

RESOLUTION NO. 2023 – XXXX

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

RULE 307 – CLEAN AIR ACT PENALTY FEES

BACKGROUND:

- A. The Board of Directors of the Sacramento Metropolitan Air Quality Management District (Board) is authorized by Sections 40001, 40702, and 41010 of the California Health and Safety Code (HSC) to adopt, amend or repeal rules and regulations [HSC Section 40727(b)(2)].
- B. The Board has determined that a need exists to amend Rule 307 in order to correct the State Implementation Plan (SIP) deficiency identified in the U.S. Environment Protection Agency's (EPA's) finding of failure to submit SIP revisions (88 FR 2541) required under the federal Clean Air Act (CAA) Section 185 [HSC Section 40727(b)(1)].
- C. The Board has determined that the meaning of Rule 307 can be easily understood by the persons affected by it [HSC Section 40727(b)(3)].
- D. The Board has determined that Rule 307 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 Rule 307 does not duplicate any existing state or federal regulations [HSC Section 40727(b)(5)].
- F. The Board has determined that that Rule 307 implements and makes specific the federal requirements for a CAA Section 185 fee program for the 2008 federal 8-hour ozone standard as required by Title 40 Code of Federal Regulations Section 51.1117 and CAA Sections 185(a-d) [HSC Section 40727(b)(6)].
- G. The Board has determined a written analysis is not required because the proposed amendments to Rule 307 do not establish emissions limitations [HSC Section 40727.2].
- H. The Board has maintained records of the rulemaking proceedings [HSC Section 40728].
- I. The Board held a duly noticed public hearing on March 23, 2023, and considered public comments on Rule 307 [HSC Sections 40725 and 40726 and 40 CFR 51.102].
- J. The Board has determined that Rule 307 will not affect air quality or emissions limitations and, therefore, a socioeconomic impact analysis is not required [HSC Section 40728.5].
- K. The Board evaluated Rule 307 to determine whether it is exempt from the California Environmental Quality Act (CEQA) under Section 15273 of the State CEQA Guidelines, which provides that CEQA does not apply to the adoption or amendment of fee rules that establish or modify fees for the purpose of meeting operating expenses.

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

- Section 1. The amendment of Rule 307 is exempt from CEQA.
- Section 2. Approves and amends Rule 307 – CLEAN AIR ACT PENALTY FEES, shown in the attached Exhibit A.
- Section 3. Rule 307 (set forth in Exhibit A) is effective as of March 23, 2023.
- Section 4. Directs Staff to forward Rule 307 and all necessary supporting documents to the California Air Resources Board for submittal to U.S. EPA as a revision to the California State Implementation Plan.
- 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 March 23, 2023, by the following vote:

Ayes:

Noes:

Abstain:

Absent:

ATTEST:

Clerk, Board of Directors
Sacramento Metropolitan Air Quality Management District