

FINAL REGULATION ORDER

OZONE TRANSPORT MITIGATION REGULATIONS

Note: The preexisting regulation text is set forth below in normal type. The amendments are shown in underline to indicate additions and ~~strikeout~~ to indicate deletions.

Amend title 17, California Code of Regulations, sections 70600 and 70601 to read as follows.

ARTICLE 6. Transport Mitigation

70600. Emission Control Requirements

(a) Definitions

For the purpose of sections 70600 and 70601, the following definitions shall apply:

- (1) "all feasible measures" means air pollution control measures, including but not limited to emissions standards and limitations, applicable to all air pollution source categories under a district's authority that are based on the maximum degree of reductions achievable for emissions of ozone precursors, taking into account technological, social, environmental, energy and economic factors, including cost-effectiveness.
- (2) "ozone precursors" means oxides of nitrogen and reactive organic gases.

(b) Specific 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 part 3, Chapter 10 (commencing with section 40910) of division 26 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 commensurate with the level of contribution. An upwind district shall comply with the transport mitigation planning and implementation requirements set forth in this section regardless of its attainment status, unless the upwind district complies with the requirements of section 70601. At a minimum, the attainment/transport mitigation plans for districts within the air basins or areas specified below shall conform to the following requirements:-:

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

- (A) require the adoption and implementation of all feasible measures as expeditiously as practicable.
- ~~(1)~~(B) 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.~~
- (C) require the implementation, by December 31, 2004, of a stationary source permitting program designed to achieve no net increase in the emissions of ozone precursors from new or modified stationary sources that emit or have the potential to emit 10 tons or greater per year of an ozone precursor.
- ~~(2)~~(D) include measures sufficient to attain the state ambient air quality standard for ozone by the earliest practicable date within the Upper Sacramento Valley and that portion of the Mountain Counties Air Basin north of the Calaveras-Tuolumne County border and south of the Sierra-Plumas County border, 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:
 - ~~(A)~~(i) are likely to produce a violation of the state ozone standard in the Upper Sacramento Valley or that portion of the Mountain Counties Air Basin north of the Calaveras-Tuolumne County border and south of the Sierra-Plumas County border; and
 - ~~(B)~~(ii) are dominated by overwhelming pollutant transport from the Broader Sacramento Area; and
 - ~~(C)~~(iii) are not measurably affected by emissions of ozone precursors from sources located within the Upper Sacramento Valley or that portion of the Mountain

Counties Air Basin north of the Calaveras-Tuolumne County border and south of the Sierra-Plumas County border.

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

- (A) require the adoption and implementation of all feasible measures as expeditiously as practicable.
- ~~(1)~~(B) 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.~~
- (C) require the implementation, by December 31, 2004, of a stationary source permitting program designed to achieve no net increase in the emissions of ozone precursors from new or modified stationary sources that emit or have the potential to emit 10 tons or greater per year of an ozone precursor.
- ~~(2)~~(D) 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, that portion of Solano County within the Broader Sacramento Area, that portion of Sonoma County within the North Coast Air Basin, and that portion of Stanislaus County west of Highway 33, except as provided in the Health and Safety Code section 41503(d), during air pollution episodes which the state board has determined meet the following conditions:
 - ~~(A)~~(i) are likely to produce a violation of the state ozone standard in the North Central Coast Air Basin, or that portion of Solano County within the Broader Sacramento Area, or that portion of Sonoma County within the North Coast Air Basin, or that portion of Stanislaus County west of Highway 33;
 - ~~(B)~~(ii) are dominated by overwhelming pollutant transport from the San Francisco Bay Area Air Basin; and

~~(C)~~(iii) are not measurably affected by emissions of ozone precursors from sources located within the North Central Coast Air Basin, or that portion of Solano County within the Broader Sacramento Area, or that portion of Sonoma County within the North Coast Air Basin, or that portion of Stanislaus County west of Highway 33.

~~(e)~~(3) San Joaquin Valley Air Basin shall:

(A) require the adoption and implementation of all feasible measures as expeditiously as practicable.

~~(1)~~(B) 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.~~

~~(2)~~(C) include measures sufficient to attain the state ambient air quality standard for ozone by the earliest practicable date within the Mojave Desert Air Basin, the Great Basin Valleys Air Basin, and that portion of the Mountain Counties Air Basin south of the Amador-El Dorado County border, 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:

(A)(i) are likely to produce a violation of the state ozone standard in the Mojave Desert Air Basin, or the Great Basin Valleys Air Basin, or that portion of the Mountain Counties Air Basin south of the Amador-El Dorado County border; and

(B)(ii) are dominated by overwhelming pollutant transport from the San Joaquin Valley Air Basin; and

~~(C)~~(iii) are not measurably affected by emissions of ozone precursors from sources located within the Mojave

Desert Air Basin or the Great Basin Valleys Air Basin, or that portion of the Mountain Counties Air Basin south of the Amador-El Dorado County border.

~~(d)~~(4) 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:

(A) require the adoption and implementation of all feasible measures as expeditiously as practicable.

~~(1)~~(B) 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.~~

~~(e)~~(5) South Coast Air Basin shall:

(A) require the adoption and implementation of all feasible measures as expeditiously as practicable.

~~(1)~~(B) 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.~~

~~(2)~~(C) include measures sufficient to attain the state ambient air quality standard for ozone by the earliest practicable date within the South Central Coast Air Basin south of the Santa Barbara-San Luis Obispo County border, the San Diego Air Basin, the Mojave Desert Air Basin, and the Salton Sea 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:

~~(A)~~(i) 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 Mojave Desert Air Basin, or in the Salton Sea Air Basin;

~~(B)~~(ii) are dominated by overwhelming pollutant transport from the South Coast Air Basin; and

~~(C)~~(iii) 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 Mojave Desert Air Basin, or the Salton Sea Air Basin.

(c) Implementation

(1) Prior to revising its attainment/transport mitigation plan pursuant to section 40925 of the Health and Safety Code, each district subject to the requirements set forth in section 70600(b) shall, in consultation with the downwind districts, review the list of control measures in its most recently approved attainment plan and make a finding as to whether the list of control measures meets the requirements of section 70600(b). The district shall include the finding in its proposed triennial plan revision.

(2) If the ARB determines that a district's plan does not satisfy the requirements of section 40912 of the Health and Safety Code and this regulation, the Board and the district shall follow the procedures specified in section 41503.2 of the Health and Safety Code for addressing plan deficiencies.

Note: Authority cited: Sections 39600, 39601 and 39610(b), Health and Safety Code. References: Sections 39610, 40912, 40913, 40921, 40924, 40925, and 41503, Health and Safety Code.

70601. Procedure for Limiting the Application of All Feasible Measures and Best Available Retrofit Control Technology.

A district may exclude one or more sources from the requirement to apply all feasible measures, best available retrofit control technology, or both, 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 emissions reduction strategy pursuant to section 40914 of the Health and Safety Code and demonstrates, based on the best available scientific evidence, including but not limited to air quality modeling analyses, that the strategy will be at least as effective and as expeditious as the transport mitigation requirements specified in section 70600; or
- (d) the most recent transport assessment demonstrates that the district's transport impact is inconsequential.

Note: Authority cited: Sections 39600, 39601, 39610(b), Health and Safety Code. References cited: Sections 39610, 40912, 40913, 40921, 40924, 40925, and 41503, Health and Safety Code.