

**ATTACHMENT C  
RESOLUTION NO. 19-28**

**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 San Bernardino, Muscoy community (SBM 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 San Bernardino, Muscoy community.**

**WHEREAS**, the South Coast AQMD Governing Board finds and determines that the SBM 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 SBM 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 San Bernardino, Muscoy 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 SBM 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 SBM 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 San Bernardino, Muscoy are disproportionately impacted by air toxics, and other environmental pollution, as well as social and economic burdens; and

**WHEREAS**, the San Bernardino, Muscoy 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 San Bernardino, Muscoy 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 SBM CERP is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) – Common Sense Exemption. Further, the SBM 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 Board finds that the SBM CERP meets the requirements of AB 617 and will advance the mission of cleaning the air at a community scale in the San Bernardino, Muscoy 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 SBM 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 SBM 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 SBM CERP prior to submission to CARB for approval; and

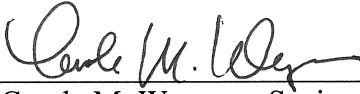
**BE IT RESOLVED**, that the South Coast AQMD Governing Board adopts the SBM CERP, dated September 2019.

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

NOES: None

ABSENT: Perez\*

DATE: 9/6/2019

  
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Carole M. Wayman, Senior Deputy Clerk

\*The member appointed by the Governor is currently Vacant.