

May 14, 2021

Jennifer Clark  
City of Fresno  
Planning and Development Department  
2600 Fresno Street, Room 3065  
Fresno, CA, 93721

**Project: Recirculated Notice of Preparation of an Environmental Impact Report for Revisions to the Fresno South Central Specific Plan (SCSP)**

**District CEQA Reference No: 20210313**

Dear Ms. Clark:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the City of Fresno's (City) Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the South Central Specific Plan in Fresno (Project). Per the NOP, the proposed Project would designate land uses, establish a planning framework, and development standards to facilitate and guide future development within the approximately 5,600-acre planning area through the year 2040. The Project is located in the southern portion of Fresno and includes land outside of Fresno but within the City's sphere of influence. The EIR will evaluate potential impacts associated with development of a preferred proposed specific plan as well as additional development alternatives. The specific plan proposes revised land use and zoning designations, specific design guidelines, and process improvements. Future development would be required to comply with the proposed specific plan land use designations, development standards, and policy framework. The project area is contained with one of the communities in the state selected by the California Air Resources Board (CARB) for investment of additional air quality resources and attention under Assembly Bill (AB) 617 (Garcia) in an effort to reduce air pollution exposure in impacted disadvantaged communities (see Figure 1 below).

**Samir Sheikh**

Executive Director/Air Pollution Control Officer

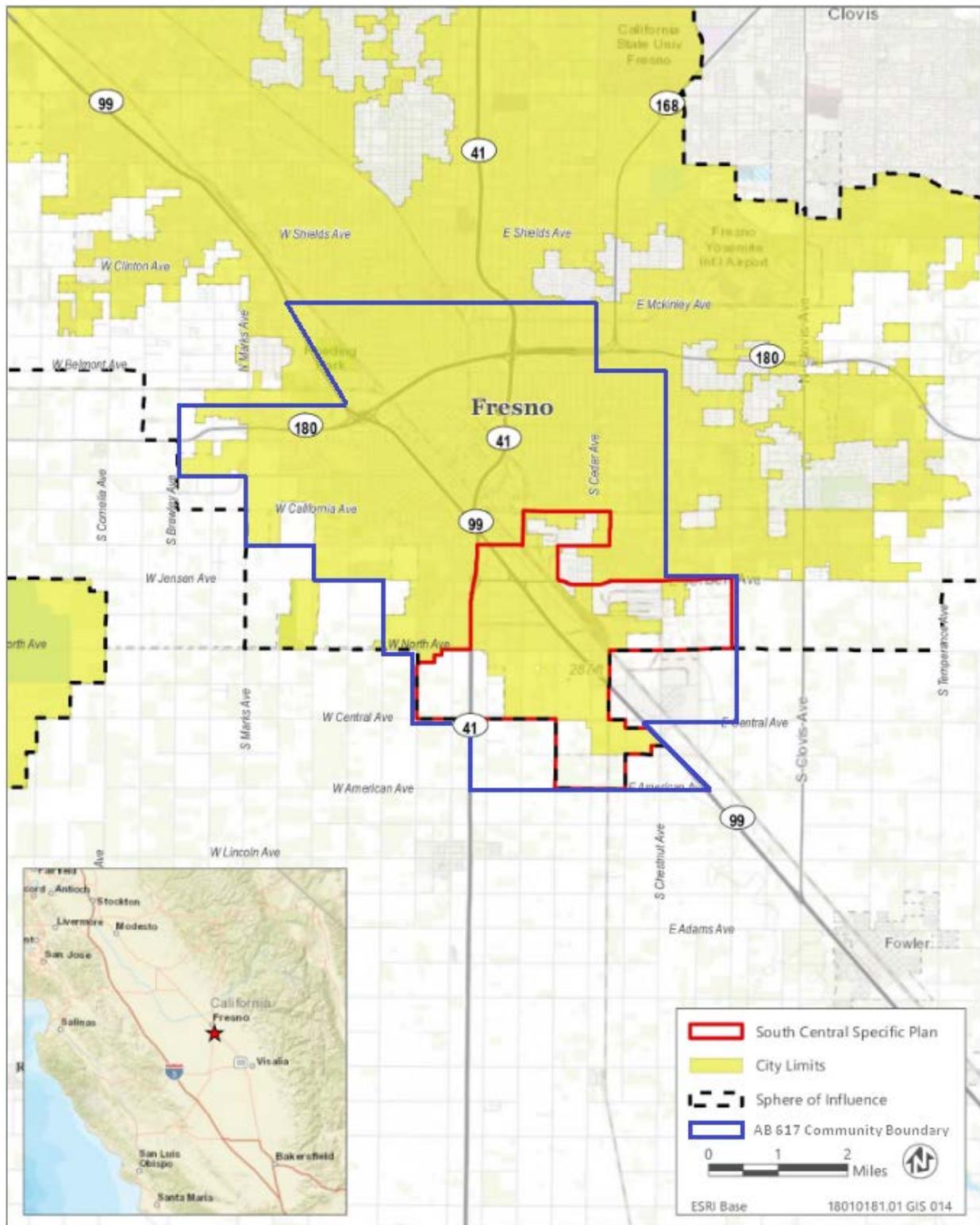
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**Figure 1: Boundaries of the South Central Fresno AB 617 Community and South Central Specific Plan (SCSP)**



The District offers the following comments regarding the Project:

**1) Land Use Planning**

Nearly all development projects within the San Joaquin Valley Air Basin, from general plans to individual projects have the potential to generate air pollutants, making it more difficult to attain state and federal ambient air quality standards. Land use decisions are critical to improving air quality within the San Joaquin Valley Air Basin because land use patterns greatly influence transportation needs, and motor vehicle emissions are the largest source of air pollution in the Valley. Land use decisions and project design elements such as preventing urban sprawl, encouraging mix-use development, and project design elements that reduce vehicle miles traveled (VMT) have proven to be beneficial for air quality. The District recommends that the EIR incorporate strategies that reduce VMTs and require the cleanest available heavy duty trucks and vehicles, including zero and near-zero technologies. VMTs can be reduced through encouragement of mix-use development, walkable communities, etc. Additional design element options can be found at: <http://www.valleyair.org/transportation/Mitigation-Measures.pdf>

In addition, the District recommends that the EIR incorporate strategies that will advance implementation of the best practices listed in Tables 5 and 6 of CARB's Freight Handbook Concept Paper, to the extent feasible. This document compiles best practices designed to address air pollution impacts as "practices" which may apply to the siting, design, construction, and operation of freight facilities to minimize health impacts on nearby communities. The concept paper is available at: [https://ww2.arb.ca.gov/sites/default/files/2020-03/2019.12.12%20-%20Concept%20Paper%20for%20the%20Freight%20Handbook\\_1.pdf](https://ww2.arb.ca.gov/sites/default/files/2020-03/2019.12.12%20-%20Concept%20Paper%20for%20the%20Freight%20Handbook_1.pdf)

**2) Project Siting**

The SCSP is the blueprint for future growth and provides guidance for the community's development. Without appropriate mitigation and associated policy, future development projects within the City may contribute to negative impacts on air quality due to increased traffic and ongoing operational emissions. Appropriate project siting helps ensure there is adequate distance between differing land uses, which can prevent or reduce localized and cumulative air pollution impacts from business operations that are in close proximity to receptors (e.g. residences, schools, health care facilities, etc.). SCSP siting-related goals, policies, and objectives should include measures and concepts outlined in the following resources:

- CARB's Air Quality and Land Use Handbook: A Community Health Perspective. The document includes tables with recommended buffer distances associated with various types of common sources (e.g. distribution

centers, chrome platers, gasoline dispensing facilities, etc.), and can be found at: <https://ww3.arb.ca.gov/ch/handbook.pdf>

- CARB's Freight Handbook Concept Paper: This document compiles best practices designed to address air pollution impacts, which may apply to the siting, design, construction, and operation of freight facilities to minimize health impacts on nearby communities, and can be found at: [https://ww2.arb.ca.gov/sites/default/files/2020-03/2019.12.12%20-%20Concept%20Paper%20for%20the%20Freight%20Handbook\\_1.pdf](https://ww2.arb.ca.gov/sites/default/files/2020-03/2019.12.12%20-%20Concept%20Paper%20for%20the%20Freight%20Handbook_1.pdf)

### 3) **Assembly Bill 617**

Assembly Bill 617 requires CARB and air districts to develop and implement Community Emission Reduction Programs (CERPs) in an effort to reduce air pollution exposure in impacted disadvantaged communities, like those in which the Project is located. The South Central Fresno AB 617 community is one of 14 statewide communities selected by CARB for development and implementation of a Community Emission Reduction Program.

Following a year of extensive community engagement and collaboration with South Central Fresno's Community Steering Committee, the Community Emission Reduction Program for the South Central Fresno Community was adopted by the District's Governing Board in September 2019 and by CARB in February 2020. The CERP identifies a wide range of measures designed to reduce air pollution and exposure, including a number of strategies to be implemented in partnership between agencies and local organizations. The Community Steering Committee has developed a series of emission and exposure reduction strategies with the goal to improve community health by reducing exposure to air pollutants. Such emission reduction strategies include, but are not limited to, enhanced community participation in land use processes, the deployment of zero and near-zero emission Heavy-Heavy Duty (HHD) trucks, HHD truck rerouting analyses, reducing HHD truck idling, and incorporating vegetative barriers and urban greening.

During the development of the CERP, the Community Steering Committee expressed concerns regarding the proximity of emission sources to nearby sensitive receptors like schools, homes, day care centers, and hospitals, and the potential future industrial development within the community that may exacerbate the cumulative exposure burden for community residents. The Community Steering Committee also expressed the desire for more meaningful avenues of engagement surrounding the land-use decisions in the area. As these issues can most effectively be addressed through strong partnerships between community members and local land-use agencies, the District appreciates the City of Fresno's participation and partnership in developing the Community Emission Reduction Program. The District is committed to strengthening our working relationship with the City of Fresno to

implement the land-use focused air pollution and exposure reduction strategies included in the Community Emission Reduction Program. Furthermore, the District recommends the City assess the emission reductions measures and strategies included in the CERP and address them in the EIR, as appropriate, to align the City of Fresno's work with the air pollution and exposure reduction strategies and measures outlined in the Community Emission Reduction Program.

For more information regarding the CERP approved for South Central Fresno, please visit the District's website at:

<http://community.valleyair.org/selected-communities/south-central-fresno>

#### **4) Criteria Pollutant Emissions**

At the federal level under the National Ambient Air Quality Standards (NAAQS), the District is designated as extreme nonattainment for the 8-hour ozone standards and serious nonattainment for the particulate matter less than 2.5 microns in size (PM<sub>2.5</sub>) standards. At the state level under California Ambient Air Quality Standards (CAAQS), the District is designated as nonattainment for the 8-hour ozone, PM<sub>10</sub>, PM<sub>2.5</sub> standards.

As such, the District recommends that the EIR stipulate that future development projects within the SCSP identify and characterize project construction and operational air emissions. The District recommends the air emissions be compared to the following California Environmental Quality Act (CEQA) significance thresholds for annual emissions of criteria pollutants: 100 tons per year of carbon monoxide (CO), 10 tons per year of oxides of nitrogen (NO<sub>x</sub>), 10 tons per year of reactive organic gases (ROG), 27 tons per year of oxides of sulfur (SO<sub>x</sub>), 15 tons per year of particulate matter with an aerodynamic diameter less than or equal to a nominal 10 or 2.5 microns (PM<sub>10</sub> or PM<sub>2.5</sub>). The District recommends that future proposed projects be mitigated to the extent feasible, and that future proposed projects with air emissions above the aforementioned thresholds be mitigated to below these thresholds.

The District understands that the SCSP is a program-level Project where future individual project-specific data may not be available at this time. As such, the EIR should include a discussion of policies, which when implemented, will require assessment and characterization of project-level emissions, and subsequently require mitigation of air quality impacts to the extent feasible at the individual project-specific level. Environmental reviews of potential impacts on air quality should incorporate the following items:

##### **4a) Construction Emissions**

Construction air emissions are short-term emissions generated from

construction activities such as mobile heavy-duty diesel off-road equipment, and should be evaluated separately from operational emissions. If air emissions from ongoing operational activities occur within the same year as construction emissions, those emissions should be combined.

*Recommended Measure:* To reduce impacts from construction-related diesel exhaust emissions, the project should utilize the cleanest available off-road construction fleets, as set forth in §2423 of Title 13 of the California Code of Regulations, and Part 89 of Title 40 Code of Federal Regulations.

#### **4b) Operational Emissions**

Operational (ongoing) air emissions from mobile sources and stationary sources should be analyzed separately. For reference, the District's annual criteria thresholds of significance are listed above.

*Recommended Mitigation Measure:* At a minimum, project related impacts on air quality should be reduced to levels of significance through incorporation of design elements such as the use of cleaner heavy-duty trucks and vehicles, measures that reduce VMTs, and measures that increase energy efficiency. More information on transportation mitigation measures can be found at: <http://www.valleyair.org/transportation/Mitigation-Measures.pdf>.

#### **4c) Recommended Model for Quantifying Air Emissions**

Project-related criteria pollutant emissions from construction and operational sources should be identified and quantified. Emissions analysis should be performed using the California Emission Estimator Model (CalEEMod), which uses the most recent CARB-approved version of relevant emissions models and emission factors. CalEEMod is available to the public and can be downloaded from the CalEEMod website at: [www.caleemod.com](http://www.caleemod.com).

### **5) Health Risk Screening/Assessment**

To determine potential health impacts on surrounding receptors (residences, businesses, hospitals, day-care facilities, health care facilities, etc.) a Prioritization and/or a health risk assessment (HRA) should be performed for future projects within the SCSP. These health risk determinations should quantify and characterize potential Toxic Air Contaminant (TAC) air pollutants identified by the Office of Environmental Health Hazard Assessment/California Air Resources Board (OEHHA/CARB) that pose a present or potential hazard to human health.

Health risk analyses should include all potential air emissions from the project, which include emissions from construction of the facility, including multi-year construction,

as well as ongoing operational activities of the facility. Note, two common sources of TACs can be attributed to diesel exhaust emitted from heavy-duty off-road earth moving equipment during construction, and from ongoing operation of heavy-duty on-road trucks. A list of TACs identified by OEHHA/CARB can be found at:

<https://ww2.arb.ca.gov/resources/documents/carb-identified-toxic-air-contaminants>

#### Prioritization (Screening Health Risk Assessment):

A "Prioritization" is the recommended method for a conservative screening-level health risk assessment. The Prioritization should be performed using the California Air Pollution Control Officers Association's (CAPCOA) methodology. The District recommends that a more refined analysis, in the form of an HRA, be performed for any project resulting in a Prioritization score of 10 or greater. This is because the prioritization results are a conservative health risk representation, while the detailed HRA provides a more accurate health risk evaluation.

To assist land use agencies and project proponents with Prioritization analyses, the District has created a prioritization calculator based on the aforementioned CAPCOA guidelines, which can be found here:

[http://www.valleyair.org/busind/pto/emission\\_factors/Criteria/Toxics/Utilities/PRIORITIZATION%20RMR%202016.XLS](http://www.valleyair.org/busind/pto/emission_factors/Criteria/Toxics/Utilities/PRIORITIZATION%20RMR%202016.XLS)

#### Health Risk Assessment:

Prior to performing an HRA, it is strongly recommended that land use agencies/development project proponents contact the District to review the proposed health risk modeling protocol. A development project would be considered to have a potentially significant health risk if the HRA demonstrates that the project-related health impacts would exceed the District's significance threshold of 20 in a million for carcinogenic risk, or 1.0 for either the Acute or Chronic Hazard Indices. A project with a significant health risk would trigger all feasible mitigation measures. The District strongly recommends that development projects that result in a significant health risk not be approved by the land use agency.

The District is available to review HRA protocols and analyses. For HRA submittals please provide the following information electronically to the District for review:

- HRA AERMOD model files
- HARP2 files
- Summary of emissions source locations, emissions rates, and emission factor calculations and methodology.

For assistance, please contact the District's Technical Services Department by:

- E-Mailing inquiries to: [hramodeler@valleyair.org](mailto:hramodeler@valleyair.org)
- Calling (559) 230-5900

- Visiting the Districts modeling guidance website at:  
[http://www.valleyair.org/busind/pto/Tox\\_Resources/AirQualityMonitoring.htm](http://www.valleyair.org/busind/pto/Tox_Resources/AirQualityMonitoring.htm).

*Recommended Measure:* Development projects resulting in toxic air contaminant emissions should be located an adequate distance from residential areas and other sensitive receptors in accordance to CARB's Air Quality and Land Use Handbook: A Community Health Perspective.

*Recommended Measure:* A health risk screening and/or assessment should be performed to assess potential risks to sensitive receptors for all of the following projects:

- Projects whose proposed locations are within the established buffer distances identified in CARB's handbook located at <https://ww3.arb.ca.gov/ch/handbook.pdf>
- Projects whose land uses are not specifically identified in ARB's handbook (such as shopping centers), but there is sufficient information to reasonably conclude that sensitive receptors would be exposed to significant sources of toxic air contaminants; and
- Projects that would otherwise appear to be exempt from CEQA requirements, but there is sufficient information to reasonably conclude that sensitive receptors would be exposed to significant sources of toxic air contaminants, such as industrial use projects allowed by right.

## 6) **Ambient Air Quality Analysis**

An Ambient Air Quality Analysis (AAQA) uses air dispersion modeling to determine if emissions increases from a project will cause or contribute to a violation of State or National Ambient Air Quality Standards. The District recommends that the EIR requires an AAQA to be performed for any future development project with emissions that exceed 100 pounds per day of any pollutant.

An acceptable analysis would include emissions from both project-specific permitted and non-permitted equipment and activities. The District recommends consultation with District staff to determine the appropriate model and input data to use in the analysis.

Specific information for assessing significance, including screening tools and modeling guidance, is available online at the District's website:  
[www.valleyair.org/ceqa](http://www.valleyair.org/ceqa).

## 7) **Voluntary Emission Reduction Agreement (VERA)**

Future development projects within the SCSP could have a significant impact on air quality. The District recommends the EIR include a feasibility discussion on implementing a Voluntary Emission Reduction Agreement (VERA) as a mitigation measure for future development projects that are determined to exceed the District's CEQA significance thresholds.

A VERA is a mitigation measure by which the project proponent provides pound-for-pound mitigation of emissions increases through a process that develops, funds, and implements emission reduction projects, with the District serving a role of administrator of the emissions reduction projects and verifier of the successful mitigation effort. To implement a VERA, the project proponent and the District enter into a contractual agreement in which the project proponent agrees to mitigate project specific emissions by providing funds for the District's incentives programs. The funds are disbursed by the District in the form of grants for projects that achieve emission reductions. Thus, project-related impacts on air quality can be fully mitigated. Types of emission reduction projects that have been funded in the past include electrification of stationary internal combustion engines (such as agricultural irrigation pumps), replacing old heavy-duty trucks with new, cleaner, more efficient heavy-duty trucks, and replacement of old farm tractors.

In implementing a VERA, the District verifies the actual emission reductions that have been achieved as a result of completed grant contracts, monitors the emission reduction projects, and ensures the enforceability of achieved reductions. After the project is mitigated, the District certifies to the Lead Agency that the mitigation is completed, providing the Lead Agency with an enforceable mitigation measure demonstrating that project-related emissions have been mitigated to less than significant. To assist the Lead Agency and project proponent in ensuring that the environmental document is compliant with CEQA, the District recommends the Draft EIR includes an assessment of the feasibility of implementing a VERA.

## 8) **Truck Routing**

Truck routing involves the assessment of which roads heavy-duty trucks take to and from their destination, and the emissions impact that the trucks may have on residential communities and sensitive receptors.

The District recommends the City evaluate heavy-duty truck routing patterns as they consider the detailed zoning changes within the scope of the Project, with the aim of limiting emission exposure to residential communities and sensitive receptors. This evaluation would consider the current truck routes, the quantity and type of each truck (MHD, HHD, etc), the destination and origin of each trip, traffic volume correlation with the time of day or the day of the week, overall VMT, and associated

exhaust emissions. The truck routing evaluation would also identify alternative truck routes and their impacts on VMT, GHG emissions, and air quality.

## 9) **Cleanest Available Heavy Duty Trucks**

The San Joaquin Valley will not be able to attain stringent health-based federal air quality standards without significant reductions in emissions from HHD trucks, the single largest source of NO<sub>x</sub> emissions in the San Joaquin Valley. The District's ARB-approved 2018 PM<sub>2.5</sub> Plan includes significant new reductions from HHD Trucks, including emissions reductions by 2023 through the implementation of CARB's Statewide Truck and Bus Regulation, which requires truck fleets operating in California to meet the 2010 standard of 0.2 g-NO<sub>x</sub>/bhp-hr by 2023. Additionally, to meet federal air quality attainment standards, the District's Plan relies on a significant and immediate transition of heavy duty truck fleets to zero or near-zero emissions technologies, including the near-zero truck standard of 0.02 g/bhp-hr NO<sub>x</sub> established by CARB.

For future development projects which typically generate a high volume of heavy-duty truck traffic (e.g. "high-cube" warehouses or distribution centers), there are heavy duty trucks traveling to-and-from from the project location at longer distribution trip length distances. Since these projects may exceed the District significance thresholds, the District recommends that the following mitigation measures be included in the EIR for project-related operational emissions:

- *Recommended Measure:* Fleets associated with operational activities utilize the cleanest available HHD trucks, including zero and near-zero (0.02 g/bhp-hr NO<sub>x</sub>) technologies.
- *Recommended Measure:* All on-site service equipment (cargo handling, yard hostlers, forklifts, pallet jacks, etc.) utilize zero-emissions technologies.

## 10) **Reduce Idling of Heavy Duty Trucks**

The goal of this strategy is to limit the potential for localized PM<sub>2.5</sub> and toxic air contaminant impacts associated with failure to comply with the state's Heavy Duty anti-idling regulation (e.g. limiting vehicle idling to specific time limits). The diesel exhaust from excessive idling has the potential to impose significant adverse health and environmental impacts. Therefore, the EIR should deploy strategies to ensure compliance of the anti-idling regulation, especially near sensitive receptors, and discuss the importance of limiting the amount of idling within the SCSP.

*Recommended Measure:* Construction and operational fleets based within the SCSP area limit vehicle idling pursuant to 13 CCR § 2485 and 13 CCR § 2480.

### **11) Electric On-Site Off-Road and On-Road Equipment**

Since the future development projects may include Heavy Industrial and Light Industrial uses, they may have the potential to result in increased use of off-road equipment (i.e. forklifts) and on-road equipment (i.e. mobile yard trucks with the ability to move materials). The District recommends that the EIR stipulate requirements for future project proponents to utilize electric or zero emission off-road and on-road equipment.

### **12) Under-fired Charbroilers**

Future development project(s) for restaurants with under-fired charbroilers may pose the potential for immediate health risk, particularly when located in densely populated areas or near sensitive receptors. Since the cooking of meat can release carcinogenic PM<sub>2.5</sub> species, such as polycyclic aromatic hydrocarbons, controlling emissions from new under-fired charbroilers will have a substantial positive impact on public health. The air quality impacts on neighborhoods near restaurants with under-fired charbroilers can be significant on days when meteorological conditions are stable, when dispersion is limited and emissions are trapped near the surface within the surrounding neighborhoods. This potential for neighborhood-level concentration of emissions during evening or multi-day stagnation events raises air quality concerns.

Furthermore, reducing commercial charbroiling emissions is essential to achieving attainment of multiple federal PM<sub>2.5</sub> standards and their associated health benefits in the SCSP. Therefore, the District recommends that the EIR include a measure requiring the assessment and potential installation, as technologically feasible, of particulate matter emission control systems for new large restaurants operating under-fired charbroilers. The District is available to assist the City and project proponents with this assessment. Additionally, the District is currently offering substantial incentive funding that covers the full cost of purchasing, installing, and maintaining the system during a demonstration period covering two years of operation. Please contact the District at (559) 230-5800 or [technology@valleyair.org](mailto:technology@valleyair.org) for more information, or visit: <http://valleyair.org/grants/rctp.htm>

### **13) Vegetative Barriers and Urban Greening**

For future development projects within in the SCSP, and at strategic locations throughout the SCSP in general, the District suggests the City consider incorporating vegetative barriers and urban greening as a measure to further reduce air pollution exposure on sensitive receptors (e.g. residences, schools, healthcare facilities).

While various emission control techniques and programs exist to reduce air quality emissions from mobile and stationary sources, vegetative barriers have been shown

to be an additional measure to potentially reduce a population's exposure to air pollution through the interception of airborne particles and the update of gaseous pollutants. Examples of vegetative barriers include, but are not limited to the following: trees, bushes, shrubs, or a mix of these. Generally, a higher and thicker vegetative barrier with full coverage will result in greater reductions in downwind pollutant concentrations. In the same manner, urban greening is also a way to help improve air quality and public health in addition to enhancing the overall beautification of a community with drought tolerant, low-maintenance greenery.

#### **14) Solar Deployment in the Community**

It is the policy of the State of California that renewable energy resources and zero-carbon resources supply 100% of retail sales of electricity to California end-use customers by December 31, 2045. While various emission control techniques and programs exist to reduce air quality emissions from mobile and stationary sources, the production of solar energy is contributing to improving air quality and public health. The District suggests that the City consider incorporating solar power systems as an emission reduction strategy for future development projects within the SCSP.

#### **15) Electric Vehicle Chargers**

To support and accelerate the installation of electric vehicle charging equipment and development of required infrastructure, the District offers incentives to public agencies, businesses, and property owners of multi-unit dwellings to install electric charging infrastructure (Level 2 and 3 chargers). The purpose of the District's Charge Up! Incentive program is to promote clean air alternative-fuel technologies and the use of low or zero-emission vehicles. The District recommends that the City and project proponents install electric vehicle chargers at project sites, and at strategic locations throughout the SCSP.

Please visit [www.valleyair.org/grants/chargeup.htm](http://www.valleyair.org/grants/chargeup.htm) for more information.

#### **16) Nuisance Odors**

While offensive odors rarely cause any physical harm, they can be unpleasant, leading to considerable distress among the public and often resulting in citizen complaints.

The City should consider all available pertinent information to determine if future development projects could have a significant impact related to nuisance odors. Nuisance odors may be assessed qualitatively taking into consideration the proposed business or industry type and its potential to create odors, as well as proximity to off-site receptors that potentially would be exposed to objectionable

odors. The intensity of an odor source's operations and its proximity to receptors influences the potential significance of malodorous emissions. Any project with the potential to frequently expose members of the public to objectionable odors should be deemed to have a significant impact.

According to the District Guidance for Assessing and Mitigating air Quality Impacts (GAMAQI), a significant odor impact is defined as more than one confirmed complaint per year averaged over a three-year period, or three unconfirmed complaints per year averaged over a three-year period. An unconfirmed complaint means that either the odor or air contaminant release could not be detected, or the source of the odor could not be determined.

As the future development projects that will fall within the SCSP do not yet exist and cannot be evaluated against the above complaint-driven odor significance criteria, the City should determine which business or industry types have historically triggered the significance criteria, and stipulate odor mitigation measures in the EIR as conditions of approval for those business and industry types. The District recommends that any project proponent whose project is determined to have a potentially significant odor impact should be required to draft and maintain an Odor Management Plan (OMP) as a mitigation measure in the EIR.

## **17) District Rules and Regulations**

The District issues permits for many types of air pollution sources, and regulates some activities that do not require permits. A project subject to District rules and regulations would reduce its impacts on air quality through compliance with the District's regulatory framework. In general, a regulation is a collection of individual rules, each of which deals with a specific topic. As an example, Regulation II (Permits) includes District Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review), Rule 2520 (Federally Mandated Operating Permits), and several other rules pertaining to District permitting requirements and processes.

The list of rules below is neither exhaustive nor exclusive. Current District rules can be found online at: [www.valleyair.org/rules/1ruleslist.htm](http://www.valleyair.org/rules/1ruleslist.htm). To identify other District rules or regulations that apply to future projects, or to obtain information about District permit requirements, the project proponents are strongly encouraged to contact the District's Small Business Assistance (SBA) Office at (559) 230-5888.

### **17a) District Rules 2010 and 2201 - Air Quality Permitting for Stationary Sources**

Stationary Source emissions include any building, structure, facility, or installation which emits or may emit any affected pollutant directly or as a

fugitive emission. District Rule 2010 (Permits Required) requires operators of emission sources to obtain an Authority to Construct (ATC) and Permit to Operate (PTO) from the District. District Rule 2201 (New and Modified Stationary Source Review) requires that new and modified stationary sources of emissions mitigate their emissions using Best Available Control Technology (BACT).

Future development project(s) may be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and may require District permits. Prior to construction, the project proponents should submit to the District an application for an ATC.

*Recommended Mitigation Measure:* For projects subject to permitting by the San Joaquin Valley Air Pollution Control District, demonstration of compliance with District Rule 2201 shall be provided to the City before issuance of the first building permit.

For further information or assistance, project proponents may contact the District's Small Business Assistance (SBA) Office at (559) 230-5888.

**17b) District Rule 9510 (Indirect Source Review)**

The purpose of District Rule 9510 is to reduce the growth in both NO<sub>x</sub> and PM emissions associated with development and transportation projects from mobile and area sources; specifically, the emissions associated with the construction and subsequent operation of development projects. The Rule requires developers to mitigate their NO<sub>x</sub> and PM emissions by incorporating clean air design elements into their projects. Should the proposed development project clean air design elements be insufficient to meet the required emission reductions, developers must pay a fee that ultimately funds incentive projects to achieve off-site emissions reductions.

Accordingly, a future development project within the SCSP may be subject to District Rule 9510 if upon full buildout, the project would equal or exceed any of the applicability thresholds in the table below, depending on the type of development and public agency approval mechanism:

**Table 1: ISR Applicability Thresholds**

<b>Development Type</b>	<b>Discretionary Approval Threshold</b>	<b>Ministerial Approval / Allowed Use / By Right Thresholds</b>
Residential	50 dwelling units	250 dwelling units
Commercial	2,000 square feet	10,000 square feet
Light Industrial	25,000 square feet	125,000 square feet
Heavy Industrial	100,000 square feet	500,000 square feet
Medical Office	20,000 square feet	100,000 square feet
General Office	39,000 square feet	195,000 square feet
Educational Office	9,000 square feet	45,000 square feet
Government	10,00 square feet	50,000 square feet
Recreational	20,000 square feet	100,000 square feet
Other	9,000 square feet	45,000 square feet

District Rule 9510 also applies to any transportation or transit development projects where construction exhaust emissions equal or exceed two tons of NOx or two tons of PM.

In the case the individual development project is subject to Rule 9510, an Air Impact Assessment (AIA) application is required, and the District recommends that demonstration of compliance with the rule prior to issuance of the first building permit, be made a condition of project approval.

Information about how to comply with District Rule 9510 can be found online at: <http://www.valleyair.org/ISR/ISRHome.htm>.

The AIA application form can be found online at: <http://www.valleyair.org/ISR/ISRFormsAndApplications.htm>.

District staff is available to provide assistance with determining if future development projects will be subject to Rule 9510, and can be reached by phone at (559) 230-5900 or by email at [ISR@valleyair.org](mailto:ISR@valleyair.org).

**17c) District Rule 9410 (Employer Based Trip Reduction)**

Future development projects may be subject to District Rule 9410 (Employer Based Trip Reduction) if the project would result in employment of 100 or more “eligible” employees. District Rule 9410 requires employers with 100 or more “eligible” employees at a worksite to establish an Employer Trip Reduction Implementation Plan (eTRIP) that encourages employees to reduce single-occupancy vehicle trips, thus reducing pollutant emissions associated with work commutes. Under an eTRIP plan, employers have the flexibility to select options that work best for their worksites and employees.

Information about District Rule 9410 can be found online at:  
[www.valleyair.org/tripreduction.htm](http://www.valleyair.org/tripreduction.htm).

For additional information, you can contact the District by phone at 559-230-6000 or by e-mail at [etrip@valleyair.org](mailto:etrip@valleyair.org)

**17d) District Rule 4901 (Wood Burning Fireplaces and Wood Burning Heaters)**

The purpose of this rule is to limit emissions of carbon monoxide and particulate matter from wood burning fireplaces, wood burning heaters, and outdoor wood burning devices. This rule establishes limitations on the installation of new wood burning fireplaces and wood burning heaters. Specifically, at elevations below 3,000 feet in areas with natural gas service, no person shall install a wood burning fireplace, low mass fireplace, masonry heater, or wood burning heater.

Information about District Rule 4901 can be found online at:  
<http://valleyair.org/rule4901/>

**17e) Other District Rules and Regulations**

Future development projects may also be subject to the following District rules: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).

**18) Additional Air Quality Evaluation and Discussion to Include in the EIR**

**18a)** A discussion of the methodology, model assumptions, inputs and results used in characterizing the Project's impact on air quality. To comply with CEQA requirements for full disclosure, the District recommends that the modeling outputs be provided as appendices to the EIR. The District further recommends that the District be provided with an electronic copy of all input and output files for all modeling.

**18b)** A discussion of the components and phases of the Project and the associated air emissions projections, including ongoing emissions from each previous phase.

**18c)** A discussion of whether the Project would result in a cumulatively considerable net increase of any criteria pollutant or precursor for which the San Joaquin Valley Air Basin is in non-attainment. For reference and guidance, more information can be found in the District's Guidance for Assessing and Mitigating Air Quality Impacts at:

<https://www.valleyair.org/transportation/GAMAQI.pdf>

**18d)** As required by the decision in *Sierra Club v. County of Fresno* (2018) 6 Cal.41h 502, a reasonable effort to discuss relevant specifics regarding the connection between potential adverse air quality impacts from the Project with the likely nature and magnitude of potential health impacts. If the potential health impacts from the Project cannot be specifically correlated, explain what is known and why, given scientific constraints, potential health impacts cannot be translated.

Therefore, the District recommends that the EIR include a discussion of how the Project, or Plan, particularly future projects developed under the Plan will conform to the Court's holding.

## **19) Future Projects / Land Use Agency Referral Documents**

Future development projects may require an environmental review and air emissions mitigation. Referral documents and environmental review documents for these projects should include a project summary, the land use designation, project size, air emissions quantifications and impacts, and proximity to sensitive receptors and existing emission sources, and air emissions mitigation measures. For reference and guidance, more information can be found in the District's Guidance for Assessing and Mitigating Air Quality Impacts at:

<https://www.valleyair.org/transportation/GAMAQI.pdf>

If you have any questions or require further information, please contact Eric McLaughlin by e-mail at [Eric.McLaughlin@valleyair.org](mailto:Eric.McLaughlin@valleyair.org) or by phone at (559) 230-5808.

Sincerely,

Brian Clements  
Director of Permit Services



John Stagnaro  
Program Manager