

RESOLUTION NO. AQM _____

RULE 207 – TITLE V – FEDERAL OPERATING PERMIT PROGRAM

**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 207 – TITLE V – FEDERAL OPERATING PERMIT PROGRAM in order to implement a comprehensive air quality permitting program, as required by Title V of the federal Clean Air Act (42 U.S.C. 7661, et seq.) and to meet the requirements of Title 40 of the Code of Federal Regulations Part 70 (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 207 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 207 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 the rule duplicates federal regulations for permitting programs (40 CFR Part 70) 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 determined that Rule 207 implements and makes specific federal requirements under Title V of the federal Clean Air Act Amendments of 1990 and Title 40 Code of Federal Regulations Part 70 (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 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 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 July 28, 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 determined that the amendment of Rule 207 will not affect air quality or emission limitations and, therefore, a socioeconomic impact analysis is not required (Health and Safety Code Section 40728.5); and

WHEREAS, the California Environmental Quality Act (CEQA) does not apply to activities that will not result in a direct or reasonably foreseeable indirect physical change in the environment (Public Resources Code 21084(a) and Preliminary Review, Section 15060(c)(2) State CEQA Guidelines).

NOW, THEREFORE, BE IT RESOLVED THAT the amendment of Rule 207 is not subject to 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 207 – TITLE V – FEDERAL OPERATING PERMIT PROGRAM.

BE IT ORDERED that the Board of Directors of the Sacramento Metropolitan Air Quality Management District directs Staff to forward Rule 207 and all necessary supporting documents to the California Air Resources Board for submittal to the U.S. Environmental Protection Agency for approval of the District's Title V program.

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 28th day of July, 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