

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, Rule Development & Area Sources
21865 Copley Drive
Diamond Bar, CA 91765

Subject: Filing of Notice of Decision in compliance with Public Resources Code Section 21080.5(d)(2)(E), CEQA Guidelines Sections 15252(b) and 15094(b), and SCAQMD Rule 110(f)

Project Title: Final Subsequent Environmental Assessment (SEA) for Proposed Amended Regulation XX – Regional Clean Air Incentives Market (RECLAIM): Proposed Amended Rule (PAR) 2001 – Applicability, and PAR 2002 – Allocations for Oxides of Nitrogen (NOx) and Oxides of Sulfur (SOx).

Lead Agency: South Coast Air Quality Management District (SCAQMD)

SCH Number: 2016071006/2014121018

Date Certified: October 5, 2018

SCAQMD Number: 07312018DH/12052014BAR

Contact Person: Darren Ha

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Project Location: The project will affect facilities located within the SCAQMD's boundary. The SCAQMD has jurisdiction over all of Orange County, the urban portions of Los Angeles and San Bernardino counties southwest of the San Bernardino and San Gabriel mountains, and nearly all of Riverside County, with the exception of communities near the state border.

Project Description: SCAQMD staff amended Regulation XX, which includes Proposed Amended Rules (PARs) 2001 and 2002, as part of the on-going transition from facilities in the NOx RECLAIM program to a command-and-control regulatory structure. PAR 2001 is proposing to allow any facility to exit RECLAIM so long as it meets certain specific criteria, which would be applicable to all exiting RECLAIM facilities. PAR 2002 is proposing to allow facilities to remain in RECLAIM after the issuance of an initial determination notification for potential exit; however, any remaining RECLAIM facilities will be required to comply with future Best Available Retrofit Control Technology (BARCT) limits or other requirements as they are adopted and made applicable to exiting RECLAIM facilities. Otherwise, PARs 2001 and 2002 are administrative in nature and do not impose a new or more stringent emission limit or standard. Because BARCT is statutorily defined to be based on "environmental, energy, and economic impacts," it would be speculative to assume what new BARCT will be, since most new BARCT assessments have not yet been conducted. So, the analysis in the Final SEA was limited to impacts for new BARCT where the assessments had been completed. Any potential environmental impacts associated with complying with future rules where the BARCT assessments have not been completed are not reasonably foreseeable at this time. As such, the Final SEA concluded that these impacts are too speculative for evaluation per CEQA Guidelines Section 15145.

This is to advise that the SCAQMD has certified the Final SEA and approved the above described project, and has made the following determinations:

1. The Final SEA was prepared pursuant to SCAQMD's Certified Regulatory Program.
2. The Final SEA concluded that the project will not have a significant effect on the environment.
3. Because the Final SEA concluded that the project will not have a significant adverse impact on the environment, mitigation measures were not made a condition of the approval of this project. Thus, a Mitigation Monitoring and Reporting Plan, pursuant to Public Resources Code Section 21081.6 and CEQA Guidelines Section 15097, was not required or adopted for this project.
4. Findings pursuant to CEQA Guidelines Section 15091 and a Statement of Overriding Considerations pursuant to CEQA Guidelines Section 15093 were also not required or adopted for this project.

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

Date Received for Filing

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