

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

To: County Clerks for the Counties of Los Angeles, Orange, Riverside and San Bernardino; and Governor's Office of Planning and Research – State Clearinghouse

From: South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765

Project Title: Proposed Rule 403.2 – Fugitive Dust From Large Roadway Projects

Project Location: The proposed project is located within the South Coast Air Quality Management District's (South Coast AQMD) jurisdiction, which includes 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 portion of the Salton Sea Air Basin and the non-Palo Verde, Riverside County portion of the Mojave Desert Air Basin.

Description of Nature, Purpose, and Beneficiaries of Project: Proposed Rule (PR) 403.2 has been developed to supplement the existing regulatory requirements in Rule 403 – Fugitive Dust, to reduce air quality impacts to nearby receptors resulting from fugitive dust generated by construction and demolition activities of a large roadway, including any adjacent bridge, overpass, or onramp. A large roadway is defined as any portion of a roadway that is designated as functional classification "Interstate" (FC1) or "Other Freeway or Expressway" (FC2) by the Federal Highway Administration, and most large roadway projects would be under the jurisdiction of California Department of Transportation or the authority of the local county in which the project is located. Specifically, PR 403.2 would not allow any person to conduct aggregate crushing and grinding operations or maintain a material pile within 100 feet of an area of public exposure or 250 feet of a sensitive receptor unless: 1) a water misting dust control system is used during aggregate crushing and grinding operations to prevent visible dust emissions from exceeding 100 feet in length in any direction, and the materials being recycled are generated from the large roadway project; and 2) for material piles, a material pile cover or equivalent method to control fugitive dust approved by Executive Officer is used. In addition, PR 403.2 would: 1) require the following for activities conducted within 500 feet of an area of public exposure or within 1,000 feet of a sensitive receptor: a) implementation of enhanced fugitive dust control measures as currently required for Rule 403 Large Projects, b) installation of signage around the project perimeter, and c) the appointment of a dust control supervisor responsible for ensuring rule compliance; 2) require advance notification prior to the commencement of work for activities conducted within 1,000 feet of an area of public exposure or sensitive receptor; and 3) exempt large roadway project activities conducted during emergency, life-threatening situations, or by essential service utilities to provide electricity, natural gas, telephone, water, or sewer during service outages and emergency disruptions. The requirements of PR 403.2 would become effective six months after the date of adoption.

Public Agency Approving Project:
South Coast Air Quality Management District

Agency Carrying Out Project:
South Coast Air Quality Management District

Exempt Status:

CEQA Guidelines Section 15061(b)(3) – Common Sense Exemption

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

NOTICE OF EXEMPTION FROM CEQA (concluded)

Reasons why project is exempt: South Coast AQMD, as Lead Agency, 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. Implementation of PR 403.2 will ensure that the activities associated with large roadway projects would be located at a prescribed distance from specified receptors so as to minimize exposure to fugitive dust emissions. Thus, it can be seen with certainty that implementing the proposed project would not cause a significant adverse effect on the environment. Therefore, the proposed project is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) – Common Sense Exemption. The proposed project is also categorically exempt from CEQA pursuant to CEQA Guidelines Section 15308 – Actions by Regulatory Agencies for Protection of the Environment, because PR 403.2 is designed to further protect or enhance the environment by reducing receptor exposure to fugitive dust. Further, 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 of Project Approval: South Coast AQMD Governing Board Public Hearing: June 3, 2022

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Date Received for Filing: _____

Signature: _____

 June 3, 2022

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