



## RESOLUTION NO. 092-2019

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

#### REVISED RULE 523-1 FEDERAL NONATTAINMENT 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 revisions of RULE 523-1 – FEDERAL NONATTAINMENT NEW SOURCE REVIEW, which includes the federal New Source Review requirements for “severe” nonattainment areas for the federal 8-hour ozone standard and “moderate” nonattainment areas for the federal PM<sub>2.5</sub> 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**, revising Rule 523-1 and submitting the rule as a revision to the State Implementation Plan (SIP) will satisfy the federal nonattainment program Clean Air Act requirements; including the 2006 24-hr PM<sub>2.5</sub>, the 2008 8-hr ozone, and 2015 8-hr ozone national ambient air quality standards (NAAQS); 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 51.160-165) 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 revisions to federal air pollution control requirements in the Staff Report attached hereto as Exhibit B. (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 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 June 25, 2019 and considered public comments on the proposed revised 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**, adoption of revised 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 revised 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 revised Rule 523-1 – FEDERAL NONATTAINMENT NEW SOURCE REVIEW (set forth in Attachment D); and

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

**BE IT FURTHER RESOLVED THAT** revised Rule 523-1 – FEDERAL NONATTAINMENT 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, and the 2016 version of Rule 523-1 be withdrawn, 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 25th day of June, 2019, by the following vote of said Board:

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

By:  Deputy Clerk

Ayes: Hidahl, Frentzen, Veerkamp, Parlin, Novasel  
Noes: None  
Absent: None

  
Chair, Board of Supervisors  
Sue Novasel