



METROPOLITAN
TRANSPORTATION
COMMISSION

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Memorandum

TO: Planning Committee

DATE: February 12, 2010

FR: Executive Director

W. I.

RE: Update on Bay Area Air Quality Management District's (BAAQMD's) Proposed CEQA Guidelines Update

Staff will review BAAQMD's proposed CEQA Guidelines update at your February 2010 meeting, and provide information on how the proposed measurement thresholds might affect the next Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), future land use planning efforts, and location of future development in the region. The attached presentation slides provide further information that will be covered at your meeting.

Background

The BAAQMD last approved its recommended CEQA thresholds of significance for air quality about 10 years ago. Since that time there have been numerous changes that affect the quality and management of the air resources in the Bay Area. Traditional criteria air quality emission standards, at both the state and federal levels, have become increasingly more stringent. A new criteria air pollutant standard for fine particulate matter less than 2.5 microns in diameter (PM_{2.5}) has been added to federal ambient air quality standards. As such, the Bay Area has been designated non-attainment for the federal 24-hour PM_{2.5} standard and is expected to also be designated non-attainment for the new more stringent federal 8-hour ozone standard approved – and the even more stringent ozone standard recently proposed by the US EPA. These stricter standards are intended to be more health protective.

In response to the elevated levels of toxic air contaminants in some Bay Area communities, the Air District created the Community Air Risk Evaluation (CARE) Program to develop a regional emissions inventory of toxic air contaminants (TACs) and identify communities that are disproportionately impacted from high concentrations of TACs. Bay Area Public Health Officers, in discussions with Air District staff and in comments to the Air District's Advisory Council, have recommended that PM_{2.5}, in addition to TACs, be considered in assessments of community-scale impacts of air pollution.

Global climate change is the other significant issue that has been a growing concern since the Air District last adopted its CEQA guidance. Previous scientific assessments assumed that limiting global temperature rise to 2-3°C above pre-industrial levels would require stabilizing greenhouse gas concentrations in the range of 450-550 parts per million (ppm) of carbon dioxide-equivalent (CO_{2e}). Recent scientific assessments suggest that global temperature rise should be kept below 2°C by stabilizing greenhouse gas concentrations below 350 ppm CO_{2e}, a significant reduction from the current level of 385 ppm CO_{2e}.

CEQA Guidelines and Future Transit Oriented Development (TOD) Location

The Air District's CEQA guidelines are developed to assist local jurisdictions in identifying proposed local land use plans and development projects that may have a significant adverse effect on air quality and public health. The proposed revisions to the existing thresholds of significance include thresholds for construction, project operation, and plan-level emissions.

The Air District has held several public hearings and has received extensive comments on the guidelines. The comments run the gamut – some believe the guidelines aren't strict enough in protecting health risk caused by proximity to TAC emitters, while local agencies and developers have expressed concern that the guidelines may be too restrictive and have the unintended consequence of stifling TOD and other development within the region.

The Air District Board has directed its staff to hold workshops for planning departments in each of the nine Bay Area counties to ensure that local agencies understand how the guidelines would be used in reviewing local developments.

Based on comments received in the past several months, BAAQMD has undertaken an effort to review its currently-recommended CEQA thresholds, revise them as appropriate, and develop new thresholds where appropriate. The overall goal of this effort is to develop CEQA significance criteria that ensure new plans and development projects implement appropriate and feasible emission reduction measures to mitigate significant air quality impacts.

CEQA Guidelines and the 2013 RTP/SCS

The Commission certifies an EIR as part of adopting the RTP. As such, the next RTP/SCS would be subject to the Air District's CEQA guidelines. As required by CEQA, the EIR compares the "project's" horizon year impacts relative to existing conditions; the EIR also is required to compare the "project" to a "no project", which assumes the same horizon year but excludes any new transportation projects. All of these "project/no project" and base case comparisons include air quality assessments of criteria pollutants, TACs and GHGs, for which the Air District's CEQA guidelines include new proposed thresholds (see Attachment A).

Air District and MTC staffs have discussed how the guidelines would apply to the next RTP/SCS. The Air District's CEQA guidelines include air emission thresholds for land use and transportation plans and projects. However, both staffs concur that additional dialogue is needed to ensure that the guidelines reflect the most appropriate measures and methodologies for assessing RTP/SCS air quality impacts. Given that the US EPA will be using a No Project/Project comparison (the Project does not increase emissions compared to the No Project) for interim PM_{2.5} conformity tests, that might be a more appropriate measure for the RTP EIR. MTC and BAAQMD will discuss this approach and other possible approaches over the next few weeks, and recommend specific changes to the proposed guidance.

Next Steps

The Air District Board is slated to consider adoption of its CEQA Guidelines at its June 2010 meeting. In the intervening time period, Air District staff will be holding a number of meetings with local governments, further developing analysis tools, and conducting trainings on applying the CEQA Guidelines.

Air District staff has expressed its willingness to work with MTC staff on guideline revisions related to the RTP/SCS EIR; therefore staff does not foresee the need to formally comment on the guidelines at this time. Air District staff intends to review the complete guidelines, as they deal with both plan and project-level thresholds, with the Joint Policy Committee at its March 2010 meeting.

Steve Heminger

Attachment A

Proposed Air Quality CEQA Thresholds of Significance

Pollutant	Construction-Related	Operational-Related	
Project-Level			
Criteria Air Pollutants and Precursors (Regional)	Average Daily Emissions (lb/day)	Average Daily Emissions (lb/day)	Maximum Annual Emissions (tpy)
ROG	54	54	10
NO _x	54	54	10
PM ₁₀ (exhaust)	82	82	15
PM _{2.5} (exhaust)	54	54	10
PM ₁₀ /PM _{2.5} (fugitive dust)	Best Management Practices	None	
Local CO	None	9.0 ppm (8-hour average), 20.0 ppm (1-hour average)	
GHGs Projects other than Stationary Sources	None	Compliance with Qualified Climate Action Plan OR 1,100 MT of CO ₂ e/yr OR 4.6 MT CO ₂ e/SP/yr (residents + employees)	
GHGs Stationary Sources	None	10,000 MT/yr	
Risks and Hazards (Individual Project) <u>Staff Proposal</u>	Same as Operational Thresholds*	<u>All Areas: Siting a New Source or Receptor</u> Compliance with Qualified Risk Reduction Plan OR Increased cancer risk of >10.0 in a million Increased non-cancer risk of > 1.0 Hazard Index (Chronic or Acute) Ambient PM _{2.5} increase: > 0.3 µg/m ³ annual average <u>Zone of Influence:</u> 1,000-foot radius from fence line of source or receptor	
Risks and Hazards (Cumulative Thresholds)	Same as Operational Thresholds*	<u>All Areas: Siting a New Source or Receptor</u> Compliance with Qualified Risk Reduction Plan OR Cancer: > 100 in a million (from all local sources) Non-cancer: > 1.0 Hazard Index (from all local sources) (Chronic or Acute) PM _{2.5} : > 0.8 µg/m ³ annual average (from all local sources) <u>Zone of Influence:</u> 1,000-foot radius from fence line of source or receptor	
Accidental Release of Acutely Hazardous Air Pollutants	None	Storage or use of acutely hazardous materials locating near receptors or receptors locating near stored or used acutely hazardous materials considered significant	
Odors	None	Screening Level Distances and Complaint History	

Proposed Air Quality CEQA Thresholds of Significance

Pollutant	Construction-Related	Operational-Related
Plan-Level		
Criteria Air Pollutants and Precursors (Regional and Local)	None	<ol style="list-style-type: none"> 1. Consistency with Current Air Quality Plan control measures 2. Projected VMT or vehicle trip increase is less than or equal to projected population increase
GHGs	None	Compliance with Qualified Climate Action Plan (or similar criteria included in a General Plan) OR 6.6 MT CO ₂ e/ SP/yr (residents + employees)
Risks and Hazards/Odors	None	<ol style="list-style-type: none"> 1. Overlay zones around existing and planned sources of TACs (including adopted Risk Reduction Plan areas) and odors 2. Overlay zones of at least 500 feet (or Air District-approved modeled distance) from all freeways and high volume roadways
Accidental Release of Acutely Hazardous Air Pollutants	None	None

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

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