

ATTACHMENT 4

GENERAL RULE FINDINGS FOR PROPOSED REGULATION VIII – NEW SOURCE REVIEW, AND OTHER ASSOCIATED RULES

Pursuant to California Health and Safety Code Section 40727, the Board makes the following findings for the amendment of Regulation VIII – New Source Review, and other associated rules.

Necessity

The Board determines that it is necessary to amend Regulation VIII – New Source Review, and other associated rules in order to comply with legal mandates and reduce air pollution to such an extent as to expeditiously achieve and maintain the air quality health standards.

Authority

The Board is authorized under state law to adopt, amend, or repeal rules and regulations pursuant to Health and Safety Code Section 40000, and 40725 through 40728 which assigns to local and regional authorities the primary responsibility for the control of air pollution from all sources other than exhaust emissions from motor vehicles. Additionally, pursuant to Health and Safety Code section 40702, the District Board is required to adopt rules and regulations and to do such acts as are necessary and proper to execute the powers and duties granted to it and imposed upon it by State law.

Clarity

The Board finds that proposed Regulation VIII – New Source Review – and other associated rules are sufficiently clear. The rules were publicly noticed and reviewed by the Community Advisory Council. The rules are written or displayed so that their meaning can be easily understood by persons directly affected by it.

Consistency

The Board determines that proposed Regulation VIII – New Source Review – and other associated rules are consistent with, and not in conflict with or contradictory to, existing federal or state statutes, court decisions, or regulations.

Nonduplication

The Board finds that the proposed Regulation VIII – New Source Review – and other associated rules do not impose the same restrictions as any existing state or federal regulation, and the proposed rules are necessary and proper to execute the powers and duties granted to, and imposed upon, the District.

Reference

The Board finds that it has the authority under state law to amend Regulation VIII – New Source Review – and other associated rules pursuant to Health and Safety Code Section 39002. Health and Safety Code Section 39002 assigns to local and regional authorities the primary responsibility for the control of air pollution from all sources other than exhaust emissions from motor vehicles. Additionally, pursuant to Health and Safety Code Section 40702, the Board is required to adopt rules and regulations and to do such acts as are necessary and proper to execute the powers and duties granted to it and imposed upon it by State law.