

November 7, 2014

Office of the Secretary of 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 California Environmental Quality Act (CEQA) document prepared for Proposed Rule (PR) 1153.1 – Emissions of Oxides of Nitrogen from Commercial Food Ovens. The Final Environmental Assessment (EA) for PR 1153.1 was prepared pursuant to CEQA Guidelines §15252 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 November 7, 2014 Public Hearing. Please record and post the NOD according to the provisions of Public Resources Code §21080.5 (d)(2)(E).

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. No comment letters were received on the Draft EA.

It was determined that the proposed project qualifies for the “no effect” fee exemption in accordance with the recently revised Department of Fish and Game Code §711.4, Title 14, California Code of Regulations (CCR) and, therefore, a copy of the signed Department of 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 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) 396-2706 or Jeff Inabinet at (909) 396-2453.

Sincerely,

Michael Krause
CEQA Program Supervisor
Planning, Rule Development and Area Sources

Enclosures

NOTICE OF DECISION

To: Office of the Secretary of 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 (d)(2)(E) OF THE PUBLIC RESOURCES CODE

Project Title: Proposed Rule (PR) 1153.1 – Emissions of Oxides of Nitrogen from Commercial Food Ovens

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

SCAQMD Number: 140717JI
SCH No.: 2014041103

Date Certified: November 7, 2014

Contact Person: Jeff Inabinet
Telephone Number: (909) 396-2453

Project Location: SCAQMD 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: PR 1153.1 limits emissions of nitrogen oxides (NOx) and carbon monoxide (CO) from the combustion of gaseous and liquid fuels in commercial food ovens, roasters and smokehouses. This equipment is currently regulated by SCAQMD Rule 1147 – NOx Reductions from Miscellaneous Sources and Regulation XIII – New Source Review (NSR). However, because control technologies have not matured in a timely manner for commercial food ovens, SCAQMD staff proposed to regulate these sources separately from the other Rule 1147 sources. Under this proposed rule, the commercial food ovens would be placed on a more suitable compliance schedule with achievable emission limitations. NOx emission reductions for PR 1153.1 are delayed compared with Rule 1147, and will result in approximately 118 pounds per day of peak daily NOx emissions foregone by 2023 as a result of an increase in the allowable NOx ppm limit and exemption of smaller units. The quantity of peak daily NOx emission reductions foregone exceeds the NOx significance threshold for operation of 55 pounds per day. Thus, PR 1153.1 will result in adverse significant operational air quality impacts. PR 1153.1 also includes options for alternate compliance plans, equipment certification and a mitigation fee option that currently exists in Rule 1147. In Rule 1147, all mitigation fees are used to reduce NOx emissions through the SCAQMD's leaf blower exchange program. The fees collected as a result of the implementation of PR 1153.1 from the affected facilities electing to use the mitigation fee option will be used in the same manner as fees collected for Rule 1147. By funding this program, emission reductions will be generated that provide a regional air quality and corresponding GHG benefit to reduce the impact from the potential delay in emission reductions from those facilities choosing to delay compliance. It is possible that the use of these fees will fully offset the adverse air quality impact, but this cannot be foreseen at this time. No further feasible mitigation measures are identified at this time that would reduce or eliminate the expected foregone emission reductions. Consequently, the operational air quality emissions impacts from the proposed project cannot be mitigated to less than significant.

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 have a significant impact on the environment.
2. Since feasible mitigation measures to reduce impacts to less than significant were not identified for this project, mitigation measures were not made a condition of the approval of this project.
3. Since mitigation measures were not made a condition for approval of this project, a mitigation monitoring program under PRC § 21081.6 was not adopted for this project.
4. Findings pursuant to CEQA Guidelines §15091 were adopted for this project.
5. A Statement of Overriding Considerations was pursuant to CEQA Guidelines §15093 adopted for this project.

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: _____

Michael Krause
CEQA Program Supervisor
Planning, Rules, and Area Sources