

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

RESOLUTION No. 2010-06

A Resolution of the Board of Directors of the Bay Area Air Quality Management District Adopting Thresholds For Use In Determining the Significance of Projects' Environmental Effects Under the California Environmental Quality Act

WHEREAS, pursuant to Title 14, Chapter 3, Article 5, Section 15064.7 of the California Code of Regulations ("Section 15064.7"), the California Resources Agency encourages public agencies to adopt "Thresholds of Significance" under the California Environmental Quality Act ("CEQA");

WHEREAS, pursuant to Section 15064.7, CEQA Thresholds of Significance are identifiable quantitative, qualitative or performance levels of a particular environmental effect, non-compliance with which means the effect will normally be determined to be "significant" under CEQA, and compliance with which means the effect normally will be determined to be less than significant under CEQA;

WHEREAS, the Board of Directors ("Board") of the Bay Area Air Quality Management District ("District") finds it necessary and appropriate to adopt CEQA Thresholds of Significance as set forth in Attachment A hereto for use by District staff and by other appropriate agencies in determining whether projects may have significant effects on the environment for purposes of CEQA environmental analyses;

WHEREAS, the CEQA Thresholds of Significance as set forth in Attachment A hereto do not alter the existing procedural and substantive requirements of CEQA under California law, but simply clarify the level at which, in the District's considered opinion, an environmental effect should normally be considered "significant" for purposes of existing CEQA law;

WHEREAS, the CEQA Thresholds of Significance set forth in Attachment A hereto were developed through an extensive public review process, which included public workshops, Board meetings and meetings with local government agency and non-government organization staff, including the cities of Berkeley, Colma, Daly City, Dublin, Fremont, Livermore, Oakland, Pleasanton, Richmond, San Leandro, San Mateo, San Francisco and Santa Rosa; the counties of Alameda, Contra Costa, Napa, Santa Clara, and Sonoma; and the CARE Task Force, the Alameda County Planning for Healthy Communities Network and the Governor's Office of Planning and Research Local Government Roundtable;

WHEREAS, District staff held ten public workshops throughout the Bay Area on February 26, 2009, April 27, 29 and 30, 2009, September 8, 9, and 10, 2009, October 2, 2009, and April 15 and 26, 2010; solicited Thresholds of Significance options for consideration; and published for public review and comment the Threshold Options Report on April 24, 2009, the CEQA Thresholds Options and Justification Report on October 8, 2009, and the Proposed Thresholds of Significance Report on November 2, 2009, December 7, 2009 and May 3, 2010;

WHEREAS, District staff held ten local agency staff workshops throughout the Bay Area on March 30 and April 12, 13, 14, 16, 19, 20, 21 and 27, 2010.

WHEREAS, District staff considered and responded in writing to all written comments on the Proposed Thresholds of Significance that were received prior to May 25, 2010;

WHEREAS, public meetings to consider and discuss the proposed Thresholds of Significance options and staff's recommendations were held before several committees of the Board, including the Board's Executive Committee on March 16, 2009, June 29, 2009, September 24, 2009, February 22, 2010, and May 24, 2010; the Board's Climate Protection Committee on September 10, 2009; and the Board's Stationary Source Committee on November 16, 2009;

WHEREAS, the Thresholds of Significance set forth in Attachment A hereto are supported by substantial evidence, as documented in the report entitled Proposed Thresholds of Significance, dated May 3, 2010, and other documentation compiled by District staff;

WHEREAS, the substantial evidence as documented in the May 3, 2010, Proposed Thresholds of Significance report and other documentation establishes that the Thresholds of Significance set forth in Attachment A hereto reflect the levels at which environmental effects should be considered "significant" for purposes of CEQA, such that exceedance of the thresholds will normally establish that the effect is "significant" under CEQA and compliance with the thresholds normally will establish that the effect is less than "significant" under CEQA;

WHEREAS, the CEQA Thresholds of Significance set forth in Attachment A hereto are consistent with the principles and jurisprudence of CEQA law as set forth in CEQA, its implementing regulations, and applicable judicial interpretations;

WHEREAS, if the California Air Resources Board were to adopt CEQA thresholds of significance for greenhouse gas emissions at a future date, the District will reevaluate the adopted greenhouse gas thresholds of significance to ensure they are consistent with the California Air Resources Board;

WHEREAS, as SB 375 is implemented and the region develops a Sustainable Community Strategy, the District will reevaluate the adopted greenhouse gas thresholds of significance to ensure consistency with the intent of SB 375;

WHEREAS, District staff will work with cities and counties to provide technical resources and financial assistance to develop climate action plans and community risk reduction plans;

WHEREAS, the CEQA Thresholds of Significance set forth in Attachment A hereto are written and displayed so that their meaning can be easily understood by District staff and other agencies using them as a means to assess whether a project's environmental effects will be significant under CEQA;

WHEREAS, public meetings of the Board to consider adoption of the Thresholds of Significance were properly noticed and convened in accordance with all requirements of law, which public

meetings were held on November 18, 2009, December 2, 2009, January 6, 2010, May 5, 2010 and June 2, 2010;

WHEREAS, at the November 18, 2009, December 2, 2009, January 6, 2010, May 5, 2010 and June 2, 2010 public meetings, the subject matter of the Thresholds of Significance was discussed with interested persons in accordance with all provisions of law;

WHEREAS, the November 18, 2009, December 2, 2009, January 6, 2010, May 5, 2010 and June 2, 2010 public meetings and the other public review opportunities that the District has provided regarding the Thresholds of Significance, constitute a public review process as required by Section 15064.7;

WHEREAS, District staff has prepared and presented to this Board the May 3, 2010, Proposed Thresholds of Significance report, which has been considered by this Board and is incorporated herein by reference;

WHEREAS, the documents and other materials that constitute the record of the public review process under Section 15064.7 on which this Resolution is based are located at the Bay Area Air Quality Management District, 939 Ellis Street, San Francisco, 94109, and the custodian for these documents is Ms. Lisa Harper, Clerk of the Boards;

WHEREAS, District staff recommends adoption of the CEQA Thresholds of Significance set forth in Attachment A hereto;

WHEREAS, the Board of Directors concurs with District staff's recommendations and desires to adopt the CEQA Thresholds of Significance set forth in Attachment A hereto;

NOW, THEREFORE, BE IT RESOLVED that that the Board of Directors of the Bay Area Air Quality Management District does hereby adopt the CEQA Thresholds of Significance, pursuant to the authority granted by law, as set forth in Attachment A hereto, and discussed in the Proposed Thresholds of Significance report dated May 3, 2010, with instructions to staff to correct any typographical or formatting errors before final publication of the CEQA Thresholds of Significance.

BE IT FURTHER RESOLVED that it is the policy of the Bay Area Air Quality Management District that projects that do not comply with the CEQA Thresholds of Significance will normally be determined to have a significant effect on the environment for purposes of CEQA, and projects that comply with the CEQA Thresholds of Significance normally will be determined to have a less-than-significant effect on the environment for purposes of CEQA.

BE IT FURTHER RESOLVED that it is the policy of the Bay Area Air Quality Management District that Lead Agencies in the Bay Area apply the CEQA Thresholds of Significance, except for the Risk and Hazard thresholds for Receptor Projects, for Notices of Preparation issued, and environmental analyses begun, on or after the date of adoption of this Resolution.

BE IT FURTHER RESOLVED that it is the policy of the Bay Area Air Quality Management District that Lead Agencies in the Bay Area apply the CEQA Thresholds of Significance for the

Risk and Hazard thresholds for Receptor Projects for Notices of Preparation issued, and environmental analyses begun, after January 1, 2011.

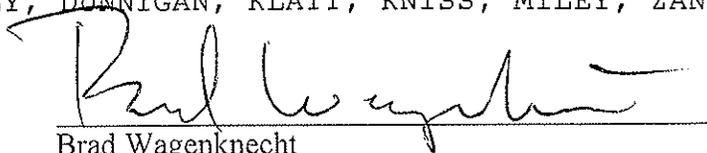
The foregoing Resolution was duly and regularly introduced, passed and adopted at a regular meeting of the Board of Directors of the Bay Area Air Quality Management District on the Motion of Director KALRA, seconded by Director UULKEMA, on the 2nd day of JUNE, 2010, by the following vote of the Board:

AYES: BATES, GARNER, GIOIA, GROOM, HOSTERMAN, HUDSON, KALRA, MAR, ROSS, SPERING, TORLIATT, UULKEMA, YEAGER, WAGENKNECHT

NOES: NONE

RECUSED: HAGGERTY

ABSENT: BROWN, DALY, DUNNIGAN, KLATT, KNISS, MILEY, ZANE



Brad Wagenknecht
Chairperson of the Board of Directors

ATTEST:



John Gioia
Secretary of the Board of Directors

ATTACHMENT A

**THRESHOLDS OF SIGNIFICANCE
FOR USE IN DETERMINING THE SIGNIFICANCE OF
PROJECTS' ENVIRONMENTAL EFFECTS UNDER
THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

ATTACHMENT A

**Proposed Air Quality CEQA Thresholds of Significance
(May 3, 2010)**

Pollutant	Construction-Related	Operational-Related	
Project-Level			
Criteria Air Pollutants and Precursors (Regional)	Average Daily Emissions (lb/day)	Average Daily Emissions (lb/day)	Maximum Annual Emissions (tpy)
ROG	54	54	10
NO _x	54	54	10
PM ₁₀ (exhaust)	82	82	15
PM _{2.5} (exhaust)	54	54	10
PM ₁₀ /PM _{2.5} (fugitive dust)	Best Management Practices	None	
Local CO	None	9.0 ppm (8-hour average), 20.0 ppm (1-hour average)	
GHGs Projects other than Stationary Sources	None	Compliance with Qualified Greenhouse Gas Reduction Strategy OR 1,100 MT of CO ₂ e/yr OR 4.6 MT CO ₂ e/SP/yr (residents + employees)	
GHGs Stationary Sources	None	10,000 MT/yr	
Risks and Hazards – New Source (Individual Project)	Same as Operational Thresholds*	Compliance with Qualified Community Risk Reduction Plan OR Increased cancer risk of >10.0 in a million Increased non-cancer risk of > 1.0 Hazard Index (Chronic or Acute) Ambient PM _{2.5} increase: > 0.3 µg/m ³ annual average <u>Zone of Influence:</u> 1,000-foot radius from fence line of source or receptor	
Risks and Hazards – New Receptor (Individual Project)	Same as Operational Thresholds*	Compliance with Qualified Community Risk Reduction Plan OR Increased cancer risk of >10.0 in a million Increased non-cancer risk of > 1.0 Hazard Index (Chronic or Acute) Ambient PM _{2.5} increase: > 0.3 µg/m ³ annual average <u>Zone of Influence:</u> 1,000-foot radius from fence line of source or receptor	
Risks and Hazards – New Source (Cumulative Thresholds)	Same as Operational Thresholds*	Compliance with Qualified Community Risk Reduction Plan OR Cancer: > 100 in a million (from all local sources) Non-cancer: > 10.0 Hazard Index (from all local sources) (Chronic) PM _{2.5} : > 0.8 µg/m ³ annual average (from all local sources) <u>Zone of Influence:</u> 1,000-foot radius from fence line of source or receptor	

**Proposed Air Quality CEQA Thresholds of Significance
(May 3, 2010)**

Pollutant	Construction-Related	Operational-Related
Risks and Hazards – New Receptor (Cumulative Thresholds)	Same as Operational Thresholds*	Compliance with Qualified Community Risk Reduction Plan OR Cancer: > 100 in a million (from all local sources) Non-cancer: > 10.0 Hazard Index (from all local sources) (Chronic) PM _{2.5} : > 0.8 µg/m ³ annual average (from all local sources) <u>Zone of Influence:</u> 1,000-foot radius from fence line of source or receptor
Accidental Release of Acutely Hazardous Air Pollutants	None	Storage or use of acutely hazardous materials locating near receptors or receptors locating near stored or used acutely hazardous materials considered significant
Odors	None	Complaint History—5 confirmed complaints per year averaged over three years
Plan-Level		
Criteria Air Pollutants and Precursors	None	1. Consistency with Current Air Quality Plan control measures 2. Projected VMT or vehicle trip increase is less than or equal to projected population increase
GHGs	None	Compliance with Qualified Greenhouse Gas Reduction Strategy (or similar criteria included in a General Plan) OR 6.6 MT CO ₂ e/ SP/yr (residents + employees)
Risks and Hazards	None	1. Overlay zones around existing and planned sources of TACs (including adopted Risk Reduction Plan areas) 2. Overlay zones of at least 500 feet (or Air District-approved modeled distance) from all freeways and high volume roadways
Odors	None	Identify locations of odor sources in general plan
Accidental Release of Acutely Hazardous Air Pollutants	None	None
Regional Plans (Transportation and Air Quality Plans)		
GHGs, Criteria Air Pollutants and Precursors, and Toxic Air Contaminants	None	No net increase in emissions

Notes: CO = carbon monoxide; CO₂e = carbon dioxide equivalent; GHGs = greenhouse gases; lb/day = pounds per day; MT = metric tons; NO_x = oxides of nitrogen; PM_{2.5} = fine particulate matter with an aerodynamic resistance diameter of 2.5 micrometers or less; PM₁₀ = respirable particulate matter with an aerodynamic resistance diameter of 10 micrometers or less; ppm = parts per million; ROG = reactive organic gases; SP = service population; tpy = tons per year; yr = year.

* Note: The Air District recommends that for construction projects that are less than one year duration, Lead Agencies should annualize impacts over the scope of actual days that peak impacts are to occur, rather than the full year.