

**S219783**

**IN THE SUPREME COURT OF CALIFORNIA**

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SIERRA CLUB, REVIVE THE SAN JOAQUIN, and  
LEAGUE OF WOMEN VOTERS OF FRESNO,

Plaintiffs and Appellants,

v.

COUNTY OF FRESNO,

Defendant and Respondent,

and,

FRIANT RANCH, L.P.,

Real Party in Interest and Respondent.

SUPREME COURT  
FILED

APR 13 2015

Frank A. McGuire Clerk  
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After a Published Decision by the Court of Appeal, filed May 27, 2014  
Fifth Appellate District Case No. F066798

Appeal from the Superior Court of California, County of Fresno  
Case No. 11CECG00726  
Honorable Rosendo A. Pena, Jr.

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**APPLICATION OF THE SOUTH COAST AIR QUALITY  
MANAGEMENT DISTRICT FOR LEAVE TO FILE  
BRIEF OF *AMICUS CURIAE* IN SUPPORT OF NEITHER PARTY  
AND [*PROPOSED*] BRIEF OF *AMICUS CURIAE***

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**TABLE OF CONTENTS**

APPLICATION FOR LEAVE TO FILE *amicus curiae* brief..... App-1

HOW THIS BRIEF WILL ASSIST THE COURT ..... App-1

STATEMENT OF INTEREST OF *AMICUS CURIAE*..... App-3

CERTIFICATION REGARDING AUTHORSHIP & FUNDING ..... App-4

BRIEF OF AMICUS CURIAE..... 1

SUMMARY OF ARGUMENT ..... 1

ARGUMENT ..... 2

I. RELEVANT FACTUAL AND LEGAL FRAMEWORK. .... 2

    A. Air Quality Regulatory Background .....2

    B. The SCAQMD's Role Under CEQA..... 6

II. THIS COURT SHOULD NOT SET A HARD-AND-FAST  
RULE CONCERNING THE EXTENT TO WHICH AN EIR  
MUST CORRELATE A PROJECT'S EMISSION OF  
POLLUTANTS WITH RESULTING HEALTH IMPACTS..... 8

III. THE QUESTION OF WHETHER AN EIR CONTAINS  
SUFFICIENT ANALYSIS TO MEET CEQA'S  
REQUIREMENTS IS A MIXED QUESTION OF FACT  
AND LAW GOVERNED BY TWO DIFFERENT  
STANDARDS OF REVIEW..... 16

    A. Standard of Review for Feasibility Determination and  
Sufficiency as an Informative Document ..... 16

    B. Friant Ranch's Rationale for Rejecting the Independent  
Judgment Standard of Review is Unsupported by Case  
Law..... 23

IV. COURTS MUST SCRUPULOUSLY ENFORCE THE  
REQUIREMENTS THAT LEAD AGENCIES CONSULT  
WITH AND OBTAIN COMMENTS FROM AIR  
DISTRICTS..... 26

CONCLUSION ..... 29

## TABLE OF AUTHORITIES

### State Cases

<i>Association of Irrigated Residents v. County of Madera</i> (2003) 107 Cal App.4th 1383 .....	1, 9
<i>Bakersfield Citizens for Local Control v. City of Bakersfield</i> (2004) 124 Cal.App.4th 1184 .....	9, 22
<i>Berkeley Keep Jets Over the Bay v. Board of Port Commissioners</i> (2007) 91 Cal.App.4th 1344.....	21, 28
<i>Center for Biological Diversity v. County of San Bernardino</i> (2010) 185 Cal.App.4th 866. ....	20
<i>Citizens of Goleta Valley v. Bd. of Supervisors</i> (1990) 52 Cal.3d 553 .....	8-9
<i>County of Amador v. El Dorado County Water Agency</i> (1999) 76 Cal.App.4th 931 .....	23
<i>Crocker National Bank v. City and County of San Francisco</i> (1989) 49 Cal.3d 881 .....	18
<i>Ebbetts Pass Forest Watch v. California Dept. of Forestry &amp; Fire Protection</i> (2008) 43 Cal.4th 936.....	21
<i>Fall River Wild Trout Foundation v. County of Shasta</i> , (1999) 70 Cal.App.4th 482 .....	27, 28
<i>Gray v. County of Madera</i> (2008) 167 Cal.App.4th 1099 .....	25
<i>Laurel Heights Improvement Assn. v. Regents of the Univ of Cal. ("Laurel Heights I")</i> (1988) 47 Cal.3d 376.....	1, 8, 19, 20, 21, 22
<i>Natural Res. Def. Council v SCAQMD</i> , Los Angeles Superior Court No. BS110792.....	12
<i>Neighbors for Smart Rail v. Exposition Metro Line</i> (2013) 57 Cal.4th 439 .....	15, 20

**State Cases (cont'd)**

*Orange County Air Pollution Control District v. Public Util. Com.*  
(1971) 4 Cal.3d 945.....27

*Save Our Peninsula Comm. v. Monterey County Bd. of Supervisors*  
(2001) 87 Cal.App.4th 99.....19

*Schenck v. County of Sonoma* (2011)  
198 Cal.App.4th 949 .....26, 27

*Sierra Club v. County of Fresno* (2014)  
226 Cal.App.4th 704 (superseded by grant of review)  
172 Cal.Rptr.3d 271 .....9, 23

*Sierra Club v. State Bd. Of Forestry* (1994)  
7 Cal.4th 1215 .....28

*Uphold Our Heritage v. Town of Woodside* (2007)  
147 Cal.App.4th 587 .....20

*Vineyard Area Citizens for Responsible Growth, Inc.*  
*v. City of Rancho Cordova* (2007)  
40 Cal.4th 412 .....1, 17, 19, 24, 25, 26

*Western Oil & Gas Assn. v. Monterey Bay Unified APCD* (1989)  
49 Cal.3d 408 .....5

**California Statutes**

Health & Saf. Code § 39666 .....5

Health & Saf. Code § 40000 .....3

Health & Saf. Code § 40001 .....3

Health & Saf. Code § 40410 .....3

Health & Saf. Code §§ 40460, et seq .....4

Health & Saf. Code § 41508 .....5

Health & Saf. Code §§ 42300, et seq .....5

Health & Saf. Code § 44320 .....5

Health & Saf. Code § 44322 .....5

Health & Saf. Code § 44360 .....5

Pub. Resources Code § 20180.3.....27

Pub. Resources Code § 21061.....19

Pub. Resources Code § 21061.1.....16

### **California Statutes (cont'd)**

Pub. Resources Code § 21080.....	6
Pub. Resources Code § 21080.5.....	6
Pub. Resources Code § 21083.1.....	26
Pub. Resources Code § 21100.....	27
Pub. Resources Code § 21104.....	6, 7 26
Pub. Resources Code §§ 21150-21154.....	7
Pub. Resources Code § 21151.8.....	25
Pub. Resources Code § 21153.....	6, 7, 26

### **California Regulations**

#### Cal. Code Regs., tit. 14, §§ 15000, et seq. ("CEQA Guidelines")

CEQA Guidelines § 15050.....	6
CEQA Guidelines § 15051.....	1, 6
CEQA Guidelines § 15073.....	6
CEQA Guidelines § 15086.....	6
CEQA Guidelines § 15088.5.....	28
CEQA Guidelines § 15096.....	6
CEQA Guidelines § 15126.2.....	25
CEQA Guidelines § 15131.....	26
CEQA Guidelines § 15144.....	19, 24
CEQA Guidelines § 15151.....	9, 18, 19
CEQA Guidelines § 15204.....	1, 9, 21
CEQA Guidelines § 15251.....	6
CEQA Guidelines § 15366.....	7
CEQA Guidelines § 15381.....	6

Cal. Code Regs., tit. 17, § 60104.....	3
--	---

### **Federal Statutes**

42 U.S.C. § 7401; CAA § 101.....	4
42 U.S.C. § 7408; CAA § 108.....	3
42 U.S.C. § 7409; CAA § 109.....	4
42 U.S.C. § 7410; CAA § 110.....	4, 5
42 U.S.C. § 7412; CAA § 112.....	5
42 U.S.C. § 7502; CAA § 172.....	5, 13
42 U.S.C. § 7503; CAA § 173.....	5, 13
42 U.S.C. § 7511a; CAA § 182.....	13
42 U.S.C. § 7521; CAA § 202.....	4
42 U.S.C. § 7543; CAA § 209.....	4
42 U.S.C. § 7547; CAA § 213.....	4

**Rules**

SCAQMD Rule 1303 ..... 7  
SCAQMD Rule 1401 ..... 5, 8, 9

**Other**

Association of Environmental Professionals, 2015 CEQA Statute and Guidelines (2015) (Appendix G, “Environmental Checklist Form.”) .....24

CARB, *Health Impacts Analysis: PM Premature Death Relationship* ..... 14

CARB, *Health Impacts Analysis: PM Mortality Relationship* ..... 16

CARB, Resolution 98-35, Aug. 27, 1998 ..... 8

SCAQMD, *Air Quality Analysis Handbook* ..... 13

SCAQMD, *Final 2012 AQMP (Feb. 2013)* ..... 3, 11

SCAQMD, *Final Subsequent Mitigated Negative Declaration for: Warren E&P, Inc. WTU Central Facility, New Equipment Project (certified July 19, 2011)* ..... 14-15

SCAQMD Governing Board Agenda, February 4, 2011, Agenda Item 26, *Assessment for: Re-adoption of Proposed Rule 1315 – Federal New Source Review Tracking System*, ..... 12

SCAQMD Governing Board Agenda, April 3, 2015, Agenda Item 16, Attachment A ..... 7

SCAQMD, Health Risk Assessment Summary form ..... 10

SCAQMD, *Supplemental Guidelines for Preparing Risk Assessments for the Air Toxics “Hot Spots” Information and Assessment Act (AB2588)* ..... 10

U.S. EPA, Ground Level Ozone ..... 11

U.S. EPA, *Guideline on Ozone Monitoring Site Selection* (Aug. 1998) EPA-454/R-98-002 § 5.1.2 ..... 11

U.S. EPA, *Health Effects of Ozone in the General Population*, Figure 9, ..... 11

U.S. EPA, National Ambient Air Quality Standards (NAAQS) ..... 4

U.S. EPA, Particulate Matter (PM) ..... 4

**TO THE HONORABLE CHIEF JUSTICE AND JUSTICES OF THE  
SUPREME COURT:**

**APPLICATION FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF**

Pursuant to Rule 8.520(f) of the California Rules of Court, the South Coast Air Quality Management District (SCAQMD) respectfully requests leave to file the attached *amicus curiae* brief. Because SCAQMD's position differs from that of either party, we request leave to submit this *amicus* brief in support of neither party.

**HOW THIS BRIEF WILL ASSIST THE COURT**

SCAQMD's proposed *amicus* brief takes a position on two of the issues in this case. In both instances, its position differs from that of either party. The issues are:

- 1) Does the California Environmental Quality Act (CEQA) require an environmental impact report (EIR) to correlate a project's air pollution emissions with specific levels of health impacts?
- 2) What is the proper standard of review for determining whether an EIR provides sufficient information on the health impacts caused by a project's emission of air pollutants?

This brief will assist the Court by discussing the practical realities of correlating identified air quality impacts with specific health outcomes. In short, CEQA requires agencies to provide detailed information about a project's air quality impacts that is sufficient for the public and decisionmakers to adequately evaluate the project and meaningfully understand its impacts. However, the level of analysis is governed by a rule of reason; CEQA only requires agencies to conduct analysis if it is reasonably feasible to do so.

With regard to health-related air quality impacts, an analysis that correlates a project's air pollution emissions with specific levels of health impacts will be feasible in some cases but not others. Whether it is feasible depends on a variety of factors, including the nature of the project and the nature of the analysis under consideration. The feasibility of analysis may also change over time as air districts and others develop new tools for measuring projects' air quality related health impacts. Because SCAQMD has among the most sophisticated air quality modeling and health impact evaluation capability of any of the air districts in the State, it is uniquely situated to express an opinion on the extent to which the Court should hold that CEQA requires lead agencies to correlate air quality impacts with specific health outcomes.

SCAQMD can also offer a unique perspective on the question of the appropriate standard of review. SCAQMD submits that the proper standard of review for determining whether an EIR is sufficient as an informational document is more nuanced than argued by either party. In our view, this is a mixed question of fact and law. It includes determining whether additional analysis is feasible, which is primarily a factual question that should be reviewed under the substantial evidence standard. However, it also involves determining whether the omission of a particular analysis renders an EIR insufficient to serve CEQA's purpose as a meaningful, informational document. If a lead agency has not determined that a requested analysis is infeasible, it is the court's role to determine whether the EIR nevertheless meets CEQA's purposes, and courts should not defer to the lead agency's conclusions regarding the legal sufficiency of an EIR's analysis. The ultimate question of whether an EIR's analysis is "sufficient" to serve CEQA's informational purposes is predominately a question of law that courts should review *de novo*.



This brief will explain the rationale for these arguments and may assist the Court in reaching a conclusion that accords proper respect to a lead agency's factual conclusions while maintaining judicial authority over the ultimate question of what level of analysis CEQA requires.

#### **STATEMENT OF INTEREST OF *AMICUS CURIAE***

The SCAQMD is the regional agency primarily responsible for air pollution control in the South Coast Air Basin, which consists of all of Orange County and the non-desert portions of the Los Angeles, Riverside, and San Bernardino Counties. (Health & Saf. Code § 40410; Cal. Code Regs., tit. 17, § 60104.) The SCAQMD participates in the CEQA process in several ways. Sometimes it acts as a lead agency that prepares CEQA documents for projects. Other times it acts as a responsible agency when it has permit authority over some part of a project that is undergoing CEQA review by a different lead agency. Finally, SCAQMD also acts as a commenting agency for CEQA documents that it receives because it is a public agency with jurisdiction by law over natural resources affected by the project.

In all of these capacities, SCAQMD will be affected by the decision in this case. SCAQMD sometimes submits comments requesting that a lead agency perform an additional type of air quality or health impacts analysis. On the other hand, SCAQMD sometimes determines that a particular type of health impact analysis is not feasible or would not produce reliable and informative results. Thus, SCAQMD will be affected by the Court's resolution of the extent to which CEQA requires EIRs to correlate emissions and health impacts, and its resolution of the proper standard of review.

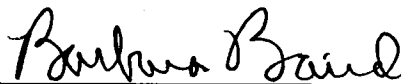
**CERTIFICATION REGARDING AUTHORSHIP AND FUNDING**

No party or counsel in the pending case authored the proposed amicus curiae brief in whole or in part, or made any monetary contribution intended to fund the preparation or submission of the brief. No person or entity other than the proposed *Amicus Curiae* made any monetary contribution intended to fund the preparation or submission of the brief.

Respectfully submitted,

DATED: April 3, 2015

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## BRIEF OF AMICUS CURIAE

### SUMMARY OF ARGUMENT

The South Coast Air Quality Management District (SCAQMD) submits that this Court should not try to establish a hard-and-fast rule concerning whether lead agencies are required to correlate emissions of air pollutants with specific health consequences in their environmental impact reports (EIR). The level of detail required in EIRs is governed by a few, core CEQA (California Environmental Quality Act) principles. As this Court has stated, “[a]n EIR must include detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project.” (*Laurel Heights Improvement Assn. v. Regents of the Univ of Cal.* (1988) 47 Cal.3d 376, 405 [*“Laurel Heights I”*]) Accordingly, “an agency must use its best efforts to find out and disclose all that it reasonably can.” (*Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 428 (quoting CEQA Guidelines § 15144)<sup>1</sup>). However, “[a]nalysis of environmental effects need not be exhaustive, but will be judged in light of what is reasonably feasible.” (*Association of Irrigated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1390; CEQA Guidelines §§ 15151, 15204(a).)

With regard to analysis of air quality related health impacts, EIRs must generally quantify a project’s pollutant emissions, but in some cases it is not feasible to correlate these emissions to specific, quantifiable health impacts (e.g., premature mortality; hospital admissions). In such cases, a general description of the adverse health impacts resulting from the pollutants at issue may be sufficient. In other cases, due to the magnitude

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<sup>1</sup> The CEQA Guidelines are found at Cal. Code Regs., tit. 14 §§ 15000, *et seq.*

or nature of the pollution emissions, as well as the specificity of the project involved, it may be feasible to quantify health impacts. Or there may be a less exacting, but still meaningful analysis of health impacts that can feasibly be performed. In these instances, agencies should disclose those impacts.

SCAQMD also submits that whether or not an EIR complies with CEQA's informational mandates by providing sufficient, feasible analysis is a mixed question of fact and law. Pertinent here, the question of whether an EIR's discussion of health impacts from air pollution is sufficient to allow the public to understand and consider meaningfully the issues involves two inquiries: (1) Is it feasible to provide the information or analysis that a commenter is requesting or a petitioner is arguing should be required?; and (2) Even if it is feasible, is the agency relying on other policy or legal considerations to justify not preparing the requested analysis? The first question of whether an analysis is feasible is primarily a question of fact that should be judged by the substantial evidence standard. The second inquiry involves evaluating CEQA's information disclosure purposes against the asserted reasons to not perform the requested analysis. For example, an agency might believe that its EIR meets CEQA's informational disclosure standards even without a particular analysis, and therefore choose not to conduct that analysis. SCAQMD submits that this is more of a legal question, which should be reviewed de novo as a question of law.

## **ARGUMENT**

### **I. RELEVANT FACTUAL AND LEGAL FRAMEWORK.**

#### **A. Air Quality Regulatory Background**

The South Coast Air Quality Management District (SCAQMD) is one of the local and regional air pollution control districts and air quality

management districts in California. The SCAQMD is the regional air pollution agency for the South Coast Air Basin, which consists of all of Orange County and the non-desert portions of Los Angeles, Riverside, and San Bernardino Counties. (Health & Saf. Code § 40410, 17 Cal. Code Reg. § 60104.) The SCAQMD also includes the Coachella Valley in Riverside County (Palm Springs area to the Salton Sea). (SCAQMD, *Final 2012 AQMP (Feb. 2013)*, <http://www.aqmd.gov/home/library/clean-air-plans/air-quality-mgt-plan/final-2012-air-quality-management-plan>; then follow “chapter 7” hyperlink; pp 7-1, 7-3 (last visited Apr. 1, 2015).) The SCAQMD's jurisdiction includes over 16 million residents and has the worst or nearly the worst air pollution levels in the country for ozone and fine particulate matter. (SCAQMD, *Final 2012 AQMP (Feb. 2013)*, <http://www.aqmd.gov/home/library/clean-air-plans/air-quality-mgt-plan/final-2012-air-quality-management-plan>; then follow “Executive Summary” hyperlink p. ES-1 (last visited Apr. 1, 2015).)

Under California law, the local and regional districts are primarily responsible for controlling air pollution from all sources except motor vehicles. (Health & Saf. Code § 40000.) The California Air Resources Board (CARB), part of the California Environmental Protection Agency, is primarily responsible for controlling pollution from motor vehicles. (*Id.*) The air districts must adopt rules to achieve and maintain the state and federal ambient air quality standards within their jurisdictions. (Health & Saf. Code § 40001.)

The federal Clean Air Act (CAA) requires the United States Environmental Protection Agency (EPA) to identify pollutants that are widely distributed and pose a threat to human health, developing a so-called “criteria” document. (42 U.S.C. § 7408; CAA § 108.) These pollutants are frequently called “criteria pollutants.” EPA must then establish “national ambient air quality standards” at levels “requisite to protect public health”,

allowing “an adequate margin of safety.” (42 U.S.C. § 7409; CAA § 109.) EPA has set standards for six identified pollutants: ozone, nitrogen dioxide, sulfur dioxide, carbon monoxide, particulate matter (PM), and lead. (U.S. EPA, National Ambient Air Quality Standards (NAAQS), <http://www.epa.gov/air/criteria.html> (last updated Oct. 21, 2014).)<sup>2</sup>

Under the Clean Air Act, EPA sets emission standards for motor vehicles and “nonroad engines” (mobile farm and construction equipment, marine vessels, locomotives, aircraft, etc.). (42 U.S.C. §§ 7521, 7547; CAA §§ 202, 213.) California is the only state allowed to establish emission standards for motor vehicles and most nonroad sources; however, it may only do so with EPA's approval. (42 U.S.C. §§ 7543(b), 7543(e); CAA §§ 209(b), 209(c).) Sources such as manufacturing facilities, power plants and refineries that are not mobile are often referred to as “stationary sources.” The Clean Air Act charges state and local agencies with the primary responsibility to attain the national ambient air quality standards. (42 U.S.C. § 7401(a)(3); CAA § 101(a)(3).) Each state must adopt and implement a plan including enforceable measures to achieve and maintain the national ambient air quality standards. (42 U.S.C. § 7410; CAA § 110.) The SCAQMD and CARB jointly prepare portion of the plan for the South Coast Air Basin and submit it for approval by EPA. (Health & Saf. Code §§ 40460, et seq.)

The Clean Air Act also requires state and local agencies to adopt a permit program requiring, among other things, that new or modified “major” stationary sources use technology to achieve the “lowest achievable emission rate,” and to control minor stationary sources as

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<sup>2</sup> Particulate matter (PM) is further divided into two categories: fine particulate or PM<sub>2.5</sub> (particles with a diameter of less than or equal to 2.5 microns) and coarse particulate (PM<sub>10</sub>) (particles with a diameter of 10 microns or less). (U.S. EPA, Particulate Matter (PM), <http://www.epa.gov/airquality/particulatepollution/> (last visited Apr. 1, 2015).)

needed to help attain the standards. (42 U.S.C. §§ 7502(c)(5), 7503(a)(2), 7410(a)(2)(C); CAA §§ 172(c)(5), 173(a)(2), 110(a)(2)(C).) The air districts implement these permit programs in California. (Health & Saf. Code §§ 42300, et seq.)

The Clean Air Act also sets out a regulatory structure for over 100 so-called “hazardous air pollutants” calling for EPA to establish “maximum achievable control technology” (MACT) for sources of these pollutants. (42 U.S.C. § 7412(d)(2); CAA § 112(d)(2).) California refers to these pollutants as “toxic air contaminants” (TACs) which are subject to two state-required programs. The first program requires “air toxics control measures” for specific categories of sources. (Health & Saf. Code § 39666.) The other program requires larger stationary sources and sources identified by air districts to prepare “health risk assessments” for impacts of toxic air contaminants. (Health & Saf. Code §§ 44320(b), 44322, 44360.) If the health risk exceeds levels identified by the district as “significant,” the facility must implement a “risk reduction plan” to bring its risk levels below “significant” levels. Air districts may adopt additional more stringent requirements than those required by state law, including requirements for toxic air contaminants. (Health & Saf. Code § 41508; *Western Oil & Gas Assn. v. Monterey Bay Unified APCD* (1989) 49 Cal.3d 408, 414.) For example, SCAQMD has adopted a rule requiring new or modified sources to keep their risks below specified levels and use best available control technology (BACT) for toxics. (SCAQMD, *Rule 1401-New Source Review of Toxic Air Contaminants*, <http://www.aqmd.gov/home/regulations/rules/scaqmd-rule-book/regulation-xiv>; then follow “Rule 1401” hyperlink (last visited Apr. 1, 2015).)

## **B. The SCAQMD's Role Under CEQA**

The California Environmental Quality Act (CEQA) requires public agencies to perform an environmental review and appropriate analysis for projects that they implement or approve. (Pub. Resources Code § 21080(a).) The agency with primary approval authority for a particular project is generally the “lead agency” that prepares the appropriate CEQA document. (CEQA Guidelines §§ 15050, 15051.) Other agencies having a subsequent approval authority over all or part of a project are called “responsible” agencies that must determine whether the CEQA document is adequate for their use. (CEQA Guidelines §§ 15096(c), 15381.) Lead agencies must also consult with and circulate their environmental impact reports to “trustee agencies” and agencies “with jurisdiction by law” including “authority over resources which may be affected by the project.” (Pub. Resources Code §§ 21104(a), 21153; CEQA Guidelines §§ 15086(a)(3), 15073(c).) The SCAQMD has a role in all these aspects of CEQA.

Fulfilling its responsibilities to implement its air quality plan and adopt rules to attain the national ambient air quality standards, SCAQMD adopts a dozen or more rules each year to require pollution reductions from a wide variety of sources. The SCAQMD staff evaluates each rule for any adverse environmental impact and prepares the appropriate CEQA document. Although most rules reduce air emissions, they may have secondary environmental impacts such as use of water or energy or disposal of waste—e.g., spent catalyst from control equipment.<sup>3</sup>

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<sup>3</sup> The SCAQMD's CEQA program for its rules is a “Certified Regulatory Program” under which it prepares a “functionally equivalent” document in lieu of a negative declaration or EIR. (Pub. Resources Code § 21080.5, CEQA Guidelines § 15251(l).)



The SCAQMD also approves a large number of permits every year to construct new, modified, or replacement facilities that emit regulated air pollutants. The majority of these air pollutant sources have already been included in an earlier CEQA evaluation for a larger project, are currently being evaluated by a local government as lead agency, or qualify for an exemption. However, the SCAQMD sometimes acts as lead agency for major projects where the local government does not have a discretionary approval. In such cases, SCAQMD prepares and certifies a negative declaration or environmental impact report (EIR) as appropriate.<sup>4</sup> SCAQMD evaluates perhaps a dozen such permit projects under CEQA each year. SCAQMD is often also a “responsible agency” for many projects since it must issue a permit for part of the projects (e.g., a boiler used to provide heat in a commercial building). For permit projects evaluated by another lead agency under CEQA, SCAQMD has the right to determine that the CEQA document is inadequate for its purposes as a responsible agency, but it may not do so because its permit program already requires all permitted sources to use the best available air pollution control technology. (SCAQMD, *Rule 1303(a)(1) – Requirements*, <http://www.aqmd.gov/home/regulations/rules/scaqmd-rule-book/regulation-xiii>; then follow “Rule 1303” hyperlink (last visited Apr. 1, 2015).)

Finally, SCAQMD receives as many as 60 or more CEQA documents each month (around 500 per year) in its role as commenting agency or an agency with “jurisdiction by law” over air quality—a natural resource affected by the project. (Pub. Resources Code §§ 21104(a), 21153; CEQA Guidelines § 15366(a)(3).) The SCAQMD staff provides comments on as many as 25 or 30 such documents each month.

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<sup>4</sup> The SCAQMD's permit projects are not included in its Certified Regulatory Program, and are evaluated under the traditional local government CEQA analysis. (Pub. Resources Code §§ 21150-21154.)

(SCAQMD Governing Board Agenda, Apr. 3, 2015, Agenda Item 16, Attachment A, <http://www.aqmd.gov/home/library/meeting-agendas-minutes/agenda?title=governing-board-meeting-agenda-april-3-2015>; then follow “16. Lead Agency Projects and Environmental Documents Received by SCAQMD” hyperlink (last visited Apr. 1, 2015).) Of course, SCAQMD focuses its commenting efforts on the more significant projects.

Typically, SCAQMD comments on the adequacy of air quality analysis, appropriateness of assumptions and methodology, and completeness of the recommended air quality mitigation measures. Staff may comment on the need to prepare a health risk assessment detailing the projected cancer and noncancer risks from toxic air contaminants resulting from the project, particularly the impacts of diesel particulate matter, which CARB has identified as a toxic air contaminant based on its carcinogenic effects. (California Air Resources Board, Resolution 98-35, Aug. 27, 1998, <http://www.arb.ca.gov/regact/diesltac/diesltac.htm>; then follow Resolution 98-35 hyperlink (last visited Apr. 1, 2015).) Because SCAQMD already requires new or modified stationary sources of toxic air contaminants to use the best available control technology for toxics and to keep their risks below specified levels, (SCAQMD Rule 1401, *supra*, note 15), the greatest opportunity to further mitigate toxic impacts through the CEQA process is by reducing emissions—particularly diesel emissions—from vehicles.

**II. THIS COURT SHOULD NOT SET A HARD-AND-FAST RULE CONCERNING THE EXTENT TO WHICH AN EIR MUST CORRELATE A PROJECT’S EMISSION OF POLLUTANTS WITH RESULTING HEALTH IMPACTS.**

Numerous cases hold that courts do not review the correctness of an EIR's conclusions but rather its sufficiency as an informative document. (*Laurel Heights 1*, *supra*, 47 Cal.3d at p. 392; *Citizens of Goleta Valley v.*

*Bd. of Supervisors* (1990) 52 Cal.3d 553, 569; *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1197.)

As stated by the Court of Appeal in this case, where an EIR has addressed a topic, but the petitioner claims that the information provided about that topic is insufficient, courts must “draw[] a line that divides *sufficient* discussions from those that are *insufficient*.” (*Sierra Club v. County of Fresno* (2014) 226 Cal.App.4th 704 (superseded by grant of review) 172 Cal.Rptr.3d 271, 290.) The Court of Appeal readily admitted that “[t]he terms themselves – sufficient and insufficient – provide little, if any, guidance as to where the line should be drawn. They are simply labels applied once the court has completed its analysis.” (*Id.*)

The CEQA Guidelines, however, provide guidance regarding what constitutes a sufficient discussion of impacts. Section 15151 states that “the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible.” Case law reflects this: “Analysis of environmental effects need not be exhaustive, but will be judged in light of what was reasonably feasible.” (*Association of Irrigated Residents v. County of Madera, supra*, 107 Cal.App.4th at p. 1390; see also CEQA Guidelines § 15204(a).)

Applying this test, this Court cannot realistically establish a hard-and-fast rule that an analysis correlating air pollution impacts of a project to quantified resulting health impacts is always required, or indeed that it is never required. Simply put, in some cases such an analysis will be “feasible”; in some cases it will not.

For example, air pollution control districts often require a proposed new source of toxic air contaminants to prepare a “health risk assessment” before issuing a permit to construct. District rules often limit the allowable cancer risk the new source may cause to the “maximally exposed individual” (worker and residence exposures). (*See, e.g.*, SCAQMD Rule 1401(c)(8); 1401(d)(1), *supra* note 15.) In order to perform this analysis, it

is necessary to have data regarding the sources and types of air toxic contaminants, location of emission points, velocity of emissions, the meteorology and topography of the area, and the location of receptors (worker and residence). (SCAQMD, *Supplemental Guidelines for Preparing Risk Assessments for the Air Toxics "Hot Spots" Information and Assessment Act (AB2588)*, pp. 11-16; (last visited Apr. 1, 2015) <http://www.aqmd.gov/home/library/documents-support-material>; "Guidelines" hyperlink; AB2588; then follow AB2588 Risk Assessment Guidelines hyperlink.)

Thus, it is feasible to determine the health risk posed by a new gas station locating at an intersection in a mixed use area, where receptor locations are known. On the other hand, it may not be feasible to perform a health risk assessment for airborne toxics that will be emitted by a generic industrial building that was built on "speculation" (i.e., without knowing the future tenant(s)). Even where a health risk assessment can be prepared, however, the resulting maximum health risk value is only a calculation of risk—it does not necessarily mean anyone will contract cancer as a result of the project.

In order to find the "cancer burden" or expected additional cases of cancer resulting from the project, it is also necessary to know the numbers and location of individuals living within the "zone of impact" of the project: i.e., those living in areas where the projected cancer risk from the project exceeds one in a million. (SCAQMD, Health Risk Assessment Summary form, <http://www.aqmd.gov/home/forms>; filter by "AB2588" category; then "Health Risk Assessment" hyperlink (last visited Apr. 1, 2015).) The affected population is divided into bands of those exposed to at least 1 in a million risk, those exposed to at least 10 in a million risk, etc. up to those exposed at the highest levels. (*Id.*) This data allows agencies to calculate an approximate number of additional cancer cases expected from

the project. However, it is not possible to predict which particular individuals will be affected.

For the so-called criteria pollutants<sup>5</sup>, such as ozone, it may be more difficult to quantify health impacts. Ozone is formed in the atmosphere from the chemical reaction of the nitrogen oxides (NO<sub>x</sub>) and volatile organic compounds (VOC) in the presence of sunlight. (U.S. EPA, Ground Level Ozone, <http://www.epa.gov/airquality/ozonepollution/> (last updated Mar. 25, 2015).) It takes time and the influence of meteorological conditions for these reactions to occur, so ozone may be formed at a distance downwind from the sources. (U.S. EPA, *Guideline on Ozone Monitoring Site Selection* (Aug. 1998) EPA-454/R-98-002 § 5.1.2, <http://www.epa.gov/ttnamti1/archive/cpreldoc.html> (last visited Apr. 1, 2015).) NO<sub>x</sub> and VOC are known as “precursors” of ozone.

Scientifically, health effects from ozone are correlated with increases in the ambient level of ozone in the air a person breathes. (U.S. EPA, *Health Effects of Ozone in the General Population*, Figure 9, <http://www.epa.gov/apti/ozonehealth/population.html#levels> (last visited Apr. 1, 2015).) However, it takes a large amount of additional precursor emissions to cause a modeled increase in ambient ozone levels over an entire region. For example, the SCAQMD's 2012 AQMP showed that reducing NO<sub>x</sub> by 432 tons per day (157,680 tons/year) and reducing VOC by 187 tons per day (68,255 tons/year) would reduce ozone levels at the SCAQMD's monitor site with the highest levels by only 9 parts per billion. (South Coast Air Quality Management District, *Final 2012 AQMP (February 2013)*, <http://www.aqmd.gov/home/library/clean-air-plans/air-quality-mgt-plan/final-2012-air-quality-management-plan>; then follow “Appendix V: Modeling & Attainment Demonstrations” hyperlink,

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<sup>5</sup> See discussion of types of pollutants, *supra*, Part I.A.