

**RESOLUTION NO. AQM \_\_\_\_\_**

**Rule 350 – GREENHOUSE GAS PROGRAM FEES**

**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 Rule 350 – GREENHOUSE GAS PROGRAM FEES, by Sections 40000, 40702, 40711, 41512.5, and 42311(g) 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 approved a resolution adopting Rule 250 – SACRAMENTO CARBON EXCHANGE PROGRAM on March 25, 2010, establishing a greenhouse gas emission reduction credit banking program; and

WHEREAS, the Board of Directors of the Sacramento Metropolitan Air Quality Management District has determined that a need exists to adopt Rule 350 to establish fees to recover the District's costs to implement Rule 250 (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 350 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 not impose the same requirements as any existing state or federal rule or regulation that applies to affected sources within 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 350 implements Health and Safety Code sections 40711, 41512.5, and 42311(g) (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 a written analysis is not required because Rule 350 does not impose any emission limits, standards, monitoring, reporting, or recordkeeping requirements (Health and Safety Code Section 40727.2(g)); 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 meeting as part of the regularly scheduled meeting on March 25, 2010, to allow the opportunity for the public to make oral and written presentations on Rule 350 (Health and Safety Code Section 42311(e)); and

WHEREAS, the Board of Directors of the Sacramento Metropolitan Air Quality Management District held a duly noticed public hearing on April 29, 2010 and considered public comments on proposed Rule 350 (Health and Safety Code Sections 40725 and 40726); and

WHEREAS, a socioeconomic impact analysis is not required for a rule that does not establish emission limits, interfere with the District's attainment plan, or result in any significant increase in emissions (Health and Safety Code Section 40728.5); and

WHEREAS, the California Environmental Quality Act (CEQA) under Section 15273(a)(1) of the State CEQA Guidelines exempts actions that establish fees by public agencies for the purpose of meeting operating expenses.

NOW, THEREFORE, BE IT RESOLVED THAT the adoption of Rule 350 is exempt from the California Environmental Quality Act (CEQA); and

BE IT FURTHER RESOLVED THAT the Board of Directors of the Sacramento Metropolitan Air Quality Management District approves and adopts Rule 350 – GREENHOUSE GAS PROGRAM FEES; and

BE IT ORDERED that Rule 350 be effective as of April 29, 2010.

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 29<sup>th</sup> day of April, 2010, 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