

## **10. California Environmental Quality Act**

### **10.1 Introduction**

The California Environmental Quality Act (CEQA) requires that State and local agency projects be assessed for potential significant environmental impacts. A project includes an activity undertaken by a public agency which may cause either a direct physical change in the environment or a reasonably foreseeable indirect change in the environment. Every project which requires a discretionary governmental approval will require at least some environmental review pursuant to CEQA, unless an exemption applies. The action of ARB to approve or disapprove this Regional Haze Plan (Plan) project is discretionary. As a certified State regulatory program, ARB is required to include in the CEQA environmental impact assessment the project description, analysis of alternatives, and an environmental analysis.

### **10.2 Description of the Proposed Project**

The federal Clean Air Act requires states to prepare a plan demonstrating progress to achieve natural visibility conditions at federal Class 1 Areas by 2064. The 1999 Regional Haze Rule, promulgated by the United States Environmental Protection Agency (U.S. EPA), lays out specific requirements that each state must include in their plan to address the federal Clean Air Act visibility requirements. The Regional Haze Plan sets forth California's goals for improving visibility by 2018 at 29 Class 1 Areas in California to meet these requirements. These goals are based on already adopted control measures that insure visibility improvement at all of California's Class 1 Areas by 2018.

The Regional Haze Rule requires the Plan to contain the following key elements:

- Baseline and natural visibility conditions;
- Base and future year emission inventories;
- Long-term control strategy based on already adopted measures;
- Reasonable progress goals for 2018;
- Best available retrofit technology analysis;
- Consultation with states, tribes, and federal land managers; and
- Monitoring strategy.

One of the key elements in the Plan is the best available retrofit technology (BART) requirement. The BART requirement directs the State to evaluate large older sources from 26 categories to determine whether emission controls could be installed that would improve visibility at Class 1 Areas. This analysis was based on emissions from these sources during the baseline period (2000 through 2004) and identified sources emitting over 250 tons per year. ARB evaluated these larger sources to determine if existing controls were already at a BART-level control. Sources not controlled at a BART-level were then analyzed to determine whether they caused or contributed to visibility impairment at any

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Class 1 Area. Through this extensive analysis, one source, Valero Refining Company, was identified as contributing to visibility impairment and needing to install BART-level controls on certain units at the facility pursuant to this requirement. Due to a 2005 consent decree between U.S. EPA and Valero Refining Company, Valero Refining Company is already required to install the BART-level controls. Therefore, the BART-level controls are pre-existing and not a result of the requirements in this Plan.

## **10.2 Alternatives to the Proposed Project**

Because the Plan is required by federal law and because the Plan relies entirely on previously adopted measures, the environmental review of each measure was performed at the time each measure was adopted. No new measures are being proposed as part of the Plan.

The only alternative to the Plan would be the “No Project” alternative. With this alternative, ARB would not submit a plan to U.S. EPA for the protection of visibility in California’s Class 1 Areas. The “No Project” alternative would mean that California would not meet federal Clean Air Act requirements and U.S. EPA would be required to put in place a Federal Implementation Plan to address these requirements. Therefore, staff determined that the “No Project” alternative is not appropriate and the alternative was rejected.

## **10.3 Evaluation of Potential Effects on the Environment**

This Plan is based on already adopted emission control measures and existing actions. The emission control measures have already been analyzed for environmental impacts as part of the rulemaking adoption process by ARB and the local districts. Therefore, the adopted and already implemented measures, along with the requirements of the consent decree are considered as part of the existing setting, and their impact will not be further analyzed.