

REPORT TO TEHAMA COUNTY AIR POLLUTION CONTROL BOARD

SUBJECT		BOARD MEETING DATE XX/XX/2010
Adoption of proposed Rule 2:11 D - Indirect Source Fees		
DEPARTMENT	AIR POLLUTION CONTROL DISTRICT	Attachment

Rule Summary

Proposed Rule 2:11 D is designed to reduce emission from construction of new single and multi-family dwellings, as well as commercial structures and similar indirect sources of emissions. The authority to regulate indirect sources of emissions is part of the California Clean Air Act of 1988. Health and Safety Code section 40716, states that “a district may adopt and implement regulations to ... reduce or mitigate emissions from indirect and areawide sources of air pollution”. Furthermore, Health and Safety Code section 42311, subdivision (g) specifically allows district to adopt a schedule of fees on areawide or indirect sources which are regulated, but for which permits are not issued, to cover the costs of District programs related to this source.

Proposed Rule 2:11 D meets several Goals, Policies, and Implementation Measures listed in the March 2009 Tehama County General Plan, including the following:

Goal OS-2: To maintain, protect, and improve the air quality in Tehama County at acceptable levels as defined by state and federal standards.

Policy OS-2.1: The County shall require new development projects to incorporate appropriate measures to reduce impacts to air quality.

Implementation Measure OS-2.1a: Require project proponents to coordinate with Tehama County Air Pollution Control District (TCAPCD) on appropriate methodologies for evaluating project emissions and air quality impacts (e.g., emissions modeling software, TCAPCD’s thresholds of significance, etc).

Implementation Measure OS-2.1b: Require all new development projects that exceed TCAPCD’s threshold of significance to incorporate design, construction, and/or operational features that will result in a reduction in emissions when compared to an “unmitigated baseline” project. The measures should consider cost-effectiveness, maximum cost, and the provision of credits for emissions reductions already in place.

Implementation Measure OS-2.1c: Monitor all new development required air quality mitigations. If mitigations are not being managed properly, take appropriate steps to correct the situation.

Policy OS-2.5: The County shall encourage and support the Tehama County Air Pollution Control District in their efforts to enforce local, state, and federal air quality laws, rules, and regulations in order to meet Ambient Air Quality Standards (AAQS).

Implementation Measure OS-2.5d: Request that the Tehama County Air Pollution Control District develop Indirect Source Guidelines for the potential air emissions from future development. Require to the extent practical and applicable that all new development adhere to the District Indirect Source Guidelines to mitigate air quality and greenhouse gas impacts.

Implementation Measure OS-2.5e: Strongly consider the adoption of a County Air Quality Impact Fee to assist in the reduction of air quality impacts in the County and support efforts by the Tehama County Air Pollution Control District to prepare and adopt District air quality impact fees.

Previous Board Actions:

July 22, 2008: Staff presentation to District Board of Directors on concept of air quality impact fees, and District proposal to perform a fee study using in house resources.

November 25, 2008: Staff presentation to District Board of Directors regarding impact fees, and direction to staff to proceed with rulemaking process.

October 6, 2009: Public Hearing to receive comment on Proposed Rule 2:11 D

October 27, 2009: Public Hearing to receive comment on Proposed Rule 2:11 D

November 10, 2009: Public Hearing to receive comment on Proposed Rule 2:11 D. District Board vote of 3-2 to take no action to adopt the proposed rule at that time and direct staff to bring back the Proposed Rule for consideration in parallel with future County Development Impact Fees.

As discussed in greater detail below, the proposed fees have been revised to take into account the Development Impact Fee process and co-benefits provided by those fees. This has resulted in reductions of **20%** for single family dwellings, **3%** for multiple family dwellings, **47%** for mobilehomes, **78%** for most commercial projects, **44%** for educational/government projects, **14%** for industrial projects, **53%** for large retail projects, and **70%** for free-standing retail projects.

Purpose/Need/Background:

The purpose of this rule is to provide the Tehama County Air Pollution Control District (District) with a sound method for mitigating a portion of the emissions produced from the operation of new commercial and residential development throughout the County of Tehama and incorporated cities. All project proponents have the option to pay the Indirect Source Fee established by the proposed rule, provide on-site or off-site mitigation through an Alternative Emission Reduction Plan, or do a combination of both. The proposed rule will assist the District in attaining the State and Federal Ambient Air Quality Standards for PM10 and Ozone.

Attainment Standards

The District is currently in violation of the State Ambient Air Quality Standards for Ozone and PM10. The District may become non-attainment for the Federal Ambient Air Quality Standards for Ozone, as previously presented by District staff to the District Board. The District is currently in attainment for the Federal PM10 standards.

Health Impacts- Ozone

Air pollution is part of everyday life for millions of Californians. Residents of the Sacramento Valley are exposed to unhealthy levels of air pollution from time to time. While air pollution affects everyone to a degree, some people are extremely susceptible to severe health damage – particularly the Californians who suffer from heart and lung disease, children under the age of 14, those whose lungs are still developing, and the elderly, whose immune system have been weakened with age, are especially vulnerable to the damaging effects of smog. Even at low levels, ozone can cause a number of respiratory effects. Ozone can irritate your respiratory system, reduce lung function, aggravate asthma, inflame and damage lung cells, and may aggravate chronic lung disease.

Geography, climate and population are key elements in the Sacramento Valley's smog problem. The valley is surrounded by mountains which trap pollution in stagnant air. Persistent stagnant weather conditions during much of the year not only prevents pollution from dispersing in the atmosphere, but also increases the amount of time pollutants gases such as Oxides of Nitrogen (NOx) and Reactive Organic Gases (ROGs) are exposed to sunlight, prompting the chemical reactions that create smog.

A document produced by USEPA is attached *Smog – What you need to know about Ozone and Your Health*, as attachment 1, describing the health effects of elevated levels of Ozone.

Health Impacts- Particulate Matter

Like Ozone, Particulate Matter exposure affects children and the elderly disproportionately. According to the California Air Resources Board, a large body of evidence has shown significant associations between measured levels of PM outdoors and daily increases in the numbers of human deaths. In addition, scientists have observed higher rates of hospitalizations, emergency room visits and doctor's visits for

respiratory illnesses including asthma and bronchitis, as well as heart disease during times of high PM concentrations. Attachment 2 from US EPA, "Particle Pollution and Your Health," is included for more information.

Ozone Effects on Agriculture

Under the Atmospheric Acidity Protection Program, the Air Resources Board conducted a special study of the effects of ozone and acidic deposition on agriculture in the San Joaquin Valley. While acidic deposition at current levels was not projected to adversely affect crop yields, ambient levels of ozone were postulated to cause significant yield losses in a variety of species. The California Agricultural Resources Model (CARM) was used to estimate the economic impact of ozone on crop yields in the State. It was estimated that total benefits to consumers and producers would be \$490 million per year (1994 dollars) if long-term average ozone levels were reduced to 0.04 ppm during the growing season. The results of this project indicate that economic impacts of ozone are significant and that ozone poses a threat to the profitability of the agricultural industry in the State and can impose additional costs on consumers. This study was performed by the University of California, Davis.

Impacts on Existing and Future Stationary Sources Within the Tehama County Air Pollution Control District, and Potential Impact on Non-District Budget Sources

Receiving a designation of Nonattainment for the Federal Ozone standards could result in significant economic burdens on existing and future stationary sources, as well as economic and non-economic burdens on existing residents. Ozone nonattainment would require the District to review the Tehama County Air Pollution Control District Rules and Regulations, propose rules that could be made more stringent to achieve emissions reductions, and propose new rules to regulate industries or processes the District does not currently regulate, both activities subject to oversight by the California Air Resources Board and US EPA. As existing permittees would not be grandfathered, they would be faced with economic costs associated with retrofitting their processes. New permittees undergoing the District's New Source Review Rules as a large source would likely have to purchase Emissions Reductions Credits (ERCs) through the District ERC Bank, at significant expense. In addition, agricultural operations, due to SB700, would receive renewed scrutiny by the District, and large agricultural operations would lose their exemptions under existing District rules.

Long term federal nonattainment, in the extreme case where the District is not able to show real reductions due to greater stringency of rulemaking and enforcement, would result in reductions in federal road funding, delaying needed road improvements within the county.

Cumulative Impacts and Housing Growth

According to the Tehama County General Plan (Plan) Updated Environmental Impact Report section 4.11.3 implementation of the General Plan within the unincorporated part of Tehama County could result in a cumulative increase in population and housing growth as well as surrounding counties and is considered as a cumulative considerable impact.

Table 4.11-23 of the General Plan

	Existing	Theoretical Buildout	Change	Percent Change
Residential Units	18,147	184,499	166,352	917%
Population	40,936	416,967	376,031	918%

The General Plan acknowledges that historical rates of growth are more likely to occur, however, historical growth analyzed in the Plan, the Environmental Impact Report for the Plan, and the discussion of Cumulative Impacts still suggests the potential of an increase by 2028 of 27,668 single family homes, 574 units of multi-family housing, 439 acres of new commercial development, and 520 acres of new industrial development. The General Plan estimates that this growth could result in construction and operational emissions of 693 tons per year of ROGs, 104 tons per year of NOx, and 327 tons per year of PM10 at build out. The additional emissions related to vehicle travel due to this development was estimated to be up to 811 tons per year of ROGs, 1010 tons per year of NOx, and 775 tons per year of PM10 at build out. Additionally, the potential growth of the cities of Corning and Red Bluff could result in the following emissions (tons per year):

Residential Units	2007-2014	ROG Emissions	NOx Emissions	PM10 Emissions
City of Corning	1,346	52.5	35.6	43.8
City of Red Bluff	878	41.2	28.7	31.3

In total, estimated growth in emissions due to potential growth in the county and cities could total 2,786 tons per year of NOx and ROG, and 1,177 tons per year of PM10. This would be an additional 28.6% and 21.0%, respectively, over the 2008 Countywide Emissions Inventory.

Conclusion

Given the current levels of measured Ozone and Particulate Matter related to attainment status, the impact of Ozone and Particulate Matter on public health, especially to youth and the elderly, the deleterious effect of Ozone on agricultural production and the resulting impacts to our agricultural economy, and potential economic impacts to current and future stationary sources due to Ozone nonattainment, District staff is of the opinion that proposed Rule 2:11 D would serve current residents and businesses within the District by establishing a mitigation program to maintain or improve local air quality and reduce air quality impacts on public health and quality of life, agriculture, and the business community that relies on air quality Permits to Operate to remain economically viable.

How the Rule Works

Applicability:

This rule is applicable to new construction of single and multi-family dwellings as well as new commercial development structures and similar indirect sources of emissions.

PROPOSED RULE REQUIREMENTS:

The proposed rule requirements are being developed to minimize emissions from new construction of residential, commercial (office and retail), and industrial projects. Existing sources will not be forced to comply with the proposed Rule, as these sources are already included in the District's emissions inventory. In most cases, the rule will function as follows:

- The appropriate Indirect Source Fee shall be paid to the APCD by the developer at the time of obtaining the building permit.
- Funds established by the fee schedule will be separated into two accounts. Account 1 will be designated towards the reduction of Ozone Precursor emissions. Account 2 will be designated towards the reduction of PM10 emissions.
- Funds generated by the Indirect Source Fees shall be distributed by the APCD for various projects throughout the County.
- Funds will be allocated through a Request for Proposal (RFP) process for proposed mitigation projects based on the analysis and emissions reductions of each project.
- RFPs shall be published by the APCD by August 1st of each year, based on the fees collected throughout the previous year.
- Any person seeking funding for a mitigation project shall develop and submit a written Mitigation Project Report.
- A thorough mitigation reduction analysis will be performed for the proposed mitigation project.
- Mitigation projects are obligated to have a minimum project life of ten years.
- A review committee for the proposed mitigation projects shall be established by the APCD.
- The committee shall be comprised of 5 member as follows: (1) a representative of the County of Tehama appointed by the Tehama County Board of Supervisors, (2) a representative of the public (member-at-large), appointed by the District Board of Directors; (3) one member representing the City of Corning and one member representing the City of Red Bluff, each appointed by their respective city councils; (4) a representative of the construction industry, appointed by the District Board of Directors;
- The review committee will evaluate, review, and recommend the proposed mitigation projects based on cost analysis and amount of emissions reductions of each mitigation project.
- The APCD Board of Directors will make the final selection of mitigation projects.
- In order to provide transparency to this program, on August 1st of each year, the District will publish an annual report regarding expenditure of funds received during the previous fiscal year and the emission reductions achieved through the implementation of the Operational Development Fee.

- Any person seeking full or partial exemption from the otherwise applicable fees(s) set forth in the proposed rule, including reductions based in whole or in part upon an individualized analysis of the emissions impacts associated with the project, shall develop and submit for the APCO's approval a written Alternative Emission Reduction Plan. Emission reductions contained in the Plan shall be Real, Surplus, Quantifiable, and Enforceable.

PROPOSED MITIGATION FEES:

The estimated air emissions, used to calculate the fees, for each type of project were calculated through the usage of a computer planning model called URBEMIS 2007. The URBEMIS 2007 program is a planning tool for estimating vehicle travel, fuel use, and resulting emissions which are produced due to various land use projects. It is the best available program the District can use in determining the emissions from development projects. The planning tool is used to determine emissions of ROGs, CO, NOx, SO2, PM10, PM2.5 and CO2 from vehicle use associated with specific construction developments. The fees were established by analyzing the outcome of trip generation rates for the various land uses and emissions. The new Rule fees would take into account the ozone precursors (including Oxides of Nitrogen, collectively "NOx", and Reactive Organic Gases (ROG), and PM10 emissions that the sources would produce, for these are the most common and problematic emissions non-attainment areas are faced with.

District staff came to the conclusion that a simple fee program would be the best solution in the hopes of off-setting new emissions from residential and commercial sources. This option would allow the District to charge a fee based on a carefully developed criteria. For commercial (office and retail) and industrial projects, the fee is determined by the amount of square footage, whereas for residential development, the fee is determined by the number of units.

In the program we wish to put into action, the cities and county planning departments will ideally advise applicants of any construction project to contact the District in order for the proper assessment of fees to occur. The District would be directly responsible for collecting the fees. All fees imposed by the District in most cases must be paid by the developer at the time of obtaining the building permit. On existing lots the fees shall be paid at the time of obtaining the building permit. Failure to pay the fees would result in the imposition of penalties as set forth in Article 3 (Commencing with Section 42400) of Chapter 4 of Part 4 of Division 26 of the Health and Safety Code. The County and Cities would not be responsible for collecting the fees, and would not be required to halt their development approval process if the fees were not paid.

The ROG/NOx and PM10 fees calculations are based on the following formulas for single and multi-family dwellings:

Indirect Source ROG/NOx (Ozone Precursors) Fee Formula

Estimated Baseline Emissions [EBE per unit](tons/year) x Cost of NOx Reductions/ton, which is equal to:

$$[\text{EBE per unit (tons/year)}] \times \$5,368$$

This formula determines the total ROG/NOx (ozone precursors) Indirect Source fee.

Indirect Source PM10 Fee Formula

Estimated Baseline Emissions [EBE per unit](tons/year) x Cost of PM10- Reductions, which is equal to:

$$[\text{EBE per unit (tons/year)}] \times \$5,368$$

This formula determines the total PM10 Indirect Source fee.

Residential Calculations

In order to align as closely as possible with the methodology used to determine Development Impact Fees, the Development Impact Fee Study and General Plan Update Fee Study were used as the basis for determining the future mix of housing in the 2010 to 2030 time period. The studies estimated that approximately 13,400 housing units would be added within the entire County, and that the mixture by percentage could be approximated as 64% single family, 13% multi family, and 23% mobile home. These numbers were used in URBEMIS to determine emissions individually from single family, multi family, and mobile homes. To account for the co-benefits provided by the public facilities funded by the Development Impact Fees, staff performed the modeling based on URBEMIS rural default values, a 2013 prospective vehicle mix and fuel economy, and allowances made for modest levels of bike lanes, sidewalks, additional bus service, and new residential proximity to retail establishments. The resulting total ROG/NOx and PM10 emissions for each type of unit were then divided by the estimated growth in those units over the 2010 to 2030 time period, to represent one year's worth of emissions from every new unit constructed.

The Baseline ROG/NOx (ozone precursors) and PM10 emission for single family, multiple family, and mobile homes were established by evaluating URBEMIS 2007 reports. Those emissions for residential projects are: 0.0416 tons/year of ROG/NOx and 0.0224 tons/year of PM10 per unit for single family dwellings, 0.0379 tons/year of ROG/NOx and 0.0203 tons/year of PM10 per unit for multiple family dwellings, and 0.0278 tons/year of ROG/NOx and 0.0147 tons/year of PM10 per unit for mobile homes. The next step was to take those results and multiply each of them by \$5,368.00.

The \$5,368.00 value represents the average actual cost to reduce one ton of ROG/NOx and PM10 emissions (i.e., average cost-effectiveness values for cost-per-ton of ROG/NOx and PM10 emissions), as determined through examination of projects funded under the District's Carl Moyer grant program during the past three years (Year 8, 9, and 10 of the Program). The Indirect Source program established under Rule 2:11 D will operate using the same grant-type model as the Carl Moyer program, and the actual

cost-per-ton for ROG/NOx and PM10 emissions reductions are therefore expected to be comparable. The \$5,368.00 figure is consequently an accurate representation of the actual cost-per-ton to reduce ROG/NOx and PM10 emissions under the Indirect Source program.

Rule 2:11 D includes an automatic adjustment mechanism that will annually recalculate the cost-per-ton figure, and therefore the resulting fees, based on the preceding three years of cost data under the Indirect Source program and Carl Moyer Program. Increases cannot exceed 4% in any year without formal action of the District Board.

The figures resulting from multiplying the foregoing emissions amounts by \$5,368.00 (or, in future years, the adjusted cost-per-ton value) represent the cost of reducing ROG/NOx and PM10 emissions for single family and multi-family dwellings, and mobile homes. As a result, the initial ROG/NOx fee for single family, multiple family, and mobile homes are presently \$223.50/Unit, \$203.00/Unit, and \$149.50/Unit respectively. The initial PM10 fee is \$120.50/Unit, \$109.00/Unit, and \$79.00/Unit respectively. Finally, we add the NOx and PM10 figures, together in order to arrive to the current proposed fee of \$344.00/Unit for single family dwellings, \$312.00/Unit for multiple family dwellings, and \$228.00/Unit for mobile homes.

Commercial (Office and Retail) and Industrial Calculations

URBEMIS was also used for establishing Baseline ROG/NOx and PM10 emissions for commercial (office and retail) and industrial projects, by grouping uses with generally similar emissions to calculate the average emission impact for each group. As in the residential calculations, staff accounted for the co-benefits provided by the public facilities funded by the Development Impact Fees by providing allowances for a 2013 vehicle mix and fuel economy and modest amounts of sidewalks, transit, and bike lanes to serve the new developments. Staff also enabled all modeling components that would automatically provide default credit (i.e. reduction in modeled emissions) for “pass by trips” (a percentage of visits to a location that occur as a consequence of multiple stops on a single vehicle trip). Developments were evaluated as follows:

Office projects (as defined in the rule) were modeled as a 50/50 blend of stand alone office buildings and office parks as used in the URBEMIS modeling software, which is reasonable given the growth projections in the Development Impact Fee Study and General Plan Update Fee Study and the current development patterns in Tehama County. This blend produces an average of 0.0544 tons/year of ROG/NOx and 0.0289 tons/year of PM10 for each 1000 square feet of structure area in the development. The ROG/NOx and PM10 emissions are then multiplied by \$5,368.00 (or, in future years, the adjusted cost-per-ton value) to determine the fee. The calculated initial fee for ROG/NOx is \$0.29/sq. ft. The initial PM10 calculated fee is \$0.15/sq. ft. In the end, the ROG/NOx and PM10 figures are added together to arrive at the current proposed fee of \$0.44/sq. ft.

Retail projects (as defined in the rule) were modeled as a 50/50 blend of shopping centers and retail superstores as used in the URBEMIS modeling software, which is

likewise reasonable given the growth projections in the Development Impact Fee Study and General Plan Update Fee Study and the current development patterns in Tehama County. This blend produces an average of 0.1029 tons/year of ROG/NOx and 0.0467 tons/year of PM10 for each 1000 square feet of structure area in the development. The ROG/NOx and PM10 emissions are then multiplied by \$5,368.00 (or, in future years, the adjusted cost-per-ton value) to determine the fee. The calculated initial fee for ROG/NOx is \$0.55/sq. ft. The initial PM10 calculated fee is \$0.25/sq. ft. In the end, the ROG/NOx and PM10 figures are added together to arrive at the current fee of \$0.80/sq. ft.

Industrial projects (as defined in the rule) were modeled as an equal mixture of warehouse, heavy industrial, industrial park, and manufacturing projects as used in the URBEMIS modeling software, which is similarly reasonable given the growth projections in the Development Impact Fee Study and General Plan Update Fee Study and the current development patterns in Tehama County. This blend produces an average of 0.0221 tons/year of ROG/NOx and 0.0114 tons/year of PM10 for each 1000 square foot of structure area in the development. The ROG/NOx and PM10 emissions are then multiplied by \$5,368.00 (or, in future years, the adjusted cost-per-ton value) to determine the fee. The calculated initial fee for ROG/NOx is \$0.12/sq. ft. The initial PM10 calculated fee is \$0.06/sq. ft. In the end, the ROG/NOx and PM10 figures are added together to arrive at the current fee of \$0.18/sq. ft.

Below is the recommended initial fee schedule for the proposed Rule 2:11 D.

The proposed Rule requires that any developer (as defined in the Rule) who obtains a building permit within the County of Tehama, or any incorporated city within Tehama County, shall pay the following one time fees (unless a reduced fee is authorized in an approved Alternative Emission Reduction Plan):

Table 1 Mitigation Reduction of NOx and PM10 Emissions Fees

	ROG/NOx(Ozone Precursors)	PM10	Total
Residential Single Family Dwelling	\$223.50/Unit	\$120.50/Unit	\$344.00/Unit
Residential Multiple Family Dwelling	\$203.00/Unit	\$109.00/Unit	\$312.00/Unit
Mobile Homes	\$149.50/Unit	\$79.00/Unit	\$228.50/Unit
Office	\$0.29/Sq. Ft.	\$0.15/Sq. Ft.	\$0.44/Sq. Ft.
Retail	\$0.55/Sq. Ft.	\$0.25/Sq. Ft.	\$0.80/Sq. Ft.
Industrial	\$0.12/Sq. Ft.	\$0.06/Sq. Ft.	\$0.18/Sq. Ft.

Fee Utilization

The Indirect Source Fees collected by the District will be used to achieve emissions reductions of both PM10 and ROG/NOx (ozone precursors) in a cost-effective manner. The District would use up to 10% of the mitigation fees collected to offset administrative costs. The remaining funds would be distributed by the District to eligible grantees through an RFP process throughout Tehama County for mitigation project funding. A wide array of approved mitigation projects will be at the disposal of the District to choose from and put into implementation. Funding allocations for projects will be distributed to projects that reduce Ozone and/or PM10 in accordance with respective funding available in the Ozone or PM10 accounts.

The District would utilize a grant-like program. The District has over seven years experience with grant programs designed to reduce primarily NOx, PM10 and ROG emissions. These grant programs have had strict guidelines on emissions reductions, qualifying equipment, and the related administration of the program. Based on that experience, the District has decided that a grant program would provide the most cost-effective emissions reductions for the money that would be collected. Some examples of projects which may be available are the following:

- a. Projects which currently qualify for the Carl Moyer Clean Engine Incentive Program (Diesel Engines)
- b. Agricultural water pumping engine replacements
- c. Woodstove or lawn equipment replacements
- d. Bike trails or projects that reduce Vehicle Miles Traveled (VMT)
- e. Transit projects and other VMT reducing projects
- f. Paving or treating unpaved roads, unpaved road shoulders, and unpaved parking lots
- g. Developing and improving park-and-ride lots.
- h. Retrofitting existing homes in the project areas with energy-efficient devices.
- l. Contributing to funding for conductive and inductive electric vehicle charging.
- j. Contributing to funding for public transit shelters
- k. Installing bicycle storage facilities
- l. Urban forestry projects

SOCIOECONOMIC IMPACT:

HSC Section 40728.5 exempts districts with a population of less than 500,000 persons from the requirement to assess the socioeconomic impacts of proposed rules. Tehama County population is below 500,000 persons.

BOARD ACTIONS AND ALTERNATIVES:

Staff requests the Board to do the following:

- 1) Conduct a Public Hearing to take comments on proposed Rule 2:11D Indirect Source Fees
- 2) Consider adoption of a finding that the adoption of Rule 2:11 D, Indirect Source Fees, which is a regulatory activity to assure the protection of the environment, is categorically exempt from review under the California Environmental Quality Act (Class 8 Categorical Exemption), and direction to the Air Pollution Control Officer to file a Notice of Exemption.
- 3) RESOLUTION - Request adoption of a resolution adding Tehama County Air Pollution Control District Rule 2:11 D Indirect Source Fees.

or

- 4) Propose substantial changes to the text of draft Rule 2:11 D, and re-schedule the public hearing to consider the proposed Rule as revised.

or

- 5) Take no action.

ENVIRONMENTAL REVIEW AND COMPLIANCE:

Adoption of Rule 2:11 D is a regulatory activity, authorized by state statute, to assure the maintenance and protection of the environment, and includes procedures for protection of the environment. This action is therefore categorically exempt from review under the California Environmental Quality Act under the Class 8 Categorical Exemption (Cal. Code Regs., tit. 14, § 15308).

REQUIRED FINDINGS

FINDINGS	DEFINITIONS	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.	Health and Safety Code sections 40000, 40001, 40716, 40910, and 42311, subdivision (g) are provisions of law that provide the District with the authority to adopt this Rule.
Necessity	The District has demonstrated a need for the rule.	The adoption of proposed Rule 2:11D is consistent with the District's efforts to achieve and maintain state ambient air quality standards by the earliest practical date pursuant to Health and Safety Code section 40910.
Clarity	The rule is written or displayed so that there meanings can easily be understood by the persons directly affected by it.	There is no indication, at this time, that the proposed rule is written in such a manner that persons affected by the proposed rule cannot easily understand them.
Consistency	The proposed rule is in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, or State or federal regulations.	The District has found that the proposed rule is consistent with applicable statutory requirements.
Non-duplication	The proposed 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 and duties granted to, and imposed upon, the district.	The proposed rule does not duplicate any existing local, state or federal 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.	The proposed rule implements Health and Safety Code sections 40716, 40910, and 42311, subdivision (g).

Respectfully submitted,

Alan Abbs
Air Pollution Control Officer