

## Appendix 6: California Environmental Quality Act (CEQA) Analysis

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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 Eastern Coachella Valley (ECV). 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 reviewed all aspects of the CERP and has concluded 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:

- Explore the development of an odor event notification system;
- Collaborate with and support state and local agencies in implementing dust suppression projects, addressing cross-jurisdictional air pollution emissions from the Salton Sea and identifying opportunities to mitigate pesticide run-off into the Sea;
- Provide an update on the Shafter Pilot Notification System project, evaluate the feasibility of a pilot notification system, provide information on pesticides applied, reporting pesticide drift, and ways to reduce exposure; and
- Assessing the feasibility of new requirements for open burning, enhanced and focused enforcement efforts;

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 15303 – New Construction or Conversion of Small Structures:

- Identify funding for air filtration system installation and maintenance and home weatherization project implementation; assess the benefits and feasibility of filtered “clean rooms; and
- Pursue funding opportunities to discourage illegal dumping such as non-agricultural waste disposal, fencing or berm construction or camera/drone technology.

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:

- Expand South Coast AQMD’s monitoring networks and seek new opportunities to create an air quality sensor network in the ECV community;
- Work with other agencies to collect emissivity and dust emissions data to improve South Coast AQMD’s emissions inventory;
- Collaborate with the various entities to support the ongoing study on Salton Sea playa dust;
- Identify key pesticides of concern to develop an air monitoring strategy and gather pesticide use data, evaluate community impacts, and identify opportunities to reduce pesticide emissions and exposure;
- Identify opportunities to expand the PM10 monitoring network and seek new opportunities to create an air quality sensor network;
- Pursue a collaborative partnership with Comité Civico del Valle (CCV) to obtain complaint data to address road dust- related air quality concerns within the ECV community and to identify potential high priority areas for surface stabilizing projects;
- Work with the CSC to establish an air quality sensor network and conduct follow-up investigations, as needed;
- Pursue emission reductions from open burning by developing a list of available technologies, best practices and alternatives;
- Pursue opportunities to develop an online permitted burning notification system;
- Establish a complaint-report tracking system regarding illegal dumping

- Work with the CSC to identify air quality concerns, quantify emissions and provide information on trucks; prioritize actions around diesel mobile source pollution such as an air quality sensor network; and
- Work with the CSC and federal government entities to reduce emissions from the Greenleaf Desert View Power Plant facility by identifying air quality concerns, compiling air quality data, identifying locations for air quality sensor deployment, and developing strategies.

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 and CEQA Guidelines Section 15321 – Enforcement Actions by Regulatory Agencies:

- Continue existing and pursue additional collaborations with local tribes and county agency to identify opportunities to reduce open burning through outreach, enforcement or regulations;
- Support green waste complaint reporting and follow-up investigations;
- Conduct focused enforcement and improve the reporting system to reduce illegal dumping; and
- Collaborating with CARB for focused enforcement around diesel mobile sources;

The following action items, which are speculative at this time as they require collaboration with other entities, might have some secondary air quality impacts: 1) paving unpaved roads and mobile home parks, stabilizing loose road surfaces with grading and gravel on unpaved roads; 2) replacing agricultural and/or emergency open burning with alternative equipment or services such as chippers and grinders and digesters, and 3) funding waste collection services to discourage illegal dumping. However, activities associated with those action items are subject to existing South Coast AQMD rule requirements. For instance, South Coast AQMD Rules 403, 1120, and 1186 cover paving related activities, Rule 1133.1 covers chipping and grinding activities, Rule 1133.2 and 1133.3 cover digesters, and Rule 1196 requires acquiring alternative fuel refuse collection heavy-duty vehicles. These existing rules not only require reducing any potential air quality impact to the minimum, but also have gone through CEQA review during the rulemaking process. If a discretionary action triggering CEQA review is needed to implement those action items, a CEQA review will be conducted at that time.

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.