

**SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT**

**Final Environmental Assessment for:**

**Proposed Amended Rule 1401– New Source Review of Toxic Air Contaminants; and Impact Assessment for Facilities Subject to Rule 1402 – Control of Toxic Air Contaminants from Existing Sources.**

May 1, 2009

SCAQMD No. 090327MK  
State Clearinghouse No. 2009031097

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## **PREFACE**

The Draft Environmental Assessment (EA) for the Proposed Amended Rule 1401– *New Source Review of Toxic Air Contaminants*; and Impact Assessment for Facilities Subject to Rule 1402 – *Control of Toxic Air Contaminants from Existing Sources*, was circulated for a 30-day public review and comment period from March 27, 2009 to April 28, 2009. No public comment letters were received and minor modifications were made to the Draft EA so it is now a Final EA. Deletions and additions to the text of the EA are denoted using ~~striketrough~~ and underlined, respectively. No changes to the proposed project were made since the release of the Draft EA that would change the conclusions made in the Draft EA or significantly worsen the environmental impact analyzed in the Draft EA. Therefore, pursuant to CEQA Guidelines § 15088.5, recirculation is not necessary since the information provided does not result in new avoidable significant effects.



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## **CHAPTER 1 - PROJECT DESCRIPTION**

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**Introduction**

**Legislative Authority**

**California Environmental Quality Act**

**Project Location**

**Project Background**

**Project Objectives**

**Project Description**

**Affected Facilities**

## **INTRODUCTION**

A substance is considered toxic if it has the potential to cause adverse health effects in humans. A toxic substance released to the air is considered a toxic air contaminant (TAC) or “air toxic.” TACs are identified by state and federal agencies based on a review of available scientific evidence. Federal agencies also use the term hazardous air pollutant (HAP). In the state of California, TACs are identified through a two-step process that was established in 1983 under the Toxic Air Contaminant Identification and Control Act, Assembly Bill (AB) 1807, Tanner. This two-step process of risk identification and risk management was designed to protect residents from the health effects of toxic substances in the air. During the first step (identification), the California Air Resources Board (CARB) and the Office of Environmental Health Hazard Assessment (OEHHA) determines if a substance should be formally identified as a TAC in California. In the second step (risk management), the CARB reviews the emission sources of an identified TAC to determine if any regulatory action is necessary to reduce the risk. Exposure to TACs can potentially increase the risk of contracting cancer or result in other adverse health effects (e.g., birth defects). TACs can cause health effects through both short-term, high-level or “acute” exposure and long-term, low-level or “chronic” exposure. Many TACs are hydrocarbon substances or varieties of metals. A health risk assessment is used to estimate the likelihood that an individual would contract cancer or experience other adverse health effects as a result of exposure to listed TACs. TACs are regulated by the South Coast Air Quality Management District (SCAQMD) based on the recommendations of the OEHHA. OEHHA is the state agency responsible for developing risk assessment methodologies and risk factors to be used for conducting risk evaluations, thereby establishing a state-wide standard procedure for evaluating potential health risks.

The SCAQMD is proposing to add ethyl benzene as a carcinogen to Rule 1401, which regulates TAC emissions from new, modified, and relocated sources. Rule 1402 regulates the same TACs that are listed in Table I in 1401 at existing facilities. Because adding ethyl benzene as a carcinogen to Table I in 1401 affects facilities subject to Rule 1402, it is necessary to perform an impact assessment for facilities subject to Rule 1402. The primary objective of proposed amended Rule (PAR) 1401, which also affects facilities subject to Rule 1402, is to further reduce ethyl benzene emissions from stationary sources located within the area of SCAQMD’s jurisdiction. OEHHA approved a chronic reference exposure limit (REL) for ethyl benzene in year 2000 as a TAC with chronic effects to the liver, kidney, and endocrine system, and the compound was added to Rule 1401 list of TACs with a chronic REL that same year. In 2007, OEHHA approved a cancer risk value for ethyl benzene and the proposal would add ethyl benzene to the Rule 1401 list of TACs as a carcinogen. The cancer potency value (inhalation potency factor) would be added to the SCAQMD’s “Risk Assessment Procedures for Rules 1401 and 212.”

Paragraph (j)(5) of Rule 1402 requires a report to the Governing Board regarding a preliminary estimate of Rule 1402 impacts that are associated with the addition of new compounds to the list of TACs in Rule 1401. Depending on the facility and its potential toxic risk, Rule 1402 may require toxic emissions inventories, health risk assessments (HRAs), public notification, and/or risk reduction as required under Assembly Bill (AB) 2588 Air Toxics Hot Spots Program. Thus, adding ethyl benzene to Table I in 1401 means this TAC would be included in the facility risk calculated at existing facilities, which may require risk reduction measures. Since amending Rule 1401 is expected to impact facilities under Rule 1402, the environmental assessment (EA) analyzes the impact assessment for facilities subject to Rule 1402.

The SCAQMD Governing Board approved an air toxics planning document in March 2000 called “Final Draft Air Toxics Control Plan (ATCP) for the Next Ten Years.” PAR 1401, which affects facilities regulated by Rule 1402, satisfy the following two programmatic measures as outlined in the ATCP: AT-PRG-01 – New Source Review of Toxic Air Contaminants (Amend Rule 1401); and AT-PRG-02 – Control of Toxic Air Contaminants from Existing Sources (Rule 1402). Specifically, AT-PRG-01 is a strategy that recommends continuing efforts to update Rule 1401, which would indirectly update Rule 1402 since it regulates the TACs listed in Rule 1401, by incorporating current TACs with risk values approved by the state Scientific Review Panel (SRP) and approved by OEHHA. The effectiveness of Rules 1401 and 1402 is enhanced when more chemicals are regulated. PAR 1401 and Rule 1402 provide emission reductions/risk reductions so the proposed project is consistent with the ATCP.

This Draft EA, prepared pursuant to the California Environmental Quality Act (CEQA), determined after evaluation and analysis that the potential environmental impacts are not significant from implementing the proposed project. Throughout this document, references to the proposed project or PAR 1401 and impact assessment for facilities subject to Rule 1402, are used interchangeably.

## **LEGISLATIVE AUTHORITY**

The California Legislature created the SCAQMD in 1977 (Lewis-Presley Air Quality Management Act, California Health and Safety Code §§ 40400 et seq.) as the agency responsible for developing and enforcing air pollution control rules and regulations in the Basin and portions of the Salton Sea Air Basin and Mojave Desert Air Basin. By statute, SCAQMD is required to adopt an air quality management plan (AQMP) demonstrating compliance with all state and federal ambient air quality standards for the District [California Health and Safety Code §40460(a)]. Furthermore, SCAQMD must adopt rules and regulations that carry out the AQMP [California Health and Safety Code, §40440(a)].

According to Health and Safety Code §39656, California legislature has delegated the air districts, including the SCAQMD, to establish and implement a program to regulate TACs.

## **CALIFORNIA ENVIRONMENTAL QUALITY ACT**

PAR 1401, and impact on facilities subject to Rule 1402, is a "project" as defined by CEQA (California Public Resources Code §21080.5). SCAQMD is the lead agency for the proposed project and has prepared appropriate environmental analysis pursuant to its certified regulatory program (SCAQMD Rule 110). California Public Resources Code §21080.5 allows public agencies with regulatory programs to prepare a plan or other written document in lieu of an environmental impact report (EIR) once the Secretary of the Resources Agency has certified the regulatory program. The SCAQMD's regulatory program was certified by the Secretary of the Resources Agency on March 1, 1989, and is codified as SCAQMD Rule 110.

CEQA requires that the potential adverse environmental impacts of proposed projects be evaluated and that feasible methods to reduce or avoid significant adverse environmental impacts of these projects be identified. To fulfill the purpose and intent of CEQA, the SCAQMD has prepared this EA to address the potential adverse environmental impacts associated with adopting and implementing PAR 1401. This Draft EA is intended to: (a) provide the lead agency, responsible agencies, decision makers and the general public with detailed information on the environmental effects of the proposed project; and, (b) to be used as a tool by decision makers to facilitate decision making on the proposed project.

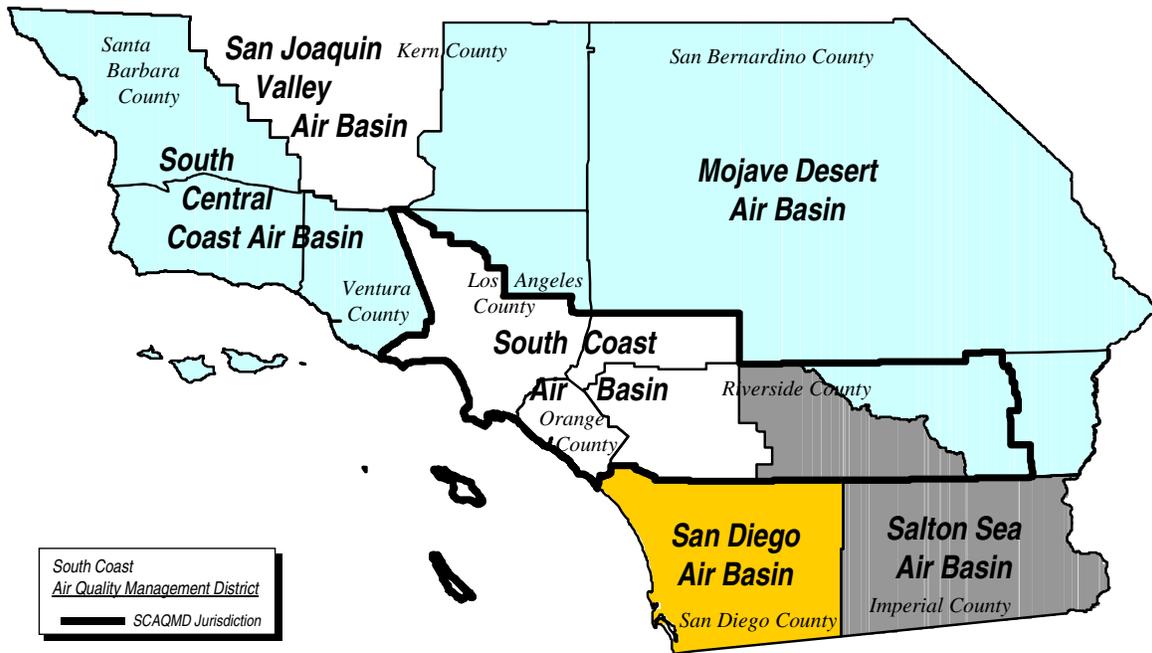
All comments received during the public comment period on the analysis presented in the Draft EA will be responded to and included in the Final EA. Prior to making a decision on the proposed rule, the SCAQMD Governing Board must review and certify the EA as providing adequate information on the potential adverse environmental impacts of the proposed rule.

SCAQMD's review of the proposed project shows that the project would not generate significant adverse effects on the environment. Therefore, pursuant to CEQA Guidelines §15252, no alternatives or mitigation measures are included in this Draft EA. The analysis in Chapter 2 supports the conclusion of no significant adverse environmental impacts.

## **PROJECT LOCATION**

PAR 1401 and impacts on facilities subject to Rule 1402 would apply to the SCAQMD's entire jurisdiction. The SCAQMD has jurisdiction over an area of 10,473 square miles (referred to hereafter as the district), consisting of the four-

county South Coast Air Basin (Basin) and the Riverside County portions of the Salton Sea Air Basin (SSAB) and the Mojave Desert Air Basin (MDAB). The Basin, which is a subarea of the SCAQMD's jurisdiction, is bounded by the Pacific Ocean to the west and the San Gabriel, San Bernardino, and San Jacinto Mountains to the north and east. The 6,745 square-mile Basin includes all of Orange County and the nondesert portions of Los Angeles, Riverside, and San Bernardino counties. The Riverside County portion of the SSAB and MDAB is bounded by the San Jacinto Mountains in the west and spans eastward up to the Palo Verde Valley. The federal nonattainment area (known as the Coachella Valley Planning Area) is a subregion of both Riverside County and the SSAB and is bounded by the San Jacinto Mountains to the west and the eastern boundary of the Coachella Valley to the east (Figure 1-1).



**FIGURE 1-1**  
South Coast Air Quality Management District

## **PROJECT BACKGROUND**

### ***Rule 1401***

Rule 1401 – New Source Review for Toxic Air Contaminants (TACs) was adopted by the SCAQMD Governing Board in June 1990. The rule establishes cancer and non-cancer risk requirements for new, relocated, or modified sources of toxic air pollutants. It is amended periodically to add new compounds or new risk values to the list of TACs as they are identified and risk values are finalized or amended by OEHHA. Associated cancer potency values are not listed in Rule 1401 but are added to the SCAQMD’s “Risk Assessment Procedures for Rules 1401 and 212.”

### ***Rule 1402***

Rule 1402 – Control of Toxic Air Contaminants from Existing Sources was adopted in April 1994. It establishes facility-wide risk requirements for existing facilities that emit TACs and implements the state Air Toxics “Hot Spots” program. Rule 1402 is not being amended, however the list of TACs in Rule 1401 are also used for Rule 1402. Depending on the facility and its potential toxic risk, Rule 1402 may require toxic emissions inventories, health risk assessments (HRA), public notification, and/or risk reduction as required under the AB 2588 Air Toxics “Hot Spots” Program.

### ***Ethyl Benzene***

Ethyl benzene is a colorless, flammable liquid. It is a natural constituent of crude petroleum and is found in gasoline, diesel, and other fuels and in their exhaust. In addition to fuels it is used in coatings and chemical operations. Sources of ethyl benzene emissions include petroleum storage facilities, especially gasoline storage because of the high vapor pressure of gasoline. Crude oil and diesel storage have much lower ethyl benzene emissions because of their low vapor pressure. Sources of ethyl benzene from fuel combustion include power producers, refineries, and landfills. Other sources of ethyl benzene emissions from raw materials include chemical manufacturers, asphalt manufacturers, coatings manufacturers, large furniture manufacturing operations, and large vehicle manufacturers.

Ethyl benzene was identified under section 112(b)(1) of the U.S. Clean Air Act as a Hazardous Air Pollutant in the 1990 amendment. It was recognized by the California Air Resources Board as a toxic air contaminant on April 8, 1993.

A study by the National Toxicology Program in 1999 was found to show clear evidence of the compound’s carcinogenicity. The Scientific Review Panel reviewed this and several other studies and, because of the scientific evidence and potential for

significant human exposure, a cancer potency value was developed and adopted by OEHHA on November 14, 2007. The studies are discussed in OEHHA's "Long-term Health Effects of Exposure to Ethylbenzene" (OEHHA, November 2007, [http://www.oehha.ca.gov/air/hot\\_spots/pdf/Ethylbenzene\\_FINAL110607.pdf](http://www.oehha.ca.gov/air/hot_spots/pdf/Ethylbenzene_FINAL110607.pdf)).

OEHHA approved a chronic REL in 2000 because it was determined to be a TAC with chronic effects to the liver, kidney, and endocrine system. On August 8, 2000, the SCAQMD adopted a chronic REL for ethyl benzene by adding it to Rule 1401 list of TACs and adding the chronic REL to the SCAQMD's "Risk Assessment Procedures for Rules 1401 and 212."

On November 14, 2007 OEHHA adopted a cancer potency value for ethyl benzene (CAS Registry Number 100-41-4) of  $0.0087 \text{ (mg/kg-day)}^{-1}$ . This corresponds to a screening value of 13.1 pounds per year per one-in-one million cancer risk at a receptor distance of 25 meters. The proposal to amend Rule 1401 would add ethyl benzene to the Rule 1401 list of TACs as a carcinogen and the cancer potency value (inhalation potency factor) would be added to the SCAQMD's "Risk Assessment Procedures for Rules 1401 and 212." Although ethyl benzene has both cancer and non-cancer effects, cancer risk far outweighs the non-cancer risk. The addition of the cancer potency value for ethyl benzene will affect new, relocated, or modified equipment that emit the TAC under Rule 1401. The Rule 1401 list of TACs is also used for Rule 1402, so existing facilities may also be affected.

## **PROJECT OBJECTIVES**

The objectives of PAR 1401 and impacts on facilities subject to Rule 1402 are to:

1. Provide a reduction in toxic risk from future and existing ethyl benzene emissions.
2. Provide clarifying rule language.

## **PROJECT DESCRIPTION**

PAR 1401 is composed of the following detailed components, listed in the order they appear in the rule:

- (a) Purpose

No proposed modification to this subdivision of the rule.

(b) Applicability

No proposed modification to this subdivision of the rule.

(c) Definitions

No proposed modification to this subdivision of the rule.

(d) Requirements

No proposed modification to this subdivision of the rule.

~~(e)~~ Risk Assessment Procedures

No proposed modification to this subdivision of the rule.

(f) Emissions Calculations

No proposed modification to this subdivision of the rule.

(g) Exemptions

No proposed modification to this subdivision of the rule.

Table I

Ethyl benzene would be added to Rule 1401's Table I list of TACs as a carcinogen. The OEHHA-approved cancer risk value (i.e., inhalation potency factor) for ethyl benzene would be added to the SCAQMD's "Risk Assessment Procedures for Rules 1401 and 212" as shown in Table 1-1.

**TABLE 1-1**

## Ethyl Benzene Cancer Risk Value

	<b>CAS* Number</b>	<b>Inhalation Potency Factor</b> (mg/kg-day) <sup>-1</sup>
Ethyl Benzene	100-41-4	0.0087

\*CAS stands for Chemical Abstracts Service, who produce a "CAS registry number" which are unique numerical identifiers for chemical compounds, polymers, biological sequences, mixtures and alloys.

## **AFFECTED FACILITIES**

Sources of ethyl benzene emissions include petroleum storage facilities, especially gasoline storage because of the high vapor pressure of gasoline. Crude oil and diesel storage have much lower ethyl benzene emissions because of their low vapor pressure. Large sources of ethyl benzene from fuel combustion include power producers, refineries, and landfills. Other sources of ethyl benzene emissions from raw materials include chemical manufacturers, asphalt manufacturers, coatings manufacturers, large furniture manufacturing operations, and large vehicle manufacturers.

### ***Rule 1401 Facilities***

The proposed amendment to add ethyl benzene to Rule 1401 as a carcinogen may impact a few new sources. Under Rule 1401, the cancer potency value for ethyl benzene will be used to calculate the maximum individual cancer risk (MICR) for new, modified, or relocated equipment requiring a permit to operate. Rule 1401 requires that these sources have an MICR that is less than or equal to one-in-one million without best available control technology for toxics (T-BACT) or less than or equal to ten-in-one million with T-BACT. Historical data illustrated that new, modified and relocated equipment subject to Rule 1401 that could be a source for ethyl benzene were varied, including gasoline service stations, gasoline exhaust and coatings. Those potential affected sources are evaluated in the following paragraphs.

#### **Gasoline Service Stations**

New gasoline service stations are permitted under Rule 1401 requirements, which allows a maximum cancer risk of ten-in-one million with T-BACT. Since new gasoline stations use T-BACT, permits for new, modified, or relocated gasoline stations limit the throughput of the station such that risk does not exceed ten-in-one million. Adding ethyl benzene to the list of TACs under Rule 1401 would impact the risk levels for new gasoline service stations, however, emission reductions from the new enhanced vapor recovery requirements for Rule 461 – Gasoline Transfer and Dispensing effective April 1, 2009 will reduce gasoline dispensing emissions and more than offset the increase in risk due to ethyl benzene. Decreased benzene emissions from gasoline will be greater because the cancer potency value of benzene (from gasoline) is  $0.1 \text{ (mg/kg-day)}^{-1}$ , which is higher than the cancer potency factor for ethyl benzene at  $0.0087 \text{ (mg/kg-day)}^{-1}$ . In addition, the screening value at 25 meters for benzene (from gasoline) is 1.14 pounds per year, which is lower than ethyl benzene. The screening value for ethyl benzene at the same distance is 13.1 pounds per year. Finally, ethyl benzene

emissions are less than benzene emissions from gasoline storage and transfer facilities.

### **Gasoline Exhaust**

The addition of ethyl benzene to Rule 1401 is not expected to impact sources of gasoline exhaust because the SCAQMD no longer issues permits for stationary gasoline engines. Most gasoline engines are used for passenger vehicles whose emissions are regulated under CARB rather than the SCAQMD. Although ethyl benzene is a constituent of diesel exhaust, the cancer risk value for diesel particulate matter from internal combustion engines encompasses all components of diesel exhaust. Therefore, diesel engine risk values would be calculated using the cancer potency value for diesel PM from internal combustion engines rather than a speciated list of compounds. Ethyl benzene is also a component of exhaust from other non-diesel petroleum-based fuels so future Rule 1401 analysis will include calculating risk for ethyl benzene after rule adoption.

### **Coatings**

Ethyl benzene is also a component of coatings. Based on an SCAQMD permitting staff review of ethyl benzene content and allowable coatings usage, the amount of ethyl benzene is not expected to result in an MICR exceeding one-in-one million for new coatings permits. Because ethyl benzene is a small component in coatings and coatings usage is typically limited for new sources by a permit condition to address volatile organic compound emissions, new coating sources are not expected to exceed a cancer risk of one in one million. Therefore, adding the cancer risk value for ethyl benzene is expected to have minimal impacts on new, modified, or relocated equipment subject to Rule 1401.

### ***Rule 1402 Facilities***

Rule 1402 regulates toxic air contaminants at existing facilities and implements the state AB2588 Air Toxics “Hot Spots Program. Paragraph (j)(4) of Rule 1402 requires SCAQMD staff to report preliminary estimates of Rule 1402 impacts that are associated with the addition of new compounds or new risk values to the list of TACs in Rule 1401. Since the list of TACs in Rule 1401 is also used for Rule 1402, adding a cancer potency value for ethyl benzene may impact some existing facilities under Rule 1402. Requirements of Rule 1402 include air toxics inventories, public notification, health risk assessments, and/or risk reductions depending upon facility-wide risk levels. The cancer risk threshold in Rule 1402 is ten-in-one million for public notification and 25-in-one million for risk reduction as demonstrated by a health risk assessment. The SCAQMD currently requires AB2588 facilities to report ethyl benzene emissions since the compound

is listed as a chronic TAC in Rule 1401. Data from the Annual Emissions Reporting (AER) database and permitting data were used for the preliminary assessment for Rule 1402. Unlike the Rule 1401 evaluation, the impact from Rule 1402 covers a broader universe of sources that currently exist and are potential sources of ethyl benzene emissions. Data from the 2006 AER database, permitting data, and AB2588 data were used for the preliminary analysis for Rule 1402 facilities.

### **Gasoline Service Stations**

According to AQMD permitting data, there are approximately 4,600 existing gasoline service stations in the district. AB2588 staff has recently verified that cancer risk from almost all existing service stations is also below ten-in-one million. The three facilities above ten-in-one million must comply with all risk ~~reduction-application-notification~~ requirements of Rule 1402. As noted above in the Rule 1401 discussion, existing gasoline stations emit ethyl benzene but they are not expected to be impacted by the current amendments because the increase in risk due to ethyl benzene will be offset by decreased benzene emissions associated with new enhanced vapor recovery requirements for Rule 461 – Gasoline Transfer and Dispensing which is effective April 1, 2009 and applies to both new and existing gasoline dispensing facilities. The offset is demonstrated by the higher cancer potency factor, lower emission factor, and lower screening level for benzene from gasoline when compared to the cancer potency factor and screening level of ethyl benzene.

### **Remaining Affected Facilities**

Approximately 300 facilities reported ethyl benzene emissions in 2006, the most recent AER data available. Based on a conservative screening analysis of the facilities identified, six facilities potentially could exceed ten-in-one million cancer risk at the nearest receptor. Additional more detailed risk assessments will be required to determine what action may be required under Rule 1402. The affected facilities include two refineries, one landfill, two coatings operations, and one coatings manufacturer.

Based on the preliminary analysis, it is unlikely any of the six facilities will exceed the action risk level of 25-in-one million cancer risk which would require risk reduction. It should be noted that any facility required to reduce risk under Rule 1402 would have the option of determining how to reduce overall facility-wide risk. The source(s) of toxic emissions a facility might choose as an alternative to reducing risk from the ethyl benzene source is not known at this time and any further analysis would be speculative. Actions required of affected existing facilities could include submitting or updating a toxics emissions

inventory, public notification, health risk assessment, and/or risk reduction depending on estimated risk. Further, more detailed, risk analysis will be done by AB2588 staff to determine what action may be required.

The direct air quality impact from regulating a TAC is a reduction in toxic risk, thus, an air quality benefit. Any potential adverse environmental impacts from adding cancer potency factors to TACs would typically be secondary or cross-media impacts generated by the installation and operation of air pollution control equipment. However, because of the source types (e.g., coatings, flare at landfill) of the six potentially affected facilities, risk reduction measures would most likely involve coating reformulation, product or equipment replacement (e.g., flare replacement) or a process change (e.g., reduce usage or alter facility practices).



## **CHAPTER 2 - ENVIRONMENTAL CHECKLIST**

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**Introduction**

**General Information**

**Environmental Factors Potentially Affected**

**Determination**

**Environmental Checklist and Discussion**



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## INTRODUCTION

The environmental checklist provides a standard evaluation tool to identify a project's adverse environmental impacts. This checklist identifies and evaluates potential adverse environmental impacts that may be created by the Proposed Amended Rule 1401– New Source Review of Toxic Air Contaminants; and Impact Assessment for Facilities Subject to Rule 1402 – Control of Toxic Air Contaminants from Existing Sources.

## GENERAL INFORMATION

Project Title:	Proposed Amended Rule 1401– New Source Review of Toxic Air Contaminants; and Impact Assessment for Facilities Subject to Rule 1402 – Control of Toxic Air Contaminants from Existing Sources
Lead Agency Name:	South Coast Air Quality Management District
Lead Agency Address:	21865 Copley Drive Diamond Bar, CA 91765
CEQA Contact Person:	Michael A. Krause (909) 396-2706
Rule Contact Person:	Cheryl Marshall (909) 396-2567
Project Sponsor's Name:	South Coast Air Quality Management District
Project Sponsor's Address:	21865 Copley Drive Diamond Bar, CA 91765
General Plan Designation:	Not applicable
Zoning:	Not applicable
Description of Project:	The proposed project consists of adding ethyl benzene to the Rule 1401 Table I list of TACs, which would affect new, modified, or relocated facilities. Rule 1402 regulates the same TACs that are listed in Table I in 1401 at existing facilities. Because adding ethyl benzene to Table I in 1401 affects facilities subject to Rule 1402, it is necessary to perform an impact assessment for facilities subject to Rule 1402.
Surrounding Land Uses and Setting:	Not applicable
Other Public Agencies Whose Approval is Required:	Not applicable

## ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The following environmental impact areas have been assessed to determine their potential to be affected by the proposed project. None of the environmental topics are expected to be adversely affected by the proposed project. An explanation relative to the determination of impacts can be found following the checklist for each area.

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Aesthetics             | <input type="checkbox"/> Geology and Soils               | <input type="checkbox"/> Population/Housing          |
| <input type="checkbox"/> Agricultural Resources | <input type="checkbox"/> Hazards and Hazardous Materials | <input type="checkbox"/> Public Services             |
| <input type="checkbox"/> Air Quality            | <input type="checkbox"/> Hydrology and Water Resources   | <input type="checkbox"/> Recreation                  |
| <input type="checkbox"/> Biological Resources   | <input type="checkbox"/> Land Use and Planning           | <input type="checkbox"/> Solid/Hazardous Waste       |
| <input type="checkbox"/> Cultural Resources     | <input type="checkbox"/> Mineral Resources               | <input type="checkbox"/> Transportation/Circulation. |
| <input type="checkbox"/> Energy                 | <input type="checkbox"/> Noise                           | <input type="checkbox"/> Mandatory Findings          |

## DETERMINATION

On the basis of this initial evaluation:

- I find the proposed project, in accordance with those findings made pursuant to CEQA Guideline §15252, COULD NOT have a significant effect on the environment, and that an ENVIRONMENTAL ASSESSMENT with no significant impacts will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will NOT be significant effects in this case because revisions in the project have been made by or agreed to by the project proponent. An ENVIRONMENTAL ASSESSMENT with no significant impacts will be prepared.
- I find that the proposed project MAY have a significant effect(s) on the environment, and an ENVIRONMENTAL ASSESSMENT will be prepared.
- I find that the proposed project MAY have a "potentially significant impact" on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards,

and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL ASSESSMENT is required, but it must analyze only the effects that remain to be addressed.

- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier ENVIRONMENTAL ASSESSMENT pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier ENVIRONMENTAL ASSESSMENT, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

**Date** March 27, 2009

**Signature:** Steve Smith  
Steve Smith, Ph.D.  
Program Supervisor  
Planning, Rule Development & Area  
Sources

**GENERAL ENVIRONMENTAL IMPACT DISCUSSION**

While it is expected that no facilities will trigger a risk reduction requirement, the proposed project will potentially affect six existing facilities (e.g., two refineries, one landfill, two coatings operations, and one coatings manufacturer) to take action, such as submitting or updating a toxics emissions inventory, public notification, health risk assessment, and/or risk reduction depending on estimated risk. Inventories, notification and assessment have no adverse impacts on the environment. It should be noted that any facility required to reduce risk under Rule 1402 would have the option of determining how to reduce overall facility-wide risk. The proposed rule amendments will not require installations of emission control devices if not warranted to reduce risk. Because of the types of affected source (e.g., coatings, flare at landfill), the risk reduction measures at the six potentially affected facilities would most likely involve coating reformulation, product or equipment replacement (e.g., flare replacement) or a process change (e.g., reduce usage). Reformulating coatings does not entail any construction or major operating changes. New equipment is expected to replace similar equipment in size, throughput, location, etc. Thus, no new foundations or support equipment (e.g., power lines to source, piping, etc.) are expected to be required. The only construction activity is expected to be delivery, removal of old equipment and minor installation work (e.g., welding). The new equipment is expected to be built and assembled offsite. If the process change is reducing usage, no adverse environmental impacts would be generated. Any other change in facility practices is not known at this time and, thus, speculative to analyze. According to CEQA Guidelines § 15145, if a lead agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion.

**ENVIRONMENTAL CHECKLIST**

	<b>Potentially Significant Impact</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>I. AESTHETICS.</b> Would the project:			
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- |   |                          |                          |                                     |
|---|--------------------------|--------------------------|-------------------------------------|
| c) Substantially degrade the existing visual character or quality of the site and its surroundings?                   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**Significance Criteria**

The proposed project impacts on aesthetics will be considered significant if:

The project will block views from a scenic highway or corridor.

The project will adversely affect the visual continuity of the surrounding area.

The impacts on light and glare will be considered significant if the project adds lighting which would add glare to residential areas or sensitive receptors.

**Discussion**

(a) a), b) & c): Coating reformulation, equipment replacement or process change is not expected to trigger major construction activities or substantial physical changes to existing facilities potentially affected by the proposed project. Therefore, construction equipment and materials will not be needed and stockpiling of construction materials will not result from the proposed project. Equipment replacement could result in minor construction activities, which would be temporary, and expected to be equivalent replacement with newer equipment that may improve aesthetics. No scenic resources will be damaged and since no new construction of buildings or other structures is anticipated, scenic resources will not be obstructed and the existing visual character of any site in the vicinity of affected facilities will not be degraded. On the contrary, scenic vistas and visual character of the site may improve as old equipment is replaced as a result of implementing the proposed project.

I. d). There are no components in PAR 1401 and impact assessment for facilities subject to Rule 1402 that would require construction activities at night. Therefore, no additional lighting at the facility would be required. Similarly, the proposed project has no provisions that would require affected equipment to operate at night. Thus, the proposed project is not expected to create a new source of substantial light or glare that would adversely affect day or nighttime views in the area. Therefore, the proposed project is not expected to create significant adverse aesthetic impacts.

Based on the above consideration, significant adverse impacts to aesthetics are not expected from PAR 1401 and impact assessment for facilities subject to Rule 1402. Since there are no significant adverse impacts, no mitigation measures are required.

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	<b>Potentially Significant Impact</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>II. AGRICULTURE RESOURCES.</b> Would the project:			
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland mapping and Monitoring Program of the California Resources Agency, to non- agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Significance Criteria**

Project-related impacts on agricultural resources will be considered significant if any of the following conditions are met:

The proposed project conflicts with existing zoning or agricultural use or Williamson Act contracts.

The proposed project will convert prime farmland, unique farmland or farmland of statewide importance as shown on the maps prepared pursuant to the farmland mapping and monitoring program of the California Resources Agency, to non-agricultural use.

The proposed project would involve changes in the existing environment, which due to their location or nature, could result in conversion of farmland to non-agricultural uses.

## Discussion

II. a) - c): As discussed previously under “Aesthetics,” neither modification of existing structures nor construction of new structures is anticipated to result from adopting and implementing the proposed project. Coating reformulation, equipment replacement or process change would not result in any construction of new buildings or other structures that would require converting farmland to non-agricultural use or conflict with zoning for agricultural use or a Williamson Act contract. Since the proposed project would not substantially change the facility where the ethyl benzene is emitted, there are no provisions in the proposed rule that would affect land use plans, policies, or regulations. Land use and other planning considerations are determined by local governments and no land use or planning requirements relative to agricultural resources will be altered by the proposed project.

Based on the above consideration, significant adverse impacts to agriculture resources are not expected from PAR 1401 and impact assessment for facilities subject to Rule 1402. Since there are no significant adverse impacts, no mitigation measures are required.

	Potentially Significant Impact	Less Than Significant Impact	No Impact
<b>III. AIR QUALITY.</b> Would the project:			
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- e) Create objectionable odors affecting a substantial number of people?
- f) Diminish an existing air quality rule or future compliance requirement resulting in a significant increase in air pollutant(s)?
- g) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment, based on any applicable threshold of significance?
- h) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?

**Significance Criteria**

Impacts will be evaluated and compared to the significance criteria in Table 2-1. If impacts equal or exceed any of the following criteria, they will be considered significant.

**TABLE 2-1**  
Air Quality Significance Thresholds

<b>Mass Daily Thresholds</b>		
<i>Pollutant</i>	<i>Construction</i>	<i>Operation</i>
NOx	100 lbs/day	55 lbs/day
VOC	75 lbs/day	55 lbs/day
PM10	150 lbs/day	150 lbs/day
PM2.5	55 lbs/day	55 lbs/day
SOx	150 lbs/day	150 lbs/day
CO	550 lbs/day	550 lbs/day
Lead	3 lbs/day	3 lbs/day
<b>TAC, AHM, and Odor Thresholds</b>		
Toxic Air Contaminants (TACs, including carcinogens and non-carcinogens)	Maximum Incremental Cancer Risk $\geq$ 10 in 1 million Hazard Index $\geq$ 1.0 (project increment)	
Odor	Project creates an odor nuisance pursuant to SCAQMD Rule 402	

**TABLE 2-1 (CONTINUED)**  
Air Quality Significance Thresholds

<b>Ambient Air Quality for Criteria Pollutants <sup>(a)</sup></b>	
NO <sub>2</sub>  1-hour average annual average	In attainment; significant if project causes or contributes to an exceedance of any standard: 0.25 ppm (state) 0.053 ppm (federal)
PM <sub>10</sub> 24-hour average  annual geometric average annual arithmetic mean	10.4 µg/m <sup>3</sup> (recommended for construction) <sup>(b)</sup> 2.5 µg/m <sup>3</sup> (operation) 1.0 µg/m <sup>3</sup> 20 µg/m <sup>3</sup>
PM <sub>2.5</sub> 24-hour average	10.4 µg/m <sup>3</sup> (recommended for construction) <sup>(b)</sup> 2.5 µg/m <sup>3</sup> (operation)
Sulfate 24-hour average	1 µg/m <sup>3</sup>
CO  1-hour average 8-hour average	In attainment; significant if project causes or contributes to an exceedance of any standard: 20 ppm (state) 9.0 ppm (state/federal)

<sup>(a)</sup> Ambient air quality thresholds for criteria pollutants based on SCAQMD Rule 1303, Table A-2 unless otherwise stated.

<sup>(b)</sup> Ambient air quality threshold based on SCAQMD Rule 403.

PM<sub>10</sub> = particulate matter less than 10 microns in size, ug/m<sup>3</sup> = microgram per cubic meter; pphm = parts per hundred million; mg/m<sup>3</sup> = milligram per cubic meter; ppm = parts per million; TAC = toxic air contaminant; AHM = Acutely Hazardous Material. NO<sub>2</sub> = Nitrogen Oxide, CO = Carbon Monoxide, VOC = Volatile Organic Compounds, SO<sub>x</sub> = Sulfur Oxide.

### Greenhouse Gases Significance Thresholds

SCAQMD's adopted interim greenhouse gases (GHG) significance threshold proposal uses a tiered approach to determining significance. Tier 1 consists of evaluating whether or not the project qualifies for any applicable exemption under CEQA. Tier 2 consists of determining whether or not the project is consistent with a GHG reduction plan that may be part of a local general plan, for example. Tier 3 establishes a screening significance threshold level to determine significance using a 90 percent emission capture rate approach, which corresponds to 10,000 metric tons of CO<sub>2</sub> equivalent emissions per year (MTCO<sub>2</sub>eq/yr). Tier 4 consists of a decision tree approach that allows the lead agency to choose one of three compliance options based on performance standards, but was not recommended for approval at this time. Under Tier 5 the project proponent would implement offsite mitigation (GHG reduction projects) to reduce GHG emission impacts to less than the proposed screening level.

## **Discussion**

III. a): The proposed project would not conflict with or obstruct, air quality plan implementation. The primary purpose of the SCAQMD's AQMP is to control emissions to attain and maintain all federal and state ambient air quality standards for the district. The 2007 AQMP concluded that major reductions in emissions of VOC and NO<sub>x</sub> are necessary to attain the air quality standards for ozone and PM10. By reducing toxic risk from ethyl benzene, which is a VOC, the proposed project will also reduce VOC emissions. These criteria pollutant emission reductions will contribute to the SCAQMD's progress in attaining the ambient air quality standards for ozone as well as reducing toxic risk. As a result, implementing PAR 1401 and impact assessment for facilities subject to Rule 1402 will not conflict or obstruct AQMP implementation.

The SCAQMD Governing Board approved an air toxics planning document in March 2000 called "Final Draft ATCP for the Next Ten Years." PAR 1401, which affects facilities regulated by Rule 1402, satisfy the following two programmatic measures as outlined in the ATCP: AT-PRG-01 – New Source Review of Toxic Air Contaminants (Amend Rule 1401); and AT-PRG-02 – Control of Toxic Air Contaminants from Existing Sources (Rule 1402). Specifically, AT-PRG-01 is a strategy that recommends continuing efforts to update Rule 1401, which would indirectly update Rule 1402 since it regulates the TACs listed in Rule 1401, by incorporating current TACs with risk values finalized by OEHHA and approved by the state SRP. The effectiveness of Rules 1401 and 1402 is enhanced when more chemicals are regulated. PARs 1401 and Rule 1402 provides emission reductions/risk reductions so the proposed project is consistent with the ATCP.

III. b) & d): The proposed project would not violate any ambient air quality standards, but, as noted above, would contribute to the SCAQMD's progress in attaining the ambient air quality standards for ozone as well as reducing toxic risk. No significant adverse air quality impact is anticipated from coating reformulation, equipment replacement or process changes that could occur at the six potentially affected facilities. Reformulating coatings does not entail any construction or major operating changes. In addition, the replacement of ethyl benzene in a coating formulation may not result in a waterborne coating or may already be a waterborne coating, so traditional coating issues with low-VOC coating reformulations, such as more thickness, illegal thinning, more priming, more topcoats and more touch-up and repair, are not expected to occur. New equipment is expected to replace similar equipment in size, throughput, location, etc. Thus, no new foundations or support equipment (e.g., power lines to source, piping, etc.) are expected to be required. The only construction activity is expected to be delivery, removal of old equipment and minor installation work (e.g., welding). The new equipment is expected to be built and assembled offsite. Of the six affected facilities, equipment replacement could realistically occur at one affected facility. If equipment replacement did take place at

more than one facility, it is highly unlikely the construction activity would take place on the same day. Thus, the construction activity calculated in Table 2-2 would be the peak daily construction emissions from the proposed project. As shown in Table 2-2, the delivery and installation of the one replaced product would not exceed the SCAQMD's daily NO<sub>x</sub> significance threshold of 100 pounds per day from the construction phase of the project. It is assumed for a worst-case scenario, one crane and one welder would be necessary to install the equipment. Because the equipment replacement is expected to be identical or similar in process, if not more efficient and less polluting, the operational emissions are expected to be identical or less than the current equipment.

**TABLE 2-2**  
Construction Emissions from Equipment Replacement (Year 2009)

Equipment Type	Distance Traveled (miles/day)	Hours of Daily Operation	NO <sub>x</sub> Emission Factor <sup>1</sup>	NO <sub>x</sub> Emissions (pounds/day)	Total NO <sub>x</sub> Emissions (pounds/day)
Heavy-heavy duty delivery truck	50	n/a	0.04184591 pounds/mile <sup>2</sup>	2.1	10.1
Crane	On-site	4	1.5293 pounds/hour <sup>3</sup>	6.12	
Welder	On-site	6	0.3015 pounds/hour <sup>3</sup>	1.8	
Employee Vehicle	75 <sup>4</sup>	n/a	0.00100518 pounds/mile <sup>5</sup>	0.08	

1. NO<sub>x</sub> was used as the driver because it would be criteria pollutant with highest emissions.
2. Source : [http://www.aqmd.gov/ceqa/handbook/onroad/onroadEFHHDT07\\_26.xls](http://www.aqmd.gov/ceqa/handbook/onroad/onroadEFHHDT07_26.xls)
3. Because the horsepower of the equipment is unknown at this time, the composite factor was used. Source : [http://www.aqmd.gov/ceqa/handbook/offroad/offroadEF07\\_25.xls](http://www.aqmd.gov/ceqa/handbook/offroad/offroadEF07_25.xls)
4. Assumes 25 mile roundtrip for three construction employees (25 miles/day x 3 = 75 miles/day).
5. Source : [http://www.aqmd.gov/ceqa/handbook/onroad/onroadEF07\\_26.xls](http://www.aqmd.gov/ceqa/handbook/onroad/onroadEF07_26.xls)

III. c): As already noted, implementing the proposed project is not expected to require the installation of control equipment or construction of new structures. Since coating reformulation, equipment replacement or process changes is not expected to generate significant adverse project-specific construction or operational air quality impacts, it is not expected to cause cumulative impacts in conjunction with other projects that may occur concurrently with or subsequent to the proposed project (CEQA Guidelines §15130(a)). The proposed project's contribution to a potentially significant cumulative impact is rendered less than cumulatively considerable and, thus, is not significant (CEQA Guidelines §15064(h)(2)).

IV. e): Objectionable odors are often associated with a number of polluting sources. To the extent that the proposed project could result in coating reformulations, equipment replacement or process changes, odors may continue or cease to be experienced. It is unknown at this time the constituents of the coating reformulation or the result of a process change, however, old equipment is typically replaced with

newer, more efficient, safer, less polluting, thus, less odorous equipment. It is not expected, however, that a coating reformulation or process change would change from current odor conditions or get worse. It is expected that implementing the proposed project will provide a benefit by reducing population exposures from odors associated with VOC and toxic emissions. Therefore, no significant adverse odor impacts are expected from implementing PAR 1401 and impact assessment for facilities subject to Rule 1402.

V. f): The proposed project will not diminish an existing air quality rule or future compliance requirement. The analysis concludes that the proposed project will provide air quality benefits from VOC and toxic emission and cancer risk reduction. Secondary impacts from risk reduction actions, such as coating reformulation, equipment replacement or process changes, is not expected to change or worsen the existing air quality conditions at the affected facilities and, therefore, any potential adverse air quality impact from the proposed project is not significant.

VI. g) & h): The proposed project could result in coating reformulations, equipment replacement or reduction in usage. Coating reformulations and process changes do not generate GHG emissions and, therefore, may not result in a significant GHG impact on the environment or possibly conflict with an applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of GHG. Equipment replacement at one facility could generate GHG emissions from the delivery truck and on-site equipment, however, as shown in Table 2-3, the GHG emissions would be substantially less than the annual GHG significance threshold of 10,000 metric tons per year of CO<sub>2</sub>eq adopted by the SCAQMD.

**TABLE 2-3**

GHG Emissions from Equipment Replacement (Year 2009)

Equipment Type	Distance Traveled (miles/day)	Hours of Daily Operation	CO <sub>2</sub> Emission Factor	CH <sub>4</sub> Emission Factor	TOTAL GHG Emissions (pounds/day)	TOTAL GHG Emissions (metric tons/day)	TOTAL Project GHG Emissions (metric tons)
Heavy-heavy duty delivery truck	50	n/a	4.21080792 pounds/mile <sup>1</sup>	0.00015249 pounds/mile <sup>1</sup>	210	0.1	0.44
Crane	On-site	4	129 pounds/hour <sup>2</sup>	0.0152 pounds/hour <sup>2</sup>	516	0.23	
Welder	On-site	6	25.6 pounds/hour <sup>2</sup>	0.0076 pounds/hour <sup>2</sup>	154	0.07	
Employee Vehicle	75	n/a	1.09755398 pounds/mile <sup>3</sup>	0.00008767 pounds/mile <sup>3</sup>	82.3	0.04	

1. Source: [http://www.aqmd.gov/ceqa/handbook/onroad/onroadEFHHDT07\\_26.xls](http://www.aqmd.gov/ceqa/handbook/onroad/onroadEFHHDT07_26.xls)

2. Source: [http://www.aqmd.gov/ceqa/handbook/offroad/offroadEF07\\_25.xls](http://www.aqmd.gov/ceqa/handbook/offroad/offroadEF07_25.xls)

3. Source: [http://www.aqmd.gov/ceqa/handbook/onroad/onroadEF07\\_26.xls](http://www.aqmd.gov/ceqa/handbook/onroad/onroadEF07_26.xls)

Based on the above consideration, significant adverse impacts to air quality are not expected from PAR 1401 and impact assessment for facilities subject to Rule 1402. Since there are no significant adverse impacts, no mitigation measures are required.

	Potentially Significant Impact	Less Than Significant Impact	No Impact
<b>IV. BIOLOGICAL RESOURCES.</b> Would the project:			
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by §404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- |  |                          |                          |                                     |
|--|--------------------------|--------------------------|-------------------------------------|
| e) Conflicting with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Conflict with the provisions of an adopted Habitat Conservation plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

### Significance Criteria

Impacts on biological resources will be considered significant if any of the following criteria apply:

The project results in a loss of plant communities or animal habitat considered to be rare, threatened or endangered by federal, state or local agencies.

The project interferes substantially with the movement of any resident or migratory wildlife species.

The project adversely affects aquatic communities through construction or operation of the project.

### Discussion

IV. a), b), d): The proposed rule is not expected to require any construction activities or construction of new structures and the proposed rule amendments will not require any additional installations of emission control devices. Potential risk reduction measures, such as coating reformulation, equipment replacement or process changes, will have no direct or indirect impacts that could adversely affect plant or animal species or the habitats on which they rely in the SCAQMD's jurisdiction. Further, PAR 1401 and impact assessment for facilities subject to Rule 1402 does not require acquisition of additional land or further conversions of riparian habitats or sensitive natural communities where endangered or sensitive species may be found. Any changes to the existing physical environment would occur for business reasons, not as a result of implementing the proposed project.

IV. c): Acquisition of protected wetlands is not expected to be necessary to reduce the cancer risk from ethyl benzene. Operators of affected facilities would reformulate coatings, replace equipment, or reduce hours of operation which would not require removing, filling or interrupting any hydrological system or have an adverse effect on federally protected wetlands.

IV. e), f): There are no provisions in the proposed rule that would adversely affect land use plans, local policies or ordinances, or regulations. Land use and other planning considerations are determined by local governments and no land use or planning requirements will be altered by the proposed project. PAR 1401 and impact assessment for facilities subject to Rule 1402 would not affect in any way habitat conservation or natural community conservation plans, agricultural resources or operations, and would not create divisions in any existing communities.

Based on the above consideration, significant adverse impacts to biological resources are not expected from PAR 1401 and impact assessment for facilities subject to Rule 1402. Since there are no significant adverse impacts, no mitigation measures are required.

	<b>Potentially Significant Impact</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>V. CULTURAL RESOURCES.</b> Would the project:			
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside a formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Significance Criteria**

Impacts to cultural resources will be considered significant if:

The project results in the disturbance of a significant prehistoric or historic archaeological site or a property of historic or cultural significance to a community or ethnic or social group.

Unique paleontological resources are present that could be disturbed by construction of the proposed project.

The project would disturb human remains.

**Discussion**

V. a) - d): There are existing laws in place that are designed to protect and mitigate potential impacts to cultural resources. Operators of affected facilities will not be required to perform major construction activities such as grading, trenching, etc., to comply with the proposed project. Equipment replacement is expected to take place on the same foundation already previously graded and paved. Therefore, cultural resources would not be disturbed. As a result, the proposed project has no potential to cause a substantial adverse change to a historical or archaeological resource, directly or indirectly destroy a unique paleontological resource or site or unique geologic feature, or disturb any human remains, including those interred outside a formal cemeteries.

Based on the above consideration, significant adverse impacts to cultural resources are not expected from PAR 1401 and impact assessment for facilities subject to Rule 1402. Since there are no significant adverse impacts, no mitigation measures are required.

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	<b>Potentially Significant Impact</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>VI. ENERGY.</b> Would the project:			
a) Conflict with adopted energy conservation plans?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the need for new or substantially altered power or natural gas utility systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Create any significant effects on local or regional energy supplies and on requirements for additional energy?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create any significant effects on peak and base period demands for electricity and other forms of energy?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- e) Comply with existing energy standards?

### Significance Criteria

Impacts to energy and mineral resources will be considered significant if any of the following criteria are met:

The project conflicts with adopted energy conservation plans or standards.

The project results in substantial depletion of existing energy resource supplies.

An increase in demand for utilities impacts the current capacities of the electric and natural gas utilities.

The project uses non-renewable resources in a wasteful and/or inefficient manner.

### Discussion

VI. a), e): Reformulating coatings, replacing equipment and reducing usage does not require additional energy demands that would conflict with adopted energy conservation plans. The proposed project is expected to comply with existing energy conservation standards, to the extent the affected facilities are operating equipment subject to energy conservation standards. Coatings, for example, are not subject to any energy conservation standard.

VI. b), c), d): As noted above, implementation of PAR 1401 and impact assessment for facilities subject to Rule 1402 will not result in the need for new or substantially altered power or natural gas utility systems. Effects of the proposed project on the electricity capacity are not expected to change because new coatings do not require additional electricity and new equipment is expected to replace similar equipment with identical characteristics, such as electricity usage. Further, if replacing equipment, new equipment is typically more efficient than older equipment so the new equipment will more likely use less electricity and reduce energy impact compared to the old equipment. If the process change is a reduction in ethyl benzene usage, current applicable electricity usage would be reduced. Thus, no significant adverse impacts on peak or base demands for electricity are anticipated.

Based on the above considerations, significant adverse impacts to energy are not expected from PAR 1401 and impact assessment for facilities subject to Rule 1402. Since there are no significant adverse impacts, no mitigation measures are required.

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	Potentially Significant Impact	Less Than Significant Impact	No Impact
<b>VII. GEOLOGY AND SOILS.</b> Would the project:			
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Significance Criteria

Impacts on the geological environment will be considered significant if any of the following criteria apply:

Topographic alterations would result in significant changes, disruptions, displacement, excavation, compaction or over covering of large amounts of soil.

Unique geological resources (paleontological resources or unique outcrops) are present that could be disturbed by the construction of the proposed project.

Exposure of people or structures to major geologic hazards such as earthquake surface rupture, ground shaking, liquefaction or landslides.

Secondary seismic effects could occur which could damage facility structures, e.g., liquefaction.

Other geological hazards exist which could adversely affect the facility, e.g., landslides, mudslides.

## Discussion

VII. a): Facilities affected are already existing so the proposed project will not expose people to substantial geological effects greater than what they are exposed to already. Since the proposed rule amendments will not require any additional equipment beyond what is already operating, PAR 1401 and impact on facilities subject to Rule 1402 will not expose people or structures to risks of loss, injury, or death involving: rupture of an earthquake fault, seismic ground shaking, ground failure or landslides.

VII. b): The proposed project will not require major construction activities (e.g., grading, trenching, refilling and repaving), so no potential impacts to existing geophysical conditions are anticipated. Because affected facilities are primarily located at existing sites on established foundations, no soil will need to be disrupted. Therefore, no substantial soil erosion or loss of topsoil is expected from the existing affected facilities as a result of controlling emissions and toxic risk from ethyl benzene.

VII. c) & d): Affected facilities are primarily located at existing sites and, therefore, will not involve locating any structures on soil that is unstable or expansive. However, as already noted, no soil disturbance is anticipated from the proposed project, therefore, no further destabilization of unstable soils would be expected that could cause on- or off-site landslides, lateral spreading, subsidence, liquefaction or collapse.

VII. e): The proposed project does not involve the installation of septic tanks or alternative waste water disposal systems. Therefore, this type of soil impact will not occur.

Based on the above considerations, significant adverse impacts to geology and soils are not expected from PAR 1401 and impact assessment for facilities subject to Rule 1402. Since there are no significant adverse impacts, no mitigation measures are required.

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	<b>Potentially Significant Impact</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>VIII. HAZARDS AND HAZARDOUS MATERIALS.</b> Would the project:			
a) Create a significant hazard to the public or the environment through the routine transport, use, and disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions, or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and, as a result, would create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

working in the project area?

- |    |   |                          |                          |                                     |
|----|---|--------------------------|--------------------------|-------------------------------------|
| f) | For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) | Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) | Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i) | Significantly increased fire hazard in areas with flammable materials?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

### Significance Criteria

Impacts associated with hazards will be considered significant if any of the following occur:

Non-compliance with any applicable design code or regulation.

Non-conformance to National Fire Protection Association standards.

Non-conformance to regulations or generally accepted industry practices related to operating policy and procedures concerning the design, construction, security, leak detection, spill containment or fire protection.

Exposure to hazardous chemicals in concentrations equal to or greater than the Emergency Response Planning Guideline (ERPG) 2 levels.

### Discussion

VIII. a), b), & c): Equipment replacement or process changes are not expected to require any new transport, use, or disposal of hazardous materials, thus, no new significant hazard to the public or the environment from a release of hazardous materials will occur as a result of the proposed beyond the current risk of upset. Affected coatings will be reformulated with less or without ethyl benzene. To comply, the ethyl benzene substitute would have to be less toxic. Since ethyl

benzene is a VOC, its removal will lower the VOC content of the coating, which would concurrently reduce the hazard impacts. However the ethyl benzene replacement could also be a VOC, but the VOC content is not expected to increase as it is already regulated and limited. So, for a worst-case scenario, the hazard impacts from coating reformulation remain constant from the current condition. Because no new transport of hazardous materials will occur as a result of the proposed project, emission of hazardous emissions, or handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school will not result. Consequently, proposed amended Rule 1401 and impact from facilities subject to Rule 1402 will not create a significant new hazard to the public or create a reasonably foreseeable upset condition involving the release of hazardous materials.

VIII. d): Government code §65962.5 refers to hazardous waste handling practices at facilities subject to the Resources Conservation and Recovery Act (RCRA). If any affected facilities are identified on such a list, compliance with the proposed project is not expected to affect in any way any facility's hazardous waste handling practices.

VIII. e) & f): Regardless of whether or not affected facilities are located near airports or private airstrips, the proposed project will not create new safety hazards because the proposed project affects existing facilities. No new hazards will be introduced at affected facilities that could create safety hazards at local airports or private airstrips.

VIII. g): The proposed project could result in coating reformulations, equipment replacement or process changes. In the event that operators at affected facilities use a different type of product to reduce risk from ethyl benzene, adopted emergency response plans and emergency evacuation plans may need to be amended, but the proposed project is not expected to physically interfere with implementing an adopted emergency response plans and emergency evacuation plans.

VIII. h,) & i): Since the proposed rule amendments will not require any changes to the affected facility or operational process that will expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. Because affected facility operations are not expected to change substantially, except for possibly a reduction in the annual hours of operation, there will be no significant increase of fire hazards in areas with flammable materials than whatever currently exists already.

Based on the above considerations, significant adverse impacts to hazards and hazardous materials are not expected from PAR 1401 and impact assessment for facilities subject to Rule 1402. Since there are no significant adverse impacts, no mitigation measures are required.

	Potentially Significant Impact	Less Than Significant Impact	No Impact
<b>IX. HYDROLOGY AND WATER QUALITY.</b>			
Would the project:			
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g. the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

other flood hazard delineation map?

- |    |  |                          |                          |                                     |
|----|--|--------------------------|--------------------------|-------------------------------------|
| h) | Place within a 100-year flood hazard area structures which would impede or redirect flood flows?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i) | Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| j) | Inundation by seiche, tsunami, or mudflow?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| k) | Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| l) | Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?                              | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| m) | Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?                                       | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| n) | Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| o) | Require in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**Significance Criteria**

Potential impacts on water resources will be considered significant if any of the following criteria apply:

**Water Quality:**

The project will cause degradation or depletion of ground water resources substantially affecting current or future uses.

The project will cause the degradation of surface water substantially affecting current or future uses.

The project will result in a violation of National Pollutant Discharge Elimination System (NPDES) permit requirements.

The capacities of existing or proposed wastewater treatment facilities and the sanitary sewer system are not sufficient to meet the needs of the project.

The project results in substantial increases in the area of impervious surfaces, such that interference with groundwater recharge efforts occurs.

The project results in alterations to the course or flow of floodwaters.

**Water Demand:**

The existing water supply does not have the capacity to meet the increased demands of the project, or the project would use a substantial amount of potable water.

The project increases demand for water by more than five million gallons per day.

**Discussion**

IX. a), b), f), n), & o): The proposed project could result in coating reformulations, equipment replacement or process changes. None of these activities are expected to have direct or indirect impact on hydrology and water quality because operators at affected facilities are not expected to use water to a greater extent than they currently use for cleaning, etc., because no additional water is required from reformulated coatings, and the new equipment type is expected to be similar to the equipment being replaced. Therefore, PAR 1401 and impact to facilities subject to Rule 1402 will not adversely affect water resources, water quality standards, groundwater supplies, water quality degradation, existing water supplies or wastewater treatment facilities.

IX. c), d), e): The proposed project would primarily affect operations at existing facilities using ethyl benzene possibly requiring coating reformulation, equipment replacement or change in process (e.g., reduction in usage). As discussed previously, no major construction activities will be necessary to comply with PAR 1401 and

impact to facilities subject to Rule 1402, so the proposed project will not alter any existing drainage patterns, increase the rate or amount of surface runoff water that would exceed the capacity of existing or planned stormwater drainage systems.

IX. g) & h): PAR 1401 and impact to facilities subject to Rule 1402 does not involve or require the construction of housing so it will not result in placing housing in a 100-year flood hazard areas that could create new flood hazards. The proposed project would affect operations at existing facilities with ethyl benzene usage so any flood hazards would be part of the existing setting.

IX. i), j): Since PAR 1401 and impact to facilities subject to Rule 1402 primarily reduces toxic emissions and risk at existing facilities and does not require construction of new facilities, it will not create new flood risks or risks from seiches, tsunamis or mudflow conditions. Any risks from seiches, tsunamis, or mudflows would be part of the existing setting.

IX. k): Because reducing toxic risk from ethyl benzene at affected facilities does not require water, no changes to any existing wastewater treatment permits would be necessary. As a result, the proposed project is not expected to affect any affected facility's ability to comply with existing wastewater treatment requirements or conditions from any applicable Regional Water Quality Control Board or local sanitation district.

IX. l) & m): Because reducing toxic risk emissions from ethyl benzene at affected facilities does not require water as part of the control equipment or control process, no increase in wastewater from complying with the proposed project that could exceed the capacity of existing stormwater drainage systems or require the construction of new wastewater or stormwater drainage facilities is anticipated.

Based on the above considerations, significant adverse impacts to hydrology and water quality are not expected from PAR 1401 and impact assessment for facilities subject to Rule 1402. Since there are no significant adverse impacts, no mitigation measures are required.

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	<b>Potentially Significant Impact</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>X. LAND USE AND PLANNING.</b> Would the project:			
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- |  |                          |                          |                                     |
|--|--------------------------|--------------------------|-------------------------------------|
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Conflict with any applicable habitat conservation or natural community conservation plan?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

### Significance Criteria

Land use and planning impacts will be considered significant if the project conflicts with the land use and zoning designations established by local jurisdictions.

### Discussion

X. a.): Since PAR 1401 and impact to facilities subject to Rule 1402 primarily reduces toxic emissions and risk by reformulating coatings, replacing equipment or changing operational process, the proposed project will not create divisions in any existing communities because this provision applies generally to operations at existing facilities. Similarly, the proposed project does not require construction of new structures that could physically divide an established community. Any new structures would be built for reasons other than to comply with the proposed project, such as starting a new, or relocating an existing business.

X. b), c): Operations at affected facilities using ethyl benzene would still be expected to comply, and not interfere, with any applicable land use plans, zoning ordinances, habitat conservation or natural community conservation plans. There are no provisions of the proposed project that would directly affect these plans, policies, or regulations. Land use and other planning considerations are determined by local governments and no present or planned land uses in the region or planning requirements will be altered by the proposed project.

Based on the above considerations, significant adverse impacts to land use and planning are not expected from PAR 1401 and impact assessment for facilities subject to Rule 1402. Since there are no significant adverse impacts, no mitigation measures are required.

	<b>Potentially Significant Impact</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>XI. MINERAL RESOURCES.</b> Would the project:			
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Significance Criteria**

Project-related impacts on mineral resources will be considered significant if any of the following conditions are met:

The project would result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.

The proposed project results in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

**Discussion**

XI. a), b): There are no provisions of the proposed rule that would directly result in the loss of availability of a known mineral resource, such as aggregate, coal, shale, etc., of value to the region and the residents of the state, or of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. PAR 1401 and impacts to facilities subject to Rule 1402 reduces toxic risk from ethyl benzene and does not require risk reduction measures that would need a mineral resource to comply. Based on the above considerations, significant adverse impacts to mineral resources are not expected from PAR 1401 and impact assessment for facilities subject to Rule 1402. Since there are no significant adverse impacts, no mitigation measures are required.

	Potentially Significant Impact	Less Than Significant Impact	No Impact
<b>XII. NOISE.</b> Would the project result in:			
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airship, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Significance Criteria

Impacts on noise will be considered significant if:

Construction noise levels exceed the local noise ordinances or, if the noise threshold is currently exceeded, project noise sources increase ambient noise levels by more than three decibels (dBA) at the site boundary. Construction noise levels will be considered significant if they exceed federal Occupational Safety and Health Administration (OSHA) noise standards for workers.

The proposed project operational noise levels exceed any of the local noise ordinances at the site boundary or, if the noise threshold is currently exceeded, project noise sources increase ambient noise levels by more than three dBA at the site boundary.

**Discussion**

XII. a), b), c) & d): Reformulated coating, replaced equipment and new process change (e.g., reduction in usage) will not generate additional or new noise, excessive groundborne vibration, or substantially increase ambient noise levels beyond existing levels. New equipment is expected to produce similar, if not less noise levels, than the current older equipment. Operators at affected facilities who do choose to operate equipment fewer hours per year to reduce ethyl benzene toxic risk will produce less noise or any vibration, which is considered to be a benefit. As a result, the proposed rule would have no new or additional noise impacts, but may produce beneficial effects relative to noise produced by affected equipment or process.

XII. e) & f): As indicated in the preceding discussion, noise levels will either not change or will decline as a result of the proposed project and, therefore, will have a neutral effect on noise levels from affected facilities that may be located within two miles of an airport or private airstrip.

Based on the above considerations, significant adverse impacts to noise are not expected from PAR 1401 and impact assessment for facilities subject to Rule 1402. Since there are no significant adverse impacts, no mitigation measures are required.

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	<b>Potentially Significant Impact</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>XIII. POPULATION AND HOUSING.</b> Would the project:			
a) Induce substantial growth in an area either directly (for example, by proposing new homes and businesses) or indirectly (e.g. through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- |   |                          |                          |                                     |
|---|--------------------------|--------------------------|-------------------------------------|
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?           | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

### Significance Criteria

Impacts of the proposed project on population and housing will be considered significant if the following criteria are exceeded:

The demand for temporary or permanent housing exceeds the existing supply.

The proposed project produces additional population, housing or employment inconsistent with adopted plans either in terms of overall amount or location.

### Discussion

XIII. a), b), c): Human population in the SCAQMD's jurisdiction is anticipated to grow regardless of implementing the proposed project. The proposal would reduce cancer risk from ethyl benzene, which will not require additional employees to use reformulated coatings, operate replaced equipment or alter operational procedures. If replacing equipment a temporary construction crew would be required to conduct the installation of new equipment. This crew could be obtained from the existing vast labor market in the region and would not require displacement of population or housing. Therefore, the district population will not be affected directly or indirectly as a result of adopting and implementing PAR 1401 and impact to facilities subject to Rule 1402. Further, reducing cancer risk will not indirectly induce growth in the area of facilities using ethyl benzene. The construction of single- or multiple-family housing units would not be required as a result of implementing the proposed project since no new employees will be required at affected facilities. The proposed project will not require relocation of affected facilities, so existing housing or populations in the district are not anticipated to be displaced necessitating the construction of replacement housing elsewhere.

Based on the above considerations, significant adverse impacts to population and housing are not expected from PAR 1401 and impact assessment for facilities subject to Rule 1402. Since there are no significant adverse impacts, no mitigation measures are required.

**Potentially  
Significant  
Impact**      **Less Than  
Significant  
Impact**      **No Impact**

**XIV. PUBLIC SERVICES.** Would the proposal result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:

- |                             |                          |                          |                                     |
|-----------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Fire protection?         | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Police protection?       | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Schools?                 | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Parks?                   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Other public facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**Significance Criteria**

Impacts on public services will be considered significant if the project results in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response time or other performance objectives.

**Discussion**

XIV. a) & b): The proposed project will not involve the use of acutely hazardous materials. Thus, no new fire hazards or increased use of hazardous materials would be introduced at existing affected facilities. Thus, no new demands for fire or police protection are expected from PAR 1401 and impact on facilities subject to Rule 1402 since reformulated coatings, replaced equipment and reduction in usage will not require actions warranting additional fire or police protection.

XIV. c), d): As noted in the “Population and Housing” discussion, implementing PAR 1401 and impact on facilities subject to Rule 1402 will not require major construction or permanent employees to continue operation at existing affected

facilities. The employees required for the one-day replacement of equipment would be received from the extensive existing labor pool in the region and, as a result, the proposed project will have no direct or indirect effects on population growth in the district. Consequently, no new impacts to schools, parks or other recreational facilities are foreseen as a result of implementing the proposed project.

XIV. e): Because the reduction in cancer risk only requires minor modifications at affected facilities, the proposal would not result in the need for new or physically altered government facilities in order to maintain acceptable service ratios, response times or other performance objectives.

Based on the above considerations, significant adverse impacts to public services are not expected from PAR 1401 and impact assessment for facilities subject to Rule 1402. Since there are no significant adverse impacts, no mitigation measures are required.

	Potentially Significant Impact	Less Than Significant Impact	No Impact
<b>XV. RECREATION.</b>			
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Significance Criteria**

Impacts to recreation will be considered significant if:

The project results in an increased demand for neighborhood or regional parks or other recreational facilities.

The project adversely effects existing recreational opportunities.

**Discussion**

XV. a) & b): As discussed under “Land Use and Planning” above, there are no provisions in the proposed project that would affect land use plans, policies or ordinances, or regulations. Land use and other planning considerations are determined by local governments; no land use or planning requirements will be altered by the proposal. As already noted in item XII, Population and Housing, the proposed project is not expected to increase population growth in the district because no additional operational employees would be required at affected facilities and construction employees will be a small number, needed temporarily, and can be obtained from the extensive existing labor pool in the region. Therefore, no additional demand for recreation facilities is anticipated. Further, the proposed project would not increase the use of existing neighborhood and regional parks or other recreational facilities or include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment.

Based on the above considerations, significant adverse impacts to recreation are not expected from PAR 1401 and impact assessment for facilities subject to Rule 1402. Since there are no significant adverse impacts, no mitigation measures are required.

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	<b>Potentially Significant Impact</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>XVI. SOLID/HAZARDOUS WASTE.</b> Would the project:			
a) Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Comply with federal, state, and local statutes and regulations related to solid and hazardous waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Significance Criteria**

The proposed project impacts on solid/hazardous waste will be considered significant if the following occur:

The generation and disposal of hazardous and non-hazardous waste exceeds the capacity of designated landfills.

**Discussion**

XVI. a): Using reformulated coatings or replaced equipment would not change the project’s current solid waste disposal needs as the existing operation would not change as a result of these risk reduction measures. If the facility changes the operation by reducing ethyl benzene usage, the current solid waste disposal needs will either not change or be reduced.

XVI. b): It is expected that proposed project will have no effect on an operator’s ability to comply with relevant statutes and regulations related to solid and hazardous wastes. Consequently, it is anticipated that operators of affected facilities would continue to comply with federal, state, and local statutes and regulations related to solid and hazardous waste handling and disposal. Therefore, potential solid waste impacts are considered not significant.

Based on the above consideration, significant adverse impacts to solid/hazardous waste are not expected from PAR 1401 and impact assessment for facilities subject to Rule 1402. Since there are no significant adverse impacts, no mitigation measures are required.

	<b>Potentially Significant Impact</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>XVII. TRANSPORTATION/CIRCULATION</b>			
Would the project:			
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- |   |                          |                          |                                     |
|---|--------------------------|--------------------------|-------------------------------------|
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?            | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Result in inadequate emergency access?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Result in inadequate parking capacity?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g. bus turnouts, bicycle racks)?                                 | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

### Significance Criteria

Impacts on transportation/traffic will be considered significant if any of the following criteria apply:

Peak period levels on major arterials are disrupted to a point where level of service (LOS) is reduced to D, E or F for more than one month.

An intersection's volume to capacity ratio increase by 0.02 (two percent) or more when the LOS is already D, E or F.

A major roadway is closed to all through traffic, and no alternate route is available.

There is an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system.

The demand for parking facilities is substantially increased.

Water borne, rail car or air traffic is substantially altered.

Traffic hazards to motor vehicles, bicyclists or pedestrians are substantially increased.

The need for more than 350 employees

An increase in heavy-duty transport truck traffic to and/or from the facility by more than 350 truck round trips per day

Increase customer traffic by more than 700 visits per day.

## **Discussion**

XVII. a), b), f): As noted in the “Discussion” sections of other environmental topics compliance with PAR 1401 and impact to facilities subject to Rule 1402 is not expected to require major construction to use reformulated coatings or install new equipment, either to the equipment or at the site, e.g., site preparation, construction, etc. If replacing equipment, delivery of new equipment and transport for workers to install the new equipment would result in four additional vehicle trips on the road. The construction, however, is expected to be minor and temporary, occurring in one day. Four additional vehicle trips on a given day is not expected to generate significant increase in traffic. Continuing operation at affected facilities will add no new trips because no new employees are expected to be required.

XVII. c): Air traffic patterns are not expected to be directly or indirectly affected by the proposed project because the operation of the risk reduction measures (e.g., using reformulated coatings, operating replaced equipment, etc.) do not involve new additional transport of products beyond what is currently transported by air nor will operation at existing facilities interfere with air traffic. All applicable local, state and federal requirements would continue to be complied with so no increase in any safety risks is expected.

XVII. d), e): PAR 1401 and impact to facilities subject to Rule 1402 does not have direct or indirect impacts on specific construction design features because the proposed project does not require or induce the construction of any roadways or other transportation design features. In addition, the proposed project affects existing facilities so will not result in inadequate emergency access beyond what already currently exists.

XVII. g): Affected facilities would still be expected to comply with, and not interfere with adopted policies, plans, or programs supporting alternative transportation. The proposed project will reduce cancer risk from ethyl benzene and has no provision that will hinder compliance with any applicable alternative transportation plans or policies.

Based on the above considerations, significant adverse impacts to transportation/circulation are not expected from PAR 1401 and impact assessment for facilities subject to Rule 1402. Since there are no significant adverse impacts, no mitigation measures are required.

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	<b>Potentially Significant Impact</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.</b>			
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion**

XVIII. a): As discussed in items I through XVII above, PAR 1401 and impact to facilities subject to Rule 1402 has no potential to cause significant adverse environmental effects because the potential impacts from implementing risk reductions measures at affected facilities are less than significant. Therefore, the proposed project is not expected to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal. Similarly, the proposed project includes no provision that would eliminate important examples of the major periods of California history or prehistory or otherwise degrade cultural resources.

XVIII.b) Based on the foregoing analyses, since PAR 1401 and impact to facilities subject to Rule 1402 will not result in project-specific significant environmental impacts, the proposed project is not expected to cause cumulative impacts in conjunction with other projects that may occur concurrently with or subsequent to the proposed project. Furthermore, the proposed project impacts will not be "cumulatively considerable" because the incremental impacts are not considerable when viewed in connection with the effects of past, current, or probable future projects.

XVIII.c) Based on the foregoing analyses, PAR 1401 and impact assessment for facilities subject to Rule 1402 is not expected to cause significant adverse effects on human beings, either directly, or indirectly.



## **APPENDIX A**

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### **PROPOSED AMENDED RULE 1401**

In order to save space and avoid repetition, please refer to the latest version of the PAR 1401 located elsewhere in the final rule package. The PAR 1401a version (dated March 11, 2009) of the proposed amended rule circulated with the Draft EA released on March 27, 2009 for a 30-day public review and comment period ending April 28, 2009 has not been updated.

Original hard copies of the Draft EA, which include version PAR 1401a (dated March 11, 2009) of the proposed amended rule circulated with the Draft EA, can be obtained through the SCAQMD Public Information Center at the Diamond Bar headquarters or by calling (909) 396-2039.



