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Thomas J. Christofk, Air Pollution Control Officer

#### **MEMORANDUM**

**TO:** Board of Directors, Placer County Air Pollution Control District

**FROM:** Todd K. Nishikawa, Manager, Compliance and Enforcement

**AGENDA DATE:** August 10, 2006

**SUBJECT:** Adoption of Resolution 06-10, Resolution 06-11, and Resolution 06-14;

Declarations of No Sources to Regulate for Volatile Organic Compounds

(VOC) in Specific Rule Categories (Public Hearing/Action)

#### **Action Requested:**

- 1) Conduct a Public Hearing regarding Resolution 06-10 and Resolution 06-11, declaring that there are "No Sources to Regulate" in twenty-four source categories and no Major non-CTG Sources to regulate.
- Adopt Resolution #06-10, a Negative Declaration certifying that there are "No Sources to Regulate" in Placer County in the following seven source categories where it has been determined that no Major Stationary VOC Sources exist in the District (Note: This affirms Negative Declarations for these categories made in 1997):
  - a. Aerospace Coatings
  - b. Plastic Parts Coating Business Machines
  - c. Plastic Parts Coating Other
  - d. Ship Building and Repair
  - e. Synthetic Organic Chemical Manufacturing Batch Plants
  - f. Synthetic Organic Chemical Manufacturing Reactors
  - g. Industrial Waste Water Treatment
- 3) Adopt Resolution #06-11, a Negative Declaration certifying that there are "No Sources to Regulate" in Placer County in the following seventeen source categories where it has been determined that no Major Stationary VOC Sources exist in the District (Note: These are new Negative Declarations):
  - a. Synthetic Organic Chemical Manufacturing, Distillation
  - b. Large Appliances
  - c. Magnet Wire
  - d. Metal Furniture
  - e. Traffic Marking
  - f. Natural Gas/Gasoline Plants
  - g. Refineries
  - h. Bakeries

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- i. Ethylene Oxide
- j. Fertilizer
- k. Ink and Paint Manufacturing
- 1. Leather Tanning
- m. Pesticides
- n. Pharmaceutical Products
- o. Polyester Resin Manufacturing
- p. Rubber Tires
- q. Sulfuric Acid
- 4) Adopt Resolution #06-14, a Negative Declaration certifying that there are "No Sources to Regulate" in Placer County that are Major Sources in non-CTG source categories for which the District has not adopted rules that meet RACT requirements.

### **Background:**

The 1990 Federal Clean Air Act Amendments (FCAA) requires the District to adopt Reasonably Available Control Technology (RACT) prohibitory rules for existing Major sources of VOC. This is to reduce emissions of these pollutants, thereby reducing ozone formation which will help achieve federal and state air quality standards. In the event that there are no Major Sources in one or more of the above rule categories for which RACT guidance has been provided, the United States Environmental Protection Agency (U.S. EPA) requires districts to negatively affirm such absence of Major Sources.

The purpose of this proposed Board action is to formalize a "negative declaration" (term not to be confused with the same term used with the California Environmental Quality Act connotation), for the rule categories listed below. The negative declaration eliminates the need to adopt the otherwise required rules. The submittals for the above categories reaffirm the negative declarations previously submitted in October, 1997, and later approved by the U.S. EPA in Federal Register Notice FR 50766, September 23, 1998.

RACT is defined in the Code of Federal Regulations (CFR) 57 FR 55620, as "the lowest emission limitation that a unit is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility". Section 182(b)(2) of the FCAA requires districts which contain non-attainment areas for ozone in their boundaries, to implement applicable VOC RACT rules for Major Stationary Sources. A Major Source of VOCs in Placer County has a potential to emit 25 tons of the pollutant in a year.

The U.S. EPA's interpretation of FCAA Section 110, <u>State Implementation Plans</u>, is that a negative declaration must go through the same public review requirements as any other State Implementation Plan (SIP) submittal because, while a negative declaration is not specifically required by the FCAA, it is replacing a required program element in the Sacramento Area Regional Ozone Attainment Plan. The negative declaration, therefore, would be subject to the same administrative procedures as any other SIP submittal.

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The 2006 RACT SIP Update Analysis found that the Negative Declarations made in 1997 that there are no existing Major Stationary Sources to regulate in seven (7) VOC RACT source categories may be reaffirmed. In addition, the analysis found that there are an additional seventeen (17) VOC RACT source categories for which no Major Stationary VOC Sources currently exist in Placer County and for which new negative declarations may be made. Finally, the analysis found that there are no Major Sources in Placer County for which a CTG has not been promulgated that does not have a District adopted rule that satisfies RACT requirements.

This action will have no impact on emissions, since the District will not at this time adopt VOC RACT control measures for the twenty-four specified source categories subject to the Negative Declarations.

### **Fiscal Impact:**

There is no direct fiscal impact from this action. The Negative Declarations mean that it will not be necessary for the District to adopt VOC RACT control measures in the identified twenty-four source categories and therefore this action avoids the expense of rule development, adoption, and implementation. In addition, because no rules will be adopted at this time, any non-Major VOC Sources that may later come to Placer County or be found to exist will not incur RACT rule compliance costs. All Major non-CTG Sources already have District adopted rules that meet RACT and therefore these Major Sources will not have any additional requirements as a result of this action.

## **Public Outreach:**

The Board Hearing to consider the adoption of above actions were noticed in the Auburn Journal on July 9, 2006, and in the Roseville Press-Tribune on July 8, 2006. The purpose of the Board Public Hearing is to consider public comments regarding these Negative Declarations. No other public meetings were held. No public comments were submitted.

### **Recommendation:**

That the District Board, in a public hearing:

- Adopt Resolution #06-10, thereby certifying that there are no Major Sources of VOC in the seven (7) source categories specified, reaffirming Negative Declarations findings previously made by the District Board and approved by U.S. EPA;
- Adopt Resolution #06-11, thereby certifying that there are no Major Sources of VOC in the seventeen (17) source categories specified, within the Placer County Air Pollution Control District, and therefore that the requirements of Section 182(b)(2) of the FCAA are not presently applicable to the District; and
- Adopt Resolution #06-14, thereby certifying that there are no Major Sources in Placer County in source categories for which Control Technology Guidelines have not been promulgated that the District has not adopted rules satisfying RACT requirements.

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The Resolutions direct the submittal of the Negative Declarations to U.S. EPA as revisions to the State Implementation Plan.

## **Attachment(s):**

- 1) Resolution #06-10: The Declaration of "No Sources to Regulate for Volatile Organic Compounds (VOC)" for Seven Specific VOC Rule Categories for Placer County, Which Had Been Previously Approved by U.S. EPA, and the Submittal of the Declaration as a Requested Revision to the State Implementation Plan.
- 2) Resolution #06-11: The Declaration of "No Sources to Regulate for Volatile Organic Compounds (VOC)" for Seventeen Specific VOC Rule Categories for Placer County, and the Submittal of this Declaration as a Requested Revision to the State Implementation Plan.
- 3) Resolution #06-14: A Declaration of "No Sources to Regulate" in Non-CTG Source Categories in Placer County, and the Submittal of this Declaration as a Requested Revision to the State Implementation Plan.

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### **ATTACHMENT #1**

### **SUBJECT:**

## Resolution #06-10:

The Declaration of "No Sources to Regulate for Volatile Organic Compounds (VOC)" for Seven Specific VOC Rule Categories for Placer County, Which Had Been Previously Approved by U.S. EPA, and the Submittal of the Declaration as a Requested Revision to the State Implementation Plan.

## **ATTACHMENT #2**

### **SUBJECT:**

### Resolution #06-11:

The Declaration of "No Sources to Regulate for Volatile Organic Compounds (VOC)" for Seventeen Specific VOC Rule Categories for Placer County, and the Submittal of this Declaration as a Requested Revision to the State Implementation Plan.

# **ATTACHMENT #3**

## **SUBJECT:**

Resolution #06-14:

A Declaration of "No Sources to Regulate" in Non-CTG Source Categories in Placer County, and the Submittal of this Declaration as a Requested Revision to the State Implementation Plan..