

ATTACHMENT E



**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 301 – PERMITTING AND ASSOCIATED FEES

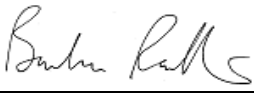
Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the South Coast Air Quality Management District (South Coast AQMD) is the Lead Agency and has prepared a Notice of Exemption for the project identified above.

The proposed project, an amendment to Rule 301 – Permitting and Associated Fees, adds a requirement for facilities to certify that information contained within annual emission reports is accurate to the best knowledge of the official certifying the report. The addition of this certification requirement is necessary to implement Section 182(a)(3)(B) of the Clean Air Act and to memorialize a current practice. In addition, subparagraphs (e)(1)(A) and (e)(1)(B) and paragraphs (e)(2), (e)(5), and (e)(8) of Rule 301 are proposed to be submitted to the California Air Resources Board for inclusion into the State Implementation Plan (SIP). South Coast AQMD 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 facilities currently certify their annual emission reports in practice, the proposed amendment to Rule 301 is administrative in nature such 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. Thus, the proposed project is considered to be exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) – Common Sense Exemption. The proposed project is also statutorily exempt from CEQA pursuant to CEQA Guidelines 15273 – Rates, Tolls, Fares and Charges because the emissions being certified are used to calculate the amount of emissions fees to be paid by a facility. Furthermore, the proposed project is categorically exempt from CEQA because the proposed submission of subparagraphs (e)(1)(A) and (e)(1)(B) and paragraphs (e)(2), (e)(5), and (e)(8) of Rule 301 for inclusion into the SIP is considered an action to protect or enhance the environment pursuant to CEQA Guidelines Section 15308 – Actions by Regulatory Agencies for Protection of the Environment. South Coast AQMD staff has determined that there is no substantial evidence indicating that any of the exceptions to the categorical exemption apply to the proposed project pursuant to CEQA Guidelines Section 15300.2 – Exceptions. A Notice of Exemption will be prepared pursuant to CEQA Guidelines Section 15062 – Notice of Exemption. If the proposed 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 directed to Ryan Bañuelos (c/o Planning, Rule Development and Area Sources) at the above address. Mr. Bañuelos can also be reached at (909) 396-3479. Mr. Shah Dabirian is also available at (909) 396-3076 to answer any questions regarding Proposed Amended Rule 301.

Date: June 6, 2019

Signature: 

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

**NOTICE OF EXEMPTION FROM THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

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 301 – Permitting and Associated Fees

Project Location: The South Coast AQMD 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 South Coast AQMD’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.

Description of Nature, Purpose, and Beneficiaries of Project: The proposed project, an amendment to Rule 301 – Permitting and Associated Fees, adds a requirement for facilities to certify that information contained within annual emission reports is accurate to the best knowledge of the official certifying the report. The addition of this certification requirement is necessary to implement Section 182(a)(3)(B) of the Clean Air Act and to memorialize a current practice. In addition, subparagraphs (e)(1)(A) and (e)(1)(B) and paragraphs (e)(2), (e)(5), and (e)(8) of Rule 301 are proposed to be submitted to the California Air Resources Board for inclusion into the State Implementation Plan (SIP).

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) – Common Sense Exemption
CEQA Guidelines Section 15273 – Rates, Tolls, Fares, and Charges
CEQA Guidelines Section 15308 – Actions by Regulatory Agencies for Protection of the Environment

Reasons why project is exempt: South Coast AQMD 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 facilities currently certify their annual emission reports in practice, the proposed amendment to Rule 301 is administrative in nature such 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. Thus, the proposed project is considered to be exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) – Common Sense Exemption. The proposed project is also statutorily exempt from CEQA pursuant to CEQA Guidelines 15273 – Rates, Tolls, Fares and Charges because the emissions being certified are used to calculate the amount of emissions fees to be paid by a facility. Furthermore, the proposed project is categorically exempt from CEQA because the proposed submission of subparagraphs (e)(1)(A) and (e)(1)(B) and paragraphs (e)(2), (e)(5), and (e)(8) of Rule 301 for inclusion into the SIP is considered an action to protect or enhance the environment pursuant to CEQA Guidelines Section 15308 – Actions by Regulatory Agencies for Protection of the Environment. South Coast AQMD staff has determined that there is no substantial evidence indicating that any of the exceptions to the categorical exemption apply to the proposed project pursuant to CEQA Guidelines Section 15300.2 – Exceptions.

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

South Coast AQMD Governing Board Hearing: July 12, 2019; South Coast AQMD Headquarters

CEQA Contact Person: Mr. Ryan Bañuelos	Phone Number: (909) 396-3479	Email: rbanuelos@aqmd.gov	Fax: (909) 396-3982
Regulation Contact Person: Mr. Shah Dabirian	Phone Number: (909) 396-3076	Email: sdabirian@aqmd.gov	Fax: (909) 396-3324

Date Received for Filing: _____ **Signature:** _____ *(Signed Upon Board Approval)*
Barbara Radlein
Program Supervisor, CEQA
Planning, Rule Development, and Area Sources