

RESOLUTION AQM 05_____

RULE 202 - NEW SOURCE REVIEW

**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 has determined that a need exists for the adoption of amendments to Rule 202, New Source Review in order to comply with the Transport Mitigation Control Requirements adopted in May 2003 which requires the District to implement a stationary source permitting program designed to achieve no net increase in the emissions of ozone precursors from new or modified stationary sources that emit or have the potential to emit 10 tons or greater per year of an ozone precursor (Title 17, California Code of Regulations, Sections 70600 and 70601). (Health and Safety Code Section 40727(b)(1)); and

WHEREAS, the Board of Directors of the Sacramento Metropolitan Air Quality Management District is authorized to adopt, amend or repeal rules and regulations by Section 40001, 40702, 40716, 41010, 40919, 41013, and 42300 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 the meaning of amended Rule 202 can be easily understood by the persons directly 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 amendments are 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 proposed rule duplicates state laws or regulations concerning the attainment or maintenance of state and federal air quality standards and the duplicative requirements are necessary in order to execute the powers and duties imposed upon the District (Health and Safety Code Section 40727(b)(5)); and

WHEREAS, the Staff of the Sacramento Metropolitan Air Quality Management District has concluded that the proposed amendments will not result in a relaxation of the requirements of the SIP approved version of Rule 202 since these amendments establish more stringent offset requirements, and therefore, the proposed amendments are in compliance with the Protect California Air Act (Health and Safety Code Section 42504); and

WHEREAS, the Board of Directors of the Sacramento Metropolitan Air Quality Management District recognizes that Rule 202 implements and makes specific federal requirements under Title I of the Federal Clean Air Act Amendments of 1990 and 40 Code of Federal Regulations Part 51 and the state requirement for a no net increase program (Health and Safety Code Section 40727(b)(6)); 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 February 24, 2005 and considered public comments on the proposed amendments to the 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 a written analysis comparing the proposed rule amendments to federal air pollution control requirements 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 considered the socioeconomic impacts of the rule amendments (Health and Safety Code Section 40728.5); and

WHEREAS, the District's Environmental Coordinator had found the proposed amendments to Rule 202 to be exempt from the California Environmental Quality Act (CEQA) as an action under Section 15308 of the CEQA Guidelines; and

NOW, THEREFORE, BE IT RESOLVED THAT this rule project is categorically exempt from the provisions of California Environmental Quality Act (CEQA); and

BE IT FURTHER RESOLVED THAT THIS BOARD approves and adopts the proposed amendments to Rule 202, New Source Review.

BE IT ORDERED that the amendments to Rule 202, New Source Review be effective February 24, 2005.

ON A MOTION by Director _____, seconded by Director _____, the foregoing resolution was passed and adopted by

Directors of the Sacramento Metropolitan Air Quality Management District, this

24th day of February 2005, by the following votes to wit:

AYES: Directors

NOES: Directors

ABSENT: Directors

Chairperson of the Board
Sacramento Metropolitan Air
Quality Management District

(SEAL)

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