State of California
AIR RESOURCES BOARD

2013 SIP REVISION FOR THE 1997 8-HOUR OZONE STANDARD FOR THE SACRAMENTO METROPOLITAN AREA

Resolution 13-39

November 21, 2013

Agenda Item No.: 13-10-2

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 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, 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, the ARB is responsible for preparing the State Implementation Plan (SIP) for attaining and maintaining the National Ambient Air Quality Standards (standards or NAAQSs) as required by the federal Clean Air Act (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, section 41650 of the Health and Safety Code requires ARB to approve the nonattainment plan adopted 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, ARB has responsibility for ensuring that the districts meet their responsibilities under the Act pursuant to sections 39002, 39500, 39602, and 41650 of the Health and Safety Code;

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

WHEREAS, in July 1997, the United States Environmental Protection Agency (U.S. EPA) promulgated an 8-hour NAAQS for ozone of 0.08 parts per million;

WHEREAS, in April 2004, U.S. EPA designated the Sacramento Metropolitan Area as nonattainment for the 8-hour ozone standard;

WHEREAS, the Sacramento Metropolitan Area includes the Sacramento Metropolitan Air Quality Management District, the Yolo-Solano Air Quality Management District; and parts of the El Dorado County Air Quality Management District, Placer County Air Pollution Control District, and Feather River Air Quality Management District (collectively "the Districts");

WHEREAS, in April 2004, U.S. EPA finalized "Phase 1" of the 8-hour ozone implementation rule (Phase 1 Implementation Rule), which established the classification scheme for nonattainment areas and identified continuing obligations with respect to the existing 1-hour ozone requirements;

WHEREAS, as part of that action U.S. EPA classified the Sacramento Metropolitan Area as a "serious" nonattainment area with an initial attainment date of June 15, 2013, and subject to the requirements of Subpart 2 of Part D of Title I of the Act;

WHEREAS, in November 2005, U.S. EPA supplemented its Phase 1 Implementation Rule with a "Phase 2" rule that specifies the emission controls and planning elements that nonattainment areas must address in their SIPs;

WHEREAS, the Districts determined that the Sacramento Metropolitan Area could not meet the 2013 attainment deadline for serious nonattainment areas and, on February 14, 2008, requested a voluntary reclassification of the Sacramento Metropolitan Area from "serious" nonattainment to "severe-15" nonattainment, with an applicable attainment date of June 15, 2019, as allowed under section 181 (b)(3) of the Act;

WHEREAS, the Act requires that areas classified moderate or greater, demonstrate that Reasonable Further Progress (RFP) toward attainment of the 8-hour ozone NAAQS will occur;

WHEREAS, the staffs of the Districts coordinated in the development of the 2009 Sacramento Regional 8-Hour Ozone Attainment and Reasonable Further Progress Plan (the 2009 Plan) to fulfill the planning requirements of a "severe-15" nonattainment area;

WHEREAS, the 2009 Plan included: updated air quality and emissions data; a control strategy based on State, local, and federal measures; a modeled attainment demonstration; an RFP demonstration; transportation conformity emission budgets; and contingency measures;

WHEREAS, in March 2009, the Board adopted the 2009 Plan as a SIP revision and submitted it to the U.S. EPA;

WHEREAS, in approving the 2009 Plan, the Board committed to achieve the total aggregate reductions needed for attainment of the 1997 8-hour ozone standard through the adoption of measures identified in the SIP, alternative measures or incentive programs, and actual emission decreases that occur;

WHEREAS, ARB and the Districts have now completed adoption of regulations that achieve the emission reductions necessary to demonstrate attainment of the 1997 8-hour ozone standard by the 2018 deadline;

WHEREAS, the Districts have adopted the "Sacramento Regional 8-hour Ozone Attainment and Reasonable Further Progress Plan 2013 SIP Revisions" (2013 SIP Revision) to incorporate updated emission inventories to reflect adopted rules, revised emissions forecasts that reflect impacts of the recession, updated information about emission sources, an updated attainment demonstration that allows fewer emissions in 2018, and other technical updates;

WHEREAS, consistent with section 172(c)(3) of the Act, the 2013 SIP Revision includes a comprehensive, accurate, current inventory of emissions data for precursors of ozone: oxides of nitrogen (NOx) and volatile organic compounds (VOC);

WHEREAS, the 2013 SIP Revision also includes locally approved revisions to District control strategies;

WHEREAS, consistent with section 182(c)(2)(A) of the Act, the 2013 SIP Revision provides for attainment of the 1997 8-hour ozone NAAQS in 2018;

WHEREAS, consistent with section 172(c) of the Act, the 2013 SIP Revision demonstrates that the Sacramento Metropolitan Area meets requirements for Reasonably Available Control Measures (RACM) and Reasonably Available Control Technologies (RACT) for NOx and VOC;

WHEREAS, the RFP demonstration in the 2013 SIP Revision shows that the Sacramento Metropolitan Area meets the required progress milestones as a result of adopted measures, and that adopted measures will provide additional emission reductions beyond the 2018 attainment year needed to meet the contingency measure requirements;

WHEREAS, consistent with section 176 of the Act, the 2013 SIP Revision establishes transportation conformity emission budgets, developed in consultation between the Districts and the Sacramento Area Council of Governments, the regional transportation agency that conform to the attainment emission levels;

WHEREAS, section 182(d)(1)(a) of the Act requires SIPs submitted for severe and extreme ozone nonattainment areas identify and adopt transportation control strategies and transportation control measures to offset any growth in emissions

from vehicle miles traveled (VMT) or the number of vehicle trips in the area ("VMT offset demonstration");

WHEREAS, in February 2011, the Ninth Circuit Court of Appeals held that section 182(d)(1)(a) of the Act requires additional transportation control strategies and transportation control measures to offset vehicle emissions whenever they are projected to be higher than they would have been if base year VMT had not increased;

WHEREAS, the Ninth Circuit Court of Appeals remanded the approval of the 2007 8-hour ozone SIP VMT emissions offsets demonstration to U.S. EPA;

WHEREAS, in August 2012, U.S. EPA issued guidance entitled "Implementing Clean Air Act section 182(d)(1)(A): Transportation Control Measures and Transportation Control Strategies to Offset growth in Emissions Due to Growth in Vehicle Miles Traveled";

WHEREAS, consistent with the requirements of section 182(d)(1)(A), as specified by the Ninth Circuit Court of Appeals ruling in 2011 and with U.S. EPA guidance in 2012, the 2013 SIP Revision includes the required VMT emissions offset demonstration;

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 adopting and submitting any SIP revision to U.S. EPA;

WHEREAS, the Districts noticed and made the 2013 SIP Revision available for public review at least 30 days before a public hearing;

WHEREAS, the Board of Directors of the Sacramento Metropolitan Air Quality Management District held a public hearing on the 2013 SIP Revision, on behalf of all five air districts in the Sacramento Metropolitan Area, at its September 26, 2013, meeting;

WHEREAS, the District determined that the 2013 SIP Revision is exempt from the California Environmental Quality Act pursuant to California Code of Regulations, title 14, section 15061(b)(3) (no possibility of a significant adverse effect on the environment) and section 15308 (actions taken by regulatory agencies to assure the maintenance, restoration, enhancement, or protection of the environment);

WHEREAS, the Board of Directors of the Sacramento Metropolitan Air Quality Management District adopted the 2013 SIP Revision after determining that it is consistent with reasonable further progress and attainment requirements;

WHEREAS, on November 20, 2013, the staff of the Sacramento Metropolitan Air Quality Management District transmitted the 2013 SIP Revision to ARB as a SIP update, along with proof of public notice publication in accordance with State and federal law;

WHEREAS, the Board finds that:

1. The 2013 SIP Revison meets the applicable planning requirements established by the Act, and includes the required air quality and emissions data, attainment demonstration, RACM/RACT demonstrations, transportation conformity emission budgets, contingency measures, and VMT offset demonstration.

NOW, THEREFORE, BE IT RESOLVED the Board hereby approves the Sacramento Metropolitan Area 2013 SIP Revision as an amendment to the California SIP, excluding those portions not required to be submitted to U.S. EPA under federal law, and directs the Executive Officer to forward the 2013 SIP Revision, as approved, to the 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 Districts 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 Sacramento Metropolitan Area 2013 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 13-39, as adopted by the Air Resources Board.

Tracy Jensen

Tracy Jensen, Clerk of the Board