



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

SUBJECT: NOTICE OF EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

PROJECT TITLE: PROPOSED AMENDED RULE 301 – PERMITTING AND ASSOCIATED FEES

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the South Coast Air Quality Management District (South Coast AQMD) is the Lead Agency and has prepared a Notice of Exemption for the project identified above.

South Coast AQMD staff has reviewed the proposed project pursuant to: 1) CEQA Guidelines Section 15002(k) – General Concepts, the three-step process for deciding which document to prepare for a project subject to CEQA; and 2) CEQA Guidelines Section 15061 – Review for Exemption, procedures for determining if a project is exempt from CEQA. Amendments to Rule 301 – Permitting and Associated Fees, are proposed that would: 1) restructure how toxics emissions fees are collected from facilities; and 2) increase toxics emissions fees to meet the requirements of recent state mandates and provide more specific cost recovery for other regulatory actions taken by the South Coast AQMD.

Relative to the proposed restructure of and increases to toxics emissions fees in Proposed Amended Rule 301, it can be seen with certainty that there is no possibility that the proposed project may have a significant adverse effect on the environment. Thus, the project is considered to be exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) – Common Sense Exemption. Additionally, Proposed Amended Rule 301 is statutorily exempt from CEQA requirements pursuant to CEQA Guidelines Section 15273 – Rates, Tolls, Fares, and Charges, because the proposed new fees involve charges by public agencies for the purpose of meeting operating expenses and financial reserve needs and requirements. Also, the proposed amendments to Rule 301 are categorically exempt because they are designed to further protect or enhance the environment pursuant to CEQA Guidelines Section 15308 – Action by Regulatory Agencies for Protection of the Environment. Further, South Coast AQMD staff has determined that there is no substantial evidence indicating that any of the exceptions to the categorical exemptions apply to the proposed amendments to Rule 301 pursuant to CEQA Guidelines Section 15300.2 – Exceptions. Therefore, the proposed project is exempt from CEQA. A Notice of Exemption will be prepared pursuant to CEQA Guidelines Section 15062 – Notice of Exemption. If the project is approved, the Notice of Exemption will be filed with the county clerks of Los Angeles, Orange, Riverside, and San Bernardino counties.

Any questions regarding this Notice of Exemption should be directed to Ryan Bañuelos (c/o Planning, Rule Development and Area Sources) at the above address. Mr. Bañuelos can also be reached at (909) 396-3479. Mr. Shah Dabirian is also available at (909) 396-3076 to answer any questions regarding Proposed Amended Rule 301.

Date: May 21, 2019

Signature:

Barbara Radlein
Program Supervisor, CEQA
Planning, Rules, and Area Sources

**NOTICE OF EXEMPTION FROM THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

To: County Clerks Counties of Los Angeles, Orange, Riverside, and San Bernardino	From: South Coast Air Quality Management District 21865 Copley Drive Diamond Bar, CA 91765
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Project Title: Proposed Amended Rule 301 – Permitting and Associated Fees

Project Location: The South Coast AQMD has jurisdiction over the four-county South Coast Air Basin (all of Orange County and the non-desert portions of Los Angeles, Riverside and San Bernardino counties), and the Riverside County portions of the Salton Sea Air Basin (SSAB) and Mojave Desert Air Basin (MDAB). The South Coast AQMD’s jurisdiction includes the federal nonattainment area known as the Coachella Valley Planning Area, which is a sub-region of Riverside County and the SSAB.

Description of Nature, Purpose, and Beneficiaries of Project: Amendments to Rule 301 – Permitting and Associated Fees, are proposed that would: 1) restructure how toxics emissions fees are collected from facilities; and 2) increase toxics emissions fees to meet the requirements of recent state mandates and provide more specific cost recovery for other regulatory actions taken by the South Coast AQMD.

Public Agency Approving Project: South Coast Air Quality Management District	Agency Carrying Out Project: South Coast Air Quality Management District
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Exempt Status:
CEQA Guidelines Section 15061(b)(3) – Common Sense Exemption
CEQA Guidelines Section 15273 – Rates, Tolls, Fares, and Charges
CEQA Guidelines Section 15308 – Actions By Regulatory Agencies For Protection Of The Environment (Class 8 Categorical Exemption)

Reasons why project is exempt: South Coast AQMD staff has reviewed the proposed project pursuant to: 1) CEQA Guidelines Section 15002(k) – General Concepts, the three-step process for deciding which document to prepare for a project subject to CEQA; and 2) CEQA Guidelines Section 15061 – Review for Exemption, procedures for determining if a project is exempt from CEQA. Relative to the proposed restructure of and increases to toxics emissions fees in Proposed Amended Rule 301, it can be seen with certainty that there is no possibility that the proposed project may have a significant adverse effect on the environment. Thus, the project is considered to be exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) – Common Sense Exemption. Additionally, Proposed Amended Rule 301 is statutorily exempt from CEQA requirements pursuant to CEQA Guidelines Section 15273 – Rates, Tolls, Fares, and Charges, because the proposed new fees involve charges by public agencies for the purpose of meeting operating expenses and financial reserve needs and requirements. Also, the proposed amendments to Rule 301 are categorically exempt because they are designed to further protect or enhance the environment pursuant to CEQA Guidelines Section 15308 – Action by Regulatory Agencies for Protection of the Environment. Further, South Coast AQMD staff has determined that there is no substantial evidence indicating that any of the exceptions to the categorical exemptions apply to the proposed amendments to Rule 301 pursuant to CEQA Guidelines Section 15300.2 – Exceptions.

Date When Project Will Be Considered for Approval (subject to change):
South Coast AQMD Governing Board Hearing: June 7, 2019; South Coast AQMD Headquarters

CEQA Contact Person: Mr. Ryan Bañuelos	Phone Number: (909) 396-3479	Email: rbañuelos@aqmd.gov	Fax: (909) 396-3982
Regulation Contact Person: Mr. Shah Dabirian	Phone Number: (909) 396-3076	Email: sdabirian@aqmd.gov	Fax: (909) 396-3324

Date Received for Filing: _____ **Signature:** _____ *(Signed Upon Board Approval)*
Barbara Radlein
Program Supervisor, CEQA
Planning, Rule Development & Area Sources