

RESOLUTION NO. AQM _____

Rule 411 – NOx FROM BOILERS, PROCESS HEATERS, AND STEAM GENERATORS

**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, and 41010 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 411 – NOx FROM BOILERS, PROCESS HEATERS AND STEAM GENERATORS to preserve the original intention of the previous amendments to Rule 411 by allowing exemption from NOx standards for low fuel units (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 amended Rule 411 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 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 Rule 411 does not duplicate any existing state or federal regulations (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 amended Rule 411 implements Title 17, California Code of Regulations Section 70600 (Transport Mitigation), Health and Safety Code Sections 40919 (Best Available Retrofit Control Technology), 39614 (SB 656 Particulate Matter), and 40914(b)(2) (All Feasible Measures), and Sections 182(c) and (d) of the Federal Clean Air Act Amendments of 1990 (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 of existing federal regulations and other District rules is not required because the amendments to Rule 411 do not impose a new emission limit, make an existing limit more stringent, or impose any new or more stringent monitoring, reporting, or recordkeeping 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 August 23, 2007 and considered public comment on the proposed amendments to Rule 411 (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 a socioeconomic impact analysis is not required because the proposed amendments to Rule 411 will not significantly affect air quality or emission limitations (Health and Safety Code Section 40728.5); and

WHEREAS, the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the State CEQA Guidelines exempts projects where can be seen with certainty that there is no possibility that the activity in question may have a significant adverse effect on the environment.

NOW, THEREFORE, BE IT RESOLVED THAT it can be seen with certainty that the there is no possibility that the amendment of Rule 411 may have a significant adverse effect on the environment and, therefore, is exempt from CEQA; and

BE IT FURTHER RESOLVED THAT THIS BOARD approves and adopts the proposed amendments to Rule 411 – NOx from BOILERS, STEAM GENERATORS and PROCESS HEATERS.

BE IT ORDERED that the amendments to Rule 411 be effective as of August 23, 2007.

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 23rd day of August, 2007, 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