

**PROPOSED**

State of California  
AIR RESOURCES BOARD

**REVISION TO SOUTH COAST 1-HOUR OZONE STATE IMPLEMENTATION PLAN**

Resolution 18-55

**December 13, 2018**

Agenda Item No.: 18-10-1

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 standard (NAAQS) as required by the federal Clean Air Act (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 (districts) as 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 approve the nonattainment area plan adopted 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 power, duty, purpose, function or jurisdiction of the Board may be delegated to the CARB 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 NAAQS within their boundaries pursuant to sections 39002, 40000, 40001, 40701, 40702, and 41650 of the Health and Safety Code;

WHEREAS, section 40469, subdivision (a), of the Health and Safety Code requires CARB to determine adequacy of the nonattainment area plan adopted by a district to meet the requirements of State law and the federal Act;

WHEREAS, under California Code of Regulations, title 17, section 60104, the South Coast Air Basin (Basin) includes Orange County, the southwestern two-thirds of Los Angeles County, southwestern San Bernardino County, and western Riverside County;

WHEREAS, the South Coast Air Quality Management District (District) is the local air district with jurisdiction over the Basin, pursuant to sections 40410 and 40412 of the Health and Safety Code;

WHEREAS, on November 6, 1991, the United States Environmental Protection Agency (U.S. EPA) designated the Basin nonattainment for the 1-hour ozone NAAQS that had been established in 1979, with a classification of Extreme (56 Fed.Reg. 56,694, 56,699-700, 56,726-727);

WHEREAS, on January 25, 2013, CARB adopted the 2012 Air Quality Management Plan (2012 AQMP) demonstrating that the Basin will attain the 1-hour ozone NAAQS by the end of 2022;

WHEREAS, the 2012 AQMP attainment demonstration for the 1-hour ozone NAAQS relied, in part, on the development of new technologies or the improvement of existing technologies as is permitted by section 182(e)(5) of the Act for Extreme ozone nonattainment areas;

WHEREAS, on October 3, 2014, U.S. EPA approved the portion of the 2012 AQMP related to the 1-hour ozone standard;

WHEREAS, section 182(e)(5)(B) of the Act requires that if anticipated technology measures do not achieve planned reductions, contingency measures must be submitted, no later than three years prior to the attainment year, that provide for attainment of the 1-hour ozone NAAQS;

WHEREAS, on March 23, 2017, CARB adopted the 2016 Air Quality Management Plan (2016 AQMP) that updated the attainment demonstration for 1-hour ozone NAAQS relying in part on 182(e)(5) new technology measures for attainment by 2022;

WHEREAS, the 2016 AQMP 1-hour ozone NAAQS attainment demonstration was based on an older emissions inventory version than those used for the 8-hour ozone and PM<sub>2.5</sub> NAAQSs attainment demonstrations;

WHEREAS, on November 2, 2018, the District adopted the *Updated 1-hour Ozone Standard Attainment Demonstration* (1-hour Ozone Update);

WHEREAS, the 1-hour Ozone Update updates the emissions inventory and air quality modeling used in the 1-hour ozone NAAQS attainment demonstration to align them with the emissions inventories and air quality modeling used in the 8-hour ozone and PM2.5 NAAQSs attainment demonstrations in the 2016 AQMP;

WHEREAS, the 1-hour Ozone Update includes a comprehensive, accurate, and current inventory of emission data for oxides of nitrogen (NOx) and reactive organic gases (ROG);

WHEREAS, the 1-hour Ozone Update includes updated 1-hour ozone air quality modeling and a revised control strategy providing the emissions reductions needed to attain the 1-hour ozone NAAQS in 2022;

WHEREAS, the 1-hour Ozone Update demonstrates attainment of the 1-hour ozone NAAQS by 2022 based on reductions from District measures shown in table 4-9 of the 2016 AQMP, and does not rely on reductions from 182(e)(5) new technology measures;

WHEREAS, since attainment of the 1-hour ozone NAAQS in 2022 no longer relies on 182(e)(5) measures, the 182(e)(5)(B) requirement of the Act to submit contingency measures no longer applies to the Basin;

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 a 30-day notice and opportunity for public review, must be conducted prior to adopting and submitting any SIP revision to U.S. EPA;

WHEREAS, as required by the Act, the 1-hour Ozone Update was made available for public review at least 30 days prior to the November 2, 2018 public hearing held by the District on the 1-hour Ozone Update;

WHEREAS, to meet its obligations under the California Environmental Quality Act (CEQA), Public Resources Code section 21000, et seq., the District has reviewed the proposed project pursuant to: 1) CEQA Guidelines, California Code of Regulations, title 14, Section 15002(k) – General Concepts, the three-step process for deciding which document to prepare for a project subject to CEQA; and 2) CEQA Guidelines, California Code of Regulations, title 14, Section 15061 – Review for Exemption, procedures for determining if a project is exempt from CEQA;

WHEREAS, on November 2, 2018, the District held a public meeting to determine that the updated 1-hour ozone standard attainment demonstration is exempt from the requirements of the California Environmental Quality Act; and

WHEREAS, CARB has determined that its subsequent approval of the 1-hour Ozone Update is a “ministerial” approval for purposes of CEQA (California Code of Regulations, title 14, Section 15268) because CARB’s review is limited to determining if the plan meets the requirements of the Act, and CARB lacks authority to modify or not approve the plan in response to environmental concerns, as described in Staff Report.

NOW, THEREFORE, the Board finds that:

1. The 1-hour Ozone Update together with the 2016 AQMP meet the requirements of the Act for an Extreme 1-hour ozone nonattainment area as interpreted by existing U.S. EPA guidance;
2. The 1-hour Ozone Update demonstrates that identified District control measures achieve the emissions reductions needed for attainment of the 1-hour ozone NAAQS by 2022 without additional reductions from new technology measures as allowed by Section 182(e)(5) of the Act.
3. The 1-hour Ozone Update demonstrates the Section 182(e)(5)(B) requirements of the Act no longer apply to the Basin for the 1-hour ozone NAAQS.
4. CARB’s review and approval of the 1-hour Ozone Update submitted by the District for inclusion in the California State Implementation Plan (SIP) is a ministerial activity for purposes of CEQA.

BE IT RESOLVED the Board approves the 1-hour Ozone Update.

BE IT FURTHER RESOLVED that the Board hereby certifies that the 1-hour Ozone Update was adopted after notice and public hearing as required by Section 110(l) of the Act and 40 CFR section 51.102.

BE IT FURTHER RESOLVED that the Board hereby directs the Executive Officer to submit the 1-hour Ozone Update as adopted by the District to 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.