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BEFORE THE GOVERNING BOARD OF THE  
SAN **JOAQUIN** VALLEY UNIFIED  
AIR POLLUTION CONTROL DISTRICT

**IN THE MATTER OF:**  
**PROPOSED AMENDMENT TO THE 2007**  
**OZONE PLAN TO EXTEND THE RULE**  
**ADOPTION SCHEDULE FOR ORGANIC**  
**WASTE OPERATIONS**

) RESOLUTION NO. 08-12-18

WHEREAS, the San Joaquin Valley Unified Air Pollution Control District (District) is a duly constituted unified air pollution control district, as provided in California Health and Safety Code Sections 40150 et seq. and 40600 et seq.; and

WHEREAS, pursuant to Section 107(d) of the Clean Air Act as amended in 1990, the United States Environmental Protection Agency (EPA) has designated the San Joaquin Valley Air Basin (SJVAB) as nonattainment for the federal 8-hour ozone ambient air quality standards as set in 1997; and

WHEREAS, the District adopted the *2007 Ozone Plan* on April 30, 2007; and

WHEREAS, the California Air Resources Board (ARB) approved the *2007 Ozone Plan* on June 14, 2007 and submitted the plan to EPA for approval on November 16, 2007; and

WHEREAS, the *2007 Ozone Plan* commits the District to develop and adopt all feasible control measures, including a new rule to control emissions from the composting of green waste; and

WHEREAS, while developing Draft New Rule 4566 (Organic Waste Operations), District staff determined that scientific data that is critical to the evaluation of composting control techniques has not been generated and reported in technical literature; and

WHEREAS, the District staff has initiated the development of a field study to obtain the data needed to proceed with the rulemaking project; and

WHEREAS, such a study will take approximately one year, which would preclude the Rule from being adopted according to the schedule in the 2007 Ozone Plan; and

1 WHEREAS, District staff evaluated the impact of rescheduling the adoption of Draft  
2 New Rule 4566 and found that it does not have an adverse impact on the *2007 Ozone*  
3 *Plan's* Reasonable Further Progress (RFP) demonstration or the attainment  
4 demonstration; and

5 WHEREAS, a public comment period on the Final Staff Report for the proposed  
6 amendment to the *2007 Ozone Plan* to extend the rule adoption schedule for Draft  
7 New Rule 4566 (Organic Waste Operations) was held from November 17, 2008  
8 through December 1, 2008; and

9 WHEREAS, a public hearing to approve a proposed amendment to the *2007 Ozone*  
10 *Plan* to extend the rule adoption date for Draft New Rule 4566 (Organic Waste  
11 Operations) from First Quarter of 2009 to Fourth Quarter of 2010 was duly noticed for  
12 December 18, 2008.

13 NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

14 1. The Governing Board finds that, because said proposed amendment to the  
15 *2007 Ozone Plan* to extend the rule adoption schedule for Draft New Rule 4566 is not  
16 a "project" under CEQA and will have no possible significant adverse effect on the  
17 environment, the proposed action is not subject to the environmental impact analysis  
18 requirements of CEQA.

19 2. The Governing Board hereby finds, based on the evidence and information  
20 presented at the hearing upon which its decision is based, that all notices required to  
21 be given by law have been duly given, and that the District Governing Board has  
22 allowed public testimony in accordance with law.

23 3. The Executive Director/Air Pollution Control Officer is hereby directed to forward  
24 a copy of this Resolution and the *Proposed Amendment to the 2007 Ozone Plan to*  
25 *Extend the Rule Adoption Schedule for Draft New Rule 4566 (Organic Waste*  
26 *Operations)* to the California Air Resources Board (ARB).

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1 4. The Executive Director/Air Pollution Control Officer requests that the ARB  
2 Executive Officer transmit the *Proposed Amendment to the 2007 Ozone Plan to*  
3 *Extend the Rule Adoption Schedule for Draft New Rule 4566 (Organic Waste*  
4 *Operations)*, as approved by the District Governing Board, to the United States  
5 Environmental Protection Agency (EPA).

6 5. The Governing Board authorizes the Executive Director/Air Pollution Control  
7 Officer to include in the submittal or subsequent documentation any technical  
8 corrections, clarifications, or additions that may be needed to secure EPA approval,  
9 provided such changes do not alter the substantive requirements of said extension of  
10 rule adoption date.

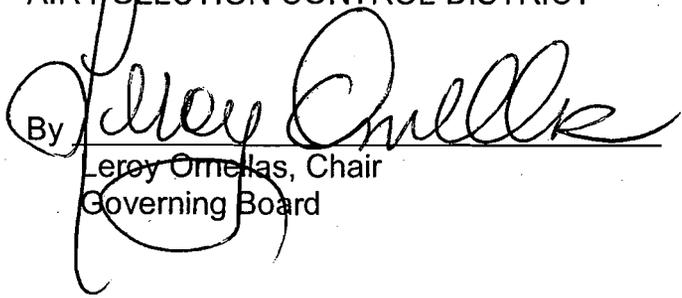
11 **THE FOREGOING** was passed by the following vote of the Governing Board of the  
12 San Joaquin Valley Unified Air Pollution Control District this 18th day of December  
13 2008, to wit:

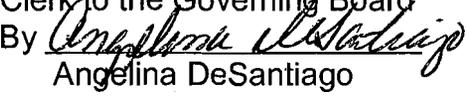
14 **AYES:** Watson, Telles, Case, Nelson,  
15 Dominici, Barba, O'Brien, Worthley,  
16 Vierra, Ornellas

17 **NOES:**

18 **ABSENT:** Forman, Perea

20 SAN JOAQUIN VALLEY UNIFIED  
21 AIR POLLUTION CONTROL DISTRICT

22  
23 By   
24 Leroy Ornellas, Chair  
25 Governing Board

26 ATTEST:  
27 Clerk to the Governing Board  
28 By   
Angelina DeSantiago