

**GUIDELINES FOR IMPLEMENTATION OF THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)
OF 1970, AS AMENDED**

KERN COUNTY AIR POLLUTION CONTROL DISTRICT (APCD)

Adopted by the
KCAPCD Board of Directors
July 11, 1996

Amended:
July 1, 1999

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ARTICLE I - INTRODUCTION AND PURPOSE

A. Introduction

The Kern County Air Pollution Control District (KCAPCD) is a special district (local government agency) whose mission is to attain and maintain ambient air quality standards and protect the public and environment of eastern Kern County from significant adverse effects of air pollution.

KCAPCD assumes the following roles in implementation of CEQA:

- 1) As a lead agency, KCAPCD analyzes and prepares environmental documents for its own discretionary activities, such as, air quality attainment plans, rule development activities and discretionary KCAPCD permits which do not require a land use or other agency permit.
- 2) As a responsible agency, KCAPCD reviews environmental documents prepared by a lead agency or jurisdiction to reduce or avoid impacts to air quality and to ensure the lead agency's environmental document is adequate to fulfill CEQA requirements for KCAPCD permits. KCAPCD's permit jurisdiction area encompasses Eastern Kern County.
- 3) As a concerned agency, KCAPCD provides guidance to mitigate adverse impacts to air quality from development projects in Eastern Kern County.

B. Purpose

The purpose of KCAPCD's Guidelines is to set forth for KCAPCD staff, other governmental agencies, applicants and the public, definitions, procedures, and forms used by KCAPCD in implementation of the California Environmental Quality Act [CEQA (Public Resources Code Section 21000 et. seq.)] and to supplement State CEQA Guidelines, (14 Cal. Admin. Code Section 15000 et. seq.).

ARTICLE II - INCORPORATION OF STATE GUIDELINES

The full text of State Guidelines (14 Cal. Admin. Code Section 15000 et. seq.) for

implementation of the California Environmental Quality Act (PRC § 21000 et. seq.), as they may be amended from time to time, is hereby incorporated by reference into this Article of KCAPCD's Guidelines as if fully set out, and shall supersede any inconsistent provisions of these Guidelines.

ARTICLE III - DEFINITIONS

The following terms, where not defined in State Guidelines, shall have the meaning set forth herein. These definitions, listed alphabetically, are intended to supplement definitions used in State CEQA Guidelines.

- A. Board The Board of Directors of the Kern County Air Pollution Control District.
- B. Concerned Agency Any public agency which has "jurisdiction by law", (as defined in § 15366) or special expertise which must be consulted by a lead agency in preparing an EIR, even if such agency has no discretionary authority over the project. The District is a local agency with jurisdiction by law over the air resources of Eastern Kern County.
- C. Control Officer Kern County APCD Air Pollution Control Officer.
- D. Day Calendar day, unless stated otherwise.
- E. Decision Maker The KCAPCD Board of Directors 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.
- F. District The Kern County Air Pollution Control District (KCAPCD).
- G. EA Environmental Assessment prepared by a federal agency under NEPA. This document is similar to an Initial Study under CEQA.
- H. EIR Environmental Impact Report prepared pursuant to CEQA.
- I. EIS Environmental Impact Statement, prepared pursuant to NEPA.

- J. Environmental Officer Control Officer or designee.
- K. FONSI Finding of No Significant Impact prepared by a federal agency under NEPA.
- L. Lead Agency The public agency which has principal responsibility for carrying out, approving, or causing 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 city, not the District. The District may assume the role of lead agency under certain circumstances (§ 15052).
- M. NEPA National Environmental Policy Act of 1969.
- N. 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).
- O. Side Conditions Information related to the environment potentially impacted by a proposed project, for example, sensitive wildlife habitats.
- P. Secretary Secretary for the Board of Directors of the Kern County Air Pollution Control District.

ARTICLE IV - RESPONSIBILITIES
FOR PREPARATION OF DOCUMENTS

A. District Projects Not Subject to KCAPCD Rule 201 (Permits) (see Figure 1, Page 5)

When the District plans to carry out a project, e.g., a District air quality attainment plan or rule development activity for which KCAPCD is the lead agency, the Environmental Officer shall ensure compliance with the CEQA process. The District may determine the project is exempt from CEQA. For exempt projects, the Environmental Officer shall prepare and post a Notice of Exemption with the County Clerk within 5 days after project approval by the decision maker. For nonexempt projects, the Environmental Officer shall prepare an Initial Study, and determine the type of environmental document required for the project based on

published/adopted thresholds of significance or guidelines. The District shall prepare or cause to be prepared, the environmental document (EIR, Negative Declaration, or supplemental document). The Environmental Officer may conduct a hearing on the environmental document and recommend findings to the decision maker as to its adequacy under CEQA. Approval or certification of the environmental document is the responsibility of the Board.

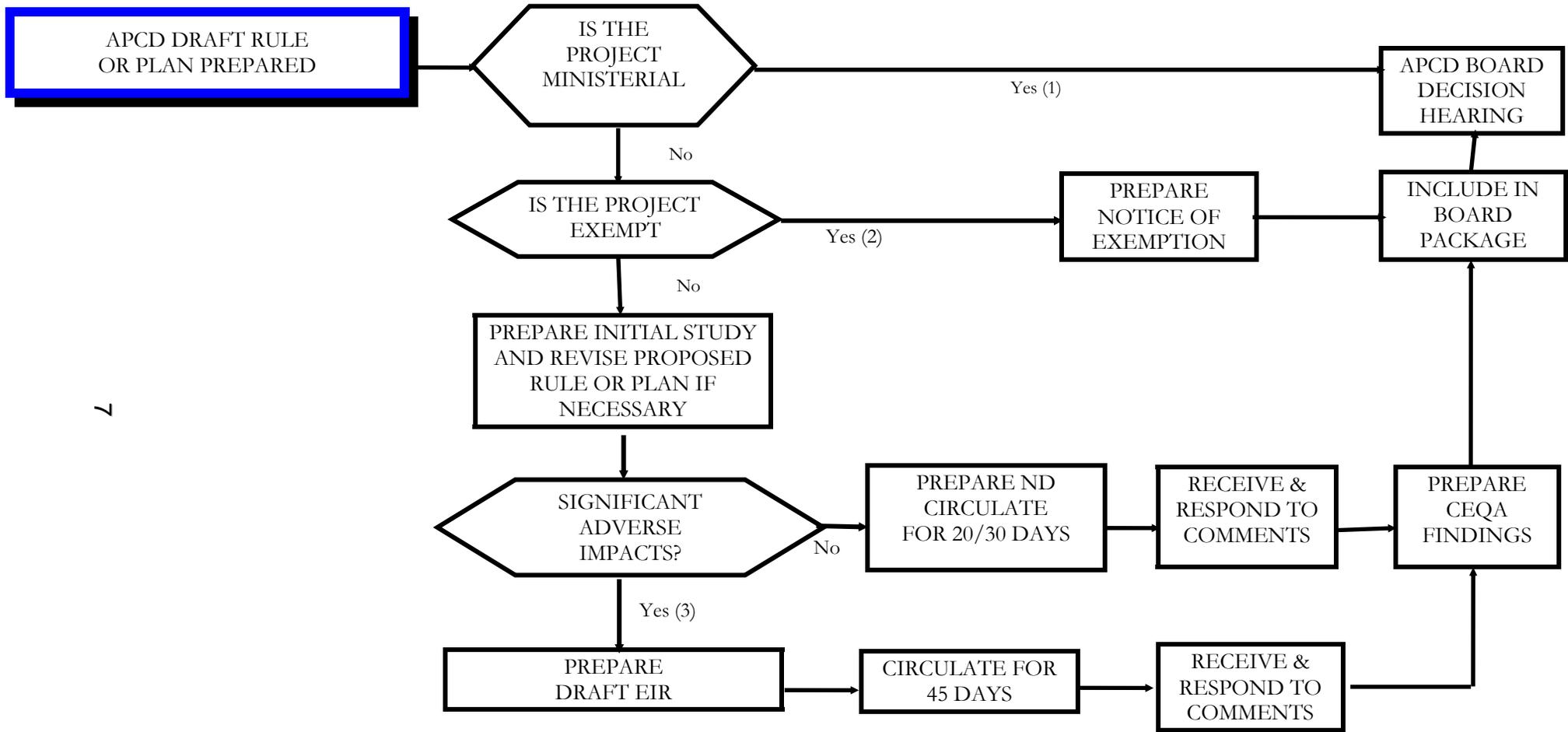
B. Private or Public Projects Subject to Rule 201 (Permits) (see Figure 2, Page 6)

If a private or public project, e.g., an activity requiring an Authority to Construct is subject to discretionary approval by the District, the District is either a responsible agency or the lead agency under CEQA. CEQA does not apply to ministerial projects or to projects exempt from District permits pursuant to KCAPCD Rule 202. District discretionary permit actions for federal facilities are subject to CEQA. Federal government actions that do not require a District permit are not subject to CEQA.

When a project requires compliance with both CEQA and NEPA, and the District is the lead agency under CEQA, the District shall use the federal Environmental Impact Statement (EIS) or Finding of No Significant Impact (FONSI), provided the federal document is prepared before the District's environmental document and it complies with State CEQA Guidelines. Where appropriate, the District shall prepare an 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 District must consider an EIR or ND, the District shall, if feasible, prepare a joint ND/FONSI or EIR/EIS involving the federal agency.

CEQA PROCESS FOR APCD RULES OR PLANS

Figure 1



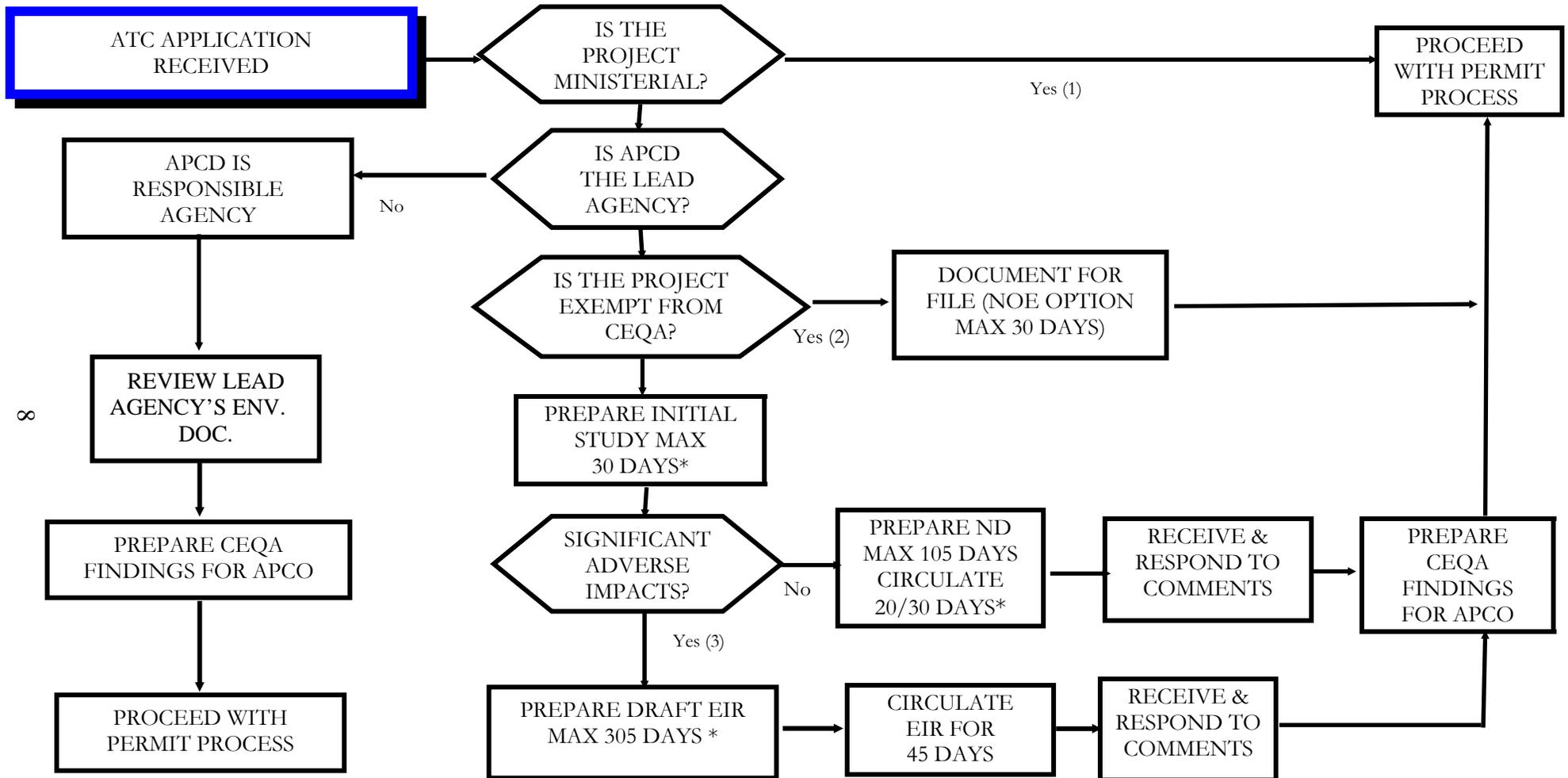
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NOTES:

- 1) No Discretion or judgment is required
- 2) Categorically or statutorily exempt pursuant to the State CEQA Guidelines
- 3) Proposed rules or plan cannot be modified to avoid significant effects to the environment

CEQA PROCESS FOR APCD PERMITS

Figure 2



NOTES:

- 1) No Discretion or judgment is required
- 2) Appendix A of APCD CEQA Guidelines or General Exemption under CEQA Section 15061(b)(3)
- 3) Exceeds thresholds of significance after mitigation
- * Calendar days after Application completeness

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If the District is a responsible agency under CEQA, permit processing shall be concurrent with the lead agency process, whenever feasible. The District as a 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]). The lead agency's certified final EIR or approved final Negative Declaration (ND), if one has been prepared, shall be required prior to issuance of the District permit to comply with Section 15096 (f) of the State CEQA Guidelines. The District decision on the application shall be made within time limits of the Permit Streamlining Act, Govt. Code Section 65940 et. seq., and District Rules and Regulations.

When the District is the lead agency under CEQA, KCAPCD shall 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 nonexempt projects, the Environmental Officer shall prepare an Initial Study and determine the type of environmental document to be prepared. KCAPCD shall prepare or cause to be prepared, the environmental document. If required, the Environmental Officer will conduct a hearing for 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). Approval or certification of the environmental document shall be the responsibility of the Control Officer, or, at his discretion, the Board of Directors.

ARTICLE V - INITIAL EVALUATION OF PROJECTS

A. Early Consultation for CEQA Determinations

Upon request of a potential project applicant, the District shall 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 KCAPCD permit process pre-application meeting.

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

B. Adequacy of Project Description

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

Detailed information on “side 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 may be required.

For projects which require permits from other agencies such as the U.S. Forest Service, U.S. Minerals Management Service, 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 District. Any information submitted to other agencies shall be consistent with that submitted to KCAPCD. Prior to the application completeness determination, the Environmental Officer shall identify any deficiencies in the project description for purposes of environmental review. The Control Officer shall deem the application incomplete where the project description is inadequate. The applicant shall provide additional information requested and may submit a revised application.

C. Determining if a Project is Exempt from CEQA

1. KCAPCD, as a lead agency, shall determine whether the proposal is not a project, or is an emergency, categorically or statutorily exempt, or a ministerial project under CEQA. (Appendix A lists projects considered exempt from CEQA by the KCAPCD.) The expected environmental impact of projects listed has been determined to be not significant (See KCAPCD Rule 208.2). The District shall determine if the project is exempt within 30 days of permit application completeness. For District projects (rules and plans), the determination the project is exempt shall be made, for consideration by the Control Officer, prior to final action by the Board.
2. A Notice of Exemption (NOE) shall be filed with the County Clerk, within five days after project approval, for those classes of exemption identified in State CEQA Guidelines. For District permits determined to be exempt, an NOE shall be filed upon request of the applicant.
3. If filed, an NOE shall be posted in the office of the County Clerk within 24 hours of receipt, and shall remain posted for a period of 30 days, then returned to the KCAPCD.
4. The District, as the lead agency may, at its discretion, also file an NOE if it can be seen with certainty 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 District a project is not exempt may not be appealed by the applicant; however, a determination 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 may require the preparation of an Initial Study.

D. Initial Study

For nonexempt projects for which KCAPCD is the lead agency, the applicant may be required to submit additional environmental information upon request by the District as part of the application. Within 30 days of determination of application completeness, the District shall determine whether or not the project may have a significant effect on the environment (CEQA Section 15064).

Initial Study determinations as to whether a project may have a significant impact on the environment shall be based on substantial evidence with consideration of the whole record before KCAPCD.

If the District determines there is substantial evidence the project, either individually or cumulatively with other projects, may cause a significant effect on the environment, the District shall do one of the following:

- a) Require preparation of an EIR (project-specific, program, or master EIR),
- b) Use a previously prepared EIR which adequately analyzes the current project, or
- c) Prepare a supplemental, subsequent EIR or a tiered document pursuant to a program EIR or master EIR.

The District shall prepare a Negative Declaration if there is no substantial evidence the project or any of its aspects may cause a potentially significant effect on the environment. A mitigated negative declaration shall be prepared if the District determines in preparing the Initial Study, potentially significant impacts of the project can be mitigated to a level of insignificance.

E. Environmental Thresholds of Significance

The thresholds of significance contained herein 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 resistant to quantification such as aesthetics, cultural resources, and biology.

These air quality significance criteria are applied during CEQA review of projects for which the District is the lead agency. These criteria are also recommended by KCAPCD as a responsible or concerned agency for use by another agency serving as the lead agency.

A proposed project is hereby determined to not have significant (as defined by CEQA, Section 21068) air quality impact on the environment, if:

Operation of the project will:

1. Emit (from all project sources subject to KCAPCD Rule 201) less than offsets trigger levels set forth in Subsection III.B.3. of KCAPCD's Rule 210.1 (New and Modified Source Review Rule);
2. Emit less than 137 pounds per day of NO_x or Reactive Organic Compounds from motor vehicle trips (indirect sources only);
3. Not cause or contribute to an exceedance of any California or National Ambient Air Quality Standard;
4. Not exceed the District health risk public notification thresholds adopted by the KCAPCD Board; and
5. Be consistent with adopted federal and state Air Quality Attainment Plans.

Also see KCAPCD Rule 208.2 (Criteria for Finding of No Significant Environmental Impact (California Environmental Quality Act.))

The District's determination as to 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, 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 fixed definitions of significant impacts. Each project shall 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 impact, and a negative declaration shall be prepared as provided by Article VI. Projects which have an impact above a threshold of significance will generally require an EIR, if feasible mitigation to reduce impacts to a level below such thresholds cannot be identified and agreed to by the project proponent.

F. Mitigation Measures

Measures capable of reducing or avoiding potentially significant impacts will be identified during preliminary evaluation of nonexempt projects. A broad range of potential mitigation measures should be considered to maximize potential for project modifications which 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 standards for inclusion in environmental documents (see Articles VI.B and VII.B.).

Staff reports, ND's, and EIR's shall address monitoring of mitigation measures in a Mitigation Monitoring and Reporting Plan (MMRP), in compliance with Public Resources Code Section 21080.6.

G. Notice of Preparation

Following an Initial Study determination that an environmental impact report will be required, the District shall prepare and distribute a Notice of Preparation (NOP) of the EIR. The NOP shall be sent to the State Clearinghouse and responsible and trustee agencies, by certified mail, to obtain comment on the EIR scope of analysis; and shall also be filed with the County Clerk. The NOP shall be posted in the office of the Clerk within 24 hours of receipt, and shall remain posted for 30 days, then returned to the District.

H. Scoping Hearings

The District may hold a scoping hearing for a project if it is not clear whether a project may have a significant effect. The following criteria apply to scoping hearings:

1. Purposes

- a. To allow for public and agency input on 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 focus of EIR's, based on public input and published thresholds of significance;
- d. To identify feasible mitigation measures; and
- e. To identify realistic and feasible alternatives for refinement within EIR's.

2. Applicability

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

- a. Evidence has been presented which shows significant environmental impact can be expected;
- b. It will require an amendment to the current State Implementation Plan; or
- c. It is clear the project may have a significant effect in one issue area, but not clear in other areas.

3. Notice

Scoping meetings should occur prior to close of the Notice of Preparation period. Noticing for public scoping meetings shall include the District Board, responsible and trustee agencies, and residents within 300 feet of the project site and members of the public expressing interest. Public notice shall be given 10 days prior to the scoping meeting and should identify issues of concern. Mailings may contain a copy of the draft Initial Study.

4. Use

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

I. Consultation on 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 inaccurate information and/or to provide evidence showing conclusions of the Initial Study may be incorrect. Where a determination is made by the District that an EIR is required, the applicant shall be immediately notified of this determination by certified mail.

Within five working days following receipt of such notification, the applicant may, on

condition of signing a 15-day extension of time for the Initial Study under CEQA Section 15102, request and receive a meeting with the Control Officer or designated representative for the purpose of providing information to change the Initial Study findings to indicate an ND is appropriate. The 30-day period in which to complete the Initial Study may be extended 15 days upon consent of the lead agency and the applicant should the consultation so warrant. The focus of a consultation shall 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; or
3. The applicant may propose modifications to the project description to mitigate potentially significant adverse impacts to levels of insignificance, thereby enabling the project to qualify for a mitigated ND.

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

Upon consideration of information submitted, the Control Officer, within the 15 day extension period granted by the applicant, shall affirm, reverse or modify conclusions of the Initial Study and provide a copy to the applicant. This determination can be appealed to the Board.

ARTICLE VI - NEGATIVE DECLARATIONS

A. Responsibility for Preparation

For District rules and attainment plans, the District shall prepare the proposed and final negative declaration or contract with a qualified consultant. For all private projects, pursuant

to KCAPCD Rule 303, Section III, the applicant is required to compensate the District for costs incurred to prepare a draft and final ND. Contractors may be used when workload exceeds available staff resources or when the propose ND requires more than routine analysis.

B. Mitigation Measures

Where identification of mitigation measures enables an applicant or lead agency to modify a project during the initial study to mitigate all potentially significant impacts before an EIR is prepared, a Mitigated Negative Declaration incorporating such mitigation into the project description shall be prepared. Mitigation measures in ND's shall meet standards for adequacy described in Article VII, Section B. of these Guidelines. Furthermore, mitigation forming the basis of a finding of no significant impact shall be accepted by the applicant or agency proposing the project, and incorporated into the project description prior to release of the proposed ND for public review. ND's shall also address monitoring of mitigation measures for compliance with Public Resources Code Section 21080.6.

The decision to prepare a ND implies a project's impacts are below significance thresholds 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 shall be provided to substantiate the recommended mitigation.

C. Review Period

1. Within 10 working days of completion of a proposed ND, the District shall initiate a 20 day public review period. If a State Clearinghouse review is required, the public review period for the ND shall 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 District may hold a public hearing on the proposed ND. If a public hearing is proposed for 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 District public bulletin boards (in Bakersfield and Mojave), by publishing a legal notice in a newspaper of general circulation in the project area, and by direct mailings to interested parties. The District shall prepare and maintain a master notification list for its projects. The notice shall include: a brief description of the proposed project and location; identification of the preparer of the draft ND; the length of the review period during which comments will be received by the District; the date, time and place of the public comment hearing for the ND, and places where copies of the ND are available. The Environmental Officer can hold such 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 shall be considered and where appropriate shall be incorporated into the final draft ND. The final draft ND will be presented to the Control Officer or Board after close of the public review period for the ND as part of the project action.

D. Findings and Recommendation for Approval

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

time the project is considered for approval.

E. Determination by Environmental Officer that ND is Inadequate

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

F. Determination by Decision Maker that ND is Inadequate

If, upon review of the project, the decision maker determines the ND is inadequate, the KCAPCD shall prepare appropriate revisions to the ND or prepare (or have prepared) an EIR. Consideration of the project shall be deferred until the ND is approved or an EIR is certified, consistent with mandatory time lines for action.

G. Notice of Determination

Upon approval of a public or private project for which a final ND has been prepared, the District shall file a Notice of Determination (NOD) with the County Clerk.

ARTICLE VII - PREPARATION OF ENVIRONMENTAL IMPACT REPORTS

A. Responsibility for Preparation

For KCAPCD rules and attainment plans, the District shall prepare (or have prepared) the draft and final EIR. For all private projects, any District costs incurred shall be reimbursed by the applicant pursuant to Rule 303, Section III.

B. Mitigation Measures

Mitigation measures conceived during the initial evaluation of projects shall be refined in EIR's 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 shall address monitoring of mitigation measures pursuant to Public Resources Code Section 21080.6. Mitigation shall be explicitly written in language which can be directly applied as conditions of approval by the decision maker. The District shall be responsible for reviewing and approving air quality aspects of the compliance program. Where another agency would be responsible for implementing a mitigation measure, the environmental document shall identify a mechanism to link timing and funding of the mitigation to approval of the project.

C. Analysis of Project Alternatives

1. All EIR's shall include a discussion of viable project alternatives. Development of project alternatives should focus on options which have potential to reduce significant environmental impacts and still 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; and feasibility.

Determination of feasibility of alternatives shall 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 shall be required in EIR's when it is demonstrated 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. (See Page 21 for definition of Class I Impact.) 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.

D. 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 shall be 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 shall use a specific cumulative project list accompanied by a map depicting these projects' locations in relation to the resource to be impacted. To evaluate 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.

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 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 State Implementation Plan.

3. Impact Identification: The cumulative impact discussion within an EIR shall 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.

E. Classification of Impacts

1. All EIR's shall contain an Impact Summary Table to assist decision makers with adoption of Statements of Overriding Considerations and Findings. Such tables shall be organized as follows:
 - a. Class I Impacts - Significant unavoidable adverse impacts for which the decision maker must adopt a Statement of Overriding Considerations;
 - b. Class II Impacts - Significant adverse environmental impacts that can be feasibly mitigated or avoided for which the decision maker must adopt CEQA Findings and mitigations measures;
 - c. Class III Impacts - Adverse impacts found not to be significant for which the decision maker does not have to adopt Findings under CEQA; and
 - d. Class IV Impacts - Beneficial impacts of the project.

F. Review Period

1. When the District proposes to offer a draft EIR for public review, it shall publish a Notice of Completion (NOC) of the Draft EIR and indicate the public comment period.

2. Notice shall be given by posting on the District public bulletin boards (in Bakersfield and Mojave), by publishing a legal notice in a newspaper of general circulation in the project area, and by direct mailings to interested parties. Where applicable, a copy of the NOC and required form and 10 copies of the draft EIR shall be sent to the State Clearinghouse.
3. The notice shall 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 shall be 45 days) in which comments will be received by the District; the date, time and place of the public comment hearing on the EIR; and places where copies of the EIR and documents referenced in the EIR are available for public review.
4. The District may hold a public hearing for a draft EIR. Such hearing shall be held within 30-45 days of 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. Any comments not relating to the project's potential environmental effects and their mitigation are not appropriate, and shall be reserved for the decision making hearing. The preparer of the draft may informally respond to comments at the hearing. Written responses to comments shall be provided in the Final EIR.

G. Findings and Recommendation for Approval

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

recommendation the final EIR be certified.

H. Determination by Environmental Officer that EIR is Inadequate

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

I. Determination by Decision Maker that EIR is Inadequate

If, upon review of the prepared final EIR and the project, the decision maker determines the EIR is inadequate, the EIR shall be appropriately revised unless the decision maker denies the project. Consideration of the project shall be deferred until the EIR is certified by the decision maker consistent with mandatory timelines for action. If the District must act on the project prior to the time a revised EIR could be certified, the applicant may request the project be denied without prejudice. In this case, the applicant may refile pursuant to the applicable District Rules and Regulations.

J. Changes to Findings by Decision Makers

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

ARTICLE VIII - TIME LIMITS

A. Timely Compliance

The District shall carry out its responsibilities for preparing and reviewing environmental documents as expeditiously as possible to avoid unnecessary delays in processing of applications for permits and other instruments for use.

B. Negative Declarations

ND's shall be completed and ready for approval within 105 days from the date the permit application was deemed complete for processing by the District. This period of time may be extended by 15 days should the applicant wish to consult over the Initial Study findings (see Article V.I. Consultation on Initial Study Determinations). As a responsible agency under CEQA, the District shall take action on the permit within three months of approval of the lead agency's ND or 180 days from the application completeness date, whichever is longer.

C. Environmental Impact Reports

EIR's shall be completed and ready for approval within 365 days from the date the permit application was deemed complete for processing, unless an extension of time has been granted by the applicant. Such extensions of time may be related to an Initial Study Consultation as noted in item B, above, or a 90-day extension pursuant to Section 15108 of the State CEQA Guidelines.

As a responsible agency under CEQA, the District shall take action on the permit within six months of the adoption of the lead agency's EIR or 180 days from the date the application was called complete, whichever is longer.

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 District plans and rules.

E. Provisions for Suspension of Processing or Denial

If, in the judgement of the Control Officer, the District is unable to compile and complete an adequate EIR in sufficient time to meet any mandated time frame for EIR certification or for District action on the permit application, the following options are available:

1. The applicant may voluntarily withdraw and resubmit the project application for the purpose of restarting the mandated processing time clock. Resubmittal of the project application may result in additional processing fees, or
2. Denial by the decision maker.

No waiver of time beyond those expressly authorized by state law shall be accepted.

ARTICLE IX - FEES

As authorized under Public Resources Code Section 21089, the District, as a lead agency, may charge and collect a reasonable fee to recover estimated costs incurred in preparing an EIR or Negative Declaration and for procedures necessary to comply with CEQA. Pursuant to KCAPCD Rule 303, Section III., the District is authorized to assess fees for review and preparation of environmental documents required under CEQA or NEPA in which the District is lead agency, responsible agency or trustee agency.

In the event the applicant fails or refuses to pay such fees as are determined to be required, the Control Officer shall deny the project without prejudice pursuant to state CEQA Guidelines

Section 15109 and the governing provisions of Rule 303. In such case, it shall be presumed 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 shall not affect the validity of the remaining portions.

ARTICLE XI - FORMS

KCAPCD shall 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, and
7. CEQA Compliance Checklist for District Permits to be used by District Permit Engineer.

APPENDIX A

KCAPCD LIST OF PROJECTS EXEMPT FROM CEQA

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 exempt from District permits pursuant to KCAPCD Rule 202 are not subject to CEQA review by the District.

Other projects not listed below may be considered exempt from CEQA pursuant to Section 15061(b)(3) of State CEQA Guidelines. No project may be exempt from CEQA, whether or not it is on this list, if substantial evidence is presented showing the project may cause a significant adverse impact on the environment.

Pursuant to CEQA Guidelines Sections 15300.4 and 15303, the following projects shall be considered by KCAPCD to be exempt from CEQA.

Categorical Exemptions:

1. Modifications of existing sources or facilities which do not involve any increases in emissions or physical modifications.
2. Projects to install air pollution control or abatement equipment.
3. Projects undertaken for the sole purpose of bringing an existing facility into compliance with newly adopted regulatory requirements of the District or any other local, state or federal agency.
4. Projects submitted by existing sources or facilities pursuant to a loss of a previously valid exemption from the District's permitting requirements.
5. Projects submitted pursuant to the requirement of an order for abatement issued by the District's Board of Directors or a judicial enforcement order.
6. Projects relating exclusively to repair, maintenance or minor modification of existing facilities, equipment or source involving negligible or no expansion of use beyond that previously existing.

7. Replacement of existing sources or facilities where the replacement source or facility will be located on the same site as the source or facility replaced and will have substantially the same purpose and capacity as the source or facility replaced.
8. Source compliance demonstration period, and extensions thereof.
9. Permits to Operate issued pursuant to KCAPCD Rule 201, and reevaluations thereof.
10. Applications for emission reduction credits filed pursuant to KCAPCD Rule 210.3.
11. Applications for Authority to Construct exempted by KCAPCD Rule 208.2 (Ministerial Permit Review).

Additionally, projects consisting of installation or modification of the following equipment or operations shall be considered by the District to be exempt from CEQA because by complying with KCAPCD's Rules and Regulations they do not have the potential for significant environmental impact (see KCAPCD Rule 208.2):

Specific Exemptions:

Abrasive Blasting - portable and cabinet type

Autobody Shops - car painting/touch-up

Agricultural Products Milling Operations

Asphaltic Concrete Facilities - unless adding crumb rubber to the mix

Bake Ovens

Boilers - gas fired or commercial fuel oil-fired

Bulk Fuel Storage and Transfer Plants

Contaminated Site Remediation for petroleum storage tanks

Degreasers - cold solvent
Degreasers - vapor
Dryers - industrial
Dry Cleaning - perchloroethylene
Dry Cleaning - Stoddard solvent

Farm Service Pesticide Storage and Transfer Operations

Fiberglassing Operations

Fixed-roof tanks connected to a vapor control system that meets or exceeds requirements of KCAPCD Rule 411

Floating roof tanks meeting or exceeding requirements of KCAPCD Rule 411

Fugitive hydrocarbon emitting components (e.g., valves and flanges) where the total number of component leak-paths being added is less than 1500 and which meet or exceed requirements of KCAPCD Rule 414.1

Gas Utility Odorant and Metering Stations

Gas Utility Pressure Regulation Stations

Gas Turbine Engines - natural gas or commercial fuel oil fueled

Gasoline Fueling Stations

Graphic Arts Printing

Hypergolic Fuel Storage and Transfer

Nonmetallic Mineral Processing Facilities

Plastic Bag Manufacturer Operations

Piston Engines - natural gas, gasoline, or diesel fueled

Portable equipment which meets requirements of CH & SC, Section 41753

Process Heaters - gas fired or commercial fuel oil fired

Solvent Usage - General (includes wipe cleaning and blending operations using 1,500 gallons per year or less)

Surface Coating - miscellaneous operations

Surface Coating - graphic arts

Surface Coating - metal container, closure and coil

Surface Coating - miscellaneous metal parts and products

Surface Coating - paper, fabric, and film

Surface Coating - plastic parts and products

Semiconductor Manufacturing Operations

Ready Mix Concrete Facilities

Rocket Engine Flushing

Thermal Oxidizers

Tire Retreading Operations