



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 District  
R. J. Sommerville          Director

**DATE:**            November 17, 1999

**TO:**                San Diego County Air Pollution Control Board

**SUBJECT:**        ADOPTION BY REFERENCE OF NEW SOURCE PERFORMANCE STANDARDS (NSPS) SUBPART UUU - STANDARDS OF PERFORMANCE FOR CALCINERS AND DRYERS IN MINERAL INDUSTRIES (District: All)

**SUMMARY:**

**Overview**

New Source Performance Standards (NSPS) are promulgated as Subparts by the Environmental Protection Agency (EPA) and apply throughout the country. These Subparts are then adopted by the District. Once adopted, the District requests, and routinely receives, delegation from EPA to implement and enforce these national requirements.

Subpart UUU, Standards of Performance for Calciners and Dryers in Mineral Industries, was first promulgated by EPA in 1992 and subsequently amended in 1993 to provide minor corrections. It regulates particulate emissions from mineral processing plants that produce or process minerals such as alumina, gypsum, sand, or perlite and which commenced construction, modification, or reconstruction after April 23, 1986. The allowable concentration of particulate matter and the opacity of emissions from calciners and dryers is specified as are monitoring, recordkeeping, testing, and reporting requirements.

There is presently one facility in San Diego County subject to Subpart UUU. It complies with all requirements.

The District is proposing to adopt the original federal Subpart UUU and its 1993 amendment by reference to the corresponding volume, page and date of publication of these regulations in the Federal Register. This action will include amending Regulation X by incorporating Federal Register references to the original Subpart UUU (57 FR 44503, September 28, 1992), and its amendment (58 FR 40591, July 29, 1993). The District will then request EPA delegation to implement and enforce Subpart UUU locally.

A public workshop was held on August 4, 1999. The workshop report is attached.

**Subject:** Adoption by Reference of New Source Performance Standards (NSPS) Subpart UUU - Standards of Performance for Calciners and Dryers in Mineral Industries (District: All)

**Recommendations**  
**AIR POLLUTION CONTROL OFFICER**

Adopt the resolution amending Regulation X of the District Rules and Regulations to add federal Subpart UUU and its subsequent amendment by reference and make appropriate findings:

- (i) of necessity, authority, clarity, consistency, non-duplication and reference as required by Section 40727 of the State Health and Safety Code;
- (ii) that adopting federal Subpart UUU and its subsequent amendment will alleviate a problem and will not interfere with attainment of ambient air quality standards (Section 40001 of the State Health and Safety Code);
- (iii) that an assessment of the socioeconomic impact is not required by Section 40728.5 of the State Health and Safety Code because adopting federal Subpart UUU and its subsequent amendment will not significantly affect air quality or emission limitations; and
- (iv) that it is certain there is no possibility that adopting federal Subpart UUU and its subsequent amendment may have a significant adverse effect on the environment, and this action is exempt from the provisions of the California Environmental Quality Act pursuant to California Code of Regulations, Title 14, Section 15061(b)(3).

**Fiscal Impact**

The recommended action will have no fiscal impact on the District.

**Advisory Board Statement**

The Air Pollution Control Advisory Committee recommended adopting federal Subpart UUU and its subsequent amendment by reference at its September 22, 1999, meeting.

**Subject:** Adoption by Reference of New Source Performance Standards (NSPS) Subpart UUU - Standards of Performance for Calciners and Dryers in Mineral Industries  
(District: All)

## **BACKGROUND:**

### **Compliance with Board Policy on Adopting New Rules**

On February 2, 1993, the Board directed that, with the exception of a regulation requested by business or a regulation for which a socioeconomic impact assessment is not required, no new or revised regulation shall be implemented unless specifically required by federal or state law. The proposed adoption of federal Subpart UUU and its subsequent amendment is consistent with this Board directive.

In addition, in July 1995, the Air Pollution Control Board approved a new procedure for adopting new and amended federal NSPS by referencing the corresponding regulation in the Federal Register. This eliminated a time consuming and costly local rule development process. The Board directed the District to adhere to this procedure unless there is a compelling need by the District, businesses, or the public to adopt a local rule in which case the current rule development process would be followed. The proposed adoption of federal Subpart UUU and its subsequent amendment is consistent with this Board directive.

### **Socioeconomic Impact Assessment**

Section 40728.5 of the State Health and Safety Code requires the District to perform a socioeconomic impact assessment for new and revised rules and regulations significantly affecting air quality or emission limitations. Adopting federal Subpart UUU and its subsequent amendment will not affect air quality or emission limitations because this subpart is already in effect throughout the country. Therefore, a socioeconomic impact assessment is not required.

### **California Environmental Quality Act**

The California Environmental Quality Act requires an environmental review for certain actions. It is certain there is no possibility that the adopting of Subpart UUU and its subsequent amendment may have a significant adverse effect on the environment. Therefore, the adoption of federal Subpart UUU and its subsequent amendment is exempt from the provisions of the California Environmental Quality Act pursuant to California Code of Regulations, Title 14, Section 15061(b)(3).

### **Comparison to Existing Requirements**

Health and Safety Code Section 40727.2(a) requires that whenever the District proposes adopting or amending a rule or regulation, an analysis be prepared to identify and compare the air pollution control elements of the proposal with corresponding elements of existing or

**Subject:** Adoption by Reference of New Source Performance Standards (NSPS) Subpart UUU - Standards of Performance for Calciners and Dryers in Mineral Industries (District: All)

proposed federal or District requirements. Subpart UUU is a federal NSPS that was adopted by the United States Environmental Protection Agency pursuant to Section 111 of the Clean Air Act. The District is proposing to adopt Subpart UUU and its subsequent amendment by reference to the federal NSPS.

Therefore, the analysis described in Health and Safety Code Section 40727.2(a) is not required.

Attachment I contains the Resolution amending Regulation X of the District's Rules and Regulations.

Attachment II contains the workshop report held on August 4, 1999.

WALTER F. EKARD  
Chief Administrative Officer

  
R. J. SOMMERVILLE  
Air Pollution Control Officer

**AIR POLLUTION CONTROL BOARD  
AGENDA ITEM INFORMATION SHEET**

**SUBJECT:** ADOPTION BY REFERENCE OF NEW SOURCE PERFORMANCE STANDARDS (NSPS) SUBPART UUU - STANDARDS OF PERFORMANCE FOR CALCINERS AND DRYERS IN MINERAL INDUSTRIES (District: All)

**CONCURRENCE(S)**

*10/22/99*

**COUNTY COUNSEL** Approval of Form  Yes  N/A  
Type of Form:  Standard Form  Ordinance  Resolution  Contract  
Review Board Letter Only  Yes  N/A

**CHIEF FINANCIAL OFFICER/AUDITOR**  Yes  N/A  
Requires Four Votes  Yes  No

**CHIEF TECHNOLOGY OFFICER**  Yes  N/A

**DEPARTMENT OF HUMAN RESOURCES**  Yes  N/A

**CONTRACT REVIEW PANEL**  Yes  N/A

**Other Concurrence(s):** N/A

**BUSINESS IMPACT STATEMENT:**  Yes  N/A

**PREVIOUS RELEVANT BOARD ACTIONS:** N/A

**BOARD POLICIES APPLICABLE:** N/A

**ORIGINATING DEPARTMENT:** Air Pollution Control District County of San Diego

**CONTACT PERSON:**

<u>Richard J. Smith</u>	<u>(858) 694-3303</u>	<u>(858) 505-6350</u>	<u>0-176</u>	<u>dsmithha@co.san-diego.ca.us</u>
Name	Phone	Fax	Mail Station	E-Mail

  
R. J. SOMMERVILLE, Air Pollution Control Officer  
DEPARTMENT AUTHORIZED REPRESENTATIVE

November 17, 1999  
Meeting Date

Resolution No. 99-340  
Re Rules and Regulations of the)  
Air Pollution Control District )  
of San Diego County . . . . .)

**RESOLUTION TO ADOPT BY REFERENCE FEDERAL  
NEW SOURCE PERFORMANCE STANDARDS (NSPS)  
SUBPART UUU AND ITS AMENDMENTS INTO  
REGULATION X OF THE RULES AND REGULATIONS  
OF THE SAN DIEGO COUNTY  
AIR POLLUTION CONTROL DISTRICT**

On motion of Member HORN, seconded by Member ROBERTS, the following resolution is adopted:

**WHEREAS**, the San Diego County Air Pollution Control Board, pursuant to Section 40702 of the Health and Safety Code, adopted Rules and Regulations of the Air Pollution Control District of San Diego County; and

**WHEREAS**, said Board now desires to amend said Rules and Regulations; and

**WHEREAS**, notice has been given and a public hearing has been had relating to the amendment of said Rules and Regulations pursuant to Section 40725 of the Health and Safety Code.

**NOW THEREFORE IT IS RESOLVED AND ORDERED** by the San Diego County Air Pollution Control Board that the Rules and Regulations of the Air Pollution Control District of San Diego County be and hereby are amended as follows:

1. Adopt by reference federal NSPS Subpart UUU.
2. Amendment to Regulation X adding Subpart UUU by reference is to read as follows:

**REGULATION X. STANDARDS OF PERFORMANCE FOR NEW  
STATIONARY SOURCES (NSPS)**

The provisions of Part 60, Chapter I, Title 40, of the Code of Federal Regulations, (40 CFR 60), applicable to the subparts listed in this Regulation are hereby adopted by reference on the date shown and made part of the District Rules and Regulations. Whenever any source is subject to more than one rule, regulation, provision, or requirement relating to the control of any air contaminant, in cases of conflict or duplication the most stringent rule, regulation, provision, or requirement shall apply.

All new sources of air pollution and all modified or reconstructed sources of air pollution shall comply with the applicable standards, criteria, and requirements set forth herein. For the purpose of this Regulation, the word "Administrator" as used in 40 CFR 60 shall mean the Air Pollution Control Officer of the San Diego County Air Pollution Control District, except that the Air Pollution Control Officer shall not be empowered to approve alternate test methods, alternate standards or work practices. Other deviations, if any, from the provisions of 40 CFR 60 which are adopted by the Air Pollution Control Board are noted in the reference to the affected Subpart.

Resolution - Subpart UUU  
9/22/99

The U.S. Environmental Protection Agency (EPA) retains concurrent enforcement authority for these standards pursuant to Section 113 of the federal Clean Air Act, as amended, if the EPA Administrator desires to exercise it.

SUBPART Dc	STANDARDS OF PERFORMANCE FOR SMALL INDUSTRIAL-COMMERCIAL-INSTITUTIONAL STEAM GENERATING UNITS	
	(55 FR 37683, Sept. 12, 1990)	(Adopted Aug. 13, 1997)
	(61 FR 20736, May 8, 1996)	(Adopted Aug. 13, 1997)
SUBPART WWW	STANDARDS OF PERFORMANCE FOR MUNICIPAL SOLID WASTE LANDFILLS	
	(61 FR 9919, March 12, 1996)	(Adopted Aug. 13, 1997)
SUBPART UUU	STANDARDS OF PERFORMANCE FOR CALCINERS AND DRYERS IN MINERAL INDUSTRIES	
	(57 FR 44503, September 28, 1992)	(date of adoption)
	(58 FR 40591, July 29, 1993)	(date of adoption)

**IT IS FURTHER RESOLVED AND ORDERED** that the subject addition of federal Subpart UUU, by reference, to Regulation X shall take effect and be in force on the date of delegation of enforcement authority to the Air Pollution Control District by the U.S. Environmental Protection Agency.

**PASSED AND ADOPTED** by the Air Pollution Control Board of the San Diego County Air Pollution Control District, State of California, this 17th day of November, 1999, by the following votes:

**AYES:** COX, JACOB, ROBERTS, HORN  
**NOES:** NONE  
**ABSENT:** SLATER

RESOLUTION NO. 99-340  
11-17-99 (APCD2)

APPROVED AS TO FORM AND LEGALITY  
COUNTY COUNSEL


BY



SENIOR DEPUTY

I hereby certify that the foregoing is a full, true and correct copy of the Original Resolution which is now on file in my office.

THOMAS J. PASTUSZKA  
Clerk of the Air Pollution Control Board

By   
Karen J. Tominia, Deputy



Resolution No. 99-340  
11/17/99 (APCD 2)





**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 District**  
R. J. Sommerville        Director

September 1, 1999

TO:                    NSPS Subpart UUU  
                          Workshop Participants and Other Interested Parties

FROM:                Richard J. Smith  
                          Assistant Director

### WORKSHOP REPORT

Attached for your review is the workshop report for New Source Performance Standard (NSPS) Subpart UUU - Standards of Performance for Calciners and Dryers in Mineral Industries that will be considered for adoption by the Air Pollution Control Board. The rule will likely be scheduled for public hearing in November 1999.

If you have any questions, please call Alta Stengel at (858) 694-2510 or Natalie Zlotin at (858) 694-3312.

RICHARD J. SMITH  
Assistant Director

RJSm:NZ:ls

Attachment

**AIR POLLUTION CONTROL DISTRICT  
SAN DIEGO COUNTY**

**NEW SOURCE PERFORMANCE STANDARDS (NSPS)  
SUBPART UUU - STANDARDS OF PERFORMANCE FOR CALCINERS  
AND DRYERS IN MINERAL INDUSTRIES**

**WORKSHOP REPORT**

A workshop notice was mailed to all facilities known to have calciners and dryers used in the perlite industry in San Diego County. Notices were also mailed to all Economic Development Corporations and Chambers of Commerce in San Diego County, the U.S. Environmental Protection Agency (EPA), the California Air Resources Board (ARB), and other interested parties.

The workshop was held on August 4, 1999, and was attended by two people. The comments and District responses are as follows:

**1. WORKSHOP COMMENT**

Local facilities that are subject to Subpart UUU appreciate the District's efforts to adopt this regulation by reference. It is easier for a business to deal with the Air Pollution Control District than with EPA.

**DISTRICT RESPONSE**

The District will proceed as expeditiously as possible to submit Subpart UUU to the Air Pollution Control Board for adoption by reference into Regulation X of the District Rules and Regulations. After adoption, the District will request EPA delegation to implement and enforce it.

**2. WORKSHOP COMMENT**

How will this process affect the cost of District permits for a facility?

**DISTRICT RESPONSE**

If the facility is not subject to Subpart UUU because it was built prior to the effective date of the regulation (September 28, 1992), and did not undergo major modifications since the adoption date, there will be no change in the cost of permits or permit renewal fees. If a facility is subject to the NSPS or undergoes a modification that would make it subject to the NSPS, any additional labor necessary to evaluate an application for Authority to Construct and Permit to Operate will be reflected in additional application fees in accordance with Subsection (a)(2) of District Rule 40 (Permit and Other Fees). In certain circumstances, if the additional costs of assuring ongoing compliance of a source subject to the NSPS are significant, annual permit renewal fees may be increased in accordance with Subsection (b)(3) of Rule 40.