

State of California  
AIR RESOURCES BOARD

Resolution 92-45

May 28, 1992

Agenda Item No.: 92-8-2

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, ch. 1568) and declared that it is necessary that the state ambient air quality standards be attained by the earliest practicable date to protect the public health, particularly the health of children, older people, and those with respiratory diseases;

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

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

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

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

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

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

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

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

WHEREAS, the Sacramento Metropolitan Air Quality Management District (the "District") has classified itself as severe non-attainment for ozone, and moderate non-attainment for carbon monoxide;

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

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

WHEREAS, section 40920(a) of the Health and Safety Code requires each district classified as a severe non-attainment area to include the following components in its attainment plan to the extent necessary to meet the requirements of the Act;

- (1) application of the best available retrofit control technology (BARCT) to existing stationary sources;
- (2) provisions to develop area source and indirect source control programs;
- (3) provisions to develop and maintain an emissions inventory system;
- (4) provisions for public education programs to promote actions to reduce emissions from transportation and areawide sources;
- (5) a permitting program designed to achieve no net increase in emissions of nonattainment pollutants or their precursors from all permitted new or modified stationary sources;
- (6) transportation control measures to substantially reduce the rate of increase in passenger vehicle trips and miles traveled per trip;
- (7) reasonably available transportation control measures;
- (8) transportation control measures to achieve an average during weekday commute hours of 1.5 or more persons per passenger vehicle by 1999, and no net increase in vehicle emissions after 1997;
- (9) measures to achieve the use of a significant number of low-emission motor vehicles by operators of motor vehicle fleets;
- (10) measures sufficient to reduce overall population exposure to ambient pollutant levels in excess of the standard by at least 25 percent by December 31, 1994, 40 percent by December 31, 1997, and 50 percent by December 31, 2000;

WHEREAS, all districts within the Broader Sacramento Area, including the Sacramento Metropolitan Air Quality Management District have been identified as contributing to exceedances of the state ozone standard in the downwind areas of the San Francisco Bay Area, the San Joaquin Valley Air Basin, and the Upper Sacramento Valley, and therefore transport mitigation measures are required as specified in Title 17, California Code of Regulations, section 70600;

WHEREAS, sections 40913(b) and 40922(a) of the Health and Safety Code require each plan to include an assessment of the cost-effectiveness of available and proposed control measures, to contain a list which ranks the control measures from the least cost-effective to the most cost-effective,

and to be based on a determination by the district board that the plan is a cost-effective strategy to achieve attainment of the state standards by the earliest practicable date;

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

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

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

WHEREAS, the Sacramento 1991 Air Quality Attainment Plan (the "Plan") was adopted by the District Board on July 24, 1991, in Resolution No. AMD-91-0020, and was officially transmitted by the District to the Board on August 1, 1991;

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

WHEREAS, the Board has reviewed and considered the Plan and the environmental impact report (EIR) submitted by the District, as well as the significant issues raised and oral and written comments presented by interested persons and Board staff;

WHEREAS, the Plan includes the following major components:

1. a detailed emission inventory, which projects trends based on growth in population, employment, industrial/commercial activity, travel, and energy use;
2. commitments to adopt measures requiring the retrofitting of 13 stationary source categories with control equipment between 1991 and the year 1994;
3. a commitment to adopt Best Available Retrofit Control Technology at the time of rulemaking;
4. a commitment to develop and adopt rules for 15 area source categories between 1991 and 1994;

5. a commitment to develop 20 different indirect source control measures between 1991 and the year 1994;
6. fourteen mobile source measures to be adopted between 1991 and the year 1994;
7. a cost-effectiveness ranking for transportation, indirect source control, stationary and area source control measures;

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

WHEREAS, based upon the Plan, the 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. State health-based ambient air quality standards for carbon monoxide and ozone are exceeded in the Sacramento Metropolitan Air Quality Management District;
2. The Board concurs with the District's inability to project an attainment date for ozone due to the unavailability of a reliable Urban Airshed Model;
3. The Plan contains all reasonably available transportation control measures;
4. The District's proposal to adopt 28 stationary and area source rules between 1991 and 1994, a 250% increase in regulatory activity over the last four years, represents an expeditious adoption schedule;
5. The Board concurs with the District's decision to defer the population exposure assessment until a photochemical model is developed;
6. Although the District is unable to specify an attainment date for ozone, the Plan satisfies the requirements of section 41503(d) of the Health and Safety Code because it contains every feasible control strategy or measure to ensure that progress toward attainment is maintained;
7. The Board concurs with the District's methodology and its estimates that there will be no net increase in vehicle emissions after 1997;
8. The combination of state and local measures in the Plan falls short of the 5 percent per year reductions for all non-attainment pollutants and their precursors, and the Plan instead indicates an annual reduction of hydrocarbons of from 6.3 to 3.2 percent,

of oxides of nitrogen (NO<sub>x</sub>) of from 3.8 to 2.4 percent, and for carbon monoxide of from 4.2 to 2.2 percent from the year 1987 through 2010;

9. Although the Plan achieves emission reductions of less than 5 percent per year, the Plan satisfies the requirements of Health and Safety Code sections 40914(b) and 41503.1 because it provides for the expeditious adoption of all feasible control measures given the circumstances which prevail in the District;
10. The District has included all feasible transportation, stationary and area source measures in the Plan;
11. The District has initiated an acceptable public education campaign to teach people about the impacts of single occupancy vehicles and to direct them to transportation alternatives;
12. The Plan includes uniform control measures for the Broader Sacramento Area and the District's rules, regulations, and control measures shall be the general reference point for uniformity determinations in the Broader Sacramento Area to the extent that they address emission sources held in common, and to the extent that those rules, regulations, and measures continue to be the most stringent in the Broader Sacramento Area;
13. The contingency procedure for transportation and indirect source control measures meets the Act's requirements, as required by Health and Safety Code section 40915, but the District does not fully comply with this section because the Plan does not include a contingency procedure for stationary and area source control measures;
14. Although the Plan includes all reasonably available transportation control measures, additional factual detail is needed before most of these measures can be approved, as specified in the Staff Report;
15. The measures set forth in the plan may not result in compliance with the requirement of a 1.5 person average vehicle occupancy by the year 2000 because additional time is needed to identify and implement the appropriate strategies;
16. There is no analysis to support the District's projections that the carbon monoxide standard will be attained by approximately 1994;
17. The District has not yet adopted the required amendments to its New Source Review rule designed to achieve no net increase in emissions of carbon monoxide and ozone precursors;

18. The District is unable to demonstrate that the Plan will result in a significant decline in the regional growth of vehicle miles travelled and trip length;
19. That the District does not meet the Act's requirements for transport mitigation because the District has not yet adopted a "no net increase" permitting rule, and has not sufficiently demonstrated compliance with BARCT transport mitigation requirements;
20. The Final EIR prepared and certified by the District Board for the Plan meets the requirements of CEQA, and that environmental documentation for individual measures should be prepared as necessary as each measure is considered for adoption;
21. The Board is a responsible agency for the purposes of CEQA and the adoption of the Plan by the Board will result in some adverse environmental impacts which cannot be mitigated to insignificant levels, that the alternatives and mitigation measures set forth in the EIR have been adequately addressed for purposes of this planning activity, and that the District's findings and supporting statements of fact for each significant effect, as set forth in the District's "Certification of Final Environmental Impact Report, Adoption of Findings of Fact and Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program" dated July 24, 1991, are hereby incorporated by reference herein as the findings which this Board is required to make pursuant to Public Resources Code section 21081;

NOW, THEREFORE, BE IT RESOLVED, that the Board approves the Sacramento 1991 Air Quality Attainment Plan submitted by the District as complying with the requirements of the Act, with the conditions and clarification set forth below;

BE IT FURTHER RESOLVED, that the Board directs the District to provide its roll back analysis for carbon monoxide in June, and defers approval of the carbon monoxide assessment until a satisfactory analysis is provided, and defers action on the ozone attainment demonstration until a reliable photochemical model is available as determined by the Executive Officer;

BE IT FURTHER RESOLVED, that the Board defers approval of the moderate classification designation for carbon monoxide planning until the carbon monoxide assessment is provided in June 1992;

BE IT FURTHER RESOLVED, that the Board determines that the District is not in compliance with the no net increase provisions for new and modified permitted stationary sources, and directs the District to adopt a no net increase rule no later than November 28, 1992, which mitigates all future emission increases and those occurring between July 1, 1991 and the rule implementation date;

BE IT FURTHER RESOLVED, that the Board finds that the CAF/LEV program contained in the Plan is unique, untested, and not subject to the "all feasible measures" or "uniform control" determinations; endorses the first three elements of the District's gross emitter program; and endorses the District's efforts to develop experimental measures related to heavy duty truck operations, and defers credit for projected emission reductions for light duty vehicles until the next plan;

BE IT FURTHER RESOLVED, that the Board conditionally approves those measures where further actions are needed to comply with the Act and directs the District to take such actions as identified in the Staff Report;

BE IT FURTHER RESOLVED, that the Board defers approval of the Plan's approach to achieve a reduced rate of growth in trips and trip length to allow the District additional time to obtain the necessary commitments and funding;

BE IT FURTHER RESOLVED, that the Board defers approval of the Plan's approach to achieve a 1.5 average vehicle occupancy by the year 2000, and directs the District to develop better information on baseline travel conditions, establish a monitoring network, and to develop an analytical framework for assessing District AVO levels and to submit this information to the Board by April, 1993;

BE IT FURTHER RESOLVED, that the Board approves the lesser rates of annual emission reductions expressed in the District's plan as the maximum achievable rate of progress under the specific circumstances which prevail in the Sacramento Metropolitan Air Quality Management District;

BE IT FURTHER RESOLVED, that the Plan is not in compliance with the Act's cost-effectiveness requirements and that the Board directs the District Board to determine by July 28, 1992 that the Plan is a cost-effective strategy for attaining California ambient air quality standards at the earliest practical date;

BE IT FURTHER RESOLVED, that the Board directs the District to take such actions as necessary to comply with the Act's transport mitigation requirements;

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to work with the District to develop a population exposure model;

BE IT FURTHER RESOLVED, that the Board directs the District to develop and submit to the Board by July 28, 1992 a procedural approach to contingency requirements to be applied to stationary and area source control measures;

BE IT FURTHER RESOLVED, that the Board directs the District to work with Board staff to develop an agreement which specifies a schedule and milestones for securing the commitments needed from SACOG and other state and local agencies in order to ensure implementation of the unsecured transportation control measures;



BE IT FURTHER RESOLVED, that the Board approves the District's compliance with the California Environmental Quality Act and the mitigation monitoring efforts to be undertaken by the District pursuant to section 21081.6 of the Public Resources Code, and directs the District to include a report on the progress of these efforts in the first annual progress report to be submitted to the Board one year from the date of this resolution.

I hereby certify that the above is a true and correct copy of Resolution 92-45, as adopted by the Air Resources Board.

  
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Pat Hutchens, Board Secretary

State of California  
AIR RESOURCES BOARD

Resolution 92-48

May 28, 1992

Agenda Item No.: 92-8-2

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, ch. 1568) and declared that it is necessary that the state ambient air quality standards be attained by the earliest practicable date to protect the public health, particularly the health of children, older people, and those with respiratory diseases;

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

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

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

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

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

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

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

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

WHEREAS, the Yolo-Solano Unified Air Pollution Control District (the "District") has classified itself as severe non-attainment for ozone;

WHEREAS, section 40920(a) of the Health and Safety Code requires each district classified as a severe non-attainment area to include the following components in its attainment plan to the extent necessary to meet the requirements of the Act;

- (1) application of the best available retrofit control technology (BARCT) to existing stationary sources;
- (2) provisions for area source and indirect source control programs;
- (3) provisions to develop and maintain an emissions inventory system;
- (4) provisions for public education programs to promote actions to reduce emissions from transportation and areawide sources;
- (5) a permitting program designed to achieve no net increase in emissions of nonattainment pollutants or their precursors from all permitted new or modified stationary sources;
- (6) transportation control measures to substantially reduce the rate of increase in passenger vehicle trips and miles traveled per trip;
- (7) reasonably available transportation control measures;

- (8) transportation control measures to achieve an average during weekday commute hours of 1.5 or more persons per passenger vehicle by 1999, and no net increase in vehicle emissions after 1997;
- (9) measures to achieve the use of a significant number of low-emission motor vehicles by operators of motor vehicle fleets;
- (10) measures sufficient to reduce overall population exposure to ambient pollutant levels in excess of the standard by at least 25 percent by December 31, 1994, 40 percent by December 31, 1997, and 50 percent by December 31, 2000;

WHEREAS, all districts within the Broader Sacramento Area, including the Yolo-Solano Unified Air Pollution Control District, have been identified as contributing to exceedances of the state ozone standard in the downwind areas of the San Francisco Bay Area, the San Joaquin Valley Air Basin, and the Upper Sacramento Valley, and therefore transport mitigation measures are required as specified in Title 17, California Code of Regulations, section 70600;

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

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

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

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

WHEREAS, the Yolo-Solano 1991 Air Quality Attainment Plan (the "Plan") was adopted by the District Board on February 19, 1991 in Resolution No. 92-02 and was officially transmitted by the District to the Board on March 5, 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 and Initial Study and Negative Declaration on the Plan, as well as the significant issues raised and oral and written comments presented by interested persons and Board staff;

WHEREAS, the Plan includes the following major components:

1. a detailed emission inventory, which projects trends based on growth in population, employment, industrial/commercial activity, travel, and energy use;
2. commitments to adopt measures requiring the retrofiting of 10 stationary source categories with control equipment between 1991 and the year 1994;
3. a commitment to adopt Best Available Retrofit Control Technology at the time of rulemaking;
4. a commitment to develop and adopt rules for 17 area source categories between 1991 and the year 1994;
5. a commitment to develop 11 different indirect source control measures between 1991 and the year 1994;
6. eight mobile source measures to be adopted between 1991 and the year 1994;
7. a cost-effectiveness ranking for transportation, indirect source control and stationary and area source control measures;

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

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

1. The state health-based ambient air quality standard for ozone is exceeded in the Yolo-Solano Unified Air Pollution Control District;
2. The Board concurs with the District's inability to project an attainment date for ozone due to the unavailability of a reliable Urban Airshed Model;

3. The Plan contains all reasonably available transportation control measures;
4. The District's proposal to adopt 27 stationary and area source rules between 1991 and 1994 represents a significant increase in regulatory activity over the last four years;
5. The Board concurs with the District's decision to defer the population exposure assessment until a photochemical model is developed;
6. Although the District is unable to specify an attainment date for ozone, the Plan satisfies the requirements of section 41503(d) of the Health and Safety Code because it contains every feasible control strategy or measure to ensure that progress toward attainment is maintained;
7. The Board concurs with the District's methodology and its estimates that there will be no net increase in vehicle emissions after 1997;
8. The combination of state and local measures in the Plan falls short of the 5 percent per year reductions for all non-attainment pollutants and their precursors, and the Plan instead indicates an annual reduction of hydrocarbons of from 4.4 to 6.6 percent, of oxides of nitrogen (NOx) of from 4.1 to 4.8 percent from the year 1987 through 1994;
9. Although the Plan achieves emission reductions of less than 5 percent per year, the Plan substantially satisfies the requirements of Health and Safety Code sections 40914(b) and 41503.1 because it provides for the expeditious adoption of all feasible control measures for the years 1992 and 1993 given the circumstances which prevail in the District;
10. The District has included all feasible transportation, stationary and area source measures in the Plan;
11. The District has initiated an acceptable public education campaign to teach people about the impacts of single occupancy vehicles and to direct them to transportation alternatives;
12. The Plan does not include provisions for the application of uniform control measures within the Broader Sacramento Area;
13. The Plan does not contain any provisions for a contingency procedure or contingency measures as required by Health and Safety Code section 40915;
14. Although the Plan includes all reasonably available transportation control measures, additional factual detail is

needed before most of these measures can be approved, as specified in the Staff Report;

15. The measures set forth in the plan may not result in compliance with the requirement of a 1.5 person average vehicle occupancy by the year 2000 and additional time is needed to identify and implement the appropriate strategies;
16. The District has not yet adopted the required amendments to its New Source Review rule designed to achieve no net increase in emissions of ozone precursors;
17. The District is unable to demonstrate that the Plan will result in a significant decline in the regional growth of vehicle miles travelled and trip length;
18. The District does not meet the Act's requirements for transport mitigation because the District has not yet adopted a "no net increase" permitting rule, and has not sufficiently demonstrated compliance with BARCT transport mitigation requirements;
19. The Initial Study and Negative Declaration prepared and certified by the District Board for the Plan meets the requirements of CEQA, and that environmental documentation for individual measures should be prepared as necessary as each measure is considered for adoption;

NOW, THEREFORE, BE IT RESOLVED, that Board approves the Yolo-Solano 1991 Air Quality Attainment Plan submitted by the District as complying with the requirements of the Act, with the conditions and clarification set forth below;

BE IT FURTHER RESOLVED, that the Board defers action on the ozone attainment demonstration until a reliable photochemical model is available as determined by the Executive Officer;

BE IT FURTHER RESOLVED, that the Board determines that the District is not in compliance with the no net increase provisions for new and modified permitted stationary sources, and directs the District to adopt a no net increase rule no later than November 28, 1992, which mitigates all future emission increases and those occurring between July 1, 1991 and the rule implementation date;

BE IT FURTHER RESOLVED, that the Board finds that the CAF/LEV program contained in the Plan is unique, untested, and not subject to the "all feasible measures" or "uniform control" determinations;

BE IT FURTHER RESOLVED, that the Board conditionally approves those measures where further actions are needed to comply with the Act and directs the District to take such actions as identified in the Staff Report;

BE IT FURTHER RESOLVED, that the Board defers approval of the Plan's approach to achieve a reduced rate of growth in trips and trip length to allow the District additional time to obtain the necessary commitments and funding;

BE IT FURTHER RESOLVED, that the Board defers approval of the Plan's approach to achieve a 1.5 average vehicle occupancy by the year 2000, and directs the District to develop better information on baseline travel conditions, to establish a monitoring network, to develop an analytical framework for assessing District AVO levels, and to submit this information to the Board by April, 1993;

BE IT FURTHER RESOLVED, that the Board approves the lesser rates of annual emission reductions expressed in the District's plan as the maximum achievable rate of progress under the specific circumstances which prevail in the Yolo-Solano Unified Air Pollution Control District;

BE IT FURTHER RESOLVED, that the Board directs the District to take such actions as necessary to comply with the Act's transport mitigation requirements;

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to work with the District to develop a population exposure model;

BE IT FURTHER RESOLVED, that the Board directs the District to develop and submit to the Board by July 28, 1992 a procedural approach to contingency requirements;

BE IT FURTHER RESOLVED, that the Board directs the District to take such actions that are necessary to comply with the Act's uniformity requirements;

BE IT FURTHER RESOLVED, that the Board directs the District to work with Board staff to develop an agreement which specifies a schedule and milestones for securing the commitments needed from SACOG and other state and local agencies in order to ensure implementation of the unsecured transportation control measures;

BE IT FURTHER RESOLVED, that the Board approves the District's compliance with the California Environmental Quality Act.

I hereby certify that the above  
is a true and correct copy of  
Resolution 92-48, as adopted  
by the Air Resources Board.

  
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Pat Hutchens, Board Secretary



State of California  
AIR RESOURCES BOARD

Resolution 92-49

May 28, 1992

Agenda Item No.: 92-8-2

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, ch. 1568) and declared that it is necessary that the state ambient air quality standards be attained by the earliest practicable date to protect the public health, particularly the health of children, older people, and those with respiratory diseases;

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

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

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

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

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

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

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

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

WHEREAS, the El Dorado County Air Pollution Control District (the "District") believes that it should be classified as serious non-attainment for ozone, and Board staff is recommending that a non-attainment classification of severe be applied;

WHEREAS, section 40920(a) of the Health and Safety Code requires each district classified as a severe non-attainment area to include the following components in its attainment plan to the extent necessary to meet the requirements of the Act;

- (1) application of the best available retrofit control technology (BARCT) to existing stationary sources;
- (2) provisions for area source and indirect source control programs;
- (3) provisions to develop and maintain an emissions inventory system;
- (4) provisions for public education programs to promote actions to reduce emissions from transportation and areawide sources;
- (5) a permitting program designed to achieve no net increase in emissions of nonattainment pollutants or their precursors from all permitted new or modified stationary sources;
- (6) transportation control measures to substantially reduce the rate of increase in passenger vehicle trips and miles traveled per trip;
- (7) reasonably available transportation control measures;

- (8) transportation control measures to achieve an average during weekday commute hours of 1.5 or more persons per passenger vehicle by 1999, and no net increase in vehicle emissions after 1997;
- (9) measures to achieve the use of a significant number of low-emission motor vehicles by operators of motor vehicle fleets;
- (10) measures sufficient to reduce overall population exposure to ambient pollutant levels in excess of the standard by at least 25 percent by December 31, 1994, 40 percent by December 31, 1997, and 50 percent by December 31, 2000;

WHEREAS, all districts within the Broader Sacramento Area, including the El Dorado County Air Pollution Control District, have been identified as contributing to exceedances of the state ozone standard in the downwind areas of the San Francisco Bay Area, the San Joaquin Valley Air Basin, and the Upper Sacramento Valley, and therefore transport mitigation measures are required as specified in Title 17, California Code of Regulations, section 70600;

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

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

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

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

WHEREAS, the El Dorado County California Clean Air Act Plan (the "Plan") was adopted by the District Board on February 10, 1992 as stated in the official minutes of the District Board, and was officially transmitted by the District to the Board on February 21, 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 and Initial Study and Negative Declaration on the Plan as well as the significant issues raised and oral and written comments presented by interested persons and Board staff;

WHEREAS, the Plan includes the following major components:

1. an acceptable emission inventory, which projects trends based on growth in population, employment, industrial/commercial activity, travel, and energy use;
2. a commitment to develop and adopt rules for 12 stationary and area source categories between 1991 and 1994;
3. a commitment to develop and adopt 7 transportation control measures;
4. a commitment to eventually adopt all feasible stationary and area source control measures;

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

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

1. The state health-based ambient air quality standard for ozone is exceeded in the El Dorado County Air Pollution Control District;
2. The Board concurs with the District's inability to project an attainment date for ozone due to the unavailability of a reliable Urban Airshed Model;
3. The Board concurs with the District's decision to defer the population exposure assessment until a photochemical model is developed;
4. The Board concurs with the District's methodology and its estimates that there will be no net increase in vehicle emissions after 1997;
5. The District has initiated an acceptable public education program regarding alternatives to single occupancy vehicles;

6. The District's proposal to adopt 12 stationary and area source rules between 1991 and 1994 does not represent an expeditious adoption schedule;
7. The Plan does not satisfy the requirements of section 41503(d) of the Health and Safety Code because the District is unable to specify an attainment date for ozone and the plan does not contain every feasible control strategy or measure to ensure that progress toward attainment is maintained;
8. The combination of state and local measures in the Plan falls short of the 5 percent per year reductions for all non-attainment pollutants and their precursors;
9. The Plan does not satisfy the requirements of Health and Safety Code sections 40914(b) and 41503.1 because it does not provide for the expeditious adoption of all feasible control measures and achieves emission reductions of less than 5 percent per year;
10. The District has not included all feasible transportation, stationary, and area source measures in the Plan;
11. The Plan does not include provisions for the application of uniform control measures within the Broader Sacramento Area;
12. The Plan does not contain any provisions for a contingency procedure or contingency measures as required by Health and Safety Code section 40915;
13. The Plan does not include all reasonably available transportation control measures;
14. The Plan does not address District compliance with the requirement of a 1.5 person average vehicle occupancy by the year 2000 because the Plan was written under the assumption that the District has a serious rather than severe ozone classification;
15. The District has not yet adopted the required amendments to its New Source Review rule designed to achieve no net increase in emissions of ozone precursors;
16. The District is unable to demonstrate that the Plan will result in a significant decline in the regional growth of vehicle miles traveled and trip length;
17. The District does not meet the Act's requirements for transport mitigation because the District has not yet adopted a "no net increase" permitting rule, and has not sufficiently demonstrated compliance with BARCT transport mitigation requirements;

18. The Initial Study and Negative Declaration prepared and certified by the District Board for the Plan meets the requirements of CEQA, and that environmental documentation for individual measures should be prepared as necessary as each measure is considered for adoption;

NOW, THEREFORE, BE IT RESOLVED, that the Board finds that the El Dorado County California Clean Air Act Plan as submitted by the District is substantially deficient and directs the district to amend and resubmit the plan to the Board by November 28, 1992, consistent with the conditions and clarification set forth below;

BE IT FURTHER RESOLVED, that the Board defers action on the ozone attainment demonstration until a reliable photochemical model is available as determined by the Executive Officer;

BE IT FURTHER RESOLVED, that the Board determines that the District is not in compliance with the no net increase provisions for new and modified permitted stationary sources, and directs the District to adopt a no net increase rule no later than November 28, 1992, which mitigates all future emission increases and those occurring between July 1 1991 and the rule implementation date;

BE IT FURTHER RESOLVED, that the Board directs the District to take all necessary actions to comply with BARCT requirements;

BE IT FURTHER RESOLVED, that the Board directs the District to include all feasible control measures, and a expeditious adoption schedule for stationary and area source control measures in its Plan, or to present the Executive Officer with a demonstration that such measures are not feasible, given the particular circumstances affecting El Dorado County;

BE IT FURTHER RESOLVED, that the Board directs the District to take such actions as are necessary to comply with the Act's cost-effectiveness requirements;

BE IT FURTHER RESOLVED, that the Board directs the District to submit a workplan in three months indicating how the necessary resources to carry out the Plan will be obtained;

BE IT FURTHER RESOLVED, that the Board directs the District to take all actions to ensure that the El Dorado district achieves a rate of progress comparable to other districts in the Broader Sacramento Area, by the next planning cycle;

BE IT FURTHER RESOLVED, that the Board defers approval of the Plan's approach to achieve a reduced rate of growth in trips and trip length to allow the District additional time to obtain the necessary commitments and funding;

BE IT FURTHER RESOLVED, that the Board directs the District to take such actions as necessary to comply with the Act's transport mitigation requirements;

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to work with the District to develop a population exposure model;

BE IT FURTHER RESOLVED, that the Board directs the District to develop a procedural approach to contingency requirements;

BE IT FURTHER RESOLVED, that the Board directs the District to take such actions that are necessary to comply with the uniformity requirements;

BE IT FURTHER RESOLVED, that the Board directs the District to develop approaches that will be used in an indirect source control program.

I hereby certify that the above  
is a true and correct copy of  
Resolution 92-49, as adopted  
by the Air Resources Board.

  
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Pat Hutchens, Board Secretary