

**San Joaquin Valley Unified  
Air Pollution Control District**

**Rule 4306 Amendments  
and Proposed Rule 4320**

**(District Project # CEQA 20080320)**

**Initial Study and  
Negative Declaration**

**August 2008**

**SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD  
2008**

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SEYED SADREDIN



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**A. PROJECT BACKGROUND INFORMATION**

**1. Project Title:**

Proposed Amendments to Rule 4306 (Boilers, Steam Generators, and Process Heaters – Phase 3) and Proposed Rule 4320 (Advanced Emission Reduction Options for Boilers, Steam Generators, and Process Heaters Greater Than 5.0 MMBtu/hr)

**2. Lead Agency Name and Address:**

San Joaquin Valley Unified Air Pollution Control District  
1990 E. Gettysburg Avenue  
Fresno CA 93726-0244

**3. Contact Person:**

CEQA: Jessica Willis  
(559) 230-5800

Planning: Manuel Salinas  
(559) 230-5800

**4. Project Location:**

The rule applies to new and modified stationary sources located within the boundaries of the San Joaquin Valley Unified Air Pollution Control District (see Exhibit 1, Map of District boundaries).

**5. Project Sponsor's Name and Address:**

San Joaquin Valley Unified Air Pollution Control District  
1990 E. Gettysburg Avenue  
Fresno CA 93726-0244

**6. Assessor's Parcel Number:**

Not applicable to this project.

**7. General Plan Designation/Zoning:**

Not applicable to this project.



**Exhibit 1**  
**San Joaquin Valley Unified Air Pollution Control District Boundaries**





## **8. Project Description:**

This rulemaking project is to adopt amendments to Rule 4306 (Boilers, Steam Generators, and Process Heaters – Phase 3) and adopt proposed Rule 4320 (Advanced Emission Reduction Options for Boilers, Steam Generators, and Process Heaters Greater Than 5.0 MMBtu/hr). This rulemaking project will seek to reduce oxides of nitrogen (NO<sub>x</sub>), oxides of sulfur (SO<sub>x</sub>) and particulate matter (PM) emissions from this source category. This project is part of the District's 2007 8-hour ozone and 2008 PM<sub>2.5</sub> attainment strategies. To satisfy the attainment goals of the ozone and PM plans, this project will seek to obtain as much NO<sub>x</sub>, SO<sub>x</sub>, and PM emission reductions as is expeditiously practicable, technologically feasible, and economically reasonable, as determined by the District's Governing Board. The rulemaking project is also intended to satisfy state and federal Clean Air Act requirements.

District staff will submit proposed amendments to Rule 4306 and proposed Rule 4320 to the District Governing Board for consideration of adoption during a public hearing scheduled for September 18, 2008.

### NO<sub>x</sub> Control Technology

The control technologies that would likely be installed to achieve the draft NO<sub>x</sub> limits is an Ultra Low NO<sub>x</sub> burner (ULNB) system with or without flue gas recirculation, or selective catalytic reduction (SCR), or nonselective catalytic reduction (SNCR).

### SO<sub>x</sub> Control Technology

The draft SO<sub>x</sub> limit can be met through the exclusive use of PUC-quality natural gas, commercial propane, butane, or liquefied petroleum gas, or a combination of such gases, limiting fuel sulfur content, or add-on pollution control equipment. Add-on control could be a wet or dry scrubber.

### PM Control Technology

The draft PM limit can be met through compliance with the SO<sub>x</sub> limit requirements or add-on controls. For add-on PM emission controls, filters or electrostatic precipitators are used.



**9. Other Agencies Whose Approvals Are Required and Permits Needed:**

This project is a rule development project and does not require permits from any agency. The United States Environmental Protection Agency must approve the rule for inclusion into California's State Implementation Plan.

**10. Name of Person Who Prepared Initial Study:**

Manuel Salinas, Air Quality Engineer  
San Joaquin Valley Unified Air Pollution Control District  
1990 E. Gettysburg Ave.  
Fresno, CA 93726  
(559) 230-5800



**B. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED**

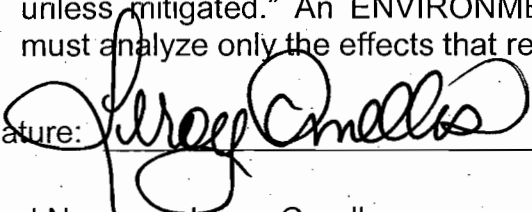
The environmental factors checked below would be potentially affected by the proposed project, involving at least one impact that is a "Potentially Significant Impact" or "Potentially Significant Unless Mitigated", as indicated by the checklist on the following pages.

- |                                                        |                                                             |                                                 |
|--------------------------------------------------------|-------------------------------------------------------------|-------------------------------------------------|
| <input type="checkbox"/> Aesthetics                    | <input type="checkbox"/> Agriculture Resources              | <input type="checkbox"/> Air Quality            |
| <input type="checkbox"/> Biological Resources          | <input type="checkbox"/> Cultural Resources                 | <input type="checkbox"/> Geology/Soils          |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality            | <input type="checkbox"/> Land Use/Planning      |
| <input type="checkbox"/> Mineral Resources             | <input type="checkbox"/> Noise                              | <input type="checkbox"/> Population/Housing     |
| <input type="checkbox"/> Public Services               | <input type="checkbox"/> Recreation                         | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities/Service Systems     | <input type="checkbox"/> Mandatory Findings of Significance |                                                 |

**C. DETERMINATION**

I certify that this project was independently reviewed and analyzed and that this document reflects the independent judgment of the District.

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION has been prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated." An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

Signature:   
 Printed Name: Leroy Ornellas

Date: 10-16-08  
 Title: Board Chair



**D. ENVIRONMENTAL IMPACT CHECKLIST**

<b>I. AESTHETICS</b> Would the proposal:	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Affect a scenic vista or scenic highway?				√
b) Have a demonstrable negative aesthetic effect?				√
c) Create light or glare?				√
<b>Discussion:</b> Proposed amendments to Rule 4306 and proposed Rule 4320 is a rule development project. The rules do not impose requirements that would affect any changes in the physical environment that would obstruct any scenic vistas or views of interest to the public. The project would not create aesthetically offensive sites visible to the public. No significant adverse aesthetic impacts are expected from the adoption and implementation of the rules.				
<b>Mitigation:</b> None				
<b>Reference:</b> Proposed Amendments to Rule 4306, Proposed Rule 4320, and supporting staff report.				
<b>II. AGRICULTURE RESOURCES</b> In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				√
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				√
c) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				√
<b>Discussion:</b> Proposed amendments to Rule 4306 and proposed Rule 4320 is a rule development project. The project does not impose requirements affecting agricultural resources, as identified above.				
<b>Mitigation:</b> None				
<b>Reference:</b> Proposed Amendments to Rule 4306, Proposed Rule 4320, and supporting staff report.				





<b>III. AIR QUALITY</b> Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Conflict with or obstruct implementation of the applicable air quality plan?				✓
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				✓
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				✓
d) Expose sensitive receptors to substantial pollutant concentrations?			✓	
e) Create objectionable odors affecting a substantial number of people?			✓	
<p><b>Discussion:</b> (a-c) Proposed amendments to Rule 4306 and proposed Rule 4320 is a rule development project. The San Joaquin Valley Air Basin is a non-attainment area for the state and federal ambient ozone and PM<sub>10</sub> standards. NO<sub>x</sub> is a precursor to both ozone and PM<sub>10</sub>. It is expected that the use of NO<sub>x</sub> emission control devices will have positive effects on the air quality of the Valley. It is anticipated that some increased emissions of ammonia will result from the use of SCR control systems. The amount of ammonia emissions is assumed to be a small fraction of the amount of NO<sub>x</sub> that is controlled and that the large, net, positive air quality benefit outweighs the small increase in fugitive ammonia emissions.</p>				
<p>(d) Selective Catalytic Reduction (SCR) technology would likely be used to comply with the proposed amendments. SCR uses ammonia in the presence of a catalyst to convert NO<sub>x</sub> to harmless nitrogen and water vapor. The California Office of Environmental Health and Hazard Assessment (OEHHA) has not classified ammonia as a carcinogen. However, ammonia does have acute and chronic health effects. The District's thresholds for significance for toxic impacts are a cancer risk greater than 10 in a million and/or a hazard index (HI) of 1.0 or greater for chronic non-carcinogenic or acute risks. The District's permitting process is such that a project cannot be permitted if the health risks exceed the District's Thresholds.</p>				
<p>(e) District Rule 4102 (Nuisance) applies to any source operation that emits or may emit air contaminants or other materials. In the event that a project creates a public nuisance, it could be in violation and be subject to District enforcement action. Also, since the olfactory organs can detect ammonia at very low concentrations, there is little chance that any long-term exposure at unhealthy concentrations could mistakenly occur.</p>				
<p><b>Global Warming Impacts</b></p>				
<p>Combustion processes generate greenhouse gas (GHG) emissions in addition to criteria pollutants. The effects of GHG gas emissions on global climatic change occur over long periods of time and are typically considered to be cumulative impacts. Implementation of Rule 4306 and Rule 4320 has the potential to increase fuel use, which will increase CO<sub>2</sub> emissions. Emitted CO<sub>2</sub> is the primary GHG pollutant emitted during the combustion process. For the purpose of addressing GHG impacts of implementing the proposed rule changes, the overall increase in CO<sub>2</sub> emissions was calculated. As presented in Table 1 (Attachment 1), implementation of the proposed rule changes could increase CO<sub>2</sub> emissions by a total of 583,000 metric tons per year. District records show 369 facilities could be affected by the proposed rule revisions, resulting in an average increase in CO<sub>2</sub> emissions of 1,581 tons per year per facility.</p>				
<p>At this time there are no generally accepted thresholds of significance for determining the impact of GHG</p>				



emissions from an individual project on global climatic change. In the absence of a specific significance threshold, District staff evaluates the significance on a case-by case basis. One approach in determining significance is to estimate what percentage of the total inventory of GHG emissions are represented by emissions from a project. If emissions are a relatively small percentage of the total inventory, it is possible that the project will have little or no effect on global climatic change. As presented in Table 1, the increase in CO<sub>2</sub> emissions resulting from implementation of the proposed rule amendments would be 0.11% of the State's GHG emissions inventory.

In its *CEQA & Climatic Change*, document (January, 2008) CAPCOA identifies several potential GHG significance thresholds. A potential threshold identified by CAPCOA is 25,000 metric tons per year per project, which is also equivalent to CARB's proposed mandatory reporting threshold under AB 32 for a single facility. In addition, the District in assessing the significance GHG emissions from individual projects has previously applied a threshold of 38,000 metric tons per year, on a case-by-case basis.

In conclusion, the maximum cumulative GHG emissions increase that could result from the implementation of these rules would be an extremely small percentage of the State's GHG emissions inventory and total project emissions would be significantly below the 38,000 metric tons per year threshold previously applied by the District for individual facilities on a case-by-case basis. Furthermore, on a per facility basis, increased CO<sub>2</sub> emissions from an individual facility would be significantly below CARB's proposed 25,000 metric tons per year mandatory reporting threshold for a single facility. Any increase in emissions of GHG from a single facility, as a result of complying with the rules, would be substantially below the thresholds discussed above. District staff concludes that adverse impact from implementing Rule 4306 and Rule 4320 are less than significant.

**Mitigation:** None

**Reference:** Proposed Amendments to Rule 4306, Proposed Rule 4320 and supporting staff report; *CEQA & Climatic Change, CAPCOA, 2008*

<b>IV. BIOLOGICAL RESOURCES</b> Would the project:	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				√
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?				√
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				√
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				√



<b>IV. BIOLOGICAL RESOURCES (continued)</b> Would the project:	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				√
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				√
<b>Discussion:</b> Proposed amendments to Rule 4306 and proposed Rule 4320 is a rule development project. Adoption of the rules and subsequent implementation are not expected to adversely affect existing plant or animal species or communities and unique or endangered plant or animal species. The adoption of the rules is not expected to conflict with plans, ordinances, or policies to protect biological resources, as described above.				
<b>Mitigation:</b> None				
<b>Reference:</b> Proposed Amendments to Rule 4306, Proposed Rule 4320, and supporting staff report.				
<b>V. CULTURAL RESOURCES</b> Would the project:	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Cause a substantial adverse change in the significance of a historical resource as defined in '15064.5?				√
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064.5?				√
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				√
d) Disturb any human remains, including those interred outside of formal cemeteries?				√
<b>Discussion:</b> Proposed amendments to Rule 4306 and proposed Rule 4320 is a rule development project. The adoption and implementation of the rules do not impose requirements affecting cultural resources and will not result in a significant adverse impact.				
<b>Mitigation:</b> None				
<b>Reference:</b> Proposed Amendments to Rule 4306, Proposed Rule 4320, and supporting staff report.				



<b>VI. GEOLOGY/SOILS</b> Would the project:	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				✓
ii) Strong seismic ground shaking?				✓
iii) Seismic-related ground failure, including liquefaction?				✓
iv) Landslides?				✓
b) Result in substantial soil erosion or the loss of topsoil?				✓
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				✓
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				✓
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				✓
<b>Discussion:</b> Proposed amendments to Rule 4306 and proposed Rule 4320 is a rule development project. The adoption and implementation of the rules does not impose requirements affecting geology/soils, as identified above.				
<b>Mitigation:</b> None				
<b>Reference:</b> Proposed Amendments to Rule 4306, Proposed Rule 4320, and supporting staff report.				
<b>VII. HAZARDS &amp; HAZARDOUS MATERIALS</b> Would the project:	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			✓	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			✓	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			✓	



<b>VII. HAZARDS &amp; HAZARDOUS MATERIALS            (continued)</b> Would the project:	<b>Potentially            Significant            Impact</b>	<b>Potentially            Significant            Impact            Unless            Mitigated</b>	<b>Less Than            Significant            Impact</b>	<b>No            Impact</b>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			✓	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?			✓	
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?			✓	
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			✓	
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?			✓	

**Discussion:** Proposed amendments to Rule 4306 and proposed Rule 4320 is a rule development project. Proposed amendments to Rule 4306 and proposed Rule 4320 is a rule development project. The facilities that would be affected include industrial and commercial facilities located in industrial/commercial zones. Selective Catalytic Reduction (SCR) technology would likely be used to comply with the proposed amendments. SCR uses ammonia in the presence of a catalyst to convert NOx to harmless nitrogen and water vapor. California Office of Environmental Health and Hazard Assessment has not classified ammonia as a carcinogen. However, ammonia does have acute and chronic health effects. Acute exposure to ammonia at a concentration of 3,200 micrograms per cubic meter has been found to cause irritation of the eyes and respiratory tract. Higher concentrations cause conjunctivitis, laryngitis, and pulmonary edema. Long-term exposure to ammonia at concentrations of 200 micrograms per cubic meter or greater has been found to affect the respiratory tract. Since the olfactory organs can detect ammonia at very low concentrations, there is little chance that any long-term exposure at unhealthy concentrations could mistakenly occur. Also, since state and local safety regulations govern the handling, storage, and transport of ammonia, the potential for accidental release and acute exposure is minimized. Adherence to these regulations is anticipated to minimize significant impacts associated with the use of ammonia.

Some SCR systems can also use non-hazardous urea or aqueous ammonia injection to achieve the proposed emission limits without anhydrous ammonia. The use of anhydrous ammonia involves greater risk than aqueous ammonia because it is stored and transported under pressure. In the event of a leak or rupture of a tank, anhydrous ammonia is released and vaporizes. Aqueous ammonia is a liquid at ambient temperatures and gas is only produced when a liquid pool from a spill evaporates. Under current Office of Emergency Services regulations implementing the California Accidental Release Prevention program, aqueous ammonia is regulated under California Health and Safety Code Section 2770.1. The use of aqueous ammonia would further minimize any potential hazard impacts associated with anhydrous ammonia use. A limit on ammonia slip is normally included in permits to operate of stationary sources, which should minimize potential air quality impacts associated with ammonia slip from sources operating SCR. Furthermore, properly operating and well-maintained equipment could reduce the level of ammonia emissions. Therefore, the levels of ammonia emissions from potential ammonia slip are not expected to reach hazardous levels.

Certain catalysts used in SCRs may contain hazardous materials that must be properly disposed of at the end



or their useful life. Existing waste disposal regulations are considered to be adequate to prevent any significant impact from occurring.

In conclusion, the transportation, storage, and use of anhydrous ammonia, aqueous ammonia, or urea in conjunction with the operation of SCR as well as disposal of spent catalyst are not expected to have any adverse impacts on the environment as well as living things.

**Mitigation:** None

**Reference:** Proposed Amendments to Rule 4306, Proposed Rule 4320, and supporting staff report.

<b>VIII. HYDROLOGY/WATER QUALITY</b> Would the project:	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Violate any water quality standards or waste discharge requirements?				√
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				√
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?				√
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				√
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?				√
f) Otherwise substantially degrade water quality?				√
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				√
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				√
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				√
j) Inundation by seiche, tsunami, or mudflow				√

**Discussion:** Proposed amendments to Rule 4306 and proposed Rule 4320 is a rule development project. The project does not impose requirements affecting hydrology/water quality, as identified above.

**Mitigation:** None

**Reference:** Proposed Amendments to Rule 4306, Proposed Rule 4320, and supporting staff report.



<b>IX. LAND USE/PLANNING</b> Would the project:	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Physically divide an established community?				√
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				√
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				√

**Discussion:** Proposed amendments to Rule 4306 and proposed Rule 4320 is a rule development project. The District does not have land use authority and is generally prohibited from encouraging or prohibiting specific land uses. As such, the rules and their provisions have no characteristics that would directly change land use, zoning or land use plans or directly affect the land use classification, or location criteria of any public or private residential, commercial, industrial, or public land use facility. Any facilities affected by the proposed rules would still be anticipated to comply with, and not interfere with, any applicable land use plans, zoning ordinances, habitat conservation or natural community conservation plans. Thus, no significant adverse land use impact is anticipated.

**Mitigation:** None

**Reference:** Proposed Amendments to Rule 4306, Proposed Rule 4320, and supporting staff report.

<b>X. MINERAL RESOURCES</b> Would the project:	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				√
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				√

**Discussion:** Proposed amendments to Rule 4306 and proposed Rule 4320 is a rule development project. The adoption and implementation of the proposed rules would not result in the loss of availability of a known mineral resource of value to the region and the residents of the state or of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. Therefore, significant adverse impacts to mineral resources are not anticipated.

**Mitigation:** None

**Reference:** Proposed Amendments to Rule 4306, Proposed Rule 4320, and supporting staff report.



<b>XI. NOISE</b> Would the project result in:	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				√
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				√
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				√
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				√
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				√
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				√
<b>Discussion:</b> Proposed amendments to Rule 4306 and proposed Rule 4320 is a rule development project. The project does not impose requirements affecting noise, as identified above.				
<b>Mitigation:</b> None				
<b>Reference:</b> Proposed Amendments to Rule 4306, Proposed Rule 4320, and supporting staff report.				
<b>XII. POPULATION/HOUSING</b> Would the project:	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				√
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				√
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				√
<b>Discussion:</b> Proposed amendments to Rule 4306 and proposed Rule 4320 is a rule development project. The project does not impose requirements affecting population/housing, as identified above.				
<b>Mitigation:</b> None				
<b>Reference:</b> Proposed Amendments to Rule 4306, Proposed Rule 4320, and supporting staff report.				





<b>XIII. PUBLIC SERVICES</b> Would the project	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?				√
Police protection?				√
Schools?				√
Parks?				√
Other public facilities?				√
b) Cumulatively exceed official regional or local population projections?				√
c) Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?				√
d) Displace existing housing, especially affordable housing?				√
<b>Discussion:</b> Proposed amendments to Rule 4306 and proposed Rule 4320 is a rule development project. The implementation of the proposed rules is not anticipated to generate significant adverse impacts to public services (i.e., fire departments, police departments, and local governments). The proposed rules would not result in the need for new or physically altered government facilities in order to maintain acceptable service ratios, response times or other performance objectives.				
<b>Mitigation:</b> None				
<b>Reference:</b> Proposed Amendments to Rule 4306, Proposed Rule 4320, and supporting staff report.				
<b>XIV. RECREATION</b>	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				√
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				√
<b>Discussion:</b> Proposed amendments to Rule 4306 and proposed Rule 4320 is a rule development project. The project does not impose requirements affecting recreation, as identified above				
<b>Mitigation:</b> None				
<b>Reference:</b> Proposed Amendments to Rule 4306, Proposed Rule 4320, and supporting staff report.				



<b>XV. TRANSPORTATION/TRAFFIC</b> Would the project:	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?				√
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				√
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				√
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				√
e) Result in inadequate emergency access?				√
f) Result in inadequate parking capacity?				√
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				√
<b>Discussion:</b> Proposed amendments to Rule 4306 and proposed Rule 4320 is a rule development project. The project does not impose requirements affecting transportation and traffic, as identified above.				
<b>Mitigation:</b> None				
<b>Reference:</b> Proposed Amendments to Rule 4306, Proposed Rule 4320, and supporting staff report.				
<b>XVI. UTILITIES/SERVICE SYSTEMS</b> Would the project:	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				√
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				√
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				√
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				√
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				√



<b>XVI. UTILITIES/SERVICE SYSTEMS            (continued)</b> Would the project:	<b>Potentially            Significant            Impact</b>	<b>Potentially            Significant            Impact            Unless            Mitigated</b>	<b>Less Than            Significant            Impact</b>	<b>No            Impact</b>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				√
g) Comply with federal, state, and local statutes and regulations related to solid waste?				√
<b>Discussion:</b> Proposed amendments to Rule 4306 and proposed Rule 4320 is a rule development project. Installation of SCR and other control systems will require electrical power for fans, electronics and control motors. The project is not expected to have any adverse impacts on utilities/service systems, as identified above				
<b>Mitigation:</b> None				
<b>Reference:</b> Proposed Amendments to Rule 4306, Proposed Rule 4320, and supporting staff report.				
<b>XVII. MANDATORY FINDINGS OF            SIGNIFICANCE</b>	<b>Potentially            Significant            Impact</b>	<b>Potentially            Significant            Impact            Unless            Mitigated</b>	<b>Less Than            Significant            Impact</b>	<b>No            Impact</b>
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				√
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively Considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				√
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?			√	
<b>Discussion:</b> (a-b) Proposed amendments to Rule 4306 and proposed Rule 4320 is a rule development project. No significant adverse impacts on the categories outlined above are anticipated as a result of this project.				
(c) Compliance with proposed Rule 4320 has the potential to cause adverse effects on humans. However, as discussed in Section III. Air Quality (d, e) and Section VII. Hazards & Hazardous Materials (a-h), the impacts to human health risks are less than significant.				



**E. INITIAL STUDY DISTRIBUTION LIST**

Fresno County  
2221 Kern Street  
Fresno, CA 93721

County of Kern  
1115 Truxton Ave.  
Bakersfield, CA 93301

County of Kings  
1400 W. Lacy Blvd.  
Hanford, CA 93230

County of Madera  
209 W. Yosemite Ave.  
Madera, CA 93637

County of Merced  
2222 "M" Street, Room 14  
Merced, CA 9534

County of San Joaquin  
6 S. El Dorado St., 2<sup>nd</sup> Floor  
Stockton, CA 95202

County of Stanislaus  
1021 "I" Street, Suite 101  
Modesto, CA 95354

County of Tulare  
221 S. Mooney Blvd., Rm. 105  
Visalia, CA 93291

California Dept. Fish & Game  
Region 2 (North Central)  
1701 Nimbus Road, Suite A  
Rancho Cordova, CA 95670

California Dept. Fish & Game  
Region 4 (Central)  
1234 E. Shaw Ave.  
Fresno, CA 93710

California Dept. Fish & Game  
1416 9<sup>th</sup> Street, 12<sup>th</sup> Floor  
Sacramento, CA 95814

California Dept. Transportation, District 6  
2015 E. Shields Ave., Suite 100  
Fresno, CA 93726

California Dept. Transportation, District 10  
1976 E. Charter Way  
Stockton, CA 95205

California Dept. Water Resources  
1416 9<sup>th</sup> Street, P.O. Box 942836  
Sacramento, CA 94236

Regional Water Quality Control Board  
Central Valley – Region 5F  
1685 "E" Street  
Fresno, CA 93706

Regional Water Quality Control Board  
Central Valley – Region 5S  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, CA 95670



**Attachment 1**

**Table 1 – GREENHOUSE GAS (CO<sub>2</sub>e) EMISSIONS FROM UNITS SUBJECT TO RULE 4320 USING SCR**

Category	# Units	Total MMBtu/hr	Operating Capacity	Operating Hours/yr	Fuel Used without penalty MMBtu/yr	5% fuel penalty MMBtu/yr <sup>A</sup>	CO <sub>2</sub> EF lb/MMBtu <sup>B</sup>	CO <sub>2</sub> Emissions lb/yr	CO <sub>2</sub> Emissions short tons/yr	CO <sub>2</sub> Emissions metric tons/yr
Category A (>5 to 20 MMBtu)	370	6,081.72	0.5	4380.0	2.7E+07	1331897	117.65	1.57E+08	7.83E+04	7.11E+04
Category B (>20 MMBtu/hr)	237	15,637.11	0.5	4380.0	6.8E+07	3424527	117.65	4.03E+08	2.01E+05	1.83E+05
Category C (Oilfield steam generators)	238	16,304.36	0.75	6570.0	1.1E+08	5355982	117.65	6.30E+08	3.15E+05	2.86E+05
Category D (Refinery Units)	70	2488.05	0.75	6570.0	1.6E+07	817324	117.65	9.62E+07	4.81E+04	4.36E+04
<b>TOTAL</b>	<b>915</b>	<b>40,511.24</b>			<b>2.2E+08</b>	<b>10929730</b>		<b>1.29E+09</b>	<b>6.43E+05</b>	<b>5.83E+05</b>

Statewide 1990 GHG(CO<sub>2</sub>e) emissions inventory = 499,000,000 metric tons/yr

Statewide 2020 GHG Emissions Inventory CO<sub>2</sub>e = 600,000,000

Interpolated Statewide 2012 GHG Emissions Inventory CO<sub>2</sub>e = 544,000,000

**CO<sub>2</sub>e emission increase due to Rule 4320 as Percent of Statewide GHG (CO<sub>2</sub>e) = 0.11%**  
**District's GHG (CO<sub>2</sub>e) Significance Threshold per project (facility), case by case basis = 38,000 metric tons/yr**  
**Number of facilities subject to Rule 4320 = 369**  
**Average annual CO<sub>2</sub>e increase per facility = 1,581 metric tons/yr**



# APPENDIX A

## Response to Comments



## **District Response to Comments**

Pursuant to CEQA Guidelines §15072 the District provided a Notice of Availability (NOA) to each of the Responsible and Trustee Agencies and County Clerks identified above in Section E. *Initial Study Distribution List*. The NOA was published in the newspaper of major circulation in each county. The NOA and Negative Declaration were also posted on the District's website.

Pursuant to CEQA Guideline §15105, the District provided a 20-day commenting period, beginning July 24, 2008, and ending on August 13, 2008. The District did not receive any comments on the Negative Declaration. Therefore, no response to comments is required.