



AGENDA:
PCAPCD Board of Directors Meeting
Thursday, June 14, 2012, 2:30 P.M.
Placer County Board of Supervisors' Chambers
175 Fulweiler Avenue, Auburn, California

Call to Order

Flag Salute

Roll Call / Determination of a Quorum

Public Hearing for Proposed Fiscal Year 2012-13 Budget

Staff will present the proposed Fiscal Year 2012-13 budget at a public hearing. No action to be taken at this time, information only.

Adjournment

Next Regularly Scheduled Board Meeting: Thursday, June 14, 2012, at 2:45 PM

Opportunity is provided for the members of the public to address the Board on items of interest to the public, which are within the jurisdiction of the Board. A member of the public wanting to comment upon an agenda item that is not a Public Hearing item should submit their name and identify the item to the Clerk of the Board.

Placer County Air Pollution Control District is committed to ensuring that persons with disabilities are provided the resources to participate fully in its public meetings. If you require disability-related modifications or accommodations, please contact the Clerk of the Board. All requests must be in writing and must be received by the Clerk five business days prior to the scheduled meeting for which you are requesting accommodation. Requests received after such time will be accommodated only if time permits.

District Office Telephone – (530) 745-2330



Board Agenda

Public Hearing

Agenda Date: June 14, 2012

Prepared By: Jane Bailey, Fiscal Officer

Topic: Proposed Preliminary Budget FY 2012-13 (Public Hearing)

Action Requested: Conduct a Public Hearing in accordance with the Health and Safety Code § 40131 (3) (A) that states: “The district shall notice and hold a public hearing for the exclusive purpose of reviewing its budget and of providing the public with the opportunity to comment upon the proposed district budget.” The District also seeks guidance from the Board regarding any changes to this Proposed Preliminary Budget for FY 2012-13 for inclusion into the Final Proposed Budget, which will be presented to your Board for adoption on August 9, 2012.

Discussion: The District offers the following analysis of the differences between the *Proposed Preliminary Budget* for FY 2012-13 and the *Approved Revised Budget* for FY 2011-12.¹ Please refer to Table 1 (see Attachment #1) for the following discussion:

Proposed Revenue: There is a projected **\$101,751** net decrease from the *Approved Revised* FY 2011-12 Budget¹ for a total proposed Revenue of **\$3,385,906** in FY 2012-13 as compared to **\$3,487,657** in FY 2011-12. The interest revenue from the District’s funds continues to drop by approximately \$50,000 for this budget cycle. One of the reasons for this is that the District depleted the Settlement Fund and the Litigation Cost Recovery Fund by almost 1.9 million dollars for the Board approved purchase of the District facility. In the Proposed Preliminary Budget the District proposes to replenish the Settlement Fund by allocating \$50,000 to that fund. This would increase the interest revenue that is derived from the Settlement Fund. Also, the District is not able to budget for mitigation plans that have not yet been approved by the jurisdictions that have authority over those plans. These two decreases in revenue are the main reasons for the lower projected revenue.

Proposed Expenditures: The Total Expense of **\$3,878,423** for FY 2012-13 is **\$39,562** lower than the *Approved Revised* Budget for FY 2011-12¹ that shows a Total Expense of **\$3,917,985**. This is because “Salaries and Benefits” are proposed to be \$34,517 lower in FY 2012-13 due to a planned reduction in extra-help personnel support. See the fifth bullet on page 11 of the enclosed Proposed Preliminary Budget for FY 2012-13 for a detailed explanation. “Supplies and Services” are proposed to be increased by \$69,955 and “Clean Air Grants (CAG) and Technology Assessment Program (TAP)” are proposed to be \$125,000 lower than the *Approved Revised* Budget for FY 2011-12. If

¹The Approved Budget for FY 2011-12 has been revised three times since the original approval. It was revised once to include the EPA 105 grant funding of \$74,866, a second time to increase the funding received from State Subvention to be used for a PSA consultant of \$5,000, and a third time to increase the funding of services from Placer County in the amount of \$10,000 from the County’s Biomass Utilization Project.

Mitigation Revenue is received in the upcoming, the available CAG funding will be increased as has been the practice in past fiscal years.

The total proposed Revenue -- **\$3,385,906** for FY 2012-13 combined with the total projected "Fund Carry-Over" -- **\$844,059** from FY 2011-12 are the "Total Funds Available" -- **\$4,229,965**. (See the top pie chart shown in Attachment #2).

The total proposed Expenditures -- **\$3,878,423** for FY 2012-13 plus the projected Total Ending Fund Balance -- **\$351,542** for FY 2012-13 equal the "Total Fund Usage" -- **\$4,229,965**. (See the bottom pie chart shown in Attachment #2).

In this enclosed Proposed Preliminary Budget for FY 2012-13 (pages 4 through 9), Staff has linked program and project resource expenditures to specific goals and objectives contained within the District's Mission Statement.. Also, page 14 of the enclosed Proposed Preliminary Budget FY 2012-13 has a complete listing of the expenditures proposed in this budget.

Fiscal Impact: The Proposed Preliminary Budget for FY 2012-13 for **\$4,229,985** is 1.62% lower than the budget presented and approved in FY 2011-12. This proposed budget has **\$39,562** less in expenditures than the FY 2011-12 Budget and covers the operational costs, maintains services and program delivery, and provides for selected critical resource needs. It also maintains an Operations Fund Balance of **\$350,724** which is 8.3% of the total Proposed Operations Budget for FY 2012-13.

Recommendation: It is recommended that the District Board provide direction to Staff regarding any changes to this Proposed Preliminary Budget for FY 2012-13 for inclusion into the Final Proposed Budget. The Final Proposed Budget will be presented to your Board for its approval and adoption at the regular Board Meeting scheduled for August 9, 2012 at 2:30 PM in the Board of Supervisors Chambers located at 175 Fulweiler Avenue, Auburn, California.

Enclosure (s) #1: Proposed Preliminary Budget FY 2012-13

Attachment(s) #1: Table showing comparison of Proposed Preliminary Budget FY 2012-13 and the Revised Final Budget FY 2011-12
#2: Pie Chart showing Funds Available and Fund Usage

Attachment #1

SUBJECT:

**Comparison Between
Proposed Preliminary Budget for FY 2012-13 and the
Approved Revised Budget for FY 2011-12**

**COMPARISON OF THE PROPOSED FY 2012-13
TO THE
REVISED FINAL BUDGET FOR FY 2011-12**

Table 1

Funds Available:	Proposed Budget FY 2012-13	Approved Revised Budget FY 2011-12	Difference	Percentage Change
Permit Fees	819,299	764,550	54,749	7.16%
Fines & Penalties	35,000	35,000	-	0.00%
Interest	70,000	120,000	(50,000)	-41.67%
DMV (AB2766, AB923)	2,025,000	2,013,000	12,000	0.60%
Statewide PERP	28,000	43,675	(15,675)	-35.89%
State Subvention	106,000	102,000	4,000	3.92%
Other Government Assistance	74,866	84,866	(10,000)	-11.78%
Mitigation Fees		82,107	(82,107)	
Burn / Land / Other Permits	32,134	48,707	(16,573)	-34.03%
Per Capita Assessment	177,664	176,190	1,474	0.84%
District Facility Rental Income	15,242	14,862	380	2.56%
Miscellaneous	2,700	2,700	-	0.00%
TOTAL REVENUE	3,385,906	3,487,657	(101,751)	-2.92%
Operations Fund Carry-Over from the Previous FY*	522,486	654,583	(132,097)	-20.18%
DMV (AB2766, AB923) Carry-Over from the Previous FY	224,949	281	224,668	79953.02%
Mitigation Fund Carry-Over from the Previous FY	96,624	156,909	(60,285)	-38.42%
TOTAL FUND CARRY OVER	844,059	811,773	32,286	3.98%
TOTAL FUNDS AVAILABLE	4,229,965	4,299,430	(69,465)	-1.62%
Fund Usage:				
Salary & Benefits	2,270,313	2,304,830	(34,517)	-1.50%
Supplies & Services	727,110	657,155	69,955	10.65%
Clean Air Grants & TAP	831,000	956,000	(125,000)	-13.08%
Building Purchase Payback	50,000	-	50,000	
TOTAL EXPENSE	3,878,423	3,917,985	(39,562)	-1.01%
Operations Ending Fund Balance **	350,724	379,125	(28,401)	-7.49%
DMV (AB2766 & AB923) Ending Fund Balance	194	410	(216)	-52.61%
Mitigation Ending Fund Balance	624	1,910	(1,286)	-67.33%
TOTAL ENDING FUND BALANCE	351,542	381,445	(29,903)	-7.84%
TOTAL FUND USAGE	4,229,965	4,299,430	(69,465)	-1.62%

* Included in the Operations Fund Carry-Over from the previous fiscal year:	FY 2012-13	FY 2011-12
Operations Fund	\$ 242,486	\$ 449,583
Non-Tort Defense Fund	90,000	90,000
Reserve (Contingency Fund)	95,000	85,000
Building Capital Maintenance Fund	50,000	
Vehicle Replacement Fund	45,000	30,000
Total*	\$ 522,486	\$ 654,583

** Included in the Operations Ending Fund Balance:		
Operations Fund ¹	\$ 55,724	\$ 99,125
Non-Tort Defense Fund	90,000	90,000
Reserve (Contingency Fund)	95,000	95,000
Building Capital Maintenance Fund	50,000	50,000
Vehicle Replacement Fund	60,000	45,000
Total**	\$ 350,724	\$ 379,125

¹\$50,000 is proposed to be moved from the Operations Fund to the Settlement Fund in order to initiate the payback plan for the District Facility Purchase.

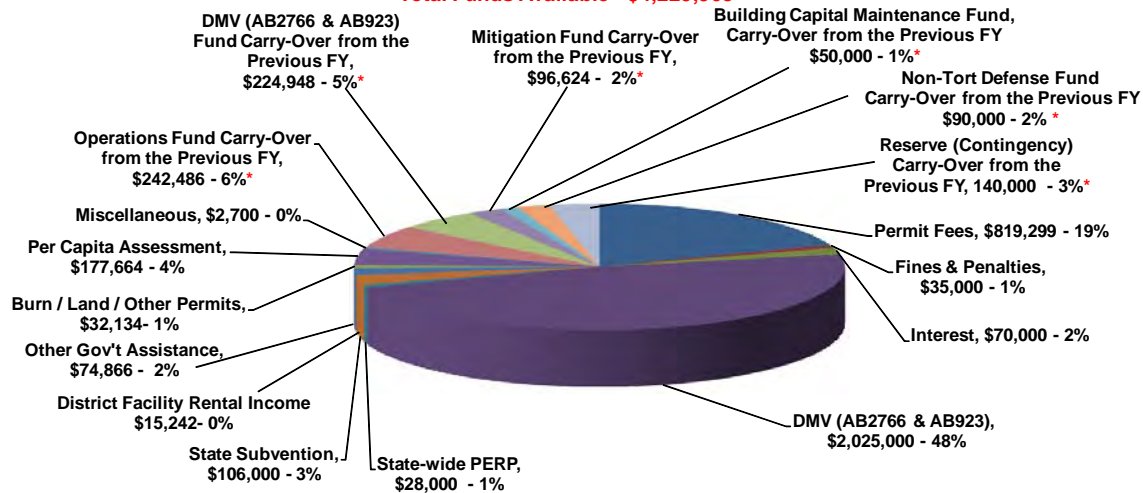
Attachment #2

SUBJECT:

**Proposed Preliminary Budget for Fiscal Year 2012-13
Pie Charts for Funds Available and Fund Usage**

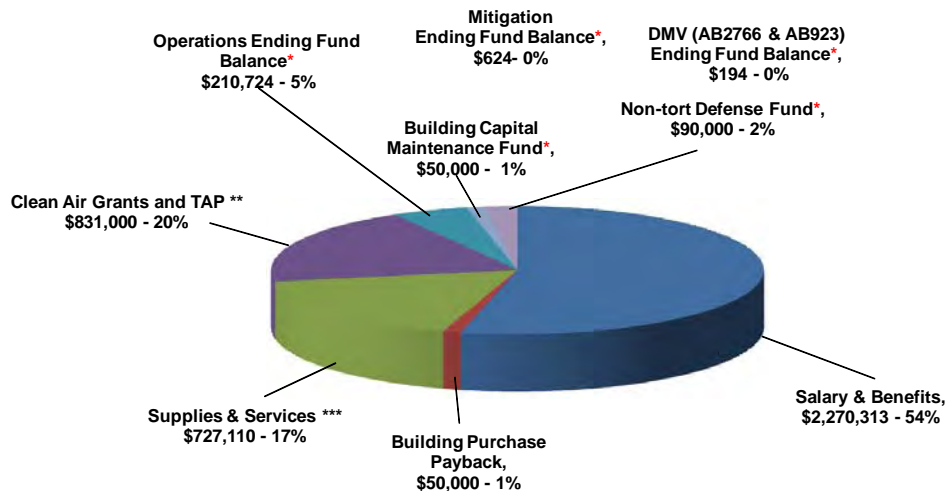
PROPOSED PRELIMINARY BUDGET FOR FY 2012-13

Consolidated Funds Available for FY 2012-13 Proposed Budget Total Funds Available - \$4,229,965



*The total projected "Fund Carry-Over" from the previous fiscal year is \$844,059 (based on projected revenue and expenditures from FY 2011-12). The "Operations Fund Carry-Over" includes \$90,000 - Non-Tort Defense Fund; \$95,000 - Reserve (Contingency) \$45,000 - Vehicle Replacement Fund and \$50,000 - Building Capital Maintenance Fund.

Consolidated Fund Usage for FY 2012-13 Proposed Budget Total Fund Usage - \$4,229,965



* The Operations Ending Fund Balance includes \$90,000 Non-Tort Defense Fund , \$95,000 Reserve (Contingency), \$50,000 Building Capital Maintenance Fund, and \$60,000 Vehicle Replacement Fund.

** "Clean Air Grants and TAP " are comprised of: \$675,000 from DMV Fund and \$96,000 from the Mitigation Fund for the CAG Program. This year the District is proposing to fund \$60,000 for the Technology Assessment Program (TAP).

***The "Services" contained in "Supplies and Services" are for contracted services that augment the Staff in programs and projects. These services include the Biomass Project - \$51,150; Spare the Air Program - \$7,888; Legal Support - \$100,000; Gasoline Dispensing Facility Inspections - \$15,555; Programming and Software Support - \$78,000; Air Permitting Specialist Support - \$27,000; and \$40,403 for special services that augment the existing Staff. Additional costs in the form of Liability Insurance - \$25,000; Air Monitoring Equipment Maintenance - \$15,000; District Facility Operations and Maintenance - \$55,759; Other District Participation - \$10,000 and Air Monitoring Site Construction - \$5,000 are included. The District also contracts with the County for an additional \$95,560 in administrative services.



AGENDA:
PCAPCD Board of Directors Meeting
Thursday, June 14, 2012, 2:45 P.M.
Placer County Board of Supervisors' Chambers
175 Fulweiler Avenue, Auburn, California

Call to Order: (Flag Salute and Roll call completed in previous Preliminary Budget hearing)

Approval of Minutes: April 12, 2012, Regular Board Meeting

Public Comment: Any person desiring to address the Board on any item not on the agenda may do so at this time. No action will be taken on any issue not currently on the agenda.

Consent: Items 1 & 2

These items are expected to be routine and non-controversial. The Board will act upon these items at one time without discussion. Any Board member, Staff member, or interested citizen may request that an item be removed from the consent calendar for discussion.

1. Technical Services Contract Approval:

Adopt resolution 12-06 thereby approving an Information Technology Technical Services Consultant Contract with Clark L. Moots, DBA MootsPoint for IT technical support services, information technology strategic assessment and implementation services and other IT support to the District.

2. Reappointment of Hearing Board Member:

District Staff requests that the Board approve the reappointment of current Hearing Board member and Chairperson, Don Gronstal, as representative of the public at large, to the Placer County APCD Hearing Board. The term of office will end September 30, 2015.

Public Hearing / Action: Item 3

3. Amendment of Rule 233, Biomass Boilers:

Approve Resolution #12-07 thereby amending Rule 233, Biomass Boilers, by adding an additional NOx limitation. This is being done to satisfy the limited disapproval by the EPA and to thereby obtain approval of the amended Rule as a revision of the State Implementation Plan.

Air Pollution Control Officer Report (*Verbal reports and/or handouts will be provided*)

- a. Fiscal Update

Adjournment

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District Office Telephone – (530) 745-2330

Next Regularly Scheduled Board Meeting: Thursday, August 9, 2012, at 2:30 PM



Board Agenda

Consent/Action

Agenda Date: June 14, 2012

Prepared By: Todd K. Nishikawa, Deputy Air Pollution Control Officer

Topic: Approval for an Information Technology Technical Services Consultant Contract with Clark L. Moots, DBA MootsPoint

Action Requested: Adopt Resolution #12-06 (Attachment #1) thereby approving, in advance of the final District budget for FY 2012-13 the allocation of \$33,000 for FY 2012-13, as shown in the preliminary FY 2012-13 annual budget to be presented to the District Board on June 14, 2012; and thereby authorizing the Air Pollution Control Officer (APCO) to negotiate, sign, and amend as necessary, a consulting contract with Clark L. Moots, DBA MootsPoint.

Discussion: For over a decade the District has incrementally developed and improved upon an internal database that provides invoice and receivable tracking functions, a means to issue initial and renewal permits to stationary sources, and the tracking of compliance and enforcement activities and documents. In the past year the District started the development of an electronic document management process for the linking of electronic documents to database records, as well as the storage of District records and documents in an electronic format.

A goal of the electronic data handling system and the database as a whole is to provide information and tracking regarding District activities with easy accessibility to District staff and to document the activities for future reference. An objective of the District is to streamline the handing of documents and data so that they are only handled by District staff once.

One of the District's goals is to fully implement electronic document processing and make District data and documents available to the public and to permitted source clients through the Internet. Additionally, the District is looking towards providing two way data communications to field staff who conduct permitted source inspections and field investigations, so they will have the information they need in a manner that will streamline the inspection or investigation documentation process. The District's database resides upon a County IT server and all of the District's Internet access is made available by the County IT Department.

District management has determined that the next step in improving the information technology of the District's IT capabilities is to obtain expert IT consultant support services to:

- Assess existing District IT operational capabilities in use and identify areas of possible improvement, including in the areas of data and document accessibility by clients and field staff;
- Develop a strategic information technology master plan that will provide a road map and schedule for implementing the IT infrastructure improvements; and
- Implement selected improvements.

The improvements may require a multi-year effort because of budget and resource limitations. Funding for additional contracted services will be authorized through the annual District budgetary approval process.

Because of his outstanding and proven qualifications, as detailed in Attachment #2, APCO has determined that the selection of Clark L. Moots to provide the required IT technical support services without competitive bidding is warranted. Mr. Moots has outstanding technical qualifications and has an unmatched and intimate understanding of County IT systems, as well as County IT policies and procedures, within which the District's IT infrastructure must operate. Having such a skilled and knowledgeable person guide the District's development of an improved IT infrastructure is expected to generate benefits for the implementation of the IT improvements that another consultant could not provide.

The proposed contract for services is provided in Attachment #3.

Fiscal Impact: The IT Technical Support Services contract specifies that the contract not exceed \$33,000, unless amended. The contract may be augmented in the future through a budget revision or through the approval of funding in an annual District budget.

Recommendation: Staff recommends that the District Board adopt Resolution #12-06 thereby approving in advance of the final District budget for FY 2012-13, the allocation of \$33,000 as shown in the preliminary FY 2012-13 annual budget, thereby authorizing the APCO to negotiate, sign, and amend as necessary, a consulting contract with Clark L. Moots, President of MootsPoint, for IT strategic assessment and implementation services and other IT technical support services.

- Attachment(s)**
- #1. Resolution #12-06: Authorizing the Air Pollution Control Officer to Negotiate, Sign, and Amend, as Needed, a Consulting Contract for Professional Services with Clark L. Moots, President of MootsPoint (DBA "MootsPoint"), for IT Strategic Assessment and Implementation Services and Other IT Technical Support Services for District Office and Field Operations
 - #2: Qualifications Summary for Clark L. Moots
 - #3: MootsPoint Contract (Number CN000752)

ATTACHMENT #1

SUBJECT:

Resolution #12-06



Board Resolution:
Resolution #12-06

Before the Placer County Air Pollution Control District Board of Directors

In the Matter Of: Authorizing the Air Pollution Control Officer to Negotiate, Sign, and Amend, as Needed, a Consulting Contract for Professional Services with Clark L. Moots, DBA “MootsPoint”, for IT Technical Support Services for Information Technology Strategic Assessment and Implementation Services and Other IT Technical Support Services for District Office and Field Operations

The following **RESOLUTION** was duly passed by the Placer County Air Pollution Control District Board of Directors at a regular meeting held on **June 14, 2012**, by the following vote:

- Ayes: Holmes, M. _____ Barkle _____ Nader _____ Weygandt _____ Ucovich _____
Holmes, J. _____ Hill _____ Montgomery _____ Garcia _____
- Noes: Holmes, M. _____ Barkle _____ Nader _____ Weygandt _____ Ucovich _____
Holmes, J. _____ Hill _____ Montgomery _____ Garcia _____
- Abstain: Holmes, M. _____ Barkle _____ Nader _____ Weygandt _____ Ucovich _____
Holmes, J. _____ Hill _____ Montgomery _____ Garcia _____

Signed and approved by me after its passage:

_____ Chairperson

_____ Attest: Clerk of said Board

WHEREAS, the Placer County Air Pollution Control District (District) has an existing database for receivables, and permitting and compliance data; and

WHEREAS, the District wishes to enhance the benefits provided to the District by the database, through database improvements, as well as to provide portals for public and permitted source client access to appropriate information; and

WHEREAS, the District wishes to enable field staff to better conduct inspections and investigations by having available means to download information tools to aid in their work; and

WHEREAS, the District desires to approach these database and information access improvements through a process of assessing the existing information technology (IT) capabilities of the District, identifying improvements and how to accomplish them through the development of an information technology master plan and proceeding to following a multi-year implementation schedule, if necessary; and

WHEREAS, Clark L. Moots, dba MootsPoint, is uniquely experienced and qualified to provide the manner of technical support services desired by the District to assess the District's IT capabilities and areas of possible improvement, including means to provide database and document access to clients and field staff; to develop the strategic information technology master plan; to implement major master plan elements; and for continuing IT technical support; and

WHEREAS, the District desires to have the consultant begin work commencing July 1, 2012, the beginning of FY 2012-13, in advance of the approval of the District final budget for FY 2012-13 that will be presented to the District Board on August 9, 2012; and

WHEREAS, funding for the IT technical support services contract is contained in the preliminary FY 2012-13 District budget to be presented to the District Board on June 14, 2012.

IT IS HEREBY RESOLVED that the Placer County Air Pollution Control District Board does hereby approve in advance of the final FY 2012-13 District budget, \$33,000 in funding, as shown in the preliminary FY 2012-13 District budget, for professional information technology technical support services; and hereby authorizes the Air Pollution Control Officer to negotiate, sign, and amend as needed, a contract with MootsPoint for professional technical support services on an as-needed basis for information technology strategic assessment and implementation services and other IT technical support services.

BE IT FURTHER RESOLVED that should additional tasks associated with this IT related professional services contract be identified as being beneficial to District operations, and commensurate with District resources, additional funding may be authorized by the District Board for this contract in the future through a budget revision or through the adoption of an annual District budget, and the contract amended as necessary by the Air Pollution Control Officer.

ATTACHMENT #2

SUBJECT:

Qualifications Summary for Clark L. Moots

Clark L. Moots

QUALIFICATIONS

Over 28 years of experience in all aspects of business management, customer service, project management, and applications management with acquired expertise in the following:

- Direct customers in understanding and defining their needs
- Develop feasible approaches to solutions
- Plan effective methods of implementation
- Promote and maintain customer satisfaction
- Effective communicator

ACHIEVEMENTS

Management:

- Successfully managed the Placer County Administrative Services Department with over 100 employees and an annual budget of \$25 Million.

Planning and Coordination:

- Successfully managed the planning and implementation of over 100 projects for Placer County including the Regional Public Safety System, Payroll/Personnel System, and Permits Tracking System.

Developed:

- An Information Technology Strategic Plan and a service organization that provided cost-effective customer support and maintenance for information technology needs throughout Placer County departments.

Communication:

- Challenged and motivated customers to understand and define their needs, resulting in more efficient and effective methods of operation.

WORK EXPERIENCE

President	MootsPoint	2012 -
Director of Administrative Services	Placer County Administrative Services	2006 – 2011
Deputy Director of Information Technology	Placer County Administrative Services	2000 – 2006
Automated Technologies Manager	Placer County Sheriff's Department	1996 – 2000
President	Moots Enterprises	1993 – 1996
Project Manager	SCC Inc.	1992 – 1993
Programmer/Analyst II	Placer County MIS	1986 – 1992

ATTACHMENT #3

SUBJECT:

MootsPoint Contract (Number CN000752)



CONTRACTED SERVICES AGREEMENT

Administering Agency: Placer County Air Pollution Control District

Contract No. CN000752

Contract Description: **IT Strategic Assessment and Implementation Services**

THIS AGREEMENT is made at Auburn, California, by and between the Placer County Air Pollution Control District, ("District"), and MootsPoint ("Contractor"), who agree as follows:

1. **Services.** Subject to the terms and conditions set forth in this Agreement, Contractor shall provide the services described in **Exhibit A**. Contractor shall provide said services at the time, place, and in the manner specified in **Exhibit A**.
2. **Payment.** District shall pay Contractor for services rendered pursuant to this Agreement at the time and in the amount set forth in **Exhibit B**. The payment specified in **Exhibit B** shall be the only payment made to Contractor for services rendered pursuant to this Agreement. Contractor shall submit all billings for said services to District in the manner specified therein, or, if no manner is specified, then according to the usual and customary procedures which Contractor uses for billing clients similar to District. **The amount of the contract shall not exceed Thirty Three Thousand Dollars (\$33,000.00), unless amended.**
3. **Facilities, Equipment and Other Materials, and Obligations of District.** Unless otherwise specified, Contractor shall, at its sole cost and expense, furnish all facilities, equipment, and other materials which may be required for furnishing services pursuant to this Agreement.
4. **Exhibits.** All exhibits referred to herein will be attached hereto and by this reference incorporated herein.
5. **Time for Performance.** Time is of the essence. Failure of Contractor to perform any services within the time limits set forth in Exhibit A shall constitute material breach of this contract.
6. **Independent Contractor.** At all times during the term of this Agreement, Contractor shall be an independent Contractor and shall not be an employee of the District. District shall have the right to control Contractor only insofar as the results of Contractor's services rendered pursuant to this Agreement. District shall not have the right to control the means by which Contractor accomplishes services rendered pursuant to this Agreement.

7. **Licenses, Permits, Etc.** Contractor represents and warrants to District that it has all licenses, permits, qualifications, and approvals of whatsoever nature, which are legally required for Contractor to practice its profession. Contractor represents and warrants to District that Contractor shall, at its sole cost and expense, keep in effect or obtain at all times during the term of this Agreement, any licenses, permits, and approvals which are legally required for Contractor to practice its profession at the time the services are performed.
8. **Time.** Contractor shall devote such time to the performance of services pursuant to this Agreement as may be reasonably necessary for the satisfactory performance of Contractor's obligations pursuant to this Agreement. Neither party shall be considered in default of this Agreement to the extent performance is prevented or delayed by any cause, present or future, which is beyond the reasonable control of the party.
9. **Hold Harmless And Indemnification Agreement.** At all times during the performance of this agreement, Contractor agrees to protect, defend, and indemnify District in accordance with the provisions contained in Exhibit C.
10. **Insurance.** Contractor shall file with District concurrently herewith a Certificate of Insurance, in companies acceptable to District, for the coverage shown in Exhibit C. All costs of complying with these insurance requirements shall be included in Contractor's fee(s). These costs shall not be considered a "reimbursable" expense under any circumstances.
11. **Contractor Not Agent.** Except as District may specify in writing Contractor shall have no authority, express or implied, to act on behalf of District in any capacity whatsoever as an agent. Contractor shall have no authority, express or implied pursuant to this Agreement to Bind District to any obligation whatsoever.
12. **Assignment Prohibited.** Contractor may assign its rights and obligations under this Agreement only upon the prior written approval of District, said approval to be in the sole discretion of District.
13. **Personnel.**
 - A. Contractor shall assign only competent personnel to perform services pursuant to this Agreement. In the event that District, in its sole discretion, at any time during the term of this Agreement, desires the removal of any person or persons assigned by Contractor to perform services pursuant to this Agreement, including those members of the Project Team as explained below, Contractor shall remove any such person immediately upon receiving notice from District of the desire of District for removal of such person or persons.
 - B. Notwithstanding the foregoing, if specific persons are designated as the "Project Team" in Exhibit A, Contractor agrees to perform the work under this agreement with those individuals identified. Reassignment or substitution of individuals or subcontractors named in the Project Team by Contractor without the prior written

consent of District shall be grounds for cancellation of the agreement by District, and payment shall be made pursuant to Section 15 (Termination) of this Agreement only for that work performed by Project Team members.

14. **Standard of Performance.** Contractor shall perform all services required pursuant to this Agreement in the manner and according to the standards observed by a competent practitioner of the profession in which Contractor is engaged in the geographical area in which Contractor practices its profession. All products of whatsoever nature which Contractor delivers to District pursuant to this Agreement shall be prepared in a substantial first class and workmanlike manner and conform to the standards or quality normally observed by a person practicing in Contractor's profession.

15. **Termination.**

A. District shall have the right to terminate this Agreement at any time by giving notice in writing of such termination to Contractor. In the event District shall give notice of termination, Contractor shall immediately cease rendering service upon receipt of such written notice, pursuant to this Agreement. In the event District shall terminate this Agreement:

- 1) Contractor shall deliver copies of all writings prepared by it pursuant to this Agreement. The term "writings" shall be construed to mean and include: handwriting, typewriting, printing, Photostating, photographing, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof.
- 2) District shall have full ownership and control of all such writings delivered by Contractor pursuant to this Agreement.
- 3) District shall pay Contractor the reasonable value of services rendered by Contractor to the date of termination pursuant to this Agreement not to exceed the amount documented by Contractor and approved by District as work accomplished to date; provided, however, that in no event shall any payment hereunder exceed the amount of the agreement specified in Exhibit B, and further provided, however, District shall not in any manner be liable for lost profits which might have been made by Contractor had Contractor completed the services required by this Agreement. In this regard, Contractor shall furnish to District such financial information as in the judgment of the District is necessary to determine the reasonable value of the services rendered by Contractor. The foregoing is cumulative and does not affect any right or remedy, which District may have in law or equity.

B. Contractor may terminate its services under this Agreement upon thirty- (30) working days' advance written notice to the District.

16. **Non-Discrimination**. Contractor shall not discriminate in its employment practices because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, or sexual orientation in contravention of the California Fair Employment and Housing Act, Government Code section 12900 *et seq.*
17. **Records**. Contractor shall maintain, at all times, complete detailed records with regard to work performed under this agreement in a form acceptable to District, and District shall have the right to inspect such records at any reasonable time. Notwithstanding any other terms of this agreement, no payments shall be made to Contractor until District is satisfied that work of such value has been rendered pursuant to this agreement. However, District shall not unreasonably withhold payment and, if a dispute exists, the withheld payment shall be proportional only to the item in dispute.
18. **Ownership of Information**. All professional and technical information developed under this Agreement and all work sheets, reports, and related data shall become the property of District, and Contractor agrees to deliver reproducible copies of such documents to District on completion of the services hereunder. The District agrees to indemnify and hold Contractor harmless from any claim arising out of reuse of the information for other than this project.
18. **Waiver**. One or more waivers by one party of any major or minor breach or default of any provision, term, condition, or covenant of this Agreement shall not operate as a waiver of any subsequent breach or default by the other party.
19. **Conflict of Interest**. Contractor certifies that no official or employee of the District, nor any business entity in which an official of the District has an interest, has been employed or retained to solicit or aid in the procuring of this agreement. In addition, Contractor agrees that no such person will be employed in the performance of this agreement without immediately notifying the District.
20. **Entirety of Agreement**. This Agreement contains the entire agreement of District and Contractor with respect to the subject matter hereof, and no other agreement, statement, or promise made by any party, or to any employee, officer or agent of any party, which is not contained in this Agreement, shall be binding or valid.
21. **Alteration**. No waiver, alteration, modification, or termination of this Agreement shall be valid unless made in writing and signed by all parties, except as expressly provided in Section 15, Termination.
22. **Governing Law**. This Agreement is executed and intended to be performed in the State of California, and the laws of that State shall govern its interpretation and effect. Any legal proceedings on this agreement shall be brought under the jurisdiction of the Superior Court of the District of Placer, State of California, and Contractor hereby expressly waives those provisions in California Code of Civil Procedure §394 that may have allowed it to transfer venue to another jurisdiction.

23. **Notification.** Any notice or demand desired or required to be given hereunder including requests for payment, shall be in writing and deemed given when personally delivered or deposited in the mail, postage prepaid, and addressed to the parties as follows:

District:

Tom Christofk
110 Maple Street
Auburn, CA 95603

Contractor:

MootsPoint
Clark L. Moots
17595 North Cherry Creek Road
Grass Valley, CA 95949

Any notice so delivered personally shall be deemed to be received on the date of delivery, and any notice mailed shall be deemed to be received five (5) days after the date on which it was mailed.

This agreement is effective on the date signed by both parties.

PLACER COUNTY AIR POLLUTION CONTROL DISTRICT

By: _____ Date: _____
Tom Christofk
Placer County Air Pollution Control District Officer

CONTRACTOR

By: _____ Date: _____
Clark L. Moots
MootsPoint President

Exhibits

- A. Scope of Work
- B. Payment for Services Rendered
- C. Hold Harmless Agreement and Insurance Requirements

EXHIBIT A

SCOPE OF SERVICES

PLACER COUNTY AIR POLLUTION CONTROL DISTRICT AND MOOTSPPOINT

Support services for tasks identified below will be reviewed with District representatives prior to commencement of work such that the parameters and anticipated outcomes of each task will be delineated. The identified tasks may be viewed as representative of the type of services to be provided. It is anticipated that the Consultant will be supporting the District as a Subject Matter Expert in the area of IT Strategic Assessment and IT Project Implementation. Work may begin when this agreement has been signed by both parties and continue until terminated.

As directed by District Staff, Consultant will provide technical support services to the District in the following areas:

Project Objectives:

Task 1 - Creation of a Strategic Information Technology Master Plan that includes the following:

- A. Assessment of Existing use of Technologies
- B. Recommendations for Improving use of Existing Technologies
- C. Recommendations for Adding new Technologies, including the assessment of:
 - a. Client profiles and data portal accessible to District clients
 - b. Field inspection aids
- D. Implementation Prioritization Roadmap, to include:
 - a. Prioritization based on cost reductions and efficiency gains as compared to estimated implementation costs
 - b. A schedule for phased implementation with objectives and costs indicated for each phase

Task 2 - Technical Support for Approved Project Implementation(s)

Task 3 – General Information Technology Support

Consultant's Roles and Responsibilities:

Roles and responsibilities of the Consultant for Task 1, Creation of a Strategic Information Technology Master Plan, will include:

- A. Meet with District Staff to review workflow, business processes, and technology requirements including for the following areas:
 - 1) Receivables and payable tracking and internal controls
 - 2) Permit processing
 - 3) Permit inspections
 - 4) Complaint investigations and inspection of new home construction
 - 5) Enforcement actions and settlements
 - 6) Electronic document handling related to all District business
 - 7) Document management and central filing of all District documents

- 8) District database processes
- B. Evaluate current Air Pollution Control Database software to determine which features/functions are currently fully operational and which are either not operational and/or working improperly
 - C. Evaluate the current Database(s) and recommend quality assurance and data consistency processes
 - D. Evaluate current Electronic Document Handling System integration requirements
 - E. Evaluate Central Filing System document tracking requirements
 - F. Evaluate current and future District Program requirements for information, documents, and data, and provide recommendations for process enhancements, including enhancements requiring software and hardware additions or changes in an Assessment of Future Requirements and Recommendations for Software and Hardware Enhancements
 - G. Obtain District agreement to recommendations of the Assessment of Future Requirements and Recommendations for Software and Hardware Enhancements to be pursued for inclusion in the Implementation Prioritization Roadmap for District
 - H. Creation of a District specific Strategic Information Technology Master Plan

Roles and responsibilities of the Consultant for Task 2, Technical Support for Approved Project Implementation(s), will include:

- A. Provide technical support for approved project implementation(s), where agreed to by District and Consultant
- B. Technical support provided by Consultant may include technical advice and assistance, software and hardware integration, and software program development and/or internet webpage development, as required.

Roles and responsibilities of the Consultant for Task 3, Information Technology Support, will include:

- A. Provide on-going information technology technical advice and assistance services, where agreed to in writing by District and Consultant, with the Consultant serving as the Subject Matter Expert in the area of IT Strategic Assessment and IT Project Implementation,

EXHIBIT B

PAYMENT FOR SERVICES RENDERED

Maximum Limit & Fee Schedule

Contractor's compensation shall be paid at the schedule shown below. Reimbursement of travel, lodging and miscellaneous expenses is not authorized. All expenses of Contractor, including any expert or professional assistance retained by Contractor to complete the work performed under this contract shall be borne by the Contractor.

Total of all payments made under this agreement shall not exceed the amount shown in Section 2 of this contract.

Invoices

Invoices shall be submitted to District in a form and with sufficient detail as required by District, including this contract agreement number (CN000752). Work performed by Contractor will be subject to final acceptance by the District project manager(s).

Payment Schedule

Payments shall be made to Contractor within thirty (30) days after the billing is received and approved by District unless otherwise specified.

Task 1 - Creation of a Strategic Information Technology Master Plan that includes the following:

- Deliverable 1: Delivery of Draft Technical Assessments of Air Pollution Control Database(s), Electronic Document Handling System, and Central Filing System Enhancement **(\$2,000)**
- Deliverable 2: Delivery of Draft Assessment of Future Requirements and Recommendations for Software and Hardware Enhancements **(\$4,000)**
- Deliverable 3: Delivery of Draft District Specific Strategic Information Technology Master Plan **(\$7,000)**
- Deliverable 4: Acceptance of Final District Specific Strategic Information Technology Master Plan **(\$12,000)**

Task 2 - Technical Support for Approved Project Implementation(s)

Deliverables and payment as agreed to by Consultant and District in writing, not to exceed **\$8,000**

Task 3 – General Information Technology Support

Deliverables and payment as agreed to by Consultant and District in writing.

EXHIBIT C

HOLD HARMLESS AGREEMENT AND INSURANCE REQUIREMENTS

The Contractor hereby agrees to protect, defend, indemnify, and hold District free and harmless from any and all losses, claims, liens, demands, and causes of action of every kind and character including, but not limited to, the amounts of judgments, penalties, interest, court costs, legal fees, and all other expenses incurred by District arising in favor of any party, including claims, liens, debts, personal injuries, death, or damages to property (including employees or property of District) and without limitation by enumeration, all other claims or demands of every character occurring or in any way incident to, in connection with or arising directly or indirectly out of, the contract or agreement. Contractor agrees to investigate, handle, respond to, provide defense for, and defend any such claims, demand, or suit at the sole expense of the Contractor. Contractor also agrees to bear all other costs and expenses related thereto, even if the claim or claims alleged are groundless, false, or fraudulent. This provision is not intended to create any cause of action in favor of any third party against Contractor or District or to enlarge in any way the Contractor's liability but is intended solely to provide for indemnification of District from liability for damages or injuries to third persons or property arising from Contractor's performance pursuant to this contract or agreement.

As used above, the term District means District or its officers, agents, employees, and volunteers.

1. Insurance Requirements

Contractor shall file with the District, concurrently herewith, Certificates of Insurance, in companies acceptable to District, with a Best's rating of no less than A: VII.

Each policy shall be endorsed with the following specific language: **Cancellation Notice: "This policy shall not be canceled or materially changed without first giving thirty (30) days prior written notice to the District Air Pollution Control District."**

Workers Compensation and Employers Liability Insurance

If Contractor represents that they have no employees, and does not hire Sub-Contractors with employees, then they are not required to have Workers Compensation coverage.

Worker's Compensation Insurance shall be provided as required by any applicable law or regulation. Employer's liability insurance shall be provided in amounts not less than one million dollars (\$1,000,000) each accident for bodily injury by accident, one million dollars (\$1,000,000) policy limit for bodily injury by disease, and one million dollars (\$1,000,000) each employee for bodily injury by disease.

If there is an exposure of injury to Contractor's employees under the U.S. Longshoremen's and Harbor Worker's Compensation Act, the Jones Act, or under laws, regulations, or statutes applicable to maritime employees, coverage shall be included for such injuries or claims.

Contractor shall require all Sub- Contractors to maintain adequate Workers' Compensation insurance. Certificates of Workers' Compensation shall be filed with District upon demand.

General Liability Insurance

a) Comprehensive General Liability or Commercial General Liability insurance covering all operations by or on behalf of Contractor, providing insurance for bodily injury liability and property damage liability for the limits of liability indicated below and including coverage for:

1. Contractual liability insuring the obligations assumed by Contractor in this Agreement.

b) One of the following forms is required:

1. Comprehensive General Liability;
2. Commercial General Liability (Occurrence); or
3. Commercial General Liability (Claims Made).

c) If Contractor carries a Comprehensive General Liability policy, the limits of liability shall not be less than a Combined Single Limit for bodily injury damage, and Personal Injury Liability of:

- One million dollars (\$1,000,000) each occurrence
- One million dollars (\$1,000,000) aggregate

d) If Contractor carries a Commercial General Liability (Occurrence) policy:

1. The limits of liability shall not be less than:
 - One million dollars (\$1,000,000) each occurrence (combined single limit for bodily injury and property damage)
 - One million dollars (\$1,000,000) for Products-Completed Operation
 - One million dollars (\$1,000,000) General Aggregate
2. If the policy does not have an endorsement providing that the General Aggregate Limit applies separately, or if defense costs are included in the aggregate limits, then the required aggregate limits million dollars (\$2,000,000).

e) Special Claims Made Policy Form Provisions:

Contractor shall not provide a Commercial General Liability (Claims Made) policy without the express prior written consent of District, which consent, if given, shall be subject to the following conditions:

(1) The limits of liability shall not be less than:

- (a) One million dollars (\$1,000,000) each occurrence (combined single limit for bodily injury and property damage)
- (b) One million dollars (\$1,000,000) aggregate for Products Completed Operations
- (c) One million dollars (\$1,000,000) General Aggregate
- (d) The insurance coverage provided by CONTRACTOR shall contain language providing coverage up to six (6) months following the completion of the contract in order to provide insurance coverage for the hold harmless provisions herein if the policy is a claims-made policy.

ENDORSEMENTS:

Each Comprehensive or Commercial General Liability policy shall be endorsed with the following specific language:

- a) "The District, its officers, agents, employees, and volunteers are to be covered as insured for all liability arising out of the operations by or on behalf of the named insured in the performance of this Agreement."
- b) "The insurance provided by the Contractor, including any excess liability or umbrella form coverage, is primary coverage to the District with respect to any insurance or self-insurance programs maintained by the District and no insurance held or owned by the District shall be called upon to contribute to a loss."
- c) "This policy shall not be canceled or materially changed without first giving thirty (30) days' prior written notice to the District."

2. Automobile Liability Insurance

- a. Automobile Liability insurance covering bodily injury and property damage in an amount no less than one million dollars (\$1,000,000) combined single limit for each occurrence.
- b. Covered vehicles should include owned, non-owned, and hired automobiles/trucks.



Board Agenda

Consent

Agenda Date: June 14, 2012

Prepared By: Margie Koltun, Administrative Technician and Clerk of the Board

Topic: Reappointment of Hearing Board Member

Action Requested: District Staff requests that the Board approve the reappointment of current Hearing Board member and Chairperson, Don Gronstal, as representative of the public at large, to the Placer County APCD Hearing Board. The term of office will end September 30, 2015.

Discussion: The Placer County Air Pollution Control District Hearing Board is a statutory body appointed by the District Board of Directors to hear petitions for variances or modifications of variances from air pollution rules or permit conditions; the denial, approval, or revocation of a permit; and orders for abatement. Composed of 5 members with 3-year terms, the membership composition is delineated in HSC Section 40801 as follows:

- One lawyer
- One registered engineer
- Two public-at-large members
- One member of the medical profession

Mr. Gronstal was appointed to the Hearing Board on August 10, 2000. The current term of office for Mr. Gronstal will expire September 30, 2012. Mr. Gronstal is currently the chairperson of the District Hearing Board and has attended training courses provided by the State Air Resources Board to understand and fulfill his duties as a member of the District Hearing Board. The reappointment of Mr. Gronstal is requested so as to provide a continued ability as required by State statute for the District Hearing Board, to hear petitions from the Staff, the public and permitted industry. Alternatively, the District Board of Directors may give direction to Staff to seek a qualified replacement.

Fiscal Impact: None

Recommendation: Mr. Gronstal is willing and able to continue in this position and due to his past record of service Staff recommends the reappointment of Mr. Don Gronstal to the District Hearing Board for the term of office indicated.



Board Agenda *Public Hearing/Action*

Agenda Date: June 14, 2012

Prepared By: John Finnell, Manager, Permitting & Engineering

Topic: Amendment to Rule 233, Biomass Boilers

Action Requested:

- 1) Conduct a Public Hearing regarding the proposed adoption of amendments to Rule 233, Biomass Boilers.
- 2) Approve and adopt all Findings and Recommendations found in Attachment #2 and adopt Resolution #12-07 (Attachment #1) thereby approving amendments to Rule 233, Biomass Boilers.

Discussion: The U.S Environmental Protection Agency (EPA) issued a formal limited approval and limited disapproval of the Rule 233, Biomass Boilers, in the Federal Registry, Volume 77, Number 12, on January 10, 2012 (See Staff Report, Attachment #1).

The limited approval means that EPA has determined that overall the rule improves the State Implementation Plan (SIP) and is largely consistent with the relevant Federal Clean Air Act (CAA) requirements but simultaneously issued a limited disapproval because it was their opinion that the nitrogen oxide (NO_x) emission limits in Section 301 do not represent current Reasonably Available Control Technology (RACT) and should be lowered.

District staff propose to amend Rule 233, Biomass Boilers, to add an additional NO_x limitation of 68 parts per million by volume (ppmv) corrected to 12% carbon dioxide (CO₂) twenty-four hour block average. The current limit is 115 ppmv corrected to 12% CO₂ three-hour rolling average.

The Rule is applicable to two biomass boilers in Placer County. These boilers are operated by Sierra Pacific Industries and Rio Bravo. District staff have met with representatives of both companies and discussed the proposed amendment. Public notice was also published in several local newspapers.

Rule 233, Biomass Boilers, first adopted on October 6, 1994, was last amended on December 10, 2009. The 2009 amendment was discussed at length with EPA staff prior to the last amendment. General agreement was reached that the Rule would be SIP approvable. Rule 233 was submitted to the California Air Resources Board (CARB) for approval into the SIP. CARB agreed and forwarded the rule to EPA for final approval into the SIP on May 17, 2010.

In April of 2011, EPA contacted the District and indicated the agency had planned on approving this Rule into the SIP but there had been objections from an environmental group, Earth Justice, to the SIP approval of San Joaquin Valley Unified Air Pollution Control District's (SJVUAPCD) rule which had similar NOx limits for biomass boilers. As a result, EPA reconsidered its position and issued a limited approval and limited disapproval to SJVUAPCD and indicated their intent to take action and issue a limited disapproval for Rule 233.

The EPA Technical Support Document Staff Report (Staff Report, Attachment #2) concluded that at least one other District, Yolo-Solano Air Quality Management (YSAQMD) had adopted a rule with a lower emission limit of 90 ppmv correct to 3% O2 twenty four hour average and that the two affected facilities in Placer County could meet this limit. SJVUAPCD adopted this limit in December, 2011.

The District proposes to add the NOx limitation of 68 ppmv corrected to 12% CO2 twenty-four hour block average as equivalent to the level of 90 ppmv correct to 3% O2 adopted by YSAQMD and SJVUAPCD.

This amendment is proposed to satisfy the limited disapproval by EPA of Rule 233 and to thereby obtain approval of the amended Rule as a revision to the SIP. The District is required to revise Rule 233 and gain EPA SIP approval within eighteen (18) months, by July 20, 2013, or sanctions will be imposed.

Fiscal Impact:

The two facilities impacted by this amendment have installed and are operating an ammonia injection system which is capable of reducing emissions below the level of the proposed NOx limitation. Changes in the programming of the Continuous Emission Monitoring System (CEMS) of each facility will be necessary to incorporate compliance checks, alarms, and reporting for the new emission limit.

Recommendation:

Staff recommends that the District Board adopt Resolution #12-07 (Attachment #1) thereby approving the amendments to Rule 233, Biomass Boilers, and approve and adopt the Recommendations found in this document and the Findings in the Staff Report in Attachment #2.

Attachment(s) #1. Resolution #12-07, Amendment to Rule 233, Biomass Boilers
 #2: Staff Report

ATTACHMENT #1

SUBJECT:

Resolution #12-07 Amendment to Rule 233, Biomass Boilers



Board Resolution:
Resolution # 12-07

Before the Placer County
Air Pollution Control District Board of Directors

In the Matter Of: Adopt a Resolution to Approve the Amendment of the Placer County Air Pollution Control District’s Rule 233, Biomass Boilers.

The following **RESOLUTION** was duly passed by the Board of Directors, Placer County Air Pollution Control District, at a regular meeting held **June 14, 2012**, by the following vote:

- Ayes: Holmes, M. _____ Ucovich _____ Weygandt _____ Holmes, J. _____ Barkle _____
 Nader _____ Hill _____ Montgomery _____ Garcia _____
- Noes: Holmes, M. _____ Ucovich _____ Weygandt _____ Holmes, J. _____ Barkle _____
 Nader _____ Hill _____ Montgomery _____ Garcia _____
- Abstain: Holmes, M. _____ Ucovich _____ Weygandt _____ Holmes, J. _____ Barkle _____
 Nader _____ Hill _____ Montgomery _____ Garcia _____

Signed and approved by me after its passage.

_____ Chairperson

Attest:

_____ Clerk of said Board

WHEREAS, Section 40001 of the Health and Safety Code of the State of California authorizes the Placer County Air Pollution Control District, to adopt and enforce Rules and Regulations to achieve and maintain ambient air quality standards within the District; and

WHEREAS, Section 40702 of the Health and Safety Code of the State of California requires a district to adopt rules and regulations and do such acts as may be necessary or proper to execute the powers and duties granted; and

WHEREAS, amendment of this regulation is categorically exempt from CEQA pursuant to Title 14, California Administrative Code, Section 15308, as an action by a regulatory agency for the protection of the environment; and

WHEREAS, these proceedings were held in a public hearing and were properly noticed pursuant to Section 40725 of the Health and Safety Code of the State of California; with any evidence having been received concerning the proposed adoption of this Resolution and this Board having duly considered such evidence; and

WHEREAS, the Board has determined that a need exists to amend Rule 233, Biomass Boilers, to address SIP revision approvability and the limited disapproval issued by the United States Environmental Protection Agency (US EPA) and to make necessary clarification and improvement changes identified by District staff; and

WHEREAS, previously adopted versions of Rule 233, Biomass Boilers, have been submitted as revisions to the State Implementation Plan.

NOW, THEREFORE BE IT RESOLVED, that this Board approves the amendments to Rule 233, Biomass Boilers.

BE IT RESOLVED AND ORDERED that the Air Pollution Control Officer is hereby authorized and directed to submit amended Rule 233, in the form required, to the California Air Resources Board, on behalf of the Placer County Air Pollution Control District, and to perform such acts as are necessary to carry out the purpose of this resolution.

BE IT FURTHER RESOLVED, that the Air Pollution Control Officer is hereby authorized and directed to request that amended Rule 233 revision be adopted by California Air Resources

Board into the State Implementation Plan (SIP) and that approval of the revision to the SIP be requested of the United States Environmental Protection Agency, on behalf of the Placer County Air Pollution Control District.

Exhibit I: Rule 233, Biomass Boilers

Exhibit I

Rule 233, Biomass Boilers

RULE 233 BIOMASS BOILERS

Adopted 10-6-94
(Amended 10-11-07, 12-10-09, 6-14-12)

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100 GENERAL

- 101 APPLICABILITY:** This rule applies to stoker and circulating fluidized bed boilers and steam generators which have a heat input rating of less than 500 million Btu per hour and a potential to emit, as defined in Rule 502, NEW SOURCE REVIEW, 25 tons or more of NO_x emissions and which have a primary energy source of biomass consisting of a minimum of 75 percent of the total annual heat input.
- 102 FEDERAL REGULATIONS:** Compliance with this rule shall not exempt a person from complying with any federal regulation promulgated pursuant to the Clean Air Act (42 U.S.C. Section 7401 et seq.).
- 103 EXEMPTION, BOILERS, STEAM GENERATORS, AND PROCESS HEATERS:** This rule shall not apply to boilers, steam generators, and process heaters subject to Rule 231, INDUSTRIAL, INSTITUTIONAL, AND COMMERCIAL BOILERS, STEAM GENERATORS, AND PROCESS HEATERS.
- 104 EXEMPTION, MUNICIPAL SOLID WASTE:** This rule shall not apply to combustion units whose primary purpose is to burn municipal solid waste, as defined in Section 209.
- 105 EXEMPTION, WASTE HEAT RECOVERY BOILERS:** The provisions of this rule do not apply to waste heat recovery boilers used to recover sensible heat from the exhaust of combustion turbines or unfired waste heat recovery boilers used to recover sensible heat from the exhaust of any combustion equipment.

200 DEFINITIONS

- 201 BIOMASS:** Any organic material not derived from fossil fuels, such as agricultural crop residues, bark, lawn, yard and garden clippings, leaves, silvicultural residue, tree and brush pruning, wood and wood chips, and wood waste, including these materials when separated from other waste streams. Biomass does not include material containing sewage sludge, industrial sludge, medical waste, hazardous waste, or radioactive waste.
- 202 BIOMASS BOILER OR STEAM GENERATOR:** Any combustion equipment used in any industrial, institutional, or commercial operation designed to burn biomass to produce steam, heat water or other fluids, and/or produce electricity.
- 203 BLOCK 24-HOUR AVERAGE:** The arithmetic average of the hourly air pollution emission rates of discharge as measured over 24 contiguous one-hour periods from 00:00:00 to 23:59:59, 24-hour clock time.
- 204 BRITISH THERMAL UNIT (BTU):** The amount of heat required to raise the temperature of one pound of water from 59 degrees F to 60 degrees F at one atmosphere.
- 205 CIRCULATING FLUIDIZED BED BOILER:** A boiler that burns solid fuel in a moving suspension of inert materials, forced through upward blowing of air jets, and where the ash and inerts are captured and recirculated back into the moving fluidized bed.
- 206 CURING STARTUP:** A startup which includes heating the boiler at predetermined rate and holding temperature at several points to allow for insulating materials to cure in the boiler refractory. A curing startup shall not exceed 96 hours.
- 207 HEAT INPUT:** The chemical heat released due to fuel combustion in a boiler, using the higher heating value of the fuel. This does not include the sensible heat of incoming combustion air.

- 208 HIGHER HEATING VALUE (HHV):** The total heat liberated per mass of fuel burned (BTU per pound), when fuel and dry air at standard conditions undergo complete combustion and all resultant products are brought to their standard states at standard conditions. HHV shall be determined by one of the following test methods:
- 208.1 ASTM E711 for biomass; or
 - 208.2 ASTM D 240-87 or ASTM D 2382-82 for liquid hydrocarbon fuels; or
 - 208.3 ASTM D 1826-88 or ASTM D 1945-81 in conjunction with ASTM D 3588-89 for gaseous fuels.
- 209 MUNICIPAL SOLID WASTE:** Household, commercial/retail, and/or institutional waste. Household waste includes material discarded by single or multiple residential dwellings, hotels, motels, and other similar permanent or temporary housing establishments or facilities. Commercial/retail waste includes material discarded by stores, offices, restaurants, warehouses, non-manufacturing activities at industrial facilities, and other similar establishments or facilities. Institutional waste includes material discarded by schools, hospitals, prisons, and government facilities and other similar establishments or facilities.
- 210 NO_x EMISSIONS:** The sum of nitric oxides and nitrogen dioxide in the flue gas, collectively expressed as nitrogen dioxide (NO₂).
- 211 PARTS PER MILLION BY VOLUME (PPMV):** The ratio of the number of gas molecules of a given species, or group, to the number of millions of total gas molecules.
- 212 RATED HEAT INPUT CAPACITY:** The heat input capacity, in million BTU per hour, specified on the nameplate of the combustion unit. If the combustion unit has been altered or modified such that its maximum heat input is different than the input capacity specified on the nameplate, and this alteration or modification has been approved by the Air Pollution Control Officer and made a limiting condition of operation, then the new maximum heat input shall be considered as the rated heat input capacity.
- 213 RESPONSIBLE OFFICIAL:** An individual with the authority to certify that a source complies with all applicable requirements, including the conditions of permits issued to sources in accordance with Regulation 5, PERMITS. A "responsible official" means one of the following:
- 213.1 For a corporation, a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:
 - 213.1.1 The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or
 - 213.1.2 The delegation of authority to such representative is approved in advance by the Air Pollution Control Officer;
 - 213.2 For a partnership or sole proprietorship, a general partner or the proprietor, respectively; or
 - 213.3 For a municipality, state, federal, or other public agency, either a principal executive officer or a ranking elected official; or

213.4 For an acid rain unit subject to Title IV (Acid Deposition Control) of the Clean Air Act, the "responsible official" is the designated representative of that unit for any purposes under Title IV and Rule 507, FEDERAL OPERATING PERMITS PROGRAM.

214 SHUTDOWN: A shutdown starts when fuel feed is curtailed and the unit begins cooling from the unit's normal operating temperature, as specified by the manufacturer, and ends when steam flow is zero or 24 hours has elapsed since the start of the shutdown, whichever occurs first.

215 STARTUP: The period of time a unit is heated to the normal operating temperature, as specified by the manufacturer. A normal startup shall not exceed 24 hours. A curing startup shall not exceed 96 hours.

216 STOKER BOILER: A boiler that burns solid fuel on a stationary or moving grate located at the bottom of the furnace, and where the fuel is supplied and ash removed continuously.

217 UNIT: Any biomass boiler or steam generator as defined in Sections 202.

218 WOOD: Wood, wood residue, bark, or any derivative fuel or residue thereof, in any form, including but not limited to sawdust, sanderdust, wood chips, scraps, slabs, millings, shavings, and processed pellets made from wood or other forest residues.

300 STANDARDS

301 LIMITATIONS:

No person shall allow the discharge of NO_x and CO emissions into the atmosphere from a biomass boiler or steam generator in excess of the following standards, excluding startup and shutdown conditions:

Type of Boiler	NO _x (Emission limits effective until December 31, 2012)	NO _x (Emission limits effective January 1, 2013)	CO
Circulating Fluidized Bed (<500 MMBtu/hour)	115 ppmv corrected to 12% CO ₂ (3 hour rolling average)	115 ppmv corrected to 12% CO ₂ (3 hour rolling average)	400 ppmv corrected to 12% CO ₂ (3 hour rolling average)
		68 ppmv corrected to 12% CO ₂ (24 hour block average)	
Stoker (<500 MMBtu/hour)	115 ppmv corrected to 12% CO ₂ (3 hour rolling average)	115 ppmv corrected to 12% CO ₂ (3 hour rolling average)	1000 ppmv corrected to 12% CO ₂ (3 hour rolling average)
		68 ppmv corrected to 12% CO ₂ (24 hour block average)	

302 STARTUP AND SHUTDOWN PROVISIONS

The emission limits of Section 301 shall not apply during startup or shutdown provided the following requirements are met:

302.1 CO₂ emissions are 10 percent or less by volume stack gas on a one-hour average dry basis.

302.2 During startup and shutdown, the mass emissions of NOx and CO shall not exceed the levels shown below. The block averaging time starts at the beginning of either the startup or the shutdown.

Type of Boiler	NOx	CO
Circulating Fluidized Bed (<500 MMBtu/hour)	35 pounds per hour (24 hour block average)	56 pounds per hour (24 hour block average)
	35 pounds per hour (72 hour block average during curing startup)	56 pounds per hour (72 hour block average during curing startup)
Stoker (<500 MMBtu/hour)	37.6 pounds per hour (3 hour rolling average)	170 pounds per hour (3 hour rolling average)

302.3 A normal startup shall not exceed 24 hours. A startup which involves curing of refractory shall not exceed 96 hours.

400 ADMINISTRATIVE REQUIREMENTS

401 OPERATION AND MAINTENANCE PLAN: Any person installing an emission control device as a means of complying with the emission limitations of Section 301 shall submit an Operation and Maintenance Plan with the application for Authority to Construct for the emission control device.

401.1 The Operation and Maintenance Plan shall specify:

401.1.1. Operation and maintenance procedures that will demonstrate continuous operation of the emission control device during emission-producing operations; and

401.1.2 Records that must be kept to document the operation and maintenance procedures.

401.1.3. Each source must provide to the District a description of the actions that will be taken to minimize emissions during startup and shutdown events.

401.2 The records must comply with Sections 501, 502, and 505.

401.3 The Operation and Maintenance Plan shall be implemented upon approval by the Air Pollution Control Officer.

401.4 Subsequent to the construction of any emission control device used for demonstrating compliance with the emission limitation of Section 301, an Operation and Maintenance Plan shall be submitted or resubmitted in conjunction with any changes in the procedures addressed in the plan, or upon the request of the Air Pollution Control Officer.

402 COMPLIANCE COSTS: A person operating a unit subject to this rule shall bear all expenses associated with compliance with the monitoring and reporting provisions of this rule.

403 CERTIFICATION: All reports submitted in accordance with this rule shall be signed by a responsible official who shall certify the truth, accuracy, and completeness of the report.

500 MONITORING AND RECORDS

501 RECORDKEEPING: A person operating a unit subject to this rule shall keep the following records for each unit:

- 501.1 Calendar date of record.
- 501.2 Number of hours the unit is operated during each day.
- 501.3 Boiler load.
- 501.4 Fuel types, including supplementary gaseous or liquid fuels.
- 501.5 Duration of startups and shutdowns.
- 501.6 Type and duration of maintenance and repairs.
- 501.7 Results of compliance tests.
- 501.8 Three-hour average NO_x emission concentration (expressed as NO₂ and corrected to 12 percent by volume stack gas CO₂).
- 501.9 Twenty-four hour average NO_x emission concentration (expressed as NO₂ and corrected to 12 percent by volume stack gas CO₂).
- 501.10 Three-hour average CO emission concentration (corrected to 12 percent by volume stack gas CO₂).
- 501.11 Startup and shutdown emissions records using averaging periods as required in Section 302.1.
- 501.12 Identification of time periods during which NO_x and CO emission limitations are exceeded, the reason for the exceedance, and a description of corrective action taken.
- 501.13 Identification of time periods during which operating condition and pollutant emission data were not obtained, the reason for not obtaining this information, and a description of corrective action taken.
- 501.14 If zero steam flow is used to determine the end of a shutdown, then steam flow must be recorded.

502 CONTINUOUS EMISSIONS MONITORING

- 502.1 A person operating a unit subject to this rule shall install, calibrate, operate, and maintain a Continuous Emissions Monitoring System (CEMS) in accordance with applicable requirements of Appendices B and F of Title 40 Code of Federal Regulations Part 60 (40 CFR 60).
- 502.2 The CEMS shall include equipment that measures and records the following:
 - 502.2.1. Continuous exhaust gas NO_x and CO concentrations corrected to 12 percent by volume stack gas CO₂ dry basis.
 - 502.2.2. Average NO_x and CO concentrations calculated on a three-hour rolling average basis.

502.2.3 Average NO_x concentrations calculated on a twenty-four hour block average basis.

502.3 A person operating a CEMS shall submit an excess emissions and monitoring systems performance report to the Air Pollution Control Officer within 30 days after the end of each calendar quarter in accordance with 40 CFR 60, Section 60.7(c) and (d) and Section 60.13.

502.4 The enhanced monitoring requirements of Sections 113 and 114 of the Federal Clean Air Act shall take precedence over the requirements of this Section for facilities subject to Rule 507, FEDERAL OPERATING PERMIT PROGRAM.

503 INITIAL COMPLIANCE TEST

503.1 An initial compliance test shall be conducted within 60 days of achieving the maximum firing rate at which the unit will be operated, but not later than 180 days after initial startup.

503.1.1 Each emission test run shall be conducted while the unit is operated within 10% of the maximum steady-state steam production rate. No emission test shall be conducted during startup, shutdown, or under breakdown conditions for the purpose of the initial compliance test.

503.1.2. The initial compliance test shall be conducted for NO_x and CO using the test methods specified in Section 504.

503.2 At least sixty (60) days prior to the initial compliance test, a written test plan detailing the test methods and procedures to be used shall be submitted for approval by the Air Pollution Control Officer. The plan shall cite the test methods to be used for the determination of compliance with the emission limitations of this rule. The plan shall provide the proposed procedures for the characterization of the representative biomass materials to be burned during testing.

504 TEST METHODS: A person conducting source tests shall use the following test methods:

504.1 Nitrogen Oxides (NO_x): ARB Test Method 100, Title 17, CCR, Section 94114, Procedures for Continuous Emission Stack Sampling, or EPA Test Method 7E, 40 CFR 60, Appendix A. A violation determined by any of these test methods shall constitute a violation of this rule.

504.2 Carbon Monoxide (CO): ARB Test Method 10, Title 17, CCR, Section 94109, Determination of Carbon Monoxide Emissions from Stationary Sources, or ARB Test Method 100, or EPA Test Method 10, 40 CFR 60, Appendix A. A violation determined by any of these test methods shall constitute a violation of this rule.

504.3 Carbon Dioxide (CO₂): ARB Test Method 100, Title 17, CCR, Section 94114, Procedures for Continuous Emission Stack Sampling, or EPA Test Method 3A, 40 CFR 60, Appendix A.

505 DURATION OF RECORDS: All records maintained pursuant to this rule shall be retained for at least two years from date of entry, with the exception that sources subject to the requirements of Rule 507, FEDERAL OPERATING PERMIT PROGRAM, shall retain records at least five years. Records shall be made available for inspection by the Air Pollution Control Officer upon request.

ATTACHMENT #2

SUBJECT

Staff Report, Amendment of Rule 233, Biomass Boilers

**PLACER COUNTY
AIR POLLUTION CONTROL DISTRICT**

STAFF REPORT

RULE 233

BIOMASS BOILERS

PROPOSED AMENDMENTS

June 14, 2012

SUMMARY

Rule 233, Biomass Boilers, first adopted on October 6, 1994, was last amended on December 10, 2009. The amendment was adopted by the California Air Resources Board (CARB) as a State Implementation Plan (SIP) revision and it was forwarded to U.S. Environmental Protection Agency (EPA) for approval by CARB on May 17, 2009. A formal limited approval and limited disapproval of the amended Rule was issued by EPA in the Federal Registry, Volume 77, Number 12, on January 10, 2012. See attachment #1.

The limited approval means that EPA has determined that overall the rule improves the SIP and is largely consistent with the relevant Federal Clean Air Act (CAA) requirements but simultaneously issued a limited disapproval because it was their opinion that the NO_x emission limits in Section 301 do not represent current Reasonably Available Control Technology (RACT).

The District proposes to amend Rule 233, Biomass Boilers, by adding an additional NO_x limitation of 68 ppmv corrected to 12% CO₂ twenty-four hour block average. This is being done solely to satisfy the limited disapproval by EPA and obtain approval into the SIP.

BACKGROUND

The Federal Clean Air Act, as amended in 1990, required adoption of source specific regulations for major sources of nitrogen oxides (NO_x) pursuant to Sections 182(b)(2)(C) and 182 (f). These sections required the adoption of RACT rules. In addition, the California Clean Air Act transport mitigation provisions required the adoption of Best Available Retrofit Control Technology (BARCT) for sources compromising 75% of the actual NO_x emission inventory in the District.

Biomass boilers were affected by this requirement. There are currently two facilities with biomass boilers in Placer County. Rio Bravo-Rocklin operates a fluidized bed biomass boiler and Sierra Pacific Industries which operates a stoker biomass boiler.

Rule 233, Biomass Boilers, was originally adopted on October 6, 1994 and subsequently approved in the SIP in 1996.

The rule originally limited NO_x emission to the least stringent of 115 ppmv corrected to 12% CO₂ or 50% of the uncontrolled emission concentration in the boiler exhaust. The 115 ppmv limitation corresponded to the limitation in Sierra Pacific Industries Prevention of Significant Deterioration (PSD) permit issued by the EPA. This emission limitation reflected a determination by the EPA that the selective non-catalytic reduction system using ammonia injection to control NO_x constituted Best Available Control Technology (BACT).

At that time, this control technology and limitation was considered to represent RACT and BARCT which are less stringent requirements than BACT.

NO_x emissions are measured by a continuous emission monitoring system (CEMS) installed in the stack. The concentration is corrected, or normalized, to 12% CO₂ so that one boiler may be compared to another. It is also corrected so that an operation cannot introduce additional outside

air into the boiler solely to lower the concentration. The correction is a simple calculation as follows:

$$\text{NO}_x \text{ corrected to 12\% CO}_2 = \text{NO}_x \text{ measured} \times 12\% / \text{CO}_2 \% \text{ measured}$$

The District amended Rule 233 to address startup and shutdown conditions. The October 11, 2007, rule amendment was forwarded to the California Air Resources Board (CARB) for approval into the SIP. This was approved by CARB and forwarded to the EPA for approval.

EPA declined to approve that amendment into the SIP saying it was inconsistent with federal regulation and policy. Their response was contained in an email in Attachment #1. The main objections were in two areas:

1. The 115 ppm limit for NO_x does not apply during startup and shutdown. Instead mass emission limits in the Permit to Operate would apply. Although these limits were already in place in the both the District Permit to Operate and federal Title V, EPA requested that the limitations be listed in the Rule itself.
2. The amendment must provide a demonstration that both the length of time of the startups and shutdown and the emissions were minimized as much as technologically feasible.

In acknowledgement of EPA intention to disapprove the October 11, 2007, amendment the District requested the withdrawal of the amendment from SIP consideration in a letter dated October 14, 2008.

The District subsequently proposed the following changes to address the EPA's concerns. These changes were discussed at length with EPA.

- A startup was defined as the period of time a unit is heated to the normal operating temperature, as specified by the manufacturer. A normal startup shall not exceed 24 hours. A curing startup shall not exceed 96 hours.
- Section 301, Limitations, which addresses limitations during normal operation, was changed to add a carbon monoxide (CO) limitation for each type of boiler. These limitations currently exist in the Permits to Operate for each facility.

TABLE 1 - NOx and CO Emission Limitations		
Type of Boiler	NOx	CO
Circulating Fluidized Bed	115 ppmv corrected to 12% CO ₂ (3 hour rolling average)	400 ppmv corrected to 12% CO ₂ (3 hour rolling average)
Stoker	115 ppmv corrected to 12% CO ₂ (3 hour rolling average)	1000 ppmv corrected to 12% CO ₂ (3 hour rolling average)

- To address EPA's concerns and attempt to make the amendment SIP approvable, this rule amendment included the mass emission limitations in pounds per hour as follows in Section 302, Startup and Shutdown Provisions.

Table 2 Startup and Shutdown Emission Limitations		
Type of Boiler	NOx	CO
Circulating Fluidized Bed	35 pounds per hour (24 hour block average)	56 pounds per hour (24 hour block average)
	35 pounds per hour (72 hour block average during curing of refractory)	56 pounds per hour (72 hour block average during curing of refractory)
Stoker	37.6 pounds per hour (3 hour rolling average)	170 pounds per hour (3 hour rolling average)

These proposed rule amendments were discussed at length with EPA staff. General agreement was reached that the Rule would be SIP approvable. EPA staff never identified an issue with the ppm NOx limitation. The proposed rule was then adopted by the District Board on December 10, 2009.

Rule 233 was submitted to CARB for approval into the SIP. CARB agreed and forwarded to EPA for final approval into the SIP on May 17, 2010.

In April of 2011, EPA contacted the District and indicated the agency had planned on approving Rule into the SIP but there had been objections from an environmental group, Earth Justice, to the SIP approval of San Joaquin Valley Unified Air Pollution Control District's (SJVUAPCD) rule which has similar NOx limits for biomass boilers. As a result, EPA reconsidered its position and issued a limited approval and limited disapproval to SJVUAPCD. EPA indicated its intent to issue a limited approval and limited disapproval for Rule 233 unless the District could provide a counter

argument that our existing rule NO_x limitation met current RACT. The Technical Support Document for EPA's Notice of Rulemaking was provided to the District by EPA.

A formal limited approval and limited disapproval of District Rule 233 was issued by EPA in the Federal Registry, Volume 77, Number 12, on January 10, 2012 (See Attachment #1). EPA indicated that the disapproval was based on their determination that the NO_x limitation of 115 parts per million by volume (ppmv) on a three-hour rolling average was not low enough to be considered current RACT. This was based on the fact that Yolo-Solano AQMD had adopted a rule which limits NO_x emissions from a biomass boiler to 90 ppmv corrected to 3% O₂ on a twenty-four hour average. Also, source test results show that the two regulated facilities in Placer County can achieve lower emission rates. There was no discussion of the fact that currently the Rule 233 limit requires a significantly shorter time period (three-hour rolling average). The shorter the averaging period the more stringent a limit becomes.

EPAs technical support document (see Attachment #2) concludes that 90 ppmv corrected to 3% O₂ twenty-four hour block average is approximately equal to 68 ppmv corrected to 12% CO₂ twenty-four hour block average. EPA staff indicated that the calculation was made using the F Factors in EPA Test Method 19 along with the equations in EPA Test Method 3B. Note, calculation by the District staff found that 90 ppmv corrected to 3% O₂ is approximately 64 ppmv corrected to 12% CO₂. The staff report prepared by Yolo-Solano AQMD when adopting their biomass rule indicates 90 ppmv corrected to 3% O₂ is approximately 70 ppmv corrected to 12% CO₂. While the District was considering its response, SJVUAPCD revised its biomass boiler rule to 90 ppmv corrected to 3% O₂ twenty-four hour block average in December of 2011.

As mentioned previously, the District proposes to amend Rule 233, Biomass Boilers, by adding an additional NO_x limitation of 68 ppmv corrected to 12% CO₂ twenty-four hour block average. This limit is the same as was recommended in the EPA technical support document, and between the values independently determined by District staff and Yolo-Solano staff.

DISCUSSION OF PROPOSED RULE AMENDMENT

The District is required to revise Rule 233 and gain EPA SIP approval within eighteen (18) months, by July 20, 2013, or sanctions will be imposed.

The District proposes to amend Rule 233, Biomass Boilers, by adding an additional NO_x limitation of 68 ppmv corrected to 12% CO₂ twenty-four hour block average. This is considered equivalent to and consistent with the NO_x limitations for biomass boilers in other District Rules. This amendment is being proposed to satisfy the limited disapproval by EPA and obtain SIP approval. There will be no emission reductions from this amendment because the affected facilities have installed and are currently operating the ammonia injection air pollution control equipment needed to meet this limit.

The District proposes that the added NO_x limit become effective on January 1, 2013, so that sources will have an opportunity to program the CEMS software to record and report on NO_x twenty-four hour averages. This effective date is before the date when EPA's sanctions might be considered, July 20, 2013. During this time the previously existing emission limits will continue to be effective.

Applicability:

No Change.

Exemptions:

Removed Section 104; Exemption for Rule 232, Biomass Suspension Boilers. The District recently removed Rule 232 from the District Rules and Regulations because there are no longer any boilers of this type in Placer County and the Rule had not been SIP approved.

Definitions:

Added a definition of Block 24-Hour Average to clarify the newly added standard which is measured on this basis.

Standards:

Added an additional NO_x limitation of 68 ppmv corrected to 12% CO₂ twenty-four hour block average in addition to the existing limitation of 115 ppmv corrected to 12% CO₂ three-hour rolling average.

Administrative:

There are no changes to the Administrative Requirements.

Monitoring and Records:

Added references to require monitoring and recording the twenty-four hour block average.

FINDINGS

FINDING	DEFINITION	REFERENCE
Authority	The District is permitted or required to adopt, amend, or repeal the rule by a provision of law or a state or federal regulation.	California Health and Safety Code, Section 40702 and Section 41010; 1990 Federal Clean Air Act, Section 110(a) (2) (H) and Section 182(d).
Necessity	The District has demonstrated that a need exists for the rule, or for its amendment or repeal.	It is necessary for the District to adopt this rule in order to fulfill the requirements of the Federal Clean Air Act Amendments of 1990 and seek SIP approval.
Clarity	The rule is written or displayed so that its meaning can be easily understood by the persons directly affected by it.	There is no indication at this time that the rule is not written in such a manner that the person affected by the rule can easily understand it.
Consistency	The rule is in harmony with, and not	The District has found that the rule is

	in conflict with or contradictory to, existing statutes, court decisions, or state or federal regulations.	consistent with existing state and federal guidelines.
Non-duplication	The rule does not impose the same requirements as an existing state or federal regulation, unless the District finds that the requirements are necessary or proper to execute the powers and duties granted to, and imposed upon the District.	NSPS, Subpart Da and Db apply to these boilers but the requirements are less stringent than Rule 233.
Reference	Any statute, court decision, or other provision of law that the District implements, interprets, or makes specific by adopting, amending, or repealing the rule. An example of this would be the 1988 EPA State Implementation Plan call to revise District rules.	This rule is being proposed because of the requirements of the Federal Clean Air Act Amendments of 1990.

SUMMARY

This amendment has been proposed to address the limited disapproval from EPA and to make Rule 233, Biomass Boilers, SIP approvable.

- Attachments(s) #1: Federal Registry Notice
 #2: EPA Technical Support Document for EPA’s Notice
 #3: Calculation of Equivalent Correction from % Oxygen vs. % Carbon Dioxide
 #4: Proposed Rule 233, Biomass Boilers Strikeout Version

ATTACHMENT #1

SUBJECT:

Federal Registry Notice

TABLE TO § 100.501—Continued
[All coordinates listed in the Table to § 100.501 reference Datum NAD 1983.]

Number	Date	Event	Sponsor	Location
3	September—3rd and or 4th or last Sunday.	Crystal Coast Super Boat Grand Prix.	Super Boat International Productions Inc.	The waters of Bogue Sound, adjacent to Morehead City, NC, from the southern tip of Sugar Loaf Island approximate position latitude 34°42'55" N, longitude 078°42'48" W, thence westerly to Morehead City Channel Day beacon 7 (LLNR 38620), thence southwest along the channel line to Bogue Sound Light 4 (LLRN 38770), thence southerly to Causeway Channel Day beacon 2 (LLNR 38720), thence southeasterly to Money Island Day beacon 1 (LLNR 38645), thence easterly to Eight and One Half Marina Day beacon 2 (LLNR 38685), thence easterly to the western most shoreline of Brant Island approximate position latitude 34°42'38" N, longitude 076°42'11" W, thence northeasterly along the shoreline to Tombstone Point approximate position latitude 34°42'14" N, longitude 076°41'20" W, thence southeasterly to the east end of the pier at Coast Guard Sector North Carolina approximate position latitude 34°42'00" N, longitude 076°40'52" W, thence easterly to Morehead City Channel Buoy 20 (LLNR 29427), thence northerly to Beaufort Harbor Channel LT 1BH (LLNR 34810), thence northwesterly to the southern tip of Radio Island approximate position latitude 34°42'22" N, longitude 076°40'52" W, thence northerly along the shoreline to approximate position latitude 34°43'00" N, longitude 076°41'25" W, thence westerly to the North Carolina State Port Facility, thence westerly along the State Port to the southwest corner approximate position latitude 34°42'55" N, longitude 076°42'12" W, thence westerly to the southern tip of Sugar Loaf Island the point of origin.
4	September—3rd, 4th or last Saturday; October—last Saturday; November—1st and or 2nd Saturday.	Wilmington YMCA Triathlon.	Wilmington, NC, YMCA	The waters of, and adjacent to, Wrightsville Channel, from Wrightsville Channel Day beacon 14 (LLNR 28040), located at 34°12'18" N, longitude 077°48'10" W, to Wrightsville Channel Day beacon 25 (LLNR 28080), located at 34°12'51" N, longitude 77°48'53" W.

Dated: December 29, 2011.
William D. Lee,
Rear Admiral, U.S. Coast Guard, Commander,
Fifth Coast Guard District.
[FR Doc. 2012-916 Filed 1-18-12; 8:45 am]
BILLING CODE 9110-04-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R06-OAR-2008-0638; FRL-9613-7]

Approval and Disapproval and Promulgation of Implementation Plans; Texas; Infrastructure and Interstate Transport Requirements for the 1997 Ozone and the 1997 and 2006 PM_{2.5} NAAQS

Correction

In **Federal Register** correction rule document C1-2011-33253 appearing on page 1873 in the issue of Thursday, January 12, 2012, the correction should have read as follows:

§ 52.2270 [Corrected]

■ 1. On page 81392, in § 52.2270(c), in the table appearing at the bottom of the page, in the entry under the column

titled "PA approval date", "12/28/2012" should read "2/28/2011".

■ 2. On page 81393, in § 52.2270(c) and (e), in both tables appearing on this page, in the two entries under the columns titled "EPA approval date", "12/28/2012" should read "12/28/2011".

[FR Doc. C2-2011-33253 Filed 1-18-12; 8:45 am]
BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R09-OAR-2011-0536; FRL-9618-2]

Revisions to the California State Implementation Plan, Placer County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is finalizing a limited approval and limited disapproval of revisions to the Placer County Air Pollution Control District (PCAPCD) portion of the California State Implementation Plan (SIP). This action was proposed in the *Federal Register* on September 6, 2011 and concerns oxides of nitrogen (NO_x) emissions from biomass fuel-fired boilers. Under authority of the Clean Air Act as amended in 1990 (CAA or the Act), this action simultaneously approves a local rule that regulates these emission sources and directs California to correct rule deficiencies.

DATES: *Effective Date:* This rule is effective on *February 21, 2012*.

ADDRESSES: EPA has established docket number EPA-R09-OAR-2011-0536 for this action. Generally, documents in the docket for this action are available electronically at <http://www.regulations.gov> or in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed at <http://www.regulations.gov>, some information may be publicly available only at the hard copy location (e.g., copyrighted material, large maps, multi-volume reports), and some may not be available in either location (e.g., confidential business information (CBI)). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT:

Idalia Perez, EPA Region IX, (415) 972-3248, perez.idalia@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document, "we," "us" and "our" refer to EPA.

Table of Contents

- I. Proposed Action
- II. Public Comments and EPA Responses
- III. EPA Action
- IV. Statutory and Executive Order Reviews.

I. Proposed Action

On September 6, 2011 (76 FR 54993), EPA proposed a limited approval and limited disapproval of the following rule that was submitted for incorporation into the California SIP.

Local agency	Rule #	Rule title	Amended	Submitted
PCAPCD	233	Biomass Boilers	12/10/09	05/17/10

We proposed a limited approval because we determined that this rule improves the SIP and is largely consistent with the relevant CAA requirements. We simultaneously proposed a limited disapproval because some rule provisions conflict with section 110 and part D of the Act. Specifically, PCAPCD did not demonstrate that the NO_x emission limits for biomass boilers found in Section 301 implement RACT.

Our proposed action contains more information on the basis for this rulemaking and on our evaluation of the snbmittal.

II. Public Comments and EPA Responses

EPA's proposed action provided a 30-day public comment period. During this period, we received no comments.

III. EPA Action

No comments were submitted that change our assessment of the rule as described in our proposed action. Therefore, as authorized in sections 110(k)(3) and 301(a) of the Act, EPA is finalizing a limited approval of the submitted rule. This action incorporates the submitted rule into the California SIP, including those provisions identified as deficient. As authorized under section 110(k)(3), EPA is simultaneously finalizing a limited disapproval of the rule. As a result, sanctions will be imposed unless EPA approves subsequent SIP revisions that correct the rule deficiencies within 18 months of the effective date of this action. These sanctions will be imposed

under section 179 of the Act according to 40 CFR 52.31. In addition, EPA must promulgate a federal implementation plan (FIP) under section 110(c) unless we approve subsequent SIP revisions that correct the rule deficiencies within 24 months. Note that the submitted rule has been adopted by the PCAPCD, and EPA's final limited disapproval does not prevent the local agency from enforcing it. The limited disapproval also does not prevent any portion of the rule from being incorporated by reference into the federally enforceable SIP as discussed in a July 9, 1992 EPA memo found at: <http://www.epa.gov/nsr/ttnsr01/gen/pdf/memo-s.pdf>.

IV. Statutory and Executive Order Reviews

A. Executive Order 12866, Regulatory Planning and Review

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866, entitled "Regulatory Planning and Review."

B. Paperwork Reduction Act

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* Burden is defined at 5 CFR 1320.3(b).

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the

agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions.

This rule will not have a significant impact on a substantial number of small entities because SIP approvals and limited approvals/limited disapprovals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because this limited approval/limited disapproval action does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities.

Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of State action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Unian Electric Co., v. U.S. EPA*, 427 U.S. 246, 255-66 (1976); 42 U.S.C. 7410(a)(2).

D. Unfunded Mandates Reform Act

Under sections 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State,

local, or tribal governments in the aggregate; or to the private sector, of \$100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the limited approval/limited disapproval action promulgated does not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

E. Executive Order 13132, Federalism

Federalism (64 FR 43255, August 10, 1999) revokes and replaces Executive Orders 12612 (*Federalism*) and 12875 (*Enhancing the Intergovernmental Partnership*). Executive Order 13132 requires EPA to develop an accountable process to ensure “meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.” “Policies that have federalism implications” is defined in the Executive Order to include regulations that have “substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.” Under Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that has federalism implications and that preempts State law unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the

distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, because it merely approves a State rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

F. Executive Order 13175, Coordination With Indian Tribal Governments

Executive Order 13175, entitled “Consultation and Coordination with Indian Tribal Governments” (65 FR 67249, November 9, 2000), requires EPA to develop an accountable process to ensure “meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.” This final rule does not have tribal implications, as specified in Executive Order 13175. It will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes. Thus, Executive Order 13175 does not apply to this rule.

G. Executive Order 13045, Protection of Children From Environmental Health Risks and Safety Risks

EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997) as applying only to those regulatory actions that concern health or safety risks, such that the analysis required under section 5-501 of the Executive Order has the potential to influence the regulation. This rule is not subject to Executive Order 13045, because it approves a State rule implementing a Federal standard.

H. Executive Order 13211, Actions That Significantly Affect Energy Supply, Distribution, or Use

This rule is not subject to Executive Order 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” (66 FR 28355, May 22, 2001) because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA,

EPA must consider and use “voluntary consensus standards” (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

The EPA believes that VCS are inapplicable to this action. Today’s action does not require the public to perform activities conducive to the use of VCS.

J. Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Population

Executive Order (EO) 12898 (59 FR 7629 (Feb. 16, 1994)) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States.

EPA lacks the discretionary authority to address environmental justice in this rulemaking.

K. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2). This rule will be effective on *February 21, 2012*.

L. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by *March 19, 2012*. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and

shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements.

Dated: January 4, 2012.

Jared Blumenfeld,

Regional Administrator, Region IX.

Part 52, Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

■ 1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart F—California

■ 2. Section 52.220, is amended by adding paragraphs (c)(379)(i)(D) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(379) * * *

(i) * * *

(D) Placer County Air Pollution Control District

(1) Rule 233, "Biomass Boilers," amended on December 10, 2009.

* * * * *

[FR Doc. 2012-841 Filed 1-18-12; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket ID FEMA-2011-0002; Internal Agency Docket No. FEMA-8213]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: This rule identifies communities where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP) that are scheduled for suspension on the effective dates listed

within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur and a notice of this will be provided by publication in the *Federal Register* on a subsequent date.

DATES: *Effective Dates:* The effective date of each community's scheduled suspension is the third date ("Susp.") listed in the third column of the following tables.

FOR FURTHER INFORMATION CONTACT: If you want to determine whether a particular community was suspended on the suspension date or for further information, contact David Stearrett, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-2953.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase Federal flood insurance that is not otherwise generally available from private insurers. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits the sale of NFIP flood insurance unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. We recognize that some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the *Federal Register*.

In addition, FEMA publishes a Flood Insurance Rate Map (FIRM) that identifies the Special Flood Hazard Areas (SFHAs) in these communities. The date of the FIRM, if one has been

published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may be provided for construction or acquisition of buildings in identified SFHAs for communities not participating in the NFIP and identified for more than a year on FEMA's initial FIRM for the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives 6-month, 90-day, and 30-day notification letters addressed to the Chief Executive Officer stating that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications were made, this final rule may take effect within less than 30 days.

National Environmental Policy Act. This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Considerations. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless remedial action takes place.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This rule meets the applicable standards of Executive Order 12988.

ATTACHMENT #2

SUBJECT:

EPA Technical Support Document

United States Environmental Protection Agency, Region 9

Air Division

Technical Support Document

for

EPA's Notice of Rulemaking

for the

California State Implementation Plan

Placer County Air Pollution Control District's

Rule 233, Biomass Boilers

Prepared by: Idalia Perez

July 2011

Placer County Air Pollution Control District (PCAPCD)

Submitted Rule

PCAPCD Rule 233, Biomass Boilers:

- Adopted: December 10, 2009
- Submitted: May 17, 2010
- Determined complete: June 8, 2010

Previous Rule Submittals

There are no outstanding submittals of Rule 233. PCAPCD adopted a previous version of Rule 233 on October 11, 2007 and it was submitted to EPA on March 7, 2008. This rule was officially withdrawn on November 5, 2008.

SIP-Approved Rule

- Adopted: October 6, 1994
- Approved by EPA: April 30, 1996 (61 FR 18959)

Rule Summary

Rule 233 regulates emissions of oxides of nitrogen (NOx) and carbon monoxide (CO) from biomass boilers and steam generators that have a heat input rating of less than 500 million British Thermal Units per hour (MMBtu) and a potential to emit 25 tons or more of NOx per year.

Changes to the rule

The District amended Rule 233 on October 11, 2007 to address concerns from industry. Regulated facilities were having difficulty meeting the parts per million (ppm) NOx limits during start-up and shutdown due to the carbon dioxide (CO₂) correction in this form of the standard. Facilities were able to meet their permitted pounds per hour (lb/hour) NOx limit during the same periods of time because this form of the emission limit does not have a CO₂ correction. The NOx limits in the rule are shown in the following table.

Type of Boiler	Limits during normal operations (ppm)	Approximate limits during normal operations (lb/hour) ¹	Limits during startup shutdown (lb/hour)
Circulating Fluidized Bed	115	95.1	35
Stoker	115	59.7	37.6

The main changes to Rule 233 to address the facilities' concerns were changes in the definitions of start-up, shutdown and the replacement of the existing ppm limits with lb/hour limits during these periods. Additionally, a 400 ppm or 1000 ppm limit for CO was added (depending on boiler type), the option for 50% reduction of NOx emissions from uncontrolled levels as the limit for NOx was eliminated and the method for determining the HHV for fuel was changed from ASTM D 2015-85 to ASTM E711.

¹ These values are not in the text of the rule, but were obtained from an email sent by John Finnell to Idalia Perez on 4/8/2011. They are calculated based on the respective boiler capacities of the two facilities currently regulated under Rule 233.

Other changes to the rule include added definitions and recordkeeping requirements that improve rule clarity and enforceability.

Effects on Emissions

The changes made to Rule 233 have no net effect on emissions. The removal of the 115 ppm NO_x limit during startup and shutdown will not result in a net increase in emissions because the 115 ppm limit will be replaced by lb/hour limits during startup and shutdown. As indicated by the table above, the new limits are more stringent on a lb/hour basis than the 115 ppm limit with respect to each of the two facilities that is currently regulated under Rule 233. The new limits will not result in a net decrease in emissions, since the limits are already in the facilities' permits.

Rule Evaluation Criteria

We have primarily used the following three criteria to evaluate Rule 233:

1. **Rule Stringency** – Section 172(c)(1) of the Clean Air Act (CAA) requires nonattainment areas to implement all reasonably available control measures (RACM), including such reductions in emissions from existing sources in the area as may be obtained through the adoption, at a minimum, of reasonably available control technology (RACT), as expeditiously as practicable. In addition, ozone nonattainment areas classified as moderate or above must require RACT for all major sources of NO_x. CAA § 182(b)(2) & (f); 40 CFR § 51.912(a). The PCAPCD regulates an ozone nonattainment area that is classified as Severe-15 under both the 1-hr ozone and 8-hr ozone standards. 40 C.F.R. § 81.305 (2010).² Therefore, submitted Rule 233 must fulfill RACT requirements for NO_x.
2. **Enforceability** – CAA section 110(a)(2)(A) requires that regulations submitted to EPA for approval into a State Implementation Plan (SIP) must be clear and legally enforceable.
3. **SIP Revisions** - CAA section 110(l) prohibits EPA from approving any SIP revision that would interfere with any applicable requirement concerning attainment and reasonable further progress (RFP) or any other applicable requirement of the CAA. In addition, CAA section 193 prohibits the modification of any SIP-approved control requirement in effect before November 15, 1990, in a nonattainment area.

Guidance and policy documents that we used to define specific enforceability, RACT and RACM requirements include the following:

- *Issues Relating to VOC Regulation, Cutpoints, Deficiencies, and Deviations* (the "Blue Book"), US EPA, OAQPS (May 25, 1988).

² PCAPCD also regulates a nonattainment area under the 2006 24-Hour PM_{2.5} National Ambient Air Quality Standard (NAAQS). 40 C.F.R. § 81.305 (2010). By December 14, 2012, California must submit a revision to the State Implementation Plan (SIP) for this nonattainment area that provides for, among other things, implementation of all RACM as expeditiously as practicable (including RACT for existing sources). CAA § 172(a)(2)(A), (b) & (c)(1), 74 FR 58689 (Nov. 13, 2009). EPA will take action on this RACM demonstration in a separate rulemaking.

- *Guidance Document for Correcting Common VOC and Other Rule Deficiencies*, EPA Region IX (August 21, 2001, the "Little Bluebook").
- *State Implementation Plans; General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990*, 57 FR 13498 (April 16, 1992); 57 FR 18070 (April 28, 1992).
- *State Implementation Plans; Nitrogen Oxides Supplement to the General Preamble; Clean Air Act Amendments of 1990 Implementation of Title I; Proposed Rule*, 57 FR 55620 (Nov. 25, 1992).
- *Final Rule To Implement the 8-Hour Ozone NAAQS – Phase 2*, 70 FR 71612 (Nov. 25, 2005).
- *Determination of Reasonably Available Control Technology and Best Available Retrofit Control Technology for Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters*, CARB (July 18, 1991).
<http://www.arb.ca.gov/ractbarc/boilers.pdf>
- *Alternative Control Techniques Document-- NOx Emissions from Industrial/Commercial/Institutional (ICI) Boilers*, US EPA 453/R-94-022 (March 1994).
<http://nepis.epa.gov/EPA/html/Pubs/pubtitleOAR.htm>
- *Alternative Control Techniques Document-- NOx Emissions from Utility Boilers*, US EPA 452/R-93-008 (March 1994). <http://nepis.epa.gov/EPA/html/Pubs/pubtitleOAR.htm>
- *State Implementation Plans (SIPs): Policy Regarding Excess Emissions During Malfunctions, Startup and Shutdown* from Steven A. Herman, Assistant Administrator for Enforcement and Compliance Assurance, and Robert Perciasepe, Assistant Administrator for Air and Radiation, September 20, 1999.

Evaluation of Rule Stringency

As noted above, submitted Rule 233 must fulfill RACT requirements for NO_x. See CAA § 182(b)(2) and (f); 40 CFR 51.912(a). EPA issues two types of guidance to assist states in determining what control techniques meet the RACT requirement: control techniques guidelines (CTGs) and alternative control techniques (ACTs). CTGs establish the presumptive level of control meeting RACT, whereas ACTs describe available control techniques and their cost effectiveness, but do not define presumptive RACT levels. 70 FR 71654 (Nov. 25, 2005). EPA has not issued a CTG for NO_x for boilers, but in 1994 EPA issued an ACT Document for NO_x emissions from Industrial/Commercial/Institutional Boilers (1994 ACT).

As part of our evaluation of Rule 233, we reviewed the 1994 ACT, which identifies NO_x emission levels for biomass-fueled boilers ranging from 24 ppm to 187 ppm at 3% O₂, based on the use of SNCR controls with ammonia or urea injection. 1994 ACT at Appendix B, pages B20-B21. This translates to a range of approximately 18 to 142 ppm at 12% CO₂. This wide range of emission levels reflects the broad technical diversity among the types of boilers that fire biomass as fuel, including stokers, circulating fluidized bed boilers and bubbling fluidized bed boilers. It also reflects the variety of fuels that the term "biomass" covers, including various kinds of plant materials, wood materials and agricultural wastes.

In addition to reviewing the 1994 ACT, we obtained information about NO_x emission limits in permits for biomass-fueled boilers from the RACT/BACT/LAER Clearinghouse (RBLC, <http://cfpub.epa.gov/RBLC/>). We searched the RBLC for permits dated between 2001 and 2011

with process utility code 11.120 (Utility and Large Industrial Size Boilers/Furnaces (>250 MMBtu/hr), Biomass). The NOx emission limits in these permits range between 0.01 lb/MMBtu (RBLIC ID = GA-0132, issued 2008) to 0.6 lb/MMBtu (RBLIC ID = NH-0013, issued 2004), both for a 30 day rolling averaging period. These limits translate to a range of approximately 5 to 328 ppm at 12% CO₂. According to the RBLIC, the 5 ppm limit has not been verified. The only permit found in the RBLIC with a limit with a 3-hour averaging period similar to limit in Rule 233 is a limit of 0.3 lb/MMBtu, or approximately 164 ppm at 12% CO₂ (RBLIC ID = AL-0250, issued 2010).

We also reviewed rules from other air districts in California that regulate biomass boilers. Yolo-Solano Air Quality Management District adopted a Biomass Boiler Rule (Rule 2.43) on November 10, 2010 that limits NOx emissions to 90 ppm corrected to 3% O₂ on a 24-hour block average. This is approximately equal to 68 ppm at 12% CO₂. San Joaquin Valley Unified Air Pollution Control District's (SJVUAPCD) Solid Fuel Fired Boiler Rule (Rule 4352, adopted May 18, 2006) has a NOx emission limit for biomass boilers of 115 ppm at 3% O₂ on a 24-hour block average, which translates to approximately 87 ppm at 12% CO₂. We recently finalized a limited disapproval of SJVUAPCD rule because we determined that SJVUAPCD had not adequately demonstrated that the NOx limits in the rule satisfied RACT.

Finally, we reviewed source test results for the only two currently existing facilities in Placer County that are subject to Rule 233. Source test results for both facilities for 2009 are shown in the following table.

Facility	Boiler	Emission
Sierra Pacific Industries, Lincoln	289 MMBtu/hr, stoker	51.2 ppm at 12% CO ₂
Rio Bravo Rocklin	356.8 MMBtu/hr, CFB	37.6 ppm at 12% CO ₂

The source test results establish the emission levels that the facilities have been able to achieve in practice.

The NOx emission limit in submitted Rule 233 is 115 ppm at 12% CO₂ for a rolling 3-hour averaging period. This limit, which has been in place since the rule was first adopted in 1994, falls in the middle to high end of the range of achievable emission levels for biomass-fired boilers shown in the 1994 ACT (approximately 18 to 142 ppm at 12% CO₂) and near the middle of the range of limits in recent permits for this source category (approximately 5 to 328 ppm at 12% CO₂). The limit is less stringent than those found in the analogous rules of other air districts in California. In addition, source test data show that the existing biomass-fired boilers in Placer County that are subject to Rule 233 are achieving emission levels significantly below 115 ppm at 12% CO₂. EPA is not aware of any information indicating that these lower emission levels are not reasonably achievable in Placer County.

Thus, although EPA previously approved Rule 233 as RACT for this source category under the 1-hour ozone NAAQS, 61 FR 18959 (April 30, 1996), new information indicates that the previous RACT determination is no longer appropriate. See 70 FR 71652. We therefore propose to determine that the PCAPCD has not adequately demonstrated that the NOx limit in Rule 233 (115 ppm at 12% CO₂) represents RACT.

Evaluation of Enforceability and SIP Revision Criteria

Recordkeeping and other compliance provisions in the rule ensure that the requirements are adequately enforceable. The amendment of the Rule addresses EPA concern regarding the start-up and shutdown provisions and aligns these provisions with EPA guidance on the matter.

The submitted rule eliminates the less stringent NOx emission limit option and adds a more stringent emission limit for CO than the version previously approved into the SIP. As shown in the "Changes to the Rule" section above, the new limits for start-up and shutdown periods are more stringent than the existing limits for each of the facilities currently subject to the rule. Therefore, we propose to determine that a limited approval of the submittal would comply with CAA section 110(l) because (1) the proposed SIP revision would not interfere with the on-going process for ensuring that requirements for RFP and attainment of the NAAQS are met, and (2) the submitted SIP revision is more stringent than the rule previously approved into the SIP. We also propose to determine that a limited approval of the submittal would comply with CAA section 193 because the submitted SIP revision is more stringent than the rule previously approved into the SIP and would insure equivalent or greater emission reductions of NOx and CO.

Rule Deficiency

As explained above under Evaluation of Rule Stringency, we believe that PCAPCD has not demonstrated that the NOx emission limits for biomass boilers implement RACT and that the NOx emission limits should be lowered to ensure implementation of RACT. Alternatively, PCAPCD may submit additional information to demonstrate that lower emission limits are not reasonably achievable.

Recommendation

EPA staff recommends a limited approval and limited disapproval of PCAPCD Rule 233 under CAA sections 110(k)(3) and 301(a).

Other References

1. RBLC permit information (AL-0250, GA-0132, NH-0013)
2. Source test results for Sierra Pacific Industries, Lincoln, 2009
3. Source test results for Rio Bravo Rocklin, 2009
4. Email from John Finnell to Idalia Perez on 4/8/2011
5. Submitted Rule 233
6. Staff Report for Rule 233
7. Current SIP-approved version of Rule 233

ATTACHMENT #3

SUBJECT:

Calculations of % Oxygen vs. % Carbon Dioxide

District Calculations

Comparing Theoretical Values at 3% O2 vs. 12% CO2 Using F Factors

$$F_o = (20.9 - \%O_2) / \%CO_2$$

$$F_o = 0.209 F_d / F_c$$

$$F_d = 9240 \quad \text{Wood}$$

$$F_c = 1830 \quad \text{Wood}$$

(Above F factors from EPA Method 19)

$$\text{If } \%CO_2 = 12$$

$$F_o = (20.9 - \%O_2) / \%CO_2 = (20.9 - \%O_2) / 12 = .209 * 9,240 / 1,830$$

$$F_o = (20.9 - \%O_2) = 12 * .209 * 9,240 / 1830 = 12.663$$

Solving for O2

$$\%O_2 = 8.2367$$

$$NO_x @ 3\% O_2 = (20.9\% - 3\%) / (20.9 - \%O_2) \times NO_x \text{ at } 12\% CO_2$$

$$NO_x @ 3\% O_2 = 1.4135 \times NO_x \text{ at } 12\% CO_2$$

$$90 @ 3\% = 64 @ 12\% CO_2$$

(approximately)

Apparently, EPA used a F Factors other than the ones
in the above equations and solved for O2

$$\%O_2 = 7.38$$

$$NO_x @ 3\% O_2 = (20.95\% - 3\%) / (20.95 - \%O_2) \times NO_x \text{ at } 12\% CO_2$$

$$NO_x @ 3\% O_2 = 1.3228 \times NO_x \text{ at } 12\% CO_2$$

$$90 @ 3\% O_2 = 68 @ 12\% CO_2$$

Yolo-Solano's staff report indicated that a typical biomass boiler ran at
7 % O2 which they calculated as equivalent to 70 ppmv at 12% CO2.

ATTACHMENT #4

SUBJECT:

Proposed Rule 233, Biomass Boilers Strikeout Version

RULE 233 BIOMASS BOILERS

Adopted 10-6-94
(Amended 10-11-07, 12-10-09, ~~6-14-12~~)

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100 GENERAL

- 101 APPLICABILITY:** This rule applies to stoker and circulating fluidized bed boilers and steam generators which have a heat input rating of less than 500 million Btu per hour and a potential to emit, as defined in Rule 502, NEW SOURCE REVIEW, 25 tons or more of NO_x emissions and which have a primary energy source of biomass consisting of a minimum of 75 percent of the total annual heat input.
- 102 FEDERAL REGULATIONS:** Compliance with this rule shall not exempt a person from complying with any federal regulation promulgated pursuant to the Clean Air Act (42 U.S.C. Section 7401 et seq.).
- 103 EXEMPTION, BOILERS, STEAM GENERATORS, AND PROCESS HEATERS:** This rule shall not apply to boilers, steam generators, and process heaters subject to Rule 231, INDUSTRIAL, INSTITUTIONAL, AND COMMERCIAL BOILERS, STEAM GENERATORS, AND PROCESS HEATERS.
- ~~**104 EXEMPTION, BIOMASS SUSPENSION BOILERS:** This rule shall not apply to existing boilers and steam generators subject to Rule 232, BIOMASS SUSPENSION BOILERS.~~
- 1045 EXEMPTION, MUNICIPAL SOLID WASTE:** This rule shall not apply to combustion units whose primary purpose is to burn municipal solid waste, as defined in Section 2098.
- 1056 EXEMPTION, WASTE HEAT RECOVERY BOILERS:** The provisions of this rule do not apply to waste heat recovery boilers used to recover sensible heat from the exhaust of combustion turbines or unfired waste heat recovery boilers used to recover sensible heat from the exhaust of any combustion equipment.

200 DEFINITIONS

- 201 BIOMASS:** Any organic material not derived from fossil fuels, such as agricultural crop residues, bark, lawn, yard and garden clippings, leaves, silvicultural residue, tree and brush pruning, wood and wood chips, and wood waste, including these materials when separated from other waste streams. Biomass does not include material containing sewage sludge, industrial sludge, medical waste, hazardous waste, or radioactive waste.
- 202 BIOMASS BOILER OR STEAM GENERATOR:** Any combustion equipment used in any industrial, institutional, or commercial operation designed to burn biomass to produce steam, heat water or other fluids, and/or produce electricity.
- ~~**203 BLOCK 24-HOUR AVERAGE:** The arithmetic average of the hourly air pollution emission rates of discharge as measured over 24 contiguous one-hour periods from 00:00:00 to 23:59:59, 24-hour clock time.~~
- 2043 BRITISH THERMAL UNIT (BTU):** The amount of heat required to raise the temperature of one pound of water from 59 degrees F to 60 degrees F at one atmosphere.
- 2054 CIRCULATING FLUIDIZED BED BOILER:** A boiler that burns solid fuel in a moving suspension of inert materials, forced through upward blowing of air jets, and where the ash and inerts are captured and recirculated back into the moving fluidized bed.
- 2065 CURING STARTUP:** A startup which includes heating the boiler at predetermined rate and holding temperature at several points to allow for insulating materials to cure in the boiler refractory. A curing startup shall not exceed 96 hours.
- 2076 HEAT INPUT:** The chemical heat released due to fuel combustion in a boiler, using the higher heating value of the fuel. This does not include the sensible heat of incoming combustion air.

- 2087 HIGHER HEATING VALUE (HHV):** The total heat liberated per mass of fuel burned (BTU per pound), when fuel and dry air at standard conditions undergo complete combustion and all resultant products are brought to their standard states at standard conditions. HHV shall be determined by one of the following test methods:
- 2078.1 ASTM E711 for biomass; or
 - 2078.2 ASTM D 240-87 or ASTM D 2382-82 for liquid hydrocarbon fuels; or
 - 2078.3 ASTM D 1826-88 or ASTM D 1945-81 in conjunction with ASTM D 3588-89 for gaseous fuels.
- 2098 MUNICIPAL SOLID WASTE:** Household, commercial/retail, and/or institutional waste. Household waste includes material discarded by single or multiple residential dwellings, hotels, motels, and other similar permanent or temporary housing establishments or facilities. Commercial/retail waste includes material discarded by stores, offices, restaurants, warehouses, non-manufacturing activities at industrial facilities, and other similar establishments or facilities. Institutional waste includes material discarded by schools, hospitals, prisons, and government facilities and other similar establishments or facilities.
- 21009 NO_x EMISSIONS:** The sum of nitric oxides and nitrogen dioxide in the flue gas, collectively expressed as nitrogen dioxide (NO₂).
- 2110 PARTS PER MILLION BY VOLUME (PPMV):** The ratio of the number of gas molecules of a given species, or group, to the number of millions of total gas molecules.
- 2124 RATED HEAT INPUT CAPACITY:** The heat input capacity, in million BTU per hour, specified on the nameplate of the combustion unit. If the combustion unit has been altered or modified such that its maximum heat input is different than the input capacity specified on the nameplate, and this alteration or modification has been approved by the Air Pollution Control Officer and made a limiting condition of operation, then the new maximum heat input shall be considered as the rated heat input capacity.
- 2132 RESPONSIBLE OFFICIAL:** An individual with the authority to certify that a source complies with all applicable requirements, including the conditions of permits issued to sources in accordance with Regulation 5, PERMITS. A "responsible official" means one of the following:
- 2132.1 For a corporation, a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:
 - 2132.1.1 The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or
 - 2132.1.2 The delegation of authority to such representative is approved in advance by the Air Pollution Control Officer;
 - 2132.2 For a partnership or sole proprietorship, a general partner or the proprietor, respectively; or
 - 2132.3 For a municipality, state, federal, or other public agency, either a principal executive officer or a ranking elected official; or
 - 2132.4 For an acid rain unit subject to Title IV (Acid Deposition Control) of the Clean Air Act, the "responsible official" is the designated representative of that unit for any purposes under Title IV and Rule 507, FEDERAL OPERATING PERMITS PROGRAM.

2143 SHUTDOWN: A shutdown starts when fuel feed is curtailed and the unit begins cooling from the unit's normal operating temperature, as specified by the manufacturer, and ends when steam flow is zero or 24 hours has elapsed since the start of the shutdown, whichever occurs first.

2154 STARTUP: The period of time a unit is heated to the normal operating temperature, as specified by the manufacturer. A normal startup shall not exceed 24 hours. A curing startup shall not exceed 96 hours.

2165 STOKER BOILER: A boiler that burns solid fuel on a stationary or moving grate located at the bottom of the furnace, and where the fuel is supplied and ash removed continuously.

2176 UNIT: Any biomass boiler or steam generator as defined in Sections 202.

2187 WOOD: Wood, wood residue, bark, or any derivative fuel or residue thereof, in any form, including but not limited to sawdust, sanderdust, wood chips, scraps, slabs, millings, shavings, and processed pellets made from wood or other forest residues.

300 STANDARDS

301 LIMITATIONS:

301.1—No person shall allow the discharge of NO_x and CO emissions into the atmosphere from a biomass boiler or steam generator in excess of the following standards, excluding startup and shutdown conditions:

Type of Boiler	NOx <u>(Emission limits effective until December 31, 2012)</u>	<u>NOx</u> <u>(Emission limits effective January 1, 2013)</u>	CO
Circulating Fluidized Bed (<500 MMBtu/hour)	115 ppmv corrected to 12% CO ₂ (3 hour rolling average)	<u>115 ppmv corrected to 12% CO₂</u> <u>(3 hour rolling average)</u>	400 ppmv corrected to 12% CO ₂ (3 hour rolling average)
		<u>68 ppmv corrected to 12% CO₂</u> <u>(24 hour block average)</u>	
Stoker (<500 MMBtu/hour)	115 ppmv corrected to 12% CO ₂ (3 hour rolling average)	<u>115 ppmv corrected to 12% CO₂</u> <u>(3 hour rolling average)</u>	1000 ppmv corrected to 12% CO ₂ (3 hour rolling average)
		<u>68 ppmv corrected to 12% CO₂</u> <u>(24 hour block average)</u>	

302 STARTUP AND SHUTDOWN PROVISIONS

302.1—The emission limits of Section 301.4 shall not apply during startup or shutdown provided the following requirements are met:

4-302.1 CO₂ emissions are 10 percent or less by volume stack gas on a one-hour average dry basis.

302.2 During startup and shutdown, the mass emissions of NO_x and CO shall not exceed the levels shown below. The block averaging time starts at the beginning of either the startup or the shutdown.

2-

Type of Boiler	NOx	CO
Circulating Fluidized Bed (<500 MMBtu/hour)	35 pounds per hour (24 hour block average)	56 pounds per hour (24 hour block average)
	35 pounds per hour (72 hour block average during curing startup)	56 pounds per hour (72 hour block average during curing startup)
Stoker (<500 MMBtu/hour)	37.6 pounds per hour (3 hour rolling average)	170 pounds per hour (3 hour rolling average)

~~302.3~~ ~~302.1.3.~~ A normal startup shall not exceed 24 hours. A startup which involves curing of refractory shall not exceed 96 hours.

400 ADMINISTRATIVE REQUIREMENTS

401 OPERATION AND MAINTENANCE PLAN: Any person installing an emission control device as a means of complying with the emission limitations of Section 301 shall submit an Operation and Maintenance Plan with the application for Authority to Construct for the emission control device.

401.1 The Operation and Maintenance Plan shall specify:

401.1.1. Operation and maintenance procedures that will demonstrate continuous operation of the emission control device during emission-producing operations; and

401.1.2 Records that must be kept to document the operation and maintenance procedures.

401.1.3. Each source must provide to the District a description of the actions that will be taken to minimize emissions during startup and shutdown events.

401.2 The records must comply with Sections 501, 502, and 5045.

401.3 The Operation and Maintenance Plan shall be implemented upon approval by the Air Pollution Control Officer.

401.4 Subsequent to the construction of any emission control device used for demonstrating compliance with the emission limitation of Section 301, an Operation and Maintenance Plan shall be submitted or resubmitted in conjunction with any changes in the procedures addressed in the plan, or upon the request of the Air Pollution Control Officer.

402 COMPLIANCE COSTS: A person operating a unit subject to this rule shall bear all expenses associated with compliance with the monitoring and reporting provisions of this rule.

403 CERTIFICATION: All reports submitted in accordance with this rule shall be signed by a responsible official who shall certify the truth, accuracy, and completeness of the report.

500 MONITORING AND RECORDS

501 RECORDKEEPING: A person operating a unit subject to this rule shall keep the following records for each unit:

501.1 Calendar date of record.

501.2 Number of hours the unit is operated during each day.

- 501.3 Boiler load.
- 501.4 Fuel types, including supplementary gaseous or liquid fuels.
- 501.5 Duration of startups and shutdowns.
- 501.6 Type and duration of maintenance and repairs.
- 501.7 Results of compliance tests.
- 501.8 Three-hour average NO_x emission concentration (expressed as NO₂ and corrected to 12 percent by volume stack gas CO₂).
- [501.9 Twenty-four hour average NO_x emission concentration \(expressed as NO₂ and corrected to 12 percent by volume stack gas CO₂\).](#)
- 501.109 Three-hour average CO emission concentration (corrected to 12 percent by volume stack gas CO₂).
- 501.110 Startup and shutdown emissions records using averaging periods as required in Section 302.1.
- 501.124 Identification of time periods during which NO_x and CO emission limitations are exceeded, the reason for the exceedance, and a description of corrective action taken.
- 501.132 Identification of time periods during which operating condition and pollutant emission data were not obtained, the reason for not obtaining this information, and a description of corrective action taken.
- 501.143 If zero steam flow is used to determine the end of a shutdown, then steam flow must be recorded.

502 CONTINUOUS EMISSIONS MONITORING

- 502.1 A person operating a unit subject to this rule shall install, calibrate, operate, and maintain a Continuous Emissions Monitoring System (CEMS) in accordance with applicable requirements of Appendices B and F of Title 40 Code of Federal Regulations Part 60 (40 CFR 60).
- 502.2 The CEMS shall include equipment that measures and records the following:
 - 502.2.1. Continuous exhaust gas NO_x and CO concentrations corrected to 12 percent by volume stack gas CO₂ dry basis.
 - 502.2.2. Average NO_x and CO concentrations calculated on a three-hour [rolling](#) average basis.
 - [502.2.3 Average NO_x concentrations calculated on a twenty-four hour block average basis.](#)
- 502.3 A person operating a CEMS shall submit an excess emissions and monitoring systems performance report to the Air Pollution Control Officer within 30 days after the end of each calendar quarter in accordance with 40 CFR 60, Section 60.7(c) and (d) and Section 60.13.
- 502.4 The enhanced monitoring requirements of Sections 113 and 114 of the Federal Clean Air Act shall take precedence over the requirements of this Section for facilities subject to Rule 507, FEDERAL OPERATING PERMIT PROGRAM.

503 INITIAL COMPLIANCE TEST

- 503.1 An initial compliance test shall be conducted within 60 days of achieving the maximum firing rate at which the unit will be operated, but not later than 180 days after initial startup.
- 503.1.1 Each emission test run shall be conducted while the unit is operated within 10% of the maximum steady-state steam production rate. No emission test shall be conducted during startup, shutdown, or under breakdown conditions for the purpose of the initial compliance test.
- 503.1.2. The initial compliance test shall be conducted for NO_x and CO using the test methods specified in Section 504.
- 503.2 At least sixty (60) days prior to the initial compliance test, a written test plan detailing the test methods and procedures to be used shall be submitted for approval by the Air Pollution Control Officer. The plan shall cite the test methods to be used for the determination of compliance with the emission limitations of this rule. The plan shall provide the proposed procedures for the characterization of the representative biomass materials to be burned during testing.

~~504 CORRECTION OF EMISSION CONCENTRATIONS: NO_x and CO concentrations may be corrected to 8 percent by volume stack gas O₂ instead of 12 percent by volume stack gas CO₂ if approved by the Air Pollution Control Officer in a Permit to Operate.~~

5054 TEST METHODS: A person conducting source tests shall use the following test methods:

- 5054.1 Nitrogen Oxides (NO_x): ARB Test Method 100, Title 17, CCR, Section 94114, Procedures for Continuous Emission Stack Sampling, or EPA Test Method 7E, 40 CFR 60, Appendix A. A violation determined by any of these test methods shall constitute a violation of this rule.
- 5054.2 Carbon Monoxide (CO): ARB Test Method 10, Title 17, CCR, Section 94109, Determination of Carbon Monoxide Emissions from Stationary Sources, or ARB Test Method 100, or EPA Test Method 10, 40 CFR 60, Appendix A. A violation determined by any of these test methods shall constitute a violation of this rule.
- 5045.3 Carbon Dioxide (CO₂): ARB Test Method 100, Title 17, CCR, Section 94114, Procedures for Continuous Emission Stack Sampling, or EPA Test Method 3A, 40 CFR 60, Appendix A.

5065 DURATION OF RECORDS: All records maintained pursuant to this rule shall be retained for at least two years from date of entry, with the exception that sources subject to the requirements of Rule 507, FEDERAL OPERATING PERMIT PROGRAM, shall retain records at least five years. Records shall be made available for inspection by the Air Pollution Control Officer upon request.