

FACT SHEET

San Joaquin Valley Unified Air Pollution Control District
Final Approval of Rule 3170 “Federally Mandated Ozone Nonattainment Fee”
June 11, 2012

Summary

- Today, the U.S. Environmental Protection Agency (EPA) is finalizing approval of San Joaquin Valley Unified Air Pollution Control District (SJV) Rule 3170, “Federally Mandated Ozone Nonattainment Fee” and its equivalent alternative program as meeting the Clean Air Act (CAA) Section 185 fee program requirements for the 1-hour ozone standard.

Background

- CAA Sections 182 and 185 require that states with Severe and Extreme 1-hour ozone nonattainment areas submit a revision to the State Implementation Plan (SIP) that assesses fees on certain major stationary sources. Under Section 185, the SIPs must require these sources to pay fees if the area has failed to attain the 1-hour ozone standard by the applicable attainment date.
- Although the 1-hour ozone standard was revoked in 2004, the requirements of Section 185 with respect to that standard continue to apply in order to ensure continued progress toward bringing the air quality into attainment with the National Ambient Air Quality Standard.
- Because SJV is classified as an Extreme 1-hour ozone nonattainment area, a SIP providing for a section 185 fee program was required to be developed and submitted for the area.
- Under SJV Rule 3170 and its equivalent alternative 185 program, SJV collects fees from major stationary sources except for units that have applied Best Available Control Technology since 2006, or as they are called in the rule, clean units. SJV makes up the amount of revenue from clean unit exemptions with mobile source fees equal to \$1 per month per vehicle. SJV will annually demonstrate that the combined annual fees collected from major stationary sources and mobile sources are at least equal to the fees that would have been collected under Section 185. SJV will use these funds for projects that reduce emissions and improve air quality in the SJV. State law (AB 2522) requires SJV to spend a minimum of \$10 million to mitigate the impacts of air pollution on environmental justice communities in the Valley.

- On July 28, 2011, EPA proposed to approve SJV Rule 3170 and its equivalent alternative program and invited the public to comment on whether it is appropriate for EPA to consider an alternative program and, if so, whether SJVUAPCD's program would constitute an approvable alternative program under the CAA.
- Today's approval is based on EPA's finding that SJV Rule 3170 imposes control measures that, consistent with the principles of CAA Section 172(e), are at least as stringent as those under CAA Section 185, and therefore approvable.

Next Steps

- The final approval becomes effective 30 days from the date of publication.

For More Information:

To view the final approval from EPA's Web site, go to "San Joaquin Valley" at <http://www.epa.gov/region9/air/actions/ca.html>

For further information about these actions, contact Ms. Lily Wong of EPA Region 9, Rules Office, at (415) 947-4114 or by e-mail at wong.lily@epa.gov.