

State of California
AIR RESOURCES BOARD

Resolution 79-79

November 29, 1979

A. WHEREAS, Section 39602 of the Health and Safety Code designates the Air Resources Board ("ARB" or "Board") as the air pollution control agency for all purposes set forth in federal law and designates the ARB as the state agency responsible for the preparation of the State Implementation Plan (SIP) required by the Clean Air Act;

B. WHEREAS, the Clean Air Act as amended in 1977 mandates the revision of the SIP in designated nonattainment areas of the state in order to assure the attainment and maintenance of national ambient air quality standards by specified deadlines;

C. WHEREAS, the entire Los Angeles County portion of the Southeast Desert Air Basin (SEDAB) and portions of Riverside County and San Bernardino County located within the Southeast Desert Air Basin are designated non-attainment for oxidant and total suspended particulate (TSP) under provisions of Section 107(d) of the Clean Air Act;

D. WHEREAS, the South Coast Air Quality Management District (SCAQMD) and the Southern California Association of Governments (SCAG) were designated by the ARB on April 7, 1978 as the local co-lead agencies for preparation of the 1979 oxidant and total suspended particulate nonattainment plan for the Riverside County portion of the SEDAB;

E. WHEREAS, Health and Safety Code Sections 41560-41562 provide that the ARB shall adopt a locally prepared nonattainment plan and authorize the ARB to make such revisions to a nonattainment plan as are necessary to meet the requirements of the Clean Air Act;

F. WHEREAS, the ARB is the designated lead agency for the San Bernardino County and Los Angeles County SEDAB plans and has committed itself to a coordinated program for the development of the nonattainment plans for ozone and total suspended particulates with the active participation of other agencies possessing resources and expertise in the air quality and transportation fields;

G. WHEREAS, the three SEDAB plans were reviewed by the cities in the region, county boards of supervisors, SCAQMD, SCAG, other interested organizations, and the public;

H. WHEREAS, the Riverside County SEDAB plan was adopted by the SCAQMD on March 2, 1979 and by SCAG on March 1, 1979, after noticed hearing to meet the requirements of the Clean Air Act as amended in 1977;

I. WHEREAS, the SCAQMD transmitted the Riverside County SEDAB plan to the ARB for approval as a revision to the SIP;

J. WHEREAS, on October 15, 1979, the SCAQMD staff transmitted a suggested amendment to the Riverside plan for ARB consideration as a revision to the SIP, which amendment would make nonsubstantive changes to the locally adopted plan;

K. WHEREAS, the Board finds:

1. That the state and national ambient air quality standards for photochemical oxidant (ozone) are exceeded in the San Bernardino and Los Angeles County APCDs and in the Riverside County portion of the SEDAB; and
2. That organic gases have been demonstrated to be a chemical precursor to photochemical oxidant (ozone), and contribute to or are responsible for exceedances of the state oxidant standard and the national ozone standard within the SEDAB; and
3. That the state and national ambient air quality standards (annual and 24-hour) for total suspended particulate matter are exceeded in the San Bernardino and Los Angeles County APCDs; and
4. That violations of the national TSP standards are caused primarily by wind blown rural fugitive dust, with some contribution from secondary aerosols and are not caused by traditional urban sources; and that EPA policy allows rural areas with TSP violations of this origin to be designated "unclassified";
5. That further increases in emissions of precursors will interfere with progress toward achievement of the national ambient air quality standards for ozone and total suspended particulates and of the state air quality standards for oxidant and total suspended particulates:

REASONABLY AVAILABLE CONTROL MEASURE FINDINGS

L. WHEREAS, the Board finds that the respective local district determinations of reasonably available control measures contained in rules set forth below do not meet the requirements of Section 172 of the Clean Air Act as follows:

1. The Board finds that the Los Angeles and San Bernardino County APCDs have not adopted reasonably available control measures to regulate the emissions from degreasing operations other than Rule 442 which controls use of solvents in general. EPA has published a control techniques guideline that proposes control of degreasing operations which would augment the control required by Rule 442. These guidelines are considered by EPA to be the presumptive norm for reasonably available control technology. Also, eight other California districts have rules in effect similar to the Board's model rule for degreasing, which rules are more stringent for

regulating degreasing emissions than are the districts' Rule 442;

2. The Board finds that the South Coast Air Quality Management District's rule (effective in the SEDAB portion of Riverside County) regulating the emissions from degreasing operations is less stringent than reasonably available control technology because this rule exempts degreasing operations that use emulsion cleaners. The EPA control techniques guideline does not provide for such an exemption, and these guidelines are considered by EPA to be the presumptive norm for reasonably available control technology. Also, eight other California districts have in effect degreasing rules which do not exempt the use of emulsion cleaners;
3. The Board finds that the Los Angeles County APCD does not have a reasonably available control measure to regulate the emissions from the use of architectural coatings except for Rule 442 which controls use of solvents in general. The Board has approved a model rule for the control of emissions from the use of architectural coatings, and Rule 442 is not as effective in controlling such emissions as the model rule. Rules virtually the same as the model rule are in effect in more than 15 districts in the state. The experience under these rules has demonstrated that architectural coating manufacturers and users can comply with the model rule, considering technological and economical feasibility. Therefore, reasonably available control technology for the control of emissions from the use of architectural coatings is at least as stringent as the Board's model rule;
4. The Board finds that the San Bernardino County APCD does not have reasonably available control measures for regulating emissions from Stage I gasoline marketing. The District's Rules 461 and 462 do not contain provisions as stringent as the Board's model Stage I rules. Rules 461 and 462 require submerged fillpipes and vapor controls only at bulk dispensing facilities with daily throughputs greater than or equal to 20,000 gallons, whereas the Board's model rules require control of all facilities with storage tanks having capacities of 250 gallons or more. EPA has published control techniques guidelines that propose control for emissions from storage tanks with a capacity of 250 gallons or more. These guidelines are considered by EPA to be the presumptive norm for reasonably available control technology. Also, more than 15 California districts have rules similar to the Board's model rules for the control of Stage I gasoline marketing emissions;

NEW SOURCE REVIEW FINDINGS

M. WHEREAS, the Board finds that Rules 213, 213.1 and 213.2 of the San Bernardino and Los Angeles County Air Pollution Control Districts will not likely achieve and maintain state and national ambient air quality standards and do not meet the requirements of the federal Clean Air Act, in the following respects:

Applicability Date

The Board finds that NSR Rules 213, 213.1, and 213.2 of the San Bernardino and Los Angeles County APCDs do not meet the requirements of the 1977 Amendments to the Clean Air Act for the reasons set forth below. The Clean Air Act requires an adequate new source review rule to be in effect by July 1, 1979. Therefore, applications of those rules to permits received after July 1, 1979 violates the requirements of Sections 110(a)(2)(I), 129, 172, and 173 of the Clean Air Act.

Precursors

The Board finds that known and recognized precursors exist to several criteria pollutants designated by EPA, and that such precursors must be regulated in a nonattainment area to achieve and maintain national ambient air quality standards. The failure of Rule 213 to specify the relationship between such precursors and secondary pollutants may prevent adequate consideration and mitigation of precursor impacts on air quality as required by Clean Air Act Section 172.

Innovative Technology Exemption

The Board finds that allowing the exemption for innovative technology to apply to all air contaminants emitted by the new source or modification, rather than to those air contaminants controlled by the innovative technology, will not ensure net air quality benefits from the new or modified source, and that the potentially large increase in air contaminants from the sources not controlled by the innovative technology may, in fact, have an adverse impact on air quality. This will interfere with the attainment and maintenance of national ambient air quality standards, in violation of the requirements of Sections 110, 129, 172, and 173 of the Clean Air Act.

Concurrence

The Board finds that numerous issues addressed under Rules 213, 213.1 and 213.2 require a uniform statewide approach and implementation. The failure of these rules to include any provisions to bring about statewide uniformity violates Sections 110, 129, 172, and 173 of the Clean Air Act.

Calculation of Emissions

The Board finds that if maximum allowable emissions rates are used as a basis for determining emissions from existing sources for the purpose of calculating emissions offsets, there is a likelihood that in numerous cases new sources will be permitted which will, in fact, increase emissions from actual emission levels existing prior to construction or modification. This will interfere with the attainment and maintenance of national ambient

air quality standards in violation of the requirements of Sections 110, 129, 172, and 173 of the Clean Air Act.

Standards for Discretion of Air Pollution Control Officer

The Board finds that the vesting of discretion in the District Air Pollution Control Officer to determine exemptions from the offset requirements of Rule 213 and to calculate emission increases and decreases, in the absence of clearly defined standards and criteria governing the exercise of such discretion, renders these rules difficult to enforce on a consistent basis, and may be also result in actual emission increases from new sources. The exercise of such discretion without specified standards violates Sections 110, 129, 172, and 173 of the Clean Air Act.

Technical Changes

The Board finds that Rules 213, 213.1 and 213.2 are in certain particulars unclear and hence difficult to interpret and apply. This violates Sections 110 and 172 of the Clean Air Act.

N. WHEREAS, the Clean Air Act and SIP regulations promulgated by the Environmental Protection Agency (EPA) require that revisions to the SIP be adopted after a public hearing for which 30 days notice to the public has been provided;

O. WHEREAS, a public hearing regarding all three NAPs upon 30 days notice and other administrative proceedings has been held in accordance with the Clean Air Act, and applicable provisions of the California Administrative Procedure Act (Government Code, Title 2, Division 3, Part 1, Chapter 4.5); and of the Health and Safety Code.

AREA AND LEAD AGENCY DESIGNATIONS

1. NOW, THEREFORE BE IT RESOLVED, that the Board recommends the continued designation of the South Coast Air Quality Management District and the Southern California Association of Governments as the co-lead agencies for nonattainment area planning in the Riverside County portion of the SEDAB, subject to the agreement between the ARB the SCAQMD and SCAG upon a division of responsibilities for continued planning as required by Section 174 of the Clean Air Act. The Board further recommends that the division of responsibilities should take the form of a detailed work program for air quality planning in the Riverside County portion of SEDAB and a Memorandum of Understanding (MOU) between the ARB, the SCAQMD, and SCAG;

2. BE IT FURTHER RESOLVED, that the Board requests within 90 days that Los Angeles County, San Bernardino County, SCAG, and SCAQMD agree upon and submit to ARB a division of responsibilities and roles of local agencies in the continuing air quality planning program required by Section 174 of the Clean Air Act;

3. BE IT FURTHER RESOLVED, that SEDAB is redesignated from nonattainment to unclassified for TSP pursuant to EPA policy for areas in which TSP violations are caused by rural fugitive dust;

INCLUSION OF EPA CONTROL TECHNIQUES GUIDELINES 1 (CTG)
AND ARB CATEGORY I REASONABLY AVAILABLE CONTROL MEASURES (RACMs)

4. BE IT FURTHER RESOLVED, that the Board finds that rules and regulations in the affected portions of the SEDAB either have not been adopted or do not meet the requirements of Section 172(b) of the Clean Air Act as follows:

Riverside County Portion of SEDAB

Degreasing

San Bernardino County Portion of SEDAB

Gasoline Marketing
Degreasing

Los Angeles County Portion of SEDAB

Architectural Coatings
Degreasing

Therefore, the Board requests the SCAQMD (for Riverside County portion of the SEDAB), and the San Bernardino and Los Angeles County Air Pollution Control Districts to adopt appropriate enforceable reasonably available control measures (RACMs) to regulate emissions from the source categories named above. These RACMs are to be as effective as associated ARB model rules. The Executive Officer is delegated the authority to adopt by March 3, 1980, after public hearing, enforceable rules for architectural coatings, Stage I gasoline marketing, and degreasing for the Los Angeles and San Bernardino County APCDs and the SCAQMD (for Riverside County portion of the SEDAB) if the districts do not adopt rules as effective as the associated RACMs. The Executive Officer is authorized to submit such adequate rules as he or the districts may adopt to the EPA as SIP revisions;

NEW SOURCE REVIEW

5. BE IT FURTHER RESOLVED, that the Board requests the Los Angeles and San Bernardino County APCDs to adopt rules as effective as the ARB model NSR rules for their portions of the SEDAB nonattainment area, and to apply such rules to all pending permit applications received after July 1, 1979. The districts are requested to submit, as part of the nonattainment plan only those portions of the rule applicable to national standards. The Executive Officer is delegated the authority to adopt by March 3, 1980, after public hearing, appropriate NSR rules if the districts have not done so. The Executive Officer is authorized to submit such adopted rules to the EPA as SIP revisions;

6. BE IT FURTHER RESOLVED, that the Board finds that a measure to control emissions from petroleum dry cleaning operations is included in the plans for San Bernardino and Los Angeles Counties for further study;

7. BE IT FURTHER RESOLVED, that the Board requests the local agencies to consider modifying grading permit requirements to minimize the fugitive emissions of total suspended particulates occurring during windstorms due to the loss of vegetation;

AIR QUALITY ANALYSIS

8. BE IT FURTHER RESOLVED, that the Board finds the Riverside County, San Bernardino County, and Los Angeles County desert nonattainment areas to be rural areas as defined by EPA policy on rural area nonattainment plans; therefore, these areas are not required to conduct an air quality analysis for ozone nor to demonstrate reasonable further progress;

CONTINUING PLANNING AND IMPLEMENTATION PROGRAM

9. BE IT FURTHER RESOLVED, that the Board finds that pollutant transport from the South Coast Air Basin contributes substantially to the pollutant load in the Riverside County, San Bernardino County, and Los Angeles County desert nonattainment areas, and further finds that no quantitative figures have been developed on the magnitude of pollutant transport. The Board also finds that additional study is needed to quantify the effect of local emissions on ozone concentrations in the SEDAB. The Board therefore directs staff to work with the affected APCDs to conduct a study to determine to what degree transport contributes to the pollutant load in these desert nonattainment areas;

10. BE IT FURTHER RESOLVED, that the Board finds emission inventories in the San Bernardino County and Riverside County plans are for larger areas than the nonattainment planning area, and that this may have caused overestimations in the TSP and NOx emissions in these plans. Therefore, the Board directs staff to work with the affected APCDs to develop for the first update of the plans inventories covering only the planning areas;

POPULATION GROWTH AND CONSISTENCY

11. BE IT FURTHER RESOLVED, that the Board finds, to meet the Clean Air Act requirements for consistency of the SIP and other planning programs, participating local agencies should integrate air quality concerns with land use and transportation planning processes. Integration of all planning processes will assist in assuring that growth and development do not negate air quality gains made from stationary source controls, but rather contribute to overall air quality improvement;

12. BE IT FURTHER RESOLVED, that the Board is concerned that rapid development of certain portions of the SEDAB could result in significant increases in pollutant emissions and therefore requests the local agencies to work with SCAG to develop a well-defined process and schedules to achieve and maintain consistency among local general plans, future revisions of the SCAG development guide, and the forecasts in the AQMP;

CLASS I PSD AREA

13. BE IT FURTHER RESOLVED, that the Board requests staff to work with local agencies and interested parties during the development of the Prevention of Significant Deterioration program to consider mechanisms to permit populated areas to choose the level of degradation allowed; one mechanism to be considered is the designation of Class I areas to protect particularly sensitive population groups, such as senior citizens with respiratory conditions.

TRANSPORTATION

14. BE IT FURTHER RESOLVED, that the Board requests local agencies to work with SCAG and the County Transportation Commissions to evaluate, consider, and implement reasonably available transportation control measures as expeditiously as feasible. The Board supports giving priority and funding to transportation measures which benefit air quality;

ADOPTION

15. BE IT FURTHER RESOLVED, that except as otherwise specified above, the Board finds that the Riverside County (SCAQMD amended version) and the San Bernardino County, and Los Angeles County SEDAB plans, as attached to ARB staff report number 79-28-1, contain the elements necessary to meet the requirements of Part D of the Clean Air Act as amended. The Board adopts these plans, as amended by attached errata, as revisions to the State Implementation Plan, and authorizes the Executive Officer to submit to EPA for inclusion in the SIP these plans, this resolution, and acceptable technical support documentation as may be useful in showing compliance with the requirements of Part D.

I certify that the above is a true and correct copy of Resolution 79-79 as passed by the Air Resources Board.



Sally Rump Board Secretary

State of California
AIR RESOURCES BOARD

ERRATA TO THE SUMMARY AND STAFF REPORT

Regarding

Public Hearing to Consider the Adoption, as Amendments to the California State Implementation Plan, of Plans for the Attainment and Maintenance of National Ambient Air Quality Standards for the Southeast Desert Air Basin Portions of Riverside, Los Angeles, and San Bernardino Counties.

I. Summary

1. Page 1, Recommendation No. 2, line 1: Add "by March 3, 1980," after the word "rules".
2. Page 1, Recommendation No. 2, line 8: Insert a period after the word "County" and delete line 9 consisting of the words "by January 21, 1980."
3. Page 1: Delete Recommendation No. 3 and renumber Nos. 4 and 5 to Nos. 3 and 4, respectively.

II. Staff Report

1. Page 1, paragraph 2, sentence 2: Delete the words "after being unable to obtain agreements from local agencies to lead this effort" and add "at the request of the localities because adequate funding was not available for the counties to prepare the plans."
2. Page 3, last paragraph, line 1: Strike the words "Riverside County APCD's rule" and add "South Coast Air Quality Management District's rule (effective in the desert portion of Riverside County)."

3. Page 4, paragraph 1, line 2: Strike the word "because" and put a period after the word "operations".

Page 4, paragraph 1, line 3: Strike the words "Riverside County APCD's" and add "South Coast Air Quality Management District's".

4. Page 4, paragraph 2, line 1: Strike the words "Riverside County APCD's" and add "South Coast Air Quality Management District's".

5. Page 5, paragraph 1: Delete the sentence.

6. Page 5, paragraph 3: Delete the last sentence.

7. Page 6, Table 1: Delete the "X" notations for the Recommended Board Action to "Add or Modify, ARB Adopt" for Control of Unpaved Road Emissions, Control of Farm Operations, and MVIP. Insert "X" notations in the "Commit to Further Study" column for Control of Unpaved Road Emissions.

Page 7, Table 1, and page 8, Table 1: Delete the "X" notations in the "Commit to Further Study" column for "MVIP".

8. Page 9, paragraph 1, line 2: Strike the words "by January 21, 1980".

III. Proposed Nonattainment Plans for San Bernardino County and Los Angeles County Portions of the Southeast Desert Air Basin

1. Delete Appendix C and reference of the appendix in the Table of Contents, and change existing Appendix D to Appendix C.

2. Page 3, paragraph 2, sentence 2: Strike the words "after being unable to obtain agreement from local agencies to lead this effort" and add "at the request of the localities because adequate local funding was not available for the counties to prepare the plans."
3. Page 4, paragraph 1, last sentence: Delete "Although the San Bernardino County Board of Supervisors had not made use of this option, they may wish to do so for the purpose of economy and efficiency in pursuing the air pollution control program" and in its place add: "The San Bernardino County Board of Supervisors has chosen not to pursue this option."
4. Page 5, paragraph 2: Strike sentences 3 and 4 and replace with "ARB, as lead agency, has prepared this plan for the Planning Area at the request of the local governments because adequate local funding was not available for the counties to prepare the plans."
5. Page 5, last paragraph, line 4: Change "Appendix D" to "Appendix C" (for the Los Angeles County Plan, refer to paragraph 3, line 4).
6. (For San Bernardino County Plan only.) Page 6, section A, paragraph 1, line 1: Delete the words "are no data" and replace with "is limited data".
7. Page 9, last paragraph, line 2: Delete the word "the".
8. (For San Bernardino County Plan only.) Page 10, paragraph 1, line 2: Delete the words "to the east" and substitute with "in the western part". Line 3: Add a semicolon after "County" and add "the station in Lancaster is in Los Angeles County." Then add as a last sentence to that paragraph, "A monitoring

station was established at Twenty-Nine Palms during March of 1978, which has recorded maximum readings of 0.13 ppm ozone during May and June of 1979."

9. (For San Bernardino County Plan only.) Page 13, paragraph 4, line 1: Delete the word "two" and replace with "three".

(For San Bernardino County Plan only.) Page 13, paragraph 4, line 2: Delete the word "both" and replace with "two".

Page 13, paragraph 4, line 3: Delete the word "impossible" and replace with "difficult". (These changes apply to page 13 of the San Bernardino County SEDAB Plan only. For the Los Angeles County SEDAB Plan, refer to page 12, the last paragraph.)

10. Page 26, paragraph 2, line 4: Delete "January 21, 1980".
(For Los Angeles County, changes should be made to paragraph 1, lines 2 and 3.)

Page 26, paragraph 2, line 5: Delete the words "will adopt" and replace with "will consider adoption of". (These changes apply to the San Bernardino County SEDAB Plan only. For identical word changes in the Los Angeles County SEDAB Plan, refer to page 26, paragraph 1, line 3.)

11. Pages 27 and 28 (pages 26 and 27 for Los Angeles County Plan): Delete all of "Section D".

Change the following Section E to Section D and Section F to Section E.

12. Section G on pages 31 and 32 will be completely deleted. (For Los Angeles County, section G is on pages 30 and 31.) Section H on page 32 will become section F. (For Los Angeles County, section H is on page 31.)
13. (San Bernardino County Plan) Page 24, paragraph 2, line 5: Delete "by January 21, 1980" (for Los Angeles County Plan, change should be made to page 23, paragraph 2, line 4).
14. (San Bernardino County Plan Page 29, paragraph 3, line 4: Delete "by January 21, 1980" (for Los Angeles County Plan, change should be made to same page, paragraph 1, line 4).

State of California
AIR RESOURCES BOARD

Response to Significant Environmental Issues

ITEM: Public Hearing to Consider the Adoption, as Amendments to the California State Implementation Plan, of Plans for the Attainment and Maintenance of National Ambient Air Quality Standards for the Southeast Desert Air Basin Portions of Riverside, Los Angeles, and San Bernardino Counties.
(Board Agenda Item 79-28-1)

Date of Public Hearing: November 29, 1979

Response Date: November 29, 1979

Issuing Authority: Air Resources Board

Comment: None received.

Response: N/A

Certified: Sally Rump
Board Secretary

Date: 12/13/79

Memorandum

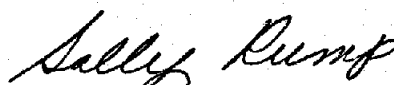
Huey D. Johnson
Secretary
RESOURCES AGENCY

Date : December 13, 1979

Subject: Filing of Notice
of Decision of the
Air Resources Board

From : Air Resources Board

Pursuant to Title 17, Section 60007(b), and in compliance with Air Resources Board certification under Section 21080.5 of the Public Resources Code, the Air Resources Board hereby forwards for posting the attached notice of decision and response to environmental comments raised during the comment period.


Sally Rump
BOARD SECRETARY

ATT: Resolution 79-79