

**APPENDIX G**

**Clean Air Act Requirements**

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## **G.1 Federal Clean Air Act – Plan Requirements**

The reclassification of the San Joaquin Valley Air Basin (SJVAB) to extreme requires the submittal of an Extreme Ozone Attainment Demonstration Plan (OADP). Under the Federal Clean Air Act (CAA) extreme area plans are required to meet all the requirements for severe area plans plus the requirements for extreme areas, including but not limited to: (1) A 10 ton per year major source definition; (2) Additional reasonably available control technology (RACT) rules for sources subject to the new lower major source cutoff; (3) A new source review offset requirement of at least 1.5 to 1; (4) A rate of progress demonstration of emission reductions of ozone precursors of at least 3 percent per year from 2005 until the attainment date; (5) Clean fuels for boilers as required for at CAA section 182(e)(3); and contingency measures. In addition, the plan must address the general nonattainment plan requirements in CAA section 172(c). The Extreme OADP for the SJVAB must also contain adopted regulations and may also contain enforceable commitments to the extent consistent EPA guidance, sufficient to make the required rate of progress and to attain the 1-hour ozone national ambient air quality standards (NAAQS) as expeditiously as practicable, but no later than November 15, 2010.

For the Extreme Ozone Attainment Demonstration Plan (OADP) these requirements are listed and very briefly described in Tables G-1 and G-2, as well as where the elements can be found in the plan.

## **G.2 California Clean Air Act Requirements**

The California Clean Air Act was signed into law in 1988 and, for the first time, clearly spelled out in statute California's air quality goals, planning mechanisms, regulatory strategies, and standards of progress. The California Clean Air Act provides the State with a comprehensive framework for air quality planning regulation.

Section 40910 of the California Health and Safety Code (CH&SC) requires air pollution control districts in the state to achieve and maintain state ambient air quality standards for ozone, carbon monoxide, sulfur dioxide and nitrogen dioxide at the earliest practicable date. Section 40911 of the CH&SC requires all districts designated as nonattainment for the state standards for ozone, carbon monoxide, sulfur dioxide, or nitrogen dioxide to prepare and submit a plan for attaining and maintaining the standards to the California Air Resources Board (ARB). Section 40924 (b) of the CH&SC requires districts to prepare a report every three years summarizing progress in meeting the schedules for developing, adopting, and implementing the air pollution control measures contained in each district's plan for attaining the California air quality standards. Section 40925(a) of the CH&SC requires districts to review and revise their

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original *1991 Air Quality Attainment Plan (AQAP)* to correct for deficiencies in meeting the interim measures of progress incorporated into the plan pursuant Section 40914 [emission reductions], and to incorporate new data or projections into the Plan. This requirement, termed a Triennial AQAP Revision, is on the same reporting schedule as the Triennial Progress Report, and is usually combined with the progress report.

Chapter 8 of the *Extreme OADP* represents the third Triennial Progress Report and Plan Revision for the District; as such, it covers the period 2000-2002, and its original due date was December 31, 2003. However, for Districts preparing State Implementation Plan (SIP) submittals in 2004, ARB revised the due date to be the time of the 2004 SIP submittal. Table G-3 briefly describes the various elements required in State Plans and their location in the Extreme OADP.

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**Table G-1: General Nonattainment Plan Requirements**

Required Plan Element	Description	Location in plan
Reasonably Available Control Technologies (RACT) [Section 172(c)(1)]	The plan should provide for the implementation of all reasonably available control measures as expeditiously as possible, including reduction in emissions from existing sources through the adoption of reasonably available control technology.	Chapter 4, Section 4.2.5
Reasonable Further Progress [Section 172(c)(2)]	The plan requires reasonable further progress in emission reduction.	Chapter 4 – specific control measure emission reductions Chapter 7- overall reduction in pollutants of concern
Inventory [Section 172(c)(3)]	The plan should include a comprehensive, accurate, current inventory of actual emissions from all sources of the relevant pollutant or pollutants in such area, including periodic revisions as the Administrator may determine necessary to assure that the requirements of this part are met.	Chapter 3
Identification and Quantification [Section 172(c)(4)]	The plan should identify and quantify the emissions, if any, of any such pollutant or pollutants, which will be allowed, in accordance with section 173(a)(1)(B), from the construction and operation of major new or modified stationary sources in each such area. The plan shall demonstrate to the satisfaction of the EPA that the emissions quantified for this purpose will be consistent with the achievement of reasonable further progress and will not interfere with attainment of the applicable national ambient air quality standard by the applicable attainment date.	Chapter 3, Section 3.4.3
Permits for new and modified stationary sources [Section 172(c)(5)]	Such plan provisions shall require permits for the construction and operation of new or modified major stationary sources anywhere in the nonattainment area, in accordance with section 173.	Chapter 3, Section 3.4

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**Table G-1: General Nonattainment Plan Requirements-cont.**

Required Plan Element	Description	Location in plan
Other Measures [Section 172(c)(6)]	Such plan provisions shall include enforceable emission limitations, and such other control measures, means or techniques (including economic incentives such as fees, marketable permits, and auctions of emission rights), as well as schedules and timetables for compliance, as may be necessary or appropriate to provide for attainment by the applicable date.	Chapter 4, Section 4.3 and 4.4
Compliance with Section 110(a)(2) [Section 172(c)(7)]	Compliance with section 110(a)(2).- Such plan provisions shall also meet the applicable provisions of section 110(a)(2).	Chapter 4 Chapter 2, Section 2.4 Chapter 3, Section 3.4
Equivalent Techniques [Section 172(c)(8)]	Upon application by any State, the EPA may allow the use of equivalent modeling, emission inventory, and planning procedures, unless the EPA determines that the proposed techniques are, in the aggregate, less effective than the methods specified by the EPA.	Chapter 5, Section 5.3
Contingency Measures [Section 172(c)(9)]	The plan should include specific measures to be undertaken if the area fails to make reasonable further progress, or to attain the national primary ambient air quality standard by the applicable attainment. Such measures shall be included in the plan revision as contingency measures to take effect in any such case without further action by the State or the EPA	Chapter 4, Section 4.7

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**Table G-2: Extreme Area Plan Requirements for Ozone Nonattainment Areas**

Required Plan Element	Description	Location in plan
Inventory [Section 182(a)(1)]	Submit a comprehensive, accurate, current inventory of actual emissions from all sources	Chapter 3, Section 3.2
Periodic Inventory [Section 182(a)(3)(A)]	Submission of a revised inventory no later than the end of a three-year period after submission of the inventory.	Chapter 3, Section 3.4 Chapter 7, Section 7.3
General Offset requirements [Section 182(e)(1)]	The ratio of total emission reductions of volatile organic compounds (VOCs) to total increased emissions of such air pollutant shall be at least 1.5 to 1, except that if the State plan requires all existing major sources in a nonattainment area to use best available control technology for the control of VOCs, the ratio shall be at least 1.2 to 1.	Chapter 1, Section 1.4 Chapter 3, Section 3.4.3.3
Plan provisions for Reasonable Further Progress (Requires: determination of baseline emissions, new source review provisions, and credibility of reductions) [Section 182(b)(1)]	The plan should provide for specific annual reductions in emissions of volatile organic compounds and oxides of nitrogen as necessary to attain the national primary ambient air quality standard for ozone by the attainment date applicable under this Act.	Chapter 7 Section 7.4 and 7.5
Reasonably available control technology [Section 182(b)(2)]	Implementation of control technologies for VOC sources covered by control technique guidelines (CTG) documents and all other major stationary sources of VOCs that are located in the area	Chapter 4

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**Table G-2: Extreme Area Plan Requirements for Ozone Nonattainment Areas- cont.**

<b>Required Plan Element</b>	<b>Description</b>	<b>Location in plan</b>
Enhanced Monitoring [Section 182(c)(1)]	Follow Federal guidelines for monitoring of concentrations of ozone	Chapter 2, Section 2.4
Attainment demonstration [Section 182(c)(2)(A)]	A demonstration that the plan will provide for attainment of the national ambient air quality standard by the applicable attainment date. The demonstration must be based on photochemical grid modeling.	Chapter 5, Section 5.6
Reasonable Further Progress (RFP) demonstration [Section 182(c)(2)(B)]	A demonstration that the plan will result in VOC emissions reductions from the baseline emissions of at least three percent.	Chapter 7
Enhanced vehicle inspection and maintenance program [Section 182(c)(3)]	The State shall provide for an enhanced program to reduce hydrocarbon emissions and NOx emissions from in-use motor vehicles registered in each urbanized area	Chapter 4, Section 4.3 Chapter 4, Section 4.6
Contingency Provisions [Section 182(c)(9)]	The plan shall provide for the implementation of specific measures to be undertaken if the area fails to meet any applicable milestone. Such measures shall take effect without further action by the State or the EPA upon a failure to meet the applicable milestone.	Chapter 4, Section 4.7
Vehicle Miles Traveled [Section 182(d)(1)]	Transportation control strategies/Transportation Control measures	Chapter 4, Section 4.5



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**Table G-2: Extreme Area Plan Requirements for Ozone Nonattainment Areas- cont.**

Required Plan Element	Description	Location in plan
Modifications at a Major Source [Section 182(e)(2)]	Any change (as described in Section 111(a)(4) of the CAA) at a major stationary source which results in any increase in emissions from any discrete operation, unit, or other pollutant emitting activity at the source shall be considered a modification for purposes of Section 172(c)(5) and Section 173(a) of the CAA, except that for purposes of complying with the offset requirement pursuant to Section 173(a)(1), any such increase shall not be considered a modification if the owner or operator of the source elects to offset the increase by a greater reduction in emissions of the air pollutant concerned from other discrete operations, units, or activities within the source at an internal offset ratio of at least 1.3 to 1. The offset requirements of this part shall not be applicable in Extreme Areas to a modification of an existing source if such modification consists of installation of equipment required to comply with the applicable implementation plan, permit, or this act.	Chapter 1, Section 1.4
Use of clean fuels or advanced control technology [Section 182(e)(3)]	Each new, modified, and existing electric utility and industrial and commercial boiler which emits more than 25 tons per year of oxides of nitrogen, shall (a) burn as its primary fuel natural gas, methanol, or ethanol (or a comparably low polluting fuel), or (b) use advanced control technology or other comparably effective control methods) for reduction of emissions of oxides of nitrogen	Chapter 4, Section 4.2.6
Traffic Control Measures [Section 182(e)(4)]	For extreme areas, each plan may contain provisions establishing traffic control measures applicable during heavy traffic hours to reduce the use of high polluting vehicles or heavy-duty vehicles, notwithstanding any other provision of law.	Chapter 4, Section 4.5 addresses reasonably available control measures for transportation, some of which may apply; this element is not required for all extreme plans.

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**Table G-2: Extreme Area Plan Requirements for Ozone Nonattainment Areas- cont.**

Required Plan Element	Description	Location in plan
New Technologies (Undefined Future Control Measures) [Section 182(e)(5)]	An Extreme Area Plan may include provisions anticipating the development of new control techniques or improvement of existing control technologies. These contingency measures must be defined no later than three years before proposed implementation of the plan provisions.	Chapter 4, Section 4.8 Chapter 5, Section 5.6 (This element is optional.)
Milestones [Section 182(g)]	Provide a report every three years after the designation to determine whether the nonattainment area has achieved a reduction in emissions during the preceding interval equivalent to the total emission reductions required to be achieved by the attainment date given in the plan.	Chapter 7, Section 7.6
Failure to Attain Fee -Enforcement under Section 185	If area fails to attain the standard by November 15, 2010, major stationary source of VOCs in the area shall pay a fee to the state of \$5000/ton of VOC emissions per calendar year in excess of 80% of a baseline defined as the actual or allowable emissions.	Chapter 1, Section 1.4

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**Table G-3: California Clean Air Act Planning Requirements**

<b>Required California Plan Element</b>	<b>Description</b>	<b>Location in plan</b>
Indirect and area source controls	An indirect and area source control program [H&SC 40918(a)(4)]	Chapter 8 Section 8.5
Best available retrofit control technology	Best available retrofit control technology (BARCT) for existing sources of specified sizes [H&SC 40918(a)(2)]	Chapter 8, Section 8.4 Table 8-2
New Source Review	A program to mitigate all emissions from new and modified permitted sources [H&SC 40918(a)(1)]	Chapter 3 Section 3.4 Section 3.4.3
Transportation control measures	Transportation control measures as needed to meet California plan requirements [H&SC 40918(a)(3)]	Chapter 8 Section 8.5
Clean fleet vehicle programs	Significant use of low-emission vehicles by fleet operators [H&SC 40918(a)(4)]	Chapter 8 Section 8.5
Rate of Progress	Reducing pollutants contributing to nonattainment by five percent per year for all feasible control measures and an expeditious adoption schedule. [H&SC 40914]	Not applicable to SJVAB
Public education programs	Public education programs [H&SC 40918(a)(6)]	Chapter 6
Per-capita exposure	Reducing per-capita population exposure to severe nonattainment pollutants according to a prescribed schedule [H&SC 40920(c)]	Chapter 8 Section 8.3 Figure 8-10

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**Table G-3: California Clean Air Act Planning Requirements-cont.**

<b>Required California Plan Element</b>	<b>Description</b>	<b>Location in plan</b>
Any other feasible controls	Any of the feasible controls that can be implemented or for which implementation can begin, within 10 years of adoption date of the most recent air quality plan [H&SC 40920.5 (c)]	Chapter 8 Section 8.5
Control measure ranking	Ranking control measures by cost-effectiveness and implementation priority [H&SC 40922]	Chapter 8 Section 8.6