

**SACRAMENTO METROPOLITAN
AIR QUALITY MANAGEMENT DISTRICT**

STAFF REPORT

Rule 801, New Source Performance Standards

and

Rule 904, Air Toxics Control Measures

**Proposed Amendments
April 25, 2011**

Prepared by: Steven Lau
Associate Air Quality Planner

Reviewed by: Kevin J. Williams, Ph.D.
Program Coordinator

Aleta Kennard
Supervisor, Technical Services

Approved by: Brigette Tollstrup
Division Manager

BACKGROUND

Rule 801

New Source Performance Standards (NSPS) are promulgated by the United States Environmental Protection Agency (EPA) and apply to new, modified, and reconstructed sources. The NSPS are contained in Title 40 of the Code of Federal Regulations (CFR), Part 60. The purpose of these standards is to require best demonstrated technology to achieve continuous emission reductions. The NSPS program takes into consideration compliance costs, environmental impact, and energy effects, among other factors.

The Federal Clean Air Act (CAA) authorizes EPA to delegate authority for implementing and enforcing NSPS regulations to states or local districts. The Sacramento Metropolitan Air Quality Management District (SMAQMD, "District") first accepted delegation for the NSPS program on December 8, 1978.

Rule 801 was adopted on November 19, 1991, to incorporate the NSPS program by reference into the District rules. Sources are required to comply with all applicable NSPS subparts regardless of whether or not they are adopted by the District; however, adoption by the District facilitates implementation and enforcement, and makes it easier for sources to identify applicable requirements.

EPA continues to amend NSPS regulations and to promulgate NSPS subparts for new source categories and industries. The District amended Rule 801 in 1993, 1996, 1998, 2001, 2004, and 2008 to update the rule with the most recent NSPS regulations.

Rule 904

The California Air Resources Board (CARB) adopts Airborne Toxic Control Measures (ATCMs) to reduce the emissions of identified toxic air contaminants. California Health and Safety Code (CSHC) §39666 gives CARB the authority to adopt ATCMs for non-vehicular sources, while CSHC §39667 gives CARB the authority to adopt ATCMs for vehicular emissions.

CSHC §39666(d) requires districts to implement and enforce ATCMs for nonvehicular sources. The District adopted Rule 904 on May 1, 1997, to incorporate by reference the ATCMs contained in Title 17 of the California Code of Regulations (CCR). Adopting by reference facilitates implementation and enforcement and makes it easier for sources to identify applicable requirements. Rule 904 was last amended on March 27, 2008 to update the rule with newly adopted ATCMs.

SUMMARY OF CHANGES

Rule 801

Since Rule 801 was last amended on March 27, 2008, the EPA has amended several of the NSPS. The amendments were mainly related to updating emission standards to match current

technology, providing alternative compliance methods, or alternative testing and monitoring procedures. In addition, two new NSPS subparts – Subpart Ja (Standards of Performance for Petroleum Refineries for which Construction, Reconstruction, or Modification Commenced after May 14, 2007) and Subpart JJJJ (Standards of Performance for Stationary Spark Ignition Internal Combustion Engines) were promulgated.

New subparts

Subpart Ja applies to petroleum refineries which commence construction, reconstruction, or modification after May 14, 2007. An exception applies to flares, which have a later commencement date: June 24, 2008. This new subpart contains separate standards of performance for new, modified, or reconstructed processes at petroleum refineries. The final standards include emissions limitations and work practice standards for fluid catalytic cracking units, fluid coking units, delayed coking units, fuel gas combustion devices, and sulfur recovery plants. Currently, there are no petroleum refineries within the District, and none are expected in the future.

Subpart JJJJ applies to all new stationary spark ignition internal combustion engines combusting any fuel, such as natural gas, gasoline, liquefied petroleum gas, compressed natural gas, landfill gas, digester gas, etc. The pollutants regulated by the NSPS are nitrogen oxides (NO_x), carbon monoxide (CO), and volatile organic compounds (VOC). Engines are subject to this subpart if they were manufactured, installed, modified, or reconstructed after applicable dates ranging from July 1, 2007 to January 1, 2011, depending on maximum engine power. Engine manufacturers are required to test and certify newly manufactured engines to meet the emissions standards and other requirements for new non-road spark ignition engines in the following groups:

- All engines with maximum power of 25 horsepower (HP) or less;
- Gasoline-fueled engines larger than 25 HP;
- Liquefied petroleum gas (LPG)-fueled engines larger than 25 HP

Manufacturers may participate in a voluntary certification program for engines that do not require mandatory certification. If an engine is certified and is operated in accordance with the manufacturer's instructions, the owner or operator is not required to perform initial or subsequent testing. Otherwise, the owner or operator must conduct an initial performance test and conduct subsequent tests at frequencies that depend on maximum engine power. Owners and operators of engines that are regulated under this subpart must keep maintenance records. Emergency engines do not have different requirements for testing and recordkeeping but have less restrictive emissions limits depending on their maximum engine power. Subpart JJJJ affects a wide range of industries and businesses within the District that may install, modify, or reconstruct engines, including: natural gas production operations, utility companies, distributed electrical generation systems, manufacturing operations, retail businesses, and government agencies.

Amended subparts

Several stationary sources in the District have emission units that are subject to standards that have been amended.

Subpart A (General Provisions) contains definitions, notification and recordkeeping procedures, general information, and requirements that apply to all NSPS sources. The latest changes include updates to test methods, updates to "Incorporations by Reference," changes to the delegations of authority to states and local agencies, and updates to the addresses for states and local agencies.

Subparts D, Da, Db, and Dc were amended in January 2009 to add compliance alternatives for businesses and eliminate the opacity standard for facilities with a particulate matter (PM) limit of 0.03 lb/million BTU or less and that use PM continuous emission monitors to demonstrate compliance. The latest amendments in January 2010 revised the testing requirements for steam generating units that elect to install particulate matter continuous emission monitoring systems, and amended the opacity monitoring requirements.

Subpart D (Fossil-Fuel Fired Steam Generators for which Construction is Commenced after August 17, 1971) applies to furnaces and boilers with heat inputs capacities greater than 250 million Btu per hour. It does not apply to heat recovery steam generators (HRSGs) that burn supplemental fuel as part of a combined cycle turbine system. Currently, there are no steam generating units in the District with heat input capacities large enough for Subpart D to apply.

Subpart Da (Electric Utility Steam Generating Units for which Construction is Commenced after September 18, 1978) applies to electric utility steam generating units (including HRSGs) with heat input capacities greater than 250 million Btu per hour (mmBtu/hr). Units subject to Subpart Da are exempt from Subpart D. Currently, there are no units within the District with heat input capacities large enough for Subpart Da to apply.

Subpart Db (Industrial-Commercial-Institutional Steam Generating Units) applies to steam generating units (including HRSGs) with heat input capacities greater than 100 mmBtu/hr, and for which construction, modification or reconstruction is commenced after June 19, 1984. Within the District, Subpart Db applies to the HRSG at Sacramento Power Authority and the boiler at the Sacramento Cogeneration Authority. One boiler at Campbell Soup Supply could become subject to Subpart Db if it is modified or reconstructed.

Subpart Dc (Small Industrial-Commercial-Institutional Steam Generating Units) applies to steam generating units (including HRSGs) with heat input capacities between 10 million and 100 mmBtu/hr and for which construction, modification or reconstruction is commenced after June 9, 1989. There are 70 boilers permitted with heat input capacities between 10 and 100 mmBtu/hr in the District. These boilers are subject to this subpart if they are constructed, modified, or reconstructed after June 8, 1989. The owners of these boilers include government agencies, hospitals, food processing companies, chemical plants, and defense contractors.

Subpart KKKK (Stationary Combustion Turbines) applies to stationary combustion turbines with heat input capacities greater than 10 million Btu per hour, including turbines that are part of a combined cycle system, that commence construction, modification, or reconstruction after February 18, 2005. HRSGs of combined cycle systems are also subject to the requirements of this subpart. If a unit becomes subject to Subpart KKKK, any HRSG is not subject to Subparts Da, Db, or Dc, and the turbine is not subject to the older, less stringent Subpart GG (Stationary Gas Turbines). The amendment to Subpart KKKK removed the requirement to install pre-treatment or post-treatment combustion control for turbines which burn low-sulfur content biogas. Currently, only two sources in Sacramento County are subject to this subpart: Carson Energy and Sacramento Cogeneration Authority. Carson Energy uses biogas-fired turbines and Sacramento Municipal Utility District Cosummes Power Plant is in the process of modifying their combined cycle turbine to use biogas fuel. In the future, if Sacramento Power Authority, UC Davis Medical Center, or others construct, modify, or reconstruct their turbines, they will become subject to Subpart KKKK.

In 2007, EPA amended Subpart VV (Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for which Construction, Reconstruction, or Modification Commenced after January 5, 1981, and on or before November 7, 2006) and VVa (Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for which Construction, Reconstruction, or Modification Commenced after November 7, 2006). However, in June 2008, EPA stayed certain provisions of those amendments indefinitely in response to an industry petition for reconsideration. Specifically, industry objected to the definitions of the terms "process unit" and "capital expenditure" that were added in 2007, both of which modified the applicability of the standards to affected units. One source (Procter & Gamble) in Sacramento County has chemical process units that currently are subject to Subpart VV. If new chemical process units are constructed or the existing units undergo modification or reconstruction in the future, they could become subject to the more stringent leak monitoring and repair requirements of Subpart VVa.

Subpart OOO (Nonmetallic Mineral Processing Plants) applies to facilities that crush or grind nonmetallic minerals and that commenced construction, modification, or reconstruction after August 31, 1983. Some examples of nonmetallic minerals are crushed rock, sand and gravel, rock salt, clay, and pumice. The amendments to Subpart OOO revised the emissions limits and added testing and monitoring requirements for facilities which commenced construction, modification, or reconstruction on or after April 22, 2008. Six rock crushing businesses in Sacramento County may be affected by the amendment of this subpart. These businesses are A & A Concrete, A. Teichert and Son, Bell Marine, Granite Construction, Industrial Minerals, and Triangle Rock Products.

The following subparts were also amended by EPA since our last amendment of Rule 801. However, these new subparts do not apply to any current facilities, businesses, or industries in Sacramento County. If new sources of these types are constructed in the future, they may be subject to the following amended subparts.

Subpart Ec	Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for which Construction is Commenced after June 20, 1996
------------	---

Subpart F	Standards of Performance for Portland Cement Plants
Subpart Y	Standards of Performance for Coal Preparation and Processing Plants
Subpart GGGa	Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for which Construction, Reconstruction, or Modification Commenced after November 7, 2006

The table in Appendix B lists the EPA actions on the NSPS program that have occurred since the last update to Rule 801 and briefly describes the requirements of each.

Rule 904

Rule 904 was last amended on March 27, 2008. Since that time, CARB has adopted one new ATCM to control the emissions of toxic air contaminants from composite wood products, and one existing ATCM was amended. The ATCM §93119 for limiting onboard incineration on cruise ships and oceangoing ships is not included in Rule 904 because Sacramento County has no coastline; therefore, this ATCM is not applicable to the District. The new and amended ATCM (in 17 CCR) that could potentially apply to sources within the District are described below.

The new ATCM §93120 is applicable to composite wood products and finished goods that contain composite wood products, that are sold, offered for sale, supplied, used, or manufactured for sale in California. The composite wood products covered by this regulation are hardwood plywood, particleboard, and medium density fiberboard. The purpose of the measure is to reduce formaldehyde emissions.

The amended ATCM §93118 for auxiliary diesel and diesel-electric engines operated on ocean-going vessels applies to very few, if any, vessels that currently navigate waterways within Sacramento County. The definition of California waters has been amended. Three new subsections, §93118.2, §93118.3, and §93118.5, were added to reduce pollutants from the use of auxiliary diesel and diesel-electric engines, propulsion diesel engines, and auxiliary boilers on ocean-going vessels, container vessels, passenger vessels, refrigerated cargo vessels, and harbor craft. Subsections §93118.2 and §93118.5 will apply to a very small number of vessels operating in the Sacramento River. Subsection §93118.3 only applies to specific major harbors in California; therefore, it is not applicable to the District.

The table in Appendix C lists the CARB actions on the ATCM program that have occurred since the last update to Rule 904 and briefly describes the requirements of each.

SOCIOECONOMIC IMPACT

Sources must comply with the requirements included in Rules 801 and 904 whether or not the requirements are adopted by the District. The NSPS subparts included in Rule 801 are already in effect under federal regulations and are enforceable by U.S. EPA. The ATCMs included in Rule 904 are already in effect under state regulations and are enforceable by CARB and the District. The action of adopting these regulations by reference does not impose any additional

requirements on affected sources. Therefore, there are no associated costs or socioeconomic impacts.

ENVIRONMENTAL REVIEW AND COMPLIANCE

Staff finds that the proposed amendments to Rules 801 and 904 are exempt from the California Environmental Quality Act (CEQA) as ministerial actions under §15268 of the State CEQA Guidelines.

PUBLIC COMMENTS

A public notice for the Board hearing to consider the amendments to Rules 801 and 904 will be published in the Sacramento Bee and mailed or e-mailed to interested parties at least 30 days prior to the hearing date, and the text of the proposed changes will be made available on that day. In addition, the amendment rules will be submitted to EPA and CARB for review.

Written comments may be sent to the District prior to the hearing. Oral and written testimony may be presented at the hearing.

FINDINGS

The California Health and Safety Code, Division 26, Air Resources, requires local districts to comply with a rule adoption protocol as set forth in §40727 of the Code. This section has been revised through legislative mandate to contain six findings that the District must make when developing, amending, or repealing a rule. These findings and their statutory definitions are listed in the following tables:

Rule 801 – Required Findings

Finding	Finding Determination
Authority: The District must find that a provision of law or of a state or federal regulation permits or requires the District to adopt, amend, or repeal the rule.	The District is authorized to adopt and amend Rule 801 by California Health and Safety Code (HSC) §40001, 40702, and 41010. The U.S. EPA has delegated to the District the authority to implement and enforce the NSPS program [40 CFR 60.4(d)(2)(vi)]. [HSC §40727(b)(2)].
Necessity: The District must find that the rulemaking demonstrates that a need exists for the rule, or for its amendment or repeal.	Amending Rule 801 allows the District to incorporate the most recent standards, which facilitates implementation and enforcement and makes it easier for sources to identify applicable requirements. [HSC §40727(b)(1)].
Clarity: The District must find that the rule is written or displayed so that its meaning can be easily understood by the persons directly affected by it.	The District has reviewed the rule and determined that it can be understood by the affected industries. In addition, the record contains no evidence that people directly affected by the rule cannot understand the rule. [HSC §40727(b)(3)].
Consistency: The rule is in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, or state or federal regulations.	The amendments are adopted by reference to 40 CFR Part 60; therefore, they are in harmony with existing federal regulations. They do not conflict with existing statutes or court decisions. [HSC §40727(b)(4)].
Non-Duplication: The District must find that either: 1) The rule does not impose the same requirements as an existing state or federal regulation; or 2) that the duplicative requirements are necessary or proper to execute the powers and duties granted to, and imposed upon the District.	No state rule or regulation similarly applies to affected sources. Although the amendments duplicate federal regulations, they are necessary and proper to allow the District to retain its delegated authority to implement and enforce the NSPS program. [HSC §40727(b)(5)].
Reference: The District must refer to any statute, court decision, or other provision of law that the District implements, interprets, or makes specific by adopting, amending or repealing the rule.	In amending Rule 801, the District is implementing §111(c) of the federal Clean Air Act, as amended in 1990, which authorizes state adoption of the NSPS program. [HSC §40727(b)(6)].
Additional Informational Requirements: In complying with HSC §40727.2, the District must identify all federal requirements and District rules that apply to the same equipment or source type as the proposed rule or amendments.	HSC §40727.2(g) exempts rules that are verbatim incorporations by reference of the federal NSPS from the requirements imposed by 40727.2(a)-(f). [HSC §40727.2].

Rule 904 – Required Findings

Finding	Finding Determination
Authority: The District must find that a provision of law or of a state or federal regulation permits or requires the District to adopt, amend, or repeal the rule.	The District is authorized to adopt and amend Rule 904 by California Health and Safety Code (HSC) §39659, 40001, 40702 and 41010. [HSC §40727(b)(2)].
Necessity: The District must find that the rulemaking demonstrates that a need exists for the rule, or for its amendment or repeal.	Amending Rule 904 allows the District to incorporate the most recent ATCMs, which facilitates implementation and enforcement as required by HSC §39666(d). [HSC §40727(b)(1)].
Clarity: The District must find that the rule is written or displayed so that its meaning can be easily understood by the persons directly affected by it.	The District has reviewed the rule and determined that it can be understood by the affected sources. In addition, the record contains no evidence that people directly affected by the rule cannot understand the rule. [HSC §40727(b)(3)].
Consistency: The rule is in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, or state or federal regulations.	The amendments are adopted by reference to the state regulations contained in Title 17, Division 3, Chapter 1, Subchapter 7.5 of the California Code of Regulations; therefore, they are in harmony with existing state regulations. They do not conflict with federal regulations, existing statutes or court decisions. [HSC §40727(b)(4)].
Non-Duplication: The District must find that either: 1) The rule does not impose the same requirements as an existing state or federal regulation; or 2) that the duplicative requirements are necessary or proper to execute the powers and duties granted to, and imposed upon the District.	Although the amendments duplicate state regulations, they are necessary and proper to allow the District to implement and enforce the ATCMs as required by HSC §39666(d). [HSC §40727(b)(5)].
Reference: The District must refer to any statute, court decision, or other provision of law that the District implements, interprets, or makes specific by adopting, amending or repealing the rule.	In amending Rule 904, the District is making specific its power and duties under HSC § 39666(d). [HSC §40727(b)(6)].
Additional Informational Requirements: In complying with HSC §40727.2, the District must identify all federal requirements and District rules that apply to the same equipment or source type as the proposed rule or amendments.	HSC §40727.2(g) exempts rules that are verbatim incorporations by reference of the state ATCMs from the requirements imposed by 40727.2(a)-(f). [HSC §40727.2].

**APPENDIX A
LIST OF CHANGES TO RULES**

Rule 801

First Paragraph	The first sentence was revised to show that the District is adopting the provisions of 40 CFR Part 60 that are in effect on the date these amendments are adopted.
Subparts A, D, Da, Db, Dc, Ec, F, J, Y, VV, VVa, GGG, GGGa, NNN, OOO, and KKKK	Revised to show the date and Federal Register citation of the most recent amendment to each of these subparts.
Subparts Eb, Ec, Kb, Y, DDD, III, LLL, VVV, NNN, QQQ, RRR, TTT, and EEEE	Revised subpart titles to match exactly with 40 CFR Part 60
<u>Subpart Ja</u>	New subpart added.
<u>Subpart JJJJ</u>	New subpart added.

Rule 904

First Paragraph	Revised to show that the District is adopting the provisions of 17 CCR that are in effect on the date these amendments are adopted.
<u>§93118.2</u>	New ATCM added.
<u>§93118.5</u>	New ATCM added
<u>§93120</u>	New ATCM added.

**APPENDIX B
 LIST OF NSPS AMENDMENTS**

Federal Register Citation	Affected Subparts	Summary of Action
73 FR 3568 January 18, 2008	A and JJJJ	EPA promulgated new source standards of performance for stationary spark ignition internal combustion engines.
73 FR 29691 May 22, 2008	Appendices A-2, A-4, and A-7	EPA updated five continuous instrumental test methods which contained inadvertent errors and provisions that needed to be clarified.
73 FR 31372 June 2, 2008	VV, VVa, GGG, and GGGa	EPA stayed certain provisions of its 2007 amendments to the standards of performance for equipment leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry (SOCMI) and petroleum refineries. These 2007 amendments were stayed indefinitely in response to an industry petition for reconsideration. Specifically, industry objected to the definitions of the terms "process unit" and "capital expenditure" that were added in 2007, both of which modified the applicability of the standards to affected units.
73 FR 35838 June 24, 2008	A, J, and Ja	EPA issued final amendments to the Standards of Performance for Petroleum Refineries. EPA promulgated separate standards for new process units at petroleum refineries. The final standards for new process units include emissions limitations and work practice standards for fluid catalytic cracking units, fluid coking units, delayed coking units, fuel gas combustion devices, and sulfur recovery plants. These final standards reflect demonstrated improvements in emissions control technologies and work practices that have occurred since promulgation of the old standards.
73 FR 43626 July 28, 2008	Ja	EPA revised the effective date of Subpart Ja to September 26, 2008 because the previously set date of June 24, 2008 in the Federal Register did not satisfy the requirements of the Congressional Review Act.

Federal Register Citation	Affected Subparts	Summary of Action
73 FR 55751 September 26, 2008	Ja	EPA granted a request for reconsideration and a stay for certain specific provisions in the promulgated Standards of Performance for Petroleum Refineries for which Construction, Reconstruction, or Modification Commenced after May 14, 2007. Subpart Ja, §60.100a(c), the definition of “flare” in §60.101a, and §§60.102a(g), 60.107a(d), and 60.107a(e) were stayed until December 25, 2008.
73 FR 59034 October 8, 2008	JJJJ	EPA set emissions standards for new non-road spark-ignition engines that will substantially reduce emissions from these engines. The exhaust emission standards apply starting in 2010 for new land-based, spark-ignition engines at or below 19 kW (25 horsepower).
73 FR 78199 December 22, 2008	A	EPA promulgated a voluntary alternative work practice for leak detection and repair using a newly developed technology, optical gas imaging. The alternative has been amended in the final rule to add a requirement to perform monitoring once per year using the Method 21 leak detection instrument. The action revised the General Provisions to incorporate the final alternative work practice.
73 FR 78546; 73 FR 78549 December 22, 2008`	Ja	EPA received adverse comments on the Standards of Performance for Petroleum Refineries for which Construction, Reconstruction, or Modification Commenced after May 14, 2007. EPA made an interim and direct final action on the new standards of performance refineries, which granted a stay of §60.100a, §60.101a, §60.102a, and §60.107a until a final decision is reached on these issues.

Federal Register Citation	Affected Subjects	Summary of Action
74 FR 5072 January 28, 2009	A, D, Da, Db, and Dc	EPA amended the new source performance standards (NSPS) for fossil-fuel-fired steam generators, electric utility steam generating units, industrial-commercial-institutional steam generating units, and small industrial-commercial-institutional steam generating units. The regulation amendments add compliance alternatives for owners and operators of certain affected sources, eliminate the opacity standard for facilities with a particulate matter (PM) limit of 0.03 lb/million British thermal units or less that choose to voluntarily install and use PM continuous emission monitors to demonstrate compliance with that limit, and correct technical and editorial errors.
74 FR 11858 March 20, 2009	K K K K	EPA amended the sulfur dioxide air emission standards for stationary combustion turbines that burn biogas. The amendment removed the burden that required the owners or operators of turbines burning biogas containing relatively low amounts of sulfur-containing compounds to install pre-treatment or post-treatment combustion controls to lower sulfur dioxide emissions. EPA had not intended to require these controls because the control costs are substantially greater than the environmental benefit resulting from the decrease in sulfur dioxide emissions.
74 FR 12575 March 25, 2009	Appendices A-7, B, and F	EPA promulgated Performance Specification (PS) 16 for predictive emissions monitoring systems (PEMS). PS16 provides testing requirements for assessing the acceptability of PEMS when they are initially installed. PS16 will apply to any PEMS required in the future rules in 40 CFR Part 60, and in cases where a source petitions the EPA Administrator and receives approval to use a PEMS in lieu of another emissions monitoring system required under the regulation. EPA also finalized minor technical amendment in the appendices.

Federal Register Citation	Affected Subparts	Summary of Action
74 FR 18474 April 23, 2009	Appendix B	EPA revised Appendix B of Part 60 to correct typographical, printing, and grammatical errors that appeared on 74 FR 12575, March 25, 2009.
74 FR 19294 April 28, 2009	OOO	EPA amended the Standards of Performance for Nonmetallic Mineral Processing Plants(s) (NMPP). The amendments included revisions to the emissions limits for NMPP affected facilities which commence construction, reconstruction, or modification on or after April 22, 2008. The amendments for NMPP also include: Additional testing and monitoring requirements for affected facilities that commence construction, modification, or reconstruction on or after April 22, 2008; exemption of affected facilities that process wet material from this amendment; changes to simplify the notification requirements for all affected facilities; and changes to definitions and various clarifications.
74 FR 25666 May 29, 2009	Appendices A-2 and A-4	EPA made technical corrections to five test methods that were published in 73 FR 29691, May 22, 2008. Inadvertent printing errors were made in the previous publication. Text insertions were misplaced, duplicate insertions were made, and the definition for system bias was inadvertently revised.
74 FR 29948 June 24, 2009	NNN	EPA revised an incorrectly printed equation on Code of Federal Regulations, Part 60, revised as of July 1, 2008, on page 637, in §60.664.
74 FR 51368 October 6, 2009	A and Ec	EPA revised NSPS and emissions guidelines for hospital/medical/infectious waste incinerators (HMIWI). These standards and guidelines were originally adopted on September 15, 1997, but the Sierra Club and Natural Resource Defense Council filed a lawsuit to challenge the standards and guidelines. The U.S. Court of Appeals for the District of Columbia Circuit remanded the HMIWI regulations on March 2, 1999, for further explanation of EPA's reasoning in determining the minimum regulatory "floor" for new and existing HMIWI. The rule

Federal Register Citation	Affected Subparts	Summary of Action
		<p>promulgated EPA's response to the Court's remand and satisfied the CAA §129(a)(5) requirements to conduct a review of the standards every five years.</p>
<p>74 FR 51950 October 8, 2009</p>	<p>A and Y</p>	<p>EPA promulgated amendments to the NSPS for coal preparation and processing plants. The amendments include revisions to the emission limits for particulate matter and opacity standards for thermal dryers, pneumatic coal cleaning equipment, and coal handling equipment (coal processing, coal storage systems, and coal transfer and loading systems) located at coal preparation and processing plants. The revised limits apply to affected facilities that commence construction, modification, or reconstruction after April 28, 2008. The amendments established a sulfur dioxide (SO₂) emission limit and a combined nitrogen oxide (NO_x) and carbon monoxide (CO) emissions limit for thermal dryers located at coal preparation and processing plants.</p> <p>The amendments also established work practice standards to control fugitive coal dust emissions from open storage piles located at coal preparation and processing plants. The SO₂ limit, the NO_x/CO limits, and the work practice standards apply to affected facilities that commence construction, modification, or reconstruction of which commences after May 27, 2009.</p> <p>EPA modified the definition of thermal dryer to include both direct contact and indirect contact thermal dryers drying all coal ranks; modified the definition of pneumatic coal-cleaning equipment to include equipment cleaning all coal ranks; and amended the definition of coal to include coal refuse. The modified definitions of thermal dryer, pneumatic coal cleaning equipment, and coal will be used to determine whether the standards apply to facilities that commence construction, modification, or reconstruction</p>

Federal Register Citation	Affected Subparts	Summary of Action
		after May 27, 2009.
75 FR 54970 September 9, 2010	A, F, and Appendices B and F	EPA finalized amendments to the NSPS for Portland Cement Plants. The amendments added and revised emission limits for Particulate Matter, opacity, NO _x and SO ₂ for facilities that commence construction, modification, or reconstruction after June 16, 2008. The amendment also included additional testing and monitoring requirements for affected sources.
75 FR 55636 September 13, 2010	A, and Appendices A-3 to A-8	EPA took final action to promulgate amendments to the General Provisions to allow accredited providers to supply stationary source audit samples and to require sources to obtain and use these samples from the accredited providers instead of from EPA, as is the current practice. All requirements pertaining to the audit samples have been moved to the General Provisions and have been removed from the test methods because the current language in the test methods regarding audit samples is inconsistent from method to method. Therefore, deleting all references to audit samples in the test methods eliminates any possible confusion and inconsistencies. Under this final rule, the requirement to use an audit sample during a compliance test will apply to all test methods for which a commercially available audit exists.
75 FR 69348 November 12, 2011	A	EPA updated and corrected the addresses for local agencies related to air pollution and asbestos in Region IX.
76 FR 2832 January 18, 2011	A	EPA took final action on amendments to the NSPS for the Portland Cement Plants. It updated an "Incorporations by Reference" list in Subpart A.

Federal Register Citation	Affected Subparts	Summary of Action
76 FR 3517 January 20, 2011	D, Da, Db, and Dc	EPA took action to amend the NSPS for fossil-fuel-fired steam generators, electric utility steam generating units, industrial-commercial-institution steam generating units, and small industrial-commercial-institution steam generating units. This amendment revised the testing requirements for owners/operators of steam generating units that elect to install particulate matter continuous emission monitoring systems. In addition, it amended the opacity monitoring requirements for owners/operators of affected facilities subject to an opacity standard that are exempt from the requirement to install a continuous opacity monitoring system. Furthermore, this amendment corrected several editorial errors identified from previous rulemakings.
76 FR 10524 February 25, 2011	Ja	EPA made a few CFR corrections for the "Effective Date Note."

APPENDIX C LIST OF ATCM AMENDMENTS

New subsections for §93118 – ATCM for Auxiliary Diesel Engines and Diesel-Electric Engines Operated on Ocean-Going Vessels Within California Waters and 24 Nautical Miles of the California Baseline.

This ATCM limits the emissions of toxic air contaminants from the use of auxiliary diesel engines and diesel-electric engines on ocean-going vessels within regulated California waters. The amendment revised the definition of Regulated California Waters to include all waters in California.

Three new subsections have been appended to this ATCM but only two applied to Sacramento County. The first new ATCM subsection is §93118.2, which requires the use of low-sulfur marine distillate fuels to reduce toxic air contaminants emissions from the use of auxiliary diesel and diesel-electric engines, main propulsion diesel engines, and auxiliary boilers on ocean-going vessels within Regulated California Waters. Starting on July 1, 2009, a person who operates a main engine or auxiliary boiler in Regulated California Waters must use marine gas oil not exceed 1.5% sulfur by weight, or marine diesel oil not to exceed 0.5% sulfur by weight. The limits are further reduced to 0.1% sulfur by weight for both marine gas oil and marine diesel oil after January 1, 2012. There are recordkeeping, reporting, and monitoring requirements to this new ATCM.

The second new ATCM is subsection §93118.3, which requires reduction of toxic air contaminants from the operation of auxiliary engines on vessels while they are docked at berth at certain California ports. However, no port facility is located in Sacramento County. This new subsection will be omitted in Rule 904.

The third new ATCM subsection is §93118.5, which reduces toxic air contaminants from diesel propulsion and auxiliary engines on harbor craft that operate in Regulated California Waters. Except for certain exemptions, the ATCM applies to any person who sells, supplies, offers for sale, purchases, owns, operates, charters, or rents any new or in-use diesel fueled harbor craft that is operated in Regulated California Waters. Starting from January 1, 2009, the control measure requires harbor craft in Regulated California Waters to use low-sulfur fuel and install hour meters. It also establishes new requirements on new engines, new harbor craft, and replacement or cleanup of current engines.

New §93120 – ATCM to Reduce Formaldehyde Emissions from Composite Wood Products.

This ATCM limits the formaldehyde emissions from composite wood products and finished goods that contain composite wood products, that are sold, offer to sale, supplied, used, or manufactured for sale in California. The composite wood products covered by this control measure are hardwood plywood, particleboard, and medium density fiberboard. The control measure includes two phases of formaldehyde emission standards which are effective on different dates based on the type of composite wood products. It also requires the manufacturers, distributors, importers, retailers, or a third-party certifier to show the composite

Staff Report
Rules 801 and 904
April 25, 2011, Page 19

wood products meet the applicable emission standards after they are manufactured, distributed, or imported or before the products are sold.