
APPENDIX 6:

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) ANALYSIS

The California Environmental Quality Act (CEQA) is a state law that 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 South Coast AQMD staff's analysis and CEQA determination with respect to this project – the Community Emissions Reduction Plan (CERP) for Southeast Los Angeles. The information below contains 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 CEQA. 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 CEQA exemptions that apply to the CERP. If the South Coast AQMD Governing Board agrees with staff and determines that the CERP is exempt from CEQA, and adopts the CERP, a Notice of Exemption will be electronically filed with the State Clearinghouse of the Governor's Office of Planning and Research to be posted on their CEQAnet Web Portal which, upon posting, may be accessed via the following weblink: <https://ceqanet.opr.ca.gov/search/recent>. In addition, the Notice of Exemption will be electronically posted on the South Coast AQMD's webpage which can be accessed via the following weblink: <http://www.aqmd.gov/nav/about/public-notice/ceqa-notice/notices-of-exemption/noe---year-2020>. The electronic filing and posting of the Notice of Exemption is being implemented in accordance with Governor Newsom's Executive Orders N-54-20 and N-80-20 issued on April 22, 2020 and September 23, 2020, respectively, for the State of Emergency in California as a result of the threat of COVID-19.

Pursuant to CEQA, the South Coast AQMD, as lead agency, 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. Because the physical changes that may occur as a result of implementing portions of the proposed project would only require minimal construction activities and cause negligible physical impacts, it can be seen with certainty that there is no possibility that any physical actions that may be associated with the proposed project may have a significant adverse effect on the environment. Therefore, the project is 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 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 following action items within the CERP involve feasibility and planning studies, because the collection of information is needed in order to make an informed decision about whether to take further actions such as rule development for certain emission sources. However, these action items neither prescribe or commit to specific rule requirements, nor require advance approval or adoption of future actions because they require an open public process. Specifically, after the portion that qualifies as a feasibility or planning study is completed, and if it results in a decision to go forward with future rule development, the regulated community, stakeholders, interested parties, and the public will be invited to participate in the rule development process in a public forum. For these reasons, the following action items for the CERP are statutorily exempt from CEQA pursuant to CEQA Guidelines Section 15262 – Feasibility and Planning Studies:

- Continuing the ongoing development of Facility-Based Mobile Source Measures (e.g., Indirect Source Rule) for warehouse and railyards;
- Identify and evaluate the need for additional requirements to address odors related to rendering facilities (e.g., conduct additional air monitoring for VOCs and odorous compounds) and establish a rule development schedule, if needed;
- Initiate rule development process to address housekeeping and best management practices at metal recycling plants to reduce fugitive emissions; and
- Support CARB's relevant rulemaking activities, including those for Transport Refrigeration Unit (TRU), Advance Clean Fleets, In-Use Locomotive, and amendments for cleaner cargo handling equipment and facility infrastructure at ports and railyards.

The following action items within the CERP involve minor physical modifications to existing structures or buildings which are categorically exempt from CEQA pursuant to CEQA Guidelines Section 15301 – Existing Facilities:

- Partner with CSC, CARB, land-use agencies, school districts, and law enforcement agencies to install and enforce “No Idling” signs; and
- Work with local school districts, and CSC members to identify and prioritize schools exposed to truck emissions that may benefit from installation of air filtration systems.

The following action item within the CERP involves minor construction of small structures which is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15303 – New Construction or Conversion of Small Structures:

- Work with partners and provide support to increase the availability of publicly accessible electric vehicle charging stations in the community.

The following action items within the CERP involve information collection activities which are categorically exempt from CEQA pursuant to CEQA Guidelines Section 15306 – Information Collection:

- Support CARB's efforts of establishing Community Pollution Enforcement Workgroup for trucks and other vehicles and conducting quarterly workgroup meetings to collaborate, outreach for reducing non-critical idling, and creating catalytic converter theft deterrence program;
- Identify freeway projects within the community that are circulated to South Coast AQMD for review under the CEQA;
- Conduct air monitoring in the community to support implementation of truck emission reduction strategies and help track concentration trends of key indicator pollutants of truck emissions;
- Work with local school districts, and CSC members to identify and prioritize schools exposed to truck emissions that may benefit from installation of air filtration systems;
- Collaborate with land-use, state and local agencies, and nonprofit organizations to develop a list a low-VOC and drought tolerant trees;
- Evaluate opportunities to use future settlement funds to support community green space projects;
- Work with relevant agencies to identify and prioritize locations for installing vegetative buffers near freeways;

- Develop metal processing facility list, applicable rules list, compliance history, air monitoring data, or other sources of information;
- Conduct CSC activity to prioritize sources of metal emissions. Develop strategies list, if appropriate;
- Conduct air monitoring to identify potential sources of emissions;
- Conduct air monitoring around railyards and in the community to assess how railyard related emissions may contribute to the overall air pollution burden in this community;
- Identify potential strategies to reduce emissions from railyards and the Alameda Corridor; and
- Prioritize emissions sources for further investigation under the general industrial facilities category; identify potential air monitoring (conduct air monitoring, where feasible), emissions and exposure reduction measures, if necessary.

The following action items within the CERP involve inspection activities that check for performance or compliance, and/or involve enforcement activities. They are categorically exempt from CEQA pursuant to CEQA Guidelines Section 15309 – Inspections, or CEQA Guidelines Section 15321 – Enforcement Actions by Regulatory Agencies:

- Conducting idling enforcement sweeps with CARB;
- Continue complaint response and Rule 415 compliance inspections; and
- Make referrals to the appropriate agencies when issues are found during inspections that fall outside of South Coast AQMD’s jurisdiction (e.g., Water Board, DTSC, Cal-OSHA).

Further, 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.