



County of Tehama Air Pollution Control District

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DRAFT STAFF REPORT

For the Proposed addition of Rule 2:3c New Source Review (NSR) Rule for New and Modified Major Stationary Sources in the Tuscan Buttes Nonattainment Area

I. EXECUTIVE SUMMARY

On September x, 2015 the Tehama County Board of Supervisors will consider adoption of proposed Rule 2:3c New Source Review (NSR) Rule for New and Modified Major Stationary Sources in the Tuscan Buttes Nonattainment Area.

March 2009, California recommended that a new partial-county area be designated as “nonattainment” for the 2008 Ozone National Ambient Air Quality Standard (NAAQS) based on 2006-2008 air quality data. The recommendations are based on data from Federal Equivalent Method (FEM) monitors sited and operated in accordance with 40 CFR Part 58. Tehama County (Tuscan Buttes), CA was designated as nonattainment for the 8-hour (NAAQS) ozone standard. The proposed model Rule will pertain specifically to the area defined as those portions of the immediate Tuscan Buttes area, located within Township 28N Range 2W, Mount Diablo Base and Meridian, at or above 1,800 feet in elevation (depicted below in Figure 1), as referenced in 40 CFR 81.305 except as provided in Section 9 of Rule 2.3c.

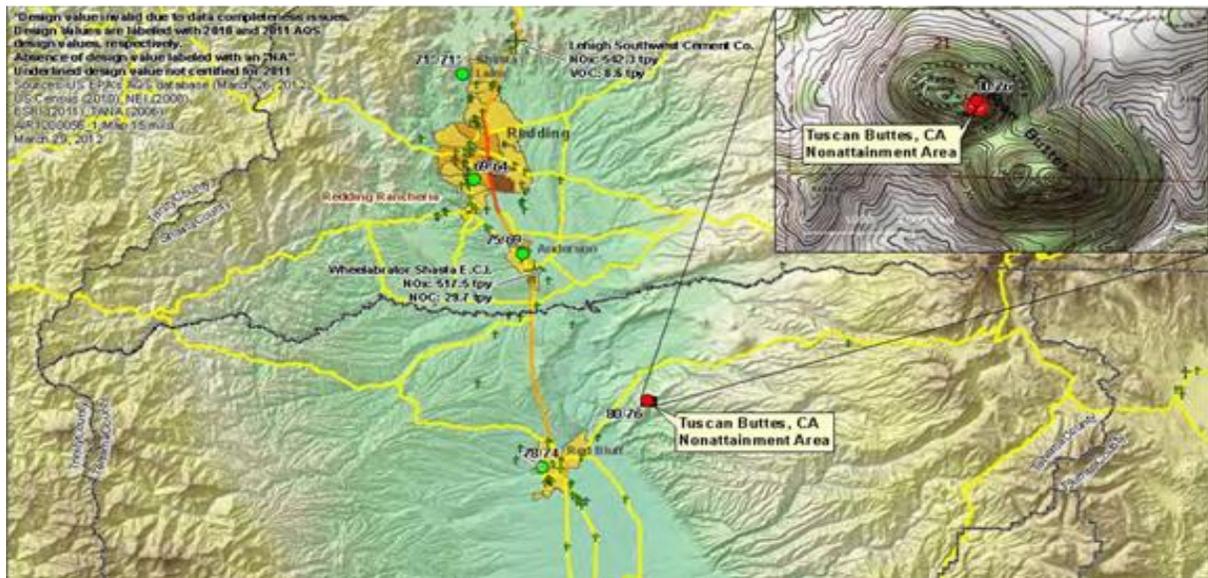


FIGURE - 1 TUSCAN BUTTES, CA NONATTAINMENT AREA

The Rule 2:3c was written by the Environmental Protection Agency (EPA) Region IX and has been pre-approved by the Air Recourse Board for District adoption. Adoption of this Rule will not add any new applicable requirements to any source in Tehama County Air Pollution Control District (District); it is merely a requirement required by the EPA that Districts with nonattainment areas in their jurisdiction have an approved Federal NSR permitting program to meet the State Implementation Plan (SIP) requirements.

II. DESCRIPTION OF RULE 2:3c, NEW AND MODIFIED MAJOR SOURCES IN THE TUSCAN BUTTES NONATTAINMENT AREA

The District implements a comprehensive program to evaluate the expected air quality impacts of stationary, portable, and other non-mobile sources to ensure that these sources are constructed and operated in a manner that reduces the expected air quality impacts. The District's permitting program includes review of preconstruction permits, annual and ongoing regulation of sources through operating permits and applicable emission standards, and regular inspections of these sources to ensure that they comply with all applicable requirements.

Tehama County (Tuscan Buttes) is currently designated as a nonattainment area for the federal ozone standard. A strategy to control air pollution is to reduce emissions from new and modified existing stationary sources located at an existing facility through a New Source Review (NSR) program. The Federal Clean Air Act (CAA) and its associated regulations contain requirements for the District to adopt and implement a State Implementation Plan (SIP)-approved NSR program for any new major stationary source or any major modification located at an existing major stationary source located at facilities in the Tuscan Buttes area, located within Township 28N Range 2W, Mount Diablo Base and Meridian, at or above 1,800 feet in elevation, as referenced in 40 CFR 81.305, which emit, or have the potential to emit, 100 tons or more per year of volatile organic compounds (VOCs) or nitrogen oxides (NO_x). Currently the District has no permitted major sources located in the Tuscan Buttes Nonattainment area.

III. HEALTH IMPACTS:

Ground level ozone is a secondary pollutant formed from photochemical reactions of NO_x and volatile organic compounds (VOCs) in the presence of sunlight. Ozone is a strong irritant that adversely affects the human health and damages crops and other environmental resources. As documented by the U.S Environmental Protection Agency (EPA) in the most recent Criteria Document for Ozone (U.S EPA 2006), both short-term and long-term exposure to ozone can irritate and damage the human respiratory system, resulting in:

- Decreased lung function;
- Development and aggravation of asthma;
- Increased hospitalizations and emergency room visits; and
- Premature deaths.

IV. SOCIOECONOMIC IMPACT AND COST EFFECTIVENESS:

HSC Section 40728.5 exempts districts with a population of less than 500,000 persons from the requirement to assess the socioeconomic impacts of proposed rules. Tehama County population is below 500,000 persons.

Pursuant to the California Health & Safety Code Section 4090.6(a), the District is required to analyze the cost effectiveness of new rules. The District does not anticipate that any sources will be affected by the proposed regulation and therefore are not subject to the cost effectiveness analysis.

V. WRITTEN ANALYSIS OF EXISTING FEDERAL AND DISTRICT REGULATIONS

The proposed amended rule does not impose a new emission limit or standard, make an existing emission limit or standard more stringent, or impose new or more stringent monitoring, reporting, or recordkeeping requirements. Pursuant to California Health and Safety Code section 40727.2, subdivision (g), the foregoing satisfies the requirement of a written analysis of existing regulations prior to adopting, amending or repealing a regulation.

VI. ENVIRONMENTAL REVIEW AND COMPLIANCE

Adoption of Rule 2:3c is a regulatory activity, authorized by state statute, to assure the maintenance and protection of the environment, and includes procedures for protection of the environment. This action is therefore categorically exempt from review under the California Environmental Quality Act under the Class 8 Categorical Exemption (Cal. Code Regs., tit. 14, § 15308).

VII. RULE DEVELOPMENT PROCESS

A Public notice for a public hearing inviting the community to review and comment on the proposed revisions was published in the Red Bluff Daily newspaper, on July x, 2015, and the Districts website.

A Public Hearing by the Tehama County Board of Supervisors is scheduled for September x, 2015, after which if the Rule is approved it will be forwarded to the ARB and US EPA for inclusion into the SIP.

VIII. REQUIRED FINDINGS

Section 40727(a) of the California Health & Safety Code (CH&SC) requires that prior to adopting or amending a rule or regulation, an Air Districts makes findings of necessity, authority, clarity, consistency, nonduplication, and reference. The findings must be based on the following:

1. Information presented in the written analysis, prepared pursuant to California Health & Safety Code Section 40727.2;
2. Information contained in the rulemaking records pursuant to California Health & Safety Code Section 40728; and
3. Relevant information presented at the Board's Hearing for adoption of the rule.

The required findings are:

Necessity: Districts with area designated as Nonattainment for federal National Ambient Air Quality Standards (NAAQS) are required by US EPA to establish Federal New Source Review (NSR) Rules for inclusion into the Districts State Implementation Plan (SIP)

Authority: The District is authorized to adopt rules and regulations by California Health & Safety Code, Sections 40001, 40702, 40716, 41010, and 41013. (CH&SC 40727(B)(2))

Clarity: District staff has reviewed the proposed rule and determined that it can be easily understood by the affected industry. (CH&SC Section 40727(b)(3))

Consistency: The proposed rule does not conflict with, and is not contradiction to existing statutes, court decisions, or state or federal regulations. (CH&SC Section 40727(b)(4))

Non-Duplication: The proposed rule does not duplicate any state laws or regulations, regarding the attainment and maintenance of state and federal air quality limits. (CH&SC Section 40727(b)(5))

Reference: The District must refer to any statute, court decision, or other provision of law that the District implements, interprets, or makes specific by adopting, amending or repealing the rule.

IX. BOARD ACTIONS AND ALTERNATIVES:

Staff requests the Board to do the following:

- a) Hold a Public Hearing to take comments on proposed Model Rule 2:3c New Source Review, New and Modified Major Sources in the Tuscan Buttes Nonattainment Area
and;
- b) RESOLUTION - Request adoption of Tehama County Air Pollution Control District Rule 2:3c New Source Review, New and Major Source in the Tuscan Buttes Nonattainment Area
or;
- c) Propose changes to the text of the amendment to Model Rule 2.3c New Source Review, New and Major Sources in the Tuscan Buttes Nonattainment Area, and re-schedule the public hearing to consider the proposed Rule(s) as revised

- d) or;
Take no action.

Respectfully submitted,

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Air Pollution Control Officer