State of California
AIR RESOURCES BOARD

Imperial County 2013 State Implementation Plan for the 2006 24-hour PM2.5 Moderate Nonattainment Area

Resolution 14-43

December 18, 2014

Agenda Item No: 14-10-2

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

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, sections 39515 and 39516 of the Health and Safety Code 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, the local air districts have primary responsibility for the control of 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 Imperial County Air Pollution Control District (District) was established pursuant to section 40002 of the Health and Safety Code as the air pollution control district responsible for carrying out these responsibilities in Imperial County;

WHEREAS, in December 2006, the U.S. Environmental Protection Agency (U.S. EPA) lowered the 24-hour PM2.5 NAAQS from 65 $\mu g/m^3$ to 35 $\mu g/m^3$;

WHEREAS, effective December 14, 2009, the U.S. EPA designated a portion of Imperial County (Imperial County Nonattainment Area) as nonattainment for the 35 $\mu g/m^3$ 24-hour PM2.5 NAAQS;

WHEREAS, on January 4, 2013, the U.S. Court of Appeals, D.C. Circuit found that U.S. EPA erred in solely implementing the PM2.5 NAAQS under the Subpart 1 general provisions of the Act without considering the more specific particulate matter provisions in Subpart 4 and remanded the PM2.5 implementation rule back to U.S. EPA to re-promulgate pursuant to Subpart 4;

WHEREAS, on June 6, 2013, U.S. EPA directed states to use the 1992 General Preamble and 1994 Addendum for PM10 implementation under Subpart 4 as guidance to implement the 35 $\mu g/m^3$ 24-hour PM2.5 NAAQS;

WHEREAS, on June 2, 2014, U.S. EPA classified the Imperial County Nonattainment Area as moderate for the 35 $\mu g/m^3$ 24-hour PM2.5 NAAQS under Subpart 4 and set a December 31, 2014 SIP submission deadline;

WHEREAS, Section 179B of the Act allows states to demonstrate that a nonattainment area would have attained the NAAQS by the applicable attainment date, but for emissions emanating from outside the United States;

WHEREAS, areas subject to Section 179B are not required to demonstrate attainment and maintenance of the relevant NAAQS by the attainment date specified under the applicable provision of the Act;

WHEREAS, areas subject to Section 179B are required to include in the SIP an emission inventory for PM2.5 and PM2.5 precursors, a Reasonably Available Control Measures/Reasonably Available Control Technologies (RACM/RACT) demonstration, quantitative milestones, contingency measures for quantitative milestones, and transportation conformity budgets;

WHEREAS, the Imperial County Nonattainment Area is adjacent to the Mexico international border;

WHEREAS, ARB staff conducted a technical evaluation of emissions and other data from sources located in the Imperial County Nonattainment Area and from sources located in the City of Mexicali, Mexico;

WHEREAS, the 2013 Imperial County PM2.5 SIP demonstrates that the Imperial County Nonattainment Area would have attained the 35 $\mu g/m^3$ 24-hour PM2.5 NAAQS in 2012 absent emissions transport from Mexico, pursuant to Section 179B of the Act;

WHEREAS, the 2013 Imperial County PM2.5 SIP includes applicable Act requirements, including: an air quality assessment, an emission inventory including PM2.5 attainment plan precursors, RACM/RACT demonstration, quantitative milestones, and transportation conformity budgets;

WHEREAS, the 2013 Imperial County PM2.5 SIP includes comprehensive emission inventories for 2008 baseline year, 2011 quantitative milestone year and 2012 attainment year for PM2.5, nitrogen oxides (NOx), sulfur oxides (SOx), volatile organic compounds (VOC) and ammonia;

WHEREAS, the 2013 Imperial County PM2.5 SIP includes a RACT/RACM analysis that meets the Act requirement for implementation of RACT/RACM for a moderate nonattainment area;

WHEREAS, the 2013 Imperial County PM2.5 SIP includes a quantitative milestone for the year 2011 that meets the Act requirements for a quantitative milestone every three years;

WHEREAS, quantitative milestone contingency measures for 2011 are not required since the year has passed and the milestone has been met;

WHEREAS, transportation conformity budgets were established for PM2.5 and NOx in 2012, the attainment year, and fulfill the requirements of the Act and U.S. EPA regulations to ensure that transportation projects in the nonattainment area do not interfere with progress and attainment of the 35 $\mu g/m^3$ 24-hour PM2.5 standard;

WHEREAS, federal law set forth in section 110(l) of the Act and Title 40, Code of Federal Regulations, 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 District made the 2013 Imperial County PM2.5 SIP available for public review at least 30 days prior to the hearing date;

WHEREAS, following a public hearing on December 2, 2014, the Imperial County Air Pollution Control Board adopted the 2013 Imperial County PM2.5 SIP;

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

WHEREAS, to meet the requirements of CEQA, the District determined on October 23, 2014 that the 2013 Imperial County PM2.5 SIP does not result in any significant adverse environmental impacts;

WHERAS, the District submitted the 2013 Imperial County PM2.5 SIP to ARB as a SIP revision on December 9, 2014 in accordance with State and federal law; and

WHEREAS, the Board finds that:

1. Based on a technical demonstration of cross-border emissions transport, the Imperial County Nonattainment Area would have attained the 35 ug/m3 24-hour PM2.5 standard but for emissions from Mexico; and
2. The 2013 Imperial County PM2.5 SIP meets the requirements under the Act, in that it includes an air quality assessment, an emission inventory including PM2.5 attainment plan precursors, a RACM/RACT demonstration, quantitative milestones, and transportation conformity budgets;

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts the 2013 Imperial County PM2.5 SIP as a revision to the California SIP.

BE IT FURTHER RESOLVED that the Board hereby directs the Executive Officer to submit the 2013 Imperial County PM2.5 SIP as adopted by the District to the U.S. EPA for inclusion in the California 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 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 certifies pursuant to 40 C.F.R. Section 51.102 that the 2013 Imperial County PM2.5 SIP was adopted after notice and public hearing as required by 40 C.F.R. Section 51.102.

I hereby certify that the above is a true and correct copy of Resolution 14-43 as adopted by the Air Resources Board.

Tracy Jensen

Tracy Jensen, Clerk of the Board