1. PCAPCD Board Agenda 4-8-2021
   Documents:
   
   4-8-21 AGENDA.PDF

2. PCAPCD Board Meeting Packet 4-8-2021
   Documents:
   
   4-8-21 PCAPCD BOARD PACKET.PDF
AGENDA
PCAPCD Board of Directors Meeting
Thursday, April 8, 2021, at 2:30 PM
Via Zoom Meeting ID 976 1277 6202

Zoom Meeting Information:
Meeting link: https://placer-ca-gov.zoom.us/j/97612776202
Meeting ID: 976 1277 6202
Via telephone: Toll Free 1-877-853-5247; Enter Meeting ID: 976 1277 6202

Call to Order
Flag Salute
Roll Call / Determination of a Quorum

Approval of Minutes: February 11, 2021 Regular Meeting.

Statement of Meeting’s Public Participation Procedures:
In order to protect public health and safety due to concerns regarding COVID-19, this meeting will be held online via Zoom teleconference. In accordance with Governor Newsom’s Executive Order N-29-20, citizens who wish to comment or listen to the meeting may do so via a dial in phone number or via remote computer access to the Zoom meeting, listed above. The public is encouraged to submit comments via email prior to the meeting to the Clerk of the Board at sharroun@placer.ca.gov. Any comments received will be distributed to all Board members.

Any person who wishes to address the Board regarding any item not on the agenda, but within the jurisdiction of this Board, may do so during the public comment period. However, the Board is not permitted to take action or engage in discussion on topics which are not on the agenda. All items on the agenda will be open for public comments before final action is taken. The Board requests public commenters state your name and association for the record before you speak. There is a 5 minute time limit per speaker, and a 15 minute total comment period per agenda item. The Chair has the discretion to limit the total discussion time on any item.

Public Comment

Consent: Item 1

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. Authorization to Extend Term of Plug In America Electric Vehicle Dealer Incentive Program. Adopt Resolution #21-02, thereby authorizing the Placer County Air Pollution Control District (District) to extend the current Electric Vehicle incentive agreement with Plug In America by one year, to July 31, 2022, without increasing the expenditure amount; and authorizing the Air Pollution Control Officer to negotiate, sign, and amend, as needed, associated agreements and contracts.
Public Hearing / Action: Item 2

2. Adoption of Amended Rule 501, General Permit Requirements. Conduct a Public Hearing for the proposed amendment of Rule 501, General Permit Requirements; and adopt Resolution #21-03, thereby approving the text of amended Rule 501, General Permit Requirements, as shown in Exhibit I to the Resolution, and directing staff to forward the amended Rule 501, General Permit Requirements, and all necessary supporting documents to the California Air Resources Board (CARB) for submittal to the United States Environmental Protection Agency (USEPA) as a requested revision to the State Implementation Plan.

Information: Item 3

3. 2021 Legislative Update. No action is required. This is an informational item to provide an update on bills introduced in the Legislature which are relevant to the District.

Air Pollution Control Officer Report

A. General APCO Updates
B. Hearing Board Update
C. Air Quality Incentive Program Update
D. Fiscal update

Meeting Adjournment

Next regularly scheduled Board Meeting: June 10, 2021, at 2:30 PM
AGENDA
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Thursday, April 8, 2021, at 2:30 PM
Via Zoom Meeting ID 976 1277 6202

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Roll Call / Determination of a Quorum

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Public Comment

Consent:  Item 1

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.

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Information: Item 3

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Air Pollution Control Officer Report

A. General APCO Updates
B. Hearing Board Update
C. Air Quality Incentive Program Update
D. Fiscal update

Meeting Adjournment

Next regularly scheduled Board Meeting: June 10, 2021, at 2:30 PM

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.

Materials related to this meeting which are provided to Board members are available for public inspection at the meeting and during business hours at the Air Pollution Control District office at 110 Maple Street, Auburn, CA 95603. District Office Telephone: (530) 745-2330
The Board of Directors of the Placer County Air Pollution Control District (Board) met for a regular meeting at 2:30 PM, Thursday, February 11, 2021, via Zoom Webinar ID 964-1771-3239.

Public participation procedures due to COVID-19 concerns: In order to protect public health and safety due to concerns regarding COVID-19, this meeting was held remotely via the Zoom meeting listed above, in accordance with Governor Newsom’s Executive Order N-29-20.

The meeting was called to order by Chairperson, Robert Weygandt. Roll call was taken by the Clerk of the Board, with the following members in attendance: Scott Alvord, Daniel Berlant, Trinity Burruss, Jeff Duncan, Jim Holmes, Greg Janda, Suzanne Jones (arrived after minutes approval at 2:33 p.m.), Alyssa Silhi (arrived after minutes approval at 2:33 p.m), and Robert Weygandt. A quorum was established.

Representing the District were: Erik White, Air Pollution Control Officer; Adam Baughman, Deputy Air pollution Control Officer; A.J. Nunez, Administrative & Fiscal Officer II; Yushuo Chang, Planning and Monitoring Section Manager; Russell Moore, I.T. Technician; and Shannon Harroun, Clerk of the Board.

Flag Salute

Roll Call / Determination of a Quorum

Approval of Minutes: October 8, 2020 Regular Meeting.

Motion: Holmes/Janda
Action: Approved 10/08/2020 Minutes
Ayes: Alvord/Berlant/Burruss/Holmes/Janda/Weygandt
Abstain: Duncan

Public Comment: No public comment.

Consent: Items 1 and 2

1. Authorization to Accept and Use Air Quality Mitigation Funds for the Clean Air Grant Program. Adopted Budget Revision #21-02, thereby authorizing the Air Pollution Control Officer to accept and use the available funds in the Mitigation Fund for the Clean Air Grant Program.

Director Alvord asked where the mitigation funds associated with this budget revision came from. Ms. Nunez responded that a portion of these mitigation funds came from the Glen Willow project, and the remaining funds came from other developer projects.
2. Authorization to Accept Settlement Funds and Enter into a Contract with Feather River Air Quality Management District to Distribute 50% of Settlement Funds Received for the James Day Enforcement Case. Adopted Resolution #21-01 and Budget Revision #21-03, thereby authorizing the acceptance of $50,000 in settlement funds received, and the acceptance of future settlement funds to be received, pursuant to the [Stipulated] Final Judgment and Permanent Injunction (Final Judgment) filed October 19, 2020, for the Placer County Superior Court Case #SCV-0043170 (James Day Case); and authorizing the Placer County Air Pollution Control District to enter into a contract with Feather River Air Quality Management District, which specifies a payment schedule to distribute 50% of settlement funds received pursuant to the Final Judgment on the James Day Case.

Motion: Holmes/Berlant
Action: Approved Consent Items 1 and 2 / Unanimous Vote 9:0
Ayes: Alvord/Berlant/Burruss/Duncan/Holmes/Janda/Jones/Silhi/Weygandt

Information: Items 3 and 4

3. Sacramento Regional State Implementation Plan Update. No action required. This information item provided an overview of the State Implementation Plan and an update regarding current planning developments for the Sacramento Region’s federal ozone and fine particulate matter standards.

Mr. Yushuo Chang presented an update of the District’s regional State Implementation Plan (SIP). Mr. Chang first defined the SIP as a federal air quality plan which is required for areas that do not meet National Ambient Air Quality Standards (NAAQS). The SIP demonstrates when and how a nonattainment area plans to attain the NAAQS. He explained that if an area does not meet the standard, it is designated as “nonattainment” and given a nonattainment classification. The classification determines the deadline to attain the standard. If a nonattainment area cannot meet the standard at the attainment deadline, the United States Environmental Protection Agency (U.S. EPA) can issue a “Finding of Failure” for that nonattainment area. When a “Finding of Failure” is issued for ozone, several consequential actions can be taken. If the nonattainment area meets the standard by the attainment deadline, the U.S. EPA will issue a “Clean Data Finding”; the nonattainment area then submits an Area Redesignation Request. Once the request is approved by U.S. EPA, the nonattainment area is officially redesignated as in attainment.

Mr. Chang then identified the status of the Sacramento region’s State Implementation Plan, stating that the Sacramento Region is currently designated as nonattainment for Ozone, and is pending approval of its Area Redesignation Request for PM 2.5.

Mr. Chang outlined upcoming ozone and PM 2.5 SIP activities in 2021. The District anticipates final approval of the Sacramento Ozone State Implementation Plan for the 2008 ozone standard, at which time the Sacramento region’s air districts will need to implement its commitments within 12 months, including the District’s amendment of Rule 218, Architectural Coating. For the 2015 ozone standard, which an attainment deadline of 8/3/2024, the Sacramento region requested a reclassification to extend this deadline to 8/3/2027. The District expects the U.S. EPA to respond to this reclassification request in April 2021. The District also plans to review Rule 502, New Source Review, in 2021, for compliance with the 2015 ozone standards.
Mr. Chang explained that, for the 2006 PM 2.5 24-hour average standard, the District is currently working with other regional air districts to develop an exceptional event notification to the U.S. EPA, due to wildfires in 2020 which impacted PM 2.5 levels in Placer County. Mr. Chang noted that an exceptional event is an occurrence that adversely impacts the data that is used to make attainment/nonattainment determinations; an exceptional event demonstration report is prepared to request exclusion of that specific data from regulatory decisions. The District anticipates a Clean Data Finding from the US EPA for the 2006 PM 2.5 standard, tentatively, in 2022 or 2023.

4. District’s COVID-19 Response and Update. No action required. This information item provided a review of the District’s COVID-19 response and an update on current preventative measures.

Mr. Adam Baughman recapped the District’s response to the COVID-19 pandemic, beginning with the initial office closure in March 2020, when staff began teleworking and rotating through the office in shifts. He stated that District staff were accessible to the public by phone, email, and videoconference, however, routine inspections were temporarily halted. Mr. Baughman recounted that the District has worked with County departments, using guidance from the Centers for Disease Control and CalOSHA, on development and implementation of a Prevention Plan for Reopening, which later became the Worksite Specific Prevention Plan. The District has also provided a Field Inspector Guide and Employee Exposure Prevention Handout, which have been updated periodically as needed. Mr. Baughman emphasized that the majority of the District’s operations have continued unaffected, and routine inspections resumed shortly after the initial office closure.

Mr. Baughman reported that in June, the office gradually reopened to the public with preventative measures in place, and staff increased their office time to 2 days per week. In December, with the surge in COVID cases, the office returned to its initial schedule and office closure. All District services are still available, except the public counter. Mr. Baughman also described the one year freeze on previously approved permit fee increases. In addition, he shared that there was an improvement in air quality during 2020. He reported that there have been no known COVID-19 exposures through the District office, and that the District continues to monitor COVID-19 to evaluate reopening of the office to the public when it is safe.

Air Pollution Control Officer Report

A. General APCO Updates

Mr. White announced that the District’s Administrative and Fiscal Officer II, A.J. Nunez, would be retiring soon. He also conveyed that he had been accepted into the American Leadership Forum Fellows program, which begins in May 2021. In addition, Mr. White reported that the Cap-to-Cap program would not be held in person in 2021, but that they are discussing options for targeted virtual advocacy for the Sacramento region at the federal level.
Minutes: PCAPCD Board Meeting
February 11, 2021
Page 4 of 4

B. 2021 Annual Report/Board of Director's Handbook Overview
Mr. White provided an overview of the Director’s Handbook and Annual Report which were distributed in January, 2021, including the District’s 2020 activities and its goals and plans for 2021.

C. 2021 Regulatory Measures List
Mr. Baughman summarized the list of Regulatory Measures expected to be considered for adoption in 2021, which was published in December and publicly noticed per California Health and Safety Code Section 40923. Rule 501, General Permit Requirements and Rule 218, Architectural Coating, are expected to be brought to the District Board for amendment in 2021.

D. Air Quality Incentive Program Update
Mr. White outlined the expected schedule for the District’s 2021 Clean Air Grant program for Carl Moyer Program funds and Community Air Protection funds, including public outreach, a community meeting, application solicitation periods, accepting California Air Resources Board funding, application review and approvals, and project awards. In addition, he reported that 17 Placer County projects have been approved for woodsmoke reduction incentive program funding.

E. Fiscal update
Ms. Nunez provided a fiscal update, reporting that seven months into its budget, the District has received 90% of budgeted revenue and expended only 48% of expenditure budget.

Meeting Adjournment: 3:39 p.m.

Next regularly scheduled Board Meeting: April 8, 2021, at 2:30 PM

Minutes prepared by:

Shannon Harroun, Clerk of the Board

Minutes approved by Board of Directors:

Attest: ____________________________________________  ___________________________
Clerk of the Board                        Date
Agenda Date: April 8, 2021
Prepared By: Adam Baughman, Deputy Air Pollution Control Officer
Topic: Authorization to Extend Term of Plug In America Electric Vehicle Dealer Incentive Program

Action Requested: Adopt Resolution #21-02 (Attachment #1), thereby 1) authorizing the Placer County Air Pollution Control District (District) to extend the current Electric Vehicle incentive agreement with Plug In America by one year, to July 31, 2022, without increasing the expenditure amount; and 2) authorizing the Air Pollution Control Officer to negotiate, sign, and amend, as needed, associated agreements and contracts.

Background: Plug In America is a non-profit, supporter-driven advocacy group. Its mission is to focus on promoting vehicles powered by clean, affordable, and domestic electricity to improve air quality and reduce greenhouse gas emissions. Under this mission, Plug In America created the PlugStar EV customer engagement platform which provides online tools and resources where car buyers can learn, compare and experience EVs, shop equipment and services, and connect with trained and certified PlugStar dealers to make choosing an EV simple and easy. The PlugStar platform also includes a preferred dealer program which provides supplemental factory training to equip new car dealers with the necessary knowledge and expertise to understand the unique nature of the electric cars that they sell, including support to EV buyers themselves. In the Sacramento area, Plug In America deployed the PlugStar platform in 2018, which was funded by the Sacramento Municipal Utility District (SMUD). In 2018, a total of 258 EV sales throughout the greater Sacramento region were subsidized through the program, with 72 of the sales occurring by Placer County residents. In San Diego and Sacramento, Plug In America found that trained sales staff sell 3.7 times more EVs than untrained staff, even when both receive a monetary incentive for EV sales.

Currently, there are 21 dealers region-wide, including 7 dealers located in the Roseville Auto Mall. In a partnership between Roseville Electric and the District, the program provides an incentive, in the amount of $300, for each EV sold to a customer residing in Placer County. Of the $300, $100 goes to the dealership and $200 goes to the sales staff.

Discussion: On August 8, 2019, the District Board authorized the District to enter into an agreement with Plug In America in the amount of $114,000. The agreement was intended to cover administrative costs and dealer incentives for up to 300 EV sales spanning a portion of Fiscal Year (FY) 19-20 and all of FY 20-21. The agreement with Plug In America is intended to cover sales of EVs to County residents, excluding residents of the City of Roseville. This is because Roseville Electric has a separate agreement covering residents inside the City of Roseville. However, due to repercussions of COVID-19 in the last year, EV sales have severely decreased, and only 32 dealer incentive claims have been paid from
March 13, 2020 through March 31, 2021. As most of the 300 expected dealership incentives have not yet been issued, the District and Plug In America are interested in extending this agreement by one year, through July 31, 2022, in order to continue to encourage growth in the sales of electric vehicles in Placer County, without having to increase the expenditure amount already approved by the Board. Roseville Electric and the Sacramento Municipal Utility District (SMUD) are similarly continuing their partnership with Plug In America to fund incentives in the City of Roseville and Sacramento County respectively. Such an action will ensure the intended benefits and outcomes of the program are realized.

**Fiscal Impact:** The funding of Not to Exceed $114,000 for this project comes from existing Air Quality Mitigation Funds, and is already encumbered, as the expenditure was approved by Board Resolution 19-18 on August 8, 2019. No additional funding is required to extend the project an additional year.

**Recommendation:** Staff recommend that the Board Adopt Resolution #21-02 (Attachment #1), authorizing the District to extend the Plug In America contract term by one year; and authorizing the Air Pollution Control Officer to negotiate, sign, and amend, as needed, associated agreements and contracts.

**Attachment:** #1: Resolution #21-02
ATTACHMENT # 1

SUBJECT:

Resolution #21-02
Before the Placer County
Air Pollution Control District Board of Directors

**In the Matter Of:** Authorization to extend the current Electric Vehicle incentive agreement with Plug In America by one year, to July 31, 2022, without increasing the expenditure amount; and authorization for the Air Pollution Control Officer to negotiate, sign, and amend, as needed, associated agreements and contracts.

The following **RESOLUTION** was duly passed by the Placer County Air Pollution Control District Board of Directors (District Board) at a regular meeting held on April 8, 2021, by the following vote:

**Ayes:** Alvord_____ Berlant_____ Burruss_____ Duncan______ Holmes______
Janda_____ Jones_____ Silhi_____ Weygandt______
Alternates: __________________   ______      __________________   ______

**Noes:** Alvord______ Berlant______ Burruss______ Duncan______ Holmes______
Janda_____ Jones_____ Silhi_____ Weygandt______ Alternates:
____________________   _____      __________________   ______

**Abstain:** Alvord_____ Berlant_____ Burruss_____ Duncan______ Holmes______
Janda_____ Jones_____ Silhi_____ Weygandt______
Alternates: __________________   ______      __________________   ______

Signed and approved by me after its passage:

__________________________________ Chairperson

__________________________________ Attest: Clerk of said Board

**WHEREAS,** Plug In America is a non-profit, supporter-driven advocacy group with the mission to focus on promoting vehicles powered by clean, affordable, and domestic electricity to improve air quality and reduce greenhouse gas emissions; and
WHEREAS, in a partnership between Roseville Electric and the District, Plug In America’s Electric Vehicle (EV) Dealership Incentive Program provides an incentive, in the amount of $300, for each EV sold in Placer County, with $100 to the dealership and $200 to the sales staff; and

WHEREAS, On August 8, 2019, the District Board authorized the District to enter into an agreement with Plug In America in the amount of $114,000, to support the EV dealership incentive program for a portion of FY 19-20 and all of FY 20-21; and

WHEREAS, the agreement was intended to cover administrative costs and dealer incentives for up to 300 EV sales (inside Placer County but outside of the City of Roseville) spanning a portion of Fiscal Year (FY) 19-20 and all of FY 20-21.

WHEREAS, due to repercussions of COVID-19 in the last year, EV sales have severely decreased; and

WHEREAS, the District and Plug In America are interested in extending the current agreement by one year, through July 31, 2022, in order to continue to encourage growth in the sales of electric vehicles in Placer County, without having to increase the expenditure amount already approved by the Board; and

WHEREAS, Roseville Electric and the Sacramento Municipal Utility District (SMUD) are likewise continuing their partnership with Plug In America to fund incentives in the City of Roseville and Sacramento County respectively.

NOW THEREFORE BE IT RESOLVED, that the District Board hereby authorizes the Placer County Air Pollution Control District to extend the term of the contract with Plug In America for the Electric Vehicle dealership incentive program, by one year through July 31, 2022, with no expenditure increase; and

BE IT FURTHER RESOLVED, that the District Board hereby authorizes the Air Pollution Control Officer to negotiate, sign, and amend, as needed, associated agreements and contracts.
Agenda Date: April 8, 2021

Prepared By: Emmanuel Orozco, Air Pollution Control Engineer

Topic: Adoption of Amended Rule 501, General Permit Requirements

Action Requested:

1) Conduct a Public Hearing for the proposed amendment of Rule 501, General Permit Requirements;

2) Adopt Resolution #21-03, thereby approving the text of amended Rule 501, General Permit Requirements, as shown in Exhibit I to the Resolution; and

3) Direct staff to forward the amended Rule 501, General Permit Requirements, and all necessary supporting documents to the California Air Resources Board (CARB) for submittal to the United States Environmental Protection Agency (USEPA) as a requested revision to the State Implementation Plan.

Background: Placer County Air Pollution Control District’s general permitting program was established in its current form in September of 1993, with the adoption of Rule 501, General Permit Requirements, and Rule 502, New Source Review. These rules provide requirements and procedures for the review of new stationary sources of air pollution and the orderly review of the modification and operation of existing stationary sources of air pollution through the issuance of permits. As a part of the California State Implementation Plan’s (SIP) requirements to establish a permitting program for stationary sources of air pollution, the District submitted to the United States Environmental Protection Agency (U.S. EPA) the current version of Rule 501 (adopted on August 12, 2010) for approval into the SIP on December 7, 2010. U.S. EPA finalized action on this submittal on April 20, 2020 in the form of a limited approval and limited disapproval. The limited disapproval was due to four deficiencies identified by U.S. EPA during the technical review of the submittal. The purpose of the proposed amendment of Rule 501 is to address the deficiencies noted by U.S. EPA to achieve final SIP approval of the District’s permitting program.

Discussion: In U.S. EPA’s technical review of the submittal of Rule 501, General Permit Requirements, the following four deficiencies were identified and published in the Federal Register notice 85 FR 21777:

1. Rule 501, Section 303.1 is deficient because it does not specifically require the Air Pollution Control Officer (APCO) to determine and deny a permit if a proposed project will (1) cause a violation of the SIP or (2) interfere with attainment or maintenance of a NAAQS. It is also deficient because it only requires the APCO to evaluate whether an emission unit will be operated in compliance with all applicable requirements as of the application completeness date, rather than as of the date of permit issuance.
2. The District's minor NSR program is deficient because it does not contain any public notice requirements for new or modified emission units located in the Lake Tahoe Air Basin portion of Placer County.

3. Rule 501 is deficient because it does not contain any provisions that address stack height procedures as required by 40 CFR 51.164.

4. Rule 501, Section 200—Definitions, is deficient because it references and relies on the definitions contained in Rule 504, “Emission Reduction Credits,” which is not SIP-approved.

In addition to the four deficiencies identified above, District staff were made aware of a separate change to the rule needed to achieve consistency with California statute. In its current form, Rule 501 exempts all agricultural operations which are below specific emission-based thresholds from requiring a permit; however, Senate Bill No. 700 (Florez) requires the permitting of “Large Confined Animal Facilities” as defined in Title 17, California Code of Regulations, Division 1, Chapter 1, Subchapter 2.7, §86500 et. seq. This definition is independent of emissions and relies solely on the number of designated agricultural livestock, as specified in the regulation.

Since the time U.S. EPA’s final action on Rule 501 was published in the Federal Register on April 20, 2020, District staff has worked to revise the rule to address the identified deficiencies. District staff propose the following changes to Rule 501, as shown in strikeout/underline version as Attachment #1:

- In Section 200, add the following definitions: “Enforceable”, “Offset”, “Parcel” and “Shutdown”. These definitions were previously defined in Rule 504, Emission Reduction Credits and referenced by Rule 501; however, Rule 504 is not SIP-approved and thus the definitions were not approvable.

- In Section 114.3, add Large Confined Animal Facilities to the list of agricultural operations which do not qualify for exemption from permits, as required by SB 700.

- In Section 303.1, add language which requires the APCO to evaluate whether a permit application will be in compliance with all applicable requirements as of the date of permit issuance.

- In Section 303.1.1, add language which denies a permit which will cause a violation of an applicable provision of the SIP, District Rules and Regulations, or State or Federal law.

- In Section 303.1.2, add language which denies a permit which will interfere with attainment or maintenance of a National Ambient Air Quality Standard.

- In Section 303.8, add language which contains provisions that address the stack height procedures required by 40 CFR 51.164.

With the above proposed amendments, Rule 501 would address the deficiencies identified by U.S. EPA in Items 1, 3, and 4 of 85 FR 21777, as well as the CA SB 700 exclusion to permit exemptions for Large Confined Animal Facilities.
For the deficiency noted in Item 2 of 85 FR 21777, District staff have engaged in additional discussions with staff from U.S. EPA Region 9 and have concluded that the public notification requirements for new or modified permits in the Lake Tahoe Air Basin would best be addressed through future amendments of District Rule 502, New Source Review. This is because the existing public notification requirements for new or modified permits in the Sacramento Valley Air Basin and the Mountain Counties Air Basin are specified in Rule 502 and not in Rule 501. District staff will initiate rulemaking activities for Rule 502 in preparation for your Board’s consideration later this calendar year.

Public Outreach: A newspaper notice advising of the date and time of the public hearing was published on March 6, 2021, 30-days or more prior to the public hearing, as required by statute.

Fiscal Impact and Cost Effectiveness: California Health and Safety Code (H&S) Section 40703 requires a District to consider and make public “the cost-effectiveness of a control measure”. The proposed amendment to Rule 501, General Permit Requirements, will have an insignificant or negligible fiscal impact on source owners or operators and the public, as compared with business conducted under the current rules.

Socioeconomic Impact: H&S Section 40728, in relevant part, requires the Board to consider the socioeconomic impact of any new or modified rule if air quality or emission limits are significantly affected. However, Districts with a population of less than 500,000 persons are exempt from this analysis. In 2019, the population of Placer County was approximately 400,000 persons.

California Environmental Quality Act (CEQA) Review: Staff has determined that the adoption of amended Rule 501, General Permit Requirements, is exempt from the California Environmental Quality Act (CEQA) as an action by a regulatory agency for the protection of the environment (Class 8 Categorical Exemption, Section 15308, State CEQA Guidelines), and because it can be seen with certainty that there is no possibility that the activity in question may have a significant adverse effect on the environment (Section 15061(b)(3), State CEQA Guidelines).

Findings: The subsequent findings are intended to address the requirements set forth in the H&S relating to the adoption of a new or amended District Rule:

A. Necessity – The amendment of Rule 501 is necessary to obtain federal and state recognition of the District’s general permit program in the SIP.

B. Authority – California Health and Safety Code, Sections 40000, 40001, 40701, 40702, and 40716 are provisions of law that provide the District with the authority to adopt this amended Rule.

C. Clarity – There is no indication, at this time, that the proposed Rule is written in such a manner that persons affected by the Rule cannot easily understand them.

D. Consistency – The regulation is in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, or state or federal regulations.
E. **Non-duplication** – The regulation does not impose the same requirements as an existing state or federal regulation.

F. **Reference** – All statutes, court decisions, and other provisions of law used by PCAPCD in interpreting this regulation is incorporated into this analysis and this finding by reference.

**Recommendation:** Staff recommends adoption of Resolution #21-03 (Attachment #2), thereby approving amended Rule 501, General Permit Requirements, as shown in Exhibit I to the Resolution.

**Attachments:**
- #1: Rule 501 Amendment, strikeout/underline version
- #2: Resolution #21-03
ATTACHMENT #1

SUBJECT:

Amended Rule 501, General Permit Requirements, Strikeout/Underline Version
RULE 501 GENERAL PERMIT REQUIREMENTS

Adopted 12-08-70
(Amended 05-09-72, 11-12-74, 05-24-77, 06-19-79, 09-21-93, 11-03-94, 12-09-04, 8-12-10, 04-08-21)

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101 PURPOSE: To provide an orderly procedure for the review of new sources of air pollution and modification and operation of existing sources through the issuance of permits. Procedures for issuing, modifying, or renewing Title V Permits to Operate for stationary sources that are subject to Rule 507, FEDERAL OPERATING PERMIT PROGRAM, shall also be consistent with the procedures specified in that rule.

102 EXEMPTION RECORDKEEPING: Records must be maintained to substantiate the following exemptions. Records must be maintained on site and made available to the District upon request.

110 EXEMPTION, GENERAL: An Authority to Construct and Permit to Operate shall not be required for the equipment listed in Sections 111 to 122, unless an emissions unit is:

110.1 Subject to New Source Performance Standards, except engines less than 50 horsepower subject to NSPS JJJJ, Standards of Performance for Stationary Spark Ignition ICE; or

110.2 Subject to National Emission Standards for Hazardous Air Pollutants; or

110.3 Subject to the requirements of Rule 507, FEDERAL OPERATING PERMIT PROGRAM; or

110.4 Emits, in levels deemed appropriate for review by the Air Pollution Control Officer, substances identified as a toxic air contaminant or which are under review pursuant to Health and Safety Code Section 39650 et seq.; or

110.5 The Air Pollution Control Officer makes a determination that the emission unit may not operate in compliance with the District Rules and Regulations; or

110.6 An emissions unit or stationary source for which emission reduction credits have been requested or granted in accordance with Rule 504, EMISSION REDUCTION CREDITS.

110.7 An otherwise exempt piece of equipment that is part of a process that requires a permit.

111 EXEMPTION, MOBILE SOURCES:

111.1 Engines used to propel mobile equipment or a motor vehicle of any kind, but not including any article, machine, equipment or other contrivance mounted on such a vehicle that would otherwise require a permit under the provisions of these rules and regulations.

111.2 Locomotives, airplanes and watercraft used to transport passengers or freight. This exemption shall not apply to equipment used for dredging of waterways or equipment used in pile driving adjacent to or in waterways.

112 EXEMPTION, COMBUSTION AND HEAT TRANSFER EQUIPMENT:

112.1 Internal combustion engines with a manufacturer's maximum continuous rating of 50 brake horsepower or less or gas turbine engines with a maximum heat input rate of 3,000,000 British Thermal Units (Btu) per hour or less at ISO standard day conditions (288 degrees Kelvin, 60 percent relative humidity, and 101.3 kilopascals
The ratings of all engines or turbines used in the same process will be accumulated to determine whether this exemption applies.

Any combustion equipment that has a maximum heat input of less than 1,000,000 Btu per hour (gross) and is equipped to be fired exclusively with natural gas, liquefied petroleum gas or any combination thereof. The ratings of all combustion equipment used in the same process will be accumulated to determine whether this exemption applies.

**EXEMPTION, RESIDENTIAL STRUCTURES:** Equipment utilized exclusively in connection with any structure, when the structure is designed for and used exclusively as a dwelling for not more than four families.

**EXEMPTION, AGRICULTURAL OPERATIONS:** Equipment used exclusively in the growing of agricultural crops, or in the commercial raising of fowl or other animals. This exemption does not apply to an agricultural source, as defined in this Rule, that is:

- A Major Stationary Source or Major Modification, as defined in Rule 502, NEW SOURCE REVIEW, or,
- A stationary source that emits in any 12-month period air contaminant emissions equal to or more than the following quantities of emissions:
  a. 50 percent of the major source thresholds for regulated air pollutants (excluding HAPs);
  b. 5 tons per year of a single HAP;
  c. 12.5 tons per year of any combination of HAPs; and
  d. 50 percent of any lesser threshold for a single HAP as the U.S. EPA may establish by rule, or,
- A Large Confined Animal Facility as defined in Title 17, California Code of Regulations, Division 1, Chapter 1, Subchapter 2.7, §86500 et seq., as in effect on June 21, 2006.

**EXEMPTION, COOLING SYSTEMS AND VACUUM CLEANING:** Refrigeration, air conditioning, ventilating, or vacuum cleaning systems not designed to remove air contaminants generated by equipment which would require a permit under these rules and regulations.

**EXEMPTION, COOLING TOWERS:** Water cooling towers that have a circulation rate of less than 10,000 gallons per minute and which are not used for the cooling of process water, water from barometric jets, or water from barometric condensers.

**EXEMPTION, STORAGE AND TRANSFER:** Tanks, reservoirs, vessels or other containers and their associated dispensing, pumping and compression systems used exclusively for the storage of:

- Liquefied or compressed gases.
- Unheated organic materials with an initial boiling point of 150 degrees Celsius (302 degrees Fahrenheit) or greater, as determined by the testing procedure specified in Section 501.2, or with an organic vapor pressure of 5 mm Hg (0.1 psia) or less at 20°C, as determined by the testing procedure specified in Section 501.3.
- Organic liquids with a vapor pressure of 77.5 mm Hg (1.5 psia) or less at 20°C, as determined by the testing procedure specified in Section 501.3, stored in
containers having a capacity of 23,000 liters (6076 gallons or less). Equipment used exclusively for the transfer of organic liquids with a vapor pressure of 77.5 mm Hg (1.5 psia) at 20°C to or from storage.

117.4 Unheated solvent dispensing containers of 380 liters (100 gallons) capacity or less.

118 **EXEMPTION, SURFACE COATING AND PREPARATION:**

118.1 Water solution containing no more than two percent volatile organic compounds by weight for surface preparation, cleaning, stripping, etching (other than chemical milling) or the electrolytic plating with electrolytic polishing of, or the electrolytic stripping of brass, bronze, cadmium, copper, iron lead, nickel, tin, zinc, and precious metals.

118.2 Surface coating operations using a combined total of one gallon per day or less of coating material and solvent.

118.3 Unheated non-conveyorized solvent rinsing containers or unheated non-conveyorized coating dip tanks of 380 liters (100 gallons) capacity or less with an open surface area of one square meter (11 square feet) or less providing no more than 25 gallons of solvent are evaporated or lost to the atmosphere from all such equipment per calendar year.

119 **EXEMPTION, FOOD PROCESSING:** The following processing equipment for food or other human consumables and exhaust systems or collectors serving exclusively such equipment:

119.1 Used in eating establishments for the purpose of preparing food for human consumption.

119.2 Smokehouses in which the maximum horizontal inside cross sectional area does not exceed 2 square meters (21.5 square feet).

119.3 Mixers and blenders used in bakeries.

119.4 Confection cookers.

119.5 Used exclusively to grind, blend or package tea, cocoa, spices, or roasted coffee.

120 **EXEMPTION, LABORATORY EQUIPMENT:** Laboratory equipment used exclusively for chemical or physical analysis and bench scale tests, including associated vacuum-producing equipment.

121 **EXEMPTION, REPAIRS AND MAINTENANCE:** Repairs or maintenance not involving changes to any equipment for which a permit has been granted under Section 301 of this rule.

122 **EXEMPTION, OTHER EQUIPMENT:** Unless subject to the requirements of Rule 507, FEDERAL OPERATING PERMIT PROGRAM, other equipment authorized for exemption by the Air Pollution Control Officer and which would emit less than 2 pounds in any 24 hour period of any pollutants without the benefit of air pollution control devices.

200 **DEFINITONS:** Unless otherwise defined below, the terms used in this rule are defined in Rule 502, NEW SOURCE REVIEW; Rule 504, EMISSIONS REDUCTION CREDITS; and Rule 102, DEFINITIONS; and apply in hierarchical order.
201 ADMINISTRATIVE PERMIT AMENDMENT: An amendment to a Permit to Operate which:

201.1 Corrects a typographical error; or

201.2 Identifies a minor administrative change at the stationary source; for example, a change in the name, address, or phone number of any person identified in the permit; or

201.3 Requires more frequent monitoring or reporting by a responsible official of the stationary source; or

202 AGRICULTURAL SOURCE OF AIR POLLUTION OR AGRICULTURAL SOURCE: A source of air pollution or a group of sources used in the production of crops, or the raising of fowl or animals located on contiguous property under common ownership or control, including, but not limited to the following criteria:

202.1 Is a confined animal facility, including, but not limited to, any structure, building, installation, barn, corral, coop, feed storage area, milking parlor, or system for the collection, storage, treatment, and distribution of liquid and solid manure, if domesticated animals, including, but not limited to, cattle, calves, horses, sheep, goats, swine, rabbits, chickens, turkeys, or ducks are corralled, penned, or otherwise caused to remain in restricted areas for commercial agricultural purposes and feeding is by means other than grazing.

202.2 Is an internal combustion engine used in the production of crops or the raising of fowl or animals, including, but not limited to, an engine subject to Section 41750 of the California Health & Safety Code, except an engine that is used to propel implements of husbandry, as that term is defined in Section 36000 of the Vehicle Code, as that section existed on January 1, 2003.

203 ANNIVERSARY DATE: The day and month of issuance of a Permit to Operate and that same day and month of each succeeding year.

204 APPLICABLE REQUIREMENTS: Air quality requirements with which a facility must comply pursuant to the District's regulations, codes of California statutory law, the Federal Clean Air Act as amended in 1990 and implementing regulations, other provisions of the United States Code, and the Code of Federal Regulations.

205 AUTHORITY TO CONSTRUCT: A preconstruction permit authorizing construction prior to the starting of construction and conforming to the requirements of Rule 502, NEW SOURCE REVIEW.

206 COMMENCE: As applied to construction, means that the owner or operator has all of the necessary permits or approvals required under state and federal air quality control laws, District Rules and Regulations, and those air quality control laws and regulations which are part of the California State Implementation Plan, and has:

206.1 Begun, or caused to begin, a continuous program of on-site construction of the source, to be completed in a reasonable time; or

206.2 Entered into binding agreements or contractual obligations which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.
CONTIGUOUS PROPERTY: Two or more parcels of land with a common boundary or separated solely by a public roadway or other public right-of-way.

EMISSIONS UNIT: An identifiable operation or piece of process equipment such as an article, machine, or other contrivance which controls, emits, may emit, or results in the emissions of any air pollutant directly or as fugitive emissions.

ENFORCEABLE: Verifiable, and legally binding, and practically enforceable. Enforceable, for the purposes of federal requirements, means all federally enforceable limitations and conditions enforceable by the administrator, including: NSPS; NESHAP; requirements within any applicable State Implementation Plan; any permit requirement established pursuant to 40 CFR 52.21, 51.160-166; or federal operating permit requirements.

OFFSET: The use of an emission reduction credit to compensate for an emission increase of an NSR regulated pollutant from a new or modified source subject to the requirements of Rule 502, NEW SOURCE REVIEW.

PARCEL(S): A legally identifiable piece of land as registered with the County Assessors' office for property tax purposes.

REGULATED POLLUTANT: A pollutant for which an Ambient Air Quality Standard has been established by the EPA or by the California Air Resources Board (ARB), and the precursors to such pollutants.

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:

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:

The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars); or

The delegation of authority to such representative is approved in advance by the Air Pollution Control Officer;

For a partnership or sole proprietorship, a general partner or the proprietor, respectively; or

For a municipality, state, federal, or other public agency, either a principal executive officer or a ranking elected official; or

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 PERMIT PROGRAM.

SHUTDOWN: The earlier of either the permanent cessation of emissions from a source or an emission unit, or the surrender of that unit's or source's operating permit.
STARTUP: means the setting in operation of a stationary source or emission unit for any purpose.

STATIONARY SOURCE (SOURCE OR FACILITY): Any building, structure, facility, or emissions unit which emits or may emit any regulated pollutant directly or as fugitive emissions.

Building, structure, facility, or emissions unit includes all pollutant emitting activities which:

1. Belong to the same industrial grouping; and
2. Are located on one property or on two or more contiguous properties; and
3. Are under the same or common ownership, operation, or control or which are owned or operated by entities which are under common control.

Pollutant emitting activities shall be considered as part of the same industrial grouping if:

1. They belong to the same two-digit standard industrial classification code under the system described in the 1987 Standard Industrial Classification Manual; or
2. They are part of a common production process. (Common production process includes industrial processes, manufacturing processes and any connected processes involving a common material.)

The emissions of cargo carriers associated with the stationary source shall be considered emissions from the stationary source to the extent that emission reductions from these cargo carriers are proposed as offsets.


STANDARDS

AUTHORITY TO CONSTRUCT: Any person building, erecting, placing on site, altering or replacing any article, machine, equipment or other contrivance, the use of which may cause, eliminate, reduce, or control the issuance of air contaminants, shall first obtain authorization for such construction from the Air Pollution Control Officer (APCO) as specified in Section 403 of this rule. The emissions unit(s) shall not commence operation until the Air Pollution Control Officer takes final action to approve the Authority to Construct. After the emissions unit(s) commence operation, the Authority to Construct may remain in effect as a Temporary Permit to Operate until a Permit to Operate the equipment is granted or denied or the application is canceled.

An Authority to Construct, unless extended, shall expire no later than one year following the construction completion date given by the applicant, or no later than two years following the date of permit issuance, whichever occurs first.
301.2 If a written request to extend the Authority to Construct is received by the Air Pollution Control Officer prior to the expiration of the Authority to Construct, an extension may be granted for up to two years if the Air Pollution Control Officer determines that: (1) commencement of construction has occurred, and a good faith effort to complete the project has been made; and (2) the parameters of the project remain the same as in the initial application.

301.3 The Air Pollution Control Officer shall be notified of the anticipated date of initial startup or operation of any permitted emission unit.

301.4 The Air Pollution Control Officer shall be notified of the actual date of initial startup within five (5) days after such date.

302 PERMIT TO OPERATE: Any person operating an emission unit, shall first obtain a written permit from the Air Pollution Control Officer.

303 STANDARDS FOR GRANTING APPLICATIONS:

303.1 The Air Pollution Control Officer shall deny an Authority to Construct or Permit to Operate, except as provided in Rule 502, NEW SOURCE REVIEW, if the applicant does not show that every emission unit is so designed, controlled, equipped, and operated with such air pollution control equipment that it may be shown to operate without emitting, or without causing to be emitted, air contaminants, as may be enforceable by the Air Pollution Control Officer on the date the Authority to Construct or Permit to Operate is issued, which:

303.1.1 Cause a violation of an applicable provision of the California State Implementation Plan, District Rules and Regulations, or State or Federal law; or,

303.1.2 Interfere with attainment or maintenance of a National Ambient Air Quality Standard in violation of these rules and regulations or of such state or federal statutes as may be enforceable by the Air Pollution Control Officer on the date the application is deemed complete.

303.2 No Permit to Operate shall be granted, either by the Air Pollution Control Officer or the Hearing Board, for any emission unit which has been constructed or installed without authorization as required by Section 301 of this rule, until:

303.2.1 The information necessary to enable the Air Pollution Control Officer to make the determination required by Section 303 of this rule and Rule 502, NEW SOURCE REVIEW is presented to the Air Pollution Control Officer; and

303.2.2 Such emission unit is altered, if necessary, and made to conform to the standards set forth in Section 303 of this rule, elsewhere in these rules and regulations, and in the California Health and Safety Code.

303.3 In acting upon a Permit to Operate, if the Air Pollution Control Officer finds that the emission unit has not been constructed in accordance with the Authority to Construct, he or she shall deny the Permit to Operate. The Air Pollution Control Officer shall not accept any further application for a Permit to Operate the emission unit so constructed until he or she finds that the emission unit has been reconstructed in accordance with the Authority to Construct.

303.4 The Air Pollution Control Officer shall require enforceable emission limitations as permit conditions in Authorities to Construct and Permits to Operate to assure the
permanence of surplus actual emissions reductions applied for use as internal reductions or emission reduction credits in accordance with Rule 502, NEW SOURCE REVIEW and Rule 504, EMISSION REDUCTION CREDITS.

303.5 The Air Pollution Control Officer shall determine that an applicant for an authority to construct or modify a potential source of air contaminants located within 1,000 feet from the outer boundary of a school has complied with the applicable requirements of California Health and Safety Code Section 42301.6, preparation and distribution of a public notice, prior to approving an application for an Authority to Construct permit.

303.6 Approval to construct shall not relieve any owner or operator of the responsibility to comply fully with all applicable requirements, including applicable provisions of the California State Implementation Plan, District Rules and Regulations, or State or Federal law.

303.7 The Air Pollution Control Officer shall require the applicant, as a condition of the Authority to Construct, to comply with the requirements of California Health and Safety Code Part 6, (Section 44300 et seq.), Air Toxics "Hot Spots" Information and Assessment Act.

303.8 The degree of emission limitation required of any source for control of any air pollutant must not be affected by so much of any source's stack height that exceeds good engineering practice or by any other dispersion technique, except as provided in 40 CFR 51.118(b). For the purpose of this Section, the definitions in 40 CFR 51.100 shall apply.

303.8.1 Before the APCO issues an Authority to Construct under this rule to a source with a stack height that exceeds good engineering practice (GEP) stack height, the APCO shall notify the public of the availability of the demonstration study and provide opportunity for a public hearing.

303.8.2 Any field study or fluid model used to demonstrate GEP stack height and any determination concerning excessive concentration must be approved by the the U.S. EPA and the APCO prior to any emission limit being established.

303.8.3 The provisions of Section 303.8 do not restrict, in any manner, the actual stack height of any stationary source or facility.

304 PROVISION OF SAMPLING AND TESTING FACILITIES: In addition to the monitoring and testing required to comply with state or federal laws or regulations, the Air Pollution Control Officer may, upon reasonable written notice or before an Authority to Construct or Permit to Operate is granted, require the applicant or the owner or operator of any emission unit to:

304.1 Provide and maintain such facilities as are necessary for sampling and testing purposes in order to secure information that will disclose the nature, extent, quantity or degree of air contaminants discharged into the atmosphere from the equipment in question. In the event of such a requirement, the Air Pollution Control Officer shall notify the applicant in writing of the required size, number and location of sampling holes; the size and location of the sampling platform; the access to the sampling platform; and the utilities for operating the sampling, testing, and air monitoring equipment. Such platform and access shall be constructed in accordance with the applicable General Industry Safety Orders of the State of California.
304.2 Provide and maintain sampling and monitoring apparatus to measure emissions of air contaminants.

304.2.1 Continuous emission monitoring systems, as a minimum, shall be installed to meet the performance specifications required, by Section 502 of this rule.

304.2.2 A violation of emission standards of these rules, as shown by the continuous emission monitoring system, shall be reported by the owner or operator to the Air Pollution Control Officer within 96 hours, or such earlier time as may be required by Rule 404, UPSET CONDITIONS, BREAKDOWN AND SCHEDULED MAINTENANCE.

304.2.3 In the event of a breakdown of monitoring equipment, the owner or operator shall notify the Air Pollution Control Officer within 48 hours and shall initiate repairs. The owner or operator shall inform the Air Pollution Control Officer of the intent to shutdown any monitoring equipment at least 24 hours prior to the event.

304.2.4 Compliance with the subsections above, does not exempt the owner or operator from applicable provisions of Rule 404, UPSET CONDITIONS, BREAKDOWN AND SCHEDULED MAINTENANCE, the emergency provisions of Rule 507, FEDERAL OPERATING PERMIT PROGRAM, pursuant to 40 CFR 70.6(g), or the separate reporting requirements of other federal regulations to which the stationary source or emissions unit is subject.

304.3 If the Air Pollution Control Officer determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of a numerical emission standard infeasible, the Air Pollution Control Officer may instead prescribe a design, operational, or equipment standard. In such cases, the Air Pollution Control Officer may require the installation or modification of process monitoring devices such that the design characteristics or equipment will be properly maintained, or that the operational conditions will be properly performed, so as to continuously achieve the assumed degree of control. To the extent applicable, reporting requirements for process monitors shall be the same as for continuous emission monitoring systems.

304.4 A person operating or using a continuous emission monitoring system shall, upon written notice from the Air Pollution Control Officer, provide a summary of the data obtained from such systems. This summary of the data shall be in the form and manner prescribed by the Air Pollution Control Officer. The summary of data shall be available for public inspection at the office of the Air Pollution Control District. Records from the monitoring equipment shall be kept by the owner or operator for a period of five (5) years, during which time they shall be available to the Air Pollution Control Officer in such form as he or she directs.

305 TRANSFER: An Authority to Construct or Permit to Operate shall only be transferable, whether by operation of law or otherwise, either from one location to another, from one piece of equipment to another, or from one person to another by means of an application for authorization in accordance with Section 403 of this rule.

306 PERMIT RENEWAL: Every Permit to Operate, except as specified below, shall be renewable annually on the permit's anniversary date, commencing one (1) year after the date of issuance.
306.1 Action to suspend or revoke the permit has been initiated and such action has resulted in a final determination to suspend or revoke the permit by the Air Pollution Control Officer or the Hearing Board and all appeals, or time for appeals, has been exhausted.

306.2 Fees applicable to the renewal of the permit(s) to operate have not been paid, as specified in Regulation 6, FEES.

306.3 The Air Pollution Control Officer shall review every Permit to Operate upon annual renewal, pursuant to Health and Safety Code Section 42301(e), to determine that permit conditions are adequate to ensure compliance with, and the enforceability of, District Rules and Regulations and state and federal laws and regulations applicable to the emission unit for which the permit was issued. Applicable District Rules and Regulations shall include those which were in effect at the time the permit was issued or modified, or which have subsequently been adopted and made retroactively applicable to an existing emission unit by the District Board of Directors. The Air Pollution Control Officer shall revise the conditions, if such conditions are not consistent, in accordance with these rules, regulations, and laws.

306.4 The Air Pollution Control Officer may establish an annual permit renewal date for all Permits to Operate held by a stationary source. Thereafter, Permits to Operate shall be renewable that same day and month of each succeeding year, subject to any other requirements of these Rules and Regulations and of state law, regarding validity, voiding or revocation of permits.

307 PERFORMANCE TESTING: Within sixty (60) days after achieving the maximum production rate or the maximum rate of emissions to which the source is limited by enforceable conditions, but not later than one hundred eighty (180) days after initial startup of such source, or as otherwise required by the Air Pollution Control Officer to determine continuous compliance with emission limitations or to confirm emission reductions claimed, the owner or operator of such source shall conduct performance test(s) in accordance with methods and under operating conditions as are approved by the Air Pollution Control Officer and furnish the Air Pollution Control Officer a written report of the results of such performance test(s) within 60 days of completion of such tests.

307.1 Such test(s) shall be at the expense of the owner or operator.

307.2 Testing shall be conducted with the source(s) of emissions operating at maximum capacity or other rate conforming to the maximum rate of emissions to which the source(s) are limited by enforceable condition(s).

307.3 The Air Pollution Control Officer may monitor such test and may also conduct performance tests.

307.4 The owner or operator of a source shall provide the Air Pollution Control Officer prior notice of the performance test to afford the Air Pollution Control Officer the opportunity to have an observer present. Notice shall be at least 15 days prior to the test, or as agreed to by the Air Pollution Control Officer.

307.5 The Air Pollution Control Officer may waive the requirement for performance tests if the owner or operator of a source has demonstrated by other means to the Air Pollution Control Officer's satisfaction that the source is being operated in compliance with all local, state, and federal regulations which are part of the California State Implementation Plan.
ADMINISTRATIVE REQUIREMENTS

POSTING: A person who has been granted a Permit to Operate any emission unit described in Section 302 of this rule shall maintain a legible copy of said permit on the premises of the subject equipment. Other information, analysis, plans or specifications which disclose the nature, extent, quantity, or degree of air contaminants which are or may be discharged from such source shall be readily available for inspection by the Air Pollution Control Officer.

ALTERING OF PERMIT: A person shall not willfully deface, alter, forge, counterfeit, or falsify a Permit to Operate any emission unit described in Section 302 of this rule. A permit amendment or revision requested by the owner or operator, other than an administrative permit, shall require the filing of an application. For an administrative permit amendment, a responsible official may implement the change addressed in the written request immediately upon submittal of the request. The Air Pollution Control Officer shall take final action no later than sixty (60) days after receiving the written request for an administrative permit amendment.

402.1 After verifying the permit revision is an administrative permit amendment, the Air Pollution Control Officer may revise the permit without providing notice to the public or any affected state.

402.2 The Air Pollution Control Officer shall provide a copy of the revised permit to the responsible official.

402.3 While the Air Pollution Control Officer need not make a completeness determination on a written request, the Air Pollution Control Officer shall notify the responsible official if the Air Pollution Control Officer determines that the permit cannot be revised as an administrative permit amendment.

APPLICATIONS: An application for an Authority to Construct, Permit to Operate, change of ownership, or an application for a permit amendment, permit reopening, or revision shall be filed in the manner and form prescribed by the Air Pollution Control Officer, and shall give all the information necessary to enable the Air Pollution Control Officer to make the determinations required by Section 303 of this rule and other applicable District Rules and Regulations and state and federal laws and regulations.

403.1 A responsible official representing the owner or operator shall certify the truth, accuracy and completeness of application forms.

403.2 When the information submitted with the application is insufficient for the Air Pollution Control Officer to make the required determinations, upon the written request of the Air Pollution Control Officer a responsible official shall supplement any complete application with additional information within the time frame specified by the Air Pollution Control Officer.

403.3 A responsible official shall promptly provide additional information in writing to the Air Pollution Control Officer upon discovery of submittal of any inaccurate information as part of the application or as a supplement thereto, or of any additional relevant facts previously omitted which are needed for accurate analysis of the application.

403.4 Intentional or negligent submittal of inaccurate information shall be reason for denial of an application.
403.5 An application for an Authority to Construct, Permit to Operate, or permit amendment or revision shall be accompanied by payment of the application filing fee specified in Regulation 6, FEES.

404 ACTION ON APPLICATIONS: The Air Pollution Control Officer shall notify the applicant in writing of his or her approval, conditional approval, suspension, or denial of the application for an Authority to Construct or Permit to Operate.

404.1 In the event said notification or notification of application completeness pursuant to Rule 502, NEW SOURCE REVIEW, is not received by applicant within 30 days of the filing of the application, or within 30 days of providing further information as required by Section 403, the applicant may, at his or her option, deem the application to construct or Permit to Operate denied.

404.2 Service of said notification may be made in person or by mail, and such service may be proved by the written acknowledgment of the person(s) served or affidavit of the person making the service.

405 CONDITIONAL APPROVAL: The Air Pollution Control Officer may issue an Authority to Construct or a Permit to Operate subject to conditions which will bring the operation of the emission unit within the standards of Section 303 of this rule. The conditions shall be specified in writing. Commencing work under such an Authority to Construct, or operation under such a Permit to Operate, shall be deemed acceptance of all the conditions so specified. The Air Pollution Control Officer shall issue an Authority to Construct or a Permit to Operate with revised conditions upon receipt of a new application, if the applicant demonstrates that the emission unit can operate under the revised conditions within the standards of Section 303 of this rule.

406 DENIAL OF APPLICATION: In the event of a denial of an Authority to Construct or Permit to Operate, the Air Pollution Control Officer shall notify the applicant in writing of the reasons therefore. Service of this notification may be made in person or by mail, and such service may be proved by the written acknowledgment of the person(s) served or affidavit of the person making the service. The Air Pollution Control Officer shall not accept a further application unless the applicant has complied with the objections specified by the Air Pollution Control Officer as his or her reasons for denial of the Authority to Construct or the Permit to Operate.

407 DISCLOSURE: The Air Pollution Control Officer, at any time, may require from an applicant, or holder of, any permit provided for in these rules and regulations, such information, analyses, plans, or specifications which will disclose the nature, extent, quality, or degree of air contaminants which are, or may be, discharged by the source for which the permit was issued or applied. The Air Pollution Control Officer may require that such disclosures be certified by a professional engineer registered in the State of California. A responsible official representing the owner or operator shall certify the truth, accuracy and completeness of disclosures. Studies necessary to provide such information shall be at the expense of the owner or operator of the source for which a permit was issued or applied.

408 EMISSION STATEMENT: Upon the request of the Air Pollution Control Officer and as directed by the Air Pollution Control Officer, the owner or operator of any stationary source operation which emits or may emit oxides of nitrogen or reactive organic gas shall provide the Air Pollution Control Officer with a written statement, in accordance with Rule 503, EMISSION STATEMENT, showing actual emissions of oxides of nitrogen and reactive organic gas from that source.
409 SUSPENSION: The Air Pollution Control Officer may suspend a permit if a holder of such permit willfully fails and refuses to furnish information, analyses, plans, and specifications, within a reasonable time, as requested by the Air Pollution Control Officer pursuant to California Health and Safety Code Section 42303, District Rules and Regulations, or any other law, rule, regulation, agreement, or order enforceable by the District. The Air Pollution Control Officer shall serve notice, in writing, of such suspension and the reasons therefore. Service of said notification may be made in person or by mail, and such service may be proved by the written acknowledgment of the persons served or affidavit of the person making the service. The permit shall be reinstated when the Air Pollution Control Officer is furnished with all requested information, analyses, plans, and specifications.

410 CANCELLATION OF APPLICATION: An Authority to Construct or Permit to Operate application may be canceled by the Air Pollution Control Officer:

410.1 At the request of the applicant; or

410.2 If additional information has been requested of the applicant in accordance with Section 403 without the subsequent submittal of information within a reasonable time.

410.3 If applicable permit fees of Rule 601, PERMIT FEES are not paid when due the application may be cancelled and any issued Authority to Construct or Permit to Operate may be voided.

411 CANCELLATION OF PERMIT TO OPERATE: If, prior to the surrender of the operating permit, the Air Pollution Control Officer determines that the source or the emissions unit has been removed or fallen into an inoperable or un-maintained condition, the Air Pollution Control Officer may notify the owner of the intent to cancel the permit, providing the owner or operator with 30 days to respond. If the owner cannot demonstrate to the satisfaction of the Air Pollution Control Officer that the owner intended to operate again, or the owner does not respond within 30 days from the date a second noticing of the District's intent to cancel the permit is mailed by the District to the owner or operator, then the Air Pollution Control Officer may cancel the permit and deem the source or emissions unit shutdown as of the last known date the source or emissions unit discharged emissions.

411.1 The owner or operator may request an extension of time, in writing prior to the end of the sixty (60) day period following the initial notice, from the Air Pollution Control Officer.

411.2 The Air Pollution Control Officer may grant an extension of time not to exceed ninety (90) days.

411.3 The owner or operator may claim emissions reductions resulting from the shutdown in accordance with the provisions of Rule 504, EMISSION REDUCTION CREDITS, prior to the end of the sixty (60) day period following the initial notice, or prior to the expiration of an extension.

411.4 The Air Pollution Control Officer shall advise, in writing, the owner or operator of the stationary source or emissions unit for which a permit is canceled of the cancellation decision.

411.5 The owner or operator may appeal the decision to cancel the permit pursuant to Section 413 of this rule.

412 TEMPORARY PERMIT: The Air Pollution Control Officer may issue a temporary Permit to Operate. The temporary Permit to Operate shall specify a reasonable period of time
during which the emission unit may be operated in order for the District to determine whether it will operate in accordance with the conditions specified in the permit.

413 APPEALS: Within ten days after notice, by the Air Pollution Control Officer, of cancellation, suspension, denial, or conditional approval of an Authority to Construct, Permit to Operate, or emissions reduction credit application, the applicant or any other aggrieved person who participated in the permit issuance proceedings may petition the Hearing Board, in writing, for an order modifying or reversing that decision. The Hearing Board after public notice and a public hearing held within thirty days after filing the petition, may sustain or reverse the action of the Air Pollution Control Officer; such order may be made subject to specified conditions.

500 MONITORING AND RECORDS

501 TESTING PROCEDURES:

501.1 General Requirements: Except as otherwise specified in the District Rules and Regulations, the State Implementation Plan, and the applicable federal requirements of Rule 507, FEDERAL OPERATING PERMIT PROGRAM, testing methods for determining compliance with emission limits shall be:

501.1.1 The appropriate methods adopted by the California Air Resources Board and cited in Title 17, California Code of Regulations, Division 3, Subchapter 8, Compliance with Non-vehicular Emission Standards; or

501.1.2 The appropriate methods of 40 CFR part 50, Appendix M, Recommended Test Methods for State Implementation Plans; or

501.1.3 Any appropriate method of 40 CFR part 60, Appendix A, Test Methods; or

501.1.4 An alternative method following review and approval of that method by the California Air Resources Board and US Environmental Protection Agency.


501.3 Vapor Pressure: ASTM D-2879-86, "Vapor Pressure-Temperature Relation and Initial Decomposition Temperature of Liquids by Isoteniscope".

502 MONITORING: As applicable, each emission source subject to the requirements of Section 301 and 302 shall comply with the following monitoring requirements:

502.1 The requirements of Title 40, Code of Federal Regulations, Part 60, Appendix B and F.

502.2 The applicable federal requirements for monitoring of Title V of the Federal Clean Air Act as amended in 1990 (42 U.S.C. Section 7401 et seq.).

503 RECORDKEEPING:

503.1 The following records shall be maintained and provided to the Air Pollution Control Officer upon request.

503.1.1 Emissions monitoring and process data records necessary for the determination and reporting of emissions, in accordance with applicable provisions of the District Rules and Regulations, shall be maintained.
Records shall be kept for at least two years and shall be kept 5 years for sources subject to the applicable requirements of Title V and Rule 507, FEDERAL OPERATING PERMIT PROGRAM.

503.1.2 Other records of the nature and amounts of emissions or any other information as may be deemed necessary by the Air Pollution Control Officer to determine whether the stationary source or emissions unit is in compliance with applicable emission limitations, credited emission reductions, exemptions from rule provisions, or other requirements. The information must include emission measurements, continuous emission monitoring system performance testing measurements, performance evaluations, calibration checks and adjustments, maintenance performed on such monitoring systems, and other records and reports required by Title 40, Code of Federal Regulations, Part 60, Appendix B and F.

503.1.3 Operation and maintenance plans shall be submitted to the District for all add-on capture and control equipment for review and approval by the Air Pollution Control Officer. Such plans shall demonstrate, though the use of specific recordkeeping requirements, continuous operation of the add-on control equipment when emission producing operations are occurring. The plan shall also specify records to be kept to document the performance of required periodic maintenance. Records shall be consistent with compliance time frames and employ the most recent US Environmental Protection Agency recordkeeping guidance.

503.2 The Air Pollution Control Officer may require recordkeeping to verify or maintain any exemption.
ATTACHMENT #2

SUBJECT:

Resolution #21-03
Adoption of the Amended Rule 501, General Permit Requirements, and Resolution Exhibit I, Proposed Amendment to Rule 501, General Permit Requirements
Before the Placer County
Air Pollution Control District Board of Directors

In the Matter Of: Approval of the Amended Placer County Air Pollution Control District Rule 501, General Permit Requirements, as shown in Exhibit I

The following RESOLUTION was duly passed by the Placer County Air Pollution Control District Board of Directors (District Board) at a regular meeting held on April 8, 2021, by the following vote:

Ayes: Alvord_____ Berlant_____ Burruss_____ Duncan_____ Holmes_____ 
Janda_____ Jones_____ Silhi_____ Weygandt_____ 
Alternates: ___________________ _____ ____________________ _____

Noes: Alvord_____ Berlant_____ Burruss_____ Duncan_____ Holmes_____ 
Janda_____ Jones_____ Silhi_____ Weygandt_____ Alternates: 
__________________ _____ ____________________ _____

Abstain: Alvord_____ Berlant_____ Burruss_____ Duncan_____ Holmes_____ 
Janda_____ Jones_____ Silhi_____ Weygandt_____ 
Alternates: ___________________ _____ ____________________ _____

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 (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, Section 110(a)(2)(C) of the United States Clean Air Act requires states to include in their State Implementation Plan (SIP) a permitting program for new and modified sources of air pollution; and

WHEREAS, District Rules 501, General Permitting Requirements, and Rule 502, New Source Review, make up the District’s general permitting program by providing requirements and procedures for the review of new stationary sources of air pollution and the orderly review of the modification and operation of existing stationary sources of air pollution through the issuance of permits; and

WHEREAS, District Rule 501, General Permit Requirements, was adopted on December 08, 1970 and was last amended on August 12, 2010 and submitted for approval into the SIP on December 7, 2010; and

WHEREAS, The United States Environmental Protection Agency (U.S. EPA) finalized action on the submittal of Rule 501, General Permit Requirements on April 20, 2020, in the form of a limited approval and limited disapproval, due to four noted deficiencies identified by U.S. EPA in the technical review of the SIP submittal; and

WHEREAS, District staff proposed amendments to Rule 501, General Permit Requirements, to address the deficiencies noted by U.S. EPA to achieve final SIP approval of the District’s permitting program; and

WHEREAS, District staff published a notice on March 6, 2021 to invite public comment on the proposed amendments to Rule 501, General Permit Requirements, and provided a 30-day period to submit written comments; and

WHEREAS, District staff received no written public comments in response to the published public notice; and

WHEREAS, the District Board of Directors (District Board) conducted a public hearing on April 8, 2021 and considered public comments on the proposed amendments to Rule 501, General Permit Requirements; and

WHEREAS, the District Board determined that the amendments to Rule 501, General Permit Requirements, are categorically exempt from California Environmental Quality Act (CEQA) under Section 15308 of the State CEQA Guidelines, as an action by a regulatory agency for the protection of the environment, and under Section 15061(b)(3) of the State CEQA Guidelines, as an action for which it can be seen with certainty that there is no possibility the action may have a significant adverse effect on the environment.

NOW THEREFORE BE IT RESOLVED, that the District Board approves and adopts the amendments to Rule 501, General Permit Requirements, as shown in Exhibit I; and

BE IT RESOLVED AND ORDERED, that the Air Pollution Control Officer is hereby authorized and directed to forward this rule amendment with all necessary supporting documents, in the form required by the California Air Resources Board, on behalf of the Placer County Air Pollution Control District, for submittal to the United States Environmental Protection Agency as a requested revision to the State Implementation Plan.

Exhibit I: Proposed Amendment of Rule 501, General Permit Requirements
Resolution #21-03

EXHIBIT I

Proposed Amendment of Rule 501, General Permit Requirements
RULE 501 GENERAL PERMIT REQUIREMENTS

Adopted 12-08-70
(Amended 05-09-72, 11-12-74, 05-24-77, 06-19-79, 09-21-93, 11-03-94, 12-09-04, 8-12-10, 04-08-21)

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101 PURPOSE: To provide an orderly procedure for the review of new sources of air pollution and modification and operation of existing sources through the issuance of permits. Procedures for issuing, modifying, or renewing Title V Permits to Operate for stationary sources that are subject to Rule 507, FEDERAL OPERATING PERMIT PROGRAM, shall also be consistent with the procedures specified in that rule.

102 EXEMPTION RECORDKEEPING: Records must be maintained to substantiate the following exemptions. Records must be maintained on site and made available to the District upon request.

110 EXEMPTION, GENERAL: An Authority to Construct and Permit to Operate shall not be required for the equipment listed in Sections 111 to 122, unless an emissions unit is:

110.1 Subject to New Source Performance Standards, except engines less than 50 horsepower subject to NSPS JJJJ, Standards of Performance for Stationary Spark Ignition ICE; or

110.2 Subject to National Emission Standards for Hazardous Air Pollutants; or

110.3 Subject to the requirements of Rule 507, FEDERAL OPERATING PERMIT PROGRAM; or

110.4 Emits, in levels deemed appropriate for review by the Air Pollution Control Officer, substances identified as a toxic air contaminant or which are under review pursuant to Health and Safety Code Section 39650 et seq.; or

110.5 The Air Pollution Control Officer makes a determination that the emission unit may not operate in compliance with the District Rules and Regulations; or

110.6 An emissions unit or stationary source for which emission reduction credits have been requested or granted in accordance with Rule 504, EMISSION REDUCTION CREDITS.

110.7 An otherwise exempt piece of equipment that is part of a process that requires a permit.

111 EXEMPTION, MOBILE SOURCES:

111.1 Engines used to propel mobile equipment or a motor vehicle of any kind, but not including any article, machine, equipment or other contrivance mounted on such a vehicle that would otherwise require a permit under the provisions of these rules and regulations.

111.2 Locomotives, airplanes and watercraft used to transport passengers or freight. This exemption shall not apply to equipment used for dredging of waterways or equipment used in pile driving adjacent to or in waterways.

112 EXEMPTION, COMBUSTION AND HEAT TRANSFER EQUIPMENT:

112.1 Internal combustion engines with a manufacturer's maximum continuous rating of 50 brake horsepower or less or gas turbine engines with a maximum heat input rate of 3,000,000 British Thermal Units (Btu) per hour or less at ISO standard day conditions (288 degrees Kelvin, 60 percent relative humidity, and 101.3 kilopascals
pressure). The ratings of all engines or turbines used in the same process will be accumulated to determine whether this exemption applies.

112.2 Any combustion equipment that has a maximum heat input of less than 1,000,000 Btu per hour (gross) and is equipped to be fired exclusively with natural gas, liquefied petroleum gas or any combination thereof. The ratings of all combustion equipment used in the same process will be accumulated to determine whether this exemption applies.

113 EXEMPTION, RESIDENTIAL STRUCTURES: Equipment utilized exclusively in connection with any structure, when the structure is designed for and used exclusively as a dwelling for not more than four families.

114 EXEMPTION, AGRICULTURAL OPERATIONS: Equipment used exclusively in the growing of agricultural crops, or in the commercial raising of fowl or other animals. This exemption does not apply to an agricultural source, as defined in this Rule, that is:

114.1 A Major Stationary Source or Major Modification, as defined in Rule 502, NEW SOURCE REVIEW; or,

114.2 A stationary source that emits in any 12-month period air contaminant emissions equal to or more than the following quantities of emissions:
   a. 50 percent of the major source thresholds for regulated air pollutants (excluding HAPs);
   b. 5 tons per year of a single HAP;
   c. 12.5 tons per year of any combination of HAPs; and
   d. 50 percent of any lesser threshold for a single HAP as the U.S. EPA may establish by rule; or,

114.3 A Large Confined Animal Facility as defined in Title 17, California Code of Regulations, Division 1, Chapter 1, Subchapter 2.7, §86500 et.seq, as in effect on June 21, 2006.

115 EXEMPTION, COOLING SYSTEMS AND VACUUM CLEANING: Refrigeration, air conditioning, ventilating, or vacuum cleaning systems not designed to remove air contaminants generated by equipment which would require a permit under these rules and regulations.

116 EXEMPTION, COOLING TOWERS: Water cooling towers that have a circulation rate of less than 10,000 gallons per minute and which are not used for the cooling of process water, water from barometric jets, or water from barometric condensers.

117 EXEMPTION, STORAGE AND TRANSFER: Tanks, reservoirs, vessels or other containers and their associated dispensing, pumping and compression systems used exclusively for the storage of:

117.1 Liquefied or compressed gases.

117.2 Unheated organic materials with an initial boiling point of 150 degrees Celsius (302 degrees Fahrenheit) or greater, as determined by the testing procedure specified in Section 501.2, or with an organic vapor pressure of 5 mm Hg (0.1 psia) or less at 20°C, as determined by the testing procedure specified in Section 501.3.

117.3 Organic liquids with a vapor pressure of 77.5 mm Hg (1.5 psia) or less at 20°C, as determined by the testing procedure specified in Section 501.3, stored in
containers having a capacity of 23,000 liters (6076 gallons or less). Equipment used exclusively for the transfer of organic liquids with a vapor pressure of 77.5 mm Hg (1.5 psia) at 20°C to or from storage.

117.4 Unheated solvent dispensing containers of 380 liters (100 gallons) capacity or less.

118 EXEMPTION, SURFACE COATING AND PREPARATION:

118.1 Water solution containing no more than two percent volatile organic compounds by weight for surface preparation, cleaning, stripping, etching (other than chemical milling) or the electrolytic plating with electrolytic polishing of, or the electrolytic stripping of brass, bronze, cadmium, copper, iron lead, nickel, tin, zinc, and precious metals.

118.2 Surface coating operations using a combined total of one gallon per day or less of coating material and solvent.

118.3 Unheated non-conveyorized solvent rinsing containers or unheated non-conveyorized coating dip tanks of 380 liters (100 gallons) capacity or less with an open surface area of one square meter (11 square feet) or less providing no more than 25 gallons of solvent are evaporated or lost to the atmosphere from all such equipment per calendar year.

119 EXEMPTION, FOOD PROCESSING: The following processing equipment for food or other human consumables and exhaust systems or collectors serving exclusively such equipment:

119.1 Used in eating establishments for the purpose of preparing food for human consumption.

119.2 Smokehouses in which the maximum horizontal inside cross sectional area does not exceed 2 square meters (21.5 square feet).

119.3 Mixers and blenders used in bakeries.

119.4 Confection cookers.

119.5 Used exclusively to grind, blend or package tea, cocoa, spices, or roasted coffee.

120 EXEMPTION, LABORATORY EQUIPMENT: Laboratory equipment used exclusively for chemical or physical analysis and bench scale tests, including associated vacuum-producing equipment.

121 EXEMPTION, REPAIRS AND MAINTENANCE: Repairs or maintenance not involving changes to any equipment for which a permit has been granted under Section 301 of this rule.

122 EXEMPTION, OTHER EQUIPMENT: Unless subject to the requirements of Rule 507, FEDERAL OPERATING PERMIT PROGRAM, other equipment authorized for exemption by the Air Pollution Control Officer and which would emit less than 2 pounds in any 24 hour period of any pollutants without the benefit of air pollution control devices.

200 DEFINITIONS: Unless otherwise defined below, the terms used in this rule are defined in Rule 502, NEW SOURCE REVIEW; and Rule 102, DEFINITIONS; and apply in hierarchical order.
201  **ADMINISTRATIVE PERMIT AMENDMENT:** An amendment to a Permit to Operate which:

201.1 Corrects a typographical error; or

201.2 Identifies a minor administrative change at the stationary source; for example, a change in the name, address, or phone number of any person identified in the permit; or

201.3 Requires more frequent monitoring or reporting by a responsible official of the stationary source; or

202  **AGRICULTURAL SOURCE OF AIR POLLUTION OR AGRICULTURAL SOURCE:** A source of air pollution or a group of sources used in the production of crops, or the raising of fowl or animals located on contiguous property under common ownership or control, including, but not limited to the following criteria:

202.1 Is a confined animal facility, including, but not limited to, any structure, building, installation, barn, corral, coop, feed storage area, milking parlor, or system for the collection, storage, treatment, and distribution of liquid and solid manure, if domesticated animals, including, but not limited to, cattle, calves, horses, sheep, goats, swine, rabbits, chickens, turkeys, or ducks are corralled, penned, or otherwise caused to remain in restricted areas for commercial agricultural purposes and feeding is by means other than grazing.

202.2 Is an internal combustion engine used in the production of crops or the raising of fowl or animals, including, but not limited to, an engine subject to Section 41750 of the California Health & Safety Code, except an engine that is used to propel implements of husbandry, as that term is defined in Section 36000 of the Vehicle Code, as that section existed on January 1, 2003.

203  **ANNIVERSARY DATE:** The day and month of issuance of a Permit to Operate and that same day and month of each succeeding year.

204  **APPLICABLE REQUIREMENTS:** Air quality requirements with which a facility must comply pursuant to the District's regulations, codes of California statutory law, the Federal Clean Air Act as amended in 1990 and implementing regulations, other provisions of the United States Code, and the Code of Federal Regulations.

205  **AUTHORITY TO CONSTRUCT:** A preconstruction permit authorizing construction prior to the starting of construction and conforming to the requirements of Rule 502, NEW SOURCE REVIEW.

206  **COMMENCE:** As applied to construction, means that the owner or operator has all of the necessary permits or approvals required under state and federal air quality control laws, District Rules and Regulations, and those air quality control laws and regulations which are part of the California State Implementation Plan, and has:

206.1 Begun, or caused to begin, a continuous program of on-site construction of the source, to be completed in a reasonable time; or

206.2 Entered into binding agreements or contractual obligations which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.
CONTIGUOUS PROPERTY: Two or more parcels of land with a common boundary or separated solely by a public roadway or other public right-of-way.

EMISSIONS UNIT: An identifiable operation or piece of process equipment such as an article, machine, or other contrivance which controls, emits, may emit, or results in the emissions of any air pollutant directly or as fugitive emissions.

ENFORCEABLE: Verifiable, legally binding, and practically enforceable. Enforceable, for the purposes of federal requirements, means all federally enforceable limitations and conditions enforceable by the administrator, including: NSPS; NESHAP; requirements within any applicable State Implementation Plan; any permit requirement established pursuant to 40 CFR 52.21, 51.160-166; or federal operating permit requirements.

OFFSET: The use of an emission reduction credit to compensate for an emission increase of an NSR regulated pollutant from a new or modified source subject to the requirements of Rule 502, NEW SOURCE REVIEW.

PARCEL(S): A legally identifiable piece of land as registered with the County Assessors' office for property tax purposes.

REGULATED POLLUTANT: A pollutant for which an Ambient Air Quality Standard has been established by the EPA or by the California Air Resources Board (ARB), and the precursors to such pollutants.

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:

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:
   - The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars); or
   - The delegation of authority to such representative is approved in advance by the Air Pollution Control Officer;

2. For a partnership or sole proprietorship, a general partner or the proprietor, respectively;

3. For a municipality, state, federal, or other public agency, either a principal executive officer or a ranking elected official;

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 PERMIT PROGRAM.

SHUTDOWN: The earlier of either the permanent cessation of emissions from a source or an emission unit, or the surrender of that unit's or source's operating permit.
215 **STARTUP:** means the setting in operation of a stationary source or emission unit for any purpose.

216 **STATIONARY SOURCE (SOURCE OR FACILITY):** Any building, structure, facility, or emissions unit which emits or may emit any regulated pollutant directly or as fugitive emissions.

216.1 Building, structure, facility, or emissions unit includes all pollutant emitting activities which:

216.1.1 Belong to the same industrial grouping; and

216.1.2 Are located on one property or on two or more contiguous properties; and

216.1.3 Are owned or operated by entities which are under common control.

216.2 Pollutant emitting activities shall be considered as part of the same industrial grouping if:

216.2.1 They belong to the same two-digit standard industrial classification code under the system described in the 1987 Standard Industrial Classification Manual; or

216.2.2 They are part of a common production process. (Common production process includes industrial processes, manufacturing processes and any connected processes involving a common material.)

216.3 The emissions of cargo carriers associated with the stationary source shall be considered emissions from the stationary source to the extent that emission reductions from these cargo carriers are proposed as offsets.

217 **TITLE V PERMITS:** A permit issued, denied, renewed, amended, or reopened pursuant to Rule 507, FEDERAL OPERATING PERMIT PROGRAM, and the Federal Clean Air Act as amended in 1990 (42 U.S.C. Section 7401 et seq.), and Part 70 Code of Federal Regulations, "State Operating Permit Programs".

300 **STANDARDS**

301 **AUTHORITY TO CONSTRUCT:** Any person building, erecting, placing on site, altering or replacing any article, machine, equipment or other contrivance, the use of which may cause, eliminate, reduce, or control the issuance of air contaminants, shall first obtain authorization for such construction from the Air Pollution Control Officer (APCO) as specified in Section 403 of this rule. The emissions unit(s) shall not commence operation until the Air Pollution Control Officer takes final action to approve the Authority to Construct. After the emissions unit(s) commence operation, the Authority to Construct may remain in effect as a Temporary Permit to Operate until a Permit to Operate the equipment is granted or denied or the application is canceled.

301.1 An Authority to Construct, unless extended, shall expire no later than one year following the construction completion date given by the applicant, or no later than two years following the date of permit issuance, whichever occurs first.

301.2 If a written request to extend the Authority to Construct is received by the Air Pollution Control Officer prior to the expiration of the Authority to Construct, an extension may be granted for up to two years if the Air Pollution Control Officer...
determines that: (1) commencement of construction has occurred, and a good faith effort to complete the project has been made; and (2) the parameters of the project remain the same as in the initial application.

301.3 The Air Pollution Control Officer shall be notified of the anticipated date of initial startup or operation of any permitted emission unit.

301.4 The Air Pollution Control Officer shall be notified of the actual date of initial startup within five (5) days after such date.

302 PERMIT TO OPERATE: Any person operating an emission unit, shall first obtain a written permit from the Air Pollution Control Officer.

303 STANDARDS FOR GRANTING APPLICATIONS:

303.1 The Air Pollution Control Officer shall deny an Authority to Construct or Permit to Operate, except as provided in Rule 502, NEW SOURCE REVIEW, if the applicant does not show that every emission unit is so designed, controlled, equipped, and operated with such air pollution control equipment that it may be shown to operate without emitting, or without causing to be emitted, air contaminants, as may be enforceable by the Air Pollution Control Officer on the date the Authority to Construct or Permit to Operate is issued, which:

303.1.1 Cause a violation of an applicable provision of the California State Implementation Plan, District Rules and Regulations, or State or Federal law; or,

303.1.2 Interfere with attainment or maintenance of a National Ambient Air Quality Standard.

303.2 No Permit to Operate shall be granted, either by the Air Pollution Control Officer or the Hearing Board, for any emission unit which has been constructed or installed without authorization as required by Section 301 of this rule, until:

303.2.1 The information necessary to enable the Air Pollution Control Officer to make the determination required by Section 303 of this rule and Rule 502, NEW SOURCE REVIEW is presented to the Air Pollution Control Officer; and

303.2.2 Such emission unit is altered, if necessary, and made to conform to the standards set forth in Section 303 of this rule, elsewhere in these rules and regulations, and in the California Health and Safety Code.

303.3 In acting upon a Permit to Operate, if the Air Pollution Control Officer finds that the emission unit has not been constructed in accordance with the Authority to Construct, he or she shall deny the Permit to Operate. The Air Pollution Control Officer shall not accept any further application for a Permit to Operate the emission unit so constructed until he or she finds that the emission unit has been reconstructed in accordance with the Authority to Construct.

303.4 The Air Pollution Control Officer shall require enforceable emission limitations as permit conditions in Authorities to Construct and Permits to Operate to assure the permanence of surplus actual emissions reductions applied for use as internal reductions or emission reduction credits in accordance with Rule 502, NEW SOURCE REVIEW and Rule 504, EMISSION REDUCTION CREDITS.
303.5 The Air Pollution Control Officer shall determine that an applicant for an authority to construct or modify a potential source of air contaminants located within 1,000 feet from the outer boundary of a school has complied with the applicable requirements of California Health and Safety Code Section 42301.6, preparation and distribution of a public notice, prior to approving an application for an Authority to Construct permit.

303.6 Approval to construct shall not relieve any owner or operator of the responsibility to comply fully with all applicable requirements, including applicable provisions of the California State Implementation Plan, District Rules and Regulations, or State or Federal law.

303.7 The Air Pollution Control Officer shall require the applicant, as a condition of the Authority to Construct, to comply with the requirements of California Health and Safety Code Part 6, (Section 44300 et seq.), Air Toxics "Hot Spots" Information and Assessment Act.

303.8 The degree of emission limitation required of any source for control of any air pollutant must not be affected by so much of any source's stack height that exceeds good engineering practice or by any other dispersion technique, except as provided in 40 CFR 51.118(b). For the purpose of this Section, the definitions in 40 CFR 51.100 shall apply.

303.8.1 Before the APCO issues an Authority to Construct under this rule to a source with a stack height that exceeds good engineering practice (GEP) stack height, the APCO shall notify the public of the availability of the demonstration study and provide opportunity for a public hearing.

303.8.2 Any field study or fluid model used to demonstrate GEP stack height and any determination concerning excessive concentration must be approved by the U.S. EPA and the APCO prior to any emission limit being established.

303.8.3 The provisions of Section 303.8 do not restrict, in any manner, the actual stack height of any stationary source or facility.

304 PROVISION OF SAMPLING AND TESTING FACILITIES: In addition to the monitoring and testing required to comply with state or federal laws or regulations, the Air Pollution Control Officer may, upon reasonable written notice or before an Authority to Construct or Permit to Operate is granted, require the applicant or the owner or operator of any emission unit to:

304.1 Provide and maintain such facilities as are necessary for sampling and testing purposes in order to secure information that will disclose the nature, extent, quantity or degree of air contaminants discharged into the atmosphere from the equipment in question. In the event of such a requirement, the Air Pollution Control Officer shall notify the applicant in writing of the required size, number and location of sampling holes; the size and location of the sampling platform; the access to the sampling platform; and the utilities for operating the sampling, testing, and air monitoring equipment. Such platform and access shall be constructed in accordance with the applicable General Industry Safety Orders of the State of California.

304.2 Provide and maintain sampling and monitoring apparatus to measure emissions of air contaminants.
304.2.1 Continuous emission monitoring systems, as a minimum, shall be installed to meet the performance specifications required, by Section 502 of this rule.

304.2.2 A violation of emission standards of these rules, as shown by the continuous emission monitoring system, shall be reported by the owner or operator to the Air Pollution Control Officer within 96 hours, or such earlier time as may be required by Rule 404, UPSET CONDITIONS, BREAKDOWN AND SCHEDULED MAINTENANCE.

304.2.3 In the event of a breakdown of monitoring equipment, the owner or operator shall notify the Air Pollution Control Officer within 48 hours and shall initiate repairs. The owner or operator shall inform the Air Pollution Control Officer of the intent to shutdown any monitoring equipment at least 24 hours prior to the event.

304.2.4 Compliance with the subsections above, does not exempt the owner or operator from applicable provisions of Rule 404, UPSET CONDITIONS, BREAKDOWN AND SCHEDULED MAINTENANCE, the emergency provisions of Rule 507, FEDERAL OPERATING PERMIT PROGRAM, pursuant to 40 CFR 70.6(g), or the separate reporting requirements of other federal regulations to which the stationary source or emissions unit is subject.

304.3 If the Air Pollution Control Officer determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of a numerical emission standard infeasible, the Air Pollution Control Officer may instead prescribe a design, operational, or equipment standard. In such cases, the Air Pollution Control Officer may require the installation or modification of process monitoring devices such that the design characteristics or equipment will be properly maintained, or that the operational conditions will be properly performed, so as to continuously achieve the assumed degree of control. To the extent applicable, reporting requirements for process monitors shall be the same as for continuous emission monitoring systems.

304.4 A person operating or using a continuous emission monitoring system shall, upon written notice from the Air Pollution Control Officer, provide a summary of the data obtained from such systems. This summary of the data shall be in the form and manner prescribed by the Air Pollution Control Officer. The summary of data shall be available for public inspection at the office of the Air Pollution Control District. Records from the monitoring equipment shall be kept by the owner or operator for a period of five (5) years, during which time they shall be available to the Air Pollution Control Officer in such form as he or she directs.

305 TRANSFER: An Authority to Construct or Permit to Operate shall only be transferable, whether by operation of law or otherwise, either from one location to another, from one piece of equipment to another, or from one person to another by means of an application for authorization in accordance with Section 403 of this rule.

306 PERMIT RENEWAL: Every Permit to Operate, except as specified below, shall be renewable annually on the permit's anniversary date, commencing one (1) year after the date of issuance.

306.1 Action to suspend or revoke the permit has been initiated and such action has resulted in a final determination to suspend or revoke the permit by the Air Pollution
control Officer or the Hearing Board and all appeals, or time for appeals, has been exhausted.

306.2 Fees applicable to the renewal of the permit(s) to operate have not been paid, as specified in Regulation 6, FEES.

306.3 The Air Pollution Control Officer shall review every Permit to Operate upon annual renewal, pursuant to Health and Safety Code Section 42301(e), to determine that permit conditions are adequate to ensure compliance with, and the enforceability of, District Rules and Regulations and state and federal laws and regulations applicable to the emission unit for which the permit was issued. Applicable District Rules and Regulations shall include those which were in effect at the time the permit was issued or modified, or which have subsequently been adopted and made retroactively applicable to an existing emission unit by the District Board of Directors. The Air Pollution Control Officer shall revise the conditions, if such conditions are not consistent, in accordance with these rules, regulations, and laws.

306.4 The Air Pollution Control Officer may establish an annual permit renewal date for all Permits to Operate held by a stationary source. Thereafter, Permits to Operate shall be renewable that same day and month of each succeeding year, subject to any other requirements of these Rules and Regulations and of state law, regarding validity, voiding or revocation of permits.

307 PERFORMANCE TESTING: Within sixty (60) days after achieving the maximum production rate or the maximum rate of emissions to which the source is limited by enforceable conditions, but not later than one hundred eighty (180) days after initial startup of such source, or as otherwise required by the Air Pollution Control Officer to determine continuous compliance with emission limitations or to confirm emission reductions claimed, the owner or operator of such source shall conduct performance test(s) in accordance with methods and under operating conditions as are approved by the Air Pollution Control Officer and furnish the Air Pollution Control Officer a written report of the results of such performance test(s) within 60 days of completion of such tests.

307.1 Such test(s) shall be at the expense of the owner or operator.

307.2 Testing shall be conducted with the source(s) of emissions operating at maximum capacity or other rate conforming to the maximum rate of emissions to which the source(s) are limited by enforceable condition(s).

307.3 The Air Pollution Control Officer may monitor such test and may also conduct performance tests.

307.4 The owner or operator of a source shall provide the Air Pollution Control Officer prior notice of the performance test to afford the Air Pollution Control Officer the opportunity to have an observer present. Notice shall be at least 15 days prior to the test, or as agreed to by the Air Pollution Control Officer.

307.5 The Air Pollution Control Officer may waive the requirement for performance tests if the owner or operator of a source has demonstrated by other means to the Air Pollution Control Officer's satisfaction that the source is being operated in compliance with all local, state, and federal regulations which are part of the California State Implementation Plan.
**ADMINISTRATIVE REQUIREMENTS**

401 **POSTING:** A person who has been granted a Permit to Operate any emission unit described in Section 302 of this rule shall maintain a legible copy of said permit on the premises of the subject equipment. Other information, analysis, plans or specifications which disclose the nature, extent, quantity, or degree of air contaminants which are or may be discharged from such source shall be readily available for inspection by the Air Pollution Control Officer.

402 **ALTERING OF PERMIT:** A person shall not willfully deface, alter, forge, counterfeit, or falsify a Permit to Operate any emission unit described in Section 302 of this rule. A permit amendment or revision requested by the owner or operator, other than an administrative permit, shall require the filing of an application. For an administrative permit amendment, a responsible official may implement the change addressed in the written request immediately upon submittal of the request. The Air Pollution Control Officer shall take final action no later than sixty (60) days after receiving the written request for an administrative permit amendment.

402.1 After verifying the permit revision is an administrative permit amendment, the Air Pollution Control Officer may revise the permit without providing notice to the public or any affected state.

402.2 The Air Pollution Control Officer shall provide a copy of the revised permit to the responsible official.

402.3 While the Air Pollution Control Officer need not make a completeness determination on a written request, the Air Pollution Control Officer shall notify the responsible official if the Air Pollution Control Officer determines that the permit cannot be revised as an administrative permit amendment.

403 **APPLICATIONS:** An application for an Authority to Construct, Permit to Operate, change of ownership, or an application for a permit amendment, permit reopening, or revision shall be filed in the manner and form prescribed by the Air Pollution Control Officer, and shall give all the information necessary to enable the Air Pollution Control Officer to make the determinations required by Section 303 of this rule and other applicable District Rules and Regulations and state and federal laws and regulations.

403.1 A responsible official representing the owner or operator shall certify the truth, accuracy and completeness of application forms.

403.2 When the information submitted with the application is insufficient for the Air Pollution Control Officer to make the required determinations, upon the written request of the Air Pollution Control Officer a responsible official shall supplement any complete application with additional information within the time frame specified by the Air Pollution Control Officer.

403.3 A responsible official shall promptly provide additional information in writing to the Air Pollution Control Officer upon discovery of submittal of any inaccurate information as part of the application or as a supplement thereto, or of any additional relevant facts previously omitted which are needed for accurate analysis of the application.

403.4 Intentional or negligent submittal of inaccurate information shall be reason for denial of an application.
403.5 An application for an Authority to Construct, Permit to Operate, or permit amendment or revision shall be accompanied by payment of the application filing fee specified in Regulation 6, FEES.

404 ACTION ON APPLICATIONS: The Air Pollution Control Officer shall notify the applicant in writing of his or her approval, conditional approval, suspension, or denial of the application for an Authority to Construct or Permit to Operate.

404.1 In the event said notification or notification of application completeness pursuant to Rule 502, NEW SOURCE REVIEW, is not received by applicant within 30 days of the filing of the application, or within 30 days of providing further information as required by Section 403, the applicant may, at his or her option, deem the application to construct or Permit to Operate denied.

404.2 Service of said notification may be made in person or by mail, and such service may be proved by the written acknowledgment of the person(s) served or affidavit of the person making the service.

405 CONDITIONAL APPROVAL: The Air Pollution Control Officer may issue an Authority to Construct or a Permit to Operate subject to conditions which will bring the operation of the emission unit within the standards of Section 303 of this rule. The conditions shall be specified in writing. Commencing work under such an Authority to Construct, or operation under such a Permit to Operate, shall be deemed acceptance of all the conditions so specified. The Air Pollution Control Officer shall issue an Authority to Construct or a Permit to Operate with revised conditions upon receipt of a new application, if the applicant demonstrates that the emission unit can operate under the revised conditions within the standards of Section 303 of this rule.

406 DENIAL OF APPLICATION: In the event of a denial of an Authority to Construct or Permit to Operate, the Air Pollution Control Officer shall notify the applicant in writing of the reasons therefore. Service of this notification may be made in person or by mail, and such service may be proved by the written acknowledgment of the person(s) served or affidavit of the person making the service. The Air Pollution Control Officer shall not accept a further application unless the applicant has complied with the objections specified by the Air Pollution Control Officer as his or her reasons for denial of the Authority to Construct or the Permit to Operate.

407 DISCLOSURE: The Air Pollution Control Officer, at any time, may require from an applicant, or holder of, any permit provided for in these rules and regulations, such information, analyses, plans, or specifications which will disclose the nature, extent, quality, or degree of air contaminants which are, or may be, discharged by the source for which the permit was issued or applied. The Air Pollution Control Officer may require that such disclosures be certified by a professional engineer registered in the State of California. A responsible official representing the owner or operator shall certify the truth, accuracy and completeness of disclosures. Studies necessary to provide such information shall be at the expense of the owner or operator of the source for which a permit was issued or applied.

408 EMISSION STATEMENT: Upon the request of the Air Pollution Control Officer and as directed by the Air Pollution Control Officer, the owner or operator of any stationary source operation which emits or may emit oxides of nitrogen or reactive organic gas shall provide the Air Pollution Control Officer with a written statement, in accordance with Rule 503, EMISSION STATEMENT, showing actual emissions of oxides of nitrogen and reactive organic gas from that source.
409 **SUSPENSION:** The Air Pollution Control Officer may suspend a permit if a holder of such permit willfully fails and refuses to furnish information, analyses, plans, and specifications, within a reasonable time, as requested by the Air Pollution Control Officer pursuant to California Health and Safety Code Section 42303, District Rules and Regulations, or any other law, rule, regulation, agreement, or order enforceable by the District. The Air Pollution Control Officer shall serve notice, in writing, of such suspension and the reasons therefore. Service of said notification may be made in person or by mail, and such service may be proved by the written acknowledgment of the persons served or affidavit of the person making the service. The permit shall be reinstated when the Air Pollution Control Officer is furnished with all requested information, analyses, plans, and specifications.

410 **CANCELLATION OF APPLICATION:** An Authority to Construct or Permit to Operate application may be canceled by the Air Pollution Control Officer:

410.1 At the request of the applicant; or

410.2 If additional information has been requested of the applicant in accordance with Section 403 without the subsequent submittal of information within a reasonable time.

410.3 If applicable permit fees of Rule 601, PERMIT FEES are not paid when due the application may be cancelled and any issued Authority to Construct or Permit to Operate may be voided.

411 **CANCELLATION OF PERMIT TO OPERATE:** If, prior to the surrender of the operating permit, the Air Pollution Control Officer determines that the source or the emissions unit has been removed or fallen into an inoperable or un-maintained condition, the Air Pollution Control Officer may notify the owner of the intent to cancel the permit, providing the owner or operator with 30 days to respond. If the owner cannot demonstrate to the satisfaction of the Air Pollution Control Officer that the owner intended to operate again, or the owner does not respond within 30 days from the date a second noticing of the District's intent to cancel the permit is mailed by the District to the owner or operator, then the Air Pollution Control Officer may cancel the permit and deem the source or emissions unit shutdown as of the last known date the source or emissions unit discharged emissions.

411.1 The owner or operator may request an extension of time, in writing prior to the end of the sixty (60) day period following the initial notice, from the Air Pollution Control Officer.

411.2 The Air Pollution Control Officer may grant an extension of time not to exceed ninety (90) days.

411.3 The owner or operator may claim emissions reductions resulting from the shutdown in accordance with the provisions of Rule 504, EMISSION REDUCTION CREDITS, prior to the end of the sixty (60) day period following the initial notice, or prior to the expiration of an extension.

411.4 The Air Pollution Control Officer shall advise, in writing, the owner or operator of the stationary source or emissions unit for which a permit is canceled of the cancellation decision.

411.5 The owner or operator may appeal the decision to cancel the permit pursuant to Section 413 of this rule.

412 **TEMPORARY PERMIT:** The Air Pollution Control Officer may issue a temporary Permit to Operate. The temporary Permit to Operate shall specify a reasonable period of time
during which the emission unit may be operated in order for the District to determine whether it will operate in accordance with the conditions specified in the permit.

**413 APPEALS:** Within ten days after notice, by the Air Pollution Control Officer, of cancellation, suspension, denial, or conditional approval of an Authority to Construct, Permit to Operate, or emissions reduction credit application, the applicant or any other aggrieved person who participated in the permit issuance proceedings may petition the Hearing Board, in writing, for an order modifying or reversing that decision. The Hearing Board after public notice and a public hearing held within thirty days after filing the petition, may sustain or reverse the action of the Air Pollution Control Officer; such order may be made subject to specified conditions.

**500 MONITORING AND RECORDS**

**501 TESTING PROCEDURES:**

501.1 **General Requirements:** Except as otherwise specified in the District Rules and Regulations, the State Implementation Plan, and the applicable federal requirements of Rule 507, FEDERAL OPERATING PERMIT PROGRAM, testing methods for determining compliance with emission limits shall be:

501.1.1 The appropriate methods adopted by the California Air Resources Board and cited in Title 17, California Code of Regulations, Division 3, Subchapter 8, Compliance with Non-vehicular Emission Standards; or

501.1.2 The appropriate methods of 40 CFR part 50, Appendix M, Recommended Test Methods for State Implementation Plans; or

501.1.3 Any appropriate method of 40 CFR part 60, Appendix A, Test Methods; or

501.1.4 An alternative method following review and approval of that method by the California Air Resources Board and US Environmental Protection Agency.

501.2 **Initial Boiling Point:** ASTM D-1078-86, "Test Method for Distillation Range of Volatile Organic Liquids".

501.3 **Vapor Pressure:** ASTM D-2879-86, "Vapor Pressure-Temperature Relation and Initial Decomposition Temperature of Liquids by Isoteniscope".

**502 MONITORING:** As applicable, each emission source subject to the requirements of Section 301 and 302 shall comply with the following monitoring requirements:

502.1 The requirements of Title 40, Code of Federal Regulations, Part 60, Appendix B and F.

502.2 The applicable federal requirements for monitoring of Title V of the Federal Clean Air Act as amended in 1990 (42 U.S.C. Section 7401 et seq.).

**503 RECORDKEEPING:**

503.1 The following records shall be maintained and provided to the Air Pollution Control Officer upon request.

503.1.1 Emissions monitoring and process data records necessary for the determination and reporting of emissions, in accordance with applicable provisions of the District Rules and Regulations, shall be maintained.
Records shall be kept for at least two years and shall be kept 5 years for sources subject to the applicable requirements of Title V and Rule 507, FEDERAL OPERATING PERMIT PROGRAM.

503.1.2 Other records of the nature and amounts of emissions or any other information as may be deemed necessary by the Air Pollution Control Officer to determine whether the stationary source or emissions unit is in compliance with applicable emission limitations, credited emission reductions, exemptions from rule provisions, or other requirements. The information must include emission measurements, continuous emission monitoring system performance testing measurements, performance evaluations, calibration checks and adjustments, maintenance performed on such monitoring systems, and other records and reports required by Title 40, Code of Federal Regulations, Part 60, Appendix B and F.

503.1.3 Operation and maintenance plans shall be submitted to the District for all add-on capture and control equipment for review and approval by the Air Pollution Control Officer. Such plans shall demonstrate, though the use of specific recordkeeping requirements, continuous operation of the add-on control equipment when emission producing operations are occurring. The plan shall also specify records to be kept to document the performance of required periodic maintenance. Records shall be consistent with compliance time frames and employ the most recent US Environmental Protection Agency recordkeeping guidance.

503.2 The Air Pollution Control Officer may require recordkeeping to verify or maintain any exemption.
Agenda Date: April 8, 2021
Prepared By: Christiana Darlington, District Counsel
Topic: 2021 Legislative Update

Action Requested: No action is required. This is an informational item to provide an update on bills introduced in the Legislature which are relevant to the District.

Background: As is typically the case, many bills have been introduced in the Legislature that would either directly or indirectly impact the District. This includes bills that could impact District operations, but more typically, policy bills that have the potential to affect District programs, priorities and policies. Below is a discussion of some of the relevant bills.

Discussion: It is a very busy time at the state legislature, with many bills being considered, amended and debated. Two bills that the District has taken a formal support position this session include:

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<th>Bill</th>
<th>Description</th>
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| AB 322 (Salas) | **Energy: Electric Program Investment Charge (EPIC): biomass**  
|         | Current law, until January 1, 2023, requires the Energy Commission to expend certain percentages of the moneys appropriated from the fund for technology demonstration and deployment at sites that benefit certain communities. This bill would require the Energy Commission to allocate not less than 20% of the funds appropriated for the EPIC program to bioenergy projects for biomass conversion, as defined. |
| AB 843 (Aguiar-Curry) | **California Renewables Portfolio Standard Program: renewable feed-in tariff**  
|         | This bill would authorize a community choice aggregator to voluntarily submit eligible bioenergy contracts for cost recovery under similar conditions as apply to electrical corporations pursuant to a specified decision of the commission revising the Bioenergy Market Adjusting Tariff program, if open capacity exists within the 250-megawatt program limitation for bioenergy projects. |

Note that our local Community Choice Aggregator (CCA), Pioneer Energy, is a sponsor of AB 843, which the Bioenergy Market Tariff to make it available to the CCA. This will in turn help to support local procurement of biomass to energy, using woody residuals for energy production. The other bill, AB 322, would also support the constructive use of biomass by supporting cutting edge grants for innovative projects.
Forest Policy, Biomass and Renewable Fuels Related Bills

Several bills we are tracking that are related to forest operations, wildfire reduction, forest management, greenhouse gas emissions from forestry operations, renewable fuels and biomass include:

Assembly Bills (AB) (biomass and renewable fuels related)

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<th>Bill</th>
<th>Title</th>
<th>Description</th>
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<tr>
<td>AB 9</td>
<td>Wildfires</td>
<td>This bill would state the intent of the Legislature to enact subsequent legislation that would increase California’s capacity to prevent and reduce the impact of wildfires and would make related findings and declarations.</td>
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<td>AB 52</td>
<td>California Global Warming Solutions Act of 2006: scoping plan updates: wildfires</td>
<td>This bill would require the state board, in each scoping plan update prepared by the state board after January 1, 2022, to include, consistent with the act, recommendations for achieving the maximum technologically feasible and cost-effective reductions of emissions of greenhouse gases and black carbon from wildfires.</td>
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<td>AB 297</td>
<td>Fire Prevention</td>
<td>Would continuously appropriate $480,000,000 and $20,000,000 to the Department of Forestry and Fire Prevention and the California Conservation Corps, respectively, for fire prevention activities, as provided.</td>
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<td>AB 575</td>
<td>Civil Liability: prescribed burning activities: gross negligence</td>
<td>Would provide that a private entity engaging in a prescribed burning activity that is supervised by a person certified as burn boss is liable for damages to a third party only if the prescribed burning activity was carried out in a grossly negligent manner.</td>
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<td>AB 642</td>
<td>Wildfires</td>
<td>Would require the Director of Forestry and Fire Protection to identify areas in the state as moderate and high fire hazard severity zones. The bill would additionally require the director to classify areas into fire hazard severity zones based on additional factors including possible lightning caused ignition.</td>
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<td>AB 648</td>
<td>Greenhouse Gas Reduction Fund: healthy forest and fire prevention: appropriation</td>
<td>Would continuously appropriate, beginning in the 2021–22 fiscal year and ending in the 2028–29 fiscal year, $200,000,000 of the annual proceeds from the GGRF to CAL FIRE for (1) healthy forest and fire prevention programs, and (2) prescribed fire and research.</td>
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<tr>
<td>Bill Number</td>
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<tr>
<td>Ab 908</td>
<td>(Frazier D)</td>
<td><strong>Natural Resources Agency: statewide natural resources inventory</strong></td>
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<td>Would require the CNRA to prepare a comprehensive statewide inventory of the</td>
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<td>natural resources of the state and establish treatment measures to protect</td>
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<td>those resources. Report would need to be completed by Jan 2023, with annual</td>
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<td>updates each year thereafter.</td>
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<tr>
<td>Ab 981</td>
<td>(Frazier D)</td>
<td><strong>Forestry: California Fire Safe Council</strong></td>
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<td>House the California FSC in the CNRA. The bill would require the council</td>
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<td>to identify programs administered by public agencies to address and</td>
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<td>minimize the risks of wildfire and to coordinate the implementation of</td>
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<td>those programs, particularly as it relates to home hardening and</td>
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<td>community resilience.</td>
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<td>Ab 1086</td>
<td>(Aguiar-Curry D)</td>
<td><strong>Organic waste: implementation strategy</strong></td>
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<td>CRNA prepares a report by Jan 2023, in partnership with agencies like the</td>
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<td>Cal Council on Science and Tech, that provides an implementation strategy</td>
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<td>to achieve the state’s organic waste, and related climate change and</td>
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<td>air quality, mandates, goals, and targets.</td>
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<td>Ab 1431</td>
<td>(Frazier D)</td>
<td><strong>Forestry: forest carbon plan: state goals</strong></td>
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<td>The bill would require the CNRA and the CalEPA, on or before January 1,</td>
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<td>2023, to submit a report to the appropriate policy and budget committees</td>
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<td>of the Legislature on the positions and resources needed to achieve state</td>
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<td>goals for fuel treatment and vegetation management.</td>
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<td>Ab 1463</td>
<td>(O’Donnell D)</td>
<td>**California Global Warming Solutions Act 2006: Low Carbon Fuel Standard</td>
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<td>regulations**</td>
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<td>Would require CARB to recognize as a method to generate credits under</td>
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<td>LCFS regulations the use of renewable natural gas or biogas that both</td>
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<td>displaces the existing use of natural gas and reduces the carbon intensity</td>
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<td>of fuels.</td>
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<td>Ab 1500</td>
<td>(Garcia, Eduardo D)</td>
<td>**Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood</td>
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<td>Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of</td>
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<td>2022**</td>
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<td>Would authorize the issuance of bonds in the amount of $6,700,000,000</td>
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<td>pursuant to the State General Obligation Bond Law to finance projects.</td>
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<td>ACR 33</td>
<td>(Friedman D)</td>
<td><strong>Wildfire mitigation</strong></td>
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<td>This measure would state the Legislature’s commitment to improving</td>
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<td>wildfire outcomes in the State of California by investing in science-based</td>
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<td>wildfire mitigation strategies that will benefit the health of California</td>
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<td>forests and communities.</td>
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**Senate Bills (SB) (biomass and renewable fuels related)**

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<th>Bill</th>
<th>Description</th>
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<tr>
<td>SB 27</td>
<td><strong>Carbon sequestration: state goals: natural and working lands: registry of projects</strong>&lt;br&gt;Crna, CalEPA, CARB and CDFA establish carbon sequestration goals for natural and working lands, as provided. The bill would require the state board, as part of its scoping plan, to establish specified carbon dioxide removal targets for 2030 and beyond.</td>
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<tr>
<td>SB 45</td>
<td><strong>Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022</strong>&lt;br&gt;Would authorize the issuance of bonds in the amount of $5,510,000,000 pursuant to the State General Obligation Bond Law to finance projects.</td>
</tr>
<tr>
<td>SB 332</td>
<td><strong>Civil Liability: prescribed burning operations: gross negligence</strong>&lt;br&gt;Would provide that a certified burn boss and a private landowner upon whose property a certified burn boss performs, supervises, or oversees a prescribed burn are not liable for damage or injury to property or persons that is caused by a prescribed burn authorized by law unless the prescribed burn was conducted in a grossly negligent manner.</td>
</tr>
<tr>
<td>SB 506</td>
<td><strong>California Environmental Quality Act: Greenhouse Gas Reduction Fund monies: greenhouse gas emissions: vegetation management projects</strong>&lt;br&gt;Prohibit CAL FIRE from requiring the GHG impacts assessment from CEQA when implementing a vegetation management project funded by the GGRF – “vegetation management projects” are defined as projects that improve forest health, reduce fuel loading, and reduce greenhouse gas emissions caused by uncontrolled wildfires.</td>
</tr>
</tbody>
</table>

**Other Bills:**

There are also several bills relating to transportation, clean bus and truck rules, zero emission vehicles, expanding service stations to include charging stations, supporting microgrid developments, and funding the distribution of electric bicycles. At this stage in the session, there are still many bills that will not progress. One bill that we are opposing this year, along with many other air districts, is AB 363, by Medina, which would require needless changes to our Carl Moyer Grant Program. This would be a waste of time and resources.

**State Budget**

The Fiscal Year (FY) 2021-22 State Budget is currently being debated in both houses of the Legislature. The Governor, in his January budget proposal, requested split funding several air quality and community air programs. Under his proposal, early actions would be
appropriated prior to the final State Budget (in this FY), the remaining would be appropriated next FY. This funding includes:

- **$265 million AB 617 incentives (Community Air Protection Program)** - $125 million Early Action and $140 million 21-22 budget year.
- **$50 million AB 617 air district implementation** for 21-22 budget year. No Early Action since it was funded with $50 million APCF last year.
- **$170 million for FARMER** - $90 million Early Action, $80 million 21-22 budget year.
- **$315 million total Clean Trucks, Buses and Off-Road Freight** ($165M Early Action, $150M 21-22 budget).

As the budget has been making its way through Legislative committees, it is becoming apparent that the early action components of the Governor’s proposed budget will not be implemented. Rather, the Legislature has signaled that it is likely to fold all the funding into the FY 2021-22 budget.