

BOARD MEETING DATE: June 6, 2014

AGENDA NO. 29

PROPOSAL: Proposed Withdrawal of SIP Submittals for Select Rules and Regulations

SYNOPSIS: The SCAQMD staff has previously submitted permits, plans, rules, and regulations, or amendments thereto, to U.S. EPA for State Implementation Plan (SIP) approval. Staff and U.S. EPA have developed a list of previously submitted rules and regulations that no longer require U.S. EPA SIP approval under the Clean Air Act and are proposed for withdrawal from U.S. EPA consideration. This action is to withdraw the agreed-upon list of previously submitted rules and regulations for SIP approval.

COMMITTEE: Stationary Source, May 16, 2014, Reviewed

RECOMMENDED ACTIONS:

Adopt the attached resolution to withdraw SIP submittals for select rules and regulations.

Barry R. Wallerstein, D.Env.
Executive Officer

BB EC:PF:MK

Background

In an effort to streamline a large backlog in reviewing State Implementation Plan (SIP) submittals, U.S. EPA is seeking to have a number of proposed rules and regulations previously submitted into the SIP to be withdrawn because they are either no longer needed or outdated. For example, in some cases, a newer rule provision makes the rule or regulation no longer needed or appropriate in the SIP.

SCAQMD staff has worked with U.S. EPA to develop an agreed-upon list of previously submitted rules and regulations for SIP approval that can be withdrawn at this time, since they are not needed under the Clean Air Act. A complete list of those rules and

regulations, along with the date submitted into the SIP, and reasons that the rule or regulation is no longer needed or necessary is provided in Attachment A of this Board letter.

Proposal

SCAQMD staff is proposing to withdraw a set of SIP submittals, shown in Attachment A of this Board letter, from U.S. EPA consideration in an effort to reduce U.S. EPA's SIP backlog and to expedite actions on other more critical SIP submittals. These submittals have not been approved by the U.S. EPA.

Air Quality Management Plan (AQMP) and Legal Mandates

None of the rules are necessary to implement the SIP or AQMP. The rules and regulations proposed to be withdrawn will still be in effect locally, where applicable, e.g., Regulation V, but will not be federally enforceable.

CEQA

SCAQMD staff concludes that the withdrawal is not a "project" within the meaning of CEQA because the withdrawal does not have the potential to result in either a direct physical change to the environment, or a reasonably foreseeable indirect physical change to the environment pursuant to CEQA Guidelines §15378(a), as rules currently in effect locally will remain in effect.

Socioeconomic Analysis

No socioeconomic impact assessment is required because the proposed amendments do not "significantly affect air quality or emissions limitations." (Health & Safety Code Section 40440.8(a)).

Resource Impacts

The action would be implemented using existing staff resources and is not expected to impose any significant burden.

Attachments

- A. SIP Submittals that SCAQMD Recommends for Withdrawal
- B. Resolution

ATTACHMENT A

SIP SUBMITTALS THAT SCAQMD RECOMMENDS FOR WITHDRAWAL

Rule Number	Submittal	Rule Title	Comments
Hyperion Wastewater Treatment Plan	5/01/85	Contingency Measures	EPA advised on 5/28 not needed for SIP
South Coast 110	2/7/89	Rule adoption procedures	Not needed in SIP – CEQA for Rules
South Coast 505	10/25/91	Lack of Permit	Hearing Board provision not needed in SIP
South Coast 506	2/7/89	Failure to Comply with Rules	Hearing Board provision not appropriate for SIP
South Coast 512.01	2/7/89	Prehearing Conference	Hearing Board provision not needed in SIP
South Coast 515	5/13/91	Findings and Decision	Hearing Board provision not needed in SIP
South Coast 517	2/7/89	Emergency Variance Procedures	Hearing Board provision not appropriate for SIP
South Coast 518	2/28/94	Variance Procedures for Title V*	Variance rules not appropriate for SIP
South Coast 1502	4/5/91	District Delegation to Local Governments	The parameters for delegation to local governments were incorporated into Rule 2202; this rule referred to Rule 1501, repealed in 1995.
South Coast 1504	7/13/94	Cash-out Program for Non-owned Employee Parking	A CO attainment contingency measure; EPA approved the 1996 CO maintenance plan without Rule 1504 and redesignated ten areas (including SC) to attainment effective 6/1/98 (63 FR 15305), so will never be triggered.
South Coast 1505	2/7/89	Exemptions	Renumbered (5/17/90) and rescinded (2/12/93), but the parameters for delegation to local governments were incorporated into Rule 2202.
South Coast 1701	2/7/89	PSD general	Current form un-approvable
South Coast 1702	2/7/89	PSD definitions	Current form un-approvable
South Coast 1704	2/7/89	Exemptions	Current form un-approvable
South Coast 1706	2/7/89	Emission calculations	Current form un-approvable
South Coast 1710	2/7/89	Analysis, notice and reporting	Current form un-approvable
South Coast 1713	2/7/89	Source obligation	Current form un-approvable
South Coast 2100	9/8/97	Registration of Portable Equipment	Obsolete per 2100(a)

* Replaced by Rule 518.2, Federal Alternative Operating Conditions (for Title V Facilities) which has been approved by EPA.

ATTACHMENT B

RESOLUTION 14-

A Resolution of the South Coast Air Quality Management District Governing Board (SCAQMD) certifying that the Proposed Withdrawal of State Implementation Plan (SIP) Submittals for Select Rules and Regulations is not subject to the California Environmental Quality Act (CEQA).

A Resolution of the SCAQMD Governing Board approving the withdrawal of select rules and regulations from a set of SIP submittals.

WHEREAS, the U.S. EPA is seeking to streamline a large backlog in reviewing SIP submittals and to expedite actions on other more critical SIP submittals; and

WHEREAS, the U.S. EPA is seeking to have a number of proposed rules and regulations previously submitted into the SIP to be withdrawn because they are either no longer needed or outdated; and

WHEREAS, the SCAQMD staff has worked with U.S. EPA to develop an agreed-upon list (see Exhibit 1) of previously submitted rules and regulations for SIP approval that can be withdrawn at this time, since they are not needed under the Clean Air Act; and

WHEREAS, the SCAQMD Governing Board has determined that a need exists to approve the withdrawal of select rules and regulations from a set of SIP submittals; and

WHEREAS, the SCAQMD staff concludes that the withdrawal is not a “project” within the meaning of CEQA because the withdrawal does not have the potential in resulting in either a direct physical change to the environment, or a reasonably foreseeable indirect physical change to the environment pursuant to CEQA Guidelines §15378(a); and

WHEREAS, the SCAQMD Governing Board has determined that no socioeconomic impact will result from the withdrawal of select rules and regulations from a set of SIP submittals; and

WHEREAS, a public hearing has been properly noticed by providing a 30-day notice in the newspapers in accordance with all U.S. EPA regulation applicable to revising the SIP; and

WHEREAS, the SCAQMD Governing Board has held a public hearing in accordance with all provisions of law; and

WHEREAS, the SCAQMD specifies the manager of the withdrawal of select rules and regulations from a set of SIP submittals as the custodian of the documents or other materials which constitute the record of proceedings upon which the approval is based, which are located at the South Coast Air Quality Management District, 21865 Copley Drive, Diamond Bar, California

NOW, THEREFORE, BE IT RESOLVED, that the South Coast Air Quality Management District Board does hereby determine that the withdrawal of select SIP submittals for the rules and regulations listed in attached Exhibit 1 is not subject to CEQA.

BE IT FURTHER RESOLVED, that the SCAQMD Governing Board does hereby approve, pursuant to the authority granted by law, approving the withdrawal of select rules and regulations from a set of SIP submittals, as set forth in the attached Exhibit 1, and incorporated herein by this reference.

BE IT FURTHER RESOLVED, that the Executive Officer is hereby directed to forward a copy of this Resolution and Exhibit 1, the SIP submittals for select rules and regulations recommended for withdrawal, to the California Air Resources Board for approval and subsequent submittal to the U.S. Environmental Protection Agency.

Attachment: Exhibit 1

DATE: _____

CLERK OF THE BOARD

EXHIBIT 1

SIP SUBMITTALS THAT SCAQMD RECOMMENDS FOR WITHDRAWAL

Rule Number	Rule Title	Submittal
Hyperion Wastewater Treatment Plan	Contingency Measures	5/01/85
South Coast 110	Rule adoption procedures	2/7/89
South Coast 505	Lack of Permit	10/25/91
South Coast 506	Failure to Comply with Rules	2/7/89
South Coast 512.01	Prehearing Conference	2/7/89
South Coast 515	Findings and Decision	5/13/91
South Coast 517	Emergency Variance Procedures	2/7/89
South Coast 518	Variance Procedures for Title V	2/28/94
South Coast 1502	District Delegation to Local Governments	4/5/91
South Coast 1504	Cash-out Program for Non-owned Employee Parking	7/13/94
South Coast 1505	Exemptions	2/7/89
South Coast 1701	PSD general	2/7/89
South Coast 1702	PSD definitions	2/7/89
South Coast 1704	Exemptions	2/7/89
South Coast 1706	Emission calculations	2/7/89
South Coast 1710	Analysis, notice and reporting	2/7/89
South Coast 1713	Source obligation	2/7/89
South Coast 2100	Registration of Portable Equipment	9/8/97