**ATTACHMENT B**

RESOLUTION NO. 19-\_\_\_\_

**A Resolution of the Governing Board of the South Coast Air Quality Management District (South Coast AQMD) determining that Proposed Amended Rule 102 –** **Definition of Terms is exempt from the requirements of the California Environmental Quality Act (CEQA).**

**A Resolution of the South Coast AQMD Governing Board amending Rule 102 –** **Definition of Terms.**

**WHEREAS**, the South Coast AQMD Governing Board has determined that Rule 102 should be amended to add “South Coast AQMD” as another abbreviation for the South Coast Air Quality Management District to more distinctly describe the agency; and

**WHEREAS**, the South Coast AQMD Governing Board finds and determines that Proposed Amended Rule 102 is considered a “project” pursuant to CEQA per CEQA Guidelines Section 15002(k) – General Concepts, the three-step process for deciding which document to prepare for a project subject to CEQA; and

**WHEREAS**, the South Coast AQMD has had its regulatory program certified pursuant to Public Resources Code Section 21080.5 and CEQA Guidelines Section 15251(*l*), and has conducted a CEQA review and analysis of Proposed Amended Rule 102 pursuant to such program (South Coast AQMD Rule 110); and

**WHEREAS**, the South Coast AQMD Governing Board finds and determines after conducting a review of the proposed project in accordance with CEQA Guidelines Section 15002(k) - General Concepts, the three-step process for deciding which document to prepare for a project subject to CEQA, and CEQA Guidelines Section 15061 – Review for Exemption, procedures for determining if a project is exempt from CEQA, that Proposed Amended Rule 102 is determined to be exempt from CEQA; and

**WHEREAS**, the South Coast AQMD Governing Board finds and determines that it can be seen with certainty that there is no possibility that the proposed project may have any significant effects on the environment, because the proposed changes are administrative and procedural in nature and would not cause any physical changes that would affect any environmental topic area, and is therefore, exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) – Activities Covered By Common Sense Exemption; and

**WHEREAS**, the South Coast AQMD staff has prepared a Notice of Exemption for the proposed project that is completed in compliance with CEQA Guidelines Section 15062 – Notice of Exemption; and

**WHEREAS,** Proposed Amended Rule 102 and the December 6, 2019 South Coast AQMD Governing Board letter, including the Notice of Exemption and other supporting documentation, were presented to the South Coast AQMD Governing Board and the South Coast AQMD Governing Board has reviewed and considered this information, as well as has taken and considered staff testimony and public comment prior to approving the project; and

**WHEREAS,** the South Coast AQMD Governing Board finds and determines, taking into consideration the factors in Section (d)(4)(D) of the Governing Board Procedures (codified as Section 30.5(4)(D)(i) of the Administrative Code), that there were no modifications to Proposed Amended Rule 102 since the Notice of Public Hearing was published; and

**WHEREAS,** Proposed Amended Rule 102 will be submitted for inclusion into the State Implementation Plan; and

**WHEREAS,** Health and Safety Code Section 40727 requires that prior to adopting, amending or repealing a rule or regulation, the South Coast AQMD Governing Board shall make findings of necessity, authority, clarity, consistency, non-duplication, and reference based on relevant information presented at the public hearing and in the Board Letter (that serves as the Staff Report); and

**WHEREAS,** the South Coast AQMD Governing Board has determined that a need exists to amend Rule 102 – Definition of Terms to further distinguish the current abbreviation of the “District” and “AQMD” for the South Coast Air Quality Management District; and

**WHEREAS,** the South Coast AQMD Governing Board obtains its authority to adopt, amend, or repeal rules and regulations from Sections 39002, 40000, 40001, 40440, 40702, 40725 through 40728, 41508, and 41700 of the Health and Safety Code; and

**WHEREAS,** the South Coast AQMD Governing Board has determined that Rule 102, as proposed to be amended, is written and displayed so that its meaning can be easily understood by persons directly affected by it; and

**WHEREAS,** the South Coast AQMD Governing Board has determined that Rule 102, as proposed to be amended, is in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, or state or federal regulations; and

**WHEREAS,** the South Coast AQMD Governing Board has determined that Rule 102, as proposed to be amended, does not impose the same requirements as any existing state or federal regulations, and the proposed amended rule is necessary and proper to execute the powers and duties granted to, and imposed upon, the South Coast AQMD; and

**WHEREAS,** the South Coast AQMD Governing Board, in amending the regulation, references the following statute which the South Coast AQMD hereby implements, interprets or makes specific: Health and Safety Code Section 40440 (c) (adoption of rules and regulations to assure efficiency of administrative practice); and

**WHEREAS,** the South Coast AQMD Governing Board has determined that a Socioeconomic Impact Assessment is not required, pursuant to Health and Safety Code Section 40440.8 or 40728.5, because Proposed Amended Rule 102 is administrative in nature and will not have a significant impact on air quality or emissions limitations and no known cost impact; and

**WHEREAS,** the public hearing has been properly noticed in accordance with all provisions of Health and Safety Code Section 40725; and

**WHEREAS,** the South Coast AQMD Governing Board has held a public hearing in accordance with all provisions of law; and

**WHEREAS,** the South Coast AQMD specifies the Manager for Rule 102 as the custodian of the documents or other materials which constitute the record of proceedings upon which the adoption of the proposed amendments are based, which are located at the South Coast Air Quality Management District, 21865 Copley Drive, Diamond Bar, California; and

**NOW, THEREFORE BE IT RESOLVED,** that the South Coast AQMD Governing Board does hereby determine, pursuant to the authority granted by law, that Proposed Amended Rule 102 is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) – Activities Covered by Common Sense Exemption. This information has been presented to the South Coast AQMD Governing Board, whose members exercised their independent judgment and reviewed, considered and approved the information therein prior to acting on Proposed Amended Rule 102; and

**BE IT FURTHER RESOLVED,** that the South Coast AQMD Governing Board does hereby adopt, pursuant to the authority granted by law, Proposed Amended Rule 102 as set forth in the attached, and incorporated herein by this reference.

**BE IT FURTHER RESOLVED,** that the Executive Officer is hereby directed to forward a copy of this Resolution and Proposed Amended Rule 102 to the California Air Resources Board for approval and subsequently submitted to the U.S. Environmental Protection Agency for inclusion into the State Implementation Plan.

DATE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 CLERK OF THE BOARDS