



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4182
(909) 396-2000 • <http://www.aqmd.gov>

February 4, 2011

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 Final Subsequent Environmental Assessment (EA) prepared for proposed amended Rule (PAR) 317 – Clean Air Act Non-Attainment Fees and Replacement of 2007 AQMP Control Measure #2007 MCS-08 (Clean Air Act Emission Fees for Major Stationary Sources), 1997 AQMP Control Measure FSS-04, AND 1994 Control Measure CTY-10. The Final Subsequent EA for PAR 317 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 February 4, 2011, Public Hearing. Please record and post the Notice of Decision 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. No comment letters were received on the Draft EA for PAR 1401 during the public comment period.

Also enclosed is the original signed CEQA Filing Fee No Effect Determination Form from the Department of Fish and Game pursuant to §711.4 of the California Fish and Game Code.

Please confirm receipt of one copy of the NOD and return it to the undersigned. Two return envelopes have been provided for your convenience (one for the confirmed copies 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 Jeff Inabinet at (909) 396-2453.

Sincerely,

Steve Smith, Ph.D.
CEQA Program Supervisor
Planning, Rule Development and Area Sources

Enclosures

NOTICE OF DECISION

To: Office of the Secretary for Resources
Attn: General Counsel's Office
1416 9th Street, Suite 1211
Sacramento, CA 95814

From: SCAQMD
Office of Planning and Policy
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 Subsequent Environmental Assessment for Proposed Amended Rule 317 – Clean Air Act Non-Attainment Fees and Replacement of 2007 AQMP Control Measure #2007 MCS-08 (Clean Air Act Emission Fees for Major Stationary Sources), 1997 AQMP Control Measure FSS-04, AND 1994 Control Measure CTY-10

SCAQMD Number: 010611JI

Date Certified: February 4, 2011

SCH Number: 2006111064

Contact Person: Jeffrey J. Inabinet

Telephone Number: (909) 396-2453

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 includes amending Rule 317 and several AQMP control measures to remove §185 Clean Air Act (CCA) fee provision and replace it with an alternative approach pursuant to CAA §172 (e). PAR 317 would satisfy §185 fee requirements through a fee equivalent structure that obviates the need for major stationary sources to pay a fee and would modify AQMP control measures calling for imposing a §185 fee. Section 172 (e) of the CAA allows for alternative programs that are no less stringent than the mandated program. Staff's proposal will recognize funding from fee programs that are surplus to the one-hour ozone SIP and are used for air quality improvement projects in the district or to facilitate reductions of ozone precursors. Such funds will be accumulated into a Fee Equivalency Account and used to offset the fee burden otherwise required under a §185 approach.

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. The project will not have a significant impact on the environment.
2. Mitigation measures were not made a condition of the approval of this project.
3. A mitigation monitoring program under PRC § 21081.6 was not adopted for this project.
4. A Statement of Findings was not adopted for this project.
5. A Statement of Overriding Considerations was not adopted for this project.

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

Date Received for Filing

Signature: _____

Steve Smith, Ph.D.
Program Supervisor, CEQA Section
Planning, Rules, and Area Sources