



LEAGUE OF WOMEN VOTERS®
OF THE MONTEREY PENINSULA

October 28, 2009

Jean Getchell
Supervising Planner
MBUAPCD
24580 Silver Cloud Court
Monterey, CA 93940

Via e-mail: jgetchell@mbuapcd.org

Subject: Negative Declaration (ND) for Repeal of Rule 216

Dear Ms. Getchell:

The Leagues of Women Voters of the Monterey Peninsula and Santa Cruz County have reviewed the Initial Study and ND for Repeal of Rule 216 (Permit Requirements for Wastewater and Sewage Treatment Facilities). The Initial Study states the reason for the repeal is that the Rule duplicates CEQA Requirements included in the Districts "CEQA Air Quality Guidelines".

Rule 216 was adopted in 1986 in response to concerns of federal funding agencies and the USEPA that the proposed Monterey Regional Wastewater Pollution Control Agency's treatment plant not contribute directly or indirectly to violations of federal ozone standards. It requires new or modified wastewater treatment facilities to obtain permits limiting the population within their service areas to the forecasts in the Air Quality Management Plan. It assures that population growth served by wastewater treatment facilities remain consistent with the planning assumptions included in State and federal ozone plans. It is also the only mechanism in the region that assures that population-related land uses remain within AMBAG's population forecasts.

Because population-related emissions for air quality plans are based on AMBAG's population forecasts, population-related emissions from projects exceeding the forecasts are not accounted for in the plans or off-set by regional air pollution controls. Without Rule 216, wastewater treatment facilities could be expanded to serve populations not accommodated in the AQMP resulting in significant cumulative impacts on ozone levels regardless of the District's CEQA Air Quality Guidelines.

We note that the District's CEQA Guidelines are advisory (p. 1-1) and that CEQA cannot assure compliance with the consistency requirement identified in the Guidelines. Repeal of the Rule means that lead agencies for new or modified wastewater treatment plants would be responsible for assuring consistency with the AQMP, not the District.

The findings in the Initial Study assume that CEQA advisory recommendations and Rule 216 are comparable in terms of addressing air quality impacts, when, in fact, they are not. No evidence is provided in the ND that projects under CEQA and Rule 216 would result in comparable outcomes. The repeal of Rule 216 would have potential significant environmental impacts on air quality, and we request that an Environmental Impact Report be prepared.

Sincerely,

s/
Dennis Mar
President
LWV of the Monterey Peninsula

s/
Ann Wise
President
LWV of Santa Cruz County