

BOARD MEETING DATE: January 10, 2025

AGENDA NO.

PROPOSAL: Determine That Proposed Amended Rule 1179.1 – Emission Reductions from Combustion Equipment at Publicly Owned Treatment Works Facilities, Is Exempt from CEQA; and Amend Rule 1179.1

SYNOPSIS: Rule 1179.1 establishes NO_x limits for boilers, turbines, and engines located at publicly owned treatment works. Proposed Amended Rule 1179.1 will correct cross-references in Attachment 1 by harmonizing it with similar references in Attachment 1 of Rule 1110.2 – Emissions from Gaseous- and Liquid-Fueled Engines.

COMMITTEE: No Committee Review

RECOMMENDED ACTIONS:

Adopt the attached Resolution:

1. Determining that Proposed Amended Rule 1179.1 – Emission Reductions from Combustion Equipment at Publicly Owned Treatment Works Facilities, is exempt from the requirements of the California Environmental Quality Act; and
2. Amending Rule 1179.1 – Emission Reductions from Combustion Equipment at Publicly Owned Treatment Works Facilities.

Wayne Natri
Executive Officer

SR:MK:MM:IS

This Board letter is intended to serve as the staff report for the proposed amendments to Rule 1179.1 – Emission Reductions from Combustion Equipment at Publicly Owned Treatment Works Facilities.

Background

Rule 1179.1 – Emission Reductions from Combustion Equipment at Publicly Owned Treatment Works Facilities (Rule 1179.1) was adopted in 2020 and established emission

limits for boilers, turbines, and engines located at publicly owned treatment works. Rule 1179.1 also incorporated provisions similar to relevant source-specific rules such as Rule 1110.2 – Emissions from Gaseous- and Liquid-Fueled Engines (Rule 1110.2), including Rule 1110.2 - Attachment 1 which describes the requirements for inspection and monitoring (I&M) plans. Attachment 1 of Rule 1179.1 identifies items required to be included in the I&M plan for engines submitted to the Executive Officer for approval. The intent of Rule 1179.1 - Attachment 1 was to contain the same elements as Rule 1110.2 - Attachment 1. However, South Coast AQMD staff identified erroneous cross-references in Rule 1179.1 - Attachment 1.

On February 4, 2024, a compliance advisory was issued to correct Rule 1179.1 - Attachment 1 by harmonizing it with Rule 1110.2 - Attachment 1.¹ Proposed Amended Rule 1179.1 – Emission Reductions from Combustion Equipment at Publicly Owned Treatment Works Facilities (PAR 1179.1) will codify the corrected rule references described in the compliance advisory.

Public Process

Staff held a Public Workshop for PAR 1179.1 on October 23, 2024.

Proposal

PAR 1179.1 will correct erroneous cross-references in Rule 1179.1 - Attachment 1 by harmonizing it with Rule 1110.2 - Attachment 1.

Rule 1179.1 - Attachment 1 Section	Rule 1179.1 -Attachment 1 Erroneous Cross-References	PAR 1179.1 - Attachment 1 Corrected Cross-References
A 1	Clause (h)(2)(C)(ii)	Paragraph (e)(9)
C	Clause (h)(2)(D)(ii)	Paragraph (h)(2)
D 4	Clause (h)(2)(D)(ii)	Paragraph (h)(2)
E	Clause (h)(2)(D)(iii)	Paragraph (k)(1)
G	Subparagraph (h)(2)(H)	Paragraph (k)(4)

Key Issues

Staff is not aware of any key remaining issues.

California Environmental Quality Act (CEQA)

Pursuant to the California Environmental Quality Act (CEQA) Guidelines Sections 15002(k) and 15061, since PAR 1179.1 will make administrative clarifications which will not require physical modifications, the proposed project is exempt from CEQA

¹ <http://www.aqmd.gov/docs/default-source/compliance/rule-1179-1-compliance-advisory.pdf?sfvrsn=6>

pursuant to CEQA Guidelines Section 15061(b)(3). A Notice of Exemption will be prepared pursuant to CEQA Guidelines Section 15062. If PAR 1179.1 is approved, the Notice of Exemption will be filed for posting with the county clerks of Los Angeles, Orange, Riverside, and San Bernardino counties, and with the State Clearinghouse of the Governor's Office of Planning and Research.

Socioeconomic Impact Assessment

The proposed amendments to Rule 1179.1 are administrative in nature, do not affect air quality or emission limitations, and thus, will not result in socioeconomic impacts. Therefore, a socioeconomic impact assessment is not required under Health and Safety Code Sections 40440.8 and 40728.5.

Comparative Analysis

PAR 1179.1 does not impose a new or more stringent emissions limit or standard, or a new or more stringent monitoring, reporting, or recordkeeping requirement. Therefore, consistent with Health and Safety Code Section 40727.2 (g), no comparative analysis is required.

AQMP and Legal Mandates

The Health and Safety Code requires the South Coast AQMD to adopt an Air Quality Management Plan (AQMP) to meet state and federal ambient air quality standards in the South Coast Air Basin. In addition, the Health and Safety Code requires the South Coast AQMD to adopt rules and regulations that carry out the objectives of the AQMP. PAR 1179.1 is not part of any control measure in the 2022 AQMP.

Resource Impacts

Existing staff resources are adequate to implement the recommended actions.

Draft Findings under Health and Safety Code 40727

Before adopting, amending, or repealing a rule, Health and Safety Code Section 40727 requires the South Coast AQMD Governing Board make findings of necessity, authority, clarity, consistency, non-duplication, and reference based on relevant information presented at the Public Hearing. The draft findings are as follows:

Necessity – A need exists to amend PAR 1179.1 to codify corrected rule references.

Authority – The South Coast AQMD Governing Board obtains its authority to adopt, amend, or repeal rules and regulations from Health and Safety Code Sections 39002, 40000, 40001, 40440, 40702, 40725 through 40728, 41508, and 41700.

Clarity – The South Coast AQMD Governing Board has determined that PAR 1179.1, is written and displayed so that the meaning can be easily understood by persons directly affected by it.

Consistency – The South Coast AQMD Governing Board has determined that PAR 1179.1 is in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, federal or state regulations.

Non-Duplication – The South Coast AQMD Governing Board has determined that PAR 1179.1 does not impose the same requirement as any existing state or federal regulation, and the proposed amendment is necessary and proper to execute the powers and duties granted to, and imposed upon, the South Coast AQMD.

Reference – In adopting this regulation, the South Coast AQMD Governing Board references the following rule, which the South Coast AQMD hereby implements, interprets, enforces, or makes specific: Health and Safety Code Sections 39002, 40001, 40702, 40440(a), 40440(b), 40406, and 40725 through 40728.5.

Public Workshop Comments

Public Workshop Commenter #1: Warisa Niizawa – LA County Sanitation Districts

The commenter stated that they did not have any comments on the proposed amendments. The commenter asked staff to reconsider permit revision requirements in paragraph (l)(1) to update references to Rule 1179.1 due to increased paperwork and impacts to the permitting process.

Staff Response to Commenter #1:

Since Rule 1179.1 is now applicable to publicly owned treatment works facilities, rather than the source specific rules previously applicable, permits contain inapplicable references to rule(s) and rule requirements. Rule 1179.1 paragraph (l)(1) specifies the schedule for permit revisions for Title V facilities. Rule 3004 – Permit Types and Content paragraph (a)(3) specifies that Title V permits contain the origin and authority of each permit term or condition. The permit revision schedule in Rule 1179.1 paragraph (l)(1) is no later than the next Title V permit renewal application date to reduce impacts to affected facilities and permitting staff as much as possible.

Public Workshop Commenter #2: David Rothbart – Clean Water SoCal

The commenter stated that numerous Clean Water SoCal members are having similar inquiries as Commenter #1 and also asked staff to reconsider permit revision requirements in Rule 1179.1 to reduce the workload on permitting staff.

Staff Response to Commenter #2:

See Staff Response to Commenter #1.