

ATTACHMENT B

RESOLUTION NO. 19-_____

A Resolution of the Governing Board of the South Coast Air Quality Management District (SCAQMD) determining that Proposed Amended Rule 1325 – Federal PM_{2.5} New Source Review Program is exempt from the requirements of the California Environmental Quality Act (CEQA).

A Resolution of the SCAQMD Governing Board adopting Proposed Amended Rule 1325 – Federal PM_{2.5} New Source Review Program.

WHEREAS, the SCAQMD Governing Board finds and determines that Proposed Amended Rule 1325 is considered a “project” pursuant to CEQA per CEQA Guidelines Section 15002(k) – General Concepts, the three-step process for deciding which document to prepare for a project subject to CEQA; and

WHEREAS, the SCAQMD has had its regulatory program certified pursuant to Public Resources Code Section 21080.5 and CEQA Guidelines Section 15251(l), and has conducted a CEQA review and analysis of Proposed Amended Rule 1325 pursuant to such program (SCAQMD Rule 110); and

WHEREAS, the SCAQMD Governing Board finds and determines after conducting a review of the proposed project in accordance with CEQA Guidelines Section 15002(k) - General Concepts, the three-step process for deciding which document to prepare for a project subject to CEQA, and CEQA Guidelines Section 15061 - Review for Exemption, procedures for determining if a project is exempt from CEQA, that Proposed Amended Rule 1325 is determined to be exempt from CEQA; and

WHEREAS, the SCAQMD Governing Board finds and determines that it can be seen with certainty that there is no possibility that the proposed project may have any significant effects on the environment, because the proposed changes are administrative and procedural in nature as required by the U.S. EPA, and would not cause any physical changes that would affect any environmental topic area, and is therefore, exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) – Activities Covered By General Rule; and

WHEREAS, the SCAQMD Governing Board finds and determines that the proposed project is also categorically exempt from CEQA pursuant to CEQA Guidelines Section 15268 – Ministerial Projects because the project consists

of a revision to the definition of “regulated NSR pollutant” in Rule 1325 per United States Environmental Protection Agency (U.S. EPA) direction; and

WHEREAS, the SCAQMD Governing Board finds and determines that 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 Proposed Amended Rule 1325 is designed to further protect or enhance the environment; and

WHEREAS, the SCAQMD Governing Board has considered whether the proposed project may have significant environmental impacts due to unusual circumstances, as set forth in CEQA Guidelines Section 15300.2, and has determined that none exist for the proposed project; and

WHEREAS, the SCAQMD staff will prepare a Notice of Exemption for the proposed project that is completed in compliance with CEQA Guidelines Section 15062 – Notice of Exemption; and

WHEREAS, Proposed Amended Rule 1325, the January 4, 2019 SCAQMD Governing Board letter, including the Notice of Exemption and other supporting documentation, were presented to the SCAQMD Governing Board and the SCAQMD Governing Board has reviewed and considered this information, as well as has taken and considered staff testimony and public comment prior to approving the project; and

WHEREAS, Proposed Amended Rule 1325 will be submitted for inclusion into the State Implementation Plan; and

WHEREAS, the SCAQMD staff conducted a public workshop regarding Proposed Amended Rule 1325 on October 24, 2018; and

WHEREAS, Health and Safety Code Section 40727 requires that prior to adopting, amending or repealing a rule or regulation, the SCAQMD Governing Board shall make findings of necessity, authority, clarity, consistency, non-duplication, and reference based on relevant information presented at the public hearing and in the Final Staff Report; and

WHEREAS, the SCAQMD Governing Board has determined that a need exists to amend Rule 1325 – Federal PM_{2.5} New Source Review Program to correct a deficiency identified by U.S. EPA; and

WHEREAS, the SCAQMD Governing Board obtains its authority to adopt, amend, or repeal rules and regulations from Sections 39002, 40000, 40001, 40440, 40702, and 42504 of the Health and Safety Code; and

WHEREAS, the SCAQMD Governing Board has determined that Rule 1325, as proposed to be amended, is written and displayed so that its meaning can be easily understood by persons directly affected by it; and

WHEREAS, the SCAQMD Governing Board has determined that Rule 1325, as proposed to be amended, is in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, or state or federal regulations; and

WHEREAS, the SCAQMD Governing Board has determined that Rule 1325, as proposed to be amended, does not impose the same requirements as any existing state or federal regulations, and the proposed amended rule is necessary and proper to execute the powers and duties granted to, and imposed upon, the SCAQMD; and

WHEREAS, the SCAQMD Governing Board, in amending the regulation, references the following statutes which the SCAQMD hereby implements, interprets or makes specific: Health and Safety Code Sections 40001 (rules and regulations), 40440 (adoption of rules and regulations), 40702 (rules and regulations), 42300 et seq. (permits), and Federal Clean Air Act Sections 172 (nonattainment plan provisions), 173 (permit requirements), and 189 (plan provisions and schedules for plan submissions); and

WHEREAS, the SCAQMD Governing Board has determined that a Socioeconomic Impact Assessment is not required, pursuant to Health and Safety Code Section 40440.8 or 40728.5, because Proposed Amended Rule 1325 is administrative in nature and will not have a significant impact on air quality or emissions limitations; and

WHEREAS, the public hearing has been properly noticed in accordance with all provisions of Health and Safety Code Section 40725; and

WHEREAS, the SCAQMD Governing Board will hold a public hearing in accordance with all provisions of law; and

WHEREAS, the SCAQMD specifies the Manager for Rule 1325 as the custodian of the documents or other materials which constitute the record of proceedings upon which the adoption of the proposed amendments are based, which

are located at the South Coast Air Quality Management District, 21865 Copley Drive, Diamond Bar, California; and

NOW, THEREFORE BE IT RESOLVED, that the SCAQMD Governing Board does hereby determine, pursuant to the authority granted by law, that Proposed Amended Rule 1325 is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) – Activities Covered by General Rule, CEQA Guidelines Section 15268 – Ministerial Projects, and CEQA Guidelines Section 15308 – Actions by Regulatory Agencies for Protection of the Environment. No exception to the application of a categorical exemption set forth in CEQA Guidelines Section 15300.2, including the “unusual circumstances” exception, applies to Proposed Amended Rule 1325. This information has been presented to the SCAQMD Governing Board, whose members exercised their independent judgment and reviewed, considered and approved the information therein prior to acting on Proposed Amended Rule 1325; and

BE IT FURTHER RESOLVED, that the SCAQMD Governing Board does hereby adopt, pursuant to the authority granted by law, Proposed Amended Rule 1325 as set forth in the attached, and incorporated herein by this reference.

Attachment

DATE: _____

CLERK OF THE BOARDS