

**RULE 208.2 Criteria for Finding of No Significant Environmental Impact (California Environmental Quality Act)** - Adopted 4/25/83, Amended 6/1/87, 5/2/96

**I. Purpose of Rule**

This Rule establishes criteria by which a project under review by KCAPCD can be found to have no potential for causing a significant environmental impact, and, thus, be granted a general rule exemption pursuant to Section 15061(b)(3) of the State CEQA Guidelines.

**II. Criteria For Authorities to Construct**

Pursuant to Section 15061(b)(3) of the State CEQA Guidelines, an activity is not subject to CEQA if it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment.

For purposes of determining which proposed projects reviewed by the Air Pollution Control Officer have no potential to cause a significant effect on the environment, a new or modified emissions unit (as defined in Rule 210.1, Subsection II.L.) at a facility shall be found to have no potential for causing a significant effect on the environment if the new or modified emissions unit meets all of the following requirements:

- A. All answers to the KCAPCD "Environmental Information Form and Initial Study Evaluation" (see Appendix A) are "No";
- B. The proposed new or modified emissions unit will comply with all applicable requirements and limits established in Regulation IV of the Kern County Air Pollution Control District Rules and Regulations, and all provisions of state and federal law and regulations which the Kern County Air Pollution Control District has authority to enforce;
- C. Expected emissions from the proposed new or modified emissions unit are calculated using:
  - 1. Standardized emission factors from published CARB or U.S. EPA sources;
  - 2. Source tests for the same or similar facilities conducted in accordance with CARB or U.S. EPA test methods;
  - 3. Recognized formulas from published engineering and scientific handbooks, material safety data sheets, or other similar published literature;
  - 4. Manufacturer's guarantees; and/or
  - 5. Other fixed standards;
- D. Best Available Control Technology (BACT) as required by Rule 210.1, Subsection III.A., is proposed and BACT is established based on:
  - 1. The latest edition of the CARB/U.S. EPA BACT/LAER Clearinghouse;

2. The District's own compilations of BACT for specific types of sources; or
  3. A more stringent BACT proposed by the project proponent;
- E. Any emission reduction offsets required by Rule 210.1, Subsection III.B., are provided solely from emissions units within the facility at which the new or modified emissions unit is proposed to be constructed and the emission reductions from those units can be determined from source tests, production data, or other existing District records;
- F. Any increase in the quantity or type of toxic air contaminants emitted from the facility is shown by a risk assessment prepared in accordance with current Cal-EPA guidelines to have increased cancer risk at any receptor outside the facility perimeter less than one in one million ( $1 \times 10^{-6}$ ) and total hazard index at any receptor outside the facility perimeter less than 0.2; and
- G. The proposed project will not have a significant impact due to cumulative effects of successive projects of the same type at the same location.

### **III. Criteria for Permits to Operate**

The issuance of the initial or renewal Permit to Operate for a new or modified emissions unit shall be found to have no potential for causing a significant effect on the environment if the source will meet all conditions imposed by any and all Authority to Construct permits associated with such emissions unit and all applicable laws, rules, and regulations enforced by the District.

### **IV. Exempt Projects**

General project types found by the APCO to be exempt from CEQA, based on Section II. of this Rule, shall be listed in Appendix A of KCAPCD's Board-adopted CEQA Guidelines.

**APPENDIX A**

**KERN COUNTY AIR POLLUTION CONTROL DISTRICT  
ENVIRONMENTAL INFORMATION FORM AND INITIAL STUDY EVALUATION**

APPLICANT: \_\_\_\_\_

CONTACT: \_\_\_\_\_

TITLE: \_\_\_\_\_ PHONE: \_\_\_\_\_

PROJECT DESCRIPTION: \_\_\_\_\_

<u>ENVIRONMENTAL INFORMATION</u>	<u>YES</u>	<u>NO</u>	<u>MAYBE</u>
Will the proposed project with regard to the proposed location:	[ ]	[ ]	[ ]
a. Conflict with the adopted environmental plans and goals of the community?	[ ]	[ ]	[ ]
b. Have a substantial, demonstrable negative aesthetic effect?	[ ]	[ ]	[ ]
c. Substantially affect a rare or endangered species of animal or plant or the habitat of the species?	[ ]	[ ]	[ ]
d. Interfere substantially with the movement of any resident or migratory fish or wildlife species?	[ ]	[ ]	[ ]
e. Substantially diminish habitat for fish, wildlife or plants?	[ ]	[ ]	[ ]
f. Breach published national, state, or local standards relating to solid waste or litter control?	[ ]	[ ]	[ ]
g. Substantially degrade water quality or contaminate a public water supply?	[ ]	[ ]	[ ]
h. Substantially degrade or deplete ground water resources or interfere substantially with ground water recharge?	[ ]	[ ]	[ ]
i. Disrupt or adversely affect a prehistoric or historic archeological site or a property of historic or cultural significance to a community or ethnic or social group; or a paleontological site except as part of scientific study?	[ ]	[ ]	[ ]
j. Induce substantial growth or concentration of population?	[ ]	[ ]	[ ]
k. Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system?	[ ]	[ ]	[ ]
l. Displace a substantial number of people?	[ ]	[ ]	[ ]

- |   |                          |                          |                          |
|---|--------------------------|--------------------------|--------------------------|
| m. Encourage activities which result in the use of large amounts of fuel, water or energy?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| n. Use fuel, water or energy inefficiently?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| o. Increase substantially the ambient noise level for adjoining areas?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| p. Cause substantial flooding, erosion or siltation?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| q. Expose people or structures to major geologic hazards?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| r. Extend a sewer trunk line with capacity to serve new development?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| s. Disrupt or divide the physical arrangement of an established community?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| t. Create a potential public health hazard or involve the use, production, or disposal of materials which pose a hazard to people or animal or plant populations in the area affected?          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| u. Conflict with established recreational, educational, religious or scientific uses?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| v. Convert prime agricultural land to non-agricultural use or impair the agricultural productivity of prime agricultural land?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| w. Interfere with emergency response or evacuation plans?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| x. Violate any ambient air quality standard, contribute substantially to an existing or projected air quality violation, or expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

NOTE: Please attach any pertinent explanatory information.

**CERTIFICATION:**

*I hereby certify the statement furnished above and in attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.*

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_