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Seyed Sadredin

Executive Director
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DATE: December 16, 2010

TO: SJVUAPCD Governing Board



FROM: Seyed Sadredin, Executive Director/APCO
Project Coordinator: George Heinen

RE: ADOPT PROPOSED NEGATIVE DECLARATION FOR THE CONTROL TECHNIQUES GUIDELINES (CTG) FOR CONTROL OF VOLATILE ORGANIC EMISSIONS FROM MANUFACTURE OF PNEUMATIC RUBBER TIRES

RECOMMENDATION:

1. Adopt Proposed Negative Declaration for the EPA CTG for Control of Volatile Organic Emissions From Manufacture of Pneumatic Rubber Tires.
2. Authorize the Chair to sign the attached Resolution.

DISCUSSION:

The San Joaquin Valley Air Basin (Valley) has been classified by the United States Environmental Protection Agency (EPA) as an extreme nonattainment area for the federal 8-hour ozone standard. The federal Clean Air Act (CAA) requires certain sources in ozone nonattainment areas to implement control methods called Reasonably Available Control Technology (RACT).

The San Joaquin Valley Air Pollution Control District (District) Rule 4681 (Rubber Tire Manufacturing) is subject to RACT requirements of the EPA Control Techniques Guidelines (CTG) for Control of Volatile Organic Emissions from Manufacture of Pneumatic Rubber Tires (EPA-450/2-78-030).

The District has reviewed the permit files and the emission inventory and has determined that there are no stationary sources or emitting facilities for the aforementioned CTG source category.

Since there are no sources within the Valley subject to the requirements of this CTG, the District Governing Board has the following two options to satisfy CAA requirements:

1. Amend Rule 4681 to incorporate the CTG requirements to satisfy RACT for the source category, even though there would be no source subject to the rule.
2. Declare that there are no sources in the Valley subject to the RACT requirement through a formal "Negative Declaration", making the requirement to adopt a rule for those sources no longer applicable.

Analysis

The negative declaration for CTG source categories with no emission sources within District boundaries will not result in new or revised District regulations. Therefore, cost effectiveness analysis, socioeconomic impact analysis, and rule consistency analysis are not required for this project.

Environmental Impacts / CEQA

There are no facilities within the boundaries of the District that are affected by the CTG. The negative declaration for this CTG will not result in new or revised District regulations. Therefore, adoption of this proposed negative declaration is not a project as described in Section 15378(a) of the California Environmental Quality Act (CEQA) guidelines.

Rule Development Process

The draft staff report for the negative declaration for the CTG for Control of Volatile Organic Emissions from Manufacture of Pneumatic Rubber Tires was published for a 30-day public commenting period in September 2010. No comments were received during the commenting period.

The notice of the public hearing for the proposed amendments was published in general circulation newspapers in each of the eight Valley counties, and made available for review on the District website. No comments were received during the commenting period.

Issues

No significant comments were received during the rule development/negative declaration process.

Fiscal Impacts

No fiscal impacts are expected from this action.

Attachments:

- A. *Resolution for Proposed Negative Declaration (3 pages)*
- B. *Final Draft Staff Report with Appendices for Proposed Negative Declaration (8 pages)*

San Joaquin Valley Unified Air Pollution Control District
Meeting of the Governing Board
December 16, 2010

**ADOPT PROPOSED NEGATIVE DECLARATION FOR THE CONTROL
TECHNIQUES GUIDELINES (CTG) FOR CONTROL OF VOLATILE
ORGANIC EMISSIONS FROM MANUFACTURE OF PNEUMATIC
RUBBER TIRES**

Attachment A:

RESOLUTION FOR PROPOSED NEGATIVE DECLARATION
(3 pages)

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**BEFORE THE GOVERNING BOARD OF THE
SAN JOAQUIN VALLEY UNIFIED
AIR POLLUTION CONTROL DISTRICT**

**IN THE MATTER OF: PROPOSED) RESOLUTION NO. _____
NEGATIVE DECLARATION FOR THE)
CONTROL TECHNIQUES GUIDELINES)
(CTG) FOR CONTROL OF VOLATILE)
ORGANIC EMISSIONS FROM)
MANUFACTURE OF PNEUMATIC RUBBER)
TIRES)**

WHEREAS, the San Joaquin Valley Unified Air Pollution Control District (District) is a duly constituted unified air pollution control district, as provided in California Health and Safety Code Sections 40150 to 40600; and

WHEREAS, said district is authorized by California Health and Safety Code Section 40702 to make and enforce all necessary and proper orders, rules, and regulations to accomplish the purpose of Division 26 of the California Health and Safety Code; and

WHEREAS, pursuant to Section 107 of the Clean Air Act (CAA) and pursuant to Section 39608 of the California Health and Safety Code, the San Joaquin Valley Air Basin has been classified as a nonattainment area for the national and state health-based ozone air quality standards; and

WHEREAS, the United States Environmental Protection Agency has published Control Techniques Guidelines (CTG) for specific source categories; and

WHEREAS, Sections 182(b)(2) and 182(f) of the federal CAA requires the District to submit a revision to the State Implementation Plan to implement Reasonably Available Control Technology (RACT) for each category of volatile organic compound (VOC) sources covered by a CTG document; and

WHEREAS, guidance from the United States Environmental Protection Agency allows the District to forgo adopting RACT rules for CTG source categories in which no major or minor sources exist provided the District makes a formal "negative

1 declaration" finding no sources in the applicable source categories; and

2 **WHEREAS**, District staff have researched the District permit files and the California
3 Air Resources Board Emissions Inventory and found no sources, major or minor, exist
4 in the CTG source category: manufacture of pneumatic rubber tires; and

5 **WHEREAS**, a public hearing for the adoption of the negative declaration for the
6 source category covered by EPA control techniques guidelines was duly noticed for
7 December 16, 2010, in accordance with California Health and Safety Code Section
8 40725.

9 **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

10 1. The Governing Board hereby finds that no sources, major or minor, exist in the
11 District for the following emission source category: manufacture of pneumatic rubber
12 tires.

13 2. The Governing Board hereby finds, based on the evidence and information
14 presented at the hearing, all notices required to be given by law have been duly given
15 in accordance with Health and Safety Code Section 40725, and the Board has allowed
16 public testimony in accordance with Health and Safety Code Section 40726.

17 3. The Governing Board finds that adoption of the negative declaration for the
18 source category covered by EPA control techniques guidelines will not result in new or
19 revised District regulations. Therefore, adoption of the negative declaration is not a
20 project as described in Section 15378(a) of the California Environmental Quality Act of
21 1970 (CEQA) guidelines and does not need to undergo CEQA analysis.

22 4. The Executive Director/Air Pollution Control Officer is directed to file with all
23 appropriate agencies certified copies of this resolution and the negative declaration
24 adopted herein and is directed to maintain a record of this proceeding in accordance
25 with California Health and Safety Code Section 40728.

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SJVUAPCD Governing Board
ADOPT PROPOSED NEGATIVE DECLARATION FOR THE CONTROL TECHNIQUES GUIDELINES (CTG) FOR
CONTROL OF VOLATILE ORGANIC EMISSIONS FROM MANUFACTURE OF PNEUMATIC RUBBER TIRES
DECEMBER 16, 2010

1 **THE FOREGOING** was passed and adopted by the following vote of the Governing
2 Board of the San Joaquin Valley Unified Air Pollution Control District this
3 16th day of December 2010, to wit:

4 **AYES:**

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7 **NOES:**

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10 **ABSENT:**

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SAN JOAQUIN VALLEY UNIFIED
AIR POLLUTION CONTROL DISTRICT

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By _____
Tony Barba, Chair
Governing Board

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19 **ATTEST:**
20 Deputy Clerk of the Governing Board
21 By _____

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Michelle Franco

San Joaquin Valley Unified Air Pollution Control District
Meeting of the Governing Board
December 16, 2010

**ADOPT PROPOSED NEGATIVE DECLARATION FOR THE CONTROL
TECHNIQUES GUIDELINES (CTG) FOR CONTROL OF VOLATILE
ORGANIC EMISSIONS FROM MANUFACTURE OF PNEUMATIC
RUBBER TIRES**

Attachment B:

**FINAL DRAFT STAFF REPORT WITH APPENDICES FOR PROPOSED
NEGATIVE DECLARATION**
(8 pages)

SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT

FINAL DRAFT STAFF REPORT

**PROPOSED NEGATIVE DECLARATION FOR THE
CTG FOR CONTROL OF VOLATILE ORGANIC EMISSIONS FROM
MANUFACTURE OF PNEUMATIC RUBBER TIRES
(EPA-450/2-78-030)**

December 16, 2010

Prepared by: Anna Myers, Air Quality Specialist

Reviewed by: George Heinen, Rule Development Supervisor
Errol Villegas, Strategies and Incentives Manager
Samir Sheikh, Director of Strategies and Incentives

I. SUMMARY

Sections 182(b)(2) and 182(f) of the federal *Clean Air Act* (CAA) require the San Joaquin Valley Unified Air Pollution Control District (District) to implement *Reasonably Available Control Technology* (RACT) for each category of volatile organic compound (VOC) sources covered by a Control Techniques Guideline (CTG) document and for any major stationary source not covered by a CTG document. Alternatively, areas may adopt a negative declaration document that the District has no stationary sources or emitting facilities subject to the Environmental Protection Agency (EPA) CTG documents.

District Rule 4681 (Rubber Tire Manufacturing) is subject to RACT requirements of the CTG for Control of Volatile Organic Emissions from Manufacture of Pneumatic Rubber Tires (EPA-450/2-78-030) but currently does not incorporate every CTG requirement. However, there are no stationary sources or emitting facilities subject to the CTG in the Valley, and the District does not anticipate these sources in the future. As such, staff recommends the District Governing Board adopt a Negative Declaration for the CTG for Control of Volatile Organic Emissions from Manufacture of Pneumatic Rubber Tires (EPA-450/2-78-030).

II. DISCUSSION

The CAA requires certain sources in ozone non-attainment areas to implement control methods called RACT. EPA defines RACT as the lowest emission limitation that a particular source is capable of meeting by the application of control technology (i.e., devices, systems, process modification, or other apparatus or techniques that reduce air

SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT

Final Draft Staff Report: Negative Declaration for the CTG for Control
Of Volatile Organic Emissions From Manufacture of Pneumatic
Rubber Tires

December 16, 2010

pollution) that is reasonably available considering technological and economic feasibility.

The RACT requirement is meant to ensure that all moderate and above nonattainment areas, have in place RACT for all source categories covered by a CTG document and for major sources that are not subject to a CTG. The San Joaquin Valley Air Basin (Valley) has been classified by the EPA as an extreme nonattainment area for the federal 8-hour ozone standard.

The District has reviewed its permit files and the emission inventory, and also researched the other sources such as SIC Codes, telephone yellow pages, and the internet and has determined that there are no stationary sources or emitting facilities for the aforementioned CTG category. The District also does not anticipate these sources in the future. Because there are no sources within the Valley subject to the requirements of this CTG, the District Governing Board has two options to satisfy the CAA requirements.

1. Amend Rule 4681 to incorporate the CTG requirements to satisfy RACT for the source category, even though there would be no source subject to the rule.
2. Declare that there are no sources in the Valley subject to a RACT requirement through a formal "Negative Declaration", making the requirement to adopt a rule for those sources no longer applicable.

A. Rule Amendment

District Rule 4681 (Rubber Tire Manufacturing) was adopted by the District Governing Board on May 16, 1991 and has subsequently amended two times, once in December 1992 and once in December 1993. As supported by page 4-337 of the District 2009 RACT SIP Analysis "there are no existing rubber tire manufacturing facilities currently operating in the District".

To revise District Rule 4681 to incorporate CTG requirements would involve a year long process. This process requires many District resources including the time and energy of several staff members that could be spent working on projects that would further reduce air pollution emissions in the San Joaquin Valley Air Basin (Valley). Costs associated with a rule development project include staffing, postage and handling of public noticing mail outs and fees for publications in local newspapers, and for distribution of materials. District resources would better benefit the citizens of the Valley by having staff focus on projects which reduce harmful emissions.

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Of Volatile Organic Emissions From Manufacture of Pneumatic
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B. Negative Declaration

States and air districts have the option to submit negative declarations for those source categories for which they are not adopting CTG-based regulations regardless of whether such negative declarations were made for an earlier State Implementation Plan (SIP). This is necessary since there may now be sources in the nonattainment area that previously did not exist, or in areas where the boundaries of the nonattainment area have expanded, there may be sources in the new portion of the nonattainment area which should not be overlooked.

As discussed above, there are no sources subject to the requirements of this CTG. If a new rubber tire manufacturing facility wants to operate in the District in the future, it will be evaluated for Best Available Control Technology (BACT) and emission offset requirements pursuant to District Rule 2201 (New and Modified Stationary Source Review). BACT is at least as stringent as RACT and is expected to go well beyond RACT requirements, therefore would be in compliance with the CTG requirements.

III. RECOMMENDED ACTION

District staff recommends that the District Governing Board approve a negative declaration for the CTG for the Control of Volatile Organic Emissions from Manufacture of Pneumatic Rubber Tires. The Negative Declaration is in the form of a Resolution that will accompany this Staff Report.

GUIDANCE DOCUMENT TITLE	DOCUMENT TYPE	DOCUMENT NUMBER
Control of Volatile Organic Emissions from Manufacture of Pneumatic Rubber Tires	CTG	EPA-450/2-78-030

IV. ENVIRONMENTAL IMPACTS / CEQA

There are no facilities within the boundaries of the District that are affected by the CTG. The negative declaration for this CTG will not result in new or revised District regulations. Therefore, adoption of this proposed negative declaration is not a project as described in Section 15378(a) of the California Environmental Quality Act (CEQA) guidelines.

SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT

Final Draft Staff Report: Negative Declaration for the CTG for Control
Of Volatile Organic Emissions From Manufacture of Pneumatic
Rubber Tires

December 16, 2010

V. COST EFFECTIVENESS ANALYSIS, SOCIOECONOMIC IMPACT ANALYSIS, AND RULE CONSISTENCY ANALYSIS

The negative declaration for CTG source categories with no emission sources within District boundaries will not result in new or revised District regulations. Therefore, cost effectiveness analysis, socioeconomic impact analysis, and rule consistency analysis are not required for this project.

VI. RULE DEVELOPMENT PROCESS

The draft staff report for the negative declaration for the CTG for Control of Volatile Organic Emissions from Manufacture of Pneumatic Rubber Tires was published for a 30-day public commenting period in September 2010. No comments were received during the commenting period.

The notice of the public hearing for the proposed amendments will be published in general circulation newspapers in each of the eight Valley counties, and made available for review on the District website. Comments received will be evaluated and, if appropriate, incorporated into the negative declaration.

VII. REFERENCES

2009 RACT SIP Analysis
Clean Air Act
Control Techniques Guidelines for the Control of Volatile Organic Emissions from
Manufacture of Pneumatic Rubber Tires (EPA-450/2-78-030)

APPENDIX A

Summary of Significant Comments And District Responses

December 16, 2010

SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT

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**Summary of Significant Comments and District Responses for
Proposed Negative Declaration for the CTG for Control of Volatile
Organic Emissions From Manufacture of Pneumatic Rubber Tires
(EPA-450/2-78-030)**

US EPA REGION IX STAFF COMMENTS

COMMENT: EPA would like to see a statement added to the discussion that shows that the District went beyond just looking at their permit files and emissions inventory to see that there were no sources in this category found in the District. It is recommended that the District state that other sources such as SIC Codes, telephone yellow pages, or an internet search were used to determine that no sources were found in the District.

RESPONSE: Staff has performed the requested research and the final draft staff report has been amended to reflect such research. Please see the final draft staff report for changes.

ARB STAFF COMMENTS

No comments have been received from ARB at this time.

STAKEHOLDER COMMENTS

No comments have been received from stakeholders or the general public at this time.

SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT

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