

ATTACHMENT 2 – RESOLUTION

RESOLUTION NO. AQM _____

Rule 442 – ARCHITECTURAL COATINGS

**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, 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 442 to fulfill the District's commitment to implement Control Measure SMAQMD-442 in the Sacramento Regional 8-hour Ozone and Reasonable Further Progress Plan (2013) as required by Section 182(c)(2)(A) of the federal Clean Air Act (U.S.C. §7511a(b)(2)(A)), and to satisfy the state commitment in the District's Triennial Report and Plan Revision (2015), and to comply with the Best Available Retrofit Control Technology of the California Health and Safety Code section 40919(a)(3), and California Health and Safety Code section 40914(b)(2) requirement for all feasible measures (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 442 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 Rule 442 regulates the same coating materials as the National Rule for Architectural Coatings (40 Code of Federal Regulations Part 59) but that Rule 442 standards are more stringent and do not duplicate any existing state or federal requirements (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 442 implements California Health and Safety Code sections 40914(b)(2), 40919(a)(3) and section 182(c)(2)(A) 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 in Staff's Statement of Reasons (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 September 24, 2015, and considered public comments on the proposed amendments to Rule 442 (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 in Staff's Statement of Reasons (Health and Safety Code Section 40728.5); and

WHEREAS, the Board of Directors of the Sacramento Metropolitan Air Quality Management District has determined that the amendment of Rule 442 is exempt from the California Environmental Quality Act (CEQA) under section 15038 of the State CEQA Guidelines, as an action by a regulatory agency for the protection of the environment and under section 15061(b)(3) of the State CEQA Guidelines, as an action that can be seen with certainty that there is no possibility the action may have a significant adverse effect on the environment.

NOW, THEREFORE, BE IT RESOLVED THAT the amendment of Rule 442 is exempt from CEQA; and

BE IT FURTHER RESOLVED THAT the Board of Directors of the Sacramento Metropolitan Air Quality Management District approves and adopts the proposed amendments to Rule 442 – ARCHITECTURAL COATINGS; and

BE IT FURTHER RESOLVED THAT the amendment of Rule 442 (set forth in Exhibit 1) be effective as of September 24, 2015; and

BE IT FURTHER RESOLVED THAT that the Board of Directors of the Sacramento Metropolitan Air Quality Management District directs Staff to forward amended Rule 442 and all necessary supporting documents, including the public notice and the public hearing, to the California Air Resources Board for its approval and subsequent submittal to EPA for final approval as a revision to the State Implementation Plan to satisfy the requirements of Clean Air Act sections 110, 172, 182, and Title 40 of the Code of Federal Regulations Part 51; and

BE IT FURTHER RESOLVED THAT that the Board of Directors of the Sacramento Metropolitan Air Quality Management District directs Staff to republish Rule 442 (set forth in Exhibit 2) after the final effective date of March 24, 2016 without the definitions, coating categories, recordkeeping requirements, and any other requirements that are no longer applicable; and

BE IT FURTHER RESOLVED THAT the attached Exhibits 1 and 2, inclusive, are part of 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, State of California, this 24th day of September, 2015, by the following vote, to wit:

AYES: Directors

NOES: Directors

ABSENT: Directors

Chair of the Board
Sacramento Metropolitan Air Quality Management District
State of California

(SEAL)

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