State of California
AIR RESOURCES BOARD

Resolution 80-62

October 22, 1980

WHEREAS, Health and Safety Code Section 40451 authorizes the Air Resources Board (the "Board") to review any action or refusal to take action by the South Coast Air Quality Management District upon appropriate petition by an aggrieved party, and further authorizes the Board to find such action or refusal to act by the District consistent or inconsistent with the purposes of Division 26 of the Health and Safety Code;

WHEREAS, Health and Safety Code Section 40451 provides that if the action of the District was inconsistent with the purposes of Division 26 of the Health and Safety Code, the Board may direct the District to take appropriate remedial action, or may take such action itself, or may refer the matter to any other state agency having jurisdiction, or may take any combination of these actions, and further provides that in taking such action, the Board is vested with all the powers of the District board;

WHEREAS, the Board on May 24, 1978, in Resolution 78-30, adopted an ambient air quality standard of 0.01 parts per million averaged over 24 hours for vinyl chloride, and made a finding that any ambient concentration of vinyl chloride in excess of that amount constitutes an endangerment to the public health (Title 17, California Administrative Code Section 70200.5);

WHEREAS, the South Coast Air Quality Management District ("SCAQMD") has adopted Rule 1005.1 to control vinyl chloride emissions and to achieve and maintain the ambient air quality standard for vinyl chloride set by the Board;

WHEREAS, the B.F. Goodrich Company, a company producing vinyl chloride and operating a plant within the jurisdiction of the SCAQMD, has petitioned the Board to review District Rule 1005.1, and to repeal that Rule or cause the District to repeal it;

WHEREAS, the Executive Officer of the District has adopted an enforcement protocol listing conditions under which it will issue notices of violation;

WHEREAS, the staff of the SCAQMD has stated its intention to work with B.F. Goodrich in implementation of the rule;

WHEREAS, the Board has held a public hearing to consider Rule 1005.1 and B.F. Goodrich's petition in accordance with law;

WHEREAS, the Board finds:

1. Rule 1005.1 is a reasonable measure to insure attainment and maintenance of the state ambient air quality standard for vinyl chloride;

2. Compliance with requirements of the rule is technologically feasible;

3. The provisions of the rule, particularly in light of the enforcement protocol adopted by the Executive Officer of the SCAQMD, are sufficiently definite to afford affected parties requisite notice of what conduct is proscribed and what conduct is permitted under the rule;

4. The rule is within the statutory authority of the SCAQMD;

5. The rule was adopted in accordance with all applicable procedural requirements.

WHEREAS, the Board finds Rule 1005.1 to be fully consistent with the purposes and requirements of Division 26 of the Health and Safety Code.

NOW, THEREFORE, BE IT RESOLVED, that the Board denies the petition of the B.F. Goodrich Company that it repeal, or cause the District to repeal, Rule 1005.1; and

BE IT FURTHER RESOLVED, that the SCAQMD is encouraged to give to B.F. Goodrich any guidance Goodrich may request in its efforts to comply with the provisions of Rule 1005.1.

I certify that the above is
a true and correct copy of
Resolution 80-62, as adopted
by the Air Resources Board

Sally Rump

Sally Rump, Board Secretary