

Notice of Exemption

FILED

MAY 16 2024

Bill Emlen, Clerk of the Board of Supervisors of the County of Solano, State of California
Deputy *Amel Johnson*

To: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

County Clerk
County of Yolo
625 Court Street Room 105
Woodland, CA 95695

County Clerk
Solano County
600 Texas Street
Fairfield, CA 94533

From: Yolo-Solano Air Quality Management District
1947 Galileo Court, Suite 103
Davis, CA 95618

Project Title: Adoption of Rule 4.5 – FEDERAL CLEAN AIR ACT SECTION 185 PENALTY FEES

Project Location: Yolo-Solano Air Quality Management District

Project description: The District is proposing to adopt Rule 4.5, FEDERAL CLEAN AIR ACT SECTION 185 PENALTY FEES. The District is proposing to adopt the rule to establish penalty fees for major sources of NOx and VOC pursuant to the Federal Clean Air Act Section 185.

Name of Public Agency Approving Project: Yolo-Solano Air Quality Management District
Name of Person or Agency Carrying Out Project: Yolo-Solano Air Quality Management District

Exempt Status:

- Ministerial
- Emergency Project
- Categorical Exemption (CEQA Guidelines Section 15308, Action by Regulatory Agency for Protection of the Environment)
- Statutory Exemption

Reason why project is exempt: The adoption of Rule 4.5 is an action taken to maintain and protect the environment and is therefore exempt from CEQA because it constitutes a Class 8 categorical exemption pursuant to CEQA Guidelines 15308.

Lead Agency Contact Person: Gretchen Bennitt, Air Pollution Control Officer
Telephone Number: (530) 757-3650

Signature: *Gretchen Bennitt* Date: 05/08/24 Title: APCO

Document Posted From
05.16.2024 to _____
Deputy Clerk of the Board

RESOLUTION NO. 24-04

RESOLUTION ADOPTING YOLO-SOLANO AIR QUALITY MANAGEMENT DISTRICT RULE 4.5

WHEREAS, California Health and Safety Code section 40702 provides that an air quality management district shall adopt rules and regulations as may be necessary or proper to execute the powers and duties granted to, and imposed upon, the district by Division 26 of the Health and Safety Code; and

WHEREAS, Health and Safety Code section 40727 provides that before adopting, amending, or repealing a rule or regulation, a district board shall make findings of necessity, authority, clarity, consistency, nonduplication, and reference, based upon information developed pursuant to section 40727.2, information in the rulemaking record maintained pursuant to section 40728, and relevant information presented at the public hearing required by section 40725; and

WHEREAS, section 15308 of the CEQA Guidelines provides that actions taken by regulatory agencies as authorized by state law to assure the maintenance, restoration, or enhancement of the environment where the regulatory process involves procedures for protection of the environment, are categorically exempt from CEQA review (Class 8 Categorical Exemption); and

WHEREAS, District staff identified requirements within the Federal Clean Air Act, Section 182(d) and 185(a) through 185(d), which required the adoption of RULE 4.5, FEDERAL CLEAN AIR ACT PENALTY FEES, to remain consistent with federal policy.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Yolo-Solano Air Quality Management District hereby finds, authorizes, directs and declares as follows:

1. The Board of Directors has considered and hereby adopts by reference the staff report prepared in this matter.
2. The Board of Directors makes the following findings pursuant to Health and Safety Code section 40727:
 - a. Necessity: Information in the District's rulemaking record maintained pursuant to Health and Safety Code section 40728 demonstrates a need for adopting District Rule 4.5;
 - b. Authority: Health and Safety Code section 40702 permits the District to adopt District Rule 4.5;

- c. Clarity: District Rule 4.5 as adopted is written so that its meaning can be easily understood by the persons directly affected by it;
 - d. Consistency: District Rule 4.5 as adopted is in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, or state or federal regulations;
 - e. Nonduplication: District Rule 4.5 as adopted does not impose the same requirements as an existing state or federal regulation;
 - f. Reference: By adopting District Rule 4.5, the District meets the requirements of Health & Safety Code Sections 40702.
3. The Board of Directors finds that the District has complied with the procedural requirements set forth in Chapters 6 and 6.5 of Part 3 of Division 26 of the Health and Safety Code.
 4. The Board of Directors finds that adopting District Rule 4.5 is an action taken by a regulatory agency as authorized by state law to assure the maintenance, restoration, or enhancement of the environment where the regulatory process involves procedures for protection of the environment, and is therefore categorically exempt from CEQA review as a Class 8 Categorical Exemption.
 5. The Board of Directors hereby adopts District Rule 4.5 as set forth in Exhibit 1 (Attachment A of the Staff Report), which is attached and incorporated by reference. The adoption is effective May 8th, 2024.

PASSED AND ADOPTED by the Board of Directors of the Yolo-Solano Air Quality Management District this 8th day of May, 2024, by the following vote:

Ayes: Alcalá, Barajas, Fernandez, Kott, Partida, Scianna, Silva, Vasquez, Vixie Sandy

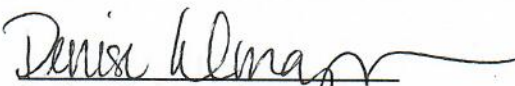
Noes: None

Absent: Brown, Ernest, Frerichs, Masburn, Provenza

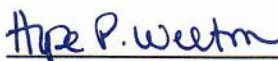
Abstain: None

for 
 Mitch Mashburn, Chair - Board of Directors
 Yolo-Solano Air Quality Management District

Attest:


 Denise Almaguer, Board Clerk

Approved as to Form:


 Hope P. Welton, District Counsel