State of California
AIR RESOURCES BOARD

Resolution 79-16

March 23, 1979

A. WHEREAS, Section 39602 of the Health and Safety Code designates the Air Resources Board (ARB or Board) as the air pollution control agency for all purposes set forth in federal law and designates the ARB as the state agency responsible for the preparation of the State Implementation Plan (SIP) required by the Clean Air Act;

B. WHEREAS, the Clean Air Act as amended in 1977 mandates the revision of the SIP in designated nonattainment areas of the state in order to assure the attainment and maintenance of national ambient air quality standards by new specified deadlines;

C. WHEREAS, the San Joaquin Valley Air Basin portion of Kern County was designated nonattainment for carbon monoxide and sulfur dioxide, and the San Joaquin Valley Air Basin was designated nonattainment for oxidant and total suspended particulate under provisions of Section 107(d) of the Clean Air Act;

D. WHEREAS, the Kern County Air Pollution Control Board (KCAPCB) was designated by the ARB on April 3, 1978 as the local lead agency for the preparation of the 1979 oxidant, carbon monoxide, and sulfur dioxide nonattainment plan for Kern County;

E. WHEREAS, the Kern AQMP/NAP (Kern Plan) was prepared under the guidance of the Kern County Council of Governments' Air Quality Technical Advisory Committee;

F. WHEREAS, the Kern Plan was reviewed by the cities of the region, the Kern County Council of Governments (KCCOG), other interested organizations, and the public;

G. WHEREAS, the Kern Plan was adopted by the KCAPCB for oxidant and carbon monoxide on December 12, 1978 and on December 19, 1978 for SO_2 to meet the requirements of the Clean Air Act as amended;

H. WHEREAS, the KCAPCB transmitted the Kern Plan to the ARB for approval as a revision to the SIP;

I. WHEREAS, Kern County has concurred in the modification to nonattainment designation of a portion of the County for SO_2 from nonattainment to attainment, and has committed to implementation of the actions necessary to comply with the provisions of the Clean Air Act for prevention of significant deterioration;

J. WHEREAS, the Clean Air Act and SIP regulations promulgated by the Environmental Protection Agency (EPA) require that revisions to the SIP be adopted after a public hearing for which a 30-day notice to the public has been provided;

K. WHEREAS, a public hearing upon 30 days notice and other administrative proceedings have been held in accordance with the Clean Air Act and the provisions of the Administrative Procedures Act (California Government Code, Title 2, Division 3, Part 1, Chapter 4.5);

LEAD AGENCY AND AREA DESIGNATION

1. NOW, THEREFORE BE IT RESOLVED, that the Board concurs in the Kern Plan request for continued designation of the Kern County APCB as the continuing local lead agency for nonattainment area planning in Kern County subject to agreement between ARB, KCAPCB, and KCCOG upon division of responsibilities required by Section 174 of the Clean Air Act. The Board finds further that the division of responsibilities should take the form of a detailed work program for air quality planning in Kern County. The Board directs the Executive Officer to forward a designation of the KCAPCB as the continuing local lead agency to the EPA upon completion of the aforementioned agreements;

2. BE IT FURTHER RESOLVED, that the Board finds that the boundary of the Kern County SO_2 nonattainment area should be changed to that boundary discussed on pages 31-33 of the staff report, No. 79-6-4, that the remainder of Kern County should revert to a Class II PSD area, and directs the Executive Officer to submit the request to the EPA, with a legal description of the proposed boundary;

3. BE IT FURTHER RESOLVED, that the Board recommends the KCAPCD and the KCCOG work with the other nonattainment lead agencies in the San Joaquin Valley Air Basin and with the San Joaquin Valley Basinwide Air Pollution Control Council in developing basinwide control strategies where appropriate;

AIR QUALITY ANALYSES

4. BE IT FURTHER RESOLVED, that the Board finds that the Kern Plan does not include an analysis of the effect of the recent EPA action to adopt a 1-hour ozone standard as a revision to the former 1-hour oxidant standard, and directs the Executive Officer to amend the plan with the analysis included in ARB staff report 79-6-4 (figure 1 on page 17 and Appendix D);

5. BE IT FURTHER RESOLVED, that the Board finds that additional effort is needed to comply with the Clean Air Act requirements for demonstrating maintenance of the carbon monoxide standard and that the following work should be completed by September 30, 1979 for submission to the EPA: development by the KCAPCB and KCCOG of a satisfactory work plan to refine the carbon monoxide air quality analysis and control strategy. The Board directs the Executive Officer to work with the KCAPCD and the KCCOG to develop these work plans;

6. BE IT FURTHER RESOLVED, that the Board finds that further study to determine the feasibility of the development and application of basinwide photochemical simulation modeling to analyze oxidant formation and the impact of control measures is necessary and desirable, and directs the staff to complete a feasibility study in cooperation with the San Joaquin Valley Basinwide Air Pollution Control Council, the local APCDs, the local NAP lead agencies, councils of governments, and other appropriate public and private entities concerned with the Valley oxidant problem;

REASONABLY AVAILABLE CONTROL MEASURES

7. BE IT FURTHER RESOLVED, that the Board finds that all of the "level 1" stationary source control measures (including Tactic No. SS3, vapor recovery on oil wells with steam stimulation-cyclic) included in the Kern Plan are necessary for the attainment and maintenance of the ozone NAAQS by 1982. However, the Board finds that the Kern Plan has not established specifically and adequately that the locally defined "level 1" stationary source control measures will be adopted within the timeframes specified in the adopted Kern Plan. Such timely adoption is necessary to accomplish the emission reductions projected to occur in the Kern Plan. The Board, therefore, accepts as adequate and approves KCAPCB commitments to adopt all of the "level 1" stationary source control measures (including Tactic No. SS3, vapor recovery on oil wells with steam stimulation-cyclic) included in the Kern Plan, conditioned upon the submittal by the KCAPCB by June 21, 1979 of significant evidence to the ARB Executive Officer which will clearly demonstrate attainment of the ozone standard by 1982. This submittal shall include evidence (including supporting technical documentation) to substantiate that an enforceable regulation to implement Tactic No. SS1, Steam Drive Controls, level 1, has been adopted by the KCAPCB and is in force. The Board delegates to the Executive Officer the authority to evaluate the adequacy of the Kern County submittal and either approve the submittal in whole or in part, or amend it as necessary, including the addition of all of the federally and state required stationary source RACMs (EPA CTG I's and ARB Category I RACMs). The Executive Officer shall timely submit the finally determined tactics to EPA for approval;

8. BE IT FURTHER RESOLVED, that the Board agrees with the KCAPCB finding in the Kern Plan that additional "level 2" stationary source control measures may be necessary to attain and maintain the ozone NAAQS. The Board further finds that clarification is necessary of the KCAPCB commitment to develop, adopt, and implement these "level 2" controls, if the emission reductions and air quality improvements projected in the Kern Plan do not occur as scheduled. The Board requires the KCAPCB to submit to the ARB Executive Officer by September 30, 1979 a schedule of the analysis and implementation which will be initiated if the emission reductions and air quality improvements projected in the Kern Plan do not occur as scheduled;

9. BE IT FURTHER RESOLVED, that the Board finds that various stationary source control measures require further study (see ARB staff report 79-6-4, Tables 2-4 on pages 11-14) and directs staff to study further these measures;

MOTOR VEHICLE INSPECTION PROGRAM

10. BE IT FURTHER RESOLVED, that the Board finds that to attain and maintain the carbon monoxide standard, Kern must commit to an Inspection and Maintenance program. The Board finds that the inclusion of "Inspection/Maintenance," (Tactic TS1), demonstrates local commitment to an adequate Inspection and Maintenance program, and the Board supports legislative authorization of such a program for the Kern area;

TRANSPORTATION CONTROL MEASURES

11. BE IT FURTHER RESOLVED, that the Board finds that to meet the Clean Air Act requirements for further planning related to attainment and maintenance of the carbon monoxide standard, KCCOG and KCAPCB should affirmatively consider and analyze transportation control measures in the continuing planning and implementation program. KCAPCB and KKCOG should submit to the Board by September 30, 1979 a work plan which specifies how this task will be completed;

12. BE IT FURTHER RESOLVED, that the Board finds that the Kern Plan provides an inadequate analysis of the emissions and air quality benefits, if any, of Tactic TS-3, Traffic Flow Improvements, deletes the emission reductions for it, and changes it to a measure requiring further study;

PREVENTION OF SIGNIFICANT DETERIORATION

13. BE IT FURTHER RESOLVED, that the Board accepts the KCAPCB commitment to implement a prevention of significant deterioration program for Kern County as explained on pages 7-2 and 7-3 of the Kern SO_2 plan. The Board directs the ARB Executive Officer to work with the KCAPCB to further define the nature of that commitment and the proposed program;

EMISSIONS GROWTH - NEW SOURCE REVIEW

14. BE IT FURTHER RESOLVED, that the Board delegates to the ARB Executive Officer the authority to adopt, after hearing, the ARB Model New Source Review rule for the KCAPCD should the KCAPCB fail to adopt an equivalent rule by May 30, 1979. The Executive Officer is authorized to submit such a rule to the EPA as a SIP submission;

REASONABLE FURTHER PROGRESS

15. BE IT FURTHER RESOLVED, that in order to monitor Reasonable Further Progress toward attainment of the NAAQS, the Board directs the KCAPCD to provide to ARB staff an annual analysis and verification of emissions reductions and air quality improvements to demonstrate that RFP is occurring;

POPULATION GROWTH AND CONSISTENCY

16. BE IT FURTHER RESOLVED, that the Board finds that to meet the Clean Air Act requirements for consistency of the SIP and other planning programs, KCAPCB, KCCOG, and other local jurisdictions need to commit to develop a well-defined process and schedules to bring countywide plan/population forecasts and local general plans population forecasts into consistency as part of the continuing planning and implementation program. KCAPCB and KCCOG should submit to the Board by September 30, 1979 a commitment to and schedule for the completion of this task;

17. BE IT FURTHER RESOLVED, that the Board finds that the Kern Plan does not expressly provide for increased emissions which may reasonably be anticipated to result from federally assisted projects (such as highways and wastewater treatment facilities) and federal permit activities. The Board thus directs the Executive Officer to work in cooperation with appropriate agencies to develop mechanisms consistent with Sections 176(c) and 316(b) of the Clean Air Act for determining that federally assisted projects and federal permit activities which result in increases in emissions are consistent with

reasonable further progress toward attainment and maintenance of NAAQS. Until such mechanisms are adopted, the ARB shall make such determinations on a project-by-project basis and transmit them with an appropriate recommendation to the relevant local, state, and federal agencies. The Board further finds that future federally funded projects which enable population growth beyond that projected to occur in the Kern Plan should be required to provide for additional mitigation measures, if necessary, to maintain RFP and/or the NAAQS depending upon the condition at the time;

BOARD ADOPTION

18. BE IT FURTHER RESOLVED, that except as otherwise specified above, the Board finds that the Kern Oxidant and Carbon Monoxide Plan as modified contains those elements necessary to meet the presently applicable requirements of Part D of the Clean Air Act as amended. The Board approves the Kern Oxidant and Carbon Monoxide Plan as modified and directs the Executive Officer to submit the same to EPA for approval, together with all acceptable technical support documentation as may be useful in showing compliance with the requirements of Part D;

19. BE IT FURTHER RESOLVED, that the Board accepts and approves the KCAPCD proposal to achieve and maintain the National Ambient Air Quality Standards for sulfur dioxide by the prior shut down of the steam generators by Getty Oil Company in accordance with its EPA permit requirements granted June 24, 1976, which impact on the designated nonattainment area, on the condition, however, that such shut down is legally enforceable and remains so until such time as acceptable SO_2 emission offsets are obtained. The Executive Officer is delegated the authority to amend the Kern County SO_2 Nonattainment Plan to assure that the plan adequately reflects the commitment made by representatives of Kern County to require that the New Source Review rule be applied before the said steam generators are allowed to resume operation; the Board approves the Kern SO_2 Plan as amended and directs the Executive Officer to submit the same to EPA for approval, together with all acceptable technical support documentation as may be useful in showing compliance with the requirements of Part D.

I certify that the above is a true and correct copy of Resolution 79-16 as passed by the Air Resources Board.

Joan Gilpin

State of California
AIR RESOURCES BOARD

Response to Significant Environmental Issues

Item: Continuation of Public Hearing to Consider the Adoption of the Non-attainment Plans for Each County in the San Joaquin Air Basin and for Mariposa County as Revisions to the State of California Implementation Plan for the Attainment and Maintenance of National Ambient Air Quality Standards: Kern County (Sulfur Dioxide)

Public Hearing Date: March 23, 1979

Response Date: March 23, 1979

Issuing Authority: Air Resources Board

Pursuant to Section 21080.5 of the Public Resources Code, the Board must respond to significant environmental comments raised during the public comment period before taking final action. Most comments received have some relation to air pollution control and therefore to the environment, but generally witnesses have raised issues which would weaken the NAPs and therefore the suggested changes would provide less protection to the environment than the actions recommended by the staff. We have determined that it is appropriate to address those comments which focus on any adverse environmental impacts that would be engendered by the regulatory program described in the NAPs. Two such comments were received yesterday.

Comment: Ms. Joy Lane, representing Project Land Use, indicated that the Kern County Plan for oxidant and CO contained only hydrocarbon control measures and no NOx or land use controls, and that, therefore, Kern County would not be able to meet the ambient air quality standards. She also indicated concern that corporate interests had sufficient economic resources to hire consultants to weaken the NAP control measures, while the general public, which strongly supports efforts to control air pollution, often lacks the resources to advocate its position.

Response: Kern County is attaining the NAAQS for NO_2. Therefore no control strategies to reduce NOx concentrations are directly required. While a reduction in NOx can reduce oxidant levels in certain circumstances, the EPA and the ARB have determined on the basis of modeling and other research, that reduction of HC emissions can also effectively attain the ozone standard. Application of the HC control measures contained in the Kern Plan as amended by the Board should result in attainment of the ozone standard by the required date. While the ARB encourages the application of control strategies for NOx by the County, such strategies are not presently necessary, based on existing air quality analysis, for the attainment of the national ozone standard and therefore are not required for inclusion in the plan.

However, the ARB model new source review rule, which the Kern County APCB is committed to adopt, will ensure that major new stationary sources in Kern County will not result in a net increase in NOx emissions so that compliance with the ozone standard will be maintained.

Further, NOx control probably will be required to attain the NAAQS for TSP. This question will be addressed later when the NAP for particulates for the San Joaquin Valley is considered. This is expected to provide some additional control of oxidants, reduce NO_2 concentrations, and improve visibility in the County.

With regard to land use measures, the ARB similarly recognizes their value in attaining standards for automobile-related pollutants, but believes that effective implementation of these measures depends upon local support. If Kern can adequately demonstrate attainment of NAAQS without application of land use controls, the ARB will not require them. It now appears that adequate emission reductions may be available without land use measures. However, consistency between NAP growth projections and other local and regional growth projections are necessary.

We note that the input of citizen groups has been important in having these measures considered and encourage continued participation of Project Land Use and other citizen organizations in the continuing planning process. The concerns of your organization can therefore be accommodated through the public hearing process.

Comment: Mr. Mike Henry of the Kern County Farm Bureau noted recent studies that confirm the susceptibility of agricultural produce to concentrations of air pollution at or even below the primary ambient air quality standards. His concern is that high yield reductions may continue in agricultural areas partly due to the absence of monitoring devices in these areas, which are often downwind of urban centers.

Response: The Board is aware of crop damage due to air pollution and is undertaking more research in this area. While monitors should ideally be located in all impacted areas, resource constraints prevent this at this time. The staff will be directed to assess the feasibility of locating a monitoring station in an appropriate agricultural area in Kern County. Due to advances in modeling techniques, estimates of air pollution concentrations can be made for areas downwind of pollution sources, and control measures of sufficient stringency may be developed to meet standards in all impacted areas. It should be noted that while national primary ambient air quality standards must be attained by 1982 (or 1987 for ozone or CO if certain conditions are met), the national secondary standards, which are generally welfare related and pertain to the effects of pollution on crop yields, among other effects, need only be attained "as expeditiously as practicable". To the extent

that attainment of primary standards will reduce crop damage, and we believe it will to a great extent, application of the measures in the Kern Plan as amended by the Board will positively impact on the agricultural areas of the County.

The staff has recommended to the Board reclassification of areas of Kern County to Class II PSD for SO_2 to provide greater protection for agricultural productivity in the County.

CERTIFIED: Joan Gregin
Board Secretary

Date: March 23, 1979

State of California

Memorandum

: Huey E. Johnson
Secretary
Resources Agency

Date : April 12, 1979

Subject : ARB Hearings for March 1979 79-16

From : Joan Gilpin
Board Secretary
Air Resources Board

Pursuant to Title 17 Section 6007 (b) and in compliance with Air Resources Board certification under Section 21080.5 of the Public Resources Code, the Air Resources Board hereby forwards for posting the attached notice of decision and response to environmental comments raised during the comment period.

Attachment