

**January 29, 2020**

**STATEMENT OF PROCEEDINGS**

*The Minutes of the*

***AIR POLLUTION CONTROL BOARD  
REGULAR MEETING***

**COUNTY OF SAN DIEGO  
AIR POLLUTION CONTROL DISTRICT**

STATEMENT OF PROCEEDINGS  
COUNTY OF SAN DIEGO AIR POLLUTION CONTROL BOARD  
REGULAR MEETING  
MEETING AGENDA  
**WEDNESDAY, JANUARY 29, 2020, 9:00 AM**  
BOARD OF SUPERVISORS NORTH CHAMBER  
1600 PACIFIC HIGHWAY  
SAN DIEGO, CA 92101

A. REGULAR SESSION: Meeting was called to order at 9:01 a.m.

PRESENT: Members Greg Cox, Chairman; Jim Desmond, Vice-Chairman; Dianne Jacob; Kristin Gaspar; Nathan Fletcher; also, Erin Demorest, Assistant Clerk of the Board of Supervisors.

B. Public Communication: No Speakers

C. Approval of the Statement of Proceedings/Minutes for the meeting of December 10, 2019.

**ACTION:**

ON MOTION of Member Jacob, seconded by Member Gaspar, the Air Pollution Control Board of the San Diego County Air Pollution Control District approved the Statement of Proceedings/Minutes for the meeting of December 10, 2019, on Consent.

AYES: Cox, Jacob, Fletcher, Desmond

ABSENT: Gaspar

NOTICE: THE BOARD OF SUPERVISORS MAY TAKE ANY ACTION WITH RESPECT TO THE ITEMS INCLUDED ON THIS AGENDA. RECOMMENDATIONS MADE BY COUNTY STAFF DO NOT LIMIT ACTIONS THAT THE BOARD OF SUPERVISORS MAY TAKE. MEMBERS OF THE PUBLIC SHOULD NOT RELY UPON THE RECOMMENDATIONS IN THE BOARD LETTER AS DETERMINATIVE OF THE ACTION THE BOARD OF SUPERVISORS MAY TAKE ON A PARTICULAR MATTER.

**Agenda Items**

<b>Agenda #</b>	<b>Subject</b>
1.	NOTICED PUBLIC HEARING: ADOPTION OF AMENDMENTS TO REGULATION X - STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

**1. SUBJECT: NOTICED PUBLIC HEARING:  
ADOPTION OF AMENDMENTS TO REGULATION X - STANDARDS  
OF PERFORMANCE FOR NEW STATIONARY SOURCES  
(DISTRICTS: ALL)**

**OVERVIEW**

This is a request for the Air Pollution Control Board (Board) to adopt proposed amendments to Regulation X (Standards of Performance for New Stationary Sources) of the Air Pollution Control District (District). Regulation X incorporates federal standards to control and reduce air pollutant emissions from specified new, modified or reconstructed stationary sources such as power plants, manufacturing operations, landfills and numerous other industry types. Regulation X provides facilities with a single, local regulation identifying the applicable federal standards. The U.S. Environmental Protection Agency (EPA) has, for many decades, delegated its primary authority to the District to implement and enforce the federal standards in the San Diego region, as authorized by the federal Clean Air Act. As indicated in its policies and guidelines, the EPA prefers to delegate its authority to local air districts that regulate and interact daily with local sources, ensuring efficient and effective implementation of the standards.

Regulation X was last updated on June 24, 2009 (AP1). Since then, the EPA has issued new and amended federal standards to further protect air quality and public health. Accordingly, today's request is to update Regulation X to incorporate these new and amended federal standards. If approved, the amendments will incorporate 31 current federal standards by reference and repeal 16 outdated standards.

The proposed amendments to Regulation X are not expected to have regulatory impacts on local sources, which are already in compliance. This is because other, more health-protective District rules are in place that require new, modified and reconstructed sources of air pollutants to control and reduce their emissions to the lowest achievable levels. Further, local sources are required to comply with all applicable federal standards regardless of whether they are incorporated in District Regulation X.

Additionally, the proposed amendments to Regulation X also incorporate by reference future federal amendments to the 31 federal standards due to the frequency with which they are updated. As a result, the District proposes to provide notice to the regulated community of any future amendments by publishing a 30-day public notice in the newspaper and conducting outreach to affected sources and the Air Pollution Control Board prior to the implementation of the amended federal standards. If approved, this updated procedure will continue to provide for transparency and outreach to affected sources while bringing greater efficiency to the local adoption of amended federal standards. The procedure provides an efficient mechanism to ensure these District rules remain current and consistent with federal regulations. By contrast, any new federal standard would be submitted to the Board for consideration of adoption, by reference, into Regulation X.

## **RECOMMENDATION(S)**

### **AIR POLLUTION CONTROL OFFICER**

1. Find that it can be seen with certainty that there is no possibility that the adoption of the proposed amendments to Regulation X may have a significant adverse effect on the environment, and the adoption of those amendments is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to California Code of Regulations, Title 14, Section 15061(b)(3).
2. Adopt the resolution entitled: RESOLUTION ADOPTING AMENDMENTS TO REGULATION X - STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES (NSPS) OF THE RULES AND REGULATIONS OF THE SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT.
3. Direct the Air Pollution Control Officer to request updated delegation of authority from the U.S. Environmental Protection Agency to the San Diego County Air Pollution Control District to locally implement and enforce the current federal Standards of Performance for New Stationary Sources, as incorporated in amended Regulation X.
4. Direct the Air Pollution Control Officer to provide public notice to affected sources and the Air Pollution Control Board prior to implementing and enforcing future federal amendments to a standard previously adopted by reference and incorporated in amended Regulation X.

### **FISCAL IMPACT**

There is no fiscal impact associated with the recommended actions. There will be no change in net General Fund cost and no additional staff years.

### **BUSINESS IMPACT STATEMENT**

The proposed amendments to Regulation X do not impose requirements beyond existing applicable federal requirements. The proposed amendments replace outdated standards and increase regulatory certainty for local businesses.

Local administration of the federal standards is generally preferred by affected businesses. Businesses can continue to work with the District to resolve any compliance issues that may arise rather than dealing directly with the federal government, thereby streamlining communication.

### **ACTION:**

ON MOTION of Member Jacob, seconded by Member Gaspar, the Air Pollution Control Board of the San Diego County Air Pollution Control District closed the Hearing and took action as recommended, on Consent, adopting Resolution No. 20-016, entitled: RESOLUTION ADOPTING AMENDMENTS TO REGULATION X - STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES (NSPS) OF THE RULES AND REGULATIONS OF THE SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT.

AYES: Cox, Jacob, Fletcher, Desmond

ABSENT: Gaspar

There being no further business, the Air Pollution Control Board of the San Diego County Air Pollution Control District adjourned at 12:07 p.m.

ANDREW POTTER  
Air Pollution Control Board  
San Diego County Air Pollution Control District

Notes: Santiago

NOTE: This Statement of Proceedings sets forth all actions taken by the San Diego County Air Pollution Control Board on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Members of the Board, on Tuesday, March 24, 2020.



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GREG COX  
Chairman

Attest:



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ANDREW POTTER  
Clerk of the Board