

Agenda Date: [September 8, 2010]
Agenda Placement: Regular
Estimated Time: 10 Minutes
Continued Item: No

Board Agenda Item

TO: Air Pollution Control District Board
FROM: Terry Dressler, Air Pollution Control Officer
CONTACT: Rebecca Armstrong, 961-8888
SUBJECT: Proposed Repeal of Rule 334, Control of Hexavalent Chromium Emissions from Chrome Plating and Chrome Acid Anodizing

RECOMMENDATION:

That the Board:

- A. Hold a public hearing to receive testimony on the proposed repeal of Rule 334, Control of Hexavalent Chromium Emissions from Chrome Plating and Chrome Acid Anodizing.
- B. Approve the Resolution which follows this board letter. Approving the resolution will result in the following actions:
 1. CEQA Findings: Adopt the CEQA findings (Attachment 1) pursuant to the California Environmental Quality Act (CEQA) and the APCD CEQA guidelines.
 2. Rule Findings: Adopt the associated findings (Attachment 2) in support of the proposed repeal of Rule 338, pursuant to Health and Safety Code Section 40727 regarding authority, necessity, clarity, and consistency. The findings acknowledge public comments on the proposed rule repeal (Attachment 3) and staff's responses to these comments (Attachment 4).
 3. Repeal of Rule 334: Adopt the repeal of Rule 334.

DISCUSSION:

Objectives:

The repeal of Rule 338 will eliminate requirements that have been superseded by the 2000 Asbestos ATCM for Surfacing Applications. This action is expected to improve the clarity of the requirements for surfacing applications involving materials restricted by the 2000 Asbestos ATCM.

Implications to the Regulated Community:

There will be no impacts to the regulated community from the repeal of Rule 334. The state requirements specified in the ATCM for Hexavalent Chromium Emissions from Chrome Plating and Chrome Acid Anodizing have been in effect as or _____.

Comparisons to Adjacent Local Air Districts

COMPARISON OF ADJACENT AIR DISTRICT REQUIREMENTS

DISTRICT	RULE No.	RULE TITLE	ADOPTION / AMENDMENT DATES	COMMENT
San Joaquin Valley Unified APCD	7011	Chromium Plating and Chromic Acid Anodizing Facilities	Adopted 5/16/91; Amended 12/17/92; Amended 8/19/99; Amended 1/1/08	
San Luis Obispo County APCD	412	Airborne Toxic Control Measures: Section CCR 93102 – Hexavalent Chromium Airborne Toxic Control Measure – Decorative and Hard Chrome Plating and Chromic Acid Anodizing Facilities	Adopted 9/23/98; Revised 11/13/02	

Santa Barbara County APCD	334	Control of Hexavalent Chromium Emissions from Chrome Plating and Chrome Acid Anodizing	Adopted 7/11/89; Repealed [<i>date of rule repeal</i>]	To be repealed as a result of ATCM.
Ventura County APCD	N/A	N/A	ATCM	ATCM

Cost-Effectiveness and Incremental Cost-Effectiveness: There will be no cost to industry, and/or subject sources, associated with the repeal of this rule.

Comparison to Existing Federal, State, and Local Requirements: The California Air Resources Board (CARB) implemented a state Air Toxics Control Measure (ATCM) for hexavalent chromium in 1988. The Federal Environmental Protection Agency (EPA) reviewed the hexavalent chromium ATCM and adopted it “as is”.

Implications to the APCD Budget:

The repeal of Rule 334 will not impact the APCD budget.

Public Review: This rule repeal was presented to and reviewed by the APCD’s Community Advisory Council (CAC).

California Environmental Quality Act (CEQA):

TEA staff is currently doing the CEQA analysis and review for the repeal of this rule. TEA staff will submit their findings for inclusion into this Board Package.

Concurrences:

County Counsel

SPECIAL INSTRUCTIONS:

After adoption by the Board, please have the Board Chair sign the attached resolution and return a copy along with a copy of the minute order to Rebecca Armstrong of the Air Pollution Control District.

Attachments

Board Resolution

Attachment 1 - CEQA Findings

Attachment 2 - Rule Findings

Attachment 3 - Public Comments

Attachment 4 - Response to Comments

Attachment 5 - CEQA Analysis

Attachment 6 - CEQA Notice of Exemption/Determination (?)

Attachment 7 - Glossary of Terms and Acronyms

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BOARD RESOLUTION

PROPOSED REPEAL OF RULE 334

**CONTROL OF HEXAVALENT CHROMIUM EMISSIONS
FROM CHROME PLATING AND CHROME ACID
ANODIZING**

September 8, 2010

Santa Barbara County Air Pollution Control District

260 North San Antonio Road, Suite A
Santa Barbara, California 93110

(805) 961-8800

**RESOLUTION OF THE AIR POLLUTION
CONTROL DISTRICT BOARD OF THE COUNTY OF
SANTA BARBARA, STATE OF CALIFORNIA**

In the Matter of)	APCD Resolution No.
)	
Repealing Rule 334)	
_____)	

RECITALS

1. The Air Pollution Control District Board of the County of Santa Barbara (“Board”) is authorized to adopt, amend, or repeal rules and regulations pursuant to Health and Safety Code Section 40725 *et seq.*

2. Pursuant to H&SC 39666(d), districts shall implement and enforce the state’s airborne toxic control measures or Boards shall adopt rules and regulations to implement and enforce airborne toxic control measures. The Board has elected to implement and enforce the state’s Hexavalent Chromium Emissions from Chrome Plating and Chrome Acid Anodizing Airborne Toxic Control Measure (amended by the Air Resources Board on_____, approved by the Office of Administrative Law on_____).

3. The Board has determined that a need exists to repeal Rule 334, Control of Hexavalent Chromium Emissions from Chrome Plating and Chrome Acid Anodizing.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

- 1) This Board has held a hearing and accepted public comments in accordance with the requirements of Health and Safety Code Section 40725 *et seq.*

2) The California Environmental Quality Act (“CEQA”) findings set forth in Attachment 1 of the Board Package dated _____, 2010 (herein after “Board Letter”) are hereby adopted as findings of this Board pursuant to CEQA and the CEQA guidelines.

3) The general rule findings, as set forth in Attachment 2 of the Board Letter, are hereby adopted as findings of this Board pursuant to Health and Safety Code Section 40727.

4) The Responses to Public Comments, as set forth in Attachment 4 of the Board Letter, are hereby adopted as findings of this Board.

5) Rule 334 is hereby repealed as a rule of the Santa Barbara County Air Pollution Control District pursuant to Health and Safety Code Section 40725 *et seq.*

PASSED AND ADOPTED by the Air Pollution Control District Board of the County of Santa Barbara, State of California, this ___day of _____, 2010 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

TERRY DRESSLER
CLERK OF THE BOARD,

By _____
Deputy

Chair, Air Pollution Control
District Board of the County of
Santa Barbara

APPROVED AS TO FORM:

DENNIS MARSHALL
SANTA BARBARA COUNTY COUNSEL

By _____
Deputy
Attorneys for the Santa Barbara
Air Pollution Control District

ATTACHMENT 1

CEQA FINDINGS

PROPOSED REPEAL OF RULE 334

CONTROL OF HEXAVALENT CHROMIUM EMISSIONS
FROM CHROME PLATING AND CHROME ACID ANODIZING

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CEQA FINDINGS

ATTACHMENT 2

RULE FINDINGS

PROPOSED REPEAL OF RULE 334

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ATTACHMENT 2

RULE FINDINGS FOR REPEALING RULE 334

Pursuant to California Health and Safety Code Section 40727, the Board makes the following findings for the repeal of Rule 334 (Control of Hexavalent Chromium Emissions from Chrome Plating and Chrome Acid Anodizing).

Necessity

Authority

Clarity

Consistency

Nonduplication

Reference

Public Comment

Response to Comments

The Board has reviewed the responses to public comments included in Attachment 4 and hereby approves those responses to comments as findings.

ATTACHMENT 3

PUBLIC COMMENTS ON

PROPOSED REPEAL OF RULE 334

CONTROL OF HEXAVALENT CHROMIUM EMISSIONS FROM
CHROME PLATING AND CHROME ACID ANODIZING

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ATTACHMENT 3

**PUBLIC COMMENTS
ON PROPOSED REPEAL OF RULE 334**

As of [*date of Board Letter*], we have not received any comments on the repeal of Rule 334.

ATTACHMENT 4

DISTRICT RESPONSE TO PUBLIC COMMENTS ON

PROPOSED REPEAL OF RULE 334

**CONTROL OF HEXAVALENT CHROMIUM EMISSIONS FROM
CHROME PLATING AND CHROME ACID ANODIZING**

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ATTACHMENT 4

**DISTRICT RESPONSE TO PUBLIC COMMENTS
ON PROPOSED REPEAL OF RULE 334**

As of [*date of Board Letter*], we have not received any comments on the repeal of Rule 334.

COMMENT NUMBER	DISTRICT RESPONSE

ATTACHMENT 5

CEQA ANALYSIS

PROPOSED REPEAL OF RULE 334

CONTROL OF HEXAVALENT CHROMIUM EMISSIONS
FROM CHROME PLATING AND CHROME ACID ANODIZING

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ATTACHMENT 5

CEQA ANALYSIS FOR THE REPEAL OF RULE 334

PURPOSE

This document provides a California Environmental Quality Act (CEQA) Analysis for the repeal of Rule 334, pursuant to Section 15164 of the state CEQA guidelines.

CONCLUSION

BACKGROUND

PREVIOUS ENVIRONMENTAL DOCUMENTS

PROJECT DESCRIPTION

ENVIRONMENTAL IMPACT ANALYSIS

SUMMARY

REFERENCES

ATTACHMENT 6

CEQA [**NOTICE OF EXEMPTION/DETERMINATION (?)**]

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