

STATEMENT OF PROCEEDINGS
COUNTY OF SAN DIEGO AIR POLLUTION CONTROL BOARD
REGULAR MEETING
MEETING AGENDA
WEDNESDAY, JUNE 26, 2019, 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 Dianne Jacob, Chairwoman; Greg Cox, Vice-Chairman; Kristin Gaspar; Nathan Fletcher; Jim Desmond; 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 May 22, 2019.

ACTION:

ON MOTION of Member Gaspar, seconded by Member Fletcher, the Air Pollution Control Board of the San Diego County Air Pollution Control District approved the Statement of Proceedings/Minutes for the meeting of May 22, 2019, on Consent.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

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

Agenda # Subject

1. NOTICED PUBLIC HEARING:
ADOPTION OF PROPOSED AMENDMENTS TO RULES 20.1, 20.2,
20.3 AND 20.4 (NEW SOURCE REVIEW); RULE 26.0 (EMISSION
REDUCTION CREDITS); AND 1415 (PERMIT PROCESS-PUBLIC
NOTIFICATION)

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**1. SUBJECT: NOTICED PUBLIC HEARING:
ADOPTION OF PROPOSED AMENDMENTS TO RULES 20.1, 20.2,
20.3 AND 20.4 (NEW SOURCE REVIEW); RULE 26.0 (EMISSION
REDUCTION CREDITS); AND 1415 (PERMIT PROCESS-PUBLIC
NOTIFICATION) (DISTRICTS: ALL)**

OVERVIEW

Today's requested action is to update certain rules of the San Diego County Air Pollution Control District (District) to enable their approval by the U.S. Environmental Protection Agency (EPA) as explained below. The rules of the District, including the requirement to have permits to operate, apply to factories and other stationary sources of air pollution in the San Diego region. A permit outlines the actions a facility must take to control and reduce its air pollutant emissions to protect public health. Permits must comply with federal, State and local requirements.

The EPA has requested two specific additions to District Rules 20.1 through 20.4 (New Source Review) to ensure consistency with federal requirements. These District rules specify the emissions controls and related requirements applicable to new or modified stationary sources of air pollutants. The proposed rule amendments are administrative in nature and reflect existing federal requirements for: (1) record keeping by major stationary sources that use a federal alternative method to calculate their emissions increases, and (2) a ban on permit issuance to proposed new or modified sources if the EPA were to find that the region's plans to attain and maintain federal air quality standards are not being adequately implemented.

Additional amendments to the District's permitting rules are also proposed in order to comply with other recent changes in federal requirements and to improve clarity, public outreach, and public health protection. These changes include modernizing and expanding the process for notifying the public of a preliminary District decision to issue a permit or take certain other permit-related actions. Historically, these public notices were required to be published in a local newspaper of general circulation. However, with advancements in information technology and changes in how the public receives information, the EPA recently issued a federal rule allowing public notifications to be conducted via electronic media such as website postings instead of, or in addition to, print media. The District's proposed rule amendments will require both notification methods so that public notices will continue to be published in the newspaper and will be posted on the District's website, thereby increasing opportunities for public participation and input. This expansion of public noticing is reflected in the proposed amendments to the New Source Review rules and to the other District rules with public notification requirements, specifically Rule 26.0 (Emission Reduction Credits) and Rule 1415 (Permit Process-Public Notification).

RECOMMENDATION(S)

AIR POLLUTION CONTROL OFFICER

1. Find that the adoption of proposed amended Rules 20.1 through 20.4, 26.0 and 1415 is categorically exempt from the provisions of the California Environmental Quality Act pursuant to California Code of Regulations, Title 14, Section 15308, as an action taken to assure the protection of the environment, where the regulatory process involves procedures for the protection of the environment, and pursuant to Section 15061(b)(3), since it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

2. Adopt the Resolution entitled: RESOLUTION ADOPTING AMENDED RULE 20.1 – NEW SOURCE REVIEW-GENERAL PROVISIONS; RULE 20.2 - NEW SOURCE REVIEW-NON-MAJOR STATIONARY SOURCES; RULE 20.3 - NEW SOURCE REVIEW-MAJOR STATIONARY SOURCES AND PREVENTION OF SIGNIFICANT DETERIORATION (PSD) STATIONARY SOURCES; RULE 20.4 – NEW SOURCE REVIEW-PORTABLE EMISSION UNITS; AND RULE 26.0 – BANKING OF EMISSION REDUCTION CREDITS (ERCs)-GENERAL REQUIREMENTS OF REGULATION II; AND RULE 1415 - PERMIT PROCESS-PUBLIC NOTIFICATION OF REGULATION XIV OF THE RULES AND REGULATIONS OF THE SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT.

FISCAL IMPACT

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

BUSINESS IMPACT STATEMENT

The proposed rule amendments are necessary to ensure consistency with federal requirements. If adopted, the proposed rule amendments will enable the U.S. Environmental Protection Agency's (EPA) approval of the rules and prevent a possibility of federal sanctions - including limitations on business expansion in the region - that may be imposed by the EPA if it were to disapprove the District's rules for not meeting federal requirements and the rules were not updated accordingly.

ACTION:

ON MOTION of Member Gaspar, seconded by Member Fletcher, 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. 19-102, entitled: RESOLUTION ADOPTING AMENDED RULE 20.1 - NEW SOURCE REVIEW-GENERAL PROVISIONS; RULE 20.2 - NEW SOURCE REVIEW-NON-MAJOR STATIONARY SOURCES; RULE 20.3 - NEW SOURCE REVIEW-MAJOR STATIONARY SOURCES AND PREVENTION OF SIGNIFICANT DETERIORATION (PSD) STATIONARY SOURCES; RULE 20.4 - NEW SOURCE REVIEW-PORTABLE EMISSION UNITS; AND RULE 26.0 - BANKING OF EMISSION REDUCTION CREDITS (ERCs)-GENERAL REQUIREMENTS OF REGULATION II; AND RULE 1415 - PERMIT PROCESS-PUBLIC NOTIFICATION OF REGULATION XIV OF THE RULES AND REGULATIONS OF THE SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

There being no further business, the Air Pollution Control Board of the San Diego County Air Pollution Control District adjourned at 5:16 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.

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