

AGENDA ITEM 9.

To: Matt Rexroad, Chair
and Members of the Board of Directors

From: Mat Ehrhardt, P.E., Executive Director/APCO

Date: January 13, 2010

Subject: Deliberation and Action, Public Hearing, on Proposed Approval of Revisions of Rule 2.3, Rule 2.11, and Rule 2.12; and Proposed Repeal of Rule 2.4 and Rule 2.7

Recommended Action

- A. Approve proposed revisions to Rule 2.3, Ringelmann Chart, as specified in Attachment A of the final staff report.
- B. Approve proposed revisions to Rule 2.11, Particulate Matter Concentration, as specified in Attachment A of the final staff report.
- C. Approve proposed revisions to Rule 2.12, Specific Contaminant, as specified in Attachment A of the final staff report.
- D. Approve Repeal of Rule 2.4, Exemptions, as specified in the final staff report.
- E. Approve Repeal of Rule 2.7, Wet Plumes, as specified in the final staff report.
- F. Approve the Board Chair to sign Resolution 10-01.
- G. Authorize the APCO to submit Notice(s) of Exemption in compliance with Sections 21108 or 21152 of the California Public Resource Code to Yolo and Solano Counties.

Overview

What do the rule revisions do? The revision of Rule 2.3 will tighten the restriction on the opacity of visible emissions from stationary sources from 40% opacity to 20% opacity. Rule 2.11 and Rule 2.12 amendments will tighten the restriction on particulate matter emission concentration from 0.3 grains per cubic foot of emissions to 0.1 grains per cubic foot. All of the exemptions which were previously contained in Rules 2.4 and 2.7 as well as a few other exemptions allowed in the California Health & Safety Code (CH&SC) will be moved into Rule 2.3, and therefore Rules 2.4 and 2.7 will be rescinded.

Why are we proposing these rule revisions? As required by California Health and Safety Code (CH&SC) §39614, the District Board identified these revisions for future adoption during a July 2005 public hearing. California Senate Bill 656 requires air districts to adopt measures that will reduce emissions of PM10 (particulate matter of 10 microns or less) and PM2.5 (particulate matter of 2.5 microns or less) in order to make progress toward attainment of federal and state PM10 and PM2.5 air quality standards.

Who do these rules affect? Rule 2.3 affects all potential sources of visible emissions from District permit holders and permit applicants. Rule 2.11 affects any source of particulate matter emissions from District permit holders and permit applicants. Rule 2.12 affects any source of combustion emissions from District permit holders and permit applicants.

What are the impacts to the affected party? These rules affect many different sources across many different industries within the District. Ordinary and customary maintenance procedures already utilized by our sources should result in compliance, as has been shown by new and modified permit holders who have already been required to comply with these lower limits. The District has not identified any permitted sources within our jurisdiction which do not already comply with the new standards, provided that the sources continue to employ standard maintenance and housekeeping practices.

Background

Following identification (back in 2005) of these rule revisions as potential control measures, the District has been preparing for the rule revisions' future approval. For several years, the District has been requiring compliance with the 20% opacity standard proposed for Rule 2.3 under the authority of the District's New Source Review rule. In emissions evaluations made during the permitting process, District engineers have been evaluating the concentration of particulate matter emissions which can be used to determine compliance with the new standards of Rules 2.11 and 2.12.

Rule Development Process

District staff held a workshop on the draft rule revisions on October 9, 2009. The workshop was attended by one member of the public. The District received comments during the workshop and received written comments from the Environmental Protection Agency during review of the draft rule revisions. These comments, are included as Attachment D to the rule revision staff report. Staff prepared a public hearing notice for the hearing which was to be held December 9, 2009, however the rule was delayed until the January meeting and therefore the District re-noticed the public hearing in the local papers. The District received no additional comments.

Budget Impacts

There are no significant budgetary impacts from the adoption of these rule amendments.

Attachments: Staff Report