

MEMORANDUM

TO: Community Advisory Council Members

FROM: Douglas Grapple, Air Quality Engineer

DATE: June 30, 2010

SUBJECT: Proposed Amended Rule 901 Project and a Negative Declaration in Lieu of Rules to Adopt Certain Federal Emission Guidelines

The Santa Barbara County Air Pollution Control District (District) proposes to update Rule 901, New Source Performance Standards (NSPS), to make it current. The District is also finalizing a “Negative Declaration In Lieu of Rules” for certain federal emission guidelines because there are no sources in our area subject to them.

The District seeks recommendations from the Community Advisory Council as part of the rule development process. Hence, the following are attached for your review:

1. Project Description Summary: Effects of Amendments to Rule 901, New Source Performance Standards (NSPS), which includes a strikeout and underlined formatted proposed amended Rule 901.
2. Project Description Summary: Effects of a Negative Declaration in Lieu of Rules to Adopt Certain Federal Regulations on Emission Guidelines for Existing Sources, which includes the Negative Declaration in Lieu of Rules to Adopt Certain Federal Emission Guidelines and Negative Declaration Findings.

During the July 14, 2010 CAC meeting, we plan to discuss these rulemaking actions and request that the CAC recommend that the Board adopt amended Rule 901 and the Negative Declaration in Lieu of Rules. The District anticipates bringing these rulemaking projects to the Board on September 16, 2010.

If you have any questions, please call me at (805) 961-8883 or send an email (grappled@sbcapcd.org).

PROJECT DESCRIPTION SUMMARY: EFFECTS OF AMENDMENTS TO RULE 901,
NEW SOURCE PERFORMANCE STANDARDS (NSPS)

Purpose:

The Santa Barbara County Air Pollution Control District (District) is providing this summary to fulfill the requirements in Health and Safety Code Section 40725(b).

Project Overview:

The Santa Barbara County Air Pollution Control District (District) Rule 901 adopts the federal New Source Performance Standards by reference. The United States Environmental Protection Agency (U.S.EPA) sets forth standards of performance for new stationary sources in 40 Code of Federal Regulations, Part 60 (40 CFR Part 60). The U.S.EPA has made several additions to these standards of performance since the last time that the District modified Rule 901. The proposed amendments to Rule 901 will 1) update the rule to include the most recent 40 CFR Part 60 subparts, and 2) make changes to improve rule clarity.

Objectives:

Rule 901 amendments will incorporate all of the current 40 CFR Part 60 standards. Once adopted, the District will request delegation authority from the U.S.EPA to implement and enforce the New Source Performance Standards that are adopted by reference in Rule 901.

Background:

The Clean Air Act (CAA) section 111, Standards of Performance for New Stationary Sources, sets forth requirements for the U.S.EPA to create a list of source categories that causes or may contribute significantly to air pollution which may reasonably be anticipated to endanger public health or welfare. After the inclusion of a category of stationary sources in such a list, the U.S.EPA publishes a proposed regulation establishing federal standards of performance for new sources within the category. Once the U.S.EPA receives and considers comments on the proposed regulation, it finalizes the regulation and the standard is integrated into Title 40 Code of Federal Regulations (CFR) Part 60, Standards of Performance for New Stationary Sources. The Air Pollution Control District adopts these standards by reference in District Rule 901.

The 40 CFR Part 60 requirements apply to the applicable sources regardless of a local air agency having adopted the federal requirements by reference in a rule. Advantages to having Rule 901 in the Santa Barbara County Air Pollution Control District rulebook and adopting the 40 CFR Part 60 Subparts by reference include:

1. FACILITATES THE DISSEMINATION OF NSPS INFORMATION Rule 901 provides a quick-reference list of the source categories listed in the federal standards (i.e., the 40 CFR Part 60 Subparts, section numbers, and Subpart titles) that the District has adopted by reference.
2. ALLOWS THE DISTRICT TO INCORPORATE ENHANCED REQUIREMENTS Notations in existing (Board approved) Rule 901 set forth deviations from the U.S.EPA-promulgated NSPS provisions (e.g., shorter averaging times and conditions that constitute a violation of the rule). The District is not proposing any new deviations from the federal standards that did not previously apply to a source category.
3. IT IS EFFICIENT TO USE THE DISTRICT TO IMPLEMENT AND ENFORCE NSPS REGULATIONS Through the implementation of the local permitting, inventory, and compliance programs, the District has become familiar with the stationary sources that are located within the jurisdiction of the Santa Barbara County Air Pollution Control District. Sources subject to NSPS will need to coordinate concerns on those federal regulations with only the District, thereby avoiding the need to interact with more than one air regulatory agency.

Implications to the Regulated Community:

None. Sources need to comply with the federal standards regardless of whether the standards are specified in a District rule.

Comparisons to Adjacent Local Air Pollution Control Districts:

Air districts adjacent to the Santa Barbara County Air Pollution Control District include the San Joaquin Unified Valley Air Pollution Control District, the Ventura County Air Pollution Control District, and the San Luis Obispo County Air Pollution Control District. For brevity, the following acronyms are employed for the different Air Pollution Control Districts in the following analysis:

San Joaquin Unified Valley Air Pollution Control District (APCD): SJV
San Luis Obispo County APCD: SLO
Santa Barbara County APCD: SBC
Ventura County APCD: VC

The three metrics staff used for this comparison include:

1. 40 CFR Part 60 Subparts that are listed for informational purposes only,
2. The 40 CFR Part 60 Subparts adopted by reference, and
3. The rule notations on deviations from the federal standards.

For each of these metrics, the differences between the adjacent air districts rules when compared with the SBC proposed amended Rule 901 are noted in the following.

40 CFR PART 60 SUBPARTS THAT ARE LISTED FOR INFORMATIONAL PURPOSES ONLY

SJV - None
SLO - C, Ca, Cb, Cc, and Cd
SBC - C, Ca, Cb, Cc, Cd, Ce, BBBB, DDDD, FFFF, and HHHH
VC - None

THE 40 CFR PART 60 SUBPARTS ADOPTED BY REFERENCE

SJV - Rule 4001 (last modified in 1999) does not include any of the new Subparts that are being added to SBC Rule 901.
SLO - Rule 601 (last modified in May 1997) includes Eb but none of the other new Subparts that are being added to the SBC Rule 901.
SBC - Rule 901 is being modified to add the following Subparts for adopting the federal standards by reference: Eb, Ec, Ja, VVa, XX,¹ GGGa, AAAA, CCCC, EEEE, IIII, JJJJ, and KKKK.
VC - Rule 72 (last modified in September 2008) has all of the Subparts that are being added to the SBC Rule 901, except for Subparts Ja, XX¹, and GGGa.

THE RULE NOTATIONS ON DEVIATIONS FROM THE FEDERAL STANDARDS

SJV - Not included
SLO - Included
SBC - Included
VC - Included

Analysis of Existing Federal and District Regulations:

The following information is included to comply with the California Health & Safety Code Section 40727.2 requirements.

¹ The U.S.EPA indicated that it has not delegated this regulation to Air Pollution Control Districts in California and that this subpart will not be delegated until EPA and the Air Resources Board resolve their differences on the testing of tank trucks (letter from Daniel A. Meer of the U.S.EPA to Larry Rennacker of the SBC dated July 22, 1993). Per U.S.EPA request, the SBC deleted the reference to Subpart XX during the 1993 amendments to Rule 901. Versions of Rule 901 before the 1993 amendments included a note on a deviation from the Subpart XX standard, indicating that the ARB Certification and Test Procedures shall be followed in lieu of the federal procedure shown in the CFR. Now, the SBC is proposing to include Subpart XX without any notation with the goal of seeking delegation authority for this Subpart. When implementing and enforcing the federal provisions, the SBC will ensure that the procedures in 40 CFR 60.503 are followed.

Other than the Subparts listed in Rule 901 for informational purposes only, Rule 901 adopts the 40 CFR Part 60 federal standards by reference. Except for the deviations in Rule 901 as set forth in the rule's notations, Rule 901 requirements are exactly the same as the provisions found in the federal standards.

The following Subparts include notations to implement deviations from the federal standards.²

CFR Subpart	Brief Description of the Deviation
Subpart Da	Specifies a shorter averaging period.
Subpart Db	Specifies a shorter averaging period.
Subpart Dc	Specifies a shorter averaging period.
Subpart Kb	Specifies a violation of the testing and procedures determined by the District shall constitute a violation.
Subpart EE	Specifies a shorter averaging period.
Subpart MM	Specifies a shorter averaging period.
Subpart QQ	Specifies a shorter averaging period.
Subpart RR	Specifies a shorter averaging period.
Subpart SS	Specifies a shorter averaging period.
Subpart TT	Specifies a shorter averaging period.
Subpart VV	Specifies an observation of a leak in excess of the standard constitutes a violation.
Subpart VVa	Specifies an observation of a leak in excess of the standard constitutes a violation.
Subpart WW	Specifies a shorter averaging period.
Subpart FFF	Specifies a shorter averaging period.
Subpart GGG	Specifies an observation of a leak in excess of the standard constitutes a violation.

² The District is not proposing any new deviations from the federal standards that did not previously apply to a source category.

Subpart GGGa Specifies an observation of a leak in excess of the standard constitutes a violation.

CFR Subpart Brief Description of the Deviation

Subpart HHH Specifies a shorter averaging period.

Subpart JJJJ Specifies an observation of a leak in excess of the standard constitutes a violation.

Implications to the Air Pollution Control District Workload and Budget:

The District expects there will be no workload or fiscal impacts to the Air Pollution Control District from the adoption of the proposed amendments.

Public Review:

June 11, 2010: District website posting of a Rule 901 Project Description Summary.

June 13, 2010: Publishing of a public notice on the availability of the project rulemaking material and general information on the project.

The District does not plan any workshops this project because of its noncontroversial nature.

During the July 14, 2010 Community Advisory Council (CAC) meeting, the District will discuss the rulemaking action and request that the CAC recommend that the Board adopt amended Rule 901. The District plans to publish a public notice on August 1, 2010 announcing a Board hearing on September 16 to adopt the amended Rule 901.

Invitation to Submit Written Comments on this Project:

The District invites the submittal of written comments on this project via regular mail to the address listed below or via email to Douglas Grapple (GrappleD@sbcapcd.org).

Santa Barbara County
Air Pollution Control District
Attention: Douglas Grapple
260 N. San Antonio Rd, Suite A
Santa Barbara, CA 93110
805.961.8883

Please provide written comments to Douglas Grapple by July 9, 2010 to allow time for the District to formulate responses before the July 14, 2010 CAC meeting. The regulated industry and the public will also have an opportunity to submit written comments during the formal comment period (August 2 to August 23, 2010) before the Board hearing scheduled for September 16, 2010.

Attachment:

Proposed Amended Rule 901, New Source Performance Standards, in ~~strikeout~~ and underlined format.

RULE 901. NEW SOURCE PERFORMANCE STANDARDS (NSPS). (Adopted 6/28/1976, readopted 10/23/1978, revised 6/1981, readopted by incorporation 6/8/1987, revised 10/17/1988, 11/21/1989, 12/18/1990, 4/21/1992, 10/26/1993, ~~and~~ 5/16/1996, and [date of revised rule adoption])

A. Incorporation of Federal Standards Purpose

~~The provisions of Part 60, Chapter I, Title 40 of the Code of Federal Regulations (40 CFR Part 60), which are in effect on May 16, 1996, are incorporated herein and adopted by reference as part of the Rules and Regulations of the Santa Barbara County Air Pollution Control District. Applicable provisions of 40 CFR Part 60 include those incorporated in the current bound CFR volume plus any provisions recently promulgated by EPA, as noticed in the Federal Register, but not yet incorporated into the bound CFR. Where there are currently effective provisions which are not yet included in the bound CFR volume, the Federal Register notice by which each provision was promulgated is referenced at the affected subpart in Attachment I of this Rule. This rule is enacted to adopt by reference all the applicable provisions regarding standards of performance for new stationary sources as set forth in 40 Code of Federal Regulations, Part 60 (40 CFR 60).~~

B. Applicability

~~All new stationary sources of air pollution, and all modified or reconstructed stationary sources of air pollution shall comply with the standards, criteria, and requirements set forth herein. Whenever any source is subject to more than one rule, regulation, provision or requirement relating to the control of any air contaminant, the most stringent provision shall apply.~~

- ~~1. This rule shall be applicable to any new, modified, or reconstructed sources of air pollution as specified in any subpart of 40 CFR 60 which is applicable to such source and is adopted herein by reference.~~
- ~~2. For the purposes of this rule, the authority of the Administrator under the various portions of 40 CFR 60 shall be exercised by the Control Officer of the District when such authority has been delegated by the Environmental Protection Agency with the exception that the Control Officer shall not be empowered to approve alternate or equivalent test methods, alternate standards, or alternate work practices.~~

C. "Administrator" means "APCO" Definitions

~~See Rule 102 for definitions not limited to this rule. For purposes of this rule the following definition, in addition to any definition contained in any subpart of 40 CFR 60, shall apply:~~

~~For the purpose of this Rule, the word "Administrator" as used in 40 CFR Part 60 shall mean the Air Pollution Control Officer (APCO) of the District, except where the reference to "administrator" relates to approval of alternate or equivalent test methods or alternative standards/work practices. EPA policy specifies that the authority of the EPA Administrator for approval of these alternatives cannot be delegated to the APCO.~~

~~"Administrator" means the Administrator of the United States Environmental Protection Agency and his or designee.~~

D. Attachment I, Requirements and List of Incorporated CFR Provisions

- ~~1. Any new, modified or reconstructed source of air pollution which is subject to any subpart of 40 CFR 60 as adopted herein by reference shall comply with the more stringent of the requirements~~

found in the applicable subpart(s) in Section D.2 or in the applicable District Rules and Regulations.

2. With the exception of 40 CFR 60 Subparts B, C, Cb, Cc, Cd, Ce, BBBB, DDDD, FFFF, and HHHH, which are included herein for informational purposes only, the following provisions are hereby adopted by reference and are included as District Rules as if fully set forth herein. The following table lists all 40 CFR Part 60 provisions which are incorporated in their entirety as part of this Rule. Federal Register (FR) references are to currently effective provisions promulgated or revised by EPA but not yet incorporated into the currently available CFR volume. Notations in this list indicate deviations from the EPA Environmental Protection Agency-promulgated provision found in the CFR which have been adopted by the District Board for inclusion in this Rule.

CFR Subpart	<u>Subpart Title [Section the Subpart Commences with]</u>
Subpart A	General Provisions [60.1]
Subpart B	Adoption and Submittal of State Plans for Designated Facilities ¹ [60.20]
Subpart C	Emission Guidelines and Compliance Times ¹ [60.30]
<u>Subpart Cb</u>	<u>Emissions Guidelines and Compliance Times for Large Municipal Waste Combustors That Are Constructed on or Before September 20, 1994¹ [60.30b]</u>
<u>Subpart Cc</u>	<u>Emissions Guidelines and Compliance Times for Municipal Solid Waste Landfills¹ [60.30c]</u>
<u>Subpart Cd</u>	<u>Emissions Guidelines and Compliance Times for Sulfuric Acid Production Units¹ [60.30d]</u>
<u>Subpart Ce</u>	<u>Emissions Guidelines and Compliance Times for Hospital/Medical/Infectious Waste Incinerators¹ [60.30e]</u>
Subpart D	Standards of Performance for Fossil-Fuel-Fired Steam Generators for Which Construction is Commenced After August 17, 1971 [60.40]
Subpart Da	Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978 [60.40Da] <u>NoteNOTE:</u> The 30-day emissions averaging periods specified in the federal standard are replaced with 24-hour emissions averaging periods for affected facilities in the District.
Subpart Db	Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units [60.40b] <u>NoteNOTE:</u> The 30-day emissions averaging periods specified in the federal standard are replaced with 24-hour emissions averaging periods for affected facilities in the District.
Subpart Dc	Standards of Performance for Small Industrial- Commercial-Institutional Steam Generating Units [60.40c] <u>NoteNOTE:</u> The 30-day emissions averaging periods specified in the federal standard are replaced with 24-hour emissions averaging periods for affected facilities in the District.

¹ Included for informational purposes only.

Subpart E	Standards of Performance for Incinerators [60.50]
Subpart Ea	Standards of Performance for Municipal Waste Combustors for Which Construction is Commenced After December 20, 1989 and on or Before September 20, 1994 [60.50a]
Subpart Eb	Standards of Performance for Large Municipal Waste Combustors for Which Constructed is Commenced After September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996 [60.50b]
Subpart Ec	Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996 [60.50c]
Subpart F	Standards of Performance for Portland Cement Plants [60.60]
Subpart G	Standards of Performance for Nitric Acid Plants [60.70]
Subpart H	Standards of Performance for Sulfuric Acid Plants [60.80]
Subpart I	Standards of Performance for Hot Mix Asphalt Concrete Plants [60.90]
Subpart J	Standards of Performance for Petroleum Refineries [60.100]
Subpart Ja	Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007 [60.100a]
Subpart K	Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction or Modification Commenced After June 11, 1973, and Prior to May 19, 1978 [60.110]
Subpart Ka	Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978 and Prior to July 23, 1984 [60.110a]
Subpart Kb	Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984 [60.110b]
	Note NOTE: Any violation of provision 60.113.b. , Testing Procedures 60.113b, Testing and Procedures , determined by Air Pollution Control District personnel, shall constitute a violation of Subpart Kb.
Subpart L	Standards of Performance for Secondary Lead Smelters [60.120]
Subpart M	Standards of Performance for Secondary Brass and Bronze Production Plants [60.130]
Subpart N	Standards of Performance for Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973 [60.140]
Subpart Na	Standards of Performance for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983 [60.140a]
Subpart O	Standards of Performance for Sewage Treatment Plants [60.150]

Subpart P	Standards of Performance for Primary Copper Smelters [60.160]
Subpart Q	Standards of Performance for Primary Zinc Smelters [60.170]
Subpart R	Standards of Performance for Primary Lead Smelters [60.180]
Subpart S	Standards of Performance for Primary Aluminum Reduction Plants [60.190]
Subpart T	Standards of Performance for Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants [60.200]
Subpart U	Standards of Performance for Phosphate Fertilizer Industry: Superphosphoric Acid Plants [60.210]
Subpart V	Standards of Performance for Phosphate Fertilizer Industry: Diammonium Phosphate Plants [60.220]
Subpart W	Standards of Performance for Phosphate Fertilizer Industry: Triple Superphosphate Plants [60.230]
Subpart X	Standards of Performance for Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities [60.240]
Subpart Y	Standards of Performance for Coal Preparation Plants [60.250]
Subpart Z	Standards of Performance for Ferroalloy Production Facilities [60.260]
Subpart AA	Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and on <u>On</u> or Before August 17, 1983 [60.270]
Subpart AAa	Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 7, 1983 [60.270a]
Subpart BB	Standards of Performance for Kraft Pulp Mills [60.280]
Subpart CC	Standards of Performance for Glass Manufacturing Plants [60.290]
Subpart DD	Standards of Performance for Grain Elevators [60.300]
Subpart EE	Standards of Performance for Surface Coating of Metal Furniture [60.310]
	NOTE: The 30-day-calendar month emissions averaging periods specified in the federal standard are replaced with 24-hour emissions averaging periods for affected facilities in the District.
Subpart GG	Standards of Performance for Stationary Gas Turbines [60.330]
Subpart HH	Standards of Performance for Lime Manufacturing Plants [60.340]
Subpart KK	Standards of Performance for Lead-Acid Battery Manufacturing Plants [60.370]
Subpart LL	Standards of Performance for Metallic Mineral Processing Plants [60.380]

Subpart MM	Standards of Performance for Automobile and Light-Duty Truck Surface Coating Operations [60.390]
	NOTE: The 30-day-calendar month emissions averaging periods specified in the federal standard are replaced with 24-hour emissions averaging periods for affected facilities in the District.
Subpart NN	Standards of Performance for Phosphate Rock Plants [60.400]
Subpart PP	Standards of Performance for Ammonium Sulfate Manufacture [60.420]
Subpart QQ	Standards of Performance for Graphic Arts Industry: Publication Rotogravure Printing [60.430]
	NOTE: The 30-day emissions averaging periods specified in the federal standard are replaced with 24-hour emissions averaging periods for affected facilities in the District.
Subpart RR	Standards of Performance for Pressure Sensitive Tape and Label Surface Coating Operations [60.440]
	NOTE: The 30-day-calendar month emissions averaging periods specified in the federal standard are replaced with 24-hour emissions averaging periods for affected facilities in the District.
Subpart SS	Standards of Performance for Industrial Surface Coating: Large Appliances [60.450]
	NOTE: The 30-day-calendar month emissions averaging periods specified in the federal standard are replaced with 24-hour emissions averaging periods for affected facilities in the District.
Subpart TT	Standards of Performance for Metal Coil Surface Coating [60.460]
	NOTE: The 30-day-calendar month emissions averaging periods specified in the federal standard are replaced with 24-hour emissions averaging periods for affected facilities in the District.
Subpart UU	Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture [60.470]
Subpart VV	Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for which Construction Reconstruction, or Modification Commenced After January 5, 1981, and on or Before November 7, 2006 [60.480]
	NOTE: The observation of a leak in excess of the requirements of the standard constitutes a violation of this rule. This provision is added to Sections 60.482- 1 through 60.482-4, and 60.482-7 through 60.482-8, and 60.482-10 .
<u>Subpart VVa</u>	<u>Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006</u> [60.480a]

NOTE: The observation of a leak in excess of the requirements of the standard constitutes a violation of this rule. This provision is added to Sections 60.482-1a through 60.482-4a, 60.482-7a through 60.482-8a, and 60.482-10a.

Subpart WW Standards of Performance for the Beverage Can Surface Coating Industry [\[60.490\]](#)

NOTE: The ~~30-day-calendar month~~ emissions averaging periods specified in the federal standard are replaced with 24-hour emissions averaging periods for affected facilities in the District.

Subpart XX Standards of Performance for Bulk Gasoline Terminals [\[60.500\]](#)

Subpart AAA Standards of Performance for New Residential Wood Heaters [\[60.530\]](#)

Subpart BBB Standards of Performance for the Rubber Tire Manufacturing Industry [\[60.540\]](#)

Subpart DDD Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry [\[60.560\]](#)

Subpart FFF Standards of Performance for Flexible Vinyl and Urethane Coating and Printing [\[60.580\]](#)

NOTE: The ~~30-day-calendar month or four consecutive week~~ emissions averaging periods specified in the federal standard are replaced with 24-hour emissions averaging periods for affected facilities in the District. The ~~monthly-time period~~ basis used to calculate the VOC content from the source performance test in the federal standard is replaced with a 24-hour period to demonstrate compliance on a daily basis for affected facilities in the District.

Subpart GGG Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After January 4, 1983, and on or Before November 7, 2006 [\[60.590\]](#)

NOTE: The observation of a leak in excess of the standard constitutes a violation of this rule. This provision is added to Section ~~60.592~~ [\[60.592\(a\)\]](#).

Subpart GGGa Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006 [\[60.590a\]](#)

NOTE: The observation of a leak in excess of the standard constitutes a violation of this rule. This provision is added to Section 60.592a(a).

Subpart HHH Standards of Performance for Synthetic Fiber Production Facilities [\[60.600\]](#)

NOTE: The ~~six~~6-month rolling average basis specified in the federal standard is replaced with 24-hour emission averaging periods for affected facilities in the District.

Subpart III Standards of Performance for Volatile Organic Compound (VOC) Emissions From the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes [\[60.610\]](#)

Subpart JJJ Standards of Performance for Petroleum Dry Cleaners [\[60.620\]](#)

NOTE: The observation of a leak in excess of the requirements of the standard constitutes a violation of this rule. [This provision is added to Section 60.622.](#)

~~[This provision is added to Section 60.622.](#)~~

- Subpart KKK Standards of Performance for Equipment Leaks of VOC from Onshore Natural Gas Processing Plants [\[60.630\]](#)
- Subpart LLL Standards of Performance for Onshore Natural Gas Processing; SO₂ Emissions [\[60.640\]](#)
- Subpart NNN Standards of Performance for Volatile Organic Compound (VOC) Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations [\[60.660\]](#)
- Subpart OOO Standards of Performance for ~~Non-metallic~~ [Nonmetallic](#) Mineral Processing Plants [\[60.670\]](#)
- Subpart PPP Standards of Performance for Wool Fiberglass Insulation Manufacturing Plants [\[60.680\]](#)
- Subpart QQQ Standards of Performance for VOC Emissions From Petroleum Refinery Wastewater Systems [\[60.690\]](#)
- Subpart RRR Standards of Performance for Volatile Organic Compound Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes [\[60.700\]](#)
- Subpart SSS Standards of Performance for Magnetic Tape Coating Facilities [\[60.710\]](#)
- Subpart TTT Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines [\[60.720\]](#)
- Subpart UUU Standards of Performance for Calciners and Dryers in Mineral Industries [\[60.730\]](#)
- Subpart VVV Standards of Performance for Polymeric Coating of Supporting Substrates Facilities [\[60.740\]](#)
- Subpart WWW Standards of Performance for Municipal Solid Waste Landfills [\[60.750\]](#)

~~[\(Promulgated 3/12/96, reference 61 FR 9905\)](#)~~

~~[Appendix A — Reference Methods](#)~~

~~[Appendix B — Performance Specifications](#)~~

~~[Appendix C — Determination of Emission Rate Change](#)~~

~~[Appendix D — Required Emission Inventory Information](#)~~

~~[Appendix F — Quality Assurance Procedures](#)~~

~~[Appendix I — Removable Label and Owners Manual](#)~~

Subpart AAAA Standards of Performance for Small Municipal Waste Combustion Units for Which Construction is Commenced After August 30, 1999 or for Which Modification or Reconstruction is Commenced After June 6, 2001 [60.1000]

Subpart BBBB Emission Guidelines and Compliance Times for Small Municipal Waste Combustion Units Constructed on or Before August 30, 1999¹ [60.1500]

Subpart CCCC Standards of Performance for Commercial and Industrial Solid Waste Incineration Units for Which Construction is Commenced After November 30, 1999 or for Which Modification or Construction is Commenced on or After June 1, 2001 [60.2000]

Subpart DDDD Emission Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units that Commenced Construction On or Before November 30, 1999¹ [60.2500]

Subpart EEEE Standards of Performance for Other Solid Waste Incineration Units for Which Construction is Commenced After December 9, 2004 or for Which Modification or Reconstruction is Commenced on or After June 16, 2006 [60.2880]

Subpart FFFF Emission Guidelines and Compliance Times for Other Solid Waste Incineration Units That Commenced Construction On or Before December 9, 2004¹ [60.2980]

Subpart HHHH Emission Guidelines and Compliance Times for Coal-Fired Electric Steam Generating Units¹ [60.4101]

Subpart IIII Standards of Performance for Stationary Compression Ignition Internal Combustion Engines [60.4200]

Subpart JJJJ Standards of Performance for Stationary Spark Ignition Internal Combustion Engines [60.4230]

Subpart KKKK Standards of Performance for Stationary Combustion Turbines [60.4300]

NOTE: Copies of the CFR referenced in this rule may be obtained by contacting the U.S. Government Printing Office Bookstore between 8:00 a.m. to 4:30 p.m. Eastern standard time. The address and toll free telephone number are:

U.S. Government Bookstore
710 North Capitol Street N.W.
Washington, DC
Telephone Number: (866) 512-1800

Electronic copies of the CFR are available at: “<http://www.gpoaccess.gov/cfr/index.html>.”

¹ Included for informational purposes only.

PROJECT DESCRIPTION SUMMARY: EFFECTS OF A NEGATIVE DECLARATION IN LIEU OF RULES TO ADOPT CERTAIN FEDERAL REGULATIONS ON EMISSION GUIDELINES FOR EXISTING SOURCES

Purpose:

The Santa Barbara County Air Pollution Control District (District) is providing this summary to fulfill the requirements in Health and Safety Code Section 40725(b).

Project Overview:

The project consists of adopting a negative declaration in lieu of rules indicating that Santa Barbara County does not have any sources subject to the following Title 40 Code of Federal Regulations (40 CFR), Part 60, Subparts:

- Cb, Emissions Guidelines and Compliance Times (Guidelines) for Large Municipal Waste Combustors That Are Constructed on or Before September 20, 1994 [60.30b]
- Cd, Guidelines for Sulfuric Acid Production Units [60.30d]
- Ce, Guidelines for Hospital/Medical/Infectious Waste Incinerators [60.30e]
- BBBB, Guidelines for Small Municipal Waste Combustion Units Constructed on or Before August 30, 1999 [60.1500]
- DDDD, Guidelines for Commercial and Industrial Solid Waste Incineration Units Constructed on or Before November 30, 1999 [60.2500]
- FFFF, Guidelines for Other Solid Waste Incineration Units Constructed After December 9, 2004 [60.2980]
- HHHH, Guidelines for Coal-Fired Electric Steam Generating Units [60.4101]

Objectives:

The goal of the rulemaking action is to obtain Board approval of a “negative declaration in lieu of rules” and other associated findings through a public hearing process. Adoption of the negative declaration and the associated findings will allow the District to request that the U.S.EPA update the County portion of the California State Plan to make it current.

Background:

Consistent with Clean Air Act (CAA) section 111(d)(1), the U.S.EPA establishes standards of performance for certain *existing sources* that would be subject to a New Source Performance Standard if such sources were *new sources*. These standards of performance are referred to as “Emission Guidelines” (Guidelines). The District has adopted by reference many of Title 40

Code of Federal Regulations (CFR), Part 60, standards that apply to *new sources* through the adoption of Rule 901, New Source Performance Standards (NSPS). However, the Guidelines shown in Table 1 for *existing sources* cannot be adopted by reference since the referenced 40 CFR Part 60 subparts do not contain direct requirements on *existing sources*.

Table 1. TITLE 40 CODE OF FEDERAL REGULATIONS, PART 60, SUBPARTS THAT INCLUDE EMISSIONS GUIDELINES AND COMPLIANCE TIMES FOR EXISTING SOURCES

CFR Subpart	Subpart Title [Section the Subpart Commences with]
Subpart Cb	Emissions Guidelines and Compliance Times for Large Municipal Waste Combustors That Are Constructed on or Before September 20, 1994 [60.30b]
Subpart Cc	Emissions Guidelines and Compliance Times for Municipal Solid Waste Landfills [60.30c] <i>{District Rule 341 incorporates these requirements}</i>
Subpart Cd	Emissions Guidelines and Compliance Times for Sulfuric Acid Production Units [60.30d] ¹
Subpart Ce	Emissions Guidelines and Compliance Times for Hospital/Medical/Infectious Waste Incinerators [60.30e] ²
Subpart BBBB	Emission Guidelines and Compliance Times for Small Municipal Waste Combustion Units Constructed on or Before August 30, 1999 [60.1500]
Subpart DDDD	Emission Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units Constructed on or Before November 30, 1999 [60.2500]
Subpart FFFF	Emission Guidelines and Compliance Times for Other Solid Waste Incineration Units Constructed After December 9, 2004 [60.2980]
Subpart HHHH	Emission Guidelines and Compliance Times for Coal-Fired Electric Steam Generating Units [60.4101] ³

¹ Subpart Cd applies to existing sulfuric acid production units that commenced construction or modification before August 17, 1971. Further, Subpart H [40 CFR 60.80 et seq.] applies to any sulfuric acid production unit that commenced construction or modification after August 17, 1971.

² Subpart Ce applies to existing hospital/medical/infectious waste incinerators for which construction or modification was commenced on or before June 20, 1996. Further, Subpart Ec [40CFR 60.50c] applies to any hospital/medical/infectious waste incinerators for which construction is commenced after June 20, 1996.

³ Subpart HHHH establishes a model rule for the State mercury Budget Trading Program. There are no dates associated with the applicability of Subpart HHHH.

To ensure that the Guidelines are implemented, the U.S.EPA requires each state to prepare and submit a State Plan. Generally, the local agency will adopt a Guideline as a rule and submit the rule to the California Air Resources Board (ARB) to fulfill this requirement. If the ARB finds the rule suitable, they will submit it to EPA, on the local agency's behalf, with a request that it be considered for inclusion in the State Plan.

For the one Guideline that applies to sources in the Santa Barbara County area (40 CFR Part 60 Subpart Cc), the District integrated the requirements into the Santa Barbara County portion of the California State Plan by adopting Rule 341, Municipal Solid Waste Landfills. The U.S.EPA approved the District's Rule 341 into the California State Plan (reference 67 FR 54739, dated September 23, 1999).

For the other seven 40 CFR Part 60 Subpart Guidelines shown in Table 1, there are no sources in Santa Barbara County that are subject to them. The District is making a "negative declaration in lieu of rules" on those Guidelines, which will be submitted to ARB for consideration of inclusion into the State Plan.¹

The District is performing this negative declaration in lieu of rules consistent with the U.S.EPA policy on negative declarations associated with the CAA sections 110(a)(2) and 110(l).² Although those sections are relative to State Implementation Plan (SIP) submittals, section 111(d)(1) of the CAA indicates that the Administrator shall prescribe regulations which shall establish a procedure similar to that provided by section 110. It is the District's understanding that negative declarations in lieu of rules relative to section 111(d)(1) are to undergo the same public noticing and a public hearing process that a rule adoption undertakes.

Implications to the Regulated Community:

The District is unaware of any sources that are subject to the 40 CFR Part 60, Subparts Cb, Cd, Ce, BBBB, DDDD, FFFF, and HHHH. Thus, there are no known sources that are affected by those Guidelines or the "negative declaration in lieu of rules."

Investigation Findings and Staff Recommendations:

The District has reviewed its permit files and the emission inventory and has determined that there are no designated facilities in the source categories shown in the Table 1 except for Subpart

¹ Provisions in 40 CFR Part 60, Subpart B, Adoption and Submittal of State Plans for Designated Facilities, section 60.23(b), indicate that if there are no sources subject to a Guideline in a state, then the state will submit a letter of certification to that effect to the U.S.EPA within 9 months of the publication of the final Guideline in the Federal Register. The District is unable to confirm that such a letter of certification was submitted to the U.S.EPA in a timely manner for the seven Guidelines listed in the negative declaration (Attachment 2). Hence, the District intends to submit the negative declaration as an alternative to a letter of certification to confirm that there are no designated facilities in Santa Barbara County subject to the specified seven Guidelines.

² The U.S.EPA policy on negative declarations indicates that a negative declaration must go through the same public review requirements as any other SIP submittal because, while the negative declaration itself is not specifically required by the CAA, it is replacing a required program element. Therefore, the negative declaration would be subject to the same administrative procedures as any other SIP submittal.

Cc (which is covered by Rule 341). Staff recommends that the Board adopt the negative declaration in lieu of rules, the negative declaration findings, and the CEQA findings.

Implications to the Air Pollution Control District Workload and Budget:

The District expects there will be no workload or fiscal impacts to the Air Pollution Control District from the adoption of the negative declaration in lieu of rules and the filing of the negative declaration with the California Air Resources Board. The alternative course of adopting rules would incur significant expense.

Public Review:

- June 11, 2010: District website posting of a Project Description Summary on the Negative Declaration in Lieu of Rules
- June 13, 2010: Publishing of a public notice on the availability of the project rulemaking material and general information on the project.

The District does not plan any workshops this project because of its noncontroversial nature.

During the July 14, 2010 Community Advisory Council (CAC) meeting, the District will discuss the rulemaking action and request that the CAC recommend that the Board adopt the negative declaration in lieu of rules. The District plans to publish a public notice on August 1, 2010 announcing a Board hearing on September 16 to adopt the negative declaration in lieu of rules.

Invitation to Submit Written Comments on this Project:

The District invites the submittal of written comments on this project via regular mail to the address listed below or via email to Douglas Grapple (GrappleD@sbcapcd.org).

Santa Barbara County
Air Pollution Control District
Attention: Douglas Grapple
260 N. San Antonio Rd, Suite A
Santa Barbara, CA 93110
805.961.8883

Please provide written comments to Douglas Grapple by July 9, 2010 to allow time for the District to formulate responses before the July 14, 2010 CAC meeting. The regulated industry and the public will also have an opportunity to submit written comments during the formal comment period (August 2 to August 23, 2010) before the Board hearing scheduled for September 16, 2010.

Attachment:

Negative Declaration in Lieu of Rules to Adopt Certain Federal Emission Guidelines and Negative Declaration Findings

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NEGATIVE DECLARATION IN LIEU OF RULES TO ADOPT CERTAIN FEDERAL EMISSION GUIDELINES AND NEGATIVE DECLARATION FINDINGS ON:

TITLE 40 CODE OF FEDERAL REGULATIONS, PART 60, SUBPARTS:

- **Cb, Emissions Guidelines and Compliance Times (Guidelines) for Large Municipal Waste Combustors That Are Constructed on or Before September 20, 1994 [60.30b]**
- **Cd, Guidelines for Sulfuric Acid Production Units [60.30d]**
- **Ce, Guidelines for Hospital/Medical/Infectious Waste Incinerators [60.30e]**
- **BBBB, Guidelines for Small Municipal Waste Combustion Units Constructed on or Before August 30, 1999 [60.1500]**
- **DDDD, Guidelines for Commercial and Industrial Solid Waste Incineration Units Constructed on or Before November 30, 1999 [60.2500]**
- **FFFF, Guidelines for Other Solid Waste Incineration Units Constructed After December 9, 2004 [60.2980]**
- **HHHH, Guidelines for Coal-Fired Electric Steam Generating Units [60.4101]**

Pursuant to California Health and Safety Code Section 40727, the Board makes a negative declaration in lieu of rules to adopt federal emission guidelines (Guidelines) specified in Title 40 Code of Federal Regulations (CFR), Part 60, Subparts Cb, Cd, Ce, BBBB, DDDD, FFFF, and HHHH and makes the following findings on the negative declaration.

Necessity

The Board determines that it is necessary to adopt the negative declaration in lieu of rules concerning the U.S.EPA Guidelines cited above (“negative declaration”) pursuant to Title 40 Code of Federal Regulations, Section 60.23, before transmitting the negative declaration in lieu of rules to the State Air Resources Board for consideration of inclusion into the State Plan. In addition, the Board has determined that there are no “designated facilities,” as defined in 40 CFR Part 60, section 60.21(b), located within the District that are subject to the U.S.EPA Guidelines cited above. Therefore, rulemaking for these source categories is unnecessary.

Provisions in 40 CFR Part 60, Subpart B, Adoption and Submittal of State Plans for Designated Facilities, section 60.23(b), indicate that if there are no sources subject to a Guideline in a state, then the state will submit a letter of certification to that effect to the U.S.EPA within 9 months of the publication of the final Guideline in the Federal Register. The District is unable to confirm that such a letter of certification was submitted to the U.S.EPA in a timely manner for each of the Guidelines cited above. Hence, the District will submit the negative declaration as an alternative

to letters of certification to confirm that there are no designated facilities in Santa Barbara County subject to the Guidelines cited above.

In a letter dated December 15, 1994, Daniel Meer of the U.S.EPA, clarified the agency's policy regarding the negative declaration process. This letter indicates, in part, "... the negative declaration must go through the same public review requirements as any other SIP submittal because, while the negative declaration itself is not specifically required by the CAA, it is replacing a required program element. Therefore, the negative declaration would be subject to the same administrative procedures as any other SIP submittal." Although this U.S.EPA policy is relative to State Implementation Plan (SIP) submittals, negative declarations in lieu of rules for the State Plan replace program elements (i.e., a local rule or a letter of certification) in a similar manner and need to undergo the same public review process as any other State Plan submittal undertakes.

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. In addition, Health and Safety Code Section 40702 requires the District Board to adopt rules and regulations and to do such acts as necessary and proper to execute the powers and duties granted to it and imposed upon it by state law.

Section 111 of the Clean Air Act, 40 Code of Federal Regulations, Part 60, Subpart B (adoption and submittal of State Plans for designated facilities), and the U.S.EPA policy require that the negative declaration in lieu of rules adoption follow the same process as an Air Pollution Control District rule action.

Clarity

The Board finds that the resolution for the negative declaration in lieu of rules is sufficiently clear. The proposed negative declaration in lieu of rules was publicly noticed. The resolution for the negative declaration in lieu of rules is written or displayed so that its meaning can be easily understood by persons directly affected by it.

Consistency

The Board determines that proposed negative declaration in lieu of rules is 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 negative declaration in lieu of rules does not impose the same restrictions as any existing state or federal regulation, and the proposed negative declaration is

necessary and proper to execute the powers and duties granted to, and imposed upon, the Air Pollution Control District.

Reference

The Board finds that we have authority under State law to adopt the negative declaration in lieu of rules pursuant to Health and Safety Code Section 39002 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 the federal Clean Air Plan Section 111, 40 Code of Federal Regulations, Part 60, Subpart B (adoption and submittal of State Plans for designated facilities), and the U.S.EPA policy, the Board is required to adopt rules, regulations, and negative declarations in lieu of rules, 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.