

## SECTION 6: OTHER CEQA CONSIDERATIONS

### 6.1 - Significant Unavoidable Impacts

CEQA Guidelines Section 15126.2(a)(b) requires an EIR to identify and focus on the significant environmental effects of the proposed project, including effects that cannot be avoided if the proposed project were implemented.

This section describes significant impacts, including those that can be mitigated but not reduced to a level of less than significant. Where there are impacts that cannot be alleviated without imposing a project alternative, their implications, and the reason why the project is being proposed, notwithstanding their effect, is described. With implementation of the proposed project, the following significant impacts that cannot be avoided would occur. Each significant unavoidable impact is discussed below.

The proposed project would result in the following significant unavoidable impacts:

- **Consistency with Air Quality Management Plan:** The proposed project would result in exceedances of regional emissions thresholds and therefore would be inconsistent with the Bay Area Air Quality Management District regional air quality planning assumptions. Mitigation is proposed requiring the implementation of feasible emissions reduction measures; however, these measures would not reconcile this inconsistency. Therefore, the significance after mitigation is significant and unavoidable.
- **Cumulative Criteria Pollutant Impacts:** The project would result in a cumulatively considerable net increase of criteria pollutants for which the project region is nonattainment under an applicable federal or state ambient air quality standard. Mitigation is proposed requiring the implementation of air emissions reduction measures, but it would not fully reduce this impact to a level of less than significant. Therefore, the significance after mitigation is significant and unavoidable.
- **Sensitive Receptors:** The proposed project would emit toxic air contaminants (TACs) during construction that could potentially expose sensitive receptors in the project vicinity to unhealthful levels of pollution and result in an increase in cancer risk above the BAAQMD cancer risk threshold. Potential actions to reduce the cancer risk are identified in the mitigation but require the agreement of the residents or property owners of the dwelling units. Since this cannot be assured, the impacts remain significant unavoidable.
- **Greenhouse Gas Emissions:** The proposed project would generate new sources of greenhouse gas emissions that would exceed Bay Area Air Quality Management District thresholds. Mitigation is proposed requiring the implementation of feasible emissions reduction measures; however, these measures would not reduce emissions to less than significant levels. Therefore, the significance after mitigation is significant and unavoidable.
- **Existing Plus Project Traffic:** The proposed project would generate new trips to intersections that would operate below the minimum acceptable standard under Existing Plus Project

Traffic Conditions. Improvements are identified for each location; however, such improvements are uncertain and may not be feasible because they rely on the approval of third-party agencies or funding sources that are not secured at the time of this writing. As such, the significance after mitigation is significant and unavoidable.

- **Existing Plus Background Plus Project Traffic:** The proposed project would generate new trips to intersections that would operate below the minimum acceptable standard under Existing Plus Background Plus Project Traffic Conditions. Improvements are identified for each location; however, such improvements are uncertain and may not be feasible because they rely on the approval of third-party agencies or funding sources that are not secured at the time of this writing. As such, the significance after mitigation is significant and unavoidable.
- **Cumulative Traffic:** The proposed project would generate new trips to intersections that would operate below the minimum acceptable standard under Cumulative Traffic Conditions. Improvements are identified for each location; however, such improvements are uncertain and may not be feasible because they rely on the approval of third-party agencies or funding sources that are not secured at the time of this writing. As such, the significance after mitigation is significant and unavoidable.
- **Congestion Management Plan:** The proposed project would generate new trips to various Congestion Management Plan-designated roadway facilities. Certain facilities are projected to operate at unacceptable levels and improvements such as road widening are not acceptable to jurisdictions in Napa County. Furthermore, certain facilities are outside of the jurisdictional control of the City of American Canyon; therefore, there is uncertainty as to whether feasible improvements could be implemented, if determined to be available. Therefore, the significance after mitigation is significant and unavoidable.

## 6.2 - Growth-Inducing Impacts

There are two types of growth-inducing impacts that a project may have: direct and indirect. To assess the potential for growth-inducing impacts, the project's characteristics that may encourage and facilitate activities that individually or cumulatively may affect the environment must be evaluated (CEQA Guidelines Section 15126.2(d)).

Direct growth-inducing impacts occur when the development of a project imposes new burdens on a community by directly inducing population growth, or by leading to the construction of additional developments in the same area. Also included in this category are projects that remove physical obstacles to population growth (such as a new road into an undeveloped area or a wastewater treatment plant with excess capacity that could allow additional development in the service area). Construction of these types of infrastructure projects cannot be considered isolated from the development they facilitate and serve. Projects that physically remove obstacles to growth, or projects that indirectly induce growth may provide a catalyst for future unrelated development in an area such as a new residential community that requires additional commercial uses to support residents.

The proposed project would employ up to 287 workers. The California Employment Development Department indicates that as of May 2016, there were 2,600 unemployed persons in Napa County and 10,000 unemployed persons in Solano County. Accordingly, it would be expected that the proposed project's new jobs could be readily filled from available local labor in both counties.

The project site is located in an area served with existing utilities and infrastructure. Thus, the proposed project would remove a barrier to growth through the extension of utilities and infrastructure to the project site.

Finally, the proposed project would not develop residential uses and therefore would not directly facilitate population growth.

Therefore, the proposed project would not have the potential to cause substantial direct or indirect population growth. No impacts would occur.

### 6.3 - Energy Conservation

Public Resources Code Section 21100(b)(3) and CEQA Guidelines Section 15126.4 require EIRs to describe, where relevant, the wasteful, inefficient, and unnecessary consumption of energy caused by a project. In 1975, largely in response to the oil crisis of the 1970s, the State Legislature adopted AB 1575, which created the California Energy Commission (CEC). The statutory mission of the CEC is to forecast future energy needs, license thermal power plants of 50 megawatts or larger, develop energy technologies and renewable energy resources, plan for and direct state responses to energy emergencies, and—perhaps most importantly—promote energy efficiency through the adoption and enforcement of appliance and building energy efficiency standards. AB 1575 also amended Public Resources Code Section 21100(b)(3) to require EIRs to consider the wasteful, inefficient, and unnecessary consumption of energy caused by a project. Thereafter, the State Resources Agency created Appendix F of the CEQA Guidelines. Appendix F is an advisory document that assists EIR preparers in determining whether a project will result in the inefficient, wasteful, and unnecessary consumption of energy. For the reasons set forth below, this EIR concludes that the proposed project will not result in the wasteful, inefficient, and unnecessary consumption of energy, will not cause the need for additional natural gas or electrical energy-producing facilities, and, therefore, will not create a significant impact on energy resources.

#### 6.3.1 - Regulatory Setting

Federal and state agencies regulate energy use and consumption through various means and programs. At the federal level, the United States Department of Transportation, the United States Department of Energy, and the United States Environmental Protection Agency are three federal agencies with substantial influence over energy policies and programs. Generally, federal agencies influence and regulate transportation energy consumption through establishment and enforcement of fuel economy standards for automobiles and light trucks, through funding of energy-related research and development projects, and through funding for transportation infrastructure improvements. At the state level, the California Public Utilities Commission (CPUC) and the CEC are two agencies with authority over different aspects of energy. The CPUC regulates privately owned utilities in the energy, rail, telecommunications, and water fields. The CEC collects and analyzes

energy-related data, prepares statewide energy policy recommendations and plans, promotes and funds energy efficiency programs, and adopts and enforces appliance and building energy efficiency standards. California is exempt under federal law from setting state fuel economy standards for new on-road motor vehicles. Some of the more relevant federal and state energy-related laws and plans are discussed below.

### **Federal Energy Policy and Conservation Act**

The Federal Energy Policy and Conservation Act of 1975 sought to ensure that all vehicles sold in the U.S. would meet certain fuel economy goals. Through this Act, Congress established the first fuel economy standards for on-road motor vehicles in the U.S. Pursuant to the Act, the National Highway Traffic and Safety Administration, which is part of the United States Department of Transportation, is responsible for establishing additional vehicle standards and for revising existing standards.

As of Model Year 2010, the fuel economy standard for new passenger cars is 27.5 miles per gallon and the fuel economy standard for new light trucks (gross vehicle weight of 8,500 pounds or less) is 23.5 miles per gallon. Heavy-duty vehicles (vehicles and trucks over 8,500 pounds gross vehicle weight) are not currently subject to fuel economy standards. Compliance with federal fuel economy standards is not determined for each individual vehicle model; rather, compliance is determined by each manufacturer's average fuel economy for the portion of its vehicles produced for sale in the United States.

### **Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA)**

The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) promoted the development of inter-modal transportation systems to maximize mobility as well as address national and local interests in air quality and energy. ISTEA contained factors that Metropolitan Planning Organizations (MPOs) such as ABAG were required to address in developing transportation plans and programs, including some energy-related factors. To meet the new ISTEA requirements, MPOs adopted explicit policies defining the social, economic, energy, and environmental values that were to guide transportation decisions in that metropolitan area. The planning process for specific projects would then address these policies. Another requirement was to consider the consistency of transportation planning with federal, state, and local energy goals. Through this requirement, energy consumption was expected to become a decision criterion, along with cost and other values that determine the best transportation solution.

### **The Transportation Equity Act for the 21st Century (TEA-21)**

The Transportation Equity Act for the 21st Century (TEA-21) was signed into law in 1998 and builds upon the initiatives established in the ISTEA legislation discussed above. TEA-21 authorizes highway, highway safety, transit, and other efficient surface transportation programs. TEA-21 continues the program structure established for highways and transit under ISTEA, such as flexibility in the use of funds, emphasis on measures to improve the environment, and focus on a strong planning process as the foundation of good transportation decisions. TEA-21 also provides for investment in research and its application to maximize the performance of the transportation system through, for example, deployment of Intelligent Transportation Systems, to help improve operations and management of transportation systems and vehicle safety.

## State of California Energy Plan

The CEC is responsible for preparing the State Energy Plan, which identifies emerging trends related to energy supply, demand, conservation, public health and safety, and the maintenance of a healthy economy. The plan calls for the State to assist in the transformation of the transportation system to improve air quality, reduce congestion, and increase the efficient use of fuel supplies with the least environmental and energy costs. To further this policy, the plan identifies a number of strategies, including providing assistance to public agencies and fleet operators, encouraging urban designs that reduce vehicle miles traveled, and accommodating pedestrian and bicycle access.

## Title 24, Energy Efficiency Standards

Title 24, which was promulgated by the CEC in 1978 in response to a legislative mandate to create uniform building codes to reduce California's energy consumption, provides energy efficiency standards for residential and nonresidential buildings. According to the CEC, since the energy efficiency standards went into effect in 1978, it is estimated that California residential and nonresidential consumers have reduced their utility bills by at least \$15.8 billion. The CEC further estimates that by 2011, residential and nonresidential consumers will save an additional \$43 billion in energy costs.

### 6.3.2 - Energy Requirements of the Proposed Project

Short-term construction and long-term operational energy consumption are discussed below.

#### Short-Term Construction

The United States Environmental Protection Agency (EPA) regulates nonroad diesel engines. The EPA has no formal fuel economy standards for nonroad (e.g., construction) diesel engines but does regulate diesel emissions, which indirectly affects fuel economy. In 1994, EPA adopted the first set of emission standards ("Tier 1") for all new nonroad diesel engines greater than 37 kilowatts (kW [50 horsepower (hp)]). The Tier 1 standards were phased in for different engine sizes between 1996 and 2000, reducing nitrogen oxide (NO<sub>x</sub>) emissions from these engines by 30 percent. The EPA has since adopted more stringent emission standards for NO<sub>x</sub>, hydrocarbons, and particulate matter from new nonroad diesel engines. This program includes the first set of standards for nonroad diesel engines less than 37 kW). It also phases in more stringent "Tier 2" emission standards from 2001 to 2006 for all engine sizes and adds yet more stringent "Tier 3" standards for engines between 37 and 560 kW (50 and 750 hp) from 2006 to 2008. These standards will further reduce nonroad diesel engine emissions by 60 percent for NO<sub>x</sub> and 40 percent for particulate matter from Tier 1 emission levels. In 2004, EPA issued the Clean Air Nonroad Diesel Rule. This rule took effect in 2008 and was fully implemented by 2014, and will cut emissions from nonroad diesel engines by more than 90 percent. These emission standards are intended to promote advanced clean technologies for nonroad diesel engines that improve fuel combustion, but they also result in slight decreases in fuel economy.

Development of the proposed project would include short-term construction activities that would consume energy, primarily in the form of diesel fuel (for mobile construction equipment) and electricity (for power tools). Construction activities would be subject to applicable regulations such

as anti-idling measures, limits on duration of activities, and the use of alternative fuels, thereby reducing energy consumption.

There are no unusual project characteristics that would necessitate the use of construction equipment that would be less energy-efficient than at comparable construction sites in other parts of the State. Therefore, it is expected that construction fuel consumption associated with the Project would not be any more inefficient, wasteful, or unnecessary than at other construction sites in the region.

**Long-Term Operations**

**Transportation Energy Demand**

Vehicle fuel efficiency is regulated at the federal level. Pursuant to the Federal Energy Policy and Conservation Act of 1975, the National Highway Traffic Safety Administration (NHTSA) is responsible for establishing additional vehicle standards and for revising existing standards. As of December 2014, NHTSA indicated that the fuel economy of passenger vehicles averaged 34.2 miles per gallon and light trucks averaged 26.2 miles per gallon.

The proposed project would be located within the Napa County Airport Industrial Area, near the junction of SR-12 and SR-29, and would be well-positioned to serve most of the San Francisco Bay Area, the Sacramento region, and the northern San Joaquin Valley. Table 6-1 summarizes travel distances from the project site to major industrial and intermodal destinations in Northern California. As shown in the table, destinations in Napa, Solano, Contra Costa, Alameda, Sonoma, Yolo, Sacramento, San Joaquin, and Santa Clara Counties would be within a 1.5-hour drive of the project site. These nine counties have a combined population of more than 6.5 million, which serves to illustrate that the proposed project would be well-positioned to serve customers in Northern California, perhaps with shorter trips lengths than are currently available. This serves to indicate that the proposed project would not result in the inefficient, unnecessary, and wasteful use of transportation energy.

**Table 6-1: Distance From Project Site**

Location	Distance (miles)	Location	Distance (miles)
Napa Valley Corporate Center	4	Southport Industrial Park (West Sacramento)	53
Mare Island	9	Mather Field (Rancho Cordova)	65
Travis Air Force Base (Fairfield)	20	Port of Stockton	67
Pinole Point Business Park (Richmond)	23	Fremont Business Park (Fremont)	65
Port of Oakland	48	Union Pacific Railroad Lathrop Intermodal Facility	73
Sonoma County Airport Industrial Area (Santa Rosa)	51	North San Jose	75
Source: FCS, 2015.			

## **Building Energy Demand**

### ***Electricity***

Pacific Gas and Electricity Company (PG&E) provides electricity to all or part of the 47 counties in California, including Napa County. PG&E charges connection and user fees for all new development, and sliding use-based rates for electrical and natural gas service. In 2015, PG&E obtained 37.2 percent of electricity from its own generation sources and the remaining 62.8 percent from outside sources. PG&E-owned generating facilities include nuclear, natural gas, and hydroelectric, with a net generating capacity of more than 7,691 megawatts. Outside suppliers to PG&E include California Department of Water Resources, irrigation districts, renewable energy suppliers, and other fossil fuel-fired suppliers.

As discussed in Section 3.10, Public Services and Utilities, the proposed project would demand an estimated 8.9 million kilowatt-hours of electricity. All new development would be subject to the latest adopted edition of the Title 24 energy efficiency standards, which are among the most stringent in the United States.

### ***Natural Gas***

PG&E provides natural gas to all or part of 39 counties in California comprising most of the northern and central portions of the State. PG&E obtains its natural gas supplies from western North America, including basins in western Canada, the Rocky Mountains, the southwestern United States, and California. In 2015, PG&E delivered 307 billion cubic feet of natural gas to its 4.4 million natural gas customers.

As discussed in Section 3.10, Public Services and Utilities, the proposed project would demand an estimated 33.3 million cubic feet of natural gas on an annual basis. All new development would be subject to the latest adopted edition of the Title 24 energy efficiency standards, which are among the most stringent in the United States.

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