

U.S. ENVIRONMENTAL PROTECTION AGENCY - REGION 9



**FACT SHEET
NOTICE OF FINAL RULEMAKING
for**

San Joaquin Valley Regulation VIII

**Conditional Approval and
Limited Approval/Disapproval of PM-10 Fugitive Dust Rules**

January 22, 2003

Today's Actions

- ! San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) Regulation VIII controls PM-10 air pollution from fugitive dust sources. EPA is finalizing:
 - 1) Conditional approval of Regulation VIII with respect to the Clean Air Act (CAA) requirement for Reasonably Available Control Measures (RACM).
 - 2) Limited approval and limited disapproval of Regulation VIII with respect to the CAA requirement for Best Available Control Measures (BACM).
- ! PM-10 refers to airborne particulate matter less than 10 microns in size. By comparison, a human hair is approximately 70 microns wide.

Background

- ! Ambient concentrations of PM-10 above the national health-based standard are associated with asthma and other respiratory problems, decreased lung function, increased hospital admissions for heart and lung disease, and premature death.
- ! The San Joaquin Valley is designated serious nonattainment for the national PM-10 standard, one of only eight such areas in the country.
- ! In December 2000, EPA acted on six Regulation VIII rules that were adopted by SJVUAPCD in April 1996 (Rules 8010, 8020, 8030, 8040, 8060 and 8070). EPA's action was a limited approval and limited disapproval, which incorporated the rules into the federally-enforceable State Implementation Plan, while directing SJVUAPCD to revise the rules to meet both RACM and BACM. RACM is required in moderate and serious PM-10 nonattainment areas. BACM is more stringent and is required in only serious nonattainment areas.

- ! In response, SJVUAPCD conducted numerous public workshops and drafted new Regulation VIII rules. On November 15, 2001, SJVUAPCD adopted new Rules 8011, 8021, 8031, 8041, 8051, 8061, 8071 and 8081.
- ! SJVUAPCD provided some emission and cost analyses for these new rules, but not enough to assure that RACM and BACM requirements are met.
- ! EPA has determined that Regulation VIII was significantly strengthened and probably meets RACM, meriting approval with the condition that SJVUAPCD provide an adequate RACM demonstration within a year.
- ! EPA has determined that Regulation VIII may not be stringent enough to meet BACM, and the limited approval/disapproval action directs SJVUAPCD to provide an adequate BACM demonstration within 18 months.
- ! If SJVUAPCD fails to provide adequate RACM and BACM demonstrations, sanctions will be imposed in the area, possibly including a freeze on federal highway funding.

What is Causing the Pollution?

- ! Fugitive dust sources, including unpaved roads and farming operations, contribute the most directly-emitted PM-10 in the Valley.
- ! Regulation VIII applies to some, but not all, fugitive dust sources. These include unpaved roads, paved roads, construction sites, bulk materials handling, unpaved parking areas and disturbed vacant land, including those that are agriculturally owned.

Additional Information

- ! A copy of EPA's final action is available in the air programs section of EPA Region IX's website, <http://www.epa.gov/region09/air/>. EPA received public comments on the proposed rulemaking which are discussed in this final action.
- ! For more information, contact Andrew Steckel, Region IX Air Rulemaking Office, at (415) 947-4115 (steckel.andrew@epa.gov).