

RESOLUTION NO. AQM _____

Rule 414 – WATER HEATERS, BOILERS AND PROCESS HEATERS RATED LESS THAN 1,000,000 BTU PER HOUR

**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 39659, 35666(d), 40001, 40702, 40716, 41010 and 41013 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 amend Rule 414 – NATURAL GAS – FIRED WATER HEATERS (title amended to WATER HEATERS, BOILERS AND PROCESS HEATERS RATED LESS THAN 1,000,000 BTU PER HOUR) to achieve further reductions in NOx emissions to meet the commitment in the federal 8-hour ozone attainment demonstration plan, submitted pursuant to Section 182(c)(2)(A) of the federal Clean Air Act and 40 CFR 51.908; to satisfy the state commitment in the District's 2009 Triennial Report; and to comply with state requirements in Sections 40913 and 40914 of the California Health and Safety Code and Title 17, California Code of Regulations Section 70600 (Transport Mitigation) (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 414 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 414 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 Rule 414 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 414 implements Title 17, California Code of Regulations Section 70600 (Transport Mitigation), Health and Safety Code Section 40914(b)(2) (All Feasible Measures), and Sections 182(c) and 172(c)(1) of the federal Clean Air Act (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 March 25, 2010 and considered public comments on the proposed rule (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 (Health and Safety Code Section 40728.5); and

WHEREAS, the California Environmental Quality Act (CEQA) under Section 15308 of the State CEQA Guidelines, exempts actions by a regulatory agency for the protection of the environment; and Section 15061(b)(3) of the State CEQA Guidelines exempts actions that can be seen with certainty that there is no possibility that such actions may have a significant adverse effect on the environment.

NOW, THEREFORE, BE IT RESOLVED THAT the amendment of Rule 414 is exempt from the California Environmental Quality Act (CEQA); and

BE IT FUTHER RESOLVED THAT the Board of Directors of the Sacramento Metropolitan Air Quality Management District approves and adopts the amendment of Rule 414 – WATER HEATERS, BOILERS AND PROCESS HEATERS RATED LESS THAN 1,000,000 BTU PER HOUR; and

BE IT ORDERED that the amendment of Rule 414 be effective as of March 25, 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 25th day of March, 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