# APPENDIX B

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

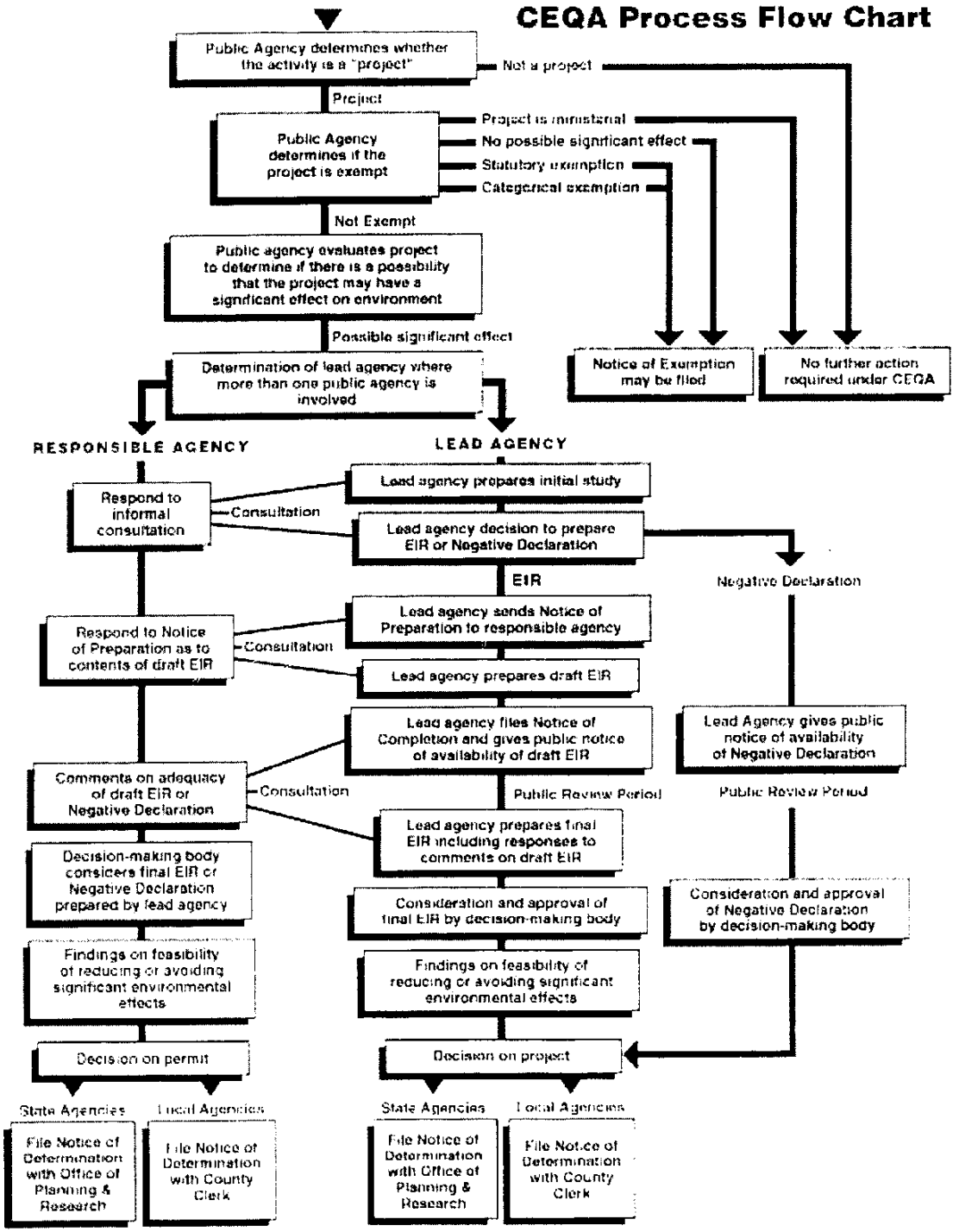
PROCESS FLOW CHART & OVERVIEW OF CEQA PROCESS

# CEQA

The California Environmental Quality Act

Credits | Disclaimer

## CEQA Process Flow Chart



**Appendix B:**

# Overview of CEQA Process

## 1. Identification of a Lead Agency

an environmental impact report (EIR) and to approve appropriate mitigation below these thresholds.

Where a project requires approvals from more than one public agency, CEQA requires one of these public agencies to serve as the "lead agency". The lead agency must complete the environmental review process required by CEQA.

The basic steps of the environmental review process for the lead agency are:

- Determine if the activity is a "project" subject to CEQA.
- Determine if the project is exempt from CEQA.
- Perform an Initial Study to identify the environmental impacts of the project and determine whether the identified impacts are "significant".

Based on its findings of "significance", the lead agency prepares one of the following environmental review documents:

- A Negative Declaration if it finds no "significant" impacts;
- A Mitigated Negative Declaration if it finds "significant" impacts but the project is revised to avoid or mitigate those significant impacts, or;
- An EIR if it finds "significant" impacts from the project based on the Initial Study. The lead agency will prepare a Notice of Preparation (NOP) declaring the need to prepare a Draft Environmental Impact Report for the project with the potential "significant" environmental impacts identified in the NOP.

While there is no one statewide definition of "significance", state law and the State CEQA Guidelines provide criteria to lead agencies in developing local "significance" thresholds and in determining whether a project may have significant environmental effects.

## 2. Preparation of an EIR

If the lead agency determines, through the Initial Study, that the project may lead to potential significant environmental impacts, then the lead agency must oversee the

preparation of an Environmental Impact Report (EIR). An EIR includes both an initial Draft EIR (DEIR) and a Final EIR (FEIR).

The purpose of a DEIR is to provide State and local agencies and the general public with detailed information on:

- the potentially significant environmental effects which a proposed project is likely to have;
- list ways in which the significant environmental effects may be minimized, and;
- indicate potential alternatives to the project.

The lead agency is also responsible to make the DEIR available for public comment via mailings and public hearings. Upon completion of the public review period, the lead agency is responsible to approve or disapprove the project based on adequacy of the DEIR and the ability of the project proponent to mitigate significant environmental impacts to below significance thresholds.

The lead agency is also responsible for the preparation of the FEIR, which in many cases includes comments and responses to the DEIR. Upon completion of the FEIR, the lead agency certifies the FEIR as complete and in compliance with CEQA. The lead agency then decides whether to approve or disapprove the project based on the significant environmental impacts.

### 3. Statement of Overriding Considerations

Should the lead agency determine that particular significant environmental impacts are unavoidable with a project, and that the overall benefits of the project outweigh the significant environmental impacts, then the lead agency can approve the project with a "statement of overriding considerations". In the case of many of the CaRFG2 refinery projects, the EIR's were approved with a statement of overriding considerations based primarily on the regional emission benefits that would be derived from the use of CaRFG2 and the associated mobile source emission reductions. As a result, CaRFG2 projects with emission increases (and still considered a significant environmental impact) were approved by the lead agencies with the rationale that the regional emission benefits of CaRFG2 would outweigh the local emission impacts from the CaRFG2 refinery projects.

### 4. Mitigation and Monitoring Plans

Assembly Bill (AB) 3180 became law in California on January 1, 1989. This law requires all public agencies to approve monitoring or reporting programs when they approve projects with EIRs or Negative Declarations that identify significant environmental impacts that are mitigated below significance thresholds. The reporting and monitoring program must be approved when a public agency makes its findings

under CEQA. The program must be designed to ensure project compliance with mitigation measures during project implementation. If certain project impacts extend beyond the project implementation phase, long-term mitigation monitoring is provided in the monitoring program.

A number of various emission related mitigation measures were agreed to by California refineries that were subject to CaRFG2 CEQA mitigation monitoring plans. Appendix C provides two examples of CaRFG2 mitigation monitoring plans that were agreed upon between Chevron (Richmond) and the City of Richmond, and Unocal (Rodeo), now Phillips Petroleum, and Contra Costa County. Appendix D provides examples of some of the mitigation measures agreed to by California refineries that were supplemental to the local air quality management district requirements. These include:

Chevron's (Richmond) agreement to:

- have proposed spheres include process valves that meet 100 ppm standard (for 1997 equipment) for VOC leaks;
- bellows valves rather than graphite-packed valves, and;
- retrofit tanks built prior to 1979 with low emission fittings.

Phillips' (formerly Unocal – Rodeo) agreement to:

- implement a duct burner option for increased steam production to reduce $NO_x$ emissions.

### 5. Completion of CEQA

The CEQA process is completed when the lead agency approves the FEIR and a Notice of Determination has been sent out, as well as filing the FEIR with the appropriate agencies. Once the CEQA process is completed, then the permitting process, usually being done parallel with the CEQA process, can be completed as well.