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## *Memorandum*

TO: Planning Committee

DATE: May 5, 2010

FR: Executive Director

W. I.

RE: Proposed Bay Area Air Quality Management District CEQA Guidelines & Thresholds Update

### **Overview**

As reported at your February 12, 2010 meeting, the Air District is proposing to update its CEQA Air Quality Guidelines for local and regional agencies conducting air quality analyses pursuant to the Act. The Air District has proposed updates to the CEQA Guidelines and emission concentration significance thresholds, last published in 1999. This update is primarily driven by: 1) more stringent health-based ambient air quality standards for ozone and fine particulate matter (PM); 2) increased understanding and concern about public health impacts from localized high exposures to air toxics and fine PM, based on findings from the Air District's Community Air Risk Evaluation (CARE) program; and 3) current uncertainty about how to address greenhouse gases in CEQA documents. As such, the primary changes within the proposed thresholds are related to assessing potential impacts associated with toxic air contaminants, fine PM and greenhouse gases at both the project and plan levels (including Regional Transportation Plans and regional air quality plans).

The new greenhouse gas thresholds would encourage lead agencies to assess a project's potential impacts to global climate change in relation to consistency with AB32. The thresholds for PM and toxics and for greenhouse gases include options, either quantitative thresholds or plan-based thresholds, based on project consistency with local plans to address these issues. Regional transportation and air quality plans would be assessed against a no net increase in emissions standard.

### **Local Agency Outreach**

Since your February 12, 2010 meeting, Air District staff has conducted extensive outreach throughout the region on the proposed Guidelines, including local government workshops in each county, public workshops, and numerous presentations and meetings with elected officials, local and regional agency staff, and stakeholders. The primary concerns heard by the Air District about the proposed thresholds relate to potentially creating another barrier to infill and transit oriented development and a lack of technical resources within local governments to conduct the air quality assessments.

To address these concerns, the Air District has developed an extensive set of on-line technical support tools and methodologies to assist lead agencies in evaluating a project's potential impacts. With these tools and methodologies, local government staff can readily determine a the proposed project's impacts are potentially significant, thereby requiring further project modifications and/or mitigation to meet the emission thresholds.

In addition, the Air District has conducted numerous case studies of development projects throughout the region to test the thresholds and analytical tools, with an emphasis on infill projects in priority development areas. Case studies were presented at recent local government and public workshops. The case studies demonstrate that infill projects generally should be able to meet the greenhouse gas thresholds and the fine PM and toxics thresholds. As noted, in many cases projects that may not meet the PM and toxics thresholds based on initial analysis can meet the threshold with more site-specific mitigations (e.g. set backs and other design modifications).

The Air District also proposes to work with cities and counties to develop community risk reduction plans, with an emphasis on communities identified through the CARE program as being most impacted by local air quality exposures. The plans will allow a comprehensive, community-wide approach to reducing PM and toxics emissions, and could be integrated into local planning efforts such as general plan updates, station area plans, or PDA assessments. The Air District is committing technical support and financial resources to assist with the development of these plans.

### **RTP Implications**

Planning Committee members requested that MTC and Air District staff address questions on how the Guidelines might affect the Regional Transportation Plan (RTP). The Transportation 2035 EIR, pursuant to CEQA, includes a two-pronged test for determining significance of plan impacts:

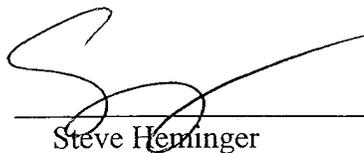
1. Cumulative Impact - Compares existing (base year) emissions vs. projected future year population and jobs, plus project emissions (base year/project comparison);
2. Plan-related contributions - Compares projected future year without project emissions vs. projected future year plus project emissions (build/no build).

Regional plans are considered to have less than significant emission impacts if each test demonstrates no net increase in emissions of criteria air pollutants and precursors (e.g. NO<sub>x</sub>, ROG, PM, CO), GHGs, and toxic air contaminants. Air District and MTC staffs agree that these are appropriate RTP-related thresholds to include in the Air District's CEQA Guidance since they are consistent with CEQA and are currently used as thresholds in our RTP EIR.

### **Next Steps**

The final proposed Guidelines, thresholds of significance, and technical support documents were posted on the Air District website at <http://www.baaqmd.gov/Divisions/Planning-and-Research/CEQA-GUIDELINES.aspx> on May 3, 2010. The Air District Board of Directors will consider the proposed thresholds of significance on June 2, 2010.

The attached slides provide further background and Air District staff will be available to present more details on the proposed CEQA Guidelines at your meeting.



Steve Heminger

SH:DK