

**RESOLUTION NO. 2018 – XXXX**

Adopted by the Sacramento Metropolitan Air Quality Management District

**RULE 904 – AIR TOXICS CONTROL MEASURES**

**BACKGROUND:**

- A. The Board of Directors of the Sacramento Metropolitan Air Quality Management District (Board) is authorized to adopt, amend or repeal rules and regulations by Sections 39666(d), 40702, and 41010 of the California Health and Safety Code (HSC) [HSC Section 40727(b)(2)].
- B. The Board has determined that the amendment of Rule 904 – AIR TOXICS CONTROL MEASURES of the District Rules and Regulations is necessary to incorporate changes made by the California Air Resources Board and to implement and enforce the state Airborne Toxic Control Measures for non-vehicular sources as required by HSC Section 39666(d) [HSC Section 40727(b)(1)].
- C. The Board has determined that the meaning of Rule 904 can be easily understood by the persons directly affected by it [HSC Section 40727(b)(3)].
- D. The Board has determined that Rule 904 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 although Rule 904 duplicates state regulations, its amendment is necessary and proper to allow the District to execute its duty to implement and enforce the state Airborne Toxic Control Measures for non-vehicular sources [HSC Section 40727(b)(5)].
- F. The Board has determined that Rule 904 makes specific the District's powers and duties under HSC Section 39666(d) [HSC Section 40727(b)(6)].
- G. The Board has determined that Rule 904 is a verbatim incorporation by reference of the state Airborne Toxic Control Measures and may be exempted, under HSC Section 40727.2(g), from the written analysis requirements imposed by Sections 40727.2(a)-(f) [HSC Section 40727.2].
- H. The Board has determined that because Rule 904 is a verbatim incorporation by reference of state Airborne Toxic Control Measures, it may be exempted, under HSC Section 40728.5(e), from the requirement to perform a socioeconomic impact analysis [HSC Section 40728.5].
- I. The Board held a duly noticed public hearing on May 24, 2018, and considered any public comments on the proposed amendment of Rule 904 [HSC Sections 40725 and 40726].
- J. The Board has maintained records of the rulemaking proceedings [HSC Section 40728].
- K. The Board evaluated the amendment of Rule 904 to determine whether it is exempt from the California Environmental Quality Act (CEQA) as a ministerial action under Section 15268 of the State CEQA Guidelines.

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

- Section 1. The amendment of Rule 904 is exempt from CEQA.
- Section 2. Rule 904 – AIR TOXICS CONTROL MEASURES as amended, attached as Exhibit B, is approved and adopted.
- Section 3. Rule 904 is effective as of May 24, 2018.
- Section 4. Exhibit B 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 May 24, 2018, by the following vote:

Ayes:

Noes:

Abstain:

Absent:

ATTEST:

Clerk, Board of Directors  
Sacramento Metropolitan Air Quality Management District