

PROPOSED

Findings and Statement of Overriding Considerations

I. Introduction

The California Air Resources Board (CARB), as the lead agency for the proposed *Amendments to the Airborne Toxic Control Measure for Chromium Electroplating and Chromic Acid Anodizing Operations* (Proposed Amendments or Proposed Project), prepared a Draft Environmental Analysis (EA) under its certified regulatory program (Cal. Code Regs., tit. 17, §§ 60000 – 60008) to comply with the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000, et seq.). The Draft EA, entitled *Draft Environmental Analysis (Draft EA) for the proposed Amendments to the Airborne Toxic Control Measure for Chromium Electroplating and Chromic Acid Anodizing Operations*, included as Appendix D to the Staff Report (Initial Statement of Reasons) for the Proposed Amendments, analyzed the potential environmental impacts associated with the Proposed Amendments. Following circulation of the Draft EA for a public review and comment period from December 2, 2022, through January 17, 2023, CARB prepared the *Final Environmental Analysis prepared for proposed Amendments to the Airborne Toxic Control Measure for Chromium Electroplating and Chromic Acid Anodizing Operations* (Final EA), which includes minor revisions to the Draft EA. While updates have been made to the EA to ensure it accurately reflects the Proposed Amendments, these changes merely clarify, amplify, or make insignificant modifications to the otherwise adequate Draft EA. These modifications would not result in any new reasonably foreseeable significant environmental impacts or substantially increase the severity of an identified environmental impact. The Draft EA's findings, overall significance conclusions, mitigation measures, and alternatives adequately address the environmental review for the proposed modifications. Therefore, there is no significant new information that would require the EA to be recirculated. The Final EA was posted on CARB's webpage on May 19, 2023.

This statement of findings and overriding considerations was prepared to comply with CEQA's requirement to address the environmental impacts identified in the Final EA. (Pub. Resources Code, §§ 21081, 21081.6; Cal. Code Regs, tit. 14, §§ 15091, 15093.) The Final EA is based on the expected compliance responses of the regulated entities covered by the Proposed Amendments. Although the policy aspects and requirements of the Proposed Amendments would not directly change the physical environment, potential indirect physical changes to the environment could result from reasonably foreseeable actions undertaken by entities in response to the Proposed Amendments. These indirect impacts are the focus of the programmatic-level impacts analysis in the Final EA.

Collectively, across all categories, the Final EA concluded that the reasonably foreseeable compliance responses associated with the Proposed Amendments could result in the following short-term and long-term impacts: no impacts to geology and soils; less than significant impacts to aesthetics, agriculture and forest resources, air quality, biological

resources, cultural resources (long-term operational-related), energy demand, greenhouse gas emissions, hydrology and water quality, land use and planning, mineral resources, noise (long-term operational-related), population and housing, public services, recreation, transportation, tribal cultural resources, utilities and service systems and wildfire; and potentially significant adverse impacts to air quality (short-term construction-related health impacts), cultural resources (short-term construction-related), hazards and hazardous materials and noise (short-term construction-related). The potentially significant and unavoidable adverse impacts are disclosed for both short-term, construction-related activities, and long-term operational activities, which is why some resource areas are identified above as having both less than significant impacts and potentially significant impacts.

CARB's certified regulatory program requires that before adoption of an action for which significant adverse environmental impacts have been identified during the review process, CARB consider feasible mitigation measures and alternatives that could substantially reduce the impacts. (Cal. Code Regs, tit. 17, § 60004.2.) CEQA places the burden on the approving agency to affirmatively show it has considered feasible mitigation and alternatives that can lessen or avoid identified impacts through a statement of findings for each identified significant impact. (Pub. Resources Code, § 21081.) The CEQA Guidelines, in California Code of Regulations, title 14, section 15091, provide direction on the content of the statement of findings. That section states that one or more of these findings should be identified for each impact:

- Changes or alterations have been required in, or incorporated into, such projects which avoid or substantially lessen the significant environmental effect as identified in the final environmental impact report.
- Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

The potential adverse impacts identified in this programmatic level EA are potential indirect impacts associated with the compliance responses that are reasonably foreseeable, based on available information, in response to the Proposed Amendments. The ability to determine site- or project-specific impacts of projects carried out by third parties to comply with the Proposed Amendments and the authority to require feasible mitigation lies with those agencies with authority to approve such actions, e.g. local permitting authorities in city or county governments and local air districts. CARB does not have the ability to determine with any specificity the potential impacts of projects undertaken in response to the Proposed Amendments, nor the authority to require mitigation for such projects, in approving the Proposed Amendments, as discussed in the findings below.

An agency may approve a project with unavoidable (unmitigated) adverse environmental impacts. When doing so, CEQA requires the agency to make a statement in the record of its views on the ultimate balancing of the merits of approving the project despite the environmental impacts in a "statement of overriding considerations." (Pub. Resources Code, § 21081(b); Cal. Code Regs, tit. 14, § 15093.) The following provides the CARB Board's (Board) statement of findings for each significant adverse impact identified in the Final EA, incorporated by reference herein, accompanied by a brief explanation and its statement of overriding considerations.

II. STATEMENT OF FINDINGS

The Board has independently reviewed and considered the entire record, including the information in the Final EA, public testimony, written comments received, and the written responses to environmental comments, which are incorporated by reference. The Board makes these written findings for each significant adverse impact identified, accompanied by a brief explanation of the rationale for each finding. These findings are supported by substantial evidence in the record.

Air Quality

Finding and Explanation

The Final EA found that under the Proposed Amendments, starting on January 1, 2024, no new chrome plating facilities that use hexavalent chromium would be allowed to be constructed or operate within the State. Existing decorative chrome platers must cease use of hexavalent chromium by January 1, 2027, unless they elect to comply with the alternative phase out pathway. The alternative phase out pathway will require decorative chrome plating facilities to comply with building enclosure requirements by January 1, 2026, and cease use of hexavalent chromium by January 1, 2030. Existing functional chrome platers must cease use of hexavalent chromium by January 1, 2039. Prior to the 2039 phase out date, functional chrome plating facilities are allowed to operate using hexavalent chromium but would be required to implement additional measures such as building enclosures, air pollution control equipment, best management practices, and source testing. Chrome plating facilities that switch to trivalent chromium must control chromium emissions by meeting the emission limitation or using a wetting agent. The Proposed Amendments may also result in a rise in imports of parts plated with hexavalent chromium into the State, which could result in an increase in heavy-duty truck traffic along State haul routes and potentially other modes of transportation such as train traffic along State rail routes. For a more detailed discussion of potential air quality impacts associated with the Proposed Amendments please see the Final EA (as incorporated by reference).

As described in greater detail in the Final EA, any construction-related increase in emissions of criteria pollutants, including ozone precursors, could result in an increase in ambient concentrations of criteria pollutants in air basins across the State and increase the likelihood that ambient concentrations exceed the California ambient air quality standards and national ambient air quality standards. Human exposure to pollutants can result in health impacts.

Although construction air pollutant emissions would likely not exceed any of the significance thresholds established by the Districts in the State, due to limited information of where construction activities may occur relative to existing sensitive receptors (e.g., schools, nursing homes, residential care facilities, daycare centers, and hospitals), it is not possible to model, with certainty, the location and magnitude of specific anticipated construction-related adverse health effects. Thus, in consideration of the relative unknowns about the scope, location and details of potential compliance response development, CARB takes the conservative approach and acknowledges that without these potential future project-specific details at this time, these future compliance related development projects could have adverse air quality related health impacts.

The Final EA included Mitigation Measure 3-1, which identifies existing statutes and regulations and construction and operational permit requirements, and other recognized practices designed to reduce these potentially significant impacts. The Board finds that the authority to determine site- or project-specific mitigation is within the purview of jurisdictions with land use approval and permitting authority, such as city or county governments. Therefore, the Board finds that the authority to implement Mitigation Measure 3-1 is within the responsibility and jurisdiction of other public agencies, and that the requirements and practices in Mitigation Measure 3-1 should be adopted by those agencies. Public agencies with the requisite authority can and should implement the identified measures to the degree feasible. Because the authority and responsibility to determine project-level impacts and require project-level mitigation lies with land use or permitting agencies for individual projects, and the programmatic level of analysis associated with the Final EA does not address project-specific details of mitigation, there is inherent uncertainty in the mitigation that may ultimately be implemented to reduce potentially significant impacts to this resource. At this stage, without full details on the design of potential projects and associated required mitigation, while impacts could be reduced to a less than significant level by land use or permitting agency conditions of approval, the Board takes a conservative approach in its post-mitigation significance conclusion and finds the impacts to this resource associated with the proposed actions in the Proposed Amendments would be potentially significant and unavoidable. This impact potential is overridden by the project's benefits as explained in the statement of overriding considerations.

Cultural Resources

Finding and Explanation

The Final EA found that under the Proposed Amendments, starting on January 1, 2024, no new chrome plating facilities that use hexavalent chromium would be allowed to be constructed or operate within the State. Existing decorative chrome platers must cease use of hexavalent chromium by January 1, 2027, unless they elect to comply with the alternative phase out pathway. The alternative phase out pathway will require decorative chrome plating facilities to comply with building enclosure requirements by January 1, 2026, and cease use of hexavalent chromium by January 1, 2030. Existing functional chrome platers must cease use of hexavalent chromium by January 1, 2039. Prior to the 2039 phase out date, functional chrome plating facilities are allowed to operate using hexavalent chromium but would be

required to implement additional measures such as building enclosures, air pollution control equipment, best management practices, and source testing. Chrome plating facilities that switch to trivalent chromium must control chromium emissions by meeting the emission limitation or using a wetting agent. The Proposed Amendments may also result in a rise in imports of parts plated with hexavalent chromium into the State, which could result in an increase in heavy-duty truck traffic along State haul routes and potentially other modes of transportation such as train traffic along State rail routes. For a more detailed discussion of potential cultural impacts associated with the Proposed Amendments please see the Final EA (as incorporated by reference).

The Final EA included Mitigation Measure 5-1, which identifies existing statutes and regulations and construction and operational permit requirements, and other recognized practices designed to reduce these potentially significant impacts. The Board finds that the authority to determine site- or project-specific mitigation is within the purview of jurisdictions with land use approval and permitting authority, such as city or county governments. Therefore, the Board finds that the authority to implement Mitigation Measure 5-1 is within the responsibility and jurisdiction of other public agencies, and that the requirements and practices in Mitigation Measure 5-1 should be adopted by those agencies. Public agencies with the requisite authority can and should implement the identified measures to the degree feasible. Because the authority and responsibility to determine project-level impacts and require project-level mitigation lies with land use or permitting agencies for individual projects, and the programmatic level of analysis associated with the Final EA does not address project-specific details of mitigation, there is inherent uncertainty in the mitigation that may ultimately be implemented to reduce potentially significant impacts to this resource.

At this stage, without full details on the design of potential projects and associated required mitigation, while impacts could be reduced to a less-than-significant level by land use or permitting agency conditions of approval, the Board takes a conservative approach in its post-mitigation significance conclusion and finds the impacts to this resource associated with the proposed actions in the Proposed Amendments would be potentially significant and unavoidable. This potential impact is overridden by the project's benefits as explained in the statement of overriding considerations.

Hazards and Hazardous Materials

Finding and Explanation

The Final EA found that under the Proposed Amendments, starting on January 1, 2024, no new chrome plating facilities that use hexavalent chromium would be allowed to be constructed or operate within the State. Existing decorative chrome platers must cease use of hexavalent chromium by January 1, 2027, unless they elect to comply with the alternative phase out pathway. The alternative phase out pathway will require decorative chrome plating facilities to comply with building enclosure requirements by January 1, 2026, and cease use of hexavalent chromium by January 1, 2030. Existing functional chrome platers must cease use of hexavalent chromium by January 1, 2039. Prior to the 2039 phase out date, functional chrome plating facilities are allowed to operate using hexavalent chromium but would be

required to implement additional measures such as building enclosures, air pollution control equipment, best management practices, and source testing. Chrome plating facilities that switch to trivalent chromium must control chromium emissions by meeting the emission limitation or using a wetting agent. The Proposed Amendments may also result in a rise in imports of parts plated with hexavalent chromium into the State, which could result in an increase in heavy-duty truck traffic along State haul routes and potentially other modes of transportation such as train traffic along State rail routes. For a more detailed discussion of potential hazards and hazardous materials impacts associated with the Proposed Amendments, please see the Final EA (as incorporated by reference).

The Final EA includes Mitigation Measures 9-1 and 9-2, which identify existing statutes and regulations and construction and operating permit requirements, and other recognized practices designed to reduce these potentially significant impacts. The Board finds that the authority to determine site- or project-specific mitigation is within the purview of jurisdictions with land use approval and permitting authority, such as city or county governments. Therefore, the Board finds that the authority to implement Mitigation Measures 9-1 and 9-2 are within the responsibility and jurisdiction of other public agencies, and that the requirements and practices in Mitigation Measure 9-1 and 9-2 should be adopted by those agencies. Public agencies with the requisite authority can and should implement the identified measures to the degree feasible. Because the authority and responsibility to determine project-level impacts and require project-level mitigation lies with land use or permitting agencies for individual projects, and the programmatic level of analysis associated with the Final EA does not address project-specific details of mitigation, the mitigation that may ultimately be implemented to reduce potentially significant impacts to this resource is inherently uncertain.

At this stage, without full details on the design of potential projects and associated required mitigation, while impacts could be reduced to a less than significant level by land use or permitting agency conditions of approval, the Board takes a conservative approach in its post-mitigation significance conclusion and finds the impacts to this resource associated with the proposed actions in the Proposed Amendments would be potentially significant and unavoidable. This potential impact is overridden by the project's benefits as explained in the statement of overriding considerations.

Noise

Finding and Explanation

The Final EA found that under the Proposed Amendments, starting on January 1, 2024, no new chrome plating facilities that use hexavalent chromium would be allowed to be constructed or operate within the State. Existing decorative chrome platers must cease use of hexavalent chromium by January 1, 2027, unless they elect to comply with the alternative phase out pathway. The alternative phase out pathway will require decorative chrome plating facilities to comply with building enclosure requirements by January 1, 2026, and cease use of hexavalent chromium by January 1, 2030. Existing functional chrome platers must cease use of hexavalent chromium by January 1, 2039. Prior to the 2039 phase out date, functional

chrome plating facilities are allowed to operate using hexavalent chromium but would be required to implement additional measures such as building enclosures, air pollution control equipment, best management practices, and source testing. Chrome plating facilities that switch to trivalent chromium must control chromium emissions by meeting the emission limitation or using a wetting agent. The Proposed Amendments may also result in a rise in imports of parts plated with hexavalent chromium into the State, which could result in an increase in heavy-duty truck traffic along State haul routes and potentially other modes of transportation such as train traffic along State rail routes. For a more detailed discussion of potential noise impacts associated with the Proposed Amendments, please see the Final EA (as incorporated by reference).

The Final EA included Mitigation Measure 13-1, which identifies existing statutes and regulations and construction permit requirements, and other recognized practices designed to reduce these potentially significant impacts. The Board finds that the authority to determine site- or project-specific mitigation is within the purview of jurisdictions with land use approval and permitting authority, such as city or county governments. Therefore, the Board finds that the authority to implement Mitigation Measure 13-1 is within the responsibility and jurisdiction of other public agencies, and that the requirements and practices in Mitigation Measure 13-1 should be adopted by those agencies. Public agencies with the requisite authority can and should implement the identified measures to the degree feasible. Because the authority and responsibility to determine project-level impacts and require project-level mitigation lies with land use or permitting agencies for individual projects, and the programmatic level of analysis associated with the Final EA does not address project-specific details of mitigation, there is inherent uncertainty in the mitigation that may ultimately be implemented to reduce potentially significant impacts to this resource.

At this stage, without full details on the design of potential projects and associated required mitigation, while impacts could be reduced to a less than significant level by land use or permitting agency conditions of approval, the Board takes a conservative approach in its post-mitigation significance conclusion and finds the impacts to this resource associated with the proposed actions in the Proposed Amendments would be potentially significant and unavoidable. This potential impact is overridden by the Proposed Amendment's benefits as explained in the statement of overriding considerations.

Cumulatively Considerable Impacts

The plan containing the appropriate summary of projections for considering cumulative impacts of the Proposed Amendments that were considered when analyzing cumulative impacts is the Community Air Protection Blueprint. The analysis of cumulative impacts for the Proposed Amendments included a summary of the cumulative impacts found for each resource area in this plan, and a conclusion regarding whether the Proposed Amendments could cause a cumulatively considerable contribution to an existing significant cumulative impact.

The Final EA concluded the Proposed Amendments could cause a cumulatively considerable contribution to significant cumulative impacts to air quality (short-term construction-related

health impacts), cultural resources (short-term construction-related), hazards and hazardous materials, and noise (short-term construction-related). While suggested mitigation is provided within the respective resource areas of the Final EA analyses that could address the contribution of the Proposed Amendments to each of these potentially cumulatively considerable impacts, the Board finds that because these adverse impacts are potential indirect impacts associated with the compliance responses of covered entities, the authority to determine site- or project-specific mitigation is within the purview of jurisdictions with land use approval and permitting authority, such as city or county governments. Public agencies with the requisite authority can and should implement the identified measures to the degree feasible.

Because the authority and responsibility to determine project-level impacts and require project-level mitigation lies with land use or permitting agencies for individual projects, and the programmatic level of analysis associated with the Final EA does not address project-specific details of mitigation, there is inherent uncertainty in the mitigation that may ultimately be implemented to reduce potentially significant impacts to these resources. While cumulative impacts could be reduced to a less than significant level by land use or permitting agency conditions of approval, the Board takes a conservative approach in its post-mitigation significance conclusion and finds the cumulatively considerable contribution of the Proposed Amendments to existing significant cumulative impacts to air quality (short-term construction-related health impacts), cultural resources (short-term construction-related), hazards and hazardous materials, and noise (short-term construction-related) to be potentially significant and unavoidable.

Findings on Alternatives to the Project

Besides the No-Project Alternative, the Final EA considered a reasonable range of potentially feasible alternatives that could reduce or eliminate the significant adverse environmental impacts associated with the Proposed Amendments, while accomplishing most of the basic project objectives.

The Board finds the alternatives analysis will inform the Board and the public regarding the tradeoffs between how much the alternatives could reduce environmental impacts and the corresponding degree to which the alternatives could achieve the project objectives.

Based upon a full evaluation of the alternatives, and the entire record, the Board finds that adopting and implementing the Proposed Amendments is the most desirable, feasible, and appropriate action for achieving the objectives of the project, and the Board rejects the other alternatives because they either fail to meet most project objectives, or are infeasible based on consideration of the factors identified in the Final EA and briefly described below. Please see the Final EA for a more in-depth discussion and analysis regarding project alternatives.

Alternative 1: No Project Alternative

Alternative 1 in the EA describes a reasonably foreseeable scenario if CARB did not approve the Proposed Amendments. Under Alternative 1, the Proposed Amendments would not be

implemented. Owners or operators of hexavalent chromium plating facilities subject to the existing chrome regulation would maintain their operations, business as usual, without addressing the additional emissions reductions needed to reduce health and environmental burdens of hexavalent chromium operation statewide. No additional set of actions would be required to reduce hexavalent chromium emissions from chrome plating facilities while operating near California communities. There would be no prohibition of the continued use of hexavalent chromium in chrome plating operations, so owners or operators of existing and future chrome plating facilities would not need to convert from hexavalent chromium to trivalent chromium.

The Board finds that while the No Project Alternative would result in no new environmental impacts because no compliance responses would occur, it would also fail to meet the project objectives listed in Chapter 2 of the Final EA. There would be no reductions in hexavalent chromium toxic air contaminants and related adverse health effects, meaning there would be no provided public health benefits. Alternative 1 would fail to catalyze development of new technologies to reduce emissions of hexavalent chromium. Alternative 1 also would not accelerate of the development of facilities that are more environmentally friendly while continuing to serve market demands. For these reasons, the Board rejects this alternative.

Alternative 2: No Phase Out Alternative

Alternative 2 would implement amendments like the Proposed Amendments, except owners or operators of chrome plating facilities would not be required to phase out hexavalent chromium and thus would not need to convert to an alternative to hexavalent chromium, such as trivalent chromium. As with the Proposed Amendments, hexavalent chromium plating facilities would be required to comply with additional emission control requirements, such as building enclosures, housekeeping requirements, best management practices, air pollution control techniques, and compliance monitoring parameters. In addition, to extend compliance dates, owners or operators of decorative and hard functional chromium plating facilities would have to prepare technology reviews that assess the feasibility of alternatives to the use of hexavalent chromium. Chrome plating facilities would be required to achieve an emission limit of 0.00075 mg/amp-hr with add on control within two years of the effective date of this alternative. Owners or operators of chrome plating facilities may choose to convert their facility's plating operations to an alternative to hexavalent chromium (e.g., trivalent chromium) in lieu of complying with the add-on control requirement.

The Board finds that Alternative 2 would largely achieve most of the project objectives listed in Chapter 2 of the Final EA, but not to the same magnitude. Alternative 2 would allow hexavalent chrome plating facilities to operate without a phase out date. Although Alternative 2 would not reduce hexavalent chromium emissions to the lowest achievable level, hexavalent chromium emissions would be reduced to below baseline levels by complying with stringent emissions standards through add-on controls and preparation of technology reviews to assess the feasibility of alternatives to the use of hexavalent chromium. While there would be reductions in hexavalent chromium toxic air contaminants and related adverse health effects, the reduction in the levels of air toxics would not be reduced to the lowest achievable levels and it would not be as beneficial as the baseline proposal.

Alternative 2 would fail to catalyze development of new technologies to reduce emissions of hexavalent chromium and instead increase add on control techniques. While this alternative would meet most of the basic project objectives, it would do so to a lesser degree, and would not achieve the same benefits as the Proposed Amendments. For these reasons, the Board rejects this alternative.

Alternative 3: Extended Phase Out Alternative

Alternative 3 would provide owners or operators of chrome plating facilities additional time to phase out hexavalent chromium, which would delay the conversion from hexavalent chromium to trivalent chromium or other alternatives. Under Alternative 3, chrome plating facilities (decorative and functional) would not have to phase out hexavalent chromium until January 1, 2039. Chrome plating facilities would be provided five-year extensions for delays associated with the transition to another cleaner hexavalent chromium free alternative, such as trivalent chromium plating. Chrome plating facilities would be required to achieve an emission limit of 0.00075 mg/amp-hr with add on control within two years of the effective date of this alternative. As with the Proposed Amendments, hexavalent chromium plating facilities would be required to comply with additional emission control requirements, such as building enclosures, housekeeping requirements, best management practices, add-on air pollution control devices, and compliance monitoring parameters.

The Board finds this Alternative would largely achieve most of the project objectives listed in Chapter 2 of the Final EA, but not as quickly and over a longer time horizon. While there would be reductions in hexavalent chromium and related adverse health effects, the reduction in the levels of air toxics would not be reduced to the lowest achievable levels and it would not be as protective of public health. More people would be exposed to hexavalent chromium for longer periods of time. Alternative 3 would catalyze development of new technologies to reduce emissions of hexavalent chromium, but over a longer period of time as compared to the Proposed Amendments. While this alternative would meet most of the basic project objectives, it would do so to a lesser degree, and would not achieve the same benefits as the Proposed Amendments. For these reasons, the Board rejects this alternative.

Alternative 4: Extended Phase Out and Additional Technology Reviews Alternative

Alternative 4 would delay the phase out of hexavalent chromium and provide owners or operators of chrome plating facilities additional time to convert their chrome plating operations from hexavalent chromium to trivalent chromium or another alternative. Under Alternative 4, chrome plating facilities (decorative and functional) would not have to phase out hexavalent chromium until January 1, 2039. In addition, to extend compliance dates, CARB staff would have to prepare technology reviews that assess the feasibility of alternatives to the use of hexavalent chromium. These technology reviews would be required every five years after the effective date of the Proposed Amendments. As with the Proposed Amendments, chrome plating facilities would be required to comply with additional emission control requirements, such as building enclosures, housekeeping requirements, best management practices, air pollution control techniques, and compliance monitoring parameters. Chrome plating facilities would be required to achieve an emission limit of

0.00075 mg/amp-hr with add-on control within two years of the effective date of the Proposed Amendments. Owners or operators of chrome plating facilities may choose to convert their facility's plating operations to trivalent chromium or another cleaner hexavalent chromium free alternative prior to the applicable phase out date to avoid complying with the add-on control requirement.

The Board finds that Alternative 4 would largely achieve most of the project objectives listed in Chapter 2 of the Final EA, but not as quickly and over a longer time horizon. While there would be reductions in hexavalent chromium toxic air contaminants and related adverse health effects, the levels of air toxics would not be reduced to the lowest achievable levels and it would not be as beneficial as the baseline proposal. Alternative 4 would catalyze development of new technologies to reduce emissions of hexavalent chromium, but over a longer period of time. While this alternative would meet most of the basic project objectives, it would do so to a lesser degree, and would not achieve the same benefits as the Proposed Amendments. For these reasons, the Board rejects this alternative.

III. STATEMENT OF OVERRIDING CONSIDERATIONS

CARB expects that many of the significant adverse impacts identified in the Final EA will be avoided or mitigated; however, since uncertainty exists as to the extent of mitigation that other agencies will require at the site- and project-specific level, the Board is conservatively considering certain impacts to be potentially significant and unavoidable. The Board finds that despite the potential for adverse environmental impacts associated with the Proposed Amendments, benefits of the proposed actions are determined to be overriding considerations that warrant approval of the Proposed Amendments and outweigh and override its unavoidable significant impacts. Each benefit set forth below constitutes an overriding consideration warranting approval of the project, independent of the other benefits, despite each and every unavoidable impact. These benefits include:

1. Reduce emissions of hexavalent chromium sufficiently so that the source will not result in, or contribute to, ambient levels at or in excess of the level which may cause or contribute to adverse health effects. (Health & Saf. Code §§ 39600, 39650, 39658, 39659, 39666, and 41511);
2. Prior to the phase out of hexavalent chromium in functional chrome plating, reduce health risk from the exposure to hexavalent chromium to the lowest level achievable through application of best available control technology or a more effective control method to reduce adverse health effects. (Health & Saf. Code §§ 39600, 39650, 39658, 39659, 39666, and 41511);
3. Eliminate emissions of hexavalent chromium from the chrome plating industry in California following the applicable phase out in order to prevent an endangerment of public health. (Health & Saf. Code § 39666(c));
4. Catalyze the development of technologies that substantially reduce the emissions of hexavalent chromium emitted from chrome plating facilities and accelerate the development of alternative technologies that are more environmentally friendly and

that will continue to deliver the performance, practicality, and safety demanded by the market. (Health & Saf. Code § 39650);

5. It is the public policy of the State that emissions of toxic air contaminants should be controlled to levels which prevent harm to the public health. (Health & Saf. Code § 39650).

IV. LOCATION AND CUSTODIAN OF THE RECORD

The documents and other materials that constitute the record of proceedings on which these findings are based are at 1001 I Street Sacramento, CA 95814. The custodian for these documents is the California Air Resources Board Legal Office, inquiries can be submitted to CaliforniaEnvironmentalQualityAct@arb.ca.gov.