SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

Attachment 1 to the Governing Board Resolution for:
Final Subsequent Environmental Assessment for Proposed Amended Rule 1147 – NOx Reductions From Miscellaneous Sources

Statement of Findings, Statement of Overriding Considerations, and Mitigation Monitoring Plan

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Executive Officer
Barry R. Wallerstein, D. Env.

Deputy Executive Officer
Planning, Rule Development and Area Sources
Elaine Chang, DrPH

Assistant Deputy Executive Officer
Planning, Rule Development and Area Sources
Laki Tisopulos, Ph.D., P.E.

Planning and Rules Manager
Planning, Rule Development and Area Sources
Susan Nakamura

Author:	Barbara Radlein	Air Quality Specialist
Reviewed By:	Steve Smith, Ph.D.	Program Supervisor, CEQA
	Joe Cassmassi	Planning and Rules Manager, Planning, Rule Development, and Area Sources
	Gary Quinn, P.E.	Program Supervisor, Planning, Rule Development, and Area Sources
	Barbara Baird	District Counsel
	William Wong	Principal Deputy District Counsel

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BARRY R. WALLERSTEIN, D.Env.

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INTRODUCTION

The proposed amendments to Rule 1147 - NOx Reductions From Miscellaneous Sources, are considered a "project" as defined by the California Environmental Quality Act (CEQA) (California Public Resources Code §§21000 et seq.). The SCAQMD as Lead Agency for the proposed project, prepared a Notice of Preparation/Initial Study (NOP/IS) which identified environmental topics to be analyzed in a Draft Environmental Assessment (EA). The NOP/IS provided information about the proposed project to other public agencies and interested parties prior to the intended release of the Draft EA. The initial evaluation in the NOP/IS identified the topic of air quality and greenhouse gas emissions, specifically operational air quality emissions, as potentially being adversely affected by the proposed project. The NOP/IS was distributed to responsible agencies and interested parties for a 30-day review and comment period from February 1, 2011, to March 2, 2011. During that public comment period, the SCAQMD received no comment letters.

Subsequent to the release of the NOP/IS, further analysis of the proposed project indicated that the preparation of a Subsequent Environmental Assessment (SEA), in lieu of an EA, would be the appropriate document to analyze the potential environmental impacts associated with proposed amend Rule (PAR) 1147 because substantial changes are proposed which will require major revisions that would involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects compared to what was analyzed in the Final EA certified at the time Rule 1147 was first adopted (CEQA Guidelines §15162 (a)(1)). Further, PAR 1147 is expected to have significant effects that were not discussed in the previous Final EA (CEQA Guidelines §15162 (a)(3)(A)). In the event that new information becomes available that would change a project, the lead agency shall prepare a subsequent EIR (CEQA Guidelines §15162 (b)). However, under SCAQMD's certified regulatory program, an equivalent document, a SEA is considered to be a substitute for preparing a subsequent EIR. As such, an SEA has been prepared as a public disclosure document intended to: (a) provide the lead agency, responsible agencies, decision makers and the general public with information on the environmental impacts of the proposed project; and, (b) be used as a tool by decision makers to facilitate decision making on the proposed project.

The Draft SEA was released for a 45-day public review and comment period from April 6, 2011 to May 20, 2011. The Draft SEA, was prepared pursuant to CEQA Guidelines §15162, and evaluated the topic of air quality and GHG emissions, specifically operational air quality, as an area that may be adversely affected by the proposed project. The Draft SEA concluded that only the topic of operational air quality emission impacts would have significant adverse impacts.

One comment letter was received during the public comment period on the analysis presented in the Draft SEA. No comments in this letter identified other potentially significant adverse impacts from the proposed project. Responses to this comment letter have been prepared. The comment letter and responses to the comments are included in Appendix C of the Final SEA.

Since the release of the Draft SEA, a mitigation fee compliance option has been added to PAR 1147 and the document has been modified to include an analysis of the mitigation fee compliance option. Although the mitigation fee option has the potential to make significant adverse operational air quality impacts substantially worse (by allowing a delay of compliance dates for up to three years), mitigation measures have been required that reduce the air quality impacts from the mitigation fee option to a level of insignificance. In addition, minor modifications were made to the proposed project. Staff has reviewed the modifications to the

proposed project and concluded that none of the modifications alter any conclusions reached in the Draft SEA, nor provide "significant new information"[1] of substantial importance relative to the draft document. As a result, these minor revisions do not require recirculation of the document pursuant to CEQA Guidelines §15088.5.

SUMMARY OF THE PROPOSED PROJECT

SCAQMD staff is proposing amendments to Rule 1147 – NOx Reductions From Miscellaneous Sources, to respond to compliance challenges currently being experienced by certain affected sources and ensure that equipment owners/operators are not unnecessarily burdened with compliance costs. Specifically, PAR 1147 would: 1) remove the requirements for installation of time meters; 2) remove the requirements for installation of non-resettable totalizing fuel meters if the operator intends to comply with the Rule 1147 NOx emission limits in terms of parts per million (ppm); 3) extend deadlines for demonstrating compliance with the early phases (2010/2011) for NOx emission limits by up to two years; and, 4) extend the NOx emission limit compliance dates for units with emissions of more than one pound per day by up to three years provided that an alternate compliance plan is submitted and an emissions mitigation fee is paid in lieu of meeting the applicable NOx emission limit. Other minor changes are proposed for clarity and consistency throughout the rule.

SIGNIFICANT ADVERSE IMPACTS WHICH CAN BE REDUCED BELOW A SIGNIFICANT LEVEL OR WERE CONCLUDED TO BE INSIGIFICANT

The Final SEA identified air quality as an area that may be adversely affected by the proposed project. The proposed project was evaluated according to the CEQA environmental checklist of approximately 17 environmental topics for potential adverse impacts from a proposed project. The screening analysis concluded that the following environmental areas would not be significantly adversely affected by the proposed project:

- aesthetics
- air quality and greenhouse gases during construction (and greenhouse gases during operation)
- agriculture and forestry resources
- biological resources
- cultural resources
- energy
- geology and soils
- hazards and hazardous materials
- hydrology and water quality
- land use and planning
- mineral resources

[1] Pursuant to CEQA Guidelines §15088.5, "Significant new information" requiring recirculation include, for example, a disclosure showing that:

(a) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.

(b) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.

(c) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.

(d) The draft EA was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

- noise
- population and housing
- public services
- recreation
- solid/hazardous waste
- transportation/traffic

POTENTIAL SIGNIFICANT ADVERSE IMPACTS THAT CANNOT BE REDUCED BELOW A SIGNIFICANT LEVEL

The Final SEA identified the topic of operational air quality as the only area that may be significantly adversely affected by the proposed project. Two aspects of the rule amendments are considered below.

Operational Air Quality Impacts

Of the amendments proposed in PAR 1147, only the amendment to extend deadlines for demonstrating compliance with the early phases (2010/2011) for NOx emission limits by up to two years would have adverse operational air quality impacts. Specifically this provision in PAR 1147 will result in a delay of: 1) 0.70 ton per day (1,400 pounds per day) of NOx emission reductions in compliance years 2010 and 2011; and, 2) 0.06 ton per day (120 pounds per day) of NOx emission reductions in compliance years 2015 and 2016. However, the 0.70 ton per day (1,400 pounds per day) of NOx delayed emission reductions will be recaptured in compliance years 2012 and 2013 and the 0.06 ton per day (120 pounds per day) of delayed NOx emission reductions will be recaptured in compliance years 2017 and 2018, respectively. Despite the delay in implementation of some of the compliance dates, the same amount of overall NOx emission reductions as estimated for the current rule will be achieved by PAR 1147 in the attainment years for PM2.5 and ozone (i.e., 3.5 tons per day of NOx emission reductions by 2014 and 3.8 tons per day of NOx emission reductions by 2023). Nonetheless, the quantity of NOx emission reductions delayed exceeds the NOx significance threshold for operation of 55 pounds per day and, therefore, is concluded to be significant. Except for NOx emissions, no other criteria pollutant emissions exceed the SCAQMD's applicable significance thresholds during operation.

Mitigation Fee Option - Direct Air Quality Impacts

Subsequent to the release of the Draft SEA, the proposed project has been revised to extend the NOx emission limit compliance dates for units with emissions of more than one pound per day by up to three years (e.g. by 2014) provided that an alternate compliance plan is submitted and an emissions mitigation fee is paid in lieu of meeting the applicable NOx emission limit through the aforementioned compliance methods.

By allowing an extension in the compliance dates in PAR 1147, some operators of affected equipment may delay their decision to make physical changes to their affected units and instead, take advantage of the mitigation fee option. Doing so could potentially cause additional delays in achieving the proposed NOx emission reductions contained in PAR 1147 by an additional 0.175 ton per day (350 pounds per day) to 0.350 ton per day (700 pounds per day) by 2014.

To address the additional delay in NOx emission reductions that may result from participation in the mitigation fee option, mitigation measures have been identified that will reduce the air quality impacts from the mitigation fee option to a level of insignificance and the SCAQMD will

require the emissions mitigation fee to fund the leaf blower exchange program to generate equivalent concurrent emission reductions. Thus, any delayed NOx emission reductions that may occur would be expected to be fully offset by the emission reductions anticipated by the leaf blower exchange programs (see discussion in the "Mitigation Monitoring Plan" section).

Mitigation Fee Option - Indirect and Cumulative Air Quality Impacts

The peak daily emissions from conducting a leaf blower exchange were estimated to be 1.63 pound per day of VOC, 14.49 pounds per day of CO, 5.56 pounds per day of NOx, 0.02 pound per day of SOx, 0.25 pound per day of PM10, and 0.20 pound per day of PM2.5[2]. In addition, the leaf blower exchange activities were estimated to generate 25.2 metric tons of CO2eq emissions per year[3]. Thus, the peak daily construction emissions from conducting a leaf blower exchange event would not generate significant adverse air quality impacts because none of the criteria pollutant emissions exceed the SCAQMD's CEQA significance thresholds for the construction phase of a project. The analysis also showed that the operation of more efficient leaf blowers will provide an air quality benefit as old dirty equipment will be replaced with low emission equipment. With the exception of GHG emission reduction benefits, no other operational air quality impacts, either positive or negative, were identified as a result of using new low emission leaf blowers.

Mitigation Fee Option - Conclusion

In conclusion, any delayed NOx emission reductions that may occur as part of the mitigation fee option in PAR 1147 would be expected to be fully offset by NOx emission reductions occurring from leaf blower exchange program. Based on the previous discussion, implementation of the mitigation fee option in PAR 1147 in conjunction with obtaining NOx emission reductions generated by the leaf blower exchange program, will not cause any new significant adverse air quality impacts or make the significant air quality impacts previously analyzed in the Draft SEA substantially worse. Further, the modifications to the proposed project relative to implementing the mitigation fee option will not alter any conclusions previously reached in the Draft SEA, nor provide new information of substantial importance relative to the draft document.

STATEMENT OF FINDINGS

Public Resources Code §21081 and CEQA Guidelines §15091(a) state that no public agency shall approve or carry out a project for which a CEQA document has been completed which identifies one or more significant adverse environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. Additionally, the findings must be supported by substantial evidence in the record (CEQA Guidelines §15091(b)). As identified in the Final SEA and summarized above, the proposed project has the potential to create significant adverse operational air quality impacts. The SCAQMD Governing Board, therefore, makes the following findings regarding the proposed project. The findings are supported by substantial evidence in the record as explained in each finding. This Statement of Findings will be included in the record of project approval and will also be noted in the Notice of Decision. The Findings made by the SCAQMD Governing Board are based on the following significant adverse impact identified in the Final SEA.

[2,3] The peak daily emissions are based on the leaf blower exchange analysis prepared for Rule 2702, which analyzed the impacts of exchanging 15,730 leaf blowers. The maximum number of leaf blowers assumed to be funded and exchanged using the PAR 1147 mitigation fee option is 3,000 per year or 9,000 over the three-year delay.

Potential NOx emission reductions delayed exceed the SCAQMD's applicable significance air quality thresholds and cannot be mitigated to insignificance.

Finding and Explanation:
As explained above, except for NOx emissions, no other criteria pollutant emissions exceed the SCAQMD's applicable significance thresholds during operation. Thus, PAR 1147 is concluded to result in adverse significant operational NOx air quality impacts.

The Governing Board finds that although feasible mitigation measures have been identified that would mitigate some of the potentially significant adverse impacts to operational air quality, they do not reduce the operational air quality impacts to less than significant levels. CEQA defines "feasible" as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors" (Public Resources Code §21061.1).

The Governing Board finds further that the Final SEA considered alternatives pursuant to CEQA Guidelines §15126.6, but, aside from the No Project Alternative, no project alternatives would reduce to insignificant levels the significant air quality impacts identified for the proposed project and still achieve the objectives of the proposed project. The administrative record for the CEQA document and adoption of the rule amendments is maintained by the Office of Planning, Rule Development and Area Sources.

Conclusion
The Governing Board finds that the findings required by CEQA Guidelines §15091(a) are supported by substantial evidence in the record. The record of approval for this project may be found in the SCAQMD's Clerk of the Board's Office located at SCAQMD headquarters in Diamond Bar, California.

STATEMENT OF OVERRIDING CONSIDERATIONS
If significant adverse impacts of a proposed project remain after incorporating mitigation measures, or no measures or alternatives to mitigate the adverse impacts are identified, the lead agency must make a determination that the benefits of the project outweigh the unavoidable adverse environmental effects if it is to approve the project. CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project [CEQA Guidelines §15093(a)]. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable" [CEQA Guidelines §15093 (a)]. Accordingly, a Statement of Overriding Considerations regarding potentially significant adverse operational NOx air quality impacts resulting from the proposed project has been prepared. This Statement of Overriding Considerations is included as part of the record of the project approval for the proposed project. Pursuant to CEQA Guidelines §15093(c), the Statement of Overriding Considerations will also be noted in the Notice of Decision for the proposed project.

Despite the inability to incorporate changes into the proposed project that will mitigate potentially significant adverse operational air quality impacts to a level of insignificance, the

SCAQMD's Governing Board finds that the following benefits and considerations outweigh the significant unavoidable adverse environmental impacts:

1. The analysis of potential adverse environmental impacts incorporates a "worst-case" approach. This entails the premise that whenever the analysis requires that assumptions be made, those assumptions that result in the greatest adverse impacts are typically chosen. This method likely overestimates the actual emission reductions delayed from the proposed project.

2. The potential adverse impacts from implementing PAR 1147 consist solely of delays in anticipated NOx emission reductions, not increases.

3. Despite the delay in some of the compliance dates, the same amount of overall NOx emission reductions as estimated for the current rule will be achieved upon full compliance with PAR 1147 and on the attainment dates for PM2.5 and ozone (i.e., 3.5 tons per day of NOx emission reductions by 2014 and 3.8 tons per day of NOx emission reductions by 2023).

4. In consideration of the total net accumulated emission reductions projected overall, the delay in NOx emission reductions would not interfere with the air quality progress and attainment demonstration projected in the AQMP. Indeed, the 2007 AQMP indicated that, based on future anticipated overall reduction in emissions, the Basin would achieve the federal ozone ambient air quality standard by the year 2024 and the PM2.5 standard by 2015 (SCAQMD, 2007). Therefore, cumulative air quality impacts from the proposed project and all other AQMP control measures, when considered together, are not expected to be significant because ongoing implementation of AQMP control measures is expected to result in net emission reductions and overall air quality improvement.

5. The proposed project will help relieve certain affected industries of the compliance challenges currently being experienced by certain affected sources with the existing Rule 1147 and ensures that equipment owners/operators are not unnecessarily burdened with compliance costs.

The SCAQMD's Governing Board finds that the aforementioned considerations outweigh the unavoidable significant effects to the environment as a result of the proposed project.

MITIGATION MONITORING PLAN

When making findings as required by Public Resources Code §21081 and CEQA Guidelines §15091, the lead agency must adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment (Public Resources Code §21081.6 and CEQA Guidelines §15097[a]). To fulfill the requirements of Public Resources Code §21081.6 and CEQA Guidelines §15097, the SCAQMD has developed this mitigation monitoring plan for anticipated impacts resulting from implementing the proposed project.

Project-Specific Mitigation For Air Quality Impacts During Operation: The analysis indicates that there will be a temporary delay in the overall reduction in NOx emissions during the operational phase of the proposed project. The amount of NOx emission reductions delayed exceeds the applicable significance threshold (55 pounds per day) during operation for NOx. Thus, there are adverse significant air quality impacts with the operational phase of the proposed

project. If significant adverse environmental impacts are identified in a CEQA document, the CEQA document shall describe feasible measures that could minimize the significant adverse impacts (CEQA Guidelines §15126.4). However, because of the compliance challenges with certain effective dates in the rule that face operators of equipment subject to Rule 1147, there are no feasible mitigation measures that would achieve the delayed NOx emissions on the original schedule. Consequently, the operational air quality impacts from the proposed project cannot be mitigated.

Project-Specific Mitigation For The Mitigation Fee Option - Direct Air Quality Impacts: To address the additional delay in NOx emission reductions that may result from participation in the mitigation fee option, the SCAQMD will require the emissions mitigation fee to fund leaf blower exchange programs to generate equivalent concurrent emission reductions. Thus, any delayed NOx emission reductions that may occur would be expected to be fully offset by the emission reductions anticipated by the leaf blower exchange programs as explained in the following paragraphs.

Since 2006, the SCAQMD has annually conducted a leaf blower exchange program to encourage professional gardeners and landscapers operating within the SCAQMD's four-county jurisdiction to surrender their old, polluting backpack leaf blowers and purchase new, low-emission/low-noise leaf blowers at a reduced price. The leaf blower exchange program has been very successful, resulting in the exchange of over 6,000 leaf blowers to date and has always been oversubscribed.

In order for manufacturers to participate in the leaf blower exchange program, the new leaf blower engines need to be certified by the California Air Resources Board (CARB) for sale in California, and must meet certified emission levels. Since the new leaf blowers are quieter and operate with 50 percent less emissions than the older models being replaced, the leaf blower exchange program results in reductions in both emissions and noise. The quantity of NOx emission reductions projected to be generated by the leaf blower exchange program for years 2012, 2013 and 2014 would be approximately 0.175 ton per day to 0.350 ton per day for an exchange of 1,400 to 2,800 leaf blowers per year, respectively. In addition, manufacturers that participate in providing the qualifying leaf blowers for the program must contractually agree to not request emissions credits for the NOx emission reductions generated by the sale of leaf blowers.

Thus, any delayed NOx emission reductions that may occur as part of the mitigation fee option in PAR 1147 would be expected to be fully offset by NOx emission reductions occurring from leaf blower exchange program. However, NOx emission impacts from delaying Rule 1147 compliance dates that are not offset by the mitigation fee option (not covered by subdivision (i) of PAR 1147) remain significant.

> **Impact Summary of Mitigation Measures AQ-1 to AQ-4:** Project-specific emissions of NOx emission reductions delayed, based on a "worst-case" analysis, would exceed the SCAQMD's regional mass daily significance threshold for this pollutant. Based on the preceding discussion, NOx emission reductions from leaf blower programs specifically funded by the PAR 1147 mitigation fees will offset the NOx emission reductions delayed associated with implementing the mitigation fee option but will not mitigate emissions from delays not covered by subdivision (i) of PAR 1147.

Mitigation Measures: The following mitigation measures are required for implementation of the mitigation fee option in PAR 1147:

AQ-1 SCAQMD is required to apply the mitigation fees received from implementing the mitigation fee option in PAR 1147 to fund additional leaf blower exchange events. Except for GHG emission reductions, all other criteria pollutant and VOC emission reductions must be applied to reducing significant adverse NOx emission impacts or retired for the benefit of the environment and cannot be applied to other programs.

AQ-2 The new leaf blowers used in the leaf blower exchange program are required to be certified by CARB and must meet certified emission levels no higher than those identified by CARB in Table 1 (referred to as Table 4-3 in the Final SEA for PAR 1147):

Table 1
CARB's Leaf Blower Emission Standards

Leaf Blower Engine Size	Hydrocarbon plus NOx	Carbon Monoxide	Particulate Matter (PM standard applies only to 2-stroke engines)
<50 cc	25 g/kW-hr	536 g/kW-hr	2.0 g/kW-hr
50-80cc inclusive	36 g/kW-hr	536 g/kW-hr	2.0 g/kW-hr

AQ-3 Manufacturers that participate in providing the qualifying leaf blowers for the leaf blower exchange program must contractually agree to not request emission credits for the NOx emission reductions or any other reductions generated by the sale of leaf blowers.

AQ-4 Mitigation fees applied to the leaf blower exchange program must be in addition to any existing funding applied to that program (i.e., mitigation fees cannot replace any existing leaf blower exchange funding). However, this does not guarantee that existing levels of funding will be continued but only that SCAQMD will not substitute mitigation fees for existing funding sources.

No other feasible mitigation measures have been identified that would further reduce emissions.

Implementing Parties: The SCAQMD's Governing Board finds that implementing the mitigation measures AQ-1 through AQ-4 is the responsibility of the SCAQMD.

Monitoring Agency: The SCAQMD's Governing Board finds that through its discretionary authority to implement this project, the SCAQMD will ensure compliance with mitigation measures AQ-1 through AQ-4. Mitigation monitoring and reporting will be accomplished as follows:

Project-Specific Mitigation For The Mitigation Fee Option - Indirect and Cumulative Air Quality Impacts: The peak daily emissions from conducting a leaf blower exchange were estimated to be 1.63 pound per day of VOC, 14.49 pounds per day of CO, 5.56 pounds per day of

NOx, 0.02 pound per day of SOx, 0.25 pound per day of PM10, and 0.20 pound per day of PM2.5. In addition, the leaf blower exchange activities were estimated to generate 25.2 metric tons of CO2eq emissions per year. Thus, the peak daily emissions from conducting a leaf blower exchange event would not generate significant adverse air quality impacts because none of the criteria pollutant emissions exceed the SCAQMD's CEQA significance thresholds for the construction phase of a project. The analysis also showed that the operation of more efficient leaf blowers will provide an air quality benefit as old dirty equipment will be replaced with low emission equipment. With the exception of GHG emission reductions, no other operational air quality impacts, either positive or negative, were identified as a result of using new low emission leaf blowers. Since no significant adverse environmental impacts are identified for indirect and cumulative air quality impacts associated with the mitigation fee option, no additional mitigation measures are required.

CONCLUSION

Based on a "worst-case" analysis, the potential adverse operational air quality impacts from the adoption and implementation of the proposed project are considered significant and unavoidable. While feasible mitigation measures have been identified that would reduce the impacts associated with implementing the mitigation fee option, they do not reduce the operational air quality impacts from the entire project to less than significant levels. Further, no additional feasible mitigation measures or project alternatives have been identified that would reduce these impacts to insignificance.