



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
South Coast Region  
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EDMUND G. BROWN JR., Governor  
CHARLTON H. BONHAM, Director



## **CEQA Filing Fee No Effect Determination**

**Applicant Name and Address:** South Coast Air Quality Management District (SCAQMD), 21865 Copley Drive, Diamond Bar, CA

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

**Project Name:** Notice of Preparation/Initial Study of a Draft Program Environmental Assessment for Proposed Amended Regulation XX – Regional Clean Air Incentives Market (RECLAIM)

**CEQA Document Type:** Notice of Preparation of a Draft Program Environmental Assessment

**State Clearing House Number and/or local agency ID number:** SCH No. To Be Determined/ SCAQMD No. 12052014BAR

**Project Location:** South Coast Air Quality Management District: 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. boilers and heaters; 3) refinery gas turbines; 4) sulfur recovery units – tail gas treatment units (SRU/TGUs); 5) non-refinery/non-power plant gas turbines; 6) non-refinery sodium silicate furnaces; 7) non-refinery/non-power plant internal combustion engines (ICEs); 8) container glass melting furnaces; 9) coke calcining; 10) Portland cement kilns; and, 11) metal heat treating furnaces. Additional amendments are proposed to establish procedures and criteria for reducing NOx RECLAIM Trading Credits (RTCs) and NOx RTC adjustment factors for year 2016 and later. For clarity and consistency throughout the regulation, other minor changes are proposed to: 1) Rule 2011 Appendix A – Protocol for Monitoring, Reporting, and Recordkeeping Oxides of Sulfur (SOx) Emissions; and, 2) Rule 2012 Appendix A – Protocol for Monitoring, Reporting, and Recordkeeping Oxides of Nitrogen (NOx) Emissions. The Initial Study identifies the following environmental topics as areas that may be adversely affected by the proposed project: aesthetics; air quality and greenhouse gas emissions; energy; hydrology and water quality; hazards and hazardous materials; solid and hazardous waste; and, transportation and traffic. Impacts to these environmental areas will be further analyzed in the Draft Program Environmental Assessment (PEA).

### **Project Description:**

SCAQMD staff is proposing amendments to Regulation XX – Regional Clean Air Incentives Market (RECLAIM), Rule 2002 – Allocations for Oxides of Nitrogen (NOx) and Oxides of Sulfur (SOx), to reduce the allowable NOx emission limits based on current Best Available Retrofit Control Technology (BARCT) to achieve additional NOx emission reductions for the following industrial equipment and processes: 1) fluid catalytic cracking units (FCCUs); 2) refinery present conditions of plant and animal life, since NOx emissions would be captured, destroyed, or disposed of properly before they would impact plant and animal life. In addition, Regulation XX does not require the acquisition of any additional land or further conversion of habitats or sensitive natural communities where endangered or sensitive species may be found. The proposed project is not envisioned to conflict with local policies or ordinances protecting biological resources or local, regional, or state conservation plans because it is only expected to



affect existing developed facilities, such as power plants and refineries, which are located in industrial areas. Thus, implementation of the proposed project will not harm, harass or take of any fish or wildlife species. Because the existing operating areas within the affected RECLAIM facilities' property boundaries have been previously cleared of vegetation and have already been paved for safety and fire prevention reasons, the proposed project would not result in or have the potential to result in the removal of vegetation with potential to support wildlife. Land use and other planning considerations are determined by local governments and no land use or planning requirements would be altered by the proposed project.

**Determination:** Based on a review of the project as proposed, the Department of Fish and Wildlife has determined that for purposes of the assessment of CEQA filing fees (Fish and Game Code [FGC] Section 711.4(c)) the project has no effect on fish, wildlife or their habitat and the project as described does not require payment of a CEQA filing fee. This determination does not in any way imply that the project is exempt from CEQA and does not determine the significance of any potential project effects evaluated pursuant to CEQA.

Please retain this original determination for your records. Local lead agencies are required to file two copies of this determination with the county clerk at time of filing of the Notice of Determination (NOD) after the project is approved. State lead agencies are required to file two copies of this determination with the Office of Planning and Research (State Clearinghouse) at the time of filing the NOD. If you do not file a copy of this determination as appropriate with the county clerk or State Clearinghouse at the time of filing of the NOD, the appropriate CEQA filing fee will be due and payable.

Without a valid CEQA Filing Fee No Effect Determination form or proof of fee payment, the project will not be operative, vested, or final and any local permits issued for the project will be invalid, pursuant to FGC Section 711.4(e)(3).

DFG Approved By: 

Date: December 12, 2014

Title: Senior Environmental Scientist (Specialist)