

RESOLUTION NO.
OF THE BOARD OF DIRECTORS OF THE EL DORADO COUNTY
AIR QUALITY MANAGEMENT DISTRICT

RESOLUTION AMENDING EL DORADO COUNTY
AIR QUALITY MANAGEMENT DISTRICT RULE 215 AND RULE 101

WHEREAS, section 40001 of the Health and Safety Code of the State of California authorizes El Dorado County Air Quality Management District (EDCAQMD) to adopt and enforce Rules and Regulations to achieve and maintain ambient air quality standards within the District; and

WHEREAS, section 40702 of the Health and Safety Code of the State of California requires a district to adopt rules and regulations and do such acts as may be necessary or proper to execute the powers and duties granted; and

WHEREAS, Health and Safety Code section 40727 provides that before adopting, amending, or repealing a rule or regulation, a district board shall make findings of necessity, authority, clarity, consistency, nonduplication, and reference, based upon information developed pursuant to section 40727.2, information in the rulemaking record maintained pursuant to section 40728, and relevant information presented at the public hearing required by section 40725; and

WHEREAS, section 15308 of the California Environmental Quality Act (CEQA) Guidelines provides that actions taken by regulatory agencies 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, are categorically exempt from CEQA review (Class 8 Categorical Exemption); and

WHEREAS, the purpose of amending Rule 215 - Architectural Coatings is to conform the District rule to the 2007 Suggested Control Measure (SCM) adopted by the California Air Resources Board (ARB); and

WHEREAS, the purpose of amending Rule 101 – General Provisions and Definitions is to update the Volatile Organic Compound (VOC) Exempt list consistent with the update to Rule 215 and make minor edits and clarifications of definitions.

NOW, THEREFORE, BE IT RESOLVED that this 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 Rules 215 and 101;
 - b. Authority: Health and Safety Code section 40702 permits the District to amend District Rules 215 and 101;
 - c. Clarity: District Rules 215 and 101 as amended are written so that their meaning can be easily understood by the persons directly affected by them;
 - d. Consistency: District Rules 215 and 101 as amended are in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, or state or federal regulations;
 - e. Nonduplication: District Rules 215 and 101 as amended do not impose the same requirements as an existing state or federal regulation; and
 - f. Reference: By adopting District Rule 215 and 101, the District meets the requirements of Health and 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 Rules 215 and 101 are actions 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 are therefore categorically exempt from CEQA review as a Class 8 Categorical Exemption.
5. The Board of Directors hereby amends District Rule 215 Architectural Coatings and District Rule 101 General Provisions and Definitions, as set forth in Exhibit 1 (Attachment A of the Staff Report) and Exhibit 2 (Attachment B of the Staff Report), which are attached and incorporated by reference. The amendments are effective January 1, 2018.
6. The Board of Directors directs EDCAQMD to submit all necessary documents to the ARB for its approval and subsequent submittal to the U.S. Environmental Protection Agency for final approval as a revisions to the State Implementation Plan.

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:
James S. Mitrisin
Clerk of the Board of Supervisors

Ayes:
Noes:
Absent:

By: _____
Deputy Clerk

_____ Chairman, Board of Supervisors