

ATTACHMENT 3

CEQA FINDINGS FOR THE 2004 CLEAN AIR PLAN

FINDINGS PURSUANT TO PUBLIC RESOURCES CODE SECTION 21081 AND THE CALIFORNIA ENVIRONMENTAL QUALITY ACT SECTIONS 15090 AND 15091:

- I. The Santa Barbara County Air Pollution Control District Board (Board) makes the following findings and takes the following actions:
 - (a) Certifies the Final Supplemental Environmental Impact Report (APCD-2004-SEIR-01) for the Santa Barbara County 2004 Clean Air Plan, considered along with the Final EIR, (91-EIR-4, SCH No. 1991031045) for the 1991 Air Quality Attainment Plan (AQAP) and subsequent environmental documents prepared for subsequent air quality plans, constitutes a complete, accurate, adequate and good faith effort at full disclosure under CEQA and has been completed in compliance with the California Environmental Quality Act; and
 - (b) Finds that the Final Supplemental Environmental Impact Report for the 2004 Clean Air Plan was presented to the Board of Directors of the Santa Barbara County Air Pollution Control District and the Board has considered the information contained in the Final Supplemental EIR, the Final AQAP EIR, 91-EIR-4, and the environmental documents prepared for the 2001, 1994 and 1998 Clean Air Plans, prior to adopting the 1994 Clean Air Plan along with all testimony and additional information presented at or prior to public hearings on December 16, 2004. The final SEIR reflects the independent judgment of the APCD Board.
- II. Location of Record of Proceedings.

The documents and other materials that constitute the record of proceedings upon which this decision is based are located at the Air Pollution Control District, 260 N. San Antonio Road, Suite A, Santa Barbara, CA 93110. The custodian of these materials is the Air Pollution Control District Technology and Environmental Assessment Division clerical support staff.
- III. The Board finds that the Final Supplemental Environmental Impact Report identifies no Class I impacts (unavoidable, significant impacts) resulting from the 2004 Clean Air Plan.
- IV. The Board finds that the Final Supplemental Environmental Impact Report identifies the following Class II impacts (potentially significant impacts that are mitigated to

insignificance by conditions of approval) resulting from the 2004 Clean Air Plan.

1. **Air Quality:** Post combustion treatment processes that require the use of a catalyst (SCR and NSCR) can result in ammonia slip or excess release of heavy metals, such as vanadium pentoxide.

Mitigation: The operator will operate and maintain equipment to minimize any potential impacts, including following manufacturer's specifications. For any source proposing to use catalyst, the Authority to Construct conditions will minimize any potential impacts, including requiring compliance with manufacturer's specifications.

2. **Water Resources:** Ground and surface water could become contaminated by materials or waste products used by some emission control systems. Steam regeneration of carbon in vapor recovery systems creates contaminated waste water. Aqueous ammonia used in post combustion treatment is miscible in water, making cleanup difficult in the event of a spill affecting water resources. In the event of a release of ammonia or a spill the water will become more alkaline. This effect would be dissipated within a period of days leaving no sign of long-term impact on either the surface or ground water resources. Ammonia reaching sea water would have no significant effect since sea water has an excellent buffering capacity.

Mitigation: Wastewater, or other emission control system waste streams, should be treated to meet discharge standards or handled as a hazardous material. Generation of hazardous wastes shall be minimized. For any source proposing to use control systems involving waste streams, the operator shall be subject to the regulations of relevant jurisdictions.

3. **Biological Resources:** Compliance methods which adversely impact human health or water resources will also impact biological resources. This correlates to impacts in air quality, water resources, noise/nuisance, risk of upset, and hazardous waste.

Mitigation: See respective issue areas.

4. **Noise/Nuisance:** Some emission control systems may require the use of noise emitting equipment such as fans, pumps, or compressors. Nighttime glare from flares used to destroy vapor recovery residuals can be a visual impact.

Mitigation: Wherever appropriate, noise can be mitigated by placement of equipment and the use of sound attenuating enclosures or barriers and operating time restrictions if necessary. Planned flaring within view-sheds must be

restricted to daylight hours only, or require the use of enclosed flares in areas where night-time glare is objectionable. For any source proposing to use noise or glare emitting control systems, the operator shall be subject to the regulations of relevant jurisdictions.

5. Risk of Upset: The collection of hydrocarbon vapors, saturated adsorption carbon, electrostatic sprayers, and lead-acid batteries creates a hazard of fire and explosion.

Mitigation: Safe handling, operating, transportation, and disposal procedures shall be implemented. Waste minimization shall be practiced. For any source proposing to use control systems involving explosives or flammables, the operator also shall be subject to the regulations of relevant jurisdictions.

6. Hazardous Materials: Some compliance methods will generate hazardous waste materials such as used carbon adsorption canisters, SCR & NSCR catalyst, and lead acid batteries.

Mitigation: Proper handling, transportation, and disposal of hazardous materials shall be required. Waste minimization practices, such as regeneration, recycling, and incineration, shall be required. For any source proposing to use control systems involving hazardous waste, the operator also shall be subject to the regulations of relevant jurisdictions.

- V. The Board finds that the identified project alternatives are not feasible.

The Final SEIR prepared for the 2004 Clean Air Plan, evaluated the required No Project Alternative and an alternative requiring the APCD to encourage the use of less environmentally harmful compliance methods where feasible. These alternatives are infeasible for the following reasons:

1. The No Project Alternative:

The No Project Alternative consists of not adopting the 2004 Clean Air Plan. If the 2004 CAP is not adopted, the 2001 CAP would continue to be in effect. Submittal of any other previously prepared plan would also not meet with ARB approval and would not meet the objectives of the project. Therefore, the No Project Alternative is not viable because it does not meet the goals of the project, which is to attain and maintain air quality standards.

2. The Environmentally Sensitive Alternative:

The control measures in the 2004 CAP and previous air quality attainment plans

do not specify the compliance methods that must be used to achieve the specified emission limits. As discussed in the 1991 AQAP EIR, subsequent environmental documents and this supplemental EIR, certain compliance methods may result in potentially significant adverse impacts to air quality, water resources, biological resources, hazardous waste disposal and risk of upset. Mitigation measures to reduce these adverse impacts to insignificant levels consist of notification of the various local, state and federal agencies with jurisdiction over these issues. However, these impacts could be avoided if compliance methods approved by the APCD for use by an operator were examined to select those with the least cross-media environmental impacts. Adopting the Environmentally Sensitive Alternative is not feasible because there may be no available technology that meets the requirements or it may be too cost prohibitive. Therefore, this is not considered a viable option, although it may be the environmentally superior alternative.

- VI. The Board hereby adopts the Mitigation Monitoring Plan presented in Appendix C of the final SEIR pursuant to Public Resources Code Section 21081.6.

Public Resources Code, Section 21081.6 establishes the requirement for implementing a "reporting or monitoring program" for CEQA approved projects that require mitigation measures to avoid significant environmental impacts. The 2004 CAP SEIR identifies potentially significant environmental impacts, therefore a Mitigation Monitoring Plan is adopted as follows:

1. Air Quality impact mitigations shall be the monitoring responsibility of the APCD during the APCD permit and compliance process.
2. Water Quality impact mitigations are the monitoring responsibility of the County Environmental Health Services, the local sanitary districts, the Regional Water Quality Control Board, State Fish and Game, U.S. EPA (for OCS or federal lands) and the U.S. Minerals Management Service. The APCD shall be responsible for notifying these agencies during the APCD permit and compliance process.
3. Biological Resources impact mitigations are the responsibility of the State Department of Fish and Game and the U.S. Minerals Management Service (on federal lands and OCS). The APCD shall be responsible for notifying these agencies during the APCD permit and compliance process.
4. Noise/Nuisance impact mitigations are the responsibility of California Occupational Safety and Health Administration (OSHA), and the U.S. Minerals Management Service (for OCS). The APCD shall be responsible for notifying these agencies during the APCD permit and compliance process.

5. Risk of Upset mitigations are the responsibility of the local fire departments, the County Office of Emergency Management, the County Environmental Health Services (EHS) and the U.S. EPA. The APCD shall be responsible for notifying these agencies during the APCD permit and compliance process.
6. Hazardous wastes are the responsibility of the County EHS, County and local fire departments, U.S. Department of Transportation, and the California Highway Patrol. The APCD shall be responsible for notifying these agencies during the APCD permit and compliance process.

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