

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: Revisions to Rule 901, New Source Performance Standards (NSPS)

RECOMMENDATION:

That the Board:

- A. Hold a public hearing to receive testimony on proposed amended Rule 901, New Source Performance Standards (NSPS) and the CEQA findings for the amended Rule 901.
- 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. Rule Findings: Adopt the associated rule findings (Attachment 2) in support of the proposed rule revisions pursuant to Health and Safety Code Section 40727 regarding necessity, authority, clarity, consistency, nonduplication, and reference. The rule findings also acknowledge public comments on the proposed rule revisions and adopt the responses to public comments as findings of the Board (See Attachment 3).
 3. Rule Adoption and Amendments: Adopt proposed amendments to Rule 901 (Attachment 4).

EXECUTIVE SUMMARY:

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.

DISCUSSION:

Objective:

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 40 CFR Part 60, Standards of Performance for New Stationary Sources. The Air Pollution Control District adopts these standards by reference in District Rule 901, New Source Performance Standards (NSPS).

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.

The District last revised Rule 901 on May 16, 1996 and the U.S.EPA last delegated NSPS authority to the District on April 26, 2002 (reference 67 FR 20652).

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. 40 CFR Part 60 Subparts adopted by reference, and
3. 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

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.

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.

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.

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.

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

CFR Subpart	Brief Description of the Deviation
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.
Subpart GGGa	Specifies an observation of a leak in excess of the standard constitutes a violation.
Subpart HHH	Specifies a shorter averaging period.
Subpart JJJ	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 on this project because of its noncontroversial nature. During the July 14, 2010 Community Advisory Council (CAC) meeting, the CAC passed a motion to recommend that the Board adopt amended Rule 901.

California Environmental Quality Act (CEQA):

The Air Pollution Control District has reviewed the proposed revisions to Rule 901 and determined that the action has no potential for significant environmental effect pursuant to § 15300 and § 15308 of the CEQA Guidelines. Accordingly, the Air Pollution Control 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 - Rule Findings

Attachment 3 - Public Comments and Responses to Public Comments

Attachment 4 - Proposed Amended Rule 901, New Source Performance Standards

BOARD RESOLUTION

**PROPOSED AMENDED RULE 901
(NEW SOURCE PERFORMANCE STANDARDS)**

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.
)	
Adopting Amended Rule 901)	
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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. The Board has determined that a need exists to amend Rule 901 (New Source Performance Standards). The revisions to Rule 901 1) update the list of Subparts found in Title 40 Code of Federal Regulations (CFR), Part 60, Standards of Performance for New Stationary Sources that are adopted by reference, 2) add “Emission Guideline” Subpart titles for informational purposes only, and 3) include other rule changes for improved clarity.

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.*, and section 111(c)(1) of the federal Clean Air Act.

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 general rule findings set forth in Attachment 2 of the Board Package are hereby adopted as findings of this Board pursuant to Health and Safety Code section 40727.

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

5) The amendments to Rule 901 as set forth in Attachment 4 of the Board Package are hereby adopted as a rule of the Santa Barbara County Air Pollution Control District pursuant to Health and Safety Code section 40725 *et seq.*

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6) The Board authorizes the Control Officer to transmit Rule 901 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 amended rule 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

PROPOSED AMENDED RULE 901
(NEW SOURCE PERFORMANCE STANDARDS)

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, the Santa Barbara County Air Pollution Control District (District), as Lead Agency, reviewed the proposed revisions to Rule 901. The District found that there is no potential for significant environmental impacts from the implementation of the revised Rule 901, New Source Performance Standards (NSPS).

The Board finds that:

- The adoption and implementation of revised Rule 901 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.
- Pursuant to § 15300 and § 15308 of the CEQA Guidelines, the project does not have a significant effect on the environment, and is categorically exempt from the requirement for the preparation of environmental documents.

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).

California Environmental Quality Act

District staff has evaluated the environmental impacts related to proposed amended Rule 901, and has concluded that a Class 8 Categorical Exemption is applicable for this project. California Environmental Quality Act (CEQA) Guidelines Sections 15300 to 15332¹ include a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA. Class 8 Categorical Exemptions (CEQA Guidelines Section 15308) apply to actions by regulatory agencies for protection of the environment. The Class 8 Categorical Exemption is further described as *“actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. Construction activities and relaxation of standards allowing environmental degradation are not included in this exemption.”*

The project consists of revising Rule 901, New Source Performance Standards (NSPS), to 1) update the list of Subparts found in Title 40 Code of Federal Regulations (CFR), Part 60, Standards of Performance for New Stationary Sources that are adopted by reference, 2) add

¹ Title 14 California Code of Regulations, Chapter 3, Guidelines for the Implementation of the California Environmental Quality Act, Article 19, Categorical Exemptions.

“Emission Guideline” Subpart titles for informational purposes only, and 3) include other rule changes for improved clarity. Rule 901 adopts the federal performance standards for new sources by reference.

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 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. The 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 are twofold:

1. 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 Air Pollution Control District has adopted by reference.
2. AIR POLLUTION CONTROL DISTRICT-ENHANCEMENTS TO THE FEDERAL PROVISIONS Notations in Rule 901 set forth deviations from the U.S. EPA-promulgated provisions (e.g., shorter averaging times and conditions that constitute a violation of the rule) that the District has incorporated.

District staff considered the provisions of proposed amended Rule 901 in the context of the above-stated CEQA exemption, and made the following conclusions:

- The 40 CFR Part 60 Subparts adopted by reference are federal requirements that are required to be met regardless of the Subpart being specified in the District Rule 901.
- The District enhancements to the federal requirements, implemented by notations in Rule 901, strengthen the requirements or clarify what conditions constitute a violation.

In light of the above statements, District staff concludes that the implementation of revised Rule 901 would not result in any new environmental impacts or a relaxation of air quality standards. Therefore, the use of a Class 8 Categorical Exemption is appropriate for proposed amended Rule 901.

ATTACHMENT 2

RULE FINDINGS

PROPOSED AMENDED RULE 901
(NEW SOURCE PERFORMANCE STANDARDS)

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

RULE FINDINGS FOR PROPOSED AMENDED RULE 901

Pursuant to California Health and Safety Code Section 40727, the Board makes the following findings for the adoption of proposed amendments to Rule 901, New Source Performance Standards (NSPS).

Necessity

The Board determines that it is necessary to adopt proposed amendments to Rule 901, New Source Performance Standards (NSPS), to implement and enforce the federal new source performance standards. It is necessary, as a condition of the California Air Resources Board procedure regarding the U.S.EPA delegation to the District, for the District to update Rule 901 to reflect the most recent amendments by the U.S.EPA to the 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. The District is also amending Rule 901 pursuant to federal law in Section 111(c)(1) of the federal Clean Air Act.

Clarity

The Board finds that the proposed amended Rule 901 is sufficiently clear. The rule was publicly noticed, and reviewed by the Community Advisory Council. The rule is written or displayed so that persons directly affected by it can easily understand its meaning.

Consistency

The Board determines that the adoption of proposed amendments to Rule 901 is consistent with, and not in conflict with or contradictory to, existing federal or state statutes, court decisions, or regulations with regard to the federal source performance standards for new sources.

The air pollution control districts throughout the state of California that have adopted rules to incorporate the federal source performance standards by reference. Based on this evidence, the Board finds that the rule is consistent with neighboring air pollution control districts.

Nonduplication

The Board finds that the adoption of the proposed amendments to Rule 901 does not impose the same restrictions as any existing state or federal regulation, and the proposed rule 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 proposed amendments to Rule 901 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 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.

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

PROPOSED AMENDED RULE 901
(NEW SOURCE PERFORMANCE STANDARDS)

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.]

ATTACHMENT 4

PROPOSED AMENDED RULE 901,
NEW SOURCE PERFORMANCE STANDARDS

September 20, 2010

Santa Barbara County Air Pollution Control District

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

(805) 961-8800

Attachment 4

Proposed Amended Rule 901, New Source Performance Standards

[Proposed amended rule text is provided in strikeout and underlined format. Strikeout indicates text proposed for deletion. Underlined text indicates proposed new text.]

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), which are in effect on September 20, 2010.~~

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 stationary 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 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 her designee.~~

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

~~1. Any new, modified or reconstructed stationary 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>Note</u> <u>NOTE:</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>Note</u> <u>NOTE:</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>Note</u> <u>NOTE:</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 On 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](#).

Subpart VVa [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](#) [\[60.480a\]](#)

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~~-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]

¹ Included for informational purposes only.

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]

APPROVED AS TO FORM:

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