State of California
AIR RESOURCES BOARD

CALIFORNIA INFRASTRUCTURE SIP

Resolution 14-1

January 23, 2014

Agenda Item No.: 14-1-1

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 (CAA; 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) as necessary to comply with the CAA;

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 CAA;

WHEREAS, 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 districts meet their responsibilities under the CAA pursuant to sections 39002, 39500, 39602, 40469, and 41650 of the Health and Safety Code;

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, on July 16, 1997, U.S. EPA promulgated a new 8-hour average ozone NAAQS at a level of 0.08 parts per million;

WHEREAS, on July 16, 1997, U.S. EPA promulgated a new annual average fine particulate matter ($PM_{2.5}$) NAAQS at a level of 15 micrograms per cubic meter ($\mu g/m^3$) and a new 24-hour average $PM_{2.5}$ NAAQS at a level of 65 $\mu g/m^3$;

WHEREAS, on September 21, 2006, U.S. EPA promulgated a revised 24-hour average $PM_{2.5}$ NAAQS at a level of 35 $\mu g/m^3$;

WHEREAS, on March 12, 2008, U.S. EPA promulgated a revised 8-hour average ozone NAAQS at a level of 0.075 parts per million;

WHEREAS, on October 15, 2008, U.S. EPA promulgated a revised 3-month average lead NAAQS at a level of 0.15 $\mu g/m^3$;

WHEREAS, on January 22, 2010, U.S. EPA promulgated a new primary 1-hour average nitrogen dioxide NAAQS at a level of 100 parts per billion;

WHEREAS, on June 2, 2010, U.S. EPA promulgated a new primary 1-hour average sulfur dioxide NAAQS at a level of 75 parts per billion;

WHEREAS, on December 14, 2012, U.S. EPA promulgated a revised the 24-hour average primary $PM_{2.5}$ NAAQS at a level of 12 $\mu g/m^3$;

WHEREAS, when U.S. EPA promulgates a NAAQS, CAA section 110(a)(1) requires each state to adopt and submit to the U.S. EPA Administrator, after reasonable notice and public hearing, a plan that provides for implementation, maintenance, and enforcement of the NAAQS throughout the State;

WHEREAS, the plan required under CAA section 110(a)(1), generally referred to as an Infrastructure SIP, ensures that each state has in place the authorities and abilities needed to comply with the NAAQS;

WHEREAS, CAA section 110, subdivisions (a)(2)(A) through (M), set forth the specific elements a state must address in its Infrastructure SIP for the NAAQS;

WHEREAS, the Infrastructure SIP does not contain any proposed control strategies, but instead sets forth the State's and districts' authorities and abilities to develop and implement a strategy for attaining and maintaining the NAAQS;

WHEREAS, many of the Infrastructure SIP requirements were addressed in California's comprehensive CAA section 110(a)(2) Infrastructure SIP, which was submitted in response to the CAA of 1970 and approved by U.S. EPA in 1979 in title 40 Code of Federal Regulations (CFR) section 52.220;

WHEREAS, California's original Infrastructure SIP submittal has been revised since that time in response to newly promulgated NAAQS, most recently in response to the 2008 lead NAAQS and 2010 nitrogen dioxide NAAQS;

WHEREAS, the proposed Infrastructure SIP revision addresses California's compliance with CAA section 110(a)(2) requirements, especially pertaining to the 1997 and 2008 ozone NAAQS, the 1997, 2006, and 2012 $PM_{2.5}$ NAAQS, the 2008 lead NAAQS, the 2010 nitrogen dioxide NAAQS, and the 2010 sulfur dioxide NAAQS;

WHEREAS, states must submit an Infrastructure SIP revision to U.S. EPA three years after promulgation of a new or revised NAAQS;

WHEREAS, that portion of the ARB's regulatory program that involves the adoption, approval, amendment, or repeal of standards, rules, regulations, or plans has been

certified by the Secretary of Resources Agency pursuant to Public Resources Code section 21080.5 of the California Environmental Quality Act (CEQA Guidelines section 15251(d)), and ARB conducts it CEQA review pursuant to this certified program (California Code of Regulations, title 17, sections 60001-60007);

WHEREAS, ARB staff reviewed the proposed revisions to the California Infrastructure SIP and concluded it is exempt from the requirements of CEQA pursuant to CEQA Guidelines section 15061, subdivision (b)(3) because it can be seen with certainty that there is no possibility that the proposed SIP revision may result in a significant adverse impact on the environment since it is limited to describing authorities, resources, and programs California has in place to implement, maintain, and enforce the federal NAAQS and does not contain any proposals for emission control measures or other actions that could result in adverse impacts to the environment;

WHEREAS, CAA section 110(l) and 40 CFR section 51.102 require one or more public hearings, preceded by at least 30-day notice and opportunity for public review, be conducted prior to the adoption and submittal to U.S. EPA of any SIP revision;

WHEREAS, on December 23, 2013, ARB staff circulated for public review the proposed California Infrastructure SIP revision that documents the required infrastructure elements for the 1997 and 2008 ozone NAAQS, 1997, 2006, and 2012 $PM_{2.5}$ NAAQS, 2008 lead NAAQS, 2010 nitrogen dioxide NAAQS, and 2010 sulfur dioxide NAAQS, as required under CAA section 110(a)(2); and

WHEREAS, the proposed Infrastructure SIP revision demonstrates ARB's and districts' authorities and/or abilities to:

1. Establish control measures and programs that limit emissions;

2. Monitor, compile, and analyze ambient air quality data and provide the data to U.S. EPA;

3. Implement an enforcement program for control measures associated with implementing the NAAQS and a permit program regulating the construction and modification of major stationary sources;

4. Prohibit emissions from significantly contributing to nonattainment, interfering with the maintenance or prevention of significant deterioration of air quality, or contributing to reduced visibility in another state;

5. Provide adequate personnel, funding, and legal authority to carry out provisions in the SIP, ensure that a majority of their board members represent the public interest, and ensure that the agencies can implement provisions in the SIP;

6. Require owners and operators of stationary sources to install, maintain, and replace equipment for monitoring stationary source emissions and to provide periodic reports on these emissions;

7. Halt emissions that cause or contribute to injury of public health or welfare and have adequate contingency plans to implement their authority;

8. Revise the SIP when a NAAQS is revised, new attainment methods become available, or U.S. EPA determines that the current SIP is inadequate to attain the NAAQS or to comply with additional CAA requirements;

9. Meet the applicable requirements of the CAA relating to consultation and public notification, and meet the requirements for Prevention of Significant Deterioration and visibility protection, as they apply to the NAAQS;

10. Provide for using air quality models to predict the effect of pollutant emissions on ambient air quality and submitting the modeling data to U.S. EPA when requested;

11. Assess and collect from owners and operators of stationary sources, fees sufficient to cover the reasonable costs of reviewing and acting upon a permit application and fees sufficient to cover the reasonable costs of implementing and enforcing the permit, if granted (owners or operators are also required to comply with the fee provisions of Title V sections 501 through 507 of the CAA); and

12. Consult with and allow for participation by local political subdivisions affected by the Infrastructure SIP.

WHEREAS, the Board finds that:

1. The proposed Infrastructure SIP revision meets the applicable requirements established by the CAA and U.S. EPA regulations;

2. The Board certifies pursuant to 40 CFR section 51.102 that the proposed Infrastructure SIP revision meets the notice and public hearing requirements specified in 40 CFR section 51.102; and

3. The proposed Infrastructure SIP is exempt from the requirements of CEQA pursuant to CEQA Guidelines §15061(b)(3) because it can be seen with certainty that there is no possibility that the proposed SIP revision may result in a significant adverse impact on the environment since it is limited to describing authorities, resources, and programs California has in place to implement, maintain, and enforce the federal NAAQS and does not contain any proposals for emission control

measures or other actions that could result in adverse impacts to the environment.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the California Infrastructure SIP revision, as set forth in Attachment A to this resolution, as a revision to the California State Implementation Plan.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to submit the approved California Infrastructure SIP revision to U.S. EPA for approval, along with other supporting documentation, no later than February 28, 2014.

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

I hereby certify that the above is a true and correct copy of Resolution 14-1, as adopted by the Air Resources Board.

Tracy Jensen

Tracy Jensen, Clerk of the Board

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January 23, 2014

Identification of Attachments to the Board Resolution

Attachment A: California Infrastructure SIP, Released December 23, 2013, including Attachments 1 through 3, available at: http://www.arb.ca.gov/planning/sip/sip.htm.