

RESOLUTION NO. _____

**THE BOARD OF DIRECTORS OF THE EL DORADO COUNTY
AIR QUALITY MANAGEMENT DISTRICT**

RESOLUTION EL DORADO COUNTY AIR QUALITY DISTRICT RULE 215

WHEREAS, the Board of Directors of the El Dorado County Air Quality Management District (“Board”) is authorized to adopt, amend or repeal rules and regulations pursuant to sections 40001, 40702, 41010, 40920, and 42300 of the California Health and Safety Code (“HSC”) section 40727(b)(2)); and

WHEREAS, Sections 172(c)(9) and 182 (c)(9) of the Federal Clean Air Act require ozone nonattainment areas classified as serious and higher to include contingency measures in their State Implementation Plans; and

WHEREAS, District staff propose to amend the existing architectural coating rule as a requested revision to the State Implementation Plan (“SIP”) to satisfy the contingency measure provisions required by the Federal Clean Air Act; and

WHEREAS, the Board has determined that Rule 215 is in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, or state or federal regulations (HSC section 40727(b)(4)); and

WHEREAS, the Board has determined that Rule 215 does not duplicate any existing state or federal regulations (HSC section 40727(b)(5)); and

WHEREAS, the Board has determined that the meaning of Rule 215 can be easily understood by the persons affected by it (HSC section 40727(b)(3)); and

WHEREAS, the Board held a duly noticed public hearing on July 16, 2024, and considered public comments on the proposed Rule 215 (HSC sections 40725 and 40726); and

WHEREAS, the California Environmental Quality Act (“CEQA”) requires that no project that may have significant adverse environmental impacts be adopted as originally proposed if feasible alternatives or mitigation measures are available to reduce or eliminate such impacts; and

WHEREAS, adoption of Rule 215 is exempt from the CEQA under 14 California Code of Regulations section 15061(b)(3) (the general rule that CEQA only applies to projects that have the potential for causing a significant effect on the environment) and under 14 California Code of Regulations section 15308 (actions taken by a regulatory agency to assure the maintenance, restoration, enhancement, or protection of the environment) and Rule 215 will not result in any potentially significant adverse effects on the environment; and

NOW, THEREFORE, BE IT RESOLVED THAT, adoption of Rule 215 is exempt from the provisions of CEQA; and

BE IT FURTHER RESOLVED THAT the Board hereby finds, authorizes, directs and declares as follows:

1. The Board of Directors has considered and hereby adopts by reference the staff report prepared in this matter.

2. The Board of Directors makes the following findings pursuant to Health and Safety Code section 40727:
 - a. Necessity: Information in the District’s rulemaking record maintained pursuant to Health and Safety Code section 40728 demonstrates a need for amending District Rule 215;
 - b. Authority: Health and Safety Code section 40702 permits the District to amend District Rule 215;
 - c. Clarity: District Rule 215 as amended is written so that its meaning can be easily understood by the persons directly affected by it;
 - d. Consistency: District Rule 215 as amended is in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, or state or federal regulations;
 - e. Nonduplication: District Rule 215 as amended does not impose the same requirements as an existing state or federal regulation;
 - f. Reference: By adopting District Rule 215, the District meets the requirements of Health & Safety Code Sections 40702.

3. The Board of Directors finds that the District has complied with the procedural requirements set forth in Chapters 6 and 6.5 of Part 3 of Division 26 of the Health and Safety Code.

4. The Board of Directors finds that amending District Rule 215 is an action taken by a regulatory agency as authorized by state law to assure the maintenance, restoration, or enhancement of the environment where the regulatory process involves procedures for protection of the environment, and is therefore categorically exempt from CEQA review as a Class 8 Categorical Exemption.

5. The Board of Directors hereby amends District Rule 215, Architectural Coatings, as set forth in Exhibit 1 (Attachment A of the Staff Report), which is attached and incorporated by reference. The amendment is effective July 16, 2024.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the ____ day of _____, 20__, by the following vote of said

Board:

Attest:
 Kim Dawson
 Clerk of the Board of Supervisors

Ayes:
 Noes:
 Absent:

By:

 Deputy Clerk

 Chair, Board of Supervisors