SUBJECT: NOTICE OF EXEMPTION FROM THE CALIFORNIA

ENVIRONMENTAL QUALITY ACT

PROJECT TITLE: PROPOSED RULE 314 – FEES FOR ARCHITECTURAL

**COATING MANUFACTURERS** 

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

Pursuant to CEQA, the SCAQMD is the Lead Agency and has reviewed proposed amended Rule 314 pursuant to CEQA Guidelines §§15002 (k)(1) and 15061. The proposed project clarifies the applicability of those facilities subject to the rule, imposes new reporting requirements, and provides a new exemption from assessing fees from recycled coatings manufacturers. Because the proposed project does not affect emissions or change the current environmental setting, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, therefore, the activity is not subject to CEQA pursuant to CEQA Guidelines §15061(b)(3). In addition, as a modification to a fee rule with the primary purpose of imposing fees to recover the program costs for implementing Rule 1113 – Architectural Coatings, it is statutorily exempt from CEQA pursuant to CEQA Guidelines §15273 - Rates, Tolls, Fares and Charges. A Notice of Exemption has been prepared pursuant to CEQA Guidelines §15062 - Notice of Exemption. The Notice of Exemption will be filed with the county clerks of Los Angeles, Orange, Riverside and San Bernardino counties immediately following the adoption of the proposed project.

Any questions regarding this Notice of Exemption should be sent to Michael Krause (c/o Planning, Rule Development & Area Sources) at the above address. Mr. Krause can also be reached at (909) 396-2706.

		Steve Smith	
Date:	January 9, 2009	Signature:	

Steve Smith, Ph.D. Program Supervisor Planning, Rule Development & Area Sources

Reference: California Code of Regulations, Title 14

#### NOTICE OF EXEMPTION

To:	County Clerks of	From:	South Coast Air Quality Management District
	Los Angeles, Orange,		21865 Copley Drive
	Riverside, San Bernardino		Diamond Bar, CA 91765

## **Project Title:**

Proposed Rule 314 – Fees for Architectural Coating Manufacturers

## **Project Location:**

South Coast Air Quality Management District (SCAQMD) area of jurisdiction consisting of the four-county South Coast Air Basin (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 and the Mojave Desert Air Basin.

### Description of Nature, Purpose, and Beneficiaries of Project:

The proposed amendment clarifies the applicability and reporting requirement sections of the rule to include architectural coatings sold through big box retailers, as well as adding a fee exemption for recycled coatings.

Public Agency Approving Project:	Agency Carrying Out Project:	
South Coast Air Quality Management District	South Coast Air Quality Management District	

### **Exempt Status:**

General Concepts [CEQA Guidelines §15002 (k)(1)]; General Rule Exemption [CEQA Guidelines §15061(b)(3)]; and Rates, Tolls, Fares and Charges [CEQA Guidelines §15273]

# **Reasons why project is exempt:**

Pursuant to CEQA, the SCAQMD is the Lead Agency and has reviewed proposed amended Rule 314 pursuant to CEQA Guidelines §§15002 (k)(1) and 15061. The proposed project clarifies the applicability of those facilities subject to the rule, imposes new reporting requirements, and provides a new exemption from assessing fees from recycled coatings manufacturers. Because the proposed project does not affect emissions or change the current environmental setting, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, therefore, the activity is not subject to CEQA pursuant to CEQA Guidelines §15061(b)(3). In addition, as a modification to a fee rule with the primary purpose of imposing fees to recover the program costs for implementing Rule 1113 – Architectural Coatings, it is statutorily exempt from CEQA pursuant to CEQA Guidelines §15273 - Rates, Tolls, Fares and Charges.

#### **Certification Date:**

SCAQMD Governing Board Hearing: January 9, 2009, 9:00 a.m.; SCAQMD Headquarters

<b>CEQA Contact Person:</b>	Phone Number:	Fax Number:	Email:
Mr. Michael Krause	(909) 396-2706	(909) 396-3324	<mkrause@aqmd.gov></mkrause@aqmd.gov>
<b>Rule Contact Person:</b>	Phone Number:	Fax Number:	Email:

Date Received for Filing Signature Signed upon certification

Steve Smith, Ph.D.
Program Supervisor
Planning, Rule Development
and Area Sources