

APPENDIX D

CUMULATIVE IMPACT ANALYSIS REQUIREMENTS PURSUANT TO CEQA

**CUMULATIVE IMPACT REQUIREMENTS
PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

The following summarizes the requirement to analyze cumulative impacts pursuant to the California Environmental Quality Act (CEQA), and the procedures by which the AQMD complies with the requirement.

CUMULATIVE IMPACTS DEFINED

"Cumulative impacts" refers to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. The individual effects may be changes resulting from a single project or a number of separate projects. The cumulative impact from several projects is the change in the environment that results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects.

REQUIREMENT TO ANALYZE CUMULATIVE IMPACTS

An Environmental Impact Report (EIR) shall discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable.

An adequate discussion of significant cumulative impacts requires:

(1) Either:

(A) A list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency. Factors to consider include the nature of each environmental resource being examined, the location of the project and its type. Or

(B) A summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or area-wide conditions contributing to the cumulative impact.

Lead agencies should define the geographic scope of the area affected by the cumulative effect and provide a reasonable explanation for the geographic limitation used.

(2) A summary of the expected environmental effects to be produced by those projects with specific reference to additional information stating where that information is available.

(3) A reasonable analysis of the cumulative impacts of the relevant projects. An EIR shall examine reasonable, feasible options for mitigating or avoiding the project's contribution to any significant cumulative effects.

REQUIREMENTS WHEN CUMULATIVE IMPACTS ARE LESS THAN SIGNIFICANT

Where a lead agency is examining a project with an incremental effect that is not "cumulatively considerable," a lead agency need not consider that effect significant, but shall briefly describe its basis for concluding that the incremental effect is not cumulatively considerable.

An EIR may determine that a project's contribution to a significant cumulative impact will be rendered less than cumulatively considerable and thus is not significant. A project's contribution is less than cumulatively considerable if the project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact.

An EIR may determine that a project's contribution to a significant cumulative impact is de minimus and thus is not significant. A de minimus contribution means that the environmental conditions would essentially be the same whether or not the proposed project is implemented. Note that this provision (CEQA Guidelines Section 15130(a)[4]) was challenged by Communities for a Better Environment and has not been resolved. Therefore, the SCAQMD does not rely on this provision to conclude that a project does not have cumulatively significant impacts.

CONSIDERATIONS WHEN CONDUCTING CUMULATIVE IMPACT ANALYSES

"Probable future projects" may be limited to those projects requiring an agency approval for an application which has been received at the time the notice of preparation is released; projects included in an adopted capital improvements program, general plan, regional transportation plan, or other similar plan; projects included in a summary of projections of projects (or development areas designated) in a general plan or a similar plan; projects anticipated as later phase of a previously approved project (e.g. a subdivision); or those public agency projects for which money has been budgeted.

If a cumulative impact was adequately addressed in a prior EIR for a community plan, zoning action, or general plan, and the project is consistent with that plan or action, then an EIR for such a project should not further analyze that cumulative impact.

When analyzing the cumulative impacts of a project, the Lead Agency is required to discuss not only approved projects under construction and approved related projects not yet under construction, but also unapproved projects currently under environmental review with related impacts or which result in significant cumulative impacts. The analysis should include a discussion of projects under review by the Lead Agency and projects under review by other relevant public agencies, using reasonable efforts to discover, disclose, and discuss the other related projects.

The discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided for the effects attributable to the project alone. The discussion should be guided by standards of practicality and reasonableness, and should focus on the cumulative impact to which the identified other projects contribute. An EIR should not discuss impacts that do not result in part from the project evaluated in the EIR.

With some projects, the only feasible mitigation for cumulative impacts may involve the adoption of ordinances or regulations rather than the imposition of conditions on a project-by-project basis.

AQMD COMPLIANCE WITH CEQA CUMULATIVE IMPACT ANALYSIS REQUIREMENT

The AQMD has two primary roles under CEQA. As a Lead Agency, the AQMD is responsible for preparing environmental analyses in the form of EIRs, Negative Declarations, or Environmental Assessments. As a Commenting Agency, the AQMD is responsible for review and comment on air quality analyses prepared by other public agencies.

The AQMD, as Lead Agency, complies with all cumulative impact analysis requirements when preparing CEQA documents. As a Commenting Agency, the AQMD recommends that other public agencies perform cumulative impact analyses relative to air quality in the same manner as does AQMD. The following discussion focuses on how AQMD complies with the cumulative impact analysis as a Lead Agency.

The SCAQMD's regulatory program (i.e., development of rules and regulations) has been certified by the Secretary of the Resources Agency per Public Resources Code Section 21080.5. This means the SCAQMD prepares environmental analyses, including cumulative analyses, in documents other than EIRs and Negative Declarations. AQMD documents are always called Environmental Assessments.

As Lead Agency preparing Environmental Assessments for rule projects, AQMD evaluates requirements of the proposed rule as well as other AQMD rules with future compliance dates and AQMP control measures to determine if the proposed project may significantly contribute to cumulative impacts.

When AQMD is Lead Agency for a non-SCAQMD project (i.e., permit projects), standard CEQA requirements apply and Negative Declarations and EIRs are prepared. By definition, projects that qualify for a Negative Declaration do not have cumulative impact.

For permit projects, AQMD evaluates cumulative impacts relative to other projects within a geographical sphere of influence as well as other related projects. While cumulative impact analyses include projects undergoing a CEQA review, AQMD also typically requires the consultant to contact the city/county in which the project is located to identify projects where applications have been submitted, but the project has not yet undergone an environmental analysis. For these projects, general plan growth projections are applied to estimate impacts as applicable.

As Lead Agency, the AQMD uses the same significance thresholds for project specific and cumulative impacts for all environmental topics analyzed in an Environmental Assessment or EIR. The only case where the significance thresholds for project specific and cumulative impacts differ is the Hazard Index (HI) significance threshold for toxic air contaminant (TAC) emissions. The project specific (project increment) significance threshold is $HI \geq 1.0$ while the cumulative (facility-wide) is $HI \geq 3.0$. It should be noted that the HI is only one of three TAC emission significance thresholds considered (when applicable) in a CEQA analysis. The other two are the maximum individual cancer risk (MICR) and the cancer burden, both of which use the same significance thresholds (MICR of 10 in 1 million and cancer burden of 0.5) for project specific and cumulative impacts.

Projects that exceed the project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable. This is the reason project-specific and cumulative significance thresholds are the same. Conversely, projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant.

References

Title 14, California Code of Regulations. Chapter 3 - Guidelines for Implementation of the California Environmental Quality Act. Article 9 - Contents of EIRs, Section 15130 - Discussion of Cumulative Impacts and Article 20 – Definitions, Section 15355 - Cumulative Impacts.

Governor's Office of Planning and Research. Discussion relative to CEQA Guidelines Section 15130 (http://ceres.ca.gov/topic/env_law/ceqa/guidelines/art9.html).

Note: Authority cited for CEQA Guidelines Section 15130: Sections 21083 and 21087, Public Resources Code. Reference: Sections 21083(b), 21093, 21094, and 21100, Public Resources Code; Whitman v. Board of Supervisors (1979) 88 Cal.App.3d 397; San Franciscans for Reasonable Growth v. City and County of San Francisco (1984) 151 Cal.App.3d 61; Kings County Farm Bureau v. City of Hanford (1990) 221 Cal.App.3d 692; Laurel Heights Homeowners Association v. Regents of the University of California (1988) 47 Cal.3d 376; Sierra Club v. Gilroy (1990) 220 Cal.App.3d 30; Citizens to Preserve the Ojai v. County of Ventura (1985) 176 Cal.App.3d 421; Concerned Citizens of South Cent. Los Angeles v. Los Angeles Unified Sch. Dist. (1994) 24 Cal.App.4th 826; Las Virgenes Homeowners Fed'n v. County of Los Angeles (1986) 177 Cal.App.3d 300; San Joaquin Raptor/Wildlife Rescue Ctr v. County of Stanislaus (1994) 27 Cal. App.4th 713; and Fort Mojave Indian Tribe v. Cal. Dept. Of Health Services (1995) 38 Cal.App.4th 1574.