

Agenda Date: September 20, 2010
Agenda Placement: Regular
Estimated Time: 10 min
Continued Item: Yes

Board Agenda Item

TO: Air Pollution Control District Board

FROM: Terry Dressler, Air Pollution Control Officer

CONTACT: Douglas Grapple, 961-8883 (grappled@sbcapcd.org)

SUBJECT: Negative Declaration in Lieu of Rules to Adopt Certain Federal Regulations on Emission Guidelines for Existing Sources

RECOMMENDATION:

That the Board:

- A. Hold a public hearing to receive testimony on the negative declaration in lieu of rules to adopt certain federal regulations on emission guidelines and compliance times for various existing sources and the CEQA findings for the negative declaration in lieu of rules.
- B. Approve the Resolution which follows this Board Letter. Approval of the resolution will result in the following actions:
 1. CEQA Findings: Adopt the CEQA findings (Attachment 1) pursuant to the California Environmental Quality Act (CEQA) and the CEQA guidelines.
 2. Negative Declaration in Lieu of Rules and Negative Declaration Findings: Adopt the negative declaration in lieu of rules and the negative declaration findings (Attachment 2) pursuant to Health and Safety Code Section 40727 regarding necessity, authority, clarity, consistency, nonduplication, and reference. The negative declaration findings also acknowledge public comments on the negative declaration and adopts the responses to public comments as findings of the Board (See Attachment 3).

EXECUTIVE SUMMARY:

The federal Clean Air Act (CAA) requires a State Plan that establishes standards of performance for certain *existing sources* that would be subject to a New Source Performance Standard if such *existing sources* were *new sources*. Local air agencies adopt these types of performance standards as rules. However, if there are no *existing sources* in an air district that are subject to a specific performance standard, then there is no need to adopt a rule. The U.S.EPA allows an air agency to

certify that there are no sources in its area subject to a specific performance standard to confirm that there is no need to adopt a rule for it. This Board action certifies and declares that there are no designated facilities located in Santa Barbara County for seven federal standards of performance.

DISCUSSION:

Objective:

The goal of this 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 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

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.

Table 1. (Cont.)

CFR Subpart	Subpart Title [Section the Subpart Commences with]
Subpart Ce	Emissions Guidelines and Compliance Times for Hospital/Medical/Infectious Waste Incinerators [60.30e] ¹
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] ²

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.³

¹ 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.

² Subpart HHHH establishes a model rule for the State mercury Budget Trading Program. There are no dates associated with the applicability of Subpart HHHH.

³ 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.

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).¹ 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 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:

On June 14, 2010, the District posted on its website a Project Description Summary of the negative declaration. Besides explaining the project and its effects, the summary mentioned the upcoming July 14, 2010 Community Advisory Council (CAC) meeting, and invited comments on the project to be submitted before the CAC meeting. The regulated industry and the public have also been provided an opportunity to submit written comments during the comment period (July 18 to August 14, 2010) before the August 19, 2010 Board hearing.

¹ 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.

California Environmental Quality Act (CEQA):

The District has reviewed the proposed negative declaration in lieu of rules and determined that the action has no potential for significant environmental effect pursuant to § 153061(b)(3) of the CEQA Guidelines. Accordingly, the District has prepared CEQA Findings (Attachment 1) and will file a Notice of Exemption with the County Clerk following approval by the Air Pollution Control District Board.

Concurrences:

County Counsel has reviewed this Board Letter and its attachments and approves them as to form.

SPECIAL INSTRUCTIONS:

After adoption by the Board, please have the Board Chair sign the attached resolution and return a copy of the resolution along with a copy of the minute order to Douglas Grapple of the Air Pollution Control District.

Attachments

Resolution

Attachment 1 - CEQA Findings

Attachment 2 - Negative Declaration in Lieu of Rules to Adopt Certain Federal Emission Guidelines and Negative Declaration Findings

Attachment 3 - Public Comments and Responses to Public Comments

BOARD RESOLUTION

**NEGATIVE DECLARATION IN LIEU OF RULES
TO ADOPT CERTAIN FEDERAL
EMISSION GUIDELINES FOR EXISTING SOURCES**

September 20, 2010

Santa Barbara County Air Pollution Control District

260 San Antonio Road, Suite A
Santa Barbara, California 93110

(805) 961-8800

**RESOLUTION OF THE AIR POLLUTION
CONTROL DISTRICT BOARD OF THE COUNTY OF
SANTA BARBARA, STATE OF CALIFORNIA**

In the Matter of)	APCD Resolution No.
)	
A Negative Declaration in Lieu of)	
Rules to Adopt the Following 40 Code of)	
Federal Regulations, Part 60, Subparts:)	
)	
1) Cb, Emissions Guidelines and)	
Compliance Times (Guidelines) for)	
Large Municipal Waste Combustors)	
That Are Constructed on or Before)	
September 20, 1994 [60.30b])	
)	
2) Cd, Guidelines for Sulfuric Acid)	
Production Units [60.30d])	
)	
3) Ce, Guidelines for)	
Hospital/Medical/Infectious Waste)	
Incinerators [60.30e])	
)	
4) BBBB, Guidelines for Small Municipal)	
Waste Combustion Units Constructed)	
on or Before August 30, 1999 [60.1500])	
)	
5) DDDD, Guidelines for Commercial)	
and Industrial Solid Waste)	
Incineration Units Constructed on or)	
Before November 30, 1999 [60.2500])	
)	
6) FFFF, Guidelines for Other Solid)	
Waste Incineration Units Constructed)	
After December 9, 2004 [60.2980])	
)	
7) HHHH, Guidelines for Coal-)	
Fired Electric Steam Generating)	
Units [60.4101])	
)	

RECITALS

1. The Air Pollution Control District Board of the County of Santa Barbara (“Board”) is authorized to adopt, amend, or repeal rules and regulations pursuant to Health and Safety Code section 40725 *et seq.*
2. Pursuant to Health and Safety Code section 40001, the Board is required to adopt and enforce rules and regulations to achieve and maintain the state and federal ambient air quality standards.
3. Pursuant to the federal Clean Air Act, section 111(d)(1), the United States Environmental Protection Agency established standards of performance (Guidelines) for certain existing sources that would be subject to a New Source Performance Standard if such sources were new sources. Further, local agencies cannot adopt these Guidelines by reference since 40 Code of Federal Regulations, Part 60, subparts do not contain direct requirements on existing sources.
4. Pursuant to Title 40 Code of Federal Regulations, Part 60, Subpart B, Adoption and Submittal of State Plans for Designated Facilities, section 60.23(b), 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 United States Environmental Protection Agency within 9 months of the publication of the final Guideline in the Federal Register.
5. The District is unable to confirm that such a letter of certification was submitted to the United States Environmental Protection Agency in a timely manner for each of the Guidelines listed in this resolution. The District has reviewed its permit files and the emission inventory for its federal Clean Air Plan and has determined that there are no sources subject to the Guidelines listed in this resolution. Further, that the submittal of a letter of

certification per 40 Code of Federal Regulations, Part 60, section 60.23(b) would have been appropriate within 9 months of the publishing of each of the Guidelines listed in this resolution.

6. In lieu of adopting rules to implement the Guidelines, the District needs to adopt a negative declaration to confirm that there are no designated facilities in Santa Barbara County subject to the Guidelines listed in this resolution. This negative declaration is intended to serve as an alternative to letters of certification.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

1) This Board has held a hearing and accepted public comments in accordance with the requirements of Health and Safety Code section 40725 *et seq.*, section 111(d)(1) of the federal Clean Air Act, and the United States Environmental Protection Agency concerning requirements for notice and public hearing for negative declarations.

2) The California Environmental Quality Act (“CEQA”) findings set forth in Attachment 1 of the Board Package dated September 20, 2010 (herein after “Board Package”) are hereby adopted as findings of this Board pursuant to CEQA and the CEQA guidelines.

3) The negative declaration in lieu of rules and negative declaration findings set forth in Attachment 2 of the Board Package are hereby adopted as findings of this Board and therefore rulemaking for the source categories subject to the negative declaration is unnecessary.

4) The Responses to Public Comments set forth in Attachment 3 of the Board Package are hereby adopted as findings of this Board.

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5) The Board authorizes the Control Officer to transmit the negative declaration in lieu of rules to the State Air Resources Board in compliance with applicable state and federal laws. Additionally, the Board authorizes the Control Officer to do any other acts necessary and proper to obtain necessary approvals of the negative declaration in lieu of rules by the California Air Resources Board and the United States Environmental Protection Agency.

PASSED AND ADOPTED by the Air Pollution Control District Board of the County of Santa Barbara, State of California, this ____ day of _____, 20__, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:
TERRY DRESSLER
CLERK OF THE BOARD,

By _____
Deputy

Chair, Air Pollution Control
District Board of the County of
Santa Barbara

APPROVED AS TO FORM:

DENNIS A. MARSHALL
SANTA BARBARA COUNTY COUNSEL

By _____
Deputy
Attorneys for the Santa Barbara County
Air Pollution Control District

ATTACHMENT 1

CEQA FINDINGS

NEGATIVE DECLARATION IN LIEU OF RULES
TO ADOPT CERTAIN FEDERAL
EMISSION GUIDELINES FOR EXISTING SOURCES

September 20, 2010

Santa Barbara County Air Pollution Control District

260 San Antonio Road, Suite A
Santa Barbara, California 93110

(805) 961-8800

ATTACHMENT 1

CEQA FINDINGS

Pursuant to State CEQA Guidelines, Santa Barbara County Air Pollution Control District (District), as Lead Agency, reviewed the proposed negative declaration in lieu of rules to adopt certain federal Guidelines for existing sources. The District found that there is no potential for significant environmental impacts from the adoption of a negative declaration in lieu of rules.

The Board finds that:

- The adoption and implementation of a negative declaration in lieu of rules to adopt certain federal emission guidelines will not have significant adverse impacts on the environment.
- No relaxation in meeting ambient air quality standards will result. No cross-media impacts were identified.
- There are no sources in the county subject to the U.S.EPA Guidelines listed in the negative declaration in lieu of rules to adopt certain federal emission guidelines for existing sources.
- Pursuant to § 153061(b)(3) of the CEQA Guidelines, the project is not subject to CEQA as it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment.

The District will prepare and file a Notice of Exemption for the project with the County Clerk of the Board in compliance with State Public Resources Code § 21152(b).

Discussion of CEQA Guidelines Section 15061(b)(3) finding of no significant effect

District staff has evaluated the environmental impacts related to a negative declaration in lieu of rules to adopt certain federal Emission Guidelines for existing sources in the context of the California Environmental Quality Act (CEQA) Guidelines Section 15061, *Review for Exemption*. Subsection (a) of this section states that, “*once a lead agency has determined that an activity is a project subject to CEQA, a lead agency shall determine whether the project is exempt from CEQA.*” A CEQA exemption can be in the form of a statutory exemption, a categorical exemption, or it can be covered by the general rule, as expressed in Section 15061(b)(3), that, “*...CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.*”

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]

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 seven Guidelines listed above. 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 seven Guidelines listed above.

The Santa Barbara County Air Pollution Control District has determined that there are no designated facilities in the county for the U.S.EPA Guidelines listed above. There is no need to adopt the U.S.EPA Guidelines in Santa Barbara County as rules because there are no sources to which the Guidelines apply. Staff have concluded with certainty that there is no possibility the finding of a negative declaration in lieu of rules on this subject will have a significant effect on the environment. Therefore, the negative declaration in lieu of rules is exempt from CEQA. The approval of the negative declaration in lieu of rules by the Santa Barbara County Air Pollution Control District Board of Directors will permit staff to submit the negative declaration in lieu of rules along with a letter requesting a revision to the State Plan. Such submittal will be provided to the California Air Resources Board (ARB). If ARB finds the negative declaration and the request to amend the State Plan acceptable, the ARB will submit it to the U.S.EPA to update the Santa Barbara County portion of the State Plan.

District staff considered the negative declaration in lieu of rules adopted to implement certain federal emission guidelines in the context of the above-stated CEQA exemption, and made the following conclusions:

- There are no known existing sources that are subject to the source categories specified in the federal Guidelines located in Santa Barbara County other than Subpart Cc.
- The District implements and enforces the Guidelines in Subpart Cc through District Rule 341, Municipal Solid Waste Landfills.

In light of the above statements, District staff have concluded with certainty that there is no possibility the finding of a negative declaration in lieu of rules on this subject will have a significant effect on the environment. Therefore, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. As a result, the project is not subject to any additional CEQA review and the District will prepare and file a Notice of Exemption in compliance with State Public Resources Code § 21152(b).

ATTACHMENT 2

NEGATIVE DECLARATION IN LIEU OF RULES
TO ADOPT CERTAIN FEDERAL EMISSION GUIDELINES

AND

NEGATIVE DECLARATION FINDINGS

September 20, 2010

Santa Barbara County Air Pollution Control District

260 San Antonio Road, Suite A
Santa Barbara, California 93110

(805) 961-8800

ATTACHMENT 2

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 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.

Public Comment

Response to Comments

The Board has reviewed the responses to public comments included in Attachment 3 and hereby approves those responses to comments as findings.

ATTACHMENT 3

PUBLIC COMMENTS AND
RESPONSES TO PUBLIC COMMENTS

NEGATIVE DECLARATION IN LIEU OF RULES
TO ADOPT CERTAIN FEDERAL
EMISSION GUIDELINES FOR EXISTING SOURCES

September 20, 2010

Santa Barbara County Air Pollution Control District

260 San Antonio Road, Suite A
Santa Barbara, California 93110

(805) 961-8800

ATTACHMENT 3

PUBLIC COMMENTS AND RESPONSES TO PUBLIC COMMENTS

Comment Submitted by

[COMMENT 1]

[The District has not received any comments on this project.]

[RESPONSE TO COMMENT 1]

[If received, the District will indicate a response to “Comment 1” here.]