

**SAN DIEGO COUNTY  
AIR POLLUTION CONTROL DISTRICT**

**NOTICE OF PUBLIC HEARING**

**NOTICE**, pursuant to State of California Health and Safety Code Section 40725 and the Code of Federal Regulations Title 40, section 51.102, is hereby given of a public hearing on June 9, 2022, at 2:00 p.m., before the San Diego County Air Pollution Control District Governing Board (Governing Board), for the purpose of receiving public comments on and considering the adoption of proposed new Rule 45 – Federally Mandated Ozone Nonattainment Fees of the San Diego County Air Pollution Control District (District). Those wishing to participate in the public hearing and/or provide comments to the Governing Board on proposed new Rule 45 should visit the District’s Governing Board website at <https://bit.ly/3F8NXsQ>.

Section 185 of the Federal Clean Air Act (CAA) requires states or regions with Severe or Extreme ozone Nonattainment Areas to develop a fee collection rule for any federal major stationary source of oxides of nitrogen and/or volatile organic compounds, to be implemented only in the event that a region does not attain the Ozone National Ambient Air Quality Standards (NAAQS) by the required attainment date. In July 2021, the San Diego Air Basin was reclassified as a Severe Nonattainment Area for both the 2008 and 2015 8-hour Ozone NAAQS. Because of this reclassification, the San Diego region became subject to the requirements of Section 185 of the CAA.

Consequently, a fee collection rule for federal major stationary sources is required for both the 2008 and 2015 ozone standards, which are 0.075 parts per million (ppm) and 0.070 ppm, respectively. At this time, the District is proposing new Rule 45 to fulfill the Section 185 requirement for the 2008 ozone standard only. If approved by the Governing Board, proposed new Rule 45 will be submitted through the California Air Resources Board to the U.S. Environmental Protection Agency for approval as part of the San Diego County portion of the State Implementation Plan.

Written comments may also be provided to District staff prior to the hearing and should be addressed to:

Angela M. Ortega-Fisch, Rule Development Supervisor  
San Diego County Air Pollution Control District  
10124 Old Grove Road, San Diego, CA 92131

Copies of proposed new Rule 45 may be examined or obtained at the District's headquarters, 10124 Old Grove Road, San Diego, CA 92131, or by visiting the District's Rule Development website at <https://bit.ly/3lkUCYJ>. Specific information with respect to this matter may be obtained by contacting Angela M. Ortega-Fisch, Rule Development Supervisor, at (858) 229-0256 or [Angela.Fisch@sdapcd.org](mailto:Angela.Fisch@sdapcd.org).

**MARVICE MAZYCK**  
**Clerk of the Governing Board of the**  
**San Diego County Air Pollution Control District**

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APPROVED AS TO FORM AND LEGALITY  
COUNTY COUNSEL

BY: RODNEY LORANG, SENIOR DEPUTY