State of California
AIR RESOURCES BOARD

Resolution 81-39

May 4, 1981

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 (CAA);

B. WHEREAS, the CAA 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 the National Ambient Air Quality Standards (NAAQS) by specified deadlines;

C. WHEREAS, the California and Nevada portions of the Lake Tahoe Basin were designated nonattainment for carbon monoxide and oxidant under Section 107(b) of the CAA;

D. WHEREAS, the ARB, pursuant to authority delegated to it by the Governor, certified on June 7, 1978, that it would retain the lead agency responsibility for the preparation of the 1979 carbon monoxide and oxidant nonattainment plan for the California portion of the Lake Tahoe Basin;

E. WHEREAS, on January 26, 1979, the Environmental Protection Agency (EPA) relaxed the 0.08 ppm oxidant standard for which the Lake Tahoe Basin was in violation to a 0.12 ppm ozone standard for which the Lake Tahoe Basin was not in violation;

F. WHEREAS, after both the State of California and the State of Nevada informed the EPA that their respective portions of the Lake Tahoe Basin were attaining the revised national ozone standard, the EPA on March 3, 1981, redesignated the Lake Tahoe Basin from nonattainment for oxidant to attainment for ozone;

G. WHEREAS, the Lake Tahoe Basin remains a nonattainment area for carbon monoxide;

H. WHEREAS, because at higher elevations humans are susceptible to adverse health impacts at lower concentrations of ambient carbon monoxide, the ARB has established an 8-hour carbon monoxide ambient air quality standard of 6 ppm for the Lake Tahoe Air Basin which is more stringent than for the remainder of the state;

I. WHEREAS, the State of Nevada has established state ambient air quality standards for carbon monoxide, oxidant and visibility which are identical to California's standards for the Lake Tahoe Air Basin;

J. WHEREAS, the revised bi-state compact (Public Law #96-551) mandates the Tahoe Regional Planning Agency (TRPA) to develop a new Lake Tahoe Basin Plan incorporating the more stringent of local, state and federal regulations and standards;

W. WHEREAS, the ARB and the State of California Water Resources Control Board (SWRCB) have developed air quality and water quality plans that are compatible and consistent;

X. WHEREAS, the ARB and the SWRCB believe that development on fragile lands must be curtailed and that irreversible further damage to Lake Tahoe will be the inevitable consequence of delay in restricting development on fragile lands;

1. NOW, THEREFORE BE IT RESOLVED, that the TRPA should be responsive to environmental concerns and committed to the principle of achieving clean air in the Lake Tahoe Basin;

2. BE IT FURTHER RESOLVED, that the TRPA, as mandated by the new bi-state compact, incorporate into its comprehensive plan an air quality plan which provides control strategies capable of attaining at least the California and Nevada state standards for carbon monoxide, ozone, and visibility;

3. BE IT FURTHER RESOLVED, that the TRPA is hereby requested to:

a) demonstrate that it has the capability to influence implementing agencies to commit to the planning process, including cooperative commitments to implement transportation and land use controls necessary to achieve and maintain air and water quality as well as other standards for the Basin;

b) move rapidly to prohibit development on fragile lands;

c) take actions which demonstrate preference for public transportation over expanded automobile use into and within the Lake Tahoe Basin;

d) commit to a coordinated planning approach which would result in California's and Nevada's joint desire and commitment to assure attainment of environmental thresholds and standards in the Basin;

4. BE IT FURTHER RESOLVED, that if the TRPA is designated local lead agency for the California portion of the Lake Tahoe Basin it must have the authority and commitment to cause implementation of the 1979 SIP and to develop, implement and enforce the 1982 update by the requisite deadline;

5. BE IT FURTHER RESOLVED, that if the TRPA is designated local lead agency for the California portion of the Lake Tahoe Basin, the ARB would, as in the case of other nonattainment areas and as a partner in the air quality planning process for the California portion of the Lake Tahoe Basin, have principal responsibility for liaison with the EPA and for state review, approval, and submission to EPA of the locally adopted NAP as a SIP revision;

6. BE IT FURTHER RESOLVED, that if the TRPA is designated local lead agency for the California portion of the Lake Tahoe Basin the ARB would, in addition to providing certain technical assistance, maintain its statewide role in motor vehicle emission control programs including the development of in-use control measures;

7. BE IT FURTHER RESOLVED, that if the TRPA is designated local lead agency for the California portion of the Lake Tahoe Basin, the present methodologies for determining carbon monoxide violations at hot spot locations shall be continued and utilized as a basis for the 1982 SIP updates;

8. BE IT FURTHER RESOLVED, that the Board acknowledges that the Executive Officer, subsequent to receipt and review of written comments postmarked no later than May 12, 1981, shall take appropriate action regarding the request that the TRPA become the local lead agency for nonattainment air quality planning for the California portion of the Lake Tahoe Basin.

I certify that the above is a true and correct copy of Resolution 81-39, as adopted by the Air Resources Board

Sally Rump

Sally Rump, Board Secretary