

State of California  
AIR RESOURCES BOARD

**PM10 STATE IMPLEMENTATION PLAN FOR OWENS VALLEY**

Resolution 16-3

**May 19, 2016**

Agenda Item No.: 16-5-1

WHEREAS, the Legislature in Health and Safety Code section 39602 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 or standards) 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 necessary to comply with the Act;

WHEREAS, Health and Safety Code section 39602 also provides that the SIP shall include only those provisions necessary to meet the requirements of the Act;

WHEREAS, Health and Safety Code section 41650 requires ARB to approve the nonattainment plan adopted by a district as part of the SIP unless the Board finds, after a public hearing, that the plan does not meet the requirements of the Act;

WHEREAS, ARB has responsibility for ensuring that the districts meet their responsibilities under the Act under Health and Safety Code sections 39002, 39500, 39602, and 41650;

WHEREAS, ARB is authorized by Health and Safety Code section 39600 to do such acts as may be necessary for the proper execution of its powers and duties;

WHEREAS, Health and Safety Code sections 39515 and 39516 provide that any power, duty, purpose, function or jurisdiction of the Board may be delegated to the ARB Executive Officer as the Board deems appropriate;

WHEREAS, the 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 under Health and Safety Code sections 39002, 40000, 40001, 40701, 40702, and 41650;

WHEREAS, on July 1, 1987, the U.S. Environmental Protection Agency (U.S. EPA) promulgated 24-hour and annual standards for particulate matter smaller than 10 microns (PM10) of  $150 \mu\text{g}/\text{m}^3$  and  $50 \mu\text{g}/\text{m}^3$ , respectively;

WHEREAS, on August 7, 1987, U.S. EPA designated the Owens Valley Planning Area (Owens Valley) nonattainment for the PM10 NAAQS;

WHEREAS, the Great Basin Unified Air Pollution Control District (District) is the agency responsible for air quality planning for the Owens Valley;

WHEREAS, on February 8, 1993, U.S. EPA designated the Owens Valley as a "serious" nonattainment area for the PM10 NAAQS;

WHEREAS, the District is authorized by Health and Safety Code section 42316 to require the City of Los Angeles (City) to undertake reasonable measures to mitigate the air quality impacts of the City's water gathering activities in Owens Valley;

WHEREAS, on November 16, 1998, the District Board adopted the 1998 Owens Valley PM10 Planning Area Demonstration of Attainment State Implementation Plan (1998 Plan) identifying the Owens Lake dry lakebed (lakebed) as the major source of PM10 in the Owens Valley;

WHEREAS, the 1998 Plan forecast attainment of the PM10 NAAQS by December 31, 2006 through control of windblown dust from lakebed surfaces and included commitments to reassess the attainment strategy in a SIP update in 2005;

WHEREAS, on September 3, 1999, U.S. EPA approved the District's 1998 Plan as a revision to the California SIP;

WHEREAS, on November 3, 2003, the District Board adopted the Owens Valley PM10 Planning Area Demonstration of Attainment State Implementation Plan 2003 Revision that incorporated the results of comprehensive ongoing research into the causes and controls of windblown dust from the lakebed and required an expansion of the lakebed areas designated for control and the annual reevaluation of controls starting in 2005;

WHEREAS, on October 17, 2006, U.S. EPA revoked the annual PM10 standard and retained the 24-hour standard of  $150 \mu\text{g}/\text{m}^3$ ;

WHEREAS, on January 28, 2008, the District board adopted the 2008 Owens Valley PM10 Planning Area Demonstration of Attainment State Implementation Plan that implemented the provisions of a 2006 Settlement Agreement between the District and the City to specify protocols for identifying emissive areas of the lakebed, quantifying the air quality impacts of emissions from these areas, and implementing controls on areas causing exceedances of the 24-hour PM10 NAAQS;

WHEREAS, on September 15, 2013, the District Board adopted the 2013 Revision to the 2008 Owens Valley PM10 Planning Area Demonstration of Attainment State Implementation Plan Modifying the Requirements Related to PM10 Emissions from the

Keeler Dunes and Extending the Date of Compliance for Phase 7a Best Available Control Measures to resolve a dispute with the City over responsibility for control of windblown PM10 emissions from off-lake sand dunes and to accommodate unforeseen discoveries of cultural resources under lakebed surfaces;

WHEREAS, on April 13, 2016, the District Board adopted the 2016 Owens Valley Planning Area PM10 State Implementation Plan (2016 Plan) to implement the provisions of a 2014 Stipulated Judgment between the District and the City which provides for the modification of dust control measures on existing controlled lakebed areas, the expansion of controls to additional lakebed areas, and a cap on the total lakebed area to be controlled by the City;

WHEREAS, consistent with the Act, the 2016 Plan includes a comprehensive, accurate, and current inventory of PM10 emissions data for all sources in the Owens Valley;

WHEREAS, the 2016 Plan includes a modeled attainment demonstration and supporting weight of evidence analysis demonstrating that emission reductions achieved through the 2016 Plan control strategy will bring the Owens Valley into attainment of the federal 24-hour PM10 standard by 2017;

WHEREAS, the 2016 Plan's attainment control strategy relies upon emission reductions from controls on lakebed surfaces and the subsequent reduction of dust re-entrainment from off-shore areas currently receiving dust deposits from the emissive lakebed areas scheduled for controls;

WHEREAS, the 2016 Plan includes a Best Available Control Measure (BACM) demonstration for all significant stationary, mobile, and area sources as required for a serious nonattainment area under the Act;

WHEREAS, the 2016 Plan includes a Most Stringent Measures (MSM) demonstration for stationary, mobile and area sources as required for a serious area nonattainment date extension request under the Act;

WHEREAS, the 2016 Plan provides for greater-than-five percent annual emission reductions and generally linear progress in reductions towards attainment of the 24-hour PM10 standard in 2017, satisfying the serious area nonattainment date extension and the Reasonable Further Progress (RFP) requirements of the Act;

WHEREAS, the 2016 Plan provides a quantitative milestone as required under the Act, and ARB commits to provide U.S. EPA with a letter reporting on the quantitative milestone within ninety days of this milestone date;

WHEREAS, the 2016 Plan identifies a contingency measure sufficient to satisfy the requirements of the Act;

WHEREAS, consistent with Title 40, Code of Federal Regulations (CFR), section 93.109(f), the 2016 Plan is exempt from the requirement for conformity budgets as transportation sources are insignificant;

WHEREAS, federal law, set out in section 110(I) of the Act and Title 40 CFR, section 51.102, requires that one or more public hearings, preceded by at least 30 days of notice and opportunity for public review, must be conducted before adopting and submitting any SIP revision to U.S. EPA;

WHEREAS, the District made the 2016 Plan available for public review at least 30 days before the District hearing as required by federal law;

WHEREAS, following a public hearing on April 13, 2016, the District Board approved the 2016 Plan including a request for a five-year extension of the PM10 standard attainment date to March 23, 2017;

WHEREAS, the District Board directed that the 2016 Plan supersede the 2003 Plan, 2008 Plan, and 2013 Plan;

WHEREAS, ARB staff prepared the "ARB Review of PM10 State Implementation Plan for Owens Valley" (ARB Staff Report) that includes an assessment of the 2016 Plan;

WHEREAS, the ARB Staff Report demonstrates that all requirements and commitments in the 1998 Plan have been fulfilled, as required for a request for extension of the attainment date for a serious nonattainment area under Subpart 4 of the Act;

WHEREAS, the California Environmental Quality Act (CEQA) requires that any proposed action for which significant adverse environmental impacts have been identified shall not be approved if there are feasible mitigation measures or feasible alternatives which would substantially reduce or eliminate such impacts; if economic, social or other conditions make project alternatives or mitigation measures infeasible, the project may be approved if specific overriding considerations are identified which outweigh the adverse impacts;

WHEREAS, to meet the requirements of CEQA, the District noticed its intent to rely on the Owens Lake Dust Mitigation Program – Phase 9/10 Project Final Environmental Impact Report (Phase 9/10 EIR), prepared and certified on June 2, 2015, by the Los Angeles Department of Water and Power Board of Commissioners as the CEQA document for the 2016 Plan; comments focusing on issues relative to the environmental analysis were accepted during a greater-than-30-day public review and comment period from February 11, 2016 through April 13, 2016; and the District adopted Resolution 2016-03 on April 13, 2016, certifying that "changes or alterations have been required in or incorporated into the project which mitigate or avoid many of the significant environmental effects thereof" as identified in the Phase 9/10 EIR; and

WHEREAS, the Board finds that:

1. The 2016 Plan meets the requirements for a serious nonattainment area under Subpart 4 of the Act as well as requirements for requesting an attainment deadline extension to March 23, 2017;

2. The 2016 Plan includes the required air quality and emissions data, modeled attainment demonstration, RFP demonstration, quantitative milestone, BACM/MSM demonstration, five percent annual emissions reductions, and contingency measure; and
3. ARB has reviewed and considered the 2016 Plan together with the environmental documents relied upon by the District, and finds that both documents are consistent with the requirements of the Act and CEQA.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the 2016 Plan as a revision to the California SIP.

BE IT FURTHER RESOLVED that the Board hereby directs the Executive Officer to submit the 2016 Plan as adopted by the District along with the ARB Staff Report 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 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 2016 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 16-3 as adopted by the Air Resources Board.

  
\_\_\_\_\_  
Tracy Jensen, Clerk of the Board