

PROPOSED

State of California
AIR RESOURCES BOARD

**CALIFORNIA INFRASTRUCTURE STATE IMPLEMENTATION PLAN REVISION FOR
THE 0.070 PARTS PER MILLION FEDERAL 8-HOUR OZONE STANDARD**

Resolution 18-31

September 27, 2018

Agenda Item No.: 18-7-1

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the California Air Resources Board (CARB 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 CARB as the air pollution control agency for all purposes set forth in federal law;

WHEREAS, CARB 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. § 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, CARB 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 § 43000) of the Health and Safety Code;

WHEREAS, CARB has primary responsibility 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, CARB 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 October 1, 2015, the United States Environmental Protection Agency (U.S. EPA) promulgated a revised 8-hour average ozone NAAQS at a level of 0.070 parts per million;

WHEREAS, when U.S. EPA promulgates a NAAQS, CAA Section 110(a)(1), 42 U.S.C. section 7410(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), and elaborated on in (a)(2), 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 Sections 110(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 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 (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 ozone NAAQS;

WHEREAS, the proposed Infrastructure SIP revision addresses California's compliance with CAA 110(a)(2) requirements, especially pertaining to the ozone NAAQS promulgated in 2015;

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

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

WHEREAS, on August 24, 2018, CARB staff circulated for public review the proposed California Infrastructure SIP revision that documents the required infrastructure elements for the 2015 ozone NAAQS, as required under CAA Section 110(a)(2);

WHEREAS, the proposed Infrastructure SIP revision includes the elements required under CAA Section 110(a)(2) and demonstrates CARB's and districts' authorities and 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);

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

WHEREAS, CARB has long-established authority to regulate emissions from vehicular mobile sources;

WHEREAS, CARB staff determined that emissions from California did not contribute significantly to nonattainment or interfere with maintenance of the 0.070 parts per million ozone NAAQS in other states;

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

WHEREAS, CARB's regulatory program that involves the adoption, approval, amendment, or repeal of standards, rules, regulations, or plans has been certified by the Secretary for Natural Resources under Public Resources Code section 21080.5 of the California Environmental Quality Act (CEQA), and California Code of Regulations, title 14, section 15251(d), and CARB conducts its CEQA review according to this certified program (California Code of Regulations, title 17, §§ 60000-60007);

WHEREAS, staff has determined that the proposed California Infrastructure SIP Revision for the 0.070 parts per million Federal 8-Hour Ozone Standard is exempt from CEQA under California Code of Regulations, title 14, section 15061(b)(3) ("common sense" exemption) because the record evidence shows with certainty that there is no possibility that the proposed approval of the Infrastructure SIP may result in a significant adverse impact on the environment, as described in Environmental Analysis section of the Staff Report; and

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 proposed Infrastructure SIP revision demonstrates that California emissions did not contribute significantly to nonattainment or interfere with maintenance of the 0.070 ppm ozone NAAQS in other states;
3. 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;
4. The proposed Infrastructure SIP revision is exempt from CEQA under California Code of Regulations, title 14, section 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; and

5. CARB has long-established authority to regulate emissions from vehicular mobile sources.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts the proposed California Infrastructure SIP Revisions for the 0.070 parts per million Federal 8-Hour Ozone Standard as set forth in Attachment A as a revision to the California State Implementation Plan.

BE IT FURTHER RESOLVED the Board directs the Executive Officer to submit the adopted California Infrastructure SIP Revisions for the 0.070 parts per million Federal 8-Hour Ozone Standard 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 Revisions for the 0.070 parts per million Federal 8-Hour Ozone Standard.

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Identification of Attachments to the Board Resolution

Attachment A*: Proposed California Infrastructure SIP Revisions for the 0.070 parts per million Federal 8-Hour Ozone Standard, released August 24, 2018, including Attachments 1 through 4, available at: <https://www.arb.ca.gov/planning/sip/sip.htm>.

*Attachment A is NOT attached to the proposed resolution; it is simply described on this page.