State of California
AIR RESOURCES BOARD

Resolution 08-10

February 28, 2008

Agenda Item No.: 08-2-3

WHEREAS, the Legislature in Health and Safety Code section 39602 has designated the State Air Resources Board (ARB) 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 (districts) necessary to comply with the Act;

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

WHEREAS, the ARB has responsibility 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 is authorized by section 39600 of the Health and Safety Code 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, in July 1997, the U.S. Environmental Protection Agency (U.S. EPA) promulgated an 8-hour NAAQS for ozone of 0.08 parts per million;

WHEREAS, the U.S. EPA published a final notice in the Federal Register on April 30, 2004, designating Ventura County and the Antelope Valley and Western Mojave Desert area as nonattainment for the federal 8-hour ozone standard, and classified those areas as Moderate ozone nonattainment areas effective June 15, 2004;

WHEREAS, on April 30, 2004 the U.S. EPA also designated the Coachella Valley as nonattainment for the federal 8-hour ozone standard, and classified the Coachella Valley as a Serious ozone area effective June 15, 2004 ;

WHEREAS on April 30, 2004 the U.S. EPA also designated Eastern Kern County as a nonattainment for the federal 8-hour ozone standard under Subpart 1 of the Act effective June 15, 2004;

WHEREAS, in a federal register notice dated February 13, 2008, the U.S. EPA made a finding that Imperial County had failed to attain the federal 8-hour ozone standard by June 15, 2007, and reclassified Imperial County as a moderate ozone nonattainment area effective March 14, 2008;

WHEREAS, section 110(a)(1) of the Act requires the State to submit, within three years after promulgation of a primary national ambient air quality standard, a plan to implement, maintain and enforce such air quality standard in each nonattainment area;

WHEREAS, 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, the Ozone Early Progress Plans for Ventura County, Antelope Valley and Western Mojave Desert, Coachella Valley, Imperial County and Eastern Kern County demonstrate progress toward attaining the federal 8-hour ozone standard;

WHEREAS, the Act requires that the SIPs for nonattainment areas include transportation conformity emission budgets to ensure that federally supported highway and transit activities are consistent with the purpose of the SIP;

WHEREAS, these areas would normally establish transportation conformity budgets through Reasonable Further Progress Plans required by the federal Clean Air Act, and U.S. EPA has previously allowed the use of emission reductions in upwind areas to meet reasonable further progress requirements ;

WHEREAS, Ventura County, Antelope Valley and Western Mojave Desert, Coachella Valley, Imperial County and Eastern Kern County are all significantly impacted by emissions from upwind sources, and all of these areas need upwind reductions to meet reasonable further progress requirements;

WHEREAS, U.S. EPA is revising its 8-hour ozone implementation rule and, until that process is completed, has directed its regional offices not to approve any Reasonable Further Progress Plans that use upwind reductions to meet reasonable further progress requirements;

WHEREAS, the transportation planning agencies in these areas need transportation conformity budgets as soon as possible;

WHEREAS, the Ozone Early Progress Plans for Ventura County, Antelope Valley and Western Mojave Desert, Coachella Valley, Imperial County and Eastern Kern County contain transportation conformity budgets that were prepared in consultation with the transportation planning agency in each area;

WHEREAS, at a public hearing on September 27, 2007, the Air Resources Board adopted a State Strategy for California's 2007 State Implementation Plan (State Strategy) that contains, in Appendix A to the State Strategy, an on-road mobile source inventory for each area;

WHEREAS, the Southern California Association of Governments (SCAG) is the regional transportation agency for the Ventura County, Antelope Valley and Western Mojave Desert and Imperial County;

WHEREAS, SCAG provided updated transportation activity data for Ventura County, Antelope Valley – Western Mojave Desert and Imperial County that results in emissions estimates different from those in Appendix A of the Statewide Strategy;

WHEREAS, the Kern Council of Governments is the transportation planning agency for Eastern Kern County, and provided updated transportation activity data for that area resulting in emissions estimates different from those in Appendix A to the State Strategy;

WHEREAS, the Appendix to the Early Progress Plans contains revisions to Appendix A of the State Strategy for Ventura County, Antelope Valley and Western Mojave Desert, and Eastern Kern County reflecting updated transportation activity for these areas;

WHEREAS, the Ozone Early Progress Plans and Transportation Conformity Budgets for Ventura County, Antelope Valley and Western Mojave Desert, Coachella Valley, Imperial County and Eastern Kern County were available for public review and comment for at least 30 days prior to adoption as required by the Act and U.S. EPA regulations, and a public hearing was conducted prior to the adoption of the Plans;

WHEREAS, after the proposed Early Progress Plans were released to the public on January 29, 2008, ARB staff identified an error in preparing the activity data for Antelope Valley and Western Mojave Desert and Eastern Kern County and correcting this error increases demonstrated progress;

WHEREAS, technical modifications have been proposed to the inventories and transportation conformity budgets in the Early Progress Plans for Antelope Valley and Western Mojave Desert, and Eastern Kern County, and these modifications are set forth in Attachments A and B to this Resolution;

NOW, THEREFORE, BE IT RESOLVED, the Board hereby approves the Early Progress Plans, including the transportation conformity budgets, for Ventura County, Antelope Valley – Western Mojave Desert, Coachella Valley and Eastern Kern County as revisions to the California SIP, with the modifications set forth in Attachments A and B;

BE IT FURTHER RESOLVED, that the Board hereby directs the Executive Officer to forward the Early Progress Plans for Ventura County, Antelope Valley – Western Mojave Desert, Coachella Valley and Eastern Kern County as approved to the U.S. EPA for inclusion in the SIP;

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

BE IT FURTHER RESOLVED that the Board authorizes the Executive Officer to include in the SIP submittal any technical corrections, clarifications, or additions that may be necessary to secure U.S. EPA approval;

BE IT FURTHER RESOLVED that the Board certifies pursuant to 40 C.F.R section 51.102 that the proposed 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 approved SIP revision.

I hereby certify that the above is a true and correct copy of Resolution 08-10, as adopted by the Air Resources Board.

Lori Andreoni

Lori Andreoni, Clerk of the Board