

FILED

2019 JUN 27 AM 8:08

STANISLAUS CO. CLERK-RECORDER

**NOTICE OF EXEMPTION**

**Date:** June 20, 2019

**Adam Loera**

**From/Lead Agency/Applicant:** San Joaquin Valley Unified Air Pollution Control District  
1990 East Gettysburg Avenue  
Fresno, CA 93726  
559-230-6000

**To:** County Clerk/Recorder  
County of Stanislaus  
1021 "I" Street, Suite 101  
Modesto, CA 95354

**Project Title:** San Joaquin Valley Unified Air Pollution Control District (District):  
Proposed Amendments to Rule 4901- (Wood Burning Fireplaces and Wood Burning Heaters)

**Project Location - Specific:** Not Applicable

**Project Location - City:** All cities within the San Joaquin Valley Air Basin (SJVAB)

**Project Location - County:** All counties in the San Joaquin Valley Air Basin (SJVAB): Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare.

**Description of Project:** This is a rule development project to amend existing District Rule 4901 (Wood Burning Fireplaces and Wood Burning Heaters) to strengthen and enhance the current rule requirements to meet the commitments made in the 2018 PM2.5 Plan that will achieve further emission reductions where they are needed most to protect public health and help the Valley attain federally mandated air quality standards. The rule amendments include new visible emission limitations, new requirement for significant remodels of a fireplace or chimney that requires the removal of open-hearth fireplaces, only allowing seasoned wood to be burned, enhanced compliance during transfers of residential real property, further restrictions on installations of new wood burning devices, and more stringent wood burning curtailment thresholds for the counties of Madera, Fresno, and Kern.

**Name of Public Agency Approving Project:** San Joaquin Valley Unified APCD

**Name of Person or Agency Carrying Out Project:** San Joaquin Valley Unified APCD

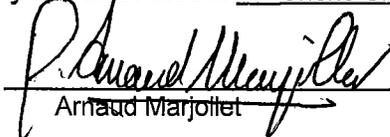
**Exempt Status: (Check one)**

- Ministerial: §21080(b)(1); 15268
- Declared Emergency: §21080(b)(3); 15269(a)
- Emergency Project: §21080(b)(4); 15269(b)(c)
- Categorical Exemption: Section 15308
- Statutory Exemptions:
- Common Sense Exemption: Section 15061(b)(3)

**Reasons Why Project is Exempt:** Based on the District's investigation, substantial evidence supports the District's conclusion that the amendments will not cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment, and as such is not a "project" as that term is defined under the California Environmental Quality Act (CEQA) Guidelines § 15378. In addition, substantial evidence supports the District's conclusion that assuming the amendment is a "project" under CEQA, it will not have any significant adverse effects on the environment. The Project is exempt as authorized by state law for a regulatory agency to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment per CEQA Guidelines §15308 as well as the common sense rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment (CEQA Guidelines §15061 (b)(3)).

**Lead Agency Contact Person:** Cherie Clark

**Area Code/Telephone:** (559) 230-6000

**Signature:**   
Arnaud Marjoillet

**Date:** JUN 20 2019

**Title:** Director of Permit Services

**Date received for filing by OPR:** \_\_\_\_\_

**Date removed from posting** 8/5/19