

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Chavez and Members of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: July 23, 2021

Re: Public Meeting to Consider Adoption of a Certification that the Bay Area Air Quality Management District's nonattainment new source review permitting program meets federal requirements for the implementation of the 2015 ozone national ambient air quality standards (NAAQS)

RECOMMENDED ACTION

Certify that the Air District's existing nonattainment new source review permitting program complies with all federal requirements applicable under the Clean Air Act with respect to the 2015 ozone NAAQS. This certification is required by EPA regulations.

BACKGROUND

The San Francisco Bay Area has been designated "nonattainment" for the 2015 Ozone NAAQS. As a result of this nonattainment designation, the Air District is required to have a nonattainment new source review permitting program for major sources of two ozone-forming precursor pollutants, nitrogen oxides (NOx) and volatile organic compounds (VOC), that meets requirements established by EPA under the federal Clean Air Act. Specifically, 40 CFR 51.1314 requires the Air District to "submit a nonattainment [new source review] plan or plan revision for [the 2015] ozone NAAQS no later than 36 months after the effective date of the area's designation of nonattainment or resignation to nonattainment for that ozone NAAQS." The requirements the nonattainment new source review permitting program must meet are set forth in 40 CFR 51.165.

The Air District already has a non-attainment new source review permitting program for NOx and VOC, which it has adopted to meet requirements for other ozone air quality standards. The Air District's existing program is contained in three rules in Regulation 2: Regulation 2, Rule 1 (Permits-General Requirements); Regulation 2, Rule 2 (Permits-New Source Review); and Regulation 2, Rule 4 (Permits-Emissions Banking). (Copies of these three rules are provided in Attachment B.) This existing program meets all of the requirements applicable under federal regulations with respect to the 2015 ozone NAAQS. The Air District therefore does not need to make any changes to its existing program as a result of being designated nonattainment for the 2015 ozone NAAQS. All the District needs to do under 40 CFR 51.1314 is submit a certification that its existing program complies.

DISCUSSION

Staff have prepared a proposed certification that the Air District's existing nonattainment new source review permitting program for ozone and its precursors is at least as stringent as the federal requirements set forth in 40 CFR 51.165 with respect to the 2015 ozone NAAQS. The proposed certification is attached hereto as Attachment A. The proposed certification goes through all of the applicable requirements of 40 CFR 51.165 in detail and explains how the Air District's existing program complies with them. Staff recommend that the Board of Directors adopt the proposed certification. If and when the proposed certification is adopted, the Air District will submit it (via the California Air Resources Board) to satisfy the District's requirements under 40 CFR 51.1314 with respect to the 2015 ozone NAAQS.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

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Attachments:

- Attachment A: Proposed Certification of Compliance with 2015 Ozone NAAQS New Source Review requirements
- Attachment B: BAAQMD Regulation 2, Rule 1 (Permits–General Requirements), Regulation 2, Rule 2 (Permits–New Source Review), and Regulation 2, Rule 4 (Permits–Emissions Banking)