



South Coast Air Quality Management District

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

September 5, 2008

Office of the Secretary for Resources
Attn: General Counsel's Office
1416 9th Street, Suite 1311
Sacramento, CA 95814
To Whom It May Concern:

Enclosed please find two copies of the Notice of Decision (NOD) for the Final Environmental Assessment (EA) prepared for proposed amended Rule (PAR) 1146 – Emissions of Oxides of Nitrogen from Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters. The Final EA for PAR 1146 was prepared pursuant to CEQA and the South Coast Air Quality Management District's (SCAQMD) certified regulatory program. The CEQA document was certified by SCAQMD's Governing Board at its September 5, 2008, Public Hearing. Please record and post the Notice of Decision according to the provisions of CEQA.

SCAQMD Rule 110 requires that written responses to public comments on a SCAQMD CEQA document be filed with the Secretary of Resources along with the Notice of Decision. One comment letter was received on the Draft EA for PAR 1146. Responses to the public comments can be found in Appendix E of the enclosed Final EA for PAR 1146.

Also enclosed is the original signed CEQA Filing Fee No Effect Determination Form from the Department of Fish and Game pursuant to §711.4 of the California Fish and Game Code.

Please confirm receipt of one copy of the NOD and return it to the undersigned. Two return envelopes have been provided for your convenience (one for the confirmed copies upon receipt, and one for the original NOD to be returned after the posting period). If you have any questions, please call me at (909) 396-3054 or Barbara Radlein at (909) 396-2716.

Sincerely,

Steve Smith, Ph.D.
CEQA Program Supervisor
Planning, Rule Development and Area Sources

Enclosures

NOTICE OF DECISION

To: Office of the Secretary of Resources
Attn: General Counsel's Office
1416 9th Street, Suite 1311
Sacramento, CA 95814

From: SCAQMD
Office of Planning and Policy
21865 Copley Drive
Diamond Bar, CA 91765

Subject: FILING OF NOTICE OF DECISION IN COMPLIANCE WITH §21080.5 OF THE PUBLIC RESOURCES CODE

Project Title: Final Environmental Assessment (EA) for Proposed Amended Rule 1146 – Emissions of Oxides of Nitrogen from Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters

SCAQMD Number: 013008BAR

Date Certified: September 5, 2008

SCH Number: 2008011127

Contact Person: Barbara A. Radlein

Telephone Number: (909) 396-2716

Project Location: South Coast Air Quality Management District area of jurisdiction: South Coast Air Basin (all of Orange County and the nondesert portions of Los Angeles, Riverside, and San Bernardino counties), and the Riverside County portions of the Salton Sea Air Basin and Mojave Desert Air Basin

Project Description: The purpose of the proposed amendments to Rule 1146 – Emissions of Oxides of Nitrogen from Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters is to reduce the allowable NO_x emission limits from 30 parts per million (ppm) to 12 ppm, nine ppm, or five ppm, depending on equipment size and operational characteristics. The proposed amendments to Rule 1146 would also include NO_x compliance limits for units burning landfill or digester gases at 25 ppm and 15 ppm, respectively. Other changes are proposed that include: 1) establishing a weighted average formula for dual fueled co-fired units; 2) allow existing units to be de-rated to no less than two million BTU per hour per unit; 3) requiring compliance with a 30 ppm NO_x limit for low fuel usage equipment by January 1, 2015 or burner replacement, whichever occurs later; 4) allowing a later compliance date for health facilities complying with seismic safety requirements; 5) establishing a staged compliance schedule over a multi-year period which varies by equipment size range and unit operation; 6) making the frequency of compliance testing compatible with RECLAIM sources for the same equipment size range; and 7) allowing NO_x emissions monitoring with a portable analyzer. Other minor changes are proposed to improve organization, clarity and consistency throughout the rule. The Initial Study identified “air quality” and “hazards and hazardous materials” as the only areas that may be adversely affected by the proposed project. Further analysis of these environmental areas in the Final EA have shown that only the topic of hazards and hazardous materials exceeds the SCAQMD's daily significance thresholds for operational activities associated with the use and storage of aqueous ammonia.

This is to advise that the South Coast Air Quality Management District has approved the above described project and has made the following determinations regarding the above described project:

1. The project will have a significant impact on the environment.
2. Mitigation measures were made a condition of the approval of this project.
3. A mitigation monitoring program under PRC § 21081.6 was adopted for this project.
4. A Statement of Findings was adopted for this project.
5. A Statement of Overriding Considerations was adopted for this project.

The Final Environmental Assessment, supporting documentation, and record of project approval may be examined at: SCAQMD, 21865 Copley Drive, Diamond Bar, CA 91765.

Date Received for Filing

Signature: _____

Steve Smith, Ph.D.
Program Supervisor, CEQA Section
Planning, Rules, and Area Sources