

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Torliatt and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: November 11, 2009

Re: Public Hearing to receive testimony on proposed amendments to the
District's California Environmental Quality Act (CEQA) Thresholds of
Significance

RECOMMENDED ACTION:

Staff recommends that the Board of Directors open the public hearing and receive testimony on the proposed CEQA Thresholds of Significance on November 18, 2009, and continue the hearing on December 2, 2009, at which time adoption of the proposed amendments is recommended.

BACKGROUND

The District's CEQA Guidelines (Guidelines) are developed to assist local jurisdictions and other lead agencies in identifying proposed local land use plans and development projects that may have a significant adverse effect on air quality and public health. Staff began a comprehensive update to the District's recommended thresholds of significance in October 2008. The proposed revisions to the existing thresholds of significance include thresholds for construction, project operation, and plan-level emissions of criteria air pollutants, greenhouse gases, toxic air contaminants, and odors. Staff is also updating elements of the Guidelines that provide technical information on impact assessment methodology and mitigation strategies.

DISCUSSION

The proposed thresholds of significance include more stringent thresholds for certain impacts. The proposed thresholds also include new thresholds for impacts not sufficiently addressed previously: greenhouse gases and local community risk and hazards. These thresholds address critical issues receiving considerable focus through the Clean Air Communities Initiative, the Climate Protection Program, and other District initiatives. The greenhouse gas thresholds will address a critical void that currently exists, specifically the current lack of any guidance to local lead agencies on how to address greenhouse gases in CEQA documents in light of considerable legal scrutiny from the State Attorney General's office and others. The greenhouse gas thresholds are designed to support local efforts currently underway to prepare local climate action plans and to promote development patterns with lower GHG emissions. The local community risk and hazards thresholds are a means of helping to implement the Cumulative Impacts

Resolution adopted by the Board of Directors in July 2008. These new thresholds include significantly stronger criteria for evaluating local impacts from toxic air contaminants and fine PM, including:

- Recommending use of more health-protective risk factors in calculating impacts;
- Adding a new threshold for local PM_{2.5} impacts;
- Adding a new threshold for cumulative impacts;
- Recommending preparation of local risk reduction plans to provide a comprehensive, community-wide approach to reducing impacts from existing and new sources.

District staff will provide training workshops and technical support to local lead agencies to assist local staff in implementing the Guidelines. District staff recommends that the recommended thresholds of significance become effective 90 days after Board of Directors adoption, to allow time for training and technical support materials to be made available.

Staff hosted the first public workshop for the Guidelines update in February 2009. At the workshop staff presented various options for developing thresholds of significance and invited recommendations from the public and stakeholders on identifying any additional options District staff should evaluate. Additional rounds of public workshops were held to discuss the merits of several threshold options in April 2009 and on specific recommended thresholds in September/October 2009. Staff also reviewed the proposed thresholds with the CARE Task Force on September 25, 2009. District staff also held meetings and made several presentations during this process with business organizations, local governments, and other public stakeholder groups to receive input on District proposals. Staff posted recommended thresholds on September 4, 2009, and revised thresholds, reflecting public comments, on October 8, 2009.

Staff reported to the Board of Directors on the status of the CEQA Guidelines update at Executive Committee meetings of March 16, 2009, June 29, 2009, and September 24, 2009, and at the September 10, 2009 Climate Protection Committee meeting, and is scheduled to do so at the November 16, 2009 Stationary Source Committee meeting.

Staff received extensive comments on the proposed thresholds from local governments, environmental and community groups, business organizations, and others. The comments and staff responses are included in the Board packet.

The District released a final Proposed Thresholds of Significance report on November 2, 2009 that provides the substantial evidence and justification for District-recommended thresholds of significance.

District staff will make a presentation to the Board of Directors at the November 18, 2009 Board public hearing on the proposed CEQA Thresholds of Significance and the revised CEQA Guidelines, and will recommend Board of Directors approval of the Thresholds of Significance at the December 2, 2009 public hearing. A public hearing notice, the Proposed Thresholds of Significance report, the revised CEQA Guidelines and staff's Response to Public Comments received are posted on the District's website at

<http://www.baaqmd.gov/Divisions/Planning-and-Research/Planning-Programs-and-Initiatives/CEQA-GUIDELINES.aspx>.

BUDGET CONSIDERATION/FINANCIAL IMPACTS

The update to the District's CEQA Guidelines was included in the FYE 2010 budget. Assisting local lead agencies in implementing the Guidelines will require staff resources.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

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