

RESOLUTION NO. AQM _____

RULE 904 – AIR TOXICS CONTROL MEASURES

**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 39666(d), 40702, and 41010 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 the amendment of Rule 904 – AIR TOXICS CONTROL MEASURES of the District Rules and Regulations is necessary to incorporate changes made by the California Air Resources Board and to implement and enforce the state Airborne Toxic Control Measures for non-vehicular sources as required by Section 39666(d) of the California Health and Safety Code (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 the meaning of amended Rule 904 can be easily understood by the persons directly 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 the rule amendments are 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 determined that although the rule amendments duplicate state regulations, they are necessary and proper to allow the District to execute its duty to implement and enforce the state Airborne Toxic Control Measures for non-vehicular sources (Health and Safety Code Section 40727(b)(5)); and

WHEREAS, the Board of Directors of the Sacramento Metropolitan Air Quality Management District has determined that amended Rule 904 makes specific the District's powers and duties under Section 39666(d) of the California Health and Safety Code (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 amended Rule 904 is a verbatim incorporation by reference of the state Airborne Toxic Control Measures and may be exempted by Section 40727.2(g) of the California Health and Safety Code from the written analysis requirements imposed by Section 40727.2(a)-(f) (Health and Safety Code Section 40727.2); and

WHEREAS, the Board of Directors of the Sacramento Metropolitan Air Quality Management District has determined that because amended Rule 904 is a verbatim adoption of state Airborne Toxic Control Measures it may be exempted, under Section 40728.5(e) of the

California Health and Safety Code, from the requirement to perform a socioeconomic impact analysis (Health and Safety Code Section 40728.5); and

WHEREAS, the Board of Directors of the Sacramento Metropolitan Air Quality Management District held a duly noticed public hearing on March 27, 2008, and considered public comment on the proposed amendment of Rule 904 (Health and Safety Code Sections 40725 and 40726); 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

WHEREAS, the California Environmental Quality Act (CEQA) under Section 15268 of the State CEQA Guidelines exempts projects that are ministerial actions.

NOW, THEREFORE, BE IT RESOLVED THAT this rule project is a ministerial action and, therefore, is exempt from CEQA; and

BE IT FURTHER RESOLVED THAT this rule is exempt from the provisions of Health and Safety Code Section 40727.2(a)-(f) and 40728.5(b)(2) and (b)(4); and

BE IT FURTHER RESOLVED THAT THIS BOARD approves and adopts the proposed amendments to Rule 904 – AIR TOXICS CONTROL MEASURES.

BE IT ORDERED that the amendments to Rule 904 – AIR TOXICS CONTROL MEASURES be effective as of May 26, 2011.

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 26th day of May, 2011, by the following vote, to wit:

AYES: Directors

NOES: Directors

ABSENT: Directors

Chairperson of the Board
Sacramento Metropolitan Air Quality Management District
State of California

(SEAL)

ATTEST: _____
Clerk of the Board
Sacramento Metropolitan Air Quality Management District