

ENVIRONMENTAL REVIEW GUIDELINES

FOR THE

SANTA BARBARA COUNTY AIR POLLUTION CONTROL DISTRICT

Guidelines for the Implementation of the
California Environmental Quality Act of 1970, as amended

Adopted by the
Santa Barbara County Air Pollution Control District Board
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ARTICLE I - INTRODUCTION AND PURPOSE

A. Introduction

The Santa Barbara County Air Pollution Control District (APCD) is a local government agency whose mission is to protect the people and the environment of Santa Barbara County from the effects of air pollution.

The APCD assumes the following roles in the implementation of CEQA.

- 1) As a lead agency, the APCD analyzes and prepares environmental documents on its own discretionary activities, such as, air quality plans, rule development activities and discretionary APCD permits which do not require a land use or other agency permit.
- 2) As a responsible agency under CEQA, the APCD reviews environmental documents prepared by other lead agencies or jurisdictions to reduce or avoid impacts to air quality and to ensure that the lead agency's environmental document is adequate to fulfill the CEQA requirements for APCD permits. The APCD's permit jurisdiction area encompasses the unincorporated areas of Santa Barbara County, areas such as Universities, military bases, and the cities of Santa Maria, Guadalupe, Lompoc, Buellton, Solvang, Santa Barbara and Carpinteria, as well as offshore sources.
- 3) As a concerned agency, the APCD provides guidance to mitigate adverse impacts to air quality from development projects in the county as well as offshore sources.

B. Purpose

The purpose of these APCD Environmental Review Guidelines is to inform APCD staff, other governmental agencies, applicants and the public of definitions, procedures, and forms to be used by the APCD in the implementation of the California Environmental Quality Act [CEQA (Public Resources Code Section 21000 *et seq.*)] and to supplement the State CEQA Guidelines, (14 Cal. Admin. Code Section 15000 *et seq.*).

ARTICLE II - INCORPORATION OF STATE CEQA GUIDELINES

The full text of the State Guidelines (14 Cal. Admin. Code Section 15000 *et. seq.*) for the implementation of the California Environmental Quality Act (PRC § 21000 *et. seq.*), as they may be amended from time to time, is incorporated by reference into this Article of the APCD Guidelines as if fully set out, and shall supersede any inconsistent provisions of these Guidelines.

ARTICLE III - DEFINITIONS

The following words, where not defined in the State Guidelines, shall have the meaning ascribed to them in these definitions. These definitions, listed alphabetically, are intended to supplement definitions used in the State CEQA Guidelines.

APCD	The Santa Barbara County Air Pollution Control District.
Board	The governing board of the Santa Barbara County Air Pollution Control District.
Concerned Agency	Any public agency which has “jurisdiction by law”, (as defined in § 15366) or special expertise; must be consulted by the lead agency in preparing an EIR, even if the agency has no discretionary authority over the project. The APCD is a local agency with jurisdiction by law over the air resources of the county.
Control Officer	Air Pollution Control Officer.
County Clerk	Clerk of the Board at the County of Santa Barbara, 105 E. Anapamu, Room 407, Santa Barbara, CA 93101
Day	Calendar day, unless stated otherwise.
Decision Maker	The APCD Board or Air Pollution Control Officer responsible for taking final action on a project under federal law, state law or Air Pollution Control District Rules and Regulations.
EA	Environmental Assessment prepared by a federal agency under NEPA. This document is similar to an Initial Study under CEQA.
EIS	Environmental Impact Statement, prepared pursuant to NEPA.
Environmental Officer	<u>APCD</u> Control Officer or designee.
FONSI	Finding of No Significant Impact prepared by a federal agency under NEPA.
Lead Agency	The public agency which has the principal responsibility for carrying out, approving, or causing the approval by a decision-making body of a project. The lead agency is normally the agency with general governmental powers, such as the county or a city, not the APCD. The APCD may assume the role of the lead agency under certain circumstances (§ 15052).
NEPA	National Environmental Policy Act of 1969
Responsible Agency	The public agency which has discretionary approval over a project for which a lead agency is preparing or has prepared an EIR or Negative Declaration (§15381).

ARTICLE IV - RESPONSIBILITIES FOR PREPARATION OF ENVIRONMENTAL DOCUMENTS

A. APCD Projects for which no APCD Permit is Required

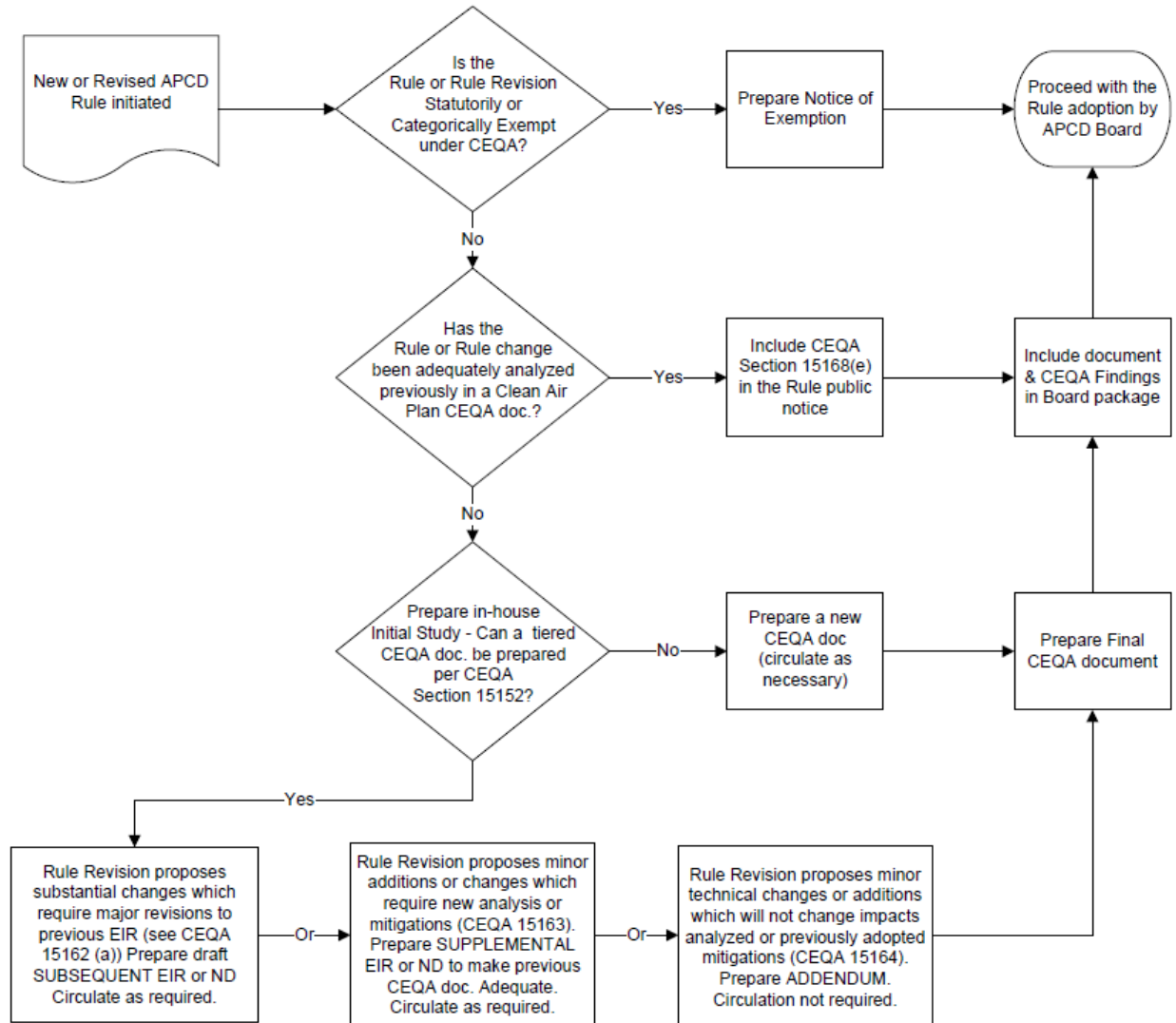
When the APCD plans to carry out a project, for which APCD is the lead agency, (e.g., APCD air quality plans or rules) the Environmental Officer shall ensure compliance with the CEQA process (see Figure 1). The APCD may determine that the project is exempt from CEQA. For exempt projects, the Environmental Officer will prepare and post a Notice of Exemption with the County Clerk within 5 days after project approval by the decision maker. For non-exempt projects, the Environmental Officer will prepare an Initial Study, and determine the type of environmental document required for the project based on published/adopted thresholds of significance or guidelines. APCD will prepare or cause to be prepared, the environmental document (EIR, Negative Declaration, or supplemental document). If required, the Environmental Officer may conduct a hearing on the environmental document and recommend findings to the decision maker as to its adequacy under CEQA. The approval or certification of the environmental document is the responsibility of the Board.

B. Private or Public Projects for which an APCD Permit is Required

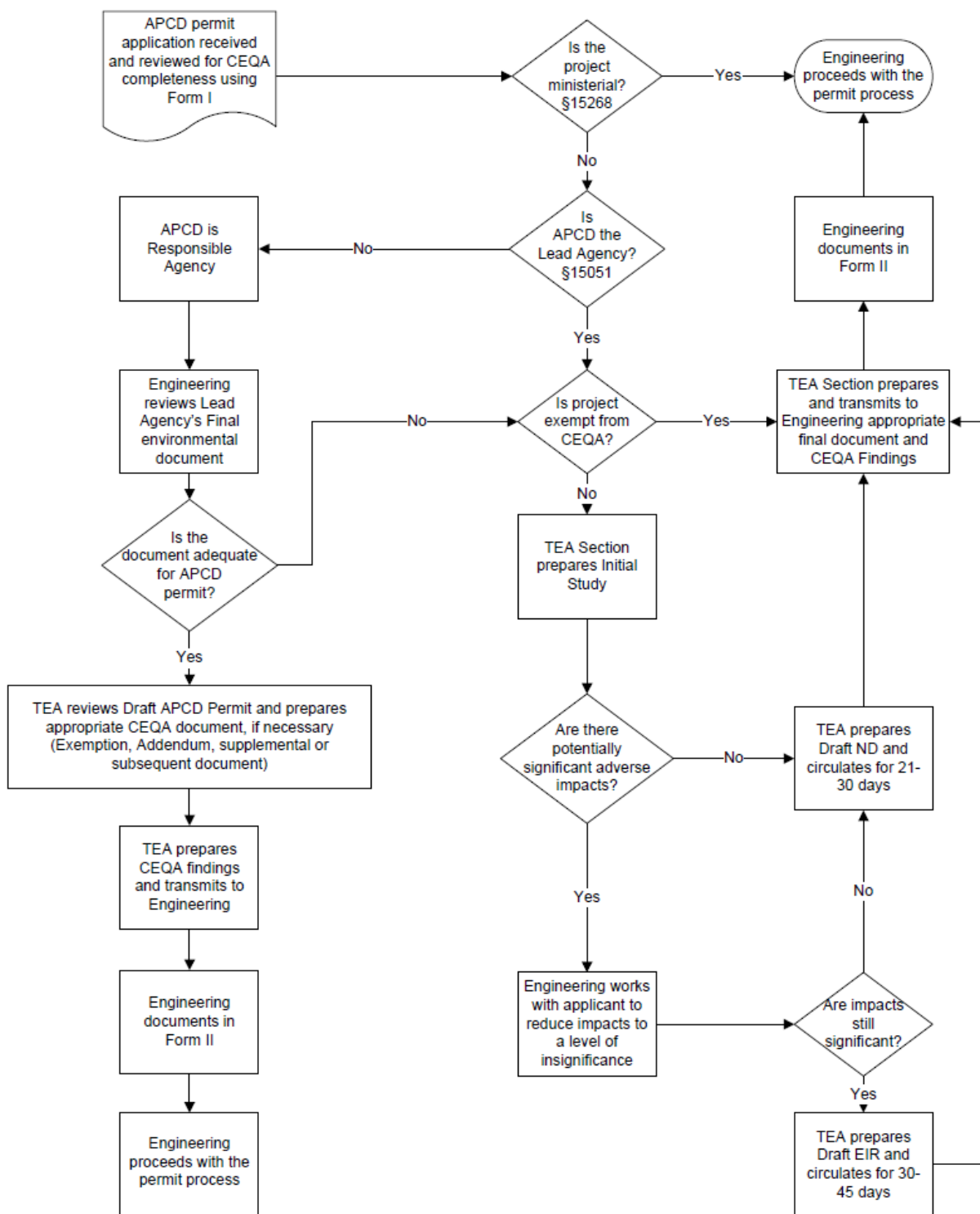
Where a private or public project is subject to a discretionary approval by the APCD (e.g., Authority to Construct permits), the APCD is either a responsible agency or the lead agency under CEQA (see Figure 2). CEQA does not apply to ministerial projects or to projects that are exempt from APCD permits pursuant to APCD Rule 202. APCD discretionary permit actions on federal facilities are subject to CEQA. ~~Federal government actions that do not require an APCD permit are not subject to CEQA.~~

When a project requires compliance with both CEQA and NEPA, and the APCD is a lead agency under CEQA, the APCD will use the federal Environmental Impact Statement (EIS) or Finding of No Significant Impact (FONSI), provided the federal document is prepared before the APCD's environmental document and it complies with the State CEQA Guidelines. Where appropriate, the APCD will prepare the air quality analysis for submission to the federal agency preparing the EIS or FONSI, for inclusion in the environmental assessment. Pursuant to §15222, if the federal document will not be ready by the time the APCD will need to consider an EIR or ND, the APCD will try to prepare a joint ND/FONSI or EIR/EIS involving the federal agency. When APCD is a responsible agency under CEQA, permit processing will be concurrent with the lead agency process, whenever feasible. APCD as responsible agency is prohibited from requiring proof of CEQA compliance as a prerequisite for determining application completeness (Govt. Code § 65941 [b]). Processing shall begin, upon the applicant's request, as soon as adequate information is available (Govt. Code § 64941 [c]).

CEQA PROCESS FOR APCD RULES
Figure 1



CEQA PROCESS FOR APCD PERMITS
Figure 2



The lead agency's certified final EIR or approved final Negative Declaration (ND), if one has been prepared, will be required prior to the issuance of the APCD permit in order to comply with Section 15096 (f) of the State CEQA Guidelines. The APCD decision on the application will be made within the time limits of the Permit Streamlining Act, Govt. Code Section 65940 *et seq.*, and APCD Rules and Regulations. The Control Officer prior to issuing the final permit will make CEQA findings.

When APCD is the lead agency under CEQA, APCD will review the permit application submitted by the applicant and determine if the project is exempt. For exempt projects, the Environmental Officer may, at the applicant's request, prepare and post a Notice of Exemption with the County Clerk within 5 days after project approval by the decision maker. For non-exempt projects, the Environmental Officer will prepare an Initial Study and determine the type of environmental document to be prepared. APCD will prepare or cause to be prepared, the environmental document.

If required, the Environmental Officer will conduct a hearing on the environmental document and recommend findings to the Control Officer as to its adequacy under CEQA (if the Environmental Officer is not the Control Officer). The approval or certification of the environmental document will be the responsibility of the Control Officer.

-C. Applicant Involvement in Environmental Review Process

The APCD shall consult with the applicant at key points throughout the process as described below, to ensure accuracy of project information and to obtain timely input of the applicant's views on the analysis and process.

1. **Pre-application Consultations.** As described in Article V, Section B of these Guidelines, at the request of potential applicants prior to application, the APCD shall provide consultation about CEQA environmental review considerations at the public information counters or through paid staff consultations and pre-application conferences.
2. **Application Review.** As part of the preliminary review of applications for completeness in the first 30 days following application submittal, the APCD shall begin consideration of CEQA environmental review issues and convey a preliminary assessment to the applicant. Examples of information at this stage could include an initial determination of whether a project is exempt from CEQA; additional project description or environmental setting information or technical studies that will be needed in order to analyze the project under CEQA; identification of possible significant environmental impacts; a preliminary assessment of probable environmental document type (e.g., ND, EIR, Supplement, Addendum, etc.); and preliminary identification of project redesigns, mitigation measures and/or alternatives that could be taken to avoid or lessen apparent environmental effects, including measures that might sufficiently reduce potentially significant effects such that the project may qualify for a mitigated negative declaration rather than an EIR.
3. **Initial Study.** During preparation of the Initial Study, the APCD shall consult with the applicant as necessary to confirm the accuracy of the project description and to request any additional information regarding the environmental circumstances of the site or

surrounding area, and to discuss any issues regarding impact analysis or document type arising from early consultation with affected agencies. As described in Article V, Section J of these Guidelines, the applicant shall be notified of the initial study determination and may request a consultation/ appeal meeting to discuss clarification of the Initial Study analysis or appeal of the Initial Study determination. On projects for which potentially significant impacts are identified, the APCD shall consult with the applicant regarding any measures that could be incorporated into the project to sufficiently lessen impacts such that the project could qualify for a mitigated negative declaration rather than an EIR. The applicant must agree to such mitigation measures in writing prior to release of a draft mitigated negative declaration for public review.

4. Scoping. The applicant shall receive a copy of any Notice of Preparation and/or notice of a scoping hearing for the environmental document. The APCD shall consult with the applicant regarding any document scoping issues and any problems that arise from consultation with affected agencies and the public.
5. Draft EIR Preparation. The APCD staff shall consult with the applicant during preparation of the draft environmental document as necessary to confirm the project description, project objectives, and identification of alternatives; to discuss the progress of the analysis and any problems or conflicts that arise; and to discuss the feasibility of identified mitigation measures.
6. Public Review Period. The applicant shall receive a copy of notices of document availability, public comment period, and any environmental hearings. The APCD staff shall consult with the applicant regarding public and agency comments received, and applicant comments on the draft document.
7. Final EIR. The APCD staff shall consult with the applicant, as appropriate, to discuss the progress of preparation of responses to comment, final EIR, and CEQA findings.

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ARTICLE V - INITIAL EVALUATION OF PROJECTS

A. Applicability

CEQA applies to activities that may result in a direct or reasonably foreseeable indirect physical change in the environment. A project subject to CEQA means the whole of an action resulting in such an environmental effect that a public agency undertakes, funds, and/or permits by a discretionary permit.

B. Early Consultation on CEQA Determinations

Upon request of a potential project applicant, the APCD will provide consultation prior to filing of a project permit application regarding CEQA environmental review considerations, including the range of actions, potential alternatives, mitigation measures, and any potential and significant effects on the environment. Such consultations are conducted through the regular APCD permit process pre-application meeting.

When a project is also subject to NEPA, and the APCD plans to use federal environmental document or to prepare a document jointly with the federal agency, the APCD shall consult with the federal agency as soon as possible.

C. Adequacy of Project Description

The information required to adequately describe a proposed project for the purpose of environmental review must be provided in the application for an APCD permit. These information requirements include all the details needed to review routine projects. Large or complex projects may require additional information in order to complete an accurate environmental assessment.

Detailed information on site conditions, particularly any unique characteristics such as environmentally sensitive habitats or geologic hazards is required. Design features or measures incorporated into the proposed project intended to avoid, reduce, or otherwise mitigate project impacts should be described.

For projects which may utilize or generate hazardous materials, or which may pose a threat to public health or safety, information regarding the engineering basis and design of the project facilities and the effects of project operations is required.

For projects which require permits from other agencies such as the U.S. Forest Service, U.S. Minerals Management Service, California Coastal Commission, State Department of Fish and Game, County or city departments, etc., information needed by such departments or agencies may be required to accompany an application to the APCD. Any information submitted to other agencies shall be consistent with that submitted to the APCD.

Prior to the application completeness determination, the Environmental Officer will identify any deficiencies in the project description for purposes of environmental review, and notify the permit engineer. The Control Officer will deem the application incomplete where the project description is inadequate. The applicant must provide the additional information requested and may submit a revised application.

D. Determining if a Project is Exempt from CEQA

1. APCD, as the lead agency will determine whether the proposal is not a project, or is an emergency, categorically or statutorily exempt, or ministerial project under CEQA (Appendix A lists projects that are considered exempt from CEQA by the APCD). The APCD will determine if the project is exempt within 30 days of permit application completeness. For APCD projects (rules and plans), the determination that the project is exempt will be made, for consideration by the Control Officer, at least 30 days prior to final action by the Board.
2. A Notice of Exemption (NOE) should be filed with the Clerk of the Board, within five days after project approval, for those classes of exemption identified in ~~Appendix A~~ and the State CEQA Guidelines. For APCD permits determined to be exempt, an NOE may be filed upon request of the applicant.
3. If filed, the NOE will be posted in the office of the Clerk within 24 hours of receipt, and will remain posted for a period of 30 days, then returned to the APCD.
4. The APCD, as the lead agency may, at its discretion, also file a NOE if it can be seen with certainty that the project does not have the potential to cause a significant effect on the environment (CEQA Section 15061(b) (3)).
5. A determination by the APCD that a project is not exempt may not be appealed; a determination that a project is exempt may be reviewed by the decision maker at the time of consideration of the project, and if the decision maker disagrees with the determination of exemption, the decision maker will require the preparation of an Initial Study.

E. Initial Study

For non-exempt projects for which APCD is the lead agency, the applicant may be required to submit additional environmental information upon request by the APCD as part of the application. Within 30 days of a determination of application completeness, the APCD will determine whether or not the project may have a significant effect on the environment.

If the Initial Study shows that there is no substantial evidence that the project will cause a significant effect on the environment, the APCD shall prepare a Negative Declaration or Addendum to a prior ND or EIR.

The APCD shall prepare a Mitigated Negative Declaration if the Initial Study determines that the project may result in a significant effect, but revisions to the project proposal made by or

agreed to by the applicant before the draft Negative Declaration is released for public review would avoid or mitigate the effects to a point where clearly no significant effect would occur, and there is no substantial evidence before the agency that the project as revised may have a significant effect.

If the Initial Study determines that the project may result in a significant effect on the environment, the APCD shall: (1) prepare an EIR, or (2) use a previously prepared EIR which adequately analyzes the current project, or (3) determine that some effects were adequately analyzed by a prior EIR or ND, and prepare a subsequent document (EIR, supplement or Addendum) focusing on effects not analyzed adequately in the previous document).

F. Environmental Thresholds of Significance

Thresholds of significance are intended to supplement provisions in the State Guidelines for determining significant effects including Sections 15064, 15065, 15382 and Appendix G, incorporated herein. Thresholds are measures of environmental change, which are either quantitative, or as specific as possible for topics that are resistant to quantification such as aesthetics, cultural resources, and biology.

Air Quality significance criteria are applied during the CEQA review of projects for which the APCD is lead agency and recommended for CEQA review of all other projects in the county, for which the APCD is responsible agency or concerned agency.

1. Air Quality

A proposed project will not have a significant air quality effect on the environment, if:

Operation of the project will:

- emit (from all project sources, mobile and stationary) less than the daily trigger for offsets set in the APCD New Source Review Rule, for any pollutant; and
- emit less than 25 pounds per day of oxides of nitrogen (NOx) or reactive organic compounds (ROC) from motor vehicle trips only; and
- not cause or contribute to a violation of any California or National Ambient Air Quality Standard (except ozone); and
- not exceed the APCD health risk public notification thresholds adopted by the APCD Board; and
- be consistent with the adopted federal and state Air Quality Plans.

2. Climate Change and Greenhouse Gases

Global climate change is a cumulative impact; a project contributes to this impact through its incremental contribution combined with the cumulative increase of all other sources of greenhouse gases.

The APCD's greenhouse gas (GHG) threshold is defined in terms of carbon dioxide equivalent (CO₂e), a metric that accounts for the emissions from various GHGs based on their global warming potential. If annual emissions of GHGs exceed these threshold levels, the proposed project would result in a cumulatively considerable contribution of GHG emissions and a cumulatively significant adverse environmental impact.

A proposed stationary source project will not have a significant GHG impact, if operation of the project will:

- Emit less than the bright line threshold of 10,000 metric tons per year (MT/yr) CO₂e.

Stationary source projects include equipment, processes and operations that require an APCD permit to operate.

Project GHG emissions include direct and indirect sources emissions. Direct emissions occur as a result of the project onsite combustion sources such as engines, boilers, heaters and onsite mobile equipment, and also offsite sources directly related to the project such as emissions from worker commute trips and haul truck trips. Indirect emissions occur as a result of a project's actions but are produced from sources not owned or controlled by the project such as offsite emissions from electricity generation, water conveyance, and waste disposal.

The APCD's determination on whether or not the project may have a significant effect on other environmental issues may be based in part on published/adopted thresholds of significance and guidance provided by the jurisdiction in which the project is located. For issue areas for which there are no thresholds, the guidance provided in the State CEQA Guidelines shall provide the basis for determining significance.

Thresholds of significance provide general guidance for determining significant impacts, but are not ironclad definitions of significant impacts. Each project must be judged individually for its potential for significant impacts, based on specific circumstances and evidence.

A project which has no effect above threshold values individually or cumulatively will generally be determined not to have any significant effect, and a negative declaration will be prepared as provided by Article VI below. Projects that have an effect above a threshold of significance will generally require an EIR, unless mitigation is identified and the applicant accepts modifications to the project. If modifications are sufficient to mitigate impacts to a less than significant level a Mitigated Negative Declaration may be prepared.

G. Mitigation Measures

Measures capable of reducing or avoiding potentially significant impacts will be identified during the preliminary evaluation of non-exempt projects. A broad range of potential mitigation measures should be considered to maximize the potential for project modifications that mitigate adverse impacts and enable projects to qualify for Negative Declarations. The

list of mitigation measures identified at the Initial Study stage must later be refined and specified to meet the standards for inclusion in environmental documents (ref. Articles VI.B and VII.C).

Staff reports, NDs, and EIRs will address monitoring of mitigation measures in a Mitigation Monitoring and Reporting Plan (MMRP), in compliance with Public Resources Code Section 21080.6.

H. Notice of Preparation

Following an Initial Study determination that an environmental impact report will be required, APCD will prepare and distribute a Notice of Preparation (NOP) of the EIR. The NOP will be sent to the State Clearinghouse (for APCD plans, rules and for permits of regional significance) and Responsible and Trustee Agencies and involved federal agencies, and may be sent to other interested agencies, groups and individuals. The NOP will be sent by electronic mail, in addition to certified mail to provide notice that an EIR will be prepared and to obtain comment on the EIR scope of analysis. The ~~NOP~~Notice of Preparation is sent to provide notice that an EIR will ~~also be prepared and to obtain comment on the EIR scope of analysis, and shall~~ be filed with the ~~County Clerk of the Board of Supervisors~~. The NOP will be posted in the office of the Clerk within 24 hours of receipt, and will remain posted for 30 days, then returned to APCD.

I. Scoping Meetings

The APCD may hold a scoping meeting on potentially controversial projects or cases where it is not clear whether a project may have a significant effect. Early consultation with the public is helpful in determining whether an EIR will be required and what issues it should address.

1. Purposes

- a. To allow for public and agency input on the environmental effects of a project at the earliest possible time in the process.
- b. To focus project-related impact assessment on significant environmental issues and their mitigation.
- c. To determine the focus of EIRs, based on public input and published thresholds of significance.
- d. To identify feasible mitigation measures.
- e. To identify realistic and feasible alternatives for refinement within EIRs.

2. Applicability

Public scoping meetings may be recommended by the Environmental Officer and be conducted by the Control Officer or designee if the project has one or more of the following features:

- a. It is located in a controversial area.
- b. Public concern has already been expressed over environmental effects of the project, or of a Best Available Control Technology (BACT) determination.
- c. It will require an amendment to the current State Implementation Plan.
- d. It is clear that it may have a significant effect in one issue area, but not clear in other areas.

3. Notice

Scoping meetings should occur as early as practicable, and generally within 30 days of the Initial Study determination or prior to the close of the Notice of Preparation period. Noticing for public scoping meetings will include the APCD Community Advisory Council, the APCD Board, responsible agencies and trustee agencies, interested and affected agencies, as well as residents within 1,000 feet of the project site, and organizations and members of the public expressing interest. Public notice will be given 10 days prior to the scoping meeting and should identify the issues of concern. Electronic copy and printed copy mailings may contain a copy of the draft Initial Study or summary scoping paper-.

4. Use

Subsequent to the scoping meeting, APCD will make any appropriate changes to the Initial Study and advise the applicant whether a Negative Declaration (ND) or a Mitigated ND or an Environmental Impact Report (EIR) is required.

J. Consultation/Appeal Process For Initial Study Determinations

The purpose of this procedure is to provide an opportunity for an applicant, once an initial study has been prepared, to correct pursuant to State CEQA Guidelines Section 15063(g) inaccurate information and/or to provide evidence that the conclusions of the initial study may be incorrect. Where a determination is made by the APCD that an EIR is required, the applicant will be immediately notified of this determination by certified mail.

-Within five (5) working days following receipt of notification of the Initial Study Determination, the applicant may request and receive a meeting with the Control Officer or designated representative for the purpose of consultation to clarify or correct the Initial Study analysis or to appeal the Initial Study finding. The request for an Initial Study consultation / appeal meeting shall be made in writing, and shall specify the basis for the Initial Study appeal.

The focus of the consultation/appeal will be as follows:

1. The applicant may provide information to correct factual errors in the Initial Study.
2. The applicant may submit additional information to assist in deciding whether to prepare an EIR or ND.
3. The applicant may propose modifications to the project description to mitigate potentially significant adverse impacts to less-than-significant levels, thereby enabling the project to qualify for a mitigated ND.

Any changes to the findings of the Initial Study based upon the consultation will be supported by substantial evidence to show a material error or incorrect conclusion in the Initial Study or modifications to the project. Such evidence supporting errors or incorrect conclusions should be documented by engineering reports or certified by a competent professional in the appropriate field, and should consist of new material not already considered in the Initial Study.

Upon consideration of the information submitted, the Control Officer, shall affirm, reverse or modify the conclusions of the Initial Study and provide a copy to the applicant. This determination is not appealable.

ARTICLE VI - NEGATIVE DECLARATIONS

A. Responsibility for Preparation

For APCD rules and plans, the APCD will prepare the proposed and final negative declaration or contract with a qualified consultant. For all private projects, the receipt of an additional deposit, pursuant to APCD Rule 210, from the applicant is required before APCD can prepare or contract with a qualified consultant to prepare a draft ND. Contractors may be used when workload exceeds available staff resources or when the proposed ND requires more than routine analysis.

B. Mitigation Measures

Where the identification of mitigation measures enables an applicant or APCD to modify a project during the initial study to mitigate all potentially significant impacts to a less than significant level before an EIR is prepared, a Mitigated Negative Declaration incorporating those mitigations into the project description will be prepared. Mitigation measures in Negative Declarations must meet the standards for adequacy described in Article VII, Section C of these Guidelines. Furthermore, mitigations forming the basis of a finding of no significant impact must be accepted in writing by the project proponent, and incorporated into the project description before the proposed negative declaration is released for public review. Mitigation measures must be made fully enforceable through permit conditions or other agreements.

C. Mitigation Monitoring and Reporting Program

When adopting a mitigated Negative Declaration, a Mitigation Monitoring and Reporting Program will also be adopted which incorporates mitigation measures meeting the standards for adequacy described above and a monitoring component for each measure described in Article VII, Section C of these Guidelines. The APCD will be responsible for ensuring that monitoring and reporting is carried out as indicated after the project is approved.

D. Review Period

1. Within 10 working days of completion of a proposed ND, APCD will initiate a 20-day public review period. If a State Clearinghouse review is required, the public review period for the ND will be 30 days. Should issues related to new environmental information, changed environmental circumstances, or applicant changes to the project description occur, an extended public review period may be required at the discretion of the Control Officer.
2. The APCD may hold a public hearing on the proposed ND. If a public hearing is proposed on a ND, the Environmental Officer will conduct the hearing prior to the close

of the review period. Notice will be given by posting on the APCD public bulletin board, by publishing a display or legal advertisement in newspapers of general circulation in the project area and by direct mailings to interested parties. The APCD will prepare and maintain a master notification list for its projects. The notice will include: a brief description of the proposed project and location; a summary listing of potentially significant but mitigable impacts anticipated to result from the project; identification of the preparer of the draft ND; the length of the review period in which comments will be received by the APCD; the date, time and place of the public comment hearing on the ND, and the places where copies of the ND and documents referenced in the ND are available. The Environmental Officer will hold the public hearing for the purpose of receiving comments by interested agencies, the public and the applicant on the accuracy and adequacy of the proposed ND.

Comments from the public and the applicant received during the public hearing or review period will be considered and where appropriate will be incorporated into the final draft ND. ~~The final draft ND will be presented to the Control Officer or Board after the close of the public review period for the ND as part of the project action.~~

E. Findings and Recommendation for Approval

If, after the comment period and public hearing, the Environmental Officer determines that there is no substantial evidence that the project may have a significant effect, a final ND will be prepared. All comments received during the review period will be incorporated into the final proposed ND and transmitted to the decision maker, with a proposed finding that there is no substantial evidence that the project will have any significant effect, and a recommendation for approval of the document. There will be no administrative appeal from the hearing officer's proposed findings on the Negative Declaration, but objections raised during the public hearing will be deemed preserved and may be raised before the discretionary decision maker. After the close of the public review period, the proposed final ND for any private project will be presented to the Control Officer and for any APCD project will be presented to the Board. The decision maker will consider the ND at the time the project is considered for approval.

F. Determination by Hearing Officer that ND is Inadequate

If, after review, the Environmental Officer determines that there is substantial evidence that the project may have a significant effect, an EIR will be prepared pursuant to Article VII. In such a case, the time limit for preparation of the environmental document will be one year from the date the application was found complete for processing.

G. Determination by Decision maker that ND is Inadequate

If, upon review of the project, the decision maker determines that the ND is inadequate, the APCD will prepare appropriate revisions to the ND or prepare an EIR. Consideration of the

project will be deferred until the ND is approved or an EIR is certified, consistent with mandatory time lines for action.

H. Notice of Determination

~~Upon~~ Within five working days of the approval of a public or private project for which a final ND has been prepared, the APCD will file a Notice of Determination (NOD) with the ~~County Clerk.~~ Clerk of the Board of Supervisors. A California Department of Fish and Wildlife's CEQA Filing Fee No Effect Determination Form signed by the Environmental Officer must be filed along with the NOD after the payment of any applicable fees as described below in Article IX. The notice shall be posted in the office of the Clerk within 1 working day of its receipt, and shall remain posted for a period of 30 days, after which it will be returned to the APCD, which must retain the notice for 1 year. If the project requires discretionary approval from a State agency, APCD will within 5 working days of APCD approval file the NOD with the Office of Planning and Research.

ARTICLE VII - PREPARATION OF ENVIRONMENTAL IMPACT REPORTS

A. Responsibility for Preparation

For APCD rules and plans, the APCD will prepare the draft and final EIR or contract with a qualified consultant. The APCD rarely uses private consultants. For a private project, the applicant is required to deposit fees pursuant to Rule 210, before APCD staff can prepare, or contract with a qualified consultant to prepare, a draft and final EIR. The consultant selection procedure is outlined in Appendix B.

B. Focus of EIR Analysis

EIRs shall focus on analysis of potentially significant impacts. Impacts that will be less than significant may be summarized briefly or reference may be made to the Initial Study analysis of impacts determined to be less than significant. Where appropriate, the APCD will prepare a focused EIR pursuant to Sections 15188 and 15189 of the State CEQA Guidelines.

C. Mitigation Measures

Mitigation measures conceived during the initial evaluation of projects must be refined in EIRs to ensure their feasibility, specificity and enforceability. “Feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, legal, social, and technological considerations, including considerations of employment opportunities for highly trained workers, as mandated by CEQA. With regard to enforceability, the EIR must address monitoring of mitigation measures pursuant to Public Resources Code Section 21080.6. Mitigations will be explicitly written in language that can be directly applied as conditions of approval by the decision maker. APCD will be responsible for reviewing and approving the air quality aspects of the compliance program. Where another agency would be responsible for implementing a mitigation measure, the environmental document will identify a mechanism to link the timing and funding of the mitigation to the approval of the project.

With regard to cumulative impacts, an EIR may determine that a project’s contribution is less than cumulatively considerable if the project is required to implement or fund its fair share of a mitigation measures or measures designed to alleviate the cumulative impact.

D. Analysis of Project Alternatives

1. All EIRs will include a discussion of viable project alternatives. Development of project alternatives should focus on options that have the potential to reduce significant environmental impacts and attain project objectives. While consideration of a broad spectrum of alternatives is encouraged early in the process, the range of options should be narrowed to those which are consistent with the following principles:

- a. consistency with the current State Implementation Plan, and other environmental plans and goals of the community.
- b. reduction of significant adverse environmental effects.
- c. compatibility with sensitive land uses such as schools.
- d. feasibility.

Determination of the feasibility of alternatives will take into account economic, legal, social, and technological considerations, including considerations of employment opportunities for highly trained workers, as mandated by CEQA.

2. An expanded discussion of project alternatives will be required in EIRs when it is demonstrated that one or more significant and unavoidable adverse environmental impacts would result, and when feasible project alternatives may effectively reduce Class I environmental impacts to acceptable levels. The alternatives analyzed should include process alternatives (including pollution prevention), innovative technologies, offsite mitigation, reduced or modified scope of operations at the same site, and alternative sites.

E. Cumulative Impact Evaluation

1. Significance Criteria: Unless otherwise specified in published/adopted thresholds of significance and guidelines, a project's potential contribution to cumulative impacts is assessed utilizing the same significance criteria as those for project specific impacts.
2. Geographic Scale of Cumulative Impact Assessment: Various methods are utilized for assessing a project's contribution to cumulative impacts, dependent upon the nature of the impact and its areal extent. In general, the EIR preparer uses a specific cumulative project list accompanied by a map depicting these projects' locations in relation to the resource to be impacted. To evaluate the cumulative air quality impacts of localized pollutants, the contribution of the project emissions in conjunction with existing and proposed projects in the local area may be considered.

Projects which have the potential to cause impacts at a regional scale may create the need for a countywide assessment of cumulative impacts. While detailed cumulative project lists and maps are the preferred method for assessing cumulative impacts, due to the scope and nature of some impacts, other methods such as modeling or provision of background data may be more appropriate. In cases where the extent of impacts is extensive and difficult to define, such as regional air quality, provision of a detailed cumulative list is normally beyond the scope of an individual document.

To evaluate cumulative air quality impacts of projects emitting regional pollutants, the contribution of project emissions to regional levels should be compared with existing programs and plans, including the most recent Clean Air Plan or State Implementation Plan.

For guidance on cumulative impact assessment of global climate change/greenhouse gases, including the significance determination criteria, see Article V.F.2.

3. Impact Identification: The cumulative impact discussion within an EIR should identify whether the project's contribution to a particular cumulative impact is adverse or significant. As previously stated, cumulative impacts may be classified either through specific standards or through incorporation of cumulative background data within the standard.

The decision to prepare a ND implies that a project's impacts are insignificant on both a project specific and cumulative level. However, where a cumulative impact is identified and the ND contains recommended mitigation measures to reduce the project's contribution to cumulative effects, information must be provided to substantiate the recommended mitigations.

F. Classification of Impacts

All EIRs will contain a Summary Impact Table to assist decision makers with adoption of Statements of Overriding Considerations and Findings. Such tables should be organized as follows:

- a1. Class I Impacts - Significant unavoidable adverse impacts for which the decision maker must adopt a Statement of Overriding Considerations.
- b2. Class II Impacts - Significant adverse environmental impacts that can be feasibly mitigated or avoided for which the decision maker must adopt CEQA Findings and mitigation measures.
- e3. Class III Impacts - Adverse impacts found not to be significant for which the decision maker does not have to adopt Findings under CEQA.
- d4. Class IV Impacts - Beneficial impacts of the project.

G. Review Period

1. When the APCD proposes to offer the draft EIR for public review, it will publish file a Notice of Completion of Draft EIR and indicate the public comment period.
2. Notice will be given by posting filed with the Office of Planning and Research and posted on the APCD public bulletin board, by publishing a legal or display advertisement in a newspaper of general circulation in the project area, and by direct mailings to interested parties. ~~Where applicable, a copy of the Notice of Completion and required form will be sent to the State Clearinghouse along with 10 copies of the draft EIR.~~
3. The notice will include: a brief description of the proposed project and location; a listing of impacts addressed in the document; the length of the review period (a minimum of 30 days unless the review includes the State Clearinghouse, in which case it will be 45 days) in which comments will be received by the APCD; the date, time and place of the public comment hearing on the EIR, and the places where copies of the EIR and documents referenced in the EIR are available for public review.

4. APCD may hold a public hearing on draft EIRs. The hearing will be held within 30-45 days of the publication of the Notice of Completion. At the hearing, comments by interested agencies, the public and the applicant are solicited on the accuracy and adequacy of the draft EIR. These comments may include critiques of any part of the document including impact summary tables, forecasts of environmental effects, proposed mitigation measures and project alternatives. Comments on the merit of the project rather than its potential environmental effects and their mitigation are not appropriate, and should be reserved for the decision-making hearing. The preparer of the draft may informally respond to comments at the hearing. Written responses to comments must be provided in the Final EIR.

H. Findings and Recommendation for Approval

If, after the close of the comment period and public hearing, the Environmental Officer determines that the draft EIR is adequate, the EIR will be finalized by the APCD. All minor revisions, comments and responses identified during the review period and public hearing will be incorporated into the document and transmitted to the decision maker with a recommendation that the final EIR be certified.

I. Determination by Environmental Officer that EIR is Inadequate

If, after review, the Environmental Officer determines that the draft EIR is inadequate and requires major revisions, beyond the responses made at the hearing, which trigger the requirement for recirculation under CEQA (Section 15088.5), the document will be returned to the APCD for revision. If recirculation of the document for public review is required, a new Notice of Completion will be prepared as provided above.

J. Determination by Decision Maker that EIR is Inadequate

If, upon review of the prepared final EIR and the project, the decision maker determines that the EIR is inadequate, the EIR will be appropriately revised unless the decision maker denies the project. When the Control Officer certifies an EIR, that certification can be appealed to the APCD Board. Consideration of the project will be deferred until the EIR is certified by the decision maker(s) consistent with mandatory timelines for action. If the APCD must act on the project prior to the time a revised EIR could be certified, the applicant may request that the project be denied without prejudice. In this case, the applicant may re-file pursuant to the applicable APCD Rules and Regulations.

K. Changes to Findings by Decision Makers

If the decision making body disagrees with the conclusions set forth in the EIR regarding the significance of environmental impacts or feasibility of mitigation measures and alternatives, the decision making body will correct them and set forth its reasons for the correction.

L. Notice of Determination

Within five working days of the approval of a project for which a final EIR has been certified, the lead agency shall file a Notice of Determination with the Clerk of the Board of Supervisors. A signed California Department of Fish and Game's CEQA Filing Fee No Effect Determination Form must be filed along with the NOD after the payment of any applicable fees as described below in Article IX. The notice will be posted in the office of the Clerk within 1 working day of its receipt and remain posted for a period of 30 days, after which it will be returned to the APCD which must retain the notice for 1 year. If the project requires discretionary approval from a State agency, APCD will within 5 working days of APCD approval file the NOD with the Office of Planning and Research.

ARTICLE VIII - TIME LIMITS

A. Timely Compliance

The APCD will carry out its responsibilities for preparing and reviewing environmental documents as set forth in the Permit Streamlining Act (GC 65950 et seq.). For the convenience of the reader, the time limits are summarized below. In general, the APCD will carry out the environmental review as expeditiously as possible to avoid unnecessary delays in the processing of applications for permits and other instruments for use.

B. Negative Declarations

NDs must be completed and ready for approval within 180 days from the date the permit application was deemed complete for processing by the APCD. As a lead agency under CEQA, the APCD will take action on the permit within three months of the approval of the ND. As a responsible agency, the APCD will take action on the permit within 180 days from the date the lead agency approves the project or 180 days from the APCD application completeness date, whichever is longer.

C. Environmental Impact Reports

EIRs must be completed and ready for approval within 365 days from the date that the permit application was deemed complete for processing.

As a lead agency under CEQA, the APCD will take action on the permit within six months of the ~~adoption~~certification of the EIR. As a responsible agency, the APCD will take action on the permit within 180 days from the date the lead agency approves the project or 180 days from the date the APCD application was ~~called~~deemed complete, whichever is longer. If the lead agency does not approve the project, the APCD will deem the APCD permit application, for that project, withdrawn.

D. Time Limits for Public Projects

Only applications for Authority to Construct permits are subject to time limits described in the Permit Streamlining Act. These timelines do not apply to APCD plans and rules.

E. Provisions for Time Extensions

In the event that compelling circumstances justify additional time and the project applicant consents, a reasonable extension of the time periods specified in Sections A - C above may be applied by the APCD.

ARTICLE IX - FEES

As authorized under Public Resources Code Section 21089, the APCD, as the lead agency, may charge and collect a reasonable fee in order to recover the estimated costs incurred in preparing an EIR or negative declaration and for procedures necessary to comply with CEQA. Under APCD Rule 210, the APCD is authorized to assess fees for review and preparation of environmental documents required under CEQA or NEPA in which the APCD is lead agency, responsible agency or trustee agency.

The Department of Fish and Wildlife may charge and collect filing fees, as provided in Section 711.4 of the Fish and Wildlife Code. Filing Fees must be paid at the time of filing a Notice of Determination. Information regarding Environmental Filing Fees is available at the Department of Fish and Wildlife Web site at www.dfg.ca.gov/ and the OPR Web site at [www.opr.ca.gov.](http://www.opr.ca.gov/)

In the event the applicant fails or refuses to deposit such fees as are determined to be required, the Control Officer may suspend processing or the project may be denied without prejudice pursuant to state CEQA Guidelines Section 15109 and the governing provisions of APCD Rule 210. In such a case, it will be presumed that without preparation of adequate environmental documents required findings for project approval cannot be made.

ARTICLE X - SEVERABILITY

If any portion of these Guidelines is held unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision will not affect the validity of the remaining portions.

ARTICLE XI - FORMS

APCD will maintain the following forms for use in implementation of these Guidelines.

1. Notice of Exemption
2. Initial Study
3. Notice of Proposed Negative Declaration and Public Hearing
4. Notice of Preparation
5. Notice of Completion
6. Notice of Determination
7. CEQA Compliance for APCD Permits (see Appendix C)

APPENDIX A

APCD LIST OF EXEMPT PROJECTS

The State CEQA Guidelines provide that certain categories of projects are exempt from environmental review except in certain instances (e.g., unusually sensitive location or other circumstances. See CEQA Guidelines Section 15300.2). Projects that are exempt from APCD permits pursuant to APCD Rule 202 are not subject to CEQA review by the APCD.

Projects not listed below may still be considered exempt from CEQA pursuant to Section 15061(b)(3) of the State CEQA Guidelines. ~~No project may be exempt from CEQA, whether or not it is on this list, if a fair argument can be made that the project may cause a significant adverse impact on the environment.~~

No discretionary project approval may be exempt from CEQA, whether or not it is on this list, if substantial evidence supports a fair argument that the project may cause a significant adverse impact on the environment (reference: CEQA Guidelines Sections 15064.f.1 and 15384).

1. APCD Projects Exempt from CEQA

Pursuant to CEQA Guidelines Section 15300.4, the following list of projects will be considered by the APCD to be exempt from CEQA, ~~unless. A project will not be considered exempt from CEQA pursuant to this list if, as defined by APCD Rules and Regulations,~~ an Air Quality Impact Analysis, ~~is required or~~ emission offsets ~~or a health risk assessment is required~~ are triggered at the source for the first time.

- a. ~~Modifications of Projects at new or~~ existing sources or facilities, ~~which do not involve any increases in emissions above the de minimis level with a potential to emit less than the Best Available Control Technology (BACT) thresholds specified in APCD Rule 202-D.6 or physical modifications Regulation VIII.~~
- b. Projects to install air pollution control or abatement equipment.
- c. Projects undertaken for the sole purpose of bringing an existing facility ~~source~~ into compliance with newly adopted regulatory requirements of the APCD or any other local, state or federal agency.
- d. Projects ~~submitted~~ undertaken by existing sources ~~or facilities~~ pursuant to a loss of a previously valid exemption from the APCD's permitting requirements.
- e. Projects ~~submitted~~ undertaken pursuant to the requirement of an order for abatement issued by the APCD's Hearing Board or a judicial enforcement order.
- f. Projects ~~relating~~ undertaken exclusively ~~to~~ for the repair, maintenance or minor modification of existing ~~facilities, equipment or sources~~ sources involving negligible or no expansion of use beyond that previously existing.

- g. The replacement of existing sources ~~or facilities~~ where the replacing source ~~or facility~~ will be located on the same site as the ~~source or facility~~ replaced source and will have substantially the same purpose and capacity as the ~~source or facility~~ replaced source.
- h. Source Compliance Demonstration ~~Period~~Periods, and extensions thereof.
- i. Permits to Operate, and reevaluations thereof.
- j. Applications to deposit emission reductions in the emissions bank pursuant to Regulation VIII, ~~if adopted~~.

2. Equipment or Operations Exempt from CEQA

In addition, the following equipment or operations will be considered by the APCD to be exempt from CEQA, ~~unless. A project will not be considered exempt from CEQA pursuant to this list if, as defined by APCD Rules and Regulations, an Air Quality Impact Analysis, or emission offsets or a health risk assessment is required; are triggered at the source for the first time.~~

- a. Abrasive Blasting ~~Unit~~- Portable ~~Unit~~Units
- b. Abrasive Blasting - Cabinet ~~Unit~~Units
- c. Autobody Shops - Car Painting/Touch-up
- d. Agriculture Milling Operations
- e. Asphaltic Concrete Facilities - Modifications to or addition of any one of the following equipment items at existing facilities: screening equipment, mixing and drying equipment (particulate emissions only), weight hoppers, or dust silos, each of which is controlled by a baghouse or dust collection system.
- f. Bake Ovens
- g. ~~Boiler—Gas Fired < 30~~Boilers rated 20 MMBtu/hr* or less, using any fuel.
- ~~Boiler—Oil Fired < 30 MMBtu/hr.~~
- h. Bulk Fuel Storage and Transfer ~~Plant~~Plants

~~Contaminated Site Remediation for underground storage tanks at gas stations~~

- i. Contaminated Site – Onsite remediation of contaminated groundwater or soil using vapor extraction and treatment or water extraction and treatment.
- j. Contaminated Site – Removal and trucking of contaminated soil.

~~i.k.~~ Coffee Roasters

~~Degreasers—Cold Solvent~~

~~Degreasers—Vapor~~

~~j.l.~~ Diesel Fuel Storage and Transfer

~~k.m.~~ Dryer/Kiln—Industrial < 40Dryers/Kilns - rated 20 MMBtu/hr* or less, using any fuel.

* All references to MMBtu/hr in this appendix are for the heat input rating.

~~l.n.~~ Dry Cleaning—~~Perchloroethylene~~

~~Dry Cleaning—Stoddard Solvent~~

~~o.~~ Engines – Agricultural engines registered per APCD Rule 1201.

~~p.~~ Engines – Diesel-fired emergency/standby engines that comply with the applicable state Air Toxics Control Measure (ATCM).

~~m.q.~~ Farm Service Pesticide Storage and Transfer ~~Plant~~Plants

~~n.r.~~ Fiberglassing Operations

~~o.s.~~ Fixed-roof tanks in oilfield service with a rated capacity of less than 10,000 barrels that are connected to a vapor control system that meets or exceeds the requirements of APCD Rule 325 or 326.

~~t.~~ Loading racks in oilfield service that are connected to a vapor control system that meet the requirements of APCD Rule 346.

~~p.u.~~ Fugitive hydrocarbon emitting components (e.g., valves and flanges) ~~where the total number of component leak paths being added is less than 1500 and that~~ meet or exceed the requirements of APCD Rule 331 and less than 1,500 component leak-paths are being added.

~~q.v.~~ Gas Utility Odorant and Metering ~~Station~~Stations

~~r.w.~~ Gas Utility Pressure Regulation ~~Station~~Stations

~~s.x.~~ Gasoline Fueling ~~Station~~Stations

~~t.y.~~ Graphic Arts Printing

~~u.z.~~ Hypergolic Fuel Storage and Transfer

~~v.aa.~~ Oilfield Steam ~~Generator~~ <30 Generators rated 20 MMBtu/hr* or less, using any fuel.

~~w.bb.~~ Plastic Bag Manufacturing Operations

~~x.cc.~~ Portable equipment ~~which meets the requirements of proposed APCD Rule 213, if adopted~~ rated 20 MMBtu/hr* or less specifically permitted for use at various locations.

~~y.dd.~~ Process Heaters ~~<30~~ rated 20 MMBtu/hr* or less, using any fuel.

~~z.ee.~~ General Solvent Usage - ~~General~~ 1,500 gallons of solvent per year or less (includes wipe cleaning and blending operations ~~using 1,500 gallons per year or less~~)

~~aa.ff.~~ Sour Water ~~Well~~Wells

~~bb.gg.~~ Surface Coating - Miscellaneous Operations

~~ee.hh.~~ Surface Coating - Graphic Arts

~~dd.ii.~~ Surface Coating - Metal ~~Container~~Containers, Closure and Coil

* All references to MMBtu/hr in this appendix are for the heat input rating.

~~ee-jj.~~ Surface Coating - Miscellaneous Metal Parts and Products

~~ff-kk.~~ Surface Coating - Paper, Fabric, and Film

~~gg-ll.~~ Surface Coating - Plastic Parts and Products

~~hh-mm.~~ Semiconductor Manufacturing Operations

~~ii-nn.~~ Ready Mix Concrete Facilities - Modifications to or addition of any one of the following equipment items at existing facilities: cement/ fly ash silos or cement /fly ash weight hoppers, aggregate weight hoppers and conveyor belts, each of which is controlled by a baghouse or dust collection system.

~~jj-oo.~~ Rocket Engine Flushing

~~kk-pp.~~ Non-metallic Mineral Processing Facilities - Modifications to or addition of any one of the following equipment items at existing facilities: aggregate bins and hoppers (particulate emissions only), in process cyclones, conveyor belts, stacker belts, primary/secondary crushers, or primary screening equipment, each of which is controlled by a baghouse or wet suppression system.

~~ll-qq.~~ Thermal Oxidizers ~~<10MMBtu/hr~~ <20 MMBtu/hr* or less, using any fuel.

~~mm-rr.~~ Tire Retreading Operations.

~~ss.~~ Wineries with a production rate of less than or equal to 20,000 cases per year.

~~tt.~~ Solvent cleaning machines as defined in APCD Rule 321 with usage of 1,500 gallons of solvent per year or less.

* All references to MMBtu/hr in this appendix are for the heat input rating.

APPENDIX B

USE OF PRIVATE CONSULTANTS

Upon completion of an Initial Study and document scoping process leading to EIR preparation, ~~the~~ APCD staff shall prepare and issue a request for proposals to several (usually three) of the best qualified and available consultants from among authorized consultants.

The applicant shall receive a copy of the request for proposals and list of consultants to receive it. The applicant may choose to have the request for proposals sent to one or two additional authorized consultants. A copy of the consultant proposals shall be forwarded to the applicant for review and comment to staff.

The staff shall rate the proposals and identify any inadequate proposals. Staff shall discuss recommendations with the applicant.

The applicant shall select an EIR consultant from among the proposals rated as adequate, and the APCD shall hold and manage the contract with the EIR consultant.

If a CEQA document is prepared under contract to the APCD, the contract shall be executed within 45 days from the date on which a notice of preparation is sent out. The APCD may take longer to execute the contract if the project applicant and APCD mutually agree to an extension of the time limit (ref. PRC Section 21151.5 (b)).

APPENDIX C
SANTA BARBARA COUNTY APCD PERMITS --CEQA COMPLIANCE

FORM I. Completeness Review Form

This form ~~must~~will be completed by the permit engineer for ALL Authority to Construct and Permit to Operate applications **prior to deeming the application complete**. The completed form and all supporting documentation ~~must~~will be included in the Permit Evaluation File.

A. General Information:

Application Number: _____

Project Name: _____

Project Description:

B. Determination of Completeness:

Check the corresponding action to be taken to determine that the application is complete for CEQA purposes.

1. **Ministerial Exemption**

____ This permit application is not subject to CEQA because the evaluation is a ministerial action conducted using fixed standards and objective measurements (**e.g., PTOs**). No discretion or judgment is required in the granting of this permit.

2. **APCD is Responsible Agency: Project is Subject to Negative Declaration or EIR by Another Agency**

____ This permit application is subject to a ND or EIR prepared (or under preparation) by another agency. The APCD has received the necessary information indicating that another agency is acting as the Lead Agency. Therefore, the application may be deemed complete for CEQA purposes*.

* The completeness letter should include the following:

The APCD is a "Responsible Agency" under the California Environmental Quality Act (CEQA). As such a copy of the final certified EIR or approved final Negative Declaration, if one has been prepared by the "Lead Agency" under CEQA, must be received and reviewed by the APCD prior to the issuance of the final permit, to ensure consistency with CEQA Section 15096 (f).

3. APCD is **Lead Agency**: Project is **Exempt** from CEQA

___ This permit application is exempt from CEQA because the project, as a whole, is listed in the APCD List of Exempt Projects (see **Appendix A** of the APCD CEQA Guidelines) AND because the project has no potential for causing a significant adverse environmental impact.

___ The project is not listed in the APCD List of Exempt Projects AND it can be seen with certainty that the project will not have a significant adverse effect on the environment. Consequently the permit application is exempt by virtue of a **General Exemption** under CEQA Section 15061 (b) (3).

4. APCD is **Lead Agency**: Project is **Not Exempt** from CEQA

___ The APCD has received from the applicant, a completed, signed and dated environmental questionnaire and any other information necessary for preparing a negative declaration or EIR, if required. Therefore, the application may be deemed complete for CEQA purposes.

Permit Engineer: _____ Date: _____
(Signature)

Permitting Section Supervisor: _____ Date: _____
(Signature)

SANTA BARBARA APCD PERMITS --CEQA COMPLIANCE

FORM II. Permit Issuance Form

This form must be completed by the permit engineer for ALL APCD Authority to Construct and PTO applications **prior to issuance of the final permit**. The completed form and all supporting documentation must be included in the Permit Evaluation File.

A. General Information:

Application Number: _____

Project Name: _____

Project Description (include CEQA issues, if any):

B. Final Action:

Check the appropriate action that was taken by the CONTROL OFFICER prior to issuing the permit.

1. Ministerial Action

___ This permit application is exempt from CEQA because the permit evaluation is a ministerial action. CEQA does not apply to ministerial actions. No further action is necessary.

2. APCD is **Responsible Agency**: Project is Subject to Negative Declaration or EIR by Another Agency

___ This project was subject to approval by another agency (Lead Agency) and the project has been approved. Final action on the APCD permit was taken only after review and consideration of the information in the Lead Agency's certified final EIR or adopted final Negative Declaration by the Control Officer, or authorized APCD representative of the Control Officer.*

___ This project was denied by the Lead Agency. The APCD permit application is deemed withdrawn.

* Acting on behalf of the Control Officer, the permit engineer should review the ND or EIR and incorporate any mitigation measures for air quality impacts or project alternatives over which the APCD has regulatory discretion. The final permit cannot be issued until the adopted ND or certified EIR has been reviewed by the APCD for consistency.

3. APCD is **Lead Agency**: Project is **Exempt** from CEQA

This permit application is exempt from CEQA because:

_____ the project, as a whole, is listed in the APCD List of Exempt Projects (**Appendix A** of APCD CEQA Guidelines: *state the exemption*) AND because the project has no potential for causing a significant adverse environmental impact.

_____ A **General Exemption** under CEQA Section 15061 (b) (3) applies (e.g., if the project is not listed in the APCD Categorical Exemption List AND it can be seen with certainty that the project will not have a significant adverse effect on the environment). A Notice of Exemption must be prepared, signed by the Environmental Officer and filed with the Clerk of the Board.

4. APCD is **Lead Agency**: Project is **Not Exempt** from CEQA

_____ This permit was found not to be exempt from CEQA and no other agency will be conducting a CEQA review for the project. The APCD has prepared and adopted a Negative Declaration or certified an EIR for the project. The final action by the APCD was taken only after the information contained in the final EIR or ND was considered and any significant adverse environmental effects associated with the proposed project were mitigated to the maximum extent feasible.

Permit Engineer: _____ Date: _____

Permitting Section Supervisor: _____ Date: _____
(Signature)

Santa Barbara County APCD Permits -- CEQA Compliance Form Instructions

CEQA compliance for a project subject to APCD permit requirements includes two steps:

- 1) Determining whether any CEQA-related information is required from the applicant to deem the application complete (use Form I). This may also be identified at the pre-application stage, if there is one .
- 2) Determining and documenting CEQA compliance for each and every permit application prior to issuing a permit by completing the Permit Issuance Form (use Form II).

These forms are designed to be used by the permit engineer in implementing the requirements of the California Environmental Quality Act (CEQA) for APCD's permitting activities when the APCD is the **lead or responsible agency** under CEQA. The APCD is generally a responsible agency for the portions of development projects requiring APCD permits. Most of the APCD permits are considered to be exempt from CEQA (see APCD CEQA Guidelines, Appendix A: APCD List of Exempt Projects). In most cases the environmental document prepared by the lead agency is adequate for the APCD permitting action. Certain APCD permit modifications may require supplemental CEQA documents. Questions concerning CEQA compliance and these forms can be directed to the APCD CEQA Section Staff.

The following instructions correspond to the questions on the Completeness Review Form (Form I):

B.1 Generally only PTOs will fall into this category. If the permit engineer is unsure if an ATC application is ministerially exempt, the APCD CEQA Section staff may be consulted.

B.2 Projects subject to APCD permits often also require a land use or other permit from other agencies. The permit engineer should check the application (**Form APCD-01, Question #10 to see if it is checked "Yes"**) or request from the applicant information regarding what other agencies will be requiring permits for the project and who the "Lead Agency" will be. The APCD permit processing should begin as soon as adequate information is available to deem the application complete, even if the lead agency has not completed the environmental document (Govt. Code § 65941 (b), amended 1993), and if the applicant so requests (Govt. Code §65951, amended 1993).

B.3 A project is determined to be **exempt from CEQA by virtue of being listed in Appendix A**. However, if **any** component of the project is **not** listed in Appendix A **or** if the project requires offsets, **or** an Air Quality Impact Analysis ~~or Health Risk Assessment~~, then the project cannot be considered exempt.

To determine whether a project qualifies for a **General Exemption**, the permit engineer must prepare an environmental questionnaire known as the **Initial Study Checklist**. The exemption determination must be based on a review of the Initial Study Checklist and should show:

- a) that there is no potential for a significant adverse environmental impact on any environmental media from the project;
- b) ~~a formal health risk assessment~~, an Air Quality Impact Assessment (AQIA) or Offsets will not be required; and,
- c) no unusual circumstances such as location, or cumulative impacts from successive projects of the same type in the same place over time, will occur or result in significant adverse environmental impacts.

The APCD CEQA Section staff can assist in preparing the Initial Study Checklist and in making the exemption determination.

B.4 The determination of when the APCD must prepare a Negative Declaration or an EIR will occur as a result of one of the following two actions:

(1) It is clear when the permit application is submitted that an EIR or ND is required. In this case, the permit engineer should refer the project to the APCD CEQA Section Supervisor as soon as possible but in no event later than **ten calendar days** of receiving the application. APCD Engineering staff may meet with the applicant to discuss possible revisions by the applicant to the project description that would avoid significant impacts.

(2) If the APCD determines that the project does **not** qualify for a General Exemption and the project has the potential to result in a significant impact the permit engineer should inform the APCD CEQA Section Supervisor as soon as the determination has been made.

The following instructions correspond to the questions on the Permit Issuance Form (Form II):

B.1 If the project was determined to be ministerially exempt in the Application Completeness Form (Form I, Question B.1), the project is also ministerially exempt for the purpose of permit issuance.

B.2 The APCD Permit should be issued only after the Lead Agency has approved the project. This information can be provided by the applicant. Also, see the footnote at the bottom of Form II. If the lead agency has denied the project, the Permit Streamlining Act requires a responsible agency to deem the application as withdrawn.

B.3 Use the type of exemption granted in response to Question B.3 of Form I. Once a project has been determined to be exempt, no further action is required under CEQA when the permit is issued. However, to reduce the statute of limitations period on legal challenges to the decision to exempt the project from CEQA from 180 days to 30 days, a Notice of Exemption (NOE) may be filed. The APCD CEQA Section staff can prepare the NOE form.

B.4 This action is taken only after the final EIR or Negative Declaration has been certified or adopted by the APCD.