

NOTICE OF EXEMPTION

SEP 16 2021

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

Birgitta E. Corsello, Clerk of
the Board of Supervisors of
the County of Solano, State of California
Deputy: *[Signature]*

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

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

Project Title: Revision of Rule 5.2 - Upset/Breakdown Conditions: Emergency Variance

Project Location: Yolo-Solano Air Quality Management District

Project Description: The District is proposing to amend Rule 5.2 - Upset/Breakdown Conditions: Emergency Variance. The District is proposing to amend the rule to modernize the rule to align with current practice, consolidate or clarify rule sections to make the procedures more understandable and readable to the public, and incorporate rule changes based on California Health and Safety Code changes or specifications.

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 5.2 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: *[Signature]*
Digitally signed by Mat Ehrhardt
Date: 2021.09.09 10:33:28
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9/16/2021 to _____

Title: APCO

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