

UPDATED INFORMATIVE DIGEST

ADOPTION OF A REGULATION FOR STATE IMPLEMENTATION PLAN CREDIT FROM MOBILE AGRICULTURAL EQUIPMENT

Section Affected: Adoption of new section 2428, title 13, California Code of Regulations.

Background:

Diesel-powered mobile agricultural equipment emits oxides of nitrogen (NO_x), a precursor to ozone formation. Medical studies of large populations have found that ozone exposure is associated with an increase in hospital admissions and emergency room visits, particularly for lung problems such as asthma and chronic obstructive pulmonary disease. Federal clean air laws require areas with unhealthy levels of ozone, inhalable particulate matter, carbon monoxide, nitrogen dioxide, and sulfur dioxide to develop plans, known as State Implementation Plans (SIP). SIPs are comprehensive plans that describe how an area will attain National Ambient Air Quality Standards by the applicable deadlines.

This proposed regulation, *State Implementation Plan Credit from Mobile Agricultural Equipment*, meets the Air Resources Board's (ARB or Board) commitment in the 2007 Ozone SIP for a mobile agricultural equipment regulation by providing an administrative mechanism to ensure that incentive funded projects (regardless of funding source) implemented using Carl Moyer Program Guidelines are surplus, quantifiable, enforceable, and permanent, and result in emission reductions that are eligible for SIP credit. The San Joaquin Valley Air Pollution Control District (SJVAPCD), at United States Environmental Protection Agency's (U.S. EPA) request, developed Rule 9610 "*SIP Credit for Emission Reductions Generated through Incentive Programs*" (Rule 9610). ARB worked closely with SJVAPCD and U.S. EPA during the development of Rule 9610, which was adopted by SJVAPCD's governing board June 20, 2013. Rule 9610 provides administrative requirements on local, state, and federal voluntary incentive programs in the San Joaquin Valley to ensure that emission reductions that result from these voluntary incentive programs will be eligible to receive SIP credit. Rule 9610 ensures the emission reductions meet U.S. EPA's "integrity elements", i.e., they are surplus, quantifiable, enforceable, and permanent.

This regulation will complement the SJVAPCD's Rule 9610, and ensure that emission reductions achieved through incentive programs are eligible for SIP credit when quantified and included in a SIP amendment adopted by ARB and approved by U.S. EPA in accordance with the requirements of the Clean Air Act. The incentive funded projects implemented by SJVAPCD using Carl Moyer Program Guidelines per this proposed regulation result in SIP creditable emission reductions that help meet the 2007 Ozone SIP goal of 5 to 10 tons per day of NO_x reductions by 2017.

Description of Regulatory Action:

The proposed regulation provides an administrative mechanism to ensure that incentive funded projects implemented by SJVAPCD using Carl Moyer Program Guidelines result in emission reductions that are eligible for SIP credit. The proposed regulation requires that, to become eligible to receive SIP credit, mobile agricultural equipment incentive projects must be implemented using Carl Moyer Program Guidelines. Using Carl Moyer Program Guidelines ensures that projects and the resulting emission benefits are surplus, quantifiable, enforceable, and permanent. Consistent with the Carl Moyer Program Guidelines, SJVAPCD and other air districts will be required to ensure accountability by monitoring and reviewing the programs and projects; ensure that projects remain within the area and properly report actual usage; enforce projects if contract terms are not met; and maintain project records and make those records available for public review upon request. This proposed regulation also allows an opt-in for any other air district in California that complies with the requirements of the proposed regulation.

The Board's Action:

At its October 25, 2013, public hearing, the Board adopted Resolution 13-42, which approved the adoption of this regulation. At the hearing, the staff presented and the Board approved modifications to the regulation originally proposed in the Staff Report released on September 4, 2013, in response to comments received since the Staff Report was published. The Board directed staff to make the modified text available for a supplemental public comment period of at least 15 days.

Fifteen-Day Changes:

Text of the modifications to the originally proposed regulation was made available for a supplemental 15-day comment period by issuance of a "Notice of Public Availability of Modified Text." This notice and a copy of the Resolution 13-42 were released on May 14, 2014.

These modifications include specifying the Carl Moyer Program chapters and appendices that apply to the regulation, and specifying that air districts that opt-in to the regulation must submit their local rule to U.S. EPA for approval in addition to ARB. In addition, staff included clarifying modifications to capitalize the 'g' in Guidelines and to delete the word 'proposed' in referring to the regulation. In addition, we clarified that ARB and U.S. EPA's approval of a district's local rule is to ensure compliance with the regulation. The resolution and other regulatory documents for this rulemaking are available online at the following ARB website:

<http://www.arb.ca.gov/regact/2013/sipmobileag2013/sipmobileag2013.htm>

COMPARABLE FEDERAL REGULATIONS

There are no federal regulations comparable to the regulation.