



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4182
(909) 396-2000 • www.aqmd.gov

SUBJECT: NOTICE OF EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

PROJECT TITLE: PROPOSED AMENDED RULE 314 – FEES FOR ARCHITECTURAL COATINGS

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.

PAR 314 would add, remove, and amend definitions to clarify the rule. Specifically, PAR 314 would add private labelers to the applicability section; remove the requirement allowing the reporting of product lines in lieu of individual products in annual reports; require big box retailers to submit annual reports to the SCAQMD; remove the phased in fee rate; clarify that manufactures pay current fee rate for past reporting; clarify report requirements; require fees for exempt coatings if reported late, exempt small manufactures from fees if reported on time; and exempt from fees architectural coatings offered for sale as a dry mix, containing no polymer, that are only mixed with water prior to use. In summary, the amendments to Rule 314 would affect only fee and reporting requirements.

Evaluation of the proposed project resulted in the conclusion that it will not create any adverse effects on air quality or any other environmental areas. Therefore, it can be seen with certainty that there is no possibility that the proposed project may have a significant adverse effect on the environment. Since it can be seen with certainty that the proposed project has no potential to adversely affect air quality or any other environmental area, it is exempt from CEQA pursuant to CEQA Guidelines §15061(b)(3) – Review for Exemption. SCAQMD staff has also determined that the proposal is statutorily exempt from CEQA pursuant to CEQA Guidelines §15273 - Rates, Tolls, Fares and Charges, because the proposed project establishes fees for architectural coatings manufacturers who distribute or sell their manufactured architectural coatings into or within the SCAQMD area of jurisdiction for use in the SCAQMD area of jurisdiction for the purpose of recovering the program costs for establishing and implementing Rule 1113 – Architectural Coatings. Upon adoption, 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 sent to James Koizumi (c/o Planning, Rule Development & Area Sources) at the above address. Mr. Koizumi can also be reached at (909) 396-3234.

Date: September 6, 2013

Signature: 

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

Reference: California Code of Regulations, Title 14

NOTICE OF EXEMPTION

To: County Clerks of Los Angeles, Orange, Riverside, 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 314 – Fees for Architectural Coating

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:
Proposed amended Rule (PAR) 314 would add, remove, and amend definitions; include private labelers in the applicability section; remove the requirement allowing the reporting of product lines in lieu of individual products in annual reports; require Big Box retailers to submit annual reports to the SCAQMD; remove outdated phases in fee rate; clarify that manufactures pay current fee rate for past reporting; clarify report requirements; require fees for exempt coatings if reported late; exempt small manufactures from fees if reported on time; and exempt from fees architectural coatings offered for sale as a dry mix, containing no polymer, that are only mixed with water prior to use. In summary, the amendments to Rule 314 would affect only fee and reporting requirements.

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

Reasons why project is exempt:
SCAQMD staff has reviewed the proposed amendments to Rule 314 pursuant to CEQA Guidelines §15002(k) - Three Step Process, and CEQA Guidelines §15061 – Review for Exemption, and has determined that the proposed amendments are exempt from CEQA pursuant to CEQA Guidelines §15061 (b)(3) (“General Rule Exemption”). PAR 314 would only affect definitions, and fees and reporting requirements. The evaluation of the proposed project resulted in the conclusion that it would not create any adverse effects on air quality or any other environmental areas; therefore, it can be seen with certainty that there is no possibility that the proposed project may have a significant adverse effect on the environment. Since it can be seen with certainty that the proposed project has no potential to adversely affect air quality or any other environmental area, it is exempt from CEQA pursuant to CEQA Guidelines §15061(b)(3) – Review for Exemption. In addition, SCAQMD staff has determined that PAR 314 is statutorily exempt from CEQA pursuant to CEQA Guidelines §15273(a)(1) - Rates, Tolls, Fares and Charges, based on the finding that PAR 314 establishes fees for architectural coatings manufacturers who distribute or sell their manufactured architectural coatings into or within the SCAQMD area of jurisdiction for use in the SCAQMD area of jurisdiction for the purpose of recovering the program costs for establishing and implementing Rule 1113 – Architectural Coatings. The California Health and Safety Code §40522.5(a) establishes the SCAQMD’s authority to adopt a schedule of fees to be assessed on areawide or indirect sources of emissions which are regulated but for which permits are not issued, to recover the cost of programs related to these sources.

Approval Date:
SCAQMD Governing Board Hearing: September 6, 2013, 9:00 a.m.; SCAQMD Headquarters

CEQA Contact Person: Mr. James Koizumi	Phone Number: (909) 396-3234	Fax Number: (909) 396-3324	Email: <jkoizumi@aqmd.gov>
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Rule Contact Person: Ms. Heather Farr	Phone Number: (909) 396-3672	Fax Number: (909) 396-2414	Email: <hfarr@aqmd.gov>
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Date Received for Filing _____

Signature Signed upon approval
Michael Krause
CEQA Program Supervisor
Planning, Rule Development
and Area Sources