

Attachment A
Board Resolution

RESOLUTION NO. AQM _____

Rule 902 – ASBESTOS

**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 amend Rule 902 – ASBESTOS by Sections 39659, 39666(d), 40001, 40702, 41010 and 41013 of the California Health and Safety Code (Health and Safety Code Section 40727(b)(2)); and

WHEREAS, the Sacramento Metropolitan Air Quality Management District has been delegated (at 40 CFR 61.04 (c)(9)(ii)(F)) by the U.S. Environmental Protection Agency the authority to implement and enforce the federal Asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP, 40 CFR Part 61 Subpart M); and

WHEREAS, the Sacramento Metropolitan Air Quality Management District is required by Sections 39658(b)(1) and 39666(d) of the California Health and Safety Code to implement and enforce the federal Asbestos NESHAP as a state Airborne Toxic Control Measure; and

WHEREAS, Rule 902 – ASBESTOS is the rule by which the Sacramento Metropolitan Air Quality Management District implements and enforces the federal Asbestos NESHAP (40 CFR Part 61, Subpart M); and

WHEREAS, the Board of Directors of the Sacramento Metropolitan Air Quality Management District has determined that a need exists to amend Rule 902, Section 404.1(c) to facilitate compliance and enforcement by ensuring that the District is notified before a renovation or demolition project is completed (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 Rule 902, Section 404.1(c) 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 the rule 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 determined that Rule 902 duplicates provisions in federal regulations for asbestos (40 CFR Part 61, Subpart M) and that the duplicative requirements are necessary in order to execute the powers and duties granted to, and imposed upon the District (Health and Safety Code Section 40727(b)(5)); and

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WHEREAS, the Board of Directors of the Sacramento Metropolitan Air Quality Management District has determined that Rule 902 implements federal Clean Air Act Section 112 (42 U.S.C Section 7412, Hazardous Air Pollutants), and California Health and Safety Code Sections 39656, 39659 and 39666 (Health and Safety Code Section 40727(b)(6)); and

WHEREAS, the Board of Directors of the Sacramento Metropolitan Air Quality Management District has considered a written analysis prepared by Staff (Health and Safety Code Section 40727.2); 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 Board of Directors of the Sacramento Metropolitan Air Quality Management District held a duly noticed public hearing on January 22, 2015 which was continued to February 26, 2015 and considered public comments on the proposed amendments to Rule 902, Section 404.1(c) (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 a socioeconomic impact analysis is not required because the proposed amendments will not significantly affect air quality or emission limitations (Health and Safety Code Section 40728.5); and

WHEREAS, the Board of Directors of the Sacramento Metropolitan Air Quality Management District has determined that the amendment of Rule 902, Section 404.1(c) is exempt from the California Environmental Quality Act (CEQA) under Section 15308 of the State CEQA Guidelines, as an action by a regulatory agency for the protection of the environment and under Section 15061(b)(3) of the State CEQA Guidelines, as an action that can be seen with certainty that there is no possibility the action may have a significant adverse effect on the environment.

NOW, THEREFORE, BE IT RESOLVED THAT the amendment of Rule 902, Section 404.1(c) is exempt from CEQA; and

BE IT FURTHER RESOLVED THAT the Board of Directors of the Sacramento Metropolitan Air Quality Management District approves and adopts the amendments to Rule 902, ASBESTOS – Section 404.1(c).

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BE IT ORDERED that the amendment of Rule 902, Section 404.1(c) be effective as of February 26, 2015.

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 February, 2015, by the following vote, to wit:

AYES: Directors

NOES: Directors

ABSENT: Directors

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

(SEAL)

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