

EXHIBIT “B”

to

Declaration of Richard L. Martin, Jr. in Support of the Response of the North Coast Unified Air Quality Management District Requesting Summary Dismissal

PSD Appeal No. 08-08

**EPA’s Approval of the
North Coast Unified Air Quality Management District’s
PSD Program as Part of California’s State Implementation
Plan (“SIP”) as Set Forth in 40 CFR § 52.270(b)(2)**

2 Pages

[Code of Federal Regulations]
[Title 40, Volume 3]
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TITLE 40--PROTECTION OF ENVIRONMENT

CHAPTER I--ENVIRONMENTAL PROTECTION AGENCY (CONTINUED)

PART 52 APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS-- Table of Contents

Subpart F_California

Sec. 52.270 Significant deterioration of air quality.

(a) With the exception of the areas listed in paragraph (b) of this section:

(1) The requirements of Sec. ions 160 through 165 of the Clean Air Act are not met in California.

(2) The plan does not include approvable procedures for preventing the significant deterioration of air quality.

(3) The provisions of Sec. 52.21 except paragraph (a)(1) are hereby incorporated and made a part of the applicable State plan for the State of California.

(b) District PSD Plans. (1) The PSD rules for Sacramento County Air Pollution Control District are approved under Part C, Subpart 1, of the Clean Air Act. However, EPA is retaining authority to apply Sec. 52.21 in certain cases. The provisions of Sec. 52.21 except paragraph (a)(1) are therefore incorporated and made a part of the State plan for California for the Sacramento County Air Pollution Control District for:

(i) Those cogeneration and resource recovery projects which are major stationary sources or major modifications under Sec. 52.21 and which would cause violations of PSD increments.

(ii) Those projects which are major stationary sources or major modifications under Sec. 52.21 and which would either have stacks taller than 65 meters or would use ``dispersion techniques'' as defined in Sec. 51.1.

(iii) Sources for which EPA has issued permits under Sec. 52.21, including the following permit and any others for which applications are received by June 19, 1985.

Procter & Gamble, SAC 83-01, 5/6/83.

(2) The PSD rules for North Coast Unified Air Quality Management District are approved under Part C, Subpart 1, of the Clean Air Act. However, EPA is retaining authority to apply Sec. 52.21 in certain cases. The provisions of Sec. 52.21 except paragraph (a)(1) are therefore incorporated and made a part of the State plan for California for the North Coast Unified Air Quality Management District for:

(i) Those cogeneration and resource recovery projects which are major stationary sources or major modifications

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under Sec. 52.21 and which would cause violations of PSD increments.

(ii) Those projects which are major stationary sources of major modifications under Sec. 52.21 and which would either have stacks taller than 65 meters or would use ``dispersion techniques'' as defined

in Sec. 51.1.

(iii) Sources for which EPA has issued permits under Sec. 52.21, including the following permits and any others for which applications are received by July 31, 1985;

(A) Arcata Lumber Co. (NC 78-01; November 8, 1979),

(B) Northcoast Paving (NC 79-03; July 5, 1979),

(C) PG&E Buhne Pt. (NC 77-05).

(3) The PSD rules for Mendocino County Air Pollution Control District are approved under Part C, Subpart 1, of the Clean Air Act. However, EPA is retaining authority to apply Sec. 52.21 in certain cases. The provisions of Sec. 52.21 except paragraph (a)(1) are therefore incorporated and made a part of the State plan for California for the Mendocino County Air Pollution Control District for:

(i) Those cogeneration and resource recovery projects which are major stationary sources or major modifications under Sec. 52.21 and which would cause violations of PSD increments.

(ii) Those projects which are major stationary sources or major modifications under Sec. 52.21 and which would either have stacks taller than 65 meters or would use "dispersion techniques" as defined in Sec. 51.1.

(iii) Any sources for which EPA has issued permits under Sec. 52.21, including any permits for which applications are received by July 31, 1985.

(4) The PSD rules for Northern Sonoma County Air Pollution Control District are approved under Part C, Subpart 1, of the Clean Air Act. However, EPA is retaining authority to apply Sec. 52.21 in certain cases. The provisions of Sec. 52.21 except paragraph (a)(1) are therefore incorporated and made a part of the State plan for California for the Northern Sonoma County Air Pollution Control District for:

(i) Those cogeneration and resource recovery projects which are major stationary sources or major modifications under Sec. 52.21 and which would cause violations of PSD increments.

(ii) Those projects which are major stationary sources or major modifications under Sec. 52.21 and which would either have stacks taller than 65 meters or would use "dispersion techniques" as defined in Sec. 51.1.

(iii) Any sources for which EPA has issued permits under Sec. 52.21, including any permits for which applications are received by July 31, 1985.

[50 FR 25419, June 19, 1985, as amended at 50 FR 30943, July 31, 1985; 68 FR 11322, Mar. 10, 2003; 68 FR 74488, Dec. 24, 2003]