ATTACHMENT D

[PROPOSED]

FINDINGS and STATEMENT OF OVERRIDING CONSIDERATIONS

Introduction

The California Air Resources Board (CARB), as the lead agency for the Proposed 2022 State Strategy for the State Implementation Plan (Proposed 2022 State SIP Strategy), prepared a Draft Environmental Analysis (EA) in accordance with its certified regulatory program (Cal. Code Regs., tit. 17, §§ 60000 – 60008) to comply with the requirements of the California Environmental Quality Act (CEQA) (Pub. Resources Code, §21000, *et seq.*). The Draft EA, entitled *Draft Environmental Analysis for the proposed 2022 State Strategy for the State Implementation Plan*, and included as Appendix B to the Draft 2022 State Strategy for the State Implementation Plan, provided an analysis of the potential environmental impacts associated with the Proposed 2022 State SIP Strategy. Following circulation of the Draft EA for a public review and comment period from March 29, 2022, through May 13, 2022, CARB prepared the *Final Environmental Analysis for the Proposed 2022 State Strategy for the State Implementation Plan* (Final EA) which includes minor revisions to the Draft EA. While minor modifications have been made to the Final EA to ensure it reflects the proposed project as accurately as possible, these changes merely clarify, amplify, or make insignificant modifications to the otherwise-adequate Draft EA. Therefore, there is no significant new information that would require the Final EA to be recirculated. The Final EA was posted on CARB's webpage on September 16, 2022.

This statement of findings and overriding considerations was prepared to comply with CEQA's requirement to address the environmental impacts identified in the Final EA. (Pub. Resources Code, §§ 21081, 21081.6, Cal. Code Regs, tit. 14, §§ 15091, 15093.) The Final EA is based on the expected compliance responses of covered entities in response to the Proposed 2022 State SIP Strategy. Although the policy aspects and requirements of the Proposed 2022 State SIP Strategy would not directly change the physical environment, there are potential indirect physical changes to the environment that could result from reasonably foreseeable actions undertaken by covered entities in response to the Proposed 2022 State SIP Strategy. These indirect impacts are the focus of the programmatic-level impacts analysis in the Final EA. The Final EA makes a good faith effort to address the types of impacts associated with the types of foreseeable actions that can be reasonably predicted at this time. Because the specific location, design, and setting of potential actions cannot feasibly be known at this time, the Final EA's programmatic level of analysis broadly applies statewide rather than at any particular site or project-specific location.

The impact discussion includes, where relevant, construction-related effects, operational effects of new or modified facilities, and influences of the recommended actions on GHG and air pollutant emissions. Because the specific location, extent, and design of potential new and/or modified facilities cannot be known at this time, the impact discussions reflect a conservative assessment to describe the type and magnitude of effects that may occur. These impact discussions are followed by the types of mitigation measures that could

typically be required to reduce potentially significant environmental impacts. The Final EA takes a conservative approach (i.e., tending to overstate environmental impacts) in finding some impacts to be potentially significant after mitigation because the authority to determine project-level impacts and require project-level mitigation lies with the lead agency with authority over those particular projects. Additionally, because the programmatic level of analysis cannot address project-specific details of mitigation, there is inherent uncertainty in the degree of mitigation that may ultimately be implemented to reduce potentially significant impacts. It is expected that many of the impacts identified as potentially significant in this Final EA could feasibly be avoided or mitigated to a less-than-significant level during the project-specific environmental review process.

Collectively, across all categories, the Final EA concluded that the reasonably foreseeable compliance responses associated with implementation of the proposed actions in the Proposed 2022 State SIP Strategy could result in the following short-term and long-term impacts: beneficial impacts to air quality (long-term operational-related) and greenhouse gases; less-than-significant impacts to energy demand, mineral resources, population and housing, public services, recreational services and wildfire; and potentially significant and unavoidable adverse impacts to aesthetics, agriculture and forest resources, air quality (short-term construction-related), biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use, noise, transportation/traffic, tribal cultural resources, and utilities and service systems.

CARB's certified regulatory program requires that before adoption of an action for which significant adverse environmental impacts have been identified during the review process, CARB consider feasible mitigation measures and alternatives that could substantially reduce the impacts. (Cal. Code Regs, tit. 17, § 60004.2.) CEQA places the burden on the approving agency to affirmatively show that it has considered feasible mitigation and alternatives that can lessen or avoid identified impacts through a statement of findings for each identified significant impact. (Pub. Resources Code, § 21081.) CEQA Guidelines section 15091 provides direction on the content of the statement of findings. That section states that one or more of the following findings should be identified for each impact:

- Changes or alterations have been required in, or incorporated into, such projects which avoid or substantially lessen the significant environmental effect as identified in the final environmental impact report.

- Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency, or can and should be adopted by such other agency.

- Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

The potential adverse impacts identified in this programmatic level EA are potential indirect impacts associated with the compliance responses of covered entities in response to the Proposed 2022 State SIP Strategy based on currently available information. The ability to determine site- or project-specific impacts of projects carried out by third parties and the authority to require feasible mitigation lies with those agencies with authority to approve such actions, e.g. local permitting authorities in city or county governments and local air districts. CARB does not have the ability to determine with any specificity the project level impacts, nor the authority to require project-level mitigation in approving the Proposed 2022 State SIP Strategy, as discussed in the findings below.

An agency may approve a project with unavoidable (unmitigated) adverse environmental impacts. When doing so, CEQA requires the agency to make a statement in the record of its views on the ultimate balancing of the merits of approving the project despite the environmental impacts in a "statement of overriding considerations". (Pub. Resources Code, § 21081(b); Cal. Code Regs, tit. 14, § 15093.) The following presents the CARB Board's (Board) statement of findings for each significant adverse impact identified in the Final EA, accompanied by a brief explanation, and its statement of overriding considerations.

STATEMENT OF FINDINGS

The Board has independently reviewed and considered the entire record, including the information contained in the Final EA, public testimony, written comments received, and the written responses to environmental comments, all of which are hereby incorporated by reference. The Board makes the following written findings for each significant adverse impact identified, accompanied by a brief explanation of the rationale for each finding. These findings are supported by substantial evidence in the record.

Aesthetics

Finding and Explanation

Implementation of the proposed actions in the Proposed 2022 State SIP Strategy would result in increased infrastructure for hydrogen refueling and electric recharging stations; increased demand for battery manufacturing and associated increases in mining and exports; increased recycling or refurbishment of batteries; reduced extraction, refinement, and distribution of oil and gas products; increased solid waste to be diverted to landfills from the scrapping of old equipment; the construction and operation of new manufacturing facilities to support zero-emission technologies; and the construction and operation of new power plants, solar fields, wind turbines, and other electricity generation facilities to accommodate increased electrical demand associated with the deployment of zero-emission technologies. Increased use of zero- and near-zero emission vehicles and technology could produce additional demand for batteries, such as lithium-ion batteries, resulting in increased demand for lithium and other rare earth metals. Worldwide, the majority (80 to 90 percent) of raw lithium is currently mined and exported from Australia, Chile, Argentina, and Bolivia. The reasonably foreseeable compliance responses could also result in accelerated turnover of lithium-ion and nickel-metal hydride (NiMH) batteries, locomotive, water vessel, drayage trucks, and cargo handling equipment, which could place additional demand such that existing recycling facilities would need to be expanded or

modified. Therefore, short-term construction-related impacts and long-term operational impacts on aesthetics and nighttime lighting associated with implementation of the Proposed 2022 State SIP Strategy could be potentially significant.

The EA includes Mitigation Measure 1-1, which identifies existing statutes and regulations and construction and operating permit requirements, as well as other recognized practices designed to reduce these potentially significant impacts. The Board finds that the authority to determine site- or project-specific mitigation is within the purview of jurisdictions with land use approval and permitting authority, such as city or county governments. Therefore, the Board finds that the authority to implement Mitigation Measure 1-1 is within the responsibility and jurisdiction of other public agencies, and that the requirements and practices in Mitigation Measure 1-1 should be adopted by those agencies. Public agencies with authority can and should implement the identified measures to the degree feasible. Because the authority and responsibility to determine project-level impacts and require project-level mitigation lies with land use and/or permitting agencies for individual projects, and the programmatic level of analysis associated with the EA does not attempt to address project-specific details of mitigation, there is inherent uncertainty in the degree of mitigation that may ultimately be implemented to reduce potentially significant impacts to this resource.

Moreover, activities within CARB's direct control – such as the design and implementation of future regulations and incentive programs – will be designed in accordance with the environmental principles set out in the Proposed 2022 State SIP Strategy and EA, along with controlling law, including AB 32, CEQA, and the APA. These commitments are intended to minimize, and where possible avoid impacts. However, the precise design of these programs is necessarily left for the future.

Consequently, at this stage without full details on the design of potential programs and associated required mitigation, while impacts could be reduced to a less-than-significant level by land use and/or permitting agency conditions of approval, the Board takes a conservative approach in its post-mitigation significance conclusion and finds the impacts to this resource associated with the proposed actions in the Proposed 2022 State SIP Strategy would be potentially significant and unavoidable. This impact is overridden by the project's benefits as set forth in the statement of overriding considerations.

Agriculture and Forest Resources

Finding and Explanation

Implementation of the proposed actions in the Proposed 2022 State SIP Strategy would result in increased infrastructure for hydrogen refueling and electric recharging stations; increased demand for battery manufacturing and associated increases in mining and exports; increased recycling or refurbishment of batteries; reduced extraction, refinement, and distribution of oil and gas products; increased solid waste to be diverted to landfills from the scrapping of old equipment; the construction and operation of new manufacturing facilities to support zero-emission technologies; and the construction and operation of new power plants, solar fields, wind turbines, and other electricity generation facilities to accommodate increased electrical demand associated with the deployment of zero-emission technologies. Increased demand for lithium-ion and NiMH batteries could place

additional demand on lithium, graphite, cobalt, nickel, copper, manganese, chromium, zinc, and aluminum ore extraction internationally. Similar to lithium-ion batteries, an increase in demand for fuel cells could result in platinum mining and exports from source countries or other states. Increased use of alternative fuels, fuel cells, and lithium-ion and NiMH batteries, could require infrastructure that may be in areas with agriculture or forestry resources. Therefore, impacts associated with implementation of the Proposed 2022 State SIP Strategy on agricultural and forest resources could be potentially significant.

The EA includes Mitigation Measure 2-1, which identifies existing statutes and regulations and construction and operating permit requirements as well as other recognized practices designed to reduce these potentially significant impacts. The Board finds that the authority to determine site- or project-specific mitigation is within the purview of jurisdictions with land use approval and permitting authority, such as city or county governments. Therefore, the Board finds that the authority to implement Mitigation Measure 2-1 is within the responsibility and jurisdiction of other public agencies, and that the requirements and practices in Mitigation Measure 2-1 should be adopted by those agencies. Public agencies with authority can and should implement the identified measures to the degree feasible. Because the authority and responsibility to determine project-level impacts and require project-level mitigation lies with land use and/or permitting agencies for individual projects, and the programmatic level of analysis associated with the EA does not attempt to address project-specific details of mitigation, there is inherent uncertainty in the degree of mitigation that may ultimately be implemented to reduce potentially significant impacts to this resource.

Moreover, activities within CARB's direct control – such as the design and implementation of future regulations and incentive programs – will be designed in accordance with the environmental principles set out in the Proposed 2022 State SIP Strategy and EA, along with controlling law, including AB 32, CEQA, and the APA. These commitments are intended to minimize, and where possible avoid impacts. However, the precise design of these programs is necessarily left for the future.

Consequently, at this stage without full details on the design of potential programs and associated required mitigation, while impacts could be reduced to a less-than-significant level by land use and/or permitting agency conditions of approval, the Board takes a conservative approach in its post-mitigation significance conclusion and finds the impacts to this resource associated with the proposed actions in the Proposed 2022 State SIP Strategy would be potentially significant and unavoidable. This impact is overridden by the project's benefits as set forth in the statement of overriding considerations.

Air Quality

Finding and Explanation

Implementation of the proposed actions in the Proposed 2022 State SIP Strategy would result in increased infrastructure for hydrogen refueling and electric recharging stations; increased demand for battery manufacturing and associated increases in mining and exports; increased recycling or refurbishment of batteries; reduced extraction, refinement, and distribution of oil and gas products; increased solid waste to be diverted to landfills from the scrapping of old equipment; the construction and operation of new manufacturing

facilities to support zero-emission technologies; and the construction and operation of new power plants, solar fields, wind turbines, and other electricity generation facilities to accommodate increased electrical demand associated with the deployment of zero-emission technologies. The EA determined there could be short-term air quality impacts associated with the construction of new facilities. As a result, short-term construction-related air quality impacts associated with the Proposed 2022 State SIP Strategy would be potentially significant. However, all projects, regardless of their size or type, would be required to seek any applicable local or State approvals prior to their implementation, including any necessary air quality permits. Furthermore, the Proposed 2022 State SIP Strategy would result in substantial overall operational air quality benefits.

The EA includes Mitigation Measure 3-1, which identifies existing statutes and regulations and construction and operating permit requirements, as well as other recognized practices designed to reduce these potentially significant impacts. The Board finds that the authority to determine site- or project-specific mitigation is within the purview of jurisdictions with land use approval and permitting authority, such as city or county governments. Therefore, the Board finds that the authority to implement Mitigation Measure 3-1 is within the responsibility and jurisdiction of other public agencies, and that the requirements and practices in Mitigation Measure 3-1 should be adopted by those agencies. Public agencies with authority can and should implement the identified measures to the degree feasible. Because the authority and responsibility to determine project-level impacts and require project-level mitigation lies with land use and/or permitting agencies for individual projects, and the programmatic level of analysis associated with the EA does not attempt to address project-specific details of mitigation, there is inherent uncertainty in the degree of mitigation that may ultimately be implemented to reduce potentially significant impacts to this resource.

Moreover, activities within CARB's direct control – such as the design and implementation of future regulations and incentive programs – will be designed in accordance with the environmental principles set out in the Proposed 2022 State SIP Strategy and EA, along with controlling law, including AB 32, CEQA, and the APA. These commitments are intended to minimize, and where possible avoid impacts. However, the precise design of these programs is necessarily left for the future.

Consequently, at this stage without full details on the design of potential programs and associated required mitigation, while impacts could be reduced to a less-than-significant level by land use and/or permitting agency conditions of approval, the Board takes a conservative approach in its post-mitigation significance conclusion and finds the impacts to this resource associated with the proposed actions in the Proposed 2022 State SIP Strategy would be potentially significant and unavoidable. This impact is overridden by the project's benefits as set forth in the statement of overriding considerations.

Biological Resources

Finding and Explanation

Implementation of the proposed actions in the Proposed 2022 State SIP Strategy would result in increased infrastructure for hydrogen refueling and electric recharging stations; increased demand for battery manufacturing and associated increases in mining and

exports; increased recycling or refurbishment of batteries; reduced extraction, refinement, and distribution of oil and gas products; increased solid waste to be diverted to landfills from the scrapping of old equipment; the construction and operation of new manufacturing facilities to support zero-emission technologies; and the construction and operation of new power plants, solar fields, wind turbines, and other electricity generation facilities to accommodate increased electrical demand associated with the deployment of zero-emission technologies. While it is reasonable to anticipate that land use policies controlling the location of new industrial facilities would generally avoid conversion of wildlife habitat, the potential cannot be entirely dismissed. Additionally, there are some plant and animal species that occur in developed or disturbed areas and impacts on these species would not be entirely avoided through siting project construction in industrial areas. Therefore, short-term construction-related and long-term operational impacts on biological resources could be potentially significant.

The EA includes Mitigation Measures 4-1 and 4-2, which identify existing statutes and regulations and construction and operating permit requirements, as well as other recognized practices designed to reduce these potentially significant impacts. The Board finds that the authority to determine site- or project-specific mitigation is within the purview of jurisdictions with land use approval and permitting authority, such as city or county governments. Therefore, the Board finds that the authority to implement Mitigation Measures 4-1 and 4-2 is within the responsibility and jurisdiction of other public agencies, and that the requirements and practices in Mitigation Measures 4-1 and 4-2 should be adopted by those agencies. Public agencies with authority can and should implement the identified measures to the degree feasible. Because the authority and responsibility to determine project-level impacts and require project-level mitigation lies with land use and/or permitting agencies for individual projects, and the programmatic level of analysis associated with the EA does not attempt to address project-specific details of mitigation, there is inherent uncertainty in the degree of mitigation that may ultimately be implemented to reduce potentially significant impacts to this resource.

Moreover, activities within CARB's direct control – such as the design and implementation of future regulations and incentive programs – will be designed in accordance with the environmental principles set out in the Proposed 2022 State SIP Strategy and EA, along with controlling law, including AB 32, CEQA, and the APA. These commitments are intended to minimize, and where possible avoid impacts. However, the precise design of these programs is necessarily left for the future.

Consequently, at this stage without full details on the design of potential programs and associated required mitigation, while impacts could be reduced to a less-than-significant level by land use and/or permitting agency conditions of approval, the Board takes a conservative approach in its post-mitigation significance conclusion and finds the impacts to this resource associated with the proposed actions in the Proposed 2022 State SIP Strategy would be potentially significant and unavoidable. This impact is overridden by the project's benefits as set forth in the statement of overriding considerations.

Cultural Resources

Finding and Explanation

Implementation of the proposed actions in the Proposed 2022 State SIP Strategy would result in increased infrastructure for hydrogen refueling and electric recharging stations; increased demand for battery manufacturing and associated increases in mining and exports; increased recycling or refurbishment of batteries; reduced extraction, refinement, and distribution of oil and gas products; increased solid waste to be diverted to landfills from the scrapping of old equipment; the construction and operation of new manufacturing facilities to support zero-emission technologies; and the construction and operation of new power plants, solar fields, wind turbines, and other electricity generation facilities to accommodate increased electrical demand associated with the deployment of zero-emission technologies. In general, construction and ground disturbance activities would occur in areas of compatible zoning (e.g., industrial). Regardless, there is a possibility that these activities may occur in or adjacent to a region consisting of known significant prehistoric and/or historic-era cultural resources. The EA found that cultural resources could be affected by demolition of existing structures and construction and operation of new facilities. Therefore, short-term construction-related and long-term operational impacts on cultural resources associated with the Proposed 2022 State SIP Strategy would be potentially significant.

The EA includes Mitigation Measure 5-1, which identifies existing statutes and regulations and construction and operating permit requirements, designed to reduce these potentially significant impacts. The Board finds that the authority to determine site- or project-specific mitigation is within the purview of jurisdictions with land use approval and permitting authority, such as city or county governments. Therefore, the Board finds that the authority to implement Mitigation Measure 5-1 is within the responsibility and jurisdiction of other public agencies, and that the requirements and practices in Mitigation Measure 5-1 should be adopted by those agencies. Public agencies with authority can and should implement the identified measures to the degree feasible. Because the authority and responsibility to determine project-level impacts and require project-level mitigation lies with land use and/or permitting agencies for individual projects, and the programmatic level of analysis associated with the EA does not attempt to address project-specific details of mitigation, there is inherent uncertainty in the degree of mitigation that may ultimately be implemented to reduce potentially significant impacts to this resource.

Moreover, activities within CARB's direct control – such as the design and implementation of future regulations and incentive programs – will be designed in accordance with the environmental principles set out in the Proposed 2022 State SIP Strategy and EA, along with controlling law, including AB 32, CEQA, and the APA. These commitments are intended to minimize, and where possible avoid impacts. However, the precise design of these programs is necessarily left for the future.

Consequently, at this stage without full details on the design of potential programs and associated required mitigation, while impacts could be reduced to a less-than-significant level by land use and/or permitting agency conditions of approval, the Board takes a conservative approach in its post-mitigation significance conclusion and finds the impacts to

this resource associated with the proposed actions in the Proposed 2022 State SIP Strategy would be potentially significant and unavoidable. This impact is overridden by the project's benefits as set forth in the statement of overriding considerations.

Geology and Soils

Finding and Explanation

Implementation of the proposed actions in the Proposed 2022 State SIP Strategy would result in increased infrastructure for hydrogen refueling and electric recharging stations; increased demand for battery manufacturing and associated increases in mining and exports; increased recycling or refurbishment of batteries; reduced extraction, refinement, and distribution of oil and gas products; increased solid waste to be diverted to landfills from the scrapping of old equipment; the construction and operation of new manufacturing facilities to support zero-emission technologies; and the construction and operation of new power plants, solar fields, wind turbines, and other electricity generation facilities to accommodate increased electrical demand associated with the deployment of zero-emission technologies. Construction activities could require disturbance of undeveloped areas, such as clearing of vegetation, earth movement and grading, trenching for utility lines, erection of new buildings, and paving of parking lots, delivery areas, and roadways. Additional disturbance could result from the increased mineral ore extraction activities which would provide raw materials to these manufacturing facilities and energy projects. These activities would have the potential to result in adverse physical effects related to geology and soils, including rupture of a known earthquake fault, strong seismic ground shaking, liquefication, landslides, and erosion. New facilities could be in a variety of geologic, soil, and slope conditions with varying amounts of vegetation that would be susceptible to soil compaction, soil erosion, and loss of topsoil during construction. Therefore, short-term construction-related and long-term operational impacts to soil and geologic resources associated with the proposed actions in the Proposed 2022 State SIP Strategy could be potentially significant.

The EA includes Mitigation Measure 7-1, which identifies existing statutes and regulations and construction and operating permit requirements, as well as other recognized practices designed to reduce these potentially significant impacts. The Board finds that the authority to determine site- or project-specific mitigation is within the purview of jurisdictions with land use approval and permitting authority, such as city or county governments. Therefore, the Board finds that the authority to implement Mitigation Measure 7-1 is within the responsibility and jurisdiction of other public agencies, and that the requirements and practices in Mitigation Measure 7-1 should be adopted by those agencies. Public agencies with authority can and should implement the identified measures to the degree feasible. Because the authority and responsibility to determine project-level impacts and require project-level mitigation lies with land use and/or permitting agencies for individual projects, and the programmatic level of analysis associated with the EA does not attempt to address project-specific details of mitigation, there is inherent uncertainty in the degree of mitigation that may ultimately be implemented to reduce potentially significant impacts to this resource.

Moreover, activities within CARB's direct control – such as the design and implementation of future regulations and incentive programs – will be designed in accordance with the environmental principles set out in the Proposed 2022 State SIP Strategy and EA, along with controlling law, including AB 32, CEQA, and the APA. These commitments are intended to minimize, and where possible avoid impacts. However, the precise design of these programs is necessarily left for the future.

Consequently, at this stage without full details on the design of potential programs and associated required mitigation, while impacts could be reduced to a less-than-significant level by land use and/or permitting agency conditions of approval, the Board takes a conservative approach in its post-mitigation significance conclusion and finds the impacts to this resource associated with the Proposed 2022 State SIP Strategy would be potentially significant and unavoidable. This impact is overridden by the project's benefits as set forth in the statement of overriding considerations.

Hazards and Hazardous Materials

Finding and Explanation

Implementation of the proposed actions in the Proposed 2022 State SIP Strategy would result in increased infrastructure for hydrogen refueling and electric recharging stations; increased demand for battery manufacturing and associated increases in mining and exports; increased recycling or refurbishment of batteries; reduced extraction, refinement, and distribution of oil and gas products; increased solid waste to be diverted to landfills from the scrapping of old equipment; the construction and operation of new manufacturing facilities to support zero-emission technologies; and the construction and operation of new power plants, solar fields, wind turbines, and other electricity generation facilities to accommodate increased electrical demand associated with the deployment of zero-emission technologies. Construction activities associated with these facilities and new infrastructure as well as increased mining activities may require the transport, use, and disposal of hazardous materials. There could be an increase in use of facilities that manufacture, recycle, and refurbish batteries and fuel cells due to increased demand. Hazardous materials are both used during and created by operations of such facilities. Implementation of the Proposed 2022 State SIP Strategy may also lead to mining for certain minerals, installation and use of hydrogen fuel cells, and batteries that may lead to exposure to hazardous materials when handled improperly. While it is reasonable to anticipate that land use policies controlling the location of new industrial facilities would generally avoid locations near existing or proposed schools or airports, the potential cannot be entirely dismissed. Hazardous materials are used during and created by operations of such facilities. Therefore, short-term construction-related impacts and long-term operational impacts associated with the Proposed 2022 State SIP Strategy on hazards and hazardous materials would be potentially significant.

The EA includes Mitigation Measures 9-1 and 9-2, which identify existing statutes and regulations and construction and operating permit requirements, as well as other recognized practices designed to reduce these potentially significant impacts. The Board finds that the authority to determine site- or project-specific mitigation is within the purview of jurisdictions with land use approval and permitting authority, such as city or county

governments. Therefore, the Board finds that the authority to implement Mitigation Measures 9-1 and 9-2 is within the responsibility and jurisdiction of other public agencies, and that the requirements and practices in Mitigation Measures 9-1 and 9-2 should be adopted by those agencies. Public agencies with authority can and should implement the identified measures to the degree feasible. Because the authority and responsibility to determine project-level impacts and require project-level mitigation lies with land use and/or permitting agencies for individual projects, and the programmatic level of analysis associated with the EA does not attempt to address project-specific details of mitigation, there is inherent uncertainty in the degree of mitigation that may ultimately be implemented to reduce potentially significant impacts to this resource.

Moreover, activities within CARB's direct control – such as the design and implementation of future regulations and incentive programs – will be designed in accordance with the environmental principles set out in the Proposed 2022 State SIP Strategy and EA, along with controlling law, including AB 32, CEQA, and the APA. These commitments are intended to minimize, and where possible avoid impacts. However, the precise design of these programs is necessarily left for the future.

Consequently, at this stage without full details on the design of potential programs and associated required mitigation, while impacts could be reduced to a less-than-significant level by land use and/or permitting agency conditions of approval, the Board takes a conservative approach in its post-mitigation significance conclusion and finds the impacts to this resource associated with the proposed actions in the Proposed 2022 State SIP Strategy would be potentially significant and unavoidable. This impact is overridden by the project's benefits as set forth in the statement of overriding considerations.

Hydrology and Water Quality

Finding and Explanation

Implementation of the proposed actions in the Proposed 2022 State SIP Strategy would result in increased infrastructure for hydrogen refueling and electric recharging stations; increased demand for battery manufacturing and associated increases in mining and exports; increased recycling or refurbishment of batteries; reduced extraction, refinement, and distribution of oil and gas products; increased solid waste to be diverted to landfills from the scrapping of old equipment; the construction and operation of new manufacturing facilities to support zero-emission technologies; and the construction and operation of new power plants, solar fields, wind turbines, and other electricity generation facilities to accommodate increased electrical demand associated with the deployment of zero-emission technologies. The EA determined that hydrology and water quality could be impacted by development of new facilities, implementation of the Low-Emission Diesel standard and increased lithium mining caused by an increased demand for vehicles powered by lithium batteries. Therefore, short-term construction-related and long-term operational impacts to hydrologic resources associated with implementing the Proposed 2022 State SIP Strategy could be potentially significant.

The EA includes Mitigation Measures 10-1 and 10-2, which identify existing statutes and regulations and construction and operating permit requirements, as well as other recognized practices designed to reduce these potentially significant impacts. The Board

finds that the authority to determine site- or project-specific mitigation is within the purview of jurisdictions with land use approval and permitting authority, such as city or county governments. Therefore, the Board finds that the authority to implement Mitigation Measures 10-1 and 10-2 is within the responsibility and jurisdiction of other public agencies, and that the requirements and practices in Mitigation Measures 10-1 and 10-2 should be adopted by those agencies. Public agencies with authority can and should implement the identified measures to the degree feasible. Because the authority and responsibility to determine project-level impacts and require project-level mitigation lies with land use and/or permitting agencies for individual projects, and the programmatic level of analysis associated with the EA does not attempt to address project-specific details of mitigation, there is inherent uncertainty in the degree of mitigation that may ultimately be implemented to reduce potentially significant impacts to this resource.

Moreover, activities within CARB's direct control – such as the design and implementation of future regulations and incentive programs – will be designed in accordance with the environmental principles set out in the Proposed 2022 State SIP Strategy and EA, along with controlling law, including AB 32, CEQA, and the APA. These commitments are intended to minimize, and where possible avoid impacts. However, the precise design of these programs is necessarily left for the future.

Consequently, at this stage without full details on the design of potential programs and associated required mitigation, while impacts could be reduced to a less-than-significant level by land use and/or permitting agency conditions of approval, the Board takes a conservative approach in its post-mitigation significance conclusion and finds the impacts to this resource associated with the proposed actions in the Proposed 2022 State SIP Strategy would be potentially significant and unavoidable. This impact is overridden by the project's benefits as set forth in the statement of overriding considerations.

Land Use

Finding and Explanation

Implementation of the proposed actions in the Proposed 2022 State SIP Strategy would result in increased infrastructure for hydrogen refueling and electric recharging stations; increased demand for battery manufacturing and associated increases in mining and exports; increased recycling or refurbishment of batteries; reduced extraction, refinement, and distribution of oil and gas products; increased solid waste to be diverted to landfills from the scrapping of old equipment; the construction and operation of new manufacturing facilities to support zero-emission technologies; and the construction and operation of new power plants, solar fields, wind turbines, and other electricity generation facilities to accommodate increased electrical demand associated with the deployment of zero-emission technologies. Construction and operation of new manufacturing, disposal, and recycling facilities may require the conversion of non-industrial land uses to industrial land uses. Therefore, short-term construction-related and long-term operational impacts to land use associated with implementing the Proposed 2022 State SIP Strategy could be potentially significant.

The EA includes Mitigation Measure 11-1, which identifies existing statutes and regulations and construction and operating permit requirements, as well as other recognized practices designed to reduce these potentially significant impacts. The Board finds that the authority to determine site- or project-specific mitigation is within the purview of jurisdictions with land use approval and permitting authority, such as city or county governments. Therefore, the Board finds that the authority to implement Mitigation Measure 11-1 is within the responsibility and jurisdiction of other public agencies, and that the requirements and practices in Mitigation Measure 11-1 should be adopted by those agencies. Public agencies with authority can and should implement the identified measures to the degree feasible. Because the authority and responsibility to determine project-level impacts and require project-level mitigation lies with land use and/or permitting agencies for individual projects, and the programmatic level of analysis associated with the EA does not attempt to address project-specific details of mitigation, there is inherent uncertainty in the degree of mitigation that may ultimately be implemented to reduce potentially significant impacts to this resource.

Moreover, activities within CARB's direct control – such as the design and implementation of future regulations and incentive programs – will be designed in accordance with the environmental principles set out in the Proposed 2022 State SIP Strategy and EA, along with controlling law, including AB 32, CEQA, and the APA. These commitments are intended to minimize, and where possible avoid impacts. However, the precise design of these programs is necessarily left for the future.

Consequently, at this stage without full details on the design of potential programs and associated required mitigation, while impacts could be reduced to a less-than-significant level by land use and/or permitting agency conditions of approval, the Board takes a conservative approach in its post-mitigation significance conclusion and finds the impacts to this resource associated with the proposed actions in the Proposed 2022 State SIP Strategy would be potentially significant and unavoidable. This impact is overridden by the project's benefits as set forth in the statement of overriding considerations.

Noise

Finding and Explanation

Implementation of the proposed actions in the Proposed 2022 State SIP Strategy would result in increased infrastructure for hydrogen refueling and electric recharging stations; increased demand for battery manufacturing and associated increases in mining and exports; increased recycling or refurbishment of batteries; reduced extraction, refinement, and distribution of oil and gas products; increased solid waste to be diverted to landfills from the scrapping of old equipment; the construction and operation of new manufacturing facilities to support zero-emission technologies; and the construction and operation of new power plants, solar fields, wind turbines, and other electricity generation facilities to accommodate increased electrical demand associated with the deployment of zero-emission technologies. The EA determined that noise could be affected by construction and operations of new facilities and manufacturing plants as well as increased lithium mining caused by an increased demand for vehicles powered by lithium batteries. Therefore, short-

term construction-related and long-term operational impacts to noise associated with implementing the Proposed 2022 State SIP Strategy could be potentially significant.

The EA includes Mitigation Measures 13-1 and 13-2, which identify existing statutes and regulations and construction and operating permit requirements, as well as other recognized practices designed to reduce these potentially significant impacts. The Board finds that the authority to determine site- or project-specific mitigation is within the purview of jurisdictions with land use approval and permitting authority, such as city or county governments. Therefore, the Board finds that the authority to implement Mitigation Measures 13-1 and 13-2 is within the responsibility and jurisdiction of other public agencies, and that the requirements and practices in Mitigation Measures 13-1 and 13-2 should be adopted by those agencies. Public agencies with authority can and should implement the identified measures to the degree feasible. Because the authority and responsibility to determine project-level impacts and require project-level mitigation lies with land use and/or permitting agencies for individual projects, and the programmatic level of analysis associated with the EA does not attempt to address project-specific details of mitigation, there is inherent uncertainty in the degree of mitigation that may ultimately be implemented to reduce potentially significant impacts to this resource.

Moreover, activities within CARB's direct control – such as the design and implementation of future regulations and incentive programs – will be designed in accordance with the environmental principles set out in the Proposed 2022 State SIP Strategy and EA, along with controlling law, including AB 32, CEQA, and the APA. These commitments are intended to minimize, and where possible avoid impacts. However, the precise design of these programs is necessarily left for the future.

Consequently, at this stage without full details on the design of potential programs and associated required mitigation, while impacts could be reduced to a less-than-significant level by land use and/or permitting agency conditions of approval, the Board takes a conservative approach in its post-mitigation significance conclusion and finds the impacts to this resource associated with the proposed actions in the Proposed 2022 State SIP Strategy would be potentially significant and unavoidable. This impact is overridden by the project's benefits as set forth in the statement of overriding considerations.

Transportation and Traffic

Finding and Explanation

Implementation of the proposed actions in the Proposed 2022 State SIP Strategy would result in increased infrastructure for hydrogen refueling and electric recharging stations; increased demand for battery manufacturing and associated increases in mining and exports; increased recycling or refurbishment of batteries; reduced extraction, refinement, and distribution of oil and gas products; increased solid waste to be diverted to landfills from the scrapping of old equipment; the construction and operation of new manufacturing facilities to support zero-emission technologies; and the construction and operation of new power plants, solar fields, wind turbines, and other electricity generation facilities to accommodate increased electrical demand associated with the deployment of zero-emission technologies. Although detailed information about potential specific construction activities is not currently available, it would be anticipated to result in short-term

construction traffic (primarily motorized) from worker commute- and material delivery-related trips. Construction would induce some increase in localized vehicle miles traveled (VMT), however, this level would not be substantial and would be short-term in nature. Implementation of the Proposed 2022 State SIP Strategy could require the operation of new infrastructure to distribute alternate fuels (such as electricity and hydrogen). Additionally, increased demand for lithium-ion storage batteries and fuel cells could result in an increase in lithium, graphite, cobalt, nickel, copper, manganese, chromium, zinc, platinum, and aluminum mining. Many activities, such as lithium-ion and NiMH battery manufacturing, recycling, and refurbishing, would take place at existing facilities; however, long-term operational-related activities associated with deliveries and distribution of goods (e.g., alternative fuels) could result in the addition of new trips, which could increase regional VMT to a potentially significant level. Therefore, short-term construction-related and long-term operational impacts to transportation and traffic associated with implementing the Proposed 2022 State SIP Strategy could be potentially significant.

The EA includes Mitigation Measures 17-1 and 17-2, which identify existing statutes and regulations and construction and operating permit requirements, as well as other recognized practices designed to reduce these potentially significant impacts. The Board finds that the authority to determine site- or project-specific mitigation is within the purview of jurisdictions with land use approval and permitting authority, such as city or county governments. Therefore, the Board finds that the authority to implement Mitigation Measures 17-1 and 17-2 is within the responsibility and jurisdiction of other public agencies, and that the requirements and practices in Mitigation Measures 17-1 and 17-2 should be adopted by those agencies. Public agencies with authority can and should implement the identified measures to the degree feasible. Because the authority and responsibility to determine project-level impacts and require project-level mitigation lies with land use and/or permitting agencies for individual projects, and the programmatic level of analysis associated with the EA does not attempt to address project-specific details of mitigation, there is inherent uncertainty in the degree of mitigation that may ultimately be implemented to reduce potentially significant impacts to this resource.

Moreover, activities within CARB's direct control – such as the design and implementation of future regulations and incentive programs – will be designed in accordance with the environmental principles set out in the Proposed 2022 State SIP Strategy and EA, along with controlling law, including AB 32, CEQA, and the APA. These commitments are intended to minimize, and where possible avoid impacts. However, the precise design of these programs is necessarily left for the future.

Consequently, at this stage without full details on the design of potential programs and associated required mitigation, while impacts could be reduced to a less-than-significant level by land use and/or permitting agency conditions of approval, the Board takes a conservative approach in its post-mitigation significance conclusion and finds the impacts to this resource associated with the proposed actions in the Proposed 2022 State SIP Strategy would be potentially significant and unavoidable. This impact is overridden by the project's benefits as set forth in the statement of overriding considerations.

Tribal Cultural Resources

Finding and Explanation

Implementation of the proposed actions in the Proposed 2022 State SIP Strategy would result in increased infrastructure for hydrogen refueling and electric recharging stations; increased demand for battery manufacturing and associated increases in mining and exports; increased recycling or refurbishment of batteries; reduced extraction, refinement, and distribution of oil and gas products; increased solid waste to be diverted to landfills from the scrapping of old equipment; the construction and operation of new manufacturing facilities to support zero-emission technologies; and the construction and operation of new power plants, solar fields, wind turbines, and other electricity generation facilities to accommodate increased electrical demand associated with the deployment of zero-emission technologies. In general, construction and ground disturbance activities would occur in areas of compatible zoning (e.g., industrial). Regardless, there is a possibility that these activities may occur in or adjacent to a region consisting of known significant tribal cultural resources. As such, it is foreseeable that known or undocumented tribal cultural resources could be unearthed or otherwise discovered during ground-disturbing and construction activities. Operation of facilities and infrastructure would not result in additional ground disturbance beyond that which occurred during construction and modification because operation activities would occur within the footprint of the constructed or modified facility. Presence of new facilities and infrastructure may, however, change the visual setting of the surrounding area, which could adversely affect tribal cultural resources, as determined by a California Native American Tribe. Therefore, short-term construction-related and long-term operational impacts to tribal cultural resources associated with implementing the Proposed 2022 State SIP Strategy could be potentially significant.

The EA includes Mitigation Measure 18-1, which identifies existing statutes and regulations and construction and operating permit requirements, as well as other recognized practices designed to reduce these potentially significant impacts. The Board finds that the authority to determine site- or project-specific mitigation is within the purview of jurisdictions with land use approval and permitting authority, such as city or county governments. Therefore, the Board finds that the authority to implement Mitigation Measure 18-1 is within the responsibility and jurisdiction of other public agencies, and that the requirements and practices in Mitigation Measure 18-1 should be adopted by those agencies. Public agencies with authority can and should implement the identified measures to the degree feasible. Because the authority and responsibility to determine project-level impacts and require project-level mitigation lies with land use and/or permitting agencies for individual projects, and the programmatic level of analysis associated with the EA does not attempt to address project-specific details of mitigation, there is inherent uncertainty in the degree of mitigation that may ultimately be implemented to reduce potentially significant impacts to this resource.

Moreover, activities within CARB's direct control – such as the design and implementation of future regulations and incentive programs – will be designed in accordance with the environmental principles set out in the Proposed 2022 State SIP Strategy and EA, along with controlling law, including AB 32, CEQA, and the APA. These commitments are

intended to minimize, and where possible avoid impacts. However, the precise design of these programs is necessarily left for the future.

Consequently, at this stage without full details on the design of potential programs and associated required mitigation, while impacts could be reduced to a less-than-significant level by land use and/or permitting agency conditions of approval, the Board takes a conservative approach in its post-mitigation significance conclusion and finds the impacts to this resource associated with the proposed actions in the Proposed 2022 State SIP Strategy would be potentially significant and unavoidable. This impact is overridden by the project's benefits as set forth in the statement of overriding considerations.

Utilities and Service Systems

Finding and Explanation

Implementation of the proposed actions in the Proposed 2022 State SIP Strategy would result in increased infrastructure for hydrogen refueling and electric recharging stations; increased demand for battery manufacturing and associated increases in mining and exports; increased recycling or refurbishment of batteries; reduced extraction, refinement, and distribution of oil and gas products; increased solid waste to be diverted to landfills from the scrapping of old equipment; the construction and operation of new manufacturing facilities to support zero-emission technologies; and the construction and operation of new power plants, solar fields, wind turbines, and other electricity generation facilities to accommodate increased electrical demand associated with the deployment of zero-emission technologies. These reasonably foreseeable compliance responses could result in new demand for water, wastewater, electricity, and gas services for new or modified facilities. Therefore, long-term operational impacts to utilities and service systems associated with implementing the Proposed 2022 State SIP Strategy could be potentially significant.

The EA includes Mitigation Measure 19-1, which identifies existing statutes and regulations and construction and operating permit requirements, as well as other recognized practices designed to reduce these potentially significant impacts. The Board finds that the authority to determine site- or project-specific mitigation is within the purview of jurisdictions with land use approval and permitting authority, such as city or county governments. Therefore, the Board finds that the authority to implement Mitigation Measure 19-1 is within the responsibility and jurisdiction of other public agencies, and that the requirements and practices in Mitigation Measure 19-1 should be adopted by those agencies. Public agencies with authority can and should implement the identified measures to the degree feasible. Because the authority and responsibility to determine project-level impacts and require project-level mitigation lies with land use and/or permitting agencies for individual projects, and the programmatic level of analysis associated with the EA does not attempt to address project-specific details of mitigation, there is inherent uncertainty in the degree of mitigation that may ultimately be implemented to reduce potentially significant impacts to this resource.

Moreover, activities within CARB's direct control – such as the design and implementation of future regulations and incentive programs – will be designed in accordance with the environmental principles set out in the Proposed 2022 State SIP Strategy and EA, along

with controlling law, including AB 32, CEQA, and the APA. These commitments are intended to minimize and, where possible, avoid impacts. However, the precise design of these programs is necessarily left for the future.

Consequently, at this stage without full details on the design of potential programs and associated required mitigation, while impacts could be reduced to a less-than-significant level by land use and/or permitting agency conditions of approval, the Board takes a conservative approach in its post-mitigation significance conclusion and finds the impacts to this resource associated with the proposed actions in the Proposed 2022 State SIP Strategy would be potentially significant and unavoidable. This impact is overridden by the project's benefits as set forth in the statement of overriding considerations.

Cumulatively Considerable Impacts

The most relevant plan for considering cumulative impacts of the Proposed 2022 State SIP Strategy is the 2030 Target Scoping Plan Update. The analysis of cumulative impacts for the Proposed 2022 State SIP Strategy included a summary of the cumulative impacts found for each resource area in the 2030 Target Scoping Plan Update EA and a conclusion regarding whether the Proposed 2022 State SIP Strategy could result in a cumulatively considerable contribution to an existing significant cumulative impact.

The EA concluded the Proposed 2022 State SIP Strategy could result in a cumulatively considerable contribution to significant cumulative impacts to aesthetics, agricultural and forest resources, short-term construction-related air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use, noise, transportation and traffic, tribal cultural resources and utilities and service systems. While suggested mitigation is provided within the respective resource areas of the EA analyses that could address the contribution of the Proposed 2022 State SIP Strategy to each of these potentially cumulatively considerable impacts, the Board finds that because these adverse impacts are potential indirect impacts associated with the compliance responses of covered entities, the authority to determine site- or project-specific mitigation is within the purview of jurisdictions with land use approval and permitting authority, such as city or county governments. Public agencies with authority can and should implement the identified measures to the degree feasible. Because the authority and responsibility to determine project-level impacts and require project-level mitigation lies with land use and/or permitting agencies for individual projects, and the programmatic level of analysis associated with the EA does not attempt to address project-specific details of mitigation, there is inherent uncertainty in the degree of mitigation that may ultimately be implemented to reduce potentially significant impacts to this resource. Consequently, while cumulative impacts could be reduced to a less-than-significant level by land use and/or permitting agency conditions of approval, the Board takes a conservative approach in its post-mitigation significance conclusion and finds the cumulatively considerable contribution of the Proposed 2022 State SIP Strategy to existing significant cumulative impacts to aesthetics, agricultural and forest resources, short-term construction-related air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use, noise, transportation and traffic, tribal cultural resources, and utilities and service systems to be potentially significant and unavoidable.

Findings on Alternatives to the Project

In addition to the No-Project Alternative, the EA considered a reasonable range of alternatives that could reduce or eliminate the significant adverse environmental impacts associated with the Proposed 2022 State SIP Strategy, while accomplishing most of the project objectives.

The Board finds the alternatives analysis in Chapter 7 of the EA is sufficient to inform the Board and the public regarding the tradeoffs between the degree to which the alternatives could reduce environmental impacts and the corresponding degree to which the alternatives could achieve the project objectives.

Based upon a full evaluation of the alternatives, and the entirety of the record, the Board finds that adoption and implementation of the Proposed 2022 State SIP Strategy is the most desirable, feasible, and appropriate action for achieving the objectives of the project, and the Board rejects the other alternatives because they either fail to meet most project objectives, or are infeasible based on consideration of the relevant factors identified in the EA and briefly described below:

Alternative 1: No Project Alternative

Under the No-Project Alternative, the Proposed 2022 State SIP Strategy would not be adopted. CARB's existing control program, which is comprised of regulations and programs the Board has already adopted, would continue to be implemented. As the No-Project Alternative precludes the State from submitting to U.S. EPA an approvable SIP, adoption of this alternative would result in a failure to meet statutory requirements under the Clean Air Act and State law. If a state fails to adopt and implement an adequate plan, U.S. EPA may issue and enforce a FIP, pursuant to Section 110(c) of the Act, which is designed to correct any deficiencies in the SIP.

The Board finds that the No-Project Alternative would fail to meet many of the project objectives listed in the EA. The No-Project Alternative fails to provide the necessary emissions reductions from State-regulated sources for all of California's nonattainment areas to meet federal 70 ppb 8-hour ozone air quality standard and would thus not allow for submittal of an approvable SIP to EPA (Objectives 1 and 2). Furthermore, the No-Project Alternative is also inconsistent with Objectives 4 through 8, which encourage an increased rate of market penetration of cleaner combustion and zero-emission technology. Thus, this alternative would not feasibly meet most of the objectives of the Proposed 2022 State SIP Strategy. For these reasons, the Board rejects this alternative.

Alternative 2: No Zero-Emissions In-Use Requirements

Alternative 2 is a less stringent alternative compared to the Proposed 2022 State SIP Strategy and considers removing the zero-emission in-use requirements from within the applicable measures. This alternative would remove the zero-emission in-use requirements in the Proposed 2022 State SIP Strategy measures such as the Advanced Clean Fleet Regulation, Zero-Emissions Trucks Measure, Transport Refrigeration Unit Regulation Part II, Commercial Harbor Craft Amendments, Off-Road Zero-Emission Targeted Manufacturer

Rule and In-Use Locomotive Regulation. Without zero-emission in-use requirements, the Proposed 2022 State SIP Strategy would rely on emissions reductions from cleaner combustion requirements and zero-emission standards.

The Board finds that this alternative would meet most of the basic project objectives, though it fails to maximize emissions reductions in the timelines needed for all of California's nonattainment areas to meet federal ambient air quality standards by the attainment dates specified by U.S. EPA because it does not encourage an increased rate of market penetration of zero-emission technology, but rather would rely on natural turnover. Emissions generated by sources under CARB's authority would decrease because the measures in Alternative 2 would be more stringent than CARB's current program and include cleaner combustion requirements and zero-emissions standards. However, the emissions reductions achieved under this alternative would not be as great as the reductions that would be achieved under the Proposed 2022 State SIP Strategy. Emission reductions from Alternative 2 do not meet the maximum feasible due to the lack of increased market penetration from the zero-emission in-use requirements. Without the maximum reductions, the State may not be able to achieve the necessary emissions reductions to attain federal air quality standards in all nonattainment areas, indicating that this alternative is not consistent with Objectives 1 and 2. Alternative 2 would achieve Objectives 3 - 8, but not to the same maximal degree as the Proposed 2022 State SIP Strategy. For these reasons, the Board rejects this alternative.

Alternative 3: No In-Use Locomotive Regulation Measure

Alternative 3 is a less stringent alternative compared to the Proposed 2022 State SIP Strategy and considers removing the In-Use Locomotive Regulation measure. This alternative would include all of the other Proposed 2022 State SIP Strategy measures described in Chapter 2 for on-road medium- and heavy-duty vehicles, on-road light-duty vehicles, off-road equipment, consumer products, residential and commercial buildings, and primarily-federally and internationally regulated sources, but remove the In-Use Locomotive Regulation from the measures included in the Proposed 2022 State SIP Strategy. Without In-Use Locomotive Regulation, the Proposed 2022 State SIP Strategy would rely on the remaining measures and associated emissions reductions including Federal Actions Needed such as More Stringent National Locomotive Emission Standards, Zero-Emission Standards for Switch Locomotives, and Address Locomotives Remanufacturing Loophole to achieve reductions in emissions from locomotives.

The Board finds that Alternative 3 meets most of the basic project objectives, though it fails to maximize emissions reductions in the timelines needed for all of California's nonattainment areas to meet federal ambient air quality standards by the attainment dates specified by U.S. EPA because it does not encourage an increased rate of market penetration of cleaner combustion and zero-emission technology for locomotives, but rather would rely on natural turnover. Emissions generated by sources under CARB's authority would decrease because the measures in Alternative 3 would include those for on-road medium- and heavy-duty vehicles, on-road light-duty vehicles, off-road equipment, consumer products, residential and commercial buildings, and be more stringent than CARB's current program. However, even with potential federal actions on locomotives

identified in the Federal Actions Needed, since Alternative 3 assumes no In-Use Locomotive Regulation, criteria pollutant emissions reductions achieved under this alternative would not be as great as the reductions that would be achieved under the Proposed 2022 State SIP Strategy. Alternative 3 emissions reductions are not the maximum feasible due to the lack of increased adoption of cleaner technologies from the cleaner combustion and zero-emission requirements for locomotives. Without the maximum reductions, the State may not be able to achieve the necessary emissions reductions to attain federal air quality standards in all nonattainment areas, indicating that this alternative is not consistent with Objectives 1 and 2. Alternative 3 would achieve Objectives 3 - 8, but not to the same maximum degree as the Proposed 2022 State SIP Strategy.

Alternatives Considered but Rejected

Two additional alternatives were considered but rejected during development of the Proposed 2022 State SIP Strategy. The CEQA Guidelines Section 15126.6(c) includes three factors that may be used to eliminate alternatives from detailed consideration in an Environmental Impact Report (EIR): "(i) failure to meet most of the basic Regulation objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impact." These alternatives are titled "No Zero-Emission Requirements" and "Emission-Reducing Liquid/Gaseous-Fueled Combustion Technology". As described in detail in Chapter 7 of the Final EA, these alternatives were rejected because they do not meet the most basic of the project objectives and were determined to be infeasible.

STATEMENT OF OVERRIDING CONSIDERATIONS

CARB expects that many of the significant adverse impacts identified in the EA will be avoided or mitigated; however, since uncertainty exists as to the extent of mitigation that other agencies will require at the site- and project-specific level, the Board is conservatively considering the impacts to be significant and unavoidable. The Board finds that despite the potential for adverse environmental impacts associated with the Proposed 2022 State SIP Strategy, other benefits of the proposed actions are determined to be overriding considerations that warrant approval of the Proposed 2022 State SIP Strategy and outweigh and override its unavoidable significant impacts. Each benefit set forth below constitutes an overriding consideration warranting approval of the project, independent of the other benefits, despite each and every unavoidable impact. These benefits include:

1. Substantial public health benefits for the 21 million Californians currently breathing unhealthy air with elevated levels of ozone, exposure to which is associated with emergency room visits and hospitalization, lost work and school days, and premature mortality;

2. Providing the necessary emission reductions from State-regulated sources for all of California's nonattainment areas to meet federal ambient air quality standards by the attainment dates specified by U.S. EPA, including the 70 ppb ground level ozone standard;

3. Establishing emissions standards and other requirements for cleaner technologies (both zero and near-zero emission technologies), coupled with cleaner renewable fuels;

4. Introducing zero-emission technology in targeted applications;

5. Establishing manufacturer and fleet zero-emission technology requirements to accelerate the penetration of ZEV fleets;

6. Ensuring the in-use vehicle and engine fleets remain durable, and that in use vehicles continue to operate at their cleanest possible level; and

7. Incentivizing and supporting the introduction of advanced clean technologies.

LOCATION AND CUSTODIAN OF THE RECORD

The documents and other materials that constitute the record of proceedings on which these findings are based are located at 1001 I Street Sacramento, CA 95814. The custodian for these documents is the California Air Resources Board Legal Office. Inquiries can be submitted to CaliforniaEnvironmentalQualityAct@arb.ca.gov.