

PLACER COUNTY AIR POLLUTION CONTROL DISTRICT
REGULATORY MEASURES LIST

- List of Rules to Be Considered for Adoption in 2018 -

January 2018

These are the listed rules or regulatory measures being considered for adoption, amendment or rescission in the 2018 calendar year. If the rule or regulatory measure is not addressed in 2018, it may be considered for adoption, amendment, or rescission in the 2019 calendar year or later.

In accordance with California Health and Safety Code Section 40923, a regulatory measure may not be considered for adoption during any year that it is not listed in the most recent published list of proposed regulatory measures, unless earlier consideration is required to satisfy federal requirements; to abate a substantial endangerment to public health or welfare; or to comply with Section 39666 (i.e. required to implement State Air Toxic Control Measures) or 40915 (i.e. contingency measures contained in air quality plans). This listing requirement does not apply to administrative rules that are not control measures, or the modification of any existing rule the District finds is necessary to preserve the original intent of the rule or to increase opportunities for alternative compliance methodology. Although not required by Section 40923, the list provided includes administrative rules to be considered for adoption, amendment or rescission in 2018 as identified by District staff.

Within 60 days from the date of a district's publication, pursuant to Section 40923, of the list of regulatory measures proposed for adoption in the following year, any person may inform the district of any existing federal or state air pollution control requirement or guideline, or proposed or existing district air pollution control requirement or guideline, that applies to the same type of source or equipment in that district as any proposed new or amended district rule or regulation on that district's list of regulatory measures. If any person informs the district of any requirement or guideline that does not apply to the same type of source or equipment, the district shall notify the person to that effect and shall not be required to review that requirement or guideline.

Regulations Being Considered for Adoption or Amendment in 2018:

Most likely to be adopted, amended, or rescinded in 2018:

- District Staff are considering amending District Rule 302, Agricultural Waste Burning Smoke Management, to prohibit cannabis waste disposal by means of open burning. This prohibition would be consistent with California Department of Food and Agriculture's Emergency Regulation of Cannabis Licensing which does not mention burning as an allowed disposal method for commercial cannabis waste. Although no Placer County jurisdictions currently allow commercial cannabis growing, this prohibition would be in place if such growing were to be allowed. In addition, District Staff are considering prohibiting the open burning for disposal of cannabis waste noncommercial and residential growers of cannabis, by amending Rule 301, Nonagricultural Burning Smoke Management, and Rule 305, Residential Allowable Burning, to allow the Air Pollution Control Officer to prohibit or otherwise restrict the open burning of cannabis waste, just as the Rules currently prohibit and restrict the open burning of the APCO

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may prohibit or may add additional specific burn permit conditions for the burning of poison oak (toxicodendron diversilobum) or oleander (nerium oleander) for disposal purposes. The District staff, and Placer County Code Enforcement and Sherriff's Department staff, have noted receipt of nuisance complaints from cannabis burning which appears to be more bothersome to neighbors the burning of pother vegetative waste. District Staff will ensure by working with Western Placer Waste Management Agency (WPWMA) management that alternative means of disposal, such as acceptance of cannabis waste by solid waste haulers and transfer stations as "green waste", are available. The proposed Rule amendments will not affect the ability of cannabis to be burned for disposal by a Public Officer.

- District Staff are conducting an assessment of District expenditures and revenue. It is possible that amendments to the District's fee rules may be determined to be necessary based on the findings of the assessment and direction from the District Board. Although the consideration of the adoption or amendment of fee rules, which are administrative in nature, are not required to be included in the Regulatory Measures List, the District chooses to do so in order to inform the public. The amendment of the following rules may be considered at the direction of the District's Board (Added 2017):
 - Rule 601, Permit Fees
 - Rule 602, Hearing Board Fees
 - Rule 603, Analysis Fee
 - Rule 604, Source Test Observation and Report Evaluation
 - Rule 607, Burning Permit Fees
 - Rule 610, Air Toxics "Hot Spots" Fees
- Adoption of a new Rule 248, Landfill Gas, to meet the requirements of U.S. EPA's final revisions to the municipal solid waste landfill New Source Performance Standards (NSPS), 40 CFR Part 60, Subpart XXX, and Emission Guidelines (EG), Cf, as well as to establish in District regulation, and remove conflicts with, the state's Methane Emissions from Municipal Solid Waste Landfills regulation. (Added 2017)

To be considered, but less likely to be adopted or amended in 2018:

- The U.S. EPA has adopted changes to regulations to enable e-noticing of public notices for federally required permits on publically accessible webpages in place of the traditional newspaper publication of notices, and has established a requirement that one consistent noticing method be chosen. If the District Board approves e-noticing of public notices as the District's consistent method, where that is allowed by laws and regulations, District rules that require newspaper noting will need to be amended to allow e-noticing. The following District rules will be considered for amendment to allow e-noticing in place of notices published in newspaper of general circulation (added 2017):
 - Rule 502, New Source Review
 - Rule 504, Emission Reduction Credits
 - Rule 515, Stationary Rail Yard Control Emission Reduction Credits
 - Rule 516, Rice Straw Emission Reduction Credits
 - Rule 507, Federal Operating Permit Program

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- Rule 512, Request for Synthetic Minor Source Status
- Amendment of Rule 102, Definitions, Section 228 Exempt Compounds, so the District’s definition matches that of the U.S. EPA. U.S. EPA has made changes to the list of exempt compounds that are not reflected in Section 228. In addition, a review will be conducted to see if any other definitions need to be updated. (Added 2015)
- Amendment of Rule 223, Metal Container Coating, to update the VOC Exempt Compound definition by reference to Rule 102, Definitions, and to make formatting adjustments. (Added 2015)
- Amendment of Rule 203, Exceptions to Rule 202, to correct erroneous references to other rules and update formatting.
- Amendment of Rule 225, Wood Burning Appliances, to address conflicts with local ordinances (e.g. CalGreen Code), and to correct errors in internal Section references, along with formatting adjustments. (Added 2015)
- Amend Rule 228, Fugitive Dust, to change the requirement from 1 foot of cover for disturbed surface areas when located in geographic ultramafic rock areas irrespective of the area of surface disturbed, to instead only apply when more than 1 acre is disturbed. The latter would be consistent with the state’s Naturally-Occurring Asbestos ATCM for grading and construction operations. (Added 2015)
- Amendment of Rule 244, Semiconductor Operations, to update the VOC Exempt Compound definition reference to Rule 102, Definitions, and to make formatting adjustments. (Added 2015)
- Amendment of Rule 245, Surface Coating of Metal Parts and Products, to correct errors in the internal Section references, along with formatting adjustments. (Added 2015)
- Amendment of Rule 246, Natural Gas-Fired Water Heaters, to correct errors in internal Section references, to make formatting adjustments, and to consider U.S. EPA recommendations concerning current rule. (Added 2015)
- Amendment of Rule 247, Natural Gas-Fired Water Heaters, Small Boilers and Process Heaters, to correct errors in internal Section references, to make formatting adjustments, and to consider non-critical U.S. EPA recommendations concerning the current rule. (Added 2015)
- Amendment of Rule 305, Residential Allowable Burning, to address conflicts between burning rules and statute, to clarify exceptions for burn barrel prohibitions, to correct errors in references, and to make formatting adjustments. (Added 2015)
- Amendment of Rule 410, Recordkeeping for Volatile Organic Compound Emissions, to update VOC Exempt Compound definition reference to Rule 102, Definitions, to correct errors in references, and to make formatting adjustments. (Added 2015)
- Amendment of Rule 607, Burning Permit Fees, to correct errors in internal Section references and to correct the fee rate of Section 307 to reference the General Labor Rate of Rule 601, Permit Fees, Schedule M(1), and to make formatting adjustments. (Added 2015)
- Amendment of Rule 610, Air Toxics “Hot Spots” Fees, to correct “Industrywide” definitions to match that of ARB and the District. (Added 2015)
- Adoption of a new rule, or amendment of an existing rule, defining the authority of the District to inspect permitted facilities; and to collect, record, and preserve evidence or information upon inspection (including documentation of compliance and non-compliance by the taking of photographs and video images).



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For information and comparative purposes, the regulatory measures that were actually adopted by the District in calendar years 2008 through 2017 are listed below:

No Regulatory Measures Were Adopted/Amended/Rescinded in 2017.

Regulatory Measures That Were Adopted/Amended/Rescinded in 2016:

- Amendment of Rule 206, Incinerator Burning, due to the previously amended rule receiving comments from U.S. Environmental Protection Agency (U.S. EPA) indicating it was not State Implementation Plan (SIP) approvable. The rule was amended to resolve U.S. EPA's concerns. Amended October 13, 2016.
- Rescission of Rule 514, Federal Major Modifications, which establishes alternative siting analysis, defines major modification, along with providing requirements for Plant-wide Applicability Limits (PALs). Alternative Siting and the major modification definitions were included in amended Rule 502, New Source Review, last adopted on August 8, 2013, which satisfies the regulatory need. PALs can be established through existing permit requirements and federal regulations. Accordingly, District Staff determined that Rule 514 is no longer required. Rescinded October 13, 2016.
- Rescission of Rule 517, Permitting Requirements for Stationary Sources Emitting Greenhouse Gases. As a result of a District review of outstanding SIP submittals to U.S. EPA Region 9, it was determined that Rule 517 was not required as a revision to the SIP. Rule 517 provides procedures for evaluating and processing stationary sources emitting greenhouse gases. Rule 517 is no longer required because the District has no commitment in the SIP with regard to greenhouse gas pollutants; federal policy has changed so that GHG only Major Sources do not require PSD permits; and the District has received Prevention of Significant Deterioration (PSD) program approval for permitting of significant sources with attainment pollutant emissions. Rescinded October 13, 2016.
- Amendment for Rule 518, Prevention of Significant Deterioration (PSD) Permit Program, to remove reference to Rule 517 in Section 104, since Rule 517 is rescinded. Amended October 13, 2016.

Regulatory Measures That Were Adopted/Amended in 2015:

- Amendment of Rule 250, Stationary Gas Turbines, which U.S. EPA had identified having emission limits that do not meet Reasonably Available Control Technology Standards (RACT) as required by the State Implementation Plan (SIP). Amended October 8, 2015.
- Amendment of Rule 515, Stationary Rail Yard Control Emission Reduction Credits, which establishes procedures for the issuance of emission reduction credits for voluntary locomotive emission reductions at railroad rail yards. U.S. EPA commented informally concerning applicability of the rule and who is responsible for compliance. Amended February 19, 2015.

Regulatory Measures That Were Adopted/Amended in 2014:

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- Amendment of a Rule 247, Natural Gas-Fired Water Heaters, Small Boilers, and Process Heaters, that was adopted on October 10, 2013, and set low NOx emission standards for newly installed large water heaters and boilers between 75,000 BTU and less than 5,000,000 BTU. The adoption of Rule 247 by 2015 was a SIP commitment for 2015. Amended February 13, 2014.
- Amendment of Rule 610, Air Toxics “Hot Spots” Fees, to reflect current charges of CARB and current costs to the District. Amended October 9, 2014.

Regulatory Measures That Were Adopted/Amended in 2013:

- Amendment of Rule 206, Incinerator Burning, and a new Rule 241, Crematories, to resolve conflicting requirements for human/animal cremation. Amended and adopted April 11, 2013.
- Amendment of Rule 214, Transfer of Gasoline into Vehicle Fuel Tanks, addressed U.S. EPA comments and corrected deficiencies required for SIP approval. Amended February 21, 2013.
- Amendment of Rule 213, Gasoline Transfer into Stationary Storage Containers, to address new standing loss requirements and deficiencies, and provided an exemption for existing above ground tanks meeting specific requirements from new tank painting requirements so as to preserve public art murals. Amended February 21, 2013.
- Amendment of Rule 502, New Source Review, to address SIP disapproval comments of U.S. EPA. Amended August 8, 2013.
- Adoption of Rule 249, Plastic Parts Coating, to satisfy Federal Reasonably Available Control Technology (RACT) requirements. Adopted August 8, 2013.
- Adoption of a new Rule 247, Natural Gas-Fired Water Heaters, Small Boilers, and Process Heaters, setting low NOx emission standards for newly installed large water heaters and boilers between 75,000 BTU and less than 5,000,000 BTU. This range of heating values was not previously addressed by a District rule. Adoption of a new or revised rule is a SIP commitment for 2015. Adopted October 10, 2013.
- Amendment of Rule 604, Source Test Observation and Report Evaluation, to adjust fees and add an annual CPI adjustment. Fee rules are administrative and are not regulatory measures; however, the consideration of this fee rule is mentioned to be as complete as possible in the disclosure of planned rules and rule changes. Amended October 10, 2013.
- It was determined that the planned amendment of Rule 217, Cutback and Emulsified Asphalt Paving Materials, and Rule 240, Surface Preparation and Cleanup, to meet Federal CAA requirements for the adoption of RACT and California CAA requirements were not required as the rules were found to be compliant with U.S. EPA requirements.

Regulatory Measures That Were Adopted/Amended/Rescinded in 2012:

- Amendment of Rule 233, Biomass Boilers, to address U.S. EPA comments and Federal Reasonably Available Control Technology (RACT) requirements required for SIP approval. Amended June 14, 2012.
- Amendment of Regulation 3, Open Burning, Rules 301 to 306, and Rule 102, Definitions, to address U.S. EPA comments and deficiencies identified by District staff in order to avoid a limited approval/disapproval of the SIP revision. Amended February 9, 2012.
- Amendment of Rule 235, Adhesives, to meet Federal CAA requirements for the adoption of RACT. Amended October 11, 2012.
- Amendment of Rule 239, Graphic Arts Operations, to meet Federal CAA requirements for the adoption of RACT. Amended October 11, 2012.

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- Rescission of the following rules, since the RACT requirement is no longer needed for major sources that are no longer operating:
 - Rule 229, Fiberboard Manufacturing (SierraPine Ltd.). Rescinded April 12, 2012.
 - Rule 230, Plastic Products and Materials - Paper Treating Operations (Formica Corporation). Rescinded April 12, 2012.
 - Rule 232, Biomass Suspension Boilers (SierraPine Ltd.). Rescinded April 12, 2012.
 - Rule 241, Boilers at Plastic Laminate Manufacturing Facilities (Formica Corporation). Rescinded April 12, 2012.
 - Rule 227, Petroleum Dry Cleaning Operations (will defer to Federal Standards). Rescinded April 12, 2012.
 - Rule 237, Municipal Landfills (no applicable sources remaining). Rescinded April 12, 2012.
 - Rule 506, Biomass Emission Reduction Credits (was replaced by Rule 516, Rice Straw Emission Reduction Credits). Rescinded April 12, 2012.
 - Rule 805, Notice to Comply (mandating statute sunset January 1, 2006). Rescinded April 12, 2012.
- Rescission of the following rules in favor of implementing the state regulation.
 - Rule 902, Airborne Chromium Control Measure - Emissions of Hexavalent Chromium From Chrome Plating and Anodizing Operations. Rescinded April 12, 2012.
 - Rule 903, Ethylene Oxide Airborne Toxic Control Measure for Sterilizers and Aerators. Rescinded April 12, 2012.
 - Rule 904, Airborne Toxic Control Measure - Hexavalent Chromium Emissions From Cooling Towers. Rescinded April 12, 2012.
 - Rule 905, Airborne Toxic Control Measure - Asbestos Containing Serpentine Rock in Surfacing Applications. Rescinded April 12, 2012.
 - Rule 906, Airborne Toxic Control Measure - Medical Waste Incinerators. Rescinded April 12, 2012.

Regulatory Measures That Were Adopted/Amended in 2011:

- Amendment of Rule 102, Definitions, to reflect new terms used in recently amended rules, particularly in the amendment of Regulation 3. Amended February 10, 2011.
- Rescission of Regulation 3, Open Burning, Rules 301 through 325, and adoption of new Rules 301 through 306, to update the rules to match current state law, to address the U.S. EPA's comments, and to reorganize and update the formatting of all of the Rules to make the requirements more easily understood. Adopted February 10, 2011.
- Amendment of Rule 412, Registration Requirements for Stationary and Portable Compression Engines Used In Agricultural Operations, to provide for a low use exemption. Amended August 11, 2011.
- Amendment of Rule 502, New Source Review, to address deficiencies identified in a limited approval/disapproval by U.S. EPA of the version of the rule that was adopted on February 11, 2010. Amended October 13, 2011.
- Adoption of Rule 517, Permitting Requirements for Stationary Sources Emitting Greenhouse Gases, to meet mandatory implementation requirements of the federal Greenhouse Gas Tailoring Regulation. Adopted February 10, 2011.

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- Adoption of Rule 518, Prevention of Significant Deterioration Permit Program, to provide for the District's acceptance of delegation from the U.S. EPA of PSD permitting authority for Major Sources. Adopted February 10, 2011.
- Amendment of Rule 607, Burning Permit Fees, to reconcile changes in references to Regulation 3 rules and to definitions. No fees were revised. Amended February 10, 2011.
- Amendment of Rule 608, Control Council Fee, to reconcile changes in references to Regulation 3 rules and to definitions. No fees were revised. Amended February 10, 2011.

Regulatory Measures That Were Adopted/Amended in 2010:

- Amendment of Rule 102, Definitions, to reflect new terms used in rules. Amended August 10, 2010.
- Amendment of Rule 218, Architectural Coatings, to level the field for shop coaters and field coaters and to update the Rule for a 2007 CARB Suggested Control Measure. The amendment of Rule 218 is also a SIP commitment for 2012. Amended October 14, 2010.
- Amendment of Rule 234, Automotive Refinishing Operations, revising applicator requirements and updating of requirements to meet a 2005 CARB Suggested Control Measure (SCM). In addition, the District clarified the recordkeeping and reporting required of coating distributors. Amendment of this rule is a SIP commitment for 2015. Amended October 14, 2010.
- Amendment of Rule 236, Wood Products Coating Operations, and Rule 238, Factory Coating of Flat Wood Paneling, to update these rules to match existing state and federal control measure standards. Amended October 14, 2010.
- Amendment of Rule 501, General Permit Requirements, as a revision of the SIP. Amended August 10, 2010.
- Amendment of Rule 502, New Source Review, as a revision of the SIP. Amended February 11, 2010.
- Amendment of Rule 503, Emission Statement, to clarify and update the terminology with regard to the information to be reported. Amended August 10, 2010.
- Amendment of Rule 504, Emission Reduction Credits, to reflect new emission reduction credit rules as a revision of the State Implementation Plan. Amended August 10, 2010.
- Amendment of Rule 601, Permit Fees, to create a new semiconductor fee schedule, and a new fee for Prevention of Significant Deterioration (PSD). Amended December 9, 2010.

Regulatory Measures That Were Adopted/Amended in 2009:

- Amendment of Rule 214, Transfer of Gasoline into Vehicle Fuel Tanks. Amended April 9, 2009.
- Amendment of Rule 233, Biomass Boilers. Amended December 10, 2009.
- Amendment of Rule 245, Surface Coating of Metal Parts and Products. Amended August 20, 2009.
- Adoption of Rule 516, Rice Straw Emission Reduction Credits. Adopted February 19, 2009.

Regulatory Measures That Were Adopted/Amended in 2008:

- Negative Declaration, adopted December 11, 2008, with regard to no sources in Placer County exceeding the threshold of the Control Technique Guidelines document "Control of Volatile Organic Emissions from Flexible Package Printing" (EPA-453/R, 06-003, 09/2006) to satisfy federal requirements.

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- Amendment of Rule 206, Incinerator Burning. Amended October 9, 2008.
- Adoption of Rule 245, Surface Coating of Metal Parts and Products. Adopted December 11, 2008
- Adoption of Rule 411, Indemnification of District. Adopted February 14, 2008.
- Amendment of Rule 412, Registration Requirements for Stationary and Portable Compression Engines Used In Agricultural Operations. Amended August 14, 2008.
- Adoption of Rule 515, Stationary Rail Yard Control Emission Reduction Credits. Adopted October 9, 2008.