Winston H. Hickox
Agency Secretary

Air Resources Board

Alan C. Lloyd, Ph.D.
Chairman
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Gray Davis
Governor

November 5, 2003

Mr. Wayne Nastri, Administrator
United States Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, California 94105

Dear Mr. Nastri:

The purpose of this letter is to submit a revision to the Title V operating permit program on behalf of the State of California and California's 35 air pollution control and air quality management districts (Districts). The Air Resources Board, under section 39602 of the California Health and Safety Code, is designated as the State air pollution control agency for all purposes set forth in federal law.

On May 22, 2002, the United States Environmental Protection Agency (U.S. EPA) published a Notice of Deficiency in the Federal Register (67 FR 35990) finding that the State's agricultural permitting exemption, set forth in section 42310 (e) of the Health and Safety Code, restricted the Districts' ability to adequately administer and enforce their Title V programs for major agricultural stationary sources. That notice indicated statewide sanctions (pursuant to section 179 of the federal Clean Air Act) would be imposed on November 23, 2003 if the exemption was not removed from the State law.

The Legislature enacted, and on September 22, 2003, Governor Davis signed SB 700 (Florez; Stats. 2003, Ch. 479) that removes the permit exemption contained in Health and Safety Code section 42310.

On October 8, 2003, U.S. EPA published a notice in the Federal Register (68 FR 58055) proposing to approve the revision of 34 of the 35 Districts' Title V programs in California because the Districts will have the authority on January 1, 2004 to issue Title V permits to major agricultural stationary sources. (The Antelope Valley Air Quality Management District's Title V program is on a separate timeframe for correction of its deficiencies; consequently, a separate proposal to grant full approval of Antelope Valley's Title V program will be published after the approval for the other 34 districts.)

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Website: http://www.arb.ca.gov.

California Environmental Protection Agency

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The U.S. EPA indicated that final approval is contingent upon receipt of a legal opinion from the California Attorney General that confirms the Districts' authority to issue Title V permits to major agricultural sources in accordance with Section 502 (d) of the Clean Air Act. An opinion from Attorney General Bill Lockyer, along with SB 700 is enclosed.

We believe that the submittal of chaptered legislation and the Attorney General's opinion resolves California's Title V program deficiency. We now request that U.S. EPA fully approve the Districts' Title V programs, and take all appropriate steps to return the responsibility for issuing Title V operating permits to major agricultural sources to the Districts. This action will also stop the sanctions scheduled to go into effect on November 23, 2003. We look forward to working with you and the Districts on the implementation of this remaining aspect of the Title V program in California. If you have any questions about this matter, please contact me at (916) 445-4383.

Sincerely,

Catherine Witherspoon
Executive Officer

Enclosures

cc: See next page.