State of California
AIR RESOURCES BOARD

Resolution 10-25

June 24, 2010

Agenda Item No: 10-6-1

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, ARB has 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, 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 power, duty, purpose, function or jurisdiction of the Board may be delegated to the Board's Executive Officer as the Board deems appropriate;

WHEREAS, the local air districts have primary responsibility for the control of air pollution from non-vehicular 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 Great Basin Unified Air Pollution Control District (District) was established pursuant to section 40150 of the Health and Safety Code as the air pollution control district responsible for carrying out these responsibilities in the Coso Junction Planning Area located in Inyo County;

WHEREAS, the United States Environmental Protection Agency (U.S. EPA) designated the Coso Junction Planning Area as a "moderate" PM10 nonattainment area in 2002;

WHEREAS, in November 2004, the District adopted a SIP for the Coso Junction Planning Area which relied on implementing dust controls at Owens Lake, which was scheduled to implement dust control measures on 30 square miles of the lake bed by December 31, 2006;

WHEREAS, a dispersion modeling analysis showed these dust mitigation efforts would be adequate to bring the Coso Junction Planning Area into attainment;

WHEREAS, due to a consent decree, U.S. EPA is required to either redesignate the Coso Junction Planning Area to attainment for PM10 or bump the area up to "serious" by July 31, 2010;

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) of the Act, the District has demonstrated attainment of the PM10 NAAQS in the 2007-2009 period for the Coso Junction Planning Area, based on quality-assured federal reference method monitoring data from the State and local monitoring network;

WHEREAS, on May 19, 2010, U.S. EPA issued a final clean data finding for the Coso Junction Planning Area;

WHEREAS, the clean data finding relieves the Coso Junction Planning Area from developing an attainment demonstration, Reasonable Further Progress, Reasonable Available Control Measures, and contingency measures;

WHEREAS, the District developed the Coso Junction Maintenance Plan to address the requirements of the Act;

WHEREAS, the Coso Junction Maintenance Plan contains:

1. Attainment Emission Inventory;
2. Maintenance Demonstration; and
3. Contingency Plan.

WHEREAS, no significant growth is expected in the emissions inventory through the year 2025;

WHEREAS, since transportation sources were not found to significantly contribute to the nonattainment problem in the Coso Junction Planning Area, transportation conformity budgets are not required;

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 Coso Junction Maintenance Plan available for public review at least 30 days prior to the hearing date;

WHEREAS, following a public hearing on May 17, 2010, the District Board voted to:

1. Adopt the Coso Junction Maintenance Plan to fulfill the applicable requirements of the Act for a moderate PM10 nonattainment area to be redesignated to attainment; and
2. Request a redesignation for the Coso Junction Planning Area to attainment for the PM10 standard.

WHERAS, the District submitted the Coso Junction Maintenance Plan to ARB as a SIP revision on May 17, 2010, in accordance with State and federal law;

WHEREAS, the District requests that the Coso Junction Planning Area be redesignated from nonattainment to attainment with the federal PM10 standard;

WHEREAS, the California Environmental Quality 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 District determined they are exempt from CEQA because the SIP will not result in a direct or reasonably foreseeable indirect physical change in the environment; and

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 Coso Junction Planning Area;
2. The Coso Junction PM10 Maintenance Plan is necessary for U.S. EPA to redesignate the Coso Junction to attainment for the PM10 NAAQS;
3. The District's Coso Junction PM10 Maintenance Plan complies with the requirements of section 107(d)(3)(E) of the Act;

4. The Coso Junction PM10 Maintenance Plan provides for maintenance of the PM10 NAAQS through 2025;
5. Consistent with U.S. EPA guidance, the Coso Junction PM10 Maintenance Plan includes an attainment emission inventory, commitments by the District to continue operating the PM10 monitoring network; and a process to verify continued PM10 attainment;
6. The Coso Junction PM10 Maintenance Plan includes contingency provisions to ensure prompt correction of any post-redesignation violation of the PM10 NAAQS; and
7. The Coso Junction 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.

WHEREAS, the Board further finds the ARB has reviewed and considered the Coso Junction Maintenance Plan, along with the comments presented by interested parties, and ARB staff finds the SIP meets the requirements of the Act and CEQA.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts the Coso Junction 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 Coso Junction Maintenance Plan 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 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.

I hereby certify that the above is a true and correct copy of Resolution 10-25, as adopted by the Air Resources Board.

Lori Andreoni

Lori Andreoni, Clerk of the Board