

## **CHAPTER 1**

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### **INTRODUCTION**

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## 1.1 Introduction

The California Legislature adopted the Lewis Air Quality Act in 1976, creating the South Coast Air Quality Management District (SCAQMD) from a voluntary association of air pollution control districts in Los Angeles, Orange, Riverside, and San Bernardino counties. The new agency was charged with developing uniform plans and programs for the South Coast Air Basin (Basin) to attain federal air quality standards by the dates specified in federal law. While the Basin has one of the worst air quality problems in the nation, there have been significant improvements in air quality in the Basin over the last two decades, although some air quality standards are still exceeded relatively frequently, and by a wide margin. The agency was also required to meet state standards by the earliest date achievable through the use of reasonably available control measures.

The Lewis Air Quality Act (now known as the Lewis-Presley Air Quality Management Act) requires that the SCAQMD prepare an Air Quality Management Plan (AQMP) consistent with federal planning requirements. In 1977, amendments to the federal Clean Air Act (CAA) included requirements for submitting State Implementation Plans (SIPs) for non-attainment areas that fail to meet all federal ambient air quality standards (Health & Safety Code §40462). The federal CAA was amended in 1990 to specify attainment dates and SIP requirements for ozone, carbon monoxide (CO), nitrogen dioxide (NO<sub>2</sub>) and PM<sub>10</sub>. The California Clean Air Act (CCAA), adopted in 1988, requires the SCAQMD to endeavor to achieve and maintain state ambient air quality standards for ozone, CO, sulfur dioxide (SO<sub>2</sub>), and NO<sub>2</sub> by the earliest practicable date (Health & Safety Code §40910), and establishing requirements to update the plan periodically.

The first AQMP was prepared and approved by the SCAQMD in 1979 and has been updated and revised a number of times. The CCAA requires a three-year plan review and update to the AQMP. The following bullet items summarize the main components of those updates and revisions.

- In 1982, the AQMP was revised to reflect better data and modeling tools.
- In 1987, a federal court ordered the United States Environmental Protection Agency (U.S. EPA) to disapprove the 1982 AQMP because it did not demonstrate attainment of all national ambient air quality standards (NAAQS) by 1987 as required by CAA. This, in part, led to the preparation of the 1989 AQMP.
- The 1989 AQMP was adopted on March 17, 1989, and was specifically designed to attain all NAAQS. This plan called for three “tiers” of measures as needed to attain all standards and relied on significant future technology advancement to attain these standards.
- In 1991, the SCAQMD prepared and adopted the 1991 AQMP to comply with the CCAA.

- In 1992, the 1991 AQMP was amended to add a control measure containing market incentive programs.
- In 1994, the SCAQMD prepared and adopted the 1994 AQMP to comply with the CCAA three-year update requirement and to meet the federal CAA requirement for an ozone SIP. The AQMP, as adopted in 1994, included the following.
  - All geographical areas under the jurisdiction of the SCAQMD (referred to herein as the district), as opposed to the Basin.
  - The basic control strategies remained the same although the three-tiered structure of control measures was replaced. Measures previously referred to as Tier I, II, or III were replaced with short-/intermediate-term or long-term control measures;
  - Updated and refined control measures carried over from 1991;
  - The federal post-1996 rate of progress demonstration;
  - Best Available Control Measure (BACM) PM10 Plan;
  - The ozone attainment demonstration plan;
  - Amendments to the federal Reactive Organic Compound (ROC) Rate-of-Progress plan also referred to as the VOC Rate-of Progress Plan;
  - Attainment Demonstration Plans for the federal PM10, nitrogen dioxide, carbon monoxide air quality standards;
  - Expanded use of market incentives;
  - New public outreach and education programs; and
  - Manufacturer-certified products and equipment.
- The 1997 AQMP was designed to comply with the three-year update requirements specified in the CCAA as well as to include an attainment demonstration for PM10 as required by the federal CAA. Relative to ozone, the 1997 AQMP contained the following changes to the control strategies compared to the 1994 AQMP:
  - Less reliance on transportation control measures (TCMs);
  - Less reliance on long-term control measures that rely on future technologies as allowed under §182(e)(5) of the CAA; and
  - Removal of other infeasible control measures and indirect source measures.

- In 1999, the ozone plan portion of the 1997 AQMP was amended to address U.S.EPA concerns with the 1997 AQMP plan to provide the following:
  - Greater emission reductions in the near-term than would occur under the 1997 AQMP;
  - Early adoption of the measures that would otherwise be contained in the next three-year update of the AQMP; and
  - Additional flexibility relative to substituting new measures for infeasible measures and recognition of the relevance of cost effectiveness in determining feasibility.
- In April 2000, U.S. EPA approved the 1999 ozone SIP Amendment to the 1997 plan. The 1999 Amendment in part addressed the State's requirements for a triennial plan update.
- The 1997 PM10 SIP, as updated in 2002, was deemed complete by U.S. EPA in November 2002 and approved on April 18, 2003.
- The 2003 AQMP was adopted by the SCAQMD in August 2003. The 2003 AQMP has not yet been approved by the U.S. EPA as part of the SIP. The 2003 AQMP addressed the following control strategies:
  - attaining the federal PM10 ambient air quality standard and the federal 1-hour ozone standard;
  - 1997/1999 control measures not yet implemented;
  - discussion regarding credit/incentive programs and their role in achieving overall emission reduction targets;
  - revisions to the Post-1996 VOC Rate-of-Progress Plan and SIP for CO;
  - initial analysis of emission reductions necessary to attain the PM2.5 and eight-hour ozone standards;
  - overview of state and federal planning requirements; and
  - tracking of emission increases from a number of SCAQMD programs including New Source Review, Priority Reserve, etc.
- The 2007 AQMP is being developed to comply with CAA requirements for non-attainment areas to prepare SIP revisions for the federal eight-hour ozone and PM2.5 standards.

## **1.2 CALIFORNIA ENVIRONMENTAL QUALITY ACT**

The California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq., requires that the potential environmental impacts of proposed projects be evaluated and that feasible methods to reduce or avoid identified significant adverse environmental impacts of these projects be identified.

To fulfill the purpose and intent of CEQA, the SCAQMD has prepared this Program Environmental Impact Report (EIR) to address the potential environmental impacts associated with this proposed Plan. Prior to making a decision on the 2007 AQMP, the SCAQMD Governing Board must review and certify the EIR as providing adequate information on the potential adverse environmental impacts of the AQMP.

## **1.3 NOTICE OF PREPARATION/INITIAL STUDY**

A Notice of Preparation and Initial Study (NOP/IS) for the 2007AQMP Program EIR (included as Appendix A of this Program EIR) were distributed to responsible agencies and interested parties. The 30-day review and comment period for the NOP/IS ended December 13, 2006. Availability of these documents was distributed to other agencies and organizations, and was placed on SCAQMD's web site. The NOP/IS was also published in newspapers throughout the area of the SCAQMD's jurisdiction.

The Initial Study for the 2007 AQMP Program EIR used an environmental checklist to identify potential impacts of the proposed project. The environmental checklist used by the SCAQMD is essentially that contained in Appendix I of the state Guidelines of Implementation of the California Environmental Quality Act (California Administrative Code, Title 14, Chapter 3).

The Initial Study identified potential adverse impacts in the following environmental topics: air quality; energy; hazards and hazardous materials; hydrology and water quality; and solid/hazardous waste. In some instances it may be necessary for an EIR to include additional environmental topics in the event that adverse impacts are identified after public review of the NOP/IS during the 30-day public review period. This was not the case for the proposed project. The EIR also includes detailed responses to all 9 comment letters received on the Initial Study (Appendix B). No comments submitted warranted the need to identify potential adverse impacts to environmental areas beyond those identified in the NOP/IS.

## **1.4 TYPE OF EIR**

CEQA includes provisions for program EIRs in connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program, including adoptions of broad policy programs, from those prepared for specific types of projects (e.g., land use projects) (CEQA Guidelines §15168). The EIR for the 2007 AQMP is a program EIR because it examines the environmental effects of proposed

control measures that will ultimately be issued as rules or regulations and promulgated as part of a continuing ongoing regulatory program.

A program EIR allows consideration of broad policy alternatives and program-wide mitigation measures at a time when an agency has greater flexibility to deal with basic problems of cumulative impacts. A program EIR also plays an important role in establishing a structure within which CEQA reviews of future related actions can effectively be conducted. This concept of covering broad policies in a program EIR and incorporating the information contained therein by reference into subsequent EIRs for specific projects is known as “tiering” (CEQA Guidelines §15152). A program EIR will provide the basis for future environmental analyses and will allow project-specific EIRs to focus solely on the new effects or detailed environmental issues not previously considered. If an agency finds that no new effects could occur, or no new mitigation measures would be required, the agency can approve the activity as being within the scope of the project covered by the program EIR and no new environmental document would be required (CEQA Guidelines §15168(c)[5]).

The degree of specificity required in an EIR corresponds to the degree of specificity involved in the underlying activity described in the EIR (CEQA Guidelines §15146). Because the level of information regarding potential impacts from control measures recommended in the AQMP is relatively general at this time, the environmental impact forecasts are also general or qualitative in nature. In certain instances, such as future ambient air quality concentrations, impacts are quantified to the degree feasible.

## **1.5 INTENDED USES OF THIS DOCUMENT**

In general, a CEQA document is an informational document that informs a public agency’s decision-makers, and the public generally, of potentially significant adverse environmental effects of a project, identifies possible ways to avoid or minimize the significant effects, and describes reasonable alternatives to the project (CEQA Guidelines §15121). A public agency’s decision-makers must consider the information in a CEQA document prior to making a decision on the project. Accordingly, this EIR is intended to: (a) provide the SCAQMD Governing Board and the public with information on the environmental effects of the proposed project; and, (b) be used as a tool by the SCAQMD Governing Board to facilitate decision making on the proposed project.

Additionally, CEQA Guidelines §15124(d)(1) require a public agency to identify the following specific types of intended uses of a CEQA document:

1. A list of the agencies that are expected to use the EIR in their decision-making;
2. A list of permits and other approvals required to implement the project; and
3. A list of related environmental review and consultation requirements required by federal, state, or local laws, regulations, or policies.

To the extent that local public agencies, such as cities, county planning commissions, etc., are responsible for making land use and planning decisions related to projects that implement a control measure in the 2007 AQMP can tier off this EIR, pursuant to CEQA Guidelines §15152, during their decision-making process. Similarly, other single purpose public agencies developing projects consistent with the control measures in the 2007 AQMP can tier off this EIR, pursuant to CEQA Guidelines §15152.

## **1.6 AREAS OF CONTROVERSY**

In accordance to CEQA Guidelines §15123(b)(2), the areas of controversy known to the lead agency including issues raised by agencies and the public shall be identified in the EIR. Table 1-1 highlights the areas of controversy raised by the public during the rule development process either in public meetings or in written comments.

## **1.7 PROJECT OBJECTIVES**

CEQA Guidelines §15124(b) requires an EIR to include a statement of objectives, which describes the underlying purpose of the proposed project. The purpose of the statement of objectives is to aid the lead agency in identifying alternatives and the decision-makers in preparing a statement of findings and a statement of overriding considerations, if necessary. The objectives of the proposed 2007 AQMP are summarized in the following bullet points.

- Comply with the 1988 California Clean Air Act requirements including:
  1. Apply best available retrofit control technology (BARCT);
  2. Reduce nonattainment pollutants and their precursors at a rate of five percent per year, or if this cannot be done, include all feasible measures and an expeditious implementation schedule;
  3. Reduce population exposure to nonattainment pollutants (i.e., ozone, carbon monoxide, and nitrogen dioxide for the Basin) according to a prescribed schedule;
  4. Rank control measures by cost-effectiveness and implementation priority; and
  5. Provide for the attainment of the federal and state ambient air quality standards at the earliest practicable date.
- Comply with the federal 1990 Clean Air Act Amendments which includes:
  1. Specific emission reduction goals;
  2. Demonstration of reasonable further progress and attainment of federal ambient air quality standards by specified dates; and
  3. Attain or meet specified interim milestones.
- Revise the emissions inventory projections using 1997 as the base year;
- Update remaining control measures from the 1997/1999 ozone SIP and 2003 AQMP;

**TABLE 1-1**  
**Areas of Controversy**

	<b>AREA OF CONTROVERSY</b>	<b>TOPICS RAISED BY PUBLIC</b>	<b>SCAQMD EVALUATION</b>
1.	Emissions control due to Wobbe Index	Comments were received on the potential impacts and emission effects associated with CMB-04 that would set limits on the Wobbe Index for LNG imported into the district.	The SCAQMD will continue to research the air quality effects associated with gas that has high Wobbe index greater than 1360 to determine if rule development is warranted.
2.	Use of the Long-Term “Black Box” Control Measures	The question was raised regarding the appropriateness of relying on the long-term “black box” control measures to reach attainment of federal and state ambient air quality standards.	Because the emission reductions identified from the defined short-term control measures (both stationary and mobile) are not large enough to cover all the emission reductions needed in the Basin to achieve attainment, the SCAQMD has no choice but to rely on not fully defined “black box” measures to have an appropriate attainment demonstration. The “black box” measures represent concepts for further control of emissions from specific source categories. Before these concepts can be developed as short-term measures, advances in technologies and knowledge are required. However, the current general concepts of what would be considered “black box” measures were evaluated in this EIR.
3.	EGM-01	Fee affects on housing costs.	Fee component removed from the control measure.
5.	Baseline Inventory	Comments were received regarding the accuracy of the existing emission inventory, primarily for airports and marine ports.	The available inventory for the ports is included in the AQMP as part of the categories listed in Appendix III. Any emission studies conducted that result in permanent emission reductions (relative to 2007 AQMP inventory) due to changes in inventory methodology or emission factor update, will be credited toward the SCAQMD’s long-term measures. In order for these reductions to be credited toward SIP commitments, they have to be federally enforceable through a SCAQMD, State or Federal rule or regulation.

- Rely on the latest modeling techniques for attainment demonstration relative to ozone and PM2.5;
- Demonstrate attainment of the federal 8-hour ozone by 2023 and PM2.5 standards by 2014.



## **1.8 DOCUMENT FORMAT**

State CEQA Guidelines outline the information required in an EIR, but allow the format of the document to vary [CEQA Guidelines §15120(a)]. The information in the EIR complies with CEQA Guidelines §15122 through §15131 and consists of the following:

Chapter 1: Introduction

Chapter 2: Project Description

Chapter 3: Environmental Setting

Chapter 4: Environmental Impacts and Mitigation Measures

Chapter 5: Cumulative Impacts

Chapter 6: Alternatives

Chapter 7: Other CEQA Topics

Chapter 8: References

Chapter 9: Acronyms

Appendix A: Notice of Preparation/Initial Study

Appendix B: Comments Received on the Notice of Preparation (NOP)/Initial Study and Responses to Comments