

RESOLUTION NO. AQM _____

Rule 215 – AGRICULTURAL PERMIT REQUIREMENTS AND NEW AGRICULTURAL PERMIT REVIEW

**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, 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 a need exists to adopt Rule 215 – AGRICULTURAL PERMIT REQUIREMENT AND NEW AGRICULTURAL PERMIT REVIEW to meet the requirements of Section 42301.16 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 Rule 215 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 the rule does duplicate state rules or regulations for permitting programs but the duplicative requirement IS necessary in order to execute the powers and duties 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 215 implements Section 42301.16 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 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 August 24, 2006 and considered public comment on the proposed Rule 215 (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 amendments (Health and Safety Code Section 40728.5);

WHEREAS, the Board of Directors of the Sacramento Metropolitan Air Quality Management District has found that a permit is necessary for boilers, process heaters, steam generators and large confined animal facilities to enforce reductions of emission of air pollutants that the district show cause or contribute to a violation of a state or federal ambient air quality standard;

WHEREAS, the Board of Directors of the Sacramento Metropolitan Air Quality Management District has found that the requirement for a boiler, process heater, steam generator and large confined animal facility to obtain a permit would not impose a burden on those sources that is significantly more burdensome than permits required for other similar sources of air pollution; and

WHEREAS, the California Environmental Quality Act (CEQA) Guidelines, Section 15308, exempts projects under taken by a regulatory agency for the protection of the environment from the requirements to prepare a Negative Declaration or Environmental Impact Report.

NOW, THEREFORE, BE IT RESOLVED THAT this rule project is exempt from the provisions of California Environmental Quality Act (CEQA); and

BE IT FURTHER RESOLVED THAT THIS BOARD approves and adopts the proposed Rule 215 – AGRICULTURAL PERMIT REQUIREMENTS AND NEW AGRICULTURAL PERMIT REVIEW.

BE IT ORDERED that amended Rule 201 be effective as of August 24, 2006.

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 24th day of August, 2006, 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