

State of California
AIR RESOURCES BOARD

Resolution 93-6

February 18, 1993

Agenda Item No.: 93-2-1

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") 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, Chapter 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, the Legislature enacted AB 2783 (Stats. 1992, Chapter 945), on January 1, 1993, which amends certain requirements of the Act as noted below where relevant;

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 40921.5 states that a district's air pollution is to be designated as "moderate" if the Board finds and determines that the district's ambient air measurements during 1989 through 1991 are 0.09 to 0.12 parts per million (ppm) for ozone or 9.0 to 12.7 ppm for carbon monoxide;

WHEREAS, section 40921.5 states that a district's air pollution is to be designated as "serious" if the Board finds and determines that the district's ambient air measurements during 1989 through 1991 are 0.13 to 0.15 ppm for ozone or greater than 12.7 ppm for carbon monoxide;

WHEREAS, section 40921.5 states a district's air pollution for ozone is to be designated as "severe" if the Board finds and determines that the district's ambient air measurements of this pollutant during 1989 through 1991 are 0.16 to 0.20 ppm;

WHEREAS, section 40921.5 states a district's air pollution for ozone is to be designated as "extreme" if the Board finds and determines that the district's ambient air measurements for this pollutant during 1989 through 1991 are greater than 0.20 ppm;

WHEREAS, the Kern County Air Pollution Control District (the "District") is currently attaining the CO standard and has classified itself as "moderate" nonattainment for ozone and Board staff is recommending that a nonattainment classification of "moderate" be applied;

WHEREAS, AB 2783 will not significantly change applicable planning requirements for the District, with the exceptions noted below;

WHEREAS, section 40918(a) of the Health and Safety Code requires each district classified as a moderate nonattainment 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: (1) achieve no net increase in emissions of nonattainment pollutants or their precursors from all permitted new or modified stationary sources which emit or have the potential to emit 25 tons or more per year of nonattainment pollutants or their precursors, and (2) require best available control technology (BACT) for any new or modified stationary source which has the potential to emit 25 pounds per day or more of any nonattainment pollutant or its precursors;
- (2) application of reasonably available control technology (RACT) to existing stationary sources permitted to emit less than 5 tons per day or less than 250 tons per year of any nonattainment pollutant or precursor;

- (3) application of best available retrofit control technology (BARCT) to existing stationary sources permitted to emit 5 tons or more per day or 250 tons or more per year;
- (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;
- (7) reasonably available transportation control measures to substantially reduce the rate of increase in passenger vehicle trips and miles traveled per trip if the district contains an urbanized area with a population of 50,000 or more;

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 plan 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 shall be uniform throughout the affected air basin 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 and further requires that any regulations to implement such measures be adopted by the district within 180 days following the Board's finding of inadequate progress;

WHEREAS, section 41503(a) of the Health and Safety Code requires the state board, within 12 months of receiving the final plan, to determine whether the attainment date specified in the plan represents the earliest practicable date and whether the measures contained in the plan are sufficient to achieve and maintain state ambient air quality standards;

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; or, if one or more adverse impacts remain, unless specific overriding considerations are identified which substantially outweigh the potential adverse consequences of any unmitigated impacts;

WHEREAS, the District Board adopted a Negative Declaration on June 25, 1991 and the 1992 amended Kern Air Quality Attainment Plan ("plan") on June 8, 1992, and officially transmitted both documents to the Air Resources Board on August 11, 1992;

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, the Negative Declaration submitted by the District, and all significant issues raised and oral and written comments presented by interested persons and Board staff;

WHEREAS, the Plan includes the following major components:

1. a projection of attainment of the state ozone standard based on target ozone precursor reductions of 30% by December 31, 1994;
2. a detailed emission inventory, which projects trends based on growth in population, employment, industrial/commercial activity, travel, and energy use;
3. commitments to adopt control measures requiring the retrofit of 12 stationary source categories with pollution control equipment, which meet RACT requirements, between 1991 and 1994;
4. a commitment to develop and adopt a total of 6 area source control measures, which meet RACT requirements, by 1994;
5. a commitment to develop an indirect source control program by the year 1994;
6. a "no net increase" new source permitting rule for new and modified sources with the potential to emit 25 tons per year or more;
7. a commitment to develop transportation control measures;
8. a cost-effectiveness ranking for stationary and area source control measures and a separate cost-effectiveness ranking for transportation control measures;

WHEREAS, Section 41502(c) requires the Board to adopt written findings which explain its actions and which address the significant issues raised by interested persons;

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, and by the Board's and staff's responses to comments on the record;

WHEREAS, based upon the Plan, the Negative Declaration, 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 standards for ozone are exceeded in the Kern County Air Pollution Control District;
2. The District is impacted by ozone transport from the San Joaquin Valley and South Coast Air Basins;
3. The Board cannot concur with the Plan's attainment demonstration until further information is available to quantify transport;
4. The Plan includes requirements for RACT for existing sources; and the District has committed to upgrade control measures for larger sources (5 tons or more per day or 250 tons or more per year) to BARCT levels at the time of rulemaking as required by AB 2783;
5. The Plan includes a "no net increase" permit rule for new and modified stationary sources which meets statutory requirements;
6. The District's proposal to adopt 18 stationary and area source rules between 1991 and 1994 is a significant increase of regulatory activity and represents an expeditious adoption schedule;
7. The Plan is in compliance with the provisions to develop an indirect source control program;
8. The combination of state and local measures in the Plan falls short of the 5 percent per year reductions for ozone and its precursors; the Plan instead indicates annual reductions of hydrocarbons of 0.8 to 3.4 percent; and of oxides of nitrogen of from 0.5 to 5.1 percent;
9. The District has included all feasible stationary and area source measures in the Plan;
10. 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 every feasible control measure, given the circumstances which prevail in the District;
11. The Plan is in compliance with the two cost-effectiveness requirements of the Act;
12. The Plan contains an adequate list of contingency measures as required by Health and Safety Code section 40915;
13. The Plan conforms with the uniformity requirements to the extent appropriate within the Southeast Desert Air Basin in light of the vast physical size of the air basin, varying meteorological conditions, and the local impacts associated with interbasin and international transport;

14. The Final Negative Declaration prepared and certified by the District Board for the Plan meets the requirements of CEQA, and environmental documentation for individual measures should be prepared as necessary as each measure is considered for adoption;
15. The Board is a responsible agency for purposes of CEQA. The Board finds that the Negative Declaration is adequate for the purposes of this planning activity. There is no evidence that adoption of the Plan will have a significant impact on the environment; and the District's findings and supporting statements of fact, as set forth in the District's Resolution 91-501, dated June 25, 1991, are hereby incorporated by reference as the findings which this Board is required to make pursuant to Public Resources Code section 21081 and CEQA guidelines;

NOW, THEREFORE, BE IT RESOLVED, that the Board approves those portions of the Kern County Air Quality Plan, which, as identified in the Staff Report, meet the requirements of the Act and directs the District to proceed with adoption and implementation of the control measures included in the Plan.

BE IT FURTHER RESOLVED, that the Board directs the District to take such actions as identified in the Staff Report for those Plan provisions where further actions are needed to comply with the Act and directs staff to compile a list of such actions in a letter to the District.

BE IT FURTHER RESOLVED, that the Board defers action on the attainment demonstration until sufficient data or modeling capability are available to quantify transport to the Kern County District.

BE IT FURTHER RESOLVED, that the Board approves the "moderate" area classification for Kern in the current planning cycle and recommends that this classification be revisited in 1994 based on air monitoring data acquired in the District and further analysis of transport.

I hereby certify that the above is a true and correct copy of Resolution 93-6, as adopted by the Air Resources Board.



Pat Hutchens, Board Secretary

State of California
AIR RESOURCES BOARD

Resolution 93-7

February 18, 1993

Agenda Item No.: 93-2-1

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") 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, Chapter 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, the Legislature enacted AB 2783 (Stats. 1992, Chapter 945), on January 1, 1993, which amends certain requirements of the Act as noted below where relevant;

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 40921.5 states that a district's air pollution is to be designated as "moderate" if the Board finds and determines that the district's ambient air measurements during 1989 through 1991 are 0.09 to 0.12 parts per million (ppm) for ozone or 9.0 to 12.7 ppm for carbon monoxide;

WHEREAS, section 40921.5 states that a district's air pollution is to be designated as "serious" if the Board finds and determines that the district's ambient air measurements during 1989 through 1991 are 0.13 to 0.15 ppm for ozone or greater than 12.7 ppm for carbon monoxide;

WHEREAS, section 40921.5 states a district's air pollution for ozone is to be designated as "severe" if the Board finds and determines that the district's ambient air measurements for this pollutant during 1989 through 1991 are 0.16 to 0.20 ppm;

WHEREAS, section 40921.5 states a district's air pollution for ozone is to be designated as "extreme" if the Board finds and determines that the district's ambient air measurements for this pollutant during 1989 through 1991 are greater than 0.20 ppm;

WHEREAS, the San Bernardino County Air Pollution Control District (the "District") currently attains the carbon monoxide standards and has classified itself as "moderate" nonattainment for ozone and Board staff is recommending that a nonattainment classification of "moderate" be applied;

WHEREAS, AB 2783 will not significantly change applicable planning requirements for the District, with the exceptions noted below;

WHEREAS, section 40918(a) of the Health and Safety Code requires each district classified as a moderate nonattainment 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: (1) achieve no net increase in emissions of nonattainment pollutants or their precursors from all permitted new or modified stationary sources which emit or have the potential to emit 25 tons or more per year of nonattainment pollutants or their precursors, and (2) require best available control technology (BACT) for any new or modified stationary source which has the potential to emit 25 pounds per day or more of any nonattainment pollutant or its precursors;

- (2) application of reasonably available control technology (RACT) to existing stationary sources permitted to emit less than 5 tons per day or less than 250 tons per year of any nonattainment pollutant or precursor;
- (3) application of best available retrofit control technology (BARCT) to existing stationary sources permitted to emit 5 tons or more per day or 250 tons or more per year of any nonattainment pollutant or precursor;
- (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;
- (7) reasonably available transportation control measures to substantially reduce the rate of increase in passenger vehicle trips and miles traveled per trip if the district contains an urbanized area with a population of 50,000 or more;

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 plan 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 shall be uniform throughout the affected air basin 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 and further requires that any regulations to implement such measures be adopted by the district within 180 days following the Board's finding of inadequate progress;

WHEREAS, section 41503(a) of the Health and Safety Code requires the state board within 12 months of receiving the final plan to determine whether the attainment date specified in the plan represents the earliest practicable date and whether the measures contained in the plan are sufficient to achieve and maintain state ambient air quality standards unless the Board concurs that a demonstration of attainment is not feasible;

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; or, if one or more adverse impacts remain, unless specific overriding considerations are identified which substantially outweigh the potential adverse consequences of any unmitigated impacts;

WHEREAS, an Environmental Impact Report (EIR) and the San Bernardino 1992 Air Quality Attainment Plan ("Plan") were adopted by the District Board on August 26, 1991, and officially transmitted by the District to the Air Resources Board on September 10, 1991, the Plan was later amended on June 1, 1992 and resubmitted soon after;

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, the EIR submitted by the District, and all significant issues raised and oral and written comments presented by interested persons and Board staff;

WHEREAS, the Plan includes the following major components:

1. a projection of attainment of the state ozone standard based on target ozone precursor reductions of 30% by December 31, 1994;
2. a detailed emission inventory, which projects trends based on growth in population, employment, industrial/commercial activity, travel, and energy use;
3. commitments to adopt control measures, which meet RACT requirements, for 16 stationary source categories between 1991 and 1994;
4. a commitment to develop and adopt an area source control program which meets RACT requirements, by 1994;
5. a commitment to develop an indirect source control program by the year 1994;
6. a commitment to develop and adopt a "no net increase" new source permitting rule by 1992;
7. a commitment to develop a transportation control program with measures to be adopted between 1991 and 1994;
8. a cost-effectiveness ranking for stationary and area source control measures;

WHEREAS, Section 41502(c) requires the Board to adopt written findings which explain its actions and which address the significant issues raised by interested persons;

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, and by the Board's and staff's responses to comments on the record;

WHEREAS, based upon the plan, the Environmental Impact Report (EIR), 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 standards for ozone, are exceeded in the San Bernardino County Air Pollution Control District;
2. The District is affected by ozone transport from the South Coast and San Joaquin Valley Air Basins;
3. The Board cannot concur with the Plan's attainment demonstration until further information is available to quantify transport and the emission accounting in the plan has been corrected;
4. The Plan includes requirements to impose RACT on existing sources; however, the District must commit to upgrade its retrofit proposals to BARCT levels for larger sources (5 tons or more per day or 250 tons or more per year) at the time of rulemaking, as required by AB 2783;
5. The District has not adopted the required amendments to its New Source Review rule designed to achieve a no net increase in emissions from new or modified stationary sources which have a potential to emit 25 tons or more per year and to require best available control technology for sources with the potential to emit 25 pounds or more per day;
6. The lack of a commitment to adopt any NOx measures until 1994 results in the District's proposed schedule for rulemaking not representing an expeditious adoption schedule;
7. The Plan includes provisions to develop an area source control program; however, more information from the District is needed to allow the Board to adequately evaluate this program;
8. The Plan includes provisions to develop an indirect source control program; however, more information from the District is needed to allow the Board to adequately evaluate this program;
9. The Plan contains those reasonably available transportation control measures most appropriate for the San Bernardino District; however, additional information describing the District's reasons for determining that reasonably available transportation control measures are not applicable to the District;

10. The combination of state and proposed local measures in the Plan does not meet the 5 percent per year reductions for ozone and its precursors, as the Plan predicts an annual reduction of hydrocarbons of 2.6 percent, and oxides of nitrogen of 4.4 percent through 1997;
11. The District has included all feasible stationary and area source measures in the Plan, but the adoption schedule must be revised to be made expeditious;
12. The Plan is in compliance with the two cost-effectiveness requirements of the Act;
13. The Plan conforms with the uniformity requirements to the extent appropriate within the Southeast Desert Air Basin in light of the vast physical size of the air basin, varying meteorological conditions, and the local impacts associated with interbasin and international transport;
14. The District's specified contingency measures meet the Act's requirements;
15. The Final EIR prepared and certified by the District Board for the plan meets the requirements of the CEQA, and environmental documentation for individual measures should be prepared as necessary as each measure is considered for adoption;
16. The EIR has adequately addressed alternatives and mitigation measures for the purposes of this planning activity; the Board is a responsible agency for the purposes of the CEQA; the Board concurs with the District Board's finding that the plan will not result in adverse environmental impacts which cannot be mitigated to insignificant levels; and the District's findings and supporting statements of fact, as set forth in the District's Resolution 91-298, dated August 26, 1991, are hereby incorporated by reference as the findings which this Board is required to make pursuant to Public Resources Code section 21081 and CEQA guidelines;

WHEREAS, the Board has prepared additional findings in response to the significant issues which have been raised by public comments, set forth in Attachment A hereto and incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED, that the Board approves those portions of the San Bernardino County Air Quality Plan, which, as identified in the Staff Report, meet the requirements of the Act and directs the District to proceed with the adoption and implementation of the control measures included in the Plan.

BE IT FURTHER RESOLVED, that the Board directs the District to take such actions as identified in the Staff Report for those Plan provisions where

further actions are needed to comply with the Act and directs staff to complete a list of such actions in a letter to the District.

BE IT FURTHER RESOLVED, that the Board defers action on attainment demonstration until sufficient data or modeling capability are available to quantify transport in the San Bernardino County District.

BE IT FURTHER RESOLVED, that the Board approves the "moderate" area classification for San Bernardino in the current planning cycle and recommends that this classification be revisited in 1994 based on new data quantifying the degree of transport impact in San Bernardino.

BE IT FURTHER RESOLVED, that the Board determines that the District is not in compliance with the "no net increase" requirements for new and modified stationary sources which have the potential to emit 25 tons or more per year, requiring best available control technology for sources with the potential to emit 25 pounds or more per day, and directs the District to adopt and implement the required rule by no later than July 1, 1993 which mitigates all future emission increases and takes whatever actions are necessary to mitigate emission increases occurring between July 1, 1991 and the rule implementation date.

BE IT FURTHER RESOLVED, that the Board directs the District to submit a written commitment to upgrade control measures to BARCT levels for major sources at the time of rulemaking by August 18, 1993.

BE IT FURTHER RESOLVED, that the Board finds that the Plan does not contain an expeditious rule adoption schedule and directs the District to accelerate its rule development, adoption and implementation schedule for the following rules as specified:

- o Internal combustion engines - adopt by September 30, 1993, implement by December 30, 1994
- o Boiler and Process Heaters (including Chemical Processes and Manufacturing) - adopt by November 30, 1993, implement by November 30, 1997
- o Electric Utilities - adopt by December 30, 1994, implement by December 30, 1999

BE IT FURTHER RESOLVED, that the Board conditionally approves the provisions to develop an area source control program and directs the District to submit a supplemental report by August 18, 1993, which describes the details and funding plans for the area source control measures proposed within the Plan.

BE IT FURTHER RESOLVED, that the Board conditionally approves the provisions to develop an indirect source control program and directs the District to submit additional information by August 18, 1993, regarding funding commitments, implementation schedule, quantification of emission reductions and any alternative approach the District may be considering in lieu of the enhanced CEQA review program.

BE IT FURTHER RESOLVED, that the Board conditionally approves the reasonably available transportation control measures committed to in the Plan and directs the District to: (1) work with the Board staff on the appropriate evaluation criteria for Rule 1701, the District's Employer Trip Reduction Rule, and (2) provide additional detail on the inapplicability of those transportation control measures not included in the Plan, as specified in the Appendix to Volume III of the Staff Report, by August 18, 1993.

BE IT FURTHER RESOLVED, that the Board directs the San Bernardino District to provide additional information and clarification to Board staff which accurately estimates emission reductions expected from the implementation of the plan, including the correction of the double counting of NOx reductions from non-utility internal combustion engines and the inspection and maintenance program.

BE IT FURTHER RESOLVED, that the Board directs staff to establish a mechanism for involving the District and Southern California Association of Governments in the analysis of transport into the Southeast Desert Air Basin, and the development of attainment demonstrations for the Los Angeles-Anaheim-Riverside consolidated statistical metropolitan area, of which San Bernardino is a part.

I hereby certify that the above is a true and correct copy of Resolution 93-7, as adopted by the Air Resources Board.

Pat Hutchens

Pat Hutchens, Board Secretary

State of California
AIR RESOURCES BOARD

Resolution 93-8

February 18, 1993

Agenda Item No.: 93-2-1

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") 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, Chapter 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, the Legislature enacted AB 2783 (Stats. 1992, Chapter 945), on January 1, 1993, which amends certain requirements of the Act as noted below where relevant;

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 40921.5 states that a district's air pollution is to be designated as "moderate" if the Board finds and determines that the district's ambient air measurements during 1989 through 1991 are 0.09 to 0.12 parts per million (ppm) for ozone or 9.0 to 12.7 ppm for carbon monoxide;

WHEREAS, section 40921.5 states that a district's air pollution is to be designated as "serious" if the Board finds and determines that the district's ambient air measurements during 1989 through 1991 are 0.13 to 0.15 ppm for ozone or greater than 12.7 ppm for carbon monoxide;

WHEREAS, section 40921.5 states a district's air pollution for ozone is to be designated as "severe" if the Board finds and determines that the district's ambient air measurements of this pollutant during 1989 through 1991 are 0.16 to 0.20 ppm;

WHEREAS, section 40921.5 states a district's air pollution for ozone is to be designated as "extreme" if the Board finds and determines that the district's ambient air measurements during 1989 through 1991 are greater than 0.20 ppm;

WHEREAS, the Imperial County Air Pollution Control District (the "District") is currently attaining the CO standard and has classified itself as "moderate" nonattainment for ozone and Board staff is recommending that a nonattainment classification of "moderate" be applied;

WHEREAS, AB 2783 will not significantly change applicable planning requirements for the District, with the exceptions noted below;

WHEREAS, section 40918(a) of the Health and Safety Code requires each district classified as a moderate nonattainment 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: (1) achieve no net increase in emissions of nonattainment pollutants or their precursors from all permitted new or modified stationary sources which emit or have the potential to emit 25 tons or more per year of nonattainment pollutants or their precursors, and (2) require best available control technology (BACT) for any new or modified stationary source which has the potential to emit 25 pounds per day or more of any nonattainment pollutant or its precursors;

- (2) application of reasonably available control technology (RACT) to existing stationary sources permitted to emit less than 5 tons per day or less than 250 tons per year of any nonattainment pollutant or precursor;
- (3) application of best available retrofit control technology (BARCT) to existing stationary sources permitted to emit 5 tons or more per day or 250 tons or more per year;
- (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;
- (7) reasonably available transportation control measures to substantially reduce the rate of increase in passenger vehicle trips and miles traveled per trip if the district contains an urbanized area with a population of 50,000 or more;

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 plan 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 shall be uniform throughout the affected air basin 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 and further requires that any regulations to implement such measures be adopted by the district within 180 days following the Board's finding of inadequate progress;

WHEREAS, section 41503(a) of the Health and Safety Code requires the state board shall, within 12 months of receiving the final plan, determine whether the attainment date specified in the plan represents the earliest practicable date and whether the measures contained in the plan are sufficient to achieve and maintain state ambient air quality standards;

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: or, if one or more adverse impacts remain, unless specific overriding considerations are identified which substantially outweigh the potential adverse consequences of any unmitigated impacts;

WHEREAS, the Imperial County 1992 Air Quality Attainment Plan (Plan) and a Negative Declaration were adopted by the District Board on April 14, 1992, and were officially transmitted by the District to the Air Resources Board on April 17, 1992;

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, the Negative Declaration submitted by the District, and all significant issues raised and oral and written comments presented by interested persons and Board staff;

WHEREAS, the Plan includes the following major components:

1. a detailed emission inventory, which projects trends based on growth in population, employment, industrial/commercial activity, travel, and energy use;
2. commitments to adopt control measures requiring the retrofit of 5 stationary source categories with pollution control equipment between 1991 and the year 1994, and completing the adoption schedule with 2 more rules in 1995, all of which meet RACT requirements;
3. a commitment to develop and adopt a total of 12 area source control measures, which meet RACT requirements, by 1994;
4. a commitment to investigate the development of an indirect source control program by the year 1994;
5. a commitment to develop and adopt a "no net increase" new source permitting rule by the year 1992;
6. a commitment to develop transportation control measures;
7. a cost-effectiveness ranking for stationary and area source control measures and a separate cost-effectiveness ranking for transportation control measures;

WHEREAS, Section 41502(c) requires the Board to adopt written findings which explain its actions and which address the significant issues raised by interested persons;

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, and by the Board's and staff's responses to comments on the record;

WHEREAS, based upon the plan, the Negative Declaration, 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 standards for ozone, are exceeded in the Imperial County Air Pollution Control District;
2. The District is affected by international ozone transport from Mexico and by ozone transport from the South Coast Air Basin;
3. The Board concurs that attainment demonstrations is not possible until further information is available to quantify transport and the emission accounting in the plan has been corrected;
4. The Plan includes requirements to impose RACT on existing sources, however, the District must commit to upgrade its retrofit proposals to BARCT levels for larger sources (5 tons or more per day or 250 tons or more per year) at the time of rulemaking, as required by AB 2783;
5. The District has not adopted the required amendments to its New Source Review rule designed to achieve a no net increase in emissions from new or modified stationary sources which have a potential to emit 25 tons or more per year and to require best available control technology for sources with the potential to emit 25 pounds or more per day;
6. The District's proposal to adopt 17 stationary source rules and area source rules between 1991 and 1994 represents an expeditious adoption schedule;
7. The Plan includes provisions to investigate the development of an indirect source control program but does not describe the District's intent as to the preferred approach nor includes a timetable for completion of that investigation;
8. The combination of state and local measures in the plan falls short of the 5 percent per year reductions for ozone and its precursors, and the plan instead indicates an annual reduction of hydrocarbons of from 0.2 to 1.5 percent, and oxides of nitrogen of from 1.2 to 2.8 percent;
9. The District has included all feasible stationary and area source measures in the Plan;
10. The Plan is in compliance with the cost-effectiveness requirements of the Act;
11. The Plan conforms with the uniformity requirements to the extent appropriate within the Southeast Desert Air Basin in light of the vast physical size of the air basin, varying meteorological

conditions, and the local impacts associated with interbasin and international transport;

12. The Plan contains an acceptable contingency procedure, as required by Health and Safety Code section 40915, which provides for the District to do everything possible to accelerate the adoption and implementation of subsequent rules in the event that a proposed control measure is not adopted or implemented;
13. The Final Negative Declaration prepared and certified by the District Board for the Plan meets the requirements of the CEQA, and environmental documentation for individual measures should be prepared as necessary as each measure is considered for adoption;
14. The Board is a responsible agency for purposes of CEQA; the Board finds that the Negative Declaration is adequate for the purposes of this planning activity and concurs with the District Board's finding that the plan will not result in adverse environmental impacts which cannot be mitigated to insignificant levels; and the District's findings and supporting statements of fact, as set forth in the District's Resolution 4-16-92, dated April 16, 1992, are hereby incorporated by reference as the findings which this Board is required to make pursuant to Public Resources Code section 21081 and CEQA guidelines;

WHEREAS, the Board has prepared additional findings in response to the significant issues which have been raised by public comments, set forth in Attachment A hereto and incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED, that the Board approves those portions of the Imperial County Air Quality Plan, which, as identified in the Staff Report, meet the requirements of the Act and directs the District to proceed with adoption and implementation of the control measures included in the Plan.

BE IT FURTHER RESOLVED, that the Board directs the District to take such actions as identified in the Staff Report for those Plan provisions where further actions are needed to comply with the Act.

BE IT FURTHER RESOLVED, that the Board defers action on the attainment demonstration until sufficient data or modeling capability are available to quantify transport into the Imperial County District.

BE IT FURTHER RESOLVED, that the Board approves the "moderate" area classification for Imperial County for the current planning cycle and recommends that this classification be revisited in 1994.

BE IT FURTHER RESOLVED, that the Board determines that the District is not in compliance with the "no net increase" permit program requirements for new and modified stationary sources which have the potential to emit 25 tons or more per year, requiring best available control technology for sources with the potential to emit 25 pounds or more per day, and directs the District to

adopt and implement the required rule by no later than July 1, 1993 which mitigates all future emission increases and takes whatever actions are necessary to mitigate emission increases occurring between July 1, 1991 and the rule implementation date.

BE IT FURTHER RESOLVED, that the Board conditionally approves the retrofit control measures in the Plan and directs the District to submit a written commitment by May 18, 1993, to upgrade its control measures to BARCT levels at the time of rulemaking, where applicable.

BE IT FURTHER RESOLVED, that the Board conditionally approves the Plan's provisions to investigate the development of an indirect source control program and directs the District to report on its conclusions by May 18, 1993.

BE IT FURTHER RESOLVED, that the Board directs the District to revise the baseline emission inventory forecast used in the Plan and recalculate the estimated emission reductions by May 18, 1993.

BE IT FURTHER RESOLVED, that the Board conditionally approves the procedural approach to contingency measures in the Plan, and directs the District to submit additional information which will clarify how the contingency measures will be implemented and the conditions under which such contingency measures will be enacted.

I hereby certify that the above is a true and correct copy of Resolution 93-8, as adopted by the Air Resources Board.

Pat Hutchens

Pat Hutchens, Board Secretary

ATTACHMENT A

PUBLIC HEARING TO CONSIDER GUIDELINES ON THE GENERATION AND USE OF MOBILE SOURCE EMISSION REDUCTION CREDITS

Staff's Recommended Changes to the Original Proposed Guidelines

- 1) Include cost ranges and present value analysis in cost-effectiveness examples for generating credits by purchasing low-emission buses.

This change would result in new cost-effectiveness estimates for the bus purchase examples given in the guidelines. The new cost per ton range estimates for NOx reductions would be:

CNG \$ 1,300 - \$ 7,000

Methanol \$ 6,200 - \$12,000

- 2) Emphasize the need for case-specific cost evaluations in Chapter 6.

Staff propose to add a separate section to emphasize that the examples given are not intended to substitute for case-specific evaluations of individual proposed programs. A number of variables affect the total cost of purchasing and operating low-emission buses, and these can change from case to case.

- 3) Clarify aspects of the extended life credit mechanism in Chapter 6.

Staff propose to specify that the 50% adjustment to the planned emission reduction should be applied in the year 2003 and beyond and to remove item 8 on page 40 which states that bus procurement funds should be redirected if future ceiling standards fall below the originally planned credit standards.

- 4) Remove two sentences from page 5.

Staff propose to remove the following statements from page 5: "CNG low-emission buses would provide the most cost-effective NOx reductions" and "however, some ROG credits could be generated, and allowed if they are adequately quantified".

- 5) Include electric bus emission reductions in Tables 12 and 18 of Chapter 6.
- 6) Page 17 - Extend the recommended selling period from 90 days to "90 days but no more than 1 year."

Amendments Requested by Board

- 7) Page 25- Allow removal and reuse of cylinder block and other engine components that may be used in collector cars.
- 8) Page 35, Table 8- Modify the table to reflect 1/2 gram/bhp-hr credit standard increments vs. the present 1 gram/bhp-hr increments.