

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

**Rule 459 – AUTOMOTIVE, MOBILE EQUIPMENT, AND ASSOCIATED PARTS AND COMPONENTS COATING OPERATIONS**

**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 459 to fulfill the District's commitment to implement Control Measure SMAQMD-459 in the Sacramento Regional 8-hour Ozone and Reasonable Further Progress Plan (2009), the state commitment in the District's 2009 Triennial Report and Plan Revision, and to satisfy Reasonably Available Control Technology requirements for the coatings and materials applicable to automotive, mobile equipment, and associated parts and components, as required by Section 182(b)(2)(A) of the federal Clean Air Act (U.S.C. §7511a(b)(2)(A)) (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 459 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 459 does not duplicate any existing state or federal regulations (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 459 implements California Health and Safety Code sections 40919(a)(3) and Section 182(b)(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 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 August 25, 2011, and

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considered public comments on the proposed amendments to Rule 459 (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 Board of Directors of the Sacramento Metropolitan Air Quality Management District has determined that the amendments to Rule 459 implement Reasonably Available Control Technology for coatings and materials applicable to automotive, mobile equipment, and associated parts and components, including transportation plastic parts coatings and motor vehicle materials, as specified in the Control Techniques Guidelines for Miscellaneous Metal and Plastic Parts Coatings (EPA-453/R-08-003); and

WHEREAS, the Board of Directors of the Sacramento Metropolitan Air Quality Management District has determined that the amendment of Rule 459 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 459 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 459 – AUTOMOTIVE, MOBILE EQUIPMENT, AND ASSOCIATED PARTS AND COMPONENTS COATING OPERATIONS described as \_\_\_\_\_ (Staff recommendation or Alternative option).

BE IT ORDERED that the amendment of Rule 459 be effective as of August 25, 2011; and

BE IT FURTHER ORDERED that the Board of Directors of the Sacramento Metropolitan Air Quality Management District directs Staff to forward amended Rule 459 and all necessary supporting documents 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; and

BE IT FURTHER ORDERED that the Board of Directors of the Sacramento Metropolitan Air Quality Management District directs Staff to republish Rule 459 after the final effective date without the definitions, coating categories, recordkeeping requirements, and any other requirements that are no longer applicable.

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 25<sup>th</sup> day of August, 2011, 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