



South Coast Air Quality Management District

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

SUBJECT: NOTICE OF EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

PROJECT TITLE: PROPOSED AMENDED REGULATION IX - STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the South Coast Air Quality Management District (SCAQMD) is the Lead Agency and has prepared a Notice of Exemption for the project identified above.

Staff has reviewed the proposed project pursuant to CEQA Guidelines §15002 (k) – Three Step Process, the process for deciding which document to prepare for a project subject to CEQA. Since the federal New Source Performance Standards (NSPS) are already in effect, staff has determined that it can be seen with certainty that there is no possibility that the proposed project may have any new significant effects on the environment, and is therefore, exempt pursuant to CEQA Guidelines §15061(b)(3). Furthermore, the proposed amendments are categorically exempt because they are considered actions to protect or enhance the environment pursuant to CEQA Guidelines §15308 – Class 8 Categorical Exemption.

A Notice of Exemption has been prepared pursuant to CEQA Guidelines §15062 - Notice of Exemption. The Notice of Exemption will be filed with the county clerks of Los Angeles, Orange, Riverside and San Bernardino counties immediately following the adoption of the proposed project.

Any questions regarding this Notice of Exemption should be sent to Barbara Radlein (c/o Planning, Rule Development and Area Sources) at the above address. Ms. Radlein can also be reached at (909) 396-2716. Pamela Perryman is also available at (909) 396-3103 to answer any questions regarding the proposed amendments.

Date: February 23, 2011

Signature: Steve Smith

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

Reference: California Code of Regulations, Title 14

NOTICE OF EXEMPTION

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 Regulation IX – Standards of Performance for New Stationary Sources

Project Location:

South Coast Air Quality Management District (SCAQMD): the four-county South Coast Air Basin (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 and Mojave Desert Air Basin.

Description of Nature, Purpose, and Beneficiaries of Project:

The purpose of the proposed amendments is to incorporate by reference federal New Source Performance Standards (NSPS) into SCAQMD Regulation IX. Specifically, this action incorporates Subparts A and F– General Provisions, and New Source Performance Standards for Portland Cement Plants (U.S. EPA effective date November 8, 2010, Reference: 75 FR54970, Vol. 75, No. 174, September 9, 2010) which contain: 1) additional or revised emission limits for particulate matter (PM), opacity, nitrogen dioxide (NO₂), and sulfur dioxide (SO₂) for facilities that commenced construction, modification, or reconstruction after June 16, 2008; and, 2) additional testing and monitoring requirements for affected sources. The incorporation by reference of NSPS requirements into Regulation IX recognizes the SCAQMD’s authority to implement and enforce these federal regulations at the local level.

Public Agency Approving Project:

South Coast Air Quality Management District

Agency Carrying Out Project:

South Coast Air Quality Management District

Exempt Status:

Three-Step Process: CEQA Guidelines §15002(k)(1)
General Rule Exemption: CEQA Guidelines §15061(b)(3)
Class 8 Categorical Exemption: CEQA Guidelines §15308

Reasons why project is exempt:

The proposed amendments would incorporate by reference NSPS requirements into Regulation IX. Since the federal NSPS are already in effect, staff has determined that it can be seen with certainty that there is no possibility that the proposed project may have any new significant effects on the environment, and is therefore, exempt pursuant to CEQA Guidelines §15061(b)(3). Furthermore, the proposed amendments are categorically exempt because they are considered actions to protect or enhance the environment pursuant to CEQA Guidelines §15308 – Class 8 Categorical Exemption.

Certification Date:

SCAQMD Governing Board Hearing: March 4, 2011, 9:00 a.m.; SCAQMD Headquarters

CEQA Contact Person:

Barbara Radlein

Phone Number:

(909) 396-2716

Regulation Contact Person:

Pamela Perryman

Phone Number:

(909) 396-3103

Date Received for Filing: _____

Signature: _____

(Signed Upon Certification)

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