



## MEMORANDUM

**TO:** Community Advisory Council (CAC) Members

**FROM:** Tim Mitro

**SUBJECT:** Proposed Amendments to District Rule 1304 – Part 70 Operating Permits – Issuance, Renewal, Modification and Reopening

**DATE:** December 28, 2017

**MEETING:** January 11, 2018

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### **Rule Summary:**

On November 10, 2016, the United States Environmental Protection Agency (EPA) issued a final rule in the Federal Register that revises the public notice provisions for major stationary sources of air pollution, which is a provision of the Part 70 operating permit program.<sup>1</sup> The final rule allows the District to meet the Part 70 public notice provisions by issuing an electronic notice (“e-notice”) of the permit action instead of issuing a hardcopy newspaper notice. For these e-notices, the draft permit and supplementary material will also be available online at the District’s website, which is termed electronic access (“e-access”).

The District has already been using e-notice and e-access for the last decade, as it is an effective way to communicate permit actions to the public more quickly and efficiently. Using e-notices will provide cost savings over newspaper publication. Furthermore, these proposed amendments do not preclude the District from supplementing an e-notice with a newspaper notice or any other additional means of notification to the public.

The proposed amendments are based on a model rule that was prepared jointly by EPA Region IX and the California Air Pollution Control Officers Association (CAPCOA). These amendments modernize, enhance and improve the consistency in the public noticing provisions that are codified in the District’s rulebook.

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<sup>1</sup> Major stationary sources of air pollution typically have a criteria pollutant potential to emit that exceeds 100 tons per year. The full definition can be found in Rule 1301, Part 70 Operating Permits, under the definition “Part 70 Source.”

**CAC Recommendation:**

At the January 11, 2018 CAC meeting, District staff will present the information in the attached staff report and provide an opportunity for CAC discussion. After the CAC has deliberated the matter, we will ask the CAC to consider recommending that the District Board adopt the amendments to Rule 1304. Staff anticipates bringing the rule package to the Board in March 2018.

If there are questions or concerns that you would like to discuss beforehand, please contact me at (805) 961-8883 [e-mail: [tjm@sbcapcd.org](mailto:tjm@sbcapcd.org)].

**Attachments:**

- 1) Rule 1304 Staff Report
- 2) Rule 1304 (Clean Version)
- 3) Rule 1304 (Notated Version)
- 4) CAPCOA Title V Electronic Noticing Model Rule