



Background

The California Environmental Quality Act (CEQA) is a state law designed to inform government decision makers and the public of any potential adverse environmental effects of proposed projects. The SCAQMD has formalized its environmental review process by developing Form 400-CEQA to be completed by the applicant for each project. Form 400-CEQA is a screening tool used by the SCAQMD to determine if the project is exempt from CEQA, or if an analysis of potential environmental impacts is necessary. If a CEQA analysis is necessary, the SCAQMD will contact the project applicant to discuss and assist with the steps necessary to fulfill the requirements of CEQA.

A “project” means the whole of an action which has a potential for resulting in physical change to the environment, including construction activities, clearing or grading of land, improvements to existing structures, and activities or equipment involving the issuance of a permit. For example, a project might include installation of a new, or modification of an existing internal combustion engine, dry cleaning facility, boiler, gas turbine, spray coating booth, solvent cleaning tank, etc.

As shown in Section B – Review For Exemption From Further CEQA Action on Form 400-CEQA, most every permit application must be evaluated for CEQA applicability EXCEPT if the application is for any of the following:

1. A CEQA and/or NEPA document previously or currently prepared that specifically evaluates this project AND a copy of the signed Notice of Determination is provided with the application;
2. A request for a change of permittee only (without equipment modifications);
3. A functionally identical permit unit replacement with no increase in rating or emissions;
4. A change of daily VOC permit limit to a monthly VOC permit limit;
5. Equipment damaged as a result of a disaster during state of emergency;
6. A Title V (i.e., Regulation XXX) permit renewal (without equipment modifications);
7. A Title V administrative permit revision; or,
8. The conversion of an existing permit into an initial Title V permit.

If your project is one of the items listed in Section B, you do NOT need to complete Section C - Review of Impacts Which May Trigger CEQA of Form 400-CEQA. Otherwise, all other types of permit applications must complete the entire Form 400-CEQA before your application can be deemed complete. If submitting multiple applications for the same project, only one Form 400-CEQA is necessary. Form 400-CEQA and these instructions are available by hardcopy or for downloading from <http://www.aqmd.gov/ceqa/400CEQA.html>.

Instructions to complete Form 400-CEQA:

1. Complete Section A by providing facility-specific information and briefly describe the project.
2. Answer **all** questions in Section B - Review for Exemption From Further CEQA Action. If there are any “Yes” responses, skip to Instruction 6, below. For a “Yes” response in Question 1, attach a copy of the signed Notice of Determination to the 400-CEQA form.
3. Answer **all** questions in Section C - Review of Impacts Which May Trigger CEQA.
4. Refer to Form 400-CEQA Table 1 - Regulated Substances List and Threshold Quantities for Accidental Release Prevention, for additional guidance with Section C, Part II, Question #7.
5. Attach pertinent information regarding any environmental topic to explain “Yes” responses in Section C (e.g. estimated quantities, volume, weights, et cetera).

6. Complete Section D – Signatures and sign the form (by the responsible official of the firm, the preparer or both, as necessary).
7. Include Form 400-CEQA and its attachments to the main project application submitted with Form 400-A and the other appropriate documents.
8. No additional fee is required for processing the Form 400-CEQA.

Notice of Exemption (Optional):

Once a project is evaluated by SCAQMD staff, determined to be exempt from CEQA, and the permit is issued, the applicant has the option to file a Notice of Exemption (NOE) with the county where the project is located. Though filing a NOE is optional, doing so after the permit is issued will limit the period of time a court action can be filed challenging the approval of the project to 35 days from the filing and posting of the NOE. This is known as a “statute of limitations” for public review of the NOE. However, if a NOE is not filed, the statute of limitations will be 180 days.

If the applicant decides to file a NOE for the project, the applicant can choose to do it on their own accord, or with SCAQMD-assistance, for a fee.

To file a NOE without SCAQMD assistance, the applicant is responsible for completing the attached NOE template and submitting it directly to the appropriate county along with a certified document of exemption finding and the appropriate filing fee. The certified document of exemption finding can be obtained from SCAQMD staff and can be a copy of the SCAQMD-approved exemption of the reviewed Form 400-CEQA. Each county charges the following fees for filing a NOE with the county clerk:

County of Los Angeles County Clerk, Mr. Harnell Harper 12400 East Imperial Hwy, Room 2001 Norwalk, CA 90650 (562) 462-2057	\$75*	County of Orange County Clerk, EIR Desk 12 Civic Center Plaza, Room 106 Santa Ana, CA 92701 (714) 834-4127	\$50*
County of Riverside County Clerk, Mary Ann Meyer 2720 Gateway Drive Riverside, CA 92507 (951) 486-7012	\$64*	County of San Bernardino Clerk of the Boards, Elizabeth Ramos 385 North Arrowhead Avenue San Bernardino, CA 92415 (909) 387-3841	\$50*

* Since fees are subject to change, contact the county clerks at the above phone numbers to verify the correct fee.

If the applicant prefers to have SCAQMD staff prepare the NOE for their project and file the NOE with the appropriate county on behalf of the applicant after the permit is issued, the applicant will need to provide all of the following to the SCAQMD at the same time the application, including the Form 400-CEQA is submitted to the SCAQMD:

1. Completed NOE template form;
2. NOE CEQA processing fee, payable to SCAQMD, pursuant to Rule 301 (i)(1); and
3. A separate check payable to the county where the project is located for the appropriate amount shown above.

If a project is deemed exempt, submitting the appropriate preparation up front will ensure the NOE is filed in a timely manner. If the project does not qualify for an NOE, the full CEQA processing fee will be refunded to the applicant.

Questions regarding permit applications may be directed to
 Permit Services at (909) 396-3385 or (909) 396-2668.