



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4182
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June 5, 2009

Office of the Secretary for Resources
Attn: General Counsel's Office
1416 9th Street, Suite 1311
Sacramento, CA 95814

To Whom It May Concern:

Enclosed please find two copies of the Notice of Decision (NOD) for the CEQA document prepared for Proposed Amended Rule 1401– *New Source Review of Toxic Air Contaminants*; and Impact Assessment for Facilities Subject to Rule 1402 – *Control of Toxic Air Contaminants from Existing Sources*. The Final Environmental Assessment (EA) for PAR 1401 and Impact Assessment for Facilities Subject to Rule 1402 was prepared pursuant to CEQA and the South Coast Air Quality Management District's (SCAQMD) certified regulatory program. The CEQA document was certified by SCAQMD's Governing Board at its June 5, 2009, Public Hearing. Please record and post the NOD according to the provisions of CEQA.

SCAQMD Rule 110 requires that written responses to public comments on a SCAQMD CEQA document be filed with the Secretary of Resources along with the Notice of Decision. However, no comment letters on the Draft EA were received.

It was determined that the proposed project qualifies for the “no effect” fee exemption in accordance with recently revised Department of Fish and Game Code §711.4, Title 14, California Code of Regulations (CCR) and, therefore, a copy of the signed Fish and Game “no effect” fee exemption form is attached to prove compliance and ensure immediate posting of the NOD.

Please confirm receipt of one copy of the NOD and return them to the undersigned. Two return envelopes have been provided for your convenience (one for the confirmed copy upon receipt, and one for the original NOD to be returned after the posting period). If you have any questions, please call me at (909) 396-3054 or Michael Krause at (909) 396-2706.

Sincerely,

Susan Nakamura
Planning and Rules Manager
Planning, Rule Development and Area Sources

Enclosures

NOTICE OF DECISION

To: Office of the Secretary for Resources
General Counsel’s Office
1416 9th Street, Suite 1311
Sacramento, CA 95814

From: SCAQMD
Planning, Rules and Area Sources
21865 Copley Drive
Diamond Bar, CA 91765

Subject: FILING OF NOTICE OF DECISION IN COMPLIANCE WITH §21080.5 OF THE PUBLIC RESOURCES CODE

Project Title: Final Environmental Assessment: Proposed Amended Rule 1401– *New Source Review of Toxic Air Contaminants*; and Impact Assessment for Facilities Subject to Rule 1402 – *Control of Toxic Air Contaminants from Existing Sources*

Lead Agency: South Coast Air Quality Management District

SCAQMD Number: 090327MK

Date Certified: June 5, 2009

State Clearinghouse #: 2009031097

Contact Person: Michael Krause

Telephone Number: (909) 396-2706

Project Location: South Coast Air Quality Management District area of jurisdiction: South Coast Air Basin (all of Orange County and the nondesert portions of Los Angeles, Riverside, and San Bernardino counties), and the Riverside County portions of the Salton Sea Air Basin and Mojave Desert Air Basin

Project Description: The proposed project consists of adding ethyl benzene as a carcinogen to the Rule 1401 Table I list of toxic air contaminants (TACs), which would affect new, modified, or relocated facilities. Rule 1402 regulates the same TACs that are listed in Table I in 1401 at existing facilities. Because adding ethyl benzene to Table I in 1401 affects facilities subject to Rule 1402, it is necessary to perform an impact assessment for facilities subject to Rule 1402. The environmental assessment (EA) concluded that the affected facilities could potentially be required to update inventory, provide notification, conduct health risk assessment and/or risk reduction. However, the environmental impact areas would not be significantly adversely affected by the proposed project.

This is to advise that the South Coast Air Quality Management District has approved the above described project and has made the following determinations regarding the above described project:

1. A Final EA for proposed amended Rule 1401 was approved pursuant to the provision of CEQA and SCAQMD Rule 110.
2. The Final EA concluded that the proposed project would have no significant impacts on the environment and, therefore, no mitigation measures were required.
3. No mitigation measures were required for this project and, therefore, a mitigation monitoring program under PRC § 21081.6 was not adopted for this project.
4. Findings and a Statement of Overriding Considerations were not required and, thus, not adopted for this project pursuant to CEQA Guidelines §§15091 and 15093, respectively.

The Final EA, supporting documentation, and record of project approval may be examined at: SCAQMD, 21865 Copley Drive, Diamond Bar, CA 91765.

Date Received for Filing

Signature: _____
Susan Nakamura
Planning and Rules Manager
Planning, Rule Development, and Area Sources