SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

Final Environmental Assessment for:

Proposed Amended Rule 1158 – Storage, Handling, and Transport of Coke, Coal and Sulfur

June 17, 2008

SCAQMD No. 080514MK
State Clearinghouse No. 2008051060

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PREFACE

The Draft Environmental Assessment (EA) for the Proposed Amended Rule 1158 – *Storage, Handling, and Transport of Coke, Coal and Sulfur*, was circulated for a 30-day public review and comment period from May 14, 2008 to June 12, 2008. Two public comment letters were received and minor modifications were made to the Draft EA so it is now a Final EA. Deletions and additions to the text of the EA are denoted using ~~strikethrough~~ and underlined, respectively. Changes to the proposed project were made since the release of the Draft EA based on public input. These changes have been evaluated by SCAQMD staff and it has been concluded that they would not change any conclusions made in the Draft EA or substantially worsen environmental impacts analyzed in the Draft EA. Therefore, pursuant to CEQA Guidelines §15073.5, recirculation is not necessary since the information provided does not result in new avoidable significant effects.

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INTRODUCTION

The storage, handling, and transport of coke, coal, and sulfur generate fine particulate matter (PM) emissions. PM10 is particulate matter less than 10 microns in diameter and PM2.5 is particulate matter less than 2.5 microns in diameter. PM emissions are generated directly from open piles, conveyors, and transfer points, as well as from any activity that disturbs the material, such as moving the pile with a front end loader. Emissions are also generated when material from these sources (e.g., from open piles or uncovered trucks) are deposited on the roadway where the material is then ground up by other vehicles and resuspended into the air. These emission sources contribute to the region's overall air quality, which is not in attainment of the state 24-hour PM10 or federal 24-hour PM2.5 standards.

The purpose of Rule 1158 – Storage, Handling, and Transport of Coke, Coal and Sulfur, originally adopted by the South Coast Air Quality Management District (SCAQMD) in 1983 and subsequently amended in 1999, is to control fugitive PM dust emissions from facilities that store, handle and transport coke, coal and sulfur between and including the points of origin and final transport. PAR 1158 is also expected to reduce the potential for the storage, handling and transport of coke, coal and sulfur to violate SCAQMD Rule 402 – Public Nuisance and Rule 403 – Fugitive Dust. Currently, there are approximately 32 facilities that have been identified in the SCAQMD's jurisdiction as subject to Rule 1158.

Of great concern to public health are the particles small enough to be inhaled into the deepest parts of the lung. PM can accumulate in the respiratory system and aggravate health problems such as asthma, bronchitis and other lung diseases. Children, the elderly, exercising adults, and those suffering from asthma are especially vulnerable to adverse health effects of PM.

The purpose of the proposed amendments to Rule (PAR) 1158 is to clarify rule definitions, add compliance flexibility and clarify rule applicability. To accomplish these objectives, definitions of terms used in the exemption section have been added; definitions have been modified to clarify rule intent; railcar operations not explicitly listed but currently subject to the rule have been added; additional exemptions are provided; and obsolete language has been deleted. No PM emission reductions are anticipated. The Draft EA concluded that the proposed project could potentially generate adverse air quality impacts during construction and water demand impacts during operation, but the impacts would not be significant. The Draft EA also concluded that no other environmental topic areas would be significantly adversely affected by the proposed project.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

PAR 1158 is a "project" as defined by CEQA Guidelines §15378. California Public Resources Code §21080.5 allows public agencies with regulatory programs to prepare a plan or other written document in lieu of an environmental impact report once the Secretary of the Resources Agency has certified the regulatory program. The SCAQMD's regulatory program was certified by the Secretary of the Resources Agency on March 1, 1989, and is codified as SCAQMD Rule 110.

This CEQA document has been prepared pursuant to CEQA Guidelines §15252 and is a substitute document for a Negative Declaration. Therefore, pursuant to CEQA Guidelines §15252(a)(2)(B), alternatives to the proposed project are not required because review of the proposed project showed that the proposed project would not have any significant effects on the environment. As a result, alternatives are nor required or proposed to avoid or reduce any effects on the environment that are already demonstrated to be less than significant. This conclusion is supported by the environmental checklist in Chapter 2 showing the possible effects examined in reaching this conclusion.

CEQA requires that the potential environmental impacts of proposed projects be evaluated and that feasible methods to reduce or avoid significant adverse environmental impacts of these projects be identified. To fulfill the purpose and intent of CEQA, the SCAQMD has prepared this EA to address the potential environmental impacts associated a broad policy program that includes PAR 1158. This Draft EA is intended to: (a) provide the lead agency, responsible agencies, decision makers and the general public with detailed information on the environmental effects of the proposed project; and, (b) to be used as a tool by decision makers to facilitate decision making on the proposed project.

All comments received during the public comment period on the analysis presented in the Draft EA will be responded to and included in the Final EA. Prior to making a decision on the proposed amendments, the SCAQMD Governing Board must review and certify the EA as providing adequate information on the potential adverse environmental impacts of the amended rule.

PROJECT LOCATION

PAR 1158 will apply to the SCAQMD's entire jurisdiction. The SCAQMD has jurisdiction over an area of 10,473 square miles (referred to hereafter as the district), consisting of the four-county Basin and the Riverside County portions of the Salton Sea Air Basin (SSAB) and the Mojave Desert Air Basin (MDAB). The Basin, which is a subarea of the SCAQMD's jurisdiction, is bounded by the Pacific Ocean to the west and the San Gabriel, San Bernardino, and San Jacinto Mountains to the north

and east. The 6,745 square-mile Basin includes all of Orange County and the nondesert portions of Los Angeles, Riverside, and San Bernardino counties. The Riverside County portion of the SSAB and MDAB is bounded by the San Jacinto Mountains in the west and spans eastward up to the Palo Verde Valley. The federal nonattainment area (known as the Coachella Valley Planning Area) is a subregion of both Riverside County and the SSAB and is bounded by the San Jacinto Mountains to the west and the eastern boundary of the Coachella Valley to the east (Figure 1-1).

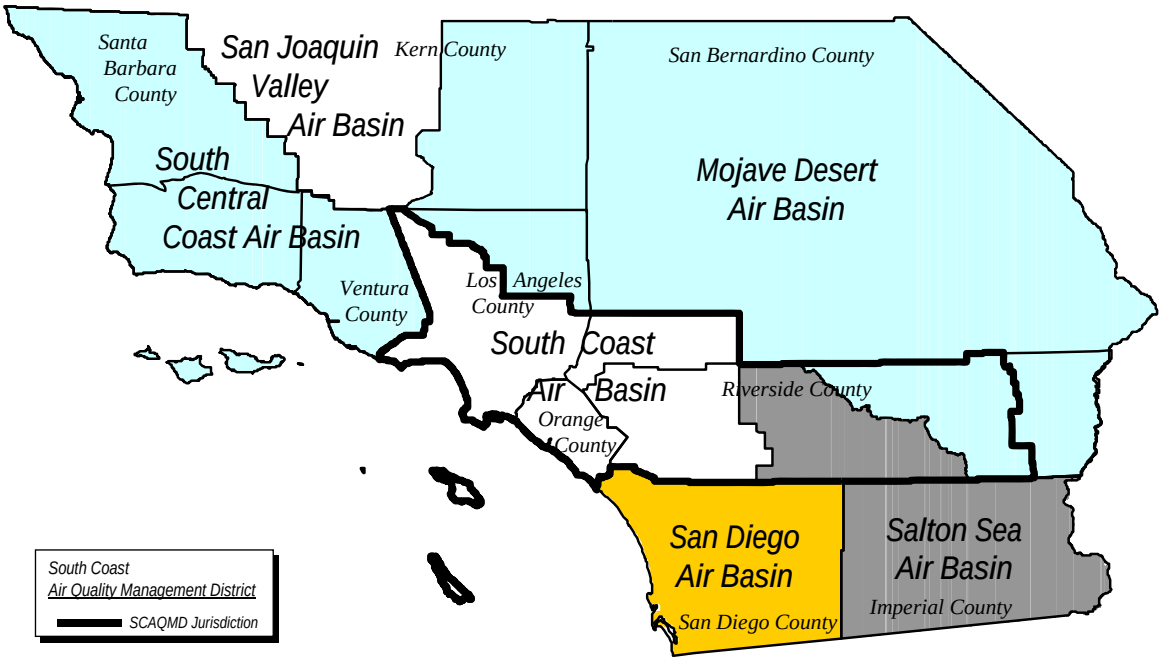

FIGURE 1-1

South Coast Air Quality Management District

PROJECT BACKGROUND

Rule 1158, adopted in 1983, originally regulated PM emissions only from petroleum coke operations. During the 1990's coal, coke and sulfur handling facilities were the source of many community complaints and were issued numerous Notices of Violation (NOV) and Notices to Comply (NC) for Rules 402 – Nuisance, and 403 –

Fugitive Dust, violations. Monitoring data collected in the 1990's confirmed that many facilities subject to Rule 1158, as well as facilities not subject to Rule 1158, were responsible for public nuisances (Rule 402) and for violating fugitive dust-control requirements of Rule 403- Fugitive Dust. Site visits found poor housekeeping and general malfunction of equipment in many cases. Investigation of available control technologies also revealed that some sources were operating with compliant enclosures and good housekeeping practices. The 1999 rule amendment added coal and sulfur to the rule's dust control provisions and tightened requirements to further reduce PM emissions. The 1999 amendments mandated all coke piles and new coal and sulfur piles be enclosed (storage, unloading and transfer operations). Furthermore, the rule set a visible dust standard. The road surfaces and vehicle movement areas where material accumulated had to be paved to allow cleaning. Trucks and trailers transporting materials had to be covered, be leak resistant, and cleaned before leaving the facility. As such, the rule applies to all facilities that store, handle or transport coke, coal or sulfur. Currently there are approximately 32 facilities that have been identified in the SCAQMD's jurisdiction as subject to Rule 1158. There are nine refineries, four sulfur handlers, two foundries, two cement companies, two secondary lead smelting operations, and 13 facilities which handle petroleum coke. Affected facilities are primarily in the area in or adjacent to the ports.

The current rule amendments are proposed to further improve the clarity of the rule and make more explicit the operations intended to be covered by the rule, add flexibility through additional exemptions, and remove obsolete language used during the 1999-2004 phase-in implementation period.

HEALTH EFFECTS FROM PARTICULATE EMISSIONS

Of great concern to public health are the particles small enough to be inhaled into the deepest parts of the lung. Respirable particles (particulate matter less than about 10 micrometers in diameter) can accumulate in the respiratory system and aggravate health problems such as asthma, bronchitis and other lung diseases. Children, the elderly, exercising adults, and those suffering from asthma are especially vulnerable to adverse health effects of PM10 and PM2.5.

A consistent correlation between elevated ambient fine particulate matter (PM10 and PM2.5) levels and an increase in mortality rates, respiratory infections, number and severity of asthma attacks and the number of hospital admissions has been observed in different parts of the United States and various areas around the world. Studies have reported an association between long-term exposure to air pollution dominated by fine particles (PM2.5) and increased mortality, reduction in life-span, and an increased mortality from lung cancer.

Daily fluctuations in fine particulate matter concentration levels have also been related to hospital admissions for acute respiratory conditions, to school and kindergarten absences, to a decrease in respiratory function in normal children and to increased medication use in children and adults with asthma. Studies have also shown lung function growth in children is reduced with long-term exposure to particulate matter.

The elderly, people with pre-existing respiratory and/or cardiovascular disease and children appear to be more susceptible to the effects of PM10 and PM2.5.

For more detailed health information from PM emissions, please refer to Chapter 2 – Air Quality and Health Effects, and Appendix I – Health Effects, of the 2007 Air Quality Management Plan, which can be accessed on the SCAQMD website at: http://www.aqmd.gov/aqmp/07aqmp/index.html

CURRENT PM AIR QUALITY

The SCAQMD monitored PM10 concentrations at 21 locations in 2007. Highest PM10 concentrations were recorded in Central San Bernardino Valley area and in Perris Valley and Mira Loma in Riverside County. The state 24-hour standard was exceeded at 20 of the 21 monitoring locations in 2007 and the maximum number of exceedances of 71 days was in the Metropolitan Riverside County area. The federal 24-hour standard was not exceeded at any of the locations monitored in 2007. The much more stringent state standards were exceeded in most areas.

The SCAQMD began regular monitoring of PM2.5 in 1999 following the U.S. EPA's adoption of the national PM2.5 standards in 1997. In 2007, PM2.5 concentrations were monitored at 20 locations throughout the district. High PM2.5 concentration and the highest number of PM2.5 concentration exceedances, at 32 days, were from the inland valley areas of Metropolitan Riverside County. However, PM2.5 concentrations were also high in the metropolitan area of Los Angeles County with the highest PM2.5 concentration in 2007 located in South San Gabriel Valley. The high PM2.5 concentrations in Los Angeles County are mainly due to the secondary formation of smaller particulates resulting from mobile and stationary source activities. In contrast to PM10, PM2.5 concentrations were low in the Coachella Valley area of SSAB. PM10 concentrations are normally higher in the desert areas due to windblown and fugitive dust emissions.

PROJECT OBJECTIVES

The objectives of PAR 1158 are to:

1. Clarify the intent of the rule by adding and modifying definitions of terms;

2. Add compliance flexibility through new exemptions;

3. Clarify rule applicability by making more explicit the operations currently subject to the rule; and

4. Delete obsolete language.

PROJECT DESCRIPTION

Proposed Amended Rule 1158

The modifications proposed for Rule 1158 are explained below.

Purpose (subdivision a)

No modifications proposed.

Applicability (subdivision b)

No modifications proposed.

Definitions (subdivision c)

- Definition for "Chemical Stabilizer" [paragraph (c)(5)] has been modified to clarify intent of the definition;
- New proposed definition for "Coker Pit" [paragraph (c)(8)] added;
- New proposed definition for "Dewatering Truck-Loading Bin" [paragraph (c)(11)] added;
- Definition for "Enclosed Storage" [paragraph (c)(14)] has been modified to clarify intent of the definition;
- Outdated definition of "Existing Open Storage" [paragraph (c)(13)] deleted;
- New proposed definition for "Permanent Water Recycling System Dewatering Bed" [paragraph (c)(25)] added;
- New proposed definition for "Separation Pond" [paragraph (c)(29~~8~~)] added;
- New proposed definition for "Slurry Bin" [paragraph (c)(31~~28~~)] added; and
- Definition for "Transfer Point" [paragraph (c)(36)] has been modified to clarify intent of the definition.

Requirements (subdivisions d and e)

- Clarify that the location, such as structures or buildings, used for enclosed storage is subject to the requirements [subparagraph (d)(2)(A)].

- Clarify that compliance with requirements is required except when material or vehicles are entering or leaving [subparagraph (d)(2)(B)].

- Clarify the intent of the rule by adding "railcar" to the following sections in the rule: subparagraph (d)(10)(D), paragraph (d)(12), subparagraph (d)(12)(A), subparagraph (d)(12)(C), paragraph (d)(13), paragraph (d)(14), paragraph (d)(16), paragraph (e)(10), subparagraph (e)(10)(A), and subparagraph (e)(10)(C).

- Clarify the existing allowance under (d)(2)(B) for railcar operators to use other control devices approved by the Executive Officer equivalent to the existing requirements under subparagraphs (d)(12)(A) and (d)(12)(C) [subparagraph (d)(12)(D)].

Open Storage Pile Control Plan (subdivision f)

- Add a date upon which the Executive Officer shall not accept any new Open Storage Control Plans for approval due to the deletion of outdated language in subdivision g.

~~No modifications proposed.~~

Compliance Schedule (subdivision g)

- The whole outdated subdivision will be deleted except to void all existing Rule 1158 Interim or Permanent Compliance Plans.

Test Methods (subdivision h)

No modifications proposed.

Compliance Determination and Performance Information (subdivision i)

- Paragraph (i)(3) will be deleted because it relies on outdated deadlines in subdivision (g), which, as noted above, will also be deleted.

~~No modifications proposed.~~

Recordkeeping Requirements (subdivision j)

No modifications proposed.

Exemptions (subdivision k)

- Outdated compliance requirements will be deleted [subparagraph (k)(1)(A), subparagraph (k)(1)(D), paragraph (k)(6), paragraph (k)(8), paragraph (k)(10), and paragraph (k)(11)].

- Reword the exemption regarding coke in separation ponds to clarify intent of the rule [paragraph (k)(4)].

- Add the size of the beam length for the exempt ships to reflect the width of the Panama canal [subparagraph (k)(6)(B)].

- Provide clarity to the existing exemption for material taken off a conveyor because it is refused by a ship, or it is associated with the abatement of a hot coke incident [subparagraph (k)(7)(A)].

- Add an exemption from requirements for moist material or "hot coke" being actively transported in a front-end loader to clarify intent of the rule [paragraph (k)(8)].

- Add an exemption from requirements for coal inside railcars that originated outside California provided the coal is moistened upon arrival at ~~the point of entry~~ to a permitted facility [paragraph (k)(9)].

- Add exemption from requirements during routine maintenance/repair of replacement component parts on/in enclosed storage structures provided certain conditions, such as size of repair and duration of maintenance, are met [paragraph (k)(10)].

- Add exemption from requirements for deposits of material in permanent water recycling system dewatering beds provided certain conditions, such as windfencing, moisture content and visibility requirements, are met [paragraph (k)(11)].

Please refer to Appendix A for the text of PAR 1158.

AFFECTED FACILITIES AND CONTROL METHODS

Facilities subject to Rule 1158 include the following: all oil refineries where petroleum coke is produced, handled, stored, or transported; all facilities involved in the transporting, handling, storing, or ship loading of coke, coal or sulfur; all facilities which handle, transport, or store petroleum coke in piles for use as a fuel source; any facility which handles, transports, or stores petroleum coke in the production of calcined cokes; and all facilities which handle, transport, or store sulfur for the production of prilled sulfur or pelleted sulfur. Approximately 32 existing industrial facilities are subject to Rule 1158. The rule amendments would not increase the number of affected facilities as the modifications do not expand the applicability of the rule requirements, but rather clarify the intent of the rule. There are nine refineries, four sulfur handlers, two foundries, two cement companies, two secondary lead smelting operations, and 13 facilities which handle coke (as opposed to being end-users).

Coal is mined in the eastern and western United States. The coal is sent by railcar to several coke bulk handling facilities at the Ports of Long Beach and Los Angeles, where it is exported as a high BTU (British thermal unit) fuel that competes with oil in domestic and world markets. At the ports, the coke bulk loading facilities tip each railcar (a single train may pull 100 cars) to unload it and then the coal is conveyed to large open piles or a storage barn where it remains until loaded into the holds of ocean-going vessels.

Control technology presently exists to significantly reduce PM emissions from the storage, handling, and transport of coke, coal, and sulfur. Control technologies include enclosures (to serve as a windbreak), enclosed conveyors, baghouses, mist sprays, chemical stabilizers, telescoping loaders, truck trailer covers or slot-tops, tarps, and truck washes.

One proposed amendment to Rule 1158 will allow compliance flexibility for those coal railcars originating outside California provided the coal is moistened to knock down potential airborne PM. Currently, railcars originating from outside California have open beds, which disperse the fine PM emissions from the coal into the atmosphere early in the journey before entering the state of California. Upon entering the permitted facility in the Basin, the coal railcar is required to be covered with a tarp or solid sliding cover. The process of covering the railcar once onsite is costly, labor intensive, and, because the railcar is not stationary for a long time (one hour to one day) before moving on, not economically efficient. Allowing coal to be moistened as substitute compliance instead of covering the railcar would provide flexibility in complying with the existing fugitive dust and opacity requirements in Rule 1158. The watering method is expected to provide equivalent emission reductions as tarping or covering with a solid top. Thus, the exemption would not

result in a relaxation of the current requirements but would provide an alternative method of compliance.

In order to comply with the compliance flexibility option in PAR 1158 and ensure the coal is moistened, the affected facility operators would need to install a water spray system (see Figure 1-2) at the entrance of the facility site. Only four known facilities in the SCAQMD's jurisdiction currently import coal by railcar which originated outside California and, thus, would be eligible for the compliance flexibility option. One of the four facilities, Metropolitan Stevedore at the Port of Long Beach, California, has already constructed a water spray system, which is currently operating. Figure 1-2 depicts the railcar entering their property (beginning of chain link fence) on existing rail tracks passing under the water spray bar to moisten the coal. The water spray system can be assembled onsite with minimal equipment, but the system pictured in Figure 1-2 requires an employee to manually activate the water operation. The activation of the water operation is not expected to require an additional full-time employee to conduct such a task. Except for the water spray system shown in Figure 1-2, no new control technology options, beyond those already required, are expected to be needed to comply with PAR 1158.

FIGURE 1-2

Coal Railcar Entering the Affected Facility Passing Under Water Spray System

Other Rule 1158 proposed amendments include adding railcar to various sections of the rule and allowing the use of alternative control devices with control efficiencies equivalent to current control efficiencies. Railcar operations are currently subject to requirements of Rule 1158, but a number of sections of the rule do not explicitly use the term "railcar" operation, which was always intended to be regulated by the rule. In order to provide clarification as to the intent of the rule to control PM emissions from open piles regardless if onsite, on a truck, or other modes of storage, handling or transport, railcar has been added to various sections of the rule. The addition of the word railcar does not trigger new requirements or expand the applicability of existing requirements.

To prevent material from escaping from the mode of transport (e.g., railcar) onto the facility property, other control devices approved by the Executive Officer are currently allowed pursuant to the rule section allowing other devices when maintaining all piles in an enclosed storage. Because the vehicle in which material is transported becomes a stationary pile while onsite, the open transport containment is subject to the same requirements as an open storage pile on the ground. Thus, no new requirements are triggered and the applicability of existing requirements is not expanded.

Because PAR 1158 is a clarification of existing requirements and allows using an equivalent compliance option for railcars, no PM emission reductions are anticipated.

CHAPTER 2 - ENVIRONMENTAL CHECKLIST

Introduction

General Information

Environmental Factors Potentially Affected

Determination

Environmental Checklist and Discussion

INTRODUCTION

The environmental checklist provides a standard evaluation tool to identify a project's adverse environmental impacts. This checklist identifies and evaluates potential adverse environmental impacts that may be created by the PAR 1158.

GENERAL INFORMATION

Project Title:	Proposed Amended Rule 1158– Storage, Handling, and Transport of Coke, Coal and Sulfur
Lead Agency Name:	South Coast Air Quality Management District
Lead Agency Address:	21865 Copley Drive Diamond Bar, CA 91765
CEQA Contact Person:	Michael A. Krause (909) 396-2706
Rule Contact Person:	Pamela Perryman (909) 396-3103
Project Sponsor's Name:	South Coast Air Quality Management District
Project Sponsor's Address:	21865 Copley Drive Diamond Bar, CA 91765
General Plan Designation:	Not applicable
Zoning:	Not applicable
Description of Project:	The purpose of the currently proposed amendments to Rule 1158 is to clarify rule definitions, add compliance flexibility and clarify rule applicability. To accomplish these objectives, definitions of terms used in the exemption section have been added; definitions have been modified to clarify rule intent; railcar operations not explicitly listed but currently subject to the rule have been added; additional exemptions are provided; and obsolete language has been deleted.
Surrounding Land Uses and Setting:	Not applicable
Other Public Agencies Whose Approval is Required:	Not applicable

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The following environmental impact areas have been assessed to determine their potential to be affected by the proposed project. None of the environmental topics are expected to be adversely affected by the proposed project. An explanation relative to the determination of impacts can be found following the checklist for each area.

☐	Aesthetics	☐	Geology and Soils	☐	Population/ Housing
☐	Agricultural Resources	☐	Hazards and Hazardous Materials	☐	Public Services
☐	Air Quality	☐	Hydrology and Water Resources	☐	Recreation
☐	Biological Resources	☐	Land Use and Planning	☐	Solid/Hazardous Waste
☐	Cultural Resources	☐	Mineral Resources	☐	Transportation/Circulation.
☐	Energy	☐	Noise	☐	Mandatory Findings

DETERMINATION

On the basis of this initial evaluation:

☑ I find the proposed project, in accordance with those findings made pursuant to CEQA Guideline §15252, COULD NOT have a significant effect on the environment, and that an ENVIRONMENTAL ASSESSMENT with no significant impacts 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 in the project have been made by or agreed to by the project proponent. An ENVIRONMENTAL ASSESSMENT with no significant impacts will be prepared.

☐ I find that the proposed project MAY have a significant effect(s) on the environment, and an ENVIRONMENTAL ASSESSMENT will be prepared.

☐ I find that the proposed project MAY have a "potentially significant impact" on the environment, 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 ASSESSMENT 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 ASSESSMENT pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier ENVIRONMENTAL ASSESSMENT, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Date May 14, 2008

Signature: Steve Smith

Steve Smith, Ph.D.
Program Supervisor
Planning, Rule Development & Area Sources

ENVIRONMENTAL CHECKLIST AND DISCUSSION

		Potentially Significant Impact	Less Than Significant Impact	No Impact
I.	**AESTHETICS.** Would the project:			
a)	Have a substantial adverse effect on a scenic vista?	☐	☐	☑
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☑
c)	Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☑
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☑

Significance Criteria

The proposed project impacts on aesthetics will be considered significant if:

The project will block views from a scenic highway or corridor.

The project will adversely affect the visual continuity of the surrounding area.

The impacts on light and glare will be considered significant if the project adds lighting which would add glare to residential areas or sensitive receptors.

Discussion

I. a), b) & c): Rule 1158 is being amended to clarify the intent of the rule and provide compliance flexibility, but will not change rule applicability so no new facilities will be affected. Rule 1158 regulates PM emissions, while PAR 1158 would provide a new alternative compliance method for coal railcars originating outside California. PAR 1158 will not relax existing control requirements as compliance with fugitive dust and opacity limits are still required. PM is the primary element that adversely affects visibility. PAR 1158 improves compliance with the

PM control requirements for railcars so PAR 1158 will be expected to generate the entire amount of daily PM emissions reductions originally anticipated for the rule. To that extent, all PM emission reductions originally anticipated for Rule 1158 are achieved through PAR 1158 and, thus, improvements in visibility would also be expected. Better visibility will improve existing scenic vistas and the existing visual character or quality of areas in the vicinity of affected sites. If the operators of the three affected facilities eligible for the new exemption decide to install the water spray system, the associated construction activities are not expected to be major and, thus, physical changes to existing facilities where the coal railcars originate from outside California are not expected to be substantial. Further, construction equipment and materials might be needed, but because the installation of the water spray system is not expected to take place over a period longer than one or two days, the adverse aesthetic impact is expected to be temporary. As seen in Figure 1-2 the water spray system is not a large apparatus and, thus, the operation of the water spray system will not significantly affect the existing aesthetic setting. Therefore, any potential construction and operation of new equipment as a result of the proposed project would not damage or obstruct scenic resources and the existing visual character of any site in the vicinity of affected industrial facilities will not be degraded.

I. d). There are no components in PAR 1158 that would require construction activities at night. Therefore, no additional lighting at the facility would be required beyond what currently may exist. Similarly, the proposed project has no provisions that would require affected equipment to operate at night. Railyards are already lighted at night and the operation of the water system would not require additional lighting. Therefore, the proposed project is not expected to create a new source of substantial light or glare at an affected facility that would adversely affect day or nighttime views in the area. Therefore, the proposed project is not expected to create significant adverse aesthetic impacts.

Based on the above considerations, significant adverse impacts to aesthetics resources are not expected from implementing PAR 1158. Since there are no significant adverse impacts, no mitigation measures are required.

	Potentially Significant Impact	**Less Than Significant Impact**	**No Impact**
II. AGRICULTURE RESOURCES. 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?			
b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☑
c)	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	☐	☐	☑

Significance Criteria

Project-related impacts on agricultural resources will be considered significant if any of the following conditions are met:

The proposed project conflicts with existing zoning or agricultural use or Williamson Act contracts.

The proposed project will convert prime farmland, unique farmland or farmland of statewide importance as shown on the maps prepared pursuant to the farmland mapping and monitoring program of the California Resources Agency, to non-agricultural use.

The proposed project would involve changes in the existing environment, which due to their location or nature, could result in conversion of farmland to non-agricultural uses.

Discussion

II. a) - c): Minor construction from the installation of a water spray system will not require converting farmland to non-agricultural use or conflict with zoning for agricultural use or a Williamson Act contract. Since the proposed project would not substantially change the facility or process for which certain coal railcars are stored and handled, there are no provisions in the proposed rule that would affect land use plans, policies, or regulations. Further, additional land would not need to be purchased to install the water spray system. Land use and other planning considerations are determined by local governments and no land use or planning requirements relative to agricultural resources will be altered by the proposed project.

Based on the above considerations, significant adverse impacts to agriculture resources are not expected from implementing PAR 1158. Since there are no significant adverse impacts, no mitigation measures are required.

	Potentially Significant Impact	Less Than Significant Impact	No Impact
III. AIR QUALITY. Would the project:			
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☑
b) Violate any air quality standard or contribute to an existing or projected air quality violation?	☐	☑	☐
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	☐	☐	☑
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☑
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☑
f) Diminish an existing air quality rule or future compliance requirement resulting in a significant increase in air pollutant(s)?	☐	☐	☑

Significance Criteria

Impacts will be evaluated and compared to the significance criteria in Table 2-1. If impacts equal or exceed any of the following criteria, they will be considered significant.

TABLE 2-1

Air Quality Significance Thresholds

Mass Daily Thresholds [a]		
Pollutant	**Construction [b]**	**Operation [c]**
NOx	100 lbs/day	55 lbs/day
VOC	75 lbs/day	55 lbs/day
PM10	150 lbs/day	150 lbs/day
PM2.5	55 lbs/day	55 lbs/day
SOx	150 lbs/day	150 lbs/day
CO	550 lbs/day	550 lbs/day
Lead	3 lbs/day	3 lbs/day
Toxic Air Contaminants (TACs) and Odor Thresholds		
TACs (including carcinogens and non-carcinogens)	Maximum Incremental Cancer Risk ≥ 10 in 1 million Hazard Index ≥ 1.0 (project increment)	
Odor	Project creates an odor nuisance pursuant to SCAQMD Rule 402	
Ambient Air Quality for Criteria Pollutants [d]		
NO2 1-hour average annual average	SCAQMD is in attainment; project is significant if it causes or contributes to an exceedance of the following attainment standards: 0.25 ppm (state) 0.053 ppm (federal)	
PM10 24-hour average annual geometric average annual arithmetic mean	 10.4 $\mu g/m^3$ (construction)[e] & 2.5 $\mu g/m^3$ (operation) 1.0 $\mu g/m^3$ 20 $\mu g/m^3$	
PM2.5 24-hour average	 10.4 $\mu g/m^3$ (construction)[e] & 2.5 $\mu g/m^3$ (operation)	
Sulfate 24-hour average	 1 $\mu g/m^3$	
CO 1-hour average 8-hour average	SCAQMD is in attainment; project is significant if it causes or contributes to an exceedance of the following attainment standards: 20 ppm (state) 9.0 ppm (state/federal)	

[a] Source: SCAQMD CEQA Handbook (SCAQMD, 1993)
[b] Construction thresholds apply to both the South Coast Air Basin and Coachella Valley (Salton Sea and Mojave Desert Air Basins).
[c] For Coachella Valley, the mass daily thresholds for operation are the same as the construction thresholds.
[d] Ambient air quality thresholds for criteria pollutants based on SCAQMD Rule 1303, Table A-2 unless otherwise stated.
[e] Ambient air quality threshold based on SCAQMD Rule 403.

KEY: lbs/day = pounds per day ppm = parts per million $\mu g/m^3$ = microgram per cubic meter ≥ greater than or equal to

Discussion

Rule 1158 is being amended to clarify the intent of the rule and provide compliance flexibility, but will not change rule applicability so no new facilities will be affected.

PAR 1158 provides an alternative compliance method for coal railcars originating outside California that will provide equivalent emission levels compared to the existing fugitive dust and opacity limits requirements. As discussed in Chapter 1, fine PM emissions from coal in railcars originating outside California are expected to be dispersed early in the journey so no PM emissions are likely to be generated when the coal is being transported in open railcars across the Basin. Upon arrival at a permitted facility in the Basin, the coal railcar is currently required to be covered with a tarp or solid cover to prevent airborne PM and reentrainment. The amendment will exempt coal railcars originating outside California from covering with a tarp or solid cover as long as the coal is moistened and still complies with fugitive dust and opacity limits. In order to ensure the coal is moistened, the affected facilities would need to install a water spray system at the entrance of the facility site. Three known facilities in the Basin could take advantage of the new exemption. Only one water spray system for each facility would be necessary for the one dedicated rail track currently onsite. Construction of the new water spray system could generate potential air quality impacts. With regard to the other modifications to Rule 1158, no new requirements are triggered and the applicability of existing requirements is not expanded.

III. a): PAR 1158 would not conflict with or obstruct the applicable air quality plan implementation. The primary purpose of the SCAQMD's AQMP is to control emissions and to attain and maintain all federal and state ambient air quality standards for the district. The 2007 AQMP concluded that major reductions in emissions of VOC, NO_x and PM are necessary to attain the air quality standards for ozone and PM2.5. The proposed requirements in PAR 1158 would clarify the intent of Rule 1158 to ensure that all originally anticipated PM emission reductions are achieved, which furthers the emission reduction goals of the 2007 AQMP.

III. b) & d): Implementing PAR 1158 could result in the installation of one or more water spray systems at three affected facilities. The new exemption is an alternative compliance option, which is voluntary and not a requirement. If a facility operator is covering the coal railcar originating outside California, then a water spray system is not required. However, for a "worst-case" scenario, the following analysis assumes that facility operators prefer the water spray system and would not cover the coal railcar originating outside California. Although an employee is needed to activate the water, however, an additional permanent employee to conduct this operation is not expected to be necessary as the delivery frequency is typically one out-of-state train of coal per week.

Construction Impacts

The installation of a water spray system (or any other similar moistening device) would likely take place in two phases: transport/delivery of equipment and installation/water activation. In some cases, a facility operator may choose to install an underground water system to transport water from the source to the water bar.

Thus, a third phase was evaluated to account for trenching, piping and paving for this scenario. Finally, a facility operator may have to reinforce the existing rail tracks to support the foundation, which may be vulnerable to deterioration from overspray of the water spray system. A fourth phase scenario examines impacts from such activity. Construction phases typically occur on different days because of the different nature of the activities, the unknown origin and location of the equipment, and the fact that the installation phase will require a full eight hours, which means that other construction phases would not occur on the same eight-hour day. An on-road vehicle will be required for delivery of material needed to construct the water spray system. Unloading the equipment is assumed to be conducted by a forklift and two workers to conduct the unloading task.

Off-road equipment needed to install the spray bar and water system would include a forklift, welder, and a generator set It is assumed the equipment will be utilized for the whole eight-hour day to complete the task for each affected facility. Four workers would be needed to perform the installation task of constructing the water spray bar over the railcar tracks and hooking up the water conduit. Mobile source emissions will be generated from the vehicles driven by these construction workers to and from the site.

Installing an underground water piping system would involve trenching or earth moving in the appropriate area, dropping the piping, hooking up to both the source and the water spray system, and re-paving the surface using paving equipment, rollers and cement mixers. Due to the minimal size of the water spray system, the activity is not expected to take place longer than one day. Four construction workers would be expected to complete the task.

To secure the foundation under the existing rail track in the area of the water spray system would involve equipment, such as a forklift, to raise up the rail tracks and cement equipment to repave and secure the surface. The four construction workers are expected to complete the task in one day as the area around the water spray system is not a large region.

A new exemption would require permanent water recycling system dewatering beds to be enclosed by wind fences, which would require minimal construction activity to erect the pre-manufactured fencing. Construction emissions for recycling system dewatering beds would occur in place of, and are anticipated to be less than the daily emissions calculated for installing a water spray system. In addition, only one known facility would take advantage of this exemption.

Table 2-2 summarizes the emissions from each of the construction phases on a given day. As noted in Table 2-2, the peak emissions are experienced from different activities for each of the criteria pollutants. For example, NOx emissions peak during the installation of the water spray system, while PM10 emissions peak during both the installation of underground water piping and installation of the new

foundation. While unlikely, the "worst-case" scenario that all three facilities will install the water spray system on the same day is calculated in Table 2-2. Since the activity from the three activities could be staggered on a given day, the peak emission from each criteria pollutant was used to compare to the SCAQMD daily construction significance thresholds and determine significance. The detailed calculations, along with the off-road and on-road emission factors, can be found in Appendix B.

TABLE 2-2

Construction Emissions from Delivering and Installing Water Spray System

Activity	**CO** (lbs/day)	**NOx** (lbs/day)	**PM10** (lbs/day)	**PM2.5** (lbs/day)	**VOC** (lbs/day)	**SOx** (lbs/day)
Delivering the Equipment	1.8	2.3	0.1	0.1	0.3	0.003
Installing the Water Spray System	7.6	13.6	0.9	0.8	2.4	0.014
Installing Underground Water Piping	8.1	13.4	13.0	11.9	2.5	0.013
Installation of New Foundation For Rail Tracks (Under Water Spray System)	7.3	12.7	12.8	11.8	2.2	0.013
PEAK Daily Construction Emissions	8.1	13.6	13.0	11.9	2.5	0.014
TOTAL Daily Construction Emissions for Three Installations	**24.3**	**40.8**	**39**	**35.7**	**7.5**	**0.04**
SCAQMD Daily Construction Significance Thresholds	550	100	150	55	75	150
Significant?	No	No	No	No	No	No

As noted in Table 2-2, the peak daily emissions from the construction scenarios as a result of the proposed project would not exceed the SCAQMD's daily air quality significance thresholds during the construction phase. Thus, implementing PAR 1158 will not have a significant air quality impact from construction.

Operational Phase

The operation of the water spray system is not expected to worsen current operational air quality impacts, but rather maintain the same level of PM emissions reductions from exposed coal beds. No additional permanent employees are expected to be

needed to activate the water spray system as the out-of-state coal train deliveries occur once a week and do not need constant monitoring while being passed under the water spray bar. The proposed project would not violate any ambient air quality standards, but would assist in continuing to reduce PM emissions, which will assist the district in attaining state and national PM standards. Thus, ambient air quality standards are not anticipated to be violated nor will the proposed project generate any emissions that would exceed any of the significance thresholds in Table 2-1.

III. c): **Cumulative Impacts:** Since PAR 1158 is not expected to generate potentially significant adverse project-specific construction or operational air quality impacts, the proposed project's contribution to a potentially significant cumulative impact during operation is rendered less than cumulatively considerable and, thus, is not significant (CEQA Guidelines §15064(h)(2)). With regard to other projects in the vicinity occurring at the same time as this project, CEQA Guidelines §15064(h)(4) states "the mere existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that the proposed project's incremental effects are cumulatively considerable."

Greenhouse Gases /Climate Change

Global climate change refers to changes in average climatic conditions on earth as a whole, including temperature, wind patterns, precipitation and storms. Global warming, a related concept, is the observed increase in average temperature of the earth's surface and atmosphere. One identified cause of global warming is an increase of GHGs in the atmosphere. The six major GHGs identified by the Kyoto Protocol are CO2, methane (CH4), nitrous oxide (N2O), sulfur hexafluoride (SF6), haloalkanes (HFCs), and perfluorocarbons (PFCs). The GHGs absorb longwave radiant energy reflected by the earth, which warms the atmosphere. GHGs also radiate longwave radiation both upward to space and back down toward the surface of the earth. The downward part of this longwave radiation absorbed by the atmosphere is known as the "greenhouse effect." The potential effects of global climate change may include rising surface temperatures, loss in snow pack, sea level rise, more extreme heat days per year, and more drought years.

CO2 is an odorless, colorless natural greenhouse gas. Natural sources include the following: decomposition of dead organic matter; respiration of bacteria, plants, animals, and fungus; evaporation from oceans; and volcanic outgassing. Anthropogenic (human caused) sources of CO2 are from burning coal, oil, natural gas, wood, butane, propane, etc. CH4 is a flammable gas and is the main component of natural gas. N2O, also known as laughing gas, is a colorless greenhouse gas. Some industrial processes (fossil fuel-fired power plants, nylon production, nitric acid production, and vehicle emissions) also contribute to the atmospheric load of GHGs. HFCs are synthetic man-made chemicals that are used as a substitute for chlorofluorocarbons (whose production was stopped as required by the Montreal

Protocol) for automobile air conditioners and refrigerants. The two main sources of PFCs are primary aluminum production and semiconductor manufacture. SF6 is an inorganic, odorless, colorless, nontoxic, nonflammable gas. SF6 is used for insulation in electric power transmission and distribution equipment, in the magnesium industry, in semiconductor manufacturing, and as a tracer gas for leak detection.

Events and activities, such as the industrial revolution and the increased combustion of fossil fuels (e.g., gasoline, diesel, coal, etc.), have heavily contributed to the increase in atmospheric levels of GHGs. As reported by the California Energy Commission (CEC), California contributes 1.4 percent of the global and 6.2 percent of the national GHGs emissions (CEC, 2004). The GHG inventory for California is presented in Table 2-3 (CARB, 2007). Approximately 80 percent of GHGs in California are from fossil fuel combustion and over 70 percent of GHG emissions are carbon dioxide emissions (see Table 2-3).

TABLE 2-3

California GHG Emissions and Sinks Summary
(Million metric tons of CO_2 equivalence)

Categories Included in the Inventory	1990	2004
ENERGY	**386.41**	**420.91**
Fuel Combustion Activities	**381.16**	**416.29**
Energy Industries	157.33	166.43
Manufacturing Industries & Construction	24.24	19.45
Transport	150.02	181.95
Other Sectors	48.19	46.29
Non-Specified	1.38	2.16
Fugitive Emissions from Fuels	**5.25**	**4.62**
Oil and Natural Gas	2.94	2.54
Other Emissions from Energy Production	2.31	2.07
INDUSTRIAL PROCESSES & PRODUCT USE	**18.34**	**30.78**
Mineral Industry	4.85	5.90
Chemical Industry	2.34	1.32
Non-Energy Products from Fuels & Solvent Use	2.29	1.37
Electronics Industry	0.59	0.88
Product Uses as Substitutes for Ozone Depleting Substances	0.04	13.97
Other Product Manufacture & Use Other	3.18	1.60
Other	5.05	5.74
AGRICULTURE, FORESTRY, & OTHER LAND USE	**19.11**	**23.28**
Livestock	11.67	13.92
Land	0.19	0.19
Aggregate Sources & Non-CO_2 Emissions Sources on Land	7.26	9.17
WASTE	**9.42**	**9.44**
Solid Waste Disposal	6.26	5.62
Wastewater Treatment & Discharge	3.17	3.82

TABLE 2-3 (CONCLUDED)

California GHG Emissions and Sinks Summary
(Million metric tons of CO_2 equivalence)

EMISSION SUMMARY		
Gross California Emissions	**433.29**	**484.4**
Sinks and Sequestrations	**-6.69**	**-4.66**
Net California Emissions	**426.60**	**479.74**

Source: CARB, 2007.

The analysis of GHGs is a much different analysis than the analysis of criteria pollutants for the following reasons. For criteria pollutants significance thresholds are based on daily emissions because attainment or non-attainment is based on daily exceedances of applicable ambient air quality standards. Further, several ambient air quality standards are based on relatively short-term exposure effects on human health, e.g., one-hour and eight-hour. Since the half-life of CO2 is approximately 100 years, for example, the effects of GHGs are longer-term, affecting global climate over a relatively long time frame. As a result, the SCAQMD's current position is to evaluate GHG effects over a longer timeframe than a single day. GHG emissions in the form of CO2 will be generated by the off-road equipment and on-road vehicles during the construction phase of the project. CO2 emissions were estimated using emission factors from CARB's EMFAC2007 and OFFROAD2007 models and EPA's AP-42. The CO2 emission factors and calculations can be found in the emission calculation spreadsheets in Appendix B.

The construction phase during which CO2 emissions would be generated from mobile source construction equipment and on-road vehicles is expected to take place in less than a week period of time per facility. Table 2-4 provides the CO2 emissions from each of the construction phases and, as a worst-case scenario, adds the emissions from all three applicable facilities although it is unlikely that all three applicable facilities would need to do all four activities evaluated. CO2 emissions would occur on a daily basis, but emissions from different phases occur over more than one day. The total CO2 emissions in Table 2-4 are the sum of all daily GHG emissions. The sum of the daily GHG emissions equals the annual emissions. GHG emissions are annualized because this is the typical currency in which GHG emissions are expressed. Due to its long half life, CO2 emissions in Table 2-4 are not provided a time unit.

As shown in Table 2-4, if all three applicable facility operators choose to install the water spray system to qualify for the exemption from covering or tarping the coal railcar originating outside California and conduct all other activity such as installing underground water piping and a new foundation, the maximum CO2 emissions would be under five metric tons.

TABLE 2-4

CO2 Emissions from Construction Phases

Activity	**CO2 Emissions** (lbs) **Per Facility**	**CO2 Emissions** (lbs) **From All Three Facilities**	**TOTAL CO2 Emissions** (metric tons)
Delivering the Equipment	262	786	0.36
Installing the Water Spray System	1,216	3,648	1.66
Installing Underground Water Piping	1,030	3,090	1.40
Installation of New Foundation For Rail Tracks (Under Water Spray System)	1,017	3,051	1.39
TOTAL CO2 Emissions from Three Applicable Facilities	**3,525**	**10,575**	**4.8**

The operational phase of implementing the proposed project would result in no change or increase in CO2 emissions as the operation of the water spray system does not generate CO2 emissions.

An increase in GHG emissions of five metric tons from the construction phase of the proposed project would be less than significant for the following reasons. Neither SCAQMD nor any other air regulatory agency in California has established a significance threshold for GHG emissions yet. In the absence of a specific significance threshold, SCAQMD staff has evaluated GHG significance for projects where it is the lead agency on a case-by-case basis. In this analysis, SCAQMD staff has used a variety of benchmarks to evaluate GHG impacts. As additional information is compiled with regard to the level of GHG emissions that constitute a significant cumulative climate change impact, SCAQMD will continue to revisit and possibly revise the level of GHG emissions considered to be significant.

In its CEQA & Climate Change document (January, 2008), CAPCOA identifies many potential GHG significance threshold options. The CAPCOA document indicates that establishing quantitative thresholds is a balance between setting the level low enough to capture a substantial portion of future residential and non-residential development, while also setting a threshold high enough to exclude small development projects that will contribute a relatively small fraction of the cumulative statewide GHG emissions. For example, CAPCOA identifies one potential significance threshold as 10,000 metric tons per year, which was considered by the Market Advisory Committee for inclusion in a Greenhouse Gas Cap and Trade System in California. Another potential threshold identified by CAPCOA is 25,000 metric tons per year, which is CARB's proposed mandatory reporting threshold under AB 32. GHG emissions increase from the proposed project for PAR 1158 would be substantially lower than both of these reporting thresholds.

Finally, another approach to determining significance is to estimate what percentage of the total inventory of GHG emissions are represented by emissions from a single project. If emissions are a relatively small percentage of the total inventory, it is possible that the project will have little or no effect on global climate change. According to available information, the statewide inventory of CO2eq. emission is as follows: 1990 GHG emissions were estimated to equal 427 million metric tons of CO2eq. and 2020 GHG emissions are projected to equal 600 million metric tons of CO2eq. under a business-as-usual scenario. Interpolating an inventory for the year 2008 (time of construction) results in an estimated inventory of approximately 531 million metric tons of CO2eq. CO2 emissions in 2008 of five metric tons from PAR 1158 represent 0.0000009 percent of the statewide GHG inventory in 2010. This small percentage of GHG emissions compared to the total projected statewide GHG emissions inventory is another basis for the SCAQMD's conclusion that GHG emissions from implementing PAR 1158 are less than significant.

PAR 1158 is part of a comprehensive ongoing regulatory program that includes implementing related SCAQMD 2007 AQMP control measures, existing rules as amended or new rules to attain and maintain with a margin of safety all state and national ambient air quality standards for all areas within its jurisdiction. The 2007 AQMP estimates a CO2 reduction of 427,849 metric tons per year by 2014, and a CO2 reduction of 1,523,445 metric tons per year by 2020. Therefore, PAR 1158 in connection with other 2007 AQMP control measures is not considered to be cumulatively significant.

Since GHG emissions are considered cumulative impacts, and PAR 1158 GHG emissions are below the 10,000 metric ton per year Market Advisory Committee threshold, 25,000 metric ton per year CARB proposed mandatory reporting threshold under AB 32, a small percentage of the total statewide GHG inventory in 2014, and, with other control measures in the 2007 AQMP, which is a comprehensive ongoing regulatory program that would reduce overall CO2 emissions; cumulative GHG adverse impacts from PAR 1158 are not considered significant.

III. e): Noticeable odors from diesel fueled construction equipment are not expected to be generated during the construction period to install the water spray because of the small number of construction equipment needed to install the system. No objectionable odors will be generated from the operation of the water spray system and, thus, potential odor impacts will result from the proposed project.

III. f): The proposed project will clarify existing rule requirements and provide an alternative compliance option subject to existing fugitive and opacity requirements to restrict backsliding or increasing PM emissions. Thus, the proposed project will not diminish an existing air quality rule or future compliance requirements.

Based on the above considerations, significant adverse impacts to air quality are not expected from implementing PAR 1158. Since there are no significant adverse impacts, no mitigation measures are required.

		Potentially Significant Impact	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?	☐	☐	☑
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?	☐	☐	☑
c)	Have a substantial adverse effect on federally protected wetlands as defined by §404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☑
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?	☐	☐	☑
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?	☐	☐	☑

Significance Criteria

Impacts on biological resources will be considered significant if any of the following criteria apply:

The project results in a loss of plant communities or animal habitat considered to be rare, threatened or endangered by federal, state or local agencies.

The project interferes substantially with the movement of any resident or migratory wildlife species.

The project adversely affects aquatic communities through construction or operation of the project.

Discussion

IV. a), b), d): The proposed project is not expected to require any major construction activities from the installation of water spray system as discussed in Section III. Air Quality. Installation of the system, which is basically three bars and approximately nine water nozzles, is expected to require no more than four to six construction workers, four to five pieces of equipment and each construction phase can generally be completed in one day. The water spray system is expected to be placed on the established site as the railcar enters the property. Similarly, the proposed project will not require the construction of new structures on property not already established with a foundation although minor foundation work may be necessary to stabilize rail tracks. Therefore, PAR 1158 will have no direct or indirect impacts that could adversely affect plant or animal species or the habitats on which they rely in the SCAQMD's jurisdiction. PAR 1158 will primarily affects coal railcars originating outside California and will not worsen the current operation or worsen present conditions of plant and animal life. Further, PAR 1158 does not require acquisition of additional land or further conversions of riparian habitats or sensitive natural communities where endangered or sensitive species may be found. Any changes to the existing physical environment would occur for business reasons, not as a result of implementing PAR 1158.

IV. c): Acquisition of protected wetlands is not expected to be necessary to moisten coal railcars originating outside of California. Operators of affected railcars would install a water spray system on the established facility so no new property is required for installation and operation. Thus, the alternative compliance option is not expected to require removing, filling or interrupting any hydrological system or have an adverse effect on federally protected wetlands.

IV. e), f): There are no provisions in the proposed project that would adversely affect land use plans, local policies or ordinances, or regulations. Land use and other planning considerations are determined by local governments and no land use or planning requirements will be altered by the proposed project. PAR 1158 would not affect in any way habitat conservation or natural community conservation plans, agricultural resources or operations, and would not create divisions in any existing communities.

Based on the above considerations, significant adverse impacts to biological resources are not expected from implementing PAR 1158. Since there are no significant adverse impacts, no mitigation measures are required.

		Potentially Significant Impact	**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 §15064.5?	☐	☐	☑
b)	Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?	☐	☐	☑
c)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☑
d)	Disturb any human remains, including those interred outside a formal cemeteries?	☐	☐	☑

Significance Criteria

Impacts to cultural resources will be considered significant if:

The project results in the disturbance of a significant prehistoric or historic archaeological site or a property of historic or cultural significance to a community or ethnic or social group.

Unique paleontological resources are present that could be disturbed by construction of the proposed project.

The project would disturb human remains.

Discussion

V. a) - d): There are existing laws in place that are designed to protect and mitigate potential impacts to cultural resources. Operators of existing affected facilities that receive coal rail cars may be required to perform minor construction activities such as grading, trenching, etc., to comply with the proposed project. Any grading or trenching activities would occur at sites already substantially disturbed as a result of constructing and operating the railyard. Further, no new property is required for water spray system installation and operation because the water spray system is expected to be installed in the same location as where the existing rail tracks enter the affected facility. Therefore, cultural resources are not expected be disturbed in any way. As a result, the proposed project has no potential to cause a substantial adverse change to a historical or archaeological resource, directly or indirectly destroy a unique paleontological resource or site or unique geologic feature, or disturb any human remains, including those interred outside a formal cemeteries.

The proposed project activities will occur in areas of the affected facilities where the ground surface has already been disturbed, and this past disturbance reduces the likelihood that previously unknown cultural resources will be encountered. If cultural or archaeological resources were to be encountered unexpectedly during ground disturbance associated with construction of the water spray system or stabilization of the rail tracks, proper procedures (i.e., contacting professional archaeologist, temporarily halting disturbance work in vicinity, etc.) will be taken.

Based on the above considerations, significant adverse impacts to cultural resources are not expected from implementing PAR 1158. Since there are no significant adverse impacts, no mitigation measures are required.

		Potentially Significant Impact	Less Than Significant Impact	No Impact
VI.	**ENERGY.** Would the project:			
a)	Conflict with adopted energy conservation plans?	☐	☐	☑
b)	Result in the need for new or substantially altered power or natural gas utility systems?	☐	☐	☑
c)	Create any significant effects on local or regional energy supplies and on requirements for additional energy?	☐	☐	☑
d)	Create any significant effects on peak and base period demands for electricity and other forms of energy?	☐	☐	☑
e)	Comply with existing energy standards?	☐	☐	☑

Significance Criteria

Impacts to energy and mineral resources will be considered significant if any of the following criteria are met:

The project conflicts with adopted energy conservation plans or standards.

The project results in substantial depletion of existing energy resource supplies.

An increase in demand for utilities impacts the current capacities of the electric and natural gas utilities.

The project uses non-renewable resources in a wasteful and/or inefficient manner.

Discussion

VI. a), e): The proposed project clarifies existing rule requirements, provides compliance flexibility, does not require electricity nor is it expected to change current energy needs at affected facilities. Therefore, PAR 1158 will not conflict with adopted energy conservation plans. Affected facilities would still be expected to comply with any existing energy conservation plans or energy standards, to the extent that affected engines are subject to such plans or standards.

VI. b), c), d): Implementation of PAR 1158 will not result in the need for new or substantially altered power or natural gas utility systems. Effects of the proposed project on the electricity capacity are not expected to occur because activity at affected facilities is not expected to change as a result of clarifying existing rule requirements or providing compliance flexibility. Thus, no increase their operations is expected, so no significant adverse impacts on peak or base demands for electricity are anticipated.

Based on the above considerations, significant adverse impacts to energy are not expected from implementing PAR 1158. Since there are no significant adverse impacts, no mitigation measures are required.

	Potentially Significant Impact	**Less Than Significant Impact**	**No Impact**
VII. 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?	☐	☐	☑
• Strong seismic ground shaking?	☐	☐	☑
• Seismic–related ground failure, including liquefaction?	☐	☐	☑
• Landslides?	☐	☐	☑
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☑
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 on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☑
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?			
e)	Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☑

Significance Criteria

Impacts on the geological environment will be considered significant if any of the following criteria apply:

Topographic alterations would result in significant changes, disruptions, displacement, excavation, compaction or over covering of large amounts of soil.

Unique geological resources (paleontological resources or unique outcrops) are present that could be disturbed by the construction of the proposed project.

Exposure of people or structures to major geologic hazards such as earthquake surface rupture, ground shaking, liquefaction or landslides.

Secondary seismic effects could occur which could damage facility structures, e.g., liquefaction.

Other geological hazards exist which could adversely affect the facility, e.g., landslides, mudslides.

Discussion

VII. a): Water spray systems will be installed at existing affected facilities so PAR 1158 will not expose people to substantial geological effects greater than what they are exposed to already. Since the proposed project will not require acquisition of new property that has not already been developed, PAR 1158 will not expose people or structures to new risks of loss, injury, or death involving: rupture of an earthquake fault, seismic ground shaking, ground failure or landslides.

VII. b): The proposed project may require minor construction activities (e.g., grading, trenching, or refilling) as affected facilities have already been developed, so potential impacts to existing geophysical conditions are not anticipated since little or no soil will be disrupted. Therefore, no substantial soil erosion or loss of topsoil is expected from the existing affected facilities as a result of providing an alternative compliance option to covering the coal railcar originating outside California. Water from the spray system is not expected to create soil erosion problems because small volumes

of water are sprayed on each rail car (approximately 100 gallons of water per day at each affected facility), most of the water is sprayed into the railcar rather than onto the ground, and most affected facilities are already paved. Any soil disturbance that does occur will be subject to the dust control requirements of SCAQMD Rule 403, which would minimize any wind erosion.

VII. c) & d): PAR 1158 would provide an additional compliance option for coal railcars arriving at existing affected facilities and, therefore, will not involve locating any structures on soil that is unstable or expansive. However, as already noted, little or no new soil disturbance is anticipated from the proposed project, therefore, no further destabilization of unstable soils would be expected that could cause on- or off-site landslides, lateral spreading, subsidence, liquefaction or collapse.

VII. e): The proposed project does not involve the installation of septic tanks or alternative waste water disposal systems. Therefore, this type of soil impact will not occur.

Based on the above considerations, significant adverse impacts to geology and soils are not expected from implementing PAR 1158. Since there are no significant adverse impacts, no mitigation measures are required.

		Potentially Significant Impact	Less Than Significant Impact	No Impact
VIII.	**HAZARDS AND HAZARDOUS MATERIALS.** Would the project:			
a)	Create a significant hazard to the public or the environment through the routine transport, use, and disposal of hazardous materials?	☐	☐	☑
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?	☐	☐	☑
c)	Emit hazardous emissions, or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☑

d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and, as a result, would create a significant hazard to the public or the environment?	☐	☐	☑
e)	For a project 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, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☑
f)	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☑
g)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☑
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?	☐	☐	☑
i)	Significantly increased fire hazard in areas with flammable materials?	☐	☐	☑

Significance Criteria

Impacts associated with hazards will be considered significant if any of the following occur:

Non-compliance with any applicable design code or regulation.

Non-conformance to National Fire Protection Association standards.

Non-conformance to regulations or generally accepted industry practices related to operating policy and procedures concerning the design, construction, security, leak detection, spill containment or fire protection.

Exposure to hazardous chemicals in concentrations equal to or greater than the Emergency Response Planning Guideline (ERPG) 2 levels.

Discussion

VIII. a), b), & c): The proposed project does not require the routine transport, use, or disposal of hazardous materials. If an affected facility operator decides to install and operate a water spray system as an alternative compliance option to covering the coal railcar originating outside California, no waste is generated. It is anticipated that, because the project does not involve the transport, use, or disposal of hazardous materials, the proposed project will not create a significant new hazard to the public or create a reasonably foreseeable upset conditions involving the release of hazardous materials greater than existing conditions. Finally, PAR 1158 would not require the use of equipment that has the potential to emit hazardous materials.

VIII. d): Government code §65962.5 refers to hazardous waste handling practices at facilities subject to the Resources Conservation and Recovery Act (RCRA). If any affected facilities are identified on such a list, compliance with the proposed project is not expected to affect in any way any facility's hazardous waste handling practices.

VIII. e) & f): The three affected facilities are located in the port area which is four to five miles from both the Long Beach Municipal Airport and Torrance Municipal Airport – Zamperini Field. Because none of the affected facilities are within two miles of an airport or private airstrips, the proposed project would have no potential to affect local airports or private airstrips.

VIII. g): The proposed project is expected to require minor modifications to install and operate the water spray system. Such activities are not likely to impose any new emergency conditions at the facility that would warrant amendments to adopted emergency response plans or emergency evacuation plans, nor would the proposed project be expected to physically interfere with implementing adopted emergency response plans or emergency evacuation plans.

VIII. h,) & i): Because the alternative compliance option of installing water spray systems would occur at existing facilities on established foundations in commercial or industrial areas, PAR 1158 is not expected to 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 to a greater extent than is currently the case. Because coal railcar operations are not expected to change substantially, there will be no significant increase of fire hazards in areas with flammable materials greater than whatever currently exists already. Because PAR 1158 could involve greater use of water, it may have a minor benefit of reducing existing fire hazards.

Based on the above considerations, significant adverse hazards and hazardous materials impacts are not expected from implementing PAR 1158. Since there are no significant adverse impacts, no mitigation measures are required.

		Potentially Significant Impact	Less Than Significant Impact	No Impact
IX.	**HYDROLOGY AND WATER QUALITY.** Would the project:			
a)	Violate any water quality standards or waste discharge requirements?	☐	☐	☑
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 which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☑
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 on- or off-site?	☐	☐	☑
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 on- or off-site?	☐	☐	☑
e)	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☑

f)	Otherwise substantially degrade water quality?	☐	☐	☑
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?	☐	☐	☑
h)	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☑
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?	☐	☐	☑
j)	Inundation by seiche, tsunami, or mudflow?	☐	☐	☑
k)	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☑
l)	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?	☐	☐	☑
m)	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?	☐	☐	☑
n)	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☑	☐
o)	Require 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?	☐	☐	☑

Significance Criteria

Potential impacts on water resources will be considered significant if any of the following criteria apply:

Water Quality:

The project will cause degradation or depletion of ground water resources substantially affecting current or future uses.

The project will cause the degradation of surface water substantially affecting current or future uses.

The project will result in a violation of National Pollutant Discharge Elimination System (NPDES) permit requirements.

The capacities of existing or proposed wastewater treatment facilities and the sanitary sewer system are not sufficient to meet the needs of the project.

The project results in substantial increases in the area of impervious surfaces, such that interference with groundwater recharge efforts occurs.

The project results in alterations to the course or flow of floodwaters.

Water Demand:

The existing water supply does not have the capacity to meet the increased demands of the project, or the project would use a substantial amount of potable water.

The project increases demand for water by more than five million gallons per day.

Discussion

IX. a), f): PAR 1158 will have no direct or indirect adverse impact on water quality because operators at affected facilities are not expected to violate water quality standards, water discharge requirements or substantially degrade water quality when operating water spray systems to moisten coal in railcars. The reason for this conclusion is that the water spray system uses such small volumes of water per railcar, most of the water is sprayed into the railcar and, because so little water is used per railcar, the water is expected to evaporate before it could migrate into

groundwater supplies. Other parts of PAR 1158 will merely clarify existing requirements, which have no effect on water quality.

IX. b), n), & o): Operators who choose to install water spray systems would increase demand for water demand as a result of using water to moisten the coal on railcars originating outside California. PAR 1158 is not expected to deplete groundwater supplies as the water demand needed to operate the water spray system is expected to be met with existing water supplies from the same source currently providing water to the existing affected facility operation. As depicted in Figure 1-2, the water spray system is expected to have a series of nozzles with the capability of spraying 5.5 gallons per minute. Railcars entering the facility travel at approximately five miles per hour (440 feet per minute). Railcars are typically 60 feet in length and, thus, it takes 0.136 minute (60/440) for a railcar to pass a stationary point (i.e., water spray bar). Spraying at 5.5 gallons per minute, less than one gallon of water (5.5/0.136) is released as one railcar passes under the water bar. Trains transporting coal can consist of up to 100 railcars, although one facility reported only 20 to 40 railcars per train. Assuming the "worst case" of 100 railcars per train, less than 100 gallons of water could be discharged for each coal train entering the affected facility. Coal railcar deliveries average one per week so only one train would arrive on a given day. To provide a "worst-case" scenario, it is assumed a coal train will arrive at all three affected facilities on the same day demanding 300 gallons or less of water per day.

Water demand from the proposed project of 300 gallons of water per day would be substantially less than the SCAQMD daily water demand significance threshold of five million gallons per day and, thus, water demand impacts from implementing the alternative compliance option is considered to be less than significant.

IX. c), d), e): The proposed project would primarily involve the installation of a basic water spray system to moisten coal in certain railcars at existing facilities. Because the proposed project is not expected to require major construction activities onsite to comply with PAR 1158, small amounts of water may be required for dust control. However, because it is only necessary to moisten the soil to create a crust and such small areas would be disturbed, water use during construction is not expected to be substantial.

Water is expected to strictly moisten the coal, so the proposed project will not alter any existing drainage patterns, increase the rate or amount of surface runoff water that would exceed the capacity of existing or planned stormwater drainage systems for the following reasons. Water from the spray system is not expected to create soil erosion problems because small volumes of water are sprayed on each rail car (approximately 100 gallons of water per day at each affected facility), most of the water is sprayed into the railcar rather than onto the ground, and most affected facilities are already paved.

IX. g) & h): PAR 1158 does not involve construction of housing so it will not result in placing housing in 100-year flood hazard areas that could create new flood hazards or impede or redirect flood flows. The proposed project would primarily involve the installation of a basic water spray system to moisten coal in certain railcars at existing facilities so any flood hazards would be part of the existing setting.

IX. i), j): Since PAR 1158 primarily clarifies existing requirements or involves the installation and operation of a basic water spray system to moisten coal in certain railcars at existing facilities, it will not create new flood risks or risks from seiches, tsunamis or create mudflow conditions. Any risks from seiches, tsunamis, or mudflows would be part of the existing setting. Further, affected facilities are not located near large bodies of water, so they generally would not be affected by seiches or tsunamis. In addition, affected facilities are located in flat areas that are not expected to be affected by mudslides.

IX. k): Because the water is expected to strictly moisten the coal and not generate wastewater, no changes to any existing wastewater treatment permits would be necessary. As a result, the proposed project is not expected to alter any affected facility's ability to comply with existing wastewater treatment requirements or conditions from any applicable Regional Water Quality Control Board or local sanitation district.

IX. l) & m): Because the water is expected to strictly moisten the coal and not generate wastewater [see discussion IX b), n), &o)] , no increase in wastewater from complying with the proposed project that could exceed the capacity of existing stormwater drainage systems or require the construction of new wastewater or stormwater drainage facilities is anticipated.

Based on the above considerations, significant adverse impacts to hydrology and water quality are not expected from implementing PAR 1158. Since there are no significant adverse impacts, no mitigation measures are required.

		Potentially Significant Impact	**Less Than Significant Impact**	**No Impact**
X.	**LAND USE AND PLANNING.** Would the project:			
a)	Physically divide an established community?	☐	☐	☑
b)	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan,	☐	☐	☑

	local coastal program or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			
c)	Conflict with any applicable habitat conservation or natural community conservation plan?	☐	☐	☑

Significance Criteria

Land use and planning impacts will be considered significant if the project conflicts with the land use and zoning designations established by local jurisdictions.

Discussion

X. a.): PAR 1158 will not create divisions in any existing communities because the proposed project will clarify existing requirements and would primarily affect existing facilities that must comply with any land use policies or local zoning regulations. Similarly, the alternative compliance option to install and operate a water spray system to moisten coal in railcars originating outside California will affect operations at existing facilities and would not require construction of facilities, such as freeways, that would not physically divide an established community. The water spray system is expected to be installed in the location of the existing rail track entering the facility.

X. b), c): Operations at affected facilities would still be expected to comply, 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. 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 proposed project.

Based on the above considerations, significant adverse impacts to land use and planning are not expected from implementing PAR 1158. Since there are no significant adverse impacts, no mitigation measures are required.

	Potentially Significant Impact	Less Than Significant Impact	No Impact
XI. 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?	☐	☐	☑
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?	☐	☐	☑

Significance Criteria

Project-related impacts on mineral resources will be considered significant if any of the following conditions are met:

The project would 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.

The proposed project results 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.

Discussion

XI. a), b): There are no provisions of the proposed rule that would directly result in the loss of availability of a known mineral resource, such as aggregate, coal, shale, etc., 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. Further, installing and operating a water spray system would not change an existing uses of the mineral resources by facilities that must comply with the proposed project.

Based on the above considerations, significant adverse impacts to mineral resources are not expected from implementing PAR 1158. Since there are no significant adverse impacts, no mitigation measures are required.

		Potentially Significant Impact	Less Than Significant Impact	No Impact
XII. NOISE. Would the project result in:				
a)	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☑
b)	Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☑
c)	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☑
d)	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☑
e)	For a project 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, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☑
f)	For a project within the vicinity of a private airship, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☑

Significance Criteria

Impacts on noise will be considered significant if:

Construction noise levels exceed the local noise ordinances or, if the noise threshold is currently exceeded, project noise sources increase ambient noise

levels by more than three decibels (dBA) at the site boundary. Construction noise levels will be considered significant if they exceed federal Occupational Safety and Health Administration (OSHA) noise standards for workers.

The proposed project operational noise levels exceed any of the local noise ordinances at the site boundary or, if the noise threshold is currently exceeded, project noise sources increase ambient noise levels by more than three dBA at the site boundary.

Discussion

XII. a), b), c) & d): PAR 1158 primarily clarifies existing requirements and provides an alternative compliance option to covering coal railcars originating outside California. The alternative compliance option to moisten the coal will require a water spray system at the entrance of the facility to ensure compliance with existing fugitive and opacity requirements. Operation of water spray system is not expected to generate additional or new noise, excessive groundborne vibration, or substantially increase ambient noise levels beyond existing levels because water sprays are not typically noise intensive. Construction equipment, however, does generate noise. These noise levels are not expected to be significant because construction activities will be short in duration, i.e., three to four days at the three affected sites, no more than three to five small pieces of construction equipment are needed during any one construction phase, and contractors are expected to comply with local noise ordinances and allowable operating hours during the construction phase.

As a result, the proposed project is not expected to generate new or additional noise impacts beyond what currently existing at affected facilities.

XII. e) & f): As indicated previously, the three affected facilities are located in the port area which is four to five miles from both the Long Beach Municipal Airport and Torrance Municipal Airport – Zamperini Field. Because none of the affected facilities are within two miles of an airport or private airstrips, the proposed project would have no potential to affect local airports or private airstrips.

Based on the above considerations, significant adverse impacts to noise are not expected from implementing PAR 1158. Since there are no significant adverse impacts, no mitigation measures are required.

		Potentially Significant Impact	Less Than Significant Impact	No Impact
XIII. POPULATION AND HOUSING. Would the project:				
a)	Induce substantial growth in an area either directly (for example, by proposing new homes and businesses) or indirectly (e.g. through extension of roads or other infrastructure)?	☐	☐	☑
b)	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☑
c)	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☑

Significance Criteria

Impacts of the proposed project on population and housing will be considered significant if the following criteria are exceeded:

The demand for temporary or permanent housing exceeds the existing supply.

The proposed project produces additional population, housing or employment inconsistent with adopted plans either in terms of overall amount or location.

Discussion

XIII. a), b), c): Human population in the SCAQMD's jurisdiction is anticipated to grow regardless of implementing the proposed project. The alternative compliance option will require minimal employees for construction since a water spray system is a basic and simple design and, thus, not labor intensive. Construction workers to build the water spray system would be needed on a temporary basis, i.e., no more than three or four days at each affected facility, and are xpected to come from the existing labor force in the region. Additional permanent employees would not be required during operation because the operation requires only the activation of water and only one coal train is expected per week at each affected facility. District population will not be affected directly or indirectly as a result of adopting and implementing the proposed project. Further, continuing the control of PM emissions

will not directly or indirectly induce growth in the area of affected facilities. The construction of single- or multiple-family housing units would not be required as a result of implementing the proposed project since no new employees will be required at affected facilities. The proposed project will not require relocation of affected facilities, so existing housing or populations in the district are not anticipated to be displaced necessitating the construction of replacement housing elsewhere.

Based on the above considerations, significant adverse impacts to population and housing are not expected from implementing PAR 1158. Since there are no significant adverse impacts, no mitigation measures are required.

	Potentially Significant Impact	**Less Than Significant Impact**	**No Impact**
XIV. PUBLIC SERVICES. Would the proposal result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered government 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:			
a) Fire protection?	☐	☐	☑
b) Police protection?	☐	☐	☑
c) Schools?	☐	☐	☑
d) Parks?	☐	☐	☑
e) Other public facilities?	☐	☐	☑

Significance Criteria

Impacts on public services will be considered significant if the project results in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response time or other performance objectives.

Discussion

XIV. a) & b): PAR 1158 will not involve the use of acutely hazardous materials. As a result, no new fire hazards or increased use of hazardous materials would be introduced at existing affected facilities. Thus, no new demands for fire or police protection are expected from implementing PAR 1158 since the proposed project will not require equipment that use or generate hazardous materials that will require additional public services in the event of an emergency.

XIV. c), d): As noted in the "Population and Housing" discussion, implementing PAR 1158 will not require new permanent employees for construction because no major construction is necessary to comply with the proposed project. Similarly, no new permanent employees will be required to maintain operation of the water spray system. As a result, PAR 1158 will have no direct or indirect effects on population growth in the district. Consequently, no new impacts to schools, parks or other recreational facilities are foreseen as a result of implementing PAR 1158.

XIV. e): Because the future installation of water spray system only requires minor modifications at the affected facilities, the proposal 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.

Based on the above considerations, significant adverse impacts to public services are not expected from implementing PAR 1158. Since there are no significant adverse impacts, no mitigation measures are required.

	Potentially Significant Impact	Less Than Significant Impact	No Impact
XV. RECREATION.			
a) Would the project 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.?	☐	☐	☑
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	☐	☐	☑

Significance Criteria

Impacts to recreation will be considered significant if:

The project results in an increased demand for neighborhood or regional parks or other recreational facilities.

The project adversely effects existing recreational opportunities.

Discussion

XV. a) & b): As discussed under "Land Use and Planning" above, there are no provisions in the proposed project that would affect land use plans, policies or ordinances, or regulations. Land use and other planning considerations are determined by local governments; no land use or planning requirements will be altered by the proposal. As already noted in item XII, Population and Housing, the proposed project is not expected to increase population growth in the district because no additional permanent employees would be required for the operation of affected facilities, so no additional demand for recreation facilities is anticipated. As noted earlier, the additional construction workers needed would be temporary and expected to come from the existing labor force in the region, which would not increase the use of existing neighborhood and regional parks or other recreational facilities or include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment.

Based on the above considerations, significant adverse impacts to recreation are not expected from implementing PAR 1158. Since there are no significant adverse impacts, no mitigation measures are required.

		Potentially Significant Impact	Less Than Significant Impact	No Impact
XVI.	**SOLID/HAZARDOUS WASTE.** Would the project:			
a)	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☑
b)	Comply with federal, state, and local statutes and regulations related to solid and hazardous waste?	☐	☐	☑

Significance Criteria

The proposed project impacts on solid/hazardous waste will be considered significant if the following occur:

> The generation and disposal of hazardous and non-hazardous waste exceeds the capacity of designated landfills.

Discussion

XVI. a), b): PAR 1158 clarifies existing rule requirements and provides an alternative compliance option that will not generate or require the disposal of hazardous or non-hazardous waste during either construction or operation. Thus, disposal capacity of local landfills would not be affected by the proposed project in any way. It is expected that PAR 1158 will have no effect on an operator's ability to comply with relevant statutes and regulations related to solid and hazardous wastes. Consequently, it is anticipated that operators of affected facilities would continue to comply with federal, state, and local statutes and regulations related to solid and hazardous waste handling and disposal. Therefore, potential solid waste impacts are considered not significant.

Based on the above considerations, significant adverse solid/hazardous waste impacts are not expected from implementing PAR 1158. Since there are no significant adverse impacts, no mitigation measures are required.

	Potentially Significant Impact	Less Than Significant Impact	No Impact
XVII. TRANSPORTATION/CIRCULATION Would the project:			
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	☐	☐	☑
b) Exceed, either individually or cumulatively, a	☐	☐	☑

	level of service standard established by the county congestion management agency for designated roads or highways?			
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?	☐	☐	☑
d)	Substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?	☐	☐	☑
e)	Result in inadequate emergency access?	☐	☐	☑
f)	Result in inadequate parking capacity?	☐	☐	☑
g)	Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g. bus turnouts, bicycle racks)?	☐	☐	☑

Significance Criteria

Impacts on transportation/traffic will be considered significant if any of the following criteria apply:

Peak period levels on major arterials are disrupted to a point where level of service (LOS) is reduced to D, E or F for more than one month.

An intersection's volume to capacity ratio increase by 0.02 (two percent) or more when the LOS is already D, E or F.

A major roadway is closed to all through traffic, and no alternate route is available.

There is an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system.

The demand for parking facilities is substantially increased.

Water borne, rail car or air traffic is substantially altered.

Traffic hazards to motor vehicles, bicyclists or pedestrians are substantially increased.

The need for more than 350 employees

An increase in heavy-duty transport truck traffic to and/or from the facility by more than 350 truck round trips per day

Increase customer traffic by more than 700 visits per day.

Discussion

XVII. a), b), f): As noted in the "Discussion" sections of other environmental topics (see in particular III. Air Quality), compliance with PAR 1158 is not expected to require major construction to install water spray systems, e.g., site preparation, construction, etc. PAR 1158 could result in delivery of equipment or additional construction worker commute trips for workers installing the water spray system if a facility operator chooses the alternative compliance option. Each construction phase is expected to be completed in one day. For the delivery and unloading of the equipment, one delivery truck round trip and up to two construction worker vehicle round trips per day are expected to occur for a maximum of three round trips per facility per day. If all three affected facilities choose to deliver the water spray system on same day, there would be nine trips on a given day. For the installation of the water spray system, a maximum of six construction workers would be necessary, so during system installation a maximum of six construction worker commute trips per day would be expected to occur at each facility. Thus, the total for all three facilities, if installing on the same day, is 18 trips on given day. This increase would not exceed the significance thresholds of 350 employees per project or 350 truck round trips per day for any individual facility. Six temporary employees at each affected facility for a short duration, three to four days, would have no adverse impact on existing parking conditions and capacity.

Because the affected facilities are located throughout the district, no intersections or major arterials are expected to experience overlapping traffic impacts during construction at the three affected facilities that could cause a substantial change in traffic that would significantly affect levels of service or congestion. Traffic in the vicinity of each affected facility will not be affected during operation. Facilities would not be expected to generate any new trips because no new permanent employees are expected to be required to operate the water spray system.

Thus, impact to existing traffic, level of service and parking capacity is not expected to substantially worsen by the proposed project.

XVII. c): Air traffic patterns are not expected to be directly or indirectly affected by the proposed project because water spray systems do not require transport by air nor

will operation of existing affected facilities interfere with air traffic in any way. All applicable local, state and federal requirements would continue to be complied with so no increase in any safety risks is expected.

XVII. d), e): PAR 1158 does not have direct or indirect impacts on specific traffic design features because the proposed project does not require or induce the construction of any roadways or other transportation design features. In addition, PAR 1158 would not substantially change current operations at existing affected facilities, which would also not affect roadway design.

XVII. g): Affected facilities would still be expected to comply with, and not interfere with adopted policies, plans, or programs supporting alternative transportation. Since no new additional permanent employees are needed to operate in compliance, PAR 1158 will not hinder compliance with any applicable alternative transportation plans or policies.

Based on the above consideration, significant adverse impacts to transportation/circulation are not expected from implementing PAR 1158. Since there are no significant adverse impacts, no mitigation measures are required.

	Potentially Significant Impact	Less Than Significant Impact	No Impact
XVIII. 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?	☐	☐	☑
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)			
c)	Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☑

Discussion

XVIII. a): As discussed in items I through XVII above, PAR 1158 is expected to continue to reduce PM emissions during storage, handling and transport of coal, coke and sulfur. Therefore, the proposed project is beneficial to air quality and the environment. Because PAR 1158 would not require acquisition of land and because it would not require major construction activities at the three existing affected facilities, PAR 1158 is not expected 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. Similarly, PAR 1158 would not eliminate important examples of the major periods of California history or prehistory or otherwise degrade cultural resources because the proposed project is expected to affect existing facilities that have already been disrupted due to past construction and operation of the facility.

XVIII.b) Since PAR 1158 are not expected to generate potentially significant adverse project-specific construction or operational impacts to any environmental topic areas evaluated in this checklist, the proposed project's contribution to potentially significant adverse cumulative impacts during construction or operation is rendered less than cumulatively considerable and, thus, is not cumulatively significant (CEQA Guidelines §15064(h)(2)).

XVIII.c) Based on the foregoing analyses, PAR 1158 are not expected to cause significant permanent adverse effects on human beings, either directly, or indirectly. There is a potential for temporary adverse air quality impacts during construction activities to deliver and install water spray systems. However, these impacts were concluded to be less than significant and would terminate after installation of the water spray system is completed.

APPENDIX A

PROPOSED AMENDED RULE 1158

In order to save space and avoid repetition, please refer to the latest version of the PAR 1158 located elsewhere in the final rule package. The PAR 1158 version O of the proposed amended rule circulated with the Draft EA released on May 14, 2008 for a 30-day public review and comment period ending June 12, 2008 has been updated but, as noted in the preface, the changes do not require the EA to be recirculated.

Original hard copies of the Draft EA, which include PAR 1158 version O of the proposed amended rule circulated with the Draft EA, can be obtained through the SCAQMD Public Information Center at the Diamond Bar headquarters or by calling (909) 396-2039.

APPENDIX B

CONSTRUCTION EMISSION CALCULATIONS

Construction Activity - Water Spray System Delivery

Construction Activity
Equipment Delivery and Unloading

Construction Schedule 1 day

Equipment Type[a,b]	**No. of Equipment**	**hr/day**	**Crew Size**
Forklifts	1	2.0	2

Construction Equipment Combustion Emission Factors

	CO	**NOx**	**PM10**	**VOC**	**SOx**	**CO2**
Equipment Type[b,c]	lb/hr	lb/hr	lb/hr	lb/hr	lb/hr	lb/hr
Forklifts	0.250	0.643	0.035	0.086	0.001	54.4

Construction Vehicle (Mobile Source) Emission Factors

	CO	**NOx**	**PM10**	**VOC**	**SOx**	**CO2**
	lb/mile	lb/mile	lb/mile	lb/mile	lb/mile	lb/mile
Delivery Truck[d]	0.02194915	0.02371258	0.00085607	0.00299270	0.00002565	2.719434
Passenger Vehicle[d]	0.01054844	0.00110288	0.00008505	0.00107919	0.00001075	1.09953226

Number of Trips and Trip Length

Vehicle	**No. of One-Way Trips/Day**	**One Way Trip Length (miles)**
Delivery Truck[e]	1	20
Worker Vehicles	2	10

Construction Activity - Water Spray System Delivery

Incremental Increase from On-Site Equipment

Equation: Emission Factor (lb/hr) x No. of Equipment x Work Day (hr/day) = Onsite Construction Emissions (lb/day)

	CO	NOx	PM10	VOC	SOx	CO2
Equipment Type	lb/day	lb/day	lb/day	lb/day	lb/day	lb/day
Forklifts	0.50	1.29	0.07	0.17	0.00	109
Total	**0.50**	**1.29**	**0.07**	**0.17**	**0.00**	**109**

Incremental Increase in Onsite Combustion Emissions from Onroad Mobile Vehicles

Equation: Emission Factor (lb/mile) x No. of One-Way Trips/Day x 2 x Trip length (mile) = Mobile Emissions (lb/day)

	CO	NOx	PM10	VOC	SOx	CO2
Vehicle	lb/day	lb/day	lb/day	lb/day	lb/day	lb/day
Delivery Truck	0.878	0.949	0.0342	0.1197	0.0010	109
Worker Vehicles	0.422	0.044	0.0034	0.0432	0.0004	44
Total	**1.30**	**0.99**	**0.04**	**0.16**	**0.00**	**153**

Total Incremental Combustion Emissions from Construction Activities

	CO	NOx	PM10	VOC	SOx	CO2
Sources	lb/day	lb/day	lb/day	lb/day	lb/day	lb/day
Daily Emissions	**1.8**	**2.3**	**0.1**	**0.3**	**0.003**	**262**
Annual Emissions	**1.8**	**2**	**0.1**	**0**	**0.003**	**262**

Combustion and Fugitive Summary	**PM2.5 Fraction**[f]	**PM10**	**PM2.5**
		lb/day	lb/day
Combustion, Offroad	0.92	0.1	0.1
Combustion, Onroad	0.964	0.0	0.04
Total, lb/project		**0.1**	**0.1**
		0.1	**0.1**

Construction Activity - Water Spray System Delivery

Notes:

a) SCAQMD, staff estimation

b) Equipment name must match CARB Off-Road Model (see Off-Road Model EF worksheet) equipment name for sheet to look up EFs automatically.

c) District values provided by the CARB, Aug 2004. Assumed equipment is diesel fueled.

d) CARB, EMFAC2007 for Scenario year 2008 as summarized on SCAQMD website at http://www.aqmd.gov/ceqa/handbook/onroad/onroadEF07_26.xls

e) Assumed delivery truck travels 20 miles one-way

f) CARB's CEIDARS database PM2.5 fractions - http://www.aqmd.gov/ceqa/handbook/PM2_5/finalAppA.doc

Construction Activity - Water Spray System Installation

Construction Activity
Installation of One Water Spray System

Construction Schedule 1 day

Equipment Type[a,b]	No. of Equipment	hr/day	Crew Size
Forklifts	1	8.0	4
Welder	1	8.0	
Generator Sets	1	8.0	

Construction Equipment Combustion Emission Factors

Equipment Type[b,c]	CO	NOx	PM10	VOC	SOx	CO2
	lb/hr	lb/hr	lb/hr	lb/hr	lb/hr	lb/hr
Forklifts	0.250	0.643	0.035	0.086	0.001	54.4
Welder	0.234	0.319	0.030	0.092	0.000	25.6
Generator Sets	0.355	0.725	0.045	0.113	0.001	61.0

Construction Vehicle (Mobile Source) Emission Factors

	CO	NOx	PM10	VOC	SOx	CO2
	lb/mile	lb/mile	lb/mile	lb/mile	lb/mile	lb/mile
Passenger Vehicle[d]	0.01054844	0.00110288	0.00008505	0.00107919	0.00001075	1.09953226

Number of Trips and Trip Length

Vehicle	No. of One-Way Trips/Day	One Way Trip Length (miles)
Worker Vehicles	4	10

Construction Activity - Water Spray System Installation

Incremental Increase from On-Site Equipment

Equation: Emission Factor (lb/hr) x No. of Equipment x Work Day (hr/day) = Onsite Construction Emissions (lb/day)

	CO	NOx	PM10	VOC	SOx	CO2
Equipment Type	lb/day	lb/day	lb/day	lb/day	lb/day	lb/day
Forklifts	2.00	5.14	0.28	0.69	0.005	435
Welder	1.87	2.55	0.24	0.73	0.002	205
Generator Sets	2.84	5.80	0.36	0.90	0.006	488
Total	**6.71**	**13.50**	**0.87**	**2.33**	**0.013**	**1,128**

Incremental Increase in Onsite Combustion Emissions from Onroad Mobile Vehicles

Equation: Emission Factor (lb/mile) x No. of One-Way Trips/Day x 2 x Trip length (mile) = Mobile Emissions (lb/day)

	CO	NOx	PM10	VOC	SOx	CO2
Vehicle	lb/day	lb/day	lb/day	lb/day	lb/day	lb/day
Worker Vehicles	0.844	0.088	0.0068	0.0863	0.0009	88
Total	**0.84**	**0.09**	**0.01**	**0.09**	**0.00**	**88**

Total Incremental Combustion Emissions from Construction Activities

	CO	NOx	PM10	VOC	SOx	CO2
Sources	lb/day	lb/day	lb/day	lb/day	lb/day	lb/day
Daily Emissions	**7.6**	**13.6**	**0.9**	**2.4**	**0.014**	**1,216**
Annual Emissions	**7.6**	**14**	**0.9**	**2**	**0.014**	**1,216**

Combustion and Fugitive Summary	**PM2.5 Fraction**[e]	**PM10**	**PM2.5**
		lb/day	lb/day
Combustion, Offroad	0.92	0.9	0.8
Combustion, Onroad	0.964	0.0	0.01
Total, lb/project		**0.9**	**0.8**
		0.9	**0.8**

Construction Activity - Water Spray System Installation

Notes:

a) SCAQMD, staff estimation

b) Equipment name must match CARB Off-Road Model (see Off-Road Model EF worksheet) equipment name for sheet to look up EFs automatically.

c) District values provided by the CARB, Aug 2004. Assumed equipment is diesel fueled.

d) CARB, EMFAC2007 for Scenario year 2008 as summarized on SCAQMD website at http://www.aqmd.gov/ceqa/handbook/onroad/onroadEF07_26.xls

e) CARB's CEIDARS database PM2.5 fractions - http://www.aqmd.gov/ceqa/handbook/PM2_5/finalAppA.doc

Construction Activity - Installing Underground Water Piping

Construction Activity
Trenching/Paving Activity - Installing an Underground Water Piping

Construction Schedule 1 day

Equipment Type[a,b]	No. of Equipment	hr/day	Crew Size
Pavers	1	4.0	6
Paving Equipment	1	4.0	
Trenchers	1	3.0	
Rollers	1	2.0	
Cement And Mortar Mixers	1	3.0	

Construction Equipment Combustion Emission Factors

Equipment Type[c]	CO	NOx	PM10	VOC	SOx	CO2
	lb/hr	lb/hr	lb/hr	lb/hr	lb/hr	lb/hr
Pavers	0.600	1.129	0.080	0.206	0.001	77.9
Paving Equipment	0.469	1.033	0.071	0.156	0.001	69.0
Trenchers	0.517	0.858	0.071	0.194	0.001	58.7
Rollers	0.442	0.907	0.063	0.141	0.001	67.1
Cement And Mortar Mixers	0.046	0.069	4.000	0.012	0.000	7.2

Construction Vehicle (Mobile Source) Emission Factors

	CO	NOx	PM10	VOC	SOx	CO2
	lb/mile	lb/mile	lb/mile	lb/mile	lb/mile	lb/mile
Passenger Vehicle[d]	0.01054844	0.00110288	0.00008505	0.00107919	0.00001075	1.09953226

Number of Trips and Trip Length

Vehicle	No. of One-Way Trips/Day	One Way Trip Length (miles)
Worker Vehicles	6	10

Construction Activity - Installing Underground Water Piping

Incremental Increase from On-Site Equipment

Equation: Emission Factor (lb/hr) x No. of Equipment x Work Day (hr/day) = Onsite Construction Emissions (lb/day)

	CO	NOx	PM10	VOC	SOx	CO2
Equipment Type	lb/day	lb/day	lb/day	lb/day	lb/day	lb/day
Pavers	2.40	4.52	0.32	0.82	0.00	312
Paving Equipment	1.88	4.13	0.28	0.62	0.00	276
Trenchers	1.55	2.57	0.21	0.58	0.00	176.10
Rollers	0.88	1.81	0.13	0.28	0.00	134
Cement And Mortar Mixers	0.14	0.21	12.00	0.04	0.00	22
Total	**6.85**	**13.25**	**12.94**	**2.35**	**0.01**	**898**

Incremental Increase in Onsite Combustion Emissions from Onroad Mobile Vehicles

Equation: Emission Factor (lb/mile) x No. of One-Way Trips/Day x 2 x Trip length (mile) = Mobile Emissions (lb/day)

	CO	NOx	PM10	VOC	SOx	CO2
Vehicle	lb/day	lb/day	lb/day	lb/day	lb/day	lb/day
Worker Vehicles	1.266	0.132	0.0102	0.1295	0.0013	132
Total	**1.27**	**0.13**	**0.01**	**0.13**	**0.00**	**132**

Total Incremental Combustion Emissions from Construction Activities

	CO	NOx	PM10	VOC	SOx	CO2
Sources	lb/day	lb/day	lb/day	lb/day	lb/day	lb/day
Daily Emissions	**8.1**	**13.4**	**13.0**	**2.5**	**0.013**	**1,030**
Annual Emissions	**8.1**	**13**	**13.0**	**2**	**0.013**	**1,030**

Combustion and Fugitive Summary	**PM2.5 Fraction[f]**	**PM10**	**PM2.5**
		lb/day	lb/day
Combustion, Offroad	0.92	12.9	11.9
Combustion, Onroad	0.964	0.0	0.01
Total, lb/project		**13.0**	**11.9**
		13.0	**11.9**

Construction Activity - Installing Underground Water Piping

Notes:

a) SCAQMD, staff estimation

b) Equipment name must match CARB Off-Road Model (see Off-Road Model EF worksheet) equipment name for sheet to look up EFs automatically.

c) District values provided by the CARB, Aug 2004. Assumed equipment is diesel fueled.

d) CARB, EMFAC2007 for Scenario year 2008 as summarized on SCAQMD website at http://www.aqmd.gov/ceqa/handbook/onroad/onroadEF07_26.xls

e) Assumed haul truck travels 20 miles one-way

f) CARB's CEIDARS database PM2.5 fractions - http://www.aqmd.gov/ceqa/handbook/PM2_5/finalAppA.doc

Construction Activity - Installing New Foundation for Rail Tracks

Construction Activity
Installation of New Foundation For Rail Tracks (Under Water Spray System)

Construction Schedule 1 day

Equipment Type[a,b]	No. of Equipment	hr/day	Crew Size
Pavers	1	4.0	6
Paving Equipment	1	4.0	
Forklift	1	3.0	
Rollers	1	2.0	
Cement And Mortar Mixers	1	3.0	

Construction Equipment Combustion Emission Factors

Equipment Type[c]	CO	NOx	PM10	VOC	SOx	CO2
	lb/hr	lb/hr	lb/hr	lb/hr	lb/hr	lb/hr
Pavers	0.600	1.129	0.080	0.206	0.001	77.9
Paving Equipment	0.469	1.033	0.071	0.156	0.001	69.0
Forklift	0.250	0.643	0.035	0.086	0.001	54.5
Rollers	0.442	0.907	0.063	0.141	0.001	67.1
Cement And Mortar Mixers	0.046	0.069	4.000	0.012	0.000	7.2

Construction Vehicle (Mobile Source) Emission Factors

	CO	NOx	PM10	VOC	SOx	CO2
	lb/mile	lb/mile	lb/mile	lb/mile	lb/mile	lb/mile
Passenger Vehicle[d]	0.01054844	0.00110288	0.00008505	0.00107919	0.00001075	1.09953226

Number of Trips and Trip Length

Vehicle	No. of One-Way Trips/Day	One Way Trip Length (miles)
Worker Vehicles	6	10

Construction Activity - Installing New Foundation for Rail Tracks

Incremental Increase from On-Site Equipment

Equation: Emission Factor (lb/hr) x No. of Equipment x Work Day (hr/day) = Onsite Construction Emissions (lb/day)

	CO	NOx	PM10	VOC	SOx	CO2
Equipment Type	lb/day	lb/day	lb/day	lb/day	lb/day	lb/day
Pavers	2.40	4.52	0.32	0.82	0.00	312
Paving Equipment	1.88	4.13	0.28	0.62	0.00	276
Forklift	0.75	1.93	0.11	0.26	0.00	163.50
Rollers	0.88	1.81	0.13	0.28	0.00	134
Cement And Mortar Mixers	0.14	0.21	12.00	0.04	0.00	22
Total	**6.05**	**12.60**	**12.83**	**2.02**	**0.01**	**885**

Incremental Increase in Onsite Combustion Emissions from Onroad Mobile Vehicles

Equation: Emission Factor (lb/mile) x No. of One-Way Trips/Day x 2 x Trip length (mile) = Mobile Emissions (lb/day)

	CO	NOx	PM10	VOC	SOx	CO2
Vehicle	lb/day	lb/day	lb/day	lb/day	lb/day	lb/day
Worker Vehicles	1.266	0.132	0.0102	0.1295	0.0013	132
Total	**1.27**	**0.13**	**0.01**	**0.13**	**0.00**	**132**

Total Incremental Combustion Emissions from Construction Activities

	CO	NOx	PM10	VOC	SOx	CO2
Sources	lb/day	lb/day	lb/day	lb/day	lb/day	lb/day
Daily Emissions	**7.3**	**12.7**	**12.8**	**2.2**	**0.013**	**1,017**
Annual Emissions	**7.3**	**13**	**12.8**	**2**	**0.013**	**1,017**

Combustion and Fugitive Summary	**PM2.5 Fraction[f]**	**PM10**	**PM2.5**
		lb/day	lb/day
Combustion, Offroad	0.92	12.8	11.8
Combustion, Onroad	0.964	0.0	0.01
Total, lb/project		**12.8**	**11.8**
		12.8	**11.8**

Construction Activity - Installing New Foundation for Rail Tracks

Notes:

a) SCAQMD, staff estimation

b) Equipment name must match CARB Off-Road Model (see Off-Road Model EF worksheet) equipment name for sheet to look up EFs automatically.

c) District values provided by the CARB, Aug 2004. Assumed equipment is diesel fueled.

d) CARB, EMFAC2007 for Scenario year 2008 as summarized on SCAQMD website at http://www.aqmd.gov/ceqa/handbook/onroad/onroadEF07_26.xls

e) Assumed haul truck travels 20 miles one-way

f) CARB's CEIDARS database PM2.5 fractions - http://www.aqmd.gov/ceqa/handbook/PM2_5/finalAppA.doc

Construction Activity - Off Road 2007 Emission Factors

Installation of One Water Spray System

Equipment	CO lb/hr	NOX lb/hr	PM lb/hr	ROG lb/hr	SOX lb/hr	CO2 lb/hr	Fuel Use, gal/hr
Aerial Lifts	0.2253	0.4026	0.0279	0.0781	0.0004	34.7	
Air Compressors	0.3872	0.8302	0.0579	0.1285	0.0007	63.6	
Bore/Drill Rigs	0.5388	1.4734	0.0648	0.1457	0.0017	165.0	
Cement and Mortar Mixers	0.0455	0.0693	4.0000	0.0120	0.0001	7.2	0.33
Concrete/Industrial Saws	0.4487	0.7639	0.0640	0.1561	0.0007	58.5	
Cranes	0.6365	1.6948	0.0755	0.1882	0.0014	128.7	9.82
Crawler Tractors	0.7090	1.6218	0.0988	0.2180	0.0013	114.0	
Crushing/Proc. Equipment	0.7817	1.6553	0.1048	0.2499	0.0015	132.3	
Dumpers/Tenders	0.0383	0.0709	0.0049	0.0137	0.0001	7.6	
Excavators	0.5977	1.4225	0.0776	0.1816	0.0013	119.6	
Forklifts	0.2495	0.6430	0.0346	0.0861	0.0006	54.4	2.48
Generator Sets	0.3549	0.7249	0.0446	0.1130	0.0007	61.0	2.79
Graders	0.6712	1.7198	0.0886	0.2055	0.0015	132.7	6.06
Off-Highway Tractors	0.9270	2.2742	0.1107	0.2692	0.0017	151.5	
Off-Highway Trucks	0.9133	2.9144	0.1056	0.2881	0.0027	260.1	
Other Construction Equipment	0.4749	1.2411	0.0539	0.1311	0.0013	122.8	
Other General Industrial Equipmen	0.6987	1.9012	0.0850	0.2111	0.0016	152.2	
Other Material Handling Equipment	0.6298	1.8362	0.0819	0.2038	0.0015	141.2	
Pavers	0.6000	1.1291	0.0799	0.2062	0.0009	77.9	3.59
Paving Equipment	0.4693	1.0333	0.0708	0.1556	0.0008	69.0	3.16
Plate Compactors	0.0263	0.0351	0.0025	0.0054	0.0001	4.3	
Pressure Washers	0.0705	0.1079	0.0081	0.0235	0.0001	9.4	
Pumps	0.3243	0.6224	0.0439	0.1090	0.0006	49.6	
Rollers	0.4419	0.9073	0.0629	0.1410	0.0008	67.1	3.07
Rough Terrain Forklifts	0.4928	0.9631	0.0800	0.1576	0.0008	70.3	
Rubber Tired Dozers	1.6950	3.4143	0.1474	0.3789	0.0025	239.1	
Rubber Tired Loaders	0.5552	1.3821	0.0768	0.1730	0.0012	108.6	5.06
Scrapers	1.5249	3.3991	0.1465	0.3677	0.0027	262.5	10.74
Signal Boards	0.0972	0.1806	0.0115	0.0254	0.0002	16.7	
Skid Steer Loaders	0.2735	0.3375	0.0326	0.0981	0.0004	30.3	
Surfacing Equipment	0.7654	1.8498	0.0712	0.1864	0.0017	166.0	
Sweepers/Scrubbers	0.5672	1.0277	0.0819	0.1963	0.0009	78.5	
Tractors/Loaders/Backhoes	0.4142	0.8303	0.0639	0.1307	0.0008	66.8	3.41
Trenchers	0.5171	0.8578	0.0714	0.1942	0.0007	58.7	
Welders	0.2336	0.3191	0.0297	0.0917	0.0003	25.6	

Equipment	gal/hr
Pavers	3.59
Rollers	3.07
Scrapers	10.74
Paving Equi	3.16
Cement and	0.33
Cranes	9.82
Graders	6.06
Rubber Tire	5.06
Tractors/Loa	3.41
Forklifts	2.48
Generator S	2.79

APPENDIX C

COMMENT LETTERS ON THE DRAFT EA AND RESPONSES TO THE COMMENTS

STATE OF CALIFORNIA — Arnold Schwarzenegger, Governor

NATIVE AMERICAN HERITAGE COMMISSION
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May 23, 2008

Dr. Steve Smith, Ph.D., Program Supervisor
SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
21865 Copley Drive
Diamond Bar, CA 91765-4178

Re: SCH#2008051060; CEQA Notice of Completion; Draft Environmental Assessment – NEPA (EA) for Proposed Amended Rule 1158 – Storage, Handling of Coke, Coal, and Sulfur for Orange and non-desert portions of Los Angeles, Riverside, San Bernardino Counties and portions of the Salton Sea Air Basin and the Mojave Desert Air Basin, California

Dear Dr. Smith:

1-1 The Native American Heritage Commission is the state agency designated to protect California's Native American Cultural Resources. The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the California Code of Regulations §15064.5(b)(c (CEQA guidelines). Section 15382 of the 2007 CEQA Guidelines defines a significant impact on the environment as "a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance." In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE)', and if so, to mitigate that effect. To adequately assess the project-related impacts on historical resources, the Commission recommends the following action:

1-2 √ Contact the appropriate California Historic Resources Information Center (CHRIS) for possible 'recorded sites' in locations where the development will or might occur.. Contact information for the Information Center nearest you is available from the State Office of Historic Preservation (916/653-7278)/ http://www.ohp.parks.ca.gov. The record search will determine:

- If a part or the entire APE has been previously surveyed for cultural resources.
- If any known cultural resources have already been recorded in or adjacent to the APE.
- If the probability is low, moderate, or high that cultural resources are located in the APE.
- If a survey is required to determine whether previously unrecorded cultural resources are present.

1-3 √ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.

- The final report containing site forms, site significance, and mitigation measurers should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for pubic disclosure.
- The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.

1-4 √ Contact the Native American Heritage Commission (NAHC) for:

- A Sacred Lands File (SLF) search of the project area and information on tribal contacts in the project vicinity that may have additional cultural resource information. Please provide this office with the following citation format to assist with the Sacred Lands File search request: USGS 7.5-minute quadrangle citation with name, township, range and section; .
- The NAHC advises the use of Native American Monitors to ensure proper identification and care given cultural resources that may be discovered. The NAHC recommends that contact be made with Native American Contacts on the attached list to get their input on potential project impact (APE). In some cases, the existence of a Native American cultural resources may be known only to a local tribe(s).

1-5 √ Lack of surface evidence of archeological resources does not preclude their subsurface existence.

- Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
- A culturally-affiliated Native American tribe may be the only source of information about a Sacred Site/Native American cultural resource.

1-5 cont.

- Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.

1-6

√ Lead agencies should include provisions for discovery of Native American human remains or unmarked cemeteries in their mitigation plans.

- CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens.

1-7

√ Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the California Code of Regulations (CEQA Guidelines) mandate procedures to be followed, including that construction or excavation be stopped in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery until the county coroner or medical examiner can determine whether the remains are those of a Native American. . Note that §7052 of the Health & Safety Code states that disturbance of Native American cemeteries is a felony.

1-8

√ Lead agencies should consider avoidance, as defined in §15370 of the California Code of Regulations (CEQA Guidelines), when significant cultural resources are discovered during the course of project planning and implementation

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,

Dave Singleton
Program Analyst

Attachment: List of Native American Contacts

Cc: State Clearinghouse

Native American Contacts
Los Angeles, Riverside, San Bernardino, Orange (and portions of Mojave Desert and Salton Sea Air Basin) Counties
May 23, 2008

Cabazon Band of Mission Indians
John A. James, Chairperson
84-245 Indio Springs Parkway Cahuilla
Indio , CA 92203-3499
(760) 342-2593
(760) 347-7880 Fax

Ramona Band of Cahuilla Mission Indians
Joseph Hamilton, vice chairman
P.O. Box 391670 Cahuilla
Anza , CA 92539
admin@ramonatribe.com
(951) 763-4105
(951) 763-4325 Fax

Cahuilla Band of Indians
Anthony Madrigal, Jr., Chairperson
P.O. Box 391760 Cahuilla
Anza , CA 92539
tribalcouncil@cahuilla.net
(951) 763-2631

(951) 763-2632 Fax

San Manuel Band of Mission Indians
James Ramos, Chairperson
26569 Community Center Drive Serrano
Highland , CA 92346
(909) 864-8933
(909) 864-3724 - FAX
(909) 864-3370 Fax

Los Coyotes Band of Mission Indians
Katherine Saubel, Spokesperson
P.O. Box 189 Cahuilla
Warner , CA 92086
loscoyotes@earthlink.net
(760) 782-0711
(760) 782-2701 - FAX

Torres-Martinez Desert Cahuilla Indians
Raymond Torres, Chairperson
PO Box 1160 Cahuilla
Thermal , CA 92274
(760) 397-0300
(760) 397-8146 Fax

Pechanga Band of Mission Indians
Paul Macarro, Cultural Resource Center
P.O. Box 1477 Luiseno
Temecula , CA 92593
(951) 308-9295 Ext 8106
(951) 676-2768
(951) 506-9491 Fax

Twenty-Nine Palms Band of Mission Indians
Mike Darrell, Chairperson
46-200 Harrison Place Chemehuevi
Coachella , CA 92236
tribal-epa@worldnet.att.net
(760) 775-5566
(760) 775-4639 Fax

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Native American Contacts
Los Angeles, Riverside, San Bernardino, Orange (and portions of Mojave Desert and Salton Sea Air Basin) Counties
May 23, 2008

Alvino Siva
2034 W. Westward
Banning , CA 92220
(951) 849-3450
Cahuilla

Ti'At Society
Cindi Alvitre
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Long Beach , CA 90803
calvitre@yahoo.com
(714) 504-2468 Cell
Gabrielino

Joseph R. Benitez (Mike)
P.O. Box 1829
Indio , CA 92201
(760) 347-0488
Chemehuevi

Juaneno Band of Mission Indians Acjachemen Nation
David Belardes, Chairperson
31742 Via Belardes
San Juan Capistrano , CA 92675
DavidBelardes@hotmail.com
(949) 493-0959
(949) 493-1601 Fax
Juaneno

Chemehuevi Reservation
Charles Wood, Chairperson
P.O. Box 1976
Chemehuevi Valley , CA 92363
chemehuevit@yahoo.com
(760) 858-4301
(760) 858-5400 Fax
Chemehuevi

Colorado River Reservation
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Route 1, Box 23-B
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symi@rraz.net
(928) 669-9211
(928) 669-5675 Fax
Mojave
Chemehuevi

Fort Mojave Indian Tribe
Tim Williams, Chairperson
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Needles , CA 92363
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(760) 629-5767 Fax
Mojave

San Fernando Band of Mission Indians
John Valenzuela, Chairperson
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Newhall , CA 91322
tsen2u@msn.com
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(760) 885-0955 Cell
(760) 949-1604 Fax
Fernandeño
Tataviam
Serrano
Vanyume
Kitanemuk

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Native American Contacts
Los Angeles, Riverside, San Bernardino, Orange (and portions of Mojave Desert and Salton Sea Air Basin) Counties
May 23, 2008

Torres-Martinez Desert Cahuilla Indians
Ernest Morreo
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Thermal , CA 92274
maxtm@aol.com
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(760) 397-8146 Fax

Santa Rosa Band of Mission Indians
John Marcus, Chairman
P.O. Box 609 Cahuilla
Hemet , CA 92546
srtribaloffice@aol.com
(951) 658-5311
(951) 658-6733 Fax

Fort Yuma Quechan Indian Nation
Mike Jackson, Sr., President
PO Box 1899 Quechan
Yuma , AZ 85366
qitpres@quechantribe.com
(760) 572-0213
(760) 572-2102 FAX

Augustine Band of Cahuilla Mission Indians
Mary Ann Green, Chairperson
P.O. Box 846 Cahuilla
Coachella , CA 92236
(760) 369-7171
760-369-7161

Gabrieleno/Tongva San Gabriel Band of Mission
Anthony Morales, Chairperson
PO Box 693 Gabrielino Tongva
San Gabriel , CA 91778
ChiefRBwife@aol.com
(626) 286-1632
(626) 286-1758 - Home
(626) 286-1262 Fax

Gabrielino/Tongva Council / Gabrielino Tongva Nation
Sam Dunlap, Tribal Secretary
761 Terminal Street; Bldg 1, 2nd floor Gabrielino Tongva
Los Angeles , CA 90021
office @tongvatribe.net
(213) 489-5001 - Office
(909) 262-9351 - cell
(213) 489-5002 Fax

AhaMaKav Cultural Society, Fort Mojave Indian Tribe
Linda Otero, Director
P.O. Box 5990 Mojave
Mohave Valley , AZ 86440
ahamakav@citlink.net
(928) 768-4475
(928) 768-7996 Fax

Juaneno Band of Mission Indians Acjachemen Nation
Anthony Rivera, Chairman
31411-A La Matanza Street Juaneno
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949-488-3484
949-488-3294 Fax

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Native American Contacts
Los Angeles, Riverside, San Bernardino, Orange (and portions of Mojave Desert and Salton Sea Air Basin) Counties
May 23, 2008

Morongo Band of Mission Indians
Michael Contreras, Cultural Heritage Prog. Manager
13000 Field Road
Cabazon , CA 92230
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(951)201-1866 - cell
(951) 922-0105 Fax
Cahuilla
Serrano

Cabazon Band of Mission Indians
Judy Stapp, Director of Cultural Affairs
84-245 Indio Springs Parkway
Indio , CA 92203-3499
lweaver@cabazonindians.org
(760) 342-2593
(760) 347-7880 Fax
Cahuilla

San Manuel Band of Mission Indians
Ann Brierty, Environmantal Department
101 Pure Water Lane
Highland , CA 92346
abrierty@sanmanuel-nsn.gov
(909) 863-5899 EXT-4321
(909) 862-5152 Fax
Serrano

Juaneno Band of Mission Indians Acjachemen Natic
Joyce Perry , Tribal Manager & Cultural Resources
31742 Via Belardes
San Juan Capistrano , CA 92675
kaamalam@cox.net
(949) 493-0959
(949) 293-8522 Cell
(949) 493-1601 Fax
Juaneno

Torres-Martinez Desert Cahuilla Indians
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Thermal , CA 92274
cultural_monitor@yahoo.com
760) 397-0300
(760) 275-2686-CELL
(760) 397-8146 Fax
Cahuilla

Fort Mojave Indian Tribe
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(760) 629-5767 Fax
Mojave

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Cahuilla

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Serrano

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Native American Contacts
Los Angeles, Riverside, San Bernardino, Orange (and portions of Mojave Desert and Salton Sea Air Basin) Counties
May 23, 2008

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Erica Helms, Cultural Resources Manager
P.O. Box 487 Luiseno
San Jacinto , CA 92581
dhill@soboba-nsn.gov
(951) 654-2765
FAX: (951) 654-4198

Juaneno Band of Mission Indians
Joe Ocampo, Chairperson
1108 E. 4th Street Juaneno
Santa Ana , CA 92701
(714) 547-9676
(714) 623-0709-cell

Agua Caliente Band of Cahuilla Indians THPO
Richard Begay, Tribal Historic Perservation Officer
5401 Dinah Shore Drive Cahuilla
Palm Springs , CA 92264
rbegay@aguacaliente.net
(760) 325-3400 Ext 6906
(760) 699-6800
(760) 699-6925- Fax

Fort Mojave Indian Tribe
Esadora Evanston, Environmental Coordinator
500 Merriman Ave Mojave
Needles , CA 92363
region9epa@ftmojave.com
(760) 326-1112
(760) 629-4591
(760) 629-5767 Fax

Sonia Johnston, Tribal Vice Chairperson
Juaneño Band of Mission Indians
P.O. Box 25628 Juaneno
Santa Ana , CA 92799
sonia.johnston@sbcglobal.net
(714) 323-8312

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Responses to Draft EA Comment Letter #1

Native American Heritage Commission
Dave Singleton

May 23, 2008

Response 1-1

The SCAQMD staff is aware of the requirements of CEQA Guidelines §15064.5 as well as all other relevant CEQA requirements. The proposed amendments to Rule 1158 will primarily clarify rule definitions and rule applicability. Operators of existing affected facilities that receive coal rail cars from outside of California may be required to perform minor construction activities (that is, major site preparation such as grading, trenching, etc., will not be necessary) to comply with the proposed project. As stated on page 2-20 of the Draft Environmental Assessment (EA) for the proposed amended Rule (PAR) 1158, potential significant adverse impacts on cultural resources are not anticipated. This conclusion is based on the fact that the proposed project might require minor construction activities that would not affect cultural resources because the activities would occur at sites already substantially disturbed. There are existing laws in place that are designed to protect and mitigate potential impacts to cultural resources. Disturbance of cultural resources are likely to occur during construction and site preparation of a project. Since construction-related activities associated with the implementation of PAR 1158 are expected to occur in areas where ground surface has already been disturbed, no impacts to historical or cultural resources are anticipated to occur as a result of implementing the proposed project.

PAR 1158 is not expected to require major physical changes to the environment, which may cause a substantial adverse change to a historical, archaeological resource, directly or indirectly destroy a unique paleontological resource or site or unique geologic feature, or disturb any human remains, including those interred outside a formal cemetery. Based upon these considerations, significant adverse cultural resources impacts are not expected from the implementation of PAR 1158.

Response 1-2

The storage and handling of coke, coal and sulfur operations subject to PAR 1158 are expected to take place within the boundaries of existing facilities. In addition, since no major construction activities are required to comply with the proposed project, no extensive subsurface activities in or surrounding the property are anticipated, which would have an effect on cultural resources or Native American remains. Facilities in which the storage and handling of coke, coal and sulfur operations take place could be

listed in the National Register of Historic Places, California Historical Landmarks, California State Historic Resources Inventory, California Points of Historical Interest, and/or Los Angeles County Landmarks, but since the proposed project involves existing facilities and is expected to result in minor construction, it would have no effect on the overall physical property or potential landmark status. Thus, the proposed project will not cause an adverse direct or indirect change in the significance of a resource listed in the California Register of Historical Resources or in a local register of historical resources.

Response 1-3

An archaeological inventory survey is not expected to be required for the proposed project. See Responses 1-1 and 1-2 for reasons why a survey was not required.

Response 1-4

As noted in Response 1-1, additional archaeological investigations are not expected to be required because the proposed project would not require major construction or grading activities that could affect cultural resources, so it is not necessary to contact the Native American Heritage Commission. The SCAQMD emailed the Notice of Completion to the attached Native American Contacts when the Draft EA was released, so they are aware of the proposed project and the facilities affected by the proposed project. No comment letters on the Draft EA were received from any of the Native American Contacts.

Response 1-5

While lack of evidence of archeological resources does not preclude their subsurface existence, the proposed project does not require extensive subsurface excavation activities, which would discover or otherwise adversely affect any cultural or archaeological resources, at affected coke, coal and sulfur operations. Thus, as concluded on page 2-20 of the Draft EA for the PAR 1158, no impacts to cultural resources were determined to result from the proposed project. As a result, no further analysis of cultural resources in the Final EA is required.

Response 1-6

There are standard procedures for encountering any archaeological, Native American or cultural resources on-site. Compliance with all local, state and federal regulations (and notifications) will be required to take place in the event of an accidental discovery of any

cultural or historic resources. However, with regard to the potential for discovery of Native American remains resulting from the proposed project, refer to Responses 1-1, 1-2 and 1-5.

As stated in Responses 1-1, 1-2 and 1-5, the proposed project does not require extensive subsurface excavation activities at affected coke, coal and sulfur operations, which would discover any presence of Native American human remains. Therefore, agreements with Native Americans to assure appropriate treatment of Native American human remains are not necessary.

Response 1-7

As noted in Responses 1-1, 1-2 and 1-5, discovery of human remains relative to the proposed project is not likely since the proposed project would not require major construction or grading activities that could affect cultural resources. However, it should be noted that Public Resources Code 5097.98-99 and Health and Safety Code 7050.5 requires activities to cease to prevent further disturbance if human remains are unearthed until the County Coroner has made the necessary findings with respect to origin and disposition.

Response 1-8

CEQA Guidelines §15370(a) defines avoidance as: "Avoiding the impact altogether by not taking a certain action or parts of an action." As stated on page 2-20 of the Draft EA, the presence or likely presence of Native American human remains was not identified as a potential significant impact. See also Responses 1-1, 1-2 and 1-5. Therefore, it is not necessary to implement avoidance measures relative to cultural resources by not taking a certain action or parts of an action.

METROPOLITAN
STEVEDORE COMPANY

GENERAL AND BULK CONTRACTORS SINCE 1923

June 12, 2008

Mr. Michael Krause
CEQA Section, Planning, Rule Development, and Area Sources
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765

Re: ***Comments on the May 14, 2008 Draft Environmental Assessment Proposed Amended Rule 1158 - Storage, Handling, and Transport of Coke, Coal and Sulfur***

Dear Mr. Krause:

Metropolitan Stevedore Company (Metro) has reviewed the South Coast Air Quality Management District's (SCAQMD or the District) Draft Staff Report and Notice of Completion of a Draft Environmental Assessment (EA) for Proposed Amended Rule (PAR) 1158 – Storage, Handling, and Transport of Coke, Coal, and Sulfur. The following comments address concerns and/or disparities within the EA and staff reports and PAR 1158. The basis of our comments includes the June 3, 2008 version of PAR 1158 and the associated staff report, which were prepared after the Draft EA. 2-1

The EA is premised on the assumption that the rule does not impose new requirements for emission reductions. Metro disagrees with this premise. The rule is codifying new interpretations of the rule requirements, contrary to prior interpretations provided to Metro in writing by the District. These new interpretations do impose additional requirements and the impacts of those requirements were not analyzed in the EA. However, Metro has been working with District staff to modify the rule language to make the revised rule palatable to Metro. Assuming that the rule is adopted in its current form, Metro will not contest the adoption of the rule. Below are some specific comments. 2-2

The introduction to the EA discusses particulate matter less than 2.5 microns (PM2.5), and appears to imply that petroleum coke operations are a source of PM2.5. This is unlikely as PM2.5 is primarily formed from combustion sources, not mechanically generated dusts, which are larger than 2.5 microns. 2-3

The proposed requirements of most interest to Metro: extending the "enclosed storage" requirement to rail cars; extending "transfer point" requirements to material drops other than from a conveyor; and removing Metro's permanent and temporary dewatering beds 2-4

720 EAST "E" STREET • WILMINGTON, CALIFORNIA 90744-6014
MAILING: POST OFFICE BOX 547 • WILMINGTON, CALIFORNIA 90748-0547
(310) 816-6500 • FAX (310) 816-6519 • HTTP://WWW.METSTECO.COM

from exemption as "separation ponds," or imposing additional conditions on their use, constitute additional new requirements. The environmental impacts and costs of these new requirements have not been examined.

2-4

If you should have any questions, please contact the undersigned at (310) 816-6557 or Joe Hower of ENVIRON International Corporation at (213) 943-6319.

Sincerely,

METROPOLITAN STEVEDORE CO.

Robert Waterman,
Regional Vice-President, Operations

Responses to Draft EA Comment Letter #2

Metropolitan Stevedore Company
Robert Waterman

June 12, 2008

Response 2-1

The SCAQMD staff understands the commentator is providing comments on the June 3, 2008 version of PAR 1158 that was released after the May 14, 2008 version of PAR 1158 that was included with the Draft EA. Responses to the comments will reflect the current proposal from the SCAQMD staff reflected in the latest version of PAR 1158, which was prepared after June 3, 2008.

Response 2-2

SCAQMD staff disagrees with the commentator's opinion that the rule is codifying new interpretations of the rule. The SCAQMD staff maintains the position that most modifications to Rule 1158 clarify current rule applicability, rule requirements and rule intent. PAR 1158 does provide new compliance flexibility by adding conditional exemptions, which could result in potential adverse environmental impacts from the construction and operational activities if an affected facility operator chooses to take advantage of the exemption. The potential environmental impacts from the new exemptions are fully analyzed in the Draft EA.

Response 2-3

The Introduction in the Draft EA specifically notes that petroleum coke operations generate PM emissions, which is then further defined between PM10 and PM2.5. The CEQA document analyzes air quality impacts from all criteria pollutants, including PM10 and PM2.5. As noted in Response 2-2, the SCAQMD staff believes PAR 1158 does not impose new requirements to control petroleum coke, so environmental impacts from PM emissions from petroleum coke operations are not generated from the proposed project. PAR 1158 did, however, include new exemptions to provide compliance flexibility. The new exemptions are allowed if certain conditions are met. The implementation of these conditions would result in potential environmental impacts, such as air quality impacts from constructing a water spray system and water impacts from operating the water spray system. During construction, mobile sources, such as worker vehicles and material delivery transport, would be necessary. PM2.5 is typically generated from the combustion of the mobile sources and are, thus, included in the CEQA analysis. It should be noted that PM2.5 is a subset of PM10. Further, according ot the California Emission Inventory Data and Reporting System (CEIDARS), the PM2.5 component of PM10 from

demolition/construction activities is approximately 21 percent, while the PM2.5 fraction of PM10 from mineral (including coal, for example) loading and unloading of bulk materials is approximately 29 percent. Since both PM10 and PM2.5 standards have not been attained in the region, it is critical to address both to highlight the contribution from the proposed project.

Response 2-4

The SCAQMD staff disagrees with the commentator's opinion that the Draft EA does not examine impacts and costs of the "new requirements." First, cost impacts are not a topic required to be analyzed in a CEQA document unless it results in indirect physical impacts to the environment (CEQA Guidelines §15131). Second, impacts of proposed modifications to Rule 1158 where it is possible that the impacts are new have been analyzed as explained in the following paragraphs.

The current rule applies to "operator of a facility that produces, stores, handles, transports, or uses coke, coal or sulfur." Railcars are transporting petroleum coke to and, at times, storing at a facility site making the operator of the facility subject to rule requirements. In addition, paragraph (d)(2) requires that piles of material be maintained in an enclosed storage. A pile means any amount of coke, coal or sulfur material which attains a height of three feet or more, or a total surface area of 150 square feet or more [paragraph (c)(26)]. Petroleum coke in an open railcar is considered a pile under Rule 1158 and thus subject to the "enclosed storage" requirements. The SCAQMD Hearing Board has explicitly demonstrated support of this position in their recent ruling, which stated that the "respondent is in violation of District Rule 1158(d)(2) with respect to the coke piles in temporary dewatering beds and rail cars, because it does not maintain these piles in enclosed storage." (Case No. 5266-2: SCAQMD, Petitioner vs. Metropolitan Stevedore Company, Respondent, 2008).

The definition for "transfer point" is being modified to provide clarity in concert with the original intent of the rule. The proposed modification does not alter applicability, but rather adds terms synonymous with "convey" to move, carry, or transport material. The word "conveyed" was not intended to mean material strictly transported on a conveyor. The reason for the modification is to provide clarity.

The Draft EA fully evaluates the environmental impacts from delivering, installing and operating the spray watering system, which would be required if a facility operator chooses to take advantage of a new exemption in PAR 1158 that provides compliance flexibility. In addition, the Draft EA evaluates the environmental impacts if a facility needs to secure the foundation under the existing rail track area under the new water spray system.

Dewatering beds are not recognized by the SCAQMD as separation ponds because their purpose is different. Separation ponds hold a watery mixture where the heavier sediment slowly settles beneath the watery surface. A dewatering bed evaporates water to make a

mixture less moist. Rule 1158 currently provides an exemption from enclosure for separation ponds but does not provide an exemption for permanent dewatering beds. However, a recent version of PAR 1158 includes a new exemption for permanent water recycling system dewatering beds if they meet certain conditions. The environmental impacts from complying with these conditions are not expected to worsen the environmental impacts analyzed in the Draft EA or change the impact conclusions made in the Draft EA. The costs would be substantially less to put in wind fencing than to comply with the existing rule requirement by enclosure.