State of California
AIR RESOURCES BOARD

Resolution 08-28

May 22, 2008

Agenda Item No.: 08-5-2

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 (districts) necessary to comply with the Act;

WHEREAS, section 41650 of the Health and Safety Code requires the ARB to approve the nonattainment plan adopted 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 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, the local air districts have primary responsibility for controlling 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, 40701, 40702, and 41650 of the Health and Safety Code;

WHEREAS, the San Joaquin Valley Air Basin includes Fresno, Kings, Madera, Merced, San Joaquin, Stanislaus, Tulare, and western Kern Counties;

WHEREAS, in July 1997, the United States Environmental Protection Agency (U.S. EPA) promulgated 24-hour and annual national ambient air quality standards (NAAQS) for fine particulate matter (PM2.5) of 65 ug/m^3 and 15 µg/m^3, respectively;

WHEREAS, effective April 5, 2005, U.S. EPA designated the San Joaquin Valley Air Basin as nonattainment for the PM2.5 NAAQS;

WHEREAS, in March 2007, U.S. EPA finalized the PM2.5 implementation rule (Rule) which established the framework and requirements that states must meet in developing PM2.5 SIPs, set an initial attainment date of April 5, 2010, and allowed for an attainment date extension for up to five years;

WHEREAS, the Rule requires that PM2.5 SIPs include air quality and emissions data, a control strategy, a modeled attainment demonstration, rate of progress (RFP) milestones, conformity emission budgets, reasonably available control measure/ reasonably available technology (RACM/RACT) demonstration, contingency measures, and a mid-course review commitment;

WHEREAS, the San Joaquin Valley Air Pollution Control District (District) prepared the 2008 PM2.5 Plan to fulfill the planning requirements of the Act and Rule;

WHEREAS, the attainment analysis for the San Joaquin Valley demonstrates the need for a 21 percent reduction in directly emitted PM2.5 emissions and a 42 percent reduction in NOx emissions from the projected 2009 emission levels, beyond the benefits of the existing emission control program, to attain the annual PM2.5 NAAQS by the April 5, 2010 deadline;

WHEREAS, the District was unable to identify control measures with emission reductions sufficient for the San Joaquin Valley to attain the PM2.5 NAAQS by April 5, 2010;

WHEREAS, ARB staff performed PM2.5 air quality modeling plus supplemental analyses of PM2.5 air quality monitoring data and trends, PM2.5 speciation data, and emission inventory trends, consistent with U.S. EPA modeling guidance;

WHEREAS, the emission reductions contained in the District's PM2.5 attainment demonstration relies on adopted regulations, the District's new control measure commitments, and the 2014 commitments for the San Joaquin Valley contained in the ARB State Strategy adopted on September 27, 2007;

WHEREAS, the attainment analysis demonstrates that the annual and 24-hour PM2.5 standards will be met throughout the San Joaquin Valley by the proposed attainment date;

WHEREAS, federal law set forth in section 110(l) of the Act and Title 40, Code of Federal Regulations (CFR), 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 the U.S. EPA of any SIP revision;

WHEREAS, as required by federal law, the District made the 2008 PM2.5 Plan available for public review at least 30 days prior to the District hearing;

WHEREAS, following a public hearing on April 30, 2008, the Governing Board of the District voted to approve the 2008 PM2.5 Plan, and to request a 5-year extension of the PM2.5 attainment date to April 5, 2015;

WHEREAS, the Valley will attain the annual average NAAQS in 2014 which is the last full calendar year prior to the April 5, 2015 attainment deadline;

WHEREAS, the California Environmental Quality Act (CEQA) requires that no project which may have significant adverse environmental impacts be adopted as originally proposed if feasible alternatives or mitigation measures are available to reduce or eliminate such impacts;

WHEREAS, to meet the requirements of CEQA, the District prepared an Initial Study/Negative Declaration for the 2008 PM2.5 Plan and adopted it on April 30, 2008;

WHEREAS, as required by the Rule, the District commits to submit a mid-course review in 2011;

WHEREAS, on May 2, 2008, the District transmitted the 2008 PM2.5 Plan to ARB as a SIP revision, along with proof of public notice publication, and environmental documents in accordance with State and federal law;

WHEREAS, the Board finds that:

1. The 2008 PM2.5 Plan meets all applicable PM2.5 planning requirements established by the Act and the Rule, and includes the required air quality and emissions data, modeled attainment demonstration, RFP demonstration, transportation conformity emission budgets, RACM/RACT demonstration, mid-course review commitment, and the required contingency measures;

2. The existing control program, combined with the new local control measures identified in the adopted 2008 PM2.5 Plan and the benefits of ARB's adopted State Strategy, will provide all of the emission reductions needed for meeting the PM2.5 NAAQS by the April 5, 2015 attainment date;

3. Already adopted State mobile source control regulations will provide the required contingency measures; these measures will achieve additional emission reductions beyond those relied on in the attainment demonstration;

4. Direct PM2.5 and NOx emissions in the San Joaquin Valley are projected to decline each year through 2014 and continue declining thereafter due to adopted State, federal, and local controls;

5. The level of reductions needed to attain the PM2.5 annual average NAAQS in the San Joaquin Valley makes it necessary to request an attainment deadline of April 5, 2015, as allowed by the Act;

6. The State commits to submit to U.S. EPA a mid-course review in 2011, evaluating new emission inventory information, air quality data, air quality modeling, and control measures;

7. While the contingency measures in the 2008 PM2.5 Plan are adequate to meet the legal requirements of the Act and the Rule, it is appropriate to include in the California SIP additional District rules that will further strengthen the SIP and will serve as additional contingency provisions for PM2.5 attainment in the San Joaquin Valley; these District rules are specified in Attachment A to this Resolution.

WHEREAS, the Board further finds that:

1. ARB has reviewed and considered the 2008 PM2.5 Plan, along with the Initial Study/Negative Declaration prepared for the Plan, and finds that the 2008 PM2.5 Plan meets the requirements of the Act and the Rule; and

2. ARB finds that the Initial Study/Negative Declaration prepared for the 2008 PM2.5 Plan meets the requirements of CEQA.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby adopts the 2008 PM2.5 Plan as a revision to the California SIP.

BE IT FURTHER RESOLVED, that the Board hereby directs the Executive Officer to forward the 2008 PM2.5 Plan as approved to U.S. EPA for inclusion in the SIP to be effective, for purposes of federal law, upon approval by U.S. EPA.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to work with the District and U.S. EPA and take appropriate action to resolve any completeness 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 hereby certifies pursuant to 40 CFR section 51.102 that the District's 2008 PM2.5 Plan was adopted after notice and public hearing as required by 40 CFR section 51.102.

BE IT FURTHER RESOLVED, the Board directs the District to take the actions described in Attachment A to this Resolution.

I hereby certify that the above is a true and correct copy of Resolution 08-28, as adopted by the Air Resources Board.

Monica Vejar

Monica Vejar, Clerk of the Board

Attachment A to Resolution 08-28

The Air Resources Board directs the San Joaquin Valley Air Pollution Control District (District) to take the following actions that will further strengthen the California State Implementation Plan (SIP) and will serve as additional contingency provisions for PM2.5 attainment in the San Joaquin Valley.

1) The District shall adopt and transmit to ARB for submittal into the SIP the following two rules:

   Rule commitment S-COM-2 Once the District completes the rulemaking commitment in the 2008 PM2.5 Plan for S-COM-2, the adopted rule shall be transmitted to ARB for submittal to U.S. EPA as a SIP revision. The rule shall be adopted and transmitted to ARB no later than December 31, 2008.

   Rule commitment S-COM-6 Once the District completes the rulemaking commitment in the 2008 PM2.5 Plan for S-COM-6, the adopted rule shall be transmitted to ARB for submittal to the U.S. EPA as a SIP revision. The rule shall be adopted and transmitted to ARB no later than December 31, 2010.

2) The District shall include a contingency provision in their Residential Wood Smoke Rule (S-COM-14) that will lower the threshold further for calling a mandatory burning curtailment from current to 20 ug/m3. This provision shall be triggered without the need for further District action should the Valley not attain by the 2014 deadline. The rule shall be adopted and transmitted to ARB for submittal to the U.S. EPA as a SIP revision no later than December 31, 2009.