

Attachment B

Board Resolution for Rule 306

RESOLUTION NO. AQM _____

RULE 306 – AIR TOXICS 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 is authorized to amend Rule 306 – AIR TOXICS FEES, by Sections 40001, 40702, and 44380 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 306 to fully recover the District's cost to implement the air toxics program (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 306 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 the rule 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 does not impose the same requirements as any existing state or federal rule or regulation that applies to affected sources 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 has determined that Rule 306 implements Health and Safety Code section 44380 (Health and Safety Code section 40727(b)(6)); and

WHEREAS, the Board of Directors of the Sacramento Metropolitan Air Quality Management District has determined that a written analysis is not required because the proposed amendments to Rule 306 do not impose any emission limits, standards, monitoring, reporting, or recordkeeping requirements (Health and Safety Code Section 40727.2(g)); 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 May 23, 2013 and considered public comments on the proposed amendments to Rule 306 (Health and Safety Code Sections 40725 and 40726); and

WHEREAS, a socioeconomic impact analysis is not required for a rule that does not establish emission limits, interfere with the District's attainment plan, or result in any significant increase in emissions (Health and Safety Code Section 40728.5); and

WHEREAS, the California Environmental Quality Act (CEQA) under Section 15273(a)(1) of the State CEQA Guidelines exempts actions by public agencies that establish and modify fees for the purpose of meeting operating expenses.

NOW, THEREFORE, BE IT RESOLVED THAT the adoption of Rule 306 is exempt from the California Environmental Quality Act (CEQA); and

BE IT FURTHER RESOLVED THAT the Board of Directors of the Sacramento Metropolitan Air Quality Management District approves and adopts the amendments to Rule 306 – AIR TOXICS FEES including Section 301.1(a) that contains the Industry-wide Facility Fee described as _____ (Option A or Option B); and

BE IT ORDERED that Rule 306 be effective on May 23, 2013.

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 23th day of May, 2013, by the following vote, to wit:

AYES: Directors

NOES: Directors

ABSENT: Directors

Chairperson of the Board
Sacramento Metropolitan Air Quality Management District
State of California

(SEAL)

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