

**ATTACHMENT D
RESOLUTION NO. 19-29**

A Resolution of the Governing Board of the South Coast Air Quality Management District (South Coast AQMD) determining that the Community Emissions Reduction Plan for the East Los Angeles, Boyle Heights, West Commerce community (ELABHWC CERP) is exempt from the requirements of the California Environmental Quality Act (CEQA).

A Resolution of the South Coast AQMD Governing Board Adopting the Community Emissions Reduction Plan for the East Los Angeles, Boyle Heights, West Commerce community.

WHEREAS, the South Coast AQMD Governing Board finds and determines that the ELABHWC CERP is considered a “project” pursuant to CEQA Guidelines Section 15002(k) – General Concepts, the three-step process for deciding which document to prepare for a project subject to CEQA; and

WHEREAS, the South Coast AQMD has had its regulatory program certified pursuant to Public Resources Code Section 21080.5 and CEQA Guidelines Section 15251(l), and has conducted a CEQA review and analysis of the proposed project pursuant to such program (South Coast AQMD Rule 110); and

WHEREAS, the South Coast AQMD Governing Board finds and determines after conducting a review of the proposed project in accordance with CEQA Guidelines Section 15002(k) – General Concepts, the three-step process for deciding which document to prepare for a project subject to CEQA, and CEQA Guidelines Section 15061 – Review for Exemption, procedures for determining if a project is exempt from CEQA, that the proposed project is determined to be exempt from CEQA; and

WHEREAS, the South Coast AQMD Governing Board finds and determines that it can be seen with certainty that there is no possibility that the proposed project may have any significant effects on the environment, and is therefore, exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) – Common Sense Exemption; and

WHEREAS, the South Coast AQMD Governing Board finds and determines that the proposed project is also categorically exempt from CEQA pursuant to CEQA Guidelines Section 15308 – Actions by Regulatory Agencies for Protection of the Environment, because the proposed project is designed to further protect or enhance the environment; and

WHEREAS, the South Coast AQMD Governing Board finds and determines that the proposed project contains action items which qualify as feasibility or planning studies which are statutorily exempt from CEQA pursuant to CEQA Guidelines Section 15262 – Feasibility and Planning Studies; and

WHEREAS, the South Coast AQMD Governing Board finds and determines that the proposed project may result in some minor physical modifications to existing structures or buildings, such as installing air filters or monitoring equipment, which are categorically exempt from CEQA pursuant to CEQA Guidelines Section 15303 – New Construction or Conversion of Small Structures; and

WHEREAS, the South Coast AQMD Governing Board finds and determines that the proposed project involves the collection or exchange of information or data obtained from inspections and air monitoring, which are categorically exempt from CEQA pursuant to CEQA Guidelines Section 15306 – Information Collection; and

WHEREAS, the South Coast AQMD Governing Board finds and determines that the proposed project also involves inspections that require performance or compliance checks which are categorically exempt from CEQA pursuant to CEQA Guidelines Section 15309 – Inspections; and

WHEREAS, the South Coast AQMD Governing Board finds and determines that the proposed project relies on enforcement activities which are categorically exempt from CEQA pursuant to CEQA Guidelines Section 15321 – Enforcement Actions by Regulatory Agencies; and

WHEREAS, the South Coast AQMD Governing Board has determined that there is no substantial evidence indicating that any of the exceptions to the categorical exemptions apply to the proposed project pursuant to CEQA Guidelines Section 15300.2 – Exceptions; and

WHEREAS, the South Coast AQMD staff has prepared a Notice of Exemption for the proposed project that is completed in compliance with CEQA Guidelines Section 15062 – Notice of Exemption; and

WHEREAS, the ELABHWC CERP, and other supporting documentation, were presented to the South Coast AQMD Governing Board and the South Coast AQMD Governing Board has reviewed and considered this information, as well as has taken and considered staff testimony and public comment prior to approving the project; and

WHEREAS, Assembly Bill (AB) 617 directs the California Air Resources Board (CARB) to select locations around the state for preparation of community emissions reduction programs; and

WHEREAS, in 2018, the South Coast AQMD Governing Board recommended communities to CARB for the AB 617 program; and

WHEREAS, in 2018, CARB selected the community of East Los Angeles, Boyle Heights, West Commerce as one of the communities for which a Community Emissions Reduction Plan shall be prepared; and

WHEREAS, the AB 617 statute specifies that the air district must adopt the Community Emissions Reduction Plan within one year of the state board's selection of the community; and

WHEREAS, the ELABHWC CERP is a planning document designed to assist future regulatory programs and rule development efforts, and to reduce emissions of and exposure to air toxics and other pollutants; and

WHEREAS, the ELABHWC CERP is required by AB 617 and it builds upon existing criteria pollutant and air toxic programs, with greater emphasis on cumulative and localized impacts, and

WHEREAS, although the results of MATES IV show regional reductions in health risk from exposure to toxic air contaminants, some communities such as East Los Angeles, Boyle Heights, West Commerce are disproportionately impacted by air toxics, and other environmental pollution, as well as social and economic burdens; and

WHEREAS, the East Los Angeles, Boyle Heights, West Commerce Community Steering Committee has worked with staff to develop the Community Emissions Reduction Plan to reflect the community's air quality priorities and strategies to address these priorities; and

WHEREAS, the Community Emissions Reduction Plan aims to reduce air toxics and other pollutants in the East Los Angeles, Boyle Heights, West Commerce community.

NOW, THEREFORE BE IT RESOLVED, that the South Coast AQMD Governing Board does hereby determine, pursuant to the authority granted by law, that the ELABHWC CERP is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) – Common Sense Exemption. Further, the ELABHWC CERP contains action items which are statutorily exempt from CEQA pursuant to CEQA Guidelines Section 15262 – Feasibility and Planning Studies. The proposed project contains action items that are also categorically exempt from CEQA pursuant to, CEQA Guidelines Section 15303 – New Construction or Conversion of Small Structures, CEQA Guidelines Section 15306 – Information Collection, CEQA Guidelines Section 15308 – Actions by Regulatory Agencies for Protection of the Environment, CEQA Guidelines Section 15309 – Inspections, and CEQA Guidelines Section 15321 – Enforcement Actions by Regulatory Agencies. No exceptions to the application of the categorical exemptions set forth in CEQA Guidelines Section 15300.2 – Exceptions, apply to the proposed project. This information was presented to the South Coast AQMD Governing Board, whose members reviewed, considered and approved the information therein prior to acting on the proposed project; and

BE IT FURTHER RESOLVED, that the South Coast AQMD Governing finds that the ELABHWC CERP meets the requirements of AB 617 and will advance the mission of cleaning the air at a community scale in the East Los Angeles, Boyle Heights, West Commerce community and will provide emission reduction co-benefits toward achieving state and national air quality standards; and

BE IT FURTHER RESOLVED, that the South Coast AQMD Governing Board does hereby approve the ELABHWC CERP; and

BE IT FURTHER RESOLVED, that the South Coast AQMD Governing Board directs staff to periodically report to the Stationary Source Committee on the implementation of the ELABHWC CERP, including updates on the actions within the plan and the emissions reductions achieved; and

BE IT FURTHER RESOLVED, that the South Coast AQMD Governing Board authorizes staff to make any necessary, non-substantive edits which do not have any material impact on the environment to the ELABHWC CERP prior to submission to CARB for approval; and

BE IT RESOLVED, that the South Coast AQMD Governing Board adopts the ELABHWC CERP, dated September 2019.

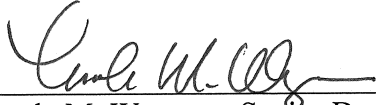
AYES: Bartlett, Benoit, Burke, Buscaino, Cacciotti, Delgado, Hahn, McCallon, Mitchell and Rutherford

NOES: None

ABSTAIN: Robinson

ABSENT: Perez*

DATE: 9/6/2019



Carole M. Wayman, Senior Deputy Clerk

*The member appointed by the Governor is currently Vacant.