

RESOLUTION NO. 21-17

A Resolution of the Governing Board of the South Coast Air Quality Management District (South Coast AQMD) determining that the Amendments to the Community Emissions Reduction Plan (CERP) for the Eastern Coachella Valley (ECV) community per Assembly Bill 617 (AB 617 ECV CERP Amendments) are exempt from the requirements of the California Environmental Quality Act (CEQA).

A Resolution of the South Coast AQMD Governing Board Amending the AB 617 ECV CERP.

WHEREAS, the South Coast AQMD Governing Board finds and determines that the AB 617 ECV CERP Amendments are considered a “project” as defined by CEQA; 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 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 15301 – Existing Facilities; 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 AB 617 ECV CERP Amendments and other supporting documentation, including but not limited to the Notice of Exemption, 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, 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 2019, the South Coast AQMD Governing Board recommended communities to CARB for the AB 617 program; and

WHEREAS, in 2019, CARB selected the community of ECV as one of the communities for which a CERP shall be prepared; and

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

WHEREAS, in 2020, the South Coast AQMD Governing Board has adopted the ECV CERP and directed staff to provide additional details on the ECV CERP monitoring objectives, collaborations with other entities, incentive strategies and other emission reduction strategies developed by the Community Steering Committee (CSC) no later than June 30, 2021, including holding two CSC meetings between January 2021 and February 2021 to receive additional feedback on these topics, and two additional CSC meetings between March 2021 and April 2021 to review draft amendments to the AB 617 ECV CERP; and

WHEREAS, staff has held over 30 additional meetings between January 2021 and May 2021 and added details which are contained in the AB 617 ECV CERP Amendments; and

WHEREAS, the AB 617 ECV CERP and the AB 617 ECV CERP Amendments are planning documents 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 AB 617 ECV 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 the Multiple Air Toxics Exposure Study IV (MATES IV) show regional reductions in health risk from exposure to toxic air contaminants, some communities such as ECV are disproportionately impacted by environmental pollution, as well as social and economic burdens; and

WHEREAS, the ECV CSC has worked with staff to develop the AB 617 ECV CERP and AB 617 CERP Amendments to reflect the community's air quality priorities and strategies to address these priorities; and

WHEREAS, the AB 617 ECV CERP and AB 617 CERP Amendments aim to reduce local sources of air pollutants and other pollutants in the ECV 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 AB 617 ECV CERP Amendments are exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) – Common Sense Exemption. Further, the AB 617 ECV CERP Amendments contain 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 15301 – Existing Facilities, 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 exercised their independent judgment and reviewed, considered and approved the information therein prior to acting on the proposed AB 617 ECV CERP Amendments; and

BE IT FURTHER RESOLVED, that the South Coast AQMD Governing Board finds that the ECV CERP and CERP Amendments meet the requirements of AB 617 and will advance the mission of cleaning the air at a community scale in the ECV community and will provide emission reduction benefits toward achieving state and national air quality standards; and

BE IT FURTHER RESOLVED, that the South Coast AQMD Governing Board does hereby adopt the AB 617 ECV CERP Amendments; and

BE IT FURTHER RESOLVED, that the South Coast AQMD Governing Board hereby directs the Executive Officer to forward a copy of this Resolution, the AB 617 ECV CERP, and AB 617 CERP Amendments to the California Air Resources Board for approval; 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 AB 617 ECV CERP and AB 617 CERP Amendments, including updates on the actions within the plan and the emissions reductions achieved.

AYES: Benoit, Buscaino, Cacciotti, Kracov, Kuehl, McCallon, Padilla-Campos, Perez, Richardson, Rodriguez and Rutherford

NOES: None

ABSENT: Bartlett and Delgado

DATE: June 4, 2021


Clerk of the Boards

