

RESOLUTION NO. AQM _____

RULE 214 – FEDERAL NEW SOURCE REVIEW

**THE BOARD OF DIRECTORS
OF THE SACRAMENTO METROPOLITAN AIR QUALITY
MANAGEMENT DISTRICT**

WHEREAS, the Board of Directors of the Sacramento Metropolitan Air Quality Management District is authorized to adopt, amend or repeal rules and regulations by sections 40001, 40702, 40920, 41010, and 42300 of the California Health and Safety Code (Health and Safety Code Section 40727(b)(2)); and

WHEREAS, the Board of Directors of the Sacramento Metropolitan Air Quality Management District has determined that amendment of Rule 214 is needed to correct the deficiencies identified in U.S. Environmental Protection Agency's (EPA's) technical support document, allowing full EPA approval of the District's New Source Review program pursuant to Title 40 Code of Federal Regulations Part 51 (Health and Safety Code Section 40727(b)(1)); and

WHEREAS, the Board of Directors of the Sacramento Metropolitan Air Quality Management District has determined that Rule 214 implements and makes specific the federal New Source Review requirements for "severe" nonattainment areas for the federal 8-hour ozone standard and nonattainment areas for the federal PM2.5 standard, as required by the federal Clean Air Act (42 U.S.C. 7410(a)(2)(C), 7410(l), 7515, 7502(c)(5), 7503, and 7511a(d)(2)), 75 FR 24409 (May 5, 2010), and Title 40 Code of Federal Regulations Part 51, and the Protect California Air Act of 2003 (Health and Safety Code Section 40727(b)(6)); and

WHEREAS, the Board of Directors of the Sacramento Metropolitan Air Quality Management District has determined that the rule duplicates federal regulations for permitting programs (40 CFR 51.165) and that the duplicative requirements are necessary in order to execute the duties imposed upon the District (Health and Safety Code Section 40727(b)(5)); and

WHEREAS, the Board of Directors of the Sacramento Metropolitan Air Quality Management District has determined a written analysis is not required because the proposed amendments to Rule 214 do not establish emissions limitations (Health and Safety Code Section 40727.2); and

WHEREAS, the Board of Directors of the Sacramento Metropolitan Air Quality Management District has determined that the meaning of Rule 214 can be easily understood by the persons affected by it (Health and Safety Code Section 40727(b)(3)); and

WHEREAS, the Board of Directors of the Sacramento Metropolitan Air Quality Management District has determined that Rule 214 is in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, or state or federal regulations (Health and Safety Code Section 40727(b)(4)); and

WHEREAS, the Board of Directors of the Sacramento Metropolitan Air Quality Management District has maintained records of the rulemaking proceedings (Health and Safety Code Section 40728); and

Board Resolution
Rule 214, Federal New Source Review
August 23, 2012, Page 2

WHEREAS, the Board of Directors of the Sacramento Metropolitan Air Quality Management District held a duly noticed public hearing on August 23, 2012 and considered public comments on the proposed rule (Health and Safety Code Sections 40725 and 40726); and

WHEREAS, the Board of Directors of the Sacramento Metropolitan Air Quality Management District has determined that the amendment of Rule 214 will not affect air quality or emission limitations and, therefore, a socioeconomic impact analysis is not required (Health and Safety Code Section 40728.5); and

WHEREAS, the California Environmental Quality Act (CEQA), under Section 15060(c)(2) of the State CEQA Guidelines, exempts activities that will not result in a direct or reasonably foreseeable indirect physical change in the environment.

NOW, THEREFORE, BE IT RESOLVED THAT the amendment of Rule 214 is exempt from the provisions of CEQA; and

BE IT FURTHER RESOLVED THAT the Board of Directors of the Sacramento Metropolitan Air Quality Management District approves and adopts the proposed amendment of Rule 214 – FEDERAL NEW SOURCE REVIEW; and

000014

Board Resolution
Rule 214, Federal New Source Review
August 23, 2012, Page 3

BE IT ORDERED that the amendments to Rule 214 – FEDERAL NEW SOURCE REVIEW be effective August 23, 2012; and

BE IT FURTHER ORDERED that Rule 214 – FEDERAL NEW SOURCE REVIEW be submitted as a revision to the State Implementation Plan.

ON A MOTION by Director _____, seconded by Director _____, the foregoing Resolution was passed and adopted by the Board of Directors of the Sacramento Metropolitan Air Quality Management District, State of California, this 23rd day of August, 2012, by the following vote, to wit:

AYES: Directors

NOES: Directors

ABSENT: Directors

Chair of the Board
Sacramento Metropolitan Air
Quality Management District

(SEAL)

ATTEST: _____

Clerk of the Board
Sacramento Metropolitan Air Quality Management District

000015