

BOARD MEETING DATE: January 10, 2020

Agenda No. 18

PROPOSAL: Determine That Proposed Amendments to Rule 102 – Definition of Terms, Are Exempt from CEQA and Amend Rule 102

SYNOPSIS: Rule 102 defines the terms used in South Coast Air Quality Management District rules and regulations. Staff is proposing to add “South Coast AQMD” as another abbreviation for the South Coast Air Quality Management District. The use of “South Coast AQMD” instead of “District” as an abbreviation of South Coast Air Quality Management District will be included in new and amended rules; therefore, the new definition must be included in Rule 102.

COMMITTEE: No Committee Review

RECOMMENDED ACTIONS:

Adopt the attached Resolution:

1. Determining that the proposed amendments to Rule 102 – Definition of Terms, are exempt from the California Environmental Quality Act; and
2. Amending Rule 102 – Definition of Terms

Wayne Nastri
Executive Officer

PF:SN:MK:HF:JHL

This Board letter is intended to serve as the staff report for the proposed amendments to Rule 102.

Background

Rule 102 – Definition of Terms, defines the terms used in South Coast Air Quality Management District (South Coast AQMD) rules and regulations. As defined in Rule 102, the South Coast AQMD has been abbreviated as the “District” in official documents, including rules and regulations. In addition, both “AQMD” and “SCAQMD” have historically been used as abbreviations for the South Coast AQMD on the website, in staff reports, and in correspondence. Staff is proposing to add “South Coast AQMD” in Rule 102 to more distinctly describe the agency and its jurisdiction.

The use of “South Coast AQMD” instead of “District” as an abbreviation of South Coast Air Quality Management District will be included in new and amended rules; therefore, the new definitions must be included in Rule 102.

Public Process

This rule change is an administrative amendment; therefore, no public meetings were required or held.

Key Issues

Staff is not aware of any issues.

California Environmental Quality Act

The proposed amendments to Rule 102 have been reviewed pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15002 (k) – General Concepts, the three-step process for deciding which document to prepare for a project subject to CEQA, and CEQA Guidelines Section 15061 – Review for Exemption, procedures for determining if a project is exempt from CEQA. Because the proposed addition of the definition “South Coast AQMD” is merely an abbreviation for South Coast Air Quality Management District, the amendment is administrative in nature and would not cause any physical changes that would affect any environmental topic area. Thus, the proposed amendments to Rule 102 are exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) – Common Sense Exemption. A Notice of Exemption has been prepared pursuant to CEQA Guidelines Section 15062 – Notice of Exemption and is included as Attachment C to this Board letter. If the project is approved, the Notice of Exemption will be filed with the county clerks of Los Angeles, Orange, Riverside and San Bernardino counties.

Socioeconomic Impact Assessment

The proposed amendments to Rule 102 are administrative in nature and have no adverse socioeconomic impacts.

Comparative Analysis

Health & Safety Code Section 40727.2 (g) is applicable because the proposed amended rule does not impose a new or more stringent emissions limit or standard, or other air pollution control monitoring, reporting, or recordkeeping requirements. As a result, a comparative analysis is not required.

AQMP and Legal Mandates

The California Health and Safety Code requires the South Coast AQMD to adopt an Air Quality Management Plan (AQMP) to meet state and federal ambient air quality standards in the South Coast Air Basin. In addition, the California Health and Safety Code requires the South Coast AQMD to adopt rules and regulations that carry out the objectives of the AQMP but the proposed amendments are not the result of an AQMP control measure.

Resource Impacts

The amendment is administrative in nature, with no additional resource impacts to implement Proposed Amended Rule 102.

Attachments

- A. Rule Language for Proposed Amended Rule 102
- B. Resolution
- C. Notice of Exemption
- D. Board Meeting Presentation

ATTACHMENT A

(Adopted February 4, 1977)(Amended April 1, 1977)(Amended September 2, 1977)
(Amended November 4, 1988)(Amended July 9, 1993)(Amended November 17, 1995)
(Amended June 13, 1997) (Amended March 13, 1998)(Amended June 12, 1998)
(Amended April 9, 1999)(Amended October 19, 2001)(Amended December 3, 2004)
(Amended September 11, 2009)(Amended March 1, 2013)(Amended May 2, 2014)
(Proposed Amended Rule 102 January 10, 2020)

PROPOSED AMENDED RULE 102. DEFINITION OF TERMS

Except as otherwise specifically provided in these rules and except where the context otherwise indicates, words used in these rules are used in exactly the same sense as the same words are used in Division 26 of the Health and Safety Code.

AGRICULTURAL BURNING means open outdoor fires used in agricultural operations in the growing of crops or raising of fowl or animals, or open outdoor fires used in forest management, range improvement, or the improvement of land for wildlife and game habitat or disease and pest prevention. Agricultural burning also includes open outdoor fires used in the operation or maintenance of a system for the delivery of water for the purposes specified above.

AGRICULTURAL OPERATIONS means any operation occurring on a ranch or farm directly related to the growing of crops, or raising of fowl or animals for the primary purpose of making a profit or for a livelihood.

AGRICULTURAL PERMIT UNIT means any article, machine, equipment or other contrivance or combination thereof operated at an agricultural source, which is an agricultural operation and may cause or control the emissions of air contaminants that is not exempt from permit. In addition, each of the following at an agricultural source shall be considered a single agricultural permit unit:

- (A) All confined animal facilities, except that portion that is conveyORIZED feed storage and distribution.
- (B) All conveyORIZED feed storage and distribution at confined animal facilities.
- (C) All orchard wind machines powered by an internal combustion engine with a manufacturer's rating greater than 50 brake horsepower, and operated more than 30 hours in a calendar year.

AGRICULTURAL SOURCE means a source of air pollution or a group of sources used in the production of crops, or the raising of fowl or animals located on contiguous property under common ownership or control that meets any of the following criteria:

- (A) Is a confined animal facility.
- (B) Is a stationary or portable internal combustion engine used in the production of crops or the raising of fowl or animals except an engine that is used to propel implements of husbandry, as that term is defined in Section 36000 of the Vehicle Code, as that section existed on January 1, 2003.
- (C) Is a stationary source required by federal law to be included in an operating permit program established pursuant to Title V of the Federal Clean Air Act (42 U.S.C. Sec. 7661 to 7661f, incl.) and the federal regulation adopted pursuant to Title V, or is a source that is otherwise subject to regulation by a district pursuant to this division or the Federal Clean Air Act (42 U.S.C. Sec. 7401 et seq.)

AGRICULTURAL WASTES means unwanted or unsalable materials produced wholly from agricultural operations, other than forest or range management operations, directly related to the growing of crops or animals for the primary purpose of making a profit or for a livelihood. The term does not include wastes created by land use conversion to non-agricultural purposes unless the destruction of such waste by open outdoor fire is ordered by the County or State Agricultural Commissioner upon his determination that the waste is infested with infections transmittable or contagious plant disease which is an immediate hazard to agricultural operations conducted on adjoining or nearby property.

AIR POLLUTION CONTROL OFFICER means the Executive Officer, or designee of the South Coast Air Quality Management District.

AIR CONTAMINANT or air pollutant means any discharge, release, or other propagation into the atmosphere directly or indirectly caused by man and includes, but is not limited to, smoke, charred paper, dust, soot, grime, carbon, fumes, gases, odors, particulate matters, acids or any combination thereof.

ATMOSPHERE (This definition was adopted on November 16, 1954 for the Metropolitan Zone and on November 23, 1973 for the Southern Zone. It is currently applicable only to the Metropolitan and Southern Zones.) "Atmosphere" means the air that envelopes or surrounds the earth. Where air pollutants are emitted into a building not designed specifically as a piece of air pollution control equipment, such emission into the building shall be considered an emission into the atmosphere.

BASIC EQUIPMENT means any article, machine, equipment or contrivance which causes the issuance of air contaminants.

BREAKDOWN means a condition caused by an accidental fire or non-preventable mechanical or electrical failure.

CLEAN AIR SOLVENT is a VOC-containing material used to perform solvent cleaning, solvent finishing, or surface preparation operations or activities which:

- (A) Contains no more than twenty-five (25) grams of VOC per liter of material, as applied;
- (B) Has a VOC composite partial vapor pressure less than 5 mm Hg at 20°C (68°F);
- (C) Reacts to form ozone at a rate not exceeding that of toluene;
- (D) Contains no compounds classified as Hazardous Air Pollutants (HAPs) by the Federal Clean Air Act, or Ozone Depleting Compounds (ODCs) and Global Warming Compounds (GWCs) as defined by the ~~District~~South Coast AQMD; and
- (E) Has been certified by the ~~District~~South Coast AQMD to meet the criteria stated in (A) through (D) according to test methods and procedures approved by the ~~District~~South Coast AQMD.

CLEAN AIR SOLVENT CERTIFICATE is a certificate issued by the ~~District~~South Coast AQMD to a manufacturer, distributor, or facility for a specified product or class of products that meets the criteria for a Clean Air Solvent.

A Clean Air Solvent Certificate shall be valid for five years from the date of issuance, unless some lesser time is designated and written notification is given by the Executive Officer, and shall be renewed upon the Executive Officer's determination that the product(s) continues to meet the criteria for a Clean Air Solvent. However, the Executive Officer may revoke such Certificate if it is determined that the specific product or class of products does not meet the requirements of Clean Air Solvents as defined at the time of issuance.

COMBUSTIBLE REFUSE means any solid or liquid combustible waste material containing carbon in a free or combined state.

COMBUSTION CONTAMINANTS are particulate matter discharged into the atmosphere from the burning of any kind of material containing carbon in a free or combined state.

COMPLIANCE SCHEDULE means the date or dates by which a source or category of sources is required to comply with specific emission limitations contained in any air pollution rule, regulation, or statute and with any increment of progress toward such compliance.

CONFINED ANIMAL FACILITY (CAF) means a source or group of sources of air pollution at an agricultural source for the raising of 3,360 or more fowl or 50 or more animals, including but not limited to, any structure, building, installation, farm, corral, coop, feed storage area, milking parlor, or system for the collection, storage, or distribution of solid and liquid manure; if domesticated animals, including but not limited to, cattle, calves, horses, sheep, goats, swine, rabbits, chickens, turkeys, or ducks corralled, penned, or otherwise caused to remain in restricted areas for commercial agricultural purposes and feeding is by means other than grazing.

CONTROL EQUIPMENT means air pollution control equipment which eliminates, reduces or controls the issuance of air contaminants.

DISTRICT means the South Coast Air Quality Management District.

DUSTS are minute solid particles released into the air by natural forces or by mechanical processes including, but not limited to, crushing, grinding, milling, drilling, demolishing, shoveling, conveying, covering, bagging, and sweeping.

EXECUTIVE OFFICER means the Executive Officer or designee of the South Coast Air Quality Management District.

EQUIPMENT means any article, machine, or other contrivance.

EXEMPT Compounds are any of the following compounds

(A) Group I

1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC-43-10mee)

1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC 225cb)

3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC 225ca)

(A) Group I (cont.)

acetone

ethane

chlorodifluoromethane (HCFC-22)

trifluoromethane (HFC-23)

2,2-dichloro-1,1,1-trifluoroethane (HCFC-123)

2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124)

pentafluoroethane (HFC-125)

1,1,2,2-tetrafluoroethane (HFC-134)

1,1,1,2-tetrafluoroethane (HFC-134a)

1,1-dichloro-1-fluoroethane (HCFC-141b)

1-chloro-1,1-difluoroethane (HCFC-142b)

1,1,1-trifluoroethane (HFC-143a)

1,1-difluoroethane (HFC-152a)

cyclic, branched, or linear, completely fluorinated alkanes

cyclic, branched, or linear, completely fluorinated ethers with no unsaturations

cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations

sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

difluoromethane (HFC-32)

1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane (C₄F₉OCH₃)2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane
[(CF₃)₂CF₂OC₂H₅]1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C₄F₉OC₂H₅)2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane
[(CF₃)₂CF₂OC₂H₅]

parachlorobenzotrifluoride (PCBTF)

methyl acetate

methyl formate

propylene carbonate

1,1,1,2,3,3,3-heptafluoropropane (HFC-227ea)

trans-1,3,3,3-tetrafluoropropene (HFO-1234ze)

trans-1-chloro-3,3,3-trifluoropropene (HFO-1233zd)

(B) Group II

methylene chloride (dichloromethane)
1,1,1-trichloroethane (methyl chloroform)
trichlorofluoromethane (CFC-11)
dichlorodifluoromethane (CFC-12)
1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113)
1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114)
chloropentafluoroethane (CFC-115)
cyclic, branched, or linear, completely methylated siloxanes
(VMS)
tetrachloroethylene (perchloroethylene)
ethylfluoride (HFC-161)
1,1,1,3,3,3-hexafluoropropane (HFC-236fa)
1,1,2,2,3-pentafluoropropane (HFC-245ca)
1,1,2,3,3-pentafluoropropane (HFC-245ea)
1,1,1,2,3-pentafluoropropane (HFC-245eb)
1,1,1,3,3-pentafluoropropane (HFC-245fa)
1,1,1,2,3,3-hexafluoropropane (HFC-236ea)
1,1,1,3,3-pentafluorobutane (HFC-365mfc)
chlorofluoromethane (HCFC-31)
1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a)
1 chloro-1-fluoroethane (HCFC-151a)

The use of Group II compounds and/or carbon tetrachloride may be restricted in the future because they are either toxic, potentially toxic, upper-atmosphere ozone depleters, or cause other environmental impacts. By January 1, 1996, chlorofluorocarbons (CFC), 1,1,1-trichloroethane (methyl chloroform), and carbon tetrachloride were phased out in accordance with the Code of Federal Regulation Title 40, Part 82 (December 10, 1993).

Whenever there is a conflict between the definition of exempt compounds of VOCs in this rule and the definition of exempt compounds of VOCs in another ~~District~~ South Coast AQMD rule, the definition in Rule 102 shall apply.

FLEET VEHICLES means gasoline-powered motor vehicles as defined by Section 415 of the Vehicle Code and which are operated from one business address.

FUGITIVE DUST means any solid particulate matter that becomes airborne, other than that emitted from an exhaust stack, directly or indirectly as a result of the activities of man.

GASOLINE means any petroleum distillate having a Reid vapor pressure of 200 mm Hg (3.9 pounds per square inch), or greater.

HAZARDOUS AIR POLLUTANT means any air pollutant listed as such by the United States Environmental Protection Agency in accordance with Section 112(b)(1) of the Federal Clean Air Act (42 U.S.C. Sec. 7412(b)(1)).

HEARING BOARD means the Hearing Board of the South Coast Air Quality Management District.

INCREMENTS OF PROGRESS means steps to be taken by an owner or operator to bring a source of air contaminants into compliance. (See definition of "Schedule of Increments of Progress.")

LOADING FACILITY means any aggregation or combination of organic liquid loading equipment which is both possessed by one person, and located so that all the organic liquid loading outlets, for such aggregation or combination of loading equipment can be encompassed within any circle of 90 meters (295 feet) in diameter.

MOTOR VEHICLE is a vehicle which is self-propelled.

MULTIPLE-CHAMBER INCINERATOR means any equipment, structure or part of a structure, used to dispose of combustible refuse by burning, consisting of three or more refractory lined combustion chambers, physically separated by refractory walls, interconnected by gas passage ports or ducts.

OIL-EFFLUENT WATER SEPARATOR means any tank, box, sump or other container in which any petroleum or product thereof, floating on or entrained or contained in water entering such tank, box, sump, or other container, is physically separated and removed from such water prior to outfall, drainage, or recovery of such water.

ORCHARD HEATER or citrus grove heater means any equipment burning any type of fuel or material capable of being used, for the purpose of giving protection from frost damage that is approved by the California Air Resources Board to produce no more than one gram of unconsumed solid carbonaceous material. Equipment commonly known as Wind Machines are not included.

ORCHARD WIND MACHINE means an internal combustion engine powered fan used in orchards or in citrus groves exclusively for the purpose of giving protection from frost damage.

ORGANIC MATERIAL means a chemical compound of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates and ammonium carbonate.

ORGANIC SOLVENTS include diluents and thinners and are defined as organic materials which are liquids at standard conditions and which are used as solvers, viscosity reducers or cleaning agents, except that such material exhibiting a boiling point higher than 104°C (219°F) at 0.5 mm Hg absolute pressure or having an equivalent vapor pressure shall not be considered to be solvents unless exposed to temperatures exceeding 104°C (219°F).

OZONE-DEPLETING COMPOUNDS (ODCs) are Class I substances identified in 40 CFR, Part 82, Appendix A, Subpart A, including, but not limited to the following compounds:

- 1,1,1-trichloroethane (methyl chloroform)
- trichlorofluoromethane (CFC-11)
- dichlorodifluoromethane (CFC-12)
- 1,1,2-trichloro-1,2,2,-trifluoroethane (CFC-113)
- 1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114)
- chloropentafluoroethane (CFC-115)

PARTICULATE MATTER means any material, except uncombined water, which exists in a finely divided form as a liquid or solid at standard conditions.

PPM means parts per million by volume.

PERSON means any individual, firm, association, organization, partnership, business trust, corporation, company, contractor, supplier, installer, user or owner, or any state or local governmental agency or public district or any other officer or employee thereof. PERSON also means the United States or its agencies to the extent authorized by Federal law.

PHOTOCHEMICALLY REACTIVE SOLVENT means any solvent with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified below or which exceeds any of the following individual percentage composition limitations, referred to the total volume of solvent:

- (A) A combination of hydrocarbons, alcohols, aldehydes, ethers, esters or ketones having an olefinic or cycloolefinic type of unsaturation except perchloroethylene: 5 percent;
- (B) A combination of aromatic compounds with eight or more carbon atoms to the molecule except ethylbenzene, methyl benzoate and phenyl acetate: 8 percent;
- (C) A combination of ethylbenzene, ketones having branched hydrocarbon structures, trichloroethylene or toluene: 20 percent.

Whenever any organic solvent or any constituent of an organic solvent may be classified from its chemical structure into more than one of the above groups of organic compounds, it shall be considered as a member of the most reactive chemical group, that is, that group having the least allowable percent of the total volume of solvents.

PM-10 means the particulate matter with an aerodynamic diameter smaller than or equal to 10 microns as measured by applicable State and Federal reference test methods.

PROCESS WEIGHT means the total weight of all materials introduced into any specific process which may discharge contaminants into the atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid gaseous fuels and air will not.

PROCESS WEIGHT PER HOUR means the total process weight divided by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.

RECEPTOR AREA means that specified geographic area in which the air contaminants emitted from a source area are present or to which they may be transported.

REDUCTION OF ANIMAL MATTER means any heated process, used for rendering, cooking, drying, dehydrating, digesting, evaporating and protein concentrating of animal matter.

REGULATION means one of the major subdivisions of the Rules of the South Coast Air Quality Management District.

RULE means a rule of the South Coast Air Quality Management District.

SCHEDULE OF INCREMENTS OF PROGRESS means a statement of dates when various steps are to be taken to bring a source of air contaminants into compliance with emission standards and shall include, to the extent feasible, the following:

- (A) The dates of submittal of the final plan for the control of emissions of air contaminants from that source to the ~~District~~South Coast AQMD.
- (B) The date by which contracts for emission control systems or process modifications will be awarded, or the date by which orders will be issued for the purchase of component parts to accomplish emission control or process modification.
- (C) The date of initiation of on-site construction or installation of emission control equipment or process change.
- (D) The date by which on-site construction or installation of emission control equipment or process modification is to be completed.
- (E) The date by which final compliance is to be achieved.
- (F) Such other dates by which other appropriate and necessary steps shall be taken to permit close and effective supervision of progress toward timely compliance.

SMALL BUSINESS means a business which is independently owned and operated and meets the following criteria, or if affiliated with another concern, the combined activities of both concerns shall meet these criteria:

- (A) the number of employees is 10 or less; and
- (B) the total gross annual receipts are \$500,000 or less; or
- (C) not-for-profit training center.

For the purpose of qualifying for assistance offered by the ~~District's~~South Coast AQMD's Small Business Assistance Office only, a small business means a business with

total gross annual receipts of \$5,000,000 or less, or a business with a total number of employees of 100 or less.

SOLID PARTICULATE MATTER means particulate matter which exists as a solid at standard conditions.

SOURCE AREA means that specified geographic area in which air contaminants are emitted.

SOUTH COAST AQMD means South Coast Air Quality Management District.

STANDARD CONDITIONS are a gas temperature of 60°F and a gas pressure of 760 mm Hg (14.7 pounds per square inch) absolute.

SUBMERGED FILL PIPE means any fill pipe the discharge opening of which is completely submerged when the liquid level is 15 centimeters (6 inches) above the bottom of the container; or when applied to a container which is loaded from the side, it means any fill pipe the opening of which is entirely submerged when the liquid level is 45 centimeters (18 inches) above the bottom of the container.

VEHICLE is a device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved by human power or used exclusively upon stationary rails or tracks.

VOLATILE ORGANIC COMPOUND (VOC) is any volatile compound of carbon, excluding methane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, ammonium carbonate, and exempt compounds.

ATTACHMENT B

RESOLUTION NO. 20-_____

A Resolution of the Governing Board of the South Coast Air Quality Management District (South Coast AQMD) determining that Proposed Amended Rule 102 – Definition of Terms is exempt from the requirements of the California Environmental Quality Act (CEQA).

A Resolution of the South Coast AQMD Governing Board amending Rule 102 – Definition of Terms.

WHEREAS, the South Coast AQMD Governing Board has determined that Rule 102 should be amended to add “South Coast AQMD” as another abbreviation for the South Coast Air Quality Management District; and

WHEREAS, the South Coast AQMD Governing Board finds and determines that Proposed Amended Rule 102 is considered a “project” pursuant to CEQA per CEQA Guidelines Section 15002(k) – General Concepts, the three-step process for deciding which document to prepare for a project subject to CEQA; and

WHEREAS, the South Coast AQMD has had its regulatory program certified pursuant to Public Resources Code Section 21080.5 and CEQA Guidelines Section 15251(l), and has conducted a CEQA review and analysis of Proposed Amended Rule 102 pursuant to such program (South Coast AQMD Rule 110); and

WHEREAS, the South Coast AQMD Governing Board finds and determines after conducting a review of the proposed project in accordance with CEQA Guidelines Section 15002(k) – General Concepts, the three-step process for deciding which document to prepare for a project subject to CEQA, and CEQA Guidelines Section 15061 – Review for Exemption, procedures for determining if a project is exempt from CEQA, that Proposed Amended Rule 102 is exempt from CEQA; and

WHEREAS, the South Coast AQMD Governing Board finds and determines that, because the proposed project is administrative and procedural in nature and would not cause any physical changes that would affect any environmental topic area, it can be seen with certainty that there is no possibility that Proposed Amended Rule 102 may have any significant effects on the environment, and is therefore, exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) – Common Sense Exemption; and

WHEREAS, the South Coast AQMD staff has prepared a Notice of Exemption for the proposed project that is completed in compliance with CEQA Guidelines Section 15062 – Notice of Exemption; and

WHEREAS, Proposed Amended Rule 102 and the January 10, 2020 South Coast AQMD Governing Board letter, including the Notice of Exemption and other supporting documentation, were presented to the South Coast AQMD Governing Board and the South Coast AQMD Governing Board has reviewed and considered this information, as well as has taken and considered staff testimony and public comment prior to approving the project; and

WHEREAS, the South Coast AQMD Governing Board finds and determines, taking into consideration the factors in Section (d)(4)(D) of the Governing Board Procedures (codified as Section 30.5(4)(D)(i) of the Administrative Code), that there were no modifications to Proposed Amended Rule 102 since the Notice of Public Hearing was published; and

WHEREAS, Proposed Amended Rule 102 will be submitted for inclusion into the State Implementation Plan; and

WHEREAS, Health and Safety Code Section 40727 requires that prior to adopting, amending or repealing a rule or regulation, the South Coast AQMD Governing Board shall make findings of necessity, authority, clarity, consistency, non-duplication, and reference based on relevant information presented at the public hearing and in the Board Letter (that serves as the Staff Report); and

WHEREAS, the South Coast AQMD Governing Board has determined that a need exists to amend Rule 102 – Definition of Terms to further distinguish the current abbreviation of the “District” and “AQMD” for the South Coast Air Quality Management District; and

WHEREAS, the South Coast AQMD Governing Board obtains its authority to adopt, amend, or repeal rules and regulations from Sections 39002, 40000, 40001, 40440, 40702, 40725 through 40728, 41508, and 41700 of the Health and Safety Code; and

WHEREAS, the South Coast AQMD Governing Board has determined that Rule 102, as proposed to be amended, is written and displayed so that its meaning can be easily understood by persons directly affected by it; and

WHEREAS, the South Coast AQMD Governing Board has determined that Rule 102, as proposed to be amended, is in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, or state or federal regulations; and

WHEREAS, the South Coast AQMD Governing Board has determined that Rule 102, as proposed to be amended, does not impose the same requirements as any existing state or federal regulations, and the proposed amended rule is necessary and proper to execute the powers and duties granted to, and imposed upon, the South Coast AQMD; and

WHEREAS, the South Coast AQMD Governing Board, in amending the regulation, references the following statute which the South Coast AQMD hereby implements, interprets or makes specific: Health and Safety Code Section 40440 (c) (adoption of rules and regulations to assure efficiency of administrative practice); and

WHEREAS, the South Coast AQMD Governing Board has determined that a Socioeconomic Impact Assessment is not required, pursuant to Health and Safety Code Section 40440.8 or 40728.5, because Proposed Amended Rule 102 is administrative in nature and will not have a significant impact on air quality or emissions limitations and no known cost impact; and

WHEREAS, the public hearing has been properly noticed in accordance with all provisions of Health and Safety Code Section 40725; and

WHEREAS, the South Coast AQMD Governing Board has held a public hearing in accordance with all provisions of law; and

WHEREAS, the South Coast AQMD specifies that the Planning and Rules Manager of Rule 102 is the custodian of the documents or other materials which constitute the record of proceedings upon which the adoption of the proposed amendments is based, which are located at the South Coast Air Quality Management District, 21865 Copley Drive, Diamond Bar, California; and

NOW, THEREFORE BE IT RESOLVED, that the South Coast AQMD Governing Board does hereby determine, pursuant to the authority granted by law, that Proposed Amended Rule 102 is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) – Common Sense Exemption. This information has been presented to the South Coast AQMD Governing Board, whose members exercised their independent judgment and reviewed, considered and approved the information therein prior to acting on Proposed Amended Rule 102; and

BE IT FURTHER RESOLVED, that the South Coast AQMD Governing Board does hereby adopt, pursuant to the authority granted by law, Proposed Amended Rule 102 as set forth in the attached, and incorporated herein by this reference.

BE IT FURTHER RESOLVED, that the Executive Officer is hereby directed to forward a copy of this Resolution and Proposed Amended Rule 102 to the California Air Resources Board for approval and subsequent submittal to the U.S. Environmental Protection Agency for inclusion into the State Implementation Plan.

DATE: _____

CLERK OF THE BOARDS

ATTACHMENT C



**South Coast
Air Quality Management District**

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

SUBJECT: NOTICE OF EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

PROJECT TITLE: PROPOSED AMENDED RULE 102 – DEFINITION OF TERMS

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the South Coast Air Quality Management District (South Coast AQMD), as Lead Agency, has prepared a Notice of Exemption pursuant to CEQA Guidelines Section 15062 – Notice of Exemption for the project identified above.

South Coast AQMD staff is proposing to amend Rule 102 to add the definition “South Coast AQMD,” which is another abbreviation for the South Coast Air Quality Management District to more distinctly describe the agency and jurisdiction under its authority.

The proposed project has been reviewed pursuant to: 1) CEQA Guidelines Section 15002(k) – General Concepts, the three-step process for deciding which document to prepare for a project subject to CEQA; and 2) CEQA Guidelines Section 15061 – Review for Exemption, procedures for determining if a project is exempt from CEQA. Since Proposed Amended Rule 102 is administrative in nature and would not cause any physical changes that would affect any environmental topic area, it can be seen with certainty that there is no possibility that the proposed project may have a significant adverse effect on the environment. Therefore, the project is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) – Common Sense Exemption. If the project is approved, this Notice of Exemption will be filed with the county clerks of Los Angeles, Orange, Riverside, and San Bernardino counties.

Any questions regarding this Notice of Exemption should be directed to Ryan Bañuelos (c/o Planning, Rule Development and Area Sources) at the above address. Mr. Bañuelos can also be reached at (909) 396-3479. Mr. Jong Hoon Lee is also available at (909) 396-3903 to answer any questions regarding Proposed Amended Rule 102.

Date: November 8, 2019

Signature: _____

A handwritten signature in black ink, appearing to read "Barbara Radlein", is written over a horizontal line.

Barbara Radlein
Program Supervisor, CEQA
Planning, Rule Development, and Area Sources

**NOTICE OF EXEMPTION FROM THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

To: County Clerks
Counties of Los Angeles, Orange,
Riverside and San Bernardino

From: South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765

Project Title: Proposed Amended Rule 102 – Definition of Terms

Project Location: The project is located within the South Coast Air Quality Management District (South Coast AQMD) jurisdiction which includes the four-county South Coast Air Basin (all of Orange County and the non-desert portions of Los Angeles, Riverside and San Bernardino counties), and the Riverside County portions of the Salton Sea Air Basin (SSAB) and Mojave Desert Air Basin (MDAB).

Description of Nature, Purpose, and Beneficiaries of Project: South Coast AQMD staff is proposing to amend Rule 102 to add the definition “South Coast AQMD,” which is another abbreviation for the South Coast Air Quality Management District to more distinctly describe the agency and jurisdiction under its authority.

Public Agency Approving Project: South Coast Air Quality Management District

Agency Carrying Out Project: South Coast Air Quality Management District

Exempt Status:
CEQA Guidelines Section 15061(b)(3) – Common Sense Exemption

Reasons why project is exempt: Pursuant to the California Environmental Quality Act (CEQA), South Coast AQMD staff, as Lead Agency, has reviewed Proposed Amended Rule 102 pursuant to: 1) CEQA Guidelines Section 15002(k) – General Concepts, the three-step process for deciding which document to prepare for a project subject to CEQA; and 2) CEQA Guidelines Section 15061 – Review for Exemption, procedures for determining if a project is exempt from CEQA. Since Proposed Amended Rule 102 is administrative in nature and would not cause any physical changes that would affect any environmental topic area, it can be seen with certainty that there is no possibility that the proposed project may have a significant adverse effect on the environment. Therefore, the project is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) – Common Sense Exemption.

Date When Project Will Be Considered for Approval (subject to change):
South Coast AQMD Governing Board Hearing: January 10, 2020; South Coast AQMD Headquarters

CEQA Contact Person:	Phone Number:	Email:	Fax:
Mr. Ryan Bañuelos	(909) 396-3479	rbañuelos@aqmd.gov	(909) 396-3982

Rule Contact Person:	Phone Number:	Email:	Fax:
Mr. Jong Hoon Lee	(909) 396-3903	jhlee@aqmd.gov	(909) 396-3324

Date Received for Filing: _____ **Signature:** _____ *(Signed Upon Board Approval)*
Barbara Radlein
Program Supervisor, CEQA
Planning, Rule Development, and Area Sources

Proposed Amended Rule 102: Definition of Terms

Governing Board Meeting
January 10, 2020

Background

- Rule 102 defines terms used in rules and regulations
 - Currently, South Coast Air Quality Management District is defined as “**District**”
- Historically, “AQMD,” “SCAQMD,” and “District” have been used to describe the South Coast Air Quality Management District
 - “AQMD” and “District” can describe other agencies (e.g., water district, other Air Quality Management Districts)
 - Jurisdiction is not highlighted
- “South Coast AQMD” in harmony with terminology used by other California air districts (e.g., Bay Area AQMD, San Diego APCD, etc.)

[Adopted February 4, 1977](Amended April 1, 1977)(Amended September 2, 1977)
(Amended November 4, 1993)(Amended July 9, 1993)(Amended November 17, 1995)
(Amended June 13, 1997)(Amended March 13, 1998)(Amended June 12, 1998)
(Amended April 9, 1999)(Amended October 19, 2001)(Amended December 3, 2004)
(Amended September 11, 2009)(Amended March 1, 2013)(Amended May 2,
2014)(Proposed Amended Rule December 6, 2019)

PROPOSED AMENDED RULE 102. DEFINITION OF TERMS

Except as otherwise specifically provided in these rules and except where the context otherwise indicates, words used in these rules are used in exactly the same sense as the same words are used in Division 26 of the Health and Safety Code.

AGRICULTURAL BURNING means open outdoor fires used in agricultural operations in the growing of crops or raising of fowl or animals, or open outdoor fires used in forest management, range improvement, or the improvement of land for wildlife and game habitat or disease and pest prevention. Agricultural burning also includes open outdoor fires used in the operation or maintenance of a system for the delivery of water for the purposes specified above.

AGRICULTURAL OPERATIONS means any operation occurring on a ranch or farm directly related to the growing of crops, or raising of fowl or animals for the primary purpose of making a profit or for a livelihood.

AGRICULTURAL PERMIT UNIT means any article, machine, equipment or other contrivance or combination thereof operated at an agricultural source, which is an agricultural operation and may cause or control the emissions of air contaminants that is not exempt from permit. In addition, each of the following at an agricultural source shall be considered a single agricultural permit unit:

- (A) All confined animal facilities, except that portion that is conveyORIZED feed storage and distribution.
- (B) All conveyORIZED feed storage and distribution at confined animal facilities.
- (C) All orchard wind machines powered by an internal combustion engine with a manufacturer's rating greater than 50 brake horsepower, and operated more than 30 hours in a calendar year.

AGRICULTURAL SOURCE means a source of air pollution or a group of sources used in the production of crops, or the raising of fowl or animals located on contiguous property under common ownership or control that meets any of the following criteria:

PAR 102 - 1

ENV 103 - 1

AGRICULTURAL SOURCE means a source of air pollution or a group of sources used in the production of crops or the raising of fowl or animals located on contiguous property under common ownership or control that meets any of the following criteria:

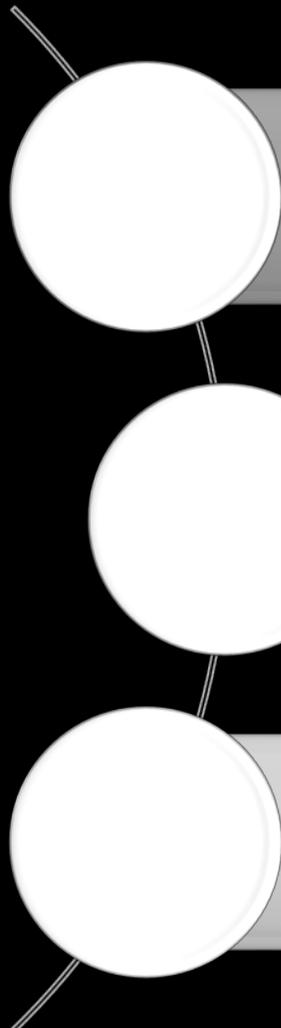
- (A) All confined animal facilities, except that portion that is conveyORIZED feed storage and distribution.
- (B) All conveyORIZED feed storage and distribution at confined animal facilities.
- (C) All orchard wind machines powered by an internal combustion engine with a manufacturer's rating greater than 50 brake horsepower, and operated more than 30 hours in a calendar year.

Proposed Amendment

Add “South Coast AQMD” to
Rule 102 – Definition of Terms

Enhances the identification of the
agency in an abbreviated form

Staff Recommendations



Determine that proposed amendments to Rule 102 – Definition of Terms are exempt from CEQA

Adopt the Resolution

Amend Rule 102 – Definition of Terms