INFRASTRUCTURE SIPS

Focus on Elements 110 (a)(2)(H)-(M)

September 18, 2025 - WESTAR ISIP Workgroup

AGENDA

01	Recap of Session 2
02	Introductions
03	ISIP Elements 110(a)(2)(H)-(M)
04	Open Discussion

RECAP – Session 2 Topics

- 110(a)(2)(D)(i) Prongs 1-4
- 110(a)(2)(D)(ii) Interstate Pollution Abatement, International Air Pollution
- 110(a)(2)(E) Adequate personnel, state boards, state responsibility for implementation
- 110(a)(2)(F) Stationary Source Monitoring, Reporting, Data Correlation & Availability
- 110(a)(2)(G) Emergency Powers and Contingency Plans
- Examples from Idaho, New Mexico, and Wyoming

INTRODUCTIONS

- State/Agency
- What organizations participate in the development of SIPs for your state?
- What strategies does your agency use to conduct public notification/outreach?

2012 PM2.5 NAAQS
SPECS for SIPS Public Dashboard

California

North Dakota

Oregon

110(a)(2)(H)

provide for revision of such plan –

(i) from time to time as may be necessary to take account of revisions of such national primary or secondary ambient air quality standard or the availability of improved or more expeditious methods of attaining such standard, and

(ii) except as provided in paragraph (3)(C), whenever the Administrator finds on the basis of information available to the Administrator that the plan is substantially inadequate to attain the national ambient air quality standard which it implements or to otherwise comply with any additional requirements established under this chapter.

- Statutory or regulatory provisions that provide agency with authority to revise Section 110 plan
- Citation/reference to authority provisions
- Narrative explanation

California Example

California has and will continue to submit revisions to its SIP, as mandated by U.S. EPA.

Discussion

H&SC Section 39602 designates ARB as the agency responsible for compliance with all purposes set forth in federal law. This includes responsibility for preparing and submitting SIP revisions in response to new or revised federal standards or improved methods for attaining those standards. It also includes responsibility for revising the SIP if U.S EPA finds the SIP inadequate for attaining the federal standards or inadequate with respect to meeting CAA requirements. ARB develops all SIP revisions in consultation with districts and other affected entities. In addition, all revisions are subject to public review and comment before being approved and submitted to U.S. EPA, as required by the CAA.

ARB is submitting this multi-pollutant Infrastructure SIP in compliance with federal law. In the future, ARB will continue to work with local districts to develop approvable SIPs as federal standards change or new standards are implemented, new attainment methods become available, or U.S. EPA determines an existing SIP is inadequate or does not meet revised CAA requirements. ARB maintains a collection of recent SIP documents on its website (http://www.arb.ca.gov/planning/sip/sip.htm).

110(a)(2)(I)

In the case of a plan or plan revision for an area designated as a nonattainment area, meet the applicable requirements of part D of this subchapter (relating to nonattainment areas).

Oregon Example

§110(a)(2)(I) Nonattainment requirements	*in the case of a plan or plan revision for an area designated as a nonattainment area, meet the applicable requirements of part D (relating to nonattainment areas);*	*Two elements identified in section 110(a)(2) include requirements that are not governed by the 3-year submission deadline of section 110(a)(1). The requirements pertain to part D, of title I of the CAA, which addresses plan requirements for nonattainment areas. Therefore, the following section 110(a)(2) elements are considered by EPA to be outside the scope of*
		infrastructure SIP actions and are not addressed in this SIP submittal: (1) section 110(a)(2)(C) to the extent it refers to permit programs (known as "nonattainment new source review") required under part D; and (2) section 110(a)(2)(I) in its entirety. EPA does not expect infrastructure SIP submittals to include regulations or emission limits developed specifically for attaining the relevant standard. Those submittals are due at the time the nonattainment area planning requirements are due (18 months following designation).

110(a)(2)(J)

Meet the applicable requirements of section 121 (relating to consultation), section 127 (relating to public notification), and part C (relating to prevention of significant deterioration of air quality and visibility protection)....

Consultation with identified officials

- Show there is an established process for consultation with local governments, designated organizations of elected local government officials, and FLMs
- Regulations, related agreements, or MOUs

Public Notification

- Show the air agency regularly notifies the public of NAAQS exceedances, advises the public of associated health hazards, and enhances public awareness of preventative measures, and opportunities to participate in efforts to improve air quality

PSD program

- Same requirements as Element C detailed in 110(a)(2)(C)

Visibility Protection

- Does not need to be addressed under this section
- Narrative may be helpful for public information and clarity (eg. EPA's interpretation of the CAA …)

North Dakota Example

Consultation

Consultation with government officials, public notification, and PSD and visibility protection: Section 110(a)(2)(J) of the CAA requires states to provide a process for consultation with local governments, designated organizations and federal land managers (FLMs) carrying out NAAQS implementation requirements pursuant to section 121 relative to consultation.

North Dakota has no transportation control plans, maintenance plans or nonattainment areas. Consultation with government agencies is addressed in Chapter 10 of the SIP. This Chapter of the SIP commits the Department to consultation with adjacent state, local government and other state agencies whenever a SIP revision is required.

Oregon Example

Consultation

Oregon Revised Statues:

ORS 183.335 Filing and taking effect of rules; filing of executive orders; copies; fees

ORS 468.020 Rules and Standards. Requires public hearing on any proposed rule or standard prior to adoption

ORS 468.035 (a, c, f-g) Functions of department

- -a. encourages voluntary cooperation with local govt. and others in restoring & preserving air quality
- -c. Shall advise, consult, and cooperate with state & federal agencies and political subdivisions in air quality control matters
- -f. Shall provide advisory technical consultation and services to local & state agencies

ORS 468A.010 (1) b & c Policy Facilitates cooperation between state and local government in air quality control

Oregon Administrative Rules:

OAR 340-209 Public Participation. Provides for notification to, and participation by, the public in certain permit actions.

Note: On April 15, 2015, the Oregon Environmental Quality Commission adopted revisions updating the PSD program in Oregon.

California Example - Consultation

Consultation with Government Officials, Public Notification, PSD, and Visibility Protection ***[CAA Section 110(a)(2)(J)]***

This section of the CAA requires states to meet requirements of the CAA relating to consultation and public notification and to implement PSD and visibility protection programs for established federal standards.

ARB and local districts comply with all federal regulatory requirements, including requirements for consultation, notification, comment, and adoption. Furthermore, ARB has information available on its website about ambient pollutant concentrations and the health impacts from exposure in the ambient air. As described earlier, in response to CAA Section 110(a)(2)(C), PSD requirements are addressed at the district level. Visibility issues are addressed in California's approved Regional Haze SIP.

Discussion

Consultation

CAA Section 121 requires states to provide a satisfactory process for consulting with general purpose local governments, designated organizations of elected local government officials, and any affected federal land manager in carrying out CAA requirements. H&SC Section 39602 designates ARB as the air pollution control agency for all purposes set forth in federal law. This authority extends to the preparation of the SIP and coordination of all district activities necessary to comply with the CAA. Consultation with local districts is a critical part of the SIP development process because districts provide local expertise and knowledge of local conditions. In addition, districts are, in part, responsible for enforcing SIP provisions. The districts are governed by Boards comprised primarily of elected officials, who also play a role in developing SIP provisions.

California's 35 districts come together under the California Air Pollution Control Officers Association (CAPCOA). CAPCOA promotes clean air and provides a forum for sharing knowledge, experience, and information among air quality regulatory agencies throughout the State. To help facilitate air quality progress, CAPCOA has organized a number of working groups that meet on an on-going basis to discuss air quality-related issues. To further coordinate air quality goals, CAPCOA meets regularly with State and federal air quality officials to develop statewide rules and to assure consistent application of rules and regulations. A list of California districts and the county or counties included in each one is provided in Table 15. Additional information about each district and the work CAPCOA facilitates is available through the CAPCOA website (http://www.capcoa.org/).

TABLE 15
California Districts and Jurisdictional Area

*District Name**	*County/Counties Included in Jurisdictional Area*
Amador County APCD	Amador County
Antelope Valley AQMD	Northeast Los Angeles County
Bay Area AQMD	Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara counties; west Solano County; south Sonoma County
Butte County AQMD	Butte County
Calaveras County APCD	Calaveras County
Colusa County APCD	Colusa County
El Dorado County AQMD	El Dorado County
Feather River AQMD	Sutter and Yuba counties
Glenn County APCD	Glenn County
Great Basin Unified APCD	Alpine, Mono, Inyo counties
Imperial County APCD	Imperial County
Eastern Kern APCD	East Kern County
Lake County AQMD	Lake County
Lassen County APCD	Lassen County
Mariposa County APCD	Mariposa County
Mendocino County AQMD	Mendocino County
Modoc County APCD	Modoc County
Mojave Desert AQMD	Northeast San Bernardino County; east Riverside County
Monterey Bay Unified APCD	Monterey, San Benito, Santa Cruz counties
North Coast Unified AQMD	Del Norte, Humboldt, Trinity counties
Northern Sierra AQMD	Nevada, Plumas, Sierra counties
Northern Sonoma APCD	North Sonoma County
Placer County APCD	Placer County
Sacramento Metro AQMD	Sacramento County
San Diego County APCD	San Diego County
San Joaquin Valley APCD	Fresno, Kings, Madera, Merced, San Joaquin, Stanislaus, Tulare counties; west Kern County
San Luis Obispo County APCD	San Luis Obispo County
Santa Barbara County APCD	Santa Barbara County
Shasta County AQMD	Shasta County
Siskiyou County APCD	Siskiyou County
South Coast AQMD	Orange County; southwest Los Angeles County; southwest San Bernardino County; central & west Riverside County
Tehama County APCD	Tehama County
Tuolumne County APCD	Tuolumne County
Ventura County APCD	Ventura County
Yolo-Solano AQMD	Yolo County; east Solano County

* *APCD = Air Pollution Control District; AQMD = Air Quality Management District.*

In addition to the districts, ARB has longstanding working relationships with a number of other local, State, and federal stakeholders in developing the SIP. A sampling of the stakeholders consulted during development of the 2007 California SIP revision and the 2009 Regional Haze SIP is shown in Table 16. Collaboration with these other stakeholders strengthens the SIP and ensures continued progress toward attainment of all federal standards.

TABLE 16
Sampling of Stakeholders Consulted During SIP Development Process

Stakeholder Group
California Metropolitan Planning Organizations*
California Bureau of Automotive Repair
California Department of Motor Vehicles
California Energy Commission
California Department of Transportation (CalTrans)
State Water Resources Control Board
Governor's Office of Planning and Research
Department of Forestry and Fire Protection
Federal Highway Administration
Federal Department of Energy
State of Nevada
Port of Los Angeles
Port of Long Beach
South Coast Air Quality Management Plan Advisory Group
San Joaquin Valley Citizens Advisory Committee
Central Valley Air Quality Coalition

* *A map of California Metropolitan Planning Organizations (MPOs) is shown in Figure 1.*

North Dakota Example

Public Notification

Section 110(a)(2)(J) of the CAA further requires states to notify the public if any NAAQS is exceeded in an area and to enhance public awareness of measures that can be taken to prevent exceedances. The North Dakota SIP, Section 6.9, commits the Department to notification of the public, on a regular basis, whenever an ambient air quality standard is exceeded. The public will be advised of the potential health effects, measures which can be taken to prevent future exceedances, and ways they can participate in the regulatory and other efforts to improve air quality. The authority for this notification is found in NDCC 23-25-06. In addition, NDAC 33-15-11-03.1 requires the Department to notify the public whenever an air pollution emergency has been determined to exist.

California Example

PSD

With respect to PSD requirements, a number of districts in California administer fully SIP-approved or partially delegated PSD programs that comply with federal requirements. PSD programs in the remaining districts are administered by U.S. EPA through a federal stationary source permitting program under enabling authority in 40 CFR 52.21. However, several of these districts are currently in the process of developing or seeking U.S. EPA approval of their PSD programs. The status of PSD programs in California districts is described in more detail in the previous section titled Programs for Enforcement, PSD, and NSR [CAA Section 110(a)(2)(C)].

North Dakota Example

Visibility Protection

The visibility element of this section is not addressed because EPA's interpretation of the CAA indicates it need not be addressed.

110(a)(2)(K)

provide for –

(i) the performance of such air quality modeling as the Administrator may prescribe for the purpose of predicting the effect on ambient air quality of any emissions of any air pollutant for which the Administrator has established a national ambient air quality standard, and

(ii) the submission, upon request, of data related to such air quality modeling to the Administrator.

- Statutory or regulatory provisions that provide agency with authority to conduct air quality modeling and provide results to EPA Administrator upon request
- Narrative explanation

California Example

***Air Quality Modeling/Data* [CAA Section 110(a)(2)(K)]**

> *This section of the CAA requires states to use air quality models to predict the effect of pollutant and precursor emissions on ambient concentrations and to submit the modeling data to U.S. EPA when requested.*

ARB is well versed in the use of air quality models to predict the impact of emissions on air quality. ARB conducts modeling in compliance with U.S. EPA guidance, and ARB works closely with districts that conduct their own modeling to ensure similar compliance. Modeling results are available on request.

Discussion

The CAA requires states to conduct air quality modeling. For example, under CAA Section 182(C)(2)(a), attainment demonstrations for ozone nonattainment areas classified as serious, severe, or extreme must be based on photochemical grid modeling or another analytical method the Administrator determines to be at least as effective. Under State law, ARB is the agency responsible for complying with all purposes set forth in federal law (H&SC Section 39602). Thus, ARB has the authority to conduct air quality modeling as required under the CAA.

To implement the modeling requirements, ARB has established an air quality modeling group which has extensive experience related to modeling both primary and secondary pollutants. ARB's modeling work complies with U.S. EPA guidance on the use of models. In addition, ARB consults with and works closely with districts and other stakeholders that conduct their own air quality modeling, to ensure their work also complies with federal requirements.

ARB's website includes links to air quality and other modeling software, as well as relevant guidance documents (http://www.arb.ca.gov/html/soft.htm#modeling). Links include both U.S. EPA-approved and State-approved models and documentation. In addition, ARB and districts document their SIP-related modeling protocols and make this information available as part of the SIP review process. Examples of this protocol documentation for ozone and $PM_{2.5}$ are available on the San Joaquin Valley APCD website.[9] The purpose of documenting these protocols is to detail and formalize the procedures for conducting the photochemical modeling used in developing the SIP and thereby increase public awareness and transparency. Comments generated through the public review process are considered in developing the final plan. As required under the CAA, modeling results are made available to U.S. EPA and other stakeholders on request.

North Dakota Example

Air quality modeling/data: Section 110(a)(2)(K) requires SIPs to provide for the performance of air quality modeling for predicting effects on air quality of emissions of any NAAQS pollutant and the submission of such data to EPA upon request.

Air quality modeling is addressed in Section 7.7 of the North Dakota SIP. This section commits the Department to performing air quality modeling to predict the impact of a source on air quality. The section also commits the Department to providing data to EPA on air quality modeling upon request.

Modeling for minor sources is addressed in NDAC 33-15-14-02.4 while modeling for major PSD sources is address in 40 CFR 52.21(k), (l), (m), (n) and (o) as incorporated into NDAC 33-15-15-01.2. Authority for requiring modeling is in NDCC 23-25-03 which states the Department shall:

NDCC 23-25-03-02 - Determine by scientifically oriented field studies and sampling the degree of air pollution in the state and the several parts thereof.

and

NDCC 23-25-03-12 - Provide by rules and procedures necessary and appropriate to develop, implement, and enforce any air pollution prevention and control program established by the Federal Clean Air Act, as amended, and the authorities and responsibilities of which are delegatable to the state by the United States Environmental Protection Agency. Such rules may include any and all enforceable ambient standards, emissions limitations, and other control measures, means, techniques, or economic incentives such as fees, marketable permits, and auctions of emissions rights as provided by the Act. The Department shall develop and implement such federal programs if the Department determines there is a benefit to the state.

110(a)(2)(L)

… require the owner or operator of each major stationary source to pay to the permitting authority, as a condition of any permit required under this chapter, a fee sufficient to cover –

(i) the reasonable costs of reviewing and acting upon any application for such a permit, and

(ii) if the owner or operator receives a permit for such source, the reasonable costs of implementing and enforcing the terms and conditions of any such permit (not including any court costs or other costs associated with any enforcement action), until such fee requirement is superseded with respect to such sources by the Administrator's approval of a fee program under subchapter V of this chapter.

- Statutory or regulatory provisions that provide the authority for agencies to collect permitting fees under the state's Title V permit program
- Consultation with Regional Office needed if program fees to not cover all costs

California Example

***Permitting Fees* [CAA Section 110(a)(2)(L)]**

> *This section of the CAA requires states to assess stationary source owners or operators fees to cover the cost of reviewing and acting on a permit application. If a permit is granted, states must also assess fees to cover the cost of implementing and enforcing the permit.*

Districts are responsible for issuing stationary source permits. Each district has rules requiring fees to cover the cost of processing, implementing, and enforcing permits.

Discussion

U.S. EPA's Infrastructure SIP Guidance indicates that if a state's Title V program fees cover all CAA permitting, implementation, and enforcement for new and modified major sources, as well as for existing major sources, the Title V program satisfies the requirements of CAA Section 110(a)(2)(L). As described in the previous section titled Programs for Enforcement, PSD, and NSR [CAA Section110(a)(2)(C)], responsibility for issuing stationary source permits in California rests with the districts, and each local district has adopted rules requiring an additional fee for facilities subject to Title V requirements. Furthermore, U.S. EPA has fully approved Title V programs for all 35 California districts (40 CFR 70, Appendix A).

California H&SC Section 42311 authorizes local districts to adopt a schedule of fees for the evaluation, issuance, and renewal of permits to cover the cost of district programs related to permitted stationary sources. The mechanism for assessing these fees begins when an applicant applies for an Authority to Construct. Each applicant is assessed a fee for the district to process the application. Additional fees are assessed for some applications that may be more complex. Districts also assess fees when the facility applies for a Permit to Operate. Fee schedules are specific to each individual district. Some districts base their fees on allowable emissions, while others base fees on the type and quantity of facility equipment. Districts also collect fees during the annual renewal of the permit and may impose fees for observing sources test, as applicable. Districts review their fees on a regular basis and determine if any fee increases are needed to cover the cost of running the permitting program.

A general overview of the Title V requirements is available on the ARB website (http://www.arb.ca.gov/fcaa/tv/tvinfo/overview.htm). ARB's website also provides information to help facility owners/operators navigate the permitting process.[10] In addition, ARB maintains various email notification lists that provide subscribers with current, on-going email notification about updates and changes to permit-related programs. Information about subscribing to these lists is also available on the ARB website (http://www.arb.ca.gov/permits/permits.htm).

Table 17 provides a summary of the district rules that implement the federal Title V requirements. The rules cited represent the district's primary implementation rule, and in some cases, there may be other district rules that are also relevant to the Title V process. The information in Table 17 is provided for information only, as Title V rules are not required to be part of an approved SIP.

TABLE 17
California District Title V Rules and Permit Fee Information

*District**	*District Implementing Rule*
Amador County APCD	Rule 500 (Issuing Permits to Operate for Title V Sources)
Antelope Valley AQMD	Regulation XXX (Title V Permits)
Bay Area Air AQMD	Rule 2-6 (Major Facility Review)
Butte County APCD	Rule 1101 (Title V – Federal Operating Permits)
Calaveras County APCD	Regulation X (Issuing Permits to Operate for Title V Sources)
Colusa County APCD	Rule 3.17 (Permits to Operate for Title V Sources)
Eastern Kern APCD	Rule 201.1 (Permits to Operate for Title V Sources)
El Dorado County APCD	Rule 522 (Title V - Federal Operating Permit Program)
Feather River AQMD	Rule 10.3 (Federal Operating Permits)
Glenn County APCD	Article VIII (Issuing Permits to Operate for Title V Sources)
Great Basin Unified APCD	Rule 217 (Issuing Permits to Operate for Title V Sources)
Imperial County APCD	Rule 900 (Issuing Permits to Operate for Title V Sources)
Lake County AQMD	Chapter XII (Issuing Permits to Title V Sources)
Lassen County APCD	Regulation VII (Permits to Operate for Title V Sources)
Mariposa County APCD	Regulation X (Issuing Permits to Operate for Title V Sources)
Mendocino County APCD	Regulation 5 (Issuing Permits to Operate for Title V Sources)
Modoc County APCD	Rule 2.13 (Issuing Permits to Operate for Title V Sources)
Mojave Desert AQMD	Regulation XII (Federal Operating Permits)
Monterey Bay Unified APCD	Rule 218 (Title V: Federal Operating Permits)
North Coast Unified AQMD	Regulation V (Issuing Permits to Operate for Title V Sources)
Northern Sierra AQMD	Rule 522 (Title V Federal Operating Permits)
Northern Sonoma County APCD	Regulation V (Issuing Permits to Operate for Title V Sources)
Placer County APCD	Rule 507 (Federal Operating Permit Program)
Sacramento Metro AQMD	Rule 207 (Title V – Federal Operating Permit Program)
San Diego County APCD	Regulation XIV (Title V Operating Permits)
San Joaquin Valley APCD	Rule 2520 (Federally Mandated Operating Permits)
San Luis Obispo County APCD	Rule 216 (Federal Part 70 Permits)
Santa Barbara County APCD	Regulation XIII (Part 70 Operating Permit Program)
Shasta County AQMD	Rule 5 (Issuing Permits to Operate for Title V Sources)
Siskiyou County APCD	Rule 2.13 (Issuing Permits to Operate for Title V Sources)
South Coast AQMD	Regulation XXX (Title V Permits)
Tehama County APCD	Regulation VII (Federal Operating Permit Program)
Tuolumne County APCD	Rule 500 (Issuing Permits to Operate for Title V Sources)
Ventura County APCD	Rule 33 (Part 70 Permits)
Yolo-Solano AQMD	Rule 3.8 (Federal Operating Permits)

* *APCD = Air Pollution Control District; AQMD = Air Quality Management District.*

North Dakota Example

Permitting fees: Section 110(a)(2)(L) requires SIPs to include a requirement for each major stationary source to pay permitting fees to cover the cost of reviewing, acting upon, implementing and enforcing a permit until such fee requirement is superseded by EPA approval of a fee program under Title V of the Clean Air Act.

NDAC 33-15-23, Fees, establishes fees for processing Permit to Construct applications, annual operating fees for minor sources and fees for major sources under the Title V Permit to Operate program. These fees are used for reviewing, approving, implementing and enforcing a permit. The authority for the fees is found in NDCC 23-25-04.2.

> *NDCC 23-25-04.2. Fees – Deposit in operating fund: The Department by rule or regulation may prescribe and provide for the payment and collection of reasonable fees for the issuance of permits or registration certificates. The permit or registration certificate fees for the issuance of the anticipated cost of filing and processing the application, of taking action on the requested permit or registration certificate, and conducting an inspection program to determine compliance or noncompliance with the permit or registration certificate. Any moneys collected for permit or registration fees must be deposited in the Department operating fund in the state treasury and must be spent subject to appropriation by the legislative assembly.*

The Department collects fees for reviewing permit applications, annual minor source Permit to Operate fees and Title V Permit to Operate fees. North Dakota's Title V Permit to Operate program received full approval from EPA effective August 16, 1999 (64 FR 32433).

110(a)(2)(M)

Provide for consultation and participation by local political subdivisions affected by the plan.

- Identification of policies or procedures that allow and promote for consultation
- Explanation of how information is used in SIP development
- Description of public process

California Example

***Consultation/Participation by Affected Local Entities* [CAA Section 110(a)(2)(M)]**

> *This section of the CAA requires states to consult with and allow local political subdivisions affected by the SIP to participate in the development process.*

ARB coordinates on a regular basis with the State's 35 local districts. State law requires ARB to conduct a public hearing and solicit input from affected agencies and the public when developing any SIP document.

Discussion

California is divided into 35 local districts, comprising county or regional local government authorities. These districts have responsibility for controlling stationary source emissions. H&SC Section 39602 designates ARB as the air pollution control agency for all purposes set forth in federal law. Furthermore, ARB is designated as the State agency responsible for preparing the SIP and, to this end, shall coordinate the activities with all districts necessary to comply with that act. The structure of California's local districts was described in the previous section titled Consultation with Government Officials, Public Notification, PSD, and Visibility Protection [CAA Section110(a)(2)(J)]. A map of district boundaries (http://www.arb.ca.gov/capcoa/dismap.htm), as well as links to local district webpages (http://www.arb.ca.gov/capcoa/roster.htm), is available on ARB's website.

ARB routinely consults and provides liaison with all districts and provides for frequent and regular communication and consultation with management and staff of these districts, particularly as it relates to SIP items. Because district boards are composed of local elected officials, this framework provides for regular consultation with and participation by local government entities (cities and counties) affected by the SIP. Furthermore, H&SC Section 41650, et seq., requires ARB to conduct a public hearing and to solicit testimony from districts, air quality planning agencies, and the public when adopting SIP-related documents. The districts have a similar process for soliciting participation and comment with respect to proposed regulatory actions. Additionally, the California Administrative Procedures Act, Government Code Section 11340, et seq., requires notification and provision for comment opportunities to all parties affected by proposed regulations. Similarly, H&SC Section 40725 requires districts to conduct public hearings when adopting, amending, or repealing any rule. ARB is committed to continuing the process of collaborating with local entities and officials in developing SIP elements, as well as soliciting public input to the process.

Oregon Example

Oregon Revised Statutes:

ORS 468 Environmental Quality Generally; Public Health and Safety; General Administration

ORS 468.020 Rules and Standards. Requires public hearing on any proposed rule or standard prior to adoption

ORS 468A Air Quality, Public Health and Safety, Air Pollution Control

ORS 468A.025 Air Purity Standards; Air Quality Standards; Treatment and Control of Emissions; Rules. Requires controls necessary to achieve ambient air quality standards and prevent significant impairment of visibility.

ORS 468.035 (a, c, f-g) Functions of department

- -a. encourages voluntary cooperation with local govt. and others in restoring & preserving AQ
- -c. Shall advise, consult, and cooperate with state & federal agencies and political subdivisions in AQ control matters
- -f. Shall provide advisory technical consultation and services to local & state agencies
- -g. Shall develop & conduct demonstration programs with local govt.

ORS 468A.010 (1) b & c Policy. Calls for joint responsibility for "a coordinated statewide program of air quality control and to allocate [responsibility] between the state and the units of local government."

ORS 468A.035 General Comprehensive Plan. Requires DEQ to develop a general comprehensive plan for the control or abatement of air pollution.

ORS 468A.040 Permits; Rules. Provides that the EQC may require permits for air contamination sources, type of air contaminant, or specific areas of the State.

ORS 468A.055 Notice Prior to Construction of New Sources; Order Authorizing or Prohibiting Construction; Effect of No Order; Appeal

ORS 468A.070 Measurement and Testing of Contamination Sources; Rules

ORS 468A.100-180 Regional Air Quality Control Authorities. Describes the establishment, role, and function of Regional Authorities.

Oregon Administrative Rules:

OAR 340-200 General Air Pollution Procedures and Definitions

- - 0010 Specifies that Lane Regional Air Protection Agency (LRAPA) has authority in Lane County.
- - 0020 defines a "Regional Agency".
- - 0040 describes inclusion of the regional agency's actions into the SIP.

OAR 340-204 Designation of Air Quality Areas. Includes Designation of Control Areas within Lane County.

OAR 340-216 Air Contaminant Discharge Permits. Relating to ACDP includes authorities for LRAPA and inclusion in the SIP.

Discussion

What's Next?