RESOLUTION 15-02

A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, ADOPTING THE 2015 8-HOUR REASONABLY AVAILABLE CONTROL TECHNOLOGY – STATE IMPLEMENTATION PLAN ANALYSIS (2015 RACT SIP ANALYSIS) AND DIRECTING STAFF ACTIONS.

On February 23, 2015, on motion by Member **HERNANDEZ**, seconded by Member **LEONE**, 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 Technique 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 8-hour standard; and

WHEREAS, as a result of the shift to the 0.075 ppm standard, USEPA is requiring that all non-attainment areas submit an updated RACT SIP Analysis; and

WHEREAS, the purpose of the *2015 8-Hour Reasonably Available Control Technology – State Implementation Plan Analysis (2015 RACT SIP Analysis)* is to ensure that District rules adequately address current RACT requirements; and

WHEREAS, in 2006 the MDAQMD adopted the *8-Hour Reasonably Available Control Technology – State Implementation Plan Analysis (2006 RACT SIP Analysis)* in response to a change on March 9, 2006 of the previous ozone standard from measurement on a one-hour basis (1-hour ozone standard) to an eight-hour basis (8-hour ozone standard); and

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WHEREAS, on September 14, 2006, USEPA provided comments on the *2006 RACT SIP Analysis* requesting additional analysis on several rules to determine if they still represent RACT; and

WHEREAS, on February 25, 2014, the MDAQMD sent the *2014 Supplement to the 2006 MDAQMD RACT SIP Analysis (2014 Supplement)* addressing these comments and providing the requested analysis of those rules identified by USEPA; and

WHEREAS, the *2014 Supplement* was not acted upon by the Governing Board pursuant to USEPA direction; and

WHEREAS, the MDAQMD must now adopt an updated *2015 RACT SIP Analysis* for the 2008 0.075 ppm 8-hour ozone NAAQS; and

WHEREAS, the original *2006 RACT SIP Analysis*, together with the *2014 Supplement* and this document, represent a current and complete *2015 RACT SIP Analysis* document for the 0.075 ppm 8-hour ozone NAAQS; and

WHEREAS, the proposed adoption of the *2015 RACT SIP Analysis* is necessary because portions of the MDAQMD have been designated as an ozone non-attainment area and classified Severe-15 for the 0.075 ppm 8-hour ozone standard, and the MDAQMD must submit the *2015 RACT SIP Analysis* to the USEPA pursuant to the FCAA; and

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

WHEREAS, the proposed adoption of the *2015 RACT SIP Analysis* is clear in that it is written so that the persons evaluating the analysis can easily understand the meaning; and

WHEREAS, the proposed adoption is in harmony with, and not in conflict with, or contradictory to existing statutes, court decisions, or state or federal regulations; and

WHEREAS, the proposed adoption does not impose the same requirements as any existing state or federal regulation because federal law requires either certification of RACT status or updating rules to current RACT; and

WHEREAS, the *2015 RACT SIP Analysis* provides certification and identifies rules which require updates; and

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WHEREAS, the proposed adoption is needed because portions of the MDAQMD have been designated as an ozone non-attainment area and classified Severe-15 for the 0.075 ppm 8-hour ozone standard, therefore, the MDAQMD must submit the *2015 RACT SIP Analysis* to the USEPA pursuant to the FCAA; and

WHEREAS, a public hearing has been properly noticed and conducted, pursuant to H&S Code §40725, concerning the proposed adoption of the *2015 RACT SIP Analysis*; and

WHEREAS, a Notice of Exemption, a Categorical Exemption (Class 8, 14 CCR §15308) for the proposed adoption of the *2015 RACT SIP Analysis*, completed in compliance with the California Environmental Quality Act (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 *2015 RACT SIP Analysis*, and the Governing Board of the MDAQMD having determined that the proposed amendments 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 *2015 RACT SIP Analysis* 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 *2015 RACT SIP Analysis*; and

BE IT FURTHER RESOLVED, that the Governing Board of the MDAQMD does hereby adopt, pursuant to the authority granted by law, the proposed adoption of the *2015 RACT SIP Analysis*, 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.

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RESOLUTION 15-02

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)
) SS:
COUNTY OF SAN BERNARDINO)

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.