

**Proposed**

State of California  
Air Resources Board

**Assembly Bill 617 Community Air Protection  
Program – Consideration of the Southeast  
Los Angeles Community Emissions Reduction  
Program**

Resolution 21-12

May 20, 2021

Agenda Item No.: 21-4-3

Whereas, sections 39600 and 39601 of the Health and Safety Code authorize the California Air Resources Board (CARB or Board) to adopt standards, rules and regulations and to do such acts as may be necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

Whereas, California's air quality programs have led to significant public health improvements; however, certain communities continue to experience environmental and health inequities from air pollution;

Whereas, many of these communities are affected by multiple stationary, area, and mobile sources of air pollution and suffer disproportionate health impacts;

Whereas, the high cumulative exposure burdens in these communities are a public health concern, contributing to health conditions such as cardiorespiratory disease, increased cancer risk, and an increased risk of premature death;

Whereas, expedited emission reductions of toxic air contaminants and criteria air pollutants in communities with high cumulative exposure burdens are critical to reduce these disproportionate health impacts;

Whereas, Assembly Bill (AB) 617 (C. Garcia, Statutes of 2017, chapter 136) added sections 39607.1, 40920.8, 42411, 42705.5, 44391.2 and amended sections 40920.6, 42400, 42402 in the Health and Safety Code, requiring a new community-focused program to address criteria air pollutants and toxic air contaminants;

Whereas, AB 617 is a significant step in transforming California's air quality programs to address air pollution disparities at the neighborhood level;

Whereas, the Legislature has provided funding to improve air quality in California's most burdened communities through the allocation of over \$700 million to CARB, with subsequent distribution to local air districts, as "Community Air Protection" funds to reduce exposure in highly impacted communities;

Whereas, statute required CARB by October 1, 2018, to engage stakeholders through a robust public process to set overall Program requirements to reduce toxic air contaminant and criteria air pollutant emissions in communities with high cumulative exposure, and select initial communities with high cumulative exposure burdens for the deployment of community air monitoring systems and/or the development of community emissions reduction programs;

Whereas, on September 27, 2018, CARB approved the *Community Air Protection Blueprint: For Selecting Communities, Preparing Community Emissions Reduction Programs, Identifying Statewide Strategies, and Conducting Community Air Monitoring* (Blueprint), which described criteria for the development of community emissions reduction programs by air districts, in conformance with the requirements of AB 617, and determined that the Blueprint and online Resource Center met statutory requirements for CARB to develop a monitoring plan and state strategy;

Whereas, statute requires that community emissions reduction programs be consistent with the state strategy;

Whereas on December 13, 2019, CARB selected the community of Southeast Los Angeles to develop a community emissions reduction program;

Whereas, the South Coast Air Quality Management District (District or South Coast AQMD) convened a steering committee comprised of Southeast Los Angeles community residents, non-profit organizations, business, and local government representatives and developed a community emissions reduction program to improve air quality in Southeast Los Angeles, titled "Southeast Los Angeles Community Emissions Reductions Plan" (Plan);

Whereas, the District conducted a public process to develop the Plan over the course of a year including a series of 13 public meetings, including community steering committee meetings and workshops;

Whereas, the District Governing Board approved the Plan on December 4, 2020 and submitted it to CARB on March 10, 2021;

Whereas, CARB staff hosted a virtual community public meeting, on April 6, 2021 to hear directly from the community steering committee and the public on the Plan;

Whereas, local decisions that determine land use and traffic patterns impact exposure to air pollution, and in many impacted communities throughout the State, including Southeast Los Angeles, the proximity of emissions sources to nearby sensitive

receptors like schools, homes, and day care centers exacerbates the cumulative exposure burden;

Whereas, historic land use decisions have created disproportionate impacts in many communities throughout the State;

Whereas, the State has emphasized the importance of incorporating environmental justice into city and county planning to address existing and new environmental injustice through the passage of Senate Bill 1000 (Levy, Chapter 587, Statutes of 2016), requiring general plans to include environmental justice elements and policies, and the Governor's Office of Planning and Research's General Plan Guidelines;

Whereas, CARB staff reviewed the Plan to determine whether it meets the criteria established in the Blueprint and considered the perspectives of the community steering committee members in developing recommendations to the Board;

Whereas, CARB staff have identified key strengths of the Plan and recommendations to highlight for future communities as well as specific aspects of the Plan that will need further definition to support successful implementation in the areas of expedited development of actions to address community priorities, incentives prioritization, enforcement of stationary and mobile sources, and improve access to online data;

Whereas, aspects of the Plan may change over implementation, including implementation timeframes, technical information, and strategy prioritization;

Whereas, staff has proposed that CARB approve the Southeast Los Angeles community emissions reduction program and direct the District to take additional actions to strengthen implementation as set forth in the Southeast Los Angeles Community Emissions Reduction Program Staff Report (Staff Report), released to the public on April 23, 2021, with the public comment docket opened from April 23, 2021 to May 10, 2021;

Whereas, on April 23, 2021, CARB published a notice for a public meeting to consider the Community Emissions Reduction Program for the Southeast Los Angeles community at a hearing scheduled for May 20, 2021;

Whereas, the District has continued to convene quarterly meetings with the community steering committee in 2021 and work on the strategies specified in the community emission reduction program;

Whereas, the District should continue to work with the community steering committee and CARB to expeditiously implement the Program, including measurable progress on the additional actions set forth in the Staff Report and include such progress in the reporting that is due annually;

Whereas, the District submitted the Plan to CARB on March 10, 2021 (Proposed Project), which included CARB implementation measures identified in Attachment A to

the resolution (CARB Measures). As part of its approval process, the District is the lead agency under the California Environmental Quality Act (CEQA) and Title 14, California Code of Regulations, Sections 15000 et seq. (CEQA Guidelines) and prepared and filed a Notice of Exemption (NOE) for the Plan;

Whereas, under CEQA Guidelines sections 15381, CARB is a responsible agency in approving the Proposed Project because it has discretionary authority to approve or deny the project based on its consistency with AB 617. CARB, as the responsible agency under CEQA for approval of the Proposed Project, has prepared findings under its certified regulatory program (California Code of Regulations (CCR), title 17, sections 60000 through 60008) to comply with the requirements of CEQA (Public Resources Code section 21080.5). CEQA Guidelines, section 15096 dictates the responsible agency's role when reviewing a project that has been approved by a lead agency. Specifically, CARB, in approving a project, has responsibility for mitigating or avoiding only the direct or indirect environmental effects of those parts of the project which it decides to carry out, finance or approve. As such, since CARB is considering carrying out the Proposed Project's CARB Measures, CARB must independently review the CARB Measures for consistency with CEQA;

Whereas, CARB staff has considered the Final Programmatic Environmental Analysis for the State Strategy for the State Implementation Plan (SIP Strategy EA), State Clearinghouse Number 2015102011, and the Final Environmental Analysis for the Community Air Protection Blueprint (Blueprint EA), State Clearinghouse Number 2018022025, which it certified in March 2017 and September 2018, respectively, to determine whether the CARB Measures, are within the scope of the SIP Strategy and Blueprint EAs and require no further environmental review pursuant to CEQA Guidelines section 15168. CARB staff is proposing that the Board find that the CARB Measures are within the scope of the Community Air Protection Blueprint and State Strategy for the State Implementation Plan planning documents and the associated programmatic EAs adequately describe the CARB measures for the purposes of CEQA. (14 CCR §15168(e)(1)-(2).) The full findings to support this "within the scope" analysis is in Attachment A to the Board's resolution; and

Whereas, in consideration of the applicable statutory and Blueprint requirements, written and oral testimony provided by community members, the District, and other stakeholders, the Board finds that:

- the Plan is a community emissions reduction program pursuant to AB 617;
- the Plan was developed with the community steering committee in an open public process, in consultation with affected parties, through numerous public workshops, individual meetings, and other outreach efforts, and these efforts are expected to continue; and
- the Plan addresses key elements required in statute and the Blueprint and will benefit from additional actions to support successful implementation in the

areas of expedited development of actions to address community priorities, incentives prioritization, enforcement of stationary and mobile sources, and improve access to online data.

Now, therefore, be it resolved that the Board hereby approves the Plan with additional direction to CARB staff, the District, and community steering committee as set out in this Resolution:

- CARB staff works with the District, and the community steering committee to take the additional actions to strengthen implementation, as defined in the Staff Report on pages 6 to 9 which specifies:
  - Expedite the development of actions to address community priorities yet to be identified for metal processing facilities and general industrial sources. As the steering committee is meeting quarterly the district should provide the steering committee the necessary data/information, in between quarterly meetings, to support the decision making process in an efficient manner.
  - South Coast AQMD has started to work more collaboratively with steering committee members in prioritizing incentives projects, and South Coast AQMD should continue to work with the steering committee and consider holding incentives specific workshops for interested members to further develop Community Identified Projects for incentive funding.
  - South Coast AQMD should provide stationary source enforcement and compliance data in a more detailed manner to the community steering committee as they develop actions to reduce exposure and emissions from the general industrial facilities described above.
  - The Plan includes enforcement actions for idling sweeps and outreach activities to address non-critical idling, CARB, South Coast AQMD, and the steering committee should continue exploring a more holistic approach to addressing the communities idling concerns.
  - South Coast AQMD and CARB should work together to hold workshops to introduce the online data tools at the local and statewide level that are accessible and can support the community.

Be it further resolved that the Board directs the District to submit annual reports to CARB by October 1 of each year beginning in 2021, developed in accordance with the Blueprint requirements, and including updates on the implementation of the Plan and measurable progress made regarding the additional actions required in this Resolution. The annual reports should be developed in collaboration with the community steering committee with steering committee input documented in the report.

Be it further resolved that the Board affirms the existing authority of CARB staff to review and interpret aspects of the community emissions reduction programs and delegates to the Executive Officer, or his or her designee, the authority to approve District changes to the Plan, in a manner compliant with CEQA, that he or she deems necessary to enable effective implementation of the Plan, provided that such changes are consistent with statute and the goals established by the Board. Staff shall identify those changes when the Board receives an update on the annual report on the Plan.

Be it further resolved that based on the CEQA findings in Attachment A, attached to this Resolution, CARB finds that pursuant to Section 15162 of the CEQA Guidelines, no subsequent EA is required for the CARB Measures because they are considered proposed "later activities" that are within the scope of the Community Air Protection Blueprint and State Strategy for the State Implementation Plan planning documents and the associated programmatic EAs adequately describe the CARB measures for the purposes of CEQA. Thus, pursuant to CEQA Guidelines section 15168, no new environmental document is required for the CARB Measures before CARB approves the Proposed Project.

Be it further resolved that the Board incorporates by reference the SIP Strategy EA Findings and the Blueprint EA Findings in their entirety as the Board's findings to support the environmental review of the CARB Measures including: (1) the potential environmental impacts of the CARB Measures; (2) the measures adopted to mitigate significant environmental impacts of the CARB Measures; (3) the feasibility of mitigation measures and alternatives; (4) the potentially significant impacts of the CARB Measures that will be mitigated to a less than significant level by the adopted mitigation measures; (5) the identification of the significant environmental impacts associated with the CARB Measures that will not be avoided or reduced to a less than significant level by the adopted mitigation measures; and (6) the findings related to the statements of overriding considerations.

Be it further resolved that the Board finds all significant effects on the environment due to the implementation of the Proposed Project's CARB Measures have been eliminated or substantially lessened where feasible through mitigation measures adopted in connection with CARB's approval of the SIP Strategy EA and Blueprint EA and incorporated as part of the Proposed Project.

Be it further resolved that the Board finds all remaining significant effects on the environment caused by implementation of the Proposed Project's CARB Measures, found to be unavoidable, remain acceptable due to the reasons set forth in the Statements of Overriding Considerations in the SIP Strategy EA and Blueprint EA Findings adopted by CARB in connection with its approval of the 2016 SIP Strategy and AB 617 Blueprint documents, as incorporated by reference and reaffirmed herein.

Be it further resolved that the Board adopts the findings in Attachment A to this resolution and finds that there are new feasible alternatives or feasible mitigation measures within its power that would mitigate for the impacts from the CARB

Measures, which are already identified in the SIP Strategy and Blueprint EAs and incorporated in their entirety, herein. (CEQA Guidelines section 15096(g)).

Resolution 21-12

**May 20, 2021**

Identification of Attachments to the Board Resolution

Attachment A: CEQA Findings in Connection with the Approval of the Southeast Los Angeles Community Emissions Reduction Program



## **Attachment A**

### **CEQA Findings in Connection with the Approval of the Southeast Los Angeles Community Emissions Reduction Program**

#### **Consideration of the Southeast Los Angeles Community Emissions Reduction Program's Carb Implementation Measures as Being Within the Scope of the 2016 State Strategy for the State Implementation Plan and the 2018 Community Air Protection Blueprint Environmental Analyses**

Pursuant to the California Environmental Quality Act, Public Resources Code Sections 21000 et seq. (CEQA) and the CEQA Guidelines, Title 14, California Code of Regulations, Sections 15000 et seq. (CEQA Guidelines), the California Air Resources Board (CARB) has considered the Final Programmatic Environmental Analysis for the State Strategy for the State Implementation Plan (SIP Strategy EA), State Clearinghouse Number 2015102011, and the Final Programmatic Environmental Analysis for the Community Air Protection Blueprint (Blueprint EA), State Clearinghouse Number 2018022025, which it certified in March 2017 and September 2018, respectively, for purposes of determining whether the Southeast Los Angeles Community Emissions Reduction Program's (Proposed Project) CARB implementation measures identified as CARB Measures, below, are within the scope of the SIP Strategy and Blueprint EAs. As set forth below, CARB finds that pursuant to Section 15162 of the CEQA Guidelines, no subsequent EA is required for the CARB Measures because they are considered proposed "later activities" that are within the scope of the SIP Strategy and Blueprint EAs. Thus, no new environmental document is required under CEQA to approve the Proposed Project.

#### **1. Findings**

The following Findings are hereby adopted by CARB as required by Public Resources Code Sections 21081, 21081.5, and 21081.6, and CEQA Guidelines Sections 15091, 15092, 15096 and 15168, in conjunction with the approval of the Proposed Project, which is set forth below.

##### **A. Environmental Review Process**

###### **a. Background**

The South Coast Air Quality Management District (District) submitted the Proposed Project to CARB on March 10, 2021. As part of its approval process, the District is the

lead agency under CEQA, prepared, and filed a Notice of Exemption (NOE) for the Proposed Project, excluding the CARB Measures. Under CEQA Guidelines sections 15381, CARB is a responsible agency in approving the Proposed Project because it has discretionary authority to approve or deny the project based on its consistency with AB 617.

CEQA Guidelines, section 15096 dictates the responsible agency's role when reviewing a project that has been approved by a lead agency. Specifically, CARB, in approving a project, has responsibility for mitigating or avoiding only the direct or indirect environmental effects of those parts of the project which it decides to carry out, finance or approve. As such, since CARB is considering carrying out the Proposed Project's CARB Measures, CARB must independently review the CARB Measures for consistency with CEQA. Based on the following findings, however, CARB finds that the Proposed Project's CARB Measures are within the scope of the SIP Strategy EA and the Blueprint EA, and therefore require no further environmental review under CEQA.

**b. CERP's CARB Measures**

In its CERP, the district incorporated several measures for CARB to undertake as part of the emission reduction effort in the community. The following is a summary of the CARB measures, numbered in consecutive order as they appear in the proposed CERP.

The district identifies emissions reductions from CARB's mobile source regulations by 2025 and 2030. Specifically, the district identifies the following regulations: (1) Advanced Clean Car 2; (2) Heavy-Duty Vehicle Inspection and Maintenance; (3) Heavy-Duty Low NOx Engine Standard; and (4) Small Off-Road Engine Amendment.

In addition to these measures, the district identified emission reduction measures for trucks and other vehicles, including the following CARB measures: (5) present a regulation to their Board to transition the drayage truck fleet to zero-emission technologies by 2035; (6) CARB will establish a Community Pollution Enforcement Workgroup for trucks and other vehicles in the SELA community; (7) work with local trucking companies to distribute educational material to incentivize the reduction of non-critical idling; (8) collaborate with South Coast AQMD to conduct quarterly enforcement sweeps, evaluate findings, seek input from CSC, and report back to CSC periodically; (9) collaborate with the CSC to identify and prioritize "No Idling" sign placement in the SELA community; 10) pursue a catalytic converter theft deterrence and education program in SELA.

In addition to these measures, the district identified emission reduction measures from sources in the community's railyards, including the following CARB measures: (11) present the Trucks Transport Refrigeration Unit (TRU) Regulation to their Board to begin the transition of TRUs to zero emission technologies and require use of lower

global warming potential refrigerants; (12) present a regulation to their Board for cleaner locomotive operations throughout the State; (13) present regulatory amendments to their Board for cleaner cargo handling equipment and facility infrastructure requirements at ports and railyards; (14) CARB to prioritize the SELA community for enforcement of the TRU Regulation with semi-annual inspections and report the compliance rate to CSC; (15) prioritize the SELA community for enforcement of the Cargo Handling Equipment (CHE) Regulation by conducting an annual audit for each railyard; (16) CARB, in coordination with South Coast AQMD, to conduct community outreach on locomotive idling regulations and how to file complaints.

### **c. SIP Strategy EA**

In March 2017, CARB certified the SIP Strategy EA for the Proposed Revised 2016 State Strategy for the State Implementation Plan in accordance with CEQA, the CEQA Guidelines, and CARB's Certified Regulatory Program under CEQA (CRP) (Title 17 CCR sections 60000 through 60008), and approved the SIP Strategy plan (Resolution 17-7). The SIP Strategy EA provided a programmatic environmental review of the State SIP Strategy, which CARB designed to reduce emissions of ozone-forming pollutants and fine particulate matter (PM<sub>2.5</sub>), and describe the programmatic and regulatory mechanisms of the federal Clean Air Act requirements to meet federal air quality standards. The SIP Strategy EA evaluated the potentially significant environmental effects related to implementation of the strategy measures and their associated reasonably foreseeable compliance responses. The strategy measures are in Table 1, below, and constituted the "project description" for the SIP Strategy EA.

The SIP Strategy EA evaluated mitigation measures that would reduce potentially significant impacts associated with the potential indirect significant environmental impacts (projects resulting from compliance responses) from the implementation of the SIP Strategy measures if agencies with authority over the compliance response projects imposed such mitigation measures when approving those projects. The SIP Strategy EA took the conservative approach in its post-mitigation significance conclusions (i.e., tending to overstate the risk that feasible mitigation may not be sufficient or may not be implemented by other parties) and discloses, for CEQA compliance purposes, that potentially significant environmental impacts may be unavoidable. The SIP Strategy EA expected that many of these potentially significant impacts would be feasibly avoided or mitigated to a less-than-significant level as described in each resource area during the project-specific environmental review processes associated with compliance actions and, additionally, through compliance with local and state laws and regulations.

The Board found that implementation of the State SIP Strategy would potentially result in cumulatively considerable contributions to significant cumulative impacts related to certain resource areas. While the Board adopted recommended mitigation for each potential cumulatively considerable contribution to a significant impact, other agencies would be responsible for implementing the mitigation measures.

Consequently, the Board found it was uncertain whether other agencies would implement recommended mitigation measures, which precludes assurance that the State SIP Strategy project implementation would avoid its significant environmental impacts. Where impacts could not feasibly be mitigated, the SIP Strategy EA recognized the impact as significant and unavoidable. In response to the unavoidable significant impacts, the Board adopted Findings and a Statement of Overriding Considerations for significant and unavoidable environmental effects of the State SIP Strategy as part of the approval process.

**TABLE 1: SIP STRATEGY MEASURES AND SCHEDULE**

Measures	Agency	Action	Implementation Begins
<b>On-Road Light-Duty</b>			
Advanced Clean Cars 2	ARB	2020 – 2021	2026
Lower In-Use Emission Performance Assessment	ARB / BAR	n/a	ongoing
Further Deployment of Cleaner Technologies*	ARB / SCAQMD	ongoing	2016
<b>On-Road Heavy-Duty</b>			
Lower In-Use Emission Performance Level	ARB	2017 – 2020	2018 +
Low-NOx Engine Standard – California Action	ARB	2019	2023
Low-NOx Engine Standard – Federal Action*	U.S. EPA	2019	2024
Medium and Heavy-Duty GHG Phase 2	ARB / U.S. EPA	2017 – 2019	2018
<del>Advanced</del> Innovative Clean Transit	ARB	2017	2018
Last Mile Delivery (Advanced Clean Trucks)	ARB	2018	2020
Innovative Technology Certification Flexibility	ARB	2016	2017
Zero-Emission Airport Shuttle Buses	ARB	2018	2023
Incentive Funding to Achieve Further Emission Reductions from Heavy-Duty Vehicles	ARB / SCAQMD	ongoing	2016
Further Deployment of Cleaner Technologies*	ARB / SCAQMD	ongoing	2016
<b>Off-Road Federal and International Sources</b>			
More Stringent National Locomotive Emission Standards*	U.S. EPA	2016	2023

Measures	Agency	Action	Implementation Begins
Tier 4 Vessel Standards*	ARB / IMO	2016 – 2018	2025
Incentivize Low Emission Efficient Ship Visits	ARB	2018 – 2020	2018
At-Berth Regulation Amendments	ARB	2017 – 2018	2023
Further Deployment of Cleaner Technologies*	ARB / SCAQMD / U.S. EPA	ongoing	2016
<b>Off-Road Equipment</b>			
Zero-Emission Off-Road Forklift Regulation Phase 1	ARB	2020	2023
Zero-Emission Off-Road Emission Reduction Assessment	ARB	2025 +	--
Zero-Emission Off-Road Worksite Emission Reduction Assessment	ARB	tbd	--
Zero-Emission Airport Ground Support Equipment	ARB	2018	2023
Small Off-Road Engines	ARB	2018	2022
Transport Refrigeration Units Used for Cold Storage	ARB	2018 – 2019	2020 +
Low-Emission Diesel Requirement	ARB	by 2020	2023
Further Deployment of Cleaner Technologies*	ARB / SCAQMD	ongoing	2016
<b>Consumer Products</b>			
Consumer Products Program	ARB	2019 – 2021	2020 +

BAR=Bureau of Automotive Repair; IMO=International Maritime Organization;  
 SCAQMD=South Coast Air Quality Management District,  
 U.S. EPA = U.S. Environmental Protection Agency

\* Request U.S. EPA approval under the provisions of Section 182(e)(5) of the Clean Air Act allowing for reliance on anticipated development of new control techniques or improve of existing control technologies. Also includes identification of needed funding, infrastructure development, and actions/resources required from other agencies

#### d. Blueprint EA

In September 2018, CARB certified the EA for Assembly Bill 617 Community Air Protection Program-Program Requirements (Blueprint EA) in accordance with CEQA, the CEQA Guidelines, and CARB's CRP, and approved the AB 617 Blueprint document (Resolution 18-33). The Blueprint EA provided a programmatic

environmental review of the AB 617 Blueprint document, which CARB designed as a State-level planning document that provides the following: (1) an overarching blueprint for the Community Air Protection Program; (2) a process for identifying communities with a high cumulative pollutant exposure burden; (3) the statewide strategy measures to reduce emissions of criteria air pollutants and toxic air contaminants (TACs) in these communities; and (4) the path for development and implementation of community emission reduction programs and community monitoring systems. The Blueprint EA evaluated the potentially significant environmental effects related to implementation of the AB 617 Blueprint measures and their associated reasonably foreseeable compliance responses. The strategy measures are in Table 2, below, and constituted the “project description” for the Blueprint EA.

The Blueprint EA evaluated mitigation measures that would reduce potentially significant impacts associated with the potential indirect significant environmental impacts (projects resulting from compliance responses) from the implementation of the AB 617 Blueprint measures if agencies with authority over the compliance response projects imposed such mitigation measures when approving those projects. The Blueprint EA took the conservative approach in its post-mitigation significance conclusions (i.e., tending to overstate the risk that feasible mitigation may not be sufficient or may not be implemented by other parties) and discloses, for CEQA compliance purposes, that potentially significant environmental impacts may be unavoidable. The Blueprint EA expected that many of these potentially significant impacts would be feasibly avoided or mitigated to a less-than-significant level as described in each resource area during the project-specific environmental review processes associated with compliance actions and, additionally, through compliance with local and state laws and regulations.

The Board found that implementation of the AB 617 Blueprint would potentially result in cumulatively considerable contributions to significant cumulative impacts related to certain resource areas. While the Board provided recommended mitigation for each potential cumulatively considerable contribution to a significant impact, other agencies would be responsible for implementing the mitigation measures. Consequently, the Board found it was uncertain whether other agencies would implement recommended mitigation measures, which precludes assurance that the AB 617 Blueprint project implementation would avoid its significant environmental impacts. Where impacts cannot feasibly be mitigated, the Blueprint EA recognized the impact as significant and unavoidable. In response to the unavoidable significant impacts, the Board adopted Findings and a Statement of Overriding Considerations for significant and unavoidable environmental effects of the AB 617 Blueprint as part of the approval process.

**Table 2: Summary of AB 617 Blueprint Measures**

Measures	Agency	Action	Implementation Begins
<b>Emission Reduction Strategies</b>			
Evaluation and Potential Development of Regulation to Reduce Idling for All Railyard Sources	CARB	2020	2023+
Evaluation and Potential Development of Regulation to Reduce Emissions from Locomotives not Preempted Under the Clean Air Act	CARB	2022	2025+
Drayage Trucks at Seaports and Rail Yards Amendment	CARB	2022	2026–2028+
Commercial Harbor Craft Amendment	CARB	2020	2023+
Cargo Handling Equipment Amendment	CARB	2022	2026
Catalytic Converter Theft Reduction	CARB	TBD	2020
Chrome Plating Control Measures Amendment	CARB	TBD	TBD
Composite Wood Products Control Measure Amendments	CARB	TBD	TBD
Commercial Cooking Suggested Control Measure	CARB	2020	TBD
Heavy-Duty On-Road and Off-Road Engine In-use Testing	CARB	2019	2019+
Incentive Funding to Support Immediate Emission Reductions	CARB	2018	2018+
<b>Supporting Tools and Resources</b>			
Develop and Maintain the Online Resource Center	CARB	2018	2018+
Expand and Maintain the Technology Clearinghouse	CARB	2018	2018+
Develop and Maintain Community Air Monitoring Online Resources	CARB	2018	2018+
Compile and Develop Best Practices Guidance on Outreach, Land Use, and Transportation	CARB	2018	2018+
Provide Community Enforcement Program	CARB	2018	2018+
Provide Enforcement Staff Cross-Training for Multi-media Violations	CARB	2018	2018+
Conduct Periodic Supplemental Environmental Projects Outreach	CARB	2018	2018+
Assess Current Air Monitoring Technologies and Provide Information	CARB	2018	2018+

Measures	Agency	Action	Implementation Begins
Assess Current Air Monitoring Systems and Provide Information	CARB	2018	2018+
Toxic Hot Spots: Industrywide Guidance on Health Risk Assessments for Gasoline Dispensing Facilities	CARB	2018	2019
Develop and Maintain an Annual Emissions Reporting System	CARB	2018	2018+
Funding for Community Assistance Grants	CARB	2018	2018+
Develop and Maintain Community Air Monitoring Data Portal	CARB	2018	2019+
Explore Community Health Indicators	CARB	2018	2018+
<b>Identification and Recommendation of Communities</b>			
Identification and Recommendation of Communities	CARB	2018	2018
<b>Criteria for Community Air Monitoring</b>			
Criteria for Community Air Monitoring	CARB / Air Districts	2018	2018
<b>Criteria for Community Emissions Reduction Programs</b>			
Criteria for Community Emissions Reduction Programs	CARB / Air Districts	2018	2018

In addition to serving as the environmental documents for the approval of the 2016 SIP Strategy and AB 617 Blueprint, CARB intended that later activities could be found within the scope of the SIP Strategy EA and Blueprint EA, which would preclude the need to conduct further environmental review under CEQA for those later activities. Under CEQA Guidelines, if a proposed later activity involves no new or substantially more severe significant effects and no new mitigation measures would be required, a program EIR has adequately analyzed the later activity for CEQA purposes, then the later activities are within the scope of the program EIR, and no further review under CEQA is required.

According to CEQA Guidelines section 15168, later activities within the program must be examined in the light of the program EIR to determine whether an additional environmental document must be prepared. Use of program EIRs to cover later activities is addressed in CEQA Guidelines Section 15168(c):

*(c) Use with Later Activities. Later activities in the program must be examined in the light of the program EIR to determine whether an additional environmental document must be prepared.*



*(1) If a later activity would have effects that were not examined in the program EIR, a new Initial Study would need to be prepared leading to either an EIR or a Negative Declaration. That later analysis may tier from the program EIR as provided in Section 15152.*

*(2) If the agency finds that pursuant to Section 15162, no subsequent EIR would be required, the agency can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental document would be required. Whether a later activity is within the scope of a program EIR is a factual question that the lead agency determines based on substantial evidence in the record. Factors that an agency may consider in making that determination include, but are not limited to, consistency of the later activity with the type of allowable land use, overall planned density and building intensity, geographic area analyzed for environmental impacts, and covered infrastructure, as described in the program EIR.*

*(3) An agency shall incorporate feasible mitigation measures and alternatives developed in the program EIR into later activities in the program.*

*(4) Where the later activities involve site specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and the activity to determine whether the environmental effects of the operation were within the scope of the program EIR.*

*(5) A program EIR will be most helpful in dealing with later activities if it provides a description of planned activities that would implement the program and deals with the effects of the program as specifically and comprehensively as possible. With a good and detailed project description and analysis of the program, many later activities could be found to be within the scope of the project described in the program EIR, and no further environmental documents would be required.*

Section 15168(c)(2) states that if the lead agency finds that pursuant to CEQA Guidelines Section 15162, no subsequent EIR would be required, then the lead agency can approve the activity as being within the scope of the project covered by the program EIR and no new environmental document is required. According to CEQA Guidelines Section 15162, no additional environmental review shall be prepared for a project unless the public agency with the next discretionary approval determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

*(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of*

*new significant environmental effects or a substantial increase in the severity of previously identified significant effects;*

*(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*

*(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:*

*(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;*

*(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;*

*(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or*

*(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.*

CARB has completed an evaluation of the CARB Measures pursuant to Section 15168(c)(2) of the CEQA Guidelines to determine whether the CARB Measures are within the scope of the SIP Strategy EA and Blueprint EA. Section 15168(c)(4) states that a lead agency should use a written checklist or similar device “**[w]here the later activities involve site specific operations**” (emphasis added) to document the later activity and determine whether the environmental impacts of the later activity were within the scope in the Program EAs. Since the CARB Measures identified in the Proposed Project consist of very similar or identical program-level measures that CARB evaluated in the SIP Strategy EA and the Blueprint EA, there are no site specific operations that would require a written checklist or similar device to document whether the environmental effects of the CARB Measures are within the scope of the SIP Strategy and Blueprint programmatic EAs. In other words, the same programmatic-level analysis would occur if CARB undertook environmental review of the CARB Measures since the District is proposing them at the same planning level scope as they occurred under the AB 617 Blueprint and 2016 SIP Strategy documents.

As a result, CARB does not need to use a written checklist or similar device since the level of review of the CARB Measures is the same as the programmatic level of review that CARB conducted when it prepared the SIP Strategy EA and Blueprint EA.

CARB has determined that it evaluated the environmental impacts from the CARB Measures in the 2016 SIP Strategy and Blueprint EAs, and that under CEQA Guidelines Section 15162 there would be no new impacts and no new mitigation measures are required for the CARB Measures. Therefore, further evaluation and documentation under CEQA is not required. (CEQA Guidelines Section 15168(c)(2)) The legal criteria for approving the Proposed Project on the basis of the SIP Strategy EA and Blueprint EA are met here. The Proposed Project's CARB Measures is a later activity within the scope of the programs evaluated in the SIP Strategy EA and Blueprint EA. None of the conditions or circumstances that would require preparation of subsequent or supplemental environmental review pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15162 exists in connection with the Proposed Project's CARB Measures.

### ***B. Adequacy of Prior Environmental Reviews***

The CARB Measures consist of a later activity under the SIP Strategy EA and Blueprint EA in that they are planning level measures adopted in a similar planning document, such as the Proposed Project, as the very similar or same measures that CARB adopted in the 2016 SIP Strategy and AB 617 Blueprint documents. The District is proposing 16 CARB Measures in the Proposed Project. The following lays out the specific relationship between the Proposed Project's CARB Measures and the measures that went through environmental review in the SIP Strategy EA and Blueprint EA.

CARB Measure 1 requesting CARB to continue rulemaking activity on Advanced Clean Car 2 regulations is a substantively similar measure as the SIP Strategy EA's measure 1.a) found on pages 13 and 14.

CARB Measure 2 that requests CARB to adopt regulations addressing improvements to CARB's current Heavy-Duty Inspection and Maintenance program is a substantively similar measure as the SIP Strategy EA's measure 2.a) on pages 16 and 17.

- CARB Measure 3 that requests CARB to develop a Heavy Duty Low NOx Engine Standard regulation is the same measure as the SIP Strategy EA's measure 2.b) on pages 17 and 18.

- CARB Measure 4 that requests CARB to develop a Small Off-Road Engine Amendment is the same measure as the SIP Strategy EA's measure 4.e) on pages 35 and 36.
- CARB Measure 5 requesting CARB to continue rule development for amendments to the drayage truck regulations is the same as measure 1.c) in the Blueprint EA on page 13.
- CARB Measure 10 requesting CARB to pursue a catalytic converter theft deterrence and education program is the same as measure 1.f) in the Blueprint EA at pages 14 and 15.
- CARB Measure 11 requesting CARB staff to present a regulation the Board to begin the transition of TRUs to zero emission technologies and require the use of lower global warming potential refrigerants is same as measure 4.f) on pages 36 and 37 of the SIP Strategy EA.
- CARB Measures 6, 7, 8, 9, 14 and 15 requesting CARB to conduct enhanced enforcement of various regulations and to continue working with the District and the CSC in the community on various emission reduction actions are related, in substance, to the measures discussed under the heading, "Supporting Tools and Resources," in the Blueprint EA (see Table 2-1, pages 9-10) and evaluated on pages 18 through 25.
- CARB Measures 12, 13 and 16, requesting CARB to pursue regulations and/or other measures to achieve additional emission reductions at railyards are the same measures as those analyzed as measure 3.a) in the SIP Strategy EA, on pages 27 through 28, and measures 1.e) and 2.e) in the Blueprint EA, on pages 14 and 20.

Given the foregoing, the Proposed Project's CARB Measures fall within the scope of the project description for the programs analyzed in the SIP Strategy EA and Blueprint EA. The CARB Measures are not substantively different from the very similar measures examined in the SIP Strategy EA and Blueprint EA. The compliance responses that CARB identified in the SIP Strategy and Blueprint EA associated with complying with the very similar measures that the District identified as CARB Measures in the Proposed Project are applicable to the CARB Measures because the CARB Measures present no substantive changes to the measures examined in the EAs.

Similarly, since the SIP Strategy EA and Blueprint EA reviewed the impacts associated with the identified compliance responses, the CARB Measures would not change the impact analysis and mitigation measures found in the SIP Strategy EA and Blueprint EA. As a result, the Proposed Project presents no substantial changes to the projects identified in the SIP Strategy EA and Blueprint EA, presents no substantial changes with respect to the circumstances under which those projects are undertaken nor does it present new information of substantial importance such that they require changes to the significant impact analysis, the mitigation measures or alternatives in the SIP Strategy EA and Blueprint EA. (CEQA Guidelines section 15162) Therefore, based on the foregoing, CARB finds that pursuant to section 15162, the Proposed Project's CARB Measures do not require a subsequent EA and it approves the Proposed Project's CARB Measures as a later activity within the scope of the projects covered by the program SIP Strategy and Blueprint EAs, and no new environmental document is required under CEQA for the environmental review of the CARB Measures.

## ***2. Findings on Environmental Impacts of the CARB Measures***

These Findings rely upon and incorporate by reference the SIP Strategy EA Findings and the Blueprint EA Findings as CARB's findings for the CARB Measures with respect to (1) the potential environmental impacts of the CARB Measures; (2) the measures adopted to mitigate significant environmental impacts of the CARB Measures; (3) the feasibility of mitigation measures and alternatives; (4) the potentially significant impacts that will be mitigated to a less than significant level by the adopted mitigation measures; (5) the identification of the significant environmental impacts that will not be avoided or reduced to a less than significant level by the adopted mitigation measures; and (6) the findings related to the statements of overriding considerations.

## ***3. Incorporation by Reference***

These Findings incorporate by reference in their entirety the text of the SIP Strategy EA and Blueprint EA and their Findings previously certified and/or adopted by CARB. Without limitation, this incorporation is intended to elaborate on the scope and nature of the Proposed Project's CARB Measures, potential environmental impacts that could result from the Proposed Project's CARB Measures, and the basis for determining the significance of the CARB Measures' impacts.

## ***4. Feasible Alternative or Mitigation Measures***

CEQA Guidelines section 15096 requires that the Responsible Agency, like CARB in this instance, shall not approve the Proposed Project if the agency finds any feasible alternative or feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect the project would have on the environment. CARB finds that there are new feasible alternatives or feasible mitigation measures within its power that would mitigate for the impacts from the CARB Measures, which

are already identified in the SIP Strategy and Blueprint EAs and incorporated in their entirety, herein. (CEQA Guidelines section 15096(g)(2))

### **5. Record of Proceedings**

Various documents and other materials constitute the record of proceedings upon which CARB bases its findings and decision contained herein. The custodian for these documents and materials is the California Air Resources Board, 1001 I Street, Sacramento, California, 95814.

### **6. Summary**

Based on the foregoing Findings and the information contained in the record, CARB has made one or more of the following Findings with respect to the Project:

1. The SIP Strategy EA and Blueprint EA adequately examined the Proposed Project's CARB Measures' environmental impacts. No subsequent EA is required because the Proposed Project's CARB Measures will not contribute to the significant environmental impacts previously identified in the SIP Strategy EA and Blueprint EA or otherwise alter those EAs findings. Therefore, pursuant to CEQA Guidelines section 15168(c)(2), the Proposed Project's CARB Measures are a later activity within the scope of the SIP Strategy EA and Blueprint EA and no new environmental document is required under CEQA.
2. All significant effects on the environment due to the implementation of the Proposed Project's CARB Measures have been eliminated or substantially lessened where feasible through mitigation measures adopted in connection with CARB's approval of the SIP Strategy EA and Blueprint EA and incorporated as part of the Proposed Project.
3. All remaining significant effects on the environment caused by implementation of the Proposed Project's CARB Measures, found to be unavoidable, remain acceptable due to the reasons set forth in the Statements of Overriding Considerations in the SIP Strategy EA and Blueprint EA Findings adopted by CARB in connection with its approval of the 2016 SIP Strategy and AB 617 Blueprint documents, as incorporated by reference and reaffirmed herein.

### **7. Approvals**

CARB hereby takes the following actions:

- A. CARB has reviewed and considered the SIP Strategy EA and the Blueprint EA as described above for the Proposed Project.
- B. CARB reaffirms the Findings and Statement of Overriding Considerations adopted for the SIP Strategy EA in March 2017 and the Findings and Statement of Overriding

Considerations adopted for the Blueprint EA in September 2018 relative to the environmental impacts associated with the Proposed Project's CARB Measures.

C. CARB hereby adopts the Findings in their entirety as set forth in full, above.