ORIGINAL- Signed

DUTRA MATERIALS
DUTRA HAYSTACK LANDING ASPHALT FACILITY

BAAQMD CEQA FINDINGS, SUPPORTING FACTS AND STATEMENT OF OVERRIDING CONSIDERATIONS

The County of Sonoma (County) acted as Lead Agency under the California Environmental Quality Act (CEQA) for Dutra Material ' s (Dutra) proposed new Haystack Landing Asphalt plant, County Permit No. PLP04-0046 and CEQA State Clearinghouse Number 2006022107 (Project). As a responsible agency under CEQA, the Bay Area Air Quality Management District (Air District) participated in the EIR process and has closely reviewed and relies on the County's Final EIR. Dutra has submitted Application #30724 to the Air District for an Authority to Construct/Permit to Operate the Project.

PROJECT DESCRIPTION

Dutra has proposed to build a stationary hot-mix asphalt plant with new equipment capable of processing recycled crumb rubber tires and conventional asphalt concrete. Aggregate and sand will be imported by Shamrock, the adjacent barge off-loading facility, and brought to Dutra by conveyors.
Dutra will have a production limit of 225,000 tons/year of total asphalt, and no more than 10% rubberized asphalt production. Dutra had operated an older asphalt plant near the proposed Project site which shut down partially in October 2005, and fully in November 2007. At the time the Notice of Preparation was prepared, Dutra was operating a temporary asphalt plant about ½ mile from the proposed Project' s location. The temporary plant later shut down.

The following timeline illustrates the land use permit application's progress from preparation of the initial draft EIR to present:

- **April 2004** - Dutra applied in its original application to replace the old asphalt plant with a new Haystack Landing Asphalt Plant.
- **February 17, 2006** - The County circulated a Notice of Preparation of an EIR.
- **January 14, 2008** - The County released the Draft EIR (DEIR).
- **July 18, 2008** - The County released a response to comments document entitled Final EIR.
- **October 16, 2008** - The Sonoma County Planning Commission (Planning Commission) voted to recommend EIR certification and project approval by the County of Sonoma Board of Supervisors (Board of Supervisors).
- **February 3, 2009** - The Board of Supervisors voted to tentatively approve the project with several changes to project conditions and referred the project back to the Planning Commission.
- **May 21, 2009** - The Planning Commission held two hearings on allowing the Project to exceed the General Plan Noise Policy and approving a General Plan amendment.
- **June 9, 2009** - The Board of Supervisors conducted a straw vote and tentatively denied the original project.
- **July 21, 2009** - The Board of Supervisors directed County planning staff to analyze the environmental impacts of project changes proposed by Dutra, which included the following project changes as detailed in a **September 15, 2009** submittal by Dutra, "Revised Project I" ("RP I"):
  - Reduce peak hourly production and maintain the same annual total production
  - Reduce silo height

- Eliminate on-site crushing of recycled materials and fill and grade that portion of the project area that previously contained the recycling operations

- **November 20, 2009** - An independent consultant report analyzing the environmental impacts of RP I entitled Summary Report I was prepared for and submitted to the County
- **June 2010** - After the U.S. Coast Guard determined the barge dock would block navigation on the river, Dutra submitted the " Revised Project II" ("RP II") to the County to replace the barge dock with a proposal to ship in material via the existing Shamrock dock.
- **September 24, 2010** - An independent consultant report analyzing the environmental impacts of RP II entitled Summary Report II was prepared for and submitted to the County. The report found that the RP II would result in fewer significant unavoidable impacts and significantly reduced adverse impacts overall as compared with the original project.
- **October 2010** - County staff recommended certification of the Final EIR and RP II version of the Project, adoption of a Statement of Overriding Considerations and approval of RP II. The Final EIR consists of the Draft EIR, Response to Comments Document, a January 19, 2009 Response to Letter Submitted by Lozeau Drury, Summary Report I and Summary Report II.
- **October 12, 2010** - The Board of Supervisors conducted a hearing on the project and, on a straw vote, voted to certify the Final EIR, adopt a Statement of Overriding Considerations and approve the project. The Board continued the item to December 14, 2010 to allow time for review of resolutions reflecting the Board ' s consideration and determination.
- **December 14, 2010** - The Board of Supervisors adopted resolutions approving RP II, certifying the Final EIR, and adopting a Statement of Overriding Considerations.
- **February 17, 2011** - City of Petaluma, Petaluma River Council, and other organizations and individuals (Plaintiffs) filed a petition for writ of mandate challenging Sonoma County's approval of the project, and alleging procedural and substantive deficiencies in the administrative proceedings including non-compliance with CEQA.
- **December 28, 2011** - The Superior Court denied the petition.
- **February 15, 2012** - Plaintiffs filed an appeal of the Superior Court' s decision.
- **February 28, 2014** - The Court of Appeal of the State of California, First District, affirmed the trial court's judgment to deny the petition from the Plaintiffs and affirming the County's compliance with CEQA in its approval of the Dutra project.

AIR DISTRICT CEOA FINDINGS AND SUPPORTING FACTS

In accordance with Air District Rules and Regulations and CEQA, the Air District has reviewed and considered the Final EIR prepared and certified by Lead Agency the County of Sonoma and has incorporated the Final EIR ' s analysis into its decision-making process. The Final EIR consists of the Draft EIR, Response to Comments Document, a January 19, 2009 Response to Letter Submitted by Lozeau Drury, Summary Report I, Summary Report II, and all documents and analyses attached thereto or referenced therein. All contents of the Final EIR are incorporated herein by reference. All impacts of the Project are discussed in great detail in the Final EIR. Also incorporated herein by reference is the Air District' s file on Dutra's application for an Authority to Construct from the Air District for the Project, including all supporting information submitted by Dutra, comments received and analysis completed by the Air District; the Memorandum from Steve Padovan to the County's Board of Supervisors dated October 12, 2010; and the two Resolutions adopted by the County in approving the Project, County of Sonoma Board of Supervisors Resolution Nos. 10-0916 and 10-0916A and their exhibits .

The Final EIR concluded that there would be significant impacts in ten impact areas - Aesthetics , Air Quality , Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology /Water Quality, Land Use, Noise, and Transportation and Traffic - that could be mitigated to below the level of significance. A detailed CEQA Mitigation and Monitoring Plan was adopted by the County and incorporated into the Project's Final Conditions of Approval (Conditions of Approval).

The Final EIR concluded that there would be significant and unavoidable impacts in 6 areas - Aesthetics, Air Quality, Hydrology/Water Quality, Land Use, Noise, and Transportation and Traffic, but the County found that there were overriding considerations related to the benefits of the Project that outweighed these significant and unavoidable impacts. The County made findings based on the Final EIR that all significant impacts had been eliminated or substantially lessened where feasible, and that any remaining significant impacts were unavoidable and acceptable due to the overriding considerations. The County therefore adopted CEQA Findings and a Statement of Overriding Considerations and approved the Project.

After a careful review of the record and its own analysis, the Air District makes the following findings as required by Section 21081 of CEQA and Section 15091 of the CEQA Guidelines.

First, the Air District finds that neither recirculation of the Final EIR nor a preparation of a subsequent/supplemental EIR is required for the Project, as (1) no substantial changes have been proposed in the Project which will require major revisions of the Final EIR due to new significant environmental effects or a substantial increase in the severity of effects; (2) no substantial changes have or will occur with respect to the circumstances under which the project is undertaken which will require major revisions of the Final EIR; and (3) no new information that was not known at the time the Final EIR was prepared is present showing there will be additional significant effects not discussed in the Final EIR, an increase in the severity of significant effects, mitigation measures /alternatives are feasible that were previously found infeasible, and/or mitigation measures /alternatives are available that Dutra declines to adopt.

The Air District also finds based on a careful review and analysis of the County's Final EIR and Conditions of Approval and its own analysis and independent judgment that the Project will have certain impacts that are less than significant as documented in the Final EIR, certain impacts that are significant but have been mitigated to below the level of significance through the Conditions of Approval, and certain other impacts that are significant and unavoidable - namely certain Aesthetics, Air Quality, Hydrology /Water Quality, Land Use, Noise, and Transportation and Traffic impacts, as documented in the Final EIR.

All Air Quality impacts are discussed below. Significant impacts found in impact areas other than air quality are addressed following the Air Quality discussion.

Findings Regarding Air Quality Impacts

The following discussion summarizes the air quality related impacts identified in the Final EIR and during the Air District's review of the CEQA documents and air permit application and presents facts to support the Air District 's findings.

Impact 1: Project Construction Would Result in Emissions of Criteria Pollutants
Construction activities associated with development of the start-up and full build out phases of the Project would include site preparation, soil excavation, backfilling, grading, and equipment vehicular traffic on paved and possibly unpaved roads. Soil disturbance caused by construction activities could be exacerbated by wind erosion. As a result, short-term dust emissions could cause a temporary increase in localized PM_{10} emissions. The operation of construction equipment would also result in the emission of criteria pollutants $PM_{2.5}$, PM_{10}, POC, NOx, and CO. Construction activities associated with project development would also result in short-term exhaust emissions from construction-related equipment.

The primary pollutants associated with exhaust emissions from construction equipment are ozone precursors (ROG and NOx), CO, and PM_{10}.

This impact was mitigated to insignificance with Mitigation Measure AQ-1 (Conditions of Approval 111-114, 129, 132-33. As specified in the EIR, construction-related PM_{10} emissions would be mitigated by implementing dust control measures specified by Air District CEQA guidelines and short-term exhaust emissions from construction-related equipment would be mitigated through the EIR's operational limits. The Air District finds that changes or alterations have been required in and/or incorporated into the Project to mitigate or avoid these significant impacts and have been adopted by the County. Thus, the Air District finds that impacts related to project construction emissions as mitigated with Mitigation Measure AQ-1 (Conditions of Approval 111-114, 129, 132, 133) would be ***less-than- significant.***

Impact 2: Project Operation Would Result in Emissions of Criteria Pollutants
Impact: Cumulative Impacts - Criteria Pollutants

Project operations would produce emissions of criteria pollutants, or their precursors (POC and NOx), from operation of the asphalt facility, truck emissions from the export of raw materials and finished product (asphalt), and employee vehicle trips. The proposed facility is subject to the Air District's New Source Review permit system. Dutra will meet Best Available Control Technology requirements for the various processes to minimize the criteria pollutant emissions.

As specified in the Final EIR, emissions from the drum-mixer /dryer, silo loading, and truck loadout would be abated using Best Available Control Technology. Silo loading emissions would be captured and sent to the asphalt drum-mixer/dryer combustion chamber, reducing organic emission, blue smoke, and odors. The truck loadout would be enclosed in a shroud and vented to two baghouses, controlling blue smoke and fugitive particulate emissions; and the asphalt drum-mixer /dryer would be vented to a cyclone and a baghouse, reducing particulate emissions. The captured particulate would be routed back to the drum mixer /dryer, where organic material (including toxic condensable organic material) would be destroyed.

Emissions were estimated and compared to the relevant significance threshold as follows. Because the Project involves the shutdown of an existing asphalt facility, the impact is evaluated based on the net increase in emissions due to construction and operation of the facility. The Final EIR considered the baseline emissions based on the five-year historic average production rate of 131,498 tons of asphalt per year and a maximum daily production rate of 2,000 tons that occurred at the original and temporary facilities. The emissions attributed to the Project are described as Project's Impact on the Environment; existing baseline emissions from an existing and temporary asphalt plant are subtracted from the new proposed Project's total emissions.

	Baseline Emissions	**Project Emissions - Revised Project II with Conveyor Option**	**Project's Impact on Environment**	**Relevant Significance Threshold**
NOx	194 lbs/day 13 tons/year	277 lbs/day 25 tons/year	83 lbs/day 12 tons/year	80 lbs/day 15 tons/year
PM10	70 lbs/day 2.5 tons/year	117 lbs/day 4.6 tons/year	47 lbs/day 2.1 tons/year	80 lbs/day 15 tons/year
CO	84 lbs/day 3.5 tons/year	122 lbs/day 10.4 tons/year	38 lbs/day 6.9 tons/year	550 lbs/day
ROG	58 lbs/day 1.7 tons/year	87 lbs/day 2.5 tons/year	29 lbs/day 0.81 tons/year	80 lbs/day 15 tons/year

With the exception of daily NOx emissions, all estimated criteria pollutant emissions are below the applicable threshold of significance. The Final EIR noted that NOx emissions from stationary sources are controlled by the Air District's imposition of BACT level emissions controls on these sources.

However, as specified in the Final EIR, the majority of NOx emissions from the Project are the result of truck emissions. In the vast majority of cases, these trucks would not be owned or operated by the proposed facility and not under the project's direct control, and therefore, mitigation measures cannot be imposed upon these trucks. Mitigation measures were imposed by the County to require newer off-road equipment, which have lower emissions of criteria pollutants than older equipment and operational procedures to reduce emissions of particulate matter. Mitigation measure AQ-2 has been incorporated into the Project at Conditions of Approval 113, 114, 128, 129 and 133. Imposition of these measures will reduce NOx impacts to an estimated 83 pounds/day, 3 pounds over the applicable threshold of significance.

The Air District has considered whether there are additional mitigation measures that can and should be imposed to further reduce the impact of project NOx emissions. While the Air District has not discovered additional mitigation measures, due to the delay in Project approval and implementation, the estimated NOx emissions presented in the Final EIR are likely overstated and emissions on the ground once the Project is constructed will likely be below the applicable threshold of significance.

For example, the Air District updated its application of the BACT standard to all stationary sources at the Project in 2016 which serves to minimize NOx emissions to the extent feasible from those sources as best available control technology has improved over time.

Furthermore, California Air Resources Board (CARB) NOx emission standards designed to clean up large diesel engines that power heavy-duty trucks have been and will continue to be implemented. Thus, the truck emissions calculated and included in the Final EIR based on 2008-2010 NOx emissions are likely no longer accurate. Emissions from trucks have decreased since this time period and will continue to decrease.

In all, the new BACT levels of emissions and the implementation of the CARB regulations combined with the delay in constructing and operating the Project (the emissions calculations were accurate as of 2010) may mean that NOx emissions will be below the significance thresholds when the Project begins to operate. Nevertheless, the Air District relies on the Final EIR' s finding that NOx emissions will be over the applicable significance threshold by 3 pounds per day.

The Air District finds that changes or alterations have been required in and/or incorporated into the project to mitigate the Project's NOx impacts and have been adopted by the County and the Air District. However, the Air District finds that this impact as studied in the Final EIR would remain ***significant and unavoidable.*** There are specific legal considerations that make it infeasible to impose other mitigation measures such as controls on offsite trucks as these trucks are not owned by Dutra and the Air District does not have any legal authority to limit the emissions of these trucks.

Furthermore, these NOx emissions should be considered a cumulative impact. The exceedance of air quality standards is a region-wide problem with a multitude of stationary and mobile sources contributing to the problem. The Basin is currently in nonattainment for the state PM_{10} standard and the state and national ozone standards. The Project, in combination with pending development elsewhere in the City of Petaluma or Sonoma County, would contribute to the cumulative degradation of regional air quality. Based on predictions of future emission inventories, which include the effect of adopting further rules and regulations to limit air pollutant emissions, the BAAQMD is formulating plans and strategies necessary to meet the state one-hour and the national eight-hour ozone standards. CARB's strategy to reduce emissions from heavy-duty diesel trucks would result in a significant reduction in the Project's regional impact. In addition, the asphalt plant would facilitate future transportation projects designed to reduce congestion and therefore reduce emissions of criteria pollutants from mobile sources. Past, present and future development projects contribute to the region' s adverse air quality impacts on a cumulative basis. By its very nature, air pollution is largely a cumulative impact. No single project is sufficient in size to, by itself, result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. If a project's contribution to the cumulative impact is considerable, then the project's impact on air quality would be considered significant.

Therefore, the Air District finds that cumulative impacts relative to regional air quality emissions would be ***significant and unavoidable*** due to the Project ' s significant NOx emissions. Changes or alterations have been required in and/or incorporated into the project to mitigate the Project's NOx impacts and have been adopted by the County and the Air District. However, the Air District finds that this impact as studied in the Final EIR would remain ***significant and unavoidable,*** and there are specific legal considerations that make it infeasible to impose other mitigation measures such as controls on offsite trucks as these trucks are not owned by Dutra and the Air District does not have any legal authority to limit the emissions of these trucks.

Impact 3: CO Hot Spots
Trucks delivering raw materials and transporting the finished products would generate emissions of CO, although much less than the 550 pounds per day threshold of significance. In addition, due to the facilities' proximity to Highway 101, the trucks would not be expected to create CO hot spots at locations where receptors would be located adjacent to the roadway.

Therefore, the Air District finds that impacts related to CO "hot spots" would be ***less than significant.***

Impact 4: Project Operation Emissions of Toxic Air Contaminants (TACs)

Air District Regulation 2, Rule 5 specifies that all permit applications for new and modified sources must be screened for TACs. The Air District completed several health risk analyses (HRA) of the Project. The Final EIR incorporates an HRA completed on October 1, 2008, and an HRA completed on September 21, 2009. Each HRA considered the total potential emissions (maximum possible) from the Project as it was proposed at the time the HRA was conducted.

The September 21, 2009 HRA found that the project's estimated maximum cancer risk was 6.7 in a million, the chronic non-cancer hazard index was 0.0041, and the acute non-cancer hazard index was 0.69. According to the Air District thresholds of significance and polices, these risk levels are considered acceptable if the sources meet current best available control technology for toxics (TBACT) requirements. The proposed plant design includes current TBACT with the use of water sprays and baghouse to suppress PM10 emissions, and a blue smoke control filter pack to control PM10 and POC emissions at the loadout silos.

The Air District completed an additional HRA on October 30, 2020 that takes into account the final Project approved by the County and AP 42 emissions factors, but this HRA only includes emissions from stationary sources to be permitted by the Air District. The October 30, 2020 HRA found that the project's estimated maximum cancer risk at the new reduced production capacity of 225,000 tons per year was 0.48 in a million (0.48 x 10-6), the chronic non-cancer hazard index was 0.0090, and the acute non-cancer hazard index was 1.9. In order to reduce the acute hazard index to 1.0, Dutra accepts a condition limit of 0.075 pound per hour of nickel in the permit. Thus, Dutra Materials satisfied Regulation 2-5 Air Toxic Contaminants requirements.

Although impacts from TACs would be less than significant, Mitigation Measure AQ-4 (incorporated at Conditions of Approval 130) was imposed to further reduce emissions. As specified in the Final EIR, one of the mitigation measures would result in a significant reduction in diesel particulate matter (DPM) emissions. Much of the PM10 emissions from the proposed project would come from diesel fueled trucks used to import and export materials and finished asphalt product. The applicant would not have direct control over the trucks hauling material to and from the proposed project site. DPM is managed through vehicle emission control programs implemented on a state and federal level with the cooperation of fuel suppliers and vehicle and engine manufacturers. In addition, CARB has implemented a Diesel Risk Reduction Plan to reduce diesel particulate matter emissions through cleaner fuels, new diesel tailpipe regulations, and regulations governing operations such as idling restrictions.

Therefore, DPM emissions from the proposed project would decline as regulations are implemented and older vehicles are retired. Also, off-road mobile diesel equipment would be required to use diesel fuel consisting of 20 percent biodiesel, which will further reduce emissions of DPM from off-road mobile equipment. These regulations would result in significant future decreases in DPM emissions from trucks associated with the import and export of materials over existing conditions. Based on the truck volume, the nearest receptors would not be adversely affected by DPM. The Air District finds that impacts related to TACs would be ***less***

than significant.

Impact 5: Odors
Blue smoke is the leading cause of odor complaints at asphalt facilities. The odor could affect on-site employees and residences downwind of the project. The facility proposes to devote up to ten percent of annual production to rubberized asphalt. The manufacture of rubberized asphalt is known to cause nuisance odors if not abated. The project is implementing BACT, which includes the use of blue smoke controls, which would substantially reduce the potential odor impact associated with operations. The proposed fiberbed mist collector would efficiently capture and clean blue smoke from silo and loadout operations. In the blue smoke control system, ducts route emissions from batching and mix transfer operations to the collector. The gas stream enters the enclosure and passes through prefilters. A large knockout area at the front of the unit allows particle matter to drop out of the gas stream before the prefiltering process. The prefilters capture any remaining particulate matter in the gas stream. These controls will reduce or eliminate nuisance odors and complaints to the BAAQMD. Odor complaints to the Air District would require action by the facility to further mitigate odors. The Air District finds that impacts related to odors would be ***less than significant.***

Impact 6: Conflict with or Obstruct Implementation of an Applicable Air Quality Plan
The proposed project would require a General Plan Amendment to redesignate portions of the site. For General Plan amendments, the BAAQMD CEQA Guidelines recommend that the planning agency evaluate the impact of the change in land use designation with respect to vehicle miles traveled (VMT), and whether the change in land use designation would interfere with air quality planning. According to the EIR, the change from Limited Commercial to Limited Industrial would not appear to generate a significant increase in VMT. The proposed project also would not result in a significant increase in employment or population. The Air District finds that changes or alterations have been required in and/or incorporated into the project to mitigate these significant impacts and have been adopted by the County. However, given that the Project would result in cumulatively significant contributions to ozone emissions, that a General Plan amendment would be required for this project, and that the General Plan does not appear to be fully consistent with the Bay Area Clean Air Plan (CAP), the Air District finds that the Project conflict with the CAP would appear to be ***significant and unavoidable.*** The Air District has considered, but has not been able to identify any additional mitigation measures, as discussed at impact 2, above, and thus this impact remains significant and unavoidable.

Impact: Greenhouse Gas Impacts
Total Project-generated GHG emissions are estimated at 6,532 tons of CO2 equivalent. This figure is a reduction of approximately 1,765 tons of GHGs attributed to changes in the original project that were incorporated in RP II, including the elimination of the barges. The majority of the emissions identified above would result from on-road truck traffic. 3.7 million tons of CO2 equivalent gases were emitted in Sonoma County in 2002. The proposed project's net increase in CO2 equivalent emissions is approximately 0.2 percent of Sonoma County's 2002 GHG emissions. The Project would not qualify as a major source of greenhouse gas emissions. Furthermore, the Project would account for only about 0.004 percent of the state's emission reduction goal of 174 million tons in 2020. As specified in the EIR, it should also be noted that the Project, as mitigated, would incorporate a number of measures to minimize project air emissions, which include greenhouse gases.

The Air District finds that impacts related to GHGs would be ***less than significant.*** Nevertheless , to further ensure no impact from the Project related to GHG emissions , the applicant has agreed to prepare and comply with a GHG reduction plan that will ensure there is no net increase in GHG emissions compared to the previously existing plant (Conditions of Approval No. 110).

Findings Regarding Impacts other than Air Quality

The Air District also finds and determines that, with regard to the Final EIR' s identified environmental impacts other than Air Quality, as detailed in the table below, (i) changes or alterations have been required in and/or incorporated into the project to mitigate or avoid these significant impacts; (ii) any changes or alterations within the responsibility and jurisdiction of other public agencies have been (or should be) adopted by such other agencies; and/or (iii) there are specific economic, legal, social , technological , and other considerations that make it infeasible to impose other mitigation measures or alternatives addressed in the Final EIR or otherwise. All Mitigation Measures noted below have been incorporated into the Project's Conditions of Approval and are described thoroughly in the Final EIR, incorporated herein. The Air District does not have any authority over these non-air quality related impacts and thus cannot impose any further mitigation measures.

Impact Area	**Impact Sub-Area**	**Project Changes and/or Mitigation Measures**	**Findings**
Aesthetics	AES-I: Adverse effect on scenic vista	Mitigation Measure AES-I and Conditions of Approval 85-89, 1239 and 140	Findings (i) and (ii). **Remains significant and unavoidable; has been mitigated to extent feasible**
	AES-2: Impacts to visual character of Project site and surroundings	Mitigation Measure AES-1 and Conditions of Approval 85-89, 1239 and 140	Findings (i) and (ii). **Remains significant and unavoidable; has been mitigated to extent feasible**
	AES-3: New source of substantial light and glare	Mitigation Measure AES-3	Findings (i) and (ii). Mitigated to less than significant.
	Cumulative Aesthetic Impacts	Mitigation Measure AES-1 and Conditions of Approval 85-89, 1239 and 140	Findings (i) and (ii). **Remains significant and unavoidable; has been mitigated to extent feasible**

Biological Resources	B1O-1: Special-Status species	Mitigation Measures BIO-la, 1b, le, ld, le, lf	Findings (i) and (ii). Mitigated to less than significant.
	B1O-2: Riparian habitat or other sensitive natural community	Mitigation Measure B1O-2	Findings (i) and (ii). Mitigated to less than significant.
	BIO-3: Jurisdictional wetlands and other waters	Mitigation Measure BIO-3a, 3b, 3c, 3d	Findings (i) and (ii). Mitigated to less than significant.
	B1O-4: Movement of native fish or wildlife and impede use of wildlife sites	Mitigation Measure BIO-4a, 4b, 4c, 4d, 4f	Findings (i) and (ii). Mitigated to less than significant.
Cultural Resources	CULT-1: Historical resources	Mitigation Measures CULT la, lb	Findings (i) and (ii). Mitigated to less than significant.
	CULT-2: Archaeological Resources	Mitigation Measures CULT 2a, 2b	Findings (i) and (ii). Mitigated to less than significant.
	CULT-3: Human Remains	Mitigation Measure CULT3	Findings (i) and (ii). Mitigated to less than significant.
	CULT-4: Paleontological Resources	Mitigation Measure CULT4	Findings (i) and (ii). Mitigated to less than significant.
Geology and Soils	GEO-I: Seismically-induced groundshaking could result in injuries, fatalities, damage	Mitigation Measure GEO-I	Findings (i) and (ii). Mitigated to less than significant.
	GEO-2: Surface instability could result in damage/ hazards	Mitigation Measure GEO-2	Findings (i) and (ii). Mitigated to less than significant.
	GEO-3: Lurching/ ground cracking could result in damage	Mitigation Measure GEO-3	Findings (i) and (ii). Mitigated to less than significant.
	GEO-4: Differential settlement could result in damage	Mitigation Measure GEO-4	Findings (i) and (ii). Mitigated to less than significant.
Hazards and Hazardous Materials	HAZ-I: Improper use, storage or disposal of hazardous materials during construction	Mitigation Measure HAZ-Ia, lb	Findings (i) and (ii). Mitigated to less than significant.
	HAZ-2: Site grading could cause release of contaminants or create	Mitigation Measure	Findings (i) and (ii). Mitigated to less than significant.

	safety hazards	HAZ-2a, 2b, c	
	HAZ-3: Transport, use, production or disposal of hazardous materials	Mitigation Measure HAZ-3	Findings (i) and (ii). Mitigated to less than significant.
Hydrology and Water Quality	HYDRO-I: Alter drainage patterns resulting in erosion or siltation	Mitigation Measures HYDRO- la, 1 b, le	Findings (i) and (ii). Mitigated to less than significant.
	HYDRO-2: Alter drainage patterns resulting in flooding	Mitigation Measure HYDRO2	Findings (i) and (ii). Mitigated to less than significant.
	HYDRO-3: Substantially degrade water quality	Mitigation Measure HYDRO 3a, 3b	Findings (i) and (ii). Mitigated to less than significant.
	Cumulative Water Quality Impacts	Best available control technology to be implemented	Findings (i) and (ii). **Remains significant and unavoidable; has been mitigated to extent feasible**
Land Use	LU-1: conflict with Land Use plans, policies, regulations	RP 2 consistent with General Plan and LU- 19c	Findings (i) and (ii). Mitigated to less than significant.
	LU-2: Land Use compatibility Cumulative Land Use impacts	RP 2 results in fewer significant impacts to scenic vistas and visual character, NOx emissions and noise than Original Project.	Findings (i) and (ii). **Remains significant and unavoidable; has been mitigated to extent feasible**
Noise	NOISE-I: Temporary or periodic increases in noise	Mitigation Measures NOISE- la, lb	Findings (i) and (ii). Mitigated to less than significant.
	NOISE-6: Asphalt equipment noise	Mitigation Measure NOISE 6, project changes and additional Conditions of Approval	Findings (i) and (ii). Mitigated to less than significant.
	NOISE-7: Concrete recycling facility noise	Impact eliminated due to project changes	Findings (i) and (ii). Mitigated to less than significant.
	NOISE-8: Barge Unloading facility noise	Impact eliminated due to project changes	Findings (i) and (ii). Mitigated to less than significant.
	NOISE-IO: Composite noise levels	Mitigation Measure NOISE 6, project changes and additional	Findings (i) and (ii). Mitigated to less than significant.

		Conditions of Approval	
	Cumulative Noise	Mitigation Measures NOISE 6, 10, Conditions of Approval. Noise from SMART and freight rail operations would be normally acceptable but temporarily and periodically would exceed County standards	Findings (i) and (ii). **Remains significant and unavoidable; has been mitigated to extent feasible**
Transportation and Traffic	TRANS-3: Highway impacts	Mitigation Measures TRANS-3a, 3b	Findings (i) and (ii). Mitigated to less than significant.
	TRANS-4: Safety Impacts	Mitigation Measure TRANS-4	Findings (i) and (ii). Mitigated to less than significant.
	TRANS-7: Near-term cumulative queuing impacts	Mitigation Measure TRANS-7	Findings (i) and (ii). Mitigated to less than significant.
	TRANS-8: Near-term cumulative highway impacts	Mitigation Measures TRANS 3a, 3b	Findings (i) and (ii). Mitigated to less than significant.
	TRANS-11: Cumulative 2020 queuing impacts	Mitigation Measure TRANS-11	Findings (i) and (ii). Mitigated to less than significant.
	TRANS-12: 2020 Cumulative highway impacts	Mitigation Measures TRANS 3a, 3b	Findings (i) and (ii). Mitigated to less than significant.
	TRANS-13b: Access for neighboring residential land uses	Mitigation Measure TRANS-13b	Findings (i), (ii) and (iii). **Remains significant and unavoidable; has been mitigated to extent feasible**
	TRANS-14: Interim truck hauling impacts	Conditions of Approval	Findings (i) and (ii). Mitigated to less than significant.

The Air District further finds that there are no feasible alternatives to the Project that would lessen its environmental impacts. The Air District finds that all significant impacts had been eliminated or substantially lessened where feasible, and that any remaining significant impacts are unavoidable and acceptable due to the overriding considerations discussed below. The Air District bases these findings on the evidence and analysis provided in the County's Final EIR and on its own independent analysis of those documents and the Project.

STATEMENT OF OVERRIDING CONSIDERATIONS

The Air District has reviewed the County's Statement of Overriding Considerations. The County acknowledged that the Project would have several significant environmental impacts that cannot be mitigated to a level of less than significant. These impacts include (1) Aesthetics - the Project will have an adverse effect on a scenic vista and impact the visual character of the Project site and surroundings;
(2) Air Quality - the Project operations would emit a significant amount of NOx, adding to the Bay Area's cumulative air pollution problem and in conflict with the Clean Air Plan; (3) Hydrology/Water Quality - the Project's contribution to nutrient loading in the Petaluma River would be cumulatively considerable ; (4) Land Use - the Project would result in significant adverse impacts to scenic vistas, visual character, NOx emissions and cumulative noise; (5) Noise - the Project would result in temporary and periodic noise levels that exceed the County ' s daytime and nighttime noise standards for the location; (6) Transportation and Traffic - the Project may not allow continued use of a railroad crossing that neighboring residents currently use / such continued use is dependent on SMART rail approval. The County carefully studied all of these impacts and mitigated them to the fullest extent feasible. The Air District does not have any authority over impacts 1, 3, 4, 5 and 6, but finds that, if further mitigation is possible, any changes or alterations within the responsibility and jurisdiction of other public agencies should be adopted by such other agencies.

With regard to impact 2, Air Quality, the Project was found to be significant by the County because of its NOx emissions. Emissions for the approved Revised Project II exceeded the threshold of significance by 3 pounds per day, as calculated in 2010. Due to the delay in implementing the Project, Project NOx emissions will be decreased from the 2010 calculation for at least two reasons : the Air District conducted its BACT analysis in 2016 and is requiring the use of current best available control technology, which will decrease NOx over 2010 standards, and because CARB regulations for diesel trucks serve to decrease NOx emissions from heavy trucks each year. Thus, when the Project is implemented NOx emissions may be below the significance threshold. The Air District does not have authority to further reduce NOx emissions, but finds that, if further mitigation is possible, any changes or alterations within the responsibility and jurisdiction of other public agencies should be adopted by such other agencies.

The County also explained the benefits of the Project, which the Air District recognizes. These include
(1) the Project would support locally produced aggregate , which California and Sonoma County policies encourage; (2) the Project will produce asphalt from a local source, avoiding traffic, air quality, greenhouse gas emissions and other impacts and costs associated with importing aggregate ; (3) the Project will receive aggregate via delivery on the Petaluma River, further reducing impacts associated with importing aggregate by truck; (4) the Project will promote employment and economic development in southern Sonoma County; (5) the Project will enhance the biological and hydrological functions of the Petaluma River and adjacent wetlands by restoring and enhancing 19 acres of wetland and riparian habitat; (6) the Project will remain river dependent, consistent with land use policy LU-l 9c and consistent with adjacent uses; (7) the Project will support the continued use of the Petaluma River and help ensure that the U.S. Army Corps of Engineers continues to dredge the channel for flood control and maintenance as a navigable waterway; (8) the Project will provide traffic improvements on Petaluma Boulevard South; (9) the Project will provide a site for the San Antonio Volunteer Fire Company to train and store equipment; (10) the Project will result in local production of asphalt, which is less expensive

than imported asphalt; (11) the Project will support local jobs directly and indirectly; (12) the Project will provide a state-of-the-art asphalt plant, with reduced emissions, noise and other impacts compared to existing plants.

The Air District finds and determines that (i) changes or alterations have been required in and/or incorporated into the project to mitigate or avoid the significant impacts; (ii) any changes or alterations within the responsibility and jurisdiction of other public agencies have been (or should be) adopted by such other agencies; and/or (iii) there are specific economic, legal, social, technological, and other considerations that make it infeasible to impose other mitigation measures or alternatives addressed in the Final EIR.

The Air District has determined that the significant and unavoidable adverse impacts of the Project as documented in the Final EIR are acceptable in light of the specific economic, legal, social, technological and other benefits of the project, which outweigh the significant and unavoidable adverse impacts. The Air District bases this conclusion about the Project's overriding considerations on the evidence and analysis provided in the County' s Final EIR and its detailing of the Project's benefits related to the County's Statement of Overriding Considerations.

The Air District will issue a Notice of Determination regarding the Air District's consideration of CEQA issues concurrently with the issuance of the Authority to Construct for the Project (BAAQMD Permit Application Number 30724). The Air District will provide notice to the public regarding this Notice of Determination in accordance with the requirements of CEQA.

The documents and other materials that constitute the record of proceedings upon which this decision is based are available to the general public at the BAAQMD offices, 375 Beale Street, San Francisco, CA 94105. Also, the Sonoma County Permit and Resource Management Department has posted the Project EIR at: https://sonomacounty.ca.gov/PRMD/Planning/Significant-EIRs/#dutra

Pamela J. Leong
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Bay Area Air Quality Management District

11/04/2024
Date