

State of California
AIR RESOURCES BOARD

Executive Order G-822

WHEREAS, on March 11, 1993, the Air Resources Board ("the Board") conducted a public hearing to consider amendments to regulations regarding the revision of emission control requirements to mitigate the impact of transported pollutants on ozone concentrations in downwind areas;

WHEREAS, following the public hearing, the Board adopted Resolution 93-19, in which the Board approved amendments to sections 70600 and 70601, Title 17, California Code of Regulations, as set forth in Attachment A thereto;

WHEREAS, Resolution 93-19 directed the Executive Officer to adopt the regulations, after making them available to the public for a period of 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 regulations to the Board for further consideration if he determines that this is warranted";

WHEREAS, the approved regulations were available for public comment for a period of 15 days in accordance with the provisions of Title 1, California Code of Regulations, section 44, with the changes to the originally proposed text clearly indicated;

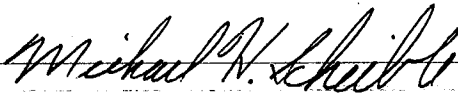
WHEREAS, a subsequent 15-day comment period was provided after it was brought to the Executive Officer's attention that one interested party did not have an opportunity to respond to the initial 15-day notice due to an incorrect mailing label; and

WHEREAS, the written comments received during the 15-day comment periods have been considered by the Executive Officer and do not require modification nor reconsideration by the Board of the approved regulations.

NOW, THEREFORE, IT IS ORDERED that the recitals and findings contained in Resolution 93-19 are incorporated herein.

IT IS FURTHER ORDERED that sections 70600 and 70601, Title 17, California Code of Regulations, are amended as set forth in Attachment 1.

Executed this 13 day of September, 1993, at Sacramento, California.


for James D. Boyd
Executive Officer

Attachment

FINAL REGULATION ORDER

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(c)) 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.
 - (b) 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 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.
- (b) 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 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.

- (b) 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 standard for ozone by the earliest practicable date within the Southeast Desert Air Basin and 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 Valleys;
 - (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.
- (b) 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.

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.
- ~~(b)~~ 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.