San Joaquin Valley
Unified Air Pollution Control District

RULE 9510 (Indirect Source Rule)

February 9, 2007

Reason for Rule Development

- SB 709 (H&SC 40604) Requires that the District Adopt an Indirect Source Fee Program
- Rule 9510 is a Commitment in the EPA approved PM10 Attainment Demonstration Plan (10.1 tons/day)
  - BACM
- Between 2000 and 2010
  - Population increases by 24%
  - VMT increases by 27%
  - Leads directly to emissions increases and erodes the benefits of stationary and mobile source controls.

Legal Framework

- District Legal Authority
- Only mitigate emissions associated with new trips.
  - Limitations do not Apply Voluntary Mitigation Contracts (100% mitigation)
- Nexus between fees and mitigation
  - Mitigation Fee Act Does not apply
  - Avoid Double Counting

Rule 9510 - Applicability

- A developer that seeks to gain a final discretionary approval from a public agency, that will result in a specified threshold upon full build out:
  - 50 residential units
  - 2,000 sq ft of commercial space
  - 25,000 sq ft of industrial space
  - 25,000 sq ft of medical office space
  - 39,000 sq ft of general office space
  - 9,000 sq ft of educational space
  - 10,000 sq ft of government space
- Transportation Projects with minimum construction emissions of 2.0 tons of NOx or PM10

Rule 9510 - Exemptions

- Reconstruction of a damaged building, to essentially the same use
- Traditional Stationary Sources that have been regulated by the District
- Projects with a mitigated baseline below 2 tons per year each

Examples of Exempt Projects

- Aggregate mining or processing;
- Coatings and graphic arts operations;
- Confined animal facilities;
- Cotton ginning;
- Ethanol manufacturing;
- Food manufacturing, vegetable oil manufacturing, almond hulling, canning operations, and wineries;
- Animal food manufacturing;
- Gas processing and production, oil exploration and production, oil processing and refining;
- Petroleum Product Transportation and Marketing Facilities
- Glass manufacturing;
- Power plants;
- Solid waste landfills.

Rule Requirements

- Operational Emissions
  - NOx-33% Reduction
  - PM10-50% Reduction
- Construction Equipment
  - NOx-20% Cleaner than Fleet Average
  - PM10-45% Cleaner than Fleet Average

How to Achieve Mitigation

- Meeting the mitigation requirements can be achieved through:
  - Community Standards
  - Project Related Reduction Measures
  - Clean Construction Equipment
  - Fees to Buy Reductions

On-site Mitigation – Construction

- Lower-Emitting Equipment
  - Generally achieved by purchasing or renting newer equipment
- Add-on Controls
  - Example - Particulate filters
- Cleaner Fuels
  - Example - Low sulfur Diesel

Sample On-site Mitigation – Area and Operational

City/County

- Street Connectivity
- Density
- Mix of Uses
- Transit Service
- Free Transit Passes
- Pedestrian/Bicycle
- Affordable Housing

Developer

- Parking Supply
- Parking Pricing/Cash out
- Telecommuting
- Energy Efficiency
- Other TDM Programs
- Fleet Modernization

URBEMIS

- **Developed and Maintained by Statewide Working Group**
  - Includes the District, other California Air Districts and Technical Experts
- **State of the Art Program**
  - Specifically Developed for California
  - Uses emission factors derived from EMFAC2002 *(Same Inventory Model used in the SIP)*
  - San Joaquin Valley Air Basin-Specific Information
  - Highly Flexible – Can Use Site-Specific Data When Available.
- **Currently Used for Project-Specific Analysis**
  - CEQA
  - Court Cases
  - Local Land Use Agencies
  - District Mitigation Contracts
  - Other Air Districts
  - Developers and Consultants
- **Open for Further Refinement**