

received
1-6-09

GATZKE DILLON & BALLANCE LLP

ATTORNEYS & COUNSELORS AT LAW

EMERALD LAKE CORPORATE CENTRE

1525 FARADAY AVENUE, SUITE 150

CARLSBAD, CALIFORNIA 92008

TELEPHONE 760.431.9501

FACSIMILE 760.431.9512

OF COUNSEL

MICHAEL SCOTT GATZKE

ANTHONY T. DITTY

December 30, 2008

Via First Class Mail

Dr. Elaine C. Chang
Deputy Executive Officer
Planning, Rule Development and Area Sources
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765-3264

*Re: Proposed Rule 2301 - Control of Emissions from New or
Redevelopment Projects*

Dear Dr. Chang:

This comment letter is submitted by the County of Orange (County), in its capacity as the owner and operator of John Wayne Airport (JWA or Airport). The Airport is located in Santa Ana, California, and is the only commercial service airport in the County and one of only two airports in the County that accommodate general aviation.

We have been monitoring the development of the South Coast Air Quality Management District's (SCAQMD) Proposed Rule (PR) 2301, Control of Emissions from New or Redevelopment Projects. PR 2301 would require projects that generate more than two tons per year of nitrogen oxides (NO_x), and are otherwise required to prepare an environmental impact report, mitigated negative declaration or negative declaration under the California Environmental Quality Act (CEQA; Pub. Resources Code, §21000 et seq.), to submit compliance plans to SCAQMD with emission reduction strategies. These strategies are intended to reduce emissions from new vehicle trips, the use of consumer products, landscape maintenance, new stationary source processes, and construction-related activities. In addition, PR 2301 would authorize SCAQMD to collect plan fees pursuant to SCAQMD Rule 306 in connection with these compliance plans.

We have reviewed the draft of PR 2301, distributed and discussed at the December 2, 2008 stakeholder's working group meeting, and seek clarification from SCAQMD as to whether staff intends for PR 2301 to apply to airport projects.

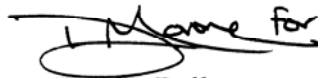
GATZKE DILLON & BALLANCE LLP

Dr. Elaine Chang
December 30, 2008
Page 2

We believe that airport projects should be provided the same exemption status as marine port projects (see PR 2301, subd. (k)(5) (December 2, 2008)), and recommend the addition of a subdivision (k)(6) -- "*Projects at airports*" -- to clarify this exemption. Both marine ports and airports provide critical transportation infrastructure that is essential to a healthy economy. In addition, similar to marine ports, airports also are heavily regulated entities, subject to a complex network of international, federal, state and local air quality-related rules and regulations. Importantly, if airport capacity is constrained, travelers would likely be forced to travel greater distances to reach other air transportation facilities or to travel by car in lieu of traveling by air, resulting in increased vehicle emissions. Clearly, the addition of another regulatory layer for airports, such as PR 2301's compliance plan, is neither necessary nor advisable.

We look forward to hearing from you regarding the intended application of PR 2301 to airport projects. Please do not hesitate to contact me if you have questions or would like to discuss our comments and concerns.

Very Truly Yours,



Lori D. Ballance
of
Gatzke Dillon & Ballance LLP

LDB:rlf

cc: Ms. Carol A. Gomez, SCAQMD Planning and Rules Manager
Alan Murphy, Airport Director, John Wayne Airport