

State of California
AIR RESOURCES BOARD

Resolution 09-19

March 26, 2009

Agenda Item No.: 09-3-4

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

WHEREAS, 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 of the Health and Safety Code also provides that the SIP shall include only those provisions necessary to meet the requirements of the Act;

WHEREAS, section 41650 of the Health and Safety Code requires the ARB to approve the nonattainment plan adopted by a district as part of the SIP unless the Board finds, after a public hearing, that the plan does not meet the requirements of the Act;

WHEREAS, ARB has responsibility for ensuring that the districts meet their responsibilities under the Act pursuant to sections 39002, 39500, 39602, and 41650 of the Health and Safety Code;

WHEREAS, ARB is authorized by section 39600 of the Health and Safety Code to do such acts as may be necessary for the proper execution of its powers and duties;

WHEREAS, sections 39515 and 39516 of the Health and Safety Code provide that any duty may be delegated to the Board's Executive Officer as the Board deems appropriate;

WHEREAS, the local air districts have primary responsibility for controlling 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, 40701, 40702, and 41650 of the Health and Safety Code;

WHEREAS, in July 1997, the United States Environmental Protection Agency (U.S. EPA) promulgated an 8-hour NAAQS for ozone of 0.08 parts per million;

WHEREAS, in April 2004, U.S. EPA designated the Sacramento Metro Area (SMA) as nonattainment for the 8-hour ozone standard;

WHEREAS, the SMA includes the Sacramento Metropolitan Air Quality Management District, the Yolo-Solano Air Quality Management District and parts of the El Dorado County Air Quality Management District, the Placer County Air Pollution Control District, and the Feather River Air Quality Management District (collectively “the Districts”);

WHEREAS, in April 2004, U.S. EPA finalized “Phase 1” of the 8-hour ozone implementation rule (Phase 1 Implementation Rule), which established the classification scheme for nonattainment areas and identified continuing obligations with respect to the existing 1-hour ozone requirements;

WHEREAS, as part of that action U.S. EPA classified the SMA as a “serious” nonattainment area with an initial attainment date of June 15, 2013, and subject to the requirements of Subpart 2 of Part D of Title I of the Act;

WHEREAS, in November 2005, U.S. EPA supplemented its Phase 1 Implementation Rule with a “Phase 2” rule that specifies the emission controls and planning elements that nonattainment areas must address in their SIPs;

WHEREAS, the Act requires that areas classified moderate or greater, demonstrate that Reasonable Further Progress (RFP) toward attainment of the 8-hour ozone NAAQS will occur;

WHEREAS, the Districts determined that the SMA could not meet the 2013 attainment deadline for a serious nonattainment area and, on February 14, 2008, the Districts requested a voluntary reclassification of the SMA from “serious” nonattainment to “severe-15” nonattainment, with an applicable attainment date of June 15, 2019, as allowed under section 181(b)(3) of the Act;

WHEREAS, the staffs of the Districts coordinated in the development of the 2009 Sacramento Regional 8-Hour Ozone Attainment and Reasonable Further Progress Plan (the Plan) to fulfill the planning requirements of a “severe-15” nonattainment area;

WHEREAS, the Plan includes updated air quality and emissions data, a control strategy based on State, local, and federal measures, a modeled attainment demonstration, an RFP demonstration, transportation conformity emission budgets, and contingency measures;

WHEREAS, the control strategy in the Plan relies on adopted State and local emission control regulations, emission reductions from new local regulatory commitments identified in the Plan, and statewide measures included by ARB in the 2007 State Strategy;

WHEREAS, the RFP demonstration shows that the SMA will meet the required progress milestones and will continue to have additional emission reductions needed to meet the contingency measure requirements for progress;

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, as required by federal law, the Districts made the Plan available for public review at least 30 days prior to the hearing;

WHEREAS, the governing boards of all five districts approved the plan at duly noticed public hearings on January 22 (Sacramento), February 2 (Feather River), February 10 (El Dorado County), February 11 (Yolo-Solano), and February 19, 2009 (Placer County);

WHEREAS, the California Environmental Quality Act (CEQA) requires that no project which may have significant adverse environmental impacts be adopted as originally proposed if feasible alternatives or mitigation measures are available to reduce or eliminate such impacts;

WHEREAS, to meet the requirements of CEQA the Districts prepared and certified an Environmental Impact Report (EIR) documenting that no significant adverse impacts would be expected from implementing the Plan, and consequently, no mitigation measures are required;

WHEREAS, the plan has been submitted to ARB as a SIP revision, along with proof of public notice publication and environmental documents in accordance with State and federal law;

WHEREAS, the Board finds that:

1. Additional emissions reductions from sources under ARB regulatory authority are needed for the Sacramento Metro area to attain the 1997 8-hour ozone standard by 2019.
2. The State, federal and local control strategy identified in the 2009 Sacramento Regional 8-Hour Ozone Attainment and RFP Plan provides the necessary emission reductions to demonstrate attainment of the 8-hour ozone standard by 2019.
3. Already adopted State mobile source control regulations will provide the required contingency measures in the event that the Sacramento Metro Area does not attain the standard by 2019; these measures will achieve additional emission reductions beyond those relied on in the attainment demonstration.
4. The Plan meets all applicable planning requirements established by the Act and U.S. EPA regulations.

WHEREAS, the Board further finds that:

1. ARB has reviewed and considered the Plan, along with the EIR prepared for the Plan, and finds that the Plan is consistent with the requirements of the Act; and
2. ARB finds that the EIR prepared for the 2009 Sacramento Regional 8-Hour Ozone Attainment and Reasonable Further Progress Plan meets the requirements of CEQA.

NOW, THEREFORE, BE IT RESOLVED that the Board adopts the Plan, including the updated emissions inventory, RFP demonstration, and transportation conformity emission budgets, as a SIP revision.

BE IT FURTHER RESOLVED that the Board commits to achieve reductions of nitrogen oxide (NO_x) emissions of 13 tons per day (tpd) and reductions of reactive organic gas (ROG) emissions of 11 tpd through the implementation of measures identified in the 2007 State Strategy;

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to forward the Plan to the U.S. EPA for inclusion in the SIP to be effective, for purposes of federal law, upon approval by U.S. EPA.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to work with U.S. EPA and take appropriate action to resolve any completeness or approvability issues that may arise regarding the SIP submission.

BE IT FURTHER RESOLVED that the Board authorizes the Executive Officer to include in the SIP submittal any technical corrections, clarifications, or additions that may be necessary to secure U.S. EPA approval.

BE IT FURTHER RESOLVED that the Board hereby certifies pursuant to 40 CFR section 51.102 that the Plan was adopted after notice and public hearing as required by 40 CFR section 51.102.

I hereby certify that the above is a true and correct copy of Resolution 09-19, as adopted by the Air Resources Board.

/s/

Monica Vejar, Clerk of the Board