



MONTEREY BAY

Unified Air Pollution Control District
serving Monterey, San Benito, and Santa Cruz counties

Air Pollution Control Officer
Richard A. Stedman

24580 Silver Cloud Court • Monterey, California 93940 • 831/647-9411 • FAX 831/647-8501

Proposed Date for Rule Adoption Hearing:

December 16, 2009

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TO: Interested Parties

FROM: Mike Sewell, Air Quality Engineer

SUBJECT: Consideration of the Repeal of District Rule 216 (Permit Requirements for Wastewater and Sewage Treatment Facilities)

DATE: October 16, 2009

DISCUSSION

Staff is proposing to repeal Rule 216 (Permit Requirements For Wastewater And Sewage Treatment Facilities) to reduce redundant requirements. The repeal of this Rule is part of the District's continuing efforts to improve the consistency of its Rules and Regulations by removing outdated and unneeded provisions.

The basis for the repeal is that the consistency determination required by the Rule is addressed by other District and Planning Department requirements well in advance of the issuance of air permits for wastewater and sewage treatment facilities. These consistency determinations are addressed through the California Environmental Quality Act (CEQA) and Use Permit process.

The attached Staff Report contains the full draft text of the proposed Rule in Appendix A.

Attachment 1: Staff Report

ATTACHMENT 1

STAFF REPORT

**MONTEREY BAY UNIFIED
AIR POLLUTION CONTROL DISTRICT**



STAFF REPORT

Proposed Repeal of

Rule 216 (Permit Requirements for
Wastewater and Sewage Treatment Facilities)

Public Notice

October 16, 2009

Prepared by: Mike Sewell
Air Quality Engineer

Approved by: Lance Ericksen
Engineering Division Manager

Background	Staff is proposing to repeal Rule 216 (Permit Requirements For Wastewater And Sewage Treatment Facilities) to reduce redundant requirements. The repeal of this Rule is part of the District’s continuing efforts to improve the consistency of its Rules and Regulations by removing outdated and unneeded provisions.
Authority	The District is authorized by the California Health and Safety (HSC) Code Sections 40001 and 40702 to adopt and enforce rules and regulations to meet and maintain state and federal ambient air quality standards.
Associated Benefits	The proposal to repeal this rule will eliminate a redundant requirement and reduce both pass through costs to permit applicants and staff time spent on permit applications.
Proposed Revisions/Basis for Repeal	This revision would repeal this Rule. The basis for the repeal is that the consistency determination required by the Rule is addressed by other District and Planning Department requirements well in advance of the issuance of air permits for wastewater and sewage treatment facilities. These consistency determinations are addressed through the California Environmental Quality Act (CEQA) and Use Permit Process.
Affected Sources	This repeal of this rule will eliminate redundant requirements on Wastewater and Sewage Treatment facilities. Wastewater and Sewage treatment facilities will still be subject to District permits.
Fiscal Impact On Affected Sources	Staff expects that there will be a slight reduction in fees charged to Wastewater and Sewage Treatment facilities. This is due to the fact that consistency determinations made by outside agencies have historically been billed to the permit applicant as a pass through cost.
Socioeconomic Effects	The proposed regulatory action described herein will <u>not</u> significantly affect air quality or emissions limitations and therefore is exempt from Health and Safety Code (HSC) Section 40728.5, which requires that a socioeconomic analysis of the proposed action be performed.

Alternative Analysis

The proposed regulatory action described herein is exempt from California Health and Safety Code (HSC) Section 40727.2, which requires that a comparative alternative analysis of any new control standard be performed.

District Implementation

As part of the District's standard implementation procedures, we would send a rule adoption announcement to interested parties. If requested, an informational workshop will be held at the District office following rule adoption to provide information and assistance to persons with additional questions.

Fiscal Impact upon District

District staff expects no significant fiscal impact upon the District from the proposed repeal of this rule.

California Environmental Quality Act (CEQA) Status

The District has prepared a Negative Declaration and an Initial Study for the repeal of Rule 216 which we are distributing for public review. The review period is from October 9, 2009 through October 30, 2009. Comments on the Negative Declaration should be submitted to Ms. Jean Getchell, Supervising Air Quality Planner, Monterey Bay Unified Air Pollution Control District, 24580 Silver Cloud Court, Monterey, CA 93940. Copies of the Negative Declaration and Initial Study may be obtained from the District by calling (831) 647-9411.

Proposed Meeting Schedule

<u>Date and Time</u>	<u>Activity</u>	<u>Location</u>
November 5, 2009; 1:30 PM	Advisory Committee Meeting	District office
December 16, 2009; 1:30 PM	Board Adoption Hearing	District office

APPENDIX A
PROPOSED RULE

Rule 216 (Permit Requirements For Wastewater And Sewage Treatment Facilities)

**MONTEREY BAY UNIFIED AIR POLLUTION CONTROL DISTRICT
REGULATION II
PERMITS**

**RULE 216. PERMIT REQUIREMENTS FOR WASTEWATER AND SEWAGE
TREATMENT FACILITIES**

(Adopted 10-29-86; Revised 01-21-87, 06-14-89, and 10-16-02, and Proposed to be Repealed on 12-16-09.)

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~~PART 1 GENERAL~~

~~1.1 Purpose~~

~~The purpose of this Rule is to provide that the projected served population of a Wastewater or Sewage Treatment facility is consistent with the Air Quality Plan as approved by the Monterey Bay Unified Air Pollution Control District Board of Directors for addressing the current State Implementation Plan requirements for~~

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~~attaining and maintaining federal ambient air quality standards and consistent with the Plan to attain and maintain the State Ambient Air Quality Standards.~~

~~1.2~~ — Applicability

~~The provisions of this Rule shall apply to any person seeking to obtain an Authority to Construct or a Permit to Operate for a Wastewater or Sewage Treatment facility.~~

~~1.3~~ — Exemptions

~~Reserved.~~

~~1.4~~ — Effective Dates

~~This Rule, as most recently revised, is effective on October 16, 2002.~~

~~1.5~~ — References

~~Other related or referenced District rules or regulations include: Rule 101 (Definitions); Rule 200 (Permits Required); Rule 201 (Sources not Requiring Permits); Rule 207 (Review of New or Modified Sources).~~

PART 2 DEFINITIONS

~~2.1~~ — Anthropogenic Pollutant

~~Air pollution which results directly or indirectly from human activities.~~

~~2.2~~ — Indirect Source

~~Any structure, building, facility, equipment, installation or operation (or aggregation thereof) which is located on one or more bordering properties within the District and which is owned, operated or under shared entitlement to use by the same person.~~

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~~2.3 Modification~~

~~means any physical change in, change in method of, or addition to an existing facility; any change in the direct or indirect growth inducing capacity of the subject facility including, but not limited to, changes in population projections used in prior Nonattainment Plan consistency determinations, except that routine maintenance or repair shall not be considered to be a physical change~~

~~2.4 Population Projections~~

~~Population forecasts contained in the latest Air Quality Management Plan as approved by the MBUAPCD Board of Directors.~~

~~PART 3 REQUIREMENTS~~

~~3.1 Permit~~

~~A governmental agency or district, including joint powers agencies or organizations shall not initiate, modify, construct or operate any wastewater or sewage treatment facility or conveyance mechanism or pipeline which will directly or indirectly through population or industrial growth inducement cause the emission of any anthropogenic air pollutant for which there is a State or national ambient air quality standard without first obtaining an Authority to Construct or a Permit to Operate from the Air Pollution Control Officer.~~

~~3.2 Application Content~~

~~Before granting or denying an Authority to Construct or a Permit to Operate for any new facility or modification thereto subject to the requirements of this rule, the Air Pollution Control Officer shall:~~

- ~~3.2.1 Require the applicant to submit information sufficient to specifically describe the nature and amounts of emissions, location, design, construction and operation of the facility, emitted directly or indirectly through population, industrial growth and/or the induced expansion of existing emission sources;~~

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- ~~3.2.2~~ Require the applicant to submit the projected expansion plans for the facility for the ten-year period subsequent to the date of the application for the permit;
- ~~3.2.3~~ Require an analysis of the new facility or modification on air quality. Such analysis shall consider expected air contaminant emissions and the impact on air quality in the vicinity of the facility, or modification as well as within the total Air Basin; and
- ~~3.2.4~~ Require that the projected served population of the facility, or modification, related indirect growth of industry and induced growth external to the service area to be fully consistent with the Population Projections.

PART 4 ADMINISTRATIVE REQUIREMENTS

4.1 Permit Denial

- ~~The Air Pollution Control Officer shall deny a permit for any new wastewater or sewage treatment facility or conveyance mechanism or pipeline or modification which he determines will cause a violation or contribute to the continued violation of any State or national ambient air quality standard.~~

4.2 Permit Conditions

- ~~The Air Pollution Control Officer shall impose conditions on the permit as necessary to ensure the subject facility or modification will be operated in the manner assumed in making analysis required by this rule.~~

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