State of California
AIR RESOURCES BOARD

UPDATE TO THE SAN JOAQUIN VALLEY PM10 MAINTENANCE PLAN

Resolution 17-14

April 27, 2017

Agenda Item No.: 17-4-2

WHEREAS, the Legislature in Health and Safety Code section 39602 has designated the California Air Resources Board (CARB or Board) as the air pollution control agency for all purposes set forth in federal law;

WHEREAS, CARB 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. § 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, section 41650 of the Health and Safety Code requires CARB to adopt the nonattainment plan approved 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, CARB 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, CARB 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 CARB 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 pursuant to sections 39002, 40000, 40001, 40701, 40702, and 41650 of the Health and Safety Code;

WHEREAS, the San Joaquin Valley Air Basin (San Joaquin Valley) includes Fresno, Kings, Madera, Merced, San Joaquin, Stanislaus, Tulare and western Kern Counties;

WHEREAS, the San Joaquin Valley Air Pollution Control District (District) is the air quality planning agency for the San Joaquin Valley;

WHEREAS, in November 1990, amendments to the Clean Air Act designated the San Joaquin Valley nonattainment for the 1987 24-hour and annual coarse particulate matter (PM10) NAAQS by operation of law;

WHEREAS, in 2003, the District approved the 2003 PM10 Plan to address the PM10 NAAQS and the United States Environmental Protection Agency (U.S. EPA) approved it in 2004;

WHEREAS, on October 30, 2006, U.S. EPA determined that the San Joaquin Valley attained the PM10 standards;

WHEREAS, on September 20, 2007, the District Governing Board adopted the 2007 PM10 Maintenance Plan and Request for Redesignation (2007 Maintenance Plan);

WHEREAS, U.S. EPA guidance requires that maintenance plans include air quality and emission data, including an emission inventory, a maintenance demonstration, provisions for continued PM10 monitoring to verify attainment of the standard, transportation conformity emission budgets and contingency provisions;

WHEREAS, Section 176(c) of the Act establishes transportation conformity requirements which are intended to ensure that transportation activities do not interfere with air quality progress;

WHEREAS, on November 12, 2008, U.S. EPA approved the 2007 Maintenance Plan as a revision to the SIP;

WHEREAS, effective December 12, 2008, U.S. EPA redesignated the San Joaquin Valley as attainment of the PM10 standard;

WHEREAS, the 2007 Maintenance Plan identifies contingency provisions that the District will implement if exceedances of the federal PM10 standard occur;

WHEREAS, the contingency provisions of the 2007 Maintenance Plan require the District to evaluate the cause of any exceedances of the PM10 NAAQS in the San Joaquin Valley to determine whether they qualify as natural or exceptional events, or whether they were due to anthropogenic sources;

WHEREAS, monitors in the San Joaquin Valley recorded levels above the PM10 standard on a number of days in 2013 and 2014 (PM10 NAAQS exceedances), requiring the District to implement their contingency provisions;

WHEREAS, the 2007 Maintenance Plan contains transportation conformity emissions budgets consistent with the demonstration of maintenance of the PM10 standard;

WHEREAS, the transportation conformity budgets in the 2007 Maintenance Plan were developed using the most current emission rates and assumptions available at the time the plan was developed;

WHEREAS, on October 22, 2015, the Board adopted updated transportation conformity emission budgets for the 2007 Maintenance Plan so that the budgets would be based on the most up-to-date emissions and activity information;

WHEREAS, on April 29, 2016, as part of the process to update the transportation conformity emission budgets for the 2007 Maintenance Plan, CARB committed to provide U.S. EPA by June 1, 2017, a SIP revision documenting the nature and causes of PM10 exceedances that occurred in the San Joaquin Valley;

WHEREAS, on May 18, 2016, the U.S. EPA published a proposed rule recognizing CARB's commitment to support continued maintenance of the PM 10 NAAQS (see 81 Fed.Reg. 31212, 31220-31221, May 18, 2016);

WHEREAS, on August 12, 2016, U.S. EPA conditionally approved the updated transportation conformity emission budgets for the 2007 Maintenance Plan contingent upon submittal of a SIP revision documenting the nature of the exceedances by June 1, 2017;

WHEREAS, CARB prepared the Update to the San Joaquin Valley PM10 Maintenance Plan to document the nature of the PM10 exceedances that occurred in 2013 and 2014 and to identify the appropriate contingency mechanism outlined in the Maintenance Plan;

WHEREAS, federal law set forth in section 110(l) of the Act and Code of Federal Regulations (CFR), title 40, section 51.102, requires that one or more public hearings, preceded by at least a 30 day notice and opportunity for public review, must be conducted prior to the adoption and submittal to the U.S. EPA of any SIP revision; and

WHEREAS, the Update to the San Joaquin Valley PM10 Maintenance Plan was made publicly available on March 24, 2017, for comment.

WHEREAS, CARB's regulatory program that involves the adoption, approval, amendment, or repeal of standards, rules, regulations, or plans has been certified by the Secretary for Natural Resources under Public Resources Code section 21080.5 of the California Environmental Quality Act (CEQA; see Cal. Code of Regs., tit. 14, § 15251(d)), and CARB

conducts its CEQA review according to this certified program (Cal. Code of Regs., tit. 17, §§ 60000-60007); and

WHEREAS, staff has determined that adopting the Update to the San Joaquin Valley PM10 Maintenance Plan is exempt from CEQA under California Code of Regulations, title 14, section 15061(b)(3) (the "common sense" exemption) because CARB prepared the Update to the San Joaquin Valley PM10 Maintenance Plan to document the nature of the PM10 exceedances that occurred in 2013 and 2014 and to identify the appropriate contingency mechanism outlined in the Maintenance Plan, therefore there is no possibility that this adoption of the Update to the San Joaquin Valley PM10 Maintenance Plan may result in a significant adverse impact on the environment.

NOW, THEREFORE, BASED ON THE FOREGOING, BE IT RESOLVED, the Board finds that:

1. The Update to the San Joaquin Valley PM10 Maintenance Plan assesses available information for PM10 exceedances in the Valley and identifies whether each exceedance qualifies as a natural or exceptional event or was caused by anthropogenic sources;

2. The Update to the San Joaquin Valley PM10 Maintenance Plan further identifies appropriate contingency provisions to address the nature of each exceedance in accordance with the commitment contained in the April 29, 2016, letter to U.S. EPA; and

3. The Update to the San Joaquin Valley PM10 Maintenance Plan was preceded by at least a 30 day notice and opportunity for public review.

BE IT FURTHER RESOLVED that the Board finds that adopting the Update to the San Joaquin Valley PM10 Maintenance Plan is exempt from CEQA under California Code of Regulations, title 14, section 15061(b)(3), because CARB prepared the Update to the San Joaquin Valley PM10 Maintenance Plan to document the nature of the PM10 exceedances that occurred in 2013 and 2014 and to identify the appropriate contingency mechanism outlined in the Maintenance Plan, therefore there is no possibility that this adoption of the Update to the San Joaquin Valley PM10 Maintenance Plan may result in a significant adverse impact on the environment.

BE IT FURTHER RESOLVED that the Board hereby adopts the Update to the San Joaquin Valley PM10 Maintenance Plan as a revision to the California SIP.

BE IT FURTHER RESOLVED that the Board hereby directs the Executive Officer to submit the Update to the San Joaquin Valley PM10 Maintenance Plan 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 that the Update to the San Joaquin Valley PM10 Maintenance Plan was adopted after notice and public hearing as required by Section 110(l) of the Act and 40 CFR section 51.102.

I hereby certify that the above is a true and correct copy of Resolution 17-14 as adopted by the Air Resources Board.

Rana McReynolds

Rana McReynolds, Clerk of the Board