

**REVISIONS TO RULES 72 and 73
NEW SOURCE PERFORMANCE STANDARDS
NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS**

BACKGROUND

The federal Clean Air Act (CAA) requires the U.S. Environmental Protection Agency (EPA) to establish New Source Performance Standards (NSPS) for sources that emit pollutants that affect national ambient air quality standards. Sources that are either constructed or significantly modified after the applicability date are subject to the standards. New Source Performance Standards are minimum requirements; sources in Ventura County could be subject to more stringent local standards.

EPA is also required to establish National Emission Standards for Hazardous Air Pollutants (NESHAPS). NESHAPS control pollutants that are hazardous but for which no ambient air quality standards have been established.

EPA promulgates new standards and revisions to existing standards as needed. The authority to implement and enforce these standards is delegated to local air pollution control districts on a case-by-case basis.

The District rules that implement these delegated federal regulations are Rule 72 and Rule 73. NSPS and NESHAPS standards are incorporated by reference; this saves staff resources and assures that local regulations are consistent with the Code of Federal Regulations.

EPA requires the District to periodically review and update Rules 72 and 73. Revisions to these rules were last adopted on September 13, 2005.

PROPOSED REVISIONS

Staff is proposing to update Rules 72 and 73 to incorporate new and amended standards.

Table 1 is a brief summary of the standards currently designated that are have undergone a significant revisions. A more complete summary appears in Appendix A. Note that Subpart XX, Bulk Gasoline Terminals, is proposed for deletion. EPA rescinded designation of this subpart due to issues between EPA and the California Air Resources Board regarding tank testing.

In addition, minor revisions to the reference information for a number of standards in Rule 72 are proposed. These include:

Update title: Subparts Ec, I, K, Ka, Kb, N, Na, BBB, DDD, III, LLL, NNN, SSS, WWW, AAAA

Add or amend applicability date: Subparts Eb, K, Ka, Kb, AAa, AAAA, CCCC

See the draft amended rule for more information.

Staff is also proposing to request designation from EPA for four additional NSPS standards. These standards are listed in Table 2.

Subpart A, General Provisions, is proposed for revision in Rule 73. This change in non-controversial; see Appendix A for more information.

DISCUSSION

Sources in Ventura County

The following NSPS subparts apply to sources in Ventura County:

Subpart Cc	Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills
Subpart D	Fossil Fuel Fired Steam Generators
Subpart Da	Electric Utility Steam Generators

Subpart Db	Industrial Steam Generating Units
Subpart Dc	Small Industrial Steam Gen. Units
Subpart I	Asphalt Concrete Plants
Subpart Kb	Volatile Organic Liquid Storage Vessels
Subpart EE	Surface Coating of Metal Furniture
Subpart GG	Stationary Gas Turbines
Subpart RR	Pressure Sensitive Tape and Label Surface Coating Operations
Subpart TT	Metal Coil Surface Coating
Subpart OOO	Nonmetallic Mineral Processing Plants
Subpart SSS	Magnetic Tape Manufacturing Industry
Subpart UUU	Calciners and Dryers in Mineral Industries
Subpart VVV	Polymeric Coating of Supporting Substrates Facilities
Subpart WWW	Municipal Solid Waste Landfills
Subpart IIII	Stationary Compression Ignition Internal Combustion Engines
Subpart JJJJ	Stationary Spark Ignition Internal Combustion Engines
Subpart KKKK	Stationary Combustion Turbines

No revisions are proposed for most of these standards. Revised Subparts D, Da, Db and Dc added compliance alternatives, revised certain recordkeeping and reporting requirements, and corrected errors. The revisions to Subpart GG added compliance monitoring options. As a result, the proposed revisions to Rule 72 will have no significant impact on sources in Ventura County. For additional information on sources that reference NSPS regulations, see Appendix B.

As noted in Table 2, Subparts IIII and KKKK are standards for which the District is requesting designation. (New Subpart JJJJ is not yet final.) These standards apply to two permitted sources in Ventura County. District Rules 74.23 (Turbines) and 74.29 (IC Engines) also apply to these sources. Although the new standards establish emission limits, the District rules are, in each case, more stringent than the NSPS. Therefore, the proposed revisions to Rule 72 will have no significant impact on sources in Ventura County. The revisions to the NESHAPS Subpart A are also minor and noncontroversial.

COST-EFFECTIVENESS AND IMPACT ANALYSES

Cost-Effectiveness

California Health and Safety Code § 40703 requires the APCD Board to consider and make public, in adopting a regulation, its findings relative to cost-effectiveness of Air Quality Management Plan (AQMP) control measures. The proposed revisions to Rules 72 and 73 are not related to any control measure. Therefore, a finding on cost-effectiveness is not required.

In addition, because BACT requirements and feasible control measures are not involved, an incremental cost-effectiveness analysis under Health & Safety Code Section 40920.6 is not required.

Socioeconomic Impact Analysis

California Health and Safety Code § 40728.5, which went into effect on January 1, 1992, requires that the APCD Board consider the socioeconomic impact of any new rule or amendment to an existing rule if air quality or emission limits are affected. The proposed amendments to Rules 72 and 73 do not significantly affect air quality or emission limitations in Ventura County. Therefore, this analysis is not required.

Environmental Impacts of Methods of Compliance

California Public Resources Code § 21159 requires the District to perform an environmental analysis of the reasonably foreseeable methods of compliance if the proposed rule requires "the installation of pollution control equipment, or [specifies] a performance standard or treatment requirement..." The proposed revisions to Rules 72 and 73 are administrative in nature and involve no pollution control equipment. Therefore, an analysis is not required.

California Environmental Quality Act

The proposed revisions to Rules 72 and 73 are exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility that these changes may have a significant effect on the environment.

Table 1
Proposed Amendments to Designated Standards in Rule 72

Subpart A	General Provisions
Subpart D	<u>Fossil-Fuel-Fired Steam Generators for Which Construction is Commenced After August 17, 1971</u>
Subpart Da	<u>Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978</u>
Subpart Db	<u>Industrial-Commercial-Institutional Steam Generators Generating Units</u>
Subpart Dc	<u>Small Industrial-Commercial-Institutional Steam Generating Units</u> <i>Added compliance alternatives, revised certain recordkeeping and reporting requirements, corrected technical and editorial errors.</i>
Subpart E	Incinerators
Subpart Eb	<u>Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996</u> <i>Amended standards to reflect the actual performance levels for existing and new units.</i>
Subpart AA	<u>Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and on or Before August 17, 1983</u>
Subpart AAa	<u>Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983</u> <i>The amendments added alternative requirements for monitoring emissions from electric arc furnace exhausts and make minor editorial corrections.</i>
Subpart GG	Stationary Gas Turbines <i>No new requirements; added a number of acceptable compliance monitoring options.</i>
Subpart VV	<u>Equipment leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry: VOC Fugitive Emission Sources for Which Construction, Reconstruction, or Modification Commenced after January 5, 1981, and on or Before November 7, 2006</u> <i>Clarifications, changes that reduce burden, and additional compliance options.</i>
Subpart GGG	<u>Equipment Leaks of VOC In Petroleum Refineries: VOC Fugitive Emission Sources for Which Construction, Reconstruction, or Modification Commenced after January 4, 1983, and on or Before November 7, 2006</u> <i>Clarifications, changes that reduce burden, and additional compliance options.</i>
Subpart XX	Bulk Gasoline Terminals <i>Propose deletion because delegation has been withdrawn.</i>
Subpart CCCC	Standards of Performance for Commercial and Industrial Solid Waste Incineration Units <u>for Which Construction is Commenced After November 30, 1999 or for Which Modification or Reconstruction is Commenced on or After June 1, 2001</u> <i>Promulgates revised definitions.</i>

Table 2
Standards Proposed for Local Designation in Rule 72

Subpart VVa	Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006
Subpart EEEE	Other Solid Waste Incineration Units
Subpart IIII	Stationary Compression Ignition Internal Combustion Engines
Subpart KKKK	Stationary Combustion Turbines

Analysis of Existing Federal and District Regulations

California Health & Safety Code § 40727.2(a) requires districts to provide a written analysis of existing regulations prior to adopting, amending or repealing a regulation. Section 40727.2(a) states:

In complying with Section 40727, the district shall prepare a written analysis as required by this section. In the analysis, the district shall identify all existing federal air pollution control requirements, including, but not limited to, emission control standards constituting best available control technology for new or modified equipment, that apply to the same equipment or source type as the rule or

regulation proposed for adoption or modification by the district. The analysis shall also identify any of that district's existing or proposed rules and regulations that apply to the same equipment or source type, and all air pollution control requirements and guidelines that apply to the same equipment or source type and of which the district has been informed pursuant to subdivision (b).

Rules 72 and 73 reference federal regulations that currently apply to emission sources in Ventura County as well as regulations that may apply to new sources in Ventura County. Applicable local rules are identified in Appendix C.

PUBLIC MEETINGS AND COMMENTS

Staff did not hold a public workshop for these proposed rule revisions. Delegation of the implementation of federal regulations to local control is not controversial. In addition, staff found that no existing county sources will be affected by the proposed revisions

Advisory Committee
June 24, 2008

After a brief staff presentation and discussion, the Advisory Committee unanimously recommended the proposed revisions to Rules 72 and 73 to the Air Pollution Control Board.

REFERENCES

1. Government Printing Office *GPO Access*, <http://www.gpoaccess.gov/fr/advanced.html>, for Federal Register advanced search., 05/08

Subpart GGG Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced after January 4, 1983, and on or Before November 7, 2006: VOC Fugitive Emission Sources
(~~Applicability date January 4, 1983~~)

Initial Promulgation(49FR22606, May 30, 1984)
Most Recent Revision.....(~~65FR61743, Oct. 17, 2000~~)
(72FR64860, Nov. 16, 2007)

For subparts VV and GGG, the action includes only clarifications, changes that reduce burden, and additional compliance options. The revisions also limit which SOCOMI and petroleum refinery affected sources are subject to the existing subparts.

In addition, new standards were developed in new subparts VVa and GGGa that apply only to SOCOMI and petroleum refinery affected sources, respectively, that commence construction, reconstruction, or modification after November 7, 2006.

~~Subpart XX Bulk Gasoline Terminals~~
(~~Applicability date December 17, 1980~~)

~~Initial Promulgation.....(48FR37590, Aug. 18, 1983)
Most Recent Revision.....(54FR6678, Feb. 14, 1989)~~

~~NOTE: California Air Resources Board (CARB) Certification and Test Procedures for Vapor Recovery Systems of Gasoline Delivery Tanks shall be followed in lieu of the federal procedure as shown in the CFR. Documentation and recordkeeping requirements shall record results of CARB Certification tests.~~

Reference to Subpart XX is proposed for deletion because delegation has been withdrawn. Delegation may reoccur when EPA and the California Air Resources Board resolve issues regarding the testing of tanks.

Subpart CCCC ~~Standards of Performance for Commercial and Industrial Solid Waste Incineration Units for Which Construction is Commenced After November 30, 1999 or for Which Modification or Reconstruction is Commenced on or After June 1, 2001~~
(~~Applicability date June 6, 2001~~)

~~Initial Promulgation.....(65FR75338, Dec. 1, 2000)
Most Recent Revision.....(66FR16605, March 27, 2001)
(70FR55568, Sep. 22, 2005)~~

This action promulgated revised definitions for the terms "solid waste, commercial or industrial waste," and "commercial and industrial solid waste incineration unit."

~~Subpart EEEE Other Solid Waste Incineration Units~~
(~~Applicability date January 23, 2007~~)

~~Initial Promulgation.....(65FR75338, Dec. 1, 2000)
Most Recent Revision.....(71FR67802, Nov. 24, 2006)~~

This action corrects the averaging time for measuring opacity.

~~Subpart KKKK Stationary Combustion Turbines~~
(~~Applicability date – July 6, 2006~~)

~~Initial Promulgation.....(71FR38482, July 6, 2006)~~

This action promulgates standards of performance for new stationary combustion turbines. The standards reflect changes in nitrogen oxides (NOx) emission control technologies and turbine design since standards for these units were originally promulgated in subpart GG. The NOx and sulfur dioxide (SO₂) standards have been established at a level which brings the emissions limits up to date with the performance of current combustion turbines.

Subpart III Stationary Compression Ignition Internal Combustion Engines
(Applicability date – September 11, 2006)

Initial Promulgation(71FR39154, July 11, 2006)

The action established new source performance standards (NSPS) for new, modified, or reconstructed stationary compression ignition (CI) internal combustion engines (ICE), also called stationary diesel engines. Beginning with Model Year 2007 engines, manufacturers must meet more stringent emission standards for nitrogen oxides, particulate matter, sulfur dioxide, carbon monoxide, and hydrocarbons. The owners/operators of affected equipment are subject to new monitoring, notification, reporting, and related requirements. The rule also contains fuel requirements that limit the sulfur content of the diesel fuel used to run the engines subject to NSPS.

Proposed Amendments to Rule 73

Subpart A General Provisions, excluding the following provisions: 61.04(b), 61.04(c), 61.05(c), 61.05 presidential authorities, 61.11, 61.12(d), 61.13(h)(1)(ii), 61.14(d), 61.14(g)(1)(ii), and 61.16.

Initial Promulgation(38FR8826, April 6, 1973)
Most Recent Revision(~~65FR61743, Oct. 17, 2000~~)
(72FR27437, May 16, 2007)

The action amends the General Provisions to allow source owners and operators to request an extension of the time period required to conduct initial or subsequent performance testing in response to major events (*force majeure*) that are beyond the control of the affected facility. A *force majeure* is defined as an event that prevents the owner or operator from complying with the regulatory requirement to conduct performance tests within the specified time frame despite the affected facility's best efforts to fulfill the obligation.

Appendix B
VCAPCD Permits with a condition using the term
“NSPS” or “Standards of Performance”

Subpart D – Fossil Fuel Fired Steam Generators for Which Construction Is Commenced After August 17, 1971

Subpart Da – Electric Utility Steam Generators for Which Construction Is Commenced After September 18, 1978

Subpart Db – Industrial – Commercial – Institutional Steam Generating Units

Subpart Dc – Small Industrial – Commercial – Institutional Steam Generating Units

Permits 00013, 00054, 00157, 00970, 01267

(The above permits reference one or more of the above Subparts as Permit Shields.)

Subpart I – Asphalt Concrete Plants

Permits 00025, 00045, 00092, 07402

Subpart Kb – Volatile Organic Liquid Storage Vessels

Permit 00029

Subpart EE – Surface Coating of Metal Furniture

Permits 00196, 00651, 00688, 01335

Subpart GG – Stationary Gas Turbines

Permits 00008, 00013, 00015, 00157, 00214, 00970, 01267, 01494, 07018

Subpart RR – Pressure Sensitive Tape and Label Surface Coating Operations

Permit 00029

Subpart TT – Metal Coil Surface Coating

Permit 00029

Subpart OOO – Nonmetallic Mineral Processing Plants

Permits 00006, 00025, 00030, 00035, 00036, 00110, 00291, 00489, 00517, 01046, 01168, 01296, 01338, 01364, 01461, 07209, 07218, 07411, 07889

Subpart SSS – Magnetic Tape Manufacturing Industry

Permits 00029, 07324

Subpart UUU – Calciners and Dryers in Mineral Industries

Permit 01338

Subpart VVV – Polymeric Coating of Supporting Substrates Facilities

Permits 00029, 00446

Subpart WWW – Municipal Solid Waste Landfills

Subpart Cc – Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills (not delegated to any local agency)

Permits 01395, 01399

(These standards related to landfills are being implemented by Rule 74.17.1.)

Subpart IIII – Stationary Compression Ignition Internal Combustion Engines

Permit 00041 (not yet delegated to Ventura County)

Subpart JJJJ – Stationary Spark Ignition Internal Combustion Engines

Permit 00041 (federal standard not yet final)

Subpart KKKK – Stationary Combustion Turbines

Permit 01494 (not yet delegated to Ventura County)

Appendix C
Emission Control Rules that May Apply to NSPS
and NESHAPS Sources in Ventura County

REGULATION I. GENERAL

Rule 2.....Definitions

REGULATION II. PERMITS

Rule 10.....Permits Required

Rule 11.....Definitions for Regulation II

Rule 12..... Applications for Permits

Rule 13.....Action on Applications for an Authority to Construct

Rule 14.....Action on Applications for a Permit to Operate

Rule 15.....Standards for Permit Issuance

Rule 15.1.....Sampling and Testing Facilities

Rule 16.....BACT Certification

Rule 17.....Disclosure of Air Toxics Information

Rule 19.....Posting of Permits

Rule 20.....Transfer of Permit

Rule 22.....Appeals

Rule 23.....Exemptions from Permit

Rule 24.....Source Recordkeeping, Reporting and Emission Statements

Rule 26.....New Source Review - General

Rule 26.1.....New Source Review - Definitions

Rule 26.2.....New Source Review - Requirements

Rule 26.3.....New Source Review - Exemptions

Rule 26.4.....New Source Review - Emission Banking

Rule 26.5.....New Source Review - Community Bank

Rule 26.6.....New Source Review - Calculations

Rule 26.7.....New Source Review - Notification

Rule 26.8.....New Source Review - Permit to Operate

Rule 26.9.....New Source Review - Power Plants

Rule 26.10.....New Source Review - Prevention of Significant Deterioration

Rule 26.11.....New Source Review – ERC Evaluation At Time of Use

Rule 27.Suspension of Permits

Rule 28.....Revocation of Permits

Rule 29.....Conditions on Permits

Rule 30.....Permit Renewal

Rule 31.....Public Disclosure of Data

Rule 32.....Breakdown Conditions; Emergency Variances

Rule 33.....Part 70 Permits - General

Rule 33.1.....Part 70 Permits - Definitions

Rule 33.2.....Part 70 Permits - Application Contents

Rule 33.3.....Part 70 Permits - Permit Content

Rule 33.4.....Part 70 Permits - Operational Flexibility

Rule 33.5.....Part 70 Permits - Timeframes for Applications, Review and Issuance
Rule 33.6.....Part 70 Permits - Permit Term and Permit Reissuance
Rule 33.7.....Part 70 Permits - Notification
Rule 33.8.....Part 70 Permits - Reopening of Permits
Rule 33.9.....Part 70 Permits - Compliance Provisions
Rule 33.10.....General Part 70 Permits
Rule 34.....Acid Deposition Control
Rule 35.....Elective Emission Limits
Rule 36.....New Source Review - Hazardous Air Pollutants
Rule 37.....Project XL

REGULATION IV. PROHIBITIONS

Rule 50.....Opacity
Rule 51.....Nuisance
Rule 52.....Particulate Matter - Concentration
Rule 53.....Particulate Matter - Process Weight
Rule 54.....Sulfur Compounds
Rule 56.....Open Burning
Rule 57.....Incinerators
Rule 57.1.....Particulate Matter Emissions From Fuel Burning Equipment
Rule 58.....Reduction of Animal Matter
Rule 59.....Electrical Power Generating Equipment - Oxides of Nitrogen Emissions
Rule 62.....Hazardous Materials and Airborne Toxics
Rule 62.1.....Hazardous Materials
Rule 62.6.....Ethylene Oxide - Sterilization and Aeration
Rule 62.7.....Asbestos - Demolition and Renovation
Rule 63.....Separation and Combination of Emissions
Rule 64.....Sulfur Content of Fuels
Rule 67.....Vacuum Producing Devices
Rule 68.....Carbon Monoxide
Rule 69.....Asphalt Air Blowing
Rule 70.....Storage and Transfer of Gasoline
Rule 71.....Crude Oil and Reactive Organic Compound Liquids
Rule 71.1.....Crude Oil Production and Separation
Rule 71.2.....Storage of Reactive Organic Compound Liquids
Rule 71.3.....Transfer of Reactive Organic Compound Liquids
Rule 71.4.....Petroleum Sumps, Pits, Ponds and Well Cellars
Rule 71.5.....Glycol Dehydrators
Rule 72.1.....Outer Continental Shelf Air Regulations
Rule 74.....Specific Source Standards
Rule 74.1.....Abrasive Blasting
Rule 74.2.....Architectural Coatings
Rule 74.3.....Paper, Fabric and Film Coating Operations
Rule 74.4.....Cutback Asphalt
Rule 74.5.1.....Petroleum Solvent Dry Cleaning
Rule 74.5.2.....Synthetic Solvent Dry Cleaning

- Rule 74.6.Surface Cleaning and Degreasing
- Rule 74.6.1.Batch Loaded Vapor Degreasers
- Rule 74.7.Fugitive Emissions of Reactive Organic Compounds at Petroleum Refineries and Chemical Plants
- Rule 74.8.Refinery Vacuum Producing Systems, Wastewater Separators and Process Turnarounds
- Rule 74.9.Stationary Internal Combustion Engines
- Rule 74.10.Components at Crude Oil and Natural Gas Production and Processing Facilities
- Rule 74.11.Natural Gas-Fired Residential Water Heaters - Control of NOx
- Rule 74.11.1. ...Large Water Heaters and Small Boilers
- Rule 74.12.Surface Coating of Metal Parts and Products
- Rule 74.13.Aerospace Assembly and Component Manufacturing Operations
- Rule 74.14.Polyester Resin Material Operations
- Rule 74.15.Boilers, Steam Generators and Process Heaters (5MMBTUs and greater)
- Rule 74.15.1. ...Boilers, Steam Generators and Process Heaters (1 to 5 MMBTUs)
- Rule 74.16.Oilfield Drilling Operations
- Rule 74.17.1. ...Municipal Solid Waste Landfills
- Rule 74.18.Motor Vehicle and Mobile Equipment Coating Operations
- Rule 74.19.Graphic Arts
- Rule 74.19.1. ...Screen Printing Operations
- Rule 74.20.Adhesives and Sealants
- Rule 74.21.Semiconductor Manufacturing
- Rule 74.22.Natural Gas-Fired, Fan-Type Central Furnaces
- Rule 74.23.Stationary Gas Turbines
- Rule 74.24.Marine Coating Operations
- Rule 74.24.1. ...Pleasure Craft Coating and Commercial Boatyard Operations
- Rule 74.25.Restaurant Cooking Operations
- Rule 74.26.Crude Oil Storage Tank Degassing Operations
- Rule 74.27.Gasoline and ROC Liquid Storage Tank Degassing Operations
- Rule 74.28.Asphalt Roofing Operations
- Rule 74.29.Soil Decontamination Operations
- Rule 74.30.Wood Products Coatings
- Rule 75.Circumvention
- Rule 76.Federally Enforceable Limits on Potential to Emit

REGULATION VI. SOURCE TESTING AND STACK MONITORING

- Rule 101.Sampling and Testing Facilities
- Rule 102.Source Tests
- Rule 103.Continuous Monitoring Systems