



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

March 9, 2006

Kurt Karperos, Chief
Air Quality & Transportation Planning Branch
California Air Resources Board
P.O. Box 2815
Sacramento, CA 95812-2815

Subject: RACT SIPs

Dear Mr. Karperos;

As you know, 40 CFR 51.912 requires CARB to submit RACT SIPs for many parts of California. We appreciate efforts to date by State and District staff to develop these SIPs and we recognize that some details of the requirement remain unresolved. This letter is intended to help clarify our understanding of the requirements and respond to a few of the questions recently raised by the State.

Submittal Schedule - Clean Air Act Title 1, Part D, Subpart 2 areas classified as moderate and higher must submit a RACT SIP to EPA by September 15, 2006. This includes areas regulated by the Antelope Valley, El Dorado, Feather River, Mojave, Placer, Sacramento, San Joaquin Valley, South Coast, Ventura and Yolo Solano APCD/AQMDs. Subpart 1 areas requesting an attainment date extension beyond 2009 must submit a RACT SIP at the time of the extension request. We expect this will require demonstrations for Amador, Calaveras; Kern, Mariposa, Northern Sierra and Tuolumne APCDs by June 15, 2007. It may also include Butte and San Diego. Bay Area and Imperial are classified as subpart 2 marginal and are not required to submit RACT SIPs for 8 hour ozone at this time.

Logistics - RACT SIPs must be submitted to EPA by CARB on behalf of the local agencies and must fulfill 40 CFR 51 Appendix V completeness criteria just as all other SIP submittals. This includes, for example, discussion of any input received when the draft RACT SIP is released for public comment.

Substance - While we are still working with our colleagues in EPA headquarters and other Regions to clarify the details of what constitutes a minimally acceptable RACT SIP submittal, an outline of a possible submittal is summarized below for discussion purposes only. Of course, the more rigorous the analysis and aggressive the requirements, the more likely that EPA will be able to approve them in a legally defensible manner. Keep in mind that we believe States must consider new information that has become available and certify that a 1-hour ozone RACT determination, even where controls were required, still represents an appropriate RACT level of control for the 8-hour ozone program (70 FR 71655, November 29, 2005). We understand that CARB staff intends to help the smaller Districts develop these submittals.

- Describe efforts to identify all source categories within the District requiring RACT, including CTG sources (i.e., covered by an EPA Control Technique Guideline document) and major non-CTG sources.
- Submit negative declarations where there are no facilities (major or minor) within the District subject to a CTG.
- For all categories needing RACT, list the state/local regulation that implements RACT. It may also be helpful to list the date EPA approved these regulations as fulfilling RACT.
- Describe the basis for concluding that the regulations fulfill RACT. Documents useful in establishing RACT include CTGs, Alternative Control Technique guidance (ACTs), Maximum Achievable Control Technology (MACT) standards, New Source Performance Standards (NSPS), California Suggested Control Measures (SCM) and RACT/Best Available Retrofit Control Technology (BARCT) determinations, regulations adopted in other Districts, and guidance and rules developed by other state and local agencies.
- We understand that some Districts may use CAPCOA's September 2003, *Potential All Feasible Measures (AFM) Report* to help demonstrate RACT. If so, the RACT SIP should certify that local regulations are equivalent to AFM, justify the assumption that the AFM fulfilled RACT in 2003, and include some sort of certification/demonstration that no additional controls have become more reasonably available since then.

Additional information on RACT requirements may be found in 70 FR 71651 - 71659 (November 29, 2005). Other information that we may provide in the coming weeks if you think it would be helpful includes:

- A more exhaustive version of the list that we provided to CAPCOA in December 2005 of CTGs, ACTs and related documents that EPA has published regarding specific industries.
- Electronic versions of some of the above EPA documents.
- A list of CTGs.
- Suggested text for negative declarations.

I hope this information is useful and we look forward to continued work on this issue with District and CARB staff in the coming months. I plan to contact you next week to ask the status of RACT SIP development in California and to see if there is other assistance EPA can provide to help CARB and the Districts fulfill this obligation. If you have any questions in the mean time, feel free to contact me (415) 947-4115 or Stanley Tong at (415) 947-4122.

Sincerely,



Andrew Steckel
Chief, Rulemaking Office

cc: Air Pollution Control Officers for Amador, Antelope Valley, Bay Area, Butte, Calaveras, El Dorado, Feather River, Imperial, Kern, Mariposa, Mojave, Northern Sierra, Placer, Sacramento, San Diego, San Joaquin, South Coast, Tuolumne, Ventura, and Yolo Solano Air Pollution Control Districts/Air Quality Management Districts.