

RESOLUTION #2022-13 OF THE BOARD OF DIRECTORS AUTHORIZING THE SUBMITTAL OF EXISTING RULES TO THE STATE IMPLEMENTATION PLAN

WHEREAS, the Feather River Air Quality Management District was formed in 1991 when the Sutter County Air Pollution Control District merged with the Yuba County Air Pollution Control District; and

WHEREAS, upon forming the Feather River Air Quality Management District the Board of Directors adopted rules and regulations based off of and to replace the previous county air district regulations; and

WHEREAS, when the rules were adopted in 1991 they were not submitted to the United States Environmental Protection Agency as a revision to the State Implementation Plan and a request to remove the county air district rules from the State Implementation Plan was not made; and

WHEREAS, California Health and Safety Code sections 40000, 40001, 40702, 40716, 40910, and 42300 authorize the Feather River Air Quality Management District to adopt rules and regulations; and

WHEREAS, the rule adoption proceedings in 1991 were held in a public hearing and were properly noticed pursuant to Health and Safety Code section 40725;

WHEREAS, this action to submit the previously adopted rules to the State Implementation plan was held in a public meeting and properly noticed pursuant to Health and Safety Code section 40725, with any evidence having been received concerning the proposed adoption of this Resolution and this Board having duly considered such evidence; and

WHEREAS, District staff has prepared a written analysis of the submittal to the State Implementation Plan of the previously adopted rules, pursuant to Health and Safety Code section 40727.2, and has maintained a record of the rulemaking proceeding pursuant to Health and Safety Code section 40728 at the District office located at 541 Washington Avenue, Yuba City, CA; and

WHEREAS, there is no indication at this time that the proposed rules are written in such a manner that the persons affected by it could not easily understand it; and

WHEREAS, the proposed rules are in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, or state or federal regulations and any duplication with existing state or federal regulations is necessary or proper to execute the powers and duties of the Feather River Air Quality Management District; and

WHEREAS, the proposed rule is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Title 14, California Code of Regulations, section 15308, as an action by a regulatory agency for the protection of the environment; and

WHEREAS, the District Board has made the required findings pursuant to Health and Safety Code section 40727, of authority, necessity, clarity, consistency, non-duplication, and reference in regard to the proposed rule;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the FEATHER RIVER AIR QUALITY MANAGEMENT DISTRICT that effective October 3, 2022, the Board

instructs the District staff to submit Regulation III Rules 3.0, 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.10., and 3.13, and Regulation IX Rule 9.6, and all necessary supporting documents to the California Air Resources Board for subsequent submittal to the United States Environmental Protection Agency as a revision to the State Implementation Plan; and

BE IT FURTHER RESOLVED that effective October 3, 2022, the Board instructs the District staff to request removal of Sutter County Air Pollution Control District and Yuba County Air Pollution Control District Regulation III Rules 3.0, 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.10., and 3.13, and Regulation IX Rules 9.5 and 9.6, from the State Implementation Plan; and

BE IT FURTHER RESOLVED that the error in Table for Rule 3.3 converting process weight rates from 100 pounds per hour to tons per hour shall be corrected to 0.05 tons per hour; and

BE IT FURTHER RESOLVED that the Air Pollution Control Officer is authorized to make non-substantial changes to the rules in consultation with District Counsel so long as the changes are consistent with the District's mission and goals; and

BE IT FURTHER RESOLVED the submittal of the previously adopted rules to the State Implementation Plan is exempt from CEQA.

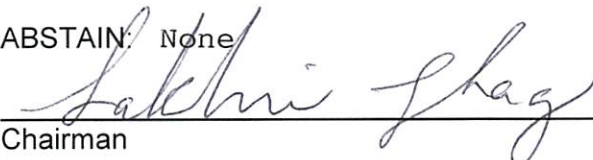
PASSED AND ADOPTED by the Feather River Air Quality Management District at a meeting on October 3, 2022 by the following vote:

AYES: Directors Fletcher, Blaser, Bains, Conant, Ghag, Pendergraph and Espindola

NOES: None

ABSENT: Directors Ziegenmeyer and Gilchrist

ABSTAIN: None


Chairman

ATTEST:

APPROVED FOR LEGAL FORM:



