State of California
AIR RESOURCES BOARD

Resolution 10-37

Adoption and Submittal of the PM10 Implementation/Maintenance Plan and Redesignation Request for Sacramento County

November 18, 2010

Agenda Item No.: 10-10-1

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, 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 that the 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 ARB Executive Officer as the Board deems appropriate;

WHEREAS, the local air districts have primary responsibility for controlling 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 Sacramento Metropolitan Air Quality Management District (District) was established pursuant to sections 40950, 40960, and 40961 of the Health and Safety Code as the air pollution control district responsible for carrying out these responsibilities in Sacramento County;

WHEREAS, the Sacramento Council of Governments (SACOG) is an association of Sacramento region governments with responsibility for providing regional forecasting for transportation needs in Sacramento County, preparing metropolitan transportation plans and improvement programs, and approving federal expenditures on transportation projects in the region surrounding and including Sacramento County, pursuant to title 23, U.S.C., section 134, and sections 174, 175A, and 176 of the Act;

WHEREAS, in January 1994, the United States Environmental Protection Agency (U.S. EPA) designated Sacramento County as a "moderate" nonattainment area for the 24-hour PM10 NAAQS with an attainment date of December 31, 2000;

WHEREAS, Sacramento County showed no measured exceedances of the 24-hour PM10 NAAQS for the three-year period (1998-2000) prior to the attainment date deadline;

WHEREAS, on February 15, 2002, U.S. EPA issued a final clean data finding that determined Sacramento County attained the PM10 NAAQS by the attainment deadline;

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 of the NAAQS;

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

WHEREAS, the clean data finding relieves the District from developing an attainment demonstration, a reasonable further progress demonstration, reasonable available control measures, and contingency measures for Sacramento County;

WHEREAS, the District developed the PM10 Implementation/Maintenance Plan and Redesignation Request for Sacramento County (Sacramento PM10 Plan) to address the requirements of the Act;

WHEREAS, the Sacramento PM10 Plan contains:

1. An Attainment Emissions Inventory;
2. Maintenance Demonstrations;
3. Monitoring Network Maintenance Commitments;
4. Contingency Provisions; and
5. Transportation Conformity Budgets.

WHEREAS, consistent with section 107(d)(3)(E)(i) of the Act, the District demonstrated continued attainment with no violations of the PM10 NAAQS since the 1998-2000 period, based on quality-assured federal reference monitoring method data from the State and local monitoring network;

WHEREAS, consistent with section 107(d)(3)(E)(ii) of the Act, the District prepared the Sacramento PM10 Plan in part to meet the requirement for an approvable PM10 SIP under section 110(k) of the Act;

WHEREAS, consistent with section 107(d)(3)(E)(iii) of the Act, the District demonstrated in the Sacramento PM10 Plan that 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 Sacramento PM10 Plan meets the maintenance plan requirement of section 175A of the Act;

WHEREAS, consistent with section 107(d)(3)(E)(v) of the Act, the Sacramento PM10 Plan meets the requirements of section 110 and part D of the Act;

WHEREAS, consistent with section 176 of the Act, the District developed transportation conformity budgets for PM10 and NOx using the most recent estimates of emissions for 2008 and projections to 2022;

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, the District conducted a public hearing on October 28, 2010, after giving 30 days public notice of the Sacramento PM10 Plan availability for public review and comment prior to the hearing date;

WHEREAS, at the public hearing the District Board voted to:

1. Adopt the Sacramento PM10 Plan to fulfill the applicable requirements of the Act for maintenance of an attainment area for the PM10 NAAQS; and
2. Request a redesignation for Sacramento County to attainment of the PM10 NAAQS;

WHEREAS, the District submitted the Sacramento PM10 Plan to ARB as a SIP revision on November 2, 2010, in accordance with State and federal law;

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, the Sacramento PM10 Plan contains already adopted regulations and rules that have undergone environmental review at the time of their adoption, and any measure that may be developed or amended as a 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 Sacramento County;

2. The Sacramento PM10 Plan complies with the requirements of section 107(d)(3)(E) of the Act;

3. The Sacramento PM10 Plan is necessary for U.S. EPA to redesignate Sacramento County to attainment for the PM10 NAAQS;

4. The Sacramento PM10 Plan addresses current attainment and continued maintenance of the 24-hour PM10 NAAQS through 2022;

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

7. The Sacramento PM10 Plan has identified county-level PM10 and NOx emission budgets for transportation conformity for 2008, 2012, and 2022 based on current emissions and activity data, and the budgets are adequate to ensure continued maintenance of the PM10 NAAQS; and

8. The Sacramento PM10 Plan relies entirely on adopted regulations to demonstrate continued maintenance. These adopted District and ARB regulations are reflected in the baseline emission projections in the Sacramento PM10 Plan and were subject to environmental review such that no further analysis is required at this time.

WHEREAS, the Board further finds that ARB has reviewed and considered the Sacramento PM10 Plan along with the comments presented by interested parties, and finds that the Sacramento PM10 Plan meets the requirements of the Act and CEQA.

NOW, THEREFORE BE IT RESOLVED that the Board hereby adopts the Sacramento PM10 Plan, including the redesignation request and transportation conformity budgets, as a revision to the California SIP.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to submit the Sacramento PM10 Plan, together with the appropriate supporting documentation, to 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 Sacramento PM10 Plan was 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 10-37, as adopted by the Air Resources Board.

Mary Alice Morency, Clerk of the Board