

**Air Pollution Control Board**

Greg Cox	District 1
Dianne Jacob	District 2
Pam Slater	District 3
Ron Roberts	District 4
Bill Horn	District 5

Air Pollution Control Officer

R. J. Sommerville

NOTICE OF WORKSHOP

FOR DISCUSSION OF A CHANGE IN PROCEDURES FOR ADOPTING FEDERAL NEW SOURCE PERFORMANCE STANDARDS AND FEDERAL AND STATE REGULATIONS FOR HAZARDOUS (TOXIC) AIR POLLUTANTS

The San Diego County Air Pollution Control District will hold a public meeting to discuss proposed changes in the process used to adopt federal New Source Performance Standards (NSPS), National Emissions Standards for Hazardous Air Pollutants (NESHAP) and California Air Toxic Control Measures (ATCM's). These changes are intended to streamline and reduce the cost of this process. Comments concerning this proposal may be submitted in writing before, or made at, the workshop which is scheduled as follows:

DATE: Thursday, March 30, 1995

TIME: 9:00 to 12:00 Noon

PLACE: County Operations Center
Farm Advisor's Conference Room
Building 4
5555 Overland Avenue
San Diego, CA

The District's current rule adoption procedures are costly and time consuming for rules and regulations implementing state or federal requirements that are adopted with no substantive changes. For local adoption of federal NSPS, the District is proposing to adopt future new or amended NSPS by reference. This approach is approved by the Environmental Protection Agency (EPA) and the state Air Resources Board (ARB), and is used by many other air districts in California. The District is also proposing to implement and enforce future new or amended federal NESHAP and state ATCM's without formally adopting them as allowed by the state Health and Safety Code.

1. NSPS Adoption Procedure

New Source Performance Standards are promulgated by EPA and apply throughout the country. Currently, for the District to implement and enforce these NSPS, they are adopted locally through the established rule development process. This process consists of development of a draft proposal, a public workshop to discuss the proposal, Advisory Committee review, and a public hearing by the Air Pollution Control Board to adopt the proposal. Following adoption, the District requests EPA delegation of authority to implement and enforce the NSPS. NSPS are contained in Regulation X of the District Rules and Regulations.

Because of the 1990 federal Clean Air Act Amendments, the District expects EPA to promulgate a significant number of new and amended NSPS over the next few years. A significant expenditure of District resources will then be required to adopt them locally in accordance with the current District rule development process. The District is now proposing to use the following new procedure for adopting NSPS by reference:

- Upon publication of a new or amended NSPS in the Federal Register, an appropriate reference in Regulation X will be prepared by District staff, together with the date of the NSPS promulgation by EPA. Deviations, if any, from the federal program will also be noted.
- District staff will conduct a public workshop to explain the regulation, its applicability and requirements, and respond to questions from the public.
- The Air Pollution Control Board will be asked to adopt the new or amended NSPS as an amendment to Regulation X at a public hearing. Following adoption, the District will request EPA delegation of authority to implement and enforce the NSPS.
- Each NSPS will be included, by reference, in an appendix to the District's Rules and Regulations. The appendix will be updated when any new or amended NSPS are issued. Referenced federal NSPS will be provided by the District upon request.

2. NESHAP and ATCM Adoption Procedures

The current process for adopting federal National Emission Standards for Hazardous Air Pollutants (NESHAP) is the same as for NSPS. NESHAP are contained in Regulation XI of the District Rules and Regulations. Because of the 1990 federal Clean Air Act Amendments, the District expects EPA to promulgate a substantial number of new NESHAP (as Maximum Achievable Control Technology for Hazardous Air Pollutants (MACT)) over the next few years. EPA must publish over 150 NESHAP by the year 2001. A significant expenditure of District resources will be required to adopt them locally in accordance with the current District rule development process.

Air Toxic Control Measures (ATCM's) are adopted by the California Air Resources Board for toxic (hazardous) air pollutants identified by ARB. Until now, the District adopted its own version of these ATCM's as local rules. These rules are contained in Regulation XII of the District Rules and Regulations.

Section 39666(d) of California Health and Safety Code requires that not later than 120 days after adoption or implementation of an ATCM, local air districts implement and enforce the ATCM or propose a regulation which is at least as stringent as the ATCM. Section 39658(b)(1) of the Health and Safety Code also specifies that any regulation adopted by EPA pursuant to Section 112 of the Federal Clean Air Act for the hazardous air pollutant (NESHAP/MACT) is also an ATCM for this air pollutant (unless a specific ACTM is adopted by ARB). Therefore, the Section 112 regulations adopted by EPA are required to be implemented and enforced by local air districts.

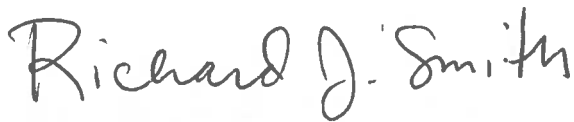
To streamline the process and save rule adoption costs, the District is proposing to use the following new procedure for implementing ATCM's and NESHAP, without specifically adopting them:

- When an ATCM is adopted by the ARB or a NESHAP/MACT is published in the Federal Register, the District will not adopt an analogous local rule or regulation (unless the District, the regulated community or the public has a compelling interest that a special rule be

adopted). Instead, the District will provide affected businesses and interested parties a plain language summary of its requirements and, if requested, a copy of the appropriate state or federal regulation.

- The District will conduct a public workshop to explain the regulation and its requirements, and to respond to questions.
- Each ATCM or NESHAP will be included, by reference, in an appendix to the District's Rules and Regulations. The appendix will be updated as new or amended ATCM or NESHAP are issued. Referenced state and federal regulations will be provided upon request by the District.

If you have any questions, please call Natalie Zlotin at (619) 694-3312 or me at (619) 694-3303.

A handwritten signature in cursive script that reads "Richard J. Smith".

RICHARD J. SMITH
Deputy Director

RJSm:NZ:jl
2/10/95