

Appendix D

Environmental Analysis prepared for the Final Blueprint 2.0

A. Introduction

CARB's regulatory program which involves the adoption, approval, amendment, or repeal of standards, rules, regulations, or plans for the protection and enhancement of the State's ambient air quality has been certified by the California Secretary for Natural Resources under Public Resources Code section 21080.5 of the California Environmental Quality Act (CEQA) (see California Code of Regulations (CCR), title 14, section 15251(d)). Public agencies with certified regulatory programs are exempt from certain CEQA requirements, including but not limited to, preparing environmental impact reports, negative declarations, and initial studies. CARB, as a lead agency, prepares a substitute environmental document (referred to as an "Environmental Analysis" or "EA") as part of the Staff Report to comply with CEQA (See 17 CCR §§ 60000-60008). CARB has determined that pursuant to the California Code of Regulations, title 14, section 15162, a subsequent EA to the *Final Environmental Analysis Prepared For The Proposed Final Community Air Protection Blueprint* (2018 EA) is not required for the current proposed Final Blueprint 2.0 (Proposed Project), also known as the Statewide Strategy for the Program, because there are no changes that involve new significant environmental effects or a substantial increase in severity of significant effects previously identified in the 2018 EA. This appendix provides the basis for CARB's determination that no subsequent or supplemental EA is required for the Proposed Project and serves as a substitute document equivalent to an addendum to the 2018 EA.

B. Prior Environmental Analysis

When the Community Air Protection Blueprint (2018 Blueprint) was proposed in 2018, CARB prepared an EA under its certified regulatory program to comply with the requirements of the California Environmental Quality Act (CEQA; Public Resources Code section 21080.5). The 2018 EA, dated September 14, 2018, was included in Appendix G of the 2018 Blueprint. *The 2018 EA* determined the 2018 Blueprint could result in the following short-term and long-term impacts: beneficial impacts to air quality, energy demand, and greenhouse gas emissions; less than significant impacts, or no impacts, to air quality (odors), energy demand, hazards and hazardous materials, minerals, population

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and housing, public services, and recreation; and potentially significant impacts to aesthetics, agriculture, air quality (short-term construction-related), biological, cultural, geology, soils and minerals, hazards and hazardous materials, hydrology and water quality, land use and planning, minerals, noise, transportation and traffic, and utilities and service systems.

While many of the identified potentially significant adverse impacts could be reduced to a less than significant level by mitigation that can and should be implemented by local lead agencies, the authority to do so is beyond the purview of CARB. The authority to determine project-level impacts and require project-level mitigation lies with land use and/or permitting agencies for individual projects, causing inherent uncertainty in the degree of mitigation that may ultimately be implemented to reduce potentially significant impacts. Consequently, the 2018 EA took the conservative approach in its post-mitigation significance conclusion and disclosures of potentially significant and unavoidable adverse impacts, for CEQA compliance purposes.

C. Proposed Modifications

The Proposed Project is programmatic and includes the implementation guidance for the Assembly Bill 617 (AB 617) Program, which, per statute, must be updated every five years. The Proposed Project is the first update to the guidance document.

The Proposed Project, similar to the 2018 Blueprint, would lead to a reduction of emissions and exposures in California communities with high cumulative exposure burdens for criteria air pollutants and toxic air contaminants. While the Proposed Project is not a regulation, it does provide CARB commitments, lays the foundation to expand Program benefits to other communities not selected, and serves as a guidance document for local air districts, the public, and other stakeholders. The Proposed Project is built on extensive community engagement and lessons learned from developing and implementing the 2018 Blueprint over the last five years. The Proposed Project centers its focus on equity, environmental justice, and civil rights and will replace the 2018 Blueprint. The Proposed Project would:

- Establish two implementation tracks - one track intended for the communities currently selected in the program implementing Community Air Monitoring Plans (CAMPs) and Community Emissions Reduction Plans (CERPs) and the other track describing new pathways for the consistently nominated communities.
- For existing communities, the emphasis would be on completing the actions in the approved CERPs, assessing the annual report, and examining the implementation process to continue to improve the existing Program.
- For new pathways, the Program efforts would intentionally shift focus from community selection to bringing benefits to the communities on the Consistently Nominated Communities list. This list was developed by CARB staff with the help of Air Districts, community-based organizations, and community self-nominations.

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- These new pathways include: leveraging Community Air Protection Incentives, local CERPs developed by Community Air Grantee, and community-focused enforcement.

The Proposed Project here involves increasing the opportunities for disadvantaged communities to use selected actions developed in the first five years, providing community air grants to community-supported emissions reduction efforts, and building partnerships with communities to focus enforcement in community-specified areas.

Analysis

1. Legal Standards

When considering modifications to a Proposed Project for which a substitute document equivalent to an EIR or negative declaration had previously been prepared, CARB looks to Public Resources Code section 21166 and CEQA Guidelines section 15162 for guidance on the requirements for subsequent or supplemental environmental review.

CEQA Guidelines section 15162 states:

(a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency 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;

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(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.

If a subsequent or supplemental EIR or negative declaration is not required, the lead agency may document its decision and supporting evidence in an addendum (14 CCR 15164 (e)). The addendum and lead agency's findings should include a brief explanation, supported by substantial evidence, of the decision not to prepare a subsequent or supplemental EIR or negative declaration (14 CCR 15164(e)). An addendum need not be circulated for public review but must be considered by the lead agency prior to making a decision on the project (14 CCR 15164(c), (d)).

2. Basis for Determination

CARB has evaluated the potential environmental impacts of the Proposed Project and determined that there is no need to prepare, pursuant to California Code of Regulations, title 14, section 15162, a subsequent EA to the 2018 EA because the Proposed Project does not propose changes that involve new significant environmental effects or a substantial increase in severity of significant effects previously identified in the 2018 EA. The scope of the Proposed Project falls within the scope of Blueprint 2018 and would improve the implementation process to ensure more California communities with high cumulative exposure burdens for criteria air pollutants and toxic air contaminants receive the benefits of the Program. The Proposed Project's implementation tracks, guidance, and pathways do not impose any new significant impacts. Rather, the record evidence shows that the Proposed Project will further enhance the air emission benefits by better protecting the public from health impacts associated with exposure to air pollution within the project area, including procedures for protection of the environment, and requiring vigorous implementation and enforcement of applicable emissions standards to achieve significant pollution reductions. Further, the record evidence shows that many of the Proposed Project's actions involve

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outreach and data collection from various parties would better hone particular efforts from implementing agencies in reducing localized pollution levels that may lead to actions by those agencies. Therefore, the Proposed Project does not require CARB to prepare a subsequent EA to the 2018 EA.

- (1) *There are no substantial changes to the Proposed Project previously analyzed in the Environmental Analysis which require major revisions to the Environmental Analysis involving new significant environmental effects or a substantial increase in the severity of previously identified effects.*

The Proposed Project involves increasing the opportunities for disadvantaged communities to use selected actions developed in the first five years of implementing the 2018 Blueprint, providing community air grants to community-supported emissions reduction efforts, and building partnerships with communities to focus enforcement in community-specified areas. Additionally, the Proposed Project guides how to bring Program benefits to more communities by using what was learned from the initial communities and providing pathways to provide improved opportunities to share Program benefits across other communities for incentive projects, local CERPs, and community-driven enforcement. Thus, the Proposed Project does not include changes that would alter the findings in the 2018 EA. The Proposed Project would not result in additional physical changes to the environment beyond what has already been identified in the 2018 EA. Therefore, CARB staff does not anticipate that the Proposed Project would cause new significant environmental effects or a substantial increase in the severity of previously identified effects in the 2018 EA.

- (2) *There are no substantial changes with respect to the circumstances under which the Proposed Project is being undertaken which require major revisions to the previous Environmental Analysis involving new significant environmental effects or a substantial increase in the severity of previously identified effects.*

There are no substantial changes to the environmental setting or circumstances in which the Proposed Project is being implemented compared to that analyzed in the 2018 EA. As explained above, the Proposed Project does not substantially alter the types of commitments previously analyzed or result in any changes that significantly affect the physical environment.

- (3) *There is no 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 Environmental Analysis was certified as complete, that*

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changes the conclusions of the Environmental Analysis with regard to impacts, mitigation measures, or alternatives;

No new information of substantial importance that changes the conclusions of the 2018 EA has become available to CARB staff since the 2018 EA was certified. The Proposed Project will not have any significant effects that are not discussed in the 2018 EA. Significant effects previously examined will not be substantially more severe than those previously analyzed in the 2018 EA. No newly feasible or different mitigation measures are known that could substantially reduce one or more of the previously identified significant effects of the Proposed Project. Therefore, there is no new information of substantial importance that changes the conclusions in the 2018 EA about the potential environmental impacts on any resource areas, mitigation measures for those impacts, or alternatives.

In sum, no supplemental or subsequent EA is required for the Proposed Project because, as described above, the Proposed Project does not result in any new environmental impacts or in a substantial increase in severity to the impacts previously disclosed in the 2018 EA. Further, there are no changes in circumstances or new information that would otherwise warrant an additional environmental review.