State of California
AIR RESOURCES BOARD

Resolution 90-47

July 12, 1990

Agenda Item No.: 90-9-2

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 40910, 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, Sections 42300 and 42301 of the Health and Safety Code authorize districts to establish permit systems which ensure that any article, machine, equipment, or contrivance which may cause the issuance of air contaminants will comply with all rules, regulations and orders of the district and the ARB and will not interfere with the attainment or maintenance of any applicable ambient air quality standards;

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, a permitting program designed to achieve no net increase in emissions of nonattainment pollutants or their precursors from new or modified stationary sources which emit or have the potential to emit 25 tons per year or more of nonattainment pollutants or their precursors;
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> 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 permitting program designed to achieve no net increase in emissions of nonattainment pollutants or their precursors from all permitted new or modified stationary sources;

WHEREAS, the ARB staff has developed permitting program guidance for new and modified stationary sources for use by the districts in developing their

plans to achieve no net increase in emissions and to attain and maintain state ambient air quality standards, and has held a public workshop to obtain comments on the guidance;

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

WHEREAS, it is the Board's judgment that the district permitting rules should require Best Available Control Technology for all new and modified stationary sources, that a number of options should be available for mitigating emissions increases, that mitigation not provided individually by project proponents should be provided by the district, that mitigation should meet current offset criteria, that districts should be encouraged to adopt an emission reduction banking rule and require all emission reductions for use as offset credits be deposited into the bank, that the modified permitting rules be adopted by July 1, 1991, that the attainment plans mitigate emissions growth from projects permitted after the 1987 baseline but before the effective date of the modified permitting rules, and that implementation of an effective tracking system is necessary to satisfy CCAA requirements.

NOW, THEREFORE, BE IT RESOLVED that the Board approves the document titled California Clean Air Act Permitting Program Guidance for New and Modified Stationary Sources in Nonattainment Areas, dated July 1990.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to forward the guidance document to the districts for consideration in preparing their 1991 air quality plans and amending their permitting rules and to notify the districts that the ARB will consider this guidance as a starting point in reviewing district plans and regulations pertaining to new and modified sources.

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

BE IT FURTHER RESOLVED that the staff continue to work with the New Source Review Task Force of the California Air Pollution Control Officers Association on the calculation procedures, banking requirements and the development of mitigation options set forth in this guidance document.

I hereby certify that the above is a true and correct copy of Resolution 90-47, as adopted by the Air Resources Board.

Judith M. Lounsbury

Judith M. Lounsbury, Board Secretary