

**PUBLIC CONSULTATION MEETING
NOTICE FOR PROPOSED
RULE 120 – CREDIBLE EVIDENCE**

**Thursday, January 11, 2018
9:00 A.M.**

South Coast Air Quality Management District Headquarters
21865 Copley Drive, Diamond Bar, CA 91765
Auditorium

PURPOSE OF THE PUBLIC CONSULTATION MEETING

The South Coast Air Quality Management District (SCAQMD) has scheduled a public consultation meeting for the purpose of soliciting information, comments, and suggestions from the public and affected businesses regarding Proposed Rule (PR) 120 – Credible Evidence. This meeting will allow for comments and discussion with all members of the public, including potentially impacted stakeholders and other interested parties. PR 120 is tentatively scheduled for adoption at a Public Hearing before the SCAQMD Governing Board on March 2, 2018.

PROJECT OBJECTIVE

PR 120 would clarify that SCAQMD may establish violations by any credible evidence, and not solely by an applicable test method. Several SCAQMD rules specify methods that shall be used to demonstrate compliance; PR 120 would state that any credible evidence could be used for compliance determination. PR 120 will allow compliance staff to issue a Notice of Violation to any person who has violated or is in violation of a plan, order, permit, rule, regulation, or law, based on credible evidence. At the same time, PR 120 will allow a source to use credible evidence for contesting allegations of noncompliance.

SUMMARY OF PROPOSED RULE 120

Staff proposes the following:

- Allow any credible evidence to be used to determine whether a person has violated or is in violation of any plan, order, permit, rule, regulation, or law.
- Establish presumptively credible evidence.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

Pursuant to the California Environmental Quality Act (CEQA) and SCAQMD Rule 110, the SCAQMD, as lead agency for the proposed project, SCAQMD staff has reviewed Proposed Rule 120 pursuant to: 1) CEQA Guidelines Section 15002(k) - General Concepts, the three-step process for deciding which document to prepare for a project subject to CEQA; and 2) CEQA Guidelines Section 15061 - Review for Exemption, procedures for determining if a project is exempt from CEQA. SCAQMD staff has determined that it can be seen with certainty that there is no possibility that the proposed project may have a significant adverse effect on the environment. Therefore, the project is considered to be exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) – Activities Covered by General Rule. Also, the proposed adoption of Rule 120 is categorically exempt because it is designed to further protect or enhance the environment pursuant to CEQA Guidelines Section 15308 – Actions by Regulatory Agencies for Protection of the Environment. A Notice of Exemption will be prepared pursuant to CEQA Guidelines Section 15062 - Notice of Exemption. If the proposed project

is approved, the Notice of Exemption will be filed with the county clerks of Los Angeles, Orange, Riverside and San Bernardino counties.

Comments and suggestions regarding this CEQA determination may be directed to:

Ms. Diana Thai
Planning, Rule Development and Area Sources, CEQA Section
South Coast Air Quality Management District
21865 Copley Drive Diamond Bar, CA 91765
Phone: (909) 396-3443 Email: dthai@aqmd.gov

AVAILABILITY OF SUPPORTING DOCUMENTS

The following supporting document is currently available:

- PR 120 – Credible Evidence

TO OBTAIN COPIES OF THE ABOVE DOCUMENTS

Copies of the proposed rule are available and may be obtained from:

Ms. Fabian Wesson
Public Information Center
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765
Phone: (909) 396-2432 Email: PICrequests@aqmd.gov

The document is also available for download from the SCAQMD website at:

<http://www.aqmd.gov/home/regulations/rules/proposed-rules>

SUBMISSION OF DOCUMENTS OR COMMENTS

You are invited to attend the meeting and may send comments, documents, studies, reports, or other information relevant to the proposed rule listed above to:

Ms. Nicole Silva
Planning, Rule Development and Area Sources
South Coast Air Quality Management District
21865 Copley Drive Diamond Bar, CA 91765
Phone: (909) 396-3384 Email: nsilva@aqmd.gov

Written comments on this rule should be submitted by January 19, 2018.

PROPOSED RULE 120. CREDIBLE EVIDENCE

- (a) Notwithstanding any other provision in the State Implementation Plan approved by the U.S. Environmental Protection Agency (EPA) or any rule adopted by the SCAQMD, any credible evidence may be used to establish whether a person has violated or is in violation of any plan, order, permit, rule, regulation, or law.
- (b) Testing, monitoring, or other information-gathering methods that are approved or specified by the SCAQMD, California Air Resources Board, or the U.S. EPA, presumptively yield credible evidence.