



RESOLUTION NO. _____

OF THE BOARD OF DIRECTORS OF THE EL DORADO COUNTY

AIR QUALITY MANAGEMENT DISTRICT

RESOLUTION ADOPTING RULE 611 CLEAN AIR ACT NONATTAINMENT FEES

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, the Sacramento Federal Nonattainment Area (SFNA) comprises 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 National Ambient Air Quality Standards (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 sections 7502(c) and 7511(a)); and

WHEREAS, the Board has determined that a need exists to adopt Rule 611 in order to correct the State Implementation Plan (SIP) deficiency identified in the U.S. Environmental Protection Agency’s (EPA) finding of failure to submit SIP revisions (88 FR 2541) required under the federal Clean Air Act (CAA) Section 185 (HSC section 40727(b)(1)); and

WHEREAS, February 16, 2023, the effective date of EPA’s failure to submit action, started a sanctions clock that will be halted when EPA determines that the El Dorado County Air Quality Management District has submitted the required SIP revision that implements a CAA penalty fee Rule within 18 months of the effective date (by August 16, 2024) (42 USC section 7410(k)(3), and 40 CFR 52.31); and

WHEREAS, the Board has determined that Rule 611 implements and makes specific the federal requirements for a CAA section 185 fee program for the 2008 federal 8-hour ozone standard as required by 40 CFR section 51.1117 and CAA sections 185(a-d) (HSC section 40727(b)(6)); and

WHEREAS, the Board has determined a written analysis is not required because the proposed Rule 611 doesn’t establish emissions limitations (HSC section 40727.2); and

WHEREAS, adopting Rule 611 and submitting the rule as a revision to the SIP will satisfy the federal non-attainment program CAA requirements; and

WHEREAS, the Board has determined that Rule 611 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 611 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 611 can be easily understood by the persons affected by it (HSC section 40727(b)(3)); and

WHEREAS, the Board has determined that Rule 611 will not affect air quality or emissions limitations and, therefore, a socioeconomic impact analysis is not required (HSC section 40728.5); 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 January 23, 2024, and considered public comments on the proposed Rule 611 (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 611 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 611 will not result in any potentially significant adverse effects on the environment; and

NOW, THEREFORE, BE IT RESOLVED THAT, adoption of Rule 611 is exempt from the provisions of CEQA; and

BE IT FURTHER RESOLVED THAT the Board approves and adopts Rule 611 – CLEAN AIR ACT NONATTAINMENT FEES (set forth in Attachment D); and

BE IT FURTHER RESOLVED THAT Rule 611 – CLEAN AIR ACT NONATTAINMENT FEES will be effective as of the effective date of the EPA final action approving Rule 611 – CLEAN AIR ACT NONATTAINMENT FEES.

BE IT FURTHER RESOLVED that Rule 611 – CLEAN AIR ACT NONATTAINMENT FEES and all necessary documents be submitted to the California Air Resources Board for its approval and subsequent submittal to the EPA for final approval as a revision to the SIP to satisfy the requirements of the federal CAA.

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