

Bay Area Air Quality Management District
2010 Clean Air Plan
Final Program 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 Section 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 (BAAQMD) has prepared a Program Environmental Impact Report (EIR) to address the potential environmental impacts associated with the proposed 2010 Clean Air Plan (CAP). The BAAQMD 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 2010 CAP. The Draft EIR was circulated to the public for a 45-day review and comment period from March 11, 2010 to April 26, 2010. The BAAQMD received five comment letters during the 45-day public review. Responses to all comments were prepared and comments and responses are included in the Final Program EIR.

BACKGROUND

The Bay Area Air Quality Management District (BAAQMD or Air 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 by the dates 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.

The Bay Area Air Quality Management District (District or BAAQMD), in conjunction with the MTC and the Association of Bay Area Governments, has prepared the Bay Area 2010 CAP. The 2010 CAP provides a strategy for making progress toward attainment of the California ozone standards in the Bay Area. The 2010 CAP is an update of and progress report for the 2005 Ozone Strategy in compliance with the California Clean Air Act.

The California Clean Air Act requires regions that do not meet the State ozone standards to prepare plans for attaining the standards, and to update these plans every three years. These plans must include estimates of current and future emissions of the pollutants that form ozone, and a control strategy, including “all feasible measures,” to reduce these emissions. The plans must also address the transport of air pollutants to certain neighboring regions.

The first Bay Area plan for the State ozone standards was the 1991 Clean Air Plan. Subsequently, the Clean Air Plan was updated and revised in 1994, 1997, 2000 and 2005. Each of these triennial updates proposed additional measures to reduce emissions from a

wide range of sources, including industrial and commercial facilities, motor vehicles, and “area sources.” The 2005 Ozone Strategy was the last triennial update to the Bay Area strategy to achieve the State ozone standards.

The BAAQMD has taken a multi-pollutant control strategy approach to developing the 2010 CAP. The multi-pollutant plan addresses ozone, particulate matter, air toxics, and greenhouse gases (GHG) via an integrated control strategy that is aimed at ozone planning requirements while identifying the benefits and disadvantages of the control strategy on each of the pollutants. Both the U.S. EPA and the California Air Resources Board (CARB) have established health-based ambient air standards for ground-level ozone. The California ozone standards are currently set at 0.09 parts per million (ppm) averaged over one hour, and 0.07 ppm averaged over eight hours. The San Francisco Bay Area air basin is designated as a non-attainment area for both the California 1-hour ozone standard and the California 8-hour ozone standard.

Because ozone is formed through chemical reactions between reactive organic gases (ROG) and nitrogen oxides (NO_x) in the presence of sunlight, efforts to reduce ozone seek to limit emissions of ROG and NO_x into the atmosphere. In general, ROG comes from evaporation or incomplete combustion of fuels, from the use of solvents in cleaning operations and in paints and other coatings, and in various industrial and commercial operations. NO_x is produced through combustion of fuels by mobile sources – cars, trucks, construction equipment, locomotives, aircraft, marine vessels – and stationary sources such as power plants and other industrial facilities.

Exceedances of the California and national ozone standards in the Bay Area have decreased significantly with the regulation and reduction of ozone precursor emissions (i.e. ROG and NO_x). This improvement is due to State and national regulations requiring cleaner motor vehicles and fuels, District regulations requiring reduced emissions from industrial and commercial sources, as well as programs to reduce the use of motor vehicles.

The 2010 CAP is also aimed at reducing particulate matter, toxic air contaminants and GHG emissions. Particulate matter includes fine PM (PM_{2.5}) and coarser particles (PM₁₀). While PM₁₀ is directly emitted as dust and smoke, PM_{2.5} is a complex pollutant that is both directly emitted as well as created by secondary formation via chemical reactions in the atmosphere that transform 1) NO_x and ammonia to ammonium nitrate and 2) sulfur dioxide and ammonia to ammonium sulfate. There are hundreds of toxic air contaminants (TAC) (e.g. diesel PM, benzene, 1,3-butadiene, formaldehyde, acetaldehyde, hexavalent chromium, etc.) that can cause a wide range of acute and chronic health effects, including cancer and mortality. There are no ambient air quality standards for TACs, because, for regulatory purposes, it is assumed that there is no safe threshold below which health impacts will not occur.

GHGs refer to gases that contribute to global warming. In addition to negative impacts on air quality as higher temperatures contribute to increased levels of ozone and PM, climate change may cause a wide range of ecological, social, economic, and demographic impacts at both the global and the local scale. The 2010 CAP will seek to maximize reductions of GHG

emissions, primarily carbon dioxide (CO₂) and methane, in crafting a control strategy to reduce ambient concentrations of ozone, PM, and air toxics.

SUMMARY OF THE PROPOSED PROJECT

The BAAQMD has jurisdiction of an area encompassing 5,600 square miles. The Air District includes all of Alameda, Contra Costa, Marin, San Francisco, San Mateo, Santa Clara, and Napa Counties, and portions of southwestern Solano and southern Sonoma counties. In response to state and federal requirements and guidelines, air quality planning in the Bay Area to date has been performed on a pollutant by pollutant basis, with an emphasis on ozone planning. BAAQMD has taken a multi-pollutant control strategy approach for developing the 2010 CAP. The multi-pollutant plan addresses ozone, particulate matter, air toxics, and GHG emissions via an integrated control strategy that is aimed at ozone planning requirements while identifying the benefits and disadvantages of the control strategy on each of the pollutants.

The State and national governments have established ambient air quality standards (AAQS) for ground level ozone (and other air pollutants) that are intended to protect human health from ozone's adverse effects. Air quality standards define the maximum amount of a pollutant that can be present in outdoor air without harm to public health. The standards are generally set at levels low enough to protect even the most sensitive individuals in communities. National ambient air quality standards are set by the U.S. EPA, while State standards are set by the CARB.

In April 2004, the U.S. EPA designated regions as attainment and non-attainment areas for the 8-hour standard. These designations took effect on June 15, 2004. The U.S. EPA formally designated the Bay Area as a non-attainment area for the national 8-hour ozone standard, and classified the region as "marginal" according to five classes of non-attainment areas for ozone, which range from marginal to extreme. On November 9, 2005, the U.S. EPA followed up its Phase 1 implementation rule with the Phase 2 rule. The Phase 2 rule outlines the emission controls and planning requirements regions must address in their implementation plans. The U.S. EPA also revoked the 1-hour ozone standard, which had an attainment deadline of November 15, 2005.

The 2010 CAP includes an assessment of the region's progress toward attaining the California ozone standards and reducing exposure to ozone and other pollutants. The 2010 CAP identifies "all feasible measures," as required by the California Clean Air Act (CCAA), for control of ozone precursors that will assist the Bay Area in attaining the California ozone standards and address pollutant transport to downwind regions.

To satisfy California's "all feasible measures" requirements, the Air District reviewed and evaluated 872 potential control measures compiled from a variety of sources. In addition, staff reviewed measures that had previously been considered and rejected during preparation of the Bay Area 2005 Ozone Strategy to see if the rationale for rejecting a measure at that time is still valid for purposes of the 2010 CAP. The 872 measures reviewed included:

- 394 measures from recently-adopted air quality attainment plans.
- 390 measures from the 2005 Ozone Strategy control measure review process.
- 40 measures suggested by the public.
- 48 measures suggested by Air District staff.

The 2010 CAP builds upon the foundation established in earlier ozone plans, including the 2005 Ozone Strategy, that were based upon three major categories of control measures: Stationary Source Measures, Mobile Source Measures, and Transportation Control Measure. The 2010 CAP control strategy also introduces two new control measure categories: Land Use and Local Impacts Measures, and Energy and Climate Measures.

The draft control strategy proposes a total of 55 control measures in five categories, including:

- 18 control measures to reduce emissions from stationary and area sources.
- 10 mobile source control measures.
- 17 transportation control measures.
- 6 land use and local impact control measures.
- 4 energy and climate control measures.

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 2010 CAP on air quality, hazards and hazardous materials, hydrology and water quality, and utility 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. The 2010 CAP is expected to result in an overall reduction in emissions from mobile sources on a regional basis. However, some control measures could encourage increased traffic and related emissions in localized areas. These control measures could result in increased traffic near transportation terminals, thus, generating increases in emissions, particularly CO emissions or CO “hotspots,” in the local areas surrounding transit terminals. While localized CO impacts are unlikely due to declining trends in background CO concentrations, the level of analysis possible in the EIR prevented the District from concluding the impact would be less than significant.
2. Construction-related emissions from projects included in the Transportation 2035 Plan as well as the 2010 CAP may come from (1) grading, excavation, road building, and other earthmoving activities; (2) travel by construction equipment, especially on unpaved

surfaces; and (3) exhaust from construction equipment. The air quality impacts would occur in localized areas, depending on specific site conditions and could result in direct, short-term impacts. Therefore, cumulative construction-related emissions are considered to be a potentially significant impact.

3. The emissions for ROG, NO_x, and CO would decrease substantially between 2006 and 2035 due to implementation of various programs, including the Transportation 2035 Plan, providing a direct air quality benefit. Emissions of particulate matter would increase between 2006 and 2035, primarily due to an increase in vehicle-miles travelled (VMT) associated with regional population and employment growth. The increase in particulate matter emissions overall represents a potentially significant cumulative impact.
4. Control measures that encourage the use of mass transit or increase service by transportation that uses diesel fuel could result in increased emissions and potentially significant localized emissions of CO. On balance, an overall decrease in vehicle miles traveled and air emissions would be anticipated regionally; however, significant cumulative air quality impacts associated with CO could occur locally and are potentially significant.
5. The water demand impacts associated with the use of wet gas scrubbers that could be used to control particulate emissions could exceed the significance criteria of 300,000 gallons per day and remains potentially significant, following mitigation.

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. The hazard impacts associated with the use of anhydrous ammonia in Selective Catalytic Reduction (SCR) Units that could be used to comply with certain control measures are potentially significant. The use of aqueous ammonia at concentrations less than 20 percent by volume is expected to reduce hazard impacts to less than significant.
2. Despite feasible mitigation, the overall cumulative impact related to water quality and flood risk in the Bay Area is assumed to remain significant and unavoidable. However, the contribution of the Transportation Control Measures (TCMs) to the overall significant cumulative impact is not cumulatively considerable with the implementation of mitigation measures (MTC, 2009).

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 Program EIR and summarized above, the proposed project has the potential to create significant adverse air quality and hydrology/water quality impacts. The BAAQMD 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 BAAQMD 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. Potential for localized increases in carbon monoxide emissions near transit terminals is potentially significant.

Finding and Explanation: The air quality analysis concludes that the 2010 CAP is expected to result in an overall reduction in emissions from mobile sources on a regional basis. However, some 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 Program 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.

2. Cumulative construction emissions are potentially significant.

Finding and Explanation: The air quality analysis concludes that the 2010 CAP is expected to result in an overall reduction in emissions from mobile sources on a regional basis. Construction-related emissions from projects included in the Transportation 2035 Plan as well as the 2010 CAP may come from (1) grading, excavation, road building, and other earthmoving activities; (2) travel by construction equipment, especially on unpaved surfaces; and (3) exhaust from construction equipment. The air quality impacts would occur in

localized areas, depending on specific site conditions and could result in direct, short-term impacts. Therefore, cumulative construction-related emissions are considered to be a potentially significant 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 Program 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. The increase in particulate matter emissions represents a potentially significant cumulative impact.

Finding and Explanation: The air quality analysis indicates that emissions of ROG, NO_x, and CO would decrease substantially between 2006 and 2035 due to implementation of various programs, including the Transportation 2035 Plan, providing a direct air quality benefit. Emissions of particulate matter would increase between 2006 and 2035, primarily due to an increase in VMT associated with regional population and employment growth. The increase in particulate matter emissions overall represents a potentially significant cumulative 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 is not expected to reduce particulate matter emissions 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, particulate matter emissions cannot be reduced below a significant level.

The Board of Directors finds further that the Final Program 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 as the impacts are primarily associated with population growth.

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

Finding and Explanation: Control measures that encourage the use of mass transit or increase service by transportation that uses diesel fuel could result in increased emissions and potentially significant localized emissions of CO. On balance, an overall decrease in vehicle miles traveled and air emissions would be anticipated regionally; however, significant

cumulative air quality impacts associated with CO could occur locally and are potentially significant.

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 Program 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.

5. Control measures could result in significant water demand impacts.

Finding and Explanation: The water demand impacts associated with the use of wet gas scrubbers that could be used to control PM emissions could exceed the significance criteria of 300,000 gallons per day and remains potentially significant, following mitigation. The impacts of individual projects are potentially significant and would need to be evaluated on a project-by-project basis. The potential increase in water demand remains significant.

The Board of Directors finds that while feasible mitigation measures have been identified to reduce water demand impacts and would include the use of reclaimed water and conducting an engineering review to assure that a minimal amount of water is used. Because each facility is different, it is unlikely that reclaimed water can be used at all facilities and that overall water demand would be minimized to 300,000 gallons per day or less. Therefore, the impacts of the 2010 CAP on water demand remain significant.

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

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

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

Several control measures could 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 been identified to minimize the potentially significant impacts associated with the use of anhydrous ammonia. 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 hazards impacts are identified in the Final Program EIR and in the "Mitigation Monitoring Plan" section below.

2. Cumulative water quality impacts associated with TCMs can be mitigated to less than significant.

Finding and Explanation: Implementation of transportation improvements could result in cumulative impacts on water resources both directly by adding new impervious surfaces and by accommodating future planned urban development that could have the potential to alter drainage patterns, result in higher erosion rates, increase flooding, and impact water quality. Overall, the potential for population growth and development to increase impervious surfaces is a significant cumulative impact. The contribution of the TCMs to the overall significant cumulative impact is not considered to be cumulatively considerable with the implementation of mitigation measures.

The Board of Directors finds that feasible mitigation measures have been identified to minimize cumulative water quality impacts associated with implementation of TCMs 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 Program EIR and in the "Mitigation Monitoring Plan" section below.

Statement of Findings Conclusion

Changes or alterations have been incorporated into the Final Program EIR for the 2010 CAP to mitigate or minimize the potentially significant adverse environmental effects associated with certain project impacts, i.e., air quality, hazards and hazardous materials, and hydrology and water quality impacts. No additional feasible mitigation measures or project alternatives, other than those already included in the Final Program EIR, have been identified that can further mitigate the potentially significant adverse project impacts on air quality and hydrology/water quality (water demand) and meet the proposed project objectives.

All feasible mitigation measures identified in the Final Program 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 air quality and hydrology/water quality (water demand) impacts identified for the proposed project.

The purpose of the 2010 CAP is to establish a comprehensive regulatory program to attain and maintain all state ambient air quality standards for ozone, as well as reduce particulate matter, air toxics and GHG emissions, through implementation of different categories of control measures. The BAAQMD 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 BAAQMD 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 BAAQMD’s Headquarters located at 939 Ellis Street, San Francisco, California 94109 or by calling **(415) 749-4641**.

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 air quality and water demand impacts that could potentially result from implementing the 2010 CAP 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 air quality and water demand 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 2010 CAP control measures is the reduction of emissions district-wide, contributing to attaining and maintaining, with a margin of safety, state and federal ambient air quality standards. Implementation of the 2010 CAP control measures will continue to reduce emissions from stationary and mobile sources. In the long term, the 2010 CAP 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 2010 CAP control measures would help offset potential emission increases associated with population growth and would reduce the potential for adverse cumulative air quality impacts. 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, implementation of CARB controls on mobile sources, and implementation of the MTC's TCMs.
3. The 2010 CAP is expected to result in emission reductions, making expeditious progress toward attainment of state standards. The proposed 2010 CAP is necessary because the District does not currently comply with the state 8-hour ambient air quality standards for ozone or the state 24-hour PM₁₀ standard. Additional emission reductions will be necessary to bring the Bay Area into attainment of ozone and PM₁₀ standards. Compliance with federal and state ambient air quality standards is important to protecting the health of all individuals that live within the Bay Area. The 2010 CAP provides a plan for further ozone and particulate matter emission reductions, providing beneficial health impacts for individuals that live in the Bay Area.
 4. The California Clean Air Act (CCAA) requires a non-attainment area to update its State Implementation Plan triennially to incorporate the most recent available technical information. The focus of the 2010 CAP is to comply with the CCAA requirements that require that the District: (1) Apply best available retrofit control technology (BARCT); (2) Implement all feasible measures through an expeditious implementation schedule; (3) Reduce population exposure to ozone and its precursors according to a prescribed schedule; (4) Provide for the attainment of the State ozone ambient air quality standard at the earliest practicable date; and (5) comply with transport mitigation requirements in Health and Safety Code §40912. Improvements in air quality will be necessary to bring the Bay Area into attainment with the state 8-hour ozone standard specified by specific deadlines. Failure to implement the control measures in the 2010 CAP, means the District may not comply with the requirements of the California Clean Air Act.
 5. 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.
 6. A consistent correlation between elevated ambient fine particulate matter (PM₁₀ and PM_{2.5}) levels and premature deaths, hospital admissions, emergency room visits and asthma attacks has been observed. Studies have also reported an association between long-term exposure to air pollution dominated by fine particles and increased mortality, reduction in life-span, and an increased mortality from lung cancer. A reduction in fine particulate matter emissions is expected to provide beneficial impacts to public health by reducing public exposure to fine particulate matter.

7. 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.
8. Many of the potential adverse environmental impacts are associated with implementation of TCMs, many of which have been approved as part of the 2005 Ozone Strategy and the MTC’s Transportation 2035 Regional Transportation Plan, which are already in place, and, therefore, are expected to be implemented even without approval of the 2010 CAP.
9. The 2010 CAP is expected to promote a net decrease in GHG emissions (primarily carbon dioxide). The 2010 CAP includes three stationary control measures that would reduce GHG emissions, mobile source control measures that will reduce both criteria and GHG emissions, and other strategies that promote fuel efficiency and pollution prevention (e.g., LUM 1 – Goods Movement, LUM 2 – Indirect Source Review, LUM 3 – Enhanced CEQA Program, LUM 4 - Land Use Guidelines, ECM 1 – Energy Efficiency, ECM 2 – Renewable Energy, ECM 3 – Urban Heat Island Mitigation, and ECM 4 – Tree Planting). All of these measures are also expected to result in a decrease in GHG emissions, providing a beneficial impact on climate change which should help towards GHG emission reductions required under California’s Global Warming Solutions Act of 2006 (AB32).
10. The 2010 CAP, as well as other regulatory programs, is expected to result in a reduction in toxic air contaminant emissions providing a beneficial impact on public health by reducing exposure to carcinogens (e.g., diesel particulate emissions) and other pollutants that could cause chronic and acute health effects

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 paragraph (1) of 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 2010 CAP EIR. The following subsections identify the specific mitigation measures identified in the EIR and the public agency 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 aesthetics, agriculture resources, biological resources, cultural resources, geology/soils, land use/planning, mineral resources, noise, population/housing, public services, recreation, transportation and traffic, and utilities and service systems. The Final EIR concluded that significant adverse impacts to air quality and water demand (hydrology/water quality) would be expected due to implementation of the 2010 CAP.

1. Air Quality Impacts

Localized CO Emission Increases are Potentially Significant

The 2010 Ozone Strategy is expected to result in an overall reduction in emissions from mobile sources on a regional basis. However, some 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 impacts associated with localized CO emissions will be evaluated when specific rules/guidance documents are prepared for LUM 3 – Enhanced CEQA Program and LUM 4 – Land Use Guidelines. The increase in localized emissions can be reduced by encouraging non-drive access to transit centers and implementation of development that is more conducive to walking and bicycling. However, the effectiveness of these mitigation measures cannot be quantified so the impact remains significant. Project level environmental analysis on the implementation of these control measures will be required to determine the potential for impacts at specific locations.

Mitigation Monitoring and Reporting for Localized CO Emissions

Implementing Party: Because the EIR for the 2010 CAP 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 2010 CAP control measures, the District can impose permit conditions on permit applicants at the time permit applications are processed and approved. Rules to implement Control Measures LUM 3 and LUM 4 are expected to be promulgated by the BAAQMD and will require additional CEQA review when specific rules are proposed. In addition, the BAAQMD adopted revised CEQA Guidelines in June 2, 2010, that include requirements for conducting CO analyses, applicable significance criteria, and mitigation measures.

Monitoring Agency: Because the EIR for the 2010 CAP 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 analysis are provided for transportation and other land use 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.

Cumulative Construction Emissions are Potentially Significant

The 2010 CAP is expected to result in an overall reduction in emissions from mobile sources on a regional basis. Construction related emissions from projects included in the Transportation 2035 Plan as well as the 2010 CAP may come from grading, excavation, road building and other earthmoving activities, travel by construction equipment on unpaved roads, and exhaust from construction equipment. The air quality impacts would occur in localized areas and, depending on specific site conditions, could result in direct, short-term significant impacts.

Mitigation Measures for Cumulative Construction Emissions

The mitigation measures developed by the MTC for the Transportation 2035 Plan (MTC, 2009) to reduce construction-related air quality impacts that shall be considered by project sponsors and decision-makers may include, but are not limited to the following:

- A1 Water or dust suppressants shall be applied to exposed earth surfaces at all transportation construction projects to control emissions at least twice daily;
- A2 All trucks hauling dirt, sand, soil, or other loose materials off-site shall be covered to wetted or shall maintain at least two feet of freeboard, i.e., minimum vertical distance between the top of the load and the top of the trailer;
- A3 All excavating and grading activities shall cease during periods of high winds;
- A4 All construction roads that have high traffic volumes, shall be surfaced with base material or decomposed granite, or shall be paved or otherwise be stabilized;
- A5 Public streets shall be cleaned, swept or scraped at frequent intervals or at least three times a week or once a day if visible soil material has been carried onto adjacent public roads (no mechanical “dry” sweeping shall be allowed);
- A6 Construction equipment shall be visually inspected prior to leaving the site and loose direct dirt shall be washed off with wheel washers as necessary;
- A7 Paving or water or non-toxic soil stabilizers shall be applied as needed to reduce off-site transport of fugitive dust from all unpaved access roads, parking and staging areas, and other unpaved surfaces;
- A8 Traffic speeds on all unpaved surfaces shall not exceed 15 mph;
- A9 Alternative fuels shall be used in construction equipment where feasible;
- A10 Idling time of construction vehicles and equipment shall not exceed five (5) minutes;
- A11 Construction vehicles shall be properly maintained and tuned;
- A12 Deliveries related to construction activities that affect traffic flow shall be scheduled during off-peak hours (e.g., 10 a.m. and 3 p.m.) and coordinated to achieve consolidated truck trips. When the movement of construction materials and/or equipment impacts traffic flow, temporary traffic control shall be provided to improve traffic flow (e.g., flag person);

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- A13 Construction activity shall utilize electricity from power poles rather than temporary diesel power generators and/or gasoline power generators;
- A14 Hydro-seed or apply non-toxic soil stabilizers to inactive construction areas;
- A15 Install sandbags or other erosion control measures to prevent silt run-off to public roadways;
- A16 Install wind breaks, or plant trees/vegetative wind breaks at windward side(s) or construction areas;
- A17 Maintain on-site truck loading zones;
- A18 Configure on-site construction parking to minimize traffic interference and to ensure emergency vehicle access;
- A19 Provide temporary traffic control during all phases of construction activities to improve traffic flow;
- A20 During construction, replace ground cover in disturbed areas as quickly as possible;
- A21 During the period of construction, install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off trucks and any equipment leaving the site each trip;
- A22 Employ a balanced cut/fill ratio on construction sites, thus reducing haul truck trip emissions;
- A23 Construction sites/site operator shall comply with BAAQMD Regulation 6, Rule 1 – Particulate Matter;
- A24 Use an emissions calculator in the planning of every construction project that uses the proposed equipment fleet and hours of use to project reactive organic gases, nitrogen oxides, particulate matter, and carbon dioxide emissions, then quantify the reductions achievable through the use of cleaner/newer equipment; and
- A25 All off-road construction vehicles must be alternative fuels vehicles, or diesel-powered vehicles with the most recent CARB-certified tier or better engines or retrofitted/repowered to meet equivalent emission standards.

Because the location and duration of specific construction projects is unknown and the implementation/effectiveness of the mitigation measures is uncertain, the localized construction-related air quality impacts are considered to remain significant following mitigation.

Mitigation Monitoring and Reporting for Cumulative Construction Emissions

Implementing Party: Because the EIR for the 2010 CAP 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 2010 CAP control measures, the District can impose permit conditions on permit applicants at the time permit applications are processed and approved. The mitigation measures should be included as part of the conditions of approval for specific projects.

Monitoring Agency: Because the EIR for the 2010 CAP 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 of the project-specific mitigation measures will be the responsibility of the lead agency for the individual projects. Monitoring will be accomplished as follows and more specific monitoring requirements will be required on a site-specific basis.

- MMA1 This mitigation measure has been imposed by the MTC and is already part of a separate mitigation monitoring program. Records shall be maintained to document compliance.
- MMA2 This mitigation measure has been imposed by the MTC and is already part of a separate mitigation monitoring program. Monitoring should include site inspections.
- MMA3 This mitigation measure has been imposed by the MTC and is already part of a separate mitigation monitoring program. Records shall be maintained to document compliance.
- MMA4 This mitigation measure has been imposed by the MTC and is already part of a separate mitigation monitoring program. Monitoring should include site inspections.
- MMA5 This mitigation measure has been imposed by the MTC and is already part of a separate mitigation monitoring program. Monitoring should include site inspections.
- MMA6 This mitigation measure has been imposed by the MTC and is already part of a separate mitigation monitoring program. Monitoring should include site inspections.
- MMA7 This mitigation measure has been imposed by the MTC and is already part of a separate mitigation monitoring program. Monitoring should include site inspections.

- MMA8 This mitigation measure has been imposed by the MTC and is already part of a separate mitigation monitoring program. Monitoring should include site inspections.
- MMA9 This mitigation measure has been imposed by the MTC and is already part of a separate mitigation monitoring program. Monitoring should include site inspections.
- MMA10 This mitigation measure has been imposed by the MTC and is already part of a separate mitigation monitoring program. This measure is now a state law.
- MMA11 This mitigation measure has been imposed by the MTC and is already part of a separate mitigation monitoring program. Monitoring should include site inspections.
- MMA12 This mitigation measure has been imposed by the MTC and is already part of a separate mitigation monitoring program. Monitoring should include site inspections.
- MMA13 This mitigation measure has been imposed by the MTC and is already part of a separate mitigation monitoring program. Monitoring should include site inspections.
- MMA14 This mitigation measure has been imposed by the MTC and is already part of a separate mitigation monitoring program. Monitoring should include site inspections.
- MMA15 This mitigation measure has been imposed by the MTC and is already part of a separate mitigation monitoring program. Monitoring should include site inspections.
- MMA16 This mitigation measure has been imposed by the MTC and is already part of a separate mitigation monitoring program. Monitoring should include site inspections.
- MMA17 This mitigation measure has been imposed by the MTC and is already part of a separate mitigation monitoring program. Monitoring should include site inspections.
- MMA18 This mitigation measure has been imposed by the MTC and is already part of a separate mitigation monitoring program. Monitoring should include site inspections.
- MMA19 This mitigation measure has been imposed by the MTC and is already part of a separate mitigation monitoring program. Monitoring should include site inspections.

- MMA20 This mitigation measure has been imposed by the MTC and is already part of a separate mitigation monitoring program. Monitoring should include site inspections.
- MMA21 This mitigation measure has been imposed by the MTC and is already part of a separate mitigation monitoring program. Monitoring should include site inspections.
- MMA22 This mitigation measure has been imposed by the MTC and is already part of a separate mitigation monitoring program. Monitoring should include site inspections.
- MMA23 This mitigation measure has been imposed by the MTC and is already part of a separate mitigation monitoring program. The BAAQMD can inspect the construction sites for compliance.
- MMA24 This mitigation measure has been imposed by the MTC and is already part of a separate mitigation monitoring program. Monitoring should include site inspections and maintenance of adequate records showing compliance.
- MMA25 This mitigation measure has been imposed by the MTC and is already part of a separate mitigation monitoring program. Monitoring should include site inspections and maintenance of adequate records showing compliance.

Cumulative Particulate Matter Emissions are Potentially Significant

The air quality analysis indicates that emissions of ROG, NO_x, and CO would decrease substantially between 2006 and 2035 due to implementation of various programs, including the Transportation 2035 Plan, providing a direct air quality benefit. Emissions of particulate matter (PM₁₀ and PM_{2.5}) would increase between 2006 and 2035, primarily due to an increase in VMT associated with regional population and employment growth. The increase in particulate matter emissions overall represents a potentially significant cumulative impact.

Mitigation Measures for Cumulative Particulate Matter Emissions

Cumulative particulate matter emissions are considered to be a potentially significant impact. As project-level environmental documents are prepared for CEQA/NEPA purposes, project-level analysis would estimate construction emissions for each project based on detailed plans and site-specific information, which would be used to establish project-specific mitigation measures to reduce impacts. The following mitigation measures are recommended to address the overall cumulative increase in particulate matter emissions.

- A26 MTC and BAAQMD, in partnership with CARB and other partners who would like to participate, shall work to leverage existing air quality and transportation funds and seek additional funds to continue to implement the BAAQMD's

Lower-Emission Bus Program to retrofit older diesel school buses with emission control devices and replace older school buses with clean school buses, and to develop and implement other similar programs aimed at retrofits and replacements of heavy duty fleet vehicles.

- A27 MTC and BAAQMD in partnership with the Port of Oakland, CARB and other partners who would like to participate, shall work together to identify, prioritize and implement actions beyond those identified in the Statewide Goods Movement Emission Reduction Plan to reduce diesel particulate matter and other air emissions.
- A28 MTC and BAAQMD, in partnership with the Port of Oakland, CARB and other partners who would like to participate, shall work together to secure incentive funding that may be available through the Carl Moyer Memorial Air Quality Standards Attainment Program to reduce port-related emissions.
- A29 MTC and BAAQMD, in partnership with the Port of Oakland, CARB and other partners who would like to participate, shall work together to secure Proposition 1B Goods Movement Emission Reduction Program funds to invest in Bay Area related programs. These funds directly support early and accelerated diesel particulate matter reduction programs and can help ease the transition into compliance with adopted and proposed CARB regulations.
- A30 MTC and BAAQMD, in partnership with the Port of Oakland, CARB and other partners who would like to participate, shall work together to develop and seek resources for the San Francisco Bay Area Green Ports Initiative, which is a program to reduce air pollution from trucks, ships, and other equipment associated with Bay Area port operations.

Despite feasible mitigation, this overall cumulative impact is assumed to remain significant and unavoidable. However, the proposed project's contribution to the overall cumulative impact is not cumulatively considerable.

Mitigation Monitoring and Reporting

Implementing Party: Because the EIR for the 2010 CAP 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 2010 CAP 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 2010 CAP 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 establishing project specific mitigation measures as part of project-specific CEQA/NEPA documents. Monitoring of the project-

specific mitigation measures will be the responsibility of the lead agency for the individual projects.

- MMA26 This mitigation measure has been imposed by the MTC and is already part of a separate mitigation monitoring program. The public agencies will determine who will take the lead in requesting funding and what information is needed.
- MMA27 This mitigation measure has been imposed by the MTC and is already part of a separate mitigation monitoring program. The public agencies will determine who will take the lead on implementation and what steps are necessary.
- MMA28 This mitigation measure has been imposed by the MTC and is already part of a separate mitigation monitoring program. The public agencies will determine who will take the lead in requesting funding and what information is needed.
- MMA29 This mitigation measure has been imposed by the MTC and is already part of a separate mitigation monitoring program. The public agencies will determine who will take the lead in requesting funding and what information is needed.
- MMA30 This mitigation measure has been imposed by the MTC and is already part of a separate mitigation monitoring program.

Cumulative Localized CO Emission Increases Near Transit Terminals are Potentially Significant

The 2010 Ozone Strategy is expected to result in an overall reduction in emissions from mobile sources on a regional basis. However, some control measures that encourage the use of mass transit, or increases service by transportation that uses diesel fuel, could result in potentially significant localized emissions of CO.

Mitigation Measures for Localized CO Emissions

The impacts associated with localized CO emissions will be evaluated when specific rules/guidance documents are prepared for LUM 3 – Enhanced CEQA Program and LUM 4 – Land Use Guidelines. The increase in localized emissions can be reduced by encouraging non-drive access to transit centers and implementation of development that is more conducive to walking and bicycling. However, the effectiveness of these mitigation measures cannot be quantified so the impact remains significant. Project level environmental analysis on the implementation of these control measures will be required to determine the potential for impacts at specific locations.

Mitigation Monitoring and Reporting for Localized CO Emissions

Implementing Party: Because the EIR for the 2010 CAP 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 2010 CAP control measures, the District can impose permit conditions on permit applicants at the time permit applications are processed and approved. Rules to implement Control Measures LUM 3 and LUM 4 are expected to be promulgated by the BAAQMD and will require additional CEQA review when specific rules are proposed. In addition, the BAAQMD adopted revised CEQA Guidelines in June 2, 2010, that include requirements for conducting CO analyses, applicable significance criteria, and mitigation measures.

Monitoring Agency: Because the EIR for the 2010 CAP 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 analysis are provided for transportation and other land use 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.

2. Hydrology/Water Quality

Control Measures Could Result in Significant Water Demand Impacts

The water demand impacts associated with the use of wet gas scrubbers that could be used to control PM emissions could exceed the significance criteria of 300,000 gallons per day and remains potentially significant, following mitigation. The impacts of individual projects are potentially significant and would need to be evaluated on a project-by-project basis. The potential increase in water demand remains significant.

Mitigation Measures for Water Demand Impacts

Mitigation measures to reduce the potentially significant water demand impacts include the following.

- HWQ 1 Use reclaimed water to the extent feasible at facilities that install WGS to mitigate the increase in water demand.
- HWQ 2 Conduct an engineering review of the WGS to assure that a minimal amount of water is used.

Implementation of the mitigation measures would occur on a case-by-case basis. Because each facility is different, it is unlikely that reclaimed water can be used at all facilities and that overall water demand would be minimized to 300,000 gallons per day or less. Therefore, the impacts of the 2010 CAP on water demand remain significant.

Mitigation Monitoring and Reporting for Water Demand Impacts

Implementing Party: To the extent that the construction of wet gas scrubbers results from complying with District rules that have been promulgated from 2010 CAP control measures, the District can impose permit conditions on permit applicants at the time permit applications are processed and approved. The District finds that the installation of wet gas scrubbers would require an air quality permit from the BAAQMD and, therefore, the BAAQMD will implement the mitigation measures. Rules that would encourage the use of wet gas scrubbers will require additional CEQA review when specific rules are proposed.

Monitoring Agency: The BAAQMD will be the lead agency as it is the agency that issues air permits for wet gas scrubbers.

MMHWQ1 The BAAQMD will request information on the availability of reclaimed water for facilities that plan to install WGS. If suitable reclaimed water is available it will be made a condition of approval.

MMHWQ2 The BAAQMD will request information on the amount of water use required for wet gas scrubbers during the evaluation of the air permit. The BAAQMD will review the information and determine if the equipment will be efficient in its water use.

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

Hazard and Hazardous Materials Impacts

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

Several control measures could encourage the use of SCRs 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.

Hazard Impacts Mitigation Measures

The use of aqueous ammonia (ammonia at concentrations of less than 20 percent) would mitigate the potentially significant impacts associated with anhydrous ammonia.

Mitigation Monitoring and Reporting

Implementing Party: To the extent that the construction of SCRs results from complying with District rules that have been promulgated from 2010 CAP control measures, the District can impose permit conditions on permit applicants at the time permit applications are processed and approved. The District finds that the installation of SCRs would require an air quality permit from the BAAQMD and, therefore, the BAAQMD will implement the mitigation measures. Rules or rule amendments that would encourage the use of SCRs will require additional CEQA review when specific rules are proposed.

Monitoring Agency: The BAAQMD will be the lead agency as it is the agency that issues air permits for SCRs.

Hydrology and Water Quality

Cumulative Water Quality Impacts Associated with TCMs can be Mitigated to Less Than Significant.

Implementation of transportation improvements could result in cumulative impacts on water resources both directly by adding new impervious surfaces and by accommodating future planned urban development that could have the potential to alter drainage patterns, result in higher erosion rates, increase flooding, and impact water quality. Overall, the potential for population growth and development to increase impervious surfaces is a significant cumulative impact. The contribution of the TCMs to the overall significant cumulative impact is not considered to be cumulatively considerable with the implementation of mitigation measures.

Water Quality Mitigation Measures

Mitigation measures were imposed in the Transportation 2035 Plan due to potentially significant hydrology and water quality impact.

As project sponsors prepare the environmental review document for their individual project pursuant to CEQA/NEPA and prior to environmental certification, project sponsors shall consider adopting appropriate measures that would minimize or eliminate cumulatively considerable environmental impacts pursuant to CEQA/NEPA. MTC shall be provided with status reports of compliance with mitigation measures pursuant to MTC Resolution 1481, Revised (MTC, 2009).

Project sponsors shall prepare and implement, as necessary, a SWPPP in accordance with the SWRCB's General Construction Permit. The SWPPP shall be consistent with the Manual of Standards for Erosion and Sedimentation Control by the Association of Bay Area Governments, the California Stormwater Quality Association (CASQA), Stormwater Best Management Practice Handbook for Construction, policies and recommendations of the local urban runoff program (city and/or county), and the recommendations of the RWQCB.

Implementation of the SWPPP shall be enforced by inspecting agencies during the construction period via appropriate options such as citations, fines, and stopwork orders. Implementation of this mitigation measure is expected to reduce the potentially significant impact on water resources to a level that is less than significant (MTC, 2009).

Additionally, mitigation measures to reduce impacts on water resources that shall be considered by project sponsors and decision-makers may include, but are not limited to, requiring projects to comply with design guidelines established in the Bay Area Stormwater Management Agencies Association's (BASMAA) *Using Start at the Source to Comply with Design Development Standards* and the *California Storm Water Best Management Practice Handbook for New Development and Redevelopment* to minimize both increases in the volume and rate of stormwater runoff, and the amount of pollutants entering the storm drain system (MTC, 2009). Implementation of these mitigation measures is expected to reduce storm water impacts to less than significant.

Implementation of transportation improvements in the Transportation 2035 Plan could result in cumulative impacts on water resources both directly by adding new impervious surfaces and by accommodating future planned urban development that could, when it occurs, have the potential to alter drainage patterns and impact water quality. The combination of Transportation 2035 Plan projects and new public and private infrastructure improvements serving future planned urban development could create higher erosion rates through increased impervious surfaces and consequently reduce groundwater recharge and increase the potential for flooding (MTC, 2009).

The contribution of the TCMs to the overall significant cumulative impact is not cumulatively considerable with the implementation of mitigation measures provided above (MTC, 2009).

Mitigation Monitoring and Reporting

Implementing Party: Because the EIR for the 2010 CAP is a program EIR for an ongoing regulatory program, the District finds that the mitigation measures for water quality will be implemented by various lead and local agencies and project applicants within the district. The State Water Resources Control Board (SWRCB) will be the primary implementing party for SWPPPs and the development of Storm Water Best Management Practices.

Monitoring Agency: Because the EIR for the 2010 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, although the primary implementing authority will be the SWRCB. Monitoring is expected to be included as part of the SWRCB regulatory program.