

RESOLUTION NO. 2018 – XXXX

Adopted by the Sacramento Metropolitan Air Quality Management District

RULE 801 – NEW SOURCE PERFORMANCE STANDARDS**BACKGROUND:**

- A. The Board of Directors of the Sacramento Metropolitan Air Quality Management District (Board) is authorized to adopt, amend or repeal rules and regulations by Sections 40001, 40702, and 41010 of the California Health and Safety Code (HSC) [HSC Section 40727(b)(2)].
- B. The Board has determined that the amendment of Rule 801 – NEW SOURCE PERFORMANCE STANDARDS of the District Rules and Regulations is necessary to incorporate changes made by the U.S. Environmental Protection Agency and to streamline execution of the authority delegated to the District under Section 111(c) of the federal Clean Air Act [HSC Section 40727(b)(1)].
- C. The Board has determined that the meaning of Rule 801 can be easily understood by the persons directly affected by it [HSC Section 40727(b)(3)].
- D. The Board has determined that Rule 801 is in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, or state or federal regulations [HSC Section 40727(b)(4)].
- E. The Board has determined that although Rule 801 duplicates federal regulations, its amendment is necessary and proper to allow the District to retain its delegated authority to implement and enforce the federal program [HSC Section 40727(b)(5)].
- F. The Board has determined that Rule 801 implements Section 111(c) of the federal Clean Air Act, which authorizes adoption of the New Source Performance Standards program by states and local districts [HSC Section 40727(b)(6)].
- G. The Board has determined that Rule 801 is a verbatim incorporation by reference of federal New Source Performance Standards and may be exempted, under HSC Section 40727.2(g), from the written analysis requirements imposed by Sections 40727.2(a)-(f) [HSC Section 40727.2].
- H. The Board has determined that because Rule 801 is a verbatim incorporation by reference of federal requirements, it may be exempted, under HSC Section 40728.5(e), from the requirement to perform a socioeconomic impact analysis [HSC Section 40728.5].
- I. The Board held a duly noticed public hearing on May 24, 2018, and considered any public comments on the proposed amendment of Rule 801 [HSC Sections 40725 and 40726].
- J. The Board has maintained records of the rulemaking proceedings [HSC Section 40728].
- K. The Board evaluated the amendment of Rule 801 to determine whether it is exempt from the California Environmental Quality Act (CEQA) as a ministerial action under Section 15268 of the State CEQA Guidelines.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE BOARD OF DIRECTORS RESOLVES AS FOLLOWS:

- Section 1. The amendment of Rule 801 is exempt from CEQA.
- Section 2. Rule 801 – NEW SOURCE PERFORMANCE STANDARDS as amended, attached as Exhibit A, is approved and adopted.
- Section 3. Rule 801 is effective as of May 24, 2018.
- Section 4. Exhibit A is attached to and incorporated into this Resolution.

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 on May 24, 2018, by the following vote:

Ayes:

Noes:

Abstain:

Absent:

ATTEST:

Clerk, Board of Directors
Sacramento Metropolitan Air Quality Management District