

Introduction

Title I of the federal Clean Air Act and other federal regulations require that states and local air pollution agencies establish preconstruction permit programs, also called “New Source Review” programs, that apply to new or modified major stationary sources of air pollution. Also, Title V of the federal Clean Air Act Amendments of 1990 and other federal regulations require that all major sources of air pollution in the United States obtain federal operating permits. States and local air pollution agencies are required to implement a program to issue federal operating permits.

For as long as California air pollution control districts have been authorized to implement air pollution permit programs for stationary sources of air pollution, state law has exempted agricultural sources from district permits. However, Federal law does not exempt agricultural operations from permit requirements. Several public interest groups sued the US EPA over this discrepancy. EPA entered into a settlement agreement resulting in EPA: 1) ruling that California air district programs were deficient for not implementing federal law; 2) withdrawing previous air district program approvals; and 3) establishing a permit program for agricultural sources to be administered by the EPA in the interim. California was required to remove the permit exemption for agricultural sources that qualify as major sources of air pollution under federal law. Air districts were also required to revise their New Source Review rules to ensure they apply to agricultural sources.

In September, 2003, state Senate Bill 700 (SB 700) was signed into law. SB 700 repealed the permit exemption for all agricultural sources (except motor vehicles) which had existed in the California Health & Safety Code.

What are the deadlines and who is affected?

In Santa Barbara County we envision that the requirements of SB 700 will be implemented over several years. There are, however, certain deadlines written into the law that we must observe.

SB 700 requires that by December 31, 2004 the following must **submit** a federal permit application to the APCD:

- Agricultural sources with a potential to emit 100 tons per year or more of any pollutant and that have actual emissions of 50 tons per year or more. (See red box on flow chart)
- Agricultural sources with a potential to emit 100 tons per year or more of any pollutant and with actual emissions of less than 50 tons per year must comply with record keeping provisions of APCD Rule 370 in order to remain exempt from federal permit requirements (and exempt from the need to submit a permit application by December 31, 2004).

The second phase of this process will take place over a longer period of time (after the December 31, 2004 dead line for the largest sources) and will affect:

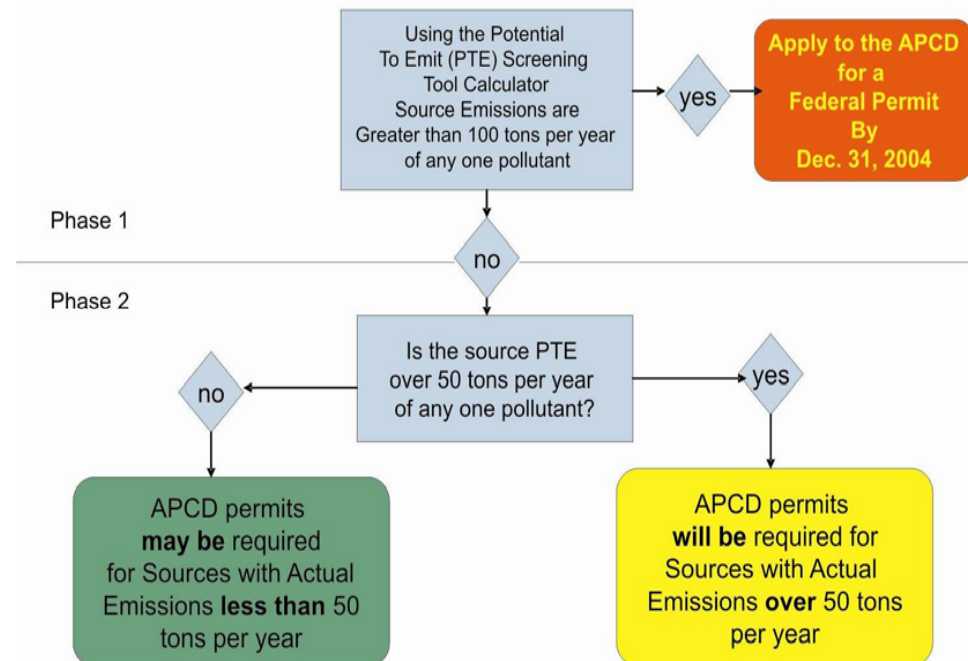
- Any agricultural source with actual emissions of 50 tons per year or more of any pollutant. (See yellow box on flow chart)
- New agricultural installations of air polluting equipment with a potential to emit 100 tons per year or more of any pollutant or actual emissions of 50 tons per year or more. Actual emissions may have to be assumed to be equal to potential emissions for a facility not yet operating. Permits would be required prior to construction of the new installation.

Agricultural sources that will **not** be required to obtain permits **until** the APCD Board makes certain findings include:

- Existing agricultural sources with the potential to emit less than 100 tons per year of any pollutant and that have actual emissions less than 50 tons per year.
- New or modified equipment at existing facilities if the actual emissions from the equipment are less than 50 tons per year of any pollutant, and the potential to emit of all equipment remains under 100 TPY.
- New installations, if the actual emissions from the equipment are less than 50 tons per year of any pollutant, and the potential to emit of all equipment is under 100 TPY. Actual emissions may have to be assumed to be equal to potential emissions for a facility not yet operating.

By July 1, 2006, air pollution control districts like Santa Barbara County that are in attainment of federal ozone standards are required to adopt regulations controlling emissions from large confined animal facilities (CAFs), **unless** the APCD Board makes a determination that emissions from CAFs do not contribute to violations of any state or federal air quality standard.

Permitting Agricultural Operations – The SB 700 Process



The APCD is committed to working with leaders in our local agricultural industry to ensure that all of the agricultural businesses in our county know about SB 700 timelines and requirements. These sources may be associated with farms, vineyards, nurseries, dairies, horse breeding facilities, etc. Our goal is to develop a fair and consistent permitting program; to make the new requirements easy to understand; and to help everyone understand their responsibilities under this new law. APCD staff is ready to provide assistance at every step of the way. Additional information is available on our website at www.sbcapcd.org

Definitions

Actual Emissions: The emissions produced by a facility or operation based on its normal operating conditions. This may be derived from actual measurements or emissions testing, or historical records of activities which can be used to estimate emissions.

Confined Animal Facility (CAF): Any type of confinement for animals or fowl that restricts them to a specific area and involves feeding the animals by any method other than grazing.

Land Manager: Person or entity contractually responsible to the owner for day to day operations of emitting equipment.

Operator: Person or entity responsible for day to day operations of emitting equipment.

Owner: Person or entity responsible for any property taxes due and has legal right to sell the land.

Potential to Emit: A source's potential to emit is generally considered to be the maximum amount of air pollution it can emit, considering physical and other enforceable limitations.

Source: The term "source" may refer to an individual piece of equipment such as an internal combustion engine or to a group of emitting equipment.

Agricultural source: A source, or group of sources, used in the production of crops or the raising of fowl or animals located on contiguous property and under common ownership or control.

Stationary source: Generally, a stationary source consists of an operation or operations that emit air pollution and exist on one or more contiguous properties and under common ownership or control. All air pollution emissions (excepting fugitive dust) from non-exempt equipment operated at the stationary source are aggregated for purposes of determining applicability of permitting requirements. This definition is important as permit requirements will be based on the overall emissions at the stationary source. For instance, it is possible that multiple farms could comprise a single stationary source

What's Included in SB 700?

Operations Included in SB 700

Yes	No*
Vineyards	Winery/Fermentation
Orchards (fruits, nuts, etc.)	Freezing/packing/storage facilities
Nurseries (greenhouses, Christmas trees, field flowers, etc.)	Biowaste energy production
Vegetable & field crops	
Cattle, sheep, swine, poultry, etc.	
Horse breeding	
Feedlots	
Dairies	

*May be subject to permitting under existing APCD rules.

Pollutants to be Included in Emission Calculations

Oxides of Nitrogen (NOx): Nitrogen oxides are typically created during combustion processes, and are major contributors to smog formation and acid deposition.
Volatile Organic Compounds (VOC), also known as Reactive Organic Compounds (ROC), or gases (ROG): A reactive chemical gas, composed of hydrocarbons, that react with nitrogen oxides and contribute to the formation of ozone.
Carbon Monoxide (CO): A colorless, odorless gas resulting from the incomplete combustion of fossil fuels.
Sulfur Dioxide (SO2): A strong smelling, colorless gas that is formed by the combustion of fossil fuels.
Particulate Matter less than ten microns (PM10): A major air pollutant consisting of tiny solid or liquid particles of soot, dust, smoke, fumes, and aerosols.

What Does SB 700 Require?

SB 700:

- Requires that air pollution control districts establish permitting programs for certain agricultural sources.
- Requires air district permit programs ensure that all federal permit requirements are met for all major stationary sources, as defined under the federal Clean Air Act. In Santa Barbara County this means that agricultural sources that have the potential to emit greater than 100 tons per year must receive federal Title V operating permits unless actual emissions are documented to be 50 tons per year or less.
- Requires air districts to permit **larger** agricultural sources (in Santa Barbara County this means agricultural sources that have actual emissions greater than 50 tons per year) **unless** the district finds that permits are not necessary and that they would be disproportionately burdensome.
- Requires that prior to issuing permits to **smaller** agricultural sources (in Santa Barbara County that means sources that have actual emissions less than 50 tons per year) air pollution control districts must make specific findings:

Necessity: The permit is necessary to impose or enforce reductions of air pollutants that cause or contribute to a violation of a state or federal air quality standard.

Burden: Obtaining a permit would not impose a burden significantly larger than the burden placed on other similar sources that are required to obtain permits.

Permitting Agricultural Operations

Implementing SB 700 in Santa Barbara County

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