

RESOLUTION NO. AQM _____

RULE 203 – PREVENTION OF SIGNIFICANT DETERIORATION

**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, 41010, 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 a need exists to amend Rule 203 – PREVENTION OF SIGNIFICANT DETERIORATION in order to implement federal Prevention of Significant Deterioration requirements for attainment/unclassified areas, as required by the federal Clean Air Act (42 USC 7410(a)(2)(C), 7410(l), 7471, 7475, 7479, and 7515), and Title 40 Code of Federal Regulations Part 52 and state Prevention of Significant Deterioration requirements of the Protect California Air Act of 2003 (Health and Safety Code Section 42500 et seq.) (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 Rule 203 implements and makes specific federal requirements under Title I of the federal Clean Air Act Amendments of 1990 and Title 40 Code of Federal Regulations Part 52; and

WHEREAS, the Board of Directors of the Sacramento Metropolitan Air Quality Management District has determined that the rule duplicates federal regulations for permitting programs (40 CFR 52.21) and that the duplicative requirements are necessary in order to execute the powers and duties granted to, and imposed upon 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 considered a written analysis prepared by Staff comparing the proposed rule amendments to federal air pollution control requirements (Health and Safety Code Section 40727.2); and

WHEREAS, the Board of Directors of the Sacramento Metropolitan Air Quality Management District has determined that the meaning of Rule 203 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 203 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 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 January 27, 2011 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 the socioeconomic impacts of the rule amendments (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 203 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 amendment of Rule 203 – PREVENTION OF SIGNIFICANT DETERIORATION.

BE IT FUTURE RESOLVED THAT the Board of Directors of the Sacramento Metropolitan Air Quality Management District directs that Staff expedite submittal of Rule 203 and request the California Air Resources Board submit Rule 203 to U.S. Environmental Protection Agency before January 31, 2011.

BE IT ORDERED that the Board of Directors of the Sacramento Metropolitan Air Quality Management District directs Staff to forward all necessary supporting documents to the California Air Resources Board for submittal to the U.S. Environmental Protection Agency needed for State Implementation Plan approval of Rule 203.

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 27th day of January, 2011, by the following vote, to wit:

AYES: Directors

NOES: Directors

ABSENT: Directors

Chair of the Board
Sacramento Metropolitan Air
Quality Management District

(SEAL)

ATTEST: _____

Clerk of the Board
Sacramento Metropolitan Air Quality Management District