State of California
AIR RESOURCES BOARD

Resolution 93-20

March 12, 1993

Agenda Item No.: 93-5-1

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") 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, Chapter 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, the Legislature has enacted AB 2783 (Stats. 1992, Chapter 945), effective January 1, 1993, which amends certain requirements of the Act as noted below where relevant;

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 40921.5 states that a district's air pollution is to be classified as "moderate" if the Board finds and determines that the district's ambient air measurements during the years 1989 through 1991 are 0.09 to 0.12 parts per million (ppm) for ozone or 9.0 to 12.7 ppm for carbon monoxide;

WHEREAS, section 40921.5 states that a district's air pollution is to be classified as "serious" if the Board finds and determines that the district's ambient air measurements during the years 1989 through 1991 are 0.13 to 0.15 ppm for ozone or greater than 12.7 ppm for carbon monoxide;

WHEREAS, the Broader Sacramento Area portion of the Placer County Air Pollution Control District is currently unclassified for the carbon monoxide standard, and, on the basis of ambient pollution concentrations, is classified as "serious" nonattainment for ozone pursuant to AB 2783;

WHEREAS, section 40919 of the Health and Safety Code requires each district classified as a serious nonattainment area to include the following components in its attainment plan to the extent necessary to meet the requirements of the Act:

(1) a permitting program designed to (1) achieve no net increase in emissions of nonattainment pollutants or their precursors from all permitted new or modified stationary sources which emit, or have the potential to emit, 15 tons or more per year, and (2) the use of best available control technology for any new or modified stationary source which has the potential to emit 10 pounds per day or more of any nonattainment pollutant or its precursors;

(2) application of the best available retrofit control technology (BARCT) to all existing permitted stationary sources;

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

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

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

(6) reasonably available transportation control measures which substantially reduce the rate of increase in passenger vehicle trips and miles traveled per trip if the district contains an urbanized area with a population of 50,000 or more;

(7) transportation control measures which substantially reduce the rate of increase in vehicle trips and miles traveled per trip, which achieve an average during weekday commute hours of 1.4 or more persons per passenger vehicle by 1999, and no net increase in vehicle emissions after 1997, if the district is located within, or contains all, or part of, a standard statistical metropolitan area with a population of 250,000 or more based on the 1990 census;

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

WHEREAS, the Broader Sacramento Area, including portions of the Placer County Air Pollution Control District, has been identified as contributing to exceedences of the state ozone standard in the downwind areas of the Upper Sacramento Valley, the San Joaquin Valley Air Basin, and the San Francisco Bay Area, and therefore transport mitigation measures are required as specified in the Board's transport mitigation regulations (Title 17, California Code of Regulations (CCR), section 70600);

WHEREAS, on March 11, 1993 the Board modified the transport mitigation regulations to delete the "no net increase" permitting requirement, thereby allowing upwind districts to utilize the permitting thresholds set forth in AB 2783 (Health and Safety Code sections 40918 to 40920);

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 plan 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 shall be uniform throughout the affected 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 and further requires that any regulations to implement such measures be adopted by the district within 180 days following the Board's finding of inadequate progress;

WHEREAS, section 41503(a) of the Health and Safety Code requires the Board, within 12 months of receiving the final plan, to determine whether the attainment date specified in the plan represents the earliest practicable date and whether the measures contained in the plan are sufficient to achieve and maintain state ambient air quality standards;

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; or ,if one or more adverse impacts remain, unless specific overriding considerations are identified which substantially outweigh the potential adverse consequences of any unmitigated impacts;

WHEREAS, the District Board adopted a Negative Declaration and the Placer County Air Pollution Control District's 1991 Air Quality Attainment Plan (the "Plan") on April 7, 1992; both documents were officially transmitted by the District to the Air Resources Board on April 16, 1992, and additional supporting information was submitted by the District on January 5, 1993;

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, the Negative Declaration submitted by the District, and all significant issues raised and oral and written comments presented by interested persons and Board staff;

WHEREAS, the Plan includes the following major components:

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

2. commitments to adopt measures requiring the retrofitting of 25 stationary source categories with control equipment between 1993 and the year 1998;

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

4. a commitment to develop a total of 17 area source control measures to be adopted between 1993 and the year 1998;

5. provisions to develop an indirect source control program, and a commitment to expand it to all jurisdictions by the end of 1994;

6. a commitment to adopt reasonably available transportation control measures (TCMs) within the District's jurisdiction and to work with implementing agencies to pursue other TCMs in the Regional Transportation Plan - Congestion Management Plan;

7. cost-effectiveness rankings for stationary, area, and transportation control measures;

8. a commitment to accelerate rule adoption as a contingency procedure;

9. a commitment to implement a public education measure by 1994;

WHEREAS, section 41502(c) requires the Board to adopt written findings which explain its actions and which address the significant issues raised by interested persons;

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, and by the Board's and staff's responses to comments on the record;

WHEREAS, based upon the Plan, the environmental documentation, 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 ozone is exceeded in the Placer County Air Pollution Control District;

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's proposal to adopt 42 stationary and area source rules between 1993 and 1998 represents an expeditious adoption schedule;

4. The Plan includes provisions to develop an indirect source control program;

5. The Plan complies with the BARCT component of the Board's transport mitigation requirements;

6. The Plan includes provisions for a public education program;

7. The Plan, in combination with the 1992 Regional Transportation Plan-Congestion Management Plan, addresses all reasonably available transportation control measures given the circumstances which prevail in the District;

8. The Board concurs with the District's finding that there will be no net increase in vehicle emissions after 1997;

9. The Plan does not address the requirement that the reasonably available transportation control measures substantially reduce the increase in trips and vehicle miles traveled (VMT);

10. The Plan does not currently satisfy the requirement of a 1.4 person average vehicle occupancy by the year 1999;

11. The District has not adopted the amendments to its New Source Review Rule required by section 40919(b) of the Health and Safety Code;

12. The combination of state and local measures in the Plan does not meet the 5 percent per year reductions for ozone and its precursors. The Board finds that the Plan provides for annual ROG reductions of 3.2% through 1994; and conditionally approves the annual NOx emission reduction estimate of 2.2% through the year 1994 pending confirmation from the District that the NOx reduction estimates in the Plan are consistent with the updated rulemaking schedule;

13. The District has included all feasible transportation, stationary and area source measures in the Plan and the District's updated rulemaking schedule provides for their expeditious adoption;

14. The Plan satisfies the requirements of Health and Safety Code sections 40914(b) and 41503.1 because, although the Plan does not achieve emission reductions of 5 percent per year, it does provide for the expeditious adoption of all feasible control measures given the circumstances which prevail in the District;

15. The District is in compliance with the requirement that the Plan include a cost-effectiveness ranking; the District has not submitted the required finding that the plan is a cost-effective strategy to attain the state ozone standard at the earliest practicable date;

16. The Plan is not in full compliance with the uniformity requirement of the Act;

17. The District needs to provide further implementation detail before the proposal for accelerated rule adoption will fully meet the Act's contingency requirements;

18. The Plan does not include a commitment by the District Board to adopt and implement an employer trip reduction rule should any local jurisdiction fail to adopt the proposed model rule (or its equivalent);

19. The Initial Study and Negative Declaration prepared and certified by the District Board for the Plan meets the requirements of CEQA, and environmental documentation for individual measures should be prepared as necessary as each measure is considered for adoption;

20. The Board is a responsible agency for purposes of CEQA. The Board finds that the Negative Declaration is adequate for the purposes of this planning activity. There is no evidence that adoption of the Plan will have a significant adverse impact on the environment.

NOW, THEREFORE, BE IT RESOLVED, that the Board approves those portions of the Placer County Air Pollution Control District's 1991 Air Quality Attainment Plan, which, as identified in the Staff Report, meet the

requirements of the Act, and directs the District to proceed with the adoption and implementation of the control measures included in the Plan;

BE IT FURTHER RESOLVED, that the Board directs the District to take such actions as identified in the Staff Report or as modified below, for those Plan provisions where further actions are needed to comply with the Act;

BE IT FURTHER RESOLVED, that the Board defers action on the ozone attainment demonstration until a photochemical model is available for use by the District;

BE IT FURTHER RESOLVED, that the Board approves the "serious" area classification for ozone for the portion of the Placer County Air Pollution Control District within the Broader Sacramento Area;

BE IT FURTHER RESOLVED, that the Board directs the District to adopt by July 1, 1993 a permitting program designed to achieve a no net increase in emissions from all permitted new and modified stationary sources which have the potential to emit 15 tons or more per year of ozone precursors;

BE IT FURTHER RESOLVED, that the permitting program adopted by the District shall provide for the mitigation of emission increases that occur before the program implementation date, as follows: (1) for any emission increases from new and modified stationary sources that occurred between July 1, 1991 and January 1, 1993, all such emission increases shall be fully mitigated, and (2) for any emission increases that may occur between January 1, 1993 and the program implementation date, all such emission increases from sources emitting 15 tons or more per year of ozone precursors shall be fully mitigated;

BE IT FURTHER RESOLVED, that the Board conditionally approves the transportation control measures, and directs the District to secure agreements with appropriate agencies as needed in order to implement the individual measures as specified in Appendix B of the staff report;

BE IT FURTHER RESOLVED, that the Board directs the District to work with SACOG and other area districts to address the requirement that the Plan contain reasonably available transportation control measures sufficient to substantially reduce trips and vehicle miles traveled, and to address this performance standard in the 1994 Plan update;

BE IT FURTHER RESOLVED, that the Board directs the District to work with SACOG and the other Districts within the Broader Sacramento Area to develop better information on baseline travel conditions, establish a monitoring network, and to develop an analytical framework for assessing regional average vehicle occupancy levels, and to incorporate this information in the 1994 update to the Plan;

BE IT FURTHER RESOLVED, that the Board directs the District to submit by June 12, 1993 a commitment to adopt and implement an employer trip reduction rule, to be triggered if any local jurisdiction does not adopt the proposed model rule (or its equivalent);

BE IT FURTHER RESOLVED, that the Board directs the District to submit confirmation that the NOx reductions in the Plan are consistent with the updated rulemaking schedule by no later than June 11, 1993;

BE IT FURTHER RESOLVED, that the Board directs the District to develop a mechanism for ensuring uniformity with the Sacramento Metropolitan Air Quality Management District, to the extent that the Sacramento District's rules are the most stringent within the Broader Sacramento Area, and to report on progress in implementing this mechanism in the 1994 Plan update;

BE IT FURTHER RESOLVED, that the Board conditionally approves the District's procedure for accelerated rulemaking, and directs the District to provide further details on how it will be implemented in the 1994 Plan update;

BE IT FURTHER RESOLVED, that the Board directs the Placer County Air Pollution Control District Board to determine whether the Plan is a cost-effective strategy for attaining California ambient air quality standards by September 30, 1993.

I hereby certify that the above is a true and correct copy of Resolution 93-20, as adopted by the Air Resources Board.

Pat Hutchens

Pat Hutchens, Board Secretary