

State of California  
AIR RESOURCES BOARD

Resolution 93-56

October 14, 1993

Agenda Item No.: 93-12-1

WHEREAS, the Legislature has declared in section 39001 of the Health and Safety Code that the public interest shall be safeguarded by an intensive and coordinated state, regional, and local effort to protect and enhance the ambient air quality of the state;

WHEREAS, section 39606 of the Health and Safety Code requires the Air Resources Board (the "Board") to adopt ambient air quality standards, and sections 39003 and 41500 direct the Board to coordinate efforts throughout the state to attain and maintain these standards;

WHEREAS, the Legislature enacted the California Clean Air Act of 1988 (the "Act"; Stats. 1988, Chapter 1568) and declared that it is necessary that the state ambient air quality standards be attained by the earliest practicable date to protect the public health, particularly the health of children, older people, and those with respiratory diseases;

WHEREAS, 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% or more per year for each nonattainment pollutant or its precursors (averaged every consecutive three year period beginning in 1988) unless the district is unable to achieve this goal despite the inclusion of every feasible measure in the plan and an expeditious adoption schedule;

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

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

WHEREAS, section 40921.5(b) states that a district's air pollution is to be classified as "moderate" if the Board finds and determines that the district's ambient air measurements during the years 1989 through 1991 are 9.0 to 12.7 parts per million for carbon monoxide;

WHEREAS, section 40921.5(b) states that a district's air pollution is to be classified as "serious" if the Board finds and determines that the district's ambient air measurements during the years 1989 through 1991 are greater than 12.7 parts per million for carbon monoxide;

WHEREAS, the Chico urban area of Butte County, on the basis of ambient pollutant concentrations, is classified as "moderate" nonattainment for carbon monoxide, pursuant to section 40921.5(b) of the Health and Safety Code;

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

- (1) a permitting program designed to (1) achieve no net increase in emissions of nonattainment pollutants or their precursors from all permitted new or modified stationary sources which emit, or have the potential to emit, 25 tons or more per year, and (2) the use of best available control technology for any new or modified stationary source which has the potential to emit 25 pounds per day or more of any nonattainment pollutant or its precursors;
- (2) application of the reasonably available control technology (RACT) to all existing permitted stationary sources, except that stationary sources permitted to emit 5 tons or more per day or 250 tons or more per year shall be equipped with best available retrofit control technology (BARCT);
- (3) provisions to develop area source and indirect source control programs;
- (4) provisions to develop and maintain an emissions inventory system;
- (5) provisions for public education programs to promote actions to reduce emissions from transportation and areawide sources;
- (6) reasonably available transportation control measures which substantially reduce the rate of increase in passenger vehicle trips and miles traveled per trip if the district contains an urbanized area with a population of 50,000 or more;

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

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

WHEREAS, section 40915 of the Health and Safety Code requires that each district plan contain contingency measures to be implemented upon a finding by the Board that the district is failing to achieve interim goals or maintain adequate progress toward attainment and further requires that any regulations to implement such measures be adopted by the district within 180 days following the Board's finding of inadequate progress;

WHEREAS, 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 Chico Urban Area Carbon Monoxide Plan (the Plan) was approved by the Chico City Council on July 7, 1992 and by the Butte County Association of Governments on August 20, 1992;

WHEREAS, the Butte County Air Pollution Control District (District) adopted the Plan on November 17, 1992, and submitted it to the Air Resources Board on December 2, 1992;

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

WHEREAS, the Board has reviewed and considered the Plan, the Negative Declaration submitted by the district, and all significant issues raised and oral and written comments presented by interested persons and Board staff;

WHEREAS, the Plan includes the following major components:

1. an attainment demonstration which predicts attainment of the state eight-hour carbon monoxide standard by 1994 based on adopted ARB motor vehicle and fuel regulations, including oxygenated fuel;
2. a contingency measure (employer-based trip reduction) to be implemented in the event that the area does not attain the state carbon monoxide standard by 1994;

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

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

WHEREAS, based upon the Plan, the environmental documentation, 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 carbon monoxide standard is exceeded in the Chico urban area of Butte County infrequently and by a small margin;
2. Carbon monoxide emissions in the Chico area are overwhelmingly motor vehicle in origin;
3. The Plan demonstrates attainment by 1994 based on adopted ARB motor vehicle and fuel regulations, including oxygenated fuel, and 1994 represents the earliest practicable date for attainment of the state carbon monoxide standard in the Chico urban area;
4. The attainment demonstration reflects a design value of 9.2 parts per million, derived from air quality data for the 1989-1990 and 1990-1991 winter seasons, as required by Health and Safety Code section 40921.5;
5. The Plan includes reasonably available transportation control measures, to the extent necessary for attainment of the state carbon monoxide standard;
6. The Plan addresses stationary, area, and indirect source control to the extent necessary for attainment of the state carbon monoxide standard;
7. The Plan satisfies the Act's provisions for public education programs;
8. The Plan meets the Act's cost-effectiveness requirements;
9. The Act's intrabasin uniformity requirement does not apply given the localized nature of the carbon monoxide problem;
10. The district's permitting program for carbon monoxide sources does not meet the Act's threshold requirement for best available control technology; however, more stringent stationary source measures are not necessary for attainment;
11. The Plan provides for less than a 5% annual reduction in carbon monoxide emissions; however, fewer reductions are needed for attainment;

12. The Plan provides for expeditious progress and includes all feasible measures within the meaning of the Act;
13. The Plan satisfies the Act's contingency measure requirement;
14. The Initial Study and Negative Declaration prepared and certified by the District Board for the Plan meets the requirements of CEQA.

NOW, THEREFORE, BE IT RESOLVED, that the Board approves the Chico Urban Area Carbon Monoxide Plan as meeting the requirements of the Act.

I hereby certify that the above is a true and correct copy of Resolution 93-56 as adopted by the Air Resources Board

*Pat Hutchens*

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