State of California
AIR RESOURCES BOARD

Resolution 92-64

August 27, 1992

Agenda Item No.: 92-14-3

WHEREAS, the Legislature has declared in section 39001 of the Health and Safety Code that the public interest shall be safeguarded by an intensive and coordinated state, regional, and local effort to protect and enhance the ambient air quality of the state;

WHEREAS, section 39606 of the health and Safety Code requires the Air Resources Board (the "Board" or "ARB") to adopt ambient air quality standards, and sections 39003 and 41500 direct the Board to coordinate efforts throughout the state to attain and maintain these standards;

WHEREAS, the Legislature enacted the California Clean Air Act of 1988 (the "Act"; Stats. 1988, ch. 1568) and declared that it is necessary that the state ambient air quality standards be attained by the earliest practicable date to protect the public health, particularly the health of children, older people, and those with respiratory diseases;

WHEREAS, in order to attain these standards, the Act in Health and Safety Code sections 40910 et seq. mandates a comprehensive program of emission reduction measures and planning requirements for the state and local air pollution control districts ("districts") in areas where the standards are not attained for ozone, carbon monoxide, sulfur dioxide, and nitrogen dioxide;

WHEREAS, sections 40911 and 40913 of the Health and Safety Code require that each district must adopt a plan which is designed to achieve and maintain the state standards by the earliest practicable date;

WHEREAS, section 40914 of the Health and Safety Code requires that each district plan be designed to achieve a reduction in district-wide emissions of 5 percent or more per year for each nonattainment pollutant or its precursors (averaged every consecutive three year period beginning in 1988) unless the district is unable to achieve this goal despite the inclusion of every feasible measure in the plan and an expeditious adoption schedule;

WHEREAS, the Board is required to review and then approve, approve conditionally, or revise district attainment plans pursuant to sections 41500, 41503, and 41503.5 of the Health and Safety Code, and is responsible for ensuring district compliance with the Act;

WHEREAS, section 40924(a) of the Health and Safety Code requires that each year following the Board's approval of a district's attainment plan, the

district shall prepare and submit a report to the Board summarizing its progress in meeting the schedules for developing, adopting, and implementing the control measures contained in the plan;

WHEREAS, section 40919(b) states a district's air pollution is to be designated as "serious" if the Board finds and determines that the district is unable to attain and maintain the applicable state standard until after December 31, 1994, but can attain and maintain the standard by not later than December 31, 1997;

WHEREAS, section 40920(b) states a district's air pollution is to be designated as "severe" if the Board finds and determines that the district is unable to attain and maintain the applicable state standard until after December 31, 1997 or is unable to identify an attainment date;

WHEREAS, the San Joaquin Valley Unified Air Pollution Control District (the "District") has classified itself as severe for both ozone and carbon monoxide, and Board staff is recommending that a serious rather than severe classification be applied for carbon monoxide;

WHEREAS, section 40919(a) of the Health and Safety Code requires each district classified as a serious nonattainment area to include the following in its attainment plan:

(1) provisions to develop and maintain an emissions inventory system;

(2) a requirement for the application of the best available retrofit control technology to existing stationary sources;

(3) provisions to develop area source and indirect source control programs;

(4) provisions for public education programs to promote actions to reduce emissions from transportation and areawide sources;

(5) a permitting program designed to achieve no net increase in emissions of nonattainment pollutants or their precursors from all permitted new or modified stationary sources;

(6) reasonably available transportation control measures;

(7) transportation control measures to substantially reduce the rate of increase in passenger vehicle trips and miles traveled per trip; and

WHEREAS, section 40920(a) of the Health and Safety Code requires each district classified as a severe nonattainment area to include in its attainment plan all measures required for serious areas and, in addition, the following:

(1) transportation control measures to achieve an average during weekday commute hours of 1.5 or more persons per passenger vehicle by 1999, and no net increase in vehicle emissions after 1997;

(2) measures to achieve the use of a significant number of low-emission motor vehicles by operators of motor vehicle fleets;

(3) measures sufficient to reduce overall population exposure to ambient pollutant levels in excess of the standard by at least 25 percent by December 31, 1994, 40 percent by December 31, 1997, and 50 percent by December 31, 2000;

WHEREAS, the San Joaquin Valley Air Basin has been identified as contributing to exceedances of the state ozone standard in the downwind areas of the Southeast Desert and Great Basin Valley Air Basins and the Broader Sacramento Area, and therefore transport mitigation measures are required pursuant to section 39610 of the Health and Safety Code as specified in Title 17, California Code of Regulations, section 70600;

WHEREAS, sections 40913(b) and 40922(a) of the Health and Safety Code require each plan to include an assessment of the cost-effectiveness of available and proposed control measures, to contain a list which ranks the control measures from the least cost-effective to the most cost-effective, and to be based on a determination by the district board that the plan is a cost-effective strategy to achieve attainment of the state standards by the earliest practicable date;

WHEREAS, section 41503(b) of the Health and Safety Code requires that control measures for the same emission sources shall be uniform throughout the air basin to the maximum extent feasible, unless specified demonstrations are made by the district;

WHEREAS, section 40915 of the Health and Safety Code requires that each district plan contain contingency measures to be implemented upon a finding by the Board that the district is failing to achieve interim goals or maintain adequate progress toward attainment;

WHEREAS, the California Environmental Quality Act ("CEQA") requires that no project which may have significant adverse environmental impacts may be adopted as originally proposed if feasible alternatives or mitigation measures are available to reduce or eliminate such impacts, unless specific overriding considerations are identified which substantially outweigh the potential adverse consequences of any unmitigated impacts;

WHEREAS, the San Joaquin Valley 1991 Air Quality Attainment Plan (the "Plan") was adopted by the District Board on January 30, 1992, and was officially transmitted by the District to ARB on March 9, 1992;

WHEREAS, a public hearing has been conducted in accordance with sections 41502 and 41503.4 of the Health and Safety Code;

WHEREAS, the Board has reviewed and considered the Plan and the environmental impact report (EIR) submitted by the District, as well as the significant issues raised and oral and written comments presented by interested persons and Board staff;

WHEREAS, the Plan includes the following major components:

1. a detailed emission inventory, which projects trends based on growth in population, employment, industrial/commercial activity, travel, and energy use;

2. amendments to the District's New Source Review Rule, which is designed to achieve no net increase in emissions of nonattainment pollutants or their precursors from all permitted new or modified stationary sources;

3. commitments to adopt measures for 27 area and stationary source categories between 1991 and the year 1994;

4. a commitment to adopt Best Available Retrofit Control Technology at the time of rulemaking;

5. a commitment to develop three indirect source control measures between 1991 and the year 1994;

6. a commitment to adopt two mobile source measures between 1991 and the year 1994, and a request for early participation in the state's clean fuels program;

7. a commitment to adopt seven transportation control measures between 1991 and the year 1994;

8. a cost-effectiveness ranking for transportation, indirect source control, stationary and area source control measures;

WHEREAS, the findings set forth in this Resolution are supplemented by and based on the more detailed analysis set forth in the Board Staff Report for the Plan, which is incorporated by reference herein;

WHEREAS, based upon the Plan, the EIR, the information presented by the Board staff, and the written and oral public testimony received prior to and at the hearing, the Board finds as follows:

1. The state health-based ambient air quality standards for carbon monoxide and ozone are exceeded in the San Joaquin Valley Air Basin;

2. The Board concurs with the District's inability to project an attainment date for ozone due to the unavailability of a reliable Urban Airshed Model;

3. The District is in compliance with the "no net increase" requirement for new and modified permitted stationary sources as the District has adopted the required amendments to its New Source Review rule;

4. The District's proposal to adopt 27 stationary and area source rules between 1991 to 1994 is a significant increase in regulatory activity and represents an expeditious adoption schedule;

5. The Plan includes provisions for public education about air quality issues;

6. The District is in compliance with the Act's requirements and the ARB's regulations for transport mitigation;

7. The Board concurs with the District's decision to defer the population exposure assessment until a photochemical model is available;

8. The Plan satisfies the requirements of section 41503(d) of the Health and Safety Code because although the District is unable to specify an attainment date for ozone, the Plan contains all feasible control measures to ensure that progress towards attainment is maintained;

9. The Plan satisfies the requirement for no net increase in vehicle emissions after 1997 on the basis of current information; however, the District needs to reassess its compliance with this performance standard after inventory data on vehicle miles traveled (VMT) becomes available;

10. The Plan contains provisions to adopt new control measures for stationary and area sources within the District; steps are being taken to make existing rules uniform; and the District has committed to bring all existing stationary and area sources to a uniform level of control as expeditiously as practicable;

11. The District's accelerated rule adoption approach for contingency measures needs further details as to how it will be effectively implemented;

12. Although the Plan contains all reasonably available transportation control measures, additional factual detail is needed before these measures can be fully approved, as specified in Appendix B of the Staff Report;

13. The Plan includes provisions for an indirect source control program;

14. The District has included in the Plan all feasible stationary, transportation, area, and indirect source control measures;

15. The combination of state and local measures in the Plan falls short of the 5 percent per year reductions for all nonattainment pollutants and their precursor emissions;

16. Although the Plan achieves annual emission reductions of less than five percent, it satisfies the requirements of Health and Safety code sections 40914(b) and 41503.1 because it provides for the expeditious adoption of all feasible control measures, given the circumstances which prevail in the District;

17. The Plan does not currently satisfy the requirement of a 1.5 person average person vehicle occupancy by the year 1999, and additional time is needed for the District to develop baseline data and an analytical framework for assessing average vehicle occupancy;

18. The Plan does not currently demonstrate compliance with the requirement that the rate of growth of vehicle miles traveled and trips be significantly reduced, and the District needs to complete an analysis of its compliance with this performance standard after an inventory with revised VMT data is available;

19. The District's analysis for determining a carbon monoxide attainment date did not include reductions anticipated from ARB's oxygenated fuel regulations and needs to be revised by the District;

20. The Board concurs with the District that the appropriate classification for ozone is severe, and finds, based on staff analysis, that the District has a serious rather than severe carbon monoxide classification;

21. An attainment date of December 31, 1995 represents the earliest practicable date to achieve the state standard for carbon monoxide;

22. The Final EIR prepared and certified for the Plan meets the requirements of the California Environmental Quality Act, and environmental documentation for individual measures will be prepared as necessary as each measure is considered for adoption;

23. The approval of the Plan by the Board will result in some adverse environmental impacts which cannot be mitigated to insignificant levels, the alternatives and mitigation measures set forth in the EIR have been adequately addressed for purposes of this planning activity, and the District's findings and supporting statements of fact for significant effects, as set forth in the District's "Resolution Certifying Environmental Impact Report & Adopting

1991 Clean Air Plan" dated January 30, 1992, are hereby incorporated by reference herein as the findings which this Board is required to make pursuant to Public Resources Code section 21081;

NOW, THEREFORE, BE IT RESOLVED, that the Board approves those portions of the San Joaquin Valley Unified Air Pollution Control District 1991 Air Quality Attainment Plan which, as identified in the Staff Report, meet the requirements of the Act, except as specified below;

BE IT FURTHER RESOLVED, that the Board directs the District to take such actions as identified in the Staff Report for those plan provisions where further actions are needed to comply with the Act, and directs staff to compile such actions in a letter to the District;

BE IT FURTHER RESOLVED, that the Board conditionally approves the serious classification for carbon monoxide, pending submittal of a carbon monoxide rollback analysis for Fresno, and pending revision of the analysis for Bakersfield, Modesto, and Stockton, and directs the District to submit these analyses by November 27, 1992;

BE IT FURTHER RESOLVED, that the Board approves those transportation control measures that fully comply with the Act's requirements, and conditionally approves those measures where further actions are needed to comply with the Act, as identified in the Staff Report;

BE IT FURTHER RESOLVED, that the Board directs the District to submit a workplan and schedule for development of trip reduction measures for non-commute sources by November 27, 1992;

BE IT FURTHER RESOLVED, that the Board directs the District to clarify the current level of financial and policy commitment to each transportation control measure by the responsible implementing agency, and to submit other details as specified in the Staff Report, by November 27, 1992;

BE IT FURTHER RESOLVED, that the Board determines that the Plan does not show compliance with the requirement to achieve a 1.5 vehicle occupancy by the year 1999, and directs the District to develop better information on baseline travel conditions, establish a monitoring network, and develop an analytical framework for assessing District AVO levels, and submit this information to the Board by April, 1993;

BE IT FURTHER RESOLVED, that the Board determines that the Plan does not show compliance with the requirement to achieve a reduced rate of growth in trips and trip length and directs the District to complete an analysis of this performance standard within three months after an inventory with revised VMT data is available from the ARB in September, 1992;

BE IT FURTHER RESOLVED, that the Board directs the District to revise existing District rules as necessary to provide for uniformity of area and

stationary source controls within its jurisdiction, and to monitor the effectiveness of delegated TCMs in achieving a uniform degree of emissions control;

BE IT FURTHER RESOLVED, that the Board approves the lesser of the annual emission reductions in the Plan as the maximum reductions possible and as reflecting the expeditious adoption of all feasible measures for stationary area, transportation, and indirect sources for the San Joaquin Valley;

BE IT FURTHER RESOLVED, that the Board approves the smoking vehicle complaint program, and directs the Executive Officer to continue to work with the District to develop a workable fleet rule;

BE IT FURTHER RESOLVED, that the Board approves the Plan's compliance with the California Environmental Quality Act and the mitigation monitoring efforts to be undertaken by the District pursuant to section 21081.6 of the Public Resources Code, and directs the District to include a report on the progress of these efforts in the first annual progress report to be submitted to the Board one year from the date of this resolution.

I hereby certify that the above is a true and correct copy of Resolution 92-64, as adopted by the Air Resources Board

Pat Hutchens

Pat Hutchens, Board Secretary