

## STATE AND FEDERAL AIR REGULATORY UPDATE

### August-05

PROGRAM / LINK*	QUICK STATUS	IMPACT ON SANITATION AGENCIES
<p><u>Cal/EPA Environmental Justice Program</u>  <a href="http://www.calepa.ca.gov/EnvJustice/">http://www.calepa.ca.gov/EnvJustice/</a></p>	<p>Establishing six pilot projects to test recently established working definitions of <i>precautionary approach</i> and <i>cumulative impacts</i>. Respective state agencies working with and forming local advisory groups (LAGs) to implement the projects.</p>	<p>Impacts can be significant to Sanitation Agencies potentially affecting the siting of new projects and operation of existing projects. This program components and implementation needs to be carefully watched at the state level. Furthermore, programs at the districts level implementing Environmental Justice also need to be carefully watched.</p>
<p><u>CARB Stationary Diesel Engine Air Toxic Control Measure</u>  <a href="http://www.arb.ca.gov/regact/statde05/statde05.htm">http://www.arb.ca.gov/regact/statde05/statde05.htm</a></p>	<p>After approval by OAL on 11/8/04, the rulemaking became effective 12/8/04. Local Districts have 120 days to enact. Most have already enacted. Supplemental minor changes currently underway.</p>	<p>Check with your local Districts the status of their rulemakings. Effects emergency standby and prime engines. Existing engines must adopt hour reductions or controls requirements. Compliance phase in between 2007 and 2009. New engines must meet most stringent std as of 1/1/05.</p>
<p><u>CARB AB2588 Program</u>  <a href="http://www.arb.ca.gov/ab2588/ab2588.htm">http://www.arb.ca.gov/ab2588/ab2588.htm</a></p>	<p>CARB will include diesel PM in the AB2588 program. A public workshop discussing the process and ramifications will be conducted in September 2005. Target for Board approval of new risk assessment guidelines is first quarter of 2006.</p>	<p>Potential to be significant. Facilities will have to update risk assessments to include diesel PM if they have stationary diesel engines. The engines can increase risk significantly. Facilities previously exempt from risk assessments may now have to conduct risk assessments. This program needs to be carefully monitored.</p>
<p><u>CARB Portable Engine Regulation Program (PERP)</u>  <a href="http://www.arb.ca.gov/diesel/portdiesel.htm">http://www.arb.ca.gov/diesel/portdiesel.htm</a></p>	<p>Amendments to the PERP were disapproved by OAL due to Administrative issues. CARB issued a third 15-day public notice period with comment period ending 5/21/05. New changes will go into effect on 9/1/05.</p>	<p>Amendments will likely increase program fees. Also, there will be new open period for "resident engines" until 12/31/05. Agencies should be aware of 2010 fleet turnover provisions when all portable engines must meet most stringent certified standards. Planning should start immediately.</p>
<p><u>CARB Portable Engine Air Toxic Control Measure</u>  <a href="http://www.arb.ca.gov/diesel/portdiesel.htm">http://www.arb.ca.gov/diesel/portdiesel.htm</a></p>	<p>The rulemaking became effective 3/11/05. Local Districts have 120 days to enact.</p>	<p>Check with local Districts on implementation dates. After 2010 fleet turnover, consistent with PERP, fleets must meet decreasing PM fleet averages from 2013 to 2020. Agencies should begin planning.</p>
<p><u>CARB Heavy-Duty On-Road Diesel Public Fleets ATCM</u>  <a href="http://www.arb.ca.gov/msprog/publicfleets/publicfleets.htm">http://www.arb.ca.gov/msprog/publicfleets/publicfleets.htm</a></p>	<p>Awaiting updated rule language, likely within a couple of months. Could go to Board by end of year.</p>	<p>Can have a significant financial impact on agencies depending upon fleet size and age. Rule language in flux, but fleets will need to meet BACT, likely to be phased in over a three or four-year period beginning 2007/08. Exemptions likely for low use vehicles and incentives for early implementation. Agencies need to inventory fleets and begin planning fleet turnover vs control retrofits.</p>
<p><u>CARB Off-road Diesel Equipment (in-use) ATCM &gt;25hp</u>  <a href="http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm">http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm</a></p>	<p>In early stages. Workshop for regulatory concepts in 7/05. Anticipating a final rule in late 2006.</p>	<p>Impact will depend on the amount of equipment in this category. Similar to the on-road rule, fleets will likely need to meet BACT with some phase in period. Idling restrictions likely.</p>

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<a href="http://www.arb.ca.gov/msprog/offroad/orspark/orspark.htm">CARB Off-road Large Spark Ignited (LSI) Equipment Rule &gt;25 hp</a> <a href="http://www.arb.ca.gov/msprog/offroad/orspark/orspark.htm">http://www.arb.ca.gov/msprog/offroad/orspark/orspark.htm</a>	June 23 Board hearing continued to September 15/16 at the SCAQMD.	Effects forklifts (main target), street sweepers, generator sets, large turf care equipment, and specialty vehicles powered by gasoline or LPG, over 25 hp. Adopts more stringent new and in-use NOx/HC stds. Phase in period depending upon fleet size with exemptions for small and low-use fleets. Stds met by retrofitting, repowering or retiring old equipment. As with other fleet rules, Agencies need to inventory fleet and plan compliance strategy.
<a href="http://www.arb.ca.gov/toxics/idling/idling.htm">CARB Commercial Idling Restrictions</a> <a href="http://www.arb.ca.gov/toxics/idling/idling.htm">http://www.arb.ca.gov/toxics/idling/idling.htm</a>	CARB began enforcing rule 1/31/05.	Minor impact. Agencies need to review idling practices. Rule restricts idling to five minutes, but contains numerous exemptions that should be reviewed.
<a href="http://www.arb.ca.gov/energy/dg/dg.htm">CARB Distributed Generation Program</a> <a href="http://www.arb.ca.gov/energy/dg/dg.htm">http://www.arb.ca.gov/energy/dg/dg.htm</a>	CARB is working to develop composition lists of landfill and digester gases in an effort to develop surrogated gases for manufacturers to certify their equipment. Last work group mtg was on 1/13/05. Work continues.	Success in developing surrogate gas standards will make it easier for Agencies to purchase and operate small DG equipment such as microturbines and fuel cells.
<a href="http://www.arb.ca.gov/msprog/moyer/moyer.htm">Carl Moyer Funding Program</a> <a href="http://www.arb.ca.gov/msprog/moyer/moyer.htm">http://www.arb.ca.gov/msprog/moyer/moyer.htm</a>	Workshops are being held to discuss revisions required by new statutory requirements. Program will be expanded to include PM and ROG (past focus was NOx), light-duty vehicles, agricultural sources and fleet modernization programs. Expansion of fees to fund programs.	Positive impact. This program can provide funding for projects such as repowering to cleaner diesel or alternative fuel engines, alternative fueling stations and diesel PM control equipment.
<a href="http://www.epa.gov/ozonedesignations/index.htm">EPA 8-Hr Ozone Designations</a> <a href="http://www.epa.gov/ozonedesignations/index.htm">http://www.epa.gov/ozonedesignations/index.htm</a>	On June 15, 2004, EPA issued the final rule to implement the 8-hour Ozone National Ambient Air Quality Standard-Phase I. The phase I final rule sets forth the classification scheme for nonattainment areas and requires States' continued obligations with respect to existing 1-hour ozone requirements. On July 26, 2005, the EPA issued a final rule identifying the designation and classification status of areas throughout the country covered by the national air quality standards for 1-hour ozone as of June 15, 2004. On that day the designations of attainment/nonattainment status under the more health protective 8-hour ozone standard became effective for most areas of the country.	Impact of the new 8-hour standards still uncertain. Some regions of the state now have additional time to achieve compliance due to redesignation to a lower attainment status. In these regions, Title V thresholds may be increased, dropping a number of facilities from the program. This would be a positive impact in some areas, such as the SCAQMD. However, the ramifications of making this change are still under consideration.

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<p><u>EPA PM 2.5 Designations</u>  <a href="http://epa.gov/pmdesignations/">http://epa.gov/pmdesignations/</a></p>	<p>On December 17, 2004, EPA took final action to designate attainment and nonattainment areas under the more protective national air quality standards for PM 2.5 (fine particles). Once nonattainment designations take effect, the state and local governments have three years to develop implementation plans designed to meet the standards by reducing air pollutant emissions contributing to fine particle concentrations. On April 5, 2005, designations under the national air quality standards for PM 2.5 became effective.</p>	<p>Affected local Districts will have to update implementation plans to demonstrate how attainment with the new standard will be achieved. Fine particles are generally combustion contaminants are formed through secondary reactions with ammonia, for instance, to form PM 2.5 precursors, ammonium nitrate and sulfate. One source of ammonia that effects Sanitation Agencies is biosolid composting.</p>
<p><u>EPA Regional Haze</u> <a href="http://www.epa.gov/visibility/">http://www.epa.gov/visibility/</a></p>	<p>On June 15, 2005, EPA issued final amendments to its July 1999 regional haze rule. These amendments apply to the provisions of the regional haze rule that require emission controls known as Best Available Retrofit Technology, or BART, for industrial facilities emitting air pollutants that reduce visibility. These pollutants include fine particulate matter (PM 2.5), VOCs and ammonia. EPA's benefits analysis estimates that the amendments will lead to significant improvements in visibility in southeastern and southwestern parks.</p>	<p>This rule needs to be carefully followed to evaluate any impact on Sanitation Agencies. States must develop their implementation plans by December, 2007. States will identify the facilities that will have to reduce emissions under BART and then set BART emissions limits for those facilities</p>
<p>EPA Region V Collection System Data Request</p>	<p>The Metropolitan Water Reclamation District of Greater Chicago is negotiating with EPA on a plan to estimate emissions from their TARP system (tunnels that store and convey CSOs). The plans would include modeling and sampling.</p>	<p>Potentially significant impact on all Sanitation Agencies if emissions from collection systems would need to be part of permitting.</p>
<p>WERF Odor Control Technologies Assessment</p>	<p>Phase 3 of the overall program underway. The two-year Phase 3 work will attempt to present a roadmap for plant operators toward optimization of biosolids processing in an effort to reduce biosolids cake odors.</p>	<p>The WERF odor study will provide guidelines to operators to reduce and control biosolid odors.</p>

\*Additional information on a many of these programs can be found under Tri-TAC's Air Committee Issues Summary:  
<http://www.tritac.org/>