



# South Coast Air Quality Management District

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## INSTRUCTIONS FOR FORM 400-CEQA

### **Background**

The California Environmental Quality Act (CEQA), a state law promulgated in California Public Resources Code §21000 *et seq.*, is designed to inform government decision makers and the public of any potential adverse environmental effects of proposed projects. The SCAQMD has formalized its environmental review process by developing Form 400-CEQA to be completed by the applicant for each project. Form 400-CEQA is a screening tool used by the SCAQMD to determine if the project is exempt from CEQA, or if an analysis of potential environmental impacts is necessary. If a CEQA analysis is necessary, the SCAQMD will contact the project applicant to discuss and assist with the steps necessary to fulfill the requirements of CEQA.

*A “project” means the whole of an action which has a potential for resulting in physical change to the environment, including construction activities, clearing or grading of land, improvements to existing structures, and activities or equipment involving the issuance of a permit. For example, a project might include installation of a new, or modification of an existing internal combustion engine, dry cleaning facility, boiler, gas turbine, spray coating booth, solvent cleaning tank, et cetera.*

As shown in Section B – Review For Exemption From Further CEQA Action, most every permit application must be evaluated further to determine CEQA applicability EXCEPT if the application is for any of the following actions:

1. A request for a change of operator only (without equipment or process change modifications).
2. A functionally identical permit unit replacement with no increase in equipment unit rating or emissions.
3. A change of daily VOC permit limit to a monthly VOC permit limit.
4. Equipment damaged as a result of a disaster during state of emergency.
5. A Title V (e.g., SCAQMD Regulation XXX) permit renewal without equipment or process change modifications.
6. A Title V administrative permit revision.
7. The conversion of an existing permit into an initial Title V permit.

If the project meets one of the criteria in Section B, you do NOT need to complete Section C - Review of Impacts Which May Trigger Further CEQA Review. Otherwise, for all other types of permit applications, the applicant must complete the entire Form 400-CEQA before the application can be deemed complete. If submitting multiple applications for the same project, only one Form 400-CEQA is necessary.

Form 400-CEQA and these instructions are available at SCAQMD headquarters or by downloading from: <http://www.aqmd.gov/home/regulations/ceqa/ceqa-permit-forms> or <http://www.aqmd.gov/home/permits/permit-application-forms>.

**Instructions to complete Form 400-CEQA:**

1. Complete Section A by providing facility-specific information and briefly describe the project, the type of facility and the purpose of the permit application(s).
2. Answer **all** questions in Section B - Review for Exemption From Further CEQA Action. If there are any “Yes” responses, skip to Instruction 8, below.
3. Answer **all** questions in Section C - Review of Impacts Which May Trigger Further CEQA Review.

If “Yes” is checked for:

Question #1: Attach a copy of the signed Notice of Determination.

Question #2: Attach a copy of the signed Notice of Exemption or other documentation from the city or agency that indicates the project was determined to be exempt from CEQA.

Question #3: Attach a separate sheet to briefly describe the larger project.

Question #4: Refer to Form 400-CEQA, Table 1 - Regulated Substances List and Threshold Quantities for Accidental Release Prevention, for the list of substances and attach a separate sheet to identify each hazardous material and corresponding quantity to be transported, stored, or used.

Question #5: Refer to Form 400-CEQA, Table 2 – Other Air Toxics and Their Screening Levels, for the list of air toxics and attach a separate sheet to identify each air toxic and corresponding quantity to be emitted.

Question #7: Attach the printout from the greenhouse gas (GHG) online estimator or provide other calculations with documentation or references to support the assumptions and emission factors relied upon in the calculations if the project utilizes a boiler, engine, or other combustion equipment that uses fuel such as gasoline, diesel, natural gas, liquefied petroleum gas (LPG), or landfill gas.

Question #8: Attach a separate sheet to identify each GHG and corresponding quantity to be emitted or used by the other equipment not addressed by Question #7. Refer to Form 400-CEQA, Table 3 – Greenhouse Gases, for the list of GHGs that may be: 1) emitted by combustion equipment that burns other types of fuel not addressed under Question #7 (e.g., the combustion of biodiesel fuel will emit carbon dioxide, methane and nitrous oxide; or 2) may be used by other equipment not addressed by Question #7 in order to function (e.g., sulfur hexafluoride is used by utilities to keep electrical equipment at substations cool).

Question #9: Attach a plot plan to the application package and indicate the approximate location of the outdoor storage.

4. Attach any other pertinent information regarding any environmental topic to explain “Yes” responses in Section C (e.g. estimated quantities, volume, weights, et cetera).
5. Complete Section D – Signatures, and sign the form (by the responsible official of the firm, the preparer or both, as applicable).
6. Include Form 400-CEQA and its attachments to the main project application submitted with Form 400-A and the other appropriate documents.
7. No additional fee is required for processing the Form 400-CEQA.

**Notice of Exemption (Optional):**

If after a project is evaluated by SCAQMD staff and it is determined to be exempt from CEQA, upon permit issuance, the applicant has the option to file a Notice of Exemption (NOE) with the county where the project is located. Though filing a NOE is optional, doing so after the permit is issued will limit the period of time a court action can be filed challenging the approval of the project to 35 days from the filing and posting of the NOE. This is known as a “statute of limitations” for public review of the NOE. However, if a NOE is not filed, the statute of limitations will be 180 days from the permit issuance date. If the applicant decides to file a NOE for the project, the applicant can choose to do it on their own accord, or with SCAQMD-assistance, for a fee.

**To file a NOE without SCAQMD assistance**, the applicant is responsible for completing the attached NOE template and submitting two completed copies of the NOE template, each with an original signature, directly to the appropriate county along with a certified document of exemption finding and the appropriate filing fee. An example of a certified document of exemption finding is a copy of the SCAQMD-reviewed Form 400-CEQA for the project. Each county charges the following fees for filing a NOE with the county clerk as shown in the following table:

<b>For Projects Located in:</b>	<b>Send 2 Copies of the NOE to:</b>	<b>Enclose the following filing fee*</b>	<b>For Additional Information Call:</b>
Los Angeles County	County of Los Angeles County Clerk, Dean Logan 12400 E. Imperial Hwy, Room 2001 Norwalk, CA 90650	\$75 Make the check payable to the “County of Los Angeles”	(562) 462-2057
Orange County	County of Orange County Clerk, EIR Desk 12 Civic Center Plaza, Room 106 Santa Ana, CA 92701	\$50 Make the check payable to the “County of Orange”	(714) 834-4127
Riverside County	County of Riverside County Clerk, Mary Ann Meyer 2720 Gateway Drive Riverside, CA 92507	\$50 Make the check payable to the “County of Riverside”	(951) 486-7012
San Bernardino County	County of San Bernardino Clerk of the Board, Donna Young 385 N. Arrowhead Ave, 2 <sup>nd</sup> Floor San Bernardino, CA 92415-0130	\$50 Make the check payable to the “County of San Bernardino”	(909) 387-3841

\* Since filing fees are subject to change, contact the county clerks at the above phone numbers to verify the correct fee.

**If the applicant prefers to have SCAQMD assistance to file a NOE for the project**, for an additional fee, SCAQMD staff can prepare the NOE and file it with the appropriate county on behalf of the applicant after the permit is issued. The applicant will need to provide all of the following to the SCAQMD at the same time the application, including the Form 400-CEQA is submitted to the SCAQMD:

1. Description of nature, purpose, and beneficiaries of the project;
2. One check to cover the CEQA processing fee for a NOE, payable to SCAQMD, pursuant to Rule 301 (j)(1)(A); and
3. A separate, second check to cover the NOE filing fee, payable to the county where the project is located for the appropriate amount shown in the above table.

If a project qualifies for an exemption from CEQA, submitting the appropriate preparation up front will ensure that the NOE is filed with the applicable county in a timely manner. If the project does not qualify for an exemption from CEQA, the full CEQA processing fee will be refunded to the applicant and the check payable to the applicable county will be returned to the applicant. Questions regarding SCAQMD permit applications may be directed to Permit Services at (909) 396-3385.