

BOARD MEETING DATE: January 10, 2020

Agenda No.

PROPOSAL: Determine that Proposed Amendments to Rule 102 – Definition of Terms Are Exempt from CEQA and Amend Rule 102

SYNOPSIS: Rule 102 defines the terms used in South Coast Air Quality Management District rules and regulations. Rule 102 defines the “District” as the abbreviation for the South Coast Air Quality Management District. Staff is proposing to add “South Coast AQMD” as another abbreviation for the South Coast Air Quality Management District to more distinctly describe the agency and the jurisdiction under our authority. The use of “South Coast AQMD” instead of “District” as an abbreviation of South Coast Air Quality Management District will be included in new and amended rules; therefore, the new definition must be included in Rule 102.

COMMITTEE: No Committee Review

RECOMMENDED ACTIONS:

Adopt the attached Resolution:

1. Determining that the proposed amendments to Rule 102 – Determination of Terms are exempt from the California Environmental Quality Act; and
2. Amending Rule 102 – Definition of Terms

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Executive Officer

PF:SN:MK:HF:JHL

This Board letter is intended to serve as the staff report for the proposed amendments to Rule 102.

Background

Rule 102 – Definition of Terms (Rule 102) defines the terms used in South Coast Air Quality Management District (South Coast AQMD) rules and regulations. As defined in Rule 102, the South Coast AQMD has been abbreviated as the “District” in official documents, including rules and regulations. In addition, both “AQMD” and

“SCAQMD” have historically been used as abbreviations for the South Coast AQMD on the website, in staff reports, and in correspondence. Staff is proposing to add “South Coast AQMD” in Rule 102 to further distinguish the current abbreviation of the “District” and “AQMD” for the South Coast Air Quality Management District. The use of “South Coast AQMD” instead of “District” as an abbreviation of South Coast Air Quality Management District will be included in new and amended rules; therefore, the new definitions must be included in Rule 102.

Public Process

This rule change is an administrative amendment; therefore, no public meetings were required or held.

Key Issues

Staff is not aware of any issues.

California Environmental Quality Act

South Coast AQMD staff has reviewed Proposed Amended Rule 102. Because the proposed addition of the definition “South Coast AQMD” is merely an abbreviation for South Coast Air Quality Management District, the amendment is administrative in nature and would not cause any physical changes that would affect any environmental topic area. Therefore, South Coast AQMD staff has determined that it is exempt from CEQA pursuant to state CEQA Guidelines Section 15061 (b)(3) – Review for Exemption. Upon adoption of the proposed amended rule, a Notice of Exemption will be prepared pursuant to CEQA Guidelines Section 15062 and filed with the county clerks in each county within the South Coast AQMD’s jurisdiction.

Socioeconomic Impact Assessment

The proposed amendments to Rule 102 are administrative in nature and have no adverse socioeconomic impacts.

Comparative Analysis

Health & Safety Code Section 40727.2 (g) is applicable because the proposed amended rule does not impose a new or more stringent emissions limit or standard, or other air pollution control monitoring, reporting, or recordkeeping requirements. As a result, a comparative analysis is not required.

AQMP and Legal Mandates

The California Health and Safety Code requires the South Coast AQMD to adopt an Air Quality Management Plan (AQMP) to meet state and federal ambient air quality standards in the South Coast Air Basin. In addition, the California Health and Safety Code requires the South Coast AQMD to adopt rules and regulations that carry out the objectives of the AQMP but the proposed amendments are not the result of an AQMP control measure.

Resource Impacts

The amendment is administrative in nature, no additional resource impacts to implement Proposed Amended Rule 102.

Draft Findings under the California Health and Safety Code 40727

Before adopting, amending, or repealing a rule, the California Health and Safety Code requires South Coast AQMD to adopt written findings of necessity, authority, clarity, consistency, non-duplication, and reference, as defined in Health and Safety Code Section 40727. The draft findings are as follows:

Necessity - Proposed Amended Rule 102 – Definition of Terms, is necessary to add a definition of “South Coast AQMD” as new and future amended rules will refer to the South Coast Air Quality Management District as the “South Coast AQMD.”

Authority - The South Coast AQMD Governing Board obtains its authority to adopt, amend, or repeal rules and regulations from Health and Safety Code Sections 39002, 40000, 40001, 40440, 40702, 40725 through 40728, 41508, and 41700.

Clarity - The South Coast AQMD Governing Board has determined that Proposed Amended Rule 102 – Determination of Terms, is written and displayed so that the meaning can be easily understood by persons directly affected by them.

Consistency - The South Coast AQMD Governing Board has determined that Proposed Amended Rule 102 – Determination of Terms, is in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, federal or state regulations.

Non-Duplication - The South Coast AQMD Governing Board has determined that Proposed Amended Rule 102 – Determination of Terms, does not impose the same requirement as any existing state or federal regulation, and the proposed amendments are necessary and proper to execute the powers and duties granted to, and imposed upon, the South Coast AQMD.

Reference - In adopting this regulation, the South Coast AQMD Governing Board references the following statutes, which the South Coast AQMD hereby implements, interprets, enforces, or makes specific: California Health and Safety Code Section 40440.

Attachments

A. Rule Language for Proposed Amended Rule 102