

Sacramento Metropolitan Air Quality Management District (the District) Operational Air Quality Mitigation Protocol

WHEN?

When the air quality analysis demonstrates that a proposed project's operational emissions may exceed the District's 65 lbs/day threshold of significance for ROG or NO_x, then CEQA requires "all feasible mitigation" be applied.

WHAT? Air Quality Mitigation Plan: CEQA Feasible Mitigation

It has been the District's practice to work with project proponents as they choose from a list of SMAQMD recommended operational measures in order to craft an Air Quality Mitigation Plan which reduces the operational emissions of the proposed project by a minimum of 15% and meets the CEQA "all feasible measures" requirement. Historically, the 15% emission reduction target came from the County of Sacramento's General Plan Policy AQ-15 which requires a 15% reduction of emissions for significant projects. Since then, this type of Plan has been used as feasible mitigation for significant projects in Sacramento County and its jurisdictions.

The District may recommend the preparation of an Air Quality Mitigation Plan which achieves more than a 15 percent emission reduction in the event a project has unanticipated or unique operational impacts.

PLAN CONTENT

The Air Quality Mitigation Plan should be a stand-alone document separate from any other project documents that may be required by some jurisdictions by ordinance or policy. This is important in order for the Air Quality Mitigation Plan to be used both for implementation and ongoing monitoring of the mitigation measures by the jurisdiction or the District. The document should provide narrative, descriptions, and exhibits that illustrate and justify the measure being chosen and the proposed point value. Providing more detail will facilitate a complete evaluation and recommendation on the part of the District. It is advisable to meet with District staff as early in the process as possible to reduce delays in the environmental review process.

It is important that each Air Quality Mitigation Plan be crafted with thought and consideration given to the unique aspects of the project that may be able to be enhanced or improved by the measures chosen for the Plan. The care taken to choose measures will help to develop a Plan that results in the maximum cost-effective air quality benefit for the project and the community.

PROCESS

The Air Quality Mitigation Plan should be referenced as both a Condition of Approval **and** as a mitigation measure to ensure implementation. The specific measures in Air Quality Mitigation Plans are typically selected by the developer/proponent of the project with assistance from District staff. Once the Air Quality Mitigation Plan meets the satisfaction of all parties, it is endorsed by the District through a letter sent to the lead agency and the proponent. Without this endorsement letter, concurrence on the part of the District should not be assumed.

TIMING

The endorsed Air Quality Mitigation Plan should be referenced in the air quality section of, and appended to, the draft environmental document. In that way, decision makers and members of the public can understand and comment on the measures that have already undergone District review. Lead agencies and consultants should encourage proponents to contact the District as early as possible in the environmental review process, to ensure that the Air Quality Mitigation Plan is included as part of the draft EIR or Mitigated Negative Declaration (MND). Preferably contact should be made no later than the release of the Notice of Preparation.

OPERATIONAL MITIGATION FEE IN MITIGATED NEGATIVE DECLARATIONS (MNDs)

WHAT?

If the Air Quality Mitigation Plan does not reduce emissions below the significance threshold, then the Lead Agency must prepare an EIR or the applicant must agree to additional mitigation. In most cases, the only additional measure available is an off-site operational mitigation fee.

PROCESS

When the applicant opts to include the fee, the municipality should add the off-site mitigation fee and the Air Quality Mitigation Plan into the environmental document, project approval conditions, and in the Mitigation Monitoring and Reporting Program (MMRP) for the project.

The District has developed a spreadsheet for fee calculation which is available for use by municipalities and consultants. The fee calculation takes into account the excess operational emissions, a year's worth of emissions, and the cost to reduce emissions. The current acceptable cost to reduce one ton of emissions is \$16,000 (based on the cost-effectiveness formula established in the California Carl Moyer Incentive Program).

TIMING NOTES

The fee calculation needs to be performed prior to the publication of the MND. This way, the fee can be included in the MND as a specific mitigation. Payment of that fee should be required to be remitted to the District **before** the issuance of a building permit.

SPECIAL NOTE:

Relationship of the District Air Quality Mitigation Plan to municipality-specific TSM Plans required by zoning ordinances

Several municipalities in Sacramento County have zoning ordinances that require projects over a certain size to create a Transportation System Management Plan with certain alternative commute mode goals or objectives. The TSM plan is different from an Air Quality Mitigation Plan. They are separate documents: one deals with trip reduction and one deals with air quality mitigation. Some of the measures included in these distinct plans may be similar, but in no way is the TSM Plan to be seen as a substitute for the District's Air Quality Mitigation Plan. Because the TSM Plans, on occasion, have some relevance to the measures in the District's Air Quality Mitigation Plan, it's preferable that District staff be copied and consulted on TSM plans as they are developed by the proponent and approved by the jurisdiction in order ensure consistency.