

State of California
AIR RESOURCES BOARD

Resolution 92-56

July 9, 1992

Agenda Item No.: 92-10-3

WHEREAS, the Legislature has declared in section 39001 of the Health and Safety Code that the public interest shall be safeguarded by an intensive and coordinated state, regional, and local effort to protect and enhance the ambient air quality of the state;

WHEREAS, section 39606 of the Health and Safety Code requires the Air Resources Board (the "Board" or "ARB") to adopt ambient air quality standards, and sections 39003 and 41500 direct the Board to coordinate efforts throughout the state to attain and maintain these standards;

WHEREAS, the Legislature enacted the California Clean Air Act of 1988 (the "Act"; Stats. 1988, ch. 1568) and declared that it is necessary that the state ambient air quality standards be attained by the earliest practicable date to protect the public health, particularly the health of children, older people, and those with respiratory diseases;

WHEREAS, in order to attain these standards, the Act in Health and Safety Code sections 40910 et seq. mandates a comprehensive program of emission reduction measures and planning requirements for the state and local air pollution control districts ("districts") in areas where the standards are not attained for ozone, carbon monoxide, sulfur dioxide, and nitrogen dioxide;

WHEREAS, sections 40911 and 40913 of the Health and Safety Code require that each district must adopt a plan which is designed to achieve and maintain the state standards by the earliest practicable date;

WHEREAS, section 40914 of the Health and Safety Code requires that each district plan be designed to achieve a reduction in district-wide emissions of 5 percent or more per year for each nonattainment pollutant or its precursors (averaged every consecutive three year period beginning in 1988) unless the district is unable to achieve this goal despite the inclusion of every feasible measure in the plan and an expeditious adoption schedule;

WHEREAS, the Board is required to review and then approve, approve conditionally, or revise district attainment plans pursuant to sections 41500, 41503, and 41503.5 of the Health and Safety Code, and is responsible for ensuring district compliance with the Act;

WHEREAS, section 40924(a) of the Health and Safety code requires that each year following the Board's approval of a district's attainment plan the district shall prepare and submit a report to the Board summarizing its progress in meeting the schedules for developing, adopting, and implementing the control measures contained in the plan;

WHEREAS, section 40918(b) states that a district's air pollution is to be designated as "moderate" if the Board finds and determines that the district can attain and maintain the applicable state standard by not later than December 31, 1994;

WHEREAS, section 40919(b) states that a district's air pollution is to be designated as "serious" if the Board finds and determines that the district is unable to attain and maintain the applicable state standard until after December 31, 1994, but can attain and maintain the standard by not later than December 31, 1997;

WHEREAS, section 40920(b) states a district's air pollution is to be designated as "severe" if the Board finds and determines that the district is unable to attain and maintain the applicable state standard until after December 31, 1997 or is unable to identify an attainment date;

WHEREAS, the districts of the Upper Sacramento Valley (Butte, Colusa, Feather River (part), Glenn, Tehama, and Shasta) have classified themselves as moderate non-attainment for ozone and in the Chico Urban Area of Butte County only, moderate non-attainment for carbon monoxide;

WHEREAS, section 40918(a) of the Health and Safety Code requires each district classified as a moderate non-attainment area to include the following components in its attainment plan to the extent necessary to meet the requirements of the Act;

- (1) a permitting program designed to achieve no net increase in emissions of nonattainment pollutants or their precursors from new or modified stationary sources which emit or have the potential to emit 25 tons per year or more of non-attainment pollutants or their precursors;
- (2) reasonably available control technology for all existing sources;
- (3) reasonably available transportation control measures;
- (4) provisions to develop area source and indirect source control programs;

- (5) provisions to develop and maintain an emissions inventory system;
- (6) provisions for public education programs to promote actions to reduce emissions from transportation and areawide sources;

WHEREAS, all districts within the Upper Sacramento Valley have been identified as downwind recipients of ozone transport from the Broader Sacramento Area and therefore are not subject to the transport mitigation requirements specified in Title 17, California Code of Regulations, section 70600;

WHEREAS, sections 40913(b) and 40922(a) of the Health and Safety Code require each plan to include an assessment of the cost-effectiveness of available and proposed control measures, to contain a list which ranks the control measures from the least cost-effective to the most cost-effective, and to be based on a determination by the district board that the plan is a cost-effective strategy to achieve attainment of the state standards by the earliest practicable date;

WHEREAS, section 41503(b) of the Health and Safety Code requires that control measures for regional pollutants such as ozone shall be uniform throughout the affected air basins to the maximum extent feasible, unless specified demonstrations are made by the district;

WHEREAS, section 40915 of the Health and Safety Code requires that each district plan contain contingency measures to be implemented upon a finding by the Board that the district is failing to achieve interim goals or maintain adequate progress toward attainment;

WHEREAS, the California Environmental Quality Act (CEQA) requires that no project which may have significant adverse environmental impacts may be adopted as originally proposed if feasible alternatives or mitigation measures are available to reduce or eliminate such impacts, unless specific overriding considerations are identified which substantially outweigh the potential adverse consequences of any unmitigated impacts;

WHEREAS, the Upper Sacramento Valley 1991 Air Quality Attainment Plan (the "Plan") was individually adopted by each district board within the Upper Sacramento Valley between July and November of 1991, and the Plan was transmitted to the Air Resources Board on September 16, 1991;

WHEREAS, a public hearing has been conducted in accordance with sections 41502 and 41503.4 of the Health and Safety Code;

WHEREAS, the Board has reviewed and considered the Plan and the Negative Declarations submitted by the districts, as well as the significant issues raised and oral and written comments presented by interested persons and Board staff;

WHEREAS, the Plan includes the following major components:

1. an emission inventory for each district which includes both stationary and mobile source categories;
2. commitments to adopt measures requiring the retrofitting of 21 stationary source categories with control equipment by July of 1994;
3. a commitment to develop an area source control program;
4. a commitment to develop an indirect source control program as appropriate for each district;
5. a cost-effectiveness ranking for stationary and area source control measures;

WHEREAS, the Plan does not contain a component addressing attainment of the state standard for carbon monoxide for the Chico Urban Area of Butte County, as required by the Act;

WHEREAS, the findings set forth in this Resolution are supplemented by and based on the more detailed analysis set forth in the Board Staff Report for the Plan, which is incorporated by reference herein;

WHEREAS, based upon the Plan, the Negative Declarations, the information presented by the Board staff, and the written and oral public testimony received prior to and at the hearing, the Board finds as follows:

1. The state health-based ambient air quality standard for ozone is exceeded in the Upper Sacramento Valley and the standard for carbon monoxide is exceeded in the Chico Urban Area;
2. The districts cannot use a photochemical model to project an attainment date for ozone due to the unavailability of a reliable model; as an alternative, however, a proportional rollback analysis can be used to project an attainment date;
3. It is appropriate to presume a "moderate" ozone classification for the Upper Sacramento Valley pending completion of a proportional rollback analysis due to the likelihood that such an analysis will project attainment by December 31, 1994;
4. The local measures proposed in the Plan fall short of the 5 percent per year reductions for all non-attainment pollutants and their precursors, and the Plan instead indicates an annual reduction of hydrocarbons of 2.3 percent, and of oxides of nitrogen of 1.5 percent;

5. Although the Plan achieves emission reductions of less than 5 percent per year, the Plan satisfies the requirements of Health and Safety Code sections 40914(b) and 41503.1 because it provides for the expeditious adoption of all feasible control measures given the circumstances which prevail in the Upper Sacramento Valley;
6. The Plan includes all reasonably available transportation control measures (TCMs), as warranted by present conditions in each respective jurisdiction, although a final TCM report is needed before the Feather River measures can be fully approved;
7. The districts have included all feasible transportation, stationary and area source measures in the Plan;
8. The districts' proposal to adopt 22 rules covering both stationary and area sources between 1992 and 1994, represents an expeditious adoption schedule;
9. The Plan includes provisions to develop a public education program to promote actions which reduce emissions from transportation and area sources;
10. The Plan includes uniform control measures for the districts within the Upper Sacramento Valley to the extent that they address emission sources held in common;
11. The contingency procedure in the plan meets the Act's requirements, as specified in Health and Safety Code section 40915;
12. The Plan contains a cost-effectiveness ranking for 23 of the plans' 43 proposed control measures, with insufficient information available to rank the remaining measures;
13. The District Boards of Glenn, Feather River, Shasta, and Tehama have made the required finding that the plan is a cost-effective strategy for attaining the state ambient air quality standards by the earliest practicable date;
14. The District Boards of Butte and Colusa have not made the required cost-effectiveness finding that the plan is a cost-effective strategy for attaining the state ambient air quality standards by the earliest practicable date;
15. The districts of Tehama and Shasta have adopted the required amendments to their New Source Review rules designed to achieve a no net increase in emissions of ozone precursors from new and modified stationary sources that have the potential to emit 25 tons or more per year;

16. The districts of Butte, Colusa, Feather River, and Glenn have not adopted the required amendments to their New Source Review rules designed to achieve a no net increase in emissions of ozone precursors from new and modified stationary sources that have the potential to emit 25 tons or more per year;
17. The Negative Declarations prepared and certified by each district Board for the Plan meet the requirements of CEQA;

NOW, THEREFORE, BE IT RESOLVED, that the Board approves those portions of the Upper Sacramento Valley plan which, as identified in the Staff Report, meet the requirements of the Act;

BE IT FURTHER RESOLVED, that the Board directs the Butte County Air Pollution Control District to adopt and submit to the Board, a carbon monoxide attainment plan for the Chico Urban Area by October 9, 1992;

BE IT FURTHER RESOLVED, that the Board directs the Upper Sacramento Valley districts, with the assistance of Board staff, to perform by October 9, 1992, a proportional rollback analysis to project the likely date by which the local contribution to ozone violations will be abated;

BE IT FURTHER RESOLVED, that the Board conditionally approves the emissions accounting in the plan and directs ARB staff to work with the districts to incorporate the additional emission reductions not accounted for in the plan, and to use the revised estimates in the proportional rollback analysis;

BE IT FURTHER RESOLVED, that the Board conditionally approves the moderate classification for ozone pending completion of a proportional rollback analysis;

BE IT FURTHER RESOLVED, that the Board directs the districts of Butte, Colusa, Feather River, and Glenn to adopt by January 9, 1993, rule amendments designed to achieve no net increase in emissions of ozone precursors from new and modified permitted stationary sources with the potential to emit 25 tons or more per year;

BE IT FURTHER RESOLVED, that the Board directs the districts of Butte, Colusa, and Glenn to determine by October 9, 1992, whether the Plan is a cost-effective strategy for attaining the state ambient air quality standards by the earliest practicable date;