# APPENDIX A

## NOTICE OF PREPARATION AND INITIAL STUDY

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South Coast
Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765-4182
(909) 396-2000 • www.aqmd.gov

**SUBJECT:** **NOTICE OF PREPARATION OF A DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT**

**PROJECT TITLE:** **2016 AIR QUALITY MANAGEMENT PLAN (AQMP)**

In accordance with the California Environmental Quality Act (CEQA), the South Coast Air Quality Management District (SCAQMD) will be the Lead Agency for the project identified above. This Notice of Preparation (NOP) and Initial Study (IS) serve two purposes: 1) to solicit information on the scope of the environmental analysis for the 2016 AQMP (proposed project); and 2) to notify the public that the SCAQMD will prepare a Draft Program Environmental Impact Report (Program EIR) to further assess potential adverse environmental impacts that may result from implementing the proposed project.

This cover letter, NOP and the attached IS are not SCAQMD applications or forms requiring a response from you. Their purpose is simply to provide information to you on the proposed project. If the proposed project has no bearing on you or your organization, no action on your part is necessary.

Comments focusing on your area of expertise, your agency's area of jurisdiction, or other issues relative to the environmental document will be accepted during the 30-day public review period beginning Tuesday, July 5, 2016, and ending at 5 p.m. on Thursday, August 4, 2016. Please send comments to Jillian Wong (c/o PRDAS/CEQA at the above address). Comments may also be faxed to (909) 396-3324 or emailed to jwong1@aqmd.gov. Please include the name and phone number of the contact person for your organization. Questions on the proposed 2016 AQMP should be directed to Mr. Michael Krause at (909) 396-2706 or by email to mkrause@aqmd.gov.

Six public workshops/CEQA scoping meetings will be held for the proposed project at the following locations and times.

| Workshop Date | Time | Locations | Address | County |
|---|---|---|---|---|
| July 14, 2016 | 10:00 am | Coachella Valley Assn. of Governments | 72-710 Fred Waring Dr., Palm Desert, CA | Riverside |
| July 14, 2016 | 6:00 pm | SCAQMD Headquarters | 21865 Copley Dr. Diamond Bar, CA | Los Angeles |
| July 20, 2016 | 9:30 am | Buena Park Community Center | 6688 Beach Blvd., Buena Park, CA | Orange |
| July 20, 2016 | 2:00 pm | Carson Center | 801 East Carson Street, Carson, CA | Los Angeles |
| July 21, 2016 | 9:30 am | Norton Regional Events Center | 1601 E. 3rd St., San Bernardino, CA | San Bernardino |
| July 21, 2016 | 2:00 pm | Hyatt Place Riverside | 3500 Market Street, Riverside | Riverside |

The Public Hearing is scheduled for December 2, 2016 at 9:00 am at the SCAQMD headquarters, at which time the Governing Board will consider certifying the Program EIR and approving the 2016 AQMP. Please note, the Public Hearing date is subject to change.

**Date:** June 30, 2016 **Signature:** Jillian Wong

Jillian Wong, Ph.D.
Program Supervisor, CEQA
Planning, Rule Development, and Area Sources

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# SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
## 21865 Copley Drive, Diamond Bar, CA 91765-4182
## NOTICE OF PREPARATION OF A
## DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT

**Project Title:**
Draft Program Environmental Impact Report: 2016 Air Quality Management Plan (AQMP)

**Project Location:**
The SCAQMD has jurisdiction over the four-county South Coast Air Basin (all of Orange County and the non-desert portions of Los Angeles, Riverside and San Bernardino counties), and the Riverside County portions of the Salton Sea Air Basin (SSAB) and Mojave Desert Air Basin (MDAB). The SCAQMD's jurisdiction includes the federal nonattainment area known as the Coachella Valley Planning Area, which is a sub-region of Riverside County and the SSAB.

**Description of Nature, Purpose, and Beneficiaries of Project:**
The 2016 AQMP identifies control measures and strategies to bring the region into attainment with the revoked 1997 8-hour National Ambient Air Quality Standard (NAAQS or standard) (80 ppb) for ozone by 2024; the 2008 8-hour ozone standard (75 ppb) by 2032; the 2012 annual PM2.5 standard (12ug/$m^3$) by 2025; the 2006 24-hour PM2.5 standard (35 ug/$m^3$) by 2019; and the revoked 1979 1-hour ozone standard (120 ppb) by 2023. The 2016 AQMP consists of three components: 1) the SCAQMD's Stationary, Area, and Mobile Source Control Measures; 2) State and Federal Control Measures provided by the California Air Resources Board; and 3) Regional Transportation Strategy and Control Measures provided by the Southern California Association of Governments. The 2016 AQMP includes emission inventories and control measures for stationary, area and mobile sources, the most current air quality setting, updated growth projections, new modeling techniques, demonstrations of compliance with state and federal Clean Air Act requirements, and an implementation schedule for adoption of the proposed control strategy.

**Lead Agency:**
South Coast Air Quality Management District

**Division:**
Planning, Rule Development and Area Sources

**Initial Study and all supporting documentation are available at:**
SCAQMD Headquarters
21865 Copley Drive
Diamond Bar, CA 91765

or by calling:
(909) 396-2039

**Initial Study is also available by accessing the SCAQMD's website at:**
http://www.aqmd.gov/ceqa/aqmd.html

**The Public Notice of Preparation is provided through the following:**

☑ Los Angeles Times (July 5, 2016)
☑ Orange County Register (July 5, 2016)
☑ AQMD Website
☑ AQMD Public Information Center
☑ Riverside Press Enterprise (July 5, 2016)
☑ AQMD Mailing List & Interested Parties
☑ Desert Sun (July 6, 2016)

**Notice of Preparation / Initial Study Review Period (30-day):**
July 5, 2016 – August 4, 2016

**Scheduled Public Workshops/CEQA Scoping Meeting Dates:**

| Workshop Date | Time | Location | Address | County |
|---|---|---|---|---|
| July 14, 2016 | 10:00 am | Coachella Valley Assn. of Governments | 72-710 Fred Waring Dr., Palm Desert, CA | Riverside |
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| July 21, 2016 | 2:00 pm | Hyatt Place Riverside | 3500 Market Street, Riverside | Riverside |

**Scheduled Public Hearing Date:** December 2, 2016, 9:00 a.m.; SCAQMD Headquarters
*(Date subject to change)*

| CEQA Contact Person: | Phone Number: | Fax Number: | Email: |
|---|---|---|---|
| Ms. Jillian Wong | (909) 396-3176 | (909) 396-3324 | jwong1@aqmd.gov |

| **2016 AQMP Contact Person:** | **Phone Number:** | **Fax Number:** | **Email:** |
|---|---|---|---|
| Mr. Michael Krause | (909) 396-2706 | (909) 396-3324 | mkrause@aqmd.gov |

# SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

## Initial Study for the Draft Program Environmental Impact Report for: 2016 Air Quality Management Plan (AQMP)

June 30, 2016

SCH No.: TBD

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**SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT GOVERNING BOARD**

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ACTING EXECUTIVE OFFICER
WAYNE NASTRI

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# TABLE OF CONTENTS

Page No.

# TABLE OF CONTENTS

# CHAPTER 1 – PROJECT DESCRIPTION

**Introduction**

**Background**

**Agency Authority – 2016 AQMP**

**Agency Authority - CEQA**

**Project Location**

**Overall Attainment Strategy**

**Purpose of the 2016 AQMP**

**Project Objectives**

**Project Description**

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## 1.1 INTRODUCTION

The South Coast Air Quality Management District (SCAQMD) was created by the California legislature in 1977[1] as the public agency responsible for developing and enforcing air pollution control regulations in the South Coast Air Basin (Basin) and portions of the Salton Sea Air Basin (SSAB) and Mojave Desert Air Basin (MDAB), referred to herein as the SCAQMD or District. The Lewis Air Quality Act (now known as the Lewis-Presley Air Quality Management Act) requires the SCAQMD to prepare and adopt an Air Quality Management Plan (AQMP) consistent with federal planning requirements. In 1977, amendments to the federal Clean Air Act (CAA) included requirements for submitting State Implementation Plans (SIPs) for nonattainment areas that fail to meet all federal ambient air quality standards (CAA § 172) and similar requirements exist in state law (Health & Safety Code §40462). The federal CAA was amended in 1990 to specify attainment dates and SIP requirements for ozone, carbon monoxide (CO), nitrogen dioxide ($NO_2$) and particulate matter with an aerodynamic diameter of less than 10 microns (PM10). In 1997, the United States Environmental Protection Agency (U.S. EPA) promulgated ambient air quality standards for particulate matter with an aerodynamic diameter less than 2.5 microns (PM2.5). The California Clean Air Act (CCAA), adopted in 1988, requires the SCAQMD to achieve and maintain state ambient air quality standards for ozone, CO, sulfur dioxide ($SO_2$), and $NO_2$ by the earliest practicable date (Health & Safety Code §40910). The CCAA also requires a three-year plan review, and, if necessary, an update to the AQMP. The U.S. EPA is required to periodically update the national ambient air quality standards (NAAQS).

The 2016 AQMP identifies control measures and strategies to demonstrate that the region will attain the revoked 1997 8-hour ozone NAAQS (80 ppb) by 2024; the 2008 8-hour ozone standard (75 ppb) by 2032; the 2012 annual PM2.5 standard (12 ug/$m^3$) by 2025; the 2006 24-hour PM2.5 standard (35 ug/$m^3$) by 2019; and the revoked 1979 1-hour ozone standard (120 ppb) by 2023.

The Basin, which includes all of Orange County and the non-desert portions of Los Angeles, San Bernardino and Riverside counties, has one of the worst air quality problems in the nation. Though there have been significant improvements in air quality in the Basin over the last two decades, some ambient air quality standards are still exceeded relatively frequently and by a wide margin. The 2012 AQMP, submitted to the California Air Resources Board (CARB) for SIP inclusion in December 2012, concluded that further reductions in PM2.5 and oxides of nitrogen (NOx) emissions would be necessary to attain the air quality standards for 24-hour PM2.5 and 8-hour ozone by the dates mandated by federal law. Less emphasis was placed on emission reductions from volatile organic compounds (VOCs) because of the greater emphasis on NOx emission reductions, which is a precursor to both ozone and PM10 and PM2.5. Ozone, a criteria pollutant, is formed when VOCs react with NOx in the atmosphere. Ozone has been shown to adversely affect human health. NOx also contributes to the formation of PM10 and PM2.5.

[1] The Lewis-Presley Air Quality Management Act, 1976 Cal. State. ch. 324 (codified at H & S Code, Sections 40400 - 40540).

## 1.2 BACKGROUND

The first AQMP was prepared and approved by the SCAQMD in 1979. The 2016 AQMP will be the eleventh plan, not including certain SIPs for specific pollutants, e.g., PM10 for the Coachella Valley and for the Basin, CO, and lead for Los Angeles County, prepared by the SCAQMD. The following bullets summarize the main components of the past AQMP updates and revisions:

- The 1982 AQMP was revised to reflect better data and modeling tools.
- In 1987, a federal court ordered the U.S. EPA to disapprove the 1982 AQMP because it did not demonstrate attainment of all NAAQS by 1987 as required by the CAA. This, in part, led to the preparation of the 1989 AQMP.
- The 1989 AQMP was adopted on March 17, 1989 and was specifically designed to attain all NAAQS. This plan called for three "tiers" of measures as needed to attain all standards and relied on significant future technology advancement to attain these standards.
- In 1991, the SCAQMD prepared and adopted the 1991 AQMP to comply with the CCAA.
- In 1992, the 1991 AQMP was amended to add a control measure containing market incentive programs (subsequently SCAQMD's Regional Clean Air Incentives Market (RECLAIM)).
- In 1994, the SCAQMD prepared and adopted the 1994 AQMP to comply with the CCAA three-year update requirement and to meet the federal CAA requirement for an ozone SIP. The AQMP, as adopted in 1994, included the following:
    - All geographical areas under the jurisdiction of the SCAQMD, compared to just the South Coast Air Basin;
    - The basic control strategies remained the same although the three-tiered structure of control measures was replaced and measures previously referred to as Tier I, II or III were replaced with short-/intermediate-term or long-term control measures;
    - Updated and refined control measures carried over from 1991;
    - Best Available Control Measure PM10 Plan;
    - The ozone attainment demonstration plan;
    - Amendments to the federal Reactive Organic Compound Rate-of-Progress Plan (also referred to as the VOC Rate-of-Progress Plan; and
    - Attainment Demonstration Plans for the federal PM10, $NO_2$, and CO air quality standards; etc.
- The 1997 AQMP was designed to comply with the three-year update requirements specified in the CCAA as well as to include an attainment demonstration for PM10 as required by the federal CAA. Relative to ozone, the 1997 AQMP contained the following changes to the control strategies compared to the 1994 AQMP:
    - Less reliance on transportation control measures (TCMs);
    - Less reliance on long-term control measures that rely on future technologies as allowed under §182(e)(5) of the CAA; and
    - Removal of other infeasible control measures and indirect source measures that had been substantially impacted by the State legislature in enacting new provisions in the Health and Safety Code.

- In 1999, the ozone plan portion of the 1997 AQMP was amended to address partial disapproval of the 1997 AQMP by the U.S. EPA and a settlement of litigation by environmental groups challenging the 1997 AQMP to provide the following:
    - Greater emission reductions in the near-term than would occur under the 1997 AQMP;
    - Early adoption of the measures that would otherwise be contained in the next three-year update of the AQMP; and
    - Additional flexibility relative to substituting new measures for infeasible measures and recognition of the relevance of cost effectiveness in determining feasibility.
- In April 2000, U.S. EPA approved the 1999 ozone SIP to the 1997 plan. The 1999 Amendment in part addressed the State's requirements for a triennial plan update.
- The 2003 AQMP was approved and adopted by the SCAQMD in August 2003. The 2003 AQMP was never fully approved by the U.S. EPA as part of the SIP. The 2003 AQMP addressed the following control strategies:
    - Attaining the federal PM10 ambient air quality standard for the Basin and Coachella Valley - these portions were approved by the U.S. EPA; in both areas, the attainment demonstration was disapproved after CARB withdrew its measures;
    - Attaining the federal 1-hour ozone standard;
    - 1997/1999 control measures not yet implemented;
    - Revisions to the Post 1996 VOC Rate-of-Progress Plan and SIP for CO; and
    - Initial analysis of emission reductions necessary to attain the PM2.5 and 8-hour ozone standards.
    - The 2003 AQMP was partially approved and partially disapproved by U.S. EPA, based on CARB's withdrawal of mobile source measures after the 1-hour ozone standard was revoked.
- The SCAQMD Governing Board approved the 2007 AQMP for both ozone and PM10 on June 1, 2007. On September 27, 2007, CARB adopted the State Strategy for the 2007 SIP and the 2007 AQMP as part of the SIP. The 2007 SIP was then forwarded to U.S. EPA for approval. The following summarizes the major components of the 2007 AQMP:
    - The most current air quality setting at the time (i.e., 2005 data);
    - Updated emission inventories using 2002 as the base year, which also incorporate measures adopted since adopting the 2003 AQMP;
    - Updated emission inventories of stationary and mobile on-road and off-road sources;
    - 2003 AQMP control measures not yet implemented (eight of the control measures originally contained in the 2003 AQMP have been updated or revised for inclusion into the 2007 AQMP;
    - 24 new measures are incorporated into the 2007 AQMP based on replacing the SCAQMD's long-term control measures from the 2003 AQMP with more defined or new control measures and control measure adoption and implementation schedules;
    - SCAQMD's recommended control measures to reduce emissions from sources that are primarily under State and federal jurisdiction, including on-road and off-road mobile sources, and consumer products;
    - SCAG's regional transportation strategy and control measures; and

  - Analysis of emission reductions necessary and attainment demonstrations to achieve the federal 8-hour ozone and PM2.5 air quality standards.
- On November 22, 2010, U.S. EPA issued a notice of proposed partial approval and partial disapproval of the 2007 South Coast SIP for the 1997 Fine Particulate Matter Standards and the corresponding 2007 State Strategy. Specifically, U.S. EPA proposed approving the SIP's inventory and regional modeling analyses, but it also proposed disapproving the attainment demonstration because it relied too extensively on commitments to emission reductions in lieu of fully adopted, submitted, and SIP-approved rules. The notice also cited deficiencies in the SIP's contingency measures.
- In response to U.S. EPA's proposed partial disapproval of the 2007 SIP, on March 4, 2011, the SCAQMD Governing Board approved Revisions to the 2007 PM2.5 and Ozone State Implementation Plan for the Basin and Coachella Valley. The revisions to the 2007 PM2.5 and Ozone SIP consisted of the following:
  - Updated implementation status of SCAQMD control measures necessary to meet the 2015 PM2.5 attainment date;
  - Revisions to the control measure adoption schedule;
  - Changes to the emission inventory resulting from CARB's December 2010 revisions to the on-road truck and off-road equipment rules; and
  - An SCAQMD commitment to its "fair share" of additional NOx emission reductions, if needed, in the event U.S. EPA does not voluntarily accept the "federal assignment."
- In response to the July 14, 2011 U.S. EPA notice of proposed partial approval and partial disapproval of the 2007 South Coast SIP for the 1997 Fine Particulate Matter Standards, at the October 7, 2011 public hearing, the SCAQMD Governing Board approved Further Revisions to PM2.5 and Ozone SIP for the Basin and Coachella Valley. Revisions to the PM2.5 SIP included a three-prong approach for identifying contingency measures needed to address U.S. EPA's partial disapproval:
  - Equivalent emissions reductions achieved through improvements in air quality;
  - Relying on committed emissions reductions for the 2007 ozone plan; and
  - Quantifying excess emissions reductions achieved by existing rules and programs that were not originally included in the 2007 PM2.5 SIP.
- U.S. EPA fully approved the 2007 SIP for the 8-hour ozone standard on March 1, 2012.
- The SCAQMD Governing Board approved the 2012 AQMP on December 7, 2012. The 2012 AQMP was primarily designed to meet all requirements to demonstrate attainment of the 2006 24-hour PM2.5 standard (35 ug/m3). The adopted Final 2012 AQMP was forwarded to CARB on December 20, 2012 with subsequent approval at its January 23, 2013 Board meeting. On February 1, 2013, the SCAQMD Governing Board approved Control Measure IND-01, Backstop Measure for Indirect Sources of Emissions from Ports and Port-Related Facilities, for inclusion in the Final 2012 AQMP. The following summarizes the major components of the 2012 AQMP:
  - The most current science and analytical tools;
  - A comprehensive strategy aimed at controlling pollution from stationary (point) sources, on-road and off-road mobile sources and area sources;
  - Attainment demonstration of the federal 24-hour PM2.5 standard by 2014 in the Basin through adoption of control measures;

- Update of the U.S. EPA approved 8-hour ozone control plan with new measures designed to reduce reliance on the CAA Section 182 (e)(5) long-term measures for NOx and VOC reductions;
- Address several state and federal planning requirements, incorporating new scientific information, primarily in the form of updated emissions inventories, ambient measurements, and new meteorological air quality models;
- Update on the air quality status of the SSAB in the Coachella Valley;
- Discussion of the emerging issues of ultrafine particles and near-roadway exposures;
- Analysis of the energy supply and demand issues that face the Basin and their relationship to air quality;
- Demonstrations of 1-hour ozone attainment and vehicle miles travelled (VMT) emissions offsets, as per U.S. EPA requirements based on the recent court case of Association of Irritated Residents (AIR) vs. U.S. EPA (2012); and
- Specific measures to further implement the ozone strategy in the 2007 AQMP.

- A Supplement to the 24-Hour PM2.5 (35 ug/$m^3$) SIP was approved by the SCAQMD Governing Board on February 6, 2015. The purpose of the Supplement was to demonstrate attainment of the 2006 24-hour PM2.5 NAAQS by 2015 under the CAA (Title 1, Part D, Subpart 4) which had been required based on a recent court case, which included a discussion of the effects of the drought on the attainment date. New transportation conformity budgets for 2015 were also developed.
- In January 2016, the SCAQMD requested and received from the U.S. EPA a redesignation of the 24-hour PM2.5 standard to serious non-attainment area with a new attainment deadline of 2019.
- On April 14, 2016, U.S. EPA partially approved and partially disapproved the 2012/2015 PM2.5 and 2015 Supplement Plans.

## 1.3 AGENCY AUTHORITY – 2016 AQMP

The 2016 AQMP sets forth an emission reduction strategy which will require the cooperation and partnership of all levels of government: local, regional, state, and federal, as well as public engagement. Each agency has authority over specific emissions sources. Accordingly, in order for the AQMP to be successful in attaining ambient air quality standards, each agency or jurisdiction implements or commits to specific planning and implementation responsibilities. Interagency commitment and cooperation are the keys to success of the 2016 AQMP. The following summarizes key responsibilities of the regulatory agencies involved in the success of the AQMP:

- At the federal level, the U.S. EPA establishes emission standards for motor vehicles, locomotives, airplanes, and ships. The U.S. EPA also develops fuel standards and regulates non-road (or off-road) engines.

- At the state level, CARB regulates on-road vehicles, motor vehicle fuel specifications, off-road emission standards (e.g., off-road equipment and marine vessels), and consumer product standards. The AQMP includes SIP strategies to reduce emissions from state and federal sources (e.g., vehicles, trucks, locomotives, air planes, and marine vessels).

- At the regional level, the SCAQMD has lead responsibility for developing stationary, some area, and indirect source control measures and coordinating the development and adoption of the 2016 AQMP. SCAQMD has limited authority over mobile sources (e.g., fleet

regulations, incentives for accelerated vehicle turnover, reduction in average vehicle ridership, etc.). Similarly, SCAG is responsible for developing the Regional Transportation Plan (RTP).

- Lastly, at the local level, county transportation commissions, as well as the cities and counties and their various departments (e.g., harbors and airports) have a dual role related to transportation and land use. Their efforts are coordinated through the regional metropolitan planning organization for the Basin, SCAG, which is responsible for preparing the TCMs in the 2016 AQMP, which are part of the RTP.

## 1.4 AGENCY AUTHORITY – CEQA

CEQA, Public Resources Code §21000 *et seq.*, requires that the environmental impacts of proposed projects be evaluated and that feasible methods to reduce, avoid or eliminate significant adverse impacts of these projects be identified and implemented. The lead agency is the "public agency that has the principal responsibility for carrying out or approving a project that may have a significant effect upon the environment." (Public Resources Code Section 21067.) Since the SCAQMD has the primary responsibility for supervising or approving the proposed project as a whole, it is the most appropriate public agency to act as lead agency. (CEQA Guidelines Section 15051(b).)

A Program Environmental Impact Report (Program EIR) for the 2016 AQMP is considered to be the appropriate document pursuant to CEQA Guidelines Section 15168(a)(3), because the 2016 AQMP constitutes a series of actions that can be characterized as one large project: actions that are related to the issuance of rules, regulations, plans, or other criteria required to govern the conduct of a continuing program.

As the lead agency for the proposed project, SCAQMD has prepared this Notice of Preparation/Initial Study (NOP/IS) for the proposed 2016 AQMP Program EIR. The NOP/IS is being released for a 30-day public review and comment period.

## 1.5 PROJECT LOCATION

The SCAQMD has jurisdiction over an area of approximately 10,743 square miles, consisting of the four-county the Basin (all of Orange County and the non-desert portions of Los Angeles, Riverside and San Bernardino counties), and the Riverside County portions of the SSAB and MDAB. The Basin, which is a sub-region of the SCAQMD's jurisdiction, is bounded by the Pacific Ocean to the west and the San Gabriel, San Bernardino, and San Jacinto mountains to the north and east. It includes all of Orange County and the non-desert portions of Los Angeles, Riverside, and San Bernardino counties. The Riverside County portion of the SSAB is bounded by the San Jacinto Mountains in the west and spans eastward up to the Palo Verde Valley. The federal nonattainment area (known as the Coachella Valley Planning Area) is a sub-region of the Riverside County and the SSAB that is bounded by the San Jacinto Mountains to the west and the eastern boundary of the Coachella Valley to the east (Figure 1-1).

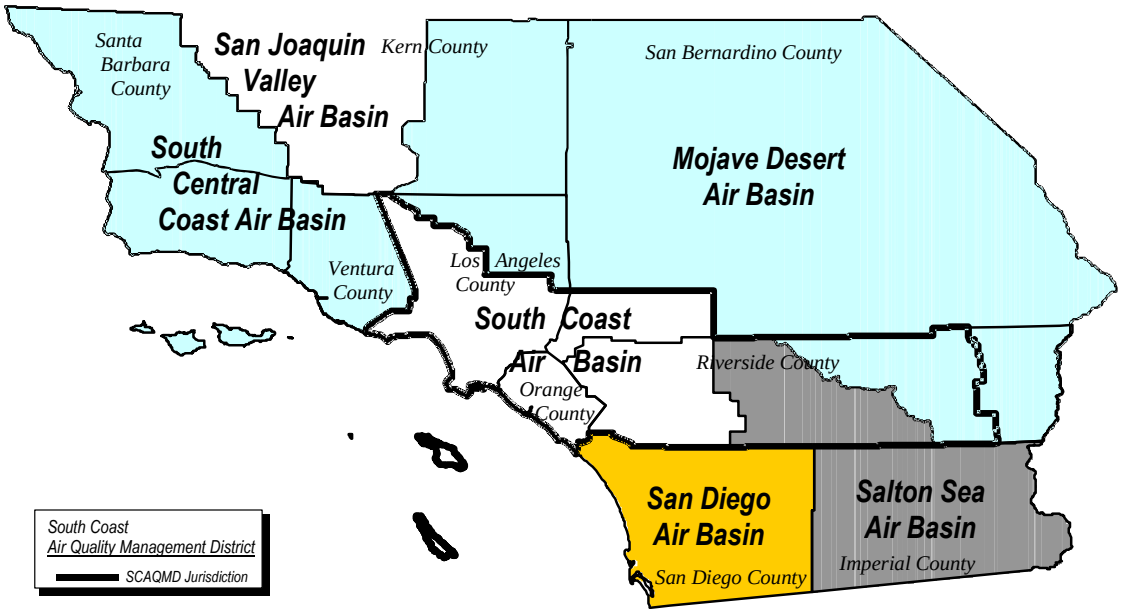


**FIGURE 1-1. Southern California Air Basins**

## 1.6 OVERALL ATTAINMENT STRATEGY

The overall control strategy for the 2016 AQMP is designed to meet applicable federal and State requirements. The 2016 AQMP includes integrated strategies and measures to meet the following federal standards in the District:

- Revoked 1997 8-hour NAAQS ozone (80 ppb) by 2024;
- 2008 8-hour ozone standard (75 ppb) by 2032;
- 2012 annual PM2.5 standard (12 µg/$m^3$) by 2025;
- 2006 24-hour PM2.5 standard (35 µg/m3) by 2019; and
- Revoked 1979 1-hour ozone standard (120 ppb) by 2023.

In addition to the above, the 2016 AQMP strategies have been developed to meet the revoked 1997 8-hour ozone federal standard (80 ppb) and the 2008 8-hour ozone federal standard (75 ppb) in the SSAB.

The 2016 AQMP also discusses the recently adopted federal 8-hour ozone standard (70 ppb), as well as incorporate energy, transportation, goods movement, infrastructure and other planning efforts that affect future air quality.

The California State ambient air quality standard is identical to the federal standard for annual PM2.5 and there is no State 24-hour PM2.5 standard. The State has very stringent PM10 standards (annual PM10 of 20 ug/m3 and 24-hour PM10 of 50 ug/m3). While there is no effective attainment date for the State PM standards, the State standards must be achieved as soon as practicable to protect the public and welfare. Progress towards achieving the federal

PM2.5 standards would be the most expeditious approach for attaining both the federal and State PM standards.

The proposed attainment strategy focuses on reduction of ozone precursors (NOx and VOC), direct PM2.5, and PM2.5 precursors (NOx). NOx emissions lead to the formation of both ozone and PM2.5. Therefore, the most significant air quality challenge faced by the SCAQMD is to reduce NOx emissions sufficiently to meet the upcoming ozone and PM2.5 federal standard deadlines. Preliminary analyses indicate that to achieve the upcoming ozone and PM2.5 federal standards, as well as to demonstrate attainment with other standards not yet met, approximately 65 percent further reduction in NOx emissions, above and beyond currently adopted measures are needed by 2031.

To this end, the 2016 AQMP includes both NOx and PM2.5 emission control strategies for all categories of emission sources: stationary sources (including area sources), and mobile sources. The majority of NOx emission reductions will come from mobile sources. Mobile sources consist of two main categories: on-road mobile sources, which typically include automobiles, trucks, buses, and other vehicles that operate on public roadways; and off-road mobile sources, which include aircraft, ships, trains, and construction equipment that operate off public roadways. The authority to regulate mobile emission sources is divided between the CARB and the U.S. EPA.

The magnitude of emission reductions needed for the attainment of these NAAQS requires an aggressive mobile source control strategy supplemented with focused, strategic stationary source control measures and close collaboration with federal, state, and regional governments, local agencies, businesses, and the public. The 2016 AQMP uses a variety of implementation approaches such as accelerated deployment of available cleaner technologies (e.g., zero and near-zero emission technologies), best management practices, co-benefits from existing programs (e.g., greenhouse gas), and incentive measures. Further demonstration and commercialization projects will be crucial to help deploy zero and near-zero emission technologies. Another key element to the AQMP implementation will be private and public funding to help further the development and deployment of advanced technology. Many of the same technologies will address both air quality and climate needs, such as increase energy efficiency. Without an adequate and fair-share level of reductions from all sources, the emissions reduction burden would be shifted to stationary sources, which collectively account for less than 20 percent of NOx emissions in the attainment demonstration. The SCAQMD will continue to work closely with CARB to further control mobile source emissions where federal or State actions do not meet regional needs.

## 1.7 PURPOSE OF THE 2016 AQMP

The 2016 AQMP will provide an updated air pollution control strategy to attain federal ambient air quality standards and has been developed as an integrated Plan taking into consideration: air quality improvement needs, climate change, transportation, and energy reliability. The proposed AQMP focuses on NOx reductions to attain the federal 2008 8-hour ozone standard (75 ppb) by 2032, NOx and PM reductions to attain the federal 2012 annual PM2.5 standard (12 ug/$m^3$) by 2025, and 2006 24-hour PM2.5 standard (35 ug/m3) by 2019. The 2016 AQMP also includes ozone reduction strategies to make expeditious progress in attaining the federal and state standards not yet met (identified in Section 1.6). The 2016 AQMP relies upon the most recent planning assumptions and the best available information such as CARB's latest EMFAC2014 for

the on-road mobile source emissions inventory, CARB's 2014 in-use fleet inventory for the off-road mobile source emission inventory, the latest point source and improved area source inventories as well as the use of new episodes and air quality modeling analysis, and SCAG's forecast assumptions based on the 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) (SCAG, 2016).

It is expected that implementing the proposed 2016 AQMP control measures will provide substantial benefits of improved air quality. From a public health standpoint, air pollution has been linked to long-term health problems affecting the lungs, heart, blood, brain and immune and nervous systems. Therefore, improving air quality is expected to result in improvements to public health. Additional benefits include improved visibility, reduced destruction of materials and buildings, reduced damage to agricultural crops and habitat for wildlife and, more efficient land use patterns and transportation systems. The proposed 2016 AQMP control measures also have the potential to reduce reliance on traditional petroleum fuels, thus, providing reductions in greenhouse gas (GHG) emissions. The following sections summarize the overall components of the 2016 AQMP and the specific control measures that comprise the 2016 AQMP.

## 1.8 PROJECT OBJECTIVES

CEQA Guidelines §15124(b) requires an EIR to include a statement of objectives, which describes the underlying purpose of the proposed project. The purpose of the statement of objectives is to aid the lead agency in identifying alternatives and the decision-makers in preparing a statement of findings and a statement of overriding considerations, if necessary. The objectives of the proposed 2016 AQMP are summarized below. These objectives may be refined or modified as part of the Program EIR preparation process.

- Reduce ozone, PM2.5, and their precursors on an expeditious implementation schedule;
- Demonstrate attainment of the 2008 8-hour ozone standard (75 ppb) by 2032;
- Demonstrate attainment of the 2006 24-hour PM2.5 standard (35 ug/$m^3$) by 2019;
- Demonstrate attainment of the 2012 annual PM2.5 standard by 2025;
- Continue making expeditious progress towards attaining the following NAAQS (although these standards were revoked, they still need to be met to avoid certain consequences, e.g., require contingency measures):
    - 1979 1-hour ozone standard (120 ppb) by 2023;
    - 1997 8-hour ozone standard (80 ppb) by 2024;
- Reduce population exposure to nonattainment pollutants (i.e., ozone and PM2.5 for the Basin) according to a prescribed schedule;
- Rank control measures by cost-effectiveness and implementation priority;
- Update planning assumptions and the best available information such as CARB's latest EMFAC2014 for the on-road mobile source emissions inventory, CARB's latest off-road emission inventory;
- Update emission inventories using 2012 as the base year, which also incorporates measures adopted since adopting the 2012 AQMP; and
- Update any remaining control measures from the 2012 AQMP.

## 1.9 PROJECT DESCRIPTION

The 2016 AQMP control measures consists of three components: 1) the SCAQMD's Stationary and Mobile Source Control Measures; 2) State and Federal Mobile Source Control Measures; and 3) Regional Transportation Strategy and Control Measures provided by SCAG. These measures primarily rely on the traditional command-and-control approach, the acceleration of zero and near-zero emission technologies, incentive programs, and advanced technologies. A summary of the proposed control measures is provided in the following subsections. The following bullet points summarize the major components of the proposed 2016 AQMP:

- The air quality baseline (i.e., 2012 data);
- Updated emission inventories using 2012 as the base year and measures implemented since adopting the 2012 AQMP;
- New District measures for stationary, area, and mobile sources to be incorporated into the 2016 AQMP;
- SCAG's 2016-2040 RTP/SCS and related transportation control measures;
- CARB's 2016 SIP Strategy;
- Analysis of emission reductions necessary to achieve the federal 8-hour ozone, the 24-hour annual PM2.5 air quality standards, and the (revoked) 1-hour ozone standard;
- Overview of state and federal planning requirements; and
- Implementation schedule for adoption of the proposed control measures.

### 1.9.1 Stationary Source Control Measures (SCAQMD)

Proposed stationary source control measures, under the SCAQMD's jurisdiction, would reduce emissions from both point sources and area sources.

The following basic principles were used to develop the SCAQMD's stationary source control measures: (1) identify opportunities of co-benefit emission reductions from multiple air pollutants; (2) initiate incentive-based programs or rule making activities for further NOx control strategies aimed at maximum emission reductions by the 2023-2032 timeframe to further implement the ozone plan for the 1997 and 2008 8-hour ozone standards; (3) identify limited, strategic VOC reduction opportunities to maximize reductions by the earliest possible and feasible attainment years; and (4) identify PM2.5 emission reduction opportunities, as needed, to ensure or advance attainment per federal CAA requirements. In addition, to foster further technology advancement, measures are also included to achieve additional reductions from stationary sources based on implementation and accelerated penetration of advanced technologies. For each control measure, the SCAQMD will seek to achieve the maximum reduction potential that is technically feasible and cost-effective. The stationary control measures to be implemented by the SCAQMD are listed in Table 1.9-1 and summarized in the text following Table 1.9-1.

## TABLE 1.9-1

## Stationary Source Control Measures (SCAQMD) Categorized by Source Type

| Number | Title | Control Measure Type |
|---|---|---|
| ECC-01 | Co-Benefit Emission Reductions from GHG Programs, Policies and Incentives | All Pollutants |
| ECC-02 | Co-Benefits from Existing Residential and Commercial Building Energy Efficiency Measures | NOx, VOC |
| ECC-03 | Additional Enhancement in Building Energy Efficiency and Smart Grid Technology | NOx, VOC |
| ECC-04 | Reduced Ozone Formation and Emission Reductions from Cool Roof Technology | All Pollutants |
| CMB-01 | Transition to Zero and Near-Zero Emission Technologies for Stationary Sources | NOx, VOC |
| CMB-02 | Emission Reductions from Commercial and Residential Space and Water Heating | NOx |
| CMB-03 | Emission Reductions from Non-Refinery Flares | NOx |
| CMB-04 | Emission Reductions from Restaurant Burners and Residential Cooking | NOx |
| CMB-05 | Further NOx Reductions from RECLAIM Assessment | NOx |
| FUG-01 | Improved Leak Detection and Repair | VOC |
| CTS-01 | Further Emission Reduction from Coatings, Solvents, Adhesives, and Sealants | VOC |
| MCS-01 | Improved Breakdown Procedures and Process Re-design | All Pollutants |
| MCS-02 | Application of All Feasible Measures | All Pollutants |
| FLX-01 | Improved Education and Public Outreach | All Pollutants |
| FLX-02 | Stationary Source VOC Incentives | VOC |
| BCM-01 | Further Emission Reductions from Commercial Cooking | PM |
| BCM-02 | Emission Reductions from Cooling Towers | PM |
| BCM-03 | Further Emission Reductions from Paved Road Dust Sources | PM |
| BCM-04 | Emission Reductions from Manure Management Strategies | $NH_3$ |

| Number | Title | Control Measure Type |
|---|---|---|
| BCM-05 | Ammonia Emission Reductions from NOx Controls | $NH_3$ |
| BCM-06 | Emission Reductions from Abrasive Blasting Operations | PM |
| BCM-07 | Emission Reductions from Stone Grinding, Cutting, and Polishing Operations | PM |
| BCM-08 | Further Emission Reductions from Agricultural, Prescribed, and Training Burning | PM |
| BCM-09 | Further Emission Reductions from Wood Burning Fireplaces and Wood Stoves | PM |
| BCM-10 | Emission Reductions from Greenwaste Composting | VOC, $NH_3$ |

**Notes:**
BCM means Best Available Control measures for fugitive PM sources
CMB means combustion exhaust control measures
CTS means coating and solvents control measures
ECC means energy and climate change control measures
FLX means compliance flexibility programs
FUG means fugitive VOC emission control measures
MCS means multiple component sources control measures

*Stationary Source Control Measures Summaries (SCAQMD)*

**ECC-01 - Co-Benefit Emission Reductions from GHG Programs, Policies and Incentives [All Pollutants]:** Combustion sources that emit GHGs are typically sources of criteria pollutants. Significant efforts are currently being undertaken and planned to reduce GHG emissions under the State's 2020, 2030 and 2050 targets. As these GHG reduction efforts are undertaken across multiple sectors, the reductions of criteria pollutants should be considered along with any additional enhancements needed to achieve further criteria pollutant reductions under the GHG programs. Existing and further GHG emission reductions mechanisms, including market programs, renewable energy targets, incentive and rebate programs, and promoting implementation and development of new technologies, would be evaluated for reduction of emissions of both GHGs and criteria pollutants.

**ECC-02 - Co-Benefits from Existing Residential and Commercial Building Energy Efficiency Measures [NOx, VOC]:** This control measure would seek criteria pollutant co-benefits from the implementation of required energy efficiency mandates such as California's Title 24 program and SB 350 (Clean Energy Pollution Reduction Act). The 2020 target for Title 24 will be to achieve zero energy consumption from new residential buildings utilizing new building materials and more efficient appliances. SB 350 doubles the energy efficient savings in electricity and natural gas energy uses of retail customers and increase renewable energy sources from 33 to 50 percent by 2030. This control measure will take advantage of the co-benefit emission reductions from implementation of these state regulations.

**ECC-03 - Additional Enhancements in Building Energy Efficiency and Smart Grid Technology [NOx, VOC]:** This control measure would seek to provide financial incentives to

go beyond the goals achieved under ECC-02 and CMB-02. Incentive programs would be developed for existing residences that includes weatherization, upgrading older appliances with highly efficient technologies and renewable energy sources to reduce energy use for water heating, lighting, cooking and other large residential energy sources. Incorporating newer efficient appliance technologies, and weatherization measures along with renewables such as solar thermal and solar photovoltaics provides emission reductions within the residential sector above current SCAQMD regulations along with reduced energy costs.

**ECC-04 - Reduced Ozone Formation and Emission Reductions from Cool Roof Technology [All Pollutants]:** Cool roofs reflect a higher fraction of incident sunlight than traditional roofing materials. Widespread adoption of cool roofs can mitigate the urban heat island effect and can lower daytime ambient temperatures, thus slowing the rate of ozone formation. In addition, buildings equipped with cool roofs require less electricity for cooling, leading to reductions in emissions from the power generation sector. This control measure has the potential to reduce ambient ozone concentrations directly along with NOx, CO, PM, and CO2 emissions from the power generation sector. Evaporative VOC emissions will be reduced due to lower ambient temperatures in the urban areas of the Basin. Three possible aspects of cool roof technology, including solar reflectance, radiative properties, and roof replacements will be incorporated into a technical modeling analysis to quantify the impact of this control measure on air quality.

**CMB-01 - Transition to Zero and Near-Zero Emission Technologies for Stationary Sources [NOx, VOC]:** This proposed control measure would seek emission reductions of NOx from traditional combustion sources by replacement with zero and near-zero emission technologies including low NOx emitting equipment, electrification, alternative process changes, efficiency measures, or fuel cells for combined heating and power (CHP). Replacing older higher-emitting equipment with newer lower or zero-emitting equipment can apply to a single source or an entire facility. These sources include engines, turbines, microturbines, and boilers that generate power for electricity for distributed generation, facility power, process heating, and/or steam production. New businesses can be required or incentivized to install and operate zero emission equipment, technology and processes beyond the current BACT requirements. Fuel cells are also an alternative to traditional combustion methods, resulting in a reduction of NOx emissions with co-benefit of reducing other criteria air pollutants and GHGs. This control measure would also seek energy storage systems and smart grid control technologies that provide a flexible and dispatchable resource with zero emissions. Grid based storage systems can replace the need for new peaking generation, be coupled with renewable energy generation, and reduce need for additional energy infrastructure. Mechanisms will be explored to incentivize residences and businesses to choose the cleanest technologies as they replace equipment and upgrade facilities, and to provide incentives to encourage businesses to move into these zero and near-zero emission technologies sooner.

**CMB-02 – Emission Reductions From Commercial And Residential Space And Water Heating [NOx]:** This control measure seeks annual average NOx emission reductions from unregulated commercial space heating furnaces and from incentive programs to replace existing older boilers, water heaters, and space heating furnaces. This control measure will apply to manufacturers, distributors, sellers, installers and purchasers of commercial boilers, water heaters and furnaces used for heating. The control measure has two components. The first component is to continue to implement the Rule 1111 emission limit of NOx for residential space heaters which is 14 ng/J (20 ppm) starting in 2014. The second component is to incentivize the

replacement of older boilers, water heaters and space heaters with newer and more efficient low NOx boilers, water heaters and space heaters. The new boilers and water heaters would comply with SCAQMD rule emission limits and new space heaters would meet a specified emission limit. If required, the SCAQMD will consider amending Rules 1121 and 1111 to put in place a heat input based emission limit which will result in lower NOx emissions for high efficiency units compared with standard efficiency units. Because of the rules' heat output based limits, high efficiency water heaters and furnaces emit the same amount of NOx per day as standard efficiency units, so a heat-input-based standard is needed to reduce NOx emissions. In addition, the SCAQMD will also consider developing a rule to limit NOx emissions from commercial and multi-unit residential heating furnaces which are currently unregulated.

**CMB-03 - Emission Reductions from Non-Refinery Flares [NOx]:** Flare NOx emissions are regulated through new source review and BACT, but there are currently no source-specific rules regulating NOx emissions from flares at non-refinery sources, such as organic liquid loading stations, tank farms, and oil and gas production. This control measure proposes that, consistent with the all feasible control measures, all non-refinery flares meet current BACT for NOx emissions and thermal oxidation of VOCs. The proposed method of control would be capturing the gas that would typically be flared and converting it into a renewable energy source (e.g., transportation fuel, fuel cells), and installation of newer flares implementing BACT.

**CMB-04 - Emission Reductions from Restaurant Burners and Residential Cooking [NOx]:** This control measure applies to retail restaurants and quick service establishments utilizing commercial cooking ovens, ranges and charbroilers by funding development of, promoting and incentivizing the use and installation of low-NOx burner technologies. In addition, the SCAQMD would consider developing a manufacturer based rule to establish emission limits for cooking appliances used by restaurants and residential applications.

**CMB-05 – Further NOx Reductions from RECLAIM Assessment [NOx]:** The California Health and Safety Code requires the SCAQMD to monitor the advancement in BARCT, and if BARCT advances, the SCAQMD is required to periodically re-assess the overall facility caps, and reduce the RECLAIM Trading Credit (RTC) holdings to a level equivalent to command-and-control BARCT levels. The emission reductions resulting from the programmatic RTC reductions will help the Basin attain the NAAQS for ozone and PM2.5 as expeditiously as practicable.

When considering future emissions reductions for AQMP purposes, the NOx RECLAIM program works differently than traditional command-and-control regulations. When projecting future emissions for SIP purposes, all RECLAIM holdings must be assumed to be emitted in the air. Under command-and-control regulations, future year emissions estimates are based on actual emissions in a base year which are then projected into the future using the best available estimates of economic growth for a particular industry. The RECLAIM program has traditionally, and perhaps necessarily, included more RTCs than actual emissions. This margin may be needed for market liquidity, but also precludes taking future year SIP credit for these unused credits. For attainment demonstration purposes, these emissions reductions would then need to be achieved from non-RECLAIM sources. This control measure would identify a series of approaches that can be explored to make the program more effective in ensuring equivalency with command and control regulations implementing BARCT, and to potentially generate further NOx emission reductions at RECLAIM facilities.

**FUG-01 - Improved Leak Detection and Repair [VOC]:** This control measure seeks to reduce emissions from a variety of VOC emission sources including, but not limited to, oil and gas production facilities, petroleum refining and chemical products processing, storage and transfer facilities, marine terminals, and other sources, where VOC emissions occur from fugitive leaks in piping components, wastewater system components, and process and storage equipment leaks. Most of these facilities are required under SCAQMD and federal rules to maintain a leak detection and repair (LDAR) program that involves individual screening of all of their piping components and periodic inspection programs of equipment to control and minimize VOC emissions. This measure would utilize advanced remote sensing techniques (Smart LDAR), such as Fourier transform infrared spectroscopy (FTIR), Ultraviolet Differential Optical Absorption Spectroscopy (UV-DOAS), Solar Occultation Flux (SOF), and infrared cameras, that can identify, quantify, and locate VOC leaks in real time allowing for faster repair in a manner that is less time consuming and labor intensive than traditional LDAR.

This control measure would pursue two goals. The first is to upgrade a series of SCAQMD's inspection/maintenance rules (Rules 462, 1142, 1148.1, 463, 1178, 1173, and 1176) to require, at a minimum, a self-inspection program, or utilization of an optical gas imaging-assisted LDAR program where feasible. The second is to explore the use of new technologies to detect and verify VOC fugitive emissions in order to supplement existing programs and achieve additional emission reductions.

**CTS-01 - Further Emission Reduction from Coatings, Solvents, Adhesives, and Sealants [VOC]:** This control measure seeks VOC emission reductions by focusing on select coating, adhesive, solvent and sealant categories by further limiting the allowable VOC content in formulations or incentivizing the use of super-compliant technologies. Examples of the categories to be considered include, but are not limited to, coatings used in aerospace applications; adhesives used in a variety of sealing applications; and solvents for graffiti abatement activities. Reductions would be achieved by lowering the VOC content of a few categories within SCAQMD source-specific Rules 1113, 1124, 1168, and 1171 where possible. For solvents, reductions could be achieved by promoting the use of alternative low-VOC products or non-VOC product/equipment at industrial facilities. Enhanced enforcement and the tightening of regulatory exemptions that may be used as loopholes in lieu of compliant technologies can also lead to reduced emissions.

**MCS-01 - Improved Breakdown Procedures and Process Re-Design [All Pollutants]:** SCAQMD Rule 430 applies to breakdowns that result in a violation of any rule or permit condition, with some exceptions. U.S. EPA's May 2015 final action on startups, shutdowns, and malfunctions (SSM) stipulates that exemptions from emissions limits during periods of breakdown are not allowed. This control measure would introduce improved breakdown procedures and a process re-design that would apply to breakdowns from all emission sources, providing pollutant concentration and/or incidence limits to comply with U.S. EPA's SSM policy.

**MCS-02 - Application of All Feasible Measures [All Pollutants]:** This control measure is to address the State law requirement for all feasible measures for ozone. Existing rules and regulations for pollutants such as VOC, NOx, SOx and PM reflect current BARCT. However, BARCT continually evolves as new technology becomes available that is feasible and cost-effective. The SCAQMD staff will continue to review new emission limits or controls introduced through federal, State or local regulations to determine if SCAQMD regulations

remain equivalent or more stringent than rules in other regions. If not, a rulemaking process will be initiated to perform a BARCT analysis with potential rule amendments if deemed feasible. In addition, the SCAQMD will consider adopting and implementing new retrofit technology control standards, based on research and development and other information, that are feasible and cost-effective.

**FLX-01 - Improved Education and Public Outreach [All Pollutants]:** This proposed control measure seeks to provide education, outreach, and incentives for consumers to contribute to clean air efforts. Examples include consumer choices such as the use of energy efficient products, new lighting technology, "super-compliant" coatings, tree planting, and the use of lighter colored roofing and paving materials which reduce energy usage by lowering the ambient temperature. In addition, this proposed measure intends to increase the effectiveness of energy conservation programs through public education and awareness as to the environmental and economic benefits of conservation. Educational and incentive tools to be used include social comparison applications (comparing your personal environmental impacts with other individuals), social media, and public/private partnerships. Further improvement of outreach allows the public to alert staff of any environmental problems that can be corrected sooner.

This control measure is a voluntary program that provides education and outreach to consumers, business owners, and residences regarding the benefits of making clean air choices in purchases, conducting efficiency upgrades, installing clean energy sources, and approaches to conservation. These efforts will be complemented with helping implement currently available incentive programs and developing additional incentive programs. Lastly, the SCAQMD staff may develop an economic incentive program (EIP) to offer technical and financial assistance to help implement efficiency measures and other low emission technologies.

**FLX-02 - Stationary Source VOC Incentives [VOC]:** This control measure seeks to incentivize VOC emission reductions from various stationary sources through incentive programs for the use of clean, low emission technologies. Facilities would be able to qualify for incentive funding if they utilize equipment or accept permit conditions which result in cost-effective emission reductions that are beyond existing requirements. The program would establish procedures for quantifying emission benefits from clean technology implementation and develop cost-effectiveness thresholds for funding eligibility. Mechanisms will be explored to incentivize residences and businesses to choose the cleanest technologies as they replace equipment and upgrade facilities, and to provide incentives to encourage businesses to move into these technologies sooner. For stationary sources, the SCAQMD staff has compiled an initial list of potential incentives to encourage businesses to use zero- or near-zero technologies or enhancements to the SCAQMD's existing programs to reduce or eliminate barriers to implement state of the art technologies. Potential incentive concepts include incentive funding, permitting and fee incentives and enhancements, New Source Review (NSR) incentives and enhancements, CEQA incentives, branding incentives, and recordkeeping and reporting incentives. The SCAQMD staff is committed to further investigating these concepts.

Predicting VOC emission reductions from these voluntary activities is challenging, however, when providing incentives, the modernization of facilities could take place in the both the short- and long-term. The availability and amount of incentives would directly affect the level of VOC emission reductions achieved. Emission benefits from incentives can be quantified based on program participation, technology/material penetration, and other assessment and inventory

methods. Implementing additional incentive programs will provide a means to quantify these benefits as they are developed.

**BCM-01 - Further Emission Reductions from Commercial Cooking [PM]:** Commercial cooking activities are the largest source of directly emitted PM2.5 emissions in the Basin, and under-fired charbroilers are responsible for the majority of emissions from this source category. To date, a variety of control device technologies have been tested by CE-CERT, and SCAQMD staff and the inter-agency working group are reviewing draft test results. This control measure seeks to establish a tiered program targeting higher efficiency controls for under-fired charbroilers at large volume restaurants, with more affordable lower efficiency controls at smaller restaurants. As with existing Rule 1138 requirements, a potential future control program for under-fired charbroilers could establish control device efficiency requirements based on restaurant throughput. Efforts could also be taken to develop a control device registration program as an alternative to the SCAQMD permit process. Small business incentive programs funded by mitigation fees or other sources could also be explored to help offset initial purchase and installation costs for restaurants.

**BCM-02 - Emission Reductions from Cooling Towers [PM]:** This control measure seeks reductions of PM emissions from industrial cooling towers through the use of the latest drift eliminator technologies. This control measure will seek to phase-in the use of drift eliminators with 0.001 percent drift rate for existing cooling towers. This can be achieved by retrofitting older cooling towers with modification to the cooling fans to accompany the drift eliminators, which will also result in water conservation. Newly constructed cooling towers have demonstrated ultra-low drift rates down to 0.00005 percent. This drift rate has been achieved in practice and could be considered BACT for new construction.

**BCM-03 - Further Emission Reductions from Paved Road Dust Sources [PM]:** Although fugitive dust emissions from agriculture and construction are primarily in the coarse size fraction (PM10-2.5), entrained road dust is still one of the major direct PM2.5 sources due to the large number of roadways and high traffic volumes in the region. Existing SCAQMD Rules 1157 and 403 requirements to reduce track out from stationary sources are based on a list of options. Further emission reductions could be achieved by specifying the most effective track out prevention measures, such as use of a wheel washing system, for sites with high vehicular activity exiting the site, or those with repeated track-out violations. Existing SCAQMD Rule 1186 requires that certified equipment be used on public roads currently subject to routine street sweeping but does not specify frequency. Further paved road dust PM2.5 emission reductions could be sought through specifying the frequency of street sweeping. Street sweeping is a portion of some local jurisdiction's National Pollutant Discharge Elimination System (NPDES) permits to reduce debris from entering the storm drain system. A review of existing NPDES mandates would be conducted in conjunction with any potential future rulemaking efforts. As part of efforts to reduce paved road dust silt loadings and the corresponding PM emissions, an evaluation of existing SCAQMD fugitive dust rules will be conducted to determine if additional PM2.5 emissions can be achieved.

**BCM-04 - Emission Reductions from Manure Management Strategies [$NH_3$]:** This control measure seeks to use manure management systems to reduce ammonia, a PM precursor, from fresh manure. Examples include acidifier application, dietary manipulation, feed additives, and other manure control strategies which can be applied on a year-around basis. To minimize costs, some control technologies can be seasonally or episodically applied during times when high

ambient PM2.5 levels are of concern. Dietary manipulation such as lowering the protein content and including high-fiber ingredients is an effective method to decrease ammonia emission from monogastric animals and ruminants manure. Feed additives can be considered as a seasonal or episodic control strategy when ambient PM2.5 concentrations are highest. New approaches to reduce ammonia emissions from manure can be considered that include manure slurry injection, microbial manure additives, manure belt cleaning in laying hen houses, cage-free egg laying manure removal, and poultry manure thermal gasification.

**BCM-05 - Ammonia Emission Reductions from NOx Controls [$NH_3$]:** This control measure seeks to reduce ammonia from NOx controls such as Selective Catalytic Reduction (SCR) and Selective Non-Catalytic Reduction (SNCR). These systems are capable of reducing NOx emissions from combustion sources very effectively. However, the use of systems also results in potential emissions of ammonia that "slip" past the control equipment and into the atmosphere. Ammonia is a precursor gas for secondary PM formation. Recent advances in catalyst technology have resulted in the development of ammonia slip catalysts that selectively convert ammonia into nitrogen gas. These catalysts could be installed post-SCR and would result in less ammonia slip.

**BCM-06 - Emission Reductions from Abrasive Blasting Operations [PM]:** Existing SCAQMD Rule 1140 regulates opacity requirements for confined and unconfined abrasive blasting operations using various abrasives. Rule 1140 and the California Code of Regulations Title 17, Subchapter 6 – Abrasive Blasting, establish both operating requirements and abrasive materials requirements, including prohibition against visible emissions from confined or unconfined abrasive blasting operations. Current permit conditions for abrasive blasting require venting to a PM air pollution control (APC) equipment when in full use. Baghouses or dry filters are the most frequently used APC equipment. This control measure would seek amendments to existing Rule 1140 to address dry abrasive blasting operations conducted in open areas using portable blasting equipment with or without a written SCAQMD permit.

**BCM-07 - Emission Reductions from Stone Grinding, Cutting, and Polishing Operations [PM]:** Stone fabricating operations, including, but not limited to, grinding, cutting, and polishing generate airborne dust emissions containing PM10, some PM2.5, and silica particles that are known to cause lung diseases. Many of these operations are done at confined or unconfined worksites by construction workers, remodeling contractors and individuals, and may not be sufficiently controlled for dust emissions. This control measure seeks wet/dry methods of control, local exhaust emissions control, no visible emissions, and financial incentives as a regulatory alternative for exchanging existing wet/dry equipment with new equipment that includes integrated add-on controls.

**BCM-08 - Further Emission Reductions from Agricultural, Prescribed, and Training Burning [PM]:** This control measure proposes to further reduce PM emissions from open burning sources. Further PM emission reductions could be achieved through use of a fee schedule and/or an incentive program to limit agricultural burning and promote burning alternatives (e.g., chipping/grinding or composting). One approach to reduce emissions could involve establishing a fee as part of the burn permit program based on acreage or amount of material burned. Fees would not be charged to producers using burning alternatives. Another approach could involve providing incentives to agricultural producers, especially in peak PM2.5 areas, to implement alternatives to burning. A demonstration project could also be

established where a SCAQMD contractor could conduct chipping/grinding and removal activities in peak PM2.5 areas at no, or reduced, cost to producers.

**BCM-09: Further Emission Reductions from Wood-Burning Fireplaces and Wood Stoves [PM]:** This control measure seeks additional emission reductions from residential wood burning activities. Residential wood burning results in directly emitted PM2.5 and curtailment programs can be very cost-effective relative to other source categories. Based on a review of U.S. EPA guidance documents and other air district wood smoke control programs, the existing SCAQMD curtailment program (Rule 445) threshold could be lowered. A lower curtailment criteria (e.g., 20 or 25 µg/m3) could be established which would increase the number of no burn days but not completely prohibit wood burning during the winter. Based on historical data (2013-2015) for the November through February winter season, it is estimated there would be 11 and 28 additional curtailment days, on average, at the 25 and 20 µg/m3 thresholds, respectively, above the estimate of 24 days at the current threshold. The Check Before You Burn program could also be extended to include the months of October and/or March as high PM2.5 levels can occur during these periods. All of these potential control options would increase the number of no burn days which could lower the contribution of wood smoke to ambient PM2.5 levels in the winter months. Although these episodic reductions are designed to address 24-hour PM2.5 concentration, a consistent reduction in wintertime PM2.5 from reduced wood burning could have an impact on annual average PM2.5 concentrations. Further analysis will be conducted to determine the appropriate approach to achieve the emission reductions necessary to demonstrate attainment of both the 24-hour and annual average federal PM2.5 standards. The current SCAQMD program encourages households within high PM2.5 areas to upgrade wood-burning devices through SCAQMD incentives of up to $1,600 to offset purchase and installation costs. Although this program has been effective, additional reductions may be achieved through the use of higher incentives or expansion of the eligible geographic area. Experience has shown that education and outreach to targeted households is vital to ensure program participation, and an additional element of this control measure would focus on expanding the effectiveness of incentive programs.

**BCM-10 - Emission Reductions from Greenwaste Composting [$NH_3$, VOC]:** VOCs and ammonia, which are PM precursor gases, are emitted from composting of organic waste materials including greenwaste and foodwaste and are currently regulated by existing SCAQMD Rule 1133.3. Although Rule 1133.3 covers foodwaste composting, the level of emissions from foodwaste composting has not been fully characterized, mainly due to the lack of related emissions test data. This control measure proposes potential emission minimization through emerging organic waste processing technology and potential emission reductions through restrictions on the direct land application of chipped and ground uncomposted greenwaste. This proposed control measure seeks a 15-day pathogen reduction process of chipped and ground uncomposted greenwaste with composting best management practices (BMPs) to reduce potential VOC and ammonia emissions from land applied greenwaste.

### 1.9.2 Mobile Source Control Measures (SCAQMD)

The 2016 AQMP includes mobile source control measures that are being formulated by the SCAQMD. Mobile sources emit over 80 percent of regional NOx emissions and therefore must be the largest part of the solution. Attainment of the ozone standards will require broad deployment of zero and near-zero emission technologies in the 2023 to 2031 timeframe. The

mobile source control measures to be implemented by the SCAQMD are listed in Table 1.9-2 and summarized in the paragraphs following Table 1.9-2.

**TABLE 1.9-2**

**Mobile Source Control Measures (SCAQMD) Categorized by Source Type**

| Number | Title | Control Measure Type |
|---|---|---|
| **Facility-Based Control Measures** | | |
| MOB-01 | Emission Reductions at Commercial Marine Ports | NOx, SOx, PM |
| MOB-02 | Emission Reductions at Rail Yards and Intermodal Facilities | NOx, PM |
| MOB-03 | Emission Reductions at Warehouse Distribution Centers | All Pollutants |
| MOB-04 | Emission Reductions at Commercial Airports | All Pollutants |
| **On-Road Mobile Source Control Measures** | | |
| MOB-05 | Accelerated Penetration of Partial-Zero Emission and Zero Emission Vehicles | VOC, NOx, CO |
| MOB-06 | Accelerated Retirement of Older Light-Duty and Medium-Duty Vehicles | VOC, NOx, CO |
| MOB-07 | Accelerated Penetration of Partial-Zero Emission and Zero Emission Light-Heavy and Medium-Heavy-Duty Vehicles | NOx, PM |
| MOB-08 | Accelerated Retirement of Older On-Road Heavy-Duty Vehicles | NOx, PM |
| MOB-09 | On-Road Mobile Source Emission Reduction Credit Generation Program | NOx, PM |
| **Off-Road Mobile Source Control Measures** | | |
| MOB-10 | Extension of the SOON Provision for Construction/Industrial Equipment | NOx |
| MOB-11 | Extended Exchange Program | VOC, NOx, CO |
| MOB-12 | Further Emission Reductions from Passenger Locomotives | NOx, PM |
| MOB-13 | Off-Road Mobile Source Emission Reduction Credit Generation Program | NOx, SOx, PM |

| Number | Title | Control Measure Type |
|---|---|---|
| MOB-14 | Emission Reductions from Incentive Programs | NOx, PM |
| **Emission Growth Management Measures** | | |
| EGM-01 | Emission Reductions from New Development and Redevelopment Projects | All pollutants |

**Notes:**
MOB means facility-based mobile source control measures.
EGM means emissions growth management control measures.

*Mobile Source Control Measures Summaries (SCAQMD)*

**MOB-01 - Emission Reductions at Commercial Marine Ports [NOx, SOx, PM]:** The Ports of Los Angeles and Long Beach (Ports) have been implementing the San Pedro Bay Ports Clean Air Action Plan (CAAP) since 2006 and is currently in the process of updating the CAAP. The Ports have been successful for the most part in implementing the CAAP and have exceeded emission reduction goals set in the CAAP. The CAAP Update have the potential in assisting the region attain air quality standards in a timely manner. Many of the actions that have been implemented in the CAAP are voluntary in nature since these reductions are not committed in the SIP. Over time, these actions have been subsumed through regulatory actions by CARB, U.S. EPA, or international entities such as the International Maritime Organization. Regardless, the actions have led to early emission reductions. The Ports have a unique position to work with the tenants (terminal and railroad operators) to develop strategies to further reduce emissions. This measure seeks to quantify the emission reductions realized from the CAAP and credit the reductions into the SIP. Emission reductions that occurred through the identified actions as reported by the Ports on an annual basis will be incorporated in the revised baseline emissions as part of the SIP revision process (either as part of the Rate-of-Progress reporting requirements of the Clean Air Act or reflected in new baseline emissions inventory for future AQMP/SIP revisions). Since many of these actions are voluntary in nature, any emission reductions credited towards attainment of the federal air quality standards must contain an enforceable commitment that the emission reductions remain real and permanent (as defined by U.S. EPA) if for some reason the emission reductions are not maintained after they are reported into the SIP. This measure may be implemented in the form of a regulation by the SCAQMD within its existing legal authority, or by the state or federal government, or other enforceable mechanisms. The proposed measure will replace control measures MOB-03 in the 2007 AQMP and IND-01 in the 2012 AQMP.

**MOB-02 - Emission Reductions at Rail Yards and Intermodal Facilities [NOx, PM]:** SCAQMD Rules 3501 and 3502 were submitted to U.S. EPA for approval into the SIP. This measure seeks to implement the two SCAQMD rules if approved by U.S. EPA or correct deficiencies identified by U.S. EPA such that the rules will be approvable by U.S. EPA. In addition, this measure will assess and identify potential actions to further reduce emissions at rail and intermodal yards. The SCAQMD staff will reconvene the stakeholder working group from the original rulemaking to discuss and identify actions or approaches that can be implemented to further reduce emissions at rail yards and intermodal facilities. The identified actions can be in

the form of a regulation adopted by the SCAQMD within its legal authority, regulations adopted by CARB, or other enforceable mechanisms.

**MOB-03 – Emission Reductions at Warehouse Distribution Centers [All Pollutants]:** The SCAQMD is currently working with industry stakeholders on conducting in-use truck trip and obtaining emissions information from various warehouse distribution types. This information along with emissions occurring in and around individual warehouse distribution centers will serve as the basis for seeking opportunities to reduce emissions beyond existing standards. A stakeholders working group will be convened to discuss warehouse emissions related issues and provide input in the development of mechanisms to implement this measure. This measure could be implemented in the form of a regulation developed by the SCAQMD within its legal authority or other enforceable mechanisms.

**MOB-04 – Emission Reductions at Commercial Airports [All Pollutants]:** Due to projected increases in airline passenger transportation and expansion of operations at various commercial airports, potential increases in emissions may result unless the increased emissions are fully mitigated. Several airport authorities are implementing emissions mitigation measures, while other airports have initiated actions that can lead to additional emission reductions. This measure seeks to quantify such actions and identify additional actions that can lead to additional emission reductions to assist in attainment of federal air quality standards and reduce local exposure to air toxic emissions. Quantified emission reductions that are real, surplus, permanent, and enforceable will be reflected in future emissions inventories as part of the Rate-of-Progress reporting requirements or in baseline emission inventories as part of future AQMP/SIP development. In addition, such emission reductions can be used for general conformity purposes. A working group will be convened with affected stakeholders to discussion airport emissions related issues and provide input in the development of mechanisms to implement this measure. This measure could be implemented as a regulation developed by the SCAQMD within its legal authority or other enforceable mechanism.

**MOB-05 – Accelerated Penetration of Partial-Zero Emission and Zero Emission Vehicles [VOC, NOx, CO]:** This measure proposes to continue incentives for the purchase of zero emission vehicles and hybrid vehicles with a portion of their operation in an "all-electric range" mode. The state Clean Vehicle Rebate Pilot (CVRP) program is proposed to continue from 2016 to 2030 with proposed funding up to $5,000 per vehicle and for low-income eligible residents, additional funding of up to $1,500 for a total of $6,500 per vehicle. CARB has proposed an allocation of $160 million statewide for the CVRP in Fiscal Year 2015-16. The proposed measure seeks to provide funding rebates for at least 15,000 zero emission or partial-zero emission vehicles per year.

**MOB-06 – Accelerated Retirement of Older Light-Duty and Medium-Duty Vehicles [VOC, NOx, CO]:** This proposed measure calls for promoting the permanent retirement of older eligible vehicles through financial incentives currently offered through local funding incentive programs and the AB 118 Enhanced Fleet Modernization Program (EFMP). The proposed measure seeks to retire up to 2,000 older light- and medium-duty vehicles (up to 8,500 pounds GVW) per year. Funding incentives of up to $4,500 per vehicle are available to low- and moderate-income residents for the scrapping of the vehicle, which includes a replacement voucher for a newer cleaner conventional powered vehicle, plug-in hybrid electric or dedicated zero emission vehicle. For low- and moderate-income residents living in a disadvantaged community, additional funding of up to $5,000 is available for a fuel efficient conventional

powered vehicle, plug-in hybrid electric vehicle or dedicated zero emission vehicle. The proposed measure seeks to provide funding assistance for at least 2,000 replacement vehicles per year.

**MOB-07 – Accelerated Penetration of Partial-Zero Emission and Zero Emission Light-Heavy and Medium-Heavy-Duty Vehicles [NOx, PM]:** The objective of the proposed action is to accelerate the introduction of advanced hybrid and zero emission technologies for Class 4 through 6 heavy-duty vehicles. The state is currently implementing a Hybrid Vehicle Incentives Project (HVIP) program to promote zero emission and hybrid heavy-duty vehicles and CARB allocated $12 million to the program. The proposed measure seeks to continue the program from 2016 to 2030 to deploy up to 120 zero and partial-zero emission vehicles per year with up to $50,000 funding assistance per vehicle based on the current allocated funding. Zero emission vehicles and hybrid vehicles with a portion of their operation in an "all-electric range" mode would be given the highest priority.

**MOB-08 – Accelerated Retirement of Older On-Road Heavy-Duty Vehicles [NOx, PM]:** This proposed measure seeks to replace up to 2,000 heavy-duty vehicles per year with newer or new vehicles that meet one of the optional NOx standards adopted by CARB. The funding assistance will be prorated to offer the most funding for heavy-duty engines meeting the optional NOx exhaust emissions standard of 0.02 g/bhp-hr or cleaner. Funding assistance of up to $25,000 per vehicle is proposed and the level of funding will depend upon the NOx emissions certification level of the replacement vehicle meeting one of the optional NOx emission standards. In addition, the SCAQMD may within its authority, adopt a regulation to require purchase of the cleanest commercially available engine, which may include a provision similar to the Surplus Off-Road Opt-In for NOx (SOON) provision of the statewide In-Use Off-Road Fleet Vehicle Regulation will be sought to ensure that additional NOx emission reduction benefits are achieved. Other enforceable mechanisms may be considered providing that such mechanisms can be approved into the SIP.

**MOB-09 – On-Road Mobile Source Emission Reduction Credit Generation Program [NOx, PM]:** This proposed measure seeks to accelerate deployment of near-zero and zero emission on-road heavy-duty trucks through the generation of mobile source emission reduction credits (MSERCs) that can be used for stationary source purposes as allowed in SCAQMD Regulations XIII, XX, or any other rule or regulation that allows the use of MSERCs. The SCAQMD staff will develop amendments to SCAQMD Rules 1612 and 1612.1 to reflect the latest advanced near-zero and zero emission technologies and revise the quantification methodologies in Rules 1612 and 1612.1. MSERCs generated will be discounted to provide additional benefits to the environment and to help meet air quality standards.

**MOB-10 – Extension of the SOON Provision for Construction/Industrial Equipment [NOx]:** To promote turnover (i.e., retire, replace, retrofit, or repower) of older in-use construction and industrial diesel engines, this proposed measure seeks to continue the SOON provision of the statewide In-Use Off-Road Fleet Vehicle Regulation beyond 2023 through the 2031 timeframe. Historically, the SCAQMD Governing Board has allocated up to $30 million per year for the program. However, more recently, the Governing Board has allocated up to $10 million per year. This measure proposes to extend the current SOON Program beyond 2023 to 2031 with a minimum allocation of $10 million and potentially higher levels upon the Governing Board's approval. In order to implement the SOON program in this timeframe, funding of up to

$30 million per year would be sought to help fund the repower or replacement of older Tier 0 and Tier 1 equipment, with approximately 2 tons per day (tpd) of NOx reductions.

**MOB-11 – Extended Exchange Program [VOC, NOx, CO]:** This measure seeks to continue the successful lawnmower and leaf blower exchange programs in order to increase the penetration of electric equipment or new low emission gasoline-powered equipment used in the region. The lawnmower exchange program has resulted in over 55,000 gasoline lawnmowers replaced with zero emission lawnmowers and over 12,000 older, dirtier gasoline-powered commercial leaf blowers replaced with newer, cleaner leaf blowers. The SCAQMD is currently conducting a lawn and garden equipment loan program with various public entities to demonstrate the feasibility of zero emission lawn and garden equipment in various public and commercial settings. Such demonstrations will provide valuable information to lawn and garden equipment manufacturers to produce zero emission products for the commercial environment. A segment of the lawn and garden equipment population comprised of diesel powered equipment represents a significant fraction of the total NOx emissions associated with this category. As such, the proposed extended exchange program will focus on incentives to accelerate the replacement of older equipment with new Tier 4 or cleaner equipment or zero emission equipment where applicable. In addition, other small off-road equipment (SORE) equipment may also be considered for exchange programs for accelerating the turnover of existing engines.

**MOB-12 - Further Emission Reductions from Passenger Locomotives [NOx, PM]:** This measure recognizes recent actions by the SCRRA to replace their existing passenger locomotives with Tier 4 locomotives. The SCRRA is in the process of procuring 40 Tier 4 passenger locomotives to replace their older existing Tier 0 and Tier 2 passenger locomotives by 2020. The SCRRA Board has indicated a desire to work with the SCAQMD and other stakeholders to evaluate technologies that will further reduce NOx emissions beyond Tier 4 emissions level.

**MOB-13 – Off-Road Mobile Source Emission Reduction Credit Generation Program [NOx, SOx, PM]:** This measure seeks to accelerate the early deployment of near-zero and zero emission off-road equipment through the generation of MSERCs that can be used for stationary source purposes as allowed in SCAQMD Regulations XIII, XX, or any other rule or regulation that allows for the use of MSERCs. The SCAQMD staff will develop amendments to SCAQMD Rule 1620 to reflect the latest advanced near-zero and zero emission technologies and revise the quantification methodologies in Rule 1620. In addition to Rule 1620, the SCAQMD staff has been working on two additional off-road mobile source emission reduction credit generation rules to incentivize the early deployment of the cleanest ocean-going vessels that are not subject to the state Vessels At-Berth Regulation or vessel calls that are considered surplus to the statewide regulation and locomotives that have lower NOx emissions than the current Tier 4 locomotive engine standards. The two rules will be further developed under this measure. MSERCs generated may be discounted to provide additional benefits to the environment and to help meet air quality standards.

**MOB-14 – Emission Reductions from Incentive Programs [NOx, PM]:** This measure seeks to develop a rule similar to the San Joaquin Valley Air Pollution Control District Rule 9610 to recognize emission reduction benefits associated with incentive programs. The proposed rule would recognize the emission benefits resulting from incentive funding programs such as the Carl Moyer Memorial Air Quality Standards Attainment Program and Proposition 1B such that the emission reduction can be accounted in the SIP. The U.S. EPA indicated that there are six

general elements that need to be incorporated in a proposed rule in order for the reductions to be placed in the SIP.

**EGM-01 - Emission Reductions from New Development and Redevelopment Projects [All Pollutants]:** Since San Joaquin Valley Air Pollution Control District Rule 9510 has been approved by U.S. EPA to be included in the SIP for the San Joaquin Valley, the SCAQMD must consider Rule 9510 under the "all feasible measures" requirement of the state law. The proposed measure seeks to capture emission reduction opportunities during project development phase and opportunities to enable greater deployment of zero and near-zero emission technologies. Under the proposed measure, SCAQMD staff will evaluate the applicability of a rule similar to Rule 9510 that would apply to new or redevelopment projects. The SCAQMD will reconvene the working group made up of stakeholders from industry, local governments, and community representatives as part of the rulemaking process. The working group will provide input and comments during the development of a potential proposed rule or other enforceable mechanisms.

### 1.9.3 Air Toxic Control Measures (SCAQMD)

In addition to the criteria pollutant control measures, the SCAQMD is proposing additional measures to control toxic air contaminants (TACs) from stationary sources in the SCAQMD. To the extent feasible, the 2016 AQMP is capturing co-benefit opportunities in achieving multi-pollutant reductions to meet ambient air quality standards having multiple deadlines. For example, some criteria pollutant control measures will concurrently reduce air toxics and some air toxics control measures will reduce criteria pollutants. The proposed control measures, their objectives, and expected control approaches are summarized in Table 1.9-3.

**TABLE 1.9-3**

**Proposed Air Toxic Control Measures**

| Number | Measure | Objective | Potential TAC | Control Approach |
|---|---|---|---|---|
| TXM-01 | Control of Metal Particulate from Metal Grinding Operations | Reduce metal particulate emissions from metal grinding activities at forging facilities, metal foundries, and plating operations | • Cadmium<br>• Hexavalent Chromium<br>• Cobalt<br>• Nickel<br>• Particulate (metal) | • Enclosures<br>• Pollution controls<br>• Housekeeping measures |
| TXM-02 | Control of Toxic Metal Particulate Emissions from Plating and Anodizing Operations | Further reduce fugitive metal particulate emissions from electroplating and chromic acid anodizing processes | • Hexavalent Chromium<br>• Nickel<br>• Cadmium<br>• Copper<br>• Lead<br>• Particulate (metal) | • Enclosures<br>• Pollution controls<br>• Enhanced housekeeping measures<br>• Physical modifications to increase capture efficiency and reduce fugitive emissions |
| TXM-03 | Control of Hexavalent Chrome from Chrome Spraying Operations | Further control hexavalent chromium emissions from spraying of paints and coatings containing hexavalent chromium | • Hexavalent Chromium<br>• Particulate (metal) | • Increased housekeeping and best management practices |

| Number | Measure | Objective | Potential TAC | Control Approach |
|---|---|---|---|---|
| TXM-04 | Control of Toxic Metal Particulate Emissions from Contaminant Soil | Control toxic metal particulates during soil cleanup/remediation activities. | • Lead<br>• Hexavalent Chromium<br>• Cadmium<br>• Nickel<br>• Arsenic<br>• Possibly Other Metal TACs<br>• Particulate (metal) | • Soil covering<br>• Chemical treatment<br>• Barriers<br>• Wheel knockout and cleaning stations<br>• Other suppression techniques |
| TXM-05 | Control of Toxic Metal Particulate Emissions from Laser Plasma Cutting | Control toxic metal particulates from laser and plasma cutting operations | • Nickel<br>• Cadmium<br>• Hexavalent chromium<br>• Possibly Other Metal TACs) | • Filter technology including HEPA filters<br>• Alternative technologies such as flame and water jet cutting |
| TXM-06 | Control of Toxic Emissions from Metal Melting Facilities | Further reduce metal toxic emissions from melting, pouring, casting, degating, heat treating, surface cleaning, and finishing operations at foundries | • Arsenic<br>• Cadmium<br>• Nickel<br>• Other toxic metals<br>• Particulate (metal) | • Particulate filter technologies for furnaces<br>• Enclosures<br>• Increased housekeeping and best management practices<br>• Possibly ambient air monitoring |
| TXM-07 | Control of Lead Emissions from Stationary Sources | Further control of lead emissions from non-vehicular sources | • Lead<br>• Particulate (metal) | • Reduce ambient lead concentration<br>• Increased housekeeping and best management practices |
| TXM-08 | Control of Emissions from Chemical Stripping of Cured Coatings | Reduce methylene chloride emissions from furniture chemical stripping operations | • Methylene Chloride | • Reformulation<br>• Activated carbon |
| TXM-09 | Control of Emissions from Oil and Gas Well Activities | Reduce toxic emissions during well drilling, maintenance, and stimulation activities at oil and gas production sites | • Benzene<br>• Toluene<br>• Ethylbenzene<br>• Xylene<br>• Diesel particulate matter<br>• Particulate Matter | • Pollution control and best management practices to minimize emissions from portable storage tanks, circulation tanks, and portable totes with particulates<br>• Use of the cleanest diesel equipment available for off-road engines<br>• Housekeeping provision |

TXM means toxic air contaminant control measure.

**TXM-01 - Metal Grinding Operations:** The objective of this control measure is to control fugitive toxic metal particulate emissions at forging facilities, metal foundries, and plating operations. In general, there are no current SCAQMD regulatory requirements for metal grinding operations, and this activity is exempt from permitting. Metal grinding is a material

removal and surface preparation process used to shape and finish metal parts. Grinding employs an abrasive product, usually a rotating wheel brought into controlled contact with the metal surface that removes tiny pieces of metal from the part generating metallic chips and dust. This activity is common in both heavy and light industrial processes such as metal foundries and forging and plating operations that commonly produce parts for the aerospace, automotive, and oil and gas industries. Potential metal particulate emission control approaches include conducting grinding within permanent enclosures, capture and control through add-on controls, and housekeeping measures. Examples of add-on controls include, cyclones, baghouses, scrubbers and high efficiency particulate arrestors (HEPA) filters. Effective housekeeping measures may include routine wet washing or vacuuming, proper material storage and disposal, and routine maintenance of emission control devices. This measure will be implemented as individual source-specific rules are adopted or amended.

**TXM-02 – Plating and Anodizing Operations:** The purpose of this control measure is to further control metal (hexavalent chrome, nickel, cadmium, copper, arsenic and lead) emissions from plating and anodizing operations. Hexavalent chromium electroplating and chromic acid anodizing are processes currently regulated under SCAQMD Rule 1469 – Hexavalent Chromium Emissions from Chromium Electroplating and Chromic Acid and Anodizing Operations. Other non-hexavalent chromium plating operations are regulated under SCAQMD Rule 1426 – Emissions from Metal Finishing Operations. Electroplating processes involve the creation of desired metal surfaces or substrates. Both nickel and copper plating are commonly performed prior to chrome plating in order to provide a substrate for the chrome to adhere to or to add additional properties such as strength. In many cases, nickel plating is performed as the only or final stage of plating where appearance is the primary desired quality of the end product. Other sources of fugitives can come from air sparging, openings or cross-draft conditions within buildings or enclosures, poor housekeeping, improper handling of waste, and improper handling of raw products. Hexavalent chromium electroplating and chromic acid anodizing processes are used in various industries including aerospace, automotive, computer electronics, machinery, and industrial equipment, and defense government. Current point source control approaches include chemical or mechanical methods to control surface tension of the baths in the tank, or capture of emissions using add-on air pollution controls such as scrubbers, mesh pads, and HEPA filters. Fume suppressants are extremely effective at minimizing process fugitive emissions from the tank, especially in situations where facilities have cross draft conditions in buildings where tanks are located, or conduct operations around tanks that may affect the release or behavior of the emissions. When used in combination with add-on air pollution control equipment, fume suppressants serve as the primary control of both point source and fugitive emissions prior to collection by the control device, and optimizes the overall emission reduction potential of the system. Facilities also can utilize best housekeeping and best management practices to mitigate fugitive emissions. In some cases, facilities may use alternative materials or plating processes. Additionally, alternative methods of applying a metal coating may be used such as aluminum ion vapor deposition, physical vapor deposition, or metal spray coating. This measure would be implemented through amendments to SCAQMD Rules 1426 and 1469.

**TXM-03 – Chrome Spraying Operations:** The objective of this control measure is to further control hexavalent chromium emissions from spraying of paints and coatings. Spraying of paints and coatings containing chromium or hexavalent chromium is currently regulated under SCAQMD Rule 1469.1 - Spraying Operations Using Coatings Containing Chromium. During the uncontrolled application of coatings, hexavalent chromium emissions are generated by the

inefficient transfer of paint to the part or from overspray. Spraying operations are typically conducted within a paint spray booth and emissions are exhausted through a wall of filter media or stack, assuming a properly designed booth and ventilation system. However, there is also a potential for fugitive emissions to occur from an open booth face, if capture into the ventilation system is not complete. Additionally, fugitive hexavalent chromium emissions can be generated by poor housekeeping, improper use of control equipment, and improper handling of waste or painted products. SCAQMD Rule 1469.1 currently includes requirements for spray enclosures, transfer efficiency, and housekeeping practices within spray enclosures. Paints and coatings containing hexavalent chromium occur in a variety of industries including aerospace, electroplating, and coating facilities. Current housekeeping requirements of SCAQMD Rule 1469.1 include general measures and best management practices for the clean-up, handling, storage, and disposal of waste generated within spray booth enclosures. The existing provisions for enclosures can be enhanced by requiring routine and periodic housekeeping inspections, in addition to new housekeeping and work practice requirements outside of spray enclosures in order to comprehensively reduce fugitive emissions from the facility. This measure would be implemented through amendments to SCAQMD Rule 1469.1.

**TXM-04 – Toxic Air Contaminant Emissions from Decontamination of Soil:** Currently the SCAQMD has a rule regulating VOC emissions from contaminated soil that establishes requirements to ensure the release of VOC emissions are minimized. There is currently no rule to address metal particulate emissions that can become airborne during the handling and disturbance of soils contaminated with toxic metals. Examples of metal toxic air contaminants that can be in contaminated soil include, but are not limited to, hexavalent chromium, lead, nickel, cadmium, and arsenic. This control strategy would establish specific requirements to ensure that fugitive toxic air contaminant emissions from soils contaminated with toxic metals are minimized during the excavation, storage, and/or transportation. This control strategy would include soil covering, watering, chemical treatment, barriers, tire and wheel knockout and cleaning stations, and other dust suppression techniques. Air monitoring of the site may also be a part of the control strategy. This measure would be implemented as a new SCAQMD Rule.

**TXM-05 – Laser and Plasma Cutting:** The control measure would control metal particulate emissions from laser and plasma cutting operations. Laser and plasma cutting technologies are used for cutting and fabricating large sheets of metal goods. Laser cutting directs a laser onto most metals (except reflective metals including aluminum, brass and copper) which melts or vaporizes the metal. Plasma cutting uses electrically conductive gas to transfer energy from an electrical power source through the plasma to the metal being cut. The high temperature of the plasma melts the metal. The intense energy of both the laser and plasma cutting process creates fumes and smoke from vaporizing the molten material from the bottom of the cut (kerf). Uncontrolled vaporized metals such as cadmium and nickel present environmental and health concerns. Additionally, high energy processes, such as laser and plasma cutting, can oxidize the elemental chrome in stainless steel into hexavalent chrome. Control approaches under this measure would include filter technologies such as HEPA filters or possibly other pollution controls. Alternative processes are available including flame cutting, water jet cutting, welding, and conventional machining. This measure would be implemented as a new SCAQMD Rule.

**TXM-06 – Control of Toxic Emissions from Metal Melting Facilities:** This control measure seeks to further reduce metal toxic emissions such as arsenic, cadmium, and nickel from foundries and other metal melting facilities (smelting, tinning, galvanizing and other

miscellaneous processes where metals are processed in molten form). Other metal melting operations include smelting, tinning, galvanizing, and other miscellaneous processes where metals are processed in molten form. Metal foundries are facilities which produce metal castings. The process involves melting metal into a liquid, pouring the liquid metal into a mold or casting, allowing the metal to cool and solidify, removing the mold or casting, degating, heat treating, surface cleaning, and finishing. Possible emission sources from such operations include, but are not limited to, fume, particulate, or dust from the melting, pouring, casting, degating, heat treating, coating, brazing, finishing, or surface cleaning processes, leftover metal or slag, and housekeeping. Emissions can potentially be reduced through venting operations to an emission collection system or improvements to existing collection systems, such as the addition of high efficiency filters. Fugitive emissions can be reduced through housekeeping measures which may include, but are not limited to, sweeping, mopping or filtered vacuuming and enclosed material storage. Equipment may require new or updated source testing and potentially new or updated permits. Additionally, an ambient air monitoring requirement is under consideration. This measure would be implemented through amendments to SCAQMD Rule 1407 and possibly a new SCAQMD Rule.

**TXM-07 – Control of Lead Emissions from Stationary Sources:** The objective of this control measure is to further control lead emissions from non-vehicular sources. Lead and arsenic emissions from large lead-acid battery recycling facilities are regulated by SCAQMD Rule 1420.1. Emissions of lead from large (>100 ton per year) metal melting facilities are regulated by SCAQMD Rule 1420.2. All other non-vehicular sources of lead are regulated by SCAQMD Rule 1420. Lead is found in metals and aggregate processed either as an alloy or as a contaminant. Facilities process lead in aggregate processing, metal melting, metal finishing, metal machining operations, and also use lead solder for electronic circuit boards. Possible emission sources from such operations include, but are not limited to, fume, particulate, or dust from the mining, melting, finishing, or surface cleaning processes, leftover metal or slag, and poor housekeeping. Control of lead emissions often occurs concurrently with the control of other toxic metals. Emissions can be controlled through improved housekeeping requirements and best management practices similar to those included in SCAQMD Rule 1420.1, including provisions for general cleaning, rooftop cleaning, and handling, storage, and disposal of waste generated to comprehensively reduce fugitive lead emissions. This measure would be implemented through amendments to SCAQMD Rule 1420.

**TXM-08 – Chemical Stripping of Cured Coatings:** This proposed control measure would restrict the use of methylene chloride during chemical stripping operations. Methylene chloride is a suspect carcinogen and is classified as a Hazardous Air Pollutant by U.S. EPA and as a TAC by the state of California. A typical chemical stripping product contains between 70 and 85 percent methylene chloride by weight. Methylene chloride is the active ingredient that penetrates the coating film and lifts the coating off the surface. Most chemical stripper usage is done without any equipment or controls. The chemical stripper is applied by brush and then rinsed off afterwards. Larger users of chemical strippers are usually furniture stripping shops which sometimes utilize tanks and flow trays to use the chemical stripper. Other uses include automobile rim coating operations and residential furniture restoration. Reformulation is the preferred method for reducing methylene chloride emissions. The use of control equipment may also be a consideration. This measure would be implemented through a new SCAQMD Rule.

**TXM-09 – Oil and Gas Production:** Existing oil and gas field production facilities are required to notify the SCAQMD of a planned well maintenance or stimulation event under SCAQMD Rule 1148.2 – Notification and Reporting Requirements for Oil and Gas wells and Chemical Suppliers. In addition to the notification requirements, SCAQMD Rule 1148.2 also requires operators to report chemical usage during each operation, although trade secret chemicals are not revealed to the public. Oil and gas field production well maintenance and stimulation activities release emissions such as diesel particulate matter (DPM), fugitive dust, and other air toxic emissions such as benzene, toluene, ethylbenzene, and xylene (BTEX) compounds. This control measure seeks to develop a series of BMPs to reduce the emission impact from the well maintenance and stimulation activities. The implementation of the BMPs specified may be contingent upon the proximity to sensitive receptors. The BMPs may include: (1) reduction of BTEX compounds from return fluids during gravel packing and hydraulic fracturing events by the use of carbon absorbers to control emissions venting from portable storage tanks, covering circulation tanks, and closing access hatches on portable storage tanks; (2) reduction of BTEX compounds from drilling mud return processing equipment by covering areas open to atmosphere; (3) reduction of fugitive silica dust from the use of portable plastic totes; (4) reduction of DPM from the use of Tier 3 and 4 off-road engines, or engines equipped with a CARB certified Level 3 diesel particulate filter (DPF); and (5) work area plastic ground coverings to collect spills and reduce fugitive dust. The implementation of this control measure would be through an amendment to SCAQMD Rule 1148.2.

### 1.9.4 Mobile Source Control Measures (Federal and State)

CARB has development a State Implementation Plan (SIP) Strategy that reflects a combination of State and federal actions, as well as actions that outline a pathway for achieving further deployment of the cleanest technologies in each sector. These measures, in conjunction with the existing control program, identify the reductions needed to achieve a 70 percent reduction in NOx emissions from mobile sources by 2023, and an 80 percent reduction by 2031 in the South Coast. Current control programs will reduce NOx emissions from today's levels by 209 tpd by 2031. The NOx and ROG emission reductions from the proposed new SIP measures in 2023 and 2031 are summarized in 1.9-4. As part of the proposed State SIP Strategy, CARB will provide an enforceable commitment to achieve in aggregate 107 tpd of NOx reductions by 2023, and 97 tpd by 2031. The State SIP Strategy will also provide 48 and 60 tpd respectively of ROG reductions in 2023 and 2031, which provide supplemental benefits in reducing ozone in some portions of the air basin.

Regulatory actions comprise the core of the overall attainment strategy. For on-road sectors, implementation of the current control program, coupled with new regulatory measures to require introduction of even cleaner technologies for cars and trucks, provides the 80 percent reduction in NOx emissions necessary by 2031. However, recognizing the benefits and opportunities for enhancing the penetration of these cleaner on-road technologies, the Strategy includes a commitment for additional reductions as part of the further deployment measures. Other actions that could enhance these reductions include further regulatory development, efficiency improvements, and emerging autonomous and connected vehicle technologies. Combined, actions for on-road sources will reduce NOx emissions over 85 percent by 2031 from today's levels.

## TABLE 1.9-4

## CARB Mobile Source Control Measures

| CM Number | Title | Action | Implementation Begins | 2023 Reduction (tpd) | 2031 Reduction (tpd) |
|---|---|---|---|---|---|
| **On-Road Light-Duty** | | | | | |
| **ORLD-01** | Advanced Clean Cars 2 | 2020 | 2026 | - | 0.6 (NOx)<br>0.3 (ROG) |
| **ORLD-02** | Lower In-Use Emission Performance Assessment | NA | ongoing | nyq | nyq |
| **ORLD-03** | Further Deployment of Cleaner Technology: On-Road Light-Duty Vehicles | Ongoing | 2016 | 7 (NOx)<br>16 (ROG) | 5 (NOx)<br>16 (ROG) |
| **On-Road Heavy-Duty** | | | | | |
| **ORHD-01** | Lower In-Use Emission Performance Level for Heavy-Duty Vehicles | 2016 | 2017 | nyq | nyq |
| **ORHD-02** | Low-NOx Engine Standard | 2017-2019 | CA Implementation: 2023<br>Federal Implementation: 2024 | - | 5 (NOx – CA action), 7 (NOx – Federal action) |
| **ORHD-03** | Medium and Heavy-Duty GHG Phase 2 | 2016 – 2019 | 2018 | nyq | nyq |
| **ORHD-04** | Advanced Clean Transit | 2017 | 2018 | <0.1 (NOx)<br><0.1 (ROG) | 0.1 (NOx)<br><0.1 (ROG) |
| **ORHD-05** | Last Mile Delivery | 2018 | 2020 | <0.1 (NOx)<br><0.1 (ROG) | 0.4 (NOx)<br><0.1 (ROG) |
| **ORHD-06** | Innovative Technology Certification Flexibility | 2016 | 2016 | nyq | nyq |
| **ORHD-07** | Zero Emission Airport Shuttle Buses | 2018 | 2023 | nyq | nyq |
| **ORHD-08** | Incentive Funding to Achieve Further Emission Reductions from On-Road Heavy-Duty Vehicles | on-going | 2016 | 3 (NOx)<br>0.4 (ROG) | 3 (NOx)<br>0.4 (ROG) |
| **ORHD-09** | Further Deployment of Cleaner Technology: On-Road Heavy Duty Vehicles | ongoing | 2016 | 34 (NOx)<br>4 (ROG) | 11 (NOx)<br>1 (ROG) |
| **Marine, Rail, and Aircraft Off-Road** | | | | | |
| **ORFIS-01** | More Stringent National Locomotive Emission Standards | 2016 | 2023 | 0.7<br><0.1 (ROG) | 8 (NOx)<br>0.3 ROG |

| CM Number | Title | Action | Implementation Begins | 2023 Reduction (tpd) | 2031 Reduction (tpd) |
|---|---|---|---|---|---|
| **ORFIS-02** | Tier 4 Vessel Standards | 2015-2018 | 2025 | - | 4 (NOx) |
| **ORFIS-03** | Incentivize Low Emission Efficient Ship Visits | 2017-2018 | 2018 | nyq | nyq |
| **ORFIS-04** | At-Berth Regulation Amendments | 2017-2018 | 2022 | 0.3 (NOx)<br><0.1 (ROG) | 1 (NOx)<br><0.1 (ROG) |
| **ORFIS-05** | Further Deployment of Cleaner Technology: Off-Road Federal and International Sources | ongoing | 2016 | 13 (NOx)<br>nyq (ROG) | 10 (NOx)<br>nyq (ROG) |
| **Other Off-Road** | | | | | |
| **OFFS-01** | Zero Emission Off-Road Forklift Regulation Phase 1 | 2020 | 2023 | - | 1 (NOx)<br>0.1 (ROG) |
| **OFFS-02** | Zero Emission Off-Road Emission Reduction Assessment | 2025 | - | nyq | nyq |
| **OFFS-03** | Zero Emission Off-Road Worksite Emission Reduction Assessment | tbd | - | nyq | nyq |
| **OFFS-04** | Zero Emission Airport Ground Support Equipment | 2018 | 2023 | <0.1 (NOx)<br><0.1 (ROG) | <0.1 (NOx)<br><0.1 (ROG) |
| **OFFS-05** | Small Off-Road Engines | 2018 | 2022 | 0.7 (NOx)<br>7 (ROG) | 2 (NOx)<br>16 (ROG) |
| **OFFS-06** | Transport Refrigeration Units Used for Cold Storage | 2017-2018 | 2020 | nyq | nyq |
| **OFFS-07** | Low-Emission Diesel Requirement | By 2020 | 2023 | 0.6 (NOx) | 2 (NOx) |
| **OFFS-08** | Further Deployment of Cleaner Technologies: Off-Road Equipment | Ongoing | 2016 | 21 (NOx)<br>21 (ROG) | 17 (NOx)<br>20 (ROG) |
| **Consumer Products** | | | | | |
| **CPP-01** | Consumer Products Program | 2019-2021 | 2020 | - | 5 (ROG) |
| | | | | | |

**Notes:** The control measure numbers have been removed by CARB in their latest SIP Strategy document. However, they will continue to be used in the Initial Study for ease in referring to the CARB control measures.
tpd is tons per day
tbd is to be determined
nyq is not yet quantified

Achieving reductions in the off-road sectors remains a greater challenge due to the diverse nature of these sources, regulatory authority that rests outside of CARB in many cases, and the length of time sources such as locomotives, marine vessels, and aircraft remain in the fleet. Emissions from aircraft are a particular challenge, as unlike other off-road sources, their emissions are

projected to increase through 2031. Nevertheless, the Strategy includes key regulatory actions to establish the next tier of cleaner combustion for locomotives and marine vessels, and introduction of zero emission vehicle technologies for smaller off- road equipment. These actions, when coupled with current regulatory programs will reduce NOx emissions from off-road federal and international sources by approximately 45 percent by 2031. The further deployment measures in these categories provide the mechanism for additional reductions, which in combination with regulatory actions will reduce NOx emissions from off-road sectors 75 percent by 2031. These further deployment measures will rely on expanded incentive funding programs to accelerate deployment, as well as additional actions at the federal and international level, and efforts to increase system efficiencies. The Clean Air Act includes a provision for approval under Section 182(e)(5) to allow these types of actions for Extreme areas such as the South Coast needing additional reductions to meet the ozone standard.

*Mobile Source Control Measure Summaries – On-Road*

By 2023, it is estimated that about 12 million vehicles will be operating in the Basin. To address emissions from these vehicles, CARB would implement twelve on-road mobile source control measures. The first three measures focus on on-road light- and medium-duty vehicles, while the remaining measures focus on heavy-duty vehicles.

**ORLD-01 - Advanced Clean Cars 2:** This proposed measure is designed to ensure that zero and near-zero emission technology options continue to be commercially available, with range improvements to address consumer preferences for greater ease of use, and maximize electric vehicle miles travelled. The regulation may include lowering fleet emissions further beyond the super ultra-low-emission vehicle standard for the entire light-duty fleet through at least the 2030 model year, and look at ways to improve real world emissions through implementation programs. Additionally, new standards would be considered to further increase the sales of zero emission vehicles and plug-in hybrid electric vehicles beyond the levels required in 2025.

**ORLD-02 - Lower In-Use Emission Performance Assessment:** This proposed measure is designed to ensure that vehicles continue to operate at their cleanest possible level by evaluating California's in-use performance-focused inspection procedures and, if necessary, make improvements to further the program's effectiveness. Results from the assessment could be used to improve inspection test procedures, address program fraud, improve the effectiveness and durability of emission-related repair work, and to improve the regulations governing the design of in-use performance systems on motor vehicles to the extent necessary.

**ORLD-03 - Further Deployment of Cleaner Technology: On-Road Light-Duty Vehicles:** This proposed measure is designed to achieve further emission reductions for the Basin's attainment needs through a suite of additional actions, including greater penetration of zero and near-zero technologies through incentive programs, and emission benefits associated with increased transportation efficiencies, as well as the potential for autonomous vehicles and advanced transportation systems. The emission reductions will be achieved through a combination of actions to be undertaken by both CARB and the SCAQMD.

**ORHD-01 - Lower In-Use Emission Performance Level for Heavy Duty Vehicles:** This proposed measure is designed to ensure that heavy-duty vehicles continue to operate at the cleanest possible level. CARB would develop new, supplemental actions, in the form of regulatory amendments or new regulations, to address in-use compliance and to decrease engine deterioration. This suite of actions includes: revising the warranty requirements to better reflect

the operation of these vehicles; revising the current opacity limit in CARB's existing roadside and fleet inspection programs to better reflect the capability of current technology; revising the not to exceed supplemental test procedures for heavy-duty diesel engines; revising the durability demonstration provisions within the certification requirements; and developing a comprehensive inspection and maintenance program for heavy-duty trucks to test for excessive emissions of multiple pollutants.

**ORHD-02 - Low-NOx Engine Standard:** This proposed measure is designed to require near-zero emission engine technologies that will substantially lower NOx emissions from on-road heavy-duty vehicles. CARB will begin development of a new heavy-duty low-NOx emission standard in California in 2017, with Board action expected in 2019. A California-only low NOx standard would apply to all vehicles with new heavy-duty engines sold in California starting in 2023. In order to achieve the maximum emission reductions from this proposed measure, CARB may also petition U.S. EPA to establish a new federal heavy-duty engine emission standard. If U.S. EPA fails to initiate the rule development process by 2017, CARB would continue with its development and implementation efforts to establish a California-only low-NOx standard. If U.S. EPA begins the regulatory development process for new federal heavy-duty emission standards by 2017, CARB will coordinate its regulatory development efforts with the federal regulation.

**ORHD-03 - Medium and Heavy-Duty GHG Phase 2:** This proposed measure is designed to advance fuel efficiency improvements and achieve greater GHG emission reductions through the introduction of the next generation of integrated engine, powertrain, vehicle and trailer technologies designed to reduce climate emissions and fuel use. U.S. EPA is expected to finalize new federal Phase 2 standards for GHG emissions from medium- and heavy-duty vehicles in summer 2016. These new standards will build upon the Phase 1 standards and will push technology improvements beyond what is currently in widespread commercial use. CARB staff plans to present a California Phase 2 proposal for the Board's consideration in 2017. In addition to harmonizing with the federal Phase 2 standards where applicable, staff's proposal may include some more stringent, California-only provisions that are necessary to meet California's unique air quality challenges.

**ORHD-04 - Advanced Clean Transit (ACT):** This measure is designed to continue the transition of transit fleets to cleaner technologies to support NOx and GHG emission reduction goals. The measure will consider a variety of approaches to enhance the deployment of advanced clean technology and increase the penetration of the first wave of zero emission heavy-duty technology into transit applications that are well suited to its use. CARB staff will develop and propose an Advanced Clean Transit measure with a combination with incentives, and/or other methods that would result in transit fleets purchasing advanced technology buses during normal replacement and using renewable fuels when contracts are renewed.

**ORHD-05 - Last Mile Delivery:** This measure is designed to increase the penetration of the first wave of zero emission heavy-duty technology into applications that are well suited to its use. This proposed measure will require the use of low-NOx engines and the purchase of zero emission trucks for certain class 3-7 last mile delivery trucks in California starting in 2020, with a low fraction initially and gradually ramping up to a higher percentage of the fleet at time of normal replacement through 2030.

**ORHD-06 - Innovative Technology Certification Flexibility:** This proposed measure is designed to encourage early deployment of the next generation of truck and bus technologies through defined, near-term CARB certification and on-board diagnostic compliance flexibility for medium-and heavy-duty vehicles. This regulation is intended to balance the need to provide key, promising technologies with a predictable and practical CARB-certification pathway, while ensuring the expected emission benefits of advanced truck and bus technologies are achieved in-use. This regulation would provide flexibility for potentially transformational engine and vehicle technologies, such as robust hybrids and heavy-duty engines meeting the optional low-NOx standard.

**ORHD-07 - Zero Emission Airport Shuttle Buses:** This proposed measure is designed to achieve NOx and GHG emission reductions goals through advanced clean technology, and to increase the penetration of the first wave of zero emission heavy-duty technology into applications that are well suited to its use. Like transit buses, the inclusion of zero emission airport shuttles would serve as a stepping stone to encourage broader deployment of zero emission technologies in the on-road sector. CARB would develop and propose a regulation or other measures to deploy zero emission airport shuttles in order to further support market development of zero emission technologies in the heavy-duty sector.

**ORHD-08 – Incentive Funding to Achieve Further Reductions from On-Road Heavy Duty Vehicles:** This proposed measure would use existing CARB and SCAQMD incentive and other innovative funding programs for on-road, heavy-duty vehicles to increase the penetration of zero and near-zero vehicles. Funding mechanisms would target technologies that meet CARB's current optional low-NOx standard through 2023, consistent with the current round of Moyer funding.

**ORHD-09 – Further Deployment of Cleaner Technology: On-Road Heavy Duty Vehicles:** This proposed measure is designed to achieve further emission reductions for the Basin's attainment needs through a suite of additional actions, including greater penetration of zero and near-zero technologies through incentive programs, emission benefits associated with increased operational efficiency strategies, and the potential for new driver assist and intelligent transportation systems. The emission reductions will be achieved through a combination of actions to be undertaken by both CARB and the SCAQMD.

*Mobile Source Control Measure Summaries – Off-Road*

The CARB SIP Strategy includes fourteen control measures that seek further emission reductions from off-road mobile sources and industrial equipment. Off-road mobile sources such as aircraft, locomotives, and marine vessels are principally regulated by federal and state agencies. Other off-road sources encompass transport refrigeration units, vehicles and equipment used in construction and mining, forklifts, cargo handling equipment, and other industrial equipment.

**ORFIS-01 – More Stringent National Locomotive Emissions Standards:** This proposed measure is designed to reduce emissions from new and remanufactured locomotives. CARB would petition U.S. EPA for both new Tier 5 national locomotive emission standards for new locomotives, and for more stringent national requirements for remanufactured locomotives. CARB staff estimates that the U.S. EPA could require manufacturers to implement the new locomotive emission regulations as early as 2023 for remanufactured locomotives, and 2025 for newly manufactured locomotives. A new federal standard could also facilitate development and

deployment of zero emission track mile locomotives and zero emission locomotives by building incentives for those technologies into the regulatory structure.

**ORFIS-02 - Tier 4 Vessel Standards:** This measure is designed to reduce emissions from ocean going vessels. CARB would advocate with U.S. EPA, the U.S. Coast Guard, and international partners for the International Maritime Organization to adopt more stringent emission standards. Specifically, CARB would advocate for new Tier 4 NOx and PM standards, plus efficiency targets for existing vessels, and new vessel categories not covered by IMO efficiency standards.

**ORFIS-03 - Incentivize Low Emission Efficient Ship Visits:** This measure is designed to achieve early implementation of clean vessel technologies (e.g., liquefied natural gas, Tier 3 standards or better), and to incentivize vessels with those technologies in California service. CARB staff would work with California seaports, ocean carriers, and other stakeholders to develop the criteria and to identify the best way to incentivize introduction of Low Emission Efficient Ships into the existing fleet of vessels that visit California seaports.

**ORFIS-04 - At-Berth Regulation Amendments:** The goal of this proposed control measure is to further reduce emissions from ships at berth and to advance the commercialization of near-zero and zero emission technologies. CARB would develop and propose amendments to the current At-Berth Regulation to include other vessel fleets and types. This measure calls for an implementation schedule 2022-2032, assuming CARB regulatory amendment in 2016.

**ORFIS-05 - Further Deployment of Cleaner Technology: Off-Road Federal and International Sources:** This measure is designed to achieve further emission reductions for the Basin's attainment needs. This proposed measure outlines a series of actions that would be taken at the State and local level to achieve further reductions among the three categories off-road federal and international sources: ocean-going vessels, aircraft, and locomotives. These actions include: expanding and enhancing incentive programs to increase the deployment of cleaner technologies; incentivizing cleaner ships and aircraft to come to California; partnering with engine manufacturers to encourage production of cleaner, more efficient engines; continuing to support demonstration projects; and encouraging efficiency improvements. Achieving the magnitude of emission reductions necessary from this category will require strong action at the federal and international level, coupled with State and local advocacy and action to facilitate these efforts.

**OFFS-01 - Zero Emission Off-Road Forklift Regulation Phase 1:** This measure is designed to increase penetration of zero emission vehicles in off-road applications, advance zero emission vehicles commercialization, and to set a market signal to technology manufacturers and investors. CARB staff would develop and propose a regulation with specific focus on forklifts with lift capacities equal to or less than 8,000 pounds for which zero emission technologies have already gained appreciable customer acceptance and market penetration.

**OFFS-02 - Zero Emission Off-Road Emission Reduction Assessment:** This measure is designed to transfer zero and near-zero emission technologies in non-freight, off-road applications to heavier equipment, such as high lift-capacity forklifts or other equipment in the construction, industrial, and mining sectors. Through this assessment, CARB would provide the Board with an informational update regarding the status of zero emission vehicles in off-road applications once the Phase 1 forklift regulation is in place in 2025 or later, which would focus primarily on the scalability and transferability of zero emission technologies to larger, higher

power-demand equipment types, and would be used to inform the development of the Phase 2 regulation.

**OFFS-03 - Zero Emission Off-Road Worksite Emission Reduction Assessment:** This measure is designed to foster the development of a robust worksite efficiency program and to facilitate the deployment of technologies and/or strategies that increase worksite efficiency, such as connected vehicles, automation, and fleet management technologies in off-road sectors. Through this assessment, CARB would identify opportunities to further expand the use of the aforementioned strategies and/or zero and near-zero emission technologies, and would provide the Board with an informational update regarding the status of the aforementioned technologies and/or strategies, with a focus on business return on investment, scalability and sustainability of the system. CARB would also encourage deployment via incentives or by providing credit in the off-road rule.

**OFFS-04 - Zero Emission Airport Ground Support Equipment:** This measure is designed to increase the penetration of the first wave of zero emission heavy-duty technology in applications that are well suited to its use, and to facilitate further technology development and infrastructure expansion. CARB would develop and propose a regulation to accelerate the transition of diesel and large spark ignition airport ground support equipment to zero emission technology.

**OFFS-05 - Small Off-Road Engines:** This measure is designed to reduce emissions from Small Off-Road Engines, and to increase the penetration of zero emission technology. Small off-road engines that are subject to CARB regulations are used in residential and commercial lawn and garden equipment, and other utility applications. CARB will develop and propose tighter exhaust and evaporative emission standards, encourage increased use of zero emission equipment, and enhance enforcement of current emission standards for small off-road engines.

**OFFS-06 - Transport Refrigeration Units Used for Cold Storage:** This measure is designed to advance zero and near-zero emission technology commercialization by increasing the early penetration of hybrid electric and electric standby equipped transport refrigeration units used for cold storage, and supporting the needed infrastructure developments. CARB would develop a regulation to limit stationary operating times of internal, combustion engines in phases.

**OFFS-07 – Low Emission Diesel Fuel:** This measure is designed to reduce emissions from the portion of the heavy-duty fleet that will continue to operate on internal combustion engines. The proposed measure would put into place standards for Low Emission Diesel and require that diesel fuel providers sell steadily increasing volumes of Low Emission Diesel until it comprises 50 percent of total diesel sales by 2031. Due to the magnitude of needed NOx reductions in the Basin and the large volumes of Low Emission Diesel needed for full statewide implementation, the proposed measure would be phased-in with an implementation strategy that starts in the Basin, and subsequently expands statewide.

**OFFS-08 - Further Deployment of Cleaner Technologies: Off-Road Equipment:** This measure is designed to achieve further emission reductions for the Basin's attainment needs through a suite of additional actions, including greater penetration of zero and near-zero technologies through incentive programs, and emission benefits associated with the potential for worksite integration and efficiency, as well as connected and autonomous vehicle technologies. These emission reductions will be achieved through a combination of actions to be undertaken by both CARB and the SCAQMD.

*Consumer Products Program*

The CARB SIP Strategy also includes measures to further reduce emissions of ROG from consumer products. CARB staff propose to evaluate the 2013-2015 data reported to the Consumer Products Program to identify strategies to achieve emission reductions from consumer products. The proposed measure may involve establishing new ROG limits for categories currently unregulated and/or lowering ROG limits for categories already regulated. Staff may investigate opportunities to establish alternative compliance options to provide flexibility to industry to comply with regulations, such as an emission cap to reduce ROG emissions from consumer products. This measure calls for an implementation schedule between 2020 and 2023.

### 1.9.5 Transportation Control Measures from the Southern California Association of Governments 2016 Regional Transportation Plan and Sustainable Communities Strategy

The SCAG, the Metropolitan Planning Organization (MPO) for Southern California, is mandated to comply with federal and state transportation and air quality regulations. Further, pursuant to California Health and Safety Code (HSC) §40460, SCAG has the responsibility of preparing and approving the portions of the AQMP related to regional demographic projections and integrated regional land use, housing, employment, and transportation programs, measures, and strategies. The SCAQMD combines its portion of the AQMP with those portions prepared by SCAG as required by HSC §40460.

Transportation conformity is required under CAA Section 176(c) to ensure that federally supported highway and transit project activities "conform to" the purpose of the SIP. Conformity currently applies to areas that are designated non-attainment, and those re-designated to attainment after 1990 ("maintenance areas" with plans developed under CAA Section 175[A]) for the specific transportation-related criteria pollutants. Conformity for the purpose of the SIP means that transportation activities will not cause new air quality violations, worsen existing violations, or delay timely attainment of the relevant NAAQS. The transportation conformity regulation is found in 40 CFR Part 93.

The transportation strategy and TCMs included as part of the 2016 AQMP and SIP for the Basin, as defined in the HSC, are based on SCAG's 2016 RTP/SCS, which has been developed in consultation with federal, state, and local transportation and air quality planning agencies and other stakeholders.

The Regional Transportation Strategy and TCM portion of the 2016 AQMP/SIP consists of the following four related sections.

- Section I. Introduction: As required by federal and state laws, SCAG is responsible for ensuring that the regional transportation plan, program, and projects are supportive of the goals and objectives of AQMPs/SIPs. SCAG is also required by state law to develop demographic projections and regional transportation strategy and control measures for the AQMPs/SIPs. SCAG prepares the RTP/SCS, which is updated every four years, and the Federal Transportation Improvement Plan biennially. The RTP/SCS also integrates land use and transportation planning to achieve regional GHG reduction targets set by CARB pursuant to SB375.
- Section II. Regional Transportation Program/Sustainable Communities Strategy and TCMs: The 2012-2035 RTP/SCS was formally adopted by the SCAG Regional Council

on April 4, 2012. The 2016 RTP/SCS was adopted by the SCAG Regional Council on April 7, 2016 and contains a host of improvements to the region's transportation system including:

- Focus new growth around transit/high quality transit areas (HQTAs)
- Plan for growth around livable corridors
- Provide more options for short trips/neighborhood mobility areas
- Support zero emission vehicles and expand electric vehicle charging stations
- Support local sustainability planning
- Protect natural and farm lands
- Balance growth distribution between 500-foot buffer areas and HQTAs
- Preserve the existing transportation system
- Manage congestion through Transportation Demand Management (TDM) and Transportation System Management (TSM)
- Expand regional transit system
- Expand passenger rail and maintain high-speed rail commitments
- Promote active transportation
- Improve highway and arterial capacity
- Strengthen regional transportation network for goods movement
- Improve airport ground access

Included within these transportation system improvements are projects that reduce vehicle use or change traffic flow or congestion conditions ("TCMs"). TCMs include the following three main categories of transportation improvement projects and programs:

- Transit, intermodal transfer, and active transportation measures,
- High occupancy vehicle (HOV) lanes, high occupancy toll (HOT) lanes, and their pricing alternatives, and
- Information-based transportation strategies.

- Section III. Reasonably Available Control Measure Analysis (RACM): As required by the CAA, a RACM analysis must be included as part of the overall control strategy in the AQMP/SIP to ensure that all potential control measures are evaluated for implementation and that justification is provided for those measures that are not implemented. The AQMP contains the RACM TCM component for the Basin's ozone and PM2.5 control strategy. In accordance with U.S. EPA procedures, this analysis considers TCMS in the Final 2016 RTP/SCS, measures identified by the CAA, and relevant measures adopted in other ozone and PM2.5 nonattainment areas of the country. Based on this comprehensive review, it is determined that the TCMs being implemented in the Basin are inclusive of all TCM RACM.

- Section IV. TCM Best Available Control Measures (BACM) Analysis for 2006 PM2.5 NAAQS: The Basin has been reclassified as a serious nonattainment area under the 2006 PM2.5 NAAQS effective February 12, 2016. As a result, the Basin is required to implement BACMs including TCMs for the control of direct PM2.5 and PM2.5 precursors from on-road mobile sources. The TCM BACM analysis consists of a review of on-going implementation of TCMS in the Basin, a review of TCM measures implemented in other moderate and serious PM2.5 nonattainment areas, as well as serious PM10 nonattainment areas throughout the country, and a review of TCMS not

implemented in the SCAG region. The analysis demonstrates that the TCM projects being implemented in the Basin constitute TCM BACM. The emission benefits associated with the Final 2016 RTP/SCS are reflected in the 2016 AQMP projected baseline emissions. The amount of emission reductions from the RTP/SCS are largely affected by the change in vehicle fleet mix and vehicle emission factors.

SCAG is required to prepare a RTP/SCS, which contains TCMs, pursuant to California Health & Safety Code §65080. SCAG is responsible for preparing and approving the portions of the plan relating to regional demographic projections and integrated regional land use, housing, employment and transportation programs, measures and strategies, and is required to analyze and provide emissions data related to its planning responsibilities to appropriate local agencies such as SCAQMD, pursuant to California Health & Safety Code §40460(b). On April 7, 2016, the 2016 RTP/SCS was adopted and the Final PEIR was certified (SCAG, 2016). Thus, SCAG's 2016 RTP/SCS and associated TCMs will be implemented regardless of the 2016 AQMP. Since the environmental impacts from the 2016 RTP/SCS and associated TCMs were analyzed in the Final PEIR, the Draft 2016 AQMP Program EIR will only evaluate potential cumulative impacts from implementing the 2016 AQMP and the TCMs evaluated in SCAG's Program EIR for the 2016 RTP/SCS.

### 1.9.6 Coordination with the State's Greenhouse Gas Reduction Efforts

The Basin faces several ozone and PM attainment challenges, as strategies for significant emission reductions become harder to identify and the federal standards continue to become more stringent. California's GHG reductions targets under AB32 add new challenges and timelines that affect many of the same sources that emit criteria pollutants. In finding the most cost-effective and efficient path to meet multiple deadlines for multiple air quality and climate objectives, it is essential that an integrated planning approach is developed. Responsibilities for achieving these goals span all levels of government, and coordinated and consistent planning efforts among multiple government agencies are a key component of an integrated approach.

California's success in reducing smog has largely relied on technology and fuel advances, and as health-based air quality standards are tightened, the introduction of cleaner technologies must keep pace. More broadly, a transition to zero and near-zero emission technologies is necessary to meet 2023 and 2032 air quality standards and 2050 climate goals. Many of the same technologies will address air quality, climate and energy goals. As such, 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 2016 AQMP includes control measures that would take advantage of emission reductions generated by other programs such as the GHG emission reductions under AB32.

# CHAPTER 2 - ENVIRONMENTAL CHECKLIST

**Introduction**

**General Information**

**Potentially Significant Impact Areas**

**Determination**

**Environmental Checklist and Discussion**

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## 2.1 INTRODUCTION

This environmental checklist serves as an initial evaluation tool to identify the proposed project's potential adverse environmental impacts. Responses to checklist questions illustrate the types of AQMP control measures that may create potentially significant adverse impacts to environmental impact areas identified in Section 2.5. Table A-1 in Appendix A provides a comprehensive list of all 2016 AQMP proposed control measures and identifies each environmental impact area that could be adversely affected by those measures. Environmental impact areas which could be adversely affected will be evaluated further in the Draft Program EIR.

## 2.2 GENERAL INFORMATION

| | |
|---|---|
| Project Title: | 2016 Air Quality Management Plan |
| Lead Agency Name: | South Coast Air Quality Management District |
| Lead Agency Address: | 21865 Copley Drive, Diamond Bar, CA 91765 |
| CEQA Contact Person: | Jillian Wong, (909) 396-3176 |
| 2016 AQMP Contact Person: | Mike Krause (909) 396-2706 |
| Project Sponsor's Name: | South Coast Air Quality Management District |
| Project Sponsor's Address: | 21865 Copley Drive, Diamond Bar, CA 91765 |
| General Plan Designation: | Not applicable |
| Zoning: | Not applicable |
| Description of Project: | The 2016 AQMP identifies control measures and strategies to bring the region into attainment with the revoked 1997 8-hour National Ambient Air Quality Standard (NAAQS or standard) (80 ppb) for ozone by 2024; the 2008 8-hour ozone standard (75 ppb) by 2032; the 2012 annual PM2.5 standard (12ug/$m^3$) by 2025; the 2006 24-hour PM2.5 standard (35 ug/$m^3$) by 2019; and the revoked 1979 1-hour ozone standard (120 ppb) by 2023. The 2016 AQMP consists of three components: 1) the SCAQMD's Stationary, Area, and Mobile Source Control Measures; 2) State and Federal Control Measures provided by the California Air Resources Board; and 3) Regional Transportation Strategy and Control Measures provided by the Southern California Association of Governments. The 2016 AQMP includes emission inventories and control measures for stationary, area and mobile sources, the most current air quality setting, updated growth projections, new modeling techniques, demonstrations of compliance with state and federal Clean Air Act requirements, and an implementation schedule for adoption of the proposed control strategy. |
| Surrounding Land Uses and Setting: | Industrial, commercial, and potentially residential |
| Other Public Agencies Whose Approval is Required: | California Air Resources Board<br>U.S. Environmental Protection Agency |

## 2.3 POTENTIALLY SIGNIFICANT IMPACT AREAS

The following environmental impact areas have been assessed to determine their potential to be affected by the proposed project. Any checked items represent areas that may be adversely affected by the proposed project. An explanation relative to the determination of impacts can be found following the checklist for each area in Section 2.5.

| | | | | | |
|---|---|---|---|---|---|
| ☐ | Aesthetics | ☐ | Geology and Soils | ☐ | Population and Housing |
| ☐ | Agriculture and Forestry Resources | ☑ | Hazards and Hazardous Materials | ☐ | Public Services |
| ☑ | Air Quality and Greenhouse Gas Emissions | ☑ | Hydrology and Water Quality | ☐ | Recreation |
| ☐ | Biological Resources | ☐ | Land Use and Planning | ☑ | Solid and Hazardous Waste |
| ☐ | Cultural Resources | ☐ | Mineral Resources | ☑ | Transportation and Traffic |
| ☑ | Energy | ☑ | Noise | ☑ | Mandatory Findings |

## 2.4 DETERMINATION

On the basis of this initial evaluation:

☐ I find that although the proposed project could have a significant effect on the environment, there will NOT be significant effects in this case because revisions in the project have been made by or agreed to by the project proponent. A NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there will NOT be significant effects in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☑ I find that the proposed project MAY have a significant effect(s) on the environment, and a PROGRAM ENVIRONMENTAL IMPACT REPORT will be prepared.

☐ I find that the proposed project MAY have a "potentially significant impact" on the environment, but at least one effect: 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

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

**Date:** June 30, 2016

**Signature:**

Jillian Wong, Ph.D
Program Supervisor, CEQA
Planning, Rule Development and Area Sources

## 2.5 ENVIRONMENTAL CHECKLIST AND DISCUSSION

| | | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|---|---|---|---|---|
| **I.** | **AESTHETICS.** Would the project: | | | | |
| a) | Have a substantial adverse effect on a scenic vista? | ☐ | ☐ | ☑ | ☐ |
| b) | Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | ☐ | ☐ | ☑ | ☐ |
| c) | Substantially degrade the existing visual character or quality of the site and its surroundings? | ☐ | ☐ | ☑ | ☐ |
| d) | Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | ☐ | ☐ | ☑ | ☐ |

### Introduction

Evaluation of the proposed 2016 AQMP control measures identified several control measures with the potential to generate significant adverse impacts to aesthetic resources. Table A-1 in Appendix A lists all 2016 AQMP control measures and identifies those control measures that have the potential to generate significant adverse impacts. The proposed project will implement control measures to lower emissions, thus improving air quality and visibility in the long term in order to meet the project's objectives. The discussion in this section identifies the net effect on aesthetic resources from implementing the proposed project.

### Significance Criteria

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

- The project will block views from a scenic highway or corridor.
- The project will adversely affect the visual continuity of the surrounding area.
- The impacts on light and glare will be considered significant if the project adds lighting which would add glare to residential areas or sensitive receptors.

Impacts deemed potentially significant will be considered further in the Draft Program EIR.

### Discussion

The 2016 AQMP is designed to reduce emissions from existing emission sources and promote the lowest achievable emission rates from new emissions sources. Proposed AQMP control measures would affect existing commercial/industrial facilities and residential developments; establish specifications for coatings, fuels and mobile source exhaust emissions; accelerate the replacement of high-emitting mobile sources with zero or near-zero emitting mobile sources; establish greater control of industrial stationary sources; establish greater control of fugitive dust; improve leak detection and repair procedures; and establish educational and outreach.

**I. a), b), and c): Less than Significant.** Implementation of most proposed control measures is not expected to adversely affect scenic vistas in the District; damage scenic resources, including but not limited to trees, rock outcroppings, or historic buildings within a scenic highway; or substantially degrade the visual character of a site or its surroundings. On the contrary, the Plan will improve air quality and visibility, thus improve scenic vistas and visual character.

Control measures under SCAQMD's jurisdiction would typically affect industrial, institutional, or commercial facilities located in appropriately zoned areas (e.g., industrial and commercial areas) that are not usually associated with scenic resources. Construction activities are expected to be limited to industrial and commercial areas. Further, modifications would typically occur inside the buildings at the affected facilities, or because of the nature of the business (e.g., commercial or industrial) can easily blend with the facilities with little or no noticeable effect on adjacent areas. Finally, because the purpose of implementing 2016 AQMP control measures is to reduce emissions and improve air quality to attain state and federal ambient air quality standards, improved air quality would provide benefits to scenic vistas and resources in the District.

Mobile source control measures under the CARB's and U.S. EPA's jurisdiction would accelerate replacement of high emitting on-road and off-road mobile sources with lower emitting mobile sources. Accelerating the penetration of lower emitting mobile sources would not be expected to adversely affect scenic resources because these strategies do not require construction or disturbance to such resources. Control measures ORHD-05, ORHD-06, ORHD-08, and ORHD-09 could potentially use electric power built into roadway infrastructure.

The areas affected by the proposed Zero- and Near-Zero Emissions control measures that could result in the installation of catenary lines (overhead power lines) are expected to be located in commercial, industrial areas, and along existing high activity transportation corridors, e.g., in areas within and adjacent to the Port of Los Angles and Port of Long Beach, around container transfer facilities (truck/train) near the Terminal Island Freeway and East Sepulveda Boulevard intersection, along the Alameda Corridor, as well as the railyards near downtown Los Angeles (East Washington Boulevard in the City of Commerce, which are located within three miles of the northern terminus of the Alameda Corridor and east of I-710). The nearest scenic highway to either of the Ports, the cargo transfer facilities serving the Ports, along the Alameda Corridor, or the cargo transfer facilities in the City of Commerce, would be Route 2 (Angeles Crest Scenic Byway) near La Canada/Flintridge, in the northeastern portion of Los Angeles County. It is approximately 14 miles from the northern terminus of the Alameda Corridor and the cargo transfer railyards in the City of Commerce to the most southern portion of Route 2. The port area, Alameda Corridor or downtown railyards are not visible from Route 2 due to the distance, presence of numerous large buildings of downtown Los Angeles, and the intervening topography (hills and mountains) between downtown Los Angeles and the beginning of Route 2 near La Canada/Flintridge. The nearest roadway eligible for State scenic highway designation, to either of the Ports, the cargo transfer facilities serving the ports, along the Alameda Corridor, or the cargo transfer facilities in the City of Commerce, would be Route 1 (Pacific Coast Highway at State Route 19 – Lakewood Boulevard, in Long Beach) in the southernmost portion of Los Angeles County. It is approximately five miles from the cargo transfer facilities serving the Ports to the intersection of State Route 19 and Route 1 where it becomes eligible to become a State scenic highway. The potential locations for catenary overhead power lines (near Port

facilities, transportation corridors and railyards) would not be visible to Route 1 at State Route 19 due to the numerous structures and topography between the two locations.

There are no officially designated scenic highways or highways eligible for State scenic highway designation in areas affected by construction of Zero or Near-Zero Emissions equipment associated with the 2016 AQMP, therefore construction impacts on aesthetic impacts are considered to be less than significant.

Off-road control measures under the CARB's and U.S. EPA's jurisdiction would promote greater use of equipment at port facilities to control ship emissions from ships at berth. Such control devices may include hoods or bonnets on ship exhaust stacks to capture emissions and are expected to be as high as the height of ship stacks. While these control devices would be visible to surrounding areas, they would be similar to other structures used within the heavily industrialized portions of the ports, which contain terminals, tanks, ship-loading structures (including conveyors and cranes), and other similar structures. These activities would be consistent with activities already being undertaken as part of the San Pedro Bay Ports Clean Air Action Plan 2010 update.

**I. d): Less than Significant.** Implementation of proposed 2016 control measures is not expected to create additional demand for new lighting or exposed combustion sources (e.g., flares) that could create glare, adversely affecting day or nighttime views in any areas. Compliance with control measures may affect operations at industrial or commercial facilities, but is not expected to affect hours of operation. Further, many types of industrial or commercial facilities are already lighted at night for safety and security reasons. As noted in item I. a) – c) above, facilities affected by the proposed control measures typically make modifications in the interior of an affected facility so any new light sources would typically be inside a building or not noticeable because of the presence of existing outdoor light sources. Some of the control measures may create incentives for the use of solar panels to generate renewable energy. These solar panels are expected to be located on existing buildings or included in the construction of new buildings. Potential glare impacts from solar panels would be evaluated in compliance with local city and county view ordinance and requirements, which is expected to minimize impacts to less than significance.

**Conclusion**

Based upon the above considerations, potentially significant adverse project-specific aesthetic impacts are not expected to occur due to implementation of proposed 2016 AQMP control measures and, therefore, will not be evaluated in the Draft Program EIR.

| | | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|---|---|---|---|---|
| **II.** | **AGRICULTURE AND FOREST RESOURCES.** Would the project: | | | | |
| a) | Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | ☐ | ☐ | ☐ | ☑ |
| b) | Conflict with existing zoning for agricultural use, or a Williamson Act contract? | ☐ | ☐ | ☐ | ☑ |
| c) | Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code §12220(g)), timberland (as defined by Public Resources Code §4526), or timberland zoned Timberland Production (as defined by Government Code §51104 (g))? | ☐ | ☐ | ☐ | ☑ |
| d) | Result in the loss of forest land or conversion of forest land to non-forest use? | ☐ | ☐ | ☐ | ☑ |

## Introduction

Evaluation of the proposed 2016 AQMP control measures identified no control measures with the potential to generate significant adverse impacts to agricultural and forest resources.

## Significance Criteria

The proposed project impacts will be considered significant if:

- The proposed project conflicts with existing zoning or agricultural use or Williamson Act contracts.
- The proposed project will convert prime farmland, unique farmland or farmland of statewide importance as shown on the maps prepared pursuant to the farmland mapping and monitoring program of the California Resources Agency, to non-agricultural use.
- The proposed project conflicts with existing zoning for, or causes rezoning of, forest land (as defined in Public Resources Code §12220(g)), timberland (as defined in Public Resources Code §4526), or timberland zoned Timberland Production (as defined by Government Code § 51104 (g)).
- The proposed project would involve changes in the existing environment, which due to their location or nature, could result in conversion of farmland to non-agricultural use or conversion of forest land to non-forest use.

**Discussion**

The 2016 AQMP is designed to reduce emissions from existing emission sources and promote the lowest achievable emission rates from new emissions sources. Proposed AQMP control measures would affect existing commercial/industrial facilities and residential developments; establish specifications for coatings, fuels and mobile source exhaust emissions; accelerate the replacement of high-emitting mobile sources with zero or near-zero emitting mobile sources; establish greater control of industrial stationary sources; establish greater control of fugitive dust; improve leak detection and repair procedures; and establish educational and outreach programs.

**II. a), b), c) and d): No Impact.** Implementation of proposed 2016 AQMP control measures is not expected to generate any new construction of buildings or other structures that would require conversion of farmland to non-agricultural use or conflict with zoning for agricultural uses or a Williamson Act contract. Further, proposed control measures would typically affect existing facilities that are located in appropriately zoned areas. Any new facilities that may be affected by AQMP control measures would be constructed and operated for reasons other than complying with the control measures. Therefore, it is not expected that implementing AQMP control measures would conflict with any forest land zoning codes or convert forest land to non-forest uses.

One control measure, BCM-04 Emission Reduction from Manure Management, would call for the application of ammonia reducing agents to manure, to control ammonia emissions at livestock operations. While this control measure could increase costs, it is not expected that it would cause costs high enough to result in conversion of farmland to other uses. In addition, some control measures could encourage the use of solar panels. The control measures are expected to encourage the use of solar panels on existing or new residential or commercial buildings, i.e., already developed property, therefore, the control measures are not expected to convert agriculture or forest-related uses to other land uses.

Finally, land use, including agriculture- and forest-related uses, and other planning considerations are determined by local governments and no agricultural land use or planning requirements would be altered by the proposed project, except as noted above. AQMP control measures, including control measures related to mobile sources, would have no direct or indirect effects on agricultural or forest land resources because these types of control measures would typically reduce combustion and fugitive VOC emissions, establish emission exhaust requirements and increase the penetration of zero-emitting mobile sources. The 2016 AQMP could provide benefits to agricultural and forest land resources by improving air quality in the region, thus, reducing the adverse oxidation impacts of ozone on plants and animals.

**Conclusion**

Based upon the above considerations, significant adverse project-specific impacts to agricultural resources or forest land resources are not expected to occur due to implementation of the 2016 AQMP control measures and, therefore, will not be further analyzed in the Draft Program EIR.

| | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| **III. AIR QUALITY AND GREENHOUSE GAS EMISSIONS.** Would the project: | | | | |
| a) Conflict with or obstruct implementation of the applicable air quality plan? | ☐ | ☐ | ☐ | ☑ |
| b) Violate any air quality standard or contribute to an existing or projected air quality violation? | ☑ | ☐ | ☐ | ☐ |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)? | ☑ | ☐ | ☐ | ☐ |
| d) Expose sensitive receptors to substantial pollutant concentrations? | ☑ | ☐ | ☐ | ☐ |
| e) Create objectionable odors affecting a substantial number of people? | ☐ | ☐ | ☑ | ☐ |
| f) Diminish an existing air quality rule or future compliance requirement resulting in a significant increase in air pollutant(s)? | ☐ | ☐ | ☐ | ☑ |
| g) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | ☑ | ☐ | ☐ | ☐ |
| h) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | ☐ | ☐ | ☑ | ☐ |

**Introduction**

Evaluation of the proposed 2016 AQMP control measures identified several control measures with the potential to generate significant adverse air quality and GHG impacts. Table A-1 in Appendix A lists all 2016 AQMP control measures and identifies those control measures that have the potential to generate significant adverse impacts.

**Significance Criteria**

The proposed project impacts will be considered significant if they exceed the significance criteria in Table 2.5-1. Impacts deemed potentially significant will be considered further in the Draft Program EIR.

## TABLE 2.5-1

### SCAQMD Air Quality Significance Thresholds

| Mass Daily Thresholds [a] | | |
|---|---|---|
| **Pollutant** | **Construction [b]** | **Operation [c]** |
| **NOx** | 100 lbs/day | 55 lbs/day |
| **VOC** | 75 lbs/day | 55 lbs/day |
| **PM10** | 150 lbs/day | 150 lbs/day |
| **PM2.5** | 55 lbs/day | 55 lbs/day |
| **SOx** | 150 lbs/day | 150 lbs/day |
| **CO** | 550 lbs/day | 550 lbs/day |
| **Lead** | 3 lbs/day | 3 lbs/day |
| **Toxic Air Contaminants (TACs), Odor, and GHG Thresholds** | | |
| **TACs** (including carcinogens and non-carcinogens) | Maximum Incremental Cancer Risk ≥ 10 in 1 million<br>Cancer Burden > 0.5 excess cancer cases (in areas ≥ 1 in 1 million)<br>Hazard Index ≥ 1.0 (project increment) | |
| **Odor** | Project creates an odor nuisance pursuant to SCAQMD Rule 402 | |
| **GHG** | 10,000 MT/yr $CO_2$eq for industrial facilities | |
| **Ambient Air Quality Standards for Criteria Pollutants [d]** | | |
| **NO2**<br>1-hour average<br>annual arithmetic mean | SCAQMD is in attainment; project is significant if it causes or contributes to an exceedance of the following attainment standards:<br>0.18 ppm (state)<br>0.03 ppm (state) and 0.0534 ppm (federal) | |
| **PM10**<br>24-hour average<br>annual average | 10.4 μg/m$^3$ (construction)[e] and 2.5 μg/m$^3$ (operation)<br>1.0 μg/m$^3$ | |
| **PM2.5**<br>24-hour average | 10.4 μg/m$^3$ (construction)[e] and 2.5 μg/m$^3$ (operation) | |
| **SO2**<br>**1-hour average**<br>**24-hour average** | 0.25 ppm (state) and 0.075 ppm (federal – 99th percentile)<br>0.04 ppm (state) | |
| **Sulfate**<br>24-hour average | 25 μg/m$^3$ (state) | |
| **CO**<br>1-hour average<br>8-hour average | SCAQMD is in attainment; project is significant if it causes or contributes to an exceedance of the following attainment standards:<br>20 ppm (state) and 35 ppm (federal)<br>9.0 ppm (state/federal) | |
| **Lead**<br>30-day average<br>Rolling 3-month average | 1.5 μg/m$^3$ (state)<br>0.15 μg/m$^3$ (federal) | |

[a] SCAQMD CEQA Handbook (SCAQMD, 1993).[b] Construction thresholds apply to both the Basin and Coachella Valley.
[c] For Coachella Valley, the mass daily thresholds for operation are the same as the construction thresholds.
[d] Ambient air quality thresholds for criteria pollutant based on SCAQMD Rule 1303, Table A-2 unless otherwise stated.
[e] Ambient air quality threshold based on SCAQMD Rule 403.
Source: SCAQMD CEQA Thresholds, Revised March, 2015.
KEY: lbs/day = pounds per day; ppm = parts per million; μg/m$^3$ = microgram per cubic meter; ≥ = greater than or equal to; and MT/yr $CO_2$eq = metric tons per year of $CO_2$ equivalents.

**Discussion**

The 2016 AQMP is designed to reduce emissions from existing emission sources and promote the lowest achievable emission rates from new emissions sources. Proposed AQMP control measures would affect existing commercial/industrial facilities and residential developments; establish specifications for coatings, fuels and mobile source exhaust emissions; accelerate the replacement of high-emitting mobile sources with zero or near-zero emitting mobile sources; establish greater control of industrial stationary sources; establish greater control of fugitive dust; improve leak detection and repair procedures; and establish educational and outreach programs.

**III. a): No Impact.** Pursuant to the provisions of both the CAA and CCAA, the SCAQMD is required to attain the NAAQS and CAAQS for all criteria pollutants. To this end, the SCAQMD is required by law to prepare a comprehensive AQMP which includes strategies (e.g., control measures) to reduce emission levels to achieve and maintain state and federal ambient air quality standards, to ensure that new sources of emissions are planned and operated to be consistent with the SCAQMD's air quality goals, and to protect sensitive receptors and the public in general from the adverse effects of pollutants which are known to have adverse human health effects. The AQMP's air pollution reduction strategies include control measures for stationary, mobile and indirect sources. These control measures are based on feasible methods of attaining the AAQS.

The proposed project would update the SCAQMD's 2007 and 2012 AQMPs as well as provide attainment demonstrations for new standards, as required pursuant to state and federal law. By revising and updating emission inventories and control strategies, the SCAQMD is complying with state law, which is expected to reduce emissions and make progress towards attaining and maintaining NAAQS and CAAQS in the District. The 2016 AQMP update is required by law and would not conflict or obstruct the implementation of the local air quality plan. Therefore, this impact will not be evaluated further in the Draft Program EIR.

**III. b) and d): Potentially Significant Impact.** The 2016 AQMP is designed to reduce emissions from existing emission sources and promote the lowest achievable emission rates from new emissions sources. AQMP control measures would apply to stationary, area, and mobile sources. Although the proposed control measures are designed to improve overall air quality, implementation of some control measures may have the potential of generating secondary air quality impacts. These secondary impacts will be analyzed in the EIR. The following are examples of potential secondary impacts:

- Impacts Associated with Construction - AQMP control measures that may involve retrofitting, replacing, or installing enclosures or new air pollution control equipment, may require physical modifications at affected facilities (CMB-01, CMB-03, CMB-05, FLX-02, BCM-01, BCM-02, BCM-05, BCM-06, BCM-07, BCM-09, TXM-01, TXM-02, TXM-04 through TXM-09). Physical modifications may involve the use of construction equipment for demolition, site preparation, site grading, and construction. Exhaust emissions from on-road and off-road equipment during construction activities may be substantial depending on the number, types, and activity levels of the construction equipment used. Similarly, if large areas need to be graded to install equipment foundations or construct buildings, fugitive dust emissions may also be substantial.
- Impacts Associated with Use of Control Equipment - Implementing AQMP control measures may require the use of additional air pollution control equipment (BCM-01,

BCM-05, BCM-06, BCM-07, BCM-10, TXM-01, TXM-02, TXM-04 through TXM-09, ORFIS-03, and ORFIS-04). Although the primary purpose of air pollution control equipment is to reduce emissions of a particular pollutant, some control equipment may have the potential to create secondary adverse air quality impacts. For example, control measures intended to reduce NOx emissions from stationary or mobile sources, such as selective catalytic reduction, may use ammonia as part of the control process. Ammonia use may result in increased ammonia emissions and, since ammonia is a precursor to particulate formation, increased particulate emissions. In addition, in the event of an accidental release of ammonia, sensitive receptors in the vicinity of the release may be exposed to harmful concentrations of ammonia vapor.

- Impacts Associated with Electrification - Some control measures (FLX-02, TXM-01, TXM-02, TXM-04 through TXM-08, MOB-02 through MOB-05, MOB-07, MOB-09, MOB-10, MOB-13, ORHD-04 through ORHD-09, ORFIS-03 through ORFIS-05, OFFS-01, and OFFS-04 through OFFS-07), although expected to improve overall air quality, may serve to increase electricity demand and potentially result in the construction and operation of new electrical power plants and increased emissions from power plants.
- Impacts Associated with Product Reformulation and Alternative Fuels - Some control measures may potentially increase air toxic emissions due to reformulation of coatings or solvents (CTS-01, TXM-08, and CPP-01). Low-VOC coating and solvent formulations may contain toxic compounds, such as formaldehyde or glycol ethers, or compounds that have a higher flammability rating. As a result, material replacement or reformulation to reduce the use of high-VOC materials has the potential to result in health risks associated with exposure to both carcinogenic and non-carcinogenic toxic air contaminants. Similarly, alternative or reformulated fuels may also contain additives with toxic characteristics (EGM-01, BCM-08, MOB-01 through MOB-05, MOB-07, MOB-10, MOB-13, ORLD-01, ORLD-03, ORHD-02, ORHD-04 through ORHD-09, ORFIS-01, ORFIS-05, OFFS-01, OFFS-04, OFFS-05, OFFS-07, and OFFS-08).

**III. c): Potentially Significant Impact.** Secondary air quality impacts associated with some control measures may generate increased emissions, as described in III. b) and d). Because the proposed control measures may result in significant adverse secondary air quality effects, the project's incremental contribution to a cumulative effect may also be cumulatively considerable. Cumulative air quality impacts will be evaluated in the Draft Program EIR.

**III. e): Less than Significant.** Some AQMP control measures may require construction activities at affected facilities. Odors are sometimes associated with the exhaust from diesel-fueled equipment. However, odor impacts from construction equipment are not expected to be significant because most diesel-fueled equipment are mobile and do not remain in one location that could continuously affect offsite receptors. As a result, odor impacts from construction activities to implement AQMP control measures are not expect to be significant and will not be further discussed in the EIR.

Past projects evaluating promulgation of AQMP control measures into rules or regulations, especially control measures that involve reformulated coatings or solvents, have included assessments of potential odor impacts. Although in some cases reformulated products have noticeable odors, it is typically the case that reformulated products have less noticeable odors than the products they are replacing. Reformulated products tend to have reduced VOC content

and reduced emissions and, therefore, lower potential for creating odor impacts. As a result, significant adverse odor impacts have not been associated with reformulated products, especially those relying on water-based formulations, compared to conventional high-VOC products. Modifications to industrial facilities to produce reformulated products (e.g., refineries) also have the potential to create odor impacts. However, owners/operators of industries affected by control measures in the proposed 2016 AQMP would be subject to existing air quality rules and regulations, including SCAQMD's Rule 402 - Nuisance, which prohibits creating odor nuisances. For these reasons, implementing the 2016 AQMP is not expected to create significant adverse odor impacts and, therefore, will not be further addressed in the Draft Program EIR.

**III. f): No Impact.** Promulgating AQMP control measures, such as control requirements for stationary sources, mobile sources, incentive programs, etc., into rules or regulations typically would serve to strengthen an existing rule or regulation. Similarly, an AQMP control measure may be promulgated as a new rule or regulation, which would serve to control emissions from an unregulated or minimally regulated source. As a result, since the proposed project would not diminish any existing air quality rule, this impact will not be analyzed further in the Draft Program EIR.

**III. g): Potentially Significant Impact.** The 2016 AQMP contains incentive and educational control measures that target GHG emissions and includes other control measures, not targeted at GHGs, that provided GHG co-benefits. The 2016 AQMP includes control measures that specifically address GHG emissions (ECC-01, ECC-04, EGM-01, and ORHD-03).

Although some 2016 control measures are designed to take advantage of existing programs to reduce GHG impacts, other measures may have the potential to generate combustion emissions that could increase GHG emissions. For example, implementation of control measures that accelerate zero emission technologies, rely on electricity; an increase in electrical demand may result in increased electricity generation and subsequently increased GHG emissions associated with combustion and power plants. Potential GHG emission impacts will be analyzed in the Draft Program EIR.

**III. h): Less than Significant Impact.** The SCS portion of the 2016 RTP/SCS is expected to focus on GHG reduction efforts through modifying traditional land use development patterns to include more mixed use projects, which eliminates or substantially shortens commute trip lengths compared to traditional land use planning where residential land uses are separate from and potentially long distances from jobs and other commercial land uses. In general, neither SCAQMD nor CARB has authority over land use decisions, so implementing AQMP control measures would not affect land use decisions envisioned in the SCS. Further, SCAG is providing TCMs to the SCAQMD for incorporation into the 2016 AQMP so that the 2016 AQMP will complement the 2016 RTP/SCS.

**Conclusion**

Based upon the above considerations, potentially significant adverse project-specific air quality and GHG impacts may occur due to implementation of proposed 2016 AQMP control measures and, therefore, will be evaluated in the Draft Program EIR.

| | | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|---|---|---|---|---|
| **IV.** | **BIOLOGICAL RESOURCES.** Would the project: | | | | |
| a) | Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | ☐ | ☐ | ☐ | ☑ |
| b) | Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | ☐ | ☐ | ☐ | ☑ |
| c) | Have a substantial adverse effect on federally protected wetlands as defined by §404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | ☐ | ☐ | ☐ | ☑ |
| d) | Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | ☐ | ☐ | ☐ | ☑ |
| e) | Conflicting with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | ☐ | ☐ | ☐ | ☑ |
| f) | Conflict with the provisions of an adopted Habitat Conservation plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | ☐ | ☐ | ☐ | ☑ |

## Introduction

Evaluation of the proposed 2016 AQMP control measures identified no control measures with the potential to generate significant adverse impacts to biological resources.

**Significance Criteria**

The proposed project impacts on biological resources will be considered significant if:

- The project results in a loss of plant communities or animal habitat considered to be rare, threatened or endangered by federal, state or local agencies.
- The project interferes substantially with the movement of any resident or migratory wildlife species.
- The project adversely affects aquatic communities through construction or operation of the project.

**Discussion**

The 2016 AQMP is designed to reduce emissions from existing emission sources and promote the lowest achievable emission rates from new emissions sources. Proposed AQMP control measures would affect existing commercial/industrial facilities and residential developments; establish specifications for coatings, fuels and mobile source exhaust emissions; accelerate the replacement of high-emitting mobile sources with zero or near-zero emitting mobile sources; establish greater control of industrial stationary sources; establish greater control of fugitive dust; improve leak detection and repair procedures; and establish educational and outreach programs.

**IV. a), b), and d): No Impact.** Implementation of the proposed 2016 AQMP control measures is not expected to result in habitat modification, adversely affect any riparian habitat or interfere with the movement of any native resident or migratory fish or wildlife species. Any existing or modifications to existing commercial or industrial facilities, affected by the proposed control measures, would generally be located in appropriately zoned commercial or industrial areas, which typically do not support candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; existing industrial or commercial facilities are already devoid of plant life or plant life supporting wildlife species for fire safety reasons. Construction projects that impact affected species are not reasonably foreseeable as part of implementation of the 2016 AQMP. Any new development potentially affecting biological resources would not be as a result of the 2016 AQMP control measures and approval of those projects including evaluation of their environmental impacts would occur regardless of the 2016 AQMP.

Furthermore, AQMP control measures would not include provisions that would allow affected facility operators to violate existing zoning ordinances or regional plans, policies, or regulations. Finally, improving air quality is expected to provide health benefits to plant and animal species in the District.

**IV. c): No Impact.** Implementation of some AQMP control measures (CTS-01, BCM-01, BCM-04, BCM-07, BCM-08, BCM-10, TXM-01 through TXM-07) may change or increase a facility's potential to generate wastewater. Industrial or commercial facilities are generally considered "point sources" and must release wastewater into publicly owned treatment works (POTWs), under the National Pollutant Discharge Elimination System (NPDES) permit program, administered by the Regional Water Quality Control Board (RWQCB). Direct discharge into federally protected wetlands as defined by §404 of the Clean Water Act is prohibited under the federal Clean Water Act and the state Porter-Cologne Act.

Some 2016 AQMP control measures (ORFIS-03 and ORFIS-04) would promote the installation and use of air pollution controls at port facilities, located on the coast. The control measures are

not expected to have wastewater impacts. Port facilities are considered to be heavy industrial facilities (point sources) and the installation of additional controls would be consistent with this land use. Further, any facilities that release wastewater into California's ocean waters are subject to water quality standards established in the California Ocean Plan and are also subject to NPDES requirements, enforced by the local RWQCBs. For the above reasons, the proposed project will not adversely affect protected wetlands as defined by §404 of the Clean Water Act, including, but not limited to marshes, vernal pools, coastal wetlands, etc., through direct removal, filling, hydrological interruption or other means.

**IV. e) and f): No Impact.** Implementation of the proposed control measures is not expected to affect land use plans, local policies or ordinances, or regulations protecting biological resources such as a tree preservation policy or ordinance. Control measures promulgated as rules or regulations would primarily affect existing commercial and industrial facilities through installation of air pollution control equipment, which are typically located in appropriately zoned areas, and acceleration of zero emission vehicles into the regional vehicle fleet. Land use and other planning considerations are determined by local governments and no land use or planning requirements will be altered by the proposed project. Nor will the 2016 AQMP be the cause for new development that would affect biological resources. Such development could take place regardless of the 2016 AQMP. Neither SCAQMD nor CARB has legal authority over land use decisions except to impose certain air pollution control requirements, which do not drive the land use approval process, and, therefore, cannot alter or interfere with land use zoning ordinance or designations and cannot approve new land use projects or modifications to existing land use projects. Similarly, the proposed 2016 AQMP is not expected to affect habitat conservation or natural community conservation plans, agricultural resources or operations, and would not create divisions in any existing communities for the reasons given in discussion IV. a), b), and d).

**Conclusion**

Based upon the above considerations, significant adverse project-specific impacts to biological resources are not expect to occur due to implementation of the 2016 AQMP control measures and, therefore, will not be further evaluated in the Draft Program EIR.

| | | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|---|---|---|---|---|
| **V.** | **CULTURAL RESOURCES.** Would the project: | | | | |
| a) | Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? | ☐ | ☐ | ☐ | ☑ |
| b) | Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5? | ☐ | ☐ | ☐ | ☑ |
| c) | Directly or indirectly destroy a unique paleontological resource, site, or feature? | ☐ | ☐ | ☐ | ☑ |
| d) | Disturb any human remains, including those interred outside formal cemeteries? | ☐ | ☐ | ☐ | ☑ |
| e) | Cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code §21074? | ☐ | ☐ | ☐ | ☑ |

**Introduction**

Evaluation of the proposed 2016 AQMP control measures identified no control measures with the potential to generate significant adverse impacts to cultural resources.

**Significance Criteria**

The proposed project impacts to cultural resources will be considered significant if:

- The project results in the disturbance of a significant prehistoric or historic archaeological site or a property of historic or cultural significance to a community or ethnic or social group.
- Unique paleontological resources or objects with cultural value to a California Native American tribe are present that could be disturbed by construction of the proposed project.
- The project would disturb human remains.

**Discussion**

The 2016 AQMP is designed to reduce emissions from existing emission sources and promote the lowest achievable emission rates from new emissions sources. Proposed AQMP control measures would affect existing commercial/industrial facilities and residential developments; establish specifications for coatings, fuels and mobile source exhaust emissions; accelerate the replacement of high-emitting mobile sources with zero or near-zero emitting mobile sources; establish greater control of industrial stationary sources; establish greater control of fugitive dust; improve leak detection and repair procedures; and establish educational and outreach programs.

**V. a), b), c), d), and e): No Impact.** All control measures in the 2016 AQMP were evaluated to identify those control measures with potential cultural resources impacts. No control measures were identified that could generate significant adverse cultural resources impacts. CEQA Guidelines §15064.5(a)(3) states in part, "Generally, a resource shall be considered 'historically significant' if the resource meets the criteria for listing in the California Register of Historical Resources including the following:

- Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- Is associated with the lives of persons important in our past;
- Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values;
- Has yielded or may be likely to yield information important in prehistory or history."

The California Register eligibility criteria are modeled on those of the eligibility criteria of the National Register of Historic Places. Resources (buildings, structures, equipment) that are less than 50 years old are excluded from listing in the National Register of Historic Places unless they can be shown to be exceptionally important. Even resources that are 50 years or older, are not necessarily considered to be historically significant if they do not represent any of the above four criteria.

Implementing the proposed 2016 AQMP control measures is primarily expected to result in controlling stationary source emissions at existing commercial or industrial facilities or accelerate the penetration of low-emission vehicles into the regional on- and off-road vehicle fleet. Facilities potentially affected by the proposed control measures, where physical modifications may occur, are typically located in appropriately zoned commercial or industrial areas that have previously been disturbed and are not typically considered to be historically significant. It is unlikely that construction activities, including heavy construction activities, such as cut-and-fill activities or excavation, at potentially affected existing facilities would uncover cultural resources as these existing facilities are located in previously disturbed areas. Some affected facilities, e.g., refineries, may have equipment older than 50 years that may need to be modified to comply with 2016 AQMP control measures. However, such equipment does not typically meet the criteria identified in CEQA Guidelines §15064.5(a)(3). New development that could affect cultural resources would not be the result of the 2016 AQMP and could take place regardless of the Plan. Any potential environmental impacts would be evaluated by the local government agency with land use authority at the time of approval. Therefore, it is unlikely that implementing 2016 AQMP control measures would adversely affect historical or archaeological resources as defined in CEQA Guidelines §15064.5, destroy unique paleontological resources or unique geologic features or disturb human remains interred outside formal cemeteries.

Although most facilities affected by 2016 AQMP control measures would be located on previously disturbed sites where there is little likelihood of remaining identifiable artifacts, it is possible, that cultural or archaeological resources may nevertheless be discovered. While the likelihood of encountering cultural resources is low, there is still a potential that additional buried archaeological resources may exist. Any such impact would be eliminated by using

standard construction practices and complying with state law including Public Resources Code § 21083.2 and CEQA Guidelines § 15064.5, which require the following, in the event that unexpected sub-surface resources were encountered:

- Conduct a cultural resources orientation for construction workers involved in excavation activities. This orientation will show the workers how to identify the kinds of cultural resources that might be encountered, and what steps to take if this occurred;

- Monitoring of subsurface earth disturbance by a professional archaeologist and a representative of the tribe with tribal cultural resources in the area, if cultural resources are exposed during construction;

- Provide the archaeological monitor with the authority to temporarily halt or redirect earth disturbance work in the vicinity of cultural resources exposed during construction, so the find can be evaluated and mitigated as appropriate; and,

- As required by State law in Public Resources Code §§ 5097.94 and 5097.98, prevent further disturbance if human remains are unearthed, until the County Coroner has made the necessary findings with respect to origin and disposition, and the Native American Heritage Commission has been notified if the remains are determined to be of Native American descent.

**Conclusion**

Based upon the above considerations, significant adverse project-specific impacts to cultural resources are not expect to occur due to implementation of the 2016 AQMP control measures and, therefore, will not be further evaluated in the Draft Program EIR.

| | | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|---|---|---|---|---|
| **VI.** | **ENERGY.** Would the project: | | | | |
| a) | Conflict with adopted energy conservation plans? | ☐ | ☐ | ☐ | ☑ |
| b) | Result in the need for new or substantially altered power or natural gas utility systems? | ☑ | ☐ | ☐ | ☐ |
| c) | Create any significant effects on local or regional energy supplies and on requirements for additional energy? | ☑ | ☐ | ☐ | ☐ |
| d) | Create any significant effects on peak and base period demands for electricity and other forms of energy? | ☑ | ☐ | ☐ | ☐ |
| e) | Comply with existing energy standards? | ☐ | ☐ | ☐ | ☑ |

**Introduction**

Evaluation of the proposed 2016 AQMP control measures identified several control measures with the potential to generate significant adverse impacts to energy resources. Table A-1 in Appendix A lists all 2016 AQMP control measures and identifies those control measures that have the potential to generate significant adverse impacts.

**Significance Criteria**

The proposed project impacts to energy resources will be considered significant if:

- The project conflicts with adopted energy conservation plans or standards.
- The project results in substantial depletion of existing energy resource supplies.
- An increase in demand for utilities impacts the current capacities of the electric and natural gas utilities.
- The project uses non-renewable resources in a wasteful and/or inefficient manner.

Impacts deemed potentially significant will be considered further in the Draft Program EIR.

**Discussion**

The 2016 AQMP is designed to reduce emissions from existing emission sources and promote the lowest achievable emission rates from new emissions sources. Proposed AQMP control measures would affect existing commercial/industrial facilities and residential developments; establish specifications for coatings, fuels and mobile source exhaust emissions; accelerate the replacement of high-emitting mobile sources with zero or near-zero emitting mobile sources; establish greater control of industrial stationary sources; establish greater control of fugitive dust; improve leak detection and repair procedures; and establish educational and outreach programs.

**VI. a) and e): No Impact.** The 2016 AQMP includes control measures that would promote energy efficiency and conservation, thereby providing potential energy conservation benefits and not in conflict with existing energy plans or goals. Implementation of other 2016 AQMP control

measures is not anticipated to result in conflicts with adopted energy conservation plans or violations of any energy conservation standards by affected facilities. It is expected that owners/operators of affected facilities would comply with any applicable energy conservation standards in effect at the time of installation. These topics, therefore, will not be further evaluated in the Draft Program EIR.

**VI. b), c), and d): Potentially Significant Impact.** Implementation of some proposed control measures may potentially increase energy demand in the region, as follows:

- Control measures that promote stationary source controls may increase electrical demand (CMB-01, CMB-05, FLX-02, BCM-01, BCM-05, BCM-06, BCM-07, and BCM-09). These control measures may promote the use of electrically-powered ventilation systems, ultraviolet/electron-beam, replacement of combustion equipment with electrical equipment, and installation of electrically-powered control equipment.
- The toxics control measures (TXM-01, TXM-02, TXM-04 through TXM-08) may increase electrical demand. These control measures may increase the air flow to new and existing emission control devices, (e.g., air blowers to create negative pressure in enclosures), increasing energy demand.
- Control measures that require the addition of heat to a process (BCM-04 and BCM-10) may promote the additional use of natural gas for thermal gasification of manure and anaerobic digestion.
- Control measures that accelerate the penetration of zero and near-zero emission vehicles may result in increased electrical and natural gas demand (MOB-02 through MOB-05, MOB-09, MOB-10, MOB-13, ORLD-04 through ORHD-09, ORFIS-03 through ORFIS-05, OFFS-01, and OFFS-04 through OFFS-07), including an incentive to promote usage of an overhead powerline along existing freeway corridors to accommodate electric heavy duty vehicles.
- Control measures that promote the use of alternative fuels may result in increased natural gas demand (BCM-09, ORFIS-01, ORFIS-05, OFFS-01, OFFS-04, and OFFS-05). BCM-09 would promote the replacement of wood-burning hearths with natural gas hearths. Other control measures could promote the use of alternative fuels (EGM-01, MOB-01 through MOB-05, MOB-07, MOB-10, MOB-13, ORLD-01, ORLD-03, ORHD-02, ORHD-04 through ORHD-09, ORFIS-05, OFFS-01, OFFS-04, OFFS-05, OFFS-07, and OFFS-08) and promote the use of LNG-fueled locomotives (ORFIS-01).
- Control measures associated with increased use of shore-side power may result in increased electricity demand (MOB-01, ORFIS-04 and ORFIS-05).

If the net effect of implementing AQMP control measures would be an increase in regional energy demand, in spite of implementing energy efficiency and energy conservation measures, the proposed 2016 AQMP may result in the need for new or substantially altered power or natural gas utility systems, create significant effects on peak and base period demands for electricity and other forms of energy, and create significant effects on peak and base period demands for electricity and other forms of energy.

**Conclusion**

Based upon the above considerations, potentially significant adverse project-specific impacts on the energy resource may occur due to implementation of proposed 2016 AQMP control measures and, therefore will be evaluated in the Draft Program EIR.

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

## Introduction

Evaluation of the proposed 2016 AQMP control measures identified no control measures with the potential to generate significant adverse impacts to geology and soil resources.

**Significance Criteria**

The proposed project impacts on the geological environment will be considered significant if:

- Topographic alterations would result in significant changes, disruptions, displacement, excavation, compaction or over covering of large amounts of soil.
- Unique geological resources (paleontological resources or unique outcrops) are present that could be disturbed by the construction of the proposed project.
- Exposure of people or structures to major geologic hazards such as earthquake surface rupture, ground shaking, liquefaction or landslides.
- Secondary seismic effects could occur which could damage facility structures, e.g., liquefaction.
- Other geological hazards exist which could adversely affect the facility, e.g., landslides, mudslides.

**Discussion**

The 2016 AQMP is designed to reduce emissions from existing emission sources and promote the lowest achievable emission rates from new emissions sources. Proposed AQMP control measures would affect existing commercial/industrial facilities and residential developments; establish specifications for coatings, fuels and mobile source exhaust emissions; accelerate the replacement of high-emitting mobile sources with zero or near-zero emitting mobile sources; establish greater control of industrial stationary sources; establish greater control of fugitive dust; improve leak detection and repair procedures; and establish educational and outreach programs.

**VII. a), c), and d): No Impact.** The proposed 2016 AQMP control measures would not directly or indirectly expose people or structures to earthquake faults, seismic shaking, seismic-related ground failure including liquefaction, landslides, mudslides or substantial soil erosion. AQMP control measures affecting mobile sources, such as those that would accelerate the penetration of zero or low emission vehicles into fleets in the District, would not affect geology or soils because on-road vehicles would continue to operate on existing roadways. Although some AQMP control measures would accelerate the penetration of zero or low emission off-road equipment, replacing one type of off-road engine with a lower emitting off-road engine would not be expected to affect construction activities as construction activities would occur for reasons other than complying with AQMP control measures.

Proposed control measures that promote implementation of rules or regulations for stationary sources would not directly or indirectly promote new land use projects that could be located on earthquake faults, seismic zones, etc. Seismic-related activities, in areas where facilities affected by AQMP control measures are located, would be part of the existing setting. Some minor structural modifications, however, at existing affected facilities may occur as a result of installing control equipment or making process modifications. Such modifications would not likely require large heavy-duty construction equipment or substantial site modifications. In addition, affected facilities or modifications to affected facilities would be required to comply with relevant California Building Code (formerly referred to as the Uniform Building Code) requirements in effect at the time of initial construction or modification of a structure.

Southern California is an area of known seismic activity. Structures must be designed to comply with the California Building Code requirements if they are located in a seismically active area. The local city or county is responsible for ensuring that a proposed project complies with current

California Building Code requirements as part of the issuance of the building permits and can conduct inspections to ensure compliance at the time of project approval and afterwards. The California Building Code is considered to be a standard safeguard against major structural failures and loss of life. The code requires structures that will: 1) resist minor earthquakes without damage; 2) resist moderate earthquakes without structural damage but with some non-structural damage; and 3) resist major earthquakes without collapse but with some structural and non-structural damage.

The California Building Code bases seismic design on minimum lateral seismic forces ("ground shaking"). The California Building Code requirements operate on the principle that providing appropriate foundations, among other aspects, helps to protect buildings from failure during earthquakes. The basic formulas used for the California Building Code seismic design require determination of the seismic zone and site coefficient, which represent the foundation conditions at the site. Accordingly, buildings and equipment at existing affected facilities would conform to the California Building Code and other applicable state codes in effect at the time they were constructed.

Any potentially affected facilities that are located in areas where there has been historic occurrence of liquefaction, e.g., coastal zones, or existing conditions indicate a potential for liquefaction, including expansive or unconsolidated granular soils and a high water table, may have the potential for liquefaction-induced impacts at the project sites. The California Building Code requirements consider liquefaction potential and establish more stringent requirements for building foundations in areas potentially subject to liquefaction. Compliance with the California Building Code requirements is expected to minimize the potential impacts associated with liquefaction. The issuance of building permits from the local cities or counties will assure compliance with the California Building Code requirements. Finally, no AQMP control measures would require the location of new, or relocation of existing facilities in areas prone to liquefaction. Land use decisions are under the authority of the local jurisdictions, typically cities or counties. Neither the SCAQMD nor CARB has authority over land use decisions except to impose specific air pollution control requirements, which do not drive the land use approval process, and CEQA does not grant an agency new powers independent of the powers granted to the agency by other laws (CEQA Guidelines §15040(b)). Therefore, no significant impacts from liquefaction are expected and this potential impact will not be considered further.

Because facilities affected by any AQMP control measures would typically be located in appropriately zoned areas such as industrial or commercial areas, which are not typically located near known geological hazards (e.g., landslide, mudflow, seiche, tsunami or volcanic hazards), no significant adverse geological impacts are expected. Even if potentially affected facilities are located near such geological hazards, the hazards are part of the existing setting and are not made worse by installing control equipment or other activities to comply with emission control rules and regulations. AQMP control measures would not increase potential exposures to geologic hazaards. Therefore, these topics will not be further evaluated in the Draft Program EIR.

**VII. b): No Impact.** Although the proposed 2016 AQMP control measures may require minor modifications at existing industrial or commercial facilities, such modifications are not expected to require substantial grading or construction activities. Typically, existing facilities have already been graded and soil stabilization is already in place, e.g., through the placement of buildings, paving, or other soil stabilization measures currently required pursuant to SCAQMD Rule 403 – Fugitive Dust. In other cases, potentially affected areas may have already been

graded or displaced in some way for other reasons, e.g., leveling the site, stabilization of slopes, etc. Accelerating the penetration of low emission vehicles into the regional vehicle fleet would not require modifications requiring construction activities at existing facilities, as explained in discussion VII. a), c), and d). Therefore, significant adverse soil erosion impacts are not anticipated from implementing the 2016 AQMP and will not be further analyzed in the Draft Program EIR.

**VII. e): No Impact.** Septic tanks or other similar alternative waste water disposal systems are typically associated with small residential projects in remote areas. The proposed 2016 AQMP does not contain control measures that would promote the construction of residential or other types of land use projects in remote areas. As explained in discussion VII. a), c), and d), neither the SCAQMD nor CARB has land use approval authority. Consequently, construction of small residential land uses with septic systems would occur for reasons other than complying with AQMP control measures. Furthermore, AQMP control measures typically affect existing industrial or commercial facilities that already have appropriate sewerage facility connections and are subject to wastewater control requirements, typically through NPDES permits. Based on these considerations, the use of septic tanks or other alternative waste water disposal systems will not be further evaluated in the Draft Program EIR.

**Conclusion**

Based upon the above considerations, significant adverse project-specific impacts to geology and soil resources are not expect to occur due to implementation of the 2016 AQMP control measures and, therefore, will not be further evaluated in the Draft Program EIR.

| | | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|---|---|---|---|---|
| **VIII.** | **HAZARDS AND HAZARDOUS MATERIALS.** Would the project: | | | | |
| a) | Create a significant hazard to the public or the environment through the routine transport, use, and disposal of hazardous materials? | ☑ | ☐ | ☐ | ☐ |
| b) | Create a significant hazard to the public or the environment through reasonably foreseeable upset conditions involving the release of hazardous materials into the environment? | ☑ | ☐ | ☐ | ☐ |
| c) | Emit hazardous emissions, or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | ☑ | ☐ | ☐ | ☐ |
| d) | Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and, as a result, would create a significant hazard to the public or the environment? | ☐ | ☐ | ☐ | ☑ |
| e) | For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public use airport or a private airstrip, would the project result in a safety hazard for people residing or working in the project area? | ☐ | ☐ | ☐ | ☑ |
| f) | Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | ☐ | ☐ | ☐ | ☑ |
| g) | Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | ☐ | ☐ | ☐ | ☑ |
| h) | Significantly increased fire hazard in areas with flammable materials? | ☑ | ☐ | ☐ | ☐ |

**Introduction**

Evaluation of the proposed 2016 AQMP control measures identified several control measures with the potential to generate significant adverse hazards or hazardous material impacts. Table A-1 in Appendix A lists all 2016 AQMP control measures and identifies those control measures that have the potential to generate significant adverse impacts.

**Significance Criteria**

The proposed project impacts associated with hazards will be considered significant if any of the following occur:

- Non-compliance with any applicable design code or regulation.
- Non-conformance to National Fire Protection Association standards.
- Non-conformance to regulations or generally accepted industry practices related to operating policy and procedures concerning the design, construction, security, leak detection, spill containment or fire protection.
- Exposure to hazardous chemicals in concentrations equal to or greater than the Emergency Response Planning Guideline (ERPG) 2 levels.

Impacts deemed potentially significant will be considered further in the Draft Program EIR.

**Discussion**

The 2016 AQMP is designed to reduce emissions from existing emission sources and promote the lowest achievable emission rates from new emissions sources. Proposed AQMP control measures would affect existing commercial/industrial facilities and residential developments; establish specifications for coatings, fuels and mobile source exhaust emissions; accelerate the replacement of high-emitting mobile sources with zero or near-zero emitting mobile sources; establish greater control of industrial stationary sources; establish greater control of fugitive dust; improve leak detection and repair procedures; and establish educational and outreach programs.

**VIII. a), b), and c): Potentially Significant Impact.** The proposed 2016 AQMP has the potential to create direct or indirect hazard impacts as follows:

- Control measures that promote the reformulation of coatings with lower-VOC content (CTS-01, FLX-02, TXM-08, and CPP-01) may result in reformulated products with hazardous physical or chemical properties (e.g., highly flammable or acutely hazardous), which could create hazard impacts through the routine transport or disposal of these materials or through upset conditions involving the accidental release of these materials into the environment.
- Control measures that promote the use of SCR control equipment (CMB-05, MOB-01, ORFIS-01, ORFIS-02, and ORFIS-03) may result in the increased use of ammonia and related hazards associated with ammonia use.
- Control measures that accelerate the use of alternative clean transportation fuels may create hazard impacts in the event of an accident release of these materials into the environment (EGM-01, BCM-08, MOB-01 through MOB-05, MOB-07, MOB-10, MOB-13, ORLD-01, ORLD-03, ORHD-02, ORHD-04 through ORHD-09, ORFIS-01, ORFIS-05, OFFS-01, OFFS-04, OFFS-05, OFFS-07, and OFFS-08).
- Catalysts associated with ships at berth (MOB-01, ORHIS-01, ORFIS-02 and ORFIS-03).

These potential hazard impacts will be further evaluated in the Draft Program EIR.

**VIII. d): No Impact.** Government Code §65962.5 typically refers to a list of facilities that may be subject to Resource Conservation and Recovery Act (RCRA) permits or site cleanup activities. RCRA facilities affected by the proposed control measures would be required to continue managing hazardous materials in accordance with federal, state and local regulations. Implementation of proposed control measures is not expected to interfere with site cleanup activities or create additional site contamination. Therefore, this topic will not be further evaluated in the Draft Program EIR.

**VIII. e): No Impact.** The proposed project is not expected to adversely affect any airport land use plan or result in any safety hazards for people residing or working in the District. Federal Aviation Administration, 14 CFR Part 77 – Safe, Efficient Use and Preservation of the Navigable Airspace[1], defines the types of projects that may affect navigable airspace. Projects that involve construction or alteration of structures greater than 200 feet above ground level within a specified distance from the nearest runway; objects within 20,000 feet of an airport or seaplane base with at least one runway more than 3,200 feet in length and the object would exceed a slope of 100:1 horizontally (100 feet horizontally for each one foot vertically from the nearest point of the runway); etc., may adversely affect navigable airspace. No control measures in the proposed 2016 AQMP were identified that could result in construction of tall structures, especially structures 200 feet tall, near airports. Therefore, potential impacts to airport land use plans or safety hazards to people residing or working in the vicinity of local airports are not anticipated. This topic will not be further addressed in the Draft Program EIR.

**VIII. f): No Impact.** The proposed project would not impair implementation of, or physically interfere with adopted emergency response plan or emergency evacuation plan. Operators of existing commercial or industrial facilities affected by proposed 2016 AQMP control measures are already required to have approved emergency response plans for their facilities in place. Emergency response plans are typically prepared in coordination with the local city or county emergency plans to ensure the safety to the public and to facility employees.

Health and Safety Code §25506 specifically requires all businesses handling reportable quantities of hazardous materials to submit a business emergency response plan to assist local administering agencies in the emergency release or threatened release of a hazardous material. Business emergency response plans generally require the following:

- Identification of individuals who are responsible for various actions, including reporting, assisting emergency response personnel and establishing an emergency response team;
- Procedures to notify the administering agency, the appropriate local emergency rescue personnel, and the California Office of Emergency Services;
- Procedures to mitigate a release or threatened release to minimize any potential harm or damage to persons, property or the environment;
- Procedures to notify the necessary persons who can respond to an emergency within the facility;

[1] DEPARTMENT OF TRANSPORTATION. Federal Aviation Administration, 14 CFR Part 77 [Docket No. FAA–2006–25002; Amendment No. 77–13] RIN 2120–AH31. *Safe, Efficient Use and Preservation of the Navigable Airspace*. 42296 Federal Register / Vol. 75, No. 139 / Wednesday, July 21, 2010 / Rules and Regulations. http://www.gpo.gov/fdsys/pkg/FR-2010-07-21/pdf/2010-17767.pdf.

- Details of evacuation plans and procedures;
- Descriptions of the emergency equipment available in the facility;
- Identification of local emergency medical assistance; and,
- Training (initial and refresher) programs for employees in:
    - The safe handling of hazardous materials used by the business;
    - Methods of working with the local public emergency response agencies;
    - The use of emergency response resources under control of the handler;
    - Other procedures and resources that will increase public safety and prevent or mitigate a release of hazardous materials.

Implementing certain control measures may result in the need for additional storage of hazardous materials (e.g., ammonia). Such modifications may require revisions to emergency response plans if new hazardous are introduced to a facility. However, these modifications would not be expected to interfere with emergency response procedures. Adopting the proposed 2016 AQMP is not expected to interfere with emergency response procedures or evacuation plans and, therefore, will not be further evaluated in the Draft Program EIR.

**VIII. g): No Impact.** The proposed 2016 AQMP would typically affect existing commercial or industrial facilities in appropriately zoned areas. Since commercial and industrial areas are not typically located near wildland or forested areas, implementing AQMP control measures would not have the potential to increase the risk of wildland fires. Further, site preparation of industrial facilities often includes the removal of vegetation for fire safety. Therefore affected industrial facilities would be devoid of plant life, especially undisturbed wildland areas. The primary focus of the 2016 AQMP is control of mobile sources, such as the accelerated penetration of zero or low emission vehicles into District fleets. These types of control measures would not impact wildfires. This topic will not be further evaluated in the Draft Program EIR.

**VIII. h): Potentially Significant Impact.** Implementation of proposed control measures may result in increased transport, handling, or use of flammable materials, such as alternative clean fuels (MOB-01 through MOB-05, MOB-07, MOB-09, MOB-10, MOB-13, EGM-01, ORLD-01, ORLD-03, ORHD-02, and ORHD-04 through ORHD-09) or coatings reformulated with potentially flammable materials that may increase potential fire hazards in areas with flammable materials (CTS-01, TXM-08, and CPP-01). On the other hand, FLX-02 promotes alternatives to traditional VOC reductions from stationary sources through incentivizing methods such as ultraviolet light and electron beam. The potential for increased probability of explosion, fire, or other hazards will be addressed in the Draft Program EIR. Impacts related to public exposure to toxic air contaminants will be addressed in the "Air Quality" section of the Draft Program EIR.

**Conclusion**

Based upon the above considerations, the potentially adverse significant project-specific hazard impacts due to the increased probability of explosion, fire, or other risk of upset occurrences may occur due to implementation of 2016 AQMP control measures and will, therefore be addressed in the Draft Program EIR.

| | | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|---|---|---|---|---|
| **IX.** | **HYDROLOGY AND WATER QUALITY.** Would the project: | | | | |
| a) | Violate any water quality standards, waste discharge requirements, exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board, or otherwise substantially degrade water quality? | ☑ | ☐ | ☐ | ☐ |
| b) | Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g. the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | ☑ | ☐ | ☐ | ☐ |
| c) | Substantially alter the existing drainage pattern of the site or area, including through alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in substantial erosion or siltation on- or off-site or flooding on- or off-site? | ☐ | ☐ | ☐ | ☑ |
| d) | Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff? | ☐ | ☐ | ☐ | ☑ |
| e) | Place housing or other structures within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, which would impede or redirect flood flows? | ☐ | ☐ | ☐ | ☑ |
| f) | Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam, or inundation by seiche, tsunami, | ☐ | ☐ | ☐ | ☑ |

| | | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|---|---|---|---|---|
| | or mudflow? | | | | |
| g) | Require or result in the construction of new water or wastewater treatment facilities or new storm water drainage facilities, or expansion of existing facilities, the construction of which could cause significant environmental effects? | ☑ | ☐ | ☐ | ☐ |
| h) | Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | ☑ | ☐ | ☐ | ☐ |
| i) | Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | ☑ | ☐ | ☐ | ☐ |

**Introduction**

Evaluation of the proposed 2016 AQMP control measures identified several control measures with the potential to generate significant adverse impacts to the hydrology and water quality resources. Table A-1 in Appendix A lists all proposed 2016 AQMP control measures and identifies those control measures that have the potential to generate significant adverse impacts.

**Significance Criteria**

The proposed project impacts hydrology and water quality will be considered significant if:

- Water Demand:
    - The existing water supply does not have the capacity to meet the increased demands of the project, or the project would use more than 262,820 gallons per day of potable water.
    - The project increases demand for total water by more than five million gallons per day.
- Water Quality:
    - The project will cause degradation or depletion of ground water resources substantially affecting current or future uses.
    - The project will cause the degradation of surface water substantially affecting current or future uses.
    - The project will result in a violation of National Pollutant Discharge Elimination System (NPDES) permit requirements.

- The capacities of existing or proposed wastewater treatment facilities and the sanitary sewer system are not sufficient to meet the needs of the project.
- The project results in substantial increases in the area of impervious surfaces, such that interference with groundwater recharge efforts occurs.
- The project results in alterations to the course or flow of floodwaters.

Impacts deemed potentially significant will be considered further in the Draft Program EIR.

**Discussion**

The 2016 AQMP is designed to reduce emissions from existing emission sources and promote the lowest achievable emission rates from new emissions sources. Proposed AQMP control measures would affect existing commercial/industrial facilities and residential developments; establish specifications for coatings, fuels and mobile source exhaust emissions; accelerate the replacement of high-emitting mobile sources with zero or near-zero emitting mobile sources; establish greater control of industrial stationary sources; establish greater control of fugitive dust; improve leak detection and repair procedures; and establish educational and outreach programs.

**IX. a), g), and i): Potentially Significant Impact.** Implementation of proposed control measures may result in increased or altered wastewater streams, as follows:

- Control measures that promote reformulation of coatings or solvents (CTS-01, TXM-08, and CPP-01). It is not expected that there would be a substantial increase in the volume of wastewater generated by facilities affected by the control measures, but there may be a change in the nature and toxicity of wastewater effluent.
- Control measures that result in installation of control technologies (BCM-01, BCM-03, BCM-07, TXM-01, TXM-02, and TXM-04 through TXM-08).
- Control measures that promote dust control (BCM-03, BCM-07, EGM-01, TXM-01, TXM-02, TXM-04 through TXM-07, TXM-09, and ORFIS-03).
- Control measures that promote the use of alternative fuels (EGM-01, BCM-08, MOB-01 through MOB-05, MOB-07, MOB-10, MOB-13, ORLD-01, ORLD-03, ORHD-02, ORHD-04 through ORHD-09, ORFIS-01, ORFIS-05, OFFS-01, OFFS-04, OFFS-05, OFFS-07, and OFFS-08). These control measures may have the potential to create water quality or groundwater quality impacts in the event of accidental releases of alternative fuels during transport, storage, or handling.

Implementation of the proposed control measures may result in the generation of increased volumes of wastewater that could adversely affect water quality standards or waste discharge requirements resulting in the need for new or increased wastewater treatment capacity. Therefore, these topics will be evaluated further in the Draft Program EIR.

**IX. b) and h): Potentially Significant Impact.** Implementation of proposed control measures may result in increased demand for water, as follows:

- Control measures that result in installation of control technologies (BCM-01, BCM-03, BCM-07, TXM-01, TXM-02, TXM-04, TXM-05, TXM-06, and TXM-08).
- Control measures that promote dust control or could require water for control (BCM-03, BCM-07, EGM-01, TXM-01, TXM-02, and TXM-04 through TXM-08).

These control measures may require additional water from existing ground water supply, may require expansion of existing water supply facilities or require new water supply facilities. This topic is potentially significant and will be evaluated further in the Draft Program EIR.

**IX. c) & d): No Impact.** Implementation of proposed control measures would not be expected to generate construction of new structures that could alter existing drainage patterns by altering the course of a river or stream that would result in substantial erosion, siltation, or flooding on or offsite, increase the rate or amount of surface runoff that would exceed the capacity of existing or planned stormwater drainage systems, etc. Construction of new structures would occur for reasons other than complying with AQMP control and could occur regardless of the 2016 AQMP. Although minor modifications might occur at commercial or industrial facilities affected by the proposed control measures, these facilities have, typically, already been graded and the areas surrounding them have likely already been paved over or landscaped. As a result, further minor modifications at affected facilities that may occur as a result of implementing the proposed control measures are not expect to alter existing drainage patterns or stormwater runoff. Since this potential adverse impact is not considered to be significant, it will not be further evaluated in the Draft Program EIR.

**IX. e) and f): No Impact.** Implementation of proposed control measures would not include the construction of new or relocation of existing housing or other types of facilities and, as such, would not require the placement of housing or other structures within a 100-year flood hazard area. Construction of new structures would occur for reasons other than complying with AQMP control. (See also XIII "Population and Housing"). Consequently, this topic will not be evaluated further in the Draft Program EIR.

**Conclusion**

Based upon the above considerations, implementing several of the proposed 2016 AQMP control measures could result in increased water demand and wastewater generation that could result in potentially significant adverse project-specific hydrology and water quality impacts and, will therefore be evaluated in the Draft Program EIR.

| | | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|---|---|---|---|---|
| **X.** | **LAND USE AND PLANNING.** Would the project: | | | | |
| a) | Physically divide an established community? | ☐ | ☐ | ☑ | ☐ |
| b) | Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | ☐ | ☐ | ☑ | ☐ |

**Introduction**

Evaluation of the proposed 2016 AQMP control measures identified no control measures with the potential to generate significant adverse impacts to land use and planning resources.

**Significance Criteria**

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

**Discussion**

The 2016 AQMP is designed to reduce emissions from existing emission sources and promote the lowest achievable emission rates from new emissions sources. Proposed AQMP control measures would affect existing commercial/industrial facilities and residential developments; establish specifications for coatings, fuels and mobile source exhaust emissions; accelerate the replacement of high-emitting mobile sources with zero or near-zero emitting mobile sources; establish greater control of industrial stationary sources; establish greater control of fugitive dust; improve leak detection and repair procedures; and establish educational and outreach programs.

**X. a and b): Less Than Significant Impact.** Implementation of proposed control measures that promote the installation of stationary source control equipment, at existing commercial or institutional facilities would not create land use impacts because construction of new structures affecting land use planning would occur for reasons other than implementation of the proposed control measures and could occur regardless of the 2016 AQMP. Furthermore, neither the SCAQMD nor CARB has land use approval authority except to impose air pollution control requirements, which do not drive the land use approval process; this authority lies within the jurisdiction of public agencies with general government authority such as cities or counties. Since the proposed 2016 AQMP does not require construction of structures or new land use developments in any areas of the District, it is not expected to physically divide any established communities within the District.

EGM-01 would affect new or redevelopment projects but would not affect the land use or zoning aspects of projects. EGM-01 would minimize air quality impacts but would not impact planning decisions made by local jurisdiction so no impacts on land use would be expected.

Implementation of proposed control measures that accelerate the use of alternative clean fuels (EGM-01, BCM-08, MOB-01 through MOB-05, MOB-07, MOB-10, MOB-13, ORLD-01, ORLD-03, ORHD-02, ORHD-04 through ORHD-09, ORFIS-01, ORFIS-05, OFFS-01, OFFS-04, OFFS-05, OFFS-07, and OFFS-08), would not create land use impacts because on-road vehicles would continue to operate on existing roadways and would not require construction of new roadways that could physically divide communities.

Potential land use impacts associated with the 2016 AQMP are associated primarily with the construction of support systems (e.g., catenary overhead electrical lines or magnetic infrastructure related to operation of zero- and near-zero transport systems). For purposes of evaluating potential land use impacts, it has been assumed herein that no new rail or truck traffic routes would be constructed, but rather that existing truck and rail routes/corridors would be modified. The truck and rail corridors likely to be involved with the 2016 AQMP modifications are located primarily in commercial and industrial zones within the Southern California area. Examples of these areas include, but are not limited to, the Port of Los Angeles (e.g., Navy Way) Port of Long Beach, and industrial areas in and around container transfer facilities (railway and truck routes) near the Terminal Island Freeway, along the Alameda Corridor, as well as inland railyards near downtown Los Angeles. Since only existing transportation routes would be modified (e.g., electric lines installed) and no new transportation routes are anticipated as part of the 2016 AQMP, no land use conflicts, or inconsistencies with any general plan, specific plan, local coastal program, or zoning ordinance are expected.

Implementation of 2016 AQMP control measures that could result in the construction of electric or magnetic infrastructure include MOB-02, ORHD-05, ORHD-06, ORHD-08, and ORHD-09. Construction activities would be required to install these systems and would require the use of heavy equipment to install the electric or magnetic systems. Heavy construction equipment such as backhoes, cranes, aerial lifts, front end loaders, and other types of equipment would be required for installation. The electrical or magnetic systems would be installed within or adjacent to existing roadways. These construction activities are expected to occur along heavily travelled roadways (e.g., roads near the ports, such as Sepulveda Boulevard, Terminal Island Freeway, and Alameda Street). While these projects would require local approvals, they are not expected to result in significant land use impacts as they would occur within or adjacent to existing transportation corridors.

It is possible that construction activities could temporarily disrupt or divide a community. However, because construction of new traffic routes/corridors or widening of existing routes/corridors are not required as part of the proposed project, once construction activities are finished and the physical barriers removed, no long-term land use impacts are anticipated. Therefore, from a land use perspective, none of the above construction impacts are considered to be significant. The installation of electric and/or magnetic infrastructure is only expected to occur along existing roadways/freeways and transportation corridors (e.g., Sepulveda Boulevard, Terminal Island Freeway, and Alameda Street). These roads and freeways are already heavily traveled and in many cases already divide existing communities.

For example, through portions of Carson and Los Angeles, the Alameda Corridor separate communities and there are a limited number of streets available to cross the Alameda Corridor in an east/west direction. The same is true with respect to Sepulveda Boulevard and the Terminal Island Freeways – both are heavy transportation corridors with limited opportunities to cross these roadways. Installation of electric and/or magnetic infrastructure along these corridors

would not change the existing condition (i.e., there will be limited opportunities to cross these major transportation corridors); however, the installation of the electric and/or magnetic infrastructure is not expected to create any new barriers or further physically divide an established community. Further, the electric and/or magnetic infrastructure would be expected to be constructed within or adjacent to the existing rights-of-way of existing streets and freeways, so no conflict with existing land uses, general plans, specific plans, local coastal program, zoning ordinance, or other policies would be expected. Any proposed modification to an existing rail or truck traffic route/corridor will require a separate CEQA evaluation. No significant land use impacts were identified because the proposed control measures would be expected to comply with, and not interfere with, applicable land use plans, policies, or regulations of an agency with jurisdiction over the project (including, but not limited to the general plans, specific plans, local coastal programs or zoning ordinances).

No provisions of the proposed project would directly affect applicable land use plans, policies or regulations. The SCAQMD is specifically excluded from infringing on existing city or county land use authority (California Health and Safety Code §40414). Land use and other planning considerations are determined by local governments and no present or planned land uses in the region or planning requirements will be altered by the proposed project. There are existing links between population growth, land development, housing, traffic and air quality. SCAG's 2016 RTP/SCS accounts for these links when designing ways to improve air quality, transportation systems, land use, compatibility and housing opportunities in the region. Land use planning is handled at the local level and contributes to development of the AQMP growth projections. The AQMP does not affect local government land use planning decisions; instead the AQMP incorporates local land use planning decisions and population growth. The proposed 2016 AQMP complements SCAG's Regional Comprehensive Plan.

**Conclusion**

Based upon the above considerations, significant adverse project-specific land use and planning impacts are not expected to occur due to implementation of the 2016 AQMP control measures and will therefore not be further analyzed in the Draft Program EIR.

| | | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|---|---|---|---|---|
| **XI.** | **MINERAL RESOURCES.** Would the project: | | | | |
| a) | Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | ☐ | ☐ | ☐ | ☑ |
| b) | Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | ☐ | ☐ | ☐ | ☑ |

**Introduction**

Evaluation of the proposed 2016 AQMP control measures identified no control measures with the potential to generate significant adverse impacts to mineral resources.

**Significance Criteria**

The proposed project impacts on mineral resources will be considered significant if:

- The project would result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.
- The proposed project results in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

**Discussion**

The 2016 AQMP is designed to reduce emissions from existing emission sources and promote the lowest achievable emission rates from new emissions sources. Proposed AQMP control measures would affect existing commercial/industrial facilities and residential developments; establish specifications for coatings, fuels and mobile source exhaust emissions; accelerate the replacement of high-emitting mobile sources with zero or near-zero emitting mobile sources; establish greater control of industrial stationary sources; establish greater control of fugitive dust; improve leak detection and repair procedures; and establish educational and outreach programs.

**XI. a) and b):** There are no provisions in the 2016 AQMP that would result in the loss of availability of a known mineral resource of value to the region and the residents of the state, or of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. Some examples of mineral resources are gravel, asphalt, bauxite, and gypsum, which are commonly used for construction activities or industrial processes. The 2016 AQMP provides incentives for the penetration of zero and near-zero emission technologies which are not expected to result in an increase in the use of mineral resources. The proposed project is not expected to require substantial construction activities and would not have any significant effects on the use of important minerals, such as those described above (with the exception of the use of a minimal amount of gravel and asphalt for limited paving activities), nor

would the project result in covering over or otherwise making mineral resources unrecoverable. Therefore, no new demand for mineral resources is expected to occur and no significant adverse mineral resources impacts from implementing the proposed project are anticipated.

**Conclusion**

Based upon the above considerations, significant adverse project-specific impacts to mineral resources are not expected to occur due to implementation of the 2016 AQMP control measures and will, therefore, not be further evaluated in the Draft Program EIR.

| | | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|---|---|---|---|---|
| **XII.** | **NOISE.** Would the project result in: | | | | |
| a) | Exposure of persons to or generation of permanent noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | ☑ | ☐ | ☐ | ☐ |
| b) | Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? | ☑ | ☐ | ☐ | ☐ |
| c) | A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | ☑ | ☐ | ☐ | ☐ |
| d) | For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public use airport or private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | ☐ | ☐ | ☐ | ☑ |

**Introduction**

Evaluation of the proposed 2016 AQMP control measures identified several control measures with the potential to generate significant adverse noise impacts. Table A-1 in Appendix A lists all 2016 AQMP control measures and identifies those control measures that have the potential to generate significant adverse impacts.

**Significance Criteria**

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

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

**Discussion**

The 2016 AQMP is designed to reduce emissions from existing emission sources and promote the lowest achievable emission rates from new emissions sources. Proposed AQMP control measures would affect existing commercial/industrial facilities and residential developments; establish specifications for coatings, fuels and mobile source exhaust emissions; accelerate the

replacement of high-emitting mobile sources with zero or near-zero emitting mobile sources; establish greater control of industrial stationary sources; establish greater control of fugitive dust; improve leak detection and repair procedures; and establish educational and outreach programs.

**XII. a), b, and c): Potentially Significant Impact.** Implementation of proposed control measures would promote installation of control equipment or modification of operational practices at existing commercial or industrial facilities, typically located in appropriately zoned industrial or commercial areas. Although installation of some control equipment may generate noise impacts, control equipment would typically be installed within the boundaries of industrial and commercial facilities. However, once construction is complete, air pollution control equipment does not typically generate high noise levels.

Ambient noise levels associated with commercial and industrial areas are typically driven by noise from freeway and/or highway traffic in the area and heavy-duty equipment used for materials manufacturing or processing at nearby facilities. It is not expected that installation of air pollution control equipment would substantially increase ambient [operational] noise levels in an area, either permanently or intermittently, or expose people to excessive noise levels that would be noticeable above and beyond existing ambient levels. Commercial and industrial facilities are typically located in areas with high levels of local ambient noise, building walls promote noise dampening, and noise levels attenuate with separation distance. Affected facilities would be required to comply with local noise ordinances, which may require construction of noise barriers or other noise control devices. Therefore, it is not expected that noise standards established in local general plans, noise elements, or noise ordinances currently in effect would be exceeded.

Implementation of 2016 AQMP control measures that could result in the construction of electric or magnetic infrastructure that could increase noise include MOB-02, ORHD-05, ORHD-06, ORHD-08, and ORHD-09. Construction activities would be required to install these systems and would require the use of heavy equipment to install the electric or magnetic systems. Heavy construction equipment such as backhoes, cranes, aerial lifts, front end loaders, and other types of equipment would be required for installation. The electrical or magnetic systems would be installed within or adjacent to existing roadways. These construction activities are expected to occur along heavily travelled roadways (e.g., roads near the ports, such as Sepulveda Boulevard, Terminal Island Freeway, and Alameda Street). Construction activities are expected to generate noise due to the presence of heavy construction equipment. Some of the construction activities could occur near residential areas, e.g., communities adjacent to the Alameda Corridor. Therefore, noise and groundborne vibration impacts associated with the construction activities are potentially significant and will be evaluated in the Draft Program EIR.

Implementation of proposed control measures that promote the acceleration of zero emission electric vehicle technologies would result in noise reductions. Electric vehicles generate less noise than diesel or gasoline engines because the electric engines have substantially fewer moving parts than conventional engines. Therefore, increasing the fleet of electric vehicles while removing diesel or gasoline engines from the fleet is expected to result in a reduction in noise from on-road vehicles.

Implementation of proposed control measures would not result in an increase in groundborne vibration levels because air pollution control equipment is not typically vibration intensive equipment. As noted above, early penetration of zero emission electric vehicles would also not

generate groundborne vibration impacts because such vehicles have fewer moving parts that could generate vibrations compared to gasoline or diesel vehicles. Consequently, the proposed control measures would not cause substantial noise or excessive groundborne vibration impacts. Operational noise impacts, therefore, will not be further evaluated in the Draft Program EIR.

**XII. d): No Impact.** Although some of the facilities affected by the proposed project may be located at sites within an airport land use plan, or within two miles of a public airport, the addition of new or modification of existing control equipment would not expose people residing or working in the project area to appreciably greater noise levels. All noise producing equipment must comply with local noise ordinances and applicable OSHA or Cal/OSHA workplace noise reduction requirements. Therefore, less than significant noise impacts are expected to occur at sites located within an airport land use plan, or within two miles of a public airport.

**Conclusion**

Based upon the above considerations, significant adverse project-specific noise impacts could occur during construction activities associated with implementation of the 2016 AQMP control measures and, therefore, will be further evaluated in the Draft Program EIR. Operational noise impacts are expected to be less than significant.

| | | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|---|---|---|---|---|
| **XIII.** | **POPULATION AND HOUSING.** Would the project: | | | | |
| a) | Induce substantial growth in an area either directly (for example, by proposing new homes and businesses) or indirectly (e.g. through extension of roads or other infrastructure)? | ☐ | ☐ | ☐ | ☑ |
| b) | Displace substantial numbers of people or existing housing, necessitating the construction of replacement housing elsewhere? | ☐ | ☐ | ☐ | ☑ |

**Introduction**

Evaluation of the proposed 2016 AQMP control measures identified no control measures with the potential to generate significant adverse impacts to population and housing resources.

**Significance Criteria**

The proposed project impacts on population and housing will be considered significant if:

- The demand for temporary or permanent housing exceeds the existing supply.
- The proposed project produces additional population, housing or employment inconsistent with adopted plans either in terms of overall amount or location.

**Discussion**

The 2016 AQMP is designed to reduce emissions from existing emission sources and promote the lowest achievable emission rates from new emissions sources. Proposed AQMP control measures would affect existing commercial/industrial facilities and residential developments; establish specifications for coatings, fuels and mobile source exhaust emissions; accelerate the replacement of high-emitting mobile sources with zero or near-zero emitting mobile sources; establish greater control of industrial stationary sources; establish greater control of fugitive dust; improve leak detection and repair procedures; and establish educational and outreach programs.

**XIII. a): No Impact.** According to SCAG (2016), current population in the SCAG region (which includes all of the District, the non-District portions of Los Angeles and San Bernardino counties, and all of Ventura and Imperial counties) is expected to increase by another 3.8 million people by 2040. The proposed 2016 AQMP would affect existing commercial or industrial facilities located in predominantly industrial or commercial urbanized areas throughout the District and, as such, is not anticipated to generate any significant effects, either directly or indirectly, on the District's population or population distribution as explained in the following paragraphs.

Consistent with past experience, it is expected that the existing labor pool within the southern California area would accommodate the labor requirements for any modifications requiring construction at affected facilities.

It is expected that few or no new employees would need to be hired at affected facilities to operate and maintain new control equipment on site because air pollution control equipment is typically not labor intensive equipment. In the event that new employees are hired, it is expected that the existing local labor pool in the District can accommodate the increase in worker demand that might occur as a result of adopting the proposed 2016 AQMP. Based on the above, it is not expected that the 2016 AQMP would induce population growth resulting in the need for new housing, roads or other infrastructure. As such, adopting the proposed 2016 AQMP is not expected to result in changes in population densities or induce significant growth in population. The population is expected to grow regardless of the 2016 AQMD.

Implementation of proposed mobile source control measures, such as those that would accelerate the penetration of zero or low emission vehicles into District fleets, would not induce population growth because there is a finite number of drivers in the region at any one time; drivers who purchase low or zero emission vehicles would not be driving the old high emitting vehicles at the same time they are driving the new low emitting vehicles. Although projected increases in population in the region may result in the continued use of the replaced high emitting vehicles, as already noted, future population growth in the region would occur for reasons other than complying with AQMP control measures.

**XIII. b): No Impact.** The 2016 AQMP contains no provisions that would cause displacement of substantial numbers of people or housing necessitating construction of replacement housing elsewhere. As noted in the discussions under "Land Use and Planning," the proposed 2016 AQMP contains control measures that may result in installing control equipment on stationary sources at existing commercial or institutional facilities and establishing emission exhaust specifications for mobile sources. Construction of new structures affecting land use planning would occur for reasons other than complying with AQMP control. The installation of electric and/or magnetic infrastructure is only expected to occur along existing roadways/freeways and transportation corridors (e.g., Sepulveda Boulevard, Terminal Island Freeway, and Alameda Street). These roads and freeways already exist and are heavily traveled. The installation of electric and/or magnetic infrastructure is not expected to displace existing housing. As a result, the proposed 2016 AQMP would not be expected to affect the location of people or housing in any areas of the District.

**Conclusion**

Based upon the above considerations, significant adverse project-specific population and housing impacts are not expected to occur due to implementation of the 2016 AQMP and, therefore, will not be further evaluated in the Draft Program EIR.

| | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| **XIV. PUBLIC SERVICES.** Would the proposal result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services: | | | | |
| a) Fire protection? | ☐ | ☐ | ☐ | ☑ |
| b) Police protection? | ☐ | ☐ | ☐ | ☑ |
| c) Schools? | ☐ | ☐ | ☐ | ☑ |
| d) Other public facilities? | ☐ | ☐ | ☐ | ☑ |

**Introduction**

Evaluation of the proposed 2016 AQMP control measures identified no control measures with the potential to generate significant adverse impacts to public services.

**Significance Criteria**

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

**Discussion**

The 2016 AQMP is designed to reduce emissions from existing emission sources and promote the lowest achievable emission rates from new emissions sources. Proposed AQMP control measures would affect existing commercial/industrial facilities and residential developments; establish specifications for coatings, fuels and mobile source exhaust emissions; accelerate the replacement of high-emitting mobile sources with zero or near-zero emitting mobile sources; establish greater control of industrial stationary sources; establish greater control of fugitive dust; improve leak detection and repair procedures; and establish educational and outreach programs.

**XIV. a) and b): No Impact.** Implementation of proposed control measures is not expected to result in significant adverse public service impacts. Although implementing 2016 AQMP control measures may increase the use of alternative clean fuels, for example, there would be a commensurate reduction in currently used petroleum fuels. As first responders to emergency situations, police and fire departments may assist local hazmat teams with containing hazardous materials, putting out fires, and crowd control to reduce public exposures to hazardous materials

releases. In many situations, implementing AQMP control measures may reduce hazardous materials use, e.g., formulating coatings with less hazardous formulations.

Although some AQMP control measures may increase the use of air pollution control equipment that uses hazardous materials (such as ammonia), no component of the proposed control measures would result in the need for new or physically altered government facilities in order to maintain acceptable service ratios, response times or other performance objectives. Further, most large industrial facilities have on-site security that controls public access to facilities so no increase in the need for police services are expected. Many large industrial facilities also have on-site fire protection personnel and/or have agreements for fire protection services with local fire departments. Even in the absence of onsite police or fire protection services, implementing AQMP control measures would not hinder service ratios or response times and is not expected to require physical modifications to existing government facilities to a greater extent than is currently the case.

Finally, pursuant to the Health and Safety Code, emergency or rescue vehicles operated by local, state, and federal law enforcement agencies, police and sheriff departments, fire department, hospital, medical or paramedic facility, and used for responding to situations where potential threats to life or property exist, including, but not limited to fire, ambulance calls, or life-saving calls are specifically exempt from regulations requiring alternative clean fueled vehicles. For these reasons, implementation of the 2016 AQMP is not expected to require additional fire protection services to an extent that it would cause a need for construction of new facilities, which could cause potentially significant environmental impacts.

**XIV. c): No Impact.** As noted in the discussions under topic "XIII. Population and Housing," implementation of the proposed 2016 AQMP is not expected to induce population growth. Thus, implementing the proposed control measures would not increase or otherwise alter the demand for schools in the District. No significant adverse impacts to schools, such as the need for new or physically altered facilities, are foreseen as a result of the proposed 2016 AQMP.

**XIV. d): No Impact.** As indicated in the discussions under item "XIII. Population and Housing," implementation of proposed 2016 AQMP is not anticipated to affect population growth in the District and would not adversely affect existing public services or facilities or physically alter or require new public service facilities. Anticipated development to accommodate future population growth would occur for reasons other than complying with AQMP control measures. To address future growth, it is the responsibility of local land public agencies with general land use authority, typically cities or counties, over fire departments, police departments and other public services to address potential impacts to public services that may require new or physically altered facilities or affect service ratios, response times, or other performance objectives. Consequently, no significant adverse impacts to schools or parks are foreseen as a result of the proposed 2016 AQMP.

**Conclusion**

Based upon the above considerations, significant adverse project-specific public services impacts are not expected to occur due to implementation of the 2016 AQMP and will, therefore, not be further evaluated in the Draft Program EIR.

| | | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|---|---|---|---|---|
| **XV.** | **RECREATION.** | | | | |
| a) | Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | ☐ | ☐ | ☐ | ☑ |
| b) | Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment or recreational services? | ☐ | ☐ | ☐ | ☑ |

**Introduction**

Evaluation of the proposed 2016 AQMP control measures identified no control measures with the potential to generate significant adverse impacts to recreation resources.

**Significance Criteria**

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

- The project results in an increased demand for neighborhood or regional parks or other recreational facilities.
- The project adversely affects existing recreational opportunities.

**Discussion**

The 2016 AQMP is designed to reduce emissions from existing emission sources and promote the lowest achievable emission rates from new emissions sources. Proposed AQMP control measures would affect existing commercial/industrial facilities and residential developments; establish specifications for coatings, fuels and mobile source exhaust emissions; accelerate the replacement of high-emitting mobile sources with zero or near-zero emitting mobile sources; establish greater control of industrial stationary sources; establish greater control of fugitive dust; improve leak detection and repair procedures; and establish educational and outreach programs.

**XV. a) and b): No Impact.** The proposed 2016 AQMP contains no provisions that would affect land use plans, policies, ordinances, regulations, or population growth, as discussed under "Land Use and Planning" and "Population and Housing." Land use and other planning considerations are determined by local governments. No land use or planning requirements, including those related to recreational facilities, will be altered by the proposed AQMP. The proposed project does not have the potential to directly or indirectly induce population growth or redistribution that could adversely affect recreational resources. As a result, the proposed project would not increase the use of, or demand for, existing neighborhood and/or regional parks or other recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment.

In addition, a major portion of the 2016 AQMP control measures provides incentives to increase the penetration of zero and near-zero emission mobile source technologies into the Basin. Additional control measures may also require the installation of control equipment at existing industrial/commercial facilities. These types of control measures would not impact recreational facilities as they would occur within industrial/commercial areas or would not impact land uses, including recreation facilities at all (e.g., zero and near-zero emission mobile sources). Therefore, the proposed project is not expected to result in a significant impact on recreational facilities in the Basin.

**Conclusion**

Based upon the above considerations, no significant adverse project-specific impacts to recreation are expected to occur due to implementation of the 2016 AQMP and, therefore, will not be further evaluated in the Draft Program EIR.

| | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| **XVI. SOLID AND HAZARDOUS WASTE.** Would the project: | | | | |
| a) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | ☑ | ☐ | ☐ | ☐ |
| b) Comply with federal, state, and local statutes and regulations related to solid and hazardous waste? | ☐ | ☐ | ☐ | ☑ |

**Introduction**

Evaluation of the proposed 2016 AQMP control measures identified several control measures with the potential to generate significant adverse solid or hazardous waste impacts. Table A-1 in Appendix A lists all 2016 AQMP control measures and identifies those control measures that have the potential to generate significant adverse impacts.

**Significance Criteria**

The proposed project impacts on solid and hazardous waste will be considered significant if generation and disposal of hazardous and non-hazardous waste exceeds the capacity of designated landfills.

Impacts deemed potentially significant will be considered further in the Draft Program EIR.

**Discussion**

The 2016 AQMP is designed to reduce emissions from existing emission sources and promote the lowest achievable emission rates from new emissions sources. Proposed AQMP control measures would affect existing commercial/industrial facilities and residential developments; establish specifications for coatings, fuels and mobile source exhaust emissions; accelerate the replacement of high-emitting mobile sources with zero or near-zero emitting mobile sources; establish greater control of industrial stationary sources; establish greater control of fugitive dust; improve leak detection and repair procedures; and establish educational and outreach programs.

**XVI. a): Potentially Significant Impact.** Implementation of proposed 2016 AQMP control measures would promote installation of air pollution control equipment for stationary sources (CMB-03, CMB-04, CMB-05, FLX-02, BCM-01, BCM-02, BCM-06, BCM-07, and BCM-09, BCM-10. ORFIS-03 and ORFIS-04 could result in the use of air pollution control equipment to control mobile sources (locomotive and marine vessels). These control measures could result in disposal of old equipment, scrubbers, filters and general waste. The air toxics control measures (TXM-01 through TXM-09) could also result in the disposal of old equipment, disposal of filters, or the increased generation of spent carbon. Implementation of proposed 2016 AQMP control measures would also promote the acceleration of zero emission vehicles (FLX-02, MOB-02 through MOB-05, MOB-07, MOB-09, MOB-10, MOB-13, ORHD-04 through ORHD-09, ORFIS-03 through ORFIS-05, OFFS-01, and OFFS-04 through OFFS-07). Several control measures would accelerate the retirement of older on-road and off-road equipment (MOB-06 and

MOB-08). These control measures could result in disposal of vehicles, batteries, filters and catalysts. Implementation of proposed 2016 AQMP control measures (CTS-01, FLX-02, BCM-04, and CPP-01) could also result in disposal of old coatings and manure removal. Potential solid/hazardous waste impacts will be analyzed in the Draft Program EIR.

**XVI. b): No Impact.** Implementation of proposed 2016 AQMP control measures is not expected to interfere with facilities' abilities to comply with federal, state, or local statutes and regulations related to solid and hazardous waste handling or disposal. Health and Safety Code Section 40727 requires that prior to adopting or amending AQMP control measures into rules or regulations or when repealing rules, the AQMD Governing Board shall make certain findings. One of these findings is consistency, which requires that SCAQMD rules are in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, or federal or state regulations. This specific topic will not be further evaluated in the Draft Program EIR.

**Conclusion**

Based upon the above considerations, potentially significant adverse project-specific solid/hazardous waste impacts from implementation of proposed 2016 control measures, identified in XVI. a), may occur and will, therefore, be analyzed in the Draft Program EIR.

| | | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|---|---|---|---|---|
| **XVII.** | **TRANSPORTATION AND TRAFFIC.** Would the project: | | | | |
| a) | Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? | ☐ | ☐ | ☐ | ☑ |
| b) | Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? | ☑ | ☐ | ☐ | ☐ |
| c) | Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | ☐ | ☐ | ☐ | ☑ |
| d) | Substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)? | ☐ | ☐ | ☐ | ☑ |
| e) | Result in inadequate emergency access? | ☐ | ☐ | ☐ | ☑ |
| f) | Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? | ☐ | ☐ | ☐ | ☑ |

## Introduction

Evaluation of the proposed 2016 AQMP control measures identified several control measures with the potential to generate significant adverse transportation or traffic impacts. Table A-1 in Appendix A lists all 2016 AQMP control measures and identifies those control measures that have the potential to generate significant adverse impacts.

**Significance Criteria**

The proposed project impacts on transportation and traffic will be considered significant if:

- A major roadway is closed to all through traffic, and no alternate route is available.
- The project conflicts with applicable policies, plans or programs establishing measures of effectiveness, thereby decreasing the performance or safety of any mode of transportation.
- There is an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system.
- The demand for parking facilities is substantially increased.
- Water borne, rail car or air traffic is substantially altered.
- Traffic hazards to motor vehicles, bicyclists or pedestrians are substantially increased.
- The need for more than 350 employees.
- An increase in heavy-duty transport truck traffic to and/or from the facility by more than 350 truck round trips per day.
- Increase customer traffic by more than 700 visits per day.

Impacts deemed potentially significant will be considered further in the Draft Program EIR.

**Discussion**

The 2016 AQMP is designed to reduce emissions from existing emission sources and promote the lowest achievable emission rates from new emissions sources. Proposed AQMP control measures would affect existing commercial/industrial facilities and residential developments; establish specifications for coatings, fuels and mobile source exhaust emissions; accelerate the replacement of high-emitting mobile sources with zero or near-zero emitting mobile sources; establish greater control of industrial stationary sources; establish greater control of fugitive dust; improve leak detection and repair procedures; and establish educational and outreach programs.

**XVII. a): No Impact.** Implementation of the proposed 2016 AQMP is not expected to substantially increase vehicle trips or vehicle miles traveled in the District. The 2016 AQMP relies on transportation and related control measures developed by SCAG and included in the SCAG RTP/SCS and, thus would not conflict with the RTP. These TCMs 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 is expected to continue to increase, implementing the TCMs, in conjunction with the 2016 RTP/SCS, 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 2016 AQMP control measures. Therefore, it is expected implementing the AQMP, including the TCMs could ultimately provide transportation improvements and congestion reduction benefits and would not conflict with applicable transportation plans, ordinances, or policies.

The 2016 AQMP would revise the previous motor vehicle emissions budgets with new emission calculations using the latest motor vehicle emission factors and planning assumptions. The U.S. EPA's Transportation Conformity Rule requires that transportation plans and projects must not exceed SIP motor vehicle emission budgets for attaining and maintaining health-based air quality standards or a conformity lapse would occur (preventing further funding of transportation projects). By avoiding a conformity lapse, the region would continue to receive federal funding for future transportation projects, which would generally improve traffic flow, thus, providing a beneficial traffic impact.

**XVII. b): Potentially Significant Impact.** Implementation of proposed 2016 AQMP control measures that accelerate the penetration of zero or low emission vehicles into District fleets would not induce congestion because there is a finite number of drivers in the region at any one time; drivers who purchase low or zero emission vehicles would not be driving the old high emitting vehicles at the same time they are driving the new low emitting vehicles. In addition, new public transit opportunities are expected to be available in the future reducing or offsetting vehicle growth.

Implementation of the 2016 AQMP control measures could result in the construction of new air pollution control equipment and new equipment at industrial facilities (e.g., new units at refineries). Construction traffic impacts may be significant, depending on the location of facilities and the amount of construction traffic generated. In addition, increased truck trips would be associated with delivery of materials (e.g., ammonia) or transport of waste generated by some of the control measures.

Implementation of 2016 AQMP control measures that could result in the construction of electric or magnetic infrastructure include ORHD-05, ORHD-06, ORHD-08, and ORHD-09. Construction activities would be required to install these systems and would require the use of heavy equipment to install the electric or magnetic systems. The existing rail and truck routes/corridors likely to be modified are expected to be located primarily in commercial and industrial zones within the Southern California area. Examples of these areas include, but are not limited to, the Port of Los Angeles, Port of Long Beach, and industrial areas in and around container transfer facilities (rail and truck) near the Terminal Island Freeway, along the Alameda Corridor, as well as inland facilities. Since only existing transportation routes would be modified, no new roadways or railways are anticipated as part of the proposed project.

Therefore, construction activities are expected to occur along heavily travelled roadways (e.g., roads near the ports, such as Sepulveda Boulevard, Terminal Island Freeway, on Navy Way at the Port of Los Angeles, and Alameda Street). Construction traffic could potentially result in increased traffic volumes on heavily traveled streets and require temporary lane closures. Construction activities may result in the following impacts: (1) Temporary reduction in the level of service on major arterials; (2) temporary closure of a roadway or major arterial; (3) temporary closure of a railroad line; (3) temporary impact on businesses or residents within the construction area; (4) removal of on-street parking; and (5) conflicts with public transportation system (e.g., temporary removal of bus stops). However, the above listed construction traffic impacts, although temporary in nature, could be significant and will be evaluated in the Draft Program EIR.

**XVII. c): No Impact.** Implementation of proposed 2016 AQMP control measures would not affect air traffic or air traffic patterns. As discussed in item VIII. e), the proposed project is not

expected to adversely affect any airport land use plan or result in any safety hazards for people residing or working in the District because no AQMP control measures would result in construction or alteration of structures greater than 200 feet above ground level within the maximum 20,000-foot navigable space boundaries. In addition, it is not expected that implementing 2016 control measures would require transporting goods and materials by plane. Finally, although the 2016 AQMP includes control measure OFIS-05 and OFFS-04, it is expected that these measures would incentivize cleaner airplane engines, but would not result in a reasonably forseeable change in air traffic patterns, including either increases in traffic levels or changes in locations that result in substantial safety risks.

**XVII. d): No Impact.** Implementation of proposed 2016 AQMP control measures would not increase roadway design hazards or incompatible risks. Most AQMP control measures would not involve roadway construction or modifications. However, to the extent that implementing components of some of the TCMs and related measures to further develop roadway infrastructure to improve traffic flow may implicate construction, it is expected that there would ultimately be reductions in roadway hazards or incompatible risks as part of any roadway infrastructure improvements and reduced congestion.

**XVII. e): No Impact.** Implementation of proposed 2016 AQMP control measures would not affect emergency access routes at affected facilities. Control measures that would promote installation of air control equipment would not require major construction of any structures that might obstruct emergency access routes at any affected facilities. Control measures that would promote the acceleration of low or zero emission vehicles into the regional fleet would not change travel patterns on regional roadways compared to the baseline. Although some mobile source control measures may result in installing battery charging stations, most jurisdictions have ordinances pertaining to maintaining at existing, or constructing adequate emergency access to many existing facilities and new land use projects.

**XVII. f): No Impact.** Implementation of proposed 2016 AQMP control measures would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. The 2016 RTP/SCS states that the safety of people and goods is an important consideration in developing, maintaining, and operating the region's multimodal transportation system. The 2016 RTP/SCS provides TCMs aimed at reducing the per capita VMT over the next 25 years, however, total demand to move people and goods will continue to grow due to the region's population increase. A strategic expansion of the regional transportation system is needed in order to provide the region with the mobility it needs. The RTP/SCS targets this expansion around transportation systems that have room to grow, including transit, high-speed rail, active transportation, express/high occupancy transit lanes, and goods movement.

The 2016 RTP/SCS calls for expansion of transit facilities and services over the next 25 years. The local county sales tax programs, most recently Measure R in Los Angeles County, are providing funding for most of this expansion in facilities and services. The transportation and related control measures would specifically encourage and provide incentives for implementing alternative transportation programs and strategies. See also Section XVI. b) regarding consistency with other regulations.

**Conclusion**

Based upon the above considerations, potentially significant adverse project-specific impacts to transportation and traffic systems associated with implementation of proposed 2016 AQMP traffic control measures could result in significant adverse traffic impacts during construction activities on existing roadways. Therefore, this topic will be analyzed in the Draft Program EIR.

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

**Introduction**

Table A-1 in Appendix A lists all 2016 AQMP control measures and identifies those control measures that have the potential to generate significant adverse impacts.

**Significance Criteria**

Please see the Significance Criteria section for each environmental resource for the applicable significance criteria.

**Discussion**

The 2016 AQMP is designed to reduce emissions from existing emission sources and promote the lowest achievable emission rates from new emissions sources. Proposed AQMP control measures would affect existing commercial/industrial facilities and residential developments; establish specifications for coatings, fuels and mobile source exhaust emissions; accelerate the replacement of high-emitting mobile sources with zero or near-zero emitting mobile sources; establish greater control of industrial stationary sources; establish greater control of fugitive dust; improve leak detection and repair procedures; and establish educational and outreach programs.

**XVIII. a): No Impact.** The proposed 2016 AQMP is not expected to significantly adversely affect any biological resources including wildlife and the resources on which it relies (see the discussions under item IV, Biological Resources). Overall improvements in air quality are, ultimately, expected to provide substantial benefits to local biological resources in the District. Therefore, this topic will not be evaluated further in the Draft Program EIR.

**XVIII. b): Potentially Significant Impact.** The proposed 2016 AQMP may have the potential to generate significant adverse project-specific environmental impacts in several environmental areas. If project-specific impacts are deemed cumulatively considerable, the 2016 AQMP may have the potential to create significant adverse cumulative impacts. Significant adverse impacts will be further analyzed in the Draft Program EIR if impacts to any of the following project-specific environmental topic areas are deemed significant: air quality, energy, hazards and hazardous materials impacts, hydrology and water resources, noise, solid and hazardous waste, and transportation and traffic.

SCAG is required to prepare a RTP/SCS, which contains TCMs, pursuant to California Health & Safety Code §65080. SCAG is responsible for preparing and approving the portions of the plan relating to regional demographic projections and integrated regional land use, housing, employment and transportation programs, measures and strategies, and is required to analyze and provide emissions data related to its planning responsibilities to appropriate local agencies such as SCAQMD, pursuant to California Health & Safety Code §40460(b). On April 7, 2016, the 2016 RTP/SCS was adopted and the Final PEIR was certified (SCAG, 2016). Thus, SCAG's 2016 RTP/SCS and associated TCMs will be implemented regardless of the 2016 AQMP. However, the TCMs will become part of the SIP. Since the environmental impacts from the 2016 RTP/SCS and associated TCMs were analyzed in the Final PEIR, the Draft 2016 AQMP Program EIR will only evaluate potential cumulative impacts from implementing the 2016 AQMP and the TCMs evaluated in SCAG's Program EIR for the 2016 RTP/SCS.

**XVIII. c): Potentially Significant Impact.** The proposed 2016 AQMP may have the potential to create significant adverse impacts to human beings because it may create potentially significant adverse impacts in the following areas: air quality, energy, hazards and hazardous materials impacts, hydrology and water resources, noise, solid and hazardous waste, and transportation and traffic. Significant adverse impacts to any of these areas may have the potential to adversely affect public health. Potentially significant adverse environmental impacts that could cause substantial adverse effects on human beings, either directly or indirectly will be evaluated in the Draft Program EIR. If any impacts are concluded to be significant, evaluation of feasible mitigation measures and alternatives to the project will be included in the Draft Program EIR.

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## 2.7 ACRONYMS

| | |
|---|---|
| ACT | Advanced Clean Transit |
| AQMP | Air Quality Management Plan |
| AQUIP | Air Quality Improvement Program |
| BAR | Bureau of Automotive Repair |
| BARCT | Best Available Retrofit Control Technology |
| Basin | The South Coast Air Basin |
| BCM | Best Available Control Measure for Fugitive PM Sources |
| CAA | Clean Air Act |
| CAAQS | California Ambient Air Quality Standard |
| CARB | California Air Resources Board |
| CCAA | California Clean Air Act |
| CCR | California Code of Regulations |
| CEC | California Energy Commission |
| CEQA | California Environmental Quality Act |
| CMB | Combustion Exhaust Control Measure |
| CO | Carbon Monoxide |
| CTS | Coatings and Solvents Control Measure |
| ECC | Energy and Climate Change Control Measure |
| FLX | Flexibility Programs Control Measure |
| FUG | Fugitive Control Measure |
| GHG | Greenhouse Gas |
| GSE | Ground Support Equipment |
| HDV | Heavy Duty Vehicle |
| HEPA Filter | High Efficiency Particulate Air Filter |
| HOV | High Occupancy Vehicle |
| HSC | Health and Safety Code |
| IMO | International Maritime Organization |
| IS | Impact Statement |
| ITR | Innovative Technology Regulation |
| LDAR | Leak Detection and Repair |
| LDV | Light Duty Vehicle |
| MCS | Multiple Component Control Measure |
| MDAB | Mojave Desert Air Basin |
| NAAQS | National Ambient Air Quality Standard |
| NH3 | Ammonia |
| NO2 | Nitrogen Dioxide |
| NOP | Notice of Preparation |
| NOx | Nitrogen Oxides |

| | |
|---|---|
| OandM | Operation and Maintenance |
| OBD | On-Board Diagnostics |
| PM10 | Particulate matter with an aerodynamic diameter of less than 10 microns |
| PM2.5 | Particulate matter with an aerodynamic diameter of less than 2.5 microns |
| RTP/SCS | Regional Transportation Plan/Sustainable Communities Strategy |
| SCAG | Southern California Association of Governments |
| SCAQMD | South Coast Air Quality Management District |
| SCR | Selective Catalytic Reduction |
| SIP | State Implementation Plan |
| SJVAPCD | San Joaquin Valley Air Pollution Control District |
| SO2 | Sulfur Dioxide |
| SSAB | Salton Sea Air Basin |
| SSM | Startups, Shutdowns, and Malfunctions |
| TCM | Transportation Control Measure |
| TRU | Transport Refrigeration Unit |
| U.S. EPA | United States Environmental Protection Agency |
| VMT | Vehicle Miles Traveled |
| VOC | Volatile Organic Compound |
| ZEV | Zero Emission Vehicle |

# APPENDIX A

## 2016 AQMP Control Measure Environmental Analysis

| 2016 AQMP PROPOSED CONTROL MEASURES | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Potential Impact | | | | | | | |
| **Control Measure Number** | **Title** | **Pollutant** | **Source of Impact** | **Not Significant** | **Air** | **Energy** | **Hazard** | **Water** | **Noise** | **Traffic** | **Waste** |
| **SCAQMD Ozone Measures** | | | | | | | | | | | |
| ECC-01 | Co-Benefit Emission Reductions from GHG Programs, Policies and Incentives | All Pollutants | Measure consists of evaluation of incentives, partnerships and promoting existing programs that would reduce criteria and GHG emissions. May encourage use of electric or low emission vehicles. | | | X | | | | | |
| ECC-02 | Co-Benefits from Existing Residential and Commercial Building Energy Efficiency Measures | NOx, VOC | Measure consists of incentives and promoting existing energy efficiency programs that would reduce criteria and GHG emissions. Potential air, noise, traffic and waste impacts due to construction activities. | | X | | | | X | X | X |
| ECC-03 | Additional Enhancement in Building Energy Efficiency and Smart Grid Technology | NOx, VOC | Measure consists of incentives to implement additional energy efficiency including smart grid systems and energy storage that would reduce criteria and GHG emissions. Potential air, noise and traffic impacts due to construction activities. | | X | | | | X | X | X |
| ECC-04 | Reduced Ozone Formation and Emission Reductions from Cool Roof Technology | All Pollutants | Impacts are speculative. Measure consists of incentives and promoting cool roof technologies that would reduce energy use, and criteria and GHG emissions. | X | | | | | | | |
| CMB-01 | Transition to Zero and Near-Zero Emission Technologies for Stationary Sources | NOx, VOC | Energy impacts associated with the potential increase in electricity and natural gas demand. Waste impacts associated with disposal of old equipment. Potential air, noise and traffic impacts due to minor construction activities. | | X | X | | | X | X | X |
| CMB-02 | Emission Reductions from Commercial and Residential Space and Water Heating | NOx | Solid waste impacts associated with replacing old with new low NOx burner technologies. | | | | | | | | X |

| 2016 AQMP PROPOSED CONTROL MEASURES | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Potential Impact | | | | | | | |
| **Control Measure Number** | **Title** | **Pollutant** | **Source of Impact** | **Not Significant** | **Air** | **Energy** | **Hazard** | **Water** | **Noise** | **Traffic** | **Waste** |
| CMB-03 | Emission Reductions from Non-Refinery Flares | NOx | Air, noise, and traffic impacts associated with construction activities. Solid waste impacts associated with replacing old with new flares. | | X | | | | X | X | X |
| CMB-04 | Emission Reductions from Restaurant Burners and Residential Cooking | NOx | Solid waste impacts associated with replacing old with new low NOx burner technologies. | | | | | | | | X |
| CMB-05 | Further NOx Reductions from RECLAIM Assessment | NOx | Could require additional NOx pollution control equipment resulting in air, noise, traffic, and GHG impacts during construction. Use of SCR equipment could generate ammonia emissions and create hazards associated with the use of additional ammonia. Additional energy may be required to operate new equipment and may generate additional GHG emissions. Solid waste impacts due to burner replacement and SCR catalyst disposal. | | X | X | X | | X | X | X |
| FUG-01 | Improved Leak Detection and Repair | VOC | No impacts identified. Measure consists of changes in operating practices, testing, inspection, and enforcement procedures. | X | | | | | | | |
| CTS-01 | Further Emission Reductions from Coatings, Solvents, Adhesives, and Sealants | VOC | Air and hazard impacts associated with reformulated coatings potentially containing more toxic or flammable solvents; potential increased use of water based formulations. | | X | | X | X | | | |
| MCS-01 | Improved Breakdown Procedures and Process Re-design | All Pollutants | No impacts identified. Measure consists of changes in operating practices, testing, inspection, and enforcement procedures. | X | | | | | | | |

| 2016 AQMP PROPOSED CONTROL MEASURES | | | | | | | | | | | |
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| | | | | Potential Impact | | | | | | | |
| **Control Measure Number** | **Title** | **Pollutant** | **Source of Impact** | **Not Significant** | **Air** | **Energy** | **Hazard** | **Water** | **Noise** | **Traffic** | **Waste** |
| MCS-02 | Application of All Feasible Measures | All Pollutants | Impacts are speculative as it would depend on future BARCT, which evolves as new technology becomes available. | X | | | | | | | |
| FLX-01 | Improved Education and Public Outreach | All Pollutants | Impacts are speculative. Measure consists of education and public outreach to guide consumer behavior. | X | | | | | | | |
| FLX-02 | Stationary Source VOC Incentives | VOC | Air, hazard and water impacts associated with replacement coatings, such as UV cured resins and coatings, and super-compliant/ultra-low emission technologies. Air construction and energy impacts associated with electrification in lieu of combustion-based equipment. Waste impacts associated with disposal of combustion-based equipment. | | X | X | X | X | | | X |
| **SCAQMD PM2.5 Measures** | | | | | | | | | | | |
| BCM-01 | Further Emission Reductions from Commercial Cooking | PM | Air, water and waste impacts associated with installation and operation of control equipment, such as ESPs, filters, centrifugal separators, and misters. Energy impacts associated with electricity used to operate equipment. | | X | X | | X | | | X |
| BCM-02 | Emission Reductions from Cooling Towers | PM | Air impacts associated with installation of drift elimination technologies. Waste impacts associated with disposal of deconstructed equipment and replacement. Water savings. | | X | | | | | | X |

| 2016 AQMP PROPOSED CONTROL MEASURES | | | | | | | | | | | |
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| | | | | Potential Impact | | | | | | | |
| **Control Measure Number** | **Title** | **Pollutant** | **Source of Impact** | **Not Significant** | **Air** | **Energy** | **Hazard** | **Water** | **Noise** | **Traffic** | **Waste** |
| BCM-03 | Further Emission Reductions from Paved Road Dust Sources | PM | Water impacts associated with required wheel washing systems. Potential noise, traffic, and waste impacts associated with minimum street sweeping frequencies and enhanced street cleaning or enhanced best management practices. | | | | | X | X | X | X |
| BCM-04 | Emission Reductions from Manure Management Strategies | NH3 | Hazard, water and waste impacts associated with acidifier application, manure removal, and manure slurry injection. Air and energy impacts associated with poultry manure thermal gasification. No impacts associated with dietary manipulation/feed additives. | | X | X | X | X | | | X |
| BCM-05 | Ammonia Emission Reduction from NOx Controls | NH3 | Air, energy, hazard, and waste impacts associated with the use SCR control equipment. Air, noise, and traffic impacts associated with construction activities. | | X | X | X | | X | X | X |
| BCM-06 | Emission Reductions from Abrasive Blasting Operations | PM | Air, noise and traffic impacts associated with construction of exhaust ventilation to a fabric filter for permanent in-building abrasive blasting activities. Energy and waste impacts associated with the use of additional portable control equipment, such as negative air machines, portable fume extractors and portable dust collectors with HEPA filters. | | X | X | | | X | X | X |

| 2016 AQMP PROPOSED CONTROL MEASURES | | | | | | | | | | | |
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| | | | | Potential Impact | | | | | | | |
| **Control Measure Number** | **Title** | **Pollutant** | **Source of Impact** | **Not Significant** | **Air** | **Energy** | **Hazard** | **Water** | **Noise** | **Traffic** | **Waste** |
| BCM-07 | Emission Reductions from Stone Grinding, Cutting and Polishing Operations | PM | Air, noise, and traffic impacts associated with construction of engineering controls, such as exhaust ventilation with dust collectors. Energy impacts associated with the use of engineering controls. Water impacts associated with wet methods to prevent dust release. Waste impacts associated with housekeeping measures, such as vacuuming with HEPA filter, wet-wiping, or wet sweeping. | | X | X | | X | X | X | X |
| BCM-08 | Further Emission Reductions from Agricultural, Prescribed, and Training Burning | PM | Air and waste impacts associated with the use of chipping/grinding or composting as alternatives to agricultural burning. Air, hazard, water and waste impacts associated with the increased utilization of clean fuels for training burns. | | X | | X | X | | X | X |
| BCM-09 | Further Emission Reductions from Wood-Burning Fireplaces and Wood Stoves | PM | Air and waste impacts associated with the construction/upgrading of wood-burning hearths to cleaner hearths. Energy impacts associated with cleaner hearths, such as natural gas or electric hearths. No impacts associated with increasing the stringency of the curtailment program or with education. | | X | X | | | | X | X |
| BCM-10 | Emission Reductions from Greenwaste Composting | NH3, VOC | Air, energy, water and waste impacts associated with controls such as anaerobic digestion and organic processing technology. No impacts associated with improved emissions characterization or restrictions for direct applications of un-composted waste to public lands. | | X | X | | X | | | X |

| 2016 AQMP PROPOSED CONTROL MEASURES | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Potential Impact | | | | | | | |
| **Control Measure Number** | **Title** | **Pollutant** | **Source of Impact** | **Not Significant** | **Air** | **Energy** | **Hazard** | **Water** | **Noise** | **Traffic** | **Waste** |
| **SCAQMD Mobile Source Measures** | | | | | | | | | | | |
| MOB-01 | Emission Reductions at Commercial Marine Ports | NOx, SOx, CO | Financial incentives for cleaner vessels, vehicles and equipment can result in air (construction, combustion of alternative fuels) and energy (electrical/natural gas demand) impacts. Hazard impacts can result from the use of alternative fuels and fuel additive. Water (surface and ground) impacts can result from accidental spills. Potential air, noise and traffic impacts associated with construction activities. Waste impacts can result from battery disposal and turnover of older equipment. | | X | X | X | X | X | X | X |
| MOB-02 | Emission Reductions at Rail Yards and Intermodal Facilities | NOx, PM | Accelerating the penetration of zero and near–zero emission locomotives can result in air and energy (electrical/natural gas demand) impacts. Hazard impacts can result from the use of alternative fuels and fuel additive. Water (surface and ground) impacts can result from accidental spills. Waste impacts can result from battery disposal and turnover of older equipment. | | X | X | X | X | | | X |
| MOB-03 | Emission Reductions at Warehouse Distribution Centers | All Pollutants | Potential air, energy, hazards, water and waste impacts associated with zero and near-zero technologies, dust control; alternative fuels; diesel PM filters; low-emitting engines; and low VOC materials. | | X | X | X | X | | | X |

| 2016 AQMP PROPOSED CONTROL MEASURES | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Potential Impact | | | | | | | |
| **Control Measure Number** | **Title** | **Pollutant** | **Source of Impact** | **Not Significant** | **Air** | **Energy** | **Hazard** | **Water** | **Noise** | **Traffic** | **Waste** |
| MOB-04 | Emission Reductions at Commercial Airports | All Pollutants | Potential air, energy, hazards, water and waste impacts associated with zero and near-zero technologies, alternative fuels; diesel PM filters; low-emitting engines; low VOC materials; energy conservation; and mitigation fees. | | X | X | X | X | | | X |
| MOB-05 | Accelerated Penetration of Partial-Zero Emissions and Zero Emissions Vehicles | VOC, NOx, CO | Accelerating the penetration of zero and near–zero emission vehicles can result in air and energy (electrical/natural gas demand) impacts. Hazard impacts can result from the use of alternative fuels and fuel additives. Water (surface and ground) impacts can result from accidental spills. Waste impacts can result from battery disposal. | | X | X | X | X | | | X |
| MOB-06 | Accelerated Retirement of Older Light-Duty and Medium-duty Vehicles | VOC, NOx, CO | Retirement of older vehicles could result in increased waste associated with vehicle scrapping. | | | | | | | | X |
| MOB-07 | Accelerated Penetration of Partial-Zero and Zero Emission Light-Heavy and Medium- Heavy-Duty Vehicles | NOx, PM | Accelerating the penetration of zero and near–zero emission heavy duty vehicles can result in air and energy (electrical/natural gas demand) impacts. Hazard impacts can result from the use of alternative fuels and fuel additives. Water (surface and ground) impacts can result from accidental spills. Waste impacts can result from battery disposal. | | X | X | X | X | | | X |
| MOB-08 | Accelerated Retirement of Older On-Road Heavy-duty Vehicles | NOx, PM | Retirement of older heavy-duty vehicles could result in increased waste associated with vehicle scrapping. | | | | | | | | X |

| 2016 AQMP PROPOSED CONTROL MEASURES | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Potential Impact | | | | | | | |
| **Control Measure Number** | **Title** | **Pollutant** | **Source of Impact** | **Not Significant** | **Air** | **Energy** | **Hazard** | **Water** | **Noise** | **Traffic** | **Waste** |
| MOB-09 | On-Road Mobile Source Emission Reduction Credit Generation Program | NOx, PM | Emission reductions could include zero emission technologies which could result in air (construction, combustion of alternative fuels) and energy ( electrical/natural gas demand) impacts. Air, noise and traffic impacts potentially generated from construction of electric or magnetic power built into roadway infrastructure. Waste impacts can result from battery disposal. | | X | X | X | X | X | X | X |
| MOB-10 | Extension of the SOON Provision for Construction/Industrial Equipment | NOx | Technologies to reduce emissions from heavy-duty equipment can result in air and energy (electrical/natural gas demand) impacts. Hazard impacts can result from the use of alternative fuels and fuel additives. Water (surface and ground) impacts can result from accidental spills. Waste impacts can result from battery disposal. | | X | X | X | X | | | X |
| MOB-11 | Extended Exchange Program | VOC, NOx, CO | Retirement of older off-road engines could result in increased waste associated with engine replacement and scrapping. | | | | | | | | X |
| MOB-12 | Further Emission Reductions from Passenger Locomotives | NOx, PM | Replacement of Tier 0 locomotives with Tier 4 locomotives could result in increased waste associated with engine replacement. | | | | | | | | X |
| MOB-13 | Off-Road Mobile Source Emission Reduction Credit Generation Program | NOx, SOx, PM | Accelerating the penetration of zero and near–zero emission off-road mobile sources can result in air and energy (electrical/natural gas demand) impacts. Hazard impacts can result from the use of alternative fuels and fuel additive. Water (surface and ground) impacts can result from accidental spills. Waste impacts can result from battery disposal. | | X | X | X | X | | | X |

| 2016 AQMP PROPOSED CONTROL MEASURES | | | | | | | | | | | |
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| | | | | Potential Impact | | | | | | | |
| **Control Measure Number** | **Title** | **Pollutant** | **Source of Impact** | **Not Significant** | **Air** | **Energy** | **Hazard** | **Water** | **Noise** | **Traffic** | **Waste** |
| MOB-14 | Emission Reductions from Incentive Programs. | NOx, PM | This is an administrative measure that allows the SCAQMD to take credit for emission reductions for SIP purposes achieved through past and future projects. No environmental impacts expected. | X | | | | | | | |
| EGM- 01 | Emission Reductions from New Development or Redevelopment Projects | All Pollutants | Accelerating the penetration of zero and near-zero emission technologies can result in air and energy demand impacts. Potential air, energy, hazard, water, and waste impacts associated with dust control; alternative fuels; diesel PM filter, low-emitting engines; low VOC materials, energy conservation; mitigation fees. | | X | X | X | X | | | X |
| **SCAQMD Air Toxic Control Measures** | | | | | | | | | | | |
| TXM-01 | Control of Metal Particulate from Metal Grinding Operations | TACs, PM | Air, noise, and traffic impacts associated with construction of enclosures and control equipment, such as exhaust ventilation with dust collectors. Energy impacts associated with the use of control equipment. Water impacts associated with wet methods to prevent dust release. Waste impacts associated with housekeeping measures, such as vacuuming with HEPA filter, wet-wiping, or wet sweeping. | | X | X | | X | X | X | X |

| 2016 AQMP PROPOSED CONTROL MEASURES | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Potential Impact | | | | | | | |
| **Control Measure Number** | **Title** | **Pollutant** | **Source of Impact** | **Not Significant** | **Air** | **Energy** | **Hazard** | **Water** | **Noise** | **Traffic** | **Waste** |
| TXM-02 | Control of Toxic Metal Particulate Emissions from Plating and Anodizing Operations | TACs, PM | Air, noise, and traffic impacts associated with equipment modifications, construction of enclosures and control equipment, such as exhaust ventilation with dust collectors. Energy impacts associated with the use of control equipment. Water impacts associated with wet methods to prevent dust release. Waste impacts associated with housekeeping measures, such as vacuuming with HEPA filter, wet-wiping, or wet sweeping. | | X | X | | X | X | X | X |
| TXM-03 | Control of Hexavalent Chromium from Chrome Spraying Operations | TACs, PM | Waste impacts associated with housekeeping and best management practices. | | | | | | | | X |
| TXM-04 | Control of Toxic Metal Particulate Emissions from Contaminated Soil | TACs, PM | Air, noise, and traffic impacts associated with construction of enclosures and control equipment, such as HEPA filters. Energy impacts associated with the use of control equipment. Water impacts associated with wet methods to prevent dust release. Waste impacts associated with housekeeping measures. | | X | X | | X | X | X | X |
| TXM-05 | Control of Toxic Metal Particulate Emissions from Laser Plasma Cutting | TACs, PM | Air, noise, and traffic impacts associated with construction of enclosures and control equipment, such as HEPA filters. Energy impacts associated with the use of control equipment. Potential water impacts associated with alternative technologies | | X | X | | X | X | X | X |

| 2016 AQMP PROPOSED CONTROL MEASURES | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Potential Impact | | | | | | | |
| **Control Measure Number** | **Title** | **Pollutant** | **Source of Impact** | **Not Significant** | **Air** | **Energy** | **Hazard** | **Water** | **Noise** | **Traffic** | **Waste** |
| TXM-06 | Control of Toxic Emissions from Metal Melting Facilities | TACs, PM | Air, noise, and traffic impacts associated with construction of enclosures and control equipment, such as exhaust ventilation with filters/baghouses. Energy impacts associated with the use of control equipment. Waste and water impacts associated with housekeeping measures, such as vacuuming with HEPA filter, wet-wiping, or wet sweeping. | | X | X | | X | X | X | X |
| TXM-07 | Control of Lead Emissions from Stationary Sources | TACs, PM | Air, noise, and traffic impacts associated with construction of new equipment. Air and energy impacts associated with the use of control equipment. Waste and water impacts associated with housekeeping and best management practices. | | X | X | | X | X | X | X |
| TXM-08 | Control of Emissions from Chemical Stripping of Cured Coatings | Methylene Chloride | Air and hazard impacts associated with reformulated solvents potentially containing more toxic or flammable solvents; potential increased use of water based formulations. Use of activated carbon which can increase energy use and solid waste disposal. | | X | X | X | X | | | X |
| TXM-09 | Control of Toxic Emissions from Oil and Gas Well Activities | TACs, PM | Air, noise, and traffic impacts associated with construction of enclosures and control equipment. Energy impacts associated with the use of control equipment. Waste impacts associated with housekeeping measures, such as vacuuming with HEPA filter, wet-wiping, or wet sweeping. | | X | X | | | X | X | X |

| 2016 AQMP PROPOSED CONTROL MEASURES | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Potential Impact | | | | | | | |
| **Control Measure Number** | **Title** | **Pollutant** | **Source of Impact** | **Not Significant** | **Air** | **Energy** | **Hazard** | **Water** | **Noise** | **Traffic** | **Waste** |
| **CARB Mobile Control Measures (NOTE: In the latest CARB SIP Strategy document the control measure numbers have been eliminated. They are continued to be used herein for ease in reference and discussion of environmental impacts.)** | | | | | | | | | | | |
| **On-Road Light-Duty** | | | | | | | | | | | |
| ORLD-01 | Advanced Clean Cars 2 | NOx, ROG | Expanded/new standards can result in air and energy (electrical/natural gas demand) impacts. Hazard impacts can result from the use of alternative fuels and fuel additive. Water (surface and ground) impacts can result from accidental spills. Waste impacts can result from battery disposal. | | X | X | X | X | | | X |
| ORLD-02 | Lower In-Use Emission Performance Assessment | Tbd | No impacts associated with a study to further evaluate the ongoing Smog Check Inspection program. | X | | | | | | | |
| ORLD-03 | Further Deployment of Cleaner Technology: On-Road Light-Duty Vehicles | NOx, ROG | Accelerating the penetration of zero and near–zero emission vehicles can result in air and energy (electrical/natural gas demand) impacts. Hazard impacts can result from the use of alternative fuels and fuel additive. Water (surface and ground) impacts can result from accidental spills. Waste impacts can result from battery disposal. | | X | X | X | X | | | X |
| **On-Road Heavy-Duty** | | | | | | | | | | | |
| ORHD-01 | Lower In-Use Emission Performance Level for Heavy Duty Vehicles | Tbd | No impacts are associated with changes in operating practices, testing, inspection, or enforcement procedures. | X | | | | | | | |

| 2016 AQMP PROPOSED CONTROL MEASURES | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Potential Impact | | | | | | | |
| **Control Measure Number** | **Title** | **Pollutant** | **Source of Impact** | **Not Significant** | **Air** | **Energy** | **Hazard** | **Water** | **Noise** | **Traffic** | **Waste** |
| ORHD-02 | Low-NOx Engine Standards | NOx | Technologies to reduce emissions from heavy-duty engines can result in air and energy (electrical/natural gas demand) impacts.. Hazard impacts can result from the use of alternative fuels and fuel additives. Water (surface and ground) impacts can result from accidental spills. Waste impacts can result from battery disposal. | | X | X | X | X | | | X |
| ORHD-03 | Medium and Heavy-Duty GHG Phase 2 | All pollutants | Potential impacts are considered to be speculative because the measure does not identify specific control technologies but is aiming at energy efficient improvements in car design. | X | | | | | | | |
| ORHD-04 | Advanced Clean Transit | NOx, ROG | Accelerating the penetration of zero and near–zero emission buses can result in air and energy (electrical/natural gas demand) impacts. Hazard impacts can result from the use of alternative fuels and fuel additive. Water (surface and ground) impacts can result from accidental spills. Waste impacts can result from battery disposal. | | X | X | X | X | | X | X |

| 2016 AQMP PROPOSED CONTROL MEASURES | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Potential Impact | | | | | | | |
| **Control Measure Number** | **Title** | **Pollutant** | **Source of Impact** | **Not Significant** | **Air** | **Energy** | **Hazard** | **Water** | **Noise** | **Traffic** | **Waste** |
| ORHD-05 | Last Mile Delivery | NOx, ROG | Accelerating the penetration of zero and near–zero emission last mile delivery trucks can result in air and energy (electrical/natural gas demand) impacts. Hazard impacts can result from the use of alternative fuels and fuel additive. Water (surface and ground) impacts can result from accidental spills. Air, noise and traffic impacts potentially generated from construction of electric or magnetic power built into roadway infrastructure. Waste impacts can result from battery disposal. | | X | X | X | X | X | X | X |
| ORHD-06 | Innovative Technology Certification Flexibility | NOx | The penetration of zero and near–zero emission heavy duty vehicles can result in air and energy (electrical/natural gas demand) impacts. Hazard impacts can result from the use of alternative fuels and fuel additive. Water (surface and ground) impacts can result from accidental spills. Air, noise and traffic impacts potentially generated from construction of electric or magnetic power built into roadway infrastructure. Waste impacts can result from battery disposal. | | X | X | X | X | X | X | X |
| ORHD-07 | Zero Emission Airport Shuttle Buses | NOx, ROG, PM2.5 | Accelerating the penetration of zero and near–zero emission airport shuttle buses can result in air and energy (electrical/natural gas demand) impacts. Hazard impacts can result from the use of alternative fuels and fuel additive. Water (surface and ground) impacts can result from accidental spills. Waste impacts can result from battery disposal. | | X | X | X | X | | | X |

| 2016 AQMP PROPOSED CONTROL MEASURES | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Potential Impact | | | | | | | |
| **Control Measure Number** | **Title** | **Pollutant** | **Source of Impact** | **Not Significant** | **Air** | **Energy** | **Hazard** | **Water** | **Noise** | **Traffic** | **Waste** |
| ORHD-08 | Incentive Funding to Achieve Further Emission Reductions from On-Road Heavy Duty Vehicles | NOx, ROG, PM2.5 | Accelerating the penetration of zero and near–zero emission heavy duty vehicle engines can result in air and energy (electrical/natural gas demand) impacts. Hazard impacts can result from the use of alternative fuels and fuel additive. Water (surface and ground) impacts can result from accidental spills. Air, noise and traffic impacts potentially generated from construction of electric or magnetic power built into roadway infrastructure. Waste impacts can result from battery disposal. | | X | X | X | X | X | X | X |
| ORHD-09 | Further Deployment of Cleaner Technology: On-Road Heavy Duty Vehicles | NOx, ROG, PM2.5 | Accelerating the penetration of zero and near–zero emission engines can result in air and energy (electrical/natural gas demand) impacts. Hazard impacts can result from the use of alternative fuels and fuel additive. Water (surface and ground) impacts can result from accidental spills. Air, noise and traffic impacts potentially generated from construction of electric or magnetic power built into roadway infrastructure. Waste impacts can result from battery disposal. | | X | X | X | X | X | X | X |
| **Marine, Rail, and Aircraft Off-Road** | | | | | | | | | | | |
| ORFIS-01 | More Stringent National Locomotive Standards | NOx, ROG | Air and hazard impacts associated with the use of Tier 5 control equipment, such as SCRs, alternative fuels and fuel additives. Energy impacts can result from the use of alternative fuels. Water (surface and ground) impacts can result from accidental spills. Waste impacts can result from catalyst, DPM filters and electric batteries. | | X | X | X | X | | | X |

| 2016 AQMP PROPOSED CONTROL MEASURES | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Potential Impact | | | | | | | |
| **Control Measure Number** | **Title** | **Pollutant** | **Source of Impact** | **Not Significant** | **Air** | **Energy** | **Hazard** | **Water** | **Noise** | **Traffic** | **Waste** |
| ORFIS-02 | Tier 4 Vessel Standards | NOx | No impacts are associated with the petition that new vessels meet Tier 4 IMO standards by 2025. | X | | | | | | | |
| ORFIS-03 | Incentivize Low Emission Efficient Ship Visits | NOx, PM | Air and hazard impacts associated with the use of control equipment, such as SCRs. Energy impacts can result from the use of electricity. Waste impacts from ships associated with disposal of catalysts while in the ports. | | X | X | X | | | | X |
| ORFIS-04 | At-Berth Regulation Amendments | NOx, ROG | Air impacts associated with increased energy generation. Energy impacts associated with increased use of shore-side power. Hazard, water, and waste impacts from ships associated with disposal of catalysts while in the ports. Air, noise and traffic impacts associated with construction activities | | X | X | X | X | X | X | X |
| OFIS-05 | Further Deployment of Cleaner Technology: Off-Road Federal and International Sources | NOx, ROG | This measure would accelerate deployment of cleaner marine, rail, and aircraft off-road technology by increasing incentive programs. Accelerating the penetration of zero and near–zero emission technologies can result in air and energy (electrical/natural gas demand) impacts. Hazard impacts can result from the use of alternative fuels and fuel additive. Water (surface and ground) impacts can result from accidental spills. Waste impacts can result from battery disposal. | | X | X | X | X | | | X |

| 2016 AQMP PROPOSED CONTROL MEASURES | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Potential Impact | | | | | | | |
| **Control Measure Number** | **Title** | **Pollutant** | **Source of Impact** | **Not Significant** | **Air** | **Energy** | **Hazard** | **Water** | **Noise** | **Traffic** | **Waste** |
| **Other Off-Road** | | | | | | | | | | | |
| OFFS-01 | Zero Emission Off-Road Forklift Regulation Phase 1 | NOx, ROG | Accelerating the penetration of zero emission technologies can result in air and energy (electrical/natural gas demand) impacts. Hazard impacts can result from the use of alternative fuels and fuel additive. Water (surface and ground) impacts can result from accidental spills. Waste impacts can result from battery disposal. | | X | X | X | X | | | X |
| OFFS-02 | Zero Emission Off-Road Emission Reduction Assessment | Tbd | Potential impacts are considered to be speculative because the measure does not identify specific control technologies and relies on development of future technologies. | X | | | | | | | |
| OFFS-03 | Zero Emission Off-Road Worksite Emission Reduction Assessment | Tbd | Potential impacts are considered to be speculative because the measure does not identify specific control technologies and relies on development of future technologies. | X | | | | | | | |
| OFFS-04 | Zero Emission Airport Ground Support Equipment | NOx, ROG, PM2.5 | Accelerating the penetration of zero emission technologies can result in air and energy (electrical/natural gas demand) impacts. Hazard impacts can result from the use of alternative fuels and fuel additive. Waste impacts can result from battery disposal. | | X | X | X | | | | X |
| OFFS-05 | Small Off-Road Engines | NOx, ROG | Accelerating the penetration of zero emission technologies can result in air and energy (electrical/natural gas demand) impacts. Hazard impacts can result from the use of alternative fuels and fuel additive. Water (surface and ground) impacts can result from accidental spills. Waste impacts can result from battery disposal. | | X | X | X | X | | | X |

| 2016 AQMP PROPOSED CONTROL MEASURES | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Potential Impact | | | | | | | |
| **Control Measure Number** | **Title** | **Pollutant** | **Source of Impact** | **Not Significant** | **Air** | **Energy** | **Hazard** | **Water** | **Noise** | **Traffic** | **Waste** |
| OFFS-06 | Transport Refrigeration Units Used for Cold Storage | NOx, PM, GHG | Accelerating the penetration of zero emission technologies can result in air and energy (electrical demand) impacts. | | X | X | | | | | |
| OFFS-07 | Low Emission Diesel Requirement | NOx, PM | Reformulated diesel fuel can result in air (construction impacts at refineries), and energy (electrical/natural gas demand) impacts. Hazard impacts can result from the use of alternative fuels and fuel additives. Water (surface and ground) impacts can result from accidental spills. Potential air, noise and traffic impacts associated with construction activities. Waste impacts can result from increased use of catalyst. | | X | X | X | X | X | X | X |
| OFFS-08 | Further Deployment of Cleaner Technologies: Off-Road Equipment | NOx, ROG, PM2.5 | Accelerating the penetration of zero emission technologies can result in air and energy (electrical/natural gas demand) impacts. Hazard impacts can result from the use of alternative fuels and fuel additive. Water (surface and ground) impacts can result from accidental spills. Waste impacts can result from battery disposal. | | X | X | X | X | | | X |
| **Consumer Products** | | | | | | | | | | | |
| CPP-01 | Consumer Products Program | ROG | Air and hazard impacts associated with reformulated consumer products could potentially contain more toxic or flammable solvents; potential increased use of water based formulations. | | X | | X | X | | | |

# APPENDIX B

**COMMENT LETTERS RECEIVED ON THE NOTICE OF PREPARATION / INITIAL STUDY (NOP/IS) AND RESPONSES TO COMMENTS**

# APPENDIX B

## COMMENT LETTERS RECEIVED ON THE NOP/IS AND RESPONSES TO COMMENTS

## INTRODUCTION

The following responds to comments received on the NOP/IS for the 2016 Air Quality Management Plan. The NOP/IS was circulated for a 30-day public review and comment period starting Tuesday, July 5, 2016 and ending Thursday, August 4, 2016. Six public workshops/CEQA scoping meetings were held for the proposed project at the following locations and times.

| Workshop Date | Time | Locations | Address | County |
|---|---|---|---|---|
| July 14, 2016 | 10:00 am | Coachella Valley Assn. of Governments | 72-710 Fred Waring Dr., Palm Desert, CA | Riverside |
| July 14, 2016 | 6:00 pm | SCAQMD Headquarters | 21865 Copley Dr. Diamond Bar, CA | Los Angeles |
| July 20, 2016 | 9:30 am | Buena Park Community Center | 6688 Beach Blvd., Buena Park, CA | Orange |
| July 20, 2016 | 2:00 pm | Carson Center | 801 East Carson Street, Carson, CA | Los Angeles |
| July 21, 2016 | 9:30 am | Norton Regional Events Center | 1601 E. 3rd St., San Bernardino, CA | San Bernardino |
| July 21, 2016 | 2:00 pm | Hyatt Place Riverside | 3500 Market Street, Riverside | Riverside |

The SCAQMD received nine comment letters on the NOP/IS during the public review period. The comment letters and individual responses to all comments related to potential environmental impacts from the proposed project are provided in this appendix. The individual comments are bracketed and numbered. The related responses are identified with the corresponding number and are included following each comment letter.

All comments received have been reviewed by SCAQMD staff and incorporated where appropriate in the analysis conducted for the Draft Program EIR. However, the comment letters received do not change any of the SCAQMD's significance determinations for any of the environmental topic areas analyzed in the NOP/IS.

**TABLE A-1**

List of Comment Letters Received on the 2016 Air Quality Management Plan NOP/IS

| Comment Letter | Commenter |
|---|---|
| A-1 | Native American Heritage Commission (NAHC) |
| A-2 | Western States Petroleum Association (WSPA) |
| A-3 | Gregory Nord |
| A-4 | RadTech |
| A-5 | Southern California Association of Governments (SCAG) |
| A-6 | Port of Los Angeles |
| A-7 | Port of Long Beach |
| A-8 | Gatzke Dillon & Balance LLP |
| A-9 | Yvonne Watson |
| A-10 | Harvey Eder |

# Comment Letter A-1

STATE OF CALIFORNIA
NATIVE AMERICAN HERITAGE COMMISSION
1550 Harbor Blvd., Suite 100
West Sacramento, CA 95691
Phone (916) 373-3710
Fax (916) 373-5471
Email: nahc@nahc.ca.gov
Website: http://www.nahc.ca.gov
Twitter: @CA_NAHC

Edmund G. Brown Jr., Governor

July 6, 2016

Jillian Wong
South Coast Air Quality Management District
21865 E. Copley Drive
Diamond Bar, CA 91765

Sent via e-mail:
jwong1@aqmd.gov

RE: SCH# 2016071006; SCAQMD 2016 Air Quality Management Plan Project, draft Environmental Impact Report, Orange, Los Angeles, Riverside and San Bernardino Counties, California

Dear Ms. Wong:

The Native American Heritage Commission has received the Notice of Preparation (NOP) for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.), specifically Public Resources Code section 21084.1, states that a project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, § 15064.5 (b) (CEQA Guidelines Section 15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared. (Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 15064 subd.(a)(1) (CEQA Guidelines § 15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

**CEQA was amended significantly in 2014.** Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a **separate category of cultural resources**, "tribal cultural resources" (Pub. Resources Code § 21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code § 21084.3 (a)). **AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements**. If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. § 800 et seq.) may also apply. A-1.1

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments. **Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
    a. A brief description of the project.
    b. The lead agency contact information.
    c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code § 21080.3.1 (d)).
    d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code § 21073).

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code § 21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or environmental impact report. (Pub. Resources Code § 21080.3.1(b)).
    a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18). (Pub. Resources Code § 21080.3.1 (b)).

3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
    a. Alternatives to the project.
    b. Recommended mitigation measures.
    c. Significant effects. (Pub. Resources Code § 21080.3.2 (a)).

4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
    a. Type of environmental review necessary.
    b. Significance of the tribal cultural resources.
    c. Significance of the project's impacts on tribal cultural resources.
    d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code § 21080.3.2 (a)).

5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (r) and 6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code § 21082.3 (c)(1)).

A-1.1 Cont.

6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
    a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
    b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code section 21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code § 21082.3 (b)).

7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
    a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
    b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code § 21080.3.2 (b)).

8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code § 21082.3 (a)).

9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code section 21084.3 (b). (Pub. Resources Code § 21082.3 (e)).

10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
    a. Avoidance and preservation of the resources in place, including, but not limited to:
        i. Planning and construction to avoid the resources and protect the cultural and natural context.

ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.

b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
   i. Protecting the cultural character and integrity of the resource.
   ii. Protecting the traditional use of the resource.
   iii. Protecting the confidentiality of the resource.

c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.

d. Protecting the resource. (Pub. Resource Code § 21084.3 (b)).

e. Please note that a federally recognized California Native American tribe or a nonfederally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code § 815.3 (c)).

f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code § 5097.991).

11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An environmental impact report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
    a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 21080.3.2.
    b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
    c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code § 21082.3 (d)).

    *This process should be documented in the Cultural Resources section of your environmental document.*

A-1.1 Cont.

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code § 65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf

Some of SB 18's provisions include:

1. Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code § 65352.3 (a)(2)).
2. No Statutory Time Limit on SB 18 Tribal Consultation. There is no statutory time limit on SB 18 tribal consultation.
3. Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code section 65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code sections 5097.9 and 5097.993 that are within the city's or county's jurisdiction. (Gov. Code § 65352.3 (b)).
4. Conclusion of SB 18 Tribal Consultation: Consultation should be concluded at the point in which:
    a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
    b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: http://nahc.ca.gov/resources/forms/

3

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
   a. If part or all of the APE has been previously surveyed for cultural resources.
   b. If any known cultural resources have been already been recorded on or adjacent to the APE.
   c. If the probability is low, moderate, or high that cultural resources are located in the APE.
   d. If a survey is required to determine whether previously unrecorded cultural resources are present.

2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
   a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
   b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
   a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
   b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
   a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, section 15064.5(f) (CEQA Guidelines section 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
   b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
   c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code section 7050.5, Public Resources Code section 5097.98, and Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e) (CEQA Guidelines section 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

Please contact me if you need any additional information at gayle.totton@nahc.ca.gov.

Sincerely,

Gayle Totton, M.A., PhD.
Associate Governmental Program Analyst

cc: State Clearinghouse

4

A-1.2

## Response to Comment Letter A-1

### Response A-1.1 and A-1.2

SCAQMD appreciates the cited excerpts and provisions of AB 52 and SB 18. The NAHC, as well as a contact list of tribes affiliated with the Basin (which was provided by the NAHC), were properly notified at the time of the release of the NOP/IS. No specific comments on the analysis in the NOP/IS was provided. Therefore, no response is necessary.

## Comment Letter A-2

Western States Petroleum Association

Credible Solutions • Responsive Service • Since 1907

Sue Gornick
Manager, SoCal Technical

VIA ELECTRONIC MAIL

July 21, 2016

Dr. Philip Fine
Deputy Executive Officer
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765

**Re: Comments on the Notice of Preparation (NOP) and Initial Study for the Draft Program Environmental Impact Report (PEIR) for the 2016 Air Quality Management Plan (AQMP)**

Dear Dr. Fine:

Western States Petroleum Association (WSPA) is a non-profit trade association representing twenty-five companies that explore for, produce, refine, transport and market petroleum, petroleum products, natural gas and other energy supplies in California, Arizona, Nevada, Oregon, and Washington. WSPA has been an active participant in air quality planning issues for over 30 years. WSPA-member companies operate petroleum refineries and other facilities in the South Coast Air Basin and thus have a major stake in the Air Quality Management Plan (AQMP) being prepared by the South Coast Air Quality Management District (SCAQMD or District), and any rule developments that might stem from the final AQMP as adopted by the District's Governing Board. A-2.1

WSPA appreciates the opportunity to submit these comments on the Notice of Preparation (NOP) and Initial Study (IS) for the Draft Program Environmental Impact Report (PEIR) for the 2016 Air Quality Management Plan (AQMP). Our comments are as follows:

1. **The NOP/IS fails to discuss the alternatives analysis required under the California Environmental Quality Act (CEQA) Guidelines, and so does not provide the public with any information concerning the range of alternatives which will be considered in the PEIR.** A-2.2

Under the CEQA Guidelines (§15126.6), the Draft PEIR is required to discuss and compare alternatives to the proposed project which could feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project,

and evaluate the comparative merits of the alternatives.[1] The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives.[2] The alternatives considered should avoid or substantially lessen any of the significant effects of the project, and the range of feasible alternatives must be selected and discussed in a manner to foster meaningful public participation and informed decision making.[3]

The 2016 AQMP will be a regionally significant "program" and AQMD staff has already acknowledged that it may have potential adverse environmental effects in a number of areas including air quality, greenhouse gases, energy, hazards & hazardous materials, hydrology and water quality, noise, solid and hazardous waste, and transportation and traffic.[4] Additionally, the strategy outlined in the initial Draft AQMP would involve significant costs to both public and private stakeholders. Yet the NOP/IS released for the 2016 AQMP does not even mention that an alternatives analysis will be conducted in the PEIR, or describe the range of alternatives to be considered. The subject of the alternatives analysis was also not addressed during the Staff presentation made at the recent Public Scoping Meeting.[5]

A-2.2 Cont.

The CEQA Guidelines require that alternatives "must be selected and discussed in a manner to foster meaningful public participation and informed decision making."[6] We recommend that a separate public meeting should be conducted specifically to allow public participation in the selection of the alternatives which might be considered in the PEIR.

**2. The Draft PEIR schedule does not allow for reasonable consideration of public comments received in response to the Notice of Preparation (NOP).**

While AQMD may have provided a minimum 30-day requirement period for public comments after the NOP release date, the anticipated August release for the Draft PEIR does not allow for reasonable consideration of those comments, some of which could be delivered as late as August 4th (i.e., the close of the public comment period). The schedule for the Draft PEIR should be relaxed to ensure that all public input can be meaningfully considered. This is especially necessary for the alternatives analysis since, as noted above, the public has so far been given no information concerning the project alternatives to be considered or opportunity for comment on same.

A-2.3

[1] CEQA Guidelines §15126.6 (a).
[2] CEQA Guidelines §15126.6 (a).
[3] CEQA Guidelines §15126.6 (f).
[4] SCAQMD, NOP/IS for the Draft Program Environmental Impact Report (EIR) for the 2016 AQMP, 30 June 2016.
[5] SCAQMD, Public Scoping Meeting for the NOP/IS for the Draft Program Environmental Impact Report (EIR) for the 2016 AQMP, 14 July 2016. See Item #3.
[6] CEQA Guidelines §15126.6 (f).

3. **The alternatives analysis should include a "Reduced Measures" alternative. That alternative would focus the AQMP control strategy around the 2016 State Strategy for the State Implementation Plan, and exclude all measures not needed to minimally achieve the region's carrying capacity targets for attainment of the National Ambient Air Quality Standards (NAAQS).**

As presented in the draft AQMP,[7] the Staff's proposal appears to include a large number of control measures which are actually not necessary for meeting the AQMP objectives. This situation is possible due to the significant emission reductions projected under the 2016 State Strategy. However, the draft AQMP includes dozens of other measures which have not been shown to be necessary for reaching the region's so-called "carrying capacity." These "extra" measures, some of which have no quantified emission benefit, would impose considerable costs on the Southern California economy.

A-2.4

The CEQA Guidelines demand the consideration of alternatives which could avoid or substantially lessen any of the significant effects of this AQMP.[8] Therefore, the alternatives analysis should include a Reduced Measures Alternative. The strategy for this Alternative would be limited to the 2016 State Strategy and only those measures needed to minimally achieve the region's carrying capacity targets for attainment of the ozone and particulate matter NAAQS as outlined in the program objectives.

WSPA appreciates the opportunity to submit these comments and we reserve the right to supplement them as this process moves forward. Please contact me with any questions at (310) 808-2146 or sgornick@wspa.org.

A-2.5

Sincerely,

Suzanne E. Gornick

cc: Jillian Wong, SCAQMD

[7] SCAQMD, Draft 2016 AQMP, Table ES-2 (June 2016).
[8] CEQA Guidelines §15126.6 (f).

## Response to Comment Letter A-2

### Comment A-2.1

Western States Petroleum Association (WSPA) is a non-profit trade association representing twenty-five companies that explore for, produce, refine, transport and market petroleum, petroleum products, natural gas and other energy supplies in California, Arizona, Nevada, Oregon, and Washington. WSPA has been an active participant in air quality planning issues for over 30 years. WSPA-member companies operate petroleum refineries and other facilities in the South Coast Air Basin and thus have a major stake in the Air Quality Management Plan (AQMP) being prepared by the South Coast Air Quality Management District (SCAQMD or District), and any rule developments that might stem from the final AQMP as adopted by the District's Governing Board.

WSPA appreciates the opportunity to submit these comments on the Notice of Preparation (NOP) and Initial Study (IS) for the Draft Program Environmental Impact Report (PEIR) for the 2016 Air Quality Management Plan (AQMP). Our comments are as follows:

A-2.1

### Response A-2.1

Thank you for the comment. Since no issues were raised regarding the NOP/IS, no response is necessary.

### Comment A-2.2

1. **The NOP/IS fails to discuss the alternatives analysis required under the California Environmental Quality Act (CEQA) Guidelines, and so does not provide the public with any information concerning the range of alternatives which will be considered in the PEIR.**

Under the CEQA Guidelines (§15126.6), the Draft PEIR is required to discuss and compare alternatives to the proposed project which could feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project,

A-2.2

and evaluate the comparative merits of the alternatives.[1] The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives.[2] The alternatives considered should avoid or substantially lessen any of the significant effects of the project, and the range of feasible alternatives must be selected and discussed in a manner to foster meaningful public participation and informed decision making.[3]

The 2016 AQMP will be a regionally significant "program" and AQMD staff has already acknowledged that it may have potential adverse environmental effects in a number of areas including air quality, greenhouse gases, energy, hazards & hazardous materials, hydrology and water quality, noise, solid and hazardous waste, and transportation and traffic.[4] Additionally, the strategy outlined in the initial Draft AQMP would involve significant costs to both public and private stakeholders. Yet the NOP/IS released for the 2016 AQMP does not even mention that an alternatives analysis will be conducted in the PEIR, or describe the range of alternatives to be considered. The subject of the alternatives analysis was also not addressed during the Staff presentation made at the recent Public Scoping Meeting.[5]

The CEQA Guidelines require that alternatives "must be selected and discussed in a manner to foster meaningful public participation and informed decision making."[6] We recommend that a separate public meeting should be conducted specifically to allow public participation in the selection of the alternatives which might be considered in the PEIR.

A-2.2 Cont.

[1] CEQA Guidelines §15126.6 (a).
[2] CEQA Guidelines §15126.6 (a).
[3] CEQA Guidelines §15126.6 (f).
[4] SCAQMD, NOP/IS for the Draft Program Environmental Impact Report (EIR) for the 2016 AQMP, 30 June 2016.
[5] SCAQMD, Public Scoping Meeting for the NOP/IS for the Draft Program Environmental Impact Report (EIR) for the 2016 AQMP, 14 July 2016. See Item #3.
[6] CEQA Guidelines §15126.6 (f).

**Response A-2.2**

Project alternatives are included and evaluated in Chapter 6 of the Draft Program EIR. Alternatives are not required to be discussed in the NOP/IS pursuant to CEQA Guidelines §15082(a)(1). Six public workshops/CEQA scoping meetings were held for the proposed project at the following locations and times in order to solicit public participation.

| Workshop Date | Time | Locations | Address | County |
|---|---|---|---|---|
| July 14, 2016 | 10:00 am | Coachella Valley Assn. of Governments | 72-710 Fred Waring Dr., Palm Desert, CA | Riverside |
| July 14, 2016 | 6:00 pm | SCAQMD Headquarters | 21865 Copley Dr. Diamond Bar, CA | Los Angeles |
| July 20, 2016 | 9:30 am | Buena Park Community Center | 6688 Beach Blvd., Buena Park, CA | Orange |
| July 20, 2016 | 2:00 pm | Carson Center | 801 East Carson Street, Carson, CA | Los Angeles |
| July 21, 2016 | 9:30 am | Norton Regional Events Center | 1601 E. 3rd St., San Bernardino, CA | San Bernardino |
| July 21, 2016 | 2:00 pm | Hyatt Place Riverside | 3500 Market Street, Riverside | Riverside |

The Draft Program EIR, including the discussion and evaluation of project alternatives in Chapter 6 will be released for a 60-day public review and comment period from September 16 to November 15, 2016. Additionally, a second round of public meetings in the form of regional public hearings will be held to allow additional public participation and input.

**Comment A-2.3**

**2. The Draft PEIR schedule does not allow for reasonable consideration of public comments received in response to the Notice of Preparation (NOP).**

While AQMD may have provided a minimum 30-day requirement period for public comments after the NOP release date, the anticipated August release for the Draft PEIR does not allow for reasonable consideration of those comments, some of which could be delivered as late as August 4th (i.e., the close of the public comment period). The schedule for the Draft PEIR should be relaxed to ensure that all public input can be meaningfully considered. This is especially necessary for the alternatives analysis since, as noted above, the public has so far been given no information concerning the project alternatives to be considered or opportunity for comment on same.

A-2.3

**Response A-2.3**

The Draft Program EIR has considered all comments received on the NOP/IS and responses to those comments are included. The Draft Program EIR and the alternatives analysis will be released for a 60-day public review and comment period from September 16 to November 15, 2016.

## Comment A-2.4

**3. The alternatives analysis should include a "Reduced Measures" alternative. That alternative would focus the AQMP control strategy around the 2016 State Strategy for the State Implementation Plan, and exclude all measures not needed to minimally achieve the region's carrying capacity targets for attainment of the National Ambient Air Quality Standards (NAAQS).**

As presented in the draft AQMP,[7] the Staff's proposal appears to include a large number of control measures which are actually not necessary for meeting the AQMP objectives. This situation is possible due to the significant emission reductions projected under the 2016 State Strategy. However, the draft AQMP includes dozens of other measures which have not been shown to be necessary for reaching the region's so-called "carrying capacity." These "extra" measures, some of which have no quantified emission benefit, would impose considerable costs on the Southern California economy.

The CEQA Guidelines demand the consideration of alternatives which could avoid or substantially lessen any of the significant effects of this AQMP.[8] Therefore, the alternatives analysis should include a Reduced Measures Alternative. The strategy for this Alternative would be limited to the 2016 State Strategy and only those measures needed to minimally achieve the region's carrying capacity targets for attainment of the ozone and particulate matter NAAQS as outlined in the program objectives.

[7] SCAQMD, Draft 2016 AQMP, Table ES-2 (June 2016).

A-2.4

## Response A-2.4

The Draft Program EIR will have an alternative that focuses only on mobile sources and not implement stationary source measures. SCAQMD staff's goal for the 2016 AQMP was to propose a comprehensive plan with all feasible measures. The "extra measures" referred to in the comment are not needed in the attainment demonstration and would need additional technical assessment in order to be quantified. Additionally, there may be the possible need for contingency measures and shortfall reductions.

The Draft Program EIR alternatives analysis presented in Chapter 6 includes an alternative that only proposes a regulatory control approach.

## Comment A-2.5

WSPA appreciates the opportunity to submit these comments and we reserve the right to supplement them as this process moves forward. Please contact me with any questions at (310) 808-2146 or sgornick@wspa.org.

[8] CEQA Guidelines §15126.6 (f).

A-2.5

## Response A-2.5

Thank you for the comment. No response is necessary.

# Comment Letter A-3

**From:** Gregory Nord [mailto:gnord@octa.net]
**Sent:** Friday, July 29, 2016 4:27 PM
**To:** Jillian Wong <jwong1@aqmd.gov>
**Subject:** 2016 AQMP EIR NOP

Good afternoon Ms. Wong:

The purpose of this email is to provide comment on the Notice of Preparation of a Draft Program Environmental Impact Report for the 2016 Air Quality Management Plan. Please ensure that specific analysis is included regarding the potential for impacts to transit dependent populations due to costs associated with implementing the Advanced Clean Transit measure. Depending on how the measure is implemented, significant costs from purchasing and operating new bus technologies may place a burden on transit operators that could result in the need to reduce service. A-3.1

Thank you for your consideration of this concern. Please contact me with any questions you may have.

Sincerely,

Gregory Nord
Principal Transportation Analyst
Strategic Planning, OCTA
714.560.5885
gnord@octa.net

## Response to Comment Letter A-3

### Comment A-3.1

The purpose of this email is to provide comment on the Notice of Preparation of a Draft Program Environmental Impact Report for the 2016 Air Quality Management Plan. Please ensure that specific analysis is included regarding the potential for impacts to transit dependent populations due to costs associated with implementing the Advanced Clean Transit measure. Depending on how the measure is implemented, significant costs from purchasing and operating new bus technologies may place a burden on transit operators that could result in the need to reduce service.

Thank you for your consideration of this concern. Please contact me with any questions you may have.

A-3.1

### Response A-3.1

The purpose of the proposed incentive measures that are part of the State SIP Strategy is to enhance the development of advanced clean technologies such as transit buses that will achieve benefits to disadvantaged communities. Clearly, the measure would not want to result in burdens that would limit these services, but the program is in the initial phases and will still need to be fully developed and vetted. SCAQMD staff has made CARB aware of the commenter's concerns.

# Comment Letter A-4

August 3rd, 2016

Jillian Wong, Ph.D.
Program Supervisor, SCAQMD
21865 Copley Drive
Diamond Bar, CA 91765
jwong1@aqmd.gov

Re: Public Comments on the Initial Study for the Draft Program Environmental Impact Report for 2016 Air Quality Management Plan

Dear Ms. Wong:

RadTech is please to submit public comments on behalf of our over 800 members, regarding the Initial Study for the Draft Program Environmental Impact Report for 2016 Air Quality Management Plan. RadTech has been selected to serve on the Air Quality Management Plan (AQMP) advisory committee and in that capacity have commented on many of the proposals brought forth by staff. We believe that UV/EB/LED technology can help the district achieve its air quality goals without sacrificing the economy. A-4.1

Section 1.9.1 Stationary Source Control Measures (SCAQMD) Page 1-10

The document states: "In addition, to foster further technology advancement, measures are also included to achieve additional reductions from stationary sources based on implementation and accelerated penetration of advanced technologies." We would urge the district to seek the additional reductions through voluntary means rather than mandates. These voluntary reductions could be obtained from stationary sources, if the proper incentives were being provided. One such example would be a permit exemption for UV/EB/LED technology which RadTech has long advocated for. A-4.2

FLX-01 Improved Education and Public Outreach

We appreciate the inclusion of "super-compliant" coatings, which would include UV/EB/LED products, in this section. A-4.3

FLX-02 Stationary Source VOC Incentives

We are supportive of the incentives concept for facilities who utilize equipment which result in cost effective emission reductions that are beyond existing requirements. However, instead of imposing permit conditions, relaxing permitting requirements, in the form of 219 exemptions, would be a better r incentive for facilities to voluntarily convert to lower emitting processes. A-4.4

ECC-01 - Co-Benefit Emission Reductions from GHG Programs, Policies and Incentives [All Pollutants]

Add-on controls which are combustion sources that emit Green House Gases (GHGS) and are typically sources of criteria pollutants, UV/EB/LED technology does not generate GHGs. We support the concept of "promoting implementation and development of new technologies" and evaluating them for "reduction of emissions of both GHGs and criteria pollutants." A-4.5

ECC-03 - Additional Enhancements in Building Energy Efficiency and Smart Grid Technology [NOx, VOC]:

This control measure appears to be limited to incentive programs for existing residences that includes weatherization, upgrading older appliances with highly efficient technologies and renewable energy A-4.6

sources to reduce energy use for water heating, lighting, cooking and other large residential energy sources. We urge the district to extend the incentives to commercial buildings where stationary sources may be operating.

A-4.6 Cont.

"Impacts Associated with Use of Control Equipment" , Page 2-12

The document identifies various negative impacts associated with the use of control equipment such as: "the potential to create secondary adverse air quality impacts".....increased ammonia emissions" and, since ammonia is a precursor to particulate formation, increased particulate emissions. The document further states that "in the event of an accidental release of ammonia, sensitive receptors in the vicinity of the release may be exposed to harmful concentrations of ammonia vapor." These statements further validate the environmental viability of reformulation to UV/EB/LED technology and make a case for the district to encourage the use of said technology.

A-4.7

FLX-02, Row titled "Stationary Source VOC Incentives Air", Page A-3

RadTech disagrees with the document's assumption that there are "hazard and water impacts associated with replacement coatings, such as UV cured resins and coatings, and supercompliant/ultra-low emission technologies". The statement implies that the environmental hazards would increase with reformulation to UV coatings. UV/EB coatings generally have less hazard and air impacts than conventional coatings. The assumption that they would present a greater hazard is erroneous and the report contains no data to support said assumption. Furthermore, the report's conclusions on the negative impacts of associated with the use of control equipment on conventional systems (see Page 2-12), make a case that conversion to UV would reduce hazards as there are no secondary adverse air quality impacts such as GHG or ammonia emissions. We would be happy to review any specific data the district relied on for this section.

A-4.8

We appreciate the opportunity to work with you and your staff. Please do not hesitate to contact me at 909-240-0866 or via email: rita@radtech.org.

Regards,

Rita M. Loof

Director Regional Environmental Affairs

## Response to Comment Letter A-4

### Comment A-4.1

RadTech is please to submit public comments on behalf of our over 800 members, regarding the Initial Study for the Draft Program Environmental Impact Report for 2016 Air Quality Management Plan. RadTech has been selected to serve on the Air Quality Management Plan (AQMP) advisory committee and in that capacity have commented on many of the proposals brought forth by staff. We believe that UV/EB/LED technology can help the district achieve its air quality goals without sacrificing the economy. A-4.1

### Response A-4.1

Thank you for the comment. Since no issues were raised regarding the NOP/IS, no response is necessary.

### Comment A-4.2

Section 1.9.1 Stationary Source Control Measures (SCAQMD) Page 1-10

The document states: "In addition, to foster further technology advancement, measures are also included to achieve additional reductions from stationary sources based on implementation and accelerated penetration of advanced technologies." We would urge the district to seek the additional reductions through voluntary means rather than mandates. These voluntary reductions could be obtained from stationary sources, if the proper incentives were being provided. One such example would be a permit exemption for UV/EB/LED technology which RadTech has long advocated for. A-4.2

### Response A-4.2

The Draft Program EIR evaluated all proposed measures, whether they are considered voluntary, regulatory, or incentive-based.

### Comment A-4.3

FLX-01 Improved Education and Public Outreach

We appreciate the inclusion of "super-compliant" coatings, which would include UV/EB/LED products, in this section. A-4.3

### Response A-4.3

No response is necessary.

**Comment A-4.4**

FLX-02 Stationary Source VOC Incentives

We are supportive of the incentives concept for facilities who utilize equipment which result in cost effective emission reductions that are beyond existing requirements. However, instead of imposing permit conditions, relaxing permitting requirements, in the form of 219 exemptions, would be a better r incentive for facilities to voluntarily convert to lower emitting processes.

A-4.4

**Response A-4.4**

The Draft Program EIR evaluated all proposed measures, whether they are considered voluntary, regulatory, or incentive-based.

**Comment A-4.5**

ECC-01 - Co-Benefit Emission Reductions from GHG Programs, Policies and Incentives [All Pollutants]

Add-on controls which are combustion sources that emit Green House Gases (GHGS) and are typically sources of criteria pollutants, UV/EB/LED technology does not generate GHGs. We support the concept of "promoting implementation and development of new technologies" and evaluating them for "reduction of emissions of both GHGs and criteria pollutants."

A-4.5

**Response A-4.5**

Thank you for the comment. Since no issues were raised regarding the NOP/IS, no response is necessary.

**Comment A-4.6**

ECC-03 - Additional Enhancements in Building Energy Efficiency and Smart Grid Technology [NOx, VOC]:

This control measure appears to be limited to incentive programs for existing residences that includes weatherization, upgrading older appliances with highly efficient technologies and renewable energy sources to reduce energy use for water heating, lighting, cooking and other large residential energy sources. We urge the district to extend the incentives to commercial buildings where stationary sources may be operating.

A-4.6

A-4.6 Cont.

**Response A-4.6**

Control measure ECC-03 is intended to target only residential buildings at this time. However, commercial buildings are being targeted for incentive opportunities under CMB-02 (water heating), a mix of regulatory and incentives under CMB-04 (commercial cooking burners), and co-benefit reductions from existing programs under ECC-02 (commercial lighting).

**Comment A-4.7**

"Impacts Associated with Use of Control Equipment" , Page 2-12

The document identifies various negative impacts associated with the use of control equipment such as: "the potential to create secondary adverse air quality impacts".....increased ammonia emissions" and, since ammonia is a precursor to particulate formation, increased particulate emissions. The document further states that "in the event of an accidental release of ammonia, sensitive receptors in the vicinity of the release may be exposed to harmful concentrations of ammonia vapor." These statements further validate the environmental viability of reformulation to UV/EB/LED technology and make a case for the district to encourage the use of said technology.

A-4.7

**Response A-4.7**

Thank you for the comment. Since no issues were raised regarding the NOP/IS, no response is necessary.

**Comment A-4.8**

FLX-02, Row titled "Stationary Source VOC Incentives Air", Page A-3

RadTech disagrees with the document's assumption that there are "hazard and water impacts associated with replacement coatings, such as UV cured resins and coatings, and supercompliant/ultra-low emission technologies". The statement implies that the environmental hazards would increase with reformulation to UV coatings. UV/EB coatings generally have less hazard and air impacts than conventional coatings. The assumption that they would present a greater hazard is erroneous and the report contains no data to support said assumption. Furthermore, the report's conclusions on the negative impacts of associated with the use of control equipment on conventional systems (see Page 2-12), make a case that conversion to UV would reduce hazards as there are no secondary adverse air quality impacts such as GHG or ammonia emissions. We would be happy to review any specific data the district relied on for this section.

A-4.8

**Response A-4.8**

Impacts associated with replacement coatings are discussed in the Hazards and Hazardous Materials section and Hydrology and Water Quality section of Chapter 4 of the Draft Program EIR.

# Comment Letter A-5

SOUTHERN CALIFORNIA ASSOCIATION of GOVERNMENTS

**Main Office**

818 West 7th Street

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August 4, 2016

Ms. Jillian Wong
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, California 91765
Phone: (909) 396-3176
E-mail: jwong1@aqmd.gov

**RE: SCAG Comments on the Notice of Preparation of a Draft Program Environmental Impact Report for the 2016 Air Quality Management Plan (AQMP) [SCAG NO. IGR8918]**

Dear Ms. Wong,

Thank you for submitting the Notice of Preparation of a Draft Program Environmental Impact Report for the 2016 AQMP ("proposed project") to the Southern California Association of Governments (SCAG) for review and comment. SCAG is the authorized regional agency for Inter-Governmental Review (IGR) of programs proposed for Federal financial assistance and direct Federal development activities, pursuant to Presidential Executive Order 12372. Additionally, SCAG reviews the Environmental Impact Reports of projects of regional significance for consistency with regional plans pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.

SCAG is also the designated Regional Transportation Planning Agency under state law, and is responsible for preparation of the Regional Transportation Plan (RTP) including the Sustainable Communities Strategy (SCS) pursuant to Senate Bill (SB) 375. As the clearinghouse for regionally significant projects per Executive Order 12372, SCAG reviews the consistency of local plans, projects, and programs with regional plans.[1] Guidance provided by these reviews is intended to assist local agencies such as local jurisdictions and project proponents to take actions that help contribute to the attainment of the regional goals and policies in the RTP/SCS. A-5.1

SCAG staff has reviewed the Notice of Preparation of a Draft Program Environmental Impact Report for the 2016 AQMP. The proposed project consists of a plan that identifies control measures and strategies to bring the region into attainment with the revoked 1997 8-hour National Ambient Air Quality Standard (NAAQS or standard) for ozone by 2024, the 2008 8-hour ozone standard by 2032, the 2012 annual PM2.5 standard by 2025, the 2006 24-our PM2.5 standard by 2019, and the revoked 1979 1-hour ozone standard by 2023. The 2016 AQMP consists of three components: 1) the SCAQMD's Stationary, Area, and Mobile Source Control Measures, 2) State and Federal Control Measures provided by ARB, and 3) Regional Transportation Strategy and Control Measures provided by SCAG.

**When available, please send environmental documentation to SCAG's *office in Los Angeles or by email to sunl@scag.ca.gov* providing, at a minimum, the full public comment period for review.** If you have any questions regarding the attached comments, please contact the Inter-Governmental Review (IGR) Program, attn.: Lijin Sun, Senior Regional Planner, at (213) 236-1882 or sunl@scag.ca.gov. Thank you.

Sincerely,

Ping Chang

Ping Chang
Acting Manager, Compliance and Performance Monitoring

[1] Lead agencies such as local jurisdictions have the sole discretion in determining a local project's consistency with the 2016 RTP/SCS for the purpose of determining consistency for CEQA. Any "consistency" finding by SCAG pursuant to the IGR process should not be construed as a determination of consistency with the 2016 RTP/SCS for CEQA.

**COMMENTS ON THE NOTICE OF PREPARATION OF A DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE 2016 AQMP [SCAG NO. IGR8918]**

**CONSISTENCY WITH RTP/SCS**

SCAG reviews environmental documents for regionally significant projects for their consistency with the adopted RTP/SCS. For the purpose of determining consistency with CEQA, lead agencies such as local jurisdictions have the sole discretion in determining a local project's consistency with the RTP/SCS.

**2016 RTP/SCS GOALS**

The SCAG Regional Council adopted the 2016 RTP/SCS in April 2016. The 2016 RTP/SCS seeks to improve mobility, promote sustainability, facilitate economic development and preserve the quality of life for the residents in the region. The long-range visioning plan balances future mobility and housing needs with goals for the environment, the regional economy, social equity and environmental justice, and public health (see http://scagrtpscs.net/Pages/FINAL2016RTPSCS.aspx). The goals included in the 2016 RTP/SCS may be pertinent to the proposed project. These goals are meant to provide guidance for considering the proposed project within the context of regional goals and policies. Among the relevant goals of the 2016 RTP/SCS are the following:

| SCAG 2016 RTP/SCS GOALS | |
|---|---|
| RTP/SCS G1: | *Align the plan investments and policies with improving regional economic development and competitiveness* |
| RTP/SCS G2: | *Maximize mobility and accessibility for all people and goods in the region* |
| RTP/SCS G3: | *Ensure travel safety and reliability for all people and goods in the region* |
| RTP/SCS G4: | *Preserve and ensure a sustainable regional transportation system* |
| RTP/SCS G5: | *Maximize the productivity of our transportation system* |
| RTP/SCS G6: | *Protect the environment and health for our residents by improving air quality and encouraging active transportation (e.g., bicycling and walking)* |
| RTP/SCS G7: | *Actively encourage and create incentives for energy efficiency, where possible* |
| RTP/SCS G8: | *Encourage land use and growth patterns that facilitate transit and active transportation* |
| RTP/SCS G9: | *Maximize the security of the regional transportation system through improved system monitoring, rapid recovery planning, and coordination with other security agencies** <br> **SCAG does not yet have an agreed-upon security performance measure.* |

A-5.2

For ease of review, we encourage the use of a side-by-side comparison of SCAG goals with discussions of the consistency, non-consistency or non-applicability of the goals and supportive analysis in a table format. Suggested format is as follows:

| SCAG 2016 RTP/SCS GOALS | |
|---|---|
| Goal | Analysis |
| RTP/SCS G1: *Align the plan investments and policies with improving regional economic development and competitiveness* | *Consistent: Statement as to why;*<br>*Not-Consistent: Statement as to why;*<br>*Or*<br>*Not Applicable: Statement as to why;*<br>*DEIR page number reference* |
| RTP/SCS G2: *Maximize mobility and accessibility for all people and goods in the region* | *Consistent: Statement as to why;*<br>*Not-Consistent: Statement as to why;*<br>*Or*<br>*Not Applicable: Statement as to why;*<br>*DEIR page number reference* |
| etc. | etc. |

**2016 RTP/SCS STRATEGIES**

To achieve the goals of the 2016 RTP/SCS, a wide range of land use and transportation strategies are included in the 2016 RTP/SCS. Technical appendances of the 2016 RTP/SCS provide additional supporting information in detail. To view the 2016 RTP/SCS, please visit: http://scagrtpscs.net/Pages/FINAL2016RTPSCS.aspx. The 2016 RTP/SCS builds upon the progress from the 2012 RTP/SCS and continues to focus on integrated, coordinated, and balanced planning for land use and transportation that the SCAG region strives toward a more sustainable region, while the region meets and exceeds in meeting all of applicable statutory requirements pertinent to the 2016 RTP/SCS. These strategies within the regional context are provided as guidance for lead agencies such as local jurisdictions when the proposed project is under consideration.

**DEMOGRAPHICS AND GROWTH FORECASTS**

Local input plays an important role in developing a reasonable growth forecast for the 2016 RTP/SCS. SCAG used a bottom-up local review and input process and engaged local jurisdictions in establishing the base geographic and socioeconomic projections including population, household and employment. At the time of this letter, the most recently adopted SCAG jurisdictional-level growth forecasts that were developed in accordance with the bottom-up local review and input process consist of the 2020, 2035, and 2040 population, households and employment forecasts. To view them, please visit http://www.scag.ca.gov/Documents/2016GrowthForecastByJurisdiction.pdf. The growth forecasts for the region and applicable jurisdictions are below.

A-5.2 Cont.

| | Adopted SCAG Region Wide Forecasts | | | Adopted Orange County Forecasts | | |
|---|---|---|---|---|---|---|
| | Year 2020 | Year 2035 | Year 2040 | Year 2020 | Year 2035 | Year 2040 |
| Population | 19,663,000 | 22,091,000 | 22,138,800 | 3,271,100 | 3,431,200 | 3,461,500 |
| Households | 6,458,000 | 7,325,000 | 7,412,300 | 1,074,700 | 1,135,300 | 1,152,300 |
| Employment | 8,414,000 | 9,441,000 | 9,871,500 | 1,730,400 | 1,870,500 | 1,898,900 |

| | Adopted Los Angeles County Forecasts | | | Adopted Riverside County Forecasts | | |
|---|---|---|---|---|---|---|
| | Year 2020 | Year 2035 | Year 2040 | Year 2020 | Year 2035 | Year 2040 |
| Population | 10,326,200 | 11,145,100 | 11,514,800 | 2,479,800 | 3,055,100 | 3,183,700 |
| Households | 3,493,700 | 3,809,300 | 3,946,600 | 802,400 | 1,009,000 | 1,054,300 |
| Employment | 4,662,500 | 5,062,100 | 5,225,800 | 848,700 | 1,111,800 | 1,174,300 |

| | Adopted San Bernardino County Forecasts | | |
|---|---|---|---|
| | Year 2020 | Year 2035 | Year 2040 |
| Population | 2,197,400 | 2,637,400 | 2,731,300 |
| Households | 687,100 | 824,600 | 854,300 |
| Employment | 789,500 | 998,000 | 1,028,100 |

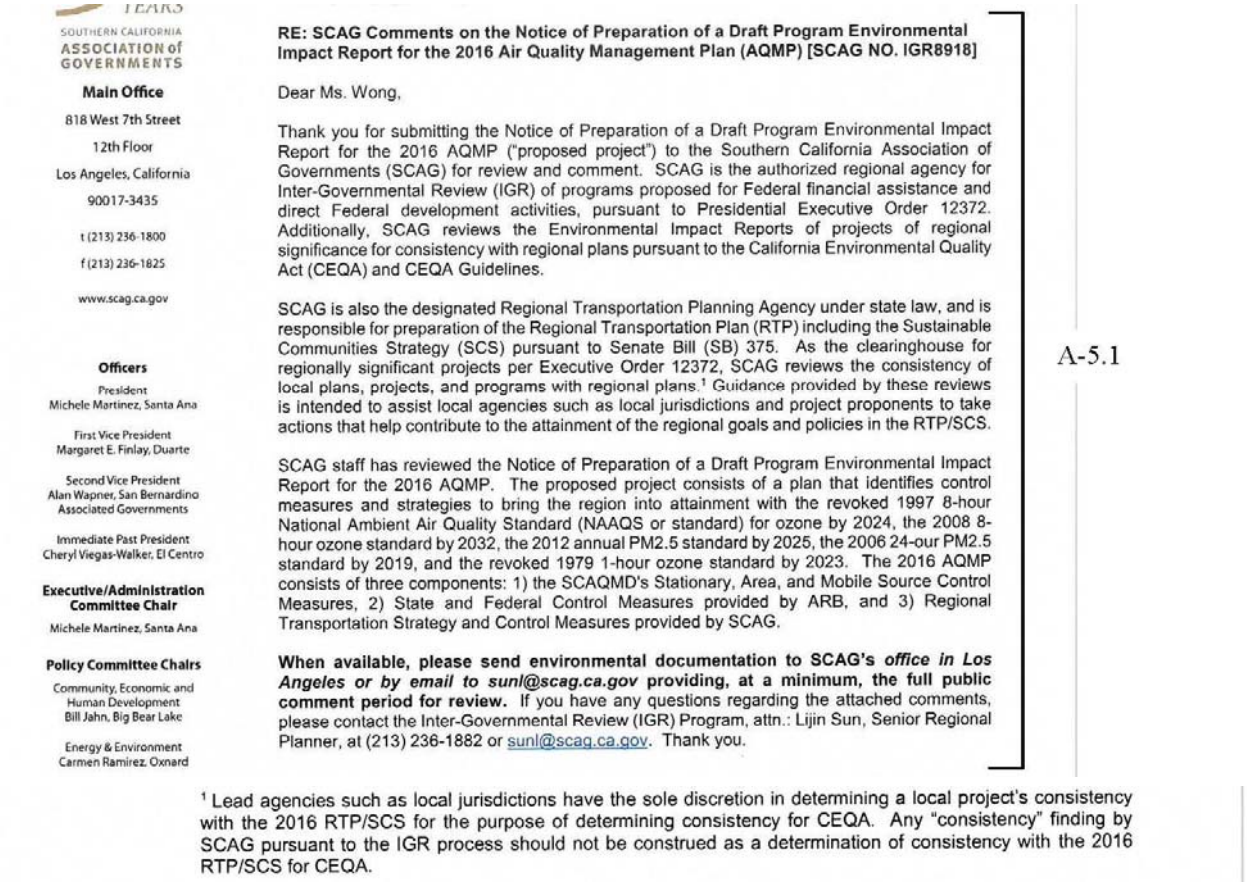
**MITIGATION MEASURES**

SCAG staff recommends that you review the Final Program Environmental Impact Report (Final PEIR) for the 2016 RTP/SCS for guidance, as appropriate. SCAG's Regional Council certified the Final PEIR and adopted the associated Findings of Fact and a Statement of Overriding Considerations (FOF/SOC) and Mitigation Monitoring and Reporting Program (MMRP) on April 7, 2016 (please see: http://scagrtpscs.net/Pages/FINAL2016PEIR.aspx). The Final PEIR includes a list of project-level performance standards-based mitigation measures that may be considered for adoption and implementation by lead, responsible, or trustee agencies in the region, as applicable and feasible. Project-level mitigation measures are within responsibility, authority, and/or jurisdiction of project-implementing agency or other public agency serving as lead agency under CEQA in subsequent project- and site- specific design, CEQA review, and decision-making processes, to meet the performance standards for each of the CEQA resource categories.

A-5.3

## Response to Comment Letter A-5

### Comment A-5.1



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Dear Ms. Wong,

Thank you for submitting the Notice of Preparation of a Draft Program Environmental Impact Report for the 2016 AQMP ("proposed project") to the Southern California Association of Governments (SCAG) for review and comment. SCAG is the authorized regional agency for Inter-Governmental Review (IGR) of programs proposed for Federal financial assistance and direct Federal development activities, pursuant to Presidential Executive Order 12372. Additionally, SCAG reviews the Environmental Impact Reports of projects of regional significance for consistency with regional plans pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.

SCAG is also the designated Regional Transportation Planning Agency under state law, and is responsible for preparation of the Regional Transportation Plan (RTP) including the Sustainable Communities Strategy (SCS) pursuant to Senate Bill (SB) 375. As the clearinghouse for regionally significant projects per Executive Order 12372, SCAG reviews the consistency of local plans, projects, and programs with regional plans.[1] Guidance provided by these reviews is intended to assist local agencies such as local jurisdictions and project proponents to take actions that help contribute to the attainment of the regional goals and policies in the RTP/SCS.

SCAG staff has reviewed the Notice of Preparation of a Draft Program Environmental Impact Report for the 2016 AQMP. The proposed project consists of a plan that identifies control measures and strategies to bring the region into attainment with the revoked 1997 8-hour National Ambient Air Quality Standard (NAAQS or standard) for ozone by 2024, the 2008 8-hour ozone standard by 2032, the 2012 annual PM2.5 standard by 2025, the 2006 24-our PM2.5 standard by 2019, and the revoked 1979 1-hour ozone standard by 2023. The 2016 AQMP consists of three components: 1) the SCAQMD's Stationary, Area, and Mobile Source Control Measures, 2) State and Federal Control Measures provided by ARB, and 3) Regional Transportation Strategy and Control Measures provided by SCAG.

**When available, please send environmental documentation to SCAG's *office in Los Angeles or by email to sunl@scag.ca.gov* providing, at a minimum, the full public comment period for review.** If you have any questions regarding the attached comments, please contact the Inter-Governmental Review (IGR) Program, attn.: Lijin Sun, Senior Regional Planner, at (213) 236-1882 or sunl@scag.ca.gov. Thank you.

A-5.1

[1] Lead agencies such as local jurisdictions have the sole discretion in determining a local project's consistency with the 2016 RTP/SCS for the purpose of determining consistency for CEQA. Any "consistency" finding by SCAG pursuant to the IGR process should not be construed as a determination of consistency with the 2016 RTP/SCS for CEQA.

### Response A-5.1

Thank you for the comment. Since no issues were raised regarding the NOP/IS, no response is necessary.

## Comment A-5.2

SCAG reviews environmental documents for regionally significant projects for their consistency with the adopted RTP/SCS. For the purpose of determining consistency with CEQA, lead agencies such as local jurisdictions have the sole discretion in determining a local project's consistency with the RTP/SCS.

**2016 RTP/SCS GOALS**

The SCAG Regional Council adopted the 2016 RTP/SCS in April 2016. The 2016 RTP/SCS seeks to improve mobility, promote sustainability, facilitate economic development and preserve the quality of life for the residents in the region. The long-range visioning plan balances future mobility and housing needs with goals for the environment, the regional economy, social equity and environmental justice, and public health (see http://scagrtpscs.net/Pages/FINAL2016RTPSCS.aspx). The goals included in the 2016 RTP/SCS may be pertinent to the proposed project. These goals are meant to provide guidance for considering the proposed project within the context of regional goals and policies. Among the relevant goals of the 2016 RTP/SCS are the following:

| SCAG 2016 RTP/SCS GOALS | |
|---|---|
| RTP/SCS G1: | *Align the plan investments and policies with improving regional economic development and competitiveness* |
| RTP/SCS G2: | *Maximize mobility and accessibility for all people and goods in the region* |
| RTP/SCS G3: | *Ensure travel safety and reliability for all people and goods in the region* |
| RTP/SCS G4: | *Preserve and ensure a sustainable regional transportation system* |
| RTP/SCS G5: | *Maximize the productivity of our transportation system* |
| RTP/SCS G6: | *Protect the environment and health for our residents by improving air quality and encouraging active transportation (e.g., bicycling and walking)* |
| RTP/SCS G7: | *Actively encourage and create incentives for energy efficiency, where possible* |
| RTP/SCS G8: | *Encourage land use and growth patterns that facilitate transit and active transportation* |
| RTP/SCS G9: | *Maximize the security of the regional transportation system through improved system monitoring, rapid recovery planning, and coordination with other security agencies** |
| | **SCAG does not yet have an agreed-upon security performance measure.* |

For ease of review, we encourage the use of a side-by-side comparison of SCAG goals with discussions of the consistency, non-consistency or non-applicability of the goals and supportive analysis in a table format. Suggested format is as follows:

A-5.2

| SCAG 2016 RTP/SCS GOALS | | |
|---|---|---|
| Goal | | Analysis |
| RTP/SCS G1: | *Align the plan investments and policies with improving regional economic development and competitiveness* | *Consistent: Statement as to why;*<br>*Not-Consistent: Statement as to why;*<br>*Or*<br>*Not Applicable: Statement as to why;*<br>*DEIR page number reference* |
| RTP/SCS G2: | *Maximize mobility and accessibility for all people and goods in the region* | *Consistent: Statement as to why;*<br>*Not-Consistent: Statement as to why;*<br>*Or*<br>*Not Applicable: Statement as to why;*<br>*DEIR page number reference* |
| etc. | | etc. |

**2016 RTP/SCS STRATEGIES**

To achieve the goals of the 2016 RTP/SCS, a wide range of land use and transportation strategies are included in the 2016 RTP/SCS. Technical appendances of the 2016 RTP/SCS provide additional supporting information in detail. To view the 2016 RTP/SCS, please visit: http://scagrtpscs.net/Pages/FINAL2016RTPSCS.aspx. The 2016 RTP/SCS builds upon the progress from the 2012 RTP/SCS and continues to focus on integrated, coordinated, and balanced planning for land use and transportation that the SCAG region strives toward a more sustainable region, while the region meets and exceeds in meeting all of applicable statutory requirements pertinent to the 2016 RTP/SCS. These strategies within the regional context are provided as guidance for lead agencies such as local jurisdictions when the proposed project is under consideration.

**DEMOGRAPHICS AND GROWTH FORECASTS**

Local input plays an important role in developing a reasonable growth forecast for the 2016 RTP/SCS. SCAG used a bottom-up local review and input process and engaged local jurisdictions in establishing the base geographic and socioeconomic projections including population, household and employment. At the time of this letter, the most recently adopted SCAG jurisdictional-level growth forecasts that were developed in accordance with the bottom-up local review and input process consist of the 2020, 2035, and 2040 population, households and employment forecasts. To view them, please visit http://www.scag.ca.gov/Documents/2016GrowthForecastByJurisdiction.pdf. The growth forecasts for the region and applicable jurisdictions are below.

A-5.2 Cont.

| | Adopted SCAG Region Wide Forecasts | | | Adopted Orange County Forecasts | | |
|---|---|---|---|---|---|---|
| | Year 2020 | Year 2035 | Year 2040 | Year 2020 | Year 2035 | Year 2040 |
| Population | 19,663,000 | 22,091,000 | 22,138,800 | 3,271,100 | 3,431,200 | 3,461,500 |
| Households | 6,458,000 | 7,325,000 | 7,412,300 | 1,074,700 | 1,135,300 | 1,152,300 |
| Employment | 8,414,000 | 9,441,000 | 9,871,500 | 1,730,400 | 1,870,500 | 1,898,900 |

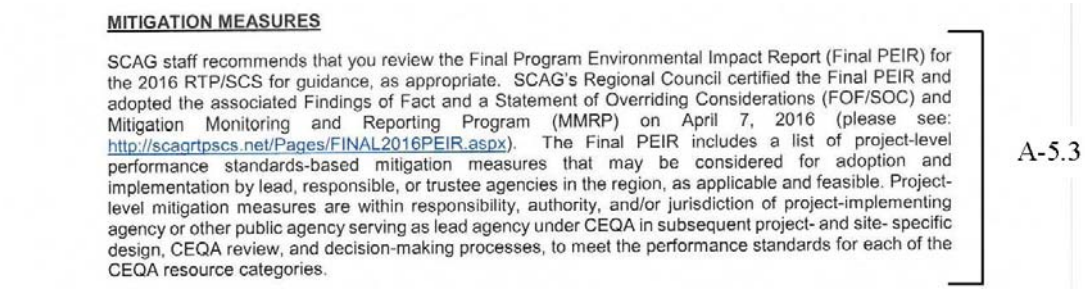
| | Adopted Los Angeles County Forecasts | | | Adopted Riverside County Forecasts | | |
|---|---|---|---|---|---|---|
| | Year 2020 | Year 2035 | Year 2040 | Year 2020 | Year 2035 | Year 2040 |
| Population | 10,326,200 | 11,145,100 | 11,514,800 | 2,479,800 | 3,055,100 | 3,183,700 |
| Households | 3,493,700 | 3,809,300 | 3,946,600 | 802,400 | 1,009,000 | 1,054,300 |
| Employment | 4,662,500 | 5,062,100 | 5,225,800 | 848,700 | 1,111,800 | 1,174,300 |

| | Adopted San Bernardino County Forecasts | | |
|---|---|---|---|
| | Year 2020 | Year 2035 | Year 2040 |
| Population | 2,197,400 | 2,637,400 | 2,731,300 |
| Households | 687,100 | 824,600 | 854,300 |
| Employment | 789,500 | 998,000 | 1,028,100 |

## Response A-5.2

The 2016 AQMP includes SCAG's TCMs, and therefore, does not conflict with SCAG's 2016 RTP/SCS Goals, as outlined in the comment above.

## Comment A-5.3



**MITIGATION MEASURES**

SCAG staff recommends that you review the Final Program Environmental Impact Report (Final PEIR) for the 2016 RTP/SCS for guidance, as appropriate. SCAG's Regional Council certified the Final PEIR and adopted the associated Findings of Fact and a Statement of Overriding Considerations (FOF/SOC) and Mitigation Monitoring and Reporting Program (MMRP) on April 7, 2016 (please see: http://scagrtpscs.net/Pages/FINAL2016PEIR.aspx). The Final PEIR includes a list of project-level performance standards-based mitigation measures that may be considered for adoption and implementation by lead, responsible, or trustee agencies in the region, as applicable and feasible. Project-level mitigation measures are within responsibility, authority, and/or jurisdiction of project-implementing agency or other public agency serving as lead agency under CEQA in subsequent project- and site- specific design, CEQA review, and decision-making processes, to meet the performance standards for each of the CEQA resource categories.

A-5.3

## Response A-5.3

SCAQMD staff has reviewed the mitigation measures presented in the Final PEIR for the 2016 RTP/SCS and have included them as necessary and where appropriate.

## Comment Letter A-6

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



August 4, 2016

Jillian Wong
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765
Via Electronic Mail

Dear Ms. Wong:

**SUBJECT: INITIAL COMMENTS ON THE NOTICE OF PREPARATION FOR THE 2016 AIR QUALITY MANAGEMENT PLAN DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT (PEIR)**

The City of Los Angeles Harbor Department (Harbor Department) appreciates the opportunity to participate in the 2016 Air Quality Management Plan (AQMP) Advisory Committee. We support the Air Quality Management District's (AQMD) 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. A-6.1

We will continue to remain a committed partner in the effort to improve air quality in the region. As such, we have reviewed the Notice of Preparation (NOP) for the 2016 Draft PEIR (DPEIR) and would like to offer the following comments for your consideration:

**AIR QUALITY/GREENHOUSE GASES**

- The Initial Study (IS) indicates that the air quality baseline uses 2012 data. This data is out of date and may overly inflate baseline emissions. A newer baseline inventory should be used to accurately reflect air quality in the South Coast Air Basin. A-6.2

- The NOP does not indicate that MOB-01, MOB-02, ORFIS-04 or ORFIS-05 will create any potential secondary air quality impacts from construction. These measures should be evaluated for construction-related air quality impacts under Sections III (b) and (d). A-6.3

- Odors related to the use of add-on control equipment that requires the storage and usage of ammonia should be considered, quantified and evaluated in the DPEIR. A-6.4

- While concluding that the Project may have a potentially significant impact with respect to greenhouse gas emissions, the IS must still demonstrate whether the project is consistent with applicable plans, policies and regulations and demonstrate that it is doing its fair share of reducing greenhouse gas emissions. A-6.5

**BIOLOGICAL RESOURCES**

- The NOP identifies no significant adverse impacts from Biological Resources. Proposed measures ORFIS-03 and ORFIS-04 should be evaluated for potential wastewater impacts as they would promote the installation and use of air pollution controls at port facilities. A-6.6

**HAZARDS AND HAZARDOUS MATERIALS**

- The DPEIR should evaluate the implication of work being conducted on a site identified under Government Code Section 65962.5. Government Code Section 65962.5 requires the disclosure of any work conducted on a Cortese Site and precludes the project from being exempt under the California Environmental Quality Act even if only minor work is being conducted at the site. The Harbor Department has many parcels subject to this Government Code and requests further analysis for how these parcels will be evaluated in the DPEIR. A-6.7

Thank you for the opportunity to comment on the NOP. We look forward to continuing to work with the AQMD toward the successful completion of the AQMP and its associated documentation. Please contact Lisa Wunder, Marine Environmental Manager at (310) 732-7688 or via email at lwunder@portla.org, if you have any questions regarding these comments. A-6.8

Sincerely,

CHRISTOPHER CANNON
Director of Environmental Management

CC:LW:TT:mrx
APP No.: 061024-605

## Response to Comment Letter A-6

### Comment A-6.1

The City of Los Angeles Harbor Department (Harbor Department) appreciates the opportunity to participate in the 2016 Air Quality Management Plan (AQMP) Advisory Committee. We support the Air Quality Management District's (AQMD) 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.

We will continue to remain a committed partner in the effort to improve air quality in the region. As such, we have reviewed the Notice of Preparation (NOP) for the 2016 Draft PEIR (DPEIR) and would like to offer the following comments for your consideration:

A-6.1

### Response A-6.1

Thank you for the comment. Since no issues were raised regarding the NOP/IS, no response is necessary.

### Comment A-6.2

**AIR QUALITY/GREENHOUSE GASES**

- The Initial Study (IS) indicates that the air quality baseline uses 2012 data. This data is out of date and may overly inflate baseline emissions. A newer baseline inventory should be used to accurately reflect air quality in the South Coast Air Basin.

A-6.2

### Response A-6.2

2012 is the baseline year used for the emissions inventory to develop the control strategy and future baseline emissions in the 2016 AQMP. The latest verifiable air quality data (from approved air quality monitoring sites) is from 2015, which can be found in Chapter 2 of the 2016 AQMP and Chapter 3 (Existing Setting) of the Draft Program EIR. The most recent environmental topic data from 2016 was used for the CEQA baseline in determining environmental impacts because 2016 is the time of the release of the NOP/IS.

### Comment A-6.3

- The NOP does not indicate that MOB-01, MOB-02, ORFIS-04 or ORFIS-05 will create any potential secondary air quality impacts from construction. These measures should be evaluated for construction-related air quality impacts under Sections III (b) and (d).

A-6.3

**Response A-6.3**

Control measures MOB-01, MOB-02, ORFIS-04 and ORFIS-05 are evaluated for construction-related impacts in Chapter 4 of the Draft Program EIR.

**Comment A-6.4**

- Odors related to the use of add-on control equipment that requires the storage and usage of ammonia should be considered, quantified and evaluated in the DPEIR. A-6.4

**Response A-6.4**

Typically, add-on control equipment that requires the usage of ammonia is used in a "closed" system, and therefore, do not typically generate associated odors beyond any possible "slips." However, it should be noted that NH3 related control equipment is not new to the region and is currently operating throughout the SCAQMD jurisdiction. The owners/operators of industries affected by control measures in the proposed 2016 AQMP would be subject to existing air quality rules and regulations, including SCAQMD's Rule 402 - Nuisance, which prohibits creating odor nuisances. For these reasons, implementing the 2016 AQMP is not expected to create significant new adverse odor impacts and, therefore, odor impacts as related to control equipment were not needed to be addressed in the Draft Program EIR.

**Comment A-6.5**

- While concluding that the Project may have a potentially significant impact with respect to greenhouse gas emissions, the IS must still demonstrate whether the project is consistent with applicable plans, policies and regulations and demonstrate that it is doing its fair share of reducing greenhouse gas emissions. A-6.5

**Response A-6.5**

The proposed project's consistency with applicable plans, policies and regulations for reducing GHGs was evaluated in Subchapter 4.2 of the Draft Program EIR.

## Comment A-6.6

**BIOLOGICAL RESOURCES**

- The NOP identifies no significant adverse impacts from Biological Resources. Proposed measures ORFIS-03 and ORFIS-04 should be evaluated for potential wastewater impacts as they would promote the installation and use of air pollution controls at port facilities.

A-6.6

## Response A-6.6

Proposed control measures ORFIS-04 and ORFIS-05 were evaluated for potential wastewater impacts in Subchapter 4.4 of the Draft Program EIR.

**Comment A-6.7**

**HAZARDS AND HAZARDOUS MATERIALS**

- The DPEIR should evaluate the implication of work being conducted on a site identified under Government Code Section 65962.5. Government Code Section 65962.5 requires the disclosure of any work conducted on a Cortese Site and precludes the project from being exempt under the California Environmental Quality Act even if only minor work is being conducted at the site. The Harbor Department has many parcels subject to this Government Code and requests further analysis for how these parcels will be evaluated in the DPEIR.

A-6.7

**Response A-6.7**

Potential impacts, including those that could occur on sites identified under Government Code Section 65962.5, were evaluated in Subchapter 4.3 of the Draft Program EIR.

**Comment A-6.8**

Thank you for the opportunity to comment on the NOP. We look forward to continuing to work with the AQMD toward the successful completion of the AQMP and its associated documentation. Please contact Lisa Wunder, Marine Environmental Manager at (310) 732-7688 or via email at lwunder@portla.org, if you have any questions regarding these comments.

A-6.8

**Response A-6.8**

Thank you for the comment. No response is necessary.

## Comment Letter A-7

4801 Airport Plaza Drive, Long Beach, CA 90815 Tel 562.283.7000 www.polb.com

Port of LONG BEACH
The Green Port

August 4, 2016

Ms. Jillian Wong
c/o PRDAS/CEQA
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765

**Electronic Submittal via E-mail:** jwong1@aqmd.gov
**Electronic Submittal via Facsimile:** (909) 396-3324

**Re: Comments on the Notice of Preparation, Initial Study, and Scope of Proposed Draft Program EIR for the 2016 Air Quality Management Plan**

Dear Ms. Wong and Staff of the South Coast Air Quality Management District:

We appreciate this opportunity to submit comments on the Notice of Preparation ("NOP") and the accompanying Initial Study ("IS") prepared in connection with the South Coast Air Quality Management District's ("District" or "SCAQMD") consideration of the proposed 2016 Air Quality Management Plan (the "Project" or "Proposed Plan") on behalf of the City of Long Beach acting by and through its Harbor Department (collectively referred to herein as "Port of Long Beach" or "POLB"). A-7.1

As you know, the POLB along with the Port of Los Angeles (collectively the "Ports") have achieved tremendous success in obtaining substantial emissions reductions through their joint San Pedro Bay Ports Clean Air Action Plan ("CAAP") and other air quality measures implemented under the Ports' initiatives. POLB continues to be supportive of projects and programs that are intended to contribute to improvement of air quality and promote other environmental values. However, POLB fundamentally disagrees with the District's proposal to again attempt to unnecessarily convert an effective voluntary plan, built on multi-agency and industry cooperation, into potentially punitive regulations imposed unlawfully on the Ports. The Ports have previously sought to make the District aware of the serious concerns and objections to this approach.[1]

[1] (*See* letters dated January 31, 2014; January 15, 2014; October 2, 2013; August 21, 2013; November 27, 2012; November 19, 2012; November 8, 2012; October 31, 2012; October 22, 2012; August 30, 2012 (which includes letter dated May 4, 2010); July 10, 2012; July 27, 2012 from POLB and/or Port of Los Angeles to SCAQMD.)

We are also mindful that the California Environmental Quality Act ("CEQA") calls for public review, critical evaluation, and comment on the scope of the environmental review to be conducted prior to approval of proposed projects. Such review and critique is particularly important where, as here, it is anticipated that the proposed Project will have substantial impacts on and conflict with the authorities of other public agencies. Thorough identification of the proposed Project, and candid disclosure of all phases of the Project and its potential impacts, is essential to assure that the proposed Project will be planned and implemented in conformity with established community plans and policies, and that environmental review is conducted with full consideration of all potentially significant environmental impacts as well as mitigation measures and alternatives designed to address those impacts. In addition, it will be important to consider the impacts of the proposed Project on the POLB's community, mission, facilities, and operations. The District must therefore provide a meaningful opportunity for informed public review of and comment on a well-defined "project."

A-7.1 Cont.

In that context, we respectfully submit the following comments regarding the NOP for the Project as well as questions, concerns, and objections related to the omissions of critical information, unsupported assumptions, or analytical deficiencies in the IS, and comments as to the scope of the proposed Draft Program Environmental Impact Report ("DPEIR") as contemplated and invited by the District's NOP. As set forth in more detail below, we believe that: (1) the Project needs to be more thoroughly and accurately described, (2) all potentially significant environmental impacts related to all Project control measures must be thoroughly analyzed, and (3) mitigation measures and alternatives must be provided to address all potentially significant environmental impacts.

**A. General Comments on the Initial Study**

While we recognize the effort that has gone into preparation of the current NOP/IS, it is apparent that the IS does not provide the information, evidence, or analysis required under CEQA. The IS thus fails to fulfill its critical role as mandated by CEQA in educating the public generally, other affected regulatory agencies and governments, or the officials and Board of the District, as to the potential environmental significance and impacts of the proposed Project.

A-7.2

The necessary contents for an adequate initial study are described in CEQA Guidelines § 15063(d). An initial study must "contain in brief form:

(1) A description of the Project including the location of the Project;

(2) An identification of the environmental setting;

(3) An identification of environmental effects by use of a checklist, matrix, or other method, provided that entries on a checklist or other form are briefly explained to indicate that there is some evidence to support the entries . . . ;

(4) A discussion of ways to mitigate the significant effects identified, if any;

(5) An examination of whether the Project would be consistent with existing zoning, plans, and other applicable land use controls;

(6) The name of the person or persons who prepared or participated in the initial study."

A-7.2 Cont.

An initial study that fails to provide all of the information, analysis, and evidence called for by CEQA may be deemed to be inadequate and not a valid basis for CEQA review or project approval. (*See*, *e.g.*, *City of Redlands v. County of San Bernardino* (2002) 96 Cal.App.4th 398, 407–408, [invalidating the County's proposed general plan amendments because of a deficient initial study: "[T]he initial threshold study is inadequate because it fails to provide sufficient evidence or analysis of the potential environmental effects of the amendments."].)

As set forth in more detail below, the IS fails to: contain an adequate project description, properly identify the environmental setting, and adequately assess the Project's potentially significant environmental effects. It contains no discussion whatsoever of mitigation measures or consistency with existing zoning, plans, and other applicable land use controls, as required. It is therefore respectfully urged that the IS (and the related NOP) be revised, corrected, and recirculated for public review and comment before the District proceeds with any further action, including release of a DPEIR for the proposed Project.

The CEQA Guidelines contemplate that an initial study is to be used in defining the scope of environmental review. (CEQA Guidelines §§ 15006(d), 15063(a), 15143). However, as a result of the omissions, open questions, and deficiencies in the IS as noted below, it appears to have unduly narrowed the District's proposed scope of environmental assessment, and to have caused the NOP to erroneously exclude critical issues and topics from the proposed scope of the DPEIR.

The comments on the current IS included in this letter are organized in the same format used by the IS, i.e., comments on "Chapter 1 – Project Description" followed by comments on "Chapter 2 – Environmental Checklist." The comments are limited to those matters that appear in the current version of the IS, and we reserve the right to provide further comments in the event that additional or different information concerning the proposed Project becomes available, or the District provides a revised and CEQA-compliant initial study.

**B. Request for Revision of NOP and Re-Circulation of Revised NOP/IS to Include a Legally-Adequate "Project" Description**

As a preliminary matter, we note that the 30 day review period is insufficient time to review the IS and the over 1,000 page Proposed Plan and available appendices. It is also important to note that Appendix V (Modeling & Attainment Demonstrations) and Appendix VI (Compliance With Other Clean Air Act Requirements) of the Proposed Plan has not yet been posted to the District's website. A-7.3

Further, it is essential that the NOP and the IS be revised to include an adequate "project description" including *all* of the Proposed Plan's pertinent control measures and strategies that is the "project" before the public and agencies can be expected to provide comments and input.

It is only through reviewing the lengthy appendices to the Proposed Plan, can the reader understand the proposed Project control measures. The appendices also make clear that several of the proposed Project measures have not even been developed yet by the District and thus cannot be the subject of any meaningful environmental review or analysis. (*See*, *e.g.*, proposed Control Measures MOB-02, MOB-03, MOB-04, MOB-08, MOB-12, MOB-13, and MOB-14.) The details of the proposed Project must be accurately developed and described before the proposed methods and precise impacts anticipated by the Project may be analyzed or the subject of comment. Accordingly, it is still not possible for the District to proceed with appropriate project-level CEQA review or to issue an accurate NOP/IS at this stage as the details of the Proposed Plan are still under development. A-7.4

It is necessary that the current NOP and IS be revised to include a revised Project description, to incorporate the text of the Proposed Plan in detail, and to recirculate the revised documents for public review. A new set of public meetings, including a new "scoping meeting" should be scheduled to provide the public with sufficient time and opportunity to comment on the scope and adequacy of the revised notice of preparation/initial study. The comment period on any such revised documents should be at least 60 days in total.

The DPEIR schedule too is very aggressive, with the scoping comment period ending on August 4, 2016, followed immediately by the release of the DPEIR also in August 2016, and final approval planed for December 2, 2016. This schedule provides insufficient time for meaningful input on the scope and content of the DPEIR by members of the public and affected agencies. Further, the POLB is concerned that given the quick turnaround between closure of the scoping period and the scheduled release of the DPEIR, insufficient time will be allowed for thorough review of the scoping comments by the District and inclusion of such comments into the DPEIR. A-7.5

**C. Comments on the Initial Study**

**1. Chapter 1 of the Initial Study – Inadequate "Project" Description**

**(a) Deficient "Project" Description – In General**

The failure of the IS and NOP to provide an accurate, complete, and coherent description of the "Project" is a fundamental deficiency, which permeates the entire document. The absence of such a clear description of the proposed Project inherently prevents the IS from facilitating meaningful review and analysis of the proposed Project, and violates the requirements of CEQA. (*See*, *e.g.*, CEQA Guidelines § 15124 and *Laurel Heights Improvement Ass'n v. Regents of the University of California* (1988) 47 Cal.3d 376.)

The importance of providing an accurate and informative project description in an initial study was re-emphasized in *Nelson v. County of Kern* (2010) 190 Cal.App.4th 252, 267:

> ***The initial study must include a description of the project***. Where an agency fails to provide an accurate project description, or fails to gather information and undertake an adequate environmental analysis in its initial study, a negative declaration is inappropriate. An accurate and complete project description is necessary to fully evaluate the project's potential environmental effects.
>
> The scope of the environmental review conducted for the initial study must include the entire project. Thus, a correct determination of the nature and scope of the project is a critical step in complying with the mandates of CEQA.[2]

A-7.6

In *City of Redlands, supra*, the Court of Appeal likewise observed that:

> An accurate and complete project description is necessary for an intelligent evaluation of the potential environmental impacts of the agency's action. Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal . . . and weigh other alternatives in the balance.

[2] Unless otherwise noted, emphasis in quotations herein is supplied and citations are omitted.

(96 Cal.App.4th at 406, 408; *accord*, *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 192-193 (an accurate, complete and consistent project description is the sine qua non of informative, legally adequate CEQA review).

CEQA Guidelines § 15063(a)(1) further makes clear that an initial study must take a comprehensive view of the proposed project *as a whole*. "All phases of project planning, implementation, and operation must be considered in the initial study of the project." This requirement reflects CEQA's definition of a "project" as the "whole of an action" that may result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change. (Public Resources Code § 21065; CEQA Guidelines § 15378.)

A-7.6 Cont.

The IS currently falls far short of these requirements in describing the proposed Project, and thus falls equally short of serving the "public awareness" purposes described above and mandated by CEQA. The IS does not include or even describe the text of several control measures supposed to comprise the "Project." The section of the IS that purports to "describe" the Project, includes nothing more than summaries of certain control measures. At least some of the summaries do not accurately match the details described in the appendices to the Proposed Plan. In any event, the summaries are insufficient to describe the Project itself, and prevent effective public review and comment. The IS also fails to describe reasonably foreseeable activities or actions in response to or associated with the proposed Project control measures.

A-7.7

As to certain control measures, the IS appears to imply that any informed public discussion and environmental review on this course of action be *deferred* until some point in the future. Such an approach, however, is inconsistent with, and in violation of, many fundamental rules and policies required by CEQA (e.g., failure to identify and analyze the whole of the project, improper project "segmentation," improper deferral of impact analysis and mitigation, failure to identify and evaluate project alternatives, etc.). (*See*, *e.g.*, Public Resources Code § 21003.1; CEQA Guidelines §§ 15126.2, 15126.4, 12126.6, 15378; *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296.)

The Proposed Plan refers to the future development of "contingency measures" if the area fails to meet certain milestones. (Proposed Plan, pp. 4-44 to 4-45, 6-13.) Yet, no such contingency measures are identified or described in the Proposed Plan or analyzed in the IS.

The Proposed Plan refers to "an action plan [that] will be developed as part of the AQMP public adoption process" to identify strategies to secure new sources of funding in order to implement the Proposed Plan. (Proposed Plan, p. 4-66.) However, the Proposed Plan provides insufficient details on what would be contained in this action plan and what environmental impacts might occur from its adoption. This action plan is part of the Project and must be analyzed in the IS and the resulting DPEIR.

A-7.8

In brief, the NOP/IS erroneously limits the scope of the analysis and inherently calls for impermissible speculation or impossible prescience on the part of public agencies or other members of the concerned public to undertake effective analysis of the proposed Project, or to provide meaningful comments as to the scope of review of the Project. No effective CEQA review can be undertaken unless and until the District provides an adequate description of the "Project." A-7.8 Cont.

**(b) Specific Comments and Questions Regarding "Project Description" and Text**

The following comments and questions refer to specific portions or pages of Chapter 1 of the IS:

Pp. 1-5 to 1-6 – Agency Authority-2016 AQMP

The IS correctly acknowledges that the regulation of air quality emissions from mobile sources is primarily done at the federal and state level. By comparison, the District "has lead responsibility for developing stationary, some area, and indirect source control measures . . .." (IS, p. 1-5.)[3] Despite this acknowledged limit on its regulatory jurisdiction, the AQMP nonetheless purports to contain several measures related to mobile source emissions. A-7.9

Pp. 1-7 to 1-8 – Overall Attainment Strategy

The IS indicates that the Proposed Plan "includes integrated strategies and measures" to meet the following federal standards:

- Revoked 1997 8-hour NAAQS ozone (80 ppb) by 2024;
- 2008 8-hour ozone standard (75 ppb) by 2032;
- 2012 annual PM2.5 standard (12 ug/$m^3$) by 2025;
- 2006 24-hour PM2.5 standard (35 ug/$m^3$) by 2019; and
- Revoked 1979 1-hour ozone standard (120 ppb) by 2023."

A-7.10

[3] *Accord*, Proposed Plan, p. ES-5 ("With limited SCAQMD authority over the mobile sources that contribute the most to our air quality problems, attainment cannot be achieved without state and federal actions.") and Proposed Plan, p. 3-11 ("U.S. EPA and CARB have primary authority to regulate emissions from mobile sources. U.S. EPA's authority applies to aircraft, locomotives, ocean going vessels, and some categories of on- and off-road mobile equipment. CARB has authority over the remainder of the mobile sources, and consumer products. SCAQMD has authority over most area sources and all point sources.").

In addition to developing strategies and measures to meet the above acknowledged revoked standards, the text indicates that a new 8-hour ozone standard has been adopted (70 parts per billion ["ppb"]) ostensibly replacing the 2008 standard analyzed. (IS, p. 1-7.) The text does not explain why a plan is being developed to attain standards that have been revoked or rescinded.

The IS states that the majority of nitrogen oxide ("NOx") emission reductions will need to come from mobile sources and acknowledges again that the District lacks authority to regulate such emissions. As such, why is the District developing an "aggressive mobile source control strategy" to control emissions over which it admittedly lacks regulatory jurisdiction? (IS, p. 1-8.)[4]

A-7.10 Cont.

P. 1.9 – Project Objectives

The IS notes the objective of achieving the various ozone and particulate matter ("PM2.5") standards by the specified attainment dates. However, as the appendices to the Proposed Plan make clear, several of the emissions reductions are listed as "TBD" with a note that "Emission reductions will be determined after projects are identified and implemented." (Proposed Plan, Appendix IV-A, pp. IV-A-4, IV-A-5, IV-A-96, and IV-A-172.) Because the emission reductions associated with several control measures have not yet been quantified, there is no guarantee or assurance that the emission reductions will actually be attained. Thus, contrary to the NOP, the Proposed Plan does not "identif[y] control measures and strategies to bring the region into attainment" with the specified standards nor does it demonstrate "compliance with state and federal Clean Air Act requirements." For this same reason, the Proposed Plan fails to attain its statutorily prescribed purpose.[5]

A-7.11

Pp. 1-10 – Project Description

The Project description indicates that the Project "control measures" consist of three components: (1) the SCAQMD Stationary and Mobile Source Control Measures, (2) State and Federal Mobile Source Control Measures, and (3) Regional Transportation Strategy and Control Measures provided by the Southern California Association of Governments ("SCAG").

A-7.12

[4] The Proposed Plan at page ES-7 states that mobile sources currently contribute about 88 percent of the region's total NOx emissions. It then states that "[s]ince the SCAQMD has limited authority to regulate mobile sources, staff worked closely with CARB and U.S. EPA, which have primary authority over mobile sources, to ensure mobile sources perform their fair share of pollution reduction responsibilities." (Proposed Plan, p. ES-7.)

[5] (42 U.S.C. § 7410; California Health & Safety Code § 40440; *American Coatings Ass'n v. South Coast Air Quality Management District* (2012) 54 Cal.4th 446, 453.)

The text indicates that the air quality baseline is comprised of 2012 data.[6] Yet, there is no clear explanation or rationale for the use of baseline data that is nearly 5 years old. The scope of the proposed DPEIR and Proposed Plan must be expanded to include a detailed explanation, supported by substantial evidence, that the 2012 air quality baseline is appropriate. (CEQA Guidelines § 15125; *Communities for a Better Environment v. South Coast Air Quality Management District* (2010) 48 Cal.4th 310.) The analysis must also clearly specify the baseline used for other resource topics, and to the extent that they deviate from the normal "existing conditions" scenario, like air quality, provide a clear and cogent explanation as to why this is appropriate.

A-7.12 Cont.

Pp. 1-10 to 1-21 – Stationary Source Control Measures (SCAQMD)

The stationary control measures to be implemented by the District are listed in Table 1.9-1 and summarized in the text following that table.

The IS fails to acknowledge let alone analyze all potentially significant environmental impacts of the stationary source control measures. The DPEIR must contain a complete and comprehensive analysis of the direct and reasonably foreseeable indirect impacts of all such measures. The potential for these measures to cause industries and other regulated entities to relocate elsewhere must also be considered. (*Muzzy Ranch Co. v. Solano County Airport Land Use Comm'n* (2007) 41 Cal.4th 372, 383.)

A-7.13

Measure ECC-03 would "seek to provide financial incentives" to go beyond the Title 24 standards and existing local regulations pertaining to NOx emissions. (IS, pp. 1-12 to 1-13.) "Incentive programs *would be developed* for existing residences that include weatherization, upgrading older appliances with highly efficient technologies and renewable energy sources to reduce energy use for water heating, lighting, cooking and other large residential energy sources." The measure also references providing "solar thermal and solar photovoltaics" to provide emission reductions within the residential sector. The measure lacks any specificity about the programs that the District acknowledges would still be developed. There is no information on the amount of funding and the number of residents that may take advantage of this program. Based on the examples provided, this measure may result in significant environmental impacts in the areas of aesthetics, air quality, land use, solid waste, and others that are not analyzed in the IS nor proposed for analysis in the DPEIR.

A-7.14

[6] The IS later inconsistently states that the emission benefits associated with SCAG's Final 2016 Regional Transportation Plan/Sustainable Communities Strategy ("RTP/SCS") are reflected in the Project baseline emissions. (IS, p. 1-40.)

Measure ECC-04 similarly includes a vague reference to widespread adoption of cool roofs. This measure may result in significant environmental impacts in the areas of aesthetics, biological resources, and land use/planning. Neither this measure nor these impacts are analyzed in the IS nor proposed for analysis in the DPEIR and should be. A-7.15

Measure CMB-01 would seek emission reductions of NOx from traditional combustion engines by replacing them with zero and near-zero emission technologies through, among other methods, electrification and fuel cells. This measure would also seek energy storage systems and smart grid control technologies coupled with renewable energy generation. This measure has the potential to result in significant environmental impacts with respect to, among others, the construction of additional energy infrastructure. Per a more detailed description of this measure in the Appendix to the Proposed Plan, it also seeks to "[e]ncourage new businesses that use and/or manufacture near-zero and zero emission technologies to site in the Basin." (Proposed Plan, Appendix IV-A, p. IV-A-47.)[7] The IS contains, at best, an incomplete analysis of this measure as evidenced by its omission of any discussion of its potential growth inducing impacts. (CEQA Guidelines § 15126.2(d); *Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 367 [EIR must discuss growth-inducing effects even though those effects will result only indirectly from a project.].) A-7.16

All potentially significant environmental impacts associated with replacing equipment, operations, and/or infrastructure with new or altered equipment, operations, and/or infrastructure must be analyzed and is not. (*See* Control Measures ECC-04, CMB-01, CMB-02, CMB-03, CMB-04, MCS-02, FLX-01, FLX-02, BCM-01, BCM-02, BCM-04,[8] BCM-06, BCM-07, BCM-10.) A-7.17

Measure CMB-03 proposes to reduce emissions from non-refinery flares by "capturing the gas that would typically be flared and converting it into an energy source (e.g., transportation fuel, fuel cells) . . .." A similar measure appears to be proposed for nitrogen gas and biogas. (*See* Measures BCM-05 and BCM-10.) Yet, there is no discussion or consideration of associated pipelines or other infrastructure that would be needed to implement these measures nor of the traffic, air quality, noise, and other impacts associated with increased truck traffic to facilities containing such refined materials. There is similarly no analysis of the proposed alternative of reinjecting the gas into the ground or combusting it through flares. (Proposed Plan, Appendix IV-A, p. IV-A-70.) A-7.18

[7] A similar provision is included as part of FLX-02. (Proposed Plan, Appendix IV-A, p. IV-A-105.)

[8] This measure, which calls for revised manure management strategies, requires more analysis than is provided in the IS. (*See, e.g., County Sanitation Dist. No. 2 v. County of Kern* (2005) 127 Cal.App.4th 1544, 1597 [EIR required to examine impacts of alternative sewage sludge disposal].)

Measure CTS-01 seeks to lower the content of volatile organic compounds ("VOCs") in coatings, solvents, and adhesives. Such measures may result in additional applications of lower quality products which could result in a net increase in air emissions. (*Dunn-Edwards Corp. v. Bay Area Air Quality Management District* (1992) 9 Cal.App.4th 644.) A-7.19

Measure BCM-03 calls for an unspecified increase in the watering of roads to control fugitive dust.[9] The measure also proposes to evaluate existing fugitive dust rules to see if unknown and unspecified additional PM2.5 emission reductions can be achieved. The potential air quality, noise, traffic, and water supply impacts of such a proposal must be thoroughly vetted and analyzed in the IS and the resulting DPEIR. A-7.20

The noise, air quality, geology and other impacts of Measure BCM-08, which seeks to limit agricultural burning through promoting burning alternatives (e.g., chipping/grinding or composting) must be fully analyzed. A-7.21

Pp. 1-19 to 1-25 – Mobile Source Control Measures (SCAQMD)

Notwithstanding its complete lack of regulatory jurisdiction over mobile sources, the District's Proposed Plan nonetheless contains a detailed list of mobile source control measures. The mobile source control measures "to be implemented" by the District are listed in Table 1.9-2 and summarized in the text following that table.

The IS fails to acknowledge let alone analyze all potentially significant environmental impacts of the mobile source control measures. The DPEIR must contain a complete and comprehensive analysis of the direct and reasonably foreseeable indirect impacts of all such measures. The potential for these measures to cause industries and other regulated entities to relocate elsewhere must also be considered. (*See, e.g. Muzzy Ranch, supra.*) A-7.22

Of particular concern for the POLB is MOB-01. Stemming from a desire to take ongoing credit for the voluntary emission reductions undertaken by the Ports through the CAAP Program, Measure MOB-01 would make the voluntary emission reductions a mandatory enforceable commitment in the form of a regulation enacted by the District "within its legal authority, or by the state or federal government, or other enforceable mechanism." (IS, p. 1-21.) In a separate comment letter to the District on the Proposed Plan, we will explain why the District lacks the legal authority to adopt or enforce any such regulation. Due to its lack of legal authority, this measure is not feasible and thus cannot serve as any valid form of mitigation. (Public Resources Code §§ 21004 and 21081(a)(3); CEQA Guidelines §§ 15040 and 15364; *Sierra Club v.*

[9] Measure BCM-07 likewise calls for increased watering of rotating cutting discs to reduce dust emissions. "Emissions are expected to be minimal, provided the waste material is disposed of properly." (Appendix, p. IV-A-201.) Yet, no analysis of the potentially significant air, noise, hazards, traffic, solid waste, or water supply impacts are provided such that any mitigation could be imposed to ensure that waste material is, in fact, disposed of properly.

*California Coastal Comm'n* (2005) 35 Cal.4th 839; and *Tracy First v. City of Tracy* (2009) 177 Cal.App.4th 912.) A-7.22 Cont.

From a CEQA standpoint, the emission reductions from the CAAP Program are already reflected in the baseline/setting. Further, the No Project Alternative is not defined in the NOP/IS. In accordance with CEQA Guidelines § 15126.6(e)(3)(A), when the "project" is the revision of an existing land use or regulatory plan, policy or ongoing operation, the "no project" alternative will be the continuation of the existing plan, policy or operation into the future. Therefore, the DPEIR should consider the impacts that would occur under the existing 2012 Air Quality Management Plan, which contains Measure IND-01. A-7.23

MOB-02 appears intended to correct two District rules pertaining to rail yards and intermodal facilities rejected by the U.S. Environmental Protection Agency ("EPA") presumably because they are beyond the scope of the District's regulatory jurisdiction. Per this vague and amorphous measure, the District will reconvene a stakeholder working group "to discuss and identify actions or approaches that can be implemented to further reduce emissions at rail yards and intermodal facilities." At most, this is a proposal to develop a measure that cannot be adequately analyzed at present in the DPEIR and should be removed from consideration.[10] Any such contemplated implementation strategies must be included in the "Project description" and better identified in a more complete NOP/IS, so that they may be evaluated along with the rest of the Project. A-7.24

Measure MOB-05 proposes to provide funding rebates for at least 15,000 zero emission or partial-emission vehicles per year. Measure MOB-07 similarly seeks to deploy up to 120 zero and partial-zero emission heavy-duty vehicles per year. The IS and resulting DPEIR must contain an analysis of the traffic, noise, air quality, and other impacts associated with such programs. A-7.25

Measure MOB-06 seeks to retire 2,000 older light and medium-duty vehicles per year. Measure MOB-08 similarly seeks to retire 2,000 heavy-duty vehicles per year. There needs to be an analysis of the solid waste and other impacts associated with such measures.

All potentially significant environmental impacts associated with replacing equipment, operations, and/or infrastructure with new or altered equipment, operations, and/or infrastructure A-7.26

[10] Similar deficiencies apply to Measures MOB-03 (Emission Reductions at Warehouse Distribution Centers), MOB-04 (Emission Reductions at Commercial Airports), MOB-08 (Accelerated Retirement of Older On-Road Heavy-Duty Vehicles), MOB-12 (Further Emission Reductions from Passenger Locomotives), MOB-13 (Off-Road Mobile Source Emission Reduction Credit Generation Program), MOB-14 (Emission Reductions from Incentive Programs), and EGM-01 (Emission Reductions from New Development and Redevelopment Projects).

must be analyzed and is not. (*See* Control Measures MOB-08, MOB-10, MOB-11, MOB-12, MOB-13, and MOB-14.)

A-7.26 Cont.

Pp. 1-25 to 1-30 – Air Toxic Control Measures (SCAQMD)

In addition to the criteria pollutant control measures, the Proposed Plan also contains a detailed list of measures to control toxic air contaminants ("TAC") from stationary sources. The TAC control measures are listed in Table 1.9-3 and summarized in the text following that table.

The IS fails to acknowledge let alone analyze all potentially significant environmental impacts of the air toxic control measures. The DPEIR must contain a complete and comprehensive analysis of the direct and reasonably foreseeable indirect impacts of all such measures. The potential for these measures to cause industries and other regulated entities to relocate elsewhere must also be considered. (*See*, *e.g. Muzzy Ranch*, *supra*.)

A-7.27

Measure TXM-01 contains a list of potential emission control approaches for metal grinding operations. Because there is no specific proposal, the IS and resulting DPEIR cannot meaningfully analyze this measure.

All potentially significant environmental impacts associated with replacing equipment, operations, and/or infrastructure with new or altered equipment, operations, and/or infrastructure must be analyzed and is not. (*See* Control Measures TXM-04, TXM-05, TXM-06, TXM-08, and TXM-09.)

Pp. 1-30 to 1-38 – Mobile Source Control Measures (Federal and State)

The IS's project description contains a detailed list of federal and state mobile source control measures. Although the District admittedly lacks regulatory jurisdiction over mobile sources, because the federal and state mobile source control measures are described as part of the Project, the IS, and resulting DPEIR, must contain a thorough analysis of the potentially significant environmental effects associated with these measures.

For instance, ORLD-01 proposes to increase the sales of zero emission vehicles and plug-in electric vehicles beyond the levels required in 2025. Measure ORLD-03 calls for "greater penetration of zero and near-zero technologies" as well as the "potential for autonomous vehicles and advanced transportation systems." Measure ORHD-05 requires the use of low-NOx engines and the purchase of zero emission trucks for certain class 3-7 last mile delivery trucks starting in 2020 and ramping up to a higher percentage of the fleet at time of normal replacement through 2030. Measure ORHD-09 calls for "greater penetration of zero and near-zero technologies through incentive programs, emission benefits associated with increased operation efficiency strategies, and the potential for new driver assist and intelligent transportation systems." Measure OFFS-08 likewise calls for "greater penetration of zero and near-zero technologies

A-7.28

through incentive programs, and emission benefits associated with the potential for worksite integration and efficiency, as well as connected and autonomous vehicle technologies." These measures could result in significant air quality, noise, traffic, and other impacts that are not currently or adequately described in the IS nor proposed for consideration in the DPEIR.

Further, as noted above, the Proposed Plan identifies nearly $15 billion in incentive funding needed to facilitate the transition to zero and near-zero emissions equipment. The Proposed Plan indicates that SCAQMD will develop an action plan to identify "the necessary actions by the District" and other stakeholders "to ensure the requisite levels of funding are secured." (Proposed Plan, p. 4-66.) Although the Proposed Plan discusses the possibility of a federal "superfund" program, state bond measures, and local ballot measures to obtain this funding, it does not define the specific "necessary actions." Without more detail, it is impossible to evaluate whether this incentive action plan and the necessary $15 billion in government funding have significant environmental impacts.

A-7.28 Cont.

Pp. 1-38 to 1-40 – Transportation Control Measures from the Southern California Association of Governments 2016 Regional Transportation Plan and Sustainable Communities Strategy

The IS notes that the SCAG has the responsibility for preparing and approving the portions of the Proposed Plan related to regional demographic projections and integrated regional land use, housing, employment, and transportation programs, measures, and strategies. (IS, p. 1-38.) The IS further indicates that the District "combines its portions of the AQMP with those portions prepared by SCAG" per Health & Safety Code § 40460. (*Id.*) In particular the Project contains the Regional Transportation Strategy ("RTS"), including Transportation Control Measures ("TCM"), from SCAG's 2016 RTP/SCS.

Although those measures are only generally described in the IS, they include several measures that may result in significant environmental impacts. (*See*, IS, p. 1-39 [RTS/TCM measures include, among others, expanding regional transit, passenger rail, highway capacity, and high occupancy lanes].) Yet, none of these measures are analyzed in the IS. The IS states that because the environmental impacts were analyzed in SCAG's EIR for the RTP/SCS, the DPEIR will only evaluate potential cumulative impacts associated with implementing the Project and the TCMs.

A-7.29

This statement suggests that the DPEIR is relying on SCAG's EIR through tiering or incorporation by reference, but the IS does not explain which method or demonstrate conformance with pertinent CEQA and other related provisions. More fundamentally, there must be an explanation of the impacts analyzed in SCAG's EIR, the significance criteria and methodologies used, and mitigation measures or alternatives imposed. There must also be an explanation of the discrepancies, if any, between the two environmental documents and how

those discrepancies are proposed to be reconciled. Further, the analysis must consider not only the TCMs, but the RTS as well.

A-7.29 Cont.

**2. Chapter 2 of the Initial Study – The "Environmental Checklist"**

**(a) General Comments and Questions on the Environmental Checklist**

The NOP/IS apparently relied on a standard CEQA environmental checklist to identify those "impact areas" it recognizes to be potentially affected by the Project. In several respects, however, the IS appears to merely assume the absence of potentially significant impacts, rather than factually demonstrating that significant impacts will not occur if the (inadequately-described) Project is adopted and implemented. This is insufficient under CEQA, and under the District's own rules. (SCAQMD Rule 110; *City of Redlands* and *Sundstrom,* both *supra*).

While the CEQA Guidelines call for emphasis and "focus" on the significant environmental impacts of a project, the authority to use such focus is misapplied in the IS. For example, CEQA Guideline § 15143 explains that such focus may be used to limit the analysis in an EIR ***only*** as to such impacts that the initial study properly shows to be ***clearly insignificant and unlikely to occur*** (i.e., "effects dismissed in an Initial Study as clearly insignificant and unlikely to occur need not be discussed further in the EIR . . .."). The NOP/IS here, by contrast, appears to exclude from consideration in the DPEIR numerous effects that it has not shown to be "clearly insignificant and unlikely to occur."

A-7.30

The NOP/IS currently indicates that the scope of the proposed DPEIR for the "Project" will be limited to the eight topics listed at page 2-2 of the IS. Compliance with CEQA, however, would require not only a new and corrected IS, providing an adequate "Project description" but also a more comprehensive DPEIR that addressed additional areas of potentially significant impact, including (without limitation): (1) Aesthetics, (2) Biological Resources, (3) Cultural Resources, (4) Geology and Soils, (5) Land Use and Planning, (6) Population and Housing, (7) Public Services, and (8) *broadened evaluation* of potential impacts and issues in the areas of Air Quality and Greenhouse Gas Emissions, Energy, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, Solid and Hazardous Waste, and Transportation and Traffic. Unless and until those areas are more fully addressed, the NOP/IS appears to improperly limit the scope of the proposed DPEIR based on an inaccurate and incomplete Project description, and to thus erroneously exclude areas requiring further assessment.

In addition, there is no indication what criteria were used to develop the significance criteria or that they are supported by substantial evidence, as is required. (Public Resources Code § 21082; CEQA Guidelines § 15064.7; and *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1111.) In the categories examined by the

A-7.31

IS, the significance criteria are inconsistent with the questions asked to elicit whether the Project would have potentially significant impacts. A-7.31 Cont.

**(b) Specific Comments and Questions on the Environmental Checklist**

Aesthetics – Pp. 2-4 to 2-6

The IS suggests that because the Proposed Plan is intended to "improve air quality and visibility," the District may simply assume that this Project would not be expected to generate significant adverse aesthetics impacts. However, given that several of the measures that would be used to implement the Project are not identified, the IS does not provide evidence, let alone substantial evidence as is required,[11] to demonstrate that the proposed Project would result in less than significant aesthetic impacts. A-7.32

The IS fails to describe the environmental setting and include any evidence or analysis to support its assumption that implementation of Project control measures would "typically occur inside the buildings" or could "easily blend" with existing facilities "with little or no noticeable effect on adjacent areas." (IS, p. 2-5.) Without a clearly defined project, project location, or description of the environmental setting, it is not possible to conclude that any modifications will have little or no noticeable effect on adjacent areas and would blend in with the visual setting.

The IS further contends that the installation of catenary lines (overhead power lines) in existing high activity transportation corridors, such as the areas within and adjacent to the Ports is not expected to result in any significant aesthetic impacts because the nearest scenic highways would be Routes 1 and 2, located at sufficient distances so as not to be visible from the Ports. (IS, pp. 2-5, 2-6.) In this regard, the IS fails to identify or even describe known visual resources such as John S. Gibson Boulevard, Harbor Boulevard, and the Vincent Thomas Bridge, all of which are designated as local scenic highways in the San Pedro and Wilmington-Harbor City Community Plans. Ocean Boulevard is likewise identified as a scenic route in the Scenic Element of Long Beach's General Plan. Indeed, there are many historic and cultural resources, both listed and found eligible for listing through surveys, that contribute to the visual setting and character of the Ports and if modified, through obstruction, alteration, or demolition could have a negative aesthetic impact. A-7.33

The IS does not even attempt to analyze the potentially significant aesthetic impacts from the proposed control measures which require and/or provide incentives for facility modifications, increased electrical usage (which may require new substations, powers plants and related

[11] (*See* Public Resources Code § 21080(e) [CEQA defines substantial evidence as "fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact" and excluding, among others, "speculation" and "unsubstantiated opinion."].)

infrastructure), and cool roofs and solar panels. It likewise improperly defers analysis of certain glare impacts to the local review process, which, in the case of solar panels, may not require discretionary approvals such that this topic will evade CEQA review altogether.

A-7.33 Cont.

The IS indicates that off-road control measures "may include hoods or bonnets on ship exhaust stacks to capture emissions and are expected to be as high as the height of ship stacks," and concludes that these control devices "would be similar to other structures used within the heavily industrialized portions of the ports . . .." (IS, p. 2-6.) It is speculative and erroneous to assume that control devices as high as 100 feet would have a less than significant visual impact without knowing the location, dimensions, color scheme, and/or critical viewpoints. No such analysis has been considered here and the impact is dismissed with no evidence to support the conclusion.

The IS further errs by dispensing with environmental analysis or evidence, simply because of the (assumed) beneficial air quality goals of the Project. The law is clear that environmentally "benign" aspects of a project do not excuse non-compliance with CEQA and do not justify reliance on assumptions in lieu of evidence to demonstrate the absence of potential impacts. For instance, in *California Farm Bureau Federation v. California Wildlife Conservation Board* (2006) 143 Cal.App.4th 173, 196, the Court of Appeal ruled that a State environmental agency violated CEQA by exempting an environmentally beneficial habitat project from review. In reaching its conclusion, the court reasoned that "it cannot be assumed that activities intended to protect or preserve the environment are immune from environmental review," specifically noting that "***[t]here may be environmental costs to an environmentally beneficial project, which must be considered and assessed.***"

A-7.34

Given the nature of proposed Project, it cannot be determined that its implementation would have no significant impact to aesthetics. The DPEIR therefore should include "Aesthetics" as a potentially impacted area of study.

The NOP/IS must be revised, and the scope of the proposed DPEIR expanded to include a detailed analysis, supported by substantial evidence, regarding potentially significant aesthetic impacts as well as feasible mitigation measures and alternatives designed to address those impacts.

Air Quality – Pp. 2-9 to 2-13

The IS indicates that the Project will not conflict with or obstruct implementation of the applicable air quality plan. Along those lines, the IS notes that the Proposed Plan includes control measures for stationary, mobile, and indirect sources and that these measures are based on "feasible methods of attaining the [ambient air quality standards]." (IS, p. 2-11.) There is no evidence, let alone substantial evidence to support this statement. Control measures related to mobile sources are beyond the District's regulatory jurisdiction and thus infeasible for legal and other grounds.

Given the total lack of information regarding what control measures the Project would entail and whether their implementation is feasible, it is premature to assess impacts related to violation of air quality standards, either on a project or cumulative basis, as well as exposure of sensitive receptors to substantial pollutant concentrations. These details must be provided and these topics should also be identified and assessed in a revised IS and the DPEIR. At minimum, the analysis should be expanded to include the potential air quality impacts referenced above.

Certain control measures could involve significant construction retrofits for compliance. (*See*, *e.g.*, MOB-01, MOB-02, OFRIS-04, and ORFIS-05.) This may result in significant construction-related air quality impacts. Further, these measures and others like it could result in additional electrification and/or the use of additional add-on control equipment, all of which needs to be addressed in the IS and resulting DPEIR.

A-7.35

There is no factual basis in the IS upon which to conclude that implementation of the Project would not create any odor issues and therefore need not be studied. It is premature to dismiss this area of analysis given the lack of information currently available regarding the Project. Furthermore, the IS analysis only applies to construction odors and ignores any potential odors that may occur due to Project operations.

A-7.36

As noted above, several of the proposed control measures have not yet been developed by the District. Thus, the District lacks the requisite basis to conclude that the Project would not diminish any existing air quality rule and to exclude further analysis of this topic.

While concluding that the Project may have a potentially significant impact with respect to greenhouse gas emissions, the IS inconsistently finds a less than significant impact with respect to the Project's impacts in regard to conflicts with applicable plans, policies, and regulations adopted for the purpose of reducing greenhouse gas emissions. The DPEIR must likewise study this issue and all applicable state (e.g., AB 32, Scoping Plan, Executive Orders S-3-05 and B-30-15) as well as climate action plans.

A-7.37

At minimum, the additional areas of potential impacts on air quality referenced above should be identified and assessed in the DPEIR.

The NOP/IS must be revised, and the scope of the proposed DPEIR expanded to include a detailed analysis, supported by substantial evidence, regarding potentially significant air quality impacts as well as feasible mitigation measures and alternatives designed to address those impacts.

A-7.37 Cont.

Biological Resources – Pp. 2-14 to 2-16

The IS fails to adequately describe, and improperly minimizes, possible impacts to biological resources. The scope of the proposed DPEIR should be expanded to include environmental analysis of the Project's potentially significant impacts to biological resources.

The IS indicates that "the proposed project will not adversely affect protected wetlands as defined by § 404 of the Clean Water Act, including, but not limited to marshes, vernal pools, coastal wetlands, etc., through direct removal, filling, hydrological interruption or other means." (IS, p. 2-16.) But, the IS fails to analyze, through detailed quantification and hydrodynamic modeling, potential wastewater impacts, including impacts to designated wetlands.

A-7.38

The NOP/IS must be revised, and the scope of the proposed DPEIR expanded to include a detailed analysis, supported by substantial evidence, regarding potentially significant impacts to biological resources, as well as feasible mitigation measures and alternatives designed to address those impacts.

Cultural Resources – Pp. 2-17 to 2-19

The IS fails to adequately describe, and improperly minimizes, possible impacts to cultural resources. For instance, not all areas within the Ports are devoid of cultural resources or have been previously disturbed, as concluded in the IS on page 2-18. There are known recorded historic and prehistoric sites throughout the Ports alone[12] and there are undoubtedly other historic and prehistoric sites in the Basin that would be affected by the Project. Without knowing the location and extent of ground disturbance from possible construction activities associated with the Project, it is speculative to assume that no significant adverse cultural resources impacts are expected as a result of its implementation. The conclusion in the IS that the Project will result in "no impact" to cultural resources is unsupported and lacks evidence or facts to support the finding.

A-7.39

Further, the IS includes language reflecting the typical mitigation measure to be imposed on unknown cultural sources to justify its "no impact" conclusion. (IS, p. 2-19). This fact alone demonstrates that there are potentially significant cultural resource impacts requiring analysis and mitigation in the DPEIR.

[12] For example, *see* City of Los Angeles's website at http://www.portoflosangeles.org/idx_history.asp.

The NOP/IS must be revised, and the scope of the proposed DPEIR expanded to include a detailed analysis, supported by substantial evidence, regarding potentially significant impacts to cultural resources as well as feasible mitigation measures and alternatives designed to address those impacts.

A-7.39 Cont.

Energy – Pp. 2-18 to 2-19

If the net effect of implementing the Project is an increase in regional energy demand, as the IS indicates is likely, potential conflicts with adopted energy conservation plans and existing energy standards (Items VI.a and IV.e) should not be dismissed as "no impact." The IS must be expanded to also consider and analyze the shift from fossil fuels to alternative fuels or electrical powered technologies and increased reliance on such alternative fuels or electricity such that sufficient supply and emergency storage would be required in the event of a major disaster. Also, some types of emissions control measures, facilities, or technologies contemplated by the Project could increase or shift demand for different types of energy or fuel usage. Although "risk of upset" is not considered in the IS Checklist, it should be cross-referenced here and addressed in the Hazards section of the IS and the DPEIR.

A-7.40

The NOP/IS must be revised, and the scope of the proposed DPEIR expanded to include a detailed analysis, supported by substantial evidence, regarding potentially significant energy impacts as well as feasible mitigation measures and alternatives designed to address those impacts.

Geology and Soils – Pp. 2-23 to 2-19

Because details concerning several Project control measures are not yet known, the IS improperly concludes that the Project has no potential to generate significant adverse impacts to geology and soil resources. In particular, the IS wrongly assumes that only "minor" modifications at existing industrial or commercial facilities would be needed due to Project control measures and that "no AQMP control measures would require the location of new, or relocation of existing facilities in areas prone to liquefaction." (IS, p. 2-23 and 2-24.) At minimum, the potentially significant geology-related impacts associated with the control measures identified above must be analyzed in the DPEIR.

A-7.41

The NOP/IS must be revised, and the scope of the proposed DPEIR expanded to include a detailed analysis, supported by substantial evidence, regarding potentially significant geology and soils impacts as well as feasible mitigation measures and alternatives designed to address those impacts.

Hazards and Hazardous Materials – Pp. 2-26 to 2-29

In addition to the measures described herein, the potentially significant hazards-related impacts associated with the control measures identified above must also be analyzed in the DPEIR.

Section VIII.d of the IS states that the Project would not be located on a site which is included in a list of hazardous materials sites compiled pursuant to Government Code § 65962.5, also known as the "Cortese list." As such, the IS concludes that "implementation of the proposed control measures is not expected to interfere with site cleanup activities or create additional site contamination" and that this topic "will not be further evaluated" in the DPEIR. (IS, p. 2-28.) This section must be expanded to also consider that Government Code § 65962.5 requires the disclosure of any work conducted on a site on the Cortese list and precludes a project from being exempt under CEQA even if only minor work is being conducted on such sites. There are several parcels on the Cortese list located within the POLB alone.[13] A-7.42

In addition, Item VIII.f must be expanded to also consider and analyze the increased reliance on alternative fuels or electrical powered technologies that would require sufficient supply and emergency storage in the event of a major disaster. Although interference with emergency response plans was marginally addressed in this section, "risk of upset" is not considered in the IS checklist.

The NOP/IS must be revised, and the scope of the proposed DPEIR expanded to include a detailed analysis, supported by substantial evidence, regarding potentially significant impacts to hazards and hazardous materials as well as feasible mitigation measures and alternatives designed to address those impacts.

Hydrology and Water Quality Pp. 2-30 to 2-33

The analysis does not cover all of the control measures that may result in adverse impacts to hydrology impacts. A thorough analysis of all proposed measures must be included in the DPEIR. The IS purports to exclude runoff-related impacts (Items IX.c and d) reasoning that only "minor modifications" would be needed to commercial or industrial facilities affected by the proposed control measures. (IS, p. 2-33.) This is not supported by any evidence in the record. Moreover, as noted above, several of the proposed control measures have not yet been developed by the District. Thus, the District lacks the requisite basis to conclude that the Project would not result in any adverse impacts related to stormwater runoff impacts. A-7.43

[13] (*See* California Department of Toxic Substances Control. Hazardous Waste and Substances Site List – Site Clean (Cortese List) *www.dtsc.ca.gov/Site Cleanup/Cortese_List.cfm*. City of Long Beach zip code 90802.)

Because details concerning several Project control measures are not yet known, the IS improperly concludes that the Project has no potential to generate significant adverse impacts to geology and soil resources. In particular, the IS wrongly assumes that only "minor" modifications would be needed at existing industrial or commercial facilities due to Project control measures and that "no AQMP control measures would require the location of new, or relocation of existing facilities in areas prone to liquefaction." (IS, pp. 2-23 and 2-24.) At minimum, the potentially significant geology-related impacts associated with the control measures identified above must be analyzed in the DPEIR.

A-7.43 Cont.

The NOP/IS must be revised, and the scope of the proposed DPEIR expanded to include a detailed analysis, supported by substantial evidence, regarding potentially significant impacts to hydrology and water quality as well as feasible mitigation measures and alternatives designed to address those impacts.

Land Use and Planning – Pp. 2-34 to 2-36

The IS fails to adequately describe, and improperly minimizes, possible inconsistencies between the proposed Project and the existing and applicable land use plans and policies.

The significance criteria asks whether the Project would conflict with the land use and zoning designations established by local jurisdictions. But, CEQA requires an analysis of whether the Project would conflict with any applicable plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. (CEQA Guidelines § 15125(d); CEQA Guidelines, Appendix G, Item X.b; and *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903.) No such question is asked by the IS nor does the resulting analysis provide the District the basis on which to exclude further consideration of land use and planning impacts.

A-7.44

In addition to local plans, there are numerous federal and state plans that contain pertinent policies that must be considered and evaluated in light of the Project control measures. For instance, the proposed Project would seemingly create conflicts with the Ports' existing policies implementing the State Tidelands Trust principles, the California Coastal Act planning and permitting requirements, and the existing Master Plan for each Port, as are detailed in the previous Port letters. In addition, the proposed Project would create inconsistencies with the CAAP. The numerous inconsistencies between the Project as proposed and the existing plans and policies require identification in the IS and inclusion in the proposed DPEIR. (CEQA Guidelines § 15125(d).) The fact that the District does not have authority over local land use matters (*see* IS, p. 2-34) does not justify or excuse its need to study this issue consistent with CEQA. (Public Resources Code § 21081(a)(2); *Neighbors for Smart Rail v. Exposition Metro Line Const. Auth.* (2013) 57 Cal.4th 439.)

The IS assumes that no new rail or truck traffic routes would be constructed and that instead existing transportation lines near the Ports would be modified to add electrical lines. (IS, p. 2-35.) There is no evidence to support this statement, let alone substantial evidence, as is required. Even if it were true this does not mean that the Project would not result in any conflicts with plan policies adopted for the purpose of avoiding or mitigating environmental effects. Increased electrical use would increase electrical demand. As noted above, this could conflict with adopted energy conservation plans. Installation of electric infrastructure could raise significant conflicts with aesthetic policies especially since these lines are proposed to be located above-ground. A-7.45

Additionally, fueling infrastructure to support zero and near-zero emissions vehicles, such as those powered by hydrogen fuel cells or natural gas, could have a significant impact on local land use and may conflict with existing plans. Such Project components could likewise contribute to the physical division of an established community. The IS admits as much in noting that to the extent such infrastructure requires modification to an existing rail or truck traffic route/corridor, this "will require a separate CEQA evaluation." (IS, p. 2-36.) The District cannot legally defer analysis of Project impacts to some future, speculative CEQA review process. The analysis must take place now in order to inform the District's decision on the Proposed Plan. A-7.46

The IS states that it incorporates "local land use planning decisions and population growth." (IS, p. 2-36.) There is no explanation or evidentiary support for this statement, and even if there were, it is irrelevant. The pertinent questions are whether the Project may conflict with plan policies pertaining to environmental issues and/or physically divide an established community. A-7.47

The NOP/IS must be revised, and the scope of the proposed DPEIR expanded to include a detailed analysis, supported by substantial evidence, regarding potentially significant land use and planning impacts as well as feasible mitigation measures and alternatives designed to address those impacts.

Noise – Pp. 2-39 to 2-41

The IS acknowledges that approval of the Project could result in the construction or installation of new control equipment that may result in significant noise impacts. Even so, the IS only analyzes the construction-related noise impacts associated with some, but not all, of the proposed control measures. A-7.48

Further, there is no evidence cited in the IS to support its assumption that additional permanent noise impacts anticipated from the operations of new control equipment would not "cause substantial noise or excessive groundborne vibration impacts" and its conclusion that "[o]perational noise impacts are expected to be less than significant." (IS, p. 2-41.)

This section of the IS is littered with mere "expectations" unsupported by any evidence regarding the magnitude of new noise impacts, even though such new impacts are anticipated by the IS. Nor is there any analysis of the potential for significant adverse impacts from new noise generators related to the Project.

A-7.48 Cont.

The NOP/IS must be revised, and the scope of the proposed DPEIR expanded to include a detailed analysis, supported by substantial evidence, regarding potentially significant noise impacts as well as feasible mitigation measures and alternatives designed to address those impacts.

Population and Housing – Pp. 2-42 to 2-43

The analysis assumes that "few or no new employees would need to be hired at affected facilities to operate and maintain new control equipment on site because air pollution control equipment is typically not labor intensive equipment." (IS, p. 2-43.) There is no evidence to support this statement, let alone substantial evidence, as is required.

Further, the IS neglects to discuss or assess the potentially significant growth inducing impacts associated with several control measures. (*See*, *e.g.*, Control Measures CMB-01 and FLX-02).

A-7.49

The NOP/IS must be revised, and the scope of the proposed DPEIR expanded to include a detailed analysis, supported by substantial evidence, regarding potentially significant population and housing impacts as well as feasible mitigation measures and alternatives designed to address those impacts.

Public Services – Pp. 2-44 to 2-45

The IS assumes that the Project would not generate any increased need for public services. However, the IS does not provide any substantial evidence to support its assumptions regarding the absence of impact on additional public services or facilities. New fueling infrastructure to support zero and near-zero emissions vehicles, including hydrogen and natural gas, could impact Fire Department resources and require additional public services.

A-7.50

The NOP/IS must be revised, and the scope of the proposed DPEIR expanded to include a detailed analysis, supported by substantial evidence, regarding potentially significant public services impacts as well as feasible mitigation measures and alternatives designed to address those impacts.

Transportation and Traffic – Pp. 2-50 to 2-54

The IS erroneously considers only vehicular traffic impacts to local roadways. As such, it fails to adequately describe and analyze potentially significant impacts to rail and marine vessel traffic, ignoring the specific significance criterion related to this topic (*see* IS, P. 2-51). In fact, ORFIS-04 (At-Berth Regulation Amendments) could have a significant impact on marine vessel traffic as the only approved technologies to address non-regulated vessels are barge-based, and thus, would increase vessel traffic within harbor waters. An expansion of the at-berth regulation as contemplated in ORFIS-04 would likely require additional barge-based units, further exacerbating vessel traffic and posing safety hazards, all of which must be analyzed in the DPEIR. A-7.51

The IS does not contain any analysis of the potentially significant traffic impacts associated with increased zero or low emission vehicles. Instead of analyzing the impacts caused by additional vehicles, the analysis assumes that "drivers who purchase low or zero emission vehicles would not be driving the old high emitting vehicles at the same time they are driving the low emitting vehicles." (IS, p. 2-52.) However, other drivers will now be able to drive these vehicles and the analysis should assume both the old and new vehicles will be used at the same time.[14] Further, 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, could result in significant traffic impacts through closure of lanes and other alternations of traffic flow patterns. Thus, operational traffic impacts should not be dismissed from the DPEIR. A-7.52

The potential road hazards associated with TCMs are assumed to not exist. (IS, p. 2-53.) However, the analysis of this topic was presumably done by SCAG in the EIR for the RTP/SCS. The IS and resulting DPEIR proposes to rely on this document but does not refer to any of its analysis or explain how the IS analysis conforms to it. The same is true for the IS's analysis of other TCM measures. Indeed, the District's own overhead catenary project has been required to install additional traffic safety measures to compensate for infrastructure design changes that include larger base foundations and wider medians, which have necessitated safety barriers to reduce traffic hazards. A-7.53

The NOP/IS must be revised, and the scope of the proposed DPEIR expanded to include a detailed analysis, supported by substantial evidence, regarding potentially significant transportation and traffic impacts as well as feasible mitigation measures and alternatives designed to address those impacts.

[14] This same assumption should be reflected in all the analyses, including but not limited to, air quality, greenhouse gas emissions, and noise.

Mandatory Findings of Significance – Pp. 2-55 to 2-56

As discussed above, the Project's potentially significant impacts to biological resources must be analyzed in the DPEIR and should not be considered beyond the scope of review. Further, all potentially significant impacts to all resource topics should be evaluated in the DPEIR and not just the select list of resource topics identified for consideration. The IS claims that the TCMs are part of the Project (IS, p. 1-10) but then purports to exclude them from its analysis of anything other than cumulative impacts (IS, p. 2-56). Both project and cumulative impacts must be analyzed for all Project components, including (without limitation) the RTS and TCMs.

A-7.54

**D. Conclusion**

The current version of the NOP/IS fails to adequately describe the "Project" thereby thwarting effective public review and comment on the Proposed Plan. The IS must therefore be revised, corrected, and re-circulated with all of the descriptions and other content required by CEQA.

Even this inadequate NOP/IS makes it clear that the scope of the proposed DPEIR has been unduly narrowed, and that environmental review will be limited in a way that erroneously fails to provide the relevant decision-makers, affected public agencies, residents and the public generally with sufficient evidence and analysis of all anticipated and potential impacts from the Project as a whole, or of all potentially feasible mitigation measures or appropriate Project alternatives as required by CEQA.

A-7.55

While it is clear that an initial study is needed in connection with this proposed Project, it is also clear that the IS should be more complete than the version that was provided for public review and comment. More fundamentally, its scope must be determined by a legally-adequate revised NOP/IS. The IS for the Project must, of course, be supported by credible and substantial evidence, including independent professional analysis.

We respectfully request that these comments and questions be considered before the District embarks on preparation of the DPEIR and all of the other required independent studies in connection with the CEQA review of the proposed Project.

The NOP requests that we provide you with a contact person for each responding agency. For the POLB, the contact persons are as follows:

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A-7.55 Cont.

With a copy to:

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Sincerely,

Heather A. Tomley
Director of Environmental Planning
Port of Long Beach

cc: Wayne Nastri, Acting Executive Officer, South Coast Air Quality Management District
Barbara Baird, Chief Deputy Counsel, South Coast Air Quality Management District
Jon Slangerup, Chief Executive, Port of Long Beach
Rick Cameron, Managing Director, Port of Long Beach

# Response to Comment Letter A-7

## Comment A-7.1

**Re: Comments on the Notice of Preparation, Initial Study, and Scope of Proposed Draft Program EIR for the 2016 Air Quality Management Plan**

Dear Ms. Wong and Staff of the South Coast Air Quality Management District:

We appreciate this opportunity to submit comments on the Notice of Preparation ("NOP") and the accompanying Initial Study ("IS") prepared in connection with the South Coast Air Quality Management District's ("District" or "SCAQMD") consideration of the proposed 2016 Air Quality Management Plan (the "Project" or "Proposed Plan") on behalf of the City of Long Beach acting by and through its Harbor Department (collectively referred to herein as "Port of Long Beach" or "POLB"). A-7.1

As you know, the POLB along with the Port of Los Angeles (collectively the "Ports") have achieved tremendous success in obtaining substantial emissions reductions through their joint San Pedro Bay Ports Clean Air Action Plan ("CAAP") and other air quality measures implemented under the Ports' initiatives. POLB continues to be supportive of projects and programs that are intended to contribute to improvement of air quality and promote other environmental values. However, POLB fundamentally disagrees with the District's proposal to again attempt to unnecessarily convert an effective voluntary plan, built on multi-agency and industry cooperation, into potentially punitive regulations imposed unlawfully on the Ports. The Ports have previously sought to make the District aware of the serious concerns and objections to this approach.[1]

We are also mindful that the California Environmental Quality Act ("CEQA") calls for public review, critical evaluation, and comment on the scope of the environmental review to be conducted prior to approval of proposed projects. Such review and critique is particularly important where, as here, it is anticipated that the proposed Project will have substantial impacts on and conflict with the authorities of other public agencies. Thorough identification of the proposed Project, and candid disclosure of all phases of the Project and its potential impacts, is essential to assure that the proposed Project will be planned and implemented in conformity with established community plans and policies, and that environmental review is conducted with full consideration of all potentially significant environmental impacts as well as mitigation measures and alternatives designed to address those impacts. In addition, it will be important to consider the impacts of the proposed Project on the POLB's community, mission, facilities, and operations. The District must therefore provide a meaningful opportunity for informed public review of and comment on a well-defined "project." A-7.1 Cont.

In that context, we respectfully submit the following comments regarding the NOP for the Project as well as questions, concerns, and objections related to the omissions of critical information, unsupported assumptions, or analytical deficiencies in the IS, and comments as to the scope of the proposed Draft Program Environmental Impact Report ("DPEIR") as contemplated and invited by the District's NOP. As set forth in more detail below, we believe that: (1) the Project needs to be more thoroughly and accurately described, (2) all potentially significant environmental impacts related to all Project control measures must be thoroughly analyzed, and (3) mitigation measures and alternatives must be provided to address all potentially significant environmental impacts.

[1] (*See* letters dated January 31, 2014; January 15, 2014; October 2, 2013; August 21, 2013; November 27, 2012; November 19, 2012; November 8, 2012; October 31, 2012; October 22, 2012; August 30, 2012 (which includes letter dated May 4, 2010); July 10, 2012; July 27, 2012 from POLB and/or Port of Los Angeles to SCAQMD.)

## Response A-7.1

This is an introductory comment which alludes to specific comments presented later in the comment letter. Therefore, responses are provided to the specific comments later.

## Comment A-7.2

**A. General Comments on the Initial Study**

While we recognize the effort that has gone into preparation of the current NOP/IS, it is apparent that the IS does not provide the information, evidence, or analysis required under CEQA. The IS thus fails to fulfill its critical role as mandated by CEQA in educating the public generally, other affected regulatory agencies and governments, or the officials and Board of the District, as to the potential environmental significance and impacts of the proposed Project.

The necessary contents for an adequate initial study are described in CEQA Guidelines § 15063(d). An initial study must "contain in brief form:

(1) A description of the Project including the location of the Project;

(2) An identification of the environmental setting;

(3) An identification of environmental effects by use of a checklist, matrix, or other method, provided that entries on a checklist or other form are briefly explained to indicate that there is some evidence to support the entries . . . ;

(4) A discussion of ways to mitigate the significant effects identified, if any;

(5) An examination of whether the Project would be consistent with existing zoning, plans, and other applicable land use controls;

(6) The name of the person or persons who prepared or participated in the initial study."

An initial study that fails to provide all of the information, analysis, and evidence called for by CEQA may be deemed to be inadequate and not a valid basis for CEQA review or project approval. (*See, e.g., City of Redlands v. County of San Bernardino* (2002) 96 Cal.App.4th 398, 407–408, [invalidating the County's proposed general plan amendments because of a deficient initial study: "[T]he initial threshold study is inadequate because it fails to provide sufficient evidence or analysis of the potential environmental effects of the amendments."].)

As set forth in more detail below, the IS fails to: contain an adequate project description, properly identify the environmental setting, and adequately assess the Project's potentially significant environmental effects. It contains no discussion whatsoever of mitigation measures or consistency with existing zoning, plans, and other applicable land use controls, as required. It is therefore respectfully urged that the IS (and the related NOP) be revised, corrected, and recirculated for public review and comment before the District proceeds with any further action, including release of a DPEIR for the proposed Project.

The CEQA Guidelines contemplate that an initial study is to be used in defining the scope of environmental review. (CEQA Guidelines §§ 15006(d), 15063(a), 15143). However, as a result of the omissions, open questions, and deficiencies in the IS as noted below, it appears to have unduly narrowed the District's proposed scope of environmental assessment, and to have caused the NOP to erroneously exclude critical issues and topics from the proposed scope of the DPEIR.

The comments on the current IS included in this letter are organized in the same format used by the IS, i.e., comments on "Chapter 1 – Project Description" followed by comments on "Chapter 2 – Environmental Checklist." The comments are limited to those matters that appear in the current version of the IS, and we reserve the right to provide further comments in the event that additional or different information concerning the proposed Project becomes available, or the District provides a revised and CEQA-compliant initial study.

A-7.2

A-7.2 Cont.

## Response A-7.2

This is an introductory comment which alludes to specific comments presented later in the comment letter. Therefore, responses are provided to the specific comments later.

## Comment A-7.3

**B. Request for Revision of NOP and Re-Circulation of Revised NOP/IS to Include a Legally-Adequate "Project" Description**

As a preliminary matter, we note that the 30 day review period is insufficient time to review the IS and the over 1,000 page Proposed Plan and available appendices. It is also important to note that Appendix V (Modeling & Attainment Demonstrations) and Appendix VI (Compliance With Other Clean Air Act Requirements) of the Proposed Plan has not yet been posted to the District's website.

A-7.3

## Response A-7.3

The SCAQMD complied with the standard required CEQA public period timing requirements, including a 30-day public review and comment period for an NOP/IS (CEQA Guidelines §15082(b)(2)). Additionally, six public workshops/CEQA scoping meetings were held for the proposed project at the following locations and times.

| Workshop Date | Time | Locations | Address | County |
|---|---|---|---|---|
| July 14, 2016 | 10:00 am | Coachella Valley Assn. of Governments | 72-710 Fred Waring Dr., Palm Desert, CA | Riverside |
| July 14, 2016 | 6:00 pm | SCAQMD Headquarters | 21865 Copley Dr. Diamond Bar, CA | Los Angeles |
| July 20, 2016 | 9:30 am | Buena Park Community Center | 6688 Beach Blvd., Buena Park, CA | Orange |
| July 20, 2016 | 2:00 pm | Carson Center | 801 East Carson Street, Carson, CA | Los Angeles |
| July 21, 2016 | 9:30 am | Norton Regional Events Center | 1601 E. 3rd St., San Bernardino, CA | San Bernardino |
| July 21, 2016 | 2:00 pm | Hyatt Place Riverside | 3500 Market Street, Riverside | Riverside |

Appendix V and Appendix VI will be available when the Draft Program EIR is released for public review.

## Comment A-7.4

Further, it is essential that the NOP and the IS be revised to include an adequate "project description" including *all* of the Proposed Plan's pertinent control measures and strategies that is the "project" before the public and agencies can be expected to provide comments and input.

It is only through reviewing the lengthy appendices to the Proposed Plan, can the reader understand the proposed Project control measures. The appendices also make clear that several of the proposed Project measures have not even been developed yet by the District and thus cannot be the subject of any meaningful environmental review or analysis. (*See*, *e.g.*, proposed Control Measures MOB-02, MOB-03, MOB-04, MOB-08, MOB-12, MOB-13, and MOB-14.) The details of the proposed Project must be accurately developed and described before the proposed methods and precise impacts anticipated by the Project may be analyzed or the subject of comment. Accordingly, it is still not possible for the District to proceed with appropriate project-level CEQA review or to issue an accurate NOP/IS at this stage as the details of the Proposed Plan are still under development. A-7.4

It is necessary that the current NOP and IS be revised to include a revised Project description, to incorporate the text of the Proposed Plan in detail, and to recirculate the revised documents for public review. A new set of public meetings, including a new "scoping meeting" should be scheduled to provide the public with sufficient time and opportunity to comment on the scope and adequacy of the revised notice of preparation/initial study. The comment period on any such revised documents should be at least 60 days in total.

## Response A-7.4

When the NOP/IS was released for public review and comment, the Draft 2016 AQMP was available for review. Therefore, details of all of the proposed project's control measures (in Appendix IV-A, IV-B, and IV-C) were available to the public for a meaningful review.

Although some of the specific control measures are provided in broad language, known reductions and costs are provided. Regardless, potential associated impacts can still be analyzed based on known information or supported assumptions, as was done in the Draft Program EIR, to determine foreseeable effects. It should be noted that the CEQA analysis for the 2016 AQMP is not project-level, but rather program level. Each of the projects, including rule development borne out of the control measures, will undergo project level CEQA analysis in the future.

Chapter 1 of the NOP/IS includes a description of the control strategies and their anticipated environmental impacts. Although the specifics of the implementation of each control measure have not yet been defined due to the process of developing control measures, the known information is used to form the basis of the analysis of environmental impacts.

**Comment A-7.5**

The DPEIR schedule too is very aggressive, with the scoping comment period ending on August 4, 2016, followed immediately by the release of the DPEIR also in August 2016, and final approval planed for December 2, 2016. This schedule provides insufficient time for meaningful input on the scope and content of the DPEIR by members of the public and affected agencies. Further, the POLB is concerned that given the quick turnaround between closure of the scoping period and the scheduled release of the DPEIR, insufficient time will be allowed for thorough review of the scoping comments by the District and inclusion of such comments into the DPEIR. A-7.5

**Response A-7.5**

Six public workshops/CEQA scoping meetings were held for the proposed project at the following locations and times in order to solicit public participation.

| Workshop Date | Time | Locations | Address | County |
|---|---|---|---|---|
| July 14, 2016 | 10:00 am | Coachella Valley Assn. of Governments | 72-710 Fred Waring Dr., Palm Desert, CA | Riverside |
| July 14, 2016 | 6:00 pm | SCAQMD Headquarters | 21865 Copley Dr. Diamond Bar, CA | Los Angeles |
| July 20, 2016 | 9:30 am | Buena Park Community Center | 6688 Beach Blvd., Buena Park, CA | Orange |
| July 20, 2016 | 2:00 pm | Carson Center | 801 East Carson Street, Carson, CA | Los Angeles |
| July 21, 2016 | 9:30 am | Norton Regional Events Center | 1601 E. 3rd St., San Bernardino, CA | San Bernardino |
| July 21, 2016 | 2:00 pm | Hyatt Place Riverside | 3500 Market Street, Riverside | Riverside |

The Draft Program EIR will be released for a 60-day public review and comment period from September 16 to November 15, 2016. Additionally, a second round of public meetings in the form of regional public hearings will be held to allow additional public participation and input.

## Comment A-7.6

**C. Comments on the Initial Study**

**1. Chapter 1 of the Initial Study – Inadequate "Project" Description**

**(a) Deficient "Project" Description – In General**

The failure of the IS and NOP to provide an accurate, complete, and coherent description of the "Project" is a fundamental deficiency, which permeates the entire document. The absence of such a clear description of the proposed Project inherently prevents the IS from facilitating meaningful review and analysis of the proposed Project, and violates the requirements of CEQA. (*See, e.g.*, CEQA Guidelines § 15124 and *Laurel Heights Improvement Ass'n v. Regents of the University of California* (1988) 47 Cal.3d 376.)

The importance of providing an accurate and informative project description in an initial study was re-emphasized in *Nelson v. County of Kern* (2010) 190 Cal.App.4th 252, 267:

> ***The initial study must include a description of the project***. Where an agency fails to provide an accurate project description, or fails to gather information and undertake an adequate environmental analysis in its initial study, a negative declaration is inappropriate. An accurate and complete project description is necessary to fully evaluate the project's potential environmental effects.
>
> The scope of the environmental review conducted for the initial study must include the entire project. Thus, a correct determination of the nature and scope of the project is a critical step in complying with the mandates of CEQA.[2]

A-7.6

In *City of Redlands, supra*, the Court of Appeal likewise observed that:

> An accurate and complete project description is necessary for an intelligent evaluation of the potential environmental impacts of the agency's action. Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal . . . and weigh other alternatives in the balance.

(96 Cal.App.4th at 406, 408; *accord*, *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 192-193 (an accurate, complete and consistent project description is the sine qua non of informative, legally adequate CEQA review).

CEQA Guidelines § 15063(a)(1) further makes clear that an initial study must take a comprehensive view of the proposed project *as a whole*. "All phases of project planning, implementation, and operation must be considered in the initial study of the project." This requirement reflects CEQA's definition of a "project" as the "whole of an action" that may result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change. (Public Resources Code § 21065; CEQA Guidelines § 15378.)

A-7.6 Cont.

[2] Unless otherwise noted, emphasis in quotations herein is supplied and citations are omitted.

**Response A-7.6**

A detailed and comprehensive project description was included in Chapter 1 of the NOP/IS and the Draft 2016 AQMP was available to provide meaningful review. This comment does not provide specific examples to support the claim that the project description in the NOP/IS is deficient. No further response is necessary.

**Comment A-7.7**

The IS currently falls far short of these requirements in describing the proposed Project, and thus falls equally short of serving the "public awareness" purposes described above and mandated by CEQA. The IS does not include or even describe the text of several control measures supposed to comprise the "Project." The section of the IS that purports to "describe" the Project, includes nothing more than summaries of certain control measures. At least some of the summaries do not accurately match the details described in the appendices to the Proposed Plan. In any event, the summaries are insufficient to describe the Project itself, and prevent effective public review and comment. The IS also fails to describe reasonably foreseeable activities or actions in response to or associated with the proposed Project control measures.

As to certain control measures, the IS appears to imply that any informed public discussion and environmental review on this course of action be *deferred* until some point in the future. Such an approach, however, is inconsistent with, and in violation of, many fundamental rules and policies required by CEQA (e.g., failure to identify and analyze the whole of the project, improper project "segmentation," improper deferral of impact analysis and mitigation, failure to identify and evaluate project alternatives, etc.). (*See*, *e.g.*, Public Resources Code § 21003.1; CEQA Guidelines §§ 15126.2, 15126.4, 12126.6, 15378; *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296.)

A-7.7

**Response A-7.7**

Summaries of control measures provided in the NOP/IS were specifically used to aid in the understanding of the proposed project for the general public. More extensive discussion of the control measures was available in the Draft 2016 AQMP in both Chapter 4 and Appendices IV-A, IV-B, and IV-C. The comment does not provide any specific examples to support the claim that the summaries do not accurately match the details described in the appendices of the proposed plan.

The NOP/IS discloses impacts of the proposed project. Some environmental topics were found to have potentially significant impacts and are fully analyzed in the Draft Program EIR, not deferred, as the comment suggests. The specific control measures of concern and the basis for the implication that concerns the commenter is not provided to allow a more proper detailed response.

## Comment A-7.8

The Proposed Plan refers to the future development of "contingency measures" if the area fails to meet certain milestones. (Proposed Plan, pp. 4-44 to 4-45, 6-13.) Yet, no such contingency measures are identified or described in the Proposed Plan or analyzed in the IS.

The Proposed Plan refers to "an action plan [that] will be developed as part of the AQMP public adoption process" to identify strategies to secure new sources of funding in order to implement the Proposed Plan. (Proposed Plan, p. 4-66.) However, the Proposed Plan provides insufficient details on what would be contained in this action plan and what environmental

A-7.8

In brief, the NOP/IS erroneously limits the scope of the analysis and inherently calls for impermissible speculation or impossible prescience on the part of public agencies or other members of the concerned public to undertake effective analysis of the proposed Project, or to provide meaningful comments as to the scope of review of the Project. No effective CEQA review can be undertaken unless and until the District provides an adequate description of the "Project."

A-7.8 Cont.

## Response A-7.8

Chapter 4 of the 2016 AQMP has a detailed discussion as to what is being defined as a contingency measure to comply with Clean Air Act (CAA) requirements. These measures are analyzed in the Draft Program EIR regardless of how the measure is classified to comply with CAA requirements.

The reference in the comment to an action plan is a plan for future funding opportunities. The NOP/IS and the Draft Program EIR analyzed environmental impacts from implementation of the 2016 AQMP, regardless of how the measure are to be implemented (through incentives or regulation). The funding action plan is a document separate to the 2016 AQMP and has no legal requirement for its development.

The detailed, comprehensive project description in the NOP/IS is adequate and provides sufficient detail for analysis of potential environmental impacts. The comment does not provide specific evidence to support the claims.

## Comment A-7.9

**(b) Specific Comments and Questions Regarding "Project Description" and Text**

The following comments and questions refer to specific portions or pages of Chapter 1 of the IS:

Pp. 1-5 to 1-6 – Agency Authority-2016 AQMP

The IS correctly acknowledges that the regulation of air quality emissions from mobile sources is primarily done at the federal and state level. By comparison, the District "has lead responsibility for developing stationary, some area, and indirect source control measures . . .." (IS, p. 1-5.)[3] Despite this acknowledged limit on its regulatory jurisdiction, the AQMP nonetheless purports to contain several measures related to mobile source emissions.

A-7.9

[3] *Accord*, Proposed Plan, p. ES-5 ("With limited SCAQMD authority over the mobile sources that contribute the most to our air quality problems, attainment cannot be achieved without state and federal actions.") and Proposed Plan, p. 3-11 ("U.S. EPA and CARB have primary authority to regulate emissions from mobile sources. U.S. EPA's authority applies to aircraft, locomotives, ocean going vessels, and some categories of on- and off-road mobile equipment. CARB has authority over the remainder of the mobile sources, and consumer products. SCAQMD has authority over most area sources and all point sources.").

## Response A-7.9

The SCAQMD has limited regulatory authority over mobile sources (e.g., fleet rules) and thus, a suite of SCAQMD mobile source measures are being proposed. Most of these mobile source measures will work in concert with CARB's SIP strategy being developed locally.

## Comment A-7.10

Pp. 1-7 to 1-8 – Overall Attainment Strategy

The IS indicates that the Proposed Plan "includes integrated strategies and measures" to meet the following federal standards:

- Revoked 1997 8-hour NAAQS ozone (80 ppb) by 2024;
- 2008 8-hour ozone standard (75 ppb) by 2032;
- 2012 annual PM2.5 standard (12 ug/$m^3$) by 2025;
- 2006 24-hour PM2.5 standard (35 ug/$m^3$) by 2019; and
- Revoked 1979 1-hour ozone standard (120 ppb) by 2023."

A-7.10

In addition to developing strategies and measures to meet the above acknowledged revoked standards, the text indicates that a new 8-hour ozone standard has been adopted (70 parts per billion ["ppb"]) ostensibly replacing the 2008 standard analyzed. (IS, p. 1-7.) The text does not explain why a plan is being developed to attain standards that have been revoked or rescinded.

The IS states that the majority of nitrogen oxide ("NOx") emission reductions will need to come from mobile sources and acknowledges again that the District lacks authority to regulate such emissions. As such, why is the District developing an "aggressive mobile source control strategy" to control emissions over which it admittedly lacks regulatory jurisdiction? (IS, p. 1-8.)[4]

A-7.10 Cont.

[4] The Proposed Plan at page ES-7 states that mobile sources currently contribute about 88 percent of the region's total NOx emissions. It then states that "[s]ince the SCAQMD has limited authority to regulate mobile sources, staff worked closely with CARB and U.S. EPA, which have primary authority over mobile sources, to ensure mobile sources perform their fair share of pollution reduction responsibilities." (Proposed Plan, p. ES-7.)

**Response A-7.10**

The 2008 standard has not yet been revoked, so the obligation to demonstrate attainment still remains. Sanctions and consequences to our region will be imposed if a plan is not submitted. That being said, once a standard is revoked, there are still anti-backsliding requirements to be complied with. See Chapter 6 of the 2016 AQMP for those requirements. This was explained in Chapter 6 of the Draft 2016 AQMP.

The SCAQMD does not lack authority, but rather has limited authority. The overall strategy, that includes state and federal sources, is an aggressive mobile source strategy.

**Comment A-7.11**

P. 1.9 – Project Objectives

> The IS notes the objective of achieving the various ozone and particulate matter ("PM2.5") standards by the specified attainment dates. However, as the appendices to the Proposed Plan make clear, several of the emissions reductions are listed as "TBD" with a note that "Emission reductions will be determined after projects are identified and implemented." (Proposed Plan, Appendix IV-A, pp. IV-A-4, IV-A-5, IV-A-96, and IV-A-172.) Because the emission reductions associated with several control measures have not yet been quantified, there is no guarantee or assurance that the emission reductions will actually be attained. Thus, contrary to the NOP, the Proposed Plan does not "identif[y] control measures and strategies to bring the region into attainment" with the specified standards nor does it demonstrate "compliance with state and federal Clean Air Act requirements." For this same reason, the Proposed Plan fails to attain its statutorily prescribed purpose.[5]

A-7.11

[5] (42 U.S.C. § 7410; California Health & Safety Code § 40440; *American Coatings Ass'n v. South Coast Air Quality Management District* (2012) 54 Cal.4th 446, 453.)

**Response A-7.11**

SCAQMD staff's goal for the Draft 2016 AQMP was to propose a comprehensive plan with all feasible measures. The emission reductions listed as TBD referred to in the comment are not needed in the attainment demonstration and would need additional technical assessment in order to be quantified. However, there may be the possible need in the near future for contingency measures and shortfall reductions in which case the TBD measures could be explored further to assist in those needs.

## Comment A-7.12

Pp. 1-10 – Project Description

The Project description indicates that the Project "control measures" consist of three components: (1) the SCAQMD Stationary and Mobile Source Control Measures, (2) State and Federal Mobile Source Control Measures, and (3) Regional Transportation Strategy and Control Measures provided by the Southern California Association of Governments ("SCAG"). A-7.12

The text indicates that the air quality baseline is comprised of 2012 data.[6] Yet, there is no clear explanation or rationale for the use of baseline data that is nearly 5 years old. The scope of the proposed DPEIR and Proposed Plan must be expanded to include a detailed explanation, supported by substantial evidence, that the 2012 air quality baseline is appropriate. (CEQA Guidelines § 15125; *Communities for a Better Environment v. South Coast Air Quality Management District* (2010) 48 Cal.4th 310.) The analysis must also clearly specify the baseline used for other resource topics, and to the extent that they deviate from the normal "existing conditions" scenario, like air quality, provide a clear and cogent explanation as to why this is appropriate. A-7.12 Cont.

[6] The IS later inconsistently states that the emission benefits associated with SCAG's Final 2016 Regional Transportation Plan/Sustainable Communities Strategy ("RTP/SCS") are reflected in the Project baseline emissions. (IS, p. 1-40.)

## Response A-7.12

2012 is the baseline year used for the emissions inventory to develop the control strategy and future baseline emissions for the 2016 AQMP. The latest verifiable air quality data (from approved air quality monitoring sites) is from 2015, which can be found in Chapter 2 of the 2016 AQMP and Subchapter 3.2 of the Draft Program EIR. The most recent environmental topic data from 2016 was used for the CEQA baseline in determining environmental impacts because that was the time of the release of the NOP/IS.

## Comment A-7.13

Pp. 1-10 to 1-21 – Stationary Source Control Measures (SCAQMD)

The stationary control measures to be implemented by the District are listed in Table 1.9-1 and summarized in the text following that table.

The IS fails to acknowledge let alone analyze all potentially significant environmental impacts of the stationary source control measures. The DPEIR must contain a complete and comprehensive analysis of the direct and reasonably foreseeable indirect impacts of all such measures. The potential for these measures to cause industries and other regulated entities to relocate elsewhere must also be considered. (*Muzzy Ranch Co. v. Solano County Airport Land Use Comm'n* (2007) 41 Cal.4th 372, 383.) A-7.13

## Response A-7.13

The Draft Program EIR contains a comprehensive analysis of the reasonably foreseeable direct and indirect impacts of the proposed project. Currently, no supportive evidence is available, nor is it foreseeable that industries or other regulated entities would need to relocate elsewhere due to implementation of the proposed project. Therefore this impact was not analyzed.

**Comment A-7.14**

> Measure ECC-03 would "seek to provide financial incentives" to go beyond the Title 24 standards and existing local regulations pertaining to NOx emissions. (IS, pp. 1-12 to 1-13.) "Incentive programs *would be developed* for existing residences that include weatherization, upgrading older appliances with highly efficient technologies and renewable energy sources to reduce energy use for water heating, lighting, cooking and other large residential energy sources." The measure also references providing "solar thermal and solar photovoltaics" to provide emission reductions within the residential sector. The measure lacks any specificity about the programs that the District acknowledges would still be developed. There is no information on the amount of funding and the number of residents that may take advantage of this program. Based on the examples provided, this measure may result in significant environmental impacts in the areas of aesthetics, air quality, land use, solid waste, and others that are not analyzed in the IS nor proposed for analysis in the DPEIR.

A-7.14

**Response A-7.14**

ECC-03 is an incentive-based measure. The specific details of implementation will be established in a working group process to take place once the plan has been approved to proceed in the development. However, this control measure is included in the analysis for the topic areas of aesthetics, air quality, and solid waste. Since the control measure is directed towards existing residences, environmental impacts in the area of land use are not expected and therefore were not specifically discussed in the Draft Program EIR.

**Comment A-7.15**

> Measure ECC-04 similarly includes a vague reference to widespread adoption of cool roofs. This measure may result in significant environmental impacts in the areas of aesthetics, biological resources, and land use/planning. Neither this measure nor these impacts are analyzed in the IS nor proposed for analysis in the DPEIR and should be.

A-7.15

**Response A-7.15**

Control measure ECC-04 is intended for commercial building roofs and high-rise residential roofs with low slopes, however, the aesthetic impacts from ECC-04 are analyzed in the Draft Program EIR. It should be noted that these types of structures are typically located in either highly industrialized or highly developed settings. Therefore, no significant impacts to biological resources are anticipated. Lan use decisions are made on a local level and it would be speculative to assume adverse decisions would be made based on roof product and color.

**Comment A-7.16**

> Measure CMB-01 would seek emission reductions of NOx from traditional combustion engines by replacing them with zero and near-zero emission technologies through, among other methods, electrification and fuel cells. This measure would also seek energy storage systems and smart grid control technologies coupled with renewable energy generation. This measure has the potential to result in significant environmental impacts with respect to, among others, the construction of additional energy infrastructure. Per a more detailed description of this measure in the Appendix to the Proposed Plan, it also seeks to "[e]ncourage new businesses that use and/or manufacture near-zero and zero emission technologies to site in the Basin." (Proposed Plan, Appendix IV-A, p. IV-A-47.)[7] The IS contains, at best, an incomplete analysis of this measure as evidenced by its omission of any discussion of its potential growth inducing impacts. (CEQA Guidelines § 15126.2(d); *Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 367 [EIR must discuss growth-inducing effects even though those effects will result only indirectly from a project.].)

A-7.16

**Response A-7.16**

CEQA does define growth-inducing impacts from projects that "foster economic or population growth or construction of additional housing." Since CMB-01 projects seek to advance deployment of engines, ovens and boilers, they are not constructing housing and nor will the population grow as a result of new industry when this region has a robust available labor force. The aspect of fostering economy is when that facility could significantly affect the environment.

[8] This measure, which calls for revised manure management strategies, requires more analysis than is provided in the IS. (*See, e.g., County Sanitation Dist. No. 2 v. County of Kern* (2005) 127 Cal.App.4th 1544, 1597 [EIR required to examine impacts of alternative sewage sludge disposal].)

**Comment A-7.17**

All potentially significant environmental impacts associated with replacing equipment, operations, and/or infrastructure with new or altered equipment, operations, and/or infrastructure must be analyzed and is not. (*See* Control Measures ECC-04, CMB-01, CMB-02, CMB-03, CMB-04, MCS-02, FLX-01, FLX-02, BCM-01, BCM-02, BCM-04,[8] BCM-06, BCM-07, BCM-10.) A-7.17

**Response A-7.17**

The role of the NOP/IS is a preliminary review of the project to determine potential significant environmental topic areas that can be fully analyzed in the Draft Program EIR. As such, the potential environmental impacts associated with the measures (ECC-04, CMB-01, CMB-03, CMB-04, MCS-02, FLX-01, FLX-02, BCM-01, BCM-02, BCM-04, BCM-06, BCM-07, BCM-10) that involve replacing equipment, operations, and/or infrastructure referred to in the comment

[7] A similar provision is included as part of FLX-02. (Proposed Plan, Appendix IV-A, p. IV-A-105.)

**Comment A-7.18**

Measure CMB-03 proposes to reduce emissions from non-refinery flares by "capturing the gas that would typically be flared and converting it into an energy source (e.g., transportation fuel, fuel cells) . . .." A similar measure appears to be proposed for nitrogen gas and biogas. (*See* Measures BCM-05 and BCM-10.) Yet, there is no discussion or consideration of associated pipelines or other infrastructure that would be needed to implement these measures nor of the traffic, air quality, noise, and other impacts associated with increased truck traffic to facilities containing such refined materials. There is similarly no analysis of the proposed alternative of reinjecting the gas into the ground or combusting it through flares. (Proposed Plan, Appendix IV-A, p. IV-A-70.) A-7.18

**Response A-7.18**

The potential environmental impacts from traffic, air quality, and noise associated with increased truck traffic referred to in the comment are analyzed in Chapter 4 of the Draft Program EIR. It is speculative at this time to assume the options an operator will choose to take in handling gas, such

as microturbines, fuel cells, sell back to gas companies, reinjection, or low-emitting burners. Having said that, the Draft Program EIR does account, programmatically, that extensive construction will take place and determines significant adverse impacts. These impacts are due to a variety of construction processes, but could include pipeline installation, infrastructure, or reinjection into the ground due to CMB-03, BCM-05, and BCM-10.

**Comment A-7.19**

Measure CTS-01 seeks to lower the content of volatile organic compounds ("VOCs") in coatings, solvents, and adhesives. Such measures may result in additional applications of lower quality products which could result in a net increase in air emissions. (*Dunn-Edwards Corp. v. Bay Area Air Quality Management District* (1992) 9 Cal.App.4th 644.) A-7.19

**Response A-7.19**

The potential air quality impacts referred to in the comment are analyzed in Subchapter 4.1 of the Draft Program EIR. Specific issue areas associated with reformulation of coatings including increased viscosity, illegal thinning, the need for more priming, more topcoats, more touch-ups and repair work, more frequent recoating, substitution, and reactivity, are discussed.

**Comment A-7.20**

[9] Measure BCM-07 likewise calls for increased watering of rotating cutting discs to reduce dust emissions. "Emissions are expected to be minimal, provided the waste material is disposed of properly." (Appendix, p. IV-A-201.) Yet, no analysis of the potentially significant air, noise, hazards, traffic, solid waste, or water supply impacts are provided such that any mitigation could be imposed to ensure that waste material is, in fact, disposed of properly.

and analyzed in the IS and the resulting DPEIR.

**Response A-7.20**

The potential noise, traffic, and hydrological impacts referred to in the comment are analyzed in Subchapters 4.5, 4.7, and 4.4 of the Draft Program EIR, respectively. BCM-03 is intended to reduce emissions through reduction of track out from stationary sources by specifying street sweeping methods and frequency. Therefore, an air quality benefit is anticipated from this control measure.

## Comment A-7.21

The noise, air quality, geology and other impacts of Measure BCM-08, which seeks to limit agricultural burning through promoting burning alternatives (e.g., chipping/grinding or composting) must be fully analyzed. A-7.21

## Response A-7.21

The potential air quality impacts referred to in the comment are analyzed in Subchapter 4.1 of the Draft Program EIR. BCM-08 is intended to incentivize chipping/grinding or composting in the place of agricultural burning as well as the increased utilization of clean fuels for training burns. The chipping/grinding activities conducted in place of agricultural burning are expected to take place in rural locations. Therefore, no significant noise impacts are anticipated. No geological impacts are reasonably foreseeable from BCM-08.

## Comment A-7.22

Pp. 1-19 to 1-25 – Mobile Source Control Measures (SCAQMD)

Notwithstanding its complete lack of regulatory jurisdiction over mobile sources, the District's Proposed Plan nonetheless contains a detailed list of mobile source control measures. The mobile source control measures "to be implemented" by the District are listed in Table 1.9-2 and summarized in the text following that table.

The IS fails to acknowledge let alone analyze all potentially significant environmental impacts of the mobile source control measures. The DPEIR must contain a complete and comprehensive analysis of the direct and reasonably foreseeable indirect impacts of all such measures. The potential for these measures to cause industries and other regulated entities to relocate elsewhere must also be considered. (*See, e.g. Muzzy Ranch, supra.*) A-7.22

Of particular concern for the POLB is MOB-01. Stemming from a desire to take ongoing credit for the voluntary emission reductions undertaken by the Ports through the CAAP Program, Measure MOB-01 would make the voluntary emission reductions a mandatory enforceable commitment in the form of a regulation enacted by the District "within its legal authority, or by the state or federal government, or other enforceable mechanism." (IS, p. 1-21.) In a separate comment letter to the District on the Proposed Plan, we will explain why the District lacks the legal authority to adopt or enforce any such regulation. Due to its lack of legal authority, this measure is not feasible and thus cannot serve as any valid form of mitigation. (Public Resources Code §§ 21004 and 21081(a)(3); CEQA Guidelines §§ 15040 and 15364; *Sierra Club v. California Coastal Comm'n* (2005) 35 Cal.4th 839; and *Tracy First v. City of Tracy* (2009) 177 Cal.App.4th 912.) A-7.22 Cont.

## Response A-7.22

The SCAQMD has limited regulatory authority over mobile sources (e.g., fleet rules) and thus, a suite of SCAQMD mobile source measures are being proposed. Most of these mobile source measures will work in concert with CARB's SIP strategy being developed locally.

The commenter's claim that the mobile source control measures will cause regulated entities to relocate elsewhere is speculative and unfounded by evidence.

Emission reductions from the ports are included in the baseline emissions inventory. The approach agreed upon in the future regarding how to implement MOB-01 will dictate the exact direct and indirect impacts. However, MOB-01 is analyzed programmatically in the Draft Program EIR.

**Comment A-7.23**

> From a CEQA standpoint, the emission reductions from the CAAP Program are already reflected in the baseline/setting. Further, the No Project Alternative is not defined in the NOP/IS. In accordance with CEQA Guidelines § 15126.6(e)(3)(A), when the "project" is the revision of an existing land use or regulatory plan, policy or ongoing operation, the "no project" alternative will be the continuation of the existing plan, policy or operation into the future. Therefore, the DPEIR should consider the impacts that would occur under the existing 2012 Air Quality Management Plan, which contains Measure IND-01.

A-7.23

**Response A-7.23**

The Draft Program EIR analyzes the impacts of the 2016 AQMP. The Draft Program EIR contains a No Project Alternative which looks at the continued implementation of the 2012 AQMP.

**Comment A-7.24**

> MOB-02 appears intended to correct two District rules pertaining to rail yards and intermodal facilities rejected by the U.S. Environmental Protection Agency ("EPA") presumably because they are beyond the scope of the District's regulatory jurisdiction. Per this vague and amorphous measure, the District will reconvene a stakeholder working group "to discuss and identify actions or approaches that can be implemented to further reduce emissions at rail yards and intermodal facilities." At most, this is a proposal to develop a measure that cannot be adequately analyzed at present in the DPEIR and should be removed from consideration.[10] Any such contemplated implementation strategies must be included in the "Project description" and better identified in a more complete NOP/IS, so that they may be evaluated along with the rest of the Project.

A-7.24

[10] Similar deficiencies apply to Measures MOB-03 (Emission Reductions at Warehouse Distribution Centers), MOB-04 (Emission Reductions at Commercial Airports), MOB-08 (Accelerated Retirement of Older On-Road Heavy-Duty Vehicles), MOB-12 (Further Emission Reductions from Passenger Locomotives), MOB-13 (Off-Road Mobile Source Emission Reduction Credit Generation Program), MOB-14 (Emission Reductions from Incentive Programs), and EGM-01 (Emission Reductions from New Development and Redevelopment Projects).

**Response A-7.24**

MOB-02 is intended to aid in the acceleration of the penetration of zero and near-zero emission locomotives and the use of alternative fuels and fuel additives. MOB-02 is intended to be part of future rulemaking activities, which will need further CEQA evaluation at that time. However, MOB-02 is analyzed programmatically in the Draft Program EIR.

## Comment A-7.25

Measure MOB-05 proposes to provide funding rebates for at least 15,000 zero emission or partial-emission vehicles per year. Measure MOB-07 similarly seeks to deploy up to 120 zero and partial-zero emission heavy-duty vehicles per year. The IS and resulting DPEIR must contain an analysis of the traffic, noise, air quality, and other impacts associated with such programs. A-7.25

## Response A-7.25

The potential impacts to traffic, noise, and air quality referred to in the comment are analyzed in Chapter 4 of the Draft Program EIR.

## Comment A-7.26

Measure MOB-06 seeks to retire 2,000 older light and medium-duty vehicles per year. Measure MOB-08 similarly seeks to retire 2,000 heavy-duty vehicles per year. There needs to be an analysis of the solid waste and other impacts associated with such measures. A-7.26

All potentially significant environmental impacts associated with replacing equipment, operations, and/or infrastructure with new or altered equipment, operations, and/or infrastructure must be analyzed and is not. (*See* Control Measures MOB-08, MOB-10, MOB-11, MOB-12, MOB-13, and MOB-14.) A-7.26 Cont.

## Response A-7.26

The potential impacts from mobile source control measures, including solid waste, referred to in the comment, are analyzed in Chapter 4 of the Draft Program EIR.

## Comment A-7.27

Pp. 1-25 to 1-30 – Air Toxic Control Measures (SCAQMD)

In addition to the criteria pollutant control measures, the Proposed Plan also contains a detailed list of measures to control toxic air contaminants ("TAC") from stationary sources. The TAC control measures are listed in Table 1.9-3 and summarized in the text following that table.

The IS fails to acknowledge let alone analyze all potentially significant environmental impacts of the air toxic control measures. The DPEIR must contain a complete and comprehensive analysis of the direct and reasonably foreseeable indirect impacts of all such measures. The potential for these measures to cause industries and other regulated entities to relocate elsewhere must also be considered. (*See, e.g. Muzzy Ranch, supra.*) A-7.27

Measure TXM-01 contains a list of potential emission control approaches for metal grinding operations. Because there is no specific proposal, the IS and resulting DPEIR cannot meaningfully analyze this measure.

All potentially significant environmental impacts associated with replacing equipment, operations, and/or infrastructure with new or altered equipment, operations, and/or infrastructure must be analyzed and is not. (*See* Control Measures TXM-04, TXM-05, TXM-06, TXM-08, and TXM-09.)

**Response A-7.27**

The Draft Program EIR contains a comprehensive analysis of the reasonably foreseeable direct and indirect impacts of the proposed project. The commenter's claim that the measures will cause regulated entities to relocate elsewhere is speculative.

TXM-01 is intended to be part of future rulemaking activities, which will need further CEQA evaluation at that time. However, TXM-01 is analyzed programmatically in the Draft Program EIR. The potential impacts from air toxic control measures referred to in the comment are analyzed in Chapter 4 of the Draft Program EIR.

## Comment A-7.28

Pp. 1-30 to 1-38 – Mobile Source Control Measures (Federal and State)

The IS's project description contains a detailed list of federal and state mobile source control measures. Although the District admittedly lacks regulatory jurisdiction over mobile sources, because the federal and state mobile source control measures are described as part of the Project, the IS, and resulting DPEIR, must contain a thorough analysis of the potentially significant environmental effects associated with these measures.

For instance, ORLD-01 proposes to increase the sales of zero emission vehicles and plug-in electric vehicles beyond the levels required in 2025. Measure ORLD-03 calls for "greater penetration of zero and near-zero technologies" as well as the "potential for autonomous vehicles and advanced transportation systems." Measure ORHD-05 requires the use of low-NOx engines and the purchase of zero emission trucks for certain class 3-7 last mile delivery trucks starting in 2020 and ramping up to a higher percentage of the fleet at time of normal replacement through 2030. Measure ORHD-09 calls for "greater penetration of zero and near-zero technologies through incentive programs, emission benefits associated with increased operation efficiency strategies, and the potential for new driver assist and intelligent transportation systems." Measure OFFS-08 likewise calls for "greater penetration of zero and near-zero technologies through incentive programs, and emission benefits associated with the potential for worksite integration and efficiency, as well as connected and autonomous vehicle technologies." These measures could result in significant air quality, noise, traffic, and other impacts that are not currently or adequately described in the IS nor proposed for consideration in the DPEIR. A-7.28

Further, as noted above, the Proposed Plan identifies nearly $15 billion in incentive funding needed to facilitate the transition to zero and near-zero emissions equipment. The Proposed Plan indicates that SCAQMD will develop an action plan to identify "the necessary actions by the District" and other stakeholders "to ensure the requisite levels of funding are secured." (Proposed Plan, p. 4-66.) Although the Proposed Plan discusses the possibility of a federal "superfund" program, state bond measures, and local ballot measures to obtain this funding, it does not define the specific "necessary actions." Without more detail, it is impossible to evaluate whether this incentive action plan and the necessary $15 billion in government funding have significant environmental impacts. A-7.28 Cont.

## Response A-7.28

The SCAQMD has limited regulatory authority over mobile sources (e.g., fleet rules) and thus, a suite of SCAQMD mobile source measures are being proposed. Most of these mobile source measures will work in concert with CARB's SIP strategy being developed locally.

The potential air quality impacts from ORLD-01, ORLD-03, ORHD-05, ORHD-09, and OFFS-08 are analyzed in Subchapter 4.1 of the Draft Program EIR. The potential noise and traffic impacts from ORHD-05 and ORHD-09 are analyzed in Subchapters 4.5 and 4.7, respectively, of the Draft Program EIR.

The funding mechanism of the incentive funding needed is not relevant to environmental impacts. The Draft Program EIR analyzed environmental impacts regardless of how the control measures are implemented (incentive-based or regulatory).

## Comment A-7.29

Pp. 1-38 to 1-40 – Transportation Control Measures from the Southern California Association of Governments 2016 Regional Transportation Plan and Sustainable Communities Strategy

The IS notes that the SCAG has the responsibility for preparing and approving the portions of the Proposed Plan related to regional demographic projections and integrated regional land use, housing, employment, and transportation programs, measures, and strategies. (IS, p. 1-38.) The IS further indicates that the District "combines its portions of the AQMP with those portions prepared by SCAG" per Health & Safety Code § 40460. (*Id.*) In particular the Project contains the Regional Transportation Strategy ("RTS"), including Transportation Control Measures ("TCM"), from SCAG's 2016 RTP/SCS.

Although those measures are only generally described in the IS, they include several measures that may result in significant environmental impacts. (*See*, IS, p. 1-39 [RTS/TCM measures include, among others, expanding regional transit, passenger rail, highway capacity, and high occupancy lanes].) Yet, none of these measures are analyzed in the IS. The IS states that because the environmental impacts were analyzed in SCAG's EIR for the RTP/SCS, the DPEIR will only evaluate potential cumulative impacts associated with implementing the Project and the TCMs. A-7.29

This statement suggests that the DPEIR is relying on SCAG's EIR through tiering or incorporation by reference, but the IS does not explain which method or demonstrate conformance with pertinent CEQA and other related provisions. More fundamentally, there must be an explanation of the impacts analyzed in SCAG's EIR, the significance criteria and methodologies used, and mitigation measures or alternatives imposed. There must also be an explanation of the discrepancies, if any, between the two environmental documents and how those discrepancies are proposed to be reconciled. Further, the analysis must consider not only the TCMs, but the RTS as well. A-7.29 Cont.

## Response A-7.29

SCAG's 2016 RTP/SCS Program EIR already analyzed potential environmental impacts associated with the TCMs in the 2016 RTP/SCS. The SCAG Program EIR was approved by the SCAG Regional Council and implementation will proceed regardless of the 2016 AQMP. However, due to state law, the SCAG TCMs are included in the 2016 AQMP. Thus, they are included appropriately in the cumulative analysis in the Draft Program EIR.

## Comment A-7.30

**2. Chapter 2 of the Initial Study – The "Environmental Checklist"**

**(a) General Comments and Questions on the Environmental Checklist**

The NOP/IS apparently relied on a standard CEQA environmental checklist to identify those "impact areas" it recognizes to be potentially affected by the Project. In several respects, however, the IS appears to merely assume the absence of potentially significant impacts, rather than factually demonstrating that significant impacts will not occur if the (inadequately-described) Project is adopted and implemented. This is insufficient under CEQA, and under the District's own rules. (SCAQMD Rule 110; *City of Redlands* and *Sundstrom,* both *supra*).

While the CEQA Guidelines call for emphasis and "focus" on the significant environmental impacts of a project, the authority to use such focus is misapplied in the IS. For example, CEQA Guideline § 15143 explains that such focus may be used to limit the analysis in an EIR ***only*** as to such impacts that the initial study properly shows to be ***clearly insignificant and unlikely to occur*** (i.e., "effects dismissed in an Initial Study as clearly insignificant and unlikely to occur need not be discussed further in the EIR . . .."). The NOP/IS here, by contrast, appears to exclude from consideration in the DPEIR numerous effects that it has not shown to be "clearly insignificant and unlikely to occur." A-7.30

The NOP/IS currently indicates that the scope of the proposed DPEIR for the "Project" will be limited to the eight topics listed at page 2-2 of the IS. Compliance with CEQA, however, would require not only a new and corrected IS, providing an adequate "Project description" but also a more comprehensive DPEIR that addressed additional areas of potentially significant impact, including (without limitation): (1) Aesthetics, (2) Biological Resources, (3) Cultural Resources, (4) Geology and Soils, (5) Land Use and Planning, (6) Population and Housing, (7) Public Services, and (8) *broadened evaluation* of potential impacts and issues in the areas of Air Quality and Greenhouse Gas Emissions, Energy, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, Solid and Hazardous Waste, and Transportation and Traffic. Unless and until those areas are more fully addressed, the NOP/IS appears to improperly limit the scope of the proposed DPEIR based on an inaccurate and incomplete Project description, and to thus erroneously exclude areas requiring further assessment.

## Response A-7.30

The general comment refers to the NOP/IS as being deficient and improperly limiting the scope of the Draft Program EIR. However, no specifics on the deficiencies of the NOP/IS are provided. Therefore, no further response is necessary.

## Comment A-7.31

In addition, there is no indication what criteria were used to develop the significance criteria or that they are supported by substantial evidence, as is required. (Public Resources Code § 21082; CEQA Guidelines § 15064.7; and *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1111.) In the categories examined by the A-7.31

IS, the significance criteria are inconsistent with the questions asked to elicit whether the Project would have potentially significant impacts. A-7.31 Cont.

## Response A-7.31

As with any other project in which the SCAQMD is the lead agency, SCAQMD's significance criteria was utilized to determine if the proposed project would have potentially significant impacts. The significance criteria was listed under each environmental topic in the NOP/IS.

## Comment A-7.32

**(b) Specific Comments and Questions on the Environmental Checklist**

Aesthetics – Pp. 2-4 to 2-6

The IS suggests that because the Proposed Plan is intended to "improve air quality and visibility," the District may simply assume that this Project would not be expected to generate significant adverse aesthetics impacts. However, given that several of the measures that would be used to implement the Project are not identified, the IS does not provide evidence, let alone substantial evidence as is required,[11] to demonstrate that the proposed Project would result in less than significant aesthetic impacts.

The IS fails to describe the environmental setting and include any evidence or analysis to support its assumption that implementation of Project control measures would "typically occur inside the buildings" or could "easily blend" with existing facilities "with little or no noticeable effect on adjacent areas." (IS, p. 2-5.) Without a clearly defined project, project location, or description of the environmental setting, it is not possible to conclude that any modifications will have little or no noticeable effect on adjacent areas and would blend in with the visual setting.

A-7.32

[11] (*See* Public Resources Code § 21080(e) [CEQA defines substantial evidence as "fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact" and excluding, among others, "speculation" and "unsubstantiated opinion."].)

## Response A-7.32

Aesthetics was added as a potential adverse impact and analyzed in the Draft Program EIR.

The project is clearly and comprehensively defined in Chapter 1 of the NOP/IS. The project description and location are fully described in Chapter 2 of the Draft Program EIR. The environmental setting is described in Chapter 3- Existing Setting.

## Comment A-7.33

The IS further contends that the installation of catenary lines (overhead power lines) in existing high activity transportation corridors, such as the areas within and adjacent to the Ports is not expected to result in any significant aesthetic impacts because the nearest scenic highways would be Routes 1 and 2, located at sufficient distances so as not to be visible from the Ports. (IS, pp. 2-5, 2-6.) In this regard, the IS fails to identify or even describe known visual resources such as John S. Gibson Boulevard, Harbor Boulevard, and the Vincent Thomas Bridge, all of which are designated as local scenic highways in the San Pedro and Wilmington-Harbor City Community Plans. Ocean Boulevard is likewise identified as a scenic route in the Scenic Element of Long Beach's General Plan. Indeed, there are many historic and cultural resources, both listed and found eligible for listing through surveys, that contribute to the visual setting and character of the Ports and if modified, through obstruction, alteration, or demolition could have a negative aesthetic impact.

The IS does not even attempt to analyze the potentially significant aesthetic impacts from the proposed control measures which require and/or provide incentives for facility modifications, increased electrical usage (which may require new substations, powers plants and related

A-7.33

infrastructure), and cool roofs and solar panels. It likewise improperly defers analysis of certain glare impacts to the local review process, which, in the case of solar panels, may not require discretionary approvals such that this topic will evade CEQA review altogether. A-7.33 Cont.

**Response A-7.33**

Potential aesthetic impacts from the implementation of control measures ORHD-05, ORHD-06, and ORHD-08 and ORHD-09 which could include the installation of catenary lines were included and analyzed in Subchapter 4.8 of the Draft Program EIR.

The 2016 AQMP does not envision modification of historic or cultural resources at the Port. But if the ports choose to impact any historical or cultural resources, it would be expected to be evaluated through the CEQA process for that specific project.

Potential impacts due to increased electrical usage from the implementation of the 2016 AQMP control measures are analyzed in Subchapter 4.2 of the Draft Program EIR.

Potential aesthetic impacts (glare) from cool roofs and solar panels were included and analyzed in Subchapter 4.8 of the Draft Program EIR.

**Comment A-7.34**

The IS indicates that off-road control measures "may include hoods or bonnets on ship exhaust stacks to capture emissions and are expected to be as high as the height of ship stacks," and concludes that these control devices "would be similar to other structures used within the heavily industrialized portions of the ports . . .." (IS, p. 2-6.) It is speculative and erroneous to assume that control devices as high as 100 feet would have a less than significant visual impact without knowing the location, dimensions, color scheme, and/or critical viewpoints. No such analysis has been considered here and the impact is dismissed with no evidence to support the conclusion.

The IS further errs by dispensing with environmental analysis or evidence, simply because of the (assumed) beneficial air quality goals of the Project. The law is clear that environmentally "benign" aspects of a project do not excuse non-compliance with CEQA and do not justify reliance on assumptions in lieu of evidence to demonstrate the absence of potential impacts. For instance, in *California Farm Bureau Federation v. California Wildlife Conservation Board* (2006) 143 Cal.App.4th 173, 196, the Court of Appeal ruled that a State environmental agency violated CEQA by exempting an environmentally beneficial habitat project from review. In reaching its conclusion, the court reasoned that "it cannot be assumed that activities intended to protect or preserve the environment are immune from environmental review," specifically noting that "***[t]here may be environmental costs to an environmentally beneficial project, which must be considered and assessed.***" A-7.34

Given the nature of proposed Project, it cannot be determined that its implementation would have no significant impact to aesthetics. The DPEIR therefore should include "Aesthetics" as a potentially impacted area of study.

The NOP/IS must be revised, and the scope of the proposed DPEIR expanded to include a detailed analysis, supported by substantial evidence, regarding potentially significant aesthetic impacts as well as feasible mitigation measures and alternatives designed to address those impacts.

**Response A-7.34**

Aesthetic impacts associated with 2016 AQMP control measures, including the use of hoods or bonnets to capture ship emissions, are analyzed in Subchapter 4.8 of the Draft Program EIR.

**Comment A-7.35**

Air Quality – Pp. 2-9 to 2-13

The IS indicates that the Project will not conflict with or obstruct implementation of the applicable air quality plan. Along those lines, the IS notes that the Proposed Plan includes control measures for stationary, mobile, and indirect sources and that these measures are based on "feasible methods of attaining the [ambient air quality standards]." (IS, p. 2-11.) There is no evidence, let alone substantial evidence to support this statement. Control measures related to mobile sources are beyond the District's regulatory jurisdiction and thus infeasible for legal and other grounds.

Given the total lack of information regarding what control measures the Project would entail and whether their implementation is feasible, it is premature to assess impacts related to violation of air quality standards, either on a project or cumulative basis, as well as exposure of sensitive receptors to substantial pollutant concentrations. These details must be provided and these topics should also be identified and assessed in a revised IS and the DPEIR. At minimum, the analysis should be expanded to include the potential air quality impacts referenced above. A-7.35

Certain control measures could involve significant construction retrofits for compliance. (*See*, *e.g.*, MOB-01, MOB-02, OFRIS-04, and ORFIS-05.) This may result in significant construction-related air quality impacts. Further, these measures and others like it could result in additional electrification and/or the use of additional add-on control equipment, all of which needs to be addressed in the IS and resulting DPEIR.

**Response A-7.35**

The 2016 AQMP utilizes air quality modeling to demonstrate that the proposed control measures are feasible methods of attaining the ambient air quality standards. For measures where the SCAQMD currently has no regulatory authority, and incentive-based approach is being utilized.

Information related to the feasibility of control measures is included in the specific control measure write-up located in Appendix IV of the 2016 AQMP.

Construction-related air quality impacts from control measures MOB-01, MOB-02, ORFIS-04, and ORFIS-05 are analyzed in Subchapter 4.1 of the Draft Program EIR.

**Comment A-7.36**

There is no factual basis in the IS upon which to conclude that implementation of the Project would not create any odor issues and therefore need not be studied. It is premature to dismiss this area of analysis given the lack of information currently available regarding the Project. Furthermore, the IS analysis only applies to construction odors and ignores any potential odors that may occur due to Project operations. A-7.36

As noted above, several of the proposed control measures have not yet been developed by the District. Thus, the District lacks the requisite basis to conclude that the Project would not diminish any existing air quality rule and to exclude further analysis of this topic.

**Response A-7.36**

As stated in the NOP/IS, odor impacts from construction equipment are not expected to be significant because most diesel-fueled equipment are mobile and do not remain in one location that could continuously affect offsite receptors. As a result, odor impacts from construction activities to implement AQMP control measures are not expect to be significant.

The NOP/IS discussed potential operational odors from the use of reformulated products and from modifications to industrial facilities to produce reformulated products. Reformulated products tend to have reduced VOC content and reduced emissions and, therefore, lower potential for creating odor impacts. As a result, significant adverse odor impacts have not been associated with reformulated products, especially those relying on water-based formulations, compared to conventional high-VOC products. Modifications to industrial facilities to produce reformulated products (e.g., refineries) also have the potential to create odor impacts. However, owners/operators of industries affected by control measures in the proposed 2016 AQMP would be subject to existing air quality rules and regulations, including SCAQMD's Rule 402 - Nuisance, which prohibits creating odor nuisances. For these reasons, implementing the 2016 AQMP is not expected to create significant adverse odor impacts and, therefore, was not further addressed in the Draft Program EIR.

The 2016 AQMP is a long-range document with targeted emission reductions. Therefore, analysis of the proposed control measures that have not been fully developed is conducted on a programmatic level. No further response is necessary.

**Comment A-7.37**

While concluding that the Project may have a potentially significant impact with respect to greenhouse gas emissions, the IS inconsistently finds a less than significant impact with respect to the Project's impacts in regard to conflicts with applicable plans, policies, and regulations adopted for the purpose of reducing greenhouse gas emissions. The DPEIR must likewise study this issue and all applicable state (e.g., AB 32, Scoping Plan, Executive Orders S-3-05 and B-30-15) as well as climate action plans. A-7.37

At minimum, the additional areas of potential impacts on air quality referenced above should be identified and assessed in the DPEIR.

The NOP/IS must be revised, and the scope of the proposed DPEIR expanded to include a detailed analysis, supported by substantial evidence, regarding potentially significant air quality impacts as well as feasible mitigation measures and alternatives designed to address those impacts. A-7.37 Cont.

**Response A-7.37**

The 2016 AQMP includes measures such as ECC-01 and ECC-02 that target reductions of GHGs and energy efficiency. ECC-03 further exceeds those goals through incentives. Therefore, instead of conflicting with GHG plans, the 2016 AQMP compliments and further supports these policies and goals. In addition, the 2016 AQMP builds upon SCAG's 2016 RTP/SCS and CARB's SIP strategy, which are in part, based on greenhouse gas reduction plans. Therefore, the 2016 AQMP does not conflict with other applicable plans, policies, or regulations.

## Comment A-7.38

Biological Resources – Pp. 2-14 to 2-16

The IS fails to adequately describe, and improperly minimizes, possible impacts to biological resources. The scope of the proposed DPEIR should be expanded to include environmental analysis of the Project's potentially significant impacts to biological resources.

The IS indicates that "the proposed project will not adversely affect protected wetlands as defined by § 404 of the Clean Water Act, including, but not limited to marshes, vernal pools, coastal wetlands, etc., through direct removal, filling, hydrological interruption or other means." (IS, p. 2-16.) But, the IS fails to analyze, through detailed quantification and hydrodynamic modeling, potential wastewater impacts, including impacts to designated wetlands.

The NOP/IS must be revised, and the scope of the proposed DPEIR expanded to include a detailed analysis, supported by substantial evidence, regarding potentially significant impacts to biological resources, as well as feasible mitigation measures and alternatives designed to address those impacts.

A-7.38

## Response A-7.38

The proposed control measures in the 2016 AQMP affect existing sources at developed, established facilities that have already affected biological resources, so no new adverse impacts are anticipated. Any new sources impacted would be voluntary through incentives.

As stated in the NOP/IS, implementation of some AQMP control measures (CTS-01, BCM-01, BCM-04, BCM-07, BCM-08, BCM-10, TXM-01 through TXM-07) may change or increase a facility's potential to generate wastewater. Industrial or commercial facilities are generally considered "point sources" and must release wastewater into publicly owned treatment works (POTWs), under the National Pollutant Discharge Elimination System (NPDES) permit program, administered by the Regional Water Quality Control Board (RWQCB). Direct discharge into federally protected wetlands as defined by §404 of the Clean Water Act is prohibited under the federal Clean Water Act and the state Porter-Cologne Act.

Additionally, some 2016 AQMP control measures (ORFIS-03 and ORFIS-04) would promote the installation and use of air pollution controls at port facilities, located on the coast. The control measures are not expected to have wastewater impacts. Port facilities are considered to be heavy industrial facilities (point sources) and the installation of additional controls would be consistent with this land use. Further, any facilities that release wastewater into California's ocean waters are subject to water quality standards established in the California Ocean Plan and are also subject to NPDES requirements, enforced by the local RWQCBs. For the above reasons, the proposed project will not adversely affect protected wetlands as defined by §404 of the Clean Water Act, including, but not limited to marshes, vernal pools, coastal wetlands, etc., through direct removal, filling, hydrological interruption or other means.

Therefore, the comment does not change any conclusions and further analysis on biological resources was not included in the Draft Program EIR.

## Comment A-7.39

Cultural Resources – Pp. 2-17 to 2-19

The IS fails to adequately describe, and improperly minimizes, possible impacts to cultural resources. For instance, not all areas within the Ports are devoid of cultural resources or have been previously disturbed, as concluded in the IS on page 2-18. There are known recorded historic and prehistoric sites throughout the Ports alone[12] and there are undoubtedly other historic and prehistoric sites in the Basin that would be affected by the Project. Without knowing the location and extent of ground disturbance from possible construction activities associated with the Project, it is speculative to assume that no significant adverse cultural resources impacts are expected as a result of its implementation. The conclusion in the IS that the Project will result in "no impact" to cultural resources is unsupported and lacks evidence or facts to support the finding. A-7.39

Further, the IS includes language reflecting the typical mitigation measure to be imposed on unknown cultural sources to justify its "no impact" conclusion. (IS, p. 2-19). This fact alone demonstrates that there are potentially significant cultural resource impacts requiring analysis and mitigation in the DPEIR.

The NOP/IS must be revised, and the scope of the proposed DPEIR expanded to include a detailed analysis, supported by substantial evidence, regarding potentially significant impacts to cultural resources as well as feasible mitigation measures and alternatives designed to address those impacts. A-7.39 Cont.

## Response A-7.39

The proposed control measures would affect existing, developed facilities, and therefore, potential impacts to cultural resources are not likely to occur. Furthermore, compliance with state law, including Public Resources Code §21083.2 and CEQA Guidelines § 15064.5, is not a "typical mitigation measure", as the comment states. The comment does not change any conclusions and further analysis on cultural resources was not included in the Draft Program EIR.

## Comment A-7.40

Energy – Pp. 2-18 to 2-19

If the net effect of implementing the Project is an increase in regional energy demand, as the IS indicates is likely, potential conflicts with adopted energy conservation plans and existing energy standards (Items VI.a and IV.e) should not be dismissed as "no impact." The IS must be expanded to also consider and analyze the shift from fossil fuels to alternative fuels or electrical powered technologies and increased reliance on such alternative fuels or electricity such that sufficient supply and emergency storage would be required in the event of a major disaster. Also, some types of emissions control measures, facilities, or technologies contemplated by the Project could increase or shift demand for different types of energy or fuel usage. Although "risk of upset" is not considered in the IS Checklist, it should be cross-referenced here and addressed in the Hazards section of the IS and the DPEIR. A-7.40

The NOP/IS must be revised, and the scope of the proposed DPEIR expanded to include a detailed analysis, supported by substantial evidence, regarding potentially significant energy impacts as well as feasible mitigation measures and alternatives designed to address those impacts.

[12] For example, *see* City of Los Angeles's website at http://www.portoflosangeles.org/idx_history.asp.

**Response A-7.40**

The 2016 AQMP would promote and incentivize meeting and exceeding energy goals and standards. Increases or shifts in demand for different types of energy or fuel usage, including future electricity supply and demand, is evaluated in Subchapter 4.2 for energy of the Draft Program EIR. Risk of upset is analyzed in Subchapter 4.3 for hazards as a result of the usage of alternative fuels. Emergency storage due to a major disaster is not evaluated as an energy impact. The comment does not change any conclusions.

**Comment A-7.41**

Geology and Soils – Pp. 2-23 to 2-19

Because details concerning several Project control measures are not yet known, the IS improperly concludes that the Project has no potential to generate significant adverse impacts to geology and soil resources. In particular, the IS wrongly assumes that only "minor" modifications at existing industrial or commercial facilities would be needed due to Project control measures and that "no AQMP control measures would require the location of new, or relocation of existing facilities in areas prone to liquefaction." (IS, p. 2-23 and 2-24.) At minimum, the potentially significant geology-related impacts associated with the control measures identified above must be analyzed in the DPEIR. A-7.41

The NOP/IS must be revised, and the scope of the proposed DPEIR expanded to include a detailed analysis, supported by substantial evidence, regarding potentially significant geology and soils impacts as well as feasible mitigation measures and alternatives designed to address those impacts.

**Response A-7.41**

Details concerning several of the control measures will be fully developed when the measure is approved to be developed when a working group of stakeholders is convened. In the meantime, for the Draft Program EIR, potential impacts can be estimated using the control measure descriptions in the Draft 2016 AQMP. The proposed control measures, such as equipment replacement and fleet turnover, would affect existing, developed facilities. Therefore, impacts to geology and soils were not reasonably foreseeable and further analysis on geology and soils was not included in the Draft Program EIR.

## Comment A-7.42

Hazards and Hazardous Materials – Pp. 2-26 to 2-29

In addition to the measures described herein, the potentially significant hazards-related impacts associated with the control measures identified above must also be analyzed in the DPEIR.

Section VIII.d of the IS states that the Project would not be located on a site which is included in a list of hazardous materials sites compiled pursuant to Government Code § 65962.5, also known as the "Cortese list." As such, the IS concludes that "implementation of the proposed control measures is not expected to interfere with site cleanup activities or create additional site contamination" and that this topic "will not be further evaluated" in the DPEIR. (IS, p. 2-28.) This section must be expanded to also consider that Government Code § 65962.5 requires the disclosure of any work conducted on a site on the Cortese list and precludes a project from being exempt under CEQA even if only minor work is being conducted on such sites. There are several parcels on the Cortese list located within the POLB alone.[13] A-7.42

In addition, Item VIII.f must be expanded to also consider and analyze the increased reliance on alternative fuels or electrical powered technologies that would require sufficient supply and emergency storage in the event of a major disaster. Although interference with emergency response plans was marginally addressed in this section, "risk of upset" is not considered in the IS checklist.

The NOP/IS must be revised, and the scope of the proposed DPEIR expanded to include a detailed analysis, supported by substantial evidence, regarding potentially significant impacts to hazards and hazardous materials as well as feasible mitigation measures and alternatives designed to address those impacts.

[13] (*See* California Department of Toxic Substances Control. Hazardous Waste and Substances Site List – Site Clean (Cortese List) *www.dtsc.ca.gov/Site Cleanup/Cortese_List.cfm*. City of Long Beach zip code 90802.)

## Response A-7.42

Potential hazards and hazardous materials impacts are analyzed in Subchapter 4.3 of the Draft Program EIR.

The 2016 AQMP does not directly cause these facilities to contaminate the soil, but rather could indirectly cause the facility to expose contamination upon breaking ground. The issue addressed in the NOP/IS assumed those on the Cortese list were conducting due diligence in cleaning up and protecting the neighborhood and was not assuming inaction. There are various federal, state, and local laws that apply to activities sites on the Cortese list, such as the Response Conservation, and Recovery Act; the Comprehensive Environmental Response, Compensation, and Liability Act and the Hazardous Materials Release and Clean-Up Act. Furthermore, SCAQMD Rule 1166 regulates the emissions of VOCs from contaminated soils, Rule 1403 regulates the presence of asbestos during construction, and the 2016 AQMP contains TXM-04, which seeks to develop control measures that would control the toxic metal particulates generated during soil cleanup or remediation activities at these sites. Near-surface contaminated soil may be encountered during demolition and/or construction activities associated with implementation of the 2016 AQMP. Based on the location of the nearest sensitive receptor, it is possible that construction activities would create a significant hazard to the public or environment. Furthermore, without knowing the types of contamination (i.e. VOCs, TACs, etc) it is not possible to know which regulations would apply. This is discussed in further detail in Subchapter 4.3.4.8 of the Draft Program EIR.

Increases or shifts in demand for different types of energy or fuel usage, including future electricity supply and demand, is evaluated in Subchapter 4.2 for energy of the Draft Program EIR. Risk of upset is analyzed in Subchapter 4.3 for hazards as a result of the usage of alternative fuels. Emergency storage due to a major disaster is not evaluated as an energy impact. The comment does not change any conclusions.

**Comment A-7.43**

Hydrology and Water Quality – Pp. 2-30 to 2-33

The analysis does not cover all of the control measures that may result in adverse impacts to hydrology impacts. A thorough analysis of all proposed measures must be included in the DPEIR. The IS purports to exclude runoff-related impacts (Items IX.c and d) reasoning that only "minor modifications" would be needed to commercial or industrial facilities affected by the proposed control measures. (IS, p. 2-33.) This is not supported by any evidence in the record. Moreover, as noted above, several of the proposed control measures have not yet been developed by the District. Thus, the District lacks the requisite basis to conclude that the Project would not result in any adverse impacts related to stormwater runoff impacts. A-7.43

Because details concerning several Project control measures are not yet known, the IS improperly concludes that the Project has no potential to generate significant adverse impacts to geology and soil resources. In particular, the IS wrongly assumes that only "minor" modifications would be needed at existing industrial or commercial facilities due to Project control measures and that "no AQMP control measures would require the location of new, or relocation of existing facilities in areas prone to liquefaction." (IS, pp. 2-23 and 2-24.) At minimum, the potentially significant geology-related impacts associated with the control measures identified above must be analyzed in the DPEIR. A-7.43 Cont.

The NOP/IS must be revised, and the scope of the proposed DPEIR expanded to include a detailed analysis, supported by substantial evidence, regarding potentially significant impacts to hydrology and water quality as well as feasible mitigation measures and alternatives designed to address those impacts.

**Response A-7.43**

The Draft Program EIR analyzes potential impacts to hydrology and water quality associated with the control measures. The proposed control measures is not anticipating nor requires the construction of new facilities. Based on the descriptions of the control measures, only minor modifications would be needed to affected facilities. The comment referring to runoff related impacts and other impacts to geology and soils is speculative. The NOP/IS evaluated potential geology-related impacts associated with the control measures.

Details concerning several of the control measures will be developed at a later time with stakeholders and interested parties. In the meantime, potential impacts can be estimated using the control measure descriptions in the Draft 2016 AQMP. These control measures are analyzed programmatically in the Draft Program EIR.

Potentially significant impacts to hydrology and water quality and feasible mitigation measures are evaluated in Subchapter 4.4 for hydrology of the Draft Program EIR. Project alternatives analysis is provided in Chapter 6 of the Draft Program EIR.

## Comment A-7.44

Land Use and Planning – Pp. 2-34 to 2-36

The IS fails to adequately describe, and improperly minimizes, possible inconsistencies between the proposed Project and the existing and applicable land use plans and policies.

The significance criteria asks whether the Project would conflict with the land use and zoning designations established by local jurisdictions. But, CEQA requires an analysis of whether the Project would conflict with any applicable plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. (CEQA Guidelines § 15125(d); CEQA Guidelines, Appendix G, Item X.b; and *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903.) No such question is asked by the IS nor does the resulting analysis provide the District the basis on which to exclude further consideration of land use and planning impacts.

In addition to local plans, there are numerous federal and state plans that contain pertinent policies that must be considered and evaluated in light of the Project control measures. For instance, the proposed Project would seemingly create conflicts with the Ports' existing policies implementing the State Tidelands Trust principles, the California Coastal Act planning and permitting requirements, and the existing Master Plan for each Port, as are detailed in the previous Port letters. In addition, the proposed Project would create inconsistencies with the CAAP. The numerous inconsistencies between the Project as proposed and the existing plans and policies require identification in the IS and inclusion in the proposed DPEIR. (CEQA Guidelines § 15125(d).) The fact that the District does not have authority over local land use matters (*see* IS, p. 2-34) does not justify or excuse its need to study this issue consistent with CEQA. (Public Resources Code § 21081(a)(2); *Neighbors for Smart Rail v. Exposition Metro Line Const. Auth.* (2013) 57 Cal.4th 439.)

A-7.44

## Response A-7.44

The comment provides no specific evidence or example of how the proposed project is inconsistent with land use policies or conflicts with any applicable plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. The 2016 AQMP does not conflict with any applicable plan, policy, or regulation. Additionally, the comment does not specify inconsistencies caused by the proposed project. No further response is necessary.

## Comment A-7.45

The IS assumes that no new rail or truck traffic routes would be constructed and that instead existing transportation lines near the Ports would be modified to add electrical lines. (IS, p. 2-35.) There is no evidence to support this statement, let alone substantial evidence, as is required. Even if it were true this does not mean that the Project would not result in any conflicts with plan policies adopted for the purpose of avoiding or mitigating environmental effects. Increased electrical use would increase electrical demand. As noted above, this could conflict with adopted energy conservation plans. Installation of electric infrastructure could raise significant conflicts with aesthetic policies especially since these lines are proposed to be located above-ground.

A-7.45

## Response A-7.45

Any potential adverse impacts referred to in the comment are analyzed and discussed in the Energy Subchapter 4.2 in the Draft Program EIR.

## Comment A-7.46

Additionally, fueling infrastructure to support zero and near-zero emissions vehicles, such as those powered by hydrogen fuel cells or natural gas, could have a significant impact on local land use and may conflict with existing plans. Such Project components could likewise contribute to the physical division of an established community. The IS admits as much in noting that to the extent such infrastructure requires modification to an existing rail or truck traffic route/corridor, this "will require a separate CEQA evaluation." (IS, p. 2-36.) The District cannot legally defer analysis of Project impacts to some future, speculative CEQA review process. The analysis must take place now in order to inform the District's decision on the Proposed Plan.

A-7.46

## Response A-7.46

The claim that fueling infrastructure to support zero and near-zero emission vehicles could have a significant impact on local land use and conflict with existing plans is speculative. Fueling stations are increasingly being installed throughout the region and are required to get local land use approval. Any conflict with local plans would not garner approval. The 2016 AQMP does not say where fueling stations should be located. Future CEQA review for specific fueling infrastructure projects is necessary and warranted.

## Comment A-7.47

The IS states that it incorporates "local land use planning decisions and population growth." (IS, p. 2-36.) There is no explanation or evidentiary support for this statement, and even if there were, it is irrelevant. The pertinent questions are whether the Project may conflict with plan policies pertaining to environmental issues and/or physically divide an established community.

The NOP/IS must be revised, and the scope of the proposed DPEIR expanded to include a detailed analysis, supported by substantial evidence, regarding potentially significant land use and planning impacts as well as feasible mitigation measures and alternatives designed to address those impacts.

A-7.47

## Response A-7.47

The NOP/IS incorporates local land use planning decisions and population growth through the incorporation of population growth forecast estimates provided by SCAG and used in the modeling of the 2016 AQMP.

## Comment A-7.48

Noise – Pp. 2-39 to 2-41

The IS acknowledges that approval of the Project could result in the construction or installation of new control equipment that may result in significant noise impacts. Even so, the IS only analyzes the construction-related noise impacts associated with some, but not all, of the proposed control measures.

Further, there is no evidence cited in the IS to support its assumption that additional permanent noise impacts anticipated from the operations of new control equipment would not "cause substantial noise or excessive groundborne vibration impacts" and its conclusion that "[o]perational noise impacts are expected to be less than significant." (IS, p. 2-41.)

A-7.48

This section of the IS is littered with mere "expectations" unsupported by any evidence regarding the magnitude of new noise impacts, even though such new impacts are anticipated by the IS. Nor is there any analysis of the potential for significant adverse impacts from new noise generators related to the Project.

The NOP/IS must be revised, and the scope of the proposed DPEIR expanded to include a detailed analysis, supported by substantial evidence, regarding potentially significant noise impacts as well as feasible mitigation measures and alternatives designed to address those impacts.

A-7.48 Cont.

**Response A-7.48**

An evaluation and analysis of potential noise impacts is included in Chapter 4 of the Draft Program EIR.

**Comment A-7.49**

Population and Housing – Pp. 2-42 to 2-43

The analysis assumes that "few or no new employees would need to be hired at affected facilities to operate and maintain new control equipment on site because air pollution control equipment is typically not labor intensive equipment." (IS, p. 2-43.) There is no evidence to support this statement, let alone substantial evidence, as is required.

Further, the IS neglects to discuss or assess the potentially significant growth inducing impacts associated with several control measures. (*See*, *e.g.*, Control Measures CMB-01 and FLX-02).

The NOP/IS must be revised, and the scope of the proposed DPEIR expanded to include a detailed analysis, supported by substantial evidence, regarding potentially significant population and housing impacts as well as feasible mitigation measures and alternatives designed to address those impacts.

A-7.49

**Response A-7.49**

The assumption that few or no new employees would be needed to install or operate air pollution control equipment is based on experience from previous rulemaking history implemented by the SCAQMD (e.g. Rule 1110.2, Rule 1402, Rule 1420, etc.)

Control measure CMB-01 is an incentive-based measure to advance the development of cleaner NOx combustion equipment for stationary sources (e.g. internal combustion engines), replacing old existing equipment. Therefore, no growth inducing impacts are expected as a result of implementation of this control measure. CEQA does define growth-inducing impacts from projects that "foster economic or population growth or construction of additional housing." Since CMB-01 projects seek to advance deployment of engines, ovens and boilers, they are not constructing housing and nor will the population grow as a result of new industry when this region has a robust available labor force. The aspect of fostering economy is when that facility could significantly affect the environment. The statement to site new facilities using near-zero and zero emission technologies is clearly not significantly affecting the environment. Therefore, the growth-inducing impacts are less than significant.

Similarly, control measure FLX-02 incentivizes the replacement of existing, older, higher emitting equipment with new lower emitting equipment. These measures are focused on existing

equipment or replacements requiring the same amount of workers and would not require additional employees to operate. The measures are not intended to grow business, but if that does happen, the region has a robust labor force to do the work.

**Comment A-7.50**

Public Services – Pp. 2-44 to 2-45

The IS assumes that the Project would not generate any increased need for public services. However, the IS does not provide any substantial evidence to support its assumptions regarding the absence of impact on additional public services or facilities. New fueling infrastructure to support zero and near-zero emissions vehicles, including hydrogen and natural gas, could impact Fire Department resources and require additional public services.

The NOP/IS must be revised, and the scope of the proposed DPEIR expanded to include a detailed analysis, supported by substantial evidence, regarding potentially significant public services impacts as well as feasible mitigation measures and alternatives designed to address those impacts.

A-7.50

**Response A-7.50**

Fueling facilities, storage tanks, etc., do require the inspections and occasionally the approval of the local fire department. The need for additional public services is triggered by population growth. Since the 2016 AQMP is not expected to cause population growth, there is no expectation that additional public services will be needed. Fueling facilities, storage tanks, etc., do require the inspections and occasionally the approval of the local fire department. However, the increasing need of local services is an ongoing evaluation of resources that local jurisdictions adjust and budget. While more public service could be needed, the impact would not be considered significant.

**Comment A-7.51**

Transportation and Traffic – Pp. 2-50 to 2-54

The IS erroneously considers only vehicular traffic impacts to local roadways. As such, it fails to adequately describe and analyze potentially significant impacts to rail and marine vessel traffic, ignoring the specific significance criterion related to this topic (*see* IS, P. 2-51). In fact, ORFIS-04 (At-Berth Regulation Amendments) could have a significant impact on marine vessel traffic as the only approved technologies to address non-regulated vessels are barge-based, and thus, would increase vessel traffic within harbor waters. An expansion of the at-berth regulation as contemplated in ORFIS-04 would likely require additional barge-based units, further exacerbating vessel traffic and posing safety hazards, all of which must be analyzed in the DPEIR.

A-7.51

**Response A-7.51**

The primary compliance option for ORFIS-04 requires the use of shore power, and therefore, would not affect marine vessel traffic. Another compliance option would be utilizing emissions capture and control systems that are typically installed on barges. However, the number of barges needed to comply with ORFIS-04 is unknown at this time. CARB's SIP analysis does determine

traffic and transportation impacts from the 2016 State Strategy to be significant. Additionally, the Draft Program EIR also determined that traffic and transportation impacts would be significant.

**Comment A-7.52**

> The IS does not contain any analysis of the potentially significant traffic impacts associated with increased zero or low emission vehicles. Instead of analyzing the impacts caused by additional vehicles, the analysis assumes that "drivers who purchase low or zero emission vehicles would not be driving the old high emitting vehicles at the same time they are driving the low emitting vehicles." (IS, p. 2-52.) However, other drivers will now be able to drive these vehicles and the analysis should assume both the old and new vehicles will be used at the same time.[14] Further, 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, could result in significant traffic impacts through closure of lanes and other alternations of traffic flow patterns. Thus, operational traffic impacts should not be dismissed from the DPEIR.

A-7.52

[14] This same assumption should be reflected in all the analyses, including but not limited to, air quality, greenhouse gas emissions, and noise.

**Response A-7.52**

The potential impacts referred to in the comment are analyzed in the transportation/traffic section of Chapter 4 of the Draft Program EIR.

**Comment A-7.53**

> The potential road hazards associated with TCMs are assumed to not exist. (IS, p. 2-53.) However, the analysis of this topic was presumably done by SCAG in the EIR for the RTP/SCS. The IS and resulting DPEIR proposes to rely on this document but does not refer to any of its analysis or explain how the IS analysis conforms to it. The same is true for the IS's analysis of other TCM measures. Indeed, the District's own overhead catenary project has been required to install additional traffic safety measures to compensate for infrastructure design changes that include larger base foundations and wider medians, which have necessitated safety barriers to reduce traffic hazards.
>
> The NOP/IS must be revised, and the scope of the proposed DPEIR expanded to include a detailed analysis, supported by substantial evidence, regarding potentially significant transportation and traffic impacts as well as feasible mitigation measures and alternatives designed to address those impacts.

A-7.53

**Response A-7.53**

The potential road hazards associated with TCMs were already analyzed in SCAG's approved EIR for the RTP/SCS. It is not necessary or warranted to re-analyze these potential impacts in the Draft Program EIR.

## Comment A-7.54

Mandatory Findings of Significance – Pp. 2-55 to 2-56

As discussed above, the Project's potentially significant impacts to biological resources must be analyzed in the DPEIR and should not be considered beyond the scope of review. Further, all potentially significant impacts to all resource topics should be evaluated in the DPEIR and not just the select list of resource topics identified for consideration. The IS claims that the TCMs are part of the Project (IS, p. 1-10) but then purports to exclude them from its analysis of anything other than cumulative impacts (IS, p. 2-56). Both project and cumulative impacts must be analyzed for all Project components, including (without limitation) the RTS and TCMs.

A-7.54

## Response A-7.54

As stated previously, there are no foreseeable impacts to biological resources, and therefore, will not be further analyzed in the Draft Program EIR. Please see response A-7.38. The TCMs referred to have already been analyzed under CEQA.

## Comment A-7.55

**D. Conclusion**

The current version of the NOP/IS fails to adequately describe the "Project" thereby thwarting effective public review and comment on the Proposed Plan. The IS must therefore be revised, corrected, and re-circulated with all of the descriptions and other content required by CEQA.

Even this inadequate NOP/IS makes it clear that the scope of the proposed DPEIR has been unduly narrowed, and that environmental review will be limited in a way that erroneously fails to provide the relevant decision-makers, affected public agencies, residents and the public generally with sufficient evidence and analysis of all anticipated and potential impacts from the Project as a whole, or of all potentially feasible mitigation measures or appropriate Project alternatives as required by CEQA. A-7.55

While it is clear that an initial study is needed in connection with this proposed Project, it is also clear that the IS should be more complete than the version that was provided for public review and comment. More fundamentally, its scope must be determined by a legally-adequate revised NOP/IS. The IS for the Project must, of course, be supported by credible and substantial evidence, including independent professional analysis.

We respectfully request that these comments and questions be considered before the District embarks on preparation of the DPEIR and all of the other required independent studies in connection with the CEQA review of the proposed Project.



The NOP requests that we provide you with a contact person for each responding agency. For the POLB, the contact persons are as follows:

Heather A. Tomley
Director of Environmental Planning
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4801 Airport Plaza Drive
Long Beach, CA 90815
(562) 283-7100
email: heather.tomley@polb.com

A-7.55 Cont.

With a copy to:

Barbara McTigue
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## Response A-7.55

The comment is a conclusory statement and all of the claims were previously stated in specific comments in the letter, and therefore, responded to in the corresponding specific response. No further response is necessary.

## Comment Letter A-8

G | D | B Gatzke Dillon & Ballance LLP
LAWYERS

August 4, 2016 *By Electronic Mail*

Jillian Wong (c/o PRDAS/CEQA)
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, California 91765-4182
jwong1@aqmd.gov

Re: *Notice of Preparation of a Draft Program Environmental Impact Report for the 2016 Air Quality Management Plan*

Dear Ms. Jillian Wong:

This letter is submitted on behalf of John Wayne Airport, Orange County (Airport or JWA). This letter contains the Airport's written comments on the Notice of Preparation (NOP) and Initial Study (IS) (collectively NOP/IS) for the proposed 2016 Air Quality Management Plan (2016 AQMP), issued by the South Coast Air Quality Management District (SCAQMD or District) on June 30, 2016.

The Airport's comments on the NOP/IS are intended to serve the following principal objectives: A-8.1

1. First, we appreciate the opportunity to continue to work constructively and cooperatively with the SCAQMD in evaluating and developing realistic airport emission reduction strategies for the proposed 2016 AQMP and analyzing the potential environmental impacts of the proposed measures. We hope that our past comments, our comments in this letter, and our continued cooperation in this process will allow us to make meaningful contributions toward resolving and addressing the complex airport regulatory issues associated with air quality in the Basin.

2. Second, a key concern relating to the use of a baseline to measure emissions reductions is the apparent failure of this method to provide some type of "credit" to the Airport for the significant emission reduction measures that have already been implemented and are currently being implemented to reduce air quality impacts associated with Airport operations. These measures already provide: (i) more efficient fuel operations and consumption; (ii) the ability to manage aircraft operations in a more efficient manner; (iii) a reduction in the fugitive dust generated by aircraft activity at JWA; (iv) improvement in traffic circulation within the vicinity of JWA; and (v) the possibility for use of alternative fuels. In order to maintain equity and to avoid inadvertently "penalizing" those who voluntarily implement significant air quality reduction measures, the 2016 AQMP should provide some type of "credit" to "sources" for these efforts rather than A-8.2

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reflect these emission reductions into future emissions inventories and/or in baseline emissions inventories.

3. Third, and finally, we have a number of specific comments relating to the NOP/IS discussion and analysis, including comments relating to the emissions inventories, potential transportation and traffic impacts of proposed control measures, potential inconsistencies between existing and proposed new control measures, mitigation fees, SCAQMD's ability to implement measures as regulations, and the cost effectiveness of any regulatory strategy. In many instances, these comments may require the NOP/IS to be revised and supplemented with additional discussions and analysis.

A-8.2 Cont.

**COMMENTS**

**A. EMISSION INVENTORY**

Over the past several years, JWA has provided information to SCAQMD staff relating to its baseline emissions inventory as well as its projections for future aircraft activity (both general aviation and commercial aircraft) at the Airport. As this information indicates, and as the District knows, the Airport is under certain legal and operational constraints with respect to existing and future operations. We appreciate SCAQMD's recognition of the uniqueness of the legal and regulatory constraints as well as the available infrastructure (existing and planned) at each of the airports in the Basin and the necessity of taking into account both the unique characteristics and available infrastructure at each of the airports in the context of the continued development and approval of any regulatory strategies, including proposed measure MOB-04.

That said, one key and continuing concern relating to the use of a baseline to measure emissions reductions is the current failure of this method to provide some type of "credit" to the Airport for the significant emission reduction measures that have already been implemented and are currently being implemented to reduce air quality impacts associated with airport operations. As indicated above, in order to maintain equity and to avoid inadvertently "penalizing" those who voluntarily implement significant air quality reduction measures, the 2016 AQMP should provide some type of "credit" to "sources" for these efforts and not simply "bake" into the baseline these significant emission reduction measures.

A-8.3

According to the NOP/IS, "[q]uantified emission reductions that are real, surplus, permanent, and enforceable will be reflected in future emissions inventories as part of the Rate-of-Progress reporting requirements or *in the baseline emissions inventories* as part of future AQMP/SIP development." (NOP/IS, page 1-22.) It is unclear from this statement what data SCAQMD will rely upon for the baseline emissions inventories and what data it will use for the estimated projected reductions in airport generated trips that could occur through implementation of the

proposed control measures. In addition, if the baseline emissions inventories in the 2016 AQMP will not be used by the District as the performance standards for proposed measures, the NOP/IS must be revised to accurately indicate what performance standards or objectives the District will adopt for the air transportation industry. The NOP/IS should also be revised to include a discussion of some type of "credit system" that will be provided for airports that have already implemented significant emission reduction measures.

A-8.3 Cont.

**B. TRAFFIC AND AIR QUALITY IMPACTS**

The NOP/IS concludes that there will be no significant impacts to transportation and traffic. (*See, e.g.,* Appendix A, A-7.) Specifically, the NOP/IS concludes that "[i]mplementation of the 2016 AQMP is not expected to substantially increase vehicle trips or vehicle miles traveled in the District." (NOP/IS at page 2-51.)

In the case of airports, this conclusion may not be true. As we have previously discussed with the District, any regulation by the District which may affect the operational capacity of one or more of the airports in the Basin might be perceived as providing air quality impact reductions at the constrained airport, but this does not mean that there has been a net air quality benefit in the Basin generally. If passenger traffic is reduced at one airport in the Basin because of regulatory constraints, then that traffic may be served at another airport in the Basin, or the displaced passengers may choose to drive to their ultimate destination. For environmental purposes, the significant repercussion from either alternative (i.e., reliance on a different airport or road travel) is that the displaced passengers will have to incur an additional number of regional vehicle miles traveled (VMT). This will worsen traffic congestion, and the concomitant negative impacts on air quality associated with higher VMT. The NOP/IS does not identify these potentially significant transportation and traffic issues or the associated air quality impacts. The NOP/IS must be revised to include a discussion of these potential impacts.

A-8.4

In addition, one of the significance criteria identified for transportation and traffic impacts is whether air traffic will be substantially altered. (NOP/IS at page 2-50.) Implementation of the control measures that continue to be pursued by both the SCAQMD and the California Air Resources Board (ARB) (in the context of its SIP strategies) to reduce emissions from state and federal sources, including aircraft, may have a significant impact on the ability of air carriers to provide service in the Southern California Basin. This potential substantial alteration of air traffic should be addressed in the NOP/IS and the NOP/IS should be revised to discuss and analyze this potentially significant impact.

A-8.5

**C. POTENTIAL INCONSISTENCIES BETWEEN EXISTING AND PROPOSED NEW CONTROL MEASURES**

The long term control measures identified by the 2016 AQMP to be considered by ARB for implementation continue to: (1) pursue approaches to reduce emissions from ground support equipment (GSE) (OFFS-04); (2) require zero emission airport shuttle buses (ORHD-07); and (3) require fleet and facility modernization. We continue to be concerned about these long term control measures because, as you know, the SCAQMD already has a number of regulatory rules governing vehicle fleets. Any future regulatory measures should be consistent with these existing regulations. In addition, airports should not be required to regulate or administer emission reduction programs for vehicle fleets or GSE that they do not own or operate. A-8.6

**D. MITIGATION FEES**

There is a troubling reference in the Initial Study, Appendix A, page A-7, to mitigation fees in the context of the source of impact for MOB-04, Emission Reductions at Commercial Airports. We are very concerned about this reference primarily because, in the past, SCAQMD has provided as one of the suggested control measures for airports the use of a mitigation fee program. We have discussed at length, with both the District and the U.S. EPA over the years, our concern regarding any proposed mitigation fee program and the role of the airport proprietor with respect to the administration of air quality emission strategies at airports in the Basin. We have expressed strong opposition to the measures previously proposed by the District. The airports are not in favor of becoming the air quality "enforcers" for all airport users. In addition to our concern regarding the airport proprietor's exact role and obligations under any "mitigation fee program" that may be considered, we are concerned as to what, if any, penalties airport proprietors might be subjected to if one of their airport users fails to provide the required mitigation fee in connection with their operation(s). A-8.7

We have serious doubt, particularly after adoption of the Airport Noise and Capacity Act of 1990 (49 USCA §2151, et seq.) (ANCA), as to whether airport proprietors generally have sufficient residual regulatory authority to act effectively as the agencies implementing and enforcing any "mitigation fee program" imposed by the District.

We also continue to have a fundamental disagreement with the District regarding the extent of the District's authority to regulate airports. Specifically, we continue to believe that, to the extent the District attempts to regulate aircraft related emissions, directly or indirectly (as is the case with the mitigation fee program or the reference in ARB's SIP measures to partner with airports to incentivize cleaner aircraft to come to California airports); any such indirect source regulation would constitute a constitutionally impermissible local intrusion into a federally preempted field of regulation. (People of State of Cal. v. Dept. of Navy (1977) 431 F. Supp. 1271, 1281; Washington v. General Motors Corp. (1972) 405 U.S. 109.) The District's A-8.8

attempted indirect regulation of airport related emissions through a fee program or other type of indirect source rule would be an impermissible and unconstitutional intrusion into an area which is pervasively and exclusively controlled by federal law and federal authority. (City of Burbank v. Lockheed Air Terminal, Inc. (1973) 411 U.S. 624, 633.)

Irrespective of these legal constraints regarding this type of control measure, the 2016 AQMP has not defined the proposed "mitigation fee" control measure in a manner that allows the NOP/IS and Programmatic EIR to discuss this measure and its potential environmental consequences consistent with the requirements of CEQA. The NOP/IS should therefore be revised to delete reference to mitigation fees in the context of MOB-04 or provide additional discussion and analysis of this proposed control measure.

A-8.8 Cont.

**E. SOCIOECONOMIC ANALYSIS**

Although we understand that the AQMP includes a preliminary assessment of the cost effectiveness of available and proposed measures, it is imperative that before any further environmental analysis is conducted regarding any of the measures provided in the 2016 AQMP directed toward airports and airlines, that the District prepare appropriate and complete analyses of the cost effectiveness of all of the proposed measures as mandated by California law in order to provide the airports in the Basin with information which measures the full costs of any and all possible regulatory programs in terms of the increase in emission reduction costs versus program and improvement costs. This is particularly important with those measures that have been defined, such as zero emission airport shuttle buses and zero emission GSE.

A-8.9

**F. EMISSION REDUCTIONSAND PERFORMANCE STANDARDS**

The NOP/IS indicates that a program EIR will be prepared for the 2016 AQMP because it examines the environmental effects of the proposed control measures that will ultimately be issued as rules or regulations and promulgated as part of a continuing ongoing regulatory strategy. (NOP/IS, page 1-6.) Although a program EIR may properly focus on "broad policy alternatives and program wide mitigation measures," as well as "regional influences, secondary effects, cumulative impacts, broad alternatives, and other factors that apply to the program as a whole" (Cal. Code Regs. §§15168(b)(4), (d)(2)), the agency should adopt performance standards or objectives that can then be translated into site specific measures or regulations when site-specific CEQA analysis is prepared. The NOP/IS fails to comply with this requirement.

A-8.10

Although the 2016 AQMP and NOP/IS have identified a number of control measures for the airport and airline industry, the NOP/IS fails to discuss any performance standards and objectives for these measures despite ongoing discussion that indicates that the District could quickly pivot to regulation, if necessary, and that such regulations are within the District's legal authority. Have performance targets been established for these control measures? The NOP/IS

A-8.11

must address any performance targets that have been established so that they can be translated into specific control measures for the airport and airline industry.

A-8.11 Cont.

In addition, although we understand that the rule development process will provide additional opportunity for public and stakeholder input as well as ongoing technical review, assessment of costs and environmental impacts, it is difficult to assess measure MOB-04 or the proposed State SIP strategy measures included in the NOP/IS, including ORHD-07 (zero emission airport shuttle buses) and OFFS-04 (zero emission GSE), without further information on their proposed parameters; we look forward to better understanding the District's proposals. That being said, and as the District has recognized, in many instances, controlling emissions at airports in the Basin is constrained by legal, operational, technological, and economic limitations. Therefore, we encourage the District to continue to be sensitive to and informed of such constraints when designing or implementing any regulations developed by SCAQMD and predicting associated emission reductions.

A-8.12

In closing, thank you again for this opportunity to comment on the NOP/IS for the 2016 AQMP. We look forward to continuing to engage in an open, thorough and responsive public process on the 2016 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

cc: Frank Kim, County Executive Officer
Mark Denny, County Operations Officer
Barry Rondinella, Airport Director
Melinda McCoy, Airport Environmental Engineer
Carol Sutkus, Manager, South Coast Air Quality Planning Section, California Air Resources Board

# Response to Comment Letter A-8

## Comment A-8.1

Dear Ms. Jillian Wong:

This letter is submitted on behalf of John Wayne Airport, Orange County (Airport or JWA). This letter contains the Airport's written comments on the Notice of Preparation (NOP) and Initial Study (IS) (collectively NOP/IS) for the proposed 2016 Air Quality Management Plan (2016 AQMP), issued by the South Coast Air Quality Management District (SCAQMD or District) on June 30, 2016.

The Airport's comments on the NOP/IS are intended to serve the following principal objectives: A-8.1

1. First, we appreciate the opportunity to continue to work constructively and cooperatively with the SCAQMD in evaluating and developing realistic airport emission reduction strategies for the proposed 2016 AQMP and analyzing the potential environmental impacts of the proposed measures. We hope that our past comments, our comments in this letter, and our continued cooperation in this process will allow us to make meaningful contributions toward resolving and addressing the complex airport regulatory issues associated with air quality in the Basin.

## Response A-8.1

Thank you for the comment. No further response is necessary.

## Comment A-8.2

2. Second, a key concern relating to the use of a baseline to measure emissions reductions is the apparent failure of this method to provide some type of "credit" to the Airport for the significant emission reduction measures that have already been implemented and are currently being implemented to reduce air quality impacts associated with Airport operations. These measures already provide: (i) more efficient fuel operations and consumption; (ii) the ability to manage aircraft operations in a more efficient manner; (iii) a reduction in the fugitive dust generated by aircraft activity at JWA; (iv) improvement in traffic circulation within the vicinity of JWA; and (v) the possibility for use of alternative fuels. In order to maintain equity and to avoid inadvertently "penalizing" those who voluntarily implement significant air quality reduction measures, the 2016 AQMP should provide some type of "credit" to "sources" for these efforts rather than A-8.2

   reflect these emission reductions into future emissions inventories and/or in baseline emissions inventories.

3. Third, and finally, we have a number of specific comments relating to the NOP/IS discussion and analysis, including comments relating to the emissions inventories, potential transportation and traffic impacts of proposed control measures, potential inconsistencies between existing and proposed new control measures, mitigation fees, SCAQMD's ability to implement measures as regulations, and the cost effectiveness of any regulatory strategy. In many instances, these comments may require the NOP/IS to be revised and supplemented with additional discussions and analysis. A-8.2 Cont.

**Response A-8.2**

SCAQMD staff works with airport staff to ensure that correct emissions are included in baseline inventories. CEQA analysis does not take credit for the airport's voluntary efforts in reducing emissions.

The comment under number 3 above is an introductory comment which alludes to specific comments presented later in the comment letter. Therefore, responses are provided to the specific comments later.

**Comment A-8.3**

**COMMENTS**

**A. EMISSION INVENTORY**

Over the past several years, JWA has provided information to SCAQMD staff relating to its baseline emissions inventory as well as its projections for future aircraft activity (both general aviation and commercial aircraft) at the Airport. As this information indicates, and as the District knows, the Airport is under certain legal and operational constraints with respect to existing and future operations. We appreciate SCAQMD's recognition of the uniqueness of the legal and regulatory constraints as well as the available infrastructure (existing and planned) at each of the airports in the Basin and the necessity of taking into account both the unique characteristics and available infrastructure at each of the airports in the context of the continued development and approval of any regulatory strategies, including proposed measure MOB-04.

That said, one key and continuing concern relating to the use of a baseline to measure emissions reductions is the current failure of this method to provide some type of "credit" to the Airport for the significant emission reduction measures that have already been implemented and are currently being implemented to reduce air quality impacts associated with airport operations. As indicated above, in order to maintain equity and to avoid inadvertently "penalizing" those who voluntarily implement significant air quality reduction measures, the 2016 AQMP should provide some type of "credit" to "sources" for these efforts and not simply "bake" into the baseline these significant emission reduction measures.

A-8.3

According to the NOP/IS, "[q]uantified emission reductions that are real, surplus, permanent, and enforceable will be reflected in future emissions inventories as part of the Rate-of-Progress reporting requirements or *in the baseline emissions inventories* as part of future AQMP/SIP development." (NOP/IS, page 1-22.) It is unclear from this statement what data SCAQMD will rely upon for the baseline emissions inventories and what data it will use for the estimated projected reductions in airport generated trips that could occur through implementation of the

**Response A-8.3**

The aircraft emission inventory is currently being updated and will be included in the upcoming Revised Draft 2016 AQMP.

**Comment A-8.4**

**B. TRAFFIC AND AIR QUALITY IMPACTS**

The NOP/IS concludes that there will be no significant impacts to transportation and traffic. (*See, e.g.,* Appendix A, A-7.) Specifically, the NOP/IS concludes that "[i]mplementation of the 2016 AQMP is not expected to substantially increase vehicle trips or vehicle miles traveled in the District." (NOP/IS at page 2-51.)

In the case of airports, this conclusion may not be true. As we have previously discussed with the District, any regulation by the District which may affect the operational capacity of one or more of the airports in the Basin might be perceived as providing air quality impact reductions at the constrained airport, but this does not mean that there has been a net air quality benefit in the Basin generally. If passenger traffic is reduced at one airport in the Basin because of regulatory constraints, then that traffic may be served at another airport in the Basin, or the displaced passengers may choose to drive to their ultimate destination. For environmental purposes, the significant repercussion from either alternative (i.e., reliance on a different airport or road travel) is that the displaced passengers will have to incur an additional number of regional vehicle miles traveled (VMT). This will worsen traffic congestion, and the concomitant negative impacts on air quality associated with higher VMT. The NOP/IS does not identify these potentially significant transportation and traffic issues or the associated air quality impacts. The NOP/IS must be revised to include a discussion of these potential impacts.

A-8.4

**Response A-8.4**

Reliance on a different airport and associated additional road travel is not envisioned in the 2016 AQMP, thus potential impacts were not further analyzed.

**Comment A-8.5**

In addition, one of the significance criteria identified for transportation and traffic impacts is whether air traffic will be substantially altered. (NOP/IS at page 2-50.) Implementation of the control measures that continue to be pursued by both the SCAQMD and the California Air Resources Board (ARB) (in the context of its SIP strategies) to reduce emissions from state and federal sources, including aircraft, may have a significant impact on the ability of air carriers to provide service in the Southern California Basin. This potential substantial alteration of air traffic should be addressed in the NOP/IS and the NOP/IS should be revised to discuss and analyze this potentially significant impact.

A-8.5

**Response A-8.5**

The proposed control measures of the 2016 AQMP are not expected to substantially alter air traffic in any way. The conclusion above is considered speculative.

**Comment A-8.6**

**C. POTENTIAL INCONSISTENCIES BETWEEN EXISTING AND PROPOSED NEW CONTROL MEASURES**

The long term control measures identified by the 2016 AQMP to be considered by ARB for implementation continue to: (1) pursue approaches to reduce emissions from ground support equipment (GSE) (OFFS-04); (2) require zero emission airport shuttle buses (ORHD-07); and (3) require fleet and facility modernization. We continue to be concerned about these long term control measures because, as you know, the SCAQMD already has a number of regulatory rules governing vehicle fleets. Any future regulatory measures should be consistent with these existing regulations. In addition, airports should not be required to regulate or administer emission reduction programs for vehicle fleets or GSE that they do not own or operate.

A-8.6

**Response A-8.6**

We appreciate your continued concern with these measures, but the long term control measures are intended to be harmonious wit CARB control strategies. No further response is necessary.

**Comment A-8.7**

**D. MITIGATION FEES**

There is a troubling reference in the Initial Study, Appendix A, page A-7, to mitigation fees in the context of the source of impact for MOB-04, Emission Reductions at Commercial Airports. We are very concerned about this reference primarily because, in the past, SCAQMD has provided as one of the suggested control measures for airports the use of a mitigation fee program. We have discussed at length, with both the District and the U.S. EPA over the years, our concern regarding any proposed mitigation fee program and the role of the airport proprietor with respect to the administration of air quality emission strategies at airports in the Basin. We have expressed strong opposition to the measures previously proposed by the District. The airports are not in favor of becoming the air quality "enforcers" for all airport users. In addition to our concern regarding the airport proprietor's exact role and obligations under any "mitigation fee program" that may be considered, we are concerned as to what, if any, penalties airport proprietors might be subjected to if one of their airport users fails to provide the required mitigation fee in connection with their operation(s). A-8.7

We have serious doubt, particularly after adoption of the Airport Noise and Capacity Act of 1990 (49 USCA §2151, et seq.) (ANCA), as to whether airport proprietors generally have sufficient residual regulatory authority to act effectively as the agencies implementing and enforcing any "mitigation fee program" imposed by the District.

**Response A-8.7**

Comment noted.

**Comment A-8.8**

We also continue to have a fundamental disagreement with the District regarding the extent of the District's authority to regulate airports. Specifically, we continue to believe that, to the extent the District attempts to regulate aircraft related emissions, directly or indirectly (as is the case with the mitigation fee program or the reference in ARB's SIP measures to partner with airports to incentivize cleaner aircraft to come to California airports); any such indirect source regulation would constitute a constitutionally impermissible local intrusion into a federally preempted field of regulation. (People of State of Cal. v. Dept. of Navy (1977) 431 F. Supp. 1271, 1281; Washington v. General Motors Corp. (1972) 405 U.S. 109.) The District's A-8.8

attempted indirect regulation of airport related emissions through a fee program or other type of indirect source rule would be an impermissible and unconstitutional intrusion into an area which is pervasively and exclusively controlled by federal law and federal authority. (City of Burbank v. Lockheed Air Terminal, Inc. (1973) 411 U.S. 624, 633.)

Irrespective of these legal constraints regarding this type of control measure, the 2016 AQMP has not defined the proposed "mitigation fee" control measure in a manner that allows the NOP/IS and Programmatic EIR to discuss this measure and its potential environmental consequences consistent with the requirements of CEQA. The NOP/IS should therefore be revised to delete reference to mitigation fees in the context of MOB-04 or provide additional discussion and analysis of this proposed control measure. A-8.8 Cont.

**Response A-8.8**

This comment is not pertinent to the NOP/IS analysis. Therefore, no further response is necessary.

**Comment A-8.9**

**E. SOCIOECONOMIC ANALYSIS**

Although we understand that the AQMP includes a preliminary assessment of the cost effectiveness of available and proposed measures, it is imperative that before any further environmental analysis is conducted regarding any of the measures provided in the 2016 AQMP directed toward airports and airlines, that the District prepare appropriate and complete analyses of the cost effectiveness of all of the proposed measures as mandated by California law in order to provide the airports in the Basin with information which measures the full costs of any and all possible regulatory programs in terms of the increase in emission reduction costs versus program and improvement costs. This is particularly important with those measures that have been defined, such as zero emission airport shuttle buses and zero emission GSE. A-8.9

**Response A-8.9**

A socioeconomic analysis for the 2016 AQMP is currently being prepared.

**Comment A-8.10**

**F. EMISSION REDUCTIONSAND PERFORMANCE STANDARDS**

The NOP/IS indicates that a program EIR will be prepared for the 2016 AQMP because it examines the environmental effects of the proposed control measures that will ultimately be issued as rules or regulations and promulgated as part of a continuing ongoing regulatory strategy. (NOP/IS, page 1-6.) Although a program EIR may properly focus on "broad policy alternatives and program wide mitigation measures," as well as "regional influences, secondary effects, cumulative impacts, broad alternatives, and other factors that apply to the program as a whole" (Cal. Code Regs. §§15168(b)(4), (d)(2)), the agency should adopt performance standards or objectives that can then be translated into site specific measures or regulations when site-specific CEQA analysis is prepared. The NOP/IS fails to comply with this requirement. A-8.10

**Response A-8.10**

Commented noted but, performance standards that can be translated into site specific measures for site-specific CEQA analysis are not a requirement for an NOP/IS.

**Comment A-8.11**

Although the 2016 AQMP and NOP/IS have identified a number of control measures for the airport and airline industry, the NOP/IS fails to discuss any performance standards and objectives for these measures despite ongoing discussion that indicates that the District could quickly pivot to regulation, if necessary, and that such regulations are within the District's legal authority. Have performance targets been established for these control measures? The NOP/IS A-8.11

must address any performance targets that have been established so that they can be translated into specific control measures for the airport and airline industry. A-8.11 Cont.

**Response A-8.11**

As stated above, performance standards are not a requirement for CEQA or an NOP/IS. The analysis is conducted on the proposal as presented in the project description in Chapter 2.

**Comment A-8.12**

In addition, although we understand that the rule development process will provide additional opportunity for public and stakeholder input as well as ongoing technical review, assessment of costs and environmental impacts, it is difficult to assess measure MOB-04 or the proposed State SIP strategy measures included in the NOP/IS, including ORHD-07 (zero emission airport shuttle buses) and OFFS-04 (zero emission GSE), without further information on their proposed parameters; we look forward to better understanding the District's proposals. That being said, and as the District has recognized, in many instances, controlling emissions at airports in the Basin is constrained by legal, operational, technological, and economic limitations. Therefore, we encourage the District to continue to be sensitive to and informed of such constraints when designing or implementing any regulations developed by SCAQMD and predicting associated emission reductions. A-8.12

In closing, thank you again for this opportunity to comment on the NOP/IS for the 2016 AQMP. We look forward to continuing to engage in an open, thorough and responsive public process on the 2016 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.

**Response A-8.12**

SCAQMD staff will continue to work with airport representatives during future rulemaking activities.

## Comment Letter A-9

Yvonne Watson
201 W. Madison Avenue
Montebello, CA 90640
August 4, 2016

TO: JILLIAN WONG, SCAQMD

PROJECT TITLE: DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT 2016 AIR QUALITY MANAGEMENT PLAN (AQMP)

INITIAL STUDY COMMENTS

Ms. Wong,

Below are my brief comments on the Initial Study for the 2016 Air Quality Management Plan.

ACRONYMS

Please move the list to the beginning of the NOP/IS and add the following items:

BACM = Best Available Control Measures
BACT = (Page 1-13. Please correct if this is a typo.)
BMPs = Best Management Practices
BTEX – Benzene, Toluene, Ethylbenzene, and Xylene
CAAP = San Pedro Bay Ports Clean Air Action Plan
CE-Cert = ? (Page 1-17)
CFR = ?(Page 1-38)
CHP = Combined Heating and Power
CVRP = Clean Vehicle Rebate Pilot Program
dBA = Decibels
DPF = Diesel Particulate Filter
DPM – Diesel Particulate matter
EFMP = Enhanced Fleet Modernization Program
EIP = Economic Incentive Program
EMFAC2014 = ? (Page 1-8)
ERPG = Emergency Response Planning Guideline
FTIR = Fourier transform infrared spectroscopy
g/bhp-hr = (Found in text as well as in table.)
GVW = ? (Page 1-22)
HOT = High Occupancy Toll
HQTA = High Quality Transit Area
HVIP - Hybrid heavy-duty vehicles
HVIP = Hybrid Vehicle Incentives Project

A-9.1

MPO = Metropolitan Planning Organization
MSERCs = Mobile Source Emission Reduction Credits
NPDES = National Pollutant Discharge Elimination System
NSR = New Source Review
OSHA = Occupational Safety and Health Administration
PEIR = Programmed Environmental Impact Report
PM = Particulate matter
POTW = Publicly Owned Treatment Work
Ppb = Parts per billion
RACM = Reasonably Available Control Measure Analysis
RCRA = Resource Conservation and Recovery Act
RECLAIM = Regional Clean Air Incentives Market
ROG = ? (Page 1-30)
RTP = Regional Transportation Plan
RWQCB = Regional Water Quality Control Board
SOF = Solar Occultation Flux
SOON = Surplus Off-Road Opt-In
SORE – Small Off-Road Equipment
SOx = ? (Page 1-20.)
TACs = Toxic Air Contaminants
TDM = Transportation Demand Management
Tpd = ? (Page 1-24)
TSM = Transportation System Management
TXM = Toxic Air Contaminant Control Measure
SCRRA = ? (Page1-23)

A-9.1 Cont.

Please include the date for the "recently adopted" federal 8-hour ozone standard (70 ppb) cited on page 1-7.

A-9.2

Thank you for the opportunity to comment on this document.

Yvonne Watson
Sierra Club Angeles Chapter

## Response to Comment Letter A-9

### Comment A-9.1

ACRONYMS

Please move the list to the beginning of the NOP/IS and add the following items:

BACM = Best Available Control Measures
BACT = (Page 1-13. Please correct if this is a typo.)
BMPs = Best Management Practices
BTEX – Benzene, Toluene, Ethylbenzene, and Xylene
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g/bhp-hr = (Found in text as well as in table.)
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A-9.1

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NSR = New Source Review
OSHA = Occupational Safety and Health Administration
PEIR = Programmed Environmental Impact Report
PM = Particulate matter
POTW = Publicly Owned Treatment Work
Ppb = Parts per billion
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TSM = Transportation System Management
TXM = Toxic Air Contaminant Control Measure
SCRRA = ? (Page1-23)

A-9.1 Cont.

### Response A-9.1

The list of acronyms provided will be added to the Draft Program EIR.

**Comment A-9.2**

Please include the date for the "recently adopted" federal 8-hour ozone standard (70 ppb) cited on page 1-7. A-9.2

**Response A-9.2**

The 2015 date for the recently adopted federal 8-hour ozone standard will be added to the Draft Program EIR.

# Comment Letter A-10

-----Original Message-----
From: Harvey Eder [mailto:harveyederpspc@yahoo.com]
Sent: Friday, August 12, 2016 5:29 PM
To: Jillian Wong <jwong1@aqmd.gov>; pfine@aqmp.gov; harveyederpspc@yahoo.com
Cc: harveyederpspc@yahoo.com; Jillian Wong <jwong1@aqmd.gov>
Subject: comments on nop ceqa aqmp 2016 by Harvey Eder for self & PSPC Public Solar Power Coalition 8/12/16 per MKrause phone 8/4/16 ITSC

Hello AQMP 2016 folks ie. Jillian Wong (Dr.) , Phil Fine (Dr.) and Mike Krause, 8/12/16



Due to the cite in 10 2 and 10-3 in the June 30,2016 Draft Plan that says there has been a 30% increase
in ch4/methane over the last 10 years and the new 84, 86 gwp used by IPCC AR5 2013 I brought this up with Dr. Arron Katsenstein who chap 10 and is staff lead in Climate Change and GHG etc, the current number using radiative
forcing for 1800 (2016 is 1841ppb ch4) ppb is 274 ppm co2equivilent ch4 emissions in the atmosphere +- 10%
ch4 gwp over 20 yrs is 84,or 86 gwp compared to co2, plus ~100 ppm N2O co2 equilivent ( using 300gwp for N2O)
pous 406 ppm co2 Totals to at least

co2 406 ppm
ch4 274 ppm co2e (+- 10%)
n2o ~100 ppm co2e (calcs needed)

Equals at least 780 ppm co2 now

A-10.1

Therefor what is needed is ITSC Immediate Total Solar Conversion the corredt best science numbers on co2e at over 2 times preindustrial co2 280 ppm co2 times 2 is 560 ppm co2e and 3 times 280 ppm co2 is 840
which is apx where we are now ! These numbers were not supposted to be fact until 2050 to 2100' Its on now folks.

The entire record of my and PSPC record in and out of litigation is incorporated into the record herein in the CEQIA nop etc and the Draft 2016 AQMP. Also incorporated into the record herein as cited here by reference is the 2014 Jacobson et. al. Plan For Converting California to 80-85% solar renewables by 2030 or more and 100% by 2050 or sooner,,,,,California is the World lead in Solar Renewables not Germany anymore with its nucs ( which is being phased
out after fukashema in Japan) and the coal plants /mines. The Federal CAA and Ca caa require solar cost effective
energy be implemented ie Deployed as cited inar5 chapt 8 "solar renewable energy " is cost effective now and has been
and is being "deployed". We must lead the usa and the world. I/We submitted the 8 reports to the Dist Advisory

Group with the US DOE May 18,2016 SunShot Documents including PV and CSP (Concentrated Solar Power) as well as Health benefits from solar etc and Fianceing Solar which can reduce solar by "30-60%", The origional PV andf CSP 2012 were in the State law wuit filed in January of 2013 etc the origional suit s were filed in 1992...

This is submission number 1 or many

Also since the Dist has ignored solar conversion and not covering ITSC Ithe alternative project in the CEQA Document EIR must be ITSC II as "expediously as practiable" like our Father and Mothers did in WW2 against
the Naziesw/Facists/ and Japan etc. we can and must to this now...

Either there has been a conspirancy or at best gross neglience to ignore solar most likely criminal"'' It's now or never.....

A-10.1 Cont.

Solarly,

Harvey Eder for self and for the PSPC Public Solar Coalition.
August 12,2016 as per K w/ Mr. Mike Krausde

The sun makes the wind blow , the water flow and the plants grow It's the engine of our ecosystem The Way The World Works.....

1223 Wilshire Blvd. #667
Santa Monica, CA. 90403
(310) 3932589

PS The little ditti is from cited in responce yo Dist Demur in lit 2013 . I was the first registerurd Environmental Studies Student at the University of California in the Fall of 1970 at UCSC with my Professor Dr. Richard Cooley who told me that its Solar Energy not appropriate or alernative energy or "clean energy " cause thats what you Dist call your Dirty Gas a Fossil Fuel which is against Ca Hand SC to Import into the state 88% of DG is imporated in Ca.breaking state law etc

## Response to Comment Letter A-10

**Response A-10.1**

Thank you for your comments. A solar power alternative was evaluated in the alternatives in Chapter 6 of the Draft Program EIR.

# APPENDIX C

## ASSUMPTIONS AND CALCULATIONS

## TABLE C-1

Summary of Construction Emissions

**Total On-Site for One Facility**

| | CO, lb/day | NOx, lb/day | PM10, lb/day | PM2.5, lb/day | VOC, lb/day | SOx, lb/day | CO2e, ton/year | Total GHG Amortized over 30 years for One facility (CO2e/yr) |
|---|---|---|---|---|---|---|---|---|
| Grading/Site Preparation | 11 | 25 | **3.9** | **1.6** | 2.7 | 0.0 | 16 | |
| Paving | 8 | 12 | 0.7 | 0.7 | 0.2 | 0.01 | 2 | |
| Equipment Installation | **15** | **30** | 1.4 | 1.3 | **3.4** | **0.0** | **414** | |
| | | | | | | | | 14 |
| Significance Threshold | 550 | 100 | 150 | 55 | 75 | 150 | 10,000 | |
| Exceed Significance? | NO | NO | NO | NO | NO | NO | NO | |

# TABLE C-2

## Grade/Site Summary

| **Grading/Site Preparation -** | for One Facility | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| Construction Schedule | **10** | **days**[a] | | | | | | | |
| **Equipment Type**[a,b] | **No. of Equipment** | **hr/day** | **Crew Size per facility** | | | | | | |
| Rubber Tired Dozers | 1 | 7.0 | 4 | | | | | | |
| Tractors/Loaders/Backhoes | 1 | 7.0 | | | | | | | |
| **Construction Equipment Emission Factors** | | | | | | | | | |
| | **CO** | **NOx** | **PM10** | **PM2.5** | **VOC** | **SOx** | **CO2** | **CH4** | **NO2** |
| **Equipment Type**[c] | lb/hr | lb/hr | lb/hr | lb/hr | lb/hr | lb/hr | lb/hr | lb/hr | lb/hr |
| Rubber Tired Dozers | 1.101 | 2.381 | 0.099 | 0.091 | 0.284 | 0.002 | 238 | 0.026 | 0.099 |
| Tractors/Loaders/Backhoes | 0.374 | 0.498 | 0.034 | 0.031 | 0.073 | 0.001 | 67 | 0.007 | 0.021 |
| **Fugitive Dust Bulldozer Parameters** | | | | | | | | | |
| **Vehicle Speed (mph)**[d] | **Vehicle Miles Traveled**[e] | | | | | | | | |
| 3 | 21 | | | | | | | | |
| **Fugitive Dust Material Handling** | | | | | | | | | |
| **Aerodynamic Particle Size Multiplier**[f] | **Mean Wind Speed**[g] | **Moisture Content**[h] | **Dirt Handled**[i] | | **Conversion** | | **Dirt Handled**[j] | | |
| | mph | | cy | | | | lb/day | | |
| 0.35 | 10 | 7.9 | 2,730 | | 136513 | | 6,825,625 | | |
| **Construction Vehicle (Mobile Source) Emission Factors**[k] | | | | | | | | | |
| | **CO** | **NOx** | **PM10** | **PM2.5** | **VOC** | **SOx** | **CO2** | **CH4** | **NO2** |
| | lb/mile | lb/mile | lb/mile | lb/mile | lb/mile | lb/mile | lb/mile | lb/mile | lb/mile |
| Automobile | 4.12E-03 | 3.41E-04 | 1.04E-04 | 4.41E-05 | 4.50E-04 | 8.22E-06 | 0.73 | 2.01E-05 | 4.83E-06 |
| Medium-Duty Truck | 3.98E-03 | 1.81E-02 | 5.40E-04 | 3.85E-04 | 7.84E-04 | 3.64E-05 | 3.76 | 3.64E-05 | 2.56E-04 |
| **Number of Trips and Trip Length** | | | | | | | | | |
| **Vehicle** | **No. of One-Way Trips/Day** | **One-Way Trip Length (miles)** | | | | | | | |
| Automobile | 4 | 20 | | | | | | | |
| Medium-duty Truck[l] | 3 | 20 | | | | | | | |

# TABLE C-2

## Grade/Site Summary (continued)

**Incremental Increase in Combustion Emissions from Construction Equipment**

**Equation:** Emission Factor (lb/hr) x No. of Equipment x Work Day (hr/day) = Construction Emissions (lb/day)

| | CO | NOx | PM10 | PM2.5 | VOC | SOx | CO2 | CH4 | NO2 |
|---|---|---|---|---|---|---|---|---|---|
| **Equipment Type** | lb/day | lb/day | lb/day | lb/day | lb/day | lb/day | lb/day | lb/day | lb/day |
| Rubber Tired Dozers | 7.71 | 16.67 | 0.69 | 0.64 | 1.99 | 0.02 | 1,665 | 0.18 | 0.69 |
| Tractors/Loaders/Backhoes | 2.62 | 3.48 | 0.24 | 0.22 | 0.51 | 0.01 | 467 | 0.05 | 0.14 |
| **Total** | **10.3** | **20.2** | **0.9** | **0.9** | **2.5** | **0.0** | **2,132** | **0.2** | **0.8** |

**Incremental Increase in Fugitive Dust Emissions from Construction Operations**

**Equations:**

Grading[m]: PM10 Emissions (lb/day) = 0.60 x 0.051 x mean vehicle speed$^{2.0}$ x VMT x (1 - control efficiency)

Material Handling[n] PM10 Emissions (lb/day) = (0.0032 x aerodynamic particle size multiplier x (wind speed (mph)/5)$^{1.3}$/(moisture content/2)$^{1.4}$ x dirt handled (lb/day)/2,000 (lb/ton) (1 - control efficiency)

| | Control Efficiency | Unmitigated PM10 | Mitigated PM2.5[o] |
|---|---|---|---|
| **Description** | % | lb/day | lb/day |
| Earthmoving | 61 | 2.3 | 0.475 |
| Material Handling | 61 | 0.54 | 0.113 |
| **Total** | | **2.8** | **0.588** |

**Incremental Increase in Combustion Emissions from Onroad Mobile Vehicles**

**Equation:** Emission Factor (lb/mile) x No. of One-Way Trips/Day x 2 x Trip length (mile) = Mobile Emissions (lb/day)

| | CO | NOx | PM10 | PM2.5 | VOC | SOx | CO2 | CH4 | NO2 |
|---|---|---|---|---|---|---|---|---|---|
| **Vehicle** | lb/day | lb/day | lb/day | lb/day | lb/day | lb/day | lb/day | lb/day | lb/day |
| Automobiles | 0.6371 | 2.8971 | 0.0865 | 0.0615 | 0.1255 | 0.0058 | 601 | 0.0058 | 0.0410 |
| Medium Duty Trucks | 0.4779 | 2.1728 | 0.0648 | 0.0462 | 0.0941 | 0.0044 | 451 | 0.0044 | 0.0308 |
| | **1.115** | **5.070** | **0.151** | **0.108** | **0.220** | **0.010** | **1,051** | **0.010** | **0.072** |

**Total Incremental Emissions from Construction Activities**

| | CO | NOx | PM10 | PM2.5 | VOC | SOx | CO2 |
|---|---|---|---|---|---|---|---|
| **Sources** | lb/day | lb/day | lb/day | lb/day | lb/day | lb/day | metric ton/year |
| Emissions | **11** | **25** | **3.9** | **1.6** | **2.7** | **0.033** | **16** |
| **Significance Threshold[p]** | ***550*** | ***100*** | ***150*** | ***55*** | ***75*** | ***150*** | |
| **Exceed Significance?** | **NO** | **NO** | **NO** | **NO** | **NO** | **NO** | |

**Notes:**

Project specific data may be entered into shaded cells. Changing the values in the shaded cells will not affect the integrity of the worksheets. Verify that units of values entered match units for cell.

Adding lines or entering values with units different than those associated with the shaded cells may alter the integrity of the sheets or produce incorrect results.

a) Based on assumption that each bulldozer can move 35 cubic yards of soil per hour and one acre of area with a depth of 20 feet.

b) Estimated construction equipment assumed to operate one eight-hour shift per day.

c) Emission factors estimated using OFFROAD2011

d) Caterpillar Performance Handbook, Edition 33, October 2003 Operating Speeds, p 2-3.

e) Two bulldozers traveling three miles per hour for seven hours per day.

f) USEPA, AP-42, Jan 1995, Section 13.2.4 Aggregate Handling and Storage Piles, p 13.2.4-3 Aerodynamic particle size multiplier for < 10 µm

g) Mean wind speed - maximum of daily average wind speeds reported in 1981 meteorological data.

i) Assuming 2730.25 cubic yards of dirt handled (4840 ft2 x 20 ft) x yd3/27 ft3)/ days)

j) Dirt handled, lb/day = (2730.25 yd3 x 2,500 lb/yd3)

k) Emission factors estimated using EMFAC2011 for the 2014 fleet year.

l) Assumed 30 cubic yd truck capacity for 2730.25 cy of dirt [(2730.25 cy x truck/30 cy) = 3 one-way truck trips/day].

m) USEPA, AP-42, July 1998, Table 11.9-1, Equation for Site Grading ≤ 10 µm

n) USEPA, Fugitive Dust Background Document and Technical Information Document for Best Available Control Measures, Sept 1992, EPA-450/2-92-004, Equation 2-12

o) Includes watering at least three times a day per Rule 403 (61% control efficiency)

p) SCAQMD CEQA significance thresholds

# TABLE C-3

## Paving Summary

| **Asphalt Paving of Foundation** | **for One Facility** | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| **Construction Schedule** | **8** | **days**[a] | | | | | | | |
| **Equipment Type**[a] | **No. of Equipment** | **hr/day** | **Crew Size per facility** | | | | | | |
| Pavers | 1 | 7.0 | 4 | | | | | | |
| Cement and Mortar Mixers | 1 | 6.0 | | | | | | | |
| Rollers | 1 | 7.0 | | | | | | | |
| **Construction Equipment Combustion Emission Factors** | | | | | | | | | |
| | **CO** | **NOx** | **PM10** | **PM2.5** | **VOC** | **SOx** | **CO2** | **CH4** | **NO2** |
| **Equipment Type**[b] | lb/hr | lb/hr | lb/hr | | lb/hr | lb/hr | lb/hr | lb/hr | lb/hr |
| Pavers | 0.526 | 0.810 | 0.056 | 0.052 | 0.143 | 0.001 | 78 | 0.013 | 0.000 |
| Cement and Mortar Mixers | 0.042 | 0.055 | 0.002 | 0.002 | 0.009 | 0.000 | 7 | 0.001 | 0.000 |
| Rollers | 0.401 | 0.616 | 0.042 | 0.039 | 0.091 | 0.001 | 67 | 0.008 | 0.000 |
| **Construction Vehicle (Mobile Source) Emission Factors**[c] | | | | | | | | | |
| | **CO** | **NOx** | **PM10** | **PM2.5** | **VOC** | **SOx** | **CO2** | **CH4** | **NO2** |
| | lb/mile | lb/mile | lb/mile | lb/mile | lb/mile | lb/mile | lb/mile | lb/mile | lb/mile |
| Automobile | 4.12E-03 | 3.41E-04 | 1.04E-04 | 4.41E-05 | 4.50E-04 | 8.22E-06 | 0.73 | 2.01E-05 | 4.83E-06 |
| Medium-Duty Truck | 3.98E-03 | 1.81E-02 | 5.40E-04 | 3.85E-04 | 7.84E-04 | 3.64E-05 | 3.76 | 3.64E-05 | 2.56E-04 |
| **Number of Trips and Trip Length** | | | | | | | | | |
| **Vehicle** | **No. of One-Way Trips/Day** | **One-Way Trip Length (miles)** | | | | | | | |
| Worker | 4 | 20 | | | | | | | |
| Delivery/Disposal Truck[d] | 3 | 20 | | | | | | | |
| **Equation:** Emission Factor (lb/hr) x No. of Equipment x Work Day (hr/day) = Construction Emissions (lb/day) | | | | | | | | | |
| | **CO** | **NOx** | **PM10** | **PM2.5** | **VOC** | **SOx** | **CO2** | **CH4** | **NO2** |
| **Equipment Type** | lb/day | lb/day | lb/day | lb/day | lb/day | lb/day | lb/day | lb/day | lb/day |
| Pavers | 3.68 | 5.67 | 0.39 | 0.36 | 0.1 | 0.00 | 51 | 0.01 | 0.00 |
| Cement and Mortar Mixers | 2.41 | 3.70 | 0.25 | 0.23 | 0.0 | 0.00 | 0 | 0.00 | 0.00 |
| Rollers | 0.29 | 0.39 | 0.02 | 0.02 | 0.0 | 0.00 | 0 | 0.00 | 0.00 |
| **Total** | **6** | **10** | **0.66** | **0.61** | **0.06** | **0.00** | **51** | **0.01** | **0.00** |
| **Incremental Increase in Combustion Emissions from Onroad Mobile Vehicles** | | | | | | | | | |
| **Equation:** Emission Factor (lb/mile) x No. of One-Way Trips/Day x 2 x Trip length (mile) = Mobile Emissions (lb/day) | | | | | | | | | |
| | **CO** | **NOx** | **PM10** | **PM2.5** | **VOC** | **SOx** | **CO2** | **CH4** | **NO2** |
| **Vehicle** | lb/day | lb/day | lb/day | lb/day | lb/day | lb/day | lb/day | lb/day | lb/day |
| Worker | 0.659 | 0.055 | 0.0166 | 0.0071 | 0.0720 | 0.0013 | 116.5368 | 0.0032 | 0.0008 |
| Delivery | 0.478 | 2.173 | 0.0648 | 0.0462 | 0.0941 | 0.0044 | 450.6386 | 0.0044 | 0.0308 |
| **Total** | **1.137** | **2.227** | **0.0814** | **0.0532** | **0.1661** | **0.0057** | **567.1755** | **0.0076** | **0.0315** |
| **Total Incremental Combustion Emissions from Construction Activities** | | | | | | | | | |
| | **CO** | **NOx** | **PM10** | **PM2.5** | **VOC** | **SOx** | **CO2eq** | | |
| **Sources** | lb/day | lb/day | lb/day | lb/day | lb/day | lb/day | metric ton/year | | |
| Emissions | **8** | **12** | **0.7** | **0.7** | **0.2** | **0.0** | **2.3** | | |
| **Significance Threshold**[e] | ***550*** | ***100*** | ***150*** | ***55*** | ***75*** | ***150*** | | | |
| **Exceed Significance?** | **NO** | **NO** | **NO** | **NO** | **NO** | **NO** | | | |

**Notes:**

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a) Estimated construction equipment assumed to operate one eight-hour shift per day.

b) Emission factors estimated using OFFROAD2011

c) Emission factors estimated using EMFAC2011 for the 2014 fleet year.

d) Assumed three deliver truck trips per day.

# Table C-4

## Installation Summary

| **APCD Installation** | **for One Facility** | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| **Construction Schedule** | 30 days | | | | | | | | |
| **Equipment Type**[a] | **No. of Equipment** | **hr/day** | **Crew Size per facility** | | | | | | |
| Cranes | 3 | 4.0 | 4 | | | | | | |
| Forklifts | 2 | 6.0 | | | | | | | |
| Tractors/Loaders/Backhoes | 2 | 8.0 | | | | | | | |
| **Construction Equipment Combustion Emission Factors** | | | | | | | | | |
| | **CO** | **NOx** | **PM10** | **PM2.5** | **VOC** | **SOx** | **CO2** | **CH4** | **NO2** |
| **Equipment Type**[b] | lb/hr | lb/hr | lb/hr | | lb/hr | lb/hr | lb/hr | lb/hr | lb/hr |
| Cranes | 0.431 | 1.028 | 0.044 | 0.041 | 0.120 | 0.001 | 121 | 0.011 | 0.043 |
| Forklifts | 0.221 | 0.355 | 0.018 | 0.016 | 0.050 | 0.001 | 54 | 0.004 | 0.015 |
| Tractors/Loaders/Backhoes | 0.374 | 0.498 | 0.034 | 0.031 | 0.073 | 0.001 | 67 | 0.007 | 0.021 |
| **Construction Vehicle (Mobile Source) Emission Factors**[c] | | | | | | | | | |
| | **CO** | **NOx** | **PM10** | **PM2.5** | **VOC** | **SOx** | **CO2** | **CH4** | **NO2** |
| | lb/mile | lb/mile | lb/mile | lb/mile | lb/mile | lb/mile | lb/mile | lb/mile | lb/mile |
| Automobile | 4.12E-03 | 3.41E-04 | 1.04E-04 | 4.41E-05 | 4.50E-04 | 8.22E-06 | 0.73 | 2.01E-05 | 4.83E-06 |
| Medium-Duty Truck | 3.98E-03 | 1.81E-02 | 5.40E-04 | 3.85E-04 | 7.84E-04 | 3.64E-05 | 3.76 | 3.64E-05 | 2.56E-04 |
| **Number of Trips and Trip Length** | | | | | | | | | |
| **Vehicle** | **No. of One-Way Trips/Day** | **One-Way Trip Length (miles)** | | | | | | | |
| Worker | 4 | 20 | | | | | | | |
| Medium-duty Truck[d] | 3 | 20 | | | | | | | |
| **Incremental Increase in Combustion Emissions from Construction (Off Road) Equipment** | | | | | | | | | |
| **Equation:** Emission Factor (lb/hr) x No. of Equipment x Work Day (hr/day) = Construction Emissions (lb/day) | | | | | | | | | |
| | **CO** | **NOx** | **PM10** | **PM2.5** | **VOC** | **SOx** | **CO2** | **CH4** | **NO2** |
| **Equipment Type** | lb/day | lb/day | lb/day | lb/day | lb/day | lb/day | lb/day | lb/day | lb/day |
| Cranes | 5.2 | 12.3 | 0.53 | 0.49 | 1.4 | 0.02 | 1,451 | 0.13 | 0.51 |
| Forklifts | 2.7 | 4.3 | 0.21 | 0.20 | 0.60 | 0.01 | 652 | 0.05 | 0.18 |
| Tractors/Loaders/Backhoes | 6.0 | 8.0 | 0.54 | 0.50 | 1.17 | 0.01 | 1,068 | 0.10 | 0.33 |
| **Total** | **13.8** | **24.6** | **1.3** | **1.2** | **3.2** | **0.04** | **3,171** | **0.29** | **1.02** |
| **Incremental Increase in Combustion Emissions from Onroad Mobile Vehicles** | | | | | | | | | |
| **Equation:** Emission Factor (lb/mile) x No. of One-Way Trips/Day x 2 x Trip length (mile) = Mobile Emissions (lb/day) | | | | | | | | | |
| | **CO** | **NOx** | **PM10** | **PM2.5** | **VOC** | **SOx** | **CO2** | **CH4** | **NO2** |
| **Vehicle** | lb/day | lb/day | lb/day | lb/day | lb/day | lb/day | lb/day | lb/day | lb/day |
| Worker | 0.64 | 2.9 | 0.087 | 0.062 | 0.126 | 5.80E-03 | 601 | 0.0058 | 0.0410 |
| Medium-Duty Truck | 0.48 | 2.2 | 0.07 | 0.046 | 0.09 | 4.00E-03 | 451 | 0.004 | 0.031 |
| **Total** | **1.1** | **5.1** | **0.15** | **0.11** | **0.22** | **9.80E-03** | **1,051** | **0.010** | **0.072** |
| **Total Incremental Combustion Emissions from Construction Activities** | | | | | | | | | |
| | **CO** | **NOx** | **PM10** | **PM2.5** | **VOC** | **SOx** | **CO2eq** | | |
| **Sources** | lb/day | lb/day | lb/day | lb/day | lb/day | lb/day | metric ton/year | | |
| Emissions | **15** | **30** | **1.4** | **1.3** | **3.4** | **0.0** | **414** | | |
| **Significance Threshold**[e] | ***550*** | ***100*** | ***150*** | ***55*** | ***75*** | ***150*** | | | |
| **Exceed Significance?** | **NO** | **NO** | **NO** | **NO** | **NO** | **NO** | | | |

**Notes:**

Project specific data may be entered into shaded cells. Changing the values in the shaded cells will not affect the integrity of the worksheets. Verify that units of values entered match units for cell. Adding lines or entering values with units different than those associated with the shaded cells may alter the integrity of the sheets or produce incorrect results.

a) Estimated construction equipment assumed to operate one eight-hour shift per day.

b) Emission factors estimated using OFFROAD2011

c) Emission factors estimated using EMFAC2011 for the 2014 fleet year.

d) Assumed three deliver truck trips per day.

e) SCAQMD CEQA significance thresholds