

## **NEGATIVE DECLARATION**

October 7, 2002

### **PROJECT SPONSOR**

Bay Area Air Quality Management District

### **PROJECT LOCATION**

This rule applies within the geographic area covered by the Bay Area Air Quality Management District. The District includes all of seven counties - Alameda, Contra Costa, Marin, San Francisco, San Mateo, Santa Clara, and Napa - and portions of two others - southwestern Solano and southern Sonoma.

### **PROJECT DESCRIPTION**

Regulation 8, Rule 7 applies to gas stations, called gasoline dispensing facilities in the rule. The rule requires most stations to have vapor recovery equipment that captures gasoline vapors generated when gasoline is transferred from a tanker truck to the station and when gasoline is dispensed into motor vehicle fuel tanks. The proposed amendments would incorporate into the rule periodic testing requirements for vapor recovery equipment. Many stations are already required to perform this periodic testing by conditions in equipment permits or equipment certification documents. The amendments are intended to address EPA's limited approval/limited disapproval of the rule (see 66 Fed. Reg. 38561, July 25, 2001) and allow EPA to fully approve the rule into the California State Implementation Plan for the national ozone standard.

### **DETERMINATION**

Pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), the District is the Lead Agency for the described project. The District has prepared an Initial Study (attached), and on the basis of that study, has determined that the project will not have a significant effect on the environment.

### **REVIEW PERIOD**

Written comments on the proposed amendments or negative declaration must be addressed to Scott Owen, Bay Area Air Quality Management District, 939 Ellis Street, San Francisco, California, 94109, or to [sowen@baaqmd.gov](mailto:sowen@baaqmd.gov). Comments will be received during the period from Monday, October 7 until 5:00 p.m. on Monday, October 28, 2002. Questions regarding the project or the negative declaration should be directed to Scott Owen at (415) 749-4693 or by e-mail to [sowen@baaqmd.gov](mailto:sowen@baaqmd.gov).



**BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
939 ELLIS STREET  
SAN FRANCISCO, CA 94109**

**CEQA INITIAL STUDY**

**BACKGROUND**

**Project**

Proposed amendments to Bay Area Air Quality Management District Regulation 8, Rule 7: Gasoline Dispensing Facilities.

**Lead Agency**

Bay Area Air Quality Management District  
939 Ellis Street  
San Francisco, CA 94109

**Contact Person**

The contact person at BAAQMD for questions regarding the proposed amendments to the rule or this initial study is Scott Owen, at (415) 749-4693 or by e-mail at [sowen@baaqmd.gov](mailto:sowen@baaqmd.gov).

**Project Location**

This rule applies within the geographic area covered by the Bay Area Air Quality Management District. The District includes all of seven counties - Alameda, Contra Costa, Marin, San Francisco, San Mateo, Santa Clara, and Napa - and portions of two others - southwestern Solano and southern Sonoma.

**Project Description**

Background

The proposal consists of amendments to an existing rule that regulates gas stations, called gasoline dispensing facilities (GDFs) in the rule. The BAAQMD has regulated gasoline dispensing operations since 1972. Over the years, Rule 8-7 has been modified and its applicability expanded to the point where almost all GDFs, both retail and non-retail, are subject to some control requirements.

The primary technique for controlling emissions from GDFs is vapor recovery. Vapor recovery systems collect and contain vapors that are generated during the

handling of volatile organic liquids and that would otherwise be emitted to the atmosphere. Vapor recovery equipment for GDFs falls into two categories: Phase I and Phase II. Phase I vapor recovery captures vapors generated when gasoline is transferred from a tanker truck (aka cargo tank) into a stationary storage tank. Phase II vapor recovery collects vapors when individual motor vehicles are being refueled.

Rule 8-7 requires most GDFs to have Phase I and Phase II vapor recovery equipment. Rule 8-7 also sets standards for both the operation and maintenance of vapor recovery systems and general housekeeping requirements that apply to all stations.

Virtually all of the retail GDFs in the District are required to have Phase I and Phase II vapor recovery. Rule 8-7 includes several exemptions from Phase I and Phase II requirements based on size limitations and technical considerations. Most GDFs exempt from vapor recovery requirements are small, non-retail facilities with low throughputs that service a limited fleet of vehicles. Many refuel vehicles such as boats or aircraft for which Phase II vapor recovery is not effective.

Rule 8-7 functions primarily to implement the statewide gasoline vapor recovery program of the California Air Resources Board (CARB). The program is mandated by Health and Safety Code section 41950 et seq. CARB implements the program through its regulations found in Title 17 of the California Code of Regulations.

Rule 8-7 has been revised numerous times over the years in response to changes in legal requirements and advances in vapor recovery technology. The rule was last amended in November 1999.

### Proposed Amendments

Regulation 8, Rule 7 was last amended in 1999. These amendments implemented control measure SS-08 from the 1999 San Francisco Bay Area Ozone Attainment Plan, imposing a number of new requirements to enhance the effectiveness of the gasoline vapor recovery, as well as making numerous minor amendments to clarify the applicability and intent of the rule.

On July 25, 2001, the United States Environmental Protection Agency (EPA) issued a limited approval and a limited disapproval of the amended Regulation 8, Rule 7 in the Federal Register (66 Fed. Reg. 38561, July 25, 2001). EPA disapproved the rule for two reasons:

- EPA felt that the rule should cite the California Code of Regulations (CCR) instead of the California Health and Safety Code (CH&SC) for a list of vapor recovery system defects.

- EPA felt that the rule should incorporate periodic vapor recovery testing requirements that are currently imposed through BAAQMD permit conditions and that the rule should set a minimum frequency for this testing.

The proposed rule amendments address EPA's concerns by incorporating the CCR reference to the defects list into the regulation and adding requirements for annual reverification testing for all facilities with vapor recovery equipment. The proposed amendments also include several minor administrative revisions. These changes will remove redundant language, clarify the scope and applicability of existing requirements, and make the regulation consistent with state law. They will not impose any additional requirements on new or existing stations.

### **Environmental Setting**

The Bay Area Air Quality Management District encompasses the counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara and portions of western Solano and Southern Sonoma, totaling approximately 5,600 square miles. The Bay Area physiography is characterized by a large shallow basin surrounded by coastal mountain ranges tapering into sheltered inland valleys. The combined climatic and topographic factors present in the Bay Area result in an increased potential for accumulation of air pollutants in the inland valleys and a reduced potential for buildup of air pollutants along the coast.

The climatology of the Bay Area, in combination with the topography and pollutant emissions, determines the atmospheric pollution potential. The atmospheric pollution potential is the potential for a given quantity of air emissions to be dispersed as a result of the combined influence of atmospheric and geographic conditions, either lowering or increasing the potential for exceedances of ambient air quality standards. In the Bay Area there is a wide range of atmospheric pollution potential resulting predominantly from four factors; winds, atmospheric stability, solar radiation and sheltering terrain.

Winds can disperse pollutants. Atmospheric pollution potential increases in the sheltered valleys of the Bay Area because the terrain tends to reduce wind speeds. Reduced wind speed in the valleys combined with daytime up-valley and nighttime down-valley air flow can result in the accumulation of pollutants. Temporally, these low wind speeds usually occur in conjunction with periods of high pollution emissions, typically during the early morning and late afternoon or evening commute traffic, and on clear, cold winter nights.

Whereas winds are indicative of horizontal dispersion of air pollution, atmospheric stability determines the ability of air pollutants to be dispersed vertically. In the Bay Area, the ability of air pollutants to be dispersed vertically is

frequently limited by inversions. An inversion, a blanket of warm air trapping a layer of cooler air underneath, forms an almost impenetrable barrier to the vertical dispersion of air pollutants at the boundary between the two air masses. Inversions result from a variety of climatic factors and the different types of inversion have a wide seasonal variation.

Between late spring and early fall, a layer of warm air often overlays a layer of cool air from the Delta and San Francisco Bay, resulting in an inversion. Typical winter inversions are formed when the sun heats the upper layers of air, trapping below them air that has been cooled by contact with the colder surface of the earth during the night. Although each inversion type predominates at certain times of the year, both types can occur at any time of the year. Local topography produces many variations that can affect the inversion base and thus influence local air quality.

The BAAQMD is classified as a nonattainment area for the California and federal ambient air quality standards for ozone.

**Other Approvals Required**

None

**Environmental Factors Potentially Affected**

A check beside an impact category below indicates that, for the category, this project involves at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages.

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Aesthetics                                    | <input type="checkbox"/> Agriculture Resources              | <input type="checkbox"/> Air Quality            |
| <input type="checkbox"/> Biological Resources                          | <input type="checkbox"/> Cultural Resources                 | <input type="checkbox"/> Geology / Soils        |
| <input type="checkbox"/> Hazards/Hazardous Mat'l                       | <input type="checkbox"/> Hydrology/Water Quality            | <input type="checkbox"/> Land Use/Planning      |
| <input type="checkbox"/> Mineral Resources                             | <input type="checkbox"/> Noise                              | <input type="checkbox"/> Population/Housing     |
| <input type="checkbox"/> Public Services                               | <input type="checkbox"/> Recreation                         | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities/Service Systems                     | <input type="checkbox"/> Mandatory Findings of Significance |   |
| <input checked="" type="checkbox"/> No Potentially Significant Impacts |   |   |

## DETERMINATION

On the basis of this initial evaluation:

- I find the proposed project **COULD NOT** have a significant effect on the environment, and 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 a significant effect in this case because revisions in the project have been made by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
  
- I find the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
  
- I find the proposed project **MAY** have a “potentially significant impact” or “potentially significant unless mitigated” 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, there **WILL NOT** be a significant effect in this case because all potentially significant effects (1) have been analyzed adequately in an earlier EIR pursuant to applicable standards, and (2) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures from the EIR that are imposed upon the proposed project.

\_\_\_\_\_  
Scott Owen  
Supervising Air Quality Engineer

\_\_\_\_\_  
Date

## ENVIRONMENTAL IMPACT CHECKLIST

(Note: All answers are explained on attached sheets.)

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>1. Aesthetics.</b> Would the proposal:				
a. Have a substantial adverse effect on a scenic vista?	_____	_____	_____	_____ <b>X</b> _____
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	_____	_____	_____	_____ <b>X</b> _____
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	_____	_____	_____	_____ <b>X</b> _____
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	_____	_____	_____	_____ <b>X</b> _____
<b>2. Agriculture Resources.</b> Would the proposal:				
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>X</b> _____
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	_____	_____	_____	_____ <b>X</b> _____
c. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	_____	_____	_____	_____ <b>X</b> _____
<b>3. Air Quality.</b> Would the proposal:				
a. Conflict with or obstruct implementation of the applicable air quality plan?	_____	_____	_____	_____ <b>X</b> _____

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	_____	_____	_____	<u>  <b>X</b>  </u>
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 which exceed quantitative thresholds for ozone precursors)?	_____	_____	<u>  <b>X</b>  </u>	_____
d. Expose sensitive receptors to substantial pollutant concentrations?	_____	_____	_____	<u>  <b>X</b>  </u>
e. Create objectionable odors affecting a substantial number of people?	_____	_____	_____	<u>  <b>X</b>  </u>

**4. Biological Resources.** Would the project:

a. Have a substantial adverse effect, either directly or through habitat modification, 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?	_____	_____	_____	<u>  <b>X</b>  </u>
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	_____	_____	_____	<u>  <b>X</b>  </u>
c. Have a substantial adverse effect on federally-protected wetlands as defined by Section 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?	_____	_____	_____	<u>  <b>X</b>  </u>

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
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?	_____	_____	_____	<u>  <b>X</b>  </u>
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	_____	_____	_____	<u>  <b>X</b>  </u>
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?	_____	_____	_____	<u>  <b>X</b>  </u>

**5. Cultural Resources.** Would the project:

a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	_____	_____	_____	<u>  <b>X</b>  </u>
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	_____	_____	_____	<u>  <b>X</b>  </u>
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	_____	_____	_____	<u>  <b>X</b>  </u>
d. Disturb any human remains, including those interred outside of formal cemeteries?	_____	_____	_____	<u>  <b>X</b>  </u>

**6. Geologic and Soils.** Would the project:

a. Expose people or structure to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of 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? (Refer to the Division of Mines and Geology Special Publication 42)	_____	_____	_____	<u>  <b>X</b>  </u>

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
ii. Strong seismic ground shaking?	_____	_____	_____	<u>  <b>X</b>  </u>
iii. Seismic-related ground failure, including liquefaction?	_____	_____	_____	<u>  <b>X</b>  </u>
iv. Landslides?	_____	_____	_____	<u>  <b>X</b>  </u>
b. Result in substantial soil erosion or the loss of topsoil?	_____	_____	_____	<u>  <b>X</b>  </u>
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?	_____	_____	_____	<u>  <b>X</b>  </u>
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	_____	_____	_____	<u>  <b>X</b>  </u>
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	_____	_____	_____	<u>  <b>X</b>  </u>

**7. Hazards and Hazardous Materials.** Would the project:

a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	_____	_____	_____	<u>  <b>X</b>  </u>
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	_____	_____	_____	<u>  <b>X</b>  </u>
c. Emit hazardous materials or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	_____	_____	_____	<u>  <b>X</b>  </u>

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment?	_____	_____	_____	<u>  <b>X</b>  </u>
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	_____	_____	_____	<u>  <b>X</b>  </u>
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	_____	_____	_____	<u>  <b>X</b>  </u>
g. Impair the implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	_____	_____	_____	<u>  <b>X</b>  </u>
h. Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	_____	_____	_____	<u>  <b>X</b>  </u>
<b>8. Hydrology and Water Quality.</b> Would the project:				
a. Violate any water quality standards or waste discharge requirements?	_____	_____	_____	<u>  <b>X</b>  </u>
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net reduction 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)?	_____	_____	_____	<u>  <b>X</b>  </u>

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	_____	_____	_____	<u>  <b>X</b>  </u>
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	_____	_____	_____	<u>  <b>X</b>  </u>
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	_____	_____	_____	<u>  <b>X</b>  </u>
f. Otherwise substantially degrade water quality?	_____	_____	_____	<u>  <b>X</b>  </u>
g. Place housing 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?	_____	_____	_____	<u>  <b>X</b>  </u>
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	_____	_____	_____	<u>  <b>X</b>  </u>
i. Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	_____	_____	_____	<u>  <b>X</b>  </u>
j. Inundation by seiche, tsumani, or mudflow?	_____	_____	_____	<u>  <b>X</b>  </u>
<b>9. Land Use and Planning.</b> Would the project:				
a. Physically divide an established community?	_____	_____	_____	<u>  <b>X</b>  </u>

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
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?	_____	_____	_____	<u>  <b>X</b>  </u>
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?	_____	_____	_____	<u>  <b>X</b>  </u>

**10. 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?	_____	_____	_____	<u>  <b>X</b>  </u>
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?	_____	_____	_____	<u>  <b>X</b>  </u>

**11. Noise.** Would the project result in:

a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	_____	_____	_____	<u>  <b>X</b>  </u>
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	_____	_____	_____	<u>  <b>X</b>  </u>
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	_____	_____	_____	<u>  <b>X</b>  </u>
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	_____	_____	_____	<u>  <b>X</b>  </u>

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	_____	_____	_____	<u>  <b>X</b>  </u>
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	_____	_____	_____	<u>  <b>X</b>  </u>

**12. 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 (for example, through extension of roads or other infrastructure)?	_____	_____	_____	<u>  <b>X</b>  </u>
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	_____	_____	_____	<u>  <b>X</b>  </u>
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	_____	_____	_____	<u>  <b>X</b>  </u>

**13. Public Services.** For any of the following public services, would the project require the construction of new or physically-altered governmental facilities to maintain acceptable service ratios, response times, or other performance objectives, thereby producing significant environmental impacts:

a. Fire protection?	_____	_____	_____	<u>  <b>X</b>  </u>
b. Police protection?	_____	_____	_____	<u>  <b>X</b>  </u>
c. Schools?	_____	_____	_____	<u>  <b>X</b>  </u>
d. Parks?	_____	_____	_____	<u>  <b>X</b>  </u>
e. Other public facilities?	_____	_____	_____	<u>  <b>X</b>  </u>

Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
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**14. 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? | _____ | _____ | _____ | <u>  <b>X</b>  </u> |
| b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?                        | _____ | _____ | _____ | <u>  <b>X</b>  </u> |

**15. Transportation and Traffic.** Would the project:

- |  |       |       |       |                     |
|--|-------|-------|-------|---------------------|
| a. Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)? | _____ | _____ | _____ | <u>  <b>X</b>  </u> |
| b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?   | _____ | _____ | _____ | <u>  <b>X</b>  </u> |
| c. Produce a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?  | _____ | _____ | _____ | <u>  <b>X</b>  </u> |
| d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersection) or incompatible uses (e.g., farm equipment)?  | _____ | _____ | _____ | <u>  <b>X</b>  </u> |
| e. Result in inadequate emergency access?  | _____ | _____ | _____ | <u>  <b>X</b>  </u> |
| f. Result in inadequate parking capacity?  | _____ | _____ | _____ | <u>  <b>X</b>  </u> |
| g. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?   | _____ | _____ | _____ | <u>  <b>X</b>  </u> |

Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
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**16. Utilities and Service Systems.** Would the project:

- |   |       |       |       |                     |
|---|-------|-------|-------|---------------------|
| a. Exceed the wastewater treatment requirements of the applicable Regional Water Quality Control Board?   | _____ | _____ | _____ | <u>  <b>X</b>  </u> |
| b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?                            | _____ | _____ | _____ | <u>  <b>X</b>  </u> |
| c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?                                     | _____ | _____ | _____ | <u>  <b>X</b>  </u> |
| d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?  | _____ | _____ | _____ | <u>  <b>X</b>  </u> |
| e. 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? | _____ | _____ | _____ | <u>  <b>X</b>  </u> |
| f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?  | _____ | _____ | _____ | <u>  <b>X</b>  </u> |
| g. Comply with federal, state, and local statutes and regulations related to solid waste?   | _____ | _____ | _____ | <u>  <b>X</b>  </u> |

Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
--------------------------------	---------------------------------------	------------------------------	-----------

**17. 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? | _____ | _____ | _____ | <u>  <b>X</b>  </u> |
| 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.)  | _____ | _____ | _____ | <u>  <b>X</b>  </u> |
| c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?   | _____ | _____ | _____ | <u>  <b>X</b>  </u> |

## **DISCUSSION OF ENVIRONMENTAL IMPACTS**

### **Proposed Amendments to Regulation 8, Rule 7: Gasoline Dispensing Facilities**

#### **Introduction**

This section of the Initial Study explains the reasons for checking the particular items checked in the checklist. Explanations are provided both for those items involving some potential impact and those for which no impact is anticipated.

#### **Background**

This projects consists of amendments to an existing BAAQMD rule, Regulation 8, Rule 7. Gasoline dispensing facilities (GDFs) comply with the rule by installing and maintaining Phase I and Phase II vapor recovery equipment certified by the California Air Resources Board (CARB). The amendments to Rule 8-7 incorporate annual testing requirements for this equipment into the rule. Because stations with vacuum assist systems already are tested annually, there is no practical effect for many GDFs. For stations with balance systems, there are currently no periodic testing requirements, and tests are conducted when District inspectors discover problems at a station. For stations with balance systems, the amendments would impose a uniform minimum testing frequency of one year. The result is that these stations would be tested more frequently.

Conducting these tests produces emissions of gasoline vapors because the tests require that closed systems be opened to the atmosphere. This could increase emissions if properly-functioning systems are tested too frequently as a result of the amendments. This potential is discussed in detail in the section below regarding air quality. That section concludes that this potential impact is less than significant. There are no other potential impacts from the amendments.

#### **1. Aesthetics**

The amendments incorporate into the rule periodic testing requirements for vapor recovery equipment that it is already being tested, though in some cases, with a different frequency. The tests themselves are not expected to produce any aesthetic impacts. The amendments are also not expected to result in any construction or alteration of buildings or other facilities. As a result, the proposed rule amendments are not expected to have any impact on aesthetics.

## **2. Agriculture Resources**

No effect on agricultural resources is expected since the proposed rule amendments apply to existing GDFs and neither require nor are likely to result in construction either inside or outside of those facilities. No changes in manufacturing locations or facilities are expected. No impacts on agricultural resources or operations are expected.

## **3. Air Quality**

Unlike most testing of emission sources, testing of vapor recovery equipment generates emissions that would not occur if tests were not conducted. A typical series of tests on a vacuum assist system (including static pressure, dynamic pressure, and air-to-liquid ratio) may produce as much as 20 lbs in hydrocarbon emissions. Because balance systems can't be tested for air-to-liquid ratio, testing emissions for balance systems are less than for vacuum assist systems. Emissions from dynamic back pressure tests average 1.07 lbs per test. Emissions from static pressure tests average 14.7 pounds per test. Due to their much smaller tank sizes, test-related emissions from non-retail stations are insignificant compared to emissions from testing retail stations.

There are approximately 2,650 GDFs in the District: 1725 retail stations and 925 non-retail stations. Of the 1725 retail stations, 725 use vacuum assist systems and are already subject to annual testing. For these stations, the proposed amendments would not change testing frequency.

The District's 1,000 retail stations with balance systems do not have any current periodic testing requirements. Balance systems are simpler and more robust than vacuum assist systems and are currently tested when problems are turned up through inspections. The proposed amendments would require annual testing for these stations. Because testing emissions are approximately 15.7 lbs of hydrocarbons per GDF, annual emissions from testing all of these stations would be about 15,700 pounds per year and average daily emissions would be 43 pounds per day. This is less than the threshold of significance of 80 pounds per day for reactive organic compound emissions related to local projects as set forth in BAAQMD CEQA Guidelines. (Thresholds in the CEQA Guidelines are intended to apply to local projects rather than region-wide; however, if emissions are lower than the threshold but dispersed throughout the District, they cannot be considered significant.) This means that even without accounting for emission reductions that will come from identifying and bringing into compliance those stations that tests identify as out of compliance, the proposed amendments would not create a significant environmental impact. There are therefore no air quality impacts from the amendments.

It is likely, however, that the proposed amendments would produce overall emission reductions. In 2002, the BAAQMD randomly tested 1,041 of the 15,200 balance nozzles within the District using ST-27 (dynamic back pressure). The test results showed that 9.1 percent of the nozzles failed. Because emission reductions vary depending upon the nature of the problem identified, it is not possible to quantify the

emission reduction with any great certainty. However, emissions at a station that fails the tests can be as high as 92 pounds per day for a station with an annual gasoline throughput of 4 million gallons. Given the relative frequency of problems even with the more robust balance systems, overall emission reductions are likely to result from the proposed amendments.

#### **4. Biological Resources**

The amendments are not expected to result in any construction outside of existing facilities. No impacts on biological resources such as flora or fauna are expected.

#### **5. Cultural Resources**

No construction outside of existing facilities is expected. As a result, the proposed rule amendments are not expected to have any impact on cultural resources.

#### **6. Geology and Soils**

As noted, the proposed amendments will not result in any construction and, as a result, no geologic or soil impacts are anticipated.

#### **7. Hazards and Hazardous Materials**

The proposed amendments will not affect the use or transport of hazardous materials or change in any way the likelihood of accidents or upsets that could release hazardous materials. The proposed amendments affect existing GDFs and are not expected to affect schools, hazardous materials sites, airports, or airstrips. The amendments will not affect emergency response plans or in any way affect risks from wildland fires. As a result, the proposed amendments are not expected cause any impacts related to hazards and hazardous materials.

#### **8. Hydrology and Water Quality**

No construction is expected to result from these amendments, so no impacts on drainage, groundwater, or risks to structures are anticipated. In addition, the practical effect of the amendments is to require more frequent testing at some GDFs. This testing will not transfer air emissions to another media such as water. In addition, pressure decay tests could serve to identify tank leaks that might have some potential to degrade water quality. As a result, the proposed rule amendments are not expected to affect hydrology or water quality.

#### **9. Land Use and Planning**

No effect on land use is expected since the proposed rule amendments apply to existing GDFs. The amendments neither require nor are likely to result in construction either inside or outside of those facilities or in the construction of new facilities.

## **10. Mineral Resources**

As noted, the proposed rule amendments are not expected to result in construction outside any existing facility. In addition, the amendments are not expected to result in the use of any mineral resource. No impacts on mineral resources are expected.

## **11. Noise**

The tests conducted at GDFs do not produce noise. As a result, the proposed rule amendments are not expected to result in any increases in existing noise levels or exposure of people to severe noise levels.

## **12. Population and Housing**

No effect on population or housing is expected since the proposed rule amendments will not induce population growth or related housing development.

## **13. Public Services**

The facilities affected by the proposed rule amendments are not expected to require any new or additional public services as a consequence of the amendments. No effects on the need for public services such as police, fire, schools, or public roadway maintenance are expected.

## **14. Recreation**

The proposed rule amendments have no impact on recreation.

## **15. Transportation and Traffic**

No construction either inside or outside of existing facilities is expected and no changes in transportation or pedestrian and vehicular circulation are anticipated. In addition, where these amendments would require more frequent tests at a GDF, the increase in vehicle trips to the GDF for this purpose (an additional vehicle trip per year or so) would be inconsequential.

## **16. Utilities and Service Systems**

Because the effect of the amendments will be to slightly increase testing frequency at a few GDFs, the proposed rule amendments are not expected to result in increased demand for energy. No increases in demand for public utilities are expected as a result of the proposed rule amendments.

## **17. Mandatory Findings of Significance**

No impacts that would required mandatory findings of significance are expected.