

# Notice of Exemption

## Appendix E

**To:** Office of Planning and Research  
P.O. Box 3044, Room 113  
Sacramento, CA 95812-3044

County Clerk

County of: Monterey

168 West Alisal Street, 1st Floor

Salinas, CA 93901

**From:** (Public Agency): Monterey Bay Air Resources District  
24580 Silver Cloud Court  
Monterey, CA 93940

(Address)

Project Title: Revisions to Rule 218 Title V: Federal Operating Permits

Project Applicant: Monterey Bay Air Resources District

Project Location - Specific:

**Monterey, San Benito, and Santa Cruz Counties**

Project Location - City: \_\_\_\_\_ Project Location - County: Monterey, San Benito, and Santa Cruz

Description of Nature, Purpose and Beneficiaries of Project:

The Rule 218 revisions are administrative in nature and comply with the US Environmental Protection Agency's final rule revisions to the Title V program under the Clean Air Act regarding the emergency affirmative defense provisions and the greenhouse gas emissions major source applicability threshold.

Name of Public Agency Approving Project: Monterey Bay Air Resources District

Name of Person or Agency Carrying Out Project: Monterey Bay Air Resources District

Exempt Status: **(check one):**

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: 15308, Class 8
- Statutory Exemptions. State code number: \_\_\_\_\_

Reasons why project is exempt:

The proposed revisions to Rule 218 is an action taken by a regulatory agency, MBARD, as authorized by state law to assure the maintenance, restoration, enhancement, or protection of air quality within MBARD's jurisdiction where the regulatory process involves procedures for protection of air quality. The rule revisions will remove the emergency affirmative defense provisions, as promulgated by EPA on July 12, 2023, align with the Supreme Court's 2014 ruling that greenhouses gases (GHG) may not be treated as an air pollutant for purposes of determining whether a source is a major source required to obtain a Title V permit, and allow for the posting of a public notice on MBARD's public website as an option to meet public notifications requirements. No construction activities or relaxation of standards are included in the rule revisions.

Lead Agency

Contact Person: Amy Clymo Area Code/Telephone/Extension: (831)718-8013

**If filed by applicant:**

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: Amy Clymo Date: 08/26/2024 Title: Engineering and Compliance Manager

▪ Signed by Lead Agency      Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.  
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: \_\_\_\_\_