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# **SOUTH CENTRAL COAST BASINWIDE AIR POLLUTION CONTROL COUNCIL**

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## **TECHNICAL ADVISORY COMMITTEE**

Michael Villegas, APCO  
Ventura County APCD

Terence E. Dressler, APCO  
Santa Barbara County APCD

Larry R. Allen, APCO  
San Luis Obispo County APCD

## **COUNCIL MEMBERS**

Brian Brennan, Chair  
Council Member, City of Ventura

Edward Easton, Vice Chair  
Council Member, City of Goleta

Karen Bright  
Council Member, City of Grover Beach

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## **MEETING MINUTES**

July 21, 2010

### **Present**

Council Members: Brian Brennan, Ventura County  
Edward Easton, Santa Barbara County

Staff: Mike Villegas, Ventura County  
Terry Dressler, Santa Barbara County  
Aeron Arlin Genet, San Luis Obispo County

### **1. Approval of Minutes of February 17, 2010**

Received and filed.

### **2. Election of Chair and Vice-Chair**

Chair: Brian Brennan  
Vice Chair: Edward Easton

### **3. EPA's PSD and Title V GHG Tailoring Rule - Villegas**

The Tailoring rule is EPA's Regulation that will start the Districts in Greenhouse Gas (GHG) permitting. This is called a Tailoring Rule because permitting thresholds are being tailored in the Prevention of Significant Deterioration (PSD) and Title V programs. Title V is the federal permitting program for major facilities.

EPA's Regulation tailors thresholds so the number of Title V facilities that are subject to permit, can be handled in a manageable manner and makes practical sense. GHGs include carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride. Thresholds are set in TPY of CO<sub>2</sub> equivalent (CO<sub>2e</sub>).

The Clean Air Act was designed to deal with the pollutants that cause physical harm. Major source thresholds are set in the 100-250 TPY range. There are currently 15,000 Title V permits nationwide. Without the tailoring rule, there would be millions nationwide. On May 13, 2010, EPA issued the final rule, implementing a phase in:

- Phase 1 – January 2, 2011 - June 30, 2011 – No new permitting actions solely based on GHG emissions. Facilities with current Title V permits applying for new permits, or renewing or revising their permits will be required to include GHG emissions. Sources already subject to PSD will be required to include GHGs in their permits if they increase their emissions of GHGs by at least 75,000 tons of CO<sub>2e</sub> per year. On a nationwide basis, this will cover about 65% of the GHG emissions from stationary sources.
- Phase 2 – July 1, 2011 - June 30, 2013 – GHG sources not yet subject to Title V regulations with a potential to emit more than 100,000 TPY CO<sub>2e</sub> will have to apply for a permit by 7/1/12. A new source of 100,000 TPY CO<sub>2e</sub> or an increase of 75,000 TPY CO<sub>2e</sub> will be subject to PSD. On a nationwide basis, this will cover about 70% of the GHG emissions from stationary sources.
- Phase 3 – July 1, 2012 – EPA will promulgate a new rule for smaller sources, but it will not apply to sources less than 50,000 TPY CO<sub>2e</sub>.

District engineering managers are looking into how to develop local rule amendments to implement this EPA regulation. In addition, definitions in the Title V permitting rule will need to be changed. By August 2, 2010, districts need to send a letter to EPA Region 9 letting them know how rules will need to be revised in order to implement the Tailoring Rule, as well as the time required to do so.

One of the controversies that might come out of this new rule is, until now all of the reporting of GHGs has only been to the Air Resources Board (ARB). With this new rule, emissions reporting will be provided to both the ARB as well as the local districts. Possible conflicts with two sets of data could occur.

There is currently litigation on the Tailoring rule. Certain industrial associations have filed suit opposing the rule, and environmental organizations have filed suit sighting that the thresholds should have been lower.

#### **4. Upcoming Federal Ozone Standard - Dressler**

Ozone is one of the major pollutants of concern. There are currently about 320 counties nationwide that do not currently comply with the Federal Ozone Standard. The Clean Air Act requires that the EPA periodically review and reconsider the health standards to determine if they are sufficient to protect public health. In 2008, a new ozone standard of 0.075 ppm was issued for an 8-hour averaging period.

Research has been conducted by a technical advisory committee consisting of scientists and medical professionals to determine at what level the ozone actually causes harm. This group gave the EPA a range of 0.060-0.070 ppm. At these standards, 515 counties nationwide would be in violation of a 0.070 ppm limit, and 650 counties would be in violation of a 0.060 ppm limit.

In order to determine whether or not a district will be in compliance, the "design value" must be factored. The design value of the ppm limit is determined by the 4<sup>th</sup> highest 8-hour value at a particular monitor in the most recent year.

With the new standard, EPA will be contributing by passing laws on interstate commerce type of mobile sources (such as trains, ships, etc.). Local districts not meeting the new attainment level will need to submit a State Implementation Plan (SIP). The SIP will describe what the district is planning to do in order to come into compliance. The SIP must be submitted to the districts' Board of Directors for approval, after which it will be submitted to the EPA for final acceptance. Once the SIP has been accepted, it must be implemented by the district by creating new rules. Rules will be developed along with community input, then taken to the Board of Directors for adoption.

New Source Review Rules – Special rules that regulate how new sources are permitted. Sources that exceed certain thresholds have to put on best available control technology before being allowed to operate. If they exceed other thresholds, they are required to provide offsets; which are mitigating emission reductions from some other source. The offset program will create a net air quality benefit, that way new sources can come into the district as long as those sources can find some place to reduce air pollution.

Conformity – before any federal monies can be spent on any projects in any non-attainment area, they have to make a determination that the project will conform to the Clean Air Plan and the SIP.

EPA will be issuing this decision and promulgate the standard in August, 2010. Also in August will be a new monitoring rule. The current population requirement per monitoring station will be reduced, in effect creating a need for up to an additional 270 new monitoring stations nationwide.

## **5. CAPCOA's GHG Mitigation Quantification effort – Genet**

The (GHG Mitigation Measure Quantification project) is a follow up to the two documents CAPCOA has already released over the years. First being *CEQA and Climate Change*, which outlined how to address GHGs for the CEQA process. Second was *Guidance on Developing Your General Plan at the Local Government Agency Level*. To date, three air districts have adopted recommendations for GHG significance thresholds (Bay Area, San Joaquin, and South Coast) to be used in the CEQA review process. Once you have a significance threshold with a specific value, it becomes even more important to quantify the effectiveness of mitigation measures to ensure projects reduce emissions below the threshold. This is the driver for the document (*Quantifying Greenhouse Gas Mitigation Measures: A Resource for Local Government to Assess Emission Reductions from Greenhouse Gas Mitigation Measures*) CAPCOA has been working on, in collaboration with Northeast States for Coordinated Air Use Management (NESCAUM).

Through the development of this report, Environ and Fehr and Peers were hired to provide technical assistance in the development of a resource for local governments that quantify mitigation measures in regards to energy, transportation, water, landscape, vegetation, solid waste, construction, and miscellaneous. The goal of this document is to support local governments and provide a unified approach to evaluate the mitigation measures that are used in projects primarily subject to CEQA review. The draft document will be going to the CAPCOA Board July 22 or 23, 2010 for approval. It is then scheduled to be publicly released at the CAPCOA Climate Change Forum in August, 2010.

The document (*Quantifying Greenhouse Gas Mitigation Measures: A Resource for Local Government to Assess Emission Reductions from Greenhouse Gas Mitigation Measures*) is a voluminous report of Fact Sheets that include descriptions of the measure, assumptions and limitations in the quantification, a baseline methodology, and the quantification of the measure itself. CAPCOA's long-term goal is to meld this information into the user-friendly air quality land use model that assesses ozone precursors, particulate matter and GHG emissions.

The use of "URBEMIS" modeling tool has been a standard used in California in quantifying air quality impacts from proposed development. Unfortunately the developer of the code, which was funded by public funds, has laid claim to the modeling tool and it is currently held up in court. This means the tool cannot be updated to include GHG emissions. South Coast AQMD has hired Environ to help develop a new Land Use tool so we can have a new user-friendly application. Once the new model is developed, it's CAPCOA's intention to incorporate the GHG quantification information discussed above.

## **6. DPR's new methyl bromide regulations – Villegas**

Methyl bromide (MeBr) is a toxic, reactive organic compound as well as an ozone depletor that is used to fumigate soil. In 2000 the Department of Pesticide Regulations (DPR) adopted a regulation trying to reduce short term exposure

hazard. In 2004, a lawsuit was brought against them alleging that they did not work with the office of Environmental Health Hazard Assessment in developing the regulations. DPR is now working with the office of Environmental Health Hazard Assessment to develop a new regulation. A limit of 171,000 lbs/calendar month of MeBr will be set per township (36 sq miles). This will bring the ambient concentration of MeBr in an 8-hour period down from 9 ppm to 5 ppm. County Ag Commissioners will be prohibited from allowing smaller buffer zones than are included in the regulations. Looking at our three districts, we should all comply under the 171,000 lbs/calendar month cap per 36 square mile township. Also in this regulation is a 12% reduction in the maximum work hours for the workers performing the fumigation. Buffer zones for schools have become larger. MeBr can only be applied while school is not in session.

To further reduce emissions, some Ventura County farmers are using thicker, "virtually impenetrable", tarps, which keep more MeBr in the soil and out of the air. These tarps can also be recycled. In addition, MeBr breaks down in the soil, further reducing the airborne emissions.

Alternative fumigation methods are available, but are not as effective. MeBr is expected to be around until at least 2014.

## **7. SLOAPCD Memorandum of Agreement with State Parks to mitigate OHV fugitive dust – Genet**

Phase 2 of the South County Particulate Matter (PM) Study was brought to the SLOAPCD Board and received and filed in March 2010. In May, options were brought to the Board for the next steps. One option was a Memorandum of Agreement (MOA) with State Parks and SLO County. The second option was to modify the fugitive dust rule that is being developed, in order to include the state vehicle recreation area. At the May meeting, the Board directed SLOAPCD to do both simultaneously.

Since the May meeting, SLOAPCD has been able to work with the state and county to develop an MOA. The MOA will be brought to the Board in the July, 2010 meeting. A difficulty in developing an agreement with the state parks is they have in their mission to provide off-road vehicle activity and acquire, develop and operate where possible. In addition, State Parks also does not want to recognize that the particulate matter coming from the park is significant to the ambient PM that the APCD monitors throughout the Mesa or Oceano. There is also an outstanding issue of how the mitigation measure efforts will be funded.

The MOA must be approved by State Parks, SLO County and SLOAPCD Board. Once this happens, two committees will be put together within a two-week period in order to develop a scope of work and particulate matter reduction plan; a Technical Advisory Committee, and a Management Oversight Committee.

Additional evaluation of mitigation measures for the Oceano Dunes State Park is needed. Vegetation, as well as a natural crust created by moisture and salt usually

serves as cover that reduces PM. With all the vehicle usage, vegetation is unable to grow and the crust does not have an opportunity to build up. The result is an increase in PM.

Within the plan will be pilot projects that can be done on an expedited schedule so the public can see things are progressing. Also in the plan will be; evaluating the criteria, long term cost, timeline and who will be funding the project. Another thing to consider is nuisance issues generated from complaints of people living near the park. On the other hand, the city of Pismo Beach is concerned with a reduction in profit associated with loss of tourism that may result in this rule.

Daily Air Quality Index (AQI) forecasting is currently being done to help assess daily PM levels, and posted to SLOAPCD's website. Outreach efforts are underway to inform individuals how to stay updated on air quality conditions and what actions should be taken to reduce exposure to high levels of PM.

## **8. Other Business/Next Meeting Date**

October 20, 2010