

# Appendix A

## Procedures For Environmental Impact Review

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### TABLE OF CONTENTS

- A. AUTHORITY OF THE AIR POLLUTION CONTROL OFFICER
- B. DETERMINATIONS OF THE AIR POLLUTION CONTROL OFFICER
- C. NEGATIVE DECLARATION OR ENVIRONMENTAL IMPACT REPORT – AIR POLLUTION CONTROL OFFICER’S RESPONSIBILITY
- D. CONSULTATION REGARDING ENVIRONMENTAL IMPACT REPORT
- E. MAINTENANCE OF NOTIFICATION LIST
- F. CONSIDERATION OF NEGATIVE DECLARATION OR ENVIRONMENTAL IMPACT REPORTS
- G. CONSIDERATION OF NEGATIVE DECLARATION
- H. NEGATIVE DECLARATION FURTHER ACTION
- I. REVOCATION EVALUATION OF PROPOSED ENVIRONMENTAL IMPACT REPORTS AND COMMENTS
- J. PRESENTATION OF ENVIRONMENTAL IMPACT REPORTS
- K. ENVIRONMENTAL IMPACT REPORTS – FURTHER ACTION
- L. AIR POLLUTION CONTROL OFFICER’S DECISION ON PROJECT

## APPENDIX A

### PROCEDURES FOR ENVIRONMENTAL IMPACT REVIEW

**A. AUTHORITY OF THE AIR POLLUTION CONTROL OFFICER:** The Air Pollution Control Officer (APCO) shall have the authority in accordance with standards delineated by the regulations adopted by the California Resources Agency establishing guidelines for implementing the California Environmental Quality Act of 1970 (division 6, Title 14, California Administrative Code), to make the following determination:

1. Whether or not an action is a project.
2. Whether or not an action is a project or a portion of a project for which another public agency has already acted as the lead agency.
3. Whether or not a project is categorically exempt.
4. Whether or not a project is ministerial.
5. Whether or not it can be seen with certainty that a project will not have a significant effect upon the environment.
6. Whether or not a project may have a significant effect on the environment.
7. Whether or not an agency other than the District is to be the lead agency.

These determinations are subject to review and revision upon motion made by the District Governing Board.

**B. DETERMINATIONS OF THE AIR POLLUTION CONTROL OFFICER:** If the APCO determines that (1) the application is for a project or a portion of a project for which another public agency has already acted as the lead agency in compliance with CEQA (2) the project is categorically exempt, (3) the project is ministerial or (4) it can be seen with certainty that the project will not have a significant effect on the environment, then neither a negative declaration nor an environmental impact report will be required. If 1, 2 and 3 above are not applicable and the APCO determines that a project may have a significant effect upon the environment and that the District is the lead agency, then an environmental impact report for the project will be required; provided, however, that only a negative declaration will be required for the project if the APCO determines that the project does not require an environmental impact report due to the circumstances peculiar to the specific project. If the APCO determines that another public agency should act as lead agency and 1, 2 and 3 above are not applicable the matter shall be referred to the lead agency for compliance with CEQA.

The APCO's determination will be set forth in a written statement which shall be furnished to the applicant. A copy of said statement shall be affixed to any permit granted or denied.

**C. NEGATIVE DECLARATION OR ENVIRONMENTAL IMPACT REPORT – AIR POLLUTION CONTROL OFFICER’S RESPONSIBILITY:** After making his determination regarding the requirements for preparation of a negative declaration or an environmental impact report, the APCO shall:

1. Recommend that an agency other than the District be the lead agency; or
2. Prepare a negative declaration and file it with the Clerk of the County in which the project is proposed to be located; or
3. Prepare an environmental impact report; or
4. Obtain authorization from the Board of Directors to engage the services of an outside consultant for the purposes of preparing an environmental impact report.

If the District acts as the lead agency, after a draft environmental impact is completed, the APCO shall file a notice of completion with the Secretary of the Resources Agency

**D. CONSULTATION REGARDING ENVIRONMENTAL IMPACT REPORT:** After completing the draft environmental impact report, the APCO shall consult with and obtain the comments of any public agency which has jurisdiction by law with respect to the project. The APCO may consult with any person with expertise with respect to the environmental impact involved.

**E. MAINTENANCE OF NOTIFICATION LIST:** The APCO shall maintain a special notice list containing the names and addresses of all persons requesting special notice of either (1) the filing of a negative declaration with the County Clerk, or (2) the filing of a notice of completion of an environmental impact report with the Secretary of the Resources Agency. Each person requesting special notice shall:

1. Make written request for special notice to the APCO. Payment of the fees for special notice shall be made directly to the APCO. Upon payment of the required fee the APCO shall include the applicant’s name on the special notice list.
2. Pay an annual fee as determined by the Governing Board to cover costs.
3. Request for special notice shall be renewed annually on or before the first day of July, and the renewal fee shall be paid to the District at the time the request for special notice is renewed.
4. Neither the failure to give special notice when required by these procedures nor the failure to publish notice in the proper manner when required by these procedures shall affect in any way the validity, legality, approval or disapproval of a project.

In situations where either special notice or published notice or both is required by these procedures, the failure to give such notice shall be treated as if such notice had been given.

- F. CONSIDERATION OF NEGATIVE DECLARATION OR ENVIRONMENTAL IMPACT REPORTS:** After giving the notice required, the APCO shall set a time, date and place for consideration of the negative declaration or draft environmental impact report and any comments made thereon. The APCO shall give notice of that time, date and place when he will be available to receive comments from members of the public regarding the proposed negative declaration or environmental impact report. The APCO shall send such notice of time and place of consideration to all persons who have requested special notice, to the Resource Agency of the State of California, the Environmental Protection Agency and the California Air Resources Board. Any interested person may review the negative declaration or draft environmental impact report and may make written comments to be sent to the APCO and be made a part of the consideration of the APCO at the time and place specified above.
- G. CONSIDERATION OF NEGATIVE DECLARATION:** Negative declaration, together with any written comments thereon, shall be transmitted to the APCO prior to the date set for his consideration. The APCO shall consider the negative declaration and comments, if any, and either adopt or reject the negative declaration prior to deciding to approve or disapprove the project. If the APCO decides to adopt the negative declaration, then the APCO shall proceed to approve or disapprove the project.
- H. NEGATIVE DECLARATION – FURTHER ACTION:** The APCO shall file a copy of the negative declaration and notice of determination with the Clerk of the County in which the project would be located. After the determination by the APCO to approve the project, the determination shall become final.
- I. EVALUATION OF PROPOSED ENVIRONMENTAL IMPACT REPORTS AND COMMENTS:** After the period for considering comments on a draft environmental impact report has expired, the APCO (or consultant, if any) shall prepare a final environmental impact report.
- J. PRESENTATION OF ENVIRONMENTAL IMPACT REPORTS:** The APCO shall complete the final environmental impact report or shall receive from the consultant the final environmental impact report prior to this approval or disapproval of the project. The APCO shall formally adopt the final environmental impact report and consider its contents before he makes his decision on a project.
- K. ENVIRONMENTAL IMPACT REPORTS – FURTHER ACTION:** The APCO shall file a notice of determination with the Clerk or the County in which the project is located. Such notice shall include:
1. Whether an environmental impact report has been prepared pursuant to the provisions of CEQA and the APCO's approval or disapproval of the report.
  2. The APCO's approval or disapproval of the project: and
  3. The determination of the APCO of whether the project will or will not have a significant effect upon the environment.

- L. AIR POLLUTION CONTROL OFFICER'S DECISION ON PROJECT:** Before making a decision on the application, the APCO shall consider the negative declaration or environmental impact report prepared pursuant to this procedure. If the application is for a project or portion of a project for which another public agency has acted as the lead agency, the APCO shall consider the lead agency's environmental impact report or negative declaration and shall certify that he has reviewed and considered the information contained in them before acting upon or approving the project. In considering any environmental impact report or negative declaration, the APCO shall consider all written and oral comments made in reference to such report or declaration.

After complying with all of the requirements of this procedure, the APCO shall make his determination on the application for an Authority to Construct or Permit to Operate in accordance with the Rules and Regulations of the District