

Bay Area 2005 Ozone Strategy

**2005 Ozone Strategy
Final Environmental Impact Report**

**Statement of Findings, Statement of Overriding Considerations,
And Mitigation Monitoring Plan**

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INTRODUCTION

The California Environmental Quality Act (CEQA), Public Resources Code § 21000 et seq., requires that the potential environmental impacts of proposed projects be evaluated and that feasible methods to reduce or avoid identified significant adverse environmental impacts of these projects be identified. To fulfill the purpose and intent of CEQA, the Bay Area Air Quality Management District (District) has prepared a Program Environmental Impact Report (EIR) to address the potential environmental impacts associated with the proposed 2005 Ozone Strategy. The District is the lead agency for the proposed project and, therefore, has prepared an EIR pursuant to CEQA. The purpose of the EIR is to describe the proposed project and to identify, analyze, and evaluate any potentially significant adverse environmental impacts that may result from adopting and implementing the proposed 2005 Ozone Strategy. The Draft EIR was circulated to the public for a 45-day review and comment period from October 7, 2005 to November 21, 2005. The District received five comment letters, and one email during the 45-day public review and comment period and additional comments were made during the public meetings and workshops. The bulk of the comments did not raise CEQA issues, i.e., issues regarding the potential adverse environmental impacts of implementing the 2005 Ozone Strategy and the control measures contained therein (Project), measures to mitigate those impacts, or alternatives to the Project. Responses to all CEQA-related comments were prepared and comments and responses are included in the Final EIR.

BACKGROUND

The Bay Area Air Quality Management District (District) was established in 1955 by the California Legislature to control air pollution in the counties around San Francisco Bay, to attain air quality standards as specified in State and federal law. There have been significant improvements in air quality in the Bay Area over the last several decades. Ozone conditions in the Bay Area have improved significantly over the years. Ozone levels – as measured by peak concentrations and the number of days over State or national standards – have declined substantially as a result of aggressive programs by the Air District, Metropolitan Transportation Commission (MTC) and other regional, State and federal partners. In fact, in April 2004 the U.S. Environmental Protection Agency (U.S. EPA) determined that the region had attained the national one-hour ozone standard. U.S. EPA recently transitioned from the national one-hour standard to a more health protective 8-hour standard. The 8-hour standard took effect in June 2004, and the federal one-hour standard was revoked on June 15, 2005.

However, there is still a need for continued improvement of air quality in the Bay Area. The Air District is required to meet State standards by the earliest date achievable through the implementation of all feasible measures. Therefore, in order to attain the more stringent State ozone standard, the region must continue its long-term progress in reducing ozone levels. The Air District will continue to adopt regulations, implement programs and work cooperatively with other agencies, organizations and the public on a wide variety of

strategies to improve air quality in the region. The 2005 Ozone Strategy provides a detailed description of how the Bay Area plans to achieve these goals.

The California Clean Air Act (CCAA), adopted in 1988, requires the District to develop and periodically update, a plan to achieve and maintain State ambient air quality standards for ozone, carbon monoxide (CO), sulfur dioxide (SO₂), and NO₂ by the earliest practicable date (Health & Safety Code §40910). The Bay Area has attained the CO, SO₂ and NO₂ standards. Because the region violates the State one-hour ozone standard, the Bay Area is considered a nonattainment area for the State standard. The CCAA requires regions that do not meet the State ozone standard to prepare plans for attaining the standard and to update these plans every three years. These plans must include estimates of current and future emissions of the pollutants that form ozone (ozone precursors) and a control strategy that includes “all feasible measures” to reduce these emissions. The plans must also include measures to reduce transport of ozone and ozone precursors to downwind regions.

The 2005 Ozone Strategy is the latest triennial update to the Bay Area strategy to achieve the State ozone standard, including new control measures. The control measures are proposed to satisfy State ozone planning requirements.

SUMMARY OF THE PROPOSED PROJECT

The control strategy for the 2005 Ozone Strategy is to implement all feasible measures on an expeditious schedule in order to reduce emissions of ozone precursors. This is consistent with CCAA requirements in the Health and Safety Code and pollutant transport mitigation requirements in the California Code of Regulations. The control strategy includes stationary source measures, mobile source measures and transportation control measures.

There are 15 stationary source measures proposed for the 2005 Ozone Strategy. Most stationary source measures in the 2005 Ozone Strategy will be implemented through rule making. The District goes through a detailed process to develop and adopt rules and regulations to impose standards on, and limit emissions from, stationary sources of emissions in the Bay Area.

The term "mobile source", as used in the CCAA and by the Air District, refers collectively to vehicular sources and other non-stationary sources. Four mobile source control measures are included in the 2005 Ozone Strategy.

The CCAA specifically requires air districts to “adopt, implement and enforce transportation control measures.” Transportation Control Measures (TCMs) are defined as “any strategy to reduce vehicle trips, vehicle use, vehicle miles traveled, vehicle idling, or traffic congestion for the purpose of reducing motor vehicle emissions.” (Sec. 40717). TCMs must be sufficient to substantially reduce the rate of increase in vehicle trips and vehicle miles traveled (Sec. 40918). Nineteen TCMs are included in the 2005 Ozone Strategy.

POTENTIAL SIGNIFICANT ADVERSE IMPACTS THAT CANNOT BE MITIGATED BELOW A SIGNIFICANT LEVEL

The EIR evaluated all 17 environmental resources identified on the CEQA checklist and identified potentially adverse environmental impacts from implementing the 2005 Ozone Strategy on aesthetics, air quality, biological resources, cultural resources, transportation and traffic, and utilities and service systems. Impacts to these environmental topics were comprehensively analyzed in the EIR. Based on the analysis in the EIR, the following impacts have been identified as potentially significant adverse impacts that cannot be reduced below significance.

1. Potentially significant adverse aesthetic impacts were identified related to TCMs 4, 6, 7, and 8, which involve the construction of new rail lines, bus lanes and ferry facilities. Mitigation measures are not expected to eliminate aesthetic impacts to less than significant.
2. The 2005 Ozone Strategy is expected to result in an overall reduction in emissions from mobile sources on a regional basis. However, some transportation control measures could encourage increased traffic and related emissions in localized areas. These control measures could result in increased traffic near transit terminals, thus, generating increases in emissions, particularly CO emissions or CO “hot spots,” in the local areas surrounding the transit terminals. Therefore, the potential for localized increases in CO emissions is considered a significant impact.
3. Significant localized air quality impacts associated with diesel exhaust could occur because certain TCMs in the 2005 Ozone Strategy would concentrate traffic in specific areas. Therefore, based on the significance criteria, impacts associated with non-criteria pollutants are considered significant.
4. The impacts on biological resources are expected to be significant to wetlands, marshlands and aquatic resources from dredging operations, construction of facilities or severe erosion from wake wash associated with TCM 7 – Improve Ferry Service. In addition, potentially significant biological impacts associated with the possibility of a ferry striking a whale (although rare) and from noise impacts on wildlife are also possible during construction activities for ferry facilities.
5. Implementation of TCMs 4,6,7 and 8 would result in construction that could adversely impact previously unknown historical, archaeological or paleontological resources and, therefore, could result in significant impacts.
6. The hazard impacts associated with the use of anhydrous ammonia in SCR Units that could be used to comply with certain control measures are potentially significant.
7. Some control measures in the 2005 Ozone Strategy could encourage higher traffic densities in localized areas (e.g., TCM 1, TCM 3, TCM 4, TCM 6, TCM 7, TCM 11, and TCM 15). The impacts of individual projects are potentially significant and would need to be evaluated on a project-by-project basis. The potential increase in parking demand near rail, bus, and ferry terminals is also considered significant.

8. TCM 7 – Improve Ferry Service could result in a higher energy per passenger miles traveled value than other transit modes so the impacts on petroleum fuels (i.e., utilities and service systems) are potentially significant.

POTENTIAL SIGNIFICANT ADVERSE IMPACTS THAT CAN BE REDUCED BELOW A SIGNIFICANT LEVEL

The following impacts have been identified as potentially significant adverse impacts that can be reduced below a significant level.

1. Operational noise impacts related to TCMs 4, 5, 6, 7, and 8 in the 2005 Ozone Strategy are potentially significant. The impacts could be mitigated with project-specific mitigation measures including the construction of sound walls, adjustments to roadways or transit alignments, insulation of buildings, vibration isolation of track segments, and local land use policies to guide the location of roadways and rail corridors.
2. Water quality impacts associated with TCMs 4, 5, and 7 are potentially significant but are expected to be mitigated to less than significant using storm water controls, National Pollutant Discharge Elimination System standards, and constructing new facilities outside of 100-year flood zones.

STATEMENT OF FINDINGS

Public Resources Code §21081 and CEQA Guidelines §15091(a) state, “No public agency shall approve or carry out a project for which an EIR has been completed which identifies one or more significant adverse environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding.” Additionally, the findings must be supported by substantial evidence in the record (CEQA Guidelines §15091(b)). As identified in the Final EIR and summarized above, the proposed project has the potential to create significant adverse aesthetic, air quality, biological resources, cultural resources, hazard, traffic and utilities and service systems impacts. The District Board of Directors, therefore, makes the following findings regarding the proposed project. The findings are supported by substantial evidence in the record as explained in each finding. This Statement of Findings will be included in the record of project approval and will also be noted in the Notice of Determination. The Findings made by the District Board of Directors are based on the following significant adverse impacts identified in the EIR.

Findings for Potentially Significant Adverse Impacts That Cannot Be Mitigated Below a Significant Level

1. **Transportation improvements could result in potentially significant adverse aesthetic impacts.**

Finding and Explanation: The aesthetic analysis concludes that the implementation of some transportation improvements as part of the 2005 Ozone Plan may result in visual changes that will block or damage view of scenic resources or adversely affect visual continuity.

The Board of Directors finds that while feasible mitigation measures have been identified to eliminate or minimize the potentially significant adverse impact to aesthetics, implementation of those measures would not reduce the aesthetic impacts to less than significant. CEQA defines "feasible" as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors" (Public Resources Code §21061.1). Therefore, this impact cannot be reduced below a significant level.

The Board of Directors finds further that the Final EIR considered alternatives pursuant to CEQA Guidelines §15126.6, but no project alternatives would reduce to insignificant levels the significant adverse aesthetic impacts identified for the proposed project.

2. Potential for localized increases in carbon monoxide emissions near transit terminals is potentially significant.

Finding and Explanation: The air quality analysis concludes that the 2005 Ozone Strategy is expected to result in an overall reduction in emissions from mobile sources on a regional basis. However, some transportation control measures could encourage increased traffic and related emissions in localized areas. These control measures could result in increased traffic near transit terminals, thus, generating increases in emissions, particularly CO emissions or CO "hot spots," in the local areas surrounding the transit terminals. Therefore, the potential for localized increases in CO emissions is considered a significant impact.

The Board of Directors finds that while feasible mitigation measures have been identified to eliminate or minimize the potentially significant adverse impact to air quality, implementation of those measures cannot be quantified at a local level at this time so the impact remains significant. CEQA defines "feasible" as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors" (Public Resources Code §21061.1). Therefore, this impact cannot be reduced below a significant level.

The Board of Directors finds further that the Final EIR considered alternatives pursuant to CEQA Guidelines §15126.6, but no project alternatives would reduce to insignificant levels the significant adverse air quality impacts identified for the proposed project.

3. Potential for localized increases in diesel exhaust and the related toxics air contaminant near transit terminals is potentially significant.

Finding and Explanation: The air quality analysis concludes that the 2005 Ozone Strategy is expected to result in an overall reduction in emissions from mobile sources on a regional basis. However, some transportation control measures could encourage increased traffic and related emissions in localized areas. These control measures could result in increased traffic near transit terminals, thus, generating increases in emissions, particularly toxic air contaminants associated with diesel emissions, in the local areas surrounding the transit terminals. Therefore, the potential for localized increases in toxic air contaminants is considered a potentially significant adverse impact.

The Board of Directors finds that while feasible mitigation measures have been identified to minimize the potentially significant adverse impact to air quality, implementation of those measures cannot be quantified at a local level at this time so the impact remains significant. CEQA defines "feasible" as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors" (Public Resources Code §21061.1). Therefore, this impact cannot be reduced below a significant level.

The Board of Directors finds further that the Final EIR considered alternatives pursuant to CEQA Guidelines §15126.6, but no project alternatives would reduce to insignificant levels the significant adverse air quality impacts identified for the proposed project.

4. Potential impacts on biological resources are expected to be significant to wetlands, marshlands and aquatic resources from dredging operations, construction activities, erosion from wake wash and the possibility of a ferry striking a whale.

Finding and Explanation: The analysis in the 2005 Ozone Strategy EIR concludes that the 2005 Ozone Strategy is expected to result in significant biological impacts to wetlands, marshlands and aquatic resources from dredging operations, construction of facilities or severe erosion from wake wash. In addition, the Water Transit Authority identified potentially significant impacts associated with the possibility of a ferry striking a whale (although rare) and from noise impacts on wildlife during construction.

The Board of Directors finds that while feasible mitigation measures have been identified to minimize the potentially significant adverse impact to biological resources, implementation of those measures are not expected to reduce the impacts to less than significant. CEQA defines "feasible" as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors" (Public Resources Code §21061.1). Therefore, this impact cannot be reduced below a significant level.

The Board of Directors finds further that the Final EIR considered alternatives pursuant to CEQA Guidelines §15126.6, but no project alternatives would reduce to insignificant levels the significant adverse biological impacts identified for the proposed project.

5. Implementation of some transportation control measures could impact cultural resources resulting in significant adverse impacts.

Construction activities associated with TCMs 4,6,7 and 8 could adversely impact previously unknown historical, archaeological or paleontological resources and, therefore, could result in significant impacts.

The Board of Directors finds that while feasible mitigation measures have been identified to minimize the potentially significant adverse impact to cultural resources, implementation of those measures are not expected to reduce the impacts to less than significant. CEQA defines "feasible" as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and

technological factors" (Public Resources Code §21061.1). Therefore, this impact cannot be reduced below a significant level.

The Board of Directors finds further that the Final EIR considered alternatives pursuant to CEQA Guidelines §15126.6, but no project alternatives would reduce to insignificant levels the significant adverse impacts on cultural resources identified for the proposed project.

6. Hazard impacts associated with the use of anhydrous ammonia in SCR Units are potentially significant.

Proposed control measure SS 14 – Stationary Gas Turbines would require or encourage the use of SCR to reduce NO_x Emissions. Ammonia is used to react with NO_x, in the presence of a catalyst, to form nitrogen and water. The storage and transportation hazards associated with the use of anhydrous ammonia are potentially significant.

The Board of Directors finds that feasible mitigation measures have not been identified to reduce the potentially significant adverse impact to hazards to less than significant. CEQA defines "feasible" as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors" (Public Resources Code §21061.1). Therefore, this impact cannot be reduced below a significant level.

The Board of Directors finds further that the Final EIR considered alternatives pursuant to CEQA Guidelines §15126.6, but no project alternatives would reduce to insignificant levels the significant adverse impacts on hazards identified for the proposed project.

7. Control measures could result in higher traffic densities in localized areas generating significant traffic and parking impacts.

Finding and Explanation: Some control measures in the 2005 Ozone Strategy could encourage higher traffic densities in localized areas (e.g., TCM 1, TCM 3, TCM 4, TCM 6, TCM 7, TCM 11, and TCM 15). The impacts of individual projects are potentially significant and would need to be evaluated on a project-by-project basis. The potential increase in parking demand near rail, bus, and ferry terminals is also considered significant.

The Board of Directors finds that while feasible mitigation measures have been identified to reduce traffic and parking impacts, they remain significant. Therefore, this impact cannot be reduced below a significant level.

The Board of Directors finds further that the Final EIR considered alternatives pursuant to CEQA Guidelines §15126.6, but no project alternatives would reduce to insignificant levels the significant adverse impacts on traffic and parking identified for the proposed project.

8. TCM 7 could result in potentially significant impacts on utilities and service systems.

Finding and Explanation: TCM 7 – Improve Ferry Service could result in a higher energy per passenger miles traveled value than other transit modes so the impacts on petroleum fuels (under utilities and service systems) are potentially significant.

The Board of Directors finds that while feasible mitigation measures have been identified to reduce utilities and service system impacts, they remain significant. Therefore, this impact cannot be reduced below a significant level.

The Board of Directors finds further that the Final EIR considered alternatives pursuant to CEQA Guidelines §15126.6, but no project alternatives would reduce to insignificant levels the significant adverse impacts on utilities and service systems identified for the proposed project.

Findings for Potentially Significant Adverse Impacts that Can Be Mitigated Below a Significant Level

1. Operational noise impacts related to TCMs 4, 5, 6, 7, and 8 in the 2005 Ozone Strategy are potentially significant.

Finding and Explanation: Operational noise impacts related to TCMs 4, 5, 6, 7, and 8 in the 2005 Ozone Strategy are potentially significant as they could add new transit lines, widen freeways and add new traffic lanes. The noise impacts could be mitigated with project-specific mitigation measures including the construction of sound walls, adjustments to roadways or transit alignments, insulation of buildings, vibration isolation of track segments, and local land use policies to guide the location of roadways and rail corridors.

The Board of Directors finds that feasible mitigation measures have been identified to minimize noise impacts to less than significant. CEQA defines "feasible" as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors" (Public Resources Code §21061.1). Measures to mitigate noise impacts are identified in the Final EIR and in the "Mitigation Monitoring Plan" section below.

2. Water quality impacts associated with TCMs 4, 5, and 7 are potentially significant.

Water quality impacts associated with TCMs 4, 5, and 7 are potentially significant but are expected to be mitigated to less than significant using storm water controls, NPDES standards, and constructing new facilities outside of 100-year flood zones.

The Board of Directors finds that feasible mitigation measures have been identified to minimize water quality impacts to less than significant. CEQA defines "feasible" as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors" (Public Resources Code §21061.1). Measures to mitigate water quality impacts are identified in the Final EIR and in the "Mitigation Monitoring Plan" section below.

Statement of Findings Conclusion

Changes or alterations have been incorporated into the Final EIR for the 2005 Ozone Strategy to mitigate or minimize the potentially significant adverse environmental effects associated with certain project impacts, i.e., aesthetics, air quality, biological resources, cultural resources, hazard, traffic and utilities and service systems impacts. No additional feasible mitigation measures or project alternatives, other than those already included in the Final EIR, have been identified that can further mitigate the potentially significant adverse project impacts on aesthetic, air quality, biological resources, cultural resources, hazard, traffic and utilities and service systems impacts and meet the proposed project objectives.

All feasible mitigation measures identified in the Final EIR have been adopted as set forth in the mitigation monitoring program. The analysis indicated that the alternatives would not reduce to insignificant levels the significant aesthetic, air quality, biological resources, cultural resources, hazard, traffic and utilities and service systems impacts identified for the proposed project.

The purpose of the 2005 Ozone Strategy is to establish a comprehensive regulatory program to attain and maintain state 1-hour ambient air quality standard for ozone through implementation of different categories of control measures. The District finds that the proposed project achieves the best balance between minimizing potential adverse environmental impacts and achieving the project objectives of complying with state and ambient air quality standards. The District further finds that all of the findings presented in this “Statement of Findings” are supported by substantial evidence in the record.

The record of approval for this project may be found in the District’s Headquarters in San Francisco, California.

STATEMENT OF OVERRIDING CONSIDERATIONS

If significant adverse impacts of a proposed project remain after incorporating mitigation measures or no measures or alternatives to mitigate the adverse impacts are identified, the lead agency must make a determination that the benefits of the project outweigh the unavoidable adverse environmental effects if it is to approve the project. CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project (CEQA Guidelines §15093 [a]). If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable” (CEQA Guidelines §15093 [a]). Accordingly, a Statement of Overriding Considerations regarding potentially significant adverse aesthetics, air quality, biological resources, cultural resources, hazard, water quality, transportation and traffic, and utilities and service system impacts resulting from implementing the 2005 Ozone Strategy has been prepared. This Statement of Overriding Considerations is included as part of the record of the project approval for the proposed project. Pursuant to CEQA Guidelines

§15093(c), the Statement of Overriding Considerations will also be noted in the Notice of Determination for the proposed project.

Despite the inability to incorporate changes into the project that will mitigate potentially significant adverse aesthetic, air quality, biological resources, cultural resources, hazard, water quality, traffic and utilities and service systems impacts to a level of insignificance, the District Board of Directors finds that the following benefits and considerations outweigh the significant unavoidable adverse environmental impacts:

1. The long-term effect of the 2005 Ozone Strategy control measures is the reduction of ozone throughout the Bay Area Air Quality Management District (“District”), to protect public health and the environment and to make progress toward attaining state and federal ozone air quality standards. Implementation of the 2005 Ozone Strategy control measures will continue to reduce emissions from stationary and mobile sources. In the long term, the 2005 Ozone Strategy is expected to produce a net reduction in district-wide air pollution caused by emissions from stationary and mobile sources.
2. The emission reductions achieved by implementation of the 2005 Ozone Strategy control measures would help offset potential emission increases associated with population growth. Additionally, other factors are expected to further reduce emissions from mobile sources over time. These factors include an increased percentage of cleaner vehicles in the vehicle universe and implementation of CARB controls on mobile sources.
3. The proposed 2005 Ozone Strategy is necessary because the District does not currently comply with the state 1-hour ambient air quality standards for ozone. The focus of the Plan is to comply with the CCAA requirements that requires that the District: (1) Apply best available retrofit control technology (BARCT); (2) Implement all feasible measures through an expeditious implementation schedule; (3) Provide for the attainment of the State ozone ambient air quality standard at the earliest practicable date; and (4) comply with transport mitigation requirements in Health and Safety Code §40912. Improvements in air quality will be necessary to bring the Basin into attainment with the state 1-hour ozone standard. Failure to implement the control measures in the 2005 Ozone Strategy, means the District would not comply with the requirements of the California Clean Air Act.
4. Ozone is a highly reactive gas that can damage the tissues of the lungs and respiratory tract. High concentrations of ozone irritate the nose, throat and respiratory system and constrict the airways in the lungs. Ozone also can aggravate other respiratory conditions such as asthma, bronchitis and emphysema. A reduction in ozone precursor emissions and a related reduction in ozone concentrations is expected to provide beneficial impacts to public health by reducing public exposure to ozone concentrations.
5. The analysis of potential adverse environmental impacts incorporates a “worst-case” approach. This means that whenever the analysis requires that assumptions be made,

those assumptions that result in the greatest adverse environmental impacts are typically chosen. This method likely overestimates the actual impacts from the proposed project.

6. Many of the potential adverse environmental impacts are associated with implementation of TCMs, many of which have been approved as part of the 2000 Clean Air Plan, which is already in place, and, therefore, are expected to be implemented even without approval of the 2005 Ozone Strategy.

The District Board of Directors finds that the above-described considerations outweigh the unavoidable significant effects to the environment as a result of the proposed project.

MITIGATION MONITORING PLAN

Introduction

CEQA requires an agency to prepare a plan for reporting and monitoring compliance with and implementation of measures to mitigate significant adverse environmental impacts. Mitigation monitoring requirements are included in CEQA Guidelines §15097 and Public Resources Code §21081.6, which specifically state:

When making findings as required by subdivision (a) of Public Resources Code §21081 or when adopting a negative declaration pursuant to Paragraph (2) of subdivision (c) of Public Resources Code §21080, the public agency shall adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment (Public Resources Code §21081.6). The reporting or monitoring program shall be designed to ensure compliance during project implementation. For those changes which have been required or incorporated into the project at the request of an agency having jurisdiction by law over natural resources affected by the project, that agency shall, if so requested by the lead or responsible agency, prepare and submit a proposed reporting or monitoring program.

The provisions of CEQA Guidelines §15097 and Public Resources Code §21081.6 are triggered when the lead agency certifies a CEQA document in which mitigation measures, changes, or alterations have been required or incorporated into the project to avoid or lessen the significance of adverse impacts identified in the CEQA document. Public Resources Code §21081.6 leaves the task of designing a reporting or monitoring plan to individual public agencies.

To fulfill the requirements of CEQA Guidelines §15097 and Public Resources Code §21081.6, the District must develop a plan to monitor project compliance with those mitigation measures adopted as conditions of approval for the 2005 Ozone Strategy EIR. The following subsections identify the specific mitigation measures identified in the EIR and the public agency or agencies responsible for monitoring implementation of each mitigation measure.

A. Environmental Impacts That Cannot Be Mitigated to Less than Significant

The environmental resources that were identified in the Final EIR as having significant or potentially significant adverse impacts are identified below. The Final EIR concluded that no significant adverse impacts on agriculture resources, geology/soils, land use/planning, mineral resources, population/housing, public services, and recreation. The Final EIR concluded that significant adverse impacts to aesthetics, air quality, biological resources, cultural resources, hazard/hazardous materials, hydrology/water quality, transportation and traffic, and utilities and service system would be expected due to implementation of the 2005 Ozone Strategy.

Aesthetic Impacts

New Transportation Facilities Could Block or Damage Scenic Views

The aesthetic analysis concludes that the implementation of some transportation improvements in TCMs 4, 6, 7, and 8, which involved the construction of new rail lines, bus lanes, and ferry facilities may result in visual changes that will block or damage views of scenic resources or adversely affect visual continuity. Mitigation measures are not expected to eliminate aesthetic impacts to less than significant.

Mitigation Measures for Aesthetic Impacts

The mitigation measures for aesthetic impacts developed by the Water Transit Authority (WTA, 2003) for construction of ferry terminals include the following:

A1 Where feasible, the following shall be included in ferry terminal design:

- Locate terminal facilities so as not to obstruct or detract from views of the Bay from nearby public thoroughfares;
- Design terminals and layout to integrate with the surrounding landscape and historical structures to preserve, and take advantage of, existing views of the Bay and shoreline;
- Design terminal facilities to provide new or enhanced point access areas or view areas such as piers, platforms, and walkways;
- Design and site terminals so as to maintain and enhance the visual quality of the shoreline and visual public access to the Bay; and
- Vessels should be standardized to support system-wide operations and to work interchangeably at all terminals. Vessel berthing should be configured so as to allow maximum feasible visual access to the Bay.

A2 The WTA established Intermodal and Architectural Design Guidelines shall be considered in the planning and design of new and enhanced ferry terminals.

Mitigation measures for other transportation projects should include the following:

- A3 Design projects to minimize contrasts in scale and massing between the project, and surrounding natural forms and development. Site or design projects to minimize their intrusion into important view sheds.
- A4 Use natural landscaping to minimize contrasts between the project and surrounding areas. Wherever possible, develop interchanges and transit lines at or below grade of the surrounding land to limit view blockage. Contour the edges of major cut and fill slopes to provide a more natural looking finished profile.
- A5 Design landscaping along highway and transportation corridors to add significant natural elements and visual interest to soften the hard edged, linear travel experience that would otherwise occur.
- A6 Complete design studies for projects in designated or eligible Scenic Highway corridors. Consider the complete highway system and develop mitigation measures to minimize impacts on the quality of the views or visual experience that originally qualified the highway for scenic designation.

It is not expected that these mitigation measures would eliminate all visual impacts and the implementation of some transportation improvements may result in visual changes that will block or damage views of scenic resources or adversely affect visual continuity in some areas following mitigation.

Mitigation Monitoring and Reporting

Implementing Party: Because the EIR for the 2005 Ozone Strategy is a program EIR for an ongoing regulatory program, the District finds that the mitigation measures for aesthetic impacts will be implemented by various lead and local agencies and project applicants within the district.

Monitoring Agency: Because the EIR for the 2005 Ozone Strategy is a program EIR and general in nature, the monitoring agency is expected to vary and include lead and local agencies within the Basin. Monitoring will be accomplished as follows:

- MMA1 This mitigation measure has been imposed by the WTA and is already part of a separate mitigation monitoring program.
- MMA2 This mitigation measure has been imposed by the WTA and is already part of a separate mitigation monitoring program.
- MMA3 Artist renderings or other similar visual graphics must be provided for transportation projects in scenic areas so that decisionmaker can review projects for scale and massing between the project, and surrounding natural forms and development. Alternative locations for transportation projects should be evaluated so that the project's aesthetic impacts into important view sheds are minimized.

- MMA4 Artist renderings or other similar visual graphics should be provided for transportation projects in scenic areas so that decisionmaker can review the potential for projects to conflict with surrounding areas. Landscaping plans to be implemented following construction activities should be provided prior to project approval for evaluation of aesthetic impacts and project-specific mitigation requirements.
- MMA5 Landscaping plans to be implemented following construction activities should be provided prior to project approval for evaluation of aesthetic impacts from transportation projects and project-specific mitigation requirements.
- MMA6 See MMA3 above.

Air Quality Impacts

Localized CO Emission Increases are Potentially Significant

The 2005 Ozone Strategy is expected to result in an overall reduction in emissions from mobile sources on a regional basis. However, some transportation control measures could encourage increased traffic and related emissions in localized areas. These control measures could result in increased traffic near transit terminals, thus, generating increases in emissions, particularly CO emissions or CO “hot spots,” in the local areas surrounding the transit terminals. Therefore, the potential for localized increases in CO emissions is considered a significant impact.

Mitigation Measures for Localized CO Emissions

The increase in cold start emissions and localized CO emissions can be reduced by encouraging non-drive access at the ferry terminals and encouraging implementation of other control measures such as TCM 5 - Improve Access to Rail and Ferries, and TCM 9 – Improve Bicycle Access and Facilities. However, the effectiveness of these mitigation measures cannot be quantified so the impact remains significant. Project level environmental analysis on the implementation of the various TCMs will be required to determine the potential for impacts at specific locations.

The WTA is planning to continue investigating the feasibility and applicability of using energy sources other than fossil fuels and different engine technologies. One promising technology is the use of fuel cells. Alternative energy sources and engine technologies are expected to become available and will be incorporated as they become feasible (WTA, 2003). Alternatives to diesel-fueled buses and rail engines must also be considered to minimize localized emissions at buses, ferry and rail terminals. However, as future technology cannot be predicted, and the overall effects of the implementation of the TCMs cannot be reasonable assesses at this time, this impact remains significant.

Mitigation Monitoring and Reporting

Implementing Party: Because the EIR for the 2005 Ozone Strategy is a program EIR for an ongoing regulatory program, the District finds that the mitigation measures for air quality impacts will be implemented by various lead and local agencies and project applicants within the district. To the extent that construction results from complying with District rules that have been promulgated from 2005 Ozone Strategy control measures, the District can impose permit conditions on permit applicants at the time permit applications are processed and approved.

Monitoring Agency: Because the EIR for the 2005 Ozone Strategy is a program EIR and general in nature, the monitoring agency is expected to vary and include lead and local agencies within the Basin. Monitoring will be accomplished by requiring that CO hot spots analyses are provided for transportation projects to determine if the project will generate significant concentrations of CO and to mitigate the specific project impacts to less than significant by minimizing CO emissions. Specific mitigation measures are not included because they will vary depending on the specific project.

Localized Increases Associated with Diesel Exhaust are Potentially Significant

The 2005 Ozone Strategy is expected to result in an overall decrease in vehicle miles traveled and air emissions on a regional basis. However, significant localized air quality impacts associated with diesel exhaust could occur due to certain TCMs that would concentrate traffic in specific areas. Therefore, impacts associated with non-criteria pollutants are considered significant.

Mitigation Measures for Localized Increases in Diesel Exhaust Emissions

Significant impacts have been identified for the potential increases of diesel exhaust emissions in localized areas near transit terminals. The increase in emissions can be reduced by encouraging non-drive access at the ferry terminals, such as proposed in TCM 5 – Improve Access to Rail and Ferries, and other measures in the 2005 Ozone Strategy. In addition, substantial statewide diesel emission reductions are expected due to CARB control measures aimed at diesel trucks. However, the effectiveness of these mitigation measures cannot be quantified at a local level so the impact remains significant.

Mitigation Monitoring and Reporting

Implementing Party: Because the EIR for the 2005 Ozone Strategy is a program EIR for an ongoing regulatory program, the District finds that the mitigation measures for air quality impacts will be implemented by various lead and local agencies and project applicants within the district. To the extent that construction results from complying with District rules that have been promulgated from 2005 Ozone Strategy control measures, the District can impose permit conditions on permit applicants at the time permit applications are processed and approved.

Monitoring Agency: Because the EIR for the 2005 Ozone Strategy is a program EIR and general in nature, the monitoring agency is expected to vary and include lead and local agencies within the Basin. Monitoring will be accomplished by requiring that health risk assessments for diesel emissions are provided for transportation projects on a case-by-case basis to determine if the project will generate significant concentrations of diesel exhaust and to mitigate the specific project impacts by minimizing diesel emissions (e.g., limit diesel engine idling to less than 5 minutes). Specific mitigation measures are not included because they will vary depending on the specific project.

Biological Resources Impacts

Biological Impacts are Potentially Significant

The analysis in the 2005 Ozone Strategy EIR concludes that the 2005 Ozone Strategy is expected to result in significant biological impacts to wetlands, marshlands and aquatic resources from dredging operations, construction of facilities or severe erosion from wake wash. In addition, the Water Transit Authority identified potentially significant impacts associated with the possibility of a ferry striking a whale (although rare) and from noise impacts on wildlife during construction.

Mitigation Measures for Biological Impacts

Biological impacts associated with TCM 7 – Improve Ferry Service were considered potentially significant. The following mitigation measures have been imposed by the Water Transit Authority on this proposed control measure and the mitigation for significant impacts are summarized below (WTA, 2003):

- B1 Wetland areas should be delineated on a site-specific basis. Specific wetland boundary determinations shall be used to avoid disturbance of these resources when specific terminal layout plans are defined. For example, parking lot facilities typically the largest part of a terminal footprint, could be located in areas away from the shore and associated wetlands.
- B2 In cases where wetland impacts are unavoidable, suitable compensatory mitigation shall be designed within the same subarea and implemented in consultation with appropriate regulatory agencies.
- B3 Disturbance of eelgrass beds and mudflats shall be avoided in the design of project features and routing of ferries. Site specific side scan sonar surveys would be required prior to implementation of new routes or construction of new terminals to verify that eelgrass is not present.
- B4 As part of the environmental studies and documentation for specific projects, specific areas of eelgrass beds and mudflats that could be impacted shall be specifically determined. In cases where eelgrass is unavoidable, suitable compensatory mitigation shall be designed and implemented in consultation with appropriate regulatory agencies.

- B5 Indirect impacts to eelgrass beds from sedimentation shall be avoided or reduced through the use of silt curtains to protect the beds from sedimentation or other methods that would otherwise protect the eelgrass from turbidity plumes generated from dredging.
- B6 Ferries shall be equipped with a whale detection system such as forward-looking sonar.
- B7 Terminal locations shall be reviewed for potential occurrence of listed species and habitat. Terminal locations and routes should be designed or located to avoid these species. In areas where construction of a terminal could impact a listed species, consultation shall be conducted with appropriate agencies and appropriate permits shall be required.

The biological impacts associated with TCM7 are expected to remain significant following mitigation.

Mitigation Monitoring and Reporting

Implementing Party: Because the EIR for the 2005 Ozone Strategy is a program EIR for an ongoing regulatory program, the District finds that the mitigation measures for biological impacts will be implemented by various lead and local agencies and project applicants within the district.

Monitoring Agency: Because the EIR for the 2005 Ozone Strategy is a program EIR and general in nature, the monitoring agency is expected to vary and include lead and local agencies within the Basin. The mitigation measures under biological impacts have been imposed by the WTA and are already part of a separate mitigation monitoring program so that additional mitigation monitoring is not required.

Cultural Resources Impacts

Impacts on Cultural Resources are Potentially Significant During Construction Activities

Construction activities associated with TCMs 4, 6, 7 and 8 could adversely impact previously unknown historical, archaeological or paleontological resources and, therefore, could result in significant impacts.

Mitigation Measures for Cultural Resources

The EIR for the Expansion of Ferry Transit Service in San Francisco Bay (TCM 7) included mitigation measures to reduce the potential impacts on cultural resources. Such mitigation includes detailed cultural surveys prior to construction activities, avoiding archaeological sites, preservation of the resources and so forth. The impacts were considered to remain significant following mitigation as construction could impact known or unknown cultural

resources (WTA, 2003). The following mitigation measures are required to minimize the potential significant impacts on cultural resources associated with TCM 7 construction activities:

- CR1 Cultural surveys shall be required prior to construction activities associated with new transportation facilities in areas where cultural resources may be expected.
- CR2 When possible, development near or on cultural resources will be avoided.
- CR3 Where cultural resources cannot be avoided, a qualified paleontologist/ archaeologist monitor will conduct full-time monitoring of construction activities in areas that are likely to contain paleontological resources. In areas identified with a moderate to low potential to contain fossils, monitoring time will be reduced unless fossil remains are discovered, at which time monitoring will then be increased to full-time.
- CR4 A qualified archaeologist shall monitor ground-disturbing activities in native soils/sediments, as well as the initial stages of grading of the property. In the event that archaeological resources are discovered during construction, the monitor will have the authority to temporarily halt or divert construction in the immediate vicinity of the discovery while it is evaluated for significance. Construction activities could continue in other areas. If the discovery proves to be significant, additional investigation, such as evaluation and data recovery excavation may be warranted.
- CR5 A qualified paleontologist will be retained to supervise monitoring of construction excavations and to produce a mitigation plan in areas of cultural resource sensitivities. Paleontological monitoring will include inspection of exposed rock units and microscopic examination of matrix to determine if fossils are present. The paleontologist will have authority to temporarily divert grading away from fossil remains.
- CR6 If microfossils are present, the monitor will collect matrix for processing. In order to expedite removal of fossiliferous matrix, the monitor may request heavy machinery assistance to move large quantities of matrix out of the path of construction to designated stockpile areas. Testing of stockpiles will consist of screen washing small samples (approximately 200 pounds) to determine if significant fossils are present. Productive tests will result in screen washing of additional matrix from the stockpiles to a maximum of 6,000 pounds per locality to ensure recovery of a scientifically significant sample.
- CR7 Recovered fossils will be prepared to the point of curation, identified by qualified experts, listed in a database to facilitate analysis and repositied in a designated paleontological curation facility.
- CR8 At each fossil locality, field data forms will record the locality, stratigraphic sections will be measured, and appropriate scientific samples collected and submitted for analysis.

CR9 The qualified paleontologist will prepare a final mitigation report to be filed with the lead agency and the repository.

The above mitigation measures are expected to reduce the potential impacts on cultural resources associated with construction activities. Until final locations and designs are known for some of the transportation control measures, the impact on unknown cultural resources cannot be determined and this remains a potentially significant impact.

Mitigation Monitoring and Reporting

Implementing Party: Because the EIR for the 2005 Ozone Strategy is a program EIR for an ongoing regulatory program, the District finds that the mitigation measures for cultural impacts will be implemented by various lead and local agencies and project applicants within the district.

Monitoring Agency: Because the EIR for the 2005 Ozone Strategy is a program EIR and general in nature, the monitoring agency is expected to vary and include lead and local agencies within the Basin. The mitigation measures under cultural impacts have been imposed by the WTA and are already part of a separate mitigation monitoring program so that additional mitigation monitoring is not required.

Hazard and Hazardous Materials Impacts

Hazard Impacts Associated with the Use of Aqueous Ammonia are Potentially Significant

Proposed control measure SS 14 – Stationary Gas Turbines would require or encourage the use of Selective Catalytic Reduction (SCR) units to reduce emissions of oxides of nitrogen (NOx). Ammonia is used in SCR units to react with NOx, in the presence of a catalyst, to form nitrogen and water. The storage and transportation hazards associated with the use of anhydrous ammonia are potentially significant.

Hazard Impacts Mitigation Measures

The impacts associated with the use of anhydrous ammonia are potentially significant. No feasible mitigation measures have been identified to reduce this impact to less than significant.

Mitigation Monitoring and Reporting

Implementing Party: Because the EIR for the 2005 Ozone Strategy is a program EIR for an ongoing regulatory program, the District finds that the mitigation measures for hazard impacts will be implemented by various lead and local agencies and project applicants within the district. To the extent that construction results from complying with District rules that have been promulgated from 2005 Ozone Strategy control measures, the District can

impose permit conditions on permit applicants at the time permit applications are processed and approved.

Monitoring Agency: Because the EIR for the 2005 Ozone Strategy is a program EIR and general in nature, the monitoring agency is expected to vary and include lead and local agencies within the Basin. No specific mitigation measures were identified for hazard impacts. The District will look for mitigation measures for anhydrous ammonia impacts on a project-by-project basis.

Transportation/Traffic Impacts

Control measures could result in higher traffic densities in localized areas generating significant traffic and parking impacts.

Some control measures in the 2005 Ozone Strategy could encourage higher traffic densities in localized areas (e.g., TCM 1, TCM 3, TCM 4, TCM 6, TCM 7, TCM 11, and TCM 15). The impacts of individual projects are potentially significant and would need to be evaluated on a project-by-project basis. The potential increase in parking demand near rail, bus, and ferry terminals is also considered significant.

Traffic Impact Mitigation Measures

The following mitigation measures are required to mitigate the potential increased car and bus traffic to and from new and existing transportation terminals and stations, including TCM 1 - Support Voluntary Employer-Based Trip Reduction Programs, TCM 3 - Improve Local and Areawide Bus Service, TCM 4 - Improve Regional Rail Service, TCM 6 - Improve Interregional Rail Service, TCM 7 - Improve Ferry Service, and TCM 15 - Local Land Use Planning and Development Strategies.

- T1 Once transport terminal and station locations are narrowed down, site specific traffic analyses shall be conducted to compare predicted traffic with applicable local level of service (LOS) standards. Traffic analyses must also be completed where modifications are proposed for existing terminals and stations. Traffic mitigation measures would depend on site-specific conditions, including design of vehicular access to terminals, major access routes, parking availability, and traffic patterns. For example, impacts that were predicted to occur at intersections could be mitigated by addition of turning lanes. For some cases, where access is problematic or presents serious community concerns, the viability of the terminal location would need to be further evaluated.
- T2 The project proponents, in conjunction with local and regional transit agencies, shall study and develop terminal-specific plans to ensure that potential driving patrons can be adequately served by transit in locations with limited parking and currently insufficient transit access.
- T3 Non-drive access could be encouraged through measures such as charging fees for parking, provision of preferential parking for carpools and vanpools, comprehensive

shuttle access, land use scenarios that encourage non-drive access, and improving bicycle and pedestrian access.

In addition to the above mitigation measures, TCM 9 – Improve Bicycle Access and Facilities and TCM 19 – Improve Pedestrian Access and Facilities, should also help to minimize localized impacts on traffic. Impacts after mitigation must be determined on a case-by-case basis after mitigation measures are considered. Therefore, the impact on traffic and parking in the vicinity of new transit remains potentially significant.

Mitigation Monitoring and Reporting

Implementing Party: Because the EIR for the 2005 Ozone Strategy is a program EIR for an ongoing regulatory program, the District finds that the mitigation measures for transportation and traffic impacts will be implemented by various lead and local agencies and project applicants within the district. To the extent that construction results from complying with District rules that have been promulgated from 2005 Ozone Strategy control measures, the District can impose permit conditions on permit applicants at the time permit applications are processed and approved.

Monitoring Agency: Because the EIR for the 2005 Ozone Strategy is a program EIR and general in nature, the monitoring agency is expected to vary and include lead and local agencies within the Basin. Monitoring will be accomplished as follows:

- MT1 Site-specific traffic analysis shall be conducted and reviewed by the local jurisdiction for compliance with applicable local Level of Service (LOS) standards. Traffic analysis will include existing traffic counts and projection of future traffic levels to estimate the project LOS impacts. Traffic mitigation measures would depend on site-specific conditions, including design of vehicular access to terminals, major access routes, parking availability, and traffic patterns, and will be developed on a case-by-case basis in conjunction with the local jurisdiction.
- MT2 Site-specific plans will be conducted to determine the project generated traffic impacts (see MT1) and availability of parking, to ensure driving patrons have adequate service. Mitigation measures will be developed on a case-by-case basis in conjunction with the local jurisdiction.
- MT3 Site-specific plans will be conducted to determine the project generated traffic impacts (see MT1) and determine the options available for non-drive access through measures such as charging fees for parking, provision of preferential parking for carpools and vanpools, comprehensive shuttle access, land use scenarios that encourage non-drive access, and improving bicycle and pedestrian access. Mitigation measures will be developed on a case-by-case basis in conjunction with the local jurisdiction.

Utilities and Service System Impacts

The Use of Ferries Could Result in Significant Use of Petroleum Fuels

TCM 7 – Improve Ferry Service could result in a higher energy per passenger miles traveled value than other transit modes so the impacts on petroleum fuels (under utilities and service systems) are potentially significant.

Utilities and Service System Mitigation Measures

The following mitigation measure has been imposed by the WTA for TCM 7 - Improve Ferry Service:

UT1 The WTA is planning to continue investigating the feasibility and applicability of using energy sources other than fossil fuels and different engine technologies. One promising technology is the use of fuel cells. The WTA has investigated the use of alternative fuels for ferries in New Technologies and Alternative Fuels Working Document. Alternative energy sources and engine technologies will become available and will be incorporated as they become feasible and cost-effect.

The impact could be less than significant with implementation of the above mitigation measures. However, the effectiveness of the mitigation cannot be quantified at this time. Therefore, this impact remains potentially significant.

Mitigation Monitoring and Reporting

Implementing Party: Because the EIR for the 2005 Ozone Strategy is a program EIR for an ongoing regulatory program, the District finds that the mitigation measures for utilities and service systems impacts will be implemented by various lead and local agencies and project applicants within the district.

Monitoring Agency: Because the EIR for the 2005 Ozone Strategy is a program EIR and general in nature, the monitoring agency is expected to vary and include lead and local agencies within the Basin. The mitigation measure utilities and service system impacts has been imposed by the WTA and is already part of a separate mitigation monitoring program so that additional mitigation monitoring is not required.

B. Environmental Impacts That Can Be Mitigated to Less Than Significant

The environmental resources that were identified in the Final EIR as having potentially significant adverse impacts that can be mitigated to less than significant are identified below.

Noise Impacts

Operational Noise Impacts Related to TCMs 4, 5, 6, 7, and 8 in the 2005 Ozone Strategy are Potentially Significant.

Operational noise impacts related to TCMs 4, 5, 6, 7, and 8 in the 2005 Ozone Strategy are potentially significant as they could add new transit lines, widen freeways and add new traffic lanes. The noise impacts could be mitigated with project-specific mitigation measures including the construction of sound walls, adjustments to roadways or transit alignments, insulation of buildings, vibration isolation of track segments, and local land use policies to guide the location of roadways and rail corridors.

Mitigation Measures for Noise Impacts

Potentially significant noise impacts were identified so the following mitigation measure is proposed and is expected to reduce the emissions to less than significant. Mitigation Measure N1 below was required by the WTA for TCM 7 – Improve Ferry Service and should be included for TCM 4 – Upgrade and Expand Local and Regional Rail Service, TCM 5 – Improve Access to Rails and Ferries, TCM 6 - Improve Interregional Rail Service, and TCM 8 – Construct Carpool/Express Bus Lanes on Freeways:

N1 Siting and planning of new terminals shall include planning to locate terminal areas away from noise-sensitive land uses. Compliance with existing zoning ordinances should be sufficient to mitigate any potential impacts of ferry terminal operations.

The following mitigation measures should be evaluated and implemented for all TCMs that are determined to have potentially significant impacts through project specific environmental analysis:

N2 Construction of sound walls adjacent to new or improved roads or transit lines. Noise level increases could, in most cases, be mitigated to levels at or below existing levels if sound walls were constructed along the rights-of-way. A determination of the specific heights, lengths, and feasibility of sound walls must be part of the project-level environmental assessment. It is likely that Federal Highway Administration noise abatement criteria would be met if sound walls are included as mitigation measures. Where the TCMs would improve existing roadways, sound walls would also result in a reduction of overall sound levels, even considering potential increases from road widenings and additional traffic. As a result, the implementation of this mitigation measure can avoid project noise impacts and reduce existing noise levels along a number of heavily traveled corridors in the region.

N3 Adjustments to proposed roadways or transit alignments to reduce noise levels in noise sensitive areas. For example, depressed roadway or railway alignments can effectively reduce noise levels in nearby areas.

- N4 Insulation of buildings to construction or noise barriers around sensitive receptor properties.
- N5 Vibration isolation of track segments.
- N6 Use of local land use policies by local agencies to guide the location of noise sensitive uses to sites away from roadways and rail corridors.

Implementation of specific TCMs will require project specific environmental analysis. Any potentially significant noise impacts identified would be offset with project specific mitigation measures of a particular transportation improvement. Therefore, noise impacts from implementation of the TCMs are expected to be less than significant following mitigation.

Mitigation Monitoring and Reporting

Implementing Party: Because the EIR for the 2005 Ozone Strategy is a program EIR for an ongoing regulatory program, the District finds that the mitigation measures for noise will be implemented by various lead and local agencies and project applicants within the district.

Monitoring Agency: Because the EIR for the 2005 Ozone Strategy is a program EIR and general in nature, the monitoring agency is expected to vary and include lead and local agencies within the Basin. Monitoring will be accomplished as follows:

- MN1 Mitigation measure N1 has been imposed by the WTA and is already part of a separate mitigation monitoring program so no additional monitoring is required.
- MN2 Noise analyses for new or improved roads and transit lines must be conducted on a project-by-project basis. The results of the noise analysis shall determine the need and specifications for the construction of sound walls adjacent to new or improved roads or transit lines, using Federal Highway Administration noise abatement criteria.
- MN3 Noise analyses for new or improved roads and transit lines must be conducted on a project-by-project basis. The results of the noise analysis shall determine the need for adjustments (e.g., depressed lanes or rail lines) to proposed roadways or transit alignments to reduce noise levels in noise sensitive areas.
- MN4 Noise analyses for new or improved roads and transit lines must be conducted on a project-by-project basis. The results of the noise analysis shall determine the need for building insulation or noise barriers around sensitive receptor properties.
- MN5 Noise analyses for new or improved roads and transit lines must be conducted on a project-by-project basis. The results of the noise analysis shall determine the need for vibration isolation of track segments.

- MN6 Noise analyses for new or improved roads and transit lines must be conducted on a project-by-project basis. The results of the noise analysis shall be reviewed with local jurisdictions to determine potential impacts to noise sensitive uses. Alternative alignments must be evaluated to mitigate impacts to noise sensitive uses.

Hydrology/Water Quality Impacts

Water Quality Impacts Associated with TCMs 4, 5, and 7 are Potentially Significant

Water quality impacts associated with TCMs 4, 5, and 7 are potentially significant but are expected to be mitigated to less than significant using storm water controls, NPDES, and constructing new facilities outside of 100-year flood zones.

Mitigation Measures for Water Quality Impacts

The following mitigation measures were required by the WTA for TCM 7 – Improve Ferry Service:

- HWQ1 Adoption of BMPs during construction to prevent, minimize, and clean up spills and leaks from construction equipment would reduce the potential for impacts to water quality. Examples of BMPs include refueling and maintenance of equipment only in designated lined and/or bermed areas, isolating hazardous materials from storm water exposure, and preparing and implementing spill contingency plans in specified areas. Any equipment with a fuel tank or other oil tank, such as heavy excavation machinery, must be considered as a potential source of released oil. Storage and parking of such equipment shall take into account oil spill prevention regulations to ensure that the area is free of drains or other avenues through which spills may escape containment.
- HWQ2 New terminal facilities shall be designed such that storm water runoff would be controlled and discharged in an appropriate manner. Construction and industrial storm water NPDES permits would be required, and BMPs shall be adopted to reduce the chance of pollutants entering surface and ground water, thereby reducing the potential for impacts to water quality. Typical pollution control measures include BMPs designed to reduce the quantities of materials used that may produce pollutants, changing the way various products and materials are handled or stored, employing various structural devices to catch and restrict the release of pollutants, and establishing appropriate responses to spills and leaks. Examples of BMPs include: temporary fencing; protection devices such as rock aprons at pipe outlets; stabilized pads of aggregate at points where construction traffic would be leaving an unimproved construction site to enter a public street; temporary drain inlet protection devices such as filter fabric and sand bags; concrete washouts for cement mixers; preservation of existing vegetation; and vehicle and equipment cleaning.

Impacts on water quality are considered to be less than significant following mitigation.

Mitigation Monitoring and Reporting

Implementing Party: Because the EIR for the 2005 Ozone Strategy is a program EIR for an ongoing regulatory program, the District finds that the mitigation measures for noise will be implemented by various lead and local agencies and project applicants within the district.

Monitoring Agency: Because the EIR for the 2005 Ozone Strategy is a program EIR and general in nature, the monitoring agency is expected to vary and include lead and local agencies within the Basin. The mitigation measure for water quality impacts has been imposed by the WTA and is already part of a separate mitigation monitoring program so that additional mitigation monitoring is not required.