



RESOLUTION NO. 038-2016

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

RULE 523-1 FEDERAL NON-ATTAINMENT NEW SOURCE REVIEW

WHEREAS, the Board of Directors of the El Dorado County Air Quality Management District 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 Section 40727(b)(2)); and

WHEREAS, the Board of Directors of the El Dorado County Air Quality Management District has determined that a need exists for the adoption of RULE 523-1 – FEDERAL NON-ATTAINMENT NEW SOURCE REVIEW, which includes the federal New Source Review requirements for “severe” nonattainment areas for the federal 8-hour ozone standard and nonattainment areas for the federal PM_{2.5} standard, as required by the federal Clean Air Act (42 USC 7410(a)(2)(C), 7410(l), 7515, 7502(c)(5), 7503, and 7511a(d)(2)), 75 FR 24409 (May 5, 2010), and Title 40 Code of Federal Regulations Part 51 (Health and Safety Code Section 40727(b)(1)); and

WHEREAS, adopting Rule 523-1 and submitting the rule as a revision to the State Implementation Plan (SIP) will satisfy the federal non-attainment program Clean Air Act requirements; and

WHEREAS, the Board of Directors of the El Dorado County Air Quality Management District has determined that Rule 523-1 implements and meets specific federal requirements under Title I of the federal Clean Air Act Amendments of 1990 and Title 40 Code of Federal Regulations Part 51 (Health and Safety Code Section 40727(b)(6)); and

WHEREAS, the Board of Directors of the El Dorado County Air Quality Management District has determined that Rule 523-1 duplicates federal regulations for permitting programs (40 CFR 51.165) but that the duplicative requirements are necessary in order to execute the duties imposed upon the District (Health and Safety Code Section 40727(b)(5)); and

WHEREAS, the Board of Directors of the El Dorado County Air Quality Management District has considered a written analysis comparing the proposed rule to federal air pollution control requirements in Staff’s Report. (Health and Safety Code Section 40727.2); and

WHEREAS, the Board of Directors of the El Dorado County Air Quality Management District has determined that the meaning of Rule 523-1 can be easily understood by the persons affected by it (Health and Safety Code Section 40727(b)(3)); and

WHEREAS, the Board of Directors of the El Dorado County Air Quality Management District has determined that Rule 523-1 is in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, or state or federal regulations (Health and Safety Code Section 40727(b)(4)); and

WHEREAS, the Board of Directors of the El Dorado County Air Quality Management District has determined that Ammonia is not a significant contributor to the Sacramento Federal Non-Attainment Area’s (SFNA) PM_{2.5} non-attainment, consistent with the requirements of the federal Clean Air Act Section 189(e); and

WHEREAS, the Board of Directors of the El Dorado County Air Quality Management District has maintained records of the rulemaking proceedings (Health and Safety Code Section 40728); and

WHEREAS, the Board of Directors of the El Dorado County Air Quality Management District held a duly noticed public hearing on March 8, 2016 and considered public comments on the proposed Rule 523-1 (Health and Safety Code Sections 40725 and 40726); and

WHEREAS, the Board of Directors of the El Dorado County Air Quality Management District has considered the socioeconomic impacts of the rule in Staff's Report (Health and Safety Code Section 40728.5); and

WHEREAS, although the District has coordinated this rulemaking effort with U.S. Environmental Protection Agency, that agency may nonetheless disapprove the rule or require additional changes that may alter business compliance requirements or methods of compliance; and

WHEREAS, a adoption of Rule 523-1 is exempt from the California Environmental Quality Act (CEQA), under Section 15308 of the State CEQA Guidelines as an action by a regulatory agency for the protection of the environment; and under Section 15061(b)(3) of the State CEQA Guidelines as an action that can be seen with certainty that there is no possibility that such actions may have a significant adverse effect on the environment.

NOW, THEREFORE, BE IT RESOLVED THAT, adoption of Rule 523-1 is exempt from the provisions of CEQA; and

BE IT FURTHER RESOLVED THAT the Board of Directors of the El Dorado County Air Quality Management District approves and adopts Rule 523-1 – FEDERAL NON-ATTAINMENT NEW SOURCE REVIEW (set forth in Attachment D); and

BE IT FURTHER RESOLVED THAT Rule 523-1 – FEDERAL NON-ATTAINMENT NEW SOURCE REVIEW be effective as of the effective date of the U.S. Environmental Protection Agency final action approving Rule 523-1 – FEDERAL NON-ATTAINMENT NEW SOURCE REVIEW.

BE IT FURTHER RESOLVED that Rule 523-1 – FEDERAL NON-ATTAINMENT NEW SOURCE REVIEW and all necessary documents be submitted to the California Air Resources Board for its approval and subsequent submittal to the U.S. Environmental Protection Agency for final approval as a revision to the State Implementation Plan to satisfy the requirements of the federal Clean Air Act.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the 8th day of March, 2016, by the following vote of said Board:

Ayes: Veerkamp, Ranalli, Mikulaco, Frentzen, Novasel
Noes: None
Absent: None

Attest:
James S. Mitrison
Clerk of the Board of Supervisors

By: Marcie MacFarland
Deputy Clerk

[Signature]
Chair, Board of Supervisors
Ron Mikulaco

I CERTIFY THAT:
THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.
Attest: James S. Mitrison, Clerk of the Board of Supervisors of the County of El Dorado, State of California.

By: _____ Date: _____
Marcie MacFarland, Deputy Clerk