

**BUTTE COUNTY AIR QUALITY MANAGEMENT DISTRICT
STAFF REPORT**

Proposed Amended Rule 101, *Definitions*

Date of Public Release: February 19, 2010

Prepared by: Robert McLaughlin, Assistant Air Pollution Control Officer

Reviewed by: David Lusk, Senior Air Quality Engineer

Approved by: W. James Wagoner, Air Pollution Control Officer

STAFF REPORT

RE: Proposed Amended Rule 101, *Definitions*

Date of Release: February 19, 2010

Schedule of Meetings

- Date of Public Workshops*:
 - March 18, 2010 at 1:00 p.m., Paradise Town Hall Council Chambers, 5555 Skyway, Paradise, CA;
 - March 22, 2010 at 9:30 a.m., Chico City Council Chambers, 421 Main Street, Chico, CA;
 - March 23, 2010 at 9:30 a.m., Southside Oroville Community Center, 2959 Lower Wyandotte, Oroville, CA; and
 - March 24, 2010 at 6:00 p.m., Paradise Pines POA, 14211 Wycliff Way, Magalia, CA.

- Date of Board Hearing: April 22, 2010, 10:15 a.m., Chico City Council Chambers, 421 Main Street, Chico, CA.

*Public workshops being held in conjunction with those held for proposed amendments to Rule 300, *Open Burning Requirements, Prohibitions and Exemptions* and Rule 507, *Burn Permit Fees*

STAFF REPORT
Proposed Amended Rule 101, *Definitions*

Date of Release: February 19, 2010
Dates of Public Workshops:
March 18, 2010; March 22, 2010; March 23, 2010; and March 24, 2010
Date of Board Consideration for Adoption: April 22, 2010

Public Hearing: April 22, 2010, 10:15 a.m.
Chico City Council Chamber
421 Main Street, Chico, California

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Attachment A. Proposed Amended Rule 101, *Definitions*

Attachment B. Notice of Public Hearing and Workshops

Attachment C. Proposed Resolution of Adoption.

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STAFF REPORT

Executive Summary

The Butte County Air Quality Management District is proposing to amend Rule 101, Definitions to provide greater clarity and consistency with regard to the existing rules and regulations. The current structure of the District's rules provide definitions as either stand-alone definitions listed in specific rules and which are generally rule-specific and are not used in other rules, or the definition is included in a general rule and which may apply to multiple rules contained within the District's rules and regulations. The proposed amendments to Rule 101 will serve to add and clarify definitions that apply to multiple rules, remove some definitions that apply to only a single rule when the corresponding rule contains the same or a similar definition, and to amend some of the existing definitions to clarify the District's regulatory interpretations.

In addition, the proposed amendments set forth the purpose and applicability of the rule and include a list of common acronyms and a severability clause.

1.0 PURPOSE

The purpose of proposed amended Rule 101, *Definitions* is to provide a comprehensive set of general definitions to provide a uniform foundation for interpreting and implementing the District's rules and regulations.

2.0 APPLICABILITY

The definitions included in Rule 101 apply to all terms used within District Rulebook, unless a specific definition to a given rule is defined in that rule or in the first rule in the relevant regulation. The definitions are intended to be used in the same sense as those terms are used in applicable State statutes, including Division 26 of the Health and Safety Code.

3.0 PROPOSED RULE 101 AMENDMENT DESCRIPTIONS

The proposed amendments to Rule 101 relate primarily to clarifying terms used in the District rules and regulations.

Formatting: Changes were made in the formatting of the rule to be more consistent with the definition format in the remainder of the Rulebook. The phrasing format using "...means..." has been deleted. A list of common acronyms has been placed at the beginning of the rule to help clarify the most common agencies and regulatory abbreviations used in the definitions.

Deletions: Terms specific to only one rule or that were included in the current list but not used in any of the current Rules were deleted from the general definitions list, unless their inclusion was necessary for other regulatory clarity. Terms deleted include: alteration, breakdown or malfunction, brush treated, CARB Certified Vapor Recovery System, Chico Urban Area,

commercial entities, construction demolition debris, designated agency, dooryard, floating roof, hold open latch, ignition device, offset fill pipe, prescribed burning, range improvement burning, regulation, rule, silvicultural practices, solvents, source, start-up, submerged fill pipe, tank installation, throughput, timber operations, vapor recovery system, wildland vegetation management burning, wood fired boiler, and wood waste for the purpose of open outdoor burning.

Additions/Clarifications: New District and State rules and regulations necessitate the addition of terms to the definitions and clarifying some of the existing definitions. Among these are additions to the list of Exempt Compounds. This list includes those volatile organic compounds which have low or insignificant reactions to form ozone and can be used in place of more reactive compounds in liquids such as coatings or as cleaning solvents. The definition clarifies that although these compounds are exempt volatile organic compounds for ozone formation purposes, the compounds are still air contaminants and subject to any other applicable regulatory requirements, such as evaluation of toxic health risk.

4.0 COST IMPACTS/COST EFFECTIVENESS:

No significant cost impacts are expected as a result of this rule as there are no changes to definitions that delete specific requirements of any other rule or regulation.

5.0 ALTERNATIVES:

The Governing Board may choose to:

- a) Approve the draft rule as proposed;
- b) Modify the draft rule after receiving public comments during the hearing; or
- c) Take no action.

6.0 ENVIRONMENTAL REVIEW AND COMPLIANCE

The amendment of Rule 101, *Definitions* is categorically exempt from the California Environmental Quality Act (CEQA) under Sections 15307 and 15308 of the State CEQA Guidelines and no exceptions to these exemptions apply. California Public Resources Code (Section 21159) requires an environmental analysis of the reasonably foreseeable methods of compliance. The District has concluded that no reasonably foreseeable adverse environmental impacts will be caused by adoption of the proposed amendments to the rule.

7.0 REQUIRED FINDINGS:

Findings required by Division 26 of the California Health and Safety Code requires local districts to comply with a rule adoption protocol as set forth in Section 40727 of the Code. This section has been revised through legislative mandate to contain six findings that the District must make when developing, amending, or repealing a rule or regulation. These findings and their definitions are included in following table.

Required Findings

FINDING	DEFINITION	REFERENCE
Authority	A District shall adopt Rules and regulations and do such acts as may be necessary or proper to execute the powers and duties granted to, and imposed upon, the District by this division and other statutory provisions.	California Health and Safety Code Division 26, Part 3, Sections 40000 and 40001 and 40702, are provisions of law that provide the District with the authority to adopt these proposed rules.
Necessity	The District has demonstrated that a need for the Rule, or for Rule amendment or repeal.	The adoption of proposed amendments to Rule 101 are necessary to provide a comprehensive set of general definitions to provide a uniform foundation for interpreting and implementing the District's rules and regulations.
Clarity	The Rule is written or displayed so that its meaning can easily be understood by the persons directly affected by it.	The intent of the proposed amendments is to make the District rules and regulations easier to be understood by the regulated community and public by clarifying the definitions within the rule.
Consistency	This Rule is in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, or State or federal regulations.	The proposed amendments to the Rules are consistent with applicable statutory requirements.
Non-Duplication	The Rule does not impose the same requirements as an existing State or federal regulation, unless the District finds that the requirements are necessary and proper to execute the powers and duties granted to, and imposed upon, the District.	The proposed amendments to the Rule do not implement any requirements and therefore do not impose duplicative requirements.
Reference	Any statute, court decision, or other provision of law that the district implements, interprets, or makes specific by adopting, amending, or repealing a regulation.	California Health and Safety Code, Division 26, Part 3, Sections 40000, 40001, and 40702.

8.0 ATTACHMENTS

Attachment A: Proposed Amended Rule 101, *Definitions*

Attachment B: Notice of Public Hearing and Workshop

Attachment C: Proposed Resolution of Adoption.

Attachment A

Proposed Amended Rule 101, *Definitions*

Attachment B

Notice of Public Hearing and Workshop

Attachment C

Proposed Resolution of Adoption

RESOLUTION 2010-XX
BEFORE THE BOARD OF DIRECTORS OF THE
BUTTE COUNTY AIR QUALITY MANAGEMENT DISTRICT
STATE OF CALIFORNIA
ADOPTING AMENDMENTS TO RULE 101, DEFINITIONS

Resolution 2010-XX.....)
Adopt Amendments to Rule 101

WHEREAS, the Butte County Air Quality Management District Board obtains its authority to adopt, amend, or repeal Rules and regulations from California Health and Safety Code Sections 40000, 40001, and 40702;

AND WHEREAS, the Butte County Air Quality Management District Board has determined that the adoption of the proposed amendments to the Rule is necessary to provide a comprehensive set of general definitions to provide a uniform foundation for interpreting and implementing the District's rules and regulations;

AND WHEREAS, the Butte County Air Quality Management District Board has determined that the proposed amendments to the Rule are written or displayed so that its meaning can easily be understood by the persons directly affected by it (Health and Safety Code Section 40727(b)(3));

AND WHEREAS, the Butte County Air Quality Management District Board has determined that the proposed amendments to the Rule adopted herein are in harmony with, and not in conflict with or contradictory to existing statutes, court decisions, or state or federal regulations (Health and Safety Code Section 40727(b)(4)) and that the regulation does not impose the same requirements as an existing state or federal regulation (Health and Safety Code Section 40727(b)(5));

AND WHEREAS, the Butte County Air Quality Management District Board conducted public hearing on April 22, 2010 concerning the proposed amendments herein;

AND WHEREAS, the District staff has made notice of the public hearing to adopt amendments to these Rules, held public workshop meetings, and received comments as included in the staff report, which are included herein as a record of those proceedings;

THEREFORE, BE IT RESOLVED, that the Butte County Air Quality Management District Board hereby adopts, with an effective date of April 22, 2010, amendments to Rule 101, *Definitions*, as proposed in the attachments to the February 19, 2010 staff report.

On Motion of by____ Seconded by _____, the foregoing resolution is hereby PASSED AND ADOPTED BY THE Air Quality Management District Board of Directors on this 22nd day of April 2010 by the following:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

W. James Wagoner, Air Pollution Control Officer
Butte County Air Quality Management District

I hereby attest that this is a true and correct copy of the action taken by the Butte County Air Quality Management District Board of Directors on April 22, 2010.

ATTEST: _____
Trish Weir, Clerk of the Governing Board