

**PUBLIC CONSULTATION MEETING  
NOTICE FOR PROPOSED  
RULE 120 – CREDIBLE EVIDENCE**

**Thursday, January 11, 2018**

**9:00 A.M.**

South Coast Air Quality Management District Headquarters  
21865 Copley Drive, Diamond Bar, CA 91765  
Auditorium

**PURPOSE OF THE PUBLIC CONSULTATION MEETING**

The South Coast Air Quality Management District (SCAQMD) has scheduled a public consultation meeting for the purpose of soliciting information, comments, and suggestions from the public and affected businesses regarding Proposed Rule (PR) 120 – Credible Evidence. This meeting will allow for comments and discussion with all members of the public, including potentially impacted stakeholders and other interested parties. PR 120 is tentatively scheduled for adoption at a Public Hearing before the SCAQMD Governing Board on March 2, 2018.

**PROJECT OBJECTIVE**

PR 120 would clarify that SCAQMD may establish violations by any credible evidence, and not solely by an applicable test method. Several SCAQMD rules specify methods that shall be used to demonstrate compliance; PR 120 would state that any credible evidence could be used for compliance determination. PR 120 will allow compliance staff to issue a Notice of Violation to any person who has violated or is in violation of a plan, order, permit, rule, regulation, or law, based on credible evidence. At the same time, PR 120 will allow a source to use credible evidence for contesting allegations of noncompliance.

**SUMMARY OF PROPOSED RULE 120**

Staff proposes the following:

- Allow any credible evidence to be used to determine whether a person has violated or is in violation of any plan, order, permit, rule, regulation, or law.
- Establish presumptively credible evidence.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Pursuant to the California Environmental Quality Act (CEQA) and SCAQMD Rule 110, the SCAQMD, as lead agency for the proposed project, SCAQMD staff has reviewed Proposed Rule 120 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. 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 project is considered to be exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) – Activities Covered by General Rule. Also, the proposed adoption of Rule 120 is categorically exempt because it is 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 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.

Comments and suggestions regarding this CEQA determination may be directed to:

Ms. Diana Thai  
Planning, Rule Development and Area Sources, CEQA Section  
South Coast Air Quality Management District  
21865 Copley Drive Diamond Bar, CA 91765  
Phone: (909) 396-3443      Email: [dthai@aqmd.gov](mailto:dthai@aqmd.gov)

#### **AVAILABILITY OF SUPPORTING DOCUMENTS**

The following supporting document is currently available:

- PR 120 – Credible Evidence

#### **TO OBTAIN COPIES OF THE ABOVE DOCUMENTS**

Copies of the proposed rule are available and may be obtained from:

Ms. Fabian Wesson  
Public Information Center  
South Coast Air Quality Management District  
21865 Copley Drive  
Diamond Bar, CA 91765  
Phone: (909) 396-2432      Email: [PICrequests@aqmd.gov](mailto:PICrequests@aqmd.gov)

The document is also available for download from the SCAQMD website at:

<http://www.aqmd.gov/home/regulations/rules/proposed-rules>

#### **SUBMISSION OF DOCUMENTS OR COMMENTS**

You are invited to attend the meeting and may send comments, documents, studies, reports, or other information relevant to the proposed rule listed above to:

Ms. Nicole Silva  
Planning, Rule Development and Area Sources  
South Coast Air Quality Management District  
21865 Copley Drive Diamond Bar, CA 91765  
Phone: (909) 396-3384      Email: [nsilva@aqmd.gov](mailto:nsilva@aqmd.gov)

Written comments on this rule should be submitted by January 19, 2018.