

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

RESOLUTION NO. 2019 - 16

**A Resolution of the Board of Directors of the
Bay Area Air Quality Management District
Amending District Regulation 12, Rule 15: Petroleum Refining Emissions Tracking**

WHEREAS, public hearings have been properly noticed in accordance with the provisions of Health & Safety Code § 40725;

WHEREAS, the Board of Directors of the Bay Area Air Quality Management District (“Air District”) has determined that a need exists to amend District rules and regulations by adopting amendments to Regulation 12, Rule 15: Petroleum Refinery Emissions Tracking; as set forth in Attachment A hereto (“Proposed Amendments”);

WHEREAS, the Board of Directors of the Air District obtains its authority to adopt, amend or repeal rules and regulations from Sections 40000, 40001, 40702, and 40725 through 40728.5, of the California Health & Safety Code;

WHEREAS, the Board of Directors of the Air District has determined that the Proposed Amendments are written and displayed so that their meaning can be easily understood by the persons directly affected by the rule;

WHEREAS, the Board of Directors of the Air District has determined that the Proposed Amendments are in harmony with and not in conflict with or contradictory to existing statutes, court decisions, and state and federal regulations;

WHEREAS, the Board of Directors of the Air District has determined that the Proposed Amendments do not impose the same requirements as any existing state or federal regulation, and are necessary and proper to execute the power and duties granted to, and imposed upon, the Air District;

WHEREAS, the Board of Directors of the Air District, by adopting the Proposed Amendments, is implementing, interpreting or making specific the provisions of Health & Safety Code § 40001 (rules to achieve ambient air quality standards), and § 40702 (rulemaking actions that are necessary and proper to execute the powers and duties granted to it);

WHEREAS, the Board of Directors of the Air District adopted Regulation 12, Rule 15 on April 20, 2016;

WHEREAS, Air District staff has determined that Proposed Revisions are appropriate modifications that will better align the reporting requirements of Regulation 12, Rule 15 with similar reporting requirements recently adopted by the California Air Resources Board;

WHEREAS, the Air District prepared initial draft amendments and published them for comment on November 1, 2019;

WHEREAS, on November 4, 2019, the Air District transmitted the text of the Proposed Amendments to California Air Resources Board;

WHEREAS, on or before November 1, 2019, Air District staff published in newspapers and distributed and published on the District's website a notice of a public hearing to be held on December 4, 2019 to consider adoption of the draft amendments, and the notice included a request for public comments and input on the draft amendments;

WHEREAS, the Board of Directors of the Air District held a public hearing on December 4, 2019 to consider the Proposed Amendments in accordance with all provisions of law ("Public Hearing");

WHEREAS, at the Public Hearing, the subject matter of the Proposed Amendments was discussed with interested persons in accordance with all provisions of law;

WHEREAS, Air District staff has prepared and presented to the Board of Directors a detailed Staff Report regarding the Proposed Amendments, which Staff Report has been considered by this Board and is incorporated herein by reference;

WHEREAS, the Board of Directors finds and determines that the Proposed Amendments are exempt from the California Environmental Quality Act ("CEQA") (Public Resources Code § 21000 *et seq.*) consistent with Section 15061(b)(3) of the CEQA Guidelines;

WHEREAS, the Staff Report explains that the Proposed Amendments will have at most a negligible impact on costs, and therefore District staff recommends that no actions are appropriate to minimize socioeconomic impacts;

WHEREAS, the Board of Directors finds and determines pursuant to Health & Safety Code § 40728.5 that no actions are appropriate to minimize socioeconomic impacts to consider;

WHEREAS, the Board of Directors, pursuant to the requirements of Health & Safety Code § 40920.6, has actively considered the incremental cost-effectiveness of the Proposed Amendments in meeting emission reduction goals under the California Clean Air Act as set forth in the Staff Report, and finds and determines that there are no incrementally more cost-effective potential control options that would achieve the emission reduction objectives of the Proposed Amendments;

WHEREAS, the Air District has prepared, pursuant to the requirements of Health & Safety Code § 40727.2, a written analysis of federal, state, and District requirements applicable to this source category and has found that the Proposed Amendments would not be conflict with any federal, state, or other Air District rules, and the Board of Directors has agreed with these findings;

WHEREAS, the documents and other materials that constitute the record of proceedings on which this rulemaking project is based are located at the Bay Area Air Quality Management District, 375 Beale Street, San Francisco, 94105, and the custodian for these documents is Marcy Hiratzka, Clerk of the Boards;

WHEREAS, Air District staff recommends adoption of the Proposed Amendments for this rulemaking project;

WHEREAS, the Board of Directors concurs with Air District staff's recommendations and desires to adopt the Proposed Amendments;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Bay Area Air Quality Management District does hereby adopt the Proposed Amendments, pursuant to the authority granted by law, as set forth in Attachment A hereto, and discussed in the Staff Report (including Appendices) with instructions to Air District staff to correct any typographical or formatting errors before final publication of the Proposed Amendments.

BE IT FURTHER RESOLVED, that the Board of Directors of the Bay Area Air Quality Management District does hereby approve the filing of a Notice of Exemption pursuant to CEQA for the approval to proposed amendments to Regulation 12, Rule 15.

The foregoing Resolution was duly and regularly introduced, passed and adopted at a regular meeting of the Board of Directors of the Bay Area Air Quality Management District on the Motion of VICE CHAIR SINKS, seconded by DIRECTOR GIOIA, on the 4th day of December, 2019 by the following vote of the Board:

AYES: BARRETT, BAUTERS, CHAVEZ, CUTTER, GIOIA, HAGGERTY, HUDSON, HURT, JUE, KNISS, MAR, RICE, ROSS, SINKS, SPERING, WAGENKNECHT, WALTON.

NOES: NONE.

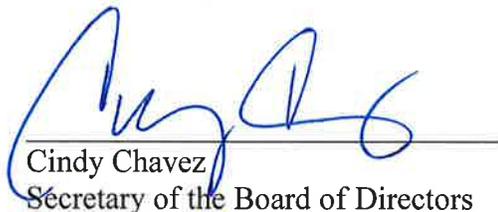
ABSENT: ABE-KOGA, CANEPA, GROOM, MILEY, MITCHOFF, WILSON, ZANE.

ABSTAIN: NONE.



Katie Rice
Chairperson of the Board of Directors

ATTEST:



Cindy Chavez
Secretary of the Board of Directors