

NOTICE OF EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

To: County Clerks
Counties of Los Angeles, Orange,
Riverside, and San Bernardino

From: South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765

Project Title: Community Emissions Reduction Plan for the San Bernardino and Muscoy Community per Assembly Bill 617

Project Location: The project is located at the following community within the South Coast Air Quality Management District (South Coast AQMD) jurisdiction: the City of San Bernardino and the adjacent unincorporated community of Muscoy within San Bernardino County referred to herein as San Bernardino and Muscoy (SBM) in San Bernardino County.

Description of Nature, Purpose, and Beneficiaries of Project: In accordance with Assembly Bill (AB) 617, which was signed into state law in 2017, and the California Air Resources Board's (CARB) Community Air Protection Program which implements AB 617, the South Coast AQMD is required to take specific actions to reduce air pollution and toxic air contaminants from commercial and industrial sources to address the disproportionate impacts of air pollution in environmental justice communities. Implementation of the specific actions is expected to occur over several years, and AB 617 specifies that the highest priority areas shall be disadvantaged communities with a high cumulative exposure burden for criteria pollutants and toxic air contaminants. After conducting extensive public outreach and data analysis, South Coast AQMD staff identified SBM as one of three communities qualifying as a high priority area for implementation where the first efforts to implement community monitoring and emission reduction plans pursuant to AB 617 will occur. The purpose of this project is to implement a Community Emissions Reduction Plan (CERP) for the SBM community per AB 617. The beneficiary of the project is the identified community and the nearby areas, but the entire region within South Coast AQMD's jurisdiction will also benefit. The CERP contains the following action items which have been tailored for the SBM community's identified air quality concerns and schools/hospitals/parks and community centers. The CERP for the SBM community is comprised of the following action items to address:

Truck Idling and Warehouse Truck Traffic: 1) conduct truck idling enforcement sweeps with CARB; 2) partner with the City of San Bernardino and the County of San Bernardino on land use planning issues and restrictive truck routes; 3) collaborate with the appropriate agency on restrictive truck routes and improvements to complaint and response systems; 4) expand truck traffic outreach efforts (e.g., fairs, workshops) to distribute incentive information to equipment owners; and 5) partner with CARB to identify older trucks in the community as targets for incentives.

Burlington Northern Sante Fe (BNSF) Railyard: 1) continue the ongoing development of Facility-Based Mobile Source Measures (e.g., Indirect Source Rule) for rail; 2) support CARB's petition to the United States Environmental Protection Agency for new national locomotive emission standards; and 3) incentivize the replacement of older diesel equipment (e.g., locomotives).

Warehousing: 1) collaborate with the City of San Bernardino and the County of San Bernardino on enhancing requirements to address warehouse development such as requiring loading docks to be sited away from residents, establishing buffer zones for new development, and facilitating electric utility infrastructure with appropriate parties; and 2) continue the ongoing development of Facility-Based Mobile Source Measures (e.g., Indirect Source Rule) for warehouses.

Omnitrans Bus Yard: 1) support Omnitrans on accelerating the schedule for utilizing zero emission buses and chargers; and 2) conduct mobile monitoring near Omnitrans to identify potential sources of emissions.

Concrete Batch Plants: 1) monitor particulate matter (PM10) to identify hot spots, if any, for follow-up enforcement; and 2) expand outreach efforts to operators and the community relative to best practices pursuant to South Coast AQMD Rule 403 – Fugitive Dust.

Schools/Hospitals/Parks/Community Centers: 1) partner with the San Bernardino County Department of Public Health on outreach materials for air quality advisories and/or asthma related programs; 2) distribute air filtration systems to schools and homes; 3) identify new or existing sources or programs that can provide funding for tree planting; and 4) identify new or existing sources or programs that can provide funding for alternative fueled school buses.

Public Agency Approving Project:

South Coast Air Quality Management District

Agency Carrying Out Project:

South Coast Air Quality Management District

Exempt Status:

CEQA Guidelines Section 15061(b)(3) – Common Sense Exemption

CEQA Guidelines Section 15262 – Feasibility and Planning Studies

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

CEQA Guidelines Section 15321 – Enforcement Actions by Regulatory Agencies

Reasons why project is exempt: In accordance with the California Environmental Quality Act (CEQA), South Coast AQMD staff 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, South Coast AQMD staff has determined that 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 considered to be exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) – Common Sense Exemption. Further, because the overall purpose of this project is to improve the environment of the SBM community and nearby areas and all of the action items within the SBM CERP support this goal, the action items are also categorically exempt from CEQA pursuant to CEQA Guidelines Section 15308 – Actions by Regulatory Agencies for Protection of the Environment.

The SBM CERP contains elements that qualify as feasibility and planning studies, because the collection of information is needed in order to make an informed decision about whether to take further action (e.g., future rule development). However, the portion of the SBM CERP that qualifies as feasibility and planning studies does not prescribe or commit to specific details about the future actions that may occur, nor have the future actions been approved or adopted in advance, because they require an open public process. Specifically, after the portions that qualify as feasibility or planning studies are completed, and if they result 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 SBM 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 rail; and
- Continuing the ongoing development of Facility-Based Mobile Source Measures (e.g., Indirect Source Rule) for warehouses.

The following action items within the SBM 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:

- Installing air filtration systems with priority given to public schools along major truck routes; and
- Monitoring PM10 to identify hot spots, if any, for follow-up enforcement if needed at concrete plants.

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

- Partnering with CARB to identify older trucks in community as targets for incentives;
- Monitoring PM10 to identify hot spots for follow-up enforcement if needed at concrete plants; and
- Partnering with the San Bernardino County Department of Public Health to collect and distribute outreach materials for air quality advisories and/or asthma related programs;
- Identifying new or existing sources or programs that can provide funding for tree planting;
- Identifying new or existing sources or programs that can provide funding for alternative fueled school buses; and
- Conducting monitoring near Omnitrans to identify potential sources of emissions.

The following action item within the SBM CERP involves inspection activities that check for performance or compliance are categorically exempt from CEQA pursuant to CEQA Guidelines Section 15309 – Inspections:

- Conducting truck idling enforcement sweeps with CARB;
- Monitoring PM10 to identify hot spots for follow-up enforcement if needed at concrete plants; and
- Conducting monitoring near Omnitrans to identify potential sources of emissions.

The following action item within the SBM CERP involves enforcement activities which are categorically exempt from CEQA pursuant to CEQA Guidelines Section 15321 – Enforcement Actions by Regulatory Agencies:

- Conducting truck idling enforcement sweeps with CARB; and
- Monitoring PM10 to identify hot spots for follow-up enforcement if needed at concrete plants

Further, 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.

Date of Project Approval:

South Coast AQMD Governing Board Hearing: September 6, 2019; South Coast AQMD Headquarters

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