State of California
AIR RESOURCES BOARD

Minor Updates to Yuba City-Marysville PM2.5 Maintenance Plan and Redesignation Request

Resolution 14-6

February 20, 2014

Agenda Item No.: 14-2-1

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 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 (42 U.S.C. section 7401 et seq. (Act)), 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, 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, 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 nonvehicular 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 Feather River Air Quality Management District (Feather River District) is responsible for carrying out these responsibilities in Yuba and Sutter Counties pursuant to section 40300 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 $\mu g/m^3$ to 35 $\mu g/m^3$;

WHEREAS, effective December 14, 2009, U.S. EPA designated the Yuba City-Marysville Planning Area as nonattainment for the 35 $\mu g/m^3$ 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 requirements states must meet in developing PM2.5 SIPs;

WHEREAS, nonattainment areas that attain the standard 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 standard, 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 Feather River District has demonstrated attainment of the PM2.5 NAAQS in the 2006-2008 period for the Yuba City-Marysville PM2.5 nonattainment area, based on quality-assured federal reference method monitoring data from the State and local monitoring network;

WHEREAS, on June 8, 2010, ARB submitted a request to the U.S. EPA to issue a Clean Data Finding for the Yuba City-Marysville PM2.5 nonattainment area based on 2009-2011 data;

WHEREAS, on January 10, 2013, U.S. EPA determined that the Yuba City-Marysville PM2.5 nonattainment area has attained the 24-hour PM2.5 NAAQS based on 2009-2011 data;

WHEREAS, section 107(d)(3)(D) of the Act provides that a state may request U.S. EPA to redesignate an area from nonattainment to attainment of the NAAQS;

WHEREAS, section 107(d)(3)(E) of the Act sets forth the requirements which must be met for the U.S. EPA to redesignate an area from nonattainment to attainment of the NAAQS;

WHEREAS, the Feather River District developed the *Yuba City-Marysville PM2.5 Nonattainment Area Redesignation Request and Maintenance Plan* (Redesignation Request/Maintenance Plan) to address the requirements of the Act;

WHEREAS, following a public hearing on April 1, 2013, the Governing Board of the Feather River District voted to approve the Redesignation Request/Maintenance Plan;

WHEREAS, on April 8, 2013, the Feather River District transmitted the Redesignation Request/Maintenance Plan to ARB for approval as a revision to the California SIP, along with proof of public notice publication, and environmental documents in accordance with State and federal law;

WHEREAS, on April 25, 2013, the Board approved the Redesignation Request/Maintenance Plan as a revision to the California SIP;

WHEREAS, on May 23, 2013, ARB transmitted the approved Redesignation Request/Maintenance Plan to U.S. EPA for inclusion into the SIP to be effective, for purposes of federal law, upon approval by U.S. EPA;

WHEREAS, U.S. EPA was directed by a January 4, 2013, ruling from the United States Court of Appeals for the District of Columbia Circuit to implement the PM2.5 standard under subpart 4 of the Act rather than subpart 1;

WHEREAS, to evaluate the Redesignation Request/Maintenance Plan under subpart 4 requirements, U.S. EPA staff requested that the emission inventory be expanded to include volatile organic compounds (VOCs) and ammonia emissions, and that other clarifications be made;

WHEREAS, ARB staff drafted the Minor Updates to the Yuba City-Marysville PM2.5 Maintenance Plan and Redesignation Request (Minor Updates) as a proposed revision to the SIP to address this request;

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 Minor Updates and concluded it is exempt from the requirements of CEQA pursuant to CEQA Guidelines section 15061, subdivision (b)(3) because there is no possibility that the Minor Updates may result in a significant adverse impact on the environment since the revisions are limited to an expanded emissions inventory and other minor clarifications requested by U.S. EPA, and it does not contain any new proposals for emission control measures or other actions that could result in adverse impacts to the environment;

WHEREAS, 110(l) of the Act 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 January 17, 2014, ARB provided a 30-day notice and circulated for public review the proposed Minor Updates;

WHEREAS, the Minor Updates include the following:

1. Additional information documenting that the Yuba City-Marysville area attained the 24-hr PM2.5 standard due to permanent and enforceable emission reductions;
2. Supporting documentation for calculating the projected 2024 maintenance design value; and
3. Consistent with subpart 4 of the Act, an emission inventory for directly emitted PM2.5 and all PM2.5 precursors, updated to include VOCs and ammonia.

WHEREAS, the Board finds that:

1. The proposed Minor Updates meet the applicable requirements established by the Act and U.S. EPA regulations;
2. The Board certifies pursuant to 40 CFR section 51.102 that the proposed Minor Updates meet the notice and public hearing requirements specified in 40 CFR section 51.102; and
3. The Minor Updates are exempt from the requirements of CEQA pursuant to CEQA Guidelines section 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 the Minor Updates are limited to an expanded emissions inventory and other minor clarifications requested by U.S. EPA, and it does not contain any new 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 Minor Updates to the Yuba City-Marysville PM2.5 Maintenance Plan and Redesignation Request as a revision to the California SIP.

BE IT FURTHER RESOLVED that the Board hereby directs the Executive Officer to forward the Minor Update 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 Feather River 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.

I hereby certify that the above is a true and correct copy of Resolution 14-6, as adopted by the Air Resources Board.

Tracy Jensen, Clerk of the Board