

**El Dorado County**  
**Air Quality Management District**

**STAFF REPORT**

**Rule 1000, Emission Statement and  
Rule 1000.1, Emission Statement Waiver**

**Proposed Rule Amendments**

**August 25, 2020**

Prepared by: Rania Serieh  
Air Quality Engineer

Approved by: Dave Johnston  
Air Pollution Control Officer

## Table of Contents

A. Executive Summary .....	3
B. Background .....	3
C. Legal Mandates .....	3
D. Proposed Revisions .....	4
E. Emission Impacts of Proposed Rule .....	4
F. Cost-Effectiveness of a Control Measure .....	5
G. Socioeconomic Impacts .....	5
H. Environmental Impacts of Method of Compliance .....	5
I. Regulatory Findings .....	5

ATTACHMENT A	Proposed Amendments to Rule 1000 – <u>Emission Statement and Rule 1000.1 Emission Statement Waiver</u> ; Strike-out Underline Version and Clean Version
ATTACHMENT B	Notice of Exemption from CEQA
ATTACHMENT C	Resolution Adopting Amended Rule 1000 and Rule 1000.1
ATTACHMENT D	Proof of Publication

## A. Executive Summary

El Dorado County is located in two air basins: the Mountain Counties Air Basin (MCAB) and the Lake Tahoe Air Basin (LTAB). The western MCAB portion of El Dorado is located within the Sacramento Federal Ozone Non-Attainment Area (SFONA). The SFONA has been classified as “moderate” non-attainment for the 2015 eight hour National Ambient Air Quality Standard (NAAQS) for ozone effective August 3, 2018<sup>1</sup>. The Federal Clean Air Act (CAA), Section 182(a)(3)(B), Emissions Statements requires all ozone non-attainment to have in place a program that requires emission statements for stationary sources of Oxides of Nitrogen (NOx) and Volatile Organic Compounds (VOC) emissions. Specifically, Section 182(a)(3)(B)(i) of the CAA requires air agencies to submit to the U.S. Environmental Protection Agency (EPA) a State Implementation Plan (SIP) revision requiring the owner or operator of each stationary source to report and certify the accuracy of their reported NOx and VOC emissions, beginning in 1993 and annually thereafter.

The El Dorado County Air Quality Management District (District) adopted Rules 1000 and 1000.1 in 1992 to incorporate the requirements of CAA Section 182(a)(3)(B). In May 2020, EPA Region 9 staff reviewed Rule 1000 and Rule 1000.1 and concluded that they do not meet all the requirements for emissions statements set forth in Section 182(a)(3)(B)(i) and Section 182(a)(3)(B)(ii); respectively. The AQMD is proposing amendments to Rule 1000 and Rule 1000.1 to satisfy the requirements of the CAA. Revised Rule 1000 will still apply to all stationary sources of VOC and NOx as required by CAA Section 182(a)(3)(B). The proposed amendments to Rule 1000 and Rule 1000.1 will not result in any changes to District operations as none of the stationary sources are using the waiver and throughput emissions from all stationary sources are being submitted to the District on annual basis.

## B. Background

The El Dorado County MCAB has been designated as a non-attainment area for the 1997, 2008 and 2015 federal eight-hour ozone standard by the EPA. The AQMD is required to implement and enforce regulations that will promote progress towards attaining the federal ozone standard. Rule 1000 and Rule 1000.1 were adopted by the District in 1992 to meet the emissions statements requirements of the 1990 CAA Section 182(a)(3)(B).

## C. Legal Mandates

Section 182(a)(3)(B) Emissions Statements of the CAA requires all ozone nonattainment areas to have in place a program that requires operators of stationary sources of NOx and VOC to annually submit emissions statements. Section 182(a)(3)(B)(ii) of the CAA allows air agencies to waive the requirements under Section 182(a)(3)(B)(i) for stationary sources emitting less than 25 tons per year of NOx or VOC if the State provides an inventory of emissions from such class or category of sources, based on the use of the emission factors established by the EPA or other methods acceptable to EPA. The Implementation of the 2015 NAAQS for Ozone, Nonattainment Area State Implementation Plan Requirements (83 FR 62998, December 2018), states if a nonattainment area has a previously approved emissions statement rule in force for a previous 8-hour or 1-hour ozone standard covering all portions of the nonattainment area for the 70 ppb 8-hour ozone standard, the

---

<sup>1</sup> <https://www.govinfo.gov/content/pkg/FR-2018-06-04/pdf/2018-11838.pdf>

existing rule should be sufficient for the 70 ppb 8-hour ozone standard. If the existing rule does not meet section 182(a)(3)(B) requirements, a revised rule shall be submitted as part of the current ozone SIP<sup>2</sup>.

## D. Proposed Revisions

The changes in the proposed new rule are covered in the respective sections of the rule, as noted below.

- Rule 1000, Emission Statement:
  - Remove the APCO discretion to request an emission statement.
  - Allow the source to submit operational data and emissions.
  - Remove the ARB's Emission Inventory Turn Around Document reference from Rule 1000, Emission Statement.

The CAA emissions statement section requires owners or operators of stationary sources to submit emissions statements and this requirement cannot be left to the APCO's or director's discretion except to implement the waiver in Section 182(a)(3)(B)(ii). The first sentence of Rule, which stated, "Upon the request of the APCO and as directed by the APCO," was removed. EPA determined this statement was director discretion. The word "annually" was added to this paragraph to require the statement on an annual basis rather than upon request by the APCO.

The statement "or operational data allowing the District to calculation emissions" was added to the second paragraph of the Rule. The District permitted sources are required to keep records as a condition of the permit to operate in accordance to Rule 501, General Permit Requirements, Section 501.5.C.1. Most source operators report operational data such as hours operated or fuel used rather than emissions to the District on an annual basis as required by Rule 501, General Permit Requirements, Section 501.5.C.

The reference to the CARB's Emission Inventory Turn Around Document was removed. District staff could not find this document on CARB's website. The reporting requirements for each source are specified in their permit to operate and contain the information needed to calculate the annual total and daily max emissions.

- Rule 1000.1
  - Remove the 10 tons per year cutoff applicability from the rule.
  - Require emission factors used to be approved by the EPA.

Removal of the 10 tons per year cutoff and adding a requirement for emission factors to be also approved by the US EPA were made to fully satisfy CAA Section 182(a)(3)(B)(ii) requirements.

Rule 501, General Permit Requirements requires all permitted sources to submit annual emissions or throughput to the District, therefore, the proposed changes will not have any impact on the information collected and reported from the sources.

## E. Emission Impacts of Proposed Rule

---

<sup>2</sup> <https://www.govinfo.gov/content/pkg/FR-2018-12-06/pdf/2018-25424.pdf>

There are no emissions impacts from the proposed amendments to Rule 1000, and Rule 1000.1. These Rules require emissions or operational data submittal to allow the District to calculate emissions.

## **F. Cost-Effectiveness of a Control Measure**

The California Health and Safety Code (H&S) Section 40703 requires the AQMD to consider and make available to the public its findings related to the cost effectiveness of a control measure, as well as the basis for the findings and the considerations involved. Cost effectiveness for rulemaking purposes is calculated by dividing the cost of air pollution controls required by the rule by the amount of air pollution reduced. There is no expected cost impact of the proposed amendments. There are no sources that have been granted the waiver.

The amendments to Rule 1000 and Rule 1000.1 require the submittal of emissions or operational data to calculate emissions, which is consistent with the requirements of Rule 501, General Permit Requirements. The District already annually collects throughput data on every permitted stationary source. There will be no changes to existing practices as a result of the proposed amendments. The sources are already required to collect and report the data as part of their permit conditions.

## **G. Socioeconomic Impacts**

The H&S Code Section 40728.5(a) requires, in part, that: "Whenever a district intends to propose the adoption, amendment or repeal of a rule or regulation that will significantly affect air quality or emissions limitations, that agency shall, to the extent that data are available, perform an assessment of the socioeconomic impacts of the adoption, amendment, or repeal of the rule or regulation." However, under Section 40278.5(d), districts with a population of less than 500,000 persons are exempt from the provisions of Section 40728.5 (a). The District's population is estimated to be approximately 184,000, well below the 500,000 person threshold. Therefore, a socioeconomic analysis for this rulemaking is not required.

## **H. Environmental Impacts of Method of Compliance**

The amendments of Rule 1000 and Rule 1000.1 are categorically exempt from the California Environmental Quality Act (CEQA) under Sections 15307 and 15308 of the State CEQA guidelines, and no exceptions to these exemptions apply as this action is taken by a regulatory agency for the protection of a natural resource. California Public Resources Code Section 21159 requires an environmental analysis of the reasonably foreseeable methods of compliance. The District has concluded that no reasonably foreseeable adverse environmental impacts will be caused by adoption of the proposed Rule.

## **I. Regulatory Findings**

The CA H&S Code Section 40727(a) requires that prior to adopting or amending a rule or regulation, an air district's board must make findings of necessity, authority, clarity, consistency, nonduplication, and reference as defined in Section 40727. The table below describes the finding

and the basis for making the finding.

<b><u>FINDING</u></b>	<b><u>DEFINITION</u></b>	<b><u>REFERENCE</u></b>
Authority	The AQMD is permitted or required to adopt, amend, or repeal the rule by a provision of law or a state or federal regulation.	The AQMD is authorized to adopt rules and regulations by the CA H&S, Sections 40001, 40702, 40716, 40919, and 42300; 1990 Federal Clean Air Act, Section 110(a)(2)(H) and Section 182(d).
Necessity	The AQMD must find a need exists for the rule or for its amendment or repeal, as demonstrated by the record of the rulemaking authority.	It is necessary for the AQMD to adopt this rule in order to fulfill the requirements of the Federal Clean Air Act Amendments of 1990.
Clarity	The AQMD must find that the proposed revised rule is written or displayed so that its meaning can be easily understood by the persons directly affected by it.	There is no indication at this time that the rule is not written in such a manner that the person affected by the rule can easily understand it.
Consistency	The proposed amendments do not conflict with and are not contradictory to existing statutes, court decisions, or state or federal regulations.	The AQMD has found that the rule is consistent with existing state and federal guidelines.
Non-duplication	The rule does not impose the same requirements as an existing state or federal regulation, unless the District finds that the requirements are necessary or proper to execute the powers and duties granted to, and imposed upon the District.	There is not any state or federal rule or other regulation that applies to emissions reporting that would duplicate or be in opposition to the changes requested by the AQMD.
Reference	The AQMD must refer to any statute, court decision or other provision of law that the AQMD implements, interprets, or makes specific by adopting, amending, or repealing the rule.	This rule is being proposed because of the requirements of the Federal Clean Air Act Amendments of 1990.

## **J. Public Notice and Comments, and Staff Response**

As of the time of staff report submittal to the County Clerk, AQMD had received no public comment on the proposed revised Rule. On June 19, 2020, the draft revised Rules 1000 and 1000.1 were emailed to Nancy Levin, Rules and Planning Air Division Office at EPA Region 9, for review and comment prior to release to the public. Ms. Levin provided minor edits on the proposed Rule 1000.1. Those changes were incorporated into the proposed Rule. The draft revised Rules 1000 and 1000.1 was also emailed CARB District Rule Staff on June 22, 2020. CARB staff didn't have any comments on the proposed revised Rule.

**Public Draft Release:**

In accordance with CA H&S Code Section 40725, draft document availability and public workshop were noticed on Wednesday July 22, 2020, in the Mountain Democrat and on Friday July 24, 2020, in Tahoe Daily Tribune newspapers.

The public notice for the proposed Rule 1000 and Rule 1000.1 amendment was:

1. posted on AQMD's website, <https://www.edcgov.us/airqualitymanagement>
2. posted on AQMD's Facebook Page: <https://www.facebook.com/EDCAQMD>, and
3. posted on AQMD's Twitter Page: <https://twitter.com/EDCAQMD>

**K. Summary**

Rule 1000, Emission Statement, and Rule 1000.1, Emission Statement Waiver have been amended to properly address the requirements of CAA Section 182(a)(3)(B) for Emissions Statements.

Attachment A.

Proposed Amendments to Rule 1000 – Emission Statement, Rule 1000.1-  
Emission Statement Waiver; strike-out underline version and clean version



Attachment B.

Notice of Exemption from CEQA

Attachment C.

Resolution Adopting Amended Rule 1000 and Rule 1000.1

Attachment D.

Proof of Publication