State of California
AIR RESOURCES BOARD

THE 2012 PM2.5 EMISSION INVENTORY SUBMITTAL TO THE STATE IMPLEMENTATION PLAN FOR THE SAN FRANCISCO BAY AREA

Resolution 12-37

December 6, 2012

Agenda Item No.: 12-9-2

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

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

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 local districts have primary responsibility for controlling air pollution from non-vehicular 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, the San Francisco Bay Area consists of Napa, Marin, San Francisco, Contra Costa, Alameda, San Mateo, and Santa Clara counties, the southern portion of Sonoma County, and the western portion of Solano County;

WHEREAS, the Bay Area Air Quality Management District (Bay Area District) is responsible for carrying out these responsibilities in the San Francisco Bay Area pursuant to section 40200 of the Health and Safety Code;

WHEREAS, in December 2006, the United States Environmental Protection Agency (U.S. EPA) lowered the 24-hour NAAQS for fine particulate matter (PM2.5) from 65 ug/m^3 to 35 ug/m^3;

WHEREAS, effective December 14, 2009, U.S. EPA designated the San Francisco Bay Area as nonattainment for the 35 ug/m^3 PM2.5 NAAQS, and established a SIP due date of December 14, 2012;

WHEREAS, in March 2007, U.S. EPA finalized the PM2.5 implementation rule (Rule) which established the framework and requirements that states must meet in developing PM2.5 SIPs;

WHEREAS, nonattainment areas that attain the NAAQS prior to the SIP submittal due date are eligible for reduced regulatory requirements as described in U.S. EPA's *Clean Data Policy for the Fine Particulate National Ambient Air Quality Standards* (Clean Data Policy) released on December 14, 2004;

WHEREAS, when a nonattainment area has air quality levels below the NAAQS, the Clean Data Policy specifies that the attainment demonstration, reasonable further progress, reasonably available control measures, and contingency SIP elements are no longer required;

WHEREAS, consistent with section 107(d)(3)(E) of the Act, the Bay Area District has demonstrated attainment of the PM2.5 NAAQS in the 2008-2010 period for the San Francisco Bay Area, based on quality-assured federal reference method monitoring data from the State and local monitoring network;

WHEREAS, on December 8, 2011, ARB submitted a request to the U.S. EPA to issue a Clean Data Finding for the San Francisco Bay Area;

WHEREAS, the Bay Area District developed the *2010 Bay Area Winter Emissions Inventory for Primary PM2.5 and PM Precursors* (Emission Inventory SIP Submittal) to address the requirements of the Act;

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, as required by federal law, the Bay Area District made the Emission Inventory SIP Submittal available for public review at least 30 days prior to the Bay Area District Board of Directors hearing;

WHEREAS, following a public hearing on November 7, 2012, the Bay Area District Board of Directors voted to approve the Emission Inventory SIP Submittal;

WHEREAS, the California Environmental Quality Act (CEQA) requires that no project which may have significant adverse environmental impacts be adopted as originally proposed if feasible alternatives or mitigation measures are available to reduce or eliminate such impacts;

WHEREAS, on November 9, 2012, the Bay Area District transmitted the Emission Inventory SIP Submittal to ARB as a SIP revision, along with proof of public notice publication, and environmental documents prepared in accordance with State and federal law;

WHEREAS, the Board finds that the Emission Inventory SIP Submittal meets all applicable PM2.5 planning requirements established by the Act and the Rule, and includes the required emissions data; and

WHEREAS, the Board further finds that ARB has reviewed and considered the Emission Inventory SIP Submittal, along with environmental documents and comments presented by interested parties, and finds that they are consistent with the requirements of the Act and CEQA.

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

BE IT FURTHER RESOLVED, that the Board hereby directs the Executive Officer to forward the Emission Inventory SIP Submittal as approved to U.S. EPA for inclusion in the SIP to be effective, for purposes of federal law, upon approval by U.S. EPA.

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

BE IT FURTHER RESOLVED that the Board authorizes the Executive Officer to include in the 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 hereby certifies pursuant to 40 CFR section 51.102 that the Emission Inventory SIP Submittal 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 12-37, as adopted by the Air Resources Board.

Tracy Jensen

Tracy Jensen, Clerk of the Board