

**Summary of Industry's Alternative Rule – Presented on January 22, 2009
(Working Group Discussion Only)**

	AQMD PR 2301	Industry CEQA Alternatives	AQMD Staff Initial Comments
Purpose	Reduce emissions from development projects	Assure development projects implement CEQA to meet AQMP emission reduction targets.	Criteria to consider: equal or greater reductions and SIP approvability (e.g., SIP creditable reductions, SIP enforceability)
Applicability	<ul style="list-style-type: none"> • Project proponents <ul style="list-style-type: none"> ○ Operational NOx emissions \geq 2 tpy, and ○ Is required to prepare an EIR, MND or ND. 	<ul style="list-style-type: none"> • AQMD <ul style="list-style-type: none"> ○ CEQA Handbook ○ CEQA commenting • CEQA Lead Agencies <ul style="list-style-type: none"> ○ Operational NOx emissions \geq X tpy, and ○ Is required to prepare an EIR, MND or ND. 	Lead agency opt-in provisions, provided meeting SIP requirements
General Requirements	<p>A. Quantify project emissions using URBEMIS or other AQMD, CARB and EPA approved methodology.</p> <p>B. Select emissions reduction measures to achieve reduction target specified in the rule:</p> <ol style="list-style-type: none"> 1. Construction phase, <u>and</u> 2. Operational phase <p>C. Local government delegation</p> <ul style="list-style-type: none"> ○ Implementation; ○ Programmatic substitution <p>D. Substitution measures allowed</p> <ul style="list-style-type: none"> ○ On-site ○ Off-site 	<p>A. Use methodologies recommended in CEQA Handbook to quantify emissions must be used unless the Lead Agency:</p> <ol style="list-style-type: none"> 1. Adopts an alternative methodology and allows District comments ; <u>or</u> 2. Applies a project specific alternative emissions methodology and explains the difference between the alternative and the CEQA Handbook methodology. <p>B. The Lead Agency shall require all applicable design features in the CEQA Handbook unless one of the following findings are made:</p> <ol style="list-style-type: none"> 1. The design features and/or mitigation measures are technically, legally or economically infeasible; <u>or</u> 2. Alternative design and/or mitigation measures as effective as those in the CEQA Handbook are incorporated. 	<ul style="list-style-type: none"> ○ Notify AQMD and allow a 30-day comment period; ○ If disagrees, adopt the alternative methodology via a public meeting and provide substantial evidence to justify the difference. ○ Formal adoption of AQMD CEQA significant thresholds for criteria pollutants by Lead Agency ○ Definitions for infeasibility? ○ Infeasibility findings at a public meeting ○ Equivalency demonstration via methodology discussed above ○ Current staff proposal allows substitution

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Administrative Requirements	<p>Submittal of a Compliance Plan that includes the following:</p> <p>A. Applicant Information,</p> <p>B. Project description,</p> <p>C. Emissions information, and</p> <p>D. Emission reduction measures.</p>	<p>A. The Lead Agency shall provide the District with a copy of all CEQA Documents, and</p> <p>B. Mitigation measures approved by the Lead Agency shall be enforced as required by CEQA.</p>	<ul style="list-style-type: none"> ○ CEQA should contain air quality analyses addressing the “general requirements” based on AQMD-developed form ○ Mitigation measures enforceable by AQMD as well.
Exemptions	<p>A. Transportation and Transit Projects,</p> <p>B. Reconstruction of damaged or destroyed projects, and</p> <p>C: Airports and marine ports</p>	<p>A. Transportation and Transit Projects,</p> <p>B. Reconstruction of damaged or destroyed projects, and</p> <p>C. Marine ports</p>	
Compliance Schedule	<p>January 1, of :</p> <p>A. 2010 for 8 tpy,</p> <p>B. 2011 for 4 tpy,</p> <p>C. 2012 for 2 tpy</p> <p>for projects issuing NOP/IS</p>	<p>As of January 1, 2011 all CEQA documents specifying the final mitigation measures and emissions reductions shall be submitted to the AQMD.</p>	<ul style="list-style-type: none"> ○ Lead Agency opt-in via local ordinance