

CAPCOA'S Perspective on Recent Key PM Legislation in California

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Recent Key PM Legislation

- SB 700 (Florez): Agriculture and Air Quality
- SB 656 (Sher): Reduce Public Exposure to Particulate Matter



SB 700

- Focus on Agricultural Emissions:
 - California law previously exempted ag from permit requirements, and California faced federal sanctions;
 - Ag emissions reductions needed for attainment purposes in certain areas.



SB 700 Has Six Main Elements

- Defines “agricultural source” in state law;
- Removes ag restriction for air permits;
- Establishes specific permitting requirements and exemptions for ag sources;
- Requires ag emission control requirements in PM10 non-attainment areas;
- Requires permits and mitigations for “large” confined animal facilities; and
- Requires CAPCOA to establish clearinghouse.



Defining “Ag Source”

- Source used for production of crops, raising of fowl or animals under common ownership meeting any of the following:
 - Confined animal facility (CAF)
 - Has internal combustion engines
 - Subject to Title V of Federal CAA
 - Potential to Emit
 - Point (not fugitive dust sources)



Removing the Permit Exemption

- California Health and Safety Code:
 - Removed broad exemption under Section 42310
 - Created exemption guidelines under 42301.16 (e.g., findings that source does not contribute to violations of state/federal standards)



Specific Permitting & Exemption Requirements

- Sources subject to federal permitting
 - Title V
 - Title I – NSR
- Sources > 50% federal NSR threshold
 - Based on actual emissions
 - Permits required unless local Board makes certain findings
 - Prohibitory rules may still apply



Specific Permitting & Exemption Requirements (cont'd)

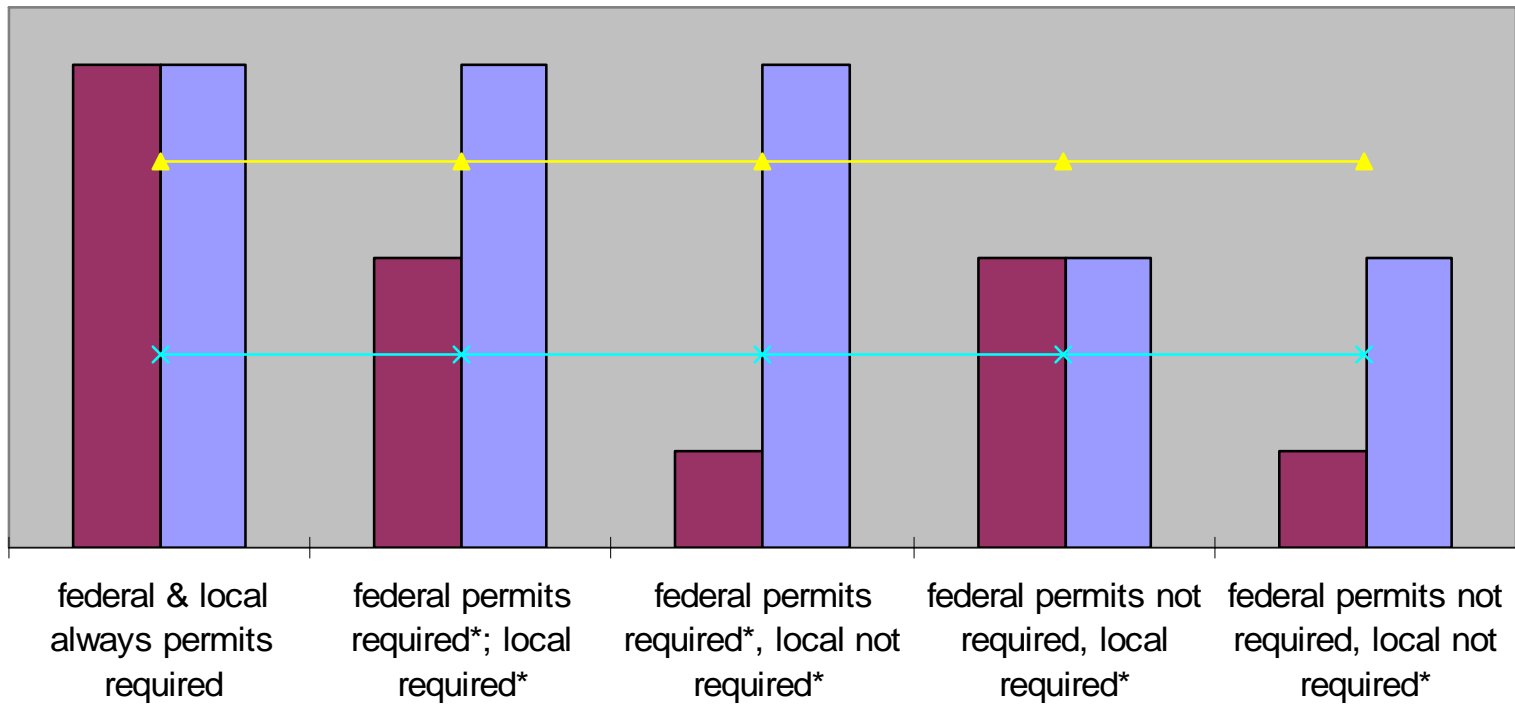
- Sources < 50% federal NSR threshold
 - Based on actual emissions
 - Permits NOT required unless local Board makes certain findings
 - Prohibitory rules may still apply
- Other exemptions
 - De minimis (<1 ton per year)
 - Sources that implement all listed mitigations



Permitting Summary

Permit Requirements under SB 700

Actual Emissions Potential to Emit Major Source Threshold 50% Threshold



Emission Control Requirements in Federal PM10 Nonattainment Areas

- Serious areas
 - Must implement BACM and BARCT by January 1, 2006
- Moderate areas
 - Must implement measures by Jan 1, 2007 unless findings that sources do not contribute significantly to violations of state/federal standards



“Large” CAF’s

- Must be defined by CARB by July 1, 2005
- Districts by July 1, 2006 must have rules to:
 - Require application for permit within 6 months
 - Require emissions mitigation plan for RACT and BARCT in mdt/ser and sev/extr ozone non-attainment areas, respectively
- Districts must assess impacts of rules
- Conditions for rules in ozone attainment areas.



Mitigation Clearinghouse

- CAPCOA has responsibility to develop
- Serve as a source of information
- Non-regulatory; non-binding process
- Available to districts
 - South Coast to host website
- Must be ready by January 1, 2005



CAPCOA Efforts

- Work to develop guidelines to districts
- Promote uniform implementation process
- Briefings to agriculture and environmental communities
- Commitment to outreach to districts requesting informational assistance
- Committees/consultant working on clearinghouse information



SB 656

- Purpose:

To make progress toward the attainment of both federal and state particulate matter (both PM10 and PM2.5) ambient air quality standards.



SB 656 Requirements

- January 1, 2005:
 - CARB must develop and adopt list of measures for reducing PM
- July 31, 2005:
 - CARB and districts must adopt implementation schedules for appropriate measures



Requirements (cont'd)

- January 1, 2009:
 - CARB must prepare a report describing actions taken
- January 1, 2011:
 - Legislation sunsets unless renewed



CARB List Preparation

- Based on most readily available, feasible, cost-effective measures in place as of January 1, 2004
- Two Lists:
 - CARB measures
 - District measures
- Measures for both directly emitted and precursor emissions



CARB List Categories

- Diesel-fueled engines and vehicles
- Smoke management program
- Non-diesel mobile sources
- Non-diesel fuels
- Consumer products
- Vapor recovery
- Distributed generation



District List Categories

- Residential wood combustion
- Non-ag open burning
- Fugitive Dust
- Stationary and area sources
 - Combustion
 - Product manufacturing
 - Coating operations
 - Leaks and storage



District List Categories (cont'd)

- Fleet rules
- Incentive programs

(CARB screening efforts based on level of stringency)



District Use of Lists

- Must select appropriate subset of measures
 - Base selection on nature and severity of PM problem
 - Consider cost-effectiveness and feasibility as applicable to each air district
 - Harmonize with ongoing regulatory efforts





Let's Reduce PM !!!

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