

State of California
AIR RESOURCES BOARD

Notice of Public Availability of Modified Text

PUBLIC HEARING TO CONSIDER THE REVISION OF
EMISSION CONTROL REQUIREMENTS TO MITIGATE THE IMPACT OF
TRANSPORTED POLLUTANTS ON OZONE CONCENTRATIONS IN DOWNWIND AREAS

Public Hearing Date: March 11, 1993
Public Availability Date: April 5, 1993
Deadline for Public Comment: April 20, 1993

At a public hearing held March 11, 1993, the Air Resources Board (the "Board") considered amendments to section 70600, Title 17, California Code of Regulations ("CCR"). These amendments, which change the transport mitigation requirements, were proposed in response to the permitting relief provided in recent California Clean Air Act amendments (AB 2783, Sher; Chapter 945, Statutes of 1992). The proposed regulatory action is described in detail in the Staff Report, released January 22, 1993.

At the hearing, the Board approved amendments to section 70600, Title 17, CCR, with modifications to the originally proposed regulatory language. The original proposal would have increased the emissions threshold at which stationary sources would be included in a no net increase permitting program, from zero to a uniform threshold of 10 tons per year. The Board modified that proposal by deleting the permitting requirement from the regulation. As a result, air districts in the affected areas must adopt and implement permitting programs which meet the requirements set forth in sections 40918, 40919, 40920, & 40920.5 of the Health & Safety Code.

These changes will allow districts which are contributors of transported air pollutants to exempt facilities from the no net increase requirement if emissions fall below the specified stationary source thresholds. These thresholds (applicable to reactive organic gases and oxides of nitrogen) are based on a district's classification as shown below.

<u>Area</u>	<u>Classification</u>	<u>H&SC Section</u>	<u>Threshold (Tons per Year)</u>
Broader Sacramento	Serious	40919	15
San Francisco Bay Area	Serious	40919	15
San Joaquin Valley	Severe	40920	10
South Central Coast			
Ventura County	Severe	40920	10
Santa Barbara	Moderate	40918	25
South Coast Air Basin	Extreme	40920.5	0

Attached is a copy of the proposed text of the regulation containing the approved regulatory language, with additions to the originally proposed text shown by italics and deletions shown by slashes.

Proposed text will also be available for public inspection at the Board's Public Information Office, 2020 L Street, Sacramento, California 95814, (916) 322-2990.

In accordance with section 11346.8 of the Government Code, the Board ~~directed the Executive Officer to adopt section 70600, Title 17, CCR, as~~ approved, after making the modified regulatory language available to the public for comment for a period of at least 15 days, provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make such modifications as may be appropriate in light of the comments received, and shall present the regulation to the Board for further consideration if he determines that this is warranted.

Written comments must be submitted to the Board Secretary, Air Resources Board, P.O. Box 2815, Sacramento, California 95812, no later than April 13, 1993, for consideration by the Executive Officer prior to final action. Only comments relating to the modifications and information described in this notice will be considered by the Executive Officer.

Attachment

ATTACHMENT

**PROPOSED TEXT OF REGULATIONS
FOR MITIGATING THE IMPACT OF UPWIND EMISSIONS
ON DOWNWIND OZONE CONCENTRATIONS.**

Amend Subchapter 1.5. Air Basins and Air Quality Standards, of Chapter 1, Title 17, California Code of Regulations, sections 70600 and 70601, as follows:

ARTICLE 6. TRANSPORT MITIGATION

70600. Emission Control Requirements

Districts within the areas of origin of transported air pollutants, as identified in section 70500(c), shall include sufficient emission control measures in their attainment plans for ozone adopted pursuant to Chapter 10 of the Health and Safety Code, Part 3, Division 26, beginning with section 40910, to mitigate the impact of pollution sources within their jurisdictions on ozone concentrations in downwind areas. At a minimum, the attainment plans for districts within the air basins or areas specified below shall conform to the following requirements:

1-(a) Broader Sacramento Area (as defined in section 70500(b)(3)) shall:

(a1) require the adoption and implementation of best available retrofit control technology, as defined in Health and Safety code section 40406, on all existing stationary sources of ozone precursor emissions as expeditiously as practicable. At a minimum, the plan shall provide for the adoption of rules that represent best available retrofit control technology for source categories that collectively amount to 75 percent of the 1987 actual reactive hydrocarbon emission inventory for permitted stationary sources, and 75 percent of the 1987 actual nitrogen oxides emissions inventory for permitted stationary sources, no later than January 1, 1994.

(b2) provide for a permitting program designed to achieve no net increase in emissions of ozone precursors from all new or modified permitted stationary sources that have the potential to emit 10 tons per year or more of either oxides of nitrogen or reactive organic gases. Such program shall be adopted and implemented no later than July 1, 1991.

(c2) include measures sufficient to attain the state ambient air quality standard for ozone by the earliest practicable date within the Upper Sacramento Valley, except as provided in Health and Safety Code section 41503(d), during air pollution episodes which the state board has determined meet the following conditions:

- (1A) are likely to produce a violation of the state ozone standard in the Upper Sacramento Valley;
- (2B) are dominated by overwhelming pollutant transport from the Broader Sacramento Area; and
- (3C) are not measurably affected by emissions of ozone precursors from sources located within the Upper Sacramento Valley.

2-(b) San Francisco Bay Area Air Basin shall:

- (a1) require the adoption and implementation of best available retrofit control technology, as defined in Health and Safety Code section 40406, on all existing stationary sources of ozone precursor emissions as expeditiously as practicable. At a minimum, the plan shall provide for the adoption of rules that represent best available retrofit control technology for source categories that collectively amount to 75 percent of the 1987 actual reactive hydrocarbon emissions inventory for permitted stationary sources, and 75 percent of the 1987 actual nitrogen oxides emissions inventory for permitted stationary sources, no later than January 1, 1994.

~~(b2) provide for a permitting program designed to achieve no net increase in emissions of ozone precursors from all new or modified permitted stationary sources that have the potential to emit 10 tons per year or more of either oxides of nitrogen or reactive organic gases. Such program shall be adopted and implemented no later than July 1, 1991.~~

- (e32) include measures sufficient to attain the state ambient air quality standard for ozone by the earliest practicable date within the North Central Coast Air Basin, except as provided in Health and Safety Code section 41503(d), during air pollution episodes which the state board has determined meet the following conditions:

- (1A) are likely to produce a violation of the state ozone standard in the North Central Coast Air Basin;
- (2B) are dominated by overwhelming pollutant transport from the San Francisco Bay Area Air Basin; and
- (3C) are not measurably affected by emissions of ozone precursors from sources located within the North Central Coast Air Basin.

3-(c) San Joaquin Valley Air Basin shall:

- (a1) require the adoption and implementation of best available retrofit control technology, as defined in Health and Safety Code

section 40406, on all existing stationary sources of ozone precursor emissions as expeditiously as practicable. At a minimum, the plan shall provide for the adoption of rules that represent best available retrofit control technology for source categories that collectively amount to 75 percent of the 1987 actual reactive hydrocarbon emissions inventory for permitted stationary sources, and 75 percent of the 1987 actual nitrogen oxides emissions inventory for permitted stationary sources, no later than January 1, 1994.

(b2) ~~provide for a permitting program designed to achieve no net increase in emissions of ozone precursors from all new or modified permitted stationary sources that have the potential to emit 10 tons per year or more of either oxides of nitrogen or reactive organic gases.~~ Such program shall be adopted and implemented no later than July 1, 1991.

(c2) include measures sufficient to attain the state ambient air quality standard for ozone by the earliest practicable date within the Southeast Desert Air Basin and the Great Basin Valleys, except as provided in Health and Safety Code section 41503(d), during air pollution episodes which the state board has determined meet the following conditions:

(1A) are likely to produce a violation of the state ozone standard in the Southeast Desert Air Basin or the Great Basin Valley;

(2B) are dominated by transported pollutants from the San Joaquin Valley Air Basin; and

(3C) are not measurably affected by emissions of ozone precursors from sources located within the Southeast Desert Air Basin or the Great Basin Valleys, as applicable.

4-(d) South Central Coast Air Basin south of the Santa Barbara-San Luis Obispo County border shall, for sources located in that portion of the Basin:

(a1) require the adoption and implementation of best available retrofit control technology, as defined in Health and Safety Code section 40406, on all existing stationary sources of ozone precursor emissions as expeditiously as practicable. At a minimum, the plan shall provide for the adoption of rules that represent best available retrofit control technology for source categories that collectively amount to 75 percent of the 1987 actual reactive hydrocarbon emissions inventory for permitted stationary sources, and 75 percent of the 1987 actual nitrogen oxides emissions inventory for permitted stationary sources no later than January 1, 1994.

- (b2) provide for a permitting program designed to achieve no net increase in emissions of ozone precursors from all new or modified permitted stationary sources that have the potential to emit 10 tons per year or more of either oxides of nitrogen or reactive organic gases. Such program shall be adopted and implemented no later than July 1, 1991.

5-(e) South Coast Air Basin shall:

- (a1) require the adoption and implementation of best available retrofit control technology, as defined in Health and Safety Code section 40406, on all existing stationary sources of ozone precursor emissions as expeditiously as practicable. At a minimum, the plan shall provide for the adoption of rules that represent best available retrofit control technology for source categories that collectively amount to 75 percent of the 1987 actual reactive hydrocarbon emissions inventory for permitted stationary sources, and 75 percent of the 1987 actual nitrogen oxides emissions inventory for permitted stationary sources, no later than January 1, 1994.

- (b2) provide for a permitting program designed to achieve no net increase in emissions of ozone precursors from all new or modified permitted stationary sources. Such program shall be adopted and implemented no later than July 1, 1991.

- (e2) include measures sufficient to attain the state ambient air quality for ozone by the earliest practicable date within the portions of the South Central Coast Air Basin south of the Santa Barbara-San Luis Obispo County border, the San Diego Air Basin, and the Southeast Desert Air Basin, except as provided in Health and Safety Code section 41503(d), during air pollution episodes which the state board has determined meet the following conditions:

- (1A) are likely to produce a violation of the state ozone standard in the South Central Coast Air Basin south of the Santa Barbara-San Luis Obispo County border, or in the San Diego Air Basin, or in the Southeast Desert Air Basin;
- (2B) are dominated by transported pollutants from the South Coast Air Basin; and
- (3C) are not measurably affected by emissions of ozone precursors from sources located within the South Central Coast Air Basin south of the Santa Barbara-San Luis Obispo County border, or the San Diego Air Basin, or the Southeast Desert Air Basin, as applicable.

NOTE: AUTHORITY CITED: SECTIONS 39601, 39610(b), HEALTH AND SAFETY CODE.
REFERENCES CITED: SECTIONS 39610, 40911(b), 40912, 40913, 40921 AND 41503, HEALTH AND SAFETY CODE.

70601. Procedure For Limiting the Application of Best Available Retrofit Control Technology

A district may exclude one or more sources from the requirement to apply best available retrofit control technology as transport mitigation pursuant to section 70600 provided that the district plan prepared pursuant to Part 3, Chapter 10 (commencing with section 40910) of Division 26 of the Health and Safety Code and approved by the Board pursuant to Part 4, Chapter 1 (commencing with section 41500) of Division 26 of the Health and Safety Code demonstrates that:

- (a) emissions from the source, because of its location, do not contribute to ozone violations in any downwind area; or
- (b) emissions reductions from the source are not needed to attain the ozone standard in any downwind area; or
- (c) the district is implementing an alternative emission reduction strategy pursuant to section 40914 of the Health and Safety Code and that strategy will be at least as effective and as expeditious as the transport mitigation requirements specified in section 70600.

**NOTE: AUTHORITY CITED: SECTIONS 39601, 39610(b), HEALTH AND SAFETY CODE.
REFERENCES CITED: SECTIONS 39610, 40911(b), 40912, 40913, 40921 AND 41503, HEALTH AND SAFETY CODE.**

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On April 5, 1993, the Air Resources Board issued a Notice of Public Availability of Modified Text related to its transport mitigation regulations. The cover page of the notice (i.e., page 1) correctly stated that the deadline for public comment is April 20, 1993. However, on page 2 of the notice, the final paragraph incorrectly stated that written comments on these proposed changes would be accepted through April 13, 1993, for consideration by the Executive Officer prior to final action.

The reference on page 2 of the notice should have stated that written comments on these proposed changes will be accepted through April 20, 1993, for consideration by the Executive Officer prior to final action.