22,000 days of lost work and school absences
- more than 50,000 days of restricted activity

This loss of life and productivity cost Sacramento Valley residents an estimated \$314 million.

Within the air basin, 52 cities and towns had active construction permits during 2005 accounting for more than 29,000 acres of land under construction. The cities falling in the top 10 percent of Construction Risk Zones include the city of Sacramento and its suburbs Elk Grove, Roseville, and Woodland, along with Yuba City in Sutter County.

**TABLE 13 Top 10 Percent of Sacramento Valley Construction Risk Zones**

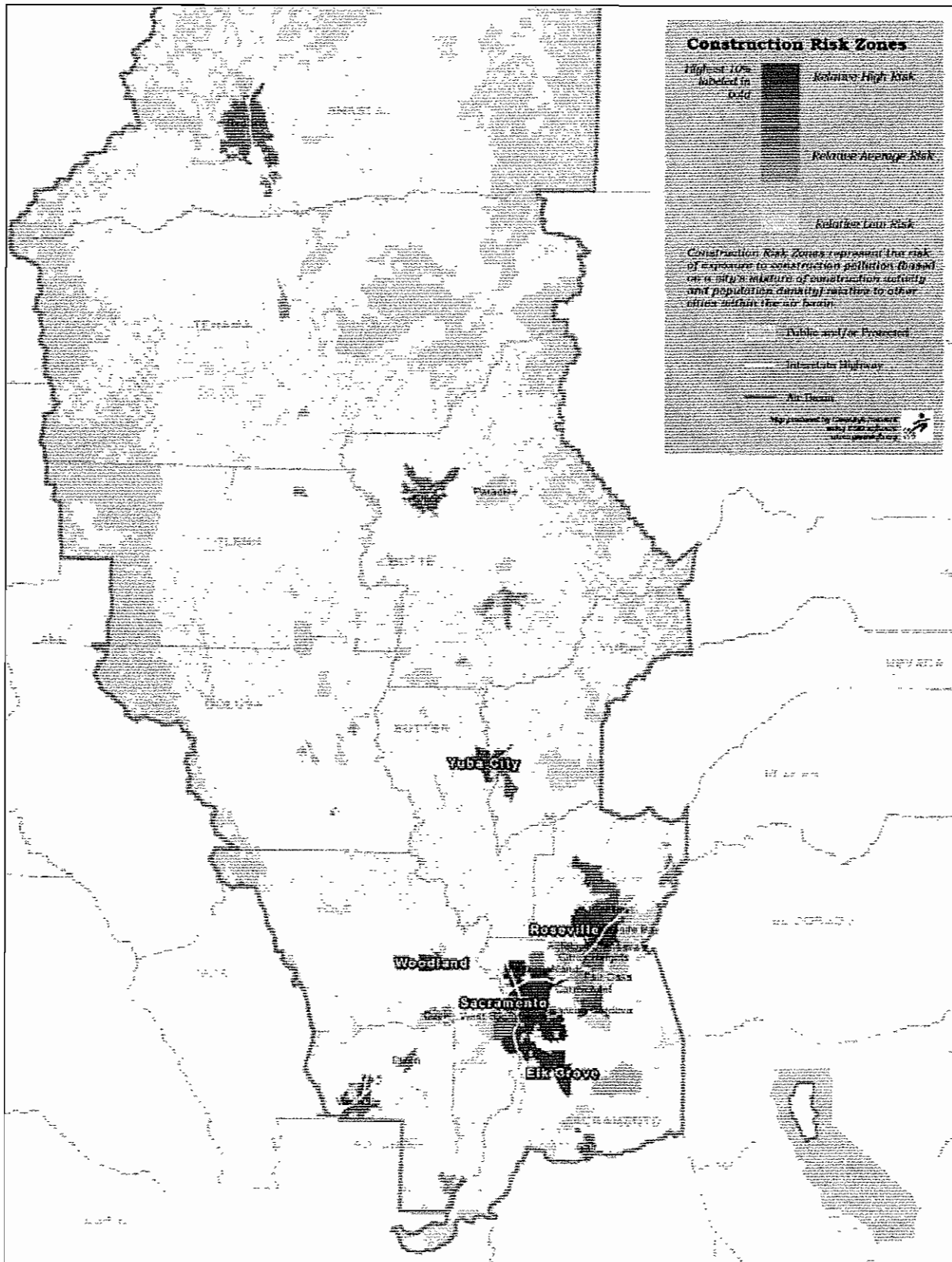
City	County
Roseville	Placer
Elk Grove	Sacramento
Sacramento	Sacramento
Yuba City	Sutter
Woodland	Yolo

NOTE: Cities are listed in alphabetical order by county.

**TABLE 12 Sacramento Valley Construction Pollution Damage**

Health Endpoint	Mean Annual Incidences	Annual Costs (in thousands of 2005 dollars)
Premature Deaths	39	306,638
Respiratory Hospitalizations	30	1,003
Cardiovascular Hospitalizations	12	493
Asthma and Other Lower Respiratory Symptoms	790	15
Acute Bronchitis	66	28
Lost Work Days	4,617	831
Minor Restricted Activity Days	50,408	3,025
School Absences	17,492	1,539
<b>Total Annual Cost</b>		<b>313,571</b>

FIGURE 6 Construction Pollution Risk in the Sacramento Valley Air Basin



## **CONCLUSIONS**

Construction equipment is operating in cities and towns throughout California, releasing harmful NO<sub>x</sub> and PM emissions into the air and raising the risk of exposure to these pollutants for residents who live and work near construction sites. The likelihood of people living or working close to construction sites is highest in densely populated urban areas, but the suburbs are not

free of risk from construction equipment pollution. Many projects in these areas, including new commercial and residential developments, require extensive use of construction equipment for land clearing and grading operations. Road construction and maintenance projects occurring throughout the state add additional risk.

Construction equipment pollution is therefore a health concern for all Californians.



## Chapter 4

### BUILDING A CLEANER FUTURE

Because of its long working life, high replacement cost, and lagging emission standards, diesel construction equipment will continue to pollute for decades. That means Californians will suffer from increased hospital admissions for respiratory and cardiovascular disease, asthma attacks, acute bronchitis, and even premature death—unless the state takes action to dramatically reduce construction equipment pollution.

#### WHAT CAN CALIFORNIA DO?

Under the federal Clean Air Act, California has the unique authority to regulate construction equipment. The state should use this authority to establish stringent new regulations that would complement its recent efforts to clean up pollution from other on-road and off-road sources of diesel pollution.<sup>10</sup> An effective regulatory regime for diesel construction equipment would:

- reduce diesel PM 75 percent below 2000 levels by 2010 and 85 percent below 2000 levels by 2020—which would reduce estimated annual premature deaths from construction equipment pollution by 790 (70 percent) compared with 2005
- phase out or retire the oldest, most polluting equipment
- install the best available retrofit technology on newer equipment

- require the strongest emission controls near sensitive locations such as schools, nursing homes, hospitals, and day care centers

Incentive programs have also proven effective in cleaning up construction equipment (UCS 2004). These programs should continue to fund equipment cleanup with the goal of achieving emission reductions above and beyond what regulations require.

There are a number of cost-effective ways to reduce emissions from construction and other off-road diesel equipment, allowing for flexibility in meeting reduction targets:<sup>11</sup>

- **Refuel.** Switching to alternative diesel fuels can achieve modest reductions in pollutants. These fuels can also facilitate the use of advanced retrofit technologies, resulting in even less pollution.
- **Repower.** The body or chassis of some equipment can last many decades, beyond the life of the original engine. Installing a new low-emission engine in an older chassis can allow the machine to run cleanly for many more years. California's Carl Moyer incentive program is currently funding some repower projects for construction equipment.<sup>12</sup>
- **Replace.** Replacing old equipment with a new lower-emission model ahead of schedule can result in substantial pollution reductions.

<sup>10</sup> CARB has passed numerous regulations under its Diesel Risk Reduction Plan that set strict emission reduction targets for specific types of diesel vehicles and equipment (CARB 2005a, 2005b, 2005c, 2004b, 2003a, 2003b, 2003c, 2000).

<sup>11</sup> Previous UCS analysis found that diesel cleanup through California's Carl Moyer incentive program achieves benefits valued at 10 times the cost of cleanup (UCS 2004).

<sup>12</sup> Repower projects funded by the Carl Moyer incentive program must meet stringent cost-effectiveness thresholds (CARB 2000a, 2004a).

- **Retrofit.** Existing engines that can be expected to run for many more years can be retrofitted with emission control technologies that reduce PM more than 90 percent.<sup>13</sup>
- **Reduce idling.** Idling equipment not only pollutes, but also wastes fuel. Limiting idle time, on the other hand, saves money by reducing fuel use and wear-and-tear on the engine.

Efforts around the country and around the world are proving that the technology exists to lower construction equipment emissions. In Switzerland, for example, an aggressive regulation to curtail diesel PM emissions from construction sites has resulted in thousands of retrofits (Mayer 2004, 2005). In 2003, New York City passed an ordinance requiring that diesel equipment on all city-funded construction sites use ultra-low-sulfur fuel and be retrofitted with the best available control technology (Bradley 2006). Boston's "Big Dig" incorporated more than 200 retrofit devices on construction equipment, and Connecticut's Harbor Crossing Corridor is following suit.

In California, some air districts are funding repowers and retrofits through the Carl Moyer incentive program and, for large projects, requiring the use of cleaner construction equipment.<sup>14</sup> These and other groundbreaking efforts (MECA 2006) have proven the success of cleanup technology for construction equipment, but statewide action is necessary to achieve the greatest reductions and maximum health benefits.

### WHAT CAN YOU DO?

By taking the following actions, individuals can help protect themselves from harmful diesel emissions and make sure that the appropriate

decision makers know that Californians want diesel-powered construction equipment cleaned up:

- File a visible smoke complaint with your air district (contact information can be found at <http://www.arb.ca.gov/capcoalroster.htm>) or CARB (call 800-952-5588 or email [vruiz@arb.ca.gov](mailto:vruiz@arb.ca.gov)) when you see plumes of diesel soot coming from construction equipment. Request that an inspector be sent to the site and investigate the emission source.
- Report illegal idling (commercial trucks that haul dirt or service construction sites cannot idle for more than five minutes) to CARB (visit <http://www.arb.ca.gov/enfcomplaints/complaints.htm> or call 800-END-SMOG) or your local air district (contact information can be found at <http://www.arb.ca.gov/capcoalroster.htm>). Citations for illegal idling can also be issued by local law enforcement.
- Tell your state legislative representatives (contact information can be found at <http://www.leginfo.ca.gov/yourleg.html>) and CARB ([arbboard@arb.ca.gov](mailto:arbboard@arb.ca.gov)) that cleaner construction equipment is important to you.
- Close your windows while diesel-powered equipment is operating near your home or office.
- Raise your concern about emissions from proposed construction in your neighborhood during the public review period, and demand that the project's environmental impact review assesses these emissions and includes a strategy for controlling them.
- Urge your city council to protect residents from construction pollution by enacting a clean-construction ordinance—especially around sensitive sites such as schools and day care centers.

13 CARB has verified retrofit technologies for use on off-road equipment. See <http://www.arb.ca.gov/diesel/verified/verifiedtechnologies/cvt.htm>.

14 The Sacramento Metropolitan Air Quality Management District (<http://www.airquality.org/ceqa/index.shtml>) and San Luis Obispo County Air Pollution Control District (contact: Andrew Mutziger) require construction equipment pollution mitigation for some projects under the California Environmental Quality Act.

*Appendix***ESTIMATING THE HEALTH DAMAGE AND ECONOMIC COSTS OF CONSTRUCTION POLLUTION**

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Our polluted air has provided researchers a real-world laboratory for studying the impact of air pollution on people's health. Numerous epidemiological studies tracking thousands of individuals have linked PM exposure to premature death as well as cardiovascular and respiratory illnesses. Similar studies have been carried out for exposure to ozone pollution. These studies provide the basis for estimating the health benefits of reducing air pollution and are used in this study to estimate the impact of construction pollution.

The health effects quantified in this report are based on peer-reviewed epidemiological studies used by both the EPA and CARB to evaluate the benefits of reducing air pollution. These studies establish a statistically significant relationship between exposure to PM and ozone and increased incidences of specific health endpoints, which can then be quantified through a concentration-response function. The uncertainty in these estimates is quantified by presenting results as both a mean estimate of the number of incidences and a range of estimates representing the 95 percent confidence interval.<sup>15</sup>

Our analysis links health and economic damage to construction equipment pollution by using California-specific air quality monitoring data, county baseline health incidence rates, population estimates, and a diesel construction equipment emission inventory. PM concentrations for specific air basins were measured by CARB when identifying diesel PM as a toxic air contaminant (CARB 1998). And CARB recently evaluated

concentration-response functions for specific health endpoints using diesel PM concentration estimates along with population data, baseline health incidence rates, and an inventory of diesel emission sources related to the movement of goods (CARB 2006a). As part of these efforts, air basin-specific factors were estimated (in tons of diesel pollution per incidence) for each health endpoint. UCS used these factors along with CARB's air basin-specific inventory of diesel PM, NO<sub>x</sub>, and reactive organic gases (ROG) to estimate the health effects of PM and ozone from construction equipment (CARB 2006d).

Each health endpoint covered in this report is assigned a dollar value to estimate the economic impact of diesel pollution. The EPA uses economic valuations of health endpoints to perform cost-benefit analyses of air pollution reduction measures, and our analysis reflects changes made to the EPA's hospitalization endpoints and lost work days to better reflect California-specific wage and health care data (CARB 2006a).

Premature death is the most serious health endpoint related to diesel pollution and has the greatest economic impact. Estimates of premature death resulting from exposure to fine PM are based on long-term exposure for people 30 or older, and include all causes of death (Pope 2002). Individuals with existing respiratory and cardiovascular disease and the elderly are most vulnerable, and life expectancies are shortened by months or even years (Pope 2000). Economic valuation of premature death is based on a review of studies carried

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<sup>15</sup> For a list of the epidemiological studies used, see CARB 2006a and EPA 2004.

out by the EPA and on society's "willingness-to-pay" to lower the risk of premature death (EPA 1999).

### **CONSTRUCTION PERMIT DATA**

The California State Water Resources Control Board (SWRCB) construction permit database was chosen as the primary source for representing construction activity in California. Residential and commercial building permit data were excluded from the study due to overlapping information with the SWRCB database and the inclusion of projects that may not involve the use of diesel construction equipment.

SWRCB construction permits, which we used to calculate Construction Risk Zones, are required under the federal Clean Water Act for projects that disturb more than one acre of land. According to the SWRCB Fact Sheet for Water Quality Order 99-08-DWQ:

*Construction activity subject to this General Permit includes clearing, grading, disturbances to the ground such as stockpiling, or excavation that results in soil disturbances of at least one acre of total land area. Construction activity that results in soil disturbances of less than one acre is subject to this General Permit if the construction activity is part of a larger common plan of development that encompasses one or more acres of soil disturbance or if there is significant water quality impairment resulting from the activity.*

Construction projects that disturb more than one acre of land generally involve the use of diesel earthmoving construction equipment. These permits, while not directly representing construction equipment activity, provide the best available indication of where large earthmoving equipment is being used.

*Limitations of permit data.* There are, however, some limitations to estimating construction activity from SWRCB permits.

Projects under permit may go through many different phases of construction before completion, not all of which require the use of diesel-powered construction equipment or sustained levels of construction equipment activity. Therefore, there is no guarantee that construction equipment was operated on site during a specific period of time, but permittees must pay an annual fee to the SWRCB to keep permits active. This monetary requirement should minimize the number of permittees holding active permits but not performing construction activity.

Additionally, there are some construction projects that will not appear in the SWRCB database. Projects in which storm runoff is captured in a combined sewer/storm water system do not require permits because the water treatment plant that receives the runoff is the permitted entity. Some projects in San Francisco and Sacramento, where a combined sewer system exists, may be excluded from the database as a result, but the majority of California cities do not have combined sewer/storm water systems.

Furthermore, some projects listed in the SWRCB database have incomplete location information. These details can include street address with or without number, street intersections with or without compass directions, pier number, and tract number. Mapping project location by city rather than zip code or street address allowed us to capture 90 percent of the acres under permit.

Because the size of a project is represented by the number of acres disturbed during construction, the amount of construction equipment activity may not have a linear relationship to the size

of the project. In general, large-acreage projects will likely have greater construction equipment activity than small-acreage projects. However, urban construction sites that are relatively small in area may have heavy construction equipment activity due to multi-story construction. For instance, a two-acre high-rise construction site in

downtown Los Angeles may have a much higher sustained level of construction equipment activity than a two-acre single-family home construction site in the suburbs. The available data did not allow us to distinguish between single-story and multi-story construction.

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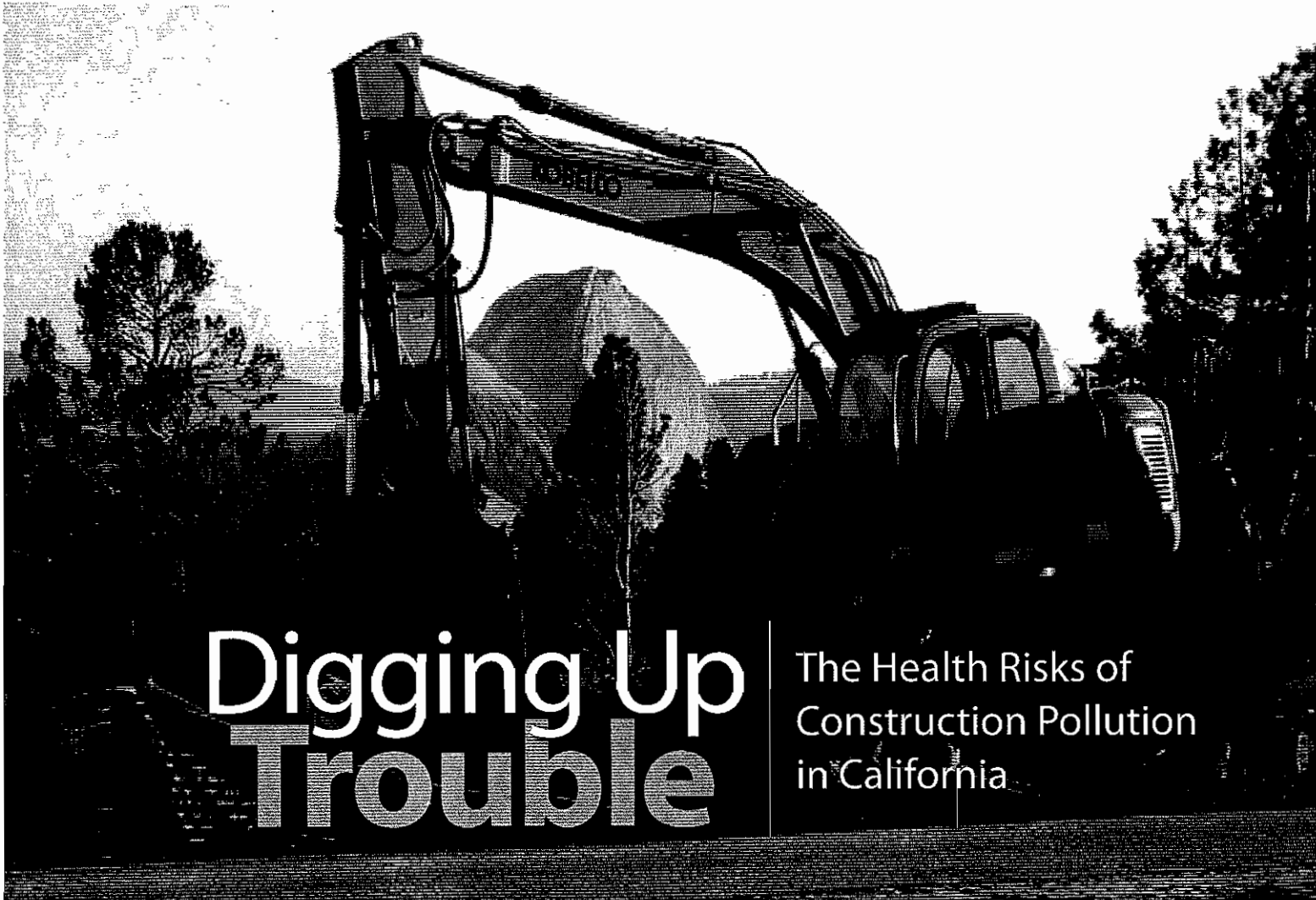
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# Digging Up Trouble

## The Health Risks of Construction Pollution in California

Diesel engines may conjure up images of big rigs or transit buses, but construction equipment is a leading source of diesel pollution in California. Air pollution caused by construction equipment can result in severe cardiovascular and respiratory illnesses, asthma attacks, acute bronchitis, and even premature death.

This study quantifies the effect of construction pollution on California's public health and economy, both across the state and in the five most-affected regions. The risk of exposure to construction activity is evaluated for cities in each of these regions.

Construction equipment will continue to be a significant source of pollution over the next two to three decades unless California acts now. By adopting the cost-effective technology solutions that already exist (and those that will become available over the next few years), the state can reduce this public health threat and help all Californians breathe easier.

**National Headquarters**  
Two Brattle Square  
Cambridge, MA 02238-9105  
Phone: (617) 547-5552  
Fax: (617) 864-9405

**West Coast Office**  
2397 Shattuck Ave., Ste. 203  
Berkeley, CA 94704-1567  
Phone: (510) 843-1872  
Fax: (510) 843-3785

**Washington, DC, Office**  
1707 H St. NW, Ste. 600  
Washington, DC 20006-3962  
Phone: (202) 223-6133  
Fax: (202) 223-6162



**Union of Concerned Scientists**

Citizens and Scientists for Environmental Solutions

**Website** [www.ucsusa.org](http://www.ucsusa.org)

**Email** [ucs@ucsusa.org](mailto:ucs@ucsusa.org)

Kim Espinosa, Planning Manager  
City of Merced Planning Division  
678 West 18th Street  
Merced, CA 95340



Dear Ms. Espinosa,

The Wal-Mart Distribution Center could legitimately increase the likelihood of blackouts in Merced. Merced has experienced blackouts during some of the hottest days of the year. Both displacement and death have been unfortunate results.

The environmental study should require more specific details on how Wal-Mart will take measures ensure it does not increase our electrical capacity and put residents in danger.

Moreover, the applicant should go one step further and commission a study to help reduce its consumption on our city grids. In January of 2009, Coca-Cola released a statement saying they had reduced their consumption of electricity in California by 5.6 million kilowatt-hours per year through changing their lighting source. (Article can be found at:

<http://news.moneycentral.msn.com/ticker/article.aspx?symbol=US:OESX&feed=BW&date=20090109&id=9502842>).

This should be a public safety priority for the City of Merced.

Thank you,

*Justin Kenne*  
*321 West 27th St*  
*Merced CA 95340*

121B-1

*For Immediate Release*

## **Coca-Cola Enterprises reduces electricity consumption by 5.6 million kilowatt-hours a year in California facilities**

*Smart energy management practices drastically reduce greenhouse gas emissions, earns local bottler environmental award*

Downey, CA – January 9, 2009 - As part of its global commitment to corporate responsibility and sustainability, Coca-Cola Enterprises (CCE) is nearly complete with a major lighting retrofit project to reduce energy consumption in its California facilities. The project will decrease CCE's energy consumption for lighting by 5.6 million kilowatt-hours (kWh) a year, with the potential to decrease 113 million kilowatt-hours over the 20-year life of the new system. This is enough electricity to power 537 homes annually. The project has earned CCE the Orion Energy Systems Environmental Stewardship Award, which was presented today by Orion's executive vice president Michael Potts to Coca-Cola Enterprises' executives during a ceremony at its Downey, Calif., production facility.

Public officials who attended the event and addressed the audience include the Mayor of the City of Downey, California, Dn. Mario Guerra, 27<sup>th</sup> District, California State Senator Alan Lowenthal (D-Long Beach), California Governor Arnold Schwarzenegger's Deputy District Director Araceli Gonzalez and U.S. Senator Dianne Feinstein's Field Representative Elizabeth Delgado. Also in attendance were Downey Third District Councilman Roger Brossmer and 5<sup>th</sup> District Councilman Luis Marquez.

Campbell Hawkins, manager of energy efficiency for Southern California Edison, the utility that provides power to many of Coca-Cola Enterprises' California facilities, applauded CCE for its commitment to energy efficiency. Hawkins also cited the importance of working together with companies like Coca-Cola Enterprises and Orion Energy Systems to reduce pressure on California's strained electrical grid.

The project entailed replacing more than 4,000 high-intensity discharge (HID) and fluorescent lights with Orion's Compact Modular™, high-intensity fluorescent (HIF) system at 24 Coca-Cola Enterprises facilities throughout California. CCE also has installed solar power generating panels on the roof of its Los Angeles facility, has committed to make all sales and marketing equipment on average 20 percent more energy efficient by 2010, and has 10 hybrid electric trucks delivering product to customers throughout Los Angeles. In all, CCE has 142 hybrid electric delivery trucks, giving it the largest fleet of heavy-duty hybrid delivery trucks in North America.

Coca-Cola Enterprises has established five strategic focus areas, three of which – energy conservation/climate change, water stewardship, and sustainable packaging/recycling – are

related to the environment. CCE remains focused on conserving water in its operations and is in the process of installing water-efficient technology such as container rinsers that use ionized air rather than water, silicon-based dry lubricants on its production lines and water reclamation upgrades. Additionally, the company has worked to increase recycling rates nationwide through the work of Coca-Cola Recycling.

“At Coca-Cola Enterprises, corporate responsibility and sustainability is where the world touches our business and where our business touches the world,” said Terry Fitch, general manager and vice president of Coca-Cola Enterprises’ West Business Unit. “We’re doing everything we can to help reduce our carbon footprint in California and across the country, because we believe that responsible and sustainable business practices like this will not only help us manage through these complex times but will also ensure the long-term growth of our company, sustainable development in our communities, and protection of the environment.”

As a result of the 5.6 million kWh annual reduction generated from the lighting retrofit, Coca-Cola Enterprises will help to divert 3,715 tons of carbon dioxide (CO<sub>2</sub>) from entering the atmosphere each year, according to the Environmental Protection Agency. Also, Coca-Cola Enterprises will reduce the amount of sulfur dioxide (SO<sub>2</sub>) released by 15 tons per year, and the amount of nitrogen oxides (NO<sub>x</sub>) by 5 tons per year. The power use reduction is the air-scrubbing equivalent of planting a 1,038-acre forest or the energy equivalent of saving 466,962 gallons of gasoline each year.

The environmental benefits and energy cost savings of the Coca-Cola Enterprises project are possible because Orion fixtures are engineered based on the dual principles of optimizing input energy and maximizing lighting output. Orion’s patented high-intensity fluorescent lighting platform uses about 50 percent less energy and provides 50 percent more light than traditional high-intensity discharge lights, which have been the industry norm since approximately 1960. Orion systems turn on instantly, provide a more natural type of light, and operate at a relatively cool 110 degrees.

“Coca-Cola Enterprises is fast becoming one of the leaders in responsible and sustainable business practices,” said Michael Potts, executive vice president of Orion. “The State of California benefits from the environmental attributes of Coca-Cola Enterprises’ efforts, including taking significant power off the electrical grid which tends to lessen the upward pressure that exists on power prices and the need for new power plants.”

“Lighting accounts for 55 percent of the energy we use in our sales and distribution centers and ten percent in our production facilities. Therefore, reducing our lighting energy use by half makes good economic sense for us because it creates operational efficiencies while protecting the environment,” added Fitch.

“This is an historic moment,” said California State Senator Alan Lowenthal. “What we are experiencing here today is a major paradigm shift. Corporate citizens such as Coca-Cola Enterprises and Orion Energy Systems are saying the solution to pollution is prevention. The solution to pollution is sustainability. The solution to pollution is reducing our carbon footprint.

Great corporate citizens like Coca-Cola Enterprises – that is how the United States will lead the world, so I am just really pleased to be here.”

Orion’s energy efficient technology platform includes its Compact Modular™ high-intensity fluorescent lighting system, the InteLite™ wireless control system and the direct renewable Apollo™ solar light pipe, all of which are installed as an integrated system in the Downey facility warehouse. The integrated system was recently internationally recognized with the prestigious Platts Global Energy award for the single most innovative and sustainable technology of 2008. The system can reduce energy consumption for lighting in a commercial/industrial facility for up to ten hours a day during daylight hours when the electric grid is operating at or near peak capacity.

Orion has deployed its energy management systems in 4,068 facilities across North America including 108 of the Fortune 500. Since 2001, Orion technology has displaced more than 386 megawatts, saving customers more than \$455 million and reducing indirect carbon dioxide emissions by 4 million tons.

**About Orion Energy Systems, Inc.**

Orion Energy Systems Inc. (Nasdaq: OESX) is a leading power technology enterprise that designs, manufactures and implements energy management systems, consisting primarily of high-performance, energy-efficient lighting systems, controls and related services for commercial and industrial customers without compromising their quantity or quality of light. For more information, visit [www.oriones.com](http://www.oriones.com).

**About Coca-Cola Enterprises**

Coca-Cola Enterprises is the world’s largest marketer, distributor, and producer of bottle and can liquid nonalcoholic refreshment. CCE sells approximately 80 percent of The Coca-Cola Company’s bottle and can volume in North America and is the sole licensed bottler for products of The Coca-Cola Company in Belgium, continental France, Great Britain, Luxembourg, Monaco, and the Netherlands. For more information, please visit [www.cokecce.com](http://www.cokecce.com).

**Media Contact**

*Linda Diedrich*

Corporate Communications  
Orion Energy Systems, Inc.  
(920) 482-1988  
[ljd@oes1.com](mailto:ljd@oes1.com)

*Bob Phillips*

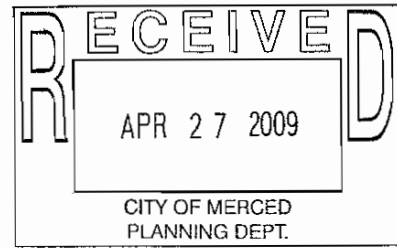
Public Affairs and Communications  
Coca-Cola Enterprises  
(213) 744-8653  
[bophilips@cokecce.com](mailto:bophilips@cokecce.com)

*Laura Brightwell*

Public Affairs and Communications

Coca-Cola Enterprises  
(770) 989-3023  
[lbrightwell@cokecce.com](mailto:lbrightwell@cokecce.com)

Kim Espinosa, Planning Manager  
City of Merced Planning Division  
678 West 18th Street  
Merced, CA 95340



Dear Ms. Espinosa,

The DEIR should have required a specific landscaping plan from the Wal-Mart. A better understanding of the water consumption issues needs to be looked into.

121C-1

I understand that the City has requirements regarding the implementation of water efficient landscaping, but the large size of the project requires further study at the steps they will take to

The City should require the applicant to plant more mature trees, evergreen and deciduous trees, along the perimeter of the distribution center as a visual safeguard.

121C-2

Sincerely,

Justin Kenney  
321 West 20<sup>th</sup>  
Merced CA 95340



Kim Espinosa, Planning Manager  
City of Merced Planning Division  
678 West 18th Street  
Merced, CA 95340




Dear Ms. Espinosa,

I am writing to request that the City of Merced require the proposed Wal-Mart Distribution Center to be LEED Platinum Certified as a condition to its final approval.

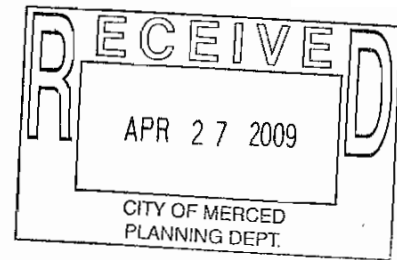
121D-1

I encourage you to make sure that this brings out the best in Merced.

Best Regards,

Just in kenney  
321 west 27<sup>th</sup> st  
Merced CA 95340  


Kim Espinoza, Planning Manager  
City of Merced Planning Department  
678 West 18<sup>th</sup> Street  
Merced, CA 95340



Ms. Espinoza:

I have a real problem with Section 6 of the Environmental Impact Report for the Wal-Mart distribution center.

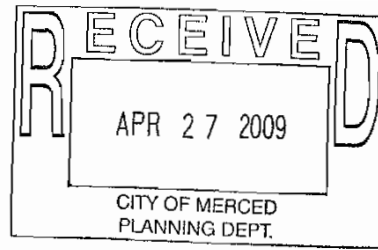
The EIR only looks at impacts in the southeastern part of Merced. That is a problem because this project impacts the entire region. The City of Merced has the obligation to look at the entire picture and assess the cumulative impacts on the region, not just the southeastern portion.

As a resident, I demand you follow look at this project for what it is called, a regional distribution center. After a few years of review of this project, I expected to see an EIR that got the job done explaining specifics about the project. This did not happen, and Merced residents may have to bear the impacts because the City was not thorough enough.

121E-1

Post in Kenny  
321 west 27<sup>th</sup> st  
Merced CA 95340

**Kim Espinoza, Planning Manager  
City of Merced Planning Department  
678 West 18<sup>th</sup> Street  
Merced, CA 95340**



**Ms. Espinoza:**

**After reading through the EIR for the Wal-Mart Distribution Center, I am appalled by many questions the document did not address. Below please find a few important issues not addressed properly in the EIR:**

**- Why would you knowingly offer up a project that violates the goals of California's AB 32 guidelines to curb global warming? You are inviting a costly lawsuit that the City is likely to lose.**

121F-1

**- Why does the cumulative impact analysis look only at the South Merced area? This distribution center is being built to accommodate major new retail growth in central California. The trucks that run in and out of this distribution center will impacts multiple roads and highways and generate traffic, pollution and dangerous roadway throughout the region.**


121F-2

**On what reasonable basis can you assume that "the proposed project can be viewed as a means to improve the service of existing retail outlets"? (6-35)**

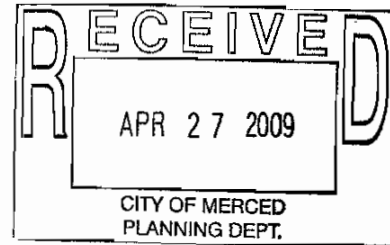
121F-3

**. This section author realizes that to be truthful about the purpose of this store is to open a can of worms about cumulative impacts in multiple jurisdictions that will have a say in this project.**

121F-4

Justin Kenny  
321 West 27<sup>th</sup> St  
Merced CA 95340  


Kim Espinosa, Planning Manager  
City of Merced Planning Division  
678 West 18th Street  
Merced, CA 95340



Dear Ms. Espinosa,

As a teacher in Merced schools, I've very concerned that the Wal-Mart distribution center is a poorly chosen site because of the danger the massive truck traffic will pose to our students.

121G-1

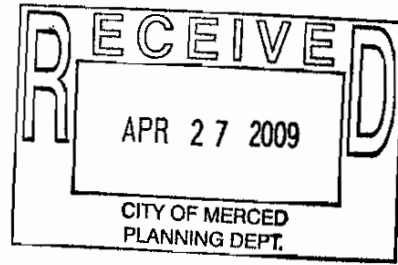
To minimize the dangers, Wal-Mart should be barred from using the ramps at Childs and Highway 99 and from cutting through local streets to get to Highway 140. There will still be significant dangers, but these are at least reasonable steps toward making sure kids who walk to and from school will be safer.

121G-2

Post in kenay  
Name  
321 West 27<sup>th</sup> Street  
Address  
Merced, CA 95340  
City, State, Zip  
[Signature]  
Signature  
April 16/2009  
Date

April 11, 2009

Kim Espinosa  
Project Manager  
Merced Planning Division  
678 West 18th St.  
Merced, CA 95340



Ms. Espinosa,

I think the environmental impact report makes a very egregious claim in its "Alternative to the Proposed Project" section. Under section 5.4.12 Transportation/Traffic, you assume that any other proposal for the location will be the same size as Wal-Marts. You claim that no alternative would change the conclusions of the traffic section.

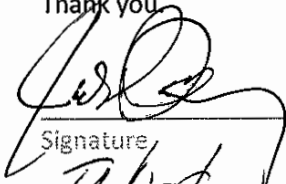
121H-1

Do you ever consider that some other company might have an even smaller design than Wal-Mart? Why do you assume another company would have the same proposal as Wal-Mart? Besides, in Section 5.4.14 Attainment of Project Objectives you go on to claim "However, as shown below, a different project with an essentially identical use, could meet all identified objectives identified by both the applicant and the City." It's so obvious that this report is biased that you conclude the only project that is possible for this site is this distribution center. There are alternatives that will change your narrow minded conclusions.

121H-2

As a concerned teacher in Merced, I think you failed to live up to the requirements of CEQA under this report. Go back to the drawing board.

Thank you

  
\_\_\_\_\_  
Signature  
Justin Kenny  
Print Name  
321 west 27th  
Address  
Merced CA 95340  
209 201 1923  
Phone

Kim Espinosa, Planning Manager  
City of Merced Planning Division  
678 West 18th Street  
Merced, CA 95340



Dear Ms. Espinosa,

The DEIR should provide a detailed plan regarding public transportation alternatives, specifically regarding public trails leading to the distribution center. Wal-Mart should be required to pay for trails to be linked directly to the distribution center to encourage employees from driving to the center on a daily basis. The EIR is deficient in looking at transportation alternatives for employees and should be addressed in the EIR's final report.

1211-1

Sincerely,

*Justin Kenny*  
Name  
*321 west 27th Street*  
Address  
*Merced CA 95340*  
City State Zip  
*[Signature]*  
Signature  
*April 12/2009*  
Date

Justin Kenny

- 121A–Undated
- 121B–Undated
- 121C–Undated
- 121D–Undated
- 121E–Undated
- 121F–Undated
- 121G–April 16, 2009
- 121H–April 11, 2009
- 121I–April 12, 2009

**Letter**  
**121A-I**  
**Response**

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- 121A-1 Please see responses to comments 29-21 and 17-12 regarding concerns about impacts to nearby schools and reference to mitigation for truck traffic. Please refer to response to comment 188-1 regarding the suggested information source.
- 121A-2 The commenter asks whether the City and its consultants know that Merced is one of the cities cited as a “high-risk area.” This comment does not raise issues with the adequacy of the DEIR. The comment is noted. The existing setting for air quality is presented in Section 4.2.1 of the DEIR.
- The commenter also recommends that the analysis of construction-generated emissions in the DEIR rely on information in a source called “Digging Up Trouble – The Health Risks of Construction Pollution in California, 2006.” Please refer to response to comment 188-1.
- 121B-1 The commenter indicates that the project could contribute to the likelihood of blackouts and recommends a study to evaluate electricity consumption. The DEIR evaluated electricity consumption in Section 4.12 “Utilities and Public Services.” Mitigation Measure 4.12-4 requires submittal of a sustainability plan, which includes several energy efficient features that would be required in addition to the sustainability features identified in the project description (See page 3-15). However, to provide additional clarity regarding the ability to provide the project with electricity the DEIR text has been revised to include a personal communication with PG&E staff indicating that PG&E has sufficient capacity to serve the project with electricity. Please see Section 4 “Revisions and Corrections to the Draft EIR” for the specific text changes.
- 121C-1 The commenter states that the DEIR should have required a specific landscaping plan from Wal-Mart, and that a better understanding of water consumption issues needs to be addressed. As described in the DEIR, a landscaping plan is required by mitigation measure 4.13-2 on page 4.13-13. The landscaping plan shall be prepared to the satisfaction of the City and shall include a number of specific requirements (see mitigation measure 4.13-2). Also, because the landscaping plan must be approved by the City, the City would ensure that the plan is consistent with City water efficient landscaping requirements. Please also see response to comment 75G-3 for additional information on the landscaping plan.
- Regarding water consumption, the project’s water supply impacts were evaluated consistent with the requirements of CEQA in Section 4.12, “Utilities and Public Services,” of the DEIR. As described therein, the project would not result in any significant impacts (see page 4.12-15). Specifically, as stated in the second full paragraph on page 4.12-15, the City has concluded that it can continue to provide water to future development included in the Specific Urban Development Plan (SUDP), including the project. See the next paragraph for further information on the SUDP. The commenter does not provide any specific disagreements with the analysis provided in the DEIR; therefore, no further response can be provided.
- 121C-2 The commenter requests that the applicant be required to plant more mature trees along the perimeter of the project site as a visual safeguard. The project’s visual resources impacts were evaluated consistent with the requirements of CEQA in Section 4.13, Visual Resources,” of the

DEIR. As described therein, the project would result in potentially significant visual character and visual quality impacts, and mitigation measure 4.13-2, “Prepare and Submit a Landscaping Plan,” is recommended to reduce significant impacts to less-than-significant levels (see page 4.13-13). The commenter does not provide any specific disagreements with the analysis provided in the DEIR; therefore, no further response can be provided. This comment is noted for the City’s consideration during review and approval of the project. No further response is necessary.

- 121D-1 The commenter recommends requiring LEED Platinum as mitigation for the project. Please refer to Response to Comment 127A-1, which addresses this issue.
- 121E-1 The commenter addresses the cumulative impacts section of the DEIR, and states that the cumulative impact analysis should be reflective of a larger scope. Please see Master Response 4: Cumulative Impacts Analysis regarding the scope of analysis for cumulative impacts. No further response is necessary as no issues related to the specific environmental impacts of the project were raised.
- 121F-1 This is a comment about the project and not about the adequacy of the DEIR. The project does not violate AB 32, as no specific requirements for projects have been adopted.
- 121F-2 The commenter addresses the cumulative impacts section of the DEIR, and states that the cumulative impact analysis should be reflective of a larger scope. Please see Master Response 4: Cumulative Impacts Analysis regarding the scope of analysis for cumulative impacts. No further response is necessary as no issues related to the specific environmental impacts of the project were raised.
- 121F-3 The commenter questions the basis for the Draft EIR’s assumption that “the proposed project can be viewed as a means to improve the service of existing retail outlets.” (DEIR p. 6-35) This assumption is based on information provided by the applicant. The Draft EIR must analyze the project as proposed by the applicant. Although the commenter does not specifically raise growth inducement and expansion issues, these issues may be implied in the comment. Master Response 1: Growth Inducement and Expansion addresses these issues.
- 121F-4 The commenter addresses the cumulative impacts section of the DEIR, and states that the cumulative impact analysis should be reflective of a larger scope. Please see Master Response 4: Cumulative Impacts Analysis regarding the scope of analysis for cumulative impacts. No further response is necessary as no issues related to the specific environmental impacts of the project were raised.
- 121G-1 The commenter raises issues related to truck traffic in proximity to schools. The issue of truck trips near schools was analyzed in the DEIR and Mitigation Measures 4.11-2b and 4.11-4 specifically address the issue of trucks and schools. Other mitigation measures were developed to address specific project impacts, including potential impacts at study intersections and on roadways. The mitigation measures are adequate to reduce impacts to a less-than-significant level. No additional mitigation is required.
- 121G-2 The commenter offers mitigation to reduce impacts related to truck traffic in proximity to schools. Please see Response to Comment 121G-1, which addresses this issue.
- 121H-1 The commenter indicates that the DEIR’s assumption that the No Project alternative would result in the development of a similarly sized facility is “egregious.” Please see Master Response 12: Alternatives, which provides further discussion of the rationale behind the No Project Alternative assumptions.



- 121H-2 The commenter asks questions regarding the assumption that the No Project alternative would result in the development of a similarly sized facility. Please see Master Response 12: Alternatives, which provides further discussion of the rationale behind the No Project Alternative assumptions.
- 121I-1 The comment recommends that the DEIR include analysis of various transportation alternatives. To be conservative, the DEIR transportation analysis assumed a worst case scenario, in that employees would drive to the site and park. The assumptions regarding mode choice and potential affect to pedestrian, bicycle and transit operations are described in more detail on page 4.11-4 and in the Traffic Impact Analysis report in Appendix E of the DEIR.

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## Espinosa, Kim

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**From:** Espinosa, Kim  
**Sent:** Wednesday, March 11, 2009 5:36 PM  
**To:** Aaron Rios (E-mail); Bingaman, Jamie; Bramble, John; Colby Tanner (E-mail); Ed Hess (E-mail); Gary Jakobs (E-mail); Jim Emerson (E-mail); Joseph Loethen (E-mail); Judy Davidoff; Keith Morris (E-mail); Mark Spenser (E-mail); Marko Mlikotin (E-mail); Miriam Montesinos (E-mail); Quintero, Frank; Randy Chafin (E-mail); Thomas E. Dalferes (Ted) (E-mail)  
**Subject:** FW: We need walmart!

-----Original Message-----

**From:** JDKIM37@aol.com [mailto:JDKIM37@aol.com]  
**Sent:** Tuesday, March 10, 2009 7:16 PM  
**To:** Espinosa, Kim  
**Subject:** We need walmart!

Kim,

Who needs a report we've lost budweiser distributor, rago, linens and things, Mervyns, circuit city, Albertsons and numerous businesses downtown just take a drive down main St. I think there's more places empty than open, we need jobs, we need Walmart, these people who oppose them coming to town are just plain crazy. I live in the area close to the Walmart warehouse so if anyone wants to come by my house to ask if I oppose Walmart I would be glad to answer there question! Please let Walmart come to Merced to help our people.

122-1

Thanks Jason Kimbro  
215 Torino CT  
Merced, Ca 95341  
[jdkim37@aol.com](mailto:jdkim37@aol.com)

---

**A Good Credit Score is 700 or Above. See yours in just 2 easy steps!**

**Letter  
122  
Response**

Jason Kimbro  
March 10, 2009

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122-1

The comment addresses the merits of the proposed project and does not raise environmental issues or any issues of adequacy regarding the Draft EIR. The comment is noted.

**Espinosa, Kim**

---

**From:** Rita [message2rita@earthlink.net]  
**Sent:** Sunday, March 29, 2009 7:50 PM  
**To:** Espinosa, Kim  
**Subject:** Wal-Mart Distribution Center

Ms. Espinosa,

My husband and I oppose the building of a Wal-Mart Distribution Center at Gerard Avenue and Tower Road. We live off Gerard Avenue on Capella Drive. We were happy to move to Merced, where my husband has been employed for over ten years, from the Bay Area because the housing prices were lower. We were attracted to our current home because it appeared to be located in a relatively undeveloped area with good potential. The building of the Wal-Mart Distribution Center would mean the loss of that potential as we ended up living in an area of increased traffic (especially truck traffic), pollution, and noise as if the homeowners of this part of Merced were written off by city leaders. Please don't disappoint us by putting unattractive, disruptive, and undesirable industry where it doesn't belong. Merced has other areas where the Distribution Center could easily be placed with little or no disruption and less controversy. Choosing one of those areas would mean that the homeowners of southeast Merced were valued by city leaders as much as those in parts of the city that are so-called fashionable.

123-1

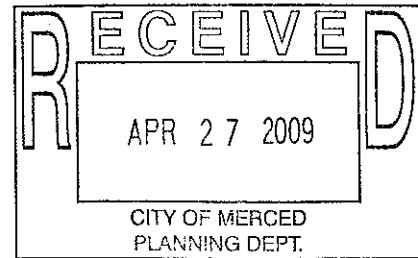
Rita and Thomas Kindle  
2674 Capella Drive  
Merced, CA 95341

123-1

The comment describes concerns related to traffic, pollution, noise, and aesthetics. The commenter indicates that the proposed project should be placed at a different location. Regarding traffic and pollution, the Draft EIR analyzes these environmental issues under sections 4.2 “Air Quality,” 4.6 “Hydrology and Water Quality,” 4.10 “Public Health and Hazards,” and 4.11 “Traffic and Transportation.” The Draft EIR addresses aesthetics in Section 4.13-1 “Visual Resources.” Regarding placement of the site at a different location, alternative sites were evaluated in Section 5 of the DEIR “Alternatives to the Proposed Project.” Please see Response to Comment 111-2, which describes the impacts, relative to the proposed project, resulting from development of a more “remote” alternative site (Alternative Site #3). For more discussion related to project alternatives, see Master Response 12: Alternatives. The comment does not raise issues related to the adequacy of the Draft EIR.

March 17, 2009

Kim Espinosa, Planning Manager  
City of Merced Planning Division  
678 West 18th Street  
Merced, CA 95340



It seems to me the city has an attitude that we should just let Wal-mart do what they want. Are we so desperate for jobs that we need to build a MASSIVE industrial complex in a neighborhood? There are three schools in the area. Are we going to limit the noisy, dirty, 18-wheel trucks to when the kids aren't in school?

124-1

Why can't we find a site for this that isn't near schools and homes? Surely there is a site somewhere in this county that is closer to the freeway and better suited to the community than this one.

Thank you for your time.

*Diana Knapp*  
Signature

Diana Knapp  
Print Name

1240 W. 6<sup>th</sup> St.

Merced, CA 95340  
Address

209 385-6676  
Phone

**Letter  
124  
Response**

---

Diana Knapp  
March 17, 2009

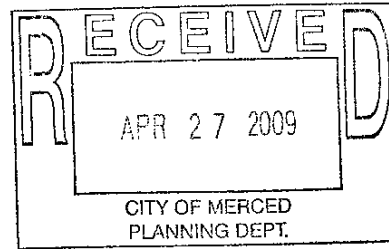
124-1

Please see responses to comments 29-21 and 17-12 regarding concerns about impacts to nearby schools and reference to mitigation for truck traffic.



March 31, 2009

Kim Esponosa  
Merced Planning Department  
678 West 18<sup>th</sup> Street  
Merced, CA 95340



Ms. Espinosa,

After taking a glance at the Air Quality section of the distribution center's draft report, I'd like you to address the impact of the hot summers we have here in the Valley. I think about those hot days and how on some days, the air just doesn't seem to move. With no breeze, the pollution in the air just sits there, seeming to hang around the city. I hope you will study the air during these summer days and find out of how much more air pollution will be added. If you find there will be a lot, then this project shouldn't be allowed to be built.

125-1

Sincerely,

A handwritten signature in black ink, appearing to read "Joel J. Knox".

Signature

Print Name

88 Sweetwater Ave

Address

Merced, CA 95341

City, State Zip

(209) 726-1022

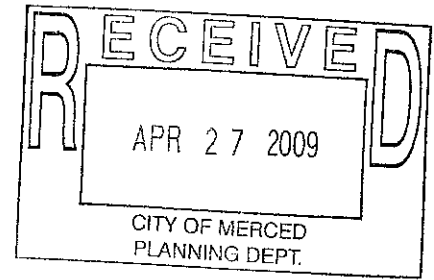
Phone Number

125-1

The commenter requests that the DEIR account for the fact that the project area experiences very hot days when “the air just doesn’t seem to move.” The comment does not raise issues with the adequacy of the DEIR. The comment is noted. As stated in Section 3.2.2 of the HRA, which is included in Appendix C of the DEIR and used to support the analysis under Impact 4.2-4, the modeling analysis for emissions of TACs evaluated each of five years (2000-2004) of sequential hourly meteorological data from a local weather station to determine the highest annual concentrations for use in the HRA. This set of meteorological data includes days with extreme temperatures and/or high levels of atmospheric stability (i.e., minimal air movement and minimal air dispersion.)

April 13, 2009

Kim Espinosa, Planning Manager  
City of Merced Planning Division  
678 West 18th Street  
Merced, CA 95340



Re: Noise impacts of Wal-Mart Distribution Center

Dear Ms. Espinosa,

I have read the Section 4.8 Noise in the Wal-Mart Distribution Center DEIR and I have concerns with several issues. In particular I have concerns about noise. I have done some research on other Wal-Mart Distribution Centers and have learned that nearby residents can anticipate a diesel truck coming or leaving the distribution center every two minutes, 24 hours a day, every day of the year. The DEIR should specify the frequency of the 322 diesel trucks into and out of the distribution center by minute per hour. Additionally, it should detail the frequency in which the 1,200 employees will be entering and exiting the distribution center. In essence, my concern is that residents will be exposed to constant truck noise that currently does not exist. A sound wall will not mitigate diesel truck traffic every two minutes.

126A-1

126A-2

126A-3

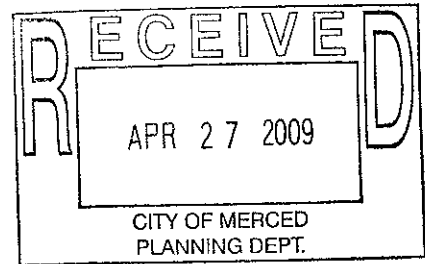
Sincerely,

*Caroline Kreide*

Caroline Kreide  
1038 Robinson Dr.  
Merced, CA 95340-3122  
(209) 725-9339

March 28, 2009

Kim Espinosa, Planning Manager  
City of Merced Planning Division  
678 West 18th Street  
Merced, CA 95340



Dear Ms. Espinosa,

The mitigation measures outlined in 4.8-1 are not feasible unless there is a specific monitoring plan. Who will this 'enforcement manager' report to? Is the person an employee of Wal-Mart? Or will the person be an employee of the City of Merced? Or will the enforcement manager be hired through an independent third party? What authority will this person have? The city should demand that Wal-Mart provide details, salary, etc for the enforcement manager it states it shall provide during construction.

126B-1

Much appreciation,

*Caroline Kreide*

*Caroline Kreide*

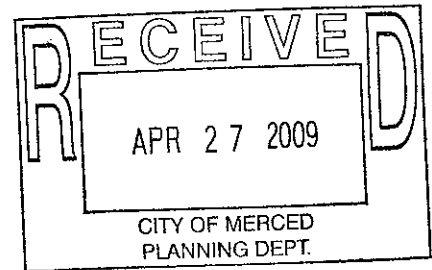
*1038 Robinson Dr.*

*Merced, CA 95340-3122*

*(209) 725-9339*

April 7, 2009

Merced City Council &  
Kim Espinosa, Planning Manager  
City of Merced Planning Division  
678 West 18th Street  
Merced, CA 95340



Re: Construction Noise Impacts

Dear Merced City Council and Ms. Espinosa,

While the construction hours outlined in the DEIR are reasonable, they are not reflective of the existing environment in Merced. There are many children walking and riding bicycles to school throughout the year. Obviously, this is much more frequent during the active school year, particularly during school hours. I would like the city to consider changing the hours of construction for the Wal-Mart Distribution Center to 8:30am to 3:30pm. This would significantly decrease the amount of harmful pollutants children might be exposed to on a daily basis.

126C-1

Thank you,

*Caroline Kreide*

*Caroline Kreide*

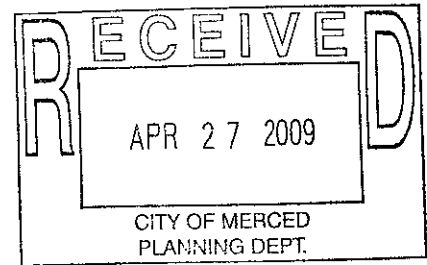
*1038 Robinson Dr.*

*Merced, CA 95340-3122*

*(209) 725-9339*

3/25/09

Kim Espinosa  
Planning Manager  
City of Merced Planning Division  
678 West 18th Street  
Merced, CA 95340



Dear Ms. Espinosa,

What will happen at this facility when county-wide emissions exceed federal standards? Can it be closed during spare the air days, or on days when we can't light a fire in our fire place?

126D-1

Could a mitigation for the project include mandatory shutdown during those periods?

Thank you,

*Caroline Kreide*  
Signature

*Caroline Kreide*  
Print Name

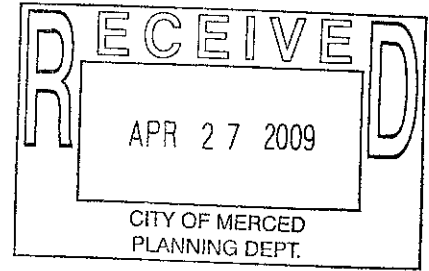
*1038 Robinson Dr.*  
Address

*Merced, CA 95340-3122*

*(209) 725-9339*  
Phone

April 5, 2009

Ms. Kim Espinosa  
Merced Planning Division  
678 West 18th Street  
Merced, CA 95340



Ms. Espinosa,

This project is going to worsen, and even exacerbate, poor air quality. The city needs to find a more appropriate location for this facility. For heavens sake, there are thousands of acres of farm land in this county. Why are we considering constructing a major industrial complex near homes and schools?

126E-1

Thank you for your consideration,

*Caroline Kreide*  
Signature

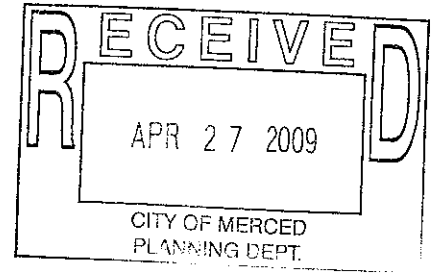
Caroline Kreide  
Print Name

1038 Robinson Dr.  
Address

Merced, CA 95340-3122  
(209) 725-9339  
Phone

April 10, 2009

Kim Espinosa  
Planning Manager  
City of Merced Planning Division  
678 West 18th Street  
Merced, CA 95340



Kim,

I appreciate that some measures have been incorporated into the construction phase of this project to limit exposure to the fungus that causes valley fever, but more needs to be done specifically to prevent fungus from spreading during construction.

126F-1

Sincerely,

*Caroline Kreide*  
Signature

*Caroline Kreide*  
Print Name

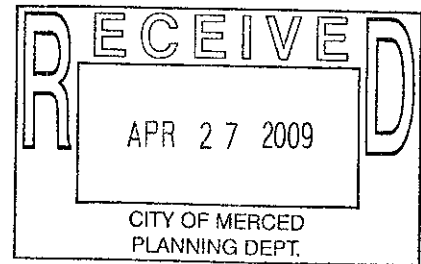
*1038 Robinson Dr.*  
Address

*Merced, CA 95340-3122*  
*(209) 725-9339*  
Phone



April 17, 2009

Ms. Kim Espinosa  
Planning Manager  
Merced Planning Division  
678 West 18th Street  
Merced, CA 95340



Dear Ms. Espinosa:

We already have poor air quality during the summer and part of the winter. We hang flags around the city to identify the air quality level. For some of us, we can't go outside or engage in outdoor physical activity when the Air Quality index exceeds 50 (yellow flag).

Approving this project will just create more days of the year when some of our kids can't play outside. Creating jobs is important, but so is the quality of life. I think it is far more important for our children and grandchildren to be able to play outside free of inhalers than it is to create a major polluter.

126G-1

More needs to be done to make this facility a non-polluter.

126G-2

Thank you for your attention.

*Caroline Kreide*  
Signature

*Caroline Kreide*  
Print Name

*1038 Robinson Dr.*  
Address

*Merced, CA 95340-3122*  
*(209) 725-9339*  
Phone

**Letter  
126A-G  
Response**

Caroline Kreide

- 126A–April 13, 2009
  - 126B–March 28, 2009
  - 126C–April 7, 2009
  - 126D–March 25, 2009
  - 126E–April 5, 2009
  - 126F–April 10, 2009
  - 126G–April 17, 2009
- 

- 126A-1 The comment states that the EIR should state how many trucks would be accessing the distribution center per minute. As stated in the EIR, on average, 643 daily truck trips would be added to the project site (365 inbound, 278 outbound). If distributed linearly over 24 hours, approximately 27 trucks per hour would enter or exit the site. This would translate linearly to approximately 1 truck every two minutes. However, it is not likely that trucks would arrive and depart on a linear basis. It is more likely that certain periods would experience greater than 1 truck per minute, and other times of day may experience no trucks per minute. Thus, it would present a false level of precision for the City to attempt to know how truck traffic would actually arrive/depart from the proposed distribution center on a per-minute basis. This information is of little or no practical value. Instead, the City is concerned with average daily truck traffic volume, and associated traffic noise analysis is performed on an average daily basis (the day-night noise level descriptor (Ldn) is used for evaluating traffic noise in comparison to noise applicable standards). The analysis of traffic noise is presented under Impact 4.8-3 of the DEIR. Discussion under this impact on pages 4.8-22 and 4.8-23 states that “the proportion of truck trips to passenger-car-vehicle trips generated by the project was also accounted for [in the traffic noise modeling], as well as the time of day (i.e., day, evening, or night) when those trips would occur, according to the employee shift change times and truck counts collected at Wal-Mart’s existing distribution center in Apple Valley.” Table 3-2 of the DEIR presents the projected employee shift times and the number of employees who would be working during each shift.
- The commenter also states that a sound wall would not mitigate diesel truck trucks passing by receptors every two minutes but does not provide reasoning for this claim. Therefore, the comment does not challenge the adequacy of the DEIR.
- 126A-2 The comment states that the EIR should state how many trucks would be accessing the distribution center per minute. Please see Response to Comment 126A-1, which addresses truck traffic volume and the adequacy of a sound wall.
- 126A-3 The comment states that the EIR should account for the employee’s vehicle trips into the distribution center. Employee commute trips are accounted for in the traffic noise modeling presented in Impact 4.8-3 on page 4.8-22 through 4.8-26. Please see Response to Comment 126A-1 for further discussion of truck traffic volume and the adequacy of a sound wall.
- 126B-1 Mitigation Measure 4.8-1 requires an “on-site complaint and enforcement manager” be posted to track and respond to noise complaints. As with all mitigation measures, the City is responsible for ensuring compliance with this mitigation measure (see Response to Comment 105-1), so ultimately this person would need to report to the City in some capacity. No details regarding the salary or specific duties of this person are yet known. It should be noted that this mitigation measure has been proposed by the City, not the project applicant, as implied by the commenter.
- 126C-1 The commenter expresses concern related to construction hours and presence of school children. Please refer to response to comment 83-1, which addresses this issue.
- 126D-1 The commenter questions “what will happen when county-wide emissions exceed federal standards.” As shown in Table 4.2-2, Summary of Annual Ambient Air Quality Data, the

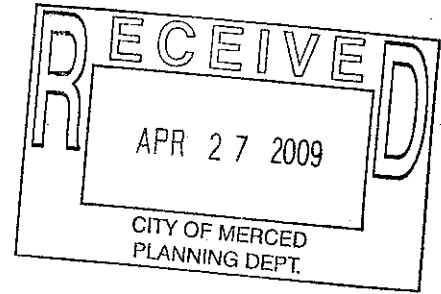
National Ambient Air Quality Standards for PM10 have already been exceeded in Merced. Please refer to Master Response 13 for discussion about the relationship between the Ambient Air Quality Standards and the thresholds of significance used in the air quality analysis, in section 4.2 of the DEIR.

The commenter also questions whether the proposed project could “be closed during Spare the Air days” or on days when lighting fires in residential fire places is prohibited and whether mitigation could require that the proposed distribution center could be shut down during periods of bad air quality. Operational emissions of CAPs are analyzed in Impact 4.2-2. Mitigation measures 4.2-2a through 4.2-2e would reduce this impact to a less-than-significant level. Therefore, it would not be required to implement additional mitigation.

- 126E-1 The comment does not raise issues with the adequacy of the DEIR. The comment is noted. Please refer to Master Response 13.
- 126F-1 The commenter asserts that more mitigation measures should be included to prevent the spread of valley fever fungus during construction of the proposed project, but does not provide any examples of additional feasible mitigation, or evidence suggesting why the current measures would be inadequate. Valley fever (a.k.a., coccidioidomycosis) results from exposure to airborne spores of a fungus called *Coccidioides immitis*. This type of fungus has the potential to be present in the soils in the San Joaquin Valley, including areas around the City of Merced. Immunity from valley fever results from prior exposure and/or infection and can last a lifetime. Therefore, people who originate in an area (i.e., natives to the San Joaquin Valley) with soils that contain the fungus have been previously exposed to the fungus and, therefore, are at a lower risk of contracting the symptoms of valley fever (Pappagianis 1994 , Kirkland 1996 ). Spores of the fungus can become airborne as a result of different types of earth disturbance or earth movement activity such as construction grading or agricultural tilling. Because the proposed project site currently supports agricultural uses (i.e., an orchard) that regularly undergoes tilling, the proposed project would not involve increased exposure of non-native people to airborne spores of the fungus. Following project implementation, the project site would no longer be used for agricultural purposes and would no longer be subject to ground disturbance activities. Thus, sources of fugitive dust containing endemic *Coccidioides immitis* spores would be largely removed from the project site, and would certainly be less than under existing conditions. For these reasons, the project would not result in additional exposure of nearby residents to *Coccidioides immitis* contained in fugitive dust. In addition, the current list of proposed measures in mitigation measure 4.2-1 that would reduce fugitive dust during construction, and compliance with SJVAPCD Regulation VIII, would be sufficient to prevent exposure to *Coccidioides immitis* during project construction. No additional mitigation measures are necessary to limit emissions of fugitive dust.
- 126G-1 The commenter raises concerns related to exposure of children to project-related air pollutants. Please refer to response to comment 130-1, which addresses this issue.
- 126G-2 The commenter suggests that additional mitigation should be required to make the facility a “non-polluter.” The commenter offers no specific recommendations. Please refer to Response to Comment 130-1, which addresses this issue.

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Kim Espinosa, Planning Manager  
City of Merced Planning Division  
678 West 18th Street  
Merced, CA 95340



Dear Ms. Espinosa,

I would like to see the City of Merced require the proposed Wal-Mart Distribution Center to be LEED Platinum Certified as a condition to the approval of the EIR and all permits. LEED is the current top standard for minimizing the impacts of construction on the local environment. The EIR should also include an explanation of how it would obtain LEED certification in its mitigation measures.

127A-1

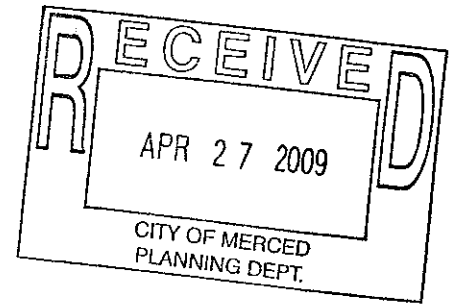
Regards,

*Cristina Lamban*  
Cristina Lamban

241 S. Coffee St.  
Merced CA 95341

Kim Espinosa, Planning Manager  
City of Merced Planning Division

Kim Espinoza, Directora de Planificación  
Ciudad de Merced Departamento de Planificación  
678 West 18<sup>th</sup> Street  
Merced, CA 95340



Señorita Espinoza:

Es decepcionante y triste que la ciudad de Merced no hará ninguna parte del estudio del centro de distribución de Wal-Mart disponible en Español. Hay una grande minoría de gente en el sur de Merced y nosotros somos quien va vivir cada día con los impactos de este proyecto, pero cuando viene el tiempo para tener acceso a documentos de la ciudad somos dejados del proceso por nuestro propio Gobierno Municipal.

El concilio debería tratar a las familias que hablan Español con más respeto y empezar a tener los documentos de la ciudad en diferentes idiomas.

Cristina Lambaren

Name:

241 S Coffee

Address:

Merced CA 95341

Cristina Lambaren

The attached comment letter regarding the Wal-Mart Distribution Center Draft Environmental Impact Report has been translated by:

Juan F. Olmos  
Juan Olmos

Maintenance Worker III  
Title

5-5-09  
Date

**English Transcription:**

LETTER 12 (*Corresponds with LETTER #127B*)

Miss Espinoza:

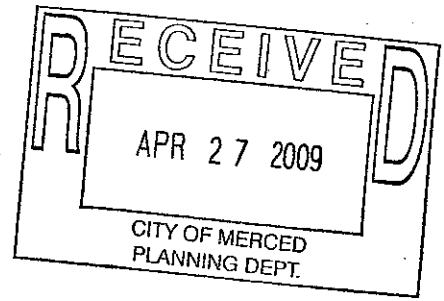
It is disappointing and sad that the City of Merced will not make any part of the study of the Wal-Mart distribution center available in Spanish. There is a big minority of people in South Merced and we are ones that will live with the project's impact, but when the time comes to have access to city documents our own municipal government lets us out of the process.

The council should treat the families that speak Spanish with more respect and start to have the city documents in different languages.

Cristina Lambaren  
241 S. Coffee  
Merced Ca 95341

127B-1

Kim Espinosa  
Directora de Planificación  
Ciudad de Merced Departamento de Planificación  
678 West 18<sup>th</sup> Street  
Merced, CA 95340



Ms. Espinosa:

Mis niños van a la escuela en la misma vecindad que Wal-Mart quiere poner su centro de transporte para camión. Estoy muy preocupado sobre que seguros estan los caminos cuando los niños caminan a la escuela y cuando otros padres manijan sus carros llenos de niños en las calles Childs y Gerard. Esto parece ser un lugar muy malo para este proyecto y no entiendo por qué no hay otro lugar como el otro lado de la carretera 99 donde ellos pueden construir pero no hará daño a esta vecindad.

Yo también estoy preocupado cómo la ciudad trata el vecindario con este estudio. Estamos en tiempos duros aquí y nuestros valores de propiedad han caído mucho. ¿Si usted construye esto, cómo pueden subir los valores otra vez? Muchas de las personas aquí sólo hablan Español y no saben lo que este proyecto hará. Más necesidades necesitan hacer hechos por el Departamento de Planificación para incluir a residentes Latinos en este proceso, quizás un foro en Español para la comunidad o un estudio en Español del EIR, para hacerlo un poco más fácil para personas que siempre estan dejado fuera del proceso político.

Gracias por su consideración.

Cristina Lambaroni  
241 S coffee  
Merced CA 95341  
Cristina Lambaroni

P.S. - Quiero que esta carta sea incluida con las otras cartas de comentario del EIR para la consideración del final EIR.



The attached comment letter regarding the Wal-Mart Distribution Center Draft Environmental Impact Report has been translated by:

Juan F Olmos  
Juan Olmos

Maintenance Worker III  
Title

5-5-09  
Date

**English Transcription:**

LETTER 13 (Corresponds with LETTER #127C)

Kim Espinosa  
Planning Director  
City of Merced Planning Department  
678 W. 18<sup>th</sup> Street  
Merced CA 95340

Ms. Espinosa:

My kids attend the school in the same neighborhood were Wal-Mart wants to build its truck transport center. I am very worried about how safe the roads are when the kids walk to school and when other parents drive their cars full of kids on Childs and Gerard Streets. This seems like a bad place for this project and I do not understand why they do not built in the other side of Highway 99 where there will not be damage to the neighborhood.

127C-1

I am also worried how the city treats the neighborhood with the study. We are in hard times here and our property values have fallen a lot. If you build this, how could the values go up again? Many of the persons here only speak Spanish and they do not know what this project will do. More needs to be done by the Planning Department to include Latino residents in this process, maybe a Spanish forum for the community or a study of the EIR in Spanish, to make it easier for persons that always have been left out of the political process.

127C-2

127C-3

Thank you for you consideration.

Cristina Lambaren  
241 S Coffee  
Merced Ca 95341

P.S.- I want this letter to be included with the other letters of the EIR for the final consideration of the EIR.

**Letter  
127A-C  
Response**

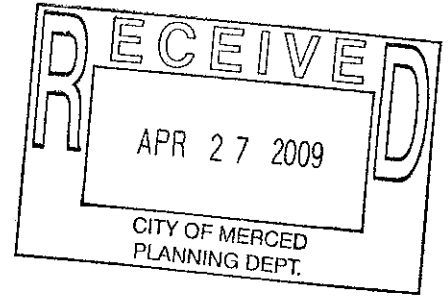
Cristina Lambarén  
➤ 127A–Undated  
➤ 127B–Undated  
➤ 127C–Undated

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- 127A-1 The commenter requests that the City require the proposed project “to be LEED Platinum certified as a condition of approval of the EIR and all permits.” The commenter does not provide reasoning regarding why such a requirement shall be incorporated as mitigation, however. Therefore, the comment does not raise issues with the adequacy of the DEIR. With regard to emissions of CAPs, no additional mitigation is needed to reduce the impact to a less-than-significant level. With regard to emissions of GHGs, it is not apparent whether such a requirement would substantially reduce the project’s operational emissions of GHGs. The Leadership in Energy and Environmental Design (LEED) Green Building Rating System developed by U.S. Green Building Council (USGBC) provides national standards and guidance for environmentally sustainable construction. The rating system is based on various sustainable design strategies addressing six major topics, such as, sustainable sites, water efficiency, energy and atmosphere, materials and resources, indoor air quality, and innovation and design process. Some of these sustainability strategies would not substantially effect GHG emissions. As shown in Table 4.2-10 of the DEIR, the majority of the project’s operational GHG emissions would be generated by vehicle trips and on-site truck activity. GHG levels emitted by these sources would not be affected if the proposed warehouse building were certified LEED Platinum.
- 127B-1 This comment raises issues related to language barrier and translation of CEQA documents. Please refer to Master Response 2: Language Barrier and Public Review Period, which addresses these issues.
- 127C-1 The comment indicates concern related to truck traffic and potential conflicts with neighborhood traffic and pedestrians. The issue of truck trips near schools was analyzed in the DEIR and Mitigation Measures 4.11-2b and 4.11-4 specifically address the issue of trucks and schools. Alternative sites were also evaluated, and are discussed in Section 5 of the DEIR. The comment does not raise issues with the adequacy of the DEIR. The comment is noted.
- 127C-2 The comment expresses concern that property values will remain low with implementation of the project, given the current downturn in the real estate market and indicates that the issue should be addressed in the DEIR. Issues associated with property value are not considered environmental issues and are therefore not required to be analyzed under CEQA. Please see Master Response 11: Economics and Urban Decay, which addresses this issue.
- 127C-3 This comment raises issues related to language barrier and translation of CEQA documents. Please refer to Master Response 2: Language Barrier and Public Review Period, which addresses these issues.

April 2, 2009

Ms. Kim Espinosa  
City of Merced Planning Division  
678 West 18th Street  
Merced, CA 95340



Ms. Espinosa:

I have asthma. Members of my family have asthma. A lot of people in this community have asthma. Building a distribution center is not going to help the thousands of locals who suffer from illnesses caused by poor air quality. I saw that a Health Risk Assessment was completed, but where are the findings?

128-1

I think we all deserve to know exactly how bad this facility will be for our health.

Sincerely,

*Elizabeth Lambaren*  
Signature

Elizabeth Lambaren  
Print Name

241 S. Coffee St.  
Address

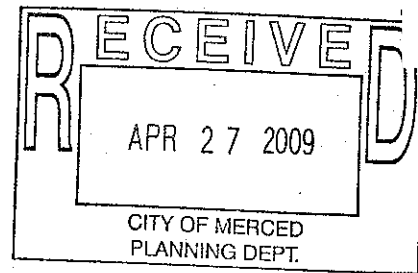
City of Merced

City of Merced Planning Division

128-1

The commenter expresses concern about the projects effects on people who have asthma. Please refer to Master Response 13. The commenter also asks where the findings of the HRA are located. The findings of the HRA are summarized under Impact 4.2-4 on pages 4.2-43 through 4.2-45. The full HRA report is included in Appendix C of the EIR.

678 West 18th Street  
Merced, CA 95340



Dear Ms. Espinosa,

The EIR study for the Wal-Mart Distribution Center lacks a detailed plan for regulating the use of construction equipment during the construction phase of the project. Without such a plan, there is no real way to calculate how many GHG emissions will actually be made by this facility. If we don't know how many units of heavy equipment will be operating at the site and how often, how can we really know how accurate the information is you are providing about air quality and pollution impacts?

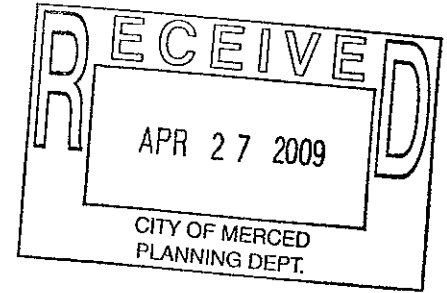
129A-1

Thank you,

Jose Lamberen  
Jose Lamberen  
241 S Coffee St  
Merced CA 95341

**Kim Espinosa, Planning Manager**

Kim Espinosa, Planning Manager  
City of Merced Planning Department  
678 West 18<sup>th</sup> Street  
Merced, CA 95340



Señora Espinosa:

*En el siglo XXI (21<sup>st</sup>) la gente que solo habla Español debenden de tener más acceso a los documentos importantes del gobierno como el EIR sobre el centro de distribución de Wal-Mart. Cuando el Gobierno municipal no dijo más tiempo para la revisión y no hizo nada para hacer un documento en Español, se enojó muchos Latinos en esta comunidad que trabaja duro, paga sus impuestos y sólo piden sus derechos al Gobierno.*

*El Departamento de planificación debe encontrar ayuda para arreglar este problema. La gente más afectada por el proyecto son los que necesitan más acceso al las idiomas alternativas. El Estado de California debería exigir que ciudades como Merced deben de tener sus documentos importantes públicos en otras idiomas para que tenganos un honesto y abierto proceso.*

Jose Lambaren  
Jose Lambara  
241 S. Coffee St  
Merced, CA 95341

The attached comment letter regarding the Wal-Mart Distribution Center Draft Environmental Impact Report has been translated by:

Juan F. Olmos  
Juan Olmos

Maintenance Worker III  
Title

5-5-09  
Date

**English Transcription:**

LETTER 11 (*Corresponds with LETTER #129B*)

Kim Espinosa, Planning Manager  
City of Merced Planning Department  
678 West 18<sup>th</sup> Street  
Merced, CA 95340

Misses Espinosa:

In the XXI (21<sup>st</sup>) century the people that only speak Spanish should have more access to important government documents like the EIR about the Wal-Mart distribution center. When the municipal government did not give more time for the revision and did not do anything to make the document in Spanish, many Latinos were upset in this community they work hard, pay taxes and only ask their rights to their government.

The planning department should find help to fix this problem. The people most affected by the project are the ones that need more access to alternative languages. The State of California should require that cities like Merced should have their important public documents in other languages to have an open and honest process.

Jose Lambaren  
241 S. Coffee St  
Merced Ca 95341

129B-1

**Letter  
129A-B  
Response**

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Jose Lambarén  
➤ 129A–Undated  
➤ 129B–Undated

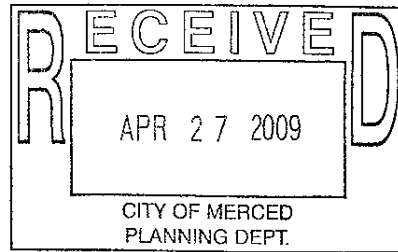
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- 129A-1 Please see response to comments 30-D and 108-1. Information on detailed modeling input parameters, including the SJVAPCD-Recommended Construction Fleet spreadsheet is included in Appendix C to the DEIR, as stated on Page 4.2-29. The analysis of construction-generated GHG and other emissions is based on the best available information at the time of the analysis. This is an evolving issue, and will continue to evolve substantially as air districts establish methods and thresholds.
- 129B-1 This comment raises issues related to language barrier and translation of CEQA documents. Please refer to Master Response 2: Language Barrier and Public Review Period, which addresses these issues.



April 17, 2009

Ms. Kim Espinosa  
Planning Manager  
Merced Planning Division  
678 West 18th Street  
Merced, CA 95340



Dear Ms. Espinosa:

We already have poor air quality during the summer and part of the winter. We hang flags around the city to identify the air quality level. For some of us, we can't go outside or engage in outdoor physical activity when the Air Quality index exceeds 50 (yellow flag).

Approving this project will just create more days of the year when some of our kids can't play outside. Creating jobs is important, but so is the quality of life. I think it is far more important for our children and grandchildren to be able to play outside free of inhalers than it is to create a major polluter.

130-1

More needs to be done to make this facility a non-polluter.

130-2

Thank you for your attention.

*Kenneth J. Leap*  
Signature

*Kenneth J. Leap*  
Print Name

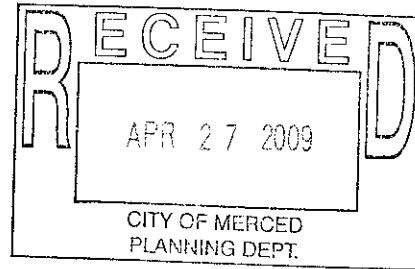
*6113 Coountry Club Place*  
Address

*Merced, CA 95340*

*(209) 722-5461*  
Phone

- 130-1 The commenter is concerned about the project's contribution to the number of poor air quality days and the ability of children to play outside. Please see Master Response 13, regarding the relationship between the project, air quality, and public health. The commenter also states that "more needs to be done to make this facility a non-polluter." All the impacts that would affect local or regional air quality (Impacts 4.2-1 through 4.2-5 [not including the analysis of GHGs in Impact 4.2-6, which is global-scale issue]) would be less than significant or reduced to less than significant with implementation of the mitigation measures prescribed in the DEIR.
- 130-2 The commenter states that more should be done to make the proposed facility a non-polluter, but does not offer any specific examples of feasible mitigation measures that would result in additional emissions reductions beyond what is already proposed in mitigation measures 4.2-1 and 4.2-2. Further, mitigation proposed to substantially lessen impacts 4.2-1 and 4.4-2 would reduce these impacts to less than significant levels.

Kim Espinosa, Planning Manager  
City of Merced Planning Division  
678 West 18th Street  
Merced, CA 95340



RE: Wal-Mart Distribution Center

Dear Ms. Espinosa,

I have major concerns about the use of construction equipment for the proposed Wal-Mart Distribution Center.

Several studies have said that construction equipment is one of the leading sources of diesel pollution in this state. I'm disappointed that more detail has not been provided about the number of diesel machines on site, when they will be used and in what frequency. I think you need to look deeper into this question and force Wal-Mart to provide more answers.

131-1

Thank you,

*Laura Lopez*  
2529 E Childs

131-1

Please see response to comments 30-D and 108-1. Information on detailed modeling input parameters, including the SJVAPCD-Recommended Construction Fleet spreadsheet is included in Appendix C to the DEIR, as stated on Page 4.2-29.