

RESOLUTION NO. _____

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

**RESOLUTION ADOPTING AMENDED RULE 239
NATURAL GAS-FIRED WATER HEATERS**

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 (Health and Safety Code (“HSC”) Section 40727(b)(2)); and

WHEREAS, the Sacramento Federal Nonattainment Area (SFNA) includes Sacramento and Yolo counties, the western portion of El Dorado and Placer counties, the southern portion of Sutter County, and the northeastern portion of Solano County (Federal Register, Vol. 77, No. 98, pages 30104-30105 (May 21, 2012)); and

WHEREAS, the SFNA air districts have prepared the Sacramento Regional 1997, 2008, and 2015 NAAQS 8-Hour Ozone Attainment and Reasonable Further Progress Plan to satisfy the reasonable further progress demonstration requirements associated with the “Severe-15” classification (42 USC§ 7502 (c) and § 7511a); and

WHEREAS, the Board has determined that a need exists to amend Rule 239 – Natural Gas-Fired Water Heaters (title amended to Natural Gas-Fired Water Heaters Less Than 1,000,000 BTU per Hour) to achieve further reductions in Nitrogen Oxides (NO_x) emissions to meet the commitment in the 1997 federal 8-hour ozone attainment demonstration State Implementation Plan, submitted pursuant to Section 182(c)(2)(A) of the federal Clean Air Act and 40 CFR 51.908; and

WHEREAS, amending Rule 239 and submitting the rule as a revision to the State Implementation Plan will satisfy the federal non-attainment program Clean Air Act requirements; and

WHEREAS, the Board has determined that Rule 239 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 239 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 239 can be easily understood by the persons affected by it (HSC Section 40727(b)(3)); and

WHEREAS, the Board has maintained records of the rulemaking proceedings (HSC Section 40728); and

WHEREAS, the Board held a duly noticed public hearing on October 21, 2025, and considered public comments on the proposed Rule 239 (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 239 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 makes the following findings pursuant to HSC section 40727:
 - a. Necessity: Information in the District's rulemaking record maintained pursuant to HSC section 40728 demonstrates a need for amending District Rule 239;
 - b. Authority: HSC section 40702 permits the District to amend District Rule 239;
 - c. Clarity: District Rule 239 as amended is written so that its meaning can be easily understood by the persons directly affected by it;
 - d. Consistency: District Rule 239 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 239 as amended does not impose the same requirements as an existing state or federal regulation;
 - f. Reference: By adopting District Rule 239, the District meets the requirements of HSC Sections 40702.
2. 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.
3. The Board of Directors finds that amending District Rule 239 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.
4. The Board of Directors hereby amends District Rule 239 – Natural Gas-Fired Water Heaters Less Than 1,000,000 Btu per Hour, as set forth in Attachment A of the Staff Report, which is attached and incorporated as reference. The amended rule shall become effective upon U.S. EPA's final action approving Rule 239.

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