State of California
AIR RESOURCES BOARD

Resolution 85-29

April 25, 1985

Agenda Item No.: 85-5-1

WHEREAS, Health and Safety Code 39602 states that the Air Resources Board (ARB or Board) is designated as the air pollution control agency for all purposes set forth in federal law and is responsible for preparation of the State Implementation Plan (SIP) and, to this end, shall coordinate the activities of all districts necessary to comply with the Clean Air Act;

WHEREAS, pursuant to Section 39003 of the Health and Safety Code, the Board is the state agency charged with coordinating efforts to attain and maintain ambient air quality standards;

WHEREAS, Health and Safety Code Sections 40001, 40402, 40460, 40462, 41601, and 42301 require that reasonable provision be made to attain and subsequently maintain the national ambient air quality standards;

WHEREAS, Clean Air Act Sections 107, 110 and 172 require that states demonstrate attainment of the national ambient air quality standards by specified dates, and maintenance of the standards thereafter;

WHEREAS, the South Coast Air Quality Management District has requested that portions of the South Coast Air Basin be redesignated from nonattainment to attainment for the national ambient air quality standard for nitrogen dioxide;

WHEREAS, several cities in the eastern part of the Basin have written to the Air Resources Board to express their support for the District's request for redesignation of Riverside and San Bernardino Counties from nonattainment to attainment for the nitrogen dioxide standard;

WHEREAS, on September 26, 1984, the Board discussed the District's request and directed the staff to evaluate forthcoming information and report back to it;

WHEREAS, the California Environmental Quality Act and Board regulations require that no project having significant adverse environmental impacts be approved unless all available, feasible alternatives and mitigation measures are incorporated;

WHEREAS, the Board, at a public meeting held on April 25, 1985, reviewed and considered comments and evidence relating to the District's redesignation request;

WHEREAS, the Board finds that:

> EPA policy does not allow redesignation of the South Coast Air Basin to occur at this time because there is not an approved federal SIP control strategy for nitrogen dioxide in effect;

EPA policy allows consideration of redesignation upon submittal to EPA of a SIP revision which meets federal requirements and such submittal is currently scheduled for approximately August 31, 1985;

The Executive Officer of the District, acting for the Chairman of the District Board in the latter's absence, has stated in his testimony and in his April 24 letter to the Board, attached, that redesignation of the three counties will not affect the current regional approach for controlling oxides of nitrogen in the South Coast Air Basin, and that any future revisions to the oxides of nitrogen control strategy will fully consider the effect of the change on attainment and maintenance of the federal nitrogen dioxide standard and all other federal and state standards throughout the Basin;

Riverside, San Bernardino, and Orange Counties have not exceeded the nitrogen dioxide standard since 1979;

Redesignation of Riverside, San Bernardino, and Orange Counties from nonattainment to attainment for nitrogen dioxide will not result in any changes in control requirements applicable to sources in those counties and therefore will not have any adverse impact on the environment. If and when any control requirements are proposed to be changed, any adverse environmental impacts from the proposed changes will be considered at that time; and

Continued control of oxides of nitrogen emissions in the South Coast Air Basin at current or more stringent levels is needed to prevent adverse air quality impacts on concentrations of nitrogen dioxide, particulate matter, ozone, and visibility reducing particles in the South Coast Air Basin and to prevent increases in acid deposition.

NOW, THEREFORE, BE IT RESOLVED that the Board intends to request of EPA redesignation of Riverside, San Bernardino, and Orange Counties from nonattainment to attainment for the national nitrogen dioxide standard upon the receipt of a resolution from the District Board affirming the commitment made by the District Executive Officer in his letter of April 24 and statements, and upon submittal to EPA of an approvable nitrogen dioxide control strategy.

BE IT FURTHER RESOLVED that the Executive Officer is directed to forward this resolution to the Environmental Protection Agency Administrator with a request that the Administrator take appropriate action based on the resolution upon the Executive Officer's satisfaction that the conditions stated above are met.

I hereby certify that the above is a true and correct copy of Resolution 85-29, as adopted by the Air Resources Board.

Harold Holmes

Harold Holmes, Board Secretary

South Coast
AIR QUALITY MANAGEMENT DISTRICT
9150 FLAIR DRIVE, EL MONTE, CA 91731 (818) 572-6200

April 24, 1985

Mr. Gordon Duffy
Chairman, Air Resources Board
P. O. Box 2815
Sacramento, CA 95812

Dear Mr. Duffy:

The District and the ARB staff have discussed the redesignation of Orange, San Bernardino and Riverside Counties in light of recent information that has become available on EPA's policy on redesignation.

Both the District and ARB now understand that EPA will not consider a request for redesignation until California has submitted amendments to the State Implementation Plan which demonstrate attainment and maintenance of the federal NO_2 standard throughout the South Coast Air Basin.

The District and ARB are currently in the process of developing such amendments and are scheduled to submit these amendments to the EPA by August 31, 1985. The District recommends that a request for redesignation accompany those SIP amendments.

In making this recommendation, the District agrees to the following:

1. The SIP control strategy for NO_2 in the South Coast Air Basin, including the proposed amendments, will continue to rely on the regional management of NOX emissions.

2. Subject to amendment pursuant to Paragraph 3, the SIP control strategy for NO_2 in the South Coast Air Basin, including proposed amendments, will continue to include all NOX control measures recently adopted by the District (Rules 1109, 1110.1, 1111, 1112, 1117, 1121 and Regulation XIII).

3. In considering future amendments to District regulations which affect the level of NOX allowed within the South Coast Air Basin, the District shall consider the effect of these amendments on attainment and maintenance of the federal NO_2 standard. These amendments will be submitted to the ARB for inclusion in the SIP.

4. Any area in the District designated "attainment" for any federal pollutant retains the responsibility to attain other federal and state ambient air quality standards, and comply with all other federal and state statutory requirements regarding control of air contaminants.

While I have not been able to present this proposed agreement to the Board as a whole, I have the concurrence of Board members from the three counties directly affected by it. On that basis I feel confident that you can consider this to be approved by the South Coast District Board.

Sincerely,

J. A. Stuart

J. A. Stuart
Executive Officer

JAS:nl