

FEATHER RIVER AIR QUALITY MANAGEMENT DISTRICT  
MEMORANDUM  
06/07/2021

TO: FRAQMD BOARD OF DIRECTORS

FROM: Christopher D. Brown AICP, APCO

SUBJECT: Approve Resolution #2021-06 adopting the Nonattainment New Source Review Certification for the 2015 8-hour Ozone National Ambient Air Quality Standard and authorize the Chairman to execute related documents.

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RECOMMENDATION:

Approve Resolution #2021-06 adopting the Nonattainment New Source Review Certification for the 2015 8-hour Ozone National Ambient Air Quality Standard and authorize the Chairman to execute related documents.

BACKGROUND:

Two portions of the District were designated nonattainment for the 2015 8-hour ozone national ambient air quality standard. The southern portion of Sutter County is part of the Sacramento Metro Nonattainment Area (also referred to as Sacramento Federal Nonattainment Area or SFNA) and was designated as moderate nonattainment. The Sutter Buttes nonattainment area was designated as marginal nonattainment.

The Clean Air Act Sections 172(b), 172(c)(5), and 173 require ozone nonattainment areas to submit a plan or plan revision to require permits for the construction and operation of new or modified major stationary sources in the nonattainment area (nonattainment new source review). The U.S. Environmental Protection Agency (USEPA) promulgated a final rule detailing the nonattainment area implementation requirements for the 2015 ozone NAAQS which were codified in 40 CFR 51.1314.

The District's Rule 10.1 New Source Review, which was approved into the California State Implementation Plan on October 5, 2015 (80 FR 60047) by the USEPA, meets the 2015 ozone requirements.

## DISCUSSION:

The certification states that the District Rule 10.1 meets the requirements for the 2015 ozone NAAQS codified in 40 CFR 51.1314. By adopting Resolution #2021-06 and directing staff to submit the certification to the USEPA, the District is asserting that its current Rule is sufficient to meet these requirements.

The nonattainment new source review certifications are due to U.S. EPA three years after the effective date of the nonattainment designations. Therefore, this certification is due August 3, 2021.

If the District does not provide the USEPA with a certification that its new source review meets the 2015 standard requirements, as codified in CFR, it could face sanctions in the form of increased offset ratios and the loss of federal highway funds.

A notice of the public hearing was published in the Appeal-Democrat legal section on May 6, 2021, and on the District's webpage. As of May 24, 2021, the District has not received any public comment on the certification that the nonattainment new source review rules at the District meet the 2015 ozone standard requirements.

## FISCAL IMPACT:

There is no fiscal impact to the District in adopting Resolution #2021-06.

## LIST OF ATTACHMENTS:

- Attachment A: Resolution #2021-06
- Attachment B: Public Comments and Responses
- Attachment C: Proof of Publication

ATTACHMENT A: RESOLUTION #2021-06

**RESOLUTION #2021-06 OF THE BOARD OF DIRECTORS ADOPTING THE  
NONATTAINMENT NEW SOURCE REVIEW CERTIFICATION FOR THE  
2015 8-HOUR OZONE NATIONAL AMBIENT AIR QUALITY STANDARD**

**WHEREAS**, the U.S. Environmental Protection Agency (US EPA) promulgated the 2015 National Ambient Air Quality Standard (NAAQS) for ozone with an 8-hour averaging time of 0.070 parts per million and determined that the 8-hour ozone NAAQS is necessary in order to protect public health and the environment (80 FR 65292, October 26, 2015); and

**WHEREAS**, the southern portion of Sutter County as part of the Sacramento Metro Nonattainment Area is designated as moderate nonattainment for the 8-hour ozone NAAQS and the Sutter Buttes Nonattainment Area is designated marginal nonattainment effective August 3, 2018 (83 FR 25776); and

**WHEREAS**, Sections 172(b), 172(c)(5), and 173 of the Clean Air Act require ozone nonattainment areas to submit a plan or plan revision to require permits for the construction and operation of new or modified major stationary sources in the nonattainment area (nonattainment new source review); and

**WHEREAS**, the USEPA promulgated a final rule detailing the nonattainment area implementation requirements for the 2015 ozone NAAQS which were codified in 40 CFR 51.1314; and

**WHEREAS**, the District's Rule 10.1 New Source Review, which was approved into the California State Implementation Plan October 5, 2015 (80 FR 60047) by the USEPA, meets all of the 2015 ozone requirements; and

**WHEREAS**, the District published a notice of the public hearing on May 6, 2021, announcing the public hearing on the certification of the nonattainment new source review in a newspaper of general circulation; and

**WHEREAS**, the FRAQMD Board of Directors held a public hearing on June 7, 2021, and considered public comments on the certification; and

**WHEREAS**, the California Environmental Quality Act (CEQA) under Section 15061 (b)(3) of the State CEQA Guidelines exempts projects for which it can be seen with certainty that there is no possibility that the activity in question may have a significant adverse effect on the environment; and

**WHEREAS**, staff of the Feather River Air Quality Management District, at 541 Washington Avenue, Yuba City, CA 95991, maintains the record of the proceedings upon which this decision is based.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Directors approves and adopts the certification prepared by District staff that the District Rule 10.1 satisfies the 2015 ozone requirements in Exhibit A; and

**BE IT FURTHER RESOLVED** that the Board of Directors determines that it can be seen with certainty that there is no possibility that certification of Rule 10.1 may have a significant adverse effect on the environment, and therefore, is exempt from CEQA under Section 15061 (b) (3) of the State CEQA Guidelines; and

**BE IT FURTHER RESOLVED** that the Board of Directors directs staff to forward the certification to the California Air Resources Board for its approval and subsequent submittal to US EPA for final approval as a revision to the State Implementation Plan and to take other actions necessary to fulfill the intent of this resolution.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:  
CLERK OF THE DISTRICT BOARD

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Chairman

APPROVED FOR LEGAL FORM

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District Counsel

EXHIBIT A: Certification Nonattainment New Source Review

**Certification that Feather River Air Quality Management District’s Existing NNSR Program Addresses the 2015 Ozone NAAQS SIP Requirements Rule**

The Feather River Air Quality Management District is certifying that our existing NNSR program, covering the south Sutter County portion of the Sacramento nonattainment area and the Sutter Buttes nonattainment area for the 2015 ozone NAAQS, is at least as stringent as the requirements at 40 CFR 51.165 for ozone and its precursors, as amended by the final rule titled *Implementation of the 2015 National Ambient Air Quality Standards for Ozone: Nonattainment Area State Implementation Plan Requirements* (83 FR 62998, December 6, 2018).

The requirements necessary to appropriately implement District’s NNSR program include, but not limited to the following:

<b>Table: 2015 Ozone NAAQS NNSR SIP Requirements</b>	
<b>40 CFR 51.165</b>	Rule 10.1 New Source Review:
(a)(1)(iv)(A)(1)(i)-(iv) and (2): Major source thresholds for ozone – VOC and NOx	D.25, D.3
(a)(1)(iv)(A)(3): Change constitutes a major source by itself	D. 25
(a)(1)(v)(E): Significant net emissions increase of NOx is significant for ozone	D.48
(a)(1)(v)(F): Any emissions change of VOC in Extreme area triggers NNSR	N/A, District does not contain an Extreme area
(a)(1)(x)(A)-(C) and (E): Significant emissions rates for VOC and NOx as ozone precursors	D.48
(a)(3)(ii)(C)(1)-(2): Provisions for emissions reduction credits	D.16, D.33, D.36, D.40, D.42, D.52, E.2.b, H.7
(a)(8): Requirements for VOC apply to NOx as ozone precursors	D.38
(a)(9)(i)-(iii): Offset ratios for VOC and NOx for ozone nonattainment areas <i>[subparagraphs (a)(9)(i)-(iii) were changed to (a)(9)(ii)-(iv)]</i>	E.2.e.1
(i) Public participation requirements	H.3, H.4

<b>Table: 2015 Ozone NAAQS NNSR SIP Optional Provisions</b>	
<b>40 CFR 51.165</b>	N/A
(a)(2)(ii)(G) – Allows use of PEA	N/A

ATTACHMENT B: PUBLIC COMMENTS AND RESPONSES



## Public Comments and Responses

As of May 24, 2021, the District has not received any public comments on this item.

ATTACHMENT C: PROOF OF PUBLICATION

PROOF OF PUBLICATION

APPEAL-DEMOCRAT

1530 Ellis Lake Drive, Marysville, CA 95901 \* (530) 749-4700

STATE OF CALIFORNIA \* Counties of Yuba and Sutter

I am not a party to, nor interested in the above entitled matter. I am the principal clerk of the printer and publisher of THE APPEAL-DEMOCRAT, a newspaper of general circulation, printed & published in the City of Marysville, County of Yuba, to which Newspaper has been adjudged a newspaper of general circulation by The Superior Court of the County of Yuba, State of California under the date of November 9, 1951, No. 11481, and County of Sutter to which Newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Sutter, State of California under the date of May 17, 1999, Case No.CV PT99-0819. The Notice, of which the annexed is a copy, appeared in said newspaper on the following dates:.

May 7, 2021

I declare under penalty of perjury that the foregoing is true and correct.

May 7, 2021

*Kathy Stammerhill*

RECEIVED

Date

Signature

MAY 17 2021

Feather River Air Quality Management District

Notice

FEATHER RIVER  
AQMD

COPY:

NOTICE

PLEASE TAKE NOTICE that the Feather River Air Quality Management District (District) will conduct a public hearing on Monday, June 7, 2021 at 4:00 p.m. The purpose of the hearing is to receive comments and consider the certification that the District's existing nonattainment new source review program, approved into the state implementation plan in 2015, is at least as stringent as the requirements at 40 CFR 51.165 for ozone and its precursors, as amended by the final rule titled Implementation of the 2015 National Ambient Air Quality Standards (NAAQS) for Ozone: Nonattainment Area State Implementation Plan (SIP) Requirements (83 FR 62998, December 6, 2018). The certification includes the south Sutter County portion of the Sacramento Metro nonattainment area and the Sutter Buttes nonattainment area for the 2015 ozone NAAQS.

Due to the COVID-19 public health emergency, the Hearing will be held virtually. The public may attend remotely via a video link or telephone. Additional information, including the video link and telephone instructions will be posted at FRAQMD's website, www.fraqmd.com, under the Public Notices icon.

The certification is available on District's website: www.fraqmd.org. If adopted, the certification will be forwarded to the California Air Resources Board and the US Environmental Protection Agency for approval as part of the SIP.

By this notice, the public is invited to comment on the certification. Written comments can be submitted by mail to Christopher Brown, APCO, FRAQMD, 541 Washington Avenue, Yuba City, CA 95991, by email to: sspaethe@fracmd.org, or by FAX to 530-634-7660. Written comments should be received no later than 5:00 p.m. on May 24, 2021. Comments may also be presented at the public hearing on June 7, 2021. For more information, contact the District at (530) 634-7659 or visit www.fraqmd.org.

May 7, 2021

Ad #00268032