

APPENDIX D
REGULATORY CONTEXT

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This appendix contains the federal, state, and local regulations that apply to the Burbank-Glendale-Pasadena Airport Authority's (Authority) Proposed Action for each resource category that may have potential impacts associated with the Proposed Action or alternatives as identified in FAA Order 1050.1F. For those resource categories that would not be affected by the Proposed Action or alternatives (coastal resources, farmlands, wetlands, and wild and scenic rivers), regulatory context is provided in **Chapter 3, *Affected Environment*, Section 3.2.**

D.1 AIR QUALITY

D.1.1 Federal Regulations

D.1.1.1 Clean Air Act

The Clean Air Act (CAA) of 1963 was the first federal legislation to regulate air pollution; the CAA has been amended numerous times in subsequent years, with the most recent amendments occurring in 1990. The U.S. Environmental Protection Agency (U.S. EPA) is responsible for implementing certain portions of the CAA, including requirements on mobile sources of air pollutants (e.g., motor vehicles, airplanes, or equipment that can be moved from one location to another). State and local agencies implement other portions of the CAA, such as requirements on stationary sources of air pollutants (e.g., factories, refineries, boilers, and power plants).

The CAA establishes federal air quality standards, known as National Ambient Air Quality Standards (NAAQS), and specifies dates for achieving compliance. The primary standards were established at levels sufficient to protect public health with a satisfactory margin of safety. The secondary standards were established to protect public welfare from other adverse effects of air pollution. The State of California must submit and implement a State Implementation Plan (SIP), in accordance with the CAA, for areas that fail to meet these standards. The SIP must include pollution control measures that demonstrate how the national standards will be met. The 1990 CAA amendments identify specific emission-reduction goals for areas that fail to meet the NAAQS. The state must demonstrate within their SIP reasonable progress toward attainment and incorporate additional sanctions for failure to attain or to meet interim milestones.

The most applicable CAA requirements involve attainment of the NAAQS for the following "criteria pollutants": ozone (O₃); nitrogen dioxide (NO₂); carbon monoxide (CO); sulfur dioxide (SO₂); particulate matter, with particles less than 10 microns in diameter (PM₁₀); and lead (Pb). The NAAQS were amended in July 1997 to include an 8-hour standard¹ for O₃ and to adopt a national standard for PM_{2.5}

¹ The 8-hour standard is the average concentration over 8 hours for a criteria air pollutant.

(fine particulate matter, with particles less than 2.5 microns in diameter). **Table D-1** shows the NAAQS currently in effect for each criteria pollutant.

TABLE D-1
AMBIENT AIR QUALITY STANDARDS

Pollutant	Averaging Time ^{/x/}	California Standards ^{/a/}		National Standards ^{/b/}		
		Concentration ^{/c/}	Method ^{/d/}	Primary ^{/c, e/}	Secondary ^{/c, f/}	Method ^{/g/}
Ozone (O ₃) ^{/h/}	1 Hour	0.09 ppm (180 µg/m ³)	Ultraviolet Photometry	-	Same as Primary Standard	Ultraviolet Photometry
	8 Hour	0.070 ppm (137 µg/m ³)		0.070 ppm (137 µg/m ³)		
Nitrogen Dioxide (NO ₂) ^{/i/}	1 Hour	0.18 ppm (339 µg/m ³)	Gas Phase Chemi- luminescence	100 ppb (188 µg/m ³)	None	Gas Phase Chemi- luminescence
	Annual Arithmetic Mean	0.030 ppm (57 µg/m ³)		53 ppb (100 µg/m ³)	Same as Primary Standard	
Carbon Monoxide (CO)	1 Hour	20 ppm (23 mg/m ³)	Non- dispersive Infrared Photometry	35 ppm (40 mg/m ³)	None	Non-dispersive Infrared Photometry
	8 Hour	9.0 ppm (10mg/m ³)		9 ppm (10 mg/m ³)		
	8 Hour (Lake Tahoe)	6 ppm (7 mg/m ³)		-		
Sulfur Dioxide (SO ₂) ^{/j/}	1 Hour	0.25 ppm (655 µg/m ³)	Ultraviolet Fluorescence	75 ppb (196 µg/m ³)	-	Ultraviolet Fluorescence; Spectrophotometry (Pararosaniline Method) ^{/j/}
	3 Hour	-		-	0.5 ppm (1300 µg/m ³)	
	24 Hour	0.04 ppm (105 µg/m ³)		0.14 ppm (for certain areas) ^{/j/}	-	
	Annual Arithmetic Mean	-		0.030 ppm (for certain areas) ^{/j/}	-	
Particulate Matter (PM ₁₀) ^{/k/}	24 Hour	50 µg/m ³	Gravimetric or Beta Attenuation	150 µg/m ³	Same as Primary Standard	Inertial Separation and Gravimetric Analysis
	Annual Arithmetic Mean	20 µg/m ³		-		

Pollutant	Averaging Time ^{/x/}	California Standards ^{/a/}		National Standards ^{/b/}		
		Concentration ^{/c/}	Method ^{/d/}	Primary ^{/c, e/}	Secondary ^{/c, f/}	Method ^{/g/}
Particulate Matter (PM _{2.5}) ^{/k/}	24 Hour	No Separate State Standard		35 µg/m ³	Same as Primary Standard	Inertial Separation and Gravimetric Analysis
	Annual Arithmetic Mean	12 µg/m ³	Gravimetric or Beta Attenuation	12.0 µg/m ³ ^{/k/}	15 µg/m ³	
Lead (Pb) ^{/l, m/}	30-Day Average	1.5 µg/m ³		Atomic Absorption	–	–
	Calendar Quarter	–	1.5 µg/m ³ (for certain areas) ^{/m/}		Same as Primary Standard	
	Rolling 3-Month Average ^{/m/}	–	0.15 µg/m ³			

Notes:

µg/m³ = micrograms/per cubic meter

ppb = parts per billion

ppm = parts per million

^{/a/} California standards for ozone, carbon monoxide (except 8-hour Lake Tahoe), sulfur dioxide (1- and 24-hour), nitrogen dioxide, and particulate matter (PM₁₀, PM_{2.5}, and visibility-reducing particles) are values that are not to be exceeded. All others are not to be equaled or exceeded. California ambient air quality standards are listed in the California Code of Regulations, Title 17, Section 70200, Table of Standards.

^{/b/} National standards (other than ozone, particulate matter, and those based on annual arithmetic mean) are not to be exceeded more than once per year. The ozone standard is attained when the fourth highest 8-hour concentration measured at each site in a year, averaged over 3 years, is equal to or less than the standard. For PM₁₀, the 24-hour standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 micrograms/per cubic meter (µg/m³) is equal to or less than 1. For PM_{2.5}, the 24-hour standard is attained when 98 percent of the daily concentrations, averaged over 3 years, are equal to or less than the standard.

^{/c/} Concentration expressed first in units in which the standard was promulgated.

^{/d/} Any equivalent procedure that can be shown to the satisfaction of the California Air Resources Board to give equivalent results at or near the level of the air quality standard may be used.

^{/e/} National Primary Standards: The levels of air quality necessary, with an adequate margin of safety, to protect the public health.

^{/f/} National Secondary Standards: The levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.

^{/g/} Reference method as described by the U.S. EPA. An "equivalent method" of measurement may be used but must have a "consistent relationship to the reference method" and must be approved by the U.S. EPA.

^{/h/} On October 1, 2015, the national 8-hour ozone primary and secondary standards were lowered from 0.075 to 0.070 ppm.

^{/i/} To attain the 1-hour national standard, the 3-year average of the annual 98th percentile of the 1-hour daily maximum concentrations at each site must not exceed 100 ppb.

^{/j/} On June 2, 2010, a new 1-hour SO₂ standard was established and the existing 24-hour and annual primary standards were revoked. To attain the 1-hour national standard, the 3-year average of the annual 99th percentile of the 1-hour daily maximum concentrations at each site must not exceed 75 ppb. The 1971 SO₂ national standards (24-hour and annual) remain in effect until 1 year after an area is designated for the 2010 standard, except that in areas designated "nonattainment" for the 1971 standards, the 1971 standards remain in effect until implementation plans to attain or maintain the 2010 standards are approved.

^{/k/} On December 14, 2012, the national annual PM_{2.5} primary standard was lowered from 15 µg/m³ to 12 µg/m³.

^{/l/} The California Air Resources Board has identified lead and vinyl chloride as "toxic air contaminants," but has not determined a threshold level of exposure for adverse health effects.

^{/m/} The national standard for lead was revised on October 15, 2008 to a rolling 3-month average. The 1978 lead standard (1.5 µg/m³ as a quarterly average) remains in effect until 1 year after an area is designated for the 2008 standard, except that in areas designated nonattainment for the 1978 standard, the 1978 standard remains in effect until implementation plans to attain or maintain the 2008 standard are approved.

Source: CARB Ambient Air Quality Standards, 2015.

The CAA sets deadlines for meeting the NAAQS, including the following: 1-hour O₃ by the year 2010; 8-hour O₃ by the year 2024²; PM₁₀ by the year 2006; and PM_{2.5} by the year 2015. States must submit and implement a SIP to demonstrate attainment with the NAAQS. The SIP must include pollution-control measures that demonstrate how the state will attain the federal standards in Title II of the CAA pertaining to mobile sources of air pollutants, such as cars, trucks, buses, and planes. The U.S. EPA recommends various mechanisms for regulating mobile air-emission sources, such as the use of reformulated gasoline, automobile pollution-control devices, and vapor recovery nozzles on gas pumps. In response to Title II, the California Air Resources Board (CARB) has implemented tailpipe emission standards for vehicles, which have been strengthened in recent years to improve air quality, like substantially lowering emissions of nitrogen oxides (NO_x)³ and making the requirements for cleaner burning gasoline more stringent.

D.1.1.2 General Conformity Rule

In November 1993, the U.S. EPA promulgated a set of regulations, Title 40 Code of Federal Regulations Part 93, known as the General Conformity rule, which applies to federal actions related to airports. A responsible federal agency is required to determine if the action “conforms” to the applicable SIP by ensuring that the action does not:

- » Cause or contribute to any new violations of any NAAQS
- » Increase the frequency or severity of any existing violations of any NAAQS
- » Delay the timely attainment of any NAAQS or any required interim emission reductions or other milestones

General conformity applies to any criteria pollutants for which an area is categorized as nonattainment or maintenance. An applicability analysis under general conformity consists of preparing an emissions inventory for all project-related direct and indirect emissions and comparing those results with the respective de minimis thresholds. The regulation defines the thresholds based on pollutant and attainment/nonattainment designation.

40 CFR Part 93.159(d) notes that when comparing emissions to de minimis thresholds, the following scenarios must be considered:

² The 8-hour ozone attainment deadline for the 1997 standard of 80 parts per billion is 2024. The 8-hour ozone attainment deadline for the 2008 standard of 75 parts per billion is 2032.

³ NO_x is a general term for the nitrogen oxides that are most relevant for air pollution, namely nitric oxide and nitrogen dioxide. These gases contribute to the formation of smog and acid rain as well as affecting atmospheric ozone. NO_x gases are usually produced from the reaction between nitrogen and oxygen during the combustion of fuels.

- » Emissions in the year of attainment or the farthest year for which emissions are projected in the maintenance plan.
- » The year in which the total of direct and indirect emissions from the action are expected to be the greatest on an annual basis.
- » Any year for which the SIP has an applicable emissions budget. If emissions in all of these scenarios are less than de minimis, no further analysis is needed. If emissions are above de minimis, a conformity determination is required.⁴

D.1.2 State Regulations

D.1.2.1 California Clean Air Act

The California Clean Air Act, signed into law in 1988, requires all areas of the state to achieve and maintain the California Ambient Air Quality Standards (CAAQS) by the earliest practicable date. The CAAQS apply to the same criteria pollutants as the federal CAA but include these additional state-identified criteria pollutants: sulfates, visibility-reducing particles, hydrogen sulfide, and vinyl chloride. The California Air Resources Board (CARB) has the primary responsibility for ensuring the implementation of the California Clean Air Act,⁵ responding to the federal CAA planning requirements applicable to the state and regulating emissions from motor vehicles and consumer products within the state. **Table D-1** shows the CAAQS currently in effect for each of the criteria pollutants as well as the other pollutants recognized by the state. As shown in the table, the CAAQS are more stringent than the NAAQS for most of the criteria air pollutants.

D.1.2.2 California Air Resources Board Air Quality and Land Use Handbook

In 2005, CARB published the *Air Quality and Land Use Handbook* to serve as a guide for considering impacts on sensitive receptors from facilities that emit toxic air contaminants (TAC).⁶ The recommendations provided therein are voluntary and do not constitute a requirement or mandate for either land use agencies or local air districts. The goal of the guidance document is to protect sensitive receptors, such as children, the elderly, and acutely or chronically ill people, from exposure to TAC emissions.

⁴ Environmental Protection Agency. (2010, March 24). Revisions to the General Conformity Regulations. Retrieved June 2019, from EPA: <https://www.epa.gov/sites/production/files/2016-03/documents/20100324rule.pdf>.

⁵ California Air Resources Board. (1988). Clean Air Act. Retrieved September 2018, from California Air Resources Board: <https://www.arb.ca.gov/enf/advs/advs31.pdf>.

⁶ California Environmental Protection Agency. (April 2005). *Air Quality and Land Use Handbook: A Community Health Perspective*. Retrieved April 2019 from California Environmental Protection Agency: <https://www.arb.ca.gov/ch/handbook.pdf>.

D.1.2.3 California Air Resources Board On-Road and Off-Road Vehicle Rules

In 2004, the California Air Resources Board (CARB) adopted an Airborne Toxic Control Measure to limit the idling of heavy-duty diesel motor vehicles in order to reduce public exposure to diesel PM and other TACs. The measure applies to diesel-fueled commercial vehicles with gross-vehicle-weight ratings greater than 10,000 pounds that are licensed to operate on highways, regardless of where they are registered. This measure prohibits the idling of diesel-fueled commercial vehicles for more than 5 minutes at any given time.

In 2008, CARB approved the Truck and Bus Regulation to reduce NO_x, PM₁₀, and PM_{2.5} emissions from existing diesel vehicles operating in California. In 2010, CARB amended the regulation to reduce NO_x, PM₁₀, and PM_{2.5} emissions from existing diesel vehicles operating in California with a gross-vehicle-weight rating greater than 14,000 pounds. For the largest trucks in the fleet—those with a gross-vehicle-weight rating greater than 26,000 pounds—fleet owners can either retrofit or replace engines to achieve 2010 engine standards or better by 2023, or they can install diesel particulate filters to achieve a fleetwide PM removal efficiency of at least 85 percent by January 1, 2016 and attain 2010 engine standards or better for PM by 2020.

In addition to limiting exhaust from idling trucks, CARB adopted the In-Use Off-Road Diesel-Fueled Fleets Regulation, adopted in 2007 and revised in 2016, that provides emission standards for off-road diesel construction equipment of greater than 25 horsepower, such as bulldozers, loaders, backhoes, and forklifts. The regulation requires operators to install diesel soot filters and encourages the retirement, replacement, or rebuilding of older, dirtier engines with newer, emission-controlled models. CARB staggered the schedule for implementation based on fleet size (i.e., the total of all off-road horsepower under common ownership or control), with the largest fleets beginning compliance as of January 1, 2014. Each fleet operator must demonstrate compliance either through calculating and maintaining fleet average emissions targets or through meeting the Best Available Control Technology requirements by turning over, or installing CARB-verified diesel emission control strategies (e.g., engine retrofits) on, a certain percentage of its total fleet horsepower by 2023 for large and medium fleets or by 2028 for small fleets.

D.1.3 Local Regulations

D.1.3.1 South Coast Air Quality Management District

The South Coast Air Quality Management District (SCAQMD) has jurisdiction over air quality planning for the South Coast Air Basin (Air Basin), which includes all of

Orange County; Los Angeles County, except for the Antelope Valley; the non-desert portion of western San Bernardino County; and the western and Coachella Valley portions of Riverside County. The Air Basin is a subregion under the SCAQMD's jurisdiction. While air quality in the Air Basin has improved, SCAQMD requires continued diligence to meet the air quality standards.

The SCAQMD has adopted a series of air quality management plans to meet the CAAQS and NAAQS. In December 2012, the SCAQMD adopted the *2012 Air Quality Management Plan (AQMP)*, which incorporates scientific and technological information and planning assumptions, including growth projections.⁷ The 2012 AQMP outlines a comprehensive strategy for controlling pollution from all sources, including stationary sources and on-road and off-road mobile sources. The 2012 AQMP builds upon improvements in previous plans and includes new and changing federal requirements; specifies the implementation of new technology measures; and encourages the continued development of economically sound, flexible compliance approaches. In addition, it highlights the need for substantial emission reductions and the urgency to identify additional strategies—especially in the area of mobile sources—to ensure that all federal criteria pollutant standards are met within the timeframes specified under the federal CAA.

The key undertaking of the 2012 AQMP is to bring the Air Basin into attainment with the NAAQS for the 24-hour PM_{2.5} standard. The 2012 AQMP also intensifies the scope and pace of continued air quality improvement efforts toward meeting the 2024 8-hour O₃ standard deadline with new measures designed to reduce reliance on the federal CAA Section 182(e)(5) long-term measures for NO_x and volatile organic compound (VOC) reductions. The SCAQMD expects emission reductions to be achieved through implementation of new and advanced control technologies, as well as improvement of existing technologies.

An updated air quality management plan—the 2016 AQMP—was adopted by the SCAQMD governing board on March 3, 2017⁸ and approved by CARB on March 23, 2017. Key elements of the 2016 AQMP include implementing fair-share emission-reductions strategies at the federal, state, and local levels; establishing partnerships, funding, and incentives to accelerate deployment of zero- and near-zero-emissions technologies; and taking credit from the co-benefits of emission reduction strategies from other greenhouse gas, energy, transportation, and other

⁷ South Coast Air Quality Management District. (2012). *Air Quality Management Plan*. Retrieved October 2018, from South Coast Air Quality Management District: [http://www.aqmd.gov/docs/default-source/clean-air-plans/air-quality-management-plans/2012-air-quality-management-plan/final-2012-aqmp-\(february-2013\)/main-document-final-2012.pdf](http://www.aqmd.gov/docs/default-source/clean-air-plans/air-quality-management-plans/2012-air-quality-management-plan/final-2012-aqmp-(february-2013)/main-document-final-2012.pdf).

⁸ South Coast Air Quality Management District. (2012). *Air Quality Management Plan*. Retrieved July 2018, from South Coast Air Quality Management District: <http://www.aqmd.gov/home/air-quality/clean-air-plans/air-quality-mgt-plan>.

planning efforts.⁹ The strategies included in the 2016 AQMP are intended to achieve attainment of the NAAQS for the federal “nonattainment” pollutants ozone and PM_{2.5}.¹⁰ Although the SCAQMD and CARB adopted the 2016 AQMP, the U.S. EPA has not yet approved it for inclusion in the SIP. Until the U.S. EPA approves the 2016 AQMP, the 2012 AQMP remains the applicable AQMP; as such, the provisions of the 2012 AQMP apply to the Proposed Action.

In order to achieve its air quality goals, the SCAQMD is committed to exploring possible emission-reduction mechanisms for sources not traditionally covered by its rules and regulations. The 2016 AQMP and CARB’s Mobile Source Strategy¹¹ outline a control strategy that focuses on reducing emissions from mobile sources, as these sources contribute up to 80 percent of the air basin’s NO_x emissions and are the largest contributor to the region’s ozone problem.

The SCAQMD works with CARB to develop and implement Facility-Based Mobile Source Measures (FBMSMs) aimed at reducing emissions from indirect sources (i.e., the emissions from mobile sources operating within facilities including ground support equipment, construction equipment, medium-duty, heavy-duty vehicles, shuttles and buses, passenger vehicles). Five FBMSMs were incorporated into the Final 2016 AQMP, including measures for new development and redevelopment, marine ports, rail yards, warehouses and distribution centers, and commercial airports. The SCAQMD met to discuss regulatory emission-reduction strategies for sources covered by commercial airports. On May 4, 2018, the SCAQMD governing board decided that, in lieu of requiring an Independent Source Rule for commercial airport facilities in the South Coast Air Basin, the district would execute a Memorandum of Understanding (MOU) with each of the five major commercial airports in the basin to facilitate reductions in air emissions and to help the district reach its attainment goals.

The SCAQMD requested that the Airport develop an air quality improvement plan and enter into an MOU with the air district by October 2019. As part of this process, the Airport will calculate current baseline and future emission inventories, estimate emission reductions from each of the Airport’s existing and potentially new or expanded programs or policies, and rank the benefits of each for inclusion into the air quality improvement plan. The Airport entered into a MOU with the

⁹ South Coast Air Quality Management District. (2012). *Air Quality Management Plan*. Retrieved October 2018, from South Coast Air Quality Management District: <http://www.aqmd.gov/home/air-quality/clean-air-plans/air-quality-mgt-plan>.

¹⁰ South Coast Air Quality Management District. (2016). NAAQS/CAAQS and Attainment Status for South Coast Air Basin. Retrieved July 2018, from South Coast Air Quality Management District: <http://www.aqmd.gov/docs/default-source/clean-air-plans/air-quality-management-plans/naaqs-caoqs-feb2016.pdf?sfvrsn=2>.

¹¹ California Air Resources Board (CARB). (2016). 2016 Mobile Source Strategy. Retrieved September 2019, from CARB: <https://ww3.arb.ca.gov/planning/sip/2016sip/2016mobsr.htm>.

SCAQMD with the intent of identifying and employing strategies to reduce Airport emissions.

D.1.3.2 Southern California Association of Governments

The Southern California Association of Governments (SCAG)—the regional planning agency for Los Angeles, Orange, Ventura, Riverside, San Bernardino, and Imperial Counties—addresses regional issues related to transportation, the economy, community development, and the environment. SCAG is the federally designated Metropolitan Planning Organization for the majority of the Southern California region. With regard to air quality planning, SCAG adopted the *2012–2035 Regional Transportation Plan/Sustainable Communities Strategy* (RTP/SCS) in April 2012, which addresses regional development and growth, forming the basis for the land use and transportation control portions of the AQMP.¹² The 2012–2035 RTP/SCS relies on growth forecasts in the preparation of air quality forecasts and the consistency analysis presented in the AQMP. These air quality forecasts can inform individual states as they prepare their SIPs in compliance with the federal Clean Air Act through achieving the NAAQS.

The attainment demonstration in the 2012 AQMP is based on growth projections in the 2012–2035 RTP/SCS originating within local jurisdictions. On April 7, 2016, SCAG adopted the *2016–2040 Regional Transportation Plan/Sustainable Communities Strategy*, which is an update to the 2012–2035 plan. The 2016–2040 RTP/SCS addresses aviation and airport ground access in the long-term plan, including passenger demand, cargo, and operation forecasting for all airports in the SCAG region. Future updates to the AQMP would use the growth projections provided in the updated plan.

SCAG’s Sustainable Communities Strategy (a component of the Regional Transportation Plan) provides specific strategies for successful implementation of transportation control and performance measures. These strategies include: (1) supporting projects that encourage diverse job opportunities for a variety of skills and education, recreation and culture, and a full-range of shopping, entertainment, and services all within a relatively short distance; (2) encouraging employment development around current and planned transit stations and neighborhood commercial centers; (3) encouraging the implementation of a “Complete Streets” policy that meets the needs of all users of the streets, roads, and highways (including seniors, children, and people with disabilities; pedestrians, bicyclists, and

¹² Southern California Association of Governments. (2019 April). *2012–2035 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS)*. Retrieved September 2019, from Southern California Association of Governments: <http://rtpscsc.scag.ca.gov/Pages/default.aspx>.

motorists, including those in electric vehicles; movers of commercial goods; and public transportation users); and (4) supporting alternative-fueled vehicles.

The movement of goods throughout the SCAG region relies on airports, land ports of entry, seaports, railways, highways, and warehouse and distribution centers. The RTP/SCS contains strategies for reducing impacts related to ground transportation congestion from air passenger trips, and therefore is pertinent to the Proposed Action. SCAG updated the Sustainable Communities Strategy in 2016 and evaluated its progress in implementing the strategies.

D.1.3.3 SCAQMD Rules and Regulations

Several SCAQMD rules adopted to implement portions of the AQMP may apply to the Proposed Action. For example, SCAQMD Rule 403 requires the implementation of best available fugitive dust control measures during active construction capable of generating fugitive dust emissions from onsite earthmoving activities, construction/demolition activities, and construction equipment travel on paved and unpaved roads. The Proposed Action may be subject to the following SCAQMD rules and regulations:

Regulation IV – Prohibitions

This regulation sets forth restrictions for visible emissions, odor nuisance, fugitive dust, various air emissions, fuel contaminants, startup/shutdown exemptions, and breakdown events. The following is a list of rules that may apply to the Proposed Action:

- » **Rule 401 – Visible Emissions:** This rule states that a person shall not discharge into the atmosphere from any single source of emission whatsoever any air contaminant for a period or periods aggregating more than 3 minutes in any 1 hour which is as dark or darker in shade as that designated No. 1 on the Ringelmann Chart¹³ or of such opacity as to obscure an observer's view.
- » **Rule 402 – Nuisance:** This rule states that a person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health, or safety of any such persons or the public, or which

¹³ U.S. Bureau of Mines. (1967). Ringelmann Smoke Chart. (1967). Retrieved September 2018, from U.S. Bureau of Mines: https://stacks.cdc.gov/view/cdc/8906/cdc_8906_DS1.pdf.

cause, or have a natural tendency to cause, injury or damage to business or property.

- » **Rule 403 – Fugitive Dust:** This rule requires project proponents to prevent, reduce, or mitigate fugitive dust emissions from a site. Rule 403 restricts visible fugitive dust to the project property line, restricts the net PM₁₀ emissions to less than 50 micrograms per cubic meter (µg/m³), and restricts the tracking out of bulk materials onto public roads. Additionally, projects must utilize one or more of the best available control measures described in the rule. Mitigation measures may include adding freeboard to haul vehicles, covering loose material on haul vehicles, watering, using chemical stabilizers, and/or ceasing all activities. Finally, a contingency plan may be required if so determined by the U.S. EPA.

Regulation XI – Source-Specific Standards

Regulation XI sets emissions standards for specific sources. The following is a list of rules that may apply to the Proposed Action:

- » **Rule 1113 – Architectural Coatings:** This rule requires manufacturers, distributors, and end users of architectural and industrial maintenance coatings to reduce VOC emissions from the use of these coatings, primarily by placing limits on the VOC content of various coating categories.
- » **Rule 1146.1 – Emissions of Oxides of Nitrogen from Small Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters:** This rule requires manufacturers, distributors, retailers, refurbishers, installers, and operators of new and existing units to reduce NO_x emissions from natural-gas-fired water heaters, boilers, and process heaters as defined in this rule (greater than 2 million British thermal units [Btu] per hour and less than 5 million Btu per hour).
- » **Rule 1146.2 – Emissions of Oxides of Nitrogen from Large Water Heaters and Small Boilers and Process Heaters:** This rule requires manufacturers, distributors, retailers, refurbishers, installers, and operators of new and existing units to reduce NO_x emissions from natural-gas-fired water heaters, boilers, and process heaters as defined in this rule (less than or equal to 2 million Btu per hour).
- » **Rule 1186 – PM₁₀ Emissions from Paved and Unpaved Roads, and Livestock Operations:** This rule applies to owners and operators of paved and unpaved roads and livestock operations. The rule is intended to reduce PM₁₀ emissions by requiring the cleanup of material deposited onto paved roads, the use of certified street sweeping equipment, and treatment of high-use unpaved roads (see also Rule 403).

Regulation XIV – Toxics and Other Noncriteria Pollutants

Regulation XI sets emissions standards for TACs and other noncriteria pollutant emissions. The following is a list of rules that may apply to the Proposed Action:

- » **Rule 1402 – Control of Toxic Air Contaminants from Existing Sources:** This rule sets standards for health risk associated with emissions of TACs from existing sources by specifying limits, applicable to total facility emissions, for maximum individual cancer risk, cancer burden, and noncancer acute and chronic hazard index, and by requiring facilities to implement risk reduction plans to achieve specified risk limits, as required by the Assembly Bill 2588, Air Toxics Hot Spots Program, and this rule. The rule also specifies public notification and inventory requirements.
- » **Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities:** This rule requires owners and operators of any demolition or renovation activity and the associated disturbance of asbestos-containing materials, any asbestos storage facility, or any active waste disposal site to implement work practice requirements to limit asbestos emissions from building demolition and renovation activities, including the removal and associated disturbance of asbestos-containing materials. **Section 3.7, Hazardous Materials, Solid Waste, and Pollution Prevention**, of this EIS, provides additional discussion of regulatory requirements, environmental setting, and impacts associated with asbestos.
- » **Rule 1470 – Requirements for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition Engines:** This rule applies to stationary compression ignition engines greater than 50 brake horsepower and sets limits on emissions and operating hours. In general, new stationary emergency standby diesel-fueled engines greater than 50 brake horsepower are not permitted to operate more than 50 hours per year for maintenance and testing.
- » **Rule 1472 – Requirements for Facilities with Multiple Stationary Emergency Standby Diesel-Fueled Internal Combustion Engines:** This rule regulates diesel particulate matter emissions from facilities with three or more stationary emergency standby diesel-fueled internal combustion engines. Facilities that comply with all applicable requirements of Rule 1402, including emissions from diesel engines at the facility, may be exempt from this rule.
- » **Control of Nitrogen Oxides from Residential Type, Natural-Gas-Fired Water Heaters:** This rule specifies NO_x emission limits for natural-gas-fired water heaters, with heat input rates less than 75,000 BTUs per hour.

Regulation XIII – New Source Review

Regulation XIII requires project proponents to conduct preconstruction reviews under both federal and state statutes when locating new and modified sources in areas that do not meet the Clean Air Act standards (i.e., “nonattainment” areas). The New Source Review regulation applies to both individual permits and entire facilities. For any new or modified sources of air pollutants that would cause a net increase in emissions, the project must apply for and obtain an air permit which contains provisions specifying the use of best available control technology (BACT), as applicable. For new facilities that would cause a net increase in emissions, the project is required to offset the increase through the use of emission reduction credits. The New Source Review regulation provides for the application, eligibility, registration, use, and transfer of emission reduction credits. The SCAQMD maintains an internal “bank” that can provide the required offsets for low-emitting facilities. In addition, before the SCAQMD will issue a permit, certain facilities are subject to provisions that require public notice and modeling analysis to determine the potential for downwind impacts.

D.1.3.4 Burbank2035 General Plan

The *Burbank2035 General Plan*,¹⁴ updated in 2013, sets forth objectives, policies, standards, and programs for land use and new development, including clean air goals. The Air Quality and Climate Change Element of the *Burbank 2035 General Plan* contains policies aimed at improving air quality in the city and provides the most current standards.

Goal 1: Reduction of Air Pollution

- » **Policy 1.3:** Continue to participate in the Cities for Climate Protection Program, SCAQMD’s Flag Program, SCAQMD’s Transportation Programs (Rule 2202, Employee Rideshare Program), and applicable state and federal air quality and climate change programs.
- » **Policy 1.5:** Require projects that generate potentially significant levels of air pollutants, such as landfill operations or large construction projects, to incorporate best available air quality and greenhouse gas mitigation in project design.

¹⁴ City of Burbank. (2013, February 13). *Burbank2035 General Plan*. Retrieved September 2018, from City of Burbank: <https://www.burbankca.gov/home/showdocument?id=23448>.

- » **Policy 1.6:** Require measures to control air pollutant emissions at construction sites and during soil-disturbing or dust-generating activities (e.g., tilling, landscaping) for projects requiring such activities.
- » **Policy 1.9:** Encourage the use of zero-emission vehicles, low-emission vehicles, bicycles, and other non-motorized vehicles, and car-sharing programs. Consider requiring sufficient and convenient infrastructure and parking facilities in residential developments and employment centers to accommodate these vehicles.

Goal 2: Sensitive Receptors

- » **Policy 2.0:** Mitigate emissions from retail food grilling and barbequing (indoor and outdoor) through the use of industry-specific equipment.
- » **Policy 2.1:** Mitigate emissions from retail food grilling and barbequing (indoor and outdoor) through the use of industry-specific equipment.
- » **Policy 2.2:** Separate sensitive uses such as residences, schools, parks, and day care facilities from sources of air pollution and toxic chemicals. Provide proper site planning and design features to buffer and protect when physical separation of these uses is not feasible.
- » **Policy 2.3:** Require businesses that cause air pollution to provide pollution control measures.

D.2 BIOLOGICAL RESOURCES

D.2.1 Federal Regulations

D.2.1.1 Federal Endangered Species Act

The Federal Endangered Species Act (FESA) protects plants and wildlife that are listed by the U.S. Fish and Wildlife Service (U.S. FWS) and National Marine Fisheries Service (NMFS) as Federally listed as endangered or threatened.

Section 9 of FESA prohibits the “take” of endangered wildlife, where take is defined as to “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to engage in such conduct.”¹⁵ For plants, this statute governs removing, possessing, maliciously damaging, or destroying any endangered plant on Federal land, as well as removing, cutting, digging up, damaging, or destroying any endangered plant on non-Federal land in knowing violation of state law.

¹⁵ 50 C.F.R. § 17.3.

Section 7 of FESA requires agencies to consult with the U.S. FWS or NMFS if their actions, including permit approvals or funding, could adversely affect an endangered species (including plants) or its critical habitat. Through consultation and the preparation of a biological opinion, the U.S. FWS or NMFS may issue an incidental take statement allowing the take of an endangered species that is incidental to another authorized activity, provided the action will not jeopardize the continued existence of the endangered species.

In cases where the Federal agency determines its action may affect a Federally listed species, but that such effects would not likely be adverse, the agency informally consults with the U.S. FWS and/or NMFS. This informal consultation typically involves incorporating measures to ensure that project effects would not be adverse. Concurrence from the U.S. FWS and/or NMFS concludes the informal process. Without such concurrence, the Federal agency must formally consult to ensure full compliance with FESA.

D.2.1.2 Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) prohibits the take of nearly all native birds. Under the MBTA, take means to kill, directly harm, or destroy individuals, eggs, or nests, or to otherwise cause failure of an ongoing nesting effort.

D.2.2 State Regulations

D.2.2.1 California Endangered Species Act

The California Endangered Species Act (CESA) authorizes the California Fish and Game Commission (Commission) to designate endangered, threatened, and rare species and to regulate the taking of these species.¹⁶ CESA defines endangered species as those whose continued existence in California is jeopardized. State-listed threatened species are those not presently facing extinction but that may become endangered in the foreseeable future. California Fish and Game Code Section 2080 prohibits the taking of state-listed plants and animals. The California Department of Fish and Wildlife (CDFW) also designates fully protected or protected species as those that may not be taken or possessed without a permit from the Commission and/or CDFW. Species designated as fully protected or protected may or may not be listed as endangered or threatened. When a species is both state- and Federally listed, the agency may issue an expedited request for consistency with the biological opinion through a request for a Section 2080.1 consistency determination.

¹⁶ California Fish and Game Code, §§ 2050–2098.

D.2.2.2 California Fish and Game Code

The Commission implements the Fish and Game Code, as authorized by Article IV, Section 20, of the Constitution of the State of California. California Fish and Game Code §§ 3503, 3503.5, 3505, 3800, and 3801.6 protect all native birds, birds of prey, and nongame birds, including their eggs and nests, that are not already listed as fully protected and that occur naturally within the state. Section 3503.5 specifically states that it is unlawful to take, possess, or destroy any raptors (e.g., hawks, owls, eagles, and falcons), including their nests or eggs. The CDFW is the state agency that manages native fish, wildlife, plant species, and natural communities for their ecological value and benefits to people.

D.2.2.3 California Native Plant Society

The California Native Plant Society (CNPS) is a private plant conservation organization dedicated to monitoring and protecting sensitive species in California. The CNPS manages the Inventory of Rare and Endangered Plants, an online database containing information on rare, threatened, and endangered vascular plant species of California, including qualitative characterizations and geographic distribution of these species. The CDFW uses the Inventory of Rare and Endangered Plants as a candidate list for plants being considered for listing as threatened or endangered.

The CNPS has developed five categories of rarity, referred to as California Rare Plant Ranks (CRPRs), of which CRPRs 1A, 1B, 2A, and 2B are considered particularly sensitive:

- » **CRPR 1A.** Presumed extirpated in California and either rare or extinct elsewhere.
- » **CRPR 1B.** Plants rare, threatened, or endangered in California and elsewhere.
- » **CRPR 2A.** Presumed extirpated in California, but more common elsewhere.
- » **CRPR 2B.** Plants rare, threatened, or endangered in California, but more common elsewhere.
- » **CRPR 3.** Plants about which more information is needed – a review list.
- » **CRPR 4.** Plants of limited distribution – a watch list.

The CNPS appends CRPR categorizations with “threat ranks” that parallel the rankings applied in the CDFW’s California Natural Diversity Database (CNDDDB).¹⁷ These threat ranks are added as a decimal code after the CRPR category as follows:

- » **CRPR XX.1.** Seriously endangered in California (over 80 percent of occurrences threatened / high degree and immediacy of threat)
- » **CRPR XX.2.** Fairly endangered in California (20 to 80 percent occurrences threatened)
- » **CRPR XX.3.** Not very endangered in California (less than 20 percent of occurrences threatened or no current threats known)

D.3 CLIMATE

FAA Order 1050.1F requires that NEPA documents, evaluate potential climate impacts separately from air quality impacts. According to FAA Order 1050.1F, the environmental document must present a qualitative or quantitative assessment of greenhouse gas (GHG) emissions if the proposed action or alternative(s) would result in an increase in such emissions.¹⁸ There are currently no significance thresholds for aviation-related GHG emissions, and the NEPA analysis need not attribute specific climate impacts to the proposed action or alternative(s) given small percentage of emissions that proposed aviation actions contribute to the overall GHG levels. For example, the Intergovernmental Panel on Climate Change estimates that aviation accounted for 4.1 percent of global transportation GHG emissions in 2015.¹⁹

Scientific measurements show that the Earth’s climate is warming, resulting in warmer air temperatures, sea level rise, increased storm activity, and more intense precipitation events. Research has shown a direct correlation between fuel combustion and emissions of GHGs, which are known to trap heat in the atmosphere. The GHGs that contribute to potential climate impacts include carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), and fluorinated gases such as

¹⁷ The CNDDDB inventories the status and locations of rare plants and animals in California. CNDDDB staff work with partners to maintain current lists of rare species as well as maintain a growing database of mapped locations for these species.

¹⁸ Federal Aviation Administration. (2015, July 16). *Order 1050.1F, Environmental Impacts: Policies and Procedures*, Chapter 4: Impact Categories, Significance, and Mitigation. Retrieved September 2018, from Federal Aviation Administration: https://www.faa.gov/documentLibrary/media/Order/FAA_Order_1050_1F.pdf.

¹⁹ Federal Aviation Administration. (2015, July). *1050.1F Desk Reference*, Chapter 3, *Climate*. Retrieved June 2019, from Federal Aviation Administration: https://www.faa.gov/about/office_org/headquarters_offices/apl/environ_policy_guidance/policy/faa_nepa_order/desk_ref/media/desk-ref.pdf.

hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆).²⁰

Not all GHGs possess the same ability to induce climate change; as a result, GHG contributions are commonly quantified in units of “carbon dioxide equivalents” (CO₂e). The Intergovernmental Panel on Climate Change calculated greenhouse gas potential (GWP) ratios and published them in its Fourth Assessment Report.²¹ The GWP represents the amount of heat captured by a mass of GHG compared to a similar mass of CO₂. Emitters apply the appropriate GWP ratios to convert pollutant-specific emissions to CO₂e emissions.²² By applying the GWP ratios, a project’s mass CO₂e emissions can be tabulated in metric tons per year. Typically, the GWP ratio corresponding to the warming potential of CO₂ over a 100-year period is used as a baseline.

D.3.1 Federal Regulations

The U.S. Environmental Protection Agency (U.S. EPA) is responsible for implementing federal policies to address GHGs. The federal government administers a wide array of public-private partnerships to reduce the quantity of GHGs generated in the United States. These programs focus on energy efficiency, renewable energy, methane and other non-CO₂ gases, agricultural practices, and technologies to achieve GHG reductions. The U.S. EPA implements numerous voluntary programs that contribute to the reduction of GHG emissions. These programs (e.g., the Energy Star labeling system for energy-efficient products) play a significant role in encouraging voluntary reductions from large corporations, consumers, industrial and commercial buildings, and many major industrial sectors.

On December 7, 2009, the U.S. EPA administrator signed two distinct findings regarding GHGs under Section 202(a) of the federal Clean Air Act. The U.S. EPA adopted a Final Endangerment Finding for the six defined GHGs (CO₂, CH₄, N₂O, HFCs, PFCs, and SF₆). The U.S. EPA also adopted a Cause or Contribute Finding in which the U.S. EPA administrator found that GHG emissions from motor vehicle engines are contributing to air pollution, which is endangering public health and

²⁰ U.S. Environmental Protection Agency. (2018). Overview of Greenhouse Gases. Retrieved September 2018, from U.S. Environmental Protection Agency: <https://www.epa.gov/ghgemissions/overview-greenhouse-gases>.

²¹ The Intergovernmental Panel on Climate Change (IPCC) developed the global warming potential (GWP) and associated CO₂e values and published them in its Second Assessment Report (SAR) in 1996. Historically, GHG emission inventories have been calculated using the GWPs from the IPCC’s SAR. The IPCC updated the GWP values based on the latest science in its Fourth Assessment Report (AR4). The California Air Resources Board (CARB) reports GHG emission inventories for California using the GWP values from the IPCC AR4. Therefore, the impact analysis in this EIS reflects the GWP values from the IPCC’s AR4. Although the IPCC has released AR5 with updated GWPs, CARB reports the statewide GHG inventory using the AR4 GWPs, which is consistent with international reporting standards.

²² Intergovernmental Panel on Climate Change. (2007). *Fourth Assessment Report, Working Group I Report: The Physical Science Basis*. Retrieved October 2018, from Intergovernmental Panel on Climate Change: https://www.ipcc.ch/pdf/assessment-report/ar4/wg1/ar4_wg1_full_report.pdf.

welfare. These findings do not in themselves impose any requirements on industry or other entities but were prerequisites for implementing GHG emissions standards for vehicles.

On September 27, 2019, the U.S. EPA and the National Highway Traffic Safety Administration (NHTSA) published the SAFE Part One (84 Fed. Reg. 51,310). The SAFE Rule Part One Rule revokes California's authority to set its own GHG emissions standards and set zero emission vehicle mandates in California. On March 31, 2020, the U.S. EPA and NHTSA released the final SAFE regulation, known as SAFE Part II, and submitted it for publication in the Federal Register. SAFE Part II is expected to be effective 60 days after being published in the Federal Register. The new regulation sets CO₂ emissions standards and CAFE standards for passenger vehicles and light duty trucks, covering model years 2021-2026. Under the final regulation, both CAFE and CO₂ emissions standards will decrease. Thus, implementation of the SAFE Rule Part II would increase the emission factors of mobile source gasoline fueled vehicles model year 2021 or newer by a small margin, as compared to ARB emission factors developed prior to the passage of the SAFE Rule.

D.3.2 State Regulations

Although federal regulations preempt state regulations, this section presents a summary of State of California executive orders, laws, and regulations aimed at reducing both the level of GHGs in the atmosphere and emissions of GHGs from commercial and private activities within the state.

D.3.2.1 California Assembly Bill 32

In 2006, the California state legislature adopted Assembly Bill 32 (Chapter 488, Statutes of 2006)—the California Global Warming Solutions Act—which aims to reduce statewide GHG emissions to 1990 levels by 2020. As required by Assembly Bill 32, the California Air Resources Board (CARB) approved the 1990 GHG emissions inventory, thereby establishing the emissions limit for 2020. Although the 2020 emissions target was originally set at 427 million metric tons of carbon dioxide equivalent (MMTCO_{2e}), CARB revised the target in 2014 to 431 MMTCO_{2e}. CARB also updated California's 2020 "Business-as-Usual" emissions estimate to account for the effects of the 2007–2009 economic recession, new estimates of future fuel and energy demand, and the recently adopted reductions required by regulation for motor vehicles and renewable energy.²³ Therefore, as calculated by CARB in 2014, the emission reductions necessary to achieve the 2020 emissions

²³ California Air Resources Board. (2018). *2020 Business-as-Usual (BAU) Emissions Projection*, 2014 Edition. Retrieved November 2018, from California Air Resources Board: <https://www.arb.ca.gov/cc/inventory/data/bau.htm>.

target of 431 MMTCO_{2e} would be 78.4 MMTCO_{2e}, or a total reduction of GHG emissions by approximately 15.4 percent since adoption of the goal.

D.3.2.2 Senate Bill 32 and Assembly Bill 197

In 2016, the California state legislature adopted Senate Bill 32 and its companion bill Assembly Bill 197, both of which were signed by Governor Jerry Brown. Senate Bill 32 and Assembly Bill 197 amend Health and Safety Code Division 25.5 and establish a new climate pollution reduction target of 40 percent below 1990 levels by 2030. These two bills include provisions to ensure the benefits of state climate policies reach into disadvantaged communities, which may be located in closer proximity to industrial and commercial emission sources and therefore disproportionately affected by GHG emissions.

D.3.2.3 California Air Resources Board

CARB, a part of the California Environmental Protection Agency (CalEPA), is responsible for the coordination and administration of both federal and state air pollution control programs within California. In this capacity, CARB conducts research, sets the California Ambient Air Quality Standards (CAAQS), compiles emissions inventories, develops control measures, and provides oversight of local programs.

D.3.2.4 2017 Climate Change Scoping Plan

Senate Bill 32 requires CARB to prepare a climate change scoping plan for achieving the maximum technologically feasible and cost-effective GHG emission reduction by 2020 (California Health and Safety Code Section 38561[h]).²⁴ In compliance with the bill, CARB developed a scoping plan that contains strategies to achieve the 2020 emissions cap.²⁵

In December 2017, in response to SB 32 and the 2030 GHG reduction target, CARB adopted the 2017 *Climate Change Scoping Plan*.²⁶ The 2017 Scoping plan outlines the strategies the State of California will implement to achieve the 2030 GHG reduction target, which includes improvements in low-carbon energy, industry, transportation sustainability, natural and working lands, waste management, and water. The cornerstone of the 2017 Scoping Plan Update is an expansion of the Cap-and-Trade Program (discussed further below) to meet the aggressive 2030

²⁴ California Air Resources Board. (2008). *Climate Change Scoping Plan. California's 2017 Climate Change Scoping Plan*. Retrieved November 2019, from California Air Resources Board: <https://www.arb.ca.gov/cc/scopingplan/scopingplan.htm>.

²⁵ California Air Resources Board. (2018). *Initial AB 32 Climate Change Scoping Plan Document*. Retrieved October 2018, from California Air Resources Board: <https://www.arb.ca.gov/cc/scopingplan/document/scopingplandocument.htm>.

²⁶ California Air Resources Board. (2017). *California's 2017 Climate Change Scoping Plan*. Retrieved October 2018, from California Air Resources Board: https://www.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf.

GHG emissions goal and ensure achievement of the 2030 limit set forth by E.O. B-30-15.

D.3.2.5 Cap-and-Trade Program

Initially authorized by the California Global Warming Solutions Act of 2006 (AB 32), and extended through the year 2030 with the passage of AB 398 (2017), the California Cap-and-Trade Program is a core strategy that the state is using to meet its GHG reduction targets for 2020 and 2030, and ultimately achieve an 80 percent reduction from 1990 levels by 2050. CARB designed and adopted the California Cap-and-Trade Program to reduce GHG emissions from “covered entities”²⁷ (e.g., electricity generation, petroleum refining, cement production, and large industrial facilities that emit more than 25,000 metric tons CO_{2e} per year), setting a firm cap on statewide GHG emissions and employing market mechanisms to achieve reductions.²⁸ Under the Cap-and-Trade Program, an overall limit is established for GHG emissions from capped sectors. The statewide cap for GHG emissions from the capped sectors commenced in 2013. The cap declines over time. Facilities subject to the cap can trade permits to emit GHGs.²⁹

If California’s direct regulatory measures reduce GHG emissions more than expected, then the Cap-and-Trade Program will be responsible for relatively fewer emissions reductions. If California’s direct regulatory measures reduce GHG emissions less than expected, then the Cap-and-Trade Program will require relatively more emission reductions. In other words, the Cap-and-Trade Program can be adaptively managed by the state to ensure achievement of California’s 2020 and 2030 GHG emissions reduction mandates, depending on whether other regulatory measures are more or less effective than anticipated.

D.3.3 Local Regulations

D.3.3.1 Burbank2035 General Plan

The *Burbank2035 General Plan*, adopted in 2013, sets forth objectives, policies, standards, and programs for land use and new development and also addresses public health, transportation, housing, air quality, and other topics. The General Plan provides an airport land use designation for the Bob Hope Airport and adjacent parcels to “accommodate uses directly related to the airport and aircraft operation including landing fields; passenger and freight facilities; and facilities for

²⁷ “Covered Entity” means an entity within California that has one or more of the processes or operations and has a compliance obligation as specified in subarticle 7 of the Cap-and-Trade Regulation; and that has emitted, produced, imported, manufactured, or delivered in 2008 or any subsequent year more than the applicable threshold level specified in section 95812 (a) of the regulation.

²⁸ 17 CCR §§ 95800 to 96023.

²⁹ See generally 17 CCR §§ 95811, 95812.

fabricating, testing, and servicing aircraft.”³⁰ The General Plan’s Air Quality and Climate Change Element contains measures related to GHG emissions that would apply to the Proposed Action. Section 4.H, Land Use and Planning, of the Air Quality and Climate Change Element discusses project consistency with the General Plan.

Greenhouse Gas Reduction Plan

In accordance with Assembly Bill 32 and Executive Order S-03-05, the City of Burbank adopted the Greenhouse Gas Reduction Plan to implement the GHG policies presented in the *Burbank2035 General Plan*. The Greenhouse Gas Reduction Plan provides a current GHG inventory for Burbank, emission reduction measures, and actions that implement the policies of the *Burbank2035 General Plan* Air Quality and Climate Change Element. The City adopted the Greenhouse Gas Reduction Plan along with *Burbank2035 General Plan* to address GHG emissions at a programmatic level. The process for establishing this programmatic approach included:

- » Establishing a baseline emissions inventory and projecting future emissions
- » Identifying a citywide reduction target
- » Preparing a plan to identify strategies and measures to meet the reduction target
- » Identifying targets and reduction strategies in the *Burbank2035 General Plan*
- » Monitoring the effectiveness of reduction measures
- » Adapting the plan to changing conditions
- » Adopting the emissions reduction plan in a public process following environmental review

The Greenhouse Gas Reduction Plan states that environmental review documents on development projects may incorporate the existing programmatic review into their cumulative impacts analysis. Cumulative impact analysis may be interpreted differently among EIS sections. For air quality, cumulative impact analysis considers emissions from nearby existing buildings or stationary sources as well as any pending projects that may have overlapping construction with the proposed action. Environmental review documents prepared for projects may rely on the GHG analysis presented in the environmental impact report on the *Burbank 2035*

³⁰ City of Burbank. (2013, February 13). *Burbank2035 General Plan*. Retrieved September 2018, from City of Burbank: <https://www.burbankca.gov/home/showdocument?id=23448>.

General Plan and the Greenhouse Gas Reduction Plan to show consistency with the plans.

D.4 DEPARTMENT OF TRANSPORTATION ACT, SECTION 4(f)

Section 4(f) of the U.S. DOT Act³¹ provides protection for special properties, including publicly owned parks, recreation areas, wildlife and waterfowl refuges, and historic and archaeological sites. Section 4(f) of the U.S. DOT Act provides that: the Secretary of Transportation will not approve any program or project that requires the use of any publicly owned park, recreational area, or wildlife or waterfowl refuge of national, state, or local significance or land from a historic site of national, state, or local significance, as determined by the officials having jurisdiction thereof, unless there is no feasible and prudent alternative to the use of such land and such program, and the project includes all possible planning to minimize harm resulting from the use.

Section 6(f) of the Land and Water Conservation Fund (LWCF) Act³² protects lands that were either purchased or developed as recreational areas using LWCF funds. LWCF resources are managed by the National Park Service (NPS) and coordinated with each state. The NPS must approve projects that propose to acquire or convert Section 6(f) resources, including airport development projects, and the project proponent must replace any acquired or converted LWCF resources with lands that are equal to or greater in value, equivalent in recreational usefulness, and equivalent in location.

D.5 HAZARDOUS MATERIALS, SOLID WASTE, AND POLLUTION PREVENTION

Hazardous materials, solid waste, and pollution prevention methods are subject to Federal, state, and local regulations intended to protect health, safety and the environment as discussed below.

D.5.1 Federal Regulations

D.5.1.1 Comprehensive Environmental Response, Compensation, and Liabilities Act

The U.S. EPA is in charge of administering all or part of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), which provides a framework for the remediation of hazardous waste disposal sites, provides funding for remediation and creates a list of national priority sites (Superfund

³¹ 49 U.S.C. § 303.

³² 16 U.S.C. §§ 4601-4604 et seq.

sites), and provides standards and practices for conducting a Phase I Environmental Site Assessment.³³

D.5.1.2 Emergency Planning and Community Right-to-Know Act

The U.S. EPA is in charge of administering all or part of the Emergency Planning and Community Right-to-Know Act (EPCRA) that was passed by Congress in 1986 in response to concerns regarding the environmental and safety hazards posed by the storage and handling of toxic chemicals.³⁴ EPCRA improved community access to information regarding chemical hazards and facilitated the development of business chemical inventories and emergency response plans. The EPCRA also established reporting obligations for facilities that store or manage specified chemicals.

D.5.1.3 Federal Facilities Compliance Act

The U.S. EPA is in charge of administering all or part of the Federal Facilities Compliance Act (FFCA) that was enacted in 1992 to clarify that Federal facilities may be penalized and receive administrative enforcement orders if found to not be in compliance with Federal, state, interstate, and local requirements, for disposal of hazardous waste and underground storage tank (UST) requirements.

D.5.1.4 Hazardous Materials Transportation Act

The U.S. Department of Transportation (U.S. DOT) is in charge, under the Office of the Secretary, of administering all or part of the Hazardous Materials Transportation Act (HMTA) published in 1975. Its primary objective is to provide adequate protection against the risks to life and property inherent in the transportation of hazardous material in commerce by improving the regulatory and enforcement authority of the Secretary of Transportation. The HMTA establishes procedures, reporting requirements, and approval processes for the transport of hazardous materials.

D.5.1.5 Oil Pollution Act

The U.S. EPA is in charge of administering all or part of the Oil Pollution Act (OPA) of 1990 streamlined and strengthened EPA's ability to prevent and respond to catastrophic oil spills and provide the money and resources necessary to respond to oil spills. The OPA requires oil storage facilities and vessels to submit to the federal government contingency plans detailing how they will respond to large

³³ 42 U.S.C. § 96011 et seq.

³⁴ 42 U.S.C. chapter 116.

discharges.³⁵ The Oil Pollution Prevention Regulation (40 C.F.R. Part 112) was amended to incorporate requirements of the OPA, and now forms the basis of the U.S. EPA's oil Spill Prevention Pollution, Control, and Countermeasure (SPCC) program. The SPCC program seeks to prevent oil spills from certain aboveground storage tanks (ASTs) and USTs.

D.5.1.6 Pollution Prevention Act

The U.S. EPA is in charge of administering all or part of the Pollution Prevention Act of 1990 focuses on reducing the amount of pollution through cost-effective changes in production, operation, and raw material use. Pollution prevention includes practices that increase efficiency in the use of energy, water, or other natural resources, and protect our resource base through conservation.³⁶

D.5.1.7 Resource Conservation and Recovery Act

The U.S. EPA is in charge of administering all or part of the Federal Resource Conservation and Recovery Act (RCRA),³⁷ which regulates the generation, transportation, treatment, storage, and disposal of hazardous waste. Under RCRA regulations, generators of hazardous waste must register and obtain a hazardous waste activity identification number. RCRA allows states to develop their own programs for the regulation of hazardous waste as long as it is at least as stringent as RCRA.

USTs are regulated under Subtitle I of RCRA and its regulations, which establish construction standards for new UST installations (those installed after December 22, 1988), as well as standards for upgrading existing USTs and associated piping. Since 1998, all nonconforming tanks were required to be either upgraded or closed.

D.5.1.8 Toxics Substances Control Act

The U.S. EPA is in charge of administering all or part of the Toxic Substances Control Act (TSCA), which addresses the production, importation, use, and disposal of specific chemicals, including polychlorinated biphenyls (PCBs), asbestos, and lead-based paint (LBP). These regulations ban the manufacture of PCBs although the continued use of existing PCB-containing equipment is allowed. The TSCA also contains provisions controlling the continued use and disposal of existing PCB-containing equipment. The disposal of PCB wastes is also regulated by TSCA,³⁸ which contains life cycle provisions similar to those in RCRA. In addition to TSCA,

³⁵ U.S. EPA. (2018). Oil Pollution Act. Retrieved November 2018, from U.S. EPA: <https://www.epa.gov/laws-regulations/summary-oil-pollution-act>.

³⁶ U.S. EPA. (2018). Summary of Pollution Prevention Act. Retrieved November 2018, from U.S. EPA: <https://www.epa.gov/laws-regulations/summary-pollution-prevention-act>.

³⁷ 42 U.S.C. § 6901-6992k.

³⁸ 40 C.F.R. § 761.

provisions relating to PCBs are contained in the California Hazardous Waste Control Law, which lists PCBs as hazardous waste.

D.5.1.9 Executive Order 12088, Pollution Control Standards

These standards direct federal agencies to comply with “applicable pollution control standards” in the prevention, control, and abatement of environmental pollution as well as consult with the U.S. EPA, state, interstate, and local agencies concerning the best techniques and methods available for the prevention, control, and abatement of environmental pollutions.

D.5.1.10 Executive Order 12580, Superfund Implementation

The Superfund Implementation delegates most response authorities to the U.S. EPA and the United States Coast Guard (U.S. CG) for abatement. Federal agencies must participate in response teams with the opportunity for public comment, before removal action is made.

D.5.1.11 Executive Order 13423, Strengthening Federal Environmental, Energy, and Transportation Management

This Executive Order set goals for federal agencies to achieve legal requirements in environment, transportation, and energy with sustainable economic efficiency. This Executive Order has been replaced with *Planning for Federal Sustainability in the Next Decade* (Executive Order 13693) as of March 19, 2015, which instructs federal agencies to conduct their environmental, transportation, and energy-related activities under the law in support of their respective missions in an environmentally, economical, and fiscally sound, integrated, continuously improving, efficient, and sustainable manner. This Executive Order sets goals in the following areas: energy efficiency, acquisition, renewable energy, toxic chemical reduction, recycling, sustainable buildings, electronics stewardship, fleets, and water conservation. Additionally, this Executive Order requires more widespread use of Environmental Management Systems (EMS) as the framework in which to manage and continually approve these sustainable practices.³⁹

D.5.1.12 Executive Order 13514, Leadership in Environmental, Energy, and Economic Performance

This Executive Order has been replaced by Executive Order 13834, *Efficient Federal Operations*, as of May 17, 2018, which states that Congress has enacted a wide range of statutory requirements related to energy and environmental performance

³⁹ Office of the Press Secretary. (2015, March 19). Executive Order Planning for Federal Sustainability in the Next Decade. Retrieved November 2018, from Office of the Press Secretary: <https://obamawhitehouse.archives.gov/the-press-office/2015/03/19/executive-order-planning-federal-sustainability-next-decade>.

of executive departments and agencies, including with respect to facilities, vehicles, and overall operations. Agencies shall meet such statutory requirements in a manner that increases efficiency, optimizes performance, eliminate unnecessary use of resource, and protects the environment. In implementing the policy set forth in Section 1 of the Executive Order, the head of each agency shall meet the following goals, which are based on statutory requirements, in a cost-effective manner: achieve and maintain annual reductions in building energy use and implement energy efficiency measures that reduce costs; meet statutory requirements relating to the consumption of renewable energy and electricity; reduce potable and non-potable water consumption, and comply with stormwater management requirements; ensure that new construction and major renovations conform to applicable building energy efficiency when renewing or entering into leases, implement space utilization and optimization practices, and annually assess and report conformance to sustainability metrics; implement waste prevention and recycling measures and comply with all Federal requirements with regard to solid, hazardous, and toxic waste management and disposal; acquire, use, and dispose of products and services, including electronics, in accordance with statutory mandates for purchasing preference, Federal Acquisition Regulation requirements, and other applicable procurement policies, and track and, as required by Section 7(b) of this Executive Order, report on energy management activities, performance improvements, cost reductions, greenhouse gas emissions, energy and water savings, and other appropriate performance measures.⁴⁰

D.5.1.13 Council on Environmental Quality Memorandum, Pollution Prevention and the National Environmental Policy Act

In 1993 a memorandum was published addressed to all federal agencies requesting the implementation of pollution prevention considerations to meet policy goals under Section 101 and 102 under all their activities, where appropriate.⁴¹

D.5.1.14 Federal Occupational Safety and Health Administration

The Federal Occupational Safety and Health Act of 1970, implemented by the Federal Occupational Safety and Health Administration (OSHA), contains provisions with respect to hazardous materials handling. Federal OSHA requirements are

⁴⁰ Federal Register. (2018, May 17). Executive Order Efficient Federal Operations. Retrieved July 2019, from Federal Register: <https://www.federalregister.gov/documents/2018/05/22/2018-11101/efficient-federal-operations>.

⁴¹ Council on Environmental Quality. (1993, January 12). *Memorandum to Heads of Federal Departments and Agencies Regarding Pollution Prevention and the National Environmental Policy Act*. Retrieved November 2018, from U.S. Department of Energy: <https://www.energy.gov/nepa/downloads/memorandum-heads-federal-departments-and-agencies-regarding-pollution-prevention-and>.

designed to promote worker safety, worker training, and a worker's right-to-know.⁴²

D.5.2 State Regulations

D.5.2.1 California Environmental Protection Agency

The State of California has developed the California Hazardous Waste Control Law (HWCL) and the U.S. EPA has authorized RCRA enforcement to the State of California.⁴³ The primary authority for the statewide administration and enforcement of HWCL rests with California EPA's (Cal-EPA) Department of Toxic Substances Control (DTSC). The DTSC is tasked with protecting people and the environment from exposure to hazardous wastes by enforcing hazardous waste laws and regulations. The DTSC takes enforcement action against violators; oversees cleanup of hazardous wastes on contaminated properties; makes decisions on permit applications from companies that want to store, treat or dispose of hazardous waste; and protects consumers against toxic ingredients in everyday products.

Basic requirements of California's Hazardous Materials Release Response Plans and Inventory Law include the development of detailed hazardous materials inventories used and stored on-site, a program of employee training for hazardous materials release response, identification of emergency contacts and response procedures, and reporting of releases of hazardous materials. Any facility that meets the minimum reporting thresholds must comply with the reporting requirements and file a plan with the California Environmental Reporting System (CERS). In California, any facility known to contain asbestos is required to have a written asbestos management plan (also known as an Operations and Maintenance Program).

D.5.2.2 California Occupational Safety and Health Administration

The U.S. Department of Labor has delegated the authority to administer OSHA regulations to the State of California. The California OSHA program (Cal-OSHA) is administered and enforced by the Division of Occupational Safety and Health.⁴⁴ Cal-OSHA is very similar to the Federal OSHA program. Among other provisions, Cal-OSHA requires employers to implement a comprehensive, written Injury and Illness Prevention Program (IIPP) for potential workplace hazards, including those associated with hazardous materials.

⁴² U.S. Department of Labor. (2018). About OSHA. Retrieved November 2018, from U.S. Department of Labor: <https://www.osha.gov/about.html>.

⁴³ Health and Safety Code §5100 et seq. and 22 California Code of Regulations § 66260.1 et seq.

⁴⁴ California Code of Regulations Title 8 and California Labor Code §§ 6300-6719, 1973.

Cal-OSHA has established limits of exposure for several chemicals including lead contained in dusts and fumes. They have established rules and procedures for conducting demolition and construction activities and established exposure limits, exposure monitoring, and respiratory protection for workers exposed to lead.⁴⁵

D.5.2.3 California Water Resources Control Board

Responsibility for the protection of water quality in California resides with the State Water Resources Control Board (SWRCB) and nine Regional Water Quality Control Boards (RWQCBs). The SWRCB establishes statewide policies and regulations for the implementation of water quality control programs mandated by Federal and state water quality statutes and regulations.

The state's UST program regulations include among others, permitting USTs, installation of leak detection systems and/or monitoring of USTs for leakage, UST closure requirements, release reporting/corrective action, and enforcement. Oversight of the statewide UST program is assigned to the SWRCB, which has delegated authority to the RWQCB and typically on the local level, to the Fire Department.⁴⁶

D.5.2.4 California Office of Environmental Health Hazards Assessment

The California Office of Environmental Health Hazards Assessment (OEHHA) is the state agency for the assessment of health risks posed by environmental contaminants. The mission of OEHHA is to protect human health and the environment through scientific evaluation of risks posed by hazardous substances. The OEHHA is one of five state departments within the Cal-EPA. OEHHA implements the Safe Drinking Water and Toxic Enforcement Act,⁴⁷ Proposition 65, and compiles the state's list of chemicals and substances believed to have the potential to cause cancer or deleterious reproductive effects in humans, restricts the discharges of listed chemicals into known drinking water sources at levels above the regulatory levels of concern, requires public notification of any unauthorized discharge of hazardous waste, and requires that a clear and understandable warning be given prior to a known and intentional exposure to a listed substance.

D.5.2.5 California Integrated Waste Management Act

To minimize the amount of solid waste that must be disposed of by transformation and land disposal, the California Legislature passed the California Integrated Waste Management Act (CIWMA) of 1989 (AB 939, Statutes of 1989), effective January

⁴⁵ California Code of Regulations Title 8 § 1532.1, 1973.

⁴⁶ California Health and Safety Code, Division 20, Chapter 6.7, and California Code of Regulations Title 23, Division 3, Chapter 16 and Chapter 18, 2011.

⁴⁷ California Code of Regulations Title 22 § 12000 et seq., 1986.

1990. According to the CIWMA, all cities and counties were required to divert 25 percent of all solid waste from landfill facilities by January 1, 1995, and 50 percent by January 1, 2000. To help in the increase of diversion rates, each jurisdiction is required to create an integrated waste management plan. Each city plan must demonstrate integration with the relevant county plan. The plans must promote (in order of priority) source reduction, recycling and composting, and environmentally safe transformation and land disposal. Elements of the plans must be updated every five years.

AB 939 established the California Integrated Waste Management Board (CIWMB) to oversee integrated waste management planning and compliance. Its passage led to the refinement of a statewide system of permitting, inspections, maintenance, and enforcement for waste facilities in California, and also required the CIWMB to adopt minimum standards for waste handling and disposal to protect public health and safety and the environment. In 2009, CIWMB was realigned and is currently titled the Department of Resources Recycling and Recovery (CalRecycle). CalRecycle is responsible for approving permits for waste facilities, approving local agencies diversion rates, and enforcing the planning requirements of the law through Local Enforcement Agencies (LEAs). LEAs are responsible for enforcing laws and regulations related to solid waste management, issuing permits to solid waste facilities, ensuring compliance with state mandated requirements, coordinating with other government agencies on solid waste related issues, and overseeing corrective actions at solid waste facilities. LEAs inspect facilities, respond to complaints, and conduct investigations into various aspects of solid waste management.

D.5.3 Regional Regulations

D.5.3.1 Los Angeles Regional Water Quality Control Board

The Los Angeles RWQCB develops and implements Water Quality Control Plans (Basin Plans) that consider regional beneficial uses, water quality characteristics, and water quality problems. It implements a number of federal and state laws, the most important of which are the State Porter-Cologne Water Quality Control Act and the Federal Clean Water Act. The Los Angeles RWQCB has jurisdiction in matters concerning the management of potential sources of surface and groundwater contamination, including cleanup of underground and aboveground storage tanks spills.

D.5.3.2 South Coast Air Quality Management District

The South Coast Air Quality Management District (SCAQMD) regulates the removal of asbestos through Rule 1403 and volatile organic compounds (VOC) emissions

from contaminated soil through Rule 1166. It controls particulate emissions from soils with toxic air contaminants through Rule 1466.

Removal of Asbestos Containing Material (ACM) must be conducted in accordance with the requirements of SCAQMD Rule 1403. Rule 1403 regulations require that the following actions be taken:

- » a survey of the facility prior to issuance of a permit by SCAQMD;
- » notification of SCAQMD prior to construction activity;
- » asbestos removal in accordance with prescribed procedures;
- » placement of collected asbestos in leak-tight containers or wrapping; and proper disposal.

SCAQMD Rule 1166, Volatile Organic Compound Emissions from Decontamination of Soil, requires development and approval of a mitigation plan, monitoring of VOC concentrations, and implementation of the mitigation plan if "VOC-contaminated material"⁴⁸ is detected.

SCAQMD Rule 1466, Control of Particulate Emissions from Soils with Toxic Air Contaminants, minimizes off-site fugitive dust emissions from earth-moving activities at sites containing specific toxic air contaminants by establishing dust control measures.

D.5.4 Local Regulations

D.5.4.1 Burbank2035 General Plan Safety Element

The *Burbank2035 General Plan Safety Element* addresses environmental hazardous waste in the city and outlines the City's public health and safety goals/policies/actions for dealing with these hazards.

D.5.4.2 City of Burbank All Hazard Mitigation Plan

The City of Burbank All Hazard Mitigation Plan, updated April 2011, identifies effective ways to assess the significant natural and manmade hazards that may affect the city and its inhabitants and reduce the city's vulnerability to these hazards. The Plan addresses hazards including earthquakes, wildland/urban fires, landslides, floods, windstorms and others. The plan includes a hazard assessment

⁴⁸ VOC-contaminated material is defined by SCAQMD as excavated soil that measures greater than 50 ppm total VOCs as measured with an OVA (e.g., PID), within three inches of the excavated material within three minutes of excavation.

that prioritizes hazard risks within the City of Burbank based on the potential for occurring and the magnitude of damage that could occur from a risk incident.

D.5.4.3 City of Burbank Multi-Hazard Functional Plan

The City of Burbank Multi Hazard Functional Plan addresses the City's planned response to emergencies associated with natural disasters and technological incidents. It provides an overview of operational concepts, identifies components of the City's emergency management organization.

D.5.4.4 Los Angeles County Airport Land Use Plan

The Burbank Airport Planning Boundary and Airport Influence Area is contained in the Los Angeles County Airport Land Use Plan. The planning boundaries delineate areas subject to safety hazards such as height restrictions and runway protection zones (RPZ).

The Airport Land Use Plan contains safety restrictions consistent with FAA guidelines including a Runway Protection Zone instituted by the FAA Regulations Part 77. The Runway Protection Zone is an area at ground level that provides for unobstructed passage of landing and departing aircraft through the above airspace.

D.5.4.5 Los Angeles County Fire Department

At the local level, the Los Angeles County Fire Department (LACoFD) monitors the storage of hazardous materials for compliance with local requirements within the City of Burbank. Specifically, businesses and facilities that store more than threshold quantities of hazardous materials as defined in Chapter 6.95 of the California Health and Safety Code are required to file an Accidental Risk Prevention Program with the Fire Department. This program includes information such as emergency contacts, phone numbers, facility information, chemical inventory, and hazardous materials handling and storage locations. The LACoFD also issues permits for hazardous materials handling and enforces California's Hazardous Materials Release Response Plans and Inventory Law.⁴⁹ Basic requirements of California's Hazardous Materials Release Response Plans and Inventory Law include the development of detailed hazardous materials inventories used and stored on-site, a program of employee training for hazardous materials release response, identification of emergency contacts and response procedures, and reporting of releases of hazardous materials. Any facility that meets the minimum reporting thresholds must comply with the reporting requirements and file a Business Emergency Plan with the local administering agency.

⁴⁹ Health and Safety Code § 25500 et seq., 2014.

The LACoFD administers and enforces federal and state laws and local ordinances for USTs at the Airport. Plans for the construction/installation, modification, upgrade, and removal of USTs are reviewed by LACoFD Inspectors. If a release is documented that affects groundwater, the project file is transferred to the RWQCB for oversight.

D.5.4.6 Los Angeles Countywide Integrated Waste Management Plan

The Los Angeles County Waste Management Division (LACWMD) oversees solid waste activities in the County. The Los Angeles Countywide Integrated Waste Management Plan (CIWMP) outlines the goals, policies, and programs the County of Los Angeles and its cities would implement to create an integrated and cost-effective waste management system that complies with the provisions of AB 939 and its diversion mandates. The CIWMP is composed of the Los Angeles Countywide Summary Plan and the Los Angeles Countywide Siting Element (CSE), a Source Reduction and Recycling Element (SRRE), a Non-disposal Facility Element (NDFE), and a Household Hazardous Waste Element (HHWE) for the County and each provides information with regard to solid waste and hazardous waste disposal and recycling.

D.5.4.7 Burbank Municipal Code

The Burbank Municipal Code (BMC) describes the City's public utilities requirements in Title 8. Chapter 1 describes the uniform requirements for discharges to publicly owned treatment works (POTW), sewer system and storm drain systems (BMC Title 8, Chapter 1, 2014). The BMC Title 8, Chapter 2 discusses Water (BMC Title 8, Chapter 2, Article 1) and contains the City's Sustainable Water Use Ordinance, which describes required practices such as outdoor water use restrictions, outdoor vehicle washing requirements, irrigation overspray elimination, etc. (BMC Title 8, Chapter 2, Article 3, 2014). The amended BMC's Water Conserving Fixtures and Fittings Ordinance (requires new water conserving fixtures and fittings standards for all new construction, additions, and certain remodels (BMC Title 8, Chapter 2, Article 6, 2014).

D.5.4.8 Consultations, Permits, and Other Approvals

Table D-2, Consultations, Permits, and Approval Requirements for Regulation of Hazardous Materials, summarizes consultations, permits, and other approvals related to the management of hazardous materials and solid waste that have the potential to be triggered under the Proposed Action.

**TABLE D-2
CONSULTATIONS, PERMITS, AND APPROVAL REQUIREMENTS FOR REGULATION OF HAZARDOUS MATERIALS**

ACTION	FACILITY	REQUIREMENT	APPROVING AGENCY
Change of Land Use	Former Lockheed Plant B-5, 4207 Empire Avenue, Burbank, CA	Notify the Regional Board in writing at least 20 days prior to planned construction, demolition, or facility use change.	California Regional Water Quality Control Board
Change to a building or parking location that will cause the location to exceed 25 feet below ground surface (bgs)	2801 N. Hollywood Way, Burbank, CA	Notify the Regional Board for determination on need of additional soil/vapor sampling.	California Regional Water Quality Control Board
Changes to basement locations in building plans	2801 N. Hollywood Way, Burbank, CA	Notify the Regional Board to evaluate if soil samples relative to the basement location compromise the evaluation of the human health risk assessment.	California Regional Water Quality Control Board
Construction of buildings for southern portion of Area D-DU3 and F-DU1	Lot A West and Lot A East 2801 N. Hollywood Way, Burbank, CA	Due to no vapor samples being collected, if building are planned notify the Regional Board and discuss the need for additional soil/soil vapor sampling	California Regional Water Quality Control Board
Prior to start of construction activities	2801 N. Hollywood Way, Burbank, CA	Submit Soil Management Plan (SMP) for review and approval	California Regional Water Quality Control Board
Construction of Replacement Terminal	2801 N. Hollywood Way, Burbank, CA	Record a Covenant and Environmental Restriction on the Property ("land use covenant" or "deed restriction") to prohibit uses other than those permissible as an airport terminal complex, including sensitive uses such as homes, schools, or day care facilities.	Not Applicable
Handling of VOC-containing soil and/or stockpiles	Applies to any site	Perform monitoring activities per approved mitigation plan.	SCAQMD Rule 1166
Handling of VOC-containing soil and/or stockpiles	Applies to any site	Perform monitoring activities per approved mitigation plan.	SCAQMD Rule 1166
Generation, transportation, treatment, storage, and/or disposal of RCRA hazardous	Applies to any site	Obtain Hazardous Waste ID Numbers (EPA and/or State) to identify waste, handler, and track the waste from point of origin to final disposal facility.	DTSC

ACTION	FACILITY	REQUIREMENT	APPROVING AGENCY
waste or non-RCRA hazardous waste			
Hazardous materials handling	Applies to any site	Obtain appropriate permit	Los Angeles County Fire Department
Underground storage tank removal, installation, and or decommissioning	Applies to any site	Obtain appropriate permits and approvals	California Water Boards Underground Storage Tank Program Los Angeles County Fire Department (Review / approval of proposed plans for construction, installation, modification, upgrade, and removal)
Removal of asbestos containing materials and	Applies to any site	Asbestos Survey prior to demolition Asbestos Operations and Management Plan for demolition activities Asbestos O&M Plan for building cleaning, maintenance, renovation, and general operation procedures	South Coast Air Quality Management District and Cal-OSHA
Detection of VOC-contaminated material	Applies to any site	Approval of mitigation plan	South Coast Air Quality Management District
Dewatering contaminated groundwater as a result of construction activities	Applies to any site	National Pollution Discharge Elimination System Permit	RWQCB
Jet fueling activities (storage, transport, loading and unloading)	Applies to any site	Compliance with permit requirements	SCAQMD and CARB

Source: Engineering Science Associates, 2018.

D.6 HISTORICAL, ARCHITECTURAL, ARCHAEOLOGICAL, AND CULTURAL RESOURCES

Numerous laws and regulations require federal, state, and local agencies to consider the effects an action may have on historical, architectural, archaeological, and cultural resources. These laws and regulations stipulate a process, define the

responsibilities of the various agencies proposing the action, and prescribe the relationship among other involved agencies.

D.6.1 Federal Regulations

D.6.1.1 National Environmental Policy Act

The National Environmental Policy Act (NEPA) establishes national policy for the protection and enhancement of the environment. Part of the function of the federal government in protecting the environment under NEPA is to “preserve important historic, cultural, and natural aspects of our national heritage”⁵⁰ and to provide for public participation in the consideration of cultural resource issues, among others, during agency decision-making. Under NEPA, federal lead agencies must consider the unique characteristics of the affected geographic area, such as proximity to “historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas”,⁵¹ or the degree to which the action may adversely affect “districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places” or may cause loss or destruction of “significant scientific, cultural, or historical resources.”⁵²

D.6.1.2 National Historic Preservation Act

The principal federal law addressing historic properties is the National Historic Preservation Act (NHPA), as amended,⁵³ and its implementing regulations.⁵⁴ Section 106 of the NHPA⁵⁵ requires a federal agency with jurisdiction over a proposed federal action (referred to as an “undertaking”) to take into account the effects of the undertaking on historic properties and to provide the Advisory Council on Historic Preservation (ACHP) an opportunity to comment on the undertaking.

The term “historic properties” refers to “any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register.”⁵⁶ The implementing regulations⁵⁷ describe the processes for identifying and evaluating historic properties, assessing the potential adverse effects of federal undertakings on historic properties, and developing measures to avoid, minimize, or mitigate adverse effects. The Section 106 process does not require the preservation of historic properties; instead, it is a procedural requirement mandating that, prior to granting approval, federal agencies take into account the

⁵⁰ 42 U.S.C. § 4331(b)

⁵¹ 40 C.F.R. Part 1508.27(b)(3)

⁵² 40 C.F.R. Part 1508.27(b)(8)

⁵³ 54 U.S.C. § 300101 et seq.

⁵⁴ 36 C.F.R. Part 800

⁵⁵ 36 C.F.R. Parts 800.3 through 800.16

⁵⁶ 36 CFR Part 800.16(1)

⁵⁷ 36 CFR Part 800

direct and indirect impacts on historic properties that could result from federal actions.

The Section 106 process is accomplished through consultation among the federal agency proposing the undertaking, the State Historic Preservation Officer (SHPO), federally recognized Indian tribes, local governments, and other interested parties. The goal of consultation is to identify potentially affected historic properties in both the direct and indirect study areas, assess effects such properties, and seek ways to avoid, minimize, or mitigate any adverse effects on such properties. The federal agency must also provide an opportunity for public involvement.⁵⁸ Consultation with Indian tribes regarding issues related to Section 106 and other regulations (such as NEPA and Executive Order No. 13007, *Indian Sacred Sites*) must recognize the government-to-government relationship between the federal government and Indian tribes, as set forth in Executive Order 13175, *Consultation and Coordination with Indian Tribal Governments* and Presidential Memorandum, *Memorandum for the Heads of Executive Departments and Agencies on Tribal Consultation*, signed November 2009.

D.6.1.3 National Register of Historic Places

The NHPA established the National Register of Historic Places (NRHP) as an authoritative guide for use by governments, private groups, and citizens to identify the nation's historic resources and to indicate which properties should be considered for protection from destruction or impairment.⁵⁹ The NRHP recognizes a broad range of cultural resources as significant at the national, state, and local levels; these resources can include historic districts, buildings, structures, and objects; prehistoric and historic-period archaeological sites; traditional cultural properties; and cultural landscapes. As noted above, Section 106 of the NHPA considers a resource listed in or eligible for listing in the NRHP to be a historic property.

To be eligible for listing in the NRHP, a property must be significant in terms of American history, architecture, archaeology, engineering, or culture. Properties of potential significance must meet one or more of the following four established criteria:

- A. Are associated with events that have made a significant contribution to the broad patterns of our history; or
- B. Are associated with the lives of persons significant in our past; or

⁵⁸ 36 CFR 800.1(a)

⁵⁹ U.S. Department of the Interior. National Park Service. *National Register of Historic Places: Effects of Listing under Federal Law*. Code of Federal Regulations, Title 36 § 60.2(2012): 332.

- C. Embody the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. Have yielded, or may be likely to yield, information important in prehistory or history.⁶⁰

In addition to meeting one or more of these significance criteria, a property must maintain integrity, which is defined as “the ability of a property to convey its significance.” The NRHP recognizes seven qualities that, in various combinations, contribute to integrity: location, design, setting, materials, workmanship, feeling, and association. To retain historical integrity a property must possess several, and usually most, of these seven aspects. Thus, the retention of the specific aspects of integrity is paramount for a property to convey its significance.

Ordinarily, religious properties, moved properties, birthplaces or graves, cemeteries, reconstructed properties, commemorative properties, and properties that have achieved significance within the past 50 years are not eligible for the NRHP unless they meet one of the following Criteria Considerations (A through G), in addition to meeting at least one of the four significance criteria listed above and possessing integrity.⁶¹

- A. A religious property deriving primary significance from architectural or artistic distinction or historical importance; or
- B. A building or structure removed from its original location, but which is primarily significant for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or
- C. A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building associated with his or her productive life; or
- D. A cemetery that derives its primary importance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or
- E. A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and

⁶⁰ U.S. Department of the Interior. (1997). National Park Service. *National Register Bulletin #15: How to Apply the National Register Criteria for Evaluation* (Washington D.C.: Government Printing Office, 1997), p. 44.

⁶¹ U.S. Department of the Interior. (1997). National Park Service. *National Register Bulletin #15: How to Apply the National Register Criteria for Evaluation* (Washington D.C.: Government Printing Office, 1997), p. 11.

when no other building or structure with the same association has survived;
or

- F. A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own exceptional significance; or
- G. A property achieving significance within the past 50 years if it is of exceptional importance.

D.7 LAND USE

D.7.1 Federal Regulations

D.7.1.1 The Airport and Airway Improvement Act of 1982

The Airport and Airway Improvement Act of 1982, as amended,⁶² states that no airport project receiving federal funding may be approved unless the Secretary of Transportation receives written assurances that the project will be consistent with existing land use plans and will not "...restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including the landing and takeoff of aircraft." Additionally, Council on Environmental Quality Regulations⁶³ require that National Environmental Policy Act (NEPA) documents disclose any conflicts between an agency's proposed action and approved local plans, and, where inconsistencies exist, that the NEPA document state the extent to which the agency would reconcile the proposed action with the plan.

D.7.1.2 Airport Improvement Program

The Airport Improvement Program,⁶⁴ like the Airport and Airway Improvement Act of 1982, as amended, also states that no airport project receiving federal funding may be approved unless the Secretary of Transportation receives written assurances that the project will be consistent with existing land use plans.

D.7.2 Local Regulations

D.7.2.1 Burbank2035 General Plan

The *Burbank2035 General Plan*,⁶⁵ updated in 2013, sets forth objectives, policies, standards, and programs for land use and new development and identifies an

⁶² 49 U.S.C. § 47107(a)(10).

⁶³ 40 C.F.R. § 1506.2(b).

⁶⁴ 49 U.S.C. § 47106(a)(1).

⁶⁵ City of Burbank. (2013, February 13). *Burbank2035 General Plan*. Retrieved September 2018, from City of Burbank: <https://www.burbankca.gov/home/showdocument?id=23448>.

Airport Influence Area. The *Burbank2035 General Plan* specifies that housing projects within the Airport Influence Area, must meet all policies in the adopted Los Angeles County Airport Land Use Plan (see **Section D.7.2.2**).

D.7.2.2 Los Angeles County Airport Land Use Plan

The Los Angeles County Airport Land Use Commission (ALUC) is responsible for developing policies that affect land use compatibility with the Airport in the Airport Land Use Plan. The purpose of the ALUC is “to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public’s exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses.”⁶⁶ The ALUC accomplishes its purpose through three primary responsibilities:

- » Coordinating airport land use compatibility planning efforts at the state, regional, and local levels
- » Preparing and adopting an ALUC plan for each public-use airport in its jurisdiction
- » Reviewing plans, regulations, and other actions of local agencies and airport operators

The recommendations of the ALUC are advisory only, and final authority rests with the local jurisdiction.

D.8 NATURAL RESOURCES AND ENERGY SUPPLY

D.8.1 Federal Regulations

Council on Environmental Quality regulations, 40 C.F.R. §§ 1502.14 and 1502.16(e) and (f), require that an EIS consider energy consumption and the use of natural or depletable resources. The federal government encourages airport development that minimizes demands on energy supplies and consumable natural resources. FAA policy also encourages developers to incorporate sustainability measures into facility designs. The following section describes the existing conditions for natural resources and energy supply at the Airport.

⁶⁶ Los Angeles County. (2018). Department of Regional Planning, Airport Land Commission. Retrieved June 2018, from Los Angeles County: <http://planning.lacounty.gov/aluc>.

D.9 NOISE AND NOISE-COMPATIBLE LAND USE

D.9.1 Federal Regulations

14 C.F.R Part 150, *Airport Noise Compatibility Planning* land use compatibility guidelines is the primary statute associated with noise and noise-compatible land use impacts.

D.10 SOCIOECONOMICS, ENVIRONMENTAL JUSTICE, AND CHILDREN'S ENVIRONMENTAL HEALTH AND SAFETY RISKS

D.10.1 Socioeconomics

D.10.1.1 Federal Regulations

The Uniform Relocation Assistance and Real Property Acquisitions Policy Act of 1970,⁶⁷ is the primary statute related to socioeconomic impacts.

D.10.2 Surface Traffic

D.10.2.1 Federal Regulations

There are no federal statutory or regulatory requirements that apply to surface traffic impacts. The following sections describe the applicable state, regional, county, and local regulations governing surface traffic.

D.10.2.2 Regional Regulations

Southern California Association of Government's 2008 Regional Comprehensive Plan

The Southern California Association of Governments' (SCAG) 2008 Regional Comprehensive Plan⁶⁸ is the association's response to the SCAG 2002 Strategic Plan⁶⁹ directive to develop a comprehensive approach to defining and solving interrelated housing, traffic, water, air quality, and other regional challenges. Among other goals, the Regional Comprehensive Plan seeks to integrate transportation planning throughout the region and assist in the development of policies and plans that ensure Southern California obtains its fair share of revenue from state and federal infrastructure funding programs. While the Regional Comprehensive Plan includes policies to expand passenger air service at existing

⁶⁷ 42 U.S.C. § 61 et seq., implemented by 49 CFR Part 24.

⁶⁸ Southern California Association of Governments. (2008). *Final 2008 Regional Comprehensive Plan: Helping Communities Achieve a Sustainable Future*. Retrieved November 2019, from Southern California Association of Governments: http://www.scag.ca.gov/Documents/f2008RCP_Complete.pdf.

⁶⁹ Southern California Association of Governments. (2009). *A Guide to the Future: Strategic Plan*.

airfields in north Los Angeles County and the Inland Empire to the east, it does not contain policies or plans that would directly affect surface traffic at the Airport.

SCAG 2016–2040 Regional Transportation Plan/Sustainable Communities Strategy

The SCAG 2016–2040 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) is a planning document for the regional transportation and land use network. It balances the region’s future mobility and housing needs with economic, environmental, and public health goals. The RTP/SCS presents long-range growth forecasts in housing, population, and employment and proposes initiatives for investing in transit, highway capacity, active transportation, goods movement, and the environment. It includes policies to support transit access to the region’s airports and to discourage passenger trips to/from the airport by private automobile. The RTP/SCS also identifies a long-term goal of extending the Metro Red Line subway to the Airport from its current terminus in North Hollywood, though there is no timeline for that project.

D.10.2.3 County Regulations

Los Angeles County Airport Land Use Plan

The Los Angeles County Regional Planning Commission developed the Los Angeles County Airport Land Use Plan⁷⁰ in 1991 and revised it in 2004 to ensure the orderly expansion of airports and the adoption of land use measures that minimize the public’s exposure to excessive noise and safety hazards associated with airport operations. The Airport Land Use Plan applies to 11 airports in Los Angeles County, including the Bob Hope “Hollywood Burbank” Airport, Los Angeles International Airport, Long Beach Airport, and various municipal, military, and private airports. Its policies primarily relate to the development of land within the airports’ areas of influence and does not advise on surface traffic issues. The planning commission is an advisory agency with no direct authority to control Airport operations or to override decisions by local jurisdictions.

Metro Long Range Transportation Plan

The 2009 Long Range Transportation Plan serves as the Los Angeles County Metropolitan Transportation Authority’s (Metro) 30-year plan for improving transit mobility in the county. The plan guides investment in the public transit system, the road network, and active transportation (i.e., bicycling and walking) infrastructure. It also identifies the Metro Red Line subway extension to the Airport from North Hollywood as a candidate for further project definition as part of its Strategic

⁷⁰ Los Angeles County. (2004). Department of Planning. *Los Angeles County Airport Land Use Plan, Revised 2004*. Retrieved November 2019, from Los Angeles County: http://planning.lacounty.gov/assets/upl/data/pd_alup.pdf.

Unfunded Plan. An update to the 2009 plan is currently in development and on track for completion by the end of 2020.

D.10.2.4 City of Burbank Regulations

Burbank2035 General Plan Mobility Element

The *Burbank2035 General Plan*,⁷¹ adopted in 2013, includes the Mobility Element, which seeks to ensure the City maintains adequate circulation and transportation facilities, even as land use evolves under the policies of the Land Use Element of the general plan. The Mobility Element includes policies consistent with Assembly Bill 1358, The Complete Streets Act of 2008, which requires cities and counties to incorporate “complete street”⁷² policies into their general plans so that roadways are designed to safely accommodate all users—motorists, transit users, bicyclists, and pedestrians.

The *Burbank2035 General Plan* also requires that any project to replace the passenger terminal at the Airport must be approved by Burbank voters.

Burbank Municipal Code

The Burbank Municipal Code identifies the regulations pertaining to off-street parking requirements, speed limits, traffic control devices, and other features that affect the transportation system and general mobility in Burbank. Its policies apply generally to the Airport as with all other public areas, but do not directly address surface traffic considerations.

Burbank Bicycle Master Plan

The Burbank Bicycle Master Plan (2009) guides the development and maintenance of a bicycle network and support facilities in the city over a 25-year planning period. Its policy recommendations include providing bicycle connections between residential areas and major transit, employment, and retail areas as well as incorporating complete street design into the transportation network. The plan also outlines standards for bicycle facility design, signage, and pavement markings and identifies and prioritizes the need for new bicycle facilities in particular locations. The plan identifies the creation of a Class III bicycle route—which provides bicycle route signage but no dedicated bicycle lane—as a top priority for Empire Avenue

⁷¹ City of Burbank. (2013). *Burbank2035 General Plan*. Retrieved June 2018, from City of Burbank: <http://www.burbankca.gov/home/showdocument?id=23448>.

⁷² Complete streets is a transportation policy and design approach that requires streets to be planned, designed, operated, and maintained to enable safe, convenient, and comfortable travel and access for users of all ages and abilities regardless of their mode of transportation.

south of the Airport and recommends bicycle parking facilities at the Airport or at adjacent transit stations.

Burbank Transportation Management Organization

The Burbank Transportation Management Organization works to research, promote, and incentivize alternative modes of transportation and other means to reduce automobile use. It provides services to facilitate coordination among employers, employees, service providers, and residents, and leverages its scale to provide a greater reach and impact than the collective effort of individual businesses and residents could achieve. The Burbank Transportation Management Organization operates within the geographic area of the Airport.

D.10.2.5 City of Los Angeles Regulations

Los Angeles 2010 Bicycle Plan: A Component of the City of Los Angeles Transportation Element

The 2010 Bicycle Plan: A Component of the City of Los Angeles Transportation Element⁷³ describes a 1,684-mile bikeway system within the city of Los Angeles and identifies policies and programs for implementing that system. The Bicycle Plan describes a future network of bikeways, including the backbone network, a neighborhood network, and a green network, and identifies a menu of bicycle-friendly features that Los Angeles plans to install on neighborhood streets. The Bicycle Plan proposes the installation of bicycle paths as part of the green bikeway network alongside the two Metrolink rail lines adjacent to the Airport.

D.10.3 Environmental Justice

D.10.3.1 Federal Regulations

Civil Rights Act of 1964

Title VI of the Civil Rights Act of 1964, as amended,⁷⁴ states that, “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.” This law applies to all federally funded programs and projects, including those sponsored by the Federal Aviation Administration (FAA).

⁷³ City of Los Angeles. (2011). 2010 Bicycle Plan: A component of the City of Los Angeles Transportation Element. Retrieved June 2018, from City of Los Angeles: <https://planning.lacity.org/odocument/1378be7a-c7e2-4941-b2e2-937f929c17c2/Bicycle%20Plan%20-%202010.pdf>.

⁷⁴ 42 U.S.C. §§ 2000d-2000d-7.

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations

Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations*, requires federal agencies to identify and address, as appropriate, the potential for their programs, policies, and activities to cause disproportionately high adverse human health or environmental effects on minority and low-income populations.

U.S. Department of Transportation Order 5610.2(a)

U.S. Department of Transportation (U.S. DOT) Order 5610.2(a) defines a minority population as any readily identifiable group of minority people living in geographic proximity or subject to a proposed U.S. DOT program, activity, or subject to a policy, including—if circumstances warrant—geographically dispersed or transient people, such as migrant workers or Native Americans, who would also be affected by the proposed program, policy, or activity.

Order 5610.2(a) defines a low-income population as any readily identifiable group of low-income people living in geographic proximity or subject to a proposed U.S. DOT program, policy, or activity, including—if circumstances warrant—geographically dispersed or transient persons people who would also be affected by the proposed program, policy, or activity. The order defines “low-income” as a median household income at or below the Department of Health and Human Services poverty guidelines.

U.S. DOT Order 5610.2(a) states that the public involvement process must allow minority and low-income populations to provide feedback on the environmental justice analysis and the potential impacts identified in an EIS, which also needs to disclose disproportionately high and adverse effects on the potentially affected populations resulting from the proposed action and alternative(s).

D.10.4 Children’s Environmental Health and Safety Risks

D.10.4.1 Federal Regulations

Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks

Executive Order 13045, *Protection of Children from Environmental Health Risks and Safety Risks*,⁷⁵ is the primary Executive Order related to children’s environmental health and safety risks. The Executive Order directs federal agencies to identify

⁷⁵ 62 *Federal Register* 19885, April 23, 1997.

and assess environmental health risks and safety risks that may disproportionately affect children, consistent with the agency's mission.

D.11 VISUAL EFFECTS

D.11.1 Federal Regulations

There is no federal statutory or regulatory requirement for adverse effects resulting from light emissions or visual impacts. However, FAA Order 1050.1F describes factors to consider within light emissions and visual resources/visual character. Potential impacts of light emissions include the annoyance or interference with normal activities as well as effects to the visual character of the area due to light emissions, including the importance, uniqueness, and aesthetic value of the affected visual resources.

D.12 WATER RESOURCES

D.12.1 Floodplains

D.12.1.1 Federal Regulations

National Flood Insurance Program

The National Flood Insurance Act of 1968 established the National Flood Insurance Program, which made flood insurance available for the first time. The program aims to reduce the impact of flooding on private and public structures by providing affordable insurance to property owners, renters, and businesses and by encouraging communities to adopt and enforce floodplain management regulations.

The Federal Emergency Management Agency (FEMA) administers the National Flood Insurance Program, which is designed to minimize flood damage within special flood hazard areas delineated on FEMA maps, known as Flood Insurance Rate Maps (FIRM). FEMA provides subsidized flood insurance to communities that comply with the FEMA regulations that impose limits on development within these identified floodplains.

Special flood hazard areas are areas that have a 1-percent chance of flooding within a given year—also referred to as the base flood, 100-year flood, or 100-year floodplain. Communities or entities insured under the National Flood Insurance Program must follow the program's floodplain management regulations for development placed within these flood hazard areas.

Executive Order 11988, Floodplain Management

Executive Order 11988, *Floodplain Management* directs federal agencies to take actions to: reduce the risk of property damage or loss due to flooding, restore and preserve the floodplain's natural and beneficial values, and minimize flood impacts on human safety, health, and welfare. To accomplish this goal, the order bans activities in a floodplain unless: no practicable alternative exists, or measures are incorporated into the proposed activity to minimize adverse impacts on the floodplain's natural and beneficial values.

U.S. Department of Transportation Order 5650.2, Floodplain Management and Protection

U.S. DOT Order 5650.2, *Floodplain Management and Protection* contains policies and procedures for carrying out Executive Order 11988. If a proposed action involves development within a floodplain, the environmental analysis must indicate whether the encroachment would be "significant"—that is, whether it would cause one or more of the following impacts:

- » The action would have a considerable probability to cause the loss of human life.
- » The action would likely result in substantial encroachment-associated costs or effects, including the interruption of aircraft service or the loss of a vital transportation facility (e.g., flooding a runway or taxiway or removing an important navigational aid from service due to flooding).
- » The action would cause notable adverse impacts on natural and beneficial floodplain values.

D.12.1.2 State Regulations*California Building Code*

The California Building Code (CBC) requirements for new development in flood hazard zones⁷⁶ are consistent with FEMA regulations for constructing nonresidential structures in a 100-year floodplain. Section 1612 of the CBC outlines the requirements for installing new or replacement mechanical and electrical systems in flood hazard zones. Appendix G of the CBC allows mechanical and electrical systems to be placed below the base-flood elevation⁷⁷ only if they are properly protected to prevent water from entering or accumulating within the system components. Appendix G of the CBC outlines the building requirements for

⁷⁶ California Building Code, Title 24, Part 2, and Appendix G, 2013.

⁷⁷ The base-flood elevation is the computed elevation to which floodwater is anticipated to rise during the 100-year flood.

structures constructed within the FEMA-designated 100-year floodplain. The requirements specify that all floors below the base-flood elevation must be constructed and engineered to be flood-resistant, or the floor must be used only for storage, parking, access, or foyers.

D.12.1.3 Local Regulations

Los Angeles County Flood Control District

The Los Angeles County Flood Control Act, adopted by the state legislature in 1915, established the Los Angeles County Flood Control District (LACFCD) and empowered it to provide flood protection, water conservation, recreation, and aesthetic enhancement within its boundaries. In 1984, the LACFCD entered into an operation agreement with the Los Angeles County Department of Public Works (LACDPW) that transferred planning and operational activities to the LACDPW. The LACDPW has established a three-tiered policy on levels of flood protection: capital flood protection, urban flood protection, and probable maximum flood protection.⁷⁸ The capital flood level of protection requires that developers create drainage systems with the capacity to convey runoff from a 50-year storm event. The urban flood level of protection applies to all developed areas not covered at the capital flood protection level. The probable maximum flood level of protection applies to development near natural watercourses.

City of Burbank Municipal Code

The Burbank Municipal Code, Title 9, Chapter 1 establishes flood hazard areas, defines the duties and responsibilities of the floodplain administrator, and sets requirements and performance standards for construction within flood zones. The municipal code also specifies that developers implement construction best management practices for sediment and erosion control and prepare stormwater pollution prevention plans.

Burbank2035 General Plan

A general plan is a state-required policy document that provides guidance to decision-makers in determining a city's future development, both in terms of physical form and character. The *Burbank2035 General Plan* contains vision statements covering numerous aspects of the city's development. The Safety Element of the General Plan guides Burbank's approach to managing its water

⁷⁸ Los Angeles County Department of Public Works. (2006 January). *Hydrology Manual*. Retrieved September 2018, from Los Angeles County Department of Public Works: https://dpw.lacounty.gov/wrd/publication/engineering/2006_Hydrology_Manual/2006%20Hydrology%20Manual-Divided.pdf.

resources and discusses measures to protect water-related infrastructure, including the city's flood control system.

D.12.2 Surface Waters

D.12.2.1 Federal Regulations

Clean Water Act

The 1972 Clean Water Act (CWA) is the primary federal law that governs and authorizes the U.S. EPA and the states to implement activities to control water quality (United States Code, Title 33, sec. 1251 et seq., 1972). Section 303 of the Clean Water Act requires states to adopt water quality standards approved by the U.S. EPA for all surface waters of the United States including lakes, rivers, and coastal wetlands. It is based on the principle that all discharges into the nation's waters are unlawful unless specifically authorized by a permit. Permit review is the CWA's primary regulatory tool. As defined by the CWA, water quality standards consist of the designated beneficial uses of the water body in question (e.g. wildlife habitat, agricultural supply, fishing etc.) and criteria that protect the designated uses. Water quality criteria are prescribed concentrations, or levels, of constituents – such as lead, suspended sediment, and fecal coliform bacteria – or narrative statements, which represent the quality of water that support a particular use.

As part of the CWA, when monitoring data indicate that a concentration level for a pollutant has been exceeded, the receiving water is classified as impaired and placed on the CWA Section 303(d) List of Water Quality-Limited Segments Requiring Total Maximum Daily Loads (TMDLs), which is then developed for the pollutant(s) that caused the impairment. A TMDL is an estimate of the total load of pollutants from point, non-point, and natural sources that a water body may receive without exceeding applicable water quality standards (plus a "margin of safety"). The purpose of the TMDL is to limit the volume of pollutants discharged into the receiving water from all sources (i.e., storm water runoff, wastewater, agriculture).

National Pollution Discharge Elimination System

The National Pollutant Discharge Elimination System (NPDES) was established per 1972 amendments to the Federal Water Pollution Control Act to control discharges of pollutants from point sources.^{2 3} The 1987 amendments to the CWA created a section devoted to storm water permitting (Section 402[p]), with individual states designated for administration and enforcement of the provisions of the CWA and the NPDES permit program. The State Water Resources Control Board (SWRCB) issues both Construction General Permits and Individual Permits under this program.

Safe Drinking Water Act

The Safe Drinking Water Act (SDWA) created the Sole Source Aquifer Program, which requires the U.S. EPA to evaluate any federally funded project with the potential to impact a sole source aquifer. Potential impacts to a sole source aquifer would require the FAA to consult with the U.S. EPA regional office, Tribal, state, or local official.

D.12.2.2 Local Regulations

Porter Cologne Water Quality Control Act

California's Porter-Cologne Water Quality Control Act of 1970 (Porter-Cologne Act) established the SWRCB and divided the state into nine regional basins, each with a Regional Water Quality Control Board (RWQCB). The Airport is located within the jurisdiction of the Los Angeles RWQCB. The SWRCB is the primary state agency with responsibility to protect surface water and groundwater quality. The Porter-Cologne Act authorizes the SWRCB to draft policies regarding water quality in accordance with CWA Section 303. In addition, the Porter-Cologne Act authorizes the SWRCB to issue waste discharge requirements for projects that would discharge to state waters. These requirements regulate discharges of waste to surface and groundwater, regulate waste disposal sites, and require cleanup of discharges of hazardous materials and other pollutants. The Porter-Cologne Act also establishes reporting requirements for unintended discharges of any hazardous substance, sewage, or oil or petroleum product.

D.12.3 Groundwater

Regulatory context for groundwater is the same as the regulatory context for Surface Water, **Section D.12.2**, above.

D.13 CUMULATIVE IMPACTS

Cumulative impacts are the total combined impacts on the environment from a proposed action and other known or reasonably foreseeable actions. Significance of cumulative impacts is determined in the same manner as the significance of direct and indirect impacts of each environmental category in the environmental consequences section.