

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 CEQA Guidelines § 15252(b) and SCAQMD Rule 110 (f)

Project Title: Final Subsequent Environmental Assessment (SEA) to the December 2008 Final Environmental Assessment for Proposed Rule 1147 – NOx Reductions from Miscellaneous Sources, and to the September 2011 Final Subsequent Environmental Assessment for Proposed Amended Rule (PAR) 1147 – NOx Reductions from Miscellaneous Sources

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

SCH Number: 2009061088

Date Certified: July 7, 2017

SCAQMD Number: 03172017SW

Contact Person: Sam Wang

Telephone Number: (909) 396-2649

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: In order to resolve compliance issues that have been raised by stakeholders, SCAQMD staff amended Rule 1147 by: 1) removing the requirement to comply with the NOx emission limit for units with a heat input rating of less than 325,000 British Thermal Units per hour; 2) changing the NOx emission limit for low temperature afterburners, burn-off ovens, incinerators, and related equipment from 30 ppm to 60 ppm; 3) changing the compliance date for small in-use units with NOx emissions of one pound per day or less from a schedule based on a 20-year lifetime to a 35-year lifetime or until the units are replaced or retrofit; 4) changing the compliance date for existing in-use heated process tanks and pressure washers from a schedule based on a 15-year to 20-year lifetime to when the units are replaced or retrofit; 5) adding a testing exemption for ultra-low NOx infrared burners; 6) providing compliance flexibility for low emission units by clarifying options for demonstrating emissions less than one pound per day; 7) adding an exemption for units with NOx emission less than one pound per day when a company relocates a facility and remains under the same ownership; 8) adding an exemption for units that become subject to Rule 1147 upon amendment of Rule 219 on or after May 5, 2017, until the unit is replaced; 9) adding flexibility for demonstrating compliance with emission limits by including an alternative compliance demonstration option based on a manufacturer's performance guarantee; 10) clarifying an exemption for food ovens; and 11) clarifying an exemption for flare type systems. Other minor changes were also made for clarity and consistency throughout the rule. Rule 1147 is expected to result in NOx emission reductions foregone of up to 0.9 ton per day in 2017. However, while most of the estimated NOx emission reductions foregone will be eventually recaptured because the existing units will be regularly replaced and upgraded over time, approximately 0.03 ton per day of the NOx emission reductions foregone will be permanent.

This is to advise that the SCAQMD has certified the Final SEA and approved the above-described project, and has made the following determinations:

1. The Final Subsequent Environmental Assessment (SEA) was prepared pursuant to the SCAQMD's Certified Regulatory Program.
2. The Final SEA concluded that the project would have significant unavoidable air quality impacts during operation because the quantity of emission reductions foregone would exceed the SCAQMD's significance operational threshold for NOx.
3. Because no mitigation measures have been identified that would reduce the significant adverse impacts to less than significant levels, mitigation measures were not made a condition of approval of this project. Thus, a Mitigation Monitoring and Reporting Plan under Public Resources Code § 21081.6 and CEQA Guidelines § 15097 was not required or adopted for this project.
4. Findings were made pursuant to CEQA Guidelines § 15091.
5. A Statement of Overriding Considerations was prepared pursuant to CEQA Guidelines § 15093.

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

Date Received for Filing

Signature: _____

Barbara Radlein
Program Supervisor, CEQA
Planning, Rule Development, and Area
Sources