

State of California
AIR RESOURCES BOARD

Resolution 09-34

April 24, 2009

Agenda Item No.: 09-4-8

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

WHEREAS, 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, 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, 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, in July 1997 the United States Environmental Protection Agency (U.S. EPA) promulgated a new 8-hour NAAQS for ozone of less than 0.08 parts per million;

WHEREAS, in July 1997 U.S. EPA promulgated a new particulate matter NAAQS for particulates that are less than two and a half microns in diameter (PM_{2.5}); the standard is less than 65 micrograms per cubic meter for 24 hours and an annual average of less than 15 micrograms per cubic meter;

WHEREAS, the Act and U.S. EPA regulations require the State of California to submit to U.S. EPA a SIP to demonstrate attainment of the national 8-hour ozone standard for all ozone nonattainment areas designated as basic, moderate, serious, severe, and extreme;

WHEREAS, the Act and U.S. EPA regulations require the State of California to submit to U.S. EPA a SIP to demonstrate attainment of the national PM_{2.5} standard for the South Coast and San Joaquin Valley nonattainment areas;

WHEREAS, U.S. EPA's guidance requires each nonattainment area to submit a demonstration that it has adopted all reasonably available control measures (RACM) necessary to demonstrate attainment as expeditiously as practicable;

WHEREAS, section 110(l) of the Act and title 40 C.F.R. 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 California Environmental Quality Act requires that no project which may have significant adverse environmental impacts may be adopted as originally proposed if feasible alternatives or mitigation measures are available to reduce or eliminate such impacts, unless specific overriding considerations are identified which outweigh the potential adverse consequences of any unmitigated impacts;

WHEREAS, the *Air Resources Board's State Strategy for California's 2007 State Implementation Plan* (State Strategy), adopted on September 27, 2007, relies on emission reductions from already adopted State control programs and expected reductions from proposed new State measures;

WHEREAS, the State's SIP commitments in the State Strategy consist of three components: a commitment to achieve aggregate emission reductions by specific dates, a commitment to propose defined new SIP measures, and a long-term strategy commitment;

WHEREAS, on November 16, 2007, ARB submitted the adopted State Strategy to U.S. EPA as a revision to the California SIP;

WHEREAS, U.S. EPA staff has requested clarifying changes to the State Strategy to aid U.S. EPA in its approval of California's SIP revision;

WHEREAS, on March 24, 2009, ARB staff circulated for public review a Status Report on the State Strategy for California's 2007 State Implementation Plan (SIP) and Proposed Revision to the SIP Reflecting Implementation of the 2007 State Strategy (Status Report and SIP Revision);

WHEREAS, on March 26, 2009, ARB adopted the 2009 Sacramento Regional 8-Hour Ozone Attainment and Reasonable Further Progress Plan and committed to achieve from State measures reductions of nitrogen oxide (NO_x) emissions of 13 tons per day (tpd) and reductions of reactive organic gas (ROG) emissions of 11 tpd in the Sacramento area; these reductions may be achieved through a combination of actions, including regulations, incentives, and other enforceable mechanisms;

WHEREAS, the Status Report and SIP Revision quantifies the emission reductions achieved to date for the South Coast Air Basin and San Joaquin Valley;

WHEREAS, the Status Report and SIP Revision makes changes to the commitment to achieve specified emission reductions by specific dates; these changes reflect implementation of the State Strategy that has occurred since the State Strategy was adopted;

WHEREAS, the Status Report and SIP Revision makes changes to the commitment to propose defined new SIP measures; these changes reflect regulations adopted in 2007 and 2008;

WHEREAS, the Status Report and SIP Revision makes changes to the long-term strategy commitment to provide further detail and clarification;

WHEREAS, the Status Report and SIP Revision makes other minor, technical changes to the State Strategy;

WHEREAS, the proposed SIP revision quantifies the emission reductions that have been achieved by regulations adopted by ARB to date, and no changes have been made to the underlying commitments in the 2007 State Strategy to achieve specified emission reductions by specified dates;

WHEREAS, in consideration of the Status Report and SIP Revision and the written and oral testimony presented by the public, industry, and government agencies, the Board finds that:

1. In 2007 and 2008, ARB adopted rules for 10 measures that were identified in the 2007 State Strategy. In total, this represents 11 separate rulemakings.
2. ARB has also adopted three rules that will achieve ozone and fine particulate matter precursor reductions that were not identified as specific measures at the time the 2007 State Strategy was adopted.
3. California now has in place programs and regulations that will achieve 95 percent of the reductions in NO_x needed to meet the PM_{2.5} standard in the San Joaquin Valley and 87 percent of the reductions needed for PM_{2.5} attainment in the South Coast.
4. California has achieved over 93 percent of the reductions needed from near-term measures for ozone attainment in the San Joaquin Valley and ninety percent of the reductions needed in the South Coast.
5. ARB staff has calculated emission reductions from the implementation of the State Strategy for the Sacramento area, and those reductions are 13 tpd of NO_x and 11 tpd of ROG.
6. The proposed revision to the State Strategy identifies the regulations adopted by ARB that were proposed as new measures in the 2007 State Strategy.
7. The proposed revision to the State Strategy includes clarifying changes requested by U.S. EPA to aid U.S. EPA approval.

8. The proposed revision contains a commitment that ARB will revise the State Strategy as may be appropriate in a 2010 mid-course review and submit it to U.S. EPA as a SIP revision by June 30, 2010.
9. The proposed revision to the State Strategy clarifies ARB's commitment to reduce emissions via a long-term strategy to achieve reductions from new and developing technologies.
10. The proposed revision to the State Strategy includes the changes and additions made by the Board to the April 2007 draft of the State Strategy when it adopted the State Strategy on September 27, 2007.
11. The proposed revision includes the commitment for emission reductions from the State Strategy for the Sacramento area that the Board approved on March 26, 2009.
12. The proposed revision will not result in any significant adverse environmental impacts.
13. The proposed revision meets the applicable requirements established by the Act and U.S. EPA regulations.
14. The proposed revision meets the applicable public hearing, public notice and review requirements established by the Act and U.S. EPA regulations.

NOW, THEREFORE, BE IT RESOLVED that the Board adopts the proposed SIP revision, as set forth in Attachment A to this resolution;

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

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 09-34, as adopted by the Air Resources Board.

/s/

Monica Vejar, Clerk of the Board

ARB Staff Report

Status Report on the State Strategy for California's 2007 State Implementation Plan (SIP)

and

Proposed Revision to the SIP Reflecting Implementation of the 2007 State Strategy

**Release Date: March 24, 2009
Hearing Date: April 23-24, 2009**

Note: The portion of this report that is being approved as a revision to California's State Implementation Plan is pages 11 through 27.