

# PLACER COUNTY AIR POLLUTION CONTROL DISTRICT

## REGULATORY MEASURES LIST

### - List of Rules to Be Considered for Adoption in 2012 -

**January 2012**

The listed rules or regulatory measures are being considered for adoption, amendment or rescission in the 2012 calendar year. If the rule or regulatory measure is not addressed in 2012, it may be considered for adoption, amendment, or rescission in the 2013 calendar year or later.

In accordance with Health and Safety Code Section 40923, a regulatory measure may not be considered for adoption during any year that it is not listed in the most recent published list of proposed regulatory measures unless earlier consideration is required to satisfy federal requirements, to abate a substantial endangerment to public health or welfare, or comply with Section 39666 (i.e. required to implement State Air Toxic Control Measures) or 40915 (i.e. contingency measures contained in air quality plans). This listing requirement does not apply to administrative rules that are not control measures, or to the modification of any existing rule the District finds is necessary to preserve the original intent of the rule or to increase opportunities for alternative compliance methodology. Although not required by Section 40923, the list provided includes administrative rules to be considered for adoption, amendment or rescission in 2012 to the extent such rules have been identified by District staff.

#### **Regulations Being Considered for Adoption in 2012:**

##### **Most likely to be adopted, amended, or rescinded in 2012:**

- Amend Rule 214, Transfer of Gasoline into Vehicle Fuel Tanks, to address US EPA comments and correct deficiencies required for SIP approval.
- Amend Rule 233, Biomass Boilers, to address US EPA comments and Federal Reasonably Available Control Technology (RACT) requirements required for SIP approval (added 2010).
- Amend Regulation 3, Open Burning, Rules 301 to 306, and Rule 102, Definitions, to address US EPA comments and deficiencies identified by District staff in order to avoid a limited approval/disapproval of the SIP revision (added 2012).
- Amend the following rules to preserve the original intent of the rules to meet Federal CAA requirements for the adoption of RACT and California CAA requirements for the adoption of Best Available Retrofit Control Technology (BARCT) and “every feasible measure”:
  - Rule 216, Organic Solvent Cleaning and Degreasing Operations (added 2009)
  - Rule 217, Cutback and Emulsified Asphalt Paving Materials (added 2009)
  - Rule 235, Adhesives (added 2010)
  - Rule 239, Graphic Arts Operations (added 2010)
  - Rule 240, Surface Preparation and Cleanup (added 2012)
- Rescind the following rules since the RACT requirement is no longer needed for major sources that are no longer operating:
  - Rule 229, Fiberboard Manufacturing (SierraPine Ltd.)
  - Rule 230, Plastic Products and Materials - Paper Treating Operations (Formica Corporation)

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- Rule 232, Biomass Suspension Boilers (SierraPine Ltd.)
- Rule 241, Boilers at Plastic Laminate Manufacturing Facilities (Formica Corporation)
- Rule 227, Petroleum Dry Cleaning Operations (will defer to Federal Standards)
- Rule 237, Municipal Landfills (no applicable sources remaining)
- Rule 506, Biomass Emission Credits (replaced by Rule 516, Rice Straw Emission Reduction Credits)
- Rule 805, Notice to Comply (mandating statute sunset January 1, 2001)
- Rescind the following rules in favor of implementing the state regulation. The rules were adopted to implement State Airborne Toxic Control Measures (ATCMs); however, the ATCMs are updated every five years leaving the District's rules outdated unless revised. By law each ATCM becomes enforceable by the air district after six months, if an equivalent or more stringent rule is not locally adopted. Rescinding these rules will make it unnecessary to update the rules when the State makes changes to the ATCMs (added 2010).
  - Rule 902, Airborne Chromium Control Measure - Emissions of Hexavalent Chromium From Chrome Plating and Anodizing Operations
  - Rule 903, Ethylene Oxide Airborne Toxic Control Measure for Sterilizers and Aerators
  - Rule 904, Airborne Toxic Control Measure - Hexavalent Chromium Emissions From Cooling Towers
  - Rule 905, Airborne Toxic Control Measure - Asbestos Containing Serpentine Rock in Surfacing Applications
  - Rule 906, Airborne Toxic Control Measure - Medical Waste Incinerators

### **To be considered, but less likely to be adopted or amended in 2012:**

- Amendment of Rule 206, Incinerator Burning, and if necessary, Rule 222, Reduction of Animal Matter, to resolve conflicting requirements for human/animal cremation (added 2010).
- Amendment of Rule 207, Particulate Matter, to address US EPA disapproval comments (added 2012).
- Adoption of a new rule (possibly number 247) or amendment of an existing rule to set low NOx emission standards for newly installed Large Water Heaters and Boilers between 75,000 BTU and 1,000,000 BTU. This range of heating values is currently not addressed by a District rule. Adoption of a new or revised rule is a SIP commitment for 2015 (added 2010).
- Adopt Rule 249, Plastic Parts Coating, to satisfy Federal Reasonably Available Control Technology (RACT) requirements (added 2012).
- Amendment of Rule 601, Permit Fees, to make fee schedule changes that will better reflect actual levels of effort and distributed program costs, while being relatively revenue neutral with respect to the total of permit fee revenue derived from stationary sources. Fee rules are administrative and are not regulatory measures; however, the consideration of the fee rules is mentioned to be as complete as possible in the disclosure of planned rules and rule changes (added 2009).
- Amendment of Rule 604, Source Test Observation and Report Evaluation, to allow fees to be assessed based on actual staff hours, if actual costs exceed the specified fee of \$220 for a source test observation and report evaluation, and to add an annual CPI adjustment to the \$220 fee. Fee rules are administrative and are not regulatory measures; however, the consideration of fee rules is mentioned to be as complete as possible in the disclosure of planned rules and rule changes (added 2010).

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- Adoption of new Rule 609, Clean Air Act Fees. Section 185 fees are punitive fees designed to incentivize areas that are classified as severe or extreme nonattainment of the ozone ambient air quality standard, in order to meet the scheduled attainment date. If an area does not meet the scheduled attainment date, then its major stationary sources shall be charged an annual fee for excess emissions of ROG and NO<sub>x</sub> until attainment is achieved. Alternative 185 fee programs may be established for 1-hour ozone nonattainment areas in order to help eliminate or offset fees that are required to be paid by major stationary sources. The adoption of this rule will only be sought if the District is found to have not met a scheduled attainment date and sanctions are pending against the District (added 2009).
- Amendment of Rule 610, Air Toxics “Hot Spots” Fees, which authorizes fees to provide funding for the District “Hot Spots” program administration and technical evaluations, as well as fees for the California Air Resources Board that are collected by the District and then passed-through. The amendment is required to reflect current charges of ARB and current costs to the District. The Rule was last amended in 1998. Fee rules are administrative and are not regulatory measures that are required to be listed; however, the consideration of the fee rules is mentioned to be as complete as possible in the disclosure of planned rules and rule changes (added 2009).
- Adoption of new fees for toxic new source reviews, area-wide and indirect source reviews, naturally-occurring asbestos dust control plan reviews and fees to recover District costs for other reviews that are separate from fees included in Rule 601, Permit Fees, may be considered. Fee rules are administrative and are not regulatory measures; however, the consideration of the fee rules is mentioned to be as complete as possible in the disclosure of planned rules and rule changes (added 2005).
- Adoption of a new rule or amendment of an existing rule defining the authority of the District to inspect permitted facilities; and to collect, record, and preserve evidence or information upon inspection (including documentation of compliance and non-compliance by the taking of photographs and video images) (added 2005).



**For information and comparative purposes the regulatory measures that were actually adopted by the District in calendar years 2008 through 2011 are listed below:**

#### **Regulatory Measures That Were Adopted/Amended in 2008:**

- Negative Declaration, adopted December 11, 2008, with regard to no sources in Placer County exceeding the threshold of Control of Volatile Organic Emissions from Flexible Package Printing (EPA-453/R, 06-003, 09/2006) to satisfy federal requirements.
- Rule 206, Incinerator Burning. Amended October 9, 2008
- Rule 245, Surface Coating of Metal Parts and Products. Adopted December 11, 2008
- Rule 411, Indemnification of District. Adopted February 14, 2008
- Rule 412, Agricultural Engine Registration. Amended August 14, 2008
- Rule 515, Stationary Rail Yard Control Emission Reduction Credits. Adopted October 9, 2008

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#### **Regulatory Measures That Were Adopted/Amended in 2009:**

- Rule 214, Transfer of Gasoline into Vehicle Fuel Tanks. Amended April 9, 2009
- Rule 233, Biomass Boilers. Amended December 10, 2009
- Rule 245, Surface Coating of Metal Parts and Products. Amended August 20, 2009
- Rule 516, Rice Straw Emission Reduction Credits. Adopted February 19, 2009

#### **Regulatory Measures That Were Adopted/Amended in 2010:**

- Rule 102, Definitions, amended to reflect new terms used in rules (added 2010). Amended August 10, 2010.
- Rule 218, Architectural Coatings, amended to level the field for shop coaters and field coaters and to update the Rule for a 2007 CARB Suggested Control Measure. The amendment of Rule 218 is also a SIP commitment for 2012 (added 2007). Amended October 14, 2010.
- Rule 234, Automotive Refinishing Operations, amended to revise applicator requirements and may include an update of requirements to meet a 2005 CARB Suggested Control Measure (SCM). In addition, the District wishes to clarify the recordkeeping and reporting required of coating distributors. Amendment of this rule is a SIP commitment for 2015 (added 2009). Amended October 14, 2010.
- Rule 236, Wood Products Coating Operations and Rule 238, Factory Coating of Flat Wood Paneling, amended to update these rules to match existing state and federal control measure standards (added 2007). Amended October 14, 2010.
- Rule 501, General Permit Requirements, amended for submission as a revision of the SIP (added 2009). Amended August 10, 2010.
- Rule 502, New Source Review, amended for submission as a revision of the SIP (added 2009). Amended February 11, 2010.
- Rule 503, Emission Statement, amended to clarify and update the terminology with regard to the information to be reported (added 2010). Amended August 10, 2010.
- Rule 504, Emission Reduction Credits, amended to reflect new ERC rules and for submission as a revision of the State Implementation Plan (added 2009). Amended August 10, 2010.
- Rule 601, Permit Fees, amended to create a new semiconductor fee schedule, and a new fee for Prevention of Significant Deterioration (PSD) permitting for when such authority is delegated to the District. Amended December 9, 2010.

#### **Regulatory Measures That Were Adopted/Amended in 2011:**

- Rule 102, Definitions, to reflect new terms used in recently amended rules, particularly in the amendment of Regulation 3 (added 2011). Amended February 10, 2011.
- Rescinded Regulation 3, Open Burning, Rules 301 through 325 and adopted new Rules 301 – 306 to update the rules to match current state law and to address the US EPA's comments, and to reorganize and update the formatting of all of the Rules to make the requirements more easily understood (added 2010). Adopted February 10, 2011.
- Rule 412, Registration Requirements for Agricultural Engines, amended to provide for a low use exemption (added 2011). Amended August 11, 2011.

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- Rule 502, New Source Review, amended to address deficiencies identified in a limited approval/disapproval by US EPA of the version of the rule that was adopted on February 11, 2010 (added 2011). Amended October 13, 2011.
- Rule 517, Requirements for Stationary Sources Emitting Greenhouse Gases, adopted to meet mandatory implementation requirements of the federal Greenhouse Gas Tailoring Regulation (added 2011). Adopted February 10, 2011.
- Rule 518, Prevention of Significant Deterioration Permit Program, adopted to provide for the District's acceptance of delegation from the US EPA of PSD permitting authority for Major Sources (added 2011). Adopted February 10, 2011.
- Rule 607, Burning Permit Fees, to reconcile changes in references to Regulation 3 rules and to definitions. No fees were revised (added 2011). Amended February 10, 2011.
- Rule 608, Control Council Fee, to reconcile changes in references to Regulation 3 rules and to definitions. No fees were revised. (added 2011) Amended February 10, 2011.

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