

ATTACHMENT H



**South Coast  
Air Quality Management District**

21865 Copley Drive, Diamond Bar, CA 91765-4178  
(909) 396-2000 • www.aqmd.gov

**SUBJECT: NOTICE OF EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

**PROJECT TITLE: PROPOSED AMENDED RULE 408 - CIRCUMVENTION**

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.

The proposed project is comprised of amendments to Rule 408 – Circumvention. SCAQMD staff has reviewed the proposed project pursuant to: 1) CEQA Guidelines Section 15002(k) - General Concepts, the three-step process for deciding which document to prepare for a project subject to CEQA; and 2) CEQA Guidelines Section 15061 - Review for Exemption, procedures for determining if a project is exempt from CEQA.

Since the proposed project is comprised of updates to the existing requirements on circumvention, SCAQMD staff has determined that it can be seen with certainty that there is no possibility that the proposed amendments to Rule 408 may have a significant adverse effect on the environment. Therefore, the project is considered to be exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) – Activities Covered by General Rule. In addition, the proposed amendments to Rule 408 are categorically exempt because they are designed to further protect or enhance the environment pursuant to CEQA Guidelines Section 15308 – Actions by Regulatory Agencies for Protection of the Environment. A Notice of Exemption has been prepared pursuant to CEQA Guidelines Section 15062 – Notice of Exemption. If the project is approved, the Notice of Exemption will be filed with the county clerks of Los Angeles, Orange, Riverside and San Bernardino counties.

Any questions regarding this Notice of Exemption should be sent to Diana Thai (c/o Planning, Rule Development and Area Sources) at the above address. Ms. Thai can also be reached at (909) 396-3443. Ms. Nicole Silva is also available at (909) 396-3384 to answer any questions regarding the proposed amended rule.

**Date:** April 24, 2018

**Signature:**   
\_\_\_\_\_  
Barbara Radlein  
Program Supervisor, CEQA Section  
Planning, Rules, and Area Sources

## NOTICE OF EXEMPTION

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**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

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**Project Title:** Proposed Amended Rule 408 - Circumvention

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**Project Location:** The SCAQMD has jurisdiction over the four-county South Coast Air Basin (all of 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 (SSAB) and Mojave Desert Air Basin (MDAB). The SCAQMD's jurisdiction includes the federal nonattainment area known as the Coachella Valley Planning Area, which is a sub-region of Riverside County and the SSAB.

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**Description of Nature, Purpose, and Beneficiaries of Project:** SCAQMD staff is proposing amendments to Rule 408 to address specific circumstances where facilities may attempt to avoid compliance by prohibiting a facility from altering business operations or equipment to evade detection or conceal emissions during monitoring and testing, and by limiting the existing exemption for cases in which the only violation is an odor nuisance.

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**Public Agency Approving Project:**  
South Coast Air Quality Management District

**Agency Carrying Out Project:**  
South Coast Air Quality Management District

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**Exempt Status:**

CEQA Guidelines Section 15061(b)(3) – Activities Covered by General Rule

CEQA Guidelines Section 15308 – Actions by Regulatory Agencies for Protection of the Environment

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**Reasons why project is exempt:** SCAQMD staff has reviewed the proposed amendments to Rule 408 pursuant to: 1) CEQA Guidelines Section 15002(k) - General Concepts, the three-step process for deciding which document to prepare for a project subject to CEQA; and 2) CEQA Guidelines Section 15061 - Review for Exemption, procedures for determining if a project is exempt from CEQA. Since the proposed project is comprised of updates to the existing requirements on circumvention, SCAQMD staff has determined that it can be seen with certainty that there is no possibility that the proposed project may have a significant adverse effect on the environment. Therefore, the proposed project is considered to be exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) - Activities Covered by General Rule. Also, the proposed amendments to Rule 408 are categorically exempt because they are designed to further protect or enhance the environment pursuant to CEQA Guidelines Section 15308 - Actions by Regulatory Agencies for Protection of the Environment.

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**Date When Project Will Be Considered for Approval (subject to change):**

SCAQMD Governing Board Hearing: May 4, 2018; SCAQMD Headquarters - Auditorium

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**CEQA Contact Person:**

Ms. Diana Thai

**Phone Number:**

(909) 396-3443

**Email:**

[dthai@aqmd.gov](mailto:dthai@aqmd.gov)

**Fax:**

(909) 396-3982

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**Rule Contact Person:**

Ms. Nicole Silva

**Phone Number:**

(909) 396-3384

**Email:**

[nsilva@aqmd.gov](mailto:nsilva@aqmd.gov)

**Fax:**

(909) 396-3807

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**Date Received for Filing:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

Barbara Radlein  
Program Supervisor, CEQA Section  
Planning, Rule Development & Area Sources