

## Summary of SB 700 (Florez)

The bill defines two terms: "Agricultural source of air pollution" and "fugitive emissions".

The bill requires districts that are nonattainment for a FEDERAL particulate standard to establish BACM and BARCT for discing, tilling, cultivation, and the raising of animals. The BACM and BARCT standards are to be done by regulation and included in the SIP, according to a specified schedule (serious areas must do this by 1/1/06, moderate are one year later). The bill reiterates language from other parts of the H&SC about findings the districts must make before adopting the regulation, especially findings about cost-effectiveness. The bill also contains a new requirement to compare cost-effectiveness of measures to be adopted under this section, and to adopt the most cost-effective first.

The bill requires the ARB to review all relevant scientific and technical data regarding confined animal facilities, their emissions, and the effect of those emissions on an air basin's attainment of any ambient air quality standard. Based on this data, ARB is tasked with defining "large confined animal facility" which will then be regulated by air districts, as follows.

The bill requires districts that are nonattainment for the FEDERAL ozone standard to develop a regulation (included in the SIP) to issue permits and mitigate emissions from "large confined animal facilities" as defined by ARB. If the ARB definition includes sources that emit less than 50% of the major source threshold, the district must make certain findings before requiring them to obtain permits (i.e., that the permit is necessary and not disproportionately burdensome). The degree of mitigation called for under this section is "to the extent feasible" but is also specified as BARCT in extreme and severe ozone nonattainment areas, and as RACT in serious and moderate nonattainment areas. There is a schedule for rule adoption (7/1/06) and implementation (7/1/07). The bill reiterates the findings from other places in the H&SC that a district must make prior to adopting the regulation.

The bill requires ALL OTHER DISTRICTS to adopt a regulation for "large confined animal facilities" unless the district finds that "large confined animal facilities" will not contribute to a violation of a state or federal ambient air quality standard. The regulation is excluded from the SIP, but is due by 7/1/06, which is the same time-frame as the nonattainment districts. *Note that the intent was to provide an extra year, but the dates in the previous section were pushed back at the last minute and a similar change was not made to this section -- the author has agreed to try clean-up legislation to fix this next year. Also note that many of the federal attainment districts that are only nonattainment for state PM10 will be able to make the showing that their PM10 nonattainment is due to woodsmoke emissions in the wintertime, and that agricultural sources, therefore are not causing or contributing to a violation. It is possible that the rural section of CAPCOA could work with ARB to come up with a demonstration that covers a group of districts, instead of each one doing it separately.*

The bill requires CAPCOA to work with ARB and other interested parties to develop and maintain a clearinghouse of available control measures to as a source of information for districts implementing the bill.

The bill eliminates the permit exemption for Agricultural sources of air pollution. It requires district permit programs to ensure that all federal permit requirements are met for all major sources, as defined under the federal Clean Air Act. It requires districts to permit Agricultural sources that exceed 50% of the major source threshold, unless the district finds that permits are not necessary and that they would be disproportionately burdensome. It also requires districts to make findings about necessity and burden BEFORE requiring permits for an Agricultural source that emits less than 50% of the major source threshold. In other words:

Agricultural source is a major source	>>	must have permit
Agricultural source not major but > 50%	>>	must have permit unless exempted
Agricultural source < 50%	>>	exempt unless we make findings to permit