

RESOLUTION AQM 06_____

RULE 213 – FEDERAL MAJOR MODIFICATIONS

**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 Rule 213, Federal Major Modifications in order to comply with the NSR reform requirements that were published in 40 CFR Part 51.165 and were not vacated or remanded by the courts on June 24, 2005 (67 FR 80186) (Health and Safety Code Section 40727(b)(1) and (b)(6)); 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, 41010, 40919, 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 Rule 213 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 federal rules or regulations for permitting programs 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 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 March 23, 2006 and considered public comments on the proposed amendments to the rule (Health and Safety Code Sections 40725 and 40726); and

WHEREAS, Staff has found the rule adoption of Rule 213 to be exempt from the California Environmental Quality Act (CEQA) as an action under Section 15268 of the CEQA Guidelines; and

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

BE IT FURTHER RESOLVED THAT THIS BOARD approves and adopts the proposed Rule 213, Federal Major Modifications.

BE IT ORDERED that the adoption of Rule 213, Federal Major Modifications be effective March 23, 2006.

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

23rd day of March 2006, by the following votes to wit:

AYES: Directors

NOES: Directors

ABSENT: Directors

Chairperson of the Board
Sacramento Metropolitan Air
Quality Management District

(SEAL)

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