

15-04 RESOLUTION

1 **A RESOLUTION OF THE GOVERNING BOARD OF THE ANTELOPE VALLEY AIR**
2 **QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF**
3 **EXEMPTION, ADOPTING THE FEDERAL NEGATIVE DECLARATIONS FOR TWENTY**
4 **CONTROL TECHNIQUES GUIDELINES SOURCE CATEGORIES AND DIRECTING STAFF**
5 **ACTIONS.**

6 On July 21, 2015, on motion by Member CRIST, seconded by Member CHELETTE, and carried,
7 the following resolution is adopted:

8 **WHEREAS**, the Antelope Valley Air Quality Management District (AVAQMD) has authority
9 pursuant to California Health and Safety Code (H&S Code) §§40702, 40725-40728 to adopt, amend or
10 repeal rules and regulations; and

11 **WHEREAS**, the AVAQMD Governing Board is being requested to conduct a public hearing,
12 make findings, and then adopt a resolution adopting the *Federal Negative Declarations for Twenty*
13 *Control Techniques Guidelines Source Categories*; and

14 **WHEREAS**, these “Federal Negative Declarations” (FNDs) are different from the Negative
15 Declarations associated with the California Environmental Quality Act (CEQA); and

16 **WHEREAS**, these FNDs, once adopted by the Governing Board, will serve as official
17 certification to the United States Environmental Protection Agency (USEPA) that there are no stationary
18 sources or emitting facilities in these categories located within the area designated as non-attainment for
19 ozone within the AVAQMD; and

20 **WHEREAS**, their adoption does not satisfy any other state or federal requirements imposed upon
21 the District; and

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

24 **WHEREAS**, the Federal Clean Air Act (FCAA) requires areas designated non-attainment and
25 classified moderate and above to implement Reasonably Available Control Technology (RACT) for
26 sources subject to Control Technique Guidelines (CTG) documents issued by the USEPA for “major
27 sources” of volatile organic compounds (VOCs) and oxides of nitrogen (NOx) which are ozone
28 precursors; and

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15-04 RESOLUTION

1 **WHEREAS**, effective May 27, 2008 (73 FR 16436, March 27, 2008), USEPA lowered the
2 primary ozone National Ambient Air Quality Standard (NAAQS) from 0.084 parts per million (ppm) to
3 0.075 ppm; and

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

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

8 **WHEREAS**, the purpose of the *RACT SIP Analysis* is to ensure that District rules adequately
9 address current RACT requirements; and

10 **WHEREAS**, for those source categories not represented within the area designated non-
11 attainment for ozone, USEPA requires the submission of a FND certifying that those sources are not
12 present; and

13 **WHEREAS**, the District has existing SIP rules for a several source categories subject to these
14 FNDs; and

15 **WHEREAS**, filing a FND does not mean that the District will not subsequently amend its rule
16 and update the SIP at a future time; and

17 **WHEREAS**, these FNDs are revisions to the State Implementation Plan (SIP), and consequently
18 they must be adopted after public notice and hearing (42 U.S.C. §7410(1), FCAA §110(1)); and

19 **WHEREAS**, the proposed adoption of the *Federal Negative Declarations for Twenty Control*
20 *Techniques Guidelines Source Categories* is necessary because for those source categories not represented
21 within the area designated non-attainment for ozone, and covered by a CTG or which meet the definition
22 of a major source, USEPA requires the submission of a FND certifying that those sources are not present;
23 and

24 **WHEREAS**, the AVAQMD has the authority pursuant to H&S Code §40702 to amend rules and
25 regulations; and

26 **WHEREAS**, the proposed adoption is clear in that the meaning can be easily understood by the
27 persons impacted by the *Federal Negative Declarations for Twenty Control Techniques Guidelines*
28 *Source Categories*; and

15-04 RESOLUTION

1 **WHEREAS**, the proposed adoption is in harmony with, and not in conflict with, or contradictory
2 to existing statutes, court decisions, or state or federal regulations because this document is required to be
3 developed pursuant to the FCAA and the regulations promulgated thereunder; and

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5 **WHEREAS**, the proposed adoption does not impose the same requirements as any existing state
6 or federal regulation because federal law requires the adoption and certification of “Negative
7 Declarations” for those source categories not represented within the area designated non-attainment for
8 ozone which are covered by a CTG or which meet the definition of a major source; and

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

13 **WHEREAS**, a public hearing has been properly noticed and conducted, pursuant to H&S Code
14 §40725, concerning the proposed adoption of the *Federal Negative Declarations for Twenty Control*
15 *Techniques Guidelines Source Categories*; and

16 **WHEREAS**, the public hearing to consider the adoption of the *Federal Negative Declarations for*
17 *20 CTG Source Categories* was originally noticed for the May 19, 2015 Governing Board meeting; and

18 **WHEREAS**, the AVAQMD received substantive comments from USEPA and continued the
19 hearing to June 16, 2015 and again to July 21, 2015 to address the comments; and

20 **WHEREAS**, a Notice of Exemption, a Categorical Exemption (Class 8, 14 CCR §15308) for the
21 proposed adoption of the *Federal Negative Declarations for Twenty Control Techniques Guidelines*
22 *Source Categories*, completed in compliance with the California Environmental Quality Act (CEQA), has
23 been presented to the Governing Board of the AVAQMD; each member having reviewed, considered and
24 approved the information contained therein prior to acting on the proposed adoption of the *Federal*
25 *Negative Declarations for Twenty Control Techniques Guidelines Source Categories*, and the AVAQMD
26 Board having determined that the proposed adoption will not have any potential for resulting in any
27 adverse impact upon the environment; and

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15-04 RESOLUTION

1 WHEREAS, the Governing Board of the AVAQMD has considered the evidence presented at the
2 public hearing; and

3 NOW, THEREFORE, BE IT RESOLVED, that the Governing Board of the AVAQMD finds
4 that the proposed adoption of the *Federal Negative Declarations for Twenty Control Techniques*
5 *Guidelines Source Categories* is necessary, authorized, clear, consistent, non-duplicative and properly
6 referenced; and

7 BE IT FURTHER RESOLVED, that the Governing Board of the AVAQMD hereby makes a
8 finding that the Class 8 Categorical Exemption (14 CCR §15308) applies and certifies the Notice of
9 Exemption for the proposed adoption of the *Federal Negative Declarations for Twenty Control*
10 *Techniques Guidelines Source Categories*; and

11 BE IT FURTHER RESOLVED, that the Governing Board of the AVAQMD does hereby adopt,
12 pursuant to the authority granted by law, the proposed adoption of the *Federal Negative Declarations for*
13 *Twenty Control Techniques Guidelines Source Categories*, as set forth in the attachments to this
14 resolution and incorporated herein by this reference; and

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

18 PASSED, APPROVED AND ADOPTED by the Governing Board of the Antelope Valley Air Quality
19 Management District by the following vote:

20 AYES: MEMBER: CRIST, HAWKINS, CHELETTE, UNDERWOOD-JACOBS

21 NOES: MEMBER:

22 ABSENT: MEMBER: LEDFORD, DISPENZA, LAWSON, MANN

23 ABSTAIN: MEMBER:

24 STATE OF CALIFORNIA)
25) SS:
26 COUNTY OF LOS ANGELES)

27
28 I, Crystal Goree, Deputy Clerk of the Governing Board of the Antelope Valley Air Quality
Management District, hereby certify the foregoing to be a full, true and correct copy of the record of the

15-04 RESOLUTION

1 action as the same appears in the Official Minutes of said Governing Board at its meeting of July 21,
2 2015.

3 *Crystal Goree*

4 Deputy Clerk of the Governing Board,
5 Antelope Valley Air Quality Management District.
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