

Attachment A
Board Resolutions

000010

RESOLUTION NO. AQM _____

RULE 202 – NEW SOURCE 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, 40920, 41010, and 42300 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 for the adoption of amendments to Rule 202 – NEW SOURCE REVIEW to separate public notice requirements that are required by U.S. Environmental Protection Agency to be federally enforceable and to maintain the consistency of Rule 202 with Rule 214 – FEDERAL NEW SOURCE REVIEW to avoid conflicting requirements for sources that are subject to both rules (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 Rule 202 implements and makes specific federal requirements under Title I of the federal Clean Air Act Amendments of 1990, Title 40 Code of Federal Regulations Part 51, the state requirement (Health and Safety Code Section 49020(b) and 41010(b)) for a no net increase permitting program, and the Protect California Air Act of 2003 (Health and Safety Code Section 40727(b)(6)); and

WHEREAS, the Board of Directors of the Sacramento Metropolitan Air Quality Management District has determined that the rule duplicates federal regulations for permitting programs (40 CFR 51.165) and that the duplicative requirements are necessary in order to execute the 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 a written analysis is not required because the proposed amendments to Rule 202 do not establish emissions limitations (Health and Safety Code Section 40727.2); and

WHEREAS, the Board of Directors of the Sacramento Metropolitan Air Quality Management District has determined that the meaning of Rule 202 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 202 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 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 23, 2012 and considered

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public comments on the proposed amendments to the rule (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 the amendment of Rule 202 will not affect air quality or emission limitations and, therefore, a socioeconomic impact analysis is not required (Health and Safety Code Section 40728.5); and

WHEREAS, the California Environmental Quality Act (CEQA), under Section 15060(c)(2) of the State CEQA Guidelines, exempts activities that will not result in a direct or reasonably foreseeable indirect physical change in the environment.

NOW, THEREFORE, BE IT RESOLVED THAT the amendment of Rule 202 is exempt from the provisions of CEQA; and

BE IT FURTHER RESOLVED THAT the Board of Directors of the Sacramento Metropolitan Air Quality Management District approves and adopts the proposed amendment of Rule 202 – NEW SOURCE REVIEW; and

BE IT ORDERED that the amendments to Rule 202 – NEW SOURCE REVIEW be effective August 23, 2012.

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 23rd day of August, 2012, by the following vote, to wit:

AYES: Directors

NOES: Directors

ABSENT: Directors

Chair of the Board
Sacramento Metropolitan Air
Quality Management District

(SEAL)

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

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