

STAFF REPORT FOR PROPOSED RULE ADOPTION

RULE 513: Emissions Statements and Recordkeeping

Prepared by Northern Sierra AQMD Staff, April, 2016

Date of Public Hearing: June 8, 2016

Public Comment Deadline: June 10, 2016

Anticipated Date of Rule Adoption: June 27, 2016

INTRODUCTION

The Northern Sierra Air Quality Management District (NSAQMD) is proposing to adopt Rule 513 in fulfillment of federal requirements for an Emissions Statements rule under the Clean Air Act (CAA) as amended 1990.

BACKGROUND

Western Nevada County has been designated under the CAA as a Nonattainment area for the 8-hour ozone National Ambient Air Quality Standards (NAAQS). One of the requirements in the CAA (Title 1, Section 183(a)(3)(B)) is that ozone nonattainment areas must adopt an Emissions Statements rule. EPA has published guidance on emissions statements requirements, such as the 140-page “Guidance on the Implementation of an Emission Statement Program” (1992). The proposed rule was developed by the NSAQMD in close coordination with EPA, and is a replacement for the existing Rule 513 - Source Recordkeeping, which does not meet federal requirements. Laura Yannayon and Nancy Levin of EPA have already reviewed the proposed Rule 513 and believe it is federally approvable.

SUMMARY OF PROPOSED RULE, INCLUDING POTENTIAL IMPACTS TO AFFECTED SOURCES AND THE ENVIRONMENT

Rule 513: Emissions Statements and Recordkeeping

The proposed rule is very similar in effect to the existing Rule 513, and will not result in any changes to the way the NSAQMD or affected sources do anything. However, the existing rule does not specify all of the details that are required in order for it to be federally approvable. The function of the rule is to require sources to report requested emissions information to the NSAQMD, which already occurs.

It is anticipated that the proposed rule will have no impact on affected sources or the environment, and will not result in any new costs or burdens to affected sources.

AUTHORITY AND RULE ADOPTION REQUIREMENTS

The District is authorized to regulate sources of air pollutants under the California Health and Safety Code (HSC) §40001 and §40702.

HSC §40728.5 requires a socioeconomic analysis for proposed rules in districts having a population greater than 500,000 persons. The NSAQMD’s population is approximately 130,000, so this requirement does not apply.

This rule is exempt from the requirements of CEQA per Class 8 (§15308) of the CEQA Guidelines.

The California Health and Safety Code requires the District to comply with a rule adoption protocol as set forth in §40727 of the Code. There are six findings the District must make when developing, amending, or repealing a rule:

FINDING	DEFINITION	DETERMINATION
Authority	A provision of law or of a state or federal regulation permits or requires the regional agency to adopt, amend, or repeal the regulation.	HSC Sections 40001, 40702, and 41511. Federal Clean Air Act, Title 1, Section 183(a)(3)(B).
Necessity	A need exists for the regulation, or its amendment, or appeal, as demonstrated by the record or rule making authority.	It is necessary for the NSAQMD to adopt this rule in order to comply with the Clean Air Act and thereby avoid federal sanctions.
Clarity	The regulation is written or displayed so that its meaning can be easily understood by the persons directly affected by it.	The proposed rule is written in such a manner that it can be understood by affected sources, and the rule’s subsections are descriptively titled.
Consistency	The regulation is in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, or state or federal regulation.	This rule is consistent with State and federal regulations.
Non-duplication	A regulation does not impose the same requirements as an existing state or federal regulation unless a district finds that the requirements are necessary or proper to execute the powers and duties granted to, and imposed upon, a district.	By replacing the old Rule 513 with a new rule, duplication is avoided.
Reference	Any statute, court decision, or other provision of law that the district implements, interprets, or makes specific by adopting, amending, or repealing a regulation.	These rules are being proposed consistent with the requirements of CAA Title 1, Section 183(a)(3)(B) and EPA guidance.

RECOMMENDATION

Approval by the Northern Sierra Air Quality Management District Board of Directors of the above findings and proposed Rule 513.