

CEQA Document Types & Timelines

Introduction

There are different types of California Environmental Quality Act (CEQA) documents that can be developed to support action being taken for a solid waste related project such as a permit, clean up or remediation, or regulatory action.

The timelines that have been identified only pertain to the CEQA process and are separate from any local or state permitting timelines. For a summary of timelines, supportive statutes, and the most updated guidance, visit the [Governor's Office of Land Use and Climate Innovation \(LCI\)](#) webpage. Refer to the [CEQA Guidelines](#) (Title 14, Division 6, Chapter 3 of the California Code of Regulations) to view the most current regulations.

For clarification of terms used within this document:

- **Lead agency** is the public agency that has the principal responsibility for carrying out or approving a project that is subject to CEQA.
- **Responsible agency** is a public agency with discretionary approval authority over a portion of a CEQA project.

There can only be one lead agency for a CEQA project and there can be multiple responsible agencies for a CEQA project.

Notice of Exemption (NOE)

The timeline for a NOE in the CEQA process is generally shorter and less complex compared to other CEQA documents like Environmental Impact Reports, Negative Declarations, or Mitigated Negative Declarations. Typically, a NOE can go through the CEQA process, start to finish, within 2-3 months.

Overview of the CEQA process associated with a NOE:

- 1) **CEQA Project Initiation:** The process to determine the applicability of CEQA first begins with determining if the proposed action meets the definition of "project" ([Public Resource Code \(PRC\) section 21065](#)). Typically, this happens at the local government level prior to any state government level project review. Any actions requiring discretionary approval, such as issuance of a permit or conditional authorizations for a project, would trigger a CEQA review.
- 2) **Exemption Determination:** The lead agency reviews the project's characteristics and potential impacts. If the project falls under one of the categorical or statutory exemptions outlined in the CEQA Guidelines, the lead agency determines that the project is exempt from further CEQA review.

- 3) **Documentation Preparation:** The lead agency prepares the NOE. The NOE includes a brief description of the project, the exemption category it falls under, and an explanation of why the exemption applies.
- 4) **Public Posting:** The lead agency may post the NOE in a publicly accessible location, such as an office or website, to provide notice to the public that the project has been determined exempt from CEQA. Note, there are no public noticing requirements associated with a NOE.
- 5) **Public Comment Period (if applicable):** While there is not a mandatory public review and comment period for NOEs, some lead agencies may choose to allow a short period for public comments on the exemption determination.
- 6) **Filing:** All NOEs must be filed with LCI (in addition to any local filing requirements). This filing confirms the exemption determination, begins the statute of limitations to challenge, and provides a record of the project's CEQA status. Lastly, depending on the lead agency's procedures, the NOE may also require filing with a specific government office or agency.
- 7) **Challenges (if applicable):** After the approval of the exemption, a NOE is filed. There is a 35-day statute of limitations for legal challenges if a NOE was filed, and 180-day statute of limitations for legal challenges if a NOE was not filed.
- 8) **Project Implementation:** With the NOE filed, the project can proceed to implementation without the need for further CEQA review.

Important note: The timeline for an NOE can vary based on the specific procedures of the lead agency, the complexity of the project, and local regulations. The timeline for an NOE is relatively short and straightforward compared to the timelines associated with other CEQA documents that require more extensive environmental analysis and public involvement.

Negative Declaration (ND) & Mitigated Negative Declarations (MND)

The timeline for a ND is longer than NOE and shorter than an EIR. It involves several stages of review, analysis, and public engagement and can take approximately 3-6 months to go through the CEQA process. The ND is prepared when a project has been determined to have less than significant impacts on the environment. The MND is a ND with attached mitigation measures to address any identified impacts to keep the impacts under a level of significance.

Overview of the CEQA process for a ND/MND:

- 1) **CEQA Project Initiation:** The process to determine the applicability of CEQA first begins with determining if the proposed action meets the definition of "project" ([PRC section 21065](#)). Typically, this happens at the local government level prior to any state government level project review. Any actions requiring discretionary approval, such as issuance of a permit or conditional authorizations for a project, would trigger a CEQA review.

- 2) **Initial Study (IS) and Determination:** The lead agency develops an IS to evaluate the potential environmental impacts of the project. The IS helps determine if the project's impacts are deemed not impactful, less than significant, less than significant with mitigation measures, or impacts are likely to be significant. If the IS indicates that impacts are less than significant, then the lead agency may proceed with preparing a ND. If the impacts can be mitigated to a level of insignificance, the lead agency may proceed with preparing the MND.
- 3) **Draft ND/MND:** The lead agency prepares a Draft ND (or MND if mitigation is necessary) which includes:
 - a. A description of the project
 - b. The environmental impacts identified in the IS and
 - c. If required, proposed mitigation measures to address project related impacts.
 - d. The reasoning for determining that the project's impacts are not significant (with or without mitigation).
- 4) **Public Review and Comment Period:** The Draft ND/MND is released for public review and comment for a period typically ranging from 20 - 30 days. Information about the project, how to access project related information, and any potential significant effects as a result project implementation should be identified within the public notice. The public notice associated with a ND/MND is referenced as a Notice of Intent (NOI) and can take the form of publishing in a newspaper, posting notices on- and off-site, and mailing notices directly to residence within near proximity to the project site. During this time, the public, government agencies, and stakeholders can review the document and provide comments on its accuracy and adequacy.
- 5) **Responses to Comments:** After the public comment period ends, the lead agency reviews the comments and at their discretion may or may not develop a response to the comments.
- 6) **Final ND/MND:** Based on the input received during the public comment period, the lead agency finalizes the environmental document. The Final ND could include any necessary revisions, responses to comments, and additional information. If mitigation was necessary, the Final MND would discuss any mitigation requirements and summarize such efforts within a Mitigation Monitoring and Reporting Plan.
- 7) **Project Approval:** The lead agency holds a public hearing or meeting to consider the approval of the Final ND/MND. If the agency determines that the document adequately addresses potential environmental impacts and mitigation measures, it may approve the environmental document. The last step in approving a project is the filing of a Notice of Determination (NOD).
- 8) **Filing:** All NODs are required to be filed with LCI (in addition to any local filing requirements). This filing confirms an agency's determination to approve the project, begins the statute of limitations to challenge, and provides a record of the project's CEQA status.
- 9) **Challenges (if applicable):** After the approval of the ND/MND, a NOD is filled. There is a 30-day statute of limitations for legal challenges if the NOD is filed within 5-days of approval, and a 180-day statute of limitations for legal challenges if a NOD is not filed within 5-days of approval.

- 10) **Project Implementation:** Once the environmental document is approved, the project can move forward to implementation and would be subject to any conditions or mitigation measures outlined in the document.

Environmental Impact Report (EIR)

The timeline for an EIR within the CEQA process is typically more detailed and comprehensive compared to other CEQA documents and is typically completed within a year or two. An EIR is required when a project is anticipated to have potentially significant adverse environmental impacts (even after mitigation is applied).

Overview of the CEQA process for an EIR:

- 1) **CEQA Project Initiation:** The process to determine the applicability of CEQA first begins with determining if the proposed action meets the definition of “project” ([PRC section 21065](#)). Typically, this happens at the local government level prior to any state government level project review. Any actions requiring discretionary approval, such as issuance of a permit or conditional authorizations for a project, would trigger a CEQA review.
- 2) **Notice of Preparation and Scoping Meeting:** The lead agency issues a Notice of Preparation (NOP) to announce the intent to prepare an EIR. The public, government agencies, and stakeholders are invited to a Scoping Meeting to provide input during the NOP period. This helps determine the scope of the EIR's analysis.
- 3) **Draft EIR Preparation:** After scoping, the lead agency prepares the Draft EIR. This involves:
 - a. Collecting data
 - b. Conducting studies
 - c. Analyzing potential environmental impacts across various categories such as:
 - i. Air quality
 - ii. Water resources
 - iii. Traffic
 - iv. Noise
 - v. And more
- 4) **Public Review and Comment Period:** The Draft EIR is released for public review and comment, typically lasting 30 - 45 days. Information about the project, how to access project related information, and any significant effects as a result of project implementation should be identified in the public notice.

The public notice associated with an EIR is sometimes informally referenced as a Notice of Availability (NOA) and can take the form of publishing in a newspaper, posting notices on- and off-site, or mailing directly to residence within near proximity to the project site. The public, government agencies, and interested parties can review the DEIR and provide comments on its content, analysis, and mitigation measures.
- 5) **Responses to Comments:** After the public comment period ends, the lead agency reviews the comments received and prepares responses. The Final EIR will include these responses, address concerns, and provide clarifications or changes as needed.

- 6) **Final EIR Preparation:** Based on public comments and responses, the lead agency finalizes the analysis and prepares the Final EIR. The Final EIR includes any revisions, responses to comments, Mitigation Monitoring and Reporting Plan, and additional information that could support the decision for approval or denial of the project. Lastly, the CEQA Lead Agency may or may not provide the public or commenting agencies with an opportunity for review of the Final EIR before approving the project.
- 7) **Certification and Project Approval:** The lead agency holds a public hearing or meeting to consider the certification of the Final EIR. The certification process involves confirming that the environmental document analysis is thorough and accurate, mitigation measures are adequate, and if any overriding considerations were made to acknowledge any unmitigable impacts of a project. If the Final EIR is certified, project approval can proceed.
- 8) **Filing:** All NODs are to be filed with LCI (in addition to any local filing requirements). This filing confirms an agency's determination to approve the project, begins the statute of limitations to challenge, and provides a record of the project's CEQA status.
- 9) **Challenges (if applicable):** After certification of the Final EIR, a NOD is filed. There is a 30-day statute of limitations for legal challenges if the NOD is filed within 5-days of approval, and a 180-day statute of limitations for legal challenges if a NOD is not filed within 5-days of approval.
- 10) **Project Implementation:** Once the Final EIR is certified, the project can proceed to implementation and would be subject to any conditions or mitigation measures outlined in the EIR.

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