State of California
AIR RESOURCES BOARD

Resolution 10-21

March 25, 2010

Agenda Item No.: 10-3-8

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 the responsibility for ensuring that the districts meet their responsibilities under the Act pursuant to sections 39002, 39500, 39602, and 41650-41652 of the Health and Safety Code;

WHEREAS, 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 Basin (South Coast) includes Orange County and portions of the counties of Los Angeles, San Bernardino, and Riverside, as described in title 17, California Code of Regulations, section 60104;

WHEREAS, the South Coast Air Quality Management District (District) is the local air district with jurisdiction over the South Coast pursuant to section 40410 et seq. of the Health and Safety Code;

WHEREAS, the Southern California Association of Governments is the regional transportation agency for the South Coast 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 South Coast 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 adopted South Coast PM10 plans in 1991 and 1994 that focused on controlling dust sources;

WHEREAS, on November 8, 1996, the District adopted the 1997 Air Quality Management Plan (1997 AQMP) which included the attainment demonstration for PM10 for the South Coast;

WHEREAS, the 1997 AQMP revised the emission inventory, modeling and local control commitments in the attainment demonstration, and did not revise the State SIP commitments adopted in the 1994 SIP;

WHEREAS, the Board approved the 1997 AQMP on January 23, 1997, and submitted it to the United States Environmental Protection Agency (U.S. EPA) as a SIP revision on February 5, 1997;

WHEREAS, on June 7, 2002, the District adopted an updated implementation schedule and updated transportation conformity emission budgets for the PM10 elements of the 1997 AQMP (1997 PM10 Plan Update);

WHEREAS, on April 18, 2003, U.S. EPA approved the PM10 elements of the 1997 AQMP and the 1997 PM10 Plan Update with a December 31, 2006 attainment deadline;

WHEREAS, on August 1, 2003, the District amended the South Coast 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 South Coast 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 South Coast 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 South Coast 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 South Coast Air Basin (South Coast 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 South Coast meeting the requirements of section 175A of the Act;

WHEREAS, consistent with section 107(d)(3)(E)(v) of the Act, the ARB and the District have met all applicable requirements under section 110 and part D of the Act for the South Coast;

WHEREAS, consistent with section 175A of the Act, the South Coast 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 (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 South Coast PM10 Maintenance Plan available for public review at least 30 days before the public hearing date;

WHEREAS, prior to plan adoption, the District developed revised transportation conformity budgets based on U.S. EPA comments that the budgets only include emission reductions from adopted measures;

WHEREAS, since the transportation conformity emission budgets are subject to a 30-day public notice requirement, ARB agreed to post the budgets and the District removed them from the South Coast PM10 Maintenance Plan;

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

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

2. Request a redesignation for the South Coast to attainment for the PM10 standard;

3. Request that ARB provide the 30-day public notice for the South Coast transportation conformity budgets and take appropriate action;

WHEREAS, the District submitted the South Coast 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;

WHERAS, as requested by the District, ARB posted the South Coast transportation conformity budgets for a 30-day public comment period, and has held a public hearing on the South Coast PM10 Maintenance Plan and conformity budgets in accordance with State and federal law;

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 with outweigh the potential adverse consequences of any unmitigated impacts;

WHEREAS, the South Coast 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 South Coast;

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

3. The District's South Coast PM10 Maintenance Plan complies with the requirements of section 107(d)(3)(E) of the Act;

4. The South Coast PM10 Maintenance Plan provides for maintenance of the PM10 NAAQS through 2023;

5. Consistent with U.S. EPA guidance, the South Coast 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 South Coast PM10 Maintenance Plan includes contingency provisions to ensure prompt correction of any post-redesignation violation of the PM10 NAAQS;

7. The South Coast 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 and no further analysis is required at this time;

8. The Board has reviewed and considered the South Coast PM10 Maintenance Plan along with the comments presented by interested parties, and finds that the plan meets the requirements of the Act and CEQA; and

9. The South Coast PM10 Maintenance Plan has identified NOx, VOC, and 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.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts the South Coast PM10 Maintenance Plan, including the updated transportation conformity budgets, as a revision to the California SIP.

BE IT FURTHER RESOLVED that the Board hereby directs the Executive Officer to submit the South Coast 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 40 CFR section 51.102 that the District's South Coast PM10 Maintenance Plan and

transportation conformity budgets were adopted after notice and public hearing as required by 40 CFR section 51.102.

I hereby certify that the above is a true and correct copy of Resolution 10-21, as adopted by the Air Resources Board.

Sandra Bannerman, Clerk of the Board