

PROPOSED

State of California
AIR RESOURCES BOARD

Indian Wells Valley Second 10-Year Pm₁₀ Maintenance Plan

Resolution 20-18

June 25, 2020

Agenda Item No: 20-6-2

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 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 (Act) (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 necessary to comply with the Act;

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, the local air districts have primary responsibility for the control of 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, CARB has responsibility for ensuring that local air districts meet their responsibilities under the Act pursuant to sections 39002, 39500, 39602, and 41650 of the Health and Safety Code;

WHEREAS, on August 6, 2002, the United States Environmental Protection Agency (U.S. EPA) designated the Indian Wells Valley Planning Area (Indian Wells Valley) as a moderate particulate matter (PM₁₀) nonattainment area for the 150 micrograms per cubic meter (µg/m³) PM₁₀ NAAQS, based on air quality data collected in 1992 through 1994;

WHEREAS, the Eastern Kern Air Pollution Control District (District) was established pursuant to section 40002 of the Health and Safety Code and is the air pollution control district responsible for carrying out these responsibilities in the Indian Wells Valley;

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WHEREAS, on May 7, 2003, U.S. EPA redesignated the Indian Wells Valley to attainment of the $150 \mu\text{g}/\text{m}^3$ PM_{10} NAAQS for PM_{10} , based on air quality data collected in 1998 through 2000, and approved the moderate area attainment plan and the 10-year maintenance plan for the Indian Wells Valley;

WHEREAS, following a public hearing, the Indian Wells Valley Second 10-Year PM_{10} Maintenance Plan (2020 PM_{10} Plan) was adopted by the Eastern Kern Air Pollution Control Board on May 7, 2020;

WHEREAS, only one exceedance of the $150 \mu\text{g}/\text{m}^3$ PM_{10} NAAQS PM_{10} standard has been recorded in Indian Wells Valley since 2003;

WHEREAS, under Section 175A of the Clean Air Act (42 U.S.C. § 7505a), and U.S. EPA guidance, the second 10-year PM_{10} maintenance plan must provide for continued maintenance of the PM_{10} NAAQS for ten years after expiration of the first 10-year plan and must include the following components:

1. Attainment emission inventory;
2. Maintenance demonstration;
3. Commitment to continue operating the air monitoring network;
4. Commitment for verification of continued attainment; and
5. Contingency plan to promptly correct any violation of the PM_{10} standard that occurs after the area has been redesignated;

WHEREAS, CARB staff reviewed the 2020 PM_{10} Plan, as described in its Staff Report dated May 22, 2020, and concurs that the Plan meets all the requirements of the Act for a maintenance plan as follows;

WHEREAS, the 2020 PM_{10} Plan provides an annual emission inventory which is consistent with the nature of the PM_{10} air quality problem in Indian Wells Valley;

WHEREAS, the Indian Wells Valley PM_{10} Maintenance Area Condensable PM_{10} Emission Inventory, Attachment 1 to the Staff Report, provides condensable PM_{10} emissions for the emission inventory years in the 2020 PM_{10} Plan;

WHEREAS, the 2020 PM_{10} Plan emissions trend data for PM_{10} and all precursors reflected in the emission inventory and maintenance demonstration shows that maintenance of the $150 \mu\text{g}/\text{m}^3$ PM_{10} NAAQS PM_{10} standard will occur through 2025;

WHEREAS, the District and CARB are committed by the 2020 PM_{10} Plan to continue monitoring of PM_{10} in Indian Wells Valley to verify the attainment status of the area;

WHEREAS, the District will track the progress of its maintenance plan by annually reviewing the emissions inventory and verifying if any changes to the emissions inputs and assumptions need to be made;

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WHEREAS, the 2020 PM₁₀ Plan contains a contingency plan in the event the area experiences any violations of the PM₁₀ standard during the second 10-year maintenance period;

WHEREAS, as part of the contingency plan the District, within 60 days of the conclusion of each quarter, will prepare and submit a preliminary list of any exceedances that occurred during the previous quarter to CARB, designating those proposed as potential exceptional event exceedances, flagging the data, and providing an initial event description;

WHEREAS, within 60 days of receipt of the list, CARB staff will review the list and forward to U.S. EPA for their assessment as to whether the exceptional events meet the minimum criteria for review;

WHEREAS, transportation conformity budgets are established in the 2020 PM₁₀ Plan for PM₁₀ in 2020 and 2025 to ensure that transportation projects in the Indian Wells Valley do not interfere with maintenance of the 150 µg/m³ PM₁₀ NAAQS PM₁₀ standard;

WHEREAS, federal law set forth in section 110(I) of the Act, 42 U.S.C. section 7410(I), and Title 40, Code of Federal Regulations (CFR), section 51.102, requires that one or more public hearings, preceded by at least 30 days' notice and opportunity for public review, must be conducted prior to the adoption and submittal to U.S. EPA of any SIP revision;

WHEREAS, as required by federal law, the District made the 2020 PM₁₀ Plan available for public review at least 30 days prior to the hearing date beginning on April 7, 2020;

WHEREAS, as required by federal law, CARB made the Indian Wells Valley PM₁₀ Maintenance Area Condensable PM₁₀ Emission Inventory available for public review at least 30 days prior to the hearing date beginning on May 22, 2020;

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

WHEREAS, since the 2020 PM₁₀ Plan does not propose or impose any new regulation and demonstrates attainment of the NAAQS but for exceptional events, a Class 8 categorical exemption under the CEQA Guidelines in California Code of Regulations, title 14, section 15307, applies;

WHEREAS, following a public hearing on May 7, 2020, the District Board adopted the 2020 PM₁₀ Plan; and

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WHEREAS, CARB has determined that its subsequent adoption of the 2020 PM₁₀ Plan is a “ministerial” approval for purposes of CEQA, under California Code of Regulations, title 14, section 15268, because CARB’s review is limited to determining if the SIP meets the requirements of the Act, and CARB lacks authority to modify or adopt the 2020 PM₁₀ Plan from the District in response to environmental concerns.

WHEREAS, the Board finds that:

1. The Indian Wells Valley attained the 150 µg/m³ PM₁₀ NAAQS in 2008;
2. The 2020 PM₁₀ Plan and the Indian Wells Valley PM₁₀ Maintenance Area Condensable PM₁₀ Emission Inventory meet the requirements under the Act for a second 10-year PM₁₀ maintenance plan.

NOW, BE IT FURTHER RESOLVED, CARB commits to review the District’s quarterly list of exceedances within 60 days of receipt and transmit those that qualify as exceptional events to U.S. EPA.

BE IT FURTHER RESOLVED, the Board further finds CARB has reviewed and considered the 2020 PM₁₀ Plan, along with the comments presented by interested parties, and CARB staff finds the Plan meets the requirements of the Act and CEQA.

BE IT FURTHER RESOLVED that the Board hereby adopts the 2020 PM₁₀ Plan and the Indian Wells Valley PM₁₀ Maintenance Area Condensable PM₁₀ Emission Inventory, as revisions to the California SIP.

BE IT FURTHER RESOLVED that the Board hereby directs the Executive Officer to submit the 2020 PM₁₀ Plan and the Indian Wells Valley PM₁₀ Maintenance Area Condensable PM₁₀ Emission Inventory, together with the appropriate supporting documentation, to the U.S. EPA for approval as a revision to 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.

BE IT FURTHER RESOLVED, that the Board certifies pursuant to 40 CFR Section 51.102 that the proposed SIP revision was adopted after notice and public hearing as required by 40 CFR Section 51.102.