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July 11, 2019

**VIA ELECTRONIC MAIL**

[svockel@roseville.ca.us](mailto:svockel@roseville.ca.us)

Shelby Vockel  
Planning Division  
City of Roseville  
311 Vernon Street  
Roseville, CA 95678

Re: Design Review Permit WRSP PCL F-81  
Fiddymment Plaza Project #PL19-0013

Dear Ms. Vockel:

This office represents Michele Threlkel and Petitioners of West Roseville regarding the proposed Fiddymment Plaza Project #PL19-0013. Ms. Threlkel and Petitioners of West Roseville oppose the proposed Project on the grounds that the City has failed to comply with the requirements of the California Environmental Quality Act (CEQA), Public Resources Code, section 21000 *et seq.* As discussed below, neither CEQA nor the record support a determination or finding that the Project is categorically exempt as an infill project under CEQA Guidelines, section 15332.

The proposed Project provides for the construction of a 8,802 square-foot mixed-use building consisting of 3,977 square feet of retail, 1,938 square feet of restaurant space and 2,887 square feet for a convenience store. A gas station canopy with 5 fuel bays and 10 pumps will also be constructed.

**A. *The Project Does Not Qualify for an Infill Exemption Under CEQA Guidelines section 15332***

The City relies upon CEQA Guidelines section 15332, otherwise known as the "infill exemption." Section 15332 states:

Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section.

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

- (c) The project site has no value as habitat for endangered, rare or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

In order for the “infill exemption” to apply, the proposed Project must meet all of the conditions listed in section 15332. (*Id.*; see also *Wollmer v. City of Berkeley* (2011) 193 Cal.App.4th 1329, 1347.) Additionally, to qualify for this exemption, a project “must comply with all applicable general plan designations and regulations and all applicable zoning designations and regulations. (193 Cal.App.4th at 1347.) As discussed below and in comments submitted by local residents, the proposed Project will result in significant effects to air quality. Thus, the City may not rely upon the “infill exemption” under CEQA. Such reliance would violate CEQA and constitute a prejudicial abuse of discretion and be contrary to law. (See Code Civ. Proc. § 1094.5, Pub. Resources Code, § 21168.)

The City’s reliance upon an in-fill exemption must be supported by substantial evidence in the administrative record. Substantial evidence “includes fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact.” (Pub. Resources Code, § 21080(e)(1).) Substantial evidence does not include argument, speculation or unsubstantiated opinion. (Pub. Resources Code, § 21080(e)(2).) Rather “substantial evidence” means “enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached.” (CEQA Guidelines, § 15384(a).)

In the present matter, the record lacks substantial evidence to support the City’s determination that approval of the project would not result in any significant effects to air quality. The Staff Report states that “[t]he SEIR included air quality mitigation measures that the project must comply with. (See SEIR Chapter 7 regarding Air Quality and FEIR for WRSP SOI Amendment, Section 4.4 dated January 9, 2004.)” Staff Report at p. 13.) This issue was properly disposed of by the Superior Court wherein it stated: “The SEIR identifies – but never analyzes – the significance of TACs or their impacts on sensitive receptors and the mitigation measures do not take these issues into account. Furthermore, mitigation measures generally cannot be used to support a categorical exemption to CEQA. (*San Francisco Beautiful v. City and County of San Francisco* (2014) 226 Cal.App.4th 1012, 1032.)” (Ruling on Submitted Matter, *Threlkel v. City of Roseville* (2018), Placer County Superior Court Case No. SCV 40328 at p. 20.)

The Staff Report further states:

In addition, air quality impacts related to gas stations are governed by PCAPCD which requires a gas station operation to secure an annual

permit to operate. This permit process through PCAPCD ensures that the required local, state, and federal standards are adhered to as it relates to air quality impacts and that no permit is provided if PCAPCD significance thresholds are exceeded. (See Attachment 5 describing PCAPCD's jurisdiction and permitting process, PCAPCD Rules 501 and 502 and the PCAPCD Advisory Notice for Gasoline Dispensing Facilities dated August 21, 2002.) The project has obtained a PCAPCD Authority to Construct/ Temporary Permit to Operate, issued on May 21, 2018, which included a technical memorandum analyzing Public Health Risk associated with the project. The analysis found that the project is well within the PCAPCD significance thresholds and the permit was accordingly issued. Both of these documents are included as Attachment 5. The City relied on PCAPCD's Authority to Construct/ Temporary Permit to Operate, based on the applicable rules and policies outlined in Attachment 5, in reaching its determination on air quality. Therefore, there will be no significant effects related to air quality. (Staff Report at 13-14.)

First, compliance with standards in and of itself does not constitute substantial evidence that a project will not have a significant impact. (*See Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98, 128.) Thus, the Staff Report's statement that the Project will operate based upon applicable rules and policies does not constitute substantial evidence that the Project will not have significant impacts to air quality.

Second, the attached analysis and comments by Dr. Markus Hilbert, an associate professor in the Department of Environmental Health Sciences at Columbia University identifies the flaws in the Final Technical Memorandum ("FTM") relied upon by the City. (Dr. Markus Hilbert's June 22, 2019 letter is attached as Exhibit A.) According to Dr. Hilbert, the FTM does not make a convincing case that the health risks due to gasoline emissions from the gas station are insignificant. As indicated by Dr. Hilbert's analysis, this not a mere disagreement among experts. Instead, Dr. Hilbert indicates the flaws in the FTM. For instance, Dr. Hilbert concluded that since the numerical grid is too coarse the analysis does not account for the fact that residents spend time at different locations of their property and for several nearby residential properties, benzene exposure and cancer risks are not modeled at all. Additionally, the coarse grid is inadequate to capture nonlinear changes in atmospheric benzene concentrations and associated health risks.

Dr. Hilbert also found that FTM does not contain any information about the height of the receptors, for which health risks were estimated. This is important because the analysis should estimate the risks in the breathing zone and some of the nearby residences appear to be two-story.

The FTM also fails to identify location of the emission sources which effects the results of the modeling. The FTM also fails to adequately address the cancer risk. As indicated by Dr. Hilpert, the FTM estimated only a 30-year cancer risk and not a 70-year cancer risk as used by the California Air Resources Board (“CARB”).

Finally, Dr. Hilpert comments on the fact that the proposed gas station intends to use Enhanced Vapor Recovery (“EVR”) technology to prevent fuel vapors in overpressurized tanks from being expelled into the atmosphere. These systems are a concern, however, because of an excessive number of storage pressure alarms which has the potential for increases in VOC emissions and “potential near source health risk issues at worst case sites due to increased benzene exposure.” (Citing CARB 2018.) As a result, the FTM’s health risk calculations fail to account for the potentially important emission source and thus, probably underestimates the associated health risks associated with the project adjacent to a residential neighborhood.

The Staff Report also fails to address that the CAPCOA Handbook (July 2009) specifically states that the permitting process does not adequately address the health risk assessments for CEQA purposes.

Generally, a health risk assessment for CEQA purposes must include all sources of emissions that will emanate from a project. This includes existing and proposed facility-wide emissions. This includes all sources of potential emissions whether or not the project is subject to district permitting requirements. Additionally, all substances that the Office of Environmental Health Hazard Assessment has identified as having toxicity values must be included in the health risk assessment; some districts may allow a less detailed risk assessment.

It is not permissible to omit permitted sources in a CEQA risk assessment, even if these sources will be evaluated during the permit process. *The permitting process does not evaluate the cumulative risk associated with the entire facility, only the individual permit unit.* A challenge to the completeness of the risk assessments can be made if these sources are not included in the analysis.

It is also not permissible to omit criteria pollutants in the facility risk assessment, assuming that these emissions will be evaluated separately. Criteria pollutants have OEHHA approved RELs that must be included in the chronic and acute hazard indices. Again, a challenge to the completeness of the risk assessments can be made if these substances are omitted. (Emphasis added.)

CAPCOA Handbook (July 2009) at p. 73; see Exhibit C to this letter.)

The California Supreme Court also recently addressed the need to conduct Health Risk Assessments during the environmental review process. (See *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502.) While *Sierra Club* involved the Court's review of an Environmental Impact Report and was not an exemption case, the Court's analysis and discussion regarding Health Risks Assessments is applicable in this matter given the requirement that the City must determine that approval of the project would not result in any significant effects relating to air quality and that such determination must be supported by substantial evidence.

In *Sierra Club*, even the County of Fresno, the agency that approved the project and certified the EIR that the Court found legally inadequate, recognized the need to conduct a Health Risk Assessments for these types of projects. As stated in *Sierra Club*:

Health Risk Assessments are typically prepared for inclusion in development specific project EIRs when certain types of development commonly known to have the potential to result in a human health risk are being proposed (*automobile fueling stations [for example]*). (*Id.* at 519 [emphasis added].)

A "Health Risk Assessment" is defined in the Health and Safety Code as a type of analysis undertaken in connection with the siting of hazardous substances, "a detailed comprehensive analysis ... to evaluate and predict the dispersion of hazardous substances in the environment and the potential for exposure of human populations and to assess and quantify both the individual and population wide health risks associated with those levels of exposure." (Health & Saf. Code, § 44306.) While, CEQA does not mandate such an in-depth risk assessment, it does require the environmental review make a reasonable effort to discuss relevant specifics regarding the general health effects associated with a particular pollutant and the estimated amount of that pollutant the project will likely produce. (6 Cal.5th at 522.) This discussion allows the public to make an informed decision, as CEQA requires. (*Id.*)

The City has failed to conduct a Health Risk Assessment to support its determination that the Project will not impact air quality, particularly to those residences adjacent to or near the gas station. As discussed in Dr. Hilpert's comments, the FTM and Authority to Construct, makes it impossible for the public to understand the adverse health impacts or to understand why there is no health risk from the gas station time. As such, the EIR's discussion of air quality impacts in this case was inadequate and not supported by substantial evidence.

***B. The Project Does Not Qualify for an Categorical Exemption due to Unusual Circumstances***

CEQA provides that if there is "reasonable possibility" that an activity will have a significant effect on the environment due to "unusual circumstances," an agency may not

find the activity to be categorically exempt from CEQA. (CEQA Guidelines, § 15300.2(c). The unusual circumstances exception applies when both unusual circumstances and a significant impact as a result of those unusual circumstances are shown. (*Berkeley Hillside Preservation v City of Berkeley* (2015) 60 C4th 1086, 1104.)

In the present case, the unusual circumstances are the placement of a gas station adjacent to a neighborhood and storage tanks so close to the neighborhood. As discussed below, even the Federal Housing Administration (“FHA”) considers the placement of underground storage tanks within 300 feet of residences as risky.

When the project presents unusual circumstances, the second question is whether there is “a reasonable possibility of a significant effect on the environment due to “those circumstances.” (*Berkeley Hillside, supra*, 60 C4th at 1115.) This question is answered by determining if there is any substantial evidence before the agency would support a fair argument that a significant impact on the environment may occur. (*Id.*)

The fair argument test requires that an agency “prepare an EIR whenever substantial evidence in the record supports a fair argument that a proposed project may have a significant effect on the environment.” (*Gentry v. City of Murrieta*, (1995) 36 Cal.App.4th 1359, 1399-1400; see *Laurel Heights Improvement Ass’n v. Regents of the Univ. of Cal.* (1993) 6 Cal.4th 1112, 1123.) “If there is substantial evidence in light of the whole record before the lead agency that the project may have a significant effect on the environment, an environmental impact report shall be prepared.” (Pub. Resources Code, § 21080(d); § 21151(a. 571.) Thus, an EIR must be prepared “whenever it can be fairly argued on the basis of substantial evidence that the project may have significant environmental impact” even if there is substantial evidence to the contrary. (*Arviv Enterprises, Inc. v. South Valley Area Planning Com.* (2002) 101 Cal.App.4th 1333, 1346; *Friends of “B” Street v. City of Hayward* (1980) 106 Cal.App.3d 988, 1002). Moreover, CEQA requires that “if there is a disagreement among expert opinion supported by facts over the significance of an effect on the environment, [then] the Lead Agency shall treat the effect as significant and shall prepare an EIR.” (CEQA Guidelines, § 15064(b); see *City of Carmel-by-the-Sea v. Board of Supervisors* (1986) 183 Cal.App.3d 229, 245 (EIR required to resolve conflicting expert testimony).)

In the present matter, Dr. Hilbert’s comments regarding the flaws in the FTM and the Project’s potentially significant impacts constitutes substantial evidence supporting a fair argument the Project may have potentially significant impacts to air quality. The fact that the City or applicant’s expert may disagree with Dr. Hilbert is irrelevant with regards to the fair argument standard. Thus, in the present matter, CEQA mandates that the City prepare an EIR in this matter and not rely upon a categorical exemption. (CEQA Guidelines, § 15064(b).)

**C. *The Project Will Impact the Ability to Finance Homes within 300 Feet of the Underground Storage Tanks***

The Staff Report states that the “gas station fueling pumps will be approximately 160 feet from the nearest family property line.” (Staff Report at p. 13.) The Staff Report, however, fails to address the impact to the parcels within 300 feet of the underground storage tanks. The FHA insures home mortgages to assist Americans buy homes. In considering whether a property is eligible for an FHA-insured loan, the Department of Housing and Urban Development (“HUD”) requires that a site be rejected if the property being appraised is subject to hazards, environmental contaminants, noxious odors, offensive sights or excessive noises to the point of endangering the physical improvements or affecting the livability of the property, its marketability or the health and safety of its occupants. More specifically, the Federal Housing Administration Single Family Housing Policy Handbook provides that:

If the subject property line is located *within 300 feet of an aboveground or subsurface stationary storage tank with a capacity of 1,000 gallons or more of flammable or explosive material*, then the Property is ineligible for FHA insurance, and the Appraiser must notify the Mortgagee of the deficiency of MPR or MPS. This includes domestic and commercial uses as well as automotive service station tanks. (Emphasis added.)

(A copy of the relevant pages of the FHA Single Family Housing Policy Handbook is attached to this letter as Exhibit C.)

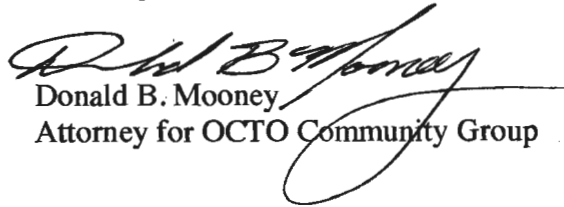
Thus, any parcels within 300 feet of the underground storage tanks may not be eligible for an FHA loan, which may affect the ability of the current owners to refinance their property or to sell their property to otherwise qualified buyers. As such, the City should identify those parcels that would be effected by the location of the underground storage tanks and notify those owners of the impact to their homes.

The FHA’s lending rules also raise the issue of why FHA will not insure housing loans if a property is within 300 feet of underground storage tanks. It is reasonable to assume that the FHA found that an underground storage tank in such close proximity to the homes poses an undue risk to the residents and the property. Such risks are identified in Dr. Hilpert’s analysis and comments. Nothing in the Staff Report addresses why the City thinks there is no health or safety risk in approving a gas station within 300 feet of a residence, even when the federal government has determined that such proximity is too risky for insuring home loans.

Based upon foregoing, the City’s reliance upon the infill exemption violates CEQA. As such, prior to approving the Project, the City must prepare an environmental document that provides the decision makers and the public with information regarding the Project’s potentially significant environmental impacts.

Ms. Shelby Vockel  
July 11, 2019  
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Sincerely,

  
Donald B. Mooney  
Attorney for OCTO Community Group

cc: Client

**Exhibit A**

**Exhibit A**

Dr. Markus Hilpert  
3260 Henry Hudson Parkway  
Bronx NY 10463

Don Mooney  
Law Office of Donald B. Mooney  
Davis, CA 95618

## **Fiddymment Plaza Gasoline Station in Roseville, CA**

June 22, 2019

Dear Mr. Mooney:

As requested I have evaluated the Final Technical Memorandum (FTM) authored by Environmental Permitting Specialists (2018) with regard to the proposed Fiddymment Plaza Gasoline Station in Roseville, CA. The FTM provides estimates of the additional risks to human health due to emissions of unburned fuel from the proposed gas station.

I am an associate professor in the Department of Environmental Health Sciences at Columbia University. I have over 25 years of experience conducting research in environmental science and engineering as well as hydrology. One particular research interest lies in the environmental and health effects of chronic hydrocarbon releases at gas stations (Hilpert & Breysse, 2014; Hilpert et al., 2015; Adrià Mora & Hilpert, 2017; Hilpert et al., 2019). I have served on proposal review panels for the National Science Foundation, the Environmental Protection Agency, and the Department of Energy. I also serve as an Associate Editor for Water Resources Research and on the Editorial Board for Advances in Water Resources.

In my opinion, the FTM does not make a convincing case that the health risks due to gasoline emissions from the gas station are insignificant. This is for the following reasons:

1. **Numerical grid is too coarse.** The authors used a numerical grid, which is too coarse at locations where exposures can be expected to be highest, i.e., on the gas station property, at its fence line, and at adjacent residences. Specifically, the authors used a square grid with a spatial resolution of 50 m. With the current resolution, for some residential properties benzene exposure and cancer risk are modeled only at a single location (see Figure 1). This approach does not account for the fact that residents spend time at different locations of their property. However, for several nearby residential properties, benzene exposure and cancer risk are not modeled at all.

Moreover, the very coarse grid is inadequate to capture nonlinear changes in atmospheric benzene concentrations and associated health risks. As an example I show in Figure 2 modeling results by the California Air Resources Board (CARB) that illustrate the rapid change in cancer risk as a function of distance from a gas station (CARB, 1997). Instead of choosing a modeling domain that is  $24 \times 50 \text{ m} = 1.2 \text{ km}$  wide, the FTM should have resolved the spatial variations in health risk at a higher spatial resolution (and it would have been reasonable to do so in a smaller modeling domain).

2. **Non-suitable square grid.** From a computational perspective, it would have made much more sense to choose a numerical grid with polar coordinates, the origin of which is located at the center of the gas station. Figure 3 shows a sample polar grid. I note that the CAPCOA (1997) study, which is cited in the report, also used polar grids. In my own research on health risks of fuel emissions from gas stations, I have also used polar grids.

Figure 4 shows benzene concentrations that my group modeled using such a polar grid for a different gas station (Hilpert et al., 2019), and some of the grid points were less than 1 meter apart (much less than the 50 meters in the FTM). Clearly, modeled benzene levels vary significantly within a 50-meter distance, and they vary when “walking” on a circle around the gas station due to preferential wind directions, which cause emitted benzene vapors to be carried away in a nonuniform fashion. It is important to model these spatial patterns in benzene levels when estimating health risks. Choice of a non-suitable numerical grid is not only computationally inefficient but in the FTM study also did not allow accurate estimation of health risks to nearby residents.

3. **Questionable interpolation of health risk.** Figure 3 in the FTM (magnified in Figure 5 in this evaluation), which shows the spatial distribution of cancer risk, is not trustworthy, because the numerical grid is too coarse to capture potential nonlinearities in cancer risk in the vicinity of a gas station. This also explains why increased cancer risks close to emission sources (due to spatial variations in benzene levels as illustrated in Figure 4 for a different gas station) are not recognizable in Figure 3 in the FTM. Figure 3 in the FTM is likely based on some sort of interpolation (perhaps linear), which cannot capture nonuniform benzene levels such as the ones shown in Figure 4. One cannot expect this interpolation scheme to capture adequately the potentially increased cancer risks in adjacent residences.
4. **Receptor height was not stated.** No information was given about the height of the receptors, for which health risks were estimated. It seems as if risks were estimated for only one height. However, it is important to estimate these risks both in the breathing zone and at the elevation of the vent pipe(s) (e.g., 4 m) (Hilpert et al., 2019). This comment is particularly important because at least some of the nearby residences appear to be two-story as shown in Figure 6.

- 5. Modeling of emission source locations might be inadequate.** It is not clear from the report where the individual emission sources of the gas station are located. One should specify the exact location of the point, areal and volume sources, from which gasoline vapor emissions occur. This is particularly important when health risks to nearby residential areas are estimated. In the context of the proposed gas station, this comment could be particularly important for the vent pipes from the gasoline storage tanks, which are often located on the border of a gas station. If the locations of the vent pipes are not accurately modeled and if the vent pipes were indeed close to residences, the health risks to residents could be substantially underestimated.

It is even not clear where the center of the gas station is located exactly in the model presented in the FTM. The red arrow in Figure 1 that points from the “Gasoline Station” textbox into the brownish land parcel only gives an indication where the center of the gas station is assumed to be, but the exact location is needed to be able to evaluate the findings of the FTM.

- 6. Calculation of cancer risk.** The FTM missed to make clear how cancer risk was inferred from modeled atmospheric benzene concentrations. I note that the CAPCOA (1997) study, on which the report is based, explicitly states how cancer risk was calculated: a unit risk value for benzene of  $2.9E-05 (\mu\text{g}/\text{m}^3)^{-1}$  was used. The equation used to calculate cancer risk including numerical values for its parameters should have been listed in order to understand better the modeled cancer risks. I was surprised to see that the FTM estimated only a 30-year and not a 70-year cancer risk. I note that for cancer health effects, CARB expressed such a risk as an estimate of the increased chances of getting cancer due to facility emissions over a 70-year lifetime (see page G-4 in CalEPA/CARB, 2005).
- 7. Emissions from separator potentially underestimated.** The proposed gas station would use Enhanced Vapor Recovery (EVR) technology that is supposed to prevent fuel vapors in overpressurized tanks from being expelled into the atmosphere. Specifically, a clean air separator (“bladder tank”) would be used, into which the gasoline vapor/air mixture is directed as the pressure in the combined ullage space of the storage tank increases, and from which the mixture is redirected into the fuel storage tanks if the ullage pressure becomes negative when fuel is dispensed (Hilpert et al., 2019). However, CARB was informed about an excessive number of storage tank overpressure alarms related to these clean air separator systems (CARB, 2017). This is of concern because of its impacts on air quality. CARB is specifically concerned about “potential V.O.C. emission increases” and “potential near source health risk issues at worst case sites due to increased benzene exposure” (CARB, 2018). The health risk calculations in the report do not account for this potentially important emission source and can be expected to underestimate the associated health risks.

Given the concerns raised above, I cannot support the conclusion from the FTM that no significant health risks are associated with the operation of the proposed gas station.

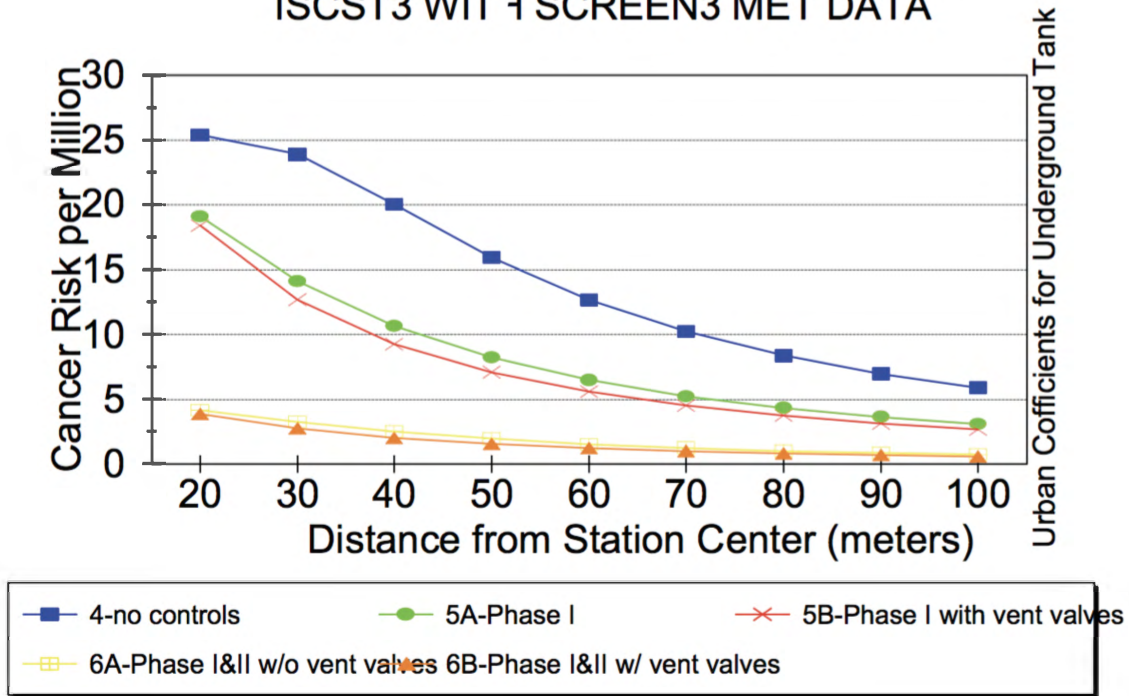
A handwritten signature in black ink, appearing to read "Markus Hilpert".

Markus Hilpert (PhD)

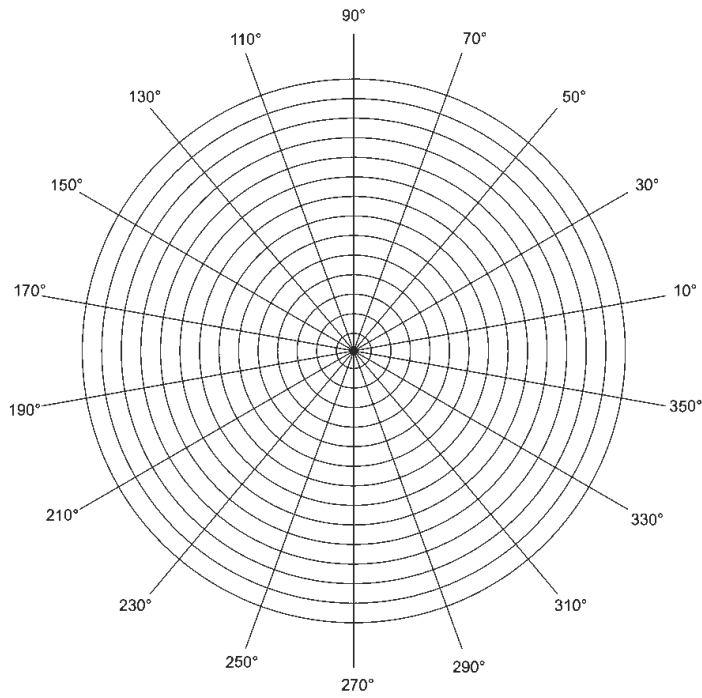


**Figure 1:** Numerical grid used in the FTM. This figure magnifies a relevant portion of Figure 2 from the FTM.

## Cancer Risk - 1,000,000 gal/yr thrupt ISCST3 WIT' H SCREEN3 MET DATA



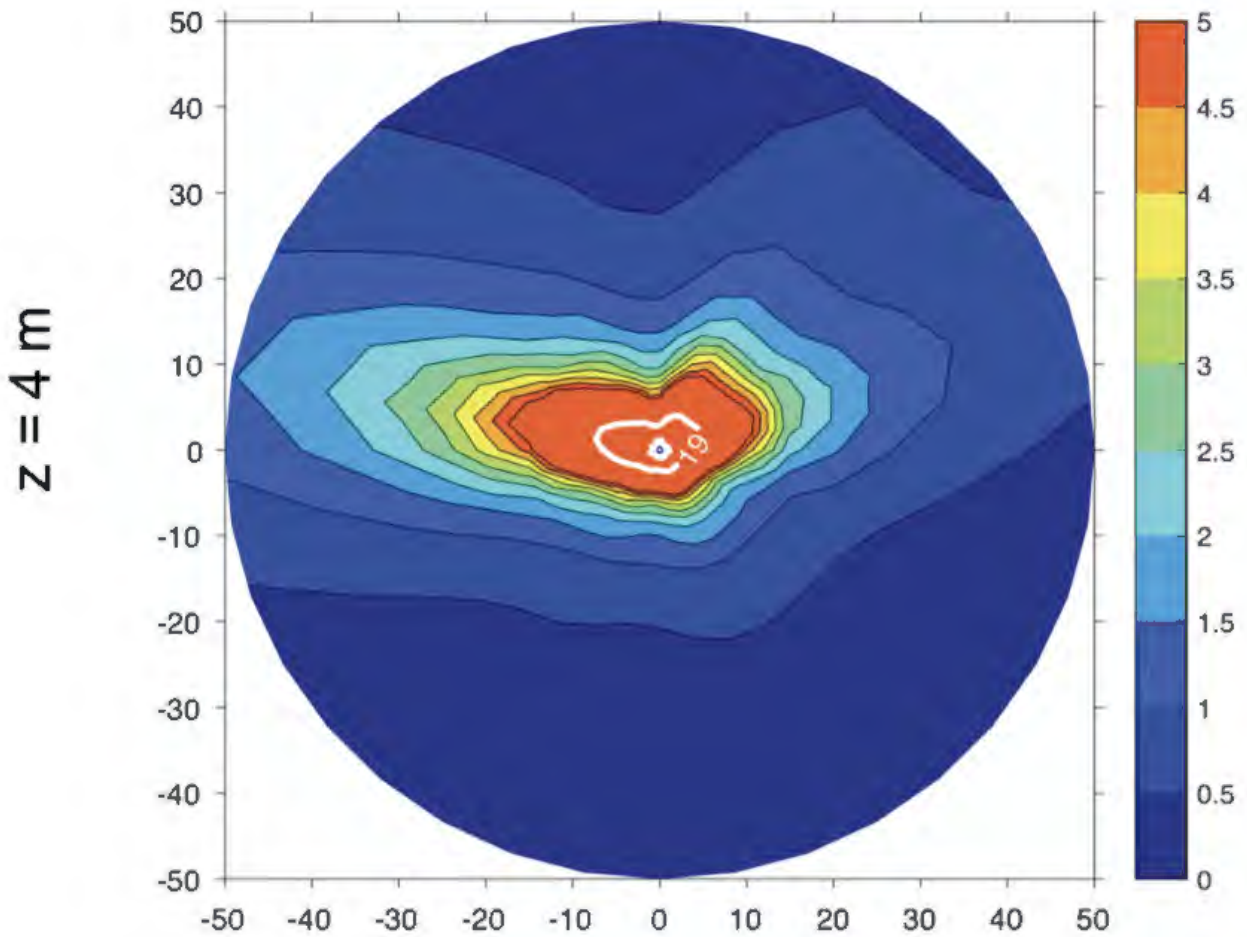
**Figure 2:** Sample results for cancer risk modeling presented in the CAPCOA study. Cancer risk varies significantly along a 50-meter distance. Such variations cannot be accurately discerned in the FTM, because it calculates cancer risk only every 50 meters. Thus, cancer risk hot spots may be missed.



Polar Grid In Degrees With Radius 20°

VectorStock® [VectorStock.com/17350733](https://www.vectorstock.com/17350733)

**Figure 3:** Sample polar numerical grid. Such a grid was used in the CAPCOA (1997) study and is cited in the FTM. However, the FTM used a square grid.



**Figure 4:** Example of high-resolution modeling (using a polar grid) of atmospheric benzene levels due to benzene emissions from a gas station (from Hilpert et al., 2019). Close to the center, grid points for which benzene levels are modeled are less than 1 meter apart. Note the significant variations within 50 meters from the center of the gas station. Horizontal and vertical axes labels indicate distance in meters. The colors indicate average benzene concentrations in  $\mu\text{g}/\text{m}^3$ .



**Figure 5:** Magnification of the contour plot of cancer risk presented in Figure 3 in the FTM.



**Figure 6:** View onto the land parcel (green area) to be developed. (The photo is possibly out of date.) The residences behind the green area are two-story homes suggesting that exposures should also be evaluated at the elevation of the vent pipe openings (about 4 m).

## REFERENCES

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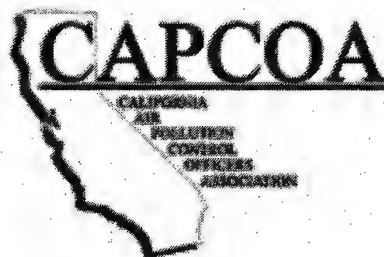
**Exhibit B**

**Exhibit B**

# Health Risk Assessments for Proposed Land Use Projects



## CAPCOA Guidance Document



Prepared by:  
CAPCOA Planning Managers

Approved for Release  
July 2009

**Attachment 1**

**Technical Modeling and Risk Assessment  
Guidance**

Prepared by  
CAPCOA Planning Managers  
HRA Subcommittee

It is the responsibility of the submitter to ensure proper completion and analysis of any air dispersion modeling assessment delivered for review.

### **7.3 Level of Detail of Health Risk Assessments**

Generally, a health risk assessment for CEQA purposes must include all sources of emissions that will emanate from a project. This includes existing and proposed facility-wide emissions. This includes all sources of potential emissions whether or not the project is subject to district permitting requirements. Additionally, all substances that the Office of Environmental Health Hazard Assessment has identified as having toxicity values must be included in the health risk assessment; some districts may allow a less detailed risk assessment.

It is not permissible to omit permitted sources in a CEQA risk assessment, even if these sources will be evaluated during the permit process. The permitting process does not evaluate the cumulative risk associated with the entire facility, only the individual permit unit. A challenge to the completeness of the risk assessments can be made if these sources are not included in the analysis.

It is also not permissible to omit criteria pollutants in the facility risk assessment, assuming that these emissions will be evaluated separately. Criteria pollutants have OEHHA approved RELs that must be included in the chronic and acute hazard indices. Again, a challenge to the completeness of the risk assessments can be made if these substances are omitted.

## **Chapter 8. Exposure Assessment Procedures**

### **8.0 Cancer Risk Assessment Procedure for Inhalation Only Pathway Pollutants**

The following procedure may be used to assess the health risks from facilities for which diesel particulate matter is emitted or other substances identified as only entering the body through the inhalation pathway. Risk Assessments involving substances that enter the body through other pathways must be analyzed for each pathway. A risk assessment involving multipathway substances can to be prepared using the HARP program available through the California Air Resources Board.

Cancer Risk Procedure for Inhalation only Substances:

- Model emissions to determine both the:
  - annual average ground-level concentrations, and the
  - one hour maximum concentration (or other period depending on the acutely toxic substance)
- Create a plot file for these ground-level concentrations.
- Open the plot file using Microsoft EXCEL or another spreadsheet program.
- Copy the data from the plot(s) into Excel.
- To determine the cancer risk, apply the following formula to each ground-level concentrations:

# Exhibit C

Exhibit C



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
WASHINGTON, DC 20410-8000

ASSISTANT SECRETARY FOR HOUSING-  
FEDERAL HOUSING COMMISSIONER

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**Special Attention of:**

All FHA Approved Mortgagees  
All Direct Endorsement Underwriters  
All FHA Roster Appraisers  
All FHA Roster Inspectors  
All FHA-Approved 203(k) Consultants  
All HUD-Approved Housing Counselors  
All HUD-Approved Nonprofit Organizations  
All Governmental Entity Participants  
All Real Estate Brokers  
All Closing Agents

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**Transmittal:** Handbook 4000.1

**Issued:** March 27, 2019

**Effective Date:** Multiple; See Below

**1. This Transmits:**

1. Handbook 4000.1, FHA Single Family Housing Policy Handbook.
2. Previously published updates to Handbook 4000.1, FHA Single Family Housing Policy Handbook.

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Assistant Secretary for Housing – Federal Housing Commissioner

## II. ORIGINATION THROUGH POST-CLOSING/ENDORSEMENT

### D. Appraiser and Property Requirements for Title II Forward and Reverse Mortgages

#### 3. Acceptable Appraisal Reporting Forms and Protocols

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Lines pass directly over any dwelling, Structure or related property improvement, including pools, spas, or water features.

The Appraiser must notify the Mortgagee of the deficiency of MPR or MPS if the dwelling or related property improvements are located within an Easement or if they appear to be located within an unsafe distance of any power line or tower.

The Appraiser must note and comment on the effect on marketability resulting from the proximity to such site hazards and nuisances. The Appraiser must also determine if the guidelines for Encroachments apply.

#### (6) Smoke, Fumes and Offensive or Noxious Odors

The Appraiser must notify the Mortgagee if excessive smoke, chemical fumes, noxious odors, stagnant ponds or marshes, poor surface drainage or excessive dampness threaten the health and safety of the occupants or the marketability of the Property.

The Appraiser must consider the effect of the condition in the valuation of the Property if the conditions exist but do not threaten the occupants or marketability.

#### (7) Stationary Storage Tanks

If the subject property line is located within 300 feet of an aboveground or subsurface stationary storage tank with a capacity of 1,000 gallons or more of flammable or explosive material, then the Property is ineligible for FHA insurance, and the Appraiser must notify the Mortgagee of the deficiency of MPR or MPS. This includes domestic and commercial uses as well as automotive service station tanks.

### iv. Site Conditions

#### (A) Access to Property

##### (1) Definition

Adequate Vehicular Access to Property refers to an all-weather road surface over which emergency and typical passenger vehicles can pass at all times.

##### (2) Required Analysis and Reporting

The Appraiser must notify the Mortgagee of the deficiency of MPR or MPS if the Property does not have safe pedestrian access and Adequate Vehicular Access from a public street or private street that is protected by a permanent recorded Easement, ownership interest, or is owned and maintained by an HOA. Shared driveways that are not part of an HOA must also meet these requirements.