

Agenda Date: December 16, 2004
Agenda Placement: Regular
Estimated Time: 10 Minutes
Continued Item: No

Board Agenda Item

TO: Air Pollution Control District Board

FROM: Terence E. Dressler, Air Pollution Control Officer

CONTACT: Rebecca Gaffney, 961-8888

SUBJECT: Proposed Amendment to Rule 102, Definitions

RECOMMENDATION:

That the Board:

- A. Hold a public hearing to receive testimony on the proposed amended Rule 102, Definitions.
- B. Approve the Resolution attached to this Board Letter. Approval of the resolution will result in the following actions:
 1. CEQA Findings: Adopt the CEQA findings (Attachment 1) pursuant to the California Environmental Quality Act (CEQA) and the APCD CEQA guidelines.
 2. Rule Findings: Adopt the associated rule findings (Attachment 2) in support of the proposed amended rule pursuant to Health and Safety Code Section 40727 regarding necessity, authority, clarity, consistency, nonduplication, and reference. The rule findings also acknowledge public comments received on the proposed rule (Attachment 3) and adopt the response to comments (Attachment 4) as findings of the Board.
 3. Amended Rule Adoption: Adopt proposed amended Rule 102 (Attachment 5).

DISCUSSION:

The Air Pollution Control District (APCD) is proposing revisions to the definition of *reactive organic compounds* (ROC) found in Rule 102. This rule revision includes the addition of two exempt compounds, methyl acetate and perchloroethylene, to the ROC definition. Additionally, minor reformatting of the rule is necessary for clarity.

This rule revision is necessary in order to make the APCD's reactive organic compounds definition consistent with the California Air Resources Board's (CARB) volatile organic compounds (VOC) definition and exempt compound list.

The terms VOC and ROC are both used to identify compounds that are precursors to ozone formation. While CARB and EPA both use the term VOC, the CARB and EPA definitions have differed historically. Because the APCD operates under authority granted by state statute, the APCD has used the state's definition of ozone precursors. To clarify that the APCD does not use the same definition of ozone precursors as EPA, the APCD therefore uses the term ROC instead of VOC.

The APCD does not anticipate any emission changes or any significant impacts to regulated sources or the APCD resulting from the proposed amendments to Rule 102.

Objectives

The proposed amended Rule 102 will accomplish the following objectives:

1. Revise the definition of reactive organic compounds, by the addition of two exempt compounds (methyl acetate and perchloroethylene), to be consistent with the CARB definition of volatile organic compounds.
2. Revise the rule for clarity.

Background

The last time the APCD revised Rule 102 was on June 19, 2003. This Rule 102 revision included the amendment of the Rule 102 and Rule 1301 *stationary source* definitions and terms used in association with the *stationary source* definitions.

On January 21, 1999, the ROC stationary source definition was modified in order to correct a deficiency by reinserting inadvertently omitted text.

The last time the APCD revised the *reactive organic compounds* definition was on July 18, 1996. At that time we added the terms *acetone*, *parachlorobenzotrifluoride* (PCBTF), *volatile methyl siloxanes* (VMS), *five halocarbons* and *four classes of perfluorocarbons* to the list of exempt compounds.

The recommended changes (addition of methyl acetate and perchloroethylene to the list of exempt compounds) to the ROC definition will make it consistent with the current CARB definition of VOC.

Implications to the Regulated Community

The APCD does not anticipate any emission changes as a result of the proposed amendments. There are no known sources of methyl acetate in Santa Barbara County. Dry cleaning establishments are the only known perchloroethylene sources in the County. While perchloroethylene will no longer be classified as a ROC, dry cleaners will still remain subject to APCD permit requirements. This is because perchloroethylene, which has been classified by the California Air Resources Board as an airborne toxic contaminant, is an air contaminant. Consequently staff believes the impact to the regulated sources and the APCD will be insignificant.

Comparison to Existing Federal, State, and Local Requirements

Pursuant to the H&SC §40727.2, the APCD is required to identify all existing federal, state, and local air pollution control requirements that apply to the same equipment or source category as the rule proposed for adoption or modification by the APCD. There is no specific equipment category that the Rule 102 ROC definition will impact. Therefore, this analysis is not applicable.

Emission Reductions

Based on the current emission inventory there will be no emission changes due to the proposed rule modifications.

Cost-Effectiveness and Incremental Cost-Effectiveness

There is no specific equipment that is affected by the Rule 102 ROC definition modification. Therefore, this analysis is not feasible to accomplish.

California Environmental Quality Act (CEQA)

The proposed revision simply serves to add two new compounds (methyl acetate and perchloroethylene) to the ROC-exempt list plus a few formatting revisions. This does not constitute a substantive change to the rule and is exempt from the requirements of CEQA pursuant to state CEQA Guidelines §15061(b)(3). As a result, the APCD prepared CEQA Findings (Attachment 1) and a Notice of Exemption (Attachment 6). The APCD will file the Notice of Exemption with the County Clerk of the Board in compliance with State Public Resources Code § 21152(b).

Public Review

The Air Pollution Control District public noticed the proposed revisions to Rule 102 on October 24, 2004 advising that:

1. The draft Board Package, proposed revised Rule 102 (Definitions), the draft CEQA findings for the proposed revised rule, and the Notice of Exemption for revisions to the APCD Rule 102, were available at various locations in Santa Barbara County and the APCD website;
2. The Community Advisory Council (CAC) unanimously approved the matter of revising Rule 102 at the November 10, 2004 combined Public Workshop/CAC meeting;
3. The APCD is accepting comments on the proposed amended Rule 102 until December 6, 2004;
4. The APCD will accept comments and the Board will consider adopting amendments to Rule 102 at the December 16, 2004 Board Hearing.

On October 22, 2004, the APCD posted information on its website indicating that revisions to the Rule 102 were underway and informing the public about the public notice and draft documents for the project that were also available on the APCD website.

On November 10, 2004, staff presented the proposed amended rules at the APCD combined Public Workshop and Community Advisory Council (CAC) meeting that is open for public comment. The CAC approved the Rule 102 Board Package, including the proposed amended Rule 102, by a vote of 15 to 0.

Implications to the APCD Work Load and Budget

There will be not effect on APCD staff labor as a result of this rule revision. The clarification that this rule revision provides should prevent future labor costs resulting from current staff uncertainty regarding the list of ROC-exempt compounds.

CONCURRENCES:

County Counsel has reviewed this board letter, its enclosure, and attachments and approves them as to form.

SPECIAL INSTRUCTIONS:

After adoption by the Board, please have the Board Chair sign the attached resolution and return a copy along with a copy of the minute order to Rebecca Gaffney of the Air Pollution Control District.

ATTACHMENTS:

Resolution	
Attachment 1:	CEQA Findings
Attachment 2:	Rule Findings
Attachment 3:	Public Comments
Attachment 4:	Response to Public Comments
Attachment 5:	Proposed Amended Rule 102 (Strikeout/Underline Format)
Attachment 6:	Notice of Exemption (NOE) for CEQA

BOARD RESOLUTION

**PROPOSED RULE 102,
DEFINITIONS**

December 16, 2004

Santa Barbara County Air Pollution Control District

**260 North San Antonio Road, Suite A
Santa Barbara, California 93110**

(805) 961-8800

**RESOLUTION OF THE AIR POLLUTION
CONTROL DISTRICT BOARD OF THE COUNTY OF
SANTA BARBARA, STATE OF CALIFORNIA**

In the Matter of)	APCD Resolution No.
)	
Amending Rule 102)	
)	
_____)	

RECITALS

1. The Air Pollution Control District Board of the County of Santa Barbara ("Board") is authorized to adopt, amend, or repeal rules and regulations pursuant to Health and Safety Code Section 40725 *et seq.*

2. Pursuant to Health and Safety Code 40001, the Board is required to adopt and enforce rules and regulations to achieve and maintain the state and federal ambient air quality standards.

3. The Board has determined that a need exists to amend Rule 102 (Definitions) to reflect determinations by the United States Environmental Protection Agency and the California Air Resources Board that methyl acetate and perchloroethylene are negligibly photochemically reactive compounds which need not be regulated for purposes of attaining and maintaining the federal and state ozone standards.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

1) This Board has held a hearing and accepted public comments in accordance with the requirements of Health and Safety Code section 40725 *et seq.*

2) The California Environmental Quality Act ("CEQA") findings set forth in Attachment 1 of the Board Package dated December 16, 2004 (herein after "Board Letter") are hereby adopted as findings of this Board pursuant to the CEQA and the CEQA guidelines.

3) The general rule findings, as set forth in Attachment 2 of the Board Letter, are hereby adopted as findings of this Board pursuant to Health and Safety Code section 40727.

4) The Responses to Public Comments, as set forth in Attachment 4 of the Board Letter, are hereby adopted as findings of this Board.

5) Rule 102, as set forth in Attachment 5 of the Board Letter, is hereby amended as a rule of the Santa Barbara County Air Pollution Control District pursuant to Health and Safety Code section 40725 *et seq.*

6) The Board authorizes the Control Officer to transmit the new rule to the State Air Resources Board in compliance with applicable state and federal law. Additionally, the Board authorizes the Control Officer to do any other acts necessary and proper to obtain necessary approvals of the new rule by the California Air Resources Board and the United States Environmental Protection Agency.

PASSED AND ADOPTED by the Air Pollution Control District Board of the County of Santa Barbara, State of California, this ____ day of _____, 200_, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

TERENCE E. DRESSLER
CLERK OF THE BOARD,

By _____
Deputy

Chair, Air Pollution Control
District Board of the County of
Santa Barbara

APPROVED AS TO FORM:

STEPHEN SHANE STARK
SANTA BARBARA COUNTY COUNSEL

By _____
Deputy
Attorneys for the Santa Barbara
Air Pollution Control District

ATTACHMENT 1

CEQA FINDINGS

PROPOSED AMENDED RULE 102,
DEFINITIONS

December 16, 2004

Santa Barbara County Air Pollution Control District

260 North San Antonio Road, Suite A
Santa Barbara, California 93110

(805) 961-8800

ATTACHMENT 1

CEQA FINDINGS

The project consists of revising the Rule 102 *reactive organic compounds* definition and minor revisions to the rule for clarity. Specifically, the ROC definition is being amended by the additional of two exempt compounds (methyl acetate and perchloroethylene). This rule revision is necessary in order to make the APCD's reactive organic compounds (ROC) definition consistent with the California Air Resources Board's volatile organic compounds (VOC) definition and exempt compound list. The two ROC-exempt compounds being added (methyl acetate and perchloroethylene) have been treated as such by the APCD since their original exemption status per the California Air Resources Board in 1996 and 1998, respectively. No construction activities or cross-media impacts will result from the implementation of this rule revision. The Air Pollution Control District found that there is no potential for significant environmental impacts from the implementation of the revisions made to Rule 102.

Therefore, the Board finds that:

- Pursuant to § 15061(b)(3) of the State CEQA Guidelines, the project is not subject to CEQA as it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment.

The Santa Barbara County APCD prepared a Notice of Exemption (Attachment 6 of the Board Package dated December 16, 2004) for the project. The APCD will file the Notice of Exemption with the County Clerk of the Board in compliance with State Public Resources Code § 21152(b).

ATTACHMENT 2

RULE FINDINGS

PROPOSED RULE 102,

DEFINITIONS

December 16, 2004

Santa Barbara County Air Pollution Control District

260 North San Antonio Road, Suite A
Santa Barbara, California 93110

(805) 961-8800

ATTACHMENT 2

RULE FINDINGS FOR PROPOSED RULE 102

Pursuant to California Health and Safety Code Section 40727, the Board makes the following findings for the amendments of Rule 102 (Definitions).

Necessity

The Board determines that it is necessary to amend Rule 102 (Definitions) to incorporate the new definition of exempt compounds adopted by CARB and EPA. This revision is being done for consistency with the state and federal definitions. The newly exempt compounds have been determined to be negligibly photochemically reactive and need not be regulated for purposes of attaining and maintaining the federal and state ozone standards.

Authority

The Board is authorized under state law to adopt, amend, or repeal rules and regulations pursuant to Health and Safety Code Section 40000, and 40725 through 40728 which assigns to local and regional authorities the primary responsibility for the control of air pollution from all sources other than exhaust emissions from motor vehicles. In addition, Health and Safety Code Section 40702 requires the APCD Board to adopt rules and regulations and to do such acts as necessary and proper to execute the powers and duties granted to it and imposed upon it by state law.

Clarity

The Board finds that proposed amended Rule 102 is sufficiently clear. The APCD publicly noticed the proposed revisions to Rule 102. In addition, the proposed amended Rule 102 was reviewed by the Community Advisory Council. The rule is written or displayed so that its meaning can be easily understood by persons directly affected by it.

Consistency

The Board determines that proposed amended Rule 102 is consistent with, and not in conflict with or contradictory to, existing federal or state statutes, court decisions, or regulations with regard to the definition of exempt compounds.

The neighboring air pollution control districts such as Ventura County Air Pollution Control District, San Luis Obispo County Air Pollution Control District, and San Joaquin Valley Unified Air Pollution Control District have adopted similar definition rules. Based on this evidence, the Board finds that the rules are consistent with neighboring air pollution control districts.

Nonduplication

The Board finds that the amended Rule 102 (Definitions) does not impose the same restrictions as any existing state or federal regulation, and the proposed amendments are necessary and proper to execute the powers and duties granted to, and imposed upon, the APCD.

Reference

The Board finds that we have authority under state law to amend Rule 102 to pursuant to Health and Safety Code Section 39002 which assigns to local and regional authorities the primary responsibility for the control of air pollution from all sources other than exhaust emissions from motor vehicles. Additionally, pursuant to Health and Safety Code Section 40702, the Board is required to adopt rules and regulations and to do such acts as are necessary and proper to execute the powers and duties granted to it and imposed upon it by state law.

Additional Findings; Public Comment

Response to Comments

The Board has reviewed the responses to comments included in Attachment 4 and hereby approves those responses to comments as findings.

ATTACHMENT 3

PUBLIC COMMENTS ON PROPOSED AMENDED RULE 102, DEFINITIONS

December 16, 2004

Santa Barbara County Air Pollution Control District

260 North San Antonio Road, Suite A
Santa Barbara, California 93110

(805) 961-8800

ATTACHMENT 3
PUBLIC COMMENTS
ON PROPOSED AMENDED RULE 102, DEFINITIONS

As of December 1, 2004, the APCD has not received any public comments on the proposed rule modifications.

ATTACHMENT 4

APCD RESPONSE TO PUBLIC COMMENTS ON PROPOSED AMENDED RULE 102, DEFINITIONS

December 16, 2004

Santa Barbara County Air Pollution Control District

260 North San Antonio Road, Suite A
Santa Barbara, California 93110

(805) 961-8800

ATTACHMENT 4

APCD RESPONSE TO PUBLIC COMMENTS ON PROPOSED AMENDED RULE 102, DEFINITIONS

As of December 1, 2004, the APCD has not received any public comments on the proposed rule modifications.

COMMENT NUMBER	APCD RESPONSE

ATTACHMENT 5

PROPOSED AMENDED RULE 102,
DEFINITIONS
(STRIKEOUT AND UNDERLINE FORMAT)

December 16, 2004

Santa Barbara County Air Pollution Control District

260 North San Antonio Road, Suite A
Santa Barbara, California 93110

(805) 961-8800

RULE 102. DEFINITIONS. (Adopted 10/18/1971, revised 1/12/1976, readopted 10/23/1978, revised 7/11/1989, 7/10/1990, 7/30/1991, 7/18/1996, 4/17/1997, 1/21/1999, 5/20/1999, ~~and 6/19/2003~~, and [date of revised rule adoption])

These definitions apply to the entire rulebook. Definitions specific to a given rule are defined in that rule or in the first rule of the relevant regulation. Except as otherwise specifically provided in these Rules where the context otherwise indicates, words used in these Rules are used in exactly the same sense as the same words are used in Division 26 of the Health and Safety Code.

[...]

“**Reactive Organic Compound**” means any volatile compound containing carbon, except:

~~(1).~~ Acetone, ethane, methane, methyl acetate, and inorganic carbon compounds; ~~Acetone, ethane, methane,~~ carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate

~~(2).~~ Chlorinated compounds

1,1,1-trichloroethane (methyl chloroform)
methylene chloride (dichloromethane)
perchloroethylene (tetrachloroethylene)

~~(3).~~ Chlorofluorocarbons

trichlorofluoromethane (CFC-11)
dichlorodifluoromethane (CFC-12)
chlorodifluoromethane (HCFC-22)
trifluoromethane (HFC-23)
1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113)
1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114)
chloropentafluoroethane (CFC-115)

~~(4).~~ Hydrofluorocarbons

pentafluoroethane (HFC-125)
1,1,2,2-tetrafluoroethane (HFC-134)
1,1,1,2-tetrafluoroethane (HFC-134a)
1,1,1-trifluoroethane (HFC-143a)
1,1-difluoroethane (HFC-152a)

~~(5).~~ Hydrochlorofluorocarbons

2,2-dichloro-1,1,1-trifluoroethane (HCFC-123)
2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124)
1,1-dichloro-1-fluoroethane (HCFC-141b)
1-chloro-1,1-difluoroethane (HCFC-142b)

~~(6).~~ Parachlorobenzotrifluoride (PCBTF)

~~(7).~~ Cyclic, branched or linear completely methylated siloxanes (VMS)

~~8~~ Perfluorocarbon compounds which fall into these classes

- a. ~~e~~Cyclic, branched, or linear, completely fluorinated alkanes~~;~~
- b. ~~e~~Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations~~;~~
- c. ~~e~~Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations~~;~~ and
- d. ~~s~~Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

[...]

APPROVED AS TO FORM:

STEPHEN SHANE STARK
SANTA BARBARA COUNTY COUNSEL

By _____
Deputy

Attorneys for the Santa Barbara
Air Pollution Control District

ATTACHMENT 6

CEQA NOTICE OF EXEMPTION

FOR

PROPOSED REVISIONS TO RULE 102,

DEFINITIONS

December 16, 2004

Prepared by Technology and Environmental Review Division



Santa Barbara County
Air Pollution Control District

260 San Antonio Road, Suite A
Santa Barbara, CA 93110

NOTICE OF EXEMPTION

TO: Clerk of the Board
County of Santa Barbara
105 East Anapamu Street
Santa Barbara, CA 93101

FROM: Santa Barbara County
Air Pollution Control District
260 N. San Antonio Road, Suite A
Santa Barbara, CA 93110

Project I.D.: Revision to APCD Rule 102

Project Title: Revised Definition of ROC

Location: Santa Barbara County, California

Project Description: Addition of two ROC exempt compounds (perchloroethylene and methyl acetate) to the list of exempt compounds included in the existing ROC definition, in order to make the APCD's ROC definition consistent with the California Air Resources Board's VOC definition and exempt compound list.

Exempt Status: (Check One)

- ☐ Ministerial (Section 21080 (b)(1); 15268)
- ☐ Declared Emergency (Section 21080(b)(3); 15269(a))
- ☐ Emergency Project (Section 21080(b)(4); 15269(b)(c))
- ☐ Categorical Exemption
- ☐ CEQA Section(s):
- ☐ Statutory Exemption
- ☐ Code Number(s):
- ☒ General Exemption under CEQA Section 15061(b)(3)
- ☐ APCD CEQA Guidelines, Appendix A ("APCD List of Exempt Projects")

Reasons Why Project is Exempt: This is an administrative change will not affect emissions in Santa Barbara County. The project has no potential for causing any other significant adverse environmental impact.

Contact Person: Rebecca Gaffney

Telephone: (805) 961-8888

Bobbie Bratz
Technology and Environmental Review Division

Date: December 2, 2004

Clerk of the Board Date and Time Stamp

Terence E. Dressler
Air Pollution Control Officer