

**NOTICE OF PUBLIC CONSULTATION
MEETING FOR PROPOSED AMENDED
RULE 408 – CIRCUMVENTION**

Wednesday, March 14, 2018

1:30 P.M.

South Coast Air Quality Management District Headquarters
21865 Copley Drive, Diamond Bar, CA 91765
CC-6

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 Amended Rule (PAR) 408 - Circumvention. This meeting will allow for comments and discussion with all members of the public, including potentially impacted stakeholders and other interested parties. PAR 408 is tentatively scheduled to be adopted at a Public Hearing before the SCAQMD Governing Board on May 4, 2018.

PROJECT OBJECTIVE

Existing Rule 408 prohibits the construction, installation, or use of any equipment or technique designed to conceal emissions without a concurrent reduction in the release of air contaminants to the atmosphere. Specifically, the current rule prohibits the circumvention of Chapter 3 (commencing with Section 41700) of Part 4, Division 26 of the California Health and Safety Code, or rules. The proposed amendment would maintain the current exemption from Rule 408 only for cases where the violation is an *odor* nuisance and prohibit temporarily altering an operation or equipment to avoid detection of emissions during monitoring or testing.

SUMMARY OF PROPOSED AMENDED RULE 408

Staff proposes the following:

- Prohibiting temporary alterations to operations or equipment to avoid detection of emissions during monitoring or testing.
- Maintain the exemption from Rule 408 where the only violation is an *odor* nuisance.

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, 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. 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 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 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

AVAILABILITY OF SUPPORTING DOCUMENTS

The following supporting documents are currently available:

- Proposed Amended Rule 408 - Circumvention
- Preliminary Draft Staff Report

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

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 also send comments, documents, studies, reports, or other information relevant to the proposed amended 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

Written comments on this rule should be submitted by March 23, 2018.