State of California
AIR RESOURCES BOARD

Resolution 10-20

February 25, 2010

Agenda Item No.: 10-2-10

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 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 the responsibility for ensuring 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 South Coast Air Quality Management District (District) is the local air district with jurisdiction over the Riverside County portion of the Salton Sea Air Basin (Coachella Valley), pursuant to sections 40410 and 40413 of the Health and Safety Code;

WHEREAS, the Southern California Association of Governments (SCAG) is the regional transportation agency for the Coachella Valley and has responsibility for preparing and implementing transportation control measures to reduce vehicle trips, vehicle use, vehicle miles traveled, vehicle idling and traffic congestion for the purpose of reducing motor vehicle emissions pursuant to sections 40460(b) and 40465 of the Health and Safety Code;

WHEREAS, the Coachella Valley is designated a nonattainment area with a classification of "serious" for the inhalable particulate matter (PM10) 24-hour NAAQS with an attainment date of December 31, 2006;

WHEREAS, the District first adopted a PM10 plan for the Coachella Valley in 1990 that focused on controlling dust sources;

WHEREAS, on June 21, 2002, the District adopted the 2002 Coachella Valley PM10 Plan requesting an extension of the PM10 attainment deadline to December 31, 2006;

WHEREAS, on April 18, 2003, the United States Environmental Protection Agency (U.S. EPA) approved the 2002 Coachella Valley PM10 Plan and granted an extension of the PM10 attainment deadline to December 31, 2006;

WHEREAS, on August 1, 2003, the District amended the Coachella Valley PM10 Plan to update transportation conformity budgets and strengthen control measures;

WHEREAS, on November 14, 2005, U.S. EPA approved the 2003 revision to the Coachella Valley PM10 Plan strengthening control measures and updating transportation conformity budgets for PM10;

WHEREAS, section 107(d)(3)(D) of the Act provides that a state may request U.S. EPA to redesignate an area from nonattainment to attainment for the NAAQS;

WHEREAS, section 107(d)(3)(E) of the Act sets forth the requirements which must be met for U.S. EPA to redesignate an area from nonattainment to attainment;

WHEREAS, consistent with section 107(d)(3)(E)(i) of the Act, the District has demonstrated attainment with no violations of the PM10 NAAQS in the 2005-2007 period for the Coachella Valley, based on quality-assured federal reference method monitoring data from the State and local monitoring network;

WHEREAS, consistent with section 107(d)(3)(E)(ii) of the Act, ARB has met all applicable requirements and the condition that the Coachella Valley has an approved PM10 SIP pursuant section 110(k) of the Act;

WHEREAS, consistent with section 107(d)(3)(E)(iii) of the Act, the District has demonstrated in the PM10 Maintenance Plan and Request for Redesignation for the

Coachella Valley (Coachella Valley PM10 Maintenance Plan) that the improvement in air quality is due to permanent and enforceable emission control measures;

WHEREAS, consistent with section 107(d)(3)(E)(iv) of the Act, the District has prepared a maintenance plan for the Coachella Valley meeting the requirements of section 175A of the Act;

WHEREAS, consistent with section 107(d)(3)(E)(v) of the Act, ARB and the District have met all applicable requirements under section 100 and part D of the Act for the Coachella Valley;

WHEREAS, consistent with section 175A of the Act, the Coachella Valley PM10 Maintenance Plan provides for maintenance of the PM10 NAAQS for at least ten years after redesignation and contains contingency provisions to assure prompt correction of any PM10 violation which occurs after the redesignation of the area to attainment;

WHEREAS, federal law set forth in section 110(l) of the Act and Title 40, Code of Federal Regulations, 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 Coachella Valley PM10 Maintenance Plan available for public review at least 30 days prior to the hearing date;

WHEREAS, following a public hearing on January 8, 2010, the Governing Board of the District voted to:

1. Adopt the Coachella Valley PM10 Maintenance Plan to fulfill the applicable requirements of the Act for a serious PM10 nonattainment area to be redesignated to attainment; and

2. Request a redesignation for the Coachella Valley to attainment for the PM10 standard;

WHEREAS, the District submitted the Coachella Valley PM10 Maintenance Plan to ARB as a SIP revision on January 15, 2010, along with proof of public notice publication and environmental documents in accordance with State and federal law;

WHEREAS, the transportation conformity emission budgets included in the adopted Coachella Valley PM10 Maintenance Plan have been updated to accommodate updated vehicle activity data provided by SCAG;

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

or eliminate such impacts, unless specific overriding considerations are identified outweigh the potential adverse consequences of any unmitigated impacts;

WHEREAS, the Coachella Valley PM10 Maintenance Plan contains already adopted regulations and rules that have undergone environmental review at the time of their adoption, and any measure that may be triggered as part of the contingency provision will undergo environmental review at the time of adoption;

WHEREAS, the Board finds that:

1. California's air pollution control programs have successfully reduced PM10 ambient concentrations leading to PM10 NAAQS attainment in the Coachella Valley;

2. The Coachella Valley PM10 Maintenance Plan is necessary for U.S. EPA to redesignate the Coachella Valley to attainment for the PM10 NAAQS;

3. The Coachella Valley PM10 Maintenance Plan complies with the requirements of section 107(d)(3)(E) of the Act;

4. The Coachella Valley PM10 Maintenance Plan provides for maintenance of the PM10 NAAQS through 2023;

5. Consistent with U.S. EPA guidance, the Coachella Valley PM10 Maintenance Plan includes an attainment emission inventory, commitments by the District to continue operating the particulate matter monitoring network; and a process to verify continued PM10 attainment;

6. The Coachella Valley PM10 Maintenance Plan includes contingency provisions to ensure prompt correction of any post-redesignation violation of the PM10 NAAQS;

7. The Coachella Valley PM10 Maintenance Plan has identified PM10 emission budgets for transportation conformity for 2010, 2020, and 2030 based on current emissions and activity data, and the budgets are adequate to ensure continued maintenance of the PM10 NAAQS;

8. The Coachella Valley PM10 Maintenance Plan relies entirely on adopted regulations to demonstrate continued maintenance. ARB regulations which have been adopted and are reflected in the baseline emission projections were subject to environmental review at the time they were adopted, and no further analysis is required at this time; and

WHEREAS, the Board further finds that the:

> ARB has reviewed and considered the Coachella Valley PM10 Maintenance Plan, along with the comments presented by interested parties, and ARB staff finds the plan meets the requirements of the Act and CEQA.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts the Coachella Valley PM10 Maintenance Plan and Redesignation Request as a revision to the California SIP.

BE IT FURTHER RESOLVED that the Board hereby directs the Executive Officer to submit the Coachella Valley PM10 Maintenance Plan and Redesignation Request, together with the appropriate supporting documentation to the U.S. EPA for approval as revision to the California 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 title 40, Code of Federal Regulations section 51.102 that the Coachella Valley PM10 Maintenance Plan was adopted after notice and public hearing as required by Title 40, Code of Federal Regulations, section 51.102.

I hereby certify that the above is a true and correct copy of Resolution 10-22, as adopted by the Air Resources Board.

Sandra Bannerman, Clerk of the Board