



UPCOMING REGULATORY ACTIONS

**PCAPCD Board of Directors Meeting
August 10th, 2023**



OVERVIEW

Regulatory Background

- NAAQS and the SIP

Two New District Rules

- CAA "Section 185" Fee Rule
- Administration of "Section 185" Fees

Two Rule Amendments

- Rule 218 – Architectural Coatings
- Rule 502 – New Source Review

Visual Timeline

- Compiled regulatory timeline for rulemaking activities

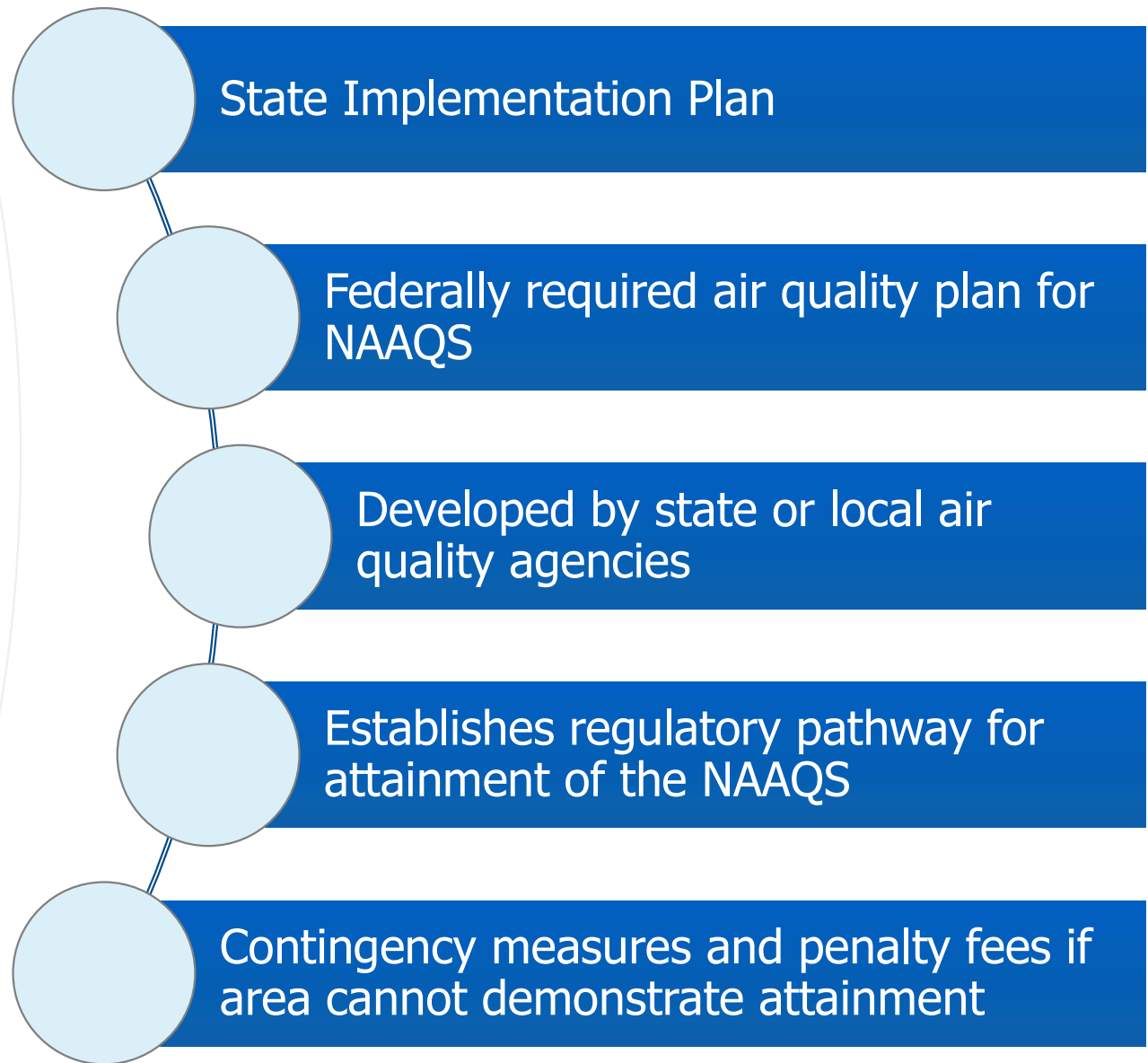


NATIONAL AMBIENT AIR QUALITY STANDARDS

Pollutant		Primary/ Secondary	Averaging Time	Level
Carbon Monoxide (CO)		Primary	8 hours	9 ppm
			1 hour	35 ppm
Lead (Pb)		Primary & Secondary	Rolling 3 month average	0.15 $\mu\text{g}/\text{m}^3$
Nitrogen Dioxide (NO ₂)		Primary	1 hour	100 ppb
		Primary & Secondary	1 year	53 ppb
Ozone (O ₃)		Primary & Secondary	8 hours	0.070 ppm
Particulate Matter (PM)	PM _{2.5}	Primary	1 year	12.0 $\mu\text{g}/\text{m}^3$
		Secondary	1 year	15.0 $\mu\text{g}/\text{m}^3$
		Primary & Secondary	24 hours	35 $\mu\text{g}/\text{m}^3$
	PM ₁₀	Primary & Secondary	24 hours	150 $\mu\text{g}/\text{m}^3$
Sulfur Dioxide (SO ₂)		Primary	1 hour	75 ppb
		Secondary	3 hours	0.5 ppm

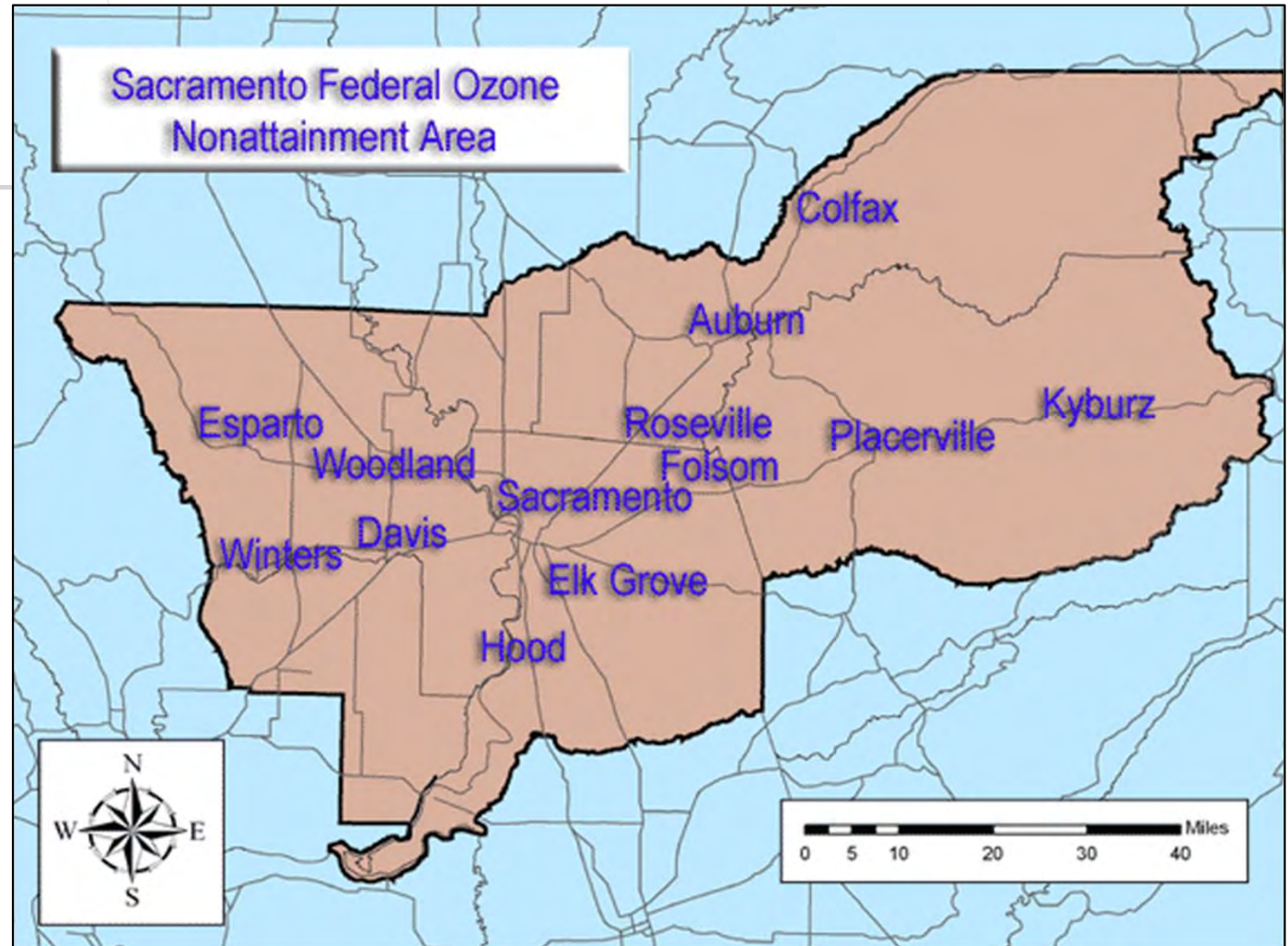


WHAT IS A "SIP"



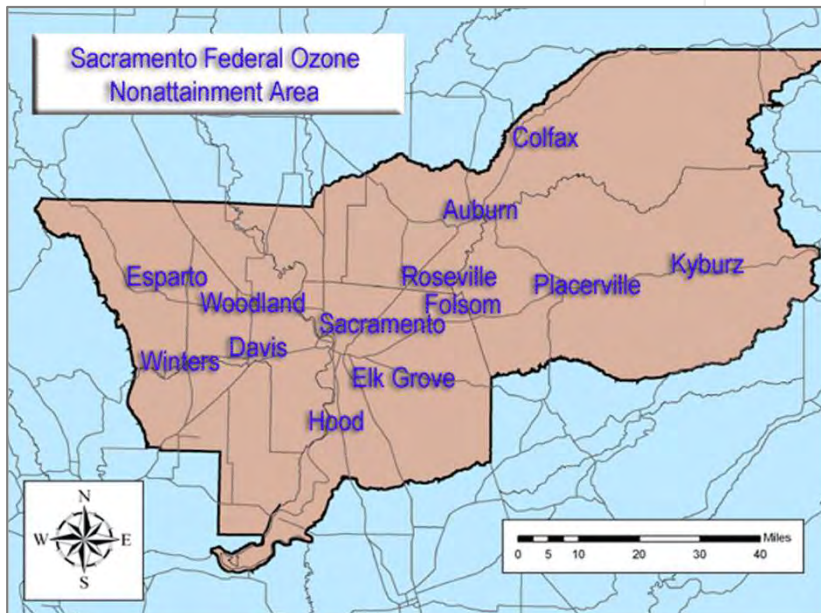


SFNA FOR OZONE STANDARDS





SFNA FOR OZONE STANDARDS



2008 Ozone NAAQS

- 0.075 parts per million
- Classified as Severe
- Nonattainment Designation: July 20, 2012
- Attainment Deadline: July 20, 2025

2015 Ozone NAAQS

- 0.070 parts per million
- Classified as Severe
- Nonattainment Designation: August 3, 2018
- Attainment Deadline: August 3, 2033



CLEAN AIR ACT SECTION 185 PENALTY FEES



Section 185 of the Clean Air Act (CAA) requires Severe and Extreme ozone nonattainment areas to include a “penalty” fee program in the SIP

Fees assessed on major stationary sources of NOx and VOC upon failure to obtain the NAAQS by the attainment year

Fee amounts are determined by statute in the CAA and are based on \$5,000 (1990), adjusted by CPI, per ton of NOx and VOC in excess of “baseline amounts”

“Baseline amounts” are the actual emissions from the stationary source in the attainment year and fees are collected each year after the attainment year

The fee program is required to be submitted to the SIP within 10 years of the nonattainment designation

CLEAN AIR ACT SECTION 185 PENALTY FEES



On February 16, 2023, the U.S. EPA issued a Finding of Failure to portions of the SFNA which did not submit a fee rule required under Section 185 for the 2008 ozone NAAQS

U.S. EPA's action initiated a regulatory sanctions clock for the District to adopt and submit a fee rule to the SIP

Rule will specifically apply to the 2008 and later ozone standards (including 2015) and will require U.S. EPA to issue a Finding of Failure to attain the NAAQS prior to the fee rule being triggered

Staff will go through the rulemaking process (drafting, public noticing, stakeholder outreach, public workshops, etc.) to prepare the new rule and bring to your February 8, 2024, BOD meeting



ADMINISTRATION OF CAA SECTION 185 FEES



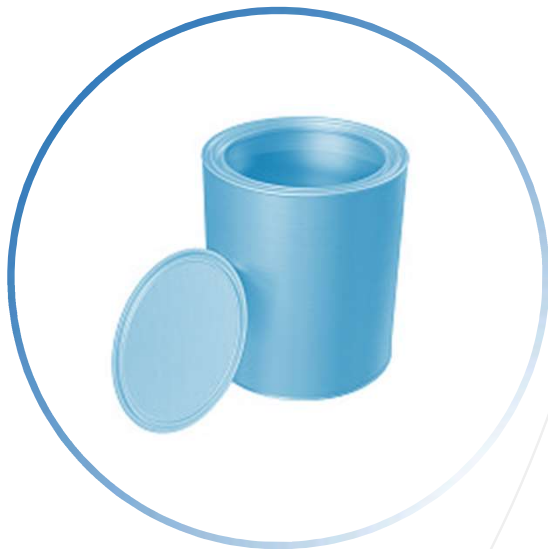
Section 185 of the CAA does not specify how the fees collected under this section are to be administered or expended

Section 185 Fee Administration rule will enable the creation of individual spending accounts for major stationary sources of NOx and VOC which may be required to pay penalty fees if the fee rule is triggered

The District's intent is to allow for affected sources to access the money in their spending account to fund projects which can demonstrate air pollution benefits

Staff will go through the rulemaking process (drafting, public noticing, stakeholder outreach, public workshops, etc.) in parallel to the Section 185 Penalty Fees rule and bring to your February 8, 2024, meeting

RULE 218 - ARCHITECTURAL COATINGS



Contingency measures are required to be adopted and submitted to the SIP due to the SFNA are being in nonattainment with the 2015 ozone NAAQS

The District has an existing rule for this source category, Rule 218, which was last amended in October of 2010

Adoption of more stringent emission requirements from architectural coatings sold, manufactured, or applied in the District has been identified as a logical contingency measure to pursue

An existing model regulation is available via the CARB Suggested Control Measure for Architectural Coatings

Staff will go through the rulemaking process (drafting, public noticing, stakeholder outreach, public workshops, etc.) to amend the existing rule and bring to your April 11, 2024, BOD meeting



RULE 502 - NEW SOURCE REVIEW



Rule 502 - New Source Review (NSR) was last amended in August of 2021 to address deficiencies identified by U.S. EPA in April of 2020

NSR rule was submitted to U.S. EPA, along with Rule 501 – General Permit Requirements, as part of SIP submittal in October of 2021

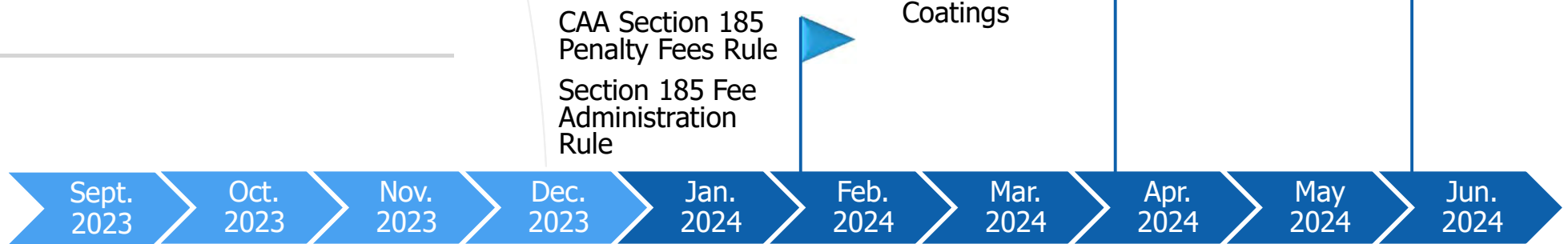
Despite staff addressing the identified deficiencies in the NSR rule, U.S. EPA is proposing a limited approval / limited disapproval of NSR rule due to additional deficiencies found during the recent review process

Staff will work with U.S. EPA to understand and appropriately address the deficiencies which were identified in the NSR rule

Staff will go through the rulemaking process (drafting, public noticing, stakeholder outreach, public workshops, etc.) to amend the existing rule and bring to your June 13, 2024, BOD meeting



REGULATORY TIMELINE



CAA Section 185 Penalty Fees & Admin Rule

Draft Rule & Staff Report

Public Workshop & State/Federal Review

Rule 218 – Architectural Coatings

Draft Rule & Staff Report

Public Workshop & State/Federal Review

Rule 502 – New Source Review

Draft Rule & Staff Report

Public Workshop & State/Federal Review



QUESTIONS?

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Note: This AQMIS Ozone page reflects the 2015 National 8-Hour Ozone Standard of 0.070 ppm

Sacramento Metropolitan Area Annual Ozone Summary Data 2022 Parts Per Million (ppm)							
Basin	County	Monitoring Site	Exceedance Days		Maximum Concentration		Ozone
			National 8-hr Std		Parts Per Million (ppm)		Season
			0.075 ppm	0.070 ppm	1-hr	8-hr	Covered
MC	El Dorado	Cool-Highway 193	3	12	0.097	0.079	97
MC	El Dorado	Echo Summit	0	1	0.082	0.072	99
MC	El Dorado	Placerville-Canal Street	1	2	0.136	0.079	100
MC	El Dorado	Placerville-Gold Nugget Way	0	0	0.062	0.056	11
MC	Placer	Colfax-City Hall	0	1	0.082	0.071	94
SV	Placer	Auburn-11645 Atwood Road	3	13	0.096	0.080	100
SV	Placer	Lincoln-2885 Moore Road	0	1	0.087	0.071	99
SV	Placer	Roseville-N Sunrise Blvd	0	3	0.087	0.075	100
SV	Sacramento	Elk Grove-Bruceville Road	0	1	0.091	0.074	97
SV	Sacramento	Folsom-Natoma Street	0	3	0.085	0.074	92
SV	Sacramento	North Highlands-Blackfoot Way	0	0	0.081	0.068	42
SV	Sacramento	Sacramento-Del Paso Manor	0	3	0.092	0.073	89
SV	Sacramento	Sacramento-T Street	1	3	0.106	0.079	99
SV	Sacramento	Sloughhouse	3	5	0.098	0.085	98
SV	Solano	Vacaville-Ulatis Drive	0	0	0.086	0.068	100
SV	Yolo	Davis-UCD Campus	0	1	0.078	0.071	97
SV	Yolo	Woodland-Gibson Road	0	1	0.082	0.071	82

Standards:

State 1-hr: 0.090 ppm

State 8-hr: 0.070 ppm

National 1-hr: 0.12 ppm

2008 National 8-hr: 0.075 ppm

2015 National 8-hr: 0.070 ppm



Note: This AQMIS Ozone page reflects the 2015 National 8-Hour Ozone Standard of 0.070 ppm

Sacramento Metropolitan Area
Annual Ozone Summary Data
2023
Parts Per Million (ppm)

Basin	County	Monitoring Site	Exceedance Days		Maximum Concentration		Ozone
			National 8-hr Std		Parts Per Million (ppm)		Season
			0.075 ppm	0.070 ppm	1-hr	8-hr	Covered
MC	El Dorado	Cool-Highway 193	0	4	0.087	0.075	40
MC	El Dorado	Echo Summit	0	0	0.071	0.067	43
MC	El Dorado	Placerville-Canal Street	0	0	0.077	0.070	26
MC	Placer	Colfax-City Hall	0	0	0.075	0.067	60
SV	Placer	Auburn-11645 Atwood Road	0	0	0.074	0.067	53
SV	Placer	Lincoln-2885 Moore Road	0	0	0.072	0.063	61
SV	Placer	Roseville-N Sunrise Blvd	3	7	0.093	0.083	49
SV	Sacramento	Elk Grove-Bruceville Road	0	0	0.062	0.053	44
SV	Sacramento	Folsom-Natoma Street	0	5	0.097	0.073	46
SV	Sacramento	Sacramento-Del Paso Manor	4	7	0.104	0.080	50
SV	Sacramento	Sacramento-T Street	0	1	0.092	0.071	51
SV	Sacramento	Sloughhouse	0	0	0.081	0.070	44
SV	Solano	Vacaville-Ulatis Drive	0	0	0.075	0.069	54
SV	Yolo	Davis-UCD Campus	0	0	0.076	0.068	54
SV	Yolo	Woodland-Gibson Road	0	1	0.077	0.071	50

Standards:

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