

# Guidelines for Implementing the California Environmental Quality Act

Adopted by the Board of Directors April 1996

Revised February 2016



## Executive Summary

The California Legislature enacted the California Environmental Quality Act (CEQA) in 1970 (Public Resources Code 21000-21189). CEQA requires that public agencies consider and disclose the environmental effects of their decisions to the public and governmental decision-makers. Pursuant to CEQA, the Secretary for Resources promulgated State CEQA Guidelines [California Code of Regulations (CCR), Title 14, Division 6, Chapter 3, Sections 15000-15387].

The State CEQA Guidelines Section 15022(a) requires that each public agency issue local procedures for implementing the State CEQA Guidelines in order to ensure the orderly evaluation and preparation of environmental documents. Such procedures shall be revised when needed to be kept current with changes to the State CEQA Guidelines; however, State CEQA Guidelines shall take precedence even if these local procedures are not updated.

This report is an update to the Monterey Bay Unified Air Pollution Control District's (Air District) Guidelines that were Board adopted in April 1996 as Appendix F to the Rules and Regulations to comply with the CEQA Guidelines Section 15022(a). Upon Board adoption of this document, the Guidelines will be a standalone procedure document and no longer be incorporated as an appendix to the Rules and Regulations. In this version of the guidelines, staff incorporated general updates, clarifications and significance criteria for stationary source greenhouse gas emissions that will be used when the Air District is Lead Agency.

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## 1. Introduction

The Monterey Bay Unified Air Pollution Control District (Air District) is a special district whose mission is to protect public and environmental health while balancing economic and air quality considerations. These Guidelines set forth the Air District's procedures for complying with CEQA for permit issuance, rulemaking, and adoption of plans. The Air District assumes the following roles in the implementation of CEQA:

- As a Lead Agency, the Air District analyzes and prepares environmental documents on its own discretionary activities, such as, air quality plans, rule development activities and discretionary permits which do not require a land use or other agency permit.
- As a responsible agency under CEQA, the Air District reviews environmental documents prepared by other lead agencies or jurisdictions to reduce or avoid impacts to air quality and to ensure that the Lead Agency's environmental document is adequate to fulfill the CEQA requirements for Air District permits. The Air District's permit jurisdiction area encompasses Monterey, San Benito, and Santa Cruz counties.
- As a commenting agency, the Air District provides guidance to mitigate adverse impacts to air quality from development projects in Monterey, San Benito, and Santa Cruz counties.

The purpose of this document is to describe the Air District's procedures for implementing its activities under CEQA for staff, other governmental agencies, permit applicants, and the public. The three functions performed by the Air District which may require compliance with CEQA requirements are:

- permit issuance,
- rulemaking, and
- adoption of air quality plans.

The full text of the State CEQA Guidelines (CCR Sections 15000-15387) is incorporated by reference into the Air District Guidelines as they may be amended from time to time, and shall supersede any inconsistent provisions of these Guidelines.

### 1.1 Thresholds of Significance

#### 1.1.1 Criteria Pollutants

Thresholds of significance are used to determine the significance of a project's environmental effects. Per Section 15064.7 of the CEQA Guidelines, a threshold is an identifiable quantitative, qualitative or performance level of particular environmental effect, non-compliance with which means the effect will normally be determined to be significant and compliance with normally means the effect will be determined to be less than significant.

Air quality thresholds of significance are applied during the CEQA review of projects for which the Air District is Lead Agency and recommended for CEQA review of all other projects in Monterey, San Benito, and Santa Cruz counties, for which the Air District is responsible agency or concerned agency. The following summarizes the Air District's thresholds of significance for

evaluating air quality impacts for permits, rulemaking, and plans. A proposed project will not have a significant air quality effect on the environment, if the following criteria are met. These emission thresholds are based on the offset requirements in Air District Rule 207 Review of New or Modified Sources.

Construction of the project will:

- Emit (from all sources, including exhaust and fugitive dust) less than;
  - 137 pounds per day of oxides of nitrogen (NO<sub>x</sub>)
  - 137 pounds per day of reactive organic gases (ROG)
  - 82 pounds per day of respirable particulate matter (PM<sub>10</sub>)
  - 55 pounds per day of fine particulate matter (PM<sub>2.5</sub>)
  - 550 pounds per day carbon monoxide (CO)

Operation of the project will:

- Emit (from all project sources, mobile, area, and stationary) less than;
  - 137 pounds per day of oxides of nitrogen (NO<sub>x</sub>)
  - 137 pounds per day of reactive organic gases (ROG)
  - 82 pounds per day of PM<sub>10</sub>
  - 55 pounds per day of PM<sub>2.5</sub>
  - 550 pounds per day carbon monoxide (CO)
- Not cause or contribute to a violation of any California or National Ambient Air Quality Standard;
- Not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment;
- Not exceed the health risk public notification thresholds adopted by the Air District;
- Not create objectionable odors affecting a substantial number of people; and
- Be consistent with the adopted federal and state Air Quality Plans.

### 1.1.2 Greenhouse Gases

Global climate change is a cumulative impact; a project contributes to this impact through its incremental contribution of greenhouse gas (GHG) emissions combined with the cumulative increase of all other sources of GHGs. The Air District's greenhouse gas (GHG) threshold is defined in terms of carbon dioxide equivalent (CO<sub>2</sub>e), a metric that accounts for the emissions from various GHGs based on their global warming potential. If annual emissions of GHGs exceed these threshold levels, the proposed project would result in a cumulatively considerable contribution of GHG emissions and must implement mitigation measures.

A proposed stationary source project will not have a significant GHG impact, if operation of the project will:

- Emit less than the significance level of 10,000 metric tons per year (MT/yr) CO<sub>2</sub>e, or
- In accordance with the State CEQA Guidelines Section 15064.4(b)(3), the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions [such as, sources subject to the Cap-and-Trade requirements pursuant to Title 17, Article 5 (California Cap on Greenhouse Gas Emissions and

Market-based Compliance Mechanisms]]).

Stationary source projects include equipment, processes and operations that require an Air District permit to operate. Project GHG emissions include direct and indirect sources emissions. Direct emissions occur as a result of onsite equipment, and also offsite sources directly related to the project such as emissions from worker commute trips and haul truck trips. Indirect emissions occur as a result of a project's actions but are produced from sources not owned or controlled by the project such as offsite emissions from electricity generation, water conveyance, and waste disposal.

### 1.1.3 Toxics

Air District staff will refer to current rules and regulations for evaluating impacts from toxics. The following thresholds are used to evaluate human health impacts in accordance with Air District Rules 1000 and 1003, a project would have a significant impact if:

- The hazard index is greater than 1 for acute or chronic impacts.
- The cancer risk is greater than 10 in one million.

## 2. Air District Responsibilities

This section describes the procedures for addressing CEQA when the Air District issues an authority to construct/permit, adopts a rule, or adopts an air quality plan. References to the Guidelines for Implementation of CEQA codified in the California Code of Regulations, Title 14, Division 6, Chapter 3 are referenced as “CEQA Guidelines Section 15XXX” in this document. Figure 1 summarizes the general process for implementing CEQA.

The State Legislature recognized that certain types of projects will not have significant environmental impacts or have overriding benefits and provided a variety of ways to qualify for exemptions from CEQA. The following sections provide an overview of the most common exemptions applicable to projects where the Air District is the Lead Agency or a Responsible Agency. Additional exemptions may be found in the CEQA Guidelines. Some projects may qualify for more than one exemption. In those cases, the exemptions most strongly related to the project should be identified in the project file and on the Notice of Exemption (NOE), if one is filed. The discussion of exemptions is followed by a description of the Air District’s role as Lead Agency and Responsible Agency for projects that do not meet specific CEQA exemptions.

### 2.1 Statutory Exemptions from CEQA

The Air District shall determine whether a permit, rule, or air quality plan is statutorily exempt from CEQA. A permit is statutorily exempt if it is ministerial or meets one of the statutory exemptions in the CEQA Guidelines Sections 15260 to 15277. These types of exemptions are explained in more detail below.

Ministerial projects are those where the Air District’s decision involves little or no personal judgment as to the wisdom or manner of carrying out the project [CEQA Guidelines Section 15369]. Ministerial projects are entitled to a blanket exemption from all of CEQA’s policies and procedures. The Air District generally considers the following approvals to be ministerial:

**Permit to Operate:** Under the Air District’s two-step permitting system for new and modified equipment, an Authority to Construct (ATC) is issued first. When all conditions of the ATC have been met, a Permit to Operate (PTO) is issued. Any discretion in the action is applied at the ATC stage and therefore a PTO issued pursuant to an ATC is ministerial.

**Emergency Projects:** The following projects are exempt from the CEQA Guidelines per Section 15269:

- Projects to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster stricken area in which a state of emergency has been declared by the Governor.
- Emergency repairs to publicly or privately owned service facilities necessary to maintain service essential to the public health, safety or welfare.
- Specific actions necessary to prevent or mitigate an emergency. An example is the installation of a temporary emergency diesel water pump used to alleviate or avoid an immediate threat of flooding. This exemption would not apply to equipment installed in the normal course of construction to prevent long-term hazards.

**Title V Permits:** The CEQA Guidelines Section 15281 exempts the issuance, modification, amendment, or renewal of any permit pursuant to Title V of the federal Clean Air Act (42 U.S.C. Secs. 7661 to 7661f, incl.) or pursuant to the Air District's Title V program from CEQA unless the permit activity authorizes a physical or operational change to a source or facility [Public Resources Code Section 21080.24].

## 2.2 Lead Agency Determination

For permit activities, rules, and air quality plans that are not statutorily exempt from CEQA, the Air District shall determine which public agency is the Lead Agency (CEQA Guidelines Sections 15050-15053). Where there are other agencies which have approval or permit authority over the project, the Lead Agency will normally be the local jurisdiction with the broadest governmental powers (e.g., city or county) rather than a single-purpose agency such as the Air District.

However, if the local jurisdiction with broad governmental powers finds that its approval of the project is exempt from CEQA, the Air District or other agency may be considered the Lead Agency. In such a case, the entirety of the project and impacts on the environmental resource areas shall be considered.

## 2.3 Requirements as Lead Agency

As a Lead Agency, the Air District shall determine whether the project is categorically or generally exempt from CEQA or whether further environmental review is warranted. In determining the applicability of the following exemptions, the Air District shall consider the entire impact of the project on the environment. If the project as a whole is not categorically or generally exempt from CEQA, the Air District should prepare an Initial Study (see Section 2.3.4).

### 2.3.1 Categorical Exemption

The State Secretary of Resources has determined that certain classes of projects do not have a significant effect on the environment and are exempt from the provisions of CEQA. These exemptions are listed in the CEQA Guidelines Sections 15300 to 15329. The exemptions most frequently applied to Air District approvals are summarized below.

**Minor Alterations to Existing Facilities:** [Section 15301] Projects consisting of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographic features, involving negligible or no expansion beyond that existing at the time of the Lead Agency's determination.

**Replacement or Reconstruction:** [Section 15302] Replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity. This would include replacement or reconstruction of existing permitted facilities and equipment involving no expansion of capacity.

**Actions by Regulatory Agencies for Protection of the Environment:** [Section 15308] Actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment. This exemption may

apply to the adoption of Air District rules and regulations that tighten requirements or performance standards and have no significant environmental effect on other resources.

**Cogeneration Projects at Existing Facilities:** [Section 15329] The installation of cogeneration equipment with a capacity of 50 megawatts or less that meet the following conditions:

- Industrial facilities where the installation of cogeneration equipment will result in no net increase in air emissions, or will produce emissions lower than the amount that would require review under the new source review rules of the Air District, and comply with all applicable state, federal, and local air quality laws.
- Commercial and institutional facilities that meet all the criteria listed above, result in no noticeable noise to nearby residential structures, and are contiguous to other commercial or institutional uses.

#### **2.3.1.1 Exceptions to Categorical Exemptions**

Projects that meet the criteria for one of the categorical exemptions are still subject to CEQA under the following circumstances [Section 15300.2]:

- Projects that are ordinarily considered insignificant in their impacts on the environment are not exempt if the project is located in a particularly sensitive environment;
- When the cumulative impact of successive projects of the same type in the same place, over time is significant;
- When unusual circumstances exist that may cause a significant effect on the environment;
- When a project may result in damage to scenic resources within a highway designated as a state scenic highway;
- When a project is located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code (Hazardous Waste Sites); or
- When a project may cause a substantial adverse change in the significance of a historical resource.

#### **2.3.2 General Exemption**

A permit, rule, or plan that does not directly qualify for a statutory or categorical exemption can be generally exempted from CEQA if it will not result in significant environment impacts (CEQA Guidelines Section 15061(b)(3)).

CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA [Section 15061(b)(3)]. The “General Rule” exemption is used when, during preliminary review, the Air District finds that a discretionary project is of a type and size known through previous environmental reviews, analysis, and experience to have no significant effects. This exemption cannot be used if the project has circumstances that are out of the ordinary, or if the project has the potential to cause a localized exceedance of any pollutant emission standard. Examples of projects normally qualifying for this exemption include, but are not limited to, the following:

**New Stationary Sources with Emissions less than New Source Review Offset Thresholds:** New projects with criteria pollutant emissions that are less than the significance thresholds defined in Section 1.1 and for which there will be no other significant environmental effects.

**Minor Rule Amendments:** Rule amendments that make administrative changes and corrections to rules that do not relax emission standards nor cause significant emissions increases, and have no other significant environmental effects.

**Rules with no Significant Environmental Effect:** New and amended rules where it can be seen with certainty that implementation will result in no significant environmental effects.

**Adoption of Federal or State Rules or Regulations by Reference:** The Air District sometimes adopts United States Environmental Protection Agency (EPA) or California Air Resources Board (ARB) rules and regulations that will be enforced by the Air District. By placing the rule in the Air District Rulebook, potential sources are more likely to be aware of the requirements. Air District adoption of these rules has no impact on the environment since they are in effect whether or not the Air District takes action. Examples include rules adopted to comply with the National Emission Standards for Hazardous Air Pollutants (NESHAP) (Rule 424). If the Air District modifies a state or federal rule in a way that substantially differs from the state or federal regulation the rule must be examined for potential impacts.

**Plans Using Only Previously Adopted Measures:** New and amended Air District plans proposing no new control measures or programs and these existing previously adopted measures and programs were found to have no significant environmental effects during a previous environmental review.

**Plans with no Significant Adverse Effect:** New and amended Air District plans where it can be seen with certainty that proposed measures or programs will have no significant environmental effects.

### 2.3.3 Filing Notices of Exemption

The CEQA Guidelines Section 15062 allows the Air District to file a notice of exemption (NOE) for projects determined to be exempt from CEQA. The NOE form is contained in Appendix E of the CEQA Guidelines or can be downloaded from: <http://opr.ca.gov/docs/NOE.pdf>. Filing an NOE starts a 35-day statute of limitations period on legal challenges of an agency's decision that a project is exempt from CEQA. If no NOE is filed the statute of limitations is 180 days.

The notice can be filed only after the project is approved. The Air District shall file an NOE for a permit approval only when deemed necessary or at the request of an applicant. The notice shall be filed only with the County Clerk of the county where the project is located. The notice shall contain all information required by the CEQA Guidelines Section 15062. Table 1 lists the county clerk information.

**Table 1. County Filing Information**

County	Website	Phone Number (831)	Address
Monterey County	<a href="http://www.co.monterey.ca.us/recorder/clkfee.htm">http://www.co.monterey.ca.us/recorder/clkfee.htm</a>	755-5041	Monterey County Recorder-County Clerk, P. O. Box 29, Salinas CA, 93902-0570
San Benito County	<a href="http://sbcvote.us/county-clerk/">http://sbcvote.us/county-clerk/</a>	636-4029	440 Fifth Street Second Floor, Room 206 Hollister, CA 95023
Santa Cruz County	<a href="http://www.sccoclerk.com/">http://www.sccoclerk.com/</a>	454-2060	701 Ocean St, Room 210 Santa Cruz, CA 95060

### 2.3.4 Initial Study

If it is determined that the Air District has the role of Lead Agency, the Air District will prepare an Initial Study and consult with responsible and trustee agencies, if any, to determine if the permit project may have a significant impact on the environment. If an EIR is clearly required, an Initial Study is not necessary. The environmental checklist form contained in Appendix G to the CEQA Guidelines can be used to prepare the Initial Study.

- Planning staff will coordinate with Engineering and/or Compliance staff, where appropriate, to determine the adequacy of the Initial Study conclusions.
- If Initial Study concludes there is no reasonable argument that the project may have a significant impact on the environment based on substantial evidence, the Air District shall prepare a Negative Declaration.
- If the Initial Study concludes that the project may have a significant impact on the environment based on substantial evidence, the Air District shall prepare a Mitigated Negative Declaration if impacts can be mitigated below significance by revising the project.
- If the Initial Study concludes that the project may have a significant impact on the environment based on substantial evidence, the Air District shall prepare an EIR if impacts cannot be mitigated below significance by revising the project.

### 2.3.5 Negative Declaration and Mitigated Negative Declaration

Current requirements for the Negative Declaration and Mitigated Negative Declaration (ND/MND) process can be reviewed in the CEQA Guidelines, Article 6, Sections 15070 to 15075. If the Air District will proceed with preparing a ND/MND, the following steps should be followed to prepare and adopt the ND/MND:

- Confirm the Negative Declaration form and the Initial Study to support the Negative Declaration is consistent with the CEQA Guidelines. The current versions of these forms can be checked and downloaded from the Office of Planning and Research (OPR) at [www.opr.ca.gov](http://www.opr.ca.gov). The current versions of the ND/MND form and Initial Study checklist are available in the Planning/CEQA folder on the Air District's internal O drive.

- For a Mitigated Negative Declaration, ensure the mitigation measures adequately mitigate the potential significant impacts of the project.
- Issue notice of intent to adopt the ND/MND which initiates the public review period. This shall include publishing the notice in the general newspaper for affected county(ies) and mailing the notice, Initial Study, and ND/MND to responsible and trustee agencies, if any, and interested parties. Planning staff will file the notice with the appropriate county(ies) clerk. The ND/MND will also be posted on the Air District's website for the duration of the public comment period. The review period for the ND/MND shall be 20-30 days and shall not begin until the notice is published.
- The Planning section shall coordinate with the Engineering and/or Compliance sections, where appropriate, to determine the adequacy of the ND/MND based on public comments. A written response shall be prepared for each comment.
- Based on public comments, if there is a reasonable argument that the project may have a significant impact on the environment based on substantial evidence, the Air District shall prepare an EIR if impacts cannot be mitigated below significance by revising the project. However, if there is no reasonable argument that the project may have a significant impact on the environment based on substantial evidence, the Initial Study, ND/MND, comments on the ND/MND, and comment responses will be provided to the Board of Directors if necessary for project approval (such as for plans or rules) or saved in the Engineering project permit file.
- For permit projects, once the ATC is approved by Engineering, the Planning section will file the Notice of Determination (NOD) with the county or counties, as applicable, within five days. A sample NOD form is included in the CEQA Guidelines Appendix D and can be downloaded here: <http://opr.ca.gov/docs/NOD.pdf>.
- The NOD fee schedules are typically updated in January of each year and the current fee schedules can be found on the county clerk websites. Table 1 summarizes the county information for finding the current fees and the address for submitting documentation to the counties.

### 2.3.6 Environmental Impact Report

Current requirements for the Environmental Impact Report (EIR) process can be reviewed in the CEQA Guidelines, Article 7, Sections 15080 to 15097. The following procedure should be used to prepare and certify an EIR:

- Prepare Notice of Preparation (NOP) distribute to responsible or trustee agencies, if any, and any interested persons and publish notice in the general newspaper of the affected county(ies). Planning staff will file the NOP with the appropriate county(ies) clerk. The NOP will be posted to the Air District's website. The notice public review period shall be 30-45 days, though a longer review period may be appropriate. A sample NOP form can be found in the CEQA Guidelines Appendix I.
- Evaluate comments received on the NOP and coordinate with Engineering and Compliance sections, as appropriate, to scope the content of the EIR and determine whether it will be prepared by staff or consultants.

- Prepare the Draft EIR in accordance with the required contents listed in the CEQA Guidelines, Article 9, Section 15120 to 15132.
- Upon completion of Draft EIR, prepare and file Notice of Completion (NOC) of a Draft EIR in accordance with the required contents summarized in CEQA Guidelines Section 15085. Publish the NOC in the general newspaper(s) and file the NOC with the clerks in the affected county(ies). Mail the NOC interested persons and commenters on the NOP. Provide public libraries, responsible and trustee agencies, if any, with the NOC and the Draft EIR. Circulate the NOC and Draft EIR for 30-45 days. Post the Draft EIR to the Air District's website. A sample NOC form can be found in the CEQA Guidelines Appendix L.
- The Planning section shall coordinate with Engineering and Compliance sections, where appropriate, to determine the adequacy of the Draft EIR based on public comments. A written response shall be sent to each commenter prior to final consideration and certification of the Draft EIR.
- Prepare the Final EIR in accordance with the required contents summarized in CEQA Guidelines Section 15132. Provide copies of the Final EIR to responsible/trustee agencies, if any, and post the Final EIR to the Air District's website.
- Determine whether the project would mitigate all significant impacts below significance.
  - If the project would mitigate all significant impacts, it will be subject to review and approval by the Board of Directors.
    - Prior to approving the project, the Board of Directors shall consider and certify the Final EIR, adopt any mitigation monitoring plan, and make findings on feasibility of reducing or avoiding impacts.
    - Following Board approval, an NOD will be filed with each county clerk within five days of the decision.
  - If the project would result in significant, unavoidable impacts, the Board shall consider a statement of overriding considerations, the Final EIR, and the mitigation monitoring program.
    - The Board shall consider and certify the Final EIR, mitigation and monitoring program, and make findings on the feasibility of reducing or avoiding significant effects.
    - Following Board approval, an NOD will be filed with each county clerk within five days of the decision.

## 2.4 Requirements as Responsible Agency

For some projects, the Air District will act as responsible agency. The process for a responsible agency is summarized in the CEQA Guidelines Section 15096. The following requirements apply when the Air District has the role of responsible agency:

**Response to consultation:** The Air District shall respond to consultation by the Lead Agency to assist it in preparing adequate environmental documents by addressing the project's impact on air quality. The Air District shall explain its reasons for recommending whether the Lead Agency should prepare an EIR, MND, or ND. As soon as possible, but not longer than 30 days after

receiving an NOP from the Lead Agency, the Air District shall send a written reply by certified mail or any other method which provides the Air District with a record showing the notice was received. The reply shall specify the scope and content of the environmental information which would be germane to the Air District's statutory responsibilities for the proposed project. The Lead Agency shall include this information in the EIR.

- If the Air District disagrees with the Lead Agency's proposal to prepare an MND or ND, the Air District should identify the significant air quality impacts which it believes could result from the project and recommend either that an EIR be prepared or that the project be modified to eliminate the significant impacts.

**Comments:** The Air District should review and comment on draft EIRs and ND/MNDs for projects which the responsible agency would later be asked to approve. Comments should focus on any shortcomings in the EIR, the appropriateness of using an ND/MND, or on additional alternatives or mitigation measures which the EIR should include. The comments shall be limited to those project activities which are within the agency's area of expertise or which are required to be carried out or approved by the agency or which will be subject to the exercise of powers by the agency.

**Adequacy of Analysis:** The Air District shall determine the adequacy of the air quality analysis in a Draft EIR, ND/MND. If the Air District believes that the final EIR or ND/MND prepared by the Lead Agency is not adequate for use, the Air District must either:

- Take the issue to court within 30 days after the Lead Agency files a notice of determination;
- Be deemed to have waived any objection to the adequacy of the EIR or negative declaration;
- Prepare a subsequent EIR if permissible under the CEQA Guidelines Section 15162; or
- Assume the Lead Agency role as provided in the CEQA Guidelines Section 15052(a)(3).

**Notice of Determination:** The Air District should file an NOD in the same manner as a Lead Agency under the CEQA Guidelines Section 15075 or 15094 except that the responsible agency does not need to state that the EIR or ND/MND complies with CEQA. The responsible agency should state that it considered the EIR or ND/MND as prepared by a Lead Agency.

## 2.5 National Environmental Policy Act

In some circumstances, the Air District may receive applications for stationary sources located on federal land and subject to the National Environmental Policy Act (NEPA). The CEQA Guidelines Sections 15220-15229 addresses projects subject to both NEPA and CEQA.

In accordance with Section 15221, if a NEPA document has been prepared for a project and no other agency has assumed the role of Lead Agency under CEQA, the Air District will, to the

extent possible, use the NEPA Environmental Impact Statement (EIS) or Finding of No Significant Impact (FONSI) in lieu of preparing a separate EIR or ND.

## 2.6 Air District Role in Commenting

The Air District routinely receives environmental documents from local public agencies to review. For most projects, the Air District typically has no role in approving the project. However, due to the potential for air quality impacts, staff review the documents received and provide comments. In addition, in accordance with the CEQA Guidelines Section 15209, every public agency may comment on environmental documents dealing with projects which affect resources with which the agency has special expertise regardless of whether its comments were solicited or whether the effects fall within the legal jurisdiction of the agency.

The Air District may comment on Notices of Preparation for EIRs. This decision to comment will be based on the potential significant air quality impacts of the project. If significant air quality impacts are not anticipated, the Air District will not comment.

There are some projects the Air District does not review because these projects would not have significant air quality impacts. An example of the type of project in this category would be a remodel project of a single-family dwelling unit.

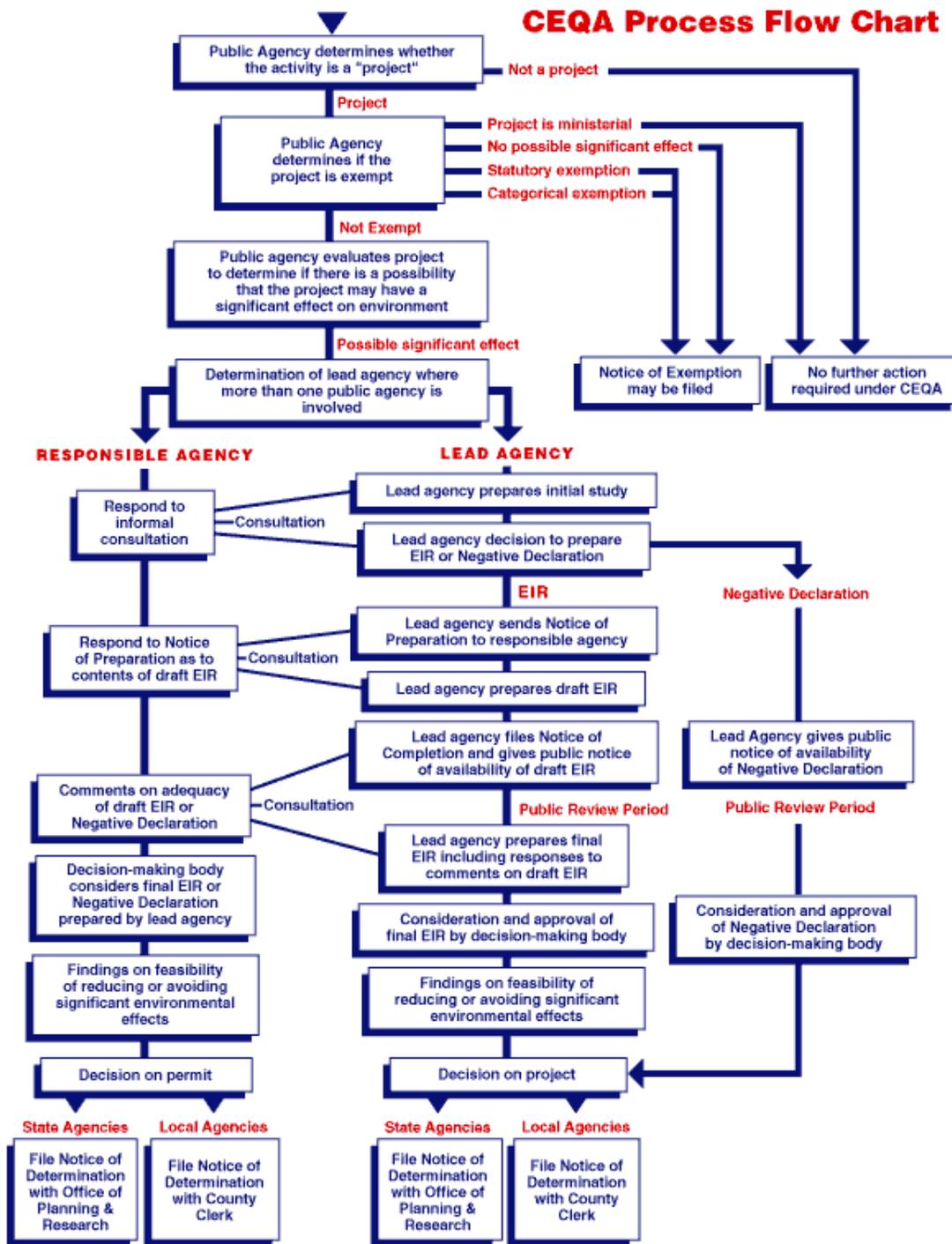


Figure 1. CEQA Process Flow Chart (From the CEQA Guidelines Appendix A)

### 3. Forms

The Air District will maintain the following forms in the Planning/CEQA folder on Air District internal network drive (O drive) for use in implementation of these Guidelines. The Air District will periodically update these forms when the Office of Planning and Research makes changes to the forms.

1. Notice of Exemption
2. Initial Study Checklist Questions
3. Notice of Intent to Adopt a Negative Declaration
4. Notice of Preparation (EIR only)
5. Notice of Completion (Submittals to the State Clearinghouse)
6. Notice of Determination

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