

California Environmental Quality Act (CEQA) Analysis

The California Environmental Quality Act (CEQA) requires agencies to consider the environmental impacts of a proposed project. CEQA describes and imposes specific legal requirements that agencies must follow when evaluating and making decisions about whether a project will cause a significant environmental impact. The information below describes what South Coast AQMD staff has done and determined with respect to this project – the Community Emissions Reduction Plan (CERP). The information below does contain some legal terms because that is the language contained in the law and use of that language is part of how an agency demonstrates compliance with that law. As noted below, South Coast AQMD staff has looked at all aspects of the CERP and has determined that the CERP is exempt from the requirements of CEQA. The paragraphs below identify the exemptions that apply to the CERP. If the South Coast AQMD Board agrees with staff and determines that the CERP is exempt from CEQA, and approves the CERP, a Notice of Exemption will be filed with the county clerks of Los Angeles, Orange, Riverside, and San Bernardino counties.

Pursuant to CEQA and South Coast AQMD Rule 110, the South Coast AQMD, as lead agency for the proposed project, has reviewed the proposed project pursuant to: 1) CEQA Guidelines Section 15002(k) – General Concepts, the three-step process for deciding which document to prepare for a project subject to CEQA; and 2) CEQA Guidelines Section 15061 – Review for Exemption, procedures for determining if a project is exempt from CEQA. South Coast AQMD staff has determined that it can be seen with certainty that there is no possibility that the proposed project may have a significant adverse effect on the environment. Therefore, the project is considered to be exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) – Common Sense Exemption. Further, the overall purpose of this project is to improve the environment and health of residents of this selected community and all of the action items within the CERP to support this goal. Thus, the proposed project is also categorically exempt from CEQA pursuant to CEQA Guidelines Section 15308 – Actions by Regulatory Agencies for Protection of the Environment.

The CERP contains elements that qualify as feasibility and planning studies, because information needs to be collected to make an informed decision about further action (e.g., rule development). However, the portions of the CERP that qualify as feasibility and planning studies do not prescribe or commit to specific rule requirements, nor have future actions been approved or adopted in advance, because they require an open public process. The regulated community, stakeholders, interested parties, and the public are invited to participate in the rule development process in a public forum. Thus, the portion of the CERP that contains action items which qualify as feasibility or planning studies is statutorily exempt from CEQA pursuant to CEQA Guidelines Section 15262 – Feasibility and Planning Studies.

Additionally, some of the action items in the CERP would require minor physical modifications to existing structures or buildings, such as installing air filters or monitoring equipment, and these action items are categorically exempt from CEQA pursuant to CEQA Guidelines Section 15303 –

New Construction of Conversion of Small Structures. A portion of the action items within the CERP involves the collection or exchange of information or data obtained from inspections and monitoring, which are categorically exempt from CEQA pursuant to CEQA Guidelines Section 15306 – Information Collection. Another component of the action items in the CERP also involves inspections that require performance or compliance checks which are categorically exempt from CEQA pursuant to CEQA Guidelines Section 15309 – Inspections. Finally, a portion of the action items within the CERP relies on enforcement activities which are categorically exempt from CEQA pursuant to CEQA Guidelines Section 15321 – Enforcement Actions by Regulatory Agencies. South Coast AQMD staff 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. Therefore, the proposed project is exempt from CEQA. A Notice of Exemption will be prepared pursuant to CEQA Guidelines Section 15062 – Notice of Exemption. If the project is approved, the Notice of Exemption will be filed with the county clerks of Los Angeles, Orange, Riverside and San Bernardino counties.

DRAFT