

State of California
AIR RESOURCES BOARD

Resolution 93-25

April 8, 1993

Agenda Item No.: 93-6-5

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, 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(b) 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 9.0 to 12.7 parts per million for carbon monoxide;

WHEREAS, section 40921.5(b) 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 greater than 12.7 parts per million for carbon monoxide;

WHEREAS, the El Dorado County portion of the Lake Tahoe Air Basin, on the basis of ambient pollutant concentrations, is classified as "moderate" nonattainment for carbon monoxide, pursuant to section 40921.5(b) of the Health and Safety Code;

WHEREAS, section 40918 of the Health and Safety Code requires each district classified as a moderate 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, 25 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 25 pounds per day or more of any nonattainment pollutant or its precursors;
- (2) application of the reasonably available control technology (RACT) to all existing permitted stationary sources, except for stationary sources permitted to emit 5 tons or more per day or 250 tons or more per year which shall be equipped with best available retrofit control technology (BARCT);
- (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;

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, 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, pursuant to section 40717 of the Health and Safety Code, a district may enter into an agreement with a regional agency to develop transportation control measures required in an air quality plan;

WHEREAS, pursuant to an agreement with the El Dorado County Air Pollution Control District (District), the Tahoe Regional Planning Agency (TRPA) prepared the carbon monoxide plan (the "Plan") for the Lake Tahoe Air Basin;

WHEREAS, TRPA adopted the carbon monoxide plan as part of its Regional Transportation-Air Quality Plan and submitted it to the District on May 27, 1992;

WHEREAS, the District adopted the carbon monoxide plan on September 21, 1992, and submitted it to the Air Resources Board on October 21, 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, the environmental impact report (EIR) prepared and submitted by TRPA, 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 attainment demonstration which predicts attainment of the state's 6 ppm eight-hour carbon monoxide standard for Lake Tahoe by 1997;
2. an emission inventory which projects trends based on growth in population, employment, industrial/commercial activity, travel, and energy use;
3. provisions to adopt stationary, area, and indirect source controls to the extent necessary to meet the Act's requirements;
4. provisions to adopt transportation control measures in excess of statutory requirements for nonattainment areas with urban populations less than 50,000;
5. a cost-effectiveness ranking for transportation control measures;
6. provisions for a public education program;

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 carbon monoxide standard for the Lake Tahoe Air Basin is exceeded in the El Dorado County portion of the Basin;
2. Carbon monoxide emissions in the Lake Tahoe Air Basin are overwhelmingly motor vehicle related;
3. The attainment demonstration in the Plan is technically supportable and represents the earliest practicable date for achieving the 6 ppm standard;
4. The Plan provides for the implementation of several transportation control measures including, employer-based trip reduction, visitor shuttle services, parking management, transit improvements, and bicycle and pedestrian facilities;
5. The transportation control measures in the Plan may be used to satisfy the Act's contingency measure requirement;

6. The Plan addresses stationary, area, and indirect source control to the extent necessary to meet the Act's planning requirements;
7. TRPA has satisfied the provisions for public education in the Lake Tahoe planning area;
8. The Plan includes all feasible transportation measures and provides for expeditious progress toward attainment;
9. The Act's uniformity requirement does not apply to the Lake Tahoe Air Basin given the localized nature of the carbon monoxide problem;
10. The District is in compliance with the requirement that the Plan include a cost-effectiveness ranking; however, the District has not submitted the required finding that the Plan is a cost-effective strategy for attaining the state carbon monoxide standard for Lake Tahoe by the earliest practicable date;
11. The combination of state and local measures in the Plan does not meet the 5 percent per year reduction for carbon monoxide. The Board finds that state measures will account for a 4.2% reduction through the year 1994 and that any additional reductions from local transportation control measures will not be enough to meet the 5% target for the 1987-1994 averaging period;
12. The Plan satisfies the requirements of Health and Safety Code sections 40914(b) and 41503.1 because although the measures in the Plan do not achieve emission reductions of 5% per year, the Plan includes all feasible measures and demonstrates expeditious progress, in consideration of the factors affecting attainment of the state carbon monoxide standard for Lake Tahoe;
13. The District is not in compliance with the Act's permitting requirements for new and modified stationary sources which have the potential to emit 25 tons or more per year of carbon monoxide.

NOW, THEREFORE, BE IT RESOLVED, that the Board approves those portions of the carbon monoxide plan for the Lake Tahoe Air Basin which, as identified in the Staff Report, meet the requirements of the Act.

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

BE IT FURTHER RESOLVED, that the Board approves the "moderate" area classification for carbon monoxide for the Lake Tahoe Air Basin (El Dorado County portion).

BE IT FURTHER RESOLVED, that the Board approves the carbon monoxide attainment demonstration contained in the Plan.

BE IT FURTHER RESOLVED, that the Board directs the District to adopt by July 8, 1993 a permitting program for the Lake Tahoe carbon monoxide nonattainment area which provides for no net increases in emissions from new and modified stationary sources which have the potential to emit 25 tons or more per year of carbon monoxide.

BE IT FURTHER RESOLVED, that the Board directs the District Board to determine by October 8, 1993, whether the Plan is a cost-effective strategy for attaining the state carbon monoxide standard for Lake Tahoe by the earliest practicable date.

BE IT FURTHER RESOLVED, that the Board directs the District to work with TRPA to identify which transportation control measures in the plan will serve as contingency measures should the area fail to meet attainment by the year 1997.

I hereby certify that the above is a true and correct copy of Resolution 93-25, as adopted by the Air Resources Board.

Pat Hutchens

Pat Hutchens, Board Secretary