

RESOLUTION NO. 24-11

RESOLUTION ADOPTING YOLO-SOLANO AIR QUALITY MANAGEMENT DISTRICT RULE 2.46

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 the protection of the environment are categorically exempt from CEQA review (Class 8 Categorical Exemption); and

WHEREAS, District staff identified requirements within the Federal Clean Air Act, Section 172(c)(9) and 182(c)(9), which required the adoption of Rule 2.46, ORGANIC WASTE COMPOSTING OPERATIONS, to implement a contingency measure for the Sacramento Federal Nonattainment Area State Implementation Plan in compliance with federal law.

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 report 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 adopting District Rule 2.46;
 - b. Authority: Health and Safety Code section 40702 permits the District to adopt District Rule 2.46;

- c. Clarity: District Rule 2.46 as proposed, is written so that its meaning can be easily understood by the persons directly affected by it;
 - d. Consistency: District Rule 2.46 as proposed, is in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, or state or federal regulations;
 - e. Nonduplication: District Rule 2.46 as proposed, does not impose the same requirements as an existing state or federal regulation;
 - f. Reference: By adopting District Rule 2.46, 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 adopting District Rule 2.46 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 the protection of the environment, and is therefore categorically exempt from CEQA review as a Class 8 Categorical Exemption.
5. The Board of Directors hereby adopts District Rule 2.46 as set forth in Exhibit 1 (Attachment A of the Staff Report), which is attached and incorporated by reference. The adoption is effective December 11, 2024.

PASSED AND ADOPTED by the Board of Directors of the Yolo-Solano Air Quality Management District this 11th day of December 2024, by the following vote:

Ayes: **Alcala, Brown, Ernest, Kott, Mashburn, Partida, Scianna, Silva, Stallard, Vasquez, Vixie Sandy**

Noes: **None**

Absent: **Barajas, Frerichs, Provenza**

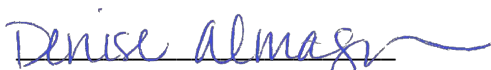
Abstain: **None**




Mitch Mashburn, Chair - Board of Directors
Yolo-Solano Air Quality Management District

Attest:

Approved as to Form:



Denise Almaguer, Board Clerk



Hope P, Welton, District Counsel







24-11 Rule 2.46

Final Audit Report

2024-12-12

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