State of California
AIR RESOURCES BOARD

CALIFORNIA INFRASTRUCTURE SIP REVISION

Resolution 15-53

December 17, 2015

Agenda Item No.: 15-10-1

WHEREAS, Health and Safety Code sections 39600 and 39601 authorize the Air Resources Board (ARB or Board) to adopt standards, rules, and regulations and to do such acts as may be necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, the Legislature in Health and Safety Code section 39602 designated the 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 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, Health and Safety Code section 39602 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 Health and Safety Code sections 39002, 39500, and part 5 (commencing with section 43000), and for ensuring that districts meet their responsibilities under the CAA pursuant to Health and Safety Code sections 39002, 39500, 39602, 40469, and 41650 of the;

WHEREAS, on September 21, 2006, United States Environmental Protection Agency (U.S. EPA) promulgated a 24-hour average PM2.5 NAAQS at a level of 35 $\mu g/m^3$ (35 $\mu g/m^3$ PM2.5 NAAQS);

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

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

WHEREAS, on December 14, 2012, U.S. EPA promulgated an annual average $PM_{2.5}$ NAAQS at a level of 12.0 $\mu g/m^3$ (12.0 $\mu g/m^3$ $PM_{2.5}$ NAAQS);

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, within three years after promulgation, 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), 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(a)(2)(A) through (M) sets forth the specific elements a state must address in its Infrastructure SIP for the NAAQS;

WHEREAS, per U.S. EPA 2013 Infrastructure SIP guidance, the Infrastructure SIP contains no proposed control strategy, 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 40 Code of Federal Regulations (CFR) 52.220;

WHEREAS, on March 6, 2014, ARB submitted to U.S. EPA revisions to California's Infrastructure SIP in response to newly promulgated NAAQS for 0.075 ppm ozone, 35 µg/m3 PM2.5, 12.0 µg/m3 PM2.5, and 75 ppb sulfur dioxide;

WHEREAS, per direction from U.S. EPA staff the 2014 California Infrastructure SIP revision did not address the CAA requirement to assess the impacts of the State's interstate emissions transport on the ability of other states to attain or maintain the NAAQS since U.S. EPA had not yet quantified each state's transport obligation;

WHEREAS, in a July 13, 2015, Federal Register Notice, U.S. EPA subsequently found that California had failed to submit a SIP assessing the impact of the State's interstate emissions transport on the ability of other states to attain or maintain the NAAQS would be required;

WHEREAS, on November 13, 2015, ARB staff released proposed revisions to the California Infrastructure SIP to address the interstate transport requirement for the 0.075 ppm ozone NAAQS, the 35 $\mu g/m^3$ and 12.0 $\mu g/m^3$ PM2.5 NAAQS, and the 75 ppb sulfur dioxide 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 the California Natural Resources Agency pursuant to Public Resources Code section 21080.5 of the California Environmental Quality Act (CEQA; Guidelines section 15251(d)), and ARB conducts a CEQA review under this certified program (California Code of Regulations, title 17, sections 60001-60007);

WHEREAS, ARB staff reviewed the proposed 2015 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 because it is limited to demonstrating California emissions did not contribute significantly to nonattainment or interfere with maintenance of the federal NAAQS in other states; The revision 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 November 13, 2015, ARB staff circulated for public review the proposed California Infrastructure SIP revision that documents the required infrastructure elements for the 0.075 ppm ozone NAAQS, 35 $\mu g/m^3$ and 12.0 $\mu g/m^3$ PM2.5 NAAQS, and 75 ppb sulfur dioxide NAAQS, as required under CAA Section 110(a)(2);

WHEREAS, ARB staff determined that emissions from California did not contribute significantly to nonattainment or interfere with maintenance of the 0.075 ppm ozone NAAQS, the 35 $\mu g/m^3$ and 12.0 $\mu g/m^3$ PM2.5 NAAQS, or the 75 ppb sulfur dioxide NAAQS in other states;

WHEREAS, ARB will continue to implement controls to further reduce emissions from mobile sources that will benefit downwind states to the extent that transport occurs;

WHEREAS, the Board finds that:

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

2. The proposed Infrastructure SIP revision demonstrates that California emissions did not contribute significantly to nonattainment or interfere with maintenance of the 0.075 ppm ozone NAAQS, the 35 $\mu g/m^3$ and 12.0 $\mu g/m^3$ PM2.5 NAAQS, or the 75 ppb sulfur dioxide NAAQS, in other states;

3. The Board certifies under 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

4. The proposed Infrastructure SIP revision is exempt from CEQA under California Code of Regulations, title 14, 15061(b)(3) because substantial evidence in the record shows with certainty that there is no possibility that the proposal may result in a significant adverse impact on the environment because it is limited to demonstrating California emissions did not contribute significantly to nonattainment or interfere with

maintenance of the federal NAAQS in other states; The revision 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 the Board approves the proposed California Infrastructure SIP revision as a revision to the California State Implementation Plan.

BE IT FURTHER RESOLVED 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.

BE IT FURTHER RESOLVED 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 15-53 as adopted by the Air Resources Board.

Tracy Jensen

Tracy Jensen, Clerk of the Board