


To: Jim Provenza, Chair  
and Members of the Board of Directors

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

Date: June 9, 2021

**Subject: Certification that the Yolo-Solano Air Quality Management District's (District's) Nonattainment New Source Review (NNSR) program meets the requirements for the implementation of the 2015 ozone National Ambient Air Quality Standard (NAAQS)**

**Recommended Action**

1. Hold a public hearing, and receive comments.
2. Certify that the District's NNSR program meets the requirements for the implementation of the 2015 ozone NAAQS.
3. Authorize the APCO to submit Notices of Exemption in compliance with Section 15062 of the California Code of Regulations to Yolo and Solano Counties.

**Background**

Effective August 3, 2018, the U.S. EPA designated areas throughout the country as nonattainment for the 2015 Ozone National Ambient Air Quality Standards (NAAQS) and established classifications for the designated nonattainment areas. The Sacramento Metro area (which includes our District) was classified as "moderate" nonattainment for the 2015 8-hour Ozone NAAQS. Air districts in the Sacramento Federal Non-attainment Area petitioned EPA to re-classify the area as "serious" non-attainment to better align with the attainment date of the less-stringent 2008 Ozone NAAQS.

The Clean Air Act (CAA) requires that areas classified as moderate nonattainment or higher must develop an attainment plan and must have certain program elements including a NNSR program, which is a preconstruction review permit program that applies to new major stationary sources or major modifications at existing major sources located in a nonattainment area. NNSR includes requirements for emissions offsets, lowest achievable emission rate (LAER) which is the federal equivalent to California Best Available Control Technology (BACT), and opportunity for public participation. The offset requirements and major source thresholds are more stringent for each higher ozone nonattainment classification.

Our District (as well as the other 4 districts in the region) are currently working to adopt the Sacramento Regional 2015 NAAQS 8-Hour Ozone Attainment Plan. The plan will be submitted to ARB to be forwarded to EPA for approval.

The specific NNSR requirements for the 2015 ozone NAAQS are located in 40 CFR § 51.165. U.S. EPA's rule entitled "Implementation of the 2015 National Ambient Air Quality Standards for Ozone: Nonattainment Area State Implementation Plan Requirements" (83 FR 62998, December 6, 2018) explained that, for each nonattainment area, a NNSR plan or plan revision is due no later than three years after the effective date of area designations for the 2015 standards (i.e., August 3, 2021).

**Certification**

In order to document that our existing NNSR program meets the requirements for the implementation of the 2015 ozone standard, set forth in § 182(d)(2) of the CAA for Moderate nonattainment areas, the District has completed a table showing the elements of 40 CFR 51.165 and the corresponding section of the District's rules implementing the requirement. This 'checklist' format was provided to the District by EPA Region IX.

**Public Outreach**

This public hearing to certify our NNSR program was publicly noticed in the Vacaville Reporter, the Davis Enterprise, and the Woodland Democrat 30 days in advance of the hearing in order to satisfy the requirements of the Clean Air Act (40 CFR 51.102). In addition, the notice was posted on the YSAQMD webpage.

**Budget Impacts**

No budget impacts are expected.

**Attachments:**

- Certification checklist
- Notices of Exemption

**Certification that Yolo-Solano's Existing NNSR Program meets the 2015 Ozone NAAQS SIP Requirements Rule**

The Yolo-Solano Air Quality Management District is certifying that our existing NNSR program, contained in Rule 3.4 – New Source Review, covering the Yolo-Solano portion of the Sacramento Federal ozone nonattainment area for the 2015 ozone NAAQS, is at least as stringent as the requirements at 40 CFR 51.165 for ozone and its precursors, as amended by the final rule titled Implementation of the 2015 National Ambient Air Quality Standards for Ozone: Nonattainment Area State Implementation Plan Requirements (83 FR 62998, December 6, 2018).

The requirements necessary to appropriately implement YSAQMD's NNSR program are included, but not limited to the following:

<b>Checklist: 2015 Ozone NAAQS NNSR SIP Requirement</b>	
<b>40 CFR 51.165</b>	<b>YSAQMD District Rule</b>
(a)(1)(iv)(A)(1)(i)-(iv) and (2): Major source thresholds for ozone – VOC and NOx	Rule 3.4, Section 222.1 and 222.2
(a)(1)(iv)(A)(3): Change constitutes a major source by itself	Rule 3.4, Section 222.1 and 222.2
(a)(1)(v)(E): Significant net emissions increase of NOx is significant for ozone	Rule 3.4, Section 229
(a)(1)(v)(F): Any emissions change of VOC in Extreme area triggers NNSR	N/A
(a)(1)(x)(A)-(C) and (E): Significant emissions rates for VOC and NOx as ozone precursors	Rule 3.4, Section 221
(a)(3)(ii)(C)(1)-(2): Provisions for emissions reduction credits	Rule 3.14 (locally this rule has been renumbered to Rule 3.5), Section 201
(a)(8): Requirements for VOC apply to NOx as ozone precursors	Rule 3.4, Section 205 and 229
(a)(9)(i)-(iii): Offset ratios for VOC and NOx for ozone nonattainment areas <i>[subparagraphs (a)(9)(i)-(iii) were changed to (a)(9)(ii)-(iv)]</i>	Rule 3.4, Section 303
(i) Public participation requirements	Rule 3.4, Section 406

### Notice of Exemption

**To:** ☐ Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

☒ County Clerk  
County of Yolo  
625 Court Street Room 105  
Woodland, CA 95695

☐ County Clerk  
Solano County  
600 Texas Street  
Fairfield, CA 94533

**From:** Yolo-Solano Air Quality Management District  
1947 Galileo Court, Suite 103  
Davis, CA 95618

**Project Title:** Certification of Nonattainment New Source Review (NNSR) program

**Project Location:** Yolo-Solano Air Quality Management District

**Project description:** The District is proposing to certify that the District's NNSR program meets the requirements for the implementation of the 2015 ozone national ambient air quality standards.

**Name of Public Agency Approving Project:** Yolo-Solano Air Quality Management District

**Name of Person or Agency Carrying Out Project:** Yolo-Solano Air Quality Management District

Exempt Status:

- ☐ Ministerial  
☐ Emergency Project  
☒ Categorical Exemption (CEQA Guidelines Section 15308, Action by Regulatory Agency for Protection of the Environment)  
☐ Statutory Exemption

**Reason why project is exempt:** The certification of the District's NNSR program is an action taken to maintain and protect the environment and is therefore exempt from CEQA because it constitutes a Class 8 categorical exemption pursuant to CEQA Guidelines 15308.

**Lead Agency Contact Person:** Mat Ehrhardt, Air Pollution Control Officer  
**Telephone Number:** (530) 757-3650

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_ **Title:** \_\_\_\_\_

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