

# Procedure: Determining CEQA Applicability to Authority to Construct and/or Permits to Operate

## Procedure

The [CEQA Compliance Form](#), which is included in all permit application folders, must be used to determine whether the permit application is ministerial, categorically exempt, or subject to California Environmental Quality Act (CEQA) requirements.

Step	Action		
1	Review the 2 <sup>nd</sup> page of the <a href="#">CEQA Compliance Form</a> (Part 1) and determine whether the project is in a source category which has a relevant <a href="#">Permit Handbook chapter</a> assigned to it:		
	<b>If a relevant Permit Handbook chapter applies ...</b>	<b>Then ...</b>	
	Yes	Stop. Project is ministerial, per <a href="#">Regulation 2-1-311</a> . Go to Procedure for Ministerial Projects.	
	No	Proceed to Step 2. Project is not ministerial.	
2	Require the applicant to submit a completed <a href="#">Appendix H Form</a> .		
3	Review the completed <a href="#">Appendix H Form</a> and determine whether the project may be deemed categorically exempt from CEQA requirements.		
	<b>If a relevant subsection in Regulation 2-1-312 applies ...</b>	<b>And Appendix H Form and/or application file indicates ...</b>	<b>Then ...</b>
	Yes	No significant adverse environmental impact	Stop. Project is Categorical Exempt, per Regulation 2-1-312. Go to the Procedure for Categorical Exemption.
	Yes	Possibility of adverse environmental impact	Proceed to Step 4.
	No	No significant adverse environmental impact	Proceed to Step 5.
No	Possibility of adverse environmental impact	Proceed to Step 5.	

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Procedure  
(continued)

Step	Action							
4	Discuss project with supervisor and CEQA Coordinator. If discussions result in determination that the project will cause a significant adverse environmental impact, then proceed to Step 5. Otherwise, go to the Procedure for Categorical Exemption.							
5	<p>Determine who is the Lead Agency:</p> <table border="1" data-bbox="589 541 1344 1932"> <thead> <tr> <th data-bbox="589 541 743 762">If Another Entity is Lead Agency ...</th> <th data-bbox="743 541 1344 762">Then ...</th> </tr> </thead> <tbody> <tr> <td data-bbox="589 762 743 1749">Yes</td> <td data-bbox="743 762 1344 1749"> <ol style="list-style-type: none"> <li>1. Confirm that the agency has assumed its responsibility to be the Lead Agency in preparing Environmental Document for CEQA review.</li> <li>2. Inquire on the Environmental Document (i.e., Environmental Impact Report or Negative Declaration) that is being prepared and its schedule for completion.</li> <li>3. Review and provide comments on the project to the Lead Agency on all submitted CEQA documents. Any significant comments should always be submitted in writing to the Lead Agency.</li> <li>4. Complete the CEQA Compliance Form and include it with any documented comments to the Lead Agency in the permit application file.</li> <li>5. Include in the evaluation report that the project is subject to CEQA and how the requirements of <a href="#">Regulation 2-1-426.2</a> have been met.</li> <li>6. Take final action on the permit application only after the Lead Agency has certified a Final Environmental Impact Report or approved a Negative Declaration for the project, per <a href="#">Regulation 2-1-408</a>.</li> </ol> </td> </tr> <tr> <td data-bbox="589 1749 743 1932">No</td> <td data-bbox="743 1749 1344 1932">Notify and request that the CEQA Coordinator conduct a CEQA review, because the project is not exempt from CEQA and no other public agency is Lead Agency.</td> </tr> </tbody> </table>		If Another Entity is Lead Agency ...	Then ...	Yes	<ol style="list-style-type: none"> <li>1. Confirm that the agency has assumed its responsibility to be the Lead Agency in preparing Environmental Document for CEQA review.</li> <li>2. Inquire on the Environmental Document (i.e., Environmental Impact Report or Negative Declaration) that is being prepared and its schedule for completion.</li> <li>3. Review and provide comments on the project to the Lead Agency on all submitted CEQA documents. Any significant comments should always be submitted in writing to the Lead Agency.</li> <li>4. Complete the CEQA Compliance Form and include it with any documented comments to the Lead Agency in the permit application file.</li> <li>5. Include in the evaluation report that the project is subject to CEQA and how the requirements of <a href="#">Regulation 2-1-426.2</a> have been met.</li> <li>6. Take final action on the permit application only after the Lead Agency has certified a Final Environmental Impact Report or approved a Negative Declaration for the project, per <a href="#">Regulation 2-1-408</a>.</li> </ol>	No	Notify and request that the CEQA Coordinator conduct a CEQA review, because the project is not exempt from CEQA and no other public agency is Lead Agency.
If Another Entity is Lead Agency ...	Then ...							
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No	Notify and request that the CEQA Coordinator conduct a CEQA review, because the project is not exempt from CEQA and no other public agency is Lead Agency.							

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## Ministerial Project

For those permit applications that are ministerial, complete the [CEQA Compliance Form](#) using the following procedure:

Step	Action
1	Circle parts B.1 and C.1.
2	Fill in the relevant Permit Handbook chapter number in the blank in B.1.
3	Sign the form after parts B and C.

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## Categorical Exemption

For those permit applications that appear to be categorically exempt, complete the [CEQA Compliance Form](#) using the following procedure:

Step	Action
1	Circle parts B.3 and C.3.
2	Fill in the relevant subsection to Regulation 2-1-312 in the blank in C.3.
3	Sign the form after parts B and C.
4	Have the applicant complete an <a href="#">Appendix H</a> form for the project.

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## Examples of Significant Impact

The following are examples of when the project may have a significant impact:

- Applicant requires a formal health risk assessment.
- Any item on the completed [Appendix H Form](#), Items # 21 through 32, is checked “yes”.
- Review of the Appendix H Form or permit application file, using best engineering judgment, indicates a significant adverse environment impact will result from the project.

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## Effective Date

April 13, 1999

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## Rationale

This document provides guidance so that the CEQA requirements are met in a consistent manner when reviewing permit applications for CEQA compliance.

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Continued

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## Background

CEQA requires environmental review for projects developed and approved by California state, regional, or local government. Projects include the issuance of conditional use permits such as Authorities to Construct and Permits to Operate, which are considered parts of the same project, per [Regulation 2-1-310.2](#). The primary intent of CEQA is to ensure that the public and the agency making the decision on a proposed activity have full knowledge of the environmental impacts of the activity before proceeding.

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## CEQA's Impact on Permit Review

With respect to CEQA, permit applications fall into four categories:

- Ministerial
  - Categorical exemption
  - Another agency is Lead Agency for CEQA review
  - District (BAAQMD) is the Lead Agency for CEQA review
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## CEQA's Impact on Completeness Determination

Per [Regulation 2-1-202](#), an application for an Authority to Construct a new or modified source is not deemed complete if it does not contain CEQA-related information, which satisfies the requirements of [Section 2-1-426](#), unless the permit application is deemed ministerial or categorically exempt.

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## The District as the Lead Agency

For those cases in which the District assumes the role of the Lead Agency, the District will handle CEQA document processing in accordance with the [Manual of Procedures Volume VII: BAAQMD Guidelines for Environmental Processes under CEQA](#).

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## Contact

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## Document Control

Version	Revised By	Description	Date
1.1	BGY	New Procedure	4/12/99
1.2	MCL	Mapping of Procedure	1/31/14

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## Approval

Name & Title	Signature	Date
Brian Bateman, Director of Engineering	Signed by Brian Bateman	2/28/2008

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