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# SOUTH CENTRAL COAST BASINWIDE AIR POLLUTION CONTROL COUNCIL

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## Technical Advisory Committee

### Larry R. Allen, APCO

San Luis Obispo County APCD

### David Van Mullem, APCO

Santa Barbara County APCD

### Michael Villegas, APCO

Ventura County APCD

## Council Members

### Karen Bright, Chair

Council Member, City of Grover Beach  
San Luis Obispo County

### Roger Aceves, Vice Chair

Council Member, City of Goleta  
Santa Barbara County

### Brian Brennan

Council Member, City of Ventura  
Ventura County

## MEETING MINUTES

June 22, 2011

### Present

Council Members: Brian Brennan, Ventura County  
Roger Aceves, Santa Barbara County  
Karen Bright, San Luis Obispo County

Staff: Mike Villegas, Ventura County  
Terry Dressler, Santa Barbara County  
Larry Allen, San Luis Obispo County

1. **Approval of Minutes of June 22, 2011**  
Bright/Brennan Minutes Approved
2. **Public Comment Period**  
None
3. **EPA Exceptional Events Guidance - Dressler**

The current provision in place to forgive violations of the federal Air Quality Standards due to Exceptional Events has proven problematic. Exceptional Events have been difficult for EPA to approve, and when they have been approved, a potential for a lawsuit materializes. Air agencies nationwide requested clear guidance on documenting and approving an exceptional event so they could focus their energies properly. EPA recently issued draft guidance on Exceptional Events that has considerable shortcomings.

CAPCOA will submit comments on the draft guidance that focus on a number of problem areas, including the following: The rule itself is really the document requiring modification, because the "guidance" is merely guidance and not enforceable as a rule. In addition, the definitions used, such as "reasonable," need to be clearly defined so they cannot be misinterpreted or manipulated. Also within the draft guidance recommendations is the establishment of a "Default High Wind Threshold." In other words, if you exceeded the particulate standard at a specified wind speed, it would be considered an Exceptional Event.

However, the Districts argued that you could not create a one size fits all wind threshold for every district; there are too many other factors to consider.

Districts are also recommending that a process for appeals be incorporated into the rule. Currently, there is no process. The only alternative, depending on who you are dealing with, is to initiate a lawsuit.

Excessive documentation requirements for Exceptional Events and the lack of clearly defined guidelines create a real problem and huge workload. Comments are currently being collected and Imperial County is taking the lead.

#### **4. Amendments to ARB's Ocean-going Vessel Regulations - Villegas**

Currently, there is an existing regulation, pursuant to California ARB rulemaking that requires the use of cleaner marine fuels within 24 nautical miles of the California Coast (Ref. Figure 1). As of July 1, 2009, the allowable sulfur content of the fuel was reduced from 25,000ppm to 5,000ppm; about an 80% reduction of particulate matter and sulfur dioxide. There is a Phase 2 of this regulation which would lower the limit to 1,000ppm by January 1, 2012. It is currently in litigation; ARB is prevailing, however it appears that the Industry will appeal the decision to the Supreme Court. Despite the suit, a 95% compliance rate has been obtained.

The ARB rule will sunset on January 1, 2015. The International Maritime Organization and the EPA have negotiated an Emission Control Area off the United States Coast that extends 200 nautical miles with a 1,000ppm limit, effective January 1, 2015.

With the existing ARB rule, there are a couple of implementation issues:

1. To avoid compliance with the rule, more than 50% of the vessels have utilized alternative routes that are not currently requiring the low-sulfur fuel.
2. Issues with the fuel being difficult to obtain and less viscous resulting in less propulsion.

A delay of two years for the Phase 2 of the rule has been proposed, but has been found to be somewhat controversial. Included in the rule change will be an expanded low sulfur fuel control zone. SB County is not commenting on this rule because they have benefitted with the large majority of the ships moving off the coast. The intent was not to drive the ships out of the county. SB County intends to focus on obtaining emission reductions through vessel speed reduction. Reducing vessel speeds from 24 knots to 12 knots will result in at least a 64% pollution reduction. When SB County moves forward with their Clean Air Plan, they will include a Vessel Speed Reduction rule. The supporters of a vessel speed reduction rule include those working to prevent whale strikes. The expected primary opposition will be the monetary and time cost of the rule.

#### **5. Update on ARB's Refrigerant Management and Landfill Gas Rules for GHGs - Allen**

Update on ARB's Refrigerant Management: The ARB has adopted a regulation intended to reduce emissions of high-Global Warming Potential (GWP) refrigerants from existing leaky stationary, non-residential refrigeration equipment, and from installation & servicing of refrigeration and air-conditioning appliances using high-GWP refrigerants. ARB wants the Air

Districts to implement the regulation through an MOU. The ARB is looking to the districts to perform inspections, but has not determined the appropriate inspection schedule that can be accomplished by the Districts.

CAPCOA has worked with ARB on this rule to generate a fee schedule to fund implementation. Initially, the fee schedule was created on the assumption that inspections would occur once every five years. ARB has indicated that inspections should occur bi-annually on the larger facilities. However, this change would make the workload to revenue ratio inefficient. The fees would also be collected in arrears, posing a possible funding issue. SLOAPCD and other smaller districts do not have enough of these types of regulated large facilities to warrant the addition of another staff member to handle the workload, and cannot support the additional workload with the existing staff. SLOAPCD is currently working with CAPCOA and ARB to recalculate the costs to the Districts to implement the program based on funding the current rule will provide and the revised enforcement expectations from ARB.

Landfill Gas Rule: Methane emission reductions are the goal of this rule that became effective June 2010. It requires the installation and proper operation of gas collection and control systems at active, inactive and/or closed landfills with 450,000 tons of waste or more in place. Many districts are forming MOAs, however, the first drafts have been unsatisfactory. ARB wants to review all NOV's issued and collect one half of any penalties assessed, despite the fact that it is the district that is implementing and enforcing the rules. The reporting requirements that were proposed were excessive and the districts have pushed back, initiating ARB's revision of those requirements. Since then, ARB has lowered the reporting requirements and increased the district's fee authority as it will be impacting their workloads.

## **6. CEQA Significance Thresholds for GHG – All**

Air Districts and City/County lead agencies need GHG thresholds to be able to have a clear distinction between significant and insignificant. ARB attempted to draft a statewide GHG threshold, but abandoned that effort and put it back in the District's laps. Only 2 districts have established "interim," significance thresholds. The question remains, "How do you establish a threshold for pollutants that are global?"

There have been two proposed approaches. South Coast AQMD decided to examine the last 3 years of EIRs and create a threshold to capture 90% of GHGs in their district (10,000 tons/year for stationary sources and 3,000 for commercial and residential sources).

Bay Area AQMD decided to go through AB32 and inventory their district and the reductions that would be seen with AB32 and capture 90% of the gap that exists between the two. They adopted 10,000 tons/year for stationary sources and 1,100 tons/year for commercial and residential sources.

SLOAPCD, Santa Barbara and San Joaquin APCD's, all adopted a "lowest mitigated level possible," threshold.

CAPCOA Engineering managers are evaluating the most common permitted sources to determine the most appropriate GHG control requirements that can be applied by all districts through the permit process.

**7. Update on ARB's Portable Equipment Registration Program- Villegas**

The PERP program (Portable Equipment Registration Program) is administered by ARB but enforced by each individual Air District. It is used to regulate portable equipment. There have been some issues trying to determine when a piece of portable equipment becomes part of a stationary source. Many applicants are attempting to bypass the permitting process by claiming pieces of equipment are "portable," and therefore qualify for PERP instead of District permitting.

**8. Proposed Revision of Clean Air Act Regarding OCS Source Regulation – Dressler**

HR-2021 was heard this week on the floor at the House of Representatives; it addresses emission sources on the outer-continental shelf(OCS). The bill resulted from a Shell Oil drilling proposal offshore Alaska. EPA made mistakes through the permitting review process and ended up facing litigation. The proposed bill will affect all OCS permits nationwide, not just in Alaska. It will limit the impact assessment area to the nearest offshore area, essentially limiting the protection of AQ over state waters and OCS.

Another change that would be brought about through this revision is the narrowing of the definition of an OCS source for drilling operations. Currently, an OCS source is defined once it appears on-site. The revision would count OCS source emissions only during drilling operations. In doing that, the source's emissions would be considerably decreased, since the majority of emissions are prior to and after drilling occurs.

**9. Other Business/Next Meeting Date**

Mr. Terry Dressler is retiring as of Friday, June 24, 2011

Next meeting date – October 5, 2011 (*rescheduled to Oct. 19, 2011*)