

NOTICE OF EXEMPTION

SEP 16 2021

To:  Office of Planning & Research  
1400 10th Street, Suite 100  
Sacramento, CA 95814

Yolo County Clerk-Recorder  
625 Court Street, Room B01  
Woodland, CA 95695

Solano County Assessor/Recorder  
675 Texas Street, Suite 2700  
Fairfield CA 94533-6338

Birgitta E. Corsello, Clerk of  
the Board of Supervisors of  
the County of Solano, State of California

Deputy: 

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

Project Title: Revision of Rule 4.4 - Hearing Board Fees

Project Location: Yolo-Solano Air Quality Management District

Project Description: The District is proposing to amend Rule 4.4, Hearing Board Fees. The District is proposing to amend the rule to simplify the fee structure, increase fees to recover the actual costs incurred by the District to administer Hearing Board proceedings, and add a provision to adjust Hearing Board fees based on California Consumer Price index.

Name of Agency Approving Project: Yolo-Solano Air Quality Management District

Name of Person/Agency carrying Out Project: Yolo-Solano Air Quality Management District

Exempt Status

- Ministerial
- Emergency Project
- Categorical Exemption
- Statutory Exemption

Reason Why Project is Exempt: The revision of Rule 4.4 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: Mat Ehrhardt, Executive Director/Air Pollution Control Officer

Phone Number: (530) 757-3650

Signature:  Digitally signed by Mat Ehrhardt  
Date: 2021.09.09 10:33:26 -07'00'

Date: 09/08/2021

Title: APCO

Document Posted From  
9/16/2021 to \_\_\_\_\_

Deputy Clerk of the Board

**RESOLUTION NO. 21-05**

**RESOLUTION AMENDING YOLO-SOLANO AIR QUALITY MANAGEMENT DISTRICT RULES 4.4, 5.1, and 5.2**

**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**, Yolo-Solano Air Quality Management District staff identified requirements within Rule 4.4 - HEARING BOARD FEES, Rule 5.1 - PROCEDURE BEFORE THE HEARING BOARD, and Rule 5.2 - UPSET/BREAKDOWN CONDITIONS: EMERGENCY VARIANCE, which required updating for consistency, clarity, and adequate cost recovery.

**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 reports 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 amending District Rules 4.4, 5.1, and 5.2;



- b) Authority: Health and Safety Code section 40702 permits the District to amend District Rules 4.4, 5.1, and 5.2;
  - c) Clarity: District Rules 4.4, 5.1, and 5.2 as amended are written so that its meaning can be easily understood by the persons directly affected by it;
  - d) Consistency: District Rules 4.4, 5.1, and 5.2 as amended are in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, or state or federal regulations;
  - e) Nonduplication: District Rules 4.4, 5.1, and 5.2 as amended do not impose the same requirements as an existing state or federal regulation;
  - f) Reference: By adopting District Rules 4.4, 5.1, and 5.2, 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 amending District Rules 4.4, 5.1, and 5.2 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 amends District Rules 4.4, 5.1, and 5.2 as set forth in Exhibit 1 (Attachment A of the Staff Reports), which is attached and incorporated by reference. The amendment is effective September 8, 2021.

**PASSED AND ADOPTED** by the Board of Directors of the Yolo-Solano Air Quality Management District this 8th day of September, 2021, by the following vote:

Ayes: Anderson, Barajas, Brown, Ernest, Kott, Mashburn, Partida, Provenza, Saylor, Vasquez, Wiley

Noes: None


Absent: Alcala, Fernandez, Sandy

Abstain: None

**Jim Provenza**

Jim Provenza, Chair Board of Directors  
Yolo-Solano Air Quality Management District

Attest:

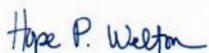
  
Denise Almaguer, Board Clerk

Approved as to Form:

**Hope P. Welton**

Hope Welton, District Counsel

Signature:   
Jim Provenza (Sep 10, 2021 14:01 PDT)  
Email: jim.provenza@yolocounty.org

Signature:   
Email: hope.welton@yolocounty.org