

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 Environmental Assessment (EA) for Proposed Rule 1466 – Control of Particulate Emissions from Soils with Toxic Air Contaminants

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

SCH Number: 2017051046

Date Certified: July 7, 2017

SCAQMD Number: 05122017SW

Contact Person: Sam Wang

Telephone Number: (909) 396-2649

Project Location: The proposed project will affect sites located within SCAQMD's boundaries. 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: SCAQMD staff has adopted new Rule 1466 to establish requirements to minimize off-site fugitive particulate matter (PM10) emissions that contain certain toxic air contaminants (TACs) from earth-moving activities at sites within SCAQMD jurisdiction that have been designated by the United States Environmental Protection Agency (U.S. EPA), the California Department of Toxic Substances Control (DTSC), the California Environmental Protection Agency's (CalEPA's) State Water Resources Control Board or Regional Water Quality Control Board. Thus, some sites that may be affected by Rule 1466 may also be identified on lists compiled by the DTSC per Government Code § 65962.5. Rule 1466 requirements would also apply to any site conducting earth-moving activities that is identified by the SCAQMD's Executive Officer. Rule 1466 establishes a PM10 ambient dust limit and dust control measures at Rule 1466 applicable sites, and would require notification to the Executive Officer when cleanup operations begin or PM10 emission limits are not met. Rule 1466 applicable sites will be required to install and maintain signage to inform the community and discourage unauthorized access. Rule 1466 also includes additional requirements to limit cleanup activities for sites at schools and early education centers. In situations where additional regulatory flexibility is necessary, Rule 1466 allows alternative dust control measures if approved by the Executive Officer. While the reduction of TACs and PM10 will be expected to create an environmental benefit, the activities that site operators may undertake to comply with Rule 1466 may also create secondary adverse environmental impacts. However, analysis of Rule 1466 in the EA did not result in the identification of any environmental topic areas that would be significantly adversely affected.

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

1. The Final EA was prepared pursuant to SCAQMD's Certified Regulatory Program.
2. The Final EA concluded that the project will not have a significant adverse impact on the environment.
3. Because the Final EA concluded that the project will not have a significant adverse impact on the environment, 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 pursuant to CEQA Guidelines § 15091 and a Statement of Overriding Considerations pursuant to CEQA Guidelines § 15093 were also not required and therefore, not 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: _____

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