



## Legislation Text

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**File #:** 12-1263, **Version:** 1

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HEARING: Acting as the Board of Directors of the El Dorado County Air Quality Management District:

Air Quality Management District (EDCAQMD) recommending the Board adopt the following resolutions to approve Negative Declarations for each of the following U.S. Environmental Protection Agency (EPA) Control Techniques Guidelines (CTG) indicating there are no sources within El Dorado County subject to these guidelines, in order to comply with Section 182(b)(2) of the Federal Clean Air Act, subject to minor revisions by County Counsel:

- 1) Resolution **177-2012** for Miscellaneous Metal Parts and Products CTG (EPA 450/2-78-015);
- 2) Resolution **178-2012** for Solvent Metal Cleaning CTG (EPA 450/2-77-022); and
- 3) Resolution **179-2012** for Graphic Arts - Rotogravure and Flexography CTG (EPA 450/2-78-033)

Adoption of these Negative Declarations will allow the United States Environmental Protection Agency (EPA) to fully approve the 2006 Reasonably Available Control Technology (RACT) State Implementation Plan (SIP) Update. No changes would be made to any existing EDCAQMD rules. (Est. Time: 5 Min.)

### **Fiscal Impact/Change to Net County Cost**

There is no direct fiscal impact from this action. Adoption of the Negative Declarations will mean EDCAQMD will not assume the costs associated new Rule development. Additionally, there will be no new fiscal impact on industry.

### **Background**

EDCAQMD prepared a Reasonably Available Control Technology / State Implementation Plan (RACT/SIP) Update Analysis in 2006, since a portion of El Dorado County was designated as "severe" non-attainment for the federal 8-hour ozone standard. This Update Analysis covered Major Sources, non-Major Sources, and Major non- CTG. A "Major Source" of Volatile Organic Compounds (VOC) in El Dorado County is defined as an emission source having a potential to emit of 25 tons or more of VOC per year.

Reasonably Available Control Technology (RACT) is defined in 44 FR 53762, as *"the lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility"*. Section 182(b)(2) of the Federal Clean Air Act requires districts designated as "moderate" or worse for ozone non-attainment to implement applicable VOC RACT rules for stationary sources. EPA publishes source-specific Control Techniques Guidelines (CTG) that define RACT level controls and Alternate Control Technique (ACT) Guidance that discusses control technology but does not explicitly define RACT. If a District does not contain any sources subject to the CTG, the District may adopt a Negative Declaration in lieu of adopting a prohibitory rule.

The 2006 RACT / SIP Update Analysis concluded that seven (7) EDCAQMD Rules met the RACT requirement, one (1) new Rule for Miscellaneous Metal Parts coating was required, and 18 Negative Declarations would be adopted for the remaining CTG. The Board adopted the 2006 RACT / SIP

Update Analysis in early 2007 and forwarded the document to the California Air Resources Board (CARB) and EPA for approval. The EPA has yet to provide final approval of the entire 2006 RACT / SIP Update because EDCAQMD has not adopted a Miscellaneous Metal Parts Rule or a Negative Declaration in lieu of this rule. Additionally, the EPA did not agree with EDCAQMD's assessment that the existing Solvent Cleaning Rule 225 and Graphic Arts Rule 231 meet current RACT.

### Reason for Recommendation

**Miscellaneous Metal Parts:** By adopting the 2006 RACT / SIP Update Analysis, the Board directed EDCAQMD to prepare and implement a prohibitory Miscellaneous Metal Parts Rule for existing non-Major Volatile Organic Compounds emitting sources. Preparation and adoption of this Rule would have satisfied the requirement to comply with the **Miscellaneous Metal Parts and Products Control Techniques Guideline (EPA 450/2-78-015)**. This Rule has yet to be adopted. However, according to Page 2-16 of *"Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations: Clarification to Appendix D of November 24, 1987 Federal Register"* published by the EPA on May 25, 1988, Miscellaneous Metal Parts sources which do not exceed 10 tons per year (tpy) potential VOC emissions are exempt from the CTG. EDCAQMD has re-evaluated the existing sources and believes there are only two sources in the County which fall into this CTG category, and neither of them emits more than 1 tpy VOC, or would emit more than 10 tpy in the reasonably foreseeable future. Therefore EDCAQMD has determined there are no sources that would be subject to the CTG and now recommends the Board adopt a Negative Declaration instead of developing a Miscellaneous Metal Parts rule.

**Solvent Cleaning:** The 2006 RACT / SIP Update Analysis states EDCAQMD's current Rule 225 Organic Solvent Cleaning and Degreasing (adopted 9/27/94) meets Reasonably Available Control Technology and therefore satisfies the **Solvent Metal Cleaning Control Techniques Guidelines (EPA 450/2-77-022)**. The EPA disagrees citing that other adjacent District's have adopted Rules with more stringent RACT requirements with respect to Solvent Cleaning. EDCAQMD recently reviewed the September 7, 1978 memorandum entitled *"Clarification of Degreasing Regulation Requirements,"* by Richard G. Rhoads, Director of the Control Programs Development Division of the US EPA's Office of Air Quality Planning and Standards. This memo states sources emitting less than 100 tpy VOC in jurisdictions with less than 200,000 people can be exempted from complying with the CTG. EDCAQMD has re-evaluated the existing sources and determined there are no sources or reasonably foreseeable sources within El Dorado County emitting above this level and thus no sources would be subject to the Solvent Metal Cleaning Control Techniques Guidelines. Therefore, EDCAQMD now recommends the Board instead adopt a Negative Declaration; no changes to the existing Solvent Cleaning Rule 225 are recommended.

**Graphic Arts:** The 2006 RACT / SIP Update Analysis states EDCAQMD's current Rule 231 Graphic Arts Operations (adopted 9/27/94) meets Reasonably Available Control Technology and therefore satisfies the **Graphic Arts - Rotogravure and Flexography Control Techniques Guidelines (EPA 450/2-78-033)**. The EPA disagrees citing that other adjacent District's have adopted Rules with more stringent RACT Technology requirements with respect to Graphic Arts. However, according to Page 2-25 of *"Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations: Clarification to Appendix D of November 24, 1987 Federal Register"* published by the EPA on May 25, 1988, Graphic Arts Operations sources which do not exceed 100 tpy potential Volatile Organic Compounds emissions are exempt from the CTG. EDCAQMD has re-evaluated the existing sources and determined there are no sources within El Dorado County emitting above this level and thus no

sources would be subject to the Graphic Arts CTG. Therefore, EDCAQMD now recommends the Board instead adopt a Negative Declaration; no changes to the existing Graphic Arts Rule 231 are recommended.

Upon approval of the Negative Declarations by the Board, EDCAQMD staff will forward the approvals to the CARB and ultimately on to the EPA for approval of the Reasonably Available Control Technology State Implementation Plan.

By adopting these Negative Declarations, EDCAQMD is not adopting new requirements for emissions sources or altering existing requirements. No source will need to change its operations to comply with a requirement. Therefore, the action is not subject to the California Environmental Quality Act (CEQA) pursuant to Guidelines Section 15060(c)(2) & (3). No further CEQA review is required.

EDCAQMD held a noticed public meeting on November 1, 2012 to allow the public to provide comments on the proposed Negative Declarations. No other public meetings were held. No public comments were received.

The Board Hearing to consider the adoption of above resolution was noticed in the Mountain Democrat and the Tahoe News Tribune. The purpose of the Board Public Hearing is to consider public comments regarding the three proposed Negative Declarations.

#### **Action(s) to be taken following Board approval**

1. Upon adoption, the Board Clerk's office will forward copies of the resolution to AQMD.
2. AQMD will forward the approved resolutions to CARB for CARB Board approval and inclusion in the California Reasonably Available Control Technology State Implementation Plan submittal.

#### **Contact**

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#### **Concurrences**

The Resolutions have been reviewed and approved by County Counsel.