State of California
AIR RESOURCES BOARD

Yuba City-Marysville PM2.5
Maintenance Plan and Redesignation Request

Resolution 13-14

April 25, 2013

Agenda Item No.: 13-5-1

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 preparing 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 the 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 duty may be delegated to the Board's Executive Officer as the Board deems appropriate;

WHEREAS, the local 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 Feather River Air Quality Management District (Feather River District) is responsible for carrying out these responsibilities in Yuba and Sutter Counties pursuant to section 40300 of the Health and Safety Code;

WHEREAS, in December 2006, the United States Environmental Protection Agency (U.S. EPA) lowered the 24-hour NAAQS for fine particulate matter (PM2.5) from 65 $\mu g/m^3$ to 35 $\mu g/m^3$;

WHEREAS, effective December 14, 2009, U.S. EPA designated the Yuba City-Marysville Planning Area as nonattainment for the 35 $\mu g/m^3$ PM2.5 NAAQS, and established a SIP due date of December 14, 2012;

WHEREAS, in March 2007, U.S. EPA finalized the PM2.5 implementation rule (Rule) which established the framework and requirements that states must meet in developing PM2.5 SIPs;

WHEREAS, nonattainment areas that attain the standard prior to the SIP submittal due date are eligible for reduced regulatory requirements as described in U.S. EPA's *Clean Data Policy for the Fine Particulate National Ambient Air Quality Standards* released on December 14, 2004 (Clean Data Policy);

WHERAS, when a nonattainment area has air quality levels below the standard, the Clean Data Policy specifies that the attainment demonstration, reasonable further progress, reasonably available control measures, and contingency SIP elements are no longer required;

WHEREAS, consistent with section 107(d)(3)(E) of the Act, the Feather River District has demonstrated attainment of the PM2.5 NAAQS in the 2006-2008 period for the Yuba City-Marysville PM2.5 nonattainment area, based on quality-assured federal reference method monitoring data from the State and local monitoring network;

WHEREAS, on June 8, 2010, ARB submitted a request to the U.S. EPA to issue a clean data finding for the Yuba City-Marysville PM2.5 nonattainment area based on 2009-2011 data;

WHEREAS, on January 10, 2013, U.S. EPA determined that the Yuba City-Marysville PM2.5 nonattainment area has attained the 24-hour PM2.5 NAAQS based on 2009-2011 data;

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 Feather River District developed the *Yuba City-Marysville PM2.5 Nonattainment Area Redesignation Request and Maintenance Plan* (Redesignation Request/Maintenance Plan) to address the requirements of the Act;

WHEREAS, consistent with section 107(d)(3)(E)(ii) of the Act, the Feather River District prepared the Redesignation Request/Maintenance Plan in part to meet the requirement for an approvable PM2.5 SIP under section 110(k) of the Act;

WHEREAS, consistent with section 107(d)(3)(E)(iii) of the Act, the Feather River District demonstrated in the Redesignation Request/Maintenance 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 Feather River District prepared the Redesignation Request/Maintenance Plan in part to meet the maintenance plan requirement of section 175A of the Act;

WHEREAS, consistent with section 107(d)(3)(E)(v) of the Act, ARB and the Feather River District prepared the Redesignation Request/Maintenance Plan in part to meet the requirements of section 110 and part D of the Act;

WHERAS, consistent with 172(c)(3) of the Act, the Redesignation Request/Maintenance Plan includes an attainment emission inventory for directly emitted PM2.5 and its precursors;

WHERAS, consistent with section 175A of the Act, the Redesignation Request/Maintenance Plan shows attainment and maintenance of the 24-hr PM2.5 NAAQS through 2024;

WHERAS, consistent with section 175A of the Act, the Redesignation Request/Maintenance Plan includes contingency provisions to ensure prompt correction of any post-redesignation violation of the PM2.5 NAAQS;

WHEREAS, consistent with section 176 of the Act, the Feather River District developed transportation conformity budgets for PM2.5 and NOx using the most recent estimates of emissions for 2011 and projections to 2024;

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 day notice and opportunity for public review, must be conducted before adopting and submitting any SIP revision to U.S. EPA;

WHEREAS, as required by federal law, the Feather River District made the Redesignation Request/Maintenance Plan Submittal available for public review at least 30 days before the Feather River District hearing;

WHEREAS, following a public hearing on April 1, 2013, the Governing Board of the Feather River District voted to approve the Redesignation Request/Maintenance Plan Submittal;

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, to meet the requirements of CEQA, the Feather River District proposed a Notice of Exemption under CEQA for the Redesignation Request/Maintenance Plan Submittal which was noticed to the public on March 1, 2013, and adopted at a public meeting on April 1, 2013;

WHEREAS, on April 2, 2013, the Feather River District transmitted the Redesignation Request/Maintenance Plan Submittal to ARB as a SIP revision, along with proof of public notice publication, and environmental documents in accordance with State and federal law;

WHEREAS, the Board finds that:

1. California's air pollution control programs have successfully reduced PM2.5 ambient concentrations leading to PM2.5 NAAQS attainment in Yuba City-Marysville PM2.5 nonattainment area;

2. The Redesignation Request/Maintenance Plan complies with the requirements of section 107(d)(3)(E) of the Act;

3. The Redesignation Request/Maintenance Plan is necessary for U.S. EPA to redesignate Yuba City-Marysville PM2.5 nonattainment area to attainment for the PM2.5 NAAQS;

4. The Redesignation Request/Maintenance Plan addresses current attainment and continued maintenance of the 24-hour PM2.5 NAAQS through 2024;

5. Consistent with U.S. EPA guidance, the Redesignation Request/Maintenance Plan includes an attainment emission inventory, commitments by the Feather River District and ARB to continue operating the PM2.5 monitoring network, and a process to verify continued PM2.5 attainment;

6. The Redesignation Request/Maintenance Plan includes contingency provisions to assure prompt correction of any post-redesignation violation of the PM2.5 NAAQS;

7. The Redesignation Request/Maintenance Plan has identified nonattainment area-level winter PM2.5 and NOx emission budgets for transportation conformity for 2017 and 2024 based on current emissions and activity data, and the budgets are adequate to ensure continued maintenance of the PM2.5 NAAQS; and

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

WHEREAS, the Board finds that the Redesignation Request/Maintenance Plan Submittal meets all applicable PM2.5 planning requirements established by the Act and the Rule; and

WHEREAS, the Board further finds that ARB has reviewed and considered the Redesignation Request/Maintenance Plan Submittal, along with comments presented by interested parties, and finds that it meets the requirements of the Act and CEQA;

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts the Redesignation Request/Maintenance Plan Submittal as a revision to the California SIP.

BE IT FURTHER RESOLVED that the Board hereby directs the Executive Officer to forward the Redesignation Request/Maintenance Plan Submittal as adopted to U.S. EPA for inclusion in the 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 Feather River 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 Feather River District's Redesignation Request/Maintenance Plan Submittal 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 13-14, as adopted by the Air Resources Board.

Tracy Jensen

Tracy Jensen, Clerk of the Board