

PROPOSED

State of California
AIR RESOURCES BOARD

Transportation Conformity Budget Update for the Eastern Kern 2017 Ozone Attainment Plan

Resolution 20-20

July 23, 2020

Agenda Item No.: 20-7-1

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, CARB is responsible for preparing the State Implementation Plan (SIP) for attaining and maintaining the National Ambient Air Quality Standards (NAAQS) 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) 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 provision necessary to meet the requirements of the Act;

WHEREAS, CARB has responsibility for ensuring that the districts meet their responsibilities under the Act pursuant to Health and Safety Code, sections 39002, 39500, 39602, and 41650;

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, the Health and Safety Code, sections 39515 and 39516, 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, in March 2008, the United States Environmental Protection Agency (U.S. EPA) promulgated an 8-hour NAAQS for ozone of 75 parts per billion (ppb);

WHEREAS, effective July 20, 2012, U.S. EPA designated the Eastern Kern County as nonattainment for the 75 ppb 8-hour ozone NAAQS;

WHEREAS, the Eastern Kern Air Pollution Control District (District) is the air quality planning agency overseeing the Eastern Kern County ozone nonattainment area;

WHEREAS, the U.S. EPA SIP implementation rule and guidance require that ozone SIPs include air quality and emissions data, a control strategy, a modeled attainment demonstration, rate of progress milestones, reasonably available control measure/technology demonstrations and contingency measures;

WHEREAS, the Act also requires that the SIPs for nonattainment areas include transportation conformity emission budgets to ensure that federally supported highway and transit activities are consistent with the SIP;

WHEREAS, the Kern County Council of Governments is the regional transportation planning agency within Kern County, and has responsibility for preparing transportation control measures and strategies for the purpose of reducing motor vehicle emissions;

WHEREAS, on July 27, 2017, the Governing Board of the District approved the Eastern Kern 2017 Ozone Attainment Plan (2017 Ozone Plan), which demonstrates attainment of the 75 ppb 8-hour ozone standard in 2020;

WHEREAS, on September 28, 2017, the Board approved the District's 2017 Ozone Plan as a revision to the California SIP (CARB Resolution 17-25);

WHEREAS, in CARB Resolution 17-25 the Board directed CARB's Executive Officer to take appropriate action to resolve any completeness or approvability issues that may arise with the District's 2017 Ozone Plan;

WHEREAS, the 2017 Ozone Plan contains transportation conformity emissions budgets for 2020 consistent with attainment year;

WHEREAS, to support its approval of the District's 2017 Ozone Plan, U.S. EPA requested that the State submit updated transportation conformity budgets for the year 2020;

WHEREAS, CARB proposed additional transportation conformity budgets for 2020 that are consistent with the 75 ppb 8-hour ozone standard attainment demonstration in the *Transportation Conformity Budget State Implementation Plan Update For the Eastern Kern 2017 Ozone Attainment Plan* (Budget SIP Update), released for public review on June 19, 2020;

WHEREAS, federal law set forth in the Act, section 110(l) and Code of Federal Regulations, title 40, 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 the U.S. EPA of an SIP revision;

WHEREAS, the Budget SIP Update was released for a 30-day public review prior to the Board hearing on June 19, 2020; and

WHEREAS, CARB finds that proposed Budget SIP Update meets the applicable requirements established by the Act and U.S. EPA regulation.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby approves the Budget SIP Update as a revision to the California SIP.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to forward the Budget SIP Update as approved to U.S. EPA for inclusion in the SIP to be effective, for purposes of federal law, upon a finding of adequacy or approval by U.S. EPA.

BE IT FURTHER RESOLVED, that 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 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 Code of Federal Regulations, title 40, section 51.102, that the Budget SIP Update were adopted after notice and public hearing as required by Code of Federal Regulations, title 40, section 51.102.