

# REGULATORY MEASURES LIST

## - List of Rules to Be Considered for Adoption in 2020 -

### January 2020

These are the listed rules or regulatory measures being considered for adoption, amendment or rescission in the 2020 calendar year. If the rule or regulatory measure is not addressed in 2020, it may be considered for adoption, amendment, or rescission in the 2021 calendar year or later.

In accordance with California Health and Safety Code Section 40923, a regulatory measure, i.e. control measures, may not be considered for adoption during any year that it is not listed in the most recent published list of proposed regulatory measures, unless earlier consideration is required to satisfy federal requirements; to abate a substantial endangerment to public health or welfare; or to comply with Section 39666 (required to implement State Air Toxic Control Measures) or 40915 (contingency measures contained in air quality plans). This listing requirement does not apply to administrative rules that are not control measures, or the modification of any existing rule the District finds is necessary to preserve the original intent of the rule or to increase opportunities for alternative compliance methodology. Although not required by Section 40923, the list provided includes administrative rules to be considered for adoption, amendment or rescission in 2020 as identified by District staff.

Within 60 days from the date of a district's publication, pursuant to Section 40923, of the list of regulatory measures proposed for adoption in the following year, any person may inform the district of any existing federal or state air pollution control requirement or guideline, or proposed or existing district air pollution control requirement or guideline, that applies to the same type of source or equipment in that district as any proposed new or amended district rule or regulation on that district's list of regulatory measures. If any person informs the district of any requirement or guideline that does not apply to the same type of source or equipment, the district shall notify the person to that effect and shall not be required to review that requirement or guideline. The Placer County Air Pollution Control District may be informed by contacting Yushuo Chang, at (530) 745-2325 or via [YChang@placer.ca.gov](mailto:YChang@placer.ca.gov).

### **Regulations Being Considered for Adoption or Amendment in 2020:**

#### **Most likely to be adopted, amended, or rescinded in 2020:**

- Revision to District Rule 218, Architectural Coatings, to include the California Air Resources Board (CARB) 2019 Architectural Coatings Suggested Control Measure (SCM) to satisfy Clean Air Act Sections 172(c)(9) and 182(c)(9) which require contingency measures if an ozone nonattainment area fails to meet Reasonable Further Progress (RFP) milestones or to attain the national ambient air quality standard by the attainment date. Due to the Ninth Circuit Court of Appeals decision in the *Bahr v. EPA* case (836 F.3d 1218 (9<sup>th</sup> Cir. 2016)), the U.S. Environmental Protection Agency (EPA) has requested additional contingency measures be included in the Sacramento Regional Air Quality Plan that would automatically be triggered and go into effect upon failure of the region to meet RFP milestones for the 2008 8-hour ozone standard or to attain the standard by the 2024 attainment date.
- Amendment of Rule 102, Definitions, Section 228 Exempt Compounds, so the District's definition of exempt volatile organic compounds matches that of the U.S. EPA. U.S. EPA has made changes to the list of exempt compounds that are not reflected in Section 228. In addition, a review will be conducted to see if any other definitions need to be updated.
- Amendment of Rule 501, General Permit Requirements, to respond to the U.S. EPA comments. The comments concern Air Pollution Control Officer (APCO) duties, public noticing, stack height

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procedures, and definition references. EPA requires these changes prior to full approval of Rule 501 into the State Implementation Plan (SIP).

- Adoption of one or more new control measure rule or rules that establishes standards for the prevention and mitigation of odors by emission sources that have a natural tendency to create and emit odors that are or have the potential to become, a nuisance to the public. The rule(s) could establish specific requirements applicable to known sources of odor, establish general requirements for preventive measures for odors and for odor mitigation and corrective actions, and provide for public notification of potential odor emitting operations, including instances of inoperability of system used to control or minimize odors. These requirements may be manifested solely through the prohibitory requirements of the rule(s), or through the implementation of required odor prevention and mitigation plans, or through conditions of District issued permits to operate. Failures to meet these requirements would be considered violations and would be subject to enforcement actions that may include odor abatement proceedings. Although state law (Health & Safety Code Section 41705) prohibits enforcement against nuisance odors emanating from agricultural operations necessary for the growing of crops or the raising of fowl or animals, as well as odor emanating from composting operations, statute does not bar the District from adopting regulations that require odor preventative measures and odor mitigation and corrective measures. Accordingly, the rule(s) to be considered may address odors from landfill gas emissions; odor and VOC controls for the composting of green and food waste; water and sewage treatment and retention; the slaughtering of animals or fowl; or the processing of crops, including cannabis, whether these activities are for commercial purposes or non-commercial purposes.

### **To be considered, but less likely to be adopted or amended in 2020:**

- The U.S. EPA has adopted changes to regulations to enable e-noticing of public notices for federally required permits on publicly accessible webpages in place of the traditional newspaper publication of notices, and has established a requirement that one consistent noticing method be chosen. If the District Board approves e-noticing of public notices as the District's consistent method, where that is allowed by laws and regulations, District rules that require newspaper noticing will need to be amended to allow e-noticing. In addition, the District could adopt a rule based on the model rule, approved by U.S. EPA, has been developed by CAPCOA to address the procedural requirements of e-noticing. The following District rules would be considered for amendment to allow e-noticing in place of notices published in newspaper of general circulation (added 2017):
  - Rule 502, New Source Review
  - Rule 504, Emission Reduction Credits
  - Rule 515, Stationary Rail Yard Control Emission Reduction Credits
  - Rule 516, Rice Straw Emission Reduction Credits
  - Rule 507, Federal Operating Permit Program
  - Rule 512, Request for Synthetic Minor Source Status
  - Rule 518, Prevention of Significant Deterioration
- Although the consideration of the adoption or amendment of fee rules, which are administrative in nature, are not required to be included in the Regulatory Measures List, the District chooses to do so in order to inform the public. The amendment of the following rules addressing fees charged by the District may be considered at the direction of the District's Board (Added 2017):
  - Rule 601, Permit Fees
  - Rule 602, Hearing Board Fees
  - Rule 603, Analysis Fee

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- Rule 604, Source Test Observation and Report Evaluation
- Rule 607, Burning Permit Fees
- Rule 610, Air Toxics "Hot Spots" Fees
- Adoption of a new control measure rule that implements the requirements of U.S. EPA's final revisions to the municipal solid waste landfill New Source Performance Standards (NSPS), 40 CFR Part 60, Subpart XXX, and Emission Guidelines (EG), Cf, as well as to establish in District regulation, and remove conflicts with, the state's Methane Emissions from Municipal Solid Waste Landfills regulation. CARB has requested equivalency from the EPA of the State Landfill Gas regulation to the municipal solid waste landfill New Source Performance Standards. If equivalency is not granted, or is only partially approved, then the District may be required to adopt a rule implementing the federal standards as a part of the State's plan and program. (Added 2017)
- Amendment of Rule 223, Metal Container Coating, to update the VOC Exempt Compound definition by reference to Rule 102, Definitions, and to make formatting adjustments. (Added 2015)
- Amendment of Rule 244, Semiconductor Operations, to update the VOC Exempt Compound definition reference to Rule 102, Definitions, and to make formatting adjustments. (Added 2015)
- Amendment of Rule 410, Recordkeeping for Volatile Organic Compound Emissions, to update VOC Exempt Compound definition reference to Rule 102, Definitions, to correct errors in references, and to make formatting adjustments. (Added 2015)
- Amendment of Rule 203, Exceptions to Rule 202, to correct erroneous references to other rules and update formatting. (Added 2015)
- Amendment of Rule 225, Wood Burning Appliances, to address conflicts with local ordinances (e.g. CalGreen Code), and to correct errors in internal Section references, along with formatting adjustments. (Added 2015)
- Amend Rule 228, Fugitive Dust, to change the requirement from 1 foot of cover for disturbed surface areas when located in geographic ultramafic rock areas irrespective of the area of surface disturbed, to instead only apply when more than 1 acre is disturbed. The latter would be consistent with the state's Naturally-Occurring Asbestos ATCM for grading and construction operations. (Added 2015)
- Amendment of Rule 245, Surface Coating of Metal Parts and Products, to correct errors in the internal Section references, along with formatting adjustments. (Added 2015)
- Amendment of Rule 246, Natural Gas-Fired Water Heaters, to correct errors in internal Section references, to make formatting adjustments, and to consider U.S. EPA recommendations concerning current rule. (Added 2015)
- Amendment of Rule 247, Natural Gas-Fired Water Heaters, Small Boilers and Process Heaters, to correct errors in internal Section references, to make formatting adjustments, and to consider non-critical U.S. EPA recommendations concerning the current rule. (Added 2015)
- Amendment of Rule 607, Burning Permit Fees, to correct errors in internal Section references and to correct the fee rate of Section 307 to reference the General Labor Rate of Rule 601, Permit Fees, Schedule M(1), and to make formatting adjustments. (Added 2015)
- Amendment of Rule 610, Air Toxics "Hot Spots" Fees, to correct "Industrywide" definitions to match that of ARB and the District. (Added 2015)
- Adoption of a new rule, or amendment of an existing rule, defining the authority of the District to inspect permitted facilities; and to collect, record, and preserve evidence or information upon inspection (including documentation of compliance and non-compliance by the taking of photographs and video images).



## **- List of Rules to Be Considered for Adoption in 2020 -**

**For information and comparative purposes, the regulatory measures and administrative rules that were actually adopted by the District in calendar years 2008 through 2019 are listed below:**

### **Regulatory Measures That Were Amended in 2019:**

- Negative Declaration, adopted on December 12, 2019, stating there are no sources in Placer County exceeding the threshold of the Control Technique Guidelines (CTG) document “Control Techniques Guidelines for the Oil and Natural Gas Industry” (EPA-453/B-16-001, 10/2016) to satisfy federal requirements.

### **Regulatory Measures That Were Amended in 2018:**

- Amendment of District Rule 301, Nonagricultural Burning Smoke Management, Rule 302, Agricultural Waste Burning Smoke Management, and Rule 305, Residential Allowable Burning, to restrict cannabis waste disposal by means of open burning. This prohibition would be consistent with California Department of Food and Agriculture’s Emergency Regulation of Cannabis Licensing which does not mention burning as an allowed disposal method for commercial cannabis waste. The proposed Rule amendments did not affect the ability of cannabis to be burned for disposal by a Public Officer. Amendments were also made to clarify the provisions of in Section 103.2, the exemption from the State’s Airborne Toxics Control Measure for outdoor residential waste burning. Due to CARB comments following the amendment of Rules 301, 302, and 305 in August 2018, the exemption language was revised and adopted again by the District Board in October. (Adopted August 9, 2018; Rule 305 was revised adopted October 11, 2018)
- Amendment of District Rule 601, Permit Fees, to increase most permit fees and to restructure how some fees are calculated. General permit fees had not been increased since 1998 with the exception of annual CPI adjustments. The amendments provided for fees that are authorized by statute including requiring deposits for some permit applications, establishing an excess emission fee for emissions allowed by Hearing Board approved variances, fees for the regulation of emission sources not permitted, and fees for the review of plans. The latter three fees are adopted in Rule 601 but the fee amounts are to be determined through publication in the annual fee schedule that is noticed and approved as a part of the annual budget process. (Adopted April 12, 2018)

**No Regulatory Measures Were Adopted/Amended/Rescinded in 2017.**

### **Regulatory Measures That Were Adopted/Amended/Rescinded in 2016:**

- Amendment of Rule 206, Incinerator Burning, due to the previously amended rule receiving comments from U.S. Environmental Protection Agency (U.S. EPA) indicating it was not State Implementation Plan (SIP) approvable. The rule was amended to resolve U.S. EPA’s concerns. Amended on October 13, 2016.
- Rescission of Rule 514, Federal Major Modifications, which establishes alternative siting analysis, defines major modification, along with providing requirements for Plant-wide Applicability Limits (PALs). Alternative Siting and the major modification definitions were included in amended Rule 502, New Source Review, last adopted on August 8, 2013, which satisfies the regulatory need. PALs can be established through existing permit requirements and federal regulations. Accordingly, District Staff determined that Rule 514 is no longer required. Rescinded on October 13, 2016.
- Rescission of Rule 517, Permitting Requirements for Stationary Sources Emitting Greenhouse Gases. As a result of a District review of outstanding SIP submittals to U.S. EPA Region 9, it was

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determined that Rule 517 was not required as a revision to the SIP. Rule 517 provides procedures for evaluating and processing stationary sources emitting greenhouse gases. Rule 517 is no longer required because the District has no commitment in the SIP with regard to greenhouse gas pollutants; federal policy has changed so that GHG only Major Sources do not require PSD permits; and the District has received Prevention of Significant Deterioration (PSD) program approval for permitting of significant sources with attainment pollutant emissions. Rescinded on October 13, 2016.

- Amendment for Rule 518, Prevention of Significant Deterioration (PSD) Permit Program, to remove reference to Rule 517 in Section 104, since Rule 517 is rescinded. Amended on October 13, 2016.

### **Regulatory Measures That Were Adopted/Amended in 2015:**

- Amendment of Rule 250, Stationary Gas Turbines, which U.S. EPA had identified having emission limits that do not meet Reasonably Available Control Technology Standards (RACT) as required by the State Implementation Plan (SIP). Amended on October 8, 2015.
- Amendment of Rule 515, Stationary Rail Yard Control Emission Reduction Credits, which establishes procedures for the issuance of emission reduction credits for voluntary locomotive emission reductions at railroad rail yards. U.S. EPA commented informally concerning applicability of the rule and who is responsible for compliance. Amended on February 19, 2015.

### **Regulatory Measures That Were Adopted/Amended in 2014:**

- Amendment of a Rule 247, Natural Gas-Fired Water Heaters, Small Boilers, and Process Heaters, that was adopted on October 10, 2013, and set low NOx emission standards for newly installed large water heaters and boilers between 75,000 BTU and less than 5,000,000 BTU. The adoption of Rule 247 by 2015 was a SIP commitment for 2015. Amended on February 13, 2014.
- Amendment of Rule 610, Air Toxics “Hot Spots” Fees, to reflect current charges of CARB and current costs to the District. Amended on October 9, 2014.

### **Regulatory Measures That Were Adopted/Amended in 2013:**

- Amendment of Rule 206, Incinerator Burning, and a new Rule 241, Crematories, to resolve conflicting requirements for human/animal cremation. Amended and adopted on April 11, 2013.
- Amendment of Rule 214, Transfer of Gasoline into Vehicle Fuel Tanks, addressed U.S. EPA comments and corrected deficiencies required for SIP approval. Amended on February 21, 2013.
- Amendment of Rule 213, Gasoline Transfer into Stationary Storage Containers, to address new standing loss requirements and deficiencies, and provided an exemption for existing above ground tanks meeting specific requirements from new tank painting requirements so as to preserve public art murals. Amended on February 21, 2013.
- Amendment of Rule 502, New Source Review, to address SIP disapproval comments of U.S. EPA. Amended on August 8, 2013.
- Adoption of Rule 249, Plastic Parts Coating, to satisfy Federal Reasonably Available Control Technology (RACT) requirements. Adopted on August 8, 2013.
- Adoption of a new Rule 247, Natural Gas-Fired Water Heaters, Small Boilers, and Process Heaters, setting low NOx emission standards for newly installed large water heaters and boilers between 75,000 BTU and less than 5,000,000 BTU. This range of heating values was not previously addressed by a District rule. Adoption of a new or revised rule is a SIP commitment for 2015. Adopted on October 10, 2013.
- Amendment of Rule 604, Source Test Observation and Report Evaluation, to adjust fees and add an annual CPI adjustment. Fee rules are administrative and are not regulatory measures; however,

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the consideration of this fee rule is mentioned to be as complete as possible in the disclosure of planned rules and rule changes. Amended on October 10, 2013.

- It was determined that the planned amendment of Rule 217, Cutback and Emulsified Asphalt Paving Materials, and Rule 240, Surface Preparation and Cleanup, to meet Federal CAA requirements for the adoption of RACT and California CAA requirements were not required as the rules were found to be compliant with U.S. EPA requirements.

### Regulatory Measures That Were Adopted/Amended/Rescinded in 2012:

- Amendment of Rule 233, Biomass Boilers, to address U.S. EPA comments and Federal Reasonably Available Control Technology (RACT) requirements required for SIP approval. Amended on June 14, 2012.
- Amendment of Regulation 3, Open Burning, Rules 301 to 306, and Rule 102, Definitions, to address U.S. EPA comments and deficiencies identified by District staff in order to avoid a limited approval/disapproval of the SIP revision. Amended on February 9, 2012.
- Amendment of Rule 235, Adhesives, to meet Federal CAA requirements for the adoption of RACT. Amended on October 11, 2012.
- Amendment of Rule 239, Graphic Arts Operations, to meet Federal CAA requirements for the adoption of RACT. Amended on October 11, 2012.
- Rescission of the following rules, since the RACT requirement is no longer needed for major sources that are no longer operating:
  - Rule 229, Fiberboard Manufacturing (SierraPine Ltd.). Rescinded on April 12, 2012.
  - Rule 230, Plastic Products and Materials - Paper Treating Operations (Formica Corporation). Rescinded on April 12, 2012.
  - Rule 232, Biomass Suspension Boilers (SierraPine Ltd.). Rescinded on April 12, 2012.
  - Rule 241, Boilers at Plastic Laminate Manufacturing Facilities (Formica Corporation). Rescinded on April 12, 2012.
  - Rule 227, Petroleum Dry Cleaning Operations (will defer to Federal Standards). Rescinded on April 12, 2012.
  - Rule 237, Municipal Landfills (no applicable sources remaining). Rescinded on April 12, 2012.
  - Rule 506, Biomass Emission Reduction Credits (was replaced by Rule 516, Rice Straw Emission Reduction Credits). Rescinded on April 12, 2012.
  - Rule 805, Notice to Comply (mandating statute sunset January 1, 2006). Rescinded on April 12, 2012.
- Rescission of the following rules in favor of implementing the state regulation.
  - Rule 902, Airborne Chromium Control Measure - Emissions of Hexavalent Chromium from Chrome Plating and Anodizing Operations. Rescinded on April 12, 2012.
  - Rule 903, Ethylene Oxide Airborne Toxic Control Measure for Sterilizers and Aerators. Rescinded on April 12, 2012.
  - Rule 904, Airborne Toxic Control Measure - Hexavalent Chromium Emissions from Cooling Towers. Rescinded on April 12, 2012.
  - Rule 905, Airborne Toxic Control Measure - Asbestos Containing Serpentine Rock in Surfacing Applications. Rescinded on April 12, 2012.
  - Rule 906, Airborne Toxic Control Measure - Medical Waste Incinerators. Rescinded on April 12, 2012.

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

- Amendment of Rule 102, Definitions, to reflect new terms used in recently amended rules, particularly in the amendment of Regulation 3. Amended on February 10, 2011.

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- Rescission of Regulation 3, Open Burning, Rules 301 through 325, and adoption of new Rules 301 through 306, to update the rules to match current state law, to address the U.S. EPA's comments, and to reorganize and update the formatting of all of the Rules to make the requirements more easily understood. Adopted on February 10, 2011.
- Amendment of Rule 412, Registration Requirements for Stationary and Portable Compression Engines Used in Agricultural Operations, to provide for a low use exemption. Amended on August 11, 2011.
- Amendment of Rule 502, New Source Review, to address deficiencies identified in a limited approval/disapproval by U.S. EPA of the version of the rule that was adopted on February 11, 2010. Amended on October 13, 2011.
- Adoption of Rule 517, Permitting Requirements for Stationary Sources Emitting Greenhouse Gases, to meet mandatory implementation requirements of the federal Greenhouse Gas Tailoring Regulation. Adopted on February 10, 2011.
- Adoption of Rule 518, Prevention of Significant Deterioration Permit Program, to provide for the District's acceptance of delegation from the U.S. EPA of PSD permitting authority for Major Sources. Adopted on February 10, 2011.
- Amendment of Rule 607, Burning Permit Fees, to reconcile changes in references to Regulation 3 rules and to definitions. No fees were revised. Amended on February 10, 2011.
- Amendment of Rule 608, Control Council Fee, to reconcile changes in references to Regulation 3 rules and to definitions. No fees were revised. Amended on February 10, 2011.

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

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

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

- Amendment of Rule 214, Transfer of Gasoline into Vehicle Fuel Tanks. Amended on April 9, 2009.
- Amendment of Rule 233, Biomass Boilers. Amended on December 10, 2009.

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- Amendment of Rule 245, Surface Coating of Metal Parts and Products. Amended on August 20, 2009.
- Adoption of Rule 516, Rice Straw Emission Reduction Credits. Adopted on February 19, 2009.

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

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