RESOLUTION NO. 96 -

**A Resolution of the Governing Board of the South Coast Air Quality Management District certifying the Final Supplemental Environmental Assessment (SEA) prepared for Rule 1176 - VOC Emissions from Wastewater Systems, as proposed to be amended.**

**A Resolution of the Governing Board of the South Coast Air Quality Management District amending Rule 1176 - VOC Emissions from Wastewater Systems.**

WHEREAS, the Governing Board of the South Coast Air Quality Management District has determined that a need exists to amend Rule 1176 - VOC Emissions from Wastewater Systems, to: (a) ensure intended VOC emission reductions through control of repeat emitting drains and control of other wastewater system components; (b) provide increased operational flexibility to facilities by reducing the monitoring and source test frequencies; and (c) exempt specific insignificant emission sources; and

WHEREAS, the Governing Board of the South Coast Air Quality Management District obtains its authority to amend rules and regulations from Sections 39002, 40000, 40001, 40440, 40441, 40702, 40725 through 40728, 41508, and 42300 of the California Health and Safety Code; and

WHEREAS, the Governing Board of the South Coast Air Quality Management District has determined that Rule 1176 - VOC Emissions from Wastewater Systems, as proposed to be amended, is written or displayed so that its meaning can be easily understood by the persons directly affected by it; and

WHEREAS, the Governing Board of the South Coast Air Quality Management District has determined that Rule 1176 - VOC Emissions from Wastewater Systems, 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 Governing Board of the South Coast Air Quality Management District determines that Rule 1176 - VOC Emissions from Wastewater Systems, as proposed to be amended, does not impose the same requirements as any existing state or federal regulation and that the proposed rule is necessary and proper to execute the powers and duties granted to, and imposed upon, the South Coast Air Quality Management District; and

WHEREAS, the Governing Board of the South Coast Air Quality Management District, in amending Rule 1176 - VOC Emissions from Wastewater Systems, references the following statutes, court decisions or other provisions of law which the South Coast Air Quality Management District hereby implements, interprets or makes specific: California Health & Safety Code Sections 40001 (rules to achieve ambient air quality standards), 40440(a) (rules to carry out the Air Quality Management Plan), 40440(b) (Best Available Retrofit Control Technology), 40440(c) (cost-effective programs), 40702 (rules to execute duties necessary to preserve original intent of rule), 40910 et seq., (California Clean Air Act) and Federal Clean Air Act Sections 182(a)(2)(A) and (b)(2) (Reasonably Available Control Technology); and

WHEREAS, the Governing Board of the South Coast Air Quality Management District voting on this Resolution has reviewed and actively considered the cost-effectiveness and the socioeconomic impacts of Rule 1176 - VOC Emissions from Wastewater Systems, as proposed to be amended, as set forth in the Socioeconomic Analysis included as an Addendum to the Final Staff Report, and has made a good faith effort to minimize such impacts; and

WHEREAS, South Coast Air Quality Management District staff has identified four control options for incremental cost-effectiveness in accordance with all provisions of Health and Safety Code, Section 40920.6(a)(5); and chose controlling emissions from drains, junction box vents, and manhole covers. Two of the options were less stringent and one of the options was more stringent than the proposed rule, which was selected for the reason that this control option achieves the maximum degree of feasible and cost effective emissions reductions, as specified in the Final Staff Report for the proposed amended Rule 1176 - VOC Emissions from Wastewater Systems, by using a combination of controls; and

WHEREAS, the Governing Board of the South Coast Air Quality Management District finds and determines that Rule 1176 - VOC Emissions from Wastewater Systems, as proposed to be amended, is considered a "project" pursuant to the terms of the California Environmental Quality Act (CEQA); and

WHEREAS, the South Coast Air Quality Management District has had its regulatory program certified pursuant to Public Resources Code Section 21080.5 and has conducted CEQA review pursuant to such program (Rule 110); and

WHEREAS, South Coast Air Quality Management District staff has prepared a Supplemental Environmental Assessment (SEA) pursuant to its Certified Regulatory Program (Rule 110) which modifies its previous Environmental Assessment (EA) for Rule 1176, setting forth the potential environmental consequences of Rule 1176 - VOC Emissions from Wastewater Systems, as proposed to be amended, and that the Draft SEA was circulated to receive public comment and it is now a Final SEA; and

WHEREAS, it is necessary that the adequacy of the previous EA as modified by the Final SEA be determined by the Governing Board of the South Coast Air Quality Management District prior to its adoption; and

WHEREAS, County Sanitation Districts of Los Angeles County ("Sanitation Districts") will monitor the water quality impacts of Rule 1176 - VOC Emissions from Wastewater Systems, as proposed to be amended, to ensure that expected insignificant impacts on water quality do not become significant; and that if such long term observations confirm that water quality impacts as a result of the proposed amendments to Rule 1176 conflict with Sanitation District's National Pollution Discharge Elimination System ("NPDES") permit conditions, South Coast Air Quality Management District staff will assist Sanitation Districts to examine all possible measures to mitigate such impacts; which measures may include providing assistance to Sanitation Districts in meeting with the Regional Water Quality Control Board to resolve any potential matters related to their NPDES permit limits, or reexamining the analysis conducted for this rule amendment.

WHEREAS, the Governing Board of the South Coast Air Quality Management District voting on this Resolution has reviewed and considered and hereby approves the previous EA as modified by the Final SEA; and

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

WHEREAS, the Governing Board of the South Coast Air Quality Management District has held a public hearing in accordance with all provisions of law; and

WHEREAS, the Governing Board of the South Coast Air Quality Management District has determined that there is a problem that Rule 1176 - VOC Emissions from Wastewater Systems will alleviate, i.e., extreme exceedances of federal and state ozone standards by reducing

VOC emissions, and Rule 1176 - VOC Emissions from Wastewater Systems, as proposed to be amended, will promote the attainment of state and federal ambient air quality standards.

**NOW, THEREFORE BE IT RESOLVED** that the Governing Board of the South Coast Air Quality Management District does hereby certify the previous EA as modified by the Final SEA for Rule 1176 - VOC Emissions from Wastewater Systems, as proposed to be amended, was completed in compliance with CEQA provisions and the South Coast Air Quality Management District's Certified Regulatory Program, and that the previous EA as modified by the Final SEA has been presented to the South Coast Air Quality Management District's Governing Board, whose members reviewed, considered and approved the information therein prior to acting on Rule 1176 - VOC Emissions from Wastewater Systems, as proposed to be amended.

**BE IT FURTHER RESOLVED**, that the Governing Board of the South Coast Air Quality Management District does hereby amend, pursuant to the authority granted by law, Rule 1176 - VOC Emissions from Wastewater Systems, as set forth in the attached, and incorporated herein by this reference.

DATE: _____

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CLERK OF THE BOARDS