

Proposed Amendments to Regulation XIII - Part 70 Operating Permits

Board of Directors
Santa Barbara County
Air Pollution Control District

Our Mission: To protect the people and the environment of Santa Barbara County from the effects of air pollution.

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Presentation Outline

▶ Background

- Part 70 Operating Permits (aka “Title V” Operating Permits)
- Emergency Affirmative Defense

▶ Proposed Amendments

- Removal of Emergency Affirmative Defense

▶ Public & Stakeholder Engagement

▶ Staff Recommendation

Regulation XIII - Part 70 Operating Permits

- ▶ Regulation XIII (Rules 1301 - 1305) codifies the District's federally-approved operating permit program.
- ▶ Applies to “major stationary sources” of air pollution.
 - Sources with a PTE \geq 100 tons/year of a criteria air pollutant.
 - 17 major sources within Santa Barbara County (e.g., Offshore Platforms, Landfills, VSFB, and UCSB.)

Rule #	Rule Name	Year Last Amended	Last Amended Reason
1301	General Information	2016	NSR changes
1302	Permit Application	1993	--
1303	Permits	2001	EPA corrections
1304	Issuance, Renewal, Modification and Reopening	2018	E-notice
1305	Enforcement	1993	--

Emergency Affirmative Defense

▶ Emergency Events

- Examples: wildfires, high wind events, or mudslides.
- Can cause permitted equipment or air pollution control equipment to malfunction and exceed their emission limits.
- Are typically beyond the reasonable control of a permittee.

▶ Emergency Affirmative Defense

- The permittee submits a report that demonstrates that all reasonable steps were taken to minimize emissions from the emergency.
- Protects the permittee from being assessed penalties for an exceedance caused by the emergency.

Court Case & Changes

Date	Description
1992	<ul style="list-style-type: none">• Emergency affirmative defense provisions were included in EPA's initial Title V regulation.
2014	<p><u>Natural Resource Defense Council v. EPA</u></p> <ul style="list-style-type: none">• EPA exceeded its authority under the Clean Air Act by creating these emergency affirmative defense provisions in an EPA NESHAP regulation.• Hence, the affirmative defense provisions in the affected EPA NESHAP regulation were vacated.
2016	<ul style="list-style-type: none">• EPA proposed changes to the Title V program. Changes not finalized.
2022 - 2023	<ul style="list-style-type: none">• EPA repropoed and finalized changes to the Title V program.• Affected entities have until August 21, 2024 to change their implementing rules & remove Emergency Affirmative Defense provisions.

Proposed Amendments

- ▶ **Remove Affirmative Defense text and perform other administrative changes in Rules 1301, 1302, and 1303.**
- ▶ **Negligible impacts to Permitted Title V Sources.**
 - **District Rule 505 - Breakdowns:** Addresses equipment failures and may provide regulatory relief from enforcement action.
 - **Emergency Variance:** If a breakdown persists for more than 24 hours, the permittee may apply for an emergency variance.
 - **Mutual Settlement Program:** District calculates the appropriate penalty for violations based on multiple criteria, including mitigating actions.

Public & Stakeholder Engagement

Date	Description
April 2024	<ul style="list-style-type: none">• Staff distributed the draft rule language and the rationale for the changes to the US EPA for a 30-day review period.• The US EPA agreed with the recommended changes and had no additional comments.
June 24, 2024	<ul style="list-style-type: none">• Draft Rule and Staff Report posted on the rule development website.• Direct notices to Title V facilities & E-notice listserv.
July 8, 2024 - CAC Meeting:	<ul style="list-style-type: none">• Unanimous recommendation that the District Board of Directors adopt the proposed amendments to Regulation XIII.
July 11, 2024	<ul style="list-style-type: none">• 30-day public notice for today's Board Hearing

Staff Recommendation

- ▶ Consider adoption of the proposed amendments to District Regulation XIII - Part 70 Operating Permits.

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