

RESOLUTION 20-039

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS, SITTING AS THE AIR QUALITY MANAGEMENT DISTRICT BOARD, APPROVING ADOPTION OF AMENDMENTS TO REGULATION 1, AIR POLLUTION CONTROL RULES, AND AUTHORIZING THE AIR POLLUTION CONTROL OFFICER TO SUBMIT SAID AMENDMENTS FOR INCLUSION IN THE STATE IMPLEMENTATION PLAN

WHEREAS, the Mendocino County Air Quality Management District (“District”) is a U.S. Environmental Protection Agency (“EPA”) delegated agency for Clean Air Act permitting; and

WHEREAS, the federal Clean Air Act (“CAA”) requires states to submit to the EPA State Implementation Plans (“SIPs”) that implement, maintain, and enforce national ambient air quality standards; and

WHEREAS, SIPs must be updated to comply with the CAA as new air quality standards are changed or adopted by EPA; and

WHEREAS, District rules and regulations that implement federal requirements must be approved by EPA for inclusion in the SIP pursuant to established standards; and

WHEREAS, the EPA has updated its standards for rules to be approved in the SIP, including a series of amendments to 40 CFR, Part 52.21 referred to as “New Source Review (NSR) Reform”; and

WHEREAS, as the District implements the requirements of 40 CFR, Part 52.21 through a Prevention of Significant Deterioration (PSD) program that has been approved by EPA for inclusion in the SIP, the District must conform its rules to these new standards by amending its rules; and

WHEREAS, District staff has prepared amendments to Regulation 1, Air Pollution Control Rules to ensure conformance with the new federal requirements, while maintaining conformance with state requirements, by amending Rule 1-220 (New Source Review) and Rule 1-230 (Action on Application); and

WHEREAS, California Health and Safety Code Section 40001 provides District with the authority and mandate to adopt and enforce rules and regulations to achieve and maintain ambient air quality standards; and

WHEREAS, the record demonstrates that a necessity exists for the District to amend its regulations as set forth herein in order to meet EPA requirements; and

WHEREAS, the District publically noticed the availability of the proposed amendments 30 days in advance of the public hearing pursuant to California Health and Safety Code, Sections 40725 - 40728; and

WHEREAS, the Mendocino County Air Quality Management District Board properly noticed and held a Public Hearing on April 7, 2020, pursuant to California Health and Safety Code, Section 40725, during which the District Board considered the proposed amendments to Regulation 1, Air Pollution Control Rules, as described herein and considered submitting said amendments for inclusion in the SIP, and

WHEREAS, the adoption of the proposed amendments to Regulation 1 and submittal for inclusion in the SIP is categorically exempt under CEQA Guidelines in California Code of Regulations Section 15308 because it is a regulatory action taken to protect the environment; and

WHEREAS, the proposed amendments to Regulation 1, Air Pollution Control Rules, are set forth in Attachment A of this Resolution; and

WHEREAS, State law, including California Health and Safety Code Section 40001, provides the authority for the adoption of amendments to Regulation 1, Air Pollution Control Rules; and

WHEREAS, the proposed amendments are written so that their meaning can be easily understood by the persons directly affected by them; and

WHEREAS, the proposed amendments to Regulation 1, Air Pollution Control Rules are in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, or state or federal regulations.

NOW THEREFORE, BE IT RESOLVED that the Mendocino County Board of Supervisors, sitting as the Air Quality Management District Board, hereby finds, determines, declares and orders as follows:

1. Each of the foregoing recitals is true and correct and incorporated herein by this reference.
2. The following rules of Mendocino County Air Quality Management District Regulation 1, Air Pollution Control Rules, are hereby amended to read as stated in Attachment A to this Resolution, attached hereto and incorporated herein by this reference, to meet new requirements of the EPA for approval as part of the State Implementation Plan (SIP):
 - (a) Regulation 1, Rule 220, New Source Review
 - (b) Regulation 1, Rule 230, Action on Applications;
3. Authorize the Air Pollution Control Officer to submit the amended rules to the EPA for inclusion in the SIP.

The foregoing Resolution was introduced by Supervisor Brown, seconded by Supervisor Williams, and carried and adopted this 7th day of April, 2020, by the following vote:

Ayes: Supervisors Brown, McCowen, Haschak, Gjerde, and Williams
Noes: None
Absent: None

WHEREUPON, the Chair declared said Resolution adopted and **SO ORDERED**.

ATTEST: CARMEL J. ANGELO
Clerk of the Board

John Haschak, Chair
Mendocino County Board of Supervisors

Deputy

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

APPROVED AS TO FORM:
CHRISTIAN M. CURTIS, *Acting* County Counsel

BY: CARMEL J. ANGELO
Clerk of the Board

Deputy