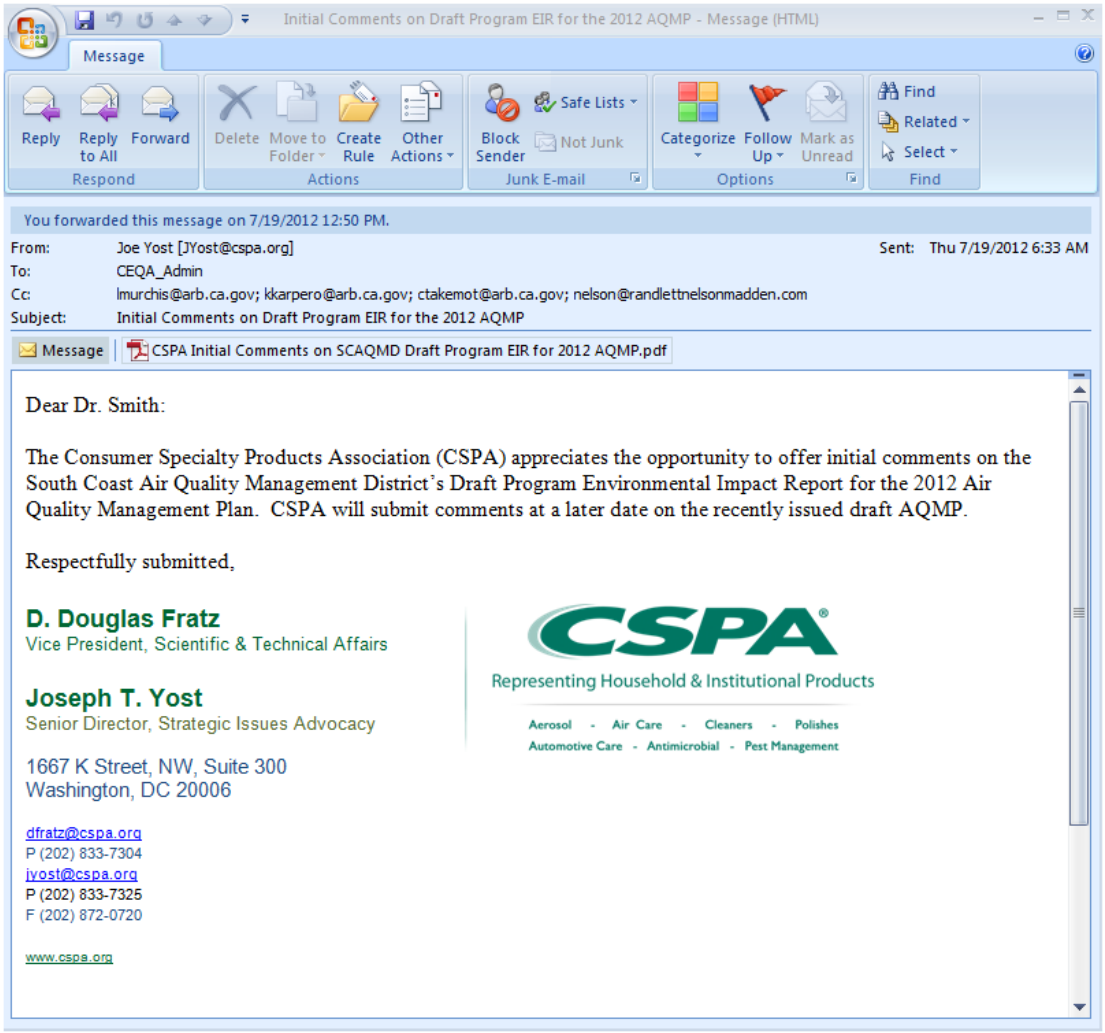

Initial Comments on Draft Program EIR for the 2012 AQMP - Message (HTML)

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From: Joe Yost [JYost@cspa.org]
Sent: Thu 7/19/2012 6:33 AM
To: CEQA_Admin
Cc: lmurchis@arb.ca.gov; kkarpero@arb.ca.gov; ctakemot@arb.ca.gov; nelson@randlettnelsonmadden.com
Subject: Initial Comments on Draft Program EIR for the 2012 AQMP

Message | CSPA Initial Comments on SCAQMD Draft Program EIR for 2012 AQMP.pdf

Dear Dr. Smith:

1-1 The Consumer Specialty Products Association (CSPA) appreciates the opportunity to offer initial comments on the South Coast Air Quality Management District's Draft Program Environmental Impact Report for the 2012 Air Quality Management Plan. CSPA will submit comments at a later date on the recently issued draft AQMP.

Respectfully submitted,

D. Douglas Fratz
Vice President, Scientific & Technical Affairs

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Senior Director, Strategic Issues Advocacy

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July 19, 2012 *via* e-mail

Steve Smith, Ph.D.
Program Supervisor
Planning, Rules, and Area Sources
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765-4182
ceqa_admin@aqmd.gov

Subject: Initial Study for the Draft Program Environmental Impact Report for: 2012 Air Quality Management Plan (AQMP)

Dear Dr. Smith:

1-2 The Consumer Specialty Products Association (CSPA)[1] appreciates the opportunity to offer initial comments on the South Coast Air Quality Management District's ("South Coast's" or "AQMD's") Draft Program Environmental Impact Report (Program EIR) for the 2012 Air Quality Management Plan (AQMP), which was issued for comment on June 28, 2012.[2] In these initial comments, CSPA will focus on the draft Program EIR, and related available documents, and the Stationary Source Control Measures for Coatings and Solvents numbered CTS-1, CTS-02, CTS-03, and CTS-04.[3]

1-3 CSPA strongly objects to the inclusion of these measures in the AQMP, and urges that the measures not be included in the final 2012 AQMP. We will submit comments at a later date on the draft AQMP and its other components (these documents were issued to the public on July 17, 2012).[4]

1-4 CSPA and the consumer products industry has worked cooperatively with the California Air Resources Board (ARB) for nearly 25 years to develop numerous regulations controlling the emissions of volatile organic compounds (VOCs) from the use of our products. These regulations to date have obtained more than 50% reductions in VOC emissions from our

[1] CSPA is a voluntary, non-profit national trade association representing approximately 240 companies engaged in the manufacture, formulation, distribution, and sale of products for household, institutional, commercial and industrial use. CSPA member companies' wide range of products includes home, lawn and garden pesticides, antimicrobial products, air care products, automotive specialty products, detergents and cleaning products, polishes and floor maintenance products, and various types of aerosol products. Through its product stewardship program Product Care®, and scientific and business-to-business endeavors, CSPA provides its members a platform to effectively address issues regarding the health, safety, sustainability and environmental impacts of their products.

[2] The Initial Study for Draft Program Environmental Impact Report for 2012 Air Quality Management Plan is posted at: http://www.aqmd.gov/ceqa/documents/2012/aqmd/NOP-IS/2012_AQMP_NOP_IS.pdf.

[3] Draft Program EIR at p. I - 11.

[4] The 2012 AQMP and related documents are posted on the South Coast website at: http://www.aqmd.gov/aqmp/2012aqmp/.

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products while maintaining the ability of our products to provide the significant environmental, public health and safety benefits that consumers require and expect. We believe that this is a very significant accomplishment for both our industry and the ARB, and continue in our commitment to assure that consumer products provide maximum benefits and minimal impacts in California and elsewhere.

1-4 Cont.

However, CSPA is extremely concerned to see that South Coast is proposing to include further reductions in VOCs from consumer products in this AQMP that are neither necessary nor cost effective, as well as being technologically and commercially infeasible. There are significant scientific data showing that further VOC reductions for consumer products are not effective or necessary for ozone attainment in the South Coast Air Basin. It is especially unwarranted to include CTS-4 which targets Low Vapor Pressure compounds (LVPs), since scientific studies clearly show that the small percentage of these compounds that are even capable of being in the vapor phase have very limited atmospheric availability and primarily have other environmental fates that do not involve tropospheric photochemistry.

The four control measures potentially impacting consumer products are listed in Table 1-2 under Coatings and Solvents as follows:

- CTS-01 Further VOC Reductions from Architectural Coatings (R1113) [VOC]
- CTS-02 Further Emission Reduction from Miscellaneous Coatings, Adhesives, Solvents and Lubricants [VOC]
- CTS-03 Further VOC Reductions from Mold Release Products [VOC]
- CTS-04 Further VOC Reductions from Consumer Products [VOC]

In the following sections, we will describe the scientific, legal and policy reasons why these four VOC reduction measures cannot and should not be included in the AQMP or the California State Implementation Plan (SIP).

I. The Four CTS Measures Being Proposed Are Neither Effective Nor Necessary for Ozone Attainment.

CSPA strongly believes that the scientific and technical evidence clearly demonstrates that none of the four Coatings and Solvents control measures would be effective in reducing ozone formation and attaining ozone air quality standards.

1-5

A. The AQMD's Initial Attainment Modeling for the AQMP Clearly Shows that the South Coast Air Basin is NOx-Limited and Insensitive to Additional VOC Reductions.

At the June 14th meetings of the South Coast AQMP Advisory Group and Scientific, Technical & Modeling Peer Review Advisory Group, Joe Cassmassi provided updates on preliminary air quality modeling for the AQMP.[5] These updates included numerous ozone isopleth graphs showing the combinations of nitrogen oxides (NOx) and VOC reductions needed to attain a

[5] South Coast Scientific, Technical & Modeling Peer Review Advisory Group Meeting #8 for 2012 AQMP (June 14, 2012). *See* Agenda Item #3 "Update on Technical Analysis and 2008 Ozone Modeling Performance/Carrying Capacity" by Joe Cassmassi, and Sang Mi Lee. The document is posted on South Coast's website at: http://www.aqmd.gov/gb_comit/stmpradvgrp/2012AQMP/meetings/2012/jun14/Item3.pdf

given ozone standard overall and in various locations in the South Coast air basin. In every sector, the isopleths for attaining a 75 ppb ozone standard were "flatlined" and showed essentially the same NOx reduction being needed for attainment no matter what reductions were made in VOCs. The isopleths were especially consistent at VOC reduction levels between 0% and 50%. For lower ozone isopleths, the "flatline" extends all the way to 100% VOC reduction; in other words, no amount of VOC reductions will have any impact on ozone levels.

1-5 Cont.

These modeling runs provide clear scientific evidence that the South Coast Air Basin is now largely NOx-limited, and is moving toward more completely NOx-limited conditions as NOx reductions allow lower and lower ozone levels to be attained. VOC reductions are therefore not an effective tool in seeking ozone attainment in the region.

We urge South Coast to include sensitivity modeling runs for all of the control measures (or groups thereof) proposed for inclusion in the AQMP. CSPA strongly believes that such runs will clearly demonstrate that many, if not all, of the VOC reduction strategies being proposed are ineffective and unnecessary.

B. Air Modeling from 2007 Also Clearly Show that Further Reductions in Consumer Products Are Not Needed.

Subsequent to the 1994 California SIP revision, CSPA and other consumer product industry associations conducted a study to assess the sensitivity of ozone in the South Coast and Sacramento Air Basins to consumer product VOC emissions. Our 1997 attainment remodeling study was conducted under 2010 attainment conditions that remained sensitive to overall VOC emissions. Therefore, the results of that 1997 study demonstrated that even under VOC-limited conditions where ozone formation was sensitive to overall VOC levels, ozone formation was *not* sensitive to consumer product VOC emissions.

1-6

The attainment demonstration modeling for the 2007 SIP and South Coast AQMP, on the other hand, was under atmospheric conditions that were far more NOx-limited, and far less sensitive to overall VOC emissions. We therefore had reason to expect that consumer product VOC emissions should have even less relative impact on ozone attainment in this 2023 attainment scenario than in our earlier study. To determine whether this was indeed the case, CSPA contracted in 2007 with Sierra Research and Environ to conduct a remodeling study, co-funded by CSPA and eight other national consumer product industry associations, to determine the ozone sensitivity of consumer product VOC emissions in the South Coast Air Basin in 2023, and determine what level of emission reductions might actually be necessary. The remodeling study was completed after the adoption of the 2007 AQMP, but prior to the adoption of the 2007 California SIP. The final report from the study, "Assessment of the Need for Long-Term Reduction in Consumer Product Emissions in the South Coast Air Basin"[6] was submitted as part of the record for the 2007 SIP.

The results of the 2007 Sierra Research study clearly demonstrated that ozone attainment status in the South Coast Air Basin would not be impacted in 2023 if no further reductions in consumer product VOC emissions are made after 2014. The data show that the 50 tons per day of additional statewide consumer products VOC emissions reductions suggested in the South Coast

[6] Sierra Research Repot No. SR2007-09-03, September 12, 2007.

AQMP would have no impact on ozone attainment anywhere in the South Coast Air Basin. These VOC emission reductions would likely cost the consumer products industry more than $1 billion just to determine their feasibility, despite not being necessary for ozone attainment. Clearly those control measures were neither effective nor cost-effective. Socio Econ

1-6 Cont.

CSPA continues to believe that the results of these types of source-sensitivity studies provide important information to support the development of effective ozone attainment strategies. It is important that the control measures in the SIP be focused primarily on those emissions sources that play a significant role in ozone non-attainment in the South Coast and other non-attainment districts.

C. The Vision for Clear Air Modeling Provides Further Evidence that NOx Reduction Is the Key to Clean Air in California.

1-7

Concurrent with the development of the proposed 2012 AQMP, South Coast has been working with the ARB and the San Joaquin Valley Unified Air Pollution Control District (San Joaquin Valley) on a long-term plan for air quality and climate management entitled, "Vision for Clean Air: a Framework for Air Quality and Climate Planning." A public review draft of that plan was released last month.[7] This longer-term plan, extending to 2050 and beyond, uses a fundamentally different modeling tool based on the Argonne National Laboratory Vision 2011 Model, but clearly comes to the same conclusion: NOx reductions are key to California's Clean Air future for both the South Coast and San Joaquin Valley Air Basins. VOCs are not even mentioned in the 40-page document, and the only mention of "reactive organic gases" is to confirm that the modeling tool used is able to forecast both ROGs and NOx. In contrast, the term "NOx" is mentioned a total of 72 times and the document includes extensive discussions about the reduction levels needed to achieve attainment with applicable state and federal ozone standards.[8]

1-8

It is also important to note that the new transportation, fuel and energy sector technologies that the Vision for Clean Air projects as necessary for clean air and climate change mitigation would also result in significant reductions in VOCs as well as NOx from those sources. In general, these sources of VOCs have much higher photochemical reactivity than emissions from consumer products, and therefore will provide more than adequate VOC reductions as a side benefit to the NOx reductions needed for ozone and particulate matter standards attainment. These factors provide more evidence that further VOC reductions from consumer products are not necessary or cost-effective, and should not be included in the 2012 AQMP.

D. Scientific Studies and Analyses Clearly Show that LVPs Have Minimal Impacts on VOC Emissions and Ozone Formation.

1-9

The draft Program EIR description of CTS-04 states that, "Recent testing has shown that low vapor pressure (LVP) solvents readily evaporate and are available to contribute to ozone

[7] "Vision for Clean Air: a Framework for Air Quality and Climate Planning," Public Review Draft (June 27, 2012). (Hereinafter referred to as "the Vision for Clean Air.") The full text of the document is posted on the ARB's website at: http://www.arb.ca.gov/planning/vision/docs/Vision_for_Clean_Air_Public_Review_Draft.pdf.

[8] The 53-page appendix to Visions for Clean Air has only one mention of VOCs in relation to diesel engine after-treatment systems, on page 31. The text of this document is posted on the ARB website at: http://www.arb.ca.gov/planning/vision/docs/Vision_for_Clean_Air_Appendix_Public_Review_Draft.pdf.

formation."[9] No further information is cited regarding what "recent testing" has occurred, but we believe that there has been substantial research over the past two decades to show that neither of these allegations is true.

LVP compounds are defined in the ARB Consumer Products Regulation as organic materials with vapor pressures less than 0.1 mm Hg at 20 degrees C.[10] These materials range in volatility (ability to enter the vapor phase) from totally non-volatile (incapable of being in the vapor phase at ambient temperatures and pressures) to semi-volatile (capable of temporary existence in the vapor phase at ambient temperatures and pressures).[11] This does not mean, however, that even the most volatile LVPs should be considered to "readily evaporate" and certainly does not mean that they "are available to contribute to ozone formation." Indeed, they are quite resistant to spending significant time in the vapor phase, and can be shown to have very limited availability to be involved in the photochemistry of stratospheric ozone formation.

1-9 Cont.

CSPA and other government and academic partners first began to investigate the environmental fate and atmospheric availability of low volatility organics in 1999 within the Reactivity Research Working Group (RRWG) effort that was soon to be brought under the aegis of NARSTO.[12] The goal of the work was to see if reactivity scales (such as the Maximum Incremental Reactivity scale) and air quality modeling (such as the Urban Airshed Model) could be made to consider the limited vapor-phase availability and alternative environmental fates of organic materials that attenuate their ability to participate in the photochemical reactions that lead to ozone formation. Both the smog chambers where incremental reactivity is assessed, and the computer models used for ozone attainment planning, fail to consider the partitioning of materials between environmental compartments (air, water, soil, vegetation, sediment, etc.) and the various removal mechanisms for materials from the vapor phase (wet deposition, dry deposition, diffusion/adsorption, dissolution, etc.).

The early RRWG efforts culminated in a June 2000 Workshop on Combining Environmental Fate and Air Quality Modeling[13] at the U.S. Environmental Protection Agency (EPA) in Research Triangle Park, NC, which focused on using fugacity modeling (also known as intermedia transport modeling) such as that recently developed by Dr. Mackay to determine the fate and availability of organic emissions. The work by various scientists demonstrated that standard smog chamber and computer modeling overestimated the ozone formation potential of many organic gases, especially those of low volatility or other factors showing high affinity for removal from the vapor phase.

As an example of that early work, fugacity modeling for 2-butoxyethanol (a water-soluble VOC solvent with vapor pressure between 0.1 mm and 1.0 mm, and therefore of low volatility but not

[9] Draft Program EIR at p. I – 15.

[10] 17 CCR § 94508(a)(98).

[11] At higher temperatures and/or lower pressures, of course, the ability of a given material to remain in the vapor phase increases. Ambient temperatures and pressures, however, are in a relatively very narrow range.

[12] RRWG participants included scientists from the U.S. Environmental Protection Agency, California Air Resources Board, various other state agencies, numerous academics from California and other major universities, and industry scientists from CSPA, the American Chemistry Council, and many other associations. RRWG was active from the late-1990s through the mid-2000s.

[13] A Final Proceedings to the Workshop was released in January, 2001.

an LVP) demonstrated that even for air emissions, only 30% remained in the ambient air long enough to participate in photochemistry; most was removed to other media (water and soil where it was readily biodegraded). If emitted to water not air, virtually none reached ambient air. For a highly volatile organic such as acetone, 96% stayed in ambient air. For the LVP compounds, the range was between 9% and 0% in these initial studies. It was indeed found that if availability were considered along with reactivity, LVPs and some of the lower-volatility VOCs have lower ozone formation potential than acetone, which is VOC exempted as negligibly reactive.

1-9 Cont.

Continued efforts on fate and availability resulted in a 2004 study designed by various RRWG participants and funded by one participant, entitled "Integration of Air Quality and Environmental Multimedia Modeling Task 3.2" by SENES Consultants Limited (Richmond Hill, Ontario, Canada). The 96-page report on this significant study concludes that multimedia dispersion modeling could be used to estimate actual concentrations of emissions in ambient air, which is not done in current air quality modeling.

More recent discussions occurred a few years ago in the newer Reactivity Implementation Working Group (RIWG) have sought to continue work to provide easier mechanisms to take into account the vast differences in relative ozone impacts between various emissions in terms of photochemical reactivity, alternative environmental fates, atmospheric availability and other factors. While further work is needed in this area, it would clearly be unproductive to target LVP compounds for reductions in this AQMP when the use of those compounds serves to lower ozone impacts significantly when compared to high reactivity, high volatility, and high-atmospheric-availability alternatives.

1-10

Under applicable California law, the state implementation plan for the air basin "…shall only include those provisions necessary to meet the requirements of the [federal] Clean Air Act (42 U.S.C. Sec. 7401 et seq.)."[14] For reasons stated above, it is clear that Control Measure CTS-04, which is aimed at requiring ARB to remove the LVP exemption from the Consumer Products Regulation, is not necessary, and is indeed counterproductive for ozone attainment. Therefore, Control Measure CTS-04 must not be included in the final 2012 AQMP.

II. Summary and Conclusions

1-11

CSPA appreciates the opportunity to comment on the Initial Study for the Draft Program Environmental Impact Report for: 2012 Air Quality Management Plan (AQMP). We support South Coast's goal to provide healthy air quality in California. However, the consumer product measures in this proposed AQMP that commit to further reductions of VOC emissions for consumer products are neither necessary nor feasible, and would harm the consumers and businesses in the state who rely on our products to help provide a clean and healthy environment in which to live and work.

1-12

In these comments, we have shown that further VOC reductions from consumer products or other low-reactivity sources are not needed for ozone attainment. In addition, we have shown that reducing LVP materials in consumer products would have little or no impact in VOC emissions and ozone formation. The control measures impacting consumer products noted in the

[14] Cal. Health & Safety Code § 40460(d).

1-12 Cont.

draft EIR to the 2012 AQMP are not feasible, necessary or cost-effective, and should not be considered for inclusion in the final 2012 AQMP.

1-13

CSPA and the consumer products industry take seriously the environmental health and safety benefits of its products, and continuously seek to improve them. Thus, the consumer specialty products industry worked constructively and cooperatively with ARB staff for nearly 25 years to lower VOC content in consumer products in California. We plan to continue to work in a cooperative manner to improve air quality in California while maintaining our industry's ability to supply effective products that consumers can rely upon to contribute positively to their health, safety, and quality of life.

If you have any questions, please contact us at (202) 872-8110.

Respectfully submitted,

D. Douglas Fratz
Vice President, Scientific & Technical Affairs

Joseph T. Yost
Senior Director, Strategic Issues Advocacy

cc: Linda C. Murchison, Ph.D., Air Resources Board
Kurt Karperos, P.E., Air Resources Board
Carla D. Takemoto, Air Resources Board
CSPA Air Quality Special Committee and Task Forces
Laurie E. Nelson, Randlett Nelson Madden Associates

Responses to Comment Letter #1
Consumer Specialty Products Association (CSPA) – Joe Yost (7/19/12)

1-1 This comment notifies the SCAQMD that a comment letter is attached. No further response is necessary.

1-2 This comment notifies the SCAQMD that the comments contained in the letter pertain to the Initial Study for the Draft Program EIR for the 2012 AQMP. No further response is necessary.

1-3 This comment is a general comment opposing including control measure CTS-04 in the 2012. Given the proximity of the attainment dates with respect to both the federal PM 2.5 and 8-hour ozone standards, the inclusion of CTS-01, CTS-02, CTS-03 and CTS-04 in the 2012 AQMP represent a modest but very important commitment to ensure continuity in achieving reductions on all PM 2.5 precursors and the region's efforts towards achieving the 8-hour ozone standard, by minimizing ozone exposure and especially during the interim years, until a more comprehensive 8-hour ozone attainment strategy is developed. See also Response to comment 1-4 for a comprehensive response to this.

1-4 SCAQMD staff appreciate the efforts and partnership with CARB to date to reduce VOC emissions by 50 percent; however, SCAQMD staff is concerned that reformulation of products by substituting low vapor pressure volatile organic compounds (LVP-VOC) for other solvents considered to be VOCs may not achieve the ozone reduction benefits anticipated by the Consumer Products Regulation (CPR), considering the increasing use of LVP-VOCs used in formulations to comply with the CPR, as well as their relative evaporation under ambient conditions and Maximum Increment Reactivity (MIR) values that are much higher than ethane's MIR value.

SCAQMD staff research indicates that estimated cost effectiveness of the proposed control measures are within the range of acceptability for previously adopted SCAQMD VOC rules.Please note that the estimated cost effectiveness figures are conservative estimates and likely overstate the actual costs as the California Department of General Services' "Green Building Initiative" concludes that, "Environmentally preferred cleaners are generally competitively. This includes the purchase price of the product, the cost of meeting regulations for worker safety and environmental rules, and the costs of disposal for leftover product." As an example, the City of Santa Monica reported spending five percent less on its cleaning products costs when it switched from conventional cleaners to less toxic brands a decade ago.[1]

CTS-01 and CTS-03 do not impact Consumer Products. Portions of CTS-02 (e.g., Adhesives and Sealants and Metalworking Fluids/Lubricants) may impact some products also regulated under the CPR to the extent they are utilized in a manufacturing or commercial setting?

[1] U.S. Environmental Protection Agency, Environmentally Preferable Purchasing Program, *The City of Santa Monica's Environmental Purchasing: A Case Study,* EPA742-R-98-001, March 1998; www.epa.gov/epp/pubs/case/santa.pdf.

CTS-02 is aimed at investigating and implementing as appropriate all feasible measures, which include control measure implemented by other air pollution control agencies, including state air pollution control districts and federal control techniques guidelines. Adoption and implementation by other agencies indicates that such measures have been evaluated for technological feasibility and cost-effectiveness, and the SCAQMD is obligated to investigate the applicability to the region. Further, this proposed control measure focuses on technological advancements in low-VOC products that are covered by a gamut of coatings and solvents rules, adhesives/sealants, as well as metalworking fluids/lubricant rules.

CTS-03 is aimed at investigating and implementing as appropriate lower VOC Mold Release Product alternatives. This control measure focuses on stationary sources that utilize mold release agents during manufacturing and some area sources.

CTS-04 represents potentially one of the largest VOC emission source categories. VOC emissions from consumer products are projected in 2020 to be the largest source of emissions in the district exceeding light duty passenger vehicles and dwarfing emissions from stationary sources such as coatings and petroleum marketing. As such, it is incumbent on the SCAQMD to investigate all areas for potential emission reductions, including evaluation of any existing regulatory exemptions or exclusions. {We could include the Top Ten Emitting Categories in the South Coast Air Basin In 2010 and 2020 from the CARB CPR staff report to illustrate}

Current emissions inventory and photochemical air quality models include speciation profiles that account for total organic gases (TOGs), including reactive compounds, unreactive and exempt compounds, as well as LVP-VOC compounds. Model results for ozone non-attainment areas have demonstrated that even compounds with low photochemical reactivity or LVP-VOCs contribute to photochemical ozone formation and not including these would compromise the ozone attainment demonstrations. Further, these models do not include "Atmospheric Availability" or "Environmental Fate" concepts. SCAQMD staff will continue to work with U.S. EPA and CARB staff on updating the ozone models, especially as additional peer-reviewed fugacity studies justify incorporation into these predictive models.

Because substitution of traditional VOC containing materials indicates an increased use of LVP-VOCs, a review of the specific and extent of LVP-VOCs utilized and the associated applications is required to ensure that VOC emission reductions and ozone reduction benefits are maintained as originally intended. Following an internal study that indicates that some LVP-VOCs can evaporate nearly as rapidly as other VOC materials, SCAQMD staff believes that additional review of specific materials and applications and the associated LVP-VOC qualification criteria may help identify air quality improvement opportunities.

The proposed control measure is intended to study the air quality improvement potential for replacing LVP-VOC containing compositions with alternative low VOC formulations. The SCAQMD, through the implementation of the Clean Air Cleaners Program and Rule 1143 – Consumer Paint Thinners and Multi-Purpose Solvents, has identified alternative low-VOC, cost-effective technologies that are currently commercially available and used that do not rely upon the LVP-VOC exemption. The proposed control measure may

involve eliminating or amending the CARB LVP-VOC criteria based on scientific data, which may include MIR and similar photochemical reactivity parameters. Consultation with external stakeholders including technical experts as well as manufacturers, end users and other concerned interests is expected during the rule development process to ensure overall efforts are feasible, productive and cost-effective.

1-5 The overall control strategy for the 2012 AQMP is designed to meet applicable federal and state requirements. While the 2012 AQMP focuses on PM reductions to attain the federal 24-hour PM2.5 standard by 2014, the Plan also includes ozone reduction strategies to make expeditious progress in attaining the state one-hour and eight-hour standards and the federal eight-hour ozone standards. Although the ozone strategy focuses primarily on NOx reductions, VOC emission reductions are also needed to reduce ozone exposure, especially in the western portions of the Basin. As shown in the NOx/VOC isopleths in Appendix V of the Draft 2012 AQMP, VOC reductions help to achieve attainment of the ozone standards at all the air quality monitoring stations. As such, a nominal amount of VOC reductions are proposed in the Draft Plan. The proposed VOC control measures in the Draft 2012 AQMP are based on implementing all feasible control measures through the application of available technologies and management practices and to seek a fair share reduction from both mobile and stationary sources. As zero or near-zero technologies are implemented for mobile sources to reduce NOx emissions, concurrent VOC reductions are expected, contributing to their fair share of reductions.

1-6 The Draft 2012 mobile source emissions inventory reflects the changes from CARB's 2010 rulemaking, which have resulted in a different baseline VOC/NOx ratio. The resulting precursor mix has increased ozone forming potential, particularly near source areas. As briefly discussed in the response to comment 1-5, the Draft 2012 baseline emissions inventory indicates that the Basin VOC/NOx ratio will increase steadily with time. Given the non-linearity of ozone formation, localized ozone concentrations will increase regionally before sharply decreasing as NOx emissions are reduced. As stated in the comment, for projected future concentrations near the 2006 federal eight-hour ozone standard, the reduction of ozone is mainly driven by NOx controls. However, the cross-over between ozone formation and loss is dependent upon both the magnitude of the ozone observed concentration and location along the transport path dependent. While the implementation of NOx controls needed to attain the eight-hour standard are projected to begin in the early 2020's, additional VOC short-term controls implemented prior to 2020 will help lower ozone concentrations in and downwind of the metropolitan emissions source areas such as the San Gabriel Valley.

1-7 While the commenter correctly identifies NOx reductions as the focus of the Vision document it is important to note that the proposed strategy discussed in the Vision document is targeting levels of ozone at and beyond the new federal eight-hour ozone standard attainment level of 75 ppb. As stated in the response to comments 1-5 and 1-6 limited VOC reductions will be beneficial to the reduction of ozone in the western portion of the Basin in the interim years before the full impact of the NOx "heavy" strategy becomes effective.

1-8 The SCAQMD recognizes and accounts for the so-called side benefit of VOC reductions associated with enacting control measures that primarily focused on other pollutants such

as NOx. However, the 2012 AQMP takes into account reductions in all areas and from all measures and does not overweight VOC reductions from targeted VOC control measures. The AQMP analysis concludes that the collective VOC reductions from all measures are necessary in the SCAQMD's efforts to attain and maintain air quality standards. See also response to Comment #1-4.

1-9 The quoted text is a summary of the background description which states that "…Further testing indicated that many of the LVP-VOC solvent evaporate nearly as quickly as the traditional solvents they were meant to replace and have Maximum Incremental Reactivity (MIR) values well above the threshold considered to be non-reactive, currently based on ethane." The statement in the Proposed Method of Control section of the control measure has been updated to indicate that not all qualifying LVP-VOC solvents readily evaporate and are available to contribute to ozone formation. The testing is a result of an internal study over a six month period culminating in the presentation entitled "Non-Volatile, Semi-Volatile, or Volatile: Redefining Volatile for Volatile Organic Compounds" provided by SCAQMD staff at the 2012 Air and Waste Management Association conference earlier this year. While the study found widely used LVP-VOC solvents to evaporate in timeframes similar to traditional VOC solvents, it also notes that some LVP-VOC solvents do not readily volatilize in ambient conditions. In the near future, SCAQMD staff plans to publish a more detailed technical paper summarizing the evaporation study.

The SCAQMD's experience with Rule 1143 – Consumer Paint Thinners and Multi-Purpose Solvents has demonstrated that LVP-VOC solvents are not needed to meet lower VOC thresholds in the consumer products arena—in the case of Rule 1143, 25 grams per liter VOC. Under Rule 1143, compliant products that use soy, aqueous, and exempt solvents are already available and in use today. Furthermore, CARB does not list any specific LVP-VOCs that can be used for reformulation of paint thinners, and the LVP-VOC exemption was not specifically added to address the paint thinners or multi-purpose solvent categories> However, the LVP-VOC exemption allows manufacturers to relabel their products asGeneral Purpose Degreasers and add up to 100% LVP-VOCs. Further, as a part of developing the Clean Air Cleaners Certification program, staff tested and determined that LVP-VOCs may add up to 50% on average VOCs in formulations of certain industrial and institutional cleaners. Of the 17 products tested, LVP-VOC solvents comprised more than two-thirds of the VOC contribution and five products had more than 80 percent LVP-VOC with the highest containing 98.8% LVP-VOC. Finally, as a result of AQMD's evaluation of semi-volatile materials, most notably the recent development of Rule 1144 – Metalworking Fluids and Direct-Contact Lubricants, it is clear that some of these LVP-VOC solvents do evaporate and therefore are available to react with oxides of nitrogen to form ozone.

The SCAQMD supports a reactivity-based approach to control ozone and in fact has committed staff to study the effects of a reactivity based approach by activity participating in the North American Research Strategy for Tropospheric Ozone (NARSTO) work related to reactivity. AQMD staff also participated in the Reactivity Industry Working Group to assess the toxicity, enforceability, fate and availability, and implementation committees

Current emissions inventory and photochemical air quality models include speciation profiles that account for total organic gases (TOGs), including reactive compounds, unreactive and exempt compounds, as well as LVP-VOC compounds. Model results for ozone non-attainment areas have demonstrated that even compounds with low photochemical reactivity or LVP-VOCs contribute to photochemical ozone formation and not including these would compromise the ozone attainment demonstrations. Further, these models do not include "Atmospheric Availability" or "Environmental Fate" concepts. SCAQMD staff will continue to work with USEPA and CARB staff on updating the ozone models, especially as additional peer-reviewed fugacity studies justify incorporation into these predictive models.

While the SCAQMD study indicates that some LVP solvents do not readily volatilize under tested conditions, the purpose of the proposed control measure is to focus on those specific LVP-VOCs that represent the highest potential contributor to ozone formation based on evaluated volatility, relative MIR value, and overall usage. Addressing CARB qualifying LVP-VOCs in this manner would ensure that only additional air quality improvement gains would be pursued rather than sacrificing any gains from substituting out of any previously used high reactivity, high volatility, and high-atmospheric-availability alternatives.

The SCAQMD looks forward to sharing and working with CSPA in the development of technically feasible and cost-effective strategies towards improving air quality. See also response to Comment # 1-4.

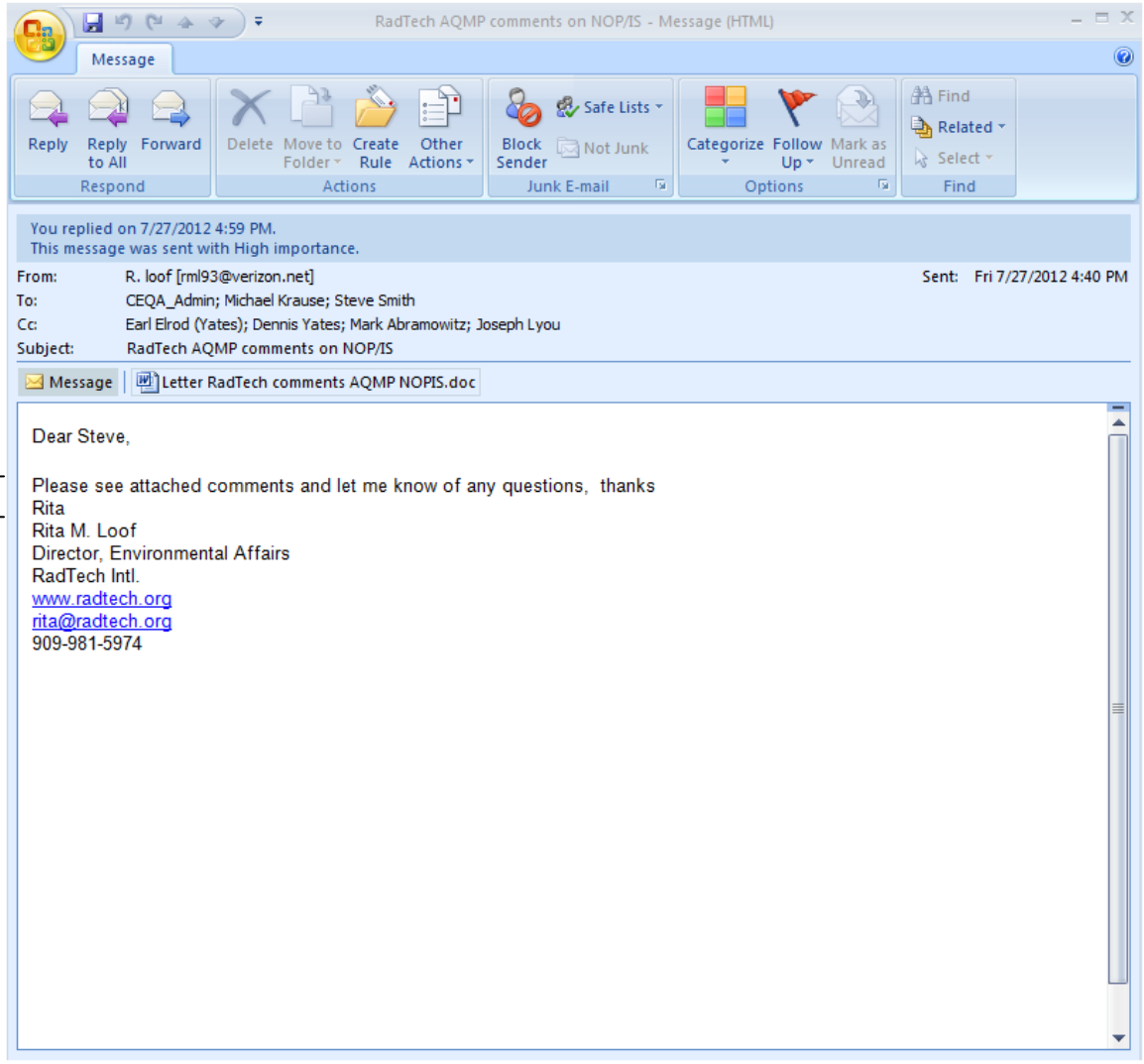
1-10 The comment correctly cites the Health and Safety Code provision stating that the SIP for the Basin shall "only include those measures necessary to meet the requirements of the [federal] Clean Air Act…" However, in order to attain either the (revoked) one-hour ozone standard or the 8-hour ozone standard, additional emission reductions of both VOC and NOx must be obtained. At present, the SIP relies on additional reductions of both VOC and NOx described in measures authorized under Section 182(e)(5), commonly called the "black box." Control Measure CTS-04 is intended to obtain additional emission reductions of VOC and reduce reliance on the "black box." SCAQMD staff disagrees with the conclusion that CTS-04 is not necessary.

1-11 Consumer products, despite the significant past emission reduction efforts, represent the largest source of VOC emissions in the South Coast Basin. As pointed out in the control measure, a significant fraction of the emission reductions from this sources category originate from the use of LVP products. Recent studies, however, set in question the efficiency of the LVP products in reducing ozone formation as was originally assumed during the adoption of these programs. While there are no emission reductions associated with this control measure, CTS-04 commits to evaluate the LVP issue and ensure that the emission reduction and ozone reduction benefits assumed in the already adopted consumer regulation do indeed occur. Further, experience with VOC-containing products and solvents used in industrial and commercial settings indicate that further reductions from this source category, without the use of LVPs, are feasible and cost effective. Moreover, VOC emissions remain as a precursor for both PM 2.5 and ozone. And, while the Draft 2012 AQMP, which includes the assumed ozone reduction benefit of the LVP products, identifies NOx reductions as one of the most effective precursor reduction to rely on for attainment of the 8-hour ozone standard, further reductions on VOC can be

helpful by reducing ozone exposure, especially during the interim years and in certain VOC-limited regions of the South Coast Basin. Further, reductions in VOCs would provide some insurance for the attainment efforts during the outer years and can certainly support the one-hour ozone attainment demonstration efforts. Therefore, for all the reasons stated above, staff believes the inclusion of CTS-04 in the 2012 AQMP is very important.

1-12 The comment states that further VOC reductions from consumer products or low-reactivity sources are not needed for ozone attainment. Additionally, the comment states that reducing LVP materials in consumer products would have little or no impact in VOC emissions and ozone formation. Therefore, control measures impacting consumer products noted in the Draft EIR to the 2012 AQMP are not feasible, necessary or cost-effective, and should not be considered for inclusion in the Final 2012 AQMP. The responses provided to Comments 1-4 through 1-9 address the continued need for VOC emission reductions and the significant role the use of consumer products has in the generation of VOC emissions and ozone formation. The Clean Air Choices Cleaner program has nearly 50 different products that do not rely upon LVP-VOC solvents to meet VOC limits. During research conducted to determine to establish the program, staff determined that more than 90 percent of the environmentally preferable cleaning products already on the market meet current standards without relying on the LVP-VOC exemption. These products are cost competitive with those that do contain LVP-VOC solvents. One of the providers of certified cleaners testified before the CA State Assembly in 2008 that the prices of its "green" cleaners are equivalent to its conventional cleaning chemicals. For consumer paint thinners and multi-purpose solvents, compliant alternatives not containing LVP-VOC solvents were less expensive than their 100% LVP-VOC containing counterparts until recently. In the last year, there has been a significant increase in acetone cost and a decrease in LVP-VOC containing consumer paint thinner and multi-purpose solvent cost. Despite the changes in cost, the cost-effectiveness is less than $2,300 per ton of VOC reduced – comparable to other adopted VOC regulations. Therefore a cost-effectiveness of less than $10,000 per ton is included in the control measure, considering that some consumer products categories such as consumer paint thinners and multi-purpose solvents may be formulated with more LVP solvents than other categories that may include a smaller portion.

1-13 This comment concludes the letter. No further response is necessary.


RadTech AQMP comments on NOP/IS - Message (HTML)
Message
Reply
Reply to All
Forward
Respond
Delete
Move to Folder
Create Rule
Other Actions
Actions
Block Sender
Safe Lists
Not Junk
Junk E-mail
Categorize
Follow Up
Mark as Unread
Options
Find
Related
Select
Find
You replied on 7/27/2012 4:59 PM.
This message was sent with High importance.
From: R. loof [rml93@verizon.net]
Sent: Fri 7/27/2012 4:40 PM
To: CEQA_Admin; Michael Krause; Steve Smith
Cc: Earl Elrod (Yates); Dennis Yates; Mark Abramowitz; Joseph Lyou
Subject: RadTech AQMP comments on NOP/IS
Message
Letter RadTech comments AQMP NOPIS.doc
Dear Steve,
Please see attached comments and let me know of any questions, thanks
Rita
Rita M. Loof
Director, Environmental Affairs
RadTech Intl.
www.radtech.org
rita@radtech.org
909-981-5974

2-1

RADTECH INTERNATIONAL NORTH AMERICA

July 27, 2012

Mr. Steve Smith Ph.D.
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, California 91765

Re: Public comments to Notice of Preparation of a Draft Environmental Impact Report for the 2012 Air Quality Management Plan

Dear Mr. Smith:

2-2 RadTech International is pleased to comment on the proposed Notice of Preparation and Initial Study for the 2012 AQMP. RadTech supports the district's efforts to improve air quality in the Basin without sacrificing a healthy business climate and believes that the implementation of UV/EB technology can help accomplish both goals.

As you know, I am also a member of the district's AQMP advisory committee and have been making comments during those meetings as well. I would like to encourage the district to consider UV/EB technology as one of the many alternatives to achieve clean air standards. The table below gives a picture of the categories where our technology can play a role. A notation is included to differentiate between areas where the technology is currently being used versus areas where the technology is under development but not necessarily commercially available.

2-3

Rule 1103	**Pharmaceuticals and Cosmetics Manufacturing Operations CURRENT UV MARKET** *(Amended March 12, 1999)*
Rule 1104	**Wood Flat Stock Coating Operations CURRENT UV MARKET** *(Amended August 13, 1999)*
Rule 1106	**Marine Coating Operations Some UV and developing applications for UV** *(Amended January 13, 1995)*
Rule 1106.1	**Pleasure Craft Coating Operations Some UV and developing applications for UV** *(Amended February 12, 1999)*
Rule 1107	**Coating of Metal Parts and Products Current production using UV and new developing applications for UV** *(Amended January 6, 2006)*
Rule 1113	**Architectural Coatings Small amount of field applied coatings. Suppliers looking at long term solutions.** *(Amended June 3, 2011)*

Rule 1115 **Motor Vehicle Assembly Line Coating Operations Proven and some low intensity UV. Future bright for UV**
(Amended May 12, 1995)

Rule 1124 **Aerospace Assembly and Component Manufacturing Operations Some UV and developing applications for UV**
(Amended September 21, 2001)

Rule 1125 **Metal Container, Closure, and Coil Coating Operations Many UV lines and proven technology for 2 piece and 3 piece production lines**

(Amended March 7, 2008)

Rule 1126 **Magnet Wire Coating Operations Currently UV**
(Amended January 13, 1995)

Rule 1128 **Paper, Fabric, and Film Coating Operations Currently UV**

(Amended March 8, 1996)

2-3 Cont.

Rule 1130 **Graphic Arts Currently UV**

(Amended October 8, 1999)

Rule 1130.1 **Screen Printing Operations Currently UV**
(Amended December 13, 1996)

Rule 1131 **Food Product Manufacturing and Processing Operations Some UV**
(Adopted June 6, 2003)

Rule 1132 **Further Control of VOC Emissions from High-Emitting Spray Booth Facilities UV depending on source category**
(Amended May 5, 2006)

Rule 1136 **Wood Products Coatings Currently UV**
(Amended June 14, 1996)

Rule 1142 **Marine Tank Vessel Operations No UV but some potential**
(Adopted July 19, 1991)

Rule 1145 **Plastic, Rubber, and Glass Coatings Currently UV**

(Amended December 4, 2009)

Rule 1151 **Motor Vehicle and Mobile Equipment Non-Assembly Line Coating Operations Potential UV**
(Amended December 2, 2005)

Rule 1164 **Semiconductor Manufacturing Currently UV**

(Amended January 13, 1995)

Rule 1168 **Adhesive and Sealant Applications** Currently UV
(Amended January 7, 2005)

2-3 Cont.

Rule 1169 **Hexavalent Chromium - Chrome Plating and Chromic Acid Anodizing**
(Repealed October 9, 1998) Some UV in the form of replacing the metal with a plastic coatings operation to resemble the look of chrome

We commend district staff for proposing incentive programs such as INC-01 and INC-02 that encourage voluntary emission reductions. Unfortunately the current proposal does not make these programs available to stationary sources of VOCs. We urge the district to extend the incentives program to VOC stationary sources.

2-4 We have seen voluntary conversions to UV/EB technology, even without regulatory drivers. Typical UV/EB materials have VOC contents of less than 50 grams per liter. In contrast, the typical VOC limits in district rules are in the neighborhood of 300 grams per liter. The sources that have voluntary converted and are achieving emission reductions above and beyond those required by district rules, get little if any, rewards for going the extra mile. Instead, we see incentive programs focusing on mobile sources while stationary sources are impacted by command and control approaches.

2-5 We appreciate your attention to these issues and look forward to a productive rulemaking effort.

Sincerely

Rita M. Loof
Director, Environmental Affairs

Responses to Comment Letter #2
RadTech International North America – Rita Loof (7/27/12)

2-1 The email informs the reader that the comments are included as an attachment and that the commenter is available to answer questions about the comment letter. No further response is necessary.

2-2 The comment states in the introductory paragraph of the letter that RadTech supports efforts to improve air quality and a healthy business climate and believes that ultraviolet (UV)/electron beam (EB) coating technology can assist with both goals. No further response is necessary.

2-3 The comment asks for UV/EB coating technology to be considered as one of the many alternatives to achieve clean air standards in SCAQMD rules including pharmaceutical and cosmetic, coating, adhesive and sealant, and chrome plating and chromic acid anodizing. SCAQMD staff appreciates work done by trade organizations to develop low emission technologies. SCAQMD is neutral on technologies as long as they comply with rule requirements.

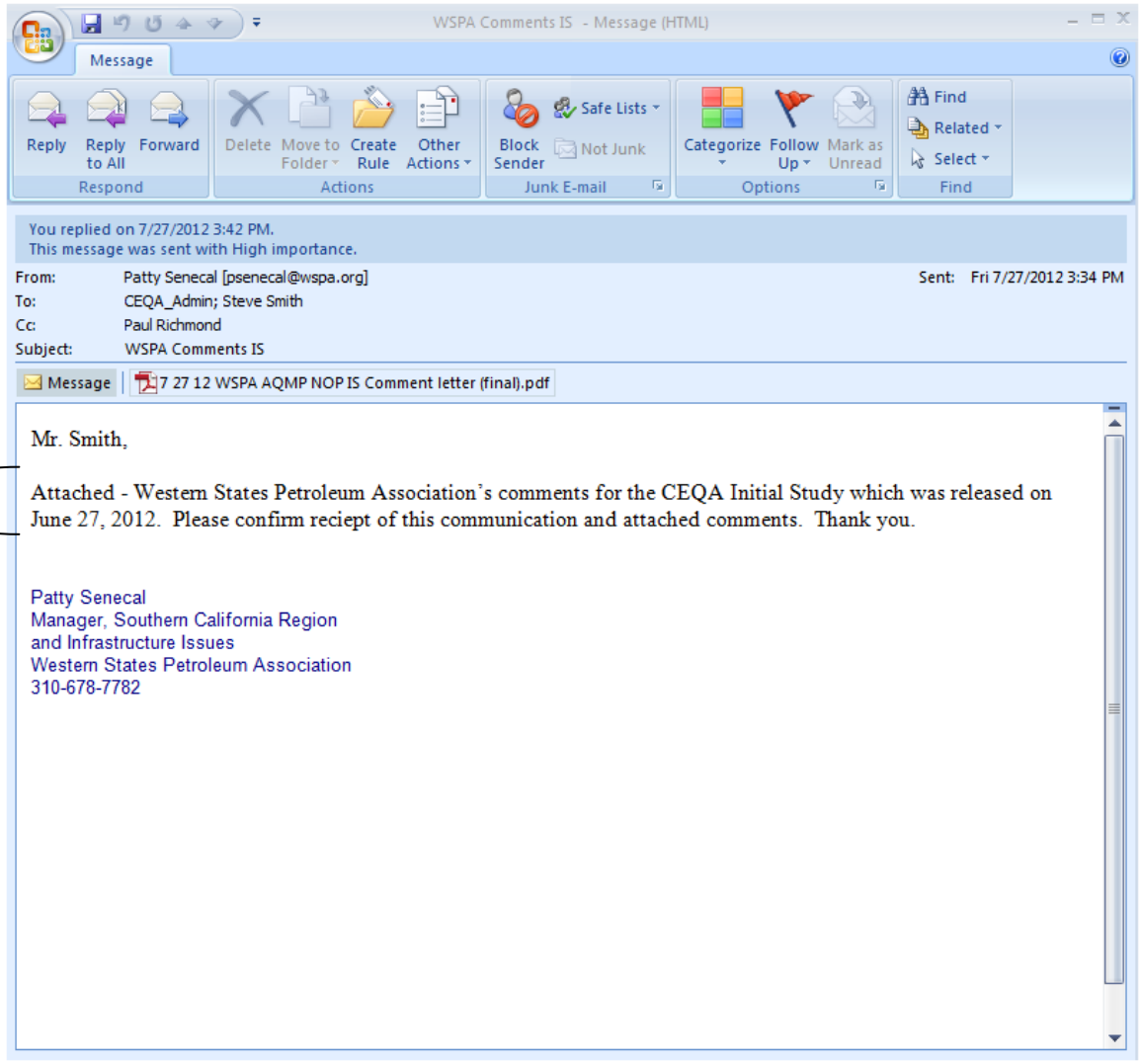
2-4 The comment states that incentive programs such as control measures INC-01 and INC-02 are not available to stationary sources of VOCs. The comment asks for the incentive programs to be extended to stationary sources of VOCs.

While the region has made great progress in reducing emissions from all sources of pollution, significant more reductions above and beyond to those that have already been achieved or anticipated to be achieved by 2023 are necessary in order for this region to meet the California and federal ambient air quality standards for PM 2.5 and ozone. To reach the percent pollutant reductions levels necessary for attainment, especially for NOx, the region needs to redouble its pollution reduction efforts and explore avenues that complement its current regulatory efforts and accelerate and catalyze emission reductions in the Basin.

The Carl Moyer program, providing funding to accelerate the fleet turnover of mobile sources, has been extremely successful in reducing emissions above and beyond what is expected from the regulatory program. The purpose of INC-01 is to create a Carl Moyer type program for stationary sources, to accelerate their turnover to newer, less polluting equipment and resulting in greater emission reductions than those anticipated by the current regulatory structure that relies on natural fleet turnover rates. The control measure focuses on NOx reductions because NOx happens to be the key precursor of PM 2.5 and ozone that needs to be reduced to levels that far exceed those needed for other precursors. INC-02, on the other hand, seeks to provide incentives for the manufacture of zero and near-zero technologies (stationary or mobile) in our region and, hence, help the region's pollution reduction efforts and its economy through the creation of local manufacturing jobs.

Please note that incentives for the use of ultra-low emission products by stationary sources already exist through "Supercompliant" designation and the associated streamlined recordkeeping under Rule 109, reduced emission fees and flexibility in expanding production by remaining within the facility's permit limits.

2-5 No response required. This comment concludes remarks made in the letter and requests the SCAQMD to address the previous comments.


WSPA Comments IS - Message (HTML)
Message
Reply
Reply to All
Forward
Delete
Move to Folder
Create Rule
Other Actions
Block Sender
Safe Lists
Not Junk
Categorize
Follow Up
Mark as Unread
Find
Related
Select
Respond
Actions
Junk E-mail
Options
Find
You replied on 7/27/2012 3:42 PM.
This message was sent with High importance.
From: Patty Senecal [psenecal@wspa.org]
Sent: Fri 7/27/2012 3:34 PM
To: CEQA_Admin; Steve Smith
Cc: Paul Richmond
Subject: WSPA Comments IS
Message
7 27 12 WSPA AQMP NOP IS Comment letter (final).pdf
Mr. Smith,
Attached - Western States Petroleum Association's comments for the CEQA Initial Study which was released on June 27, 2012. Please confirm reciept of this communication and attached comments. Thank you.
Patty Senecal
Manager, Southern California Region
and Infrastructure Issues
Western States Petroleum Association
310-678-7782

3-1

WSPA

Western States Petroleum Association

Credible Solutions • Responsive Service • Since 1907

Patty Senecal
Manager, Southern California Region and Infrastructure Issues

VIA ELECTRONIC MAIL
Ceqa_admin@aqmd.gov

July 27, 2012

Steve Smith, Ph.D.
Program Supervisor, CEQA
South Coast Air Quality Management District - CEQA
21865 Copley Drive
Diamond Bar, CA 91765

Dear Dr. Smith:

INITIAL STUDY FOR THE DRAFT PROGRAM EIR FOR THE 2012 AQMP

3-2 Western States Petroleum Association (WSPA) is a non-profit trade association representing twenty- seven companies that explore for, produce, refine, transport and market petroleum, petroleum products, natural gas and other energy supplies in California, Arizona, Nevada, Oregon, Washington and Hawaii. WSPA-member companies operate petroleum refineries and other facilities in the South Coast Air Basin that will be impacted by the 2012 Air Quality Management Plan (AQMP) and the rule development that might stem from the final AQMP as adopted by the Governing Board.

3-3 WSPA appreciates the opportunity to submit these comments for the CEQA Initial Study (IS), as released on June 27, 2012. WSPA's comments fall into two general categories, 1) inconsistencies between the descriptions of the draft proposed control measures in the IS compared to the language of the draft control measures[1] themselves, and 2) potentially significant impact areas that have not been identified as candidate areas for study in the Draft Program EIR (DPEIR).

I. Descriptions of the Control Measures in the Initial Study

3-4 WSPA recognizes that the descriptions in the IS of the proposed AQMP control measures might only be intended to paraphrase the control measures themselves, but there are some discrepancies that need to be resolved prior to preparation of the DPEIR. The analysis in the DPEIR needs to be based on the actual language of the control measures. Following, are several examples of the discrepancies that are associated with control measures that are of particular interest to WSPA:

3-5 **CMB-01.** The IS states that the control measure would seek further reductions in RECLAIM NOx allocations "for the years 2015 through 2017" and "for the years 2017 through 2020" for Phases I and II, respectively. This contradicts the proposed timing in the actual control measure, which is 2014 and 2023 for

[1] Control measures in the Draft AQMP as released by the District on or about July 17, 2012.

3-5 Cont.

Phases I and II, respectively. In addition, the description in the IS refers to a BARCT review for Phase I when in fact the current control measure itself potentially involves a "shave" of NOx RTCs from the market but no BARCT review. A BARCT review is only being contemplated for Phase II.

3-6

FUG-02. Whereas the description in the IS states that the purpose of the control measure is to reduce emissions "... by expanding rule applicability... to ... currently exempted facilities ...", the current draft control measure seems to suggest that the potential control measure will first evaluate the potential for further reductions if applicability of Rule 1177 were to be extended. In other words, the extension of Rule 1177 to currently exempt facilities should not necessarily be assumed to be the outcome evaluated in the EIR.

3-7

FUG-03. "Smart" Leak Detection and Repair (Smart-LDAR) is mentioned as a possible option in the description of the control measure in the IS, but the current draft control measure suggests that Smart-LDAR will be an added requirement on top of at least some existing programs.

Further, the description in the IS includes consideration of vapor recovery systems whereas there is no such mention in the control measure itself. That is as it should be. LDAR programs and vapor recovery systems are completely separate and distinct topics, and they should not be linked in either a control measure or a future rule that might follow from the control measure.

3-8

MCS-03. The description of the control measure in the IS states that the control measure "... would reduce emissions during equipment startup, shutdown and turnaround." But, the description goes on to say that "Opportunities for further reducing emissions ... potentially exist ..." In WSPA's view, the latter statement is clearly the more appropriate one. As a practical matter, the District believes that it does not have sufficient usable data regarding emissions attributable to startups, shutdowns, or turnarounds and those circumstances are the basis for Phase I of the control measure, which is a data gathering effort.

II. Additional Candidate Areas for Study in the Draft Program EIR

3-9

WSPA's review of the proposed stationary source control measures in the draft AQMP has led us to the conclusion that there are potentially significant impact areas, which have not been identified in the IS, but that should be evaluated in the DPEIR.

3-10

FUG-01. Further VOC Reductions from Vacuum Trucks. Among the potential methods of control listed in the control measure itself are carbon adsorption and liquid scrubbers. Both of these methods involve the generation of wastes that require proper disposal. Thus, there is a potential impact in the "Solid/Hazardous Waste" category, and that impact needs to be evaluated in the DPEIR.

3-11

MCS-03. Improved Start-up, Shutdown and Turnaround Procedures. Although the control measure itself includes a broad, "catch-all" set of potential requirements, its clear focus is on modifications to refinery operational procedures. In fact, "procedures" are mentioned no less than six times, including the statement in the section titled "Implementing Agency" that, "The District has authority to regulate non-vehicular sources, including to establish procedures ..." (Emphasis added.)

The District has not demonstrated any linkage between any type of refinery procedures - operating procedures, shutdown/startup/turnaround procedures, or any other procedures - and emissions. Nor has the

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District demonstrated that its Staff has the requisite experience and qualifications to prepare refinery procedures of any description. In direct contrast, existing refinery procedures have been developed by the individual refineries themselves based on their considerable expertise and total familiarity with their respective facilities. Existing refinery procedures are designed to accomplish various tasks while maintaining a strong focus on personnel and plant safety, operational reliability, and environmental considerations.

3-11 Cont.

If the District, during the course of subsequent rule development, and in spite of its lack of knowledge of refinery operations, were to seek to impose "procedures" of their invention on facilities, it is conceivable and even likely that any such procedures could adversely affect safety and reliability at the facilities, as well as have an adverse effect on the environment.

WSPA notes that the IS has not recognized that there are any potential impacts whatsoever associated with MCS-03. Further, according to footnotes 1 and 2 of Appendix A (page A-11), the IS has discounted the possibility that operating procedures or practices - particularly those potentially imposed through regulatory action - can have significant adverse consequences. These are serious shortcomings. Therefore, multiple potentially significant impact areas will need to be evaluated in the DPEIR.

3-12

CEQA established checklists of various environmental topics and requires that the potential impacts of a project in these areas be evaluated. WSPA has identified key issues below.

- **CEQA Topic III, Air Quality and Greenhouse Gas Emissions. Question "d".**

3-13

If, as is proposed in the AQMP, a new and untested regulatory requirement were mandated upon a refinery or other complex operation, and that requirement was inconsistent or conflicted with standard refinery procedures, then situations could result with unintended adverse consequences, including but not limited to, substantially increased pollutant concentrations. This is especially the case because AQMD staff is unfamiliar with the complexities of refinery operations and could, inadvertently increase the risk of upsets, malfunctions, etc.

- **CEQA Topic VII, Hazards and Hazardous Materials. Questions "b" and "h".**

3-14

As stated earlier, mandated changes to well–established safe and effective operating procedures could significantly affect refinery operations and result in upset conditions involving a release of hazardous materials into the environment, or an increased fire hazard. The IS should review this potential including an evaluation of all environmental and health risks that could be the unintentional consequence of new regulations or procedures.

3-15

WSPA appreciates the opportunity to submit these comments and please contact me with any questions.

Sincerely,

Patty Senecal

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Responses to Comment Letter #3
Western States Petroleum Association (WSPA) – Patty Senecal (7/27/12)

3-1 This comment notifies the SCAQMD that a comment letter is attached. No further response is necessary.

3-2 This comment provides background information describing the nature of the commenter's business and the types of industries represented by the commenter. No further response is necessary.

3-3 This comment notifies the SCAQMD that the comments contained in the letter pertain to the Initial Study for the Draft Program EIR for the 2012 AQMP. Regarding the individual discrepancies identified, see Responses to Comments 3-4 to 3-8.

3-4 This comment notifies the SCAQMD that there are discrepancies in the descriptions of the Control Measures in the Initial Study that need to be corrected in the Draft Program EIR. Examples of these discrepancies are identified and described in further detail in Comments 3-5 through 3-8. For individual responses to the issues raised, refer to Responses to Comments 3-5 through 3-8.

3-5 Subsequent to the submittal of this comment letter, the NOP/IS was recirculated on August 2, 2012 because changes were made to the 2012 AQMP project description subsequent to release of the original NOP/IS on June 27, 2012. The recirculated NOP/IS now correctly identifies the implementation dates of Control Measure CMB-01 as year 2014 for Phase I and year 2020 for Phase II. In addition, the NOP/IS has been corrected to reflect that periodic BARCT evaluation will be implemented during Phase II. The analysis in the Draft PEIR will also reflect these corrected descriptions of the control measure.

3-6 The suggestion made in the comment for the SCAQMD to not assume that all currently exempted facilities in Rule 1177 will lose their exempt status as a result of implementing Control Measure FUG-02 is inconsistent with the CEQA requirement to analyze reasonably foreseeable environmental impacts of the methods of compliance. Because the scope is still unknown, the analysis will evaluate a worst-case scenario for impacts. For control measure FUG-02 specifically, the analysis would need to consider the potential outcome and associated beneficial and adverse environmental impacts of requiring all of the facilities that were previously exempted to comply with the requirements in Rule 1177 by year 2017.

3-7 With regard to Control Measure FUG-03 and Smart LDAR, the recirculated NOP/IS and the Draft 2012 AQMP both state the following: *"This control measure would explore the opportunity of incorporating a recently developed advanced optical gas imaging technology to detect leaks (Smart LDAR) to more easily identify and repair leaks in a manner that is less time consuming and labor intensive."* In other words, the requirement for Smart LDAR could potentially be a future requirement for improved leak detection.

With regard to Control Measure FUG-03 and vapor recovery systems, the recirculated NOP/IS and the Draft 2012 AQMP both state the following: *"Additionally, vapor recovery systems are currently required to have a control efficiency of 95 percent. In an effort to further reduce VOC emissions from these types of operations, this control*

measure would explore opportunities and the feasibility of further improving the collection/control efficiency of existing control systems, resulting in additional VOC reductions."

While both technologies, (e.g., Smart LDAR and vapor recovery systems) are mentioned in the same control measure, the description of vapor recovery systems is clearly separate and distinct from the description of Smart LDAR. The common link between the two is that they are technologies for controlling fugitive VOC emissions. As such, contrary to the comment, both technologies are appropriately included in Control Measure FUG-03.

3-8 With regard to Control Measure MCS-03, the recirculated NOP/IS and the Draft 2012 AQMP have been revised to state the following: *"This proposed control measure seeks to reduce emissions during equipment startup, shutdown, and turnaround. Opportunities for further reducing emissions from start-up, shut-down and turnaround activities potentially exist at refineries as well as other industries."* SCAQMD staff believes this revised language addresses the concerns raised in the comment.

3-9 Because potentially significant environmental impacts were identified as a result of implementing the proposed 2012 AQMP, SCAQMD staff is preparing a Draft Program EIR in accordance with CEQA Guidelines §15168. These potentially significant impact areas will be evaluated in the Draft Program EIR. Regarding the comments suggesting additional areas that were not identified in the NOP/IS but that should be evaluated in the Draft Program EIR, see Responses to Comments 3-10 to 3-14.

3-10 With regard to potential solid/hazardous waste impacts from FUG-01, the solid/hazardous waste discussion in the recirculated NOP/IS has been revised to specifically acknowledge that there could be an increase in the amount of solid/hazardous wastes generated from installing air pollution control equipment such as "carbon adsorption devices, particulate filters, catalytic incineration, selective catalytic reduction or other types of control equipment." While liquid scrubbers were not specifically mentioned in the solid/hazardous waste discussion in the recirculated NOP/IS, any potential solid/hazardous wastes from liquid scrubbers will also be evaluated as part of the "other types of control equipment" discussion in the Draft Program EIR.

3-11 The comment that Control Measure MCS-03 – Improved Start-Up, Shutdown and Turnaround Procedures, is a general "catch-all" designed specifically to modify operational requirements at refineries exclusively is inaccurate as MCS-03 could apply to other industries such as chemical plants, for example.

With regard to the remark alleging that the SCAQMD has not demonstrated a link between MCS-03 and emissions, the commenter is referred to two examples: SCAQMD Rule 1123 – Refinery Process Turnarounds and SCAQMD Rule 1173 – Control of Volatile Organic Compound Leaks and Releases from Components at Petroleum Facilities and Chemical Plants. Rule 1123 was designed to minimize organic vapors from being released to the atmosphere during turnarounds. Rule 1173 also contains VOC control requirements that pertain to refineries and other industries during process unit turnarounds. Both of these rules have been effective at reducing VOC emissions, but they are not exhaustive. For this reason, MCS-03 was designed to explore additional emission reduction possibilities during startups, shutdowns and turnarounds.

With regard to the comment that MCS-03 would undermine safety, operational reliability, or other environmental issues, an example to the contrary, Rule 1123 currently contains specific exemptions in the rule language that address (and prevent) situations that could potentially damage equipment, cause the malfunction of pollution control or safety devices, or cause violations of safety regulations. As with all control measures and the rule development process, participation by the affected parties, including the refineries and their representatives, as well as other industries and their representatives, will be paramount in effectively and safely implementing MCS-03. Thus, it is not accurate to assume that the development and implementation of MCS-03 would ignore these issues. However, control measure MCS-03 will be re-evaluated in the Draft Program EIR to determine the potential for safety impacts.

To respond to the comment that SCAQMD staff does not have the expertise to work on refinery-based or other heavy industry-based projects, SCAQMD has been lead agency for a multitude of refinery projects since 1992 and has successfully implemented refinery-based control measures. For example, SCAQMD Rule 1105.1 – Reduction of PM10 and Ammonia Emissions From Fluid Catalytic Cracking Units, was a new rule adopted in November 2003 that was developed to implement Control Measure CMB-09 - Emission Reductions from Petroleum Fluid Catalytic Cracking Units to reduce PM10 and ammonia emissions from refineries. Another example, the November 2010 amendments to Regulation XX – Regional Clean Air Incentives Market (RECLAIM), also known as SOx RECLAIM, implemented Control Measure CMB-02 - Further SOx Reduction for RECLAIM (CM #2007CMB-02) to achieve additional SOx emission reductions from not only refineries but from other sources such as petroleum coke calciners, container glass melting furnace, sulfuric acid manufacturers, and other sources.

Further, the SCAQMD staff, supervisors and management who will be working to develop MCS-03 have strong technical and engineering backgrounds, especially in the disciplines of chemical, petroleum, and mechanical engineering, and are quite capable and qualified to work on refinery-based and other heavy industrial projects. However, if additional specific technical expertise is required, as was the case with the adoption of Rule 1105.1 and amendments to the SOx RECLAIM program (when SCAQMD in cooperation with the refineries and the other industries co-hired industry-specific consultants for technical assistance), then the option to bring in additional expertise during the development of MCS-03 could be available.

Finally, with regard to the comment that the NOP/IS has not identified any potential adverse environmental impacts that may be associated with the development and implementation of MCS-03, the commenter has also not provided any insight as to what the potential adverse environmental impacts may occur. In its current form, MCS-03 is in its early stages and is very broad. As such, to identify any impacts at this time without knowing the specific design features would be speculative. However, when implementation of MCS-03 begins, and if a proposed rule or rule amendment is developed as a result, the CEQA document for the proposed rule or rule amendment will identify and analyze the specific environmental impacts at that time.

3-12 This comment refers to the CEQA checklist in CEQA Guidelines, Appendix G and the 17 environmental topics addressed in the checklist. For responses to the issues raised relative to the specified environmental topics, see Responses to Comments 3-13 and 3-14.

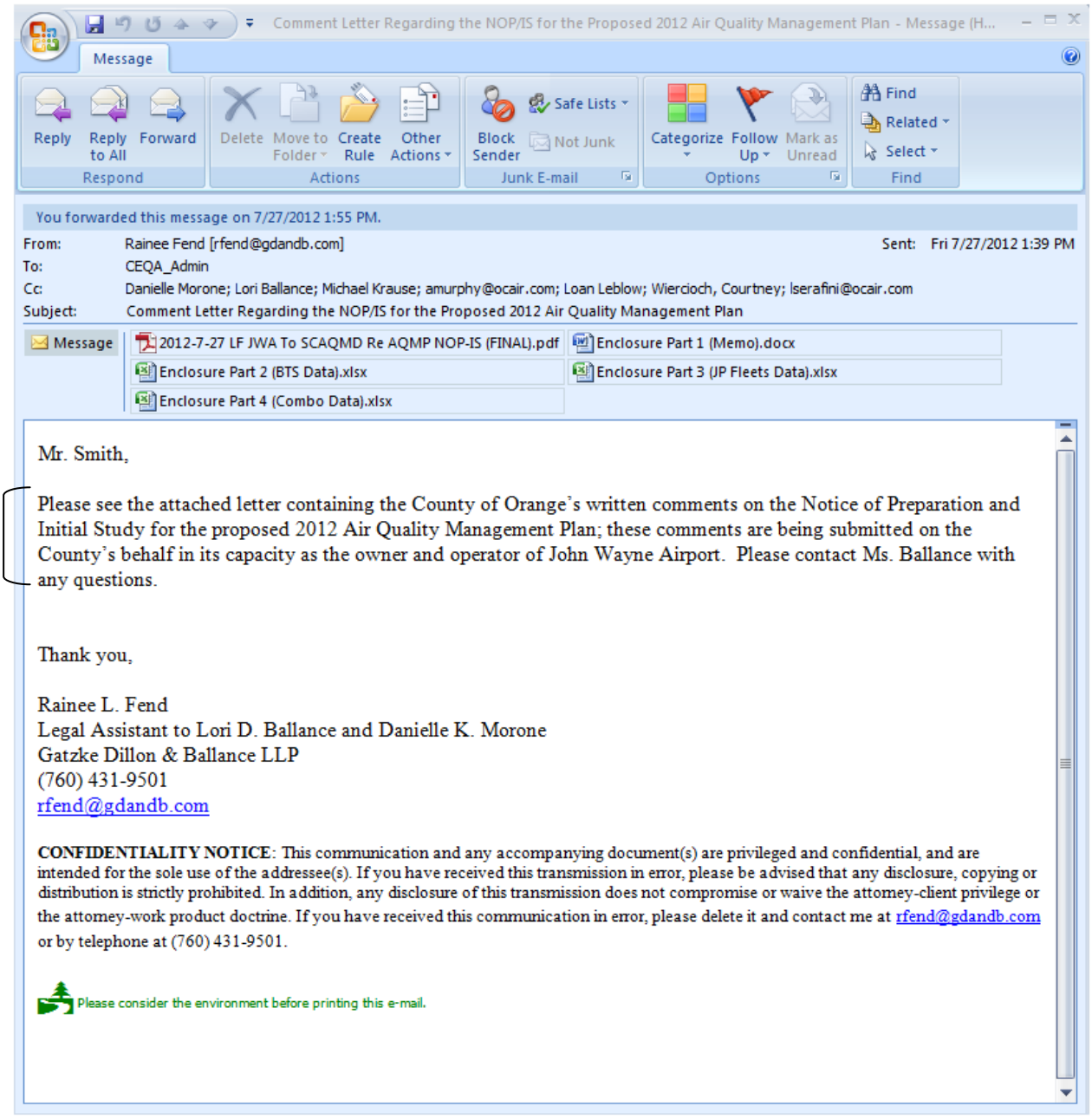
3-13 The comment claims, without providing any supporting evidence, that unintended consequences such as increased pollutant concentrations may occur if new and untested regulatory requirements are imposed that are inconsistent or conflicting with standard refinery procedures. Any such evaluation would be speculative at this time. However, this issue will be evaluated during actual rule development. This issue was previously addressed in Response to Comment 3-11.

3-14 The comment claims, without providing any supporting evidence, that increased hazardous material emissions and fire hazards may occur if regulatory changes to refinery procedures are made. Any such evaluation would be speculative at this time. However, this issue will be evaluated during actual rule development. This issue was previously addressed in Response to Comment 3-11.

3-15 This comment concludes the letter. No further response is necessary.

ENCLOSURE

Air Carrier and Air Taxi Operations by Aircraft/Engine Combinations at John Wayne Airport, 2007-2009



Comment Letter Regarding the NOP/IS for the Proposed 2012 Air Quality Management Plan - Message (H...

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From: Rainee Fend [rfend@gdandb.com] Sent: Fri 7/27/2012 1:39 PM
To: CEQA_Admin
Cc: Danielle Morone; Lori Ballance; Michael Krause; amurphy@ocair.com; Loan Leblow; Wiercioch, Courtney; lserafini@ocair.com
Subject: Comment Letter Regarding the NOP/IS for the Proposed 2012 Air Quality Management Plan

Message | 2012-7-27 LF JWA To SCAQMD Re AQMP NOP-IS (FINAL).pdf | Enclosure Part 1 (Memo).docx | Enclosure Part 2 (BTS Data).xlsx | Enclosure Part 3 (JP Fleets Data).xlsx | Enclosure Part 4 (Combo Data).xlsx

Mr. Smith,

Please see the attached letter containing the County of Orange's written comments on the Notice of Preparation and Initial Study for the proposed 2012 Air Quality Management Plan; these comments are being submitted on the County's behalf in its capacity as the owner and operator of John Wayne Airport. Please contact Ms. Ballance with any questions.

Thank you,

Rainee L. Fend
Legal Assistant to Lori D. Ballance and Danielle K. Morone
Gatzke Dillon & Ballance LLP
(760) 431-9501
rfend@gdandb.com

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4-1

ENCLOSURE

Air Carrier and Air Taxi Operations by Aircraft/Engine Combinations at John Wayne Airport, 2007-2009

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RETIRED
MICHAEL SCOTT GATZKE

July 27, 2012

Via E-Mail

Steve Smith, Ph.D. (c/o CEQA)
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, California 91765-4182
ceqa_admin@aqmd.gov

Re: Notice of Preparation of a Draft Program Environmental Impact Report and Initial Study for the 2012 Air Quality Management Plan

Dear Mr. Smith:

4-2 This letter is submitted on behalf of the County of Orange ("County") in its capacity as the owner and operator of John Wayne Airport, Orange County ("JWA"). This letter contains the County's written comments on the Notice of Preparation and Initial Study ("NOP/IS") for the proposed 2012 Air Quality Management Plan ("2012 AQMP"), issued by the South Coast Air Quality Management District ("SCAQMD" or "District") on June 28, 2012.

4-3 The County's comments on the NOP/IS are intended to serve the two following principal objectives:

1. To express our appreciation for the opportunity to continue to work constructively and cooperatively with the SCAQMD in evaluating and developing realistic airport emission reduction strategies for the proposed 2012 AQMP and analyzing the potential environmental impacts of the proposed measures; and,

2. To express our concerns regarding the accuracy of the baseline emissions inventory, and offer other discrete comments on the NOP/IS.

4-4 As to the County's comments on the baseline emissions inventory assumptions utilized in the California Environmental Quality Act ("CEQA;" Pub. Resources Code, §21000 et seq.) analysis for the 2012 AQMP, in early May 2012, JWA staff (specifically Kari Rigoni) provided aircraft activity data specific to JWA for incorporation into the 2012 AQMP at the District's

ENCLOSURE

Air Carrier and Air Taxi Operations by Aircraft/Engine Combinations at John Wayne Airport, 2007-2009

request. Ms. Rigoni coordinated with Zorik Pirveysian when providing the following information:

May 1, 2012: Ms. Rigoni provided aircraft activity data for JWA – averaged over 2007 through 2009[1] – and a list of the number and type of aircraft based at JWA, and confirmed that 100 percent of JWA's gates are equipped with power and pre-conditioned air;

May 4, 2012: Ms. Rigoni provided the average combined taxi-in/taxi-out time that should be used for commercial air carriers at JWA and the average annual fuel consumption for general aviation aircraft at JWA. Ms. Rigoni also confirmed that the County is amenable to utilizing SCAG's Regional Transportation Plan projections for purposes of forecasting future aircraft activity, subject to the caveat that such projections may change in connection with pending negotiations arising from the County's settlement agreement with various parties concerning airport operations;[2] and,

4-4 Cont.

May 10, 2012: Ms. Rigoni provided the disaggregated taxi-in and taxi-out times for commercial air carriers at JWA. Also, after Mr. Pirveysian advised Ms. Rigoni that he needed to finalize all data inputs for purposes of the 2012 AQMP's baseline emissions inventory, such that there was no additional time for the County to submit JWA-specific data, Ms. Rigoni explained that JWA was continuing to collect engine type data and requested that such data ultimately be used in lieu of default data from another information source.

Since May 10, 2012, the County has completed its data gathering efforts relative to aircraft engine types that operate at JWA. The compiled data is enclosed with this letter.[3] And, in order to ensure that the baseline emissions inventory accurately and reasonably reflects

---

[1] Ms. Rigoni explained that the aircraft activity data was based on a three-year average (2007, 2008, and 2009) because the County does not believe 2008 is a representative year for most airports in the South Coast Air Basin as it was the beginning of the economic downturn.

[2] For information regarding the currently applicable provisions of the Settlement Agreement, see http://www.ocair.com/aboutjwa/settlementagreement.aspx.

[3] This letter is being provided to the District by e-mail, and the electronic transmittal includes four files in addition to this comment letter: one Word file and three Excel files. The Word and Excel files provide the additional enclosed data in a "raw" electronic format in order to allow District staff to more readily incorporate the data into the AQMP's aircraft emissions modeling.

ENCLOSURE

Air Carrier and Air Taxi Operations by Aircraft/Engine Combinations at John Wayne Airport, 2007-2009

4-4 Cont. operating conditions at JWA in 2008, the County respectfully requests that the baseline emissions inventory be updated and modified to incorporate this new information.

4-5 Having also reviewed the NOP/IS, the County first expresses its appreciation of the District's efforts to develop control measures intended to achieve compliance with the U.S. Environmental Protection Agency's ("USEPA") 24-hour, $PM_{2.5}$ National Ambient Air Quality Standard ("NAAQS") and 8-hour, ozone NAAQS in the South Coast Air Basin. Second, based on our review, the following two Control Measures presently are of interest: MCS-03 (formerly MCS-06), Improved Start-Up, Shutdown and Turnaround Procedures [All Pollutants]; and, ADV-07, §182(e) Proposed Implementation Measures for the Deployment of Cleaner Aircraft Engines [NOx].

4-6 Relative to Control Measure MCS-03, we find it difficult to assess the measure itself – and its environmental impacts – without further information on its proposed parameters. We suspect that such detail will be provided in the Draft 2012 AQMP, and look forward to better understanding the District's proposal relative to that control measure. That being said, in many instances, controlling emissions during start-up and shutdown is constrained by operational, technological, and economic limitations. Therefore, we encourage the District to be sensitive to and informed of such constraints when designing the measure's parameters and predicting associated emission reductions.

4-7 Relative to Control Measure ADV-07, generally speaking, the NOP/IS recognizes that the USEPA is responsible for establishing emission standards for aircraft. (See, e.g., IS, p. 1-6.) Nonetheless, we ask that Table 1-3 and its related text, to the extent it is utilized again in the Draft 2012 AQMP of Draft Environmental Impact Report, be revised to expressly recognize that Control Measure ADV-07 is within the purview of the USEPA. The IS suggests that the "descriptions of individual control measures in Table 1-3" will indicate whether action is required from the USEPA; however, no such description is provided relative to Control Measure ADV-07. (See IS, pp. 1-19 to 1-20, and 1-25.) In order to clearly inform the public and decisionmakers of the District's lack of regulatory purview relative to aircraft emissions, such disclosure needs to be provided.

4-8 The County also requests additional information on the District's decision to include information in the 2012 AQMP on "ultrafine particulates formation, transport, exposure, and health effects and potential control strategies." (IS, p. 1-10.) As acknowledged in the NOP/IS, "there are no ambient air quality standards specifically for ultrafine particulates" (*ibid.*); as such, the District has no authority to regulate such particulates. The County is concerned with the District's decision to include such information in a regulatory document (i.e., the 2012 AQMP), as its inclusion in such a type of document may misleadingly suggest to the public that ultrafine particulates are subject to regulation at a federal, state, regional, and/or local level.

ENCLOSURE

Air Carrier and Air Taxi Operations by Aircraft/Engine Combinations at John Wayne Airport, 2007-2009

4-9 In closing, the County thanks the District again for this opportunity to comment on the NOP/IS for the 2012 AQMP. We look forward to engaging in an open, thorough and responsive public process on the 2012 AQMP, and assisting the District with its efforts to improve air quality in the South Coast Air Basin. If you have any questions regarding the comments set forth in this letter, please do not hesitate to contact me at your convenience.

Very truly yours,

Lori D. Ballance
of
Gatzke Dillon & Ballance LLP

LDB:rlf

Enclosures
Four Files Titled: Enclosure Part 1 (Memo); Enclosure Part 2 (BTS Data); Enclosure Part 3 (JP Fleets Data); and, Enclosure Part 4 (Combo Data)

cc: Michael Krause, South Coast Air Quality Management District
Alan Murphy, Airport Director, John Wayne Airport
Loan Leblow, Assistant Airport Director, John Wayne Airport
Courtney Wiercioch, Deputy Director, Public Affairs, John Wayne Airport
Larry Serafini, Deputy Director, Facilities, John Wayne Airport

ENCLOSURE

Air Carrier and Air Taxi Operations by Aircraft/Engine Combinations at John Wayne Airport, 2007-2009

In response to the District's request for data pertaining to JWA's operations, the County retained Mestre Greve Associates, a Division of Landrum & Brown, to compile airport-specific data regarding Air Carrier and Air Taxi operations by aircraft/engine combinations for the years 2007 through 2009. The results are presented in these enclosed materials.

By way of explanation, the Summary Table (Annual LTO by EDMS Aircraft Type and Engine Model for John Wayne Airport) below directly corresponds to the data needed to estimate aircraft emissions using the FAA's Emissions and Dispersion Modeling Software (EDMS).[1] The sources of information used to generate the Summary Table are operational data from the Bureau of Transportation Statistics (BTS) and aircraft/engine data from JP Airline Fleets International 2008/2009 (JP Fleets). The BTS data was used to determine the number of operations at JWA by each unique air carrier/aircraft combination, and the JP Fleets data was used to determine the engine models used by each air carrier/aircraft combination.

The BTS data was downloaded from their online "Air Carrier Statistics (Form 41 Traffic) - All Carriers" database[2] and specifically the "T-100 Segment, All Carriers" database.[3] This database contains a list of monthly aircraft operations by origin and destination airport for each airline and aircraft operation between those airports based on data provided to BTS by the air carriers. Annual data for 2007, 2008, and 2009 was downloaded from the BTS website and operations originating from or terminating at JWA were extracted. This data was processed to determine the annual number of arrivals and departures by airline and aircraft type, and summarized in the enclosed "BTS Data Summary.xls" workbook. The raw T-100 data files for each year can be provided on request (while the annual data files are only 13.6 MB each, the three files that include the Excel Pivot Tables used to extract data by carrier/aircraft combination are 121.1 MB each).

4-10

JP Fleets is a book published annually that lists detailed information for all aircraft in the fleets of all commercial aircraft operators worldwide. The fleet information for all commercial aircraft operators operating at JWA based on the BTS data was extracted from the JP Fleets book and copied into a Microsoft Excel workbook. The Pivot Table function was used to determine the number of aircraft in each airline's fleet with unique aircraft/engine combinations.

[1] The Summary Table shows that engine types could not be determined for four Air Taxi aircraft. This was because the BTS data listed operations for these aircraft, but JP Fleets did not include an aircraft of the type reported by BTS in the aircraft listings for three air taxi operators, Swift Air, LLC, Triair, and Avjet Corporation. However, these aircraft only represent an average of four annual LTO and, therefore, the specific engine assumption would not substantially affect the overall aircraft emissions estimate for JWA. The EDMS default engine type for these aircraft should be used to determine emissions.

[2] See http://www.transtats.bts.gov/Tables.asp?DB_ID=111&DB_Name=Air%20Carrier%20Statistics%20%28Form%2041%20Traffic%29-%20All%20Carriers&DB_Short_Name=Air%20Carriers.

[3] See http://www.transtats.bts.gov/Tables.asp?DB_ID=111&DB_Name=Air%20Carrier%20Statistics%20%28Form%2041%20Traffic%29-%20All%20Carriers&DB_Short_Name=Air%20Carriers

ENCLOSURE

Air Carrier and Air Taxi Operations by Aircraft/Engine Combinations at John Wayne Airport, 2007-2009

The percentage of each aircraft/engine combination by EDMS aircraft type was then derived from this data. This data is presented in the enclosed "JP Fleets 2008 Extracted.xls" workbook. The 2008 version of JP Fleets was used to best represent the air carrier fleets during the 2007-2009 timeframe. The JP Fleets data includes the date that the aircraft was delivered to the airline, along with listings of aircraft that are "on order" and the anticipated delivery year. Aircraft shown to be delivered in 2008 were excluded from the 2007 data and aircraft expected to be delivered in 2009 were included in the 2009 data.[4]

The BTS and JP fleets data discussed above were combined in the "07-09 SNA Comm Ops By Aircraft & Engine Combo.xlsx" workbook. The "Analysis" worksheet presents the BTS and JP Fleets data and calculates the number of Landing-Take Off operations (LTO) by each aircraft/engine combination for each airline. The annual operations, arrivals, departures, and LTO, by airline and aircraft for 2007, 2008, and 2009 derived from the BTS data are listed along with the corresponding EDMS aircraft type and the percentage of engine model used on that type of aircraft in each airline's fleet derived from the JP Fleets data.

4-10 Cont.

The "Results" worksheet uses a Pivot Table to extract the number of LTO by aircraft/engine combination and used to generate the attached table. The annual LTO for each EDMS aircraft type and engine manufacturer and model is presented for each year along with the three-year average.

The results of the analysis were compared with average operational data by aircraft provided by JWA to confirm that the validity of the BTS. JWA provided annual average operations data by aircraft type for the three years being assessed. The "Type" column in the Summary Table shows how the data derived for this analysis was grouped to be compared to the data provided by JWA. The operations for each aircraft type were summed and are compared to the JWA data in Tables 1 and 2. Table 1 shows excellent agreement for the most part with some considerable differences in the A3XX family of aircraft and in the B737X family of aircraft. Table 2 shows that, when grouped together, the annual average LTO's from this analysis and the JWA data agree excellently. This confirms that the BTS data is consistent with the JWA-provided data.

[4] America West Airlines merged with US Air in 2005 and JP Fleets did not include America West Airlines in the 2008 edition. The airline was included in the 2007 edition and the aircraft/engine combinations for America West were taken from this edition.

8

Responses to Comment Letter #4
Gatzke Dillon & Balance Representing Orange County – Lori Balance (7/27/12)

4-1 This comment, submitted on behalf of Orange County as the operator of John Wayne Airport (JWA), notifies the SCAQMD that a comment letter pertaining to the Initial Study for the Draft Program EIR for the 2012 AQMP is attached. No further response is necessary.

4-2 This comment, submitted on behalf of Orange County as the operator of JWA, notifies the SCAQMD that the comment letter pertaining to the Initial Study for the Draft Program EIR for the 2012 AQMP follow. No further response is necessary.

4-3 With regard to inventory information on the planes accessing the JWA, please refer to Responses 4-4 and 4-7.

4-4 John Wayne Airport staff had supplied updated emissions inventory information that was included in the Draft 2012 AQMP. SCAQMD Staff will now consider the request to include additional updated emissions inventory information in the Final 2012 AQMP and determine the magnitude of the change from the information provided in the Draft 2012 AQMP.

4-5 This comment states that the JWA operators appreciate the SCAQMD's efforts to attain the federal 24-hour ozone standard. Further, the comment indicates that JWA is interested in 2012 AQMP control measures MCS-06 and ADV-07. With regard to control measure MCS-03, please refer to Response 4-6. With regard to control measure ADV-07, please refer to Response 4-7.

4-6 Please note that this control measure will be implemented in two phases. The first phase will focus on procedures to better quantify emission impacts from start-up, shutdown and turnarounds. Once the first phase is completed and emission impacts found to be significant, staff intends to continue with Phase II of the control measure and explore improved operating procedures that minimize emission from such processes through the use of best management practices and/or installation of additional hardware. Operational, technological and economic variables will be among the key variables to be considering during this phase of implementation.

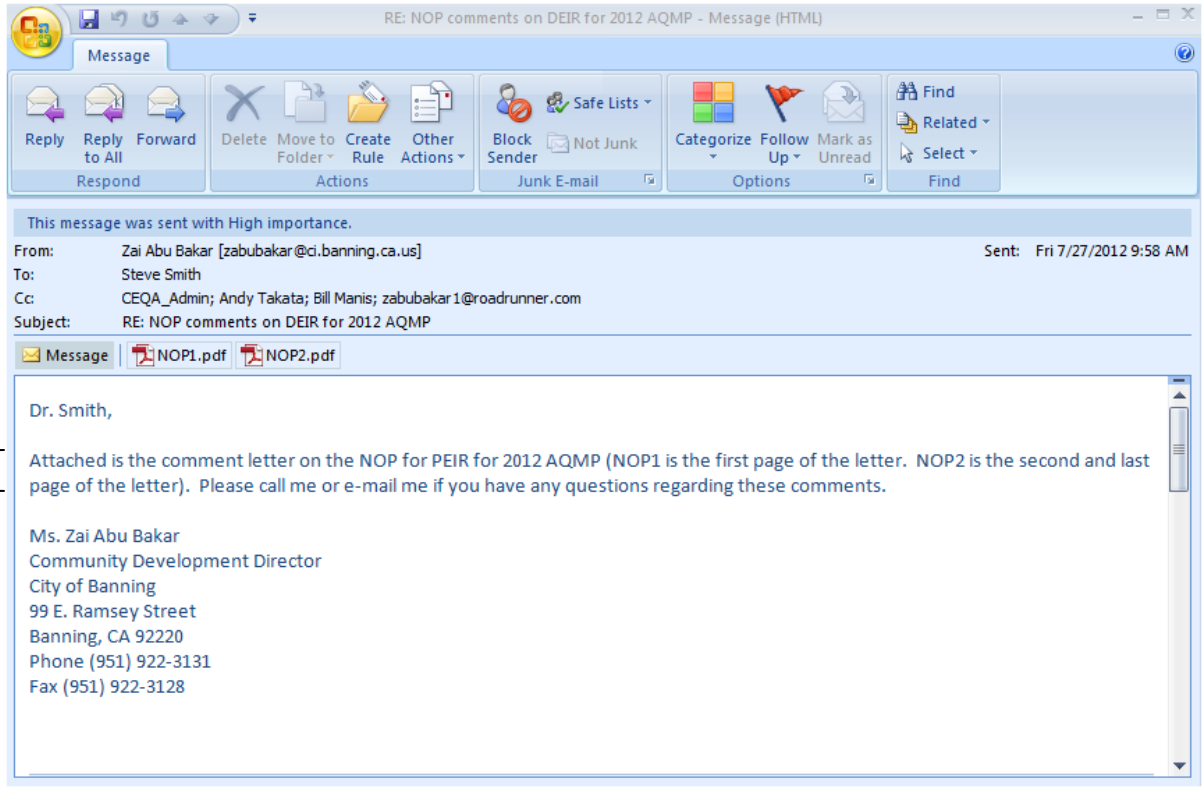
4-7 The comment suggests that the CEQA document should "clearly inform the public and decisionmakers of the SCAQMD's lack of regulatory purview relative to aircraft emissions." As a legal matter, this statement is overbroad. The Clean Air Act expressly preempts state and local agencies from adopting or enforcing "any standard respecting emissions of any air pollutant from any aircraft or engine thereof unless such standard is identical to a standard [adopted by EPA and FAA] applicable to aircraft under this part." 42 U.S.C. §7573. However, the term "standard" as used in Title II of the CAA (relative to mobile sources) does not include in-use or operational requirements. *Engine Manufacturers' Association v. EPA*, 88 F. 3d 1075 (D.C. Cir. 1996). Whether any individual measure, which does not constitute a "standard" preempted under the CAA, would be preempted by any other law would need to be decided on the facts of each case.

4-8 The comment correctly notes that there are at present no ambient air quality standards specifically for ultrafine particulates, but then incorrectly concludes that as a result, the

SCAQMD has no authority to regulate such particulates. In the first place, such particulates are already regulated as a subset of PM2.5, although not separately from the remainder of PM2.5. Moreover, the lack of a NAAQS for ultrafine particulates does not mean that the SCAQMD has no authority to regulate them. Under California law, the district has primary authority to regulate "air pollution from all sources, other than emissions from motor vehicles" which are the primary responsibility of CARB. Health & Safety Code §40000. The term "air pollutant" is broadly defined to include "any discharge, release, or other propagation into the atmosphere and includes, but is not limited to, smoke, charred paper, dust, soot, grime, carbon, fumes, gases, odors, particulate matter, acids, or any combination thereof." Health & Safety Code §39013. This definition is broad enough to encompass ultrafine particles. The district regulates a whole host of substances for which there are no NAAQS, including its air toxics regulations found in Rules 1401, 1402, etc, as well as its regulation of odors under Rule 401. The 2012 AQMP does not imply that ultrafine particles are subject to regulation as a criteria pollutant separately from their status as a subset of PM2.5. The 2012 AQMP does not contain any control measures specific to ultrafine particles apart from their status as a subset of PM2.5.

4-9 This comment concludes the letter. No further response is necessary.

4-10 There are several attachments to this comment letter. The attachment entitled *Enclosure - Air Carrier and Air Taxi Operations by Aircraft/Engine Combinations at John Wayne Airport, 2007-2009*, describes the sources and methodologies used to compile airport-specific data regarding Air Carrier and Air Taxi operations by aircraft/engine combinations for the years 2007 through 2009. The results of the evaluation are presented in three Excel spreadsheets, also attached to the comment letter. According to the commenter, the data were provided upon request by the SCAQMD. Further, it is assumed that the commenter is providing the aircraft data to incorporate into the baseline for the 2012 AQMP. These data have been forwarded to SCAQMD AQMP inventory staff. No further response to this comment is necessary or the attached spreadsheets is necessary.


RE: NOP comments on DEIR for 2012 AQMP - Message (HTML)
Message
Reply
Reply to All
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Block Sender
Safe Lists
Not Junk
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Follow Up
Mark as Unread
Find
Related
Select
Respond
Actions
Junk E-mail
Options
Find
This message was sent with High importance.
From: Zai Abu Bakar [zabubakar@ci.banning.ca.us]
Sent: Fri 7/27/2012 9:58 AM
To: Steve Smith
Cc: CEQA_Admin; Andy Takata; Bill Manis; zabubakar1@roadrunner.com
Subject: RE: NOP comments on DEIR for 2012 AQMP
Message
NOP1.pdf
NOP2.pdf
Dr. Smith,
Attached is the comment letter on the NOP for PEIR for 2012 AQMP (NOP1 is the first page of the letter. NOP2 is the second and last page of the letter). Please call me or e-mail me if you have any questions regarding these comments.
Ms. Zai Abu Bakar
Community Development Director
City of Banning
99 E. Ramsey Street
Banning, CA 92220
Phone (951) 922-3131
Fax (951) 922-3128

5-1

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COMMUNITY DEVELOPMENT
DEPARTMENT

July 27, 2012 sent via email

Steve Smith, Ph.D.
Program Supervisor
Planning, Rules, and Area Sources
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765-4182

Subject: Notice of Preparation (NOP) for the Draft Environmental Impact Report for 2012 Air Quality Management Plan (AQMP)

Dear Mr. Smith:

5-2 This letter is to provide comments on the NOP. The City is concerned that there are a number of regulations that are proposed in the 2012 AQMP that have direct impact on cities' operations resulting in negative fiscal impacts. These regulations must be off-set with incentives to ensure that there is a win-win situation between protecting the environment and maintaining a healthy fiscal environment so that cities can continue to provide services to their residents. Additionally, all aspects of the system that support a particular measure shall be analyzed to ensure that not only the measure contributes to clean-air but also provides sound fiscal investment and improves the current economy.

Measure ONRD-01 seeks acceleration of commercial deployment of partial zero-emission and zero emission vehicle penetration into the market. This measure proposes to continue the Clean Vehicle Rebate Project (CVRP) through 2023 which would provide incentives to a minimum of 1000 vehicles per year.

5-3 Although this measure proposes to provide incentives for the development, the incentives should also be provided for the systems that support the successful deployment of the vehicles in the future. This includes infrastructure, trained technicians, and technology that support the maintenance aspects of the vehicles. AQMD, State, and Federal EPA should partner with local colleges to provide hands on training for new technology. This could be done through the junior colleges and universities. The City of Banning has Mt. San Jacinto Junior College, which provides curriculums that tailored to the needs of the communities and future job markets. The College currently has a satellite campus which will eventually be built out and accommodate approximately 5000 students. This Junior College could be

5-3 Cont

a training ground for deployment of new technologies. In addition to the infrastructure and systems, the regulating agencies such as SCAQMD, State and Federal EPA should work closely with the association of building officials to ensure that permitting processes are addressed and incorporated into the building codes for ease of implementation and success in the deployment of partial zero-emission or zero emission vehicles.

5-4

Measure ONRD-02 seeks accelerated retirement of older light-duty and medium duty vehicles that are gasoline and diesel-powered up to 8,500 pounds gross vehicle weight (GVW). The measure proposes incentives up to $2,500, which include a replacement voucher. The vehicles that are included are passenger cars, sport utility vehicles, vans, and light-duty pick-up trucks. This measure gives first priority to those vehicles identified as high emitters that are off-cycle to California Smog Check Program and Pre-1992 model year vehicles. This measure does not describe as to whether the incentive is available to individual consumers or fleet. It is recommended that incentives also be provided to fleet vehicles for public and private sectors.

5-5

These are also measures in the AQMP that would affect existing businesses and land development and construction industries which lead to increase costs that would eventually be passed on to consumers or drives businesses out of the State of California. These include the following measures:

1. BCM-01 - Emission Reduction from Under-Fired Charbroilers
2. CTS-01 - Further VOC reduction from architectural coatings
3. CTS-02 - Further Reduction from Miscellaneous Coatings, Adhesives, Solvent, and Lubricant
4. CTS-03 - Further VOC Reductions from Mold Release Products
5. MCS-02 - Further Emission Reductions from Green Water Processing (Chipping and Grinding Not Associated with Composting.

These measures do not appear to have incentives. The concern is that these measures (regulations) will drive businesses out of the region and the State of California. Please analyze not only the positive impacts to the environment but also the fiscal impacts to the businesses and consumers if these measures are adopted.

5-6

If you have any questions regarding these comments, please call me at (951) 822-3131 or e-mail me at zabubakar@ci.banning.ca.us.

Sincerely,

Zai Abu Bakar
Community Development Director

cc: Andrew J. Takata, City Manager
Bill Manis, Economic Development Director

Responses to Comment Letter #5
City of Banning – Zai Abu Bakar (7/27/12)

5-1 This comment notifies the SCAQMD that a comment letter pertaining to the Initial Study for the Draft Program EIR for the 2012 AQMP is attached. No further response is necessary.

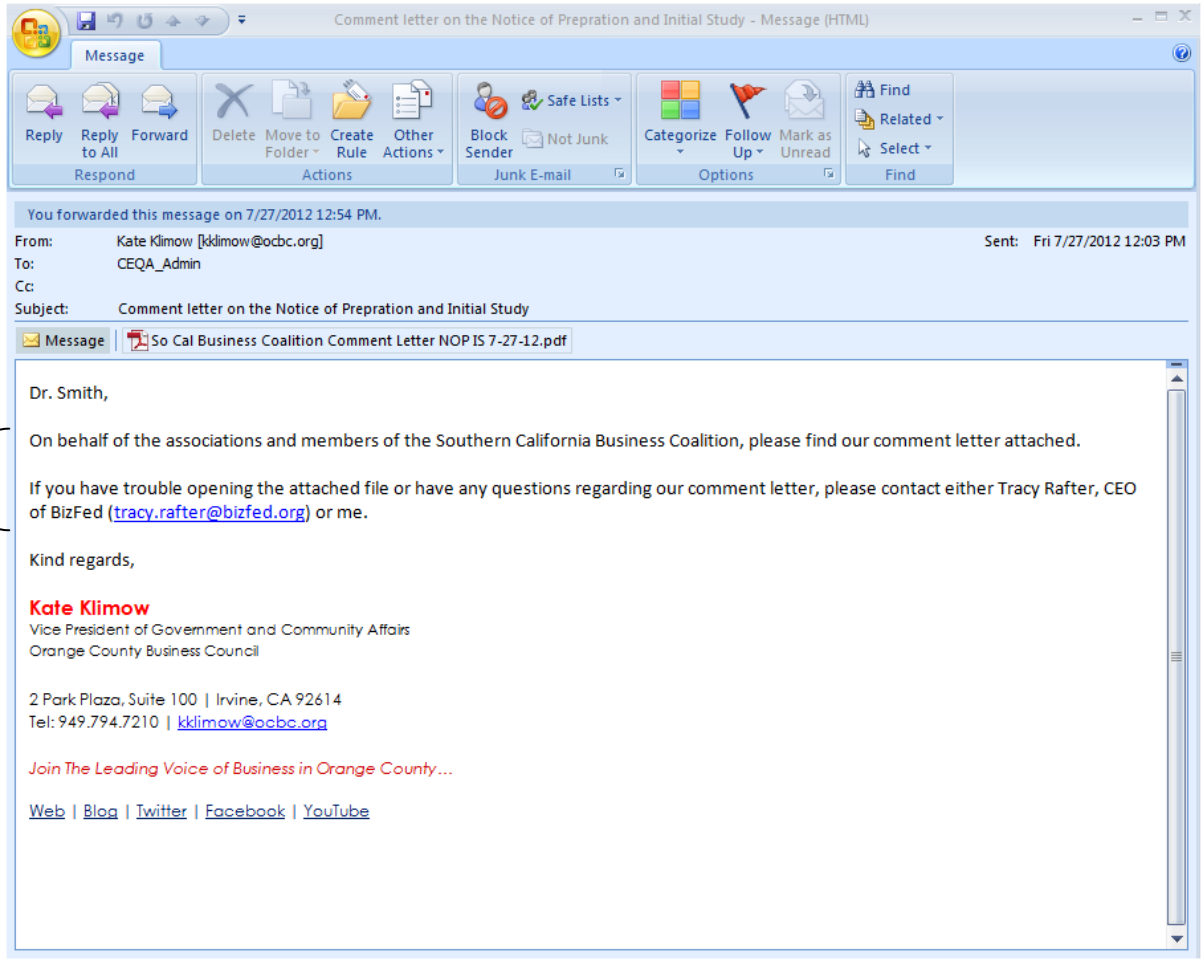
5-2 There are two stationary source control measures specifically aimed at offering different incentives for companies that either manufacture or employ zero and near-zero emission technologies in the Basin (refer to Appendix IV-A: INC-01, and INC-02). The incentive programs will be designed to promote voluntary introduction of new technologies on an accelerated schedule. These measures provide manufacturers with incentives for production and commercialization of the cleaner, more advanced technologies while encouraging economic growth by creating local manufacturing jobs and populating the market with lower cost equipment. However, as with any limited public funding, any financial incentives will be allocated towards programs or projects that demonstrate emission reductions in the areas most critical to the achievement and maintenance of the Basin's air quality goals.

5-3 The funding programs identified in control measure ONRD-01 are available only for purchasing zero emission vehicles. There are separate funding programs for infrastructure that are not included. However, given that the deployment of infrastructure enables the deployment of the advanced technology vehicles, the emission reductions associated with the vehicle deployment will be accounted for in ONRD-01. The SCAQMD has been working with local community colleges to offer training for new technologies. The commenter is welcome to contact the SCAQMD staff for more information.

5-4 The voluntary vehicle retirement program has focused primarily on private individual consumers. Typically a vehicle operated by a public agency or fleet licensed and registered pursuant to Health and Safety Code sections 44019 and 44020 is deemed ineligible under a vehicle retirement or replacement program. However, cities and other municipalities have access to AB2766 funds to help offset incremental cost differences for cleaner advanced technology vehicles. Private fleets have typically taken advantage of Carl Moyer and Mobile Source Review Reductions Committee (MSRRC) programs.

5-5 As incentive funding becomes available, it may be directed at specific source categories to aid compliance. See Response to Comment 5-2. For all control measures, during the rulemaking process, and as additional information on new technologies and/or control equipments becomes more well-defined, a detailed assessment of their socioeconomic and environmental impacts will be conducted including the costs to businesses and the effects on the economy and environment. The economic impacts are included in the socioeconomic analysis for the AQMP to the extent that they can be analyzed at this point.

5-6 This comment concludes the letter. No further response is necessary.


Comment letter on the Notice of Prepration and Initial Study - Message (HTML)
Message
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You forwarded this message on 7/27/2012 12:54 PM.
From: Kate Klimow [kklimow@ocbc.org]
Sent: Fri 7/27/2012 12:03 PM
To: CEQA_Admin
Cc:
Subject: Comment letter on the Notice of Prepration and Initial Study
Message
So Cal Business Coalition Comment Letter NOP IS 7-27-12.pdf
Dr. Smith,
On behalf of the associations and members of the Southern California Business Coalition, please find our comment letter attached.
If you have trouble opening the attached file or have any questions regarding our comment letter, please contact either Tracy Rafter, CEO of BizFed (tracy.rafter@bizfed.org) or me.
Kind regards,
Kate Klimow
Vice President of Government and Community Affairs
Orange County Business Council
2 Park Plaza, Suite 100 | Irvine, CA 92614
Tel: 949.794.7210 | kklimow@ocbc.org
Join The Leading Voice of Business in Orange County…
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6-1

July 27, 2012

Steve Smith, Ph.D.
South Coast Air Quality Management District - CEQA Section
21865 Copley Drive
Diamond Bar, CA 91765

RE: INITIAL STUDY FOR THE DRAFT EIR FOR THE 2012 AQMP

Dear Dr. Smith:

6-2 The Southern California Business Coalition is comprised of the leaders of some of California's largest regional business entities and associations. The final 2012 Air Quality Management Plan, and the rule making that will eventually stem from it, will directly affect many of these business interests.

In our ongoing effort to work with SCAQMD to develop a well-balanced strategy that addresses federal requirements through economically feasible compliance, we appreciate the opportunity to provide these comments on the Initial Study (IS) for the Draft Program Environmental Impact Report (DPEIR) for the AQMP.

6-3 **1. The draft proposed control measures are not accurately described in the IS.**

Although the District released an initial version of the draft proposed AQMP control measures on or about June 12th, the descriptions of those control measures in the IS, which is dated June 28th, conflict with the actual measures themselves. To further confuse the process, the Draft AQMP, including the proposed control measures, which was released by the District on or about July 17th, had, in some cases, the requirements of the proposed control measures changed again.

6-3 Cont.

The evaluations conducted for the DPEIR will need to be based on the requirements of the draft proposed control measures as they currently exist - not as they are described in the IS.

2. Discrepancies associated with changes to the control measures have effectively shortened the comment period for the IS from thirty days to approximately ten days.

The several sets of proposed control measures and the resultant inaccurate descriptions of the control measures in the IS have made it more challenging for stakeholders to review the IS for appropriateness. Noting that the latest revisions to the proposed control measures were released in the draft AQMP on or about July 17th, as a practical matter, stakeholders have actually had only ten days to analyze the IS and prepare comments.

6-4 Considering that the AQMP serves as the "project description" for the ensuing environmental documents, the delay in the release of the draft AQMP necessitated a revised determination the impacts of the project.

We must also note that four of the five public workshops/CEQA scoping meetings ~~(~~were held prior to the release of the project description (i.e., the Draft AQMP). Thus it was nearly impossible to provide quality information on the scope of the environmental analysis of the proposed project.

While we wanted to note the challenges we faced in reviewing the IS, we also wanted to raise this concern now so that the District will avoid these sorts of timing problems for the upcoming 2015 AQMP update.

3. Comments on specific proposed control measures.

6-5 Although our ability to assess the potential adverse environmental impacts resulting from the AQMP was severely hampered, we offer the following brief comments on some specific control measures and as examples of additional areas of study that need to be considered for the DPEIR. We would also note that there may be additional study areas that have been overlooked due to the limited review time and the conflicting documents:

6-6
- CMB-03. The discussion in Appendix A refers to ventilation hood systems; however there is no mention of such systems in the description of the measure in the IS (page 1-14) or in the current version of the control measure itself.

6-7
- CTS-01, CTS-02, CTS-03, CTS-04, FUG-01, and MCS-02. These proposed control measures may have waste issues associated with them for various reasons; however the IS does not recognize this possibility.

6-8
- INC-01. Incentive programs such as INC-01 depend upon the availability of funding. If funding is potentially taken from existing programs, there could be an adverse air quality impact that is not acknowledged in the IS.

6-9
- MCS-03. The potential imposition of District-developed operating or maintenance procedures on a facility is not without potential adverse impacts. Adverse impacts could be the result of upsets or malfunctions which, in turn, are consequences of being required to follow arbitrary or inappropriate procedures.

4. Proposed alternative to the project as currently defined (i.e., the draft AQMP)

6-10 We respectfully request that the CEQA analysis of alternatives to the current project consider a case comprised of only the eight short-term PM2.5 control measures, an alternative that would not include the Section 182(e)(5) implementation measures for ozone for either stationary sources or mobile sources. Considering this alternative in the CEQA analysis would allow the Governing Board to consider this option for attaining the PM2.5 standards at a cost that is considerably less than that of the dull draft AQMP, and which places less reliance on actions by other agencies (e.g., the ARB).

6-11 We can appreciate that the District is operating under a tight schedule with respect to this 2012 AQMP update; however, the compressed timeline is concerning to the business community as it impacts our ability to provide meaningful input. Without reasonable review time, the EIR become susceptible to more vigorous challenges on its completeness.

6-12 Please know the business community remains committed to assisting SCAQMD in producing a balanced and workable AQMP document that provides for both environmental and economic success. If there are questions regarding these comments, please contact either Tracy Rafter, CEO of BizFed (tracy.rafter@bizfed.org) or Kate Klimow, Vice President of Government Affairs for Orange County Business Council (kklimow@ocbc.org).

.

Sincerely,

Southern California Business Coalition - AQMP Stakeholders Working Group

Comprised of members of the following associations:

Tracy Rafter
BizFed, Los Angeles County Business Federation

Kate Klimow
Orange County Business Council

Gary Toebben
Los Angeles Chamber of Commerce

Peter Herzog
NAIOP SoCal Chapter

Rob Evans
NAIOP Inland Empire Chapter

Steven Schuyler
BIA of Southern California, Inc.

Joeann Valle
Harbor City/Harbor Gateway Chamber of Commerce

Michael D. Shaw
California Trucking Association

Jay McKeeman
CA Service Station & Auto Repair Association
CA Independent Oil Marketers Association

Gary W. Hambly
CalCIMA

Clayton Miller
Construction Industry Air Quality Coalition

Elizabeth Warren
FuturePorts

Fred Johring
Harbor Trucking Association

CC: Dr. Barry Wallerstein, Executive Officer
Members of the SCAQMD Governing Board

Responses to Comment Letter #6
Southern California Business Coalition – Kate Klimow (7/27/12)

6-1 No further response is necessary. The email informs the reader that the comments are included as an attachment and that the commenter is available to answer questions about the comment letter.

6-2 The introductory paragraphs provide background on the Southern California Business Coalition and state their appreciation at the opportunity to comment on the IS for the Draft AQMP. No further response is necessary.

6-3 The comment states that the proposed control measures in the IS for the Draft AQMP conflict with the draft control measures provided to the public on June 12, 2012 and July 17, 2012. Please see Response to Comment 3-4.

6-4 The comment states that the discrepancies between the draft control measures in the IS and those provided on July 17, 2012 have caused difficulties in their review of the IS and did not provide sufficient time for them to thoroughly review the IS and revised proposed control measures. The comment also states since four of the five public workshops/CEQA scoping meetings were held prior to the release of the Draft AQMP, quality information on the scope of the environmental analysis of the proposed project was lacking.

On June 27, 2012, the CEQA NOP/IS for the 2012 AQMP was released for a 30-day public review period. Subsequent to release of the NOP/IS, some changes were made to the control strategy in the Draft 2012 AQMP. Specifically, the following changes were made to the Draft 2012 AQMP measures: control measure MCS-04a was folded into control measure ONRD-04; control measure MCS-04b is now control measure BCM-01; control measure MCS-04c is now control measure BCM-04. With the exception of BCM-04, these control measures would now apply to the entire Basin instead of just the Mira Loma area; and new control BCM-02 – Further Reductions from Open Burning, has been added to the Draft 2012 AQMP and applies to the entire Basin. These changes are not considered to be substantive changes for the following reasons.

Control measure BCM-01 (formerly MCS-04b) would prohibit using wood burning fireplaces when PM2.5 concentrations exceed 30 ug/m3 at the design monitoring station in Mira Loma. No control equipment or other emission reduction technologies are required to be installed. Based on past monitoring data, this prohibition would occur approximately 15 – 20 times per year. Regardless, whether or not the control measure applies only to Mira Loma or to the entire Basin, it would not generate any impacts.

New control measure BCM-02 would also not generate any impacts for the same reasons as BCM-01, that is, open burning would be prohibited when PM2.5 concentrations exceed 30 ug/m3 at the design monitoring station in Mira Loma, which is expected to occur about 15 – 20 times per year. No other actions would be necessary.

The effects of control Measure BCM-04 (formerly MCS-04c) would not change as is still only applies to the Mira Loma area.

Merging control measure MCS-04a into control measure ONRD-04 has no practical effect because ONRD-04, which applies to the entire Basin, seeks accelerated retirement

of heavy-duty vehicles and replacement with new year 2010 vehicle models or later. This would essentially be the same effect as reducing emissions from heavy-duty vehicles serving warehouses in Mira Loma.

Because the changes to the 2012 AQMP are not considered to be substantive changes to the project, there is no requirement to recirculate the NOP/IS. Minor changes to projects often occur after circulation of an NOP/IS and before and during circulation of the draft CEQA document. However, in response to public comment, SCAQMD staff has updated the control measures and analysis in the IS and recirculated it for a 30-day public review and comment period on August 2, 2012. The SCAQMD will accept comments on the recirculated NOP/IS up to close of business August 31, 2012, and responses to those comments will be included in the Draft Program EIR.

It should be noted that the 2012 AQMP itself is not the "project description," it is the project. Detailed project descriptions were included in both the June 28 NOP/IS and the August 2, 2012 NOP/IS.

The public workshops were intended to introduce the elements of the Draft 2012 AQMP before its release and provide an overview of the contents of the NOP/IS, which was released two weeks earlier. The workshops allowed for comments on ideas for the 2012 AQMP and the content of the CEQA document. While comments on the 2012 AQMP can be submitted up until the Governing Board hearing, it is strongly recommended, however, for comments to be submitted by August 31, 2012 in order to provide time for the response to be addressed and included in the Final 2012 AQMP.

Finally, regional hearings on the 2012 AQMP are scheduled from September 11, 2012 to September 13, 2012 in the four-county region to provide for more opportunity for public comment. The revision and recirculation of the IS with the associated 30-day public review and comment period, and regional hearings should address the concerns raised in the comments.

6-5 The comment states that specific control measures were provided despite complications they had because of changes to the proposed control measures after the release of the first IS. Responses to comments on the specific control measures are provided in Response to Comments 6-6 through 6-8 below. As stated in Response to Comment 6-4, the IS has been updated with the current proposed control measures and associated analysis. The revised IS and new NOP were released on August 2, 2012 for a 30-day public review and comment period. Finally, regional hearings on the 2012 AQMP are scheduled from September 11-13 in the four-county regional to provide for more opportunity for public comment. The revision and recirculation of the IS with the associated 30-day public review and comment period, and regional hearings should address the concerns raised in the comment. It should be noted that the 2012 AQMP itself is not the "project description," it is the project. Detailed project descriptions were included in both the June 28 NOP/IS and the August 2, 2012 NOP/IS.

6-6 The comment states that ventilation hood systems are referred to in Appendix A of the IS, but there is no mention of such systems in the description of the measure in the IS or in the control measure itself. The sources of impacts in Appendix A were developed from the description of the control measures. The IS and Draft Program EIR examine impacts from secondary effects that may not be directly stated in the control measure. Therefore,

the IS and Draft Program EIR may provide more detail than is provided in the control measure to address these secondary effects.

6-7 The comment states that control measures CTS-01, CTS-02, CTS-03, CTS-04, FUG-01 and MSC-02 may have associated waste issues that were not identified in the IS. The comment does not describe or identify waste issues that they believe may be associated with control measures CTS-01, CTS-02, CTS-03, CTS-04, FUG-01 and MSC-02. SCAQMD staff will address any waste issues identified in the more thorough analysis in the Draft Program EIR for the 2012 AQMP.

6-8 The comment states that if funding is taken from existing programs to implement INC-02, there could be an adverse air quality impact. Funding for INC-02 will not be taken from existing programs and resources. Rather, staff intend to work with the stakeholders to identify a new funding source to implement INC-02, separate and different than the funding for existing programs. Therefore, no air quality impacts are expected from the funding of INC-02, since funds will not be taken from existing programs.

6-9 The comment states that imposition of SCAQMD-developed operating or maintenance procedures on a facility is not without potential impacts. The comment states that adverse impacts could result from upsets or malfunctions caused by arbitrary or inappropriate procedures required by the control measure MSC-03.

Operating or maintenance procedures required by SCAQMD control measures, rules or regulations are to ensure that equipment and associated control and/or monitoring equipment are operating correctly and within manufacturer specifications and comply with applicable rules. No evidence is presented of any arbitrary or inappropriate procedures. Any procedures that industry or the public believes to be arbitrary or inappropriate should be identified during the public review period of the AQMP or rules or regulations. SCAQMD staff addresses all such concerns and works to prevent any procedures that are not appropriate. Therefore, since no arbitrary or inappropriate procedures are expected, there would not be any adverse impacts to control measure MSC-03 or associated rules and regulations developed from MSC-03.

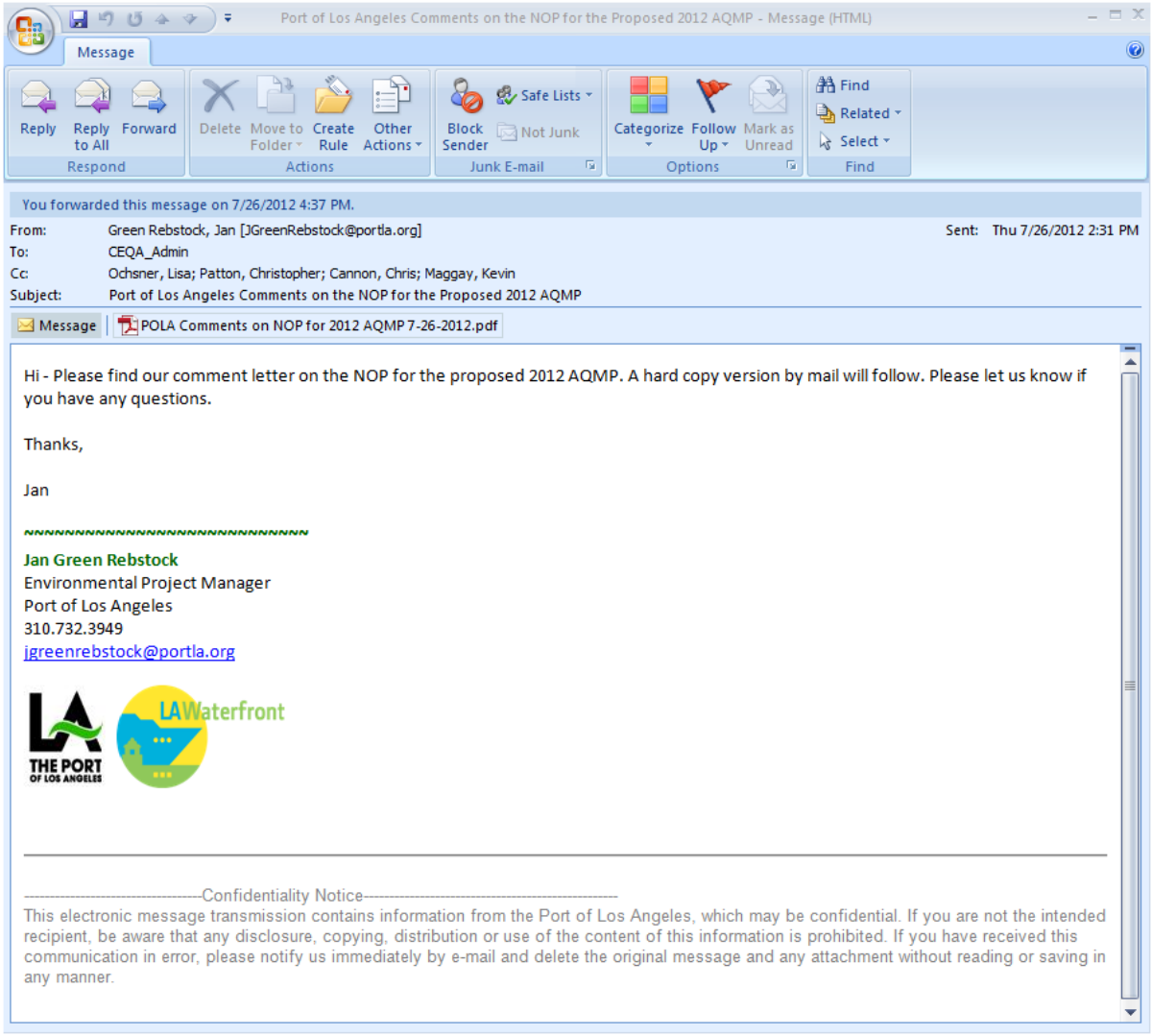
6-10 The comment requested the Draft Program EIR for the AQMP to include an alternative comprised only of the "eight short-term PM2.5 control measures, an alternative that would not include the Section 182(e)(5) implementation measures for ozone for either stationary or mobile sources" because the cost of such an alternative would place less reliance on actions by other agencies and be considerable less than the proposed project. AQMP controls should not be placed solely on sources under SCAQMD's authority. Eighty to 90 percent of NOx emissions are from mobile sources. Therefore, the District has to rely on CARB/EPA to reduce their fair share of reductions. Not including ozone measures in the proposed project would be less costly, but these costs are not avoided, just deferred.

The Draft Program EIR includes an alternative comprised only of PM2.5 control measures. Please see Alternative 4 in Chapter 6 of the Draft Program EIR.

6-11 The comment states that the "compressed" timeline for the adoption of the 2012 AQMP is concerning to them and impacts their ability to provide meaningful input. As stated in Response to Comment 6-4, the IS has been updated with the current proposed control

measures and associated analysis. The revised IS and new NOP were released on August 2, 2012 for a 30-day public review and comment period. The additional public review period should address the concerns raised in the comment. When released, the Program EIR will be available for a 45-day review period, as required by law. Therefore, it will not be subject to a "compressed" review period.

6-12 The concluding paragraph states the business community's commitment to the AQMP process and provides information on Southern California Business Coalition contacts. No further response is necessary.



Port of Los Angeles Comments on the NOP for the Proposed 2012 AQMP - Message (HTML)

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From: Green Rebstock, Jan [JGreenRebstock@portla.org] Sent: Thu 7/26/2012 2:31 PM
To: CEQA_Admin
Cc: Ochsner, Lisa; Patton, Christopher; Cannon, Chris; Maggay, Kevin
Subject: Port of Los Angeles Comments on the NOP for the Proposed 2012 AQMP

Message | POLA Comments on NOP for 2012 AQMP 7-26-2012.pdf

7-1

Hi - Please find our comment letter on the NOP for the proposed 2012 AQMP. A hard copy version by mail will follow. Please let us know if you have any questions.

Thanks,

Jan

Jan Green Rebstock
Environmental Project Manager
Port of Los Angeles
310.732.3949
jgreenrebstock@portla.org

THE PORT OF LOS ANGELES
425 S. Palos Verdes Street Post Office Box 151 San Pedro, CA 90733-0151 TEL/TDD 310 SEA-PORT www.portoflosangeles.org

Antonio R. Villaraigosa | Mayor, City of Los Angeles
Board of Harbor Commissioners | Cindy Miscikowski, President | David Arian, Vice President | Robin M. Kramer | Douglas P. Krause | Sung Won Sohn, Ph.D.
Geraldine Knatz, Ph.D. | Executive Director

July 26, 2012

Steve Smith, Ph.D.
Program Supervisor, CEQA
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765
(via email to ceqa_admin@aqmd.gov)

Dear Mr. Smith:

SUBJECT: COMMENTS ON THE NOTICE OF PREPARATION FOR THE PROPOSED 2012 AIR QUALITY MANAGEMENT PLAN PROGRAM ENVIRONMENTAL IMPACT REPORT

7-2 The City of Los Angeles Harbor Department (Harbor Department) appreciates the opportunity to comment on the Notice of Preparation (NOP) for a Draft Program Environmental Impact Report (EIR) for the 2012 Air Quality Management Plan (AQMP). Regarding the Draft 2012 AQMP, the Harbor Department submitted initial comments on July 10, 2012 related to the proposed backstop measure for indirect sources of emissions from ports and port-related sources. For your reference, a copy of the letter is enclosed. Regarding the preparation of the Draft Program EIR, we offer the following scoping comments for the South Coast Air Quality Management District (SCAQMD) to consider during its environmental review process under the California Environmental Quality Act (CEQA):

7-3 *Schedule*
The Program EIR schedule is very aggressive, with the scoping period ending on July 27, 2012, the release of the Draft Program EIR scheduled for August 2012, and final approval planned for October 5, 2012. There does not appear to be adequate time allocated to allow for meaningful input on the scope and content of the Draft Program EIR or the AQMP. In fact, the schedule would suggest that the Draft Program EIR may be well underway without the benefit of this scoping process. Hopefully, the SCAQMD will conduct the scoping process in a manner that allows for the integration of new information or analysis into the Draft Program EIR based on public comments received.

7-4

Aesthetics
The Initial Study identifies potential significant impacts on aesthetics due to: 1) control devices at port facilities to control ship emissions from ships at berth, such as hoods or bonnets on ship exhaust stacks that could be as high as 80 feet; and 2) the use of overhead catenary power lines as a potential control measure to promote the use of zero emissions trucks powered by electricity. The Draft Program EIR should analyze potential aesthetic impacts to scenic corridors. Specifically, Harbor Boulevard and John S. Gibson Boulevard are identified in local plans as major scenic highways, thereby making views from these roadways highly sensitive. Like container cranes, any structures should be evaluated that impact views from Harbor Boulevard and John S. Gibson Boulevard or obstruct views of the Vincent Thomas Bridge, a local landmark that is eligible for listing in the National Register of Historic Places.

7-5

Energy
The Draft Program EIR should analyze how the mobile source control measures related to the electrification of on-road and off-road heavy-duty vehicles, marine vessels, locomotives, cargo handling equipment, and harborcraft will impact regional energy demand, the need for new electrical power or natural gas utility systems, and peak demand periods.

7-6

Hazards and Hazardous Materials
As noted on page 2-27 of the Initial Study, some control measures, such as OFFRD-04, Further Emission Reductions from Ocean-Going Marine Vessels while at Berth, could result in the increased use of ammonia in SCR units and the need for local ammonia storage. Additional hazardous waste generation and disposal for filtration systems applied to large vessels could also occur. Greater use of alternative fuels could also create hazard impacts in the event of an accidental release of these materials. The Draft Program EIR should evaluate the hazard impacts related to ammonia and LNG storage and fueling stations among port facilities, along with the potential for increased hazardous waste generation and disposal

7-7

Transportation/Traffic
The NOP/IS states that the Draft 2012 AQMP is not expected to generate any significant adverse project-specific impacts to transportation or traffic systems and that no further evaluation will be conducted in the Draft Program EIR. However, the SCQAMD has not addressed impacts to traffic circulation on major freeways due to construction and operation of potential control measures related to on-road heavy-duty vehicles, such as the use of overhead catenary power lines. Traffic impacts due to the increased need for battery charging stations or LNG fueling stations are also not addressed. We would like to see these potential impacts analyzed in the Draft Program EIR.

Socioeconomics

7-8 While not required under CEQA, the Draft 2012 AQMP should include a thorough socioeconomic impact analysis for each proposed control measure, most notably the proposed backstop measure. This could be accomplished with an expanded discussion under the cost effectiveness section of each control measure summary in the Draft AQMP.

7-9 We look forward to reviewing both the Draft Program EIR and the Draft 2012 AQMP and working with the SCAQMD throughout the environmental review process.

Sincerely,

FIR

CHRISTOPHER CANNON
Director of Environmental Management

CC:LO:JG:mrx

Enclosure

THE PORT OF LOS ANGELES

Port of LONG BEACH
The Green Port

July 10, 2012

FILE COPY
7/11/12 (PD)

Barry Wallerstein, D. Env.
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, California 91765

Re: Initial Comments on the Proposed 2012 Air Quality Management Plan, Control Measure IND-01

Dear Dr. Wallerstein:

7-10

The Port of Long Beach and Port of Los Angeles (Ports) appreciate the opportunity to participate in the South Coast Air Quality Management District's (AQMD) 2012 Air Quality Management Plan (AQMP) Advisory Committee. We support the AQMD's clean air goals and have worked aggressively with the port industry to reduce our fair share of air quality impacts to the region from port-related operations, as outlined in the San Pedro Bay Ports Clean Air Action Plan (CAAP) and the associated San Pedro Bay Standards. As a result, between 2005 and 2010, emissions from port-related sources were reduced by 70 percent for diesel particulate matter and by 49 percent for nitrogen oxides. Emissions inventory work currently underway indicates additional, continued emission reductions in 2011.

7-11

While we continue to remain a committed partner in the effort to improve air quality in the region, we disagree with AQMD's proposed control strategy for port-related sources in the Draft 2012 AQMP. The inclusion of proposed measure IND-01, "Backstop Measures for Indirect Sources of Emissions from Ports and Port-Related Sources," is unnecessary and counter-productive.

The two Ports have a proven track record of developing and implementing appropriate and effective emission reduction strategies. These efforts have been entered into voluntarily, working cooperatively with operators in the port area and the air quality regulatory agencies (i.e. Environmental Protection Agency, California Air Resources Board and AQMD). Since the Ports initially implemented the CAAP, many of the port-related control strategies have been or will be superseded by state or international requirements, such as the rules for replacing drayage trucks, switching to cleaner marine fuels, and using shore power while at berth. The Ports' emissions inventories in 2010 show reductions that are meeting or are in excess of the emission reductions that the Ports committed to in the San Pedro Bay Standards. However, it is important to note that in order to remain on track to meet the Standards, a collaborative and concerted effort with our agency partners is essential, with the understanding that while the Ports can achieve significant emission

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425 S. Palos Verdes Street • San Pedro • CA 90731 • 310-732-3675

Port of Long Beach • Environmental Planning
925 Harbor Plaza • Long Beach • CA 90802 • 562-590-4160

The San Pedro Bay Ports Clean Air Action Plan was developed with the participation and cooperation of the staff of the US Environmental Protection Agency, California Air Resources Board and the South Coast Air Quality Management District.

reductions, no single entity can accomplish this task. The previous State Implementation Plan identified several regulatory strategies that have not yet materialized into regulations for various reasons. Moving forward, the Ports will need agency assistance, particularly on the development and deployment of zero-emission technologies and at-berth controls for non-regulated vessels, as well as on the preferential deployment of cleaner vessels to the basin.

7-11 Cont.

The Ports are sustaining and growing long-standing successful CAAP programs, such as the Vessel Speed Reduction Incentive Program and, on July 1, 2012, the Ports implemented new, groundbreaking incentive programs to encourage cleaner ocean-going vessels to call at the Ports. With programs such as these, along with the above-referenced regulatory rules becoming effective and ensuring significant additional emission reductions by 2014, there is no identified need for implementing a backstop measure. The AQMD's proposed backstop measure will not result in any additional benefit for the region beyond what is currently being achieved and expected to be achieved in the near future, and is therefore unnecessary.

7-12

It is inappropriate for the AQMD to attempt to regulate the Ports, which are the Harbor Departments of the cities of Long Beach and Los Angeles, in an attempt to control emissions from equipment within our boundaries, but which we do not own or operate. Further, the proposed backstop measure identifies that the "…requirements will be triggered if the reported emissions for 2014 for port-related sources exceed the 2014 target milestone, *or the Basin fails to meet the 24-hour PM2.5 standard as demonstrated in the 2012 AQMP and basin-wide reductions are needed, in which case a new reduction target for each pollutant will be established*." (emphasis added). While clarification has been provided by AQMD staff that any effort to make up for a basin-wide shortfall will be the responsibility of all sectors, not just the Ports, this statement still implies that if the port industry meets their targeted emission reductions, but other sectors fail to meet their fair share obligations, then the AQMD will mandate additional reductions from the Ports. This is counter to the cooperative relationship that our agencies have established since we began working together on the CAAP in 2006, and ignores the tremendous air quality benefits that have been gained from voluntary actions.

7-13

Lastly, based on the preliminary calculations by AQMD, the majority of the region is expected to be in attainment for PM2.5 by the target year of 2014, with the remainder anticipated to be in attainment by the expected extension date of 2019. The inclusion of IND-01 is therefore unnecessary for the region to reach attainment. If these emission reductions are needed in the baseline emissions calculation, there is precedent for mechanisms other than control measures to be used for this purpose, and we would like to discuss those options with your staff.

7-14

We strongly believe that the voluntary and cooperative CAAP process established by the Ports remains the most appropriate forum for the Ports and the air regulatory agencies to discuss technical and policy issues related to reducing emissions from port-related sources. As stated above, we remain committed to achieving our fair share of clean air goals identified in the CAAP and working with port industry and the air regulatory agencies on implementation of appropriate strategies.

For your reference, attached is a comment letter dated May 4, 2010, in which the Ports initially expressed concerns regarding backstop rules. The letter was submitted as a public comment on the proposed Rules 4010 and 4020, which were proposed backstop rules for health risk and criteria pollutant emissions.

7-15 We look forward to working with AQMD on resolving our concerns related to the proposed backstop measure in the Draft 2012 AQMP.

Sincerely,

CHRIS LYTLE
Executive Director
Port of Long Beach

MICHAEL R. CHRISTENSEN
Deputy Executive Director, Development
Port of Los Angeles

HAT:s

cc: Peter Greenwald, South Coast Air Quality Management District
Elaine Chang, South Coast Air Quality Management District
Henry Hogo, South Coast Air Quality Management District
Susan Nakamura, South Coast Air Quality Management District
Cynthia Marvin, California Air Resources Board
Roxanne Johnson, Environmental Protection Agency, Region 9
Robert Kanter, Port of Long Beach
Rick Cameron, Port of Long Beach
Dominic Holzhaus, Deputy City Attorney, City of Long Beach
Chris Cannon, Port of Los Angeles
Joy Crose, Assistant General Counsel, City of Los Angeles

Responses to Comment Letter #7
Port of Los Angeles – Christopher Cannon (7/26/12)

7-1 This comment notifies the SCAQMD that a comment letter is attached. No further response is necessary.

7-2 This comment notifies the SCAQMD that the comments contained in the letter pertain to the Initial Study for the Draft Program EIR for the 2012 AQMP. This comment also refers to a separate comment letter submitted on July 10, 2012 that is attached to this comment letter (see Responses to Comments 7-10 through 7-15). No further response is necessary.

7-3 Subsequent to the submittal of this comment letter, the NOP/IS was recirculated for an additional 30-day public comment period on August 2, 2012 because changes were made to the 2012 AQMP project description subsequent to release of the original NOP/IS on June 27, 2012. The comment period for the recirculated NOP/IS closes on August 31, 2012. Two additional public workshops/CEQA scoping meetings have also been scheduled for August 9, 2012 and August 23, 2012 to seek additional input regarding the scope and content of the Draft Program EIR. To accommodate the timing needed to recirculate the NOP/IS, the public hearing date has been moved from October 5, 2012 to November 2, 2012 (subject to change). See also Response to Comment 6-11. All comments received during the scoping process will be considered when preparing the Program EIR.

7-4 Consistent with the suggestion in the comment, the recirculated NOP/IS acknowledges that there may be potentially significant adverse project-specific aesthetics impacts to scenic corridors. These impacts will be analyzed in the Draft Program EIR.

7-5 Consistent with the suggestion in the comment, the recirculated NOP/IS acknowledges that there may be potentially significant adverse energy demand impacts from various mobile source control measures related to the electrification of on-road and off-road heavy-duty vehicles, marine vessels, locomotives, cargo handling equipment, and harborcraft. These impacts will be analyzed in the Draft Program EIR.

7-6 Consistent with the suggestion in the comment, the recirculated NOP/IS acknowledges that there may be potentially significant adverse hazards and hazardous materials impacts from: 1) hazardous waste generation and disposal associated with filtration systems applied to large vessels related to ammonia storage and use; and, 2) the potential for accidental release of alternative fuels, such as LNG, as the use of these alternative fuels increases as a result of implementing various control measures, including but not limited to Control Measure OFFRD-04. These impacts will be analyzed in the Draft Program EIR.

7-7 Consistent with the suggestion in the comment, the recirculated NOP/IS acknowledges that potentially significant adverse traffic impacts could occur as a result of implementing ADV-01 – §182(e) Proposed Implementation Measures for the Deployment of Zero- and Near-Zero Emission On-Road Heavy-Duty Vehicles, due to constructing overhead electrical catenary lines. Therefore, this potential impact will be evaluated in the Draft Program EIR

7-8 The SCAQMD is currently conducting a socioeconomic analysis of the 2012 AQMP, which would include costs of control measures, benefits of clean air, job impacts, and other socioeconomic impacts. The analysis will be presented in a stand-alone report. To date, the SCAQMD has released the cost of each measure. The proposed backstop measure would be triggered if the reported emissions for port-related sources are more than the 2014 target milestone, if the Basin fails to meet the PM2.5 standard as prescribed in the 2012 AQMP, or if there is a change in the Basinwide carrying capacity. If any one of those conditions is met, the cost of the measure will be assessed. It is too speculative to predict whether the backstop measure would be triggered, the level of emission exceedance, and the requisite control technology at this time. It is also speculative to forecast future changes in carrying capacity or whether the 2012 AQMP would fall short of compliance.

7-9 This comment concludes the letter. No further response is necessary.

7-10 This comment begins the attached referenced letter mentioned in Comment 7-2. This comment notifies the SCAQMD that the comments contained in the letter pertain to commenter's participation in the 2012 AQMP Advisory Committee. This comment also remarks on the commenter's past and present emission reduction efforts. No further response is necessary.

7-11 The SCAQMD staff acknowledges the Ports' efforts in reducing emissions from port related sources. The SCAQMD staff will continue to be an active participant on zero-emission technology development and demonstration projects. The SCAQMD staff also supports the Port's Clean Air Action Plan (CAAP) Technology Action Plan (TAP) which calls for current and future efforts to demonstrate technology with a high potential to further reduce emissions from port-related sources.

Control Measure IND-01 – Backstop Measure for Indirect Sources of Emissions from Ports and Port-related Facilities was included in the Draft 2012 AQMP in order to provide an "insurance policy" to ensure that the assumed emission reductions from port-related sources are met. This control measure is based on emission targets from port-related sources, and "backstops" those emissions expected from existing air quality rules, regulations, and commitments by 2014.

It should be noted that the PM2.5 attainment strategy contained in the Draft 2012 AQMP does not rely on additional reductions from port-related sources, beyond what is projected for the future baseline emissions inventory.

SCAQMD staff considers this control measure to be necessary to ensure that the Basin achieves the federal 24-hour PM2.5 ambient air quality standard by 2014. Reductions will occur and be enforceable, so that the additional emission benefits from port-related sources are possible. For instance, there are other control strategies that could be put in place that the Ports are not currently implementing and are not otherwise required by state and federal law. These include accelerating the use of lower emitting locomotives operated by Class I Railroads, and zero- and near-zero emission reduction technologies.

7-12 The comment states that "it is inappropriate for the SCAQMD to attempt to regulate the Ports, which are the Harbor Departments in the cities of Long Beach and Los Angeles, in an attempt to control emissions from equipment within our boundaries, but which we do

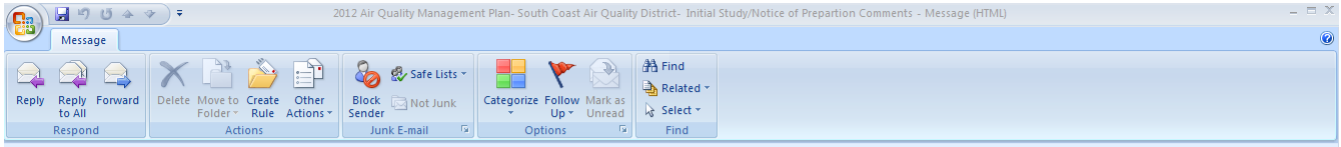
not own or operate." The SCAQMD may regulate Ports sources under its existing authority. As stated in control Measure IND-01, the SCAQMD has the authority to adopt rules to control emissions from "indirect sources" under existing law. The Clean Air Act defines an indirect source as a "facility, building, structure, installation, real property, road or highway which attracts, or may attract, mobile sources of pollution," 42 U.S.C. § 7410(a)(5)(C); CAA § 110(a)(5)(C). Under this definition, the Ports are an indirect source. As provided in the California Health & Safety Code, districts are further authorized to adopt rules to "reduce or mitigate emissions from indirect sources" of pollution. (Health & Safety Code § 40716(a)(1)). The SCAQMD is also required to adopt indirect source rules for areas where there are "high-level, localized concentrations of pollutants or with respect to any new source that will have a significant impact on air quality in the South Coast Air Basin." (Health & Safety Code § 40440(b)(3))

The Ports are also concerned that if the port industry meets their targeted reductions, but other sectors fail to meet their fair share obligations, then the SCAQMD will mandate additional reductions from the Ports. As the control measure explains, if the current situation where the original basin-wide carrying capacity is lowered in the future, the SCAQMD will seek additional reductions from all available sources, including port-related sources. Under this scenario, all sources will have a new "fair share" reduction target, including port-related sources.

7-13 The comment regarding attainment dates is correct based on current inventories and projections, and no additional emission reductions from port-related sources are needed to demonstrate attainment for the federal 24-hr PM2.5 ambient air quality standard by 2014. However, as discussed in Response to Comments 7-11 and 7-12, Control Measure IND-01 is necessary to ensure that if additional emission reductions are needed to demonstrate attainment of the federal 24-hr PM2.5 ambient air quality standard due to changes in the basin-wide carrying capacity, a mechanism for further emission reductions from port-related sources is included as a control measure in the AQMP.

7-14 The SCAQMD staff remains committed to working with both Ports in a collaborative manner to reduce emissions and develop and demonstrate promising zero- and near-zero-emission technologies for port-related sources. We believe this shouldn't be limited to the CAAP process, and can be done either within the framework of the CAAP or other public and private partnerships. The inclusion of Control Measure IND-01 should not adversely affect this process in anyway.

7-15 This comment concludes the letter. No further response is necessary.



From: Yanez, Jarrett [JYANEZ@dpw.lacounty.gov]
Sent: Thu 7/26/2012 5:55 PM
To: Steve Smith; Joe Cassmassi
Cc: Duong, Toan; Cruz, Ruben; Ibrahim, Amir
Subject: 2012 Air Quality Management Plan- South Coast Air Quality District- Initial Study/Notice of Prepartion Comments

Dear Dr. Steve Smith:

Initial Study/Notice of Preparation
2012 Air Quality Management Plan
South Coast Air Quality District

8-1 Thank you for the opportunity to review the Initial Study/Notice of Preparation for the 2012 Air Quality Management Plan (AQMP). The 2012 AQMP identifies control measures to demonstrate that the region will attain the federal standard for particulate matter less than 2.5 microns in diameter (PM2.5) by the applicable target dates and provides Clean Air Act §182(e)(5) proposed implementation measures to assist in achieving the 8-hour ozone standard.

The following comments are for your consideration and relate to the environmental document only.

Hazards–Environmental Safety

Initial Study of the 2012 AQMP
Section MCS-02: Further Emission Reductions from Green Waste Processing (page 1-16)

8-2 It is recommended that a timeline be specified as to when 1) the existing database would be reviewed to refine green waste material inventory, and 2) a rule would potentially be developed to incorporate technically feasible and cost-effective BMPs or controls.

If you have any questions regarding the environmental safety comment, please contact Mr. Corey Mane at (626) 458-3524 or cmayne@dpw.lacounty.gov.

Services-Traffic/Access

8-3 Road Maintenance Division is currently seeing operational impacts as a result of current requirements for alternative fueled vehicle use in lieu of clean-diesel technology. Many of the proposed regulations seem to build on the current ones which are causing negative impacts. Specifically, Counties typically maintain and respond to rural areas far from urban centers. This is as opposed to most cities which are fairly compact and do not require staff to respond beyond several miles of their City facilities. Counties such as Los Angeles may literally respond dozens of miles from their de-centralized facility, in rural/mountain terrain, far from urbanized areas. Therefore, infrastructure for fueling of alternative fueled vehicles is not present. Note that many areas do not even have natural gas lines to make CNG even a possibility. Also, because of the distances, current technology has not provided a means to allow a vehicle to operate in the remote areas for a full 12-hour shift in order to provide road clearing, snow plowing, debris removal, tree trimming, etc. Note that operationally, staff and equipment in Road Maintenance Division provide mutual Support during and subsequent to major storms and other natural disasters. We caution implementing rules requiring technology which would not allow equipment/vehicles to be used for at least 12 hours, in remote areas, 60 miles or more from their facility or origin, without special infrastructure (charging stations, CNG fueling). Finally, cost of purchase, maintenance, and additional infrastructure to maintain alt. fuel vehicles causes already strained and reduced transportation related revenues to be

(charging stations, CNG fueling). Finally, cost of purchase, maintenance, and additional infrastructure to maintain alt. fuel vehicles causes already strained and reduced transportation related revenues to be utilized on items other than the roadway infrastructure itself.

We would request that a process be implemented to take these unique circumstances into consideration as the rules are implemented in order to not adversely impact public safety. Again, this affect Los Angeles County more than individual Cities due to the more rural nature of our facilities and the Mutual Aid provided following storms and other Natural disasters.

8-4 Section XIV PUBLIC SERVICES has been checked off that there are no Impacts to other public facilities. We believe that actually there could be Potentially significant impacts in rural, County Unincorporated areas and mountain roads because of the issues presented above. There would likely be physical impacts to our facilities if alternate fuels/methods are required. Additionally, construction of costly fueling sites would be required where there are no public fueling sites available, or the sole public site was not constructed with on-road, heavy duty trucks in mind and therefore it is unable to be utilized. Most of our decentralized facilities are not physically able to be utilized for public/private fueling. Several do not have necessary infrastructure available. Therefore, response times would be adversely affected and performance goals impacted due to inability of alternate fueled vehicles to operate an entire shift in remote, unincorporated areas. In addition, mutual aid within the Department would be adversely impacted by inability to respond to remote areas or areas served in the Antelope Valley AQMD by our staff and vehicles assigned to a facility in SCAQMD.

8-5 In the discussion, Section XIV a) and b), page 2-43 it states that per Health and Safety Code, emergency or rescue vehicles operated by law enforcement, fire, medical, paramedic are specifically exempt from requirements of alternate fueled vehicles. That was likely the basis for determination of no adverse impact. Unfortunately, that code does not take into account that Public Works, specifically those involved in roadway maintenance, are not considered in that same code. However, roadway maintenance is the first to be called by those responders in order to maintain public roadways in an open and safe condition in order for those mentioned in the code to respond themselves. Also, in the restoration efforts, emergency responders by that code are largely not involved, while Public Works staff continue to work towards restoring access on public roadways for every extended periods of time. Typically in remote areas.

8-6 If you have any questions regarding the traffic/access comments, please contact Mr. Mark Caddick at (661) 947-7173 or mcaddick@dpw.lacounty.gov.

If you have any other questions or require additional information, please contact:

Toan Duong
(626) 458-4915
Land Development Division
Los Angeles County Department of Public Works

Responses to Comment Letter #8
Los Angeles County Department of Public Works – Toan Duong (7/26/12)

8-1 No response necessary. The email informs the reader that the comments are included are provided on the environmental document only.

8-2 This comment requests that a timeline be provided noting when the existing green waste material inventory would be reviewed and that a rule be developed to incorporate technically feasible and cost effective BMPs or controls under MCS-02.

The proposed control measure MCS-02 Further Emission Reductions from Greenwaste Processing will consist of two phases. The first phase would cover developing emission factors from greenwaste chipping and grinding activities, refinement of the greenwaste material throughput by sector (e.g., landfill, landscapers, composters, etc.), and if needed, a survey of greenwaste generation and utilization to contribute to the development of a comprehensive material throughput and emissions inventory. During Phase 1, SCAQMD staff will conduct regular meetings of the Rule 1133 series working group to review and seek input on the data from Phase 1 as it is developed. Phase 1 is expected to be completed by late 2013 or 2014. Phase 2 rule development would commence as Phase 1 ends and is tentatively scheduled to be completed by 2015 with implementation of this proposed control measure one to two years after that. However, the exact timing and execution of Phase I, Phase II, rule adoption, and rule implementation will depend heavily upon the results of each preceding activity; therefore, no specific timelines are available at this time.

8-3 This comment cautions against the implementation of rules that require technology which would not allow equipment/vehicles to be used for at least 12 hours in remote areas, 60 miles or more from their facility or origin without special infrastructure. If fleet vehicle rules are amended in the future, the needs of affected fleets will be considered at that time.

The comment states that the cost of purchase, maintenance and additional infrastructure to maintain alternative fueled vehicles causes "strained and reduced" transportation related revenues to be used on items other than roadway infrastructure itself.

As already noted, any future fleet vehicle rules would consider needs such as fleets located in remote locations for example. Mobile alternative refuelers are available. Through the use of these mobile alternative fuel refuelers, the county would be able to extend the service distance available to alternative-fueled vehicles in the county fleet. The mobile alternative fuel refuelers can be rotated around the county based on need. Therefore, mobile alternative fuel refuelers would be less expensive to implement than building new infrastructure in areas that are not frequently accessed.

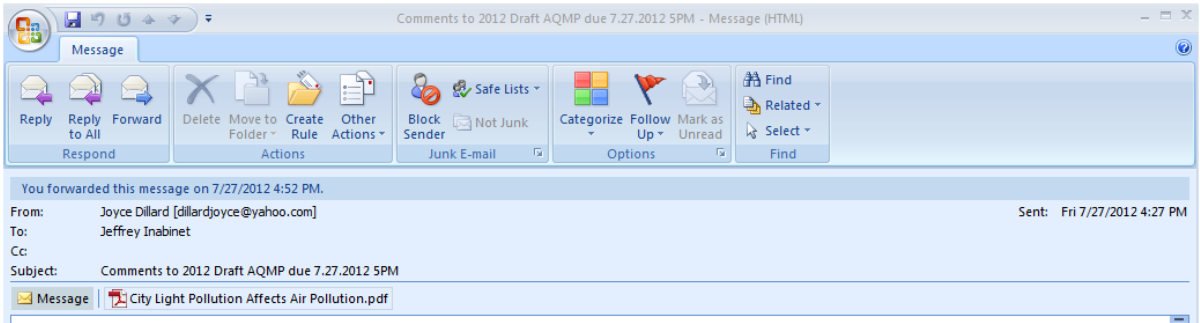
8-4 The comment states that there would be potentially significant impacts in rural, County Unincorporated areas and mountain road caused by alternative-fuel requirements in control measures, rules and regulations. The comment states there would be physical impacts to facilities from construction of refueling sites. Response times and performance goals may be impacted due to the inability of alternative fueled vehicles to operate an entire shift in remote, unincorporated areas.

Alternative fueled vehicles have become the preferred fuel for several types of fleets who are accustomed to either gasoline or diesel use. At a cost between $1.50 - $2.00 less a gallon, alternative fuels have become the preferred fuels in the refuse and transit bus industries. As stated in Response to Comment 8-3, mobile refuelers may be used in areas that are remote locations from alternative fueled stations and thereby allow the county to meet response times and performance goals, while reducing cost and air pollution. Should this option not be feasible for an individual circumstance, exemptions from any future alternative fuel requirements could be developed, similar to the SCAQMD's existing fleet Rule 1196. If fleet vehicle rules are amended in the future, the needs of affected fleets will be considered at that time. As already noted, any future fleet vehicle rules would consider needs such as fleets located in remote locations for example. Also, exemptions and exceptions can be carried out during rule development to address issues of infeasibility.

8-5 The comment states that Public Works vehicles, specifically road maintenance vehicles, are not considered in the exemption from requirements of alternative fueled vehicles under the Health and Safety Code. The comment also states that roadway maintenance is called first by emergency responders to maintain public roadways open and in a safe condition.

Roadway maintenance vehicles are not defined as emergency vehicles in accordance with the California Vehicle Code. Alternative-fueled maintenance vehicles can be supported by alternative fueled mobile refuelers. This would allow public roadways to remain open and in a safe condition while emergency vehicles that are exempt under the Health and Safety code respond to emergencies.

8-6 No response is required. The concluding paragraph provides contact information for the Los Angeles County Department of Public Works.



9-1 "Vision" may be your operative word and "imaginery" may be one left out.

9-2 Do you know all your sources of pollutions.

9-3 Take, for instance, the Midway Yard in Los Angeles used as Metrolink's Central Maintenance Facility. There has never been a Full environmental Impact Report for that use and only interim use is mentioned in:

Pasadena-Los Angeles Rail Transit Project
State Clearinghouse No. 88042713

Burbank-Glendale-Los Angeles Rail Transit Project
State Clearinghouse No. 93051016

9-4 Being in the center of downtown Los Angeles, near freeways and industry, what are the pollutant loads? There can be NO proper assessment and data for SCAG or other agencies to do proper planning. Obviously, without an EIR there is no monitoring.

9-5 There are no Scenarios created to address the problem.

9-6 You can also affect Impaired Water Bodies such as the LA River and increase the Greenhouse Gas effect.

9-7 There is (City of Los Angeles) reference to a three-party Settlement Agreement was signed by the City of Los Angeles, the Los Angeles County Transportation Commission (LACTC), and the Southern Califomia Regional Rail Authority in 1992. The Agreement was developed to avert legal action by the City of Los Angeles regarding the LACTC's and SCRRA's conformity with California Environmental Quality Act (CEQA) requirements in building the commuter rail maintenance facility (CMF)Taylor Yard.

That Settlement Agreement cannot be found, to date, and does not reduce emissions.

9-8 You do not take into effect emissions from methane and other gases discharging from the geology because of its oil content and soil contamination-or even because of fracking. Failed Methane Monitoring Systems can add to air pollution. Some activists have rented cameras to film the dangerous discharges.

9-9 What municipalities have supplied data on their Methane Monitoring systems?

9-10 Monitoring stations need to be identified in this report. The push to bicycles may just be a method of reducing emission around monitoring stations and, because of the minority of population buy-in, not a sustainable solution. Is there a consistent system amongst governing agencies?

9-11 Same with Transit Oriented Districts. The data given by Brian Taylor from UCLA shows a less affluent user of transit. Would that method really be replacing automobiles? SCAG has created scenarios as if TOD would be replacement methods. We believe this to be false.

9-12 Considering the state of the economy and high unemployment in the Los Angeles area, will new technology in cars be considered reliable in the projections? In other words, can the public afford the new vehicles that would reduce emissions?

9-13 Have you looked at density and idling in traffic?

9-14 Have you looked at density in the increased usage of landfills and their emissions? Is there a consistent system amongst governing agencies in their reporting and monitoring?

9-15 Have you looked at major projects such as the Los Angeles Convention and Event Center (NFL Stadium) and the concentration of automobiles to a single location and the number of days effected? Have you analyzed those transportation patterns within the SCAQMD to events at the stadium?

9-16 Have you looked at Digital Signage, Light Pollution and the impacts on Ozone (City Light Pollution Affects Air Pollution-Harald Stark-NOAA)?

9-17 What differentials have occurred since the 2001 Baseline Air Emissions Inventory used in reports?

9-18 This plan is TOO concentrated on vehicle and truck emissions, and attainment has not been achieved to date.

Joyce Dillard
P.O. Box 31377
Los Angeles, CA 90031

Attachment:

City Light Pollution Affects Air Pollution

9-19

City Light Pollution Affects Air Pollution

Harald Stark*,a, S.S. Brown, W.P. Dubé a, N. Wagner a, T.B. Ryerson, I.B. Pollack a, C.D. Elvidge, D. Ziskin, D.D. Parrish

* harald.stark@noaa.gov, Phone: 303-497-5426

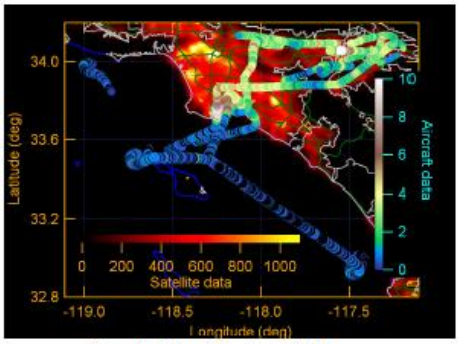
National Oceanic and Atmospheric Administration, Earth System Research Laboratory, 325 Broadway, Boulder, CO 80305, USA

a Also associated with Cooperative Institute for Research in Environmental Sciences, University of Colorado, Boulder, CO 80309, USA

Poster # A21C-0117
Location: Moscone South
Tuesday, December 14th
8am-12pm

First airborne measurements of city lights intensities

- City lights over Los Angeles are 10,000 times dimmer than sun light but 25 times brighter than the full moon
- Two street light types identified by color fingerprints: high-pressure sodium (HPS) and metal halide lamps (MH)
- Light intensities were converted into chemical destruction strength
- Satellite data can be used to estimate light intensities over other cities
- City lights can
  - Destroy nighttime cleansing chemicals
  - Slow down night time cleansing of pollution
  - Lead to more starting chemicals for the next day
  - Affect ozone levels after sunrise



Aircraft data calibrates satellite

Los Angeles at night: City lights and chemistry, viewed from the air

Responses to Comment Letter #9
Ms. Joyce Dillard (7/27/12)

9-1 The correct title of the document it is assumed that the commenter is referring to is *Vision for Clean Air: A Framework for Air Quality and Climate Planning*. This document is a collaborative effort by the SCAQMD, CARB and the San Joaquin Valley Air Pollution Control District that examines how strategies developed for air quality and climate change planning should be coordinated to make the most efficient use of limited resources and the time needed to develop cleaner technologies. The Vision document can be found at: http://www.aqmd.gov/aqmp/2012aqmp/VisionDocument/index.htm.

9-2 The comment asks if the SCAQMD knows all sources of pollution within its jurisdiction. The 2012 AQMP, like previous AQMPs prepared by the SCAQMD, includes a comprehensive emissions inventory that includes the best available information about emissions in the Basin. The SCAQMD, CARB, and SCAG, make every effort to identify and quantify all sources of pollution. For example, the emissions inventory contains emissions data on a wide range of stationary sources such as boilers, heaters, and other stationary emissions sources located at a wide variety of types of facilities, including refineries, utilities, dry cleaners, gas stations, etc. Emissions inventory data on consumer prodiucts including paints, lacquers, cleaning solvents, etc, are also included in the 2012 AQMP emissions inventory. Similarly, CARB provides a comprehensive inventory of emissions from mobile sources, both on-road mobile such as passenger vehicles; light-duty, medium-duty, and heavy-duty trucks; off-road mobile sources such as construction equipment, marine vessels, etc. Each emissions inventory includes improvements and refinements compared to emissions inventories prepared for past AQMPs. The SCAQMD, CARB, and SCAG, make every effort to identify and quantify all sources of pollution. For additional information on the emission inventory in the 2012 AQMP, the commenter is referred to 2012 AQMP Appendix III - Base and Future Year Emission Inventory at http://www.aqmd.gov/aqmp/2012aqmp/draft/Appendices/AppIII.pdf.

9-3 The comment states that there has never been a full EIR conducted for the Midway Yard in Los Angeles which is used as Metrolink's Central Maintenance Facility, and only interim use of this facility is mentioned in the following two documents:

- Pasadena-Los Angeles Rail Transit Project
  State Clearinghouse No. 88042713
- Burbank-Glendale-Los Angeles Rail Transit Project
  State Clearinghouse No. 93051016

The two projects cited are not part of the 2012 AQMP. In addition, as a single purpose agency regulating air quality, the SCAQMD has little discretionary approval authority over the two rail projects mentioned. Although these projects may include some stationary sources such as backup electricity generators, the more appropriate lead agencies under CEQA would be agencies with general land use authority, such as a city or county, or transit agencies. No further response is necessary.

9-4 The comment asks about the pollutant loads in downtown Los Angeles. The comment also states that there is no proper data for SCAG or other agencies to conduct proper planning and without an EIR, there can be no monitoring. The SCAQMD operates 35

permanent, multi-pollutant monitoring stations, and 5 Lead (Pb) air monitoring sites in the South Coast Air Basin and a portion of the Salton Sea Air Basin in Coachella Valley. This area includes Orange County and the non-desert portions of Los Angeles (including downtown Los Angeles), Riverside, and San Bernardino Counties. Each year, the SCAQMD prepares an Annual Air Quality Monitoring Network Plan that includes a review of actions taken during the previous fiscal year, and outlines plans for action in the year ahead. Federal regulations require that the air quality monitoring network be reviewed annually to identify any need for additions, relocations, or terminations of monitoring sites or instrumentation. After a 30-day comment period, the Plan is submitted to the U.S. EPA by July 1 of each year. The Final 2012 Annual Air Quality Monitoring Network Plan can be found on SCAQMD's website at: http://www.aqmd.gov/tao/AQ-Reports/AQMonitoringNetworkPlan/AQnetworkplan.htm.

9-5 The comment states that there are no scenarios created to address the problem. The SCAQMD is committed to undertaking all necessary steps to protect public health from air pollution, with sensitivity to the impacts of its actions on the community and businesses. This is accomplished through a comprehensive program of planning, regulation, compliance assistance, enforcement, monitoring, technology advancement, and public education. The SCAQMD develops and adopts an AQMP, which serves as the blueprint to bring this area into compliance with federal and state clean air standards. Rules are adopted to reduce emissions from various sources, including specific types of equipment, industrial processes, paints and solvents, even consumer products. Permits are issued to many businesses and industries to ensure compliance with air quality rules. SCAQMD staff conducts periodic inspections to ensure compliance with these requirements. The test of whether these efforts are working is the quality of the air we breathe. The SCAQMD continuously monitors air quality at 38 locations throughout the four-county area. This also allows the SCAQMD to notify the public whenever air quality is unhealthful.

9-6 The comment states that SCAQMD actions can also affect impaired water bodies such as the Los Angeles River and increase the greenhouse gas effect. All control measures in the 2012 AQMP were evaluated to identify those control measures with potential hydrology and water quality impacts. Review of the 2012 AQMP control measures identified several control measures that have the potential to generate significant adverse hydrology and water quality impacts. Table A-1 in Appendix A of the NOP/IS document lists all 2012 AQMP control measures and shows those control measures that have the potential to generate significant adverse hydrology and water quality impacts. These control measures will be further evaluated in the Program EIR that is being prepared for the 2012 AQMP.

While the 2012 AQMP is not designed to specifically regulate GHG emissions, the 2012 AQMP includes two new categories of control measures, incentive (INC) and education (EDU) programs. In addition to GHG reductions generated as co-benefits of implementing other AQMP control measures, INC and EDU measures are expected to reduce GHG emissions primarily through increasing energy efficiency and conservation (INC-01, EDU-01). Improving energy efficiency can be accomplished by layering smart grid systems onto the existing electricity distribution system. A smart grid is a digitally enabled electrical grid that gathers, distributes, and acts on information about the

behavior of all participants (suppliers and consumers) in order to improve the efficiency, importance, reliability, economics, and sustainability of electricity services[2]. Establishing a smart grid system does not necessarily require constructing a new grid system; use of smart technologies allows the existing grid system to be used more efficiently.

Some 2012 control measures, however, have the potential to generate combustion emissions that could increase GHG emissions. For example, implementing BCM-01 – Emission Reductions from Under-fired Charbroilers, may result in increased combustion emissions through installation of afterburner technologies. Other control measures, e.g., ONRD-01 – Accelerated Penetration of Partial Zero-Emission and Zero Emission Vehicles, ONRD-03 – Accelerated Penetration of Partial Zero-Emission and Zero Emission Medium-Heavy-Duty Vehicles, etc., have the potential to increase demand for electricity resulting in increased combustion emissions, GHG emissions in particular, from increased electricity generation. Therefore, potential GHG emission impacts will be analyzed in the Program EIR.

9-7 The comment refers to a three-party settlement agreement that was signed by the City of Los Angeles, the Los Angeles County Transportation Commission (LACTC) and the Southern California Regional Rail Authority in 1992 regarding LACTC's and SCRRA's conformity with CEQA requirements in building the commuter rail maintenance facility (CMF) Taylor Yard. The comment also states that the settlement agreement cannot be found and does not reduce emissions. While the 2012 AQMP contains three measures related to future rail activities, it is not directly related to the specific project or settlement agreement that is referred to in the comment.

9-8 The comment states that the SCAQMD does not take into effect emissions from methane and other gases discharging from the geology because of its oil content and soil contamination or because of fracking. The SCAQMD currently does not regulate fracking operations and the 2012 AQMP does not contain any control measures related to fracking operations. In California, the Division of Oil, Gas and Geothermal Resources (DOGGR) has authority to regulate all phases of oil and gas development and has the statutory authority to regulate fracking (see California Pub. Res. Code §3106). However, the Division does not track, regulate or monitor any aspect of hydraulic fracturing and it does not require reporting to track the different methods or the fluids injected into the ground. While the agency requires drilling permits and enforces groundwater protections, once those permits are acquired, drillers are allowed to employ techniques such as fracking to get the oil/gas out of the ground without additional reporting.

For the first time, EPA will regulate air emissions from natural gas wells that are hydraulically fractured, as well as other emission sources associated with exploration, production, processing, and transportation of oil and natural gas. On April 17, 2012, EPA issued a set of regulatory standards for the oil and gas industry under the Clean Air Act, requiring the reduction of emissions of VOCs, air toxics and methane from sources in the industry, including the hydraulic fracturing of horizontal natural gas wells drilled or hydraulically re-fractured after August 23, 2011.

[2] http://en.wikipedia.org/wiki/Smart_grid, accessed December 16, 2011.

9-9 The comment questions what municipalities have supplied data on their methane monitoring systems. Municipalities reporting their VOC emissions and methane (CH4) emissions are estimated from CARB's VOC speciation profile. The SCAQMD provides CARB the VOC emissions inventory from the sources in our jurisdiction obtained from the Annual Emissions Reporting (AER) Program every year. In turn, CARB generates the CH4 emissions from their speciation profile.

9-10 The comment states that monitoring stations need to be identified in this report and incentives for a transition to bicycles may just be a method of reducing emission around monitoring stations. Please refer to the Response to Comment 9-4 for a discussion of the SCAQMD's network of monitoring stations.

SCAG's 2012 – 2035 RTP/SCS endeavors to encourage bicycling and other forms of active transportation. These efforts, however, are not tied in any way to SCAQMD's monitoring stations.

9-11 The comment states that SCAG has created scenarios as if transit oriented districts would be replacement methods for automobiles. The commenter believes this to be a false notion, but does not provide any evidence to support this opinion. It should be noted that the 2012-2035 RTP/SCS includes consideration of transit oriented development, which is included as part of the baseline for the 2012 AQMP.

9-12 The comment questions, considering the state of the economy and high unemployment in the Los Angeles area, whether new technology in cars be considered reliable in the projections (i.e., whether the public can afford to purchase new vehicles that would reduce emissions). New advanced technology vehicles are typically more expensive than conventional gasoline fueled vehicles, at least initially. Historically, there has been a steady increase in sales of hybrid vehicles. SCAQMD staff believes that this trend will be similar for the next generation of advanced technology vehicles. As the sales volume increase, the cost of the vehicle goes down. This has been the trend with the current generation hybrid vehicles. In addition, consumers operating the advanced technology vehicles realize a fuel savings, which help offset the additional upfront cost of the vehicle.

9-13 The comment asks if traffic density and idling were analyzed. There are no control measures in the 2012 AQMP that are directly related to idling. All control measures were evaluated to identify those control measures with potential transportation or traffic impacts. Adopting the proposed 2012 AQMP is not expected to substantially increase vehicle trips or vehicle miles traveled in the district. The 2012 AQMP relies on transportation and related control measures developed by SCAG (SCAG, 2012) (see Appendix B of the NOP/IS). These transportation control measures include strategies to enhance mobility by reducing congestion through transportation infrastructure improvements, mass transit improvements, increasing telecommunications products and services, enhanced bicycle and pedestrian facilities, etc. Specific strategies that serve to reduce vehicle trips and vehicle miles traveled, such as strategies resulting in greater reliance on mass transit, ridesharing, telecommunications, etc., are expected to result in reducing traffic congestion. Although population in the district will continue to increase, implementing the transportation control measures, in conjunction with the 2012 Regional Transportation Plan, would ultimately result in greater percentages of the population

using transportation modes other than single occupancy vehicles. As a result, relative to population growth, existing traffic loads and the level of service designation for intersections district-wide would not be expected to decline at current rates, but could possibly improve to a certain extent. Even if congestion in the region increases compared to the baseline, this would occur for reasons other than complying with 2012 AQMP control measures. Therefore, it is expected that implementing the AQMP, including the transportation control measures could ultimately provide transportation improvements and congestion reduction benefits.

However, comments were received on the June 27, 2012 NOP/IS that potentially significant traffic impacts could occur as a result of implementing ADV-01 – §182(e) Proposed Implementation Measures for the Deployment of Zero- and Near-Zero Emission On-Road Heavy-Duty Vehicles. The comment suggested that constructing the overhead electrical catenary lines could adversely affect traffic. Therefore, this potential impact will be evaluated in the Program EIR.

9-14 The comment asks if the SCAQMD has evaluated increased usage of landfills and their emissions. The comment also questions if there is a consistent system amongst governing agencies in their reporting and monitoring. All control measures in the 2012 AQMP were evaluated to identify those control measures with potential solid or hazardous waste impacts. The proposed 2012 AQMP could require affected facility operators to install air pollution control equipment on stationary sources, such as carbon adsorption devices, particulate filters, catalytic incineration, selective catalytic reduction or other types of control equipment that could increase the amount of solid/hazardous wastes generated in the district (e.g., FUG-01, Further VOC Reductions from Vacuum Trucks; CMB-01, Further NOx Reductions from RECLAIM – Phase I and Phase II) due to the disposal of spent catalyst, filters or other mechanisms used in the control equipment. Solid waste impacts would be considered significant if the impacts resulted in a violation of local, state or federal solid waste standards. Also, solid waste impacts would be significant if the additional potential waste volume exceeded the existing capacity of district landfills.

Some mobile source control measures may result in potentially significant adverse solid and hazardous waste impacts from the use of particulate filters or SCR units (e.g., OFFRD-02, Further Emission Reductions from Freight Locomotives; OFFRD-03, Further Emission Reductions from Passenger Locomotives; OFFRD-04, Further Emission Reductions from Ocean-Going Marine Vessels While at Berth ADV-04, Actions for the Deployment of Cleaner Commercial Harborcraft; and ADV-05, Actions for the Deployment of Cleaner Ocean-Going Marine Vessels), early retirement of inefficient, older equipment (ONRD-02, Accelerated Retirement of Older Light- and Medium-Duty Vehicles), etc. The potential solid/hazardous waste impacts from implementing the proposed 2012 AQMP will be analyzed in the Draft Program EIR.

All municipal solid waste facilities are subject to existing SCAQMD rules which contain reporting requirements. For example, Rule 1150.1- Control of Gaseous Emissions from Municipal Solid Waste Landfills, is applicable to any owner or operator of an active or inactive municipal solid waste landfill. This rule requires gas collection and control systems with specified destruction efficiency rates, integrated sampling protocols, and active monitoring and reporting requirements.

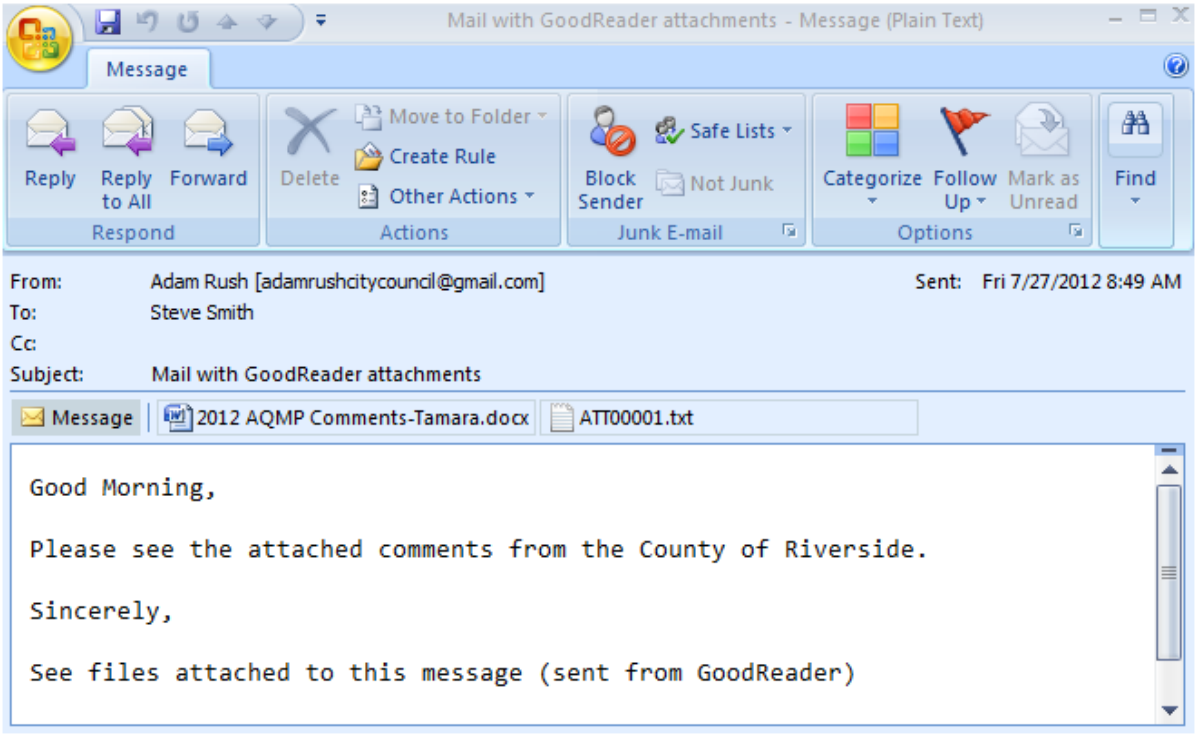
9-15 The comment asks if the SCAQMD has looked at major projects such as the Los Angeles Convention and Event Center (NFL Stadium) and the concentration of automobiles to a single location and the number of days effected. The comment also asks if the SCAQMD has analyzed those transportation patterns within the SCAQMD to events at the stadium. The lead agency for the NFL stadium project is the City of Los Angeles. The City of Los Angeles prepared a CEQA document for this project and the SCAQMD submitted a comment letter on the CEQA document. The SCAQMD comment letter for the NFL stadium project can be found at:
http://www.aqmd.gov/ceqa/igr/2012/May/DEIRconvention.pdf

9-16 The comment questions if the SCAQMD has evaluated digital signage, light pollution and the impacts on ozone. Night lighting of public areas, including roadways, sidewalks, and other open spaces, is often done by local jurisdictions for public safety purposes. The SCAQMD does not regulate lighting or signage and the 2012 AQMP does not contain any control measures related to lighting or signage.

9-17 The comment questions what differentials have occurred since the 2001 Baseline Air Emissions Inventory used in reports. Year 2002 is the base year in the 2007 AQMP. As stated and illustrated in the Draft Appendix III to the Draft 2012 AQMP, emissions decreased between 2002 to 2008 for all pollutants. The changes are due to (a) the effect of additional regulations; (b) the improved methodologies or models to calculate the emissions; and (c) the recessionary impacts. Please refer to "Inventory Sources Categories" section from Page III 1-5 to 1-24 in the Draft Appendix III for further details.

9-18 The comment states that the 2012 AQMP is too concentrated on vehicle and truck emissions. Approximately 25 percent of this area's ozone-forming air pollution comes from stationary sources, both businesses and residences. The other 75 percent comes from mobile sources consisting mainly of cars, trucks and buses, but also construction equipment, ships, trains and airplanes. Therefore, it is important to implement control measures for mobile sources in order to continue to reduce air pollution in the basin.

9-19 This attachment is an article summarizing how light may affect air pollution, therefore, see Response to Comment 9-16.



10-1

10-2 **1).** As the environmental checklist discusses, implementation of some of the proposed control measures may have the potential to generate secondary air quality impacts for various reasons including impacts related short-term construction, etc. In the case of those control measures where construction is necessary to reduce emissions at existing commercial or industrial facilities the following should be considered:

10-3 **a)** Incentives and/or regulations should be used to reduce the use of those building materials that generate excessive pollutants.

10-4 **b)** Particulate matter from construction, demolition and debris hauling should be reduced to the greatest extent possible.

10-5 **c)** The encouragement of stricter state and federal legislation on bias belted tires, smoking vehicles and vehicles that spill debris on streets and highways, to better control particulate matter.

10-6 **d)** Encourage the use of building materials which reduce emissions.

Responses to Comment Letter #10
County of Riverside – Adam Rush (7/27/12)

10-1 This comment notifies the SCAQMD that a comment letter is attached. No further response is necessary.

10-2 This comment contains several suggestions pertaining to potential impacts related to construction activities necessary to reduce emissions at existing commercial or industrial facilities. Responses to the specific suggestions are described in Responses to Comments 10-3 through 10-6.

10-3 There are two stationary source control measures specifically aimed at offering different incentives for companies that either manufacture or employ zero and near-zero emission technologies in the Basin (refer to Appendix IV-A: INC-01, and INC-02). The incentive programs will be designed to promote voluntary introduction of new technologies on an accelerated schedule. These measures provide manufacturers with incentives for production and commercialization of the cleaner, more advanced technologies while encouraging economic growth by creating local manufacturing jobs and populating the market with lower cost equipment. In addition, there is an educational control measure (EDU-01) designed to provide outreach and incentives for consumers to contribute to clean air efforts, such as the use of energy efficient products, new lighting technology, "super compliant" coatings, tree planting, and use of lighter colored roofing and paving materials, which reduce energy usage by lowering the ambient temperature and, ultimately, lowers emissions from less need for energy generation.

10-4 PM emissions from construction, demolition and debris hauling will be analyzed in the Draft Program EIR. It is important to note the PM emissions during construction activities are regulated by SCAQMD Rule 403 – Fugitive Dust, which is designed to minimize PM emissions to the greatest extent possible.

10-5 The comment requests that the SCAQMD encourage stricter state and federal legislation on bias belted tires, smoking vehicles, and vehicles that spill debris on roadways. With regard to vehicle tires, belted tires are already regulated by the Secretary of Transportation pursuant to the TREAD Act, §10, Endurance and Resistance Standards for Tires. Further, 49 Code of Federal Regulations (CFR) 571.109 and 49 CFR 571 119 provides authority for the Secretary of Transportation to conduct rulemaking to revise and update the tire standards. Similarly, The National Highway Traffic Safety Administration has a legislative mandate under Title 49 of the United States Code, Chapter 301, Motor Vehicle Safety, to issue Federal Motor Vehicle Safety Standards (FMVSS) and Regulations to which manufacturers of motor vehicle and equipment items must conform and certify compliance. The current tire standards are primarily included in the following FMVSSs: FMVSS No. 109, New pneumatic tires; FMVSS No. 110, Tire selection and rims; FMVSS No. 119, New pneumatic tires for vehicles other than passenger cars; and FMVSS No. 120; Tire selection and rims for vehicles other than passenger cars.

State law currently addresses smoking vehicles under Motor Vehicle Code §27153. Operators of equipment may be cited for excessive visible smoke by any uniformed law officer. State law also addresses dumping and littering from off-road vehicles under

Motor Vehicle Code §38320. Construction sites and operators use various measures to comply with §38320 including: 1) rubble plates or gravel strips to remove dirt and small rocks from tires before exiting a job site to public roads; and 2) tarps to cover debris which may spill onto roadways. Most heavy duty off-road construction equipment is currently regulated under the CARB In-Use Off-Road Diesel-Fueled Fleets rule in the California Code of Regulations Title 13, Article 4.8, Chapter 9, §2449. Depending on fleet size and total horsepower rating, this regulation requires turnover of equipment to newer lower emitting equipment and includes labeling and reporting requirements. Contractors who remediate hazardous or contaminated sites will be encouraged to require Tier 3 or cleaner construction equipment to minimize gaseous (NOx and HC) emissions and diesel particulate (PM) emissions and to implement best practice on prevention of fugitive emissions on and near the remediation construction sites.

10-6 This comment repeats the suggestion made in Comment 10-3. See Response to Comment 10-3.

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The Port of LONG BEACH
The Green Port

July 27, 2012

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Diamond Bar, CA 91765
Sent via email to ceqa_admin@aqmd.gov

RE: Comments on the Notice of Preparation for the Proposed 2012 Air Quality Management Plan Program Environmental Impact Report

Dear Dr. Smith:

11-1 The Port of Long Beach has reviewed the Notice of Preparation of a Draft Program Environmental Impact Report (EIR) for the Proposed 2012 Air Quality Management Plan Program and appreciates the opportunity to comment. Regarding preparation of the Draft Program EIR, we offer the following scoping comments for use by your agency during its environmental review process under the California Environmental Quality Act (CEQA):

Schedule

11-2 The EIR schedule is very aggressive, with the scoping period ending on July 27, 2012, followed immediately by the release of the Draft EIR scheduled for August 2012, and final approval planned for October 5, 2012. There does not appear to be sufficient time allowed for meaningful input on the proposed scope and content of the Draft Program EIR by the public. Further, the Port is concerned that, given the quick turnaround between closure of the scoping period and the scheduled release of the Draft Program EIR, insufficient time will be allowed for thorough review of the scoping comments and inclusion of said comments in the Draft Program EIR.

Aesthetics

11-3 The Initial Study identifies potential significant impacts on aesthetics due to the implementation of control devices such as hoods or bonnets on ship exhaust stacks. The Port agrees with the SCAQMD that such control devises and equipment would be similar in structure and design to existing features within the Port environment and would not constitute a significant aesthetic impact. Further, control measure ADV-03, which may include the construction of electric gantry cranes within the Port, should not be considered aesthetically significant as gantry cranes are an existing feature within the Port environment.

Energy

11-4 The Draft Program EIR should analyze how the mobile source control measures related to the electrification of vehicles will impact regional energy demand. Additionally, the need for new electrical power or natural gas utilities should be analyzed, including analysis of times of peak energy demand.

Land Use

11-5 The Draft Program EIR should analyze whether the implementation of specific control measures could physically divide established communities. Control measure ONRD-05 states that this control could be "implemented with the development of zero-emission fixed-guideway systems" and that to the extent feasible this would be extended beyond "near-dock application." The construction and operation of such structures may impact established communities.

Noise

11-6 The Port requests that the Draft Program EIR evaluate potential noise impacts related to the construction and implementation control measures in support of the AQMP. Section XII fails to account for noise impacts resulting from the construction and operation of control measure ONRD-05, which may include fixed-guideway systems near sensitive receptors.

Transportation/Traffic

11-7 Section XVII of the Initial Study concludes that adoption of the proposed 2012 AQMP is not expected to generate any significant adverse project-specific impacts to transportation or traffic systems, and that no further evaluation will be conducted in the Draft Program EIR.

11-7 Cont.

However, impacts on major freeways or other transportation corridors as a result of construction and operation of potential zero emission control measures related to on-road heavy-duty vehicles, such as the use of overhead catenary power lines, which will potentially affect lane choice by trucks and traffic flow patterns on major traffic corridors, has not been fully analyzed. The Port requests that these potential impacts be analyzed in the Draft Program EIR.

Socioeconomics

11-8

While not required under CEQA, the Draft 2012 AQMP should include a thorough socioeconomic impact analysis for each proposed control measure, most notably the proposed backstop measure and the measures related to zero emission technologies. This could be accomplished with an expanded discussion under the cost effectiveness section of each control measure summary in the Draft AQMP.

11-9

The Port of Long Beach appreciates the opportunity to comment on the NOP/IS for the Draft 2012 AQMP and reviewing both the Draft Program EIR and the Draft 2012 AQMP. We look forward to working with the SCAQMD throughout the environmental review process.

Sincerely,

Richard D. Cameron
Director of Environmental Planning

DP:hat

Responses to Comment Letter #11
Port of Long Beach – Richard D. Cameron (7/27/12)

11-1 This comment notifies the SCAQMD that the comments contained in the letter pertain to the Notice of Preparation of the Draft Program EIR for the 2012 AQMP. No further response is necessary.

11-2 Regarding the comment about the schedule for the Program EIR and the SCAQMD's ability to integrate new information and analysis into the Draft Program EIR in response to public comments, see Responses to Comments 6-11 and 7-3.

11-3 While the comment indicates that implementation of control devices such as hoods or bonnets on ship exhaust stacks would not constitute a significant aesthetic impact, the SCAQMD received a separate comment requesting that the Draft Program EIR analyze potentially adverse aesthetics impacts from these devices. In addition, while the comment indicates that the construction of gantry cranes as part of implementing control measure ADV-03 should not be considered aesthetically significant, the SCAQMD received a separate comment suggesting that container (gantry) cranes may obstruct views. For these reasons, the Draft Program EIR will consider both this comment and the other comments received when analyzing the potentially adverse aesthetics impacts in the Draft Program EIR. See also Response to Comment 7-4.

11-4 Regarding the comment about energy demand and electrification of vehicles, see Response to Comment 7-5.

11-5 In response to the suggestion in the comment that implementation of Control Measure ONRD-05 may physically divide or impact established communities, the Draft Program EIR will analyze these potential land use impacts.

11-6 In response to the suggestion in the comment that implementation of Control Measure ONRD-05 may create noise impacts near sensitive receptors, the Draft Program EIR will analyze these potential noise impacts.

11-7 Regarding the comment that the Draft Program EIR should contain transportation/traffic impacts analysis that addresses the potential for constructing overhead electrical catenary lines, see Response to Comment 7-7.

11-8 Regarding the suggestion that a socioeconomic impact analysis should be conducted for each proposed control measure in the 2012 AQMP, see Response to Comment 7-8.

11-9 This comment concludes the letter. No further response is necessary.