

PROPOSED

State of California
AIR RESOURCES BOARD

Chico PM2.5 Maintenance Plan

Resolution 17-41

November 16, 2017

Agenda Item No.: 17-11-2

WHEREAS, the Legislature in Health and Safety Code section 39602 has designated the California Air Resources Board (CARB or Board) as the air pollution control agency for all purposes set forth in federal law;

WHEREAS, CARB is responsible for preparing the State Implementation Plan (SIP) for attaining and maintaining the National Ambient Air Quality Standards (NAAQS or standards) 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 the 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, section 41650 of the Health and Safety Code requires CARB to adopt the nonattainment plan approved 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, CARB 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, CARB 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 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 December 2006, the United States Environmental Protection Agency (U.S. EPA) lowered the 24-hour NAAQS for fine particulate matter (PM_{2.5}) from 65 µg/m³ to 35 µg/m³;

WHEREAS, effective December 14, 2009, U.S. EPA designated the Chico, CA/Butte County Planning Area (Chico Nonattainment Area) as nonattainment for the 35 µg/m³ PM_{2.5} standard, and established a SIP due date of December 14, 2012;

WHEREAS, in August 2016, U.S. EPA finalized the PM_{2.5} implementation rule (Rule) which established the framework and requirements that states must meet in developing PM_{2.5} 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* released on December 14, 2004;

WHEREAS, the Clean Data Policy specifies that the attainment demonstration, reasonable further progress, reasonably available control measures, and contingency SIP elements are no longer required when a nonattainment area meets the standard;

WHEREAS, on June 2, 2011, CARB submitted a request to the U.S. EPA to issue a Clean Data Finding for the Chico Nonattainment Area based on 2008-2010 quality assured PM_{2.5} data;

WHEREAS, on September 10, 2013, U.S. EPA determined that the Chico Nonattainment Area had attained the 24-hour 35 µg/m³ PM_{2.5} NAAQS based on 2010-2012 PM_{2.5} data;

WHEREAS, the Butte County Air Quality Management District (Butte County District) and CARB adopted an emission inventory, the remaining SIP requirement, and submitted it to U.S. EPA on November 15, 2012;

WHEREAS, U.S. EPA approved the emission inventory for the 24-hour 35 µg/m³ PM_{2.5} on March 14, 2014;

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 Butte County District developed the *Chico, CA/Butte County PM2.5 Nonattainment Area Redesignation Request and Maintenance Plan* (Maintenance Plan) to address the requirements of the Act and request redesignation to attainment for the 24-hour 35 µg/m³ PM2.5 NAAQS;

WHEREAS, consistent with section 107(d)(3)(E)(iii) of the Act, the Butte County District demonstrated in the Maintenance Plan that improvement in air quality is due to permanent and enforceable emission control measures;

WHEREAS, the Maintenance Plan adequately demonstrates that direct PM2.5 emissions are the primary contributor to the nonattainment problem;

WHEREAS, due to the nature of the PM2.5 problem, the Maintenance Plan relies on emission reductions achieved from a voluntary woodsmoke curtailment program in the Butte County District and a mandatory woodsmoke curtailment program in the City of Chico;

WHEREAS, the Maintenance Plan demonstrates that these emission reductions are real, enforceable, quantifiable, surplus, and permanent as required by U.S. EPA guidance interpreting the Act;

WHEREAS, consistent with section 107(d)(3)(E)(iv) of the Act, the Butte County District prepared the Maintenance Plan to meet the requirements of section 175A of the Act;

WHEREAS, consistent with section 107(d)(3)(E)(v) of the Act, CARB and the Butte County District prepared the Maintenance Plan in part to meet the requirements of section 110 and part D of the Act;

WHEREAS, consistent with 172(c)(3) of the Act, the Maintenance Plan includes an attainment emission inventory for directly emitted PM2.5 and its precursors;

WHEREAS, consistent with section 175A of the Act, the Maintenance Plan shows maintenance of the 24-hour 35 µg/m³ PM2.5 standard through 2030;

WHEREAS, consistent with section 175A of the Act, the Maintenance Plan includes contingency provisions to ensure prompt correction of any post-redesignation violation of the 24-hour 35 µg/m³ PM2.5 standard;

WHEREAS, the Butte County District has developed the Maintenance Plan consistent with the transportation conformity requirements of section 176(c) of the Act;

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-day notice and opportunity for public review, must be conducted before adopting and submitting any SIP revision to U.S. EPA;

WHEREAS, as required by federal law, the Butte County District made the Maintenance Plan available for public review at least 30 days before the Butte County District hearing;

WHEREAS, following a public hearing on October 26, 2017, the Governing Board of the Butte County District approved the Maintenance Plan including a redesignation request to attainment of the 24-hour 35 µg/m³ PM_{2.5} standard;

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

WHEREAS, to meet the requirements of CEQA, the Butte County District proposed a Notice of Exemption under CEQA for the Maintenance Plan which was noticed to the public on September 26, 2017, and adopted at a public meeting on October 26, 2017;

WHEREAS, on October 31, 2017, the Butte County District transmitted the Maintenance Plan Submittal to CARB as a SIP revision, along with proof of public notice publication, and environmental documents in accordance with State and federal law;

WHEREAS, the Board finds that:

1. California's air pollution control programs have successfully reduced PM_{2.5} ambient concentrations leading to attainment of the 24-hour PM_{2.5} standard in the Chico Nonattainment Area;
2. The Maintenance Plan complies with the requirements of the Act;
3. The Maintenance Plan is necessary for U.S. EPA to redesignate the Chico Nonattainment Area to attainment for the 24-hour 35 µg/m³ PM_{2.5} standard;
4. The Maintenance Plan addresses current attainment and continued maintenance of the 24-hour 35 µg/m³ PM_{2.5} standard through 2030;
5. Consistent with U.S. EPA guidance, the Maintenance Plan includes commitments by the Butte County District and CARB to continue operating the PM_{2.5} monitoring network, and a process to verify continued PM_{2.5} attainment;

6. The Maintenance Plan includes contingency provisions to assure prompt correction of any post-redesignation violation of the 24-hour 35 µg/m³ PM_{2.5} standard;
7. The Maintenance Plan determined that emission budgets for transportation conformity are not required since direct PM_{2.5} and NO_x from on-road motor vehicles are insignificant in the Chico Nonattainment Area; and
8. The Maintenance Plan relies on adopted regulations to demonstrate continued maintenance. These adopted Butte County District and CARB regulations are reflected in the baseline emission projections in the Maintenance Plan and were subject to environmental review such that no further analysis is required at this time.

WHEREAS, the Board finds that the Maintenance Plan submittal meets all applicable PM_{2.5} planning requirements established by the Act and the Rule; and

WHEREAS, the Board further finds that CARB has reviewed and considered the Maintenance Plan submittal, along with comments presented by interested parties, and finds that it meets the requirements of the Act and CEQA.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby adopts the Maintenance Plan Submittal as a revision to the California SIP.

BE IT FURTHER RESOLVED, that the Board hereby directs the Executive Officer to forward the Maintenance Plan Submittal, including the request to designate the Chico Nonattainment Area as attainment of the 24-hour 35 µg/m³ PM_{2.5} NAAQS, as adopted 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 Butte County 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 hereby certifies, pursuant to 40 CFR section 51.102, that the Butte County District Maintenance Plan submittal was adopted after notice and public hearing as required by 40 CFR section 51.102.