



Green Jobs & Clean Communities

19 June 2026

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Re: Supplemental Comments on GTS Cold Storage Project Recirculated Mitigated Negative Declaration (SCH No. 2023080221)

To whom it may concern:

Golden State Environmental Justice Alliance (GSEJA) has previously submitted comments on the Recirculated Subsequent Initial Study/Mitigated Negative Declaration (RMND) for the proposed GTS Cold Storage Project by way of a Comment Letter dated February 23, 2026, which documented systematic violations of the California Environmental Quality Act (CEQA), including noncompliance with State Clearinghouse filing requirements under AB 819, an inaccurate project description that understates site coverage, deficient environmental justice and air quality analysis, failure to use Title 24-approved energy compliance software, inadequate land use consistency analysis with the Climate Action Plan, General Plan, and NAVISP buildout, unsupported population and housing conclusions, incomplete VMT analysis that excludes truck and delivery van activity, and wholly inadequate biological resources analysis.

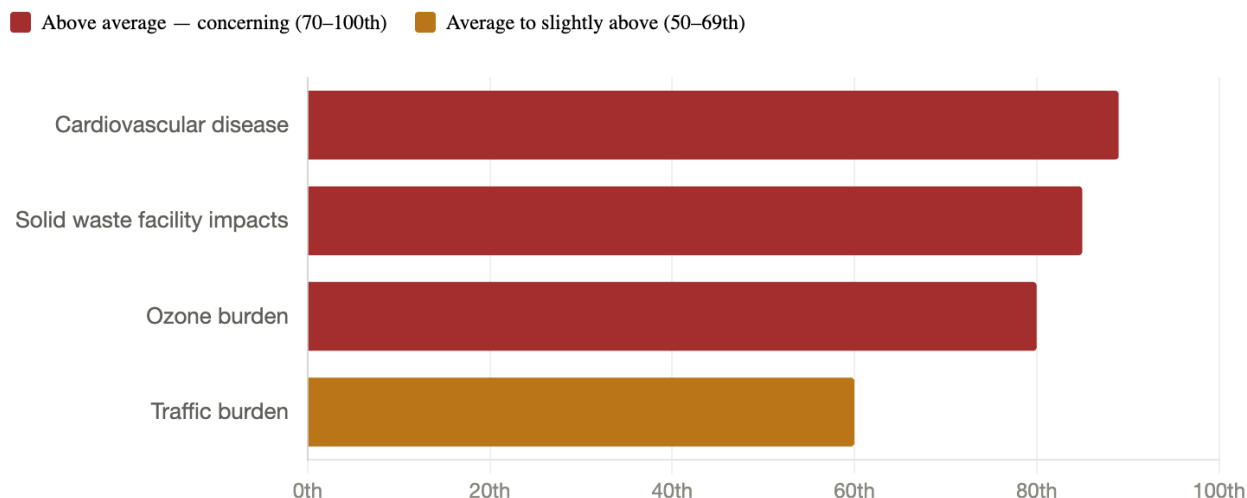
GSEJA also provided technical review comments prepared by Soil Water Air Protection Enterprise (SWAPE), concluding that the Project's health risk and greenhouse gas impacts were underestimated and improperly addressed, and a biological resources expert analysis by Dr. Shawn Smallwood, Ph.D., demonstrating that the RMND's biological surveys and impact analysis are insufficient under CEQA. GSEJA formally requests to be added to the public interest list regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this Project.

The Town of Apple Valley has since published responses to GSEJA's comments (Comments C-1 through C-28), along with Master Comments addressing issues raised by multiple commenters. GSEJA has reviewed those responses and submits this Supplemental Comment Letter to reiterate its opposition to the Project and to place on record that the Town's responses do not adequately resolve the deficiencies identified in GSEJA's prior submissions. The Town's responses largely fail to constitute the good-faith, reasoned analysis required by CEQA Guidelines Section 15088.

In several instances, the responses substitute procedural assertions and cross-references for substantive environmental analysis, dismiss technical findings from SWAPE and Dr. Smallwood without meaningful rebuttal, and defer resolution of significant concerns to post-approval permitting processes in a manner inconsistent with CEQA's informational mandate. Unrefuted technical evidence from SWAPE and Dr. Smallwood stands as fact in the record.

The proposed Project would construct two connected industrial buildings totaling 354,260 ft² on an approximately 18.7-acre site at the northwest corner of Lafayette Street and Navajo Road, functioning as a cold storage and distribution facility. This is not a modest infill project on an underutilized site; it is a large-scale logistics development proposed for a census tract that already bears among the most severe pollution burdens in the High Desert region. According to CalEnviroScreen 4.0, the Project's census tract (6071012101) ranks at the 80th percentile for ozone burden, the 85th percentile for solid waste facility impacts, and the 89th percentile for cardiovascular disease incidence. The surrounding community includes 22% Hispanic, 10% African American, and 2% Asian American residents, with 53% of households below the poverty level. Rather than avoiding further harm to this already-burdened community, the Town's responses dismiss GSEJA's environmental justice concerns with little more than a reference to MDAQMD significance thresholds. This is not adequate, and the Planning Commission should not accept it as such.

Source: CalEnviroScreen 4.0, California Environmental Protection Agency. Higher percentiles indicate worse conditions relative to other California communities.



I. The Fair Argument Standard Requires Preparation of an EIR

The Town's response to the EIR threshold question invokes the correct legal standard: a fair argument that the project may have a significant effect, but applies it incorrectly. The Town characterizes the expert analyses submitted by multiple commenters as mere disagreement with methodology falling short of substantial evidence. This is incorrect as a matter of law. Dr. James Clark, Ph.D. of Clark & Associates, submitting as part of separate public comments by Californians Allied for a Responsible Economy (CARE CA), conducted a screening-level Health

Risk Assessment using AERSCREEN with OEHHA-prescribed exposure parameters and calculated a lifetime cancer risk of approximately 116 in one million at the maximally exposed individual receptor, more than eleven times the MDAQMD significance threshold of 10 in one million. SWAPE independently identified that the RMND's own HRA failed to disclose its results, omitted construction-phase risk, and lacked the exposure assumptions and dose/risk equations necessary for public evaluation, deficiencies the Town itself concedes warrant supplemental documentation. Dr. Shawn Smallwood, Ph.D., a recognized expert in wildlife ecology who has published extensively in peer-reviewed journals, submitted a detailed analysis concluding that the RMND's biological surveys were methodologically inadequate and that the site supports substantially more special-status species activity than the RMND discloses. Expert opinion supported by facts constitutes substantial evidence under CEQA Guidelines Section 15384. The Town cannot dismiss these submissions as unsubstantiated opinion or speculation—they are precisely the type of expert analysis that the fair argument standard was designed to capture, and they are in the record.

II. State Clearinghouse Filing Noncompliance

The Town asserts that the Recirculated MND was submitted to CEQAnet on January 6, 2026, and characterizes GSEJA's screenshot as merely depicting the filing summary page. However, the Town's response does not provide documentation confirming that the RMND itself, as distinct from the Notice of Intent, Summary Form, and Appendices, was uploaded and available for public review during the 30-day review period. AB 819 amended Public Resources Code Section 21082.1(c)(4) to require electronic submission of the proposed MND itself. A bare assertion of compliance, unaccompanied by verification, does not constitute substantial evidence sufficient to cure this deficiency under CEQA.

III. Site Coverage Exceedance

The Town disputes GSEJA's calculation that the Project's site coverage is 45.9%, asserting the building footprint alone yields 43.3% and that total coverage including accessory structures remains within the 45% maximum. However, the Town's response fails to identify which structures and paved surfaces were included in its calculation or to provide a transparent, verifiable mathematical basis for its figures. GSEJA's calculation was derived directly from the Project's stated building footprint and site acreage as set forth in the RMND's own Table 3-1. An RMND that states site coverage is exactly 45%, at the precise maximum permitted by the NAVISP, without disclosing the underlying calculation methodology provides no meaningful opportunity for public verification and does not constitute adequate disclosure under CEQA Guidelines Section 15121.

IV. Environmental Justice

The Town acknowledges the CalEnviroScreen data documenting this community's pollution burden, yet concludes no additional analysis is required because the Project's emissions are below MDAQMD significance thresholds. The Town's response illustrates precisely the problem: by treating the environmental justice analysis as coextensive with threshold compliance, it reduces a substantive legal obligation to a procedural checkbox. CEQA

Guidelines Section 15065(a)(4) requires a finding of significance where a project may cause substantial adverse effects on human beings. In a community ranking at the 89th percentile for cardiovascular disease incidence and carrying a 53% poverty rate, the Project's incremental contribution to diesel particulate matter, truck traffic, and ozone precursor emissions cannot be dismissed as insignificant based on threshold compliance alone. Poverty compounds pollution exposure: residents cannot afford the healthcare, nutritious food, and quality living conditions needed to withstand additional environmental stress. The Town's responses do not analyze the disproportionate burden this Project imposes on this specific community, do not identify enhanced mitigation commensurate with the community's vulnerability, and do not address barriers to public participation. The record as currently constituted does not support the findings required for project approval under CEQA.

WHO BEARS THE BURDEN — CENSUS TRACT 6071012101



Poverty limits access to healthcare, nutritious food, and safe living conditions — compounding the physiological harm of pollution exposure. This community is among the most exposed and least resourced to absorb additional pollution loading.

V. Energy Analysis and Title 24 Compliance

The Town's response, echoed in Master Comment 6, argues that CalEEMod and Title 24 compliance software serve distinct purposes and that Title 24 compliance is a building permit matter. GSEJA does not dispute the distinction. The issue is that the RMND's own CEQA energy significance thresholds ask whether the Project would conflict with a state or local plan for renewable energy or energy efficiency. Title 24 is that plan. The RMND concludes compliance without using software the California Energy Commission has designated for that purpose. Deferring Title 24 verification to the building permit stage does not cure the CEQA disclosure deficiency—the public and decision-makers are entitled to know, before project approval, whether the Project will meet the state's energy efficiency standards, not merely that it will be required to demonstrate compliance at a later stage.

VI. Land Use Consistency: CAP, General Plan, and NAVISP Buildout

The Town's responses dismiss specific Climate Action Plan measures as either community-wide program measures or as satisfied by reference to other regulatory requirements. This does not constitute the project-level consistency analysis required by CEQA Guidelines Appendix G, Section XI. Characterizing CAP Measure ND-6 (employee housing within one mile) as a community-wide program measure declines to analyze consistency — it does not perform it. The same deficiency applies to ND-10 and ND-14.

On cumulative buildout, the Town's tiering argument is unavailing. The Project is proposed at 45.9% site coverage — more than double the 22% building coverage assumed for every site in the NAVISP buildout analysis. Multiple other projects within the NAVISP have also been developed at coverage rates substantially exceeding this assumption, as documented in GSEJA's February 23, 2026 comment letter. The cumulative departure from the program EIR's foundational assumptions is precisely the type of changed circumstance that requires updated analysis under CEQA Guidelines Section 15162, not continued reliance on a 2006 program EIR. The Town has not demonstrated that cumulative impacts remain within the bounds previously analyzed.

VII. GHG: CAP Consistency and Enforceability of Reduction Measures

The Town's responses across Master Comments 6, 7, and 9 characterize the Project's GHG reduction features as simultaneously Project Design Features, regulatory requirements, and future conditions of approval, depending on which argument is being made. This inconsistency is revealing. If the photovoltaic system, water conservation strategy, and R-449A refrigerant are independently required by law, they do not need to appear as mitigation. If they are Project Design Features, they must be documented in the project description with sufficient specificity to be enforceable. If they are conditions of approval, they are not yet adopted and cannot be relied upon to support less-than-significant findings in the current document. Master Comment 9 asserts that the distinction between project design features and mitigation measures does not affect enforceability. This is incorrect under CEQA. Design features not formally incorporated as binding mitigation measures or conditions can be eliminated during permitting without triggering CEQA review—precisely because they were not treated as mitigation. The Town's commitment to incorporate CAP measures into conditions of approval in the future does not cure the deficiency in the current RMND.

VIII. VMT: Truck Activity and Methodological Disclosure

The Town characterizes the non-disclosure of SBTAM model inputs, TAZ adjustments, and origin-destination matrices as standard CEQA practice. Standard practice does not override CEQA Guidelines Section 15121's requirement that environmental documents provide information in sufficient detail for the public to evaluate the Project's impacts. The VMT finding is the sole basis for the RMND's less-than-significant transportation determination, and its technical underpinnings are not before the public. On truck VMT exclusion, the Town dismisses GSEJA's concern by characterizing the Project as a cold storage warehouse rather than a distribution facility. The Project's own name, Green Trucking Solutions Cold Storage, and its description as a cold storage and distribution facility make clear that vehicle dispatch activity is not incidental to operations. Distribution is the stated purpose. The RMND's failure to account for this activity in its VMT analysis is not a methodological choice—it's a material omission.

IX. Health Risk Assessment

The Town concedes in Response C-17 that it will supplement the RMND with documented HRA calculations — an acknowledgment that the RMND as circulated was insufficient in this regard. SWAPE's comments identified three independent deficiencies: the RMND failed to prepare a

quantified construction-phase HRA, failed to evaluate the combined lifetime cancer risk from construction and operation together, and failed to disclose the HRA's numeric results, exposure assumptions, age sensitivity factors, and dose/risk equations necessary for independent review. These deficiencies remain unresolved. A post-comment-period HRA supplement, provided without recirculation, deprives the public of any opportunity to review the methodology and results before project approval.

Separately, Dr. James Clark, Ph.D., submitting as part of CARE CA's public comments, conducted an independent screening-level HRA using AERSCREEN and calculated a lifetime cancer risk of approximately 116 in one million, more than eleven times the applicable MDAQMD threshold of 10 in one million.

The Maximally Exposed Individual at an Existing Residential Receptor				
Age Group	Emissions Source	Duration (years)	Concentration (ug/m3)	Cancer Risk
3rd Trimester	Construction	0.25	0.0534	6.17E-07
	Construction	0.75	0.0534	5.57E-06
	Operation	1.25	0.2309	4.04E-05
Infant (0 - 2)	Total	2		4.59E-05
Child (2 - 16)	Operation	14	0.2309	6.02E-05
Adult (16 - 30)	Operation	14	0.2309	9.28E-06
Lifetime		30		1.16E-04

Source: Attachment A, Health Risk Calculations. SWAPE Technical Analysis, prepared by Matt Hagemann, P.G., C.Hg. and Paul E. Rosenfeld, Ph.D., Soil Water Air Protection Enterprise (SWAPE), February 18, 2026. Submitted as attachment to GSEJA Comment Letter C, GTS Cold Storage Project Recirculated Mitigated Negative Declaration, SCH No. 2023080221. Lifetime cancer risk of 116 in one million exceeds the MDAQMD significance threshold of 10 in one million by more than eleven times.

The Town's methodological critiques of Dr. Clark's analysis, even if valid, establish only that the screening result is conservative — not that the actual risk is below the threshold. Under CEQA, a screening result of this magnitude from a qualified expert constitutes substantial evidence supporting a fair argument of significant impact. That obligation cannot be deflected by pointing to conservatism without providing a refined, publicly-circulated analysis demonstrating that the actual risk is below threshold. Both SWAPE's methodological critique of the RMND's own undisclosed HRA and Dr. Clark's independent screening findings are in the record. Together they compel preparation of an EIR that includes a complete, transparent, and publicly-reviewed health risk assessment.

X. Biological Resources

The Town's responses rely on the assertion that RCA's surveys were consistent with CEQA practice for an infill industrial project within a specific plan area. This cannot substitute for the substantive methodological critique Dr. Smallwood raised. Noriko Smallwood detected 23 vertebrate wildlife species at or immediately adjacent to the Project sit, including 16 species RCA did not detect, during surveys conducted with documented timing, duration, methodology, and weather conditions. RCA's surveys lack this documentation entirely, making independent evaluation impossible. A biological survey that cannot be contextualized or verified does not provide an adequate baseline under CEQA Guidelines Section 15125.

On burrowing owl, all three CDFW (2012) habitat assessment criteria are affirmatively met: nearby occurrence records exist, suitable vegetation is present, and fossorial mammals were detected by both RCA and GSEJA's consultant. CDFW guidelines are unambiguous that when all three criteria are met, breeding-season detection surveys are required before the environmental document is circulated. Pre-construction take-avoidance surveys are categorically different and serve a different CEQA purpose. Substituting one for the other inverts the required sequence of biological analysis. The same inversion applies to desert tortoise, Mohave ground squirrel, and rare plants, deferring baseline characterization to the pre-construction phase does not constitute adequate environmental analysis under CEQA.

XI. Conclusion

For the foregoing reasons, GSEJA respectfully urges the Planning Commission to decline to adopt the RMND and approve the proposed Project entitlements. The Town's responses do not cure the fundamental deficiencies in the RMND's environmental analysis. Across every major impact category — including the fair argument threshold for an EIR, environmental justice, health risk, GHG enforceability, VMT disclosure, cumulative buildout, and biological resources—the Town's responses substitute procedural assertions for substantive analysis, defer critical determinations to post-approval processes, or fail to provide meaningful rebuttal to unrefuted expert findings from SWAPE and Dr. Smallwood. The record does not contain substantial evidence to support the findings required for project approval under CEQA.

If this Project proceeds as proposed, it will add diesel particulate matter, truck traffic, and large-scale cold storage and distribution activity to a community already ranking at the 89th percentile for cardiovascular disease incidence and the 80th percentile for ozone burden — without an honest accounting of those impacts, without adequate mitigation, and without the environmental justice analysis that California law requires.

The Planning Commission has both the authority and the obligation to demand a legally adequate environmental review before approving a project of this scale and consequence.

Onwards.

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