



Notice of Determination

To: **Office of Planning and Research**
County:
Address: P.O. Box 3044
 Sacramento, CA 95812-3044
Phone: (916) 445-0613

From: **San Joaquin Valley Unified Air Pollution Control District** **Lead Agency (if different from sender)**

Address: 1990 E. Gettysburg Ave.
 Fresno, CA 93726-0244
Contact: Mark Montelongo
Phone: (559) 230-6000

SUBJECT: **Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.**

State Clearinghouse Number: (if submitted to State Clearinghouse): n/a

Project Title: Amendments to Rule 3170 (Federally Mandated Ozone Non-Attainment Fee)

Project Location: The proposed amendments apply to any major source of Oxides of Nitrogen (NOx) or Volatile Organic Compounds (VOC) located within the San Joaquin Valley Air Basin (SJVAB) including: Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare. The fees required pursuant to this section shall be in addition to the permit fees and other fees required under other Rules and Regulations. This rule shall cease to be effective when the San Joaquin Valley Air Basin (SJVAB) has achieved attainment of the revoked federal one-hour standard for ozone.

Project Description: The purpose of this project is amending Rule 3170 (Federally Mandated Ozone Non-Attainment Fee), section 185 of the federal Clean Air Act (CAA). Amendments mandate that "Severe" and "Extreme" ozone nonattainment areas adopt a rule that requires major stationary sources of air pollution to pay nonattainment fees in the event the area fails to reach attainment by the required attainment date.

This is to advise that the San Joaquin Valley Unified Air Pollution Control District, acting as a Lead Agency approved the above described project and has made the following determinations regarding the above described project:

1. The project [will will not] have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [were were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [was was not] adopted for this project.
5. A statement of Overriding Considerations [was was not] adopted for this project.
6. Findings [were were not] made pursuant to the provisions of CEQA.

This is to certify that the District's Findings, Final EIR, or Negative Declaration, and record of project approval, is available to the General Public at: San Joaquin Valley APCD, 1990 E. Gettysburg Street, Fresno, CA

Signature (Public Agency): Title: Director of Permit Services

MAY 19 2011

Date: _____