RESOLUTION 15-03

A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, ADOPTING THE FEDERAL NEGATIVE DECLARATIONS FOR NINETEEN CONTROL TECHNIQUE GUIDELINES SOURCE CATEGORIES AND DIRECTING STAFF ACTIONS.

On February 23, 2015, on motion by Member **HERNANDEZ**, seconded by Member **WILLIAMS**, and carried, the following resolution is adopted:

WHEREAS, the Mojave Desert Air Quality Management District (MDAQMD) has authority pursuant to California Health and Safety Code (H&S Code) §§40702, 40725-40728 to adopt, amend or repeal rules and regulations; and

WHEREAS, the Federal Clean Air Act (FCAA) requires areas designated non-attainment and classified moderate and above to implement Reasonably Available Control Technology (RACT) for sources subject to Control Techniques Guidelines (CTG) documents issued by the United States Environmental Protection Agency (USEPA) for "major sources" of volatile organic compounds (VOCs) and oxides of nitrogen (NO_X) which are ozone precursors; and

WHEREAS, effective May 27, 2008 (73 FR 16436, March 27, 2008), USEPA lowered the primary ozone National Ambient Air Quality Standard (NAAQS) from 0.084 parts per million (ppm) to 0.075 ppm; and

WHEREAS, for purposes of the FCAA, portions of the District have been designated non-attainment for ozone and classified as Severe-15 for the new 0.075 ppm 8-hour standard; and

WHEREAS, as a result of the shift to the 0.075 ppm standard, the District is required to update rules to meet RACT requirements; and

WHEREAS, for those CTG source categories not represented within the area designated non-attainment for ozone, USEPA requires the submission of a Federal Negative Declaration certifying that those sources are not present; and

WHEREAS, these "Federal Negative Declarations" are different from the Negative Declarations associated with the California Environmental Quality Act (CEQA); and

WHEREAS, instead, these FNDs, once adopted by the Governing Board, will serve as official certification to the USEPA that there are stationary sources or emitting facilities in these categories located within the area designated as non-attainment for ozone within the MDAQMD; and

WHEREAS, there are no emission reductions associated with this action because it does not change any existing rules or regulations; and

WHEREAS, the proposed adoption of the *FNDs for Nineteen CTG Source Categories* is necessary because for those source categories not represented within the area designated non-attainment for ozone, and covered by a CTG or which meet the definition of a major source, USEPA requires the submission of a FND certifying that those sources are not present; and

WHEREAS, the MDAQMD has the authority pursuant to H&S Code §40702 to amend rules and regulations; and

WHEREAS, the proposed adoption is clear in that it is written so that the persons can easily understand the scope and necessity of the FNDs; and

WHEREAS, the proposed adoption of the *FNDs for Nineteen CTG Source Categories* is in harmony with, and not in conflict with or contradictory to any state law or regulation, federal law or regulation, or court decisions; and

WHEREAS, the adoption of the *FNDs for Nineteen CTG Source Categories* does not impose the same requirements as an existing state or federal law or regulation because federal law requires the adoption and certification of "Negative Declarations" for those source categories not represented within the area designated non-attainment for ozone which are covered by a CTG or which meet the definition of a major source; and

WHEREAS, the proposed adoption is needed because for those source categories not represented within the area designated non-attainment for ozone, and covered by a CTG or which meet the definition of a major source, USEPA requires the submission of a FND certifying that those sources are not present; and

WHEREAS, a public hearing has been properly noticed and conducted, pursuant to H&S Code §40725, concerning the proposed adoption of the *FNDs for Nineteen CTG Source Categories*; and

WHEREAS, a Notice of Exemption, a Categorical Exemption (Class 8, 14 CCR §15308) for the proposed adoption of the *FNDs for Nineteen CTG Source Categories*, completed in compliance with the CEQA, has been presented to the Governing Board of the MDAQMD; each member having reviewed, considered and approved the information contained therein prior to acting on the proposed adoption of the

FNDs for Nineteen CTG Source Categories, and the Governing Board of the MDAQMD having determined that the proposed adoption will not have any potential for resulting in any adverse impact upon the environment; and

WHEREAS, the Governing Board of the MDAQMD has considered the evidence presented at the public hearing; and

NOW, THEREFORE, BE IT RESOLVED, that the Governing Board of the MDAQMD finds that the proposed adoption of the *FNDs for Nineteen CTG Source Categories* is necessary, authorized, clear, consistent, non-duplicative and properly referenced; and

BE IT FURTHER RESOLVED, that the Governing Board of the MDAQMD hereby makes a finding that the Class 8 Categorical Exemption (14 CCR §15308) applies and certifies the Notice of Exemption for the proposed adoption of the *FNDs for Nineteen CTG Source Categories*; and

BE IT FURTHER RESOLVED, that the Board of the MDAQMD does hereby adopt, pursuant to the authority granted by law, the proposed adoption of the *FNDs for Nineteen CTG Source Categories*, as set forth in the attachments to this resolution and incorporated herein by this reference; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately upon adoption, that the Clerk of the Board is directed to file the Notice of Exemption in compliance with the provisions of CEQA.

PASSED, APPROVED AND ADOPTED by the Governing Board of the Mojave Desert Air Quality Management District by the following vote:

AYES:	*9*	MEMBER: **SCHMIDT, BISHOP, HERNANDEZ, COLE, COX, LEONE, DECONINCK, CAMARGO, WILLIAMS**
NOES:		MEMBER:
ABSENT:	*4*	MEMBER: **RIORDAN, LOVINGOOD, RAMOS, BENOIT**
ABSTAIN:		MEMBER:

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) SS:

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I, Michele Baird, Clerk of the Governing Board of the Mojave Desert Air Quality Management District, hereby certify the foregoing to be a full, true and correct copy of the record of the action as the same appears in the Official Minutes of said Governing Board at its meeting of February 23, 2015.

Michele Baird

Clerk of the Governing Board,
Mojave Desert Air Quality Management District.