State of California
AIR RESOURCES BOARD

STATE IMPLEMENTATION PLAN REVISION FOR THE FEDERAL LEAD STANDARD

Resolution 12-20

May 24, 2012

Agenda Item No.: 12-3-1

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

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

WHEREAS, Health and Safety Code section 39602 also provides that the SIP shall include only those provisions necessary to meet the requirements of the Act;

WHEREAS, ARB has responsibility for ensuring that districts meet their responsibilities under the Act pursuant to Health and Safety Code sections 39002, 39500, 39602, 40469, and 41650;

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

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

WHEREAS, on October 15, 2008, the United States Environmental Protection Agency (U.S. EPA) promulgated a revised lead NAAQS at a level of 0.15 micrograms per cubic meter, averaged over 3 months;

WHEREAS, U.S. EPA is responsible under section 107(d)(1)(B) of the Act for designating areas as nonattainment, attainment, or unclassifiable when a new NAAQS is promulgated or an existing NAAQS is revised;

WHEREAS, on December 31, 2010, U.S. EPA designated that portion of Los Angeles County located in the South Coast Air Basin (excluding San Clemente and Santa Catalina Islands) as nonattainment for the lead NAAQS;

WHEREAS, section 110(a)(1) of the Act requires each state to adopt and submit to the U.S. EPA Administrator after reasonable notice and public hearing, a SIP revision that provides for attainment of the lead NAAQS in areas designated as nonattainment;

WHEREAS, sections 172(c)(1) through (9) of the Act set forth the specific elements that must be addressed in the Lead SIP;

WHEREAS, nonattainment of the lead NAAQS in Los Angeles County is attributable to emissions from stationary sources;

WHEREAS, Health and Safety Code section 39002 grants local and regional authorities responsibility for controlling air pollution from all sources other than vehicular sources, including stationary sources;

WHEREAS, Health and Safety Code section 40402(g) reaffirms the South Coast Air Quality Management District's (South Coast District) responsibility for controlling emissions from stationary sources in the Los Angeles County lead nonattainment area;

WHEREAS, the South Coast District developed a Lead SIP that provides for attaining the lead NAAQS in the Los Angeles County nonattainment area;

WHEREAS, the California Environmental Quality Act (CEQA) requires that any proposed action for which significant adverse environmental impacts have been identified shall not be adopted if there are feasible mitigation measures or feasible alternatives which would substantially reduce or eliminate such impacts; if economic, social or other conditions make infeasible project alternatives or mitigation measures, the project may be approved if specific overriding considerations are identified which outweigh the adverse impacts;

WHEREAS, to meet the requirements of CEQA, the South Coast District on February 9, 2012, noticed its intent to rely on the October 2010 Final Environmental Assessment (EA) for Rule 1420.1, certified in November 2010, as the CEQA document for the Lead SIP; Comments focusing on issues relative to the environmental analysis were accepted during a 30-day public review and comment period from February 15, 2012 through March 15, 2012;

WHEREAS, the October 2010 Final EA for Rule 1420.1 did not identify any significant adverse impacts to any environmental topic areas and consequently, no mitigation measures or alternatives were required;

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 day notice and opportunity for public review, must be conducted prior to the adoption and submittal of any SIP revision to the U.S. EPA;

WHEREAS, as required by federal law, the South Coast District made the Lead SIP and October 2010 Final EA for Rule 1420.1 available for public review at least 30 days before adoption;

WHEREAS, the South Coast District Governing Board adopted the Lead SIP on May 4, 2012, after a duly noticed public hearing;

WHEREAS, the South Coast District submitted the Lead SIP to ARB as a SIP revision on May 9, 2012, along with proof of public notice publication and environmental documents in accordance with State and federal law;

WHEREAS, the Lead SIP must be submitted to U.S. EPA by June 30, 2012;

WHEREAS, the Board finds that:

1. The main component of the South Coast lead control strategy, Rule 1420.1, is focused on the large lead-acid battery recycling facilities that contribute to violations of the lead NAAQS, with specific provisions related to permit conditions, core rule requirements with contingency compliance plans, process changes, good management practices and housekeeping requirements, and stringent near-source monitoring.

2. Rule 1420.1 specifies a compliance date of January 1, 2012, and large lead-acid battery recycling facilities in Los Angeles County have already reduced emissions sufficiently to comply with provisions of the Rule.

3. Continued compliance with Rule 1420.1 will provide for attainment of the lead NAAQS by the December 31, 2015, statutory deadline.

4. The Lead SIP complies with the requirements of sections 172(c)(1) through (9) of the Act, by including the following elements, as required for a NAAQS nonattainment area:

    - Section 172(c)(1): The Lead SIP implements all Reasonably Available Control Measures, including reducing emissions from existing sources using Reasonably Available Control Technology;

    - Section 172(c)(2): The Lead SIP has already demonstrated Reasonable Further Progress because applicable rules specify a compliance date of January 1, 2012, and the emission reductions needed to attain the lead NAAQS have already been achieved;

    - Section 172(c)(3): The Lead SIP includes an inventory of actual emissions from all sources in Los Angeles County for both a 2010 base year and the 2015 attainment year;

- Section 172(c)(4): The Lead SIP identifies and quantifies the lead emissions that will be allowed from the construction and operation of major new or modified stationary sources through the South Coast District's New Source Review program, which provides adequate guidance to implement the current lead NAAQS and is stringent enough to ensure attainment;

- Section 172(c)(5): The Lead SIP requires permits for the construction and operation of new or modified major stationary sources located anywhere in the nonattainment area, consistent with all applicable federal, State, and local requirements;

- Section 172(c)(6): The Lead SIP includes specific concentrations and emission limits that are more stringent than the lead NAAQS, as well as schedules and time tables, that provide for continued compliance with the lead NAAQS and attainment by the December 31, 2012, statutory deadline;

- Section 172(c)(7): As outlined in the Lead Infrastructure SIP submitted to U.S. EPA on October 6, 2011, ARB and the South Coast District have the authority and programs needed to implement , maintain, and enforce the lead NAAQS, thereby complying with section 110(1)(2) of the Act.;

- Section 172(c)(8): The Lead SIP sets forth a multi-pronged control strategy based on emission limits and near-source monitoring of lead air quality that is as effective and more stringent than the procedure specified by U.S. EPA;

- Section 172(c)(9): The Lead SIP provides for the implementation of contingency measures at contributing sources if the area fails to attain the lead NAAQS by January 1, 2012, which is well before the December 31, 2015, statutory deadline.

WHEREAS, the Board further finds that ARB has reviewed and considered the Lead SIP, along with the EA for the Lead SIP, and finds that both documents are consistent with the requirements of the Act and CEQA.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts the Lead SIP as a revision to the California SIP.

BE IT FURTHER RESOLVED that the Board hereby directs the Executive Officer to submit the Lead SIP, together with the appropriate supporting documentation, to the U.S. EPA for approval as a revision to the California SIP, to be effective, for purposes of federal law, upon approval by U.S. EPA.

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

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

BE IT FURTHER RESOLVED that the Board certifies pursuant to 40 CFR Section 51.102 that the proposed California SIP revision 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 12-20, as adopted by the Air Resources Board.

Mary Alice Morency, Clerk of the Board

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May 24, 2012

Identification of Attachments to the Board Resolution

Attachment A: *Proposed State Implementation Plan Revision for the Federal Lead Standard*, Released May 11, 2012, including Appendix A, available at: http://www.arb.ca.gov/planning/sip/sip.htm.