

FINDINGS OF THE SAN DIEGO COUNTY AIR POLLUTION CONTROL BOARD
IN RESPECT TO THE ADOPTION OF AMENDMENTS TO REGULATION X REPEALING
EXISTING NEW SOURCE PERFORMANCE STANDARDS (NSPS) SUBPART Db AND
ADDING BY REFERENCE FEDERAL NSPS SUBPART Db – STANDARDS OF
PERFORMANCE FOR INDUSTRIAL-COMMERCIAL-INSTITUTIONAL STEAM
GENERATING UNITS

- A. Pursuant to section 40727 of the Health and Safety Code, the Air Pollution Control Board of the San Diego County Air Pollution Control District makes the following findings:
- (1) (Necessity) The repeal of existing New Source Performance Standards (NSPS) Subpart Db and addition by reference of Federal NSPS Subpart Db are necessary to incorporate amendments to the Federal NSPS in order to implement and enforce the most recent version of Federal NSPS Subpart Db.
 - (2) (Authority) The repeal of existing Subpart Db and addition by reference of Federal NSPS Subpart Db are authorized by Health and Safety Code section 40702.
 - (3) (Clarity) The Federal NSPS Subpart Db can be easily understood by persons directly affected by it.
 - (4) (Consistency) An analysis is not required by Health and Safety Code section 40727.2. The Board finds that the proposed adoption of Federal NSPS Subpart Db merely incorporates by reference a Federal NSPS adopted pursuant to Section 111 of the Clean Air Act (42 U.S.C. § 7411), and that Federal NSPS Subpart Db is in harmony with, and not in conflict with or contrary to, existing statutes, court decisions, and state and federal regulations.
 - (5) (Non-duplication) The addition by reference of Federal NSPS Subpart Db will not duplicate existing district or federal requirements, but merely incorporates the Federal NSPS Subpart Db.
 - (6) (Reference) The addition by reference of Federal NSPS Subpart Db is necessary to implement and enforce Federal NSPS Subpart Db in accordance with Clean Air Act section 111 (42 U.S.C. § 7411).
- B. The Air Pollution Control Board further finds pursuant to Health and Safety Code section 40001 that the addition by reference of Federal NSPS Subpart Db and its amendments is required to implement amendments to the Federal NSPS and will not interfere with the attainment of ambient air quality standards.
- C. The Air Pollution Control Board further finds that an assessment of socioeconomic impacts is not required by Health and Safety Code section 40728.5 for addition by reference of Federal NSPS Subpart Db because it will not significantly affect air quality or emission limitations.
- D. The Air Pollution Control Board further finds that it is certain that there is no possibility that the repeal of existing Regulation X, Subpart Db and addition by reference of Federal NSPS Subpart Db may have a significant adverse effect on the environment, and the repeal of existing Regulation X, Subpart Db and addition by reference of Federal NSPS Subpart Db are categorically exempt from the provisions of the California Environmental Quality Act pursuant to California Code of Regulations, title 14, section 15061(b)(3).

**AIR POLLUTION CONTROL BOARD
COUNTY OF SAN DIEGO AIR POLLUTION CONTROL DISTRICT
WEDNESDAY, APRIL 25, 2001**

MINUTE ORDER NO. 1

**SUBJECT: NOTICED PUBLIC HEARING:
ADOPTION OF AMENDMENT TO REG. X REPEALING
EXISTING NEW SOURCE PERFORMANCE STANDARDS (NSPS)
SUBPART DB & ADDING BY REF FED NSPS SUBPART DB –
STANDARDS OF PERFORMANCE FOR INDUST-COMM-INSTIT
STEAM GENERATING UNITS
(DISTRICT: ALL)**

OVERVIEW:

New Source Performance Standards (NSPS) are promulgated as Subparts by the Environmental Protection Agency (EPA) and apply throughout the country. Subpart Db – Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units, was first promulgated by EPA in November 1986. A modified version of federal Subpart Db was adopted by the Air Pollution Control Board in December 1987 and updated in September 1993, as part of District Regulation X (Standards of Performance for New Stationary Sources).

EPA amended the standard several times since 1993, causing the Regulation X version to become outdated. Therefore, the District is proposing to repeal Regulation X version and adopt Subpart Db and its current amendments by reference, and a copy of federal Subpart Db and all amendments will be included in Appendix C of the District Rules and Regulations. This will satisfy federal requirements and simplify the process for adopting any future EPA amendments. Following this action, the District will request EPA delegation to implement and enforce Subpart Db.

Subpart Db regulates steam generating units for which construction, modification, or reconstruction commenced after June 19, 1984, and that have a heat input capacity greater than 29 MW (100 million Btu/hour). Sulfur dioxide, particulate matter, and nitrogen oxide concentration standards are specified and test methods, emission monitoring, reporting and recordkeeping requirements are provided. All steam generating units subject to Subpart Db currently comply with all applicable requirements.

There was no opposition to adopting Subpart Db by reference at the public workshop held on March 21, 2001.

FISCAL IMPACT:

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

RECOMMENDATION:**AIR POLLUTION CONTROL OFFICER**

Adopt the resolution amending Regulation X of the District Rules and Regulations by repealing existing Subpart Db as adopted by the Board on December 15, 1987, and adding federal Subpart Db and its subsequent amendments by referencing the Federal Register 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 an analysis of existing requirements applicable to the source or category is not required by Section 40727.2 of the Health and Safety Code because the proposed amendments do not impose new or more stringent requirements;
- (iii) that repealing existing Subpart Db, and adding federal Subpart Db and its subsequent amendments will alleviate a problem and will promote attainment of ambient air quality standards (Section 40001 of the State Health and Safety Code);
- (iv) that an assessment of the socioeconomic impact is not required by Section 40728.5 of the State Health and Safety Code because repealing existing Subpart Db, and adding federal Subpart Db and its subsequent amendments will not significantly affect air quality or emission limitations; and
- (v) that it is certain there is no possibility that repealing existing Subpart Db, and adding federal Subpart Db and its subsequent amendments may have a significant adverse effect on the environment, and this action is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to California Code of Regulations, Title 14, Section 15061(b)(3).

ACTION:

ON MOTION of Member Roberts, seconded by Member Slater, the Air Pollution Control Board of the San Diego County Air Pollution Control District closed the Hearing; took action as recommended; and pursuant to Section 40727 of the Health and Safety Code, made the appropriate Findings; and adopted Resolution No. 01-125, entitled: RESOLUTION REPEALING EXISTING NEW SOURCE PERFORMANCE STANDARDS (NSPS) SUBPART Db TO REGULATION X OF THE RULES AND REGULATIONS OF THE SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT.

AYES: Cox, Jacob, Slater, Roberts, Horn

State of California)
County of San Diego)^{SS}

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Air Pollution Control Board.

THOMAS J. PASTUSZKA
Clerk of the Air Pollution Control Board

By David Lampley
David Lampley, Deputy



CO. 1
912
HVA SS 1-50-501
20-20-20

**RESOLUTION REPEALING EXISTING NEW SOURCE PERFORMANCE
STANDARDS (NSPS) SUBPART Db OF REGULATION X AND ADDING BY
REFERENCE FEDERAL NSPS SUBPART Db TO REGULATION X OF THE
RULES AND REGULATIONS OF THE SAN DIEGO COUNTY
AIR POLLUTION CONTROL DISTRICT**

On motion of Member Roberts, seconded by Member Slater, 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. Subpart Db is deleted in its entirety.

SUBPART Db - Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units is deleted in its entirety.

2. Amendment to Regulation X adding Federal NSPS Subpart Db 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.

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.

The addition of federal Subparts 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. EPA.

**SUBPART AAA
40CFR60.530**

**STANDARDS OF PERFORMANCE FOR NEW RESIDENTIAL
WOOD HEATERS**

<u>FR Citation</u>	<u>Adoption Date</u>	<u>Delegation Date</u>
53 FR 5873, Feb. 26, 1988	April 12, 2000	Pending
53 FR 12009, April 12, 1988	April 12, 2000	Pending
53 FR 14889, April 26, 1988	April 12, 2000	Pending
57 FR 5328, Feb. 13, 1992	April 12, 2000	Pending
60 FR 33925, June 29, 1995	April 12, 2000	Pending
63 FR 64874, Nov. 24, 1998	April 12, 2000	Pending
64 FR 7466, Feb. 12, 1999	April 12, 2000	Pending

**SUBPART Db
40CFR60.40b**

**STANDARDS OF PERFORMANCE FOR INDUSTRIAL-
COMMERCIAL-INSTITUTIONAL STEAM GENERATING UNITS**

<u>FR Citation</u>	<u>Adoption Date</u>	<u>Delegation Date</u>
51 FR 42768, Nov. 25, 1986	<i>(date of adoption)</i>	Pending
52 FR 47842, Dec. 16, 1987	<i>(date of adoption)</i>	Pending
54 FR 51824, Dec. 18, 1989	<i>(date of adoption)</i>	Pending
54 FR 51819, Dec. 18, 1989	<i>(date of adoption)</i>	Pending
55 FR 5212, Feb. 14, 1990	<i>(date of adoption)</i>	Pending
55 FR 18876, May. 7, 1990	<i>(date of adoption)</i>	Pending
60 FR 28062, May. 30, 1995	<i>(date of adoption)</i>	Pending
61 FR 14031, Mar. 29, 1996	<i>(date of adoption)</i>	Pending
62 FR 52641, Oct. 8, 1997	<i>(date of adoption)</i>	Pending
63 FR 49454, Sept. 16, 1998	<i>(date of adoption)</i>	Pending
64 FR 7464, Feb. 12, 1999	<i>(date of adoption)</i>	Pending
65 FR 13243, Mar. 13, 2000	<i>(date of adoption)</i>	Pending

**SUBPART Dc
40CFR60.40c**

**STANDARDS OF PERFORMANCE FOR SMALL INDUSTRIAL-
COMMERCIAL-INSTITUTIONAL STEAM GENERATING UNITS**

<u>FR Citation</u>	<u>Adoption Date</u>	<u>Delegation Date</u>
55 FR 37683, Sept. 12, 1990	Aug. 13, 1997	June 24, 1998
61 FR 20736, May 8, 1996	Aug. 13, 1997	June 24, 1998

SUBPART OOO
40CFR60.670

STANDARDS OF PERFORMANCE FOR NONMETALLIC MINERAL
PROCESSING PLANTS

FR Citation

50 FR 31328, Aug. 1, 1985
62 FR 31351, June 9, 1997

Adoption Date

April 28, 1999
April 28, 1999

Delegation Date

Pending
Pending

SUBPART UUU
40CFR60.730

STANDARDS OF PERFORMANCE FOR CALCINERS AND DRYERS
IN MINERAL INDUSTRIES

FR Citation

57 FR 44503, Sept. 28, 1992
58 FR 40591, July 29, 1993

Adoption Date

Nov. 17, 1999
Nov. 17, 1999

Delegation Date

Pending
Pending

SUBPART WWW
40CFR60.750

STANDARDS OF PERFORMANCE FOR MUNICIPAL SOLID
WASTE LANDFILLS

FR Citation

61 FR 9919, Mar. 12, 1996

Adoption Date

Aug. 13, 1997

Delegation Date

June 24, 1998

IT IS FURTHER RESOLVED AND ORDERED that the subject repeal of existing Subpart Db and the subject addition of federal Subpart Db, 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.

BY 60 Dutton
SENIOR DEPUTY

PASSED AND ADOPTED by the Members of the Air Pollution Control Board of San Diego County, State of California, this 25th day of April, 2001, by the following vote:

AYES: Cox, Jacob, Slater, Roberts, Horn

NOES: None

ABSENT: None

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 San Diego County
Air Pollution Control Board

By *L. Monteleone*
Lorena Monteleone, Deputy



Resolution No. 01-125
4/25/01 (1)

SAN DIEGO AIR POLLUTION CONTROL DISTRICT

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Proposed repeal of existing New Source Performance Standards (NSPS) Subpart Db of Regulation X and adding by reference NSPS Subpart Db to Regulation X.

1. Subpart Db is deleted in its entirety.
2. NSPS federal Subpart Db is added by reference to Regulation X.

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.

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The addition of federal Subparts 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. EPA.

SUBPART AAA
40CFR60.530

STANDARDS OF PERFORMANCE FOR NEW RESIDENTIAL WOOD HEATERS

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63 FR 64874, Nov. 24, 1998	April 12, 2000	<u>Pending</u>
64 FR 7466, Feb. 12, 1999	April 12, 2000	<u>Pending</u>

SUBPART Db
40CFR60.40b

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COMMERCIAL-INSTITUTIONAL STEAM GENERATING UNITS**

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62 FR 52641, Oct. 8, 1997	<i>(date of adoption)</i>	Pending
63 FR 49454, Sept. 16, 1998	<i>(date of adoption)</i>	Pending
64 FR 7464, Feb. 12, 1999	<i>(date of adoption)</i>	Pending
65 FR 13243, Mar. 13, 2000	<i>(date of adoption)</i>	Pending

SUBPART Dc
40CFR60.40c

**STANDARDS OF PERFORMANCE FOR SMALL INDUSTRIAL-
COMMERCIAL-INSTITUTIONAL STEAM GENERATING UNITS**

<u>FR Citation</u>	<u>Adoption Date</u>	<u>Delegation Date</u>
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SUBPART OOO
40CFR60.670

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SUBPART UUU
40CFR60.730

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58 FR 40591, July 29, 1993	Nov. 17, 1999	Pending

SUBPART WWW
40CFR60.750

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WASTE LANDFILLS**

<u>FR Citation</u>	<u>Adoption Date</u>	<u>Delegation Date</u>
61 FR 9919, Mar. 12, 1996	Aug. 13, 1997	June 24, 1998

**AIR POLLUTION CONTROL DISTRICT
COUNTY OF SAN DIEGO**

**ADOPTION BY REFERENCE OF
NEW SOURCE PERFORMANCE STANDARD (NSPS)
SUBPART Db - STANDARDS OF PERFORMANCE FOR INDUSTRIAL-
COMMERCIAL-INSTITUTIONAL STEAM GENERATING UNITS AND THE
REPEAL OF CURRENT REGULATION X SUBPART Db**

WORKSHOP REPORT

A workshop notice was mailed to all companies and government agencies in San Diego County that may be subject to Subpart Db - Standards of Performance for Industrial-Commercial-Institutional Steam Generating Plants. 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 March 21, 2001. There were no public comments at the workshop.