RESOLUTION NO. AQM __________

Rule 448 – GASOLINE TRANSFER INTO STATIONARY STORAGE CONTAINERS

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, 40716, 41010, and 41013 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 a need exists to amend Rule 448 – GASOLINE TRANSFER INTO STATIONARY STORAGE CONTAINERS to meet the “all feasible measures” requirement of Section 40914(b)(2) of the California Health and Safety Code and to maintain consistency with state regulations (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 448 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 448 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 448 imposes some of the same requirements as existing state regulations, but this duplication is necessary and proper to execute the powers and duties granted to and 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 that Rule 448 implements Title 17, California Code of Regulations Section 70600 (Transport Mitigation), and Health and Safety Code Sections 40919(a)(3) (Best Available Retrofit Control Technology) and 40914(b)(2) (All Feasible Measures) (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 February 26, 2009 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 considered the socioeconomic impacts of the rule (Health and Safety Code Section 40728.5); and

WHEREAS, the California Environmental Quality Act (CEQA) under Section 15308 of the State CEQA Guidelines, exempts actions by a regulatory agency for the protection of the environment; and Section 15061(b)(3) of the State CEQA Guidelines exempts actions that can be seen with certainty that there is no possibility that such actions may have a significant adverse effect on the environment.

NOW, THEREFORE, BE IT RESOLVED THAT the amendment of Rule 448 is exempt from the California Environmental Quality Act (CEQA); and

BE IT FURTHER RESOLVED THAT the Board of Directors of the Sacramento Metropolitan Air Quality Management District approves and adopts the amendment of Rule 448 – GASOLINE TRANSFER INTO STATIONARY STORAGE CONTAINERS; and

BE IT ORDERED that the amendment of Rule 448 be effective as of February 26, 2009.

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, 2009, 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
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, 40716, 41010, and 41013 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 a need exists to amend Rule 449 – TRANSFER OF GASOLINE INTO VEHICLE FUEL TANKS to meet the “all feasible measures” requirement of Section 40914(b)(2) of the California Health and Safety Code and to maintain consistency with state regulations (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 449 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 449 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 449 imposes some of the same requirements as existing state regulations, but this duplication is necessary and proper to execute the powers and duties granted to and 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 that Rule 449 implements Title 17, California Code of Regulations Section 70600 (Transport Mitigation), and Health and Safety Code Sections 40919(a)(3) (Best Available Retrofit Control Technology) and 40914(b)(2) (All Feasible Measures) (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 February 26, 2009 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 considered the socioeconomic impacts of the rule (Health and Safety Code Section 40728.5); and

WHEREAS, the California Environmental Quality Act (CEQA) under Section 15308 of the State CEQA Guidelines, exempts actions by a regulatory agency for the protection of the environment; and Section 15061(b)(3) of the State CEQA Guidelines exempts actions that can be seen with certainty that there is no possibility that such actions may have a significant adverse effect on the environment.

NOW, THEREFORE, BE IT RESOLVED THAT the amendment of Rule 449 is exempt from the California Environmental Quality Act (CEQA); and

BE IT FURTHER RESOLVED THAT the Board of Directors of the Sacramento Metropolitan Air Quality Management District approves and adopts the amendment of Rule 449 – TRANSFER OF GASOLINE INTO VEHICLE FUEL TANKS; and

BE IT ORDERED that the amendment of Rule 449 be effective as of February 26, 2009.

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, 2009, 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