



# South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178  
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Office of the Secretary for Resources  
Attn: General Counsel's Office  
1416 9th Street, Suite 1311  
Sacramento, CA 95814

October 7, 2016

To Whom It May Concern:

Enclosed please find two copies of the Notice of Decision (NOD) for the Final Environmental Assessment (EA) for Proposed Amended Rule 307.1 – Alternative Fees for Air Toxics Emissions Inventory; Proposed Amended Rule 1401 – New Source Review of Toxic Air Contaminants; Proposed Amended Rule 1402 – Control of Toxic Air Contaminants from Existing Sources; SCAQMD Public Notification Procedures for Facilities Under Air Toxics “Hot Spots” Information and Assessment (AB 2588) and Rule 1402; and, SCAQMD Guidelines for Participating in the Rule 1402 Voluntary Risk Reduction Program.

The Final EA 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 October 7, 2016 Public Hearing. At the Public Hearing, the Governing Board decided to add a provision to PAR 1402 for High Risk Level Facilities. These facilities would be required to implement their Risk Reduction Plans no later than two years from the date of their approved plans instead of 2.5 years. Staff has reviewed these additional modifications to the proposed project and concluded that none of the revisions constitute: 1) significant new information; 2) a substantial increase in the severity of an environmental impact; or, 3) provide new information of substantial importance relative to the draft document. As a result, these revisions do not require recirculation of the document pursuant to CEQA Guidelines §15073.5 and §15088.5. Please record and post the NOD according to the provisions of CEQA.

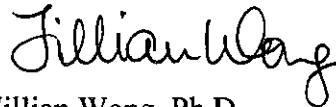
SCAQMD Rule 110 requires that written responses to public comments on a SCAQMD CEQA document be filed with the Secretary of Resources along with the NOD. One comment letter on the Draft EA was received during the public comment period. The comment letter and responses to comments are included in Appendix D of the Final EA. A copy of the Final EA, including its appendices, is enclosed with this letter.

In addition, the Department of Fish and Wildlife has determined that the proposed project would have no effect on fish, wildlife or their habitat, and as a result, no CEQA filing fee is required. Enclosed is the signed CEQA Filing Fee No Effect Determination Form from the Department of Fish and Wildlife pursuant to §711.4 of the California Fish and Game Code to prove compliance and ensure immediate posting of the NOD.

Lastly, the SCAQMD has also determined that the Proposed Amendments to Rule 307.1 are exempt from CEQA. A Notice of Exemption for PAR 307.1 has been filed with the county clerks of Los Angeles, Orange, Riverside and San Bernardino counties.

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 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) 396-3176 or Cynthia Carter at (909) 396-2431.

Sincerely,

A handwritten signature in cursive script that reads "Jillian Wong".

Jillian Wong, Ph.D.  
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, Rule Development & 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 (EA) for Proposed Amended Rule 307.1 – Alternative Fees for Air Toxics Emissions Inventory; Proposed Amended Rule 1401 – New Source Review of Toxic Air Contaminants; Proposed Amended Rule 1402 – Control of Toxic Air Contaminants from Existing Sources; SCAQMD Public Notification Procedures for Facilities Under Air Toxics “Hot Spots” Information and Assessment (AB 2588) and Rule 1402; and, SCAQMD Guidelines for Participating in the Rule 1402 Voluntary Risk Reduction Program

Lead Agency: South Coast Air Quality Management District (SCAQMD)

SCH Number: 2016081057 Date Certified: October 7, 2016  
SCAQMD Number: 160817CC  
Contact Person: Cynthia Carter Telephone Number: (909) 396-2431

Project Location: The proposed project will affect facilities located within the SCAQMD’s boundary. The SCAQMD has jurisdiction over all of Orange County, the urban portions of Los Angeles and San Bernardino counties southwest of the San Bernardino and San Gabriel mountains, and nearly all of Riverside County, with the exception of communities near the state border.

Project Description: Proposed Amended Rule (PAR) 1402 includes a voluntary program to allow facilities to implement early risk reduction measures that go beyond the Action Risk threshold in Rule 1402 with an alternative public notification approach. In addition, PAR 1402 streamlines implementation, and includes provisions for potentially high risk facilities and other amendments to improve clarity. The “Public Notification Procedures for Phase I and II Facilities Under the Air Toxics ‘Hot Spots’ Information and Assessment Act of 1987 (AB 2588)” has been revised and “SCAQMD Guidelines for Participating in the Rule 1402 Voluntary Risk Reduction Program” has been developed. PAR 307.1 includes a fee category for Voluntary Risk Reduction facilities, a provision for the facility owner or operator to pay for costs associated with public meetings required by Rule 1402 and updates the reference to the most current Prioritization Procedures. PARs 1401 and 1402 will remove provisions that require staff to report to the Board regarding changes from OEHHA regarding new or revised toxic air contaminant health values but instead discuss these changes and the potential impacts to permitting and AB 2588 in the AB 2588 Annual Report. At the Public Hearing, the Governing Board decided to add a provision to PAR 1402 for High Risk Level Facilities. These facilities would be required to implement their Risk Reduction Plans no later than two years from the date of their approved plans instead of 2.5 years. Staff has reviewed these additional modifications to the proposed project and concluded that none of the revisions constitute: 1) significant new information; 2) a substantial increase in the severity of an environmental impact; or, 3) provide new information of substantial importance relative to the draft document. As a result, these revisions do not require recirculation of the document pursuant to CEQA Guidelines §15073.5 and §15088.5.

This is to advise that the SCAQMD has certified the Final EA, determined that PAR 307.1 is exempt from CEQA, approved the above described project and has made the following determinations:

- 1. The project will not have a significant adverse impact on the environment.
- 2. Mitigation measures were not made a condition of the approval of this project.
- 3. A mitigation monitoring program, prepared pursuant to Public Resources Code § 21081.6 and CEQA Guidelines §15097, was not adopted for this project.
- 4. Findings and a Statement of Overriding Considerations were not adopted for this project.

The Final EA, the Notice of Exemption for PAR 307.1, supporting documentation, and record of project approval may be examined at: SCAQMD, 21865 Copley Drive, Diamond Bar, CA 91765.

Signature: Jillian Wong  
Jillian Wong, Ph.D.  
Planning and Rules Manager  
Planning, Rule Development, and Area Sources

Date Received for Filing

