



PUBLIC WORKSHOP
PROPOSED AMENDED RULE 212 AND OTHER
AMENDED RULES REGARDING PUBLIC NOTICES, E-
NOTICES, AND FEE INVOICES

November 29, 2018
SCAQMD Headquarters
Diamond Bar, CA

BACKGROUND

- Staff is proposing amendments to streamline public noticing and communication with permit holders
- Revisions are proposed for public notices and communication to permit holders for invoices

**Public Notifications for
New Source Review and
Title V Permit Programs**

**Public Notifications for
Rulemaking Activities**

**Public Notices for Hearing
Board Cases and Invoices
to Permit Holders**

CURRENT PRACTICES

Public Notifications for New Source Review and Title V Permit Programs

- For New Source Review and Title V permitting programs public notices are:
 - Published in newspapers;
 - Posted to SCAQMD's website;
 - Mailed

Public Notifications for Rulemaking Activities

- Public notifications for rulemaking activities (Public Workshops and Notice of Public Hearing) are sent by mail

Public Notices for Hearing Board Cases and Invoices to Permit Holders

- All fee invoices are sent by mail to permit holders (Regulation III)
- Notices for Hearing Board cases are sent by mail to permit holders (Regulation V)

REGULATORY UPDATES AND STREAMLINING

Public Notifications for New Source Review and Title V Permit Programs

- In 2016 EPA revised provisions to remove requirements for newspaper notices (EPA 81 Fed. Reg. 71613 and CARB Advisory 299)

Public Notifications for Rulemaking Activities

- In 2018, state law enabled air districts to email public notices for rulemaking, while retaining an opt-in mail option (Health and Safety Code Sections 40006 and 42301.6)

Public Notices for Hearing Board Cases and Invoices to Permit Holders

- No state or federal requirement that limits sending invoices or public notices via email

STAFF PROPOSAL

Public Notifications for New Source Review and Title V Permit Programs

- Remove newspaper noticing for New Source Review and Title V permits consistent with state and federal provisions
- Continue to post notices on SCAQMD website

Public Notifications for Rulemaking Activities

- Allow public notification by email, while retaining an opt-in mail option for public notices for rulemaking

Public Notices for Hearing Board Cases and Invoices to Permit Holders

- Allow additional option to send by mail or by email for invoices and public notices for Hearing Board Cases

Preliminary Draft Rule Language

PROPOSED AMENDED RULES

Public Notifications for New Source Review and Title V Permit Programs

- 212 – Standards for Approving Permits and Issuing Public Notice
- 3006 – Public Participation

Public Notifications for Rulemaking Activities

- 110 – Rule Adoption Procedures to Assure Protection and Enhancement of the Environment
- 212 – Standards for Approving Permits and Issuing Public Notice

Public Notices for Hearing Board Cases and Invoices to Permit Holders

- Regulation III – Fees (Rules 301, 303, 306, 307.1, 309, 315)
- 510 – Notice of Hearing
- 515 – Findings and Decision
- 812 – Notice of Hearing

EXAMPLE OF AMENDMENTS FOR NEWSPAPER NOTICING REQUIREMENTS FOR NEW SOURCE REVIEW AND TITLE V PERMIT PROGRAMS

Public Notifications for New Source Review and Title V Permit Programs

Proposed Amended Rule 3006 - Subparagraph (a)(1)(A)

~~The District shall give notice by publication in a newspaper of general circulation in the county where the source is located, by mail to those who request in writing to be on a list to receive all such notices, and by any other means determined by the Executive Officer to be necessary to assure adequate notice to the affected public.~~ SCAQMD shall give notice by posting notice on the SCAQMD's public website for the duration of the public comment period. In addition, notice shall be given to persons on a mailing or electronic mailing list that has been developed to enable interested parties to subscribe to the mailing list. The Executive Officer may update the mailing list from time to time by requesting written indication of continued interest from those listed and may delete from the list the name of any person who fails to respond to such request within a reasonable timeframe.

EXAMPLE OF AMENDMENTS FOR PUBLIC NOTIFICATIONS

Public Notifications for Rulemaking Activities

Proposed Amendment Rule 212 – Subdivision (e)

Any person may file a written request for notice of any decision or action pertaining to the issuance of a Permit to Construct. The Executive Officer shall provide ~~mailed~~ notice by mail, electronic mail, or other electronic means, of such decision or action to any person who has filed a written request for notification. Requests for notice shall be filed pursuant to procedures established by the Executive Officer. The notice shall be sent by mail, electronic mail, or other electronic means, ~~mailed~~ at the time that the Executive Officer notifies the permit applicant of the decision or action...

EXAMPLE OF AMENDMENTS FOR INVOICES TO PERMIT HOLDERS

Public Notices for Hearing Board Cases and Invoices to Permit Holders

Proposed Amended Rule 301 - Subparagraph (c)(1)(B)

For fees due upon notification, such notice may be given by personal service ~~or by deposit, postpaid, in the United States or sent by~~ mail, electronic mail, or other electronic means, and shall be due thirty (30) days from the date of personal service, ~~or mailing,~~ or electronic transmission. For the purpose of this subparagraph, the fee payment will be considered to be received by the District if it is delivered, electronically paid, or postmarked by the United States Postal Service on or before the expiration date stated on the billing notice. If the expiration date falls on a Saturday, Sunday, or a state holiday, the fee payment may be delivered, electronically paid, or postmarked, as determined by the Executive Officer, on the next business day following the Saturday, Sunday, or the state holiday with the same effect as if it had been delivered, electronically paid, or postmarked on the expiration date...

INTERIM PROCEDURES FOR REQUESTING DELIVERY OF PUBLIC NOTICES

REQUIREMENTS FOR PROCEDURES FOR PUBLIC NOTICING

- California Health and Safety Code sections 40006 and 42301.6 (SB 1502):
 - Allows air districts to send public notices by email instead of by mail; and
 - Requires air districts to adopt and update procedures for a person to request notices to be sent by mail and to update an electronic mail address

GENERAL APPROACH

- Establish process to collect electronic mail addresses for all permit holders
- Develop electronic infrastructure to collect and update email addresses and for stakeholders to select noticing preference
- Implement process to update procedures as needed
- Continue to mail public notices until a sufficient number of email addresses are obtained

OVERVIEW OF PROCEDURES



DATA GATHERING OPPORTUNITIES

Data Gathering
Collect email
addresses and
notice preferences

- Provide information in key mail-outs to:
 - Inform permit holders to submit their email address and select their notice preference
 - Go to SCAQMD website to add/update information to receive public notices

Collection Methods

PAR 212 30 Day Notice
(~22,000 mail-outs)

Annual AER Courtesy Mailout
(~3,000 mail-outs)

Notices of Public Workshops & Hearings
for Rule makings (Rule-specific mail-outs)

Annual Permit Renewal Fees
(~22,000 mail-outs)

SCAQMD Webpage and
Website Banner

INITIATE EMAIL NOTICES FOR SMALL RULEMAKING PROJECTS

Initiate Email Notices for Smaller Rulemaking Projects

For small rulemaking projects with a limited number of affected sources, initiate email notices

- Initiate email distribution of public notices for:
 - Smaller rulemaking projects where staff can contact stakeholders and collect email addresses and ask for notice preferences

INITIATE EMAIL NOTICES FOR LARGER RULEMAKING PROJECTS

Initiate Email Notices for Larger Rulemaking Projects

For larger rulemaking projects if a sufficient number of email addresses are collected, initiate email notices

- Beginning January 2020, assess number of email addresses for permit holders
- In 2021, begin notifying permit holders that public notices will be sent via email beginning January 2022
- By January 2022 begin sending public notices by email, unless notice preference is mail
- If a sufficient number of permit holders provide email addresses, staff can send public notices by email before January 2022

Impact Assessment

IMPACT ASSESSMENT

Cost Effectiveness

Administrative
amendments

No negative impact
on air quality

Compliance Costs

No additional costs

Mail-only elections
made on SCAQMD
website or existing
print material

Socioeconomic Assessment

Administrative
amendments

No air quality impact,
thus exempt from
socioeconomic
analysis

CEQA Analysis

Notice of Exemption
to be filed

No adverse affect
on environment, thus
exempt from CEQA

SCHEDULE & CONTACT INFORMATION

Rule Development

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Action	Target Dates
Public Workshop	November 29, 2018
Public Hearing	March 2, 2018

CEQA

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General Questions

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