SUBCHAPTER 3.4

POTENTIAL ENVIRONMENTAL IMPACTS FOUND NOT TO BE SIGNIFICANT

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3.4 POTENTIAL ENVIRONMENTAL IMPACTS FOUND NOT TO BE SIGNIFICANT

3.4.1 INTRODUCTION

While all the environmental topics required to be analyzed under CEQA were reviewed to determine if the proposed amendments would create significant impacts, the initial study (see Appendix A) concluded that the following environmental areas would not be significantly adversely affected by the proposed Extreme Ozone Attainment Demonstration Plan: aesthetics, agriculture resources, biological resources, cultural resources, geology/soils, hazard and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, and transportation/traffic. These topics were not analyzed in further detail in this EIR, however, a brief discussion of each is provided below. This information is summarized from the NOP/IS (see Appendix A).

3.4.2 AESTHETICS

The proposed Extreme Ozone Attainment Demonstration Plan is not anticipated to adversely affect scenic vistas in the District; damage scenic resources, including but not limited to trees, rock outcroppings, or historic buildings within a scenic highway; or substantially degrade the visual character of a site or its surroundings. The reason for this conclusion is that control measures typically affect industrial, institutional, or commercial facilities located in appropriately zoned areas that are not usually associated with scenic resources. Further, modifications typically occur inside the buildings at the affected facilities, or because of the nature of the business (e.g., commercial or industrial) can easily blend with the facilities with little or no noticeable effect on adjacent areas. The Extreme Ozone Attainment Demonstration Plan may have a beneficial effect on scenic resources by improving visibility as well as improving air quality.

The proposed Extreme Ozone Attainment Demonstration Plan is not anticipated to create additional demand for new lighting or exposed combustion that could create glare and affect day or nighttime views in any areas. As noted above, facilities affected by the control measures typically make modifications in the interior of an affected facility so any new light sources would typically be inside a building or not noticeable because of the presence of existing light sources. Further, affected commercial or industrial facilities would be located in appropriately zoned areas that are not usually located next to residential areas, so new light sources, if any, would not be noticeable to residents.

3.4.3 AGRICULTURAL RESOURCES

The Extreme Ozone Attainment Demonstration Plan control measures typically affect existing commercial or industrial facilities or affect mobile sources, so they are not anticipated to generate any new construction of buildings or other structures that would

require conversion of farmland to non-agricultural use or conflict with zoning for agricultural uses or a Williamson Act contract.

The Extreme Ozone Attainment Demonstration Plan includes Control Measure Q – Open Burning which would phase out open burning between 2005 and 2010, pursuant to Health and Safety Code §41855.5(a). Additional language was included in the Health and Safety Code that require the District to develop a rule to regulate limited open burning for disposal of diseased crops and weed control. Therefore, the control measures would still allow for limited open burning of diseased crops and weed control, minimizing the potential impacts to the agricultural industry.

Control Measure J – Concentrated Animal Feeding Operations would control emissions from animal farming operations. It is anticipated that this rule would control fugitive emissions from feedlots and associated supporting operations such as waste treatment lagoons. Other control measures that would control emissions from engines or gasoline storage and dispensing facilities could also impact agricultural operations, requiring additional control equipment, new equipment, or revised operations. These control measures may change certain operating conditions at these facilities but would not require the closure of these facilities, thus impacting or eliminating agricultural resources.

There are no provisions in the proposed Extreme Ozone Attainment Demonstration Plan that would affect or conflict with existing land use plans, policies, or regulations or require conversion of farmland to non-agricultural uses. Land use, including agriculture-related uses, and other planning considerations are determined by local governments and no land use or planning requirements would be altered by the proposed project. The Extreme Ozone Attainment Demonstration Plan control measures, including control measures related to mobile sources, would have no direct or indirect effects on agricultural resources. Based upon the above considerations, significant adverse impacts to agricultural resources are not anticipated.

3.4.4 BIOLOGICAL RESOURCES

No direct or indirect impacts from implementing the Extreme Ozone Attainment Demonstration Plan control measures were identified that could adversely affect plant and/or animal species in the District. The effect of implementing the Extreme Ozone Attainment Demonstration Plan control measures is primarily in modifications at existing commercial or industrial facilities to control or further control emissions. Such existing commercial or industrial facilities are generally located in appropriately zoned commercial or industrial areas, which typically do not support 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. Similarly, modifications at existing facilities would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with native or resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. Further, since the Extreme Ozone Attainment Demonstration Plan primarily regulates stationary

emission sources at existing commercial or industrial facilities, it does not directly or indirectly affect land use policy that may adversely affect riparian habitat or other sensitive natural communities identified in local or regional plans, policies, or regulations, or identified by the California Department of Fish and Game or U.S. Fish and Wildlife Service. Improving air quality is anticipated to provide health benefits to plant and animal species in the District. There are no additional control measures contained in the Extreme Ozone Attainment Demonstration Plan that would alter this determination.

Implementing the proposed Extreme Ozone Attainment Demonstration Plan is not anticipated to affect land use plans, local policies or ordinances, or regulations protecting biological resources such as a tree preservation policy or ordinance for the reasons already given, i.e. control measures promulgated as rules or regulations primarily affect existing facilities located in appropriately zoned areas or establish emission standards for mobile sources. Land use and other planning considerations are determined by local governments and no land use or planning requirements would be altered by the proposed project. Similarly, the proposed Extreme Ozone Attainment Demonstration Plan 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 upon the above considerations, implementing the proposed Extreme Ozone Attainment Demonstration Plan is not anticipated to adversely affect biological resources.

3.4.5 CULTURAL RESOURCES

Implementing the proposed Extreme Ozone Attainment Demonstration Plan is primarily anticipated to result in controlling stationary source emissions at existing commercial or industrial facilities and establishing emission standards for mobile sources. Affected facilities are typically located in appropriately zoned commercial or industrial areas that have previously been disturbed. Because potentially affected facilities are existing facilities and controlling stationary source emissions does not typically require extensive cut-and-fill activities or excavation, it is unlikely that implementing control measures in the Extreme Ozone Attainment Demonstration Plan would: adversely affect historical or archaeological resources as defined in CEQA Guidelines §15064.5; destroy unique paleontological resources or unique geologic features; or disturb human remains interred outside formal cemeteries.

The proposed Extreme Ozone Attainment Demonstration Plan is, therefore, not anticipated to result in any construction activities or promote any programs that could have a significant adverse impact on cultural resources in the District. Consequently, this environmental topic will not be evaluated further in the ~~Draft~~ *Final* EIR.

3.4.6 GEOLOGY AND SOILS

The proposed Extreme Ozone Attainment Demonstration Plan would not directly expose people or structures to earthquake faults, seismic shaking, seismic-related ground failure including liquefaction, landslides, mudslides or substantial soil erosion for the following reasons. When implemented as rules or regulations, control measures do not directly or indirectly result in construction of new structures. Some structural modifications, however, at existing affected facilities may occur as a result of installing control equipment or making process modifications. In any event, existing affected facilities or modifications to existing facilities would be required to comply with relevant Uniform Building Code requirements in effect at the time of initial construction or modification of a structure.

New structures must be designed to comply with the Uniform Building Code Zone 4 requirements since the District is located in a seismically active area. The local cities or counties are responsible for assuring that projects comply with the Uniform Building Code as part of the issuance of the building permits and can conduct inspections to ensure compliance. The Uniform Building Code is considered to be a standard safeguard against major structural failures and loss of life. The goal of the Code is to provide structures that would: (1) resist minor earthquakes without damage; (2) resist moderate earthquakes without structural damage but with some non-structural damage; and (3) resist major earthquakes without collapse but with some structural and non-structural damage.

The proposed Extreme Ozone Attainment Demonstration Plan does not include control measures that require paving to reduce fugitive dust emissions from dirt roads or unpaved parking areas. The proposed project does not have the potential to substantially increase the area subject to compaction or over-covering since the subject areas would be limited in size and, typically, have already been graded or displaced in some way. Therefore, significant adverse soil erosion impacts are not anticipated from implementing the Extreme Ozone Attainment Demonstration Plan.

Extreme Ozone Attainment Demonstration Plan control measures typically affect existing industrial or commercial facilities that are already connected to appropriate sewerage facilities. Based on these considerations, the use of septic tanks or other alternative wastewater disposal systems will not be impacted by the proposed project

3.4.7 HAZARD AND HAZARDOUS MATERIALS

The proposed Extreme Ozone Attainment Demonstration Plan has the potential to create direct or indirect hazard impacts in the following ways. Some control measures that seek to regulate VOC emissions by establishing VOC content requirements for products such as coatings, may result in reformulating these products with materials that have low or exempt VOC materials. It is possible that such reformulated products could have hazardous physical or chemical properties, which could create hazard impacts through the routine transport or disposal of these materials or through upset conditions involving the

accidental release of these materials into the environment. The likelihood of release is mitigated through federal, state, and local regulations and ordinances regarding the transport, storage and disposal of such materials.

It is anticipated that future VOC content limits required for coatings and other products can be achieved, in part, through the use of coatings and products reformulated with acetone, exempt solvents, and water-based solvents. Acetone is an exempt compound from air quality rules and regulations because of its low reactivity. The trend is to replace solvents with less toxic/less hazardous materials that do not contain hazardous air pollutants.

Hazard impacts and impacts to fire departments are anticipated to be less-than-significant. Similarly, any increase in future compliant coating materials are anticipated to result in a concurrent reduction in the number of accidental releases of coating materials. As a result, the net numbers of accidental releases are anticipated to remain constant.

Use of alternative fuels would require additional knowledge and training of owners/ operators of fueling stations regarding maintaining and operating alternative fuel refueling stations and emergency responders. Therefore, when users of alternative fuels comply with existing regulations and recommended safety procedures, hazards impacts associated with the use of alternative clean-fuels would be the same or less than those of conventional fuels. Accordingly, significant hazard impacts are not anticipated from the increased use of alternative fuels.

The potential control measures E - Small Boilers, Process Heaters, and Steam Generators 2-5 mmBtu/hr and G - Solid Fuel Boilers, Steam Generators and Process Heaters would require the increased use and storage of ammonia. Since state and local safety regulations govern the handling, storage, and transport of ammonia needed for this technology, the potential for acute exposure is minimized. Adherence to these regulations is anticipated to minimize significant impacts associated with the use of ammonia. A limit on ammonia slip (release) is normally included in permits to operate stationary sources, which should minimize potential air quality impacts associated with ammonia slip from these sources.

For any facilities affected by the Extreme Ozone Attainment Demonstration Plan control measures that are on the Government Code §65962.5 list, it is anticipated that they would continue to manage any and all hazardous materials in accordance with federal, state, and local regulations.

The construction of new facilities would require compliance with state and federal regulations and requirements for handling, treatment, and disposal of hazardous materials and waste. The proposed control measures are not anticipated to impact any clean up activities or contaminated sites; therefore, no significant adverse impacts are anticipated.

The proposed project would not adversely affect any airport land use plan or result in any safety hazard for people residing or working in the District. Control measures in the proposed Extreme Ozone Attainment Demonstration Plan will not require construction of tall structures near airports so potential impacts to airport land use plans or safety hazards to people residing or working in the vicinity of local airports are not anticipated.

The proposed project would not impair implementation of, or physically interfere with any adopted emergency response plan or emergency evacuation plan. Any existing commercial or industrial facilities affected by proposed control measures would typically have their own emergency response plans for their facilities already in place. Adopting the proposed Extreme Ozone Attainment Demonstration Plan is not anticipated to interfere with any emergency response procedures or evacuation plans.

The proposed Extreme Ozone Attainment Demonstration Plan would typically affect existing commercial or industrial facilities in appropriately zoned areas. Since commercial and industrial areas are not typically located near wildland or forested areas, implementing control measures has no potential to increase the risk of wildland fires.

3.4.8 HYDROLOGY AND WATER QUALITY

It is assumed that any affected facilities that generate wastewater, and are subject to waste discharge or pretreatment requirements, currently comply with and would continue to comply with all relevant wastewater requirements, waste discharge regulations, and standards for stormwater runoff, and any other relevant requirements for direct discharges into sewer systems. These standards and permits require water quality monitoring and reporting for onsite water-related activities. Should the volume or discharge limits change as a result of implementing control measures, the facility would be required to consult with the appropriate Regional Water Quality Control Board and/or the local sanitation district to discuss these changes. It is not anticipated, however, that implementing the Extreme Ozone Attainment Demonstration Plan would cause any exceedances of water quality standards or waste discharge requirements.

The proposed Extreme Ozone Attainment Demonstration Plan generally is anticipated to impose control requirements on stationary sources at existing commercial or industrial facilities. As a result, the proposed control measures would not be anticipated to generate in and of themselves new structures that could alter existing drainage patterns by altering the course of a river or stream that would result in substantial erosion, siltation, or flooding on or offsite, increase the rate or amount of surface runoff that would exceed the capacity of existing or planned stormwater drainage systems, etc. Although minor modifications might occur at existing commercial or industrial facilities affected by the proposed Extreme Ozone Attainment Demonstration Plan control measures, these facilities have, typically, already been graded and the areas surrounding them have likely already been paved over or landscaped. As a result, further minor modifications at affected facilities that may occur as a result of implementing the Extreme Ozone Attainment Demonstration Plan are not anticipated to alter existing drainage patterns or

stormwater runoff. Therefore, no significant adverse impacts related to surface water runoff are expected.

Control Measure L – Concentrated Animal Feeding Operations, would address the wastes from confined populations of animals in dairies and feedlots. Livestock wastes are deposited in corrals, feedlots, pastures, turkey and chicken coups, and other places where livestock are kept. VOC is emitted from bovine digestive systems and from the aerobic decomposition of manure. The anaerobic decomposition of livestock wastes (primarily manure) emits mostly methane and carbon dioxide and some reduced sulfur and nitrogen compounds. This potential control measure could use anaerobic digestion in large tanks similar to sludge digesters at sewage treatment plants. Livestock wastes may be composted or land filled (aerobic processes) and the gases of decomposition captured and destroyed by processes like adsorption or incineration.

Lagoon and composting treatment of the wastes could have runoff of organic matter discharged into surface water. However, key storm water monitoring and control protocols established in coordination with Local Enforcement Agency and the Regional Water Quality Control Board, as specified in Waste Discharge Requirements usually would certify that all non-storm water discharges to storm water conveyance systems have been eliminated. In addition, periodic inspections and drainage system maintenance, as designed, would prevent run-off from adversely affecting the local and regional watershed areas.

The proposed project does not include the construction of new or relocation of existing housing or other types of facilities and, as such, would not require the placement of housing or other structures within a 100-year flood hazard area. As a result, the proposed project would not be anticipated to involve significant risks from flooding; expose people or structures to significant risk of loss, injury or death involving flooding; or increase existing risks, if any, of inundation by seiche, tsunami, or mudflow.

3.4.9 LAND USE AND PLANNING

The Extreme Ozone Attainment Demonstration Plan generally is anticipated to impose control requirements on stationary sources at existing commercial or institutional facilities and establish emission specifications for mobile sources. As a result, the proposed Extreme Ozone Attainment Demonstration Plan does not require construction of structures for new land uses in any areas of the District and, therefore, is not anticipated to create divisions in any existing communities.

Any facilities affected by the proposed Extreme Ozone Attainment Demonstration Plan would still be anticipated to comply with, 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.

There are existing links between population growth, land development, housing, traffic and air quality. The eight Regional Transportation Planning Agencies within the SJVUAPCD account for these links when designing ways to improve air quality, transportation systems, land use, compatibility and housing opportunities in the region. Land use planning is handled at the local level and contributes to planning (e.g., growth projections), but the Extreme Ozone Attainment Demonstration Plan does not affect local government land use planning decisions.

3.4.10 MINERAL RESOURCES

There are no provisions of the proposed project that would directly result in the loss of availability of a known mineral resource 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. The proposed Extreme Ozone Attainment Demonstration Plan is not anticipated to deplete non-renewable mineral resources, such as aggregate materials, metal ores, etc., at an accelerated rate or in a wasteful manner because control measures are typically not mineral resource intensive measures. Therefore, significant adverse impacts to mineral resources are not anticipated so this topic will not be further evaluated in the ~~Draft~~ *Final* EIR.

3.4.11 NOISE

The proposed project may require existing commercial or industrial owners/operators of affected facilities to install air pollution control equipment or modify their operations to reduce stationary source emissions. Potential modifications would occur at facilities typically located in appropriately zoned industrial or commercial areas. Ambient noise levels in commercial and industrial areas are typically driven primarily by freeway and/or highway traffic in the area and any heavy-duty equipment used for materials manufacturing or processing at nearby facilities. It is not anticipated that any modifications to install air pollution control equipment would substantially increase ambient (operational) noise levels in the area, either permanently or intermittently, or expose people to excessive noise levels that would be noticeable above and beyond existing ambient levels. The Extreme Ozone Attainment Demonstration Plan may result in construction activities, e.g., the construction of control devices. Noise levels could temporarily increase in areas where construction activities are required, which would largely be commercial or industrial areas. Affected facilities would be required to comply with existing noise ordinances and meet noise standards established in local general plans, noise elements, or noise ordinances currently in effect.

It is also not anticipated that the proposed project would cause an increase in groundborne vibration levels because air pollution control equipment is not typically vibration intensive equipment. Consequently, the Extreme Ozone Attainment Demonstration Plan would not directly or indirectly cause substantial noise or excessive groundborne vibration impacts.

3.4.12 POPULATION AND HOUSING

The proposed Extreme Ozone Attainment Demonstration Plan generally affects existing commercial or industrial facilities located in predominantly industrial or commercial urbanized areas throughout the District. In addition, it is not anticipated that affected facilities will be required to hire additional personnel to operate and maintain new control equipment on site because air pollution control equipment is typically not labor intensive equipment. In the event that new employees are hired, it is anticipated that the existing local labor pool in the District can accommodate any increase in demand for workers that might occur as a result of adopting the proposed Extreme Ozone Attainment Demonstration Plan. As such, adopting the proposed Extreme Ozone Attainment Demonstration Plan is not anticipated to result in changes in population densities or induce significant growth in population.

Because of the region's available workforce, any demand for new employees can be accommodated from the local region, so no substantial population displacement is anticipated. Therefore, construction of replacement housing elsewhere in the District is not anticipated.

3.4.13 PUBLIC SERVICES

There is no potential for significant adverse public service impacts as a result of adopting the Extreme Ozone Attainment Demonstration Plan. Adverse impacts to public services as a result of implementing the proposed control measures at services such as fire departments, police departments and local governments are not anticipated. The proposed project 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.

Adopting the proposed Extreme Ozone Attainment Demonstration Plan would not induce population growth or alter the distribution of existing population. The Plan also would not displace existing housing, including affordable housing as the measures would generally impact industrial and commercial facilities. Thus, implementing control measures would not increase or otherwise induce population growth or displace existing housing in the District. No significant adverse impacts to public services are foreseen as a result of adopting the proposed Extreme Ozone Attainment Demonstration Plan.

Based upon the above information, adopting the proposed Extreme Ozone Attainment Demonstration Plan is not anticipated to create significant adverse public service impacts.

3.4.14 RECREATION

As discussed under “Land Use and Planning” above, there are no provisions of the proposed project that would affect land use plans, policies, ordinances, or regulations. Land use and other planning considerations are determined by local governments. No

land use or planning requirements, including those related to recreational facilities, would be altered by the proposal. The proposed project does not have the potential to directly or indirectly induce population growth or redistribution. As a result, the proposed project would not increase the use of, or demand for existing neighborhood and/or regional parks or other recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment.

3.4.15 TRANSPORTATION/TRAFFIC

Adopting the proposed Extreme Ozone Attainment Demonstration Plan is not anticipated to substantially increase vehicle trips or vehicle miles traveled in the District. Included as part of the proposed Extreme Ozone Attainment Demonstration Plan are some mobile source related control measures. Additional transportation control measures are anticipated to be implemented by the eight Metropolitan Planning Organizations in the San Joaquin Valley. These transportation control measures include strategies to enhance mobility by reducing congestion through transportation infrastructure improvements, mass transit improvements, increasing telecommunications products and services, enhanced bicycle and pedestrian facilities, etc. Specific strategies that serve to reduce vehicle trips and vehicle miles traveled, such as strategies resulting in greater reliance on mass transit, ridesharing, telecommunications, etc., are anticipated to result in reducing traffic congestion. Although population in the District will continue to increase, implementing the transportation control measures will ultimately result in greater percentages of the population using transportation modes other than single occupant vehicles. As a result, relative to population growth, existing traffic loads and the level of service designation for intersections District-wide would not be anticipated to decline at current rates, but could possibly improve to a certain extent. Therefore, implementing the Extreme Ozone Attainment Demonstration Plan control measures could ultimately provide transportation improvements and congestion reduction benefits.

The proposed project would not increase air traffic levels. Therefore, no significant adverse impacts are anticipated.

It is not anticipated that adopting the proposed Extreme Ozone Attainment Demonstration Plan would directly or indirectly increase roadway design hazards or incompatible risks. To the extent that implementing components of the transportation control measures and related measures further develop roadway infrastructure or limit truck traffic to certain interstates, it is anticipated that there would ultimately be a reduction in roadway hazards or incompatible risks as part of any roadway infrastructure improvements.

Adopting the Extreme Ozone Attainment Demonstration Plan would not conflict with adopted policies, plans or programs supporting alternative transportation programs. In fact, the transportation and related control measures would specifically encourage and provide incentives for implementing alternative transportation programs and strategies.

Adopting the proposed Extreme Ozone Attainment Demonstration Plan is not anticipated to generate any significant adverse impacts to transportation or traffic systems.