



CALIFORNIA
AIR RESOURCES BOARD

**Board Item 19-5-1:
Proposed Updates to
CARB's Certified Regulatory Program**

May 23, 2019



ARB

What Is a Certified Regulatory Program?

- A CRP is a CEQA-equivalent process that an agency uses in lieu of traditional CEQA review.
- Serves as each agency's individual CEQA Guidelines.
- Certified by Resources Agency.
- Many agencies have CRPs

Background on CARB's CRP

- Originally adopted in 1978
- Last amended in 1981
- Current CRP is just one page long (key provisions: Title 17, Cal. Code of Regulations, sections 60005-60008)

1981



What Is Staff Proposing?

- Overall goals:
 - Clearly set forth existing CARB practices for environmental review
 - Reflect current CEQA requirements in statute and case law



Proposed Changes

- Clarify how notices (e.g., notices of availability, notices of determination) are sent and filed
- Clarify common types of CARB actions that typically fall under CEQA exemptions

Proposed Changes (cont.)

- Clarify which CARB actions do not constitute “project” approvals
- Clarify the types of CARB environmental review

Proposed Changes (cont.)

- Align response to comment obligations with traditional CEQA principles
- Clarify process where the Administrative Procedure Act and CEQA intersect (including delegation to Executive Officer)

Public Input

- Some additional changes were made in response to public comments, including:
 - Clarifying noticing and public review provisions
 - Specifying response to comment obligations
 - Clarifying Executive Officer delegation requirements
 - Clarifying that traditional CEQA definitions and legal standards apply

Public Input

- One commenter objected to provisions governing delegation from Board to CARB's Executive Officer.
- These provisions largely set forth existing CARB practice, and are based on established CEQA law.
- Any "15-Day" changes are subject to public notice and comment requirements of the APA.

Public Input

- Two commenters voiced concerns regarding potential improper CEQA “piecemealing”.
- 15-Day changes are minor revisions to a previously-reviewed project; they are not new, separate “projects”.
- Given APA constraints, additional impacts from a “15-Day” change have never arisen before and, if they arise in the future, would be addressed.

Benefits of Amending CRP

- Greater transparency and certainty
- Improved alignment with current CEQA principles
- Improved efficiency in CARB proceedings

Public Process

- CARB held two public workshops on the draft regulatory text (Dec. 7, 2018 & Jan. 16, 2019)
- Workshop draft of regulatory text released for public review and comment on January 4, 2019
- 45 day package released April 15, 2019
- 15 day changes released May 3, 2019

Staff Recommendation

- Approve the proposed resolution, which includes adoption of the proposed amendments.

