CALIFORNIA OZONE STATE IMPLEMENTATION PLAN
PESTICIDE ELEMENT

ENCLOSURE 1

DIRECTOR’S DECISION TO ADOPT

BEFORE THE DIRECTOR OF THE
DEPARTMENT OF PESTICIDE REGULATION
STATE OF CALIFORNIA

In the Matter of
Proposed Ozone SIP Commitment
for the San Joaquin Valley

DECISION

The Department hereby adopts the "Department of Pesticide Regulation Proposed SIP Commitment for San Joaquin Valley" attached as Exhibit A. This commitment has been adopted for inclusion in California's State Implementation Plan for ozone in the San Joaquin Valley. It replaces the Department's proposed SIP commitment for the San Joaquin Valley that was previously adopted and submitted to the U.S. Environmental Protection Agency in 2007.

By: Mary-Ann Warmerdam Date: 04.17.09
Mary-Ann Warmerdam, Director
Department of Pesticide Regulation

EXHIBIT A

Department of Pesticide Regulation
Proposed SIP Commitment for San Joaquin Valley

Management of Emissions

DPR will publish an inventory of volatile organic compounds (VOC) emissions from commercial structural and agricultural use of pesticides for each year. If in future years, the measures described below are not sufficient to maintain the inventory at no more than 18.1 tpd in the San Joaquin Valley area, when calculated using the current pesticide VOC emissions estimation methodology, then DPR will use its other authorities to bring emissions back down to that level. The inventory target of 18.1 tpd in the San Joaquin Valley represents a 12% reduction from 1990 emissions, based on the current emissions estimation methodology.

DPR's statutory authorities allow it to quickly obtain further reductions of pesticide emissions if appropriate. DPR can place limitations on the quantity, area, and manner of application to reduce pesticide emissions through restricted materials permit conditions. (Food & Agr. Code, §§ 14006.5; Cal. Code Regs., tit. 3, § 6412.) Permits to use restricted materials are issued by the County Agricultural Commissioner, who has broad discretion to condition the permits on additional use restrictions. DPR has oversight of the permit process and recommends conditions to be included in the Commissioners' permits. (Cal. Code Regs., tit. 3, § 6432.) The Department can also enact use restrictions or permit conditions by regulation. (See Food & Agr. Code, § 14005.) In addition, for products containing a new active ingredient, DPR may place appropriate restrictions on a product's use, including limitations on the quantity, area, and manner of application and require low VOC formulations as a condition of registration. (See Food & Agr. Code, § 12824.)

Fumigant Application Method Limits

Fumigation of the soil prior to planting is a significant portion of agricultural use pesticide VOC emissions in the San Joaquin Valley nonattainment area (SJV). The fumigation method and technology used has a dramatic effect on the rate VOC emissions per pound of fumigant applied. In 2008, the Department of Pesticide Regulation (DPR) implemented regulations that require use of low emitting fumigation methods in SJV. California Code of Regulations, title 3, sections 6447-6452.1. With these restrictions in place, DPR estimates that overall VOC emissions from commercial structural and agricultural use of pesticides in SJV will be no more than 18.1 tons per day (tpd) in a typical year. This proposed commitment would implement the 1994 SIP pesticide element for SJV that was approved in 1997.

Restrictions on Use of Non-Fumigant Pesticides

In 2005, DPR began a formal reevaluation of certain non-fumigant pesticide registrations, a necessary first step to reformulation of pesticides to lower the VOC content and restricting use of products with higher VOC. (Cal. Code Regs., tit. 3, § 6220.) DPR will implement restrictions to reduce VOC emissions from non-fumigant pesticides by 2014. This measure is expected to reduce non-fumigant pesticide VOC emissions in SJV by at least 1.0 tpd in a typical year. In years of typical pesticide use, this measure would provide an added increment of public health protection. In years of unusually high fumigant pesticide use, this measure would help ensure that the inventory target of 18.1 tpd is not exceeded.

Estimated Emission Reductions

Emission Reductions from fumigant pesticide controls in the San Joaquin Valley

(tons per day)	**2008**	**2014**	**2020**	**2023**
Baseline emissions	19.3	19.3	19.3	19.3
Fumigant controls	1.5	1.5	1.5	1.5

Emission Reductions from Non-fumigant pesticide controls in the San Joaquin Valley

(tons per day)	**2008**	**2014**	**2020**	**2023**
Baseline emissions	19.3	19.3	19.3	19.3
Non-fumigant controls	-	1.0	1.0	1.0

The measure may provide more or less reductions than the amount shown.

Timing

Action: 2008

Expected Implementation: 2008 (fumigant) and 2014 (non-fumigant).

Staff Proposed SIP Commitment

DPR proposes to use the emissions estimation methodology described in the most recent inventory summary (November 5, 2008 memorandum from Neal to Segawa, pages 2-4) to establish the 1990 pesticide VOC emission levels and evaluate compliance with the 1994 SIP pesticide element for SJV, which was approved in 1997. DPR proposes to implement restrictions on agricultural fumigation methods and VOC emissions of non-fumigant pesticides. In addition, DPR proposes to commit to manage VOC emissions from commercial structural and agricultural pesticide use, to ensure that they do not exceed 18.1 tons-per-day in the SJV area. This measure replaces the pesticide control measure commitment submitted with the 2007 State Strategy.

DPR will more thoroughly quantify the emission reductions to be achieved from non-fumigant pesticides as the measure is implemented.