

# AMADOR AIR DISTRICT BOARD OF DIRECTORS

810 Court Street, Jackson, California 95642

## AGENDA

Tuesday, August 20, 2019 at 1:30 p.m.

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Please Note: All Air District Board meetings are recorded.

**Anyone who wishes to address the Board must speak from the podium and should print their name on the Board Meeting Speaker list, which is located on the podium. The Clerk will collect the list at the end of the meeting. If you are disabled and need a disability-related modification or accommodation to participate in this meeting, please contact the Clerk of the Board, at 209-257-0112 or 209-257-0116 (fax). Requests must be made as early as possible and at least one-full business day before the start of the meeting.**

### **Determination of a Quorum:**

### **Pledge of Allegiance:**

**Approval of Agenda:** Approval of the agenda for this date; any and all off-agenda items must be approved by the Board (pursuant to §54954.2 of the Government Code).

**Public Matters Not on the Agenda:** Discussion items only, no action to be taken. Any person may address the Board at this time upon any subject within the jurisdiction of the Amador Air District Board of Directors; however, any matter that requires action may be referred to staff and/or a committee for a report and recommendation for possible action at a subsequent Board meeting. **Please note - there is a five (5) minute limit per topic.**

### **Administrative Matters:**

1. **Minutes:** Review and approval of the May 21, 2019 Board Minutes as presented or revised. Action
2. **Public Hearing for FY 2019/2020 District Budget:** Action
3. **Public Hearing for Updated Nonattainment New Source Rule (NSR) Rule 400:** Action.
4. **APCO's Update:** Informational only, no action to be taken.
  - Emergency Episode Plan - DRAFT
  - Wildfire Smoke Impacts to Health and Messaging Workshop
  - Smoke Reduction Bin Program (Pine Needles)
  - Vicini Brothers Greenwaste Recycling Facility Ad Hoc Committee
  - Electric Vehicle Charging Stations
  - Financials through August 13, 2019

**Correspondence:** Letter from Jennifer Gobershock, Woodland Road Association

**Adjournment:** Until next meeting on October 15, 2019 at 1:30pm

US64

**PROOF OF PUBLICATION  
(2015-5 C.C.P.)**

**STATE OF CALIFORNIA  
COUNTY OF AMADOR**

I am a citizen of the United States and a resident of the said County. I am over the age of eighteen years; and not a party to or interested in the above matter. I am the principal Clerk of the Printer and Publisher of the Amador Ledger Dispatch. A newspaper of general circulation, published two times a week in the City of Jackson, California, County of Amador, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court, of the County of Amador, State of California dated June 19, 1953, Court decree numbers; 5575/5551; that the notice of which the annexed is a printed copy (set in type not smaller than nonpereil) has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates; to wit:

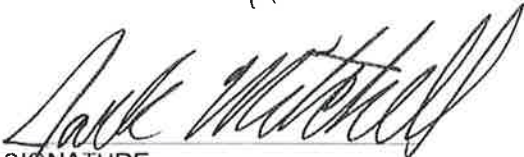
July 19

all in the year: 2019

I certify (or declare) under Penalty of perjury that the foregoing is true and correct.

Date at Jackson, California this

19 of July, 2019

  
SIGNATURE

**PUBLIC HEARING NOTICES**

On Tuesday, August 20, 2019 at 1:30 p.m. the Amador Air District will hold public hearings in the Amador County Board of Supervisors Chambers in the County Administration Center (CAC) Building located at 810 Court Street, Jackson, CA for the following items:

- 1.) To accept comments on the proposed Fiscal Year 2019-20 budget.
- 2.) To accept comments on the adoption of Nonattainment (NA) New Source Rule (NSR) to satisfy both 1997 and 2015 ozone standard NA NSR requirements.
- 3.) To accept comments on the adoption of an Emergency Episode Plan (EEP). The EEP provides basis for taking action to prevent ambient ozone concentrations from reaching levels which would endanger public health, or to abate such concentrations should they occur.

A copy of the documents are available for review at the Amador Air District Office 810 Court Street, Jackson, CA 95642 or may be downloaded from the county website at <http://www.amadorgov.org/services/amador-air-district>. For more information, contact Jim McHargue, Air Pollution Control Officer at (209) 257-0112.

July 19, 2019-U564

**RECEIVED**

**JUL 24 2019**

**AMADOR AIR DISTRICT**

**ADMINISTRATIVE MATTERS  
ITEM 1**

**Minutes**

# Amador Air District Board of Directors Meeting

## Summary Minutes for March 19, 2019 Meeting held at 1:30 pm

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Meeting was recorded in the Amador County Board of Supervisors Chambers  
810 Court Street, Jackson, California

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### Determination of a Quorum

#### Present on Roll Call:

Pat Crew	Amador County District 1, Supervisor
Richard Forster	Amador County District 2, Supervisor
Jeff Brown	Amador County District 3, Supervisor
Frank Axe	Amador County District 4, Supervisor (Vice Chair)
Brian Oneto	Amador County District 5, Supervisor
Bob Stimpson	City of Jackson, Councilman (Chair)
Tom Reed	City of Ione, Councilman
Robin Peters	City of Sutter Creek, Councilman
Jon Colburn	City of Plymouth, Councilman

#### Absent on Roll Call:

Tim Knox	City of Amador City, Councilman
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#### Staff/Others:

Jim McHargue, APCO  
Herminia Perry, Clerk of the Board  
Matt Peterson, Air Pollution Inspector  
Craig Fechter, Fechter & Company  
Merv Vicini  
Tony Vicini  
Ryan Uhde, Tesla

<p>NOTE: These minutes remain in <i>Draft</i> form until approved by Minute Order at the next regular meeting of the Board of Directors. Any packets prepared by Staff are hereby incorporated into these minutes by reference as though set forth in full. Any staff report, recommended findings, mitigation measures, conditions, or recommendations which are referred to by Board members in their decisions which are contained in the staff reports are part of these minutes by reference only. Any written material, petitions, packets, or comments received at the hearing also become a part of these minutes by reference.</p>
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At 1:35 p.m. Chair Stimpson called the meeting to order. It was determined that there was a quorum for business.

**Pledge of Allegiance:** Chair Stimpson led the Board and staff in the Pledge of Allegiance.

<b>Approval of Agenda:</b> Approval of the agenda for this date; any and all off agenda items must be approved by the Board (pursuant to §54954.2 of the Government Code).	
<b>Motion:</b>	It was moved by <u>Director Axe</u> , seconded by <u>Director Forster</u> , and unanimously carried to approve the agenda for this date. Vote 9-0  <b>Absent:</b> Director Knox
<b>Public Matters Not on the Agenda:</b> Discussion items only; no action to be taken. Any person may address the Board at this time upon any subject within the jurisdiction of the Amador Air District Board of Directors; however, any matter that requires action may be referred to staff and/or a committee for a report and recommendation for possible action at a subsequent Board meeting. <b>Please note - there is a five (5) minute limit per topic</b>	
Tony Vicini from Vicini Brothers, Inc. – Tony gave the Board an update on their grant status. To date they have not been able to secure the funding for the grant. An Ad Hoc committee was formed to discuss possible actions. Members include Directors Forster, Crew, and APCO McHargue.	

Administrative Matters	
<b>1.</b>	<b>Minutes: Review and approval of the March 19, 2019 Board Minutes:</b> Approved
<b>Motion:</b>	It was moved by Director Axe, seconded by Director Forster, and abstained by Directors Colburn and Peters to approve the minutes for this date. Vote 7-0-2  <b>Absent:</b> Director Knox <b>Abstain:</b> Director Colburn and Peters
<b>2.</b>	<b>Fechter &amp; Company Air District 2017 &amp; 2018 Audit Presentation:</b> Discussion and Possible Action APCO McHargue introduced Craig Fechter of Fechter and Company, CPA, Inc., who performed the two-year audit of the District’s finances.  Mr. Fechter reviewed the resulting documents, Management Reports, and the Financial Statements with the Board and answered questions.
<b>Motion:</b>	It was moved by <u>Director Oneto</u> , seconded by <u>Director Crew</u> , and unanimously carried to accept the audit for the period 2017 & 2018. Vote 9-0  <b>Absent:</b> Director Knox
<b>3.</b>	<b>Draft Budget for FY 2019-2020:</b> Action APCO McHargue discussed the draft budget for fiscal year 2019/2020. The District’s revenues are stable and consistent with prior years. The expenses are also similar to previous years, and some variable costs are found in budget lines #54120 Community Projects and #54712 Special Projects.

<p><b>Motion:</b></p>	<p>It was moved by Director Peters, seconded by Director Axe, and unanimously carried to approve the draft budget for 2019/2020 and set budget public hearing for August 20, 2019 at 1:30pm. Vote 9-0.</p> <p><b>Absent:</b> Director Knox</p>
<p><b>4.</b></p> <p><b>Motion:</b></p>	<p><b>Resolution 19-04 for SB 1260 Prescribed Burning Funding:</b> Discussion and Possible Action APCO McHargue explains the purpose of SB 1260 Prescribed Burning Fund. This bill provides funding for local air districts to enhance air quality and smoke monitoring, and to provide a public awareness campaign regarding prescribed burns.</p> <p>It was moved by Director Oneto, seconded by Director Reed, and unanimously carried to approve Resolution 19-04. Vote 9-0.</p> <p><b>Absent:</b> Director Knox</p>
<p><b>5.</b></p> <p><b>Motion:</b></p>	<p><b>Electric Vehicle Charging Stations:</b> Discussion and Possible Action APCO McHargue provided the Board with an update on the electric vehicle charging station installation being done by Mr. Bramell on his commercial property. At our previous meeting, Staff was directed to work with Mr. Bramell on setting a dual Tesla and ClipperCreek charger. Since then, Mr. Bramell has moved forward with the installation, however, rather than installing the agreed upon dual-charger unit, Mr. Bramell installed two Tesla chargers. At this time, Mr. Bramell has contacted the Air District requesting assistance with the cost to provide electric service to the two Tesla chargers with the possible option of adding a ClipperCreek unit at some time in the future.</p> <p>It was moved by Director Forster, seconded by Director Axe to give Mr. Bramell \$5,000.00 with documentation of receipts to put in the two Tesla charging stations and the power to get there. Vote 2-6. Motion failed.</p> <p>Director Colburn would like Mr. Bramell to come to our next board meeting to discuss this further.</p> <p><b>Absent:</b> Director Knox</p>
<p><b>6.</b></p>	<p><b>APCO Updates:</b> Information only, no action to be taken.</p> <p><b>Smoke Reduction Bin Program (Pine Needles):</b> Staff worked with ACES to provide a free disposal of pine needle day at the Pine Grove Transfer Station. Residents will be allowed to take a load of green waste to the transfer station for free. APCO McHargue will work with ACES to mitigate traffic concerns from Board members.</p> <p><b>Wildfire Smoke Impacts to Health &amp; Messaging Workshop:</b> APCO McHargue will be hosting a workshop to discuss local concerns during a wildfire. This workshop helps local stakeholders be prepared in case of a wildfire outbreak.</p>

	<p><b>GovPayNet – Credit Cards:</b> Staff has had the necessary training needed to start accepting credit cards at our counter. Just waiting on our equipment.</p> <p><b>PurpleAir:</b> Matt Peterson gave a brief update on the deployment of our PurpleAir monitors around the County. He is continuing to find places where he can install these mini monitors. Residents can go to <a href="http://www.purpleair.com">www.purpleair.com</a> to see the readings 24/7.</p> <p><b>Financials:</b> APCO McHargue presented the Board with current financial sheets. Informational purpose only.</p> <p><b>Absent:</b> Director Knox</p>
<b>Adjournment:</b>	At 2:36pm the meeting was adjourned until August 20, 2019 at 1:30 pm

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**ADMINISTRATIVE MATTERS  
ITEM 2**

**Public Hearing for FY  
2019/2020 District Budget**

# Amador Air District

## Memorandum

August 20, 2019

**To:** Board of Directors

**From:** Jim McHargue, Air Pollution Control Officer

**Subject:** Public Hearing for FY 2019/2020 District Budget

At the March 21, 2019, meeting of the Amador Air District Board of Directors, the draft 2019/2020 budget was reviewed and staff was directed to schedule the public hearing. The budget was advertised and published with thirty (30) days advance notice of the public hearing date, today August 20, 2019, as required by statute.

Draft Budget	Revised Draft Budget
Revenue \$715,500	Revenue \$716,900
Expenses \$715,500	Expenses \$717,000

The revised budget contains the following line item changes:

Line Item	Draft	Revised
51110	\$100	\$250
51700	\$1,000	\$1,250
52300	\$128,233	\$28,233
523005 (New Line)		\$100,000
52910	1,500	\$2,500

Additional budget detail:

Line Item	
54120	\$25,000 Pine Needles, \$50,000 Electric Vehicle Replacement
54712	\$25,000 CCAD Program, \$25,000 Woodstove Program, \$25,000 EV Charging Stations
54715	\$200,000 Possible School Bus Replacement

With the Revised Draft Budget, the District's resulting Cash Reserve will change as follows:

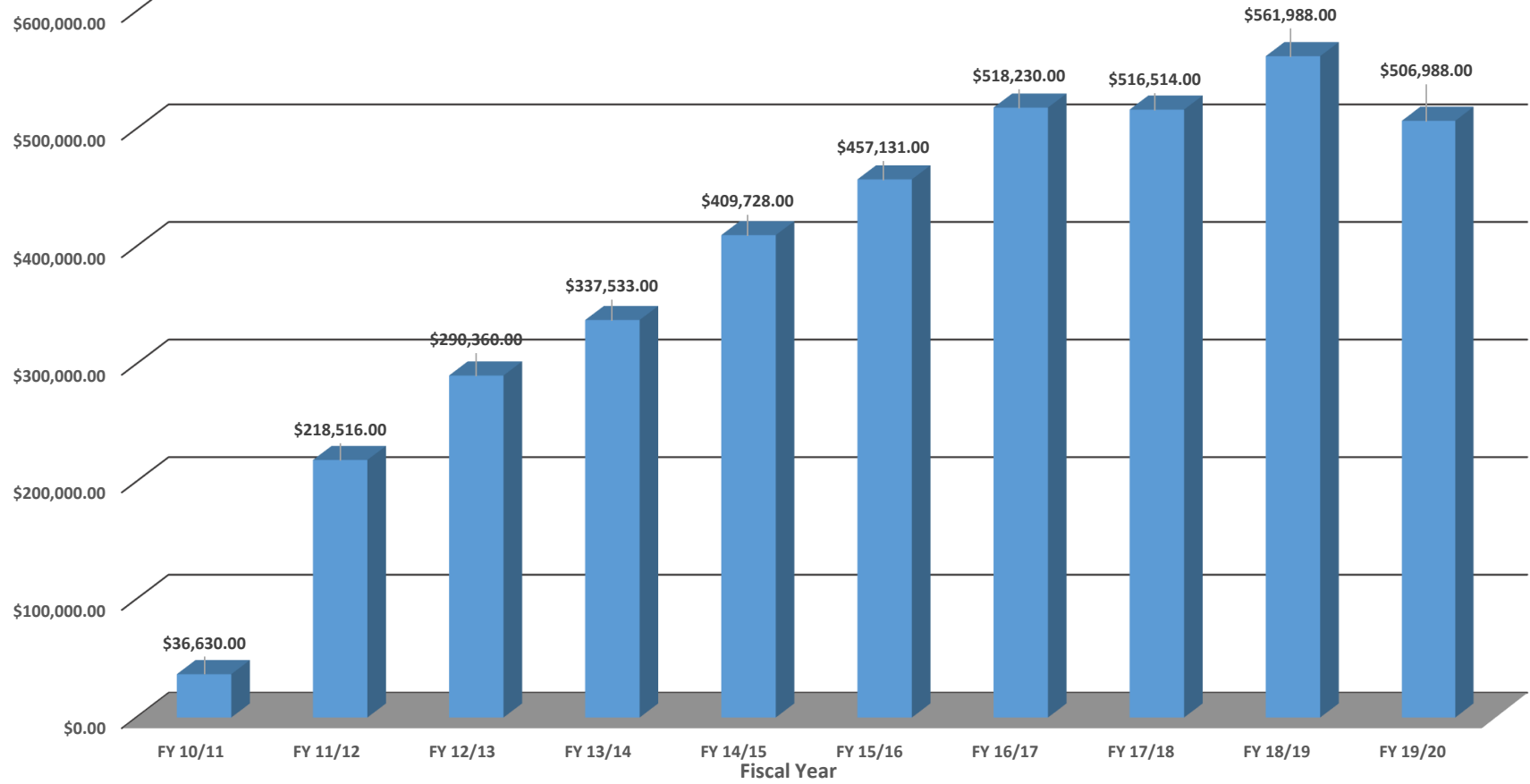
2018 Cash Reserve	2019 Cash Reserve
\$561,988	\$506,988

**Recommendation:** Accept public comments on draft budget and approve by resolution the final budget for 2018/2019.

<b>REVENUE</b>									
			<b>Approved 2018/2019</b>	<b>Actual YTD 5/15/19 2018/2019</b>	<b>Actual % Difference</b>	<b>Actual Requested 2019-2020</b>	<b>Change 19/20 over 18/19</b>		
	Line item								
State Aid Other (Carl Moyer)	45240	Grants	94,540	26,720		257,000	162,460		
State Air Pollution	45640	ARB Subvention	47,000	47,041	100%	47,000	0		
State Aid Other (MV In-Lieu Tax)	45070	DMV Fees	183,000	177,370	97%	183,000	0		
Air pollution fees	46940	Permits and emissions	120,000	113,463	95%	120,000	0		
							0		
Burn permit fees	42145	Burn permits	19,500	24,830	127%	21,000	1,500		
Interest	44100	Interest	4,000	7,122	178%	4,000	0		
Miscellaneous	47890	Miscellaneous	5,000	24,910	498%	10,000	5,000		
			<b>Subtotal:</b>			<b>\$642,000</b>			
Additional funding from carry over/reserves			214,809			75,000	-139,809		
							0		
Total Additional Financing sources			<b>687,849</b>			<b>642,000</b>	-45,849		
							0		
							0		
							0		
Total Available Financing			<b>687,849</b>	<b>421,455.74</b>		<b>\$717,000</b>	29,151		

EXPENSES		APPROVED	ACTUAL YTD	Actual % Difference	REQUESTED	Change		
		2018-2019	5/15/19 2018-2019		2019-2020	19/20 over 18/19		
50100	Salaries and Wages	145,790	111,599	77%	135,340	-10450		
50300	Retirement- Employer's Share Normal	26,730	8,172	31%	12,190	-14540		
50304	Retirement - PERS Unfunded Liability		16,695		21,738	21738		
50310	FICA/Medicare- Employer's Share	10,617	9,187	87%	10,354	-263		
50400	Employee Group Insurance	69	5,134	7441%	15,596	15527		
50500	Worker's Compensation Insurance	882	589	67%	581	-301		
50121	Cell Phone Stipend	567	495	87%	600	33		
	<b>Total Salaries/Employee Benefits</b>	<b>184,655</b>	<b>151,871</b>	<b>82%</b>	<b>196,399</b>	<b>11744</b>		Jim McHargue: Increase in AT&T costs for telephone lines
<b>SERVICES AND SUPPLIES</b>								
51110	Clothing	100	205	205%	250	150		
51200	Communications	2,500	3,929	157%	4,000	1500		Jim McHargue: Replace two staff computers at \$1,144 each
51700	Maintenance - Equipment	1,000	625	63%	1,250	250		
51760	Maintenance - Program (IT)	3,000	1,384	46%	1,291	-1709		
52000	Memberships	1,000	1,045	105%	1,000	0		
52200	Office Expenses	3,500	1,400	40%	5,000	1500		
52211	GSA Dept Cost Allocation	1,500	2,017	134%	2,477	977		Jim McHargue: \$28,000 increase to reflect actual costs for Prof. and Spec Services
52300	Professional & Specialized Services	100,000	127,258	127%	28,233	-71767		
52300S	Air Pollution Control Officer				100,000			
52380	Air Pollution Hearing Board Fees	500	500	100%	500	0		
52400	Publications & Legal Notices	200	160	80%	200	0		
52500	Copy Rental	1,300	420	32%	1,300	0		
52600	Rents, Leases -Bldgs/Improvements	10,000	7,309	73%	10,000	0		Jim McHargue: \$25,000 Pine Needle Program \$50,000 Electric Vehicle Replacement
52803	Lower Emission School Bus Program					0		
52824	Biomass Grant (BV Money)	0	0		0	0		
52900	GSA and In-County Travel	2,500	1,415	57%	2,500	0		
52910	Meetings and Conventions	1,500	1,695	113%	2,500	1000		
53000	Utilities	0	0		0	0		Jim McHargue: \$25,000 CCAD Program \$25,000 Woodstove Program \$25,000 EV Charging Stations
	<b>Total Services and Supplies</b>	<b>128,600</b>	<b>149,362</b>	<b>116%</b>	<b>160,501</b>	<b>31901</b>		
<b>OTHER</b>								
54120	Community Projects (pine needle bins & EV)	70,000	37,650	54%	75,000	5000		
54712	Special Projects (CCAD & Woodstove)	75,000	62,105	83%	75,000	0		
						0		
54715	Carl Moyer Program Grants	119,594	79,540	67%	200,000	80406		Jim McHargue: \$200,000 Rural Assistance Program (RAP) grant directed back from CAPCOA
	<b>Total Other Charges</b>	<b>264,594</b>	<b>179,295</b>	<b>68%</b>	<b>350,000</b>	<b>85406</b>		
56200	Equipment	0			0			
	<b>Total Fixed Assets</b>							
58901	Workers Comp Credit		0		0			
59500	Contingencies	110,000	100,000		10,000	-100,000		
	<b>Total - Amador Air District</b>	<b>687,849</b>	<b>580,528</b>	<b>84%</b>	<b>716,900</b>	<b>29,051</b>		

# Cash Reserves



**BEFORE THE BOARD OF DIRECTORS OF THE  
AMADOR AIR DISTRICT  
COUNTY OF AMADOR, STATE OF CALIFORNIA**

IN THE MATTER OF:

RESOLUTION NO. 19-05

RESOLUTION APPROVING THE FISCAL YEAR 2019-2020  
FINAL BUDGET FOR THE AMADOR AIR DISTRICT

**WHEREAS**, Section 40130 of the Health and Safety Code of the State of California requires the Amador Air District to adopt the budget in an open process in order to educate the public of costs and benefits of air quality improvement; and

**WHEREAS**, pursuant to Health and Safety Code Section 40131, a public hearing was noticed in the local newspaper and budgetary information was made available to all interested parties at least 30 days prior to the public hearing held on August 20, 2019; and

**WHEREAS**, the District directly notified all persons, via public notice, of the District's budget for fiscal year 2019-2020; and

**WHEREAS**, said public hearing provided for the submission of statements, arguments or other written or oral evidence concerning said draft budget of the Amador Air District; and

**WHEREAS**, the District Board of Directors took all statements, arguments or other written or oral evidence concerning said budget into account before adopting the final budget.

**BE IT RESOLVED** that the Amador Air District Board of Directors does hereby adopt the final budget for fiscal year 2019-2020

The foregoing resolution was duly passed and adopted by the Board of Directors of the Amador Air District at a regular meeting thereof, held on the 20th day of August 2019, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAINING:

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Bob Stimpson, Chair, Board of Directors

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Date:

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ATTEST: Herminia Perry, Clerk of the Board

**ADMINISTRATIVE MATTERS**

**ITEM 3**

**Public Hearing for Updated  
Nonattainment New Source  
Rule (NSR) Rule 400**

# ***Amador Air District***

## **Memorandum**

August 20, 2019

**To:** Board of Directors

**From:** Jim McHargue, Air Pollution Control Officer

**Subject:** Public Hearing for Updated Nonattainment NSR

At the June 19, 2018, meeting of the Amador Air District Board of Directors, the New Source Rule (NSR) #400 was approved for the 2015 non-attainment designation. However, the resolution approving NSR #400 lacked specific language that became necessary after the fact. This has been corrected in the attached resolution for adoption today.

Because Amador was classified as attaining the 2008 ozone standard, the US EPA revoked the 1997 ozone standard (Amador was non-attainment in 1997) thus reliving Amador of the NSR requirement. Since then, the US EPA lost a lawsuit regarding the non-attainment areas and the NSR requirement. This resulted in Amador needed a resolution that specifically states that NSR #400 is applicable and satisfies both the 1997 and 2015 ozone standard non-attainment requirements.

By adopting the most current NSR #400, the Amador Air District Board of Directors will repeal the previously adopted Rule #400 and replace it with the version included in the Board packet presented today.

**Recommendation:**

Receive public comment regarding NSR #400 and approve and adopt the current version of the NSR #400, thereby repealing the previously adopted NSR #400 (adopted in 2018).



**RULE 400– NSR REQUIREMENTS FOR NEW AND MODIFIED MAJOR SOURCES IN  
NONATTAINMENT AREAS (ADOPTED ON AUGUST 20, 2019)**

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# **1 APPLICABILITY PROCEDURES**

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## **1.1 PRECONSTRUCTION REVIEW REQUIREMENTS**

- (a) The preconstruction review requirements of this rule apply to the proposed construction of any new major stationary source or major modification in the District that is major for a nonattainment pollutant, if the stationary source or modification is located anywhere in the designated nonattainment area, except as provided in Section 9 of this rule.
- (b) Sources subject to this rule may also be subject to other District Rules and Regulations. For purposes of the implementation and enforcement of this rule, the provisions and requirements of this rule, including but not limited to the requirements for obtaining an Authority to Construct, application submittal and content, conditional approval, public participation, and granting an Authority to Construct, shall take precedence over any other such provisions and requirements in other District Rules and Regulations. To the extent that other District Rules or Regulations may affect the stringency or applicability of this rule, such other Rules and Regulations shall not apply for purposes of the implementation or enforcement of this rule.

## **1.2 AUTHORITY TO CONSTRUCT REQUIREMENT**

No new major stationary source or major modification to which the requirements of this rule apply shall begin actual construction without first obtaining an Authority to Construct from the reviewing authority, pursuant to this rule.

## **1.3 EMISSION CALCULATION REQUIREMENTS TO DETERMINE NSR APPLICABILITY**

### **1.3.1 New Major Stationary Sources**

The definition of Major Stationary Source as incorporated by reference in Section 2 shall be used to determine if a new or modified stationary source is a new major stationary source.

### **1.3.2 Major Modifications**

The provisions set out in paragraphs (a) through (e) below shall be used to determine if a proposed project will result in a major modification. These provisions shall not be used to determine the quantity of offsets required for a project subject to the requirements of this rule.

- (a) Except as otherwise provided in Section 1.4, a project is a major modification for a nonattainment pollutant if it causes two types of emissions increases: a significant emissions increase and a significant net emissions increase. The project is not a major modification if it does not cause a significant emissions increase. If the project causes a significant emissions increase, then the project is a major modification only if it also results in a significant net emissions increase.

- (b) The procedure for calculating (before beginning actual construction) whether a significant emissions increase will occur depends upon the type of emissions units being added or modified as part of the project, according to paragraphs (c) through (e) of this Section. The procedure for calculating (before beginning actual construction) whether a significant net emissions increase will occur at the major stationary source is contained in the definition of *Net Emissions Increase*. Regardless of any such preconstruction projections, a major modification results if the project causes a significant emissions increase and a significant net emissions increase.
- (c) **Actual-to-Projected-Actual Applicability Test for Projects that Only Involve Existing Emissions Units.** A significant emissions increase of a nonattainment pollutant is projected to occur if the sum of the difference between the projected actual emissions and the baseline actual emissions, for each existing emissions unit, equals or exceeds the significant amount for that pollutant.
- (d) **Actual-to-Potential Test for Projects that Only Involve Construction of a New Emissions Unit(s).** A significant emissions increase of a nonattainment pollutant is projected to occur if the sum of the difference between the potential to emit from each new emissions unit following completion of the project and the baseline actual emissions of these units before the project equals or exceeds the significant amount for that pollutant.
- (e) **Hybrid Test for Projects that Involve Multiple Types of Emissions Units.** A significant emissions increase of a nonattainment pollutant is projected to occur if the sum of the emissions increases for each emissions unit, using the method specified in paragraphs (c) or (d) of this Section, as applicable, with respect to each emissions unit, equals or exceeds the significant amount for that pollutant.

#### 1.4 MAJOR SOURCES WITH PLANT-WIDE APPLICABILITY LIMITATIONS (PAL)

For any major stationary source with a PAL permit for a nonattainment pollutant, the major stationary source shall comply with the requirements in Section 9 of this rule.

#### 1.5 PROJECTS THAT RELY ON A PROJECTED ACTUAL EMISSIONS TEST

Except as otherwise provided in paragraph (g)(iii) of this Section, the provisions of this Section shall apply with respect to any nonattainment pollutant that is emitted from projects at existing emissions units located at a major stationary source, other than a source with a PAL permit, when there is a reasonable possibility, within the meaning of paragraph (g) of this Section, that a project that is not a part of a major modification may result in a significant emissions increase of such pollutant, and the owner or operator elects to use the method specified in paragraphs (B)(1) through (B)(3) of the definition of *Projected Actual Emissions* to calculate projected actual emissions.

- (a) Before beginning actual construction of the project the owner or operator shall document and maintain a record of the following information:
  - (i) A description of the project;

- (ii) Identification of the emissions unit(s) whose emissions of a regulated NSR pollutant could be affected by the project; and
  - (iii) A description of the applicability test used to determine that the project is not a major modification for any regulated NSR pollutant, including the baseline actual emissions, the projected actual emissions, the amount of emissions excluded under paragraph (B)(3) of the definition of *Projected Actual Emissions* and an explanation for why such amount was excluded, and any netting calculations, if applicable.
- (b) If the emissions unit is an existing emissions unit, before beginning actual construction, the owner or operator shall provide a copy of the information set out in paragraph (a) of this Section to the APCO. Nothing in this paragraph shall be construed to require the owner or operator of such a unit to obtain any determination from the APCO concerning compliance with Rule 400 before beginning actual construction. However, such owner or operator may be subject to the requirements of District Regulations IV and V , or other applicable requirements.
- (c) The owner or operator shall monitor the emissions of any regulated NSR pollutant that could increase as a result of the project and that are emitted by any emissions unit identified in paragraph (a)(ii) of this Section; and calculate and maintain a record of the annual emissions, in tons per year (tpy), on a calendar year basis for a period of five years following resumption of regular operations after the change, or for a period of ten years following resumption of regular operations after the change if the project increases the design capacity or potential to emit that regulated NSR pollutant at such emissions unit.
- (d) If the emissions unit is an existing electric utility steam generating unit, the owner or operator shall submit a report to the APCO within sixty days after the end of each calendar year during which records must be generated under paragraph (c) of this Section, setting out the unit's annual emissions during the calendar year that preceded submission of the report.
- (e) If the emissions unit is an existing emissions unit other than an electric utility steam generating unit, the owner or operator shall submit a report to the APCO if the annual emissions, in tpy, from the project identified in paragraph (a)(ii) of this Section exceed the baseline actual emissions by a significant amount for that regulated NSR pollutant, and if such emissions differ from the projected actual emissions (prior to exclusion of the amount of emissions specified under paragraph (B)(3) of the definition of *Projected Actual Emissions*) as documented and maintained pursuant to paragraph (a)(iii) of this Section. Such report shall be submitted to the APCO within sixty days after the end of such year. The report shall contain the following:
- (i) The name, address, and telephone number of the major stationary source;
  - (ii) The annual emissions, as calculated pursuant to paragraph (c) of this Section; and

- (iii) Any other information that the owner or operator wishes to include in the report (e.g., an explanation as to why the emissions differ from the preconstruction projection).
- (f) The owner or operator of the source shall make the information required to be documented and maintained pursuant to this Section available for review upon a request for inspection by the APCO or the general public pursuant to the requirements contained in 40 CFR 70.4(b)(3)(viii).
- (g) A “reasonable possibility” under this Section occurs when the owner or operator calculates the project to result in either:
  - (i) A projected actual emissions increase of at least 50 percent of the amount that is a “significant emissions increase,” as defined in this rule (without reference to the amount that is a significant net emissions increase), for the regulated NSR pollutant; or
  - (ii) A projected actual emissions increase that, added to the amount of emissions excluded under paragraph (B)(3) of the definition of *Projected Actual Emissions*, sums to at least 50 percent of the amount that is a “significant emissions increase,” as defined in this rule (without reference to the amount that is a significant net emissions increase), for the regulated NSR pollutant.
  - (iii) For a project in which a reasonable possibility occurs only within the meaning of paragraph (g)(ii), and not also within the meaning of (g)(i), the provisions of paragraphs (b) through (e) of this Section do not apply to the project.

## **1.6 SECONDARY EMISSIONS**

Secondary emissions shall not be considered in determining whether a stationary source would qualify as a major stationary source. If a stationary source is subject to this rule on the basis of direct emissions from the stationary source, the requirements of Section 4 must also be met for secondary emissions.

## **1.7 STATIONARY SOURCES**

For purposes of this rule, the term stationary source does not refer to the source of emissions resulting directly from an internal combustion engine for transportation purposes or from a nonroad engine or nonroad vehicle as defined in section 216 of the Clean Air Act.

## **1.8 ENVIRONMENTAL PROTECTION AGENCY DETERMINATION**

Notwithstanding any other requirements of this rule governing the issuance of an Authority to Construct, the APCO shall not issue an Authority to Construct to a new major stationary source or major modification subject to the requirements of this rule if the federal Environmental Protection Agency has determined that the SIP is not being adequately implemented for the nonattainment area in which the proposed source is to be constructed or modified in accordance with the requirements of Title I, Part D of the Clean Air Act.

## 2 DEFINITIONS

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For the purposes of this rule, the definitions provided in paragraphs (a), (b), (c) and (d) below apply to the terms used in this rule. In the event of any discrepancy between the definitions specified in paragraphs (a), (b), (c), and (d), below, the definition in the paragraph that is listed first below shall control.

(a) The definitions contained in 40 CFR 51.165(a)(1) shall apply, and are hereby incorporated by reference, with the exception of the definition of “Reviewing authority” at 40 CFR 51.165(a)(1)(xxxviii), which has the meaning specified in paragraph (b) below.

(b) The following definitions shall also apply:

“*Air Pollution Control Officer (APCO)*” means the Air Pollution Control Officer of the Amador Air District.

“*Class I area*” means any area listed as Class I in 40 CFR Part 81 Subpart D, including Section 81.405, or an area otherwise specified as Class I in the legislation that creates a national monument, a national primitive area, a national preserve, a national recreational area, a national wild and scenic river, a national wildlife refuge, or a national lakeshore or seashore.

“*Clean Air Act (CAA)*” means the federal Clean Air Act, 42 U.S.C. 7401 *et seq.*, as amended.

“*Complete*” means, in reference to an application, that the application contains all of the information necessary for processing.

“*District*” means the Amador Air District.

“*Emission reduction credit (ERC)*” means reductions of actual emissions from emissions units that are certified by a California air district in accordance with applicable district rules and issued by the air district in the form of ERC certificates.

“*Internal emission reductions*” means emission reductions which have occurred or will occur at the same major stationary source where the proposed emissions increase will occur.

“*Nonattainment pollutant*” means any regulated NSR pollutant for which the District, or portion of the District, has been designated as nonattainment, as codified in 40 CFR 81.305, as well as any precursor of such regulated NSR pollutant specified in 40 CFR 51.165(a)(1)(xxxvii)(C).

“*Permanent*” means an emission reduction which is federally enforceable for the life of a corresponding increase in emissions.

“*Reviewing authority*” means the Air Pollution Control Officer (APCO).

“*Shutdown*” means the cessation of operation of any air pollution control equipment or process equipment for any purpose.

“*Startup*” means the setting into operation of any air pollution control equipment or process equipment for any purpose except routine phasing in of process equipment.

“*State Implementation Plan (SIP)*” means the State Implementation Plan approved or promulgated for the State of California under section 110 or 172 of the Clean Air Act.

“*Surplus*” means the amount of emission reductions that are, at the time of generation or use of an emission reduction credit (ERC), not otherwise required by federal, state, or local law, not required by any legal settlement or consent decree, and not relied upon to meet any requirement related to the California State Implementation Plan (SIP). However, emission reductions required by a state statute that provides that the subject emission reductions shall be considered surplus may be considered surplus for purposes of this rule if those reductions meet all other applicable requirements. Examples of federal, state, and local laws, and of SIP-related requirements, include, but are not limited to, the following:

- (i) The federally-approved California SIP;
- (ii) Other adopted state air quality laws and regulations not in the SIP, including but not limited to, any requirement, regulation, or measure that: (1) the District or the State has included on a legally required and publicly available list of measures that are scheduled for adoption by the District or the State in the future; or (2) is the subject of a public notice distributed by the District or the State regarding an intent to adopt such revision;
- (iii) Any other source or source-category specific regulatory or permitting requirement, including, but not limited to Reasonable Available Control Technology (RACT), New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), Best Available Control Measures (BACM), Best Available Control Technology (BACT), and Lowest Achievable Emission Rate (LAER); and
- (iv) Any regulation or supporting documentation that is required by the Federal Clean Air Act, but is not contained or referenced in 40 CFR Part 52, including but not limited to: assumptions used in attainment and maintenance demonstrations (including Reasonable Further Progress demonstrations and milestone demonstrations), including any proposed control measure identified as potentially contributing to an enforceable near-term emission reduction commitment; assumptions used in conformity demonstrations; and assumptions used in emissions inventories.

“*Temporary source*” means an emission source such as a pilot plant or a portable facility which will be located outside the nonattainment area after less than a cumulative total of 90 days of operation in any 12 continuous months.

“*Tons per year (tpy)*” means annual emissions in tons.



- (c) The definitions contained in 40 CFR 51.100 shall apply, and are hereby incorporated by reference.
- (d) The definitions contained in 40 CFR 51.301 shall apply, and are hereby incorporated by reference.

### **3 APPLICATION REQUIREMENTS**

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#### **3.1 APPLICATION SUBMITTAL**

The owner or operator of any proposed new major stationary source or major modification required to obtain an Authority to Construct pursuant to this rule shall submit a complete application to obtain an Authority to Construct on forms provided by the APCO and include in the application submittal the information listed in Section 3.2 as well as the demonstrations listed in Sections 3.3-3.6. Designating an application complete for purposes of permit processing does not preclude the APCO from requesting or accepting any additional information.

#### **3.2 APPLICATION CONTENT**

At a minimum, an application for an Authority to Construct shall contain the following information related to the proposed new major stationary source or major modification:

- (a) Identification of the applicant, including contact information.
- (b) Identification of address and location of the new or modified source.
- (c) An identification and description of all emission points, including information regarding all regulated NSR pollutants emitted by all emissions units included in the new source or modification.
- (d) A process description of all activities, including design capacity, which may generate emissions of regulated NSR pollutants in sufficient detail to establish the basis for the applicability of standards and fees.
- (e) A projected schedule for commencing construction and operation for all emissions units included in the new source or modification.
- (f) A projected operating schedule for each emissions unit included in the new source or modification.
- (g) A determination as to whether the new source or modification will result in any secondary emissions.
- (h) The emission rates of all regulated NSR pollutants, including fugitive and secondary emission rates, if applicable. The emission rates must be described in tpy and for such shorter term rates as are necessary to establish compliance using the applicable standard reference test method or other methodology specified (i.e., grams/liter, ppmv or ppmw, lbs/MMBtu).

- (i) The calculations on which the emission rate information is based, including fuel specifications, if applicable and any other assumptions used in determining the emission rates (e.g., HHV, sulfur content of natural gas).
- (j) The calculations, pursuant to Section 1.3, used to determine applicability of this rule, including the emission calculations (increases or decreases) for each project that occurred during the contemporaneous period.
- (k) The calculations, pursuant to Section 4.3 (offset), used to determine the quantity of offsets required for the new source or modification.
- (l) Identification of existing emission reduction credits or identification of internal emission reductions, including related emission calculations and proposed permit modifications required to ensure emission reductions meet the offset integrity criteria of being real, surplus, quantifiable, permanent and federally enforceable or enforceable as a practical matter.
- (m) If applicable, a description of how performance testing will be conducted, including test methods and a general description of testing protocols.

### **3.3 LOWEST ACHIEVABLE EMISSION RATE (LAER)**

The applicant shall submit an analysis demonstrating that LAER has been proposed for each emissions unit included in the new major stationary source or major modification that emits a nonattainment pollutant for which the new stationary source or modification is classified as major.

### **3.4 STATEWIDE COMPLIANCE**

The applicant shall submit a certification that each existing major stationary source owned or operated by the applicant (or any entity controlling, controlled by, or under common control with the applicant) in the State is in compliance with all applicable emission limitations and standards under the CAA or is in compliance with an expeditious compliance schedule which is federally enforceable.

### **3.5 ANALYSIS OF ALTERNATIVES**

The applicant shall submit an analysis of alternative sites, sizes, production processes, and environmental control techniques for the proposed source that demonstrates the benefits of the proposed source significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification.

### **3.6 SOURCES IMPACTING CLASS I AREAS**

The applicant for a proposed new major source or major modification that may affect visibility of any Mandatory Class I Federal Area shall provide the APCO with an analysis of impairment to visibility that would occur as a result of the source or modification and general commercial, residential, industrial, and other growth associated with the source or modification, as required by 40 CFR Section 51.307(b)(2).

### **3.7 APPLICATION FEES**

The applicant shall pay the applicable fees specified in Regulation VI, FEES.

## **4 EMISSIONS OFFSETS**

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### **4.1 OFFSET REQUIREMENTS**

- (a) The emission increases of a nonattainment pollutant for which the new stationary source or modification is classified as major, shall be offset with federally enforceable ERCs or with internal emission reductions.
- (b) ERCs from one or more sources may be used, alone or in combination with internal emission reductions, in order to satisfy offset requirements.
- (c) Emissions reductions achieved by shutting down an existing emissions unit or curtailing production or operating hours may only be credited for offsets if such reductions are surplus, permanent, quantifiable, and federally enforceable; and
- (d) The shutdown or curtailment occurred after the last day of the base year for the attainment plan for the specific pollutant; or
- (e) The projected emissions inventory used to develop the attainment plan explicitly includes the emissions from such previously shutdown or curtailed emissions units. However, in no event may credit be given for shutdowns that occurred before August 7, 1977.

### **4.2 TIMING**

- (a) Internal emission reductions used to satisfy an offset requirement must be federally enforceable prior to the issuance of the Authority to Construct, which relies on the emission reductions.
- (b) Except as provided by paragraph (c) of this Section, the decrease in actual emissions used to generate ERCs or internal emission reductions must occur no later than the commencement of operation of the new or modified major stationary source.
- (c) Where the new emissions unit is a replacement for an emissions unit that is being shut down in order to provide the necessary offsets, the APCO may allow up to one hundred eighty (180) calendar days for shakedown or commissioning of the new emissions unit before the existing emissions unit is required to cease operation.

### **4.3 QUANTITY**

The quantity of ERCs or internal emission reductions required to satisfy offset requirements shall be determined in accordance with the following:

- (a) The unit of measure for offsets, ERCs, and internal emission reductions shall be tpy. All calculations and transactions shall use emission rate values rounded to the nearest one one-hundredth (0.01) tpy.

- (b) The quantity of ERCs or internal emission reductions required shall be calculated as the product of the amount of increased emissions, as determined in accordance with paragraph (c) of this Section, and the offset ratio, as determined in accordance with paragraph (d) of this Section.
- (c) The amount of increased emissions shall be determined as follows:
  - (i) When the offset requirement is triggered by the construction of a new major stationary source, the amount of increased emissions shall be the sum of the potential to emit of all emissions units.
  - (ii) When the offset requirement is triggered by a major modification of an existing major stationary source, the amount of increased emissions shall be the sum of the differences between the allowable emissions after the modification and the actual emissions before the modification for each emissions unit.
  - (iii) The amount of increased emissions includes fugitive emissions.
- (d) The ratios listed in Table 1 shall be applied based on the area’s designation for each pollutant, as applicable. The offset ratio is expressed as a ratio of emissions increases to emission reductions.

**Table 1. Federal Offset Ratio Requirements by Area Designation and Pollutant**

<b>Area Designation</b>	<b>Pollutant</b>	<b>Offset Ratio</b>
Marginal Ozone Nonattainment Area	NO <sub>x</sub> or VOC	1:1.1
Moderate Ozone Nonattainment Area	NO <sub>x</sub> or VOC	1:1.15
Serious Ozone Nonattainment Area	NO <sub>x</sub> or VOC	1:1.2

#### **4.4 EMISSION REDUCTION REQUIREMENTS**

- (a) Internal emission reductions or ERCs used to satisfy an offset requirement shall be:
  - (i) Real, surplus, permanent, quantifiable, and federally enforceable; and
  - (ii) Surplus at the time of issuance of the Authority to Construct containing the offset requirements.
- (b) Permitted sources whose emission reductions are used to satisfy offset requirements must appropriately amend or cancel their Authority to Construct or Permit to Operate to reflect their newly reduced potential to emit, including practicably enforceable conditions to limit their potential to emit.
- (c) Emission reductions must be obtained from the same nonattainment area, however, the APCO may allow emission reductions from another nonattainment area if the following conditions are met:
  - (i) The other area has an equal or higher nonattainment classification than the area in which the source is located; and

- (ii) Emissions from such other area contribute to a violation of the national ambient air quality standard in the nonattainment area in which the source is located.
- (d) The use of ERCs shall not provide:
  - (i) Authority for, or the recognition of, any pre-existing vested right to emit any regulated NSR pollutant;
  - (ii) Authority for, or the recognition of, any rights that would be contrary to applicable law; or
  - (iii) An exemption to a stationary source from any emission limitations established in accordance with federal, state, or county laws, rules, and regulations.

#### **4.5 RESTRICTIONS ON TRADING POLLUTANTS**

- (a) The emission offsets obtained shall be for the same regulated NSR pollutant except as specified below.
- (b) For the purposes of satisfying the offset requirements for the ozone precursors NO<sub>x</sub> and VOC, the APCO may approve interpollutant emission offsets for these precursor pollutants on a case by case basis, if all other requirements for such offsets are also satisfied. The permit applicant shall submit information to the reviewing authority, including the proposed ratio for the precursor substitution for ozone, a description of the air quality model(s) used, and the technical demonstration substantiating the equivalent or greater air quality benefit for ozone in the nonattainment area. The APCO shall impose, based on the air quality analysis, emission offset ratios in addition to the requirements of Table 1.
- (c) In no case, shall the compounds excluded from the definition of *Volatile Organic Compounds* be used as offsets for Volatile Organic Compounds.

### **5 ADMINISTRATIVE REQUIREMENTS**

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#### **5.1 VISIBILITY**

The APCO shall provide written notice and conduct any necessary review and consultation with the Federal Land Manager regarding any proposed major stationary source or major modification that may impact visibility in any Mandatory Class I Federal Area, in accordance with the applicable requirements of 40 CFR 51.307.

#### **5.2 AMBIENT AIR QUALITY STANDARDS**

The APCO may require the use of an air quality model to estimate the effects of a new or modified stationary source. The analysis shall estimate the effects of the new or modified stationary source, and verify that the new or modified stationary source will not prevent or interfere with the attainment or maintenance of any ambient air quality standard. In making this determination, the APCO shall take into account the mitigation of emissions through offsets pursuant to this rule, and the impacts of transported pollutants on

downwind pollutant concentrations. The APCO may impose, based on an air quality analysis, offset ratios greater than the requirements of paragraph (d) of Section 4.3.

### **5.3 AIR QUALITY MODELS**

All estimates of ambient concentrations required, pursuant to this rule, shall be based on applicable air quality models, databases, and other requirements specified in 40 CFR Part 51, Appendix W (“Guideline on Air Quality Models”). Where an air quality model specified is inappropriate, the model may be modified or another model substituted. Such a modification or substitution of a model may be made on a case-by-case basis or, where appropriate, on a generic basis. Written approval from the EPA must be obtained for any modification or substitution. In addition, use of a modified or substituted model must be subject to public notification and the opportunity for public comment given.

### **5.4 STACK HEIGHT PROCEDURES**

The degree of emission limitation required of any source for control of any air pollutant must not be affected by so much of any source's stack height that exceeds good engineering practice or by any other dispersion technique, except as provided in 40 CFR 51.118(b). For the purposes of this Section, the definitions in 40 CFR 51.100 shall apply.

- (a) Before the Control Officer issues an Authority to Construct under this rule to a source with a stack height that exceeds good engineering practice (GEP) stack height, the Control Officer shall notify the public of the availability of the demonstration study and provide opportunity for a public hearing.
- (b) Any field study or fluid model used to demonstrate GEP stack height and any determination concerning excessive concentration must be approved by the EPA and the Control Officer prior to any emission limit being established.
- (c) The provisions of Section 5.4 do not restrict, in any manner, the actual stack height of any stationary source or facility.

## **6 AUTHORITY TO CONSTRUCT – DECISION**

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### **6.1 PRELIMINARY DECISION**

Following acceptance of an application as complete, the APCO shall perform the evaluations required to determine if the proposed new major stationary source or major modification will comply with all applicable District, state and federal rules, regulations, or statutes, including but not limited to the requirements under Section 3 of this rule, and shall make a preliminary written decision as to whether an Authority to Construct should be approved, conditionally approved, or denied. The decision shall be supported by a succinct written analysis. The decision shall be based on the requirements in force on the date the application is deemed complete, except when a new federal requirement, not yet incorporated into this rule, applies to the new or modified source.

## **6.2 AUTHORITY TO CONSTRUCT – PRELIMINARY DECISION REQUIREMENTS**

- (a) Prior to issuance of a preliminary written decision to issue an Authority to Construct for a new major stationary source or major modification, the APCO shall determine:
  - (i) That each emissions unit(s) that constitutes the new source or modification will not violate any applicable requirement of the District’s portion of the California State Implementation Plan (SIP); and
  - (ii) That the emissions from the new or modified stationary source will not interfere with the attainment or maintenance of any applicable national ambient air quality standard; and
  - (iii) That the emission limitation for each emissions unit that constitutes the new source or modification specifies LAER for such units.

If the APCO determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an enforceable numerical emission standard infeasible, the APCO may instead prescribe a design, operational or equipment standard. In such cases, the APCO shall make its best estimate as to the emission rate that will be achieved and must specify that rate in the application review documents. Any Authority to Construct issued without an enforceable numerical emission standard must contain enforceable conditions which assure that the design characteristics or equipment will be properly maintained or that the operational conditions will be properly performed to continuously achieve the assumed degree of control. Such conditions shall be enforceable as emission limitations by private parties under section 304 of the CAA. The term “emission limitation” shall also include such design, operational, or equipment standards; and

- (iv) The quantity of ERCs or internal emission reductions required to offset the new source or modification, pursuant to Section 4.3; and
  - (v) That all ERCs or internal emission reductions required for the new source or modification have been identified and have been made federally enforceable or legally and practicably enforceable; and
  - (vi) That the quantity of ERCs or internal emission reductions determined under paragraph (b) of Section 4.3 will be surrendered prior to commencing operation.
- (b) Temporary sources and emissions resulting from the construction phase of a new source are exempt from paragraphs (iv), (v) and (vi) of this Section.

## **6.3 AUTHORITY TO CONSTRUCT CONTENTS**

- (a) An Authority to Construct for a new major stationary source or major modification shall contain terms and conditions:

- (i) which ensure compliance with all applicable requirements and which are enforceable as a legal and practical matter.
  - (ii) sufficient to ensure that the major stationary source or major modification will achieve LAER in accordance with paragraphs (b) and (c) of this Section.
- (b) A new major stationary source shall achieve LAER for each nonattainment pollutant for which the source is classified as major.
  - (c) A major modification shall achieve LAER for each nonattainment pollutant for which the modification would result in a significant net emissions increase. This requirement applies to each proposed emissions unit at which a net emissions increase in the nonattainment pollutant would occur as a result of a physical change, or change in the method of operation of the emissions unit.

#### **6.4 AUTHORITY TO CONSTRUCT – FINAL DECISION**

- (a) Prior to making a final decision to issue an Authority to Construct for a new major stationary source or major modification, the APCO shall consider all written comments that are submitted within 30 days of public notification and all comments received at any public hearing(s) in making a final determination on the approvability of the application and the appropriate Authority to Construct conditions. The District shall make all comments available, including the District's response to the comments, for public inspection in the same locations where the District made preconstruction information relating to the proposed source or modification available.
- (b) The APCO shall deny any application for an Authority to Construct if she/he finds the new source or modification would not comply with the standards and requirements set forth in District, state, or federal rules or regulations.
- (c) The APCO shall make a final decision whether to issue or deny the Authority to Construct after determining that the Authority to Construct will or will not ensure compliance with all applicable emission standards and requirements.
- (d) The APCO shall notify the applicant in writing of the final decision and make such notification available for public inspection at the same location where the District made preconstruction information and public comments relating to the source available.

#### **6.5 PERMIT TO OPERATE**

The applicable terms and conditions of an issued Authority to Construct shall be included in any Permit to Operate subsequently issued by the APCO for the same emission units.

### **7 SOURCE OBLIGATIONS**

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#### **7.1 ENFORCEMENT**

Any owner or operator who constructs or operates a source or modification not in accordance with the application submitted pursuant to this rule, any changes to the



application as required by the APCO, or the terms of its Authority to Construct or Permit to Operate, shall be subject to enforcement action.

## **7.2 TERMINATION**

Approval to construct shall terminate if construction is not commenced within eighteen months after receipt of such approval, if construction is discontinued for a period of eighteen months or more, or if construction is not completed within a reasonable time. The APCO may extend the 18-month period once upon a satisfactory showing of good cause why an extension is justified. This provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within eighteen months of the projected and approved commencement date.

## **7.3 COMPLIANCE**

Approval to construct shall not relieve any owner or operator of the responsibility to comply fully with applicable provisions of the SIP and any other requirements under local, state, or federal law.

## **7.4 RELAXATION IN ENFORCEABLE LIMITATIONS**

At such time that a particular stationary source or modification becomes a major stationary source or major modification solely by virtue of a relaxation in any enforceable limitation which was established after August 7, 1980, on the capacity of the stationary source or modification to emit a pollutant, then the requirements of this rule shall apply to the stationary source or modification as though construction had not yet commenced on the stationary source or modification.

# **8 PUBLIC PARTICIPATION**

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After the APCO has made a preliminary written decision to issue an Authority to Construct for a new major stationary source or major modification, as specified in Sections 6.1 and 6.2, the APCO shall:

- (a) Publish, in at least one newspaper of general circulation in the District, a notice stating the preliminary decision of the APCO, noting how pertinent information can be obtained, including how the public can access the information specified in Section 8(b), and inviting written public comment for a 30-day period following the date of publication. The notice shall include the time and place of any hearing that may be held, including a statement of procedure to request a hearing (unless a hearing has already been scheduled).
- (b) No later than the date the notice of the preliminary written determination is published, make available in at least one location in each region in which the proposed source would be constructed, a copy of all materials the applicant submitted, a copy of the preliminary decision, a copy of the proposed Authority to Construct and a copy or summary of other materials, if any, considered in making the preliminary written decision.

- (c) Send a copy of the notice of public comment to the applicant, EPA Region 9, any persons requesting such notice and any other interested parties such as: any other state or local air pollution control agencies, the chief executives of the city and county where the source would be located; any comprehensive regional land use planning agency, and any state, Federal Land Manager, or Indian governing body whose lands may be affected by emissions from the source or modification.
- (d) Provide opportunity for a public hearing for persons to appear and submit written or oral comments on the air quality impact of the source, alternatives to it, the control technology required, and other appropriate considerations, if in the APCO's judgment such a hearing is warranted. The APCO shall give notice of any public hearing at least 30 days in advance of the hearing.

## **9 PLANT-WIDE APPLICABILITY LIMITS (PAL)**

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### **9.1 APPLICABILITY**

- (a) The APCO may approve the use of an actuals PAL for any existing major stationary source if the PAL meets the requirements in Sections 9.1 through 9.15. The term "PAL" shall mean "actuals PAL" throughout Section 9.
- (b) Any physical change in, or change in the method of operation of, a major stationary source that maintains its total source-wide emissions below the PAL level, meets the requirements of Sections 9.1 through 9.14, and complies with the PAL Permit:
  - (i) Is not a major modification for the PAL pollutant;
  - (ii) Does not have to be approved through the plan's Nonattainment Major NSR Program; and
  - (iii) Is not subject to the provisions in Section 9.4.
- (c) Except as provided under paragraph (b)(3) of Section 9.1, a major stationary source shall continue to comply with all applicable federal or state requirements, emission limitations, and work practice requirements that were established prior to the effective date of the PAL.

### **9.2 DEFINITIONS**

Unless the context otherwise requires, the following terms shall have the meanings set forth below for the purposes of Section 9 of this rule. When a term is not defined in these paragraphs, it shall have the meaning given in Section 2 of this rule or in the CAA.

*"Actuals PAL for a major stationary source"* means a PAL based on the baseline actual emissions of all emissions units at the source that emit, or have the potential to emit, the PAL pollutant.

*"Allowable emissions"* means allowable emissions as defined in Section 2 of this rule, except as this definition is modified according to paragraphs (a) and (b) below:

- (a) The allowable emissions for any emissions unit shall be calculated considering any emission limitations that are enforceable as a practical matter on the emissions unit's potential to emit.
- (b) An emissions unit's PTE shall be determined using the definition in Section 2 for this term, except that the words "or enforceable as a practical matter" should be added after "federally enforceable."

*"Major emissions unit"* means:

- (a) Any emissions unit that emits, or has the potential to emit, 100 tpy or more of the PAL pollutant in an attainment area; or
- (b) Any emissions unit that emits, or has the potential to emit, the PAL pollutant in an amount that is equal to or greater than the major source threshold for the PAL pollutant as defined by the Act for nonattainment areas.

*"Plantwide Applicability Limitation (PAL)"* means an emission limitation, expressed in tpy, for a pollutant at a major stationary source, that is enforceable as a practical matter and established source-wide in accordance with Sections 9.1 through 9.15 of this rule.

*"PAL effective date"* generally means the date of issuance of the PAL Permit. The PAL effective date for an increased PAL is the date any emissions unit which is part of the PAL major modification becomes operational and begins to emit the PAL pollutant.

*"PAL effective period"* means the period beginning with the PAL effective date and ending ten years later.

*"PAL major modification"* means any physical change in or change in the method of operation of the PAL source that causes it to emit the PAL pollutant at a level equal to or greater than the PAL.

*"PAL Permit"* means the major NSR permit, the minor NSR permit, or the Title V permit issued by the APCO that establishes a PAL for a major stationary source.

*"PAL pollutant"* means the pollutant for which a PAL is established at a major stationary source.

*"Project"* means a physical change in, or change in the method of operation of, an existing stationary source.

*"Significant emissions unit"* means an emissions unit that emits or has the potential to emit a PAL pollutant in an amount that is equal to or greater than the significant level (as defined in Section 2 of this rule or in the CAA, whichever is lower) for that PAL pollutant, but less than the amount that would qualify the unit as a major emissions unit.

*"Small emissions unit"* means an emissions unit that emits, or has the potential to emit, the PAL pollutant in an amount less than the significant level (as defined in Section 2 of this rule or in the CAA, whichever is lower).

### **9.3 PERMIT APPLICATION REQUIREMENTS**

As part of an application for a Part 70 Operating Permit requesting a PAL, the owner or operator of a major stationary source shall submit the following information to the APCO for approval:

- (a) A list of all emissions units at the source designated as small, significant, or major based on their potential to emit. In addition, the owner or operator of the source shall indicate which, if any, federal, state or county applicable requirements, emission limitations, or work practices apply to each unit;
- (b) Calculations of the baseline actual emissions (with supporting documentation). Baseline actual emissions are to include emissions associated not only with operation of the unit, but also emissions associated with startup, shutdown, and malfunction;
- (c) The calculation procedures that the major stationary source owner or operator proposes to use to convert the monitoring system data to monthly emissions and annual emissions based on a 12-month rolling total for each month, as required by paragraph (a) of Section 9.13.

### **9.4 GENERAL REQUIREMENTS FOR ESTABLISHING PALS**

- (a) The APCO may establish a PAL at a major stationary source, provided that, at a minimum, the requirements in paragraphs (a)(i) through (a)(vii) below are met.
  - (i) The PAL shall impose an annual emission limitation, in tpy, that is enforceable as a practical matter, for the entire major stationary source. For each month during the PAL effective period after the first twelve months of establishing a PAL, the major stationary source owner or operator shall show that the sum of the monthly emissions from each emissions unit under the PAL for the previous twelve consecutive months is less than the PAL (a 12-month average, rolled monthly). For each month during the first eleven months from the PAL effective date, the major stationary source owner or operator shall show that the sum of the preceding monthly emissions from the PAL effective date for each emissions unit under the PAL is less than the PAL.
  - (ii) The PAL shall be established in a PAL Permit that meets the public participation requirements in Section 9.5 of this rule.
  - (iii) The PAL Permit shall contain all the requirements of Section 9.7 of this rule.
  - (iv) The PAL shall include fugitive emissions, to the extent quantifiable, from all emissions units that emit or have the potential to emit the PAL pollutant at the major stationary source.
  - (v) Each PAL shall regulate emissions of only one pollutant.
  - (vi) Each PAL shall have a PAL effective period of ten years.
  - (vii) The owner or operator of the major stationary source with a PAL shall comply with the monitoring, recordkeeping, and reporting requirements provided in

Sections 9.12 through 9.14 of this rule for each emissions unit under the PAL through the PAL effective period.

- (b) At no time (during or after the PAL effective period) are emissions reductions of a PAL pollutant, which occur during the PAL effective period, creditable as decreases for purposes of generating offsets unless the level of the PAL is reduced by the amount of such emissions reductions and such reductions would be creditable in the absence of the PAL.

## **9.5 PUBLIC PARTICIPATION REQUIREMENTS FOR PALS**

PALs for existing major stationary sources shall be established, renewed, or increased through the public participation procedures in Section 9 of this rule.

## **9.6 SETTING THE 10-YEAR ACTUALS PAL LEVEL**

- (a) Except as provided in paragraph (b) of this Section, the Actuals PAL level for a major stationary source shall be established as the sum of the baseline actual emissions of the PAL pollutant for each emissions unit at the source; plus an amount equal to the applicable significant level for the PAL pollutant as defined in Section 2 or under the CAA, whichever is lower. When establishing the actuals PAL level for a PAL pollutant, only one consecutive 24-month period must be used to determine the baseline actual emissions for all existing emissions units. However, a different consecutive 24-month period may be used for each different PAL pollutant. Emissions associated with units that were permanently shut down after this 24-month period must be subtracted from the PAL level. The APCO shall specify a reduced PAL level(s) (in tons/yr) in the PAL Permit to become effective on the future compliance date(s) of any applicable federal or state regulatory requirement(s) that the APCO is aware of prior to issuance of the permit.
- (b) For newly constructed units (which does not include modifications to existing units) on which actual construction began after the 24-month period, in lieu of adding the baseline actual emissions as specified in paragraph (a) of Section 9.6, the emissions must be added to the PAL level in an amount equal to the potential to emit of the units.

## **9.7 CONTENTS OF THE PAL PERMIT**

The PAL permit shall contain, at a minimum, the following information:

- (a) The PAL pollutant and the applicable source-wide emission limitation in tpy;
- (b) The effective date and the expiration date of the PAL Permit (PAL effective period).
- (c) Specification in the PAL permit that if a major stationary source owner or operator applies to renew the PAL conditions in accordance with Section 9.10 before the end of the PAL effective period, then the PAL conditions shall not expire at the end of the PAL effective period. It shall remain in effect until a revised PAL Permit is issued by the APCO.

- (d) A requirement that emission calculations for compliance purposes include emissions from startups, shutdowns, and malfunctions;
- (e) A requirement that, once the PAL Permit expires, the major stationary source is subject to the requirements of Section 9.9;
- (f) The calculation procedures that the major stationary source owner or operator shall use to convert the monitoring system data to monthly emissions and annual emissions based on a 12-month rolling total for each month, as required by paragraph (a) of Section 9.13;
- (g) A requirement that the major stationary source owner or operator monitor all emissions units in accordance with the provisions under Section 9.12;
- (h) A requirement to retain the records required under Section 9.13 on-site. Such records may be retained in an electronic format;
- (i) A requirement to submit the reports required under Section 9.14 by the required deadlines; and
- (j) Any other requirements that the APCO deems necessary to implement and enforce the PAL Permit.

## **9.8 PAL EFFECTIVE PERIOD AND REOPENING OF PAL PERMIT**

The PAL shall include the following information:

- (a) PAL Effective Period. The APCO shall specify a PAL effective period of ten years from the date of issuance.
- (b) Reopening of the PAL Permit.
  - (i) During the PAL effective period, the plan shall require the APCO to reopen the PAL Permit to:
    - A. Correct typographical/calculation errors made in setting the PAL, or reflect a more accurate determination of emissions used to establish the PAL.
    - B. Reduce the PAL if the owner or operator of the major stationary source creates creditable emissions reductions for use as offsets.
    - C. Revise the PAL to reflect an increase in the PAL as provided under Section 9.11.
  - (ii) The APCO may reopen the PAL Permit for the following:
    - A. Reduce the PAL to reflect newly applicable federal requirements with compliance dates after the PAL effective date.
    - B. Reduce the PAL consistent with any other requirement that is enforceable as a practical matter, and that the APCO may impose on the major stationary source under District Rules.

- C. Reduce the PAL if the APCO determines that a reduction is necessary to avoid causing or contributing to a National Ambient Air Quality Standard or PSD increment violation, or to an adverse impact on an air-quality-related value that has been identified for a federal Class I area by a Federal Land Manager and for which information is available to the general public.
- (iii) Except for the permit reopening in paragraph (b)(i)(A) of Section 9.8 for the correction of typographical/calculation errors that do not increase the PAL level, all other reopenings shall be carried out in accordance with the public participation requirements of Section 9.5 of this rule.

## 9.9 EXPIRATION OF A PAL

Any PAL which is not renewed in accordance with the procedures in Section 9.10 shall expire at the end of the PAL effective period, and the requirements in Section 9.9 of this rule shall apply.

- (a) Each emissions unit (or each group of emissions units) that existed under the PAL shall comply with an allowable emission limitation under a revised permit established according to the following:
  - (i) Within the time frame specified for PAL renewals in paragraph (b) of Section 9.10, the major stationary source shall submit a proposed allowable emission limitation for each emissions unit (or each group of emissions units, if such a distribution is more appropriate as decided by the APCO ) by distributing the PAL allowable emissions for the affected major stationary source among each of the emissions units that existed under the PAL. If the PAL had not yet been adjusted for an applicable requirement that became effective during the PAL effective period, as required under paragraph (e) of Section 9.10, such distribution shall be made as if the PAL had been adjusted.
  - (ii) The APCO will decide whether and how the PAL allowable emissions will be distributed and issue a revised Part 70 Operating Permit incorporating allowable limits for each emissions unit, or each group of emissions units, as the APCO determines is appropriate.
- (b) Each emissions unit(s) shall comply with the allowable emission limitation on a 12-month rolling basis. The APCO may approve the use of monitoring systems other than CEMS, CERMS, PEMS, or CPMS to demonstrate compliance with the allowable emission limitation.
- (c) Until the APCO issues the revised Part 70 Operating Permit incorporating allowable limits for each emissions unit, or each group of emissions units, as required under paragraph (a)(ii) of Section 9.9, the source shall continue to comply with a source-wide, multi-unit emissions cap equivalent to the level of the PAL emission limitation.
- (d) Any physical change or change in the method of operation at the major stationary source will be subject to the nonattainment major NSR requirements if such change meets the definition of *Major Modification*.

- (e) The major stationary source owner or operator shall continue to comply with any federal, state or county applicable requirements that may have applied either during the PAL effective period or prior to the PAL effective period except as provided in paragraph (b)(iii) of Section 9.1.

#### **9.10 RENEWAL OF A PAL**

- (a) The APCO will follow the procedures specified in Section 9.5 in approving any request to renew a PAL Permit for a major stationary source, and will provide both the proposed PAL level and a written rationale for the proposed PAL level to the public for review and comment. During such public review, any person may propose a PAL level for the source for consideration by the APCO .
- (b) Application deadline. A major stationary source owner or operator shall submit a timely application to the APCO to request renewal of the PAL Permit. A timely application is one that is submitted at least six months prior to, but not earlier than eighteen months prior to, the date of expiration of the PAL Permit. If the owner or operator of a major stationary source submits a complete application to renew the PAL Permit within this time period, then the PAL Permit shall continue to be effective until the revised permit with the renewed PAL is issued.
- (c) Application Requirements. The application to renew a PAL Permit shall contain the information required in paragraphs (c)(i) through (c)(iv) of Section 9.10 of this rule:
  - (i) The information required in paragraphs (a) through (c) of Section 9.3;
  - (ii) A proposed PAL level;
  - (iii) The sum of the potential to emit of all emissions units under the PAL (with supporting documentation); and
  - (iv) Any other information the owner or operator wishes the APCO to consider in determining the appropriate level for renewing the PAL Permit.
- (d) PAL Adjustment. In determining whether and how to adjust the PAL, the APCO will consider the options outlined in paragraphs (d)(i) and (d)(ii) of Section 9.10. However, in no case may any such adjustment fail to comply with paragraph (d)(iii) of Section 9.10.
  - (i) If the emissions level calculated in accordance with Section 9.5 is equal to or greater than eighty (80) percent of the PAL level, the APCO may renew the PAL at the same level without considering the factors set forth in paragraph (d)(ii) of Section 9.10; or
  - (ii) The APCO may set the PAL at a level that he determines to be more representative of the source's baseline actual emissions, or that he determines to be appropriate considering air quality needs, advances in control technology, anticipated economic growth in the area, desire to reward or encourage the source's voluntary emissions reductions, or other factors as specifically identified by the APCO in his written rationale.



- (iii) Notwithstanding paragraphs (d)(i) and (d)(ii) of Section 9.10:
  - A. If the potential to emit of the major stationary source is less than the PAL, the APCO shall adjust the PAL to a level no greater than the potential to emit of the source; and
  - B. The APCO shall not approve renewed PAL level higher than the current PAL unless the major stationary source has complied with the provisions of Section 9.11.
- (e) If the compliance date for a federal or state requirement that applies to the PAL source occurs during the PAL effective period, and if the APCO has not already adjusted for such requirement, the PAL shall be adjusted at the time of the affected Part 70 Operating Permit is renewed.

### **9.11 INCREASING A PAL DURING THE PAL EFFECTIVE PERIOD**

- (a) The APCO may increase a PAL emission limitation only if the major stationary source complies with the provisions in paragraphs (a)(i) through (a)(iv) of Section 9.11.
  - (i) The owner or operator of the major stationary source shall submit a complete application to request an increase in the PAL limit for a PAL major modification. Such application shall identify the emissions unit(s) contributing to the increase in emissions so as to cause the major stationary source's emissions to equal or exceed its PAL.
  - (ii) As part of this application, the major stationary source owner or operator shall demonstrate that the sum of the baseline actual emissions of the small emissions units, plus the sum of the baseline actual emissions of the significant and major emissions units, assuming application of BACT-equivalent controls, plus the sum of the allowable emissions of the new or modified emissions unit(s), exceeds the PAL. The level of control that would result from BACT-equivalent controls on each significant or major emissions unit shall be determined by conducting a new BACT analysis at the time the application is submitted, unless the emissions unit is currently required to comply with a BACT or LAER requirement that was established within the preceding ten years. In such a case, the assumed control level for that emissions unit shall be equal to the level of BACT or LAER with which that emissions unit must currently comply.
  - (iii) The owner or operator obtains an Authority to Construct for all emissions unit(s) identified in paragraph (a)(i) of Section 9.11, regardless of the magnitude of the emissions increase resulting from them. These emissions unit(s) shall comply with any emissions requirements resulting from the nonattainment Authority to Construct issuance process, even though they have also become subject to the PAL or continue to be subject to the PAL.
  - (iv) The PAL Permit shall require that the increased PAL level shall be effective on the day any emissions unit that is part of the PAL major modification becomes operational and begins to emit the PAL pollutant.

- (b) The APCO shall calculate the new PAL as the sum of the allowable emissions for each modified or new emissions unit, plus the sum of the baseline actual emissions of the significant and major emissions units (assuming application of BACT-equivalent controls as determined in accordance with paragraph (a)(ii) of Section 9.11), plus the sum of the baseline actual emissions of the small emissions units.
- (c) The PAL Permit shall be revised to reflect the increased PAL level pursuant to the public notice requirements of Section 9.5.

## **9.12 MONITORING REQUIREMENTS FOR PALS**

- (a) General requirements.
  - (i) The PAL Permit must include enforceable requirements for the monitoring system that accurately determines plantwide emissions of the PAL pollutant in terms of mass per unit of time. Any monitoring system authorized for use in the PAL conditions must be based on sound science and meet generally acceptable scientific procedures for data quality and manipulation. Additionally, the information generated by such system must meet minimum legal requirements for admissibility in a judicial proceeding to enforce the PAL permit.
  - (ii) The PAL monitoring system must employ one or more of the four general monitoring approaches meeting the minimum requirements set forth in paragraphs (b)(i) through (b)(iv) of Section 9.12 and must be approved by the APCO .
  - (iii) Notwithstanding paragraph (a)(ii) of Section 9.12, the PAL monitoring system may also employ an alternative monitoring approach that meets paragraph (a)(i) of Section 7.12 if approved by the APCO .
  - (iv) Failure to use a monitoring system that meets the requirements of Section 9.12 renders the PAL invalid.
- (b) Minimum performance requirements for approved monitoring approaches. The following are acceptable general monitoring approaches when conducted in accordance with the minimum requirements in paragraphs (c) through (i) of Section 9.12:
  - (i) Mass balance calculations for activities using coatings or solvents;
  - (ii) CEMS;
  - (iii) CPMS or PEMS; and
  - (iv) Emission factors.
- (c) Mass Balance Calculations. An owner or operator using mass balance calculations to monitor PAL pollutant emissions from activities using coatings or solvents shall meet the following requirements:

- (i) Provide a demonstrated means of validating the published content of the PAL pollutant that is contained in or created by all materials used in or at the emissions unit;
  - (ii) Assume that the emissions unit emits all of the PAL pollutant that is contained in or created by any raw material or fuel used in or at the emissions unit, if it cannot otherwise be accounted for in the process; and
  - (iii) Where the vendor of a material or fuel which is used in or at the emissions unit publishes a range of pollutant content from such material, the owner or operator must use the highest value of the range to calculate the PAL pollutant emissions unless the APCO determines there is site-specific data or a site-specific monitoring program to support another content within the range.
- (d) CEMS. An owner or operator using CEMS to monitor PAL pollutant emissions shall meet the following requirements:
- (i) The CEMS must comply with applicable performance specifications found in 40 CFR Part 60, Appendix B; and
  - (ii) The CEMS must sample, analyze, and record data at least every fifteen minutes while the emissions unit is operating.
- (e) CPMS or PEMS. An owner or operator using CPMS or PEMS to monitor PAL pollutant emissions shall meet the following requirements:
- (i) The CPMS or PEMS must be based on current site-specific data demonstrating a correlation between the monitored parameter(s) and the PAL pollutant emissions across the range of operation of the emissions unit; and
  - (ii) Each CPMS or PEMS must sample, analyze, and record data at least every fifteen minutes, or at another, less frequent interval approved by the APCO while the emissions unit is operating.
- (f) Emission Factors. An owner or operator using emission factors to monitor PAL pollutant emissions shall meet the following requirements:
- (i) All emission factors shall be adjusted, if appropriate, to account for the degree of uncertainty or limitations in the factors' development;
  - (ii) The emissions unit shall operate within the designated range of use for the emission factor, if applicable; and
  - (iii) If technically practicable, the owner or operator of a significant emissions unit that relies on an emission factor to calculate PAL pollutant emissions shall conduct validation testing to determine a site-specific emission factor within six months of permit issuance unless the APCO determines that testing is not required.
- (g) A source owner or operator must record and report maximum potential emissions without considering enforceable emission limitations or operational restrictions for an emissions unit during any period of time whenever there is no monitoring data unless

another method for determining emissions during such periods is specified in the PAL Permit.

- (h) Notwithstanding the requirements in paragraphs (c) through (g) of Section 9.12, where an owner or operator of an emissions unit cannot demonstrate a correlation between the monitored parameter(s) and the PAL pollutant emissions rate at all operating points of the emissions unit, the APCO shall, at the time of permit issuance:
  - (i) Establish default value(s) for determining compliance with the PAL based on the highest potential emissions reasonably estimated at such operating point(s); or
  - (ii) Determine that operation of the emissions unit during operating conditions when there is no correlation between monitored parameter(s) and the PAL pollutant emissions is a violation of the PAL.
- (i) Revalidation. All data used to establish the PAL pollutant must be revalidated through performance testing or other scientifically valid means approved by the APCO . Such testing must occur at least once every five years after issuance of the PAL Permit.

### **9.13 RECORDKEEPING REQUIREMENTS**

- (a) The PAL Permit shall require an owner or operator to retain a copy of all records necessary to determine compliance with any requirement of Section 9 and of the PAL, including a determination of each emissions unit's 12-month rolling total emissions, for five years from the date of such record.
- (b) The PAL Permit shall require an owner or operator to retain a copy of the following records for the duration of the PAL effective period plus five years:
  - (i) A copy of the PAL Permit application and any applications for revisions to the PAL Permit; and
  - (ii) Each annual certification of compliance pursuant to title V and the data relied on in certifying the compliance.

### **9.14 REPORTING AND NOTIFICATION REQUIREMENTS**

The owner or operator shall submit semi-annual monitoring reports and prompt deviation reports to the APCO , in accordance with the the applicable title V oerparting permit program. The reports shall meet the requirements in paragraphs (a) through (c) of Section 9.14.

- (a) Semiannual Report. The semiannual report shall be submitted to the APCO within thirty days of the end of each reporting period. This report shall contain the information required in paragraphs (a)(i) through (a)(vii) of Section 9.14:
  - (i) The identification of owner and operator and the permit number;
  - (ii) Total annual emissions (in tpy) based on a 12-month rolling total for each month in the reporting period pursuant to paragraph (a) of Subection 9.13.

- (iii) All data relied upon, including, but not limited to, any quality assurance or quality control data, in calculating the monthly and annual PAL pollutant emissions;
  - (iv) A list of any emissions units modified or added to the major stationary source during the preceding 6-month period;
  - (v) The number, duration, and cause of any deviations or monitoring malfunctions (other than the time associated with zero and span calibration checks), and any corrective action taken;
  - (vi) A notification of a shutdown of any monitoring system, whether the shutdown was permanent or temporary, the reason for the shutdown, the anticipated date that the monitoring system will be fully operational or replaced with another monitoring system, whether the emissions unit monitored by the monitoring system continued to operate, and the calculation of the emissions of the pollutant or the number determined by method included in the permit, as provided by paragraph (g) of Section 9.12; and
  - (vii) A signed statement by the responsible official (as defined by the applicable title V operating permit program) certifying the truth, accuracy, and completeness of the information provided in the report.
- (b) Deviation Report. The major stationary source owner or operator shall promptly submit reports of any deviations or exceedance of the PAL conditions, including periods where no monitoring is available. A report submitted pursuant to 40 CFR 70.6(a)(3)(iii)(B) shall satisfy this reporting requirement. The deviation reports shall be submitted within the time limits prescribed by the affected Part 70 Operating Permit. The reports shall contain the following information:
- (i) The identification of owner and operator and the permit number;
  - (ii) The PAL requirement that experienced the deviation or that was exceeded;
  - (iii) Emissions resulting from the deviation or the exceedance; and
  - (iv) A signed statement by the responsible official certifying the truth, accuracy, and completeness of the information provided in the report.
- (c) Revalidation Results. The owner or operator shall submit to the APCO the results of any revalidation test or method within three months after completion of such test or method.

### **9.15 TRANSITION REQUIREMENTS**

The APCO may not issue a PAL permit that does not comply with the requirements in Section 9 after the EPA has approved regulations incorporating these requirements into the District portion of the California SIP.

## **10 INVALIDATION**

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If any provision of this rule or the application of such provision to any person or circumstance is held invalid, the remainder of this rule or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

## **11 EFFECTIVE DATE FOR REFERENCED FEDERAL REGULATIONS**

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All references and citations in this rule to Title 40 of the Code of Federal Regulations (CFR) refer to the referenced federal regulation as in effect on August 20, 2019.

**BEFORE THE BOARD OF DIRECTORS OF THE  
AMADOR AIR DISTRICT  
COUNTY OF AMADOR, STATE OF CALIFORNIA**

IN THE MATTER OF:

RESOLUTION NO. 19-07

**RESOLUTION FOR ADOPTING A NONATTAINMENT NEW SOURCE RULE (NA NSR)  
PROGRAM FOR OZONE STANDARDS - RULE 400**

The California Air Pollution Control District Act of 1947 allowed one or more counties to form air pollution districts. The California Air Resources Board was created in 1967 when California's legislature passed the Mulford-Carrell Act. The enactment of the federal Clean Air Act of 1970 authorized the development of comprehensive federal and state regulations to limit emissions from both stationary (industrial) sources and mobile sources.

**Whereas**, Sections 40001 and 40702 of the California Health and Safety Code authorizes the Amador Air District to adopt and enforce rules and regulations as are necessary to achieve and maintain ambient air quality standards within the District, to enforce all applicable provisions of state and federal law, and to execute the powers and duties granted to the District; and

**Whereas**, Amador County was classified nonattainment (NA) for the 1997 ozone standard, thus triggering the requirement to submit a NA NSR program to EPA for approval. Because Amador County was classified as attaining the 2008 ozone standard and EPA revoked the 1997 ozone standard, Amador County's NA NSR burden was relived. Amador County is still classified NA for the 1997 ozone standard and is required to submit an NA NSR program for ozone. In addition, Amador County was classified NA for the 2008 standard; and

**Whereas**, The Amador Air District is adopting and submitting a single submittal of our NA NSR to satisfy both the 1997 and 2015 ozone standard NA NSR requirement.

**Whereas**, The Amador Air District provided the required notice, posting and advertising of the public hearing on August 20, 2019 at 1:30 p.m., and the Amador Air District's Board of Directors were available at said date and time for comment from the public regarding the update; and the Board of Directors closed the public hearing; and

**Whereas**, The Amador Air District's Board of Directors made the required findings of necessity, authority, clarity, consistency, nonduplication and reference required by Health and Safety Code Section 40727 in considering the updates to the rulebook including the newly adopted Rule 400, New Source Rule.

**Be It Resolved** that the Amador Air District Board of Directors does hereby repeal the earlier adopted NA NSR rule in its entirety and adopt the new version to replace it.

The foregoing resolution was duly passed and adopted by the Board of Directors of the Amador Air District at a regular meeting thereof, held on the 20<sup>th</sup> day of August, 2019 following vote:

AYES:

NAYS:

ABSENT:

ABSTAINING:

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Bob Stimpson, Chair, Board of Directors

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Date:

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ATTEST: Herminia Perry, Clerk of the Board



# ADMINISTRATIVE MATTERS

## ITEM 4

### APCO Update:

- Emergency Episode Plan - DRAFT
- Wildfire Smoke Impacts to Health & Messaging Workshop
- Smoke Reduction Bin Program (Pine Needles)
- Vicini Brothers Greenwaste Recycling Facility Ad Hoc Committee
- Electric Vehicle Charging Stations
- Financials through August 13, 2019

**AMADOR AIR DISTRICT**

**Ozone Emergency Episode Plan**

**PREPARED IN COMPLIANCE WITH THE FEDERAL CLEAN  
AIR ACT**

**August 01, 2019**

## **Purpose**

This Ozone Emergency Episode Plan provides the basis for taking action to prevent ambient ozone concentrations from reaching levels which could endanger public health, or to abate such concentrations should they occur. It identifies criteria for the four levels of emergency episodes, components for public announcements whenever an episode has been identified, and specifies emission control strategies to be taken with each episode.

## **Legal Authority**

The Federal Clean Air Act (CAA)<sup>1</sup> gives the U.S. Environmental Protection Agency (U.S. EPA) the legal authority to halt the emission of air pollutants causing or contributing to the injury of the public or their welfare. The U.S. EPA is further authorized to either bring a lawsuit in federal court or, if such civil action cannot assure prompt protection of public health or welfare, to issue such orders as may be necessary to protect public health, welfare, or the environment. The authority granted to the U.S. EPA Administrator is vested in the California Air Resources Board (CARB) and the air districts under the California Health & Safety Code (H&SC)<sup>2</sup>. This section of California law applies to a range of emissions violations and imposes penalties that are equivalent to or exceed federal penalties for violations.

Under the authority of the H&SC, the CARB is responsible for controlling emissions from mobile sources, while districts are responsible for controlling emissions from non-mobile sources. H&SC Section 41700 states that sources are prohibited from emitting any pollutant(s) that can cause injury, detriment, nuisance, or annoyance to the public, or that endanger the comfort, repose, health, or safety of the public. Furthermore, H&SC Section 42450, et seq., gives districts specific authority to abate emissions from any source violating H&SC Section 41700 or any other order, rule, or regulation that prohibits or limits the discharge of pollutants, consistent with applicable notice and hearing requirements. Under H&SC Section 41509, the CARB or other local agency rules cannot infringe upon a district's authority to declare, prohibit, or abate a nuisance, and California's Attorney General is authorized to enjoin any pollution or nuisance, either on his or her own, or by request.

In addition to the authority under H&SC, the local air districts can work with the local governing body of a city, county, or city and county, pursuant to the California Emergency Services Act<sup>3</sup>, to proclaim a local emergency when there are conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a city, county, or both a city and county, caused by such conditions as air pollution<sup>4</sup>. When a local emergency is declared, cities and counties shall implement their emergency plans and take actions to mitigate or reduce the emergency threat.

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<sup>1</sup>Federal Clean Air Act Section 110(a)(2)(G)

<sup>2</sup> California Health and Safety Code Section 42400 et seq.

<sup>3</sup> California Emergency Services Act, California Government Code Section 8550-8668

<sup>4</sup> California Government Code Section 8558 (c)

Actions may include deploying field-level emergency response personnel such as law enforcement, activating emergency operation centers, and issuing orders to protect the public. Through a local emergency declaration, the air districts can obtain law enforcement aids from local governing bodies to accomplish necessary actions for preventing ambient ozone concentration from reaching the harmful level.

### **Requirement of a Plan for the Prevention of Air Pollution Emergency Episodes**

Under the Code of Federal Regulations (CFR)<sup>5</sup>, areas that have hourly ozone concentrations above 0.10 parts per million (ppm) are classified as Priority I Regions and are required to develop a contingency plan which must, at a minimum, provide for taking action necessary to prevent ambient ozone concentrations at any location in such region from reaching the significant harm level of 0.6 ppm, averaged over two hours. As set forth in CFR, three trigger levels (stages) are established for the ozone pollution episodes: Alert level (0.2 ppm), Warning level (0.35 ppm), and Emergency level (0.5 ppm)<sup>6</sup>. Corresponding actions for each specified trigger level would be identified and will be implemented when the ambient ozone hourly concentration measurements reach the specified trigger levels. These elements and actions should provide for rapid short-term emission reductions at each trigger level, to avoid high ozone concentrations from reaching significant harm levels during an episode.

### **Development of the Ozone Emergency Episode Plan for Amador County**

Amador County is classified as non-attainment for the 2015 federal ozone eight-hour average standard<sup>7</sup>. Since Amador County has had more than one day with the maximum one-hour concentration greater than 0.10 ppm between 2014 and 2017, the Amador Air District (AAD) is required to prepare an ozone emergency episode plan (Plan).

Table 1 shows the number of days exceeding the 0.10 ppm threshold at the Amador County ozone monitoring site from 2014 through 2017. During this time, the maximum ozone one-hour concentration was 0.104 ppm, with no site having more than one day in a year that exceeded 0.10 ppm after 2015.

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<sup>5</sup> 40 CFR 51.150 and 51.151

<sup>6</sup> 40 CFR 51 Appendix L

<sup>7</sup> Portions of Mountain Counties are classified as ozone nonattainment area.

**Table 1**  
**Amador County Ozone Monitoring Sites**  
**Number of Days with Maximum one-hour Concentration Greater than 0.10 ppm\***

		2014	2015	2016	2017
Jackson-Clinton Road	# of Days	0	1	1	0
	Max Conc.	0.094	0.103	0.104	0.094

Data downloaded from CARB's Aerometric Data and Management (ADAM) system on 12/22/18

The industrial abatement plan is a pre-planned document prepared by a permitted industrial source (facility) which contains the necessary actions to rapidly reduce that facility's emitted ozone precursor emissions when an episode level is triggered. In order to require such a plan, an emission threshold should be established for the industrial abatement plan requirement. Depending on the ozone emergency plans approved by the other air districts in California, the emission thresholds to require the industrial abatement plans are as low as 50 tons per year for both reactive organic gases (ROG) and oxides of nitrogen (NOx) emissions. Table 2 shows the five highest facilities with emissions of ROG and NOx within Amador County<sup>8</sup>. The table indicates that there is one facility in Amador County that emit more than 50 tons per year of NOx, and one facility emitting more than 50 tons per year of ROG.

**Table 2**  
**Five Highest ROG and NOx Emissions Facilities**

<b>Five Highest ROG Emissions Facilities</b>					
Air Basin	Facility ID	Facility Name	City	Facility SIC	ROG (tons/yr)
Mountain Counties Air Basin	1	Ampine	Martell	2493	155.5
Mountain Counties Air Basin	31	Specialty Granules	lone	1429	3.00
Mountain Counties Air Basin	7	George Reed	lone	1411	1.64
Mountain Counties Air Basin	8	Mule Creek State Prison	lone	9223	1.00
Mountain Counties Air Basin	10	US Mine Corp	lone	1446	0.43
<b>Five Highest NOx Emissions Facilities</b>					
Air Basin	Facility ID	Facility Name	City	Facility SIC	NOx (tons/yr)
Mountain Counties Air Basin	1	Ampine	Martell	2493	62.6
Mountain Counties Air Basin	31	Specialty Granules	lone	1429	24.23
Mountain Counties Air Basin	7	George Reed	lone	1411	19.65
Mountain Counties Air Basin	8	Mule Creek State Prison	lone	9223	16.03
Mountain Counties Air Basin	13	Horseshoe "A" Mining	Drytown	2892	7.28

<sup>8</sup> ARB CEIDARS database system. Data shown for calendar year 2017.

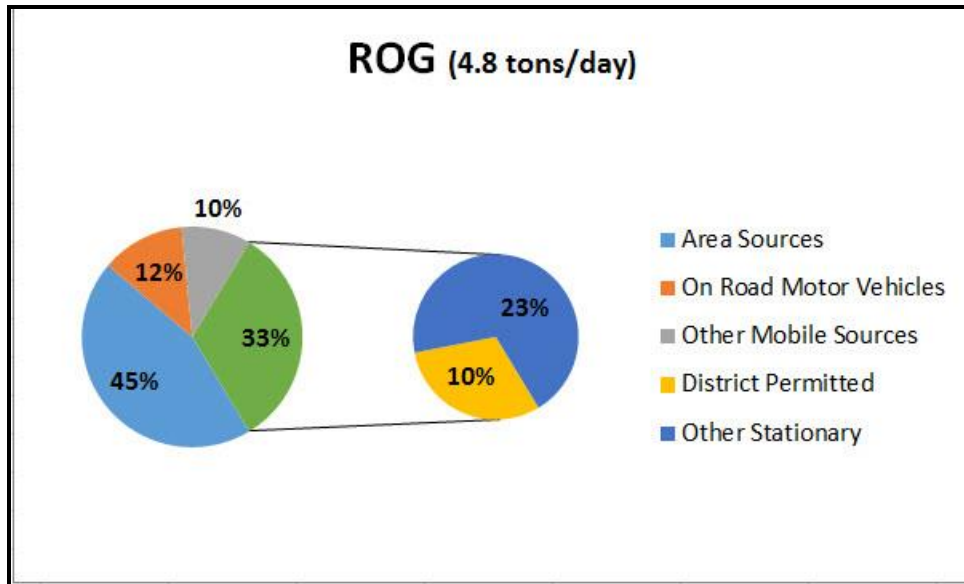
Although Amador County has one facility that exceeds the 50 tons per year threshold for NOx, permitted facilities comprise a very small portion of ROG and NOx countywide emission inventories. An overall emissions inventory for Amador County was prepared by CARB and is based on the 2016 SIP emission projections for 2020. This emissions inventory is shown in Table 3 and data for ROG and NOx are summarized in Figures 1 and 2.

**Table 3**  
**Based on 2016 SIP Emission Projection Data**  
**2020 Emission Projections for Amador County<sup>9</sup>**

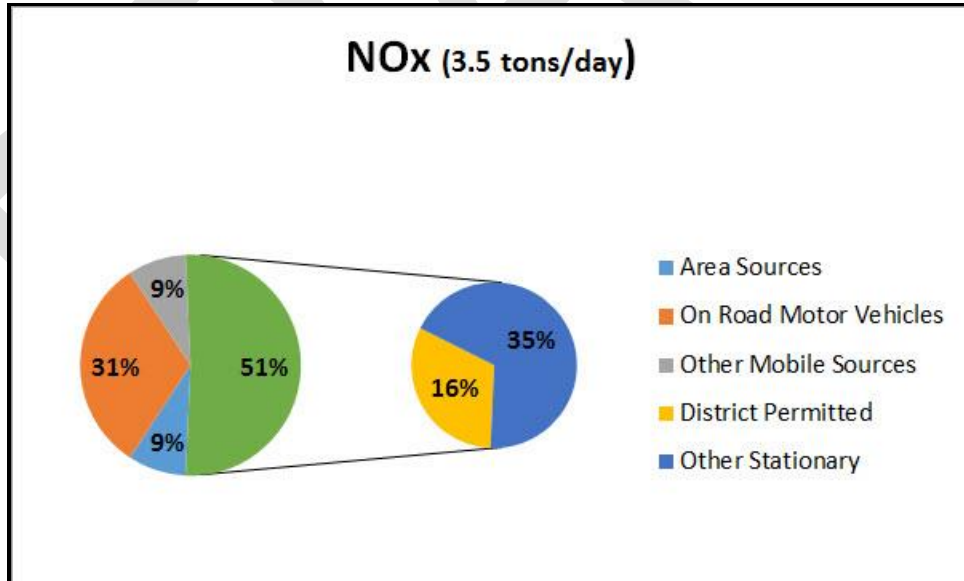
<b>STATIONARY SOURCES</b>	<b>TOG</b>	<b>ROG</b>	<b>CO</b>	<b>NOX</b>	<b>SOX</b>	<b>PM</b>	<b>PM10</b>	<b>PM2.5</b>	<b>NH3</b>
FUEL COMBUSTION	0.0	0.0	0.3	1.6	0.0	0.1	0.1	0.1	-
WASTE DISPOSAL	0.1	0.0	-	-	-	-	-	-	0.0
CLEANING AND SURFACE COATINGS	0.3	0.3	-	-	-	-	-	-	-
PETROLEUM PRODUCTION AND MARKETING	0.4	0.1	-	-	-	-	-	-	-
INDUSTRIAL PROCESSES	1.4	1.2	0.1	0.2	0.1	6.2	3.5	1.8	-
<b>* TOTAL STATIONARY SOURCES</b>	<b>2.2</b>	<b>1.6</b>	<b>0.4</b>	<b>1.8</b>	<b>0.1</b>	<b>6.3</b>	<b>3.5</b>	<b>1.9</b>	<b>0.0</b>
<b>AREAWIDE SOURCES</b>	<b>TOG</b>	<b>ROG</b>	<b>CO</b>	<b>NOX</b>	<b>SOX</b>	<b>PM</b>	<b>PM10</b>	<b>PM2.5</b>	<b>NH3</b>
SOLVENT EVAPORATION	1.0	0.9	-	-	-	-	-	-	0.0
MISCELLANEOUS PROCESSES	5.6	1.2	8.1	0.3	0.0	3.5	2.4	1.2	0.6
<b>* TOTAL AREAWIDE SOURCES</b>	<b>6.6</b>	<b>2.2</b>	<b>8.1</b>	<b>0.3</b>	<b>0.0</b>	<b>3.5</b>	<b>2.4</b>	<b>1.2</b>	<b>0.6</b>
<b>MOBILE SOURCES</b>	<b>TOG</b>	<b>ROG</b>	<b>CO</b>	<b>NOX</b>	<b>SOX</b>	<b>PM</b>	<b>PM10</b>	<b>PM2.5</b>	<b>NH3</b>
ON-ROAD MOTOR VEHICLES	0.6	0.6	3.8	1.1	0.0	0.1	0.1	0.0	0.0
OTHER MOBILE SOURCES	0.5	0.5	3.0	0.3	-	0.0	0.0	0.0	-
<b>* TOTAL MOBILE SOURCES</b>	<b>1.2</b>	<b>1.1</b>	<b>6.8</b>	<b>1.4</b>	<b>0.0</b>	<b>0.1</b>	<b>0.1</b>	<b>0.1</b>	<b>0.0</b>
<b>GRAND TOTAL FOR AMADOR COUNTY</b>	<b>10.0</b>	<b>4.8</b>	<b>15.3</b>	<b>3.5</b>	<b>0.1</b>	<b>9.9</b>	<b>6.0</b>	<b>3.1</b>	<b>0.6</b>

<sup>9</sup> Available at: <https://www.arb.ca.gov/app/emsmv/2017/emssumcat.php>

**Figure 1**  
**Amador County 2020 Emission Inventory for ROG Emissions**



**Figure 2**  
**Amador County 2020 Emission Inventory for NOx Emissions**



According to Table 3, a total of 4.8 tons of ROG and 3.5 tons of NOx are released daily. The permitted stationary sources account for 10% and 16% of these daily totals. The major sources of ROG and NOx emissions in Amador County are area and other stationary sources respectively. These sources plus transport of ozone from adjacent air basins are responsible for ozone formation rather than permitted industrial sources.

Health Advisory Level

The AAD proposes 0.15 ppm as a Health Advisory level to initiate emergency actions. The Health Advisory level (0.15 ppm) is lower than the Alert level (0.2 ppm), which is the lowest of three trigger levels required by the federal requirements. Figure 3 represents the annual maximum one-hour ozone concentration measured in Amador County since 1992 when monitoring first began in the County. It also shows a broken line indicating the health advisory of 0.15 ppm ozone.

**Figure 3**  
**Historic Variation in 1-hour Ozone Concentration in Parts per Million**  
**The Health Advisory of 0.15 PPM is Shown in Color (Red)**

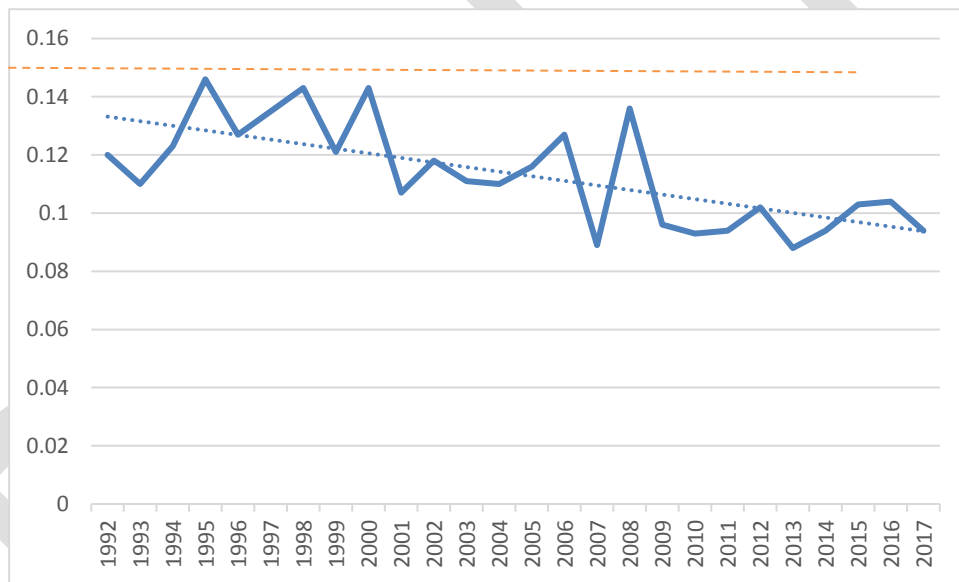


Figure 3 shows that the highest ozone concentration (0.143 ppm) was recorded in 1998. The 0.2 ppm (Stage 1) trigger level has never been recorded in the County since monitoring began in 1992. The ozone concentration trend shows a generally consistent decrease over time. As a result, it is unlikely the 0.2 ppm trigger level would be reached in Amador County.

Ozone concentrations in Amador County have been substantially reduced through the implementation of existing control regulations and programs and a state implementation plan (SIP). The SIP has been developed to identify emission control strategies for mobile and non-mobile sources within the Mountain Counties Air Basin (MCAB). Based on the SIP commitments, the AAD adopted or amended rules and developed programs to facilitate the MCAB's progress towards attaining the federal ozone standards.



The air districts within the Mountain Counties continue to work on the development of control strategies to fulfill the attainment requirement by CAA. Since the current federal ozone eight-hour average standard (0.070 ppm) for 2015 ozone standard SIP is more stringent than the previous 8-hour standard, the AAD believes that the development and implementation of control regulations and programs identified by the ozone SIPs will ensure that the ozone one-hour maximum concentrations in Amador County will continue decreasing, and would not reach the proposed Health Advisory level of 0.15ppm.

In addition, the AAD also regulates various types of open burning, including residential, land development, fire hazard reduction, vegetation management, prescribed fire, and agriculture. For the Mountain Counties Air Basin, the AAD works cooperatively with the CARB year round, and in the fall, with the Mountain County Air Basin Agricultural Burn Coordinator, to provide daily burn day allocations and notifications based on meteorological conditions and air quality forecasts.

The District works cooperatively with the CARB on the daily burn day information. The burn day information is broken down into burn day types to help indicate the quality of a burn day. Through the existing burn programs, the AAD works carefully to balance the public health impacts from air pollution, along with the open burning activities which exist in the county, especially since much of the county is considered a high fire hazard area.

Furthermore, the AAD, along with the other air districts within the region, support the regional "Spare the Air" program. This is an air pollution forecasting program which provides notifications to the public on the daily ozone concentration forecasts, along with advisories with an episodic ozone reduction element, during the summer ozone season. It is designed to protect public health by informing people when air quality is unhealthy, and by encouraging the public to reduce vehicle trips to achieve emission reductions. The program's notification includes current ozone concentration measurements from all monitoring stations within the MCAB, including Amador County, and forecasts, based on the meteorological conditions from the National Weather Service advisories and local agencies. When atmospheric stagnation conditions are forecasted, the public will be notified through the media, that a "Spare the Air Day" is issued. The participation of the Sacramento and Central Valley regional "Spare the Air" program will promote the acquisition of forecasts of the atmospheric stagnation conditions, pursuant to the CFR requirements<sup>10</sup>.

In conclusion, the AAD believes that the proposed Health Advisory level at 0.15 ppm will be an appropriate and logical condition, in addition to the required ozone emergency episode levels set forth in the CAA, to initiate and fulfill the air pollution emergency episode actions proposed by the Plan.

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<sup>10</sup> 40 CFR 51.152 "Contingency Plans"

## Emergency Episode Criteria

Table 4 summarizes the four emergency episode trigger levels proposed by the AAD for the one-hour ozone concentration measurement in Amador County. The following section identifies the corresponding actions for each trigger level, when that one-hour ozone concentration is reached.

**Table 4**  
**Trigger Levels of Ozone Emergency Episodes in Amador County**

	Health Advisory	Alert (Stage 1)	Warning (Stage 2)	Emergency (Stage 3)
Ozone (one-hour average)	0.15 ppm	0.20 ppm	0.35 ppm	0.50 ppm

### **Proposed Actions for Ozone Emergency Episodes:**

The actions identified for each trigger level of the ozone emergency episodes include public notification and emissions mitigation for industrial and mobile sources. The purposes of these actions are 1) to provide notification to the public when atmospheric stagnation conditions would result in substantially high ozone concentration measurements, and 2) to reduce the ozone precursor emissions rapidly in order to lower the ozone concentration below the triggered emergency episode level.

### Air Pollution Forecast

The AAD is a subscriber to the Sacramento regional “Spare the Air” program<sup>11</sup> to provide public notification for air quality forecasts when atmospheric stagnation conditions would result in substantially high ozone concentration measurements. The notification with episodic ozone reduction strategies is to encourage the public to take voluntary actions to reduce ozone precursor emissions.

### Emergency Episode Declaration

Whenever the ozone one-hour concentration, measured at the permanent location within Amador County, reaches or is predicted to reach any of the episode trigger levels as shown in Table 4, the AAD shall declare that an emergency episode is in effect in Amador County.

In addition, should the Air Pollution Control Officer (APCO) of a district adjacent to the AAD declare a stage 1, 2, or 3 episode within that district and request assistance, the APCO of AAD may implement measures as described in this Plan as if such episode level has been measured within the District.

<sup>11</sup> Information available at: <http://www.sparetheair.com/airalert.cfm>

### Notification of an Emergency Episode

The AAD shall establish and periodically update and review an emergency episode notification list (List). When any emergency episode is declared, the APCO shall notify the officials on the List. The List shall include, and is not limited to, the following public agencies and organizations:

1. California Air Resources Board, the Amador County Executive Officer, chief executive officers of the incorporated municipalities within Amador County, police chiefs, fire chiefs, and any other public safety officers as deemed appropriate by the APCO,
2. The Amador County Health Officer,
3. The Amador County Office of Emergency Services,
4. The Amador County Office of Education Superintendent, school districts' superintendents, and private schools' principals,
5. All air pollution control districts within the Sacramento Valley, Mountain Counties as well as all upwind districts.
6. Major newspapers in daily circulation and major television and radio stations (including those who are part of the emergency broadcast system) broadcasting within Amador County for appropriate warning, notices, and advisories,
7. Regional Spare the Air Programs,
8. AAD permitted facilities, and
9. AAD Staff who are responsible for public outreach.

### Content of Notification

Notification of an emergency episode shall include information on the predicted or current episode level, the expected duration of the episode, the expected geographic boundaries of the affected area, a statement for the public on the health significance of the air quality during the episode, and the appropriate voluntary or mandatory control actions proposed for each episode level. See attached sample notification.

### Termination of an Emergency Episode

The AAD shall declare an episode as terminated when the one-hour ozone concentration measurements from the permanent monitoring sites within Amador County fall below the level of the Alert episode and the meteorological data indicates the ozone concentration is expected to continue decreasing.

### Notification of the Termination of an Episode

Upon the declaration of the termination of an episode, the AAD shall notify those agencies and organizations specified in the List.

### Actions for Each Emergency Episode

When an emergency episode is declared, the AAD shall implement the following control actions:

1. Health Advisory Episode:

- a) Prepare the emergency episode notification;
- b) Notify those public agencies and organizations identified in the List that a health advisory episode has been declared;
- c) Advise the Amador County Office of Education Superintendent that sustained strenuous activities by students (for both public and private schools) lasting longer than one hour should be discontinued;
- d) Through the Amador County Office of Emergency Services, notify the news media to broadcast the appropriate warning to the public, which will include a recommendation that the public curtail unnecessary motor vehicle operation;
- e) Work with the industry to identify targeted facilities with possible emission control actions to reduce the relative emissions; and
- f) Coordinate with the Amador County Office of Emergency Services to identify possible actions which shall be taken when Amador County declares a local emergency for an air pollution emergency, which might include, for example, ceasing painting, construction, lawn mowing, pesticide application, and charcoal grilling.

2. Alert (Stage 1) Episode:

- a) Prepare the emergency episode notification;
- b) Notify those public agencies and organizations identified in the List that an Alert episode has been declared;
- c) Request the Amador County Office of Education Superintendent contact the School Superintendents and coordinate with private schools, to suspend students' strenuous activities;
- d) Through the Amador County Office of Emergency Services, notify the news media to broadcast the appropriate warning to the public, which will include a request that the public curtail any unnecessary motor vehicle operation;
- e) Request targeted facilities (listed in Table 2) to initiate specified emission control actions to reduce relative emissions. These actions include reduce or curtail production; allow workers to telecommute, and to recommend employees at government and private industries refrain from using their vehicles until the episode is terminated;
- f) Conduct on-site inspection of targeted facilities to ascertain accomplishment of applicable emission control actions; and
- g) Prohibit all open burning, including agricultural burning, and incineration throughout the affected area, except in an emergency situation as provided for in Section 41862 of the California Health & Safety Code.

3. Warning (Stage 2) Episode: In addition to the actions associated with the Stage 1 Alert episode, the following actions should be implemented in a Warning episode.
- a) Request that those agencies and organizations in the List, within the scope of their authority:
    - i. Prohibit all types of open burning, including agricultural waste;
    - ii. Close all non-essential public agency facilities, except emergency facilities and those facilities necessary in emergencies to protect national security or national defense; and
    - iii. Request that employees of closed non-essential public agency facilities refrain from using vehicles until the episode is terminated.
  - b) Request closure of all public and private schools, colleges, and universities within Amador County;
  - c) Request targeted facilities listed in Table 2 to shut down;
  - d) Request that employees of facilities which close refrain from using vehicles until the episode is terminated;
  - e) Conduct on-site inspection of facilities to ascertain the accomplishment of applicable emission control actions;
  - f) Request the suspension of all indoor and outdoor events at parks or recreational facilities open to the public;
  - g) Request the suspension of all scheduled athletic events; and
  - h) Request that the Amador County Executive Officer and Health Officer consider declaring a local emergency for air pollution, pursuant to the Amador County Code<sup>12</sup>, and implement emergency control measures, pursuant to the California Emergency Services Act, when the ambient ozone concentration continues rising and reaches the level at 0.45 ppm.
4. Emergency (Stage 3) Episode: In addition to the actions associated with the Stage 2 Warning episode, the following actions should be implemented in the Emergency episode.
- a) Request that the Amador County Executive Officer declare a local emergency for air pollution and initiate its emergency operations plan;
  - b) Request the media to broadcast to the public that a local emergency exists for air pollution, due to high ozone concentrations;
  - c) Through the Amador County Office of Emergency Service operations, the following actions shall be conducted, but are not limited to:
    - i. Close all government facilities which are not immediately necessary for public health and safety, national security or national defense;
    - ii. Close all recreational facilities, including but not limited to those servicing boating and off-road vehicles;
    - iii. Close all non-emergency commercial and industrial facilities;
    - iv. Request implementation of emergency carpooling, or the use of mass transportation;

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<sup>12</sup> Amador County Code Article 2.64 provides for the preparation and execution of emergency plans.

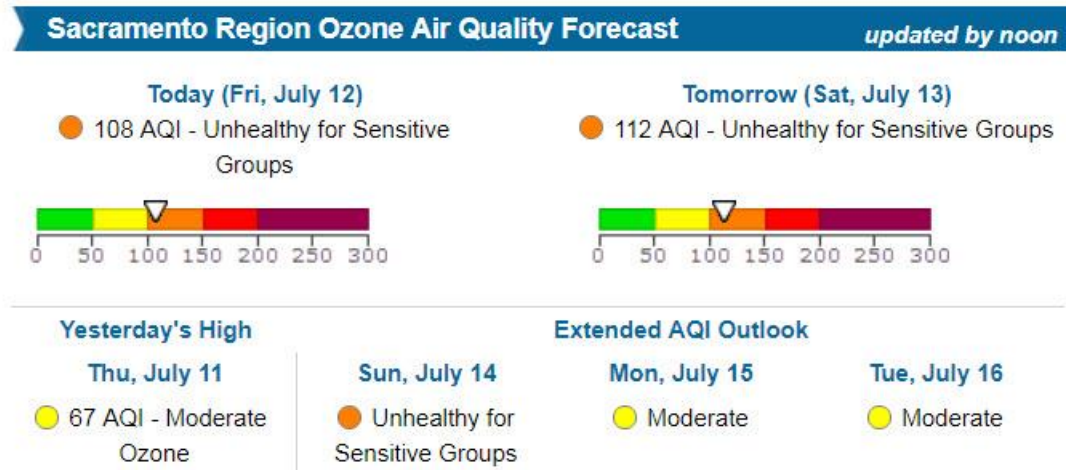
- v. Request that the public use only mass transit; and
- vi. Hospitals within the affected area shall be notified of the alert level to prepare for the possible increase in the number of patients seeking treatment.
- d) Close principal streets, as deemed necessary by the Amador County Executive Officer, Health Officer, APCO, and local law enforcement agencies, in order to protect the health and welfare of the general public;
- e) Request that the Amador County Office of Emergency Services engage with the State agency for necessary actions pursuant to the California Emergency Services Act, which includes prohibiting the use of all motor vehicles except for emergencies, or any other action deemed warranted;
- f) Restrict all non-essential construction and painting; and
- g) Restrict all lawn care and mowing activities and stop the use of lawn and garden chemicals.

The AAD commits to implementing the proposed actions associated with each episode identified in this Plan. The implementation of the Plan shall prevent the ambient ozone concentration from reaching the harmful level at 0.60 ppm.

# SAMPLE PUBLIC NOTIFICATION

## Amador County Air Pollution Alert

Poor air quality is being forecasted for the Sacramento region, including Amador County for the next 24 to 48 hours.



Please do your part to minimize smog-forming emissions by:

- Carpooling or vanpooling
- Use alternative transportation including use of public transit, bicycling and walking
- Eliminate vehicle idling
- Telecommuting

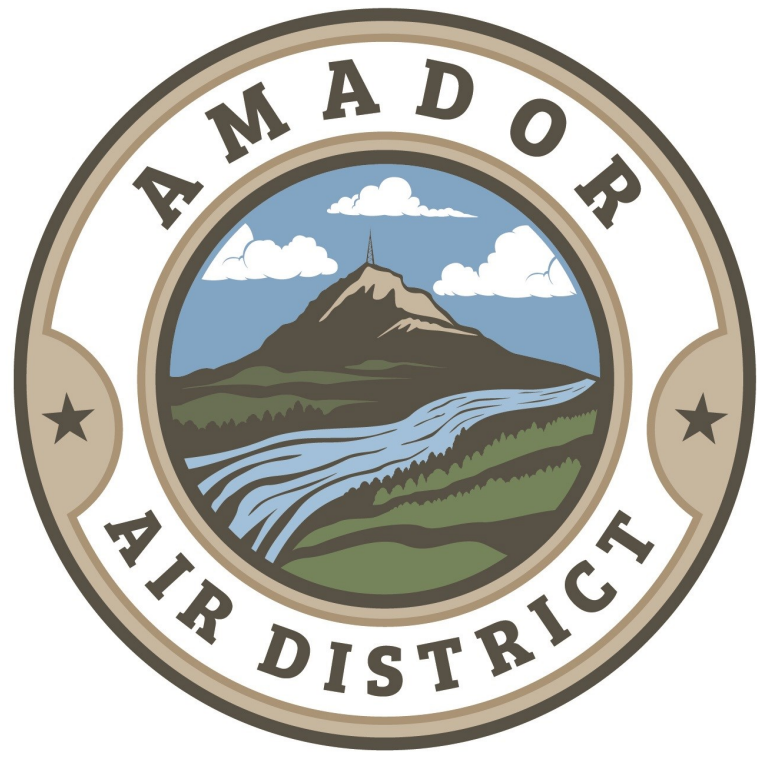
For more information, please visit AAD.gov or <http://www.sparetheair.com/airalert.cfm>

Meeting Date: June 06, 2019

**SIGN IN SHEET FOR FOR THE AMADOR AIR DISTRICT  
WILDFIRE SMOKE IMPACTS TO HEALTH & MESSAGING WORKSHOP**

	NAME:	ORGANIZATION:
1	ANNIE HARGROVE	CAPCOA
2	Justin Weibold	Amador City Schools
3	Karin Ericson	ACUSD
4	Holly Sandman	Public Health
5	JOHN SILVA	ACED OES
6	Jeff Brown	Amador County Dist 3
7	Fran K Axo	Amador County Dist 4
8	MIKE ISRAEL	ACEH
9	Diana Evensen	ACPH
10	Rita Kerr	ACPH
11	Lauren Magowan	EPA R9
12	Jon Riordan	ACUSD RN
13	MAT PETERSON	AAD
14	VANDY SWAFFORD	UTTER HEALTH
15	Aaron Watkins	Amador Fire Protection District
16	Craig Ostergaard	Sierra Pacific Industries
17	LARRY STANWELL	AFPD
18	Ammed Mehadi	CARR
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# **FREE** **DISPOSAL**



# **OF PINE NEEDLES**

**At ACES Waste Services, Pine Grove**  
**Saturday, September 21, 2019**

**Location: ACES Waste Services**  
**19801 Berry Street, Pine Grove**

**Hours: 9am–12pm**  
**1pm–4pm**

**Terms and Conditions Apply:**

**NO** Business/commercially generated pine needles, **NO** yard maintenance companies or landscapers!

**MUST** show Amador County identification, **NO** out-of-County pine needles accepted

**TWO** trips per vehicle and **LIMIT** 2 cubic yards per vehicle, **LOADS** exceeding 2 yards may be charged

**\*\*AMADOR AIR DISTRICT AND/OR ACES WASTE SERVICES MAY REFUSE SERVICE AT ANY TIME \*\***

**Amador Air District**  
**Balance Sheet**  
**As of August 15, 2019**

	<u>Aug 15, 19</u>
<b>ASSETS</b>	
<b>Current Assets</b>	
Checking/Savings	
AAD Bank 101735	677,933.24
<b>Total Checking/Savings</b>	<u>677,933.24</u>
Accounts Receivable	
Accounts Receivable	-28.69
<b>Total Accounts Receivable</b>	<u>-28.69</u>
Other Current Assets	
101002 Petty Cash	200.00
<b>Total Other Current Assets</b>	<u>200.00</u>
<b>Total Current Assets</b>	678,104.55
<b>Fixed Assets</b>	
150630 Equipment	25,537.48
<b>Total Fixed Assets</b>	<u>25,537.48</u>
<b>TOTAL ASSETS</b>	<u><b>703,642.03</b></u>
<b>LIABILITIES &amp; EQUITY</b>	
<b>Liabilities</b>	
<b>Current Liabilities</b>	
Accounts Payable	
Accounts Payable	-812.79
<b>Total Accounts Payable</b>	<u>-812.79</u>
<b>Total Current Liabilities</b>	<u>-812.79</u>
<b>Total Liabilities</b>	-812.79
<b>Equity</b>	
Retained Earnings	624,441.70
Net Income	80,013.12
<b>Total Equity</b>	<u>704,454.82</u>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<u><b>703,642.03</b></u>

**Amador Air District**  
**Custom Summary Report**  
July 1 through August 15, 2019

	<u>Jul 1 - Aug 15, 19</u>
<b>Income</b>	
45070 DMV Fees	16,343.54
45240 Carl Moyer Program Funds	21,505.60
<b>46940 Permits &amp; Emission Fees</b>	
46940 Vapor Recovery / Nozzles	6,870.38
46940 Permits & Emission Fees - Other	88,864.10
<b>Total 46940 Permits &amp; Emission Fees</b>	<u>95,734.48</u>
<b>47890 Miscellaneous</b>	
47890 Authority to Construct	617.76
47890 Engineer Fees	675.00
47890 Vehicle Lease to WM	450.00
47890 Miscellaneous - Other	20,310.03
<b>Total 47890 Miscellaneous</b>	<u>22,052.79</u>
<b>Total Income</b>	<u>155,636.41</u>
<b>Gross Profit</b>	155,636.41
<b>Expense</b>	
50100 Salaries	10,497.51
50121 Cell Phone Stipend	45.00
50300 Retirement	888.23
50310 FICA/Medicare Tax	784.98
50400 Employee Group Insurance	1,274.19
51200 Communications	463.38
51700 Maintenance - Equipment	56.00
52200 Office Expenses	113.00
52300 Professional Services	55,500.57
52400 Publications/Legal Notcei	87.00
52500 Rent/Lease of Equipment	96.27
52900 GSA and In County Travel	389.71
54120 Community Projects	5,427.45
<b>Total Expense</b>	<u>75,623.29</u>
<b>Net Income</b>	<u><u>80,013.12</u></u>

1:09 PM

August 15, 2019

Cash Basis

## Amador Air District Revenue & Expenses Budget vs. Actual July 1 through August 15, 2019

	Jul 1 - Aug 15, 19	Budget	\$ Over Budget	% of Budget
<b>Income</b>				
201002 NSF pass through	0.00	0.00	0.00	0.0%
42145 Burn Permits	0.00	0.00	0.00	0.0%
44100 Interest	0.00	0.00	0.00	0.0%
45070 DMV Fees	16,343.54	0.00	16,343.54	100.0%
45240 Carl Moyer Program Funds	21,505.60	0.00	21,505.60	100.0%
45461 Lower Emission School Bus	0.00	0.00	0.00	0.0%
45490 State Mandated	0.00	0.00	0.00	0.0%
45640 ARB Subvention	0.00	0.00	0.00	0.0%
46021 Local Funding	0.00	0.00	0.00	0.0%
<b>46940 Permits &amp; Emission Fees</b>				
46940 PERP	0.00	0.00	0.00	0.0%
46940 Title V Fees	0.00	0.00	0.00	0.0%
46940 Vapor Recovery / Nozzles	6,870.38	0.00	6,870.38	100.0%
46940 Permits & Emission Fees - Other	88,864.10	0.00	88,864.10	100.0%
<b>Total 46940 Permits &amp; Emission Fees</b>	<b>95,734.48</b>	<b>0.00</b>	<b>95,734.48</b>	<b>100.0%</b>
<b>47890 Miscellaneous</b>				
47890 Authority to Construct	617.76	0.00	617.76	100.0%
47890 Change of Ownership	0.00	0.00	0.00	0.0%
47890 Engineer Fees	675.00	0.00	675.00	100.0%
47890 Fines	0.00	0.00	0.00	0.0%
47890 Vehicle Lease to WM	450.00	0.00	450.00	100.0%
47890 Miscellaneous - Other	20,310.03	0.00	20,310.03	100.0%
<b>Total 47890 Miscellaneous</b>	<b>22,052.79</b>	<b>0.00</b>	<b>22,052.79</b>	<b>100.0%</b>
<b>Total Income</b>	<b>155,636.41</b>	<b>0.00</b>	<b>155,636.41</b>	<b>100.0%</b>
<b>Cost of Goods Sold</b>				
Cost of Goods Sold	0.00	0.00	0.00	0.0%
<b>Total COGS</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.0%</b>
<b>Gross Profit</b>	<b>155,636.41</b>	<b>0.00</b>	<b>155,636.41</b>	<b>100.0%</b>
<b>Expense</b>				
50100 Salaries	10,497.51	0.00	10,497.51	100.0%
50121 Cell Phone Stipend	45.00	0.00	45.00	100.0%
50300 Retirement	888.23	0.00	888.23	100.0%
50304 PERS Misc. Unfund Lia.	0.00	0.00	0.00	0.0%
50310 FICA/Medicare Tax	784.98	0.00	784.98	100.0%
50400 Employee Group Insurance	1,274.19	0.00	1,274.19	100.0%
50500 Worker's compensation	0.00	0.00	0.00	0.0%
51110 Protective Clothing	0.00	0.00	0.00	0.0%
51200 Communications	463.38	0.00	463.38	100.0%
51700 Maintenance - Equipment	56.00	0.00	56.00	100.0%
51760 Maintenance - Licensing	0.00	0.00	0.00	0.0%
52000 Memberships	0.00	0.00	0.00	0.0%
52200 Office Expenses	113.00	0.00	113.00	100.0%
52211 GSA Cost Allocation	0.00	0.00	0.00	0.0%
<b>52300 Professional Services</b>				
523005 APCO	0.00	0.00	0.00	0.0%
52300 Professional Services - Other	55,500.57	0.00	55,500.57	100.0%
<b>Total 52300 Professional Services</b>	<b>55,500.57</b>	<b>0.00</b>	<b>55,500.57</b>	<b>100.0%</b>
52380 Hearing Board	0.00	0.00	0.00	0.0%
52400 Publications/Legal Notcei	87.00	0.00	87.00	100.0%
52500 Rent/Lease of Equipment	96.27	0.00	96.27	100.0%
52600 Rents, Leases	0.00	0.00	0.00	0.0%
52800 Special Departmental Exp	0.00	0.00	0.00	0.0%
52803 Lwr Emiss School Bus P	0.00	0.00	0.00	0.0%
52815 Air Resources Board Fees	0.00	0.00	0.00	0.0%
52824 Biomass Grant	0.00	0.00	0.00	0.0%
52900 GSA and In County Travel	389.71	0.00	389.71	100.0%
52910 Meetings & Training	0.00	0.00	0.00	0.0%
53000 Utilities	0.00	0.00	0.00	0.0%
54120 Community Projects	5,427.45	0.00	5,427.45	100.0%

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August 15, 2019

Cash Basis

**Amador Air District**  
**Revenue & Expenses Budget vs. Actual**  
July 1 through August 15, 2019

	<u>Jul 1 - Aug 15, 19</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
54711 DMV Fee Grants	0.00	0.00	0.00	0.0%
54712 Business Projects	0.00	0.00	0.00	0.0%
54715 Carl Moyer Fund Grants	0.00	0.00	0.00	0.0%
56200 Fixed Assets - Equipment	0.00	0.00	0.00	0.0%
58900 CAPCOW	0.00	0.00	0.00	0.0%
59500 Contingencies	0.00	0.00	0.00	0.0%
Bad Debt	0.00	0.00	0.00	0.0%
Payroll Expenses	0.00	0.00	0.00	0.0%
Reconciliation Discrepancies	0.00	0.00	0.00	0.0%
<b>Total Expense</b>	<u>75,623.29</u>	<u>0.00</u>	<u>75,623.29</u>	<u>100.0%</u>
<b>Net Income</b>	<u>80,013.12</u>	<u>0.00</u>	<u>80,013.12</u>	<u>100.0%</u>

## Amador Air District Expenses by Vendor Detail July 1 through August 15, 2019

Type	Date	Memo	Account	Paid Amount	Balance	Open Balance
<b>Aces Waste Services</b>						
Bill	07/10/2019	Neighborhood ...	54120 Community ...	40.29	40.29	
Bill	07/10/2019	Sutter Creek Fi...	54120 Community ...	1,767.38	1,807.67	
Bill	08/06/2019	July Bill - 2332...	54120 Community ...	986.47	2,794.14	
Bill	08/06/2019	Aug. Bill - 350 ...	54120 Community ...	1,547.07	4,341.21	
Total Aces Waste Services				4,341.21	4,341.21	0.00
<b>Alliant Insurance Services, Inc.</b>						
Bill	07/01/2019	SPIP YR 19-20...	52300 Professional ...	736.40	736.40	
Total Alliant Insurance Services, Inc.				736.40	736.40	0.00
<b>Amador County - Waste Management</b>						
Bill	07/10/2019	APCO Salary - ...	52300 Professional ...	26,917.66	26,917.66	
Bill	07/10/2019	APCO Salary - ...	52300 Professional ...	26,361.51	53,279.17	
Total Amador County - Waste Management				53,279.17	53,279.17	0.00
<b>AT &amp; T</b>						
Bill	07/10/2019	June 2019 Bill	51200 Communicati...	224.58	224.58	
Bill	08/01/2019	July 2019	51200 Communicati...	238.80	463.38	
Total AT & T				463.38	463.38	0.00
<b>Cell Phone</b>						
Bill	07/31/2019	May 2019	50121 Cell Phone S...	45.00	45.00	
Total Cell Phone				45.00	45.00	0.00
<b>FICA/MEDICARE</b>						
Bill	07/31/2019	May 2019	50310 FICA/Medica...	784.98	784.98	
Total FICA/MEDICARE				784.98	784.98	0.00
<b>Group Insurance</b>						
Bill	07/31/2019	May 2019	50400 Employee Gr...	1,274.19	1,274.19	
Total Group Insurance				1,274.19	1,274.19	0.00
<b>GSA - CPP</b>						
Bill	07/31/2019	GSA Support C...	52500 Rent/Lease ...	96.27	96.27	
Total GSA - CPP				96.27	96.27	0.00
<b>GSA - Fuel</b>						
Bill	07/10/2019	Ford Escape	52900 GSA and In ...	134.25	134.25	
Bill	07/10/2019	Jeep Patriot	52900 GSA and In ...	133.80	268.05	
Bill	07/31/2019	Ford Escape	52900 GSA and In ...	74.19	342.24	
Bill	07/31/2019	Jeep Patriot	52900 GSA and In ...	47.47	389.71	
Total GSA - Fuel				389.71	389.71	0.00
<b>GSA - Office Supplies</b>						
Bill	07/10/2019	Postage	52200 Office Expen...	20.20	20.20	
Bill	07/31/2019	Postage for An...	52200 Office Expen...	92.80	113.00	
Total GSA - Office Supplies				113.00	113.00	0.00
<b>L &amp; M Automotive &amp; Towing</b>						
Bill	08/01/2019	Ford Escape O...	51700 Maintenance...	56.00	56.00	
Total L & M Automotive & Towing				56.00	56.00	0.00
<b>Ledger Dispatch</b>						
Bill	07/25/2019	PO: U564 Publi...	52400 Publications/...	87.00	87.00	
Total Ledger Dispatch				87.00	87.00	0.00
<b>Myron Corporation</b>						
Bill	07/10/2019	Pocket Calend...	54120 Community ...	1,086.24	1,086.24	
Total Myron Corporation				1,086.24	1,086.24	0.00
<b>Ray Kapahi</b>						
Bill	08/06/2019	Revise EmERGE...	52300 Professional ...	1,485.00	1,485.00	
Total Ray Kapahi				1,485.00	1,485.00	0.00
<b>Retirement</b>						
Bill	07/31/2019	May 2019	50300 Retirement	888.23	888.23	

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August 15, 2019

Cash Basis

**Amador Air District**  
**Expenses by Vendor Detail**  
July 1 through August 15, 2019

<u>Type</u>	<u>Date</u>	<u>Memo</u>	<u>Account</u>	<u>Paid Amount</u>	<u>Balance</u>	<u>Open Balance</u>
Total Retirement				888.23	888.23	0.00
Salaries						
Bill	07/31/2019	May 2019	50100 Salaries	10,497.51	10,497.51	
Total Salaries				10,497.51	10,497.51	0.00
<b>TOTAL</b>				<b>75,623.29</b>	<b>75,623.29</b>	<b>0.00</b>

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# CORRESPONDENCE



**WOODLAND RD. ASSOCIATION, P.O. BOX 1517, PIONEER, CA 95666**

<b>Patrick Minyard</b> Chairperson 209-295-8626 <a href="mailto:gminyard@volcano.net">gminyard@volcano.net</a>	<b>Judy Rider</b> Treasurer 209-295-2278 <a href="mailto:jrider@volcano.net">jrider@volcano.net</a>	<b>J. Gobershock</b> Secretary 209-295-8864 <a href="mailto:isgo1@yahoo.com">isgo1@yahoo.com</a>	<b>Brad Pellegrini</b> Director 916-337-4554 <a href="mailto:bradpellegrini@yahoo.com">bradpellegrini@yahoo.com</a>	<b>Lindsay Johnson</b> Director 925-813-8354 <a href="mailto:thejohnsonfam630@sbcglobal.net">thejohnsonfam630@sbcglobal.net</a>
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Jim McHargue  
Amador Air District  
810 Court St.  
Jackson CA 95642

July 8, 2019

Dear Jim,  
I am writing to thank you and your staff for supporting the pine needle debris boxes in our area. I'd also like to recognize Herminia; she was very helpful, kind and efficient in coordinating our program!

Considerable amounts of debris were removed during this two week program, making our community more fire safe, reducing smoke and improving air quality for residents.

Due to our preparation, communication and daily supervision, our area filled a 40 yard box each day in accordance with program guidelines. This program compliments our efforts to make Upcountry less prone to wildfire and to meet CalFire's defensible space standards.

We look forward to participating again in 2020. Thank you for your support!

Sincerely,

Jennifer Gobershock, Director, Woodland Road Association

Cc: Patrick Minyard, President of Amador Fire Safe Council

**RECEIVED**

**JUL 11 2019**

**AMADOR AIR DISTRICT** *dp*