State of California
AIR RESOURCES BOARD

Resolution 03-15

June 26, 2003

Agenda Item No.: 03-5-2

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

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

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

WHEREAS, the local air districts have primary responsibility for the control of air pollution from nonvehicular sources and for adopting control measures, rules, and regulations to attain the NAAQS within their boundaries pursuant to sections 39002, 40000, 40001, 40701, 40702, and 41650 of the Health and Safety Code;

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 San Joaquin Valley Unified Air Pollution Control District (District) was established pursuant to sections 40150 and 40151 of the Health and Safety Code as the unified air pollution control district responsible for carrying out these responsibilities in the San Joaquin Valley Air Basin;

WHEREAS, the San Joaquin Valley Air Basin includes Fresno, Kings, Madera, Merced, San Joaquin, Stanislaus, Tulare, and western Kern Counties;

WHEREAS, the San Joaquin Valley Air Basin is designated as a nonattainment area with a classification of "serious" for the inhalable particulate matter (PM10) 24-hour and annual NAAQS;

WHEREAS, sections 189(b) and 188(c)(2) of the Act required the State to submit a SIP revision for the San Joaquin Valley demonstrating attainment of the PM10 NAAQS by the December 31, 2001 deadline;

WHEREAS, the District adopted the 1997 PM10 Attainment Demonstration Plan on May 15, 1997;

WHEREAS, ARB approved the 1997 Attainment Demonstration Plan on June 26, 1997, and submitted it to U.S. Environmental Protection Agency (U.S. EPA) on July 17, 1997;

WHEREAS, on February 21, 2002, the District approved a resolution requesting withdrawal of the 1997 PM10 Attainment Demonstration Plan from consideration by U.S. EPA;

WHEREAS, in a February 26, 2002 letter to U.S. EPA, the ARB Executive Officer formally withdrew the prior 1997 PM10 Attainment Demonstration Plan submittal;

WHEREAS, in the March 18, 2002 *Federal Register* (67 FR 11925), the U.S. EPA determined that California failed to submit a serious PM10 nonattainment area SIP for the San Joaquin Valley effective February 28, 2002;

WHEREAS, on July 23, 2002, U.S. EPA published in the *Federal Register* (67 FR 48039), a final notice finding that the San Joaquin Valley had failed to attain the federal PM10 standards by the December 31, 2001 attainment date, thereby triggering the provisions of section 189(d) of the Act;

WHEREAS, section 189(d) of the Act requires the State to submit by December 31, 2002 plan revisions which provide for attainment of the PM10

NAAQS by the most expeditious date practicable, and an annual reduction in PM10 or PM10 precursor emissions of not less than five percent in the San Joaquin Valley;

WHEREAS, section 189(b)(1)(B) of the Act also requires that the PM10 SIP provide for implementing best available control measures (BACM) to reduce PM10;

WHEREAS, section 189(c)(1) of the Act further requires that the PM10 SIP revision establish reasonable further progress milestone targets, which are to be achieved every three years until the area attains;

WHEREAS, section 176(c) of the Act requires the establishment of on-road motor vehicle emissions budgets for nonattainment areas and requires regional transportation plans, programs, and projects to conform to those budgets;

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, following a public hearing on June 19, 2003, the District adopted the San Joaquin Unified Air Pollution Control District's 2003 PM10 Plan to fulfill the applicable requirements of the Act for serious PM10 nonattainment areas;

WHEREAS, the District 2003 PM10 Plan was submitted to ARB as a SIP revision on June 25, 2003, along with proof of public notice publication and environmental documents in accordance with state and federal law;

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 outweigh the potential adverse consequences of any unmitigated impacts;

WHEREAS, the District prepared an Initial Study/Negative Declaration (Negative Declaration) for the 2003 PM10 Plan which determined that no unmitigated significant adverse environmental impacts will result from the implementation of the 2003 PM10 Plan;

WHEREAS, the 2003 PM10 Plan and Negative Declaration were available for public review and comment for at least 30 days, and a noticed public hearing was conducted in Fresno and video teleconferenced to Bakersfield and Modesto prior to consideration of the 2003 PM10 Plan and Negative Declaration as required by the Act and U.S. EPA regulations;

WHEREAS, in Resolution 03-14 ARB approved a State commitment to develop new statewide measures, and also approved a State commitment to achieve 10 tons per day (tpd) of NOx and 0.5 tpd of PM10 reductions in the San Joaquin Valley by 2010; these commitments are relied upon in the District's 2003 PM10 Plan and will be submitted to the U.S. EPA as a revision to the SIP, as provided in Resolution 03-14;

WHEREAS, the Board finds that:

1. The 2003 PM10 Plan will reduce direct PM10 and PM10-forming emissions in the San Joaquin Valley by over 240 tpd between 1999 and 2010 based on adopted regulations and enforceable commitments to adopt and implement new measures;

2. The 2003 PM10 Plan provides for attainment as expeditiously as practicable by reducing directly emitted particles and secondarily formed ammonium nitrate by 2010;

3. The 2003 PM10 Plan includes commitments by the District to adopt and implement new or tighter rules for cotton gins, dryers, glass-melting furnaces, gas-fired oilfield steam generators, fugitive PM10, indirect sources, residential wood combustion, small boilers, steam generators and process heaters, water heaters, wineries, steam enhanced crude oil production well vents, agriculture irrigation engines, and an agriculture conservation management practice program;

4. The 2003 PM10 Plan commits District staff to further study the feasibility of additional measures for Board consideration to benefit air quality in the San Joaquin Valley, including:

   (1) Concentrated Animal Feeding Operations,
   (2) Solid-Fueled Boilers, Steam Generators and Process Heaters
   (3) Soil Decontamination, and
   (4) Leaf Blowers;

5. Over 140 tpd of NOx emission reductions in the 2003 PM10 Plan come from adopted State measures for cleaner vehicles, fuels, and equipment,

which have reduced and will continue to reduce emissions from mobile sources;

6. The 2003 PM10 Plan has identified County-level NOx and PM10 emissions budgets for transportation conformity for 2005, 2008, and 2010;

7. The 2003 PM10 Plan provides for BACM on all significant sources;

8. The 2003 PM10 Plan provides for a five percent reduction of PM10 or PM10 precursors annually by simultaneously reducing a combination of directly emitted PM10 and NOx;

9. The 2003 PM10 Plan contains contingency measures in case the control measures identified for attainment and progress do not deliver the expected reductions;

10. The 2003 PM10 Plan relies on the latest science from the California Regional Particulate Matter Air Quality Study (CRPAQS) to assess the San Joaquin Valley PM10 problem and effectiveness of proposed controls, including preliminary air quality modeling, direct PM10 emission inventory activity and emission factors, ammonia emissions inventory, chemical mass balance modeling, and speciated monitoring data;

11. CRPAQS results are still being compiled and analyzed and the final modeling results will be available for use in 2005;

12. The District has committed to utilize the CRPAQS modeling results to reassess the attainment demonstration and to update the Plan by March 31, 2006;

13. The 2003 PM10 Plan is an important element of the overall clean air strategy to protect residents of the San Joaquin Valley from the harmful effects of particulate matter, ozone, and air toxics;

WHEREAS, the Board further finds that:

The ARB has reviewed and considered the 2003 PM10 Plan along with the Negative Declaration prepared for the Plan, as well as the significant issues raised and oral and written comments presented by interested persons and ARB staff, and finds that the 2003 PM10 Plan is consistent with the requirements of the Act;

The ARB finds that the Negative Declaration prepared for the 2003 PM10

Plan meets the requirements of CEQA, and environmental documentation for individual measures identified in the Plan will be prepared as necessary as each new measure is considered for adoption;

The 2003 PM10 Plan relies in part on ARB commitments to develop new statewide control measures, and to achieve 10 tpd of day of NOx and 0.5 tpd of PM10 reductions in the San Joaquin Valley by 2010;

As described in Resolution 03-14, the ARB has not yet taken final action to approve these State commitments because the ARB must first respond in writing to any significant environmental issues that have been raised;

Since the 2003 PM10 plan relies on ARB commitments that have not yet been approved, it is appropriate to delay taking final action to approve the 2003 PM10 Plan until final action is taken to approve the ARB SIP commitments;

NOW THEREFORE BE IT RESOLVED, subject to the Executive Officer's taking final action to approve the ARB SIP commitments, the Board is initiating steps toward the final adoption of 2003 PM10 Plan as a revision to the SIP.

BE IT FURTHER RESOLVED, that once final action has been taken to approve the ARB SIP commitments, the Board directs the Executive Officer to adopt the 2003 PM10 Plan as a SIP revision, including:

(1) a revised 1999 emission inventory,
(2) an emission inventory for 2002, 2005, 2008, and 2010,
(3) chemical mass balance and urban airshed modeling to assess the PM10 and NOx emission reductions needed to attain the federal 24 hour and annual average particulate matter standards by 2010,
(4) a demonstration that 2010 is the most expeditious attainment date practicable,
(5) a control strategy comprised of new and adopted measures for stationary, area, and mobile sources that provide sufficient emission reductions to attain the federal particulate matter standards by 2010,
(6) an analysis and commitment to implement the BACM,
(7) contingency measures, and
(8) transportation conformity budgets for motor vehicle emissions.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to submit the 2003 PM10 Plan, together with the appropriate supporting documentation, to the U.S. EPA for expedited approval as a SIP revision, and to work with the U.S. EPA to resolve any issues regarding plan completeness and approvability that may arise.

BE IT FURTHER RESOLVED, that the Board authorizes the Executive Officer to include in the submittal any technical corrections, clarifications, or additions that the local agencies may subsequently provide to secure U.S. EPA approval, provided such changes do not reduce the effectiveness of the control strategy in the 2003 PM10 Plan adopted by the Board.

BE IT FURTHER RESOLVED, that the Board hereby certifies pursuant to 40 CFR section 51.102 that the 2003 PM10 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 03-15, as adopted by the Air Resources Board.

Alexa Malik, Clerk of the Board