

RESOLUTION AQM 05-_____

Rule 304 – PLAN FEES

**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 304 – PLAN FEES in order to recover costs associated with the naturally occurring asbestos program; and

WHEREAS, the Board of Directors of the Sacramento Metropolitan Air Quality Management District is authorized to adopt rules and regulations by Health and Safety Code Sections 40001, 40702, 40716, 41010, and 41013 (Health and Safety Code Section 40727(b)(2)); and

WHEREAS, the Board of Directors of the Sacramento Metropolitan Air Quality Management District is specifically authorized to adopt this fee schedule by Sections 40702, 41080, 41512.5, and 42311(g) of the California Health and Safety Code, and

WHEREAS, the Board of Directors of the Sacramento Metropolitan Air Quality Management District has determined that Rule 304 – PLAN FEES must be amended to recover the District's costs of administering and enforcing the Asbestos ATCM in Title 17, California Code of Regulations, Section 93105 or an alternative measure as provided in Health and Safety Code 39666(d); and

WHEREAS, the Board of Directors of the Sacramento Metropolitan Air Quality Management District has determined that the meaning of the rule 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 rule 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 rule amendments do not impose the same requirements as any existing state or federal rule or regulation that applies to affected industry within the District (Health and Safety Code Section 40727(b)(5)); and

WHEREAS, the Board of Directors of the Sacramento Metropolitan Air Quality Management District recognizes that Rule 304 – PLAN FEES implements, interprets, or makes specific a statute, court decision, or other provision of law (Health and Safety Code Section 40727(b)(6)); and

WHEREAS, the Board of Directors of the Sacramento Metropolitan Air Quality Management District will forward the rule to the California Air Resources Board and affected parties regarding the proposed rule amendment; 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 24, 2005 and April 28, 2005 and considered public comments on the proposed amendments to the rule (Health and Safety Code Sections 40725, 40726, and 40920.6, 41512.5, and 42311(g)); and

WHEREAS, the Board of Directors of the Sacramento Metropolitan Air Quality Management District has determined that amendments to Rule 304 – PLAN FEES are exempt from CEQA under Public Resources Code section 21080(b)(8) and section 15273;

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Directors of the Sacramento Metropolitan Air Quality Management District approves and adopts the proposed amendments to Rule 304 – PLAN FEES; and

BE IT ORDERED that the amendments to Rule 304 – PLAN FEES be effective as of April 28, 2005.

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, this 28th day of April 2005, 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