

**RESOLUTION OF THE
AIR POLLUTION CONTROL DISTRICT BOARD
OF THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

IN THE MATTER OF) RESOLUTION No. 09-11
)
PERMITS FOR AGRICULTURAL SOURCES)
CREATING EMISSION REDUCTION CREDITS)

RECITALS

1. WHEREAS, agricultural sources of air pollution in Santa Barbara County have and may in the future propose to voluntarily create emission reduction credits (“ERCs”) for the pollutants of oxides of nitrogen, particulate matter, carbon monoxide, and reactive organic compounds.
2. WHEREAS, the pollutants of oxides of nitrogen, particulate matter, and reactive organic compounds all contribute to violations of the State 8-hour ozone standard and the State standard for particulate matter less than 10 microns (“PM₁₀”) within the District.
3. WHEREAS, in order to qualify for ERCs, any source must meet the requirements of District Rule 804(D)(2) and Rule 806(D)(1) that ERCs be surplus, enforceable, quantifiable, and permanent.
4. WHEREAS, ERCs for agricultural sources will not be enforceable or permanent unless these sources are subject to permits pursuant to Health and Safety Code section 42300.
5. WHEREAS, Health and Safety Code section 42301(a) mandates that every district shall require permits of agricultural sources that are “major source” that are required to obtain a permit pursuant to Title I (42 U.S.C. §. 7401 et seq.) or Title V (42 U.S.C. § 7661 et seq.) of the federal Clean Air Act.
6. WHEREAS, Health and Safety Code section 42301.16 (c) authorizes a district to require a permit for an agricultural source with actual emissions that are less than one-half of any applicable emissions threshold for a major source in the district, for any air contaminant, but excluding fugitive dust, provided three specified findings are made in a public hearing.
7. WHEREAS, the majority of agricultural sources that may seek approval of ERCs are not major sources and their actual emissions are less than one-half of the

threshold for a “major source” in the District and, therefore, are not subject to permit unless the District Board makes the requisite findings.

8. WHEREAS, some agricultural sources that seek approval of ERCs may be major sources, but could lose their major source status and requirements for permit in the future, the ERCs could be undermined unless the District Board makes the requisite findings and requires such sources to hold permits for ERCs.
9. WHEREAS, the findings of Health and Safety Code section 42301.16(c) that must be made in a public hearing before the District may require a permit are as follows:
 - a. “The source is not subject to a permit requirement pursuant to Section 40724.6 [concerning large confined animal facilities].”
 - b. “A permit is necessary to impose or enforce reductions of emission of air pollutants that the District shows cause or contribute to a violation of a state or federal ambient air-quality standard.”
 - c. “The requirement for a source or category of sources to obtain a permit would not impose a burden on those sources that is significantly more burdensome than permits required for other similar sources of air pollution.”

NOW, THEREFORE, IT IS HEREBY RESOLVED, as follows:

1. The Board finds:
 - a. The agricultural sources seeking approval of ERCs are not large confined animal facilities subject to permit under Health and Safety Code section 40724.6.
 - b. Permits are necessary for agricultural sources seeking approval of ERCs in order to impose and enforce reductions of emissions of oxides of nitrogen, particulate matter, and reactive organic compounds as all of these pollutants contribute to violations of the State 8-hour ozone standard and the State PM₁₀ standard within the District.
 - c. The requirement for agricultural sources seeking approval for ERCs to obtain permits will not impose a burden on these sources that is significantly more burdensome than permits required for other similar sources of air pollution.
2. The Board determines that all agricultural sources seeking approval of ERCs shall be required to obtain permits in order to meet the requirements of Rule 804 and Rule 806 for the approval of ERCs.

3. The Board further determines that permits issued to agricultural sources to enforce ERCs shall include the equipment operator, equipment owner, and land-owners as permit holders, and that any transfer of such permit shall comply with State law and District Rules, including District Rule 203.

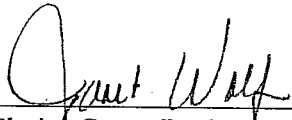
PASSED AND ADOPTED by the Air Pollution Control District Board of the County of Santa Barbara, State of California, this 20th day of August, 2009, by the following vote:

AYES: Lavagnino, Blum, Clark, Onnen, Alvarez, Carbajal, Skytt, Farr, Wolf

NOES: None

ABSENT: Centeno, Hicks, Martner, Gray

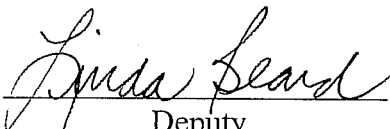
ABSTAIN: None



Chair, Santa Barbara County
Air Pollution Control District Board

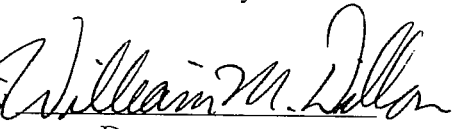
ATTEST:

TERENCE E. DRESSLER
Clerk of the Board

By 
Deputy

APPROVED AS TO FORM

DENNIS MARSHALL
Santa Barbara County Counsel

By 
Deputy

