

FEATHER RIVER AIR QUALITY MANAGEMENT DISTRICT
MEMORANDUM
10/07/2024

TO: FRAQMD BOARD OF DIRECTORS

FROM: Christopher D. Brown AICP, APCO

SUBJECT: Conduct a Public Hearing and Adopt Resolution #2024-11 amending Regulation III Rule 3.22 – Stationary Internal Combustion Engines; and (2) find the amendment to the Rule categorically exempt in conformance with the California Environmental Quality Act (CEQA) Guidelines Section 15308 Class 8 – Actions by regulatory agencies for the protection of the environment; (3) and authorize the Chairman to execute related documents.

RECOMMENDATION

Approve Resolution #2024-11 which adopts amendments to Regulation III, Rule 3.22 – Stationary Internal Combustion Engines.

ALTERNATIVES

Not adopt the proposed rule amendments and provide direction to staff.

BACKGROUND

In 2018, the District published a Proposed Expedited BARCT Schedule for Industrial Facilities Subject to Cap and Trade. The report evaluated the requirements of AB 617 and proposed to amend Rule 3.22 during the calendar year of 2020.

The amendments to lower the acceptable emission limit of NO_x for spark ignited prime engines to BARCT requirements were adopted by the District Board of Directors on August 3, 2020, and sent to CARB for inclusion in the SIP on December 30, 2020.

CARB approved the rule amendments and sent them to the US EPA as a SIP revision on March 12, 2021.

The US EPA informed the District that the amended rule could not be approved in the SIP because of the “and/or” statement in the Test Methods and Procedures (section E.1) of the rule. The US EPA asked the District to change the statement from:

“Compliance with the emission limits in Tables 1, 2, and 3 shall be determined using the following test methods or an equivalent method approved by EPA and/or CARB:”

to:

“Compliance with the emission limits in Tables 1, 2, and 3 shall be determined using the following test methods or an equivalent method approved by EPA **and** CARB.”

DISCUSSION

The proposed amendments are to address EPA’s comments and will include minor formatting and editing for clarity since the December 31, 2023 effective date for BARCT date has passed.

Table 1 – Summary of Proposed Amendments

SECTION NUMBER	PROPOSED LANGUAGE
Section D.1 Table 1	Updated due to the BARCT emission factors are already in effect.
Section D.1 Table 3	Removed due to the BARCT emission factors are already in effect.
Section D.4	Removed language that was only effective until 12/30/2023.
Section E.1	Compliance with the emission limits in Tables 1 and 2 shall be determined using the following test methods or an equivalent method approved by EPA and CARB.”
Rule 3.22 – All	Minor formatting and editing

A public notice was published in the September 5, 2024 edition of the Appeal-Democrat, which invited members of the public and industry to attend the public hearing for the adoption of the amendments to Rule 3.22. The public notice also invited the public to submit written comments on the proposed rule until September 26, 2024. The District did not receive any written comments.

FISCAL IMPACT

There is no fiscal impact to the District in adopting this rule.

ATTACHMENTS

- Attachment A: Resolution #2024-11
- Attachment B: Staff Report for Rule 3.22
- Attachment C: Proof of Publication

ATTACHMENT A

Resolution #2024-11

**RESOLUTION #2024-11 OF THE BOARD OF DIRECTORS AUTHORIZING THE
ADOPTION OF AMENDMENTS TO REGULATION III, RULE 3.22 – STATIONARY
INTERNAL COMBUSTION ENGINES**

WHEREAS, Rule 3.22 – Stationary Internal Combustion Engines (Rule 3.22) was last amended on August 3, 2020, by the Feather River Air Quality Management District (District) Board of Directors, to comply with the Best Available Retrofit Control Technology (BARCT) for spark ignited prime engines pursuant to Assembly Bill 617; and

WHEREAS, the amended rule was sent to the California Air Resources Board (CARB) and the United States Environmental Protection Agency (EPA) for approval into the State Implementation Plan (SIP); and

WHEREAS, the EPA reviewed the amendments to Rule 3.22 and informed the District that the amended rule could not be included in the SIP until section E.1 of the rule was amended to change the “and/or” statement to “and”; and

WHEREAS, the California Health and Safety Code sections 40000, 40001, 40702, 40919, and 42300 authorize the Feather River Air Quality Management District to adopt this proposed rule and regulation; and

WHEREAS, these proceedings were held in a public hearing and were properly noticed pursuant to Health and Safety Code section 40725; with any evidence having been received concerning the proposed adoption of this Resolution and this Board having duly considered such evidence; and

WHEREAS, District staff has prepared a written analysis of the proposed rules, pursuant to Health and Safety Code section 40727.2, and has maintained a record of the rulemaking proceeding pursuant to Health and Safety Code section 40728 at the District office located at 541 Washington Avenue, Yuba City, CA; and

WHEREAS, there is no indication at this time that the proposed rules are written in such a manner that the persons affected by it could not easily understand it; and

WHEREAS, the proposed rules are in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, or state or federal regulations and any duplication with existing state or federal regulations is necessary or proper to execute the powers and duties of the Feather River Air Quality Management District; and

WHEREAS, the proposed rule is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Title 14, California Code of Regulations, section 15308, as an action by a regulatory agency for the protection of the environment; and

WHEREAS, the District Board has made the required findings pursuant to Health and Safety Code section 40727, of authority, necessity, clarity, consistency, non-duplication, and reference in regard to the proposed rule;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the FEATHER RIVER AIR QUALITY MANAGEMENT DISTRICT that effective October 7, 2024, the Board approves and adopts amendments to Regulation III, Rule 3.22 – Stationary Internal Combustion Engines, to read in their entirety as set forth in Exhibit A of this resolution, attached hereto and made part hereof; and

BE IT FURTHER RESOLVED that the Air Pollution Control Officer is authorized to make non-substantial changes to the rules in consultation with District Counsel so long as the changes are consistent with the District’s mission and goals; and

BE IT FURTHER RESOLVED the adoption of Regulation III, Rule 3.22 is exempt from CEQA; and

BE IT FURTHER RESOLVED by the Board of Directors of the FEATHER RIVER AIR QUALITY MANAGEMENT DISTRICT that effective October 7, 2024, the Board instructs the District staff to submit the amendments to Regulation III, Rule 3.22 – Stationary Internal Combustion Engines and all necessary supporting documents to California Air Resources Board for its approval and subsequent submittal to the United States Environmental Protection Agency for final approval as a revision to the State Implementation Plan.

PASSED AND ADOPTED by the Feather River Air Quality Management District at a meeting on October 7, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chairman

ATTEST:

APPROVED FOR LEGAL FORM:

Exhibit A

District Regulation III, Rule 3.22 – Stationary Internal Combustion Engines

RULE 3.22 STATIONARY INTERNAL COMBUSTION ENGINES

(Adopted 6/1/2009; Amended 10/6/2014, 08/3/2020, 10/7/2024)

A. APPLICABILITY

This rule applies to all stationary internal combustion engines with rated brake horsepower greater than or equal to fifty (≥ 50 bhp) used in industrial, institutional, and commercial operations that operate within the boundaries of the District.

B. EXEMPTIONS

B.1 The provisions of this rule shall not apply to the following:

- a. The operation of any engine while being used to preserve or protect property, human life, or public health during the existence of a disaster or state of emergency, such as a fire or flood.
- b. Emergency standby engines whose total annual hours for maintenance and testing purposes do not exceed 100 hours as determined by a non-resettable hour meter. Hours used specifically for emergencies shall not be limited by this rule.
- c. Non-emergency engines whose total annual hours of operation do not exceed 200 hours as determined by a non-resettable hour meter.
- d. Portable engines, as defined in California Health and Safety Code, Section 41751.
- e. Engines used directly and exclusively for the growing of crops or the raising of animals. This exemption does not apply to any engine used at an agricultural source of air pollution that emits in any 12-month period air emissions greater than or equal to 50% of the major source thresholds for regulated air pollutants and/or HAPs.
- f. Engines operated exclusively in research or testing programs.
- g. Gas turbine engines.
- h. Compression ignition engines with a permitted capacity factor of 15 percent or less.

C. DEFINITIONS

- C.1 **Date of Initial Start-up:** The date in which an engine is operated for the first time within the boundaries of the District.
- C.2 **Emergency Standby Engine:** As defined in the Airborne Toxic Control Measure for Stationary Compression Ignition Engines - CCR Title 17, §93115.
- C.3 **Emergency Use:** As defined in the Airborne Toxic Control Measure for Stationary Compression Ignition Engines - CCR Title 17, §93115.
- C.4 **Lean Burn Engine:** Any spark or compression ignited internal combustion engine that is operated with an exhaust gas stream oxygen concentration of four percent (4%) by volume, or greater. The exhaust gas oxygen content shall be determined from the uncontrolled exhaust gas stream.
- C.5 **Maintenance and Testing:** The operation of an emergency standby engine to:
- a. Evaluate the ability of the engine or its supported equipment to perform during an emergency. "Supported Equipment" includes, but is not limited to, generators, pumps, transformers, switchgear, and breakers; or
 - b. Facilitate the training of personnel on emergency activities; or
 - c. Provide electrical power for the facility when the utility distribution company takes its power distribution equipment offline to service that equipment for any reason that does not qualify as an emergency use.
- C.6 **Natural Gas-Powered Engine:** Any spark ignited internal combustion engine that is designed to operate on natural gas.
- C.7 **North FRAQMD:** The area of the Feather River Air Quality Management District which is north of a line connecting the northern border of Yolo County to the southwestern tip of Yuba County and continuing along the Southern Yuba County border to Placer County.

- C.8 **Permitted Capacity Factor:** The annual permitted fuel use divided by the product of the manufacturer's specified maximum hourly fuel consumption times 8,760 hours per year.
- C.9 **Rated Brake Horsepower (bhp):** The maximum rated brake horsepower specified for the engine by the manufacturer and listed on the nameplate for the unit, regardless of any derating, unless limited by the engine's Permit to Operate.
- C.10 **Rich Burn Engine:** Any spark or compression ignited internal combustion engine that is operated with an exhaust gas stream oxygen concentration of less than four percent (4%) by volume. The exhaust gas oxygen content shall be determined from the uncontrolled exhaust gas stream.
- C.11 **South FRAQMD:** The area of the Feather River Air Quality Management District which is south of a line connecting the northern border of Yolo County to the southwestern tip of Yuba County and continuing along the southern Yuba County border to Placer County.
- C.12 **Stationary Internal Combustion Engine:** Any spark or compression ignited internal combustion engine that is operated, or intended to be operated, at a specific site for more than twelve (12) consecutive months, is attached to a foundation at that site, or is determined to be stationary by the District.

D. **REQUIREMENTS**

- D.1 **EMISSION LIMITS:** Each engine shall not operate above the emission limitations according to the area of designation and fuel type, as shown in Tables 1 and 2.

Table 1: North FRAQMD Emission Limits

	NOx (ppmv @ 15% O ₂)	VOC (ppmv @ 15% O ₂)	CO (ppmv @ 15% O ₂)
Spark Ignited Rich Burn	25	250	4,000
Spark Ignited Lean Burn	65	750	4,000
Compression Ignited	600	750	4,000

Table 2: South FRAQMD Emission Limits

	NOx (ppmv @ 15% O ₂)	VOC (ppmv @ 15% O ₂)	CO (ppmv @ 15% O ₂)
Spark Ignited Rich Burn	25	250	4,000
Spark Ignited Lean Burn	65	750	4,000
Compression Ignited	80	750	4,000

- D.2 **INITIAL COMPLIANCE DEMONSTRATION:** Each engine subject to meet the emission limits of D.1 shall demonstrate initial compliance. Initial compliance can be achieved by:
- a. Conducting a source test on the engine as specified in Section E.1; or
 - b. Providing the District with support documentation which demonstrates that the engine is in compliance with the emission limits of this rule.
- D.3 **INITIAL COMPLIANCE TIMELINE:** Each engine shall demonstrate initial compliance no later than ninety (90) days after the date of initial startup.
- D.4 **ON-GOING COMPLIANCE PROGRAM:** Upon successful demonstration of initial compliance, the owner or operator shall demonstrate on-going compliance as follows:
- a. Each engine shall be source tested at least once every five (5) years, measured from the date of the last source test showing compliance. If initial compliance was satisfied without any source test data, the engine shall be source tested no later than five (5) years after the date of initial startup.
 - b. During any calendar year in which a source test is not performed, the trained owner/operator shall use an emission analyzer to take NO_x, CO, and O₂ readings from the engine to verify compliance with the applicable emission limits.
 1. The analyzer shall be calibrated, maintained, and operated in accordance with the manufacturer's specifications and recommendations.
 2. All emission readings shall be taken with the engine operating either at the highest achievable continuous brake horsepower rating or under the typical duty cycle or operational mode of the engine.
 3. Analyzer test data point intervals shall be no

greater than five (5) minutes and data points shall be averaged over no less than fifteen (15) minutes of engine operation.

4. At least six (6) calendar weeks shall separate the date of the last emission reading taken or source test conducted in the previous calendar year quarter and the first emission reading taken in the subsequent calendar quarter in which a source test is not performed.
5. An analyzer reading in excess of the limits specified in Section D.1 shall not be considered a violation as long as the problem is corrected, and a follow-up emission reading is conducted within 15 days of the initial emission reading. If the problem cannot be corrected, the operator shall shutdown the engine and notify the District.
6. A trained operator is a person who has completed an appropriate training program in the operation of portable analyzers and has received certification from the training program.

D.5 **COMPLIANCE INSPECTION:** For compliance demonstration purposes, the testing of emissions required in Section D.2.a and D.4.a shall be conducted in the presence of District staff unless previous authorization is provided by the District.

E. TEST METHODS AND PROCEDURES

E.1 **TEST METHODS:** Compliance with the emission limits in Tables 1 and 2 shall be determined using the following test methods or an equivalent method approved by EPA and CARB:

- a. Stack Gas Oxygen - EPA Method 3A or CARB Method 100.
- b. Oxides of Nitrogen - EPA Method 7E or CARB Method 100.
- c. Carbon Monoxide - EPA Method 10 or CARB Method 100.
- d. Volatile Organic Compounds - EPA Method 18, 25A, 25B, or CARB Method 100.
- e. NO_x emission limitations shall be expressed as nitrogen dioxide (NO₂).
- f. VOC emission limitations shall be referenced to methane.
- g. All ppmv emission limitations shall be referenced at 15% volume stack gas oxygen on a dry basis.
- h. All emission readings shall be taken with the engine operating either at conditions representative of normal operations or conditions specified in the Permit to

Operate.

F. RECORDKEEPING AND REPORTING REQUIREMENTS

- F.1 **RECORDKEEPING REQUIREMENTS:** A record of the following information shall be maintained for five years and shall be made available to District personnel upon request:
- a. The monthly and annual hours of operation or quantity of fuel consumed for each engine; and
 - b. A testing log which includes, but is not limited to, initial and on-going emission source test results and annual analyzer readings results to verify compliance; and
 - c. Date(s) and type of maintenance performed.
- F.2 **SOURCE TEST PROTOCOL AND REPORT:** A source test protocol shall be submitted to the District for review and approval at least thirty (30) days prior to any source test. The results from the source test shall be submitted to the District within thirty (30) days after testing.

ATTACHMENT B

Staff Report for Rule 3.22

Staff Report

Rule 3.22: Stationary Internal Combustion Engines

Date of Release: August 28, 2024

Schedule of Meetings

Public Workshop: NA

Public Hearing: October 7, 2024

Feather River AQMD

541 Washington Ave

Yuba City, California 95991

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1.0 Executive Summary:

Feather River Air Quality Management District (District) is a Bi-County agency that administers local, state, and federal air quality management programs for Yuba and Sutter counties. Under the provisions of the California Clean Air Act (CCAA) of 1988, Yuba County and Sutter County have been designated as “nonattainment-transitional” for failing to meet the state ozone standard¹. The southern portion of Sutter County is also designated as a serious nonattainment area for the 2015 8-hour ozone national ambient air quality standard (NAAQS) effective November 29, 2021².

Ozone is formed when volatile organic compounds (VOCs) react with nitrogen oxides (NO_x) in the presence of sunlight and is one component of smog. It is a strong irritant that attacks the respiratory system and leads to the damage of lung tissues. Exposure to ozone aggravates conditions such as asthma and bronchitis.

The proposed rule amendments are to address United States Environmental Protection Agency’s (US EPA) comments and include minor formatting and editing for clarity. The US EPA comments were regarding the previous rule amendments that were adopted on August 3, 2020. The 2020 rule amendments lowered the NO_x emission limits effective December 31, 2023, for natural gas spark ignited ICE used as a prime power source to comply with AB 617. The 2020 amendments were submitted to the US EPA as State Implementation Plan (SIP) revision. US EPA informed the District that the rule could not be included in the SIP as submitted and recommended removing the word “or” from section E.1.

2.0 Background:

Stationary internal combustion engines are typically used as either primary or backup engines to generate electricity or power pumps and compressors. These engines may be fueled by diesel, natural gas, propane (LPG), refinery fuel gas, digester gas, or landfill gas. Some final products of combustion include NO_x, VOCs, carbon monoxide (CO), and particulate matter (PM10 and PM2.5), which are all discharged into the atmosphere. NO_x and VOCs are recognized as precursors to ground-level ozone formation, and reductions in NO_x and VOCs are necessary to attain and maintain the federal and state ambient air quality standards for ozone. Ozone can result in reduced lung function, increased respiratory symptoms, increased airway hyperactivity, and increased airway inflammation. Emissions of VOCs also react in the atmosphere to form PM10 and PM2.5. Inhalation of PM10 and PM2.5 deep into the lungs reduces human pulmonary function.

The District originally adopted Rule 3.22 in 2009 to achieve reasonable emission reductions from internal combustion engines to help attain the state and federal ambient air quality standard for ozone. The rule was consistent among the Northern Sacramento Valley Air Basin Districts, where emission standards are based on CARB’s document Determination of Reasonably Available Control Technology (RACT) and Best Available Retrofit Control Technology (BARCT) for Stationary Spark-Ignited Combustion Engines [November 2001]. Different emission limits were set for North and South FRAQMD based on their attainment statuses. South FRAQMD was given stricter emission limits due to the designation as a federal

¹ <https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2024/areades/isor.pdf>

² Bump up to serious classification approved in Federal Register notice 86 FR 59648, 10/28/2021

ozone nonattainment area with a severe classification for the 1997 and 2008 ozone NAAQS. The emission limits set for South FRAQMD are considered to meet BARCT requirements.

The District submitted Rule 3.22 to the SIP, and on March 1, 2012, the US EPA finalized a Limited Approval/Limited Disapproval for the rule. The US EPA could not fully approve the rule because one section allowed for alternate testing procedures for NO_x analyzers to be approved by the Air Pollution Control Officer (APCO). The US EPA noted that this section did not have sufficient Quality Assurance/Quality Control requirements. The rule was amended on October 6, 2014, and was approved by the US EPA in December 2014.

In 2018, the District published a Proposed Expedited BARCT Schedule for Industrial Facilities Subject to Cap and Trade. The report evaluated the requirements of AB 617 and proposed to amend Rule 3.22 during the calendar year of 2020.

The amendments to lower the acceptable emission limit of NO_x for spark ignited prime engines to BARCT requirements were adopted by the District Board of Directors on August 3, 2020, and sent to CARB for inclusion in the SIP on December 30, 2020.

CARB approved the rule amendments and sent them to the US EPA as a SIP revision on March 12, 2021.

The US EPA informed the District that the amended rule could not be approved in the SIP because of the “and/or” statement in the Test Methods and Procedures (section E.1) of the rule. The US EPA asked the District to change the statement from:

“Compliance with the emission limits in Tables 1, 2, and 3 shall be determined using the following test methods or an equivalent method approved by EPA **and/or** CARB.”

to:

“Compliance with the emission limits in Tables 1, 2, and 3 shall be determined using the following test methods or an equivalent method approved by EPA **and** CARB.”

This new amendment is to address US EPA’s comments and also include minor formatting and editing for clarity.

3.0 Legal Mandate:

The amendments to Rule 3.22 that were adopted in 2020 were mandated by AB 617. AB 617 was approved on July 26, 2017, and amends California Health and Safety Code section 409020.6 to require each air district that includes a nonattainment area for one or more air pollutants, to adopt and implement BARCT for each industrial source subject to a market-based compliance mechanism.

The current amendments were requested by US EPA on February 24, 2022 to make the rule approvable in the SIP.

4.0 Proposed Rule Requirements:

The proposed amendments are to address EPA's comments and will include minor formatting and editing for clarity since the December 31, 2023 effective date for BARCT date has passed.

Table 1 – Summary of Proposed Amendments

SECTION NUMBER	PROPOSED LANGUAGE
Section D.1 Table 1	Updated due to the BARCT emission factors are already in effect.
Section D.1 Table 3	Removed due to the BARCT emission factors are already in effect.
Section D.4	Removed language that was only effective until 12/30/2023.
Section E.1	Compliance with the emission limits in Tables 1 and 2 shall be determined using the following test methods or an equivalent method approved by EPA and CARB:"
Rule 3.22 – All	Minor formatting and editing

5.0 Socioeconomic Impact:

California Health and Safety Code §40728.5 requires, in part, that:

“Whenever a District intends to propose the adoption, amendment or repeal of a rule or regulation that will significantly affect air quality or emissions limitations, that agency shall, to the extent that data are available, perform an assessment of the socioeconomic impacts of the adoption, amendment, or repeal of the rule or regulation.”

However, districts with a population of less than 500,000 persons are exempt from the provisions of HSC §4072.5(a). The District's population is estimated to be approximately 166,892³ which is below the 500,000 person threshold. Therefore, a socioeconomic analysis for this rulemaking is not required.

6.0 Emission Impacts of Proposed Rule:

The proposed amendments to Rule 3.22 will not result in emission impacts.

7.0 Estimated Cost Impact:

California HSC §40703 requires the District, in the process of the adoption of any rule or regulation, to consider and make public its findings related to the cost effectiveness of the rule.

There are no expected cost impacts of the proposed amendments.

³ <https://www.census.gov/data/tables/time-series/demo/popest/2010s-counties-total.html>

8.0 Environmental Review and Compliance:

The amendments of Rule 3.22 are categorically exempt from the California Environmental Quality Act (CEQA) under Sections 15307 and 15308 of the State CEQA guidelines, and no exceptions to these exemptions apply as this action is taken by a regulatory agency for the protection of a natural resource. California Public Resources Code (Section 21159) requires an environmental analysis of the reasonably foreseeable methods of compliance. The District has concluded that no reasonably foreseeable adverse environmental impacts will be caused by the adoption of the proposed Rule.

9.0 Required Findings:

California Health and Safety Code §40727(a) requires that prior to adoption or amending a rule or regulation, an air district's board must make findings of necessity, authority, clarity, consistency, nonduplication, and reference. The findings must be based on the following:

1. Information presented in the District's written analysis prepared pursuant to HSC §40727.2;
2. Information contained in the rulemaking records pursuant to HSC §40728; and
3. Relevant information presented at the Board's hearing for the rule.

The table below describes each finding and the basis for making the finding:

Required Finding	Finding Determination
<p>Necessity: The District must find that the rulemaking demonstrates a need exists for the rule or for its amendment or repeal. [HSC §40727(b)(1)]</p>	<p>It is necessary for the District to adopt the proposed amendments in order for the rule to be approved in the SIP.</p>
<p>Authority: The District must find that a provision of law or of a state or federal regulation permits or requires the District to adopt, amend, or repeal the rule. [HSC §40727(b)(2)]</p>	<p>The District is authorized to adopt rules and regulations by HSC §40001, 40702, 40919, and 42300.</p>
<p>Clarity: The District must find that the rule is written or displayed so that its meaning can be easily understood by the persons directly affected by it. [HSC §40727(b)(3)]</p>	<p>The District has reviewed the proposed amendments and determined that they can be easily understood by the affected industry. In addition, the record contains no evidence that the persons directly affected by the rule cannot understand the rule.</p>
<p>Consistency: The rule is in harmony with, and not in conflict with, or contradictory to, existing statutes, court decisions, or state or federal regulations. [HSC §40727(b)(4)]</p>	<p>The proposed rule does not conflict with and is not contradictory to existing statutes, court decisions, or state or federal regulations.</p>
<p>Non-Duplication: The District must find that either: 1) The rule does not impose the same requirements as an existing state or federal regulation; or 2) that the duplicative requirements are necessary or proper to execute the powers</p>	<p>The proposed rule does not impose requirements that duplicate existing laws or regulations.</p>

and duties granted to, and imposed upon the District. [HSC §40727(b)(5)]	
Reference: The district must refer to any statute, court decision, or other provision of law that the District implements, interprets, or makes specific by adopting, amending, or repealing the rule. [HSC §40727(b)(6)]	References to statutes are noted where applicable.

10.0 Rule Analysis:

Health and Safety Code section 40727.2 requires a written analysis comparing the proposed rules with existing federal regulations, state regulations, and any other AQMD existing or proposed rules and regulations that apply to the same source type.

Comparison of Proposed Rule 3.22 and Feather River AQMD Rules and Regulations

District Rules and Regulations	Does the proposed rule conflict with or contradict any provisions?
Regulation 1 – General Provisions	No
Regulation 2 – Open Burning	No
Regulation 3 – Prohibition – Stationary Emissions Sources	No
Regulation 4 – Stationary Emission Sources Permit System and Registration	No
Regulation 5 – Hearing Board Procedures	No
Regulation 6 – Variances	No
Regulation 7 – Fees	No
Regulation 8 – Penalties and Abatement	No
Regulation 9 – Enforcement Procedures	No
Regulation 10 – New Source Review	No
Regulation 11 – Air Toxic Control Measure	No

Comparison of Proposed Rules and other Federal and State Regulations

Federal Regulations for spark ignited (SI) engines fall under the Code of Federal Regulations (CFR), Title 40, Part 60, Subpart JJJJ. Stationary SI engines located at a major source of a HAP or area source of a HAP are subject to the rule. The emission limits for the federal requirements have been summarized in Tables 6 and 7 below. The NO_x emission limits for the proposed amendments to Rule 3.22 are more stringent than the federal regulations.

Table 6 NSPS emissions standards for SI stationary NG and lean burn LPG engines (25-100 hp)

BHP	Date of Manufacture	HC+NO _x (g/hp-hr)	CO (g/hp-hr)
25< bhp <100	July 2008	2.8	4.8

Table 7 NSPS emissions standards for NG and lean burn LPG engines > 100 hp

Engine Type	Bhp	Date of manufacture	NOx ppmvd @ 15% O2	CO ppmvd @ 15% O2	VOC ppmvd @ 15% O2
SI Natural Gas	100 ≤ hp < 500	July 2008	160	540	86
		January 2011	82	270	60
SI lean burn natural gas	500 ≤ hp < 1350	January 2011	160	540	86
		January 2011	82	270	60
SI natural gas	hp ≥ 500	July 2007	160	540	86
		July 2010	82	270	60

There are no state regulations for stationary SI natural gas engines. Stationary natural gas engines are the only category of engines subject to the Rule 3.22 amendments.

ATTACHMENT C
Proof of Publication

PROOF OF PUBLICATION

APPEAL-DEMOCRAT

1530 Ellis Lake Drive, Marysville, CA 95901 * (530) 749-4700

STATE OF CALIFORNIA * Counties of Yuba and Sutter

I am not a party to, nor interested in the above entitled matter. I am the principal clerk of the printer and publisher of THE APPEAL-DEMOCRAT, a newspaper of general circulation, printed and published in the City of Marysville, County of Yuba, to which Newspaper has been adjudged a newspaper of general circulation by The Superior Court of the County of Yuba, State of California under the date of November 9, 1951, No. 11481, and County of Sutter to which Newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Sutter, State of California under the date of May 17, 1999, Case No. CVPT99-0819. The Notice, of which the annexed is a copy, appeared in said newspaper on the following dates:

September 5, 2024

I declare under penalty of perjury that the foregoing is true and correct.

RECEIVED

September 5, 2024

[Handwritten Signature]

SEP 09 2024

Date

Signature

FEATHER RIVER AIR QUALITY MANAGEMENT DISTRICT

Feather River Air Quality Management District

Notice of Public Hearing

COPY:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Feather River Air Quality Management District ("District") will conduct a public hearing on **Monday, October 7, 2024, at 4:00 p.m.** The purpose of the hearing is to consider adoption of the proposed amendments to District Rule 3.22 – Stationary Internal Combustion Engines. The public hearing will be held at 541 Washington Avenue, Yuba City, CA.

The purpose of proposed amendments to Rule 3.22 is to address comments received by the US EPA on the last rule amendment made on August 3, 2020. Additionally, minor formatting and typographical errors were addressed.

The analysis for the proposed Rule(s), as required by California Health & Safety Code section 40727.2, a copy of the staff report(s), the proposed Rule(s), and all supporting documentation are available on the District website: www.fraqmd.org, or upon request from the District.

NOTICE IS FURTHER GIVEN that should the amendments be adopted for Rule 3.22 – Stationary Internal Combustion Engines they will be submitted to the California State Air Resources Board and the United States Environmental Protection Agency for inclusion into the State Implementation Plan. This notice, the public hearing, and the proposed amendments to Rule 3.22 are intended to satisfy the requirements of the Clean Air Act Sections 110, 172, 182, and Title 40 of the Code of Federal Regulation Part 51.

By this notice, the public is invited to comment on the proposed amendments. **Written comments can be mailed to: Christopher D. Brown AICP, APCO, 541 Washington Avenue, Yuba City, CA 95991, to emailed to: fracmd@fracmd.org Attn: Rule 3.22, and must be received no later than 5:00 p.m. on September 26, 2024.**

Comments may also be presented during the public hearing. For more information,^{Item 4}
please contact Robin Demma at (530) 634-7659 ext. 208.

September 5, 2024

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