



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4182
(909) 396-2000 • www.aqmd.gov

November 4, 2005

Office of the Secretary for Resources
Attn: General Counsel's Office
1416 9th Street, Suite 1311
Sacramento, CA 95814

To Whom It May Concern:

Enclosed please find two copies of three Notices of Decision (NODs) for the CEQA documents prepared for Proposed Amended Rule (PAR) 1107 – *Coating of Metal Parts and Products*, PAR 1118 – *Control of Emissions from Refinery Flares* and PAR 1156 – *Further Reduction of Particulate Emissions from Cement Manufacturing Facilities*. The Final Environmental Assessments (EA) for PAR 1107, 1118 and 1156 were prepared pursuant to CEQA and the South Coast Air Quality Management District's (SCAQMD) certified regulatory program. The CEQA documents were certified by SCAQMD's Governing Board at its November 4, 2005, Public Hearing. Please record and post the NODs according to the provisions of CEQA.

SCAQMD Rule 110 requires that written responses to public comments on a SCAQMD CEQA document be filed with the Secretary of Resources along with the Notice of Decision. One comment letter was received on the Draft EA for PAR 1107. This comment letter and the responses are located in Appendix D of the enclosed Final EA for PAR 1107. Two comment letters were received on the Draft EA for PAR 1118, therefore, the Final EA for PAR 1118, which includes the comment letters and responses to the comment letters, is also enclosed. No comment letters were received on the Draft EA for PAR 1156, therefore, no responses to public comments are enclosed for PAR 1156.

The SCAQMD has determined that the proposed projects will have a de minimis impact on wildlife and the habitat upon which the wildlife depends. Therefore, the projects are exempt from the Department of Fish and Game filing fee pursuant to §753.5 (a)(3), Title 14, California Code of Regulations (CCR). The Certificate of Fee Exemption forms are also included as required pursuant to §753.5 (c), Title 14, CCR.

Please confirm receipt of one copy of each NOD and return them to the undersigned. Two return envelopes have been provided for your convenience (one for the confirmed copy upon receipt, and one for the original NOD to be returned after the posting period). If you have any questions, please call me at (909) 396-3054 or Michael Krause at (909) 396-2706.

Sincerely,

Steve Smith, Ph.D.
CEQA Program Supervisor
Planning, Rule Development and Area Sources

Enclosures

NOTICE OF DECISION

To: Office of the Secretary for Resources
General Counsel's Office
1416 9th Street, Suite 1311
Sacramento, CA 95814

From: SCAQMD
Planning, Rules and Area Sources
21865 Copley Drive
Diamond Bar, CA 91765

Subject: FILING OF NOTICE OF DECISION IN COMPLIANCE WITH §21080.5 OF THE PUBLIC RESOURCES CODE

Project Title: Final Environmental Assessment: Proposed Amended Rule 1118 – Control of Emissions from Refinery Flares

Lead Agency: South Coast Air Quality Management District

SCAQMD Number: 101405MK

Date Certified: November 4, 2005

Contact Person: Michael Krause

Telephone Number: (909) 396-2706

Project Location: South Coast Air Quality Management District area of jurisdiction: South Coast Air Basin (all of Orange County and the nondesert portions of Los Angeles, Riverside, and San Bernardino counties), and the Riverside County portions of the Salton Sea Air Basin and Mojave Desert Air Basin

Project Description: PAR 1118 establishes a regulatory framework that seeks to control and minimize future flare emissions as well as preserve emission reductions achieved to date. The proposed amendments would: prohibit the flaring of vent gases except during emergencies, shutdowns/startups, turnarounds and essential operational needs; require submittal of equipment and process descriptions; require owners/operators of affected facilities to analyze the specific cause of major flaring events; require affected facilities that exceed the performance targets to develop and implement flare management plans to minimize emissions, and require affected facilities to meet emission performance targets by certain dates. PAR 1118 establishes facility-specific performance targets which trigger mitigation fees in the event these emission thresholds are exceeded.

This is to advise that the South Coast Air Quality Management District has approved the above described project and has made the following determinations regarding the above described project:

1. A Final Environmental Assessment (EA) for proposed amended Rule 1118 was approved pursuant to the provision of CEQA and SCAQMD Rule 110.
2. The Final EA concluded that the proposed project would not have a significant impact on the environment.
3. A Statement of Findings and a Statement of Overriding Considerations were not adopted for this project pursuant to CEQA Guidelines §§15091 and 15093, respectively.
4. No mitigation measures were required for this project and, therefore, a mitigation monitoring program under PRC § 21081.6 was not adopted for this project.

The Final EA, supporting documentation, and record of project approval may be examined at: SCAQMD, 21865 Copley Drive, Diamond Bar, CA 91765.

Date Received for Filing

Signature: _____
Steve Smith, Ph.D.
Program Supervisor, CEQA
Planning, Rule Development, and Area Sources

California Department of Fish and Game
CERTIFICATE OF FEE EXEMPTION
De Minimis Impact Finding

Title: Final Environmental Assessment: Proposed Amended Rule 1118 – Control of Emissions from Refinery Flares

Location: South Coast Air Quality Management District area of jurisdiction: South Coast Air Basin (all of Orange County and the nondesert portions of Los Angeles, Riverside, and San Bernardino counties), and the Riverside County portions of the Salton Sea Air Basin and Mojave Desert Air Basin.

Project Proponent & Address: South Coast Air Quality Management District (SCAQMD)
21865 Copley Drive
Diamond Bar, CA 91765-4182

Project Description: PAR 1118 establishes a regulatory framework that seeks to control and minimize future flare emissions as well as preserve emission reductions achieved to date. The proposed amendments would: prohibit the flaring of vent gases except during emergencies, shutdowns/startups, turnarounds and essential operational needs; require submittal of equipment and process descriptions; require owners/operators of affected facilities to analyze the specific cause of major flaring events; require affected facilities that exceed the performance targets to develop and implement flare management plans to minimize emissions, and require affected facilities to meet emission performance targets by certain dates. PAR 1118 establishes facility-specific performance targets which trigger mitigation fees in the event these emission thresholds are exceeded. The analysis in the Final EA shows that the project will not have a significant adverse effect on the environment.

Findings of Exemption: The SCAQMD, as lead agency, prepared an Environmental Assessment (EA) for the proposed project that includes an initial study, which concluded that the proposed project would have no significant direct or indirect adverse effects on plant or animal life or the habitat upon which they depend. The Draft EA for the project was circulated for a 30-day public review and comment period. Two comment letters were received on the Draft EA, and no comments were received on the analysis or conclusions with regards to biological impacts from the proposed project.

The SCAQMD declares that when considering the record as a whole, there is no evidence before the agency to indicate that the proposed project will have the potential for an adverse effect on wildlife resources or the habitat upon which the wildlife depends. By improving air quality, the proposed project will have a beneficial effect on wildlife resources and their habitats. On the basis of substantial evidence, the SCAQMD has rebutted the presumption of adverse effect contained in §753.5 (d), Title 14, CCR.

Certification: I hereby certify that the lead agency has made the above findings and that, based upon the Final EA and hearing record, the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in §711.2 of the Fish and Game Code.

Date November 4, 2005

Signature: _____

Steve Smith, Ph.D.
Program Supervisor, CEQA
Planning, Rules, and Area Sources

