

RESOLUTION No. _____

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE STATE OF CALIFORNIA, COUNTY OF MENDOCINO, SITTING AS THE AIR QUALITY MANAGEMENT DISTRICT BOARD APPROVING ADOPTION OF AMENDMENTS TO REGULATION 1, AIR POLLUTION CONTROL RULES, AUTHORIZING THE AIR POLLUTION CONTROL OFFICER TO SUBMIT SAID AMENDMENTS FOR INCLUSION IN, AND TO WITHDRAW OF RULES 1-221 AND 1-494 FROM 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 into 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, District implements the requirements of 40 CFR, Part 52.21 through a Prevention of Significant Deterioration (PSD) program that has been approved by EPA into the SIP, the District must conform its rules to these new standards by amending its rules or withdrawing them from the SIP; 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 1-130 (Definitions), Rule 1-200 (Permitting Requirements), 1-220 (New Source Review) and Rule 1-230 (Action on Application); and

WHEREAS, EPA requested the District to withdraw Rule 1-221 (Federal Permitting for Greenhouse Gas Emissions) and Rule 1-494 (Potential to Emit Limitations) from the SIP, or from submittal into the SIP, as applicable, and the withdrawn rules will remain enforceable as District rules but will no longer be enforceable by EPA, and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 regulations; and

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WHEREAS, the District publically noticed the availability of the proposed amendments and SIP withdrawals and their impacts 30 days in advance of the public hearing pursuant to California Health and Safety Code, Section 40725; and

WHEREAS, the Mendocino County Air Quality Management District Board properly noticed and held a Public Hearing on September 20, 2016, 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, considered submitting said amendments for inclusion in the SIP, and considered withdrawal of rules from submittal into the SIP, as described herein; and

WHEREAS, the adoption of the proposed amendments to Regulation 1 and submittal for inclusion in the SIP is ministerial pursuant to Section 15268 of the California Environmental Quality Act ("CEQA") Guidelines because it is implementing federal requirements and incorporating definitions required by the federal government; and

WHEREAS, the adoption of the proposed amendments to Regulation 1 and submittal for inclusion in the SIP, along with the continued enforcement of Rules 1-221 and 1-494 by the District while withdrawing the same from inclusion into 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, a Notice of Exemption has been prepared pursuant to Section 15062 of the CEQA guidelines for adoption of the proposed amendments to Regulation 1, Air Pollution Control Rules; and

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

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

WHEREAS, the District Board finds that 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.

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THEREFORE, BE IT RESOLVED that the Mendocino County Board of Supervisors, sitting as the Air Quality Management District Board, hereby takes the following actions:

1. Adopts as regulations of the Mendocino County Air Quality Management District, amendments to Regulation 1, Air Pollution Control Rules as described above and set forth in Attachment A of this Resolution; and
2. Authorizes the Air Pollution Control Officer to submit the amended rules for inclusion in the SIP and to withdraw rules 1-221 and 1-494 from the SIP, or from submittal into the SIP, as applicable; and
3. Authorizes the Air Pollution Control Officer to file a notice of categorical exemption pursuant to the California Environmental Quality Act.

The foregoing Resolution was introduced by Supervisor _____, seconded by Supervisor _____, and carried and adopted this 20th day of September, 2016, by the following vote:

Ayes:

Noes:

Absent:

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

Dan Gjerde, Chair
Mendocino County
Air Quality Management District Board

ATTEST: Carmel J. Angelo,
Clerk of the Board

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

Deputy

Approved as to Form:
Katharine L. Elliott, County Counsel

By: Carmel J. Angelo
Clerk of the Board

Deputy

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Attachment A

Amendments to Regulation 1, Air Pollution Control Rules