

State of California
AIR RESOURCES BOARD

Resolution 00-4

January 27, 2000

Agenda Item No.: 00-1-5

WHEREAS, the Legislature in Health and Safety Code section 39602 has designated the state Air Resources Board (ARB or Board) as the air pollution control agency for all purposes set forth in federal law;

WHEREAS, the ARB is responsible for the preparation of the State Implementation Plan (SIP) for attaining and maintaining the National Ambient Air Quality Standards (NAAQS) as required by the federal Clean Air Act (the Act; 42 U.S.C. section 7401 et seq.), and to this end is directed by Health and Safety Code section 39602 to coordinate the activities of all local and regional air pollution control and air quality management districts (districts) necessary to comply with the Act;

WHEREAS, section 39602 also provides that the SIP shall include only those provisions necessary to meet the requirements of the Act;

WHEREAS, sections 40469 and 41650 of the Health and Safety Code require the ARB to adopt the nonattainment plan approved by a district as part of the SIP unless the Board finds, after a conflict resolution process and public hearing, that the plan does not meet the requirements of the Act;

WHEREAS, the districts have primary responsibility for the control of air pollution from nonvehicular sources and for adopting control measures, rules, and regulations to attain the NAAQS within their boundaries pursuant to sections 39002, 40000, 40001, 40460, 40462, and 41650 of the Health and Safety Code;

WHEREAS, the ARB has primary responsibility for the control of air pollution from vehicular sources, including motor vehicle fuels, as specified in sections 39002, 39500, and Part 5 (commencing with section 43000) of the Health and Safety Code, and for ensuring that the districts meet their responsibilities under the Act pursuant to sections 39002, 39500, 39602, 40469, and 41650 of the Health and Safety Code;

WHEREAS, section 176(c) of the Act requires the establishment of conformity emissions budgets for nonattainment areas;

WHEREAS, pursuant to section 181(a) of the Act, the South Coast Air Basin is classified as an extreme ozone nonattainment area with an attainment date of 2010,

and the Antelope Valley region of the Mojave Desert Air Basin and the Coachella Valley region of the Salton Sea Air Basin are classified as severe-17 ozone nonattainment areas with attainment dates of 2007;

WHEREAS, section 182(c)(2)(A) of the Act requires nonattainment areas to demonstrate attainment of the ozone NAAQS by the applicable attainment date specified in section 181;

WHEREAS, sections 182(c)(2)(B) and 182(e) of the Act require extreme nonattainment areas to demonstrate at least a three percent per year average reduction in emissions of volatile organic compounds (VOC) after 1996, or from a combination of VOC and nitrogen oxides (NOx) emissions (post-1996 rate-of-progress demonstration);

WHEREAS, on November 15, 1994, the Board adopted and submitted to the U.S. Environmental Protection Agency (U.S. EPA), an Ozone SIP revision for the South Coast Air Basin, which the U.S. EPA found to meet requirements of the Act, and approved as a SIP revision effective February 7, 1997;

WHEREAS, on November 15, 1996, the South Coast Air Quality Management District (District) adopted its 1997 Air Quality Management Plan (1997 AQMP), which included revisions to the District's element of the 1994 Ozone SIP, including the ozone control strategy, attainment demonstrations, post-1996 rate-of-progress demonstrations, and conformity emissions budgets for the South Coast Air Basin, the Antelope Valley, and the Coachella Valley;

WHEREAS, on January 23, 1997, the Board approved the ozone elements of the 1997 AQMP as an update to the 1994 Ozone SIP, and on February 5, 1997 submitted the 1997 AQMP to the U.S. EPA as a SIP revision;

WHEREAS, in January 1999, the U.S. EPA published a proposal to partially disapprove the 1997 AQMP as a revision to the Ozone SIP for the South Coast Air Basin, primarily because of what the U.S. EPA described as deficiencies in the revised local control strategy;

WHEREAS, to date the U.S. EPA has not taken final action on the ozone strategy in the 1997 AQMP, leaving the 1994 Ozone SIP as the applicable and federally enforceable plan for the South Coast Air Basin, Antelope Valley, and Coachella Valley;

WHEREAS, in 1998 the ARB approved, and submitted to the U.S. EPA, a proposed revision to the SIP for heavy-duty vehicles, which revised the State's portion of the 1994 Ozone SIP and modified the on-road motor vehicles emissions budget for the South Coast Air Basin;

WHEREAS, on December 10, 1999, the District adopted a proposed amendment to the local ozone control strategy in the 1997 AQMP (the "1999 Amendment"), which contains the following:

Revisions to the District's element of the 1994 Ozone SIP and the 1997 AQMP, specifically the local elements of the ozone control strategy and the post-1996 rate-of-progress demonstrations;

A schedule for the adoption of specified short-and-intermediate term control measures with anticipated emission reductions, and a commitment to provide substitute emission reductions for any short- and intermediate-term control measure identified in that schedule which is not adopted according to the schedule or does not result in the emission reductions projected in the schedule;

A commitment to develop and adopt long-range control measures to reduce emissions of volatile organic compounds from solvent cleaning and degreasing operations, miscellaneous industrial coating and solvent operations, fugitive emissions, and industrial process operations, if needed to fulfill the District's commitment to reduce baseline emissions by 76.1 tons per day (tpd) VOC and 7.6 tpd NOx by 2010;

A schedule identifying emission reductions to be achieved through control measures adopted in each year from 1999 through 2003, and the reductions to be achieved as control measures are implemented in each year from 2002 through 2008, irrespective of the District's action on specified control measures;

A commitment to achieve 154 tpd VOC and 4 tpd NOx reductions by 2010 from the implementation of District rules adopted since the 1994 Ozone SIP;

A commitment to provide to the District Board semi-annual progress reports, which would quantify the progress made towards fulfilling these commitments;

Provisions for enhanced public review and opportunities to identify alternative emission reduction options when a rule proposed to fulfill a short-term measure commitment has an anticipated cost-effectiveness ratio of greater than \$13,500 per ton of ozone precursor emissions reduced; and

Revised rate-of-progress demonstrations for the South Coast Air Basin;

WHEREAS, neither the 1997 AQMP nor the 1999 Amendment revises the state or federal control strategy in the 1994 Ozone SIP;

WHEREAS, federal law set forth in section 110(l) of the Act and Title 40, Code of Federal Regulations (CFR), section 51.102 requires that one or more public hearings, preceded by at least 30 days notice and opportunity for public review, must be conducted prior to the adoption and submittal to the U.S. EPA of any SIP revision;

WHEREAS, the 1999 Amendment was available for public review and comment for at least 30 days, and a noticed public hearing was conducted in the South Coast Air Basin prior to adoption by the District Governing Board, as required by the Act and U.S. EPA regulations;

WHEREAS, the California Environmental Quality Act (CEQA) and ARB regulations provide 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 eliminate or reduce any adverse environmental impacts of the activity, unless specific overriding considerations are identified which outweigh the potential adverse consequences of any unmitigated impacts;

WHEREAS, pursuant to CEQA, the District has prepared a Supplemental Environmental Impact Report (SEIR) for the 1999 Amendment which identified no significant adverse environmental impacts for the proposed 1999 Amendment, and the District has received and responded to public comments on the SEIR;

WHEREAS, the 1999 Amendment was submitted to the ARB as a SIP revision on December 10, 1999, along with proof of public notice publication and environmental documents, in accordance with state and federal law;

WHEREAS, ARB has reviewed and considered the 1999 Amendment along with the SEIR prepared for the 1999 Amendment, as well as the significant issues raised and oral and written comments presented by interested persons and Board staff;

WHEREAS, the Board has conducted a public hearing to consider approval of the District's 1999 Amendment to the 1997 AQMP and its submittal to the U.S. EPA as a SIP revision;

WHEREAS, the Board finds that the SEIR prepared for the 1999 Amendment adequately evaluates the potential environmental impacts of the 1999 Amendment, consistent with CEQA requirements, and environmental documentation for individual measures identified in the 1999 Amendment will be prepared as necessary as each measure is considered for adoption; and

WHEREAS, the District, the ARB, and the Southern California Association of Governments are cooperatively developing a comprehensive SIP revision for the South Coast Air Basin, to be adopted and submitted to U.S. EPA in 2001, which will include revised state, local, and federal control strategies based on the results of the Southern California Ozone Study, updated mobile source emissions models, and other technical information now under development.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby approves the 1999 Amendment to the 1997 AQMP adopted by the District, which revises the local ozone control strategy and rate-of-progress demonstration in the 1997 AQMP, as an interim revision to the 1994 Ozone SIP.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to submit the 1999 Amendment, together with the appropriate supporting documentation, to the U.S. EPA for approval by February 4, 2000, and to work with the U.S. EPA to resolve any issues regarding plan completeness and approvability that may arise.

BE IT FURTHER RESOLVED, that the Board affirms the Executive Officer's request to the U.S. EPA for parallel processing and expedited approval of the 1997 AQMP, as revised by the 1999 Amendment, as a revision to the SIP for Ozone.

BE IT FURTHER RESOLVED, that the Board certifies pursuant to 40 CFR section 51.102, that the 1999 Amendment to the 1997 AQMP was adopted after notice and public hearing as required by 40 CFR section 51.102.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to ensure that the comprehensive SIP revision for South Coast is developed and brought to the Board for approval and submittal to U.S. EPA in 2001.

I hereby certify that the above is true and correct copy of Resolution 00-4, as adopted by the Air Resources Board.

Pat Hutchens, Clerk of the Board