

**APPENDIX A**

---

**NOTICE OF PREPARATION/INITIAL STUDY**





BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT  
SINCE 1955

**ALAMEDA COUNTY**

Tom Bates  
(Secretary)  
Scott Haggerty  
Jennifer Hosterman  
Nate Miley

**CONTRA COSTA COUNTY**

John Gioia  
Mark Ross  
Michael Shimansky  
Gayle B. Uilkema

**MARIN COUNTY**

Harold C. Brown, Jr.

**NAPA COUNTY**

Brad Wagenknecht  
(Vice-Chairperson)

**SAN FRANCISCO COUNTY**

Chris Daly  
Gavin Newsom

**SAN MATEO COUNTY**

Carol Klatt  
Carole Groom

**SANTA CLARA COUNTY**

Susan Garner  
Yoriko Kishimoto  
Liz Kniss  
Ken Yeager

**SOLANO COUNTY**

Jim Spering

**SONOMA COUNTY**

Shirlee Zane  
Pamela Torliatt  
(Chairperson)

Jack P. Broadbent  
EXECUTIVE OFFICER/APCO

**SUBJECT: NOTICE OF PREPARATION OF A DRAFT  
PROGRAM ENVIRONMENTAL IMPACT REPORT**

**PROJECT TITLE: Bay Area 2009 CLEAN AIR PLAN (CAP)**

In accordance with the California Environmental Quality Act (CEQA) (California Code of Regulations, Title 14, Sections 15082(a), 15103, and 15375), the Bay Area Air Quality Management District (BAAQMD) will be the Lead Agency for the project identified above and described in the attached Initial Study. Through this Notice of Preparation (NOP) BAAQMD is soliciting information and your views on the scope of the environmental analysis for the proposed project. As detailed in the attached Initial Study, BAAQMD staff has made a preliminary determination that there may be potentially significant impacts to air quality, hazards and hazardous materials, hydrology and water resources, and utilities and service systems.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date but not later than 30 days after receipt of this notice. Comments focusing on your area of expertise, your agency's area of jurisdiction, or issues relative to the environmental analysis should be addressed to Mr. Greg Tholen at the address shown below, or sent by FAX to (415) 749-4741, or by e-mail to [gtholen@baaqmd.gov](mailto:gtholen@baaqmd.gov). Comments must be received no later than 5:00 PM on September 21, 2009. Please include the name and phone number of the contact person for your agency. Questions relative to the proposed Bay Area 2009 CAP should be directed to Mr. David Burch at (415) 749-4641, or by email to [dburch@baaqmd.gov](mailto:dburch@baaqmd.gov).

The following public workshops and CEQA scoping meetings are scheduled for the proposed CAP:

**Wednesday, September 2—Mountain View**

9:30 am-11:30 am, Draft Control Strategy  
11:30am-12:00pm, CEQA Scoping Meeting  
Mountain View City Hall  
500 Castro Street  
Mountain View, CA 94039

**Thursday, September 3—Oakland**

1:30 pm-3:30pm, Draft Control Strategy  
3:30pm-4:00pm, CEQA Scoping Meeting  
MetroCenter Auditorium  
101 Eighth Street  
Oakland, CA 94607

Date: August 20, 2009

Signature: \_\_\_\_\_

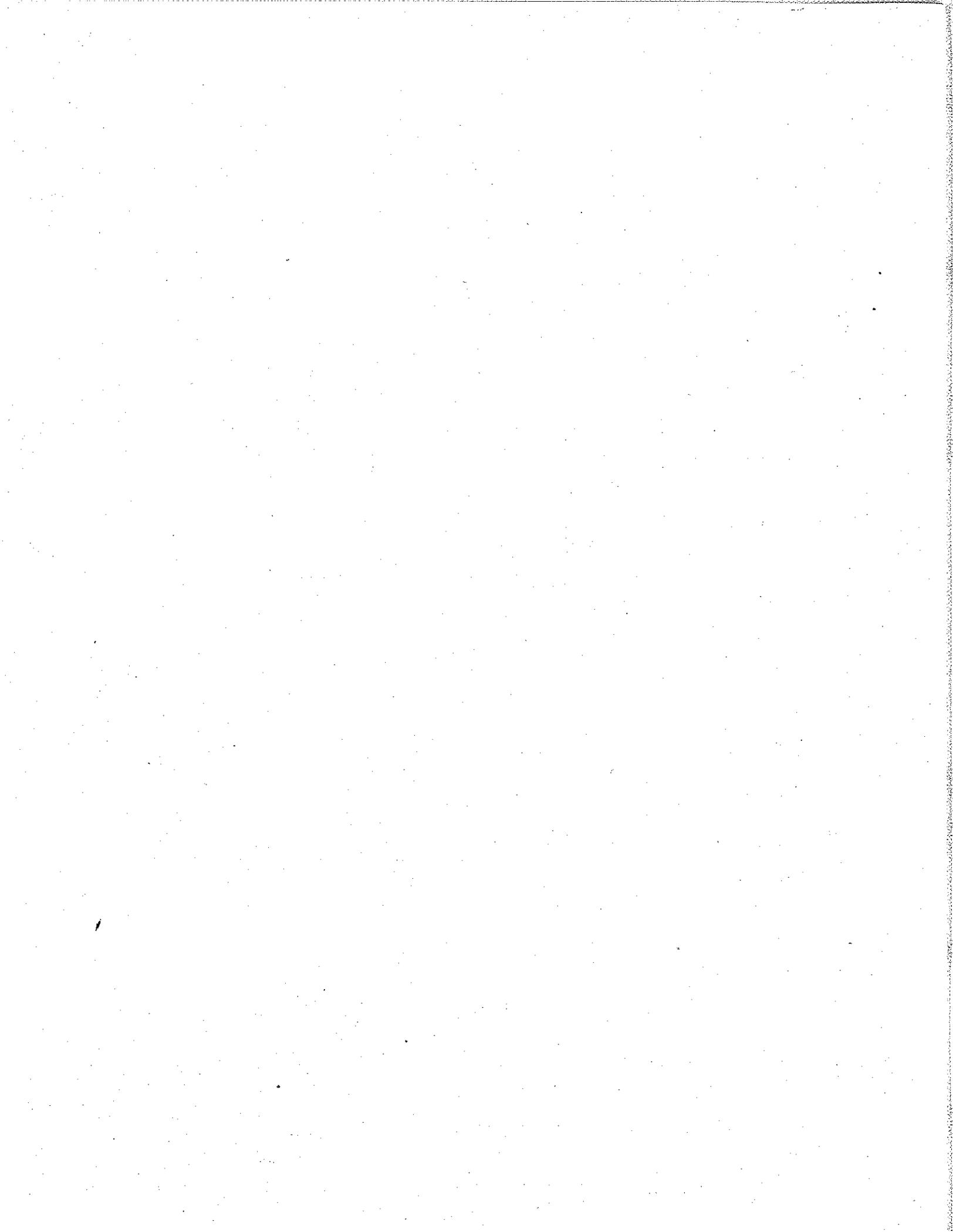
Greg Tholen  
Principal Environmental Planner

*Spare the Air*

The Air District is a Certified Green Business

Printed using soy-based inks on 100% post-consumer recycled content paper



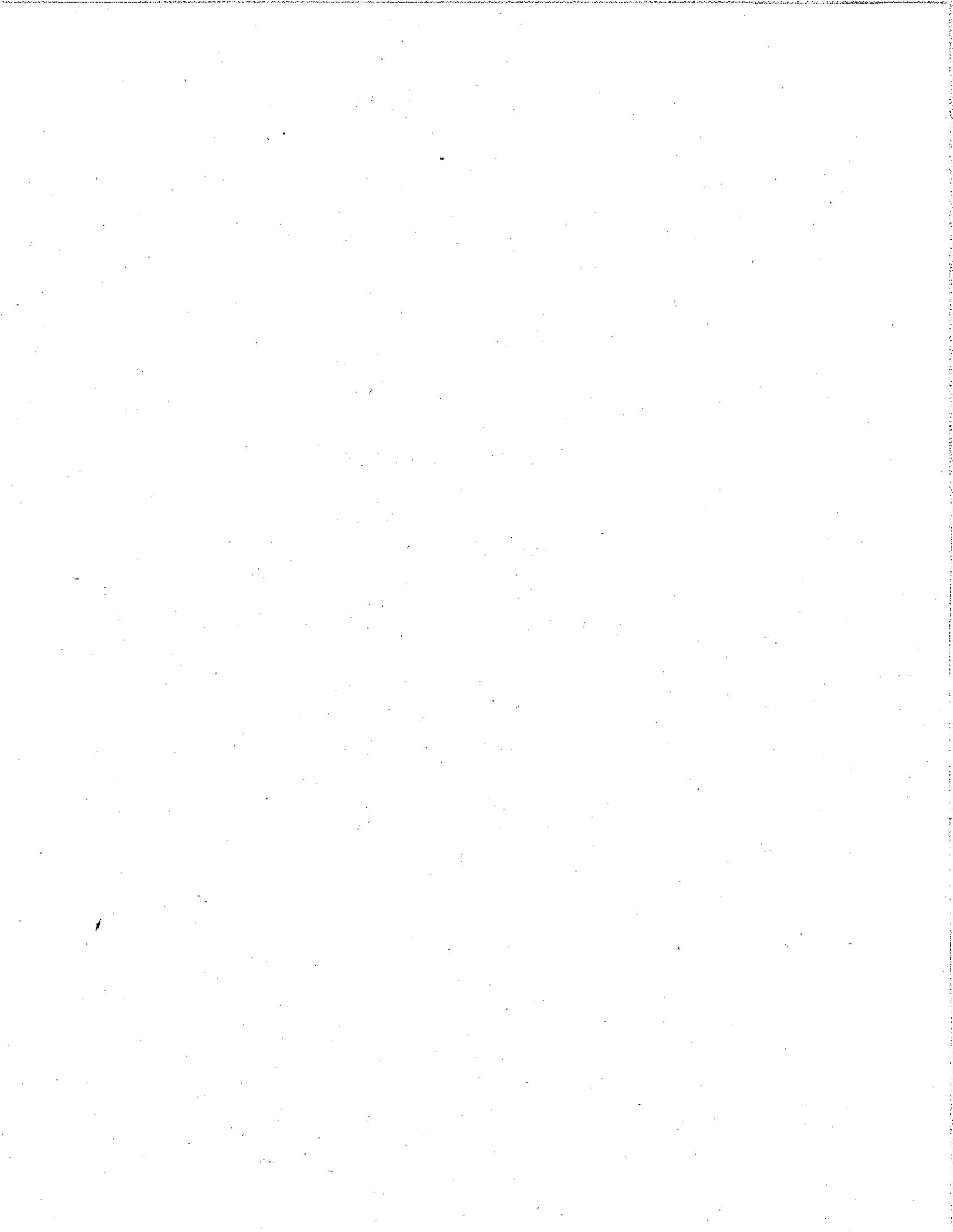


**Bay Area Air Quality Management District**

**Initial Study**

**for the**

**Bay Area 2009 Clean Air Plan**



**CHAPTER 1**  
**PROJECT DESCRIPTION**

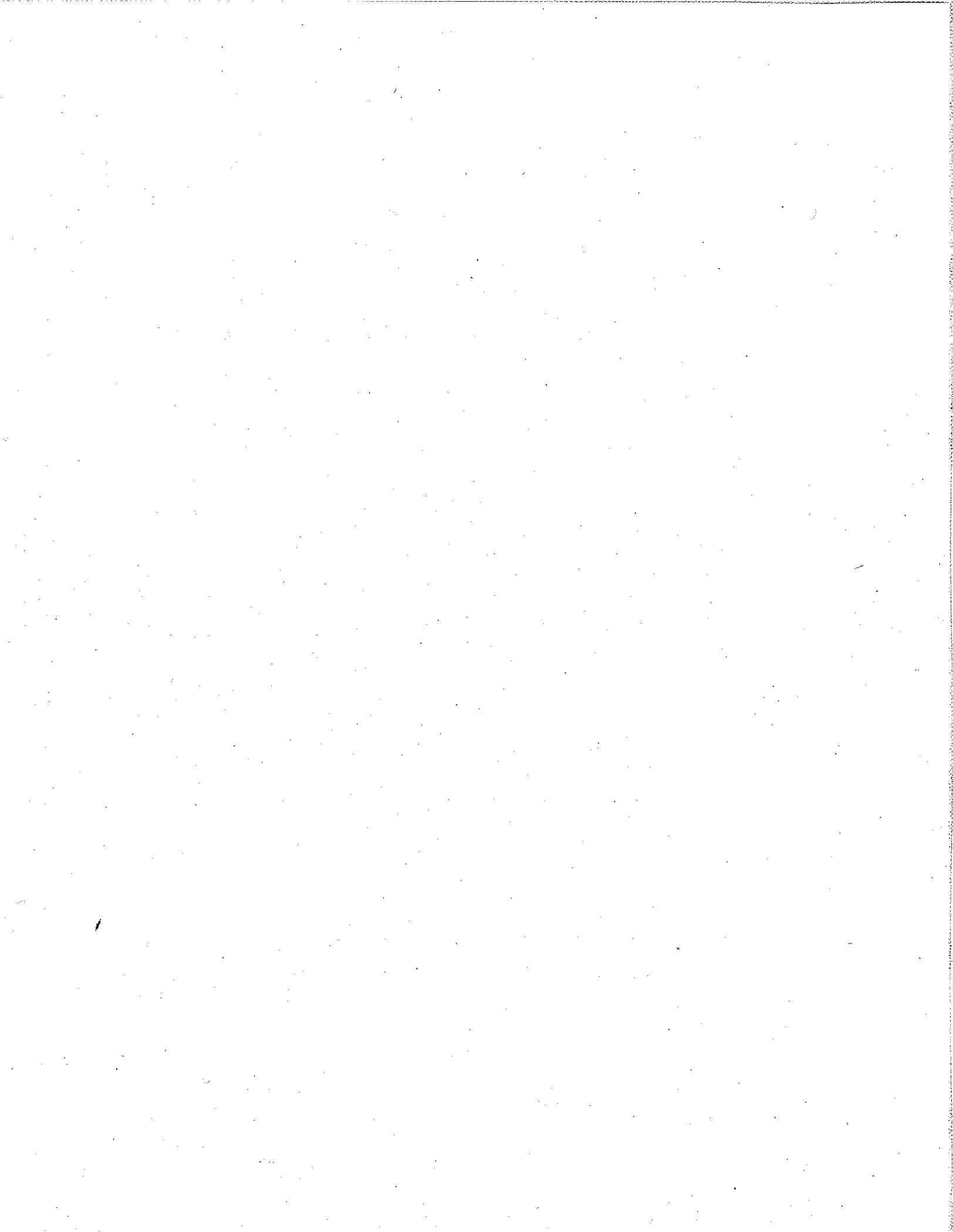
Introduction

Agency Authority

Project Location

Background

Project Description



## **1.0 PROJECT DESCRIPTION**

### **1.1 INTRODUCTION**

The Bay Area Air Quality Management District (District or BAAQMD), in conjunction with the Metropolitan Transportation Commission and the Association of Bay Area Governments, is preparing the Bay Area 2009 Clean Air Plan (CAP). The proposed CAP provides a strategy for making progress toward attainment of the California ozone standards in the Bay Area. The 2009 CAP is an update of and progress report for the 2005 Ozone Strategy in compliance with the California Clean Air Act.

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. However, in the past several years, there has been growing interest in the concept of multi-pollutant air quality planning. In January 2004, the National Research Council issued recommendations calling for air quality agencies to pursue a multi-pollutant, risk-based, "one atmosphere" approach for air quality planning. The United States Environmental Protection Agency (US EPA) has been moving to gradually embrace the concept of planning on a multi-pollutant basis. This update of the 2005 Ozone Strategy will provide a multi-pollutant approach to air quality planning in the Bay Area. Although there are no requirements to develop a multi-pollutant plan at this time, the multi-pollutant framework offers a number of potential benefits. The multi-pollutant plan addresses ozone, particulate matter, air toxics, and greenhouse gases via an integrated control strategy that is aimed at ozone planning requirements while identifying co-benefits and disbenefits of the control strategy on each of the pollutants.

### **1.2 AGENCY AUTHORITY**

CEQA, Public Resources Code §21000 et seq., requires that the environmental impacts of proposed projects be evaluated and that feasible methods to reduce, avoid or eliminate significant adverse impacts of these projects be identified and implemented. To fulfill the purpose and intent of CEQA, the BAAQMD is the lead agency for this project and has prepared the Notice of Preparation/Initial Study for the proposed Bay Area 2009 CAP Program Environmental Impact Report (PEIR). A PEIR is the appropriate document when a series of actions that can be characterized as one large project are related in the connection with the issuance or rules, regulations, plans, or other criteria to govern the conduct of a continuing program (CEQA Guidelines Section 15168(a)(3)).

The Lead Agency is the "public agency that has the principal responsibility for carrying out or approving a project that may have a significant effect upon the environment" (Public Resources Code Section 21067). It was determined that the BAAQMD has the primary responsibility for supervising or approving the entire project as a whole and is the most appropriate public agency to act as lead agency (CEQA Guidelines Section 15051(b)).

### 1.3 PROJECT LOCATION

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. The San Francisco Bay Area is characterized by a large, shallow basin surrounded by coastal mountain ranges tapering into sheltered inland valleys. The combined climatic and topographic factors result in increased potential for the accumulation of air pollutants in the inland valleys and reduced potential for buildup of air pollutants along the coast. The Basin is bounded by the Pacific Ocean to the west and includes complex terrain consisting of coastal mountain ranges, inland valleys and bays (see Figure 1-1).

I:\2240\Map (Created) 10/27/04 (Drawn By) M.S. (Check By) D.B.S. (Last Rev.) 10/27/04

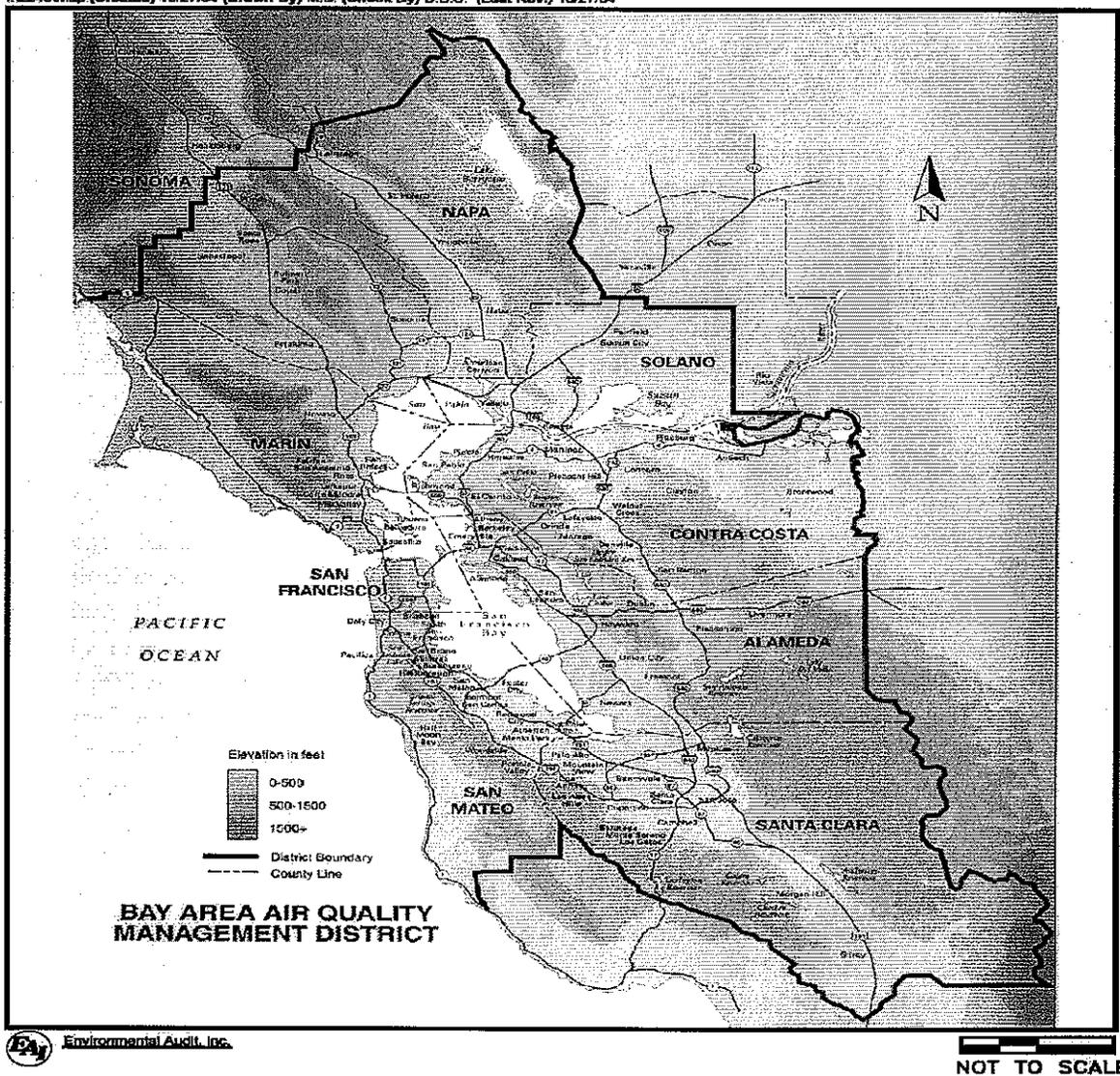


Figure 1-1 Bay Area Air Quality Management District Location

## 1.4 BACKGROUND

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. In summary, 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.

BAAQMD has taken a multi-pollutant control strategy approach for developing the 2009 CAP. The multi-pollutant plan addresses ozone, particulate matter, air toxics, and greenhouse gases via an integrated control strategy that is aimed at ozone planning requirements while identifying co-benefits and disbenefits of the control strategy on each of the pollutants.

Ground-level ozone can cause respiratory problems and premature mortality, especially among sensitive populations, such as children, seniors, and people with lung conditions. Ozone also reduces crop yields and accelerates deterioration of paints, finishes, rubber products, plastics, and fabrics. Both the US 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 nonattainment 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 (NOx) in the presence of sunlight, efforts to reduce ozone seek to limit emissions of ROG and NOx 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. NOx 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 NOx). 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.

Particulate matter includes fine PM ( $PM_{2.5}$ ) and coarser particles ( $PM_{10}$ ). While  $PM_{10}$  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. PM has been documented to cause a wide range of health effects including bronchitis, asthma, heart attacks, and mortality.

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.

Greenhouse gases (GHG) 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 CAP will seek to maximize reductions of greenhouse gases, primarily carbon dioxide ( $CO_2$ ) and methane, in crafting a control strategy to reduce ambient concentrations of ozone, PM, and air toxics.

## 1.5 PROJECT DESCRIPTION

The CAP will include an assessment of the region's progress toward attaining the California ozone standards and reducing exposure to ozone and other pollutants. The State has not set a deadline to attain the California ozone standards. The CAP will identify "all feasible measures," as required by the California Clean Air Act, for control of ozone precursors that will assist the Bay Area in attaining the California ozone standards and address pollutant transport to downwind regions. The CAP will be prepared in accordance with applicable provisions of the California Clean Air Act. It will update the Bay Area 2005 Ozone Strategy adopted by the District Board of Directors on January 4, 2006.

Measures included in the CAP are expected to produce environmental benefits by reducing emissions of ozone precursors and other air pollutants. The environmental review of the CAP will evaluate whether any measures may have secondary adverse environmental impacts, which could occur, for example, through the use of an emission reduction technology that itself may cause some adverse impact. The District has prepared a preliminary list of measures that may be included in the CAP. The list is likely to undergo further revision as the CAP is finalized.

## **Overview of the Control Strategy**

The CAP control strategy will consist of a comprehensive set of control measures to reduce emissions from both stationary sources and mobile sources. Proposed control measures in the CAP will augment the extensive federal, state, regional and local regulations and programs that are already in place. The CAP will include the following five types of measures:

**Stationary and area source measures** based upon the District's authority to regulate emissions from sources such as factories and refineries;

**Transportation control measures** to reduce motor vehicle use, promote alternative modes of transportation, reduce traffic congestion, and promote efficient vehicle use;

**Mobile source measures** to promote the use of cleaner vehicles and fuels and to accelerate the retrofit or replacement of high-emitting vehicles and equipment;

**Land use and local impacts measures** to promote focused growth and minimize population exposure to air pollutants in impacted communities; and

**Energy and climate measures** to promote energy efficiency, alternative and renewable forms of energy, and urban heat island mitigation via cool roofing, cool paving, tree-planting, and ventilation.

Table 1-1 below provides a list and description of the control measures being considered for the 2009 CAP. The potential environmental impacts of the proposed control measures are included in Appendix A.

MTC approved a variety of transportation control measures and strategies in the Transportation 2035 Regional Transportation Plan. These measures and recommendations have accordingly been moved forward for inclusion in the region's air quality plans and are included as part of the 2009 CAP, along with additional TCMs proposed to be implemented by BAAQMD, local governments, and others. The impacts of implementation of the TCMs approved by MTC were evaluated in a separate CEQA document, the Final Environmental Impact Report for the Transportation 2035 Plan for the San Francisco Bay Area (SCH No. 2008022101) (MTC, 2009). A list of the TCMs from the 2035 Transportation Plan is included in Table 1-1. The Draft PEIR for the 2009 CAP will rely on the environmental analyses in the MTC 2009 Final PEIR for the evaluation of the environmental impacts of implementing the TCMs developed by MTC. Environmental impacts from implementing the TCMs proposed in the 2009 CAP will be addressed in the Draft PEIR for the 2009 CAP under cumulative impacts.

**TABLE 1-1 BAAQMD 2009 Clean Air Plan Control Measures**

<b>Number</b>	<b>Name</b>	<b>Description</b>
<b>Stationary and Area Source Measures</b>		
SSM 1	Ferrous and Nonferrous Foundries and Metal-Melting Facilities	Limit emissions of organic compounds, fine particulates, toxic compounds and odors from foundries operations and metal melting in the District by requiring efficient capture and control systems.
SSM 2	Composting Operations	Establish best composting practices to reduce ROG, ammonia and odors.
SSM 3	Digital Printing	Establish VOC limits or control requirements for inkjet, electro-photographic and other digital printing technologies.
SSM 4	General Particulate Matter Weight Rate Limitation	Reduce particulate weight limitation as a function of exhaust gas volume and/or as a function of process weight rate.
SSM 5	Greenhouse Gases in Permitting – Energy Efficiency	Consider greenhouse gas (GHG) emissions during permitting of new or modified stationary sources. This includes (1) adopting GHG CEQA significance threshold for stationary sources, and (2) requiring GHG reduction measures in ministerial permits.
SSM 6	Livestock Waste	Establish management practices to reduce ROG, ammonia, PM, GHG.
SSM 7	Natural Gas Processing and Distribution	Reduce emissions from natural gas production facilities.
SSM 8	Vacuum Trucks	Require carbon or other control technology on vacuum trucks.
SSM 9	Cement Kilns	Further limit NOx and SOx from cement production.
SSM 10	Coke Calcining	Reduce SOx emissions from coke calcining.
SSM 11	Open Burning	Further limit agricultural burning of some crops to be burned on a given day.
SSM 12	Refinery Boilers and Heaters	Further reduce NOx emissions from refinery boilers, heaters and steam generators.
SSM 13	Residential Fan Type Furnaces	Reduce allowable NOx limits for residential furnaces.
SSM 14	Space Heating	Establish NOx limits for industrial and commercial space heating.
SSM 15	Dryers, Ovens, Kilns	Establish NOx limits for industrial dryers, ovens and kilns.
SSM 16	Glass Furnaces	Reduce NOx limits in Regulation 9, Rule 12 for glass furnaces.

**TABLE 1-1 BAAQMD 2009 Clean Air Plan Control Measures**

<b>Number</b>	<b>Name</b>	<b>Description</b>
SSM 17	Revise Regulation 2, Rule 2: New Source Review	Amend Reg. 2, Rule 2 to address the District's anticipated non-attainment status of the 24-hour PM <sub>2.5</sub> National Ambient Air Quality Standard. In addition, more stringent standards will be considered for sources located in areas of sensitive populations as identified by the District's CARE program.
SSM 18	Revise Regulation 2, Rule 5: New Source Review for Air Toxics	To reduce cumulative impacts in impacted communities, revise District permitting requirements via amendments to Reg. 2, Rule 5, New Source Review of Toxic Air Contaminants (TACs), to impose more stringent standards for new and modified sources located in impacted communities as identified by the District's CARE program.
SSM 19	Revise Air Toxics "Hot Spots" Program	Revise the District's Air Toxics Hot Spots program which focuses on existing sources of toxic air contaminants to incorporate more stringent risk reduction requirements.
<b>Transportation Control Measures</b>		
TCM A-1	Improve Local and Areawide Bus Service	Improve transit by providing new Express Bus or Bus Rapid Transit on major travel corridors, funding the replacement of older and dirtier buses, and implementing Transit Priority Measures on key transit routes.
TCM A-2	Improve Local and Regional Rail Service	Improve rail service by sustaining and expanding local and regional rail services and by providing funds to maintain rail-cars, stations, and other rail capital assets.
TCM A-3	Improve Ferry Service	Improve ferry service by sustaining and expanding Transbay ferry services, consistent with MTC's Resolution 3434 Regional Transit Expansion Program and the Water Emergency Transportation Authority's Ferry Plan.
TCM B-1	Implement Freeway Performance Initiative	Improve the performance and efficiency of freeway and arterial systems through operational improvements, including implementing the Freeway Performance Initiative, the Arterial Management Program and the Bay Area Freeway Service Patrol.
TCM B-2	Improve Transit Efficiency and Use	Improve transit efficiency and use through continued operation of 511 Transit, and full implementation of TransLink <sup>®</sup> fare payment system and the Transit Hub Signage Program.

**TABLE 1-1 BAAQMD 2009 Clean Air Plan Control Measures**

<b>Number</b>	<b>Name</b>	<b>Description</b>
TCM B-3	Bay Area Express Lane Network	Introduce roadway pricing on Bay Area highways through the implementation of an express lane network, also known as a High Occupancy Toll (HOT) lane network.
TCM B-4	Goods Movement Improvements and Emission Reduction Strategies	Improve goods movement and reduce emissions from diesel equipment through implementation of the Bay Area's Trade Corridors Improvement Fund (TCIF) projects and various BAAQMD funding programs to replace or retrofit diesel equipment.
TCM C-1	Support Voluntary Employer-Based Trip Reduction Program	Support voluntary employer trip-reduction programs through the implementation of the 511 Regional Rideshare Program and Congestion Management Agency rideshare programs, BAAQMD's Spare the Air Program, encouraging cities to adopt transit benefit ordinances, and supporting Bay Area shuttle service providers.
TCM C-2	Implement Safe Routes to Schools and Safe Routes to Transit	Facilitate safe routes to schools and transit by providing funds and working with transportation agencies, local governments, schools, and communities to implement safe access for pedestrians and cyclists.
TCM C-3	Promote Rideshare Services and Incentives	Promote rideshare services and incentives through the implementation of the 511 Regional Rideshare Program and Congestion Management Agency rideshare programs including marketing rideshare services, operating rideshare information call center and website, and providing vanpool support services.
TCM C-4	Conduct Public Outreach and Education	Educate the public about the air quality, environmental, and social benefits of carpooling, vanpooling, taking public transit, biking, walking, and telecommuting, through the Spare the Air campaign and Transportation Climate Action Campaign.
TCM C-5	Promote Smart Driving/Speed Moderation	Educate the public about the air quality and climate protection benefits of reducing high-speed driving and observing posted speed limits.
TCM D-1	Improve Bicycle Access and Facilities	Expand bicycle facilities serving transit hubs employment sites, educational and cultural facilities, residential areas, shopping districts, and other activity centers.

**TABLE 1-1 BAAQMD 2009 Clean Air Plan Control Measures**

<b>Number</b>	<b>Name</b>	<b>Description</b>
TCM D-2	Improve Pedestrian Access and Facilities	Provide funding for projects to improve pedestrian access to transit hubs, employment sites, educational and cultural facilities, residential areas, shopping districts, and other activity centers.
TCM D-3	Support Local Land Use Strategies	Promote land use patterns, policies, and infrastructure investments that support mixed-use, transit-oriented development that reduce motor vehicle dependence and facilitate walking, bicycling and transit use.
TCM E-1	Value Pricing Strategies	Test and implement value pricing (congestion pricing) on Bay Area toll bridges to manage travel demand during congested periods. Measure may also include value pricing in the City of San Francisco.
TCM E-2	Parking Pricing and Management Strategies	Promote policies to implement market-rate pricing of parking facilities, reduce parking requirements for new development projects, parking "cash-out", unbundling of parking in residential and commercial leases, shared parking at mixed-use facilities, etc.
TCM E-3	Implement Transportation Pricing Reform	Develop a regional transportation pricing strategy that includes policy evaluation and implementation. Pricing policies to be evaluated include gasoline taxes, bridge tolls, congestion pricing, parking pricing, HOT lanes, VMT or carbon fees, pay-as-you-drive insurance, etc.
<b>Mobile Source Control Measures (On-Road Light Duty Vehicles)</b>		
MSM A-1	Promote Clean, Fuel Efficient Light & Medium-Duty Vehicles	Expand the use of Super Ultra-low Emission (SULEV) and Partial -Zero emission (PZEV) light-duty passenger vehicles and trucks within the Bay Area.
MSM A-2	Zero Emission Vehicles and Plug-in Hybrids	Expand the use of Zero Emission (ZEV) and Plug-in Hybrid (PHEV) passenger vehicles and light-duty trucks within the Bay Area, working in partnership with the Bay Area Electric Vehicle Corridor coalition.
MSM A-3	Green Fleets (Light, Medium & Heavy-Duty Vehicles)	Develop a green fleet certification component of the Bay Area Green Business program, promote best practices for green fleets, and evaluate existing grant programs to ensure incentive funding is directed towards fleets and vehicles that meet stringent fuel economy standards.

**TABLE 1-1 BAAQMD 2009 Clean Air Plan Control Measures**

<b>Number</b>	<b>Name</b>	<b>Description</b>
MSM A-4	Replacement or Repair of High-Emitting Vehicles	Enhancements to the Air District's Vehicle Buy Back program to increase participation from car owners; e.g., via higher cash payments and/or increased marketing. Consider including motorcycles, or other potential enhancements, e.g. implementing the SCAQMD's vehicle repair program. Pursue improvements to the District's Smoking Vehicle program.
<b>Mobile Source Control Measures (On-Road Heavy Duty Vehicles)</b>		
MSM B-1	HDV Fleet Modernization	Provide incentives to accelerate the replacement or retrofit of on-road heavy-duty diesel engines in advance of requirements for the ARB in-use heavy-duty truck regulation.
MSM B-2	Low NOx Retrofits for In-Use Engines	Provide cash incentives to install retrofit devices that reduce NOx emissions from MY 1994-2006 heavy-duty engines. Continue requiring software updates to engine control modules in model year 1993-1998 diesel trucks as a condition of all heavy duty vehicle retrofit grants.
MSM B-3	Efficient Drive Trains	Encourage development and demonstration of hybrid drive trains for medium- and heavy-duty vehicles, in partnership with ARB, CEC and other existing programs.
<b>Mobile Source Control Measures (Off-Road Equipment)</b>		
MSM C-1	Construction and Farming Equipment	Reduce emissions from construction and farming equipment by 1) cash incentives to retrofit construction and farm equipment with diesel particulate matter filters or upgrade to a Tier III or IV off-road engine; 2) work with CARB, CEC and others to develop more fuel efficient off-road engines and drive-trains; 3) work with local communities, contractors and developers to encourage the use of renewable alternative fuels in applicable equipment.
MSM C-2	Lawn & Garden Equipment	Reduce emissions from lawn and garden equipment through voluntary retirement and replacement programs.
MSM C-3	Recreational Vessels	Reduce emissions from recreational vessels through voluntary retirement and replacement programs.

**TABLE 1-1 BAAQMD 2009 Clean Air Plan Control Measures**

<b>Number</b>	<b>Name</b>	<b>Description</b>
<b>Land Use and Local Impact Control Measures</b>		
LUM 1	Indirect Source Review Rule	Develop an indirect source review rule to reduce construction and vehicular emissions associated with new or modified land uses in the Bay Area.
LUM 2	Enhanced CEQA Program	1) Develop revised CEQA guidelines and thresholds of significance and 2) expand District review of CEQA documents.
LUM 3	Reduce Risk from Stationary Sources in Impacted Communities	Establish a system to track cumulative health risks associated with permitted stationary sources in order to monitor progress in reducing population exposure in impacted communities as identified by the District's CARE program.
LUM 4	Goods Movement	Reduce diesel PM and GHG emissions from goods movement in the Bay Area through targeted enforcement of CARB diesel ATCMs in impacted communities, partnerships with ports and other stakeholders, increased signage indicating truck routes and anti-idling rules, shifts in freight transport mode, shore-side power for ships, and improvements in the efficiency of engine drive trains, distribution systems (roadways, logistic systems) and land use patterns.
LUM 5	Land Use Guidelines	Provide guidance to local governments re: 1) air quality and greenhouse gases in General Plans, and 2) how to address and mitigate population exposure related to infill development.
LUM 6	Enhanced Air Quality Monitoring	Expand monitoring program to provide better local air quality monitoring data in impacted communities.
<b>Energy and Climate Control Measures</b>		
ECM 1	Urban Heat Island Mitigation	Mitigate the "urban heat island" effect by requiring and promoting the implementation of cool roofing, cool paving and other strategies.
ECM 2	Renewable Energy	Promote distributed renewable energy generation (solar, micro wind turbines, cogeneration, etc.) on commercial and residential buildings, and at industrial facilities

**TABLE 1-1 BAAQMD 2009 Clean Air Plan Control Measures**

<b>Number</b>	<b>Name</b>	<b>Description</b>
ECM 3	Energy Efficiency	Provide 1) education to increase energy efficiency; 2) technical assistance to local governments to adopt and enforce energy-efficient building codes; and 3) incentives for improving energy efficiency at schools.
ECM 4	Tree-Planting	Promote planting of low-VOC-emitting shade trees to reduce urban heat island effects, save energy, and absorb CO2 and other air pollutants.

## CHAPTER 2

# ENVIRONMENTAL CHECKLIST

### ENVIRONMENTAL CHECKLIST FORM

1. Project Title: Bay Area 2009 Clean Air Plan.
2. Lead Agency Name and Address: Bay Area Air Quality Management District  
939 Ellis Street  
San Francisco, California 94109
3. Contact Person and Phone Number: Greg Tholen, Principal Environmental Planner  
415-749-4954 or gtholen@baaqmd.gov
4. Project Location: The 2009 Clean Air Plan applies to the area within the jurisdiction of the Bay Area Air Quality Management District, which encompasses all of Alameda, Contra Costa, Marin, San Francisco, San Mateo, Santa Clara, and Napa Counties and portions of southwestern Solano and southern Sonoma Counties.
5. Project Sponsor's Name and Address: Bay Area Air Quality Management District  
939 Ellis Street  
San Francisco, California 94109
6. General Plan Designation: The 2009 Clean Air Plan applies to the area within the jurisdiction of the Bay Area Air Quality Management and would encompass all general plan designations within the Bay Area.
7. Zoning: The 2009 Clean Air Plan applies to the area within the jurisdiction of the Bay Area Air Quality Management and would encompass all types of zoning within the Bay Area.
8. Description of Project: See "Project Description" in Chapter 1.
9. Surrounding Land Uses and Setting: See "Project Description" in Chapter 1.
10. Other public agencies whose approval is required: California Air Resources Board

## ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would potentially be affected by this Project (i.e., the project would involve one impact that is a "Potentially Significant Impact"), as indicated by the checklist on the following pages.

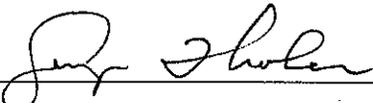
- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Aesthetics                               | <input type="checkbox"/> Agriculture Resources                         | <input checked="" type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources                     | <input type="checkbox"/> Cultural Resources                            | <input type="checkbox"/> Geology/Soils          |
| <input checked="" type="checkbox"/> Hazards & Hazardous Materials | <input checked="" 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 checked="" type="checkbox"/> Utilities/Service Systems     | <input checked="" type="checkbox"/> Mandatory Findings of Significance |   |

## DETERMINATION

On the basis of this initial evaluation:

- I find the proposed project COULD NOT have a significant effect on the environment, and that 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 significant effects in this case because revisions to the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and a PROGRAM ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have an impact on the environment that is "potentially significant" or "potentially significant unless mitigated" 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, because all potentially significant effects (a) have been analyzed adequately in an earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION, pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

  
Signature

August 20, 2009  
Date

Greg Tholen  
Printed Name

Principal Environmental Planner  
Title

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

**I. AESTHETICS.**

Would the project:

- |   |                          |                          |                                     |                                     |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Have a substantial adverse effect on a scenic vista?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings along a scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d) Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?                          | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

## Setting

The BAAQMD covers all of Alameda, Contra Costa, Marin, San Francisco, San Mateo, Santa Clara, and Napa Counties and portions of southwestern Solano and southern Sonoma Counties. The area of coverage is vast (about 5,600 square miles), so that land uses vary greatly and include commercial, industrial, residential, agricultural, and open space uses. The 2009 Clean Air Plan (CAP) would affect various emissions sources within the Bay Area in various locations. Scenic highways or corridors are located in areas affected by the proposed CAP.

## Discussion of Impacts

**I. a) – c):** The proposed control measures in the 2009 CAP are not expected to adversely affect scenic vistas in the district; damage scenic resources, including but not limited to trees, rock outcroppings, or historic buildings within a scenic highway; or substantially degrade the visual character of a site or its surroundings. The reason for this conclusion is that most of the proposed control measures typically affect existing commercial or industrial facilities and reduce emissions from mobile sources, increase energy efficiency, as well as measures to minimize emissions from indirect sources. Industrial or commercial facilities are typically located in appropriately zoned areas (e.g., industrial and commercial areas) that are not usually associated with scenic resources. Construction activities are expected to be limited to industrial and commercial areas. Further, modifications typically occur inside the buildings at the affected facilities, or because of the nature of the business (e.g., commercial or industrial) can easily blend with the facilities with little or no noticeable effect on adjacent areas.

For example, some of the control measures would require additional NO<sub>x</sub> controls on cement kilns (SSM 9), refinery boilers and heaters (SSM 12), and glass furnaces (SSM 16). These control measures could lead to changes in operations or installation of air pollution control devices. While these control devices may be visible to surrounding areas, they would be used within the industrialized areas, which contain cement plants, refineries, and other similar structures. Therefore, no significant adverse aesthetic impacts would be expected.

The Indirect Source Review Measure (LUM 1) and Land Use Guidelines (LUM 5) would attempt to influence land uses associated with new development to minimize air emissions. Development itself has the potential for aesthetic impacts, however, the Indirect Source Control and Land Use Guidelines Measures could influence land uses, for example affecting the number of units, or encouraging bike lanes or pedestrian improvements, or require the payment of fees. Therefore, the Indirect Source Control and Land Use Guidelines Measures are not expected to result in modifications to new development that would generate significant aesthetic impacts. The aesthetic impacts of new development will be evaluated on a case-by-case basis by the appropriate lead agency and are generally subject to CEQA requirements. Any potential impacts can be mitigated by the local land use agency using General Plan and CEQA guidance.

Additional trees could be planted under the Tree Planting Measure (ECM 4). Trees have the potential to block desirable views as well as provide aesthetically pleasing impacts by screening undesirable views (e.g., freeways and streets). This control measure would likely be implemented through local ordinances or as mitigation under CEQA. Aesthetic impacts associated with trees can be handled on a case-by-case basis by developing appropriate planting locations and avoid impacting scenic vistas.

Some control measures would encourage the use of alternative energy sources which could result in the installation of solar panels to generate solar power (ECM 2). Solar panels would be expected to be installed on existing structures to supply electricity as an alternate energy source. Aesthetic impacts would not be expected for the installation of solar panels on new or existing buildings as local land use agencies have development standards in place to ensure significant adverse impacts do not occur.

Some control measures (e.g., LUM 4) could require the installation of additional signs. For example, LUM 4 would increase signs indicating truck routes and anti-idling rules. Such signs are expected to be placed along existing streets and highways and are expected to be similar in size with existing traffic control signs (e.g., stop signs) and near eye-level of drivers. These signs are not expected to impact scenic resources as they would be relatively small and located along existing routes.

The 2009 CAP may have a beneficial effect on scenic resources by improving visibility and reducing regional haze.

**I. d):** The proposed 2009 CAP is not expected to create additional demand for new lighting that could create glare that could adversely affect day or nighttime views in any areas. As noted in item I. a) – c) above, facilities affected by proposed control measures typically make modifications in the interior of an affected facility so any new light sources would typically be inside a building or not noticeable because of the presence of existing outdoor light sources. Further, operators of commercial or industrial facilities who would make physical modifications to facilities and may require additional lighting would be located in appropriately zoned areas that are not usually located next to residential areas, so new light sources, if any, are not expected to be noticeable in residential areas. Most local land use agencies have ordinances that limit the intensity of lighting and its effects on adjacent property owners.

### **Conclusion**

Based upon the above considerations, significant adverse project-specific aesthetic impacts are not expected to occur due to implementation of the 2009 CAP and, therefore, will not be further evaluated in the Draft PEIR.

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

**II. AGRICULTURE RESOURCES.**

In determining whether impacts on agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation. Would the project:

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use or conflict with a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Involve other changes in the existing environment that, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Setting**

The BAAQMD covers all of Alameda, Contra Costa, Marin, San Francisco, San Mateo, Santa Clara, and Napa Counties and portions of southwestern Solano and southern Sonoma Counties. The area of coverage is vast (about 5,600 square miles) so that land uses vary greatly and include commercial, industrial, residential, agricultural, and open space uses. Some of these agricultural lands are under Williamson Act contracts. The control measures would impact industrial and commercial facilities located throughout the area within the jurisdiction of the BAAQMD.

## Discussion of Impacts

**II. a) - c):** The 2009 CAP control measures typically affect existing commercial or industrial facilities, reduce emissions from mobile sources, and reduce emissions from land use decisions. The control measures are not expected to generate any new construction of buildings or other structures that would require conversion of farmland to non-agricultural use or conflict with zoning for agricultural uses or a Williamson Act contract. There are no provisions in the proposed 2009 CAP that would affect or conflict with existing land use plans, policies, or regulations or require conversion of farmland to non-agricultural uses. Some control measures could impact agricultural facilities and farmers by controlling emissions from construction and farming equipment (MSM B 5) and reducing emissions from livestock wastes (SSM 4). However, these control measures are not expected to convert agricultural land uses to non-agricultural land uses. Land use, including agriculture-related uses, and other planning considerations are determined by local governments and no agricultural land use or planning requirements will be altered by the proposed project. The 2009 CAP could provide benefits to agricultural resources by reducing air pollutants, including ozone precursors and, thus, reducing the adverse impacts of ozone on plants and animals.

The Indirect Source Review Measure (LUM 1) would attempt to influence land uses associated with new development to minimize air emissions. Development itself has the potential for impacts to agricultural resources, however, the Indirect Source Review Control Measure could influence land uses, for example affecting the number of units, or encouraging bike lanes or pedestrian improvements, or require the payment of fees. Therefore, the Indirect Source Control Measure is not expected to result in modifications to new development that would generate significant impacts on agricultural resources or encourage the development of existing agricultural lands. As a result, Land Use and Local Impact Measures are not expected to adversely affect local land use policies or result in the conversion of agricultural lands to non-agricultural land uses.

The open burning control measure (SSM 9) would limit the amount of agricultural burning on any given day to minimize excessive smoke and particulate matter emissions. Although the control measure would limit the amount of open burning on a given day, open burning would be allowed to occur on other days. This measure is expected to spread out open burning so that it is not concentrated on certain days or in certain areas. Since open burning would still be allowed, impacts on farmers and agricultural resources are expected to be minimal.

### Conclusion

Based upon the above considerations, significant adverse project-specific impacts to agricultural resources are not expected to occur due to implementation of the 2009 CAP and, therefore, will not be further analyzed in the Draft PEIR.

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

**III. AIR QUALITY:**

When available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute to an existing or projected air quality violation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is a non-attainment area for an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Diminish an existing air quality rule or future compliance requirement resulting in a significant increase in air pollutant(s)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Setting

It is the responsibility of the BAAQMD to ensure that state and federal ambient air quality standards are achieved and maintained in its geographical jurisdiction. Health-based air quality standards have been established by California and the federal government for the following criteria air pollutants: ozone, carbon monoxide (CO), nitrogen dioxide (NO<sub>2</sub>), particulate matter less than 10 microns in diameter (PM<sub>10</sub>), particulate matter less than 2.5 microns in diameter (PM<sub>2.5</sub>), sulfur dioxide (SO<sub>2</sub>), and lead.

Air quality conditions in the San Francisco Bay Area have improved since the Air District was created in 1955. Ambient concentrations of air pollutants and the number of days on which the region exceeds air quality standards have fallen. The Air District is in attainment of the State and federal ambient air quality standards for CO, nitrogen oxides (NO<sub>x</sub>), and SO<sub>2</sub>. The Air District is not considered to be in attainment with the State PM<sub>10</sub> and PM<sub>2.5</sub> standards. At the time of this writing, the U.S. EPA has recommended that the Bay Area be designated nonattainment of the new lower standard for the 24-hour PM<sub>2.5</sub> NAAQS of 35 µ/m<sup>3</sup>. The designation is not official until it is published in the Federal Register. The Bay Area is designated as non-attainment for the federal 8-hour and California 1- and 8-hour ozone standards.

## Discussion of Impacts

**III. a):** The proposed project is an update of the BAAQMD's 2005 Ozone Strategy, which is required pursuant to state law. By revising and updating emission inventories and control strategies, the BAAQMD is complying with state law, and furthering development and implementation of control measures, which are expected to reduce emissions and make progress towards attaining and maintaining state and federal ambient air quality standards for ozone and particulate matter in the District. The 2009 CAP will also implement control measures to reduce toxic air contaminants and greenhouse gases. The 2009 CAP will update and replace the 2005 Ozone Strategy as the air quality plan for the Bay Area, therefore, no significant impact is expected and this topic will not be further evaluated in the Draft PEIR.

**III. b), d):** The anticipated effect of implementing the 2009 CAP is obtaining new or further emissions reductions from both stationary and mobile sources. Therefore, the overall effect of the 2009 CAP is expected to be a beneficial impact on air quality. Implementing control measures often requires installing air pollution control equipment. Although the primary effect of installing air pollution control equipment is to reduce emissions of a particular pollutant, e.g., VOCs, some types of control equipment have the potential to create secondary adverse air quality impacts, e.g., increased NO<sub>x</sub> emissions if VOC emissions are controlled through a combustion process (e.g., afterburner) or require additional energy to operate. Further, some facility operators may elect to reduce their VOC emissions by replacing the high-VOC materials with alternative chemicals or

water-based formulations that may contain toxic compounds, such as formaldehyde or glycol ethers. As a result, material replacement or reformulation to reduce the use of high-VOC materials has the potential to result in health risks associated with exposure to both carcinogenic and non-carcinogenic toxic air contaminants. Control measures aimed at reducing NO<sub>x</sub> from stationary sources may use ammonia for control (e.g., selective catalytic reduction). Ammonia use could result in increased ammonia emissions and, since ammonia is a precursor to particulate formation, increased particulate emissions. Because of the potential for secondary emissions from air pollution control equipment or reformulated products, there is a potential that sensitive receptors could be exposed to increased pollutant concentrations, which may be significant. As a result, these potential air quality impacts will be evaluated in the Draft PEIR.

All control measures are expected to improve air quality overall by reducing NO<sub>x</sub>, particulate matter, GHG, and/or toxic air contaminant emissions, but there may be certain limited trade-offs. The 2009 CAP control measures would promote an increase in the use of electricity, e.g., use of Clean Vehicles, Zero Emission Vehicles and Hybrids (MSM A-1 and MSM A-2), encourage the use of green fleets (MSM A-3 and MSM B-1), electrifying equipment at ports (LUM 4) and increased use of hybrid drive trains (MSM B-3). These control measures are expected to reduce the use of fossil fuels resulting in a decrease in the emissions of NO<sub>x</sub>, particulate matter, and diesel particulate emissions. The control measures would also result in the need for additional electricity and potentially result in the construction and operation of new electrical power plants and increased emissions from power plants and these impacts will be evaluated in the PEIR.

Emissions from one pollutant may increase slightly in order to effectively reduce overall emissions and protect public health. Diesel particulate emissions are expected to be reduced through the use of diesel particulate filters (MSM C-1). This control measure also has the potential to reduce engine efficiency and increase fuel use under certain circumstances. Potentially significant impacts on criteria pollutants may occur due to: use of diesel particulate filters (MSM C-1); and use of biodiesel or alternative diesel fuel. The reformulation of digital printing ink (SSM 3) is expected to result in a decrease in VOC emissions, but could also result in potentially significant air toxics impacts, depending on the materials used in the reformulated products. The use of new fuel or alternative fuels (MSM A-3 and MSM C-1) may also result in a decrease in criteria and diesel particulate emissions, but could result in an increase in other toxic air contaminants. As a result, these potential air quality impacts will be evaluated in the Draft PEIR.

**III. c):** The overall effect of the 2009 CAP is expected to be a decrease in emissions of ozone precursors (NO<sub>x</sub> and VOC), particulate matter, toxic air contaminants, and GHG. Therefore, the cumulative air quality impacts of the proposed 2009 CAP are expected to be beneficial. However, some proposed control measures may individually result in an incremental contribution to existing adverse air quality conditions.

The mobile source control measures, transportation control measures, and indirect source control measures are intended to encourage replacement of old, inefficient engines and/or reduce vehicle miles traveled and they will reduce criteria pollutant emissions as well as GHG emissions as compared to the No Project Alternative. However, secondary air quality impacts of some control measures may include increased emissions. For example, potentially significant global warming impacts could result from measures that may reduce fuel efficiency, increase energy use or strategies that increase natural gas consumption (e.g., increased electricity production). Cumulative air quality impacts from implementing the 2009 CAP will be evaluated in the Draft PEIR.

**III. e):** Previous environmental analyses of projects evaluating implementation of air quality plan control measures into rules or regulations, especially control measures that involve reformulated coatings or solvents, have included assessments of potential odor impacts. Although in some cases reformulated products have noticeable odors, it is typically the case that reformulated products have less noticeable odors than the products they are replacing. Reformulated products tend to have reduced VOC content and reduced emissions and, therefore, fewer potential odor impacts. As a result, significant adverse odor impacts have not been associated with reformulated products compared to conventional high VOC products. Measures that would control composting operations (SSM 2) and livestock waste (SSM 6) would tend to reduce odor impacts associated with composting and livestock operations. Modifications required at industrial facilities because of the 2009 CAP would still be subject to existing air quality rules and regulations, including BAAQMD's Regulation 7—Odorous Substances, which prohibits creating odor nuisances. For these reasons, implementing the 2009 CAP is not expected to create significant adverse odor impacts and, therefore, will not be further addressed in the Draft PEIR.

**III. f):** Promulgating control measures for stationary sources and mobile sources into rules or regulations typically serves to strengthen an existing rule or regulation, not weaken it. Similarly, control measures included in the CAP may be promulgated as a new rule or regulation, which typically controls emissions from unregulated or minimally regulated sources. As a result, the proposed project will not diminish an existing air quality rule. This topic will not be further analyzed in the Draft PEIR.

## **Conclusion**

The goal of the CAP is to protect public health by achieving the state and federal ambient air quality standards. The 2009 CAP is expected to result in large emission reductions; however, secondary adverse air quality impacts may occur from implementing some of individual control measures in the CAP due to localized increases in criteria pollutant or toxic air contaminant emissions from certain types of air pollution control equipment. Therefore, potential adverse air quality impacts resulting from implementing the 2009 CAP will be evaluated in the Draft PEIR.

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

**IV. BIOLOGICAL RESOURCES.**

Would the project:

- |    |   |                          |                          |                          |                                     |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) | Have a substantial adverse effect, either directly or through habitat modifications, 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) | Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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 wetlands, etc.) through direct removal, filling, hydrological interruption, or other means?                                    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- e) Conflicting with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
- 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?

## Setting

The BAAQMD covers all of Alameda, Contra Costa, Marin, San Francisco, San Mateo, Santa Clara, and Napa Counties and portions of southwestern Solano and southern Sonoma Counties. The area of coverage is vast (about 5,600 square miles) so that land uses vary greatly and include commercial, industrial, residential, agricultural, and open space uses. A wide variety of biological resources are located within the Bay Area.

The entire area under the jurisdiction of the BAAQMD is affected by the proposed control measures, and is located within the Bay Area-Delta Bioregion (as defined by the State's Natural Communities Conservation Program). This Bioregion is comprised of a variety of natural communities, which range from salt marshes to chaparral to oak woodland. A majority of the affected areas have been graded to develop various commercial or residential structures. Native vegetation, other than landscape vegetation, has generally been removed from areas to minimize safety and fire hazards. Any new development would be required to comply with local ordinances and plans.

## Discussion of Impacts

**IV. a), b), d):** No direct or indirect impacts from implementing 2009 CAP control measures were identified that could adversely affect plant and/or animal species in the district. The 2009 CAP control measures typically affect existing commercial or industrial facilities and reduce emissions from mobile sources, increase energy efficiency, as well as measures to minimize emissions from indirect sources. Existing commercial or industrial facilities are generally located in appropriately zoned commercial or industrial areas, which typically do not support 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. Similarly, modifications at existing facilities would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with native or resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. Further, since the proposed

2009 CAP primarily regulates stationary emission sources at existing and new commercial or industrial facilities, it does not directly or indirectly affect local agency land use policy that may adversely affect riparian habitat or other sensitive natural communities identified in local or regional plans, policies, or regulations, or identified by the California Department of Fish and Game or U.S. Fish and Wildlife Service. Improving air quality is expected to provide health and welfare benefits to plant and animal species in the Bay Area. There are no control measures contained in the 2009 CAP that would alter this determination.

**IV. c):** As noted in the previous item, proposed control measures in the 2009 CAP may require modifications at existing industrial or commercial facilities to control or further control emissions, reduce mobile source emissions, increase energy efficiency, and reduce emissions from land use decisions. Some control measures could result in the installation of additional controls at industrial or commercial facilities. The installation of air pollution control equipment at these facilities would be consistent with commercial/industrial land uses. For these reasons the proposed project will not adversely affect protected wetlands as defined by §404 of the Clean Water Act, including, but not limited to marshes, vernal pools, coastal wetlands, etc., through direct removal, filling, hydrological interruption or other means.

**IV. e), f):** Implementing the proposed 2009 CAP is not expected to adversely effect land use plans, local policies or ordinances, or regulations protecting biological resources such as a tree preservation policy or ordinance for the reasons already given, i.e. control measures promulgated as rules or regulations primarily affect existing facilities located in appropriately zoned areas, reduce emissions from mobile sources, and reduce emissions from land use decisions. Land use and other planning considerations are determined by local governments and land use or planning requirements are not expected to be altered by the proposed project. Similarly, the proposed 2009 CAP is not expected to affect in any way habitat conservation or natural community conservation plans, agricultural resources or operations, and would not create divisions in any existing communities.

The Indirect Source Review (LUM 1) and Land Use Guidelines Measures (LUM 5) would attempt to influence land uses associated with new development to minimize air emissions. Development itself has the potential for biological impacts, however, the Indirect Source Control and Land Use Guidelines Measures could influence land uses, for example affecting the number of units, or encouraging bike lanes or pedestrian improvements, or require the payment of fees. Therefore, these measures are not expected to result in modifications to new development that would generate significant biological impacts. The biological impacts of new development will be evaluated on a case-by-case basis by the local lead agency and are generally subject to CEQA requirements. Any potential impacts can be mitigated by the local land use agency using General Plan and habitat conservation guidance.

The 2009 CAP includes the Tree Planting (ECM 4) Measure that would encourage additional tree planting. The trees are expected to be planted in urban areas as part of landscaped vegetation and are not expected to displace any native habitat or conflict with

local policies. Rather the control measure is expected to encourage local tree policies to include the use of additional trees to provide landscaping that shades urban development, resulting in cooler temperatures and less energy used for cooling. Improving air quality is expected to provide health and welfare benefits to plant and animal species in the district.

**Conclusion**

Based upon the above considerations, significant adverse project-specific biological resources impacts are not expected to occur due to implementation of the 2009 CAP and, therefore, will not be further evaluated in the Draft PEIR.

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

**V. CULTURAL RESOURCES.**

Would the project:

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?              | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Disturb any human remains, including those interred outside formal cemeteries?                                    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**Setting**

The BAAQMD covers all of Alameda, Contra Costa, Marin, San Francisco, San Mateo, Santa Clara, and Napa Counties and portions of southwestern Solano and southern Sonoma Counties. The area of coverage is vast (about 5,600 square miles) so that land uses vary greatly and include commercial, industrial, residential, agricultural and open

space uses. Cultural resources are defined as buildings, sites, structures, or objects which might have historical architectural, archaeological, cultural, or scientific importance.

The Carquinez Strait represents the entry point for the Sacramento and San Joaquin Rivers into the San Francisco Bay. This locality lies within the San Francisco Bay and the west end of the Central Valley archaeological regions, both of which contain a rich array of prehistoric and historical cultural resources. The areas surrounding the Carquinez Strait and Suisun Bay have been occupied for millennia given their abundant combination of littoral and oak woodland resources.

## Discussion of Impacts

**V. a) - d):** CEQA Guidelines state that “generally, a resource shall be considered ‘historically significant’ if the resource meets the criteria for listing in the California Register of Historical Resources including the following:

- A) Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
- B) Is associated with the lives of persons important in our past;
- C) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values;
- D) Has yielded or may be likely to yield information important in prehistory or history” (CEQA Guidelines §15064.5).

Generally, resources (buildings, structures, equipment) that are less than 50 years old are excluded from listing in the National Register of Historic Places unless they can be shown to be exceptionally important. Implementing the proposed 2009 CAP is primarily expected to result in controlling stationary source emissions at existing commercial or industrial facilities, reducing emissions from mobile sources, and reducing emissions from land use decisions. Affected facilities where physical modifications may occur are typically located in appropriately zoned commercial or industrial areas that have previously been disturbed. Because potentially affected facilities are existing facilities and controlling stationary source emissions does not typically require extensive cut-and-fill activities or excavation, it is unlikely that implementing control measures in the proposed 2009 CAP will: adversely affect historical or archaeological resources as defined in CEQA Guidelines §15064.5, destroy unique paleontological resources or unique geologic features, or disturb human remains interred outside formal cemeteries.

Implementing control measures in the proposed 2009 CAP may require minor site preparation and grading at an affected facility. Additional development would not be expected to uncover cultural resources in already developed and urbanized areas

including existing industrial and commercial facilities that may be affected by the stationary source control measures. If archaeological or paleontological resources are uncovered, significant adverse cultural resources impacts are not anticipated because there are existing laws in place that are designed to protect and mitigate potential adverse impacts to cultural resources. As with any construction activity, should archaeological resources be found during construction that results from implementing the proposed control measures, the activity would cease until a thorough archaeological assessment is conducted.

Land Use and Local Impact Measures in the 2009 CAP may require emission reductions from new or redevelopment land use projects (LUM 1 and LUM 4). These control measures, however, do not initiate or promote land use projects, they may simply require emission reductions after the decision has already been made to pursue new or redevelopment projects. As a result, Land Use and Local Impact Measures are not expected to adversely affect local land use policies or create additional development that would impact cultural resources.

**Conclusion**

Based upon the above considerations, significant adverse project-specific cultural resources impacts are not expected to occur due to implementation of the 2009 CAP and, therefore, will not be further evaluated in the Draft PEIR.

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

**VI. GEOLOGY AND SOILS.**

Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

- Rupture of a 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 Division of Mines and Geology Special Publication 42.
- Strong seismic ground shaking?

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| • Seismic-related ground failure, including liquefaction?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| • Landslides?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Result in substantial soil erosion or the loss of topsoil?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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 onsite or offsite landslide, lateral spreading, subsidence, liquefaction or collapse? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

## Setting

The Bay Area is located in the natural region of California known as the Coast Ranges geomorphic province. The province is characterized by a series of northwest trending ridges and valleys controlled by tectonic folding and faulting, examples of which include the Suisun Bay, East Bay Hills, Briones Hills, Vaca Mountains, Napa Valley, and Diablo Ranges.

Regional basement rocks consist of the highly deformed Great Valley Sequence, which include massive beds of sandstone inter-fingered with siltstone and shale. Unconsolidated alluvial deposits, artificial fill, and estuarine deposits, (including Bay Mud) underlie the low-lying region along the margins of the Carquinez Strait and Suisun Bay. The estuarine sediments found along the shorelines of Solano County are soft, water-saturated mud, peat and loose sands. The organic, soft, clay-rich sediments along the San Francisco and San Pablo Bays are referred to locally as Bay Mud and can present a variety of engineering challenges due to inherent low strength, compressibility

and saturated conditions. Landslides in the region occur in weak, easily weathered bedrock on relatively steep slopes.

The San Francisco Bay Area is a seismically active region, which is situated on a plate boundary marked by the San Andreas Fault System. Several northwest trending active and potentially active faults are included with this fault system. Under the Alquist-Priolo Earthquake Fault Zoning Act, Earthquake Fault Zones were established by the California Division of Mines and Geology along "active" faults, or faults along which surface rupture occurred in Holocene time (the last 11,000 years). In the Bay area, these faults include the San Andreas, Hayward, Rodgers Creek-Healdsburg, Concord-Green Valley, Greenville-Marsh Creek, Seal Cove/San Gregorio and West Napa faults. Other smaller faults in the region classified as potentially active include the Southampton and Franklin faults.

Ground movement intensity during an earthquake can vary depending on the overall magnitude, distance to the fault, focus of earthquake energy, and type of geological material. Areas that are underlain by bedrock tend to experience less ground shaking than those underlain by unconsolidated sediments such as artificial fill. Earthquake ground shaking may have secondary effects on certain foundation materials, including liquefaction, seismically induced settlement, and lateral spreading.

## Discussion of Impacts

**VI. a), c) and d):** The proposed 2009 CAP will not directly or indirectly expose people or structures to earthquake faults, seismic shaking, seismic-related ground failure including liquefaction, landslides, mudslides or substantial soil erosion for the following reasons. When implemented as rules or regulations, control measures do not directly or indirectly result in construction of new structures. Some structural modifications, however, at existing affected facilities may occur as a result of installing control equipment or making process modifications. In any event, existing affected facilities or modifications to existing facilities would be required to comply with relevant California Building Code requirements in effect at the time of initial construction or modification of a structure.

New structures must be designed to comply with the California Building Code seismic zone requirements since the district is located in a seismically active area. The local cities or counties are responsible for assuring that projects comply with the California Building Code as part of the issuance of the building permits and can conduct inspections to ensure compliance. The California Building Code is considered to be a standard safeguard against major structural failures and loss of life. The goal of the Code is to provide structures that will: (1) resist minor earthquakes without damage; (2) resist moderate earthquakes without structural damage but with some non-structural damage; and (3) resist major earthquakes without collapse but with some structural and non-structural damage.

The California Building Code bases seismic design on minimum lateral seismic forces ("ground shaking"). The California Building Code requirements operate on the principle that providing appropriate foundations, among other aspects, helps to protect buildings from failure during earthquakes. The basic formulas used for the California Building Code seismic design require determination of the seismic zone and site coefficient, which represents the foundation conditions at the site.

Any potentially affected facilities that are located in areas where there has been historic occurrence of liquefaction, e.g., coastal zones, or existing conditions indicate a potential for liquefaction, including expansive or unconsolidated granular soils and a high water table, may have the potential for liquefaction-induced impacts at the project sites. The California Building Code requirements consider liquefaction potential and establish more stringent requirements for building foundations in areas potentially subject to liquefaction. Therefore, compliance with the California Building Code requirements is expected to minimize the potential impacts associated with liquefaction. The issuance of building permits from the local cities or counties will assure compliance with the California Building Code requirements. Therefore, no significant impacts from liquefaction are expected and this potential impact will not be considered further.

Because facilities affected by any 2009 CAP control measures are typically located in industrial or commercial areas, which are not typically located near known geological hazards (e.g., landslide, mudflow, seiche, tsunami or volcanic hazards), no significant adverse geological impacts are expected. Tsunamis at the facilities near the water or within the ports are not expected because the San Francisco Bay is largely protected from wave action. 2009 CAP control measures will not locate sources closer to hazards such as water or increase potential exposures to tsunamis. As a result, these topics will not be further evaluated in the Draft PEIR.

**VI. b):** Although the proposed 2009 CAP control measures may require modifications at existing industrial or commercial facilities to control or further control emissions, reduce mobile source emissions, increase energy efficiency, and reduce emissions from land use decisions, such modifications are not expected to require substantial grading, construction activities, or paving of unpaved areas. The proposed project does not have the potential to substantially increase the area subject to compaction or overcovering since the subject areas would be limited in size and, typically, have already been graded or displaced in some way (e.g., additional structures at industrial or commercial areas). Therefore, significant adverse soil erosion impacts are not anticipated from implementing the 2009 CAP and will not be further analyzed in the Draft PEIR.

**VI. e):** Septic tanks or other similar alternative wastewater disposal systems are typically associated with small residential projects in remote areas. The proposed 2009 CAP does not contain any control measures that generate construction of residential projects in remote areas. The proposed control measures typically affect existing industrial or commercial facilities that are already connected to appropriate wastewater facilities.

Based on these considerations, the use of septic tanks or other alternative wastewater disposal systems will not be further evaluated in the Draft PEIR.

**Conclusion**

Based upon the above considerations, significant adverse project-specific impacts to geology and soils are not expected to occur due to implementation of the 2009 CAP and, therefore, will not be further evaluated in the Draft PEIR.

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

**VII. 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?   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| 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?                               | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| c) Emit hazardous emissions or involve handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| d) Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

- |    |   |                                     |                          |                                     |                                     |
|----|---|-------------------------------------|--------------------------|-------------------------------------|-------------------------------------|
| e) | Be located within an airport land use plan or, where such a plan has not been adopted, be within two miles of a public airport or public use airport, and result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| f) | Be located within the vicinity of a private airstrip and result in a safety hazard for people residing or working in the project area?  | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| g) | Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?  | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 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?                       | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| i) | Significantly increased fire hazard in areas with flammable materials?  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |

## Setting

Hazards are related to the risks of fire, explosions, or releases of hazardous substances in the event of accident or upset conditions. Hazards are related to the production, use, storage, and transport of hazardous materials. Industrial production and processing facilities are potential sites for hazardous materials. Some facilities produce hazardous materials as their end product, while others use such materials as an input to their production processes. Examples of hazardous materials used by consumers include fuels, paints, paint thinner, nail polish, and solvents. Hazardous materials may be stored at facilities producing such materials and at facilities where hazardous materials are part of the production processes. Currently, hazardous materials are transported throughout the Bay Area in great quantities via all modes of transportation including rail, highway, water, air, and pipeline.

The potential hazards associated with handling such materials are a function of the materials being processed, processing systems, and procedures used to operate and maintain the facilities where they exist. The hazards that are likely to exist are identified by the physical and chemical properties of the materials being handled and their process conditions, including fires, vapor cloud explosions, thermal radiation, and explosion/overpressure.

## Discussion of Impacts

**VII. a) - b):** The proposed 2009 CAP has the potential to create direct or indirect hazard impacts in several ways. Some control measures that would regulate VOC emissions by establishing VOC content requirements for products such as digital printing (SSM 3) may result in reformulating these products with materials that are low or exempt VOC materials. It is possible that such reformulated products could have hazardous physical or chemical properties, which could create hazard impacts through the routine transport or disposal of these materials or through upset conditions involving the accidental release of these materials into the environment. Greater use of alternative clean fuels (e.g., alternative fuels in MSM A-2, MSM A-3, MSM B-1, MSM C-1 and LUM 4 and biodiesel in MSM B-5) could also create hazard impacts in the event of an accidental release of these materials into the environment. The use of alternative fuels could also be encouraged in other control measures (e.g., LUM 1, LUM 2, LUM 3, and LUM 5). Further, the NO<sub>x</sub> reduction control measures could result in the increased use of ammonia in selective catalytic reduction (SCR) units. These potential hazard impacts will be further evaluated in the Draft PEIR.

**VII. c):** The 2009 CAP may involve the handling of hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school. These potential hazard impacts will be further evaluated in the Draft PEIR. Impacts related to public exposure to toxic air contaminants will be addressed in the "Air Quality" section of the Draft PEIR. The 2009 CAP also includes Control Measure LUM 3, which would establish a system to track cumulative health risks associated with permitted stationary sources in impacted communities and could result in additional air pollution control and a reduction in health risk in impacted communities, including near sensitive receptors.

**VII. d):** Government Code §65962.5 requires creation of lists of facilities that may be subject to Resource Conservation and Recovery Act (RCRA) permits or site cleanup activities. For any facilities affected by the 2009 CAP proposed control measures, it is anticipated that they would be required to manage any and all hazardous materials in accordance with federal, state and local regulations. Control measures are not expected to interfere with site cleanup activities or create additional site contamination. Therefore, this topic is less than significant and will not be further evaluated in the Draft PEIR.

**VII. e) and f):** The proposed project will not adversely affect any airport land use plan or result in any safety hazard for people residing or working in the district. U.S.

Department of Transportation – Federal Aviation Administration Advisory Circular AC 70/7460-2K provides information regarding the types of projects that may affect navigable airspace. Projects that involve construction or alteration of structures greater than 200 feet above ground level within a specified distance from the nearest runway; objects within 20,000 feet of an airport or seaplane base with at least one runway more than 3,200 feet in length and the object would exceed a slope of 100:1 horizontally (100 feet horizontally for each one foot vertically from the nearest point of the runway); etc., may adversely affect navigable airspace. Control measures in the proposed 2009 CAP are not expected to require construction of tall structures near airports so potential impacts to airport land use plans or safety hazards to people residing or working in the vicinity of local airports are not anticipated. Control measures could result in additional controls of equipment at or near airports. These controls may establish emission standards or increase the use of electrical equipment, but are not expected to interfere with airport activities. This potential impact will not be further addressed in the Draft PEIR.

**VII. g):** The proposed project will not impair implementation of, or physically interfere with any adopted emergency response plan or emergency evacuation plan. Operators of any existing commercial or industrial facilities affected by proposed 2009 CAP control measures will typically have their own emergency response plans for their facilities already in place. Emergency response plans are typically prepared in coordination with the local city or county emergency plans to ensure the safety of not only the public, but the facility employees as well. The implementation of certain control measures could result in the need for additional storage of hazardous materials (e.g., ammonia). Such modifications may require revisions to emergency response plans if new hazardous materials are introduced to a facility. However, these modifications would not be expected to interfere with emergency response procedures. Adopting the proposed 2009 CAP is not expected to interfere with any emergency response procedures or evacuation plans and, therefore, will not be further evaluated in the Draft PEIR.

**VII. h):** The proposed 2009 CAP would typically affect existing commercial or industrial facilities in appropriately zoned areas, reduce mobile source emissions, increase energy efficiency, and reduce emissions from land use decisions. Since commercial and industrial areas are not typically located near wildland or forested areas, implementing the proposed control measures has no potential to increase the risk of wildland fires in these areas. The proposed 2009 CAP does not require construction of structures for new land uses in any areas of the district and, therefore, is not expected to create additional development in areas subject to wildland fires. There are no provisions of the proposed project that would directly affect existing land use plans, policies, or regulations. This topic will not be further evaluated in the Draft PEIR.

**VII. i):** The 2009 CAP may contain some control measures that require add-on control equipment or reformulated products that may increase potential fire hazards in areas with flammable materials. The potential for increased probability of explosion, fire, or other hazards will be addressed in the Draft PEIR.

**Conclusion**

Based upon the above considerations, the potentially adverse significant hazard impacts due to the increased probability of explosion, fire, or other risk of upset occurrences associated with the 2009 CAP will be addressed in the Draft PEIR.

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

**VIII. HYDROLOGY AND WATER QUALITY.**

Would the project:

- |    |  |                                     |                          |                                     |                          |
|----|--|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| a) | Violate any water quality standards or waste discharge requirements?   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| b) | Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit 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 that would not support existing land uses or planned uses for which permits have been granted)? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| c) | Substantially alter the existing drainage pattern of the site or area, including through alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation onsite or offsite?   | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

- |  |                                     |                          |                                     |                                     |
|--|-------------------------------------|--------------------------|-------------------------------------|-------------------------------------|
| d) Substantially alter the existing drainage pattern of the site or area, including through alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding onsite or offsite? | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| e) Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?   | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| f) Otherwise substantially degrade water quality?  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| 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?  | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?   | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 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?   | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| j) Inundation by seiche, tsunami, or mudflow?  | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

## Setting

The BAAQMD covers all of Alameda, Contra Costa, Marin, San Francisco, San Mateo, Santa Clara, and Napa Counties and portions of southwestern Solano and southern Sonoma Counties. The area of coverage is vast (about 5,600 square miles). Reservoirs

and drainage streams are located throughout the area and discharge into the Bays. Marshlands incised with numerous winding tidal channels containing brackish water are located throughout the Bay Area.

The Bay Area is located within the San Francisco Bay Area Hydrologic Basin. The primary regional groundwater water-bearing formations include the recent and Pleistocene (up to two million years old) alluvial deposits and the Pleistocene Huichica formation. Salinity within the unconfined alluvium appears to increase with depth to at least 300 feet. Water of the Huichica formation tends to be soft and relatively high in bicarbonate, although usable for domestic and irrigation needs.

## Discussion of Impacts

**VIII. a) and f):** The proposed 2009 CAP control measures may require modifications at existing industrial or commercial facilities. Control measures that would control particulate and/or SO<sub>x</sub> emissions could require additional water use and wastewater discharge from devices like wet gas scrubbers (e.g., SSM 4 and SSM 9).

To reduce VOC emissions, one proposed control measure (SSM 3) may involve reformulating inks used in digital printing with low VOC or exempt solvents. Under this circumstance, it is not expected that there will be a substantial increase in the volume of wastewater generated by affected facilities, but there could be a slight change in the nature and toxicity of wastewater effluent. The stationary source measures may generate potentially significant adverse water quality impacts from add-on air pollution control equipment such as wet scrubbers, alternative transportation fuels, and reformulated low-VOC consumer products.

It is assumed that any affected facilities that generate wastewater and are subject to waste discharge or pretreatment requirements currently comply with and will continue to comply with all relevant wastewater requirements, waste discharge regulations and standards for stormwater runoff, and any other relevant requirements for direct discharges into sewer systems. These standards and permits require water quality monitoring and reporting for onsite water-related activities. Should the volume or discharge limits change as a result of implementing control measures, the facility would be required to consult with the appropriate regional water quality control board and/or the local sanitation district to discuss these changes. Nonetheless, implementing the 2009 CAP may generate additional wastewater that could impact water quality standards or waste discharge requirements. Therefore, this topic will be evaluated further in the Draft PEIR.

**VIII. b):** As discussed above, control measures that would control particulate and/or SO<sub>x</sub> emissions could require additional water use and wastewater discharge from affected facilities. The proposed project contains control measures that would generally allow for a number of different control technologies, some of which could require an increase in water usage at affected facilities (e.g., wet gas scrubbers). Thus, implementing the proposed project could require additional water, some of which could come from

ground water supplies. This topic is potentially significant and will be evaluated further in the Draft PEIR.

**VIII. c), d), and e):** The proposed 2009 CAP generally is expected to impose control requirements on stationary sources at existing commercial and industrial facilities, reduce emissions from mobile sources, and reduce emissions from land use decisions. The proposed project does not have the potential to substantially increase the area subject to runoff since the subject areas would be limited in size and, typically, have already been graded or displaced in some way (e.g., existing industrial or commercial facilities).

CAP control measures would not be expected to generate in and of themselves new structures that could alter existing drainage patterns by altering the course of a river or stream that would result in substantial erosion, siltation, or flooding on or offsite, increase the rate or amount of surface runoff that would exceed the capacity of existing or planned stormwater drainage systems, etc. Although minor modifications might occur at commercial or industrial facilities affected by the proposed 2009 CAP control measures, these facilities have, typically, already been graded and the areas surrounding them have likely already been paved over or landscaped. As a result, further minor modifications at affected facilities that may occur as a result of implementing the 2009 CAP control measures are not expected to alter in any way existing drainage patterns or stormwater runoff. Since this potential adverse impact is not considered to be significant, it will not be further evaluated in the Draft PEIR.

**VIII. g), h), i), and j):** The proposed project does not include the construction of new or relocation of existing housing or other types of facilities and, as such, would not require the placement of housing or other structures within a 100-year flood hazard area. (See also XII "Population and Housing"). As a result, the proposed project would not be expected to create or substantially increase risks from flooding; expose people or structures to significant risk of loss, injury or death involving flooding; or increase existing risks, if any, of inundation by seiche, tsunami, or mudflow. Consequently, this topic will not be evaluated further in the Draft PEIR.

### **Conclusion**

Implementing the proposed 2009 CAP control measures could result in increased water demand and wastewater generation that could result in potentially significant adverse impacts. Consequently, these impacts will be addressed in the Draft PEIR.

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>IX. LAND USE AND PLANNING.</b>				
Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to a general plan, specific plan, local coastal program or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Setting

The BAAQMD covers all of Alameda, Contra Costa, Marin, San Francisco, San Mateo, Santa Clara, and Napa Counties and portions of southwestern Solano and southern Sonoma Counties. The area of coverage is vast (about 5,600 square miles) so that land uses vary greatly and include commercial, industrial, residential, agricultural, and open space uses. The 2009 CAP control measures generally affect stationary sources that are located in industrial and commercial areas throughout the jurisdiction of the BAAQMD. Some control measures (e.g., LUM 1 and LUM 5) may also affect most types of development projects.

## Discussion of Impacts

**IX. a) and c):** The proposed 2009 CAP generally is expected to impose control requirements on stationary sources at existing commercial or industrial facilities, reduce emissions from mobile sources, increase energy efficiency, and reduce emissions from land use decisions. As a result, the proposed 2009 CAP does not require construction of structures for new land uses in any areas of the district and, therefore, is not expected to

create divisions in any existing communities or conflict with any applicable habitat conservation or natural community conservation plans.

**IX. b):** Any facilities affected by the proposed 2009 CAP would still be expected to comply with, and not interfere with, any applicable land use plans, zoning ordinances, habitat conservation or natural community conservation plans. There are no provisions of the proposed project that would directly affect these plans, policies, or regulations. Air districts are specifically excluded from infringing on existing city or county land use authority (California Health & Safety Code §40414). Land use and other planning considerations are determined by local governments and no present or planned land uses in the region or planning requirements will be altered by the 2009 CAP. There are existing links between population growth, land development, housing, traffic, and air quality. The Metropolitan Transportation Commission's (MTC) Transportation 2035 Plan accounts for these links when designing ways to improve air quality, transportation systems, land use compatibility, and housing opportunities in the region. Land use planning is handled at the local level and contributes to development of the CAP growth projections, for example, but the CAP does not affect local government land use planning decisions. The proposed 2009 CAP complements existing regional planning activities in the Bay Area.

The Tree Planting Measure (ECM 4) would encourage the planting of additional trees. A large-scale planting program has the potential to conflict with local plans and ordinances. Under this control measure it is expected that ordinances would be revised or developed to encourage additional tree planting and to require planting with certain specific types of trees. Streetscapes, landscapes, setbacks, and corridor plans are expected to be revised or developed to allow room for additional tree planting. Therefore, the control measure may encourage additional tree planting but no significant impacts to land use policies are expected.

Land Use and Local Impact Control Measures (e.g., LUM 1 and LUM 5) would attempt to influence land uses associated with new development to minimize air emissions. Development itself has the potential for land use impacts, however, these Control Measures would attempt to influence land uses, for example affecting the number of units, or encouraging bike lanes or pedestrian improvements, or require the payment of fees, or other similar controls, some of which could reduce potential land use impacts. Therefore, the Indirect Source Control and Land Use Guidelines Measures are not expected to result in modifications to new development that would generate significant land use impacts. The land use impacts of new development will be evaluated on a case-by-case basis and are generally subject to CEQA requirements and can be mitigated by the local land use agency using General or Specific Plan guidance.

## **Conclusion**

Based upon the above considerations, significant adverse project-specific land use and planning impacts are not expected to occur due to implementation of the 2009 CAP and, therefore, will not be further evaluated in the Draft PEIR.

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

**X. 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?                                 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**Setting**

The BAAQMD covers all of Alameda, Contra Costa, Marin, San Francisco, San Mateo, Santa Clara, and Napa Counties and portions of southwestern Solano and southern Sonoma Counties. The area of coverage is vast (about 5,600 square miles) so that land uses and the affected environment vary greatly throughout the area.

**Discussion of Impacts**

**X. a), b):** There are no provisions of the proposed project that would directly result in the loss of availability of a known mineral resource of value to the region and the residents of the state, or of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. The proposed 2009 CAP is not expected to deplete non-renewable mineral resources, such as aggregate materials, metal ores, etc., at an accelerated rate or in a wasteful manner because CAP control measures are typically not mineral resource intensive measures. Therefore, significant adverse impacts to mineral resources are not anticipated.

**Conclusion**

Based upon the above considerations, significant adverse project-specific impacts to mineral resources are not expect to occur due to implementation of the 2009 CAP and, therefore, will not be further evaluated in the Draft PEIR.

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

**XI. NOISE.**

Would the project:

a) Expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Expose persons to or generate of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Be 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 and expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be located within the vicinity of a private airstrip and expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Setting

The BAAQMD covers all of Alameda, Contra Costa, Marin, San Francisco, San Mateo, Santa Clara, and Napa Counties and portions of southwestern Solano and southern Sonoma Counties. The area of coverage is vast (about 5,600 square miles) so that land uses and the affected environment vary greatly throughout the area. The 2009 CAP control measures generally affect stationary sources that are located in industrial and commercial areas throughout the jurisdiction of the BAAQMD. Some control measures (e.g., LUM 1 and LUM 5) may also affect most types of development projects.

## Discussion of Impacts

**XI. a), b), c), d):** The proposed project may require existing commercial or industrial owners/operators of affected facilities to install air pollution control equipment or modify their operations to reduce stationary source emissions. Potential modifications will occur at facilities typically located in appropriately zoned industrial or commercial areas. The 2009 CAP could require additional control equipment that could generate noise impacts, but virtually all of the control equipment would be installed at industrial and commercial facilities.

Ambient noise levels in commercial and industrial areas are typically driven primarily by freeway and/or highway traffic in the area and any heavy-duty equipment used for materials manufacturing or processing at nearby facilities. It is not expected that any modifications to install air pollution control equipment would substantially increase ambient (operational) noise levels in the area, either permanently or intermittently, or expose people to excessive noise levels that would be noticeable above and beyond existing ambient levels. It is not expected that affected facilities would exceed noise standards established in local general plans, noise elements, or noise ordinances currently in effect. Affected facilities would be required to comply with local noise ordinances and elements, which may require construction of noise barriers or other noise control devices.

Some control measures will provide an incentive for the early retirement of older equipment, replacing it with newer technologies (e.g., SSM 13, SSM 14, SSM 17, SSM 18, SSM 19, MSM A-1, MSM A-2, MSM A-4, MBM B-1, MSM C-1, and MSM C-3). In most cases, newer equipment and newer engines are more efficient and generate less noise than older equipment. For example, electric and hybrid vehicles generate less noise than standard gasoline fueled vehicles. Therefore, some control measures could result in noise reductions at industrial/commercial facilities or along freeways/highways/streets as a result of quieter engines. In addition, some of the control measures (LUM 1, LUM2, and LUM 5) would result in a reduction in vehicle miles traveled, potentially reducing noise from mobile sources with the Bay Area.

Construction activities at industrial/commercial facilities could also generate noise impacts. However, those construction activities (e.g., paving activities) would be required to comply with local noise ordinances, which generally prohibit construction during the nighttime, in order to minimize noise impacts. Compliance with the local noise ordinances is expected to minimize noise impacts associated with construction activities to less than significant.

It is also not anticipated that the proposed project will cause an increase in ground borne vibration levels because air pollution control equipment is not typically vibration intensive equipment. Consequently, the 2009 CAP will not directly or indirectly cause substantial noise or excessive ground borne vibration impacts. These topics, therefore, will not be further evaluated in the Draft PEIR.

**XI. e) and f):** Affected facilities would still be expected to comply, and not interfere, with any applicable airport land use plans and disclose any excessive noise levels to affected residences and workers pursuant to existing rules, regulations and requirements, such as CEQA. It is assumed that operations in areas near airports are subject to and in compliance with existing community noise ordinances and applicable OSHA or Cal/OSHA workplace noise reduction requirements. In addition to noise generated by current operations, noise sources in each area may include nearby freeways, truck traffic to adjacent businesses, and operational noise from adjacent businesses. None of the proposed control measures in the 2009 CAP would locate residents or commercial buildings or other sensitive noise sources closer to airport operations. As noted in the previous item, there are no components of the proposed 2009 CAP that would substantially increase ambient noise levels, either intermittently or permanently.

### **Conclusion**

Based upon the above considerations, significant adverse project-specific noise impacts are not expected to occur due to implementation of the 2009 CAP and, therefore, will not be further evaluated in the Draft PEIR.

	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
--	--------------------------------	---	------------------------------	-----------

**XII. POPULATION AND HOUSING.**

Would the project:

a) Induce substantial population growth in an area either directly (e.g., by proposing new homes and businesses) or indirectly (e.g. through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace a substantial number of existing housing units, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace a substantial number of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Setting**

The BAAQMD covers all of Alameda, Contra Costa, Marin, San Francisco, San Mateo, Santa Clara, and Napa Counties and portions of southwestern Solano and southern Sonoma Counties. The area of coverage is vast (about 5,600 square miles) so that land uses and the affected environment vary greatly throughout the area.

**Discussion of Impacts**

**XII. a):** According to the Association of Bay Area Governments (ABAG), population in the Bay Area is currently about seven million people and is expected to grow to about nine million people by 2035 (ABAG, 2006). The proposed project is not anticipated to generate any significant effects, either directly or indirectly, on the Bay Area's population or population distribution. The proposed 2009 CAP generally affects existing commercial or industrial facilities located in predominantly industrial or commercial urbanized areas throughout the district. It is expected that the existing labor pool within the areas surrounding any affected facilities would accommodate the labor requirements for any modifications at affected facilities. In addition, it is not expected that affected

facilities will be required to hire additional personnel to operate and maintain new control equipment on site because air pollution control equipment is typically not labor intensive equipment. In the event that new employees are hired, it is expected that the existing local labor pool in the District can accommodate any increase in demand for workers that might occur as a result of adopting the proposed 2009 CAP. As such, adopting the proposed 2009 CAP is not expected to induce substantial population growth.

**XII. b) and c):** The proposed 2009 CAP is not expected to increase the demand for new workers in the area. Any demand for new employees is expected to be accommodated from the existing labor pool so no substantial population displacement is expected. Construction activities generated by the 2009 CAP are expected to be limited to stationary sources within industrial and commercial areas for the installation of new technology or equipment. The 2009 CAP is not expected to require construction activities that would displace people or existing housing.

**Conclusion**

Based upon the above considerations, significant adverse project-specific population and housing impacts are not expected to occur due to implementation of the 2009 CAP and, therefore, will not be further evaluated in the Draft PEIR.

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

**XIII. PUBLIC SERVICES.**

Would the project:

- a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or a need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:

Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Setting

Given the large area covered by the BAAQMD (about 5,600 square miles), public services are provided by a wide variety of local agencies. Fire protection and police protection/law enforcement services within the BAAQMD are provided by various districts, organizations, and agencies. There are several school districts, private schools, and park departments within the BAAQMD. Public facilities within the BAAQMD are managed by different county, city, and special-use districts. City and/or County General Plans usually contain goals and policies to assure adequate public services are maintained within the local jurisdiction.

## Discussion of Impacts

**XIII. a):** There is no potential for significant adverse public service impacts as a result of adopting the proposed 2009 CAP. The 2005 Ozone Strategy PEIR analyzed potential adverse impacts to public services as a result of implementing CAP control measures and concluded that existing resources at services such as fire departments, police departments and local governments would not be significantly adversely affected as a result of implementing CAP control measures. The proposed project would not result in the need for new or physically altered government facilities in order to maintain acceptable service ratios, response times or other performance objectives. Similarly, most industrial facilities have on-site security that controls public access to facilities so no increase in the need for police services are expected. Most industrial facilities have on-site fire protection personnel and/or have agreements for fire protection services with local fire departments. For these reasons, implementing the 2009 CAP is not expected to require additional fire protection services.

Adopting the proposed 2009 CAP is not expected to induce population growth. Thus, implementing the proposed control measures would not increase or otherwise alter the demand for schools and parks in the district. No significant adverse impacts to schools or parks are foreseen as a result of adopting the proposed 2009 CAP.

Land Use and Local Impact Measures would affect land uses associated with new developments or redevelopment projects in order to minimize emissions. Development itself has the potential for impacts on public services; however, the proposed control measures do not drive land use development, but may impose emission reduction requirements after the decision is already made to go forward with new or redevelopment projects. Land Use and Local Impact Measures are not expected to result in modifications to new development that would generate significant impacts on public services. The public services impacts of new development will be evaluated on a case-by-case basis by the local land use agency (city or county) and are generally subject to CEQA requirements and can be mitigated by the local

land use agency using General or Specific Plan guidance. No significant adverse impacts to schools or parks are foreseen as a result of adopting the proposed 2009 CAP.

**Conclusion**

Based upon the above considerations, significant adverse project-specific public services impacts are not expected to occur due to implementation of the 2009 CAP and, therefore, will not be further evaluated in the Draft PEIR.

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

**XIV. RECREATION.**

Would the project:

- |    |   |                          |                          |                          |                                     |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) | 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) | Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?                        | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**Setting**

The BAAQMD covers all of Alameda, Contra Costa, Marin, San Francisco, San Mateo, Santa Clara, and Napa Counties and portions of southwestern Solano and southern Sonoma Counties. The area of coverage is vast (about 5,600 square miles) so that there are numerous areas for recreational activities. Recreational areas are generally protected and regulated by the City and/or County General Plans at the local level through land use and zoning requirements. Some parks and recreation areas are designated and protected by state and federal regulations.

## Discussion of Impacts

**XIV. a) and b):** As discussed under “Land Use and Planning” and “Population and Housing” above, there are no provisions of the proposed project that would affect land use plans, policies, ordinances, or regulations. Land use and other planning considerations are determined by local governments. No land use or planning requirements, including those related to recreational facilities, will be altered by the proposal. The proposed project does not have the potential to directly or indirectly induce population growth or redistribution. As a result, the proposed project would not increase the use of, or demand for existing neighborhood and/or regional parks or other recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment.

### Conclusion

Based upon the above considerations, no significant adverse project-specific impacts to population and housing are expected to occur due to implementation of the 2009 CAP and, therefore, will not be further evaluated in the Draft PEIR.

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

## XV. TRANSPORTATION/TRAFFIC.

Would the project:

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Cause, either individually or cumulatively, exceedance of a level-of-service standard established by the county congestion management agency for designated roads or highways?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

- |    |  |                          |                          |                                     |                                     |
|----|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| c) | Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d) | Substantially increase hazards because of a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?        | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| e) | Result in inadequate emergency access?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| f) | Result in inadequate parking capacity?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| g) | Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g. bus turnouts, bicycle racks)?                                 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

## Setting

Transportation systems located within the Bay Area include railroads, airports, waterways, and highways. The Port of Oakland and three international airports in the area serve as hubs for commerce and transportation. The transportation infrastructure for vehicles and trucks in the Bay Area ranges from single lane roadways to multilane interstate highways. The Bay Area contains over 19,600 miles of local streets and roads, and over 1,400 miles of state highways. In addition, there are over 9,040 transit route miles of services including rapid rail, light rail, commuter, diesel and electric buses, cable cars, and ferries. The Bay Area also has an extensive local system of bicycle routes and pedestrian paths and sidewalks.

The region is served by numerous interstate and U.S. freeways. On the west side of San Francisco Bay, Interstate 280 and U.S. 101 run north-south. U.S. 101 continues north of San Francisco into Marin County. Interstates 880 and 660 run north-south on the east side of the Bay. Interstate 80 starts in San Francisco, crosses the Bay Bridge, and runs northeast toward Sacramento. Interstate 80 is a six-lane north-south freeway which connects Contra Costa County to Solano County via the Carquinez Bridge. State Routes 29 and 84, both highways that allow at-grade crossings in certain parts of the region, become freeways that run east-west, and cross the Bay. Interstate 580 starts in San

Rafael, crosses the Richmond-San Rafael Bridge, joins with Interstate 80, runs through Oakland, and then runs eastward toward Livermore. From the Benicia-Martinez Bridge, Interstate 680 extends north to Interstate 80 in Cordelia. Caltrans constructed a second freeway bridge adjacent and east of the existing Benicia-Martinez Bridge. The new bridge consists of five northbound traffic lanes. The existing bridge was re-striped to accommodate four lanes for southbound traffic. Interstate 780 is a four lane, east-west freeway extending from the Benicia-Martinez Bridge west to I-80 in Vallejo.

## Discussion of Impacts

**XV. a), and b):** Adopting the proposed 2009 CAP is not expected to substantially increase vehicle trips or vehicle miles traveled in the district. The 2009 CAP includes transportation and related control measures that may result in a decrease in vehicle miles traveled including the Land Use and Local Impacts Measures (LUM 1, LUM 4, and LUM 5). The 2009 CAP also relies on transportation control measures adopted as part of the Transportation 2035 Plan by MTC (MTC, 2009). These transportation control measures include strategies to enhance mobility by improving bus service (TCM A-1); improving rail service (TCM A-2); improving ferry service (TCM A-3); improving the efficiency of freeways and arterial systems (TCM B-1); improving transit efficiency and use (TCM B-2); improving the express lane network (TCM B-3); improving the movement of goods and reduce diesel emissions (TCM B-4); and strategies to reduce vehicle miles traveled (TCM C-1, TCM C-3, TCM C-4, TCM D-1, TCM D-2, TCM D-3, TCM E-1, and TCM E-2). Specific strategies that serve to reduce vehicle trips and vehicle miles traveled, such as strategies resulting in greater reliance on mass transit, ridesharing, telecommunications, etc., are expected to result in reducing traffic congestion. Although population in the district will continue to increase, implementing the transportation control measures (in conjunction with the Regional Transportation Plan) will ultimately result in greater percentages of the population using transportation modes other than single occupant vehicles. As a result, relative to population growth, existing traffic loads and the level of service designation for intersections district-wide would not be expected to degrade at current rates, but could possibly improve to a certain extent. Therefore, implementing the 2009 CAP could ultimately provide transportation improvements and congestion reduction benefits.

**XV. c):** Neither air traffic nor air traffic patterns are expected to be directly or indirectly affected by adopting the proposed 2009 CAP. Controlling emissions at existing commercial or industrial facilities, reducing emissions from mobile sources, increasing energy efficiency, and reducing emissions from land use decisions do not require constructing any structures that could impede air traffic patterns in any way.

**XV. d):** It is not expected that adopting the proposed 2009 CAP will directly or indirectly increase roadway design hazards or incompatible risks. The transportation control measures included in the 2009 CAP are not expected to require construction of new roadways. To the extent that implementing components of the Transportation 2035 Plan approved by the MTC (transportation control measures and related measures) would

require further development of roadway infrastructure, it is expected that there would ultimately be a reduction in roadway hazards or incompatible risks as part of any roadway infrastructure improvements and reduced congestion.

**XV. e):** Controlling emissions at existing commercial or industrial facilities, reducing emissions from mobile sources, increasing energy efficiency, and reducing emissions from land use decisions are not expected to affect in any way emergency access routes at any affected commercial or industrial facilities. The reason for this conclusion is that controlling emissions (from stationary sources in particular) is not expected to require construction of any structures that might obstruct emergency access routes at any affected facilities. A potential benefit of the 2009 CAP is that reduced congestion could lead to better emergency access.

**XV. f):** Several measures in the 2009 CAP could impact parking by developing parking management strategies and increased parking prices to encourage alternative transportation modes to passenger vehicles (TCM D-3, TCM E-2, and LUM 1). These measures could lead to a reduced number of parking spaces and increased cost of parking. At the same time, the control measures are also seeking to encourage the use of alternative transportation modes, including bus and light rail, as well as car-sharing and bike-sharing programs (TCM E-2). The 2009 CAP is not expected to result in inadequate parking at any affected facilities in the district. The reason for this conclusion is that, to the extent that transportation and related control measures reduce or limit the growth in daily vehicle trips, there could be a reduction in current or future demand for parking compared to existing levels of parking demand.

**XV. g):** Adopting the proposed 2009 CAP will not conflict with adopted policies, plans or programs supporting alternative transportation programs. In fact, the transportation and related control measures would specifically encourage and provide incentives for implementing alternative transportation programs and strategies.

### **Conclusion**

Adopting the proposed 2009 CAP is not expected to generate any significant adverse project-specific impacts to transportation or traffic systems, so this topic will not be further evaluated in the Draft PEIR.

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

**XVI. UTILITIES AND SERVICE SYSTEMS.**

Would the project:

- |   |                                     |                          |                                     |                                     |
|---|-------------------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| 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?                            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| 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?                                     | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or would new or expanded entitlements needed?  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| 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? | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

- f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?
- g) Comply with federal, state, and local statutes and regulations related to solid waste?

## Setting

Given the large area covered by the BAAQMD, public utilities are provided by a wide variety of local agencies. The most affected facilities have wastewater and storm water treatment facilities and discharge treated wastewater under the requirements of National Pollutant Discharge Elimination System (NPDES) permits.

Water is supplied to affected facilities by several water purveyors in the Bay Area. Solid waste is handled through a variety of municipalities, through recycling activities and at disposal sites.

There are no hazardous waste disposal sites within the jurisdiction of the BAAQMD. Hazardous waste generated in the Bay Area, which is not recycled off-site, is required to be disposed of at a licensed hazardous waste disposal facility. Two such facilities are the Chemical Waste Management Inc. (CWMI) Kettleman Hills facility in King's County, and the Safety-Kleen facility in Buttonwillow (Kern County). Hazardous waste can also be transported to permitted facilities outside of California. The nearest out-of-state landfills are U.S. Ecology, Inc., located in Beatty, Nevada; USPCI, Inc., in Murray, Utah; and EnviroSafe Services of Idaho, Inc., in Mountain Home, Idaho. Incineration is provided at the following out-of-state facilities: Aptus, located in Aragonite, Utah and Coffeyville, Kansas; Rollins Environmental Services, Inc., located in Deer Park, Texas and Baton Rouge, Louisiana; Chemical Waste Management, Inc., in Port Arthur, Texas; and Waste Research & Reclamation Co., Eau Claire, Wisconsin.

City and/or County General Plans usually contain goals and policies to assure adequate utilities and service systems are maintained within the local jurisdiction.

## Discussion of Impacts

**XVI. a) and e):** As discussed in Hydrology/Water Quality (VIII a) above, the proposed 2009 CAP control measures may require modifications at existing industrial or commercial facilities. Control measures that would control particulate and/or SOx emissions (e.g., SSM 4 and SSM 9) could require additional water use and wastewater discharge from devices like wet gas scrubbers (e.g., particulate matter control in SSM 4).

The stationary source measures may generate potentially significant adverse water quality impacts from add-on air pollution control equipment such as wet scrubbers, alternative transportation fuels, and reformulated low-VOC coatings.

It is assumed that any affected facilities that generate wastewater and are subject to waste discharge or pretreatment requirements currently comply with and will continue to comply with all relevant wastewater requirements, waste discharge regulations and standards for stormwater runoff, and any other relevant requirements for direct discharges into sewer systems. These standards and permits require water quality monitoring and reporting for onsite water-related activities. Should the volume or discharge limits change as a result of implementing control measures, the facility would be required to consult with the appropriate regional water quality control board and/or the local sanitation district to discuss these changes. Nonetheless, implementing the 2009 CAP may generate additional wastewater that could impact water quality standards or waste discharge requirements. Therefore, this topic will be evaluated further in the Draft PEIR.

**XVI. b) and d):** As discussed in Hydrology and Water Quality (VIII. b), control measures that would control particulate and/or SO<sub>x</sub> emissions (e.g., SSM 4 and SSM 9) could require additional water use and wastewater discharge from affected facilities. The proposed project contains control measures that would generally allow for a number of different control technologies, some of which could require an increase in water usage at affected facilities (e.g., wet gas scrubbers). Thus, implementing the proposed project would require additional water. This topic is potentially significant and will be evaluated further in the Draft PEIR.

**XVI. c):** As discussed in Hydrology and Water Quality (VIII. c), the proposed project does not have the potential to substantially increase the area subject to runoff since the subject areas would be limited in size and, typically, have already been graded or displaced in some way (e.g., existing industrial or commercial facilities). Although minor modifications might occur at commercial or industrial facilities affected by the proposed 2009 CAP control measures, these facilities have, typically, already been graded and the areas surrounding them have likely already been paved over or landscaped. As a result, further minor modifications at affected facilities that may occur as a result of implementing the 2009 CAP control measures are not expected to alter in any way existing drainage patterns or stormwater runoff. Since this potential adverse impact is not considered to be significant, it will not be further evaluated in the Draft PEIR.

**XVI. f):** The proposed 2009 CAP could require facilities to install air pollution control equipment, such as carbon adsorption devices, particulate filters, catalytic incineration, selective catalytic reduction or other types of control equipment that could increase the amount of solid/hazardous wastes generated in the district due to the disposal of spent catalyst, filters or other mechanisms used in the control equipment. Solid waste impacts would be considered significant if the impacts resulted in a violation of local, state or federal solid waste standards. Also, solid waste impacts would be significant if the additional potential waste volume exceeded the existing capacity of district landfills.

Other control measures may result in potentially significant adverse solid and hazardous waste impacts from the use of particulate filters or baghouses (SSM 1 and SSM 4), accelerated vehicle retirement programs (MSM A-4, MSM A-4, MSM B-1, and LUM 4), evaporative controls utilizing carbon canisters (SSM 8), facility modernization requirements (SSM 5 and ECM 3), early retirement of inefficient, older equipment (SSM 1, SSM 9, SSM 12, SSM 13, SSM 15, SSM 16, SSM 17, SSM 18, SSM 19, MSM C-1, MSM C-2, and MSM C-3), etc. The potential solid/hazardous waste impacts from implementing the proposed 2009 CAP will be analyzed in the Draft PEIR.

**XVI. g):** Adopting the proposed 2009 CAP is not expected to interfere with affected facilities' abilities to comply with federal, state, or local statutes and regulations related to solid and hazardous waste handling or disposal. This specific topic will not be further evaluated in the Draft PEIR.

**Other Utilities/Service System Impacts:** Implementing the proposed 2009 CAP is not anticipated to result in any conflicts with adopted energy conservation plans or violations of any energy conservation standards by affected facilities. Several CAP measures are aimed at increasing energy efficiency (SSM 5, ECM 1, ECM 3, and ECM 4). In some cases facilities complying with 2009 CAP control measures may need to install various types of control equipment, which could potentially increase energy demand in the district. It is expected, however, that owners/operators of affected facilities would comply with any applicable energy conservation standards in effect at the time of installation. Alternatively, implementing the proposed 2009 CAP may result in owners/operators of affected facilities replacing old inefficient equipment with newer more energy efficient equipment, thus providing beneficial impacts on energy demand. Based upon these considerations, however, the net effect of implementing the proposed 2009 CAP is that it is not expected to conflict with any adopted energy conservation plans or energy efficiency standards.

In spite of this, implementing some proposed control measures could increase energy demand in the region at affected facilities. Specifically some types of control equipment will increase demand for electrical power to operate the equipment (SSM 1, SSM 9, SSM 10, SSM 12, AND SSM 16), use Zero Emission Vehicles and Hybrids (MSM A-1 and MSM A-2), encourage the use of green fleets (MSM A-3), electrifying construction equipment (MSM C-1), electrify lawn and garden equipment (C-3), and increased use of hybrid drive trains (MSM B-3). In addition, some of the Land Use and Local Impact Control Measures could encourage the use of electric powered engines including LUM 1, LUM 2, LUM 3, LUM 4, and LUM 5. As a result, implementing proposed 2009 CAP control measures has the potential to result in the need for new or substantially altered power systems and create significant effects on peak and base period demands for electricity. The mobile source control measures may result in potentially significant energy demand impacts from reduced fuel economy due to some diesel engine strategies, alternative fuels, and increased electricity demand due to electrification of equipment and vehicles.

Alternatively, some control measures (ECM-1) will promote lighter colored paving and roofing, and tree planting, which are expected to result in energy conservation because indoor temperatures will be lowered which will lower the demand for cooling. Energy and Climate Measures could also lower energy demand through the use of more efficient, newer technologies. ECM 2 would promote the use of renewable energy generation and encourage the development of solar, wind turbines and cogeneration facilities.

**Conclusion**

Based upon the above considerations, the potential adverse wastewater, water supply, solid/hazardous waste, and electricity services impacts from implementing the proposed 2009 CAP will be analyzed in the Draft PEIR.

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

**XVII. 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? | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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)   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |

- c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?
- 

## Discussion of Impacts

**XVII. a):** Specifically with regard to the biological resources identified in this item, the proposed project is not expected to significantly adversely affect any biological resources including wildlife and the resources on which it relies. Overall improvements in air quality are, ultimately, expected to provide substantial benefits to local biological resources in the district. Therefore, this topic will not be evaluated further in the Draft PEIR.

**XVII. b):** Because the proposed project has the potential to generate significant adverse project-specific environmental impacts in several environmental areas, the proposed project also has the potential to create significant adverse cumulative impacts if project-specific impacts are also deemed to be cumulatively considerable. Significant adverse impacts will be further analyzed in the Draft PEIR if project-specific impacts for a particular environmental topic are deemed significant.

The 2009 CAP also includes TCMs from MTC's Transportation 2035 Plan. MTC prepared the Final PEIR for the 2004 Transportation 2035 Plan (SCH No. 2008022101) (MTC, 2009) to analyze environmental impacts from the Plan. The Draft 2009 CAP PEIR will consider cumulative impacts from implementing the 2009 CAP, including the TCMs evaluated in MTC's Final PEIR for the Transportation 2035 Plan that are proposed to be included in the CAP.

**XVII. c):** The proposed 2009 CAP has the potential to create significant adverse impacts to human beings as a result of the possibility that it could create potentially significant adverse impacts in the following areas: air quality, hazards and hazardous materials impacts, hydrology and water resources, and utilities and service systems. Any significant adverse impact to any of these areas has the potential to adversely affect public health. Potentially significant adverse environmental impacts and feasible alternatives to the project will be analyzed in the Draft PEIR.

## Conclusion

The potential significant adverse impacts to air quality, hazards and hazardous materials, hydrology and water resources, and utilities and service systems, as well, as related cumulative impacts to these resources due to implementing the proposed 2009 CAP will be analyzed in the Draft PEIR.

## REFERENCES

Association of Bay Area Governments, 2006. Projections 2007, December 2006.

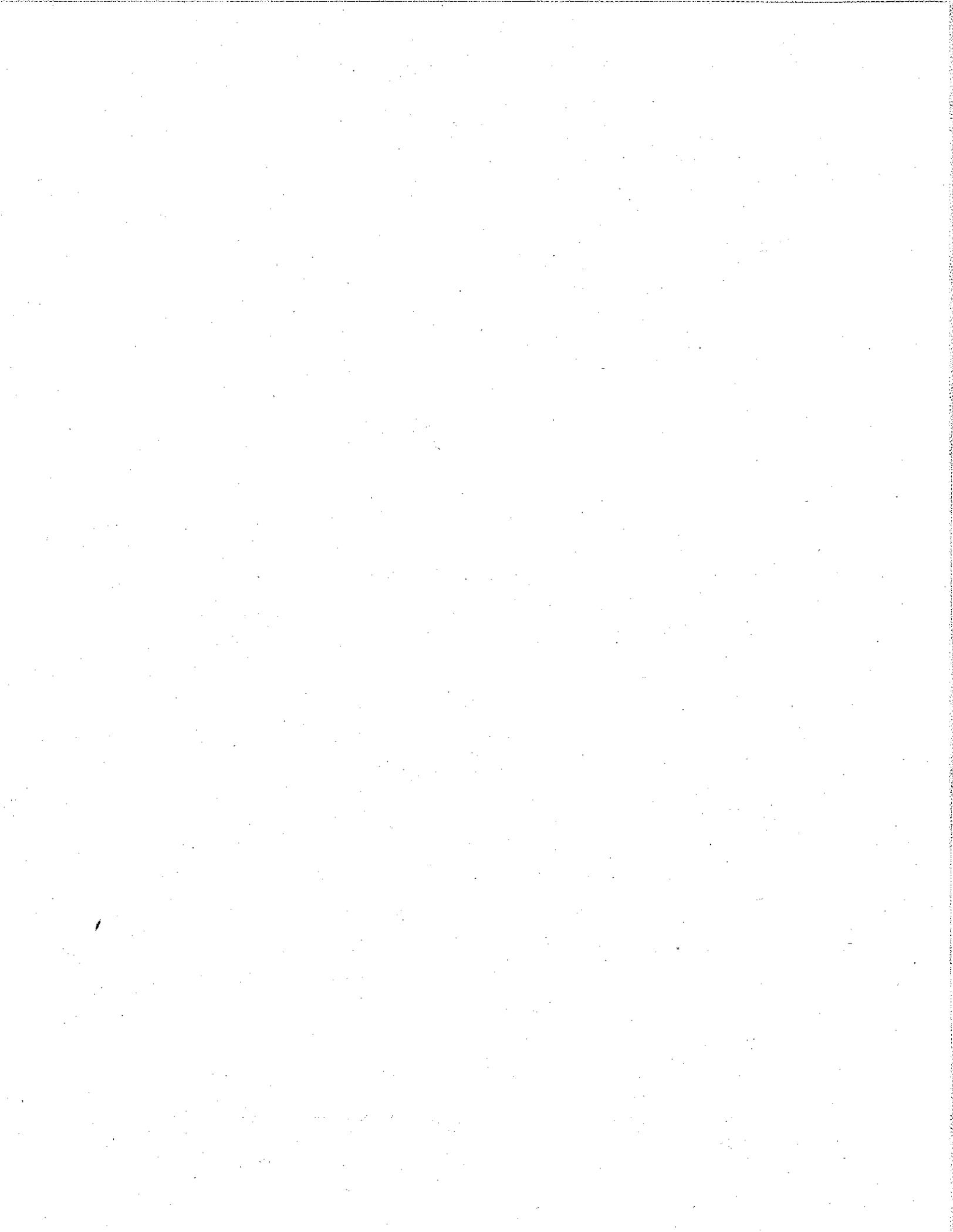
BAAQMD, 2006. Bay Area 2005 Ozone Strategy, January 4, 2006.

Metropolitan Transportation Commission, 2009. Final Environmental Impact Report, Transportation 2035 Plan, SCH No. 2008022101, April 2009.

## ACRONYMS

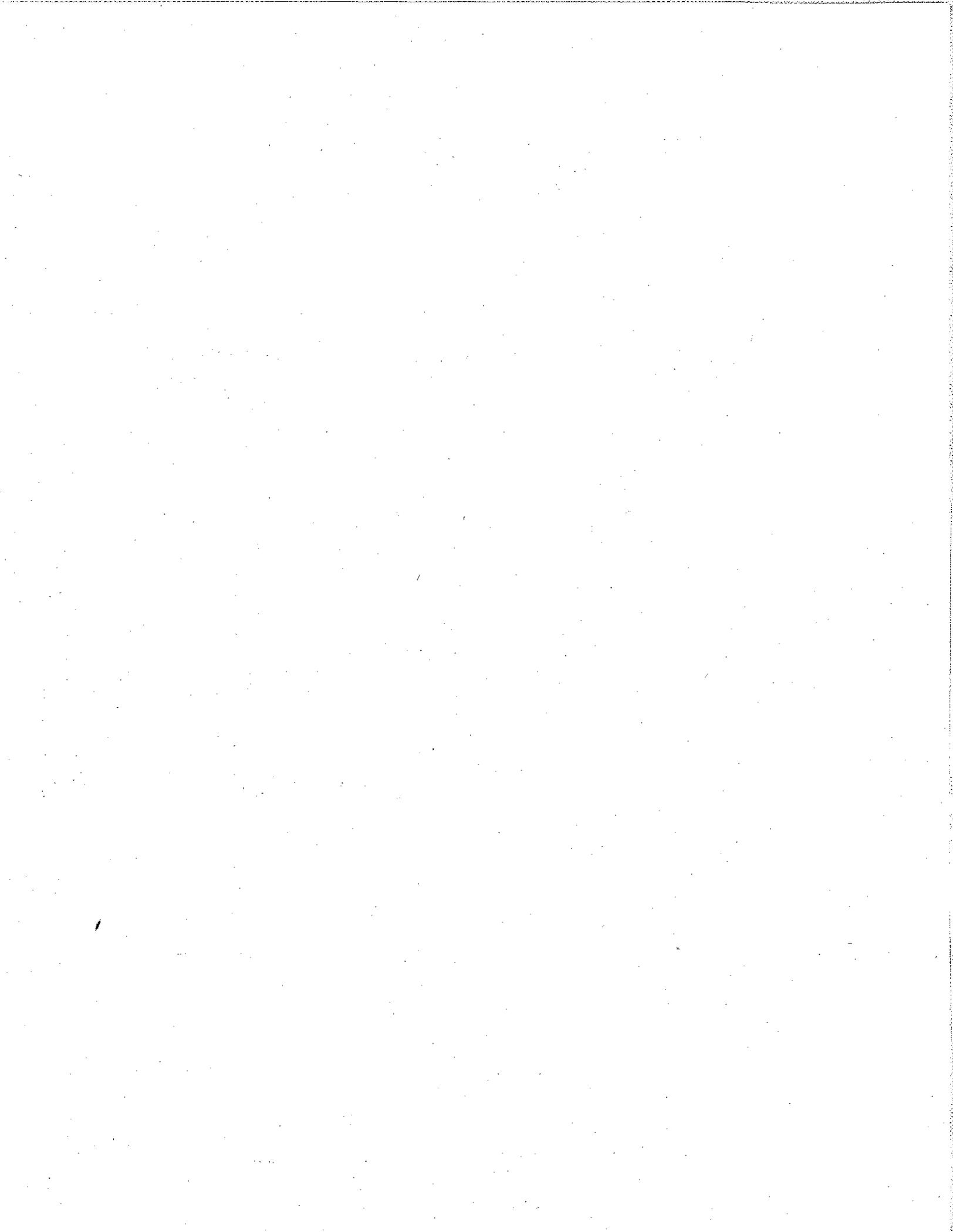
ABAG	Association of Bay Area Governments
ACTM	Air Toxic Control Measure
ARB	California Air Resources Board
BAAQMD	Bay Area Air Quality Management District
BACT	best available control technology
BARCT	best available retrofit control technology
BTU	British thermal unit
CAA	Clean Air Act
CAP	Clean Air Plan
CARB	California Air Resources Board
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
CO	carbon monoxide
CO <sub>2</sub>	carbon dioxide
ECM	energy conservation measure
PEIR	Program Environmental Impact Report
EMFAC	California's on-road motor vehicle emission factor model
EPA	U. S. Environmental Protection Agency
GHG	Greenhouse gases
HOT	High Occupancy Toll
HSC	Health and Safety Code
LUM	land use measure
MTC	Metropolitan Transportation Commission
NAAQS	National Ambient Air Quality Standard
NSR	new source review
NO <sub>x</sub>	nitrogen oxides
NO <sub>2</sub>	nitrogen dioxide
NPDES	National Pollutant Discharge Elimination System
PHEV	Plug-in Hybrid Vehicle
PM <sub>10</sub>	particulate matter less than 10 microns in diameter
PM <sub>2.5</sub>	particulate matter less than 2.5 microns in diameter
ppb	parts per billion
ppm	parts per million
RCRA	Resource Conservation and Recovery Act
ROG	reactive organic gases
SCH	State Clearinghouse
SCR	Selective Catalytic Reduction
SIP	State Implementation Plan
SO <sub>x</sub>	sulfur oxides
SO <sub>2</sub>	sulfur dioxide

SSM	Stationary Source Measure
SULV	Super Ultra-low Emission Vehicle
TCIF	Trade Corridors Improvement Fund
TCM	transportation control measures
tpd	tons per day
ULEV	ultra-low emission vehicle
U.S.	United States
VBB	Vehicle Buy Back Program
VMT	vehicle miles traveled
VOC	volatile organic compounds
ZEV	Zero Emission Vehicle



**APPENDIX A**

**SUMMARY CONTROL MEASURE ENVIRONMENTAL  
ANALYSIS**



**Bay Area 2009 Clean Air Plan Draft Control Measures**

Control Measure Number	Source Category	Description	Pollutant	Not Signif.	Potential Impact														
					Air		Hydrology/ Water Quality	Utilities and Service Systems											
					Secondary	GHG		Energy	Water	Solid/Haz Waste									
<b>Stationary and Area Source Measures</b>																			
SSM 1	Ferrous and Nonferrous Foundries and Metal-Melting Facilities	Limit emissions of organic compounds, fine particulates, toxic compounds and odors from foundry operations and metal melting by requiring efficient capture and control systems	ROG, PM, TACs, odors		X														
SSM 2	Composting Operations	Establish best composting practices to reduce ROG, ammonia and odors.	ROG, NH <sub>3</sub> , GHG		X				X										
SSM 3	Digital Printing	Establish VOC limits or control requirements for inkjet, electro-photographic and other digital printing technologies.	ROG		X														
SSM 4	General Particulate Matter Weight Rate Limitation	Reduce particulate weight limitation as a function of exhaust gas volume and/or as a function of process weight rate.	PM																
SSM 5	Greenhouse Gases in Permitting - Energy Efficiency	Consider greenhouse gas (GHG) emissions during permitting of new or modified stationary sources. This includes (1) adopting GHG CEQA significance threshold for stationary sources, and (2) requiring GHG reduction measures in ministerial permits.	GHG																
SSM 6	Livestock Waste	Establish management practices to reduce ROG, ammonia, PM, GHG.	ROG, NH <sub>3</sub> , PM, GHG, ammonia																
SSM 7	Natural Gas Processing and Distribution	Reduce emissions from natural gas production facilities.	ROG, TACs, GHG (CH <sub>4</sub> )	3	X														
SSM 8	Vacuum Trucks	Require carbon or other control technology on vacuum trucks.	ROG, TACs		X														

**Bay Area 2009 Clean Air Plan Draft Control Measures (continued)**

Control Measure Number	Source Category	Description	Pollutant	Not Signif.	Potential Impact									
					Air		GHG	Hazard	Hydrology/ Water Quality	Utilities and Service Systems				
					Secondary					Energy	Water	Solid/Haz Waste		
SSM 9	Cement Kilns	Further limit NOx and SOx from cement production.	NOx, SOx, PM		X	X	X	X	X	X	X	X	X	X
SSM 10	Coke Calcining	Reduce SOx emissions from coke calcining.	SOx, PM		X	X	X	X	X	X	X	X	X	X
SSM 11	Open Burning	Further limit agricultural burning based on amount of some crops to be burned on a given day.	PM	1, 2										
SSM 12	Refinery Boilers and Heaters	Further reduce NOx emissions from refinery boilers, heaters and steam generators.	NOx, PM		X	X	X	X	X	X	X	X	X	X
SSM 13	Residential Fan Type Furnaces	Reduce allowable NOx limits for residential furnaces.	NOx			X	X	X	X	X	X	X	X	X
SSM 14	Space Heating	Establish NOx limits for industrial and commercial space heating.	NOx			X	X	X	X	X	X	X	X	X
SSM 15	Dryers, Ovens, Kilns	Establish NOx limits for industrial dryers, ovens, and kilns.	NOx		X	X	X	X	X	X	X	X	X	X
SSM 16	Glass Furnaces	Reduce NOx limits in Regulation 9, Rule 12 for glass furnaces.	NOx		X	X	X	X	X	X	X	X	X	X
SSM 17	Revise Regulation 2, Rule 2: New Source Review	Amend Reg. 2, Rule 2 to address the District's anticipated non-attainment status of the 24-hour PM2.5 NAAQS. Consider more stringent standards for sources located in areas of sensitive populations as identified by the District's CARE program	PM											
SSM 18	Revise Regulation 2, Rule 5: New Source Review for Air Toxics	Revise Reg. 2, Rule 5, New Source Review of TACs, to impose more stringent standards for new and modified sources located in impacted communities as identified by the District's CARE program.	TACs											
SSM 19	Revise Air Toxics "Hot Spots" Program	Revise the District's Air Toxics Hot Spots program which focuses on existing sources of TACs to incorporate more stringent risk reduction requirements.	TACs											

**Bay Area 2009 Clean Air Plan Draft Control Measures (continued)**

Control Measure Number	Source Category	Description	Pollutant	Not Signif.	Potential Impact					
					Air		Hydrology/ Water Quality	Energy	Water	Solid/Haz Waste
					Secondary	GHG				
<b>Transportation Control Measures</b>										
TCM A-1	Improve Local and Area-wide Bus Service	Improve transit by providing new Express Bus or Bus Rapid Transit on major travel corridors, fund replacement of older buses, and implementing Transit Priority Measures on key transit routes.	All	4						
TCM A-2	Improve Local and Regional Rail Service	Improve rail service by sustaining and expanding local and regional rail services and by providing funds to maintain rail-cars, stations, and other rail capital assets.	All	4						
TCM A-3	Improve Ferry Service	Improve ferry service by sustaining and expanding Transbay ferry services, consistent with MTC's Resolution 3434 Regional Transit Expansion Program and the Water Emergency Transportation Authority's Ferry Plan.	All	4						
TCM B-1	Implement Freeway Performance Initiative	Improve the performance and efficiency of freeway and arterial systems through operational improvements, including include implementing the Freeway Performance Initiative, the Arterial Management Program and the Bay Area Freeway Service Patrol.	All							
TCM B-2	Improve Transit Efficiency and Use	Improve transit efficiency and use through continued operation of 511 Transit, and full implementation of TransLink fare payment system and the Transit Hub Signage Program.	All	4						
TCM B-3	Bay Area Express Lane Network	Introduce roadway pricing on Bay Area highways through the implementation of an express lane network, also known as a High Occupancy Toll (HOT) lane network.	All	4						
TCM B-3	Bay Area Express Lane Network	Introduce roadway pricing on Bay Area highways through the implementation of an express lane network, also known as a High Occupancy Toll (HOT) lane network.	All	4						

**Bay Area 2009 Clean Air Plan Draft Control Measures (continued)**

Control Measure Number	Source Category	Description	Pollutant	Not Signif.	Potential Impact							
					Air		GHG	Hazard	Hydrology/ Water Quality	Utilities and Service Systems		
					Secondary	CHG				Energy	Water	Solid/Haz Waste
TCM B-4	Goods Movement Improvements and Emission Reduction Strategies	Improve goods movement and reduce emissions from diesel equipment through implementation of the Bay Area's Trade Corridors Improvement Fund (TCIF) projects and various BAAQMD funding programs to replace or retrofit diesel equipment.	All	4								
TCM C-1	Support Voluntary Employer-Based Trip Reduction Program	Support voluntary employer trip-reduction programs through implementation of the 511 Regional Rideshare Program and Congestion Management Agency rideshare programs, BAAQMD's Spare the Air Program, encouraging cities to adopt transit benefit ordinances, and support Bay Area shuttle service providers.	All	4								
TCM C-2	Implement Safe Routes to Schools and Safe Routes to Transit	Facilitate safe routes to schools and transit by providing funds and working with transportation agencies, local governments, schools, and communities to implement safe access for pedestrians and cyclists.	All	4								
TCM C-3	Promote Rideshare Services and Incentives	Promote rideshare services and incentives through the implementation of the 511 Regional Rideshare Program and Congestion Management Agency rideshare programs including marketing rideshare services, operating rideshare information call center and website, and providing vanpool support services.	All	4								
TMC C-4	Conduct Public Outreach and Education	Educate the public about the air quality, environmental, and social benefits of carpooling, vanpooling public transit, biking, walking, and telecommuting through the Spare the Air campaign and Transportation Climate Action Campaign.	All	1,2								

**Bay Area 2009 Clean Air Plan Draft Control Measures (continued)**

Control Measure Number	Source Category	Description	Pollutant	Not Signif.	Potential Impact								
					Air		Hydrology/ Water Quality	Hazard	Utilities and Service Systems				
					Secondary	GHG			Energy	Water	Solid/Haz Waste		
TCM C-5	Smart Driving/Speed Moderation	Educate the public about the air quality and climate protection benefits of reducing high-speed driving and observing posted speed limits.	All	1, 3									
TCM D-1	Improve Bicycle Access and Facilities	Expand bicycle facilities serving transit hubs, employment sites, educational and cultural facilities, residential areas, shopping districts, and other activity centers.	All	4									
TCM D-2	Improve Pedestrian Access and Facilities	Provide funding for projects to improve pedestrian access to transit hubs, employment sites, educational and cultural facilities, residential areas, shopping districts, and other activity centers.	All	4									
TCM D-3	Support Local Land Use Strategies	Promote land use patterns, policies, and infrastructure investments that support mixed-use, transit-oriented development that reduce motor vehicle dependence and facilitate walking, bicycling and transit use.	All	4									
TCM E-1	Value Pricing Strategies	Test and implement value pricing (congestion pricing) on Bay Area toll bridges to manage travel demand during congested periods. Measure may also include value pricing in the City of San Francisco.	All	1, 2									
TCM E-2	Parking Pricing and Management Strategies	Promote policies to implement market-rate pricing of parking facilities, reduce parking requirements for new development projects, parking "cash-out", unbundling of parking in residential and commercial leases, shared parking at mixed-use facilities, etc.	All	1, 2									

**Bay Area 2009 Clean Air Plan Draft Control Measures (continued)**

Control Measure Number	Source Category	Description	Pollutant	Not Signif.	Potential Impact							
					Air		Hydrology/ Water Quality	Utilities and Service Systems				
					Secondary	GHG		Hazard	Energy	Water	Solid/Haz Waste	
TCM E-3	Implement Transportation Pricing Reform	Develop a regional transportation pricing strategy that includes policy evaluation and implementation. Pricing policies to be evaluated include gasoline taxes, bridge tolls, congestion pricing, parking pricing, HOT lanes, VMT or carbon fees, pay-as-you-drive insurance, etc.	All	1, 2								
<b>Mobile Source Control Measures (On-Road Light-Duty Vehicles)</b>												
MSM A-1	Promote Clean, Fuel Efficient Light & Medium-Duty Vehicles	Expand the use of Super Ultra-low Emission and Partial-Zero emission light-duty passenger vehicles and trucks within the Bay Area.	All			X	X				X	X
MSM A-2	Zero Emission Vehicles and Plug-in Hybrids	Expand the use of Zero Emission and Plug-in Hybrid passenger vehicles and light-duty trucks within the Bay Area.	All			X					X	
MSM A-3	Green Fleets for Light, Medium & Heavy-Duty Vehicles	Develop a green fleet certification component of the Bay Area Green Business program, promote best practices for green fleets, and evaluate existing grant programs to ensure incentive funding is directed towards fleets and vehicles that meet stringent fuel economy standards.	All									
MSM A-4	Replacement or Repair of High-Emitting Vehicles	Enhancements to the Vehicle Buy Back program to increase participation from car owners; e.g., via higher cash payments and/or increased marketing. Consider enhancements, e.g. implementing the SCAQMD's vehicle repair program. Pursue improvements to the District's Smoking Vehicle program.	All			X					X	X

Bay Area 2009 Clean Air Plan Draft Control Measures (continued)

Control Measure Number	Source Category	Description	Pollutant	Not Signif.	Potential Impact													
					Air		Hydrology/ Water Quality	Utilities and Service Systems										
					Secondary	GHG		Hazard	Energy	Water	Solid/Haz Waste							
<b>Mobile Source Control Measures (On-Road Heavy-Duty Vehicles)</b>																		
MSM B-1	HDV Fleet Modernization	Provide incentives to accelerate the replacement or retrofit of on-road heavy-duty diesel engines in advance of requirements for the ARB in-use heavy-duty truck regulation.	NOx, ROG, PM															
MSM B-2	Low NOx Retrofits for In-Use Engines	Provide cash incentives to install retrofit devices that reduce NOx emissions from 1994-2006 heavy-duty engines. Continue requiring software updates to engine control modules in model year 1993-1998 diesel trucks as a condition of all heavy duty vehicle retrofit grants.	NOx, ROG															X
MSM B-3	Efficient Drive Trains	Encourage development and demonstration of hybrid drive trains for medium- and heavy-duty vehicles, in partnership with ARB, CEC and other existing programs.	All															X
<b>Mobile Source Control Measures (Off-Road Equipment)</b>																		
MSM C-1	Construction and Farming Equipment	Reduce emissions from construction and farming equipment by 1) cash incentives to retrofit construction and farm equipment with diesel particulate matter filters or upgrade to a Tier III or IV off-road engine; 2) work with others to develop more fuel efficient off-road engines and drive-trains; 3) work with local communities, contractors and developers to encourage the use of renewable alternative.	All															
MSM C-2	Lawn & Garden Equipment	Reduce emissions from lawn and garden equipment through voluntary retirement and replacement programs.	All															X
MSM C-3	Recreational Vessels	Reduce emissions from recreational vessels through voluntary retirement and replacement programs.	All															X

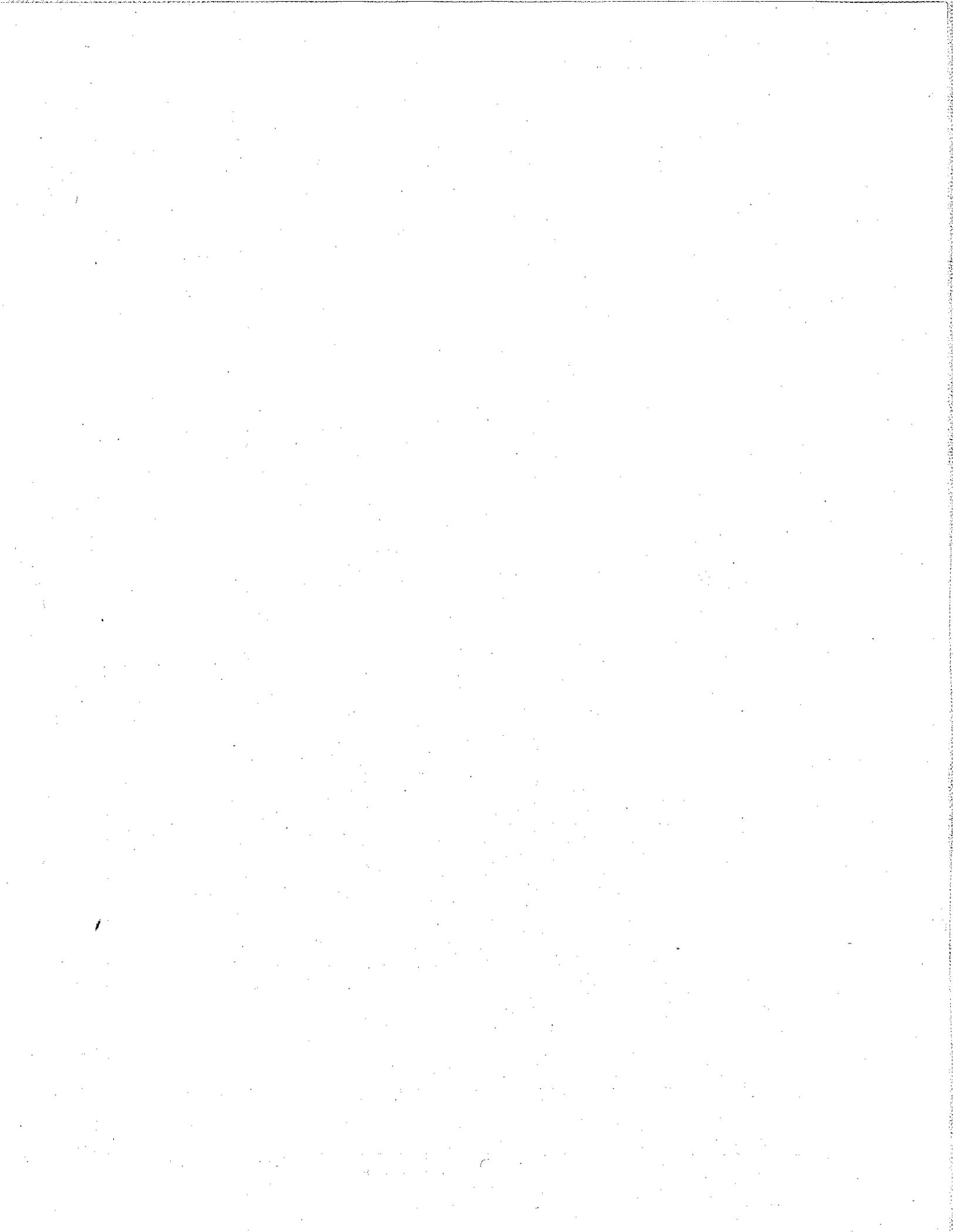
**Bay Area 2009 Clean Air Plan Draft Control Measures (continued)**

Control Measure Number	Source Category	Description	Pollutant	Not Signif.	Potential Impact							
					Air		GHG	Hazard	Hydrology/ Water Quality	Utilities and Service Systems		
					Secondary	GHG				Energy	Water	Solid/Haz Waste
<b>Land Use and Local Impact Control Measures</b>												
LUM 1	Indirect Source Review Rule	Develop an indirect source review rule to reduce construction and vehicular emissions associated with new or modified land uses in the Bay Area.	All		X	X	X	X	X	X	X	
LUM 2	Enhanced CEQA Program	1) Develop revised CEQA guidelines and thresholds of significance and 2) expand District review of CEQA documents.	All		X	X	X	X	X	X	X	
LUM 3	Reduce Risk from Stationary Sources in Impacted Communities	Establish a system to track cumulative health risks associated with permitted stationary sources in order to monitor progress in reducing population exposure in impacted communities as identified by the District's CARE program.	TACs		X	X	X	X	X	X	X	
LUM 4	Goods Movement	Reduce diesel PM and GHG emissions from goods movement through targeted enforcement of CARB diesel ATCMs in impacted communities, partnerships with ports and other stakeholders, increased signage indicating truck routes and anti-idling rules, shifts in freight transport mode, shore-side power for ships, and improvements in the efficiency of engine drive trains, distribution systems (roadways, logistic systems) and land use patterns.	PM, GHG		X	X	X	X	X	X	X	
LUM 5	Land Use Guidelines	Provide guidance to local governments re: 1) air quality and greenhouse gases in General Plans, and 2) how to address and mitigate population exposure related to infill development.			X	X	X	X	X	X	X	
LUM 6	Enhanced Air Quality Monitoring	Expand monitoring program to provide better local air quality monitoring data in impacted communities.	na	3	X	X	X	X	X	X	X	

**Bay Area 2009 Clean Air Plan Draft Control Measures (concluded)**

Control Measure Number	Source Category	Description	Pollutant	Not Signif.	Potential Impact					
					Air		Hydrology/ Water Quality	Utilities and Service Systems		Solid/Haz Waste
					Secondary	GHG		Energy	Water	
<b>Energy and Climate Measures</b>										
ECM 1	Urban Heat Island Mitigation	Mitigate the urban heat island effect by requiring and promoting cool roof, cool paving, and other strategies.	All				X		X	
ECM 2	Renewable Energy	Promote distributed renewable energy generation (solar, micro wind turbines, cogeneration, etc.) on commercial and residential buildings, and at industrial facilities	All		X					
ECM 3	Energy Efficiency	Provide 1) education to increase energy efficiency; 2) technical assistance to local governments to adopt and enforce energy-efficient building codes; and 3) incentives for improving energy efficiency at schools.	All							
ECM 4	Tree-Planting	Promote planting of low-VOC-emitting shade trees to reduce urban heat island effects, save energy, absorb CO2 and other air pollutants.	All	1						X

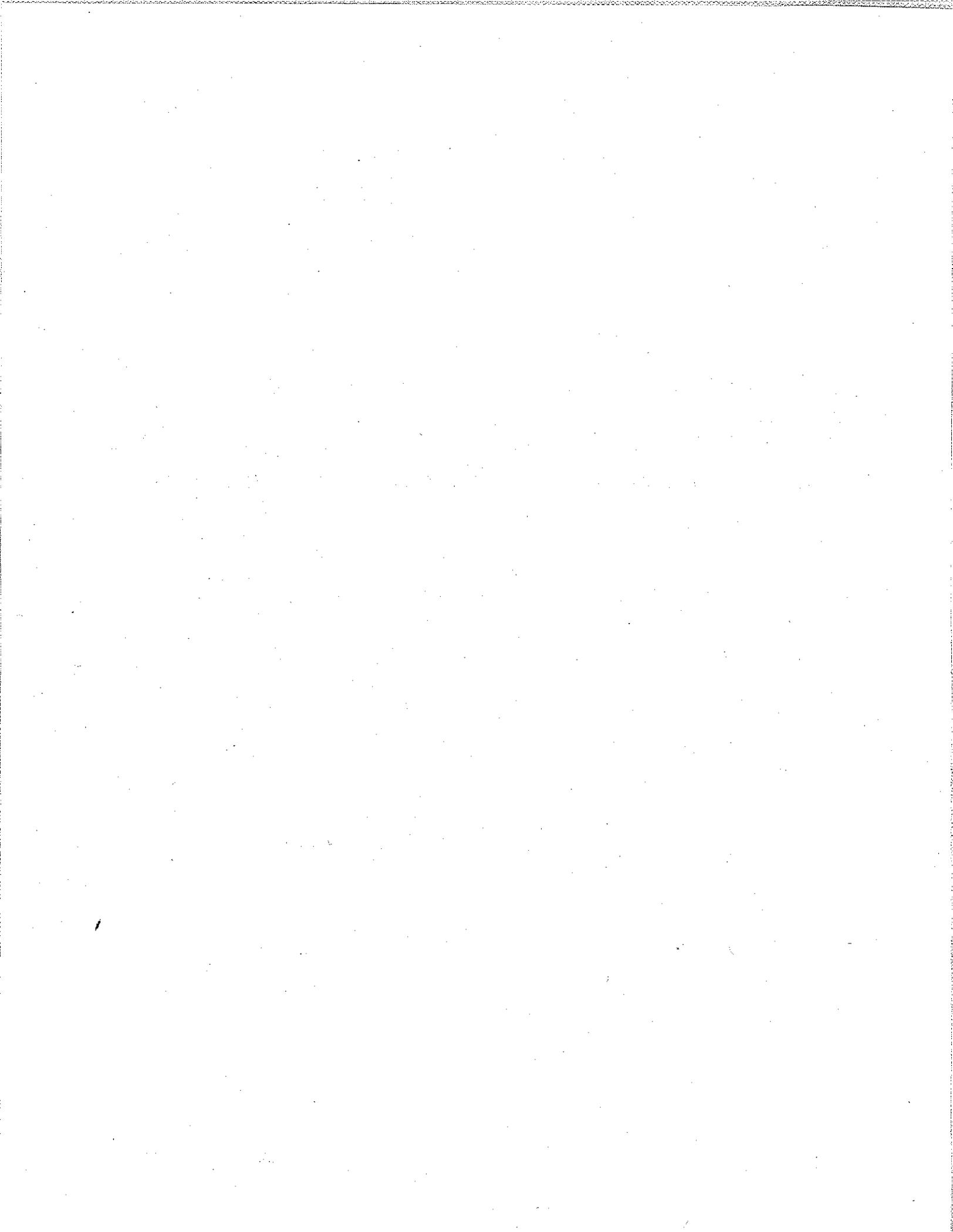
1. Control technologies do not generate significant impacts
2. Changes in operating practices with no impact identified
3. Changes in testing, inspection, or enforcement procedures with no impact
4. TCMs that were evaluated as part of the Transportation 2035 Plan EIR (2009) prepared by the MTC



**APPENDIX B**

---

**COMMENTS RECEIVED ON THE NOTICE OF PREPARATION/INITIAL STUDY**



# BAY AREA 2009 CLEAN AIR PLAN (CAP)

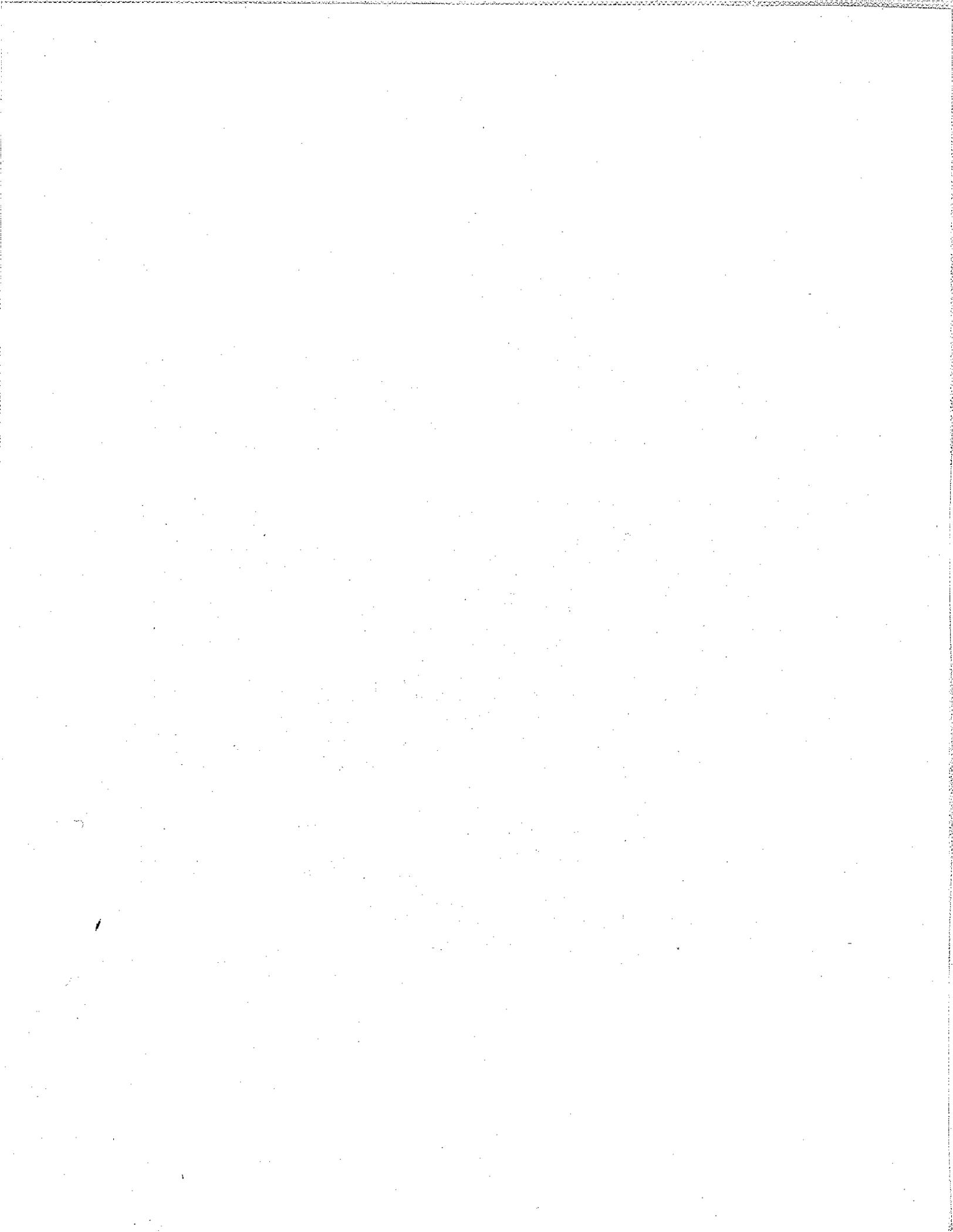
## COMMENTS RECEIVED ON NOP/IS

### INTRODUCTION

The Notice of Preparation/Initial Study (NOP/IS) (Appendix A) was circulated for a 30-day public review and comment period, which started on August 20, 2009 and ended on September 21, 2009.

The NOP/IS included a detailed project description, the environmental setting for each environmental resource, and an analysis of each environmental resource on the California Environmental Quality Act (CEQA) checklist including all potentially significant environmental impacts. BAAQMD received 20 comment letters on the NOP/IS during the public comment period.

Letter	Commentator	Page
#1	Governor's Office of Planning and Research	B-2
#2	California Regional Water Quality Control Board	B-5
#3	West Valley Citizens Air Watch	B-7
#4	Hewlett-Packard Company	B-17
#5	Natural Resources Defense Council	B-22
#6	Ditching Dirty Diesel	B-28
#7	Breathe California	B-33
#8	Bay Conservation and Development Commission	B-37
#9	Transportation Solutions Defense and Education Fund	B-38
#10	Transportation Solutions Defense and Education Fund	B-46
#11	Santa Clara Valley Transportation Authority	B-51
#12	StopWaste.Org	B-52
#13	StopWaste.Org	B-53
#14	East Bay Regional Park District	B-56
#15	Cathy Helgerson	B-59
#16	California Integrated Waste Management Board	B-63
#17	Local Clean Energy Alliance	B-67
#18	California Council for Environmental and Economic Balance	B-70
#19	CAL Fire	B-74



Bay Area Air Quality Management District Bay Area 2010 Clean Air Plan



ARNOLD SCHWARZENEGGER  
GOVERNOR

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE OF PLANNING AND RESEARCH  
STATE CLEARINGHOUSE AND PLANNING UNIT



CYNTHIA BRYANT  
DIRECTOR

Notice of Preparation

August 24, 2009

To: Reviewing Agencies  
Re: Bay Area 2009 Clean Air Plan  
SCH# 2009082059

Attached for your review and comment is the Notice of Preparation (NOP) for the Bay Area 2009 Clean Air Plan draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

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

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

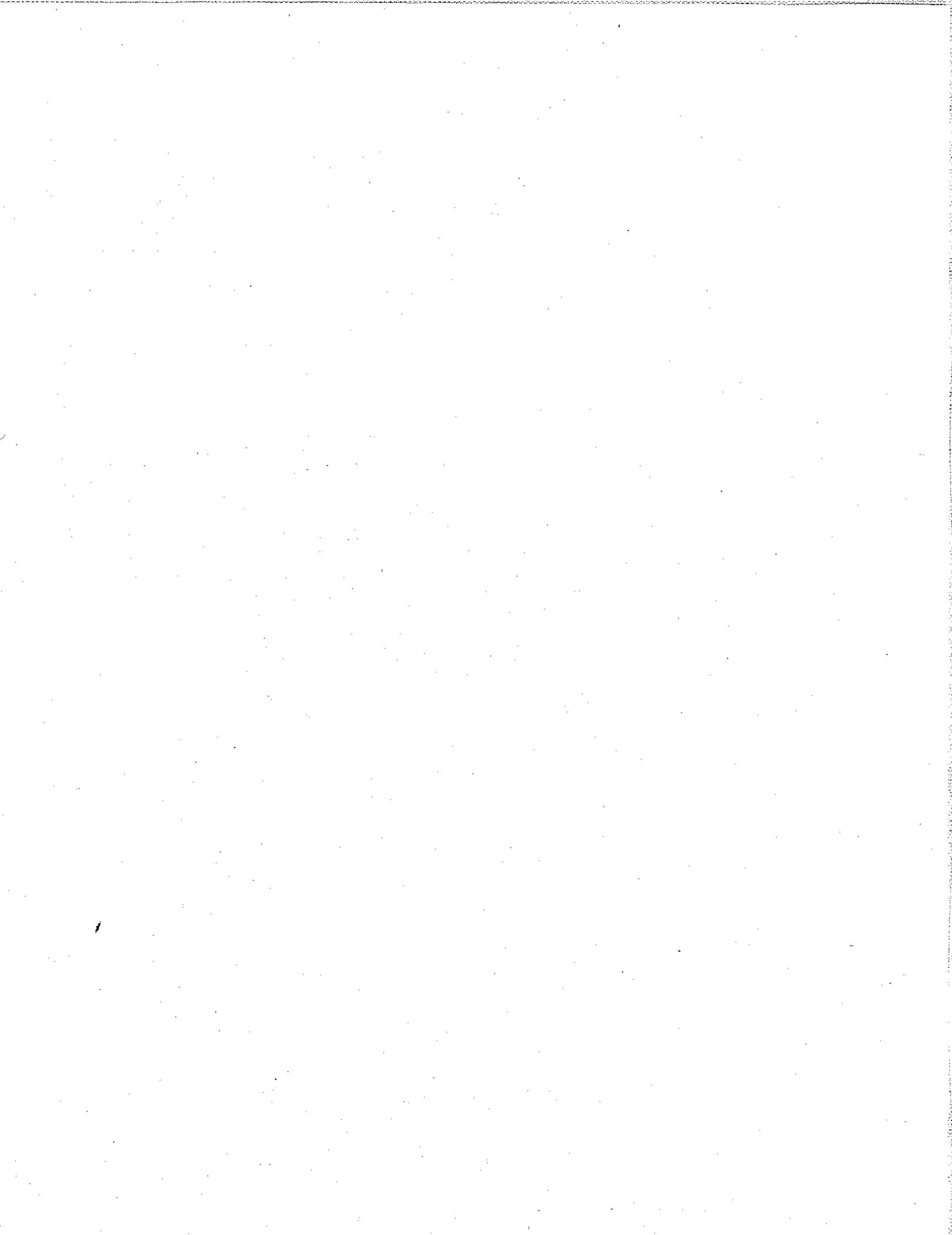
If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan  
Acting Director, State Clearinghouse

Attachments  
cc: Lead Agency

RECEIVED  
09 AUG 27 AM 10:42  
BAY AREA AIR QUALITY  
MANAGEMENT DISTRICT



## Comments Received on the Notice of Preparation/Initial Study

### Document Details Report State Clearinghouse Data Base

**SCH#** 2009082059  
**Project Title** Bay Area 2009 Clean Air Plan  
**Lead Agency** Bay Area Air Quality Management District

---

**Type** NOP Notice of Preparation  
**Description** The CAP will include an assessment of the region's progress toward attaining the California ozone standards and reducing exposure to ozone and other pollutants. Control measures included in the CAP are expected to produce environmental benefits by reducing emissions of ozone precursors and other air pollutants. The environmental review of the CAP will evaluate whether any measures will have secondary adverse environmental impacts, which would occur, for example, through the use of an emission reduction technology that itself may cause some adverse impacts. The District has prepared a preliminary list of control measures to be included in the CAP.

---

#### Lead Agency Contact

**Name** Greg Tholen  
**Agency** Bay Area Air Quality Management District  
**Phone** 415-749-4954 **Fax**  
**email**  
**Address** 939 Ellis Street  
**City** San Francisco **State** CA **Zip** 94109

---

#### Project Location

**County** Alameda, Contra Costa, Marin, San Francisco, San Mateo, ...  
**City**  
**Region**  
**Cross Streets**  
**Lat / Long**  
**Parcel No.**  

Township	Range	Section	Base
----------	-------	---------	------

---

#### Proximity to:

**Highways**  
**Airports**  
**Railways**  
**Waterways**  
**Schools**  
**Land Use**

---

**Project Issues** Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Coastal Zone; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects

---

**Reviewing Agencies** Resources Agency; California Coastal Commission; Department of Conservation; Department of Parks and Recreation; San Francisco Bay Conservation and Development Commission; Department of Water Resources; Department of Fish and Game, Region 3; Office of Emergency Services; Native American Heritage Commission; State Lands Commission; California Highway Patrol; Caltrans, District 4; Air Resources Board, Transportation Projects; Department of Toxic Substances Control; Regional Water Quality Control Board, Region 2

---

**Date Received** 08/24/2009 **Start of Review** 08/24/2009 **End of Review** 09/22/2009

Note: Blanks in data fields result from insufficient information provided by lead agency.

**NOP Distribution List**

County: *San Mateo, Santa Clara, Alameda, Contra Costa, San Diego, San Francisco, Santa Cruz* SCH#

Resources Agency	Public Utilities Commission	State Water Resources Control Board	Regional Water Quality Control Board (RWQCB)
<input type="checkbox"/> Fish & Game Region 2 Jeff Dronngessen	<input type="checkbox"/> Caltrans, District 8 Dan Kopulsky	<input type="checkbox"/> RWQCB 1 Cathleen Hudson North Coast Region (1)	
<input checked="" type="checkbox"/> Fish & Game Region 3 Robert Floerke	<input type="checkbox"/> Santa Monica Bay Restoration Guangyu Wang	<input checked="" type="checkbox"/> RWQCB 2 Environmental Document Coordinator San Francisco Bay Region (2)	
<input type="checkbox"/> Fish & Game Region 4 Julie Vance	<input type="checkbox"/> State Lands Commission Marina Brand	<input type="checkbox"/> RWQCB 3 Central Coast Region (3)	
<input type="checkbox"/> Fish & Game Region 5 Don Chadwick	<input type="checkbox"/> Tahoe Regional Planning Agency (TRPA) Cherry Jacques	<input type="checkbox"/> RWQCB 4 Teresa Rodgers Los Angeles Region (4)	
<input type="checkbox"/> Habitat Conservation Program	<input type="checkbox"/> Business, Trans & Housing	<input type="checkbox"/> RWQCB 5S Central Valley Region (5)	
<input type="checkbox"/> Fish & Game Region 6 Gabriela Gatchel	<input type="checkbox"/> Caltrans - Division of Aeronautics Sandy Hesnard	<input type="checkbox"/> RWQCB 5F Central Valley Region (5) Fresno Branch Office	
<input type="checkbox"/> Habitat Conservation Program	<input type="checkbox"/> Air Resources Board	<input type="checkbox"/> RWQCB 5R Central Valley Region (5) Redding Branch Office	
<input type="checkbox"/> Fish & Game Region 6 I/M Gabriela Gatchel	<input type="checkbox"/> Caltrans - Planning Terri Pencovic	<input type="checkbox"/> RWQCB 6 Lahontan Region (6)	
<input type="checkbox"/> Inyo/Mono, Habitat Conservation Program	<input checked="" type="checkbox"/> California Highway Patrol Scott Loetscher Office of Special Projects	<input type="checkbox"/> RWQCB 6V Lahontan Region (6) Victorville Branch Office	
<input type="checkbox"/> Dept. of Fish & Game M George Isaac Marine Region	<input type="checkbox"/> Housing & Community Development CEQA Coordinator Housing Policy Division	<input type="checkbox"/> RWQCB 7 Colorado River Basin Region (7)	
<input type="checkbox"/> Other Departments	<input type="checkbox"/> Dept. of Transportation	<input type="checkbox"/> RWQCB 8 Santa Ana Region (8)	
<input type="checkbox"/> Food & Agriculture Steve Shafer	<input type="checkbox"/> Caltrans, District 1 Rex Jackman	<input type="checkbox"/> RWQCB 9 San Diego Region (9)	
<input type="checkbox"/> Dept. of Food and Agriculture	<input type="checkbox"/> Caltrans, District 2 Marcelino Gonzalez	<input type="checkbox"/> Other	
<input type="checkbox"/> Dept. of General Services Public School Construction	<input type="checkbox"/> Caltrans, District 3 Bruce de Terra		
<input type="checkbox"/> Dept. of General Services Anna Garboff Environmental Services Section	<input type="checkbox"/> Caltrans, District 4 Lisa Carboni		
<input type="checkbox"/> Dept. of Public Health Bridgette Blinnig	<input type="checkbox"/> Caltrans, District 5 David Murray		
<input type="checkbox"/> Dept. of Health/Drinking Water	<input type="checkbox"/> Caltrans, District 6 Michael Navarro		
<input type="checkbox"/> Independent Commissions/Boards	<input type="checkbox"/> Caltrans, District 7 Eimer Alvarez		
<input type="checkbox"/> Delta Protection Commission Linda Fleck			
<input type="checkbox"/> Office of Emergency Services Dennis Castillo			
<input type="checkbox"/> Governor's Office of Planning & Research State Clearinghouse			
<input type="checkbox"/> Native American Heritage Comm. Debbie Treadway			
<input type="checkbox"/> Fish and Game			
<input type="checkbox"/> Dept. of Fish & Game Scott Flint Environmental Services Division			
<input type="checkbox"/> Fish & Game Region 1 Donald Koch			
<input type="checkbox"/> Fish & Game Region 1E Laurie Hamsberger			



**California Regional Water Quality Control Board**  
**San Francisco Bay Region**



Linda S. Adams  
Secretary for  
Environmental Protection

1515 Clay Street, Suite 1400, Oakland, California 94612  
(510) 622-2300 • Fax (510) 622-2460  
<http://www.waterboards.ca.gov/sanfranciscobay>

Arnold Schwarzenegger  
Governor

Date: August 26, 2009

Environmental Protection Agency  
ATTN: Mr. Keith Barnett  
Office of Air Quality Planning and Standards  
Sector Policies and Programs Division  
Metals and Minerals Group (D243-02)  
Research Triangle Park, NC 27711  
VIA E-mail: [a-and-r-docket@epa.gov](mailto:a-and-r-docket@epa.gov)

**SUBJECT: Support for National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry  
Docket ID No. EPA-HQ-OAR-2002-0051**

Dear Mr. Barnett:

This letter is to express our support for the proposed National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry, Docket ID No. EPA-HQ-OAR-2002-0051e. We are concerned about adverse water quality impacts caused by air emissions from Portland cement plants in general and have specific concerns with contributions to water quality impairment from a specific plant in the San Francisco Bay Region.

The San Francisco Bay Regional Water Quality Control Board (Water Board) is a branch of the California Environmental Protection Agency. We are responsible for establishing water quality standards for water bodies in the Region and Total Maximum Daily Loads (TMDLs) for pollutants impairing water bodies. We have long been concerned about high mercury concentrations in fish in San Francisco Bay, and in 2006 we adopted, and in 2008 U.S. EPA approved, a TMDL for mercury in San Francisco Bay. Direct air deposition is a significant source of mercury loading to the Bay via direct deposition and indirectly via urban runoff. We also have local reservoirs impaired by mercury due to mercury levels in fish. The cement industry is a significant stationary air source in the Bay Area, and monitoring data suggest that local mercury air sources contribute to localized elevated fish mercury concentrations in Stevens Creek Reservoir, described below.

The Lehigh Southwest (formally Hanson Permanente) Cement Company is located in Cupertino, in the San Francisco Bay Area. Our overall estimate of direct and indirect air deposition loading to San Francisco Bay is about 70 kg/yr (SFEI 2001<sup>1</sup>). This facility reported annual mercury air emissions of 225 kilograms in the Toxic Release Inventory (Earth Justice 2008<sup>2</sup>). Even a modest proportion of the mercury emitted from this cement plant deposited in local watersheds is a significant source of

<sup>1</sup> San Francisco Estuary Institute (SFEI). *San Francisco Bay Atmospheric Deposition Pilot Study Part I: Mercury*. July 2001.

<sup>2</sup> Earth Justice, Environmental Integrity Project. 2008. *Cementing a Toxic Legacy*. July 2008.

the elevated mercury, 1.4 mg/kg, wet weight, in largemouth bass (Tetra Tech 2005<sup>3</sup>), found in Stevens Creek Reservoir, Santa Clara County, which is 1.5 miles south of the plant. This level of mercury is nearly five times greater than the level acceptable for human consumption (0.3 mg/kg). We recognize that air deposition from global sources likely also contribute to this impairment. However, levels of mercury in Lexington Reservoir (0.6 mg/kg, wet weight, in largemouth bass), located in this section of the Coast Range but for which there is no local source, is several times lower than in Stevens Creek Reservoir. In order to achieve water quality standards in Stevens Creek Reservoir, it is imperative that the cement plant emissions be reduced as much as possible.

Without the proposed new standards we face enormous regulatory challenges to achieve needed reductions in cement plant mercury emissions. We do not have regulatory authority over air sources. The Bay Area Air Quality Management District, which regulates point sources, requires emissions controls to protect human health via direct air exposure, and the results of its assessments show the Cupertino cement facility does not exceed risk thresholds. Consequently, there is a regulatory gap for protection of aquatic life, the water environment, and human health risks from contaminated fish consumption associated with air sources.

Technology-based controls are efficient and fair across an industry and much preferred over plant-specific requirements. The proposed National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry would reduce mercury emissions approximately 80 to 90 percent from the Lehigh Southwest Plant and are the best way to address the contribution to mercury water quality impairment from this industry in the San Francisco Bay Area.

If you have any questions, please contact Carrie Austin of my staff at (510) 622-1015 [e-mail [caustin@waterboards.ca.gov](mailto:caustin@waterboards.ca.gov)].

Sincerely,



Thomas E. Mumley, PhD., P.E.  
Assistant Executive Officer

<sup>3</sup> Table 8-3, in Tetra Tech, Inc. 2005. *Data Collection Report, Guadalupe River Watershed Mercury TMDL Project*. Prepared for Santa Clara Valley Water District. Available at: [http://www.valleywater.org/Water/Watersheds\\_-\\_streams\\_and\\_floods/Watershed\\_info\\_&\\_projects/Guadalupe/\\_Guadalupe\\_River\\_TMDL\\_project/index.shtml](http://www.valleywater.org/Water/Watersheds_-_streams_and_floods/Watershed_info_&_projects/Guadalupe/_Guadalupe_River_TMDL_project/index.shtml)

**Comments Received on the Notice of Preparation/Initial Study**

---

**From:** Joyce M Eden [comment@sonic.net]  
**Sent:** Monday, September 21, 2009 4:58 PM  
**To:** Gregory Tholen; David Burch  
**Subject:** wvcaw comments on Notice of Preparation for Bay Area Draft Program Environmental Impact Report (EIR), Bay Area 2009 2009 Clean Air Plan (CAP) and Draft Control Strategy (DCS) for the CAP

**Attachments:** EPA SF Water Board Comments.pdf; ATT1640374.htm  
Bay Area Air Quality Management District  
Attn: Greg Tholen and Dean Burch

September 21, 2009

Re: West Valley Citizens Air Watch comments on Notice of Preparation for Bay Area Draft Program Environmental Impact Report (EIR), Bay Area 2009 2009 Clean Air Plan (CAP) and Draft Control Strategy (DCS) for the CAP

**Dear Mr. Tholen and Mr. Burch:**

**The following are West Valley Citizens Air Watch (WVCAW) comments on the above documents. Since there is little time, we intend to send additional scoping comments which we request also be included in the EIR scoping comment period and in the EIR scoping record for the CAP, including comments on the DCS. It was confirmed to us today by a phone conversation with Greg Tholen that the public can submit scoping comments past today's stated deadline and still have them considered and included in the record.**

West Valley Citizens Air Watch supports the BAAQMD in including a multi-pollutant air quality planning model. However, WVCAW asks that there be a more environmentally friendly alternative for the public to consider than the current proposal that has preliminarily determined that there may be potentially significant impacts to air quality, hazardous and hazardous materials, hydrology and water resources, and utilities and service systems. (NOP notice, dated, August 20, 2009)

West Valley Citizens Air Watch opposes trade-offs between various air pollutants and other environmentally harmful substances in order to meet other reduction goals. For example, we have seen proposals to limit CO2 reductions by increasing other hazardous air pollutants. These proposals are short sighted and unnecessary. We ask you to consider and run the numbers for replacement of petroleum coke, coal or other fossil fuels or so-called, "recycled fuels," with natural gas in the Lehigh Southwest cement kiln regulated by the BAAQMD. (See our attached comments below for a more extensive discussion of this potential which would not only greatly reduce CO2, but other toxic air contaminants and criteria pollutants.)

We will send more comments. Please see our comments and those of the SF RWQCB, attached below, which contain many other relevant issues which need to be considered and adopted into the project.

Thank you,

Joyce M Eden, for West Valley Citizens Air Watch, 408 973 1085

**2 Attachments:**

**#1. San Francisco Bay Region, California Regional Water Quality Control Board  
comments re: Docket ID No. EPA-HQ-OAR-2002-0051**

**#2. West Valley Citizens Air Watch comments re: Docket ID No. EPA-HQ-OAR-2002-0051**

**Attachment #1**



Linda S. Adams  
Secretary for  
Environmental Protection

## California Regional Water Quality Control Board San Francisco Bay Region

1515 Clay Street, Suite 1400, Oakland, California 94612  
(510) 622-2300 • Fax (510) 622-2460  
<http://www.waterboards.ca.gov/sanfranciscobay>



Arnold Schwarzenegger  
Governor

Date: August 26, 2009

Environmental Protection Agency  
ATTN: Mr. Keith Barnett  
Office of Air Quality Planning and Standards  
Sector Policies and Programs Division  
Metals and Minerals Group (D243-02)  
Research Triangle Park, NC 27711  
VIA E-mail: [a-and-r-docket@epa.gov](mailto:a-and-r-docket@epa.gov)

**SUBJECT: Support for National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry  
Docket ID No. EPA-HQ-OAR-2002-0051**

Dear Mr. Barnett:

This letter is to express our support for the proposed National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry, Docket ID No. EPA-HQ-OAR-2002-0051e. We are concerned about adverse water quality impacts caused by air emissions from Portland cement plants in general and have specific concerns with contributions to water quality impairment from a specific plant in the San Francisco Bay Region.

The San Francisco Bay Regional Water Quality Control Board (Water Board) is a branch of the California Environmental Protection Agency. We are responsible for establishing water quality standards for water bodies in the Region and Total Maximum Daily Loads (TMDLs) for pollutants impairing water bodies. We have long been concerned about high mercury concentrations in fish in San Francisco Bay, and in 2006 we adopted, and in 2008 U.S. EPA approved, a TMDL for mercury in San Francisco Bay. Direct air deposition is a significant source of mercury loading to the Bay via direct deposition and indirectly via urban runoff. We also have local reservoirs impaired by mercury due to mercury levels in fish. The cement industry is a significant stationary air source in the Bay Area, and monitoring data suggest that local mercury air sources contribute to localized elevated fish mercury concentrations in Stevens Creek Reservoir, described below.

The Lehigh Southwest (formally Hanson Permanente) Cement Company is located in Cupertino, in the San Francisco Bay Area. Our overall estimate of direct and indirect air deposition loading to San Francisco Bay is about 70 kg/yr (SFEI 2001<sup>1</sup>). This facility reported annual mercury air emissions of 225 kilograms in the Toxic Release Inventory (Earth Justice 2008<sup>2</sup>). Even a modest proportion of the mercury emitted from this cement plant deposited in local watersheds is a significant source of

<sup>1</sup> San Francisco Estuary Institute (SFEI). *San Francisco Bay Atmospheric Deposition Pilot Study Part I: Mercury*. July 2001.

<sup>2</sup> Earth Justice, Environmental Integrity Project. 2008. *Cementing a Toxic Legacy*. July 2008.

Docket ID No. EPA-HQ-OAR-2002-0051

2

the elevated mercury, 1.4 mg/kg, wet weight, in largemouth bass (Tetra Tech 2005<sup>3</sup>), found in Stevens Creek Reservoir, Santa Clara County, which is 1.5 miles south of the plant. This level of mercury is nearly five times greater than the level acceptable for human consumption (0.3 mg/kg). We recognize that air deposition from global sources likely also contribute to this impairment. However, levels of mercury in Lexington Reservoir (0.6 mg/kg, wet weight, in largemouth bass), located in this section of the Coast Range but for which there is no local source, is several times lower than in Stevens Creek Reservoir. In order to achieve water quality standards in Stevens Creek Reservoir, it is imperative that the cement plant emissions be reduced as much as possible.

Without the proposed new standards we face enormous regulatory challenges to achieve needed reductions in cement plant mercury emissions. We do not have regulatory authority over air sources. The Bay Area Air Quality Management District, which regulates point sources, requires emissions controls to protect human health via direct air exposure, and the results of its assessments show the Cupertino cement facility does not exceed risk thresholds. Consequently, there is a regulatory gap for protection of aquatic life, the water environment, and human health risks from contaminated fish consumption associated with air sources.

Technology-based controls are efficient and fair across an industry and much preferred over plant-specific requirements. The proposed National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry would reduce mercury emissions approximately 80 to 90 percent from the Lehigh Southwest Plant and are the best way to address the contribution to mercury water quality impairment from this industry in the San Francisco Bay Area.

If you have any questions, please contact Carrie Austin of my staff at (510) 622-1015 [e-mail [caustin@waterboards.ca.gov](mailto:caustin@waterboards.ca.gov)].

Sincerely,

Thomas E. Mumley, PhD., P.E.  
Assistant Executive Officer

---

<sup>3</sup> Table 8-3, in Tetra Tech, Inc. 2005. *Data Collection Report, Guadalupe River Watershed Mercury TMDL Project*. Prepared for Santa Clara Valley Water District. Available at: [http://www.valleywater.org/Water/Watersheds\\_-\\_streams\\_and\\_floods/Watershed\\_info\\_&\\_projects/Guadalupe/\\_Guadalupe\\_River\\_TMDL\\_project/index.shtml](http://www.valleywater.org/Water/Watersheds_-_streams_and_floods/Watershed_info_&_projects/Guadalupe/_Guadalupe_River_TMDL_project/index.shtml)

## Comments Received on the Notice of Preparation/Initial Study

### Attachment #2:

From: [comment@sonic.net](mailto:comment@sonic.net)  
Subject: Docket ID No. EPA-HQ-OAR-2002-0051  
Date: September 4, 2009 4:27:28 PM PDT  
To: [a-and-r-docket@epa.gov](mailto:a-and-r-docket@epa.gov)

*West Valley Citizens Air Watch*  
*Cupertino, CA 95014* <[comment@sonic.net](mailto:comment@sonic.net)>

Sept 4, 2009

Submitted by e-mail and [www.regulations.gov](http://www.regulations.gov)

EPA Docket Center (6102T)  
Docket ID No. EPA-HQ-OAR-2002-0051  
1200 Pennsylvania Ave., NW.  
Washington, DC 20460

Re: West Valley Citizens Air Watch Additional Comments (v.2) on  
National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing  
Industry Docket

To the Environmental Protection Agency (EPA):

West Valley Citizens Air Watch (WVCAW) is herein submitting comments -- in addition to the comments submitted on our behalf to the EPA by The Environmental Law and Justice Clinic at Golden Gate University School of Law on Sept 1, 2009 -- regarding EPA's proposed National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry, 74 Fed. Reg. 21136-01 .

We support the EPA in proposing to significantly reduce mercury, total hydrocarbons (THC) and particulate matter (PM) as well as hydrochloric acid (HCl). We support the proposal of performance specifications to require high quality CEMS for mercury, THC, PM and HCl. While we generally support the EPA's Proposed Rule, there are areas that need additions and strengthening.

#### 1. EPA Needs to Require All Cement Kilns to have one Central Stack.

There are 3 cement kilns in the United States, including Puerto Rico, which have been given a pass to operate without a central stack to gather kiln emissions. The Lehigh Southwest Cement Company, Cupertino, Santa Clara County, CA, a cement plant in Riverside, CA, and a cement plant in Puerto Rico. (Telephone conversation between Dr. Neil Carman and Keith Barnett, EPA, June, 2009)

Absent a central stack to aggregate all the kiln emissions, the emissions from the kiln cannot be adequately monitored, the Continuous Emissions Monitor (CEM) required in the Proposed Rule would not be viable for monitoring emissions and confirming emissions reduction criteria have been met (such as the cap of 43 pounds of mercury per million tons of clinker produced). In addition, there will be necessary scrubbers and/or other pollution control devices that require a central stack for placement to reduce emissions as proposed in the Proposed Rule. Absent a central stack, these rules will be rendered unenforceable for regulating these 3 cement kilns.

The Lehigh Southwest Cement Company, Cupertino, Santa Clara County, CA, kiln has 32 separate small exhaust vents on top of the bag house -- one per each bag -- which vent directly to the open air. <http://maps.google.com/> (click on satellite views) With 30 vents operating at one time, 30 CEMS would be required and 30 scrubbers or any other mitigation equipment required to meet the proposed standards and regulations, in addition to pollution controls such as ACI. At the aforementioned facility, there is adequate room to build a central stack to collect all the emissions from the bag house.

It is evident from the text of the Proposed Rule that a central stack which gathers all the waste gases and particulate matter emissions from each cement kiln is assumed.

Statement from Dr. Neil Carman, September 4, 2009, via e-mail:

*"I am a former regional field investigator inspecting industrial plants including Portland cement kilns for the State of Texas air pollution control agency from 1980 to 1992. During my time as an investigator, I climbed many cement kiln stacks in order to either conduct stack sampling or to observe contractors conducting stack testing and taking samples of the kiln exhaust. The Portland cement kilns I inspected each had a single central exhaust stack that collected the gaseous process waste stream and some of the particulate process emissions from the kiln into one place. The stacks for the Portland cement kilns were required to be approximately 150' high or more in order to comply with the various stack testing requirements in the EPA's applicable reference methods and to obtain an accurate reading of the process emissions. Process waste gas flow patterns are more efficiently handled in a single exhaust stack of minimum required height designed to minimize the variability of air flows through bends and turns in the waste gas exhaust duct system. Even by minimizing this variability, it's still necessary to take velocity traverse measurements across the stack diameter every few inches from wall to wall and collect gaseous/particulate stack samples at representative traverse locations across the entire stack diameter including a set of perpendicular traverses. In addition, three identical stack sampling runs at the same process production rates in a facility such as a cement plant are required for compliance purposes in order to obtain adequate readings for higher accuracy to take to account all the variability factors that transpire on each stack sampling run. Valid stack samples need to be verified by whether they were within the required isokinetic sampling requirements that validate if the sampling rates at each traverse location were within the limits allowed between 90% - 110% isokinetic. Even then, no two stack sampling runs are identical despite efforts to minimize and address the multiple sources of variability. Stack samples were collected utilizing 15-20 foot long stainless steel probes and often with a pyrex glass liner inside.*

*When I zoomed down at the Lehigh Southwest Cement Company plant on the Google Earth satellite map, I was surprised to observe that there is no central exhaust stack which collects the kiln's waste gases and particulate matter emissions. Instead one can see that there is a baghouse with 32 separate waste gas exhaust vents. In my opinion, this makes it quite difficult to nearly impossible to adequately monitor 100% of the kiln's gaseous and particulate matter emissions and take representative samples from 32 separate vents. According to the technical information conveyed to me indirectly from a Mr. Brian Bateman at the BAAQMD in San Francisco, I learned that the BAAQMD extrapolates the total emissions from the kiln with the only CEMS it currently has for NOx, SO2 and other CEMS on a single vent to all the 30 vents that are in operation at one time. The air district in an email claimed that all the vents are supposed to be identical in size, design, process flow and operation. However, I find this claim challenging, in my opinion, because the large number of baghouse vents would likely have subtle operational differences over time due to several sources of variability such as differential wear and tear in the bags themselves differentially increasing the flow rate in one or more vents compared to others with less wear and tear in the bags (no two bags are absolutely identical as they undergo wear and tear over time), and therefore the potential sources of variability within the 30 different baghouse vents makes any such claim not credible nor supportable.*

*There could be various configurations inside the baghouse (a primitive method at best for reducing air emissions) in which the air moves from the two separate pipe/ducts which bring the emissions into the bag house. Whatever the particular configuration it is not possible that the air moves at the same rate and at the same distance from the intake pipes to each of the 32 separate vents.*

*In addition, at any time, there will be differences in the amount of dust in each bag and thus the amount and particulars of the emissions from any of the 32 vents, or 30 vents which are used at one time while the other two have their bags shaken or changed.*

*In order to comply with the provisions of the Proposed Rule (which I support) for a CEMS to monitor the emissions from a central stack which collects all the emissions together from the bag house and in order to place scrubbers to reduce emissions, a single central stack is necessary. Playing around with 30 individual vents as if there would be any adequate way to monitor the emissions and reduce them in the case of scrubbers and other such technology would not only be inadequate and inaccurate, but the supportable calibration of the CEMS could not be efficiently conducted as required. The vents do not appear to be large enough to place all the CEMS's sample lines and presents a series of technical challenges that a single kiln exhaust stack is better designed to deal with than a system of 32 process vents. Atmospheric dispersion from 30 process vents at low heights also reduces the way the particulate matter and waste gases are dispersed in the area, and one potential outcome is higher ground level impacts of the dust emissions and the waste gases in the plant area.*

## Comments Received on the Notice of Preparation/Initial Study

*The three kilns which do not have a central stack need to be required to have one to implement the rule. It is amazing to me that these three kilns have gotten a pass on this and been allowed to operate in this unsupportable manner for all these years."*

**2. No Subcategorization for Cement Plants that Burn High Mercury Limestone.** We support the EPA's proposed standardized limit of 43 pounds of mercury per year per 1 million tons of clinker produced for all kilns. Do not allow the kilns which use limestone with high mercury content to continue to spew these toxins. If anything, we ask for more stringent standards as the high toxicity of mercury in tiny amounts is well documented. Do not allow pressure from the cement industry for a subcategorization to weaken the EPA's proposed standard, or this standard and rule would be rendered moot and meaningless for many of the dirtiest plants and would continue to expose nearby populations to high mercury levels as well as continuing to contribute to the increasing global mercury burden. "... EPA must account for raw material HAP contributions in establishing MACT floors, and the fact that raw materials may be proprietary or otherwise not obtainable category-wide does not relieve EPA of that obligation. See, e.g. 479F. 3d at 882-83." (Proposed Rule, p 21148)

According to an e-mail received by a member of WVCAW on September 1, 2009, from the Bay Area Air Quality Management District (BAAQMD) Director of Engineering, Sept, 2009, the Lehigh Southwest Cement Company, Cupertino, CA, kiln burns 100% petroleum coke and has since May, 2007. The mercury content of the petroleum coke being used, according to the Chief Engineer: "Based on the most recent testing, the mercury content of the coke was determined to be 2E-5 lb/ton (0.00002 lb/ton). " At this kiln's permitted capacity of burning 20 tons of fuel per hour, 24 hours per day, 7 days a week for approx. 49 weeks per year (2 - 3 weeks down for yearly maintenance), the amount of mercury from its petroleum coke fuel would come to 3.3 pounds per year. \*

At the same time, the EPA's Toxic Release Inventory (TRI) for Lehigh Southwest Cement Company, Cupertino, CA, reported estimates of mercury releases into the air over an 8 year period which average out to 415.4 pounds per year. This is a strong indication that the limestone this kiln uses is extremely high in mercury content. We ask the EPA to ensure that the Final Rule maintains the cap of 43 pounds per year per 1 million tons of clinker produced for all kilns whatever the mercury content of the limestone may be; otherwise, as we have demonstrated herein, this rule would be meaningless for this kiln, one of the highest cement kiln mercury emitters in the US, and others like it. \*\*

When burning petroleum coke, the figures indicate that the vast majority of these large amounts of mercury air emissions from the 32 baghouse vents at Lehigh Southwest Cement Company, Cupertino, CA, are from the mercury content of the limestone.

Subcategorization based on limestone composition unfairly depreciates the value of cleaner limestone sources and undermines the intent of the proposed rule.

The content of the mercury in the limestone should not be proprietary -- the content and amount should be readily available to the public for their information and consideration.

**3. Do Not Allow any New High Mercury Content Limestone Quarries to be Mined.** In addition, the rule needs to clearly specify that no new high mercury content limestone quarries be allowed to be mined at kiln locations in which an old limestone quarry has been mined out. The communities in these area have already suffered an extraordinary burden from the existing or mine out quarry and should not be further injured by a kiln being allowed to open a new high mercury content limestone quarry. While reducing the amount of mercury released by kilns to a cap of 43 pounds per million tons of clinker will greatly reduce the mercury emissions from kilns around the country, that amount is still too large. Not allowing future quarries contain this type of limestone will further reduce mercury emissions.

#### **4. High Exposure to Mercury in the San Francisco Bay Area:**

The San Francisco Bay Area Air District (BAAD) is estimated by the Air Resources Board (ARB) to have the highest by far estimated mercury emissions out of all the Air Districts in California. Over two times the amount of the next highest air district, the South Coast Air District. [www.arb.ca.gov/app/emsinv/facinfo/facinfo.php](http://www.arb.ca.gov/app/emsinv/facinfo/facinfo.php)

The California Air Resources Board (ARB) has determined that Hg emissions in the SF Bay Area come from various sources. The five oil refineries in the northern area of San Francisco Bay together produce an estimated 58%, while the Lehigh Southwest Cement Plant, Cupertino, CA, in the Southwestern area of the

San Francisco Bay, by itself produces around 35% of the total estimated Hg emissions. [www.arb.ca.gov/app/emsinv/facinfo/facinfo.php](http://www.arb.ca.gov/app/emsinv/facinfo/facinfo.php).

**5. Demographics.** The Lehigh Southwest Cement Company plant and kiln is located in Santa Clara County, CA, on the boarder of Cupertino, CA, a highly and densely populated county. According to the Bay Area Air Quality Management District figures, the Lehigh Southwest Cement Company plant is the largest stationary source of hazardous air pollution in Santa Clara County. (See EPA TRI and BAAQMD Toxic Air Contaminants, Appendix B, p 107) Santa Clara County is adjacent to three other San Francisco Bay Area counties also with dense and large populations: San Mateo County, Santa Cruz County, and Alameda County just across the Bay.

According to the American Lung Association, "State of the Air: 2009" demographic statistics, **Santa Clara County's** Total Population is 1,748,976. Population Under 18 is 419,320. Population 65 & Over is 186,665. Pediatric Asthma numbers: 38,120. Adult Asthma numbers: 100,048. Chronic Bronchitis numbers: 44,224. Emphysema numbers: 20,662. CV (Cardiovascular Disease) numbers: 457,498. Diabetes numbers: 97,105. (<http://www.stateoftheair.org/2009/states/california/> click on "Groups at Risk" tab) \*\*\*

**6. Schools Close to Cement Kiln: Regulatory boundaries need to be expanded.** In the Cupertino, Santa Clara County, CA, area there are numerous schools, retirement homes, and convalescent facilities extremely close to the Lehigh Southwest Cement Company plant: City of Cupertino Preschool at Monta Vista Park, Monarch Christian Preschool, Lincoln Elementary School, Stevens Creek Elementary School, Kennedy Jr. High School, Monte Vista High School, Pleasant View Convalescent Hospital, Sunny View Retirement Community and The Forum at Rancho San Antonio Retirement Community. Yet regulatory boundaries are set at a mere 1,000' therefore eliminating any of the nearby sensitive populations from appropriate and meaningful regulatory considerations.

**7. Monitoring and Enforcement.** All CEMS and other monitoring information should be readily available to the public, and when produced in real time, available in real time on the web site. Mechanisms to enforce the rules need to have enforcement provisions that not only document agency compliance, but also make the agency reports readily available to the public. Where possible, posted on the EPA or Air District's web sites in a timely manner.

For example, as far as we can tell, the so-called continuous emission monitors for SO<sub>x</sub> and NO<sub>x</sub> which are placed on one of the 32 bag house vents at the Lehigh Southwest Cement Company do not have a paper print out or any way for the public to confirm or monitor the results. Apparently the BAAQMD inspector looks at the monitor and that is it. At this time, it is our understanding that there is not even a written report of the actual figures. We have made numerous requests for clarification.

Because of the location of the Lehigh Southwest Cement Company plant, when the public sees the regular appearance of the plume emitting from the cement plant, especially in the late afternoon-early evening driving home from work in the direction of the plant, we cannot do a Ringleman reading as the sun is behind the plant and there is no public access to get behind the kiln to read it from the opposite direction. When we do report the plume or unusual colors or odors or noise, by the time the BAAQMD inspector gets there, goes through the gate, etc, the situation has changed. Since the inspector only works until 3 pm, the entire evening, nighttime and early morning cannot have a follow up on complaints, even though there is an off hours answering service. Despite this, sometimes we do call in a complaint and often do not receive the promised call back or follow up. And it is the plant that tells the inspector what is going on or not. Most of us have given up reporting to the agency many years ago.

We do, however, support continuance of opacity standards in addition to the EPA's proposed more accurate PM measurement means, as stated in our Sept. 1, 2009, comments.

**8. An Additional Rule to Consider – Require Natural Gas as Main Fuel where Available.**

The Lehigh Southwest Cement plant, Cupertino, CA, has the capacity and all the equipment in place to be able to immediately switch their main fuel from the current petroleum coke (previously coal) to natural gas. (Affirmative response to this question by Jack Broadbent, CEO, Bay Area Air Quality Management District, at a meeting with WCAW in 2007) That would greatly reduce many toxic and particulate emissions, although not in any significant or meaningful way the mercury emissions for kilns burning high mercury content limestone as the main source of mercury (see Section #1 above high mercury emissions due to limestone content). Our guess is that there are other, perhaps many other, cement plants in the US who could do the same. This needs to be considered, but still requiring the mercury cap, the CEMS and the other requirements to reduce toxic air emissions as in the Proposed Rule. As the Proposed Rule notes, depending

## Comments Received on the Notice of Preparation/Initial Study

---

on the kiln, only a portion of the mercury comes from the fuel, while various percentages depending on the kiln, come from the limestone. We ask the EPA to consider requiring natural gas where available as a viable option to other fossil fuels or other hazardous fuels.

**9. Alternative Methods of Producing Cement.** We mention here the possibilities of producing cement without a process of using huge amounts of fossil fuels or other highly polluting substances for burning to heat limestone to high temperatures in order to create clinker. Clinker is a material, embodying -- due to its production processes and materials -- huge amounts of embedded energy and toxic emissions.

There is a potential mountain of preprocessed, preheated volcanic pozzolanic ash in the US -- Mt. St. Helens. The Romans used the volcanic pozzolanic ash from Mt. Vesuvius, preprocessed by that volcano. Roman aqueducts, roads and buildings thousands of years old still exist. No need to mine huge amounts of limestone, no need to burn huge amounts of polluting fuel to heat limestone, and then to grind it. Of course, the ash at Mt. St. Helens would need to be tested as to its applicability, but the ability to do that readily exists.

An article entitled, "The Riddle of Ancient Roman Concrete" by David Moore, P.E., discusses the ancient Roman use of volcanic pozzolans from Mt. Vesuvius. That same article also discusses the Bureau of Reclamation's successful use of a process similar to that used in ancient Rome in building the large Upper Stillwater Dam. "... the fly ash contained the same amorphous silica compounds as the ash from explosive volcanoes." The Pantheon (built approx. 126 AD) is still standing in, "near perfect condition," withstanding time and weather. Whose concrete is better? <http://www.romanconcrete.com/docs/spillway/spillway.htm>

While we do not claim this would replace all cement, especially high end uses, it has the potential to greatly reduce the use of kilns and even perhaps replace them for high end uses also as there are other experimental processes currently being explored. Kilns could become a relic of the past in a short time, just as typewriters have. So this potential should be considered to be incorporated into the rule also -- phase out or closure of kilns. Otherwise, kilns may interfere with the creation of the cleaner technologies be they old (Roman) or new. \*\*\*\*

**10. Alternative Materials.** There are numerous applications of concrete made from kiln produced clinker that could today use other materials. Many applications are not large weight bearing structures with stringent specifications, such as required by bridges, for example.

There are many applications in which concrete is used when other more environmentally sustainable materials could instead be used just as well. In Germany and other European countries today there are 3 story buildings still being used which were built 2 and 3 centuries ago using cob (clay dirt, sand, water, straw plus mixing which can be and is done by hand. One of us personally participated in cob building.) Today, there are many structures in the US being built with cob.

In the hills on the San Francisco Peninsula, there are million dollar homes (due to size and location, not to the materials) which were built using straw bale construction instead of concrete.

While cob and straw bale may seem to be strange, low tech, materials for those who have no experience with them, in a more sanely sustainable world, they may well replace much kiln produced cement and concrete and in fact may prove to be cutting edge technologies -- despite of or because of being low tech. \*\*\*\*

We thank the EPA administration and its employees for this Proposed Rule to significantly reduce mercury, THC, PM and Hydrochloric Acid. We urge you to set the required implementation deadline for 2011 or sooner. We have all waited much too long for these badly needed reductions. We urge you to stay the course and broaden the reductions to include additional toxic air pollutants for the sake of the directly affected communities, for the global community who all share in the yearly increase of mercury and other toxic burdens and for future generations.

*Once emitted, mercury remains in the air, on the land, in the water and is ingested and breathed in by humans, animals and fish. Once emitted into the air, it does not go away.*

*"The wisest, the most enlightened, the most remotely long-seeing exploitation of resources is not enough, for the simple reason that the whole concept of exploitation is so false and so limited that in the end it will defeat itself and the earth will have been plundered no matter how scientifically and farseeingly the plundering has been done." Joseph Wood Krutch, 1954*

## Bay Area Air Quality Management District Bay Area 2010 Clean Air Plan

Thank you,

Joyce M Eden, Timothy K. Brand and Donna Cotner for West Valley Citizens Air Watch  
Cupertino, CA 95014

Monica Wilson  
GAIA: Global Alliance for Incinerator Alternatives  
Berkeley, CA 94704

\* Figures from EPA's Toxic Release Inventory (TRI) for mercury emissions reported for the Lehigh Southwest Cement Company, Cupertino, CA, in pounds per year for the most recent 8 year period from 2000 to 2007: 208 + 497.2 + 451.1 + 418.8 + 496.6 + 521.7 + 494 + 236.2 = 3,323.4 total lbs per year / 8 years = 415.4 pounds average mercury emissions per year.

\*\* Our understanding from the BAAQMD is that the kiln switched from using 3/4 coal plus 1/4 petroleum coke as fuel (20 total tons/hr) to 100% petroleum coke as fuel (20 tons/hr) in May, 2007 to the present. (e-mail from Director of Engineering) We have no figures at this time for the mercury content of the coal previously used. In addition, it is possible or probable that in the year 2007, the kiln was not operating at full capacity.

\*\*\*

**San Mateo County:**

Total Population 706,984. Population Under 18 is 157,575. 65 & Over 93,090. Pediatric Asthma 14,325. Adult Asthma 41,460. Chronic Bronchitis 19,101. Emphysema 9,669. CV Disease 204,771. Diabetes 44,325.

**Santa Cruz County:**

Total Population 251,747. Population Under 18 is 54,512. 65 & Over 26,162. Pediatric Asthma 4,956. Adult Asthma 14,887. Chronic Bronchitis 6,653. Emphysema 3,141. CV Disease 69,084. Diabetes 14,738.

**Alameda County:**

Total Population 1,464,202. Population Under 18 is 344,146. 65 & Over 157,218. Pediatric Asthma 31,286. Adult Asthma 84,374. Chronic Bronchitis 37,542. Emphysema 17,715. CV Disease 389,973. Diabetes 83,038.

<http://www.stateoftheair.org/2009/states/california/>

\*\*\*\* "The Administrator is to give priority to technologies or strategies which reduce the amount of pollution generated through process changes or the substitution of materials less hazardous. Pollution prevention is to be the preferred strategy wherever possible." (S. Rep. No. 101-228, 101st Con., 1st Sess., at 141

v.2

**Comments Received on the Notice of Preparation/Initial Study**

---



Hewlett-Packard Company  
1000 NE Circle Blvd  
Mail Stop 422A  
Corvallis, OR 97330  
www.hp.com

**Jeff Oberl PE**  
Imaging and Printing Group  
Outdoor Air Quality Team Lead

541.715.5354 Tel  
541.715.4015 Fax  
[Jeff.Oberl@hp.com](mailto:Jeff.Oberl@hp.com)

**Jeffrey Belson, PhD**  
Commercial & Industrial Printing  
Technical-Environmental Forum Lead

011.972.8.938.1894 Tel  
[Jeffrey.belson@hp.com](mailto:Jeffrey.belson@hp.com)

September 10, 2009

Daniel Belik  
Rule Development Manager  
Planning, Rules and Research Division  
Bay Area Air Quality Management District  
939 Ellis Street  
San Francisco, California, 94109

Dear Mr Belik:

Hewlett-Packard Company (HP) is pleased to provide these comments on the initial draft of the BAAQMD's 2009 Clean Air Plan which was circulated for initial public comment.

As you know, HP is an international leader in the manufacture of digital printers. HP takes pride in the efforts it has made to design its products to minimize impacts on the local environment and to protect worker and user safety. As a company founded in the Bay Area, we also take pride in the accomplishments of the BAAQMD in improving air quality in our region over the past three decades while allowing for continued growth and development.

Digital printing offers significant environmental advantages. Most notably, digital printing's ability to 'print on demand' results in less paper waste relative to conventional print technologies.

We have been engaged in discussions with the BAAQMD and other California air districts over the past few years to talk about the best approaches to regulating air emissions from emerging digital print technologies. There are a wide range of new technologies under the umbrella of 'digital printing' and new ones being developed all the time. Digital printing differs substantially from conventional analog printing which is regulated by most California air districts under rules that limit VOC content of inks used in the printing process. VOC limits are not an effective or even-handed way to regulate digital printing. Some technologies, such as liquid electrophotography, that use high solvent inks may have relatively low overall emissions because they capture and re-use or reclaim solvent in on-board systems. We support the BAAQMD's efforts to do a thorough evaluation of the digital industry and are committed to working with the agency to develop regulations that are science-based, technologically feasible, practicable to implement by customers and users, and which look at the overall costs and benefits of digital printing.



Hewlett-Packard Company  
1000 NE Circle Blvd  
Corvallis Oregon, USA, 97330  
www.hp.com

September 10, 2009  
Page 2

Attached are our suggested edits to the 2009 Draft Plan. We are glad to discuss these with your staff. We look forward to the opportunity to continue our dialogue with you on the best approaches to integrate digital printing into the BAAQMD regulatory structure.

Sincerely,

Jeff Obert, P.E.  
Imaging and Printing Group  
Outdoor Air Team Lead  
Hewlett-Packard Co.  
1000 NE Circle Blvd  
Corvallis, OR USA 97330

541-715-5354 Tel  
541-715-2758 Fax

[jeff.obert@hp.com](mailto:jeff.obert@hp.com)

  
P.P. JEFFREY BELSON, Ph.D

Jeffrey Belson, Ph.D.  
Commercial & Industrial Printing  
Technical-Environmental Forum Lead  
Hewlett-Packard Co.  
Kiryat Weizmann PO Box 150  
Rehovot 76101 Israel

+972-8-938-1894 Tel  
+972-(0)-545-209331 Mobile  
+972-8-938-1338 Fax

[jeffrey.belson@hp.com](mailto:jeffrey.belson@hp.com)

cc David Burch/BAAQMD  
William Saltz/BAAQMD

HP Comments  
9-11-2009

Bay Area 2009 Clean Air Plan Draft



**SSM 3 Digital Printing**

**Brief Summary:**

This control measure would reduce ROG emissions from digital printing operations by one of several approaches:

- Adopting VOC limits on inks and solvents used,
- Establishing emission limits which could be met by a combination of approaches, or
- Adopting control technology requirements.

**Purpose:**

Reduce emissions of VOC from digital printing operations.

**Source Category:**

Area Source

**Regulatory Context and Background:**

District Regulation 8, Rule 20: Graphics Arts Printing and Coating Operations limits organic emissions from traditional graphic arts operations during printing, coating, adhesive, and cleaning activities. Traditional printing technologies include lithographic, letterpress, gravure, flexographic, and screen printing. VOC limits are further differentiated by the types of inks and substrates used during the printing process.

The digital printing (DP) is a fairly new, non traditional printing process that is emerging in virtually every segment of the graphic arts industry. In this process a digital image stored on a computer is converted into an image that can be printed on a wide variety of substrates besides paper, such as textiles; three dimensional objects, like ball bearings; and synthetic skin. This differs from traditional graphic arts printing, which uses fixed image masters or "plates". One primary reason DP is gaining greater acceptance is that DP has a faster turnaround time because it requires considerably less setup time for each job compared to other printing processes. Furthermore, last minute revisions are easily carried out without having to make significant changes. DP can produce many copies per minute and can dramatically reduce the amount of paper wasted in production. The five basic types of digital printing technology are liquid inkjet printing; thermal wax printing; laser printing, including electrophotographic printing; solid ink printing; and dye sublimation printing. Although DP accounted for only about three percent of the total U.S. printing industry output in 1991, it is forecast to have at least a 21 percent market share by 2025.

Emissions from the DP industry are not regulated by the District's rule to control emissions from printing presses, Regulation 8, Rule 20. In 2008, Regulation 8, Rule 20 was amended and certain commercial scale digital printers were required to keep records of VOC usage, in order for the District to better understand the types and quantities of emissions. The District's inspection staff has observed DP technology in graphic arts facilities.

**Deleted:** The DP technologies observed are predominantly the HP INDIGO digital presses. HP INDIGO presses form images on paper using an electrophotographic printing process.



A number of digital printing press operations exist in the Bay Area. They include inkjet, dye sublimation, electrophotographic, thermal wax, and others. Of all the digital printing operations, inkjet printing appears to be gaining the largest market share in the graphic arts industry on a world-wide basis. Because some presses and printers use high solvent content inks, these warrant careful evaluation of whether they emit significant VOC emissions. Inkjet engines print on the widest formats in the printing industry and can use inks that contain high VOC contents. The purpose of the recordkeeping survey is to broadly canvass the digital printing industry and ascertain which types of presses or printers emit significant quantities of VOCs that merit regulation.

The State of Maryland's COMAR 26.11.19 limits emissions from DP by limiting VOC emissions into the atmosphere to 100 pounds per day from all digital printing on a per facility basis.

**Implementation Actions:**

One option is to establish a limit for VOC emissions from DP facilities, such as Maryland's 100 pounds per day limit. Another option is to establish overall emission limitations which digital presses could meet through a variety of alternatives, including use of low VOC materials, on-board controls or add-on control technologies. Lower VOC inks may be able to be developed, although the necessary properties of inks for some types of DP may preclude low-VOC formulations, thus limiting the effectiveness of this regulatory approach.

**Emission Reductions:**

0.12 tons per day.

**Emission Reduction Methodology:**

TBD

**Exposure Reduction:**

TBD

**Emission Reductions Trade-offs:**

Add on control equipment may require the use of electricity or natural gas, increasing GHGs.

**Cost:**

Unknown at this time. Some DP may reduce emissions through internal controls of ink usage.

**Co-benefits:**

Reduction in VOC emissions may reduce emissions of toxic organic compounds, although some digital manufacturers report that they have designed digital presses to avoid the use of air toxics.

**Monitoring Mechanisms:**

Source testing, recordkeeping, parametric monitoring.

**Issues/Impediments:**

Unlike traditional printing, low VOC inks may be problematic to develop due to the nature of how the DP creates images. Inkjet printing relies on ink with a very low viscosity to be sprayed through tiny nozzles. Electrophotographic printing relies on the polarity of ink molecules to be attracted to charged plates.

**Deleted:** Based on an analysis of the VOC content of inks, imaging oil, and imaging agent used in a year by an HP INDIGO 5000 electrophotographic press, and subtracting waste, staff calculated that VOC emissions were approximately 1 ton/year. Standardized for production, this is 10-12 times the emission rate of traditional lithography. The exact number of HP INDIGO presses currently operate in the Bay Area is not known. District staff conservatively estimates that least 40-50 large HP INDIGO presses exist in the Bay Area. An additional 60-70 smaller presses operate in the Bay Area as well. It is possible that HP INDIGO presses account for well over 50 tons of emissions in the Bay Area on a yearly basis.

**Deleted:** that

**Deleted:** Alternatively,

**Deleted:** Finally, add-on control equipment may be required.

**Deleted:** The HP Indigo presses can use a chiller to capture and minimize emissions by capturing vapors and recycling the solvent part of the vapor. Assuming an overall capture and control efficiency of 75 percent, the emission reduction from this model of press is calculated as follows:

## Comments Received on the Notice of Preparation/Initial Study

---

### Sources:

1. EPA Office of Compliance sector Notebook Project: Profile of the Printing & Publishing Industry, 1995  
<http://www.epa.gov/compliance/resources/publications/assistance/sectors/notebooks/print1.pdf>
2. EPA Design for the Environment Printing Industry Profile,  
<http://www.p2pays.org/ref/01/00936/execsum.htm>
3. Digital Printing: The Reference Handbook, 2004, Uri Levy & Gilles Biscos
4. Today's Digital Imaging: Version 5.0, 2005, Smart Papers
5. Conference call with Sandra Lowe-Leseth, Rule Developer, San Joaquin Valley Air Pollution Control District, 5/2/07
6. Code of Maryland Regulations: 26.11.19.18.1 & Control of Volatile Organic Compound Emissions from Screen Printing and Digital Imaging,  
<http://www.dsd.state.md.us/comar/26/26.11.19.18.htm>

*Via Email*

September 11, 2009

Mr. David Burch, Principal Planner  
Bay Area Air Quality Management District  
939 Ellis Street  
San Francisco, CA 94109

**Re: Comments on the Draft Bay Area 2009 Clean Air Plan**

Dear Mr. Burch,

On behalf of the Natural Resources Defense Council (NRDC), which has over 1.2 million members and activists, more than 250,000 of whom are Californians, we write to support and comment on the Bay Area Air Quality Management District (Air District) draft 2009 Clean Air Plan (CAP or Plan). NRDC has been closely engaged on many of the issues covered by the CAP; we strongly support the comprehensive, multi-pollutant approach taken by this plan.

While our comments below focus on a handful of the many measures contained in the draft CAP, we applaud the air district for the very broad approach taken, not only in covering ozone precursors, PM and GHGs together, but also in exploring novel approaches and a diverse array of strategies. Generally we support all of the efforts of this plan to achieve further reductions in NOx, VOC, PM, GHGs and the many additional co-pollutant reductions.

Some measures, however, exhibit trade-offs between pollutants. For example, certain abatement technologies can reduce criteria pollutants, while increasing energy demands and therefore creating slight increases in GHGs. While we understand that in select circumstances modest trade-offs may occur, we urge the Air District to do everything possible to avoid such trade-offs. Specifically, where a single measure for a source category may increase a pollutant, the Air District must explore additional measures for the same source category to mitigate the excess. If there are any instances of increases in toxic air pollutants that for any reason cannot be mitigated within the same source, those measures should be abandoned.

We also note that rigorous enforcement is critical to achieving the emission reductions envisioned in this Plan. The Air District should include a detailed enforcement strategy to ensure the efficacy of all the measures in the final Plan.

#### **Stationary Source Measures**

We strongly support the efforts of the Air District to obtain further reductions in criteria pollutants and GHGs as well as air toxics (co-pollutant benefits) from industrial and stationary sources. Of particular note are the measures covering foundries (SSM 1), cement kilns (SSM9), coke calcining (SSM 10), open burning (SSM 11), and refineries (SSM 12). These sources are not only large emitters of GHGs and criteria pollutants but also create high health risks to surrounding populations due to air toxics and/or excessive PM emissions. There may be

opportunities to significantly expand emission reduction programs for many of these sources; we highlight several below.

*SSM 4 – General Particulate Matter Emission Limitation*

Because of the tremendous health impacts associated with PM and the very localized nature of emissions and exposure, we urge the Air District to adopt the more stringent limit of less than 12 pounds per hour, currently in place in the South Coast. Further, the Air District should explore much lower limitations for the fine PM that is responsible for the greatest health impacts (as acknowledged in the draft Plan on page 21).

*SSM 5 – Greenhouse gases in Permitting, Energy Efficiency*

The draft CAP describes two different ways in which this measure could be implemented. We encourage the Air District to implement the second method described where energy efficiency-related measures are imposed as a component of the permitting process. This will enable the most rapid adoption of cutting edge technologies that provide multiple pollution reduction benefits. Extensive research by DOE, the CEC, and the LBNL have identified new technologies that increase energy efficiency resulting in reductions of greenhouse gases, criteria, and toxic pollutants while saving money in fuel costs.

*SSM 9 – Cement Kilns*

Cement production is a major source of criteria and toxic pollutants such as NO<sub>x</sub>, SO<sub>2</sub>, PM, mercury, and other metals. Comprehensive pollution control techniques are required to efficiently reduce the impact of these facilities on neighboring communities. We applaud the district for seeking to reduce NO<sub>x</sub> and SO<sub>x</sub> emissions from the Lehigh Southwest plant and encourage the implementation of a comprehensive suite of pollution controls that effectively achieves the toxic pollutant reductions laid out in the draft National Standard for Hazardous Air Pollutants for Cement Kilns and the NO<sub>x</sub> reductions outlined here.

*SSM 12 – Refinery Boilers and Heaters*

The District should consider the achievable NO<sub>x</sub> and GHG reductions possible as a result of installing the most up to date technologies for boilers and heaters which achieve low NO<sub>x</sub> emissions through improved energy efficiency. This should be assessed for all boilers and heaters including those currently controlled under Reg 9-10 as well as those currently without NO<sub>x</sub> controls.

*SSM 15- Dryers, Ovens and Kilns*

In addition to the strategy proposed in the draft CAP, the District should assess the availability of technologies that can achieve the NO<sub>x</sub> reductions for these sources through improved energy efficiency. This will result in substantial co-benefits through the reduction of other pollutants, including GHGs and toxics.

*SSM 19 – Revisions to the Air Toxic Hotspots Program*

It is essential that any revisions to the District's risk reduction rule ensure transparency, community participation, and adequate protection of vulnerable populations such as children.

**Mobile Source Measures**

We support the many mobile source measures contained in the Plan. Our comments on specific heavy-duty vehicle measures mirror those submitted by the Ditching Dirty Diesel Collaborative on September 11, 2009.

**Transportation Control Measures**

We very much appreciate the comprehensive treatment of the important interaction between transportation and land use in determining air quality and minimizing greenhouse gas emissions.

*TCM A-1, A-2, and A-3: Expanded Transit Services*

The success of a number of the Transportation Control Measures (A-1, A-2, A-3, especially) hinges on the availability of funding at the state, regional and local levels. NRDC recommends that the air district formally commit in the CAP to engage in the public transit funding process to find sustainable sources of funding for these essential services.

In addition to operating existing service, and introducing new services (such as BRT and RapidBus), efforts should also be made to expand the reach of the existing bus system, increase headways for both bus and rail, and lower fares. Each of these factors correlates positively with increased passenger miles, greater per passenger mile efficiencies, and reduced vehicular emissions.

*TCM B-1: Freeway and Arterial Operations Strategies*

NRDC shares the concern of staff that TCM B-1 strategies "could encourage longer commutes from residential locations in the periphery of the region." To the extent that CAP policies facilitate and support a larger regional development footprint (see also our comments on TCM B-3: HOT Lanes), care must be taken to avoid inducing new travel or promote residential and commercial development that will lengthen travel distances by car. In the effort to reduce idling and smooth traffic flow to cut air pollution, the Air District must be mindful of induced travel demand and VMT increases through "rebound effects" when altering operations.<sup>1</sup>

*TCM B-3: Express Lane Network*

In the current legislative session, NRDC has expressed serious concerns about the Express Lane Network envisioned by MTC and authorized in AB 744 (Torrico). Although we have supported the conversion of existing HOV lanes to HOT lanes, and can even support restriping of existing facilities to fill gaps in the network (even though these are technically increases in capacity), NRDC and other environmental organizations question the VMT reduction potential of the

---

<sup>1</sup> See Cambridge Systematics, Inc. *Moving Cooler*, Urban Land Institute, July 2009, p. 34.

outward expansion of the system along the 101 (southbound), the 80 (east of Vacaville) and the 580 (east of Dublin). This expansion of highway capacity into undeveloped areas is typical of historic infrastructure investments that have supported sprawl and increased VMT. We appreciated staff's recognition of this trade-off (p 128), and ask the Air District staff to investigate the likely impacts of the system, generally, and the extensions, in particular, before associating significant air quality improvements with the Network.

NRDC recommends that the Air District examine the likely air quality impacts of possible increased congestion in the East Bay urban core, particularly East and West Oakland. The Express Lane Network will not include the 880 in Oakland, the Bay Bridge, or its approaches, meaning that drivers with faster commutes along the Network may nonetheless find themselves funneled into congested general purpose lanes once they reach Oakland, concentrating congestion in these already sensitive areas.

NRDC appreciates the Air District's willingness to sit a representative on the BATA's BAYPOC, the board that would oversee the implementation of the network, and to assist in analyzing the system's impacts. This was a request NRDC and other environmental groups made to MTC. We would encourage the Air District to set baselines now, before the Network is up and running, to aid in gauging likely impacts in the future.

*TCM C-1: Voluntary Employer-Based Trip Reduction Program*

Consistent with TCM E-2, NRDC recommends that "Free or underpriced parking" be added to the bulleted list of reasons why employees drive to work. Although the Bay Area is a national leader in corporate Transportation Demand Management programs, voluntary employer efforts to reduce employee driving are nevertheless quite inadequate. Not only is technical assistance lacking, but many employers believe TDM programs put them at a disadvantage when compared to competitors who can, for instance, offer freely available parking. SB 375 calls for broad new regional planning efforts that must involve municipalities, regional agencies and area employers. NRDC is currently sponsoring legislation (SB 728 (Lowenthal), supported by the Air District, that will grant authority to cities, counties and air districts to enforce CARB's Parking Cash Out program. As the Air District has shown a willingness in the CAP to support legislation to expand incentives for employer TDM programs, NRDC would also ask that the Air District sponsor or support legislative efforts to amend or repeal SB 437.

**Land Use & Local Impact Measures**

We applaud the efforts of the Air District to address land use issues that are tied to air pollution and GHGs.

*LUM 1: Goods Movement*

We strongly support the comprehensive approach to goods movement taken through this measure. It is important to learn from past efforts, such as the MAQIP, and adapt strategies so that the Air District has more control over achieving emission reductions from this broad sector. To that end, we are very supportive of the following efforts outlined in this measure:

- **Mode Shifts:** While this is currently being considered as part of the AB 32 goods movement system efficiencies measure at the state level, local and regional support and participation are critical to development of a cargo mode shift plan that does not simply move adverse impacts from one area to another. Care must be taken to evaluate impacts to the environment far beyond air pollution and GHG emissions. We look forward to the Air District's leadership and participation in this process.
- **Efficiencies in Distribution Systems:** Similarly, while this measure is being developed at the state level, it is important for the Air District to actively engage on this issue, with its knowledge of local systems. For instance, much can be done at the regional level to reduce empty container truck traffic, design more efficient staging and routing systems for cargo, and ensure that systemic efficiency improvements protect sensitive populations.
- **Best Practices for Goods Movement Land Uses:** It is critical for the Air District to play an active role in ensuring that local and regional land use decisions do not put residents and vulnerable populations at increased health risk from air pollution, noise or other hazards due to inappropriate siting choices.
- **Container Fees:** We greatly appreciate the Air District's support for this important revenue source. Without these much-needed funds, communities impacted by freight pollution throughout the Bay Area simply will not see adequate improvements to their air quality and health.
- **Additional elements:** We strongly support the inclusion in this initiative of increased enforcement, improved outreach, better signage and truck routes, and consolidated truck services and parking facilities.

*LUM 2: Indirect Source Rule*

NRDC supports the creation of Indirect Source Review and appreciates the opportunity to serve on the Air District's stakeholder advisory group. In the development of ISR, it is vital to balance the need to reduce criteria pollutants, particularly in CARE communities, with the need to increase development intensities in the developed parts of the region to reduce VMT. A major obstacle to smarter growth is that greenfield development is often much cheaper and comparatively lightly regulated, when compared to infill development. An ISR must support superior environmental performance without further disadvantaging development of the character, and in the locations, known to reduce VMT.

Additionally, we strongly support potential regulation of magnet sources (FSM 11), but urge the Air District to incorporate these sources into ISR rather than a separate rulemaking.<sup>2</sup> We look forward to working with the Air District in the development of this important tool.

*LUM 3: Updated CEQA Guidelines and Enhanced CEQA Review*

---

<sup>2</sup> See September 11, 2009 Ditching Dirty Diesel Collaborative letter for further commentary on this issue.

NRDC supports the continued work of the Air District to revise CEQA thresholds and offer guidance to lead agencies on CEQA compliance. As the Resources Agency continues its SB 97-mandated review of the CEQA Guidelines to include GHG emissions, NRDC recommends the following for the Air District to consider in their CEQA guidance:

- The Air District should assist lead agencies in quantifying GHGs whenever possible, using qualitative methods only when quantification is impossible or to add further information to quantified data;
- The Air District itself, and in its guidance to lead agencies, should prioritize mitigation measures, with preference for on-site and local mitigations, as opposed to off-site mitigations, which are harder to monitor and enforce and may not offer local co-benefits. GHG mitigations must also be additional, and not the result of already existing requirements for projects.
- The Air District can assist in the development of “applicable measures of effectiveness,” consistent with the Resources Agency’s proposed changes to Transportation impacts in Appendix G of the CEQA Guidelines (the Checklist). Although NRDC does not support the inclusion of “capacity” as the primary indicator of the environmental impacts of transportation, the draft does permit the acceptance of locally-preferred measures. We believe this is an opportunity to move towards a more holistic consideration of transportation, to include the experiences of transit, pedestrians and bicyclists in CEQA analysis.

We appreciate this opportunity to comment and would welcome any follow up conversations to clarify our recommendations more with you or your staff.

Sincerely,  
Diane Bailey, Senior Scientist  
Justin Horner, Transportation Policy Analyst  
Miriam Rotkin-Ellman, Research Associate  
Natural Resources Defense Council



September 11, 2009

Mr. David Burch  
Principal Planner, BAAQMD  
939 Ellis Street  
San Francisco, CA 94109

Re: 2009 Clean Air Plan

Dear Mr. Burch,

The Ditching Dirty Diesel Collaborative (DDDC) is a regional alliance of Bay Area grass-roots community-based organizations, labor, environmental science, public health and legal non-governmental groups. Our original convening brought together more than 100 individuals from dozens of community, regulatory and policy-making organizations. Among our organizational members we represent literally hundreds of impacted residents in our respective communities.

We are writing to applaud the Air District for taking proactive steps, in developing a multi-pollutant strategy to reduce ozone, PM, and their precursors throughout the greater San Francisco Bay Area. This is a vast improvement on previous plans that solely investigated ozone. We are also writing with questions and recommendations regarding the draft control measures put forth in the Bay Area 2009 Clean Air Plan (CAP) in the recent draft program environmental impact report.

While we are encouraged by the number of measures that could have a positive impact in our communities, we hope that you will be able to provide clarity regarding the CAP's processes and content details.

***Public Participation and Process***

DDDC believes in strong public participation to inform and achieve improved public health outcomes for the most impacted communities in the Bay Area. Towards this end, we hope that the CAP will have a comprehensive public participation and implementation process that is clearly outlined and fully resourced. There is a big question around who will implement and enforce the various control measures. We recommend adopting and using the Bay Area Environmental Health Collaborative's *Proposed Bay Area Public Participation Protocol* (Attachment 1) for the CAP, and keeping stakeholders engaged in throughout the duration of the CAP.

***General Comments and Questions***

## Comments Received on the Notice of Preparation/Initial Study

We appreciate the organization of measures into various sources that impact air quality in the Bay Area region. It is vital to us at DDDC, that the control measures in whole take in to account individual and cumulative sources of pollution from freight transportation . Many of our communities are inundated by various pollution sources linked to freight transportation (also called "goods movement"). We trust BAAQMD will be in constant conversation with the CARE Program and stakeholders like DDDC to ensure the communities most impacted by air pollution are also the communities that will receive direct benefit from the CAP's control measures.

Questions that span the overall CAP:

- Will the scope of the CAP include emissions from planes and ships, which are another source of pollution in many of our communities?
- What are the funding mechanisms for implementation of the control measures and what types of incentive funds are available for early implementation?
- How will BAAQMD support small businesses and individuals who are impacted by and may have difficulty meeting draft control measures?
- How will BAAQMD enforce, monitor and oversee the control measures? Will there be public oversight?
- How will communities be able to share in the development and implementation of the CAP to influence the impacts various measures will have on their communities?

### ***Stationary and Area Source Measures***

It is vital that we have stringent protective laws that keep in mind the cumulative impact of industry uses on top of one another in the same community. It is especially important that the New Source Review implement stringent rules for sources in impacted communities, as identified by the air district's CARE program.

SSM 17-19

- Should also include the impact of public projects
- Will the New Source Review (NSR) also take into account the emissions from vehicles moving to and from the new sources?
- "New and expanded" uses need to include the vehicles moving to and from those sources.

SSM 19

- The clustering of diesel polluting vehicles and the air toxic hotspots that these clusters create must be considered.

### ***Mobile Source Measures***

MSM B1-3

We are supportive of control measures on mobile sources. We believe that you must ensure that emissions reductions are truly "surplus" before continuing to distribute taxpayer- funded incentives. Specifically, all public incentive funds should be used in a manner that assures early

emission reductions well before they required by any regulations, requirements or existing programs. We support replacements over retrofits as a longer-term solution to cleaning up diesel PM as well as other emissions from heavy-duty trucks. We are concerned that public incentive funding is not reaching the small businesses and independent truck owners who need it most. The air district needs to ensure that least able to finance compliance with upcoming regulations receive targeted outreach and assistance in applying for and securing necessary funds. We urge the Air District to be more proactive in engaging independent truckers through efforts such as road-side application assistance kiosks, and that the application process be streamlined.

**MSM C-1**

Much of this funding may be misplaced relative to other diesel clean up opportunities. BAAQMD needs to be more proactive in getting this funding to the smaller companies, contractors, and farmers, and ensure that the funding is targeted to equipment operated in areas where exposure to pollution is the most significant.

***Transportation Control Measures***

**TCM B-4**

DDDC recommends that the CAP incorporate the state commitment from the Governor's Goods Movement Action Plan that projects should move forward with "no net increase" in air emissions. BAAQMD must work with project sponsors to ensure that there is no net increase in air pollution and require actual proof of decreased pollution level due to these measures:

- How will "congestion management" work?
- What are the methods and criteria for a good project?
- If a Proposition 1B Trade Corridor Improvement Fund project is found to negatively impact air quality after all potential mitigation measures are explored, what will BAAQMD do to prevent those impacts?

**TCM D-3**

DDDC supports Transit Oriented Development and mixed land uses as long as public health impacts are at the forefront and there is not an increase in people exposed to air pollution. BAAQMD should ensure that housing and sensitive land uses are not placed next to freeways, polluting rail yards, or any other freight or industrial source of pollution.

***Land Use & Local Impacts Measures***

Similarly, DDDC supports smart growth and community access to resources and adequate public transportation. However, with mixed-use, transit-oriented development may come inadvertent conflicts between sensitive land uses (such as housing and day care) and the industrial land uses (such as freeways, rail lines and railyards) that often co-exist with transportation hubs. Such mixed-used development should take place with close attention to creating buffers between people and transportation sources of pollution.

**LUM I**

DDD strongly supports the Air District's Goods Movement control measure to improve system efficiency and reduce exposures to sensitive populations. We look forward to working closely with the Air District on this initiative.

LUM 2

DDD applauds the Air District's commitment to develop an indirect source review rule to reduce construction and vehicular emissions associated with new or modified land uses in the Bay Area. Given the enormous contribution that mobile sources make to regional air pollution and in particular, that diesel-fueled vehicles contribute, we feel strongly that the Air District cannot do its job of protecting public health from air pollution properly without taking action to address the clustering of diesel sources around certain land uses. We urge the Air District not to limit this rule to new or modified land uses, but to look closely at the many existing land uses that result in a clustering of air pollution sources and take action there as well.

We believe that BAAQMD should discourage inappropriate land uses, such as mixing industrial with residential land uses by increasing the fee in those areas. We do NOT want to simply move pollution magnet sources between two highly impacted areas, one more rural than urban (e.g. Tracy to Richmond, and vice versa.).

- Will the fees collected from the draft rule go into a mitigation fund?
- Is this measure solely to encourage infill or will it also cover urban land uses such as distribution centers, rail yards, and ports?
- Do warehouses stay where they are, even if they are located in a densely populated residential area in a mixed zone?

LUM 3

DDD is pleased to see a measure focused on enhancing the Air District's CEQA program. The Air District is seen as the "go to" group by local municipalities in determining the impact of their local land use decisions on community environmental health, vis a vis air pollution, and this critical role that the Air District can play in protecting health cannot be underestimated. We believe that revised CEQA guidelines that convey the importance of preventing exposures to multiple sources of pollution, and the importance of minimizing land uses conflicts and creating buffers will go a long way towards protecting health. We also would like to see BAAQMD provide public participation suggestions in their CEQA guidelines.

LUM 4

DDDC encourages land uses that move trucks (and other mobile polluting sources) from sensitive receptors.

***Energy and Climate Measures***

DDDC is happy to see Urban heat Island Mitigation, Renewable Energy and Energy Efficiency being addressed. We encourage BAAQMD to provide guidance to local governments on specific climate adaptation strategies that might be included in General Plans such as coordinated systems of cooling stations to reduce need for additional single user demands on energy as well

as to respond to potential crisis situations in addition to reduction of development that leads to urban heat island effects and strategies to alleviate those effects. We also urge development of additional weatherization and energy efficiency incentive programs that focus on highly impacted communities as those are the communities predicted to experience the most adverse effects of Climate Change.

The projections related to energy demand are driving decisions about where and when to build additional power plants, which are currently, and will continue to be, concentrated in minority communities. DDDC urges BAAQMD to consult the Independent System Operator (ISO) to determine how accurate their projections actually are and to recommend realistic approaches to determining future demand as a means of reducing additional exposures to power plant emissions. Coupled with the recommendations already included in the Draft, this could lead to substantial public health benefits.

In closing, we hope the Air District takes continued steps to address freight transport-related activities that are an important source of air pollution-related local health risks. We hope you will consider our comments and recommendations.

We look forward to working with you to maximize health protections via implementation of the 2009 Clean Air Plan.

Thank you.

Sincerely,

The Ditching Dirty Diesel Collaborative

Participating organizations in the Ditching Dirty Diesel Collaborative include: Bay Area Healthy 880 Communities, Bayview Hunters Point Community Advocates, Center for Environmental Health (CEH), Communities for a Better Environment (CBE), Contra Costa Health Services, Natural Resources Defense Council (NRDC), Neighborhood House of North Richmond (NHNR), Pacific Institute (PI), and West Oakland Environmental Indicators Project (EIP)



BREATHE  
CALIFORNIA

September 16, 2009

David Burch  
Principal Planner  
Bay Area Air Quality Management District  
939 Ellis St.  
San Francisco, CA 94109

RE: 2009 Clean Air Plan Comments

Dear Mr. Burch:

In general, Breathe California strongly supports the many air quality control measures in the proposed 2009 Clean Air Plan that will improve public health and air quality. There are still some aspects of the Draft Plan that require strengthening.

**SSM 17 & 18: Strong Support**

The heightened protection for children and priority communities in SSM 17 and SSM 18 is an important step in the right direction of assessing public health impacts of permits on the basis of cumulative impacts. The priority communities are overburdened with twice to four times the background risk, so the regulation is appropriately designed to more stringently protect public health where needed the most.

**Proposed SSM/ECM/FSM: Industrial Source Regulations/Incentives on Spare the Air Days**  
[Correction Requested to Draft Summary of Review and Evaluation of Potential Control Measures]

At the initial workshop, Breathe California proposed developing regulations or incentives for stationary sources targeted at reducing pollution on Spare the Air days, due to the need to achieve pollution reduction especially on days with the most pollution. While an illustrative example could be to work with the Public Utilities Commission to build into electricity rates either higher prices on particular days or discounted rates for participating firms, it was not suggested to merely advocate for higher electricity rates, nor to specifically advocate for higher electricity rates for industrial facilities on Spare the Air Days.

Please correct page 77, B-4, rows 1 and 3 of the Draft Summary of Review and Evaluation of Potential Control Measures, so the proposal is regarded as "Develop incentives and/or regulations, such as use of electricity rate incentives, to reduce stationary source emissions on Spare the Air days." While this measure would require use of PUC authority, it is still appropriate for inclusion as a Further Study Measure since the current Spare the Air program is insufficient to reduce pollution to acceptable levels.

**Proposed SSM/ECM/FSM/Leadership: Location of renewable energy**

At a prior workshop, it was proposed to locate renewable energy in sites that would move the ISO to reduce emissions, by displacing the need for certain power plants. While it is true that this is under the authority of the CEC and PUC, BAAQMD should take seriously the opportunity to reduce power plant emissions through the use of alternatives such as renewable energy. If the lack of BAAQMD authority prevents this measure from being listed as an SSM or ECM, it should be included as a Future Study Measure, or leadership platform plank.

**MSM B-1-3: Encourage Cost-Effective Use of Incentive Funds, Sustainability of Funds**

Comments at the last workshop raised concern about the need to ensure Carl Moyer and Prop 1B funds are distributed cost-effectively, so that limited funds go to the greatest possible health benefits, and are surplus to what is required under regulations. The Clean Air Plan should also address the long-term sustainability of incentive funds.

**MSM Proposal: Clean Construction equipment in the priority communities.**

Breathe California strongly urges adoption of a control measure that would require use of cleaner construction equipment in the priority communities. Use of best available control technology would be a cost effective way to address a major source of toxic risk in the priority communities. The District's research in the CARE program found that construction equipment is 29% of the weighted cancer risk in the priority communities, and in some communities such as Bayview-Hunters' Point, it is even higher. Use of retrofits and higher tier engines can cut up to 85% of the fine particulate matter emitted, so adoption of toxic best practices could potentially result in a 25% reduction in cancer risk in the priority communities. Air Resources Board studies comparing the costs and benefits of requiring higher tier engines and retrofits showed a **nine to one** ratio of health benefits and industry costs, demonstrating that cleaner diesel equipment is an extremely cost effective measure.

While this proposal did not move forward earlier because it is supposedly "addressed by ARB," (page 71, #60), the state Air Resources Board passed a regulation that very slowly requires changes fleetwide, but makes no efforts to prioritize reductions in the areas most impacted by pollution. BAAQMD could both accelerate needed public health benefits, and also apply its resources and knowledge regarding ensuring pollution reductions in the most impacted communities.

**TCM A-1 and A-2: Need for cost-effectiveness in resource allocation**

The discussion of TCM measures to improve transit services describes much of what is needed to achieve improved transit service in the Bay Area. The discussion should also discuss the need for limited transit funds to be prioritized in a cost-effective manner, so that limited funds can achieve the greatest possible reduction in criteria pollutants and greenhouse gas reductions.

**TCM B-3: Express Lane Network – Flawed Modeling**

The Clean Air Plan should not adopt the flawed modeling showing that the network, as proposed, will reduce greenhouse gas emissions, without performing a rigorous third party peer review that considers the induced demand triggered by adding 400 lane miles to the freeway network. This freeway expansion will not only increase greenhouse gas emissions, but will also require funding from the toll revenues, preventing tolls from funding additional transit. The analysis must be more explicit about assumptions, additionality issues, or otherwise should drop any claims expressing numerical greenhouse gas benefits.

**TCM Proposal: County transportation plans must meet GHG reduction goals**

While it is true that county congestion management agencies adopt their own transportation plans, this should not preclude the feasibility of BAAQMD directing for these plans to meet greenhouse gas reduction goals. The transportation plans do not address the mode shifts needed to mitigate climate change, and many include freeway expansions that would increase greenhouse gases. Although the plans are implemented by other agencies, this does not address the greenhouse gas impacts of these plans, so BAAQMD should play a greater role.

**TCM B-4: Induced Demand and Goods Movement**

In discussing the emissions benefits of increased goods movement efficiency measures, the analysis should also discuss the role of induced demand. Measures that actually increase capacity would likely increase goods movement, and increase emissions. The Clean Air Plan should focus on efforts which mitigate pollution, rather than encourage measures that may have the consequence of increasing pollution. The Plan should discuss strategies to manage and limit induced demand so as to maintain the emissions benefits of efficiency improvements.

**LUM 1-6: Strong Support**

Breathe California strongly supports the Land Use and Local Impact Measures that will make BAAQMD a proactive agency protecting public health. The idling enforcement within goods movement, indirect source review rule, enhanced CEQA program, land use guidelines, efforts to reduce risk in impacted communities, and enhanced community monitoring are all critical and important efforts.

**FSM 1-14, Leadership Platform: Strong Support**

Breathe California also supports the effort to list control measures that are for future study, so work may continue during the scope of this plan, and to document the leadership platform, so that BAAQMD can move beyond measures under its immediate authority in the effort to clean up the air. We are particularly in support of the magnet source measure, advancing energy efficiency, and continuing to address wood smoke, and specific ways to reduce pollution at point sources. Within the leadership platform, we particularly support efforts to secure additional transit operations funding, implement pricing incentives to reduce vehicle miles traveled, and other pollution mitigation fees.

There is concern regarding use of a potential carbon trading system to create credits for local government actions. Such local actions should be in addition to emission reductions under the cap-and-trade regulation, not in exchange for offset credits.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Andy Katz".

Andy Katz  
Government Relations Director



Making San Francisco Bay Better

September 17, 2009

RECEIVED  
09 SEP 18 AM 10:04  
BAY AREA AIR QUALITY  
MANAGEMENT DISTRICT

Greg Tholen, Principal Planner  
Bay Area Air Quality Management District  
939 Ellis Street  
San Francisco, California 94109

SUBJECT: Planning File, Air Quality

Dear Mr. Tholen:

Thank you for the opportunity to comment on the Notice of Preparation (NOP) and Initial Study (IS) for the Bay Area Air Quality Management District's proposed Bay Area 2009 Clean Air Plan (CAP). The NOP dated August 20, 2009 was received in our office on August 24, 2009. The following staff comments are based on the Commission's law and policies and our review of the NOP and IS.

BCDC staff commends the District for several of the initiatives outlined in the project description included in the NOP. As a Joint Policy Committee partner agency, the District proposes to advance many of the initiatives from the Metropolitan Transportation Commission's 2035 Regional Transportation Plan, Change in Motion, such as road pricing, transit improvements, strategies to reduce vehicle miles traveled and those that promote bicycling and walking. This synergy demonstrates the effectiveness of the JPC partnership.

Several of the initiatives in the project description touch on issues that directly affect the Commission's management program for San Francisco Bay. Control Measures TCM B-4 and LUM 4 address, in part, goods movement through the Bay Area's ports. These measures target emissions reductions from these activities, which would result in more efficient use of scarce port terminal acreage and improved water quality by reducing particulate and other contaminants. Control Measure TCM D-2 supports the Commission's program for improving shoreline public access, including better access from inland areas to the Bay. Measure MSM C-3 also would result in improved water quality by retiring outmoded recreational craft that contribute to pollution of San Francisco Bay. One caution regarding this measure is to ensure that any boats retired are properly demolished and disposed of. Use of derelict recreational boats as floating homes has frequently led to the eventual abandonment of these craft, which can lead to navigational hazards and water pollution.

Thank you again for the opportunity to comment. Please contact me at (415) 352-3656 or [joel@bcde.ca.gov](mailto:joel@bcde.ca.gov) with any questions.

Sincerely,

JOSEPH LaCLAIR  
Chief Planner

cc: Henry Hilken, BAAQMD  
Dave Vinze, BAAQMD  
Dave Burch, BAAQMD

## Transportation Solutions Defense and Education Fund

P.O. Box 151439 San Rafael, CA 94915 415-331-1982

September 20, 2009  
By E-Mail

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

Re: Clean Air Plan Scoping Comments

Dear Jack:

TRANSDEF requests that the District's EIR for its Clean Air Plan ("Plan") analyze a series of alternatives for the purpose of determining an optimal mix of policies and an optimal level of effort to be expended implementing the Plan. This would be a different kind of environmental review process—one that focuses on achieving the maximum air quality and public health benefits. By necessity, this approach will mean comparing the efficacy of different policy directions and the benefits of different amounts of financial resources. We believe the District's decisionmakers need this information as a firm foundation for the difficult political and financial choices ahead.

The District's State plans have consistently asserted that they have pursued the "all feasible measures" option in the CCAA. TRANSDEF has objected that, in each of the past three State plans, the District's determination of measure feasibility was a closed-door process. The Board never saw an analysis of the costs and benefits of measures that raised potential "public acceptability" concerns.

### Justification for Alternatives Analysis

It should be obvious that the State's AB 32 targets for 2020 and 2050 cannot be accomplished solely by uncontroversial measures. Controversy is inherent in climate change, because of the vast scope of its impacts. The Board needs to explicitly evaluate the potential benefits of controversial measures against the potential political costs. This evaluation is now too important to be trusted to closed-door staff meetings. It needs to take place out where the public can observe and comment. Making this a key element of the environmental review process will accomplish that.

Another reason this review of alternatives is needed is to help the District get past its "dirty little secret." Despite the District's determination that measures are feasible enough to be placed in its Plans, plenty of these measures haven't been implemented. Putting TCMs in a plan but not acting on them is not in intellectually honest compliance

with the commitment to implement "all feasible measures." While part of the problem can be attributed to an intransigent sister agency, the District is ultimately responsible for implementing its own Plan--or publicly identifying the obstacles to moving forward.

Another reason why an alternatives analysis is important is that a Plan with substantial amounts of incentives needs a rational process for allocating the financial resources dedicated to those incentives. Because different policy priorities will produce differing benefits, an alternatives analysis will assist the District in identifying the most promising policies and programs. The issue here is that "all feasible measures" does not mean that every possible measure gets allocated an infinite amount of resources. Because the allocation of resources will strongly influence the Plan's outcomes, these considerations need to be part of the environmental review.

At the Oakland workshop on the Clean Air Plan, District staff asked TRANSDEF for a citation to CEQA that would support our contention that an EIR is required to identify beneficial impacts as well as adverse impacts. In the following citation to the CEQA Guidelines, there is no reference to adverse impacts:

15126.2 CONSIDERATION AND DISCUSSION OF  
SIGNIFICANT ENVIRONMENTAL IMPACTS.

(a) The Significant Environmental Effects of the Proposed Project. An EIR shall identify and focus on the significant environmental effects of the proposed project. In assessing the impact of a proposed project on the environment, the lead agency should normally limit its examination to changes in the existing physical conditions in the affected area as they exist at the time the notice of preparation is published, or where no notice of preparation is published, at the time environmental analysis is commenced. Direct and indirect significant effects of the project on the environment shall be clearly identified and described, giving due consideration to both the short-term and long-term effects.

It is only in the definitions section of CEQA that "adverse" shows up:

§ 21068. SIGNIFICANT EFFECT ON THE ENVIRONMENT  
"Significant effect on the environment" means a substantial, or potentially substantial, adverse change in the environment.

While this definition undercuts our assertion of a mandate to analyze environmental benefits, it certainly does not prohibit an EIR from doing so. There is Legislative Intent in the law that supports doing just that:

§ 21000. LEGISLATIVE INTENT  
The Legislature finds and declares as follows:

(d) The capacity of the environment is limited, and it is the intent of the Legislature that the government of the state take immediate steps to identify any critical thresholds for the health and safety of the people of the state and take all coordinated actions necessary to prevent such thresholds being reached.

§ 21001. ADDITIONAL LEGISLATIVE INTENT

(b) Take all action necessary to provide the people of this state with clean air and water, enjoyment of aesthetic, natural, scenic, and historic environmental qualities, and freedom from excessive noise.

TRANSDEF asserts that an alternatives analysis designed to meet these expressions of intent is firmly supported by CEQA. It is obvious to us that in order for a Clean Air Plan to comply with the Legislative Intent of CEQA, the District needs to consider differing degrees of effort in its clean air programs, including studying measures whose "public acceptability" could present an obstacle, to determine what it will take "to provide the people of this state with clean air..." Because many of the measures depend on financial incentives, the Board needs to not only have a process to determine an optimum allocation of resources between incentive programs, but it also to see how effective a program with even more resources could be. This would enable the Board to determine whether additional effort to acquire more resources would be worthwhile.

Elements of an Alternatives Analysis

Because the format of the Draft Plan is that each measure will have its own emissions reductions calculations, this request for the study of alternatives would probably not result in additional modelling. Instead, each alternative would report on the total emissions reductions from each of a manageable number of packages of measures. By dividing up the measures into the different groups of measures, the alternatives analysis framework will offer a convenient structure for reviewing the impacts of each of the measures, as was done in past CAP EIRs. By aggregating the emissions reduction data by measure groups, policy level conclusions can be drawn as to the costs and benefits of the different groups. If the decision is made to estimate the emissions reductions for several groups of measures, rather than calculate them for each of the constituent individual measures, this might even reduce the workload somewhat.

This approach will make the Board aware of its most potent measures, and assist in the allocation of resources.

Here are some preliminary ideas on the proposed alternatives analysis:

- A stationary source alternative, containing SSMs 1 - 16.
- A Land Use & Local Impacts alternative comprising all the LUM measures.
- An Energy & Climate Measure alternative comprising all the ECM measures.

TRANSDEF

9/20/09

Page 4

- A diesel retrofit alternative. (TRANSDEF proposed a regrouping of MSMs. We suggest the diesel measures be analyzed separately, due to the District's finding that the biggest air quality danger to health comes from diesel PM.)
- A diesel retrofit alternative with twice the funding.
- A financial incentives alternative, that includes all the non-diesel incentive programs.
- A financial incentives alternative that proposes the commitment of twice the level of financial resources. This will act as a sensitivity test to see how helpful an incentives-based approach will be.
- An alternative with all other MSMs.
- A TCM A alternative.
- A TCM B alternative.
- A TCM C alternative.
- A TCM D alternative.
- A TCM E alternative. This separates out the benefits of implementing transportation pricing, a politically difficult set of measures. This will provide the Board with invaluable information on the costs and benefits of pursuing pricing policies.
- A combined alternative, that includes all measures.

Please note that TRANSDEF would very much want to see a cost-effective alternative to the TCM A group of measures, but recognizes that the District can't accomplish this without MTC's assistance. Our comment letter on MTC's 2009 RTP (excerpts attached) refuted MTC's assertion that infrastructure selections do not make a difference in GHG emissions. TRANSDEF noted that MTC could have substantiated this assertion had it been willing to run TRANSDEF's proposed Maximum Emissions Reduction Alternative in the RTP EIR. The very fact that MTC refused to do so suggests that it sees its top priority as protecting committed projects. Climate change was not among its priorities.

Thank you for the consideration of these comments. As always, we stand ready to assist the District in the development and implementation of the Clean Air Plan.

Sincerely,

/s/ DAVID SCHONBRUNN

David Schonbrunn,  
President

Attachment

TRANSDEF letter to MTC (excerpts)

## Transportation Solutions Defense and Education Fund

P.O. Box 151439 San Rafael, CA 94915 415-460-5260

April 7, 2009  
By E-Mail

Scott Haggerty, Chair  
Metropolitan Transportation Commission  
101 Eighth Street  
Oakland, CA 94607

Re: Revised 2009 RTP

Dear Mr. Haggerty:

The Transportation Solutions Defense and Education Fund, TRANSDEF, is an environmental non-profit that has been deeply involved in MTC's Regional Transportation Plans, starting with the 1994 Plan. This letter responds to the April changes proposed for the Transportation 2035 Plan (RTP), and incorporates our March 1 letter on that earlier Plan. We call on MTC to demonstrate leadership in the field of climate change by committing to seek legislative authorization to proceed with the pricing and land use programs studied as sub-alternatives in the RTP EIR. After demonstrating the efficacy of these programs in the EIR, and understanding the risks to the region posed by climate change, we believe that MTC has the moral responsibility to act on that knowledge. However, the revised RTP rejects that responsibility.

The revised Chapter 5 retreats from leadership and instead meekly asks "Is the Bay Area ready for change?" These changes can only be described as getting cold feet, which may be the only thing cold lately, given recent news stories about the impacts of climate change on California and Antarctica. Rather than conclude that "The answer is up to all of us," TRANSDEF urges MTC to boldly assert "Yes we can--and we must!"

....

### Committed Projects

The revised Chapter 5 text includes a propagandistic attempt to dismiss MTC's critics' objections to the cost-ineffectiveness of committed projects: "Nor, paradoxically, would a radical shift in the plan's spending blueprint appreciably affect the performance outcome. That is why continued clashes among advocates for project A versus project B are so pointless and counterproductive." Not only has MTC not demonstrated this, it explicitly refused to study TRANSDEF's EIR alternative, which was designed to test this very assertion. Clearly, MTC will not allow this issue to be resolved honestly and fairly. This Chapter 5 text is part of a rhetorical counterattack, designed to protect its

TRANSDEF

April 7, 2009

Page 2

committed projects from further scrutiny, despite continuous and very extensive public comment calling for just that. (see below.)

The only thing actually proved when MTC claims that "repeated modeling analyses ... have demonstrated the extremely limited impact of capital investment by itself on transportation system performance" is that MTC's project selections do, in fact, have a limited impact on performance. TRANSDEF readily concedes that point, and in fact sued MTC for its failure to increase regional transit ridership a modest 15 percent over 1982 levels, after spending billions of dollars on transit expansion (ridership still has not reached that level). It is intellectually dishonest to generalize from MTC's own project selections to any and all capital investments, especially after having refused to run a side-by-side comparison with a project list designed by TRANSDEF to maximize cost-effectiveness.

Let's be clear what's going on here: MTC sees itself as a political body whose business is cutting political deals to dish out money for projects. Project performance and cost-effectiveness are simply not factors when the deals making up the RTP are cut. That is why this Chapter 5 language is so outrageous: MTC is effectively claiming here that it doesn't matter where its dollars are spent, thereby excusing itself from having any responsibility for the inevitable poor performance of its capital investments. This is brought to the level of nihilism when MTC studies pricing and land use sub-alternatives in the RTP EIR, finds them to be environmentally superior to the proposed RTP, and then decides to ignore them and select the RTP instead. Clearly, MTC sees itself as accountable only to the agencies of the Partnership, and not to the public at large, or to its needs as regards climate change.

In response to TRANSDEF's March 1 RTP comment letter, MTC replied, under your signature, with an extended apologia of the committed projects policy. However, despite two pages of reasons why you believe keeping committed projects in the RTP is a good idea, you failed to respond to our central assertion: the new circumstances and considerations posed by climate change require a top-to-bottom review of committed projects. It is our opinion that these projects are no longer appropriate, due to the increased driving, VMT, and emissions that will result from the highway widenings, and due to the extreme cost-ineffectiveness of the BART extensions. The fact that there was no response to this assertion suggests that MTC has recognized that its position is indefensible, and has switched instead to an *ad hominem* attack.

### **March 1 Comments on the Previous Proposed Final RTP**

#### Committed Projects

MTC's action last week, approving Economic Stimulus federal transit formula money for the Oakland Airport Connector, is a microcosm of everything that is wrong with both MTC and its premier product, the RTP. The Commission demonstrated its contempt for the

overwhelming public input it received by showing that all it really cares about is preserving the political deals it has cut in the past.

On the RTP, the Commission completely ignored the hue and cry from both the public and its own Advisory Council on the need to reevaluate its past commitments to projects, in light of new priorities emerging from AB 32 and climate protection. It ignored the perilous state of funding for transit operations caused by the State budget and the economic recession. One is forced to come to the following conclusions:

1. While MTC does an excellent job of recording public input, it is all for show. MTC does not actually consider public input in its deliberations. This can be demonstrated by the near-100% record of the Commission adopting staff recommendations.
2. At the same time, MTC is unwilling to be transparent about the reasons for its decisions. Under federal rules for public participation, MTC needs to document how it considers the input it receives from the public. This means providing reasons for not adopting what was overwhelmingly requested by the public. If the reason is "because we made a deal, and we cannot back out of that deal without harming our ability to make deals in the future" that needs to be stated on the record.
3. Despite severe funding shortages faced by the region's transit operators, the Commission made it clear that its top priority with Economic Stimulus funds was making good on past commitments, no matter how cost-ineffective and poorly conceived. Preventing service cuts and fare increases was clearly a lower priority.

The public's request for the reevaluation of past commitments was a primary message received at the June 14, 2003 Transportation 2030 Summit (*Public Outreach & Involvement Program, Appendix IV, p. 10*):

"We should use performance criteria to judge *every* transit and roadway project, not just new ones. Poor-performing projects should be dropped even if they are "committed." (84% agreed either somewhat or strongly. emphasis in original.)

"Our traffic and transit problems are getting worse for all communities, and old approaches don't seem to be working. Therefore, we must critically examine all of our policies, programs and projects." (89% agreed either somewhat or strongly.)

And yet, despite that overwhelming consensus, the 2005 RTP that the Commission adopted maintained the ongoing MTC practice of including all past commitments. In the discussion for the 2009 Plan, the Advisory Council adopted a resolution calling for the reevaluation of all committed projects in the light of AB 32, and recommended not adopting the proposed Committed Projects policy. Without even the courtesy of providing a rationale, the Commission ignored these recommendations and voted down

TRANSDEF

April 7, 2009

Page 4

an exceedingly modest motion to study past projects. Similarly, despite extensive testimony about the perilous state of transit operator revenues resulting from state budget cuts, the Commission did not even bother to provide a rationale for adopting the staff recommendation to fund the Oakland Airport Connector.

file:///M:/Dbs/2648%20BAAQMD%20CAP/NOP\_IS/Public%20Comments%20on%20NOP/TRANSDEF%20Comments%202nd%20Installment.txt

Transportation Solutions Defense and Education Fund

P.O. Box 151439 San Rafael, CA 94915 415-331-1982

September 17, 2009

By E-Mail

David Burch

Bay Area Air Quality Management District

Re: Draft Control Measures, Second Submission

Dear David:

Here is the next batch of comments:

To make the reading of these control measures more consistent, it would be helpful to collect each of the Sources sections from each measure and put them into an appendix to the report. That way, they are available for research purposes, but do not break the flow of the measure descriptions and analyses.

An addendum to comments on TCMs B-1 and B-3

In recognition of the inadequacies of contemporary modelling, the CTC adopted a 2008 Addendum to the RTP Guidelines that sets out new standards for modelling capabilities. The 4 major MPOs are being asked to upgrade their models to include a land use model. While MTC has apparently expressed its willingness to do so, the District should be aware that when that modelling is eventually in place, it is highly likely to indicate that building out the HOT lane network will increase VMT and GHG emissions in the region. That's why we called for the District to conduct a peer review, for purposes of quality control of its data.

TCM D-3:

- This TCM would be better policy if the active phrase "they will update" were substituted for the passive "may be updated" in the second Regulatory Context paragraph, as in: "As local governments support focused growth, they will update these documents may be updated to promote land use patterns with increased densities...."
- It is unclear how "arterial management" fits into Focused Land Use Strategies.
- We suggest revising the first sentence on page 68 "Local parking policies also impact travel behavior and offer an opportunity can be revised to encourage non-auto trips."
- We believe the statement about SCS in the paragraph starting "Senate Bill SB 375" would be much stronger if "to strive" were deleted. We want SCS to achieve its targets, not merely to strive.

file:///M:/Dbs/2648%20BAAQMD%20CAP/NOP\_IS/Publi...NOP/TRANSDEF%20Comments%202nd%20Installment.txt (1 of 6) [1/25/2010 2:38:16 PM]

file:///M:/Dbs/2648%20BAAQMD%20CAP/NOP\_IS/Public%20Comments%20on%20NOP/TRANSDEF%20Comments%202nd%20Installation.txt

TRANSDEF 9/17/09 Page 2

- The “encourages” in the first line on page 69 is too weak. We suggest “offers incentives for” instead of “encourages.”
  - We suggest adding the following to the end of the paragraph starting “Senate Bill SB 375”: “Implementation of TCM D-3 will, by necessity, be part of these relationships.”
  - We suggest adding a new bullet to Implementation Actions, Phase I: “Evaluate raising the TOD policy thresholds as a means of ensuring successful implementation of the SCS.”
  - What’s tragically missing from the Supporting Actions by Partner Entities is a program of incentives to encourage these actions. Where is the discussion of Focus incentives and Proposition 1C?
  - To the last bullet in Co-benefits, add “and increased walking and biking.”
  - In Monitoring Mechanisms, add “station area plans” before “TLC projects.”
- Pricing Strategies

First, we suggest that what is now called E-3 be moved to become E-1, as this TCM raises the broad policy questions of pricing, and by necessity, needs to come first. (Note that this will include changing the references on page 83, second paragraph.)

Current E-3

- We suggest that an economist be hired to develop an optimal implementation strategy.
- We suggest an additional objective in Regulatory context: “Increase use of alternative modes.”
- On the next-to-last line on page 81, we suggest replacing “can” with “may.” “can” implies legal ability, while “may” does not.
- Add to the second bullet on page 82: “One possibility is to pay at the pump.”
- In the Feebates bullet, the last sentence is incorrect. In the feebate model, funding for desirable activities comes from a higher charge on undesirable activities.
- The second paragraph on page 82 is very well said.

E-2:

- Add “agency” between “local” and “parking” in the first paragraph.
- In Regulatory Context, change “Requiring” at the start of the second paragraph to “Promoting.”
- To that same paragraph, add “incentives and disincentives” after “technical resources.”
- It would be useful to state as part of the Regulatory Context that often, employee commuting is the biggest component of a business’s carbon footprint.

file:///M:/Dbs/2648%20BAAQMD%20CAP/NOP\_IS/Public%20Comments%20on%20NOP/TRANSDEF%20Comments%20rd%20Installment.txt

TRANSDEF 9/17/09 Page 3

- On page 76, add “shuttles” after transit passes (2nd to last bullet on page.)
- On page 77, add “conditions for” before “current and forthcoming regional grants...”
- On page 77, add the following Implementation Action: “Grants for updating the parking component of zoning and traffic regulations.”
- TRANSDEF is very pleased about the proposed legislative action to improve the parking cash-out law.
- A major financial incentive that was not mentioned is the authorization to convert surplus parking area into land area for economically remunerative uses.
- The middle paragraph under Impediments explains why the JPC’s regional parking program is so important. It is needed to eliminate the competitive disadvantages.
- Using the word “relinquish” in the last sentence of Impediments sends the wrong messages. A better choice would be ‘exercise’

Current TCM E-1

- Logically this TCM should follow the Current TCM E-3, because it is a sub-set of the other.
- If the SFCTA expects results in Spring 2009, they are late (or I haven’t heard about them, and neither have the CAP’s authors).
- HOT lanes are not a value pricing strategy, because only one lane is priced. Only a small minority of freeway users experience a pricing signal. Discussion of HOT lanes does not belong in this TCM.
- Financial analysis shows a continuing likelihood that surplus revenues from HOT lanes will be eaten up by highway widening, thus never being available for “public transit funding.”
- What does the following mean: “Because of this, the Bay Area bridges must be consistent with Bay Area freeways relative to HOV usage...”? Is it saying that there is a need for HOT/HOV lanes on the bridges?
- The Implementation Actions are so weak as to be embarrassing. Please eliminate all uses of “if applicable and feasible.” Instead of “consider” TRANSDEF suggests you use the phrase “attempt to implement.” “Consider” is unworthy of being an element of a Plan. Using the proposed alternative walks the fine line of being more aggressive than just “considering,” while not committing to actually deliver the product. Similarly, “if feasible” can be changed to “attempt to begin a demonstration” in the first bullet of Phase 2. Also, it would be better to say “...value pricing will be evaluated for application to other bridges...”

SSM 17: TRANSDEF is pleased to see this proposed measure.

Comments Received on the Notice of Preparation/Initial Study

---

file:///M:/Dbs/2648%20BAAQMD%20CAP/NOP\_IS/Public%20Comments%20on%20NOP/TRANSDEF%20Comments%202nd%20Installment.txt

TRANSDEF 9/17/09 Page 4

SSM 18: TRANSDEF applauds the District for stepping forward with this measure. While we don't have the technical expertise to know whether 500 ft. from schools, 5.0 cancers in a million, and a non-cancer hazard index of 0.50 are the optimal numbers, we can express unqualified support for the basic direction of this measure.

SSM 19: While we need to wait until there are proposed revisions to the rules, this measure appears to be moving strongly in the direction of health protectiveness, which we support.

FSM 11: To enhance the distinction between ISR and a magnet source rule, we suggest adding to the last paragraph, The District will evaluate the feasibility of developing a magnet source rule for existing facilities."

Typos

TCM D-3: On page 70, change "examined" to "examine."

TCM E-2: Delete second comma, after "parking" in next to last paragraph.

There's a problem with SSM 13, in the second paragraph under Regulatory Context. In addition to sentence fragments, there's an 's' all alone.

SSM 19, p. 52, has an extra 'to' in the first Issues sentence.

FSM 11: It would appear that the "above" on the second line should actually be "below." There's a period missing from the end of the middle paragraph under Description.

FSM 13: Add "in" before "energy efficiency" in the Purpose paragraph.

FSM 14: It is unclear if "faying parts" is a term of art or a typo. Could "facing" have been intended?

**Bay Area Air Quality Management District Bay Area 2010 Clean Air Plan**

---

file:///M:/Dbs/2648%20BAAQMD%20CAP/NOP\_IS/Public%20Comments%20on%20NOP/TRANSDEF%20Comments%202nd%20Installment.txt

We will send comments on the rest of the draft control measures as soon as is humanly possible. Thank you for the consideration of these comments. As always, we stand ready to assist the District in the development and implementation of these measures.

Sincerely,  
/s/ DAVID SCHONBRUNN  
David Schonbrunn,

President

file:///M:/Dbs/2648%20BAAQMD%20CAP/NOP\_IS/Publi...NOP/TRANSDEF%20Comments%202nd%20Installment.txt (5 of 6) [1/25/2010 2:38:16 PM]



September 21, 2009

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

Attention: Greg Tholen

Subject: Bay Area 2009 Clean Air Plan

Dear Mr. Tholen:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the NOP for the Bay Area 2009 Clean Air Plan to attain ozone and pollutant standards. We have no comments at this time.

We appreciate the opportunity to review this project. If you have any questions, please call me at (408) 321-5784.

Sincerely,

A handwritten signature in black ink that reads "R Molseed".

Roy Molseed  
Senior Environmental Planner

RM:kh

1537 Webster St.  
Oakland  
CA 94612  
Ph: 510-891-6500  
Fax: 510-893-2308



September 21, 2009

*StopWaste.Org is the Alameda County Waste Management Authority and the Alameda County Source Reduction and Recycling Board operating as one public agency.*

**Member Agencies**

Alameda County  
Alameda  
Albany  
Berkeley  
Dublin  
Emeryville  
Fremont  
Hayward  
Livermore  
Newark  
Oakland  
Piedmont  
Pleasanton  
San Leandro  
Union City  
Castro Valley  
Sanitary District  
Oro Loma  
Sanitary District

**Agency Programs**

Bay Friendly Gardening & Landscaping  
Green Building in Alameda County  
StopWaste Business Partnership  
iRecycle@School  
Environmentally Preferable Purchasing  
Food Scrap Recycling  
Grants to Non-Profits  
Household Hazardous Waste Recycling  
Multifamily Recycling  
Recycling Information Hotline

David Burch  
Principal Environmental Planner  
Bay Area Air Quality Management District  
939 Ellis St.  
San Francisco, CA 94109

Re: BAAQMD Notice of Preparation of a Draft Program Environmental Impact Report for the Bay Area 2009 Clean Air Plan.

Dear Mr. Burch,

Thank you for the opportunity to comment on the Bay Area Air Quality Management District's Notice of Preparation of a Draft Program Environmental Impact Report for the Bay Area 2009 Clean Air Plan. We look forward to reviewing the draft Environmental Impact Report when it is available.

There are several areas where the missions of our respective agencies intersect and these intersections offer a unique opportunity to collaborate on some of the important topics facing our communities, state and nation. Two areas are Climate Exchange and sustainability. We have developed over the past several years Green Building and Bay Friendly Gardening Guidelines, both which are having far reaching impacts on the use of virgin materials and reducing green house gas emissions. We recommend the draft EIR evaluate regional efforts taking place to reduce green house gasses.

The District should also consider coordinating with other state and local agencies when considering control strategies, much like the California Integrated Waste Management Board and the State Water Board are doing for waste discharge requirements for composting operations. The less than significant and no impact findings under Land Use Planning IX b), Public Service XIII a), Transportation XV a), and Utilities and Service Systems XVI g), need to be further elaborated upon. Control strategies that negatively impact other regional state and regional planning efforts could be potentially significant impacts. It is important the final document and subsequent regulations be based on the best available science to have the greatest possibility of success in this challenging environment.

We look forward to working with you.

Sincerely,

Brian Mathews,  
Senior Program Manager

## Comments Received on the Notice of Preparation/Initial Study

file:///M:/Dbs/2648%20BAAQMD%20CAP/NOP\_IS/Public%20Comments%20on%20NOP/Stopwaste%20email.htm

**From:** Debra Kaufman [dkaufman@stopwaste.org]

**Sent:** Wednesday, September 16, 2009 11:31 AM

**To:** David Burch

**Cc:** Wes Sullens; Teresa Eade; Cynthia Havstad; Brian Mathews

**Subject:** FW: Comments requested on BAAQMD Clean Air Plan

Dear Dave,

Thanks for the opportunity to comment on the Clean Air Plan. Below please find comments from our Agency's landscaping and green building lead technical staff, as well as from me on the importance of waste diversion with respect to air quality. I know this is probably alot more detail than you need, but it gives you something to draw from. Feel free to contact me if you have any questions. Thanks.

### **Here are our suggestions from a waste reduction perspective:**

Waste prevention and recycling decrease the need for "virgin" resources extracted from forests, oil reserves, and mines used to make products and packaging. This translates to less energy consumed, and fewer air and water emissions in the production and transport of products and packages and less greenhouse gas emissions. Increasing reuse and recycling has positive air emission benefits (see NRC calculator of air benefits of recycling at [http://www.wastecapwi.org/Environmental\\_calculator/NRC\\_calculator.pdf.htm](http://www.wastecapwi.org/Environmental_calculator/NRC_calculator.pdf.htm) as well as the EPA's WARM model.

Additionally, keeping food out of the landfill reduces methane generation.

To that end, the Clean Air Plan should support local jurisdictions' efforts to increase levels of residential and commercial recycling and composting, assist jurisdictions with the permitting of new recycling and composting facilities and support local governments' efforts toward increased recycling goals wherever possible in broad, comprehensive plans, such as this one, to improve air quality in the region.

### **Here is how we think the plan can improve on sustainable landscape practices that have positive clean air impacts:**

- Support efforts to Minimize decorative turf and hedges that require shearing. Mowing and shearing often uses equipment that have significant air impacts. The Bay-Friendly Landscape standard for lawns is, "the total irrigated areas specified as turf shall be limited to a maximum of 25% with recreational areas exempted". And the Bay-Friendly landscape standards for shearing is that "no plant shall require shearing". Species will be selected and plants spaced to allow them to grow to their mature size and natural shape without shearing at any point in the lifespan of the plant (Pruning for structural integrity and plant health is permitted.)
- Change Tree Planting (ECM 3) to Urban Forestry. Support programs that promote the health of urban forestry by creating a tree inventory, setting goals on increasing urban tree populations, creating better soils and environments for urban trees and supporting funding efforts of urban forestry programs. In addition, encourage the planting of large stature trees where appropriate as they have exponentially larger positive impacts for clean air, storing carbon and reducing stormwater runoff than small stature trees. We currently award points in our Bay-Friendly

file:///M:/Dbs/2648%20BAAQMD%20CAP/NOP\_IS/Public%20Comments%20on%20NOP/Stopwaste%20email.htm (1 of 3) [1/25/2010 2:43:15 PM]

file:///M:/Dbs/2648%20BAAQMD%20CAP/NOP\_IS/Public%20Comments%20on%20NOP/Stopwaste%20email.htm

landscape scorecard for the planting of large stature trees. Do not add another criteria such as low VOC trees since there are many criteria now that end up restricting the selection of urban trees. Trees overall have a positive impact and there are not enough resources available to support proper management of urban trees.

- Consider supporting efforts to not plant invasive plants. Once invasive plants populate open space areas, sometimes large scale efforts are used to eradicate them that often times have air impacts such as using gas powered equipment such as string trimmers, brush cutters, mowers, chain saws, front end loaders and chippers, sometimes there are controlled burns to eradicate plant pests. If invasive plants were not used in the nursery trade then this could reduce the remediation efforts to control them. The Bay-Friendly Landscape standard is "None of the species listed by Cal-IPC as invasive in the San Francisco Bay Area are included in planting plans."
- Consider encouraging the use of Bio-based fuels. We award points on our landscape scorecard for landscape maintenance equipment run on bio-based fuels.
- Also for For Lawn and Garden Equipment, consider a similar program that is currently in the table (MSM A-3 & MSM C-2) for Green Fleets by developing a green lawn & garden equipment certification component of the Bay Area Green Business Program. The Bay-Friendly Landscaping scorecard would be able to recognize this standard in our landscape scorecard.
- Finally consider encouraging the construction of Bay-Friendly Rated Landscapes and hiring of landscape professionals that have received training and are "Qualified as Bay-Friendly Landscape Professionals". Bay-Friendly Landscape Guidelines and tools incorporate landscape practices with positive air impacts into a broad framework of sustainable landscape practices.

**Here are our suggestions from the Green Building side:**

**From the building sector in general**, increase emphasis on existing building and landscape retrofits for energy efficiency and a reduction of air pollution. Target measures that are demonstrable, durable (long-lasting), have co-benefits such as indoor air quality improvements or water savings, and apply broadly to the majority of the building stock in need of repair/replacement in the next decade. Specific recommendations follow.

**For Residential homes**, utilize 3<sup>rd</sup> party verified existing building rating systems as a guide or enforcement mechanism. Rating systems like GreenPoint Rated have been developed with thorough stakeholder involvement from throughout California to ensure that measures included in the rating system are cost effective best practices in California.

**In the Multifamily space**, existing apartment buildings and mixed-use facilities built in the 1960s-1980s are in need of repair. As with single family homes, the use of a 3<sup>rd</sup> party standard or rating system is necessary to ensure compliance with targeted green upgrade measures.

**Commercial**: target the hard-to-reach existing small commercial market. Small commercial tenant improvements or expansions under 10,000 square feet or \$3 million are very common in the Bay Area. These building alterations often fall outside the boundaries of traditional energy efficiency programs and local government energy efficiency/green building ordinances. Further, small commercial projects can't

## Comments Received on the Notice of Preparation/Initial Study

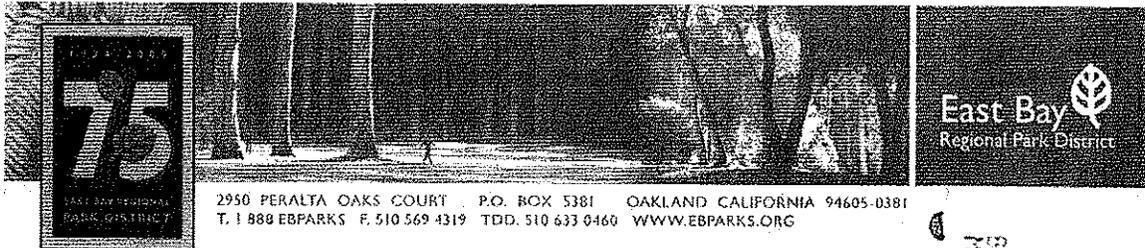
---

file:///M:/Dbs/2648%20BAAQMD%20CAP/NOP\_IS/Public%20Comments%20on%20NOP/Stopwaste%20email.htm

support large investments of time or upfront costs of formal LEED certification. There is a need in the small commercial sector for a third-party rating system that is both credible and provides a consistent level of performance above standard practice in multiple benefits categories (energy, water, resources, indoor air quality). This rating system must be flexible, easy to use, and cannot be too onerous or costly to participate in or administer. Our Agency has developed a checklist and is working on developing such a 3<sup>rd</sup> party verification standard, and are seeking partnerships in this effort.

In summary, the existing building market is the critical area of focus for the coming years. As these buildings are retrofit, setting minimum energy efficiency and green building strategies can effectively "lock-in" consumption patterns for the next 20-30+ years of occupancy. Retrofitting these buildings with green building and energy efficiency strategies will cut green house gas emissions, air pollution, and help California meet multiple environmental goals.

file:///M:/Dbs/2648%20BAAQMD%20CAP/NOP\_IS/Public%20Comments%20on%20NOP/Stopwaste%20email.htm (3 of 3) [1/25/2010 2:43:15 PM]



September 21, 2009

Bay Area Air Quality Management District  
c/o Greg Tholen  
939 Ellis Street  
San Francisco, CA 94109

Sent via e-mail to  
gtholen@baaqmd.gov on  
09/21/09

RECEIVED  
09 SEP 22 AM 10:22  
BAY AREA AIR QUALITY  
MANAGEMENT DISTRICT

**RE: BAY AREA 2009 CLEAN AIR PLAN (CAP) – EAST BAY REGIONAL PARK DISTRICT COMMENTS**

Dear Mr. Tholen:

Thank you for providing East Bay Regional Park District (the "Park District") with a copy of BAAQMD's Notice of Preparation (NOP) for the Bay Area 2009 Clean Air Plan. We have extensive experience in acquiring, building and operating more than 1,100 miles of regional trails in Alameda and Contra Costa County and have a long term commitment to completing the regional trail network identified by our 2007 Master Plan map.

The 2009 CAP should place a higher priority on trail gap closure projects and the construction of Class I bicycle facilities to minimize the potential impacts of the plan and improve the effectiveness of Transportation Control Measure (TCM) D-1 (Bicycle Access and Facilities Improvements) at reducing emissions. The DEIR should evaluate hazards posed by existing and future trail gaps and examine the safety benefits of Class I facilities over Class II and III facilities. Trail gaps are known to discourage the use of regional trails and/or cause trail users to be diverted to use more hazardous paths of travel. Class I facilities minimize vehicle/trail user conflicts and their use is favored by trail users over more hazardous Class II and III facilities. To improve its effectiveness as an emission control measure, 2009 CAP TCM D-1 should place a priority on completing Class I and gap closure bicycle facility projects since they improve safety and result in higher use.

As part of its implementation actions identified in TCM D-1 we recommend that BAAQMD add the following action:

*(BAAQMD will) Encourage MTC to meet its Transportation 2035 Plan commitment to provide \$1 billion in funding for the Regional Bicycle Program*

Board of Directors

Ted Radtke President Ward 7	Doug Eiden Vice-President Ward 4	Beverly Lane Treasurer Ward 6	Carol Severin Secretary Ward 3	John Sarter Ward 2	Whitney Dorson Ward 1	Ayn Wieskamp Ward 5	Pat O'Brien General Manager
-----------------------------------	--	-------------------------------------	--------------------------------------	-----------------------	--------------------------	------------------------	--------------------------------

Comments Received on the Notice of Preparation/Initial Study

This action will help to further memorialize a multi-agency commitment to implementing MTC's Plan.

The Park District has the following comments on TCM D-I Implementation Actions:

- Clarify that ABAG serves an advocacy role and not a construction role in the completion of the Bay Trail.
- Recognize the Park District and other special districts that are committed to operating, maintaining and building regional bicycle facilities.

Thank you for your review and consideration of our comments. We request that we be notified of any public meetings or hearings scheduled for this project and that a copy of any CEQA notices or associated documents be forwarded to us for this project. If you have any questions or concerns, please contact me at (510) 544-2627 or via email at [cbarton@ebparks.org](mailto:cbarton@ebparks.org).

Sincerely,



Chris Barton  
Senior Planner

cc: Jim Townsend, Regional Trails Manager

Attachment: 2007 Master Plan Map



## Comments Received on the Notice of Preparation/Initial Study

---

Date: September 21, 2009

From: Cathy Helgerson

To: Greg Tholen

Regarding: Notice of Preparation of Draft or EIR (Environmental Impact Report)

Ground -Level Ozone -Both the U.S. EPA and the California Air Resource 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 1 hr., and 0.07 (ppm) averaged over eight hours. The San Francisco Bay Area Air Basin is designated as a nonattainment area for both the California 1-hour ozone standard and the California 8-hour ozone standard.

Comment: The ozone standards could be attainable if the primary companies that are in violation and have high levels of emissions could be identified and dealt with correctly by shutting them down permanently. Example: Lehigh Southwest Cement Company and Quarry in Cupertino is a primary polluter of all kinds of environmental contaminants and so is Apple Computer with their R & D facility that has their design resin molds being heated in their 4 thermotron ovens with the emissions going all over Cupertino and the Silicone Valley. Both of these companies are in violation of the Clean Air Act and the Clean Water Act. These companies can not curtail their polluted emissions and should be shut down immediately.

The Particulates should be monitored right down to the PM 2.5 the citizens of Cupertino can not wait for the modeling process to be completed in 2013 or 2014 and then another 5 years to impose the attainment plan.

We are running out of time and the community needs to be protected and so we must determine that the responsibility remains with the Bay Area Air Quality, Santa Clara County, City of San Jose, City of Cupertino and other cities, the Air Resource Board, EPA State and Federal Agencies who are hired and elected to keep us safe.

Initially if these companies that have high polluting emission could be closed it would relieve the strain on the motor vehicle requirements for the time being giving the auto industry time to bring in the new electric cars. There would also be time to develop new technologies to support this industry all around and possibly bring the cost of these electric cars down. New fuels could be developed and this would also cover the diesel fuel trucks who are strong emitters.

Suggestion: Have strong emitters of pollution like Lehigh Southwest Cement and Quarry shut down during spare the air days and if they do not they risk permanent closure this includes Apple Computer's R & D Facility in Cupertino as well.

Number SSM17 - Declare locations of sensitive populations to include around cement plants and specifically to the community around Lehigh Southwest Cement Company in Cupertino, Ca. This location in Cupertino should be considered a primary Hot Spot. It is important to give strong attention also to the

Stevens Creek Reservoir and what impact the air pollutions has on our drinking water and ground water runoff.

Note: That Lehigh Southwest Cement pays citation fees for violations and it seems as if they are just paying a parking ticket and nothing more and just going out and doing the same violations again. The public has reported complaints consistently but the Bay Area Air Quality seems to confirm very few of them which seems in error because of the amount of calls that are coming in. The citizens have given up on the Bay Area Air Quality as a fair enforcement agency and they feel they are wasting their time calling to report any violations or concerns. This sure seems not to be helping anyone and is very bad for the community. The public has become very suspicious of the Bay Area Air Quality who it seems is protecting Lehigh Southwest Cement Company by not confirming the complaints and stating the violations in order to impose a fine. They are also taking a very long time in resolving any complaints that have been confirmed by the Bay Area Air Quality and it seems are held up in the legal system between the Lehigh Southwest Cement lawyers and the Bay Area Air Quality lawyers which the Citizens of Cupertino find to be very unacceptable.

Lum3 Reduce Risk from Stationary Sources in Impacted Communities – Add Biomonitoring via EPA to test the population for contamination in the human body of the people in the community. There is such a program starting but this should be elaborated on and requested by the Bay Area Air Quality and the EPA State and Federal. Santa Clara County and the City of Cupertino should also do what they can to promote testing of the population. There should also be Legal Defense system set up for people that have been affected by this pollution and contamination to help them prove that they are victims. Offenders should be fined convicted of a crime and jailed in order to show that the Government means business.

Lum4 Stronger Enforcements for violations taken by diesel truck owners and companies this would also include any roadway vehicles on the road today. There should also be additional requirements imposed to require companies to develop new technologies for fuels and also new types of automobile and truck designs that work with electronic power to fuel them.

LUM6 Enhanced Air Quality Monitoring to include the particulate matter and the dust accumulation in our homes and work places. Nuisance violations should be considered and adhered to in all Title V Permits. This is also not happening at the time so stronger enforcement should be stipulated as a requirement for the condition of the permits. Failure to do so would constitute criminal penalties and even prison terms.

ECM3 Energy Efficiency Building Code Enforcement of old Facilities. The Lehigh Cement Plant in Cupertino/Santa Clara County has been in existence for 70 years and during this time the buildings have grown old and are covered with dust contamination from the Cement Plant and no one had done anything about it. The dust is everywhere at the site and the whole emits over to the whole Silicone Valley and the Bay Area. The air conditioning and vitalization systems air ducts are covered with the dust and the workers are subjected to this contamination 24/7 days a week and no one is doing anything about it.

## Comments Received on the Notice of Preparation/Initial Study

---

ECM4 Tree Planting Promote less tree cutting it seems the City of Cupertino has allowed tree cutting of all kind of trees thus reducing the number of trees that help the environment. This should be stopped immediately and all trees should be spared not just the endangered species but also the trees that seem to be in abundance in the community and tree cutting should stop.

The control measures imposed by the EPA and the Bay Area Air Quality should cover Lehigh Southwest Cement as well and it should not make any difference if a Cement Plant is old or new the regulations should be applied to both.

Enforcement again odor emissions that create a nuisance and also create a health hazard should be enforced and are not. Solvents and their odors are not contained even though the Cement Plants need to get a permit from the Santa Clara County Environmental Hazardous Division this does not help with the enforcement and it is a health and safety issue. These emissions need to be contained completely.

At the location of the Lehigh Southwest Cement Company grounds and the surrounding area there has been a problem with the weeds, trees and grass abatement and no enforcement has been carried out. The Santa Clara County Weed Abatement Division was contacted and they refused to cite the Lehigh Southwest Cement Plant Grounds and stated there was nothing wrong even though I had pictures of grass and weeds growing over 3 feet. They did send out a notice for the surrounding areas owned by Lehigh Southwest Cement to contain their weeds and that has yet to be done. This is a disregard for the fire and safety regulations of the Fire Department and that has yet to be resolved. There have been many grass and weed fires over the years at the cement plant site and the surrounding areas. There was even a fire at a building at the Lehigh Southwest Cement Company that cost the company \$200,000.00 dollars. The buildings because of the old age and because of the chemicals that are emitted on to their area are a fire and safety hazard to the community. This facility has only one road into it and if there was a large fire the workers would be trapped at the Cement Plant site. We wish to remind you of all of the fires that have taken place in California and in the United States over the last 6 months that have cost the communities many dollars, many peoples homes have been burned down to the ground and many acres of forestry land has been consumed. There have also been a great loss of wildlife and human life because of fires and that is why I have brought this up. The agencies that are here to protect us should do just that protect us and they are not that is why I ask that you impose strong regulations to make these agencies comply and make them do their jobs.

Landslides Lehigh Southwest Cement and Quarry is a great problem and the expansion of it will cause trouble to the land. Earthquake Faults are impacted by this constant drilling and explosive mining causing safety hazards to the community that is why Lehigh Southwest Cement Quarry and the Cement plant need to be shut down.

The requirement of modifications to existing old facilities should be required and are not. The Building Code Department does not condemn a building unless it is deemed to have earthquake damage. The company must call them and report that there is a crack or some indication that there is damage and so sometimes it is never reported. Old buildings like Lehigh's buildings are allowed to stand and no one really inspects them to see if they are a health or safety concern. The Santa Clara Fire Department has

received a long list of questions from me regarding the safety of this location and what would the proposed evacuation process be if there was a major fire and I await their response.

The Lehigh Southwest Cement Plant does their own sanitizing of the water on site and is not hooked up to the San Jose Sanitation or the City of Cupertino's Sanitation Facility which is another problem and a great concern. The citizens feel that they should not be allowed to monitor their own water sanitation system because there is a strong possibility of pollution to the ground water system. There has been in the past and could also be an added problem with the diesel fuel monitoring above ground and below that has been leaking in the past.

The Lehigh Southwest Cement Facility has not been using their sprinklers to control the dust and we have been told by an inspector from the Bay Area Air Quality Control that the Water Resource Board told them not to because of the contamination to the ground water. What will the Bay Area Air Quality Control Board do about this? There is dust everywhere all over our homes and communities and we can't breathe and many health problems and even death are a result of this pollution.

The San Jose Airport and the Air Jets should be monitored for their emission under the Bay Area Air Quality Control and they are not. The pollution is great and everyone seems to ignore the problem and the Cupertino Citizens would like to know why?

Conclusion: The Lehigh Southwest Cement and Quarry need to be closed down because they are and have been an ongoing Health, Fire and Safety Hazard to the community. The Bay Area Air Quality and the other agencies need to protect the citizens from any threats to the community as a whole, and we as the Citizens have a right to expect that they do their jobs and do it consistently. We demand that the Lehigh Southwest Cement Factory and Quarry be closed down permanently. Furthermore we also request that the Apple Computer R & D Manufacturing Facility also be closed down and not moved any place unless the emission and pollution are completely contained.

Comments Received on the Notice of Preparation/Initial Study

file:///M:/Dbs/2648%20BAAQMD%20CAP/NOP\_IS/Public%20Com...nts%20from%20CIWMB%20re%20SSM%202%20-%20composting.htm

**From:** David Burch  
**Sent:** Monday, September 21, 2009 4:07 PM  
**To:** Horowitz, Robert  
**Cc:** Berton, Fernando; Smyth, Brenda; David Vintze; Dan Belik; Alison Kirk; Robert Cave  
**Subject:** RE: comments from CIWMB re: SSM 2 - composting  
Robert

Thanks for your comments. This is helpful. If you can get us formal comment letter by Sept 30, that would be appreciated.

Alison: Please add comments below re: SSM 2 to our summary comment table. Thanks.

Dan / Robert C: Please see comments from CIWMB below and consider this input in preparation for our mtg w Henry on Wed. Thanks.

DB

---

**From:** Horowitz, Robert [mailto:RHorowitz@CIWMB.ca.gov]  
**Sent:** Monday, September 21, 2009 3:53 PM  
**To:** David Burch  
**Cc:** Berton, Fernando; Smyth, Brenda  
**Subject:** RE: broken link

Thanks, David, for the explanation and your help so far.

Per your request, here are my impromptu bullet points regarding the BAAQMD 2009 Clean Air Plan. I just looked at the document this morning. I really was not aware of it until late last week. Given the attention paid to composting, the CIWMB would definitely like the ability to supply more formal comments. My only wish is that I had known about this process earlier. Can you give me a "drop-dead date" for that?

These bullet points are in regard to Stationary Source Measure 2: Composting

- Composting appears to fit better with future study measures than with higher-priority SSMs. Per the report, "Measures have been classified as FSMs for a variety of reasons, including lack of emissions data for the targeted source, uncertainty as to the cost - effectiveness of a measure, or because the proposed control technology has not been adequately demonstrated." All three of these statements are true for composting. Research is underway on a number of fronts, but it is not yet clear whether all questions which were asked of researchers will be answered, and of those which are answered, with what degree of certainty. The cost implications and effectiveness of the various mitigation technologies are unclear and constantly evolving. Basic information about the types of compounds emitted by compost facilities, and their contribution to ozone pollution, is unknown. We have barely scratched the surface in investigating the interplay of

file:///M:/Dbs/2648%20BAAQMD%20CAP/NOP\_IS...CIWMB%20re%20SSM%202%20-%20composting.htm (1 of 4) [1/25/2010 2:58:39 PM]

file:///M:/Dbs/2648%20BAAQMD%20CAP/NOP\_IS/Public%20Com...nts%20from%20CIWMB%20re%20SSM%202%20-%20composting.htm

composting with greenhouse gas emissions.

- Regarding the proposed implementation actions, many of the suggested Tier 1 mitigation measures borrowed from SJVUAPCD Draft Rule 4566 were pulled from a well-known "on-farm handbook," but are not backed by emissions reduction data. Some may actually increase air pollution by obligating compost facility operators to run more diesel engine hours (scraping to 1"), or by promoting anaerobic conditions (covering active piles with soil). Because many areas of California are "NOx limited," any rules which necessitate additional diesel engine use will exacerbate ozone pollution, which could more than offset any pollution benefits gained from what may be marginal improvements in organic emissions of dubious reactivity.
- The aeration systems necessary to accomplish the Class 2 mitigation measures require significant amounts of electricity.
- The best management practices listed in the report as mitigation measures do not generally have industry support and were not necessarily developed through a collaborative process, as stated in the issues and impediments section. See earlier bullet points. We feel confident that the final suite of BMPs and mitigation measures developed by SJVUAPCD will reflect the extensive collaboration and research which has occurred since those mitigations were originally released in early 2008.

Hope that helps. I will endeavor to get some more formalized comments to you in a most timely fashion. I have cc'd my supervisors on this email.

Sincerely,

**Robert Horowitz**  
**Senior Integrated Waste Management Specialist**  
**Statewide Technical & Analytical Resources Division**  
**California Integrated Waste Management Board**  
**(916) 341-6523**  
**rhorowit@ciwmb.ca.gov**

---

**From:** David Burch [mailto:dburch@baaqmd.gov]  
**Sent:** Monday, September 21, 2009 2:07 PM  
**To:** Horowitz, Robert  
**Subject:** RE: broken link

I'll be meeting tomorrow morning and Wed with my managers to discuss comments and how we

file:///M:/Dbs/2648%20BAAQMD%20CAP/NOP\_IS...CIWMB%20re%20SSM%202%20-%20composting.htm (2 of 4) [1/25/2010 2:58:39 PM]

**Comments Received on the Notice of Preparation/Initial Study**

---

file:///M:/Dbs/2648%20BAAQMD%20CAP/NOP\_IS/Public%20Com...nts%20from%20CIWMB%20re%20SSM%202%20-%20composting.htm

may want to revise control strategy in response to comments.

So if you can get comments to us today, that would be most helpful. Even if just shoot me your key pts in bullet form via email now, and follow up w a more formal letter, that would be useful.

If you can't get comments ready that quickly, go ahead and send them when you can, and we'll do our best to address them when we receive them.

Dave

---

**From:** Horowitz, Robert [mailto:RHorowitz@CIWMB.ca.gov]  
**Sent:** Monday, September 21, 2009 1:24 PM  
**To:** David Burch  
**Subject:** RE: broken link

David, what is the last day for comments on the 2009 CAP?

**From:** David Burch [mailto:dburch@baaqmd.gov]  
**Sent:** Tuesday, September 15, 2009 6:51 PM  
**To:** Horowitz, Robert  
**Subject:** RE: broken link

Nadine

Please investigate this and let me know what needs to be done to fix it. Thanks!

Robert: Here's a link that should work.

<http://www.baaqmd.gov/Divisions/Planning-and-Research/Plans/Clean-Air-Plans/Resources.aspx>

Dave Burch

---

**From:** Horowitz, Robert [mailto:RHorowitz@CIWMB.ca.gov]  
**Sent:** Tuesday, September 15, 2009 5:29 PM  
**To:** David Burch  
**Subject:** broken link

Hi there.

On the page: <http://www.baaqmd.gov/Divisions/Planning-and-Research/Plans/~media/7D12083821854DF88D6621D5CFA76EEA.ashx>

This link at the bottom of the page is broken...

For more information, see the Plan website:

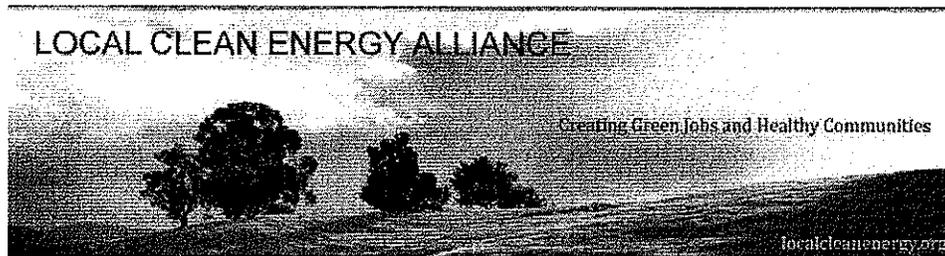
file:///M:/Dbs/2648%20BAAQMD%20CAP/NOP\_IS...CIWMB%20re%20SSM%202%20-%20composting.htm (3 of 4) [1/25/2010 2:58:39 PM]

file:///M:/Dbs/2648%20BAAQMD%20CAP/NOP\_IS/Public%20Com...nts%20from%20CIWMB%20re%20SSM%202%20-%20composting.htm

[http://www.baaqmd.gov/pln/plans/ozone/2009\\_strategy/index.htm](http://www.baaqmd.gov/pln/plans/ozone/2009_strategy/index.htm)

gives the 404 error

**Robert Horowitz**  
**Senior Integrated Waste Management Specialist**  
**Statewide Technical & Analytical Resources Division**  
**California Integrated Waste Management Board**  
**(916) 341-6523**  
[rhrowit@ciwmb.ca.gov](mailto:rhrowit@ciwmb.ca.gov)



23 September 2009

David Burch  
Principal Environmental Planner  
Bay Area Air Quality Management District  
939 Ellis St.  
San Francisco, CA 94109

Dear Mr. Burch,

We are writing to commend you on your role in formulating the 2009 Clean Air Plan (CAP) and to urge you – in the strongest manner – to include the Jacobson Effect in the analysis of locally emitted Greenhouse Gas (GHG) emissions and their significant impact on the morbidity and mortality of local human populations.

These comments are written on behalf of the Local Clean Energy Alliance (LCEA), a coalition of 46 nonprofits and local businessses in the East Bay committed to an inclusive clean energy future. The alliance includes the Bay Chapter of the Sierra Club, Bay Localize, EcoCity Builders, Pacific Environment, many other organizations and businesses. For a full list of our organizational members, please visit [www.LocalCleanEnergy.org](http://www.LocalCleanEnergy.org).

We applaud the District's inclusion of particulate matter (PM), air toxics, and GHG's to its update of the 2005 Ozone Strategy. This ground breaking work will likely have a wide reaching, positive effect on how the human health impacts of these emissions are analyzed and regulated. The District's work on this should be considered a best practice and used as a model by other Air Management Districts; we look forward to sharing it with our colleagues.

As part of this ground breaking work, you are using a sophisticated and complex Multi Pollutant Evaluation Method which has five key steps:

1. Emissions
2. Concentrations
3. Population Exposure
4. Health Impacts
5. Health/Social Benefits

In your analysis of Ozone, particulate matter, and air toxics you are employing all the Steps 1 through 5, but for GHG you propose to use only Steps 1 and 5.

We believe this decision to limit of the analysis scope for GHG was initially proposed due to:

- 1) Concerns about difficulties in modeling the widespread, relatively small individual emissions that comprise the majority of emissions points, and often but not always the majority of a municipality's GHG emissions.
- 2) *And* the commonly held but incorrect belief that even billions of pounds of additional locally emitted GHG have no effect on the health of the local population.

We would like to address both of these issues.

On the first issue, while the difficulty in modeling the large numbers of small scale emitters is a valid concern, there are two types of stationary source emitters that due to their enormous quantity of emissions *must* be modeled and are relatively easy to do so: fossil fuel power plants and fossil fuel refineries.

As an example, the proposed Russell City Energy Center (RCEC), a 600 Megawatt, natural gas power plant currently seeking a federal Prevention of Significant Deterioration permit to operate adjacent to the ecologically sensitive habitat of the Hayward shoreline and directly upwind from a city of 149,000 people, will produce more GHG emissions than the combined, inventoried total of Hayward's municipal, industrial, residential, commercial and transportation GHG emissions. All these GHG emissions will come from the space equivalent of a single city block, should the project move forward. With the existing set of meteorological data for the site, the District's existing set of block by block census data, and the District's own prediction of RCEC's GHG emissions, Steps 1 and 2 can be modeled.

On the second issue, the assumption that billions of pounds of locally emitted GHG emissions have no effect on the health of the local population, Prof. Mark Z. Jacobson's studies of the last few years demonstrate not only that there is a quantifiable effect, but that the effect is significant. Using Jacobson's methodologies, the results from Steps 1 and 2 can give you the results for Steps 3 and 4, of what the predicted increase in death, morbidity, and ER visits will be as a result of the effects of the increase in amount and toxicity of the criteria pollutants, PM and ozone, due to the significant increase in local CO2 concentrations.

That data can then be used to estimate Step 5.

The resultant information would be invaluable data for the Districts desire to:

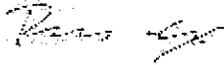
Comments Received on the Notice of Preparation/Initial Study

- Estimate the total cost of health impacts and monetary costs associated with the current emissions levels of fossil fuel power plants and refineries and ambient concentrations.
- Backcasting to estimate the health impacts and monetary costs associated with fossil-fuel power plants, refinery emissions and ambient concentrations in years past.
- Estimating the aggregate benefit of the overall emission reductions for the proposed 2009 CAP control strategy as a whole.
- Evaluating the benefits of GHG measures in reducing criteria pollutants.

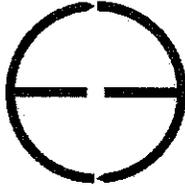
As an alliance whose core mission is to facilitate the transition to a locally focused and inclusive clean energy system, we see an urgent need to utilize all applicable and available science-based tools to help us understand of the full societal cost of our current carbon intensive systems. This information is vital for policy makers, regulatory agencies and the public so that together we may formulate the appropriate science-based policies and programs needed collectively address the pressing issues of anthropogenic GHGE and global climate disruption.

Again, we commend your current efforts to formulate such a comprehensive and ground breaking CAP for the San Francisco Bay Area regional air basin, and urge you to include the Jacobson methodologies in your analysis of Ozone, PM and GHG.

Sincerely,



Rory Cox  
California Program Director, Pacific Environment  
251 Kearny Street, Second Floor  
San Francisco, CA 94108  
Ph: 415-399-8850  
Email: rcox@pacificenvironment.org



**California Council for Environmental and Economic Balance**

100 Spear Street, Suite 805, San Francisco, California 94105  
415-512-7890 phone, 415-512-7897 fax, [www.cceeb.org](http://www.cceeb.org)

September 28, 2009

Mr. David Burch  
Bay Area Air Quality Management District  
939 Ellis Street  
San Francisco, CA 94109

Dear Mr. Burch:

RE: Proposed 2009 Clean Air Plan

The California Council for Environmental and Economic Balance (CCEEB) is a coalition of business, labor and public leaders, which strives to advance collaborative strategies for a strong economy and a healthy environment. We have numerous members who operate many different kinds of facilities under the jurisdiction of the Bay Area Air Quality Management District. We wish to take this opportunity to convey our views on the proposed 2009 Clean Air Plan ("the Plan").

1. Incentive and Grant Program Funding

CCEEB has consistently expressed its support for incentive-type programs that achieve direct emissions reductions, especially when used to reduce emissions from difficult-to-regulate sources. We co-sponsored the legislation that directs significant portions of the Carl Moyer funds to low-income communities. We support this approach as applied by the District in awarding incentives and grants for facilities in CARE communities.

However, the Plan introduces a new category of incentive programs aimed at advancing fuel and drive train technologies. Technology programs typically are administered through State and federal programs since technology innovations are beneficial more broadly and can be deployed beyond any one region.

We recognize that these types of programs require extensive resources. How does the District decide what resources to invest in such programs? Do these programs pull funding that previously went to cover the cost of more traditional stationary source programs?

2. Programs where Other Agencies Have Lead

CCEEB recognizes and supports the District's efforts to be a leader in the field of air quality. We recognize the expertise you have offered other agencies when it comes to issues such as climate change and air toxics. We are troubled, however, that parts of the draft Clean Air Plan move the District into areas where other agencies have clear authority as lead.

Mr. David Burch  
September 28, 2009  
Page 2

- Climate Change

We oppose the District's advancements towards establishing regulations to control GHG emissions, such as in Stationary Source Measure 5. This measure seems to duplicate the Air Resources Board's (ARB) development of energy efficiency and co-benefit audits for industrial sources as well as mandatory GHG emission reduction requirements set forth under AB 32 and the ARB Scoping Plan. We believe AB 32 clearly gives responsibility for controlling GHG from stationary sources to the Air Resources Board.

We support the District's innovative multi-pollutant approach, in which it seeks to (1) maximize concurrent GHG reductions when controlling for criteria pollutants and toxic air contaminants and (2) minimize tradeoffs between GHG and other pollutants when designing control measures. However, we do not support separate local GHG requirements.

GHG is a global pollutant. We believe a patchwork of district-specific rules across the state is the wrong approach. Such rules could clearly interfere in any market program developed by the ARB in that it would make it difficult, if not impossible, to determine what is surplus. In addition, the Legislature has given the ARB the directive to develop an emissions inventory for GHG pollutants. We are concerned that a second inventory, developed by the District for the calculation of a GHG fee, could lead to duplicative efforts and resultant inconsistencies. Furthermore, we are concerned with the accuracy of the District's inventory and its emissions calculations relative to that of the ARB. The ARB has devoted much time and resources to working with stakeholders on the statewide inventory; the District should not reinvent the wheel.

#### Energy

The plan relies heavily on energy efficiency. We continue to support the State's longstanding efforts to improve energy efficiency, increase energy conservation, and advance the development and deployment of renewable energy resources.

We recognize that there are two State agencies and innumerable public and private, non-profit and for-profit organizations that provide outreach and technical assistance to energy end users. Furthermore, the California Energy Commission and local municipalities are responsible for setting building standards and codes, such as the successful and aggressive Title 24 building standards. Other groups are national leaders in advancing "green building," such as the federal Energy Star program and the U.S. Green Building Council's LEED Standards.

We are unsure what expertise the District can add to these efforts beyond supporting the public's understanding of the energy-air quality connection. Education and outreach on demand-side energy use, green building and renewable energy seem outside the District's purview. Moreover, it seems impossible to quantify reductions in energy demand attributable to the District's efforts, which calls into question the associated emissions reductions estimates.

Mr. David Burch  
September 28, 2009  
Page 3

We encourage the District to partner with other agencies and organizations, such as the Energy Commission and PG&E, to determine how it might support their programs rather than creating new and duplicative efforts.

- Mobile Sources

We recognize that mobile sources continue to hold a large portion of the remaining inventory of air pollution. We recognize that many of these sources are difficult to control. We support your incentive and grant programs to help improve the emission scenario from this category. We support working with ARB and EPA to ensure that their regulations controlling these sources are stringent and designed to reduce emissions from these sources to a level that is equal to the reductions achieved with stationary sources. We do not believe the Clean Air Plan should direct the District to move into areas where primary authority is given to ARB and EPA.

3. Additional Concerns

We are concerned that the Clean Air Plan is moving forward without full analysis made available to the public, such as cost effectiveness, estimated reductions in emissions and exposure levels, and potential tradeoffs. In terms of cost effectiveness, how is the District developing the estimates that the Board must consider with regard to cost?

How will staff address these and other comments raised by stakeholders? The process is moving very quickly and comment deadlines have been exceedingly short given the lack of analysis, the expanded scope of District activity, and the sheer number of proposed control measures. We would like the opportunity to ensure that our concerns are thoughtful and productive and that they are properly addressed.

The District has extended much effort in its multi-pollutant evaluation method (MPEM). How is this method being used in the development of the Clean Air Plan? In meetings with staff, we raised a number of questions that have not been addressed. We reiterate some of them here, including:

- The intention of the MPEM, to our understanding, is to make a *relative* comparison among options. However, some of the steps seem to be *absolute* in their analysis, such as estimates of monetized health and societal benefits. Since each step adds a greater layer of uncertainty, conservative or precautionary thresholds become compounded, thereby calling into question the accuracy of "dollars saved". Would the District consider using a qualitative metric to make these relative comparisons? For example, with GHG, this might be expressed as a percent of 1990-levels or a percent of SB 375 regional targets.
- How do estimated GHG benefits (\$28 per ton) get weighted vis-à-vis other benefits? GHG is exceptional since the District cannot truly determine what level of emissions reductions is directly attributable to its Plan. Moreover, regional GHG benefit estimates confuse the geographic scope of climate change.
- In calculating health effects, can the District include analysis of the economic impacts of its Plan and the associated effects on public health outcomes in order

Mr. David Burch  
September 28, 2009  
Page 4

to avoid a perverse negative impact should economic impacts outweigh estimated air quality benefits? Will the District test the assumptions embedded in its MPEM by running historic data and checking for accuracy? And will the District share the results with public stakeholders?

Clearly, we have many questions about the plan. We would sincerely like the opportunity to meet with you and your colleagues to review these concerns.

Thank you.

Sincerely,



William J. Quinn  
Vice President and Chief Operating Officer

**From:** Castro, Randy [mailto:Randy.Castro@fire.ca.gov]  
**Sent:** Tuesday, September 22, 2009 9:18 AM  
**To:** Gregory Tholen  
**Subject:** CEQA workshop

Hi Gregg,

I supervise our hazard reduction, fuel break projects in the west Santa Clara County watershed areas. Because of the remoteness of some areas we work chipping is not always an option nor is removal by equipment. I'm concerned of any impending changes to the current open burn policies in the Bay area that might effect our ability to reduce the vegetation fire hazards in our watersheds. Thank you

*Randy Castro*  
**Fire Captain**

***CAL FIRE***

Stevens Creek FFS  
13326 Stevens Canyon Road  
Cupertino, Ca 95014

Bus: 408-867-3682  
Cell: 408-499-4255

randy.castro@fire.ca.gov