

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

**Attachment 1 to the Governing Board Resolution for Proposed Amended Rule 219 –
Equipment Not Requiring a Written Permit Pursuant to Regulation II and Proposed
Amended Rule 222 – Filing Requirements for Specific Emission Sources Not Requiring a
Written Permit Pursuant to Regulation II**

Findings and Statement of Overriding Considerations

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INTRODUCTION

Proposed amended Rule 219 – Equipment Not Requiring a Written Permit Pursuant to Regulation II and Proposed amended Rule 222 – Filing Requirements for Specific Emission Sources Not Requiring a Written Permit Pursuant to Regulation II, are a “project” as defined by the California Environmental Quality Act (CEQA) (California Public Resources Code §§21000 et seq.). The South Coast Air Quality Management District (SCAQMD) is the lead agency for the proposed project and, therefore, has prepared an Environmental Assessment (EA) pursuant to CEQA Guidelines §15252 and SCAQMD Rule 110. Analysis of the proposed project indicated that a Draft EA (environmental impact report (EIR) equivalent document) would be the appropriate document to analyze the potentially significant adverse environmental impacts associated with PARs 219 and 222 because operational emissions foregone associated with implementing the proposed project would potentially exceed the SCAQMD's operational significance threshold for NOx.

The Draft EA was circulated to the public for a 45-day review and comment period from February 8, 2013, to March 26, 2013. No comment letters were received during the public comment period. The Draft EA has been revised such that it is now a Final EA.

CERTIFICATION OF THE FINAL EA

The SCAQMD Governing Board certifies that it has been presented with the Final EA for proposed amended rules (PARs) 219 and 222 and that it has reviewed and considered the information contained in the Final EA prior to making the following certifications and findings. Pursuant to CEQA Guidelines §15090 (Title 14 of the California Code of Regulations, §15090), the SCAQMD Governing Board certifies that the Final EA, including responses to comments, has been completed in compliance with the CEQA statutes and the CEQA Guidelines. The SCAQMD Governing Board certifies the Final EA for the actions described in these findings and in the Final EA, i.e., the proposed project. The SCAQMD Governing Board further certifies that the Final EA reflects its independent judgment and analysis. The Governing Board Resolution includes the certification of the Final EA.

ENVIRONMENTAL REVIEW PROCESS

To fulfill the purpose and intent of CEQA, the SCAQMD, as the lead agency for the proposed project, prepared and released a Notice of Preparation and Initial Study (NOP/IS), which is a preliminary evaluation of potentially significant adverse environmental impacts associated with the proposed project to be further analyzed in the Draft EA. The original NOP/IS was distributed to responsible agencies and interested parties for a 30-day review and comment period on October 17, 2012. The NOP/IS formed the basis for, and focus of, the technical analyses in the Draft EA.

The following environmental topic of air quality was identified in the October 17, 2012 NOP/IS as potentially significant and was further analyzed in the Draft EA. The October 17, 2012 NOP/IS concluded that there would be no significant adverse impacts on aesthetics, agricultural and forestry resources, biological resources, cultural resources, energy geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, solid and hazardous wastes, and

transportation and traffic. A copy of the August 2, 2012 NOP/IS can be found in Appendix A of the Final EA.

The October 17, circulated to local jurisdictions and public agencies, 2012 AQMP stakeholders, and interested individuals in order to solicit input on the scope of the environmental analysis to be included in the Draft EA. No comment letters were received relative to the October 17, 2012 NOP/IS.

The Draft EA was released for a 45-day public review and comment period from February 5, 2013 through March 26, 2013. As with the October 17, 2012 NOP/IS, the Draft EA was circulated for public review and comment to local jurisdictions and public agencies, Rule 219 and Rule 222 stakeholders, and interested individuals. The environmental topic of air quality was determined to have potentially significant impacts and was further analyzed in the Draft EA.

NO comment letters were received during the public comment period on the Draft EA. Because PARs 219 and 222 have the potential to generate significant adverse environmental impacts that cannot be mitigated to less than significance, Findings and a Statement of Overriding Considerations are required and have been prepared pursuant to CEQA Guidelines §15091 and §15093, respectively.

The Final EA consists of an executive summary, project description, environmental setting, environmental impacts (no mitigation measures were identified to reduce air quality impacts to less than significant), cumulative impacts, project alternatives, copies of PARs 219 and 222 (Appendix A of the Final EA), the October 17, 2012 NOP/IS (Appendix B of the Final EA), assumptions and calculations (Appendix C of the Final EA), and responses to comments on the Draft EA (Appendix D of the Final EA). All documents comprising the Final EA for the proposed project are available at SCAQMD headquarters, 21865 Copley Drive, Diamond Bar, California, 91765. The Final EA was made available to the public on April 26, 2013, and can be obtained by contacting the SCAQMD's Public Information Center at (909) 396-2039 or by accessing the SCAQMD's CEQA webpage at: <http://www.aqmd.gov/ceqa/aqmd.html>.

SUMMARY OF THE PROPOSED PROJECT

Rule 219 provides an exemption to a written permit or filing requirements for specified equipment, processes, or operations that emit small amounts of air pollutants. Rule 219 sources are not issued operating conditions from the SCAQMD. Rule 222 provides access to a simple and efficient filing system for certain low-emitting emission sources. Rule 222 sources are subject to written operating conditions. SCAQMD staff is proposing to add some types of equipment to Rule 219 (to exempt them from permit requirements) and Rule 222 (to track equipment by imposing filing requirements). Equipment added to both proposed amended Rules (PARs) 219 and 222 includes, but is not limited to, the following types of equipment currently regulated by Rule 1147 (pressure washers, asphalt day tankers, asphalt tar pots, small food ovens, portable diesel heaters, diesel boilers) and Rule 1110.2 (piston-type internal combustion engines located at remote two-way radio transmission towers). Such equipment would no longer be regulated by Rules 1110.2 or 1147; but may be subject to operating conditions. Sources that would be added to PAR 219, but not PAR 222, include, but are not limited to, air pollution control devices for Rule 219 equipment; cosmetic filling stations and related filling equipment; laser cutting, etching and engraving equipment; and aerosol can recycling systems. Text would

also be added to PAR 219 and PAR 222 to clarify the intent of existing provisions and the enforceability of the conditions imposed by PAR 222. .

ABSENCE OF NEW INFORMATION

CEQA Guidelines §15088.5 requires a lead agency to recirculate a CEQA document for further review and comment when significant new information is added to the document after public notice is given of the availability of the draft CEQA document, but before certification of a final CEQA document. New information added to the CEQA document is not “significant” unless the CEQA document is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project proponent declines to implement. The CEQA Guidelines provide examples of significant new information under this standard. Recirculation is not required where the new information added to the CEQA document merely clarifies or amplifies or makes insignificant modifications in an adequate CEQA document.

Updated Information: The SCAQMD Governing Board recognizes that the Final EA incorporates information obtained by SCAQMD since the Draft EA was completed, and contains minor additions and clarifications. The SCAQMD Governing Board finds further that these changes to EA for the proposed project are in accordance to requests by responsible agencies or other entities to comply with their regulatory requirements and processes, but do not cause any new or more severe environmental impacts. Therefore, in accordance with the CEQA statutes and Guidelines, no recirculation of the Final EA is necessary based on the changes to PARs 219 or the Final EA.

Responses to Comments: No comments were received on the Draft EA.

DIFFERENCES OF OPINION REGARDING THE IMPACTS OF THE PROJECT

In making its determination to certify the Final EA and to approve the proposed project, the SCAQMD Governing Board recognizes that the proposed project may involve a number of controversial environmental issues and that a range of opinion may exist with respect to those issues. The SCAQMD Governing Board has acquired an understanding of the range of opinion by its review of the Draft EA. Additionally, the SCAQMD Governing Board has its own experience and expertise in assessing air quality effects and in administering its regulatory programs. The SCAQMD Governing Board has reviewed and considered, as a whole, the evidence and analysis presented in the Draft EA, the analysis presented in the comments on the Draft EA, the analysis presented in the Final EA, and the expert opinions of SCAQMD staff addressing those comments. The SCAQMD Governing Board has gained a comprehensive and well-rounded understanding of the environmental issues presented by the proposed project. In turn, this understanding has enabled the SCAQMD Governing Board to make its decisions after weighing and considering the various viewpoints on these important issues. The SCAQMD Governing Board accordingly certifies that its findings are based on full appraisal of all of the information contained in the Final EA, as well as the evidence and other information in the record.

SIGNIFICANT ADVERSE IMPACTS WHICH CAN BE REDUCED BELOW A SIGNIFICANT LEVEL OR WERE CONCLUDED TO BE INSIGNIFICANT

The Final EA identified air quality as an area that may be adversely affected by the proposed project, specifically, operational emissions foregone associated with implementing the proposed project would potentially exceed the SCAQMD's operational significance threshold for NOx. The proposed project was evaluated according to the CEQA environmental checklist (CEQA Guidelines, Appendix G), which includes approximately 17 environmental topics for potential adverse impacts from a proposed project. The screening analysis concluded that the following environmental areas would not be significantly adversely affected by the proposed project:

- aesthetics
- biological resources
- energy
- hazards and hazardous materials
- land use and planning
- noise
- public services
- solid/hazardous waste
- agriculture and forestry resources
- cultural resources
- geology and soils
- hydrology and water quality
- mineral resources
- population and housing
- recreation
- transportation/traffic

SIGNIFICANT ADVERSE IMPACTS THAT CANNOT BE REDUCED BELOW A SIGNIFICANT LEVEL

Project-specific Criteria Operational Air Quality Impacts

Adverse operational air quality impacts would result from both NOx emission reductions foregone. The proposed project could cause significant adverse environmental impacts to operational air quality emissions from NOx emission reductions foregone. Specifically, analysis of these environmental impacts revealed that potentially significant operational air quality impacts may result from exempting PARs 219 and 222 equipment from requirements under Rule 1110.2 and Rule 1147. Implementing PARs 219 and 222 means that the NOx concentration limits for affected Rule 1110.2 and Rule 1147 equipment would no longer be required. Because NOx concentration limits required by Rule 1110.2 and Rule 1147 would no longer apply, no additional physical changes requiring construction would be required for PARs 219 and 222 equipment under the proposed project.

PARs 219 and 222 would result in 139 pounds of NOx emission reductions foregone. NOx emissions reductions foregone are not direct NOx emissions, but the loss of expected emission reductions. For this analysis, to be conservative, NOx emission reductions foregone are treated as NOx emissions and compared to the operational air quality NOx significance threshold. The amount of NOx emission reductions foregone is expected to exceed the operational air quality NOx significance threshold of 55 pounds per day. For these reasons, operational air quality impacts associated with implementation of PARs 219 and 222 are potentially significant. No other criteria pollutants were shown to exceed the applicable air quality significance thresholds.

Cumulative Air Quality Impacts During Operation

Cumulative air quality impacts from the proposed project and all other AQMP control measures considered together are not expected to be significant because the amount of NOx emission

reductions to be achieved by the AQMP are expected to meet the emission reduction projections and commitments made by control measures in the 2012 AQMP¹. The reason for this conclusion is that, overall, both Rules 1147 and 1110.2 are expected to result in net NOx emission reductions from affected equipment. Thus, despite the NOx emission reductions foregone, cumulative air quality impacts are not expected.

Thus, in consideration of the total net accumulated emission reductions projected overall, the loss of NOx emission reductions would not interfere with the air quality progress and attainment demonstration projected in the AQMP. Indeed, the 2012 AQMP indicated that, based on future anticipated overall reduction in emissions, the Basin would demonstrate attainment with the federal eight-hour ozone ambient air quality standard in 2023 for the 88 parts per billion concentration standard and demonstrate attainment with the federal 24-hour PM2.5 35 microgram per meter cubed concentration standard in 2014 (SCAQMD, 2012). Therefore, cumulative air quality impacts from the proposed project and all other AQMP control measures, when considered together, are not expected to be significant because implementation of all AQMP control measures is expected to result in net emission reductions and overall air quality improvement.

FINDINGS

Public Resources Code §21081 and CEQA Guidelines §15091(a) state that no public agency shall approve or carry out a project for which a CEQA document has been completed which identifies one or more significant adverse environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. Additionally, the findings must be supported by substantial evidence in the record (CEQA Guidelines §15091(b)). As identified in the Final EA and summarized above, the proposed project has the potential to create significant adverse NOx air quality impacts.

This attachment provides the written analysis and conclusions of the SCAQMD Governing Board regarding the environmental impacts of the proposed project (no mitigation measures were identified) proposed in the Final EA and adopted by the decision-making body. In making these findings, the SCAQMD Governing Board has considered the opinions of other members of the public, including opinions that disagree with some of the analysis in the Final EA. The SCAQMD Governing Board finds that the appropriate methodology for calculating effects and determining significance is a judgment within the discretion of the decision-making body; the method of analysis used in the Final EA is supported by substantial evidence in the record, including the expert opinions of the SCAQMD staff; and the significance thresholds used in the Final EA provide reasonable and appropriate means of assessing the significance of the adverse environmental effects of the proposed project.

In making these findings, the SCAQMD Governing Board ratifies, adopts, and incorporates the analysis and explanation in the Final EA, and ratifies, adopts, and incorporates in these findings the determinations and conclusions of the Final EA relating to environmental impacts, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings. Findings need not be made for environmental impacts that are not significant.

¹ SCAQMD, 2012 AQMP, <http://www.aqmd.gov/aqmp/2012aqmp/index.htm>.

The SCAQMD Governing Board, therefore, makes the following findings regarding the proposed project. The findings are supported by substantial evidence in the record as explained in each finding. The Findings will be included in the record of project approval and will also be noted in the Notice of Decision.

1. Potential air quality adverse impacts cannot be mitigated to insignificance.

Finding and Explanation: Equipment currently subject to Rule 1147 that would be added to Rules 219 and 222 are small NOx emitting equipment. Retrofitting this equipment with low NOx burners presents a compliance challenge because of the lack of availability of low NOx burners for all types of equipment. The only other compliance option for these small pieces of equipment would be to replace the equipment with clean fuel equipment, which is costly. As noted in the EA, the intent of Rule 1147 is a retrofit rule not an equipment replacement rule. Similarly, retrofitting affected Rule 1110.2 equipment is costly and because the equipment is located in remote locations at high elevations, switching to natural gas is untenable because no natural gas pipelines extend to these locations. Further, switching from diesel fuel to other clean fuels is not possible because alternative fuels would have to be trucked to the equipment, which may not be possible during winter inclement weather conditions. For these reasons, there are no feasible mitigation measures that would reduce or eliminate the expected NOx emission reductions foregone pursuant to the original rules' compliance schedules. Consequently, the operational air quality impacts from the proposed project cannot be mitigated to less than significant.

2. Feasible Alternatives to the Proposed Project do not reduce adverse air quality impacts to insignificance.

The Final EA includes an evaluation of three potential alternatives to the proposed project, which includes a no project alternative. The Final EA examines the environmental impacts of each alternative in comparison with the proposed project and the relative ability of each alternative to satisfy the project objectives. The Final EA also summarizes the criteria used to identify a range of reasonable alternatives for review and describes proposals that SCAQMD concluded did not merit additional, more-detailed review either because they did not present viable alternatives to the proposed project or they are variations on the alternatives that are evaluated in detail.

In making these findings, the SCAQMD Governing Board certifies that it has independently reviewed and considered the information on alternatives provided in the Final EA. The Final EA's discussion and analysis of these alternatives is not repeated in these findings, but the discussion and analysis of the alternatives in the Final EA is incorporated in these findings by reference.

Description of Project Objectives

CEQA Guidelines §15124 (b) requires an EIR to include a statement of objectives, which describes the underlying purpose of the proposed project. The purpose of the statement of objectives is to aid the lead agency in identifying alternatives and the decision-makers in

preparing findings and a statement of overriding considerations, if necessary. The objectives of PARs 219 and 222 are summarized in the following points.

1. Provide regulatory relief to operators of small NO_x emitting equipment that would otherwise be subject to the NO_x emission control requirements of Rule 1147 because no feasible retrofit NO_x emission control equipment is currently available for these categories of equipment, so the only compliance option would be limited to equipment replacement. Equipment replacement is inconsistent with the intent of Rule 1147, which was promulgated as an equipment retrofit rule not an equipment replacement rule.
2. Provide regulatory relief to operators of piston-type internal combustion engines used exclusively to generate electricity for remote two-way radio transmission towers and that meet the definition of this type of equipment in PAR 219 and PAR 222, that would otherwise be subject to Rule 1110.2, For the following reasons:
 - a. This type of equipment is located in remote locations typically at high elevations and diesel fuel is the only type of fuel that can last for sufficiently long periods of time in the event of inclement weather compared to other types of fuel; therefore, compliance options such as electricity (electricity lines are not typically available in remote areas) or fuels other than diesel fuel are not feasible; and
 - b. Maintenance and operation of air pollution control technologies and associated monitoring systems may not be possible during inclement weather at these remote stations.
3. Public safety requires consistent operation of piston-type internal combustion engines used exclusively to generate electricity for remote two-way radio transmission towers; therefore, because of the issues identified in #2 above, exempting this equipment from the requirements of Rule 1110.2 would ensure that two-way radio transmission towers would be available during emergencies.
4. Provide administrative relief for low-emitting equipment by not requiring a written permit pursuant to Rule 219, because the low emissions from affected equipment would not justify the administrative cost of processing and issuing written permits.
5. Provide administrative relief for low-emitting equipment by requiring simplified filing pursuant to Rule 222, because the low emissions from affected equipment would not justify the administrative costs of processing and issuing written permits for these types of equipment, which are substantially greater than Rule 222 filing fees.

Finding and Explanation: The Final EA describes and evaluates three alternatives to the proposed project. The SCAQMD Governing Board finds that the proposed project would best satisfy all of the project objectives. The SCAQMD Governing Board finds that the alternatives are unable to satisfy the project objectives to the same degree as the proposed project. The SCAQMD Governing Board further finds that, on balance, none of the alternatives has environmental advantages over the proposed project that are sufficiently great to justify approval of such an alternative instead of PARs 219 and 222, in light of each such alternative's inability to satisfy the proposed project objectives to the same degree as the proposed project. Accordingly, the SCAQMD Governing Board has determined to approve the proposed project instead of approving any of the alternatives.

In making this determination, the SCAQMD Governing Board finds that when compared to the alternatives described and evaluated in the Final EA, the proposed project provides a reasonable

balance between fully satisfying the project objectives and reducing potential environmental impacts to an acceptable level. The SCAQMD Governing Board further finds and determines that the proposed project should be approved, rather than one of the other alternatives.

Potential adverse environmental impacts from three project alternatives were analyzed and their relative merits were compared to PARs 219 and 222. Alternatives evaluated in the Final EA for the proposed project include: Alternative A – No Project Alternative, Alternative B – Reduction in size, and Alternative C – Excluded Equipment. Although the project alternatives would reduce significant adverse operational NOx air quality impacts to less than significant they would not attain most of the basic project objectives set forth above compared to the proposed project.

Summary of Findings Regarding Alternatives: The SCAQMD Governing Board finds that the range of alternatives evaluated in the Final EA reflects a reasonable attempt to identify and evaluate various types of alternatives that would potentially be capable of reducing the proposed project's environmental effects, while accomplishing most, but not all of the project objectives. The SCAQMD Governing Board finds that the alternatives analysis is sufficient to inform the SCAQMD Governing Board and the public regarding the tradeoffs between the degree to which alternatives to the proposed project could reduce environmental impacts and the corresponding degree to which the alternatives would hinder the SCAQMD's ability to achieve the project objectives.

The SCAQMD Governing Board finds further that the proposed project achieves the best balance between the adverse air quality impacts while meeting the objectives of the project, which is to provide regulatory relief for affected engines when necessary, while still providing health protective benefits for sensitive receptors where feasible. All of the findings presented in these "Findings" are supported by substantial evidence in the record.

STATEMENT OF OVERRIDING CONSIDERATIONS

If significant adverse impacts of a proposed project remain after incorporating mitigation measures or no measures or alternatives to mitigate the adverse impacts to less than significant levels are identified, the lead agency must make a determination that the benefits of the project outweigh the unavoidable adverse environmental effects if it is to approve the project. CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project (CEQA Guidelines §15093(a)). If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable" (CEQA Guidelines §15093(a)). This statement of overriding considerations is based on the decision-making body's review of the Final EA, responses to comments, and other information in the administrative record. Each of the benefits identified below provides a separate and independent basis for overriding the significant adverse environmental effects of the 2012 AQMP. Accordingly, a Statement of Overriding Considerations regarding potentially significant adverse impacts resulting from the proposed project has been prepared. This Statement of Overriding Considerations is included as part of the record of the project approval

for the proposed project. Pursuant to CEQA Guidelines §15093(c), the Statement of Overriding Considerations will also be noted in the Notice of Decision for the proposed project.

Despite the inability to incorporate changes into the project that will mitigate potentially significant adverse impacts to a level of insignificance, the SCAQMD's Governing Board finds that the following benefits and considerations outweigh the significant unavoidable adverse environmental impacts:

1. The analysis of potential adverse environmental impacts incorporates a “worst-case” approach. This entails the premise that whenever the analysis requires that assumptions be made, those assumptions that result in the greatest adverse impacts are typically chosen. This method likely overestimates the actual adverse air quality impacts resulting from the proposed project.
2. The proposed project is expected to provide regulatory and financial relief to operators of small NOx emitting equipment because it relieves them of the obligation to replace existing equipment as no feasible retrofit NOx emission control equipment is currently available for these categories of equipment.
3. Because the proposed project would relieve affected operators of small NOx emitting equipment from replacing existing equipment that would otherwise be subject to the emission control requirements of Rule 1147, it is consistent with the intent of Rule 1147, which was promulgated as an equipment retrofit rule not an equipment replacement rule.

The proposed project is expected to provide regulatory and financial relief to operators of piston-type internal combustion engines used exclusively to generate electricity for remote two-way radio transmission towers and that meet the definition of this type of equipment in PAR 219 and PAR 222, that would otherwise be subject to Rule 1110.2, because there are no compliance options that would guarantee that the affected equipment could continue to operate during inclement weather, especially during snowy winter conditions, when engines cannot be fueled using non-diesel fuels or control equipment cannot receive proper maintenance.

4. Remotely located two-way radio transmission towers that rely on piston-type internal combustion engines used exclusively to generate electricity provide a public safety service by providing communication to remote locations. Therefore, exempting this equipment from the requirements of Rule 1110.2 would ensure that two-way radio transmission towers would continue to provide a public safety service by being available at all times to provide communication to remote locations, especially during emergencies.
5. Provide administrative and financial relief to operators of low-emitting equipment by not requiring a written permit pursuant to Rule 219, because the low emissions from affected equipment would not justify the administrative cost of processing and issuing written permits.
6. Provide administrative and financial relief to operators of low-emitting equipment by requiring simplified filing pursuant to Rule 222, because the low emissions from affected

equipment would not justify the administrative costs of processing and issuing written permits for these types of equipment, which are substantially greater than Rule 222 filing fees

The SCAQMD's Governing Board finds that the above-described considerations outweigh the unavoidable significant effects to the environment as a result of the proposed project.

RECORD OF PROCEEDINGS

Upon certification, the record of approval for this proposed project, i.e., the Notice of Decision will be posted and recorded by the Secretary of the Resources Agency. The record of approval for the proposed project and all documents and other materials related to this proposed project may be found at SCAQMD Headquarters, 21865 Copley Drive, Diamond Bar, California, 91765. The Custodian of the Record is the Deputy Executive Officer of Planning, Rules and Area Sources.

MITIGATION

CEQA requires an agency to prepare a plan for reporting and monitoring compliance with the implementation of measures to mitigate significant adverse environmental impacts. Mitigation monitoring requirements are included in CEQA Guidelines §15097 and Public Resources Code §21081.6, which specifically state:

When making findings as required by subdivision (a) of Public Resources Code §21081 or when adopting a negative declaration pursuant to paragraph (2) of subdivision (c) of Public Resources Code §21080, the public agency shall adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment (Public Resources Code §21081.6). The reporting or monitoring program shall be designed to ensure compliance during project implementation. For those changes which have been required or incorporated into the project at the request of an agency having jurisdiction by law over natural resources affected by the project, that agency shall, if so requested by the lead or responsible agency, prepare and submit a proposed reporting or monitoring program.

The provisions of CEQA Guidelines §15097 and Public Resources Code §21081.6 are triggered when the lead agency certifies a CEQA document in which mitigation measures, changes, or alterations have been required or incorporated into the project to avoid or lessen the significance of adverse impacts identified in the CEQA document. However, since no mitigation measures to reduce significant adverse operational NO_x air quality impacts were identified a mitigation monitoring and reporting plan for operations is not required.

CONCLUSION

Based on a "worst-case" analysis, the potential adverse NO_x air quality impacts from operational NO_x emission reductions foregone as a result of adopting and implementing of PARs 219 and 222 are considered significant and unavoidable. PARs 219 and 222 would result in 139 pounds of NO_x emission reductions foregone per day, which exceeds the SCAQMD operational NO_x significant threshold of 55 pounds per day. Since the NO_x emission reductions foregone would exceed the applicable NO_x significance threshold, NO_x is an ozone precursor, and the district is classified as non-attainment for ozone; PARs 219 and 222 may contribute to an existing or

projected air quality violation. Since the proposed project would result in NO_x emissions reductions foregone from the existing Rules 1147 and 1110.2 that exceed the operational NO_x significant threshold of 55 pounds per day, it may diminish an existing air quality rule or future compliance requirement resulting in a significant increase in an air pollutant. No feasible mitigation measures or project alternatives have been identified that would further reduce air quality impacts to less than significant levels, while still achieving the overall objectives of the project.

It should be noted, however, that the air quality analysis is a conservative, "worst-case" analysis so the actual operation impacts may not be as great as estimated here.