

RESOLUTION NO. 2021 – XXXX

Adopted by the Sacramento Metropolitan Air Quality Management District Board of Directors

NONATTAINMENT NEW SOURCE REVIEW CERTIFICATION FOR THE 2015 OZONE NAAQS

BACKGROUND:

- A. The Sacramento Metropolitan Air Quality Management District is within an area designated as nonattainment for the 2015 primary National Ambient Air Quality Standard (NAAQS) for ozone with a classification of “moderate” (83 FR 25776, June 4, 2018).
- B. The U.S. Environmental Protection Agency (EPA) promulgated a final rule to implement the 2015 ozone NAAQS on December 6, 2018 (83 FR 62998), which includes a requirement (40 CFR 51.1315) for states and districts in nonattainment areas classified as “moderate” ozone nonattainment or higher to have a program that implements nonattainment new source review (NNSR) according to the requirements of 40 Code of Federal Regulations 51.165.
- C. 40 CFR 51.165 requires a program for pre-construction review permit program for new or modified source located in a nonattainment area. An NNSR program for the ozone NAAQS must require installation of lowest achieve emission rate, emission offsets, and opportunity for public involvement.
- D. District Rule 214 – Federal New Source Review and Rule 217 – Public Notice Requirements, were last revised on August 23, 2012, submitted to U.S. EPA on September 26, 2012, and approved by U.S. EPA into the State Implementation Plan on February 14, 2013.
- E. Staff performed an analysis comparing Rules 214 and 217 with the NNSR requirements of 40 CFR 51.165 and prepared a certification that Rules 214 and 217 meet the NNSR requirements.
- F. The Board of Directors of the Sacramento Metropolitan Air Quality Management District (Board) has considered whether the proposed NNSR Certification and Rules 214 and 217 meet the requirements of 40 CFR 51.165.
- G. The Board has considered whether the proposed NNSR Certification is exempt from the California Environmental Quality Act (CEQA) under Section 15038 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 for which it can be seen with certainty that there is no possibility the action may have a significant adverse effect on the environment.
- H. Staff published a notice on July 26, 2021, inviting public comment on the proposed NNSR Certification and providing a 30-day period to submit written comments.
- I. The Board conducted a public hearing on August 26, 2021 and considered public comment on the proposed NNSR Certification in accordance with federal Clean Air Act Section 110(l) and 40 CFR 51.102.

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

- Section 1. The proposed Nonattainment New Source Review Certification and Rules 214 and 217 meet the requirements of 40 CFR 51.165.
- Section 2. The adoption of the proposed Nonattainment New Source Review Certification is exempt from CEQA under Sections 15061(b)(3) and 15308 of the State CEQA Guidelines.
- Section 3. The Nonattainment New Source Review Certification (set forth in Exhibit A) is approved and adopted.
- Section 4. Staff is directed to forward the Nonattainment New Source Review Certification and all necessary supporting documents to the California Air Resources Board for submittal to EPA as a revision to the California State Implementation Plan to satisfy the requirements of Clean Air Sections 110, 172(c)(5), 173 and 182(d)(2), and 40 CFR Part 51.165, and to make such minor modifications to the Certification, consistent with this Resolution, as may be necessary to obtain approval of the Certification.
- Section 5. 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 August 26, 2021, by the following vote:

Ayes:

Noes:

Abstain:

Absent:

ATTEST:

Clerk, Board of Directors
Sacramento Metropolitan Air Quality Management District