



**PLACER COUNTY  
AIR POLLUTION CONTROL DISTRICT  
BOARD MEETING**

**Cumulative Impact Threshold Review**

**June 10, 2010**



# Presentation Overview

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- Summary of December 11, 2008 Board item presentation related to the District's CEQA Review Program
- City of Roseville requests the District once again review the District's cumulative threshold recommendation: specific questions related to the thresholds are
  - What is the foundation for the 10 lbs/day threshold?
  - How is the 10 lbs/day threshold used?
  - What are the costs associated with the application of the threshold?
  - How does the District's program compare with the other air districts?
- Roseville's recommended cumulative impact threshold
- Staff Recommendation



# District's CEQA Review program

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- Project review by lead agencies
- APCD is a responsible or commenting agency
- APCD requirement is to provide comments to lead agencies
- Thresholds of significance: a service to local jurisdictions that provides defensibility to legal challenge



# Definition for Project-level and Cumulative Impact under CEQA

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- Project level impacts are changes in the existing physical environment, direct and indirect, short term and long term, that are caused by a project. The Analysis of these impacts must consider the effects on the environment by the project, as well as the existing conditions effects on future residents or users of the project. Project specific effects do not include cumulative or growth inducing effects. When project level impacts are determined to be significant an EIR must be done by a lead agency.
- Cumulative impacts or growth inducing impacts are significant and will trigger an EIR when they are cumulatively considerable, which occurs when “incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.



# District's Existing CEQA Thresholds

Per CEQA, a threshold of significance is identifiable, quantifiable, qualitative or performance level of a particular environmental effect, that if not met, will normally be determined to be significant.

- ✓ Lead agency uses thresholds of significance to reduce the impacts and create a defensible document.
- ✓ CEQA encourages development and publication of thresholds, and requires *lead* agency adoption ; Guidelines Sec 15064.7

<b>Project-Level Thresholds of Significance</b>			
	ROG (lbs/day)	NOx (lbs/day)	PM10 (lbs/day)
Construction Emissions (short-term)	82	82	82
Operational Emissions (long-term)	82	82	82

<b>Cumulative Thresholds of Significance</b>			
	ROG (lbs/day)	NOx (lbs/day)	PM10 (lbs/day)
Operational Emissions (long-term)	10	10	N/A



# Foundation of the District's Recommended Cumulative Impacts Threshold <sup>(1/4)</sup>

The health impacts caused by the pollution emitted from a smoke stack is the same as is emitted from a tail pipe.



The District is mandated to reduce air pollution within Placer County by over 20% to meet more stringent federal air quality standards.

U.S.EPA is going to issue more restricted ozone 8-hour standard in August 2010



# Foundation of the District's Recommended Cumulative Impacts Threshold (2/4)

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- California law requires stationary sources to apply the best available control technology (BACT) if its emissions over 10 lbs per day
  - ✓ Placer County is designated as severe for federal 1-hour and 8-hour ozone standard, therefore, 10 lbs/day is our BACT requirement for stationary sources (H&S Code §40919 & §40920)
- Based on the District's mandated reduction goals and development patterns in Placer County it recommends that mobile sources be reduced parallel with stationary source emissions.
  - ✓ Sacramento Regional Ozone State Implementation Plan (2007 Ozone SIP) concludes 80% of NO<sub>x</sub> emissions are from mobile sources



# Foundation of the District's Recommended Cumulative Impacts Threshold (3/4)

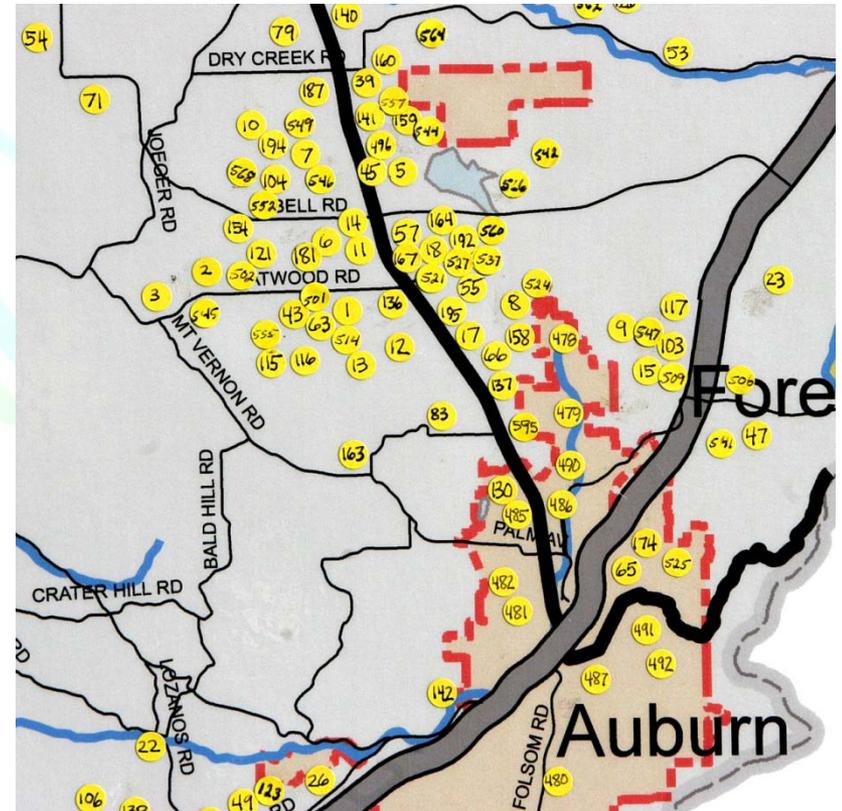
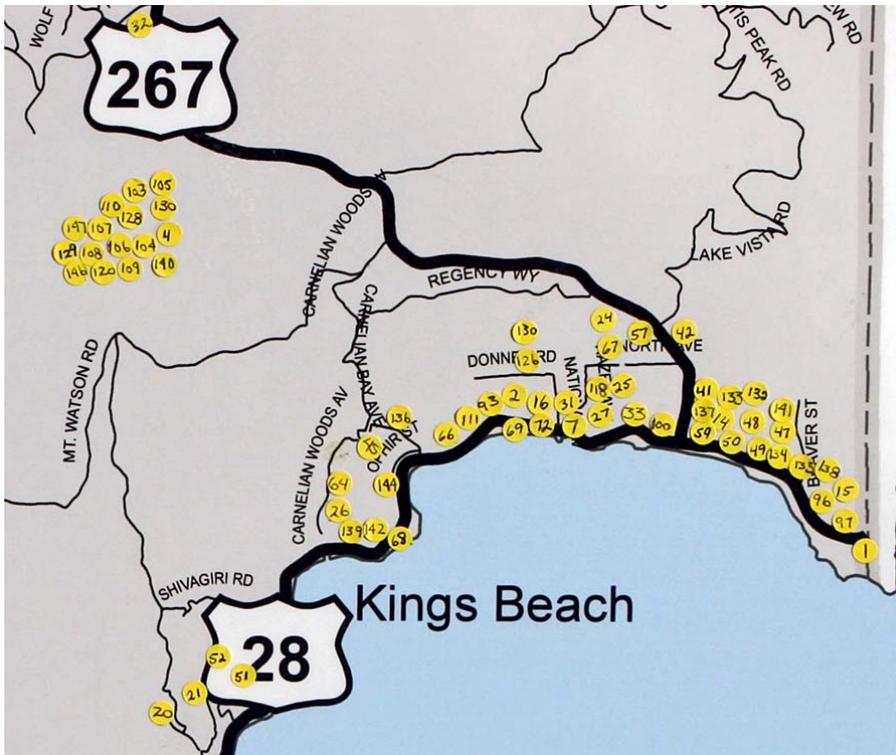
- According to the 2000 Census data and census projections, Placer County has the highest growth rate (26%) in Sacramento region.
- Effects of growth result in impacts on air quality

County	Population (2005)	Population Density (2005)	Population % Changes (00-05)	Population Growth (00-05)
Sacramento	1,363,423	1,370	11%	135,114
Placer	316,868	211	26%	65,385
El Dorado	176,319	99	12%	18,891
Yolo	185,091	463	9%	15,283





# Tahoe/Auburn Areas





# Foundation of the District's Recommended Cumulative Impacts Threshold (4/4)

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- Air quality is an active area of CEQA litigation
- Cumulative impacts is another active area of CEQA litigation
- Using the state mandated stationary source threshold for mobile source emissions impacts allows for projects to be better defended in Court.



# Roseville City June 9, 2010 Letter to APCO Regarding Thresholds

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- The City misinterprets the cumulative thresholds used by YSAQMD and SMAQMD (as referred to in the 2001
  - ✓ 65 lbs/day is the **project-level** threshold used by SMAQMD based on 2001 study
  - ✓ 82 lbs/day was the **project-level** threshold used by YSAQMD and it was revised to 55 lbs/day in 2007
- District may consider lowering its project level threshold when assessing the new GHG thresholds and ISR.



# Letter from SMAQMD APCO: *65 lbs/day is the project-level threshold*



Larry Greene  
AIR POLLUTION CONTROL OFFICER

June 10, 2010

Tom Christofk, APCO  
Placer County Air Pollution Control District  
3091 County Center Drive, Suite 240  
Auburn, CA 95603

Subject: City of Roseville Letter to Tom Christofk, APCO, dated June 9, 2010 re  
Request From the City Regarding the District's Recommended CEQA  
Thresholds for Cumulative Impacts (PCAPCD June 10, 2010 Board  
Meeting - Agenda Item #9)

Dear Mr. Christofk:

In the referenced letter there is a statement regarding the Sacramento  
Metropolitan AQMD 65 lb/day Cumulative Threshold. This statement is in error,  
in that the threshold is not cumulative but refers only to NOx emissions.

Sincerely,

Larry Greene  
Executive Director/Air Pollution Control Officer



## Application of 10 lbs/day Cumulative Threshold

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- The District uses this threshold as a tool to recommend mitigation measures which can mitigate already identified impacts as determined by the lead agency under CEQA, (not a factor to require an EIR.)
- Lead Agencies have full discretion to use other thresholds or mitigate as it sees fit based on its own independent analysis.



# Size of Projects to District's Recommended CEQA Thresholds

<b>The size of land use project for 82 lbs/day threshold<sup>1</sup></b>					
assumed builtout year	2010	2015	2020	2025	2030
Residential Project <sup>2</sup>	650 units	950 units	1300 units	1700 units	2000 units
Commercial Project <sup>3</sup>	200,000 sf	300,000 sf	450,000 sf	600000 sf	700,000 sf

<b>The size of land use project for 10 lbs/day threshold<sup>1</sup></b>					
assumed builtout year	2010	2015	2020	2025	2030
Residential Project <sup>2</sup>	76 units	100 units	120 units	135 units	145 units
Commercial Project <sup>3</sup>	28,000 sf	44,000 sf	55,000 sf	70,000 sf	80,000 sf

1. Urbemis 2007 9.2.4 version
2. single family units
3. regional shopping center



# The PCAPCD Voluntary Offsite Mitigation Program

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- State case law and Recent CEQA Guideline amendments recognize offsite mitigation measures as feasible (CEQA Guidelines, §15126.4[c])
- PCAPCD Voluntary Offsite Mitigation Program
  - ✓ The official policy was approved by the Board in 2001
  - ✓ Providing an alternative for the developers and lead agencies to offset emissions
  - ✓ The developer can either implement an offsite emission reduction project or paying in-lieu-of fee into the District offsite mitigation funds
  - ✓ Creating defensible document



## Benefits of PCAPCD Offsite Mitigation Program

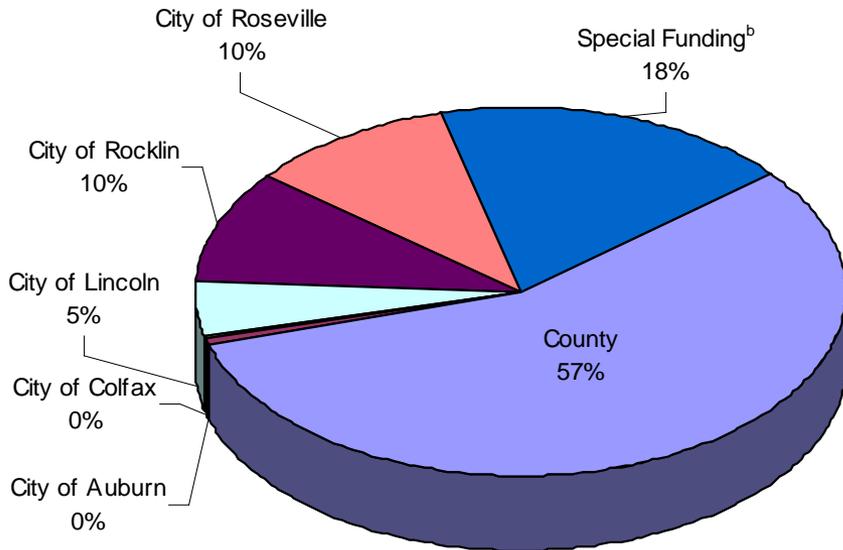
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- Through the District's annual Clean Air Grant (CAG) program, the mitigation fees received from land use developments provide an incentive for emission reduction projects.
- The emission reductions harvested from the CAG will assist the District in achieving emissions reductions as a part of the federal commitment within the Sacramento 2007 Ozone SIP.

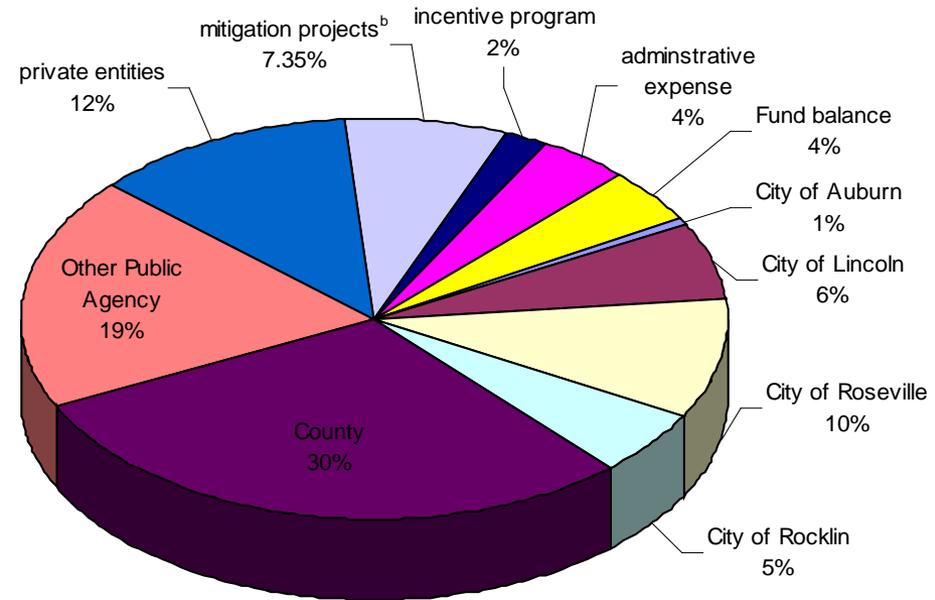


# Where the current offsite mitigation fees that are collected are spent?

**Total Mitigation Funding Received: \$3,493,482**  
**(1997~2009<sup>a</sup>)**



**Mitigation Funds Application (\$3,493,482)**  
**(1997 ~ 2009<sup>a</sup>)**



<sup>a</sup> until the end of June 30<sup>th</sup>, 2009



# Compare with Mitigation Costs within the other Jurisdictions

- What other air districts are doing
  - ✓ Currently 6 air districts including PCAPCD have offsite mitigation programs through either mitigation recommendations or regulation.
  - ✓ San Joaquin Valley APCD and Imperial County APCD have rules that *require* mitigation fees from land use projects.
  - ✓ Fee calculations vary depending on what each air district believes will be the length of time that a project will be contributing air pollution emissions to the air basin.
- Recommended mitigation fee if the Galleria Mall Expansion project were located in the other jurisdictions

	PCAPCD	SMAQMD*	SJVAPCD	VCAPCD	SLOAPCD	ICAPCD
Construction		√	√			
Operational	√		√	√	√	√
Fee period	<b>6 months</b>	one year	10 years	3 years	25 years	by unit
MM/Rule	<b>MM</b>	MM	Rule	MM	MM	Rule
Fee (\$)	<b>\$145,860</b>	\$71,768	\$823,186	\$525,018	\$286,400	\$596,800

\*There is additional sale tax based on Measure A for the commercial project in Sacramento County



# Compare with Total Project Costs within Sacramento Area

It is more likely that the Galleria Mall Expansion Project would have required an EIR if it had been located within other jurisdictions within the Sacramento District area:

- ✓ The Galleria Mall Expansion project's related NOx emission were 66.4 lbs/day.

	EDAQMD	FRAQMD	PCAPCD	SMAQMD	YSAQMD
project-level threshold	55	25	82	65	55
MND			√		
EIR	√	√		√	√

- ✓ An EIR document is costly; the costs can be more than \$150,000 per project.
- ✓ EIR is a time-consuming process; it could be years from the initial preparation to the final approval for a project.
- ✓ A MND takes less time.



# Projects Cited by City of Roseville: Marriot Clubsport Hotel Project

- The project's MND was approved by the City of Roseville in May 2008.
- The project analysis recognized the previous cumulative impact analysis in its associated Northeast Roseville SP were not sufficient to reduce the project's related cumulative impacts.
- The MND identified the mitigation fee based on the District's 10 lbs/day threshold.
- The City claimed the fee of \$54,277 is not reasonable. (the project was not withdrew; it is postponed)
- Discussion with the Marriot staff regarding the project's status



# Projects Cited by City of Roseville: Marriot Clubsport Hotel Project

(2/2)

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- The City suggests that the project will be considered as less than significant without mitigation if it was located in Sacramento County.
- The cumulative thresholds used by the YSAQMD and SMAQMD based on the "consistency" with General Plan and Regional Ozone SIP
  - ✓ A general plan amendment project will not be consistent with the General Plan; the cumulative impact would be potentially significant.



# Four Scenarios for Project AQ Impact Determination

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The project related emissions are over 82 lbs and cannot be mitigated to below 82 lbs/day.

EIR is required.

The project related emissions are over 82 lbs and can be mitigated to below 82 lbs/day.

6% of projects;  
65% of emissions contribution

Project could qualify for a mitigated ND.

The project related emissions are below 82 lbs but over 10 lbs/day.

36% of projects;  
29% of emissions contribution  
(76 ~ 650 lots subdivision)

Project can qualify for a mitigated ND

The project related emissions are below 10 lbs/day.

57% of projects;  
6% of emissions contribution

ND is recommended.



# Why the project level threshold should not serve as the cumulative impact threshold? (1/2)

- Approx. 700 CEQA projects have been reviewed by the District since 2003
  - The reviews does not include the project exempted from CEQA or not considered as “projects” under CEQA
  - The District has a duty under CEQA to provide comments and work to improve air quality

Threshold (lbs/day)	ROG		NOx	
	Project Captured	Emission Captured	Project Captured	Emission Captured
82 (project-level)	7%	65%	7%	63%
10 (cumulative )	43%	94%	44%	94%



## Why the project level threshold should not serve as the cumulative impact threshold? (2/2)

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- Although the scenario #3 projects related emissions are below the project-level threshold, they can contribute a net increase to the region and therefore it could be cumulatively considerable. CEQA requires the project related cumulative impacts should be analyzed and be mitigated to the maximum extent feasible if it is cumulatively considerable.
- Project Developers are looking for defensibility in these turbulent times.
- If the District relaxes its cumulative threshold, then the project level threshold would need to become more restrictive (if program integrity is to be maintained).
- Money is better spent on mitigation than on writing EIR documents that would be required if a lower project level threshold were in place.



## Staff Recommendation

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- Staff continue to recommend the 10 lbs/day threshold as the tool to determine when to mitigate cumulative impacts of development projects, and to offer the offsite fee mitigation program as an option;
- Staff will reassess the District's CEQA thresholds in concert with the development of GHG threshold and ISR rule for further Board approval.

OR

- The Board directs staff to develop and implement different thresholds.