

State of California
AIR RESOURCES BOARD

Resolution 90-28

April 13, 1990

Agenda Item No.: 90-4-1

WHEREAS, Health and Safety Code Section 39606(b) directs the Air Resources Board (ARB or Board) to "adopt standards of ambient air quality for each air basin in consideration of the public health, safety, and welfare" and whereas the Board has adopted such standards as set forth in Section 70200 of Title 17, California Code of Regulations;

WHEREAS, Health and Safety Code Sections 39600, 39605, and 40916 authorize the Board to act as necessary to execute the powers and duties granted to and imposed upon the Board and to assist local and regional air pollution control and air quality management districts (districts) in their efforts to attain the state ambient air quality standards;

WHEREAS, Health and Safety Code Sections 40911 and 40913 require districts which have not attained the state ambient air quality standards for ozone, carbon monoxide, sulfur dioxide, or nitrogen dioxide to prepare and submit a plan for attaining and maintaining such standards by the earliest practicable date to the state board no later than June 30, 1991;

WHEREAS, the California Clean Air Act, in Sections 40918, 40919, and 40920 of the Health and Safety Code, requires:

areas with moderate air pollution to include in such plans, to the extent necessary to meet the planning requirements of the Act, reasonably available control technology (RACT) for all existing sources, among other specified measures; and

areas with serious and severe air pollution to include in such plans, to the extent necessary to meet the planning requirements of the Act, a requirement for the application of best available retrofit control technology (BARCT), as defined in Section 40406, to existing stationary sources, among other specified measures;

WHEREAS, Health and Safety Code Sections 41500 and 41503(a) require the ARB to review each district's attainment plan to determine whether the attainment date specified therein represents the earliest practicable date and whether the measures contained in the plan are sufficient to achieve and maintain the state ambient air quality standards;

WHEREAS, the California Clean Air Act, in Section 41503(b) of the Health and Safety Code, states that the Board shall determine whether the combination of measures in all the plans of every district in the air basin is sufficient to achieve and maintain the state ambient air quality standards throughout the basin and shall require control measures for the same emission sources to be uniform throughout the air basin to the maximum

extent feasible, unless a district demonstrates to the satisfaction of the Board that adoption of the measure within its jurisdiction is not necessary to achieve or maintain the state ambient air quality standards;

WHEREAS, the Health and Safety Code, in Section 40406 defines best available retrofit control technology (BARCT) as "an emission limitation based on the maximum degree of reduction achievable, taking into account environmental, energy, and economic impacts by each class or category," and does not define RACT;

WHEREAS, the ARB staff developed the RACT and BARCT guidance for use by the districts in developing their plans to attain and maintain state ambient air quality standards and held a public workshop to obtain comments on the guidance;

WHEREAS, the Board recognizes that the review policies set forth in this document are inherently flexible and subject to refinement by the Executive Officer as more is learned about RACT and BARCT determinations and their application to specific source categories in specific districts and circumstances;

WHEREAS, the Board finds that the development of RACT and BARCT determinations is critical to the attainment planning process and for attaining the state ambient air quality standards by the earliest practicable date;

WHEREAS, the Board finds that the definitions proposed by the staff for RACT and BARCT, the factors which will be considered in determining RACT and BARCT, and the process for determining RACT and BARCT for specific categories of stationary sources meet the requirements of the California Clean Air Act and represent necessary and useful guidance to the districts in preparing their attainment plans; and

WHEREAS, the Board finds that the continuing cooperation and assistance of those industries affected by these determinations and of the districts and the public is desirable in order to ensure the uniformity and effectiveness of the RACT/BARCT determinations and their application to stationary sources.

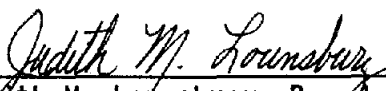
NOW, THEREFORE, BE IT RESOLVED that the Board approves the document titled California Clean Air Act Guidance for the Determination of Reasonably Available Control Technology and Best Available Retrofit Control Technology, dated March 1990, and directs the Executive Officer to begin the process of determining RACT and BARCT for existing sources, in cooperation with local and regional air pollution control and air quality management districts, the Environmental Protection Agency and with affected industries and the public.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to forward the guidance document and forthcoming RACT and BARCT determinations to the districts for consideration in preparing their 1991 air quality plans and to notify the districts the ARB consider the determinations based on

this guidance as a starting point in reviewing district plans and regulations pertaining to existing stationary sources.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to provide assistance to any district requesting assistance in interpreting the RACT and BARCT requirements of the California Clean Air Act, the guidance document, or the evolving review policies of the ARB.

I hereby certify that the above is a true and correct copy of Resolution 90-28, as adopted by the Air Resources Board.



Judith M. Lounsbury, Board Secretary