

State of California
AIR RESOURCES BOARD

Resolution No. 94-60

November 15, 1994

WHEREAS, the Legislature in Health and Safety Code section 39602 has designated the state Air Resources Board (ARB or Board) as the air pollution control agency for all purposes set forth in federal law;

WHEREAS, the ARB is responsible for the preparation of the state implementation plan (SIP) for attaining and maintaining the national ambient air quality standards (NAAQS) as required by the federal Clean Air Act (the Act; 42 U.S.C. section 7401 et seq.), and to this end is directed by Health and Safety Code section 39602 to coordinate the activities of all local and regional air pollution control and air quality management districts (APCDs or AQMDs, respectively; collectively Districts) necessary to comply with the Act;

WHEREAS, section 39602 also provides that the SIP shall include only those provisions necessary to meet the requirements of the Act;

WHEREAS, the Act as amended in 1990 requires the State of California to submit to the United States Environmental Protection Agency (U.S. EPA) a revision to the SIP for ozone nonattainment areas designated as "serious," "severe," and "extreme" in accordance with section 181 of the Act by November 15, 1994;

WHEREAS, section 182(e)(2)(A) of the Act requires the revision for these serious and above nonattainment areas to demonstrate attainment of the national ozone standard by the applicable attainment date specified in section 181 ("attainment demonstration");

WHEREAS, section 182(c)(2)(B) of the Act requires the revision for each serious and above nonattainment area to demonstrate at least a three percent per year average reduction in emissions of volatile organic compounds (VOCs) after 1996, or to demonstrate that a reduction by a lesser amount reflects all measures that can feasibly be implemented in the area ("post 1996 rate of progress demonstration");

WHEREAS, section 182(c)(3) of the Act requires the SIP to include an enhanced vehicle inspection and maintenance (I/M) program for all serious, severe, and extreme non-attainment areas;

WHEREAS, the following eight areas are serious and above ozone nonattainment areas and the districts responsible for their air quality have prepared, or are in the process of preparing, revisions to their portions of the SIP for review by the Board and submittal to the U.S. EPA: South Coast Air Basin (South Coast AQMD); Southeast Desert Nonattainment Area (Mojave

Desert AQMD); Southeast Desert Air Basin (SCAQMD); Sacramento Metropolitan Area (Sacramento Metropolitan AQMD, Feather River AQMD, Placer County APCD, El Dorado County APCD; and Yolo-Solano County Unified APCD); San Diego County (San Diego County APCD); San Joaquin Valley (San Joaquin Valley Unified APCD); and San Joaquin Valley Nonattainment Planning Area (Kern County APCD);

WHEREAS, the air quality plans submitted by the districts indicate that while the total emission reductions estimated in each plan will be achieved, the exact mix of mobile source control strategies and the quantity of reductions associated with them may be different than the districts estimated for those sources under the sole jurisdiction of the ARB and the U.S. EPA;

WHEREAS, the U.S. EPA is in the process of imposing federal implementation plans (FIPs) on the following three districts, due to their failure to meet certain requirements set forth in the Act prior to its amendment in 1990: the SCAQMD, the SMAQMD, and the Ventura County APCD;

WHEREAS, the Act allows SIP measures which meet all applicable requirements to be substituted for FIP measures;

WHEREAS, the Legislature, in Divisions 6 and 7 of the Food and Agricultural Code (section 11401 et seq.), has granted the Department of Pesticide Regulation (DPR) the authority to regulate economic poisons in their pesticidal use;

WHEREAS, the DPR has proposed measures to reduce VOC emissions by the year 2005 from agricultural and commercial pesticide applications through regulations which DPR will adopt by November 1995;

WHEREAS, the Bureau of Automotive Repair (BAR) is authorized to adopt, implement, and enforce an enhanced vehicle inspection and maintenance (I/M) program pursuant to Health and Safety Code section 44000 et seq., as amended in 1994 by SB 521 (Stats. 1994, c. 29) SB 198 (Stats. 1994, c. 28), and AB 2018 (Stats 1994, c. 27);

WHEREAS, the ARB has primary responsibility for the control of air pollution from vehicular sources, including motor vehicle fuels, as specified in sections 39002, 39500, and Part 5 (commencing with section 43000) of the Health and Safety Code, and for ensuring that the Districts meet their responsibilities under the Act pursuant to sections 39002, 39500, 39602, 40469, and 41650 of the Health and Safety Code;

WHEREAS, the ARB has been directed by the Legislature to regulate consumer products in order to reduce emissions of VOCs pursuant to section 41712 of the Health and Safety Code;

WHEREAS, the ARB is authorized by Health and Safety Code section 39600 to do such acts as may be necessary for the proper execution of its powers and duties;

WHEREAS, sections 39515 and 39516 of the Health and Safety Code provide that any duty may be delegated to the Board's Executive Officer as the Board deems appropriate;

WHEREAS, the Board staff has prepared statewide SIP elements for consumer products and mobile sources for inclusion in the 1994 SIP submittal;

WHEREAS, the consumer products element consists of near-term, mid-term, and long-term measures comprising a mix of existing regulations, regulations which will cover additional product categories not subject to the current program, and measures which rely on new technologies along with market incentives and consumer education;

WHEREAS, the mobile source element is comprised of existing control strategies and near-term and long-term state and federal measures which will achieve emission reductions from on- and off-road mobile sources including passenger cars, light-duty trucks, medium-duty vehicles, heavy-duty vehicles, and off-road equipment;

WHEREAS, federal law as set forth in section 110(l) of the Act and Title 40, C.F.R., section 51.102 requires that one or more public hearings, preceded by at least 30 days notice and opportunity for public review, must be conducted prior to the adoption and submittal to U.S. EPA of any SIP revision;

WHEREAS, CEQA and Board regulations require that prior to taking any action or engaging in any activity which may have a significant adverse effect on the environment, alternatives and mitigation measures to minimize any significant impact will be described and imposed by the Board where feasible;

WHEREAS, several assessments of the economic costs and benefits associated with the statewide SIP element have been prepared and made available to the Board and the public;

WHEREAS, a Staff Report which summarizes and explains the contents of the proposed SIP revision (including descriptions of both statewide and local regional elements), the requirements applicable to the SIP revision, and the environmental impacts of the statewide mobile source and consumer product elements, along with alternatives and mitigation to reduce such impacts, has been available for public review at least 30 days prior to the hearing;

WHEREAS, in consideration of the Staff Report; the proposed statewide and local/regional SIP elements; the environmental documentation prepared by Board staff and by the districts; the written and oral testimony presented by the districts, the public, interested government agencies, and the regulated industry; and the economic assessments prepared by Board staff, the Office of Planning and Research, the Business, Housing and Transportation Agency, and the independent consultant M.Cubed, the Board finds:

1. Healthful air must be achieved through an intensive and coordinated local, state, and federal effort to attain the NAAQS for ozone by the dates specified in the federal Clean Air Act.
2. While California's existing regulations have reduced statewide exposure to unhealthful ozone concentrations by about 50% since 1980, along with the frequency and severity of ozone pollution episodes, more must be done to attain and maintain the NAAQS.
3. Emission sources under federal jurisdiction are increasingly significant contributors to ozone pollution as emissions from other source categories are reduced through state and local controls.
4. Mobile source controls on new cars, trucks, buses, off-road equipment, and other mobile source categories are a vital element of the attainment equation in every affected area, without which serious nonattainment areas will not be able to meet the 1999 attainment deadline specified in the Act and without which severe and extreme areas cannot reach their projected reduction targets.
5. The ARB and the U.S. EPA share responsibility for controlling new mobile sources and both must adopt stringent controls on the sources within their respective jurisdictions.
6. The control of emissions from existing vehicles and engines through an enhanced inspection and maintenance program, fuel conversions, old vehicle scrapping, and transportation and strategies to reduce vehicle miles traveled is dependent upon both state and local commitments.
7. Area sources such as solvents, architectural coatings, adhesives, pesticides, and other coatings and consumer products contribute an increasing percentage of ozone emissions and must be controlled by state and local agencies.
8. The SIP must be submitted to and approved by the U.S. EPA prior to promulgation of the federal implementation plans (FIPs) for Sacramento, Ventura, and the South Coast scheduled for early next year in order to replace the FIP and reinstate California's control over its air pollution program.
9. The new mobile source control measures proposed for adoption and implementation by the ARB within the next 30 months for medium and heavy-duty vehicles, as well as the additional mid-term measures proposed for later adoption and the long-term measures which rely on the development of advanced technology, will supplement ARB's current stringent standards for vehicles and fuels and are the most ambitious measures which are feasible, supplying a central strategy to reduce emissions from the most significant single source of ozone precursors in the State.

10. The mid-term and long-term consumer products regulations which will supplement existing regulations will achieve significant VOC reductions statewide; are necessary to ensure that the South Coast Air Basin will meet ozone NAAQS; will lead to the development of programs which will foster innovative technologies for long-term application; and will continue to provide flexibility to the product manufacturers through the use of market incentives.
11. The development of innovative technologies, upon which long-term emission reductions from consumer products are dependent, necessitate increased cooperation from, and coordination with, the U.S. EPA and the encouragement of controls at the national level.
12. Controls on VOC emissions from the agricultural and structural use of economic poisons have been under study and development for several years by the DPR (formerly within the Department of Food and Agriculture), the ARB, and the districts, and are a feasible, cost-effective, and necessary means of progressing towards attaining the ozone NAAQS statewide.
13. The control measures proposed by DPR should be included in the SIP with an expeditious adoption schedule.
14. The U.S. EPA has a clear and present duty to control several categories of mobile sources on a national level and must rapidly and diligently meet its responsibilities if California is to attain the ozone NAAQS by the dates set forth in the Act.
15. The mobile source control measures identified in the proposed SIP for adoption by U.S. EPA are feasible, cost-effective, socially acceptable, and would provide a larger market base to manufacturers, which would encourage the development of new technology.
16. The state measures are cost-effective in consideration of the substantial air quality improvements and public health benefits which will result from their implementation, and are more cost-effective than their counterparts proposed in the FIP.
17. The ARB is the lead agency for the mobile source and consumer product elements of the SIP, has considered the environmental analysis set forth in Volume II of the Staff Report, and concurs in the discussion of potential impacts.
18. While there may be adverse secondary environmental impacts on air, water, and solid waste disposal facilities from the accelerated vehicle retirement program and the electric vehicle program, the effects are speculative and cannot be quantified until the scope of these programs is defined by proposed regulations, or (for electric vehicles) until the regulations are implemented and the state of battery technology is known.

19. As regulations implementing the new mobile source measures are developed, detailed environmental impact analyses, including a discussion of regulatory alternatives and mitigation measures, will be performed in conjunction with the rulemaking process.
20. At this time there are no feasible mitigation measures which the ARB can impose to lessen the potential adverse impacts of the mobile source measures on the environment, and no less stringent alternatives which will accomplish the goal imposed by federal law with fewer potential environmental impacts.
21. The potential adverse impacts identified for the mobile source measures are vastly outweighed by the substantial air quality benefits, especially the reduction of VOC emissions, which will result from their adoption and implementation.
22. Future regulatory activities involved with the consumer products control program are anticipated to entail additional or expanded applications of the existing regulations and the Alternative Control Plan, which were subject to detailed environmental analyses which concluded that no significant adverse environmental impacts would result, and hence no adverse impacts are anticipated.
23. As the SIP measures for consumer products are developed into regulations, potential impacts, alternatives, and mitigation measures will be analyzed in detail, particularly with regard to the possibility of stratospheric ozone depletion, global warming, creation of localized VOC "hot spots," generation of toxic air contaminants, potential increased use due to reduced efficacy, and VOC or toxic loading to water treatment facilities.
24. The Board has considered alternatives to the mobile source measures and consumer products measures and have identified no feasible alternatives at this time which would reduce or eliminate any potential adverse impacts, while achieving necessary emission reductions.
25. Mobile source and consumer products regulations which have been adopted and are proposed for inclusion in the SIP have undergone environmental review by the Board at the time of their adoption and no further analysis is required at this time.
26. Reconciliation has been achieved between the ARB and those Districts which assigned control measures and emission reductions to mobile source and other state measures, so that emission inventories and anticipated emission reductions from these sources are consistently and accurately reflected in the local plans.

27. The local plans which are dependent upon state measures for attainment of the ozone NAAQS have indicated their need for these measures and requested their inclusion as part of the local SIP.
28. The long-term measures which are dependent upon the development of advanced control technology as permitted by section 182(e)(5) of the Act are set forth as long-range measures in the South Coast attainment strategy and, together with the state and federal advanced technology measures which will be implemented by 2010, meet the requirements of the Act pertaining to innovative technology.
29. The state elements of the SIP are necessary to meet the requirements of section 182 of the Act, including the requirements to submit attainment and post-1996 rate-of-progress demonstrations for serious, severe, and extreme nonattainment areas.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby adopts the state elements of the SIP pertaining to mobile sources and consumer products as modified by the Board, and directs the Executive Officer to forward the new measures, along with any adopted measures for these sources which have not yet been submitted, to the U.S. EPA for inclusion in the SIP; to be effective, for purposes of federal law, in the nonattainment areas subject to the Act's 1994 attainment and ROP requirements upon approval or conditional approval by the U.S. EPA.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to work with the U.S. EPA and take necessary action to resolve any completeness or approvability issues that may arise regarding the SIP submissions.

BE IT FURTHER RESOLVED, that the Board approves the VOC pesticide measure adopted by DPR, and directs the Executive Officer to forward the measure to the U.S. EPA for conditional approval and inclusion in the SIP for the serious, severe, and extreme nonattainment areas, and to continue to work with DPR to assure the adoption of regulations to implement the measure by the dates committed to.

BE IT FURTHER RESOLVED, that the Board approves inclusion of the enhanced I/M program, as being developed by the Bureau of Automotive Repair, and directs the Executive Officer to forward the measure to the U.S. EPA for inclusion in the SIP for the serious, severe, and extreme nonattainment areas upon its adoption by BAR.

BE IT FURTHER RESOLVED, that except as provided herein or in previous SIP submittals, the Board does not intend the regulations which comprise the state element of the SIP to be federally enforceable in any area of California beyond the serious, severe, and extreme nonattainment areas.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to work with the local air districts to resolve any discrepancies in the mobile source emissions inventory by

evaluating, improving and further enhancing EMFAC7G to include activity related information and growth factors in order to develop the most accurate emissions inventory possible.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to continue to develop and bring to the Board for consideration by the dates committed to those mobile source and consumer product measures which have not been adopted in regulatory form in order to ensure that any conditional approval by the U.S. EPA progresses to full approval.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to continue to review cost effectiveness and technological feasibility of proposed control strategies and to propose necessary and appropriate modifications to the control strategies; furthermore, the Board directs the Executive Officer to continue to review the inventory allocations between the mobile and stationary source sectors.

BE IT FURTHER RESOLVED, that the Executive Officer is directed to perform the environmental analysis required by CEQA in conjunction with the rulemaking process for the new mobile source and consumer products measures which will be developed into regulations, and to ensure that the environmental impacts identified in the Staff Report, and any others which are subsequently identified, are avoided or mitigated to the extent feasible.

BE IT FURTHER RESOLVED, that the Board certifies pursuant to 40 C.F.R. section 51.102 that the state elements being submitted as a SIP revision were adopted after notice and public hearing as required by 40 C.F.R. section 51.102, and directs the Executive Officer to submit the appropriate supporting documentation to U.S. EPA along with the SIP submittal.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to convey to U.S. EPA the Board's emphatic assertion that it is necessary for U.S. EPA immediately to begin to develop and adopt those measures for the sources under federal jurisdiction which the ARB has identified as being the responsibility of the U.S. EPA to control, and to continue to meet and confer with the U.S. EPA and other interested persons, including the District, industry, and the public, until the necessary federal measures are proposed, adopted, and implemented.

BE IT FURTHER RESOLVED, that pursuant to CEQA the Board hereby approves the written responses to significant environmental issues that have been raised regarding the state elements of this SIP revision, as set forth in Attachment A hereto.

I hereby certify that the above is a true and correct copy of Resolution 94-60 as adopted by the Air Resources Board


Pat Hutchens, Board Secretary

AIR RESOURCES BOARD

2020 L STREET
O. BOX 2815
SACRAMENTO, CA 95814-2815



**Notice of Decision and
Response to Significant Environmental Issues**

**Item: PUBLIC HEARING TO CONSIDER APPROVAL OF A REVISION TO THE
CALIFORNIA STATE IMPLEMENTATION PLAN**

Adopted November 15, 1994, by:

Resolution 94-60 - Consideration of California's State Implementation Plan

Agenda Item No.: 94-11-2

Public Hearing Date: November 9, 1994

Issuing Authority: Air Resources Board

Contact Person: Leslie M. Krinsk, Senior Staff Counsel
(916) 322-2884

Comment: See attached Resolution and Attachment A thereto, titled "Response to Significant Environmental Issues"

Response: See above.

Certified:

A handwritten signature in black ink, appearing to read "Artavia M. Edwards".

Artavia M. Edwards
Regulations Coordinator

Date: November 21, 1994

RECEIVED BY
Office of the Secretary

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RECORDS AGENCY OF CALIFORNIA



State of California
AIR RESOURCES BOARD

Resolution No. 94-60

November 15, 1994

WHEREAS, the Legislature in Health and Safety Code section 39602 has designated the state Air Resources Board (ARB or Board) as the air pollution control agency for all purposes set forth in federal law;

WHEREAS, the ARB is responsible for the preparation of the state implementation plan (SIP) for attaining and maintaining the national ambient air quality standards (NAAQS) as required by the federal Clean Air Act (the Act; 42 U.S.C. section 7401 et seq.), and to this end is directed by Health and Safety Code section 39602 to coordinate the activities of all local and regional air pollution control and air quality management districts (APCDs or AQMDs, respectively; collectively Districts) necessary to comply with the Act;

WHEREAS, section 39602 also provides that the SIP shall include only those provisions necessary to meet the requirements of the Act;

WHEREAS, the Act as amended in 1990 requires the State of California to submit to the United States Environmental Protection Agency (U.S. EPA) a revision to the SIP for ozone nonattainment areas designated as "serious," "severe," and "extreme" in accordance with section 181 of the Act by November 15, 1994;

WHEREAS, section 182(e)(2)(A) of the Act requires the revision for these serious and above nonattainment areas to demonstrate attainment of the national ozone standard by the applicable attainment date specified in section 181 ("attainment demonstration");

WHEREAS, section 182(c)(2)(B) of the Act requires the revision for each serious and above nonattainment area to demonstrate at least a three percent per year average reduction in emissions of volatile organic compounds (VOCs) after 1996, or to demonstrate that a reduction by a lesser amount reflects all measures that can feasibly be implemented in the area ("post 1996 rate of progress demonstration");

WHEREAS, section 182(c)(3) of the Act requires the SIP to include an enhanced vehicle inspection and maintenance (I/M) program for all serious, severe, and extreme non-attainment areas;

WHEREAS, the following eight areas are serious and above ozone nonattainment areas and the districts responsible for their air quality have prepared, or are in the process of preparing, revisions to their portions of the SIP for review by the Board and submittal to the U.S. EPA: South Coast Air Basin (South Coast AQMD); Southeast Desert Nonattainment Area (Mojave

Desert AQMD); Southeast Desert Air Basin (SCAQMD); Sacramento Metropolitan Area (Sacramento Metropolitan AQMD, Feather River AQMD, Placer County APCD, El Dorado County APCD; and Yolo-Solano County Unified APCD); San Diego County (San Diego County APCD); San Joaquin Valley (San Joaquin Valley Unified APCD); and San Joaquin Valley Nonattainment Planning Area (Kern County APCD);

WHEREAS, the air quality plans submitted by the districts indicate that while the total emission reductions estimated in each plan will be achieved, the exact mix of mobile source control strategies and the quantity of reductions associated with them may be different than the districts estimated for those sources under the sole jurisdiction of the ARB and the U.S. EPA;

WHEREAS, the U.S. EPA is in the process of imposing federal implementation plans (FIPs) on the following three districts, due to their failure to meet certain requirements set forth in the Act prior to its amendment in 1990: the SCAQMD, the SMAQMD, and the Ventura County APCD;

WHEREAS, the Act allows SIP measures which meet all applicable requirements to be substituted for FIP measures;

WHEREAS, the Legislature, in Divisions 6 and 7 of the Food and Agricultural Code (section 11401 et seq.), has granted the Department of Pesticide Regulation (DPR) the authority to regulate economic poisons in their pesticidal use;

WHEREAS, the DPR has proposed measures to reduce VOC emissions by the year 2005 from agricultural and commercial pesticide applications through regulations which DPR will adopt by November 1995;

WHEREAS, the Bureau of Automotive Repair (BAR) is authorized to adopt, implement, and enforce an enhanced vehicle inspection and maintenance (I/M) program pursuant to Health and Safety Code section 44000 et seq., as amended in 1994 by SB 521 (Stats. 1994, c. 29) SB 198 (Stats. 1994, c. 28), and AB 2018 (Stats 1994, c. 27);

WHEREAS, the ARB has primary responsibility for the control of air pollution from vehicular sources, including motor vehicle fuels, as specified in sections 39002, 39500, and Part 5 (commencing with section 43000) of the Health and Safety Code, and for ensuring that the Districts meet their responsibilities under the Act pursuant to sections 39002, 39500, 39602, 40469, and 41650 of the Health and Safety Code;

WHEREAS, the ARB has been directed by the Legislature to regulate consumer products in order to reduce emissions of VOCs pursuant to section 41712 of the Health and Safety Code;

WHEREAS, the ARB is authorized by Health and Safety Code section 39600 to do such acts as may be necessary for the proper execution of its powers and duties;

WHEREAS, sections 39515 and 39516 of the Health and Safety Code provide that any duty may be delegated to the Board's Executive Officer as the Board deems appropriate;

WHEREAS, the Board staff has prepared statewide SIP elements for consumer products and mobile sources for inclusion in the 1994 SIP submittal;

WHEREAS, the consumer products element consists of near-term, mid-term, and long-term measures comprising a mix of existing regulations, regulations which will cover additional product categories not subject to the current program, and measures which rely on new technologies along with market incentives and consumer education;

WHEREAS, the mobile source element is comprised of existing control strategies and near-term and long-term state and federal measures which will achieve emission reductions from on- and off-road mobile sources including passenger cars, light-duty trucks, medium-duty vehicles, heavy-duty vehicles, and off-road equipment;

WHEREAS, federal law as set forth in section 110(l) of the Act and Title 40, C.F.R, section 51.102 requires that one or more public hearings, preceded by at least 30 days notice and opportunity for public review, must be conducted prior to the adoption and submittal to U.S. EPA of any SIP revision;

WHEREAS, CEQA and Board regulations require that prior to taking any action or engaging in any activity which may have a significant adverse effect on the environment, alternatives and mitigation measures to minimize any significant impact will be described and imposed by the Board where feasible;

WHEREAS, several assessments of the economic costs and benefits associated with the statewide SIP element have been prepared and made available to the Board and the public;

WHEREAS, a Staff Report which summarizes and explains the contents of the proposed SIP revision (including descriptions of both statewide and local regional elements), the requirements applicable to the SIP revision, and the environmental impacts of the statewide mobile source and consumer product elements, along with alternatives and mitigation to reduce such impacts, has been available for public review at least 30 days prior to the hearing;

WHEREAS, in consideration of the Staff Report; the proposed statewide and local/regional SIP elements; the environmental documentation prepared by Board staff and by the districts; the written and oral testimony presented by the districts, the public, interested government agencies, and the regulated industry; and the economic assessments prepared by Board staff, the Office of Planning and Research, the Business, Housing and Transportation Agency, and the independent consultant M.Cubed, the Board finds:

1. Healthful air must be achieved through an intensive and coordinated local, state, and federal effort to attain the NAAQS for ozone by the dates specified in the federal Clean Air Act.
2. While California's existing regulations have reduced statewide exposure to unhealthful ozone concentrations by about 50% since 1980, along with the frequency and severity of ozone pollution episodes, more must be done to attain and maintain the NAAQS.
3. Emission sources under federal jurisdiction are increasingly significant contributors to ozone pollution as emissions from other source categories are reduced through state and local controls.
4. Mobile source controls on new cars, trucks, buses, off-road equipment, and other mobile source categories are a vital element of the attainment equation in every affected area, without which serious nonattainment areas will not be able to meet the 1999 attainment deadline specified in the Act and without which severe and extreme areas cannot reach their projected reduction targets.
5. The ARB and the U.S. EPA share responsibility for controlling new mobile sources and both must adopt stringent controls on the sources within their respective jurisdictions.
6. The control of emissions from existing vehicles and engines through an enhanced inspection and maintenance program, fuel conversions, old vehicle scrappage, and transportation and strategies to reduce vehicle miles traveled is dependent upon both state and local commitments.
7. Area sources such as solvents, architectural coatings, adhesives, pesticides, and other coatings and consumer products contribute an increasing percentage of ozone emissions and must be controlled by state and local agencies.
8. The SIP must be submitted to and approved by the U.S. EPA prior to promulgation of the federal implementation plans (FIPs) for Sacramento, Ventura, and the South Coast scheduled for early next year in order to replace the FIP and reinstate California's control over its air pollution program.
9. The new mobile source control measures proposed for adoption and implementation by the ARB within the next 30 months for medium and heavy-duty vehicles, as well as the additional mid-term measures proposed for later adoption and the long-term measures which rely on the development of advanced technology, will supplement ARB's current stringent standards for vehicles and fuels and are the most ambitious measures which are feasible, supplying a central strategy to reduce emissions from the most significant single source of ozone precursors in the State.

10. The mid-term and long-term consumer products regulations which will supplement existing regulations will achieve significant VOC reductions statewide; are necessary to ensure that the South Coast Air Basin will meet ozone NAAQS; will lead to the development of programs which will foster innovative technologies for long-term application; and will continue to provide flexibility to the product manufacturers through the use of market incentives.
11. The development of innovative technologies, upon which long-term emission reductions from consumer products are dependent, necessitate increased cooperation from, and coordination with, the U.S. EPA and the encouragement of controls at the national level.
12. Controls on VOC emissions from the agricultural and structural use of economic poisons have been under study and development for several years by the DPR (formerly within the Department of Food and Agriculture), the ARB, and the districts, and are a feasible, cost-effective, and necessary means of progressing towards attaining the ozone NAAQS statewide.
13. The control measures proposed by DPR should be included in the SIP with an expeditious adoption schedule.
14. The U.S. EPA has a clear and present duty to control several categories of mobile sources on a national level and must rapidly and diligently meet its responsibilities if California is to attain the ozone NAAQS by the dates set forth in the Act.
15. The mobile source control measures identified in the proposed SIP for adoption by U.S. EPA are feasible, cost-effective, socially acceptable, and would provide a larger market base to manufacturers, which would encourage the development of new technology.
16. The state measures are cost-effective in consideration of the substantial air quality improvements and public health benefits which will result from their implementation, and are more cost-effective than their counterparts proposed in the FIP.
17. The ARB is the lead agency for the mobile source and consumer product elements of the SIP, has considered the environmental analysis set forth in Volume II of the Staff Report, and concurs in the discussion of potential impacts.
18. While there may be adverse secondary environmental impacts on air, water, and solid waste disposal facilities from the accelerated vehicle retirement program and the electric vehicle program, the effects are speculative and cannot be quantified until the scope of these programs is defined by proposed regulations, or (for electric vehicles) until the regulations are implemented and the state of battery technology is known.

19. As regulations implementing the new mobile source measures are developed, detailed environmental impact analyses, including a discussion of regulatory alternatives and mitigation measures, will be performed in conjunction with the rulemaking process.
20. At this time there are no feasible mitigation measures which the ARB can impose to lessen the potential adverse impacts of the mobile source measures on the environment, and no less stringent alternatives which will accomplish the goal imposed by federal law with fewer potential environmental impacts.
21. The potential adverse impacts identified for the mobile source measures are vastly outweighed by the substantial air quality benefits, especially the reduction of VOC emissions, which will result from their adoption and implementation.
22. Future regulatory activities involved with the consumer products control program are anticipated to entail additional or expanded applications of the existing regulations and the Alternative Control Plan, which were subject to detailed environmental analyses which concluded that no significant adverse environmental impacts would result, and hence no adverse impacts are anticipated.
23. As the SIP measures for consumer products are developed into regulations, potential impacts, alternatives, and mitigation measures will be analyzed in detail, particularly with regard to the possibility of stratospheric ozone depletion, global warming, creation of localized VOC "hot spots," generation of toxic air contaminants, potential increased use due to reduced efficacy, and VOC or toxic loading to water treatment facilities.
24. The Board has considered alternatives to the mobile source measures and consumer products measures and have identified no feasible alternatives at this time which would reduce or eliminate any potential adverse impacts, while achieving necessary emission reductions.
25. Mobile source and consumer products regulations which have been adopted and are proposed for inclusion in the SIP have undergone environmental review by the Board at the time of their adoption and no further analysis is required at this time.
26. Reconciliation has been achieved between the ARB and those Districts which assigned control measures and emission reductions to mobile source and other state measures, so that emission inventories and anticipated emission reductions from these sources are consistently and accurately reflected in the local plans.

27. The local plans which are dependent upon state measures for attainment of the ozone NAAQS have indicated their need for these measures and requested their inclusion as part of the local SIP.
28. The long-term measures which are dependent upon the development of advanced control technology as permitted by section 182(e)(5) of the Act are set forth as long-range measures in the South Coast attainment strategy and, together with the state and federal advanced technology measures which will be implemented by 2010, meet the requirements of the Act pertaining to innovative technology.
29. The state elements of the SIP are necessary to meet the requirements of section 182 of the Act, including the requirements to submit attainment and post-1996 rate-of-progress demonstrations for serious, severe, and extreme nonattainment areas.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby adopts the state elements of the SIP pertaining to mobile sources and consumer products as modified by the Board, and directs the Executive Officer to forward the new measures, along with any adopted measures for these sources which have not yet been submitted, to the U.S. EPA for inclusion in the SIP; to be effective, for purposes of federal law, in the nonattainment areas subject to the Act's 1994 attainment and ROP requirements upon approval or conditional approval by the U.S. EPA.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to work with the U.S. EPA and take necessary action to resolve any completeness or approvability issues that may arise regarding the SIP submissions.

BE IT FURTHER RESOLVED, that the Board approves the VOC pesticide measure adopted by DPR, and directs the Executive Officer to forward the measure to the U.S. EPA for conditional approval and inclusion in the SIP for the serious, severe, and extreme nonattainment areas, and to continue to work with DPR to assure the adoption of regulations to implement the measure by the dates committed to.

BE IT FURTHER RESOLVED, that the Board approves inclusion of the enhanced I/M program, as being developed by the Bureau of Automotive Repair, and directs the Executive Officer to forward the measure to the U.S. EPA for inclusion in the SIP for the serious, severe, and extreme nonattainment areas upon its adoption by BAR.

BE IT FURTHER RESOLVED, that except as provided herein or in previous SIP submittals, the Board does not intend the regulations which comprise the state element of the SIP to be federally enforceable in any area of California beyond the serious, severe, and extreme nonattainment areas.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to work with the local air districts to resolve any discrepancies in the mobile source emissions inventory by

evaluating, improving and further enhancing EMFAC7G to include activity related information and growth factors in order to develop the most accurate emissions inventory possible.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to continue to develop and bring to the Board for consideration by the dates committed to those mobile source and consumer product measures which have not been adopted in regulatory form in order to ensure that any conditional approval by the U.S. EPA progresses to full approval.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to continue to review cost effectiveness and technological feasibility of proposed control strategies and to propose necessary and appropriate modifications to the control strategies; furthermore, the Board directs the Executive Officer to continue to review the inventory allocations between the mobile and stationary source sectors.

BE IT FURTHER RESOLVED, that the Executive Officer is directed to perform the environmental analysis required by CEQA in conjunction with the rulemaking process for the new mobile source and consumer products measures which will be developed into regulations, and to ensure that the environmental impacts identified in the Staff Report, and any others which are subsequently identified, are avoided or mitigated to the extent feasible.

BE IT FURTHER RESOLVED, that the Board certifies pursuant to 40 C.F.R. section 51.102 that the state elements being submitted as a SIP revision were adopted after notice and public hearing as required by 40 C.F.R. section 51.102, and directs the Executive Officer to submit the appropriate supporting documentation to U.S. EPA along with the SIP submittal.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to convey to U.S. EPA the Board's emphatic assertion that it is necessary for U.S. EPA immediately to begin to develop and adopt those measures for the sources under federal jurisdiction which the ARB has identified as being the responsibility of the U.S. EPA to control, and to continue to meet and confer with the U.S. EPA and other interested persons, including the District, industry, and the public, until the necessary federal measures are proposed, adopted, and implemented.

BE IT FURTHER RESOLVED, that pursuant to CEQA the Board hereby approves the written responses to significant environmental issues that have been raised regarding the state elements of this SIP revision, as set forth in Attachment A hereto.

I hereby certify that the above is a true and correct copy of Resolution 94-60 as adopted by the Air Resources Board

RECEIVED BY
Office of the Secretary

NOV 21 1994

RESOURCES AGENCY OF CALIFORNIA

Pat Hutchens
Pat Hutchens, Board Secretary

Comments of Roadway Package System, Inc.

Comment: Because a 1.0 g/bhp-hr NOx standard engine is not feasible, requiring its use will result in more trucks being licensed out-of-state to avoid meeting California emission standards. If these vehicles relocate to other states but continue to serve the California market, it would increase their VMT and actually increase emissions. More trucks will be needed to move the same amount of freight, ultimately leading to the deterioration of air quality.

Response: Because the 1.0 g/bhp-hr NOx standard is not being proposed for adoption in these proceedings, this is not the appropriate time to assess the technological feasibility of the measure. The technological feasibility will be addressed when the Board considers the adoption of a regulation requiring the use of 1.0 g/bhp-hr NOx engines.

The proposed SIP includes the expansion of locally implemented demand-side programs and market incentives that could be implemented in a future timeframe. Under one of these programs, captive local fleets could be subject to a 1.0 g/bhp-hr NOx engine standard. This requirement is targeted at captive local fleets, which are not likely to re-license out-of-state. Therefore, the staff does not believe that the deterioration of air quality referred to in the comment will occur.

Significant Environmental Issue: Accelerated vehicle retirement programs may not be the most cost effective means in which to achieve the necessary emission reductions.

Response: Accelerated vehicle retirement (AVR) programs are an effective near-term method to reduce emissions from mobile sources. AVR does not depend upon the evolution, development, and implementation of new technologies. Because of this, AVR programs can bring immediate, although shorter term, air quality benefits.

AVR programs will help bring newer, cleaner cars onto the road. The ARB's existing Low-Emission Vehicle program has already caused auto makers to invest in developing new emission control technology for the light-duty vehicle fleet. Although new cars do not replace vehicles scrapped in AVR programs on a one-to-one basis, there will be some stimulation of new vehicle sales as a result of AVR programs. These new cars will meet stringent emission standards and have more durable emission control systems, making them cleaner than older cars throughout their lifetimes.

Pilot AVR programs can be operated at fairly low costs. This will allow the ARB staff to thoroughly evaluate and verify the air quality benefits of vehicle scrappage before the program is expanded.

The estimated approximate cost of implementing an early vehicle retirement program in the South Coast is \$8,100 per ton of ROG and NOx reduced, which is within the range of cost-effective programs.

Significant Environmental Issue: Accelerated vehicle scrappage will result in increased numbers of new vehicles sold. This will necessitate increased vehicle production and increased environmental impact from vehicle production.

Response: The number of vehicles scrapped in proposed accelerated vehicle retirement programs should be placed in the context of the total number of vehicles discarded each year. According to the Integrated Waste Management Board, approximately 1.63 million vehicles were scrapped in California in 1991.

In other words, the proposed accelerated vehicle retirement program will increase the rate of vehicle retirement by about two percent between 1996 and 1998. Between 1999 and 2010, the rate of vehicle retirement will increase by about 4.5 percent as a result of these programs. There will be significant environmental benefits from this small increase in retirements because the dirtiest vehicles will be replaced by much cleaner models.

The ARB staff does not believe that vehicles scrapped in these programs will be replaced by new cars. However, even if all the vehicles scrapped were replaced by new cars, the impacts of slightly increased vehicle manufacture are not expected to significantly affect the California environment. First, new vehicle sales (and production) resulting from accelerated vehicle retirement programs are expected to be small, particularly when placed in the context of normal variations in annual vehicle sales. Accordingly, the impacts of the small increase in vehicle production (increased use of raw materials, waste water disposal, etc.) as a result of accelerated vehicle retirement are expected to be small, and may not be proportional to increases in production. For example, emissions from vehicle manufacture do not increase in direct proportion to the number of vehicles produced. Thus, the small undefinable increases in vehicle production which might result from accelerated vehicle retirement programs will likely not result in commensurate emission increases. Second, because the vast majority of vehicle production facilities are located well outside of California, the small environmental impacts which may occur will not affect California.

Significant Environmental Issue: Older vehicles from out-of-state will be imported into California to take advantage of accelerated vehicle retirement programs, which will cause the program not to produce the expected emission reductions.

Response: The ARB staff does not expect vehicles to be imported into California for the purpose of participating in accelerated vehicle retirement programs. This issue has already been addressed by the ARB through its Mobile Source Emission Reduction Credits guidelines which specify that vehicles must be currently registered with the Department of Motor Vehicles and must have been registered for at least one year to be eligible for the program. (The guidelines also require that vehicles must be driven to the dismantling site under their own power, not be so damaged that their continued operation is unlikely or impossible, and that certain accessories be present and functional.) Further, all vehicles certified to a "49-state" standard that are brought into California are required to pay a \$300 smog impact fee. Importers will also incur costs to procure vehicles, transport them to California, and ensure that they are operational before they can collect the incentive. The projected purchase price for a vehicle in an AVR program is only \$700. Therefore, aside from the administrative restrictions on the vehicles that can participate in an AVR program, staff does not believe that it will be economically viable to import vehicles from other states to take advantage of these programs.

Responses to Issues Raised Regarding Consumer Products

Comment: Requiring a decrease in the VOC content of consumer-applied pesticides of 85 percent, while commercial pesticides are only required to decrease their VOC content by 20 to 30 percent, would result in decreased efficacy of the consumer products and, therefore, increased use of higher-VOC commercial pesticides to replace the inefficacious low-VOC consumer products. This may result in a net increase in total VOC emissions.

Response: It is incorrect to assume that the efficacy of pesticide products is dependent upon their VOC content. Pesticide efficacy is primarily a function of the active ingredient or ingredients, which typically comprise only a small percentage of the total VOC content of the product. Therefore, reducing the VOC content of pesticide products will not necessarily result in less efficacious products. In addition, California law requires that any future regulations adopted by the ARB must be technologically and commercially feasible (e.g., products must continue to efficaciously perform the job they are intended to perform). Before adopting any regulation limiting the VOC content of pesticides in consumer products, the ARB will insure that reformulated products will be efficacious. Furthermore, it is unrealistic to believe that a significant number of consumers would substitute higher cost and inconvenient commercial application pesticides for their small, low volume insecticide needs. And even if some household pesticides were replaced by commercial applications, VOC emissions would not necessarily increase since there are non- and low-VOC commercial products available.

Comment: The SIP should take into account the relative photochemical reactivity of consumer products emissions. Failure to do so may jeopardize attainment, because reducing VOC mass emissions alone may not reduce ambient ozone concentrations as much as the ARB has assumed.

Response: As suggested by the commenter, the ARB modified the proposed SIP to state that in developing consumer products regulations, the ARB will evaluate the feasibility of incorporating reactivity considerations into the control strategy. This process should insure that the regulations ultimately adopted will reduce ambient ozone concentrations in the most effective manner. In addition, ARB staff has previously responded to reactivity comments in each of the three consumer products rulemakings that have previously been adopted by the Board. The ARB's responses are contained in the Final Statement of Reasons for these rulemaking actions, which are incorporated by reference herein.

RESPONSES TO COMMENTS FROM LLOYD S. DAVIS:

1. Comment: Stratospheric ozone is the primary source of ground level ozone in California, making regulation of ozone precursor emissions unwarranted.

Response: There is no scientific evidence that stratospheric ozone contributes significantly to exceedances of the federal ozone standard in California. The meteorology represented in the South Coast Air Quality Management District's five episode discussed by the commenter *is not* consistent with a strong probability that the exceedances during these episodes were due entirely, or even partially, to the presence of ozone-rich air that had descended from the stratosphere. There is significant evidence that anthropogenic emissions of oxides of nitrogen (NOx) and volatile organic compounds (VOC) do contribute significantly to these exceedances. If intrusion of stratospheric ozone were responsible for elevated concentrations in the lower atmosphere, we would find those elevated concentrations in populated and unpopulated areas alike. Instead elevated ozone concentrations are commonly found only in areas having substantial emissions of NOx and VOCs (or in areas impacted by transport from such areas).

2. Comment: Information regarding the types of models and model inputs were not available for review.

Response: The modeling and modeling inputs used by the districts are provided in the individual modeling reports for each area submitted to and approved by U.S. EPA.

3. Comment: The data used to determine the need for ozone precursor controls is questionable because the modeling inputs are not substantiated. Specifically the boundary conditions are not correctly identified.

Response: The SIP was prepared with the best data available. In all modeling studies, observations, both surface and aloft, are used to set boundary conditions, if available. While the lack of data to establish some boundary conditions does introduce uncertainties, established protocols for quantifying and managing these uncertainties have been followed. The higher concentrations of ozone aloft mentioned by the commenter were not measured at the boundaries, but in layers within the modeling region. These layers are the result of surface generated pollutants being trapped aloft from the previous night, as has been documented in several areas of the state.

4. Comment: The chemistry simulated by modeling is not substantiated.

Response: The chemistry simulated by the computer models used is supported by a considerable body of evidence. The nighttime reduction of ozone by reaction with NOx is well understood and has been replicated by the models' chemical mechanism. It is only during the daytime, when solar radiation is available to drive photochemical reactions, that ozone concentrations increase. The models correctly have predicted peak ozone in the South Coast over a ten year period based on observed reductions of NOx and VOCs.

5. Comments: Emissions of NO_x provide greater benefits than detriment.

Response: Due to its scavenging effect, reductions of NO_x emissions may increase local ozone levels, but they reduce downwind ozone concentrations. When the effects of transport are considered, NO_x emissions do not provide an overall benefit. Moreover, NO_x emissions play a substantial role in the formation of particulate matter (PM). Studies have shown that PM may be a greater health risk to humans than ozone.

6. Comment: The SIP fails to account for biogenic VOCs.

Response: The modeling relied on in the SIP does account for biogenic VOCs. The uncertainties in the inventory of biogenic VOCs have been addressed through sensitivity studies, which indicate that biogenic VOCs are not important in predicting current ozone levels in California.

Responses to Issues Raised Regarding Locomotive Regulation

Comment: The AAR proposal is technology-stretching but feasible. The ARB proposal is technologically infeasible because it is based on technologies that are unproven.

Response: Staff agrees that current diesel locomotive technology cannot meet the standards proposed in the SIP. The ARB proposal, like most of our proposals, is technology-forcing. However, staff believes that the reductions requested will be technologically feasible in the timeframe available. New locomotives generally emit 9-10 g/hp-hr NO_x. The SIP proposes that this be reduced to 5 g/hp-hr by 2000, and 4 g/hp-hr by 2005, a reduction of about 50 percent for new locomotives. This should be achievable through technology transfer from on-road diesels. The proposed standards recognize that locomotives face a different operating environment than trucks and may not be able to fully utilize all on-road technology. This is why a 4 g/hp-hr standard is proposed for new locomotives in 2005 whereas a 2 g/hp-hr truck standard (a 50 percent reduction) is proposed for 2002, three years earlier. Staff believes that these disparate standards will require comparable levels of technological effort. The staff believes that the reductions for new locomotives are both reasonable and technologically feasible.

Comment: The ARB proposal will subject the national railroad network to demands in California that are inconsistent with the rest of the nation.

Response: The ARB proposal suggests that in addition to the national requirements that will affect rail operations in all air basins, a more stringent fleet average should be met in the SCAB, because of its extreme needs. This fleet average is set at a level equivalent to the new locomotive standards that the ARB is suggesting the U.S. EPA adopt. The fleet average requirement could be met by directing the newer clean locomotives to the SCAB, or by greater reductions than mandated for some locomotives so that less than complete use of new locomotives would be required. The FIP and the AAR proposal both include a fleet average requirement for the SCAB, so the ARB proposal does not differ from other alternatives offered in this respect.

Comment: The proposed requirements will increase rail freight costs and may ultimately lead to higher overall NO_x emissions through more truck VMT.

Response: The potential for intermodal shifts (primarily from rail to truck) to result from proposed locomotive regulations was raised by the industry in earlier meetings. The ARB currently has a study nearing completion assessing the potential for a goods movement shift to result from proposed regulations that would affect the goods movement modes. In preliminary analyses, the following aspects are noted: (1) railroads are a more efficient way to move goods over the long haul, resulting in 2-3 times less emissions per ton-mile than trucking; (2) in the absence of locomotive regulations, the proposed on-road truck regulations would reduce that benefit, such that locomotives and rails would be essentially equivalent

means of goods movement from an emissions perspective; and (3) this would potentially cause a shift to the railroads (although the extent is unclear since rail movement takes longer and is perceived as less reliable). The estimated cost-effectiveness of reducing truck emissions is comparable to that for reducing rail emissions. Therefore, the impact on freight rates would not be expected to be substantial, and the staff does not believe that significant modal shift would occur. Further, even if such shifts did occur, the emissions impact would probably not be significant in the long run, since the truck emissions will be reduced in the same timeframe.

Comment: Clean locomotives are less efficient, so the number of locomotives pulling the train will increase.

Response: There is no reason to believe that a clean locomotive would be significantly less efficient. We expect the locomotive standards to be achievable with diesel-powered locomotives. The argument is probably based on an assumption that the standards would require natural gas-powered locomotives. Early experience with liquefied natural gas (LNG) for locomotives required engine derating at notch 8 to avoid detonation problems. However, further technological development has allowed these locomotives to develop full rated horsepower (Department of the Navy, Letter addressed to Ms. Jackie Lourenco, ARB, dated October 6, 1994). These LNG locomotive conversions are EMD 635 engines that develop around 3000 horsepower. The Burlington Northern Railroad is developing similar technology for a 4000 horsepower EMD 710 engine (op cit). This is the locomotive engine model currently being marketed by EMD. Thus, in the long-term, no increase in the number of locomotives even under a LNG scenario is anticipated.

Comment: Standards based on g/bhp-hr will constrain the current trend towards increasing horsepower. Higher horsepower units mean that fewer locomotives are needed to pull the same load, with a resultant reduction in emissions. The standards should instead be expressed in percentage reduction from the baseline.

Response: The emissions data with which staff is familiar do not indicate that emissions are higher on a g/hp-hr basis for high horsepower units than for lower horsepower ones. Why General Electric Transportation Systems (GETS) believes that this would be so is not clear. The same technological requirements should exist, regardless of engine size and horsepower. Staff agrees that the trend towards higher horsepower units is probably positive from an emissions perspective. At least part of the reason that percentage reductions seem more attractive to industry is that the baseline emissions for locomotives are not well established. Different testing facilities currently use different test procedures and different composite duty cycles. It is important that baseline conditions be established, and that compliance rules be enforced in consistent ways. In presenting its net reductions for locomotives, the ARB staff has assumed that the current average locomotive emits about 12 g/hp-hr NO_x.

Comment: The intent of the CAA is that the U.S. EPA should set standards based on economic, technical, and other information provided by a variety of parties, including the railroad industry. The ARB is usurping that role by suggesting nationwide standards in the SIP that, if accepted, will define the nationwide standards. The ARB should rely on the U.S. EPA to set standards for new and remanufactured locomotives.

Response: Locomotives are a significant contributor to California's NOx inventory, and are currently not subject to emission controls, other than locally enforced opacity limits. They should do their share towards cleaning up California's air. The ARB recognizes that the 1990 CAA preempted California from adopting and enforcing emission standards for new locomotives. We do retain authority to set operational controls and in-use requirements, however. In suggesting standards for new locomotives, the ARB is merely stating what levels of controls we believe are necessary and feasible for locomotives based on our discussions with the railroad engines, locomotive manufacturers, and other interested parties.

AIR RESOURCES BOARD2020 L STREET
P.O. BOX 2815
SACRAMENTO, CA 95814-2815**Notice of Decision and
Response to Significant Environmental Issues****Item: PUBLIC HEARING TO CONSIDER APPROVAL OF A REVISION TO THE
CALIFORNIA STATE IMPLEMENTATION PLAN**

Adopted November 15, 1994, by:

Resolution 94-60 - Consideration of California's State Implementation Plan

Agenda Item No.: 94-11-2

Public Hearing Date: November 9, 1994

Issuing Authority: Air Resources Board

Contact Person: Leslie M. Krinsk, Senior Staff Counsel
(916) 322-2884Comment: See attached Resolution and Attachment A thereto, titled "Response to Significant
Environmental Issues"

Response: See above.

Certified:

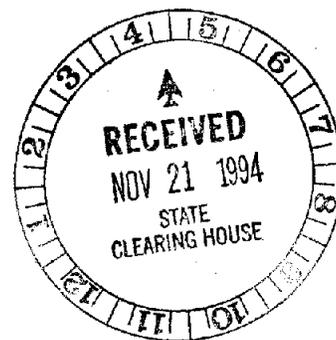
A handwritten signature in black ink, appearing to read "Artavia M. Edwards".

Artavia M. Edwards
Regulations CoordinatorDate: November 21, 1994

State of California
AIR RESOURCES BOARD

Resolution No. 94-60

November 15, 1994



WHEREAS, the Legislature in Health and Safety Code section 39602 has designated the state Air Resources Board (ARB or Board) as the air pollution control agency for all purposes set forth in federal law;

WHEREAS, the ARB is responsible for the preparation of the state implementation plan (SIP) for attaining and maintaining the national ambient air quality standards (NAAQS) as required by the federal Clean Air Act (the Act; 42 U.S.C. section 7401 et seq.), and to this end is directed by Health and Safety Code section 39602 to coordinate the activities of all local and regional air pollution control and air quality management districts (APCDs or AQMDs, respectively; collectively Districts) necessary to comply with the Act;

WHEREAS, section 39602 also provides that the SIP shall include only those provisions necessary to meet the requirements of the Act;

WHEREAS, the Act as amended in 1990 requires the State of California to submit to the United States Environmental Protection Agency (U.S. EPA) a revision to the SIP for ozone nonattainment areas designated as "serious," "severe," and "extreme" in accordance with section 181 of the Act by November 15, 1994;

WHEREAS, section 182(e)(2)(A) of the Act requires the revision for these serious and above nonattainment areas to demonstrate attainment of the national ozone standard by the applicable attainment date specified in section 181 ("attainment demonstration");

WHEREAS, section 182(c)(2)(B) of the Act requires the revision for each serious and above nonattainment area to demonstrate at least a three percent per year average reduction in emissions of volatile organic compounds (VOCs) after 1996, or to demonstrate that a reduction by a lesser amount reflects all measures that can feasibly be implemented in the area ("post 1996 rate of progress demonstration");

WHEREAS, section 182(c)(3) of the Act requires the SIP to include an enhanced vehicle inspection and maintenance (I/M) program for all serious, severe, and extreme non-attainment areas;

WHEREAS, the following eight areas are serious and above ozone nonattainment areas and the districts responsible for their air quality have prepared, or are in the process of preparing, revisions to their portions of the SIP for review by the Board and submittal to the U.S. EPA: South Coast Air Basin (South Coast AQMD); Southeast Desert Nonattainment Area (Mojave

Desert AQMD); Southeast Desert Air Basin (SCAQMD); Sacramento Metropolitan Area (Sacramento Metropolitan AQMD, Feather River AQMD, Placer County APCD, El Dorado County APCD; and Yolo-Solano County Unified APCD); San Diego County (San Diego County APCD); San Joaquin Valley (San Joaquin Valley Unified APCD); and San Joaquin Valley Nonattainment Planning Area (Kern County APCD);

WHEREAS, the air quality plans submitted by the districts indicate that while the total emission reductions estimated in each plan will be achieved, the exact mix of mobile source control strategies and the quantity of reductions associated with them may be different than the districts estimated for those sources under the sole jurisdiction of the ARB and the U.S. EPA;

WHEREAS, the U.S. EPA is in the process of imposing federal implementation plans (FIPs) on the following three districts, due to their failure to meet certain requirements set forth in the Act prior to its amendment in 1990: the SCAQMD, the SMAQMD, and the Ventura County APCD;

WHEREAS, the Act allows SIP measures which meet all applicable requirements to be substituted for FIP measures;

WHEREAS, the Legislature, in Divisions 6 and 7 of the Food and Agricultural Code (section 11401 et seq.), has granted the Department of Pesticide Regulation (DPR) the authority to regulate economic poisons in their pesticidal use;

WHEREAS, the DPR has proposed measures to reduce VOC emissions by the year 2005 from agricultural and commercial pesticide applications through regulations which DPR will adopt by November 1995;

WHEREAS, the Bureau of Automotive Repair (BAR) is authorized to adopt, implement, and enforce an enhanced vehicle inspection and maintenance (I/M) program pursuant to Health and Safety Code section 44000 et seq., as amended in 1994 by SB 521 (Stats. 1994, c. 29) SB 198 (Stats. 1994, c. 28), and AB 2018 (Stats 1994, c. 27);

WHEREAS, the ARB has primary responsibility for the control of air pollution from vehicular sources, including motor vehicle fuels, as specified in sections 39002, 39500, and Part 5 (commencing with section 43000) of the Health and Safety Code, and for ensuring that the Districts meet their responsibilities under the Act pursuant to sections 39002, 39500, 39602, 40469, and 41650 of the Health and Safety Code;

WHEREAS, the ARB has been directed by the Legislature to regulate consumer products in order to reduce emissions of VOCs pursuant to section 41712 of the Health and Safety Code;

WHEREAS, the ARB is authorized by Health and Safety Code section 39600 to do such acts as may be necessary for the proper execution of its powers and duties;

WHEREAS, sections 39515 and 39516 of the Health and Safety Code provide that any duty may be delegated to the Board's Executive Officer as the Board deems appropriate;

WHEREAS, the Board staff has prepared statewide SIP elements for consumer products and mobile sources for inclusion in the 1994 SIP submittal;

WHEREAS, the consumer products element consists of near-term, mid-term, and long-term measures comprising a mix of existing regulations, regulations which will cover additional product categories not subject to the current program, and measures which rely on new technologies along with market incentives and consumer education;

WHEREAS, the mobile source element is comprised of existing control strategies and near-term and long-term state and federal measures which will achieve emission reductions from on- and off-road mobile sources including passenger cars, light-duty trucks, medium-duty vehicles, heavy-duty vehicles, and off-road equipment;

WHEREAS, federal law as set forth in section 110(l) of the Act and Title 40, C.F.R. section 51.102 requires that one or more public hearings, preceded by at least 30 days notice and opportunity for public review, must be conducted prior to the adoption and submittal to U.S. EPA of any SIP revision;

WHEREAS, CEQA and Board regulations require that prior to taking any action or engaging in any activity which may have a significant adverse effect on the environment, alternatives and mitigation measures to minimize any significant impact will be described and imposed by the Board where feasible;

WHEREAS, several assessments of the economic costs and benefits associated with the statewide SIP element have been prepared and made available to the Board and the public;

WHEREAS, a Staff Report which summarizes and explains the contents of the proposed SIP revision (including descriptions of both statewide and local regional elements), the requirements applicable to the SIP revision, and the environmental impacts of the statewide mobile source and consumer product elements, along with alternatives and mitigation to reduce such impacts, has been available for public review at least 30 days prior to the hearing;

WHEREAS, in consideration of the Staff Report; the proposed statewide and local/regional SIP elements; the environmental documentation prepared by Board staff and by the districts; the written and oral testimony presented by the districts, the public, interested government agencies, and the regulated industry; and the economic assessments prepared by Board staff, the Office of Planning and Research, the Business, Housing and Transportation Agency, and the independent consultant M.Cubed, the Board finds:

1. Healthful air must be achieved through an intensive and coordinated local, state, and federal effort to attain the NAAQS for ozone by the dates specified in the federal Clean Air Act.
2. While California's existing regulations have reduced statewide exposure to unhealthy ozone concentrations by about 50% since 1980, along with the frequency and severity of ozone pollution episodes, more must be done to attain and maintain the NAAQS.
3. Emission sources under federal jurisdiction are increasingly significant contributors to ozone pollution as emissions from other source categories are reduced through state and local controls.
4. Mobile source controls on new cars, trucks, buses, off-road equipment, and other mobile source categories are a vital element of the attainment equation in every affected area, without which serious nonattainment areas will not be able to meet the 1999 attainment deadline specified in the Act and without which severe and extreme areas cannot reach their projected reduction targets.
5. The ARB and the U.S. EPA share responsibility for controlling new mobile sources and both must adopt stringent controls on the sources within their respective jurisdictions.
6. The control of emissions from existing vehicles and engines through an enhanced inspection and maintenance program, fuel conversions, old vehicle scrappage, and transportation and strategies to reduce vehicle miles traveled is dependent upon both state and local commitments.
7. Area sources such as solvents, architectural coatings, adhesives, pesticides, and other coatings and consumer products contribute an increasing percentage of ozone emissions and must be controlled by state and local agencies.
8. The SIP must be submitted to and approved by the U.S. EPA prior to promulgation of the federal implementation plans (FIPs) for Sacramento, Ventura, and the South Coast scheduled for early next year in order to replace the FIP and reinstate California's control over its air pollution program.
9. The new mobile source control measures proposed for adoption and implementation by the ARB within the next 30 months for medium and heavy-duty vehicles, as well as the additional mid-term measures proposed for later adoption and the long-term measures which rely on the development of advanced technology, will supplement ARB's current stringent standards for vehicles and fuels and are the most ambitious measures which are feasible, supplying a central strategy to reduce emissions from the most significant single source of ozone precursors in the State.

10. The mid-term and long-term consumer products regulations which will supplement existing regulations will achieve significant VOC reductions statewide; are necessary to ensure that the South Coast Air Basin will meet ozone NAAQS; will lead to the development of programs which will foster innovative technologies for long-term application; and will continue to provide flexibility to the product manufacturers through the use of market incentives.
11. The development of innovative technologies, upon which long-term emission reductions from consumer products are dependent, necessitate increased cooperation from, and coordination with, the U.S. EPA and the encouragement of controls at the national level.
12. Controls on VOC emissions from the agricultural and structural use of economic poisons have been under study and development for several years by the DPR (formerly within the Department of Food and Agriculture), the ARB, and the districts, and are a feasible, cost-effective, and necessary means of progressing towards attaining the ozone NAAQS statewide.
13. The control measures proposed by DPR should be included in the SIP with an expeditious adoption schedule.
14. The U.S. EPA has a clear and present duty to control several categories of mobile sources on a national level and must rapidly and diligently meet its responsibilities if California is to attain the ozone NAAQS by the dates set forth in the Act.
15. The mobile source control measures identified in the proposed SIP for adoption by U.S. EPA are feasible, cost-effective, socially acceptable, and would provide a larger market base to manufacturers, which would encourage the development of new technology.
16. The state measures are cost-effective in consideration of the substantial air quality improvements and public health benefits which will result from their implementation, and are more cost-effective than their counterparts proposed in the FIP.
17. The ARB is the lead agency for the mobile source and consumer product elements of the SIP, has considered the environmental analysis set forth in Volume II of the Staff Report, and concurs in the discussion of potential impacts.
18. While there may be adverse secondary environmental impacts on air, water, and solid waste disposal facilities from the accelerated vehicle retirement program and the electric vehicle program, the effects are speculative and cannot be quantified until the scope of these programs is defined by proposed regulations, or (for electric vehicles) until the regulations are implemented and the state of battery technology is known.

19. As regulations implementing the new mobile source measures are developed, detailed environmental impact analyses, including a discussion of regulatory alternatives and mitigation measures, will be performed in conjunction with the rulemaking process.
20. At this time there are no feasible mitigation measures which the ARB can impose to lessen the potential adverse impacts of the mobile source measures on the environment, and no less stringent alternatives which will accomplish the goal imposed by federal law with fewer potential environmental impacts.
21. The potential adverse impacts identified for the mobile source measures are vastly outweighed by the substantial air quality benefits, especially the reduction of VOC emissions, which will result from their adoption and implementation.
22. Future regulatory activities involved with the consumer products control program are anticipated to entail additional or expanded applications of the existing regulations and the Alternative Control Plan, which were subject to detailed environmental analyses which concluded that no significant adverse environmental impacts would result, and hence no adverse impacts are anticipated.
23. As the SIP measures for consumer products are developed into regulations, potential impacts, alternatives, and mitigation measures will be analyzed in detail, particularly with regard to the possibility of stratospheric ozone depletion, global warming, creation of localized VOC "hot spots," generation of toxic air contaminants, potential increased use due to reduced efficacy, and VOC or toxic loading to water treatment facilities.
24. The Board has considered alternatives to the mobile source measures and consumer products measures and have identified no feasible alternatives at this time which would reduce or eliminate any potential adverse impacts, while achieving necessary emission reductions.
25. Mobile source and consumer products regulations which have been adopted and are proposed for inclusion in the SIP have undergone environmental review by the Board at the time of their adoption and no further analysis is required at this time.
26. Reconciliation has been achieved between the ARB and those Districts which assigned control measures and emission reductions to mobile source and other state measures, so that emission inventories and anticipated emission reductions from these sources are consistently and accurately reflected in the local plans.

27. The local plans which are dependent upon state measures for attainment of the ozone NAAQS have indicated their need for these measures and requested their inclusion as part of the local SIP.
28. The long-term measures which are dependent upon the development of advanced control technology as permitted by section 182(e)(5) of the Act are set forth as long-range measures in the South Coast attainment strategy and, together with the state and federal advanced technology measures which will be implemented by 2010, meet the requirements of the Act pertaining to innovative technology.
29. The state elements of the SIP are necessary to meet the requirements of section 182 of the Act, including the requirements to submit attainment and post-1996 rate-of-progress demonstrations for serious, severe, and extreme nonattainment areas.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby adopts the state elements of the SIP pertaining to mobile sources and consumer products as modified by the Board, and directs the Executive Officer to forward the new measures, along with any adopted measures for these sources which have not yet been submitted, to the U.S. EPA for inclusion in the SIP; to be effective, for purposes of federal law, in the nonattainment areas subject to the Act's 1994 attainment and ROP requirements upon approval or conditional approval by the U.S. EPA.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to work with the U.S. EPA and take necessary action to resolve any completeness or approvability issues that may arise regarding the SIP submissions.

BE IT FURTHER RESOLVED, that the Board approves the VOC pesticide measure adopted by DPR, and directs the Executive Officer to forward the measure to the U.S. EPA for conditional approval and inclusion in the SIP for the serious, severe, and extreme nonattainment areas, and to continue to work with DPR to assure the adoption of regulations to implement the measure by the dates committed to.

BE IT FURTHER RESOLVED, that the Board approves inclusion of the enhanced I/M program, as being developed by the Bureau of Automotive Repair, and directs the Executive Officer to forward the measure to the U.S. EPA for inclusion in the SIP for the serious, severe, and extreme nonattainment areas upon its adoption by BAR.

BE IT FURTHER RESOLVED, that except as provided herein or in previous SIP submittals, the Board does not intend the regulations which comprise the state element of the SIP to be federally enforceable in any area of California beyond the serious, severe, and extreme nonattainment areas.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to work with the local air districts to resolve any discrepancies in the mobile source emissions inventory by

evaluating, improving and further enhancing EMFAC7G to include activity related information and growth factors in order to develop the most accurate emissions inventory possible.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to continue to develop and bring to the Board for consideration by the dates committed to those mobile source and consumer product measures which have not been adopted in regulatory form in order to ensure that any conditional approval by the U.S. EPA progresses to full approval.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to continue to review cost effectiveness and technological feasibility of proposed control strategies and to propose necessary and appropriate modifications to the control strategies; furthermore, the Board directs the Executive Officer to continue to review the inventory allocations between the mobile and stationary source sectors.

BE IT FURTHER RESOLVED, that the Executive Officer is directed to perform the environmental analysis required by CEQA in conjunction with the rulemaking process for the new mobile source and consumer products measures which will be developed into regulations, and to ensure that the environmental impacts identified in the Staff Report, and any others which are subsequently identified, are avoided or mitigated to the extent feasible.

BE IT FURTHER RESOLVED, that the Board certifies pursuant to 40 C.F.R. section 51.102 that the state elements being submitted as a SIP revision were adopted after notice and public hearing as required by 40 C.F.R. section 51.102, and directs the Executive Officer to submit the appropriate supporting documentation to U.S. EPA along with the SIP submittal.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to convey to U.S. EPA the Board's emphatic assertion that it is necessary for U.S. EPA immediately to begin to develop and adopt those measures for the sources under federal jurisdiction which the ARB has identified as being the responsibility of the U.S. EPA to control, and to continue to meet and confer with the U.S. EPA and other interested persons, including the District, industry, and the public, until the necessary federal measures are proposed, adopted, and implemented.

BE IT FURTHER RESOLVED, that pursuant to CEQA the Board hereby approves the written responses to significant environmental issues that have been raised regarding the state elements of this SIP revision, as set forth in Attachment A hereto.

I hereby certify that the above is a true and correct copy of Resolution 94-60 as adopted by the Air Resources Board


Pat Hutchens, Board Secretary

Comments of Roadway Package System, Inc.

Comment: Because a 1.0 g/bhp-hr NOx standard engine is not feasible, requiring its use will result in more trucks being licensed out-of-state to avoid meeting California emission standards. If these vehicles relocate to other states but continue to serve the California market, it would increase their VMT and actually increase emissions. More trucks will be needed to move the same amount of freight, ultimately leading to the deterioration of air quality.

Response: Because the 1.0 g/bhp-hr NOx standard is not being proposed for adoption in these proceedings, this is not the appropriate time to assess the technological feasibility of the measure. The technological feasibility will be addressed when the Board considers the adoption of a regulation requiring the use of 1.0 g/bhp-hr NOx engines.

The proposed SIP includes the expansion of locally implemented demand-side programs and market incentives that could be implemented in a future timeframe. Under one of these programs, captive local fleets could be subject to a 1.0 g/bhp-hr NOx engine standard. This requirement is targeted at captive local fleets, which are not likely to re-license out-of-state. Therefore, the staff does not believe that the deterioration of air quality referred to in the comment will occur.

Significant Environmental Issue: Accelerated vehicle retirement programs may not be the most cost effective means in which to achieve the necessary emission reductions.

Response: Accelerated vehicle retirement (AVR) programs are an effective near-term method to reduce emissions from mobile sources. AVR does not depend upon the evolution, development, and implementation of new technologies. Because of this, AVR programs can bring immediate, although shorter term, air quality benefits.

AVR programs will help bring newer, cleaner cars onto the road. The ARB's existing Low-Emission Vehicle program has already caused auto makers to invest in developing new emission control technology for the light-duty vehicle fleet. Although new cars do not replace vehicles scrapped in AVR programs on a one-to-one basis, there will be some stimulation of new vehicle sales as a result of AVR programs. These new cars will meet stringent emission standards and have more durable emission control systems, making them cleaner than older cars throughout their lifetimes.

Pilot AVR programs can be operated at fairly low costs. This will allow the ARB staff to thoroughly evaluate and verify the air quality benefits of vehicle scrapping before the program is expanded.

The estimated approximate cost of implementing an early vehicle retirement program in the South Coast is \$8,100 per ton of ROG and NOx reduced, which is within the range of cost-effective programs.

Significant Environmental Issue: Accelerated vehicle scrappage will result in increased numbers of new vehicles sold. This will necessitate increased vehicle production and increased environmental impact from vehicle production.

Response: The number of vehicles scrapped in proposed accelerated vehicle retirement programs should be placed in the context of the total number of vehicles discarded each year. According to the Integrated Waste Management Board, approximately 1.63 million vehicles were scrapped in California in 1991.

In other words, the proposed accelerated vehicle retirement program will increase the rate of vehicle retirement by about two percent between 1996 and 1998. Between 1999 and 2010, the rate of vehicle retirement will increase by about 4.5 percent as a result of these programs. There will be significant environmental benefits from this small increase in retirements because the dirtiest vehicles will be replaced by much cleaner models.

The ARB staff does not believe that vehicles scrapped in these programs will be replaced by new cars. However, even if all the vehicles scrapped were replaced by new cars, the impacts of slightly increased vehicle manufacture are not expected to significantly affect the California environment. First, new vehicle sales (and production) resulting from accelerated vehicle retirement programs are expected to be small, particularly when placed in the context of normal variations in annual vehicle sales. Accordingly, the impacts of the small increase in vehicle production (increased use of raw materials, waste water disposal, etc.) as a result of accelerated vehicle retirement are expected to be small, and may not be proportional to increases in production. For example, emissions from vehicle manufacture do not increase in direct proportion to the number of vehicles produced. Thus, the small undefinable increases in vehicle production which might result from accelerated vehicle retirement programs will likely not result in commensurate emission increases. Second, because the vast majority of vehicle production facilities are located well outside of California, the small environmental impacts which may occur will not affect California.

Significant Environmental Issue: Older vehicles from out-of-state will be imported into California to take advantage of accelerated vehicle retirement programs, which will cause the program not to produce the expected emission reductions.

Response: The ARB staff does not expect vehicles to be imported into California for the purpose of participating in accelerated vehicle retirement programs. This issue has already been addressed by the ARB through its Mobile Source Emission Reduction Credits guidelines which specify that vehicles must be currently registered with the Department of Motor Vehicles and must have been registered for at least one year to be eligible for the program. (The guidelines also require that vehicles must be driven to the dismantling site under their own power, not be so damaged that their continued operation is unlikely or impossible, and that certain accessories be present and functional.) Further, all vehicles certified to a "49-state" standard that are brought into California are required to pay a \$300 smog impact fee. Importers will also incur costs to procure vehicles, transport them to California, and ensure that they are operational before they can collect the incentive. The projected purchase price for a vehicle in an AVR program is only \$700. Therefore, aside from the administrative restrictions on the vehicles that can participate in an AVR program, staff does not believe that it will be economically viable to import vehicles from other states to take advantage of these programs.

Responses to Issues Raised Regarding Consumer Products

Comment: Requiring a decrease in the VOC content of consumer-applied pesticides of 85 percent, while commercial pesticides are only required to decrease their VOC content by 20 to 30 percent, would result in decreased efficacy of the consumer products and, therefore, increased use of higher-VOC commercial pesticides to replace the inefficacious low-VOC consumer products. This may result in a net increase in total VOC emissions.

Response: It is incorrect to assume that the efficacy of pesticide products is dependent upon their VOC content. Pesticide efficacy is primarily a function of the active ingredient or ingredients, which typically comprise only a small percentage of the total VOC content of the product. Therefore, reducing the VOC content of pesticide products will not necessarily result in less efficacious products. In addition, California law requires that any future regulations adopted by the ARB must be technologically and commercially feasible (e.g., products must continue to efficaciously perform the job they are intended to perform). Before adopting any regulation limiting the VOC content of pesticides in consumer products, the ARB will insure that reformulated products will be efficacious. Furthermore, it is unrealistic to believe that a significant number of consumers would substitute higher cost and inconvenient commercial application pesticides for their small, low volume insecticide needs. And even if some household pesticides were replaced by commercial applications, VOC emissions would not necessarily increase since there are non- and low-VOC commercial products available.

Comment: The SIP should take into account the relative photochemical reactivity of consumer products emissions. Failure to do so may jeopardize attainment, because reducing VOC mass emissions alone may not reduce ambient ozone concentrations as much as the ARB has assumed.

Response: As suggested by the commenter, the ARB modified the proposed SIP to state that in developing consumer products regulations, the ARB will evaluate the feasibility of incorporating reactivity considerations into the control strategy. This process should insure that the regulations ultimately adopted will reduce ambient ozone concentrations in the most effective manner. In addition, ARB staff has previously responded to reactivity comments in each of the three consumer products rulemakings that have previously been adopted by the Board. The ARB's responses are contained in the Final Statement of Reasons for these rulemaking actions, which are incorporated by reference herein.

RESPONSES TO COMMENTS FROM LLOYD S. DAVIS:

1. Comment: Stratospheric ozone is the primary source of ground level ozone in California, making regulation of ozone precursor emissions unwarranted.

Response: There is no scientific evidence that stratospheric ozone contributes significantly to exceedances of the federal ozone standard in California. The meteorology represented in the South Coast Air Quality Management District's five episode discussed by the commenter *is not* consistent with a strong probability that the exceedances during these episodes were due entirely, or even partially, to the presence of ozone-rich air that had descended from the stratosphere. There is significant evidence that anthropogenic emissions of oxides of nitrogen (NOx) and volatile organic compounds (VOC) do contribute significantly to these exceedances. If intrusion of stratospheric ozone were responsible for elevated concentrations in the lower atmosphere, we would find those elevated concentrations in populated and unpopulated areas alike. Instead elevated ozone concentrations are commonly found only in areas having substantial emissions of NOx and VOCs (or in areas impacted by transport from such areas).

2. Comment: Information regarding the types of models and model inputs were not available for review.

Response: The modeling and modeling inputs used by the districts are provided in the individual modeling reports for each area submitted to and approved by U.S. EPA.

3. Comment: The data used to determine the need for ozone precursor controls is questionable because the modeling inputs are not substantiated. Specifically the boundary conditions are not correctly identified.

Response: The SIP was prepared with the best data available. In all modeling studies, observations, both surface and aloft, are used to set boundary conditions, if available. While the lack of data to establish some boundary conditions does introduce uncertainties, established protocols for quantifying and managing these uncertainties have been followed. The higher concentrations of ozone aloft mentioned by the commenter were not measured at the boundaries, but in layers within the modeling region. These layers are the result of surface generated pollutants being trapped aloft from the previous night, as has been documented in several areas of the state.

4. Comment: The chemistry simulated by modeling is not substantiated.

Response: The chemistry simulated by the computer models used is supported by a considerable body of evidence. The nighttime reduction of ozone by reaction with NOx is well understood and has been replicated by the models' chemical mechanism. It is only during the daytime, when solar radiation is available to drive photochemical reactions, that ozone concentrations increase. The models correctly have predicted peak ozone in the South Coast over a ten year period based on observed reductions of NOx and VOCs.

5. Comments: Emissions of NO_x provide greater benefits than detriment.

Response: Due to its scavenging effect, reductions of NO_x emissions may increase local ozone levels, but they reduce downwind ozone concentrations. When the effects of transport are considered, NO_x emissions do not provide an overall benefit. Moreover, NO_x emissions play a substantial role in the formation of particulate matter (PM). Studies have shown that PM may be a greater health risk to humans than ozone.

6. Comment: The SIP fails to account for biogenic VOCs.

Response: The modeling relied on in the SIP does account for biogenic VOCs. The uncertainties in the inventory of biogenic VOCs have been addressed through sensitivity studies, which indicate that biogenic VOCs are not important in predicting current ozone levels in California.

Responses to Issues Raised Regarding Locomotive Regulation

Comment: The AAR proposal is technology-stretching but feasible. The ARB proposal is technologically infeasible because it is based on technologies that are unproven.

Response: Staff agrees that current diesel locomotive technology cannot meet the standards proposed in the SIP. The ARB proposal, like most of our proposals, is technology-forcing. However, staff believes that the reductions requested will be technologically feasible in the timeframe available. New locomotives generally emit 9-10 g/hp-hr NOx. The SIP proposes that this be reduced to 5 g/hp-hr by 2000, and 4 g/hp-hr by 2005, a reduction of about 50 percent for new locomotives. This should be achievable through technology transfer from on-road diesels. The proposed standards recognize that locomotives face a different operating environment than trucks and may not be able to fully utilize all on-road technology. This is why a 4 g/hp-hr standard is proposed for new locomotives in 2005 whereas a 2 g/hp-hr truck standard (a 50 percent reduction) is proposed for 2002, three years earlier. Staff believes that these disparate standards will require comparable levels of technological effort. The staff believes that the reductions for new locomotives are both reasonable and technologically feasible.

Comment: The ARB proposal will subject the national railroad network to demands in California that are inconsistent with the rest of the nation.

Response: The ARB proposal suggests that in addition to the national requirements that will affect rail operations in all air basins, a more stringent fleet average should be met in the SCAB, because of its extreme needs. This fleet average is set at a level equivalent to the new locomotive standards that the ARB is suggesting the U.S. EPA adopt. The fleet average requirement could be met by directing the newer clean locomotives to the SCAB, or by greater reductions than mandated for some locomotives so that less than complete use of new locomotives would be required. The FIP and the AAR proposal both include a fleet average requirement for the SCAB, so the ARB proposal does not differ from other alternatives offered in this respect.

Comment: The proposed requirements will increase rail freight costs and may ultimately lead to higher overall NOx emissions through more truck VMT.

Response: The potential for intermodal shifts (primarily from rail to truck) to result from proposed locomotive regulations was raised by the industry in earlier meetings. The ARB currently has a study nearing completion assessing the potential for a goods movement shift to result from proposed regulations that would affect the goods movement modes. In preliminary analyses, the following aspects are noted: (1) railroads are a more efficient way to move goods over the long haul, resulting in 2-3 times less emissions per ton-mile than trucking; (2) in the absence of locomotive regulations, the proposed on-road truck regulations would reduce that benefit, such that locomotives and rails would be essentially equivalent

means of goods movement from an emissions perspective; and (3) this would potentially cause a shift to the railroads (although the extent is unclear since rail movement takes longer and is perceived as less reliable). The estimated cost-effectiveness of reducing truck emissions is comparable to that for reducing rail emissions. Therefore, the impact on freight rates would not be expected to be substantial, and the staff does not believe that significant modal shift would occur. Further, even if such shifts did occur, the emissions impact would probably not be significant in the long run, since the truck emissions will be reduced in the same timeframe.

Comment: Clean locomotives are less efficient, so the number of locomotives pulling the train will increase.

Response: There is no reason to believe that a clean locomotive would be significantly less efficient. We expect the locomotive standards to be achievable with diesel-powered locomotives. The argument is probably based on an assumption that the standards would require natural gas-powered locomotives. Early experience with liquefied natural gas (LNG) for locomotives required engine derating at notch 8 to avoid detonation problems. However, further technological development has allowed these locomotives to develop full rated horsepower (Department of the Navy, Letter addressed to Ms. Jackie Lourenco, ARB, dated October 6, 1994). These LNG locomotive conversions are EMD 635 engines that develop around 3000 horsepower. The Burlington Northern Railroad is developing similar technology for a 4000 horsepower EMD 710 engine (op cit). This is the locomotive engine model currently being marketed by EMD. Thus, in the long-term, no increase in the number of locomotives even under a LNG scenario is anticipated.

Comment: Standards based on g/bhp-hr will constrain the current trend towards increasing horsepower. Higher horsepower units mean that fewer locomotives are needed to pull the same load, with a resultant reduction in emissions. The standards should instead be expressed in percentage reduction from the baseline.

Response: The emissions data with which staff is familiar do not indicate that emissions are higher on a g/hp-hr basis for high horsepower units than for lower horsepower ones. Why General Electric Transportation Systems (GETS) believes that this would be so is not clear. The same technological requirements should exist, regardless of engine size and horsepower. Staff agrees that the trend towards higher horsepower units is probably positive from an emissions perspective. At least part of the reason that percentage reductions seem more attractive to industry is that the baseline emissions for locomotives are not well established. Different testing facilities currently use different test procedures and different composite duty cycles. It is important that baseline conditions be established, and that compliance rules be enforced in consistent ways. In presenting its net reductions for locomotives, the ARB staff has assumed that the current average locomotive emits about 12 g/hp-hr NO_x.

Comment: The intent of the CAA is that the U.S. EPA should set standards based on economic, technical, and other information provided by a variety of parties, including the railroad industry. The ARB is usurping that role by suggesting nationwide standards in the SIP that, if accepted, will define the nationwide standards. The ARB should rely on the U.S. EPA to set standards for new and remanufactured locomotives.

Response: Locomotives are a significant contributor to California's NOx inventory, and are currently not subject to emission controls, other than locally enforced opacity limits. They should do their share towards cleaning up California's air. The ARB recognizes that the 1990 CAA preempted California from adopting and enforcing emission standards for new locomotives. We do retain authority to set operational controls and in-use requirements, however. In suggesting standards for new locomotives, the ARB is merely stating what levels of controls we believe are necessary and feasible for locomotives based on our discussions with the railroad engines, locomotive manufacturers, and other interested parties.

State of California
AIR RESOURCES BOARD

Resolution No. 94-61

November 15, 1994

WHEREAS, the Legislature in Health and Safety Code section 39602 has designated the state Air Resources Board (ARB or Board) the air pollution control agency for all purposes set forth in federal law;

WHEREAS, the ARB is responsible for the preparation of the state implementation plan (SIP) for attaining and maintaining the national ambient air quality standards (NAAQS) as required by the federal Clean Air Act (the Act; 42 U.S.C. section 7401 et seq.), and to this end is directed by Health and Safety Code section 39602 to coordinate the activities of all local and regional air pollution control and air quality management districts ("districts") necessary to comply with the Act;

WHEREAS, section 39602 also provides that the SIP shall include only those provisions necessary to meet the requirements of the Act;

WHEREAS, sections 39515 and 39516 of the Health and Safety Code provide that any duty may be delegated to the Board's Executive Officer as the Board deems appropriate;

WHEREAS, the Act as amended in 1990 requires the State of California to submit to the United States Environmental Protection Agency (U.S. EPA) a revision to the SIP for ozone nonattainment areas designated as "serious," "severe," and "extreme" in accordance with section 181 of the Act by November 15, 1994;

WHEREAS, section 182(e)(2)(A) of the Act requires the revision for these serious and above nonattainment areas to demonstrate attainment of the ozone NAAQS by the applicable attainment date specified in section 181 ("attainment demonstration");

WHEREAS, pursuant to section 181(a) of the Act, the South Coast Air Basin is classified as an extreme ozone nonattainment area with an attainment date of 2010; the Southeast Desert Air Basin is classified as severe-17 with an attainment date of 2007;

WHEREAS, section 182(c)(2)(B) of the Act requires the revision for each serious and above nonattainment area to demonstrate at least a three percent per year average reduction in emissions of volatile organic compounds (VOCs) after 1996, or to demonstrate that a reduction by a lesser amount reflects all measures that can feasibly be implemented in the area ("post-1996 rate of progress demonstration");

WHEREAS, the Act requires an enhanced vehicle inspection and maintenance (I/M) program for all serious, severe, and extreme non-attainment areas;

WHEREAS, sections 172(c)(9), 182(c)(9), and 182(e)(5) of the Act require that SIPs contain contingency measures to be implemented if a nonattainment area fails to make reasonable further progress or fails to attain a NAAQS by the applicable date;

WHEREAS, the U.S. EPA is in the process of imposing a federal implementation plan (FIP) on the South Coast Air Quality Management District (AQMD), due to their failure to meet certain requirements set forth in the Act prior to its amendment in 1990;

WHEREAS, the Act allows SIP measures which meet all applicable requirements to be substituted for FIP measures;

WHEREAS, the districts have primary responsibility for the control of air pollution from nonvehicular sources and for adopting control measures, rules, and regulations to attain the NAAQS within their boundaries pursuant to sections 39002, 40000, 40001, 40460, 40462, 41111, and 41650 of the Health and Safety Code;

WHEREAS, sections 40469 and 41650 of the Health and Safety Code require the ARB to adopt the nonattainment plan approved by a district as part of the SIP unless the Board finds, after a conflict resolution process and public hearing, that the plan does not meet the requirements of the Act;

WHEREAS, the ARB has primary responsibility for the control of air pollution from vehicular sources, including motor vehicle fuels, as specified in sections 39002, 39500, and Part 5 (commencing with section 43000) of the Health and Safety Code, and for ensuring that the districts meet their responsibilities under the Act pursuant to sections 39002, 39500, 39602, 40469, and 41650 of the Health and Safety Code;

WHEREAS, the ARB has been directed by the Legislature to regulate consumer products in order to reduce emissions of VOCs pursuant to section 41712 of the Health and Safety Code;

WHEREAS, the ARB is authorized by Health and Safety Code section 39600 to do such acts as may be necessary for the proper execution of its powers and duties;

WHEREAS, the Board staff has prepared statewide elements for consumer products and mobile sources for inclusion in the 1994 ozone SIP submittal;

WHEREAS, the consumer products element consists of near-term, mid-term, and long-term measures comprising a mix of existing regulations, regulations which will cover additional product categories not subject to the current program, and measures which rely on new technologies along with market incentives and consumer education;

WHEREAS, the mobile source element is comprised of existing control strategies and near-term and long-term state and federal measures which will achieve emission reductions from on- and off-road mobile sources including passenger cars, light-duty trucks, medium-duty vehicles, heavy-duty vehicles, and off-road equipment;

WHEREAS, the Bureau of Automotive Repair (BAR) has prepared and is preparing the SIP element to achieve emission reductions from an enhanced Inspection and Maintenance Program in accordance with Assembly Bill 2018 (Stats. 1994, c. 27), Senate Bill 198 (Stats. 1994, c. 28) and SB 521 (Stats. 1994, c. 29);

WHEREAS, the Department of Pesticide Regulation (DPR) has prepared the SIP element to achieve emission reductions from pesticides;

WHEREAS, the 1994 ozone SIP revisions include the ozone portion of the 1994 AQMP ("plan") prepared by the South Coast AQMD, along with environmental documentation as required by the California Environmental Quality Act (CEQA) and certifications of public notice as required by U.S. EPA;

WHEREAS, the resolution adopting the South Coast plan indicates that while the total emission reductions estimated in the district plan will be achieved, the exact mix of control strategies and the quantity of reductions associated with them may be different than the district estimated for those sources under the sole jurisdiction of the ARB and the U.S. EPA;

WHEREAS, federal law set forth in section 110(l) of the Act and Title 40, Code of Federal Regulations, section 51.102 require that one or more public hearings, preceded by at least 30 days notice and opportunity for public review, must be conducted prior to the adoption and submittal to U.S. EPA of any SIP revision;

WHEREAS, CEQA and Board regulations require that prior to taking any action or engaging in any activity which may have a significant adverse effect on the environment, alternatives and mitigation measures to minimize any significant impact will be described and imposed by the Board where feasible;

WHEREAS, the ARB Staff Report, which summarizes and explains the contents of the proposed SIP revision (including descriptions of both statewide and local regional elements), the requirements applicable to the SIP revision and the environmental impacts of the statewide mobile source and consumer product elements, along with alternatives and mitigation to reduce such impacts, has been available for public review at least 30 days prior to the hearing;

WHEREAS, the Board has conducted a public hearing to consider approval of the ozone portion of the South Coast 1994 AQMP and its submittal to U.S. EPA as a SIP revision;

WHEREAS, in consideration of the Staff Report; the proposed statewide and South Coast SIP elements; the environmental documentation prepared by Board staff and by the district; the written and oral testimony presented by the districts, the public, interested government agencies, and the regulated industry; and the economic assessments prepared by Board staff, the Office of Planning and Research, the Business, Housing and Transportation Agency, and the independent consultant M.Cubed, the Board finds:

1. Healthful air must be achieved through an intensive and coordinated local, state, and federal effort to attain the NAAQS for ozone in the South Coast by 2010 and the Southeast Desert in 2007.
2. While statewide exposure to unhealthful ozone concentrations has been reduced by about 50% since 1980, along with the frequency and severity of ozone pollution episodes, due to California's existing regulations on both vehicular and non-vehicular sources, more must be done.
3. Emission sources under federal jurisdiction are increasingly significant contributors to ozone pollution as emissions from other source categories are reduced through state and local controls.
4. The stringency of the NO_x and VOC precursor control strategy necessary for the South Coast to meet the 1994 ozone planning requirements for attainment and rate of progress demonstrations (ROP) are dependent upon the severity of the problem in the district, the mix and location of sources which contribute to ozone precursor concentrations, and the timing and stringency of previously adopted controls.
5. Mobile source controls on new cars, trucks, buses, off-road equipment, and other mobile source categories are a vital element of the attainment equation in the South Coast, without which the area will not be able to meet the attainment deadline specified in the Act.
6. The ARB and the U.S. EPA share responsibility for controlling new mobile sources and both must adopt stringent controls on the sources within their respective jurisdictions.
7. The control of emissions from existing vehicles and engines through an enhanced inspection and maintenance program, old vehicle scrapping, and transportation and land use strategies to reduce vehicle miles travelled is dependent upon both state and local commitments.
8. Stringent permitting rules for new sources and modifications and retrofit controls on several categories of existing sources are a necessary local responsibility.

9. Area sources such as solvents, architectural coatings, adhesives, pesticides, and consumer products contribute an increasing percentage of ozone emissions and must be controlled by state and local agencies.
10. The SIP must be submitted to and approved by the U.S. EPA prior to promulgation of the federal implement plan (FIP) for the South Coast scheduled for early next year in order to replace the FIP and reinstate California's control over its air pollution program.
11. The SIP provides a current assessment of California's ozone situation by using the best available data to describe the emission inventory and its distribution across source categories, fully detailing the ozone problem in each of the affected nonattainment areas, and accurately describing ambient air quality data and trends.
12. The SIP bases its prescription for correcting outstanding ozone problems on state-of-the-art photochemical grid modeling which measures or estimates the region's responsiveness to a variety of emission reductions so that the most cost-effective strategies can be selected.
13. The attainment demonstration for the South Coast presents credible assurance, based upon calculations of the region's pollutant carrying capacity, its 1990 baseline emissions inventory, and the reductions reasonably anticipated from existing and additional measures, that the South Coast will attain the NAAQS for ozone by 2010 and the Southeast Desert by 2007.
14. The new mobile source control measures proposed for adoption and implementation by the ARB within the next 30 months for medium- and heavy-duty vehicles, as well as the additional mid-term measures proposed for later adoption and the long-term measures which rely on the development of advanced technology, will supplement ARB's current stringent standards for vehicles and fuels and are the most ambitious measures which are feasible, supplying a central and imperative strategy to reduce emissions from the most significant single source of ozone precursors in the State.
15. The mid-term and long-term consumer products regulations which will supplement existing regulations will achieve significant VOC reductions statewide; are necessary to ensure that the South Coast and Southeast Desert will meet ozone NAAQS; will lead to the development of programs which will foster innovative technologies for long-term application; and will continue to provide flexibility to the product manufacturers through the use of market incentives.

16. The development of innovative technologies, upon which long-term emission reductions from consumer products are dependent, necessitate increased cooperation from, and coordination with, the U.S. EPA and the encouragement of controls at the national level.
17. Controls on VOC emissions from the agricultural and structural use of economic poisons have been under study and development for several years by the DPR, the ARB, and the districts, and are a feasible, cost-effective, and necessary means of progressing towards attaining the ozone NAAQS statewide.
18. The control measures proposed by DPR should be included in the SIP with an expeditious adoption schedule.
19. The U.S. EPA has a clear and present duty to control several categories of mobile sources on a national level and must rapidly and diligently meet its responsibilities if California is to attain the ozone NAAQS by the dates set forth in the Act.
20. The mobile source control measures identified in the proposed SIP for adoption by U.S. EPA are feasible, cost-effective, socially acceptable, and would provide a larger market base to manufacturers, which would encourage the development of new technology.
21. The state measures are cost-effective in consideration of the substantial air quality improvements and public health benefits which will result from their implementation, and are more cost-effective than their counterparts proposed in the FIP.
22. The ARB is the lead agency for the mobile source and consumer product elements of the SIP, has considered the environmental analysis set forth in Volume II of the Staff Report, and concurs in the discussion of potential impacts.
23. While there may be adverse secondary environmental impacts from the accelerated vehicle retirement program and the electric vehicle program, the effects are speculative and cannot be quantified until the scope of these programs is defined by proposed regulations, or (for electric vehicles) until the regulations are implemented and the state of battery technology is known.
24. As regulations implementing the new mobile source measures are developed, detailed environmental impact analyses, including a discussion of regulatory alternatives and mitigation measures, will be performed in conjunction with the rulemaking process.
25. At this time there are no feasible mitigation measures which the ARB can impose to lessen the potential adverse impacts of the mobile source measures on the environment, and no

less stringent alternatives which will accomplish the goal imposed by federal law with fewer potential environmental impacts.

26. The potential adverse impacts identified for the mobile source measures are vastly outweighed by the substantial air quality benefits, especially the reduction of VOC emissions, which will result from their adoption and implementation.
27. A monitoring program to keep track of the impacts of both currently adopted and proposed mobile source measures should be undertaken by the staff in conjunction with the development and implementation of the measures.
28. Future regulatory activities involved with the consumer products control program are anticipated to entail additional or expanded applications of the existing regulations and the Alternative Control Plan, which were subject to detailed environmental analyses which concluded that no significant adverse environmental impacts would result, and hence no adverse impacts are anticipated.
29. As the SIP measures for consumer products are developed into regulations, potential impacts, alternatives, and mitigation measures will be analyzed in detail, particularly with regard to the possibility of stratospheric ozone depletion, global warming, creation of localized VOC "hot spots," generation of toxic air contaminants, potential increased use due to reduced efficacy, and VOC or toxic loading to water treatment facilities.
30. Mobile source and consumer products regulations which have been adopted and are proposed for inclusion in the SIP have undergone environmental review by the Board at the time of their adoption and no further analysis is required at this time.
31. The South Coast AQMD has adopted and submitted to the ARB for inclusion in the SIP the ozone portion of the district's 1994 AQMP, along with proof of publication and environmental documents, in accordance with state and federal law.
32. The South Coast plan was available for public review and comment for at least 30 days, and a public hearing was conducted prior to adoption of the plan by the district governing board as required by the Act and U.S. EPA regulations.
33. The South Coast plan contains numerous measures to control ozone precursor emissions from a wide variety of stationary sources, and the attainment and post-1996 ROP demonstration consists of both rules which have been adopted as well as legally enforceable commitments to adopt additional rules.

34. The measures contained in the final South Coast plan for stationary, area, and transportation sources are the result of strenuous effort, consensus building, and the need to avoid stifling California's economic recovery, and are reasonable, cost-effective control strategies with expeditious adoption schedules.
35. Reconciliation has been achieved between the ARB and the South Coast AQMD over the assignment of emission reductions to mobile source and other state measures, so that emission inventories and anticipated emission reductions from these sources are consistently and accurately reflected.
36. The South Coast plan accurately reflects the amounts of required VOC and NO_x reductions which are anticipated to result from existing regulations, including ARB's low emission vehicle/clean fuel standards and consumer products controls, and the reductions which will result from the adoption and implementation of new local regulations, new ARB regulations, and new federal measures.
37. The South Coast plan sets forth rate-of-progress calculations from 1997 through the attainment year, indicating 3% annual reductions in VOCs averaged over each consecutive three-year period.
38. The final South Coast SIP submittal contains a high percentage of the emissions reductions in the form of adopted measures and is sufficient to satisfy the completeness criteria set forth in the Act and U.S. EPA guidance.
39. The South Coast plan is dependent upon state and federal measures for attainment of the ozone NAAQS, and reflects both a need for these measures and an understanding that jurisdiction for these measures exists in certain instances only with the State of California or the federal government.
40. The contingency measures set forth in the South Coast plan represents the best effort which is possible at this time.
41. The long term measures which are dependent upon the development of advanced control technology as permitted by section 182(e)(5) of the Act are set forth as long-range measures in the South Coast attainment strategy and, together with the state and federal advanced technology measures which will be implemented by 2010, meet the requirements of the Act pertaining to innovative technology.
42. The final South Coast plan provides for attainment based on state and local measures and anticipated national standards for sources under federal jurisdiction, and does not rely on FIP measures.

43. The Antelope Valley (Los Angeles County) and Coachella-San Jacinto Planning Area (Riverside County) are under the jurisdiction of the SCAQMD but in the Southeast Desert Air Basin; they are affected by overwhelming transport from the South Coast Air Basin and must, therefore, rely on the South Coast attainment strategy to demonstrate progress toward attainment and attainment.
44. The final South Coast plan meets all the requirements of the Act and should completely replace the proposed FIP measures upon approval by the U.S. EPA.
45. The ARB is a responsible agency under CEQA for the purpose of reviewing and approving the local element of the SIP, and has considered the environmental documentation provided by the South Coast AQMD with its plan.

WHEREAS, additional responses to significant environmental issues raised in public testimony regarding the state measures is set forth in Attachment A to Resolution 94-60, which is incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby approves the ozone portion of the 1994 AQMP adopted by the South Coast AQMD and submitted in final form to the ARB for inclusion in the SIP, and directs the Executive Officer to submit the plan, together with the appropriate supporting documentation, to the U.S. EPA for approval, and to work with the U.S. EPA to resolve any issues regarding plan completeness and approvability that may arise.

BE IT FURTHER RESOLVED, that the Board concurs that a waiver from the post-1996 ROP requirements for the Southeast Desert is appropriate and directs the Executive Officer to submit a formal, legally sufficient waiver request to the U.S. EPA forthwith.

BE IT FURTHER RESOLVED, that the Board certifies pursuant to 40 C.F.R. section 51.102 that the South Coast plan being submitted as the 1994 ozone attainment and ROP demonstration SIP revision was adopted after notice and public hearing as required by 40 C.F.R. section 51.102 and directs the Executive Officer to submit the appropriate supporting documentation to U.S. EPA along with the SIP submittal.

BE IT FURTHER RESOLVED, that the Board intends the SIP submittal for the South Coast to serve as a complete substitute to the proposed FIP and directs the Executive Officer to request immediate action by the U.S. EPA to approve the SIP submittal in its entirety as a replacement for the FIP prior to February 15, 1995.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to convey to U.S. EPA the Board's emphatic assertion that it is necessary for U.S. EPA immediately to begin to

develop and adopt those measures for the sources under federal jurisdiction which the ARB has identified as being the responsibility of the U.S. EPA to control, and to continue to meet and confer with the U.S. EPA and other interested persons, including the district, industry, and the public, until the necessary federal measures are proposed, adopted, and implemented.

I hereby certify that the above is a true and correct copy of Resolution 94-61 as adopted by the Air Resources Board.

Pat Hutchens
Pat Hutchens, Board Secretary

State of California
AIR RESOURCES BOARD

Resolution No. 94-62

November 15, 1994

WHEREAS, the Legislature in Health and Safety Code section 39602 has designated the state Air Resources Board (ARB or Board) the air pollution control agency for all purposes set forth in federal law;

WHEREAS, the ARB is responsible for the preparation of the state implementation plan (SIP) for attaining and maintaining the national ambient air quality standards (NAAQS) as required by the federal Clean Air Act (the Act; 42 U.S.C. section 7401 et seq.), and to this end is directed by Health and Safety Code section 39602 to coordinate the activities of all local and regional air pollution control and air quality management districts ("districts") necessary to comply with the Act;

WHEREAS, section 39602 also provides that the SIP shall include only those provisions necessary to meet the requirements of the Act;

WHEREAS, sections 39515 and 39516 of the Health and Safety Code provide that any duty may be delegated to the Board's Executive Officer as the Board deems appropriate;

WHEREAS, the Act as amended in 1990 requires the State of California to submit to the United States Environmental Protection Agency (U.S. EPA) a revision to the SIP for ozone nonattainment areas designated as "serious," "severe," and "extreme" in accordance with section 181 of the Act by November 15, 1994;

WHEREAS, section 182(e)(2)(A) of the Act requires the revision for these serious and above nonattainment areas to demonstrate attainment of the national ozone standard by the applicable attainment date specified in section 181 ("attainment demonstration");

WHEREAS, pursuant to section 181(a) of the Act, Ventura County is classified as a severe ozone nonattainment area with an attainment date of 2005;

WHEREAS, section 182(c)(2)(B) of the Act requires the revision for each serious and above nonattainment area to demonstrate at least a three percent per year average reduction in emissions of volatile organic compounds (VOCs) after 1996, or to demonstrate that a reduction by a lesser amount reflects all measures that can feasibly be implemented in the area ("post-1996 rate of progress demonstration");

WHEREAS, the Act requires an enhanced vehicle inspection and maintenance (I/M) program for all serious, severe, and extreme non-attainment areas;

WHEREAS, sections 172(c)(9), 182(c)(9), and 182(e)(5) of the Act require that SIPs contain contingency measures to be implemented if a nonattainment area fails to make reasonable further progress or fails to attain a NAAQS by the applicable date;

WHEREAS, the U.S. EPA is in the process of imposing a federal implementation plan (FIP) on the Ventura County Air Pollution Control District (APCD), due to the district's failure to meet certain requirements set forth in the Act prior to its amendment in 1990;

WHEREAS, the Act allows SIP measures which meet all applicable requirements to be substituted for FIP measures;

WHEREAS, the districts have primary responsibility for the control of air pollution from nonvehicular sources and for adopting control measures, rules, and regulations to attain the NAAQS within their boundaries pursuant to sections 39002, 40000, 40001 and 41650 of the Health and Safety Code;

WHEREAS, section 41650 of the Health and Safety Code requires the ARB to adopt the nonattainment plan approved by a district as part of the SIP unless the Board finds, after a public hearing, that the plan does not meet the requirements of the Act;

WHEREAS, the ARB has primary responsibility for the control of air pollution from vehicular sources, including motor vehicle fuels, as specified in sections 39002, 39500, and Part 5 (commencing with section 43000) of the Health and Safety Code, and for ensuring that the districts meet their responsibilities under the Act pursuant to sections 39002, 39500, 39602 and 41650 of the Health and Safety Code;

WHEREAS, the ARB has been directed by the Legislature to regulate consumer products in order to reduce emissions of VOCs pursuant to section 41712 of the Health and Safety Code;

WHEREAS, the ARB is authorized by Health and Safety Code section 39600 to do such acts as may be necessary for the proper execution of its powers and duties;

WHEREAS, the Board staff has prepared statewide elements for consumer products and mobile sources for inclusion in the 1994 ozone SIP submittal;

WHEREAS, the consumer products element consists of near-term, mid-term, and long-term measures comprising a mix of existing regulations, regulations which will cover additional product categories not subject to the current program, and measures which rely on new technologies along with market incentives and consumer education;

WHEREAS, the mobile source element is comprised of existing control strategies and near-term and long-term state and federal measures which will achieve emission reductions from on- and off-road mobile sources including passenger cars, light-duty trucks, medium-duty vehicles, heavy-duty vehicles, and off-road equipment;

WHEREAS, the Bureau of Automotive Repairs (BAR) has prepared and is preparing a SIP element to achieve emission reductions from an enhanced Inspection and Maintenance Program in accordance with Assembly Bill 2018 (Stats. 1994, c. 27), Senate Bill 198 (Stats. 1994, c. 28) and SB 521 (Stats. 1994, c. 29);

WHEREAS, the Department of Pesticide Regulation (DPR) has prepared a SIP element to achieve emission reductions from pesticides;

WHEREAS, the 1994 ozone SIP revisions include the nonattainment plan prepared by the Ventura County APCD ("plan"), along with environmental documentation as required by the California Environmental Quality Act (CEQA) and certifications of public notice as required by U.S. EPA;

WHEREAS, the resolution adopting the Ventura County plan indicates that while the total emission reductions estimated in the plan will be achieved, the exact mix of control strategies and the quantity of reductions associated with them may be different than the district estimated for those sources under the sole jurisdiction of the ARB and the U.S. EPA;

WHEREAS, federal law set forth in section 110(l) of the Act and Title 40, Code of Federal Regulations, section 51.102 require that one or more public hearings, preceded by at least 30 days notice and opportunity for public review, must be conducted prior to the adoption and submittal to U.S. EPA of any SIP revision;

WHEREAS, CEQA and Board regulations require that prior to taking any action or engaging in any activity which may have a significant adverse effect on the environment, alternatives and mitigation measures to minimize any significant impact will be described and imposed by the Board where feasible;

WHEREAS, the ARB Staff Report which summarizes and explains the contents of the proposed SIP revision (including descriptions of both statewide and local regional elements), the requirements applicable to the SIP revision and the environmental impacts of the statewide mobile source and consumer product elements, along with alternatives and mitigation to reduce such impacts, has been available for public review at least 30 days prior to the hearing;

WHEREAS, the Board has conducted a public hearing to consider approval of the Ventura County plan and its submittal to U.S. EPA as a SIP revision;

WHEREAS, in consideration of the Staff Report; the proposed statewide and Ventura County SIP elements; the environmental documentation prepared by Board staff and by the district; the written and oral testimony presented by the districts, the public, interested government agencies, and the regulated industry; and the economic assessments prepared by Board staff, the Office of Planning and Research, the Business, Housing and Transportation Agency, and the independent consultant M.Cubed, the Board finds:

1. Healthful air must be achieved through an intensive and coordinated local, state, and federal effort to attain the NAAQS for ozone in Ventura County by 2005.
2. While statewide exposure to unhealthful ozone concentrations has been reduced by about 50% since 1980, along with the frequency and severity of ozone pollution episodes, due to California's existing regulations on both vehicular and non-vehicular sources, more must be done.
3. Emission sources under federal jurisdiction are increasingly significant contributors to ozone pollution as emissions from other source categories are reduced through state and local controls.
4. The stringency of the NOx and VOC precursor control strategy necessary for Ventura County to meet the 1994 ozone planning requirements for attainment and rate of progress (ROP) demonstrations are dependent upon the severity of the problem in the district, the mix and location of sources which contribute to ozone precursor concentrations, and the timing and stringency of previously adopted controls.
5. Mobile source controls on new cars, trucks, buses, off-road equipment, and other mobile source categories are a vital element of the attainment equation in Ventura County, without which the area will not be able to meet the attainment deadline specified in the Act.
6. The ARB and the U.S. EPA share responsibility for controlling new mobile sources and both must adopt stringent controls on the sources within their respective jurisdictions.
7. The control of emissions from existing vehicles and engines through an enhanced inspection and maintenance program, old vehicle scrappage, and transportation and land use strategies to reduce vehicle miles travelled is dependent upon both state and local commitments.
8. Stringent permitting rules for new sources and modifications and retrofit controls on several categories of existing sources are a necessary local responsibility.

9. Area sources such as solvents, architectural coatings, adhesives, pesticides and consumer products contribute an increasing percentage of ozone emissions and must be controlled by state and local agencies.
10. The SIP must be submitted to and approved by the U.S. EPA prior to promulgation of the federal implementation plan (FIP) for Ventura County scheduled for early next year in order to replace the FIP and reinstate California's control over its air pollution program.
11. The SIP provides a current assessment of California's ozone situation by using the best available data to describe the emission inventory and its distribution across source categories, fully detailing the ozone problem in each of the affected nonattainment areas, and accurately describing ambient air quality data and trends.
12. The SIP bases its prescription for correcting outstanding ozone problems on state-of-the-art photochemical grid modeling which measures or estimates the region's responsiveness to a variety of emission reductions so that the most cost-effective strategies can be selected.
13. The attainment demonstration for Ventura County presents credible assurance, based upon calculations of the region's pollutant carrying capacity, its 1990 baseline emissions inventory, and the reductions reasonably anticipated from existing and additional measures, that Ventura County will attain the NAAQS for ozone by 2005.
14. The new mobile source control measures proposed for adoption and implementation by the ARB within the next 30 months for medium- and heavy-duty vehicles, as well as the additional mid-term measures proposed for later adoption and the long-term measures which rely on the development of advanced technology, will supplement ARB's current stringent standards for vehicles and fuels and are the most ambitious measures which are feasible, supplying a central and imperative strategy to reduce emissions from the most significant single source of ozone precursors in the State.
15. The mid-term and long-term consumer products regulations which will supplement existing regulations will achieve significant VOC reductions statewide; will lead to the development of programs which will foster innovative technologies for long-term application; and will continue to provide flexibility to the product manufacturers through the use of market incentives.
16. The development of innovative technologies, upon which long-term emission reductions from consumer products are dependent, necessitate increased cooperation from, and coordination with, the U.S. EPA and the encouragement of controls at the national level.

17. Controls on VOC emissions from the agricultural and structural use of economic poisons have been under study and development for several years by the DPR, the ARB, and the districts, and are a feasible, cost-effective, and necessary means of progressing towards attaining the ozone NAAQS statewide.
18. The control measures proposed by DPR should be included in the SIP with an expeditious adoption schedule.
19. The U.S. EPA has a clear and present duty to control several categories of mobile sources on a national level and must rapidly and diligently meet its responsibilities if California is to attain the ozone NAAQS by the dates set forth in the Act.
20. The mobile source control measures identified in the proposed SIP for adoption by U.S. EPA are feasible, cost-effective, socially acceptable, and would provide a larger market base to manufacturers, which would encourage the development of new technology.
21. The state measures are cost-effective in consideration of the substantial air quality improvements and public health benefits which will result from their implementation, and are more cost-effective than their counterparts proposed in the FIP.
22. The ARB is the lead agency for the mobile source and consumer product elements of the SIP, has considered the environmental analysis set forth in Volume II of the Staff Report, and concurs in the discussion of potential impacts.
23. While there may be adverse secondary environmental impacts from the accelerated vehicle retirement program and the electric vehicle program, the effects are speculative and cannot be quantified until the scope of these programs is defined by proposed regulations, or (for electric vehicles) until the regulations are implemented and the state of battery technology is known.
24. As regulations implementing the new mobile source measures are developed, detailed environmental impact analyses, including a discussion of regulatory alternatives and mitigation measures, will be performed in conjunction with the rulemaking process.
25. At this time there are no feasible mitigation measures which the ARB can impose to lessen the potential adverse impacts of the mobile source measures on the environment, and no less stringent alternatives which will accomplish the goal imposed by federal law with fewer potential environmental impacts.

26. The potential adverse impacts identified for the mobile source measures are vastly outweighed by the substantial air quality benefits, especially the reduction of VOC emissions, which will result from their adoption and implementation.
27. A monitoring program to keep track of the impacts of both currently adopted and proposed mobile source measures should be undertaken by the staff in conjunction with the development and implementation of the measures.
28. Future regulatory activities involved with the consumer products control program are anticipated to entail additional or expanded applications of the existing regulations and the Alternative Control Plan, which were subject to detailed environmental analyses which concluded that no significant adverse environmental impacts would result, and hence no adverse impacts are anticipated.
29. As the SIP measures for consumer products are developed into regulations, potential impacts, alternatives, and mitigation measures will be analyzed in detail, particularly with regard to the possibility of stratospheric ozone depletion, global warming, creation of localized VOC "hot spots," generation of toxic air contaminants, potential increased use due to reduced efficacy, and VOC or toxic loading to water treatment facilities.
30. Mobile source and consumer products regulations which have been adopted and are proposed for inclusion in the SIP have undergone environmental review by the Board at the time of their adoption and no further analysis is required at this time.
31. The Ventura County APCD has adopted and submitted to the ARB for inclusion in the SIP the district's nonattainment plan, along with proof of publication and environmental documents, in accordance with state and federal law.
32. The proposed Ventura County plan was available for public review and comment for at least 30 days and a public hearing was conducted prior to adoption of the plan by the district governing board, as required by the Act and U.S. EPA regulations.
33. The Ventura County plan contains numerous measures to control ozone precursor emissions from a wide variety of stationary sources; the attainment demonstration consists of both rules which have been adopted as well as legally enforceable commitments to adopt additional rules, while the post-1996 ROP demonstration consists solely of adopted rules and regulations.
34. The measures contained in the final Ventura County plan for stationary, area, and transportation sources are the result of strenuous effort, consensus building, and the need

- to avoid stifling California's economic recovery, and are reasonable, cost-effective control strategies with expeditious adoption schedules.
35. Reconciliation has been achieved between the ARB and the district regarding mobile source control measures and emission reductions and other state measures, so that emission inventories and anticipated emission reductions from these sources are consistently and accurately reflected in the district plan.
 36. The Ventura County plan accurately reflects the amounts of required VOC and NO_x reductions which are anticipated to result from existing regulations, including ARB's low emission vehicle/clean fuel standards and consumer products controls, and the reductions which will result from the adoption and implementation of new local regulations, new ARB regulations, and new federal measures.
 37. The Ventura County plan sets forth rate-of-progress calculations from 1997 through the attainment year, indicating 3% annual reductions in VOCs averaged over three-year periods and corrected the initial ROP plans, which provided a 15% VOC reduction from 1990-1996, as submitted in November 1993.
 38. The final Ventura County SIP submittal contains a high percentage of the emissions reductions in the form of adopted measures and is sufficient to satisfy the completeness criterion set forth in the Act and U.S. EPA guidance.
 39. The Ventura County plan is dependent upon state and federal measures for attainment of the ozone NAAQS, and reflects the need for these measures and an understanding that jurisdiction for these measures exists in certain instances only with the State of California or the federal government.
 40. The contingency measures set forth in the Ventura County plan represents the best effort which is possible at this time.
 41. The Ventura County plan provides for attainment based on state and local measures and anticipated national standards for sources under federal jurisdiction including movement of the shipping channel, and does not rely on FIP measures.
 42. The final Ventura County plan assumes promulgation of the FIP, but to the extent the state mobile source, pesticide, and I/M program together with federal action to move the shipping channel will supply all of the reductions attributed to the FIP, an attainment and ROP demonstration can be made without any FIP measures, and the plan should completely replace the proposed FIP measures upon approval by the U.S. EPA.

43. The ARB is a responsible agency under CEQA for the purpose of reviewing and approving the local element of the SIP, and has considered the environmental documentation provided by the Ventura County APCD with its plan.

WHEREAS, additional responses to significant environmental issues raised in public testimony regarding the state measures are set forth in Attachment A to Resolution 94-60, which is incorporated by reference herein.

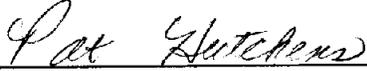
NOW, THEREFORE, BE IT RESOLVED, that the Board hereby approves the plan adopted by the Ventura County APCD and submitted in final form to the ARB for inclusion in the SIP, and directs the Executive Officer to submit the plan, together with the appropriate supporting documentation, to the U.S. EPA for approval, and to work with the U.S. EPA and take necessary action to resolve any issues regarding plan completeness and approvability that may arise.

BE IT FURTHER RESOLVED, that the Board certifies pursuant to 40 C.F.R. section 51.102 that the Ventura County plan being submitted as the 1994 ozone attainment and ROP demonstration SIP revisions for the district was adopted after notice and public hearing by the district as required by 40 C.F.R. section 51.102 and directs the Executive Officer to submit the appropriate supporting documentation to U.S. EPA along with the SIP submittal.

BE IT FURTHER RESOLVED, that the Board intends the SIP submittal for Ventura County as a substitute for the proposed FIP for the district and directs the Executive Officer to request immediate action by the U.S. EPA to approve the SIP submittal in its entirety as a replacement for the FIP prior to February 15, 1995.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to convey to U.S. EPA the Board's emphatic assertion that it is necessary for U.S. EPA immediately to begin to develop and adopt those measures for the sources under federal jurisdiction which the ARB has identified as being the responsibility of the U.S. EPA to control, and to continue to meet and confer with the U.S. EPA and other interested persons, including the district, industry, and the public, until the necessary federal measures are proposed, adopted, and implemented.

I hereby certify that the above is a true and correct copy of Resolution 94-62 as adopted by the Air Resources Board.


Pat Hutchens, Board Secretary

State of California
AIR RESOURCES BOARD

Resolution No. 94-63

November 15, 1994

WHEREAS, the Legislature in Health and Safety Code section 39602 has designated the state Air Resources Board (ARB or Board) the air pollution control agency for all purposes set forth in federal law;

WHEREAS, the ARB is responsible for the preparation of the state implementation plan (SIP) for attaining and maintaining the national ambient air quality standards (NAAQS) as required by the federal Clean Air Act (the Act; 42 U.S.C. section 7401 et seq.), and to this end is directed by Health and Safety Code section 39602 to coordinate the activities of all local and regional air pollution control and air quality management districts ("districts") necessary to comply with the Act;

WHEREAS, section 39602 also provides that the SIP shall include only those provisions necessary to meet the requirements of the Act;

WHEREAS, sections 39515 and 39516 of the Health and Safety Code provide that any duty may be delegated to the Board's Executive Officer as the Board deems appropriate;

WHEREAS, the Act as amended in 1990 requires the State of California to submit to the United States Environmental Protection Agency (U.S. EPA) a revision to the SIP for ozone nonattainment areas designated as "serious," "severe," and "extreme" in accordance with section 181 of the Act by November 15, 1994;

WHEREAS, section 182(e)(2)(A) of the Act requires the revision for these serious and above nonattainment areas to demonstrate attainment of the ozone NAAQS by the applicable attainment date specified in section 181 ("attainment demonstration");

WHEREAS, pursuant to section 181(a) of the Act, San Diego is classified as a "serious" ozone nonattainment area with an attainment date of 1999;

WHEREAS, section 182(c)(2)(B) of the Act requires the revision for each serious and above nonattainment area to demonstrate at least a three percent per year average reduction in emissions of volatile organic compounds (VOCs) after 1996, or to demonstrate that a reduction by a lesser amount reflects all measures that can feasibly be implemented in the area ("post-1996 rate of progress demonstration");

WHEREAS, the Act requires an enhanced vehicle inspection and maintenance (I/M) program for all serious, severe, and extreme non-attainment areas;

WHEREAS, sections 172(c)(9), 182(c)(9), and 182(e)(5) of the Act require that SIPs contain contingency measures to be implemented if a nonattainment area fails to make reasonable further progress or fails to attain a NAAQS by the applicable date;

WHEREAS, local and regional air pollution control and air quality management districts have primary responsibility for the control of air pollution from nonvehicular sources and for adopting control measures, rules, and regulations to attain the NAAQS within their boundaries pursuant to sections 39002, 40000, 40001 and 41650 of the Health and Safety Code;

WHEREAS, section 41650 of the Health and Safety Code requires the ARB to adopt the nonattainment plan approved by a district as part of the SIP unless the Board finds, after a public hearing, that the plan does not meet the requirements of the Act;

WHEREAS, the ARB has primary responsibility for the control of air pollution from vehicular sources, including motor vehicle fuels, as specified in sections 39002, 39500, and Part 5 (commencing with section 43000) of the Health and Safety Code, and for ensuring that the districts meet their responsibilities under the Act pursuant to sections 39002, 39500, 39602 and 41650 of the Health and Safety Code;

WHEREAS, the ARB has been directed by the Legislature to regulate consumer products in order to reduce emissions of VOCs pursuant to section 41712 of the Health and Safety Code;

WHEREAS, the ARB is authorized by Health and Safety Code section 39600 to do such acts as may be necessary for the proper execution of its powers and duties;

WHEREAS, the Board staff has prepared statewide elements for consumer products and mobile sources for inclusion in the 1994 ozone SIP submittal;

WHEREAS, the 1994 ozone SIP revisions includes the nonattainment plan ("plan") prepared by the San Diego Air Pollution Control District (APCD), along with environmental documentation as required by the California Environmental Quality Act (CEQA) and certifications of public notice as required by U.S. EPA;

WHEREAS, federal law set forth in section 110(l) of the Act and Title 40, Code of Federal Regulations, section 51.102 require that one or more public hearings, preceded by at least 30 days notice and opportunity for public review, must be conducted prior to the adoption and submittal to U.S. EPA of any SIP revision;

WHEREAS, CEQA and Board regulations require that prior to taking any action or engaging in any activity which may have a significant adverse effect on the environment, alternatives and

mitigation measures to minimize any significant impact will be described and imposed by the Board where feasible;

WHEREAS, the ARB Staff Report which summarizes and explains the contents of the proposed SIP revision (including descriptions of both statewide and local regional elements), the requirements applicable to the SIP revision and the environmental impacts of the statewide mobile source and consumer product elements, along with alternatives and mitigation to reduce such impacts, has been available for public review at least 30 days prior to the hearing;

WHEREAS, the Board has conducted a public hearing to consider approval of the San Diego plan and its submittal to U.S. EPA as a SIP revision;

WHEREAS, in consideration of the Staff Report; the proposed statewide and San Diego elements; the environmental documentation prepared by Board staff and by the district; the written and oral testimony presented by the districts, the public, interested government agencies, and the regulated industry; and the economic assessments prepared by Board staff, the Office of Planning and Research, the Business, Housing and Transportation Agency, and the independent consultant M.Cubed, the Board finds:

1. Healthful air must be achieved through an intensive and coordinated local, state, and federal effort to attain the NAAQS for ozone in San Diego by 1999.
2. While statewide exposure to unhealthful ozone concentrations has been reduced by about 50% since 1980, along with the frequency and severity of ozone pollution episodes, due to California's existing regulations on both vehicular and non-vehicular sources, more must be done.
3. The stringency of the NOx and VOC precursor control strategy necessary for San Diego to meet the 1994 ozone planning requirements for attainment and rate of progress demonstrations are dependent upon the severity of the problem in the district, the mix and location of sources which contribute to ozone precursor concentrations, and the timing and stringency of previously adopted controls.
4. Implementation of existing mobile source controls on new cars, trucks, buses, off-road equipment, and other mobile source categories is necessary if San Diego is to meet the 1999 attainment deadline specified in the Act.
5. The ARB and the U.S. EPA share responsibility for controlling new mobile sources and both must adopt and enforce stringent controls on the sources within their respective jurisdictions.

6. Existing controls for area sources such as solvents, architectural coatings, adhesives, pesticides and consumer products must be implemented if San Diego is to attain the ozone NAAQS by 1999.
7. The San Diego submittal includes modifications to previous plan submissions, including revisions to the 1993 rate of progress (ROP) plan, which should be forwarded with the 1994 ozone attainment and post-1996 ROP plans to be submitted to U.S. EPA by November 15.
8. The SIP provides a current assessment of California's ozone situation by using the best available data to describe the emission inventory and its distribution across source categories, fully detailing the ozone problem in each of the affected nonattainment areas, and accurately describing ambient air quality data and trends.
9. The SIP bases its prescription for correcting outstanding ozone problems on state-of-the-art photochemical grid modeling which measures or estimates the region's responsiveness to a variety of emission reductions so that the most cost-effective strategies can be selected.
10. The attainment demonstration for San Diego presents credible assurance, based upon calculations of the region's pollutant carrying capacity, its 1990 baseline emissions inventory, and the reductions reasonably anticipated from enforcement of existing measures, that the area will attain the NAAQS for ozone by 1999.
11. Mobile source and consumer products regulations which have been adopted and are proposed for inclusion in the SIP have undergone environmental review by the Board at the time of their adoption, implementation of which shall be subject to a monitoring by staff, and no further analysis is required at this time.
12. The San Diego APCD has submitted an adopted plan to the ARB for inclusion in the SIP along with proof of publication and environmental documents, in accordance with state and federal law.
13. The draft San Diego plan was available for public review and comment for at least 30 days as required by the Act and U.S. EPA regulations, and a public hearing was conducted, prior to adoption of the plan by the district governing board.
14. The San Diego plan relies on continued enforcement of existing local, state and federal regulations to control ozone precursor emissions from a wide variety of sources.

15. The measures contained in the San Diego plan for stationary, area, and transportation sources are the result of strenuous effort, consensus building, and the need to avoid stifling economic recovery, and are reasonable, cost-effective control strategies with expeditious adoption schedules.
16. The San Diego plan accurately reflects the amounts of required VOC and NOx reductions which are anticipated to result from existing local, state and federal regulations, including ARB's low emission vehicle/clean fuel standards and consumer products controls.
17. The San Diego plan sets forth rate-of-progress calculations from 1997 through the attainment year, indicating 3% annual reductions in VOCs averaged over three-year periods and corrected the initial ROP plans, which provided a 15% VOC reduction from 1990-1996, as submitted in November 1993.
18. All of the emissions reductions in the adopted San Diego plan are in the form of adopted measures, satisfying the completeness criterion set forth in the Act and U.S. EPA guidance.
19. The San Diego plan is dependent upon existing state and federal measures for attainment of the ozone NAAQS, and reflects both a need for these measures and an understanding that jurisdiction for these measures exists in certain instances only with the State of California or the federal government.
20. The contingency measures set forth in the San Diego plan represents the best effort which is possible at this time
21. The final San Diego plan adequately addresses the Act's requirements for serious areas based on its recent reclassification by U.S. EPA from "severe" to "serious."
22. The ARB is a responsible agency under CEQA for the purpose of reviewing and approving the local element of the SIP, and has considered the environmental documentation provided by the San Diego County APCD with its plan.

WHEREAS, additional responses to significant environmental issues raised in public testimony regarding the state measures are set forth in Attachment A to Resolution 94-60, which is incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby approves the plan adopted by the San Diego County APCD and submitted in final form to the ARB for inclusion in the SIP, and directs the Executive Officer to submit the plan to the U.S. EPA for approval and to work with

the U.S. EPA and take necessary action to resolve any issues regarding plan completeness and approvability that may arise.

BE IT FURTHER RESOLVED, that the Board certifies pursuant to 40 C.F.R. section 51.102 that the San Diego plan being submitted as the 1994 ozone attainment and ROP demonstration SIP revision for the district was adopted after notice and public hearing by the district as required by 40 C.F.R. section 51.102 and directs the Executive Officer to submit the appropriate supporting documentation to U.S. EPA along with the SIP submittal.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to convey to U.S. EPA the Board's emphatic assertion that it is necessary for U.S. EPA immediately to begin to develop and adopt those measures for the sources under federal jurisdiction which the ARB has identified as being the responsibility of the U.S. EPA to control, and to continue to meet and confer with the U.S. EPA and other interested persons, including the district, industry, and the public, until the necessary federal measures are proposed, adopted, and implemented.

I hereby certify that the above is a true and correct copy of Resolution 94-63 as adopted by the Air Resources Board.


Pat Hutchens, Board Secretary

State of California
AIR RESOURCES BOARD

Resolution No. 94-64

November 15, 1994

WHEREAS, the Legislature in Health and Safety Code section 39602 has designated the state Air Resources Board (ARB or Board) the air pollution control agency for all purposes set forth in federal law;

WHEREAS, the ARB is responsible for the preparation of the state implementation plan (SIP) for attaining and maintaining the national ambient air quality standards (NAAQS) as required by the federal Clean Air Act (the Act; 42 U.S.C. section 7401 et seq.), and to this end is directed by Health and Safety Code section 39602 to coordinate the activities of all local and regional air pollution control and air quality management districts ("districts") necessary to comply with the Act;

WHEREAS, section 39602 also provides that the SIP shall include only those provisions necessary to meet the requirements of the Act;

WHEREAS, sections 39515 and 39516 of the Health and Safety Code provide that any duty may be delegated to the Board's Executive Officer as the Board deems appropriate;

WHEREAS, the Act as amended in 1990 requires the State of California to submit to the United States Environmental Protection Agency (U.S. EPA) a revision to the SIP for ozone nonattainment areas designated as "serious," "severe," and "extreme" in accordance with section 181 of the Act by November 15, 1994;

WHEREAS, section 182(e)(2)(A) of the Act requires the revision for these serious and above nonattainment areas to demonstrate attainment of the national ozone standard by the applicable attainment date specified in section 181 ("attainment demonstration");

WHEREAS, pursuant to section 181(a) of the Act, the Mojave Desert portion of the Southeast Desert Modified Air Quality Maintenance Area (SDMAQMA) is classified as a "severe-17" nonattainment area with an attainment date of 2007;

WHEREAS, section 182(c)(2)(B) of the Act requires the revision for each serious and above nonattainment area to demonstrate at least a three percent per year average reduction in emissions of volatile organic compounds (VOCs) after 1996, or to demonstrate that a reduction by a lesser amount reflects all measures that can feasibly be implemented in the area ("post-1996 rate of progress demonstration");

WHEREAS, sections 172(c)(9), 182(c)(9), and 182(e)(5) of the Act require that SIPs contain contingency measures to be implemented if a nonattainment area fails to make reasonable further progress or fails to attain a NAAQS by the applicable date;

WHEREAS, the districts have primary responsibility for the control of air pollution from nonvehicular sources and for adopting control measures, rules, and regulations to attain the NAAQS within their boundaries pursuant to sections 39002, 40000, 40001 and 41650 of the Health and Safety Code;

WHEREAS, section 41650 of the Health and Safety Code require the ARB to adopt the nonattainment plan approved by a district as part of the SIP unless the Board finds, after a public hearing, that the plan does not meet the requirements of the Act;

WHEREAS, the ARB has primary responsibility for the control of air pollution from vehicular sources, including motor vehicle fuels, as specified in sections 39002, 39500, and Part 5 (commencing with section 43000) of the Health and Safety Code, and for ensuring that the districts meet their responsibilities under the Act pursuant to sections 39002, 39500, 39602 and 41650 of the Health and Safety Code;

WHEREAS, the ARB has been directed by the Legislature to regulate consumer products in order to reduce emissions of VOCs pursuant to section 41712 of the Health and Safety Code;

WHEREAS, the ARB is authorized by Health and Safety Code section 39600 to do such acts as may be necessary for the proper execution of its powers and duties;

WHEREAS, the Board staff has prepared statewide SIP elements for consumer products and mobile sources for inclusion in the 1994 ozone SIP submittal;

WHEREAS, the consumer products element consists of near-term, mid-term, and long-term measures comprising a mix of existing regulations, regulations which will cover additional product categories not subject to the current program, and measures which rely on new technologies along with market incentives and consumer education;

WHEREAS, the mobile source element is comprised of existing control strategies and near-term and long-term state and federal measures which will achieve emission reductions from on- and off-road mobile sources including passenger cars, light-duty trucks, medium-duty vehicles, heavy-duty vehicles, and off-road equipment;

WHEREAS, the Bureau of Automotive Repair (BAR) has prepared and is preparing a SIP element to achieve emission reductions from an enhanced Inspection and Maintenance Program in

accordance with Assembly Bill 2018 (Stats. 1994, c. 27), Senate Bill 198 (Stats. 1994, c. 28) and SB 521 (Stats. 1994, c. 29);

WHEREAS, the Department of Pesticide Regulation (DPR) has prepared a SIP element to achieve emission reductions from pesticides;

WHEREAS, the 1994 ozone SIP revisions include the nonattainment plan ("plan") prepared by the Mojave Desert Air Quality Management District (AQMD), along with environmental documentation as required by the California Environmental Quality Act (CEQA) and certifications of public notice as required by U.S. EPA;

WHEREAS, the resolution adopting the Mojave Desert plan indicates that while the total emission reductions estimated in each plan will be achieved, the exact mix of control strategies and the quantity of reductions associated with them may be different than the district estimated for those sources under the sole jurisdiction of the ARB and the U.S. EPA;

WHEREAS, federal law set forth in section 110(l) of the Act and Title 40, Code of Federal Regulations, section 51.102 require that one or more public hearings, preceded by at least 30 days notice and opportunity for public review, must be conducted prior to the adoption and submittal to U.S. EPA of any SIP revision;

WHEREAS, CEQA and Board regulations require that prior to taking any action or engaging in any activity which may have a significant adverse effect on the environment, alternatives and mitigation measures to minimize any significant impact will be described and imposed by the Board where feasible;

WHEREAS, the ARB Staff Report, which summarizes and explains the contents of the proposed SIP revision (including descriptions of both statewide and local regional elements), the requirements applicable to the SIP revision and the environmental impacts of the statewide mobile source and consumer product elements, along with alternatives and mitigation to reduce such impacts, has been available for public review at least 30 days prior to the hearing;

WHEREAS, the Board has conducted a public hearing to consider approval of the Mojave Desert plan and its submittal to U.S. EPA as a SIP revision;

WHEREAS, in consideration of the Staff Report; the proposed statewide and Mojave Desert SIP elements; the environmental documentation prepared by Board staff and by the district; the written and oral testimony presented by the districts, the public, interested government agencies, and the regulated industry; and the economic assessments prepared by Board staff, the Office of Planning and Research, the Business, Housing and Transportation Agency, and the independent consultant M.Cubed, the Board finds:

1. **Healthful air must be achieved through an intensive and coordinated local, state, and federal effort to attain the NAAQS for ozone in the Mojave Desert by 2007.**
2. **While statewide exposure to unhealthful ozone concentrations has been reduced by about 50% since 1980, along with the frequency and severity of ozone pollution episodes, due to California's existing regulations on both vehicular and non-vehicular sources, more must be done.**
3. **Emission sources under federal jurisdiction are increasingly significant contributors to ozone pollution as emissions from other source categories are reduced through state and local controls.**
4. **The Mojave Desert's federal ozone nonattainment classification is wholly due to transport from the South Coast Air Basin, thus the stringency of the NOx and VOC precursor control strategy necessary for the district to meet the 1994 ozone planning requirements for attainment and rate of progress demonstrations is primarily dependent upon the severity of the problem in the South Coast, as well as the mix and location of sources which contribute to ozone precursor concentrations and the timing and stringency of previously adopted controls in that area.**
5. **Mobile source controls on new cars, trucks, buses, off-road equipment, and other mobile source categories are a vital element of the attainment equation in the South Coast and Mojave Desert, without which the area will not be able to meet the attainment deadline specified in the Act and without the areas cannot reach their projected reduction targets.**
6. **The ARB and the U.S. EPA share responsibility for controlling new mobile sources and both must adopt stringent controls on the sources within their respective jurisdictions.**
7. **The control of emissions from existing vehicles and engines through an enhanced inspection and maintenance program, old vehicle scrappage, and transportation and land use strategies to reduce vehicle miles travelled is dependent upon both state and local commitments.**
8. **Area sources such as solvents, architectural coatings, adhesives, pesticides and consumer products contribute an increasing percentage of ozone emissions and must be controlled by state and local agencies.**
9. **The Mojave Desert submittal reflects modifications to the district's 1993 ROP plan, which should be reflected in the plan to be submitted to U.S. EPA by November 15.**

10. The SIP provides a current assessment of California's ozone situation by using the best available data to describe the emission inventory and its distribution across source categories, fully detailing the ozone problem in each of the affected nonattainment areas, and accurately describing ambient air quality data and trends.
11. The SIP bases its prescription for correcting outstanding ozone problems on state-of-the-art photochemical grid modeling which measures or estimates the region's responsiveness to a variety of emission reductions so that the most cost-effective strategies can be selected.
12. The attainment demonstration for the Mojave Desert portion of the SDMAQMA presents credible assurance, based upon calculations of the region's pollutant carrying capacity, its 1990 baseline emissions inventory, and the reductions reasonably anticipated from existing and additional measures in the South Coast Air Basin, that the area will attain the NAAQS for ozone by 2007.
13. The new mobile source control measures proposed for adoption and implementation by the ARB within the next 30 months for medium- and heavy-duty vehicles, as well as the additional mid-term measures proposed for later adoption and the long-term measures which rely on the development of advanced technology, will supplement ARB's current stringent standards for vehicles and fuels and are the most ambitious measures which are feasible, supplying a central and imperative strategy to reduce emissions from the most significant single source of ozone precursors in the State.
14. The mid-term and long-term consumer products regulations which will supplement existing regulations will achieve significant VOC reductions statewide; are necessary to ensure that the Southeast Desert portion of the SDMAQMA will meet the ozone NAAQS; will lead to the development of programs which will foster innovative technologies for long-term application; and will continue to provide flexibility to the product manufacturers through the use of market incentives.
15. The development of innovative technologies, upon which long-term emission reductions from consumer products are dependent, necessitate increased cooperation from, and coordination with, the U.S. EPA and the encouragement of controls at the national level.
16. Controls on VOC emissions from the agricultural and structural use of economic poisons have been under study and development for several years by the DPR, the ARB, and the districts, and are a feasible, cost-effective, and necessary means of progressing towards attaining the ozone NAAQS statewide.

17. The control measures proposed by DPR should be included in the SIP with an expeditious adoption schedule.
18. The U.S. EPA has a clear and present duty to control several categories of mobile sources on a national level and must rapidly and diligently meet its responsibilities if California is to attain the ozone NAAQS by the dates set forth in the Act.
19. The mobile source control measures identified in the proposed SIP for adoption by U.S. EPA are feasible, cost-effective, socially acceptable, and would provide a larger market base to manufacturers, which would encourage the development of new technology.
20. The state measures are cost-effective in consideration of the substantial air quality improvements and public health benefits which will result from their implementation.
21. The ARB is the lead agency for the mobile source and consumer product elements of the SIP, has considered the environmental analysis set forth in Volume II of the Staff Report, and concurs in the discussion of potential impacts.
22. While there may be adverse secondary environmental impacts from the accelerated vehicle retirement program and the electric vehicle program, the effects are speculative and cannot be quantified until the scope of these programs is defined by proposed regulations, or (for electric vehicles) until the regulations are implemented and the state of battery technology is known.
23. As regulations implementing the new mobile source measures are developed, detailed environmental impact analyses, including a discussion of regulatory alternatives and mitigation measures, will be performed in conjunction with the rulemaking process.
24. At this time there are no feasible mitigation measures which the ARB can impose to lessen the potential adverse impacts of the mobile source measures on the environment, and no less stringent alternatives which will accomplish the goal imposed by federal law with fewer potential environmental impacts.
25. The potential adverse impacts identified for the mobile source measures are vastly outweighed by the substantial air quality benefits, especially the reduction of VOC emissions, which will result from their adoption and implementation.
26. A monitoring program to keep track of the impacts of both currently adopted and proposed mobile source measures should be undertaken by the staff in conjunction with the development and implementation of the measures.

27. Future regulatory activities involved with the consumer products control program are anticipated to entail additional or expanded applications of the existing regulations and the Alternative Control Plan, which were subject to detailed environmental analyses which concluded that no significant adverse environmental impacts would result, and hence no adverse impacts are anticipated.
28. As the SIP measures for consumer products are developed into regulations, potential impacts, alternatives, and mitigation measures will be analyzed in detail, particularly with regard to the possibility of stratospheric ozone depletion, global warming, creation of localized VOC "hot spots," generation of toxic air contaminants, potential increased use due to reduced efficacy, and VOC or toxic loading to water treatment facilities.
29. Mobile source and consumer products regulations which have been adopted and are proposed for inclusion in the SIP have undergone environmental review by the Board at the time of their adoption and no further analysis is required at this time.
30. The Mojave Desert AQMD board has adopted the district's plan, which has been submitted to the ARB for inclusion in the SIP, along with proof of publication and environmental documents in accordance with state and federal law.
31. The proposed Mojave Desert plan was available for public review and comment for at least 30 days as required by the Act and U.S. EPA regulations, and a public hearing was conducted, prior to adoption of the plan by the district governing board.
32. The Mojave Desert plan contains numerous measures to control ozone precursor emissions from a wide variety of stationary sources, and the post-1996 ROP demonstrations consist of both rules which have been adopted as well as legally enforceable commitments to adopt additional rules.
33. The measures contained in the final Mojave Desert plan for stationary, area, and transportation sources are the result of strenuous effort, consensus building, and the need to avoid stifling economic recovery, and are reasonable, cost-effective control strategies with expeditious adoption schedules.
34. Reconciliation has been achieved between the ARB and the Mojave Desert AQMD over the assignment of emission reductions to mobile source and other state measures, so that emission inventories and anticipated emission reductions from these sources are consistently and accurately reflected in the local plans.
35. The Mojave Desert plan accurately reflects the amounts of required VOC and NO_x reductions which are anticipated to result from existing regulations, including ARB's low

emission vehicle/clean fuel standards and consumer products controls, and the reductions which will result from the adoption and implementation of new local regulations, new ARB regulations, and new federal measures.

36. The Mojave Desert portion of the Southeast Desert SDMAQMA is overwhelmed by air pollution from the South Coast Air Basin and the district is, therefore, primarily dependent on the South Coast attainment strategy to demonstrate progress toward attainment and attainment; accordingly the Mojave Desert should be afforded a waiver from the post-1996 ROP requirement pursuant to section 182(h) of the Act.
37. The final Mojave Desert SIP submittal accounts for a high percentage of the emissions reductions in the form of adopted measures and are sufficient to satisfy the completeness criterion set forth in the Act and U.S. EPA guidance.
38. The Mojave Desert plan is dependent upon state and federal measures for attainment of the ozone NAAQS, and reflects both a need for these measures and an understanding that jurisdiction for these measures exists in certain instances only with the State of California or the federal government.
39. The contingency measures set forth in the Mojave Desert plan represent the best effort which is possible at this time.
40. The final Mojave Desert plan provides for attainment based on state and local measures and anticipated national standards for sources under federal jurisdiction.
41. The ARB is a responsible agency under CEQA for the purpose of reviewing and approving the local element of the SIP, and has considered the environmental documentation provided by the Mojave Desert with its plan.

WHEREAS, additional responses to significant environmental issues raised in public testimony regarding the state measures are set forth in Attachment A to Resolution 94-60 , which is incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby approves the plan adopted by the Mojave Desert AQMD and submitted in final form to the ARB for inclusion in the SIP, and directs the Executive Officer to submit the plan, together with the appropriate supporting documentation, to the U.S. EPA for approval , and to work with the U.S. EPA and take necessary action to resolve any issues regarding plan completeness and approvability that may arise.

BE IT FURTHER RESOLVED, that the Board concurs that a waiver from the post-1996 ROP requirements for the Mojave Desert is appropriate and directs the Executive Officer to submit a formal, legally sufficient waiver request to the U.S. EPA forthwith.

BE IT FURTHER RESOLVED, that the Board certifies pursuant to 40 C.F.R. section 51.102 that the Mojave Desert plan being submitted as the 1994 ozone attainment and ROP demonstration SIP revision were adopted after notice and public hearing either by the state agencies responsible for the measures or by the districts as required by 40 CFR section 51.102 and directs the Executive Officer to submit the appropriate proofs of publication of the hearing notices to U.S. EPA along with the SIP submittal.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to convey to U.S. EPA the Board's emphatic assertion that it is necessary for U.S. EPA immediately to begin to develop and adopt those measures for the sources under federal jurisdiction which the ARB has identified as being the responsibility of the U.S. EPA to control, and to continue to meet and confer with the U.S. EPA and other interested persons, including the district, industry, and the public, until the necessary federal measures are proposed, adopted, and implemented.

I hereby certify that the above is a true and correct copy of Resolution 94-64 as adopted by the Air Resources Board.


Pat Hutchens, Board Secretary

State of California
AIR RESOURCES BOARD

Resolution No. 94-65

November 15, 1994

WHEREAS, the Legislature in Health and Safety Code section 39602 has designated the state Air Resources Board (ARB or Board) the air pollution control agency for all purposes set forth in federal law;

WHEREAS, the ARB is responsible for the preparation of the state implementation plan (SIP) for attaining and maintaining the national ambient air quality standards (NAAQS) as required by the federal Clean Air Act (the Act; 42 U.S.C. section 7401 et seq.), and to this end is directed by Health and Safety Code section 39602 to coordinate the activities of all local and regional air pollution control and air quality management districts ("districts") necessary to comply with the Act;

WHEREAS, section 39602 also provides that the SIP shall include only those provisions necessary to meet the requirements of the Act;

WHEREAS, sections 39515 and 39516 of the Health and Safety Code provide that any duty may be delegated to the Board's Executive Officer as the Board deems appropriate;

WHEREAS, the Act as amended in 1990 requires the State of California to submit to the United States Environmental Protection Agency (U.S. EPA) a revision to the SIP for ozone nonattainment areas designated as "serious," "severe," and "extreme" in accordance with section 181 of the Act by November 15, 1994;

WHEREAS, section 182(e)(2)(A) of the Act requires the revision for these serious and above nonattainment areas to demonstrate attainment of the ozone NAAQS by the applicable attainment date specified in section 181 ("attainment demonstration");

WHEREAS, pursuant to section 181(a) of the Act, the San Joaquin Valley is classified as a "serious" ozone nonattainment area with an attainment date of 1999;

WHEREAS, section 182(c)(2)(B) of the Act requires the revision for each serious and above nonattainment area to demonstrate at least a three percent per year average reduction in emissions of volatile organic compounds (VOCs) after 1996, or to demonstrate that a reduction by a lesser amount reflects all measures that can feasibly be implemented in the area ("post-1996 rate of progress demonstration");

WHEREAS, the Act requires an enhanced vehicle inspection and maintenance (I/M) program for all serious, severe, and extreme non-attainment areas;

WHEREAS, sections 172(c)(9), 182(c)(9), and 182(e)(5) of the Act require that SIPs contain contingency measures to be implemented if a nonattainment area fails to make reasonable further progress or fails to attain a NAAQS by the applicable date;

WHEREAS, the districts have primary responsibility for the control of air pollution from nonvehicular sources and for adopting control measures, rules, and regulations to attain the NAAQS within their boundaries pursuant to sections 39002, 40000, 40001, 41111 and 41650 of the Health and Safety Code;

WHEREAS, section 41650 of the Health and Safety Code require the ARB to adopt the nonattainment plan approved by a district as part of the SIP unless the Board finds, after public hearing, that the plan does not meet the requirements of the Act;

WHEREAS, the ARB has primary responsibility for the control of air pollution from vehicular sources, including motor vehicle fuels, as specified in sections 39002, 39500, and Part 5 (commencing with section 43000) of the Health and Safety Code, and for ensuring that the districts meet their responsibilities under the Act pursuant to sections 39002, 39500, 39602, and 41650 of the Health and Safety Code;

WHEREAS, the ARB has been directed by the Legislature to regulate consumer products in order to reduce emissions of VOCs pursuant to section 41712 of the Health and Safety Code;

WHEREAS, the ARB is authorized by Health and Safety Code section 39600 to do such acts as may be necessary for the proper execution of its powers and duties;

WHEREAS, the Board staff has prepared statewide elements for consumer products and mobile sources for inclusion in the 1994 ozone SIP submittal;

WHEREAS, the consumer products element consists of near-term, mid-term, and long-term measures comprising a mix of existing regulations, regulations which will cover additional product categories not subject to the current program, and measures which rely on new technologies along with market incentives and consumer education;

WHEREAS, the mobile source element is comprised of existing control strategies and near-term and long-term state and federal measures which will achieve emission reductions from on- and off-road mobile sources including passenger cars, light-duty trucks, medium-duty vehicles, heavy-duty vehicles, and off-road equipment;

WHEREAS, the Bureau of Automotive Repair (BAR) has prepared and is preparing a SIP element to achieve emission reductions from an enhanced Inspection and Maintenance Program in

accordance with Assembly Bill No. 2018 (Stats. 1994, c. 27), Senate Bill 198 (Stats. 1994, c. 28) and SB 521 (Stats. 1994, c. 29);

WHEREAS, the Department of Pesticide Regulation (DPR) has prepared a SIP element to achieve emission reductions from pesticides;

WHEREAS, the 1994 ozone SIP revisions include the nonattainment plan ("plan") prepared by the San Joaquin Valley Air Quality Management District (AQMD), along with environmental documentation as required by the California Environmental Quality Act (CEQA) and certifications of public notice as required by U.S. EPA;

WHEREAS, the resolution adopting the San Joaquin Valley plan indicates that while the total emission reductions estimated in each plan will be achieved, the exact mix of control strategies and the quantity of reductions associated with them may be different than the district estimated for those sources under the sole jurisdiction of the ARB and the U.S. EPA;

WHEREAS, federal law set forth in section 110(l) of the Act and Title 40, Code of Federal Regulations, section 51.102 require that one or more public hearings, preceded by at least 30 days notice and opportunity for public review, must be conducted prior to the adoption and submittal to U.S. EPA of any SIP revision;

WHEREAS, CEQA and Board regulations require that prior to taking any action or engaging in any activity which may have a significant adverse effect on the environment, alternatives and mitigation measures to minimize any significant impact will be described and imposed by the Board where feasible;

WHEREAS, the ARB Staff Report, which summarizes and explains the contents of the proposed SIP revision (including descriptions of both statewide and local regional elements), the requirements applicable to the SIP revision and the environmental impacts of the statewide mobile source and consumer product elements, along with alternatives and mitigation to reduce such impacts, has been available for public review at least 30 days prior to the hearing;

WHEREAS, the Board has conducted a public hearing to consider approval of the San Joaquin Valley plan and its submittal to U.S. EPA as a SIP revision;

WHEREAS, in consideration of the Staff Report; the proposed statewide and San Joaquin Valley SIP elements; the environmental documentation prepared by Board staff and by the district; the written and oral testimony presented by the districts, the public, interested government agencies, and the regulated industry; and the economic assessments prepared by Board staff, the Office of Planning and Research, the Business, Housing and Transportation Agency, and the independent consultant M.Cubed., the Board finds:

1. **Healthful air must be achieved through an intensive and coordinated local, state, and federal effort to attain the NAAQS for ozone in the San Joaquin Valley by 1999.**
2. **While statewide exposure to unhealthful ozone concentrations has been reduced by about 50% since 1980, along with the frequency and severity of ozone pollution episodes, due to California's existing regulations on both vehicular and non-vehicular sources, more must be done.**
3. **Emission sources under federal jurisdiction are increasingly significant contributors to ozone pollution as emissions from other source categories are reduced through state and local controls.**
4. **The stringency of the NO_x and VOC precursor control strategy necessary for the San Joaquin Valley to meet the 1994 ozone planning requirements for attainment and rate of progress (ROP) demonstrations are dependent upon the severity of the problem in the district, the mix and location of sources which contribute to ozone precursor concentrations, and the timing and stringency of previously adopted controls.**
5. **Mobile source controls on new cars, trucks, buses, off-road equipment, and other mobile source categories are a vital element of the attainment equation in the San Joaquin Valley, without which the area will not be able to meet the attainment deadline specified in the Act.**
6. **The ARB and the U.S. EPA share responsibility for controlling new mobile sources and both must adopt stringent controls on the sources within their respective jurisdictions.**
7. **The control of emissions from existing vehicles and engines through an enhanced inspection and maintenance program, old vehicle scrappage, and transportation and land use strategies to reduce vehicle miles travelled is dependent upon both state and local commitments.**
8. **Area sources such as solvents, architectural coatings, adhesives, pesticides and consumer products contribute an increasing percentage of ozone emissions and must be controlled by state and local agencies.**
9. **The San Joaquin Valley submittal reflects modifications to the district's 1993 ROP plan, which should be reflected in the SIP submittal forwarded to U.S. EPA by November 15.**
10. **The SIP provides a current assessment of California's ozone situation by using the best available data to describe the emission inventory and its distribution across source categories, fully detailing the ozone problem in each of the affected nonattainment areas, and accurately describing ambient air quality data and trends.**

11. The SIP bases its prescription for correcting outstanding ozone problems on state-of-the-art photochemical grid modeling which measures or estimates the region's responsiveness to a variety of emission reductions so that the most cost-effective strategies can be selected.
12. The attainment demonstration for the San Joaquin Valley presents credible assurance, utilizing the photochemical grid model prepared for the area, the 1990 baseline and the 1999 projected emission inventory, and the reductions reasonably anticipated from existing and additional measures, that the San Joaquin Valley will attain the NAAQS for ozone by 1999.
13. The new mobile source control measures proposed for adoption and implementation by the ARB within the next 30 months for medium- and heavy-duty vehicles, as well as the additional mid-term measures proposed for later adoption and the long-term measures which rely on the development of advanced technology, will supplement ARB's current stringent standards for vehicles and fuels and are the most ambitious measures which are feasible, supplying a central and imperative strategy to reduce emissions from the most significant single source of ozone precursors in the State.
14. The mid-term and long-term consumer products regulations which will supplement existing regulations will achieve significant VOC reductions statewide; will lead to the development of programs which will foster innovative technologies for long-term application; and will continue to provide flexibility to the product manufacturers through the use of market incentives.
15. The development of innovative technologies, upon which long-term emission reductions from consumer products are dependent, necessitate increased cooperation from, and coordination with, the U.S. EPA and the encouragement of controls at the national level.
16. Controls on VOC emissions from the agricultural and structural use of economic poisons have been under study and development for several years by the DPR, the ARB, and the districts, and are a feasible, cost-effective, and necessary means of progressing towards attaining the ozone NAAQS statewide.
17. The control measures proposed by DPR should be included in the SIP with an expeditious adoption schedule.
18. The U.S. EPA has a clear and present duty to control several categories of mobile sources on a national level and must rapidly and diligently meet its responsibilities if California is to attain the ozone NAAQS by the dates set forth in the Act.

19. The mobile source control measures identified in the proposed SIP for adoption by U.S. EPA are feasible, cost-effective, socially acceptable, and would provide a larger market base to manufacturers, which would encourage the development of new technology.
20. The state measures are cost-effective in consideration of the substantial air quality improvements and public health benefits which will result from their implementation.
21. The ARB is the lead agency for the mobile source and consumer product elements of the SIP, has considered the environmental analysis set forth in Volume II of the Staff Report, and concurs in the discussion of potential impacts.
22. While there may be adverse secondary environmental impacts from the accelerated vehicle retirement program and the electric vehicle program, the effects are speculative and cannot be quantified until the scope of these programs is defined by proposed regulations, or (for electric vehicles) until the regulations are implemented and the state of battery technology is known.
23. As regulations implementing the new mobile source measures are developed, detailed environmental impact analyses, including a discussion of regulatory alternatives and mitigation measures, will be performed in conjunction with the rulemaking process.
24. At this time there are no feasible mitigation measures which the ARB can impose to lessen the potential adverse impacts of the mobile source measures on the environment, and no less stringent alternatives which will accomplish the goal imposed by federal law with fewer potential environmental impacts.
25. The potential adverse impacts identified for the mobile source measures are vastly outweighed by the substantial air quality benefits, especially the reduction of VOC emissions, which will result from their adoption and implementation.
26. A monitoring program to keep track of the impacts of both currently adopted and proposed mobile source measures should be undertaken by the staff in conjunction with the development and implementation of the measures.
27. Future regulatory activities involved with the consumer products control program are anticipated to entail additional or expanded applications of the existing regulations and the Alternative Control Plan, which were subject to detailed environmental analyses which concluded that no significant adverse environmental impacts would result, and hence no adverse impacts are anticipated.
28. As the SIP measures for consumer products are developed into regulations, potential impacts, alternatives, and mitigation measures will be analyzed in detail, particularly with

regard to the possibility of stratospheric ozone depletion, global warming, creation of localized VOC "hot spots," generation of toxic air contaminants, potential increased use due to reduced efficacy, and VOC or toxic loading to water treatment facilities.

29. Mobile source and consumer products regulations which have been adopted and are proposed for inclusion in the SIP have undergone environmental review by the Board at the time of their adoption and no further analysis is required at this time.
30. The San Joaquin Valley AQMD has adopted the district plan, which has been submitted to the ARB for inclusion in the SIP, along with proof of publication and environmental documents in accordance with state and federal law.
31. The San Joaquin Valley plan was available for public review and comment for at least 30 days as required by the Act and U.S. EPA regulations, and public hearings were conducted, prior to adoption of the plan by the district governing board.
32. The San Joaquin Valley plan contains numerous measures to control ozone precursor emissions from a wide variety of stationary sources, and the post-1996 ROP demonstrations consist of both rules which have been adopted as well as legally enforceable commitments to adopt additional rules.
33. The measures contained in the final San Joaquin Valley plan for stationary, area, and transportation sources are the result of strenuous effort, consensus building, and the need to avoid stifling economic recovery, and are reasonable, cost-effective control strategies with expeditious adoption schedules.
34. Reconciliation has been achieved between the ARB and the San Joaquin Valley AQMD over the assignment of emission reductions to mobile source and other state measures, so that emission inventories and anticipated emission reductions from these sources are consistently and accurately reflected in the local plans.
35. The San Joaquin Valley plan accurately reflects the amounts of required VOC and NO_x reductions which are anticipated to result from existing regulations, including ARB's low emission vehicle/clean fuel standards and consumer products controls, and the reductions which will result from the adoption and implementation of new local regulations, new ARB regulations, and new federal measures.
36. The San Joaquin Valley plan sets forth rate-of-progress calculations from 1997 through the attainment year, indicating 3% annual reductions in VOCs averaged over three-year periods and corrected the initial ROP plans, which provided a 15% VOC reduction from 1990-1996, as submitted in November 1993.

37. The draft San Joaquin Valley SIP submittal accounts for a high percentage of the emissions reductions in the form of adopted measures and are sufficient to satisfy the completeness criterion set forth in the Act and U.S. EPA guidance.
38. The San Joaquin Valley plan is dependent upon state and federal measures for attainment of the ozone NAAQS, and reflects both a need for these measures and an understanding that jurisdiction for these measures exists in certain instances only with the State of California or the federal government.
39. The contingency measures set forth in the San Joaquin Valley plan represent the best effort which is possible at this time.
40. The final San Joaquin Valley plan provides for attainment based on state and local measures and anticipated national standards for sources under federal jurisdiction.
41. The Kern County portion of the Southeast Desert was spun off from the San Joaquin Valley in May of 1992; preliminary data indicates the area has a marginal ozone problem and is dominated by overwhelming transport from the San Joaquin Valley and the South Coast Air Basin and the necessary emission reductions will be achieved by implementation of the plans for those two areas.
42. The ARB is a responsible agency under CEQA for the purpose of reviewing and approving the local element of the SIP, and has considered the environmental documentation provided by the San Joaquin Valley with its plan.

WHEREAS, additional responses to significant environmental issues raised in public testimony regarding the state measures are set forth in Attachment A to Resolution 94-60, which is incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby approves the plan adopted by the San Joaquin Valley AQMD and submitted in form to the ARB for inclusion in the SIP, directs the Executive Officer to submit the plan, together with the appropriate supporting documentation, to the U.S. EPA for approval, and to work with the U.S. EPA and take necessary action to resolve any issues regarding plan completeness and approvability that may arise.

BE IT FURTHER RESOLVED, that the Board certifies pursuant to 40 C.F.R. section 51.102 that the San Joaquin Valley plan being submitted as the 1994 ozone attainment and ROP demonstration SIP revision were adopted after notice and public hearing either by the state agencies responsible for the measures or by the districts as required by 40 CFR section 51.102 and directs the Executive Officer to submit the appropriate proofs of publication of the hearing notices to U.S. EPA along with the SIP submittal.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to convey to U.S. EPA the Board's emphatic assertion that it is necessary for U.S. EPA immediately to begin to develop and adopt those measures for the sources under federal jurisdiction which the ARB has identified as being the responsibility of the U.S. EPA to control, and to continue to meet and confer with the U.S. EPA and other interested persons, including the district, industry, and the public, until the necessary federal measures are proposed, adopted, and implemented.

I hereby certify that the above is a true and correct copy of Resolution 94-65 as adopted by the Air Resources Board.


Pat Hutchens
Pat Hutchens, Board Secretary

State of California
AIR RESOURCES BOARD

Resolution No. 94-66

November 15, 1994

WHEREAS, the Legislature in Health and Safety Code section 39602 has designated the state Air Resources Board (ARB or Board) the air pollution control agency for all purposes set forth in federal law;

WHEREAS, the ARB is responsible for the preparation of the state implementation plan (SIP) for attaining and maintaining the national ambient air quality standards (NAAQS) as required by the federal Clean Air Act (the Act; 42 U.S.C. section 7401 et seq.), and to this end is directed by Health and Safety Code section 39602 to coordinate the activities of all local and regional air pollution control and air quality management districts necessary to comply with the Act;

WHEREAS, section 39602 also provides that the SIP shall include only those provisions necessary to meet the requirements of the Act;

WHEREAS, sections 39515 and 39516 of the Health and Safety Code provide that any duty may be delegated to the Board's Executive Officer as the Board deems appropriate;

WHEREAS, the Act as amended in 1990 requires the State of California to submit to the United States Environmental Protection Agency (U.S. EPA) a revision to the SIP for ozone nonattainment areas designated as "serious," "severe," and "extreme" in accordance with section 181 of the Act by November 15, 1994;

WHEREAS, section 182(e)(2)(A) of the Act requires the revision for these serious and above nonattainment areas to demonstrate attainment of the ozone NAAQS by the applicable attainment date specified in section 181 ("attainment demonstration");

WHEREAS, section 181(b)(3) of the Act authorizes any state that has an area that will be unable to attain the NAAQS by the applicable deadline to request a voluntary reclassification to a higher classification ("bump-up"), provided the area is prepared to comply with the Act's requirements for the new classification;

WHEREAS, the Sacramento Metropolitan Area, consisting of the following five districts: Sacramento Metropolitan Air Quality Management District (AQMD), and the El Dorado, Feather River, Placer and Yolo-Solano Air Pollution Control Districts ("districts"), is currently classified as a serious ozone nonattainment area under section 181(a) of the Act, and has proposed a 2005 attainment date which requires voluntary reclassification as severe in accordance with section 181(b)(3);

WHEREAS, section 182(c)(2)(B) of the Act requires the revision for each serious and above nonattainment area to demonstrate at least a three percent per year average reduction in emissions of volatile organic compounds (VOCs) after 1996, or to demonstrate that a reduction by a lesser amount reflects all measures that can feasibly be implemented in the area ("post-1996 rate of progress demonstration");

WHEREAS, the Act requires an enhanced vehicle inspection and maintenance (I/M) program for all serious, severe, and extreme non-attainment areas;

WHEREAS, sections 172(c)(9), 182(c)(9), and 182(e)(5) of the Act require that SIPs contain contingency measures to be implemented if a nonattainment area fails to make reasonable further progress or fails to attain a NAAQS by the applicable date;

WHEREAS, the U.S. EPA is in the process of imposing a federal implementation plan (FIP) on the Sacramento Area, due to the districts' failure to meet certain requirements set forth in the Act prior to its amendment in 1990;

WHEREAS, the Act allows SIP measures which meet all applicable requirements to be substituted for FIP measures;

WHEREAS, the districts have primary responsibility for the control of air pollution from nonvehicular sources and for adopting control measures, rules, and regulations to attain the NAAQS within their boundaries pursuant to sections 39002, 40000, 40001 and 41650 of the Health and Safety Code;

WHEREAS, section 41650 of the Health and Safety Code requires the ARB to adopt the nonattainment plan approved by a district as part of the SIP unless the Board finds, after a public hearing, that the plan does not meet the requirements of the Act;

WHEREAS, the ARB has primary responsibility for the control of air pollution from vehicular sources, including motor vehicle fuels, as specified in sections 39002, 39500, and Part 5 (commencing with section 43000) of the Health and Safety Code, and for ensuring that the districts meet their responsibilities under the Act pursuant to sections 39002, 39500, 39602 and 41650 of the Health and Safety Code;

WHEREAS, the ARB has been directed by the Legislature to regulate consumer products in order to reduce emissions of VOCs pursuant to section 41712 of the Health and Safety Code;

WHEREAS, the ARB is authorized by Health and Safety Code section 39600 to do such acts as may be necessary for the proper execution of its powers and duties;

WHEREAS, the Board staff has prepared statewide elements for consumer products and mobile sources for inclusion in the 1994 ozone SIP submittal;

WHEREAS, the consumer products element consists of near-term, mid-term, and long-term measures comprising a mix of existing regulations, regulations which will cover additional product categories not subject to the current program, and measures which rely on new technologies along with market incentives and consumer education;

WHEREAS, the mobile source element is comprised of existing control strategies and near-term and long-term state and federal measures which will achieve emission reductions from on- and off-road mobile sources including passenger cars, light-duty trucks, medium-duty vehicles, heavy-duty vehicles, and off-road equipment;

WHEREAS, the Bureau of Automotive Repair (BAR) has prepared and is preparing SIP elements to achieve emission reductions from an enhanced Inspection and Maintenance Program in accordance with Assembly Bill 2018 (Stats. 1994, c. 27), Senate Bill 198 (Stats. 1994, c. 28) and SB 521 (Stats. 1994, c. 29);

WHEREAS, the Department of Pesticide Regulation (DPR) has prepared SIP elements to achieve emission reduction from pesticides;

WHEREAS, the 1994 ozone SIP revisions include the draft regional attainment plan prepared by the Sacramento Area districts ("plan"), along with environmental documentation as required by the California Environmental Quality Act (CEQA) and certifications of public notice as required by U.S. EPA;

WHEREAS, federal law set forth in section 110(l) of the Act and Title 40, Code of Federal Regulations, section 51.102 require that one or more public hearings, preceded by at least 30 days notice and opportunity for public review, must be conducted prior to the adoption and submittal to U.S. EPA of any SIP revision;

WHEREAS, CEQA and Board regulations require that prior to taking any action or engaging in any activity which may have a significant adverse effect on the environment, alternatives and mitigation measures to minimize any significant impact will be described and imposed by the Board where feasible;

WHEREAS, the ARB Staff Report, which summarizes and explains the contents of the proposed SIP revision (including descriptions of both statewide and local regional elements), the requirements applicable to the SIP revision and the environmental impacts of the statewide mobile source and consumer product elements, along with alternatives and mitigation to reduce such impacts, has been available for public review at least 30 days prior to the hearing;

WHEREAS, the Board has conducted a public hearing to consider approval of the local and regional SIP elements and their submittal to U.S. EPA as SIP revisions;

WHEREAS, in consideration of the Staff Report; the proposed statewide and local/regional SIP elements; the environmental documentation prepared by Board staff and by district; the written and oral testimony presented by the districts, the public, interested government agencies, and the regulated industry; and the economic assessments prepared by Board staff, the Office of Planning and Research, the Business, Housing and Transportation Agency, and the independent consultant M.Cubed, the Board finds:

- 1. Healthful air must be achieved through an intensive and coordinated local, state, and federal effort to attain the NAAQS for ozone in the Sacramento Area by 2005.**
- 2. While statewide exposure to unhealthful ozone concentrations has been reduced by about 50% since 1980, along with the frequency and severity of ozone pollution episodes, due to California's existing regulations on both vehicular and non-vehicular sources, more must be done.**
- 3. Emission sources under federal jurisdiction are increasingly significant contributors to ozone pollution as emissions from other source categories are reduced through state and local controls.**
- 4. The stringency of the NOx and VOC precursor control strategy necessary for the Sacramento Area districts to meet the 1994 ozone planning requirements for attainment and rate of progress demonstrations (ROP) are dependent upon the severity of the problem in the districts, the mix and location of sources which contribute to ozone precursor concentrations, and the timing and stringency of previously adopted controls.**
- 5. Mobile source controls on new cars, trucks, buses, off-road equipment, and other mobile source categories are a vital element of the attainment equation in every affected area, without which the Sacramento Area will not be able to meet the attainment deadline specified in the Act.**
- 6. The ARB and the U.S. EPA share responsibility for controlling new mobile sources and both must adopt stringent controls on the sources within their respective jurisdictions.**
- 7. The control of emissions from existing vehicles and engines through an enhanced inspection and maintenance program, old vehicle scrappage, and transportation and land use strategies to reduce vehicle miles travelled is dependent upon both state and local commitments.**

8. A regional program to accelerate reductions in mobile source NOx emissions is necessary to demonstrate attainment in the Sacramento Area.
9. Area sources such as solvents, architectural coatings, adhesives, pesticides and consumer products contribute an increasing percentage of ozone emissions and must be controlled by state and local agencies.
10. The SIP must be submitted to and approved by the U.S. EPA prior to promulgation of the federal implementation plan (FIP) for the Sacramento Area scheduled for early next year in order to replace the FIP process and reinstate California's control over its air pollution program.
11. The SIP provides a current assessment of California's ozone situation by using the best available data to describe the emission inventory and its distribution across source categories, fully detailing the ozone problem in each of the affected nonattainment areas, and accurately describing ambient air quality data and trends.
12. The SIP bases its prescription for correcting outstanding ozone problems on state-of-the-art photochemical grid modeling which measures or estimates each region's responsiveness to a variety of emission reductions so that the most cost-effective strategies can be selected.
13. The attainment demonstration for the Sacramento Area presents credible assurance, based upon calculations of the region's pollutant carrying capacity, its 1990 baseline emissions inventory, and the reductions reasonably anticipated from existing and additional measures, that the Sacramento Area will attain the NAAQS for ozone by 2005.
14. The Sacramento Area, which is currently designated as a "serious" ozone nonattainment area, must be bumped up to "severe" in order to allow it to catch up on control measures without imposing an infeasible, overly harsh control regimen.
15. The new mobile source control measures proposed for adoption and implementation by the ARB within the next 30 months for medium- and heavy-duty vehicles, as well as the additional mid-term measures proposed for later adoption and the long-term measures which rely on the development of advanced technology, will supplement ARB's current stringent standards for vehicles and fuels and are the most ambitious measures which are feasible, supplying a central and imperative strategy to reduce emissions from the most significant single source of ozone precursors in the State.
16. The mid-term and long-term consumer products regulations which will supplement existing regulations will achieve significant VOC reductions statewide; will lead to the

development of programs which will foster innovative technologies for long-term application; and will continue to provide flexibility to the product manufacturers through the use of market incentives.

17. The development of innovative technologies, upon which long-term consumer product regulations are dependent, necessitate increased cooperation from, and coordination with, the U.S. EPA and the encouragement of controls at the national level.
18. Controls on VOC emissions from the agricultural and structural use of economic poisons have been under study and development for several years by the DPR, the ARB, and the Districts, and are a feasible, cost-effective, and necessary means of progressing towards attaining the ozone NAAQS statewide.
19. The control measures proposed by DPR should be included in the SIP with an expeditious adoption schedule.
20. The U.S. EPA has a clear and present duty to control several categories of mobile sources on a national level and must rapidly and diligently meet its responsibilities if California is to attain the ozone NAAQS by the dates set forth in the Act.
21. The mobile source control measures identified in the proposed SIP for adoption by U.S. EPA are feasible, cost-effective, socially acceptable, and would provide a larger market base to manufacturers, which would encourage the development of new technology.
22. The state measures are cost-effective in consideration of the substantial air quality improvements and public health benefits which will result from their implementation, and are more cost-effective than their counterparts proposed in the FIP.
23. The ARB is the lead agency for the mobile source and consumer product elements of the SIP, has considered the environmental analysis set forth in Volume II of the Staff Report, and concurs in the discussion of potential impacts.
24. While there may be adverse secondary environmental impacts from the accelerated vehicle retirement program and the electric vehicle program, the effects are speculative and cannot be quantified until the scope of these programs is defined by proposed regulations, or (for electric vehicles) until the regulations are implemented and the state of battery technology is known.
25. As regulations implementing the new mobile source measures are developed, detailed environmental impact analyses, including a discussion of regulatory alternatives and mitigation measures, will be performed in conjunction with the rulemaking process.

26. At this time there are no feasible mitigation measures which the ARB can impose to lessen the potential adverse impacts of the mobile source measures on the environment, and no less stringent alternatives which will accomplish the goal imposed by federal law with fewer potential environmental impacts.
27. The potential adverse impacts identified for the mobile source measures are vastly outweighed by the substantial air quality benefits, especially the reduction of VOC emissions, which will result from their adoption and implementation.
28. A monitoring program to keep track of the impacts of both currently adopted and proposed mobile source measures should be undertaken by the staff in conjunction with the development and implementation of the measures.
29. Future regulatory activities involved with the consumer products control program are anticipated to entail additional or expanded applications of the existing regulations and the Alternative Control Plan, which were subject to detailed environmental analyses which concluded that no significant adverse environmental impacts would result, and hence no adverse impacts are anticipated.
30. As the SIP measures for consumer products are developed into regulations, potential impacts, alternatives, and mitigation measures will be analyzed in detail, particularly with regard to the possibility of stratospheric ozone depletion, global warming, creation of localized VOC "hot spots," generation of toxic air contaminants, potential increased use due to reduced efficacy, and VOC or toxic loading to water treatment facilities.
31. Mobile source and consumer products regulations which have been adopted and are proposed for inclusion in the SIP have undergone environmental review by the Board at the time of their adoption and no further analysis is required at this time.
32. The majority of the Sacramento Area district governing boards have conceptually approved the draft regional plan, which has been submitted to the ARB along with proof of publication and environmental documents, in accordance with state and federal law.
33. The Sacramento Area regional plan will have been available from the appropriate district for public review and comment for at least 30 days as required by the Act and U.S. EPA regulations, and public hearings will have been conducted, prior to adoption of the plan by the district governing boards.
34. The Sacramento Area regional plan contains numerous measures to control ozone precursor emissions from a wide variety of mobile and stationary sources, and the post-

1996 ROP demonstrations consist of both rules which have been adopted as well as legally enforceable commitments to adopt rules which result in unique attainment strategies in each area.

35. The measures contained in the conceptually approved regional plan for mobile, stationary, area, and transportation sources are the result of strenuous effort, consensus building, and the need to avoid stifling economic recovery, and are reasonable, cost-effective control strategies with expeditious adoption schedules.
36. Reconciliation has been achieved between the ARB and the district which assigned control measures and emission reductions to mobile source and other state measures, so that emission inventories and anticipated emission reductions from these sources are consistently and accurately reflected in the local plans.
37. The Sacramento Area regional plan accurately indicate the amounts of required VOC and NOx reductions which are anticipated to result from existing regulations, including ARB's low emission vehicle/clean fuel standards and consumer products controls, and the reductions which will result from the adoption and implementation of new local regulations, new ARB regulations, and new federal measures.
38. The Sacramento Area regional plan sets forth rate-of-progress calculations from 1997 through the attainment year, indicating 3% annual reductions in VOCs averaged over three-year periods and corrected the initial ROP plans, which provided a 5% VOC reduction from 1990-1996, as submitted in November 1993.
39. The draft Sacramento Area SIP submittal accounts for a high percentage of the emissions reductions in the form of adopted measures and are sufficient to satisfy the completeness criterion set forth in the Act and U.S. EPA guidance.
40. The draft regional plan is dependent upon state and federal measures for attainment of the ozone NAAQS, and reflects both a need for these measures and an understanding that jurisdiction for these measures exists in certain instances only with the State of California or the federal government.
41. The contingency measures set forth in the Sacramento Area regional plan represents the best effort which is possible at this time.
42. Due to rapid projected population growth and the need for substantial NOx reductions from mobile sources, which require vehicle turnover in order to realize the benefits of new state and federal control measures, the Sacramento Area cannot attain the ozone NAAQS

by 1999 without extraordinary local measures which would cause severe economic disruptions.

43. The Sacramento Area's classification should be changed from "serious" to "severe" so that reductions in mobile source NOx can become effective in time to ensure attainment by 2005.
44. The draft Sacramento Area regional plan provides for attainment based on state and local measures and anticipated national standards for sources under federal jurisdiction, and do not rely on FIP measures.
45. The draft Sacramento Area regional plan meets all the requirements of the Act and should completely replace the proposed FIP measures upon approval by the U.S. EPA.
46. The ARB is a responsible agency under CEQA for the purpose of reviewing and approving the local element of the SIP, and has considered the environmental documentation provided by the districts with their plans.

WHEREAS, additional responses to significant environmental issues raised in public testimony regarding the state measures is set forth in Attachment A to Resolution 94-60, which is incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby conceptually approves the draft Sacramento Area regional plan for inclusion in the SIP and directs the Executive Officer to forward the draft plan to U.S. EPA to begin "parallel processing."

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to approve the plan after final adoption by the district governing boards and submit the final plan, together with the appropriate supporting documentation, to the U.S. EPA for approval, and to work with the U.S. EPA and take necessary action to resolve any issues regarding plan completeness and approvability that may arise.

BE IT FURTHER RESOLVED, that the Board concurs that a change in designation from "serious" to "severe" is necessary for the Sacramento Area and directs the Executive Officer to submit a formal, legally sufficient bump-up request to the U.S. EPA forthwith.

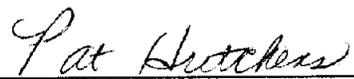
BE IT FURTHER RESOLVED, that the Board certifies pursuant to 40 C.F.R. section 51.102 that the Sacramento Area regional plan being submitted as the 1994 ozone attainment and ROP demonstration SIP revision was or will have been adopted after notice and public hearing either by the state agencies responsible for the measures or by the districts as required by 40 C.F.R.

section 51.102 and directs the Executive Officer to submit the appropriate proofs of publication of the hearing notices to U.S. EPA along with the SIP submittal.

BE IT FURTHER RESOLVED, that the Board intends the SIP submittals for the Sacramento Area to serve as a complete substitute to the proposed FIP for the region and directs the Executive Officer to request immediate action by the U.S. EPA to approve the SIP submittal in its entirety as a replacement for the FIPs prior to February 15, 1995.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to convey to U.S. EPA the Board's emphatic assertion that it is necessary for U.S. EPA immediately to begin to develop and adopt those measures for the sources under federal jurisdiction which the ARB has identified as being the responsibility of the U.S. EPA to control, and to continue to meet and confer with the U.S. EPA and other interested persons, including the district, industry, and the public, until the necessary federal measures are proposed, adopted, and implemented.

I hereby certify that the above is a true and correct copy of Resolution 94-66 as adopted by the Air Resources Board.


Pat Hutchens, Board Secretary