



Legislation Text

File #: 06-1914, **Version:** 2

Air Quality Management District recommending the Board, acting as the Board of Directors consider the following:

- 1) Determine the withdrawal of Rule 527 from the State Implementation Plan (SIP) is exempt from the California Environmental Quality Act; and
- 2) Approve and authorize the Chair to sign Resolution **110-2014** requesting the US Environmental Protection Agency withdraw Rule 527 - Federal Major Modifications from the SIP.

Fiscal Impact/Change to Net County Cost

There is no direct fiscal impact or Net County Cost associated with this item.

Background

The El Dorado County Air Quality Management District's (AQMD) New Source Review (NSR) program is designed to ensure that construction and operation of new and modified sources of air pollution do not interfere with progress towards attainment of the National and State Ambient Air Quality Standards.

In December 2002, the EPA adopted amendments to the Clean Air Act modifying NSR requirements for modifications of major sources (NSR reform). These federal NSR reforms were designed by US Environmental Protection Act (EPA) to allow major sources of air contaminants greater flexibility to modify existing facilities under permit without triggering NSR requirements, such as Best Available Control Technology (BACT) and offsets. EPA's premise was that some facilities delayed modernizing equipment to avoid triggering NSR requirements, that lifting the requirements would encourage facilities to upgrade, and that the upgrades would yield a net air quality benefit.

California responded to EPA NSR reform on two fronts. First, the State Legislature passed California Senate Bill 288 - Protect California Air Act of 2003 (SB 288), which was sponsored by State Senator Byron Sher. The bill prohibits local districts from amending or revising their NSR rules or regulations to be less stringent than certain requirements in those rules and regulations that existed on December 30, 2002. Second, the State took part in a lawsuit filed against EPA to try to prevent the implementation of the reforms. On June 24, 2005 the Court issued a decision vacating some provisions of the NSR reform, remanding some provisions back to EPA for further consideration, and upholding other provisions.

Rule 527-Federal Major Modifications was adopted by the Board on June 6, 2006 (revised December 5, 2006) to address the two differing State and Federal requirements applicable to modifications of federal major sources. Major modifications that are not "Federal Major Modifications" can escape certain federal-only requirements, such as the alternative siting analysis. Rule 527 was sent to the Air Resources Board (ARB) along with other District Rules via item 06-1915 to be forwarded to EPA for inclusion in the SIP. EPA received Rule 527 August 24, 2007 for inclusion into the SIP, however, EPA has not acted on this request.

In an effort to streamline a large backlog in reviewing SIP submittals, EPA is requesting the Air Districts review EPA's backlog list and determine if any rules previously submitted can be withdrawn because they are either no longer needed or outdated. On April 10, 2014, AQMD received an email from Andrew Steckel, Office Chief with EPA Region 9 containing a list of AQMD's outstanding SIP submittals. Mr. Steckel asked if AQMD wished EPA to act on District Rule 527 of this list or take some other course of action.

Reason for Recommendation

The only emissions source that may have been subject to Rule 527 was Sierra Pacific Industries' Biomass Boiler. The boiler has since been dismantled and out of permit with AQMD for several years. After consultation with Laura Yannayon, EPA Region 9, AQMD determined Rule 527 can be withdrawn as a SIP submittal and AQMD will address the NSR reform elements it covered in a future revision of District Rule 523 New Source Review.

Clerk of the Board Follow Up Action

The Clerk will forward one (1) copy of the executed resolution to the AQMD.

AQMD will forward the approved resolution to the Air Resources Board to forward to EPA for further action.

Contact

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Air Pollution Control Officer

Concurrences

County Counsel