



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

AGENDA: 3

Land Use, CEQA and Permitting

**Stationary Source and Climate Impacts Committee Meeting
May 17, 2021**

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Presentation Outcome



- Understand the context of Local Land Use decisions and Air District permitting
- Understand the Current Air District Permitting Program

Presentation Requested Action



- None – informational presentation.

Presentation Outline



Land Use and California Environmental Quality Act (CEQA)

- Local Land Use Planning
- Air District Goals for Local Land Use Planning
- Air District Role
- Air District CEQA Guidelines Update

Local Land Use Planning



Why Local Land Use Decisions Matter:

- Local land use decisions are often made before the Air District receives a permit application
- Local decisions that do not adequately address air quality impacts can limit the Air District's options to minimize local exposure
- Proximity of people to polluting sources sometimes an outcome
- Examples:
 - Private school in Fremont located adjacent to concrete batch plant
 - Milpitas/Fremont/San Jose residential development near landfill/Material Recovery Facility (MRF)
 - City approval allowed for crematory to relocate to East Oakland

Air District Goals for Local Land Use Planning



Development that is:

- Mixed-use, infill, near transit
- Provides adequate levels of housing, particularly affordable housing
- Minimizes automobile use and vehicle miles travelled
- Supports Plan Bay Area 2050's regional transportation and housing goals
- Avoids exposing residents to local emissions from stationary sources of pollution, odors or dust; freeways; railyards; other sources

Air District Role



Develop and Implement Air Quality and Greenhouse Gas (GHG) Plans

- **2017 Clean Air Plan: Spare the Air, Cool the Climate** includes measures to guide land use planning
- **Assembly Bill (AB) 617 West Oakland Community Action Plan (WOCAP)**: adopted in 2019, includes strategies to mitigate land use conflicts
- **Local Climate Action Plan** guidance to support low carbon and low Vehicles Miles Traveled (VMT) development

Air District Role (cont.)



Provide Guidance and Technical Support

- **CEQA Air Quality Thresholds and Guidelines:** widely used to determine significance thresholds and identify mitigation measures
- **Planning Healthy Places:** project and plan-level guidance for siting development
- **Senate Bill (SB) 1000 Guidance:** support for incorporation of Environmental Justice Elements in General Plans
- **Air Quality and GHG Data and Tools:** emissions inventory data, health risk screening tools, guidelines, other
- **Knowledge building:** education and outreach to local planners

Air District CEQA Guidelines Update



Goals of Updating the CEQA Thresholds and Air Quality Guidelines

- Update outdated GHG thresholds to align with State goals and targets
- Strengthen particulate matter (PM_{2.5}) thresholds to be more health protective.
 - Phase 1: lower current thresholds to be more health protective
 - Phase 2: align local PM and risk thresholds with Permit Reform and Advisory Council process and recommendations
- Other updates and enhancements
 - Include Environmental Justice chapter to provide context for local planning efforts
 - Update methodologies and clarify guidelines for implementing thresholds
 - Add new mitigation measures

Presentation Outline



Air District Permits

- Purpose of Permitting Program
- New Source Review Permits
- Major Facility Review Permits

Questions

Purpose of Permitting Program



- Protect human health, public welfare, property, and economy
- Meet Ambient Air Quality Standards (AAQS)
- Reduce emissions from stationary air pollution devices
- Verify compliance with federal, State, and local air quality regulations
- Within 2020, the Air District has issued: 1,395 permits
 - 561 Authorities to Construct
 - 794 Permits to Operate
 - 40 Major Facility Review Permits

NSR - Overview



- New Source Review (NSR)
 - Two-Part Process
 - Authority to Construct (A/C)
 - Obtained prior to the commencement of construction
 - May require meeting start up conditions
 - Permit to Operate (P/O)
 - Allows for the operation of a source
 - Issued after the requirements of the A/C are met
 - Renewed on an annual basis

NSR – Key Permit Criteria



- New Source Review
 - Best Available Control Technology
 - Offsets
 - Air Toxics Health Risk Assessment
 - California Environmental Quality Act
 - Public Notice
 - Public School / Waters Bill
 - Significant Emission Increases / Offsets

NSR - Key Review Elements



- Regulation 2, Rules 1 and 2
 - Best Available Control Technology (BACT)
 - Required for sources that emit more than 10 pounds per day of a regulated air pollutant
 - Most stringent control that is cost effective or achieved in practice
 - Offsets
 - Facilities permitted to emit more than 10 tons per year of nitrogen oxides or precursor organic compounds
 - Facilities permitted to emit more than 100 tons per year of particulate matter or sulfur dioxide

NSR - Key Review Elements (cont.)



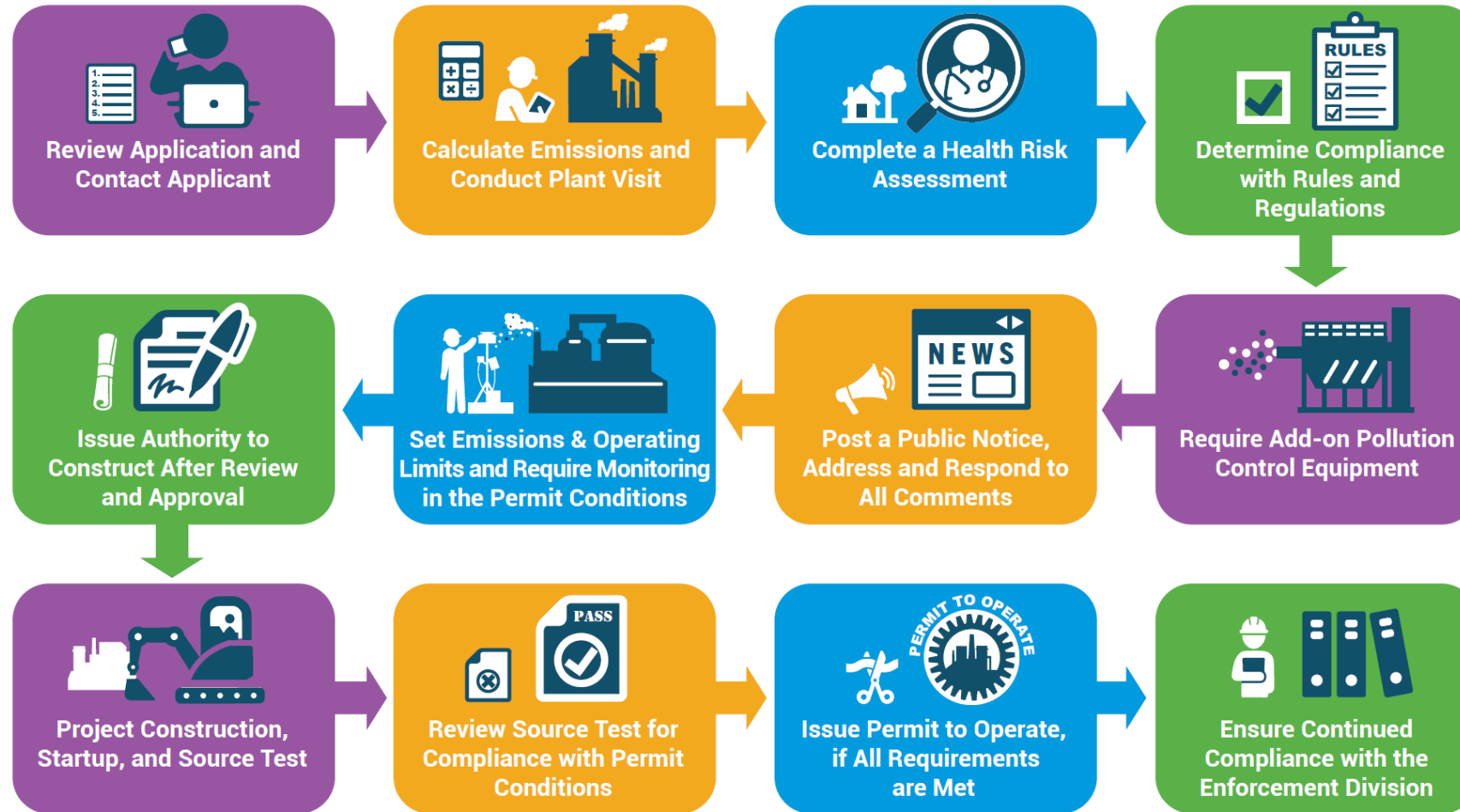
- Regulation 2, Rules 1 and 2
 - School Public Notice
 - Triggered when within 1,000 feet from a kindergarten through grade 12 school
 - 30-day public comment period

NSR - Key Review Elements (cont.)



- Regulation 2, Rule 5
 - Acceptable Project Risk
 - Cancer Risk of 10 in a million or less
 - Acute and Chronic Hazard Index of 1.0 or less
 - Source Requirements
 - Best Available Control Technology for Toxic Air Contaminants (TBACT)
 - Cancer Risk greater than 1.0 in a million
 - Chronic Hazard Index greater than 0.20

NSR - Permitting Process



Questions





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AGENDA: 4

Proposed Concepts to Amend the Permitting Regulation

**Stationary Source and Climate Impacts
Committee Meeting
May 17, 2021**

**Jacob Finkle
Senior Air Quality Specialist
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Presentation Outcome



- Provide information and updates on the development of potential amendments to the Permitting regulation to make it more health protective.
- Receive feedback from committee members on the presented concepts and direction.

Presentation Outline



- Background
- Initial rule concepts
- Public feedback received thus far
- Tentative timeline

Presentation Requested Action



- None; informational presentation

Background

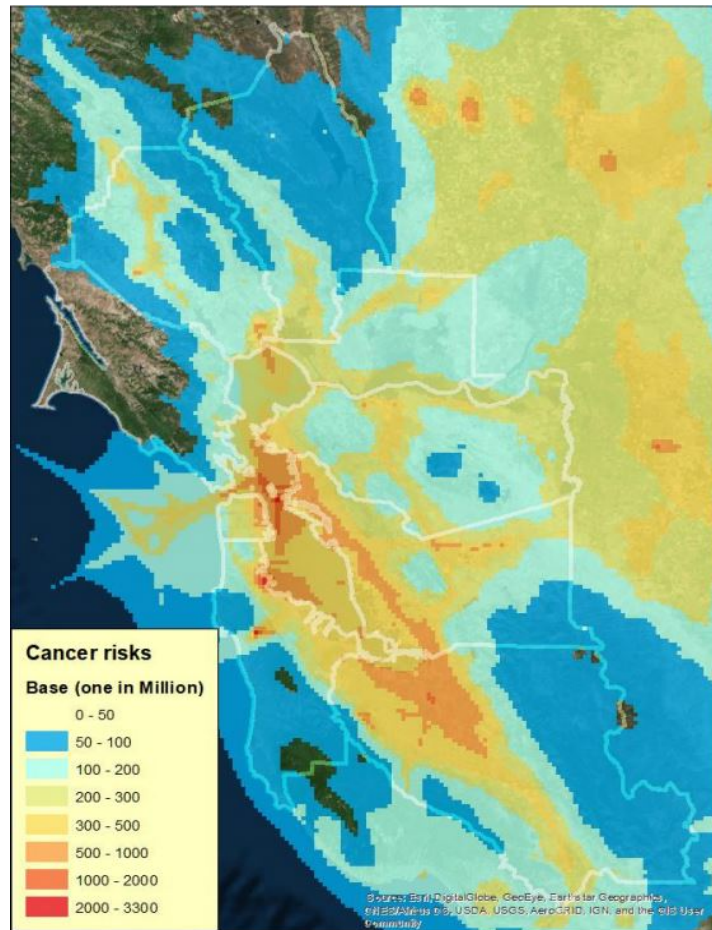


- Air District committed to evaluate its permitting process to address air pollution in areas overburdened by environmental, health stressors.
- Staff met internally and with community advocacy organizations to develop potential concepts and hear recommendations on how to further protect public health.
- Staff developed potential concepts to amend the permitting regulation to receive feedback from the public and determine the path forward.

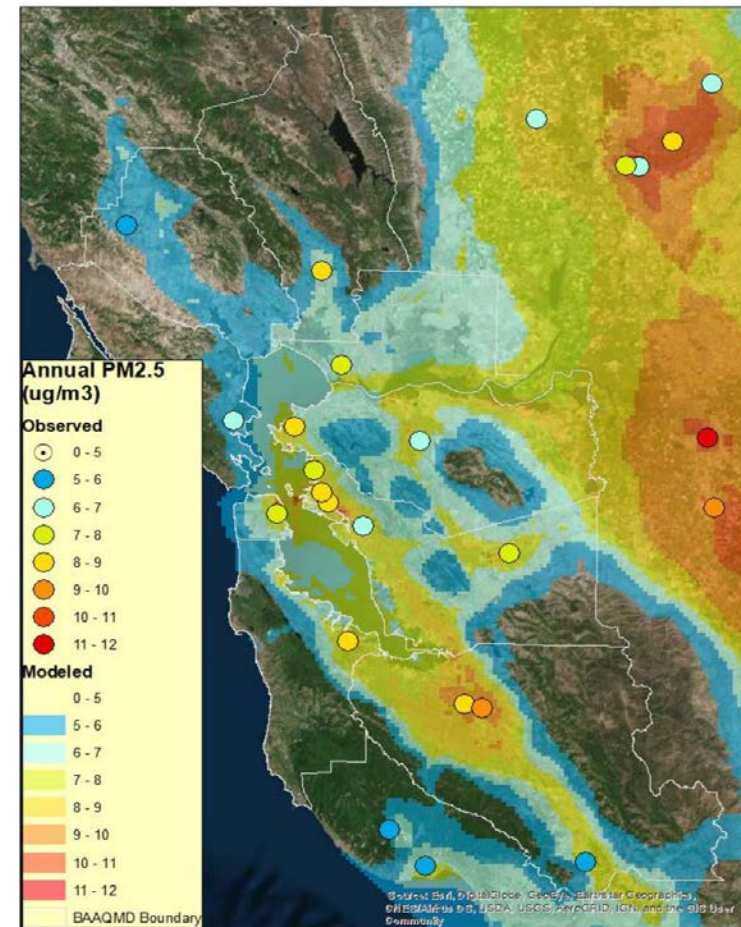
Background: Exposure



- Air quality improving overall, but air pollution exposure varies at the local level.



Cancer Risk, 2016

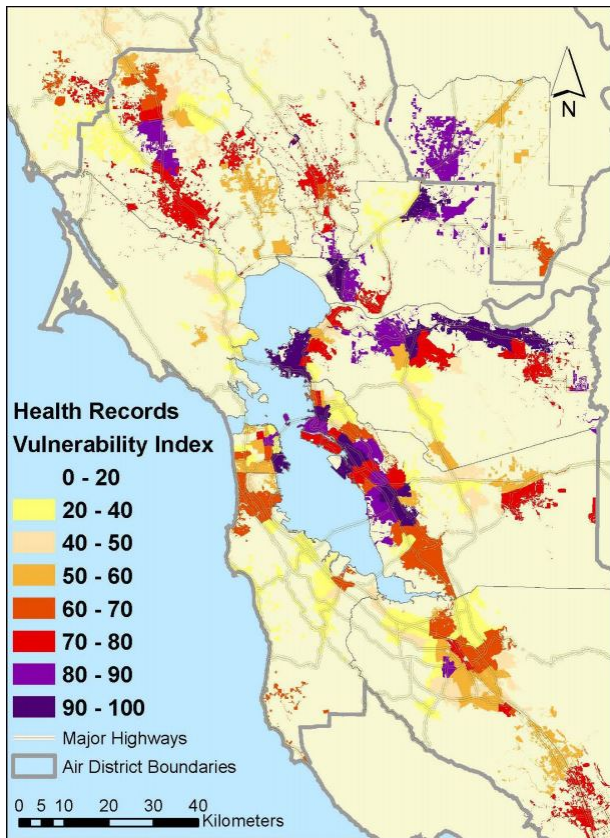


Annual Average PM_{2.5} Concentration (2016)

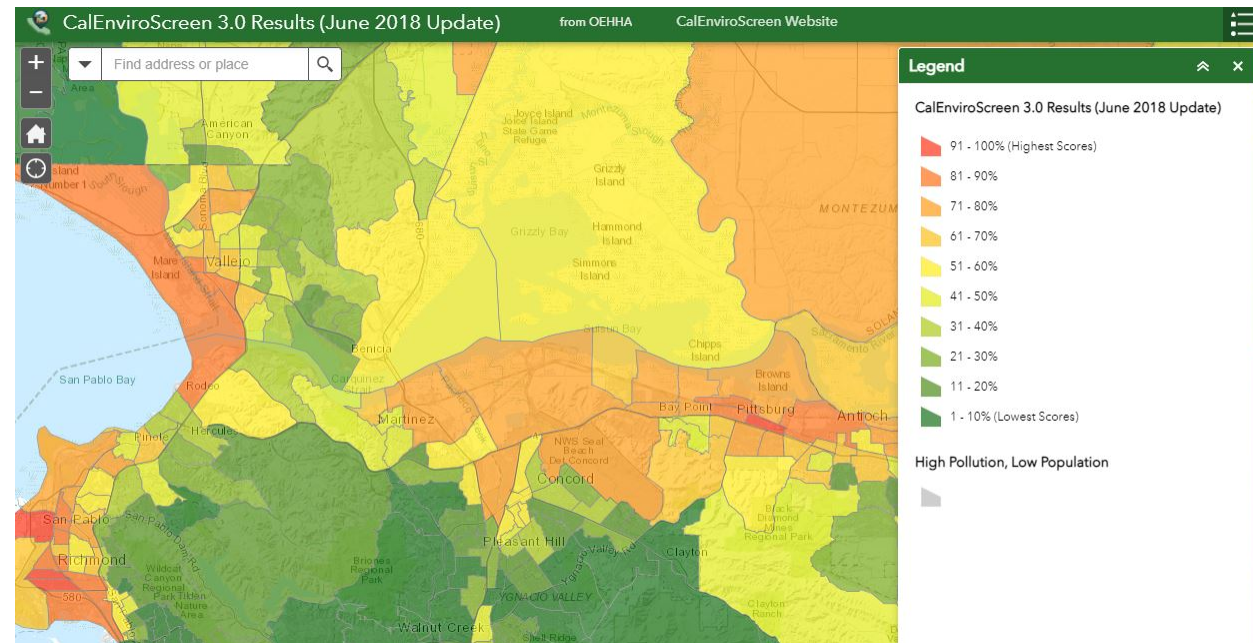
Background: Vulnerability



- Areas with poor air quality also tend to have higher community health vulnerability.



Bay Area CARE Health Vulnerability Index, 2018



Initial Rule Development Concepts



- Concepts to amend the Permitting Regulation:
 - More stringent cancer risk limit overburdened in communities;
 - Require enhanced noticing and analysis of potential impacts in overburdened communities;
 - Update the risk assessment procedures for gas station permitting; and
 - Evaluate exposure-based limits for fine particulate matter emissions.

May 12, 2021, Concepts Workshop Discussion



- Discussion topics for May 12, 2021, workshop
 - Cancer risk limit
 - How to identify overburdened communities
 - Enhanced public notification
 - Environmental impacts analyses
 - Fine particulate matter permit limits

May 12, 2021, Concepts Workshop Feedback



- Public feedback on potential concepts
 - Key takeaways from the May 12, 2021, public workshop
 - Public feedback (written and verbal) received up to this point
 - Written comment period ends May 28, 2021

Tentative Timeline



Feedback Requested/Prompt



- Questions and comments?