

SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT

DRAFT STAFF REPORT

Proposed Rescission of Fresno County Rule 110 (Equipment Breakdown), Kern County Rule 111 (Equipment Breakdown), Kings County Rule 111 (Equipment Breakdown), Madera County Rule 113 (Equipment Breakdown), Stanislaus County Rule 110 (Equipment Breakdown), and Tulare County Rule 111 (Equipment Breakdown) from State Implementation Plan

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I. BACKGROUND AND DISCUSSION

Effective May 22, 2015, the U.S. Environmental Protection Agency (EPA) issued a State Implementation Plan (SIP) Call (2015 SIP Call) directing state and local agencies to remove rules governing emissions associated with startup, shutdown and malfunction (SSM) events from their SIPs.¹ This action affects SIPs in 45 jurisdictions within 36 states, including the San Joaquin Valley Air Pollution Control District (District).

On October 9, 2020, EPA issued a memorandum outlining circumstances under which EPA could approve certain types of provisions governing periods of SSM in SIPs developed under section 110 of the Clean Air Act (CAA).² However, on September 30, 2021, EPA withdrew the 2020 Memorandum and reinstated the prior policy as set out in the 2015 SIP Call.³

¹ Environmental Protection Agency, Final Action, “State Implementation Plans: Response to Petition for Rulemaking; Restatement and Update of EPA’s SSM Policy Applicable to SIPs; Findings of Substantial Inadequacy; and SIP Calls To Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown, and Malfunction,” Federal Register 80, Number 113 (June 12, 2015) : 33,840, <https://www.govinfo.gov/content/pkg/FR-2015-06-12/pdf/2015-12905.pdf>

² Andrew R. Wheeler, “Memorandum: Inclusion of Provisions Governing Periods of Startup, Shutdown, and Malfunctions in State Implementation Plans” (October 9, 2020), <https://www.epa.gov/system/files/documents/2021-09/2020-ssm-in-sips-guidance-memo.pdf>

³ Janet McCabe, “Memorandum: Withdrawal of the October 9, 2020, Memorandum Addressing Startup, Shutdown, and Malfunctions in State Implementation Plans and Implementation of the Prior Policy,” (September 30, 2021), <https://www.epa.gov/system/files/documents/2021-09/oar-21-000-6324.pdf>

Accordingly, the District will submit a formal request to the California Air Resources Board (CARB) and EPA to withdraw Equipment Breakdown rules for Fresno (Rule 110), Kern (Rule 111), Kings (Rule 111), Madera (Rule 113), Stanislaus (Rule 110), and Tulare (Rule 111) counties from the San Joaquin Valley's SIP.

Table 1 lists the county Equipment Breakdown rules EPA is requiring the District to withdraw from the SIP, including CARB submittal dates to EPA, EPA action dates, and citations for recent actions in the Federal Register (FR). These county equipment breakdown rules exempted operations violating otherwise applicable emissions limits if the operator demonstrated a breakdown condition; met notification, reporting, and administrative requirements; and did not endanger attainment or maintenance.

Table 1: County Equipment Breakdown Rules in San Joaquin Valley Identified in EPA's 2015 SIP Call

County	Rule Number and Title	CARB Submittal	EPA Action	Federal Register Citation
Fresno	Rule 110 (Equipment Breakdown)	10/23/1974	8/22/1977	42 FR 42219
Kern	Rule 111 (Equipment Breakdown)	1/2/1979	10/24/1980	45 FR 70449
Kings	Rule 111 (Equipment Breakdown)	10/15/1979	12/9/1981 6/18/1982	46 FR 60203 47 FR 26385
Madera	Rule 113 (Equipment Breakdown)	4/11/1983	11/18/1983	48 FR 52450
Stanislaus	Rule 110 (Equipment Breakdown)	11/8/1982	6/1/1983	48 FR 24363
Tulare	Rule 111 (Equipment Breakdown)	10/23/1974	8/22/1977	42 FR 42219

These rules were approved by EPA in the period 1977-1983. The District did not readopt any of these county rules when the District unified in 1992. Instead, in 1992, the District adopted District Rule 1100 (Equipment Breakdown) to allow sources in the San Joaquin Valley to temporarily operate equipment that is in non-compliance due to an unforeseeable occurrence, granting them relief from enforcement action. Since the 1977-1983 county Equipment Breakdown rules were not relied upon in the District's attainment plans, withdrawing these rules from the SIP does not affect any of the District's other CAA obligations.

II. STAFF RECOMMENDATION

In accordance with the 2015 SIP Call, the District is recommending to rescind Fresno County Rule 110, Kern County Rule 111, Kings County Rule 111, Madera County Rule 113, Stanislaus County Rule 110, and Tulare County Rule 111 from the San Joaquin Valley SIP.