

AMADOR AIR DISTRICT BOARD OF DIRECTORS

810 Court Street, Jackson, California 95642

AGENDA

Tuesday, October 17, 2017 at 1:30 p.m.

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 August 15, 2017 Board Minutes as presented or revised. Action
2. **Electric Vehicle Charging Stations:** Discussion and Possible Action
3. **Smoke Reduction Bin Program (Pine Needle Bins):** Discussion and Possible Action
4. **Appropriate Reserves for a Special District:** Discussion and Possible Action
5. **APCO's Update:** Informational only, no action to be taken.
 - Logo
 - Rules Update
 - Woodstove Change-Out Program
 - CCAD Program
 - Financials through October 12, 2017

Correspondence:

Adjournment: Until January 16, 2018 at 1:30pm

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**ADMINISTRATIVE MATTERS
ITEM 1**

Minutes

Amador Air District Board of Directors Meeting

Summary Minutes

Meeting was partially recorded in the Amador County Board of Supervisors Chambers
810 Court Street, Jackson, California
1:30 p. m. August 15, 2017

Determination of a Quorum

DRAFT

Present on Roll Call:

Pat Crew	Amador County District 1, Supervisor
Richard Forster	Amador County District 2, Supervisor
Lynn Morgan	Amador County District 3, Supervisor (Chair)
Frank Axe	Amador County District 4, Supervisor
Brian Oneto	Amador County District 5, Supervisor (Vice Chair)
Thomas Reed	City of Ione, Councilman
Robin Peters	City of Sutter Creek, Councilman

Absent on Roll Call:

Jon Colburn	City of Plymouth, Councilman
Michael Vasquez	City of Amador City, Councilman
Bob Stimpson	City of Jackson, Councilman

Staff/Others:

Jim McHargue, APCO
Matt Peterson, Air Quality Specialist
Herminia Perry, Clerk of the Board
Kathy Vicini

NOTE: These minutes remain in *Draft* 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.

At 1:31 p.m. Chair Morgan called the meeting to order. It was determined that there was a quorum for business.

Pledge of Allegiance: Chair Morgan led the Board and staff in the 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).	
Motion:	It was moved by <u>Director Crew</u> , seconded by <u>Director Peters</u> , and unanimously carried to approve the agenda for this date. Vote 7-0 Absent: Directors Colburn, Vasquez, and Stimpson

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 June 20, 2017 Board Minutes: Approved.
Motion:	It was moved by <u>Director Forster</u> , seconded by <u>Director Crew</u> , and unanimously carried to approve the minutes for this date. Vote 7-0 Absent: Directors Colburn, Vasquez, and Stimpson

****NOTE: DUE TO A TECHNICAL ISSUE, OUR RECORDING FOR THE AUGUST 15, 2017 MEETING WAS LOST. THE MINUTES PRESENTED BELOW ARE BASED OFF THE CLERK OF THE BOARD'S NOTES****

2.	Approval by Resolution 17-01 the Final 2017-2018 Budget: Action Approved with corrections. Director Peters asked that we bring to our next meeting information on what a good reserve would be for the District to maintain.
Motion:	It was moved by <u>Director Axe</u> , seconded by <u>Director Crew</u> , and approved to accept the Resolution as amended on the third and fourth "Whereas" and unanimously carried to approve. Vote 7-0 Absent: Directors Colburn, Vasquez, and Stimpson

3.	Approval by Resolution 17-02 the Burn Permit Fee: Action Reducing the two-year burn permit from \$60.00 to \$50.00. Approved with no comments.
Motion:	It was moved by <u>Director Axe</u> , seconded by <u>Director Peters</u> , and unanimously carried to approve and accept the Resolution. Vote 7-0 Absent: Directors Colburn, Vasquez, and Stimpson

4.	Electric Vehicle Charging Stations: Discussion and Possible Action APCO McHargue opened up the discussion by answering some of the questions that were brought up at our previous meeting regarding the cost, electricity, locations, and funding for installing charging stations around the County. It was discussed that if the District goes through with this program we should consider installing up to 10 stations around the County. It was also mentioned that in order for businesses to buy in, the District may consider paying 100% of installation cost but they would be responsible for paying electricity and all liability on the unit. The Board suggested staff reach out to the local Chamber of Commerce for feedback on their interest.
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	<p>No formal action was taken but staff was directed to bring back to next meeting more information on potential locations (at least one in each City and up to five in the unincorporated County), cost of covering the unit/hardware, and talking to the Chamber of Commerce for their opinion/interest.</p> <p>Absent: Directors Colburn, Vasquez, and Stimpson</p>
<p>5.</p>	<p>APCO Update: Informational only, no action to be taken.</p> <p>Smoke Reduction Bin Program: The District was informed by Mr. and Mrs. Vicini that their facility is at capacity. We were asked to reduce the amount of times we were exchanging out the pine needle bins. Kathy Vicini spoke to the issue and explained that they are overwhelmed with pine needles (which do not decompose) and have no more room to take the amount of green waste that our program is bringing in.</p> <p>Woodstove Change-Out Program: There has been a tremendous amount of interest. Only a few open spots left.</p> <p>City County Agency Diesel (CCAD) Program: AWA is currently working on the purchase of their second unit.</p> <p>Financials through August 10, 2017: Informational purpose only.</p>
<p>Correspondence</p>	<p>Letter from Woodland Road Association</p>
<p>Adjournment:</p>	<p>At 2:45 pm the meeting was adjourned until October 17, 2017 at 1:30 pm</p>

ADMINISTRATIVE MATTERS

ITEM 2

**Electric Vehicle Charging
Stations**

Amador Air District

Memorandum

October 17, 2017

To: Board of Directors

From: Jim McHargue, Air Pollution Control Officer

Subject: Electric Vehicle Charging Stations

At the August 15, 2017, meeting of the Air District Board of Directors Electric Vehicle Charging Stations (EVCS) were discussed. Staff was directed to bring back to the October meeting information on a proposed program.

Discussion on EVCS in Amador County began earlier this year after two inquiries from county residents asking about EVCS at two specific locations: the Amador Superior Court and the County General Services Building/Airport area. Previously, staff was directed to research the installation cost, liability and ongoing maintenance expenses including electricity expenses. These issues continue to be a concern, however, there has been general interest by the District's Board in considering a pilot program that could be beneficial to local residents, visiting tourists and local businesses. A pilot EVCS project would be proposed as a one-time draw upon the District's cash reserve similar to the pine needle bin program or the woodstove change-out program such that the funds are utilized in a manner that promotes the District's mission, goals and objectives; while at the same time benefiting the residents of Amador County.

Draft Pilot EVCS Program:

1. Consider between 3 and 10 potential EVCS sites in the county, including up to one in each incorporated city and up to 5 in the unincorporated county (see Attachment A)
2. Enter into an agreement with property owner of designated site for Air District to provide between 50% and 100% of the cost to install EVCS up to a maximum of \$5,000 per project
3. Property owner of designated site will sign an agreement that releases the Air District from all liability and owner will accept all ongoing maintenance/electricity costs
4. Air District will not pay for costs to bring proposed site into ADA compliance, these costs will be borne by property owner
5. Air District will promote the EVCS site through public service announcements and exposure through local media outlets

Recommendation: Provide direction to staff on further development of a pilot EVCS project.

Proposed Electric Vehicle Charging Station Program

Several questions were brought to the Amador Air District by the Board regarding issues pertaining to the EVCS program.

Operational/Installation Cost.

Using the spreadsheet below as an example provided by El Dorado Air Pollution Management District we can derive a relative operating cost.

Over the course of 18 months El Dorado EVCS sites used a total of 20850 kWh (Kilowatt hours). If a kWh costs .12 cents, then El Dorado paid roughly \$2,500.00 for that 18 month period for 14 charging stations or ~ \$180.00 per station. Furthermore, El Dorado paid approximately \$4,200.00 for the installation per provided invoice.

See figures below.

EVSE Usage Summary

Month	Total kWh	Placerville Site	Tahoe Site	(Inc County Vehicles)		(Generic Code Use)		# of days	Ave kWh/day
				Employees kWh	Guests w/PINs kWh	General	Public kWh		
Oct-15	743.00	740.15	2.85	280.78	175.51	288.71	31.00	23.97	
Nov-15*	788.80	788.80	0.00	288.29	183.33	319.18	28.00	30.34	
Dec-15	881.38	867.98	13.42	459.60	324.58	97.22	31.00	28.43	
Jan-16	954.32	892.69	61.63	560.98	207.79	185.55	31.00	30.78	
Feb-16	884.51	871.80	12.71	499.76	207.55	177.20	29.00	30.50	
Mar-16	966.84	946.75	20.09	578.60	217.09	171.15	31.00	31.19	
Apr-16	793.78	791.13	2.65	698.47	93.84	1.47	30.00	26.46	
May-16	840.97	825.95	15.02	407.27	125.25	308.45	31.00	27.13	
Jun-16	1261.90	930.09	331.81	637.33	144.16	480.41	30.00	42.06	
Jul-16	1338.69	1045.03	293.66	549.32	318.87	472.50	31.00	43.18	
Aug-16	1336.19	1169.30	166.89	561.57	207.39	567.23	31.00	43.10	
Sep-16	1789.65	1482.15	307.50	519.20	145.48	1124.97	30.00	59.66	
Oct-16	1348.63	1212.10	136.53	640.15	91.37	617.11	31.00	43.50	
Nov-16	989.48	930.00	59.48	564.20	17.43	407.85	30.00	32.98	
Dec-16	1023.49	957.59	65.90	586.74	74.89	361.86	31.00	33.02	
Jan-17	1254.61	1254.61	0.00	617.59	24.04	612.98	31.00	40.47	
Feb-17	1435.72	1306.30	129.42	509.27	50.77	875.68	28.00	51.28	
Mar-17	2217.92	1952.63	265.29	753.70	130.95	1333.27	31.00	71.55	
Totals	20849.88	18965.03	1884.85	9710.82	2738.27	8400.79	544	38.33	

* Data collection system was down for 4 days

11139.06

Amador County Chamber of Commerce: The District was asked to contact the ACCoC to see if there was interest or avenues for outreach for EVCSs concerning local businesses. District personnel spoke with Jaime Barger, the Executive Director of the ACCoC. Concerning interest, Jaime said that there has not been a conversation within ACCoC about the possibility of benefits of installing EVCS at businesses. She was asked if she thought that the ACCoC would be interested in EVCS and she said that she could post a query asking for input on the ACCoC Facebook page. Also, she brought up two concerns that she had to consider when shopping for a car recently. She said that she purchased a hybrid car over an electric vehicle because of the EV had operational limitations and there was a lack of available EVCSs in Amador County.

Possible EVCS locations in Amador County:

- | | | |
|---|------------------------|---------------------------------|
| City of Jackson (Jackson Creek Plaza & Gold Country Center) | Pine Grove Village | Health and Human Services |
| City of Sutter Creek | Buckhorn Village | General Services Administration |
| City of Ione (Ione Plaza) | Young's Payless | County Administration Center |
| City of Plymouth | Buckhorn Plaza | Amador County Superior Court |
| Amador City (Limited Sites Avail) | Amador Ridge (Martell) | |
| Volcano (Limited Sites Avail) | Amador plaza (Martell) | |
| Fiddletown (Limited Sites Avail) | | |
| River Pines (Limited Sites Avail) | | |

Below is a list and map of the locations of EVCS in El Dorado County.

El Dorado County EV Chargers

Level 2 and higher

Installed EV Chargers	Location	Number Type	Funder or Operator	Installed EV Chargers	Location	Number Type	Funder or Operator																				
1 EDH Park n Ride	Latrobe Rd & White Rock Rd	2	AB 2766 AQMD, EDTA	11 Liberty Utilities	933 Eloise Ave, South Lake Tahoe	2	Chargepoint																				
2 EDH Raleys	3935 Park Dr	4 CHAdeMO 4 CCS	NRG EVgo	12 South Lake Tahoe Govt Center	1360 Johnson Blvd, South Lake Tahoe	4	CEC Grant AQMD																				
3 Red Hawk Casino	1 Red Hawk Pkwy Shingle Springs	10	Tribal Gaming Grant, AQMD	13 Heavenly Village Parking Structure	Belamy Ct, South Lake Tahoe	1	Chargepoint																				
4 Placerville Govt Center, Bldg B	330 Fair Lane Placerville	12	CEC Grant, AQMD	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #0070c0; color: white;"> <th>Planned EV Chargers</th> <th>Location</th> <th>Number Type</th> <th>Funder or Operator</th> </tr> </thead> <tbody> <tr> <td>14 Meyers Station Century 21</td> <td>3141 US Hwy 50</td> <td>2</td> <td>AQMD</td> </tr> <tr> <td>TBD City of Placerville</td> <td>Throughout</td> <td>20</td> <td>AQMD City of PV</td> </tr> <tr> <td>TBD El Dorado County</td> <td>Highway 50 Corridor</td> <td>5</td> <td>NEDO Project, CHAdeMO Nissan</td> </tr> <tr> <td>TBD El Dorado County</td> <td>Highway 50 Corridor</td> <td>4</td> <td>CEC Grant DC Fast</td> </tr> </tbody> </table>				Planned EV Chargers	Location	Number Type	Funder or Operator	14 Meyers Station Century 21	3141 US Hwy 50	2	AQMD	TBD City of Placerville	Throughout	20	AQMD City of PV	TBD El Dorado County	Highway 50 Corridor	5	NEDO Project, CHAdeMO Nissan	TBD El Dorado County	Highway 50 Corridor	4	CEC Grant DC Fast
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14 Meyers Station Century 21	3141 US Hwy 50	2	AQMD																								
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TBD El Dorado County	Highway 50 Corridor	4	CEC Grant DC Fast																								
5 Placerville Govt Center, Bldg C	2850 Fairlane Ct Placerville	2	CEC Grant, AQMD																								
6 Placerville Raleys	166 Placerville Drive Placerville	2 CHAdeMO 2 CCS	NRG EVgo																								
7 Placerville Station Transfer Center	2966 Mosquito Rd Placerville	2	SMUD & City of PV																								
8 Wine Country Station	3590 Carson Rd, Camino	2	AQMD																								
9 Crystal View Shell Station	6529 Pony Express Trl Pollock Pines	1 CCS	Chargepoint AQMD																								
10 Pollock Pines Safeway	6450 Pony Express Trl Pollock Pines	2 CHAdeMO 2 CCS	NRG EVgo																								

WEST SLOPE BUSINESSES w/ LEVEL 2 CHARGERS

- Windplay Bldg, 4944 Windplay Dr, EDH (6-11772)
- Mercedes Benz, 1000 Mercedes Ln, EDH (1-11772)
- Shingle Springs Nissan, 4045 Wild Chaparral, (2-11772)
- Walgreens, 4220 Missouri Flat Rd, Placerville (1-11772)
- Bella Vista Bed & Breakfast, 581 Cold Springs Rd, Placerville (1-Tesla HPWC)
- Sakuti Vineyard, 7505 Grizzly Flat Rd, Somerslet (1-Nema)
- Palissandro Winery (1-Tesla HPWC)
- Madrone Vineyards (2-Tesla HPWC)

NOTE: Fees or patronage may be required

SLT BUSINESSES w/ LEVEL 2 CHARGERS

- Tahoe Valley Campground (1-Nema)
- Stanford Sierra Camp, 130 Fallen Leaf Rd, (1-11772)
- Chase Realty, 989 Tahoe Keys Blvd, (1-Tesla HPWC)
- Grand Residences Marriot, (1-11772, 1-Tesla HPWC)
- Marriott's Timber Lodge, (2-Tesla HPWC)
- The Landing Resort, 4104 Lakeshore Blvd (1-Tesla HPWC)
- Basecamp Hotel, 4143 Cedar Ave, (1-11772, 2-Tesla HPWC)
- The Coachman Hotel, 4100 Pine Blvd (1 Tesla HPWC)
- Heavenly Mtn Resort, 3860 Saddle Rd, (1-11772, 1-Tesla HPWC)

NOTE: Fees or patronage may be required

Current as of Jun 2017

EL DORADO COUNTY



Possible program Options:

No program

Pilot Program: Consisting of approximately 3 interested parties with partial to full funding.

General Program: Consisting of approximately 10-12 interested parties with partial to full funding.

Possible funding option may include:

50% funding to a maximum of \$2,000.00

75% funding to a maximum of \$2,000.00

Fund up to \$5,000.00 per project.

Concerns:

Operational and liability burden – Entity takes responsibility of maintenance, operation and liabilities.

Viable locations – Several areas in the county do not have the infrastructure or accessibility to support EVCS.

County EVCS installation – If EVCSs are installed at County locales, who is responsible for energy cost, maintenance, operation and liability?

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ADMINISTRATIVE MATTERS

ITEM 3

**Smoke Reduction Bin Program
(Pine Needle Bins)**

Amador Air District

Memorandum

October 17, 2017

To: Board of Directors

From: Jim McHargue, Air Pollution Control Officer

Subject: Smoke Reduction Bin Program

At the August 15, 2017, meeting of the Amador Air District Board of Directors, staff was directed to place the Smoke Reduction Bin Program on the October 17, 2017, agenda for discussion on the long-term plan and sustainability of the program. The program has been budgeted at \$70,000 for each of the last two years and has been well received and extensively utilized by residents wanting an alternative to burning their pine needles and green waste piles. There has been a noticeable reduction in smoke complaints in the upcountry areas of the county.

However, there have been some problems with the program including commercial landscapers and clean up companies dumping their materials in the bins; thus receiving free disposal for services they are charging their customers. This has resulted in the necessity for increased service frequency by the waste hauler; thereby causing a more rapid expenditure of the Air District's budget. In addition, there has been garbage dumped in the bins causing contamination of the green waste resulting in additional costs and staff resources to handle the waste materials.

Often the bins are filled above capacity and the waste hauler cannot service the bins. District staff is required to pull materials off the bins so that the waste hauler can return and service the bins; and then staff has to place the material back into an empty bin. On occasion when the bins are full, green waste will be deposited on the ground, which requires staff to clean up around the bins. Lastly, the green waste processing facility has reached its capacity and cannot accept the District's materials, especially the pine needles which are difficult to compost. Because of this, the program was dramatically reduced in August and terminated early at the end of September.

Staff has looked into taking the material to another green waste processing facility in the Sacramento area, however, the disposal costs per ton will double. With increased transportation costs the District could expect to pay up to three times the current rate per ton for the program. The program was implemented as a means to utilize some of the cash reserves that has been built up over time and this continues to be the case, however the program's long-term sustainability must also be considered.

Recommendation: Provide direction to staff on the long-term plans for the Smoke Reduction Bin Program.

ADMINISTRATIVE MATTERS

ITEM 4

**Appropriate Reserves for a Special
District**

Amador Air District

Memorandum

October 17, 2017

To: Board of Directors

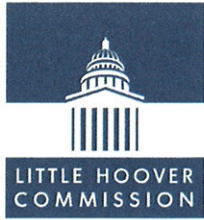
From: Jim McHargue, Air Pollution Control Officer

Subject: Appropriate Reserves for a District

At the August 15, 2017, meeting of the Amador Air District Board of Directors, staff was directed to research what the appropriate level of cash reserves is for a district such as Amador Air District. In the August 2017 Little Hoover Commission Report titled Special Districts: Improving Oversight & Transparency, there is a section called The Prickly Question of Reserves (see attachment). Generally speaking, the report recommends that special districts have a written, public policy for how reserves are handled and how they will be utilized.

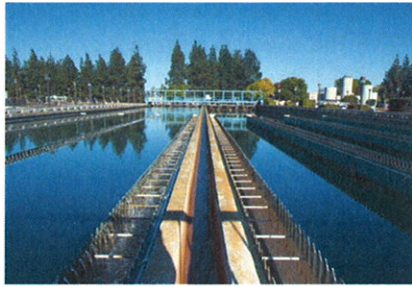
An inquiry of the California Air Pollution Control Officers Association (CAPCOA) rural district section found that there are many different approaches and attitudes toward cash reserve accounts. The range in cash reserve accounts for rural districts varied between 25% to 200% of the district's annual operating budget. However, some districts had allowed reserve amounts greater than their normal maximum if the additional reserve was earmarked for a specific purpose and kept insulated in a separate account for said purpose. Some of the stated purposes were construction of new office building, purchase of new vehicles and investment in equipment to be used for a designated purpose.

Recommendation: Direct staff to draft a District cash reserve policy for the Board's review at the next meeting.



Special Districts: Improving Oversight & Transparency

Report #239, August 2017



Little Hoover Commission

Pedro Nava
Chairman

Sean Varner
Vice Chairman

David Beier

Iveta Brigis

Anthony Cannella
Senator

Joshua LaFarga

Chad Mayes
Assemblymember

Don Perata

Bill Quirk
Assemblymember

Richard Roth
Senator

Janna Sidley

Helen Iris Torres

Former Commissioners Who Served During The Study

Scott Barnett

Jack Flanigan

Sebastian Ridley-Thomas
Assemblymember

Jonathan Shapiro

Commission Staff

Carole D'Elia
Executive Director

Terri Hardy
Deputy Executive Director

Former Commission Staff

Jim Wasserman
Deputy Executive Director

In Memoriam

Matthew Gagnon
Research Analyst

Dedicated to Promoting Economy and Efficiency in California State Government

The Little Hoover Commission, formally known as the Milton Marks "Little Hoover" Commission on California State Government Organization and Economy, is an independent state oversight agency.

By statute, the Commission is a bipartisan board composed of five public members appointed by the governor, four public members appointed by the Legislature, two senators and two assemblymembers.

In creating the Commission in 1962, the Legislature declared its purpose:

...to secure assistance for the Governor and itself in promoting economy, efficiency and improved services in the transaction of the public business in the various departments, agencies and instrumentalities of the executive branch of the state government, and in making the operation of all state departments, agencies and instrumentalities, and all expenditures of public funds, more directly responsive to the wishes of the people as expressed by their elected representatives...

The Commission fulfills this charge by listening to the public, consulting with the experts and conferring with the wise. In the course of its investigations, the Commission typically empanels advisory committees, conducts public hearings and visits government operations in action.

Its conclusions are submitted to the Governor and the Legislature for their consideration. Recommendations often take the form of legislation, which the Commission supports through the legislative process.

Contacting the Commission

All correspondence should be addressed to the Commission Office:

Little Hoover Commission
925 L Street, Suite 805,
Sacramento, CA 95814
(916) 445-2125
littlehoover@lhc.ca.gov

This report is available from the Commission's website at www.lhc.ca.gov.

Contents

5	Executive Summary	
13	Introduction	
	The Commission’s Study Process	13
16	Background	
	Numbers Rising Nationally, but Declining in California	18
	What Californians Can Find Online About Special Districts	19
	A Brief Recap: The Commission’s 2000 Study and Changes Since	20
23	Appropriate State Oversight	
	It Begins with Local Agency Formation Commissions (LAFCOs)	23
	Dealing with Property Tax Inequities	26
	The Prickly Question of Reserves	28
	Recommendations 1 – 8	29
31	Improving Transparency	
	Improving Transparency on Websites	31
	Low Visibility = Public Engagement Challenges	35
	Recommendations 9 – 11	38
40	What Role for Healthcare Districts?	
	Nearly Half of Districts Still Operate Hospitals	41
	California Healthcare Districts: A Brief Introduction and History	41
	Dissolution Has Proved Itself a Persistent Question	44
	Seeking a New Paradigm for Healthcare Districts	46
	Advisory Meeting: What Makes Healthcare Districts Special? Are They?	47
	How to Avoid Redundancies in Services Provided by Counties and Special Districts	47
	Making Healthcare Districts Better	47
	Start with One Thing (and Share it)	48
	What Should LAFCOs Decide about Healthcare Districts?	49
	Recommendations 12 – 14	49

Contents

51 Ready to California for Climate Change

As Imported Water Dwindles, a Climate-Driven Rush to New Sources	54
The Rancho California Water District (Riverside County)	55
The East Bay Municipal Utility District (Alameda County)	57
The Wastewater World Already is Complicated; Now Comes Climate Change	58
The East Bay Municipal Utilities District (Wastewater Division)	59
Sanitation Districts of Los Angeles County	60
When Faraway Imported Water Runs Short	60
Humans vs. Wildlife: The Regulatory Conflicts of Too Little Water	61
A Rising Ocean and 1,000-Year Storms: What Awaits Flood District Managers?	62
Fresno Metropolitan Flood Control District	62
Santa Clara Valley Water District	63
Recommendations 15 – 20	65

67 Appendices

Appendix A: Public Hearing Witnesses	67
Appendix B: Meeting Participants	68
Appendix C: Cover Photo Credits	70

71 Notes

Special district representatives disagreed vigorously with Mr. Coleman's proposal. Kyle Packham of the California Special Districts Association told the Commission it "fails on multiple levels" and noted the fact that it's never been implemented suggested that it's too difficult or "it may be it's just a bad idea." "The linchpin to the effectiveness of special districts, which Mr. Coleman recognizes in his written testimony, is their authority over revenues and expenditures. They're independent," Mr. Packham testified. "The moment that authority is subjugated to another body like cities, the district is completely undermined."

Mr. Packham added: "Giving another body the purse strings might as well be handing them chains and shackles. He who controls, or she who controls, the revenue controls the outcomes. Therefore, turning over revenue control to the cities would inherently eliminate the purpose for which voters established special districts and the foundation for their effectiveness and efficiency."

The Commission clearly recognizes that intense opposition to a different, more rational model of tax sharing creates formidable political obstacles to reforms. Yet, reflecting on the obvious inequities of property tax allocation and the locked-in formulas that have created winners and losers for nearly four decades after Proposition 13's passage, it considers Mr. Coleman's proposal worth keeping among policy options for the longer term in California.

The Prickly Question of Reserves

The August hearing also revisited a sensitive topic of financial reserves held by special districts. In its 2000 report the Commission issued a finding, noting: "Hundreds of independent special districts have banked multi-million dollar reserves that are not well publicized and often not considered in regional or statewide infrastructure planning."²¹ The Commission found that "some reserves appear unreasonably large" and reported at length on ways to define a "prudent" reserve.

At the Commission's August 25, 2016, hearing, Jon Coupal, president of the Howard Jarvis Taxpayers Association, reiterated many of those criticisms, stating, "Few can deny that many government entities have abused the public trust by hoarding vast sums of money. The problem remains, as it did in 2000, especially acute with enterprise districts." Mr. Coupal added that reserves have continued

to increase since 2000 among the 25 top enterprise districts cited in the Commission's original report.

The California Special Districts Association and individual special districts in 19 instances of public comment forcefully contested Mr. Coupal's figures as well as his criticism. Mr. Coupal defended his testimony, stating, "It's been said that we don't understand reserves. I would submit that we do, very well."

In his written testimony, Mr. Packham stated, "There are many factors to maintaining sufficient reserve levels and ultimately the fact that one agency has larger or smaller reserves than another is not, in and of itself, a bad thing." He added, "The key is for agencies to establish a clear and well-articulated rationale for the accumulation and management of reserve funds."²²

Special districts have likewise continued to dispute the numbers cited for special district reserves in the Commission's 2000 report, labeling them inaccurate and misleading. In 2016, a Commission discussion with special districts about their reserve figures cited by the State Controller's Office led to the same impasse as districts told the Commission they use different definitions and calculations for their reserves than those reported by the State Controller. The bottom line: it is nearly impossible under the current state reporting system to draw conclusions that won't be challenged by special districts as inaccurate. Trade associations for special districts told the Commission the State Controller's Office has established a task force including representatives of cities, counties and special districts, to work on standardizing definitions used in its reporting of reserves to eliminate this constant discrepancy. The Commission hopes that work remains a priority and is soon concluded to help the public properly assess the reserves held by their local districts.

Special district executives repeatedly told the Commission during its August 25, 2016, hearing that strong financial reserves are necessary for district operations and represent good fiscal judgment. The discussion, highly focused on the need for expensive infrastructure to do their work today and into the future, prompted Commission Chair Pedro Nava to ask district representatives if they are considering the impacts of climate change when investing their reserve funds. That discussion prompted additional research and a second

hearing on October 27, 2016, on districts' reserve policies and climate change adaptation, a subject that will be discussed in a later chapter.

RECOMMENDATIONS

Many of the concerns raised about special districts continue to be repeated in 2017. Within Capitol policy circles, some still contend that special districts are ripe for consolidation and represent convoluted, dispersed, under-the-radar government. The Commission, while recognizing that many districts could still be consolidated, believes that number may be more in the dozens than the hundreds. It takes at face value the fact that the number of districts has continued to level off since 1997. Yet the Commission remains frustrated with this seemingly slow process and at one juncture during the study process, even considered recommending broad and sweeping changes or encouraging a larger role for the Legislature.

After significant additional public input and several deliberations, the Commission still largely agrees, as it did in 2000, that keeping or dissolving a special district remains more of a local choice than a choice to be exercised within the Capitol. Governing issues remain, however, and special districts operations can be improved. The state can help through a one-time infusion of funding, combined with additional statutory improvements for LAFCOs. But these recommendations, if implemented, should be analyzed and measured and if additional progress does not occur, further reforms should be considered.

Recommendation 1: The Legislature and the Governor, should curtail a growing practice of enacting bills to override LAFCO deliberative processes and decide local issues regarding special district boundaries and operations.

The Legislature and Governor have reason to be frustrated with slow and deliberative LAFCO processes. But these are local institutions of city, county and special district members often better attuned to local politics than those in the State Capitol. Exemptions where the Legislature gets involved should be few, and in special cases where the local governing elites are so intransigent or negligent – or so beholden to entrenched power structures – that some higher form of political authority is necessary.

Recommendation 2: The Legislature should provide one-time grant funding to pay for specified LAFCO activities, particularly to incentivize LAFCOs or smaller special districts to develop and implement dissolution or consolidation plans with timelines for expected outcomes. Funding should be tied to process completion and results, including enforcement authority for corrective action and consolidation.

The Commission in its 2000 report and again in this study heard that certain LAFCOs and smaller districts lack the resources to propose consolidations and dissolutions. As part of the August 2016 hearing and June 2017 advisory committee meeting the Commission was told a small one-time infusion of \$1 million to \$3 million in grant funding could save California taxpayers money if local government is streamlined and efficiency is improved. This funding could provide an incentive for LAFCOs or smaller districts to start a dissolution or consolidation process. Participants in the Commission's public process suggested the Strategic Growth Council or Department of Conservation could administer this one-time funding.

Recommendation 3: The Legislature should enact and the Governor should sign SB 448 (Wieckowski) which would provide LAFCOs the statutory authority to conduct reviews of inactive districts and to dissolve them without the action being subject to protest and a costly election process.

The Commission's study found that there are inactive special districts that hold no meetings and conduct no public business. The exact number of inactive districts is not known and no formal effort to quantify this problem has occurred. A preliminary review by The California Special Districts Association found seven examples. Making the legal dissolution process for inactive districts easier for LAFCOs would represent a significant first step in trimming district rolls in California.

Recommendation 4: The Governor should sign AB 979 (Lackey), co-sponsored by the California Special Districts Association and the California Association of Local Agency Formation Commissions. The bill would strengthen LAFCOs by easing a process to add special district representatives to the 28 county LAFCOs where districts have no voice.

The Cortese-Knox-Hertzberg Reorganization Act of 2000 (AB 2838, Hertzberg) provided the option to add two special district members to county LAFCOs to broaden local governing perspectives. Nearly two decades later, 30 counties have special district representatives on their LAFCOs alongside city council members and county supervisors. This change provides LAFCOs a more diverse decision-making foundation and stronger finances. But 28 additional counties, mostly in rural California, have balked, citing scarce resources. Presently, a majority of a county's special districts must pass individual resolutions within one year supporting a change. This has repeatedly proved itself a formidable obstacle to broadening the outlook of local LAFCOs. AB 979 would allow a simple one-time election process where districts could easily – and simultaneously – decide the question.

Recommendation 5: The Legislature should adopt legislation to give LAFCO members fixed terms, to ease political pressures in controversial votes and enhance the independence of LAFCOs.

The California Association of Local Agency Formation Commissions testified on August 25, 2016, that individual LAFCO members – members of city councils, county boards of supervisors and special districts – are expected to exercise their independent judgment on LAFCO issues rather than simply represent the interests of their appointing authority. It is a sometimes difficult expectation when members serve at will of their appointing authority. The CALAFCO hearing witness said unpopular votes have resulted in LAFCO board members being removed from their positions. Fixed terms would make voting members more willing to exercise the appropriate independence in decision-making.

Recommendation 6: The Legislature should convene an advisory committee to review the protest process for consolidations and dissolutions of special districts and to develop legislation to simplify and create consistency in the process.

The Commission heard that an overly complicated and inconsistent process provides another obstacle to implementing district dissolutions or consolidations. There is one set of rules if a LAFCO initiates a dissolution or consolidation and another if the same process is initiated by a district. There was general agreement that a simplified and consistent process could improve

local governance, but the Commission was cautioned against recommending specifics on the process without significantly more stakeholder input. The June 2017 meeting participants agreed this topic warranted further review and suggested the local governance committees in the Legislature convene an advisory group to propose specific legislative changes.

Recommendation 7: The Legislature should require every special district to have a published policy for reserve funds, including the size and purpose of reserves and how they are invested.

The Commission heard a great deal about the need for adequate reserves, particularly from special districts with large infrastructure investments. The Commission also heard reserves were excessive and district policies on how reserves are set aside, invested and earmarked for future use are not readily available for public review. To be more responsive to constituents, special districts should better articulate the need for and the size of reserves, by adopting explicit policies for reserve funds. These policies should be readily available for public review.

Recommendation 8: The State Controller's Office should standardize definitions of special district financial reserves for state reporting purposes.

Presently, it is difficult to assess actual reserve levels held by districts that define their numbers one way and the State Controller's Office which defines them another way. The State Controller's Office is working to standardize numbers following a year-long consultation with a task force of cities, counties and special districts. To improve transparency on reserves, a subject that still eludes effective public scrutiny, the State Controller's Office should push this project to the finish line as a high priority.

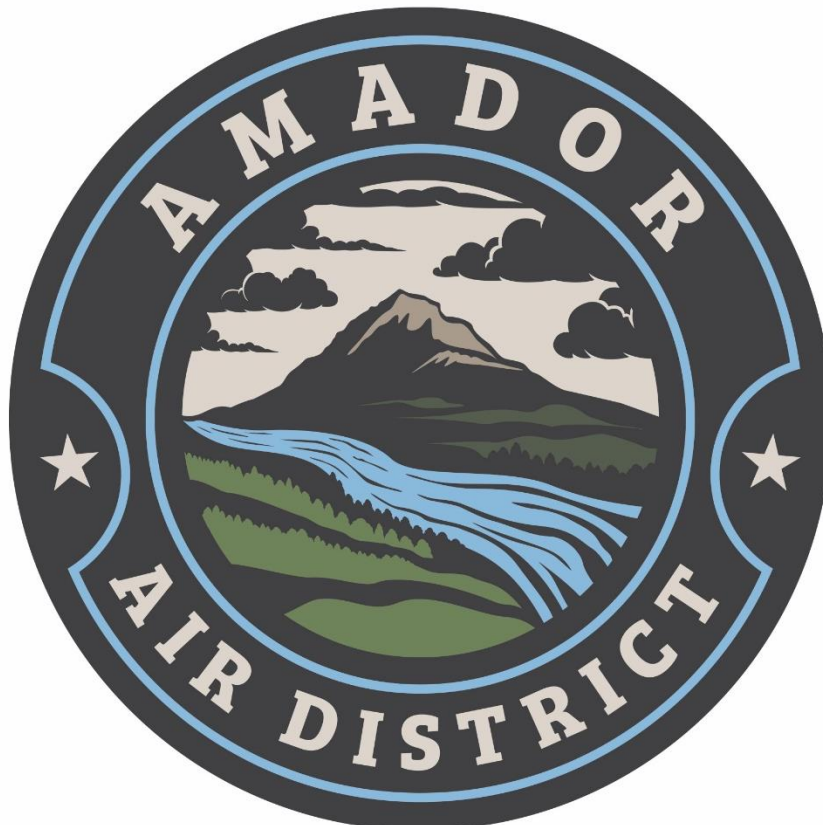
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**ADMINISTRATIVE MATTERS
ITEM 5**

APCO's Update



Amador Air District





MEMORANDUM

To: Jim McHargue
APCO, Amador Air District

Date: October 6, 2017

From: Ray Kapahi *RK*
Air Permitting Specialists
Tel: 916-687-8352
E-Mail: ray.kapahi@gmail.com

Copies: None

Subject: Chronology of Updating District Rules

The rules update project commenced in 2010 when I informed Mike Boitano that the District rules were badly out of date and needed to be updated. A copy of a Memo sent to Mike in 2010 is attached. Specifically, issues such as new source review and missing air pollutants, such as PM-2.5. The rules however did not get changed, partly due to changing EPA regulations and the District's ozone attainment status.

The issue was brought back into focus in February 2013 when there were two important developments:

1. EPA decided to regulate greenhouse gases (GHG) and GHG would be treated as a criteria air pollutant and air permits will have to evaluate GHG emissions from new sources.
2. EPA/ARB staff (Laura Yannayon and Chris Gallestein) had indicated that a new source rule would have to be included in District Regulation IX due to pending lowering of the ozone standard from 75 to 70 parts per billion. The lowering of the ozone standards meant that Amador County may become non-attainment for the 8-hour ozone standard.

At this point I asked for assistance from staff at Placer County Air Pollution Control District and San Joaquin Valley Air pollution Control District since I did not have enough expertise to handle the development of these new rules. Specifically, the protocol that must be followed with the EPA in the rule making process. Staff from these Districts was asked to address two issues:

1. What new rules are needed?
2. Prepare draft rules that would be acceptable to the EPA and ARB

I had proposed a budget of \$21,000 to develop these rules and update the District's current rules.

Draft versions of two rules were developed: GHG Rule and an NSR Rule. Copies of these rules are attached. Due to litigation and pressure from industry, EPA decided not to treat GHG emissions as a criteria air pollutant and therefore the Draft GHG Rule was never adopted. The NSR rule was also not adopted as Amador County remained compliant with the new ozone standard. As a result, the Board never got to see the work products in 2013. The NSR Rule however, may be needed in the very near future. This is because the District has exceeded the ozone standard in 2017 on at least 4 occasions and is trending towards non-attainment.

Officially, the District remains attainment for the federal 8-hour ozone standard and non-attainment for the state's 1-hour standard (90 ppb). Given the exceedances in 2017, we expect ARB will soon be advising us of the violations and the potential changes in our attainment status. Under this scenario, the NSR Rule developed in 2013 will have to be adopted.

A total of \$15,521 was spent between 2010 and 2013. Since June 2013, we have made changes to the current rules (mostly Rule 401). Some of these changes were sent to the District June 24, 2013. Other changes were sent to the District September 12, 2017 and these will be finalized by the end of October for Board's review and approval. A copy of those updates is attached. A total of \$5,800 has been spent since 2013 (Total \$21,530). We estimate an additional 8 hours (\$720) will be needed to finish the rules.

Attachments

Memo to Mike Boitano November 10, 2010

Copy of Draft GHG Rule

Copy of Draft NSR Rule

Summary of Current Rule Changes Sent to the District

Memo to Mike Boitano November 10, 2010

MEMORANDUM

DATE: November 30, 2010

TO: Mike Boitano – Interim APCO, Amador Air District

FROM: Ray Kapahi – GHG Climate Team, LLC
(Phone: 916-687-8352, E-Mail: ray.kapahi@gmail.com)

SUBJECT: Updating District Rules and Regulations

As a follow-up to your November 12th, 2010 I have prepared a list of District Rules and Regulations that need to be updated. Some of our regulations have not been updated since 1998. Some of the regulations have not been updated since the 1980s. The updates are necessitated for several reasons:

1) Changes in Local Air Quality and Attainment Status

- This affects the definition of major sources and when use of best available control technology (BACT) is required. For example, currently District rules require use of BACT for only the larger projects, those that emit over 100 tons/year. Most Districts require the use of BACT if emissions exceed 10 lbs/day.
- The federal 8-hour ozone standard also affects the need for offsets for NOx and VOCs.

2) New Air Pollutants

New air pollutants such as PM-2.5 and greenhouse gases (GHG) are now regulated at the state and federal levels. Current district regulations do not include these pollutants.

3) Update District Name

Current rules and regulations refer to the district as Air Pollution Control District of Amador County or Amador County Air Pollution Control District. This needs to be updated to the District's new name, Amador Air District.

Rules that are most frequently used have been selected for revisions. These rules deal mainly with issuance of new ATCs and PTO.

Regulation	Rule	Title	Scope of Revisions
I	102	Definitions	Review current definitions, especially those related to BACT, Major Source, Major Modification, Potential to Emit.
IV	402	Exemption to Rule 401	Subpart (c), to include IC engines less than 50 hp
IV	403	Determination of Requirements	The term “District Zone” is not defined. Need to add definition under Rule 102. The term District Zones also appears in other Rules, such as Rule 408.
IV	407	Pollutant Modeling	References to EPA’s Guidelines to Air Quality Models is outdated. Need to insert new citation.
IV	408	Attainment Pollutant Air Quality Analysis	Update references to NAAQS, increments, ambient monitoring and quality assurance plans. Add references to PM-2.5 and GHG.
IV	418	Attainment Pollutant Control Technology	This rule needs to be renamed and revised to address when BACT is to be used for all air pollutants, not just attainment pollutants
IV	419	Non-Attainment Pollutant Air Quality Modeling	Needs to be extended to attainment and non-attainment air pollutants
IV	421	Contribute to Violation of NAAQS	Needs to be completely re-written in view of current ozone standards and attainment status, especially need for offsets when the District is non-attainment for the 8-hour ozone standard

Copy of Draft GHG Rule

AMADOR AIR DISTRICT

RULE 525 – PERMITTING REQUIREMENTS FOR STATIONARY SOURCES EMITTING GREENHOUSE GASES

1.0 PURPOSE

The purpose of this rule is to: (1) ensure that any stationary source that has the potential to emit greenhouse gases, as defined in this rule, above applicable thresholds, complies with the requirements of (Amador PSD rule), (Amador Title 5 rule) or (Amador Synthetic Minor rule), and (2) establishes federally enforceable limits on potential to emit greenhouse gases for stationary sources that elect to comply with such limits in lieu of obtaining a part 70 permit that is otherwise required.

2.0. APPLICABILITY

2.1 General Applicability: Except as provided in Sections B.2.2, B.2.3, B.2.4 and B.2.5 below, this rule shall apply to any stationary source which has the potential to emit greenhouse gases.

2.2 Exemption, Stationary Source with Potential to Emit Greenhouse Gases Below Specified Thresholds: This rule shall not apply to any stationary source which has a maximum potential to emit greenhouse gases below the threshold(s) in B.4.13.9 and B.4.23.10 below, including sources with their potential to emit limited by conditions in an operating permit if the conditions are federally, or legally and practically enforceable.

2.3 Exemption from Recordkeeping and Reporting: The following sources shall not be required to comply with the recordkeeping and reporting provisions in Sections B.5.0, B.6.0, and B.7.0:

A. A stationary source which emits, or will emit, less than or equal to 5,000 tons per year of CO₂e, in every 12 month period. Within 30 days of a written request by the District or the U.S. EPA, the owner or operator of such stationary source shall demonstrate that the stationary source's greenhouse gas emissions are less than or equal to 5,000 tons per year of CO₂e, in every 12 month period in the preceding 5 years.

B. Any stationary source that would otherwise be subject to the provisions of section 4.2.B, 4.2. C, below and which meets both of the following conditions:

1. The owner or operator has notified the District at least 30 days prior to any violation that s/he will submit an application for a Part 70 permit, or otherwise obtain federally- enforceable permit limits, and

2. A complete Part 70 permit application is received by the District, or the permit action to otherwise obtain federally-enforceable limits is completed within 12 months of the date of notification.

C. Any stationary source that has applied for a Part 70 permit in a timely manner and in conformance with Amador County Title V rule, and is awaiting final action by the District and U.S. EPA.

- D. Any stationary source that has applied for a Part 70 permit under Amador County Title V rule for any reason other than being a major source.
- E. Any stationary source with a valid Part 70 permit.

Notwithstanding subsections B and D above, nothing in the section shall prevent any stationary source which has had a Part 70 permit, from qualifying to comply with this rule in the future in lieu of maintaining an application for a Part 70 permit or upon rescission of a Part 70 permit, if the owner or operator demonstrates that the stationary source is in compliance with the provisions of section 4.2.B or 4.2.C, below.

2.4. Exemption from Process Statement: For the purpose of determining compliance with this rule, the requirement in Section 6.1 to submit a process statement shall not apply to stationary sources which emit less than 25,000 tons per year of CO₂e, in every 12-month period in the preceding 5 year period.

2.5. Otherwise Applicable Requirements: This rule shall not relieve any stationary source from complying with requirements pertaining to any otherwise applicable preconstruction permit, or to replace a condition or term of any preconstruction permit, or any provision of a preconstruction permitting program. This does not preclude issuance of any preconstruction permit with conditions or terms necessary to ensure compliance with this rule.

3.0 Definitions

The definitions provided under District Rule 102. shall apply unless otherwise defined herein.

3.1 12-month period: A period of twelve consecutive months determined on a rolling basis with a new 12-month period beginning on the first day of each calendar month.

3.2 Actual Emissions: The emissions of the sum of greenhouse gases, expressed as CO₂e, from a stationary source for every 12-month period. Valid continuous emission monitoring data or source test data shall be preferentially used to determine actual emissions. In the absence of valid continuous emissions monitoring data or source test data, the basis for determining actual emissions shall be: throughput of process materials; throughput of materials stored; usage of materials; data provided in manufacturer's product specifications, material content reports or laboratory analysis; other information required by this rule and applicable District, State and Federal regulations; or information requested in writing by the District. All calculations of actual emissions shall use methods, including emission factors and assumptions, specified or approved by U.S. EPA ; where such methods are not available, the APCO may allow methods approved by the California Air Resources Board (CARB) or other District-approved methods, including emission factors and assumptions.

3.3 Alternative Operational Limit: A limit on a measurable parameter, such as hours of operation, throughput of materials, use of materials, or quantity of product, as specified in Section 7.0, Alternative Operational Limit and Requirements.

3.4 CO₂ Equivalent Emissions (CO₂e): For the purposes of this rule, the sum of the adjusted emissions of each of the six individual greenhouse gases as defined in Section C.8, below, where the adjusted emissions for each individual greenhouse gas are equal to the mass emissions of that gas multiplied by the global warming potential of that gas, as listed in Table 1 of Appendix A.

3.5 Emission Unit: Any article, machine, equipment, operation, contrivance or related groupings of such that may produce and/or emit any greenhouse gas.

3.6 Federal Clean Air Act: The Federal Clean Air Act as amended in 1990 (42 U.S.C., section 7401 (et seq) and its implementing regulations.

3.7 Global Warming Potential (GWP): The relative capacity of an individual greenhouse gas to cause a warming effect in the earth's atmosphere as compared to the capacity of CO₂ to

cause such warming effect; for the purposes of this rule, the global warming potential of a greenhouse gas shall be as listed in Table 1 of Appendix A.

3.8 Greenhouse Gas (GHG): A gas that has the capacity to create a warming effect in the earth's atmosphere for the purposes of this rule: carbon dioxide (CO₂), nitrous oxide (N₂O), methane (CH₄), hydrofluorocarbons (HFC's), perfluorocarbons (PFC's), and sulfur hexafluoride(SF₆).

3.9 Major Source of GHG Emissions: On or after July 1, 2011, a stationary source that emits or has the potential to emit greater than or equal to 100,000 tons per year of CO₂e, provided that the mass emissions of all GHG's emitted, without consideration of GWP, are equal to or greater than the following:

- A. 100 tons per year for a source in any category listed under Section 3.10.C; or
- B. 250 tons per year for any other source.

3.10 Major Source for Prevention of Significant Deterioration (PSD): A "Major Source" as specified below:

A. Major Source for PSD means:

- 1. Any of the stationary sources of air pollutants listed in Section 3.10.C, which emits or has the potential to emit, 100 tons per year or more of any regulated NSR pollutant;
- 2. Notwithstanding the stationary source size specified in paragraph (1) above, any stationary source which emits, or has the potential to emit, 250 tons per year or more of a regulated NSR pollutant; or
- 3. Any physical change that would occur at a stationary source not otherwise qualifying under paragraph A.1 or A.2 as a major stationary source, if the changes would constitute a major stationary source by itself.

B. A major source that is major for volatile organic compounds or NO_x shall be considered major for ozone.

C. The fugitive emissions of a stationary source shall not be included in determining for any of the purposes of this section whether it is a major stationary source, unless the source belongs to one of the following categories of stationary sources:

- 1. Coal cleaning plants (with thermal dryers);
 - 2. Kraft pulp mills;
 - 3. Portland cement plants;
 - 4. Primary zinc smelters;
 - 5. Iron and steel mills;
 - 6. Primary aluminum ore reduction plants;
 - 7. Primary copper smelters;
 - 8. Municipal incinerators capable of charging more than 250 tons of refuse per day;
 - 9. Hydrofluoric, sulfuric, or nitric acid plants;
 - 10. Petroleum refineries;
 - 11. Lime plants;
 - 12. Phosphate rock processing plants;
 - 13. Coke oven batteries;
 - 14. Sulfur recovery plants;
- (Continued Next Page)

- 15. Carbon black plants (furnace process)
- 16. Primary lead smelters;

17. Fuel conversion plants;
18. Sintering plants;
19. Secondary metal production plants;
20. Chemical process plants -The term "chemical processing plant" shall not include ethanol production facilities that produce ethanol by natural fermentation included in NAICS codes 325193 or 312140.
21. Fossil fuel boilers (or combination thereof) totaling more than 250 million British Thermal Units per hour heat input;
22. Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
23. Taconite ore processing plants;
24. Glass fiber processing plants;
25. Charcoal production plants;
26. Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input, and
27. Any other stationary source category, which as of August 7, 1980, is being regulated under Section 111 or 112 of the Act.

3.11 Part 70 Permit: An operating permit issued to a stationary source pursuant to an interim, partial or final Title V program approved by the U.S. EPA.

3.12 Potential to Emit: The maximum capacity of a stationary source to emit a regulated air pollutant based on its physical and operational design. Any physical or operational limitation on the capacity of the stationary source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on type or amount of material combusted, stored, or processed, shall be treated as part of its design, only if the limitation is federally or legally and practically enforceable.

3.13 Process Statement: An annual report on permitted emission units from an owner or operator of a stationary source certifying the following information, to the best of their knowledge: throughputs of process materials; throughputs of materials stored; usage of materials; fuel usage; any available continuous emissions monitoring data; hours of operation; and any other information required by this rule or requested in writing by the District.

4.0 EMISSION LIMITATIONS:

4.1 New Sources: A new stationary source subject to this rule shall comply with the requirements of the PSD rule, including implementation of Best Available Control Technology (BACT) for GHG Emissions, if either of the following thresholds is met:

4.11 On or after January 2, 2011, the new stationary source is a major source under the PSD rule, and the new stationary source has the potential to emit greater than or equal to 75,000 tons per year of CO₂e, and the potential emissions of all GHG's emitted, without consideration of GWP, will be greater than or equal to 100 tons per year on a mass basis, for any source in a category listed under Section 3.10.C, or 250 tons per year on a mass basis for any other source,

4.12: On or after July 1, 2011, either the provisions of Section 4.11 apply, or the new stationary source has the potential to emit GHG's greater than or equal to 100,000 tons per year of CO₂e, and the potential emissions of all GHG's emitted, without consideration of GWP, will be greater than or equal to 100 tons per year on a mass basis, for any source in a category listed under Section 3.10.C, or 250 tons per year on a mass basis for any other source.

4.2 Existing Sources: A stationary source subject to this rule shall comply with the provisions of either section A, section B, or section C, below.

- A. A stationary source shall comply with the requirements of Rule 500, and shall include in its operating permit emissions of GHG's and all applicable GHG requirements, if either of the following thresholds is met:
 - 1. On or after January 2, 2011, the stationary source is otherwise required to obtain a Part 70 permit pursuant to the requirements of Rule 500; or
 - 2. On or after July 1, 2011, either the provisions of 4.2.A.1 apply, or the stationary source is a "major source of GHG emissions".
- B. A stationary source shall comply with the requirements of Rule 522, and shall include in its operating permit limitations on emissions of GHG's to ensure the source is not a "major source of GHG emissions" if section 4.2.A.1 or section 4.2.A.2 applies.
- C. Unless the stationary source complies with the provisions of section 4.2.A or B, above, or the owner or operator has chosen to operate the stationary source under an alternative or operational limit specified in section 7.1 below, no stationary source subject to this rule shall emit more than 50,000 tons of CO₂e, in any 12-month period.

Calculations and other methods to determine applicability of, and compliance with the provisions of Section 4.2 shall be as specified in Rule 500.

4.3 Modifications to Existing Sources: Any modification to an existing stationary source subject to this rule shall comply with the requirements of Rule 500, and shall implement Best Available Control Technology for GHG emissions, if any of the following conditions apply:

- A. On or after January 2, 2011, the existing source, before modification is a "major source for PSD", and all of the following apply:
 - 1. The emissions increase from the modification, and the net emissions increase from the facility are greater than or equal to 75,000 tons of CO₂e; and
 - 2. The emissions from the modification, and the net emissions increase from the facility, of all GHG's emitted, without consideration of GWP, will be greater than zero.
- B. On or after July 1, 2011, either the conditions in Section 4.3.A apply, or all of the following apply:
 - 1. The existing stationary source before modification is a "major source of GHG emissions"; and
 - 2. The emissions increase from the modification, and the net emissions increase from the facility are greater than or equal to 75,000 tons per year of CO₂e; and
 - 3. The emissions increase from the modification, and the net emissions increase from the facility, of all GHG's emitted, without consideration of GWP, will be greater than zero.
- C. On or after July 1, 2011, either the conditions in Section 221.4.3.A or B apply, or all of the following apply:
 - 1. The emissions increase from the modification, and the net emissions increase from the facility are greater than or equal to 100,000 tons per year of CO₂e; and
 - 2. The emission increase from the modification, and the net emission

increase from the facility, of all GHG's emitted, without consideration of GWP, will be greater than or equal to 100 tons per year on a mass basis, for a source in any category listed in Appendix B, or 250 tons per year on a mass basis for any other source.

Calculations and other methods to determine applicability of, and compliance with the provisions of Section 4.3 shall be as specified in Amador PSD (Prevention of Significant Deterioration) Rule, or Equivalent.

4.4 Evaluation: The APCO shall evaluate a stationary source's compliance with the emission limitations in section 4.2.C, above as part of the District's annual permit renewal process required by Health & Safety Code, section 42301(e). In performing the evaluation, the APCO shall consider any annual process statement submitted pursuant to Section 6.0, Reporting Requirements. In the absence of valid continuous emission monitoring data or source test data, actual and projected emissions shall be calculated using emission factors approved by the U. S. EPA; where such factors are not available, the APCO may allow factors approved by CARB, or other factors approved by CARB, or other District-approved factors.

4.5 Permit Applications: An application for a permit for a stationary source pursuant to sections 4.1 or 4.2.A, or 4.2.B shall include the following information:

A. An application submitted pursuant to section 4.1 shall, in addition to the information specified in the District PSD Rule, include sufficient information about greenhouse gas emissions from the modified emission units for the District to determine all applicable requirements, including the net emissions increase of GHG emissions from the project, and a BACT analysis, if required.

B. An application submitted pursuant to section 4.2.A shall, in addition to the information specified in Rule 500, include sufficient information about greenhouse gas emissions from all emission units for the District to determine all applicable requirements.

C. An application submitted pursuant to section 4.2.B shall, in addition to the information specified in Rule 522, include sufficient information about greenhouse gas emissions from all emission units for the District to determine all applicable requirements.

5.0 RECORDKEEPING REQUIREMENTS

The owner or operator of a stationary source subject to this rule shall comply with applicable record keeping requirements in this section. However, for a stationary source operating under an alternative operational limit, the owner or operator shall instead comply with the applicable recordkeeping and reporting requirements specified in Section 7.0, Alternative Operational Limit and Requirements. The recordkeeping requirements of this rule shall not replace any recordkeeping requirement contained in an operating permit or in a District, State, or Federal rule or regulation.

5.1 Exceeding De Minimis Emissions: A stationary source previously covered by the provisions in section 2.3.A, above shall comply with the applicable provisions of section 5.0, above, and sections 6.0 and 7.0 below if the stationary source emissions exceed the limit specified in section 2.2.

5.2 Required Records: The owner or operator of a stationary source subject to this rule shall keep and maintain records for each permitted emission unit or groups of permitted emission units sufficient to determine actual emissions. Such information shall be summarized in a monthly log, maintained on site for five years, and be made available to District, CARB, or U.S. EPA staff upon request.

A. Combustion Emission Unit

The owner or operator of a stationary source subject to this rule that contains a

combustion emission unit shall keep and maintain the following records:

1. Information on equipment type, make and model, maximum design process rate or maximum power input, minimum operating temperature (for thermal oxidizers) and capacity, control device(s) type and description (if any) and all source test information; and
2. A monthly log of hours of operation, fuel type, fuel usage, fuel heating value (for non-fossil fuels, in terms of BTU/lb or BTU/gal), percent sulfur for fuel oil and coal and percent nitrogen for coal.

B. Emission Control Unit

The owner or operator of a stationary source subject to this rule that contains an emission control unit shall keep and maintain the following records:

1. Information on equipment type and description make and model and emission units served by the control unit;
2. Information on equipment design including where applicable: pollutant(s) controlled; control effectiveness; maximum design or rated capacity; inlet and outlet temperatures, and concentrations for each pollutant controlled; all parametric data necessary to verify operation, maintenance, and performance of the device; other design data as appropriate; all source test information; and
3. A monthly log of hours of operation including notation of any control equipment breakdowns, upsets, repairs, maintenance and any other deviations from design parameters.

C. General Emission Unit

The owner or operator of a stationary source subject to this rule that contains an emission unit not recorded in subsections A or B above shall keep and maintain the following records:

1. Information on the process and equipment including the following:
equipment type, description, make and model; maximum design process rate or throughput; control device(s) type and description (if any);
2. Any additional information requested in writing by the APCO;
3. A monthly log of operating hours, each raw material used and its amount, each product produced and its production rate; and
4. Purchase orders, invoices, and other documents to support information in the monthly log.

6.0 REPORTING REQUIREMENTS

6.1 Process Statement: At the time of the annual renewal of a permit to operate under Rule 500, each owner or operator of a stationary source subject to this rule shall submit to the District a process statement for all equipment and processes related to emissions of GG's. The statement shall be signed by the owner or operator and shall certify that the information provided is accurate and true.

6.2 Loss of Exemption: A stationary source previously covered by provisions in section 2.4 above shall comply with the provisions of section 6.1 above if the stationary source exceeds the quantities specified in section 2.4.

6.3 Deadline to Submit: Any additional information requested by the APCO under section 6.1 above shall be submitted to the APCO within 30 days of the date of request.

7.0 ALTERNATIVE OPERATIONAL LIMIT AND REQUIREMENTS

The owner or operator may operate the permitted emission units at a stationary source subject to this rule under any one alternative operational limit, provided that at least 90 percent of the stationary source's emissions in every 12-month period are associated with the permitted emission units limited by the alternative operational limit.

7.1 Alternative Requirements: Upon choosing to operate a stationary source subject to this rule under any one alternative operational limit, the owner or operator shall operate the stationary source in compliance with the alternative operational limit and comply with the specified recordkeeping and reporting requirements.

A. The owner or operator shall report within 24 hours to the APCO any exceedance of the alternative operational limit.

B. The owner or operator shall maintain all purchase orders, invoices and other documents to support information required to be maintained in a monthly log. Records required under this section shall be maintained on site for five years, and be made available to District or U.S. EPA staff upon request.

C. Boilers: The owner shall operate the boiler(s) in compliance with the following requirements:

The boiler shall not use more than (X quantity) of fuel in every 12-month period, or the boiler shall not operate more than (Y hours) in every 12 month period where X and Y are determined by the fuel burned, and Y is also dependent on the total BTU/hr rating of the boiler, as shown in Table 7.1.C, on the following page:

Table 7.1.C				
Boiler Fuel	x Annual Fuel Use Cap	y Mmbtu/hr with 7,000 hr cap	y Mmbtu/hr with 6,000 hr cap, (= to or > than	y Mmbtu/hr with 5,000 hr cap, (= to or > than
Natural Gas	13,000,000 Therms	190	220	260
LPG & Propane	11,700,000 gal	160	185	220
Oils:No.3, No.6, Crude	6,000,000 gal	140	160	180
Tires	31,000 tons	110	130	150
MSW	65,000 tons	110	130	150
Wood	67,000 tons	105	120	140
Pet Coke	24,000 tons	100	115	130
Ag. Byproducts	38,000 tons	85	100	115

(2) A monthly log of (a) total hours of operation and quantity of fuel used, and (b) a monthly calculation of the total hours operated and quantity of fuel used in the previous 12 months, shall be kept on site.

(3) A copy of the monthly log shall be submitted to the APCO at the time of the annual permit renewal. The owner or operator shall certify that the log is accurate and true.

7.2 Exceeding Alternative Operating Limits: The owner or operator of a stationary source

subject to this rule shall obtain any necessary permits prior to commencing any physical or operational change or activity which will result in an exceeding of the applicable operational limit specified in section 6.1 above.

8.0 VIOLATIONS

8.1 Failure to Comply: Failure to comply with any of the applicable provisions of this rule shall constitute a violation of this rule, and shall be subject to penalties pursuant to the California Health and Safety Code, and/or the provisions of the District's Mutual Settlement Policy as determined by the APCO. Each day during which a violation of this rule occurs is a separate offense.

8.2 Applicable Federal Requirements: In addition to penalties assessed pursuant to section a stationary source which violates the provisions of 4.2.C, or which cannot demonstrate compliance with those provisions, shall be immediately subject to the provisions of the Amador County Title V Rule, and must submit an application for a permit pursuant to that rule within 12 months of the first day on which the source failed to show compliance. Failure to submit a required application shall be a separate offense from failing to comply with the limits in this rule, and each day during which the required application has not been submitted is a separate offense.

See Next Page for Appendix A

Appendix A

Affected Greenhouse Gases Pollutants and Their Global Warming Potentials

CHG Name	GWP	GHG Name	GWP
CO2	1	HFE-43-10pccc (H-Galden 1040x)	1,870
CH4	21	HFE-125	14,900
N2O	310	HFE-134	6,320
HFC-23	11,700	HFE-143a	756
HFC-32	650	HFE-227ea	1,540
HFC-41	150	HFE-236ca12 (HG-10)	2,800
HFC-125	2,800	HFE-236ea2 (Desflurane)	989
HFC-134	1,000	HFE-236fa	487
HFC-134a	1,300	HFE-245cb2	708
HFC-143	300	HFE-245fa1	286
HFC-143a	3,800	HFE-245fa2	659
HFC-152	53	HFE-254cb2	359
HFC-152a	140	HFE-263fb2	11
HFC-161	12	HFE-329mcc2	919
HFC-227ea	2,900	HFE-338mcf2	552
HFC-236cb	1,340	HFE-338pcc13 (HG-01)	1,500
HFC-236ea	1,370	HFE-338mmz1	380
HFC-236fa	6,300	HFE-347mcc3	575
HFC-245ca	560	HFE-347mcf2	374
HFC-245fa	1,030	HFE-347pcf2	580
HFC-365mfc	794	HFE-347mmy1	343
HFC-4310mee	1,300	HFE-356mec3	101
Nitrogen trifluoride	17,200	HFE-356pcc3	110
Sulfur hexafluoride	23,900	HFE-356pcf2	265
Trifluoromethyl sulfur pentafluoride	17,700	HFE-356pcf3	502
PFC-14 (Perfluoromethane)	6,500	HFE-356-mm1	27
PFC-116 (Perfluoroethane)	9,200	HFE-356mcf3	11
PFC-218 (Perfluoropropane)	7,000	HFE-374pc2	567
PFC-3-1-10 (Perfluorobutane)	7,000	HFE-449sl (HFE-7100) Chemical Blend	297
PFC-4-1-12 (Perfluoropentane)	7,500	HFE-569sf2(HFE7200) Chemical Blend	59
PFC-5-1-14(Perfluorohexane)	7,400	Sevoflurane	345
		(Octafluorotetramethylene) hydroxymethyl	
Perfluorocyclopropane	17,340	grp	73
Perfluorocyclobutane	8,700	Bis(trifluoromethyl)-methanol	195
PFC-9-1-18	7,500	2,2,3,3-pentafluoropropanol	42
HCFE-235da2 (Isoflurane)	350	PFPME	10,300

Copy of Draft NSR Rule

RULE 401 GENERAL PERMIT REQUIREMENTS

INDEX

100	GENERAL
101	PURPOSE
102	EXEMPTION: GENERAL
200	DEFINITIONS
201	ANNIVERSARY DATE
202	STATE AMBIENT AIR QUALITY STANDARDS
300	STANDARDS
301	AUTHORITY TO CONSTRUCT
302	PERMIT TO OPERATE
303	STANDARDS FOR GRANTING APPLICATIONS
304	TRANSFER
305	PERMIT RENEWAL
400	ADMINISTRATIVE REQUIREMENTS
401	POSTING
402	MODIFICATIONS
403	APPLICATIONS
404	ACTION ON APPLICATIONS
405	CONDITIONAL APPROVAL
406	DENIAL OF APPLICATIONS
407	SUSPENSION
408	APPEALS
409	COMPLIANCE DATES
500	MONITORING AND RECORDS
501	TESTING PROCEDURES

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100 GENERAL

101 **PURPOSE:** To provide an orderly procedure for the review of new sources of air pollution and of the modification and operation of existing sources through the issuance of permits. Sources subject to Rule 403, TITLE V - FEDERAL OPERATING PERMIT PROGRAM, shall also obtain an operating permit under Rule 401. Procedure for issuing, modifying, or renewing Title V permits to operate for stationary sources subject to Rule 403, TITLE V - FEDERAL OPERATING PERMIT PROGRAM shall also be consistent with the procedures specified in that rule.

102 **EXEMPTION: GENERAL:**

102.1 (402) An Authority to Construct shall not be required for:

- A.
 - 1. Vehicles as defined by the Vehicle Code of the State of California.
 - 2. Vehicles other than those contained within the provisions of subsection 1. above used to transport passenger or freight.
 - 3. The exemption allowed under this Section shall not be extended to include any article, machine, equipment, or other contrivance mounted on such vehicle contained within the provisions of subsection 1. and 2. above that would otherwise require an Authority to Construct under the provisions of this Regulation.
- B. Equipment utilized exclusively in connection with any structure, which structure is designated for, and used exclusively as a dwelling for not more than two families.
- C. The following equipment:
 - 1. Comfort air conditioning, or comfort ventilating systems, which are not designed to remove air contaminants generated by, or released from specific units or equipment.
 - 2. Refrigeration units except those used as, or in conjunction with, air pollution control equipment.
 - 3. Piston type internal combustion engines used on other than vehicles for transporting passengers or freight with a manufacturer's maximum rating of less than 50 brake horsepower.
 - 4. Water cooling towers and water cooling ponds not used for evaporative cooling of water from barometric jets or from barometric condensers.
 - 5. Equipment used exclusively for steam cleaning.
 - 6. Equipment used in eating establishments for the purpose of preparing food for human consumption.

7. Equipment used exclusively to compress or hold dry natural gas.

D. The following equipment or any other exhaust system or collector serving exclusively such equipment:

1. Laboratory equipment used exclusively for chemical or physical analysis and bench scale laboratory equipment.

2. Brazing, soldering welding equipment.

E. Steam generators, steam superheaters, water boilers, water heaters, and closed heat transfer systems that have a maximum heat input rate of less than 50,000,000 British Thermal Units (BTU) per hour gross, and are fired exclusively with one of the following:

1. Natural gas;

2. Liquefied petroleum gas;

3. A combination of natural gas and liquefied petroleum gas.

F. Self-propelled mobile construction equipment other than pavement burners.

G. Implements of husbandry used in agricultural operations.

H. Repairs or maintenance not involving structural changes to any equipment for which a Permit to Operate has been granted.

I. Other sources emitting less than 1 ton per year of any criteria pollutant or precursor which may be specified by the Air Pollution Control Officer.

102.2 The Air Pollution Control Officer may exempt from the requirements of Rule 302 Permit to Operate any item of equipment specified in Rule 102.1

200 DEFINITIONS

201 **ANNIVERSARY DATE:** The day and month of issuance of a permit to operate and that same day and month of each succeeding year.

202 **STATE AMBIENT AIR QUALITY STANDARDS:** All references in Rule 402 to national ambient air quality standards shall be interpreted to include state ambient air quality standards.

300 STANDARDS

301 **AUTHORITY TO CONSTRUCT:** Any person building, altering, or replacing any source of air contaminants shall first obtain an Authority to Construct from the Air Pollution Control Officer. An Authority to Construct shall remain in effect until the Permit to Operate for that source for which the application was filed is either granted or denied or until termination pursuant to other provisions of this Regulation.

301.1 Every application for an Authority to Construct required under this Regulation shall be filed in the manner and form prescribed by the Air Pollution Control Officer, and shall give all the information necessary to enable the Air Pollution Control Officer to make the determination on the approvability of the application. The Air Pollution Control Officer may require that such information be certified by a professional engineer registered in the State of California.

301.2 The Air Pollution Control Officer shall maintain, periodically review, and update a list of information which may be required of applicants seeking an Authority to Construct. The information list shall be transmitted to the applicant with the requested application for Authority to Construct. The Air Pollution Control Officer may conduct a pre-application conference with the applicant to ascertain the information to be required in the application.

301.3 Upon request for an application for an Authority to Construct, the Air Pollution Control Officer shall determine in which District zone the source is proposed for location and whether the facility or modification will be a major facility or a major modification impacting attainment and nonattainment pollutants. The Air Pollution Control Officer shall advise the applicant on the basis of this preliminary determination which requirements of this Regulation will apply. Special studies necessary to provide information in the application shall be borne at the expense of the applicant. The Air Pollution Control Officer shall base a final determination of requirements under this Regulation upon information contained in the complete application for Authority to Construct.

301.4 Within 30 days after receiving an application for Authority to Construct, the Air Pollution Control Officer shall advise the applicant in writing whether the application is complete. If an application is deemed incomplete, the Air Pollution Control Officer shall notify the applicant of the additional information requirements. Failure to notify the applicant in writing of the completeness of the application shall be deemed acceptance of the application as complete. If the applicant fails to submit such requested information, the Air Pollution Control Officer may deny the application. Upon resubmission of an application, a new 30 day review period shall commence. After the Air Pollution Control Officer accepts an application as complete, he shall not subsequently request of an applicant any new or additional information which was not specified in the application form and information list. While an application is being processed after being deemed complete, the Air Pollution Control Officer may require the applicant to clarify, amplify, or supplement the information supplied.

302 **PERMIT TO OPERATE:** Before any source may be operated, a Permit to Operate shall be obtained from the Air Pollution Control Officer. No Permit to Operate shall be granted either by an Air Pollution Control Officer or the Hearing Board for any source constructed without authorization as required in Regulation IV until the information required is provided to the Air Pollution Control Officer and such source is altered, if necessary, and made to conform to the standards set forth in Regulation IV and elsewhere in these Rules and Regulations.

302.1 Every application for a Permit to Operate shall be filed in the manner and form prescribed by the Air Pollution Control Officer, and shall give all the information necessary to enable the Air Pollution Control Officer to make the determination on the approvability of the application.

302.2. Purpose and General Requirements of Rule 302.

Rule 302 implements the requirements of Title V of the federal Clean Air Act as amended in 1990 (CAA) for permits to operate. Title V provides for the establishment of operating permit programs for sources which emit regulated air pollutants, including attainment and nonattainment pollutants. Additionally, Rule 302 is used to implement the Phase II acid deposition control provisions of Title IV of the CAA, including provisions for Acid Rain Permits. The effective date of Rule 302 is the date the District Board adopts this rule.

By the effective date of Rule 302, the Amador Air District (District) shall implement an operating permit program pursuant to the requirements of this rule. The District shall also continue to implement its existing programs pertaining to permits to operate required by Rule 302, including authorities to construct, Rule 301. Nothing in Rule 302 limits the authority of the District to revoke or terminate a permit pursuant to sections 40808, and 42307-42309 of the California Health and Safety Code (H&SC).

Sources subject to Rule 302 include major sources, acid rain units subject to Title IV of the CAA, solid waste incinerators subject to section 111 or 129 of the CAA, and any other sources specifically designated by rule of the U.S. EPA. Sources subject to Rule 302 shall obtain permits to operate pursuant to this rule. Each permit to operate issued pursuant to Rule 302 shall contain conditions and requirements adequate to ensure compliance with:

- A. All applicable provisions of Division 26 of the H&SC, commencing with section 39000;
- B. All applicable orders, rules, and regulations of the District and the California Air Resources Board (ARB);
- C. All applicable provisions of the applicable implementation plan required by the CAA. In satisfaction of this requirement, a source may ensure compliance with a corresponding District-only rule in accordance with the procedure specified in subsection 302.6 K. below;
- D. Each applicable emission standard or limitation, rule, regulation, or requirement adopted or promulgated to implement the CAA. In satisfaction of this requirement, a source may propose compliance with a requirement of permit streamlining in accordance with the procedures specified in subsection 302.6.J. below; and
- E. The requirements of all preconstruction permits issued pursuant to Parts C and D of the CAA.

The operation of an emissions unit to which Rule 302 is applicable without a permit or in violation of any applicable permit condition or requirement shall be a violation of Rule 302.

302.3 Definitions.

The definitions in this section apply throughout Rule 302 and are derived from related provisions of the U.S. EPA's Title V regulations in Part 70 Code of Federal

Regulations (CFR), "State Operating Permit Programs." The terms defined in this section are italicized throughout Rule 302.

A. *Acid Rain Unit* An "acid rain unit" is any fossil fuel-fired combustion device that is an affected unit under 40 CFR Part 72.6 and therefore subject to the requirements of Title IV (Acid Deposition Control) of the CAA. (The District may be able to provide a more detailed definition when the U.S. EPA clarifies which sources are subject to Title IV requirements.)

B. *Administrative Permit Amendment* An "administrative permit amendment" is an amendment to a permit to operate which:

1. Corrects a typographical error.
2. Identifies a minor administrative change at the stationary source; for example, a change in the name, address, or phone number of any person identified in the permit.
3. Requires more frequent monitoring or reporting by a responsible official of the stationary source.
4. Transfers ownership or operational control of a stationary source, provided that, prior to the transfer, the APCO receives a written agreement which specifies a date for the transfer of permit responsibility, coverage, and liability from the current to the prospective permittee.

C. *Affected State* An "affected state" is any state that: 1) is contiguous with California and whose air quality may be affected by a permit action, or 2) is within 50 miles of the source for which a permit action is being proposed.

D. *Air Pollution Control Officer (APCO)* "Air Pollution Control Officer" refers to the air pollution control officer of the Amador Air District, or his or her designate.

E. *Amador Air District* "Amador County Air Pollution Control District" includes all portions of Amador County.

F. *Applicable Federal Requirement* An "applicable federal requirement" is any requirement which is enforceable by the U.S. EPA and citizens pursuant to section 304 of the CAA and is set forth in, or authorized by, the CAA or a U.S. EPA regulation. An "applicable federal requirement" includes any requirement of a regulation in effect at permit issuance and any requirement of a regulation that becomes effective during the term of the permit. Applicable federal requirements include:

1. Title I requirements of the CAA, including:
 - a. New Source Review requirements in the State Implementation Plan approved by the U.S. EPA and the terms and conditions of the preconstruction permit issued pursuant to an approved New Source Review rule;
 - b. Prevention of Significant Deterioration (PSD) requirements and the terms and conditions of the PSD permit (40 CFR Part 52);
 - c. New Source Performance Standards (40 CFR Part 60);
 - d. National Ambient Air Quality Standards, increments, and visibility

requirements as they apply to portable sources required to obtain a permit pursuant to section 504(e) of the CAA;

e. National Emissions Standards for Hazardous Air Pollutants (40 CFR Part 61);

f. Maximum Achievable Control Technology or Generally Available Control Technology Standards (40 CFR Part 63);

g. Risk Management Plans (section 112(r) of the CAA);

h. Solid Waste Incineration requirements (sections 111 or 129 of the CAA);

i. Consumer and Commercial Product requirements (section 183 of the CAA);

j. Tank Vessel requirements (section 183 of the CAA);

k. District prohibitory rules that are approved into the State Implementation Plan;

l. Standards or regulations promulgated pursuant to a Federal Implementation Plan; and

m. Enhanced Monitoring and Compliance Certification requirements (section 114(a)(3) of the CAA).

2. Title III, section 328 (Outer Continental Shelf) requirements of the CAA (40 CFR Part 55);

3. Title IV (Acid Deposition Control) requirements of the CAA (40 CFR Parts 72, 73, 75, 76, 77, 78 and regulations implementing sections 407 and 410 of the CAA);

4. Title VI (Stratospheric Ozone Protection) requirements of the CAA (40 CFR Part 82); and

5. Monitoring and Analysis requirements (section 504(b) of the CAA).

G. ARB "ARB" refers to the California Air Resources Board.

H. California Air Resources Board (ARB) "California Air Resources Board" refers to the Air Resources Board of the State of California.

I. Clean Air Act (CAA) "Clean Air Act" refers to the federal Clean Air Act as amended in 1990 (42 U.S.C. section 7401 et seq.).

J. Code of Federal Regulations (CFR.) "Code of Federal Regulations" refers to the United States Code of Federal Regulations.

K. Commence Operation "Commence operation" is the date of initial operation of an emissions unit, including any start-up or shakedown period authorized by a temporary permit to operate issued pursuant to section 42301.1 of the H&SC.

L. Direct Emissions "Direct emissions" are emissions that may reasonably pass

through a stack, chimney, vent, or other functionally-equivalent opening.

M. *District* "District" refers to the Amador County Air Pollution Control District.

N. *District-only* "District-only" means a District rule, permit term or condition, or other requirement identified in accordance with H&SC section 42301.12(a)(3) that is not an applicable federal requirement. If a "District-only" requirement becomes a federally-enforceable condition upon the issuance of the initial permit or permit modification in accordance with requirements of Rule 500 and H&SC section 42301.12(a)(3), such requirement shall no longer be a "District-only" requirement.

O. *Effective Date of Rule 302* The "effective date of Rule 302" is the date the District Board adopts this rule.

P. *Emergency* An "emergency" is any situation arising from a sudden and reasonably unforeseeable event beyond the control of a permittee (e.g., an act of God) which causes the exceedance of a technology-based emission limitation under a permit and requires immediate corrective action to restore compliance. An "emergency" shall not include noncompliance as a result of improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operator error.

Q. *Emissions Unit* An "emissions unit" is any identifiable article, machine, contrivance, or operation which emits, may emit, or results in the emissions of, any regulated air pollutant or hazardous air pollutant.

R. *Federally-enforceable Condition* A "federally-enforceable condition" is any term, condition, or requirement set forth in the permit to operate which addresses an applicable federal requirement, a voluntary emissions cap, a "District-only requirement of permit streamlining imposed in accordance with subsection 302.6 J. below, and the H&SC section 42301.12(a)(3), or a District-only requirement which applies in accordance with subsection 302.6 K.1. below, and H&SC section 42301.12(a)(3) for satisfaction of a corresponding requirement in the State Implementation Plan.

S. *Fugitive Emissions* "Fugitive emissions" are emissions which could not reasonably pass through a stack, chimney, vent, or other functionally-equivalent opening.

T. *Generally Available Control Technology (GACT) Standard* A "generally available control technology standard" refers to any generally available control technology standard or management practice promulgated pursuant to section 112(d) of the CAA (40 CFR Part 63).

U. *Hazardous Air Pollutant (HAP)* A "hazardous air pollutant" is any air pollutant listed pursuant to section 112(b) of the CAA.

V. *Health and Safety Code (H&SC)* "Health and Safety Code" refers to the California Health and Safety Code.

W. *Initial Permit* An "initial permit" is the first operating permit for which a source submits an application that addresses the requirements of the federal operating permits program as implemented by Rule 302.

X. *Major Source* A "major source" is a stationary source which has the potential to emit a regulated air pollutant or a HAP in quantities equal to or exceeding the lesser of any of the following thresholds:

1. 100 tons per year (tpy) of any regulated air pollutant.

2. 50 tpy of volatile organic compounds or oxides of nitrogen for a federal nonattainment area classified as serious, 25 tpy for an area classified as severe, or, 10 tpy for an area classified as extreme.

3. 10 tpy of one HAP or 25 tpy of two or more HAPs.

4. Any lesser quantity threshold promulgated by the U.S. EPA.

Y. Maximum Achievable Control Technology (MACT) Standard A "maximum achievable control technology standard" refers to any maximum achievable control technology emission limit or other requirement promulgated pursuant to section 112(d) of the CAA as set forth in 40 CFR Part 63.

Z. Minor Permit Modification A "minor permit modification" is any modification to a federally-enforceable condition on a permit to operate which: 1) is not a significant permit modification, and 2) is not an administrative permit amendment.

AA. Permit Modification A "permit modification" is any addition, deletion, or revision to a permit to operate condition.

BB. Potential to Emit For the purposes of Rule 302, "potential to emit" as it applies to an emissions unit and a stationary source is defined below.

1. Emissions Unit. The "potential to emit" for an emissions unit is the maximum capacity of the unit to emit a regulated air pollutant or HAP considering the unit's physical and operational design. Physical and operational limitations on the emissions unit shall be treated as part of its design, if the limitations are set forth in permit conditions or in rules or regulations that are legally and practicably enforceable by U.S. EPA and citizens or by the District. Physical and operational limitations shall include, but are not limited to, the following: limits placed on emissions; and restrictions on operations such as hours of operation and type or amount of material combusted, stored, or processed.

2. Stationary Source. The "potential to emit" for a stationary source is the sum of the potential to emit from all emissions units at the stationary source. If two or more HAPs are emitted at a stationary source, the potential to emit for each of those HAPs shall be combined to determine applicability. Fugitive emissions shall be considered in determining the potential to emit for:

1) Sources specified in 40 CFR Part 70.2 Major Sources, subsection (2) (i) through (xxvi),

2) sources of HAP emissions, and

3) any other stationary source category regulated under section 111 or 112 of the CAA and for which the U.S. EPA has made an affirmative determination by rule under section 302(j) of the CAA.

Notwithstanding the above, any HAP emissions from any oil or gas exploration or production well (with its associated equipment) and any pipeline compressor or pump station shall not be aggregated with emissions of similar units for the purpose of determining a major source of HAPs, whether or not such units are located in contiguous areas or are under common control.

CC. Preconstruction Permit A "preconstruction permit" is a permit authorizing construction prior to construction and includes:

1. A preconstruction permit issued pursuant to a program for the prevention of significant deterioration of air quality required by section 165 of the CAA.
2. A preconstruction permit issued pursuant to a new source review program required by sections 172 and 173 of the CAA.

DD. Regulated Air Pollutant A "regulated air pollutant" is any pollutant: 1) which is emitted into or otherwise enters the ambient air, and 2) for which the U.S. EPA has adopted an emission limit, standard, or other requirement. Regulated air pollutants include:

1. Oxides of nitrogen and volatile organic compounds;
2. Any pollutant for which a national ambient air quality standard has been promulgated pursuant to section 109 of the CAA;
3. Any pollutant subject to a new source performance standard promulgated pursuant to section 111 of the CAA;
4. Any ozone-depleting substance specified as a Class I (chlorofluorocarbons) or Class II (hydrofluorocarbons) substance pursuant to Title VI of the CAA; and
5. Any pollutant subject to a standard or requirement promulgated pursuant to section 112 of the CAA, including:
 - a. Any pollutant listed pursuant to section 112(r) of the CAA (Prevention of Accidental Releases) shall be considered a "regulated air pollutant" upon promulgation of the list.
 - b. Any HAP subject to a standard or other requirement promulgated by the U.S. EPA pursuant to section 112(d) or adopted by the District pursuant to 112(g) and (j) of the CAA shall be considered a "regulated air pollutant" for all sources or categories of sources: 1) upon promulgation of the standard or requirement, or 2) 18 months after the standard or requirement was scheduled to be promulgated pursuant to section 112(e)(3) of the CAA.
 - c. Any HAP subject to a District case-by-case emissions limitation determination for a new or modified source, prior to the U.S. EPA promulgation or scheduled promulgation of an emissions limitation shall be considered a "regulated air pollutant" when the determination is made pursuant to section 112(g)(2) of the CAA. In case-by-case emissions limitation determinations, the HAP shall be considered a "regulated air pollutant" only for the individual source for which the emissions limitation determination was made.

EE. Responsible Official "Responsible official" means one of the following:

1. For a corporation, a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for

the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

- a. The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or
 - b. The delegation of authority to such representative is approved in advance by the APCO.
2. For a partnership or sole proprietorship, a general partner or the proprietor, respectively.
 3. For a municipality, state, federal, or other public agency, either a principal executive officer or a ranking elected official.
 4. For an acid rain unit subject to Title IV (Acid Deposition Control) of the CAA, the "responsible official" is the designated representative of that unit for any purposes under Title IV and Rule 302.

FF. Significant Permit Modification A "significant permit modification" is any modification to a federally-enforceable condition on a permit to operate which:

1. Involves any permit modification under section 112(g) of Title I of the CAA or under U.S. EPA regulations promulgated pursuant to Title I of the CAA, including 40 CFR Parts 51, 52, 60, 61, and 63.
2. Significantly changes monitoring conditions.
3. Provides for the relaxation of any reporting or recordkeeping conditions.
4. Involves a permit term or condition which allows a source to avoid an applicable federal requirement, including: 1) a federally-enforceable voluntary emissions cap assumed in order to avoid triggering a modification requirement of Title I of the CAA, or 2) an alternative HAP emission limit pursuant to section 112(i)(5) of the CAA.
5. Involves a case-by-case determination of any emission standard or other requirement.
6. Involves a source-specific determination for ambient impacts, visibility analysis, or increment analysis on portable sources.
7. Involves permit streamlining in accordance with subsection 302.6 J. below; or
8. Involves the use of a District-only rule, in accordance with subsection 302.6 K.1. below, in satisfaction of a requirement in the State Implementation Plan.

GG. Solid Waste Incinerator A "solid waste incinerator" is any incinerator which burns solid waste material from commercial, industrial, medical, general public sources (e.g., residences, hotels, or motels), or other categories of solid waste incinerators subject to a performance standard promulgated pursuant to sections 111 or 129 of the CAA.

The following incinerators are excluded from the definition of "solid waste incinerator" for the purpose of Rule 302:

1. Any hazardous waste incinerator required to obtain a permit under the authority of section 3005 of the Solid Waste Disposal Act (42 U.S.C. section 6925).
2. Any materials recovery facility which primarily recovers metals.
3. Any qualifying small power production facility as defined in 16 U.S.C.A. section 796(17)(C).
4. Any qualifying cogeneration facility which burns homogenous waste for the production of energy as defined in 16 U.S.C.A. section 796(18)(B).
5. Any air curtain incinerator which burns only wood, yard, or clean lumber waste and complies with the opacity limitations to be established by the Administrator of the U.S. EPA.

HH. Stationary Source For the purposes of Rule 302 a "stationary source" is any building, structure, operation, facility, or installation (or any such grouping) that:

1. Emits, may emit, or results in the emissions of any regulated air pollutant or HAP;
2. Is located on one or more contiguous or adjacent properties;
3. Is under the ownership, operation, or control of the same person (or persons under common control) or entity; and
4. Belongs to a single major industrial grouping; for example, each building, structure, operation, facility, or installation in the grouping has the same two-digit code under the system described in the 1987 Standard Industrial Classification Manual.

II. United States Environmental Protection Agency (U.S. EPA) "United States Environmental Protection Agency" refers to the Administrator or appropriate delegatee of the "United States Environmental Protection Agency."

JJ. Voluntary Emissions Cap A "voluntary emissions cap" is an optional, federally-enforceable emissions limit on one or more emissions unit(s) which a source assumes in order to avoid an applicable federal requirement. The source remains subject to all other applicable federal requirements.

302.4 **Applicability.**

A. Sources Subject to Rule 302: The sources listed below are subject to the requirements of Rule 302:

1. A major source except, when the U.S. EPA finalizes the underlying related requirements in 40 CFR part 70, for a source classified as a major source solely because it has the potential to emit major amounts of a pollutant listed pursuant to section 112(r)(3) of the CAA and is not otherwise a major source as defined in subsection II.X. above;
2. A source with an acid rain unit for which application for an Acid Rain Permit is required pursuant to Title IV of the CAA;

3. A solid waste incinerator subject to a performance standard promulgated pursuant to section 111 or 129 of the CAA;
4. Any other source in a source category designated by rule of the U.S. EPA; and
5. Any source that is subject to a standard or other requirement promulgated pursuant to section 111 or 112 of the CAA, published after July 21, 1992, that the U.S. EPA does not exempt from the requirements of Title V of the CAA.

B. Sources Exempt from Rule 302: The sources listed below are not subject to the requirements of Rule 302:

1. Any stationary source that would be required to obtain a permit solely because it is subject to 40 CFR Part 60, Subpart AAA (Standards of Performance for New Residential Wood Heaters);
2. Any stationary source that would be required to obtain a permit solely because it is subject to 40 CFR Part 61, Subpart M, section 145 (National Emission Standards for Asbestos, Standard for Demolition and Renovation); and
3. Any other source in a source category deferred pursuant to 40 CFR Part 70.3, by U.S. EPA rulemaking, unless such source is otherwise subject to Title V (i.e., it is a major source).

302.5 Administrative Procedures for Sources

A. Permit Requirement and Application Shield A source shall operate in compliance with permits to operate issued pursuant to Rule 302. Rule 302 does not alter any applicable requirement that a source obtain preconstruction permits.

If a responsible official submits, pursuant to Rule 302, a timely and complete application for a permit, a source shall not be in violation of the requirement to have a permit to operate until the APCO takes final action on the application. The application shield here will cease to insulate a source from enforcement action if a responsible official of the source fails to submit any additional information requested by the APCO pursuant to subsection-302.5 C.2.c, below.

If a responsible official submits a timely and complete application for an initial permit, the source shall operate in accordance with the requirements of any valid permit to operate issued pursuant to section 42301 of the H&SC until the APCO takes final action on the application. If a responsible official submits a timely and complete application for renewal of a permit to operate, the source shall operate in accordance with the permit to operate issued pursuant to Rule 302, notwithstanding expiration of this permit, until the APCO takes final action on the application.

The application shield does not apply to sources applying for permit modifications. For permit modifications, a source shall operate in accordance with the permit to operate issued pursuant to Rule 302 and any temporary permit to operate issued pursuant to section 42301.1 of the H&SC.

B. Application Requirements

1. Initial Permit

- a. For a source that is subject to Rule 302 on the date the rule becomes effective, a responsible official shall submit a standard District application within 10 months after the date the rule becomes effective.
- b. For a source that becomes subject to Rule 302 after the date the rule becomes effective, a responsible official shall submit a standard District application within 6 months of the source commencing operation or of otherwise becoming subject to Rule 302.
- c. For a source with an acid rain unit subject to Phase II of the Acid Deposition Control Program of Title IV of the CAA, initial Phase II acid rain permits shall be submitted to the District by January 1, 1996 for sulfur dioxide and for coal-fired units by January 1, 1998 for oxides of nitrogen.

2. Permit Renewal For renewal of a permit, a responsible official shall submit a standard District application no earlier than 18 months and no later than 6 months before the expiration date of the current permit to operate. Permits to operate for all emissions units at a stationary source shall undergo simultaneous renewal.

3. Significant Permit Modification After obtaining any required preconstruction permits, a responsible official shall submit a standard District application for each emissions unit affected by a proposed permit revision that qualifies as a significant permit modification. Upon request by the APCO, the responsible official shall submit copies of the latest preconstruction permit for each affected emissions unit. The emissions unit(s) shall not commence operation until the APCO takes final action to approve the permit revision.

4. Minor Permit Modification After obtaining any required preconstruction permits, a responsible official shall submit a standard District application for each emissions unit affected by the proposed permit revision that qualifies as a minor permit modification. The emissions unit(s) affected by the proposed permit modification shall not commence operation until the APCO takes final action to approve the permit revision. In the application, the responsible official shall include the following:

- a. A description of the proposed permit revision, any change in emissions, and additional applicable federal requirements that will apply;
- b. Proposed permit terms and conditions; and
- c. A certification by a responsible official that the permit revision meets criteria for use of minor permit modification procedures and a request that such procedures be used.

5. Acid Rain Unit Permit Modification A permit modification of the acid rain portion of the operating permit shall be governed by regulations promulgated pursuant to Title IV of the CAA.

C. Application Content and Correctness

1. Standard District Application The standard District application submitted shall include the following information:

- a. Information identifying the source;
- b. Description of processes and products (by Standard Industrial Classification Code) including any associated with proposed alternative operating scenarios;
- c. Identification of fees specified in District Regulation VI, Fees;
- d. A listing of all existing emissions units at the stationary source and identification and description of all points of emissions from the emissions units in sufficient detail to establish the applicable federal requirements and the basis for fees pursuant to section 302.8, below;
- e. Citation and description of all applicable federal requirements, information and calculations used to determine the applicability of such requirements and other information that may be necessary to implement and enforce such requirements;
- f. Calculation of all emissions, including fugitive emissions, in tons per year and in such terms as are necessary to establish compliance with all applicable District, state, or federal requirements for the following:
 - 1) All regulated air pollutants emitted from the source,
 - 2) Any HAP that the source has the potential to emit in quantities equal to or in excess of 10 tons per year, and
 - 3) If the source has the potential to emit two or more HAPs in quantities equal to or in excess of 25 tons per year, all HAPs emitted by the source;
- g. As these affect emissions from the source, the identification of fuels, fuel use, raw materials, typical production rates, maximum production or usage rates, operating schedules, limitations on source operation or workplace practices;
- h. An identification and description of air pollution control equipment and compliance monitoring devices or activities;
- i. Other information required by an applicable federal requirement (or a District-only rule in accordance with subsection 302.6. K.1., below);
- j. The information needed to define permit terms or conditions implementing a source's options for operational flexibility, including alternative operating scenarios, pursuant to subsection 302.6 G., below;
- k. A compliance plan and compliance schedule with the following:

1) A description of the compliance status of each emissions unit within the stationary source with respect to applicable federal requirements, except as provided below:

a) For all applicable federal requirements which are to be satisfied by compliance with the requirements of a permit streamlining proposal made in accordance with subsection 302.5 C.1.s., below, the responsible official may certify compliance with only the requirements of the permit streamlining proposal if data on which to base such a certification is submitted or referenced with the application. The application shall include an attachment that demonstrates that compliance with the requirements of the permit streamlining proposal ensures compliance with the identified applicable federal requirements that are being subsumed.

b) In order to certify compliance with a corresponding requirement in the State Implementation Plan, the responsible official may certify compliance with a District-only rule, if data on which to base such a certification is submitted or referenced with the application, and if the use of the District-only rule is proposed and approved in accordance with subsection 302.5 below.

2) A statement that the source will continue to comply with such applicable federal requirements that the source is in compliance,

3) A statement that the source will comply, on a timely basis, with future effective requirements which have been adopted, and

4) A description of how the source will achieve compliance with requirements for which the source is not in compliance, however, if the source complies with a District-only rule addressed in a proposal submitted in accordance with subsection 302.5

C.1.t., below, no description is needed to address the responding State Implementation Plan requirement unless otherwise required by the District;

I. A schedule of compliance, which resembles and is at least as stringent as that contained in any judicial consent decree, administrative order, or schedule approved by the District hearing board if required by state law and which identifies remedial measures with specific increments of progress, a final compliance date, testing and monitoring methods, record keeping requirements, and a schedule for submission of certified progress reports to the U.S. EPA and the APCO at least every 6 months for a source that is: not in compliance at the time of permit issuance, renewal, and modification if the non-compliance is with units being modified) and is:

1) A streamlined emission limit proposed in accordance with subsection 302.5 C.1.s., below, or

2) A District-only rule proposed in accordance with subsection 302.6 C.1.t., below, or

3) An applicable federal requirement not to be subsumed by a proposal submitted in accordance with subsection 302.6 C.1.s. or 302.6 C.1.t., below:

m. A certification by a responsible official of all reports and other documents submitted for permit application, compliance progress reports at least every 6 months, statements on compliance status with any applicable enhanced monitoring, and compliance plans at least annually which shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete;

n. For a source with an acid rain unit, an application shall include the elements required by 40 CFR Part 72;

o. For a source of HAPs, the application shall include verification that a risk management plan has been prepared in accordance with section 112(r) of the CAA and registered with the authorized local fire or health department; and

p. For proposed portable sources, an application shall identify all locations of potential operation and how the source will comply with all applicable District, state, and federal requirements at each location.

q. In lieu of providing the information specified in subsection 302.5 C.1.e., above, an owner or operator may, upon written concurrence from the APCO, stipulate that the source is a major source and/or that identified applicable federal requirements apply to the source. A stipulation does not preclude the APCO from requiring the submittal of subsequent additional information in accordance with this rule.

r. An owner or operator may, upon written concurrence from the APCO, reference documents that contain the information required in subsections 302.5 C.1.a. through j. and o., provided the documents are specifically and clearly identified, and are readily available to the District and to the public. Each reference shall include, at a minimum, the title or document number, author and recipient if applicable, date, identification of relevant sections of the document, and identification on specific application content requirements and source activities or equipment for which the referencing applies. A reference does not preclude the APCO from requiring the submittal of information to supplement or verify the referencing or the submittal of other additional information in accordance with this rule.

s. The application may contain a proposal for permit streamlining of two or more sets of applicable federal requirements and/or District-only requirements, to be reviewed by the District in accordance with subsection 302.6 J., below. The application shall clearly note any proposal for permit streamlining. The permit streamlining proposal shall include the most stringent of multiple applicable emission limitations for each regulated air pollutant in order to ensure compliance with all applicable requirements for each emission unit or group of emission

units. For purposes of this paragraph, an alternative or hybrid emission limit that is at least as stringent as any applicable emission limitation or a District-only requirement which meets the criteria set forth in section 302.6 K., below, may be submitted, provided the limits ensure compliance with all applicable requirements for each emission unit or group of emissions unit:

- 1) A side-by-side comparison of all District-only and applicable federal requirements that is currently applicable and effective. Requirements for emissions and/or work practice standards shall be distinguished from provisions for monitoring and compliance demonstration.
- 2) A determination of the most stringent emissions and/or performance standard (or any hybrid or alternative limits as appropriate) and the documentation relied upon to make this determination.
- 3) A proposal for one set of permit terms and conditions to include the most stringent emissions limitations and/or standards (including pertinent workpractice standards). Appropriate monitoring and its associated record keeping and reporting requirements, and such other conditions as are necessary to ensure compliance with all applicable federal requirements affected by the proposal. The most stringent emission limits shall be determined in accordance with the criteria in section II.A.2.(a) of "White Paper Number 2 for Improved Implementation of The Part 70 Operating Permits Program, " U.S. EPA Office of Air Quality Planning and Standards, dated March 5, 1996. Streamlining of workpractice standards shall be consistent with the guidance in section II.A.2(b) of "White Paper Number 2 for Improved Implementation of The Part 70 Operating Permits Program, " U.S. EPA Office of Air Quality Planning and Standards, dated March 5, 1996. Streamlining of monitoring, record keeping, and reporting requirements shall be consistent with the guidance in section II.A.2(e) of "White Paper Number 2 for Improved Implementation of The Part 70 Operating Permits Program, " U.S. EPA Office of Air Quality Planning and Standards, dated March 5, 1996.
- 4) If there is pertinent source compliance data, a certification that the source complies with the streamlined emission limits and that compliance with the streamlined emission limit ensures compliance, in accordance with subsection 302.5 C.1.k., above, with all applicable federal requirements affected by the proposal.
- 5) A compliance schedule to implement any new monitoring/ compliance approach relevant to the streamlined limit if the emissions unit is unable to comply with the streamlined limit at the time of permit issuance. The record keeping, monitoring, and reporting requirements of the applicable federal requirements being subsumed shall continue to apply (as would the requirement for the emission unit to operate in compliance with each of its emission limits) until the new streamlined compliance approach becomes operative.

6) A proposal for a permit shield in accordance with subsection 302.5 C.1.u., below, for the applicable federal requirements and the District-only requirements associated with the streamlining proposal.

7) If the proposal includes the use of any District-only requirement(s) as a requirement of permit streamlining, an authorization for the APCO to identify such District-only requirement(s), and any streamlined monitoring, record keeping, or reporting requirements derived from it, in the permit as a federally-enforceable condition in accordance with H&SC Section 42301.12(a)(3).

8) Other pertinent information as specified by the APCO, including supplementary information pertaining to paragraphs 1) through 6) of this subsection.

t. If the application contains a proposal to address a District-only rule that has been submitted to the U.S. EPA for State Implementation Plan approval, in lieu of a corresponding requirement in the State Implementation Plan, the application shall include the following additional information:

1) An indication that this approach is being proposed, a list or cross-reference of all requirements from pertinent District-only rules that are eligible for this approach and reference to the list maintained for this purpose by the District.

2) Identification of the State Implementation Plan requirements that the District-only rule(s) would replace.

3) A compliance certification for the requirements of the pertinent District-only rule(s) in lieu of the requirements in the State Implementation Plan in accordance with subsection 302.5 C.1.k., above.

4) A proposal for a permit shield in accordance with subsection 302.5 C.1.u., below, for the affected applicable federal requirements in the State Implementation Plan.

5) An authorization for the APCO to identify in the permit, in accordance with H&SC section 42301.12(a)(3), any such District-only emission limit and any associated District-only monitoring, record keeping, or reporting requirements as a federally enforceable condition.

6) Other information as specified by the APCO in accordance with this rule.

u. The application may contain a proposal for a permit shield to be reviewed by District in accordance with subsection 302.6 L., below, and to be included in the permit. The proposal shall indicate the applicable federal requirements and the District-only requirements for which the permit shield is sought. The proposal shall also specify the

emissions unit(s) for which the permit shield is sought or whether the permit shield is sought for the entire stationary source.

v. Activities identified as insignificant in **Attachment 1** of Rule 302 based upon size and production rate shall be listed in the permit application. An application may not omit information needed to determine the applicability of, or to impose, any applicable requirement, or to evaluate the fee amount required in Section 302.8 of this rule. (Reference: 40 CFR Part 70.5(c).

2. Correctness of Applications

a. Upon written request of the APCO, a responsible official shall supplement any complete application with additional information within the time frame specified by the APCO.

b. A responsible official shall promptly provide additional information in writing to the APCO upon discovery of submittal of any inaccurate information as part of the application or as a supplement thereto, or of any additional relevant facts previously omitted which are needed for accurate analysis of the application.

c. Intentional or negligent submittal of inaccurate information shall be reason for denial of an application and are subject to penalty per HS&C.

D. Written Requests for District Action A responsible official shall submit a written request to the APCO for the following permit actions:

1. Administrative Permit Amendment For an administrative permit amendment, a responsible official may implement the change addressed in the written request immediately upon submittal of the request.

2. Permit Modification for a Condition that is not Federally Enforceable For a permit modification for a condition that is not federally enforceable, a responsible official shall submit a written request in accordance with the requirements of District Rule 401.

3. Permits to Operate for New Emissions Units For permits to operate for a new emissions unit at a stationary source, a responsible official shall submit a written request in accordance with the requirements of District Rule 401, except under the following circumstances:

a. The construction or operation of the emissions unit is a modification under U.S. EPA regulations promulgated pursuant to Title I of the CAA, including 40 CFR Parts 51, 52, 60, 61, 63.

b. The construction or operation of the emissions unit is addressed or prohibited by permits for other emissions units at the stationary source.

c. The emissions unit is an acid rain unit subject to Title IV of the CAA.

In the circumstances specified in subsections a., b., or c., above, a responsible official shall apply for a permit to operate for the new emissions unit pursuant to the requirements of Rule 302.

E. Response to Permit Reopening For Cause Upon notification by the APCO of a reopening of a permit for cause for an applicable federal requirement pursuant to section 302.6 H., below, a responsible official shall respond to any written request for information by the APCO within the time frame specified by the APCO.

302.6 District Administrative Procedures

A. Completeness Review of Applications The APCO shall determine if an application is complete and shall notify the responsible official of the determination within the following time frames:

1. For an initial permit, permit renewal, or a significant permit modification, within 60 days of receiving the application;
2. For a minor permit modification, within 30 days of receiving the application;

The application shall be deemed complete unless the APCO requests additional information or otherwise notifies the responsible official that the application is incomplete within the time frames specified above.

B. Notification of Completeness Determination The APCO shall provide written notification of the completeness determination to the U.S. EPA, the ARB and any affected state and shall submit a copy of the complete application to the U.S. EPA within five working days of the determination. If the application includes a proposal for permit streamlining, the APCO shall note this when submitting a copy of the complete application to the U.S. EPA. The APCO need not provide notification for applications from sources that are not major sources when the U.S. EPA waives such requirement for a source category by regulation or at the time of approval of the District operating permits program.

C. Application Processing Time Frames The APCO shall act on a complete application in accordance with the procedures in subsections D., E. and F., below (except as application procedures for acid rain units are provided for under regulations promulgated pursuant to Title IV of the CAA), and take final action within the following time frames:

1. For an initial permit for a source subject to Rule 302 on the date the rule becomes effective, no later than three years after the date the rule becomes effective.
2. For an initial permit for a source that becomes subject to Rule 302 after the date the rule becomes effective, no later than 18 months after the complete application is received.
3. For a permit renewal, no later than 18 months after the complete application is received.
4. For a significant permit modification, no later than 90 days after the complete application is received.
5. For a minor permit modification, within 90 days after the application is received or 60 days after written notice to the U.S. EPA on the proposed decision, whichever is later.

6. For any permit application with early reductions pursuant to section 112(i)(5) of the CAA, within 9 months from the date a complete application is received.

7. Provided the U.S. EPA has entered into a formal agreement with the APCO to expedite its review of a District-only rule, the APCO may delay issuance of the affected portions of a permit in accordance with subsection 302.6 K.2., below, until the U.S. EPA formally acts to approve or disapprove a District-only rule submitted for inclusion in the State Implementation Plan. If the U.S. EPA disapproves the District-only rule, the APCO shall require the owner or operator to revise the application to address the corresponding requirements in the State Implementation Plan not yet addressed and to provide additional information as specified by the APCO in accordance with this rule. The APCO shall specify an expeditious time frame for the owner or operator to submit the revised application.

D. Notification and Opportunity for Review of Proposed Decision Within the applicable time frame specified in subsection V.C., above, the APCO shall provide notice of and opportunity to review the proposed decision to issue a permit to operate in accordance with requirements in this subsection. Fees for requests for documentation may be charged in accordance with District policy and Regulation VI.

1. For initial permits, renewal of permits, significant permit modifications, and reopenings for cause, the APCO shall provide the following:

a. Written notice, the proposed permit and, upon written request, copies of the District analysis to interested persons or agencies. The District analysis shall include a statement that sets forth the legal and factual basis for the proposed permit conditions, including references to the applicable statutory and regulatory provisions. Interested persons or agencies shall include persons who have requested in writing to be notified of proposed Rule 302 decisions, any affected state and the ARB.

b. On or after providing written notice pursuant to subsection a., above, public notice that shall be published in at least one newspaper of general circulation in the District, and if necessary, by other means to assure adequate notice to the affected public. The notice shall provide the following information:

1) The identification of the source, the name and address of permit holder, the activity(ies) and emissions change involved in the permit action;

2) The name and address of the District, the name and telephone number of District staff to contact for additional information;

3) The availability, upon request, of a statement that sets forth the legal and factual basis for the proposed permit conditions;

4) The location where the public may inspect the complete application, the District analysis, and the proposed permit;

5) A statement that the public may submit written comments regarding the proposed decision within at least 30 days from the date of publication and a brief description of commenting procedures, and

6) A statement that members of the public may request a public hearing if a hearing has not been scheduled. The APCO shall provide notice of any public hearing scheduled to address the proposed decision at least 30 days prior to such hearing in accordance with District Rule 424.B.

c. A copy of the complete application, the District analysis and the proposed permit at District offices for public review and comment during normal business hours;

d. A written response, including reasons for not accepting comments and recommendations for a proposed permit, to persons or agencies that submitted written comments which are postmarked by the close of the public notice and comment period. All written comments and responses to such comments shall be sent to all commenters and kept on file at the District office and made available upon request. (Reference: 40 CFR Part 70.7(h)(5) and 70.8)

e. After completion of the public notice and comment period pursuant to subsection a., above, written notice to the U.S. EPA of the proposed decision along with copies of the proposed permit, the District analysis, the public notice submitted for publication, the District's response to written comments, and all necessary supporting information.

2. For minor permit modifications, the APCO shall provide written notice of the proposed decision to the U.S. EPA, the ARB, and any affected state. Additionally, the District shall provide to the U.S. EPA (and, upon request, to the ARB or any affected state) copies of the proposed permit, the District analysis, and all necessary supporting information. The District analysis shall include a statement that sets forth the legal and factual basis for the proposed permit conditions, including references to the applicable statutory and regulatory provisions.

E. Changes to the Proposed Decision Changes to the proposed decision shall be governed by the following procedure:

1. The APCO may modify or change the proposed decision, the proposed permit, or the District analysis on the basis of information set forth in the comments received during the public comment period provided pursuant to subsection D.1.a., above, or due to further analysis of the APCO. Pursuant to subsection D.1.e., above, the APCO shall forward any such modified proposed decision, the proposed permit, the District analysis, and all necessary supporting information to the U.S. EPA.

2. If the U.S. EPA objects in writing to the proposed decision within 45 days of being notified of the decision and receiving a copy of the proposed permit and all necessary supporting information pursuant to subsection D.1.e., above, the

APCO shall not issue the permit. Also, if the public petitions the U.S. EPA within 60 days after the end of the U.S. EPA's 45-day review period and the permit has not yet been issued, the APCO shall not issue the permit until U.S. EPA objections in response to the petition are resolved. The APCO shall either deny the application or revise and resubmit a permit which addresses the deficiencies identified in the U.S. EPA objection within the following time frames:

- a. For initial permits, permit renewals, and significant permit modifications, within 90 days of receiving the U.S. EPA objection.
- b. For minor permit modifications, within 90 days of receipt of the application or 60 days of the notice to U.S. EPA, whichever is later.

F. Final Decision If the U.S. EPA does not object in writing within 45 days of the notice provided pursuant to subsection D.1.e., above, or the APCO submits a revised permit pursuant to subsection E.2., above, the APCO shall, expeditiously, deny the application or issue the final permit to operate. In any case, the APCO shall take final action on an application within the applicable time frame specified in subsection C., above. Failure of the APCO to act on a permit application or permit renewal application in accordance to the time frames provided in subsection C., above, shall be considered final action for purposes of obtaining judicial review to require that action on the application be taken expeditiously.

Written notification of the final decision shall be sent to the responsible official of the source, the U.S. EPA, the ARB and any person or affected state that submitted comments during the public comment period. The APCO shall submit a copy of a permit to operate as issued to the U.S. EPA and provide a copy to any person or agency requesting a copy. If the application is denied, the APCO shall provide reasons for the denial in writing to the responsible official along with the District analysis and cite the specific statute, rule, or regulation upon which the denial is based. Fees for requests for documentation may be charged in accordance with District policy and Regulation VI.

G. District Action on Written Requests The APCO shall act on a written request of a responsible official for permit action using the applicable procedure specified in this subsection.

1. Administrative Permit Amendment The APCO shall take final action no later than 60 days after receiving the written request for an administrative permit amendment.

- a. After designating the permit revisions as an administrative permit amendment, the APCO may revise the permit without providing notice to the public or any affected state.
- b. The APCO shall provide a copy of the revised permit to the responsible official and the U.S. EPA.
- c. While the APCO need not make a completeness determination on a written request, the APCO shall notify the responsible official if the APCO determines that the permit cannot be revised as an administrative permit amendment.

2. Permit Modification for a Condition that is not Federally Enforceable The APCO shall take action on a written request for a permit modification for a

condition that is not federally enforceable in accordance with the requirements of District Rule 401 under the following circumstances:

a. Any change at the stationary source allowed by the permit modification shall comply with all permit streamlining requirements imposed in accordance with subsection 302.6 J., below, all District-only rules imposed in accordance with subsection 302.6 K.1., below, and all applicable federal requirements not subsumed by permit streamlining requirements imposed in accordance with subsection 302.6 J., below, or District-only rules substituting for provisions of the State Implementation Plan pursuant to subsection 302.6-K.1., below, and shall not violate any existing permit term or condition; and

b. The APCO shall provide to the U.S. EPA a contemporaneous written notice describing the change, including the date, any change in emissions or air pollutants emitted, and any applicable federal requirement that would apply as a result of the change.

3. Permits to Operate for New Emissions Unit The APCO shall take action on a written request for a permit to operate for a new emissions unit in accordance with the requirements of District Rule 401 under the circumstances specified in subsection 2.a. and 2.b., above. However, if subsections 302.5 D.3.a., 302.5 D.3.b., or 302.5 D.3.c., above, apply, the APCO shall require the submittal of a standard District application and take action on that application pursuant to the requirements of Rule 302.

H. Permit Reopening for Cause The APCO shall reopen and revise a permit to operate during the annual review period required by section 42301(c) of the H&SC, or petition the District hearing board to do so pursuant to section 42307 of the H&SC, whichever is applicable, prior to its expiration date upon discovery of cause for reopening or upon notification of cause for reopening by the U.S. EPA, or within 18 months of promulgation of a new applicable federal requirement. The APCO shall act only on those parts of the permit for which cause to reopen exists.

1. Circumstances that are cause for reopening and revision of a permit include, but are not limited to, the following:

a. The need to correct a material mistake or inaccurate statement.

b. The need to revise or revoke a permit to operate to assure compliance with permit streamlining requirements imposed in accordance with subsection 302.6 J., below, District-only rules imposed in accordance with subsection 302.6 K.1., below, and all applicable federal requirements not subsumed by permit streamlining requirements imposed in accordance with subsection 302.6 J., below, or District-only rules substituting for provisions of the State Implementation Plan pursuant to subsection 302.6 K.1., below.

c. The need to incorporate any new, revised, or additional applicable federal requirements, if the remaining authorized life of the permit is 3 years or greater, no later than 18 months after the promulgation of such requirement (where less than 3 years remain in the authorized life of the permit, the APCO shall incorporate these requirements into the permit to operate upon renewal).

d. The need to reopen a permit issued to any acid rain unit subject to Phase II of Title IV of the CAA to include:

- 1) Oxides of nitrogen requirements prior to January 1, 1999, and
 - 2) Additional requirements promulgated pursuant to Title IV as they become applicable to any acid rain unit governed by the permit.
2. In processing a permit reopening, the APCO shall use the same procedures as for an initial permit and additionally:
- a. Provide written notice to a responsible official and the U.S. EPA at least 30 days, or a shorter period in the case of an emergency, prior to reopening a permit; and
 - b. Complete action to revise the permit as specified in the notice of reopening within 60 days after the written notice to the U.S. EPA pursuant to subsection D.1.e., if the U.S. EPA does not object, or after the APCO has responded to U.S. EPA objection pursuant to subsection E.2., above.

I. Options for Operational Flexibility The APCO shall allow specified changes in operations at a source without requiring a permit revision for conditions that address an applicable federal requirement. The APCO shall not allow changes which constitute a modification under Title I of the CAA or District Rule 401, or that result in an exceedance of the emissions allowable under the permit, whether expressed therein as a rate of emissions or in terms of total emissions without revision to the permit. The source may gain operational flexibility through use of the following options:

1. Alternative Operating Scenarios The APCO shall allow the use of alternative operating scenarios provided that:

- a. Terms and conditions applicable to each operating scenario are identified by the responsible official in the permit application,
- b. The terms and conditions are approved by the APCO,
- c. The terms and conditions are incorporated into the permit; and
- d. The terms and conditions are in compliance with all applicable District, state, and federal requirements.

A permit condition shall require a contemporaneous log to record each change made from one operating scenario to another.

2. Voluntary Emissions Caps The APCO shall issue a permit that contains terms and conditions that allow for trading of emissions increases and decreases within the stationary source solely for the purpose of complying with a voluntary emissions cap established in the permit independent of otherwise applicable federal requirements provided that:

- a. The requirements of subsections 1.a., 1.c., and 1.d., above, are met;
- b. The terms and conditions are approved by the APCO as quantifiable and enforceable; and
- c. The terms and conditions are consistent with the applicable preconstruction permit.

A permit condition shall require that a responsible official provide written notice to the U.S. EPA and APCO 30 days in advance of a change by clearly requesting operational flexibility under this subsection of Rule 302. The written notice shall describe the change, identify the emissions unit which will be affected, the date on which the change will occur and the duration of the change, any change in emissions of any air pollutant, whether regulated or not, and any new emissions of any air pollutant not emitted before the change, whether regulated or not.

3. Contravening an Express Permit Condition The APCO shall allow for changes in operation that contravene an express condition addressing an applicable federal requirement in a permit to operate provided that:

- a. The change will not violate any applicable federal requirement or any previously District-only rule used in accordance with subsection 302.6 K.1., below:
- b. The change will not contravene federally-enforceable conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements;
- c. The change is not a modification under Title I of the CAA or any provision of District Rule 401;
- d. The change does not result in exceeding the emissions allowable under the permit, whether expressed therein as a rate of emissions or in terms of total emissions;
- e. Written notice is given to the U.S. EPA and APCO 30 days in advance of a change, and the notice clearly indicates which term or condition will be contravened, requests operational flexibility under this subsection, describes the change, identifies the emissions units which will be affected, the date on which the change will occur, the duration of the change, any change in emissions of any air pollutant, whether regulated or not, and any new emissions of any air pollutant not emitted before the change, whether regulated or not; and
- f. The APCO has not provided a written denial to the responsible official within 30 days of receipt of the request for an operational change.

J. Permit Streamlining The APCO may approve a proposal in the application, submitted in accordance with subsection IV.C.1.s., above, for permit streamlining, provided the proposal and the permit terms and conditions are sufficient to ensure compliance with all applicable federal requirements for each emission unit or group of emission units and with subsection 302.7, "Permit Content Requirements," below. The APCO shall not

approve any streamlined permit term or condition unless it is enforceable as a practical matter. Streamlined permit terms and conditions based on District-only requirements shall be federally-enforceable in accordance with H&SC section 42301.12(a)(3). The permit shall include a permit shield provided in accordance with subsection 302.6 L., below, for the applicable federal requirements and the District-only requirements subsumed by the permit streamlining action.

The APCO may approve a proposal which includes either: 1) the most stringent of multiple applicable emission limitations (including work practice and operational standards) for each regulated air pollutant, or 2) an alternative or hybrid emission limitation that is at least as stringent as any applicable emission limitation, or 3) a District-only requirement which meets the criteria set forth in subsection 302.5 K., below, and is at least as stringent as the applicable federal requirements(s) which it subsumes.

K. Requirements From the State Implementation Plan

1. In response to a proposal in the application submitted in accordance with subsection 302.5 C.1.t., above, the APCO may issue a permit with permit terms and conditions in accordance with section.302.7, "Permit Content Requirements," below, based on a District-only rule in lieu of a corresponding rule in the State Implementation Plan, provided the following requirements are met:

a. Compliance with one of the following criteria:

1) The U.S. EPA has determined in writing that the District-only rule is at least as stringent as, and ensures compliance with, the corresponding rule in the applicable State Implementation Plan, or

2) The owner or operator has demonstrated to the satisfaction of the APCO and U.S. EPA, expressed in writing, that compliance with the District-only rule assures compliance with the corresponding rule in the State Implementation Plan, and

b. Once the permit is issued, the permit terms and conditions based on the District-only rule shall be federally enforceable in accordance with H&SC section 42301.12(a)(3) and subsection 302.7 A.2. The permit shall include a permit shield provided in accordance with subsection 302.6 L., below, for the applicable federal requirements associated with the District-only rule. The requirements of the corresponding rule in the Implementation Plan shall remain federally enforceable until the U.S. EPA approves the District-only rule for inclusion in the State Implementation Plan. If, after permit issuance, the District or U.S. EPA determines that the permit does not assure compliance with applicable federal requirements, the permit shall be reopened.

2. Provided the U.S. EPA has entered into a formal agreement with the APCO to expedite its review of a District-only rule, the APCO may delay issuance of the affected portions of the permit until the U.S. EPA formally acts to approve or disapprove the District-only rule submitted for inclusion in the State Implementation Plan.

L. Permit Shield

1. In response to a proposal in the application, the APCO may include in the permit a provision stating that compliance with specifically identified conditions of the permit shall be deemed compliance with any applicable federal requirement(s) or with any District-only requirement(s) set forth in accordance with subsection 302.6 J., above, as of the date of permit issuance, provided that:
 - a. Such applicable federal requirements and/or District-only requirements are specifically identified and included in the permit; or
 - b. The APCO, in acting on the permit application or revision, determines in writing that other specifically identified requirements are not applicable to the source, and the permit includes the determination or a concise summary thereof.
2. When a permit shield is provided by the APCO for permit streamlining in accordance with subsection 302.6 J., above, the permit shield shall be effective only when the source is in compliance with the streamlined emission limits (including applicable work standards and operation practices), during which time no enforcement action shall be taken for noncompliance with subsumed requirements. If the source is not in compliance with the streamlined emission limits, the permit shield shall not be in effect and enforcement action may be taken for noncompliance with subsumed emissions limitations to the extent that such noncompliance can be established.
3. A permit that does not expressly state that a permit shield exists shall be presumed not to provide such a shield.
4. A permit shield shall not be provided for the following:
 - a. Any minor permit modification.
 - b. Any change in operation allowed by subsection 302.6 I.3., above, for contravening an express permit condition.
 - c. Any change in operation or any permit modification pursuant to subsection 302.6 G.2. or 302.6 G.3., above.
5. The provisions of subsection 302.6 L.1., above, shall not alter or affect any of the following:
 - a. The provisions of section 303 (emergency orders) of the CAA including the authority of the U.S. EPA Administrator.
 - b. The liability of an owner or operator of a source for any violation of applicable federal requirements prior to or at the time of permit issuance.
 - c. The applicable federal requirements prior to or at the time of permit issuance.
 - d. The ability of the U.S. EPA or APCO to implement and enforce the provisions of section 114 of the CAA and regulations promulgated thereunder.

e. The applicability of state or District-only requirements that are not associated with any permit streamlining action in accordance with subsection 302.6 J., above, at the time of permit issuance but which do apply to the source.

f. The applicability of regulatory requirements with compliance dates after the permit issuance date.

302.7 Permit Content Requirements.

A permit-to-operate shall contain permit conditions that will ensure compliance with all requirements of permit streamlining imposed in accordance with subsection 302.6 J.1., above, all District-only rules which apply in accordance with subsection 302.6 K.1., above, and all applicable federal requirements not subsumed by such permit streamlining requirements or District-only rules.

A. Incorporation of Applicable Federal Requirements

1. A permit to operate shall incorporate all applicable federal requirements (or District-only rules which apply in accordance with subsection 302.6 K.1., above, in lieu of applicable federal requirements) as permit conditions. Streamlining, if any, of requirements shall be accomplished in accordance with subsection 302.6 J., above.

2. A permit condition that addresses an applicable federal requirement a permit streamlining requirement imposed in accordance with subsection 302.6 J. above, or a District-only rule which applies in accordance with subsection 302.6 K.1., above, shall be specifically identified in the permit, or otherwise distinguished from any requirement that is not enforceable by the U.S. EPA in accordance with H&SC section 42301.12(a)(3);

B. General Requirements All permits to operate shall contain the conditions or terms consistent with 40 CFR Part 70.6 Permit Content, including:

1. Emission and Operational Limitations The permit shall contain terms and conditions that ensure compliance with all permit streamlining requirements imposed in accordance with subsection 302.6 J., above, all District-only rules which apply in accordance with subsection 302.6 K.1., above, and all applicable federal requirements not submitted by such permit streamlining requirements or District-only rules, including any operational limitations or requirements.

2. Preconstruction Permit Requirements The permit shall include all of the preconstruction permit conditions for each emissions unit.

3. Origin and Authority for Permit Conditions The origin and authority for each permit term or condition shall be referenced in the permit. If a permit term or condition is used to subsume requirements in accordance with this rule, the origin and authority of the subsumed requirements shall also be referenced in the permit.

4. Equipment Identification The permit shall identify the equipment to which a permit condition applies.

5. Monitoring, Testing, and Analysis The permit shall contain terms and

conditions that require monitoring, analytical methods, compliance certification, test methods, equipment management, and statistical procedures consistent with all permit streamlining requirements imposed in accordance with subsection 302.6 J., above, all District-only rules which apply in accordance with subsection 302.6 K.1., above, and all applicable federal requirements, including those pursuant to sections 114(a)(3) and 504(b) of the CAA, and 40 FR Part 64 not subsumed by such permit streamlining requirement(s) or District-only rules. Periodic monitoring shall be required as a condition to ensure that the monitoring is sufficient to yield reliable data which are representative of the source's compliance with permit conditions over the relevant time period.

6. Recordkeeping The permit shall include recordkeeping conditions that require:

a. Record maintenance of all monitoring and support information associated with all permit streamlining requirement imposed in accordance with subsection 302.6 J., above, all District-only rules which apply in accordance with subsection 302.6 K. 1., above, and all applicable federal requirement not subsumed by such permit seamlining requirement(s) or District-only rules, including:

- 1) Date, place, and time of sampling;
- 2) Operating conditions at the time of sampling;
- 3) Date, place, and method of analysis; and
- 4) Results of the analysis;

b. Retention of records of all required monitoring data and support information for a period of at least five years from the date of sample collection, measurement, report, or application; and

c. Any other recordkeeping deemed necessary by the APCO to ensure compliance with all permit streamlining requirements imposed in accordance with subsection 302.6 J., above, all District-only rules which apply in accordance with subsection 302.6 K.1., above, and all applicable federal requirements not subsumed by such permit streamlining requirement(s) or District-only rules.

7. Reporting The permit shall include reporting conditions that require the following:

a. Any deviation from permit requirements, including that attributable to upset conditions (as defined in the permit), shall be promptly reported to the APCO who will determine what constitutes "prompt" reporting in terms of the requirement, the degree, and type of deviation likely to occur;

b. A monitoring report shall be submitted at least every six months and shall identify any deviation from permit requirements, including that previously reported to the APCO (see subsection 7.a. above);

c. All reports of a deviation from permit requirements shall include the probable cause of the deviation and any preventative or corrective action

taken;

d. A progress report shall be made on a compliance schedule at least semi-annually and shall include: 1) the date when compliance will be achieved, 2) an explanation of why compliance was not, or will not be, achieved by the scheduled date, and 3) a log of any preventative or corrective action taken; and

e. Each monitoring report shall be accompanied by a written statement from the responsible official which certifies the truth, accuracy, and completeness of the report.

8. Compliance Plan The permit shall include a compliance plan that:

a. Describes the compliance status of an emissions unit with respect to each applicable federal requirement, except as provided below:

1) For all applicable federal requirements which are satisfied by compliance with a permit streamlining requirement approved by the District in accordance with subsection 302.6 J., above, the responsible official may certify compliance with the streamlined requirement(s) if there is data on which to base such a certification. The compliance plan shall include an attachment that indicates that compliance with the permit streamlining requirement ensures compliance with the identified applicable federal requirements that are being subsumed.

2) In lieu of a corresponding requirement in the State Implementation Plan, the responsible official may certify compliance with a District-only rule allowed by the District in accordance with subsection 302.6 K.1., above, if there is data on which to base such a certification:

b. Describes how compliance will be achieved if an emissions unit is not in compliance with an applicable federal requirement at the time of permit issuance. However, if the emissions unit complies with a District-only rule in accordance with subsection 302.6 K.1., above, no description is needed to address the corresponding State Implementation Plan requirement unless otherwise required by the District:

c. Assures that an emissions unit will continue to comply with those permit conditions with which it is in compliance; and

d. Assures that an emissions unit will comply with any future applicable federal requirement on a timely basis.

9. Compliance Schedule The permit shall include a compliance schedule for any emissions unit which is not in compliance, at the time of permit issuance, renewal, and modification (if the non-compliance is with units being modified), with any permit streamlining requirement imposed in accordance with subsection 302.6 J., above, and any current applicable federal requirement not subsumed by such permit streamlining requirement(s) or District-only rules. The compliance schedule shall resemble and be at least as stringent as that contained in any

judicial consent decree, administrative order, or schedule approved by the District hearing board if required by state law and shall require:

- a. A statement that the emissions unit will continue to comply with those permit conditions with which it is in compliance;
- b. A statement that the emissions unit will comply with any future applicable federal requirement on a timely basis;
- c. For each condition with which the emissions unit is not in compliance with a permit streamlining requirement imposed in accordance with subsection 302.6 J., above, a District-only rule which applies in accordance with subsection 302.6 K.1., above, or an applicable federal requirement not subsumed by such permit streamlining requirements or District-only rules, a schedule of compliance which lists all preventative or corrective activities, and the dates when these activities will be accomplished; and
- d. For each emissions unit that is not in compliance with a permit streamlining requirement imposed in accordance with subsection 302.6 J., above, a District-only rule which applies in accordance with subsection 302.6 K.1., above, or an applicable federal requirement not subsumed by such a permit streamlining requirements or District-only rules, a schedule of progress on at least a semi-annual basis which includes: 1) the date when compliance will be achieved, 2) an explanation of why compliance was not, or will not be, achieved by the scheduled date, and 3) a log of any preventative or corrective actions taken.

10. Right of Entry The permit shall require that the source allow the entry of the District, ARB, or U.S. EPA officials for the purpose of inspection and sampling, including:

- a. Inspection of the stationary source, including equipment, work practices, operations, and emission-related activity;
- b. Inspection and duplication of records required by the permit to operate; and
- c. Source sampling or other monitoring activities.

11. Compliance with Permit Conditions The permit shall include the following provisions regarding compliance:

- a. The permittee shall comply with all permit conditions;
- b. The permit does not convey property rights or exclusive privilege of any sort;
- c. The non-compliance with any permit condition is grounds for permit termination, revocation and reissuance, modification, enforcement action, or denial of permit renewal;
- d. The permittee shall not use the "need to halt or reduce a permitted activity in order to maintain compliance" as a defense for non-compliance

with any permit condition;

e. A pending permit action or notification of anticipated non-compliance does not stay any permit condition; and

f. Within a reasonable time period, the permittee shall furnish any information requested by the APCO, in writing, for the purpose of determining: 1) compliance with the permit, or 2) whether or not cause exists for a permit or enforcement action.

12. Emergency Provisions The permit shall include the following emergency provisions:

a. The responsible official shall submit to the District a properly signed contemporaneous log or other relevant evidence which demonstrates that:

- 1) An emergency occurred;
- 2) The permittee can identify the cause(s) of the emergency;
- 3) The facility was being properly operated at the time of the emergency;
- 4) All steps were taken to minimize the emissions resulting from the emergency; and
- 5) Within two working days of the emergency event, the permittee provided the district with a description of the emergency and any mitigating or corrective actions taken;

b. In any enforcement proceeding, the permittee has the burden of proof for establishing that an emergency occurred; and

c. In addition to the emergency provisions above, the permittee shall comply with the emergency or upset provisions contained in all permit streamlining requirements imposed in accordance with subsection 302.6 J., above, all District-only rules which apply in accordance with subsection 302.6 K. 1., above, and all applicable federal requirements not subsumed by such permit streamlining requirement(s) or District-only rules and District Rule 516 requirements.

13. Severability The permit shall include a severability clause to ensure the continued validity of otherwise unaffected permit requirements in the event of a challenge to any portion of the permit.

14. Compliance Certification The permit shall contain conditions for compliance certification which include the following requirements:

a. The responsible official shall submit a compliance certification to the U.S. EPA and the APCO every 12 months or more frequently as specified in an applicable requirement or by the District. All compliance reports and other documents required to be submitted to the District by the responsible official shall state that, based on information and belief

formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete;

b. The compliance certification shall identify the basis for each permit term or condition (e.g., specify the emissions limitation, standard, or work practice) and a means of monitoring compliance with the term or condition;

c. The compliance certification shall include the compliance status and method(s) used to determine compliance for the current time period and over the entire reporting period; and

d. The compliance certification shall include any additional inspection, monitoring, or entry requirement that may be promulgated pursuant to sections 114(a) and 504(b) of the CAA.

15. Permit Life With the exception of acid rain units subject to Title IV of the CAA and solid waste incinerators subject to section 129(e) of the CAA, each permit to operate for any source shall include a condition for a fixed term not to exceed five years from the time of issuance. A permit to operate for an acid rain unit shall have a fixed permit term of five years. A permit to operate for a solid waste incinerator shall have a permit term of 12 years; however, the permit shall be reviewed at least every five years.

16. Payment of Fees The permit shall include a condition to ensure that appropriate permit fees are paid on schedule. If fees are not paid on schedule, the permit is revoked. Operation without a permit subjects the source to potential enforcement action by the District and the U.S. EPA pursuant to section 502(a) of the CAA.

17. Alternative Operating Scenarios Where a responsible official requests that an alternative operating scenario be included in the permit for an emissions unit, the permit shall contain specific conditions for each operating scenario, including each alternative operating scenario. Each operating scenario, including each alternative operating scenario, identified in the permit must ensure compliance with all permit streamlining requirements imposed in accordance with subsection 302.6 J., above, all District-only rules which apply in accordance with subsection 302.6 K.1., above, and all applicable federal requirements not subsumed by such permit streamlining requirement(s) or District-only rules, and all of the requirements of this section. Furthermore, the source is required to maintain a contemporaneous log to record each change from one operating scenario to another.

18. Voluntary Emissions Caps To the extent applicable federal requirements provide for averaging emissions increases and decreases within a stationary source without case-by-case approval, a responsible official may request, subject to approval by the APCO, to permit one or more emissions unit(s) under a voluntary emissions cap. The permit for each emissions unit shall include federally-enforceable conditions requiring that:

a. All permit streamlining requirements imposed in accordance with subsection 302.6 J., above, all District-only rules which apply in accordance with subsection 302.6 K.1., above, and all applicable federal requirements not subsumed by such permit streamlining requirement(s) or District-only rules, including those authorizing

emissions averaging, are complied with;

- b. No individual emissions unit shall exceed any emissions limitation, standard, or other requirement;
- c. Any emissions limitation, standard, or other requirement shall be enforced through continuous emission monitoring, where applicable; and
- d. All affected emissions units under a voluntary emissions cap shall be considered to be operating in violation of the permit, if the voluntary emissions cap is exceeded.

19. Acid Rain Units Subject to Title IV The permit for an acid rain unit shall include conditions that require compliance with any federal standard or requirement promulgated pursuant to Title IV (Acid Deposition Control) of the CAA and any federal standard or requirement promulgated pursuant to Title V of the CAA, except as modified by Title IV. Acid rain unit permit conditions shall include the requirements of 40 CFR Part 72.9 and the following provisions:

- a. The sulfur dioxide emissions from an acid rain unit shall not exceed the annual emissions allowances (up to one ton per year of sulfur dioxide may be emitted for each emission allowance allotted) that the source lawfully holds for that unit under Title IV of the CAA or the regulations promulgated pursuant to Title IV;
- b. Any increase in an acid rain unit's sulfur dioxide emissions authorized by allowances acquired pursuant to Title IV of the CAA shall not require a revision of the acid rain portion of the operating permit provided such increases do not require permit revision under any other applicable federal requirement;
- c. Although there is no limit on the number of sulfur dioxide emissions allowances held by a source, a source with an acid rain unit shall not use these emissions allowances as a defense for noncompliance with any applicable federal requirement or District requirement; and
- d. An acid rain unit's sulfur dioxide allowances shall be accounted for according to the procedures established in regulations promulgated pursuant to Title IV of the CAA.

20. Portable Sources The permit for any portable source, which may operate at two or more locations, shall contain conditions that require the portable source to:

- a. Meet all applicable District, state, and federal requirements at each location;
- b. Specify the monitoring methods, or other methods (e.g. air quality modeling) approved by the APCO, that will be used to demonstrate compliance with all District, state, and federal requirements; and
- c. Notify the APCO ten working days prior to a change in location.

21. Permit Shield In response to a proposal in the application and upon approval by the APCO, the permit may contain a permit shield in accordance with subsection 302.6 .L., above. The permit shield shall specify the requirements of

permit streamlining, the applicable federal requirements, and the District-only requirements for which the permit shield applies. The permit shield shall also state the specific emission units for which the permit shield applies whether the permit shield applies to the stationary source.

C. Referencing of District and Applicable Federal Requirements In lieu of specifying detailed requirements, the permit may reference documents that contain the detailed requirements; provided the documents are specifically and clearly identified, and are readily available to the District and to the public. Each reference shall include, at a minimum, the title or document number, author and recipient if applicable, date, citation of relevant sections of the rule or document, and identification of specific source activities or equipment for which the referencing applies.

302.8 Supplemental Annual Fee.

The fees collected pursuant to this section shall supplement the fee requirements in District Regulation VI.

A. Payment of Supplemental Fee Upon program approval by the U.S. EPA, a responsible official, or his or her designee, shall pay an annual supplemental fee for a permit to operate pursuant to this rule as determined by the calculation method in subsection B. below to meet an overall fee rate of \$25.00 per ton of fee-based emissions (CPI adjusted).

1. "Fee-based emissions" means the actual rate of emissions in tons per year of any fee pollutant, including fugitive emissions, emitted from the stationary source over the preceding year or any other period determined by the APCO to be representative of normal operation. Fee-based emissions shall be calculated using each emission unit's actual operating hours, production rates, and in-place control equipment; types of material processed, stored, or combusted during the preceding calendar year, or other time period established by the APCO.

2. "Fee pollutant" means oxides of nitrogen, volatile organic compounds, any pollutant for which a national ambient air quality standard has been promulgated by the U.S. EPA (excluding carbon monoxide), and any other pollutant that is subject to a standard or regulation promulgated by the U.S. EPA under the CAA or adopted by the District pursuant to Section 112(g) and (j) of the CAA. Any air pollutant that is regulated solely because of a standard or regulation under Section 112(r) of the CAA for accidental release or under Title VI of the CAA for stratospheric ozone protection shall not be included.

3. "(CPI adjusted)" means adjusted by the percentage, if any, by which the Consumer Price Index of the year exceeds the Consumer Price Index for calendar year 1989. The value for (CPI adjusted) shall be obtained from the U.S. EPA.

B. Determination of Supplemental Fee The supplemental annual fee shall be determined by completing the following steps:

Step 1: Calculation of Supplemental Annual Fee

$$s = [\$25 \text{ per ton (CPI adjusted)} \times e] - f$$

where:

s = supplemental annual fee in dollars

e = fee-based emissions in tons per year

f = sum (in dollars) of annual fee under District Regulation VI (Permit Fee Rule) that funds direct and indirect costs associated with activities related to the operating permits program as specified in Section 502(b)(3)(A) of the CAA.

Step 2: When the Supplemental Annual Fee is Zero

If "f" is equal to or greater than "\$25 per ton (CPI adjusted) x e)," then "s" shall be zero and subsection B., above, applies. If "f" is less than "\$25 per ton (CPI adjusted) x e)," then "s" shall be as calculated in Step 1.

C. Submittal of Information The responsible official, or his or her designee, shall provide the APCO sufficient information to determine the supplemental fee.

D. Submittal of Information An owner or operator of a source, or his or her designee, shall provide the APCO sufficient information to determine the supplemental fee.

303 STANDARDS FOR GRANTING APPLICATIONS:

303.1 The Air Pollution Control Officer shall deny an authority to construct or permit to operate, except as provided in Rule 402 if the applicant does not show that every article, machine, equipment or other contrivance, the use of which may cause, eliminate, reduce, or control the issuance of air contaminants, is so designed, controlled, equipped, and operated with such air pollution control equipment that it may be shown to operate without emitting or without causing to be emitted air contaminants in violation of these rules and regulations or of such state or federal statutes as may be enforceable by the Air Pollution Control Officer. In addition, the Air Pollution Control Officer shall require the applicant, as a condition of the authority to construct, to comply with the requirements of Health and Safety Code Part 6, (Section 44300 et seq.), Air Toxics Hot Spots Assessment Act.

303.2 Before an authority to construct or permit to operate is granted, the Air Pollution Control Officer may require the applicant to provide, maintain, and operate such facilities as are necessary for sampling, testing and air monitoring purposes in order to secure information that will disclose the nature, extent, quantity or degree of air contaminants discharged into the atmosphere from the article, machine, equipment or other contrivance described in the authority to construct or permit to operate. In the event of such a requirement, the Air Pollution Control Officer shall notify the applicant in writing of the required size, number and location of sampling holes; the size and location of the sampling platform; the access to the sampling platform; and the utilities for operating the sampling and testing and air monitoring equipment.
General Industry Safety Orders of the State of California.

303.3 In acting upon a permit to operate, if the Air Pollution Control Officer finds that the article, machine, equipment, or other contrivance, the use of which may cause the issuance of air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminants, has not been constructed in accordance with the authority to construct, he shall deny the permit to operate. The Air Pollution Control Officer shall not accept any further application for permit to operate the article, machine, equipment, or

other contrivance so constructed until he finds that the article, machine, equipment or other contrivance has been reconstructed in accordance with the authority to construct.

303.4 The Air Pollution Control Officer shall determine that an applicant has complied with applicable requirements of Health and Safety Code Section 42301.6, preparation and distribution of public notice, prior to approving an application for an authority to construct permit.

304 **TRANSFER:** An authority to construct or permit to operate shall not be transferable, whether by operation of law or otherwise, either from one location to another, from one piece of equipment to another, or from one person to another. In the event any person contemplates or desires to make any such transfer as herein above described, said person shall make application for authorization in accordance with Section 403 of this rule.

305 **PERMIT RENEWAL:** Every permit to operate, except as specified below, shall be renewable annually on the permit's anniversary date, commencing one year after the date of issuance.

305.1 The permit to operate for a gasoline storage tank exempt from the vapor recovery requirements of Rule 448 shall not be required to be renewed annually.

305.2 The Air Pollution Control Officer shall review every permit to operate upon annual renewal, pursuant to Health and Safety Code Section 42301(c), to determine that permit conditions are adequate to ensure compliance with, and the enforceability of, District rules and regulations applicable to the article, machine, equipment, or contrivance for which the permit was issued. Applicable District rules and regulations shall include those which were in effect at the time the permit was issued or modified, or which have subsequently been adopted and made retroactively applicable to an existing article, machine, equipment, or contrivance, by the District Board of Directors. The Air Pollution Control Officer shall revise the conditions, if such conditions are not consistent, in accordance with all applicable rules and regulations.

400 ADMINISTRATIVE REQUIREMENTS

401 **POSTING:** A person who has been granted a permit to operate any article, machine, equipment, or other contrivance described in Section 302 of this rule shall maintain a legible copy of said permit on the premises of the subject equipment. Other information, analysis, plans or specifications which disclose the nature, extent, quantity, or degree of air contaminants which are or may be discharged from such source shall be readily available for inspection by the Air Pollution Control Officer.

402 **MODIFICATIONS:** A person shall not willfully deface, alter, forge, counterfeit, or falsify a permit to operate any article, machine, equipment, or other contrivance described in Section 302 of this rule.

403 **APPLICATIONS:** An application for an authority to construct or permit to operate shall be filed in the manner and form prescribed by the Air Pollution Control Officer, and shall give all the information necessary to enable the Air Pollution Control Officer to make the determination required by Section 303 of this rule and Rule 402. When the information submitted with the application is insufficient for the Air Pollution Control Officer to make the determination required by Section 302 of this rule, Rule 202, and any other applicable rule, regulation, or order additional information, plans, or specifications shall be submitted by the applicant as requested.

404 **ACTION ON APPLICATIONS:** The Air Pollution Control Officer shall notify the applicant in writing of his approval, conditional approval suspension, or denial of the application for authority to construct or permit to operate.

404.1 In the event said notification is not received by applicant within 30 days of the filing of the application, or within 30 days of providing further information as required by Section 403, the applicant may, at his option, deem the application to construct or permit to operate denied.

- 405 **CONDITIONAL APPROVAL:** The Air Pollution Control Officer may issue an authority to construct or a permit to operate subject to conditions which will bring the operation of any article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminants within the standards of Section 303 of this rule in which case the conditions shall be specified in writing. Commencing work under such an authority to construct or operation under such a permit to operate shall be deemed acceptance of all the conditions so specified. The Air Pollution Control Officer shall issue an authority to construct or a permit to operate with revised conditions upon receipt of a new application if the applicant demonstrates that the article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants, can operate within the standards of Section 303 of this rule under the revised conditions. Failure to comply with any condition specified pursuant to the provisions of this rule shall be a violation of this rule as well as of the applicable section of the Health and Safety Code.
- 406 **DENIAL OF APPLICATION:** In the event of denial of an authority to construct or permit to operate, the Air Pollution Control Officer shall notify the applicant in writing of the reasons therefore. Service of this notification may be made in person or by mail, and such service may be proved by the written acknowledgement of the persons served or affidavit of the person making the service. The Air Pollution Control Officer shall not accept a further application unless the applicant has complied with the objections specified by the Air Pollution Control Officer as his reasons for denial of the authority to construct or the permit to operate. If the Air Pollution Control Officer denies a permit to operate, then the authority to construct associated with the permit to operate shall also be deemed denied.
- 407 **SUSPENSION:** The Air Pollution Control Officer may suspend a permit if a holder of such permit willfully fails and refuses to furnish information, analyses, plans, and specifications, within a reasonable time, as requested by the Air Pollution Control Officer pursuant to Health and Safety code Section 42303, District Rules and Regulations, or any other law, rule, regulation, agreement, or order enforceable by the District. The Air Pollution Control Officer shall serve notice, in writing, of such suspension and the reasons therefore. The permit shall be reinstated when furnished with all requested information, analyses, plans, and specifications.
- 408 **APPEALS:** Within ten days after notice, by the Air Pollution Control Officer, of suspension, or within thirty days after notice of a denial or conditional approval of an authority to construct, permit to operate, or emissions reduction credits application the applicant or any other aggrieved person who participated in the permit issuance proceedings may petition the Hearing Board, in writing, for an order modifying or reversing that decision. The Hearing Board after notice and a public hearing held within thirty days after filing the petition, may sustain or reverse the action of the Air Pollution Control Officer; such order may be made subject to specified conditions.
- 409 **COMPLIANCE DATES:** An application for a permit to operate shall be submitted to the Air Pollution Control Officer by May 26, 1991 for existing equipment constructed prior to February 26, 1991, except:
- 409.1 manufacturer's continuous rating of less than 150 brake horsepower and subject to Section 302 shall submit an application for Permit to Operate by August 26, 1991.

409.2 Existing boilers constructed prior to (date) with a maximum heat input greater than 10,000,000 Btu per hour (gross) and subject to Section 302 shall submit an application for Permit to Operate by (date).

409.3 Existing boilers constructed prior to (date) with a maximum heat input less than 10,000,000 Btu per hour (gross) and subject to Section 302 shall submit an application for Permit to Operate by (date).

500 MONITORING AND RECORDS

501 TESTING PROCEDURES:

501.1 INITIAL BOILING POINT: ASTM D-1078-05, "Test Method for Distillation Range of Volatile Organic Liquids".

501.2 VAPOR PRESSURE: ASTM D-2879-97, "Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope".

Summary of Current Rule Changes Sent to the District

Summary of Rule Changes

New District Name

Current rules and regulations refer to the district as Air Pollution Control District of Amador County or Amador County Air Pollution Control District. This needs to be updated to the District's new name, Amador Air District.

Rule 102 – Definition of VOC should be expanded to include exempt compounds. Exempt compounds include acetone, methyl acetate, perchlorobenzotrifluoride (PCBTF) and t-Butyl Acetate (TBAC). PM-2.5 should be defined. We propose to use the EPA definition of PM-2.5.

Rule 216 – Define impinger train should be defined to indicate condensables. These are associated with source testing. They are defined in Rule 102.

Rule 217 – Rule should be rescinded as the final compliance date of July 1, 1984 as long since passed.

Rule 402 – Exemptions to Rule 401 – Need to include the following additional exemptions:

- 1) Gas turbines below 3,000,000 btu's
- 2) SURFACE COATING AND PREPARATION:
 - a. Water solution for surface preparation, cleaning, stripping, etching (other than chemical milling) or the electrolytic plating with electrolytic polishing of, or the electrolytic stripping of brass, bronze, cadmium, copper, iron lead, nickel, tin, zinc, and precious metals.
 - b. Surface coating operations using a combined total of one gallon per day or less of coating material and solvent.
 - c. Unheated non-conveyorized solvent rinsing containers or unheated non-conveyorized coating dip tanks of 380 liters (100 gallons) capacity or less.
- 3) EXEMPTION: STORAGE AND TRANSFER: Tanks, reservoirs, vessels or other containers and their associated dispensing, pumping and compression systems used exclusively for the storage of:
 - a. Liquefied or compressed gases;
 - b. Unheated organic materials with an initial boiling point of 150°C (302°F) or greater, or with an organic vapor pressure of 5 mm Hg (0.1 psia) or less at 20°C
 - c. Organic liquids with a vapor pressure of 77.5 mm Hg (1.5 psia) or less at 20°C, having a capacity of 23,000 liters (6076 gallons or less). Equipment used exclusively for the transfer of organic liquids with a vapor pressure of 77.5 mm Hg (1.5 psia) at 20°C to or from storage;
 - d. Unheated solvent dispensing containers of 380 liters (100 gallons) capacity or less.

Rule 405 – Determination of Requirements – Need to define "District Zone". This term also appears elsewhere in Rule 408.

Rule 407 – Pollutant Modeling references EPA Guidelines to Air Quality Modeling. This is outdated. Use current guidance. The current guidance appears in the federal register January 17, 2017.

Rule 408 – Attainment Pollutant Air Quality Analysis needs to also reference PM-2.5

Rule 410 – Calculations of emissions

Should better define the basis for the calculations (i.e. is this lb/day or tons/yr?). Specifically. The procedure should describe acceptable use of emission factors, define potential to emit and alternate methodology for calculating emissions. In all cases, the applicant is encouraged to consult with District staff to clarify acceptable calculation procedures.

Rule 421 – Violation of NAAQS needs to reference current (2015) ozone standards

Miscellaneous

As part of a moderate ozone non-attainment classification, Stage II (i.e. Phase II) vapor recovery is required. However, EPA no longer requires Stage II as it has been determined that vehicle onboard refueling vapor recovery systems are in wide spread use. As you may know California is continuing with the program. Therefore, it is not clear if a District that doesn't have a vapor recovery rule should one be adopted? I am recommending that a new rule related to vapor recovery not be adopted.

Amador Air District
Balance Sheet
As of October 12, 2017

	<u>Oct 12, 17</u>
ASSETS	
Current Assets	
Checking/Savings	
AAD Bank 101735	663,799.37
Total Checking/Savings	663,799.37
Other Current Assets	
101002 Petty Cash	200.00
Undeposited Funds	18,299.82
Total Other Current Assets	18,499.82
Total Current Assets	682,299.19
Fixed Assets	
150630 Equipment	25,537.48
Total Fixed Assets	25,537.48
TOTAL ASSETS	<u>707,836.67</u>
LIABILITIES & EQUITY	
Equity	
Retained Earnings	674,766.89
Net Income	33,069.78
Total Equity	707,836.67
TOTAL LIABILITIES & EQUITY	<u>707,836.67</u>

Amador Air District
Custom Summary Report
July 1 through October 12, 2017

	<u>Jul 1 - Oct 12, 17</u>
Income	
42145 Burn Permits	410.00
44100 Interest	1,084.57
45070 DMV Fees	67,841.31
46940 Permits & Emission Fees	
46940 Vapor Recovery / Nozzles	7,778.86
46940 Permits & Emission Fees - Other	90,340.58
Total 46940 Permits & Emission Fees	98,119.44
47890 Miscellaneous	
47890 Authority to Construct	2,265.12
47890 Change of Ownership	411.84
47890 Vehicle Lease to WM	450.00
Total 47890 Miscellaneous	3,126.96
Total Income	170,582.28
Gross Profit	170,582.28
Expense	
50100 Salaries	30,837.71
50121 Cell Phone Stipend	135.00
50300 Retirement	3,506.27
50304 PERS Misc. Unfund Lia.	2,693.16
50310 FICA/Medicare Tax	2,329.23
50400 Employee Group Insurance	15.84
50500 Worker's compensation	24.68
51200 Communications	746.82
51760 Maintenance - Licensing	290.95
52200 Office Expenses	692.54
52211 GSA Cost Allocation	397.00
52300 Professional Services	31,267.12
52500 Rent/Lease of Equipment	206.06
52600 Rents, Leases	4,872.42
52900 GSA and In County Travel	397.39
52910 Meetings & Training	67.00
54120 Community Projects	43,499.52
54712 Business Projects	15,533.79
Total Expense	137,512.50
Net Income	33,069.78

Amador Air District Revenue & Expenses Budget vs. Actual July 1 through October 12, 2017

	Jul 1 - Oct 12, 17	Budget	\$ Over Budget	% of Budget
Income				
201002 NSF pass through	0.00	0.00	0.00	0.0%
42145 Burn Permits	410.00	0.00	410.00	100.0%
44100 Interest	1,084.57	0.00	1,084.57	100.0%
45070 DMV Fees	67,841.31	0.00	67,841.31	100.0%
45240 Carl Moyer Program Funds	0.00	0.00	0.00	0.0%
45460 ARB Subvention	0.00	0.00	0.00	0.0%
45461 Lower Emission School Bus	0.00	0.00	0.00	0.0%
45490 State Mandated	0.00	0.00	0.00	0.0%
46021 Local Funding	0.00	0.00	0.00	0.0%
46940 Permits & Emission Fees				
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	7,778.86	0.00	7,778.86	100.0%
46940 Permits & Emission Fees - Other	90,340.58	0.00	90,340.58	100.0%
Total 46940 Permits & Emission Fees	98,119.44	0.00	98,119.44	100.0%
47890 Miscellaneous				
47890 Authority to Construct	2,265.12	0.00	2,265.12	100.0%
47890 Change of Ownership	411.84	0.00	411.84	100.0%
47890 Engineer Fees	0.00	0.00	0.00	0.0%
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	0.00	0.00	0.00	0.0%
Total 47890 Miscellaneous	3,126.96	0.00	3,126.96	100.0%
Total Income	170,582.28	0.00	170,582.28	100.0%
Cost of Goods Sold				
Cost of Goods Sold	0.00	0.00	0.00	0.0%
Total COGS	0.00	0.00	0.00	0.0%
Gross Profit	170,582.28	0.00	170,582.28	100.0%
Expense				
50100 Salaries	30,837.71	0.00	30,837.71	100.0%
50121 Cell Phone Stipend	135.00	0.00	135.00	100.0%
50300 Retirement	3,506.27	0.00	3,506.27	100.0%
50304 PERS Misc. Unfund Lia.	2,693.16	0.00	2,693.16	100.0%
50310 FICA/Medicare Tax	2,329.23	0.00	2,329.23	100.0%
50400 Employee Group Insurance	15.84	0.00	15.84	100.0%
50500 Worker's compensation	24.68	0.00	24.68	100.0%
51110 Protective Clothing	0.00	0.00	0.00	0.0%
51200 Communications	746.82	0.00	746.82	100.0%
51700 Maintenance - Equipment	0.00	0.00	0.00	0.0%
51760 Maintenance - Licensing	290.95	0.00	290.95	100.0%
52000 Memberships	0.00	0.00	0.00	0.0%
52200 Office Expenses	692.54	0.00	692.54	100.0%
52211 GSA Cost Allocation	397.00	0.00	397.00	100.0%
52300 Professional Services	31,267.12	0.00	31,267.12	100.0%
52380 Hearing Board	0.00	0.00	0.00	0.0%
52400 Publications/Legal Notcei	0.00	0.00	0.00	0.0%
52500 Rent/Lease of Equipment	206.06	0.00	206.06	100.0%
52600 Rents, Leases	4,872.42	0.00	4,872.42	100.0%
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	397.39	0.00	397.39	100.0%
52910 Meetings & Training	67.00	0.00	67.00	100.0%
53000 Utilities	0.00	0.00	0.00	0.0%
54120 Community Projects	43,499.52	0.00	43,499.52	100.0%
54711 DMV Fee Grants	0.00	0.00	0.00	0.0%
54712 Business Projects	15,533.79	0.00	15,533.79	100.0%
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%

10:31 AM

October 12, 2017

Cash Basis

Amador Air District Revenue & Expenses Budget vs. Actual July 1 through October 12, 2017

	Jul 1 - Oct 12, 17	Budget	\$ Over Budget	% of Budget
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%
Total Expense	137,512.50	0.00	137,512.50	100.0%
Net Income	33,069.78	0.00	33,069.78	100.0%

Amador Air District Expenses by Vendor Detail July 1 through October 12, 2017

Type	Date	Memo	Account	Paid Amount	Balance	Open Balance
A & B Stoves						
Bill	09/05/2017	James (Jim) Y...	54712 Business Pr...	2,000.00	2,000.00	
Total A & B Stoves				2,000.00	2,000.00	0.00
Aces Waste Services						
Bill	07/06/2017	Pine Acres #66...	54120 Community ...	2,765.68	2,765.68	
Bill	07/06/2017	Silver Drive #6...	54120 Community ...	5,385.15	8,150.83	
Bill	07/06/2017	Sutter Creek F...	54120 Community ...	1,108.28	9,259.11	
Bill	07/06/2017	Lockwood FS #...	54120 Community ...	1,164.21	10,423.32	
Bill	07/06/2017	Amador Ave (...)	54120 Community ...	1,723.70	12,147.02	
Bill	07/06/2017	Burnt Cedar (N...	54120 Community ...	218.29	12,365.31	
Bill	08/02/2017	Neighborhood ...	54120 Community ...	833.37	13,198.68	
Bill	08/02/2017	Sutter Creek Fi...	54120 Community ...	1,092.30	14,290.98	
Bill	08/02/2017	Lockwood Fire ...	54120 Community ...	1,952.02	16,243.00	
Bill	08/02/2017	Pine Acres	54120 Community ...	2,999.44	19,242.44	
Bill	08/02/2017	Silver Drive x2	54120 Community ...	6,022.67	25,265.11	
Bill	09/05/2017	Sutter Creek Fi...	54120 Community ...	881.83	26,146.94	
Bill	09/05/2017	Lockwood Fire ...	54120 Community ...	1,502.01	27,648.95	
Bill	09/05/2017	Pine Acres	54120 Community ...	1,614.05	29,263.00	
Bill	09/05/2017	Silver Drive	54120 Community ...	3,776.88	33,039.88	
Bill	09/05/2017	Williams Road ...	54120 Community ...	1,381.31	34,421.19	
Bill	10/10/2017	Neighborhood ...	54120 Community ...	277.28	34,698.47	
Bill	10/10/2017	Neighborhood ...	54120 Community ...	1,096.04	35,794.51	
Bill	10/10/2017	Sutter Creek Fi...	54120 Community ...	867.89	36,662.40	
Bill	10/10/2017	Lockwood Fire ...	54120 Community ...	1,461.89	38,124.29	
Bill	10/10/2017	27160 Silver Dr...	54120 Community ...	2,987.02	41,111.31	
Bill	10/10/2017	Pine Acres Co...	54120 Community ...	1,378.76	42,490.07	
Total Aces Waste Services				42,490.07	42,490.07	0.00
Alliant Insurance Services, Inc.						
Bill	07/06/2017	17-18 SPIIP Pr...	52300 Professional ...	639.20	639.20	
Bill	09/12/2017	SLIP - Special ...	52300 Professional ...	1,713.05	2,352.25	
Total Alliant Insurance Services, Inc.				2,352.25	2,352.25	0.00
Amador County - Waste Management						
Bill	10/10/2017	Jim's Salary - ...	52300 Professional ...	16,649.34	16,649.34	
Total Amador County - Waste Management				16,649.34	16,649.34	0.00
AT & T						
Bill	07/06/2017	June 2017 Billing	51200 Communicati...	152.01	152.01	
Bill	08/01/2017	July 2017 Billing	51200 Communicati...	176.49	328.50	
Bill	09/05/2017	August 2017 Bi...	51200 Communicati...	179.23	507.73	
Bill	10/10/2017	Sept. 2017	51200 Communicati...	176.86	684.59	
Total AT & T				684.59	684.59	0.00
Board of Equalization						
Bill	09/11/2017	Use Tax FYE 0...	54120 Community ...	95.43	95.43	
Total Board of Equalization				95.43	95.43	0.00
CCAD						
Bill	08/07/2017	City County Ag...	52300 Professional ...	4.53	4.53	
Total CCAD				4.53	4.53	0.00
Cell Phone						
Bill	08/07/2017	June 2017	50121 Cell Phone S...	45.00	45.00	
Bill	09/11/2017	July 2017	50121 Cell Phone S...	45.00	90.00	
Bill	10/10/2017	Aug. 2017	50121 Cell Phone S...	45.00	135.00	
Total Cell Phone				135.00	135.00	0.00
FICA/MEDICARE						
Bill	08/07/2017	June 2017	50310 FICA/Medica...	776.41	776.41	
Bill	09/11/2017	July 2017	50310 FICA/Medica...	776.41	1,552.82	
Bill	10/10/2017	Aug. 2017	50310 FICA/Medica...	776.41	2,329.23	
Total FICA/MEDICARE				2,329.23	2,329.23	0.00
Group Insurance						
Bill	08/07/2017	July 2017	50400 Employee Gr...	5.28	5.28	
Bill	09/11/2017	July 2017	50400 Employee Gr...	5.28	10.56	

Amador Air District Expenses by Vendor Detail July 1 through October 12, 2017

Type	Date	Memo	Account	Paid Amount	Balance	Open Balance
Bill	10/10/2017	Aug. 2017	50400 Employee Gr...	5.28	15.84	
Total Group Insurance				15.84	15.84	0.00
GSA - Cost Allocation						
Bill	08/18/2017	July 2017 Billing	52211 GSA Cost All...	397.00	397.00	
Total GSA - Cost Allocation				397.00	397.00	0.00
GSA - CPP						
Bill	07/18/2017	June 2017 Billing	52500 Rent/Lease ...	49.61	49.61	
Bill	09/20/2017	August 2017	52500 Rent/Lease ...	156.45	206.06	
Total GSA - CPP				206.06	206.06	0.00
GSA - Fuel						
Bill	07/18/2017	Ford Escape	52900 GSA and In ...	123.87	123.87	
Bill	07/18/2017	Jeep Patriot	52900 GSA and In ...	44.70	168.57	
Bill	08/17/2017	Ford Escape	52900 GSA and In ...	57.35	225.92	
Bill	08/17/2017	Jeep Patriot	52900 GSA and In ...	55.79	281.71	
Bill	10/10/2017	Ford Escape_A...	52900 GSA and In ...	90.61	372.32	
Bill	10/10/2017	Jeep Patriot_A...	52900 GSA and In ...	25.07	397.39	
Total GSA - Fuel				397.39	397.39	0.00
GSA - Office Supplies						
Bill	07/18/2017	Copy Paper (C...	52200 Office Expen...	25.26	25.26	
Bill	07/18/2017	Postage (2016 ...	52200 Office Expen...	63.78	89.04	
Bill	08/18/2017	July 2017 Billing	52200 Office Expen...	18.77	107.81	
Bill	09/20/2017	August 2017_P...	52200 Office Expen...	27.55	135.36	
Total GSA - Office Supplies				135.36	135.36	0.00
Herminia Perry						
Bill	09/20/2017	LCW Training ...	52910 Meetings & T...	67.00	67.00	
Total Herminia Perry				67.00	67.00	0.00
IT Communications						
Bill	08/07/2017	June 2017 - Ph...	51200 Communicati...	62.23	62.23	
Total IT Communications				62.23	62.23	0.00
IT Support						
Bill	08/07/2017	June 2017 - Te...	51760 Maintenance...	290.95	290.95	
Total IT Support				290.95	290.95	0.00
Myron Corporation						
Bill	09/05/2017	2018 Yearly Po...	54120 Community ...	914.02	914.02	
Total Myron Corporation				914.02	914.02	0.00
Office Depot						
Bill	10/10/2017	Office Supplies	52200 Office Expen...	57.18	57.18	
Total Office Depot				57.18	57.18	0.00
PERS Misc. Unfund Liability						
Bill	09/11/2017	July 2017	50304 PERS Misc. ...	1,346.58	1,346.58	
Bill	10/10/2017	Aug. 2017	50304 PERS Misc. ...	1,346.58	2,693.16	
Total PERS Misc. Unfund Liability				2,693.16	2,693.16	0.00
Public Works						
Bill	09/07/2017	April 2017	52600 Rents, Leases	812.07	812.07	
Bill	09/07/2017	May 2017	52600 Rents, Leases	812.07	1,624.14	
Bill	09/07/2017	June 2017	52600 Rents, Leases	812.07	2,436.21	
Bill	10/10/2017	Rent Lease - J...	52600 Rents, Leases	2,436.21	4,872.42	
Total Public Works				4,872.42	4,872.42	0.00
Ray Kapahi						
Bill	07/06/2017	Engineering Re...	52300 Professional ...	5,850.00	5,850.00	
Bill	07/06/2017	District Rule R...	52300 Professional ...	2,790.00	8,640.00	
Bill	09/07/2017	Develop CEID...	52300 Professional ...	3,060.00	11,700.00	
Bill	09/07/2017	Site visit on 7-1...	52300 Professional ...	561.00	12,261.00	
Total Ray Kapahi				12,261.00	12,261.00	0.00
Retirement						

Amador Air District Expenses by Vendor Detail July 1 through October 12, 2017

Type	Date	Memo	Account	Paid Amount	Balance	Open Balance
Bill	08/07/2017	June 2017	50300 Retirement	1,869.35	1,869.35	
Bill	09/11/2017	July 2017	50300 Retirement	818.46	2,687.81	
Bill	10/10/2017	Aug. 2017	50300 Retirement	818.46	3,506.27	
Total Retirement				3,506.27	3,506.27	0.00
Salaries						
Bill	08/07/2017	June 2017	50100 Salaries	10,279.23	10,279.23	
Bill	09/11/2017	July 2017	50100 Salaries	10,279.24	20,558.47	
Bill	10/10/2017	Aug. 2017	50100 Salaries	10,279.24	30,837.71	
Total Salaries				30,837.71	30,837.71	0.00
Sierra Hearth & Home						
Bill	07/18/2017	Woodstove Ch...	54712 Business Pr...	2,000.00	2,000.00	
Bill	08/03/2017	Woodstove Ch...	54712 Business Pr...	2,000.00	4,000.00	
Bill	09/05/2017	Woodstove Ch...	54712 Business Pr...	2,000.00	6,000.00	
Bill	09/12/2017	Woodstove Ch...	54712 Business Pr...	2,000.00	8,000.00	
Bill	09/12/2017	Woodstove Ch...	54712 Business Pr...	2,000.00	10,000.00	
Bill	10/03/2017	Woodstove Ch...	54712 Business Pr...	1,533.79	11,533.79	
Bill	10/03/2017	Woodstove Ch...	54712 Business Pr...	2,000.00	13,533.79	
Total Sierra Hearth & Home				13,533.79	13,533.79	0.00
Travis Branco Designs						
Bill	08/03/2017	AAD Logo_50...	52200 Office Expen...	250.00	250.00	
Bill	09/20/2017	Final Payment ...	52200 Office Expen...	250.00	500.00	
Total Travis Branco Designs				500.00	500.00	0.00
Worker's Comp						
Bill	08/07/2017	June 2017	50500 Worker's co...	24.68	24.68	
Total Worker's Comp				24.68	24.68	0.00
TOTAL				137,512.50	137,512.50	0.00